

TYRONE TOWNSHIP PLANNING COMMISSION

**MEETING MINUTES
OCTOBER 28, 2014**

PRESENT: Mark Meisel, Cam Gonzalez, Deb Lee, Anne Linder, and Dave Wardin

ABSENT: Ron Puckett and Bill Wood

OTHERS PRESENT: Tyrone Township Planner Sally Hodges, Terri Medor, and 3 guests.

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

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC: No comments were received

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

None

OLD BUSINESS #1: Review proposed Beautification and Noise regulatory ordinances and provide comment to the Township Board.

Noise Regulatory Ordinance Discussion

Chairman Meisel informed the Planning Commission after the last Planning Commission meeting he received additional feedback and agreed the language we had submitted for the zoning ordinance amendment was potentially confusing. He also discussed the noise regulations with Clerk Kremer. He reviewed a proposal which restructured the amendment language by moving the fireworks related items to the exclusions section since that was the purpose of their inclusion. He provided the proposal to Clerk Kremer as a means of compromise. The Township Board amended their meeting minutes to indicate there may have been some confusion but the noise amendment language was adopted. Chairman Meisel asked if the restructured language was acceptable to the Planning Commission since it addressed misinterpretation concerns but did not change the amended language's effect. All agreed the revised language was acceptable and the zoning ordinance should use this language as part of the amendment updates

Regarding regulatory ordinance versus zoning ordinance language and the regulations to be included in each, pros and cons of using sound level measurements (dBA) were discussed. Zoning Ordinance regulations can generally better address different standards for residential, farming, or commercial districts. Chairman Meisel provided a recently received letter from the township's attorney solicited by Supervisor Cunningham. Planner Hodges was surprised by the attorney's comment that he did not find noise regulations in our neighboring communities' zoning ordinances. She noted most zoning ordinances have environmental performance standards, which include noise, just as we do. She suspects he did not look in the right place. She stated some noise regulations are needed in the zoning ordinance to address different building types, different land uses, different setbacks, different insulation or building materials, and different noise

performance standards and district expectations as a result. Regulatory ordinance language is most effective for existing complaints and is most often reactionary. Zoning ordinance language is most effective for preventing complaints and requiring compliance as part of a site plan or use approval. The two attorneys on the Planning Commission were not sure a dBA measurement was required to be enforceable. Planner Hodges also noted language indicating noise is excessive subjectively can be found in other communities and is often enforced. It was agreed any noise ordinance language needs to include the required exceptions for fireworks noise, and a provision for “excessive noise” should also be defined and included. The Planning Commission’s two attorneys questioned if a regulatory ordinance was truly needed. Residential noise complaints are often best resolved in court as civil litigation matters. Wardin stated 21.16 Performance Standards need to remain. He did not think a regulatory ordinance was needed. Lee stated civil litigation was the best remedy for neighbor complaints and that the Township should stay out of those matters. Wardin noted gravel pits are a good example in support of noise regulations being needed in a zoning ordinance. The Planning Commission recommends the existing zoning ordinance language be retained with additional language added to address “excessive noise” and instead of a regulatory ordinance, those matters could be handled through civil litigation by the parties affected. Chairman Meisel agreed to summarize the noise discussion and provide comments to the Township Board.

Beautification Ordinance. Nonconformities should be complementary between regulatory and zoning. The proposed amended ordinance strikes out reference to the authorizing public act. It is Planning Commission’s opinion any empowering public act should be stated to demonstrate the regulations are defensible. Section 3A – discussed potential negative effect of requiring vehicles to be licensed. We live in a rural community and people often repair or restore vehicles. There is a difference between “junk” and something being repaired and intended to be used. It was suggested “abandoned” might be a better term than junk, as this shows the intent is not to have the vehicle operational in the future. Restorations can take several years – is the intent to repair the vehicle or is it simply abandoned onsite and no repairs are planned? A vehicle without a license plate may be fully operational. All agreed “junk” needs to be better defined and a license plate should not be required. Possession of a valid title might be a better standard. Section 3.B.2 should be stricken since the same effect is present in Section 3.B.1. It was also noted in Section 3.B.3, as the sentence is constructed the first word “Used” states any used appliance is junk by definition, which is clearly not the intent. “Used” should therefore be stricken. Section 3.B.6 – a valid land use permit is not required, a land use waiver is required. Section 3.B.4&7 – it is suggested these be combined as they are similar. Section 3.F – General comment – a dwelling by definition is a residence. Any residence is required to have sewage disposal facilities approved by the health department to obtain an occupancy certificate, therefore 3.F is not needed. Section 3.G – This is also an occupancy certificate requirement and not a blight standard, and therefore is not needed.

It is recommended the ordinance name be changed to reflect what its purpose is – Blight, not Beautification. There was discussion about some communities requiring yard maintenance and/or grass cutting. Tyrone Township is rural, with vastly different yard conditions. Rather than having a grass cutting standard it was recommended a standard such as “existing grass which is intended to be maintained” be used to differentiate areas or lots which have yards with existing yard grass which is being unreasonably neglected. Linder agreed to summarize the blight ordinance comments for review and forwarding to the Township Board.

Old Business #2, Open Space Discussion, was postponed until more time for the expected lengthy discussion was available.

New Business #1: MMMA Outdoor Grow Facility Application

Meisel and Linder updated the Planning Commission on the pre-application meeting held with the representative of the previously identified grow facility in our township. We are unsure if they will apply for the required special land use permit for 2015. It was noted a comprehensive list of information required for an outdoor grow facility was developed and provided to the applicant. Meisel noted we likely should amend our existing MMMA compliant language to address the most recent amendment to the MMMA which provides standards for outdoor grow facilities since our existing regulations do not anticipate outdoor growing. This will be addressed as a future meeting topic. Grow facilities are currently restricted to FR/RE zoned parcels. In response to a question, per the MMMA we cannot require a grow facility's primary caregiver to disclose their qualified patients.

MISCELLANEOUS BUSINESS: Planning and Zoning Administrator's Report

None provided.

MISCELLANEOUS BUSINESS: Other Business Items

None

MISCELLANEOUS BUSINESS: ZBA Report

Meisel advised an appeal for a second detached accessory structure on Lake Tyrone was on the December agenda. The Planning Commission remains concerned allowing such a situation creates conflicts with our zoning standards.

ADJOURNMENT: The meeting adjourned at 9:55 p.m.

NEXT MEETING: November 11, 2014 - Regular Meeting & Public Hearing

Respectfully submitted by:
Terri Medor
Deputy Clerk