

TYRONE TOWNSHIP PLANNING COMMISSION

MEETING MINUTES

JULY 8, 2014

PRESENT: Mark Meisel, Dave Wardin, Cam Gonzalez, Ron Puckett, Bill Wood, Deb Lee and Anne Linder

ABSENT: None

OTHERS PRESENT: Tyrone Township Planner Sally Hodges and Planning and Zoning Administrator Vanessa Bader.

CALL TO ORDER: 7:01 p.m. by Chairman Meisel

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC: None present

APPROVAL OF THE AGENDA:

Gonzalez moved to approve agenda as presented. (Lee seconded)

Chairman Meisel noted that the land division under New Business #1 would no longer be discussed at the meeting.

Gonzalez moved to amend the previous motion to approve the agenda as amended. (Lee seconded)

The motion carried by unanimous voice vote.

APPROVAL OF THE MINUTES:

Lee moved to approve the May 13, 2014 minutes (Linder seconded)

June 10, 2014 - Line 37, "county" should be "country".

Gonzalez moved to approve the June 10, 2014 minutes as amended. (Wardin seconded)

The motion carried by unanimous voice vote.

UNFINISHED BUSINESS #1: Open Space Requirements

Planner Hodges reviewed some possible changes based on the discussions at the last meeting.

She added definitions for "development" and "developable" area and clarified that open space was based on the "development area", not the entire "developable area".

Zoning Administrator Bader commented that the calculations do not seem any simpler and it appears you still have to "back in" to get the net acreage and "net" is not clearly defined.

Wood asked if this applied to businesses also. Planner Hodges stated this calculation was just for residential splits, not for commercial or residential developments. There was discussion on why we have this requirement. Planner Hodges, the Zoning Administrator, and Wardin stated we are the only community in the area that requires this for single lot splits.

Gonzalez asked if there was a State requirement for open space like this. Zoning Administrator Bader replied no. Chairman Meisel read Section 203 of the Michigan Zoning Enabling Act where it states, "A zoning ordinance shall be based upon a plan designed to promote the public health,

safety, and general welfare, to encourage the use of lands in accordance with their character and adaptability, to limit the improper use of land, to conserve natural resources and energy, to meet the needs of the state's residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to ensure that uses of the land shall be situated in appropriate locations and relationships, to avoid the overcrowding of population, to provide adequate light and air, to lessen congestion on the public roads and streets, to reduce hazards to life and property, to facilitate adequate provision for a system of transportation including, subject to subsection (5), public transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements, and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties. A zoning ordinance shall be made with reasonable consideration of the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development.” He noted township residents have overwhelmingly expressed their desire to maintain a rural community character through several surveys, master plan visioning sessions, and ballot initiatives during the last two decades. Requiring open space when dividing residential parcels has been the mechanism Tyrone Township has utilized to maintain desired density and to minimize development inconsistent with the MZEA mandate and the desires of our residents. Rather than use open space we could simply require larger minimum lot sizes but open space was chosen as this also protects natural resources and provided buffers between properties.

There was a lengthy discussion on whether or not open space should be required and the best way to achieve it. Wardin noted that the State law requires us to have an open space option, but we do not give anyone the option since all of our development and land split options require open space.

Puckett did not agree with the 25% open space and felt it was taking too much land from the owner.

There was discussion on requiring open space or increasing the minimum lot size. If open space is required it can be placed almost anywhere on a parcel and it can be made contiguous with open space on other parcels.

Wood gave the example of a 100 acre parcel that someone wants to divide into 2 acre lots. Aside from roads and other infrastructure, 25% is unusable for open space. He asked if it would be possible to take that 25% and spread it over all the new parcels, thus creating larger lots and each lot would then maintain their own open space. He thought it the area may look better since some open spaces in developments are just left to become overgrown and sometimes unattractive.

The regular meeting was recessed for the scheduled public hearing. It was delayed from 7:30 due to no public in attendance.

The public hearing was opened at 8:13 p.m.

Lee moved to waive the reading of the public hearing as there was no public in attendance.

(Gonzalez seconded)

The motion carried by unanimous voice vote.

Definitions

- Section 2.01-Regulated facade-added the new zoning districts PCS, PCI, and PIRO.

- Section 2.01-Setback and yard-made clarifications from where measurement are taken.
- Section 2.01-Outlot-it was decided a definition was not needed.
- Section 2.01-Satellite dish-changed dimensions
- Section 2.00-Abutting and adjacent-excluded across US 23.

Land Use Permits

- Section 21.25-Require open space to be shown on permit application.
- Section 30.05-Require plans for shared driveways and private roads.

Planned Commercial Industrial

- Article 13A-new zoning district to coincide with the Master Plan.

Country Store

- Section 26.05-Add language to coincide with the Master Plan on allow an exclusion for an existing use.

Noise

- Section 21.16-Added actual time restrictions, times for fireworks, and certain exclusions such as gun fire and emergency systems/vehicles.

Temporary Uses

- Section 21.31-Added temporary and seasonal outdoor sales which includes fireworks.

Easements and Private Roads

- Sections 24.03.P and 24.06.D-swap language to correct language for easement width.

Sewer System Requirements

- Sections 12A.04, 16A.03, 13A.04-clarified language to say "public sewer system" instead of "treatment facility".

Public Comment-None

Planning Commission and Planner Comments-None

The Public Hearing was closed at 9:07 p.m.

The regular meeting resumed at 9:07 p.m.

UNFINISHED BUSINESS #1: Open Space Requirements (continued)

Planner Hodges stated there has been a lot of debate on this topic and suggested we think about it for a month. She will bring some other options to discuss next month.

Wardin mentioned he wants to see the Ordinance make sense and all the sections with open space to be the same. He also noted that our OSP development option should comply with the Zoning Enabling Act. (note – the current OSP regulations pre-date the MZEA)

NEW BUSINESS #2: Discussion and recommendations to the Township Board for zoning amendments

Gonzalez moved to recommend the zoning amendments to the Township Board for approval and to forward them to the Livingston County Planning Commission for review and comment. (Wardin seconded)

The motion carried by unanimous voice vote.

ADJOURNMENT: The meeting adjourned at 9:47 p.m.

NEXT MEETING: August 12, 2014 - Regular Meeting

Respectfully submitted by:

Vanessa Bader

Zoning Administrator