

VEVAY TOWNSHIP PLANNING COMMISSION
Regular Meeting/Public Hearings
Wednesday, November 8, 2017
Vevay Township Hall – 7:00 p.m.

MINUTES

Members present: Jack Cady, John Lazet, Chris Lewis, Pattie McNeilly, Jim Minster, and Al Winters.

Members absent: Bruce Walker.

Other Persons present: Supervisor Jesse Ramey and Legal Counsel David Revore.

I. Call to Order: The meeting was called to order at 7:00 p.m. by Chair McNeilly.

II. Pledge of Allegiance

The audience joined the Commission in reciting the Pledge of Allegiance.

III. Set/Amend Agenda

The agenda was accepted as submitted.

IV. Approval of Minutes: Regular Meeting 10-4-17, and special meeting 10-18-17

October 4, 2017 – no amendments were offered.

October 18, 2017 – no amendments were offered.

MOTION Cady, seconded by Minster, to approve the October 4, 2017, Regular Meeting minutes as submitted.

CARRIED 6-0

MOTION Lewis, seconded by Cady, to approve the October 18, 2017, Special Meeting minutes as submitted.

CARRIED 6-0.

V. Brief Public Comment

There was no public comment.

VI. Recess to Public Hearings Regarding:

A. Zoning Ordinance Amendments:

1. Section 3.05: Regulations Applicable to All Single-Family Dwelling

Mr. Revore – Two purposes are proposed. The first amendment would revise dimensional structure requirements and clarify which residential additions are subject to this section. The

second amendment would subject Large Solar Energy Systems (LSES) to the site plan process and requirements of Chapter 14.

2. Chapter 14: Required Site Plan Submission Requirements (Revised)

Mr. Revore – These proposed amendments would eliminate the option of preliminary site plans and replace them with a process of a preliminary review by the Township; clarify when a site plan change is required to an already approved site plan; allow for site plans to be prepared by a homeowner when requesting a SLU permit for a home occupation; and substantially revise the Table of Requirements in Sec. 14.03 to reflect these changes, to combine redundant requirements, and to eliminate some requirements deemed unnecessary for a site plan review.

3. Section 15.05 (H)(1): Utility Buildings, Outdoor Equipment, Outdoor Storage and Waste Receptacles

Mr. Revore – The proposed amendment would clarify that all required fencing must be in compliance with the fencing standards of Section 3.10 of the Ordinance.

4. Section 18.02: Zoning Board of Appeals – Interpretations Paragraph B

Mr. Revore – the proposed amendment would amend the standard of interpretation for the Zoning Board of Appeals to clarify that the standard set forth in Sec. 18.02 (B)(1) of the Ordinance – that decisions be narrow and address only the situation to be interpreted – is the standard utilized in all appeals heard by the Board.

VII. Adjournment of Public Hearings

There being no further comments from the public, the hearings were closed at 7:11 pm and the regular meeting recommenced.

VIII. Reports

A. October, 2017, AGS Building/Zoning Report

The written report indicated that there were eight building/zoning permit actions, involving: a re-inspection, pole barns, a remodel, an extension on a permit for a cell tower, a re-roof, an addition, and placement of a new cell tower. There were four outstanding authorizations to enforce the Zoning Ordinance, relating to junk in a front yard (clean-up is proceeding), junk and junk vehicles on another parcel (letter sent by Township legal counsel), a stop order issued for an improperly issued building permit, and a second complaint of junk and junk vehicles, where clean-up has started.

B. Notice from Aurelius Township re: Master Plan Update

On October 23, 2017, Vevay Township had received from Aurelius Township an undated letter giving notice of their intent to update their 2008 Master Plan for the Township. Their stated intent is to have any and all revisions drafted by approximately March 1, 2018. Comments may be directed to the Clerk of Aurelius Township, at their Township Hall.

C. Zoning Board of Appeals Minutes 10-2-17

The minutes note that the Zoning Board of Appeals (ZBA) had met on October 2, 2017, and considered a petition to allow for an accessory building in a front yard. Due to the excessive and regular flooding of portions of the residential parcel, the only suitable location is in the front yard. If allowed, the building would still be 600 feet from the road. As there was no opposition heard during the public hearing, and based on the particular facts involved, the needed variances were granted. Chair Wood also announced that he was stepping down as chair, and Jack Cady was elected as chair, Ilene Thayer as vice-chair, and Bob Schnabelrauch as secretary.

IX. Pending Business

A. Zoning Ordinance Possible Amendments

1. Section 3.05: Regulations Applicable to all Single-Family Dwellings

Pursuant to Section 19.05(B) (1) of the Zoning Ordinance, the Commission made the following findings:

- a. The proposed text amendment would clarify the intent of the Ordinance. – The Ordinance was drafted in a manner to require newly built and newly placed structures to meet certain requirements; the proposed amendment would clearly delineate dimensions for various elevations of single-family dwellings, and delete language that is already regulated by other Ordinance provisions, such as the proposed use of solar energy. The proposed amendment would better provide that any particular residential development meet the goal of maintaining rural character. The amendment to Section 3.27 would clarify that the approval process of a LSES would be subject to the site plan requirements of Chapter 14; requiring this express review was thought to be in need of clarification, as that has been the practice of the Township to date.
- b. The proposed text amendment would correct an error in the Ordinance. - Not applicable.
- c. The proposed text amendment would address changes to the State legislation, recent case law or opinions from the Attorney General of the State of Michigan. – Not applicable.
- d. The proposed text amendment would promote compliance with changes in other County, State or Federal regulations. – Not applicable.
- e. In the event the amendment will add a use to a district, that use shall be fully consistent with the character of the range of uses provided for within the district. – Not applicable.
- f. The amendment shall not create incompatible land uses within a zoning district, or between adjacent districts. – Not applicable.
- g. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items. – Not applicable.
- h. As applicable, the proposed change shall be consistent with the Township’s ability to provide adequate public facilities and services. – Not applicable.
- i. The proposed change shall be consistent with the Township’s desire to protect the public health, safety, and welfare of the community. – The proposed amendment was considered a

better means of maintaining the rural character of the Township, and would therefore be in the best interest of Township residents.

A public hearing having been conducted, following Commission discussion and review over several meetings of the proposed changes, and now having the specific language:

MOTION Minster, seconded by Lewis, to recommend approval of the Zoning Ordinance amendment to Section 3.05 - Regulations Applicable to All Single-Family Dwellings - and also to Section 3.27 - Solar Energy Systems - based on the Commission findings pursuant to Sec. 19.05 (B) (1) as noted in these minutes, and having heard no objections from the public during the public hearing earlier this evening.

CARRIED 6-0.

2. Chapter 14: Required Site Plan Submission Requirements (Revised)

The Commission asked that the proposed amendment to Sec. 14.03 (A) (1) be modified to parallel the language in the rest of the section by adding "...Zoning Administrator OR PERSON DESIGNATED BY THE TOWNSHIP BOARD."

Pursuant to Section 19.05(B) (1) of the Zoning Ordinance, the Commission made the following findings:

- a. The proposed text amendment would clarify the intent of the Ordinance. – The Ordinance was drafted to optionally allow for multiple reviews of a site plan. After many years of experience with this process, the Commission proposed to re-write these sections of Chapter 14 to reflect actual Township practice, and codify what has been found to be most helpful in assisting applicants with developing compliant site plans. Further, duplicative and unnecessary requirements for site plans are proposed to be deleted. The proposed amendment would reflect a simpler and more applicant-friendly process, as was originally intended.
- b. The proposed text amendment would correct an error in the Ordinance. - The proposed amendment would correct grammatical errors in Section 14.06 and Section 14.09.
- c. The proposed text amendment would address changes to the State legislation, recent case law or opinions from the Attorney General of the State of Michigan. – Not applicable.
- d. The proposed text amendment would promote compliance with changes in other County, State or Federal regulations. – Not applicable.
- e. In the event the amendment will add a use to a district, that use shall be fully consistent with the character of the range of uses provided for within the district. – Not applicable.
- f. The amendment shall not create incompatible land uses within a zoning district, or between adjacent districts. – Not applicable.
- g. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items. – Not applicable.
- h. As applicable, the proposed change shall be consistent with the Township's ability to provide adequate public facilities and services. – Not applicable.

i. The proposed change shall be consistent with the Township's desire to protect the public health, safety, and welfare of the community. – Allowing for Township flexibility in determining how better to assist applicants with drafting site plans in compliance with the Zoning Ordinance was deemed to be in the best interest of Township residents.

A public hearing having been conducted, following Commission discussion and review over several meetings of the proposed changes, and now having the specific language:

MOTION Winters, seconded by Cady, to recommend approval of the Zoning Ordinance amendment, as amended, to Chapter 14 – Site Plan Review - Sections 14.02, 14.03, 14.06, and 14.09, based on the Commission findings pursuant to Sec. 19.05 (B)(1) as noted in these minutes, and having heard no objections from the public during the public hearing earlier this evening.

CARRIED 6-0.

3. Section 15.05 (H)(1): Utility Buildings, Outdoor Equipment, Outdoor Storage and Waste Receptacles

Pursuant to Section 19.05(B) (1) of the Zoning Ordinance, the Commission made the following findings:

- a. The proposed text amendment would clarify the intent of the Ordinance. – A recent commercial site plan overlooked an important regulation on fencing in the Ordinance. The proposed amendment would include a pertinent Ordinance reference in another Chapter to assist future applicants in planning for appropriate fencing.
- b. The proposed text amendment would correct an error in the Ordinance. – Not applicable.
- c. The proposed text amendment would address changes to the State legislation, recent case law or opinions from the Attorney General of the State of Michigan. – Not applicable.
- d. The proposed text amendment would promote compliance with changes in other County, State or Federal regulations. – Not applicable.
- e. In the event the amendment will add a use to a district, that use shall be fully consistent with the character of the range of uses provided for within the district. – Not applicable.
- f. The amendment shall not create incompatible land uses within a zoning district, or between adjacent districts. – Not applicable.
- g. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items. – Not applicable.
- h. As applicable, the proposed change shall be consistent with the Township's ability to provide adequate public facilities and services. – Not applicable.
- i. The proposed change shall be consistent with the Township's desire to protect the public health, safety, and welfare of the community. – Helping applicants to be in compliance with site development standards was deemed to be in the best interest of Township residents.

A public hearing having been conducted, following Commission discussion and review over several meetings of the proposed changes, and now having the specific language:

**MOTION Minster, seconded by Cady, to recommend approval of the Zoning Ordinance amendment to Section 15.05 (H)(1) - Site Development Requirements - based on the Commission findings pursuant to Sec. 19.05 (B)(1) as noted in these minutes, and having heard no objections from the public during the public hearing earlier this evening.
CARRIED 6-0.**

1. Section 18.02: Zoning Board of Appeals – Interpretations Paragraph B

Pursuant to Section 19.05(B) (1) of the Zoning Ordinance, the Commission made the following findings:

- a. The proposed text amendment would clarify the intent of the Ordinance. – The proposed amendment is drafted in a manner for ZBA hearings and decision-making processes to be conducted as objectively as possible in order to minimize any abuse of discretion by the Commission, Zoning Administrator, and/or the Township.
- b. The proposed text amendment would correct an error in the Ordinance. - Not applicable.
- c. The proposed text amendment would address changes to the State legislation, recent case law or opinions from the Attorney General of the State of Michigan. – Not applicable.
- d. The proposed text amendment would promote compliance with changes in other County, State or Federal regulations. – Not applicable.
- e. In the event the amendment will add a use to a district, that use shall be fully consistent with the character of the range of uses provided for within the district. – Not applicable.
- f. The amendment shall not create incompatible land uses within a zoning district, or between adjacent districts. – Not applicable.
- g. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items. – Not applicable.
- h. As applicable, the proposed change shall be consistent with the Township’s ability to provide adequate public facilities and services. – Not applicable
- i. The proposed change shall be consistent with the Township’s desire to protect the public health, safety, and welfare of the community. – Limiting ZBA interpretational authority should enhance the ability of the Township to provide consistent enforcement of the Zoning Ordinance. This approach was deemed to be in the best interest of Township residents.

A public hearing having been conducted, following Commission discussion and review over several meetings of the proposed changes, and now having the specific language:

**MOTION Cady, seconded by Winters, to recommend approval of the Zoning Ordinance amendment to Section 18.02 – Interpretations - based on the Commission findings pursuant to Sec. 19.05 (B)(1) as noted in these minutes, and having heard no objections from the public during the public hearing earlier this evening.
CARRIED 6-0.**

B. Continued Discussion of Possible Zoning Ordinance Amendments

Chair McNeilly – led the Commission in discussions on Chapter 19, and how best to have appropriate persons overseeing the administration of the Zoning Ordinance, and the enforcement of the Ordinance. Legally, the Zoning Administrator would have the ultimate authority to make decisions that would then be appealable to the ZBA. After discussion, no language or amendments were suggested; Commissioners will continue to think about these responsibilities in the context of the entire Ordinance.

Chair McNeilly - possible amendments to gravel mining regulations should be discussed soon.

X. Any Other Business

Supervisor Ramey – suggested possible Zoning Ordinance amendments to Sec. 16.06 A – Agricultural Service Establishments – especially lot size, frontage requirements, and the harvesting and removal of trees.

XI. Additional Public Comment

Jeff Carter – asked questions as to code enforcement and how it has been handled in the past.

X. Adjournment

There being no further business, the meeting was adjourned at 8:18 p.m.

John Lazet, Secretary