The Charter Township of Orion held a Special Joint Meeting with the Board of Trustees, Planning Commission, Zoning Board of Appeals, & the Corridor Improvement Authority on Wednesday, March 22, 2023, at 6:00 p.m. at the Orion Township Municipal Complex Dragon Community Room 2323 Joslyn Road, Lake Orion, MI 48360.

BOARD OF TRUSTEES MEMBERS PRESENT:
Chris Barnett, Supervisor
Matt Pfeiffer, Trustee
Penny Shults, Clerk
Brian Birney, Trustee
Kim Urbanowski, Treasurer/BOT Rep. to PC
Julia Dalrymple, Trustee
Mike Flood, Trustee/BOT Rep. to ZBA

BOARD OF TRUSTEES MEMBERS ABSENT:
None

PLANNING COMMISSION MEMBERS PRESENT:
Scott Reynolds, Chairman
Kim Urbanowski, BOT Rep. to PC
Don Gross, Vice-Chairman
Joe St. Henry, Secretary
Jessica Gingell, Commissioner
Jim Cummins, Commissioner
Don Walker, PC Rep. to ZBA

PLANNING COMMISSION MEMBERS ABSENT:
None

ZONING BOARD OF APPEALS MEMBERS PRESENT:
Mike Flood, BOT Rep. to ZBA
Diane Dunaskiss, ZBA Member
James Kerby, Alternate
Dan Durham, Chairman
Don Walker, PC Rep. to ZBA

ZONING BOARD OF APPEALS MEMBERS ABSENT:
Tony Cook, Vice-Chairman

CORRIDOR IMPROVEMENT AUTHORITY PRESENT:
Chris Barnett, Supervisor
Kim Urbanowski, Treasurer
JoAnn Van Tassel, CIA Secretary
Dan Dewey

CORRIDOR IMPROVEMENT AUTHORITY ABSENT:
H. Scott Bicknell
Bill Krausmann
Jeff Schmitz

CONSULTANTS PRESENT:
Dan Kelly (Township Attorney) of The Kelly Firm, PLC
Brittney Ellis (Township Attorney) of The Kelly Firm, PLC
John Enos (Township Planner) of Carlisle Wortman
James Stevens (Township Engineer) with Orchard, Hiltz & McCliment, Inc.
Gary Roberts, (Economic Development) of Strategic Communications Solutions
CALL TO ORDER AND INTRODUCTIONS
Chairman Reynolds called the joint workshop meeting to order at 6:00 p.m. Supervisor Barnett stated that it has been more than a year since they met. They used to hold these meetings at least once a year. Planning & Zoning Director Girling and himself bounce an ongoing list of topics when they get together to talk. Supervisor Barnett asked the staff and consultants in attendance to introduce themselves.

Building Official Goodloe gave an update on its new department configuration.

NEW BUSINESS

UPDATES ON OLD BUSINESS.
Supervisor Barnett acknowledged the Board members and staff for all their hard work and for attending the meeting tonight. He went on to express his thanks to those who attended the State of the Township and tuned in online.

Planning and Zoning Director Girling informed everyone that the last time everyone came together, two committees were created to work on text amendments. One committee was regarding performance guarantees. Director Girling highlighted the progress that was made regarding performance guarantees. Another committee was regarding fences. She explained that the committee could not agree on the language, so it was sent back to the Planning Commission. The Planning Commission directed her on what the text should say. Director Girling clarified the new text by giving a specific example regarding dual frontage in a Keatington Subdivision on Waldon Road.

Building Official Goodloe brought up the point that there is a disconnect between the Boards and Code Enforcement. He said that we need to make sure that everyone is on the same page to avoid confusion. Building Official Goodloe indicated that there are issues with the enforcement end of things regarding fences, specifically the Homeowner Associations and the Township. He stated that while some HOAs would not allow fences and the Township does; it is a double standard. Building Official Goodloe questioned how we want to handle this?

Trustee Flood provided an example regarding a fence that was up illegally on Scripps Road. He mentioned that there was no line of sight from the road.

Planning and Zoning Director Girling explained in Trustee Flood’s example, corner clearance would correct that.

Township Planner Enos expressed his appreciation for Code Enforcement’s perspective regarding fences within the Township. He said that they are the ones out in the front lines that go out and manage this every day. Planner Enos pointed out that an issue regarding fences in his opinion is the visibility. He discussed the issues with corner lots specifically.

Supervisor Barnett conveyed gratitude of the perspective from the Code Enforcement and front-line side of things regarding fences. He stated that we usually do not get to hear their side of the conversation.

Planning and Zoning Director Girling asked the Board of Trustees to read what is being changed to the zoning ordinance. She stated that the Planning Commission at their last PC meeting gave a
recommendation to approve and send to the Township Board for the first reading at the next Board of Trustees meeting.

**TRAINING REQUIREMENTS**
Planning & Zoning Director Girling stated currently they have not had an actual requirement or a required number of hours for training. They have a survey asking the type of training they would like to see and based on those results they will be setting a minimum amount of hours needed for training. There are a number of avenues and webinars from home so you don’t have to take time off from work and it can be done at your own leisure. There will be a set number of hours, that number has not been set yet, but nothing too extreme. It is a requirement of their Redevelopment Ready that they have that so it will be implemented. Please send that survey back; Sam Timko will be emailing out a survey to all of the Board Members.

Trustee Flood asked if the MTA and also the Planning seminars they put on will qualify for that training. Planning & Zoning Director Girling replied absolutely. She added that there are a lot of webinars that are now available.

Planner Enos stated that Redevelopment Ready is a state program that makes Orion development ready. It looks at their fee schedules, checklists, and everything they are doing. The development community can say that “they have their act together”. He heard, sometime down the road, that the state was going to say that if you are appointed to a position, like the Planning Commission, whether it is redevelopment community or not, they will have a certain amount of training per year.

Clerk Shults said she doesn’t like it when the public comes up to the dais. They could be having conversations with others and feel they should get up and go out and meet the public where they are.

**ZBA NEW LANGUAGE ON THE BACK OF AGENDA AND USE OF TECHNOLOGY**
Planning and Zoning Director Girling first went over removing a number of criteria in the Zoning Ordinance that is not part of the law of how ZBA can approve a variance. She was aware that the current way the suggestion motions are written for the ZBA is wordy and confusing. Director Girling provided two handouts that addressed this specifically. One handout was to be on the back of the ZBA agenda and was in all black. The second handout was a tool for ZBA members with additional notes in red.

CIA Secretary Van Tassel recommended that the font on the back of the agendas be a bigger font size. She reiterated that reading such a small size font is quite difficult.

Planning and Zoning Director Girling noted her concern. She stated that for future meetings, the font size on the back of the agendas will be a more readable size for Van Tassel specifically.

Planning and Zoning Director Girling suggested that regarding the use of technology that the Zoning Board of Appeals use the display screens in the Board Room and Board Book. The screens would be utilized to display documents for those that attend the meetings to view and fully understand what the applicant(s) are requesting.

CIA Secretary Van Tassel shared an experience while she was at Orion Oaks Elementary School to be a reader for March is Reading Month. She noticed that in the classrooms, they use document cameras to display objects that project onto a screen. CIA Secretary Van Tassel suggested the idea that we should use these when displaying items and documents for everyone at the meetings to see.

Building Official Goodloe offered that he would use Board Book at the Zoning Board of Appeals meetings to display information.

**MASTER PLAN**
Planner Enos said that the Master Plan is an important document. He thought they all knew the Zoning Ordinance, that is the law, that is what they can do on their property today. They spent a lot of time
over the last couple of years to update and amend the Master Plan. What that plan is what they want Orion Township to look like in the future. In order to get where they want to get with the Master Plan and its Future Land Uses, protection of natural resources, fencing, landscaping, and a whole variety of things in there. That Master Plan gives them the legal opportunity to start to look at their ordinance. It is really a tool to help the Planning Commission and the Board amend the Zoning Ordinance. Also, when they are looking at projects and developments to look at that Master Plan and say this really does or doesn’t fit the goal or the objectives of the Master Plan. The Planning Commission, Board, and residents were all part of updating this document.

Planner Enos said it took a lot of time to lay out the Action Strategies. They broke it down by a short-term or long-term goal, and who would be doing it. They are not asking for any decisions tonight they spoke with the Planning Commission a few weeks back on a strategy. He asked them to read through the action items and get with Planning & Zoning Director Girling and let her know what they think is a high priority, with the help of the Planning Commission. He thought that it was important to visit the plan on a yearly basis and start to tick off what they have done. In five years when they are required to redo it, they look at it and see what is left to do.

Planning & Zoning Girling said the majority of them are going to require a text amendment. She wanted to lump some of them together by category.

Chairman Reynolds said that they have spent a lot of time on the Master Plan. This is like their to do list. It doesn’t involve just the Planning Commission because some are zoning some are advocacies, and capital improvements, and they need help from other boards to accomplish all of these things. Under the idea of High-Quality and Diverse Housing, they are all labeled short-term which means they are action items that they are going to accomplish in 1-3 years, and they are already 9 months into this Master Plan being adopted. The Missing Housing, they have seen a lot of PUDs coming forth that are no longer single-family homes. They are looking for different house styles that would fit in their community without it being a highly dense multi-family unit. They want to be committed to this and make changes to this.

Vice-Chairman Gross wanted notes on things that they are already working on or what action items they have accomplished so far.

Chairman Reynolds said they added some new sections in the Master Plan, one of which was speaking about PUDs. They are really trying to clarify that, and say, create a zoning tool, not a solution to jump their Master Plan.

Township Attorney Kelly stated 90% of their lawsuits are based on Master Plans. It is a commitment of the Township for their future use. If they don’t do the steps to move forward on the Master Plan a court is going to hold them to it two or three years down the road. He added that a Master Plan is an important document, it is not just a wish list.

**ORDINANCE UPDATE DISCUSSION/OPEN DISCUSSION - TEXT AMENDMENTS**

- **ZBA CRITERIA FOR GRANTING VARIANCES**
  Planning and Zoning Director Girling briefly re-emphasized the point regarding removing the bottom part of the criteria from the Zoning Ordinance for granting variances.

- **PUD ORDINANCE**
  Planning and Zoning Director Girling said she sees that as having two phases. Phase one the ordinance does not read well and is very confusing. She thought they needed to take words that are confusing and put it in a more usable language. Phase two is what is in the Master Plans and how they use PUDs, and did they want to change the wording as a whole.

- **WOODLANDS**
Planning and Zoning Director Girling addressed that the current Woodlands section of the Zoning Ordinance is poorly written. She pointed out that when different people read this section of the ordinance; everyone interprets it differently. It is imperative that this section needs to be re-written and enhanced to clear up any confusion. She mentioned a tree fund and that we have never officially created one. Director Girling suggested that everyone read the landscape goals of the Action Strategies within the Master Plan. She pointed out that each section had a different color associated with in on the handout provided and strategies regarding landscape could possibly be handled or incorporated at the same time.

- **POULTRY**

Planning & Zoning Director Girling said this has been a disputed topic for some time. There is a certain way that they have interpreted the ordinance since she has been there. With the text amendment going to the Board at the next meeting, the way they interpreted the definition of livestock it said sheep, goats, horses, and any other useful animal on a farm which they have always interpreted as meaning poultry. In this text amendment, she inserted the word poultry. As they were working on this, she heard a number of PC members say that they would like to reevaluate, they require 2.5 acres for one chicken, and then it is an additional acre per chicken. She has been told they feel it was extreme. About five years ago she did ask for the PC and they didn’t want to change it at the time. There is something called Generally Accepted Agricultural and Management Practices (GAMP) which is regulated by the state. It is important to keep the food source clean, so they don’t have diseased animals. They will be discussing increasing the acreage allotment for chickens. Planning & Zoning Director Girling asked if there were any suggestions on the new language.

Building Official Goodloe stated that one chicken takes 1.5 square feet to take care of. People are buying them up. If they don’t have males, they are not loud.

Attorney Kelly said he has three communities right now looking at chicken ordinances.

CIA Secretary Van Tassell thought they should look at what they have in the Township right now and base it off of that.

ZBA Alternate Kerby said one thing to keep in mind is that chickens tend to draw other animals in rats, skunks, possums, coons. If you loosen up the chickens and people stop taking care of them after a while you are going to get complaints about rats. Building Official Goodloe thought that was a good point and maybe they have to have a permit every year.

Planning & Zoning Director Girling wanted to make sure they knew it hadn’t changed yet and it has been that way. If someone calls her, she is going to tell them what the ordinance says. They will look at it again.

- **RENEWABLE ENERGY/SOLAR PANELS**

Treasurer Urbanowski shared that when she and Trustee Pfeiffer went to an event in Lansing, it discussed renewable energy and solar panels. She stressed that we need to get a handle on renewable energy and solar panels sooner rather than later.

Planning and Zoning Director Girling mentioned that renewable energy and solar panels need to be added to the zoning ordinance. She stated that there is a section that pertains to wind turbines already in the zoning ordinance.

ZBA Alternate Kerby shared a brief story regarding his time with renewable energy and solar panels when living in another state. He emphasized that if we do not have a plan in place, there is going to be problems. Alternate Kerby stated that with certain houses, the weight of snow on the solar panels was too much causing the roofs to collapse.
• **FOOD TRUCK**

Planning & Zoning Director Girling said that they created an ordinance related to the Fire Department and regulating and licensing them. She and Building Official Goodloe got together, when there is one that wants to enter the community and if it is short-term or mobile (not in a fixed location), he handles it and he does it under a public gathering. If it is long-term, then it is handled the same as a Christmas tree stand or Fireworks and is sent to the ZBA. They wanted to do a text amendment. Maybe there are some slightly different criteria that they want to have as regulations for that type of case verses Christmas trees and Fireworks. Maybe the tables are anchored or put away every night, etc. She added right now it goes to the ZBA so the ZBA could come up with whatever criteria they want but something in the ordinance to help aid people in knowing specific requirements would be helpful.

• **RENTAL ORDINANCE**

Building Official Goodloe brought up the point that many of the new developments coming in the Township are rentals. The major concern he had was with the older developments and rentals. He reiterated that we do not need to reinvent the wheel. His main reason this is important is because it is a huge life safety issue.

Supervisor Barnett agreed with Building Official Goodloe that indeed the main reason this is so important is because it is a life safety issue. He proposed that there needs to be a rental ordinance. Supervisor Barnett explained that this ordinance needs to include language for short-term rentals.

Trustee Pfeiffer explained an example on how the Village manages this.

Supervisor Barnett proposed that this is a topic we should try to tackle this year. He suggested that we look at what other communities are doing.

• **LAND DIVISION ORDINANCE**

Planning & Zoning Director Girling said Land Division Ordinance hasn't been touched in years. She is going to work with the attorneys to update.

• **OTHER SUGGESTIONS**

Building Official Goodloe recommended that we investigate people parking on front lawns and on the road. The Building Department is getting a lot of calls and complaints regarding this. He mentioned that we should also investigate marijuana grower facilities and their number of parking spots.

Supervisor Barnett reiterated the point that if there is anyone that has any interest on any of the topics discussed tonight to please let Planning and Zoning Director Girling or himself know.

**USES BY RIGHT VS SLU AND PUD CONCEPT VS FINAL**

Township Attorney Ellis explained uses by right versus special land use. Uses by right are ones that are expressly allowed in a zoning district. When the Planning Commission is reviewing a site plan for a use by right, they do not have the authority to deny the site plan on the basis that they don't like the use. If there was another regulation that they are not complying with for site plan approval that is a valid basis to deny it.

Township Attorney Ellis stated that with special land use, there is a little more flexibility for the Planning Commission. There are actually seven special land use standards that are under the zoning ordinance for the Planning Commission to consider, and if the applicant doesn't meet one of those standards that is a basis to deny it.
Planning & Zoning Director Girling asked if there is a limit on how extreme the criteria can be on a special land use, like hours are 7 a.m. to 11 p.m., something very specific. Attorney Kelly replied yes, of course. If you are just making things up on the fly and there are no standards or basis for it, they will run into problems.

Township Attorney Ellis said one of the standards for special land use approval is if it has a detrimental effect on public health, safety, and welfare. That is a pretty broad mandate for the Planning Commission to have a lot of discretion as to what conditions it puts on the use.

**ORDER OF APPEARANCE WHEN NEED PC AND ZBA**

Planning & Zoning Director Girling stated that it is their process that if a commercial operation comes in for site plan approval and they know that they are going to need a setback variance, they have to go to PC first, then PC denies the site plan so they can go to the ZBA. Usually, the motion is you are denied so you can go to the ZBA to get a variance, however, if you get the variance, you are deemed approved. She was told to do it that way because the Planning Commission didn’t like to feel if they got the variance, they were then forced to say yes to the site plan. She always argued that they are putting the same burden on the ZBA. She does have applicants say to her that before they spend thousands of dollars to make a formal site plan, they would like to have the right to go to the ZBA to see if they can get their variances. The ordinance does say that she as a Zoning Administrator can deny a plan so that they can go to the ZBA. She would like to start implementing that if the applicant says they are acknowledging doing it at their own risk because the Planner could call up four more variances and the need to go back to the ZBA.

Trustee Flood said the only problem he sees with that is he watches all the information from the Planning Commission meetings. He watches all the Planning Commissioners get all that information ahead of time so when they come to the ZBA they don’t have to sit there for an hour and a half with a full presentation, and they don’t know what they are talking about.

Township Attorney Kelly thought that was a good point because things can change. He thought it was case by case.

**OPEN DISCUSSION/FUTURE MEETING TOPICS**

Supervisor Barnett stated that he wanted to make sure everyone has the resources they need, equipment and resources. They built this building with extra space in mind, if you serve on any of these Boards, they are always welcome with lots of rooms.

**ADJOURNMENT**

The meeting was adjourned at 8:28 p.m.

Respectfully submitted,

Debra Walton/Courtney Keisman
PC/ZBA Clerk
Charter Township of Orion

May 3, 2023

Approval Date