

EDENVILLE TOWNSHIP PLANNING COMMISSION MEETING

SWANTON MEMORIAL HALL

June 1, 2017

Mark Haydanek called the meeting to order at 7:00 p.m.

The pledge to the flag was led by Mark Haydanek.

Roll call: Jim Swanton-present, Linda Schultz-present, Mark Haydanek-present, Mary Herkner-present, DeAun DeShano-present.

Mark Haydanek motioned to approve agenda. Linda Schultz second. Motion passed.

Mark Haydanek motioned to approve May 1, 2017. Mary Herkner second. Motion passed.

Public comment: no one present.

Discussion of Edenville Township By Laws, using an example from MTA.

Edenville Township Planning Commission Bylaws

The following rules of procedure are hereby adopted by the Edenville Township Planning commission to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and the Michigan Zoning Enabling Act 110 of 2006, MCL 125.3101, et seq.

SECTION 1: Officers

- A. Selection and Tenure – At the first regular meeting each January of the new calendar “year”, the planning commission shall select from its membership a five person panel to include; a chairperson, a vice chairperson, a secretary, a member and a Board Trustee All officers shall serve a term of two years, or until their successors are selected and assume office, except as note in C, below. All officers shall be eligible for re-election for consecutive terms.
- B. Chairperson – The chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the planning commission.

- C. Vice Chairperson – The vice chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term, and the planning commission shall select a successor to the office of the vice chairperson for the unexpired term.
- D. Secretary – The secretary shall execute documents in the name of the planning commission and shall perform such other duties as the planning commission may determine.
1. Minutes – The secretary shall be responsible for maintaining a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records maintained by the township clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions or recommendations made on any action and record of attendance.
 2. Correspondence – The secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the planning commission. All communications, petitions, reports or other written materials received by the secretary shall be brought to the attention of the planning commission.
 3. Attendance – The secretary shall be responsible for maintaining an attendance record for each planning commission member and report those records annually to the planning commission for inclusion in the annual report to the township board.
 4. Notices – The secretary (or designated Township planning department staff, shall oversee the issuance of such notices as may be required by the planning commission, including Open Meetings Act notices, as well as notice required for specific planning or zoning actions under the Michigan Planning Enabling Act or the Michigan Zoning Enabling Act.

SECTION 2: Meetings

The business the planning commission may perform shall be conducted at the public meeting held in compliance with the Open Meetings Act. The planning commission may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

- A. Regular Meetings – The planning commission shall hold not less than four regular meetings each year and by resolution shall determine the time and place of such meetings. Other meetings may be held as necessary. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the planning commission shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting.

Notice of regular planning commission meetings shall be posted at the principal township office within 10 days after the planning commission's first meeting in each fiscal (OR "calendar") year in accordance with the Open Meetings Act.

- B. Special Meetings – Special meetings may be called by the chairperson or upon written request to the secretary by at least two members of the planning commission.

Notice of special meetings shall be given to the members of the planning commission at least 48 hours prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act.

- C. Notice – Notice required for specific planning, zoning or other land use actions will be given in accordance with the Michigan Planning Enabling Act, the Michigan Zoning Enabling Act, Land Division Act, or other applicable statute.
- D. Public Hearings – All public hearings held by the planning commission must be held as part of a regular or special meeting of the planning commission.
- E. Agenda – The chairperson shall be responsible for preparing a tentative agenda for planning commission meetings. The agenda may be modified by action of the commission.
- F. Quorum – Three members of a five-member planning commission shall constitute a quorum for transacting business and taking official action for all matters. No official action of the commission may be taken without a quorum present.
- G. Voting – An affirmative vote of the majority of the members of the planning commission is required to approve any part of the master plan or amendments to the plan or to amend these bylaws. Unless otherwise required by statute, other actions or motions placed before the planning commission may be adopted by a majority vote of the members present and voting, as long as a quorum is present. Voting shall be voice vote; a roll call vote shall be required if requested by any commission member or directed by the chairperson. Except in the case of conflict of interest, all planning commission members, including the chairperson and ex officio member, shall vote on all matters.
- H. Public Records – All meetings, minutes, record, documents, correspondence and other materials of the planning commission shall be open to public

inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

SECTION 3: Duties of the Planning Commission

The planning commission shall perform the following duties:

- A. Prepare, review and update a master plan as a guide for development within the township's planning jurisdiction.
- B. Take such action on petitions, staff proposals and township board requests for amendments to the zoning ordinance as required.
- C. Take such action on petitions, staff proposals and township board requests for amendments to the master land use plan as required.
- D. Take such actions as authorized or required by the Michigan Planning Enabling Act.
- E. Take such actions as authorized or required by the Michigan Zoning Enabling Act.
- F. Review subdivision proposals and recommend appropriate actions to the township board.
- G. Perform other duties and responsibilities or respond as requested by any township board or commission.

SECTION 4: Absences, Removals, Resignations and Vacancies

- A. To be excused, members of the planning commission shall notify the planning commission chairperson or Secretary when they intend to be absent from a meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence.
- B. Member may be removed by the township board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.
- C. A member may resign from the planning commission by sending a letter of resignation to the township board.
- D. Vacancies shall be filled by the township supervisor, with the approval of the township board. Successors shall serve out the unexpired term of the member being replaced.

SECTION 5: Conflict of Interest

Before casting a vote on a matter on which a planning commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. Failure of the member to disclose a potential conflict of interest as required by these bylaws constitutes malfeasance in office.

Conflict of interest is defined as, and a planning commission member shall declare a conflict of interest and abstain from participating in planning commission deliberations and voting a request, when:

1. An individual's father, mother, son, daughter, brother, sister, and spouse and a relative of any degree residing in the same household as that individual.(MCL 168.2)..
2. The planning commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association.
3. The planning commission member owns or has a financial interest in neighboring property.
4. "For purposes of this section, a neighboring property shall include any property falling within the notification radius for the application or proposed development, as required by the zoning ordinance or other applicable ordinance."
5. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the planning commission.

SECTION 6: Amendments

These bylaws may be amended at any meeting by a vote of the majority of the membership of the planning commission.

Adopted by the Edenville Township Planning Commission at a regular meeting dated June 1, 2017.

Mark Haydanek motioned to accept the Edenville Township Planning Commission By Laws as proposed and reviewed June 1, 2017. Mary Herkner second.

Roll call vote: Mary Herkner-yes, Mark Haydanek-yes, Linda Schultz-yes, Jim Swanton-yes, DeAun DeShano-yes. Motion passed.

Mark Haydanek motioned to approve the Repeal of the Planning Commission Approval of Language adopted at the April 10, 2017 Planning Commission Meeting. For the addition to Article 16.01c-The use of Perk Tests to determine Land Use Permit for non-conforming lots. Linda Schultz second.

Roll call vote: Jim Swanton-yes, Linda Schultz-yes, Mark Haydanek-yes, Mary Herkner-yes, DeAun DeShano-yes. Motion passed.

Mark Haydanek motioned for the Approval of Language adoption for Accessory Use-Zoning Ordinance 182.

- a. Accessory Use Definiton
- b. Article 4-District R1-Residential
- c. Article 5-District R2-Mixed Residential

Mary Herkner second.

Roll call vote: Linda Schultz-yes, Jim Swanton-yes, Mark Haydanek-yes, Mary Herkner-yes, DeAun DeShano-yes. Motion passed.

Edevnville Township Planning Commission

Zoning Ordinance Review and Recommended Changes

Accessory Use Buildings

June 1, 2017

The following changes to the Edenville Township Zoning Ordinance #182 were proposed and approved by the Planning Commission June 1, 2017.

General: The changes are proposed to address the current situation related to "Accessory Use" buildings/structures that are not incidental to the primary structure

Action: Present the recommendation to the Township Board for approval at the June 13, 2017 Board meeting.

ACCESSORY USE: A use specified in a zoning district that is clearly incidental to, customarily found in conjunction with, subordinate to, on, and located in the same zoning lot as the principal use. ~~No accessory use shall be carried on any lot or parcel of land, unless there exists a principal use on such lot or parcel.~~ Accessory use may be carried on any lot or parcel of land, in accordance with the Zoning Ordinance.

Article 4 - District R1 – Residential

Section 4.03 — Accessory Uses, Buildings, and Structures: Accessory uses, buildings, and structures customarily incidental ~~and non-incidental~~ to the principal use or special permit use are permitted but not allowed as primary structures. ~~Accessory Use, Building and Structures may be used during the building period of the primary structure. No accessory buildings without a dwelling will be allowed in R-1 Residential.~~ Housing of horses is as follows: 1.5 acres for one horse, 1 additional acre for each additional horse is required. For lots 60 ft. wide and less, the following setbacks are allowed: 8 ft. side setbacks, 50 ft. front setback, 10 ft. back setback. For corner lots 60 ft. wide or less, the side setback nearest the road shall be 20 ft., provided it does not impede any view from existing houses.

Article 5 - District R2 – Mixed Residential

Section 5.03 — Accessory Uses, Buildings, and Structures: Accessory uses, buildings and structures customarily incidental ~~and non-incidental~~ to the principal use or special permit use are permitted. Housing of horses is as follows: 1.5 acres for one horse, 1 additional acre for each additional horse is required. For lots 60 ft. wide and less, the following setbacks are allowed: 8 ft. side setbacks, 50 ft. front setback, 10 ft. back setback. For corner lots 60 ft. wide or less, the side setback nearest the road shall be 20 ft., provided it does not impede any view from existing houses.

Section 16.01 — Nonconforming Lots of Record:

~~If a nonconforming lot is not large enough to accommodate a dwelling with a septic system, an accessory use building may be allowed.~~ All lot setbacks must be adhered to. ~~No accessory buildings without a dwelling will be allowed in R-1 Residential.~~ Lots 60 feet or less in width shall have side setbacks of 8 feet, back setback of 10 feet, and front setback of 50 feet. Corner lots 60 feet or less in width shall have one side setback of 20 feet, provided it does not interfere with any vision on the corner

Notes:

1. District A – Agricultural - Not needed for Agricultural since Pole Barns would be considered customarily incidental to the principal use.
2. District Commercial & Light Industrial - Not needed since Pole Barns would be considered customarily incidental to the principal use.
3. District I – Heavy Industrial - Not needed since Pole Barns would be considered customarily incidental to the principal use.
- 4.

Board comments: none.

We need to have the Bi-Laws added to the Boards agenda for them to be aware of. We would also like the Language and Repeal of Language added to the Boards agenda for approval.

Linda Schultz motioned to adjourn meeting at 8:15 p.m. Mary Herkner second.

DeAnn DeShane