

**MARION TOWNSHIP PLANNING COMMISSION  
AGENDA**

REGULAR MEETING  
February 25, 2020  
7:30 p.m.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

INTRODUCTION OF MEMBERS:

APPROVAL OF AGENDA FOR: February 25, 2020 Regular Meeting

APPROVAL OF MINUTES FROM: January 28, 2020 Regular Meeting

CALL TO THE PUBLIC:

PUBLIC HEARING: NONE

New BUSINESS: None

Old BUSINESS:

- 1) Section 15.05,06 Signs relating to Home Occupation and Home Based Business (John Enos).
- 2) TXT#07-17 proposed changes Lots – move thru other issues. (Bring info from past meetings)
- 3) TXT#01-19 Short Term Rentals discussion continued (John Enos).
- 4) Master Plan Review updates from John Enos

Correspondence and Updates and Discussion:  
Talk about PDR documentation (Jim )

CALL TO THE PUBLIC:

ADJOURNMENT:

\*Approved by: \_\_\_\_\_  
Larry Grunn, Chairperson

Date: \_\_\_\_\_

**MARION TOWNSHIP PLANNING COMMISSION**  
**REGULAR MEETING MINUTES**  
**January 28, 2020 / 7:30PM**

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

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

**MEMBERS ABSENT:** NONE

**CALL TO ORDER:**  
Larry Grunn called the meeting to order at 7:30 p.m.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA:**  
*Regular Meeting Agenda for January 28, 2020*  
Bob Hanvey motioned to approve the agenda as presented. Cheryl Range seconded. **MOTION CARRIED.**

**APPROVAL OF MINUTES:**  
*Approval of the November 26, 2019 Regular Meeting Minutes*  
Jim Andersen said the minutes indicate that he seconded a motion to approve the grammar and spelling changes for the October 24, 2019 minutes; however, he was not present at the November meeting. It was determined that Bruce Powelson seconded the motion. Bob Hanvey motioned to approve the minutes from the November 26, 2019 meeting as amended. Jim Andersen seconded. **MOTION CARRIED.**

**CALL TO THE PUBLIC:**  
No response.

## **NEW BUSINESS:**

### **1) Rob Stanford, Livingston County Planning Annual Visit**

Brian Prokuda, Chairman of Livingston County's Planning Commission, was present in place of Rob Stanford. He thanked Bruce Powelson and Bob Hanvey for their active role by attending county planning commission meetings and their active participation. Mr. Prokuda updated the commissioners on three items: Livingston County's Master Plan; the county's Trail Network Plan; and the Livingston County Planning Commission's County Park program. He said the master plan is in the implementation stage. The county received a \$30,000 SEMCOG grant for the trail network plan; they are working with GIS and other departments to implement. With regard to the county park program, he said Fillmore Park (corner of Kellogg & McClements) will have sports fields and a 5K running trail; the ribbon-cutting ceremony will be held in the spring.

### **2) Renew SUP #01-03—Majestic Oaks Stable, due to change in ownership**

Brian and Angela Jessie were present to discuss this agenda item. Dave Hamann summarized the material he provided for this item. The previous agreement in 2003 stated a new owner must apply. Mr. Jessie said they recently purchased this property and would like to continue operating in the same manner with a new name. Larry Grunn asked if they would be doing shows or training; Mr. Jessie said it's really just boarding and the facilities are only for the boarders. Jim Anderson asked if there would be additional buildings; Mr. Jessie said no. Mr. Anderson also asked about the manure pile; the old site plan shows that it's right off the driveway. Mr. Jessie said it's actually further back. Dave Hamann said most of that is controlled by GAAMPS (Generally Accepted Agricultural Management Practices) and told Mr. Jessie he could get further direction from MDARD for manure management.

Les Andersen, Marion Township trustee, welcomed the new residents and said he appreciates the continuing use of this property for agricultural purposes. Bob Hanvey asked if they have experience with this type of business; Mr. Jessie said his wife has boarded horses for a number of years. Larry Grunn asked about the sign; it's a legally non-conforming sign. Mr. Jessie said they are just going to replace the sign to reflect the new name: Q Card Stables. Mr. Enos said Mr. Jessie shouldn't have to come before the Planning Commission again. The zoning administrator will review the SUP every two years to make sure it's in compliance. Mr. Hanvey questioned why the SUP is signed by board members, and couldn't the PC chairman and secretary sign? Mr. Hamann said a new SUP isn't being given, it's just an amendment to an existing SUP. Mr. Enos said this a simple amendment due to change of ownership as already approved by the township board.

Cheryl Range motioned to recommend approval of SUP #01-03 amendment due to change of ownership for Q Card Stables (formerly Majestic Oak Stables) and send to the Board of Trustees for approval. Bruce Powelson seconded.

**MOTION CARRIED.**

### **3) Annual Meeting and Election of Officers**

Bruce Powelson nominated Larry Grunn as Planning Commission chairman for 2020. Cheryl Range seconded. **MOTION CARRIED.**

Larry Grunn nominated Cheryl Range as Planning Commission secretary for 2020. Bruce Powelson seconded. **MOTION CARRIED.**

Jim Anderson nominated Bruce Powelson as Planning Commission vice chairman for 2020. Bob Hanvey seconded. **MOTION CARRIED.**

## **OLD BUSINESS:**

### **1) TXT #03-18, Section 17.32 back from BOT with minutes**

John Enos said it looks like the board recommended a minor change regarding lot size, to change the minimum parcel size in item J from "2 or more acres and less than 6 acres" to "up to 6 acres." Bruce Powelson questioned the reason for only allowing a 6' fence, not 8'. Dave Hamann explained that the state's building code requires permits for fences over 7'. He also said the township could require something over 6' if it was needed for screening. Jim Anderson said there is a comment from Les Andersen regarding the Planning Commission being a recommending body and the township board grants approval. Cheryl Range asked Mr. Hanvey if there is an issue with the interchangeable language throughout the zoning ordinance to specify the pertinent situation or usage when the terms "lots", "plats", "parcels", "net", "gross", and "tracts"; Mr. Hanvey said that still needs to be worked on because they're really not interchangeable.

Cheryl Range motioned to send TXT #03-18, Section 17.32, with the agreed upon changes in section J, to the Board of Trustees for final review and approval. Bob Hanvey seconded. **MOTION CARRIED.**

John Enos said the PC worked really hard on this language; now that it's in place, we will see how this moves to the enforcement process for any new expansions, additions, etc.

### **2) TXT #04-17 Review Comments from LCPD, then send to BOT**

Dave Hamann said this is the one the PC asked to come back; next time, when it's sent to the county, if there aren't any changes or comments, it should go straight to the board.

Cheryl Range motioned to send TXT #04-17 to the township board for review and adoption. Jim Anderson seconded. **MOTION CARRIED.**

### **3) Discuss Sections 15.05 and 15.06—Signs relating to Home Occupations and Home-based Businesses**

Dave Hamann said when the county reviewed 6.14 and 17.32, they had an issue with the sign section of the ordinance not being changed. When Section 6.14 went to the board, the board changed it to allow signs for a home occupation as long as it's discreet on the structure, not out by the road. Something should be in the detail of the sign ordinance regarding home-based businesses. Currently, he's not aware of any free-standing signs for a home-based business. Larry Grunn said the PC talked about equipment trucks and/or trailers with signage. Mr. Hamann said Section 15.04—Signs Allowed without a Permit, item T, says "signs located on motor vehicles or trailers bearing current license plates which are traveling or lawfully parked upon public highways, or parked upon any premises where the sign is not readily and obviously visible from the street;" the ordinance says you don't need a permit for those type of signs. Bob Hanvey said he supports allowing a sign for a home-based business. Les Andersen said there's a large truck on M-59 that's always parked out by the road that has a large sign on it; Mr. Grunn said that's what he would like to prevent. John Enos said he's concerned about crafting language that would not allow a business vehicle, although it's something that could be looked at. Jim Anderson said he doesn't think a home occupation should be allowed to have a freestanding sign out by the road. Mr. Enos said typically home occupations don't have freestanding signs. Mr. Anderson asked if a person with a home occupation could apply for a variance to have a sign at the road; Mr. Enos said he doesn't believe so because that would be a use variance, not dimensional. He said the way to do it would be to allow either/or for a home-based business and either/or for a home occupation depending on the distance from the road. Bruce Powelson asked how 25% of window area could be enforced for a sign in a non-residential district and feels that should be removed from the schedule of sign regulations. Dave Hamann pointed out that there is additional language in Section 15.06 that the PC

members need to consider. Mr. Enos said he will discuss with the zoning administrator for review at the next meeting, and will also look at home-based business sign ordinances.

Bob Hanvey motioned to postpone action until the February meeting. Cheryl Range seconded. **MOTION CARRIED.**

#### **4) TXT #07-17 Proposed Changes—Lots**

Bob Hanvey asked the PC to consider two items: 3.01 B, definition of single ownership, and the distinction between the term “building” and the term “structure.” Cheryl Range motioned to postpone this item until the February 25 meeting. Bob Hanvey seconded. **MOTION CARRIED.**

#### **5) TXT #01-19 Short-term Rentals Discussion Continued**

Cheryl Range said this month’s MTA magazine discussed short-term rentals. John Enos said the PC members have a letter from the attorney, which he agrees with, with a clear explanation of what a single-family home or use is within the residential districts. The attorney feels there is strong language right now that single-family homes are permitted and short-term rentals aren’t because they’re not defined. The township could beef that language up to give the ability to rent on a limited-basis for no less than 30 days.

Bob Hanvey asked if the township wants to regulate short-term rentals, should it also regulate rentals in general? He doesn’t feel they should. Cheryl Range said she believes lake rental homes are different than other homes. John Enos shared information that he drafted for another township which limits it to a minimum of a 30-day rental. Mr. Enos would like the attorney and the commissioner’s to review this for discussion at the next meeting.

Cheryl Range motioned to postpone action on TXT #01-19 until the February 25 meeting. Bruce Powelson seconded. **MOTION CARRIED.**

### **CORRESPONDENCE & UPDATES:**

#### **▪ Farmland Preservation**

A handout was provided about farmland preservation regarding grant opportunities through the Michigan Department of Agriculture and Rural Development and the Agricultural Preservation Fund Board. To qualify, the township would need to have this in its master plan. Jim Andersen asked whether it would make sense to contact owners of large parcels whether there’s any interest in this type of thing.

#### **▪ City of Howell ZBA meeting for the shredder was postponed**

### **CALL TO THE PUBLIC:**

Les Andersen, 4500 Jewell Road, asked John Enos about the language in Section 17.32 related to Planning Commission versus Board of Trustees; he said the Board of Trustees is the approving board, and the Planning Commission makes recommendations. He also asked Mr. Enos about another township that has stopped issuing Special Use Permits for home-based businesses. Mr. Andersen said it says in the ordinance that a home-based business is a commercial activity; why shouldn’t the township require it to be in a commercial zoning district. Mr. Andersen also asked if a home-based business is taxed differently; Mr. Enos said that’s a question for an assessor. Mr. Enos said the language in place will regulate new uses, not existing uses. Mr. Enos also asked whether the attorney has reviewed some of the existing uses. Bruce Powelson said until the

township has an enforcement officer, we're just spinning our wheels. Mr. Enos said the attorney should be relied on for many of these issues.

Brian Prokuda said there is a Planning Commission Rules & Responsibilities class scheduled for Wednesday, January 29 at the EMS building from 6:30-8:30 pm.

**ADJOURNMENT:**

Bruce Powelson motioned to adjourn at 9:37 pm. Cheryl Range seconded. ***MOTION CARRIED.***

AAD  
HOME-BASED  
BUSINESS  
SIGNAGE  
WALL  
FREESTANDING

### Section 15.05 Schedule of Sign Regulations

The schedule provided below summarizes the quantity, maximum area, maximum height, and minimum setback from existing road rights-of-way permitted for signage requiring a permit under this Section. Detailed requirements for the signs listed below are provided under subsections 15.06 and 15.07. Wherever conflict exists between the following schedule and the standards of those subsections, those subsections shall prevail.

Sign	Number	Max. Area	Max. Height	Min. Setback
<b>Signs in Residential Districts (Sec. 15.06)</b>				
Agricultural Product Signs	1	20 s.f.	4 ft.	15 ft.
Farm Signs	1	32 s.f.	6 ft. <sup>1</sup>	15 ft.
<b>Home Occupation Wall Sign, or</b>	1	4 s.f.	4 ft.	n/a
<b>Home Occupation Freestanding Sign</b>	1	6 s.f.	4 ft. <sup>1,7</sup>	½ required front setback
Non-Profit Organization Signs	1	32 s.f.	6 ft.	15 ft.
Residential Development Entranceway Signs	2/entrance	20 s.f.	6 ft.	15 ft.
Temporary Construction Signs	1/frontage	32 s.f.	6 ft.	15 ft.
<b>Signs in Non-residential Districts (Section 15.07)</b>				
Awning and Canopy Signs	N/A	25% of surface <sup>2</sup>	n/a	per district
Free-Standing Signs	1/frontage	½ s.f. per foot of frontage <sup>3</sup>	6 ft.	15 ft.
Gasoline Price Signs	1	20 s.f.	6 ft.	15 ft.
Marquee Signs	1/frontage	1½ s.f. per foot of building frontage	per district	per district
Menu Board Signs	2	60 s.f.	6 ft.	15 ft.
Office or Industrial Development Entranceway Signs	2/entrance	36 s.f.	6 ft.	15 ft.
Temporary Construction Signs	1/frontage	32 s.f.	6 ft.	15 ft.
Time/Temperature/Stock Market Signs	1/frontage	N/A <sup>4</sup>	6 ft. <sup>1</sup>	15 ft. <sup>1</sup>
Wall Signs	1/frontage <sup>5</sup>	1 s.f. per foot of building frontage <sup>6</sup>	see below	n/a
Window Signs	N/A	25% of window area	n/a	n/a

1. If sign is free-standing.
2. Such signs shall be counted in determining compliance with maximum permitted area of wall signage.
3. Not to exceed 32 s.f., unless premises contains multiple tenants, in which case 4 s.f. may be added per additional tenant, up to a maximum of 64 s.f.
4. Such signs shall not be counted in determining compliance with wall or free-standing sign area requirements.
5. Or one per tenant having individual public access.
6. Not to exceed 60 s.f., unless such signs are set back at least 150 ft., in which case such signs shall not exceed 200 s.f.

area. Such signs may not be illuminated, and must be consistent with the residential character of the neighborhood in which they are to be located. Within the Rural Residential (RR) district, one (1) freestanding sign may be substituted for a wall sign. Such sign shall not exceed six (6) square feet in area or four (4) feet in height and shall be located no closer to the right-of-way (ROW) line than one-half (1/2) the required front yard.

D. Non-Profit Organization Signs: Permanent, free-standing signs identifying churches, schools, museums, libraries or other non-profit institutions, at a rate of one (1) sign per parcel, with a minimum setback from the street right-of-way of fifteen (15) feet, which does not exceed thirty-two (32) square feet in area and six (6) feet in height.

E. Residential Development Entranceway Signs: Permanent freestanding signs or signs affixed to decorative walls or fences identifying the entrances of residential developments such as subdivisions, apartment complexes, condominium communities, senior housing complexes, mobile home parks and similar residential uses, at a rate of two (2) per entranceway not to exceed a total of two (2), with a minimum setback from the street right-of-way of fifteen (15) feet, and not exceeding twenty (20) square feet in area and six (6) feet in height. Where such sign is placed upon a decorative wall or fence, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering, graphics and border, if any, not the entire decorative wall or fence.

F. Temporary Construction Signs: Temporary signs which advertise the construction of new residential subdivisions or similar permitted development, not to exceed thirty-two (32) square feet in area and six (6) feet in height. Such signs shall be removed immediately after the last available lot, home site or parcel is sold.



Maybe we can make progress on the issues related to terminology in our ordinance by taking a look at the usage of the terms "building" and "structure" before we get more detailed with the distinction between "lot" and "parcel."

**Accessory Structure:** A building or structure customarily incidental and subordinate to the principal building and located on the same lot as the principal building.

**Accessory Use:** A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

**Principal Building:** The building on a lot in which the principal use of the lot is conducted.

**Principal Use:** The main use to which the premises are devoted and the main purpose for which the premises exist.

**Building:** Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes, but is not limited to: mobile homes, tents, sheds, garages, greenhouses, lean to and other principal or accessory structures.

**Structure:** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground including, but not limited to, all buildings, independently supported decks, satellite dishes and free-standing signs; ***excepting*** anything lawfully in a public right-of-way including, but not limited to, utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services.

**Right-of-Way:** A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

The usage of these two terms is inconsistent. Throughout the ordinance the terms are used in a variety of ways. In 35 places the phrase "building or structure" is used.

Sometimes it is "building and/or structure" Sometimes it is "building, structure." There are many more places where building is used by itself. There are some places where it is "building or premises" or "building or use." We need to determine if there is value in standardizing the text.

Which leads us to questions that have been raised recently:

Are solar panels for single family use a structure?

Can a solar panel for single family use be built on vacant land?

Do set-backs apply to both buildings and structures?

What about shipping containers used for...?

## **SHORT TERM RESIDENTIAL RENTALS (What Districts Are Appropriate?)**

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### **ARTICLE 1 DEFINITIONS ADD**

**Short Term Rental.** The commercial use of renting a dwelling unit for a period less than one hundred and eighty (180) calendar days and at a minimum of thirty (30) consecutive calendar days by the same renter. Short Term Rental does not include a bed and breakfast permitted and operated in accordance within this Ordinance.

### **ARTICLE 5.03 RURAL AGRICULTURAL DISTRICT ADD**

BB. Short Term Residential Rentals

### **ARTICLE 16.22 ADD SHORT TERM RESIDENTIAL RENTAL**

- A. Only one (1) dwelling unit per parcel shall be leased, subleased, rented or sub rented at any given time. All lodging is to be exclusively within the dwelling unit and not in a recreational vehicle, camper, or tent.
- B. A separate permit is required for each Short-Term Rental property.
- C. Local Contact Person:
  - a. Each owner of a Short-Term Rental must designate a local contact person who has access and authority to assume management of the unit and take remedial measures.
  - b. The local contact person must be available twenty-four (24) hours a day during the rental period and be within forty-five (45) minutes travel time of the property (or portion thereof) used for a Short-Term Rental.
  - c. The Township will provide the phone number of the local contact to all neighbors within a three hundred (300) foot radius of the subject property boundaries.
  - d. All parking associated with a Short-Term Rental shall be out of the roadway and entirely on-site, in the garage, driveway or other improved area.
  - e. Special events, outdoor events, lawn parties, weddings or similar activities are not allowed on the site for more than the number of permitted occupants.
  - f. Fireworks of any kind are not allowed on rental property.
  - g. No person shall start or maintain a fire except within provided devices or locations. Fires shall not be left unattended and must be fully extinguished. Only clean, dry wood may be burned.

- h. Provisions for trash disposal must be provided. Trash must be contained in properly sealed receptacles. There must be no overflow that will be attractive to vermin.
- i. Noise during quiet hours must be limited to that which does not disturb the quiet, comfort or repose of a reasonable person of normal sensitivities. Quiet hours shall be from 10:00 PM to 8:00 AM.

**MICHAEL J. KEHOE, P.C.**  
**ATTORNEY AT LAW**  
710 E. GRAND RIVER  
HOWELL, MI 48843



Michael J. Kehoe

517-546-4570  
Fax No. 517-546-7651

January 13, 2020

Mr. Larry Grunn, Chairperson  
Marion Township Planning Commission  
2877 W. Coon Lake Rd.  
Howell, MI 48843

By email only

Re: Short-term Rentals

Dear Mr. Grunn:

This is in response to the Planning Commission's request for my input regarding the issue of short-term rentals and the many homes located in subdivisions on lakes in the Township. I have reviewed the zoning ordinance, including certain definitions that I think are relevant and the Ordinance is not very clear on this topic, certainly not as clear as it could be. I think the Township can take the position that this use isn't permitted for the reasons that follow in this letter. If the Township wishes to prohibit this use, or if it wishes to regulate them, then the issues I've outlined in this letter should be considered.

I reviewed the intent of the ERS: Existing Residential Subdivision District which is the district that would probably see the most potential for short term rentals. The Intent section of this District states: "It is the intent of the Existing Residential Subdivision District (ERS) to recognize the existence of existing platted residential subdivisions, developed prior to the adoption of this Ordinance, and to protect the character of these existing residential developments and hence the investment in them by current owners." The intent does discuss the issue of non-conforming lot sizes but then also states: "It is the intent of this District to recognize these residential developments as legitimate and conforming uses and provide for the continuance of these uses and their current character." (Emphasis added) It is my opinion that this can be taken to mean that this district is meant to allow for them to be used in a manner that maintains their essential character. Short-term rentals would/could be considered as being contrary to, or in conflict with, the intended character of this district. This purpose language could either be refined to more clearly state short term rentals are inconsistent with this purpose and not permitted or, if you want to allow them, then I suggest a brief reference to them in this section while also including them as a specific use with regulations accordingly. I will also say that I agree with John Enos that regulating these would present some significant issues and challenges.

## CITY OF HOWELL

### NOTICE OF PUBLIC HEARINGS

**NOTICE** is hereby given that the Howell City Board of Zoning Appeals will hold the following public hearing on Thursday, February 20, 2020 at 7:00 p.m. at **City Hall, 611 E Grand River Ave., Howell, MI 48843:**

A public hearing will be held to consider a variance request from Padnos Iron and Metal for the property at 645 Lucy Road (PIDs: 4717-06-100-005, 4717-06-100-002, and 4717-06-300-005). The applicant is seeking the following three variances for the expansion of the existing salvage yard on the site:

- a. *Section 4.06(1)(3)* requires all industrial processes involving the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building and the applicant is proposing to have a scrap shredder outside of the building.
- b. *Section 5.13(f)* requires that all outdoor storage areas be paved and the applicant is proposing to utilize gravel for a portion of the outdoor storage.
- c. *Section 10.06(b)* requires that all parking lots, driveways, maneuvering lanes, or loaded areas be paved and the applicant is proposing to utilize gravel for these areas throughout the site.

Any questions may be directed to the City of Howell Community Development Department at 517-546-3861. Any written comments/concerns, can be sent to the Howell City Board of Zoning Appeals, 611 E. Grand River, Howell, MI 48843 and should be received before February 20, 2020. Persons interested are welcome to attend this meeting and all interested parties will be given an opportunity to be heard.

COMMUNITY DEVELOPMENT DEPARTMENT  
TIMOTHY R. SCHMITT, AICP  
517-546-3861  
Publish 2/4/20