

**TYRONE TOWNSHIP PLANNING COMMISSION**

**MEETING MINUTES**

**July 9, 2013**

**PRESENT:** Mark Meisel, Dave Wardin, Cam Gonzalez, and Ron Puckett.

**ABSENT:** Mike Wood, Deb Lee, and Brenda Wehrli

**OTHERS PRESENT:** Tyrone Township Planner Sally Hodges, Zoning Administrator Vanessa Bader and resident Steve Hasbrouck.

**CALL TO ORDER:** 7:00 p.m. by Chairman Meisel

**PLEDGE OF ALLEGIANCE:**

**CALL TO THE PUBLIC:**

**APPROVAL OF THE AGENDA:**

Gonzalez moved to approve the meeting agenda as presented. (Wardin seconded.)  
The motion carried by unanimous voice vote.

**APPROVAL OF THE MINUTES:**

Gonzalez moved to approve the meeting minutes from June 11, 2013 as presented. (Puckett seconded.) The motion carried by unanimous voice vote.

**CORRESPONDENCE:** None.

**NEW BUSINESS #1:** Review Definitions of "Setback" and "Yard"

Planner Hodges reviewed a proposed amendment to clarify the definitions. She clarified a corner lot has 2 front setbacks, one side, and one rear.

There was discussion on the "open space" language when referencing a yard and that it may be confusing as the term is also used when referring to land divisions. It is not the term when used in land division or an Open Space development. There was also discussion on setbacks from a shared driveway, easement, etc. Planner Hodges was asked to create a diagram showing setbacks from something other than a property line.

**NEW BUSINESS #2:** Review Definition of "Outlot"

Planner Hodges clarified that this meant a small lot at the edge of shopping center or other development.

Chairman Meisel questioned if it would be confusing to someone since we also refer to an outlot in a subdivision or PUD. Zoning Administrator Bader stated there is a different definition for an outlot in our Subdivision Ordinance, so it should be fine to use a different definition here since it is a different ordinance. Planner Hodges will also look at some different words for "outlot" for this situation.

**NEW BUSINESS #3:** Review Two Story Dwelling Unit Minimum First Floor Footage Requirements

This was deferred to the next meeting.

**NEW BUSINESS #4:** Review Shared Driveway Installation Standards Relative to Land Use Permits

Planner Hodges reviewed the current standards and asked if there are issues with this now. It was determined by the Commission and Zoning Administrator that the current policy of requiring the driveway to be installed and approved prior to any Land Use Permits being issued is what they want.

The regular meeting was recessed for the Public Hearing on proposed Zoning Ordinance amendments.

**CALL TO ORDER:** 7:34 p.m. by Chairman Meisel

**READING OF THE PUBLIC NOTICE:** This was waived as the resident in attendance did not require it.

**CORRESPONDENCE:** None

**REVIEW OF PROPOSED AMENDMENTS TO ZONING ORDINANCE #36**

**1) Accessory Structures Reorganization**

Planner Hodges reviewed the amendment and stated there were minor changes and clarifications, but mainly combining the regulations into one section and creating a reference chart.

Resident Hasbrouck asked if a primary structure was still required before an accessory. Answer, yes.

**2) Antenna Regulations**

Changes were made to conform to the Telecommunications Act of 1996 in regards to number and placement of antennas or receiving devices used to receive over-the-air communication.

**3) Cemetery Regulation**

The RE district was added to Section 22.05 to remain consistent with the rest of the Ordinance.

**4) Medical Marijuana**

Planner Hodges said this amendment would be added to Article 21 of the Zoning Ordinance. She said the amendment references dispensaries, should they become legal and we need to regulate them. It also regulates caregivers.

Chairman Meisel clarified that the Planning Commission was only doing what the Medical Marijuana Act allows.

Resident Hasbrouck questioned what would happen if a patient lives with a caregiver. The proposed amendment stated that consumption of patients could not take place at a caregiver's location. The Commission agreed that language should be added to allow a patient to consume medical marijuana if they live at the caregiver's location.

Resident Hasbrouck questioned why caregivers were allowed in the FR district but not RE. The Zoning Ordinance usually allows the same uses in both districts. Chairman Meisel stated that RE parcels tend to be smaller in size and thus, houses are closer together. The FR district allows for various farming practices and growing operations.

Chairman Meisel restated the issues they will look at:

- 1) Look at caregiver operations and patients living with those caregivers.
- 2) Look at allowing caregivers in the RE district.
- 3) Review definition of "enclosed facility" and review the Mt. Morris court case.

**5) Nonconforming Uses and Structures**

There were no comments or questions.

The Public Hearing was closed at 8:27 p.m. and the regular meeting was resumed.

**NEW BUSINESS #5: Review of Zoning Ordinance Section 30.05.B**

It was agreed to add shared driveway, private road, drainage, and open space requirements to the list of site plan requirements needed for issuance of a Land Use Permit.

**NEW BUSINESS #6: Residential Wind Generators**

This item was deferred to the next meeting.

**NEW BUSINESS #7: Review Comments from Livingston County Planning, our Attorney, and the July 9th Public Hearing Regarding the Proposed Zoning Ordinance Amendments**

Chairman Meisel stated these comments were informal as the County Planning Department normally reviews amendments after the Township public hearing, per the Michigan Zoning Enabling Act. The comments were provided to us as a courtesy so we could review them at the Planning Commission level at the hearing. We will receive formal comments after our hearing.

1) Accessory Structures - The County suggested creating a definition for "established edge". The Commission discussed that the intent of the "established edge" of a body of water was the Ordinary High Water Mark and for a wetland it is what the DEQ has delineated as the boundary.

2) Antenna - No comments

3) Cemetery - No comments

4) Medical Marijuana - The County commented that we should check with our legal counsel as to whether or not we can/should conduct an annual inspection of the caregivers operation for annual permit renewal. The County felt the amendment followed the Act and was comprehensive.

5) Nonconformities - The County suggested making a bulleted list showing the ways in which a nonconformity is increased and remove letter reference to letter "f" as there is not one shown.

There were no attorney comments at this time.

The Commission reviewed the medical marijuana ordinance and added language to Section G.1. to allow a qualified patient to consume medical marijuana if they live in the same dwelling as a caregiver. Similar language was also added to Section H.8. The term "residence" was changed to "dwelling unit" so it is consistent throughout the amendment.

**ADJOURNMENT:** The meeting adjourned at 9:37 p.m.

**NEXT MEETING:** August 13, 2013 - Regular Meeting

Respectfully submitted by:  
Vanessa Bader, Recording Secretary