



ACME TOWNSHIP PLANNING COMMISSION MEETING
Acme Township Hall
6042 Acme Road, Williamsburg, Michigan
7:00 p.m. Monday, August 11, 2008

Meeting called to Order with the Pledge of Allegiance at 7:00 p.m.

Members present: M. Vermetten (Chair), B. Carstens (Vice Chair), C. David, R. Hardin, D. White, J. Zollinger
Members excused: P. Yamaguchi
Staff Present: S. Vreeland, Township Manager/Recording Secretary
J. Hull, Zoning Administrator
M. Grant, Legal Counsel

INQUIRY AS TO CONFLICTS OF INTEREST: None noted.

APPROVAL OF AGENDA: Motion by Carstens, support by David to approve the agenda as presented. Motion carried unanimously.

1. Limited Public Comment:

There was no comment from the general public. Vermetten congratulated the individuals who were successful in the primary elections including Linda Wikle and Ron Hardin, and congratulated Nancy Edwardson and Doug White for running good campaigns.

2. Old Business:

- a) **Review Memo and Second Rough Draft of proposed Content-Neutral Zoning Ordinance Revision:** Grant provided a revised copy of the memo his firm originally provided at the outset of the process, which includes greater detail about the types of amendments to the ordinance that have been discussed. It is difficult to boil down the entire process into three pages. Vermetten noted that the intent was to do a “content-neutral” re-write of the ordinance but that there are several areas highlighted in the memo that had to be changed due to the dictates of state planning and zoning statutes. Unnecessary “legalese” was removed.

The revised memo and latest ordinance draft are currently available on the website via a link through the agenda for this meeting. They will be available shortly through direct links from the website home page as well. Vreeland was thinking about creating some sort of document in table form that would list the current language, the changed language and summarizes the impact of the change briefly or somehow indicate whether it expands or contracts rights or processes. The township has had recent experience with misunderstanding about a proposed zoning ordinance amendment. People have and will continue to have access to a long list of all of the documents and minutes associated with this process, but that’s a lot of documentation and perhaps people could use a sort of index to the changes. Grant wasn’t sure this would be the right approach, wondering if there could be concern if a change is listed as simply contracting a right when the underlying reason is that the change is required to comply better with state laws. The Commission generally felt that Grant’s July 22 memo adequately summarizes the key non-neutral changes to the ordinance and that anything else could create more confusion rather than relieving it and create questions rather than avoiding them. Hull suggested that a skeletal list of substantive, non-neutral changes could help direct attention to them, but Vermetten was concerned that by not having detail it could raise more questions than it resolves. He also wanted to ensure that no document created to explain this topic

becomes perceived as advocacy or anything other than explanatory in a neutral way. Zollinger also expressed concern that an additional documentary tool might take away from the new ordinance document itself; might create something that would come to be seen as a legal interpretive document. David believes that if the staff wants an internal tool they should create one, but it should not be made public; Vreeland observed that therefore it should not be created because it would become a public document. White believes that the Commission should have some statement of what changes were made and why they were necessary; otherwise there will be accusations made about the intent and outcome. Also, any summary that is not exhaustively complete, containing only “highlights,” is subject to someone’s interpretation of which are the key important points to call out, and becomes not objective but subjective. Perhaps it would be wiser to wait and see what questions arise during the public hearing and do what is necessary to provide adequate answers at that time.

The July 22 memo was written by Grant as a draft of a proposed memo from the Commission to the public. Vermetten noted that all of the documents produced during this process, including memos, ordinance drafts and meeting minutes are available to the public, and the staff is available to assist as well.

Turning to discussion about the latest draft of the ordinance, it is about 25 pages shorter than the existing document. Vreeland will be responsible for fixing clerical items for the public hearing draft, such as ensuring the entire document is in one font and renumbering paragraphs sequentially, ensuring that internal references between paragraphs are correct and generating a table of contents and index.

Grant noted that where the word “farmers” appears in reference to markets and roadside stands, he chose the plural as opposed to possessive form. Vermetten suggested using the term “farm” rather than “farmers.” The usage will be “farmers market,” farmer’s roadside market” and “farmer’s roadside stand.”

Definitions of “setbacks” were added to the text, as they were no definitions before. Grant perceived this as a problem, since this term is heavily used. Hull noted that the proposed definitions should be modified slightly to conform to the existing ordinance, which makes it clear that all portions of a building (including eaves/overhangs) must respect setback requirements.

There was some discussion about the definition of a “structure,” and how this impacts the treatment of certain items such as seawalls or fences. If a seawall is a structure, it should respect the required 50’ setback from the ordinary high water mark of a water body. However, the ordinance defines the ordinary high water mark as a specific elevation except where a seawall exists, in which case the seawall becomes the high water mark from which the setback is measured. This creates a situation whereby the seawall should theoretically be set back 50’ from itself. Hull suggested this should be flagged for future treatment, since any change would not be specifically neutral.

Certain introductory language to the business district sections, which was accidentally omitted from the final text by Hull as noted at earlier meetings, will be reinserted because it was never removed or changed when the Business district ordinances were amended.

Section 8.1.2(6) deals with the procedure for special use permit revocation. This language comes directly from the SUP documents that the township currently includes in all SUPs, even though it differs from what is currently in the ordinance. The zoning enabling acts do not specifically address SUP revocation. The goal is to ensure that the ordinance and the SUP documents match, and legal staff chose the route employed by the SUP

document template drafted by James Christopherson in the early to mid-1990's as being more comprehensive.

Article VIII C, new draft page 137 contains the new Open Space Preservation Development (OSPD) option. Grant had proposed some language on how minimum lot sizes could be created, but Hull noted that lots of the size proposed would be unbuildable in the R-3 district with existing setback requirements. The problem can be solved by reducing the required setbacks for the smaller lots by half by adding a sentence to the end of 8C2.3. Vreeland suggested checking with Metro Fire to ensure this would not create the potential to place buildings more closely than the International Fire Code would permit.

David noted that Article VIII C is not content-neutral but entirely new. He asked why people would use this section of the ordinance. Vreeland replied that she could think of three reasons: by allowing the existing density clustered on smaller lots, more land could be retained for active agricultural production and revenue; many people will pay a premium for homesites with dedicated open space attached; and clustering houses close together reduces the development expenses for associated infrastructure installation. David stated that his confusion came from an assumption that open space could only be wild land unused for anything, when in fact it can be used as a park or for agriculture, and owned by an individual, a neighborhood or a municipality

6.2.2(9): Zollinger raised a question about the definitions between radio or TV antennae and satellite dishes. He believes the words "satellite dish" should be included specifically in the section. Grant recalled the discussion about existing language about dishes as referring to the 12' diameter ones that are rarely used anymore, so it was eliminated. Vermetten noted that the ordinance would prevent even the 18" diameter dishes on rooftops, and that many such dishes are mounted on roofs in his neighborhood. He felt this was the reason why the provision regulating satellite dishes was eliminated. The dishes must be located where they can receive signal, with a clear view of the southern sky, which could be on roof or even in a front yard.

Zollinger thought that the provisions about expiration of SUPs has been amended to allow extensions, but this was a non-neutral change so it was put on the list to review later.

Grant has had more discussion with his state-level contact about the mobile home park development regulations. He sent his contact the regulations the township has been using to regulate mobile homes outside of mobile home parks for review, and received back the comment leading to insertion in all residential district sections (can be found on pages 19-20 as sub item 15) that they are uses by right subject to certain requirements. There is a legal problem with requiring an SUP for mobile homes. There is also a conflict with HUD standards with the requirement that towing mechanisms be removed within 10 days after installation, and the requirement for concrete slabs may also be problematical. Both may be pre-empted by federal statute, and Grant recommends their removal. Removing the towing mechanism was reputed to possibly cause a structural problem. Zollinger believes that on older models the towing tongues were welded on, but in more modern homes they are bolted on and easily removed.

Carstens stated that on page 94 the bottom line there appears to be a word missing. It should read "within the Planned Agricultural Unit." Also within Section 8.9.2(1) there is a double-negative which makes it unclear whether group housing must have more or less than two acres. This item was flagged for later discussion, as it is unclear whether the original intent was to require larger or smaller sites for this land use. Carstens also drew

attention to page 85, Section 8.3.4, where he feels there should be a statement that any fire suppression storage tanks be maintained on an ongoing basis to ensure continued functionality. He stated there was discussion about this at County Planning. Vreeland will ask Metro Chief Parker if we are adequately covered on this issue through the Fire Prevention Ordinance and the International Fire Code it references.

Motion by David, support by Carstens to set a public hearing regarding the proposed Zoning Ordinance rewrite for a special meeting to be held on Monday, September 15. Motion carried by unanimous roll call vote.

3. Public Comment/ Any other Business that may come before the Commission:

Gene Veliquette, 8369 Elk Lake Road in Whitewater Township, stated that at the last meeting he asked that the zoning ordinance proposed revisions not be characterized as “content-neutral.” He asserted that the matter was not on the agenda for this evening, and that much of the conversation has focused on items that are not content-neutral. He also stated that he heard at least 20 items that were “punted down the road” for future discussion because there was no agreement. He noted that there may be places where the words “may” and “shall” have been substituted for each other that could make a huge difference. If the Zoning Administrator is required to certify that 17 different requirements are met before a hearing can be held, won’t this hold up the development approval process? Why should the public get excited about the document until it is known what all the final changes will be, and what all the detailed changes are.

Vreeland provided the Commission with two pages from the most recent edition of the *Elk Rapids News* so that the Commission may be aware of what is going on in neighboring communities. The article and letter provided discuss a recent moratorium on commercial development over 3,000 sq. ft. enacted by the Village of Elk Rapids while they update their master plan and ordinances to direct the way such development should be conducted.

Vreeland also provided the Commission with a copy of a memo in the Board packets for tomorrow evening about the assignment of specific major interest areas to each seat. The proposed major interest groups and which person is assigned to each are subject to discussion tomorrow evening.

Meeting adjourned at 9:21 p.m.