

OSHTEMO CHARTER TOWNSHIP BOARD
7275 West Main Street
Kalamazoo, MI 49009
269.375.4260

Tuesday
November 26, 2019

Township Board Meeting
Work Group

6:00 p.m.
AGENDA

1. Call to Order
2. Public Comment
3. Consent Agenda
 - a. General Ordinance 290 – Subdivision, Site Condominium, & Land Division – Second Reading
 - b. General Ordinance 256 – Burning Ordinance – Second Reading
4. IT Candidate Interviews
5. Other Township Business
6. Public Comment
7. Adjournment

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

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

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

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

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

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

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

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

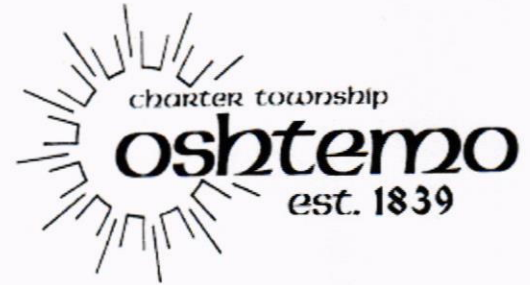
(adopted 5/9/2000)
(revised 5/14/2013)
(revised 1/8/2018)

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

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

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

Memo



To: Oshtemo Charter Township Board

From: Julie Johnston, AICP, Acting Planning Director
Iris Lubbert, AICP, Planning Director

Date: November 21, 2019

Mtg Date: November 26, 2019

Subject: Amendment to the Subdivision, Site Condominium, and Land Division Ordinance - Second Reading

OBJECTIVE

Consideration of amendments to the Subdivision, Site Condominium, and Land Division Ordinance to manage the development of sidewalks for second reading and adoption.

BACKGROUND

Common practice during the development of subdivisions or site condominiums is to build the sidewalks after construction of the individual residential units. This is the best way to ensure that sidewalks will not be damaged by heavy equipment during ongoing construction of the home. While this practice is working effectively for lots and/or building sites, it does not manage those common areas where a home is not intended to be built.

Unfortunately, there are a few subdivisions and/or site condominiums within Oshtemo Township where the sidewalks in common areas have not been built. Staff is currently working to ensure these sidewalks get constructed, but it is a struggle as responsibility for their development is not clear. For example, sidewalks in Sky King Meadows I site condominium have not been built on Mickey's Trail or Belle Street around the storm water detention pond, which is a common element for the development. Since this is a completely built-out site condominium, staff needs to determine whether responsibility falls on the homeowner association, the builder who constructed the homes, or the original developer who requested site condominium approval from the Township.

To avoid this confusion in the future, staff is recommending adding some language to Part 290.000: Subdivision, Site Condominium, and Land Division Ordinance of the Township's General Ordinances. Specifically, to the Step 3 approval process, which is the final review by the Township Board for any subdivision plat or site condominium plan. The Step 3 process requires the developer to show that all planned infrastructure has been constructed and as-built drawings have been provided to the Township.

By requiring the sidewalks in common areas be included in the development of this infrastructure, the Township will be assured that these amenities have been built.

The process for approving a sidewalk permit has two steps. The first is to approve the forms in which the concrete will be poured. At this stage, staff visually inspects the sidewalk base and reviews slopes to ensure ADA compliance. The second step is to sign off on the finished sidewalk. Staff must assume that the contractor has followed Township standards for the depth of the compacted aggregate base and the composition, thickness, and finish of the concrete.

As individual homes are built within a development, staff is often to the project numerous times to review and approve sidewalk permits. This has provided staff opportunities to observe the existing sidewalk as new sections are being poured. Unfortunately, we have found issues, such as cracks or sections of the sidewalk settling at a different level causing tripping hazards, with newly constructed sidewalks. When staff has approached the developer/builder about these previously approved sidewalks and requested repairs, there is often pushback that the sidewalk received final approval and therefore any repairs are now the Township's responsibility.

The Non-Motorized Facilities/Sidewalks Ordinance requires the developer or property owner to be responsible for the maintenance of the sidewalk for a period of one year after the sidewalk permit has been approved. It is very likely this section of the Ordinance was written to try and resolve this very issue of poor construction. Staff is recommending a reference to this requirement be included in the Subdivision and Site Condominium Ordinance, with an added obligation that a letter from the developer and/or property owner acknowledging this responsibility be provided as part of Step 3 approval.

With these two minor changes to the Subdivision, Site Condominium and Land Division Ordinance, the recent problems with sidewalk installation and maintenance should be resolved for future developments.

The Township Board held first reading of the draft Ordinance on November 12th. If the second reading of the draft Ordinance is approved, the revised Subdivision, Site Condominium, and Land Division Ordinance will become effective following publication.

INFORMATION PROVIDED

- Revised Subdivision, Site Condominium, and Land Division Ordinance

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. ____

Adopted: _____, 2019

Effective: _____, 2019

This Ordinance amends Site Condominium and Land Division Ordinance No. 585, adopted on June 27, 2017, to require sidewalks to be built in common areas prior to STEP THREE approval. Compiled Section 290.007 Approval Procedures, Subsection D. STEP THREE: Final Plan/Plat, is amended by adding a new Subparagraph h. to Paragraph 1. Filing Procedure and relabeling Subparagraphs h. and i. to i. and j., and in addition, by amending Subparagraph vii, adding a new Subparagraph viii, and renumbering Subparagraphs viii and ix of Paragraph 3. Township Board Review of the Oshtemo Charter Township Subdivision, to Subparagraphs ix. and x. and repeals all Ordinance or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SECTION I. APPROVAL PROCEDURES – COMPILED SECTION 290.007,
Subsection D. STEP THREE: Final Plan/Plat, Paragraph 1. Filing
Procedure, Subparagraph new h. shall read as below and old
Subparagraphs h. and i. shall be relabeled Subparagraphs i. and j. :

290.007 – Approval Procedures.

Sec. VII.

D. STEP THREE: Final Plan/Plat.

1. Filing Procedure.

- h. Per the requirements of Section 294.007.A of the Non-Motorized Facilities/Sidewalks Ordinance, the developer and/or property owner is responsible for the maintenance or repair of any sidewalk or non-motorized path/facility for a period of one year from the date of final inspection and approval by the Township. A letter from the developer and/or property owner acknowledging this requirement shall be provided.**

- ~~h.~~ **i.** A legal opinion from the Township Attorney showing the legal and equitable owners of the land to be platted and/or developed, plus all grants, reservations, deed restrictions and easements of record which condition the use of the property.
- ~~i.~~ **j.** Master deeds, bylaws and any other pertinent exhibits required of a site condominium per Condominium Act, P.A. 59 of 1978.

SECTION II. APPROVAL PROCEDURES – COMPILED SECTION 290.007,
 Subsection D. STEP THREE: Final Plan/Plat, Paragraph 3. Township Board Review, Subparagraphs b. vii. and viii. shall read as below and old Subparagraphs viii. and ix. shall be relabeled to Subparagraphs ix. and x.

290.007 – Approval Procedures.

Sec. VII.

D. STEP THREE: Final Plan/Plat.

3. Township Board Review.

- b. The Township Board shall review the proposed final plan/plat and determine that:
 - vii. All public improvements, such as street lights, fire hydrants, ~~sidewalks~~, parks, etc., which have been required by the Township Board, have been completed and installed and reviewed and approved by the Township Engineer or a cash or equivalent deposit has been made with the Township or other public utility sufficient in amount to ensure completion within the time specified and a Deposit Agreement executed by the proprietors.
 - ~~viii.~~ **viii.** All sidewalks not associated with an individual lot or building site have been constructed to the Township standards and reviewed and approved by the Township Engineer or their designee, or a cash or equivalent deposit has been made with the Township sufficient in amount to ensure completion thereof within the time specified and a Deposit Agreement executed by the proprietors.
 - ~~viii.~~ **ix.** The proposed final plan/plat has complied with all applicable state statutes and Township Ordinances and has received the requisite statutory approval of other governmental agencies.
 - ~~ix.~~ **x.** That the plan/plat has been executed by all required owners and recorded with the County Register of Deeds and filed with the Township before issuance of any building permits.

SECTION III. EFFECTIVE DATE. - COMPILED SECTION 290.018. Compiled
Section 290.018 shall read as follows:

290.018 – Effective Date.

Sec. XVIII.

This Ordinance shall take effect upon publication after **adoption in accordance with State law.**
All Ordinances or part of Ordinances in conflict herewith are hereby repealed.

DUSTY FARMER, CLERK
OSHTEMO CHARTER TOWNSHIP



Memo



To: Libby Heiny-Cogswell, Township Supervisor
From: M. Barnes, Fire Chief
Date: November 4, 2019
Re: Requested update to Burning Ordinance #256.

Premanufactured outdoor fireplaces have become very popular and are becoming prevalent within our manufactured home communities. While conducting inspections within these communities it has been discovered that they are not always being used safely. Most of the concerns are from the user failing to appreciate the amount of radiant heat being discharged from the unit. Several homes have been found with melted vinyl siding. Therefore, we are recommending a change for the safe setback from 5 feet to 10 feet. That will serve to improve the safe distance from combustible surfaces.

In addition, outdoor fireplaces are not addressed by the ordinance and they too are becoming more common. Therefore, we are asking that they be added. Below are our requested language changes.

The wording changes being requested were reviewed and approved by Mr. Porter.

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. ____

Adopted: _____, 2019

Effective: _____, 2019

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend Oshtemo Charter Township Ordinance No. 324, as amended, entitled the Oshtemo Charter Township Burning Ordinance,” specifically Compiled Section 256.010, Subsection 256.011, Compiled Section 256.060, Subsection 256.061, Compiled Section 256.080, Subsection 256.082, and Compiled Section 256.140, Subsection 256.141 and to repeal all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO

KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION I. AMENDMENT TO COMPILED SECTION 256.010 REGULATIONS,
SECTION 256.011. Compiled Section 256.011 is hereby amended to read
as follows:

SECTION I

256.010 REGULATIONS

256.011 Regulations.

Sec. 1.1. Incinerators, waste burners, open burning, outdoor fireplace, barbecue pit and charcoal or gas grill fires shall hereafter be operated and controlled in accordance with the provisions set forth in this Ordinance.

SECTION II. AMENDMENT TO COMPILED SECTION 256.060 RECREATIONAL
FIRES, SECTION 256.061. Compiled Section 256.061 is hereby
amended to read as follows:

SECTION VI

256.060 RECREATIONAL FIRES

256.061 Location.

Sec. 6.1. Recreational fires shall not be conducted within 25 feet of a structure or combustible material unless contained in a barbecue pit or charcoal/gas grills or outdoor fireplace. Conditions which could cause a fire to spread to within 25 feet of a structure shall be eliminated prior to ignition.

SECTION III. AMENDMENT TO COMPILED SECTION 256.080 OUTDOOR BARBECUE PITS, CHARCOAL GRILLS AND OUTDOOR

FIREPLACES, SECTION 256.082. Compiled Section 256.082 is hereby amended to read as follows:

SECTION VIII

256.080 OUTDOOR BARBECUE PITS, CHARCOAL GRILLS AND OUTDOOR FIREPLACES

256.082 Location.

Sec. 8.2. Barbecue pits, charcoal grills and outdoor fireplaces outside of buildings shall not be located within ~~five (5)~~ ten (10) feet of combustible walls or roofs or other combustible material. ~~Outdoor fireplaces~~ Barbeque pits, charcoal grills and outdoor fireplaces shall be prohibited above ground/grade level of any multifamily dwelling.

SECTION IV. AMENDMENT TO COMPILED SECTION 256.140 EFFECTIVE DATE, SECTION 256.141. Compiled Section 256.141 is hereby

amended to read as follows:

SECTION XIV

256.140 EFFECTIVE DATE

256.141 Effective Date.

Sec. 14.1 All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. This Ordinance shall take effect upon publication.

DUSTY FARMER, CLERK
OSHEMO CHARTER TOWNSHIP