

Richland Township Planning Commission
Wednesday, July 12, 2023

Members Present:

Greg Turner
Larry Engel
David King
Chris McNally
Susan Neuenfeldt

Members Absent:

Mat Bray
Dave King
Terry Keyser

Others Present:

Rob Grose, Twp Manager
Scott Crofoot, Zoning Administrator

CALL THE MEETING TO ORDER: Chairman Greg Turner called the meeting to order at 7:00 p.m.

APPROVAL OF AGENDA AS PRESENTED: Motion by Chris McNally, supported by Susan Neuenfeldt to approve the agenda as presented. Unanimous vote. Motion Carried.

MOTION TO RECESS INTO A PUBLIC HEARING: Motion by Susan Neuenfeldt, supported by Chris McNally to Recess into a Public Hearing. Unanimous Vote. Motion Carried.

MOTION TO CALL THE PUBLIC HEARING TO ORDER: Motion by Susan Neuenfeldt, supported by Chris McNally to call the public hearing to order. Unanimous vote. Motion Carried.

The Richland Township Planning Commission is requesting to amend the Zoning Ordinance as follows:

1. Section 406: Changing the height of appurtenances in the Industrial District to 90 feet.
2. Section 507 (4) (d): Delete deceleration lanes.
3. Section 1304: Increase height of principle building.
4. Section 1510: Revise Administrative Enforcement Procedures.

Manager Grose provided an overview of the proposed amendments. His comments are listed below:

Industrial Zoning Proposed Changes

The maximum height of requirements in the Industrial Zoning District need to be increased to accommodate future development. Currently the Maximum height in the Industrial District is three and one half (3½) stories or forty-five (45') feet. Based upon the current trends for manufacturing facilities, I am recommending that two areas of the Zoning Ordinance be amended involving Chapter 4, Section 406, entitled Supplementary Structure Regulations and Chapter 13, Section 1304, entitled Dimensional Requirements.

Section 406 (2) a currently allows appurtenances to mechanical or structural functions to be a maximum height of sixty (60') feet in the Industrial Zoning District. I am recommending it be increased to ninety (90') feet.

Section 1304 (3) a provides a maximum height of three and one half (3½) stories or forty-five (45') feet. I am proposing to add (3) b as follows: Exception. Any principal building located in an Industrial Zoning District may be erected to a height in excess of forty-five (45) feet provided each front, side, and rear yard minimum is increased one (1) foot for each one (1) foot of additional height above

the district maximum.

This amendment requires a larger setback from front, side, and rear yard property lines as the building increases in height. This is very common in many communities. Below is Thomas Township's maximum height requirement in an M-1, Manufacturing District:

"Maximum Building Height: The maximum building height shall be forty-five (45') feet when the minimum yard requirements on all sides are met. For every additional ten (10') feet of side and rear yard added, the maximum building height may increase by twelve (12') feet."

Amend this Chapter

Chapter 4, Section 406 Supplementary Structure Regulations

- (2) a. Appurtenances to mechanical or structural functions, such as elevator and stairwell penthouses, ventilators, heating and air conditioning equipment, water storage tanks, and safety equipment shall be permitted to a maximum height of fifty-five (55) feet in any Commercial Zoning district and ninety (90) feet in any Industrial Zoning District.

Chapter 13, Section 1304. Dimensional Requirements (ADD)

- (3) b. Exception. Any principal building located in an Industrial Zoning District may be erected to a height in excess of forty-five (45) feet provided each front, side, and rear yard minimum is increased one (1) foot for each one (1) foot of additional height above the district maximum.

Chapter 5, Parking Requirements Proposed Change

Section 507 (4) d entitled Declaration Lane requires a right turn deceleration lane for each new commercial or industrial development constructed along a roadway that has a speed limit in excess of thirty (30) miles per hour. The deceleration lane must be two hundred (200') feet in length.

This should not be a requirement of the Township. This falls under the jurisdiction of either the Saginaw County Road Commission or the Michigan Department of Transportation. These agencies require acceleration and deceleration lanes based upon the amount of traffic generated by a proposed use. Often times, if the development is large enough, they will require a traffic study be completed by a transportation engineer to determine whether other improvements are needed, included traffic lights.

Delete This Section

Chapter 5, Section 507 (4) d – Deceleration Lane. Where the speed limit posted for a public thoroughfare is in excess of thirty (30) miles per hour, driveway opening onto said thoroughfare must be served by a right turn deceleration lane at least two hundred (200') feet long in advance of the driveway.

Chapter 15 Administration Proposed Changes

I have reviewed the Zoning Ordinance and do not find any correction period stipulated for a violation to be resolved. After reviewing the Administration section of the Ordinance, I am recommending that

Section 1510, Enforcement be amended to delete Sections (1), (2), and (5) and replace them with the below listed language. The proposed changes are more straightforward and require compliance within 10 days of being notified of a violation. It also provides the Zoning Administrator flexibility in working with a property owner to gain compliance. The remaining language in Section 1510 is unchanged.

SECTION 1510. ENFORCEMENT

The zoning administrator shall enforce the provisions of this Ordinance.

1. **Violations and penalties.** Violations of any provision of this Ordinance are declared to be a nuisance per se. Any and all building or land use activities considered violations of the provisions of this Ordinance observed by or communicated to a township official or employee shall be reported to the zoning administrator.
 - a) **Inspection of violation.** The zoning administrator shall inspect each alleged violation or violation's he/she observes or is aware of and shall order correction, in writing, of all conditions found to be in violation of this Ordinance.
 - b) **Correction period.** All violations shall be corrected within a period of ten days after the order to correct is issued or in such longer period to time, not to exceed six months, as the zoning administrator shall determine necessary and appropriate. A violation not corrected within this period shall be reported to the township attorney, who is hereby authorized to and shall initiate procedures to eliminate such violation.
 - c) **Penalties.** Every person, whether as principal agent, servant, employee, or otherwise, including the owners of any building, structure or premises, or part thereof, where any violation of this Ordinance shall exist or shall be created who shall violate or refuse to comply with any of the provisions of this code shall be guilty of maintaining a nuisance per se and upon conviction thereof shall be punished by a fine of not more than \$500.00 or by imprisonment for a term of not to exceed 90 days, or by both such fine and imprisonment, within the discretion of the court. [After] the permissible grace period a separate offense shall be declared.
 - d) **Cumulative rights and remedies.** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
2. **Conflicting regulations.** In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by this Ordinance are more stringent than any other law or ordinance, the provisions of this Ordinance shall govern; provided also that whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such other law or ordinance shall govern.
3. Except as otherwise provided by law or ordinance, violations of the zoning ordinance are municipal civil infractions. The following provisions apply to municipal civil infraction.

- a. A person who violates any provision of this zoning ordinance that is a municipal civil infraction is responsible for a municipal civil infraction and is subject to a civil fine in accordance with the following schedule, with time periods determined from the date of the violation:

Violation Within Three-Year Period	Minimum Fine	Maximum Fine
First	\$ 50.00	\$ 500.00
Second	125.00	500.00
Third	250.00	500.00
Fourth or subsequent	400.00	500.00

3. Additionally, the person responsible for a municipal civil infraction shall pay costs. Such costs may include all direct or indirect expenses that the township has incurred in connection with the violation. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered.
4. Except as otherwise provided by law or ordinance:
- a. As to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.
 - b. As to other violations, each violation constitutes a separate offense.
5. The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.
6. Violation of this Code that is continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief or civil or quasi-judicial enforcement.

Public hearing notices were published in the Midland Daily News on June 21st and July 5th. The public hearing notice is included in the packet for your review.

The Planning Commission members did not have any questions.

MOTION TO CLOSE THE PUBLIC HEARING: Motion by Susan Neuenfeldt, supported by Larry Engel to Close the Public Hearing. Unanimous Vote. Motion Carried.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF WEDNESDAY, JUNE 7, 2023. Motion by Susan Neuenfeldt, supported by Larry Engel to approve the minutes of Wednesday, June 7, 2023. Unanimous vote. Motion carried.

BUILDING INSPECTOR REPORT: Motion by Susan Neuenfeldt, supported by Chris McNally to accept the Building Inspectors report. Unanimous vote. Motion carried.

ZONING ADMINISTRATOR REPORT: Motion by Susan Neuenfeldt, supported by Chris McNally to accept the Zoning Administrator's report.

COMMENTS FROM THE PUBLIC: There was no public comment. Motion by Susan Neuenfeldt, supported by Chris McNally to close public comments.

NEW BUSINESS:

- A. Motion by Larry Engel, supported by Susan Neuenfeldt to recommend the Township Board consider adopting Text Amendment Z-2023-02 as proposed. Unanimous vote. Motion Carried.

OLD BUSINESS: None

COMMENTS FROM THE PUBLIC: There were no comments from the public. Motion by Susan Neuenfeldt, supported by Larry Engel, to close public comment. Unanimous vote. Motion carried.

ADJOURNMENT: Motion by Larry Engel, supported by Chris McNally to adjourn at 8:25 pm. Unanimous vote. Motion carried.

Respectfully submitted by:

Susan Neuenfeldt

Richland Township Planning Commission Secretary