

**OSHTEMO CHARTER TOWNSHIP BOARD**  
7275 West Main Street, Kalamazoo, MI 49009  
269.375.4260

**August 13, 2019**

**BOARD WORK SESSION**

**6:00 p.m.**  
**AGENDA**

- A. Call to Order
- B. Public Comment
- C. Discussion on Planning Commission By-laws
- D. Discussion on Lighting Ordinance Amendments
- E. Discussion on 2019 Budget

**REGULAR MEETING**

**7:15 p.m.**  
**AGENDA**

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Public Comment on Non-Agenda Items
- 4. Consent Agenda
  - a. Approve Minutes – July 23, 2019 Budget Discussion/Other Business Meeting
  - b. Receipts & Disbursements Report
- 5. PUBLIC HEARING – West Main Corridor Improvement Authority (*Draft Development and TIF Plan*)
- 6. Consideration of Street Light Conversions – Phase I Districts
- 7. Consideration of Temporary Certificate of Occupancy Policy
- 8. Other Township Business
- 9. Public Comment
- 10. Board Member Comments
- 11. Work Session (Continued)
- 12. Adjournment

**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](mailto: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.

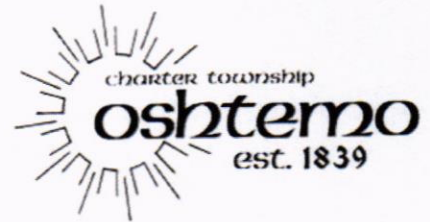
Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(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 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions and concerns are accepted at all hours through the website contact form found at [www.oshtemo.org](http://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](mailto:oshtemo@oshtemo.org) and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<b><u>Supervisor</u></b>		
Libby Heiny-Cogswell	216-5220	<a href="mailto:libbyhc@oshtemo.org">libbyhc@oshtemo.org</a>
<b><u>Clerk</u></b>		
Dusty Farmer	216-5224	<a href="mailto:dfarmer@oshtemo.org">dfarmer@oshtemo.org</a>
<b><u>Treasurer</u></b>		
Grant Taylor	216-5221	<a href="mailto:gtaylor@oshtemo.org">gtaylor@oshtemo.org</a>
<b><u>Trustees</u></b>		
Cheri L. Bell	372-2275	<a href="mailto:cbell@oshtemo.org">cbell@oshtemo.org</a>
Deb Everett	375-4260	<a href="mailto:deverett@oshtemo.org">deverett@oshtemo.org</a>
Zak Ford	271-5513	<a href="mailto:zford@oshtemo.org">zford@oshtemo.org</a>
Ken Hudok	548-7002	<a href="mailto:khudok@oshtemo.org">khudok@oshtemo.org</a>

Township Department Information		
<b><u>Assessor:</u></b>		
Kristine Biddle	216-5225	<a href="mailto:assessor@oshtemo.org">assessor@oshtemo.org</a>
<b><u>Fire Chief:</u></b>		
Mark Barnes	375-0487	<a href="mailto:mbarnes@oshtemo.org">mbarnes@oshtemo.org</a>
<b><u>Ordinance Enf:</u></b>		
Rick Suwarsky	216-5227	<a href="mailto:rsuwarsky@oshtemo.org">rsuwarsky@oshtemo.org</a>
<b><u>Parks Director:</u></b>		
Karen High	216-5233	<a href="mailto:khigh@oshtemo.org">khigh@oshtemo.org</a>
Rental Info	216-5224	<a href="mailto:oshtemo@oshtemo.org">oshtemo@oshtemo.org</a>
<b><u>Planning Director:</u></b>		
Julie Johnston	216-5223	<a href="mailto:jjohnston@oshtemo.org">jjohnston@oshtemo.org</a>
<b><u>Public Works:</u></b>		
Marc Elliott	216-5236	<a href="mailto:melliott@oshtemo.org">melliott@oshtemo.org</a>



# Memorandum

**Date:** 9 August 2019  
**To:** Oshtemo Township Board  
**From:** Planning Commission  
**Subject:** Amendments to the Planning Commission By-laws

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**Objective:**

Board discussion regarding recommended changes to the Planning Commission by-laws.

**Information Provided or Underway:**

Planning Commission By-laws (red line version with recommended changes)

## CHARTER TOWNSHIP OF OSHTEMO

### PLANNING COMMISSION BY-LAWS

DRAFT 08-08-2019

The following rules of procedure are hereby adopted by the Charter Township of Oshtemo Planning Commission to facilitate the performance of its duties.

#### SECTION 1.0: OFFICERS

- 1.1 Election.** At the first regular meeting of each year, the Planning Commission shall elect from its membership a Chair and Vice-Chair. The Board of Trustee member may not serve as an officer.
- 1.2 Tenure.** The Chair and Vice-Chair shall take office immediately following their election and shall hold office for a term of one (1) year or until their successors are elected and assume office. All officers are eligible for re-election.
- 1.3 Duties.** The Chair shall preside at all meetings and perform such other duties as may be ordered by the Planning Commission.

The Vice-Chair shall act in the capacity of Chair in his/her absence; and in the event the office of the Chair becomes vacant. The Vice-Chair shall succeed to the office of Chair for the unexpired term. The Planning Commission shall elect a successor to the office of Vice-Chair for the unexpired term.

~~The secretary shall be responsible for the minutes of each meeting that is not attended by the Township Attorney, execute documents in the name of the Planning Commission, maintain attendance records, and perform such other duties as may be ordered by the Planning Commission.~~

- 1.4 Absence of the Chair and Vice-Chair.** If both the Chair and Vice-Chair are absent from a meeting, the Planning Commission shall vote in a chairperson to perform the necessary duties for that meeting. The Chair and/or Vice-Chair shall resume normal duties at the next scheduled meeting.
- 1.5 Vacancies.** If a vacancy should occur in any office, the Planning Commission shall elect another person to fill such vacancy in the same manner and under the same conditions outlined above for the remainder of the term of said office.

#### SECTION 2.0: MEETINGS

- 2.1 Regular Meetings.** Meetings of the Planning Commission will be held at the Township Hall the second and fourth Thursdays of each month at ~~7:00 p.m.~~ a time established by the Planning Commission, at the Township Hall unless noticed otherwise.

When the regular meeting day falls on a legal holiday, the Planning Commission ~~shall~~ **may** select a suitable alternate date.

Regular meetings shall be formally established at the ~~first~~ **last** meeting of the Planning Commission in each ~~new~~ calendar year **for the following calendar year** and notice thereof given pursuant to the Open Meetings Act.

- 2.2 Special Meetings.** ~~Special meetings of the Planning Commission shall be held when necessary and may be called by the Planning Director and the Chair or, in the absence of the Chair, any two (2) members of the Planning Commission.~~

Special meetings may be called by the Chair when necessary. In the absence of the Chair, special meetings may be called by two (2) members of the Planning Commission. If a special meeting is called based on a request by an applicant, the applicant will be responsible for all costs associated with the meeting as outlined in an annual fee schedule adopted by the Township Board of Trustees.

The purpose of the meeting shall be stated in the call. The business of the special meeting shall be held in compliance with the Michigan Open Meetings Act. Public notice of the time, date, and place of the special meeting shall be given in the manner required in the Open Meetings Act. A notice of the special meeting shall be sent to the Planning Commission not less than one (1) week in advance of the meeting, except that any such meeting at which all regular members of the Planning Commission are present or have waived the allotted one week notice in writing, shall be a legal meeting for all purposes without notice, subject to the Michigan Open Meetings Act.

- 2.3 Quorum.** A majority of the total number of members shall constitute a quorum for the taking of official action on all matters. **All public hearings without a quorum present shall be rescheduled for the next regular or special meeting and no additional public notice shall be required, provided that the date, time, and a place for the rescheduled public hearing is announced at the meeting.**

- 2.4 Order of Business.** The order of business for each meeting shall be as follows:

- (a) Call to Order
- (b) Pledge of Allegiance
- (c) Approval of Agenda
- (d) Public Comment on Non-Agenda Items
- (e) Approval of Minutes
- (f) Public Hearing Items
- (g) Consideration of **other** Agenda Items



(h) ~~Discussion Items~~ Old Business

(i) Other Business

(j) Planning Commissioner Comments

(k) Adjournment

- 2.5 Noticing.** All public hearing items shall be noticed pursuant to the Michigan Open Meetings Act and the Zoning Enabling Act, Planning Enabling Act, or any other applicable statute under which the public hearing is being held.

A copy of the meeting agenda and all related material shall be provided to each member of the Planning Commission prior to the scheduled meeting.

- 2.6 Public Hearings.** The absence of the applicant or a representative of the applicant at the scheduled public hearing may result in a postponement of proceedings. The absence of the applicant or a representative at the postponed public hearing shall be treated as the voluntary withdrawal of the application by the applicant. Public hearings conducted by the Planning Commission shall be run in an orderly and timely fashion, which shall be accomplished by adhering to the following public hearing procedure:

(a) **Opening Announcement.** The Chairperson shall give an official opening announcement of the public hearing indicating the basic nature of the request.

(b) **Order of Hearing.** The Chairperson shall conduct the public hearing in the following order:

- (1) Presentation of the application by Township staff (staff report presentation).
- (2) Questions from Planning Commission to Township staff.
- (3) Comments and explanations by the applicant.
- (4) Questions from Planning Commission to the applicant.
- (5) Opening of Public Hearing, comments from public.
- (6) Closing of Public Hearing to public comments.
- (7) Planning Commission deliberation.
- (8) Consideration of action by the Planning Commission.

(c) **Public Input.** All regular and special meetings, hearings, and records shall be open to the public. All persons present at a meeting shall be given an opportunity to speak and present any relevant information or evidence at such meeting in accordance with the following rules:

- (1) All public comment shall be received only during the public comment portion of the meeting, i.e., at such time(s) during the meeting that the Chairperson asks for public comment on the item of business.

- (2) All public comment offered during the meeting shall be directed and relevant to the item of business on which the meeting is being conducted.
  - (3) All public comment shall be limited to four (4) minutes in duration per person unless special permission has been granted in advance by the Chair of the meeting.
  - (4) Public comment shall not be repetitive, irrelevant, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business.
  - (5) The Chair of the meeting shall terminate any public comment which is in contravention of any of the principles and procedures set forth herein.
- (d) Presentation of Application. The Chair shall recognize Township staff and request a presentation of their staff report. The staff report will outline the applicants request, the specific sections of the Zoning Ordinance related to the request, and the regulations that are impacted by the subject request. At the conclusion of the staff report, the Chair will ask the Planning Commission members if they have any questions of staff. Once all questions have been answered, the Chair will then ask the applicant to provide a concise summary of the reasons for their request and respond to questions raised by the Planning Commission.
  - (e) Opening of Hearing to Floor. The Chair then opens the public hearing to comments from the floor, reminds the public of the rules of conduct, and indicates that once a person has been recognized by the Chair, they are invited to give their name and address and a concise statement of their concerns and/or input. In the event of a large hearing, the Chair may encourage groups in attendance to be represented by a spokesperson. The Chair may elect during the course of public comments to obtain brief answers from the Township staff or from the applicant if such comments may expedite the hearing. The Chair shall accept for the official record any documentation received by the Planning Commission regarding the matter at hand and shall read and/or summarize these materials.
  - (f) Closing the Public Hearing. When all public comments have been received the Chair shall close the public hearing. After the public hearing is closed, no further comments shall be received from the public.
  - (g) Consideration of the Matter by the Planning Commission. Once the public hearing has been closed to public comments, the Chair may recognize any Planning Commission member to discuss and seek additional information from others concerning the matter at hand. Planning Commission members shall address the Chair when speaking and shall request additional information through the Chair. When discussion on the matter at hand by the Planning Commission has been completed, they may take action.

**2.7 Motions.** Motions shall be restated by the Chair before a vote is taken. The names of the maker and supporter of a who seconded the motion shall be recorded.

A motion shall include the action and any conditions imposed, and reasons supporting the motion.



Motions to table or adjourn a matter to a future meeting shall include the date, time, and place at which the matter will be further considered.

**2.8 Voting.** ~~Voting shall be by voice and shall be recorded by yeas and nays.~~ An affirmative vote of the majority of the Planning Commission shall be required for the approval, denial, or tabling of any requested action or motion. Voting shall ordinarily be by voice vote; provided however that a roll call vote shall be required if requested by any Planning Commission member or directed by the Chair. All members of the Planning Commission, including the Chair, shall vote on all matters, but the Chair shall vote last in any roll call vote. Any member may be excused from voting only if that person has a bona fide conflict of interest. Any member abstaining from a vote based on a conflict of interest shall not participate in the discussion of that item.

**2.9 Decision.** The Planning Commission will arrive at a decision concerning an application with all deliberate speed, and the results of the decision, as well as the reasons therefore, will be clearly set forth in the official minutes of the Planning Commission.

**2.10 Notice of Decision.** A written notice, prepared by Township staff or their designee, containing the decision of the Planning Commission will be sent to the applicant.

**2.11 Site Visit.** The Planning Commission reserves the right to view together as a Commission the real property which may be the subject of its review before arriving at its decision. Notice of site visits conducted as a Planning Commission shall be given pursuant to the Open Meetings Act or any other applicable statute.

### **Section 3.0 PUBLIC HEARINGS**

#### **~~3.1 Procedure.~~**

- ~~(a) Introduction of agenda item~~
- ~~(b) Presentation of request summary and staff recommendations by Planning Department~~
- ~~(c) Applicant representation~~
- ~~(d) Public comment~~
- ~~(e) Planning Commission deliberation~~
- ~~(f) Motion~~
- ~~(g) Planning Commission comments on motion~~
- ~~(h) Vote~~

**~~3.2 Site Visit.~~** The Planning Commission reserves the right to view together as a Commission the real property which may be the subject of its review before arriving at its decision.



~~Notice of site visits conducted as a Planning Commission shall be given pursuant to the Open Meetings Act or any other applicable statute.~~

- ~~3.3 **Decision.** The Planning Commission will arrive at a decision concerning an application with all deliberate speed, and the results of the decision, as well as the reasons therefore, will be clearly set forth in the official minutes of the Planning Commission.~~

#### **SECTION 4.0 3.0: MINUTES**

- 3.1 Responsibility.** Minutes shall be prepared by the Recorder of Minutes designated by the Planning Commission. The Recorder of Minutes shall be appointed by the Planning Commission and may be an employee or contractor of the Township, or a member of the Planning Commission. The Recorder of Minutes is responsible for keeping a written record, in the English language, of the resolutions, transactions, findings, and determinations of the Planning Commission, which shall be a public record subject to the provisions of the Michigan Freedom of Information Act, Public Act 442 of 1976, as amended. Within eight (8) days from the date of the Planning Commission meeting, copies of the tentative minutes shall be available at the Township office.
- 3.2 Content.** The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of votes; complete statement of the conditions made on any action; and recording of attendance.
- 3.3 Approval Process.** Upon receipt of a copy of the tentative minutes, each member of the Planning Commission shall review the minutes for form and content. Planning Commission action shall be taken indicating approval of same, with all, if any, corrections.

At such time as the minutes are approved at a meeting of the Planning Commission, the same shall become the official minutes of the Planning Commission and shall be filed with the Township Clerk's office.

#### **SECTION 5.0 4.0: MATTERS TO BE CONSIDERED BY THE PLANNING COMMISSION**

- 4.1** The following matters shall be presented for consideration at a meeting of the Planning Commission.
- (a) Development of an amendment to a master land use plan.
  - (b) Establishment of zoning districts and the boundaries thereof.
  - (c) Zoning Ordinance text with the necessary maps and zoning regulations for each zoning district.
  - (d) Requests and proposals for changes in the Zoning Ordinance.
  - (e) All planning documents, reports and plans.

- (f) Special ~~Exception~~ Use ~~Permit~~/Site Plan Review requests.
- (g) Land subdivision plats and condominiums.
- (h) Such other matters as the Planning Director shall find it advisable to receive Planning Commission consideration.

**SECTION 6.0 5.0: CONFLICT OF INTEREST**

**5.1 Adherence.** The Planning Commission shall adhere to the provisions set forth in the ~~Charter Township of Oshtemo Charter Township~~ **Charter Township of Oshtemo** Planning Commission Enabling Ordinance, being Ordinance No. 503, regarding conflict of interest identified below:

*If a Planning Commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. Failure of a member to disclose a conflict of interest as required by the Planning Commission Enabling Ordinance shall constitute malfeasance in office.*

**5.2 Conflict of Interest Defined.** For purposes of this section, conflict of interest is defined as, and a Planning Commission member shall declare a conflict of interest and abstain from participating in Planning Commission deliberations and vote on a request, when:

- (a) An immediate family member is involved in any request for which the Planning Commission is asked to make a decision. "Immediate family member" is defined as spouse, significant other, mother, father, sister, brother, son or daughter, including an adopted child, and in-laws.
- (b) The Planning Commission member has a business or financial interest in the property **or project** involved in the request or has a business or financial interest **greater than five percent** in the applicant's company, agency or association.
- (c) The Planning Commission member owns or has a financial interest in neighboring property. For purposes of this section, neighboring property shall include any property ~~immediately adjoining~~ **within 300 feet of** the property involved in the request.
- (d) There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the Planning Commission.

**SECTION 6.0: ABSENCES, REMOVALS, AND RESIGNATIONS**

**6.1 Absence.** To be excused, Planning Commission members shall notify the Planning Director, Planning Commission Chair, or the Township Clerk when they intend to be absent from a meeting. Failure to make this notification will result in an unexcused absence.



- 6.2 Removals.** Members of the Planning Commission may be removed by a vote of the Township Board of Trustees after a public hearing for nonperformance of duty, misconduct in office, or failure to declare a conflict of interest. For the purposes of this section, nonperformance of duty shall mean two or more consecutive, unexcused absences. Notice of nonperformance of duty, misconduct in office, or failure to declare a conflict of interest shall be brought to the Township Board of Trustees for a public hearing by the Township Supervisor.
- 6.3 Resignation.** A member may resign from the Planning Commission by sending a letter of resignation to the Township Supervisor, Planning Director, or Planning Commission Chair.

#### **SECTION 7.0: PLANNING COMMISSION STAFF**

- 7.1 Authorization.** The Planning Commission staff shall consist of the Planning Director, **Township Attorney**, and such other personnel as may be authorized by the Township Board.
- 7.2 General Responsibility.** The Planning Director, or their designee, shall be responsible for the professional and administrative work ~~in that assists with~~ directing and coordinating ~~the program of the~~ Planning Commission **agendas**.
- 7.3 Duties.** The Planning Director, or their designee, shall:
- (a) Advise and assist the Planning Commission in the establishment of general planning policy.
  - (b) **Provide information and generally make** recommendations on matters presented for Planning Commission consideration.
  - (c) Officially represent the Planning Commission and the Planning Department at planning conferences, interdepartmental meetings of the township government, intergovernmental meetings, and serve generally as a liaison between the Planning Commission and the public.
  - (d) Cooperate with public and private agencies and with individuals for the development, acceptance, and effectuation of plans.
  - (e) Supply information for and encourage interested public agencies and citizen organization involvement in programs to promote public understanding and approval of planning and zoning.
  - (f) Prepare an annual written report concerning the Planning Commission's operations and activities and any recommendations to the Township Board.

#### **SECTION 8.0: CONFLICTING PROVISIONS**

- 8.1** In the event of a conflict of provisions between these by-laws and the Township Zoning Ordinance, the provisions of the Zoning Ordinance shall prevail.

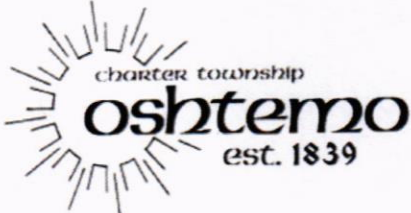


**SECTION ~~8.0~~ 9.0: AMENDMENTS**

**9.1** These ~~rules~~ by-laws may be adopted and amended at any regular or special meeting of the Planning Commission by a two-thirds vote of the members present. By-law amendments shall be subject to final approval by the Township Board of Trustees.

**THESE BY-LAWS WERE RECOMMENDED FOR APPROVAL BY THE CHARTER TOWNSHIP OF OSHTEMO PLANNING COMMISSION DURING ITS REGULAR MEETING HELD ON THE 8<sup>th</sup> DAY OF AUGUST, 2019.**

**THESE BYLAWS WERE DULY ADOPTED BY THE CHARTER TOWNSHIP OF OSHTEMO BOARD DURING ITS REGULAR MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.**



# Memorandum

**Date:** 9 August 2019  
**To:** Oshtemo Township Board  
**From:** Planning Commission  
**Subject:** Amendments to Zoning: Lighting Ordinance

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**Objective:**  
Board discussion regarding recommended changes to the Zoning Ordinance in regard to lighting.

**Information Provided or Underway:**  
Article 54 Lighting Text Amendment and Replacement

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. \_\_\_\_

Adopted: \_\_\_\_\_, 2019

Effective: \_\_\_\_\_, 2019

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend and replace Oshtemo Charter Township Zoning Ordinance Article 54

Lighting. This Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN  
ORDAINS:

SECTION I. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 54: LIGHTING. Article 54:

Lighting is hereby amended and replaced to read as follows:

ARTICLE 54: LIGHTING

**Section 54.10 INTENT**

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

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

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

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



5. Enable the fair and consistent enforcement of these regulations.

#### **54.20 APPLICABILITY**

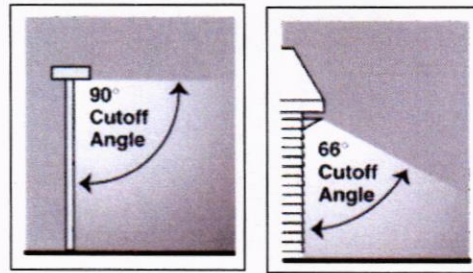
Except as is otherwise provided below, these lighting requirements shall apply to all lighting installed on any property within the Township. Any lighting legally in existence before the effective date of this Ordinance that does not comply with these requirements shall be considered legal nonconforming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

- A. Alterations to existing lighting.
  1. When poles and support structures are destroyed or removed, they must be replaced with poles and supports that comply with all of the provisions of this Article.
  2. When luminaries are destroyed or removed, they must be replaced with luminaries that comply with all provisions of this Article.
- B. New parking lots or parking lot additions. When a new parking lot or addition to an existing parking lot is constructed, the new lot or lot addition must be provided with lighting in compliance with this Article.
- C. New structures, additions, or replacements. When a site is improved with new structures, or additions to, or replacements of existing structures, the lighting for the new structure, addition, or replacement on the site must meet the requirements of this Article.

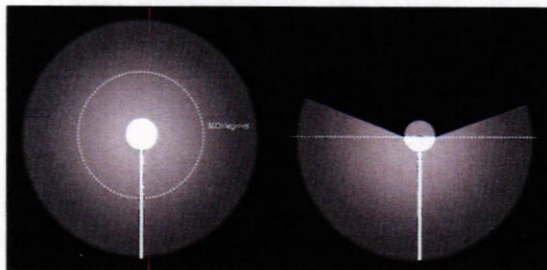
#### **54.30 DEFINITIONS**

- A. Ambient lighting - The general overall level of lighting in an area.
- B. Baffle or light shield - An opaque or translucent element to screen a light source from direct view.
- C. Building canopy - A portion of the building, whether structural or architectural in character, that projects outward.
- D. Bulb or lamp - The source of electric light. The term "bulb or lamp" is to be distinguished from the whole assembly (see Luminaire).
- E. Canopy structure - An overhead structure which is designed to allow vehicles or pedestrians to pass under it.
- F. Color rendering index (CRI) - a scale from 0 to 100 percent measuring a light source's ability to show object colors "realistically" or "naturally" compared to a familiar reference source, either incandescent light or daylight.
- G. Encased - a lamp obscured by translucent sheathing.
- H. Existing lighting - Any and all lighting installed prior to the effective date of this Ordinance.
- I. Exterior lighting - Temporary or permanent lighting that is installed, located, or used in such a manner to emit light outside. Fixtures that are installed indoors that are intended to draw attention to the exterior of the building from the outside are considered exterior lighting for the purposes of this Article.
- J. Fixture - The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.

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



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



- M. Foot-candle - A unit of measurement for quantifying the brightness of illumination produced on a surface. One foot-candle is equal to one lumen per square foot.
- N. Glare - Harsh, uncomfortably brilliant light caused by the ability to see an unshielded light source.
- O. Kelvin rating – A unit to measure the color temperature of a light source, the higher the Kelvin rating (expressed in K), the whiter the light source.
- P. Lamp - The component of a luminaire that produces the light.
- Q. Light pole - The structure to support and elevate a luminaire.
- R. Light trespass - Light that is unnecessarily emitted beyond the boundaries of the property on which the luminaire is located.
- S. Lighting ratio - The ratio of foot-candles from the minimum to the maximum point calculations or readings for a given area. This ratio is an indicator of lighting uniformity. The lower the ratio the better the uniformity.
- T. Luminaire – The complete lighting system, including the lamp and light fixture.
- U. Lumen - A unit of measurement for quantifying the amount of light energy emitted by a light source (power of the light radiated by the light source).
- V. Photometric plan - A diagram prepared by a lighting professional that is certified by the National Council on Qualifications for the Lighting Professions (NCQLP), or a state licensed professional engineer, architect, or landscape architect showing predicted maintained lighting levels produced by the proposed lighting fixtures, including any freestanding and building mounted lighting.
- W. Recessed - When a light is built into a structure or portion of a structure such that the light is fully cut off by the structure to which it is attached.
- X. Shielded - A bulb or lamp concealed by a baffle or light shield.
- Y. Spotlight - A luminaire designed to light only a small, well defined area or object.

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

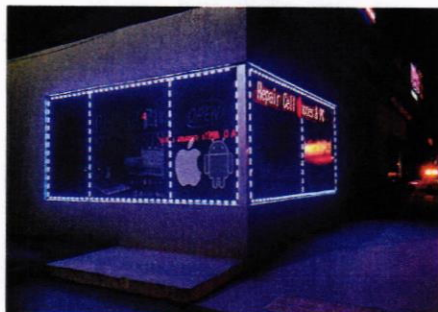
AA. Visibility - Being perceived by the human eye.

#### 54.40 EXEMPTIONS

- A. Emergency lighting necessary to conduct rescue operations, support public safety, provide emergency medical treatment, to illuminate emergency means of egress, or address any other emergency situation.
- B. Lighting operated by a public utility or agency during the course of constructing, repairing, or replacing public utilities and infrastructure.
- C. Temporary construction lighting, provided it is discontinued daily immediately upon completion of the work.
- D. Temporary holiday decorative lighting, from November 15th through January 5th.
- E. Lights on communication towers and other hazards to aerial navigation as may be required by the Federal Aviation Administration.
- F. Lighting used to illuminate a flag of the United States, subject to Section 54.60.D.
- G. Lighting associated with Department of Agriculture recognized agricultural activities.
- H. Typical residential light fixtures on residential buildings and associated accessory buildings, which do not violate Section 54.50, are exempt from the cut-off requirement when mounted at a height of eight feet or less.
- I. All outdoor light fixtures existing and legally installed prior to the effective date of this Ordinance.

#### 54.50 PROHIBITED LIGHTING

- A. Lighting of a blinking, flashing, rotating, or fluttering nature, including changes in light intensity, brightness or color except for public safety purposes.
- B. Beacon and/or search lights except for public safety purposes.
- C. Fixtures that direct light upward unless permitted by this Article.
- D. Roof mounted lighting.
- E. Lighting of an intensity or brightness that interferes with enjoyment, health, safety, and welfare of surrounding properties.
- F. Unshielded luminous tube, LED, incandescent, or fluorescent lighting as an architectural detail on the exterior of any structure or the interior of any windows; including but not limited to rooflines, cornices, eaves, windows, and door openings.



(Examples of unshielded tube lighting)



## 54.60 OUTDOOR LIGHTING STANDARDS

### A. General Provisions

1. **Cut-Off Fixtures.** All luminaires are required to be cut-off fixtures, unless otherwise permitted in this Article.
2. **Security Lighting.** Security or flood lighting shall be attached to buildings and controlled by motion sensors, which extinguish within 10 minutes of activation.
3. **Direction of Lighting.** Lighting plans shall be designed to direct light into the development and away from adjacent property.
4. **Light Levels at Property Line.** Site and area lighting of nonresidential properties shall be designed such that light levels do not exceed 0.1 foot-candles at any point along the perimeter of the property adjacent to residential zoning or uses and 0.5 foot-candles adjacent to all other zoning and uses.
5. **Shared Parking Lots.** Lighting designed to illuminate shared parking lots that span two or more parcels shall be exempt from the 0.5 foot-candle requirement at the shared property line only.
6. **Parking Lot and Drive Aisle Lighting Ratio.** To provide for uniformity of lighting, the ratio of maximum to minimum levels of light within the parking lot and drive aisle areas of a nonresidential property shall not exceed 20:1. Exception shall be made for those areas along the perimeter of the property where a significant reduction in lighting is expected in order to comply with the provisions of the subsection above.
7. **Reduced Lighting.** Lighting shall be significantly reduced during non-operational building hours, allowing only lighting necessary for security purposes. Lighting installations should include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting that affects urban sky glow. The lighting plan shall note when and how this reduction in lighting will occur.
8. **Color Temperature and Rendering.** Lighting for all nonresidential developments shall have a minimum color rendering index (CRI) of 65 and a Kelvin rating between 4000-5000k.

### B. Pole-Mounted Lighting

1. All pole-mounted luminaires shall be affixed horizontally and angled parallel to the ground.
2. No more than two luminaires shall be allowed per pole.
3. Luminaire height of 15 feet or less shall not exceed 12,000 lumens per luminaire and shall be spaced a minimum of 30 feet apart.
4. Luminaire height greater than 15 feet and not exceeding 25 feet shall not exceed 20,000 lumens per luminaire and shall be spaced a minimum of 40 feet apart.
5. Luminaire height exceeding 25 feet shall be subject to approval by the reviewing body. The applicant must prove, to the reviewing body's satisfaction, that pole heights exceeding 25 feet are needed to ensure public health, safety, and welfare. If permitted, such lighting shall not exceed 40,000 lumens per luminaire and shall be spaced a minimum of 50 feet apart.

### C. Building-Mounted Lighting

1. **Pedestrian walkways and doorways**
  - a. Shall not exceed 14-feet in height.
  - b. Each luminaire shall not exceed 8,000 lumens and shall be spaced so the lighting for pedestrian walkways does not exceed 2.0 foot-candles and entryways do not exceed 6.0 foot-candles.
2. Luminaires used for the sole purpose of illuminating a building façade:

- a. May be up to 1.5 foot-candles averaged over the building façade.
  - b. May be located on the building or be ground-mounted.
  - c. Light generated from said fixtures shall be appropriately shielded so that no light is emitted beyond the building facade.
3. Architectural features. The use of architectural features on the building, such as a canopy, which prevent the projection of light beyond the architectural feature may satisfy the intent of this Section and allow the use of noncut-off fixtures, subject to the approval of the reviewing body.

**D. Landscape Features and Green Belt Lighting**

- 1. Landscape luminaires may include uplighting, which is specifically directed at the landscape or plant feature.
- 2. Shall be equipped with shields to help direct light to the landscape or plant feature and to help eliminate light spillover and glare.
- 3. Shall not exceed 300 lumens per luminaire.
- 4. Shall not exceed a height of 18-inches above grade.

**E. Special Uses**

- 1. Service station/fuel sales canopy structure
  - a. Luminaires shall be recessed so that the lens cover is flush with the lower surface of the canopy and shielded by a fixture or the edge of the canopy so that light is directed downward.
  - b. As an alternative, indirect lighting may be used where uplighting is reflected from the underside of the canopy. When this method is used, luminaires must be shielded so that direct light is focused exclusively on the underside of the canopy.
  - c. Luminaires shall not be mounted on the top or sides (fascia) of a canopy.
  - d. Internally illuminated signs in compliance with the Sign Ordinance may be placed on the fascia of the canopy.
  - e. The total light output directly below the canopy shall not exceed 30 foot-candles.
- 2. Outdoor dining areas
  - a. Decorative unshielded lighting may be used in outdoor dining areas as long as the lighting does not exceed 1.5 foot-candles and is designed to control light spillover and reduce glare to adjacent properties.
  - b. Lighting in outdoor dining areas adjacent to residentially zoned or used land must be extinguished by 11:00 pm or when the business closes, whichever is first.

**54.70 INTERIOR LIGHTING**

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

**54.80 EXISTING LIGHTING**

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

**54.90 ADMINISTRATION**

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

- A. Proposed location on premises of all outdoor light fixture(s), including all building-mounted lighting, architectural lighting, and landscape lighting.
- B. Manufacturer specification sheets, cut-sheets, or other manufacturer provided information for all proposed luminaires that provides a description of the illumination devices, fixtures, lamps, supports, reflectors, and other devices, including lumens produced.
- C. The height of all luminaires and poles.
- D. A photometric plan showing foot-candle readings every ten feet within the subject site and ten feet beyond the property lines, including lighting ratios.
- E. If building elevations are proposed for illumination, drawings shall be provided for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance levels of the elevations, and the aiming point for any remote light fixture.

SECTION II. EFFECTIVE DATE AND REPEAL. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed. This Ordinance shall take effect upon publication after adoption in accordance with State law.

DUSTY FARMER, CLERK  
OSHTEMO CHARTER TOWNSHIP



OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION RESULTING FROM A PUBLIC HEARING  
CONDUCTED AUGUST 8, 2019.

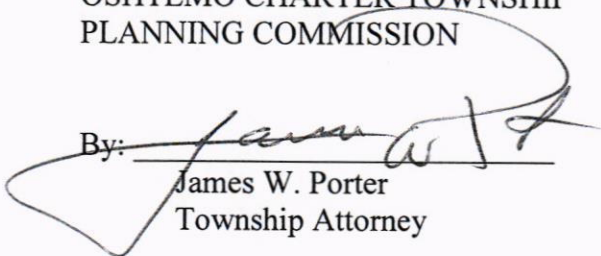
The Oshtemo Charter Township Planning Commission hereby recommends APPROVAL  
of the amendment to the Township Zoning Ordinance, in summary, as follows:

PLEASE SEE ATTACHMENT

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

Date: August 8, 2019

By: \_\_\_\_\_

  
James W. Porter  
Township Attorney

Final Action by Oshtemo Charter Township Board

\_\_\_\_\_ APPROVED \_\_\_\_\_

\_\_\_\_\_ DENIED \_\_\_\_\_

\_\_\_\_\_ REFERRED BACK TO PLANNING COMMISSION

## RECOMMENDATION ATTACHMENT

PLEASE TAKE NOTICE that the Planning Commission of the Charter Township of Oshtemo will conduct a public hearing on Thursday, August 8, 2019, commencing at 6:00 p.m. at the Oshtemo Charter Township Hall, 7275 West Main Street, within the Township, as required under the provisions of the Michigan Zoning Enabling Act.

PLEASE TAKE FURTHER NOTICE that the item to be considered at said public hearing includes, in brief, the following:

1. Consideration of an amendment and replacement of Township Zoning Ordinance Article 54 Lighting, which, in summary, reads as follow:

### ARTICLE 54: LIGHTING

#### Section 54.10 INTENT

- A. Purpose. Protect the public health, safety and general welfare by regulating lighting levels.
- B. Objectives. Outdoor lighting shall satisfy the following objectives.
  1. Avoid excessive light spillover
  2. Be shielded, and downward directed
  3. Control illumination of vertical architectural surfaces
  4. Provide for uniform lighting within sites
  5. Enable the fair and consistent enforcement

#### 54.20 APPLICABILITY

These lighting requirements shall apply to all lighting within the Township.

- A. Alterations to existing lighting.
  1. When poles and support structures are destroyed or removed, they must be replaced with poles and supports that comply with all of the provisions of this Article.
  2. When luminaries are destroyed or removed, they must be replaced with luminaries that comply with all provisions of this Article.
- B. When a new parking lot or addition to an existing parking lot is constructed, the new lot or lot addition must be provided with lighting in compliance with this Article.
- C. When a site is improved with new structures, or replacements of existing structures, the lighting must meet the requirements of this Article.

#### 54.30 DEFINITIONS – The following definitions are more fully set forth in the Ordinance

- A. Ambient lighting
- B. Baffle or light shield
- C. Building canopy
- D. Bulb or lamp
- E. Canopy structure
- F. Color rendering index (CRI)
- G. Encased
- H. Existing lighting

#### **54.40 EXEMPTIONS**

- A. Emergency lighting
- B. Lighting operated by a public utility
- C. Temporary construction lighting
- D. Temporary holiday decorative lighting
- E. Lights on communication towers
- F. Lighting used to illuminate a flag of the United States
- G. Lighting associated with recognized agricultural activities
- H. Typical residential light fixtures
- I. Light fixtures legally installed prior to the effective date of this Ordinance

#### **54.50 PROHIBITED LIGHTING**

- A. Lighting of a blinking, flashing, rotating, or fluttering nature
- B. Beacon and/or search lights
- C. Fixtures that direct light upward
- D. Roof mounted lighting
- E. Lighting of an intensity that interferes with health, safety, and welfare
- F. Unshielded luminous tube, LED, incandescent, or fluorescent lighting as an architectural detail

#### **54.60 OUTDOOR LIGHTING STANDARDS**

- A. General Provisions
  - 1. All luminaires are required to be cut-off fixtures
  - 2. Security lighting shall be attached to buildings and controlled by motion sensors
  - 3. Lighting plans shall be designed to direct light into the development
  - 4. Nonresidential properties shall be designed so light levels do not exceed 0.1 foot-candles at the perimeter and 0.5 foot-candles adjacent to all other zoning and uses.
  - 5. Lighting to illuminate shared parking lots shall be exempt from the 0.5 foot-candle requirement at the shared property line only.
  - 6. The ratio of maximum to minimum levels of light within the parking lot and drive aisle areas of a nonresidential property shall not exceed 20:1.
  - 7. Lighting shall be significantly reduced during non-operational building hours.
  - 8. Color Temperature and Rendering. Lighting for all nonresidential developments shall have a minimum color rendering index (CRI) of 65 and a Kelvin rating between 4000-5000k.
- B. Pole-Mounted Lighting
  - 1. All pole-mounted luminaires shall be affixed horizontally and angled parallel to the ground.
  - 2. No more than two luminaires shall be allowed per pole.
  - 3. Luminaire 15 feet or less shall not exceed 12,000 lumens and spaced a minimum of 30 feet apart.
  - 4. Luminaire greater than 15 feet and not exceeding 25 feet shall not exceed 20,000 lumens spaced a minimum of 40 feet apart.
  - 5. Luminaire height exceeding 25 feet shall be subject to approval by the reviewing body.
- C. Building-Mounted Lighting
  - 1. Pedestrian walkways and doorways
    - a. Shall not exceed 14-feet in height
    - b. Each luminaire shall not exceed 8,000 lumens
  - 2. Luminaires used for the sole purpose of illuminating a building façade:



- a. May be up to 1.5 foot-candles averaged over the building façade.
  - b. May be located on the building or be ground-mounted.
  - c. Lights shall be appropriately shielded.
3. The use of architectural features, such as a canopy, to prevent light beyond the architectural feature may satisfy the intent of this Section.
- D. Landscape Features and Green Belt Lighting
1. Landscape luminaires may include uplighting directed at the landscape or plant feature.
  2. Shall be equipped with shields to help direct light to the landscape or plant feature.
  3. Shall not exceed 300 lumens per luminaire.
  4. Shall not exceed a height of 18-inches above grade.
- E. Special Uses
1. Service station/fuel sales canopy structure.
    - a. Luminaires shall be recessed so that light is directed downward.
    - b. Indirect lighting may be used where uplighting is reflected from the underside of the canopy.
    - c. Luminaires shall not be mounted on the top or sides (fascia) of a canopy.
    - d. Internally illuminated signs in compliance with the Sign Ordinance.
    - e. The total light output directly below the canopy shall not exceed 30 foot-candles.
  2. Outdoor dining areas
    - a. Decorative unshielded lighting may be used in outdoor dining areas as long as the lighting does not exceed 1.5 foot-candles.
    - b. Lighting in outdoor dining areas must be extinguished by 11:00 p.m.

#### **54.70 INTERIOR LIGHTING**

Where interior lighting and/or lighting displays are located within 10 feet of a bay of windows, lighting shall be shielded or screened to reduce visibility and glare.

#### **54.80 EXISTING LIGHTING**

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

#### **54.90 ADMINISTRATION**

A site lighting plan for Site Plan review shall be submitted and shall provide the following information:

- A. Proposed location on premises of all outdoor light fixture(s).
- B. Manufacturer specification sheets, cut-sheets, for all proposed luminaires.
- C. The height of all luminaires and poles.
- D. A photometric plan showing foot-candle readings every ten feet.
- E. If building elevations are proposed for illumination, drawings shall be provided for all relevant building elevations.

# Memo



To: Oshtemo Charter Township Board  
From: Julie Johnston, AICP  
Planning Director  
Date: August 8, 2019  
Mtg Date: August 13, 2019  
Subject: West Main Corridor Improvement Authority Plan Public Hearing

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## **OBJECTIVE**

Public comment and Board discussion on the West Main Corridor Improvement Authority Development and Tax Increment Financing Plan

## **BACKGROUND**

### Overview

The Corridor Improvement Authority (CIA), Public Act 57 of 2018, is designed to assist communities with funding improvements in commercial corridors outside of their main downtown areas. The Act allows the use of tax increment financing (TIF) to make capital improvements within an established commercial district. It permits communities that already have Downtown Development Authorities (DDAs) to extend similar benefits to commercial corridors outside the DDA district.

The first step in this process was the Resolution of Support, which was approved by the Township Board on March 26, 2019. The Resolution allowed staff to begin the process of reaching out to impacted property owners, discussing the project with the taxing jurisdictions (County, Library, Kalamazoo Valley Community College), and scheduling public hearings.

Next, an open house was held on April 29<sup>th</sup> to provide an opportunity for property owners to discuss the project directly with staff. After the open house, the first public hearing was held on the West Main CIA, which took place on May 14, 2019 and was further opportunity for property owners and effected taxing jurisdictions to weigh in on the proposed Authority boundaries. This public hearing began the required 60-day time period for public comments on the formation of the Authority. At the close of this comment period, the Township Board held a public hearing on July 23<sup>rd</sup> to establish the West Main CIA. In addition, members were approved to sit on the Authority Board.

During this same timeframe, staff has been working with our consultant, Wade Trim, and the West Main CIA work group to develop the draft Development Plan and TIF Plan. At the first official meeting of the

West Main CIA, which took place on August 7<sup>th</sup>, the Authority made a motion to recommend the Township Board release the Plan for the required 60-day public comment period. In addition, every property owner and taxing jurisdiction were notified of the public hearing and 60-day public comment period. During this time, the public and taxing jurisdictions will have an opportunity to weigh in on the plan. At the end of the comment period, the Authority Board will determine if any changes are needed to the Plan, which they will then forward to the Township Board for final adoption.

Staff has also had the opportunity to meet with two of the taxing jurisdictions about the West Main CIA. On July 22<sup>nd</sup>, a presentation was given to the Kalamazoo Public Library Board. The Board plans to send the request to their Finance Committee for a recommendation and full Board vote on August 26<sup>th</sup>. In addition, a meeting was held with President Washington, Vice President Lueth, and Vice President Collins of Kalamazoo Valley Community College on July 31<sup>st</sup> to discuss the District. They indicated further discussion would be had with internal staff and the Board of Trustees for a final decision before the October deadline. Finally, a meeting has been scheduled with the County Administrator for August 15<sup>th</sup>.

The following schedule is anticipated:

Aug 13 – Public hearing on the draft Development and TIF Plan. 60-day comment period begins.

Aug 15 – Meeting with County Administrator.

Aug 26 – Kalamazoo Public Library Board is scheduled to vote whether to opt in/out.

Oct 12 – Deadline for taxing authorities to submit a resolution to the Township Clerk requesting its taxes not be subject to capture. 60-day comment period ends.

Oct 22 – Township Board considers/adopts the Development and TIF Plan. West Main CIA project is complete.

### **INFORMATION PROVIDED**

- West Main CIA Development and TIF Plan – a link can be found under the Township Board Agenda Packet webpage or at the following address:  
<https://www.oshtemo.org/wp-content/uploads/2019/08/OshtemoCIA-TIF-Plan11July19.pdf>



# Memo



**To:** Oshtemo Charter Township Board  
**From:** Ben Clark, Zoning Administrator  
**Date:** August 8<sup>th</sup>, 2019  
**Subject:** Proposed Temporary Certificate of Occupancy Policy

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## OBJECTIVE

Township Board of Trustees approval of a proposed policy to control the release of temporary certificates of occupancy in collaboration with the Southwest Michigan Building Authority.

## BACKGROUND

As private projects near site and building completion in Oshtemo Township, developers and property owners often wish to occupy new facilities prior to absolute compliance with approved building and/or site plans. In cases where there are no concerns regarding public health, safety, or welfare, both the Township and the Southwest Michigan Building Authority in the past have allowed early occupancy of such properties, typically via the issuance by the Building Authority of a temporary certificate of occupancy. Such certificates are subject to an expiration date and often have conditions or stipulations attached related to project completion.

While this practice in general is sound, as there is no added or unreasonable risk of public or property endangerment, its application and administration has proved to be a challenge for the Township in the past, as staff have no consistent rules to apply regarding certificate expiration, compliance timelines, or the collection of any kind of monetary surety to encourage timely project completion. Escrow and performance bonds have sometimes been required, but it is typically very difficult to determine an appropriate sum to collect. Similarly, consistent establishment of site completion deadlines has also been challenging, and staff would often set such dates based largely on when the developer or property owner felt they could finish the project.

Township and Southwest Michigan Building Authority staff, under the guidance of Attorney Porter, have worked together to come up with a unified, complementary, and mutually beneficial tool which will allow the two agencies to work closely together to better manage occupancy during what can be a chaotic and hectic phase of any project. The document will also provide developers and property owners with a clear understanding of our expectations and help to remove any ambiguity from the process. This policy can also be used independently by either agency in cases where the other is not affected.

With Board approval of the proposed policy, Township staff will be able to better oversee development and land use, serve the public, and ensure the public health, safety, and welfare of the community. It is anticipated that this tool will prove to be very valuable. To come into effect, the Southwest Michigan Building Authority Board will also have to adopt the policy.

**INFORMATION PROVIDED**

A copy of the Temporary Certificate of Occupancy Policy Resolution.

**STATEMENT OF WHAT YOU ARE ASKING BOARD TO APPROVE**

Township Board of Trustees approval of the proposed Temporary Certificate of Occupancy Policy.

**OSHTEMO CHARTER TOWNSHIP  
and  
SOUTHWEST MICHIGAN BUILDING AUTHORITY**

**TEMPORARY CERTIFICATE OF OCCUPANCY POLICY RESOLUTION**

\_\_\_\_\_, 2019

WHEREAS, the issuance of temporary certificates of occupancy is discretionary and not mandatory under the Michigan State Construction Code; and

WHEREAS, the delay in completion of a building/structure or site can have negative impacts upon the property owners and surrounding properties; and

WHEREAS, the delay in occupying a building/structure can result in difficulties for local municipalities in areas of housing code enforcement, public occupation of a building and tax assessment; and

WHEREAS, issuing temporary certificates of occupancy without careful review may result in risk to the inhabitants or occupants of the building/structure or site; and

WHEREAS, issuance of a Temporary Certificate of Occupancy may be made safely, even when the building or site plan requirements are yet to be completed; and

WHEREAS, the Oshtemo Charter Township and the Southwest Michigan Building Authority (SMBA) Boards wish to establish a policy outlining the circumstances under which temporary certificates of occupancy may be issued by the SMBA Building Official on behalf of the Township.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that a Temporary Certificate of Occupancy may be issued if the request is made in writing to SMBA outlining the reason(s) for the request and providing that the following conditions are met:

1. The structure and site are substantially complete. "Substantially complete" for the building/structure means that all major systems—plumbing, electrical, mechanical/HVAC, and sewer/septic systems—are installed and approved in accordance with the plans submitted. Substantial site completion shall include but not be limited to proper building location and orientation, parking lot location, driveway



location, and the establishment of any and all stormwater management facilities and systems per the approved project site plan, if applicable.

2. The building/structure and site may be occupied safely. "Occupied safely" means that the Building Official, Township Fire Marshal, and Township Engineer agree that the building/structure and site do not pose any risk to the public's health, safety or welfare.

Site conditions that shall preclude issuance of a Temporary Certificate of Occupancy include incomplete and/or malfunctioning stormwater management facilities and systems; incomplete paving that may pose a risk to motorists or pedestrians; the absence of pavement markings necessary to direct vehicle and pedestrian traffic in a safe manner; or similar site deficiencies not expressed herein.

3. The local Township planning, fire and assessing officials are notified and concur with the issuance of the Temporary Certificate of Occupancy.

In addition, Township representatives (planning, fire, assessing) will be asked to accompany SMBA staff on the inspection of the building/structure and site before the Temporary Certificate of Occupancy is issued, pursuant to this policy, and provide a specific date upon which the building/structure and site will be completed and the Temporary Certificate of Occupancy will cease. The Temporary Certificate of Occupancy must contain all conditions of the issuance of the Temporary Certificate of Occupancy.

After the Temporary Certificate of Occupancy and any of its subsequent revisions is signed by the SMBA Building Official and the Township Planning Department staff, the original is to be scanned and filed with the permit, and a copy given to the owner or an agent of the owner.

A Temporary Certificate of Occupancy will be issued for a period not longer than six (6) weeks. Temporary Certificates of Occupancy related to the building or structure must be accompanied by a cash surety paid to SMBA in the amount of \$1,000 for a single-family residential structure and \$5,000 for a multi-family/commercial or industrial building/structure.

Temporary certificates of occupancy related to the site must be accompanied by a cash surety paid to the Township in the amount of \$1,000 for projects not subject to

site plan review and \$5,000 for projects subject to site plan review, per the Oshtemo Township Zoning Ordinance. In the absence of any State Construction Code deficiencies, Township Planning Department staff shall have the administrative authority to grant one (1) six (6) week extension of the Temporary Certificate of Occupancy if any of the identified original site concerns remain at the end of the initial period. Additional extensions shall be subject to approval from the Township Zoning Board of Appeals.

Any site deficiencies, the resolution of which are delayed due to seasonal difficulties, shall be corrected no later than six (6) weeks after the Road Commission of Kalamazoo County lifts applicable seasonal weight restrictions for heavy traffic on public roadways.

Failure to correct any building/structure or site deficiencies within the time allowed and indicated on the Temporary Certificate of Occupancy shall cause the same to be revoked and the building/structure may no longer be legally occupied. Any costs incurred by Oshtemo Township or SMBA from the enforcement of this policy shall be recuperated from the respective cash sureties provided. Remaining funds shall be returned to the payor upon satisfaction of the official terms of the Temporary Certificate of Occupancy.

### **OSHTEMO CHARTER TOWNSHIP APPROVAL**

A motion was made by \_\_\_\_\_ seconded by \_\_\_\_\_ to adopt the foregoing Resolution.

Upon roll-call vote, the following voted "AYE":

The following members voted "NAY":

Abstained:

Absent:

The Supervisor declared that the Resolution has been adopted.

\_\_\_\_\_  
Dusty Farmer, Clerk  
Oshtemo Charter Township



\*\*\*\*\*

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of an Excerpt of the Minutes of a meeting of the Oshtemo Charter Township Board, held on \_\_\_\_\_, at which meeting \_\_\_\_\_ member were present and acted upon the same as indicated in said Minutes; that said meeting was held in accordance with the Open Meetings Act of the State of Michigan.

\_\_\_\_\_  
Dusty Farmer, Township Clerk

**SOUTHWEST MICHIGAN BUILDING AUTHORITY APPROVAL**

A motion was made by \_\_\_\_\_ seconded by \_\_\_\_\_ to adopt the foregoing Resolution.

Upon roll-call vote, the following voted "AYE":

The following members voted "NAY":

Abstained:

Absent:

The Board Chairman declared the motion carried, and the Resolution duly adopted.

\_\_\_\_\_  
Deborah L. Everett

\*\*\*\*\*

CERTIFICATE

Deborah L. Everett, the duly elected and acting Secretary of the Southwest Michigan Building Authority, hereby certifies that the foregoing is a true and correct copy of an Excerpt of the Minutes of a meeting of the Southwest Michigan Building Authority Board held on \_\_\_\_\_, 2019, at which a quorum was present.

\_\_\_\_\_  
Deborah L. Everett