



Planning Commission
Regular Meeting
June 18, 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
 - May 21, 2024 Regular Meeting
6. CORRESPONDENCE / BOARD REPORTS / PRESENTATIONS
 - A. Thering updates from Board of Trustees
 - B. Buckley updates from ZBA
 - C. City of Mt. Pleasant Intent to update the Master Plan
 - D. Communication from Mr. Gunning
 - E. Response Letter from Commissioner Shingles
 - F. Community and Economic Development Monthly Report
 - G. Other Reports
7. PUBLIC COMMENT: Restricted to (3) minutes regarding items not on this agenda
8. NEW BUSINESS
 - A. Review of the Proposed Sidewalk and Pathway Ordinance Update**
 - a. Introduction of the updated draft ordinance by staff
 - b. Commission discussion and questions
 - c. Commission deliberation and action (recommendation to the Board of Trustees for adoption, adoption with additional recommended changes, or rejection)
 - B. Review of the Proposed Sidewalk and Pathway Construction Policy update**
 - a. Introduction of the proposed policy resolution by staff
 - b. Commission discussion and questions
 - c. Commission deliberation and action (recommendation to the Board of Trustees for approval, approval with additional recommended changes, or rejection)
9. EXTENDED PUBLIC COMMENT: Restricted to (5) minutes regarding any issue
10. FINAL BOARD COMMENT
11. ADJOURNMENT

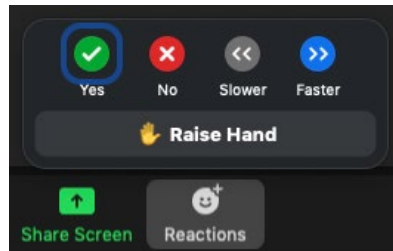
Hybrid Meeting Instructions for the Charter Township of Union Planning Commission

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 May 21, 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, McDonald, Olver, Shingles, Squattrito, and Thering

Others Present

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

Approval of Agenda

Thering moved **Gross** supported to approve the agenda as presented. **Vote: Ayes: 8. Nays: 0. Motion Carried**

Approval of Minutes

Olver moved **Thering** supported to approve the April 16, 2024 regular meeting minutes as presented. **Vote: Ayes: 8. Nays: 0. Motion carried.**

Correspondence / Reports/ Presentations

- A. Board of Trustees updates by Thering – Gave updates on the Board of Trustees Meeting.
- B. ZBA updates by Buckley – No updates were given.
- C. Community and Economic Development Monthly Report
- D. Other Reports – N/A
- E. Peter Gallinat, Zoning Administrator gave a presentation on the Rural Bikeways and Sidewalks webinar
- F. Planning Commission accepted Doug LaBelle’s resignation letter
- G. Planning Commission acknowledged a letter from Ben Gunning regarding Sidewalk Policies
- H. Planning Commission acknowledged a letter from David Kerr regarding the proposed Private Road Ordinance

Public Comment

Open 7:21 p.m.

No comments were offered.

Closed 7:23 p.m.

New Business

- A. **PFINALSPR24-02 Final Site Plan Review Application for the new Valvoline Instant Oil Change at 4448 E. Bluegrass Road.**
 - a. Introduction by staff
 - b. Updates from the applicant
 - c. Commission review of the site plan
 - d. Commission deliberation and action (approval, denial, approval with conditions, or postpone action)

Nanney introduced the PFINAL24-02 Final Site Plan for the proposed Valvoline Instant Oil Change Facility, finding the plan was in good order. Nanney reviewed the key findings. The final site plan meets the requirements of Section 14.2.P (Required Site Plan Information) and 14.2.S (Standards for Site Plan Approval). The design fully conforms to all applicable site development standards of the Zoning Ordinance. It is the staff's recommendation to approve the PFINAL24-02 site plan.

The applicant Angela Garcia was available for questions. The Commission deliberated

Olver moved **Gross** supported to approve the PFINAL24-02 final site plan dated March 25, 2024 for a 3,334 square-foot Valvoline Instant Oil Change facility on the south side of East Bluegrass Road west of Encore Boulevard in the southwest quarter of Section 26 and in the B-5 (Highway Business) zoning district, finding that the site plan fully complies with the applicable Zoning Ordinance requirements for final site plan approval, including Sections 14.2.P (Required Site Plan Information) and 14.2.S. (Standards for Site Plan Approval). **Roll Call Vote: Ayes: Buckley, Gross, Lapp, McDonald, Olver, Shingles, Squatrito, and Thering. Nays: 0. Motion carried.**

B. PSPR22-19 Prestige Center Assisted Living and Memory Care Expansion at 5785 E. Broadway Road – Request for Extension of the Final Site Plan Approval

- a. Introduction by staff
- b. Updates from the applicant
- c. Commission deliberation and action (approval, denial, or postpone action)

Nanney reviewed the PSPR22-19 Final Site Plan Extension requested noting that the applicant provided a written letter requesting an extension. The site conditions have not changed and the approved (final) site plan remains in conformance with applicable provisions of the Ordinance. The staff has no objection to Planning Commission approval of the requested extension.

Olver moved **Shingles** supported to approve an extension of the expiration date for 365 calendar days to June 17, 2025 for the previously approved PSPR22-19 Prestige Centre Assisted Living and Memory Care Expansion final site plan dated November 16, 2022, located at 5785 East Broadway Road in the northeast quarter of Section 13 and in the PUD (Planned Unit Development) zoning district, finding that the conditions for an extension in Section 14.02.Q.3. (Expiration and Extension of Site Plan Approval) have been satisfied. **Roll Call Vote: Ayes: Buckley, Gross, Lapp, McDonald, Olver, Shingles, Squatrito, and Thering. Nays: 0. Motion carried.**

C. PMINOR24-08 Minor Site Plan for the Prestige Center Assisted Living and Memory Care Expansion at 5785 E. Broadway Road – Planning Commission review and action on the modified sidewalk location and landscaping modifications

- a. Introduction by staff
- b. Updates from the applicant
- c. Commission deliberation and action (approval, denial, or postpone action)

Nanney introduced the PMINORSPR24-08 Minor Site Plan amendments for the Prestige Center Assisted Living and Memory Care Expansion reviewing that the plan is consistent with the applicable standards of Section 14.2.P (Required Site Plan Information and Section 14.2.S. (Standards for Site Plan Approval). Based on the findings noted in the staff report for the modified sidewalk location along E. Broadway Road and alternative landscaping design, staff recommends approval of these amendments as presented. Mr. Nanney noted that, if the Planning Commission approves the amended sidewalk location and landscaping, the Zoning Administrator would then be able to take final action on the PMINOR24-08 Minor Site Plan.

Applicant, Kevin Willis and Engineer, Justin Lonstreth were available for question. The Commission deliberated.

Olver moved **Gross** supported to approve the modified sidewalk location along East Broadway Road and alternative landscaping design as depicted on the PMINO24-08 Minor Site Plan for the Prestige Centre Assisted Living and Memory Care Expansion at 5785 East Broadway Road in the northeast quarter of Section 13 and in the PUD (Planned Unit Development) zoning district. **Roll Call Vote: Ayes: Buckley, Gross, Lapp, McDonald, Olver, Shingles, Squatrito, and Thering. Nays: 0. Motion carried.**

D. Review of the Proposed Sidewalk and Pathway Ordinance

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

Nanney presented the Sidewalk and Pathway Ordinance Punchlist Report outlined the existing Ordinance and identified its deficiencies. Nanney proposed to update the Township Sidewalk and Pathway Ordinance No. 2009.03.

During the commission's discussion, concerns were expressed regarding the language in Section 4.B, taken from the Michigan Public Act 246 of 1931, allowing the Board of Trustees to propose a cost-sharing mechanism to establish a Township-wide sidewalk and pathway construction fund.

There was some confusion distinguishing between what the Commission is recommending as a Sidewalk and Pathway Ordinance versus updating the policies established in 2018 for temporary relief from sidewalk construction under certain circumstances, prompting a suggestion to have a separate discussion focused on these policies following completion of the Commission's review of the proposed ordinance.

During their review, there was a consensus among the commissioners that a clarification was needed to section 10.B to amend the language to clarify Township and private party responsibilities for sidewalk and pathway maintenance, repair, and replacement.

Buckley moved **Olver** supported to postpone action on the ordinance review until the June 18th meeting in order to see amended language in the ordinance. **Ayes: Buckley, Gross, Lapp, McDonald, Olver, Shingles, Squatrito, and Thering. Nays: 0. Motion carried.**

Other Business

A. Review of the Proposed Private Road Ordinance for recommendations to the Board of Trustees

- a. Introduction by staff
- b. Commission discussion and questions
- c. Deliberation and action (recommend to the Board of Trustees for adoption, adoption with additional recommended changes, or rejection; or to postpone action)

Nanney revisited the proposed Private Road Ordinance report dated April 8, 2024, highlighting that no changes had been made since the April 16th meeting. Nanney addressed comments made by Mr. Kerr, suggesting the removal of section 4 from the Existing Private Roads section. Nanney

emphasized that this section sets two standards: a minimum width of 20 feet a minimum height of 15 feet, ensuring unobstructed access for emergency vehicles. He also noted that without this section all existing private roads would be required to conform to the full standards that would apply to a newly developed private road.

Discussion was held. The importance of educating the residents and property owners on Special Assessment Districts was emphasized.

Lapp moved **McDonald** supported to recommend to the Board of Trustees that the proposed Private Road Ordinance with a draft date of April 8, 2024 be adopted as presented. **Roll Call Vote: Ayes: Buckley, Lapp, McDonald, Shingles, Squattrito, and Thering. Nays: Gross and Olver. Motion carried.**

Extended Public Comments

Open: 9:34 p.m.

Ben Gunning, 2270 E Broomfield Rd., appreciated the discussion and the knowledge he gained through the discussion. Hopes that the Planning Commission will look at the Sidewalk and Pathways policies.

David Kerr, 2485 E. Broomfield Rd., commented on his preference to change the language in section 4.0 “Requirements for Existing Private Roads and Shared Driveways” of the proposed Private Road Ordinance.

Bob Summerville, 3678 St. Andrew Dr., representing Riverwood Resort, emphasized his desire for the township to tread lightly when implementing the sidewalk ordinance, particularly in the rural parts of town.

Closed 9:46 p.m.

Final Board Comment

Adjournment – Chair Squattrito adjourned the meeting at 9:47 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	Vacant		12/31/2024
2	Sarvjit	Chowdhary	12/31/2024
3	Bryan	Neyer	12/31/2024
Alt #1	Randy	Golden	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
Mid Michigan Aquatic Recreational Authority (2 seat from Township) 3 year term			
#	F Name	L Name	Expiration Date
1-City of Mt. Pleasant	John	Zang	12/31/2023
2-City of Mt. Pleasant	Judith	Wagley	12/31/2025
1-Union Township	Stan	Shingles	12/31/2026
2-Union Township	Allison	Chiodini	12/31/2025
1-Mt. Pleasant Schools	Lisa	Diaz	12/31/2024
1-Member at Large	Mark	Stansberry	2/14/2025
2- Member at Large	Michael	Huenemann	2/14/2025

City of Mt. Pleasant, Michigan



CITY HALL
320 W. Broadway • 48858
(989) 779-5300
(989) 773-4691 Fax

PUBLIC SAFETY
804 E. High • 48858
(989) 779-5100
(989) 773-4020 Fax

PUBLIC WORKS
320 W. Broadway • 48858
(989) 779-5400
(989) 772-6250 Fax

May 24, 2024

Charter Township of Union Planning Commission
C/O Peter Gallinat, Charter Township of Union Planner
2010 S. Lincoln Road
Mt. Pleasant, MI 48858

Dear Mr. Gallinat:

Please find the attached Notice of Intent that the City of Mt. Pleasant will be conducting master planning activities pursuant to the Michigan Planning Enabling Act. Please share this notification with any other individuals who may have interest in this project.

We look forward to working with the Charter Township of Union to develop this important Master Plan update focused on the development of a Mission Street Improvement Plan. Please let me know if you have any questions.

Sincerely,

Manuela Powidayko

Manuela Powidayko
Director of Planning and Community Development

Attachment: Notice of Intent to Update the Master Plan

**CITY OF MT. PLEASANT PLANNING COMMISSION, ISABELLA COUNTY, MICHIGAN
NOTICE OF INTENT TO UPDATE THE MASTER PLAN**

Pursuant to the Michigan Planning Enabling Act, 2008 PA 33, as amended, MCL 125.3801 *et seq.* the City of Mt. Pleasant is notifying your agency of its intent to conduct master planning activities. As required by state law, this notice is being sent to: (1) all contiguous governmental entities; (2) the regional planning commission, (3) the county planning commission, (4) all public utility companies, railroad companies, and public transportation agencies owning or operating a public utility, railroad, or public transportation system within the local unit of government; and (5) the county road commission and state transportation department, to request cooperation and comment during the master plan update process.

Specifically, we would like to know if you have any thoughts, concerns, or issues you feel should be addressed in this effort that would allow us to work more cooperatively when planning for our area. The city's update to the plan is limited to demographic information and sections of the plan related to transportation and mobility, particularly focused on Mission Street.

As required by law, prior to, and after adoption of the Master Plan, copies of the proposed draft and final plan will be sent to the above entities. **ALL FUTURE NOTIFICATIONS AND DOCUMENTS SENT IN REGARD TO THIS PLANNING PROCESS WILL BE SENT VIA ELECTRONIC MAIL UNLESS YOU RESPOND OBJECTING TO THE USE OF ELECTRONIC MAIL.**

Any entity requesting physical copies of the proposed, or final Master Plan, shall reimburse the City for any copying and postage costs thereby incurred.

If you have any questions concerning this notice, or the master planning process, please contact Manuela Powidayko, Director of Planning and Community Development at (989) 779-5346 or via email at mpowidayko@mt-pleasant.org.

NOTICE DATE: May 24, 2024

Union Township Planning Commission

2010 S Lincoln Rd

Mt Pleasant, MI 48858

May 24, 2024

Ben Gunning, Owner

The Golf Center

2280 E Broomfield Rd

Mt Pleasant, MI 48858

Good afternoon,

I would first like to express my thanks to the board members for their intelligent conversation and thoughtful responses to the Proposed Sidewalk Ordinance presented by the Union Township Zoning and Planning Department. This proposed Ordinance rewrite was prompted by my public comments during your March meeting.

I do feel that what was requested by the Planning Commission members was a discussion on the Policy, not a total Ordinance rewrite. Instead of a Policy Discussion it was an Ordinance Discussion. Personally, it is disturbing that the Economic Development Coordinator and Zoning and Planning Director took it upon themselves to write a new ordinance without that directive from your Board. The definition of a Township is, "the only form of Government truly run by the people, in the form of the Board of Trustees." This self-governance model is rooted in rural America and unlike a city it gives us, the citizens, the opportunity to make our local government representative of our community and our needs. The rewrite of the Ordinance without directive from either the Board of Trustees or the Planning Commission is contrary to self-governance.

In the discussion there were many comments pertaining to section *B4: Section 5, Provisions for Sidewalk or Pathway Orders and Assessment of Costs*. This section details the ability of the Township to require a property to owner to post a cash deposit equal to the construction cost of the sidewalk or pathway into an escrow account until such time that the adjacent properties develop or install sidewalks or pathways. I fully understand that this is an available tool for the township, but do you really want this extreme tool in the Ordinance where it could be normalized and eventually utilized? I believe that when this Ordinance was written in 2009 there was intent not to put this in enforcement mechanism into the document. This law has existed since 1931 and the 2009 Ordinance was written and approved by both the Zoning Coordinator and the Township Attorney. I am personally

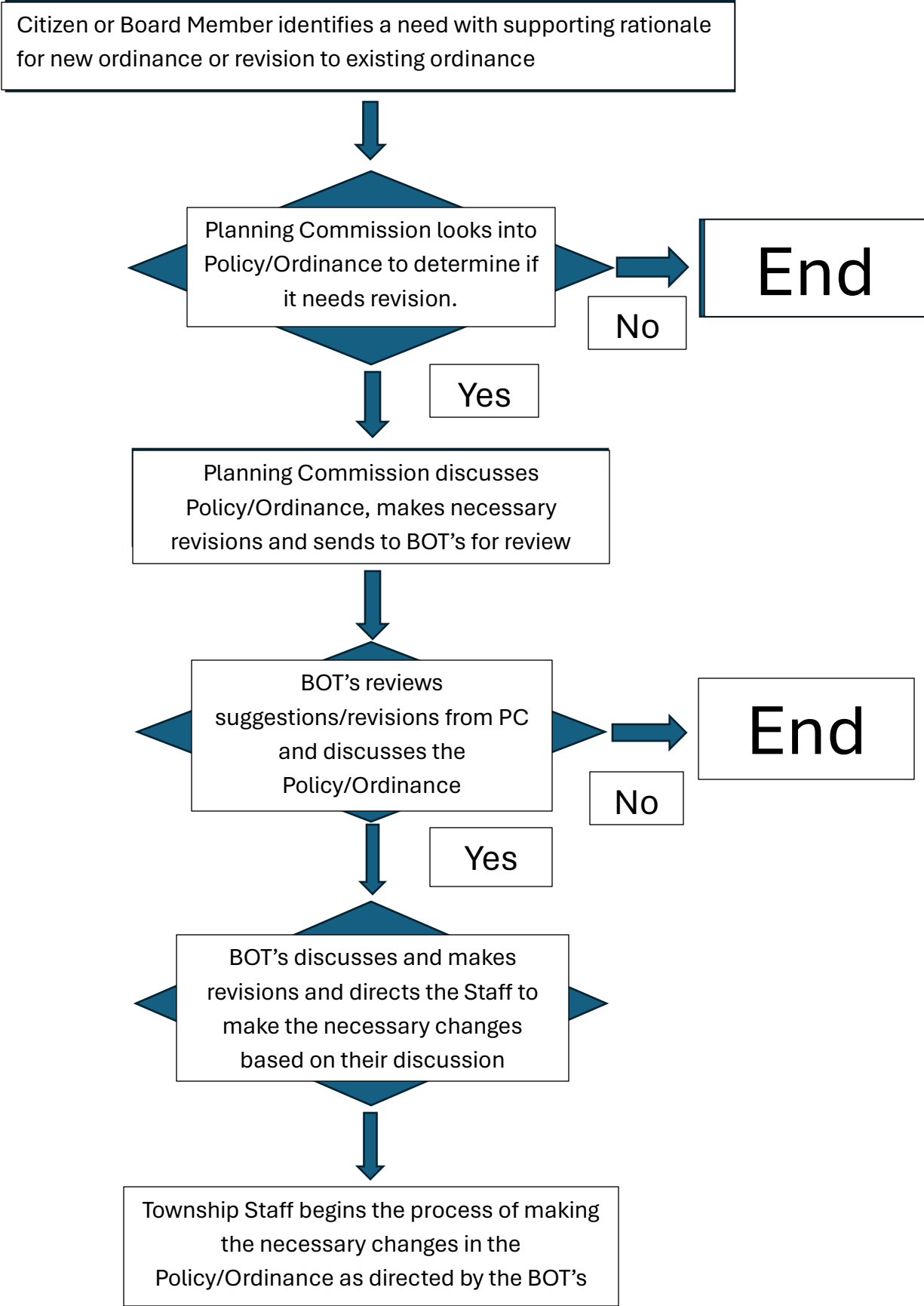
terrified about the prospect of this extreme action becoming a course of action, especially as the Economic and Development Coordinator began justifying these tactics with comparisons of other communities and how they use these escrow accounts.

In closing, it is important for all of you to understand that it is within your rights to place or not to place this passage in the Ordinance. This is a tool that a Township can use regardless of its listing and there are no State statutes that force this tool to be listed in this document. I believe that if it is listed, then it will be used and that is something, if I was reading the room correctly, none of us want to see. Thank you for your time and I will continue to correspond as this process moves forward.

Respectfully,

Ben Gunning, Owner

The Golf Center



From: [Squatrito, Philip John](#)
To: [Tera Green](#)
Cc: [Rodney Nanney](#); [Peter Gallinat](#)
Subject: FW: [External] Planning Commission Discussion Sidewalk Ordinance
Date: Monday, June 3, 2024 6:54:30 PM

Tera: One more for the Correspondence. Thanks.

Phil

From: Shingles, Stan L <shing1sl@cmich.edu>
Date: Tuesday, May 28, 2024 at 4:09 PM
To: Squatrito, Philip John <squat1pj@mail.cmich.edu>, Paul Gross <grossp93@yahoo.com>, Nivia McDonald <niviamcdonald95@gmail.com>, Ryan Buckley <buckl1rm@gmail.com>, James Thering <jamesthering@yahoo.com>, Jessica Lapp <jlapp500@yahoo.com>, Tom Olver <thomas.olver@gmail.com>
Cc: Bryan Mielke <bmielke@uniontownshipmi.com>
Subject: Re: [External] Planning Commission Discussion Sidewalk Ordinance

Planning Commission members.

I truly appreciate the response by Ben Gunning and his concerns about the Proposed Sidewalk Ordinance. I have taken some time to think about this situation and did not want to respond at the meeting last Tuesday without time to reflect.

I found it a bit surprising that there would be a total rewrite of the Sidewalk Ordinance without any feedback from the Planning Commission until after submission. We never had any discussion that this was being considered unless I missed something. I am unsure if this was a directive from the Board of Trustees, or if it came from the staff. I mentioned that we have had a Sidewalk and Pathways committee in the past, which has been inactive. I have asked several times why this committee is inactive, and I do not believe I have been given a compelling answer. I was appointed to serve on this committee 2 years ago, and there was never one meeting scheduled. When asked about why, again, there was never a clear answer. I noticed after some time had passed, that this was no longer a committee report update on the agenda at Planning Commission meetings. Why?

We learned at last week's meetings that there was a webinar attended by the Zoning and Planning Director (Peter), and there was no mention to the

Planning Commission about this potential opportunity. I find that to be a bit disturbing, and as the Commissioner assigned to the Sidewalks and Pathways committee, I feel this could have been a great learning opportunity to acquire more knowledge about Sidewalk ordinances.

Mr. Gunning wrote in his letter *“Personally, it is disturbing that the Economic Development Coordinator and Zoning and Planning Director took it upon themselves to write a new ordinance without that directive from your Board. The definition of a Township is, “the only form of Government truly run by the people, in the form of the Board of Trustees.” This self-governance model is rooted in rural America and unlike a city it gives us, the citizens, the opportunity to make our local government representative of our community and our needs. The rewrite of the Ordinance without directive from either the Board of Trustees or the Planning Commission is contrary to self-governance.*

I agree with his perspective as I would believe that in the interest of good partnership, and transparency, that communicating this in advance would have been good for all involved. I am unsure if the Board of Trustees, or the Planning Commission should have been informed, but I do believe one or both could have been in advance of such a significant rewrite of this ordinance. I am glad that the Planning Commission agreed to postpone this significant decision and believe that we should address the process issues around this matter.

Thanks for your time.

Respectfully,

-Stan

Stan L. Shingles

Interim Vice President | Division of Student Affairs

Ronan 220 | Central Michigan University

P: 989 774-3346 | E: shing1sl@cmich.edu

www.cmich.edu



Department Monthly Report

Department: Community and Economic Development

Month/Year: June 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 served as Chair for the May meeting of the Mt. Pleasant Airport Joint Operations and Management Board.
- 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 represented the Township at the Chamber of Commerce Daybreak event on 5/1/2024.
- The Community and Economic Development Director attended the annual Building Michigan Communities Conference hosted by the Michigan State Housing Development Authority (MSHDA) in Lansing on 5/14-15/2024 for professional development.
- The Community and Economic Development Director attended the Michigan Downtowns Association Summer Workshop in Harbor Springs on 5/30-31/2024 for professional development.
- 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.
- The Community and Economic Development Director evaluated responses to our RFQ for appraisal services, selected the preferred service provider, and worked with the Township Manager to develop and execute a service agreement. (1.5)
- The Community and Economic Development Director and Rental Inspector collaborated to develop a residential development graphic for inclusion in the upcoming editions of the Michigan Builder publication. (1.1, 1.5)
- The Community and Economic Development Director and Building Services Clerk worked with the East DDA District's irrigation contractor and The Isabella Corporation to coordinate irrigation repair work around the US-127 interchange. (1.1, 1.5)

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

- During their May 21, 2024 meeting the EDA Board:
 - Re-elected Thomas Kequom as Chair and Bryan Mielke as Vice-Chair for another term.

- Discussion of the East DDA District irrigation system. A motion was adopted to direct staff to advertise a request for qualifications for irrigation design advisory services.

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

- The Building Official provided the following services during the month:
 - 46 Building Inspections (1.3)
 - 22 Permits issued (1.3)
 - 2 Certificate of Occupancy's Issued (1.3, 1.4, 1.5)
 - 2 FOIA Requests (1.1, 1.4, 1.6)
 - Continued progress on Isabella County Jail (1.3)
 - Continued progress on Krist Mini Mart Project (1.3, 1.5)
 - Follow up phone calls
- The Building Official and Building Services Clerk represented the Township at a ribbon cutting event for the Summerhill Village Phase 3 (1.1, 1.5)
- The Building Official represented the Township to support a Home Builders Association community service event (1.1)
- 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. 918 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.

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

- The Zoning Administrator provided the following services:
 - (2) Zoning review approval letters for building permit applications.
 - Filled in for Township staff up front when needed due to help needed.
- The Zoning Administrator attended online webinar regarding Cannabis regulations in Michigan for professional development.
- The Zoning Administrator met with prospective buyers of property along E. Remus Road interested in a greenhouse use.
- The Community and Economic Development Director and Zoning Administrator met with of Summerhill Village regarding potential for future expansion of their residential development.
- The Zoning Administrator and Building Official met with prospective buyer regarding requirements to construct a “barndominium” style dwelling.

Ordinance Enforcement Activities (1.1, 1.3):

- 2514 S. Isabella Road. (Liquor Central) - Unlawful removal of required barrier free parking and signage. The owner has responded to correct the violation by reinstalling the signage and re-striping the ADA parking spot. This matter is now closed.
- 2074 Flagstone Ct. - complaint regarding tall grass. Corrected by the owner prior to site visit by Township staff.
- 971 E. River Road - complaint about tall grass. Owner was notified but failed to correct the violation. Property mowed by the Township at the owner’s expense. This matter is now closed.
- 2181 S. Lincoln Road - complaint about tall grass. Owner was notified but failed to correct the violation. Property mowed by the Township at the owner’s expense. This matter is now closed.
- 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 to confirm that the use will stop. A follow-up site visit is planned to verify that the unlawful use has ceased.
- 5105 E. Kay Street. – junk. The owner of the property is deceased. A family relative responded to notice of the violation to begin clean-up of the site. Completion of the corrections is anticipated by the end of June.
- 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 have been issued to the contractor and owner 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 contractor has withdrawn from the project. The owner very recently 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.
- 907 Mulberry St. – Existing rental dwelling without a valid certificate. This violation was identified in conjunction with the owner coming forward regarding an appeal of his water bill. The owner has been cooperative and is seeking the required rental certification. The Rental Inspector found multiple violations on initial inspection. Windows will have to be changed to meet current code. Corrections are in process.

- Airport Rd. – 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 removal of the chickens by the end of June.
- 386 Bluegrass Road. - Junk in the yard. The elderly owner was notified of the violations and is working with Township staff to complete the removal of junk from the premises.
- 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.
- 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. A reminder notice has been sent to the owner detailing remaining site plan items to be completed and the timeline for completion established by the owner on the approved site plan.
- 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 May 21, 2024 meeting the Planning Commission:
 - Heard a Rural Bikeways and Sidewalks presentation by the Zoning Administrator
 - Completed review of the proposed Private Road Ordinance and recommended the ordinance to the Board of Trustees with a 6 – 2 vote.
 - Approved the PFINALSPR24-02 Final Site Plan Review Application for the new Valvoline Instant Oil Change at 4448 E. Bluegrass Road as presented.
 - Approved a 365 calendar days extension of the approved PSPR22-19 Prestige Center Assisted Living and Memory Care Expansion Final Site Plan.
 - Approved the modified sidewalk location and landscaping modifications as presented on the PMINOR24-08 updated Minor Site Plan for the Prestige Center Assisted Living and Memory Care Expansion at 5785 E. Broadway Road.

Zoning Board of Appeals Activities (1.1):

- The regular Board of Appeals meeting for May was canceled due to a lack of agenda items.

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

- The 2023 Township Survey Report of Findings, which included several parks and recreation-related questions, is under review by the Community and Economic Development Director for development of updated draft Parks & Recreation Plan elements. (1.1, 1.4)

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 will serve as Chair for the June meeting of the Mt. Pleasant Airport Joint Operations and Management Board.
- The Community and Economic Development Director will continue business retention contacts.
- Per the Community and Economic Developer's direction, the Rental Inspector is using his graphic design and Adobe Illustrator skills to create an up-to-date graphic element for a replacement Union Township gateway banner intended to be posted at the US-127/M-20 interchange. This is part of a set of four (4) "permanent" display banners that are worn and have become faded. This project is a collaboration of the Mt. Pleasant Area Convention and Visitors Bureau, the Middle Michigan Development Corporation, and the Township.

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

- The regular June 18, 2024 EDA Board meeting agenda is anticipated to include:
 - Audit presentation for the East and West DDA Funds.
 - RFBA for selection of the successful bidder to construct a new sidewalk along the east side of Bud St. north from E. Pickard Rd. to connect to Jameson Park.
 - RFBA for review of qualifications for selection of finalist(s) to provide irrigation design advisory services to assist the EDA Board with identifying necessary design elements for a new irrigation system along M-20 within the recently completed construction area.
 - Possible closed session to discuss purchase of property.

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)
- Issuance of a building permit for the Walmart addition.
- 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 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):

- 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 June 18, 2024 Planning Commission meeting is anticipated to include:
 - Continued review of the proposed Sidewalk and Pathway Ordinance for recommendation to the Board of Trustees.
 - Review and discussion of updates to the 2018 Sidewalk and Pathway Construction Policy.

Zoning Board of Appeals Activities (1.1):

- The regular Board of Appeals meeting for June was canceled due to a lack of agenda items.

Sidewalks, Pathways, and Parks & Recreation Plan/Program Activities (1.1, 1.2, 1.3, 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.;
 - east side of S. Isabella Rd. from E. Kay St. south to E. Broadway Rd.;
 - 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; and
- 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 the Mt. Pleasant City Planner plan to meet in June 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)
- The Rental Inspector is using his photography skills to capture scenes from around the Township for the purpose of updating the Township website’s photo gallery.

Future Board of Trustee Meeting Agenda Items

- Consideration of an updated Private Road Ordinance for adoption. (1.1, 1.3)
- Consideration of an updated Sidewalk and Pathway Ordinance for adoption. (1.1, 1.3, 1.4)

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)
- Zoning Administration - The Community and Economic Development Director and Zoning Administrator plan to propose some additional updates to the sign regulations of Zoning Ordinance 20-06 to improve consistency in application and to minimize regulatory conflicts. (1.1)
- 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 - Consider repeal of the outdated and unenforceable Ordinance 2011-4 for marijuana dispensaries and growing operations (1.1)
- 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.

TO:	Planning Commission	DATE:	June 11, 2024
FROM:	Rodney C. Nanney, AICP, Community and Economic Development Director		
PROJECT:	Proposed new Sidewalk and Pathway Ordinance		
ACTION REQUESTED:	To review the proposed new Sidewalk and Pathway Ordinance and to make any recommendations to the Board of Trustees for final action.		

Background Information

Deficiencies in the Current Ordinance

In 2021, with direction from the Planning Commission, a review of the Township’s Sidewalk and Pathway Ordinance No. 2009-03 was undertaken by staff. This resulted in a 11/9/2021 memo to the Planning Commission in which the following ordinance deficiencies were identified:

- Minimum sidewalk width requirements are insufficient and not consistent with current practices. In addition, clarification is needed regarding standards for connections from the public sidewalk to building entrances.
- The current ordinance does not address where installation of a “pathway” vs. a “sidewalk” would be preferred.
- Standards for sidewalk easements outside of the road right-of-way are missing.
- Provisions for enforcement responsibilities are out-of-date.
- The current ordinance provides no distinction between rural and urban areas as it relates to requirements for sidewalk or pathway installation.
- The current ordinance is in conflict with the 2018 policy adopted to allow for temporary relief from sidewalk construction, as there is no enabling language in the current ordinance for this policy.
- Provisions describing the specific duties of the Sidewalks and Pathways Prioritization Committee leave far too much room for interpretation. The relationship between the committee and the Planning Commission is also less clear than it should be.

The Planning Commission reviewed this memo and discussed Ord. No. 2009-03 during regular meetings in November and December of 2021. No additional changes to the ordinance were recommended at that time, so when development of the new ordinance was initiated earlier this year the 2021 memo was used as a checklist for updates.

Key Elements of the Updated Ordinance

A proposed new Sidewalk and Pathway Ordinance has been developed in consultation with the Township Engineer and Township Attorney to address the deficiencies identified in Ord. No. 2009-03. The proposed ordinance includes the following key elements:

1. **Clear authority for adoption of sidewalk or pathway construction policies** by Board of Trustees resolution after recommendation by the Planning Commission (see Section 4.A.).
2. **Statement of Board of Trustees authority** for sidewalk or pathway orders and assessment of costs as granted by Michigan Public Act 246 of 1931, as amended (see Section 4.B). Please note that this same ordinance language was included in section 6.03 of the current Ord. No. 2009-03. The principal update to this language from Public Act 246 included in the proposed ordinance is in Section 4.0, subsection “B.2.” where language has been added to confirm that the Board of Trustees “may also forward a proposed order” to the Planning Commission for review and recommendations back to the Board.
3. **Confirmation of Planning Commission responsibility for sidewalk and pathway planning**, and for establishment and discontinuation of any committee charged with assisting the Commission with this responsibility (see Section 5.0).
4. **Updated sidewalk and pathway use standards** to confirm that use of electric or power-assisted bicycles or micro-mobility devices (such as electric scooters/skateboards) shall be allowed on the Township’s sidewalks and pathways, subject to reasonable limitations (see Section 7.0).
5. **Updated construction standards** consistent with current engineering and design practices (see Section 8.0).
6. **Updated provisions for repair and replacement of existing sidewalks and pathways** to clarify who is responsible and the standards that apply (see Section 9.0).
7. **Updated maintenance standards** to address maintenance by the EDA Board or private parties or associations, and to relax somewhat the current very strict requirements for clearing of snow and ice after a storm event (Section 10.0).
8. **Violations and penalties provisions** in the proposed ordinance have been updated consistent with equivalent provisions in other Township ordinances (see Section 16.0). As is the case with other ordinances, the goal of any Township ordinance enforcement process is to help the violator understand the ordinance and how to bring things back into compliance.

Revisions included in the Current Draft Ordinance

The following is a summary of the changes incorporated into the updated draft ordinance dated 5/29/2024, which are also highlighted in the ordinance document:

- Revisions to the paving standards (Section 8.D.) and an updated set of illustrations (see page 5) as recommended by the Township Engineer.
- Revisions to Section 9.0 to clarify who is responsible for repairs to or replacement of existing sidewalks and pathways.
- Revisions to Section 10.0 to reduce the scope of private maintenance responsibilities.
- Removal of several defined terms not referenced in the text of the proposed ordinance.
- Correction of several minor typos in the text.

Responses to Questions Raised During the Review Process.

The following responses are offered to several additional questions raised during the review process for the proposed ordinance:

1. *Why did staff take it upon themselves to write a new ordinance without a directive from the Board of Trustees?*

The premise of this question (that staff acted unilaterally) is false. The direction by the Board of Trustees can be found in their adopted Global Ends policies, which are part of the Board's [Policy Governance Manual](#) available on the Township website. As highlighted in this report under BOARD OF TRUSTEES GOALS ADDRESSED, the proposed ordinance update directly effectuates several of the Board's adopted Ends.

In addition, "*Consideration of an updated Sidewalk and Pathway Ordinance for adoption*" has been repeatedly called out under "Future Board of Trustees Meeting Agenda Items" on the Township Administration's monthly reports to the Board. Updating of outdated or ineffective Township ordinances has been a consistent priority for the Board in recent years, and there is a recognition that Ord. No. 2009-03 is out-of-date and in need of revision.

2. *Why a total rewrite of Ord. No. 2009-03 without seeking feedback from the Planning Commission?*

During Final Board Comment at the March 19, 2024 Commission meeting, it became clear that there was a general consensus among the commissioners to include discussion of the Sidewalk and Pathway Ordinance on an upcoming agenda. This is reflected in part in comments from the Chair and Commissioner Thering that were captured in the minutes:

Chair Squatrito – asked for clarification on a question that was asked during public comment regarding the Sidewalk & Pathway Ordinance.

Thering – Glad that the Commissioners will bring forth a discussion regarding the Sidewalk Ordinance initiated from the public comment made.

It should further be noted that the Planning Commission has previously discussed and given direction for updating the Sidewalk and Pathway Ordinance. Plans to update Ord. No. 2009-03 were reviewed and discussed in detail during regular meetings in November and December of 2021. The scope of proposed updates are summarized in the 11/9/2021 memo included in the May 21, 2024 Commission meeting packet, which was used as a checklist for preparation of the proposed ordinance.

Although it is not required by the Charter Township Act (Public Act 359 of 1947, as amended, being MCL 42.1 – MCL 42.34), the updated ordinance as proposed has been brought to the Planning Commission for feedback before taking it to the Board of Trustees for their consideration and action.

3. *Why is the Sidewalk and Pathway Prioritization Committee inactive?*

This topic was previously raised during Final Board Comment at the November 21, 2023 Planning Commission meeting. It was further addressed as a discussion and action item during the December 19, 2023 regular Commission meeting, where a proposal to suspend meetings of and appointments to the Sidewalk and Pathways Privatization Committee was

included on the agenda. Following discussion of the proposal, the following motion was unanimously adopted by the Commission:

Thering moved Gross supported to suspend meetings of and appointments to the Sidewalk and Pathways Prioritization Committee until called upon again by the Planning Commission, based on the extent of previously recommended sidewalk improvements that are anticipated to be developed by the Township in 2024 and 2025.

The history of the Sidewalk and Pathway Prioritization Committee is one of periods of activity followed by inactive periods. During 2020 and 2021, the Committee was very active and made multiple recommendations related to prioritizing new public sidewalk development in the Township. As noted by staff during the December 2024 Commission meeting, the majority of the Committee's recommendations have been included for funding in the Township Administration's recommended annual budgets.

Several of the Committee's recommended projects are currently in process of development, including preparation of engineered construction plans and identification of and securing of necessary easements. Our Economic Development Authority (EDA) Board will be considering bids during their June meeting for construction of one of these projects in the East DDA District. A second project in the West DDA District is close to resolving easement issues so it can be sent out for bid.

Another recommended priority area (E. Broadway Rd. over US-127) was the subject of a federal Department of Transportation grant application in 2023. Although it was not funded, staff continue to look for grant funding opportunities to help bring this complicated project to pass. Finally, the Township continues to collaborate with the City, CMU, and the Tribe to develop some regional pathway connections that were also the subject of previous Committee recommendations.

There are many more sidewalk and pathway projects in the pipeline than can be accomplished this year, or even over the next several years.

4. *Why wasn't the Planning Commission invited to attend the recent MDOT rural pathways design webinar?*

The Michigan Department of Transportation has presented several training webinars aimed at providing guidance for local government staff in the areas of urban and rural non-motorized transportation needs and design. It is not always clear ahead of time whether the presentation will be relevant for our community.

This webinar came up on relatively short notice in between the March and April Commission meetings, and it was not clear whether the content would be helpful. The Community and Economic Development Director chose to ask Peter Gallinat to attend and take good notes for a potential presentation of the key elements to the Planning Commission - which he did.

In cases where we are more certain that a training event's content is applicable to the Township and the work of the Planning Commission, we have shared invitations to commissioners via email to consider attending. In addition, the Township pays for all commissioners to have access to the [Michigan Townships Association online training module](#) where there are multiple videos on various topics available on-demand.

Objectives

To review the proposed new Sidewalk and Pathway Ordinance and to make any recommendations to the Board of Trustees for final action.

This is a general regulatory ordinance and not an amendment to the Zoning Ordinance, so a public hearing is not required. Under the Charter Township Act, the Board of Trustees is required to hold two readings of the proposed ordinance with publication of a notice in The Morning Sun newspaper prior to the second reading.

BOARD OF TRUSTEES GOALS ADDRESSED

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

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

Adoption of the proposed Ordinance would help facilitate the effective use of resources (1.0). Proposed construction, repair/replacement, and maintenance standards for new and existing sidewalks and pathways will help to ensure safe and accessible routes for pedestrians, bicyclists, and others (1.3.1). The provisions for adoption of sidewalk or pathway construction policies, including updated policies for temporary relief from sidewalk construction, are consistent with commerce-friendly economic development policies and MEDC Redevelopment Ready Communities program best practices (1.5).

Recommendations

For this item, the Planning Commission serves as an informal recommending body to the Board of Trustees, which has final authority under the Charter Township Act to consider and to adopt general regulatory ordinances.

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 Ordinance with a draft date of June 11, 2024 be adopted as presented** or be adopted with the following additional changes: _____

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**

SIDEWALK AND PATHWAY ORDINANCE NO. _____

An ordinance adopted under the provisions of the Charter Township Act (Public Act 359 of 1947, as amended, being MCL 42.1 – MCL 42.34) and the Pavements, Sidewalks, and Elevated Structures Act (Public Act 246 of 1931, as amended, being MCL 41.271 – MCL 41.290) to specify standards for design and construction of sidewalks and pathways located in public road rights-of-way or easements allowing for public use, as well as for private connecting sidewalks for pedestrian access to buildings and lots as required by this Ordinance; to establish requirements for obtaining permits to construct sidewalks or pathways; to designate sidewalk and pathway maintenance responsibilities; to establish enforcement procedures and penalties for violation of this Ordinance; and for other purposes.

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

Section 1.0 Title.

This ordinance shall be known and cited as the Sidewalk and Pathway Ordinance; and may be referred to herein as “this Ordinance.”

Section 2.0 Purpose and Intent.

Unobstructed and safe pedestrian access to buildings and lots and an interconnected network of public sidewalks and pathways are necessary to promote and protect the health, safety, and welfare of the public and to maximize accessibility, mobility, and connectivity for residents within and through the Township. The purposes of this Ordinance are to specify standards for design and construction of sidewalks and pathways located in public road rights-of-way or easements allowing for public use, as well as for private connecting sidewalks for pedestrian access to buildings and lots as required by this Ordinance; to establish requirements for obtaining permits to construct sidewalks or pathways; to designate sidewalk and pathway maintenance responsibilities; and to establish enforcement procedures and penalties for violation of this Ordinance.

The standards of this Ordinance are intended to maximize accessibility, mobility, and connectivity for Township residents, to provide for unobstructed and safe pedestrian access to buildings and lots, and to establish an interconnected network of public sidewalks and pathways within and through the Township.

Section 3.0 Scope.

The requirements in this Ordinance shall apply to all existing and proposed sidewalks and pathways located in public road rights-of-way or easements allowing for public use, as well as to all private connecting sidewalks for pedestrian access to buildings and lots as required by this Ordinance. The procedures, standards, and specifications of this Ordinance are determined to be the minimum necessary to meet the purpose and intent of this Ordinance.

Section 4.0 Construction 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 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 shall not conflict with this Ordinance, other Township ordinances, or the Township's adopted Master Plan and other adopted planning documents.
5. 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.

B. Provisions for Sidewalk or Pathway Orders and Assessment of Costs.

In accordance with Public Act 246 of 1931, as amended (Pavements, Sidewalks, and Elevated Structures, being MCL 41.271 et seq.) and for the health, safety, or welfare of the residents, the Board of Trustees may by resolution order the construction, repair, or maintenance of, or may construct, repair, or maintain sidewalks or pathways in any designated area of the Township, in accordance with the following:

1. The Board of Trustees shall hold a public meeting relative to the ordering of the sidewalk or pathway construction, repair, or maintenance and shall notify property owners involved of the time and place of the hearing.
2. The Board of Trustees may also forward a proposed order to construct a new sidewalk or pathway to the Planning Commission with a request for review and recommendations for action prior to final consideration by the Board.
3. If the Board of Trustees determines that the construction, repair or maintenance of sidewalks or pathways is necessary, it may construct, repair, or maintain the sidewalks or pathways and assess the costs to the property involved, payable over ~~ten~~ **no longer than a five**-year period, or permit the owners of the property involved to have the sidewalks or pathways constructed, repaired, or maintained according to Township specifications at their own expenses.
4. The Board of Trustees may also propose a cost-sharing mechanism either from general revenues or from a Township-wide sidewalk and pathway construction fund established by Board of Trustees resolution for this purpose.
5. In situations where a proposed sidewalk or pathway does not currently have connecting sidewalks or pathways on the adjacent properties on either side, the Board of Trustees may require a property owner to post a cash deposit in lieu of construction, in an amount equivalent to the cost of construction, which would be held in deposit until the adjacent properties develop and install sidewalks or pathways.

Section 5.0 Sidewalk and Pathway Planning.

The Planning Commission shall be primarily responsible for preparing, reviewing, and updating long-range plans to guide future improvements to the Township’s sidewalk and pathway network as part of the Township’s adopted Master Plan or other planning documents adopted in accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq. and other applicable state laws.

As authorized by Section 17(2) of the Michigan Planning Enabling Act and any adopted Planning Commission bylaws, the Planning Commission may from time to time choose to appoint an advisory committee of limited duration and purpose to assist the Commission with compiling data or preparing, evaluating, or prioritizing policy or planning alternatives for future sidewalks and pathways.

1. Prior to appointing committee members, the Planning Commission shall identify the desired qualifications and expectations for committee membership and shall prepare and adopt a resolution to serve as an informal charter for the committee’s work. To ensure that the committee operates smoothly and remains focused on its assigned tasks, this resolution shall at a minimum include:
 - a. The objectives, desired outcomes, or deliverable for the committee.
 - b. Direction for the appointment of a committee chairperson or facilitator.
 - c. Specific tasks the committee will be responsible for to complete its work.
 - d. A timeline for completion of assigned tasks and to report back to the Commission.
2. The Planning Commission may appoint persons to serve on this committee who are not Planning Commission members, provided that the Planning Commission Chair shall be an ex-officio member of the committee.
3. The Planning Commission may direct that ~~that~~ the committee focus on a specific issue, project, or geographic area.
4. The Planning Commission may act by motion at any time to discontinue the work of the committee to take back these delegated planning responsibilities. The Commission shall take action to discontinue the committee with a vote of thanks promptly upon completion of its assigned tasks.

Section 6.0 Sidewalk or Pathway Required.

In accordance with the purpose and intent of this Ordinance, sidewalks or pathways shall be required to be constructed and maintained within or adjacent to road rights-of-way and also to connect to existing sections of sidewalk or pathway and to connect to buildings and uses of land where present on adjacent land in compliance with this Ordinance and other Township ordinances, and in a manner and arrangement consistent with the Township’s adopted Master Plan and other adopted planning documents, or any sidewalk or pathway construction policies adopted by the Board of Trustees.

Section 7.0 Use of Sidewalks and Pathways.

Sidewalks and pathways are primarily reserved for use by pedestrians and are not intended for use by motorized vehicles. Travel by bicycle or micro-mobility device shall also be allowed on Township sidewalks and pathways, provided that bicyclists and users of such devices shall yield to pedestrians at all times and that travel by any electric or power-assisted bicycle ~~ef~~ or micro-mobility device shall not exceed ten (10) miles per hour at any time.

Section 8.0 Construction Standards.

Sidewalks and pathways shall comply with the standards of this Section and Ordinance, along with any supplemental engineering standards that may be adopted by the Board of Trustees and any adopted sidewalk or pathway specifications of the applicable road authority with jurisdiction. If the sidewalk or pathway is located within a public road right-of-way, the standards of the applicable road authority with jurisdiction shall prevail. In the event of a conflict between different standards, the more stringent standard shall apply.

A. Sidewalk vs. Pathway.

The choice to construct or require the construction of a sidewalk versus a pathway in a designated area of the Township shall not conflict with this Ordinance, other Township ordinances, the Township's adopted Master Plan and other adopted planning documents, or any sidewalk or pathway construction policies adopted by the Board of Trustees. Pathways may also be constructed in lieu of sidewalks in locations that support a contiguous regional pathway system or in other locations that do not parallel roadways.

B. Width Standards.

The minimum width of sidewalks and pathways in the Township shall conform to the following:

1. **Public and general use sidewalks.** The minimum width for public and general use sidewalks shall be a minimum of five (5) feet, except as follows:
 - a. Along E. Bluegrass Road between S. Mission Road and S. Isabella Road shall be a minimum of eight (8) feet.
 - b. Along E. Broomfield Road between S. Mission Road and S. Isabella Road shall be a minimum of six (6) feet.
 - c. Where topography or obstructions require an adjustment, the sidewalk width may be reduced to four (4) feet for the minimum necessary distance.
2. **Sidewalk connectors and internal sidewalks.** The minimum width for internal sidewalks and sidewalk connectors from the public sidewalk to connect to buildings and uses of land where present on adjacent land shall be a minimum of four (4) feet, except as follows:
 - a. Where topography or obstructions require an adjustment, the sidewalk width may be reduced to 42 inches for the minimum necessary distance.
 - b. Where the sidewalk is directly adjacent to parking spaces, the width shall be increased to a minimum of seven (7) feet.
3. **[Pathways.](#)** [The minimum width for public and general use pathways shall be a minimum of ten \(10\) feet, except where topography or obstructions require a reduction to a minimum of eight \(8\) feet for the minimum necessary distance.](#)
4. **Manufactured housing developments.** This minimum sidewalk width standard shall not apply within the interior of manufactured housing (mobile home) park developments as otherwise regulated by the State of Michigan, provided that required sidewalks or pathways along public road frontages shall conform to this Ordinance.

C. Location Standards.

The location of sidewalks and pathways in the Township shall conform to the following:

1. Public and general use sidewalks and pathways shall be aligned horizontally and vertically

with existing sidewalks and pathways where present on adjacent land. Where no adjacent sidewalk or pathway is present, the terminus of the sidewalk or pathway shall be located one (1) foot inside of the road right-of-way.

2. Public and general use sidewalks and pathways shall be located one (1) foot off the property line within the road right-of-way of a platted subdivision and otherwise located one (1) foot inside of the road right-of-way, except as follows:
 - a. Where topography, obstructions, or the location of existing sidewalks or pathways on adjacent land require an adjustment.
 - b. Where there is inadequate road right-of-way width or public safety hazards that require an adjustment.
 - c. Where the planned right-of-way is greater than the width of the existing right-of-way, in which case the sidewalk may be located one (1) foot inside the planned right-of-way.
3. Access and use of public and general use sidewalks and pathways not located within an existing road right-of-way shall be governed by easement rights established in accordance with applicable state laws and case law.
4. New sidewalk and pathway construction not located with an existing road right-of-way or dedicated easement shall require establishment of a dedicated easement in a format acceptable to the Township and recorded at the Isabella County Register of Deeds Office.

D. Paving.

1. Sidewalks shall be constructed of concrete with a ~~depth~~ thickness of at least four (4) inches placed over six (6) inches of compacted sand, except that sidewalks across a driveway or other vehicle crossing shall be reinforced and have a pavement ~~depth~~ thickness of at least six (6) inches.
2. Pathways shall be constructed of at least three (3) inches of hot mix asphalt over six (6) inches of 22A road gravel (minimum grade).
3. The base of the sidewalk or pathway shall be trimmed to grade and be firm and uniform. The sidewalk or pathway shall slope towards an adjacent road at a rate of no more than two percent (2%).
4. Topsoil and organic soils shall be removed and replaced with appropriate compacted fill meeting Michigan Department of Transportation (MDOT) Class II requirements prior to installing the base or paving materials.
5. Other types of paving may be allowed, subject to Planning Commission approval after a review and recommendation from the Township Engineer.

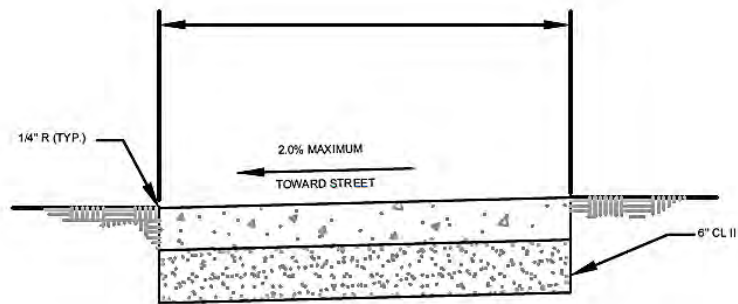
E. Barrier-free Design.

Sidewalks or pathways shall comply with all state and federal barrier-free design requirements. Barrier-free ramps shall be provided at curbs and other locations with a grade change. Detectable warning surfaces shall be installed wherever a sidewalk or pathway approaches a road intersection, and shall be constructed in accordance with State of Michigan specifications.

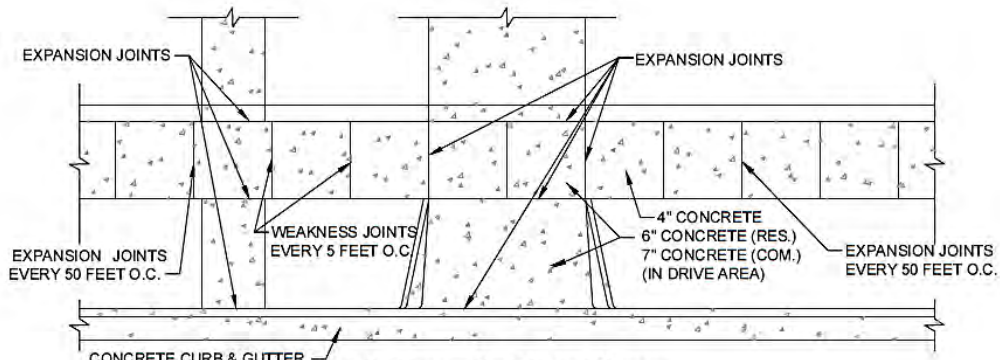
F. Grading and Drainage.

Proposed sidewalks or pathways shall be designed to maintain the existing direction and flow of surfacewater runoff, and to conform to the applicable standards of the Township's Stormwater Management Ordinance.

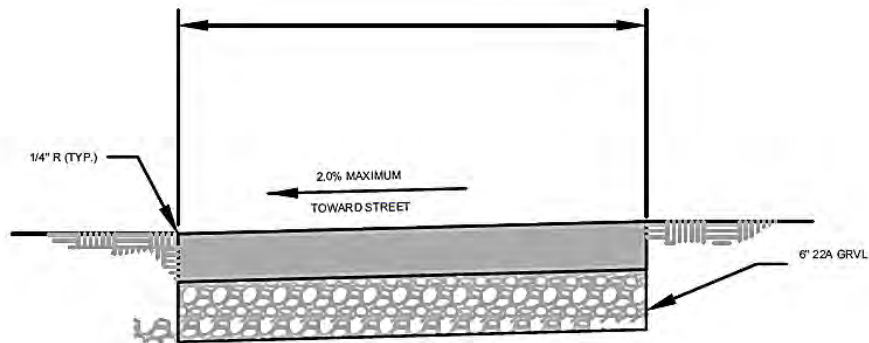
ILLUSTRATIONS



Sidewalk Cross-Section



Sidewalk Plan View



Pathway Cross-Section

Section 9.0 Repairs to or Replacement of Existing Sidewalks or Pathways.

Repairs to or replacement of existing sidewalks and pathways shall be subject to the following standards:

~~D.A.~~ Criteria for Sidewalk or Pathway Repairs or ~~Restoration~~ Replacement.

1. A sidewalk or pathway that becomes cracked or damaged to the extent that the sidewalk or pathway becomes potentially unsafe for use shall be repaired or ~~restored~~ replaced in compliance with the construction standards specified herein.
 - a. Sidewalks and pathways located within a public road right-of-way or within an easement dedicated to the Township for public use shall be the responsibility of the Township.
 - b. Sidewalks and pathways not located within a public road right-of-way or within an easement dedicated to the Township for public use shall be the responsibility of the owner(s) of the land upon which the sidewalk or pathway is located.
2. The following criteria shall be used by the Township to determine whether or not a sidewalk or pathway is in need of repair or ~~restoration~~ replacement:
 - ~~1.~~a. If the sidewalk has displacement of more than three-quarters ($\frac{3}{4}$) of an inch between any two (2) sections (flags) of sidewalk at the connection joint.
 - ~~2.~~b. If the sidewalk or pathway has more than two (2) cracks of one-quarter ($\frac{1}{4}$) inch in width or more in any two (2) linear feet.
 - ~~3.~~c. If the sidewalk or pathway has a crack more than three-quarters ($\frac{3}{4}$) inch in width.
 - ~~4.~~d. If any section of sidewalk is tilted in excess of one (1) inch per foot from edge to edge in a transverse direction.
 - ~~5.~~e. If, in any flag of sidewalk, more than fifty percent (50%) of the surface has scaled off to a depth of one-quarter ($\frac{1}{4}$) inch or greater.
 - ~~6.~~f. If concrete or asphalt settling has allowed water to pond to depth of one (1) inch or more.

B. Applicable Standards for Repair or Replacement.

Unless required by other statutes or any sidewalk or pathway construction policies adopted by the Board of Trustees, repairs to or replacement of less than 100 feet of any existing sidewalk or pathway shall not be required to conform to the minimum width requirements of this Ordinance, provided that the repair or replacement section shall be consistent with the width of adjacent sections of sidewalk or pathway and shall conform to Section 7.0 (Construction Standards). Any other replacement of an existing sidewalk or pathway section shall fully conform to the standards of this Ordinance.

Section 10.0 Maintenance Standards.

A. Responsibility for Sidewalk and Pathway Maintenance.

It shall be the duty of the property owner to maintain internal sidewalks and sidewalk connectors on their lot and public and general use sidewalks or pathways on or adjoining their lot in accordance with the requirements of this Section and Ordinance, except as follows:

1. A homeowners association or condominium association board or other legally established

private governing board may assume the responsibility for maintenance of sidewalks or pathways within a subdivision, condominium, or lot under their jurisdiction. The terms and conditions under which ~~such~~ this private governing board assumes such responsibility shall be specified in the board's governing documents.

2. The Board of Trustees may from time to time designate specific public or general use sidewalks or pathways for maintenance by the Township.
3. The Economic Development Authority (EDA) Board may take responsibility for maintenance of specific public or general use sidewalks or pathways within the East or West Downtown Development Authority (DDA) Districts.

~~C.~~B. Obstructions.

Sidewalks or pathways shall be kept free of all obstructions, including but not necessarily limited to structures, vehicles, equipment, debris, and vegetation. This restriction shall not apply to temporary obstructions due to maintenance or construction work on or adjacent to the sidewalk or pathway, provided that appropriate barriers and signage shall be erected to maintain public safety.

~~D.~~C. Snow and Ice Removal.

Sidewalks or pathways shall be kept free and clear of ice and snow. Snow shall not be piled in a manner that might obstruct the vision of drivers or that blocks or impairs travel on a sidewalk, pathway, or adjacent roadway or access drive.

1. Accumulated or drifting snow totaling more than one (1) inch on a sidewalk or pathway in the Township shall be removed within 36 hours of the end of a snowfall event.
2. In the event of holiday observances and prolonged periods of snow or ice storms exceeding 36 hours, the time period to remove ice or snow shall be extended to within 72 hours of the end of a snowfall event.

Section 11.0 Unsafe Condition and Unlawful Damage.

It shall be unlawful to damage or deface a sidewalk or pathway by any means, or for a sidewalk or pathway to be in an unsafe state of disrepair.

Section 12.0 Permits and Approvals.

A permit is required from the Township prior to the construction, removal, or repair of a public or general use sidewalk or pathway. If a proposed sidewalk or pathway is part of larger development that requires site plan or subdivision plat approval, then the sidewalk or pathway shall be detailed on the site plan or subdivision plat, which shall be reviewed in accordance with the review procedures set forth in the applicable Township ordinance. The applicant shall be responsible for obtaining all applicable outside agency permits or approvals prior to the start of construction.

Section 13.0 Fees and Escrow Deposits.

The Township Board shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. The Township may also require an applicant to deposit funds in escrow with the Township to defray anticipated variable costs and expenses incurred by the Township for application reviews and inspections. No action shall be taken on any application or

appeal until all applicable fees and escrow deposits have been accepted by the Township. Escrow deposit funds shall be managed by the Township consistent with the following:

1. The funds will not be deposited in an interest-bearing account.
2. The escrow deposit shall be held in the applicant's name and shall be used solely to defray applicable variable costs and expenses.
3. Upon request by the applicant, the Township shall provide copies of any written reports and statements of variable costs and expenses.
4. The Township shall provide a written request to the applicant for an additional escrow deposit if at any time the sum on deposit appears insufficient to cover anticipated costs and expenses.
5. The applicant shall promptly deposit additional funds in accordance with the written request from the Township. If additional funds are not promptly deposited, the Township may issue a stop work order, postpone action on the application, or cease to process the project.
6. Sums remaining after final action on the application and inspections, and after all of the Township's variable costs and expenses have been deducted, shall be returned to the applicant.

Section 14.0 Performance Guarantees.

To ensure compliance with the provisions of this Ordinance and any conditions imposed thereunder, the Planning Commission or Township Planner may require that a performance guarantee be deposited with the Township to insure faithful completion of required improvements. The performance guarantee shall meet the following requirements:

1. The performance guarantee shall be in the form of an insurance bond, an irrevocable bank letter of credit, or cash escrow. The performance guarantee shall not have an expiration date and shall include a provision that calls for notification of the Township at least ninety (90) calendar days prior to any cancelation. If the applicant posts a letter of credit, the credit shall require only that the Township present the credit with a sight draft and an affidavit signed by the Township Manager attesting to the Township's right to draw funds under the credit. If the applicant posts a cash escrow, the escrow instructions shall provide that the escrow agent shall have a legal duty to deliver the funds to the Township whenever the Township Manager presents an affidavit to the agent attesting to the Township's right to receive funds, whether or not the applicant protests that right.
2. The performance guarantee shall be submitted prior to the start of construction, except in cases where the guarantee is intended to insure completion of limited number of remaining details by a specific deadline date that the Township Planner has determined to not impede allowing the road to open for use prior to full completion of construction. If appropriate based on the type of performance guarantee submitted, the Township shall deposit the funds in an account in a financial institution with which the Township regularly conducts business.
3. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements for which the performance guarantee is required. The applicant may provide an itemized schedule of estimated costs to complete all such improvements. The exact amount of the performance guarantee shall be determined by the Township Planner.
4. The performance guarantee shall not be returned to the applicant unless a letter of completion shall have been received by the Township Planner, as provided for in Section 15.0 (Inspections.).

Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this Ordinance, the Township may complete the necessary improvements itself or by contract to an independent developer, and assess all costs of completing said improvements against the performance guarantee. Prior to completing said improvements, the Township shall notify the owner and applicant responsible for completion of the required improvements.

Section 15.0 Inspections.

All required improvements shall be subject to inspection by the Township Engineer during construction, and subject to a final inspection upon completion of construction. The Township Engineer shall report the results of each inspection to the Township Planner in writing. The applicant's engineer shall certify to the Township Engineer before the final inspection that the required improvements were made in accordance with this Ordinance and all approved plans and conditions of Permit approval.

Section 16.0 Violations and Penalties.

The standards and requirements of this Ordinance reflect obligations to the community at large. It shall be the duty of the property owner and all persons having responsibility for the construction or maintenance of a sidewalk or pathway in the Township to comply with the applicable requirements and standards of this Ordinance. Persons having responsibility for work in violation of this Ordinance shall be deemed responsible for such violations to the same extent as the property owner.

1. **Violations.** Any person, firm, corporation, or agent, or any employee, contractor, or subcontractor of same, who fails to comply with any of the provisions of this Ordinance, or who impedes or interferes with the enforcement of this Ordinance by a Township ordinance enforcement official, shall be deemed to be in violation of this Ordinance subject to issuance of a municipal civil infraction and other measures allowed by law. The imposition of any fine or other penalty shall not exempt the violator from compliance with this Ordinance.
2. **Correction periods and stop work orders.** All violations shall be corrected within thirty (30) days following the receipt of an order to correct from a Township ordinance enforcement official. The ordinance enforcement official may do one or more of the following:
 - a. Grant an extension of up to 180 days upon determining that the additional time is necessary for correction.
 - b. Require the immediate correction of a violation upon determining that the violation presents an imminent peril to life or property.
 - c. Issue a stop work order to halt all construction activities or usage pending the resolution of the alleged violation.
3. **Penalties and remedies.** The violator shall be subject to any or all of the following penalties and remedies:
 - a. **Civil infraction notice.** Civil infraction notices shall be administered and fines imposed per the Township's Municipal Ordinance Violations Bureau Ordinance. The violator shall be responsible for a municipal civil infraction for which the Township shall impose a fine per the established Township fee schedule for each violation.
 - b. **Civil infraction citation.** Civil infraction citations shall be administered and fines imposed per the Township's Municipal Ordinance Violations Bureau Ordinance. The violator shall be responsible for a municipal civil infraction for which the court may impose a civil fine

of not less than \$100.00 nor no more than \$10,000.00 per day of violation plus all costs, direct or indirect, which the Township has incurred in connection with the violation, including the Township's attorney fees.

- c. **Injunctive relief.** The Township may commence civil suit seeking injunction, specific performance, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. In the event the Township commences civil suit pursuant to this Section and it is determined that a violation has occurred, in addition to any other remedies to which the Township shall be entitled, it shall also be entitled to recover from the violator its actual attorney fees and costs incurred in enforcing provisions of this Ordinance. A petition for injunctive relief shall in no way relieve the violator of any and all criminal or civil liability associated with the violation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, any other actions by the Township against the violator.
4. **Public nuisance per se.** Any construction, alteration, or maintenance of a sidewalk or pathway in violation of this Ordinance is hereby declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction.
5. **Rights and remedies preserved.** Any failure or omission to enforce the provisions of this Ordinance, and failure or omission to prosecute any violations of this Ordinance, shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver nor prevent any further prosecution of violations of this Ordinance.

Section 17.0 Definitions.

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

Building. Any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, or property or materials of any kind. A building shall not include such structures as signs, fences, or smokestacks, but shall include structures such as storage tanks, grain elevators, coal bunkers, or similar structures.

~~**Building Permit.** A document issued by the authorized agent for the Township in accordance with the State Construction Code adopted and enforced by the Township, which authorizes the holder to construct, enlarge, or alter a building on a particular lot.~~

Detectable Warning Surfaces. Corrosion resistant grey iron in pavement that is installed to signal visually-impaired pedestrians where a sidewalk or pathway intersects a road.

~~**Driveway.** A private lane, designed primarily for use by vehicles, which connects a dwelling, lot, parcel, or building as defined in this Section with a road.~~

Enforcement Official. The person or persons designated by the Township as being responsible for enforcing and administering requirements of this Ordinance.

Fixed Costs and Expenses. Monetary charges incurred by the Township that are generally shared by all functions performed under the authority of this Ordinance, including costs for telephone, copy services, supplies, equipment, utilities, per diem-hourly-salary expenses, and facility construction, maintenance and repair.

~~**Fire Department.** The Mt. Pleasant Fire Department.~~

Lot. A tract of land that (1) is of sufficient land area to satisfy the requirements of this Ordinance for maximum lot coverage and minimum lot area; (2) is of sufficient land area to provide the minimum buildable area, yard setbacks, and any other open space as required by this Ordinance for a principal building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, as allowed in the zoning district; and (3) has direct frontage on and access to a public or private road right-of-way. A condominium unit established under the Condominium Act, parcel created under the Land Division Act, and any other lot of record shall be a “lot” for purposes of this Ordinance only if the physical characteristics of the unit, parcel or lot of record include all three elements of this definition.

Micro-mobility device. A skateboard, scooter, or similar means of short-distance transportation designed for a single-user, which may also be electric motor-assisted or electrically powered.

Motorized vehicles. Motorcycles, mopeds, golf carts, off-road utility vehicles, and any vehicles for which a state license is required for operation on public roads and state highways. This term shall not include electric motor-assisted or electrically powered bicycles and micro-mobility devices.

Pathway. An off-road shared use, non-motorized path, usually asphalt, separate from the public road (though sometimes in the public right-of-way).

Pavement or Hard Surface. Plant-mixed bituminous material, concrete, or similar durable materials approved by the Township.

Performance Guarantee. A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications.

Planning Commission. The Planning Commission for the Charter Township of Union, Isabella County, Michigan, as established under the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act.

Road or Street. Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel whether designated as a thoroughfare, road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. This term does not include a farm track or similar vehicle accessway to an agricultural operation, a driveway as defined in this Section, a cross-access connecting adjacent commercial premises, or a vehicle accessway for utility, railroad, institutional or similar purposes.

Road Commission. The Isabella County Road Commission.

Sidewalk. A paved path, usually concrete, located in a road right-of-way but away from the actual road surface, and designed, constructed, and designated for pedestrian travel.

Township. Charter Township of Union, Isabella County, Michigan.

Township Board. The Supervisor, Clerk, Treasurer, and Trustees of the Charter Township of Union, Isabella County, Michigan.

Township Engineer. The person(s) or firm designated by the Township to advise on drainage, grading, paving, stormwater management and control utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or Township employee.

Township Planner. The Director of the Township’s Community and Economic Development Department or the Director’s designee with responsibility to advise the Township administration,

Draft Date: June 11, 2024

Township Board, Planning Commission, and Zoning Board of Appeals on planning, zoning, land use, housing and other related planning and development issues.

Variable Costs and Expenses. Monetary charges incurred by the Township that do not meet the definition of fixed costs and expenses, including items which vary depending upon the scope of the project, such as advisory services from the Township Engineer, Township Attorney, or other Township consultants, attorney fees, inspection costs, recording fees, and testing or laboratory costs.

~~Zoning Administrator. The Director of the Township's Community and Economic Development Department and any person, persons or firm as delegated by the Director to have responsibility for administration and/or enforcement of the provisions of this Ordinance.~~

Section 18.0 Severability.

All sections, terms, provisions or clauses of this Ordinance shall be deemed independent and severable. Should a court of competent jurisdiction hold any section, term, provision or clause void or invalid, all remaining sections, terms, provisions and clauses not held void or invalid shall continue in full force and effect.

Section 19.0 Repeal.

All Ordinances or parts of Ordinances in conflict with this Ordinance, including the Sidewalk and Pathway Road Ordinance No. ~~2000~~2009-03, are hereby repealed, except that this Ordinance shall not be construed to repeal any provision of the Township's Zoning Ordinance.

Section 20.0 Publication.

The Clerk for the Township shall cause this Ordinance to be published in the manner required by law.

Section 21.0 Effective Date.

This Ordinance was adopted by the Township Board on _____, 2024, after a first reading by the Township Board of Trustees on _____, 2024, publication after such first reading as required by Public Act 359 of 1947, as amended, and a second reading held on _____, 2024. This Ordinance shall become effective immediately upon publication of a summary of the ordinance and notice of adoption in a newspaper of general circulation in the Township.

TO:	Planning Commission	DATE:	June 12, 2024
FROM:	Rodney C. Nanney, AICP, Community and Economic Development Director		
PROJECT:	Updates to the 2018 Sidewalk and Pathway Construction Policies		
ACTION REQUESTED:	To review proposed updates to the Sidewalk and Pathway Construction Policies and to make any 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 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. Ord. No. 2009-03 requires sidewalks or pathways to be constructed throughout the without any caveats or limitations. It is not a zoning ordinance, so there are no “grandfathered” or legal nonconforming situations protected from the general application of the requirements of this ordinance 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 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.

Lack of Enabling Authority for the 2018 Policy

Public Act 246 of 1931, as amended, authorizes the Board of Trustees to order or direct the construction of sidewalks or pathways in designated areas of the Township. It is within this scope that the 2018 Sidewalk and Pathway Construction Policy was established. However, our current Ord. No. 2009-03 does not actually include any specific authorization for this policy.

This is a deficiency that is proposed to be corrected in the new Sidewalk and Pathway Ordinance currently under separate review. The new ordinance establishes more clearly the Planning Commission’s role both in planning for sidewalks and pathways, and in implementing the ordinance through determinations related to the timing of sidewalk or pathway construction associated with development projects subject to site plan approval.

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.

Summary of the Proposed Policy Updates

Based on direction received from the Planning Commission, staff has prepared an initial draft of a proposed new Sidewalk and Pathway Construction Policy resolution for Planning Commission review and discussion. The format and content of this updated set of policy guidelines is intended to be consistent with the proposed new Sidewalk and Pathway Ordinance currently under review.

A “marked-up” version of the proposed policy update is attached, showing as best as possible the changes from the 2018 policy document. A “clean draft” version is also included. The updated policy resolution document includes the following key elements:

1. **List of designated roads.** The list of “Designated Roads” has been updated to list the east-west roads first and north-south roads second. The wording of each road description has been updated for consistency to reference road sections from east to west or from north to south. The list of designated roads has been revised to:
 - a. Add the section of S. Isabella Rd. north to the Delfield Co. at E. River Rd. to include the existing industrial zoned areas around the Delfield facility and the Mt. Pleasant Municipal Airport.
 - b. Delete the section of Crawford Rd/N. Harris St. north of Pickard Rd. to Mission Creek Park. This area is the subject of a planned pathway construction project funded by the City with support by the Township and the Tribe.
 - c. Add the section of Crawford Rd. from E. Broomfield Rd. south to E. Deerfield Rd.
 - d. Add E. Broadway Rd. from S. Summerton Rd. (Mid Michigan College) to S. Lincoln Rd.
2. **Temporary relief on designated roads.** The guidelines for temporary relief are proposed to be updated to add clarity and to expand the list of circumstances under which it would be appropriate to consider granting temporary relief from sidewalk or pathway construction.
3. **State or county requirements for off-site improvements.** Guidelines have been added to address how requests for temporary relief should be considered in cases where road authority requirements may necessitate off-site sidewalk or pathway construction.

4. **Authority to grant temporary relief.** Although the 2018 policy document does not specifically state the approving body for granting of temporary relief, it does include the following statement that, “*The Planning Commission will NOT grant a developer/owner of a parcel, with frontage along the designated streets, relief from the construction of a sidewalk as shown on the site plan.*” Based on this statement, all requests for temporary relief have been brought to the Planning Commission, including minor site plan applications where the Zoning Administrator has final authority for approval.

The proposed updates to this policy document includes new language in subsection “B.7.” that adds authority for the Zoning Administrator to grant or reject temporary relief in cases where a site plan is subject only to administrative approval.

5. **Easements.** To add a guideline that the Planning Commission should work with applicants to try to secure recorded necessary easements for sidewalk or pathway construction even in cases where temporary relief is granted. This will greatly ease the process for future construction, regardless of whether it is completed by the landowner or the Township.
6. **Pathway construction.** The proposed policy resolution also includes a new guideline to give direction for when a pathway is preferable to a sidewalk. The proposed language ties prioritization of pathway construction to the Township’s adopted planning documents.

Objectives

Following completion of the Planning Commission’s review the proposed new Sidewalk and Pathway Ordinance, to review and make any recommendations to the Board of Trustees for final action on updated Sidewalk and Pathway Construction policies 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 be adopted as presented** or be adopted with the following additional changes: _____

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 _____, 202_, the Board of Trustees adopted a new Sidewalk and Pathway Ordinance No. ____ 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 Timing Policies, Orders, and Assessments) of the new Ordinance No. ____ states in part that, *“The Board of Trustees may from time to time adopt or amend by resolution a general policy governing the design 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. ____, 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.](#)

~~Pickard Road from Lincoln to Township Boundary~~

[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.](#)

~~Remus Road (from Isabella Road west to city limits)~~

~~Remus Road from Isabella Road east to 127)~~

~~Remus Road (from Lincoln Road east to city limits)~~

[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.](#)

~~Broomfield Road (east) – Gover Parkway to city line~~

~~Broomfield Road (west) – city line to Lincoln~~

[f. E. Blue Grass Road from S. Isabella Road west to S. Mission Rd.](#)

~~Blue Grass Isabella to Mission~~

g. S. Isabella Road South from Pickard E. River Road south to E. Blue Grass Road.

h. Crawford Road from E. Broomfield Road south to E. Deerfield Road.

~~Crawford Road North from Pickard to Mission Creek Park~~

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.

~~Lincoln Road north from Broomfield to Pickard~~

2. These Designated Roads were identified to complete the sidewalks and pathway network; ~~to fill gaps with existing sidewalks~~; 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.

~~The Planning Commission will NOT grant a developer/owner of a parcel, with frontage along the designated streets, relief from the construction of a sidewalk as shown on the site plan. The goal is to develop sidewalks on both sides of the designated street.~~

~~Parcels not identified on a designated street may be granted provisional~~ Temporary relief of sidewalk or pathway construction ~~if any of~~ may be granted under the following circumstances ~~conditions apply~~:

- ~~1. The development is located on a property zoned industrial~~
- ~~2. The development is located on an unimproved road.~~
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.
 - ~~3. The development is located on property with road frontage 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. A car-pedestrian accident within 1 mile of area provided relief from building the sidewalk will required sidewalk construction within 1 year.~~
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 mile will extend in both directions along the frontage roads. Once the threshold has been met ~~all parcels~~

~~will be required to construct the~~ sidewalks or pathway shall be required to be constructed within 365 calendar days ~~1 year~~.

3. If the cost of the sidewalk or pathway construction exceeds ~~more than~~ 50% of the ~~total~~ estimated total project construction cost ~~of the project~~, as prepared by the project engineer or architect and 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 development or construction 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 of 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.

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

**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 _____, 202_, the Board of Trustees adopted a new Sidewalk and Pathway Ordinance No. ____ 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 Timing Policies, Orders, and Assessments) of the new Ordinance No. ____ states in part that, *“The Board of Trustees may from time to time adopt or amend by resolution a general policy governing the design 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. ____, 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 mile 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 of the sidewalk or pathway construction exceeds 50% of the estimated total project construction cost, as prepared by the project engineer or architect and 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 development or construction 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 of 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.

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