

7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334  
269-216-5220 Fax 375-7180 TDD 375-7198  
www.oshtemo.org

**NOTICE  
OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**Regular Meeting  
Thursday, July 11, 2019**

**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 27, 2019
6. **SITE PLAN REVIEW: O'Reilly Auto Parts – TABLED JUNE 13, 2019**  
Consideration of an application from Marketplace Development, LLC for site plan approval to build a new O'Reilly Auto Parts store at 6297 West Main Street. Parcel No. 3905-14-405-054.
7. Old Business
8. Any Other Business
  - a. Planning Commission By-Laws – draft amendments
  - b. Landscape Ordinance
9. Planning Commissioner Comments
10. Adjournment

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

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

a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email ([oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org)), walk-in visits, or by appointment.

b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

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

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

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

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

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

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions and concerns are accepted at all hours through the website contact form found at [www.oshtemo.org](http://www.oshtemo.org), email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to [oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org) and it will be directed to the appropriate person.

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

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

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A WORK SESSION HELD JUNE 27, 2019**

---

**Agenda**

**LIGHTING ORDINANCE REVIEW**

**MAPLE HILL SOUTH OVERLAY ZONE REVIEW**

---

A work session of the Oshtemo Charter Township Planning Commission was held Thursday, June 27, 2019, commencing at approximately 6:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Bruce VanderWeele, Chair  
Ollie Chambers  
Dusty Farmer, Secretary  
Micki Maxwell  
Mary Smith, Vice Chair

MEMBERS ABSENT: Ron Commissaris  
Keisha Dickason

Also present were, Julie Johnston, Planning Director, James Porter, Township Attorney, and Martha Coash, Meeting Transcriptionist. No other persons were in attendance.

**Call to Order and Pledge of Allegiance**

Chairperson VanderWeele called the meeting to order at approximately 6:00 p.m.

**Agenda**

The Chair determined no changes to the agenda were needed and moved to the next item.

**Public Comment on Non-Agenda Items**

As no members of the public were present; the Chair moved to the next item.

## **Approval of the Minutes of June 13, 2019**

Chairperson VanderWeele asked if there were any additions, deletions or corrections to the minutes of June 13, 2019. Hearing none, he asked for a motion.

Mr. Chambers made a motion to approve the minutes of June 13, 2019 as presented. Ms. Maxwell supported the motion. The motion was approved unanimously.

Chairperson moved to the next agenda item and asked Ms. Johnston to lead the group through the draft lighting ordinance review.

## **DRAFT LIGHTING ORDINANCE REVIEW**

Ms. Johnston said the final concern regarding the Lighting Ordinance was provision of language to address lighting ratios within the site. She noted new language had been included in the latest draft.

The intent of the ratio is to help ensure consistent lighting within an area. Staff agreed with many Ordinances reviewed, with the Dark Sky Society, and the suggestion by Circuit Electric, who reviewed the draft ordinance, that we focus the lighting ratio on parking lot areas. Through the use of maximum lumens and the 0.1 foot-candle at the property line, the draft Ordinance is managing much of the light on the site. By also including a ratio in parking lot and drive aisle areas, we are ensuring some consistency of lighting that will assist with public safety. Commissioners considered and accepted the lighting ratio wording included in the draft.

Ms. Maxwell suggested the Township purchase a light meter and train Township staff in its use, if necessary, for utilization when enforcement of light levels is needed.

Ms. Farmer felt the Lighting Ordinance was ready for approval and looked forward to being able to enforce requirements. She suggested adding purchase of a light meter to the recommendation for approval of the Ordinance when appropriate.

Ms. Johnston noted the Ordinance would require a photometric plan as part of site plan applications.

In response to a question from Chairperson VanderWeele regarding enforceability of the interior lighting requirement near windows, Attorney Porter replied that the Ordinance would be enforceable.

There was consensus of the Commissioners present to move the draft Ordinance forward for consideration by the public at the August 8 Planning Commission meeting.

## **DRAFT MAPLE HILL SOUTH OVERLAY ZONE REVIEW**

Ms. Johnston provided the third draft of the new Maple Hill South Overlay Zone, noting the requested updates from the May 9<sup>th</sup> meeting were added to the draft and noted the intent was to continue systematic review of the draft for possible additions or changes.

Changes from the last meeting were confirmed. Next the group considered the Site Development Requirements table. There was discussion of requirements including height, placement, minimum floor area and open space in each of the four context zones. Discussion resulted in some changes and a request for Ms. Johnston to consult further with Wade Trim regarding story height.

There was extended background discussion regarding provision of the allowance of a variety of housing options for a range of income levels in the Overlay Zone.

## **OLD BUSINESS**

There was no old business to consider.

## **ANY OTHER BUSINESS**

### **a. Update on O'Reilly Auto Parts Site Plan**

Ms. Johnston told Commissioners the applicant plans to go to the Zoning Board of Appeals at a July 9<sup>th</sup> special meeting to ask for reconsideration of staff's interpretation of the Zoning Ordinance related to parking and their retail use.

They also plan to present an updated site plan and elevation drawings at the July 11<sup>th</sup> Planning Commission meeting.

## **PLANNING COMMISSIONER COMMENTS**

There were no comments from Commissioners.

## **ADJOURNMENT**

Hearing no further comments, Chairperson VanderWeele adjourned the meeting at approximately 8:00 p.m.

Minutes prepared:  
June 28, 2019

Minutes approved:  
\_\_\_\_\_, 2019

July 1, 2019



**Mtg Date:** July 11, 2019  
**To:** Planning Commission  
**From:** Julie Johnston, AICP  
**Subject:** Updated O'Reilly Auto Parts Site Plan

At the June 13<sup>th</sup> Planning Commission meeting, Marketplace Development, LLC requested site plan approval for a new O'Reilly Auto Parts store at 6297 West Main Street within the West Main Overlay Zone. The staff report, dated June 4<sup>th</sup>, detailed the outstanding items related to the site plan packet for this development and recommended conditions associated with those items. In addition, during Planning Commission deliberation, concern was expressed related to the exterior building design. Ultimately, the site plan was tabled to allow the developer an opportunity to address any outstanding concerns.

The issues outlined in the June 4<sup>th</sup> staff report and any new information related to those issues are outlined below:

- 1. The Planning Commission will need to determine if the proposed exterior building design meets the intent of the West Main Overlay zone.**

The developer provided new elevation drawings, which are attached to this memo.

- 2. A minimum of 29 parking spaces will need to be removed from the site. The removal of these spaces could alter the storm water management design, requiring additional review by the Township Engineer.**

The developer has requested a special meeting on July 9<sup>th</sup> with the Zoning Board of Appeals to appeal staff's interpretation of the Zoning Ordinance related to parking and their retail use. Depending on the outcome of that meeting, the developer will either need to comply with the 29 maximum parking spaces determined by staff or will be granted a different number based on the Zoning Board of Appeals decision.

- 3. A note needs to be placed on the lighting plan which indicates when reduced lighting will be employed.**

The developer indicated the current lighting plan has two notes related to reduced lighting on the site. No new photometric plan was provided. The notes are as follows:

*Exterior site lights will turn on when it is dark enough outside and it is within store hours or there is a motion in the store. They will turn off 30 minutes after last motion once the store is closed.*

*For new construction only, there is a temporary program to keep sign and site lights on until midnight rather than the times indicated above. O'Reilly will disable this program one year after store opening.*

The applicant has indicated store hours are:

Monday	7:30AM–10PM
Tuesday	7:30AM–10PM
Wednesday	7:30AM–10PM
Thursday	7:30AM–10PM
Friday	7:30AM–10PM
Saturday	7:30AM–10PM
Sunday	8AM–8PM

The Lighting Ordinance indicates that lighting shall be significantly reduced during non-operational hours of the business, allowing only lighting necessary for security purposes, and the lighting plan should note when lighting will be reduced. The notes on the plan indicate that all site lighting will be distinguished after store hours and when no motion is detected. If the applicant included the hours of operation on the lighting plan, the notes above may meet the intent of the Ordinance. However, past precedent has been to have a time certain for when the lighting would be reduced and to what percentage. For example, past site plan approvals have included the following language:

*All exterior light fixtures shall be reduced to 30 percent power at the close of business but no later than 10:00 pm until 7:00 am or the start of business via an owner programmable timer.*

In addition, the second note related to new construction would allow site lighting to stay on until midnight during the first year of operation. Staff would recommend removing this note from the plan. Staff also still recommends a condition related to the reduced lighting requirement. At minimum, the hours of operation should be included on the photometric plan to indicate when lighting is expected to be reduced (30 minutes after store closing).

- 4. Agreements for the off-site improvements are still needed as of the date of this staff report. The Planning Commission will need to consider if a condition that an agreement is provided will suffice for site plan approval.**

Staff has not received an update to this issue.

- 5. A cross-access agreement for the use of the existing curb cut on West Main Street.**

Staff has not received an update to this issue.

- 6. Permission from MDOT to work within the road right-of-way.**

Staff has not received an update to this issue.

If the Planning Commission is considering approval of the site plan, staff would recommend the following conditions:

1. An agreement from the adjacent property owner to the east be provided that allows off-site improvements to their property. This condition will be completed before any site or building improvements are made on the property.
2. A cross-access agreement with the adjacent property owner to the east be provided that allows use of the existing curb cut. This condition will be completed before any site or building improvements are made on the property.
3. A permit from MDOT be provided allowing the improvements within the West Main Street right-of-way. This condition will be completed before any site or building improvements are made on the property.
4. An executed document for the dedication of the open space be provided to the Township before a certificate of occupancy is issued on the building.

In addition, depending on the outcome of the Zoning Board of Appeals meeting, an additional condition may be needed related to parking, as follows:

5. A revised site plan be provided to the Township showing the correct number of parking spaces. If the storm water management plan is altered due to the change in parking, the Township Engineer or his designee will review and approve the redesigned system. This condition will be completed before the issuance of a building permit.

Finally, the Planning Commission will need to review the revised exterior building design and the lighting plan. Staff had the following condition in the June 4<sup>th</sup> staff report related to lighting:

6. A revised lighting plan with the removal of the note related to new construction and exterior lights on until midnight. In addition, a note indicating when lighting will be significantly reduced during non-operational hours of the business, allowing only lighting necessary for security purposes (*the Planning Commission to determine those hours or require the operational hours of the business to be placed on the lighting plan*). This condition will be completed prior to the issuance of a building permit.

Any additional conditions related to the exterior building design should also be included, if needed.

Thank you.

# Exterior Finish Legend

- EIFS (Exterior Insulation and Finish System)  
Dryvit "Patchwood"
- EIFS (Exterior Insulation and Finish System)  
Sherwin Williams "Softer Tan" SW6141
- Sheet Metal Cap Flashing  
Sherwin Williams "Softer Tan" SW6141
- Standing Seam Metal Roof System  
Galvalume
- Egress Doors, Overhead Door, and Frames  
Sherwin Williams "Softer Tan" SW6141
- Sheet Metal Cap Flashing, Trim, Gutters, and Downspouts  
"Cool Birch White"
- Bollards  
Sherwin Williams "Hunt Club" SW6468
- 1014 Aluminum and Glass Storefront System  
Eco "Ivy", Kanmeer "Dark Ivy", or Vista Wall  
Sherwin Williams "Interstate Green" SW6468  
(6" Address Number - White)
- Fibre Cement Lap Siding
- Cement Fiber Exterior Wall Panel - Ledgestone  
Nichilsa - Bluff
- Cedar Shake Shingles



## 1 FRONT ELEVATION

**torgerson**  
**DESIGN**  
**partners**

ARCHITECTURE PLANNING MANAGEMENT  
116 NORTH 2ND AVENUE - OZARK, MISSOURI 65721  
PHONE: 417-581-8889 - FAX: 417-581-9002

OSHTEMO TOWNSHIP, MI (OTP)  
O'REILLY BTS



ELEVATION RENDERINGS - NOT TO SCALE



**1 FRONT ELEVATION**



**2 RIGHT SIDE ELEVATION**



**3 BACK ELEVATION**



**4 LEFT SIDE ELEVATION**

## Exterior Finish Legend

-  EIFS (Exterior Insulation and Finish System)  
Dryvit "Patchwood"
-  EIFS (Exterior Insulation and Finish System)  
Sherwin Williams "Softer Tan" SW6141
-  Sheet Metal Cap Flashing  
Sherwin Williams "Softer Tan" SW6141
-  Standing Seam Metal Roof System  
Galvalume
-  Egress Doors, Overhead Door, and Frames  
Sherwin Williams "Softer Tan" SW6141
-  Sheet Metal Cap Flashing, Trim, Gutters, and Downspouts  
"Cool Birch White"
-  Rollards  
Sherwin Williams "Hunt Club" SW6468
-  1014 Aluminum and Glass Storefront System  
Eco "Ivy", Kanmeer "Dark Ivy", or Vista Wall  
Sherwin Williams "Interstate Green" SW6468  
(6" Address Number - White)
-  Fiber Cement Lap Siding
-  Cement Fiber Exterior Wall Panel - Ledgestone  
Nichils - Bluff
-  Cedar Shake Shingles



ARCHITECTURE PLANNING MANAGEMENT  
116 NORTH 2ND AVENUE - OZARK, MISSOURI 65721  
PHONE: 417-581-8889 - FAX: 417-581-9002

OSHTEMO TOWNSHIP, MI (OTP)  
O'REILLY BTS

ELEVATION RENDERINGS - NOT TO SCALE







July 1, 2019

**Mtg Date:** July 11, 2019  
**To:** Planning Commission  
**From:** Julie Johnston, AICP  
**Subject:** Amended By-Laws

The Planning Commission By-Laws had not been reviewed or updated since 2009. Recently, staff began developing new by-laws for the Zoning Board of Appeals and thought this was an ideal time to make improvements to the Planning Commission By-Laws. The attached document provides suggested amendments based on current operations of the Planning Commission and more detailed information on meeting requirements. Staff recommends reviewing the suggested changes for discussion and possible changes at the July 11<sup>th</sup> meeting.

Enclosed with this memo is a copy of the current By-Laws and staff's recommended changes shown in red or ~~strikethrough~~ language.

Thank you.

# OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

## BY-LAWS

*Amended November 19, 2009*

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

### **Section 1.0 OFFICERS**

- 1.1 Election.** At the first regular meeting of each year, the Planning Commission shall elect from its membership a chair, vice-chair and secretary. All officers are eligible for reelection.
- 1.2 Tenure.** The chair, vice-chair and secretary shall take office immediately following their election and shall hold office for a term of one (1) year or until their successors are elected and assume office.
- 1.3 Duties.** The chair shall preside at all meetings and perform such other duties as may be ordered by the Planning Commission.

The vice-chair shall act in the capacity of chairperson in her/her absence; and in the event the office of the chair becomes vacant, the vice-chair shall succeed to this office for the unexpired term, and the Planning Commission shall elect a successor to the office of vice-chair for the unexpired term.

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

### **Section 2.0 MEETINGS**

- 21 Regular Meetings.** Meetings of the Planning Commission will be held the second and fourth Thursdays of each month at 7:00 p.m. at the Township Hall unless noticed otherwise.

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

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

**22 Special Meetings.** Special meetings of the Planning Commission shall be held when necessary and may be called by the planning director and the chair or, in the absence of the chair, any two (2) members of the Planning Commission.

**23 Quorum.** A majority of the total number of members shall constitute a quorum for the taking of official action on all matters.

**24 Noticing.** All public hearing items shall be noticed pursuant to the Zoning Enabling Act, Planning Enabling Act or any other applicable statute.

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

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

- (a) Call to Order
- (b) Pledge of Allegiance
- (c) Approval of Agenda
- (d) Public Comment on Non-Agenda Items
- (e) Approval of Minutes
- (f) Public Hearing Items
- (g) Consideration of Agenda Items
- (h) Discussion Items
- (i) Other Business
- (j) Planning Commissioner Comments
- (k) Adjournment

**26 Public Input.** All regular and special meetings, hearings, and records shall be open to the public.

All persons present at a meeting shall be given an opportunity to speak and present any relevant information or evidence at such meeting in accordance with the following rules:

- (a) All public comment shall be received only during the public comment portion of the meeting, i.e., at such time(s) during the meeting that the Chairperson asks for public comment on the item of business.
- (b) All public comment offered during the meeting shall be directed and relevant to the item of business on which the meeting is being conducted.
- (c) All public comment shall be limited to four (4) minutes in duration per person unless special permission has been granted in advance by the Chairperson of the meeting.
- (d) Public comment shall not be repetitive, irrelevant, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business.
- (e) The Chairperson of the meeting shall terminate any public comment which is in contravention of any of the principles and procedures set forth herein.

**27 Motions.** Motions shall be stated before a vote is taken. The names of the maker and supporter of a motion shall be recorded.

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

**28 Voting.** Voting shall be by voice and shall be recorded by yeas and nays.

### **Section 3.0 PUBLIC HEARINGS**

#### **3.1 Procedure.**

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

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

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

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

#### **Section 4.0 MINUTES**

**4.1 Responsibility.** Within eight (8) days from the date of the Planning Commission meeting, copies of the tentative minutes shall be available at the Township office.

**4.2 Approval Process.** Upon receipt of a copy of the tentative minutes, each member of the Planning Commission shall review the minutes for form and content. Planning Commission action shall be taken indicating approval of same, with all, if any, corrections.

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

#### **Section 5.0 MATTERS TO BE CONSIDERED BY THE PLANNING COMMISSION**

**51** The following matters shall be presented for consideration at a meeting of the Planning Commission.

- (a) Development of an amendment to a master land use plan.
- (b) Establishment of zoning districts and the boundaries thereof.
- (c) Zoning Ordinance text with the necessary maps and zoning regulations for each zoning district.
- (d) Requests and proposals for changes in the Zoning Ordinance.
- (e) All planning documents, reports and plans.
- (f) Special Exception Use Permit/Site Plan Review requests.
- (g) Land subdivision plats and condominiums.

- (h) Such other matters as the planning director shall find it advisable to receive Planning Commission consideration.

## **Section 6.0 CONFLICT OF INTEREST**

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

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

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

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

## **Section 7.0 PLANNING COMMISSION STAFF**

**7.1 Authorization.** The Planning Commission staff shall consist of the planning director and such other personnel as may be authorized by the Township Board.

**7.2 General Responsibility.** The planning director shall be responsible for the professional and administrative work in directing and coordinating the program of the Planning Commission.

**7.3 Duties.** The planning director shall:

- (a) Advise and assist the Planning Commission in the establishment of general planning policy.
- (b) Make recommendations on matters presented for Planning Commission consideration.
- (c) Officially represent the Planning Commission and the planning department at planning conferences, interdepartmental meetings of the township government, intergovernmental meetings, and serve generally as a liaison between the Planning Commission and the public.
- (d) Cooperate with public and private agencies and with individuals for the development, acceptance, and effectuation of plans.
- (e) Supply information for and encourage interested public agencies and citizen organizations involvement in programs to promote public understanding and approval of planning and zoning.
- (f) Prepare an annual written report concerning the Planning Commission's operations and activities and any recommendations to the Township Board.

## **Section 8.0 AMENDMENTS**

**8.1** These rules may be amended at any regular or special meeting of the Planning Commission by a two-thirds vote of the members present.

**CHARTER TOWNSHIP OF OSHTEMO PLANNING COMMISSION  
BY-LAWS**

*DRAFT 07-11-2019*

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

**SECTION 1.0: OFFICERS**

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

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

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

- 1.4 Absence of the Chair and Vice-Chair.** If both the Chair and Vice-Chair are absent from a meeting, the Planning Commission shall vote in a chairperson to perform the necessary duties for that meeting. The Chair and/or Vice-Chair shall resume normal duties at the next scheduled meeting.
- 1.5 Vacancies.** If a vacancy should occur in any office, the Planning Commission shall elect another person to fill such vacancy in the same manner and under the same conditions outlined above for the remainder of the term of said office.
- 1.6 Secretary.** The Secretary shall be appointed by the Planning Commission and may be an employee or contractor of the Township, or a member of the Planning Commission. The Secretary is responsible for keeping a written record, in the English language, of the resolutions, transactions, findings, and determinations of the Planning Commission, which shall be a public record subject to the provisions of the Michigan Freedom of Information Act, Public Act 442 of 1976, as amended.

**SECTION 2.0: MEETINGS**

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

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

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

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

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

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

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

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

- (a) Call to Order
- (b) Pledge of Allegiance
- (c) Approval of Agenda
- (d) Public Comment on Non-Agenda Items

- (e) Approval of Minutes
- (f) Public Hearing Items
- (g) Consideration of **other** Agenda Items
- (h) ~~Discussion Items~~ **Old Business**
- (i) Other Business
- (j) Planning Commissioner Comments
- (k) Adjournment

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

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

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

- (a) **Opening Announcement.** The Chairperson shall give an official opening announcement of the public hearing indicating the basic nature of the request.
- (b) **Order of Hearing.** The Chairperson shall conduct the public hearing in the following order:
  - (1) Presentation of the application by Township staff (staff report presentation).
  - (2) Questions from Planning Commission to Township staff.
  - (3) Comments and explanations by the applicant.
  - (4) Questions from Planning Commission to the applicant.
  - (5) Opening of Public Hearing, comments from public.
  - (6) Closing of Public Hearing to public comments.
  - (7) Planning Commission deliberation.
  - (8) Consideration of action by the Planning Commission.
- (c) **Public Input.** All regular and special meetings, hearings, and records shall be open to the public. All persons present at a meeting shall be given an opportunity to speak and present any relevant information or evidence at such meeting in accordance with the following rules:

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

information through the Chair. When discussion on the matter at hand by the Planning Commission has been completed, they may take action.

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

A motion shall include the action and any conditions imposed, and reasons supporting the motion. Motions to table or adjourn a matter to a future meeting shall include the date, time, and place at which the matter will be further considered.

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

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

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

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

### **Section 3.0 PUBLIC HEARINGS**

#### **3.1 Procedure.**

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

~~(g) Planning Commission comments on motion~~

~~(h) Vote~~

~~**3.2 Site Visit.** The Planning Commission reserves the right to view together as a Commission the real property which may be the subject of its review before arriving at its decision. Notice of site visits conducted as a Planning Commission shall be given pursuant to the Open Meetings Act or any other applicable statute.~~

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

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

**3.1 Responsibility.** Minutes shall be prepared by the Secretary designated by the Planning Commission. Within eight (8) days from the date of the Planning Commission meeting, copies of the tentative minutes shall be available at the Township office.

**3.2 Content.** The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of votes; complete statement of the conditions made on any action; and recording of attendance.

**3.3 Approval Process.** Upon receipt of a copy of the tentative minutes, each member of the Planning Commission shall review the minutes for form and content. Planning Commission action shall be taken indicating approval of same, with all, if any, corrections.

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

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

**4.1** The following matters shall be presented for consideration at a meeting of the Planning Commission.

(a) Development of an amendment to a master land use plan.

(b) Establishment of zoning districts and the boundaries thereof.

(c) Zoning Ordinance text with the necessary maps and zoning regulations for each zoning district.

(d) Requests and proposals for changes in the Zoning Ordinance.

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

**SECTION ~~6.0~~ 5.0: CONFLICT OF INTEREST**

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

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

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

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

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

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

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

**SECTION 7.0: PLANNING COMMISSION STAFF**

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

**SECTION 8.0: CONFLICTING PROVISIONS**

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

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

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

**THESE BY-LAWS WERE DULY ADOPTED BY THE CHARTER TOWNSHIP OF OSHTEMO PLANNING COMMISSION DURING ITS REGULAR MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.**



July 1, 2019

**Mtg Date:** July 11, 2019  
**To:** Planning Commission  
**From:** Julie Johnston, AICP  
**Subject:** DRAFT Landscape Ordinance

In 2016, the Planning Commission worked for several months developing a new Landscape Ordinance. Time was spent in the field reviewing constructed sites to see how landscaping was being developed and other community ordinances were examined for comparisons. A revised draft Landscape Ordinance was developed, which staff applied to existing sites around Oshtemo and reviewed with the Commission. In the end, the attached draft Ordinance was created.

At the conclusion of the draft ordinance review, staff knew the Planning Commission would be working on revising and reorganizing the entirety of the Zoning Ordinance and therefore, decided to table the new Landscape Ordinance to become a part of that project instead of holding the public hearings for adoption. As time constraints persisted, the revised/reorganized Zoning Ordinance project was reduced to being primarily a “reorganization” project. Sweeping changes to the Ordinance, which were originally envisioned, were tabled until after the reorganization was complete.

Now that the reorganized Zoning Ordinance has been approved and codified by the Township, we can begin to make additional changes that improves the code. Since the Landscape Ordinance received months of Planning Commission scrutiny in 2016, staff thought this might be a good place to begin, which would hopefully be a less complicated review.

The DRAFT Landscape Ordinance is attached. This was a complete rewrite of the current ordinance and therefore does not have the typical red and strikethrough language. In addition, the landscape plans which apply this new ordinance to existing sites is included, as well as a staff memo from 2016 explaining some of the major differences between the current and recommended ordinances. The plans will help the Planning Commission visualize how this new ordinance would be applied.

Thank you.

## ARTICLE 53: LANDSCAPING AND SCREENING

### A. Intent

The intent of this Article is to promote the public health, safety, and welfare and improve the visual appearance of the Township by requiring landscaping for each development for which site plan review is required. It is further the intent of this Article to achieve the following:

- Increase compatibility between uses and provide buffering between dissimilar land uses.
- Improve the overall aesthetics and appearance of public rights-of way.
- Improve air quality and provide shade.
- Decrease wind velocity, reduce soil erosion and increase surface water retention.
- Reduce glare from buildings, cars, night lighting, and other sources.
- Screen unattractive features.
- Reduce noise.
- Define safe access and circulation.
- Enhance or focus attention toward a feature (building, entrance, sign, etc.)
- Provide visual relief from monotonous features such as building walls, large parking lots and streets.
- Add natural color and texture and provide habitat for wildlife.
- Enhance and maintain the natural character and appearance of the community.

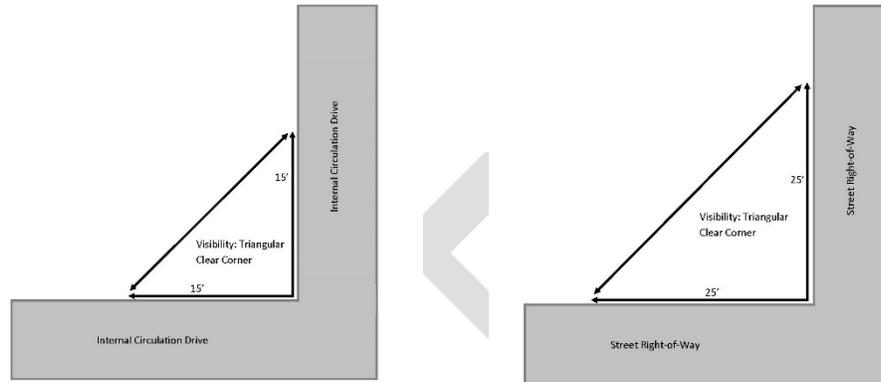
### B. Application of Requirements

These requirements shall apply to all uses subject to site plan review as defined in Article 64 of this ordinance. No site plan shall be approved unless a landscape plan is provided which meets the requirements set forth herein.

### C. General Provisions

1. Minimum Requirements - The requirements in this Article are minimum requirements and shall not preclude the developer and the Township from mutually agreeing to additional landscaping.
2. Landscape plan preparation – Landscape plans are required for all developments requiring site plan approval. However, site plans that meet one or more of the following must submit a Landscape Plan that is sealed by a landscape architect:
  - a. 70 or more parking spaces
  - b. Screening Between Land Uses
  - c. Request tree preservation credits
  - d. Request credits for preserving native vegetation
  - e. Request to submit an alternative landscape plan to restore pre-settlement vegetation
3. Site coverage - Portions of the site not devoted to floor area, parking, access ways or pedestrian use shall be appropriately landscaped with live plant material consisting of deciduous canopy and coniferous trees, understory trees, shrubs, ground cover, and grasses and maintained in a neat and orderly manner.

4. Visibility - Landscaping material and structures shall be placed in such a manner to not interfere with cross-visibility, public safety, or the safe movement of vehicles and pedestrians. A triangular clear view zone area shall be established at the intersections of street rights-of-way and internal circulation drives intended for continued movement within a site and between properties. The clear zone shall be 25 linear feet for street rights-of-way and 15 linear feet for internal circulation drives drawn along each right-of-way from their point of intersection, creating a triangular clear corner. No plant materials above a height of two feet, at maturity, from the established street grades shall be permitted within the clear view zone area.



5. Land clearing - Land clearing shall be limited to that needed for the construction of buildings, structures, parking lots, street right(s)-of-way, drainage and utility areas, other site improvements, and any grading necessary to accommodate such construction. No grading or removal of the following trees shall be permitted in the area of the parcel, lot or building site not developed:
  - a. Trees that are native to Michigan with a diameter of 2-inches or greater at 4-feet in height.
  - b. Trees that are not native to Michigan with a diameter of 8-inches or greater at 4-feet in height.
6. Public right-of-way/private easement greenspace – the land area lying between the paved portion of a public right-of-way/private easement and the property line shall be neatly maintained with grass or groundcover.
7. Maintenance – installation, maintenance, and completion
  - a. All landscaping required by this Article shall be planted before obtaining a certificate of occupancy or the appropriate financial guarantee such as cash placed in an escrow account, letter of credit, and/or performance bond in the amount of the cost of landscaping to be released only after landscaping is completed.
  - b. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedures.

- c. Landscaping required by this Article shall be maintained in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.
- d. Any areas that become disturbed for any reason shall be restored in accordance with the original landscape plan unless approved otherwise in writing by the Township.

D. Screening Between Land Uses

- 1. A landscape buffer shall be constructed to create a visual screen between the following land use types:
  - a. Nonresidential land use or zoned property along all adjoining boundaries of a residential land use or zoned property.
  - b. Multi-family or manufactured home community along all adjoining boundaries of a residential land use or zoned property.
- 2. The landscape buffer shall be a minimum of 30 feet in width.
- 3. The landscape buffer must create a visual barrier at least six (6) feet in height that provides opacity to the adjacent property owner.
- 4. The landscape buffer must contain two (2) canopy trees, two (2) evergreen trees and (2) understory trees for every 100 linear feet of required buffer length. Evergreens may be substituted for canopy and understory trees at a 1:1 ratio.
- 5. The landscape buffer must also include a combination of one or more of the following to provide the required 6-foot opaque visual barrier:
  - a. Berms – landscaped undulating earthen berms with varying heights as measured from the grade of the abutting property.
  - b. Walls or fences – Walls or fences must be a minimum of six (6) feet in height as measured on the side of the proposed wall or fence having the higher grade. A required wall or fence shall be located on the lot line except where underground utilities interfere and except in instances where conformity with front yard setback is required. Upon review of the landscape plan, the reviewing body may approve an alternate location of a wall or fence.

The Planning Department shall review and the Zoning Board or Appeals or Planning Commission shall approve the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, precast brick face panels, stone, or wood. Chain link fences with opaque slats are not permitted.

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

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

E. Parking Lot Landscaping

1. Parking lot landscaping shall include islands or peninsulas to delineate on-site circulation, ensure adequate sight distance at the intersection of aisles and interior roadways, and to prevent diagonal vehicular movement through parking lots. Features shall be designed with sufficient radii to ensure drivers are able to make turns without encroaching upon landscaping or adjacent traffic lanes.
2. Total parking lot landscaping shall be based on the following:
  - a. Parking lots with 10 parking spaces or fewer shall be exempt from parking lot landscaping requirements.
  - b. Parking lots with 11 spaces or more shall provide landscaping at 25 square feet per parking lot space. Total square footage shall be dispersed into separate landscape features, such as islands or peninsulas, within parking lots so as to break up the broad expanse of pavement, guide the circulation of vehicular and pedestrian traffic, and to provide shade and visual relief from pavement.
3. There shall be a minimum of one (1) canopy tree and two (2) low growing shrubs for every 200 square feet of required parking lot landscaping.
4. The minimum size of any parking lot landscape feature shall be no less than six (6) feet in any single dimension and no less than 200 square feet in area.
5. To reduce the impacts of extensive concrete or asphalt, a parking lot landscape feature must be provided at least every 200 linear feet of parking spaces.
6. All parking lot landscaping shall be neatly maintained with plant material or mulch.
7. Parking lot landscape features shall be protected by the installation of a raised concrete or asphalt curb, anchored landscape timbers around of the border, or other suitable means. A minimum distance of three (3) feet shall be established between proposed trees and the backside of the protection device.

F. Street Rights-of-Way Greenbelts

1. Greenbelts shall be 20 feet wide along public rights-of-way and 15 feet wide along private rights-of-way, measured from the right-of-way line.
2. The greenbelt shall be landscaped with a minimum equivalent of one (1) canopy tree and two (2) understory trees for every 100 linear feet, or fraction thereof, of frontage abutting a street right-of-way.

3. Parking lots adjacent to street rights-of-way shall provide shrubs at a ratio of 1.5 shrubs for every one (1) parking space. Shrubs that reach a mature height of at least three (3) feet shall be utilized and they shall be in groupings spaced at least three (3) feet on center to screen the parking lot from the right-of-way.
4. In addition to the required plantings within the greenbelt, the remainder of the greenbelt shall be landscaped with grass, ground cover, shrubs, and other organic landscape materials.
5. Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the linear dimension used to determine the minimum number of trees required.
6. Trees may be placed in groupings within the greenbelt.

#### G. Interior Site Landscaping

1. Interior site landscaping shall be provided on a minimum of 10 percent of the developed area of the parcel, lot or building site.
2. Interior site landscaping shall be located adjacent to buildings and in at least one side or rear yard distributed throughout the developed area of the parcel, lot or building site.
3. In addition to the other tree requirements outlined herein, one (1) canopy tree will be required for every 1,500 square feet and one (1) understory tree will be required for every 2,500 square feet of the interior site landscaping.
4. Interior site landscaping shall be provided to enhance the appearance of the site and screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air conditioning units, and loading areas.

#### H. Loading/Unloading Areas

Loading areas shall be landscaped in such a manner as to screen the area from view of public rights-of-way or private access easements.

#### I. Screening of Trash and Recycling Containers

1. Outside trash and recycling disposal containers shall be screened on all sides with an opaque fence or wall and gate at least as high as the container, but no less than six (6) feet in height, and shall be constructed of material that is compatible with the architectural materials used in the site development. The Planning Commission or Zoning Board or Appeals, at its discretion, may approve alternative methods of screening that meet the intent of this Article.
2. Containers and enclosures shall be located away from public view insofar as possible, and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.

3. Screening and gates shall be of a durable construction. Chain link fences with opaque slats are not permitted.

J. Landscape Elements

1. Native plant materials – At least 75 percent of required trees shall be native to Lower Michigan. At least 30 percent of all other required landscape material within each Plant Material Type shall be native to Lower Michigan. For information on native plants and lists of trees and shrubs, see the following websites:

- a. [www.nativeplants.msu.edu](http://www.nativeplants.msu.edu)
- b. [www.plant.native.org](http://www.plant.native.org)
- c. [www.wildflower.org/collections/Michigan](http://www.wildflower.org/collections/Michigan)

2. Composition -

- a. The use of a single species is prohibited. Except for plantings used for evergreen screening, no one species of tree or shrub may make up more than 50 percent of the total amount of required landscaping material.
- b. Any species known to have structural weakness or excessive bearing of fruit or nuts shall not be used in areas of vehicular or pedestrian traffic.
- c. Species not permitted within street rights-of-way greenbelts and should be used with caution when placed in proximity to any existing or proposed building, structure, walkway, or parking area are listed in the below table:

Botanical Name	Common Name
Acer negundo	Box Elder
Acer saccharinum	Silver Maple
Aesculus hippocastanum	Horse Chestnut
Ailanthus altissima	Tree of Heaven
Catalpa speciosa	Catalpa
Ginkgo biloba (Female)	Female Ginkgo
Populus spp.	Poplars, Cottonwood, Aspen
Liquidambar styraciflua	Sweet Gum
Salix spp.	Willows
Ulmus spp.	Elms
Fraxinus	Ash

- d. Invasive species - To protect species indigenous to the Township, the use of invasive species which naturalize are prohibited. Those invasive species not permitted are listed on the Midwest Invasive Species Information Network at [www.misin.msu.edu](http://www.misin.msu.edu).
  - e. Hardy plant materials - All landscaping material shall be hardy to the area and appropriate to the situation in which it is proposed, free of disease and insects, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen.
3. Minimum size requirements - Where landscaping is required, the following minimum size requirements for representative landscape materials shall be applicable. Height of a plant is measured from the top of the root ball or top of the container soil to the top of the leader, the primary stem of the plant.

Plant Material Type	Size
Canopy Tree - Single Stem	2" caliper*
Canopy Tree - Multi-Stem Clump	10 feet (height)
Understory Tree	8' to 10' (height)
Evergreen Tree	5 feet (height)
Shrub - Deciduous	24 inches (height)
Shrub - Evergreen	18 inches (height)
Shrub - Low Growing	2-gallon pot

\*2" caliper as measured in conformance with the American Standard for Nursery Stock.

- 4. Berms – Any proposed berms shall be constructed with slopes not to exceed a one to three (1:3) gradient. Berm slopes shall be protected with sod, seed, or other form of natural ground cover.
- 5. Coordination with utilities - Provision shall be made to coordinate landscaping with existing and proposed underground and overhead utility lines so as to avoid interference with plant growth.
- 6. Storm water retention and detention ponds - The integration of storm water retention and detention ponds in the overall landscape concept is recommended. Ponds with a natural or free form shape, rather than square or rectangular design and appearance, shall be required. If site constraints dictate a more engineered shape, the design and appearance must be approved by the reviewing body. Any fenced areas that are visible from an adjacent property, public right-of-way or private access easement shall be landscaped to screen them from view.

K. Tree Preservation Credits

- 1. Tree preservation credits shall be given for trees preserved within the developed portion of a parcel, lot or building site. The location of preserved trees shall determine which specific landscape requirement shall be reduced.

2. Credit shall be awarded for preserving canopy trees. The number of credits awarded for tree preservation shall be in accordance with the table presented below. Trees intended to be preserved shall be indicated on the landscape plan and type and size shall be noted.

<b>Tree Preservation Credits</b>	
<b>Diameter of Preserved Tree*</b>	<b>Number of Trees credited</b>
Over 24 inches	4
12 inches to 24 inches	3
8 inches to 11.9 inches	2
2 inches to 7.9 inches	1

\*Diameter measured at 4' above ground level.

3. In the event that healthy trees which are used to meet the minimum requirements of this section or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the Township, the contractor shall replace them with trees which meet Ordinance requirements.

L. Tree Protection prior to and during Construction.

1. Before any site work begins, the developer or builder shall erect tree protection fencing that will shield and protect all trees designated to be preserved. Fencing should be placed no closer than ten feet from the trunk of a tree or five feet beyond the drip line of a tree or group of trees, whichever is greater.
2. Fencing shall be a minimum of 48 inches high.
3. Tree protection fencing shall be maintained during construction and all construction materials, supplies, and equipment shall be kept out of the protected areas.
4. Paving, or other site improvements, shall not encroach upon the dripline of the existing trees to be preserved.
5. Location of tree protection fencing must be shown on the approved landscape plan.

M. Preservation of Existing Native Vegetation.

Credit shall be awarded for preserving existing vegetation native to Lower Michigan, including shrubs and grassland species. By preserving existing native vegetation, tree and shrub planting requirements can be reduced. The number of credits awarded shall be recommended by Township planning staff and approved by the reviewing body based on a natural features inventory prepared by an environmental professional or landscape architect that describes existing species and the intended function of the required tree and shrub plantings.

N. Incentives for Restoring Pre-Settlement Vegetation

1. Oshtemo Township's pre-settlement vegetation types were primarily Oak Savanna, Oak Forest, and Beech-Sugar Maple Forest, with smaller areas of Prairie, Marsh, Bur Oak Opening, and Southern Swamp Forest. A map of pre-settlement vegetation showing the geographic location of these vegetation types is on file in the Township office. It includes a description of the predominant plant species for each vegetation type.
2. To encourage restoration of pre-settlement vegetation, all uses subject to site plan review may opt to submit a landscape restoration plan in lieu of a landscape plan. A landscape restoration plan shall use native vegetation types to meet the intent of screening and buffering requirements while at the same time strive to restore the pre-settlement vegetation of the immediate area. Even though the exact number of each landscape element may not be provided, approval of such a plan shall be granted so long as the overall intent is satisfied. Township planning staff shall recommend and the reviewing body shall approve a landscape restoration plan.

O. Provisions for Existing Sites

1. Street rights-of-way greenbelts and screening between land uses shall be required for any existing site where the renovation, expansion or alteration increases the structure by more than 25 percent of the existing floor area or is greater than 2,000 square feet.
2. Landscape requirements for parking lots shall apply when expansions increase the number of parking spaces by 25 percent or at least eleven (11) parking spaces. Parking lot landscaping requirements shall be based on, and only apply to, the new spaces developed.
3. If site constraints prevent the application of these requirements, the reviewing body may grant an alternate approach or reduction in the landscape requirements through the site plan review process.

P. Modifications or Reductions

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

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

September 15, 2016



**Mtg Date:** September 22, 2016  
**To:** Planning Commission  
**From:** Julie Johnston, AICP  
**Subject:** Landscape Ordinance

At the July 28<sup>th</sup> Planning Commission meeting, staff presented three landscaping ordinances for review. These ordinances were:

1. The existing ordinance – Section 75: Landscaping
2. Minor amendments to Section 75: Landscaping
3. An Alternate Approach that was a departure from the existing Ordinance in many ways, including the removal of the buffer zones that are required around the property lines.

At the meeting, staff presented some of the pros and cons of each ordinance based on landscape plans developed by Karen High for the Wings, Etc. site on 9<sup>th</sup> Street and Seeco Drive. The Planning Commission requested staff review the proposed ordinances and come back with a preferred method. Staff spent time over the last two months refining the three presented ordinances into one recommended approach.

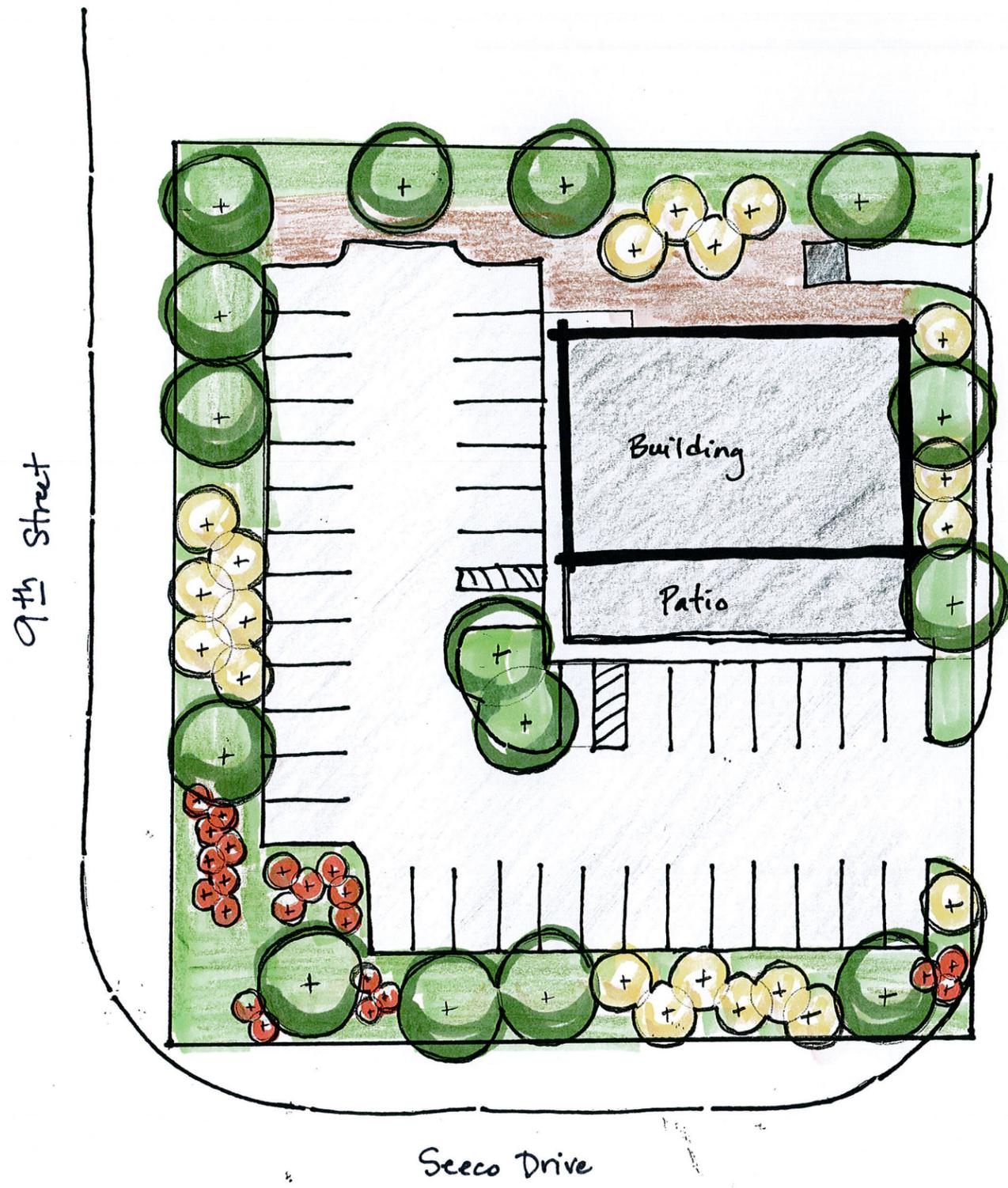
Ms. High has created landscape plans based on our current ordinance requirements and the preferred approach for the Wings, Etc. site as well as the Omni Credit Union site on West Main Street, which we visited during our landscaping tour last fall. Some of the difference between the two ordinances are as follows:

1. The preferred approach requires an overall percentage of the site be landscaped, which is generally slightly less in square footage than the current ordinance landscaping requirements.
2. The current ordinance is very specific where landscaping must occur – at the property lines and in parking lots. The preferred method requires landscaping in the parking lot and at public and private rights-of-way, but allows the design professional to determine where the rest of the required landscaping will be planned on the site.
3. The total number of required trees is slightly less than the current ordinance, which will hopefully allow tree species a better opportunity to survive on the site.
4. There are very specific requirements for opaque screening between incompatible land uses in the recommended ordinance, which can include a variety of berms, fences, walls, landscape materials, etc. But, the screening must be six feet in height and opaque. The current ordinance requires larger buffer zones between incompatible uses, but the plant materials are generally trees, which do not provide much screening when the lower branches reach a height beyond five feet.

5. For certain landscape plans, the seal of an architect is required in the recommended ordinance. This is to ensure that if someone is requesting tree credits or wishes to submit an alternate approach to the landscaping requirements, a landscape design professional is creating the plans.

I look forward to reviewing the recommended landscape ordinance with you at the September 22<sup>nd</sup> meeting.

Thank you.



## Current Ordinance

### Approved Landscape Plan for Wings Etc.

#### Greenspace and Planting Requirements

##### North property line: ("A" Greenspace Type)

- 10' wide greenspace
- 1 canopy tree / 100 linear feet = 2 total
- 2 understory trees / 100 linear feet = 4 total

##### South property line (Seeco Drive): ("C" Greenspace Type)

- 20' wide greenspace
- 2 canopy trees / 100 linear feet = 4 total
- 3 understory trees / 100 linear feet = 6 total
- 4 shrubs / 100 linear feet = 8 total

##### East property line: ("A" Greenspace Type)

- 10' wide greenspace
- 1 canopy tree / 100 linear feet = 2 total
- 2 understory trees / 100 linear feet = 4 total

##### West property line (9th Street): ("C" Greenspace Type)

- 20' wide greenspace
- 2 canopy trees / 100 linear feet = 4 total
- 3 understory trees / 100 linear feet = 6 total
- 4 shrubs / 100 linear feet = 8 total

#### Parking Lot Landscaping:

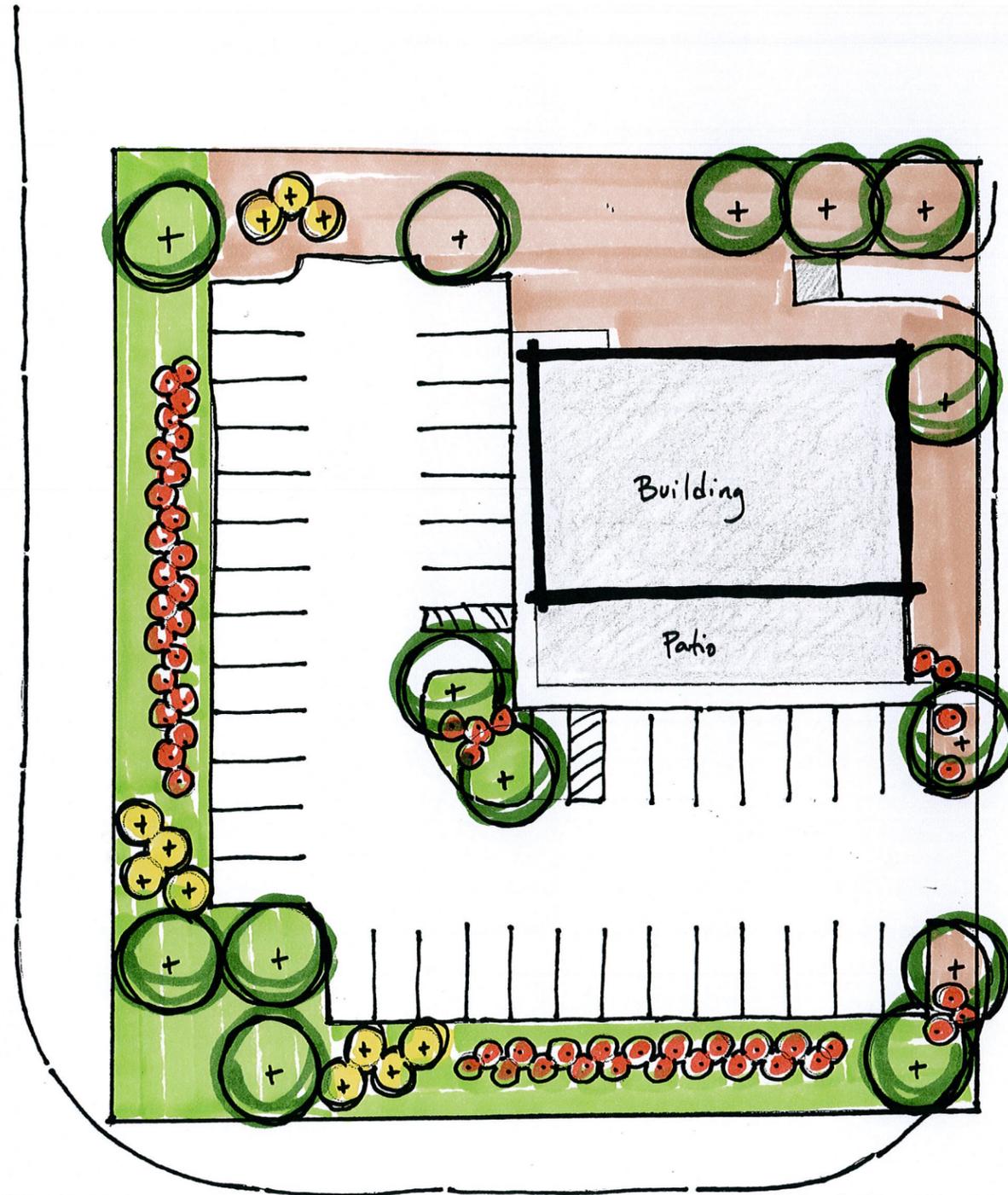
- 42 parking spaces proposed
- 15 square feet of interior landscape area (ILA) per parking space = 630 square feet
- 1 canopy tree / 200 square feet of ILA = 3 total
- 2 shrubs / 200 square feet of ILA = 6 total

#### Summary:

■ Total landscape area required:	12,330 sq. ft.
■ Total canopy trees required:	15
■ Total understory trees required:	20
■ Total shrubs required:	22
■ Greenspace not required	

# Recommended Approach

## Wings Etc. Illustration



### Total Site Landscaping

Total site area = 38,025 square feet  
 17.5% of site must be landscaped. 17.5% = 6,654 square feet  
 1 canopy tree/1,500 square feet of site landscaping = 4 total  
 1 understory tree/2,500 square feet of site landscaping = 3 total

### Screening Between Land Uses

None required because the site is surrounded by commercial land uses

### Parking Lot Landscaping:

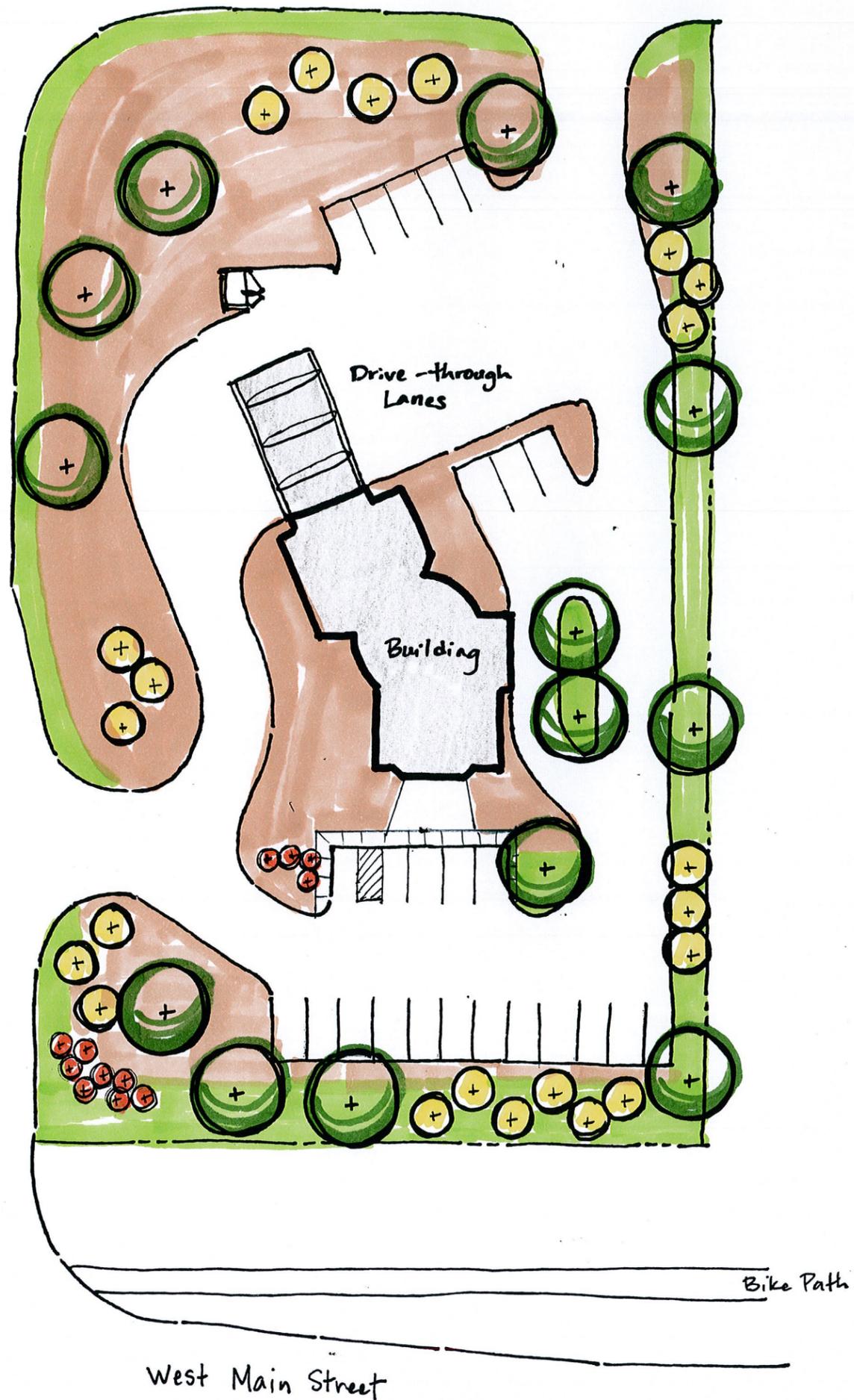
44 parking spaces proposed  
 25 square feet of interior landscape area (ILA) per parking space = 1,100 square feet  
 1 canopy tree/200 square feet of ILA = 6 total  
 2 shrubs / 200 square feet of ILA = 11 total

### Street Rights-of-Way Greenbelts

20' wide buffer along public right of way (7,800 square feet total)  
 1 canopy tree/100 linear feet = 4 total  
 2 understory trees/100 linear feet = 8 total  
 Shrubs required where parking lot is adjacent to street. 1.5 shrubs / parking space  
 13 parking spaces along Seeco = 20 shrubs  
 15 parking spaces along 9<sup>th</sup> Street = 23 shrubs

### Summary:

● Total landscape area required:	8,900 square feet
● Total canopy trees required:	14
● Total understory trees required:	11
● Total shrubs required:	43
● Greenspace provided but not required	6,025 sq. ft.



## Current Ordinance

### Approved Landscape Plan for Omni Credit Union

#### Greenspace and Planting Requirements

##### North property line: ("A" Greenspace Type)

- 10' wide greenspace
- 1 canopy tree/100 linear feet = 2 total
- 2 understory trees/100 linear feet = 4 total

##### South property line (West Main Street): ("C" Greenspace Type)

- 20' wide greenspace
- 2 canopy trees/100 linear feet = 4 total
- 3 understory trees/100 linear feet = 6 total
- 4 shrubs/100 linear feet = 8 total

##### East property line: ("A" Greenspace Type)

- 10' wide greenspace
- 1 canopy tree/100 linear feet = 3 total
- 2 understory trees/100 linear feet = 6 total

##### West property line: ("A" Greenspace Type)

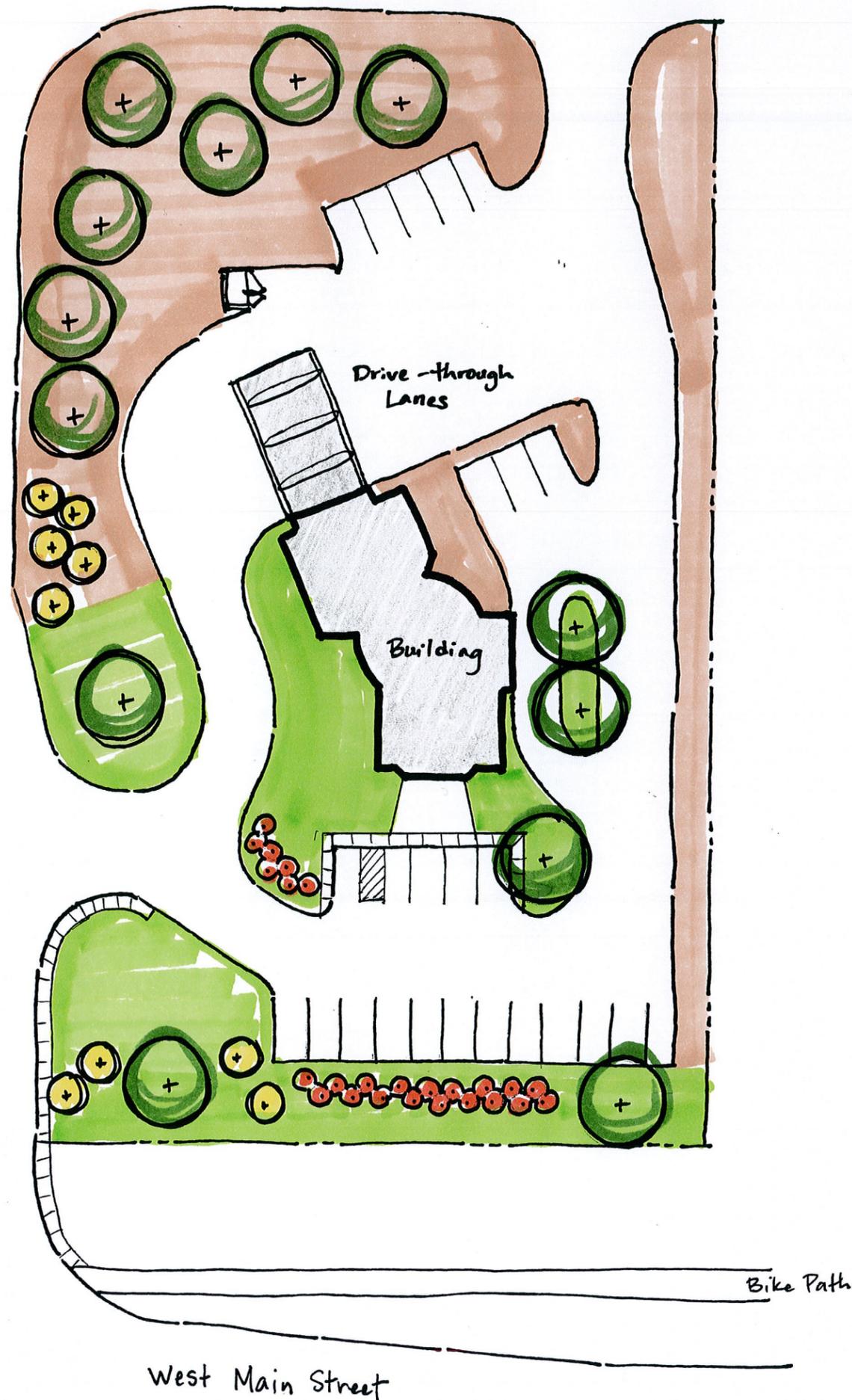
- 10' wide greenspace
- 1 canopy tree/100 linear feet = 3 total
- 2 understory trees/100 linear feet = 6 total

##### Parking Lot Landscaping:

- 26 parking spaces proposed
- 15 square feet of interior landscape area (ILA) per parking space = 390 square feet
- 1 canopy tree/200 square feet of ILA = 2 total
- 2 shrubs / 200 square feet of ILA = 4 total

##### Summary:

Total landscape area required:	13,190 square feet
Total canopy trees required:	15
Total understory trees required:	21
Total shrubs required:	12
Greenspace provided but not required	14,595 square feet



## Recommended Approach

### Omni Credit Union Illustration

#### Total Site Landscaping

Total site area = 68,340 square feet  
 17.5% of site must be landscaped. 17.5% = 11,960 square feet  
 1 canopy tree/1,500 square feet of site landscaping = 8 total  
 1 understory tree/2,500 square feet of site landscaping = 5 total

#### Screening Between Land Uses

None required because the site is surrounded by commercial land uses

#### Parking Lot Landscaping:

26 parking spaces proposed  
 25 square feet of interior landscape area (ILA) per parking space = 650 square feet  
 1 canopy tree/200 square feet of ILA = 3 total  
 2 shrubs / 200 square feet of ILA = 7 total

#### Street Rights-of-Way Greenbelts

20' wide buffer along public right of way (4,000 square feet)  
 1 canopy tree/100 linear feet = 2 total  
 2 understory trees/100 linear feet = 4 total  
 Shrubs required where parking lot is adjacent to street. 1.5 shrubs / parking space  
 12 parking spaces = 18 shrubs total

#### Summary:

	Total landscape area required:	11,960 square feet
	Total canopy trees required:	13
	Total understory trees required:	9
	Total shrubs required:	18
	Greenspace provided but not required	15,825 square feet



## Current Ordinance

### Approved Landscape Plan Pixie's Fictional Restaurant

#### Greenspace and Planting Requirements

##### North property line: ("A" Greenspace Type)

- 10' wide greenspace
- 1 canopy tree/100 linear feet = 3 total
- 2 understory trees/100 linear feet = 5 total

##### South property line: ("A" Greenspace Type)

- 10' wide greenspace
- 1 canopy trees/100 linear feet = 3 total
- 2 understory trees/100 linear feet = 5 total

##### East property line: Stadium Drive ("C" Greenspace Type)

- 20' wide greenspace
- 2 canopy tree/100 linear feet = 4 total
- 3 understory trees/100 linear feet = 6 total
- 4 shrubs/100 linear feet = 8 total

##### West property line: ("F" Greenspace Type)

- 35' wide greenspace
- 4 canopy trees/100 linear feet = 8 total
- 2 understory trees/100 linear feet = 4 total
- 18 shrubs/100 linear feet = 36 total
- 6 evergreens/100 linear feet = 12 total

#### Parking Lot Landscaping:

- 60 spaces proposed
- 25 square feet of interior landscape (ILA) / parking space = 1,500 sq. ft.
- 1 canopy tree/200 square feet of ILA = 8
- 2 shrubs/200 square feet of ILA = 15

#### Summary:

■ Total landscape area required:	17,290 sq. ft.
■ Total canopy trees required:	26
■ Total understory trees required:	20
■ Total shrubs required:	59
■ Total evergreens required:	12
■ Greenspace not required	



## Recommended Approach

### Pixie's Fictional Restaurant Illustration

#### Total Site Landscaping

Total site area = 49,664 square feet  
 18% of site must be landscaped. 18%=8,940 sq.ft.  
 1 canopy tree/1,500 sq. ft. = 6  
 1 understory tree/2,500 sq. ft. = 4

#### Screening Between Land Uses

Adjacent to residential zoning district to west  
 30' wide landscape buffer required  
 2 canopy trees/100 linear feet = 4 total  
 2 understory trees/100 linear feet = 4 total  
 2 evergreen trees/100 linear feet = 4 total  
 6' opaque screen – berm, fence or shrubs

#### Parking Lot Landscaping:

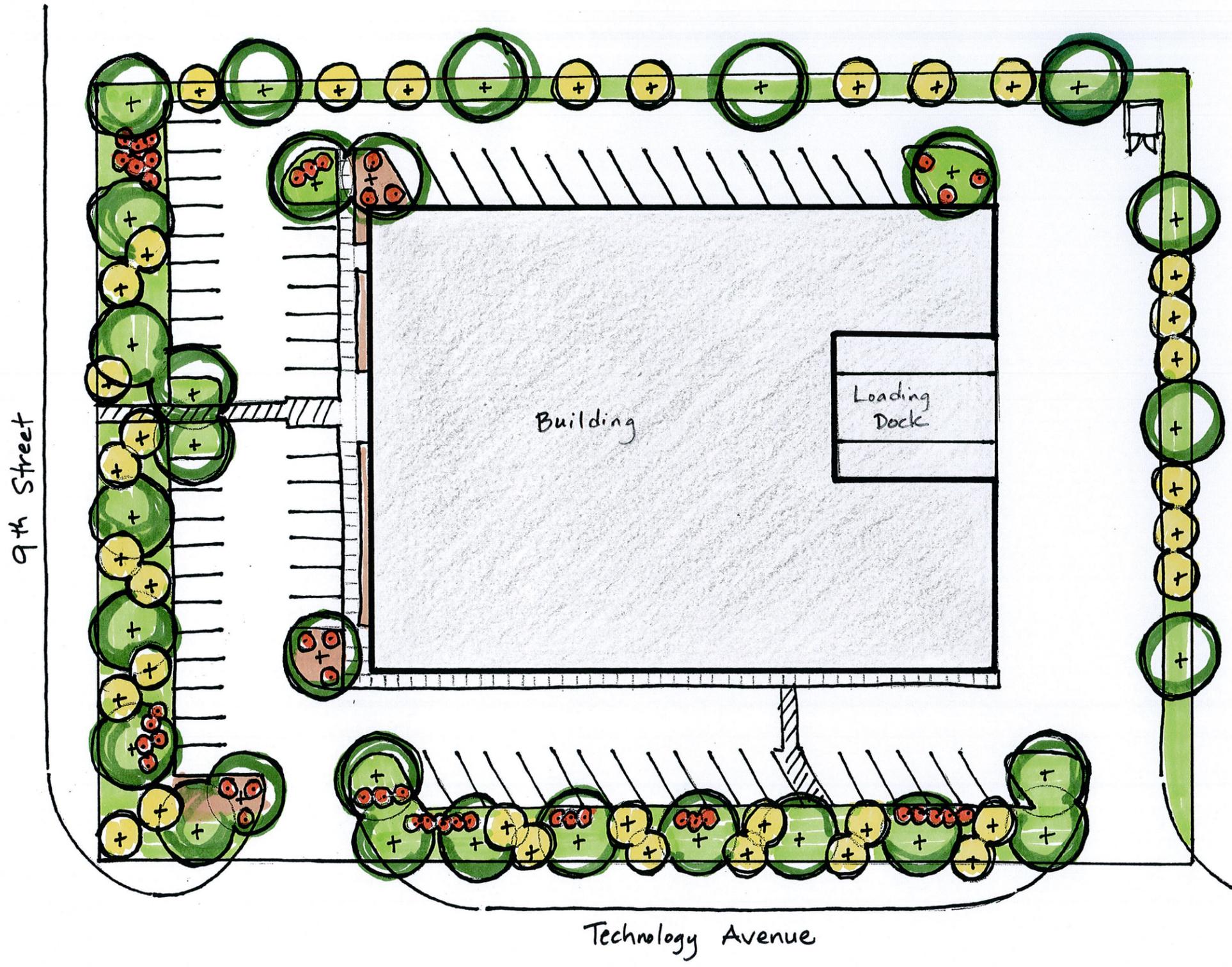
60 spaces proposed  
 25 square feet of interior landscape (ILA) / parking space = 1,500 sq. ft.  
 1 canopy tree/200 square feet of ILA = 8  
 2 shrubs/200 square feet of ILA = 15

#### Street Rights of Way Greenbelts

20' wide greenspace  
 1 canopy trees/100 linear feet = 2 total  
 2 understory trees/100 linear feet = 4 total  
 Shrubs required when parking lot is adjacent to street.  
 14 spaces along Stadium x 1.5 = 21 total

#### Summary:

■ Total landscape area required:	8,940 sq. ft. (11,200)
■ Total canopy trees required:	20
■ Total understory trees required:	12
■ Total shrubs required:	36
■ Greenspace not required:	
■ Evergreen trees req:	4



# Current Ordinance

## Approved Landscape Plan 6480 Technology Drive

### Greenspace and Planting Requirements

North property line: ("A" Greenspace Type)  
 10' wide greenspace  
 1 canopy tree/100 linear feet = 4 total  
 2 understory trees/100 linear feet = 8 total

South property line (Technology Avenue): ("C" Greenspace Type)  
 20' wide greenspace  
 2 canopy trees/100 linear feet = 8 total  
 3 understory trees/100 linear feet = 12 total  
 4 shrubs/100 linear feet = 16 total

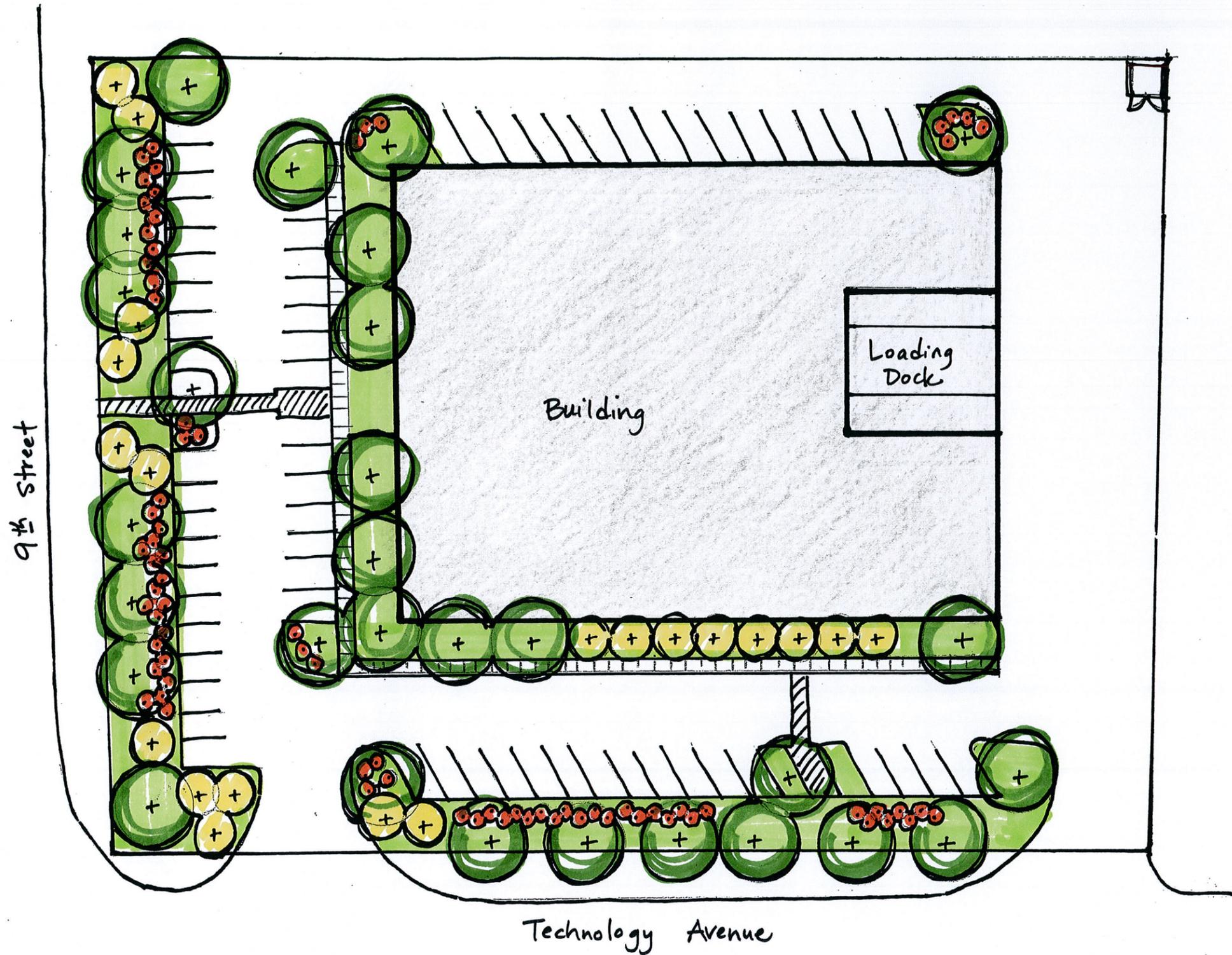
East property line: ("A" Greenspace Type)  
 10' wide greenspace  
 1 canopy tree/100 linear feet = 3 total  
 2 understory trees/100 linear feet = 6 total

West property line (9th Street): ("C" Greenspace Type)  
 20' wide greenspace  
 2 canopy trees/100 linear feet = 6 total  
 3 understory trees/100 linear feet = 9 total  
 4 shrubs/100 linear feet = 12 total

Parking Lot Landscaping:  
 69 spaces proposed  
 25 square feet of interior landscape (ILA) / parking space = 1,725 sq. ft.  
 1 canopy tree/200 square feet of ILA = 9  
 2 shrubs/200 square feet of ILA = 18

Summary:

— Total landscape area required:	20,661 sq. ft.
— Total canopy trees required:	30
— Total understory trees required:	35
— Total shrubs required:	46
— Greenspace not required	



## Recommended Approach

### 6480 Technology Drive Illustration

#### Total Site Landscaping

Total site area = 110,995 square feet

18% of site must be landscaped.  $18\% = 19,980 \text{ sq. ft.}$

1 canopy tree/1,500 sq. ft. = 13

1 understory tree/2,500 sq. ft. = 8

#### Screening Between Land Uses

None required because the site is surrounded by industrial land uses

#### Parking Lot Landscaping:

69 spaces proposed

25 square feet of interior landscape (ILA) / parking space = 1,725 sq. ft.

1 canopy tree/200 square feet of ILA = 9

2 shrubs/200 square feet of ILA = 18

#### Street Rights of Way Greenbelts

20' wide greenspace

1 canopy trees/100 linear feet = 8 total

2 understory trees/100 linear feet = 12 total

Shrubs required when parking lot is adjacent to street.

18 spaces along Technology x 1.5 = 27 total

21 spaces along 9<sup>th</sup> Street x 1.5 = 32

#### Summary:

— Total landscape area required:	19,980 sq. ft.
— Total canopy trees required:	30
— Total understory trees required:	20
— Total shrubs required:	77
— Greenspace not required:	