



**Planning Commission  
Regular Meeting  
August 20, 2024  
7:00 p.m.**

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES
  - July 16, 2024 Regular Meeting
6. CORRESPONDENCE / BOARD REPORTS / PRESENTATIONS
  - A. Thering updates from Board of Trustees
  - B. Buckley updates from ZBA
  - C. Community and Economic Development Monthly Report
  - D. Other Reports
7. PUBLIC COMMENT: Restricted to (3) minutes regarding items not on this agenda
8. NEW BUSINESS
  - A. PSUP24-01 Special Use Permit Application from Howling Hammer Builders, Inc. for an accessory dwelling unit within a new single-family dwelling at 3057 Paddock Lane in the AG zoning district**
    - a. Introduction by staff and applicant
    - b. Public hearing
    - c. Commission review of the application
    - d. Commission deliberation and action (approval, denial, approval with conditions, or postpone action)
  - B. PTXT24-01 Proposed Zoning Ordinance amendments to Section 11.0 (Signs)**
    - a. Introduction by staff
    - b. Public hearing
    - c. Commission deliberation and action (recommendation to the Board of Trustees for approval, approval with additional recommend changes, or rejection; or postpone action for further discussion or to request additional revisions)

- C. **PTXT24-02 Proposed Zoning Ordinance amendments to Section 14.2 (Site Plan Review) for administrative approval of final site plans that fully conform to applicable ordinance standards and to Section 12.5 (Nonconforming Sites) to clarify application of provisions to minor site plans subject only to administrative approval**
  - a. Introduction by staff
  - b. Commission deliberation and action (to postpone action for further discussion or to request additional revisions, or to set a public hearing date)

9. OTHER BUSINESS

A. **Sidewalk and Pathway Construction Policies Update**

- a. Updates from staff
- b. Commission review of the site plan
- c. Commission deliberation and action (recommendation to the Board of Trustees for approval, approval with additional recommended changes, or rejection)

10. EXTENDED PUBLIC COMMENT: Restricted to (5) minutes regarding any issue

11. FINAL BOARD COMMENT

12. ADJOURNMENT

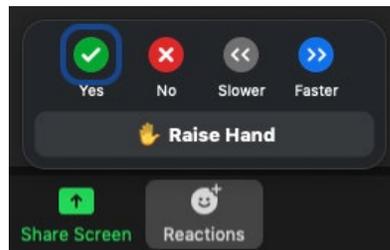
## Hybrid Meeting Instructions for the Charter Township of Union Planning Commission

The public can view all Union Township meetings live by clicking on our [YouTube Channel](#). For those who would like to participate, you can do so via Zoom.

[Click here](#) to participate in the Zoom Meeting via computer or smart phone. (Meeting ID Enter “839 8031 3172” Password enter “240465”). Access to the electronic meeting will open at 6:50 p.m. and meeting will begin at 7:00 p.m.

Telephone conference call, dial (312-626-6799). Enter “839 8031 3172” and the “#” sign at the “Meeting ID” prompt, and then enter “240465” at the “Password” prompt. Lastly, re-enter the “#” sign again at the “Participant ID” prompt to join the meeting.

- All public comments for items on the agenda will be taken at the Public Comment and any issue not on the agenda will be taken at the Extended Public Comment section of the Agenda.
- Computer/tablet/smartphone audience: To indicate you wish to make a public comment, please use the “Reactions” icon. **Next, click on the “Raise Hand” icon** near the bottom right corner of the screen.



- **To raise your hand for telephone dial-in participants, press \*9.** You will be called on by the last three digits of your phone number for comments, at which time you will be unmuted by the meeting moderator.
- Please state your name and address for the minutes and keep public comments concise.

You will be called upon once all in-person comments have been made, at which time you will be unmuted by the meeting moderator.

Persons with disabilities needing assistance should call the Township office at (989) 772-4600. Persons requiring speech or hearing assistance can contact the Township through the Michigan Relay Center at 711. A minimum of one (1) business day of advance notice will be necessary for accommodation.

**CHARTER TOWNSHIP OF UNION**  
**Planning Commission**  
**Regular Meeting Minutes**

A regular meeting of the Charter Township of Union Planning Commission was held on July 16, 2024, at 7:00 p.m. at the Union Township Hall.

**Meeting was called to order at 7:01 p.m.**

**Roll Call**

Present: Buckley, Gross, Lapp, Olver, Squatrito, and Thering

Excused: Shingles and McDonald

**Others Present**

Rodney Nanney, Community and Economic Development Director; Peter Gallinat, Zoning Administrator; Tera Green, Administrative Assistant

**Approval of Agenda**

**Olver** moved **Gross** supported to approve the agenda as presented. **Vote: Ayes: 6. Nays: 0. Motion Carried**

**Approval of Minutes**

**Olver** moved **Gross** supported to approve the June 18, 2024 regular meeting minutes with a clerical correction. **Vote: Ayes: 6. Nays: 0. Motion carried.**

**Correspondence / Reports/ Presentations**

- A. Board of Trustees updates by Thering – Updated the Commission of the Board of Trustees action to adopt the Private Road Ordinance and the Sidewalk and Pathway Ordinance.
- B. ZBA updates by Buckley – No updates were given.
- C. Planning Commission acknowledged correspondence from Ben Gunning
- D. Community and Economic Development Monthly Report
- E. Other Reports

**Public Comment**

Open 7:13 p.m.

Ben Gunning, 2280 W Broomfield Rd., commented on updating the burn ordinance and expressed his thoughts on adding a relief clause to the Sidewalk and Pathway Construction Policies for an appeal process.

Closed 7:22 p.m.

**New Business**

**A. Election of Secretary**

**Olver** moved **Buckley** supported to appoint Commissioner Lapp as Secretary per the Planning Commission bylaws. **Roll Call Vote: Ayes: Buckley, Gross, Olver, Squatrito and Thering. Nays: 0. Abstained: Lapp Motion carried.**

**Lapp** moved **Gross** supported to appoint Commissioner Olver as Vice-Secretary per the Planning Commission bylaws. **Roll Call Vote: Ayes: Buckley, Gross, Lapp, Squatrito and Thering. Nays: 0. Abstained: Olver Motion carried.**

**B. PTXT24-01 Zoning Ordinance Amendments – Section 11 (Signs)**

- a. Introduction by staff
- b. Planning Commission discussion and questions
- c. Deliberation and action (to postpone action for further discussion or to request additional revisions, or to set a public hearing date)

Nanney presented the initial draft of proposed amendments to Section 11 (Signs) and Section 2.2 (Definitions) of the Zoning Ordinance for the purpose of establishing more flexible standards and updated requirements for various types of signs, and to resolve regulatory conflicts in the current ordinance.

The commissioners discussed the proposed updates.

**Buckley** moved **Lapp** supported to set a public hearing for the proposed amendments to Section 11 (Signs) and Section 2.2 (Definitions) of the Zoning Ordinance on August 20, 2024. **Roll Call Vote: Ayes: Buckley, Gross, Olver, Squattrito, and Thering. Nays: 0. Motion carried.**

**Other Business**

**A. Sidewalk and Pathway Construction Policies Update**

- a. Introduction by staff
- b. Commission discussion and questions
- c. Commission deliberations and action (recommendation to the Board of Trustees for approval, approval with additional recommended changes, or rejection)

Nanney presented the revised set of proposed Sidewalk and Pathway Construction Policies, summarized the direction taken by the Board of Trustees during their review and final action on the proposed Sidewalk and Pathway Ordinance, and invited the Commissioners to consider any recommendations to the Board of Trustees on the updated draft policy resolution.

The commissioners deliberated on the proposed changes. A suggestion was made to revise the order of the language in Section 7.E Introduction and 7.E.3 to better clarify the statement's intent. The commissioners asked to review a clean copy of the amendments discussed at the meeting before making a recommendation to the Board of Trustees.

**Extended Public Comments**

Open: 9:19 p.m.

No comments were offered.

Closed 9:19 p.m.

**Final Board Comment**

**Adjournment** – Chair Squattrito adjourned the meeting at 9:19 p.m.

**APPROVED BY:**

\_\_\_\_\_  
Jessica Lapp – Vice Secretary

*(Recorded by Tera Green)*

## Board Expiration Dates

Planning Commission Board Members (9 Members) 3 year term			
#	F Name	L Name	Expiration Date
1-BOT Representative	James	Thering	11/20/2024
2-Chair	Phil	Squatrito	2/15/2026
3-Vice Chair	Ryan	Buckley	2/15/2025
4-Secretary	Vacant		2/15/2025
5 - Vice Secretary	Jessica	Lapp	2/15/2026
6	Stan	Shingles	2/15/2027
7	Paul	Gross	2/15/2025
8	Nivia	McDonald	2/15/2026
9	Thomas	Olver	2/15/2027
Zoning Board of Appeals Members (5 Members, 2 Alternates) 3 year term			
#	F Name	L Name	Expiration Date
1-Chair	Liz	Presnell	12/31/2025
2 -Vice Chair	Richard	Barz	12/31/2025
3- PC Rep	Ryan	Buckley	2/15/2025
4 -	Lori	Rogers	12/31/2026
5 -	Eric	Loose	12/31/2024
Alt. #1	David	Coyne	12/31/2024
Alt #2	Brian	Clark	12/31/2026
Board of Review (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Jeanette	Corbin	12/31/2024
2	Sarvjit	Chowdhary	12/31/2024
3	Bryan	Neyer	12/31/2024
Alt #1	Vacant		12/31/2024
Construction Board of Appeals (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Joseph	Schafer	12/31/2025
2	Andy	Theisen	12/31/2025
3	William	Gallaher	12/31/2025
Hannah's Bark Park Advisory Board (2 Members from Township) 2 year term			
1	Mark	Stuhldreher	12/31/2024
2	John	Dinse	12/31/2025
Chippewa River District Library Board 4 year term			
1	Ruth	Helwig	12/31/2027
2	Lynn	Laskowsky	12/31/2025



## Board Expiration Dates

EDA Board Members (9 Members) 4 year term			
#	F Name	L Name	Expiration Date
1-Chair	Thomas	Kequom	4/14/2027
2-VC/BOT Rep	Bryan	Mielke	11/20/2024
3	James	Zalud	4/14/2027
4	Richard	Barz	2/13/2025
5	Robert	Bacon	1/13/2027
6	Marty	Figg	6/22/2026
7	Sarvjit	Chowdhary	6/22/2027
8	Jeff	Sweet	2/13/2025
9	David	Coyne	3/26/2026
Mid Michigan Area Cable Consortium (2 Members)			
#	F Name	L Name	Expiration Date
1	Kim	Smith	12/31/2025
2	vacant seat		
Cultural and Recreational Commission (1 seat from Township) 3 year term			
#	F Name	L Name	Expiration Date
1	Robert	Sommerville	12/31/2025
Mt. Pleasant Airport Joint Operations and Mgmt Board (1 seat from Township) 3 year term			
#	F Name	L Name	Expiration Date
1 - Union Township	Rodney	Nanney	12/31/2026



## **Department Monthly Report**

**Department:** Community and Economic Development

**Month/Year:** August 2024

### **Global Ends**

- 1.1 Community well-being and the common good
- 1.2 Prosperity through economic diversity, cultural diversity, and social diversity
- 1.3 Health and Safety
- 1.4 Natural environment
- 1.5 Commerce

### **Prior Month Activities**

#### **Economic Development Activities (1.1, 1.2, 1.3, 1.5):**

- The Community and Economic Development Director and two other members of the Mt. Pleasant Airport Joint Operations and Management Board attended a meeting with City and Tribal leaders at the Ziiibiwing Center to provide feedback on elements of a draft feasibility study for potential airport improvements.
- The Community and Economic Development Director and Township Engineer at Gourdie-Fraser Associates are continuing work on evaluation and prioritization of infrastructure improvements for potential new industrial/research/business park development along the US-127 corridor per the state Rural Readiness Grant awarded to the Township for our Master Plan update project.
- The Community and Economic Development Director and Zoning Administrator met in-person with prospective buyers of a commercial property to answer questions about potential development/expansion options.
- The Community and Economic Development Director attended remotely an ad hoc committee meeting in Lansing about recent bills that would impair future brownfield redevelopment projects.
- The Community and Economic Development Director participated in the quarterly regional economic development (RED) team meeting hosted by the East Michigan Council of Governments.
- The Community and Economic Development Director participated in a day-long, in-depth Low Income Housing Summit gathering in Lansing hosted by the Community and Economic Development Association of Michigan (CEDAM) and the Michigan State Housing Development Authority (MSHDA) on implementation of the low income housing tax credit programs.
- The Building Services Clerk supported the Community and Economic Development Director and EDA Board and served as contact person for East DDA District service contractors.

#### **Economic Development Authority (EDA) Board Activities (1.1, 1.2, 1.3, 1.4, 1.5):**

- During their July 16, 2024 meeting the EDA Board held a closed session to discuss the potential purchase of property.
- On July 23, 2024, the EDA Board meeting held the first of two (2) special informational meetings required by Public Act 57 of 2018, as amended, to go over the 2023 annual report and summarize projects for the current year and 2025.

**Building Services (1.1, 1.2, 1.3, 1.5):**

- The Building Official provided the following services during the month:
  - 33 Building Inspections (1.3)
  - 15 Permits issued (1.3)
  - 7 Certificate of Occupancy's Issued (1.3, 1.4, 1.5)
  - 2 FOIA Requests (1.1, 1.4, 1.6)
  - Follow up phone calls
- The Building Official met with multiple residents/contractors to answer potential project questions.
- The Building Services Clerk provided the following services during the month:
  - Served as a second Township Hall contact person for the public and helped process payments at counter and through mail.
  - Assisted homeowners and contractors with building permit applications and coordinated with the Building Official, Zoning Administrator, Assessor, and Public Services Department as needed to facilitate timely reviews of permit applications.
  - Administrative support for Rental Inspector
  - Prepared monthly Census and HBA reports for building permits

**Rental Inspection Services (1.1, 1.2, 1.3):**

- The Rental Inspector is continuing to distribute copies of a flyer he designed to answer questions about common issues that can become rental violations, which has been well-received and appreciated by managers of the various apartment complexes.
- The Rental Inspector is now scheduling both the initial and follow up inspections at the same time for units in large apartment complexes to improve response time and increase efficiencies for all concerned related to completion of any corrective actions. Multiple apartment complex managers have responded that this change has been helpful for them.
- Site visits with inspections or re-inspections at residential complexes, hotels, various single-family units, and other regulated premises (approx. 525 units).
- Inspections on apartment complexes & hotels (fire alarm and sprinkle report reviews).
- Expired certificate scheduling.
- Fielding questions about the rental program in the Township from the community, potential/current landlords, and tenants.
- Informing various departments of items that may be of concern or of note that have been observed throughout the Township (tall grass, construction without permits, site plan verifications, etc.).
- Contacts with local inspectors, enforcement, and fire personnel.
- Working through tenant complaints, working with both parties to get relief.
- Sharing with contacts about our updated Rental Housing Information webpage, as well as sharing the need to contact the office for items that may need other department insight or approvals.
- Eric Miller's last day of service as the Township's Rental Inspector was 8/2/2024. The position has been advertised with a closing date of 8/8/2024.

**Zoning Administration Activities (1.1, 1.2, 1.3, 1.4, 1.5):**

- The Zoning Administrator provided the following services:
  - (4) Zoning review approval letters for building permit applications.
  - Site plan enforcement completed for Morey Courts related to issuance of a final certificate of occupancy.
  - Sign Permit at 4585 E. Pickard Road
  - Temporary use permit for car show at Home Depot
  - Temporary regulations waiver of RV parking at 815 Meadowbrook

- The Zoning Administrator shadowed Township Rental Inspector on-site for cross training within the department.
- The Community and Economic Development Director and Zoning Administrator met remotely via Zoom with a representative from a local manufactured housing park to answer questions about possible expansion options.
- The Zoning Administrator has answered questions and met with individuals interested in a potential “barndominium” style single-family dwelling to answer questions about the Township’s residential development standards.
- The Community and Economic Development Director, Township Manager, and Zoning Administrator attended a remote meeting via Zoom with a Consumers Energy representative about future of electric vehicle (EV) charging stations in and around the Township.

**Ordinance Enforcement Activities (1.1, 1.3):**

- 143 E. Remus Road. - complaint about unlawful industrial use in the agricultural zoning district. The owner of the business operation responded to notice of the violation and staff has confirmed that the unlawful activity has ceased. This matter is now closed.
- 943/975 S. Isabella Rd. – Complaint about chickens at two adjacent legal non-conforming residences on lots in an Industrial zoning district. Notices have been sent to both owners. The owner of 943 S. Isabella Rd. is considering a rezoning request and planning to attend August meeting to talk with the Planning Commission. The owner of 975 S. Isabella Rd. has until mid-August to resolve the violation.
- 5105 E. Kay Street. – junk. The owner of the property is deceased. A family relative responded to notice of the violation and has been working to clean-up of the site. Follow up site visits are planned to verify completion of the corrective actions.
- 1651 Airway Dr. – Complaint about chickens at a legal non-conforming residence on a small lot in an Industrial zoning district. The owner has responded to the notice of violation to confirm they are moving and chickens will be removed. Closing on new property in early August.
- Indian Hills Shopping Center - Owner and contractor were notified of a possible violation related to the approved minor site plan for sidewalk, pedestrian access, and parking lot improvements to the Indian Hills Shopping Center property. The applicant’s agreed-upon timeline for completion of site improvements per the approved site plan has concluded with several key elements left incomplete. Failure to conform to an approved site plan is an ordinance violation. A notice of violation will be sent to the owner.
- 386 Bluegrass Road. - Junk in the yard. The elderly owner was notified of the violations and is working with Township staff. Owner has continued to have junk removed when able (the owner is elderly). Follow up site visits are planned. Staff has also been working to help the owner identify potential community resources to help.
- 5401 S. Lincoln Rd. – An 1,800 square-foot detached accessory building constructed without a building permit and in violation of applicable maximum height and maximum 1,500 square-foot floor area requirements. The owner applied for and was granted a height variance in May 2023 contingent upon completion of alterations to reduce the building floor area by 300 square-feet. The owner’s contractor subsequently secured a building permit for the work, which expired on 1/17/2024 with no activity. Three (3) civil infraction tickets were issued for violation of the conditions of the approved height variance and failure to correct the Zoning Ordinance violation related to maximum floor area for this accessory building. The owner delivered a copy of a purchase agreement for additional land from the neighbor, which if done correctly to increase the total lot area to at least 2.5 acres, would resolve the remaining violations. Once a land combination

application for the required acreage of land is submitted and accepted by the Twp. Assessor, this ordinance enforcement matter can be closed.

- 4941 E Valley Rd. – Dilapidated and potentially unsafe dwelling. The owner confirmed that he wants the roof completed but does not have the funds. The Building Official and a contractor are continuing to look into options to help the owner resolve the violations.
- Northeast corner of S. Lincoln Rd. and E. Broomfield Rd. – unlawful contractor’s storage yard and unlawful grading/fill activities without a grading permit. The owner claimed a “grandfathered” status as a legal nonconforming use. This matter remains under review by the Township Attorney with additional follow up anticipated.

**Planning Commission Activities (1.1, 1.2, 1.3, 1.4, 1.5):**

- During their regular July 16, 2024 the Planning Commission:
  - Discussed and deliberated on the proposed Sidewalk and Pathway Construction Policy Resolution, culminating in a request for some additional revisions prior to final action.
  - Introduced and held an initial discussion on the proposed Zoning Ordinance amendments to Section 11.0 (Signs). A public hearing was set for their August regular meeting.

**Zoning Board of Appeals Activities (1.1):**

- No meeting scheduled.

**Sidewalks, Pathways, and Parks & Recreation Plan/Program Activities (1.1, 1.2, 1.3, 1.4):**

- The Community and Economic Development Director participated in the quarterly meeting of the Mt. Pleasant Area Convention and Visitors Bureau’s Sports Commission to coordinate and plan for upcoming regional tournaments and related sports and recreational activities.
- The Community and Economic Development Director attended the quarterly meeting of the Cultural and Recreational Commission (CRC) held at Morey Courts in the Isabella Sportsplex, where word was shared that the Township’s representative (Robert Sommerville) had told the Chair (Steve Swaney) of his intention to resign. Mr. Sommerville was not in attendance.

**Other Activities:**

- The Director meets weekly with the Community and Economic Development Department staff as a group and regularly on an individual basis to provide guidance, coordinate provision of services, ensure good intra- and inter-departmental communication, and identify and resolve issues. (1.1)

**Current Month Anticipated Activities**

**Economic Development Activities (1.1, 1.5):**

- The Community and Economic Development Director met with Middle Michigan Development Corporation (MMDC) leadership and staff to improve coordination related to housing grant initiatives in the Township and to coordinate timing and preferred contacts for upcoming business retention visits.
- The Community and Economic Development Director met with the Executive Director of the Mt. Pleasant Area Convention and Visitors Bureau to discuss potential options for getting started with a potential regional wayfinding signage project, and to discuss the CVB’s destination development grant funding program.
- The Community and Economic Development Director represented the Township at a Chamber of Commerce Daybreak event on 8/7/2024.
- The Community and Economic Development Director will continue business retention contacts.

**Economic Development Authority (EDA) Board Activities (1.1, 1.2, 1.3, 1.4, 1.5):**

- On August 20, 2024 the EDA Board meeting will hold the second of two (2) special informational meetings required by Public Act 57 of 2018, as amended, to go over the 2023 annual report and summarize projects for the current year and 2025.
- The regular August 20, 2024 EDA Board meeting will immediately follow the special informational meeting, with the agenda anticipated to include a kickoff meeting and discussion with the irrigation design consultant.

**Building Services (1.1, 1.3, 1.5):**

- Inspections and follow up as needed for the new Isabella County Jail project. (1.1, 1.3)
- Continued progress on Krist Mini Mart Project (1.1, 1.3)
- Continued progress on Walmart Project (1.1, 1.3)
- Start of Valvoline (1.1, 1.3)
- Start of My Michigan Health MRI Room (1.1, 1.3)
- Follow up phone calls.
- Continue to do site visits, inspections, issue permits, plan reviews.
- Continued work on expired permit list.

**Rental Inspection Services (1.1, 1.2, 1.3):**

- The job opening for a new Rental Inspector was advertised and posted, and closes on 8/8/2024. Review and scoring of applications and interviews for selected candidates will follow.
- Following on-boarding and training of a new person in this position, the Rental Inspector will:
  - Investigate and follow up on any rental complaints as needed.
  - Continue to collaborate with the Fire Department on hotel rental inspections.
  - Schedule complexes, hotels, as well as duplex and single-family units for inspections.
  - Conduct follow-up inspections to verify correction of violations.
  - Work on expired certificate scheduling as needed.
  - Arrange for site visits as needed for compliance or informational.

**Zoning Administration Activities (1.1, 1.2, 1.3, 1.4, 1.5):**

- The Community and Economic Development Director and Zoning Administrator review of site plan, special use, and other development applications and preparation of staff reports for the Planning Commission regarding Zoning Ordinance compliance.
- Community and Economic Development Director and Zoning Administrator review of site plan, special use, and other development applications and preparation of staff reports for the Planning Commission regarding Zoning Ordinance compliance.
- Zoning Administrator review of site plan applications eligible for administrative approval.
- Zoning Administrator review of building permits for zoning compliance.
- Zoning compliance letters
- Sign permits
- Continued use of MissDig notifications to catch activity in the Township needing zoning approval.
- Enforcement follow ups
- Yard sales
- Tall weeds and grass enforcement
- The Community and Economic Development Director and Zoning Administrator regularly hold informal pre-application development meetings with developers and business/property owners.

**Ordinance Enforcement Activities (1.1, 1.3):**

- Ordinance enforcement follow up on current matters and investigation of any new complaints.

**Planning Commission Activities (1.1, 1.2, 1.3, 1.4, 1.5):**

- The regular August 20, 2024 Planning Commission meeting is anticipated to include:
  - PTXT24-01 - Proposed Zoning Ordinance amendments to Section 11.0 (Signs); public hearing, deliberation, and recommendation to the Board of Trustees.
  - PSUP24-01 Special Use Permit Application for an accessory dwelling within new single-family dwelling located at 3057 Paddock Lane in the AG zoning district; introduction, public hearing, deliberation, and action.
  - PTXT24-02 – Introduction and initial discussion of proposed Zoning Ordinance amendments for administrative approval of final site plans that fully conform to applicable ordinance standards and expansion of nonconforming site provisions to apply fully to minor site plans subject to administrative approval.
  - Final review and recommendation of the proposed Sidewalk and Pathway Construction Policy Resolution to the Board of Trustees for final action.

**Zoning Board of Appeals Activities (1.1):**

- No meeting scheduled.

**Sidewalks, Pathways, and Parks & Recreation Plan/Program Activities (1.1, 1.2, 1.3, 1.4):**

- The Community and Economic Development Director held a pre-construction meeting with Malley Construction and the Township’s engineering consultants for the sidewalk construction project along the east side of Bud St. from E. Pickard Rd. (M-20) north to Jameson Park. (1.1, 1.3, 1.4)
- The Community and Economic Development Director is working on preparation of updated draft Parks & Recreation Plan elements for Planning Commission review. (1.1, 1.4)
- The Community and Economic Development Director and the Township’s engineering consultant at Gourdie-Fraser are proceeding with attempting to secure easements needed for new sidewalk projects along the north side of Pickard Rd. east from S. Lincoln Rd. to the existing sidewalk near Ashland Dr.; the east side of S. Isabella Rd. from E. Kay St. south to E. Broadway Rd.; and the west side of Bradley St. from E. Remus Rd. (M-20) north to connect to the Mt. Pleasant Middle School at the City-Township boundary.
- The Township’s engineering consultant at Gourdie-Fraser has begun work for planning construction of a new sidewalk along the south side of E. Bluegrass Rd. from S. Mission Rd. east across the frontage of the Red Lobster parcel to complete a connection to the Indian Pines Shopping Center.

**Other Activities:**

- The Community and Economic Development Director and Mt. Pleasant City Planner periodically meet remotely via the Teams app to discuss coordination of City/Township projects of mutual interest.
- Under the Community and Economic Development Director’s direction, the Building Services Clerk will continue to coordinate with the file scanning contractor Graphic Sciences to transfer historical documents and files from the basement for scanning. (1.1)

**Future Board of Trustee Meeting Agenda Items**

- Consideration of an updated Sidewalk and Pathway Construction Policy Resolution for adoption. (1.1, 1.3, 1.5)
- PTXT24-01 - Proposed Zoning Ordinance amendments to Section 11.0 (Signs).

### **Significant Items of Interest Longer Term**

- Economic Development – The Community and Economic Development Director will complete and distribute a request for qualifications from sign contractors with the capability to design and install a new gateway sign for the East DDA District to be located at the corner of M-20 and S. Summerton Rd. in cooperation with Mid-Michigan College and Consumers Energy, and to design and install new Enterprise Industrial Park signage at the corner of M-20 and Enterprise Dr.
- Other Activities – The Community and Economic Development Director will begin work to prepare a proposed scope of work and request for proposals from qualified consulting firms to prepare a detailed evaluation of housing needs and priorities in accordance with the approved MSHDA Housing Readiness Incentive Grant to expand the Township’s Master Plan update project.
- Zoning Administration – The Community and Economic Development Director and Zoning Administrator will review the current Zoning Board of Appeals bylaws to coordinate with recent updates to relevant sections of Zoning Ordinance 20-06. (1.1)
- Other Activities - The Community and Economic Development Director and the Township Assessor will be working on developing policy proposals for Board of Trustees consideration to establish updated guidelines for consideration of requests for new or amended Industrial Development Districts and Industrial Facility Tax Exemption (IFTE) applications under Michigan Public Act 198 of 1973, as amended. (1.5)
- Economic Development - The Community and Economic Development Director will expand information on the Township’s website related to development approval processes and pre-application meeting options to further assist the development community. (1.2, 1.5)
- Economic Development – The Community and Economic Development Director will prepare an updated summary document for the website outlining economic development programs and incentives available from the State of Michigan and our DDA Districts for various types of projects. (1.2, 1.5)
- Other Activities - Consideration of a new 2023 - 2027 Parks and Recreation Master Plan for adoption, following a recommendation from the Planning Commission and a public hearing. (1.1, 1.2, 1.3, 1.4)
- Building Services - When the county’s office situation stabilizes, the Community and Economic Development Director will resume working with the county Community Development Dept. Director to develop a draft reciprocal intergovernmental agreement proposal for Isabella County to provide for residential and commercial building inspection services during vacations. (1.3, 1.5)
- Economic Development - Possible future airport-related Zoning Ordinance changes to create a separate zoning district for the Mt. Pleasant Airport to expand options for airport-related business activities beyond the scope allowed under the current the AG (Agricultural) district. (1.1, 1.5)
- Building Services – The Building Official continues to work in close coordination with the County’s plumbing, mechanical, and electrical inspectors on building projects to minimize delays and to ensure that construction meets the applicable health and safety standards. (1.1, 1.3, 1.5)
- PILOT Housing Projects - The Community and Economic Development Director will continue to oversee the administration of the Tax Exemption Ordinance and adopted PILOT resolutions in coordination with the Finance Director and Twp. Assessor to verify continuing compliance by the sponsors of the eligible housing projects. (1.1, 1.2)
- Other Activities – Consideration of new International Fire Code Ordinance for adoption, which would replace Ordinance No. 2014-05 and would reference the updated fire code to be enforced by the Mt. Pleasant Fire Department in both the City and the Township. (1.1, 1.3)
- Other Activities - The Community and Economic Development Director will work with the Township Attorney to prepare an updated Noxious Weeds Ordinance for Board of Trustees consideration that improves consistency in applicable regulations of tall grass and weeds. (1.1, 1.3, 1.4)

- Other Activities - The Community and Economic Development Director will work with the Township Attorney and Township Assessor to prepare an updated Land Division Ordinance for Board of Trustees consideration that clarifies application requirements and the division, combination, and boundary adjustment approval process. (1.1, 1.5)
- Other Activities – The Community and Economic Development Director will work with the Township Attorney and Public Services Director to prepare updates to the Township’s ordinance establishing rules for our parks. (1.1, 1.3)
- Other Activities – Consider updates to the Township’s ordinance on open burning. (1.1, 1.3)
- Other Activities - Consider updates to the Subdivision of Land Ordinance No. 1994-6 for consistency with updates to the state’s subdivision plat approval requirements. (1.1, 1.3, 1.5)
- Other Activities – Consider ways to maximize the usefulness, readability, and functionality of the Township website’s Announcements, Public Notices, and News features. (1.1, 1.2)
- Other Activities – When the county’s office situation stabilizes, the Community and Economic Development Director, the County’s Community Development Director, and the City Planner will resume work on creating a unified “regional planning/zoning” theme on the County’s FetchGIS website where County, City, and Township zoning district and future land use maps could be displayed together with other relevant data.

## Charter Township of Union

### APPLICATION FOR SPECIAL USE PERMIT APPROVAL

A completed application will contain all information required per the Zoning Ordinance, Section 14.3 (Special Use Permits); and be accompanied by a separate minor site plan or preliminary site plan application per Section 14.02.C. (Site Plan Approval Required).

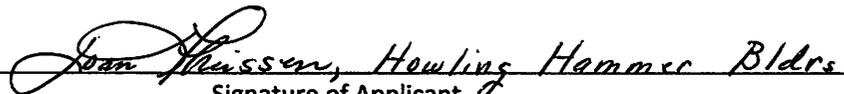
Minor Site Plan  
 Preliminary Site Plan

Name of Proposed Development/Project _____	Telfor Residence
Common Description of Property & Address (if issued) _____ Residential construction of new custom home.	
3057 Paddock Lane, Mt. Pleasant, MI	
Applicant's Name(s) _____ Howling Hammer Builders, Inc. representing Kristen Telfor, owner	
Phone/Fax numbers _____ 989-330-1156	Email _____ jotheun1951@gmail.com
Address _____ 3942 E. River Rd. City: _____ Mt. Pleasant Zip: _____ 48858	

Legal Description:	<input checked="" type="checkbox"/> Attached	<input type="checkbox"/> Included on Site Plan	Tax Parcel ID Number(s):	14-034-30-009-01	
Existing Zoning:	Agr.	Land Acreage:	6.1A	Existing Use(s):	vacant lot, platted subdivision
<input checked="" type="checkbox"/> ATTACHED: Letter describing the proposed use and how it conforms to Section 14.3.J. (Standards for Special Use Approval)					

Firm(s) or Individuals(s) who prepared site plan(s)	1. Name: _____ Howling Hammer Builders, Inc. Phone: _____ 989-772-2300 Email: _____ jotheun1951@gmail.com 2. Address: _____ 3942 E. River Rd City: _____ Mt. Pleasant State: _____ MI Zip: _____ 48858 Contact Person: _____ Joanne Theunissen Phone _____ 989-330-1156
Legal Owner(s) of Property.  All persons having legal interest in the property must sign this application. Attach a separate sheet if more space is needed.	1. Name: _____ Kristen Telfor, NP Phone: _____ 989-954-0077 Address: _____ 932 S. Deer Run City: _____ Mt. Pleasant State: _____ MI Zip: _____ 48858  Signature: _____ <i>Kristen Telfor</i> Interest in Property: _____ owner/lessee/other 2. Name: _____ Phone: _____ Address: _____ City: _____ State: _____ MI Zip: _____  Signature: _____ Interest in Property: _____ owner/lessee/other

I do hereby affirm that all the statements, signatures, descriptions, exhibits submitted on or with this application are true and accurate to the best of my knowledge and that I am authorized to file this application and act on behalf of all the owners of the property. False or inaccurate information may be cause for revocation of the special use permit approval. Approval of the requested special use shall not constitute the right to violate any provisions of the Zoning Ordinance or other applicable codes and ordinances.

  
 \_\_\_\_\_  
 Signature of Applicant 7/25/2024  
Date

#### Office Use Only

Application Received By: \_\_\_\_\_ Fee Paid: \$ \_\_\_\_\_

Date Received: \_\_\_\_\_ Escrow Deposit Paid: \$ \_\_\_\_\_



3942 E. River Rd., Mt. Pleasant, Michigan, 48858  
Phone – 989 772-2300  
www.howlinghammerbuilders.com  
mike@howlinghammerbuilders.com  
jotheunissen@yahoo.com

***BUILDING DREAMS....ONE HOME AT A TIME***

July 25, 2024

Charter Township of Union  
Planning Commission  
2010 S. Lincoln Road  
Mt. Pleasant, MI 48858

**Re: Telfor-Shaikh Residence New Build Special Use Permit**

**In support of our application for a Special Use Permit for this project we offer the following notes exhibiting our compliance with the Standards.**

- (1) The construction of the new home meets the Special Use criteria as noted in Section 3-6 AG, 3. “Allows limited low-density single-family detached non-farm development”, with an included “Accessory Dwelling” located above the garage.
- (2) The new home will be constructed within a platted subdivision in compliance with all Building Code standards and all materials, equipment and conditions of construction will offer no hazards or threats as mentioned in Section 14-3. J.3 of Administrative Procedures.
- (3) The new home and Accessory Dwelling will be used as a single family residence in keeping with the surrounding area.
- (4) The new home and Accessory Dwelling use and character are consistent with the general principles and policies of the Master Plan.
- (5) The new home and Accessory Dwelling conform to all applicable requirements and/or standards of the Township Ordinances.
- (6) Approval of this Permit will result in the construction of a single family residence located with an already developed residential subdivision. See attached 3D rendering of street view of proposed new home.
- (7) There will no additional impact on planned capacity of public or municipal services or infrastructure inasmuch as the Permit is related only to additional living space within the proposed new home.

**The home and Accessory Dwelling allows for 5 car parking with the garage space and adequate parking pads will be constructed to service all 5 on the property.**

**On behalf of our client, Kristen Telfor, it is our request that this Commission approve our request for approval of our application for a special use permit.**

Michael V. Theunissen  
Joanne (Jo) Theunissen  
Howling Hammer Builders, Inc.



3942 E. River Rd., Mt. Pleasant, Michigan, 48858  
Phone – 989 772-2300  
www.howlinghammerbuilders.com  
mike@howlinghammerbuilders.com  
jotheunissen@yahoo.com

***BUILDING DREAMS...ONE HOME AT A TIME***

July 25, 2024

Charter Township of Union  
Planning Commission  
2010 S. Lincoln Road  
Mt. Pleasant, MI 48858

**Re: Telfor-Shaikh Residence New Build**

We are proposing approval of the building permit for a newly constructed single family residence to be located on a subdivision lot on Paddock Lane, Mt. Pleasant, MI.

The Plan includes a finished living space above the attached garage intended for use as a home office & guest suite.

A determination has been made by the Union Township Zoning Administrator that this living space is an “Accessory Dwelling”. In an attempt to comply with all elements of the Zoning requirements, this living space is a fully integrated part of the home with entry from the back entry/mudroom of the house. The space is a fully finished family space, insulated & heated.

The office/guest suite includes a total of 714.5 square feet of living space.

It is our position that this proposed new residence falls within the Zoning & Building Ordinances in place for construction of a new home in the Township of Union.

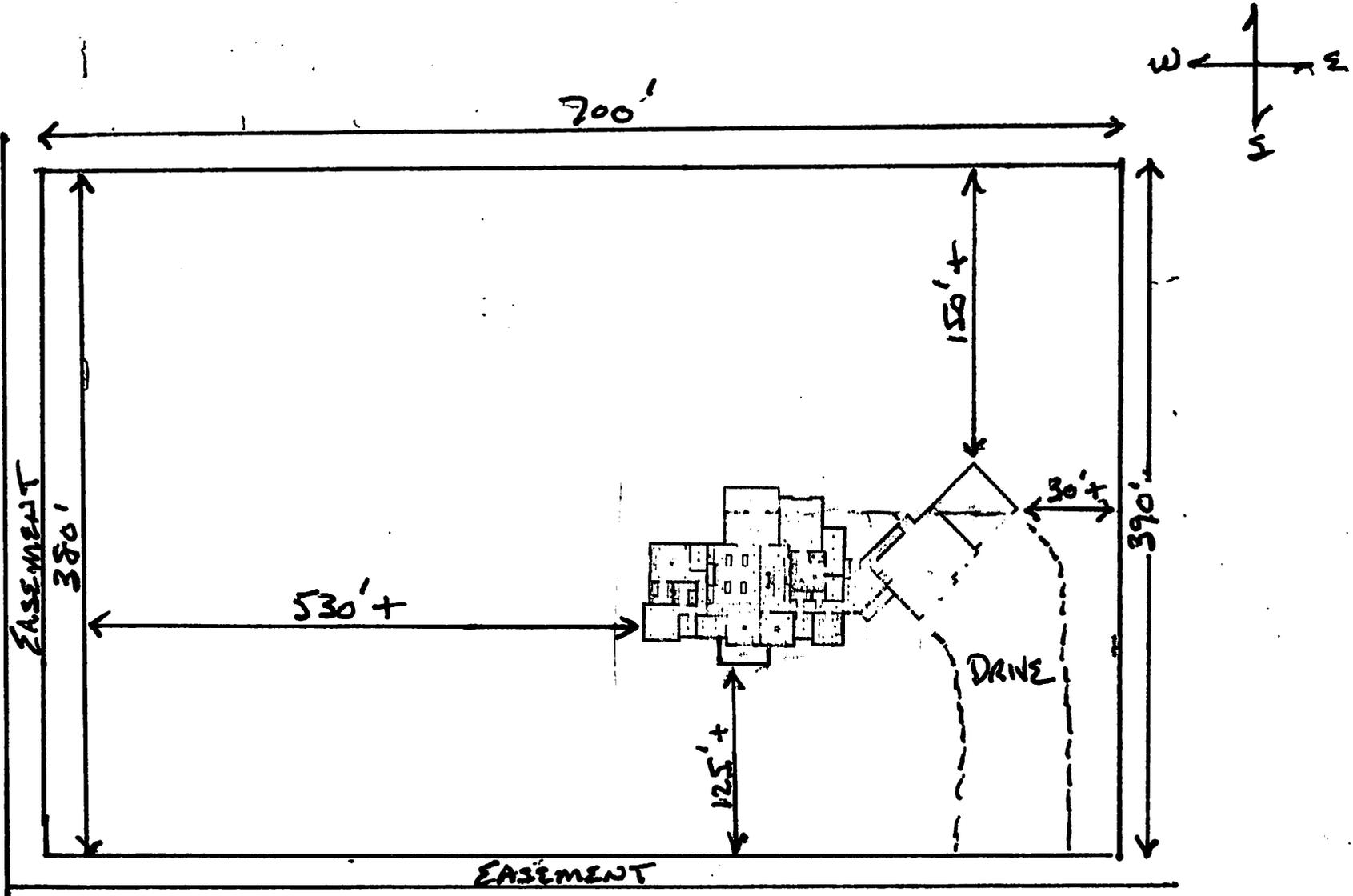
On behalf of our client, Kristen Telfor, it is our request that this Commission approve our request for approval of our application for a special use permit.

Michael V. Theunissen  
Joanne (Jo) Theunissen  
Howling Hammer Builders, Inc.

Attachments:  
Application for Special Use  
Site Plan  
Building Plan & Images



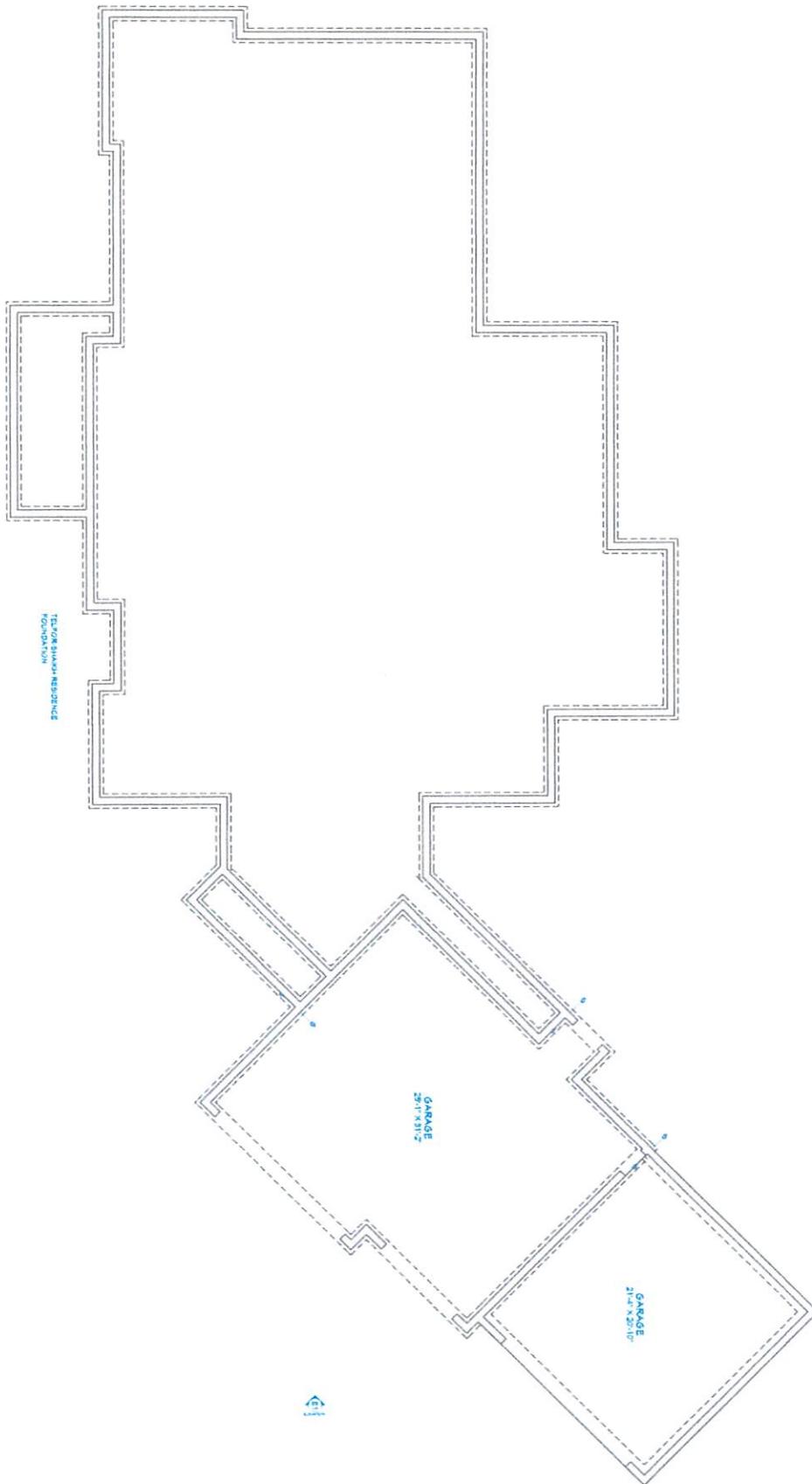
CRAWFORD RD

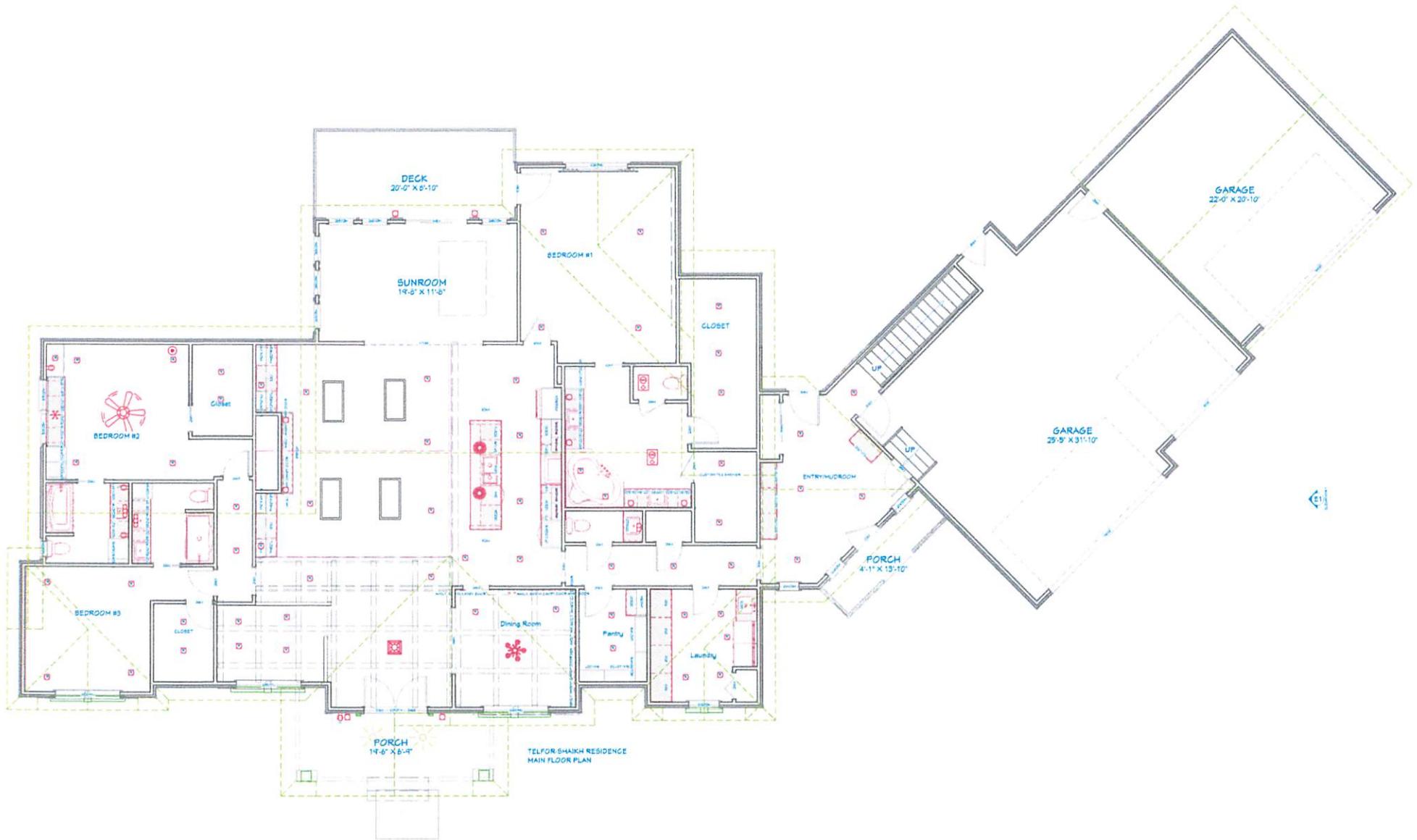


Paddock Ln.

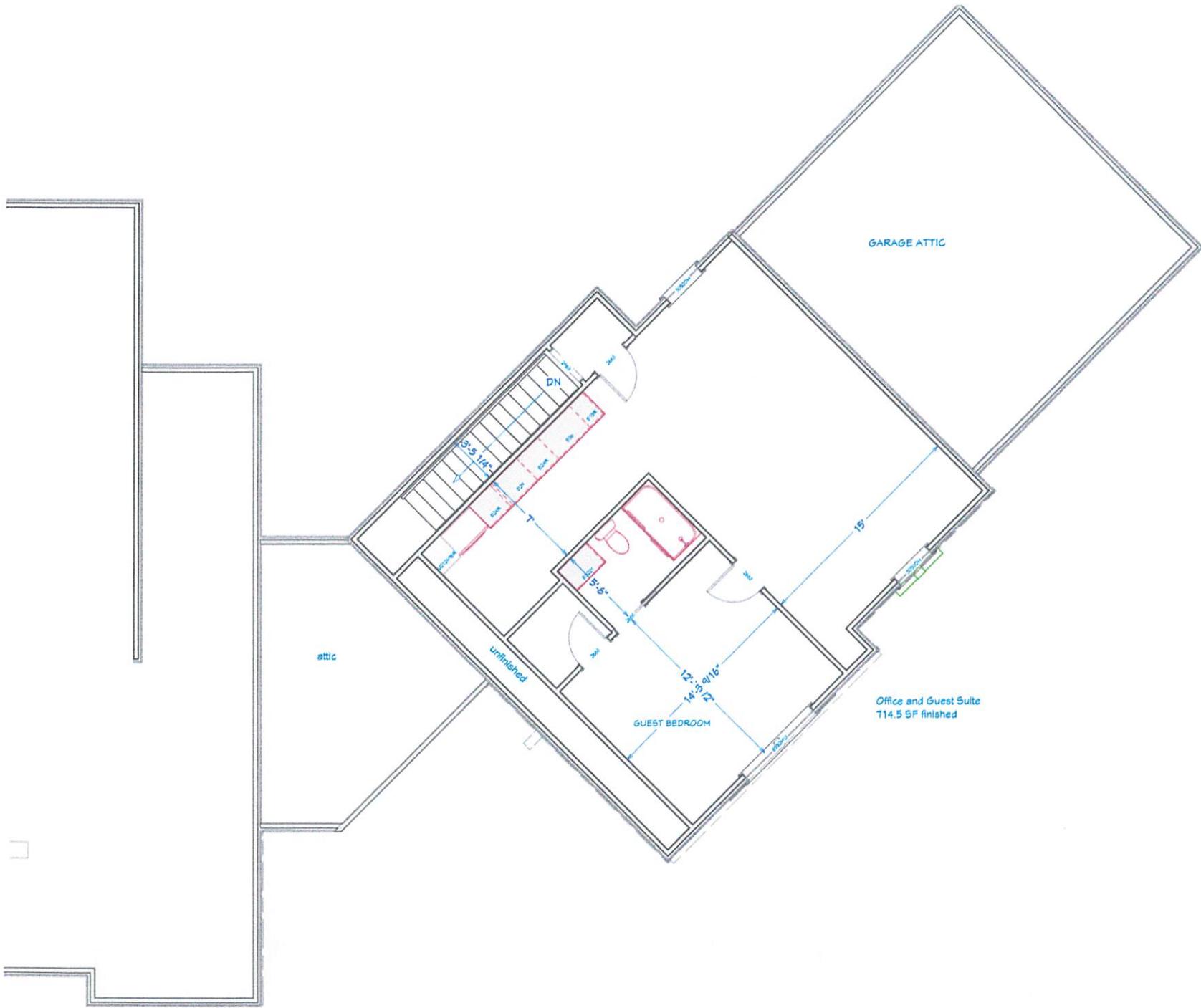
3057 Paddock Ln.  
PAR. 1 OF CRAWFORD EST

HOWLING HAMMER BUILDERS

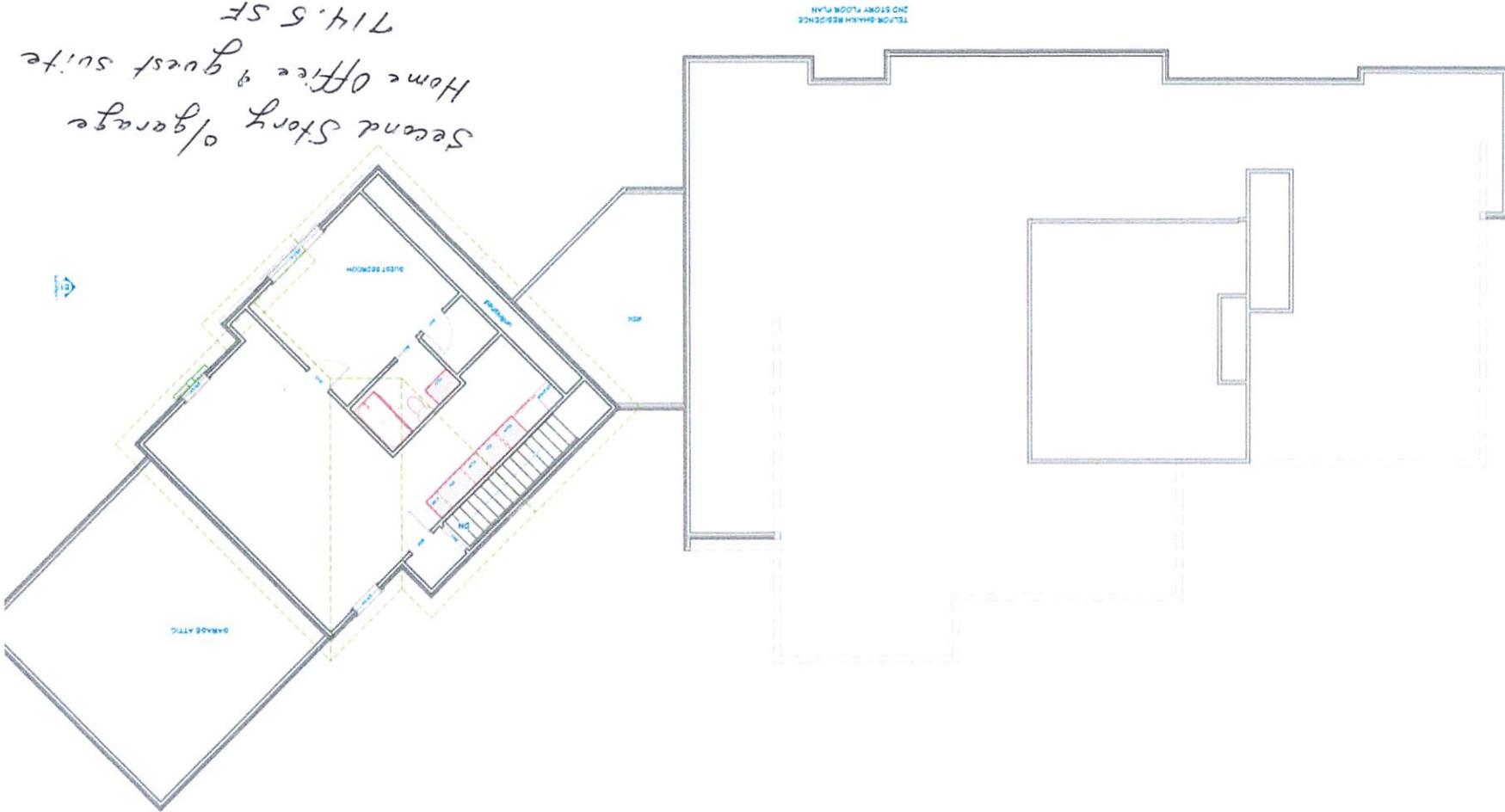


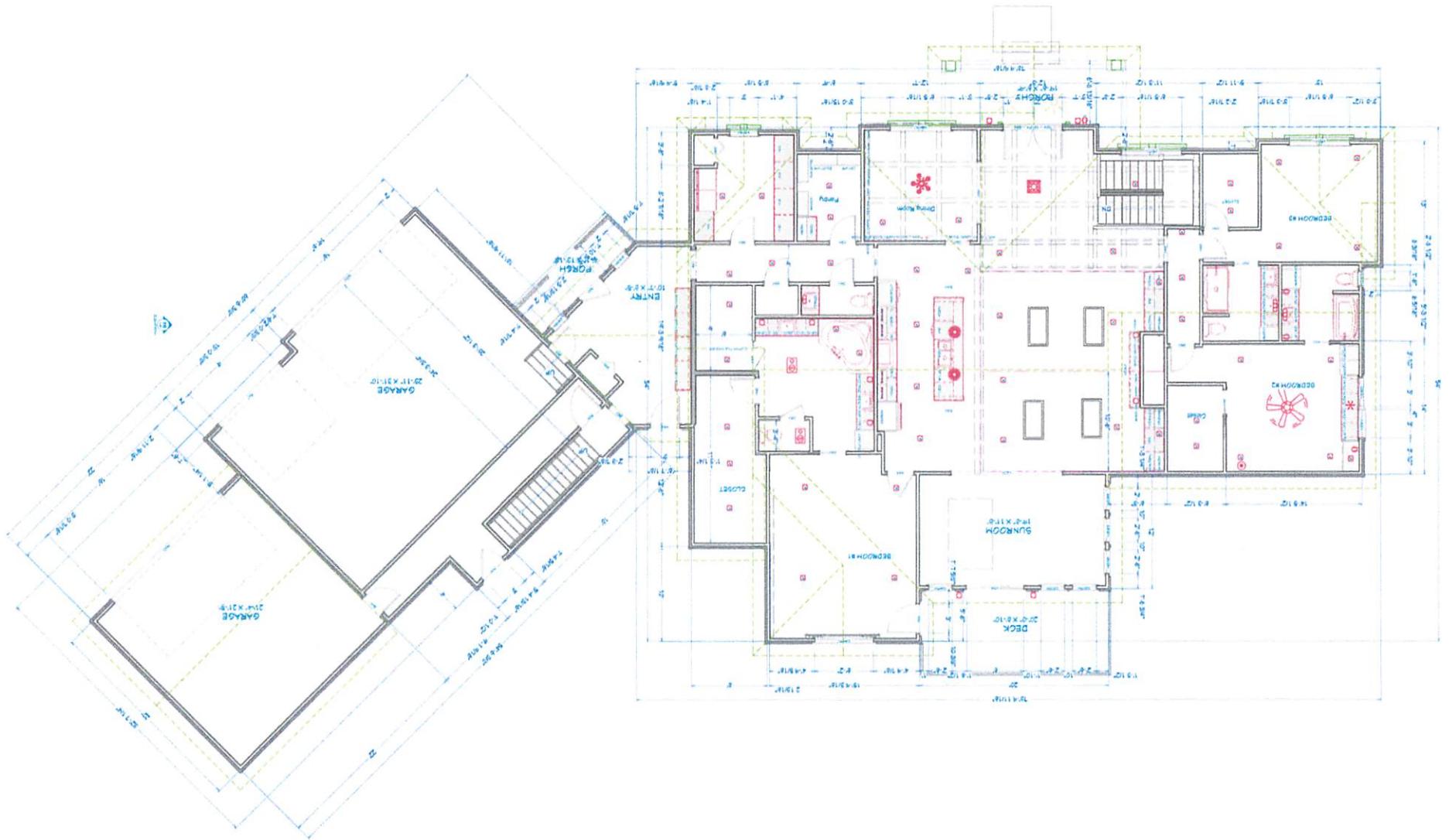






Second Story of garage  
Home Office & guest suite  
714.5 SF













**SPECIAL USE PERMIT APPLICATION**

<b>TO:</b>	Planning Commission	<b>DATE:</b>	August 8, 2024
<b>FROM:</b>	Peter Gallinat, Zoning Administrator	<b>ZONING:</b>	AG Agricultural District.
<b>PROJECT:</b>	PSUP24-01 Special Use Permit Application, Accessory Dwelling.		
<b>PARCEL(S):</b>	PID 14-034-30-009-01		
<b>OWNER(S):</b>	Kristen Telfor.		
<b>LOCATION:</b>	Approximately 6.1 acres located at 3057 Paddock Ln in the SW 1/4 of Section 34.		
<b>EXISTING USE:</b>	Vacant land	<b>ADJACENT ZONING:</b>	R-2B, AG
<b>FUTURE LAND USE DESIGNATION:</b> <i>Residential:</i> After agriculture, this category is the township’s predominant land use, and is meant to promote single-family homes on a variety of lot sizes. With new development, subdivision design should protect open space and natural features and limit single driveways onto corridors.			
<b>ACTION REQUESTED:</b> To hold a public hearing on and to review and take action on the PSUP24-01 special use application for an accessory dwelling located at 3057 E. Paddock LN in the SW ¼ of Section 34 and in the AG (Agricultural) zoning district.			

**Background Information**

The applicant submitted a building permit for a single-family dwelling with a detached garage showing a living area above the garage. This design was denied by the Township. The applicant was informed of the requirements for an accessory dwelling in the Township. A revised plan showed a hallway extending from the detached garage with the dwelling above to the attached garage of the single-family dwelling. This design was denied as well. The use of the accessory dwelling is for both a home office and guest suite.

**Minor Site Plan and Relief from Sidewalk Construction**

A minor site plan has also been submitted as part of the special use permit application, as required for special uses. Temporary relief from sidewalk construction along S. Crawford Road and Paddock Lane can only be granted by the Planning Commission. If the special use permit and sidewalk relief is approved by the Planning Commission, then the associated minor site plan would be subject to administrative approval by the Zoning Administrator.

Neither Paddock Lane nor this section of Crawford Road is part of the designated streets. Criteria #4 for granting sidewalk construction relief states: ***“Less than 50% of the surveyed sections of the township along the road fronting the proposed development have sidewalks. If on a corner lot, the mile will extend in both directions along the frontage roads. Once the threshold has been met all parcels will be required to construct sidewalks within 1 year.”***

The subject parcel qualifies under criteria #4. Township staff has no objection to the Planning Commission granting sidewalk construction relief. If granted, the applicant will need to update the minor site plan with the correct verbiage from Criteria #4 prior to final action by the Zoning Administrator.

## Review Comments

Section 14.3.J. of the Zoning Ordinance establishes the standards for special use approval. No special use permit shall be granted unless the Planning Commission makes affirmative findings of fact and records adequate data, information, and evidence showing that:

<b>Section 14.3.J. (Standards for Special Use Approval)</b>		<b>Status</b>
<b>1</b>	<p><b>The proposed land use is identified in Section 3 as a special use in the zoning district.</b></p> <p>Accessory dwelling is listed in Section 3.6 as a special use in the AG (Agricultural District).</p>	<b>Conforms</b>
<b>2</b>	<p><b>The location, design, activities, processes, materials, equipment, and operational conditions of the special use will not be hazardous, detrimental or injurious to the environment or the public health, safety or general welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage, pollution or other adverse impacts.</b></p> <p>The proposed use conforms to this standard.</p>	<b>Conforms</b>
<b>3</b>	<p><b>The special use will be designed, constructed, operated, and maintained in a manner compatible with adjacent uses, the surrounding area, and the intent of the zoning district. Where determined necessary by the Planning Commission, the applicant has provided adequately for any restrictions on hours or days of operation, minimization of noise, and screening improvements or other land use buffers to ensure land use compatibility and minimize adverse impacts.</b></p> <p>The plan shows that the accessory dwelling will be compatible with adjacent uses, the surrounding area and the intent of the zoning district.</p>	<b>Conforms</b>
<b>4</b>	<p><b>The special use location and character is consistent with the general principles, goals, objectives, and policies of the adopted Master Plan.</b></p> <p>The special use for the accessory dwelling does not change the residential character of the property. The use provides an additional dwelling space to the existing planned single family dwelling.</p>	<b>Conforms</b>
<b>5</b>	<p><b>The proposed special use conforms to all applicable requirements or standards of this Ordinance or other Township ordinances. For this use, the following standards of Section 6.56 (Accessory Dwelling) apply (staff comments below in <i>italics</i>):</b></p> <p><b>1. Residence an Incidental Use.</b> The accessory dwelling shall be clearly incidental to the principal single-family dwelling on the site. Accordingly, the following conditions shall be met:</p> <p>a. An accessory dwelling shall be established in and attached to an owner-occupied single-family dwelling only by means of a fully enclosed, insulated and heated space. <b><i>The garage is attached to the dwelling by means of a mudroom that is fully enclosed, insulated and heated. A stairway is shown to lead up to the accessory dwelling.</i></b></p> <p>b. Only one (1) such accessory dwelling shall be permitted on each parcel. <b><i>There is only one (1) accessory dwelling shown on the plans.</i></b></p> <p>c. The gross floor area of the accessory dwelling shall not exceed 800-square feet or fifty percent (50%) of the principal single-family dwelling’s gross floor area, whichever is less. <b><i>The proposed accessory dwelling is 714.5-square-feet.</i></b></p>	<b>Can Conform</b>

Section 14.3.J. (Standards for Special Use Approval)		Status
	<p><b>2. Setbacks and Placement on the Parcel.</b> Accessory dwellings shall comply with all setback requirements for the zoning district in which they are located.</p> <p><i>The plans demonstrate that the dwelling meets the setback requirements of a principle building in the AG district. A 50-foot front yard setback from the road right-of-way, 50-foot rear yard setback, and 16.5-foot side yard setback.</i></p>	Conforms
	<p><b>3. Compatibility with Surrounding Land Use.</b> The design of the accessory dwelling shall not detract from the single-family character and appearance of the principal dwelling on the lot, or the surrounding neighborhood. The accessory dwelling shall not have a front entrance visible from the front yard, other than the entrance that serves the principal dwelling on the lot. When viewed from the outside, it shall appear that only one (1) household occupies the site.</p> <p><i>The designs of the dwelling do not distract from the single-family character and appearance of the principal dwelling on the lot or surrounding neighborhood. There is only one entrance to the house from the font yard that is the main entrance used by all who enter the house.</i></p>	Conforms
	<p><b>4. Parking and Access.</b> In addition to the minimum required parking for the principal dwelling, one (1) additional required parking space shall be provided for the accessory dwelling.</p> <p><i>One of the spaces in the 5-car garage will be reserved for the accessory dwelling.</i></p>	Conforms
	<p><b>5. Termination.</b> An accessory dwelling that is no longer needed for the purposes outlined herein shall be incorporated into and become a part of the principal single-family dwelling to which it is attached.</p> <p><i>There is no issue with the design that would prevent this from working.</i></p>	Can Conform
	<p><b>6. Rental Certification.</b> The accessory dwelling shall be subject to the applicable requirements of the Townships Housing Licensing Ordinance.</p> <p><i>The accessory dwelling is not proposed by the owner to be available as a traditional or a short-term rental. Prior to any future change to a rental status, the owner will be required to comply with requirements of the Housing Licensing Ordinance. A short-term rental unit will also be subject to the applicable Zoning Ordinance requirements, including Section 6.58, Short-Term Rental Housing.</i></p>	Can Conform
6	<p><b>Approval of the special use location will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.</b></p> <p>The approval of the special use location will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.</p>	Conforms
7	<p><b>The impact of the special use will not exceed the existing or planned capacity of public or municipal services or infrastructure; including but not limited to roads, police and fire protection services, refuse disposal, municipal water or sewerage systems, other utilities, drainage facilities, and public or private wells. The proposed use will not create additional requirements at public cost for services or infrastructure that will be detrimental to the economic welfare of the community.</b></p> <p>The use of the accessory dwelling does not create any new or exceed the planned use of the dwelling in terms of public services or infrastructure.</p>	Conforms

## **Objectives**

To hold a public hearing on the special use permit application, followed by Planning Commission review of the application and any public comments, deliberation, and final action on the application and temporary relief from sidewalk construction. Following action by the Planning Commission, the Zoning Administrator would then take an administrative action on the associated minor site plan.

## **Key Findings**

- The special use permit application meets the requirements of Section 14.3.E. (Application Information) and is consistent with all applicable standards for accessory dwelling and special use permit approval found in Sections 6.56 and 14.3.J. of the Zoning Ordinance.
- The associated minor site plan meets the requirements of Section 14.2.P (Required Site Plan Information) and Section 14.2.S (Standards for Site Plan Approval).
- The request for temporary relief from sidewalk construction is consistent with Criteria #4 of the Township's 2018 Sidewalk Relief Policy and staff has no objection to the granting of the requested relief, provided that the wording of the temporary relief is updated on the minor site plan to match Criteria #4.

## **Recommendations**

Based on the above findings, I recommend that the Planning Commission take action by motion to approve the PSUP24-01 special use application for a proposed accessory dwelling located at 3057 Paddock Lane, subject to ongoing compliance with the requirements of Section 6.56 (Accessory Dwelling) of the Zoning Ordinance; and to approve temporary relief from sidewalk construction with a finding that it is consistent with Criteria #4 of the Township's 2018 Sidewalk Relief Policy, provided that the wording of the request is updated on the minor site plan to match Criteria #4.

Please contact me at (989) 772-4600 ext. 241, or via email at [pgallinat@uniontownshipmi.com](mailto:pgallinat@uniontownshipmi.com), with any questions about this information.

Respectfully submitted,

***Peter Gallinat, Zoning Administrator***

Community and Economic Development Department

**Draft Motions: PSUP 24-01 Kristen Telfor – Accessory Dwelling, 3057 Paddock Lane**  
**Special Use Permit Application**

**MOTION TO APPROVE AS PRESENTED:**

Motion by \_\_\_\_\_, supported by \_\_\_\_\_, to approve the PSUP24-01 special use application for an accessory dwelling within the principal building for a new single-family dwelling at 3057 Paddock Lane (parcel number 14-034-30-009-01) in the southwest quarter of Section 34 and in the AG (Agricultural) zoning district, finding that it fully complies with Section 6.56 (Accessory Dwelling) and Section 14.3.J. (Standards for Special Use Approval); and to approve the associated request for temporary relief from sidewalk construction along the frontage of the subject parcel with a finding that it is consistent with Criteria #4 of the Township’s 2018 Sidewalk Relief Policy.

**MOTION TO APPROVE WITH CONDITIONS:**

Motion by \_\_\_\_\_, supported by \_\_\_\_\_, to approve the PSUP24-01 special use application for an accessory dwelling within the principal building for a new single-family dwelling at 3057 Paddock Lane (parcel number 14-034-30-009-01) in the southwest quarter of Section 34 and in the AG (Agricultural) zoning district, finding that it can comply with Section 6.56 (Accessory Dwelling) and Section 14.3.J. (Standards for Special Use Approval), subject to the following findings and conditions:

1. The associated request for temporary relief from sidewalk construction along the frontage of the subject parcel is approved with a finding that it is consistent with Criteria #4 of the Township’s 2018 Sidewalk Relief Policy, provided that the wording of the request is updated on the minor site plan to match Criteria #4.
2. Use of the accessory dwelling shall conform to the Zoning Ordinance standards, including Section 6.56 (Accessory Dwelling). Prior to any future use as a rental unit or as short-term rental housing, the landowner shall be responsible for compliance with the Housing Licensing Code Ordinance and the Zoning Ordinance, including requirements for annual rental inspection and certification, and any applicable special use permit or other zoning approval.

\_\_\_\_\_  
\_\_\_\_\_

**MOTION TO POSTPONE ACTION:**

Motion by \_\_\_\_\_, supported by \_\_\_\_\_, to postpone action on the PSUP24-01 special use application for an accessory dwelling at 3057 Paddock Lane (parcel number 14-034-30-009-01) in the AG (Agricultural) zoning district until \_\_\_\_\_, 2024 for the following reasons:

\_\_\_\_\_

**MOTION TO DENY:**

Motion by \_\_\_\_\_, supported by \_\_\_\_\_, to deny the PSUP24-01 special use application for an accessory dwelling within the principal building for a new single-family dwelling at 3057 Paddock Lane (parcel number 14-034-30-009-01) in the southwest quarter of Section 34 and in the AG (Agricultural) zoning district, and to deny the request for temporary relief from sidewalk construction along the frontage of the subject parcel, for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_

## TEXT AMENDMENT REPORT

**TO:** Planning Commission

**DATE:** August 7, 2024

**FROM:** Rodney C. Nanney, AICP, Community and Economic Development Director

**APPLICATION:** PTXT24-01 Zoning Text Amendment (Charter Township of Union)

**ACTION REQUESTED:** To hold a public hearing on proposed amendments to Section 11 (Signs) and Section 2.2 (Definitions) of the Zoning Ordinance No. 20-06 for the purpose of establishing more flexible standards and updated requirements for various types of signs, and to resolve regulatory conflicts in the current ordinance; to review the proposed amendments and any public comments from the hearing; and to deliberate and make any recommendations to the Board of Trustees for final action.

### Background Information

The Township's current Zoning Ordinance No. 20-06 went into effect on September 21, 2020. During the adoption process, our project consultant noted that with any comprehensive Zoning Ordinance update project, it is expected that some details may be identified for correction as the new ordinance is implemented. Over the past several years, the Planning Commission has reviewed and made recommendations on several sets of text amendments to Ordinance No. 20-06.

The sign regulations adopted as Section 11 of the new Zoning Ordinance in 2020 represented a comprehensive change from the earlier 1991 Zoning Ordinance. As staff has worked to implement these regulations since 2020, some challenges and regulatory conflicts have been noted. In addition, issues have arisen with regards to somewhat inflexible standards that have made it harder to modernize or update older signs. Overall, the current sign regulations have proven to be cumbersome and not well coordinated with the needs of the Township. The proposed amendments were initiated by the Township in response to these issues.

Proposed updates include:

1. Expanding provisions for calculating the signable area of a building to add flexibility and in some cases to create additional signable area for building-mounted signage.
2. Reducing the complexity of the current regulations for freestanding (ground) signs and substantially expand the scope of potential modifiers to sign height, sign area, and setbacks for ground signs based on specific circumstances related to zoning district, lot size, type of development, right-of-way width, and speed of traffic (see Section 11.06).
3. Expanding options for allowable alterations to existing nonconforming signs to make it easier for owners of older signs to update or modernize them in cases where full compliance to all current sign ordinance standards would be impractical (see Section 11.10).
4. Streamlining regulations and expanding the allowance for temporary signage without a sign permit in each of the zoning districts.

5. Clarifying provisions for signage at entranceways (site entry features with signage).
6. Removing the remaining elements of content-based regulation consistent with recent U.S. Supreme Court decisions related to local sign regulations.
7. Updating provisions for sign illumination and electronic message boards.
8. Prohibiting new pylon signs and billboards, based on specific findings and conclusions.
9. Updating and adding new sign-related illustrations.
10. Consolidating the sign-related definitions into Section 2.2 (Definitions).

### **Project Timetable**

Under the requirements of the Michigan Zoning Enabling Act, this Zoning Ordinance amendment is subject to a Planning Commission public hearing and recommendation to the Board of Trustees along with review and comment from the Isabella County Planning Commission.

### **Key Findings**

1. The current sign regulations have proven to be cumbersome and not well coordinated with the specific needs of the Township.
2. The current sign regulations have somewhat inflexible standards for certain types of signs that in particular have made it harder to modernize or update older signs.
3. Staff has identified regulatory conflicts and challenges that would be resolved with the proposed set of amendments.

### **Recommendation**

Under the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, the Planning Commission has the responsibility to hold a public hearing on proposed amendments to the Zoning Ordinance or Official Zoning Map, and to make any recommendations for final action to the Board of Trustees. Following the public hearing, review, and deliberation, I recommend that the Planning Commission consider taking action by **motion to recommend to the Board of Trustees that the proposed amendments to Section 11 (Signs) and Section 2.2 (Definitions) of the Zoning Ordinance No. 20-06 be adopted as presented** or be adopted with the following additional changes:

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Please contact me at (989) 772-4600 ext. 232, or via email at rnanney@uniontownshipmi.com, with any questions about this information.

Respectfully submitted,

***Rodney C. Nanney, AICP, Director***

Community and Economic Development Department

CHARTER TOWNSHIP OF UNION  
ISABELLA COUNTY, MICHIGAN

ORDINANCE NO. \_\_\_\_\_

An ordinance to delete and replace in its entirety Section 11 (Signs) of the Charter Township of Union Zoning Ordinance No. 20-06 for the purpose of establishing more flexible standards and updated requirements for various types of signs, and to resolve regulatory conflicts in the current ordinance; to amend Section 2.2 (Definitions) to insert a new definition for “Sign” and associated sub-definitions; and to provide for repeal, severability, publication, and an effective date; all by authority of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended (MCL 125.3101 et seq.).

THE CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN, HEREBY ORDAINS:

**PART ONE – Title**

This Ordinance shall be known and may be referred to as the “Charter Township of Union Ordinance Number \_\_\_\_\_, Ordinance Amending the Charter Township of Union Zoning Ordinance.”

**PART TWO – Delete and Replace Section 11 (Signs) In its Entirety**

The text and illustrations under Section 11 (Signs) are hereby deleted and replaced in their entirety to establish more flexible standards and updated requirements for various types of signs, and to resolve regulatory conflicts in the current ordinance:

## Section 11 Signs

### Section 11.01 Intent and Purposes.

The primary function of signage, as it relates to this Ordinance, is to identify a particular use or business occupying a lot or building in the Township. The Township further finds that reasonable use of signage promotes commerce in the Township. However, a proliferation of signs would unduly distract or endanger motorists and pedestrians; cause the deterioration of business or residential areas; obstruct vision; negatively impact property values; and reduce the effectiveness of private and public signage. The intent and purposes of this Section 11 (Signs) are to:

1. Promote the health, safety, and welfare of the community by allowing for a broad range, scale, and types of signs and other displays that are of an appropriate design, scale, placement, and manner for their intended purposes of identification or communication.
2. Minimize the proliferation of visual clutter and preserve the appearance of the Township by preventing the placement of oversized signs that are out of scale with surrounding buildings and uses.
3. Establish standards for the construction, alteration, repair, and maintenance of all signs with respect to safety, location, dimensions, height, and method of illumination.
4. Provide for the prompt repair or removal of abandoned, damaged, temporary, and unlawful signs.
5. Ensure that, by reason of their size, location, spacing, construction or manner of display, signs do not endanger life or limb, confuse or mislead motorized or non-motorized traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public health or safety.
6. Protect and enhance the aesthetic appeal of the Township, including the preservation of historic and cultural resources, visual character, and the dark night sky; and the prevention of visual clutter and

blighting conditions caused in part by oversized signs or an excessive concentration of signage that would be out-of-scale with surrounding buildings and uses.

7. Establish standards for signs in the Township that are fully consistent with the liberty of speech of every person, as acknowledged in the Michigan Constitution.

## Section 11.02 General Standards.

Signs erected, altered, and maintained in the Township shall conform to the standards of this Ordinance. The following standards shall apply to signs in all zoning districts:

### A. Standards of Measurement.

Dimensional standards and measurements for signs shall be subject to the following:

1. Sign height. The distance from the average level of the ground or pavement directly below the sign to the highest point of the sign structure, including any supportive or decorative elements (see illustration).
2. Sign setback. Setbacks shall be measured from the closest road right-of-way or front lot line to the nearest edge of the sign.
3. Sign area. Measurements of allowed sign area shall be in accordance with the following standards:
  - a. The surface area of a sign shall include the total area within a regular geometric figure (circle, triangle, rectangle or square) enclosing the extreme limits of letters, symbols or other materials forming an integral part of the display, plus the surface area of any board, panel, or similar sign copy area to which the letters, symbols or other materials are attached (see illustration).
  - b. For an internally illuminated sign, the entire illuminated surface area of a sign face shall be included in the measurement of sign area.
  - c. Where a sign has more than two (2) sign faces, then the sign area shall equal the total area of all sign faces.
  - d. Where two (2) sign faces are placed more than 18 inches apart at any point, then the sign area shall equal the total area of all sign faces.
  - e. Where two (2) sign faces with identical sign areas are placed back to back no more than 18 inches apart, then the sign area shall equal the area of one (1) face.
  - f. Where two (2) sign faces with different sign areas are placed back to back no more than 18 inches apart, then the sign area shall equal the area of the larger face.
  - g. Multiple sign faces grouped together shall be treated as one sign face for determination of sign area.
4. Signable area. The signable area of a building shall equal the area of the building's street level façade (see illustration), subject to the following:
  - a. The signable area of each building or structure where building-mounted signage is allowed by this Section 11 (Signs) shall be calculated separately.
  - b. For a filling station pump island canopy, drive-through canopy or equivalent structure, the signable area shall equal the area of each vertical wall surface below the roofline facing a public road.
  - c. Where more than one business or use occupies space on the street level façade, the total signable area allowed for the building shall be divided among the businesses or uses in proportion to the size of each occupied space.
  - d. Where a building has two (2) or more street level facades (such as on a corner lot), each street level façade shall be considered as a separate signable area for purposes of this Section 11 (Signs) [e.g. - a building that faces two (2) road rights-of-way shall have two (2) signable areas].

### B. Construction and Maintenance.

All signs shall be constructed or installed in compliance with the State Construction Code and other applicable building, fire, and electrical codes; shall be maintained in good repair and working order; and shall present a neat and orderly appearance. All signs shall be of sturdy construction to withstand normal natural elements, and shall be properly maintained at all times. All sign copy areas shall be intact, and illuminated signs shall be capable of immediate illumination. Signs with damaged, incomplete or missing sign copy areas or non-functional or damaged illumination elements shall be classified as damaged signs for purposes of this Section 11 (Signs).

**C. Road Rights-of-Way.**

No sign shall be located in, project into or overhang a public or private road right-of-way or easement, except signs provided by local, county, state or federal governments, required legal notices, and mailboxes and delivery boxes.

**D. Hazards and Obstructions.**

Signs shall not be designed or maintained in a manner that would confuse or mislead motorists or pedestrians, create traffic or pedestrian hazards, obstruct free and clear vision or interfere with any traffic control device. No sign shall be erected or maintained so as to prevent ingress or egress from any door, window or emergency exit.

**E. Vehicle Signs.**

Signs painted on, or otherwise affixed to, trucks, trailers or other vehicles shall be subject to the requirements of this Ordinance for temporary signs unless all of the following conditions are met:

1. The vehicle or trailer has a valid license.
2. The vehicle or trailer is operable and used for transportation, deliveries or services related to the principal permitted use that is the subject of the sign.
3. The vehicle or trailer is actively used in such a fashion that requires it to be transported off the site on a daily basis during business hours.

**F. Changeable Copy Area or Electronic Message Board.**

A changeable copy area or electronic message board shall be allowed as part of a permitted building-mounted sign, ground sign or billboard sign, subject to the following:

1. The changeable copy area or electronic message board shall be limited to no more than one (1) revolution or change in the display for each ten (10) seconds of time, and no more than six (6) revolutions or changes per minute.
2. To minimize visual distractions and hazards for motorists, pedestrians, and property, animated copy as defined in Section 2.02 (Definitions) shall be prohibited.
3. The permitted changeable copy area or electronic message board of any sign shall at all times conform to the illumination standards of Section 11.02.G. (Illumination).
4. The permitted changeable copy area or electronic message board of a building-mounted sign or ground sign shall not exceed eighty percent (80%) of the total sign area.

**G. Illumination.**

Internal and external sign illumination shall be allowed, subject to the following:

1. External sign illumination. Where allowed under this Section 11 (Signs), external illumination of signs shall be subject to the following:
  - e. The light source(s) shall be fully shielded to prevent upward illumination or glare, directed towards the sign face, and designed to concentrate all light on the sign copy area (see illustration); and
  - f. The light source(s) shall be arranged and shaded so as not to project onto the public right-of-way, interfere with traffic, or project onto adjacent property.
2. Internal sign illumination. Where allowed under this Section 11 (Signs), internal illumination of signs shall be subject to the following:
  - a. The sign faces shall be more than fifty percent (50%) covered by semi- opaque colors and materials with a color value and saturation of fifty percent (50%) or higher (see illustration).
  - b. Internally illuminated signs shall be equipped with a reduced intensity nighttime setting activated by photocell or timer.
3. Other limitations. Sign illumination shall be provided solely by electrical means or devices, and shall not be of a flashing, intermittent or moving type. Illumination involving searchlights, strings of lights or movement of lights or other devices shall be prohibited.

Section 11.03 Signs Allowed Without a Permit.

The following signs are exempt from Section 11.09 (Sign Permit) requirements, and shall be allowed accessory to a permitted use in any zoning district. Such signs shall be subject to all other applicable standards of this Ordinance:

**A. Address Numbers and Nameplate.**

All principal buildings shall display their assigned address number in a manner legible from the road right-of-way. In addition, one (1) nameplate shall be allowed per principal building to provide for the further identification of the building, use or occupants. The nameplate shall not exceed four (4) square-feet in area, and shall be attached flat against the building wall.

**B. Construction Signs.**

Temporary construction signs shall be subject to the following:

Standards	Construction Signs
Maximum number of allowed signs	One (1) sign per road frontage of the development parcel
Minimum required setbacks	Outside of any road rights-of-way and clear vision triangles as defined in Section 4.6 (Clear Vision Triangle); and ten (10) feet from any side or rear lot boundary and the edge of pavement for any internal access drive
Maximum sign area	32.0 square feet per sign
Maximum sign height	6.0 feet
Method of illumination	External light sources only
Display period	Sign(s) may be erected following a minor site plan, final site plan, or final preliminary plat approval, and shall be removed within 14 calendar days of completion of the project's final phase, or upon expiration of site plan or permit approval.

**C. Other Temporary Signs.**

Temporary signs not otherwise provided for in this Section, subject to the following:

1. Maximum height and sign area. Such temporary signs shall be allowed in accordance with the following table of standards for maximum allowed height and total sign area per lot:

Zoning District or Use	Maximum Total Sign Area	Maximum Sign Height
AG District or customary agricultural operations in any zoning district	32.0 square feet	6.0 feet
All residential zoning districts	16.0 square feet	6.0 feet
B-4, B-5, B-7 or OS Districts	32.0 square feet	8.0 feet
I-1 or I-2 Districts	32.0 square feet	8.0 feet

2. Minimum required setbacks. Such temporary signs shall be located outside of any road rights-of-way and clear vision triangles as defined in Section 4.6 (Clear Vision Triangle); and ten (10) feet from any side or rear lot boundary and the edge of pavement for any internal access drive.
3. Removal. Such signs shall be removed by the property or business owner, agent or person responsible for creating or placing the sign on the lot within five (5) calendar days following completion or discontinuation of the event, action or activity to which the sign pertains.

**D. Other Signs and Sign-Related Activities.**

The following types of signs and sign-related activities shall be allowed accessory to a permitted use in any zoning district:

**Public Hearing Draft**

1. Painting, servicing, cleaning, normal maintenance, and minor repairs of an existing sign, provided that the approved design is not altered and all work is in compliance with applicable Ordinance requirements.\
2. One (1) window sign accessory to a principal non-residential use not exceeding four (4) square-feet in area and may be illuminated. Additional window signs may be allowed in accordance with Section 11.05 (Building Mounted Signs).
3. Memorial signs, tablets or markers that are cut into the face of masonry surfaces or constructed of bronze or other incombustible materials, and are integrated into the façade wall of a building.
4. Signs of a duly constituted governmental body; signs required to be maintained by law or governmental order, rule or regulation; signs identifying public access, municipal facilities, and similar official markers for the direction, safety or convenience of the public.
5. Traffic safety and control and similar signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices; and essential service signs denoting utilities, hazards, and precautions.
6. Signs on the interior of a building that are not legible from the building exterior.
7. Signs displayed within the interior of an outdoor stadium, ballfield, college campus, recreation area, or equivalent space that are not visible from public road rights-of-way.
8. Changes to sign copy within an approved changeable copy area.
9. Signs carried by or affixed to clothing worn by persons.

**Section 11.04 Signs Allowed With a Permit.**

The following signs shall be allowed accessory to a permitted use in any zoning district, subject to sign permit approval per Section 11.09 (Sign Permits) and the following:

**A. Site Entry Features with Signage.**

Site entry features with signage may be erected at the entrance to a residential subdivision, condominium or multiple-family development; manufactured housing park; medical, research, or educational campus; or multi-tenant office, business, or industrial park, subject to sign permit approval per Section 11.09 (Sign Permits) and the following (see illustration):

1. Site entry features may consist of walls, columns, gates, and similar design elements and shall be separate from other permitted signs accessory to uses occupying individual lots.
2. The location and design of any site entry feature with signage shall not interfere with pedestrian, bicycle, or vehicular traffic movement.
3. If the site entry feature is on private property, evidence of a recorded easement shall be provided to the Zoning Administrator as part of any permit application.
4. Site entry features with signage may be located within required yard setback areas, but shall be located outside of any clear vision triangles as defined in Section 4.6 (Clear Vision Triangle).
5. Site entry feature shall be prohibited within any road right-of-way, with the exception of location on a boulevard entrance island in the road right-of-way under the following set of circumstances:
  - a. The nearest edge of the site entry feature with signage shall be set back a minimum of ten (10) feet from the intersecting road right-of-way and shall conform to the requirements of Section 11.02.D. (Hazards and Obstructions). The Zoning Administrator may require additional setback distance to ensure full compliance with Section 11.02.D.
  - b. Documentation of an approved permit from the Isabella County Road Commission, Michigan Department of Transportation or other outside agency with jurisdiction shall be provided to the Zoning Administrator as part of any permit application.
6. A maximum of one (1) sign shall be allowed on a site entry feature per road entrance from a public road classified as a primary roadway by the master transportation plans of the Township, or county or state road authorities, subject to the following:

<b>Standards</b>	<b>Site Entry Features with Signage</b>
Maximum sign area	32.0 square feet per sign
Maximum sign height	6.0 feet
Method of illumination	External light sources only.

**B. Incidental Signs.**

For any land use subject to site plan approval per Section 14.2.C. (Site Plan Approval Required), a limited allowance for incidental signage shall be permitted subject to sign permit approval per Section 11.09 (Sign Permits) and the following limitations:

1. A maximum of four (4) square-feet per sign.
2. For freestanding incidental signs, a maximum of three (3) feet in height.
3. A maximum of six (6) incidental signs shall be allowed per lot.
4. Incidental signs shall be located outside of any road rights-of-way and clear vision triangles as defined in Section 4.6 (Clear Vision Triangle) and shall be set back a minimum of ten (10) feet from all side and rear lot boundaries. The locations shall not interfere with pedestrian, bicycle, or vehicular traffic movement.

**C. Building Directory.**

Where a single building on a single lot is occupied by more than one (1) business, dwelling or other use above the street level façade (such as a multiple-tenant office or commercial building), a building directory sign may be erected on the street level façade for these uses, subject to sign permit approval per Section 11.09 (Sign Permits) and the following limitations (see illustration):

1. The maximum sign area shall not exceed three percent (3%) of the signable area of the building.
2. This allowance for a building directory shall be separate from and in addition to any calculation of the allowable area for other building-mounted signs allowed per Section 11.05 (Building-Mounted Signage)..
3. Illumination of such signs shall be limited to external light sources.

**Section 11.05 Building-Mounted Signs.**

The intent of this Section is to establish consistent and reasonable standards for the location, size and range of permitted types of signs located on buildings in the Township. Building-mounted signs may be erected accessory to non-residential uses in any zoning district, subject to approval of a sign permit in accordance with Section 11.09 (Sign Permits) and the following:

Standards	Type of Permitted Signs			
	Wall	Awning	Projecting	Window
Permit required?	yes	yes	yes	no
Internal or external illumination allowed?	yes	yes	yes	no
Maximum number of sign faces per building-mounted sign	one (1)	one (1)	Two (2)	one (1)
Minimum sign height	none	7.5 feet	8.0 feet	none
Maximum allowed sign area of all building-mounted signs	10% of the signable area of the building space occupied by the use (see illustration)			10% of the street level window surface area

1. Location. The allowance for building-mounted signage cannot be shared or transferred to another building or structure.
2. Painted wall signs. Signs applied with paint or similar substance on an exterior surface of a structure shall be considered a building-mounted sign subject to the standards of this Section. Prior to painting a sign on a wall, the wall surface shall be freshly painted with a continuous base color.
3. Awning signs. Awning signs shall be restricted to the surface area of the awning’s valance, which is the band of material hanging perpendicular to the ground (see illustration). Awning materials for an internally illuminated awning sign shall be opaque, except for any allowed sign area.
4. Projecting signs. A maximum of one (1) projecting sign shall be allowed per use, which shall be securely anchored to the building, shall be pinned away from the wall at least six (6) inches, and shall project from the wall at an angle of 90 degrees for a distance of no more than five (5) feet (see illustration).
5. Window signs. Window signs shall be restricted to interior window surfaces. No window sign shall be allowed to cover more than 50% of a single window opening. A sign permit shall not be required for permitted window signs under this Section.
6. Residential land uses. Building-mounted signs as authorized by this Section 11.05 shall be prohibited accessory to residential land uses in any zoning district.

Section 11.06 Ground Signs.

The intent of this Section is to establish consistent and reasonable standards for the height, location and size of ground signs in the Township. Ground signs may be erected accessory to multiple-family or non-residential uses in any zoning district, subject to approval of a sign permit in accordance with Section 11.09 (Sign Permits) and the following:

A. Ground Sign Standards.

Maximum Ground Sign Height	Minimum Sign Setback from Front Lot Boundaries and Road Rights-of-Way	Maximum Sign Area per Ground Sign	Maximum Number of Ground Signs per Lot
10.0 feet	10.0 feet	40.0 square feet	1.0

1. Setbacks shall be measured from the near edge of the road right-of-way.
2. Ground signs shall be set back a minimum of 20 feet from all side or rear lot boundaries, and any lot boundary abutting lots occupied by residential land uses or within a residential zoning district.
3. Ground signs shall be prohibited accessory to any single-family and two-family dwellings, and within clear vision triangles as defined in Section 4.6 (Clear Vision Triangle).
4. Where a site entry feature with signage has been established at an entrance in accordance with Section 11.04.A. (Site Entry Features with Signage), a ground sign at the same entrance shall be prohibited.

B. Permitted Modifications.

The following modifications to the standards of this Section 11.06 (Ground Signs) have been established to preserve the character and appearance of the Township’s lower intensity use districts through more restrictive standards; and ensure that permitted signage is in reasonable proportion to the land use intensity, road right-of-way width, and lot frontage. Modifiers to maximum sign height, minimum setback distance from the front lot boundaries and road rights-of-way, maximum sign area, and maximum number of allowed signs shall be cumulative down each column of the following table, as applied to a particular land use or zoning district:

Permitted Modifiers (cumulative down each column)		Maximum Sign Height	Minimum Sign Setback	Maximum Sign Area per Sign	Maximum Number of Signs
		10.0 feet	10.0 feet	40.0 square feet	1.0
+	Located in the AG District	- 2.0 feet	no change	- 8.0 square feet	no change
	Located in the R-1, R-2A, or R-2B Districts	- 2.0 feet	no change	- 12.0 square feet	no change
	Located in the R-3A, R-3B or R-4 Districts	- 2.0 feet	no change	- 8.0 square feet	no change
	Located in the B-4 or OS Districts	no change	no change	no change	no change
	Located in the B-5 or B-7 Districts	+ 2.0 feet	- 2.0 feet	+ 8.0 square feet	no change
	Located in the I-1 or I-2 Districts	no change	no change	no change	no change
	Sign abuts any public road right-of-way of 43 feet or greater in width as measured back from the centerline to the near edge	+ 2.0 feet	- 2.0 feet	+ 8.0 square feet	no change
	Total lot frontage on all paved public road rights-of-way exceeds 500 feet	no change	no change	no change	+ 1.0 additional sign
	Sign abuts a primary paved road with a 50 miles-per-hour or higher posted speed limit	+ 2.0 feet	no change	+ 8.0 square feet	no change
	Shopping center or similar multi-tenant non-residential building(s) occupied by four (4) or more independent non-residential uses on the lot	no change	no change	+ 8.0 square feet for each independent non-residential use	no change
<b>Total Permitted with Modifiers:</b>		_____ feet	_____ feet	_____ square feet	_____ sign(s)

**C. Pylon Signs Prohibited.**

The Township has made the following determinations related to pylon signs, which are freestanding signs accessory to commercial services and business operations that are of such height and scale as to be visible and legible at a long distance, and particularly from the US-127 expressway:

1. The placement of additional signs on lots or structures in the Township that exceed the maximum allowed sign height and area standards of this Ordinance for ground signs would result in visual pollution and obstructions of light and air for adjoining lots and uses, and would be inappropriate to the intended character and sound development of the Township.
2. Additional pylon signs adjacent to the US-127 expressway and M-20 state highway would lessen the effectiveness of signs allowed under this Ordinance, exacerbate the visual clutter created by existing signs, compete for the visual attention of motorists, and increase hazards for motorists and pedestrians.
3. Alternative means are available to inform the motoring public of the availability of nearby commercial services and business operations, including mobile applications for smartphones and other digital devices; existing billboard signs in the vicinity of the exit; and use of the Michigan Department of Transportation's Specific Services Signing, Logo Signing, or equivalent MDOT signage program that allows eligible businesses to place their logos on MDOT sign panels located within the US-127 right-of-way near an exit to identify available services and businesses.
4. In accordance with the above findings, new pylon signs shall be prohibited in the Township. Pylon signs lawfully existing in the Township on the date of adoption of this Ordinance shall be allowed to continue, subject to the provisions of Section 11.10 (Nonconforming Signs).

**Section 11.07 Billboards.**

Billboard signs, as defined in Section 2.02 (Definitions), shall be subject to the following:

**A. Findings.**

The Township has made the following determinations related to billboard signs:

1. The placement of additional signs on lots or structures in the Township that exceed the maximum allowed sign height and area standards of this Ordinance for ground signs would result in visual pollution and obstructions of light and air for adjoining lots and uses, would lessen the effectiveness of ground signs allowed under this Ordinance, and would be inappropriate to the intended character and sound development of the Township.
2. Billboard signs are not appropriate in the rural areas of the Township and in the AG (Agricultural) zoning district, because they would detract from the visual appearance and rural character that helps to encourage tourism, local sourcing of agricultural food products, and a vibrant rural economy.
3. Billboards are not appropriate in the residential zoning districts, or in the OS (Office Service) zoning district that serves as a transitional zone for adjacent residential areas, because the intense commercial nature of the advertising activity would be harmful to property values and incompatible with quality of life in residential areas.
4. Billboards are not appropriate in B-4, B-5, and B-7 business zoning districts, because such signs would be incompatible with the intended character of the districts, out-of-scale with permitted structures and ground signage, and incompatible with abutting residential and recreational uses.
5. Display of additional billboard signs along the US-127 expressway would lessen the effectiveness of signs under this Ordinance, exacerbate visual clutter created by existing signage, compete for the visual attention of motorists, and increase hazards for motorists.
6. Billboard signs are not appropriate in areas along the M-20 state highway and along E. Broadway Road, E. Broomfield Road, E. Bluegrass Road, E. Deerfield Road, S. Summerton Road, S. Isabella Road, S. Mission Road, S. Lincoln Road, and those portions of E. Pickard Road and E. Remus Road that are not part of the state highway. These road corridors have multiple existing curb cuts and driveways, and are busy routes for motorists, bicyclists, and pedestrians. A proliferation of billboard signs would exacerbate hazards for bicyclists and pedestrians by creating additional visual clutter and competing for the attention of motorists.
7. Typical levels of billboard illumination would exacerbate local light pollution and glare, which would further inhibit the quiet enjoyment of the night sky by Township residents and visitors.
8. The placement of new billboard signs in the Township is contrary to the purpose of this Section 11 (Signs), the intent and purposes of this Ordinance, and the goals and objectives of the Township's Master Plan.

## Public Hearing Draft

### **B. New Billboards Prohibited.**

In accordance with the above findings, new billboard signs shall be prohibited in the Township.

### **C. Existing Billboards.**

Billboard signs lawfully existing in the Township on the date of adoption of this Ordinance shall be allowed to continue, subject to the provisions of Section 11.10 (Nonconforming Signs).

## Section 11.08 Prohibited Signs.

The following types of signs are prohibited in all districts:

1. Signs that resemble and could be confused with an official highway, traffic or government sign, signal or traffic control device; or that obscure a sign, signal or traffic control device displayed by public authority to provide traffic instruction, direction or public information.
2. Signs painted on or attached to trees, utility poles, fences or streetlights.
3. Signs placed upon or across any road or other right-of-way, except as otherwise provided for in this Ordinance.
4. Signs that incorporate string lights; flashing, moving or intermittent lights of changing degrees or intensity; exposed incandescent bulbs; animation; or unshielded luminous tube lighting.
5. Signs that have any visible moving parts, mechanical movement, rotation, or other apparent visible movement achieved by electrical or mechanical means or by action of normal wind currents; and signs that discharge any audible sound, odor or visible matter.
6. Roof signs, inflatable signs, projecting signs, pylon signs, billboard signs, and portable signs.
7. Building-mounted signs that obstruct window or door openings, inhibit ingress or egress, or interfere with building ventilation.
8. Signs displayed without required permits or outside of allowed size, location or time period limitations.
9. Abandoned or unlawful signs, displays of obscene material on any sign, and any other sign not expressly allowed by this Ordinance.

## Section 11.09 Sign Permits.

It shall be unlawful for any person to erect, alter, or relocate any sign, sign structure or sign area subject to permit approval under the provisions of this Section 11 (Signs) without first obtaining all required permits from the Township and paying the required permit fee according to the schedule of fees established by the Board of Trustees. Where a provision of this Ordinance requires approval of a sign permit, such approval shall be subject to the provisions of Section 14.1.A. (Zoning Permit). Other permits may be required in accordance with applicable building and electrical codes. Issuance of a building or electrical permit shall not exempt the permit holder from compliance with the requirements of this Ordinance.

### **A. Additional Required Information.**

In addition to the requirements of Section 14.1.A., the following shall be provided with any sign permit application:

1. Plans of the sign drawn to scale, accurately depicting the sign dimensions, height, location in relation to easements, structures, sidewalks, pathways, and parking areas, and setback distances from lot boundaries and road rights-of-way. If building-mounted signs are proposed, elevation drawings of the building(s) shall be provided showing the height, width, and locations and dimensions of all existing and proposed building-mounted signs.
2. The Zoning Administrator may require a survey of the subject property upon determination that it is necessary to verify lot boundaries, road rights-of-way, easements, setbacks, or other dimensional aspects of the site essential to verifying compliance with the requirements of this Ordinance.
3. Specifications and drawings for the sign showing the materials, design, dimensions, structural supports, and method of illumination.
4. Copies of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure.
5. Name and address of the person, firm, or corporation owning, erecting, and maintaining the sign.
6. Written consent of the lot or building owner upon which the sign is proposed to be located, or other evidence that the applicant is entitled to erect and maintain the sign as proposed.

**D. Signage on an Approved Site Plan.**

Signage depicted on a site plan approved per Section 14.2 (Site Plan Review) shall remain subject to the requirement for sign permit approval in accordance with this Section 11.09.

**Section 11.10 Nonconforming Signs.**

All existing signs that do not conform to the provisions of this Ordinance shall be allowed to continue as nonconforming signs until abandoned or permanently removed, subject to the following:

**A. Good Working Order.**

Nonconforming signs shall be maintained in accordance with the requirements for all signs specified in Section 11.02 (General Standards), to the maximum extent feasible. Nonconforming signs shall be maintained with all necessary structural and decorative components, including supports, sign frame, and electrical equipment. All sign copy areas shall be intact, and illuminated signs shall be capable of immediate illumination.

**B. Servicing.**

Painting, servicing, cleaning or minor repairs to a nonconforming sign shall be allowed, provided that the sign is restored to its original design and all work is in compliance with the requirements for all signs specified in Section 11.02 (General Standards).

1. Repair or replacement of a damaged structural support element without removal or alteration of the sign copy area shall be an allowable servicing or minor repair, subject to approval of a sign permit in accordance with Section 11.09 (Sign Permits).
2. Removal or replacement of the existing foundation and structural support elements shall not be allowed as a servicing or minor repair, but may be a permitted alteration where authorized for the type of sign in accordance with the provisions of Section 11.10.C. (Alterations).

**C. Alterations.**

Alterations to nonconforming signs shall be prohibited, except as follows:

1. Sign copy area. The sign copy area of a nonconforming sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the degree of nonconformity is not increased, and provided that any sign illumination is brought into compliance with the provisions of Section 11.02.G. (Illumination).
2. Sign frame. Alterations to the sign frame of a nonconforming sign shall be allowed, subject to approval of a sign permit in accordance with Section 11.09 (Sign Permits) and the following requirements:
  - a. Any nonconforming sign area shall be maintained or decreased.
  - b. As part of any sign frame alterations to a nonconforming ground sign, any nonconforming sign height shall be maintained or decreased, and any nonconforming sign setback distance from lot boundaries and road rights-of-way shall be maintained or increased.
  - c. Any sign illumination shall be brought into compliance with the provisions of Section 11.02.G. (Illumination).
  - d. The alterations shall conform to the requirements of Section 4.6 (Clear Vision Triangle).
  - e. A nonconforming sign that is located outside of any existing or planned future road right-of-way, as defined by the master transportation plans for the Township, county or state road authorities, and outside of any corner clearance area as defined by Section 4.6 (Clear Vision Triangle), may be converted to an electronic message board, subject to the requirements of Section 11.02.F. (Changeable Copy Area or Electronic Message Board).
3. Ground sign structure or foundation. Alterations to a nonconforming ground sign that include alterations to or replacement of the foundation or any structural support elements shall be allowed, subject to the following:
  - a. The sign shall be located outside of any existing or planned future road right-of-way, as defined by the master transportation plans for the Township, county or state road authorities, and outside of any corner clearance area as defined by Section 4.6 (Clear Vision Triangle).
  - b. Any nonconforming sign area and sign height shall be maintained or decreased, and any nonconforming sign setback distance from lot boundaries and road rights-of-way shall be maintained or increased.

- c. The alterations shall conform to the requirements of Section 11.02.D. (Hazards and Obstructions). The Zoning Administrator may require the alterations to include increasing the setback distance from lot boundaries or road rights-of-way upon determination that the increase is necessary to ensure full compliance with Section 11.02.D.
4. Alteration of a billboard sign. A nonconforming billboard sign may be altered, subject to approval of a sign permit in accordance with Section 11.09 (Sign Permits) and the following requirements:
  - a. The sign shall be located outside of any existing or planned future road right-of-way, as defined by the master transportation plans for the Township, county or state road authorities, and outside of any corner clearance area as defined by Section 4.6 (Clear Vision Triangle).
  - b. The existing sign height shall be maintained or decreased, and the existing sign setback distance from lot boundaries and road rights-of-way shall be maintained or increased.
  - c. Any sign illumination shall be brought into compliance with the provisions of Section 11.02.G. (Illumination). A nonconforming billboard sign may be converted to an electronic message board billboard sign, subject to the requirements of Section 11.02.F. (Changeable Copy Area or Electronic Message Board).
  - d. Documentation shall be provided consistent with the State Construction Code enforced by the Township to show that the existing foundation and structural support elements are adequate to support the proposed alterations.
5. Replacement of a damaged or destroyed billboard sign. A nonconforming billboard sign that has been damaged or destroyed may be replaced, subject to approval of a sign permit in accordance with Section 11.09 (Sign Permits) and the following requirements:
  - a. A determination by the Zoning Administrator, based on documentation provided by the sign owner and other resources available to the Township, that the damage or destruction was not caused by neglect or otherwise self-created by the sign owner.
  - b. The replacement or reconstructed billboard sign copy area, foundation, and structural support elements shall match to the maximum extent possible the equivalent elements of the original billboard sign.
  - c. Any sign illumination shall be brought into compliance with the provisions of Section 11.02.G. (Illumination).

**D. Loss of Legal Nonconforming Protection.**

A nonconforming sign shall be deemed to have lost its legal nonconforming status if it is determined by the Zoning Administrator to have been abandoned, permanently removed, or altered in a manner beyond that authorized by Section 11.10.C. (Alterations).

## Section 11.11 Sign Removal by Township Action.

Sign removal by Township action shall be subject to the following procedures and standards:

**A. Abandoned, Damaged, and Unlawful Signs.**

The Zoning Administrator shall have the authority to determine whether a sign is unlawful, in a damaged condition, or has been abandoned, as defined in Section 2.02 (Definitions), subject to appeal by an aggrieved person to the Zoning Board of Appeals. The Zoning Administrator may order the removal of such signs in accordance with the following:

1. Determination. Written notification of the determination and any order for removal shall be provided by certified mail to the owner, operator or person having beneficial use of the property upon which the sign is located.
2. Repair or removal. Abandoned or unlawful signs shall be removed within 30 calendar days after written notification of a determination and order for removal by the Zoning Administrator. All support structures and components shall be completely removed. Damaged signs shall be repaired or removed within 15 calendar days after written notification of a determination and order for repair or removal by the Zoning Administrator.
  - a. Failure of the property owner to repair or remove the sign as ordered by the Zoning Administrator shall constitute grounds for the Township to seek Circuit Court approval to remove the sign at the property owner's expense.

- b. The owner shall reimburse the Township for necessary removal costs, or the Township may place a lien on the property for removal expenses.

**B. Unsafe Signs.**

The Zoning Administrator may order the immediate removal of any sign determined in writing by the Building Official, a structural engineer or equivalent professional to be unsafe:

1. Failure of the property owner to remove the sign as ordered by the Zoning Administrator shall constitute grounds for the Township to seek Circuit Court approval to remove the sign at the property owner's expense.
2. The owner shall reimburse the Township for necessary removal costs, or the Township may place a lien on the property for removal expenses.

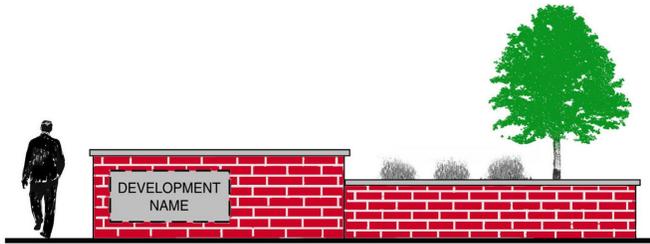
**C. Nonconforming Signs.**

The elimination of nonconforming signs in the Township is hereby declared to be for a public purpose and for a public use. The Township may purchase nonconforming signs for the purpose of removal, or may initiate condemnation proceedings for nonconforming signs determined to be in violation of Section 11.10 (Nonconforming Signs) requirements.

**D. Temporary Signs.**

The owner, agent or person responsible for creating or placing the sign on the lot shall immediately remove such signs determined by the Zoning Administrator to be in a damaged or unsafe condition. Failure to remove a sign in such condition shall be considered a violation of this Ordinance. Temporary signs affixed within a road right-of-way or clear vision triangle may be removed by the Township without notice. Signs removed shall be held by the Township for five (5) calendar days and then may be discarded.

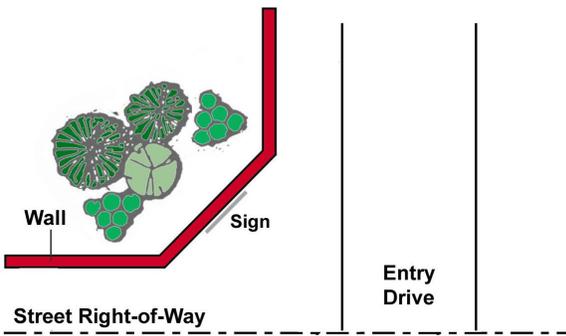
# ILLUSTRATIONS



Single-story Building

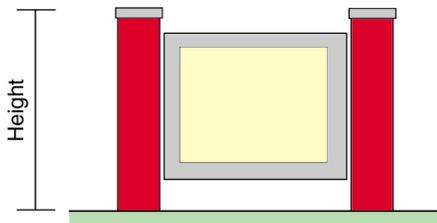


Multiple-story Building

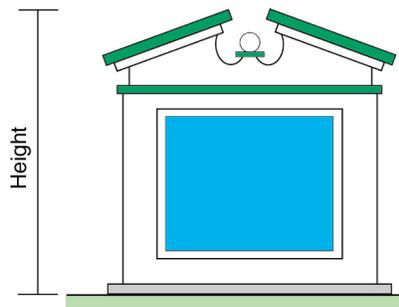


## Signable Area

### Site Entry Feature With Signage

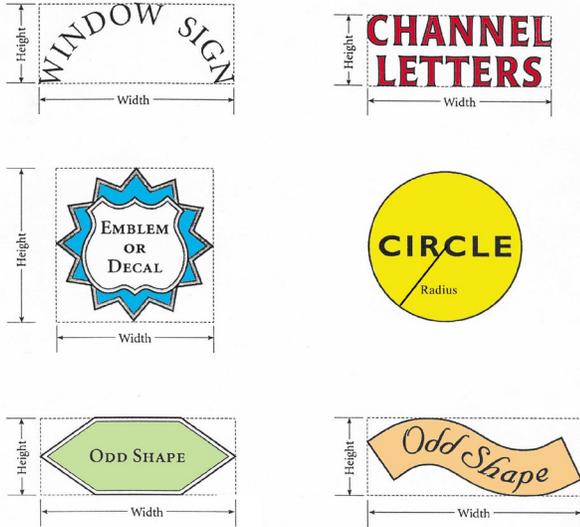


Sign Height

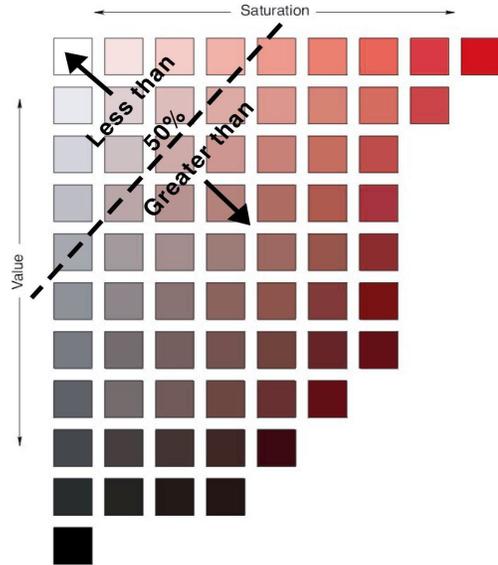


Projecting Sign

# ILLUSTRATIONS



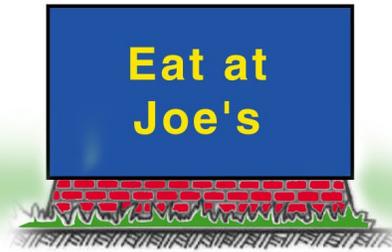
Computation of Sign Area



Color Value and Saturation

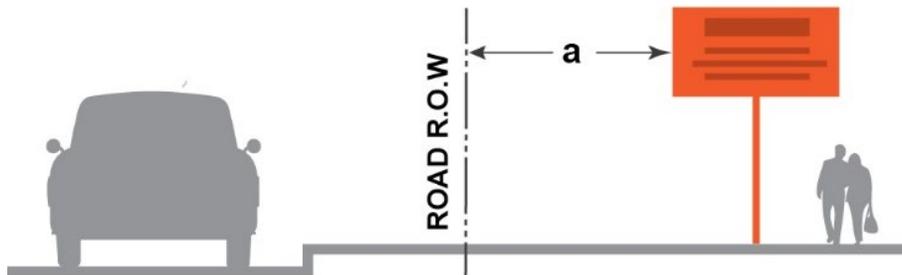


External illumination only



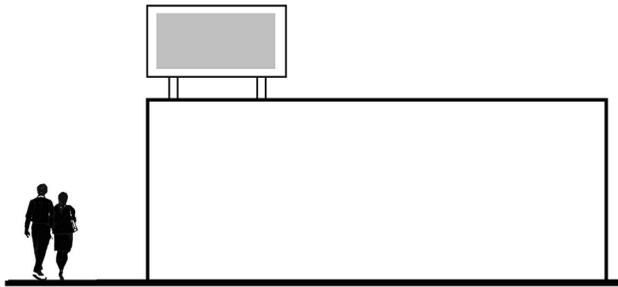
Internal illumination permitted

## Sign Illumination

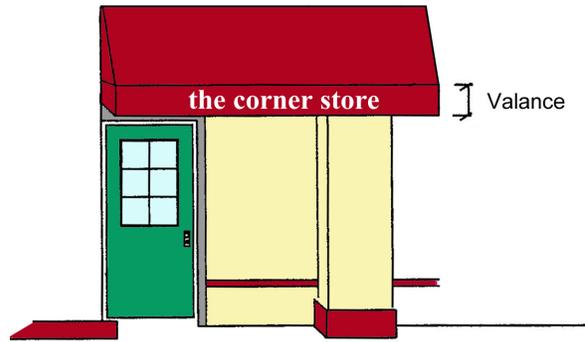


a = required setback

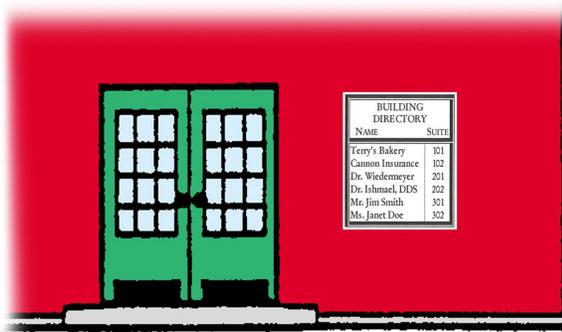
# ILLUSTRATIONS



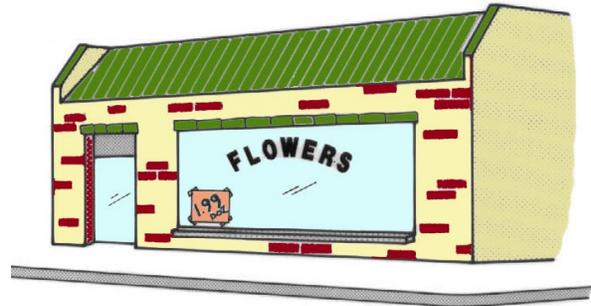
Roof Sign



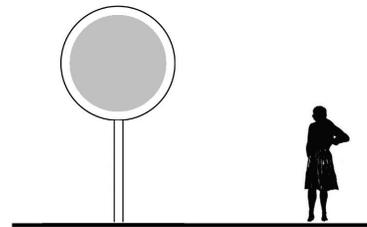
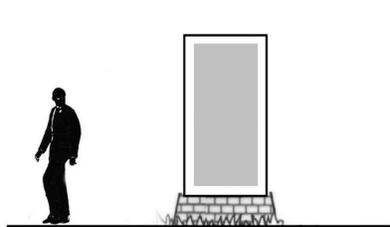
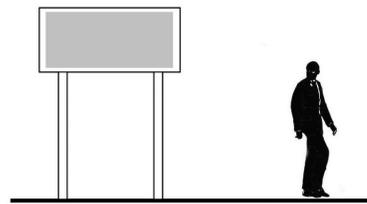
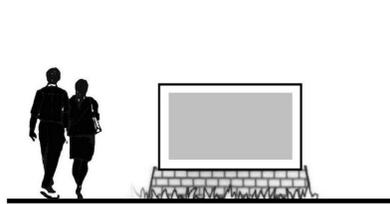
Awning Sign



Building Directory



Window Sign



Various Types of Ground Signs

**PART THREE – Revise Section 2.2 (Definitions) to add new sign-related definitions**

Section 2.2 (Definitions) is hereby revised to insert a new definition for “Sign” and associated sub-definitions, as follows:

**Section 2.2 Definitions.**

**Sign.** Any surface, fabric, device, display, structure, fixture, placard, or similar visual medium, including all component parts, which bears writing, representations, emblems, graphic designs, logos, trademarks, pictorial forms, sculptured matter or any figures of similar character or the purpose of conveying information, or informing or attracting the attention of persons. Signs shall include banners, bulbs, other lighting devices, streamers, pennants, balloons, propellers, flags or similar devices. Unless otherwise indicated, the definition of “sign” includes interior or exterior signs that are visible from any public road, sidewalk, alley, park or public property, but not signs that are primarily directed at persons within the premises where the sign is located.

- A. Abandoned Sign. A sign accessory to or associated with a use that has been discontinued or terminated for more than 365 calendar days.
- B. Accessory Sign. A sign that pertains to the principal use of the premises.
- C. Billboard. Signs that do not pertain to the principal use of the premises, or that advertises businesses, products, services, facilities or events not sold, distributed or furnished on the premises on which the sign is located. Also referred to as “outdoor advertising,” or “off-premises signs.”
- D. Building-Mounted Sign. A display sign that is painted on, adjacent to or attached to a building wall, door, window or related architectural feature.
  - a. Awning Sign. A sign that is painted or printed on, or attached to an awning or canopy.
  - b. Building Directory. A wall sign where individual occupants of a building whose space is not located on the street level façade may display information directing visitors to their portion of the building.
  - c. Projecting Sign. A display sign attached to or hung from a structure projecting from and supported by the building, and extending beyond the building wall, building line or road right-of-way line.
  - d. Roof Sign. Any sign erected or maintained on or above the roof of the building, or that extends above the roofline.
  - e. Wall Sign. A sign painted on, or attached parallel to the exterior surface of a building wall, door, window or related architectural feature and extending not more than two (2) feet from the wall with no copy on the sides or edges.
  - f. Window Sign. A sign affixed to or installed inside a window so as to be observable from the exterior of the building.
- E. Clearance. The vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework and embellishments.
- F. Color Value. The perception of an internally illuminated color’s lightness or darkness or a description of the overall intensity or strength of the light through the illuminated color, expressed as a ratio or percentage.
- G. Damaged Sign. A sign or supporting structure that is torn, defaced, dented, smashed, broken, vandalized or destroyed.
- H. Decorative Display. A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.
- I. Ground Sign. A freestanding sign supported by one or more columns, uprights or braces in the ground surface, or mounted directly to a base with no clearance between the established grade and the bottom of the sign.

## Public Hearing Draft

- J. Nameplate. A small wall sign accessory to the address numbers of a building for the purpose of identifying the building, occupants or uses.
- K. Noncombustible Material. Any material that will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.
- L. Nonconforming Sign. A sign which was erected legally, but which is not in compliance with current Ordinance provisions for signs. The definition of “nonconforming sign” shall not include any sign located within a road right-of-way, or any sign that is missing necessary structural and functional components.
- M. Saturation. The dominance of hue in the color, expressed as a percentage of the dominant wavelength to other wavelengths in the color.
- N. Sign Area. The gross surface area within a single continuous perimeter enclosing the extreme limits of all sign copy or surface of any internally-illuminated sign, awning or canopy. Such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.
- O. Signable Area. The area of each street level portion of a principal building’s front facade wall, including doors and windows, facing a public road.
- P. Sign Copy. Writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower or other materials, color or internally-illuminated area forming an integral part of a display to convey information or attract attention.
  - a. Animated Copy. Sign copy that flashes, moves, revolves, cycles or is otherwise altered or changed by mechanical or electrical means at intervals of less than once per minute.
  - b. Changeable Copy. Moveable letters or other forms of sign copy, not including animated copy, which can be altered by manual, mechanical or electrical means without replacing the sign copy area, at intervals of once per minute or longer.
- Q. Sign Height. The vertical distance measured from the average grade at the sign location to the highest point of the sign.
- R. Site Entry Feature with Signage. A sign located at the entrance to a residential development, industrial park or similar development for the purpose of identifying an entrance, defining a gateway or creating a common identity for the development.
- S. Temporary Sign. Display signs, banners, balloons, festoons or other advertising devices constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration.
  - a. Banner. A temporary sign made of fabric or other non-rigid material with no enclosing framework.
  - b. Festoons. A string of ribbons, tinsel, small flags or pinwheels.
  - c. Inflatable Sign. Any air filled or gas filled object tethered to a fixed location and used as a means of directing attention to any business, profession, commodity, service, product or entertainment.
  - d. Portable Sign. A type of temporary sign not permanently affixed to the ground or structure and consisting of two vertically-oriented sign faces linked at the top by hinges or similar devices and forming an inverted “V” shape when displayed. Also referred to as a “sandwich board” sign.
- T. Unlawful Sign. A sign for which no valid permit was issued by the Township at the time such sign was erected or a sign that is not in compliance with the current zoning ordinance and does not meet the definition of a nonconforming sign.
- U. Unsafe Sign. A sign that is not properly secured, in danger of falling or otherwise in a condition that is hazardous to the public health, safety or welfare.

**PART FOUR – Repeal**

All ordinances or parts of ordinances in conflict with the provisions of this amendatory ordinance, except as herein provided, are hereby repealed only to the extent necessary to give this amendatory ordinance full force and effect.

**PART FIVE – Severability**

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

**PART SIX – Publication**

The Clerk for the Charter Township of Union shall cause this amendatory ordinance to be published in the manner required by law.

**PART SEVEN – Effective Date**

This amendatory ordinance was approved and adopted by the Charter Township of Union Board of Trustees, Isabella County, Michigan, on \_\_\_\_\_, 2024, after initiation and a public hearing by the Planning Commission on \_\_\_\_\_, 2024 as required pursuant to the Michigan Public Act 110 of 2006, as amended, and after introduction and a first reading by the Board of Trustees on \_\_\_\_\_, 2024 and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This amendatory ordinance shall be effective on \_\_\_\_\_, 2024, which date is more than seven days after publication of the ordinance as is required by Section 401(6) of Act 110 of 2006, as amended, provided that this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110 of 2006, as amended.

## TEXT AMENDMENT REPORT

<b>TO:</b> Planning Commission	<b>DATE:</b> August 12, 2024
<b>FROM:</b> Rodney C. Nanney, AICP, Community and Economic Development Director	
<b>APPLICATION:</b> PTXT24-02 Zoning Text Amendment (Charter Township of Union)	
<b>ACTION REQUESTED:</b> To review an initial draft of proposed amendments to Section 14.2 (Site Plan Review) and Section 12.5 (Nonconforming Sites) to revise site plan review procedures and flowchart illustrations, to add an allowance for administrative approval of a final site plan under certain circumstances, and to add an allowance for the Zoning Administrator to apply the nonconforming sites provisions to minor site plans subject to administrative approval; and to consider setting a public hearing for the proposed amendments.	

### Background Information

On December 20, 2022 the Planning Commission adopted a motion to support the Township’s participation in the [Redevelopment Ready Communities](#) (RRC) certification program run by the Michigan Economic Development Corporation (MEDC). On January 25, 2023, the Board of Trustees adopted a Resolution of Intent to participate in the RRC Program, to further incorporate RRC best practices into the Township’s development-related ordinances and planning documents, and to pursue a Redevelopment Ready Communities certification from the MEDC.

As a follow up, the Board of Trustees took the additional step to incorporate the [RRC Program’s Best Practices](#) into their “Global Ends” statement of their desired outcomes for the Township:

- 1.5. New and innovative commercial establishments and advance manufacturing, distribution, engineering, and research facilities are drawn to Union Township through commerce-friendly economic development policies consistent with MEDC Redevelopment Ready Communities program best practices.
  - 1.5.1 Controlled establishment of potentially undesirable businesses.
  - 1.5.2 Create a purchasing policy that includes mechanism to encourage local purchase of goods and services within reasonable cost limits
  - 1.5.3 Create mechanism to increase dialogue with business community to ensure quality services are provided

Many of the RRC Program’s Best Practices related to zoning and development review processes have been incorporated in the Township’s current Zoning Ordinance No. 20-06, as amended. Last month, MEDC staff completed a baseline evaluation of our ordinance, policies, and practices and found that the Township is currently or partially aligned with nearly all of the RRC Program’s expectations for both the RRC Essentials designation and the full RRC Certification.

The Community and Economic Development Department staff continue to use the RRC Program Best Practices as a guide for further improvement, including in the area of development-related policies and practices.

Streamlining the development review process is one of the topics emphasized in the RRC Best Practices, including in 3.5 (Approval Authority) below:

**3.5 Approval Authority**  
Approving permitted uses at the planning commission or staff level allows faster approval and respects the administrative nature of development review.

**CRITERIA:** The community streamlines the approval process by using administrative and planning commission approval authority.

This priority was addressed in 2020 as part of a comprehensive update to the site plan review procedures as incorporated into the new Zoning Ordinance No. 20-06. These changes including expanded options for administrative approval of certain site plans by adding a new “minor site plan” option for smaller projects.

More recently, it has been observed that Township staff’s proactive efforts to assist and guide applicants in preparation of complete and accurate site plans has resulted in a higher percentage of final site plan applications coming to the Planning Commission with staff reports indicating that the plan fully conforms to all applicable standards for final site plan approval. The Michigan Zoning Enabling Act and our Zoning Ordinance are clear in confirming that, where a final site plan is found to be in full compliance with all applicable standards for approval, the Planning Commission must approve the plan. There is no discretion to do otherwise under this circumstance.

**Zoning Administrator Approval of a Final Site Plan.**

With that in mind, and with the goal of further streamlining the development approval process for site plan approval applicants, staff has initiated this proposed Zoning Ordinance amendment to add an allowance for administrative approval of a final site plan that is determined to fully conform to Section 14.2.S. (Standards for Site Plan Approval). This change would further reduce the development approval process timeline in most cases and would create an additional incentive for developers to provide complete and accurate site plans for review. The change would also free up space on the Planning Commission meeting agendas.

In conjunction with this change, the flowcharts and text of the site plan review provisions in Section 14.2 have been updated as needed.

**Please note** that, because of the scope of revisions to subsections “D” through “O” of Section 14.2, it was not possible to show the proposed changes in ~~strikethrough~~ and underlined text without adversely affecting the readability of the document. [The entire text of the proposed changes to these subsections should be viewed as new.](#)

**Zoning Administrator Authority to Apply the Nonconforming Sites Provisions to a Minor Site Plan.**

Section 12.5 (Nonconforming Sites) was added to the Zoning Ordinance No. 20-06, as amended in 2020 to make it easier for owners of properties developed years ago to be able to make improvements and upgrades without the burden of needing to bring the entire site up to the current site development standards that would apply to a new development on a vacant lot. Section 12.5 establishes a requirement for public safety deficiencies to be corrected as part of any

site improvements for a project that is subject to site plan approval. Beyond that, this Section establishes a menu of ten (10) broad categories for potential improvements with the intent that the project address only three (3) of them at a minimum.

Section 12.5 has proven to be a very effective tool for encouraging improvements to older sites. However, the current provisions of Section 12.5 require a Planning Commission action, even for minor site plans that would otherwise only need Zoning Administrator review and approval.

The proposed amendments would authorize the Zoning Administrator to apply Section 12.5 to minor site plan applications subject only to administrative approval. This change will support further redevelopment of older sites in the Township, especially where small additions or improvements are proposed for older commercial properties in our business districts.

**Please note** that the proposed amendments to Section 12.5 are fairly limited, so the changes have been highlighted in the document in ~~striketrough~~ and underlined text.

### **Project Timetable**

Under the requirements of the Michigan Zoning Enabling Act, this Zoning Ordinance amendment is subject to a Planning Commission public hearing and recommendation to the Board of Trustees along with review and comment from the Isabella County Planning Commission.

### **Key Findings**

1. Allowing administrative approval of final site plans found to be in full compliance with all applicable standards for approval would further streamline the Township’s development review process, and would remove the need for “must approve” items to be included on the Planning Commission’s agenda.
2. Allowing the Zoning Administrator to apply the Section 12.5 (Nonconforming Sites) provisions to minor site plan applications would support further redevelopment of older sites in the Township, especially where small additions or improvements are proposed for older commercial properties in our business districts.

### **Recommendations**

Based on the above findings, I would ask that the Planning Commission review the proposed set of amendments to Section 14.2 (Site Plan Review) and Section 12.5 (Nonconforming Sites) and consider taking action to move the proposed amendments forward for a public hearing.

Please contact me at (989) 772-4600 ext. 232, or via email at [RNanney@uniontownshipmi.com](mailto:RNanney@uniontownshipmi.com), with any questions about this information.

Respectfully submitted,

**Rodney C. Nanney, AICP, Director**  
Community and Economic Development Department

CHARTER TOWNSHIP OF UNION  
ISABELLA COUNTY, MICHIGAN

ORDINANCE NO. \_\_\_\_\_

An ordinance to delete and replace in their entirety subsections “D.” through “O.” of Section 14.2 (Site Plan Review) of the Charter Township of Union Zoning Ordinance No. 20-06 for the purpose of revising review procedures and flowchart illustrations for the types of site plan reviews; to amend Section 12.5 (Nonconforming Sites) to clarify authority for the Zoning Administrator to apply this section to minor site plans subject to administrative approval; and to provide for repeal, severability, publication, and an effective date; all by authority of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended (MCL 125.3101 et seq.).

THE CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN, HEREBY ORDAINS:

**PART ONE – Title**

This Ordinance shall be known and may be referred to as “Ordinance Number \_\_\_\_\_ Amending the Charter Township of Union Zoning Ordinance.”

**PART TWO – Delete and Replace subsections “D.” through “O.” of Section 14.2 (Site Plan Review)**

The text and illustrations of subsections “D.” through “O.” of Section 14.2 (Site Plan Review) are hereby deleted and replaced in their entirety to revise the review procedures and flowchart illustrations for various types of site plan approvals, as follows:

**Section 14.02 Site Plan Review.**

**D. Fees and Escrow Deposits.**

Required fees and escrow deposits shall be paid to the Township at the time of the filing of the application. No action shall be taken on an application for which a required fee or escrow deposit has not been paid in full.

**E. Pre-Application Meetings.**

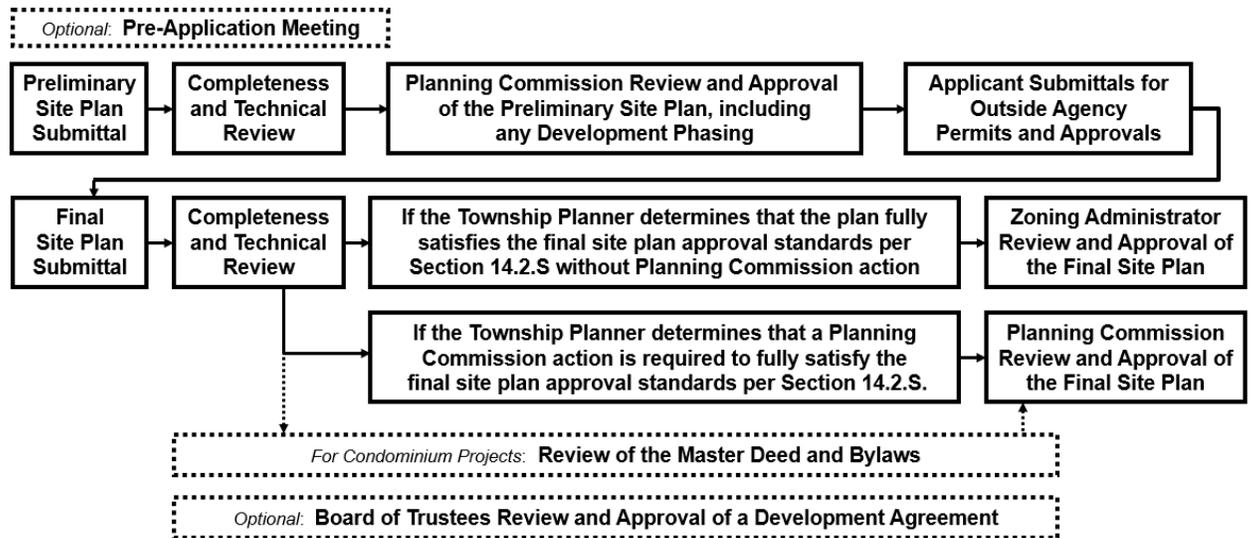
An applicant may request a pre-application meeting with the Township Planner and Zoning Administrator to discuss conceptual plans, ordinance requirements, and review procedures. Upon request, other Township staff or outside agency representatives may be invited to attend the pre-application meeting. Comments shall be advisory only. Any required fee shall be paid to the Township prior to the meeting.

**F. Application Information.**

The following minimum information shall be required with any application for site plan approval:

1. The name, address, and contact information for the applicant, and the applicant's legal interest in the property. If the applicant is not the owner, the name, address, and contact information for the owner(s) and the signed consent of the owner(s) shall also be required.
2. Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information.
3. A legal description of the property, including street address(es) and tax code number(s).
4. A description of the proposed use.
5. A site plan meeting the minimum information requirements of Section 14.02.P. (Required Site Plan Information) for the type of site plan applicable to the project.

**G. Preliminary and Final Site Plan Approval Process.**



## Preliminary and Final Site Plan Approval Process

**H. Filing of Preliminary Site Plan Application and Technical Review.**

Applications for preliminary site plan approval shall be submitted and reviewed as follows:

1. Submittal of a complete application. A preliminary site plan application shall be filed at the Township Hall at least 28 calendar days prior to a regularly scheduled Planning Commission meeting, unless a shorter timeframe policy for review has been set by the Township Planner. A complete preliminary site plan application shall include, at a minimum, one (1) completed and signed copy of the required application form, the required fee and any required escrow deposit, two (2) large (up to 24-inch by 36-inch maximum) printed site plan sets, eleven (11) reduced 11-inch by 17-inch printed site plan sets, and one (1) digital copy in .PDF format of the complete set of all application materials and plans.
2. Completeness and technical review. Prior to Planning Commission consideration, the application materials and site plan shall be distributed to the Township Planner and Zoning Administrator for review and comment. The Township Planner or Planning Commission Chair may also request comments from other Township departments, consultants or outside agencies with jurisdiction. Applications found to be incomplete or inaccurate shall be returned to the applicant without further consideration.

**I. Preliminary Site Plan Review and Action.**

The Planning Commission shall review the application materials and site plan, along with any reports and recommendations. The Planning Commission shall identify and evaluate all relevant factors, and shall then take action by motion to approve the site plan, to approve the site plan with conditions, to deny the site plan application, or to postpone further consideration of the site plan application to a date certain:

1. Approval. The Planning Commission shall approve the preliminary site plan upon determination that it fully satisfies all applicable standards of Section 14.2.S. (Standards for Site Plan Approval).
2. Approval with conditions. The Planning Commission may approve the preliminary site plan subject to any conditions necessary to address necessary modifications; ensure that public services and facilities can accommodate the proposed use; protect significant natural resources or site features; ensure compatibility with adjacent land uses; or otherwise meet the intent and purposes of this Ordinance.
3. Postponement. Upon determination that the site plan is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone until a date certain further consideration.
4. Denial. Upon determination that the preliminary site plan does not comply with applicable requirements and standards of this Ordinance and other Township ordinances, or would require extensive revisions to comply with such requirements, it shall be denied. Failure of the applicant or agent to attend two (2) or more meetings shall also be grounds for the Planning Commission to deny site plan approval. If the site plan is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for denial.

5. Recording of Planning Commission action. Planning Commission action on the preliminary site plan shall be recorded in the Planning Commission meeting minutes, stating the name and location of the project, most recent plan revision date, findings of fact and conclusions for the Planning Commission's action, and any conditions of approval. The Zoning Administrator shall promptly notify the applicant of the preliminary site plan action and update the Township's record for the application to include a copy of the approved meeting minutes.
6. Effect of preliminary site plan approval. Approval of a preliminary site plan by the Planning Commission shall indicate its general acceptance of the proposed layout of buildings, roads, drives, parking areas, and other facilities and areas in accordance with the standards for preliminary site plan approval specified in Section 14.2.S. The Planning Commission may, at its discretion and with appropriate conditions attached, authorize limited work to begin for soils exploration, incidental site clearing, and other preliminary site work as specified in the authorization. At a minimum, the required conditions for any authorization shall include compliance with all applicable Township and outside agency permitting requirements, measures to control erosion, exemption of the Township from any liability if a final site plan is not approved, and submittal of an acceptable performance guarantee for site restoration if work does not proceed to completion.

**J. Outside Agency Approvals.**

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to submittal of an application for final site plan approval. Documentation of necessary outside agency permits or approvals shall be submitted to the Zoning Administrator.

**K. Filing of Final Site Plan Application and Technical Review.**

Applications for final site plan approval shall be submitted and reviewed as follows:

1. Eligibility. With the exception of a combined preliminary and final site plan approval application as allowed per Section 14.2.M. (Combining Preliminary and Final Site Plans), a final site plan application shall not be accepted by the Township without valid prior approval of a preliminary site plan for the same project.
2. Submittal of a complete application. A final site plan application shall be filed at the Township Hall at least 28 calendar days prior to a regularly scheduled Planning Commission meeting, unless a shorter timeframe policy for review has been set by the Township Planner. A complete final site plan application shall include:
  - a. At a minimum, one (1) completed and signed copy of the required application form, the required fee and any required escrow deposit, documentation of all required outside agency permits or approvals, two (2) large (up to 24-inch by 36-inch maximum) printed site plan sets, three (3) reduced 11-inch by 17-inch printed site plan sets, and one (1) digital copy in .PDF format of the complete set of all application materials and plans.
  - b. If the Township Planner finds that a Planning Commission review and action is necessary (see Section 14.2.L.3.), then the applicant will need to submit to the Township Hall a sufficient number of additional reduced 11-inch by 17-inch printed site plan sets for all Planning Commission members.

**L. Final Site Plan Review and Action.**

Applications for final site plan approval shall be submitted and reviewed as follows:

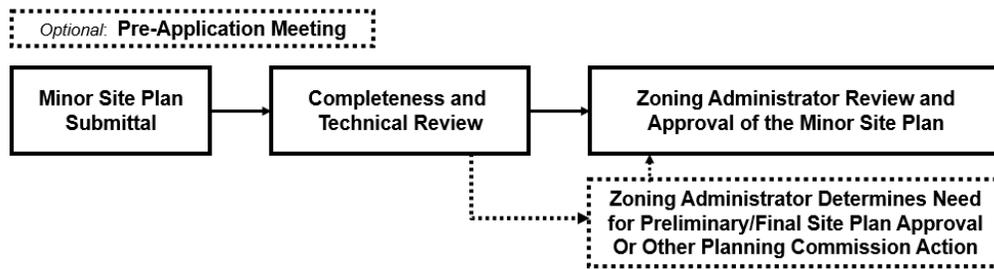
1. Completeness and technical review. Prior to final consideration and action, the application materials and site plan shall be distributed to the Township Planner and Zoning Administrator for review and comment. The Township Planner or Planning Commission Chair may also request comments from other Township departments, consultants or outside agencies with jurisdiction. Applications found to be incomplete or inaccurate shall be returned to the applicant without further consideration.
2. Limited authority for Zoning Administrator approval of a final site plan. If the Township Planner determines that the final site plan fully satisfies all applicable standards for final site plan approval as specified in Section 14.2.S. (Standards for Site Plan Approval), then the Zoning Administrator shall have authority to take final action to approve the site plan as presented.
  - a. The Zoning Administrator shall not have authority to approve a final site plan with conditions or to deny a final site plan approval.
  - b. The Zoning Administrator shall promptly notify the applicant of the final site plan approval action and update the Township's record for the application to note the approval.

3. Planning Commission authority for all other final site plan applications. If the Township Planner finds that a Planning Commission review and action is necessary before compliance with Section 14.2.S. (Standards for Site Plan Approval) could be determined, then the application materials and final site plan shall be forwarded to the Planning Commission for their review, along with any reports and recommendations. The Planning Commission shall identify and evaluate all relevant factors, and shall then take action by motion to approve the site plan, to approve the site plan with conditions, to deny the site plan application, or to postpone further consideration of the site plan application to a date certain:
  - a. Approval. The Planning Commission shall approve the final site plan upon determination that it fully satisfies all applicable standards of Section 14.2.S. (Standards for Site Plan Approval).
  - b. Approval with conditions. The Planning Commission may approve the final site plan subject to any conditions necessary to address necessary modifications; ensure that public services and facilities can accommodate the proposed use; protect significant natural resources or site features; ensure compatibility with adjacent land uses; or otherwise meet the intent and purposes of this Ordinance.
  - c. Postponement. Upon determination that the site plan is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone until a date certain further consideration.
  - d. Denial. Upon determination that the final site plan does not comply with applicable requirements and standards of this Ordinance and other Township ordinances, or would require extensive revisions to comply with such requirements, it shall be denied. Failure of the applicant or agent to attend two (2) or more meetings shall also be grounds for the Planning Commission to deny site plan approval. If the site plan is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for denial.
4. Recording of Planning Commission action. Planning Commission action on the final site plan shall be recorded in the Planning Commission meeting minutes, stating the name and location of the project, most recent plan revision date, findings of fact and conclusions for the Planning Commission's action, and any conditions of approval. The Zoning Administrator shall promptly notify the applicant of the final site plan approval action and update the Township's record for the application to include a copy of the approved meeting minutes.
5. Effect of Final Site Plan Action. Approval of a final site plan by the Zoning Administrator constitutes the final zoning approval for the project and allows for issuance of a building permit to begin site work or construction, provided all other construction and engineering requirements have been met [see also Section 19.10 (Development Agreement)].

**M. Combining Preliminary and Final Site Plans.**

An applicant may, at the applicant's discretion and risk and with approval of the Planning Commission, combine a preliminary site plan and a final site plan into one (1) consolidated application for approval. The applicant shall pay the required fees and escrow deposit for both preliminary and final site plan review. The Planning Commission shall have the authority to grant only a preliminary site plan approval or to require submittal of a preliminary site plan separate from a final site plan where, in its opinion, the completeness of the site plan or complexity or size of the proposed development so warrant. Preliminary and final site plan approval applications shall not be combined for any multi-phase development.

**N. Minor Site Plan Approval Process.**



## Minor Site Plan Approval Process

**O. Minor Site Plan Applications, Review, and Action.**

Applications for minor site plan approval shall be submitted and reviewed as follows:

1. Submittal of a complete application. A minor site plan application shall be filed at the Township Hall a minimum of one (1) completed and signed copy of the required application form, the required fee, two (2) printed site plan sets, and one (1) digital copy in .PDF format of the complete set of all application materials and plans.
2. Completeness and technical review. Prior to final consideration and action, the Zoning Administrator shall review the application materials and site plan for completeness, accuracy, and compliance with all applicable requirements and standards of this Ordinance and other Township ordinances. Applications found to be incomplete or inaccurate shall be returned to the applicant without further consideration.
3. Referral of a minor site plan application to the Planning Commission. Upon determination that the proposed project scope warrants a more comprehensive review under the standards for preliminary and final site plan approval applications (see Section 14.2.G. (Preliminary and Final Site Plan Approval Process), the Zoning Administrator shall return the minor site plan application to the applicant with direction to submit a preliminary site plan approval application instead. Upon determination that an element of the site plan requires a Planning Commission action prior to final administrative approval of the minor site plan, the Zoning Administrator shall forward the application materials and site plan to the Planning Commission for their review and action.
4. Zoning Administrator review and action. The Zoning Administrator shall review the application materials and site plan, shall identify and evaluate all relevant factors, and shall then take action to approve the minor site plan, to approve the minor site plan with conditions, to deny the site plan application, or to postpone further consideration of the site plan application to a date certain, as follows:
  - a. Approval. The Zoning Administrator shall approve the minor site plan upon determination that it fully satisfies all applicable standards of Section 14.2.S. (Standards for Site Plan Approval).
  - b. Approval with conditions. The Zoning Administrator may approve the minor site plan subject to any conditions necessary to address necessary modifications; ensure that public services and facilities can accommodate the proposed use; protect significant natural resources or site features; ensure compatibility with adjacent land uses; or otherwise meet the intent and purposes of this Ordinance.
  - c. Postponement. Upon determination that the site plan is not sufficiently complete for approval or denial, or upon request by the applicant, the Zoning Administrator may postpone until a date certain further consideration with direction given to the applicant of the deadline date and any details or revisions needed prior to further review and action.
  - d. Denial. Upon determination that the minor site plan does not comply with applicable requirements and standards of this Ordinance and other Township ordinances, or would require extensive revisions to comply with such requirements, it shall be denied.
5. Recording of minor site plan action. The Zoning Administrator shall promptly notify the applicant of the final action on the minor site plan and update the Township's record for the application. If the minor site plan is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for denial.

### **PART THREE – Delete and Replace Section 12.5 (Nonconforming Sites)**

The text of Section 12.5 (Nonconforming Sites) is hereby deleted and replaced in its entirety to add authority for the Zoning Administrator to apply this section to minor site plans subject to administrative approval, as follows:

## **Section 12.5 Nonconforming Sites**

The purpose of this Section is to encourage improvements to existing sites in the Township that were developed before the site design requirements of this Ordinance were established or amended. This Section establishes requirements for prioritizing improvements to existing nonconforming sites that are intended to gradually bring the site into compliance with current Ordinance requirements. Nonconforming sites may be improved or modified without a complete upgrade of all site elements, subject to the following conditions:

- A. A nonconforming site shall not be improved or modified in a manner that increases its nonconformity.
- B. The proposed site improvements shall address public health, safety, and welfare by resolving public safety deficiencies and pedestrian/vehicle conflicts and improving emergency access.
- C. The proposed site improvements shall include at least three (3) of the following, as accepted by the Planning Commission [for preliminary and final site plan approval applications, or by the Zoning Administrator for minor site plan applications](#):
  1. Preservation of natural resources or historical site features.
  2. Pedestrian access improvements.
  3. Vehicular access and circulation improvements.
  4. Building design or exterior facade improvements.
  5. Off-street parking or loading improvements.
  6. Landscaping improvements.
  7. Screening and buffering improvements.
  8. Exterior lighting improvements.
  9. Drainage and stormwater management improvements.
- D. Clean up or restoration of a blighted site, removal of contaminated soil, or similar environmental improvements.
- E. The scope of any additional site improvements requested by the Planning Commission, [or by the Zoning Administrator for minor site plan applications](#), shall be in reasonable proportion to the scale and construction cost of proposed building improvements, expansions, or other improvements.
- F. A reasonable timeline for completion of site improvements to an existing nonconforming site may be approved as part of any plan approval. Failure to complete improvements in accordance with an approved timeline shall be deemed a violation of this Ordinance.

### **PART FOUR – Repeal**

All ordinances or parts of ordinances in conflict with the provisions of this amendatory ordinance, except as herein provided, are hereby repealed only to the extent necessary to give this amendatory ordinance full force and effect.

### **PART FIVE – Severability**

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

**Draft Date: August 9, 2024**

**PART SIX – Publication**

The Clerk for the Charter Township of Union shall cause this amendatory ordinance to be published in the manner required by law.

**PART SEVEN – Effective Date**

This amendatory ordinance was approved and adopted by the Charter Township of Union Board of Trustees, Isabella County, Michigan, on \_\_\_\_\_, 2024, after initiation and a public hearing by the Planning Commission on \_\_\_\_\_, 2024 as required pursuant to the Michigan Public Act 110 of 2006, as amended, and after introduction and a first reading by the Board of Trustees on \_\_\_\_\_, 2024 and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This amendatory ordinance shall be effective on \_\_\_\_\_, 2024, which date is more than seven days after publication of the ordinance as is required by Section 401(6) of Act 110 of 2006, as amended, provided that this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110 of 2006, as amended.

<b>TO:</b>	Planning Commission	<b>DATE:</b>	August 12, 2024
<b>FROM:</b>	Rodney C. Nanney, AICP, Community and Economic Development Director		
<b>PROJECT:</b>	<b>Updates to the 2018 Sidewalk and Pathway Construction Policies</b>		
<b>ACTION REQUESTED:</b>	To review the updated set of proposed Sidewalk and Pathway Construction Policies and to make recommendations to the Board of Trustees for final action.		

### Background Information

In 2017 the Township re-established the Sidewalks and Pathways Prioritization Committee in accordance with Section 5.0 of the former Sidewalk and Pathway Ordinance No. 2009-03. A previous version of this committee established shortly after the adoption of Ord. No. 2009-03 had been disbanded and inactive for the previous five years. The 2017 Committee was charged with identifying on a map the “designated streets” where sidewalk implementation should be prioritized. They were additionally tasked with creating a policy to provide guidance for the Planning Commission to follow when considering requests for “provisional” or temporary relief from sidewalk construction under certain circumstances. By March of 2018 the Committee had completed both tasks. The Board of Trustees adopted the Sidewalk and Pathway Construction Policy in April of 2018.

#### **The Policy Document is not an Ordinance**

The 2018 policy document is not an ordinance, but rather a set of guidelines to follow to assist with implementation of the Sidewalks and Pathways Ordinance in the most effective and equitable manner. The former and current sidewalk and pathway ordinances require sidewalks or pathways to be constructed throughout the without any caveats or limitations. This ordinance is not a zoning ordinance, so there are no “grandfathered” or legal nonconforming situations protected from the general application of the ordinance’s sidewalk and pathway construction requirements across the Township.

Before the 2018 policy, there were many times when the discussion of sidewalks would dominate Planning Commission site plan reviews. The 1991 Zoning Ordinance required sidewalks to be constructed, but the Planning Commission struggled with the timing of sidewalk construction on a project-by-project basis. After the 2018 policy was approved it was generally used by the Planning Commission as a tool to guide them through the issue of sidewalks and site plan reviews. Township staff would inform future applicants about the policy and the criteria needed to request relief from sidewalk construction. This significantly shortened site plan reviews and allowed the Planning Commission to be more consistent with addressing the sidewalk issue.

For all the good the policy provided the Planning Commission, it was not perfect. From its inception, there were some planning commissioners who took issue with the policy being adopted by the Board of Trustees instead of the Planning Commission. This was done because the former Ord. No. 2009-03 requires that the Committee make recommendations to the “Township Board.” Another common request made by some commissioners to the Board representative on the Planning

Commission was that they would like to see some direction from the Board of Trustees regarding the sidewalk issue.

Finally, concerns have been periodically raised about where the 2018 policy appeared to prohibit any granting of provisional or temporary relief from sidewalk construction along designated streets. In fact, this is not actually the case. As a policy document, it does not “prohibit” any action but rather sets guidelines for decision-making. Although the granting of temporary relief is certainly discouraged by the 2018 policy along the designated streets, there have been at least two instances where the Planning Commission determined that it was appropriate to do so. There are also two relatively recent instances (both along E. Broomfield Rd. east of S. Lincoln Rd.) where property owners could have requested that temporary relief from sidewalk construction be granted in relation to their project but they chose not to do so.

### **Deficiencies in the Current Policy**

The 2018 Sidewalk and Pathway Construction policy has been the subject of Planning Commission discussion during various meetings over the years, usually in relation to specific site plan projects. The following is a summary of some of the concerns that have been noted:

- Interest in potentially amending the list of designated streets (to add or to remove).
- The 2018 policy does not address where a pathway would be preferred over a sidewalk.
- The 2018 policy does not address the necessity for securing easements where a sidewalk or pathway must be located outside of the road right-of-way.
- Granting relief and tracking relief granted is problematic for cases “*where no car-pedestrian injury or fatality, due to the need of the pedestrian to walk in the roadway, has occurred for a distance of 1 mile in either direction of the development.*” The Township has no effective mechanism to collect and track crash data for this. In addition, any crash data or accident report we might secure from the County Sheriff's Office or the State Police through a Freedom of Information Act request would not be expected to include any determination by the accident investigator about “*the need of the pedestrian to walk in the roadway.*”
- The blanket guideline to grant relief for development “*located on a property zoned industrial*” is counterproductive to the Township’s planning goals and the Board of Trustees’ adopted Global Ends policies related to establishing a regional sidewalk network and promoting economic development. Non-motorized transportation connections between homes and employment centers should actually be a high priority of this policy to be consistent with the adopted Global Ends policies and the Master Plan. The lack of sidewalks in industrial areas means that employees who live within reasonable walking distances are not able to safely walk or bike ride to work.
- The guideline for granting relief related to development on “an unimproved road” needs to be clarified, as the Township has no seasonal or “unimproved” roads in its jurisdiction. There would be benefit to tying relief consideration to rural private roads and to areas of the Township designated in the Master Plan as Rural Preservation or Rural Buffer areas.
- Generally, a sidewalk cannot end at an intersection where two roads meet without the construction of a landing area on the other side. The policy does not address this. In

practice, developers are then required by law to construct a landing on property that does not pertain to their development or to which they have control or permission for the work.

### Policy Provisions in the new Sidewalk and Pathway Ordinance No. 24-02

Section 4.0, subsection “A.” of the new Sidewalk and Pathway Ordinance No. 24-02, as adopted by the Board of Trustees on 7/10/2024, includes an expanded scope for the implementation policy language to include cost sharing guidance (see the marked-up excerpt below).

**Section 4.0 Construction-Related-Timing Policies, Orders, and Assessments.**

The Board of Trustees shall have the following authority pursuant to this Ordinance:

**A. Adoption of Sidewalk or Pathway Construction Policies.**

The Board of Trustees may from time to time adopt or amend by resolution a general policy governing the design, funding, and timing of sidewalk or pathway construction in designated areas of the Township, provided that:

1. This policy may include allowances for temporary relief from sidewalk construction under specific circumstances or in certain designated areas.
2. This policy may include guidelines for additional sidewalk or pathway width in designated areas of the Township based on existing or anticipated intensity of usage.
3. This policy may designate certain areas for pathway construction instead of sidewalks.
4. This policy may include cost sharing guidance to assist the Board of Trustees in decisions related to funding for construction of public sidewalks and pathways.
5. This policy shall not conflict with this Ordinance, other Township ordinances, or the Township’s adopted Master Plan and other adopted planning documents.
6. Prior to adoption or amendment, the proposed policy resolution shall be provided to the Planning Commission with a request for review and recommendations for action.

### Summary of the Current Draft Resolution Document (Draft Date: 8/12/2024)

During your June and July meetings, the Planning Commission reviewed and offered comments and direction on drafts of the proposed Sidewalk and Pathway Construction Policy resolution. This included an initial review during your July meeting of proposed cost-sharing policy language consistent with the expanded scope of Section 4.0.A. of Ord. No. 24-02, as adopted.

Staff has incorporated the Planning Commission’s requested changes to subsection “E.” of the policy resolution document into the current “marked-up” version with a draft date of 8/12/2024. The changes from the previous draft resolution document reviewed during your July meeting are highlighted in underline and ~~strikethrough~~ text. All other previous changes are now shown as plain text for readability purposes.

### Objectives

To review and make any recommendations to the Board of Trustees for final action on the proposed Sidewalk and Pathway Construction Policy Resolution to guide implementation of the new ordinance. Consistent with the proposed ordinance, this proposed policy resolution would be subject to Board of Trustees approval after recommendation by the Planning Commission.

## Board of Trustees Goals Addressed

Board of Trustees goals (Ends or desired outcomes) addressed by this proposed policy resolution  
(From Policy 1.0: Global End):

1. **Community well-being and common good**
3. **Safety and Health**
5. **Economic Development**

Adoption of the updated policy resolution would help facilitate the effective use of resources (1.0) and to help guide extension of a network of safe and accessible routes for pedestrians, bicyclists, and others (1.3.1). The updated sidewalk and pathway construction policies are consistent with commerce-friendly economic development policies (1.5).

## Recommendations

For this item, the Planning Commission serves as a recommending body to the Board of Trustees.

Following review and deliberation, I recommend that the Planning Commission consider taking action by **motion to recommend to the Board of Trustees that the proposed Sidewalk and Pathway Construction Policy Resolution with a revision date of August 12, 2024 be adopted as presented** or be adopted with the following additional changes:

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Please contact me at (989) 772-4600 ext. 232, or via email at rnanney@uniontownshipmi.com, with any questions about this information.

Respectfully submitted,

**Rodney C. Nanney, AICP**

Community and Economic Development Director

**CHARTER TOWNSHIP OF UNION  
ISABELLA COUNTY, MICHIGAN**

**RESOLUTION OF THE BOARD OF TRUSTEES TO ESTABLISH  
SIDEWALK AND PATHWAY CONSTRUCTION POLICIES**

At a regular meeting of the Board of Trustees for the Charter Township of Union, Isabella County, Michigan held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024:

**WHEREAS**, on July 10, 2024, the Board of Trustees adopted a new Sidewalk and Pathway Ordinance No. 24-02 in accordance with the requirements of the Charter Township Act and after review and recommendation by the Planning Commission; and

**WHEREAS**, Section 4.0 (Construction-Related Policies, Orders, and Assessments) of the new Ordinance No. 24-02 states in part that, *“The Board of Trustees may from time to time adopt or amend by resolution a general policy governing the design, funding, and timing of sidewalk or pathway construction in designated areas of the Township;”* and

**WHEREAS**, the Planning Commission reviewed the current policy for granting provisional relief from sidewalk construction under certain circumstances, which was adopted in 2018, and determined that updates are warranted.

**NOW, THEREFORE, LET IT BE RESOLVED** that sidewalk and pathway construction policies are established to guide implementation of the Sidewalk and Pathway Ordinance No. 24-02, as follows:

**A. Identification of Designated Roads for Sidewalk or Pathway Construction.**

1. The following are the “Designated Roads” where located within the boundaries of the Township for purposes of implementing policies that apply specifically to designated road corridors:
  - a. E. Pickard Road from S. Summerton Road west to S. Lincoln Rd.
  - b. E. Broadway Road from S. Summerton Road west to S. Lincoln Road.
  - c. E. Remus Road/High Street from US-127 west to S. Lincoln Road.
  - d. E. Broomfield Road from S. Isabella Road west to the City of Mt. Pleasant boundary.
  - e. E. Broomfield Road from Crawford Road west to S. Lincoln Road.
  - f. E. Blue Grass Road from S. Isabella Road west to S. Mission Rd.
  - g. S. Isabella Road from E. River Road south to E. Blue Grass Road.
  - h. Crawford Road from E. Broomfield Road south to E. Deerfield Road.
  - i. S. Lincoln Road from E. Pickard Road south to the Chippewa River.
  - j. S. Lincoln Road from the Chippewa River south to E. Broomfield Road.
2. These Designated Roads were identified to complete the sidewalk and pathway network; to connect with City of Mt. Pleasant, Saginaw Chippewa Indian Tribe, and Central Michigan University property and facilities; and to connect residential areas to local and regional schools, parks, activity centers, employment centers, retail, business, health care facilities, religious institutions, civic buildings, and community services.

**B. Policy for Granting Temporary Relief from Sidewalk or Pathway Construction.**

Temporary relief of sidewalk or pathway construction may be granted under the following circumstances:

1. The land is designated in the Township’s adopted Master Plan for Rural Preservation or Rural Buffer, provided that:
  - a. The land is also located in an AG (Agricultural) or R-1 (Rural Residential) zoning district; and
  - b. The land is not served by both municipal water and sanitary sewer and any associated development project on the land does not require such services.
2. Less than 50% of the surveyed section(s) of the Township along the road(s) fronting the proposed development has sidewalks. If on a corner lot, the sidewalk will extend in both directions along the frontage roads. Once the threshold has been met the sidewalk or pathway shall be required to be constructed within 365 calendar days.
3. If the cost to construct the sidewalk or pathway is greater than 50% of the overall project construction cost, based on detailed cost estimates prepared by a civil engineer, architect, licensed builder, paving contractor, or similarly qualified professional. The estimates shall be subject to review and recommendation by the Township Engineer.
4. The requirements of the state or county road authority with jurisdiction would necessitate off-site construction of a sidewalk ramp or curb return on the opposite side of a public road to complete the sidewalk or pathway construction project.
  - a. In such cases, temporary relief may be limited to construction of the sidewalk ramps or curb returns within the public road right-of-way.
  - b. If full relief from construction is granted, the sidewalk or pathway should be required to be constructed within 365 calendar days following installation of the necessary sidewalk ramps or curb returns.
5. The development is located on a private road serving rural single-family dwellings in an AG (Agricultural) or R-1 (Rural Residential) zoning district and outside of the boundaries of any subdivision plat or condominium development.
6. For parcels of land identified with frontage on a Designated Road, such temporary relief may be granted based on any of the above circumstances, provided also that a paved shoulder or equivalent improvement of at least four (4) feet in width either:
  - a. Exists along 50% or more of the surveyed section(s) of the Township along the road(s) fronting the proposed development; or
  - b. Construction is planned by the road authority with jurisdiction to be completed before the end of the next construction season.
7. For projects where a site plan is subject to administrative review and approval by the Zoning Administrator (such as a minor site plan as authorized by the Zoning Ordinance No. 20-06, as amended), the Zoning Administrator shall also have authority to grant or

reject any request for temporary relief from sidewalk or pathway construction. If rejected, the applicant may submit a written request to the Planning Commission for reconsideration of the request for temporary relief. In such cases, the Planning Commission's action is final.

**C. Easements for Sidewalk or Pathway Construction.**

In any case where temporary relief from sidewalk or pathway construction is granted for a project subject to site plan approval under the Township's Zoning Ordinance No. 20-06 as amended, such relief should be made contingent upon the landowner authorizing and recording any easements on the land at the County Register of Deeds Office needed to allow for future construction of the sidewalk or pathway as depicted on the site plan.

**D. Designated Areas for Pathway Construction.**

Where sidewalks and pathways are required to be constructed in the Township, a pathway design shall be the preferred wherever a road corridor or other area of the Township is designated on a Township planning document for planned future pathway construction. Such planning documents shall include but not be limited to the adopted Township Master Plan and any sub-area plans, the adopted Township Parks and Recreation Master Plan, any regional non-motorized transportation plans accepted by the Township, or any plans associated with an adopted intergovernmental agreement or Board of Trustees resolution addressing sidewalks or pathways.

**E. Funding Priorities for Sidewalk or Pathway Construction.**

It is the general policy of the Board of Trustees to prioritize ~~cost-sharing methods to the~~ funding of sidewalk and pathway construction projects in the Township through cost-sharing methods, as follows:

1. Charter Township of Union General Fund and East/West DDA Funds as budgeted and appropriated for public sidewalk and pathway projects planned for and constructed by the Township consistent with the Board of Trustees' Global Ends, supplemented by grant funding where available and consistent with the Board of Trustees' governance policy 2.7 (Ends ~~of~~ Focus of Grants).
2. Developer/property owner funding of new sidewalk and pathway construction to provide necessary barrier-free pedestrian accessibility to and within a lot subject to development or alteration in accordance with an approved site plan, subdivision plat, or equivalent development plan.
3. The lowest priorities for funding of public sidewalk and pathway projects would be through the following means as otherwise authorized by Public Act 246 of 1931, as amended: property owner cost-sharing, posting of a cash deposit in lieu of construction, payment to have public sidewalks or pathways constructed at their own expense, or reimbursement to the Township for construction costs over a five-year period ~~as authorized by Public Act 246 of 1931, as amended~~.

**Draft Date: August 12, 2024**

The foregoing resolution was offered by \_\_\_\_\_ and supported by \_\_\_\_\_.

Upon roll call vote, the following voted:

<u>Board of Trustees</u>	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Supervisor Bryan Mielke	_____	_____	_____	_____
Clerk Lisa Cody	_____	_____	_____	_____
Treasurer Kim Rice	_____	_____	_____	_____
Trustee Connie Bills	_____	_____	_____	_____
Trustee Jeff Brown	_____	_____	_____	_____
Trustee Brian Smith	_____	_____	_____	_____
Trustee James Thering	_____	_____	_____	_____

RESOLUTION DECLARED ADOPTED.

\_\_\_\_\_  
Bryan Mielke, Supervisor

\_\_\_\_\_  
Date

**CERTIFICATION**

I, Lisa Cody, Clerk for the Charter Township of Union, do hereby certify that the foregoing is a true and complete copy of the action taken by the Board of Trustees at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_. I further certify that public notice was given and the meeting was conducted in full compliance with the Open Meetings Act (Public Act 267 of 1976, as amended).

\_\_\_\_\_  
Lisa Cody, Clerk

\_\_\_\_\_  
Certification Date