

**TYRONE TOWNSHIP PLANNING COMMISSION
APPROVED SPECIAL MEETING MINUTES
May 10, 2016 7:00 p.m.**

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

ABSENT: Anne Linder and Al Pool.

OTHERS PRESENT: Tyrone Township Planner Sally Hodges, Tyrone Township Planner Brian Keeseey, Tyrone Township Zoning Administrator Ross Nicholson.

CALL TO ORDER: 7:00 pm by Chairman Meisel

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC: 7:02 pm
No comments

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

Wardin moved to approve the April 26, 2016 minutes as amended. (Gonzalez seconded) The motion carried by unanimous voice vote.

OLD BUSINESS # 1: Open Space Requirements and Calculation Method (7:06 pm)

Tyrone Township Planner Brian Keeseey opened the discussion by recalling during last meeting the discussion on open space requirements and calculation methods focused on the Farming Residential (FR) zone, this discussion focuses on Rural Estate (RE), Single Family Residential (R-1), and Single Family Residential (R-2). Keeseey continued to go through the memo explaining the example minimum lot area requirements for each of the zoning districts (beginning with RE), and presented maps which showed the existing nonconforming lots as well as the nonconforming lots that would be created if the example lot area requirements were adopted. Chairman Meisel pointed out the majority of existing nonconforming lots in the residential zoning districts are a result of cluster development. Bill Wood then asked how many of the nonconforming lots shown on the maps have already been developed. Keeseey responded that all of the nonconforming lots shown on the maps are currently developed, adding that less than 1% of lots in the RE district are nonconforming. Chairman Meisel then stated the proposed changes in the RE district would likely result in very few new nonconforming lots. Ron Puckett stated there would be far less of an impact in terms of nonconformities in the RE zoning district than there would be in FR, if the proposed changes were made. Chairman Meisel commented that development in FR appears to be developing as though it is zoned as RE, which is an issue that will need to be addressed in the new Master Plan. Tyrone Township Planner Sally Hodges added the reason for such residential development is the location of Tyrone Township is directly between two rapidly developing areas, Fenton and Hartland. Chairman Meisel then brought up the issue with the rapidly expanding residential development is that it is spilling over into the FR

district, which is meant to be kept more rural and spaced out. This is another item that must be discussed when developing the new Master Plan.

The discussion then moved on to the R-1 zoning district. Keesey begins by stating that about 20% of the area in the R-1 district is currently nonconforming, and the next size up (in terms of increasing the minimum lot size requirements) would result in doubling the number of nonconforming lots in the district. He continued by stating that this proposed increase in minimal lot size would make many new nonconforming lots, making it the opposite of the FR district. Chairman Meisel added that the clusters of development are primarily a result of population spillover from the city of Fenton. Planner Hodges then stated that there is hardly any land in the R-1 district that is not already developed, and there would be very little to gain from increasing the minimum lot size.

The last district to be discussed was the R-2 district. Keesey opened the topic with a map showing virtually no development, and stated that this zoning district is essentially a blank slate. Chairman Meisel stated that the entire R-2 district is currently undeveloped, and it is difficult to propose changes for it until a development proposal has been made. The bodies of water may encourage more spaced out development than the R-1 district, but it is hard to determine a plan until more information is available.

The item closed at 7:35 pm

Public Hearing Item #1: Supplementary Shoreland Regulations (7:38 pm)

Chairman Meisel opened the discussion by stating the purpose of the item is to prevent the overdevelopment of shoreland areas. The current schedule of regulations in the Zoning Ordinance relies heavily on footnotes. The reason for this proposed amendment is to attempt to clean up the Zoning Ordinance, consolidating information so it will be easier to locate and reference. If the changes are adopted, some footnotes would still exist, but the shoreland regulation information would be much easier to find.

Chairman Meisel then opened the discussion to the public, welcoming comments and concerns. A comment was received suggesting that the section should include regulations on the number of boats and trailers allowed at each private residence. Chairman Meisel replied that it is not an issue that the Township currently intends to regulate. He suggested that if there is a particular residence which they believe is providing docking for boats they do not own they should contact the Livingston County Sherriff's Department. If a boat in on a person's property that is not registered to the owner of the property, the Sherriff can take enforcement action. He explains that every body of water in Michigan is subject to all state laws and regulations, even if it is private. Planner Hodges then brought up a line in the document which stated that only residents of a property are allowed to use their dock, and questioned if that meant that not even another resident on the same lake could moor a boat while visiting. Chairman Meisel replied the official legal definition of "use of a dock" is mooring a boat to it. Dave Wardin then added that the definition should be more clearly stated in the ordinance.

The item closed at 8:10 pm

Public Hearing Item #2: Exotic Animal Ordinance (8:11 pm)

Brian Keesey opened the discussion by going through the proposed changes for exotic and wild animal regulations in the Zoning Ordinance. He read through the definition section of the memo, explaining the minor wording changes that would be made. Chairman Meisel then brought up the topic of review and renewal for a special land use permit, whether it should be reviewed annually or otherwise. Keesey stated that the United States Department of Agriculture (USDA) will periodically visit the site to ensure that it is in compliance with their standards and regulations, but they will not contact the township after each inspection. The information will be available to view online. Keesey then continued to go through the definitions section.

Chairman Meisel then opened the discussion to the public, welcoming comments and concerns. A question was received inquiring about whether the ordinance would allow any resident to own any type of exotic animal if the ordinance is approved. Chairman Meisel responded that the changes to the ordinance are complicated, but ultimately the type of animals allowed would be determined by USDA approval, the type of enclosures that would be required for specific types of animals, common sense, and etcetera. A concern was then brought up by the audience that a 50 foot setback for enclosures would be way too small, and any animal larger than 50 pounds should require a larger setback requirement. Chairman Meisel addressed this concern by explaining that each species have different and unique characteristics. Each animal must be determined on a case to case basis, and the USDA does not allow the keeping of nuisance animals. Another question was received by the audience that inquired about whether or not anyone on the Planning Commission has actually visited the site of Supe's Exotic Jungle to see what type of work is being done. Chairman Meisel responded that the Planning Commission is not currently stopping by the site, and that any changes being made to the operation should be reported by the property owner to Tyrone Township. Any changes that are currently being made without approval by the Planning Commission could impact the consideration of a special land use permit. Chairman Meisel then reminded the audience that the purpose of this public hearing is to discuss the exotic animal ordinance, not individual violations. Planner Hodges then brought up the section regulating animal enclosure setbacks. She pointed out that the ordinance currently only regulates the distance an enclosure must be from a primary residence or other building, but not from the property lines. She mentioned that the property line setbacks for animal enclosures should also be included in that section, and that the setbacks for exotic animals may not be the same as that which is required for common farm animals. Cam Gonzalez suggested that the setback requirements should be for the primary enclosure, but not necessarily the secondary fence. Chairman Meisel responded that that the fencing used for containing an animal is also considered the enclosure, and the wording in the ordinance should clearly reflect that. Chairman Meisel then brought up the issue of capitalizing the word "Animal" in the ordinance to specify that the term is referring to the specific exotic or wild animals referenced, so as to avoid confusion with other animals such as household pets.

Item closed at 8:51 pm.

Public Hearing Item #3: Nutt Home Occupation Application (8:53 pm)

Sally Hodges began the discussion by going through the memo, stressing the fact that there will need to be more information provided by the applicant before any decisions can be made. (note – the applicant was not in attendance) Ultimately, the Planning Commission will need to wait until more information is received before proceeding with the issue.

Chairman Meisel then opened the discussion to the public, welcoming comments and concerns. The audience brought forth several concerns regarding the selling of firearms from a residential dwelling, specifically the aspect of security. Chairman Meisel responded by stating that Federal Firearms Licensing (FFL) requirements are determined and enforced completely through the federal government, yet FFL certification still requires local approval. The Planning Commission needs to first focus on the issue of suitability, then the federal government reviews the FFL application. The audience then added that extreme security measures, such as barred windows and CCTV security cameras, should be taken in order to make the home business suitable for the community. Planner Hodges responded to the audience that the two most recent home occupation applications for FFL dealerships were approved with much fewer security measures taken; the only difference was that they were located in the FR district; therefore they had larger lot sizes. Chairman Meisel concluded that there will need to be much more information provided before the discussion can move on or any decisions can be made. The discussion closed at 9:27 pm. The public hearing was closed at this time.

NEW BUSINESS # 1: Nutt Home Occupation Application (9:27 pm)

Chairman Meisel stated it has been determined that the application is largely incomplete, and should be tabled until more information is received. Gonzalez motioned to table, Wardin seconded. The motion passed by unanimous voice vote. Item closed at 9:28 pm.

NEW BUSINESS # 2: Exotic Animal Ordinance Text Changes (9:28 pm)

Chairman Meisel opened the discussion clarifying that the proposed text changes consisted of specifying that the word “animal” should be clearly referring to those specific types of animals included in the exotic animal ordinance. Planner Hodges replied that the section was clear as it was previously written, and it would hold up in court. Chairman Meisel then clarified that there should be a change in the setback requirements, specifically that animal enclosures should be located at least 50 feet from the home and all property lines. Chairman Meisel inquired about whether there should be anything added to the ordinance regarding fences. Planner Hodges replied that any fences would still need to meet the current residential zoning regulations of a maximum height of 6 feet, and any fences taller than 6 feet would be considered an enclosure and would need to be at least 50 feet from the property lines. Chairman Meisel asked if there were any more suggestions as far as wording changes. Planner Keesey replied that there still needs to be clarification on permit renewal timeframes. Chairman Meisel stated that new wording for permit renewal would need to be determined. Dave Wardin suggested that the permit should be renewed within 30 days of USDA certification renewal. Chairman Meisel responded that it would be better if there was a standard date for all related permit renewals to make them easier to keep track of for the Zoning Administrator. The item closed at 9:53 pm.

Chairman Meisel referenced the agenda and stated that the Planning Commission has completed the public hearing and suggested the remaining items, New Business 4, 5, and 6, should be tabled given the late hour. Wardin motioned to table, Pucket seconded. The motion passed by unanimous voice vote.

MISCELLANEOUS BUSINESS:

- 1) Planning and Zoning Administrator's Report: No
- 2) Other Business Items: No
- 3) Township Board Actions: No

- 4) ZBA Report: No
- 5) Future Items: N/A
- 6) Correspondence: N/A

ADJOURNMENT: 10:02pm

**Respectfully submitted by:
Ross Nicholson
Planning and Zoning Administrator**