

Colfax Township, Weldon Township and Village of Thompsonville
Community Joint Planning Commission
14714 Lincoln Avenue, Thompsonville, MI 49683
Minutes – July 22, 2014 Special Meeting (Corrected)

Sue Meredith declared the meeting open at 6:05 p.m. following the Pledge of Allegiance.

Present at roll call:

JPC Members Jack Richter, Shelley Greene, Peggy Minster, Sue Meredith, Chris Jones, Don Suchocki, Debra Franke, Eugene Allen; alternates Irene Dunham Thayer, Sally Bobek and Mike Foust; and Zoning Administrator Craig Meredith.

Colfax Township: Ron Evitts, DeAnn Mosher, Tom Besey

Weldon Township: Ron Hitesman, Jane Hitesman

Village of Thompsonville: Dennis Smith

Guests: Mark Eidelson, Richard Figura, Chris Bobek, Carrie Aldrich

Michael MacGirr (Village) arrived at 6:15 p.m.

Public Comment. None.

Agenda Additions/Corrections. Don Suchocki moved, seconded by Jack Richter to accept the agenda as presented. Ayes: all; motion carried.

Sue Meredith welcomed everyone and thanked them for attending. She introduced the JPC's consultant Mark Eidelson of LANDPLAN.

Draft Joint Zoning Ordinance

Mark Eidelson gave an overview of the process to develop a joint zoning ordinance that has been ongoing since the winter of 2013. He said the purpose of this meeting is to try to address any questions or concerns. He has been in touch with Dick Figura, JPC legal counsel, concerning Dick's letter to the JPC with comments on the draft. These will be addressed. Mark said he planned to give a brief summary of each article, ask if there are questions and move on.

For the Preamble, Mark was okay with Dick's comment to reference the Michigan Joint Planning Act.

Article 2 – correct typos.

Article 3 – change “consequent” to another term (3.3.B.5). Keep JPC as approving zoning permits except for single or two-family dwellings (3.3.A.1). Provide some examples of professional fees (3.8.B). On violations, Dick explained the difference between a “notice of violation” as provided in Section 3.10.C.1 and a municipal civil infraction “violation notice” which directs the violator to appear at the local violations bureau to pay a civil fine. A citation may be issued if the violator fails to pay the fine at the violations bureau or if it is decided to bring a violator before a judge for either a fine or issuance of an order for injunctive relief. Mark asked if we want someone to go to court to pay the fine or have it addressed at a local violations bureau. DeAnn Mosher said it is costly to take someone to court and a person may not have had intent to violate; is an extension possible? Mark said the Zoning Administrator can give a number of days to correct before the next step. Dick said just the first contact may be enough to correct the violation. For some, he said the violations bureau step can be skipped and take them directly to court. A judge can issue an order to cease violating under penalty of being held in contempt of court. He said this can be effective and felt the citation is the best remedy; there is no jury trial. An informal hearing may be held before a magistrate without attorneys; formal hearings include attorneys. Eugene Allen asked if the ZA can extend the time;

Mark said yes. He pointed out Weldon Township's ordinance does not provide for a violations bureau and the draft is based on that. A show of hands supported a violations bureau. Mike MacGirr said none of the municipalities have a full-time employee; how would a violator pay? He felt the bureau creates an added step. Don Suchocki liked the idea of the ZA being able to write a notice of violation but also having to counsel with the entity and be relieved of the burden of solely making the decision. Mark said he falls between and gave an example of a ZA feeling strongly but not the entity. It should be an objective assessment which falls on the shoulders of the ZA. Dick felt it best to leave it to the ZA. *Correction—add sentence: A second show of hands supported not having a violations bureau.* Majority supported ZA consulting with officials before issuing citation. The draft will reflect that the legislative bodies can approve other designated individuals to write citations.

Okay to make changes suggested by Dick to 3.11.B and 3.11.C

Article 4 – add new item 7 in 4.4 to reflect the matter will go before the ZBA to determine boundary(s) if items 1 through 6 do not fit the situation. In 4.7.B.3.e use “vegetative.” DeAnn asked if in 4.2.C it should be “or” or “and.” Mark said it needs to be one of them; there is only one official zoning map. Shelley suggested making it Weldon. Dick said this could change for various reasons, and to avoid amending the ordinance he suggested it read “the official map will be where agreed to by the legislative bodies”. Mark will make this change.

Craig felt the 40 foot structure height should be 35. Mark said it was taken from Weldon's ordinance and most ordinances have 35 feet. Some measure to the peak, others are an average between the peak and gutter. Mike MacGirr said most fire truck ladders are 35 feet. No decision to change at this time.

Article 5 – okay with Dick's suggestion to reword 5.5.

Article 7 – Shelley asked about a kennel in a residential district; if the owner moves, can the new owner operate a kennel? Mark said if it was lawful prior to zoning, it may continue. Dick agreed but added if there is a period of time before the new owner establishes use as a kennel, it could be argued it has been abandoned.

Article 8 – okay with Dick's suggestion to reword 8.1.B.4. Craig asked about GAAMPs regarding this Article. Mark will come back to the subject.

Article 10 – Mark said signs are the most difficult to regulate. He explained zoning covers signs from effective date forward. Dick said some prefer a standalone ordinance. Leave as is. Second sentence in 10.2.A will be deleted to eliminate inconsistency. Okay with Dick's suggestions for changes to 10.3.B.2 and 10.3.C.5. For Section 10.3.E.3 Right-of-Way Signs, leave as is for now. Discussion on political signs; leave 10.4.A.6 as is.

Article 11 – no issues.

Article 13 – no issues.

Article 14 – in 14.2.A.2 change 14.3 to 13.3.

Article 15 – Dick commented on 15.5.C.1. This must to be in the ZBA rules of procedure.

Article 16 – in 16.3.C.2.b “effect” should be “effective.”

Article 18 – Dick wanted to be sure 18.3.D did not conflict with GAAMPs. Mark said R-1 and R-2 Districts do not authorize agriculture. They are generally populated with dwellings. Livestock in these areas are not protected. Mark and Dick are comfortable with how it reads. Dick's comments on 18.17.B were to raise awareness that more flexible standards may be approved as part of a PUD application process. Mark will tweak wording. Dick's suggestion for 18.17.C.3 is to include that Master Deed and Bylaws are to be reviewed by legal counsel. Mark will add a brief reference to this. It would be subject to a professional fee. Mark discussed medical marijuana. Dick said it is a moving target. Craig asked about enforcement; Mark said the state has been pretty good at addressing activity in violation of the Act. Contact local police if there is a violation. DeAnn suggested adding “Benzie” to County Register of Deeds in 18.20.3. She said sometimes zoning

permit and building permit were capitalized and wondered if there was any weight to this. Mark will make it consistent probably to lower case.

Article 19 – Dick’s comment addressed the definition of “story” and a unique ZBA case that involved a 22’ high garage with one story.

Mark asked if he should move forward with the changes and prepare for a public hearing or did the JPC need time for further review. Don moved, seconded by Jack to move ahead with provisions from tonight. Ayes: all; motion carried.

Shelley asked that fees be mentioned in Section 3.4 for the reader’s benefit. Revise to read “...for a zoning permit *and fee schedule* shall be available...” and “Upon approval of the application *and payment of applicable fee...*” DeAnn asked about single and double spacing in the definitions. Mark will check to be sure it is consistent. Ron Evitts asked Mark if the final draft could be ready by the next JPC meeting August 7. Mark did not feel this would be possible.

Public Comment. None.

Adjournment. Don moved, seconded by Jack to adjourn at 8:47 p.m.

Respectfully submitted,

Shelley Greene
Secretary

Minutes are proposed until approved at the next meeting.