

CHARTER TOWNSHIP OF MONITOR  
REGULAR PLANNING COMMISSION MEETING  
October 3, 2017

The meeting was called to order by Chairman J. Bellor at 7:01 p.m.

The Pledge of Allegiance was recited by all present.

D. Darland and J. Frank have been excused from the meeting. Chairman J. Bellor appointed B. Reder as Acting Secretary.

Members present: J. Bellor, R. Campbell, C. Hoyle, T. Miller, B. Reder  
Members absent: D. Darland, J. Frank  
Also present: R. Sheppard, Planning Attorney; P. Lippens, Planner  
Others present: Kenneth M. Malkin, Township Supervisor, D. DeGrow, Building Official,  
F. David Rochow, Zoning Administrator  
Public present: See Sign-In Sheet

**Motion by T. Miller seconded by C. Hoyle to adopt the agenda as presented.**  
Motion carried.

**Motion by R. Campbell seconded by C. Hoyle to approve the minutes of the September 5, 2017 regular meeting as presented.**  
Motion carried.

T. Miller made motion supported by R. Campbell to suspend from the regular order of business in order to address K. Malkin, Township Supervisor's Zoning Ordinance concerns and receive input from D. DeGrow, Building Official.

**Motion carried.**

**K. Malkin** began by covering with the Commissioners the substantive changes he discovered in the Ordinance. Note: The technical amendments submitted are self-explanatory changes.

- Height exceptions 3.07(b) A provision allowing for Fire Department approval and/or waiver process so as not to limit future economic development.

P. Lippens agreed with the suggestion and asked for support. All parties present supported this change.

- Minimum grade and positive drainage 3.17 D. DeGrow, Township Building Official, spoke in agreement of establishing a maximum grade or foundation height from the curb elevation or require a drainage system as flooding of neighboring properties is a known problem in the Township. There was much discussion on further developing the suitable regulatory language. K. Malkin was charged with developing that language.
- Site Plan Review 3.20(f) Eliminated the sixty (60) day time limit. There is no statute that requires it to be limited. With properly submitted paperwork, an applicant is entitled to an answer in a timely fashion. Other aspects of the process have time limits.

P. Lippens stated he is in support of this change as it makes sense. All parties present supported this change.

- Parking Lot Landscaping 3.40(b) Change: “shall” to “may” as after each tenth parking space there is also a space that is dedicated to a landscaping island, which means that if someone requires one hundred (100) spaces, they will need and actual one hundred and ten (110) of parking lot. This could be hard to enforce given the proposed language as there is no option.

P. Lippens stated that the Planning Commission currently has discretion for deferred parking and the ability to approve a non-unique design. The Ordinance encourages quality design in parking lots but if the desire is to have more flexibility it could amended. After much discussion, all parties agreed that the flexibility is already written in the amended version.

- Private Stables – Pasture 5.02(f)(4)(a) K. Malkin noticed in the Ordinance that there are reasonable setbacks for corrals [100 feet] but larger pasture fencing have a zero (0) setback required. It is possible then to have horses pasture right up to a residential home or property. Depending on what type of zoning a pasture is next to, it could pose a problem. Currently there is a ½ acre minimum to be defined as a pasture. It was discussed, and all parties agreed that there would be no change.
- I-1 Industrial Permitted Uses 10.02 K. Malkin noted that we have completely eliminated light industrial and light manufacturing as a permitted use under this Section with the exception of machine shops. R. Sheppard suggested that light industrial, light manufacturing should be included unless explicitly listed in I-2 Industrial otherwise we would be prohibiting light industrial uses which then become non-conforming. The language should read: “...unless explicitly listed in I-2.”

P. Lippens stated that the intent was to simplify the Ordinance and consolidate the uses. Some of the uses are obsolete, outdated and could be permitted under another use category. It was agreed by all parties present not to make the recommended changes with the exception of two separate uses that should be moved to another zoning district. Food related products and processing as a permitted use in Industrial-1, and Sugar Beet and/or Paper Mills in Industrial-2.

- K. Malkin continued, making a suggestion for amending 12.02(a) Use Regulations/Floodplain District, adding verbiage ... except for specialized farming as defined in to Section 2.39. It would not restrict crop production, but would restrict raising livestock in a floodplain area. Our current Ordinance allows for agricultural uses in a floodplain area. All parties present supported this change. There are additional technical corrections regarding this section as well. There was much discussion with regard to having access to a current map or overlay which defines the floodplain areas of the Township.
- Inspections 17.11 Storm water hookup should be added to the list of inspections to make sure that they are not connected to the sanitary sewer line. There was discussion with D. DeGrow with regard to fine tuning this Section. It was agreed by all parties that the Ordinance did not need to be changed in order to add this inspection.
- Officers, Meetings, Professional Advisors, Professional Advisors and Rules – Change to: The Township Board may employ a planning director or other personnel as it considers necessary, contract for the services of planning and other technicians, and incur other expenses within a budget authorized

by the Township Board. See Attorney Memo. The language is more consistent with the Planning Enabling Act. All parties supported this change.

- Zoning Compliance Permit 17.21: K. Malkin submitted a recommendation taking the place of the current proposal and based on the Fire Chief's Memo.

D. DeGrow spoke stating that he supports the issuance of a Business License or something similar for all new and existing businesses. He also is in favor of the Supervisor's suggestion. All parties present supported this new language.

- Stop Work Orders for Violation of this Ordinance: K. Malkin submitted language which is broader than the Planning Commission agreed to initially; however, neither that language nor this language was included in the draft.

All parties present were in support of this addition.

- Chapter 18 – Board of Appeals: K. Malkin supports adding a section permitting minor temporary variances to be handled administratively. A cash or performance bond can be required in both cases to insure compliance. It makes sense to allow residents to retain their current shed while construction of their new accessory building is in process. The Authorization of Building Permit form should also be made a part of the Planning Commission's Development Manual. The Manual should be updated upon approval of the new Zoning Ordinance.

P. Lippens commented, stating that he agrees that it is not necessarily a variance, but contends that it should be considered a temporary use of construction phasing plan. The accessory building that is being replaced could be noted for demolition at a later date, if the new construction is approved in compliance with the building code. It would be considered a variance if the resident desired to keep the existing building in addition to the new construction which would then involve the Zoning Board of Appeals. K. Malkin was charged with developing this language.

Chapter 18 – 18.06(a) – Procedure: Referring to Attorney memo, K. Malkin requested to add the word "regular" after "three (3)" in the first sentence, as this is required per the statute. All parties present supported this change.

Chapter 18 – 19.03(k) – Amendment Procedure: Referring to Attorney memo, this section should be deleted and the following sections re-numbered. All parties supported this change.

Chapter 18 – 19.03(n) – Referring to Attorney memo, delete the phrase "and shall request the Planning Commission to attend any such hearing".

K. Malkin stated that these various changes are either unnecessary or are required. All parties present supported these changes.

K. Malkin announced that he is working on the Medical Marijuana Ordinance and if it adopted, we would need to add those uses in our Ordinance. He is hoping to have something ready by the next regular meeting of the Board on October 23, 2017.

K. Malkin suggested we may want to submit our proposed Ordinance to the Michigan Department of Agriculture (MDARD).

P. Lippens suggested we do not submit a copy to MDARD.

R. Sheppard spoke stating that the only potential downside to submitting the Ordinance to MDARD would be the restrictions that we have regarding public stables and specialized farming as it violates their GAAMPs.

It was agreed by all parties not to submit the proposed Ordinance to MDARD.

In closing, K. Malkin remarked that the technical changes that were submitted on his behalf were amendments that were already agreed upon that were not properly changed. In addition, we will be in need of a definition for “incidental signs” as it is referenced, and there is no definition. If the intent of the Commission was to include directional and incidental signs, the definition would need to spell that out. Lastly, the Special Land Use procedures are contained in Chapter 3, but the Special Use standards are listed in Chapter 17. Chapter 17 is for enforcement it is not intended to have standards. Those two [Chapters] would need to be consolidated. The procedures and the standards should be in the same section. Chapter 3 should be segmented with an index considering the size.

P. Lippens stated that while on the procedure topic, as a reminder, it will be the Planning Commission that develops the Ordinance and ultimately makes the recommendation to adopt to the Board.

**D. DeGrow, Building Official**, spoke giving the Commissioners a list of the majority of variances that have come before the Zoning Board of Appeals. His recommendations are based on these prevalent cases.

Section 3.27: D. DeGrow feels that the 80% floor area/principal residence should be eliminated, as well as (b) of that Section [maximum % of dwelling floor area]. If someone has a smaller home, but resides on 25 acres for example, it seems unreasonable to restrict an accessory building in size to only 80% of their principal residence. We should also allow increased square footage.

Section 2.02 and Section 3.27(i): Accessory Buildings. D. DeGrow recommends increasing from 25% to 35% of the total lot area. 35% of the lot area is not unreasonable.

Section 15.06(h)(i): Signs: D. DeGrow feels that LED signs should be allowed to change every 5-seconds instead of 10-seconds as it should matches State Law. In addition, we should allow larger digital signage as these are a popular option in this day and age for businesses.

Lastly, D. DeGrow contends that 14’ ft sidewalls should be allowed with a maximum 22’ ft peak for all accessory buildings to allow for residents to store a trailer or 5<sup>th</sup> wheel. He also feels that the Township should not restrict how many accessory buildings a resident can have; the determining factor should involve the size or square footage of the property. Many of his suggestions involve modernizing the Ordinance to conform to present day living.

There was discussion with regard to churches and special use requirements for additional expansion or growth.

P. Lippens stated that an expansion or addition of a church is an expansion of use and will require a site plan. Essentially there is more impact as it intensifies the use and should be treated the same as other expanding entities.

There was general discussion with regard to D. DeGrow's Ordinance concerns and recommendations.

Motion by B. Reder seconded by T. Miller to request that Chairman, J. Bellor return to regular order.

**Motion carried**

Chairman J. Bellor opened public comment at 8:59 p.m.

Motion by T. Miller seconded by C. Hoyle to close public input at 8:59 p.m.

**Motion carried.**

### **Items for Consideration**

No New Business.

### **Reports**

William A. Kibbe & Assoc., Inc. VIA EMAIL: September 20, 2017

- Site Plan Review of Proposed Menard Inc. Gate Relocation

Monitor Township Fire Department Review Dated: September 27, 2017

- Fire Hydrant Relocation

### **Communications**

Motion by T. Miller supported by C. Hoyle to accept receipt of Communications.

**Motion carried.**

Motion by C. Hoyle supported by T. Miller to adjourn.

**Motion carried.**

Meeting was adjourned at 9:01 p.m.

Respectfully submitted,

Bill Reder  
Acting Secretary

BR/blfp