

Colfax Township, Weldon Township and Village of Thompsonville
Community Joint Planning Commission
14714 Lincoln Avenue, Thompsonville, MI 48683
Meeting Minutes – February 16, 2013

The meeting was called to order at 11:00am by Sue Meredith followed by the Pledge of Allegiance.

Present at roll call: Jack Richter, Shelley Greene, Peggy Minster, Sue Meredith, Bryan Matthews, Debra Franke and Eugene Allen. Absent: Marty Lonn and Don Suchocki (excused). Pat Workman arrived at 11:30am. Guests: Mark Eidelson, Craig Meredith, Ron Evitts, Irene Dunham Thayer and Charles Syer.

Citizen Matters. None.

Public Comment. None.

Agenda Additions/Corrections. Greene: add election of officers and Zoning Administrator effective date. Motion by Minster, seconded by Franke to approve. Ayes: all, motion carried.

Approval of Minutes. Motion by Franke, seconded by Richter to accept the January 3 meeting minutes. Ayes: all, motion carried.

Joint Zoning Ordinance. Mark Eidelson of LANDPLAN thanked the JPC for the opportunity. He covered several foundation points for developing the zoning ordinance. He stressed detail is important; everything must be read. Materials for the next meeting will always be provided well in advance to allow ample review time. Coming to a meeting unprepared may result in delays or additional project cost. He is here to serve the JPC and may challenge a change the JPC wants, especially on a point of law, to ensure we are fully informed in reaching a decision. Lastly, zoning can be complicated; he will make it as simple as possible and encourages questions. Email questions are welcome if the issue is brief.

Eidelson reviewed project tasks for a common understanding; each builds on the other. Three orientation meetings are intended to gather input for the draft ordinance. A near complete draft should be available in approximately six months. Eidelson suggested the JPC meet on its own to discuss/flag items in the initial draft, and then meet with him. Regarding project cost, based on 2.5 hour meetings, he addressed public comment and its implications on meeting productivity. The JPC understood the need for a balance. Eidelson noted the importance of the Zoning Administrator's involvement in the process.

Eidelson reviewed orientation material. The JPC agreed with suggestions and layout concerning Ordinance Organization and Page Format. Administrative Issues (12 total) were discussed next. For a common understanding, Eidelson explained differences between a zoning ordinance and the county building code. Zoning regulates building placement or number of parking spaces; a building code regulates construction requirements.

1. "Zoning Permit" versus "Land Use Permit." A Zoning Permit shows compliance with the ordinance; it is presented for a Building Permit. Weldon Township uses a Land Use Permit for official authorization of approval. The JPC agreed to use the term Zoning Permit which correlates to the zoning ordinance. C. Meredith stated the county will adopt a building maintenance code to address properties in disrepair. Eidelson will verify the joint zoning ordinance (JZO) need not address it; the county can take action.

2. Source For and Submittal of Zoning Permit Applications. The JPC agreed the Zoning Administrator shall provide zoning permit applications and other applications and also receive the completed applications.

3. Limitations on Zoning Administrator Authority for Plan Approval. Under Weldon's zoning ordinance, the Zoning Administrator has authority to approve single family dwellings and all other types of land use. Eidelson stated other communities prefer a larger body to officially participate in the review process for the betterment of the community. The JPC agreed to the recommendation of generally limiting the Zoning Administrator's approval to single and two-family dwellings, accessory uses and buildings thereto and exceptions that may be identified.
4. Plot Plan versus Site Plan. Eidelson described a plot plan typically as a simple, lower cost drawing associated with a single family dwelling while a site plan is the term frequently used with complex, more costly drawings for industrial, commercial, multi-family residential and institutional uses. Distinguishing use of the two terms should lessen confusion and make requirements clear. The Zoning Administrator would approve plot plans; the JPC would approve site plans. The JPC agreed to use these descriptors.
5. Site Plan Approving Body. Eidelson presented a scenario where the JPC could make a recommendation for a site plan to a legislative body; the body could then make the final decision. However, he said it is not recommended with a joint planning commission in place. Franke felt the JPC should make these decisions; its members were appointed to do so. Richter presented an example where the JPC could approve a business' site plan but it may be contrary to what that municipality wanted. He felt its board should have a say in approving site plans especially if it is controversial. Minster stated the use would be controlled by the ordinance. Greene felt use of property can't be denied if it is zoned for that use. Eidelson agreed and cited the Zoning Enabling Act which prohibits restricting lawful land use if there is an appropriate location and demand for that use. The master plan identifies land use, and standards and controls can be established in the zoning ordinance; prohibition equals risk. S. Meredith asked if a site plan can be appealed if denied. Eidelson said yes and, conversely, the neighbor could appeal to the ZBA if it was approved. The JPC agreed it should be the approval body for site plans.
6. Application Requirements for Dwellings. C. Meredith provided Weldon application and checklist info. Eidelson gave examples of other communities' requirements on surveys and drawings and the implications. Minster asked what he recommended. He felt a scaled drawing is sufficient and leave it to the Zoning Administrator's discretion to require a certified survey if necessary to competently perform duties. C. Meredith explained the staking process at Crystal Mountain and that scale drawings elsewhere that are sometimes inadequate. Extensive discussion on denial of a zoning permit if property owner does not meet ordinance requirements; the ZA can also assist the owner help meet requirements. Eidelson stated the Zoning Administrator has the right and obligation to deny, with an explanation, issuance of a zoning permit. The property owner has the right to appeal to the Zoning Board of Appeals. It is reasonable to expect the ZBA would deny the request if ordinance requirements were not met. Minster said the ordinance will be drafted with an eye for the community's future and felt a plot plan scale drawing was a reasonable requirement. S. Meredith stated many people are not aware a Natural Rivers Zoning permit is also required to build near the river. The JPC supported requiring a scale drawing and allowing the Zoning Administrator to require more detail or a survey if circumstances arise.
7. Exemption from Zoning Permits. Eidelson asked if there are circumstances that should be clarified in the ordinance for consistency in administration. He gave examples of fences and sheds. C. Meredith said Weldon currently requires a permit for almost everything to ensure compliance with setbacks and right-of-ways; a big issue for him is farm structures. Richter gave a fence example under old county zoning. Franke gave an example of a fenced yard area for dogs; she opposed permits for fences. No decision was reached; issue was deferred to a later date.
8. Preliminary Site Plans. This addressed granting the option to seek preliminary approval based on submission of adequate detail prior to expending resources on final documents. Richter felt it sounded good and signals we want to work with the property owner. The JPC agreed to include this option.
9. JPC as Special Land Use Approving Body. Eidelson stated certain uses are commonly permitted in a zoning district. Other uses may be permitted in that district under the classification of Special Land

Use. It is allowed in that district but is not considered the primary purpose for that district. The use may be appropriate on some parcels but not others due to its unique character. Typically the site plan approving body also approves Special Land Use permits. It was agreed the JPC should be the approving body.

10. Special Land Use Appeals. Eidelson stated that just about all administrative decisions can be appealed to the ZBA. The other decision type is legislative. Example: if the JZO is amended in five years and property is rezoned commercial, and a neighbor doesn't like it, this could not be appealed to the ZBA because it was a legislative decision rather than administrative. The Zoning Enabling Act states that appealing a special land use decision to the ZBA is not allowed unless the local zoning ordinance expressly permits it. Eidelson listed reasons in the orientation document why municipalities typically prohibit appeals to the ZBA. One covered the rigorous review for a special land use. By not allowing appeal to the ZBA, communities minimize frivolous appeals by requiring circuit court review. The JPC agreed the JZO should prohibit appeals of special land use decisions to the ZBA.

11. Civil Infractions. The Weldon Township zoning ordinance treats violations as civil infractions. Greene noted our attorney recommended this approach. The JPC agreed to treat violations as civil infractions.

12. Other Ordinance Administration Issues. Eidelson asked if there were areas of concern regarding administrative/procedural issues. The keeping of animals and administration of the issue was raised; this will be discussed in a later orientation meeting.

Eidelson said the review material for the March 7 meeting will cover zoning districts. There is a lot to consider in the document and suggested having the master plan available.

Unfinished Business and Reports

- Zoning Administrator Contract and Addendum. S. Meredith does not have this back from Dick Figura.
- Zoning Administrator Duties. Greene updated the document from the last meeting.
- Zoning Administrator Effective Date. Greene noted there are no responsibilities or duties for the newly appointed Zoning Administrator to enforce or perform other than participate in JPC meetings until a JZO is adopted. She felt the duties document would change based on what was covered today but didn't think the contract would be affected. Richter asked if we need to set a pay rate for meeting attendance. Greene suggested the same compensation as other members. Motion by Allen, seconded by Minster that the Zoning Administrator be a part of the JPC meetings with compensation at \$25 per meeting until the contract is signed and the Zoning Administrator comes on board to perform duties. Ayes: all; motion carried.
- Budget. Richter stated the budget was approved by the two townships and Village. S. Meredith asked if Colfax or the Village asked about the grant. Greene said no and nothing was received yet from the GT Band. She will contact them before the next meeting.
- Expense/compensation approval. Form was signed for compensation.

New Business

- Insurance. Greene completed documents for insurance renewal in April. She said the questionnaire covers many issues related to zoning, and it may be helpful as a zoning ordinance checklist to reduce risk. A copy was provided as info to Eidelson and C. Meredith. Burnham & Flower will be notified as we near completion of the JZO.
- Officers. Greene nominated Sue Meredith as Chairperson, seconded by Franke. There being no other nominations, Meredith accepted the position. Ayes: all; Sue Meredith to serve as Chairperson until next election. Minister nominated Jack Richter as Vice Chair, seconded by S. Meredith. There being no other nominations, Richter accepted the position. Ayes: all; Jack Richter to serve as Vice Chair until next election. Minster nominated Shelley Greene as Secretary, seconded by Franke.

There being no other nominations, Greene accepted the position. Ayes: all; Shelley Greene to serve as Secretary until next election.

Correspondence. Received copy of Craig Meredith's letter to the Village resigning as JPC alternate.

Public Comment. Charles Syer asked a procedural question about laws as they relate to the JZO.

Adjournment. Motion by Greene, seconded by Matthews to adjourn at 1:50pm. Next meeting is scheduled for March 7 at 6:30pm at the Weldon Township Hall.

Respectfully submitted,

Shelley Greene
Secretary

Minutes are proposed until approved at the next meeting.