

Milton Township
Planning Commission
Approved Meeting Minutes
June 11, 2019

Members present: Chairman Hefferan, Kingon, Cole, Merillat, Murphy and Kopkau.

Members absent: Lefebvre.

Also present: Weinzapfel and 5 audience members.

Hefferan called the meeting to order at 7:00pm.

Approval of meeting minutes dated May 14, 2019:
Minutes approved by **unanimous consent**.

ZA Report:

Weinzapfel distributed information on upcoming educational classes.

Township Board Report:

Cole said the Township Board discussed the permit fee for the vacation rental ordinance. They would like it to be a \$200 annual fee. They also made a motion to allow the Planning Commission to call for a public hearing on the issue in August. Paddle Antrim presented a contract for the Water Trail.

Agenda:

1. Vacation rentals Subcommittee.
2. Special Events Subcommittee.
3. Set agenda for July meeting.

Agenda approved by **unanimous consent**.

Public Comment:

Fred Guilk of East Elk Lake Drive asked that the proposed vacation rental ordinance be directly sent out to affected property owners for review and then have the hearing. Cole said a notice will go out in the newsletter to every property owner in July and it will be posted to the website so everyone can review it before the hearing.

Tammy and Tom Hill of Golden Brook Road addressed the commission about their son and his 4H lamb. They discussed the situation with Lon Bargy and were told that if they got a doctor's note that this could be an emotional support animal for their son who has Down's Syndrome it would be allowed. After talking with Weinzapfel, they realized it is not allowed in the R1 zone. Cole asked if there is a neighbor who is objecting? They went to all of their neighbors and discussed it with them. They filed a FOIA with Milton Township regarding complaints. It

appears to be a neighbor who listed their home for sale. Hefferan said in 117.309 it is not allowed to keep livestock on R1 parcels of less than 5 acres. Not that we do not think it is a great thing for your son, but it is not allowed by our zoning. Hefferan said he was not sure how it would or could be allowed under the ADA. Hefferan said they may need to discuss it with an attorney.

1. Vacation rentals Subcommittee:

Last month the subcommittee provided version 9 which was reviewed by the lawyer. The lawyer wanted a phrase included and this was included as the next to last item in the ordinance. That was version 10. That went to the Township Board last week. Meanwhile, Pharo sent an email regarding a concern he had about the definition of incident and alleged incident. Kingon made changes that Pharo agrees with it. He did add a couple new questions regarding timing. Should it be 24 hours or is that too short? If you shorten the time, by the time they violate again, they are gone. Discussion to change this to 48 hours. Discussion of receipt of the incident. There is no way the ZA can take action until he has received the alleged incident. Kingon will update and this will become version 11 and this will be posted on the website.

Douglas R. Moran of Mackenzie Drive submitted a letter to the Planning Commission regarding his concern about allowing rental permits for those who have deed restrictions against them. The commission has discussed this in the past and the ZA has no authority to enforce deed restrictions. The ZA always refers applicants to review their deed restrictions prior to making an application.

Motion by Kingon to call for a public hearing on the Vacation Rental Ordinance version 11 on August 13, 2019. Seconded by Murphy. **Motion carried.**

2. Special Events Subcommittee:

Murphy presented a draft dated 6/9/19 to be discussed. The subcommittee met last week on Wednesday to go over the draft that was discussed at the last meeting. More changes were made by Murphy from the recent subcommittee meeting. Murphy discussed the specific changes. The reason for the limit of eight events per year is it would allow two events per month for the four months of summer weather. This also keeps the township from getting into the financials of the particular farmer to make sure this is an incidental use. Kingon suggested that insurance documentation be given to the ZA prior to the event. Discussion surrounding the historic nature of the event barn structures. How do we define that? Hefferan said the goal is really to help the farmer support agriculture. Discussion of solving the issue by calling it an accessory building which is preexisting to the ordinance approval date. Cole suggested looking at how to define a farming operation without looking at taxes. Discussion of putting a requirement on the amount of acreage under farming. Weinzafel has not heard back from Derman regarding if the Special Use would run with the land or it can be for one event. Kingon asked who would determine the building capacity? Murphy will make the updates and bring this back for review.

Hefferan said in the past we have set up subcommittees to discuss possible zoning changes before paying the fee. Yes. We will do that.

Weinzapfel asked for a subcommittee to be formed for a small public assembly building in the AG zone. The question is if this is open to the public. Kopkau, Cole, and Hefferan will be on this subcommittee. This subcommittee will meet June 17th at 6 pm.

3. Set Agenda for July meeting:

1. Special Events Subcommittee
2. Small Public Assembly Building Subcommittee
3. Set agenda for August meeting

Meeting adjourned at 9:03pm

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph Merillat". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Joseph Merillat