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**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION MEETING**

**OSHTEMO TOWNSHIP HALL
7275 WEST MAIN STREET**

**THURSDAY, JULY 24, 2025
6:00 P.M.**

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: June 12, 2025 Meeting
6. **Public Hearing: Zoning Ordinance Text Amendments**
Planning Commission to conduct public hearing on proposed Zoning Ordinance amendments to the Mixed Use District and unrelated amendments regarding adult foster care and similar facilities in the residential districts, planned unit development, temporary events and requirement for non-motorized facilities
7. **Zoning Ordinance Text Amendment (Supplemental Setback, parking)**
Planning Commission to review draft one of proposed Zoning Ordinance amendments to the supplemental setback requirements and an unrelated amendment to residential parking.
8. Public Comment
9. Other Updates and Business
10. Adjournment

Broadcast Notice:

This meeting is being recorded and streamed live on the Public Media Network website and app. It is also broadcast on Charter Spectrum and AT&T U-verse 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.

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**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION
MINUTES OF A MEETING HELD JUNE 12, 2025**

AGENDA

SPECIAL EXCEPTION USE: NELSON HOME OCCUPATION (2100 S 4TH STREET, PARCEL 3905-29-280-016)

ZONING ORDINANCE TEXT AMENDMENTS (MUD, PUD, ADULT FOSTER CARE, NON-MOTORIZED, TEMP EVENTS)

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, June 12, 2025, commencing at 6:00 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

MEMBERS PRESENT: Deb Everett, Vice Chair
 Scot Jefferies
 Scott Makohn
 Alistair Smith
 Jeremiah Smith (arrived at 6:04 p.m.)

MEMBERS ABSENT: Michael Chapman, Township Board Liaison
 Philip Doorlag, Chair

Also present were Jodi Stefforia, Planning Director; James Porter, Township Attorney; Leeanna Harris, Planning and Zoning Administrator; Jennifer Wood, Recording Secretary; and approximately 16 interested persons.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Vice Chair Everett inquired if there were any changes to the agenda. There were none.

The agenda stands as published.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Vice Chair Everett inquired if anyone present wished to speak on non-agenda items.

No one came forward.

APPROVAL OF THE MINUTES OF THE MEETING OF MAY 22, 2025

Vice Chair Everett asked for additions, deletions, or corrections to the minutes of the meeting on May 22, 2025.

Mr. Jefferies made a motion to approve the Minutes of the Meeting of May 22, 2025. Mr. Makohn seconded the motion. The motion passed unanimously.

Ms. Stefforia stated that she recently became aware of a personal conflict of interest related to the Special Exception Use request currently before the Commission. She emphasized that this conflict has not impacted her ability to perform her professional responsibilities and noted that she brings over 30 years of experience in the field of planning and follows a professional code of ethics adopted by her profession.

SPECIAL EXCEPTION USE: NELSON HOME OCCUPATION (2100 S 4TH STREET, PARCEL 3905-29-280-016)

Ms. Harris presented her updated staff report, dated June 12, 2025, which is hereby incorporated into the official record. The Planning Commission had tabled this item from its May 22, 2025, meeting to the June 12, 2025, meeting in order to allow staff time to gather information regarding previous home occupation approvals. The meeting packet includes minutes from five prior home occupation requests, as well as materials submitted by the applicants during the previous meeting.

Applicants Bill and Jaymie Nelson are requesting Special Use approval to operate a golf and softball training facility as a home occupation. The proposed use would occupy approximately 1,000 square feet within two existing accessory structures located on their property at 2100 S. 4th Street. The subject property which is zoned RR: Rural Residential is a 10-acre property located on the west side of S 4th Street, north of W M Avenue and south of W L Avenue. An aerial map of the subject property was presented for reference.

For purposes of this report, the accessory buildings will be referred to as A and B. Building A is approximately 3,600 square feet, with 720 square feet to be utilized for softball instruction, and building B is approximately 2,000 square feet, with 220 square feet to be utilized for golf instruction. The total square footage proposed to be used is about 940 square feet. The operations are proposed to take place for five hours on weekdays, and for 12 hours on the weekends and during the summer, with staggered appointment times. Those coming to the site for instruction would utilize informal areas adjacent to the accessory buildings for parking.

ANALYSIS

Home occupations are a permitted use in the RR: Rural Residential district subject to the regulations in Section 48.60 of the Zoning Ordinance. If the use satisfies the criteria in Section 48.60, no approvals from a reviewing body are necessary. However, if the home occupation departs from these criteria, the applicant may request a Special Exception Use approval from the Planning Commission pursuant to Section 49.120 of the Zoning Ordinance.

In this instance, the home occupation criteria in Section 48.60 do not allow for accessory buildings to be used as part of a home occupation. However, Section 49.120 of the Zoning Ordinance allows the use of accessory building for a home occupation as a consideration through the Special Exception Use process, provided that all other requirements are met.

When reviewing a Special Exception Use, there are two sets of criteria that must be considered: the general Special Use criteria in Section 65.30 and the specific requirements for the use outlined in Section 49.120.

Section 65.30: Special Use Review Criteria

A. Master Plan/Zoning Ordinance: The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the district in which the use is located. Currently, the Future Land Use Map identifies this area as Rural Residential, consistent with current zoning. The forthcoming Place Types map of the 2025 Master Plan identifies this area as Countryside Residential.

Home occupations that are incidental and subordinate to a residential use, blend into residential neighborhoods, and fall within an acceptable threshold of nonresidential activity can be consistent with the Zoning Ordinance.

B. Site Plan Review: The Site Plan Review Criteria of Section 64
An engineered site plan is not required for a special use review of this nature and no exterior changes are proposed to be made in relation to the site. However, the applicant provided a floor plan for both of the barns and a site plan.

C. Impacts:
Impacts are evaluated on whether the use would be compatible, would present any adverse effects, or would be detrimental to the area.

The area around the property is rural, consisting of parcels containing single-family homes, large agricultural parcels, and the Wendalyn Woods plat nearby.

A building permit will need to be properly issued by the Oshtemo Township Building Department for building A regardless of the fact that operations began prior to an application for special exception use whether the Planning Commission approves or denies the request.

Potentially adverse effects arising from the proposed use on adjacent properties should be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the location of screening, fencing, landscaping, buffers or setbacks.

It can be argued that the use as proposed is not harmonious or appropriate within the existing or planned character and could be disturbing or detrimental to adjacent properties. Planning staff suggest the Planning Commission discuss the home occupation request to see if there are any conditions which could make this request more compatible to the area such as the recommendations from Planning staff.

The natural features of the subject property should only be cleared or altered to the extent necessary to accommodate site design elements, particularly where the natural features assist in preserving the general character of the area.

No additional clearing is expected to occur and no concerns arose regarding the natural features.

Adequate public and/or private infrastructure and services already exist or would be provided, and would safeguard the health, safety, and general welfare of the public.

D. Specific Use Requirements: Section 49.120

See evaluation under Section 49.120.

The majority of the criteria are satisfied, such as:

- No nonresident employees proposed to work onsite.
- Size limitations for the detached accessory buildings

This section does include criteria that the Planning Commission can recommend such as:

- Limited days
- Limited hours
- Requiring screening

Recommendation:

Planning Department staff recommend that the Planning Commission review the information included in the staff report and attachments, with attention to the Special Use criteria, have an open dialogue with the applicants, consider the public comment, and make a motion on the special use request to establish a golf and softball operation as a home occupation within the two (2) existing accessory buildings located at 2100 S 4th Street by approving, approving with conditions, or denying the request.

If the Planning Commission finds that the site plan request is supported, the following conditions in the staff report as amended:

- 1) The golf and softball instruction shall be conducted only in the existing accessory buildings on site. At no point shall that operation utilize more than 1,200 square feet in area within the accessory buildings or include instruction of any other sport or by anyone other than the applicants.
- 2) All other requirements stated within Section 48.60.A of the Township Ordinance shall be met at all times. If any complaints are received and verified by the Township regarding the subject home occupation that violates the other requirements of Sections 48.60 or 49.120 or exceed what was specifically mentioned in this report or any condition of approval, this approval will be voided; the home occupation will cease immediately and become an Ordinance Enforcement matter to resolve.

- 3) The unpermitted driveway shall be coordinated with the Road Commission of Kalamazoo County and be removed as may be required by RCKC policies and be permanently gated to prevent access from South 4th Street.
- 4) Residential signage, neither exceeding 3 square feet in sign area nor located in the public right-of-way, shall be added to the applicant's frontage on South 4th Street and shall indicate the house number of the applicants (2100).
- 5) Screening in the form of a solid fence shall be added to shield the accessory buildings and ground activity near the south property line, extending from west of Building A to east of Building B.
- 6) The home occupation shall only operate in the approved operation hours and days of operation. Appointments shall not overlap.
- 7) A building permit shall be properly issued by the Oshtemo Township Building Department for building A.
- 8) Any sales that occur on the property must be incidental to the home occupation and shall not be made to members of the public not receiving instruction.

Ms. Harris shared additional aerial maps of the property for reference.

Vice Chair Everett asked the Commissioners if they had any questions for staff.

Mr. A. Smith expressed appreciation to the Planning Staff for the comprehensive information they provided.

Vice Chair Everett invited the applicant to speak.

Mrs. Nelson spoke to the Commission in support of her request. Upon purchasing the property, her intent was to create and maintain a home that supports both her family and the broader community. Mrs. Nelson stated that she is a professional educator and expressed her intent is to offer private softball instruction.

The individualized instructional activities occur in a small, enclosed, netted structure under 1,200 square feet, located in an accessory building on the property. Instruction is by appointment only, limited to individual sessions, and operates on a small scale. There is no signage, advertising, walk-in traffic, or additional staff involved. The instructional services are comparable to home-based music or tutoring lessons, though the space requires greater ceiling height for safety.

Mrs. Nelson shared they have taken proactive steps in response to previous concerns raised at the last meeting. These include:

- Coordinating with the Road Commission, which confirmed no permit was required for a secondary driveway due to the amount of frontage the property possesses. That driveway has since been closed with a cattle gate to avoid confusion.

- Plans to install larger house numbers and reflective driveway markers to help students identify the correct entrance.
- Exploring new parking arrangements to minimize vehicle movement and reduce headlight disruption to neighbors.
- Considering privacy screening or fencing to buffer light and sound.
- Offering alternative parking arrangements to further minimize any potential neighborhood impact.

Mrs. Nelson emphasized that this is not a commercial enterprise, but rather a personal passion project focused on mentoring and youth development. She advised there is no intention of expanding operations and is committed to aligning with township expectations. Her request is tailored, small-scale, and designed to minimize any community impact.

She respectfully asks the board to consider her unique circumstances and welcomes any recommendations to ensure continued compliance and harmony within the neighborhood.

Mr. Jefferies requested clarification on whether Mrs. Nelson was speaking solely on behalf of the softball business or also representing the golf business. Mrs. Nelson confirmed that she was speaking in support of both operations. She further clarified that the combined area for both uses would total under 1,200 square feet, with softball instruction occurring in one building and golf instruction in the other. She noted that both facilities would utilize non-permanently fixed safety netting.

Mrs. Nelson reiterated that there are no plans to conduct retail sales as part of the operations. In response to Mr. Jefferies' concerns about the ability to maintain the designated square footage, Mrs. Nelson explained that the use of netting helps to ensure that the space remains within the established limits.

Vice Chair Everett asked for any additional questions or comments from the Commissions for the applicants.

There were none.

Public Comment

Vice Chair Everett opened the floor for public comment.

Six members of the public provided comments during the meeting. Three individuals spoke in support of the proposed project, while three expressed opposition.

Vice Chair Everett closed the public comments.

The Vice Chair Everett asked the Commission if there was any additional discussion on the matter.

Vice Chair Everett inquired about the duration of the lessons. Mrs. Nelson responded that each lesson typically lasts between 30 and 45 minutes. She also noted that she is currently working with approximately 20 students, while her husband is instructing 11 or 12 students.

Mr. Jefferies asked whether instruction had continued after the applicants were notified of the issue. Mrs. Nelson confirmed that all instructional activities had ceased following the notification.

Vice Chair Everett shared information from an email submitted by Chair Doorlag regarding the application. In the email, Chair Doorlag expressed his support for the Special Use request, stating that he does not believe the proposed use would negatively impact the character of the surrounding area. He noted that he felt that the applicant has addressed relevant security considerations and the primary reason the matter requires Commission review is because the instruction is being offered for a fee. Chair Doorlag characterized the issue as a building permit matter and stated that the buildings in question appear consistent with the character of the R-1 zoning district. He also observed that, as previously noted, many properties in the area contain accessory buildings.

Mr. Jefferies reminded the Commission that Rural Residential (RR) zoning is distinct from R-1 zoning. He emphasized that individuals choose to live in rural areas for specific reasons, often valuing the flexibility to use their property as they see fit.

The Commission discussed minor discrepancies between the interior wall layouts shown on the submitted plans and the actual site conditions. Commissioners requested clarification on setback requirements, and Ms. Harris confirmed that all required setbacks are met. She also noted that the Building Department typically accepts hand-drawn plans for accessory buildings and does not require a formal survey. Concerns were raised regarding access to the neighboring property; however, the planned closure of the second driveway with a gate is expected to help mitigate this issue. While the Road Commission has approved the second driveway, the Planning Commission may include its closure as a condition of approval.

It was noted that the Special Use approval is tied to the current property owner and would require reapplication if ownership changes. The Commission raised questions regarding potential business growth, as well as the monitoring of compliance and enforcement challenges associated with the use.

Several members expressed reservations about long-term oversight, with some supporting moving forward under specific conditions, including limits on student numbers and operating hours. The distinction between commercial and non-commercial use was discussed, with recognition that even nonprofit activities could impact traffic and neighborhood character.

Mr. A Smith made **a motion** to deny the Special Use application to operate a golf and a softball business as a home occupation utilizing approximately 1,000 square feet within two (2) existing accessory buildings at 2100 S 4th Street. Mr. J. Smith **seconded the motion**. The **motion passed** with three Commissioners voting in favor of the denial and two voting against.

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

Ms. Stefforia presented her staff report, dated June 12, 2025, which is hereby incorporated into the record. The Planning Department maintains a Wishlist of Zoning Ordinance amendments, which is updated as issues arise with the current ordinance, new projects highlight areas for improvement, or emerging land use trends are identified. Amendments are presented to the Commission on a quarterly basis.

This round of amendments includes proposed changes to the Mixed Use District (MUD), prompted by the application of the first MUD project, West Main Villages. Additionally, unrelated amendments are proposed for the Planned Unit Development (PUD) ordinance concerning phasing timelines. Other proposed changes address regulations for Adult Foster Care facilities, temporary outdoor events, and updates to non-motorized facility standards.

Mixed Use District. As part of the current round of amendments to the Statement of Purpose and Intent, we are addressing updates related to the Mixed-Use District. These proposed changes—highlighted in red—focus primarily on how traffic is generated by new development projects.

A key concern has emerged from a forthcoming proposal with potentially significant traffic implications. There has been a desire for a broader mix of uses—not just retail and residential (such as multifamily and two-family units), but a more integrated and functional mix overall.

After meeting with developers, it is clear that while true mixed-use development remains a shared goal, these types of projects are often more complex to deliver. As such, the intent of the amendments is to encourage—but not require—mixed-use developments that feature complementary uses. The aim is to support projects that reduce traffic impacts by design and contribute to the overall cohesiveness of the area. The Township’s new Transportation Engineer assisted with the crafting of these amendments.

Layout, Circulation and Transportation - Introduces all-new language. Additional language was provided by the Chairman and will be included in Draft Two of the amendments. Specifically, it clarifies that while future connections to adjacent developments are encouraged, they will not be mandated if legal access—such as easements—is not currently available. The revised language will state that connections should be made either now or in the future, as easements and opportunities are secured or become available.

Traffic Impacts - Two new paragraphs have been added under the Traffic Impacts section, based on input from the Township’s new Transportation Engineer. This language emphasizes the importance of internal trip capture, compact design, and connectivity to the surrounding street network (refer to page 2 of the packet). The engineer’s analysis reflects community feedback, where there is strong concern about continued piecemeal expansion and property acquisition. The goal is to avoid unnecessary sprawl and create a more self-contained development pattern.

Density Bonus – As part of the proposed updates, page 3 addresses the density bonus provision, which currently allows for up to 32 units per acre. Based on stakeholder discussion, it is

recommended that this level of density be granted as long as the increased density can be supported without negatively impacting the transportation network or conflicting with the long-term vision for the corridor.

Mixed Use Buildings, page 4 – was added a way to award additional density.

Phasing – It would be reasonable and practical to require a phasing plan from developers as part of the overall project approval process. This plan should outline how the development will be implemented over time and should be flexible enough to be amended as the project evolves—especially for larger developments that may span multiple years or ownership transitions.

Buffer from Adjacent Residentially Zoned Districts – Clarifying language was added.

Natural Features – While we do not specifically cite the Environmental Protection Ordinance (Article 56) or the Mixed-Use District regulations (Article 30), we are directing attention to the relevant environmental protection requirements. These considerations may be especially important for a nearby property located east of the West Main Villages, on the same side of the highway. The natural features present in that area could provide opportunities for thoughtful, flexible design that would serve both the community's interests and the goals of the project.

Condition for Development – We would like to clarify a correction: the proper term is “retention basin,” not “detention basin.” Additionally, the Transportation and Mobility Ordinance requires a 50-foot-wide easement, so it is recommended that we adjust the current reference from 60 feet accordingly.

Permitted Uses – The uses allows for a wide range of uses. However, through our experience with the West Main Villages development, we recognized that certain uses—such as a car wash—are not appropriate for a walkable, mixed-use environment. While we still want to maintain flexibility, we are considering refining the list of permitted uses to ensure they align with the vision of a cohesive and pedestrian-friendly development. For example, we are re-evaluating whether to include "commercial center" as a permitted use, as its definition is quite broad and could allow uses that are not consistent with our goals for the area.

Additionally, based on feedback from both the Planning Commission and the Township Board, there was concern over the presence of three drive-thru establishments along the frontage in the West Main Villages project. The planning consultant has advised that some communities address this by allowing drive-up windows only on end-cap units, rather than on free-standing buildings. This approach could help limit both the number and type of drive-thru businesses, contributing to a more walkable and community-focused development pattern.

Development Requirements – Renames the Oshtemo Streets and Mobility Ordinance to the Transportation and Mobility Ordinance.

With permission from Vice Chair Everett, Ms. Stefforia invited Mr. Curt Aardema to the podium to speak. Mr. Aardema thanked the Commission for the opportunity to speak. He reviewed the proposed changes in detail and had a handful of suggestions.

Page 2, #5 – One concern raised was the potential for requiring a connection to adjacent private property as a condition of development approval. It was suggested that such connections should only be considered if they involve a public road or if the Township has an existing agreement in place. Ms. Stefforia noted that Chair Doorlag had expressed a similar perspective, emphasizing that connections should be considered only when easements or other opportunities are available or arise in the future.

Page 4, #10 Phasing – Mr. Aardema emphasized that large development projects often extend over long timelines, and flexibility in phasing is important. He noted that while the initial phase may stay on schedule, subsequent phases can easily fall behind, affecting the overall sequencing of the project. He suggested that if delays occur, the developer will likely return to the Planning Commission regardless, and that building in flexibility from the outset could reduce the need for repeated approvals. Extending the timeline for each phase from 12 to 18 months was proposed as a more realistic approach.

Mr. Aardema recommended revising language requiring each phase to be “fully functional” to something more practical, such as ensuring each phase can provide necessary services. This would allow for some subjectivity based on the nature of the development while still ensuring usability.

In terms of site design, Mr. Aardema supported the 50-foot-wide easement, noting that narrower private streets often create a more walkable and pedestrian-friendly environment. He referenced data and experience showing that wider roads tend to separate buildings too much, reducing pedestrian activity.

Regarding permitted uses, Mr. Aardema agreed there was little interest in allowing a large number of freestanding fast-food establishments. However, he saw value in allowing some freestanding two-story buildings—particularly for banks or credit unions—which can act as architectural anchors, manage parking layouts more effectively, and are typically low-traffic generators. He suggested that banks and credit unions be categorized separately from food service uses, given their different design and security needs. These types of businesses generally do not locate in multi-tenant buildings and can help meet community demand while maintaining design integrity.

Mr. Aardema thanked the Commission for the opportunity to speak and contribute to this process. He shared that it is encouraging to see the progress being made and looks forward to seeing how this development can evolve in the future. Now that the Township has been through a similar process with the West Main Village project, he is hopeful in continuing to see thoughtful, well-planned growth.

Mr. Jefferies raised a question regarding the core intent of the Mixed-Use District, which emphasizes creating a walkable neighborhood where people can live and conduct daily activities without needing to drive. He asked how the Township defines what qualifies as a “service” or “business” that aligns with this vision. Specifically, he expressed concern that the current list of

permitted uses appears to replicate what is allowed in other commercial zones, rather than focusing on uses that support a walkable, mixed-use environment.

He noted that some proposed uses may not necessarily contribute to the walkability or day-to-day functionality of the neighborhood. He also referenced hospitals, not to focus on them specifically, but to highlight the need for a clearer framework to evaluate whether certain uses truly support the intended character of the district.

In response, Ms. Stefforia acknowledged the concern and noted that staff will revisit the list of permitted uses and refine them in the next draft.

Mr. Jefferies inquired about the development of a large property in sections. Ms. Stefforia responded that if a developer intends to subdivide a large mixed-use site—such as 40 acres into smaller parcels—the entire project must be submitted as a comprehensive plan and undergo rezoning approval.

Mr. Jefferies expressed his appreciation for the modifications, and Vice Chair Everett concurred.

Adult Foster Care. Ms. Harris presented the amendments for Adult Foster Care. Following a review of the ordinance to ensure consistency with the State Licensing Act and recent amendments related to adult foster care facilities, several updates were identified as necessary. One of the key proposed changes is the addition of a definition for adult congregate care facilities, which are facilities that serve more than 20 adults and are not currently addressed in the zoning ordinance. Research indicates there are no existing congregate care facilities in the county and only four in the state.

Another proposed update involves the addition of unified care facilities. This change is intended to allow flexibility for co-locating compatible uses—such as adult foster care and childcare facilities—within the same building or on the same property. Under the current ordinance, these uses would be restricted by the 1,500-foot separation requirement. The revision would allow such co-location when appropriate, while maintaining the intent of the buffer in other scenarios.

Finally, the ordinance language is being refined to ensure definitions align with those in the State Licensing Act. There were numerous references to “adult foster care facility” in the ordinance, but the State Licensing Act specifically uses the term “adult foster care family home.” The term “adult foster care facility” is a broader definition that encompasses various types of care settings. To clarify this distinction and align with the Licensing Act, it is being proposed to update the language accordingly.

Additionally, it is being proposed to add definitions and allow for adult foster care congregate facilities, unified care facilities, and other larger care facilities within the R-2 Residential District to better accommodate these uses.

#4 - Larger care facilities are already permitted in the R-2 Residential District. The proposal is to also allow congregate care facilities and unified care facilities in the R-3, R-4, and R-5 districts.

#5 - For larger facilities, existing special use provisions will be updated to include certain exceptions, particularly relating to the 1,500-foot separation requirement. For example, unified care facilities operated by the same entity may be allowed closer proximity through a special use permit, subject to Planning Commission approval. This would provide flexibility for cases like a daycare center adjacent to a vacant parcel seeking to establish an adult foster care use, where the buffer currently restricts development. Ms. Stefforia shared an example of where this would apply.

#6 & 7 – These would be additional conditions for congregate and unified care facilities requirements such as:

- Frontage on or direct vehicular access to a primary or arterial road,
- Connection to public sewer and water services.

Ms. Stefforia clarified that currently, no large facilities are allowed in R-2, even as a special use, but that there are some parcels in the Township where it might be appropriate. These standards aim to ensure that larger care facilities are appropriately located and serviced, preventing unsuitable placement within interior neighborhood parcels. Ms. Harris pointed out criteria #3 already lays out that any building must be compatible in size, height, external design, landscaping, and surrounding open space as other residential buildings in the area.

Planned Unit Development. The PUD language concerning concept plans and project phasing requires clarification. Currently, concept plans for Planned Unit Developments (PUDs) often are not finalized before site plans begin to be submitted. It is being proposed that the ordinance be amended to require that a detailed site plan for a PUD must be submitted for review within six months of concept plan approval. Additionally, if more than two years elapse between submissions of individual site plans within the PUD—unless otherwise allowed by an approved phasing plan—the Commission may require resubmission of the concept plan for further review and possible revision.

Asking for a phasing plan to be provided is phasing proposed. If a phase does not commence within 12 months of the approved phasing plan, the Planning Commission may require a resubmission of the Conceptual Plan or overall planned unit development site plan for further review and possible revision. Further revisions will be made to this section to ensure the language aligns consistently with the Mixed-Use provisions.

With permission from Vice Chair Everett, Ms. Stefforia invited Curt Aardema to the podium to speak.

Mr. Aardema inquired about the Planned Unit Development (PUD) at the corner of Drake and Stadium Drive, a project expected to span 10 to 15 years, noting that approximately three acres remain undeveloped. He asked whether a concept plan review would need to be brought back to the Planning Commission for the final phase, which is anticipated to be developed within the next couple of years.

Mr. Porter responded that he did not believe an additional concept plan review would be required since this is part of the existing project continuing under its current phasing plan. A new review would only be triggered if a revised phasing plan were necessary.

Vice Chair Everett inquired further about the site plan review process. Mr. Porter confirmed that site plan review would still be required for the development of the remaining parcel.

Ms. Stefforia suggested revising the language to indicate that resubmission of the phasing plan may be required, rather than a concept plan, similar to the process used for Mixed-Use developments. She further clarified that the project Mr. Aardema referenced would be grandfathered in and would not need to submit a new phasing plan for the development of the final phase.

Mr. Aardema shared this support for the proposed changes linking resubmission requirements more closely to the phasing plan, rather than the entire concept plan. The change provides clarity and flexibility.

Ms. Stefforia thanked Mr. Aardema for his input.

Temporary Outdoor Events. Ms. Stefforia shared that the Planning Department has been receiving an increasing number of last-minute requests for temporary outdoor events, such as weekend gatherings in church parking lots. The proposed amendment seeks to formalize the process by allowing events lasting up to three days to be reviewed administratively, extending the current limit from one day to three days.

Sidewalks and Non-Motorized Facilities. The Township has debated this issue multiple times over the years. A key challenge arises when sidewalks are constructed but do not connect to other pedestrian infrastructure, resulting in incomplete networks. New regulations now prohibit the construction of ‘sidewalks to nowhere.’ The Zoning Board of Appeals (ZBA) has requested amendments in response to having granted three recent requests that allowed property owners to consent to a future special assessment district, rather than requiring immediate construction of sidewalk segments or escrow deposits. This approach acknowledges that construction costs may change over time and that building larger sidewalk segments at once can achieve economies of scale, avoid piecemeal development, and minimize design complications.

Vice Chair Everett recommended advancing this item to a public hearing. Ms. Stefforia advised that the public hearing would be scheduled for the second meeting in July, on July 24th, as the first meeting will focus on the Comprehensive Master Plan.

Vice Chair Everett **made a motion** to hold a public hearing on the afore-mentioned text amendments on July 24th. Mr. Makohn **seconded the motion**. The **motion passed** unanimously.

OTHER UPDATES AND BUSINESS

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

Ms. Stefforia requested the cancellation of the June 26th Planning Commission meeting.

Mr. Makohn **made a motion** to cancel the June 26, 2025 Planning Commission. Mr. Jefferies **seconded the motion**. The **motion passed** unanimously.

Mr. Jefferies shared that Kalamazoo College is implementing a policy requiring all juniors and seniors to reside on campus.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:50 p.m.

Minutes Prepared: June 16, 2025

Minutes Approved:

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269-216-5220 Fax 269-375-7180 www.oshtemo.org

MEMO

To: Planning Commission
From: Jodi Stefforia, Planning Director & Planning Department Staff
Date: July 24, 2025
RE: Public Hearing - Text Amendments addressing MUD, PUD, Adult Foster Care, Non-Motorized and Temporary Outdoor Events

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

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

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

Attach: Public Hearing Draft - Text Amendments: MUD, PUD, Adult Foster Care, Non-Motorized and Temporary Outdoor Events Ordinance 685

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

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

Changes from Draft One are in blue.

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

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

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

30.20.C. APPLICATION REQUIREMENTS

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

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

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

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

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

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

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

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

(8) Residential Density and Density Bonus.

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

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

g) Mixed Use Buildings

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

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

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

(11) Buffer from Adjacent Residentially Zoned Districts.

ii. Walls or fences – Walls or fences may be combined with a berm and ~~together~~ must be a minimum of six (6) feet ~~in height but cannot exceed above the original grade level in height~~ as measured on the side of the proposed wall or fence having the higher grade. A required wall or fence shall be adjusted to the lot line except where underground utilities interfere and except in instances where conformity with front yard setback is required. Upon review of the landscape plan, the reviewing body may approve an alternate location of a wall or fence. The Planning Department shall review the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, precast brick face panels, stone, or wood and submit the same to the Planning Commission for approval. Chain link fences with opaque slats are not permitted.

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

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

A. CONDITIONS FOR DEVELOPMENT

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

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

B. PERMITTED USES

8) ~~Hospitals and Medical clinics.~~

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

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

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

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

D. DEVELOPMENT REQUIREMENTS

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

Unrelated Amendments regarding adult foster care and similar facilities

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

1. ADD to and AMEND Section 2.20 DEFINITIONS

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

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

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

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

Example below from Section 4.20 AG: AGRICULTURAL DISTRICT

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

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

7.40 SPECIAL USES

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

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

Example below from Section 8.40 R-3: RESIDENCE DISTRICT

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

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

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

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

1. AMEND: PUD Phasing and time limits

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

41.100 APPROVAL PROCESS AND DOCUMENTATION REQUIRED

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

41.110 POST-APPROVAL PROCEDURES AND REQUIREMENTS

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

2. AMEND: Temporary Outdoor Events

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

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

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

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

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

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

VARIOUS SECTIONS WHERE TEMPORARY OUTDOOR EVENTS ARE LISTED

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

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

DRAFT CHARTER TOWNSHIP OF OSHTEMO ORDINANCE NO. 685

Adopted:

Effective:

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

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

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

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

C. APPLICATION REQUIREMENTS

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

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

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

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

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

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

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

(8) Residential Density and Density Bonus.

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

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

- e) Green Energy – If this density bonus is utilized, the applicant shall designate through their design standards the type of buildings within the development that will meet these standards.
 - 1. 50% of the buildings are constructed to LEED Silver Standards or 50% of the buildings are constructed to Energy Star certified standards (15% density increase).
 - 2. 100% of the buildings are constructed to LEED Silver Standards or 50% of the buildings are constructed to LEED Gold Standards 75% of the buildings are constructed to Energy Star certified standards. (30% density increase).
 - f) Open Space
 - 1. Minimum provided open space is 20% (10% density bonus)
 - 2. Minimum provided open space is 30% (20% density bonus)
 - g) Mixed-Use Buildings
 - 1. Minimum of 20% of buildings have both residential and non-residential uses (10% density bonus)
 - 2. Minimum of 30% of building have both residential and non-residential uses (20% density bonus)
- (10) **Phasing.** A developmental procedures agreement shall describe the timing and phasing, if applicable, of the project and outline other development details as necessary. When proposed construction or development is to be phased, the project shall be designed in a manner that allows each phase to function regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the mixed-use development and residents of the surrounding area. A phasing plan including when each phase is anticipated to commence must be provided for consideration by the Planning Commission. If a phase does not commence within 12 months of the approved phasing plan, the Planning Commission may require a resubmission of the phasing plan for further review and possible revision.
- (11) **Buffer from Adjacent Residentially Zoned Districts.**
- ii. Walls or fences – Walls or fences may be combined with a berm and together must be a minimum of six (6) feet in height as measured on the side of the proposed wall or fence having the higher grade. A required wall or fence shall be adjusted to the lot line except where underground utilities interfere and except in instances where conformity with front yard setback is required. Upon review of the landscape plan, the reviewing body may approve an alternate location of a wall or fence. The Planning Department shall review the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, precast brick face panels, stone, or wood and submit the same to the Planning Commission for approval. Chain link fences with opaque slats are not permitted.
- (12) **Natural features.** The development shall be designed to promote the preservation of natural features which shall be defined as water resources and adjacent upland buffers, steep slopes, rolling hills, and dense forests in a manner consistent with the Natural Features Protection District of Ordinance 585 and the Environmental Protection Requirements of Article 56. The Planning Commission may consider and approve deviations from ordinance requirements upon a finding by the Public Works Director that the proposed project layout and/or amenities will not result in significant negative impacts to existing natural features. In such cases, the Planning Commission

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

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

A. CONDITIONS FOR DEVELOPMENT

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

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

B. PERMITTED USES

8) Medical clinics.

11) Reserved

15) Reserved.

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

29. Reserved.

C. DEVELOPMENT REQUIREMENTS

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

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

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

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

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

J. Adult Foster Care Family Home.

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

I. Adult Foster Care Family Home.

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

E. Adult Foster Care Family Home.

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

J. Adult Foster Care Family Home.

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

D. Adult Foster Care Family Home.

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

F. Adult Foster Care Family Home.

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

C. Adult Foster Care Family Home.

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

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

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

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

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

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

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

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

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

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

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

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

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

4. No signs are permitted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The following Site Plan reviews are exempt from this Section:

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

DUSTY FARMER, CLERK
OSHTIMO CHARTER TOWNSHIP

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

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

57.90 SIDEWALKS AND NON-MOTORIZED FACILITIES

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

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

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

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

The following Site Plan reviews are exempt from this Section:

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

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269-216-5220 Fax 269-375-7180 www.oshtemo.org

MEMO

To: Planning Commission
From: Jodi Stefforia, Planning Director
Date: July 24, 2025
RE: First Draft - Text Amendments addressing supplemental setback and clarification on residential parking provisions

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

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

Draft one of proposed changes are attached to this memo. We hope that the Planning Commission will agree to set these amendments for hearing on the August 14 meeting.

Attach: First Draft - Text Amendments: Supplemental setback and parking

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

Note: New language is in red.

PART ONE: Amendments to Article 50 Schedule of Regulations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Amend: Section 52.30 AGRICULTURAL AND RESIDENTIAL ZONES

Parking of motor vehicles in the agricultural or residential zones, except those used for farming or recreational purposes, shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type not to exceed two-ton rated load carrying capacity. **Except as otherwise specified herein,** one and two- family dwellings and farms shall be exempt from the off-street parking requirements that follow.