

Approved by: _____
Larry Grunn, Chair

**MARION TOWNSHIP
2877 W. Coon Lake Rd., Howell MI 48843
PLANNING COMMISSION
REGULAR MEETING MINUTES
OCTOBER 24, 2017
7:30 P.M.**

MEMBERS PRESENT: LARRY GRUNN, CHAIR; BOB HANVEY; BRUCE POWELSON, VICE CHAIR; CHERYL RANGE, SECRETARY; CLAIRE STEVENS

MEMBERS ABSENT: NONE

OTHERS PRESENT: DAVE HAMANN, ZONING ADMINISTRATOR; JOHN ENOS, PLANNER WITH CARLISLE WORTMAN

CALL TO ORDER

Larry Grunn called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. John Enos with Carlisle Wortman introduced himself.

APPROVAL OF AGENDA

October 24, 2017 Regular Meeting Agenda

Cheryl Range motioned to approve the agenda as submitted. Bruce Powelson seconded. **Motion carried 5-0.**

APPROVAL OF MINUTES

September 26, 2017 Regular Meeting Minutes

Bruce Powelson motioned to approve the minutes as presented. Cheryl Range seconded. **Motion carried 5-0.**

CALL TO THE PUBLIC

No response.

OLD BUSINESS

1) Nuisance/Noise Ordinance Update – requested by the Township Board

Cheryl proposed language:

"The purpose of this ordinance is to secure public health, safety and general welfare and to deter loud noise and disturbances to the peace, quiet and comfort to the residents and property owners of the township by any person, their possessions, or owed animal.

(Please apply, include and review township nuisance definition. Article III – pg. 3-15)

It is recommended:

- A) Offended party to peaceably contact the offender to discuss/inform of said issue.*
- B) Notify the township by a written complaint (containing information of: who, want, when, where)*
- C) In the case of the unreasonable resolve, after a possible site visit by township authority a further resolution may be attempted by:
 - 1) Board of Trustee show cause hearing.*
 - 2) Contacting township attorney*
 - 3) Other possible agencies relating to the situation and issues involved.”**

Bob is concerned about how we are going to enforce this noise ordinance. John Enos said that typically the Planning Commission doesn't work on general ordinances but he thinks this is workable language. Bob asked if we should include a fee schedule or a list of punishments to go with the language. John Enos said that the judge will determine any fees and possible punishments, so Marion does not have to include anything regarding these items in the language.

Bob Hanvey motioned to send the definition along with the proposed language to the Board of Trustees for approval to send to Carlisle Wortman. Cheryl Range seconded. **Motion carried 5-0.**

2) Review Landscape Supply/Operation Proposed Ordinance – requested by Township Board

The new proposed language for Landscape Operations and Contractor Yards was presented to the Planning Commission. John Enos explained that ordinances are constantly changing and evolving. Every city/township is different and has different rules and regulations. We need to better clarify what a greenhouse, nursery and farm related nursery are. We need to state that Marion does allow residents/business owners to run these types of operations, but they must go through a site plan review process first. This new Landscape Supply/Operation ordinance is for large companies that currently exist or are planning to move to the township. This is not for the small home-based businesses. Eddie's Greenhouse is not in an industrial zoned area, so he is currently operating as an existing, non-conforming business. John asked how many employees business owners are allowed to have when operating out of their home. Dave Hamann stated that the owner can only employ people that reside working at that address; once someone who resides outside the home is hired, then they have to apply for a special use permit. Les Andersen stated that any and all of these business owners need to buy acreage in an industrial or commercial zoned area to store any business related equipment and it should NOT be stored in a rural residential area. Bob asked if it was ok that the language was allowing residents to operate their business in light industrial areas, even though Marion Township currently does not have any light industrial areas left for sale/use. John Enos said that it is acceptable to allow business owners to operate their business in light industrial zoned areas, even if Marion Township does not have any light industrial areas available at the time.

Cheryl Range motioned to have a public hearing regarding the new language for Landscape Supply/Operations and Contractor Yards on November 28, 2017. Claire Stevens seconded. **Motion carried 5-0.**

3) Review Outside RV/Boat Storage Ordinance – requested by Township Board

Marion Township had Carlisle Wortman put together proposed language that would allow residents to store and maintain boats, RV's, and other "fun" equipment. Marion is also allowing residents to have a storage facility on the property as well. These businesses must be located in a highway service area if they wish to store, maintain and repair this kind of equipment. John Enos said that they will change the ordinance so it allows storage facilities to do repairs as well as store and maintain. They will also change the Section number in C-1 to reflect the correct ordinance that pertains to lighting requirements. D-2 needs to state that the fencing will be dependent on screening and the required setbacks may be reduced or modified. John Enos will make the necessary changes and adjust the language. Bob Dymond attended the meeting to make sure that he was in compliance with his business "McGowan's Mini Storage." John Enos believes that he is compliant with the new proposed language.

Cheryl Range motioned to have a public hearing for Vehicle storage and RV repairs on November 28, 2017. Claire Stevens seconded. **Motion carried 5-0.**

NEW BUSINESS

1) Mugg & Bopp's Special Use Set Public Meeting for 11/28/2017

Bob Dymond said when Bella's expanded, he spoke with Mike Crain about separating the ingress from the egress. He said it was not in the budget at that time. Bob Dymond is concerned that there will be more traffic with a gas station there. Bob Hanvey said Mugg & Bopp's will be required to follow the DEQ laws and gas station requirements. They will also have to follow regulations enforced by the Livingston County Road Commission. Bob Dymond also shared that he filed a complaint with the Drain Commission about the drainage issue that is dumping water on his property. He believes that it is their responsibility to make sure that things are draining properly and not causing issues for other property owners. Bob Hanvey said that the Road Commission and the Drain Commission will discuss all possible issues regarding the Mugg & Bopp's gas station.

Cheryl Range motioned to have a public hearing for Mugg & Bopp's Special Use Permit on November 28, 2017. Bruce Powelson seconded. **Motion carried 5-0.**

2) Review Planning Commission Ordinance Work List and Prioritize

Cheryl Range sent an email to Dave Hamann on October 16, 2017 listing these topics for the Planning Commission meeting:

Parks and Rec. Ordinance & Lake Ordinance:

Cheryl Range asked if we could have a more general yet specific line added for moral conduct behavior as well. For EXAMPLE:

- Anything that offends public decency or morality is prohibited.
- At the end of the ordinance, do we need to have the dates inserted for the Livingston County Clerk and Township?

Lake Ordinance:

Cheryl Range proposed to add a line; "To unlawfully interfere, obstruct, or render dangerous passage to a lake or canal to ensure safe entryways." Cheryl also asked if these ordinances would cover Coon Lake, Cedar Lake and Triangle Lake as well. Bob Hanvey said that we have to make sure that we consider the size of the lakes in comparison to the population. Dave Hamann suggests combining the Triangle Lake general ordinance and the Boating general ordinance into the Lake general ordinance and we could call it "Watercraft."

Cemetery Ordinance:

Cheryl Range asked if we could mention fines for inappropriate/disruptive behavior that destroys/defaces markers and/or sites. Bruce Powelson mentioned that there are state laws pertaining to cemeteries, so is it still necessary to create an ordinance pertaining to them as well?

Motor Braking General Ordinance:

Les Andersen said that the Board of Trustees requested that the Planning Commission create language for a Motor Braking General Ordinance. Cheryl Range prepared possible language for this ordinance:

"An ordinance to ensure appropriate and considerate operation, at all times, of large diesel (tractor trailer), truck vehicle (s) on any Marion Township R/R roadway. If said truck vehicle(s) has repurposed (now defected) exhaust system, legally modified system, straight pipes, bypass or amplified systems or similar sound devices resulting in the excessive loud, unusual or explosive noise levels which exceeds general noise limits (established in Articles 17.09 D5, 17.13 E9, 17.24 E2, 17.257 C1D) ; or the operator uses motor braking (compression released motor braking) ; a violation of any provision of this ordinance is a misdemeanor (according to Section 6251C of MI Vehicle Code 1949 PA 300, MCL 257.625) and can carry a fine of \$200.00 - \$500.00 per charged offense."

Larry Grunn suggested to take out "tractor/trailer" because that is actually already considered a "large diesel." Cheryl Range recommended that the Board of Trustees determine fee if this ordinance is violated. John Enos said that you could add a Township Fee Schedule to the ordinance and have police officers enforce these fees or you

can just let the judge decide the dollar amount. Either option would work. Bruce Powelson would like to change the word "defected" to "modified". Bob Hanvey suggested to remove "R/R" from the language.

Cheryl Range motioned to type up this language with these requested amendments and send it to the Board of Trustees for review. Claire Stevens seconded. **Motion carried 5-0.**

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Claire Stevens motioned to adjourn the meeting at 9:30 p.m. Larry Grunn seconded. **Motion carried 5-0.**