

**TYRONE TOWNSHIP
BOARD & PLANNING COMMISSION JOINT MEETING
APPROVED MINUTES – APRIL 21, 2015**

CALL TO ORDER

Supervisor Cunningham called the meeting of the Tyrone Township Board to order with the Pledge of Allegiance on April 21, 2015 at 7:00 p.m. at the Tyrone Township Hall.

ROLL CALL

Board Members Present: Supervisor Mike Cunningham, Clerk Keith Kremer, Treasurer Marna Bunting-Smith, Trustees Cam Gonzalez and Chuck Schultz. Absent: David Walker and Soren Pedersen.

Planning Commissioners Present: Mark Meisel, Dave Wardin, Al Pool, Ron Puckett, Bill Wood. Absent: Anne Linder.

Others Present: Township Planner Sally Hodges and Township Attorney John Harris.

APPROVAL OF AGENDA – OR CHANGES

Treasurer Bunting-Smith moved to approve the agenda as amended. (Clerk Kremer seconded.) The motion carried; all ayes.

The modifications are as follows:

Moved New Business #1 before the joint meeting.
Added Joint Meeting #10 Discussion on urban farming.

APPROVAL OF CONSENT AGENDA

Regular Board Meeting Minutes - March 31, 2015
Regular Board Meeting Minutes - April 7, 2015
Treasurer's Report
Clerk's Warrants & Bills

Trustee Gonzalez moved to approve the consent agenda as presented. (Trustee Schultz seconded.) The motion carried; all ayes.

COMMUNICATIONS

- 1. Revenue and Expenditure Report**
- 2. Building Code Effectiveness Grading Schedule Program, March 26, 2015**
- 3. Livingston County Sheriff's Report- March 2015**
- 4. Fire Runs Billed, Fiscal Year 2014-2015**

Trustee Gonzalez moved to receive and place on file Communications #1-4 as presented. (Treasurer Bunting-Smith seconded.) The motion carried; all ayes.

PUBLIC REMARKS

Mary Cafmeyer and Kate Derosier from the Cromaine Library introduced themselves and explained the library's May 5, 2015 ballot proposal.

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[Unknown] said he would like to see the township revise the zoning ordinance to increase the size and number of accessory structures permitted.

BOARD AND PLANNING COMMISSION JOINT MEETING

1. Noise Ordinance.

The Board and Planning Commission discussed the township's approach to its current noise regulations and whether these regulations are better implemented using a regulatory or zoning ordinance. The township's current regulations have been in place since 1996. A comparison chart was provided showing neighboring communities similar to Tyrone Township and how they managed noise regulations. No clear pattern exists. Some have regulations in zoning ordinances, while others utilize regulatory ordinances, or a combination of the two. The pros and cons of the various approaches were discussed. Many communities also include noise regulations in their environmental performance standards, which are most often part of a zoning ordinance. Further, a zoning approach allows noise to be proactively addressed during site plan review, and enforcement by revoking land use permits. Attorney Harris agreed. Either approach works, but the township has existing regulations, has no issues which are grandfathered, and has a diverse rural community with many different zoning districts. This suggests a zoning ordinance approach is currently most appropriate since land use is a factor in determining which regulations apply. It was agreed the current approach provides the regulations needed by the township at this time. It was suggested language be added to the existing regulations to allow obvious noise violations, subjectively determined excessive by a peace officer, to be cited as nuisances.

2. Blight Ordinance.

The recommendations from the Planning Commission were discussed. How to address blighted homes and properties was discussed, with no clear solution identified since these situations are often complex and difficult to solve. Yard maintenance was also discussed. It was pointed out with our diverse community makeup it would be difficult to apply a single standard for something like lawn maintenance. Junk vehicles were also discussed. With the diverse uses in our rural township, including off road only use and restorations, it was cautioned we should be careful about classifying a junk vehicle as one that is not plated or registered. State law does not require registration as part of continued ownership, but rather requires registration to use the vehicle on public property. The existing ordinance will be further reviewed and may be amended to provide improved regulations for blight related concerns.

3. Medical Marijuana amendments for outdoor growing.

The Planning Commission presented its proposed medical marijuana amendments to better align the township's existing regulations with PA 512 of 2012, which took full effect in 2014. The proposed amendments mirror the new regulations pertaining to outdoor growing. The required public hearing has been held and the Livingston County Planning Commission has reviewed the proposed amendments and recommended approval. The board resolved to adopt the amendments.

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**RESOLUTION #150403
TYRONE TOWNSHIP, LIVINGSTON COUNTY**

**TO ADOPT AMENDMENT TO ZONING ORDINANCE #36,
SECTION 21.55 MEDICAL MARIJUANA USES**

The amendment to Section 21.55 Medical Marijuana Uses provides outdoor growing regulations in compliance with Michigan Public Act 512 of 2012.

RESOLVED BY: Trustee Gonzalez

SUPPORTED BY: Trustee Schultz

VOTE: Cunningham, yes; Bunting-Smith, yes; Kremer, yes; Gonzalez, yes; Schultz, yes; Pedersen, absent; Walker, absent.

ADOPTION DATE: April 21, 2015

CERTIFICATION OF THE CLERK

The undersigned, being the duly qualified and acting Clerk of Tyrone Township, Livingston County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution adopted by the Township Board at a regular meeting, held on April 21, 2015, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meeting were kept and will be or have been made available as required thereby.



Keith L. Kremer
Tyrone Township Clerk

4. Land Division and Zoning Ordinance amendment to allow land divisions with greater than 4:1 depth to width ratios when conditions set forth in the Land Division Act are met.

The township periodically encounters land division requests which are reasonable but cannot be granted due to the existing language in the Land Division Ordinance and the Zoning Ordinance requiring depth to width ratios not greater than 4:1. The state Land Division Act permits townships to approve land divisions with greater than 4:1 ratios when certain conditions are met, such as special topography, land preservation, or other situations, as long as those conditions are specified in both ordinances. A current land division request involving a truck road is an example where amendments to permit land divisions with greater than 4:1 ratios would benefit

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certain situations. To adopt such a change, both ordinances must be amended in a coordinated fashion, with specific language included in both. The Board agreed the Planning Commission should proceed with their proposal to amend the township's land division requirements.

5. Outdoor Furnace regulations update.

The Planning Commission gave an overview of the approach still being developed to address outdoor furnace regulation concerns. Some challenges remain, such as setbacks, minimum lot sizes, zoning locations, and EPA regulations being implemented. The approach being developed would focus on avoiding nuisance factors with new installations, and address only nuisance factors for existing furnaces. It was agreed the current approach is in line with the Board's expectations.

6. Regulation vs. zoning ordinances.

A chart was provided comparing regulatory ordinances with zoning ordinances. The key difference is regulatory ordinances are intended to protect the health, safety, and welfare of the public unilaterally by regulating activities, while zoning ordinances tend to deal with land uses and regulations which are location specific, most often related to zoning districts. An important legal aspect of regulatory ordinances is if they regulate location or land use in any way, they are deemed zoning ordinances by the court and if not adopted as such many not be enforced by the court. It was agreed the comparison chart was helpful for our discussions regarding the best way to approach desired regulations in the future.

7. Accessory structures.

There continues to be requests for larger accessory buildings than the township permits in single family residential districts. The desire to maintain single family residential character in those districts was discussed. It was suggested Tyrone Township's approach is no different than neighboring communities. The township permits unlimited number and size accessory buildings in FR and RE, if the lot is large enough. Permitting accessory structures larger than the principle residence goes against sound planning, and can negatively affect the character and value of an area. A percentage of residents will always want a larger accessory building, regardless of the maximum size permitted. The township recently amended its zoning ordinance to permit accessory structures 50% larger than previously permitted. The Planning Commission will be provided summaries of future resident requests for larger accessory structures to aid in future planning considerations.

8. Open space requirements.

The intent and purpose of open space was discussed – maintaining rural character and adjacent property buffering as has been consistently requested by residents in surveys, master plan visioning sessions, and public hearings related to property development. The challenge remains how to best balance the desire and right of land owners to divide their property with the desire to maintain rural character, especially in FR, RE, and R1 districts. The current open space requirements can also be confusing. Open space is the approach currently used by the township

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to manage lot sizes, but the township could also simply increase the minimum lot size for those zoning districts and reduce or eliminate the open space requirement. Attorney Harris cautioned that changing minimum lot sizes in established zoning districts can create conflict and legal issues. The Planning Commission will continue to discuss the township's open space approach and determine if a revised method should be considered by the Board.

9. Referencing and indexing the zoning ordinance.

It was noted recent amendments to the zoning ordinance have not been included in the ordinance index. Former Planning Commissioner Radcliffe had done the index on her own time several years ago. It was agreed an updated index would be helpful. The Planning Commission will discuss options to update the index and advise the Board if they will take this on, or if they recommend it be done outside. Planner Hodges will also provide an estimate for McKenna to provide that service.

10. Urban Farming.

An information sheet regarding urban farming was shared at the table. The Planning Commission will review at a future meeting.

NEW BUSINESS

1. Lake Tyrone sewer project resolution.

**RESOLUTION #150402
TYRONE TOWNSHIP, LIVINGSTON COUNTY**

**A RESOLUTION ADOPTING A FINAL PROJECT PLAN
FOR WASTEWATER SYSTEM IMPROVEMENTS AND
DESIGNATING AN AUTHORIZED PROJECT REPRESENTATIVE**

WHEREAS, the Livingston County Board of Public Works recognizes the need to make improvements to the existing Lake Tyrone wastewater treatment and collection system; and

WHEREAS, the Livingston County Board of Public Works authorized Spicer Group, Inc. to prepare an Amended Project Plan, which recommends the construction of Lake Tyrone Sanitary Sewer Improvements; and

WHEREAS, said Amended Project Plan was presented at a Public Hearing held on April 20, 2015 and all public comments have been considered and addressed;

NOW THEREFORE BE IT RESOLVED, that the Livingston County Board of Public Works formally adopts said Amended Project Plan and agrees to implement the selected Collection System Alternative No. 2 (Upsize collection main and locate in road right-of-way) and the selected Treatment System Alternative No. 5 (connect to Livingston Regional).

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BE IT FURTHER RESOLVED, that the Director of Livingston County Board of Public Works, a position currently held by Brian Jonckheere, is designated as the authorized representative for all activities associated with the project referenced above, including the submittal of said Amended Project Plan as the first step in applying to the State of Michigan for a revolving fund loan to assist in the implementation of the selected alternative.

RESOLVED BY: Supervisor Cunningham

SUPPORTED BY: Clerk Kremer

VOTE: Cunningham, yes; Kremer, yes; Bunting-Smith, yes; Gonzalez, yes; Schultz, yes; Pedersen, absent; Walker, absent.

ADOPTION DATE: April 21, 2015

CERTIFICATION OF THE CLERK

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Keith L. Kremer
Tyrone Township Clerk

2. Property sale offer.

Trustee Gonzalez moved to accept the offer of \$4000 from Richard Thenhaus to purchase Runyan Lake Cove Lot #15, parcel 4704-09-401-016. (Trustee Schultz seconded.) The motion carried; all ayes.

3. Request of the Supervisor to purchase water filter.

The Board requested the Supervisor to seek additional bids for an office water filtration system.

4. Runyan Lake fireworks permit request.

Trustee Gonzalez moved to issue a Display Fireworks Permit to Runyan Lake, Inc. (Treasurer Bunting-Smith seconded.) The motion carried; all ayes.

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5. Request of Treasurer cashier to attend BS&A training for TAX.net.

Clerk Kremer moved to authorize the cashier to attend BS&S training. (Trustee Schultz seconded.) The motion carried; all ayes.

6. PEG grant request.

Treasurer Bunting-Smith moved to authorize the release of PEG fees in the amount of \$29,575.94 to Lake Fenton, Fenton, and Linden Schools for equipment updates. (Clerk Kremer seconded.) The motion carried; all ayes.

MISCELLANEOUS BUSINESS

Clerk Kremer requested topics to include in the upcoming newsletter.

PUBLIC REMARKS

None.

ADJOURNMENT

Treasurer Bunting-Smith moved to adjourn. (Trustee Schultz seconded.) The motion carried; all ayes. The meeting adjourned at 9:48 p.m.