

*Approved by: _____
Larry Grunn, Chairperson

Date: _____

MARION TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
February 25, 2020 / 7:30PM

MEMBERS PRESENT: LARRY GRUNN – CHAIRPERSON
BOB HANVEY
CHERYL RANGE – SECRETARY
BRUCE POWELSON – VICE CHAIR
JAMES ANDERSON

OTHERS PRESENT: DAVE HAMANN – ZONING ADMINISTRATOR
JOHN ENOS – PLANNER WITH CARLISLE WORTMAN

MEMBERS ABSENT:

CALL TO ORDER:

Larry Grunn called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA:

Jim Anderson would like to add "Open Space" to Correspondence and Updates.
Cheryl Range motioned to approve the amended agenda. Larry Grunn seconded. **MOTION CARRIED**

APPROVAL OF MINUTES:

Approval of the Regular Meeting Minutes for January 28, 2020

Bruce Powelson said that the spelling of Jim Anderson's last name needs to be corrected throughout the document, along with a few other spelling/grammatical errors.

Bob Hanvey motioned to approve the minutes with the corrections from January 28, 2020. Jim Anderson seconded.
MOTION CARRIED

CALL TO THE PUBLIC:

NONE

OLD BUSINESS:

TXT #05-05, 06 Signs / Home Occupation & Home-Based Business

John Enos said that he does not have anything because in his opinion, the language that we already have is sufficient. One of the concerns was regarding setbacks and freestanding signs. Currently our language states that if you have a

Home Occupation, you can only have a sign if it is attached to the house. It was decided that we wanted Home Occupation's to have the ability to put a sign on their property, within 15 feet off the right of way. This way people can actually see the sign. The only thing the Township needs to do is make an amendment under our signs and regulations language and then have a Public Hearing.

Dave Hamann recommended that if we are going to go through the process of a text change, then we should also change the 15-06 schedule to add Home Based Business along with Home Occupation, along with changing 15-06C to say, Home Occupation/Home Based Business Signs and follow the same rule that is in RR district 1, free standing signs may be substituted for wall signs. Dave then said if we wanted them all to have that option, then we would have to pull out that restriction, by district.

Dave Hamann said that he would put together a text amendment package or we could wait until we have a public hearing for something bigger and then we could just add this change to it.

John Enos said that he can work with Dave on a memo for this, along with some other amendment changes.

John Enos said we should motion to postpone this until he brings language with these changes along with some other text changes, to the next Planning Commission meeting and we can set a Public Hearing at that time.

Cheryl Range motioned to postpone TXT# 15-05 and 15-06 discussion and changes to go forward at a later date. Bruce Powelson seconded. **MOTION CARRIED**

- ***TXT #07-17 Proposed Changes on Lots***

John Enos said the problem with ordinances like this is that "the structure" is the umbrella and underneath that is all of these other terms such as "the accessory use", "the building", "the principle use". We just need to make sure that Dave is interpreting the various terms throughout the ordinance.

Dave asked about these small cell towers popping up all over, are we going to see them before this Board and is it going to be a structure that we have to regulate. Allow them?

John Enos said that what he is hearing is that we have to allow them and most of the time they are in the right of way and considered an essential service. Instead of having large cell towers, they are little micro boxes that are sometimes placed on top of telephone poles. The Road Commission has to regulate them because they are in their right of way.

John said regarding Solar Panels on the ground he looks at them like an accessory use. They are allowed, but they just have to get a Land Use permit or a Zoning permit.

Jim Anderson asked what would happen if a person had two parcels and wanted to put their solar panels on the vacant parcel next to their home.

Dave said because we don't have a solar ordinance, we would consider that an accessory structure so it would have to be on the same parcel as their home. Accessory structures have to be on the parcel where the primary structure is located. A resident would have to combine their two parcels if they wanted to put the solar panels on the vacant parcel next to their home.

Bob asked if a person could make their solar panels the principal use on a vacant lot.

Dave said that we should probably put together solar panel regulations so we can allow something like that. Since we currently don't have anything, John told me to treat them like an accessory use.

John said that if we keep solar panels as an accessory use, then it is easier for Dave to regulate it.

Bob asked if we should change the term "principal building" to "principal structure".

John Enos asked if anyone has come forward to the ZBA with a problem regarding the interpretation of the term *structure verses building?*

Cheryl Range motioned to leave the *TXT#07-17 LOTS* ordinance language as is and not make any changes at this time. Unless we wanted to add *"The following terms may be interchangeably used throughout our articles providing the most specific description to each pertinent situation or usage is determined and agreed upon. Lots / Plats / Parcels / Net / Gross."*

Bob asked Cheryl to clarify what the motion actually is.

Cheryl Range motioned to add the following language to *TXT#07-17 LOTS* ordinance:

"The following terms may be interchangeably used throughout our articles providing the most specific description to each pertinent situation or usage is determined and agreed upon. Lots / Plats / Parcels / Net / Gross." Larry Grunn seconded. **ROLL CALL: BRUCE POWELSON-NO, JIM ANDERSON-NO, BOB HANVEY-NO, LARRY GRUNN-YES, CHERYL RANGE-YES 3-NO/2-YES**

John Enos said that he does not like seeing the Board split on decisions like this. He suggested not making any changes right now and would like to see further discussion on this. John said he can bring some examples from other jurisdictions for the Commissioners to look at.

Larry Grunn said that we should be able to rely on John Enos and Phil Westmoreland to guide us through this and interpret this for us.

Cheryl Range made a motion to postpone changes on this until we get some more feedback and input from John Enos and the Township Attorney. Bruce Powelson seconded. **MOTION CARRIED**

Bob Hanvey asked what everyone thought about shipping containers.

Larry Grunn said they should be a temporary use.

Dave said that there is nothing in our ordinance about these, so he cannot tell anyone that they have to remove them.

John Enos said that because these things are inexpensive, they are becoming accessory structures.

John Enos said that he can bring Huron Township's language on Pods and Shipping Containers. Shipping Containers are not allowed in Huron Township but he will bring their language on that.

Jim Anderson said he thinks that these need to be regulated.

Larry said they should be a temporary use or it needs to be prohibited all together.

John Enos said that he has walked through some of these Shipping Container homes and they can be pretty nice. We need to try and separate the idea of people using shipping containers as their home and using shipping containers as an accessory use.

John Enos will work with Dave and get him the language that was just approved in Huron Township about shipping containers and pods.

- ***TXT #01-19 Short Term Rentals***

John Enos said that he brought some language about short-term rentals. The attorneys had some issues with the 30-day minimum.

Jim Anderson wouldn't have an issue with a minimum of a 7-day rental. Usually it is families who are renting for 7 days. That would help eliminate your bachelor parties, birthday parties and weekend parties.

Dave doesn't think anyone on the lake would be happy with a 7-day rental. We were talking about only allowing this in RR and SR and not allowing this in ERS1.

John Enos said that he will bring back some language on short term rentals and the different allowed time-frames.

- ***Master Plan Review Updates***

John Enos said that he changed some maps and pictures in the Master Plan. He looked at our Goals and Objectives and made some updates along with adding a PDR definition. He said that it is still not quite ready for Sandi to review again.

Jim Anderson asked if we have an open space and farmland preservations.

John Enos said yes.

Jim Anderson asked if we had enough to qualify for any of the funds being offered to those who have a certain amount of open space or farmland preservation.

John Enos said that we could throw in a page that talks about open space and farmland. He said there is a lot of opportunity for having designated open spaces and farmland preservations.

- ***April Planning Commission Meeting Date***

Cheryl Range made a motion to change the April Planning Commission meeting to April 20 instead of the 28th due to the MTA conference that is scheduled. Larry Grunn seconded. **MOTION CARRIED**

CORRESPONDENCE AND UPDATES:

• ***DISCUSS PDR DOCUMENTATION***

Jim Anderson said that he spoke to a gentleman named Barry Lonik who does a lot of work for Communities involving their open space and farmland preservation. Barry Lonik formed his own business and does a lot of work in Scio Township near Ann Arbor. He is also starting to do work in Jackson County and Ingham County. Barry has been doing this kind of work for 20 years now and he lives in Dexter. Would the Commissioners be interested in listening to his presentation about what he can offer our Township and discuss the ways that he can help the Township identify, fund and secure open space and farmland preservation. Larry Lonik would only charge \$200 for that presentation.

John Enos said that Barry Lonik is very knowledgeable and thinks that this would be a great opportunity for Marion Township.

Jim also spoke with Sara Thomas who is the President of Livingston Land Conservancy and she is very excited about the opportunity that Marion Township could be the first community in the County to be a part of something like this. She would like to come talk with us and assist in whatever way that she can. Jim provided some brochures and newsletters about various agencies that also do work in open space and farmland preservation.

Les Andersen resides at 4500 Jewell Road and is a Township Board member. Les asked if the Township Board would have to approve spending \$200 for this presentation. Les also asked Jim Anderson if Larry Lonik could attend one of the Board meetings to discuss this opportunity.

Jim Anderson said that he would discuss that option with Larry Lonik.

Les Andersen asked Larry if he was allowed to ask a question un-related to this.

Larry Grunn said yes.

Les Andersen explained that the Township's ordinance language is only useful if we have the enforcement to back it up. Les doesn't think we should be approving any more language without proper enforcement in place to take care of our existing issues. What happened to the idea of offering \$99 special use permits?

John Enos said that he likes the idea behind that and getting all of these business'/occupations to a conforming point however he is concerned that something like this will open the door to a lot of noise and angry neighbors. John is very concerned that because of the public hearing process that has to take place for special use permits, he is concerned that the neighbors are going to get crazy-mad.

John Enos doesn't understand why Marion Township does not have any type of enforcement in place. John thought the Board approved \$50k for enforcement and he doesn't understand why that still hasn't happened.

CALL TO THE PUBLIC:

NONE

ADJOURNMENT:

Cheryl Range made a motion to adjourn the meeting at 9:37pm. Jim Anderson seconded. **MOTION CARRIED.**