



**ACME TOWNSHIP PLANNING COMMISSION
ACME TOWNSHIP HALL
6042 Acme Road Williamsburg, MI 49690
March 13, 2023 7:00 p.m.**

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE

ROLL CALL:

- A. LIMITED PUBLIC COMMENT:** Members of the public may address the Commission regarding any subject of community interest during public comment periods by filling out a Public Comment Card and submitting it to the Secretary. Public comments are limited to three minutes per individual. Comments during other portions of the agenda may or may not be entertained at the moderator's discretion
- B. APPROVAL OF AGENDA:**
- C. INQUIRY AS TO CONFLICTS OF INTEREST:**
- D. SPECIAL PRESENTATIONS:**
- E. RECEIVE AND FILE:**
 - 1. RECEIVE AND FILE**
 - a.** Approved Township Board Meeting Minutes 2.7.23
- F. APPROVAL OF MINUTES:**
 - a.** Approve Draft Planning Commission Meeting Minutes 2.13.23
- G. CORRESPONDENCE:**
 - 1. Garvey**
- H. PUBLIC HEARINGS:**
 - 1. Zoning Ordinance Amendment 003 – Nonconforming Structures**
- I. OLD BUSINESS:**
 - 1. Zoning Ordinance Amendment 003 – Nonconforming Structures**
- J. NEW BUSINESS:**
 - 1. None**
- K. PUBLIC COMMENT & OTHER PC BUSINESS**
 - 1. Planning & Zoning Administrator Report – Lindsey Wolf**
 - 2. Township Board Report – Jean Aukerman**
 - 3. Parks & Trails Committee Report –**

ADJOURN:

APPROVED



ACME TOWNSHIP REGULAR BOARD MEETING

**ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Tuesday, February 7, 2023, 7:00 p.m.**

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE at 7:00 p.m.

ROLL CALL: Members present: J. Aukerman, D. Hoxsie, A. Jenema, D. Stevens, L. Swanson, D. White

Members excused: P. Scott

Staff present: Lindsey Wolf, Planning & Zoning Administrator, Jeff Jocks, Legal Counsel, Cristy Danca, Recording Secretary

A. LIMITED PUBLIC COMMENT:

Limited Public Comment was opened at 7:02 p.m.

Brian Kelley, Acme resident

Limited Public Comment closed at 7:05 p.m.

B. APPROVAL OF AGENDA:

Motion by Jenema, supported by Hoxsie, to approve the agenda as presented. Voice vote. Motion carried unanimously.

C. APPROVAL OF BOARD MINUTES:

Regular meeting 01/03/22

Motion by Swanson, supported by Hoxsie, to approve the minutes from 01/03/23 as presented. Voice vote. Motion carried unanimously.

D. INQUIRY AS TO CONFLICTS OF INTEREST: None

E. REPORTS:

a. Clerk – Clerk’s office is awaiting more information from the Bureau of Elections for direction regarding the 2024 election cycle. The chart of accounts has been updated and Swanson thanked Jenema for her significant role in that effort. Board discussion occurred.

b. Parks – None

c. Legal Counsel – Jocks has been working on Bertha Vos project and stated that no appeal was filed in the Engle matter. Board discussion occurred.

d. Sheriff – For the month of January, Officer Abbring reported 8 citations, 9 arrests, and 17 crashes, in addition to addressing ordinance violation issues and speed enforcement.

e. County – Rob Hentschel, District 5, Commission Chair, stated the current focus is on strategic planning and an infrastructure plan in partnership with the City of Traverse City regarding buildings and real estate assets some of which the county and city share. The plan will include recommendations to accommodate for future needs and growth. Hentschel and Darryl Nelson, District 6, are both on the Airport Commission for Cherry Capital Airport currently the fourth busiest airport in the state. A third TSA lane was added in the past year and over the next 4-5 years terminal expansion is expected to nearly triple the size of the airport. Board discussion occurred. Nelson added the airport is self-sustaining. He also spoke

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about working with the Michigan Highspeed Internet (MIHI) office regarding broadband service. Nelson is attending an upcoming National Association of Counties meeting in Washington D.C. to learn more information on the subject. Board discussion occurred.

f. Supervisor – Supervisor White has been working with Aukerman and Jocks on the Bertha Vos project. He has also been working on the handbook update and has an upcoming meeting to review the sewer rate study. He shared information regarding the Traverse City Trail Running Festival taking place May 12th and 13th with a starting off point at Timber Ridge.

g. Planning and Zoning – Wolf provided the following information and updates: the 2022 Planning Commission Annual Report; numerous website updates are complete; Wolf and Danca are currently reviewing and updating forms and applications and expect to complete them soon; Wolf and Danca have nearly completed a 4-part webinar series focusing on accessory dwelling units including how to perform a housing analysis which would be presented to the Planning Commission and then potentially to the Board as well; Wolf is working with Jocks on a private road ordinance to be adopted as reflected in the zoning ordinance which also requires updates to land divisions; review of police power ordinances will be underway shortly in an effort to bring them up to date with the current zoning ordinance language and those updates will be brought before the Board; the Planning Commission is in the process of looking at the master plan future land use map; the Cherry Capital Cycling Club has a grant program and Wolf invited anyone to share ideas with her about potential bike-related projects. Board discussion occurred.

F. SPECIAL PRESENTATIONS: None

G. CONSENT CALENDAR:

1. RECEIVE AND FILE:

- a. Treasurer's Report
- b. Clerk's Revenue/Expenditure Report and Balance Sheet Report
- c. Draft Planning Commission minutes 01/09/2023

2. APPROVAL:

1. Accounts Payable prepaid of \$420,261.03 and Current to be approved \$5,916.27
(Recommend approval: Clerk, L. Swanson)

H. ITEMS REMOVED FROM THE CONSENT CALENDAR: None

Motion by Jenema, approved by Stevens, to approve the Consent Calendar as presented. Roll call vote. Motion carried unanimously.

I. CORRESPONDENCE:

1. Cherry Capital Cycling Club
2. Grand Traverse Road Commission 2023 Meeting schedule

J. PUBLIC HEARING: None

Board agreed to move L. Old Business #3 ahead of K. New Business.

L. OLD BUSINESS

3. Farmland Preservation continued discussion

Laura Rigan, Farmland Program Manager, Grand Traverse Regional Land Conservancy, spoke regarding the Cherries R Da Berries conservation easement purchase. She asked the Board for guidance on whether to make an official offer. She noted that if they were to accept the official offer, then at the next board meeting, she would suggest passing a resolution to purchase the easement. Board discussion occurred.

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Motion by Jenema, supported by Swanson, for Laura Rigan to go into negotiations with Cherries R Da Berries for the purchase of the 72 plus/minus acres with the updated appraisal amounts, offering 75% of value.

Board discussion occurred.

Roll call vote. Motion carried unanimously.

Further discussion included the new location of the conservancy offices at 2846 N Three Mile Rd.
Note: they are not officially open to the public yet.

K. NEW BUSINESS:

1. Parks & Recreation Plan Update

Wolf presented Beckett & Raeder's proposed timeline and suggested that with Board approval, some of the items could instead be achieved by township staff while still using Beckett & Raeder's services for the public participation piece and as an overall advisory/review resource as needed. Board discussion occurred.

2. Supervisor's appointments to Board of Review

Supervisor White reappointed Karly Wentzlof, Radu Danca and Matt Geib to Board of Review.

Motion by Jenema, supported by Swanson, to support Supervisor White's recommendation to have Karly Wentzlof, Radu Danca and Matt Geib to the Board of Review for two-year terms. Voice vote. Motion carried unanimously.

3. Resolution Budget adjustment 2022/2023 Budget

As stated by Supervisor White, the purpose of this is to bring everything in line as a result of the time period when the previous Deputy Clerk was transitioning out of the position, while the new Deputy Clerk was transitioning in to the position.

Motion by Jenema, supported by Aukerman, to approve Resolution 2023-03 in support of the moving of funds to balance the budget from contingency to salary and FICA as presented. Roll call vote. Motion carried unanimously.

4. Resolution for Hardship/Poverty Exemption Guidelines

Jenema provided overview information. Board discussion occurred.

Motion by Stevens, supported by Hoxsie, to approve Resolution 2023-04 as presented with total asset value not to exceed a maximum amount of \$15,000 and not including home or automobile. Roll call vote. Motion carried unanimously.

5. Agreement to Cost-Share Eagle View oblique and Ortho Aerial Imagery

Board discussion occurred. Supervisor White requested Board support to move forward with the agreement.

Motion by Stevens, supported by Jenema, for Supervisor White to sign the Agreement to Cost - Share Eagle View Oblique and Ortho Aerial Imagery and submit to the county. Roll call vote. Motion carried unanimously.

6. 2023 Proposed Schedule of Fees

Wolf provided overview information. Board discussion occurred.

Motion by Jenema, supported by Stevens, to approve the updated fee schedule for 2023. Voice vote. Motion carried unanimously.

APPROVED

L. OLD BUSINESS:

1. SPARK Grant Site Plan/Cost Sheet

Wolf showed visual of park with proposed updates (provided by Brian Kelley) and presented updated cost and site plan analysis. The next SPARK Grant application deadline has not been announced yet. Board discussion occurred. The Board approved of the updated plan and of Wolf moving forward with the application when the next application timeline becomes available.

2. Resolution to amend Employee Handbook

Brief Board discussion occurred.

Motion by Jenema, supported by Aukerman, to approve Resolution 2023-05 to update our employee handbook with 36 hours per week as full-time and outlined benefits that go along with that. Roll call vote. Motion carried unanimously.

4. Bertha Vos possible Closed session

Motion by Jenema, supported by White, to go into closed session pursuant to MCL 15.268(1)(d) to discuss the purchase of Bertha Vos. Roll call vote. Motion carried unanimously.

Board entered closed session at 9:17 p.m.

Motion by Jenema, supported by Stevens, for the Board to come back into open session. Roll call vote. Motion carried unanimously.

Board entered open session at 10:10 p.m.

PUBLIC COMMENT and OTHER BUSINESS: None

Motion by Swanson, supported by Stevens, to adjourn the meeting. Voice vote. Motion carried unanimously.

The meeting was adjourned at 10:10 p.m.

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a document from the official records of the township.

Lisa Swanson, Acme Township Clerk

DRAFT UNAPPROVED



**ACME TOWNSHIP PLANNING COMMISSION
ACME TOWNSHIP HALL
6042 Acme Road Williamsburg, MI 49690
February 13, 2023 7:00 p.m.**

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE 7:01pm

ROLL CALL: Dan Rosa, Jack Challender, Dan VanHouten, Steve Feringa, Karly Wentzloff, Marcie Timmins, Jean Aukerman

Staff Present: Lindsey Wolf, Acme Planning and Zoning; Sara Kopriva, Planner Beckett & Raeder, Marcie Timmins, recording secretary.

A. LIMITED PUBLIC COMMENT: Members of the public may address the Commission regarding any subject of community interest during public comment periods by filling out a Public Comment Card and submitting it to the Secretary. Public comments are limited to three minutes per individual. Comments during other portions of the agenda may or may not be entertained at the moderator's discretion

Opened at 7:02

Brian Kelley- Turned in printed comments. Discussed numerous wetland features, including origins of Yuba Creek, on the parcel at the corner of M72 and Arnold Rd. Talked about considering wetland inventory in any rezoning.

Closed at 7:06

**B. APPROVAL OF AGENDA: Motion by Feringa, support by VanHouten to approve the agenda with the addition of G. 2 and J. 2.
Motion carries unanimously**

C. INQUIRY AS TO CONFLICTS OF INTEREST:

D. SPECIAL PRESENTATIONS:

E. RECEIVE AND FILE:

1. RECEIVE AND FILE

a. Approved Township Board Meeting Minutes 1.3.23

**Motion by Timmins support Challender to approve the board meeting minutes from 1/3/23. Friendly amendment to correct the year from 2022 to 2023.
motion carries unanimously**

F. APPROVAL OF MINUTES:

a. Approve Draft Planning Commission Meeting Minutes 12.19.22

**Motion by Challender support by Timmins to approve the 12/19/22 planning commission meeting minutes with the change of throughout to thought out.
Motion carries unanimously**

b. Approve Draft Planning Commission Meeting Minutes 1.9.23

The wrong minutes were in the packet, but the correct minutes were posted to Acme's website. Bring them back for approval in March.

G. CORRESPONDENCE:

1. Cherry Capital Cycling Club- Wentzloff read, discussed 2023 grant program for communities and organizations who support cycling. The grant cycle runs from February 1st through March 31st. 2023.

2. Brian Kelley- Wentzloff read into the record. Same letter as public comment.

G. PUBLIC HEARINGS:

1. None

H. OLD BUSINESS:

1. None

I. NEW BUSINESS:

1. Future Land Use Map Discussion (FLUM)

Wolf- Went over the difference between the zoning ordinance map and the future land use map. The zoning ordinance map shows what current zoning is, dictates lot size and what is allowed within each zone as well as other standards. The future land use map is a guiding document for the future. Some of them may be implemented, some may never be implemented. Some may change during the five year rewrite. When we talk about changing the future land use map, it does not change the current zoning that we have.

Kopriva- The future land use map is where you are trying to go. The zoning map is what it is today. How you can develop, what you can do. You rely on the future land use for rezonings, to say if I change the zoning map does it reflect the future land use map? Rezonings do rely on each of the maps.

Kopriva went over what “prime” property for industrial looks like

- good transportation- road networks
- freight- railroad or waterway
- Utilities- electric, internet, water, sewer
- Acreage- not all industries need a lot of space but it is good to have some parcels that are larger.

Kopriva- trying to create a zoning ordinance that in the industrial district they are cleaner industrial uses. When we are talking about industrial it doesn't have to be a very dirty business it can be something very clean.

Wentzloff- The access to water a lot of times is not related to the intensity of the industrial use. It is related to fire suppression. That is very challenging to do if you don't have access to a municipal water source.

Kopriva- talked about needing sewer systems to get rid of waste, such as the kind a brewery may produce. Things that a drain field can not process. It can help to reduce lot sizes if the area has water and sewer. Pointed out there is no water or sewer along the area on 72 that they are asking to rezone.

Focused on the area of parcels west of Bates Rd. and East of Arnold Rd., approximately a mile and a half area.

Briefly talked about the tribal land that is in trust.

Wentzloff clarified that once a property is in trust it won't come back out. That is correct.

Feringa- That property may as well stay Ag as they have no development plans for the property. Discussed how there are bad soils on the property and it would be bad for the creek.

Kopriva- Went over the different wetland areas that are on the tribal property.

Doesn't believe the corner property next to the consumers transformer would encourage any real growth in the township if it were rezoned.

Wentzloff- asked what data was used to deduce what is "prime" farmland?

Kopriva- It mostly has to do with soils but it has to do with slopes as well. If it were a steep slope with good soil it may get taken out of prime farmland and just listed as farmland. Discussed a couple small parcels on the corner of M72 and Bates Rd. They currently have some residential houses there but those could potentially be rezoned, talking about the zoning map not the future land use map, to industrial. To match up with the future land use map. Because they are single family dwellings they would become nonconforming. We would need to think about the implications for nonconforming for a residential structure if we decided to make that change.

Went over the survey responses from the masterplan survey from 2013. There is interest in safe, efficient traffic flow and retaining agriculture. Less desirable is stripe commercial development and industrial warehousing. This survey is from 2013, not sure if people still feel the same way, that is something they would vet out doing the master plan update next year. One of the high ranking uses is locally owned retail. Some of the industrial uses do have a retail component to them and could be part of the industrial district. Recreation and tourism are also uses that are included in the Ag as well as the industrial district.

Kopriva went over the chart in the packet that showed the uses in the Ag and Industrial zones as well as where they overlapped and the ones that were only allowed in one district or the other.

2% of the land in the township is zoned light industrial and of that 70% is developed.

Timmins- asked if there is a standard percentage, within the state, of areas that should be light industrial.

Kopriva- there is not a standard. It is based on what the community feels is sufficient.

Wentzloff- Believes there are two things we need to look at; do we identify that there needs to be more area on the future land use map designated light industrial/warehousing? If so, where would that most appropriately be?

Timmins- asked if there was a way to give extra protections to parcels that had wetlands or creeks or if that would be more the territory of the townships stormwater ordinance?

Kopriva- Some of that would be in the stormwater and the zoning ordinance for wetlands.

Wentzloff- In the Ag district because of the right to farm, if they are building out buildings. Do they still have to get a land use permit? But they can't be restricted on the amount of space?

Wolf- We don't have to have any knowledge of it.

Wentzloff- that is her only caution is that at least during the process, if our standards are strong enough, in something that is light industrial or commercial we at least have the ability for a site plan review. If we have good standards we should be able to protect environmentally sensitive areas. Just because a parcel is Ag doesn't mean we have the ability to suddenly protect it.

Wolf- asked if we could change the name from light industrial to something less alarming.

Kopriva- you could almost call it a different kind of commercial, like a highway commercial. It's high traffic, may have some retail in it, but because of some traffic issues may make it a little less desirable.

Briefly discussed traffic issues.

Wentzloff wants to make sure there is strong enough language for cross access easements and encouraging minimizing curb cuts in that corridor. Ultimately this is up to MDOT they have the authority.

Kopriva- this area along 72 is also an entrance to the township. What do we want it to look like there?

Challender- Doesn't want to see more storage going in along 72.

Timmins- questioned leaving the amount of light industrial the township has until all of the unused properties are developed?

Challender- asked Wolf how many requests there have been?

Wolf- since her time at the township since 2019, there have only been 3 requests.

Wentzloff- from a real estate standpoint you will get more inquiries if properties are available on the market. There are not many properties that have been available.

Rosa- East and West of Arnold Rd. isn't that going to be developed into some higher economic use like restaurants or shopping of some sort. It wouldn't stay agricultural forever. If it will eventually become something different, we should deal with it now and come up with a new zoning category or that to look at what we like that to be. Doesn't think we have anything in our zoning ordinance now that works for that looking at future stuff. Doesn't think we should lose that light industrial section on Arnold Rd. I Don't see anywhere else in the township that is as good or better than that is any place else in the township right now for light industrial. If you put more light industrial on either side of Bates Rd people will still have to go through a bad intersection.

Wentzloff- The top part of the Hops farm is the most cohesive way to add, in the binary of do we or don't we need more light industrial. To her it is the most logical place for it to go. Just as far as space is concerned, does not see any other place that if we expand light industrial, she would feel more comfortable with, other than along the 72 corridor. Not down Bates because it gets close to a state owned parcel and protected areas. You don't have access to a major road.

Challender- asked about the rest of the property around the Meijer store and if we consider it in the future land use map.

Wentzloff- that is in trust, other than the Meijer parcel is carved out.

Rosa- Wanted to clarify the area he was talking about zoning along 72 was only the first

600 to 800 feet not the whole forty acres.

Wentzloff - is talking about the same space but that it should just be light industrial and not make a whole new zoning district. Unless a large geographic area is identified that we think needs a new zoning district.

Kopriva- Thinks that the area on 72 will be the area that the township will want some sort of commercial activity. She hears that we don't want it to look like storage and warehouse buildings. So to her that translates into some form of commercial district that allows for some retail operations. Either retail, restaurant, some services, maybe offices. Allowing people to develop the land.

Discussed how to possibly create a buffer between less desirable uses and the view shed. Kopriva-Looking at the south side of the road (M72) if we decide we want more light industrial on the future land use map in that area then we can go in and tweak the zoning to create a prettier set of standards for the frontage.

Wentzloff- asked about just having some business and not light industrial. Like corridor flex or does that just encourage sprawl?

Wolf- asked if this is a better conversation to have as a whole when we go through the whole master plan update since we don't have that much demand.

Wentzloff- feels we do need more space for light industrial warehousing.

Wolf- has received fewer calls for self storage now that the Tom's and Kmart have been purchased.

Kopriva- asked if we were all in agreement that we should wait and look at this as we do the full master plan.

Everyone is in agreement.

Discussed getting the current zoning maps put up in the township. Lindsey will take care of that.

2. Non conforming structures-

Wolf- has had a request for a couple non conforming structures. As she was reading through the ordinances some of the language didn't make sense. It wasn't originally on the agenda because Jeff (Jocks, township attorney) didn't have time to review the language before the meeting. He agrees that the language needs work. Particularly section A. and section D.

Discussed how it puts the zoning administrator in a difficult spot to enforce without hiring an outside consultant. It was also discussed having some administrative authority if the project meets all the requirements of the district, so that a project with just a minor non conforming issue wouldn't have to go through all the bells and whistles of going through the ZBA.

We need Jeffs review but Lindsey would like to schedule this for the March meeting.

Motion by Timmins, support by Rosa to schedule a public hearing for the March 13th. planning commission meeting, on non conforming sites if all the information is

**available in a timely manner for review.
Motion carries unanimously**

J. PUBLIC COMMENT & OTHER PC BUSINESS

Public comment opened at 8:38

Brian Kelley- Difficulty of crossing M72 was brought to the board's attention, he thinks it deserves some serious discussion moving forward with the master plan rewrite. Commented on the unreliability of the 2019 survey. Curious about the timeline of light industrial over the last 120 years. Talked about combining the park survey with the general survey and people getting question fatigue when responding to both at the same time, and if you stick it in with the tax bill it will bias the survey. Likes Dan's idea of a new district, but looks at 31 and sees the lack of development along there. It is just frustrating.

Wetland setback is not 50 feet it is 25 feet, believes the ordinance leaves township discretion to make that set back greater.

Mentioned machine shops in light industrial and how hard it is to get rid of their waste in a septic field. I Am concerned about that. Also concerned about the amount of impervious space allowed in light industrial.

The township had set a strict boundary for Tractor Supply that materials don't go above their fence. They are currently above the fence and have been for the last six months.

Closed 8:42

1. Planning & Zoning Administrator Report – Lindsey Wolf - Acme village phase one site plan review is being reviewed by John I. currently and may come before us in March. Land use permits have been pulled for the old Tom's property on buildings 1-3 and they have bonded buildings 1-4. Asked for any grant ideas for Cherry Capital Cycling.
2. Township Board Report – Jean Aukerman- Announced that Acme was awarded \$25,000 from the 2% grant from the Tribe. It was awarded towards the Nakwema Trailway.
3. Parks & Trails Committee Report –

**ADJOURN: Motion by Timmins support by Challenger to Adjourn
Motion carries unanimously**

On Tue, Feb 28, 2023 at 8:34 AM Robert Garvey <bobgarvey@me.com> wrote:

Hi Karly ,

Hope you are doing well .

I'm sending along today's Ticker which you probably saw .

I appreciated East Bay's level of focus on the creeks and watersheds . Perhaps they were behind and needed to catch up ?

I guess I'm asking for reassurancehas Acme shown similar concern for Acme Creek and Yuba Creek watersheds as expressed in its planning / zoning processes ? Are the watersheds adequately protected with existing safeguards ? Can more be done ? Is there a need for ongoing reevaluation of existing standards ?

As development pressures increase in Acme is there more that can be done to protect water quality at the zoning and planning levels ?

Thanks

Sent from my iPad

Begin forwarded message:

From: Traverse Ticker <info@traverseticker.com>

Date: February 28, 2023 at 4:09:25 AM EST

To: Robert Garvey <bobgarvey@me.com>

Subject: Tuesday Ticker: Protecting The Water



Planning & Zoning

6042 Acme Road | Williamsburg, MI | 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: www.acmetownship.org

To: Acme Township Planning Commission

From: Lindsey Wolf, Planning & Zoning Administrator

Date: March 7, 2023

Re: Zoning Ordinance Amendment 003 – Nonconforming Structures

Amendment Number: 003

Attachments: 5 Pages – Full Text of Proposed Amendments (noted in red) & Hearing Notice

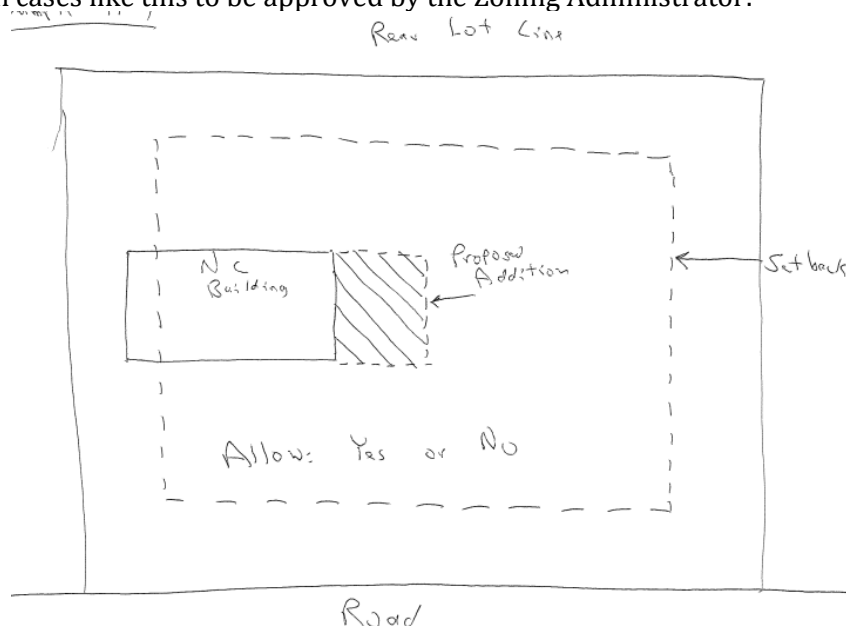
NONCONFORMING STRUCTURE: A structure that was lawfully erected but that no longer complies with all the regulations applicable to the zoning district in which the structure is located.

Proposed Amendments Summary:

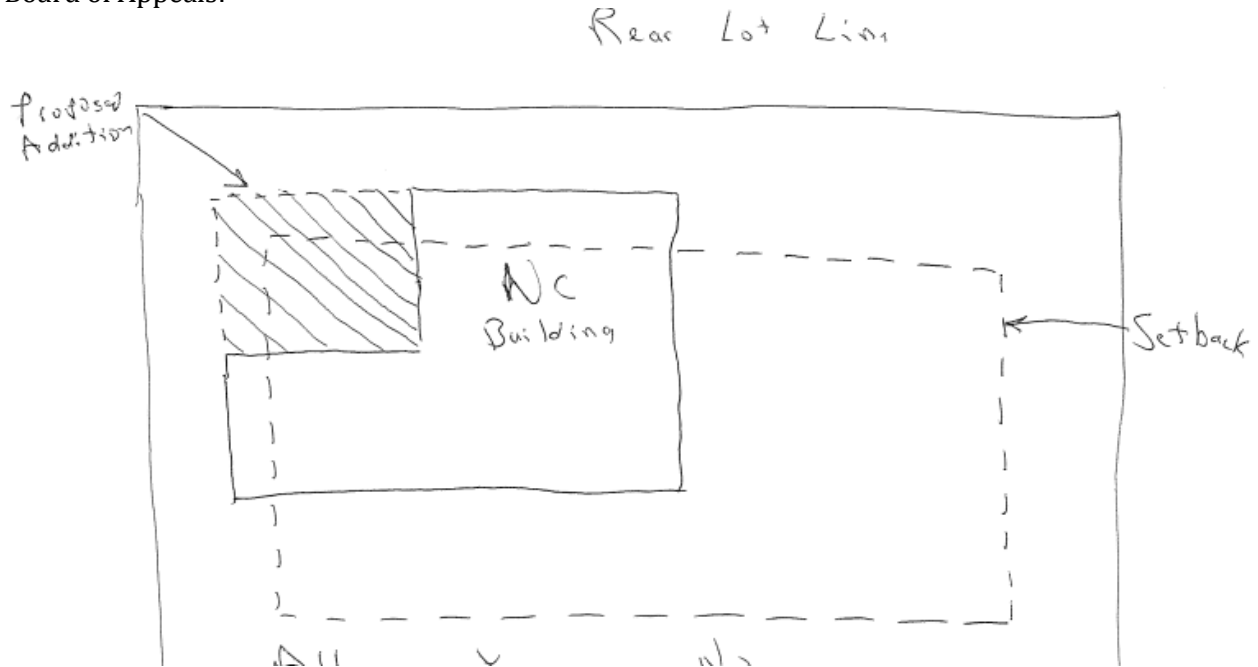
Article 5 General Provisions -Section 5.33.5 Nonconforming Structures

5.33.5 A. Continuanace of Nonconforming Structures: The previous language states “that such maintenance shall not exceed an aggregate cost of 30% of the assessed value of the structure” - it is not practical on the township’s end. The township would need to hire an independent consultant to determine the cost percentage. This would also be at the expense of the property owner. The proposed amendment removes this standard.

5.33.5 D. Enlargement or Expansion: The amended language allows the enlargement or expansion of a structure in cases like this to be approved by the Zoning Administrator:



As opposed to this type of enlargement/expansion that would require approval by the Zoning Board of Appeals:



Discussion:

The current language of 5.33.5.D allows for expansions of nonconforming structures so long as the expansion does not increase the nonconformance. That is the example found in the first sketch above. Some municipalities also allow for the expansion of a nonconforming structure that would increase the nonconformance. That is the example in the second sketch above. The proposed language would allow both types of expansions. However, because this is a substantive change, it is important for the Planning Commission to consider whether it wishes to allow for expansions of nonconforming structures that would increase the nonconformance. The current ordinance does not allow that right now.

If the Planning Commission does not wish to allow for this type of expansion/ expansions of existing nonconforming structures when those expansions would increase the nonconformance (example in the second sketch). The following language to Section 5.33.5 D. is proposed:

A nonconforming structure in which only permitted uses are operated may be enlarged or expanded as follows. Applications for enlargements or expansions that do not increase any nonconformance shall be reviewed by the Zoning Administrator and approved upon the Zoning Administrator's determination that there is no increase to any nonconformance. ~~Applications for enlargements or expansions that increase any nonconformance shall be reviewed by the Zoning Board of Appeals. The Zoning Board of Appeals shall only approve such increase if the applicant meets all necessary requirements to receive a variance.~~ Upon approval of the enlargement or expansion ~~under one of the scenarios above~~, the applicant must apply for and receive any and all other approvals, including but not limited to site plan or special use permit amendment or approval, prior to receiving a land use permit.

Proposed Motion(s):

Motion to recommend that the Board of Trustees adopt Zoning Ordinance Amendment 003 Nonconforming Structures as presented in the text under 5.33.5, 5.33.5 A., and 5.33.D.

Or

Motion to recommend that the Board of Trustees adopt Zoning Ordinance Amendment 003 Nonconforming Structures in the text under 5.33.5, 5.33.5 A., and 5.33.D – with the following changes:

Or

Motion to recommend denial of Zoning Ordinance Amendment 003 Nonconforming Structures to the Board of Trustees.

5.33.4 Nonconforming Sites

Nonconforming sites may be continued, enlarged, or expanded in accordance with the following provisions:

- A. Applicable Standards: Various site design standards are established in Article 6: Site Development Standards and Article 7: Supplemental Use Standards of this Ordinance. Consequently, many development sites do not meet current requirements for such items as parking lot standards, landscaping, exterior lighting, storm water requirements and other design specifications. This subsection requires that such nonconforming sites be brought into conformance with all applicable development standards prescribed by this Ordinance.
- B. Authority to Continue: Any legal nonconforming site may be continued so long as it remains otherwise lawful subject to this subsection.
- C. Extensions:
 1. In General: A nonconforming site on which there is a conforming use shall not be expanded or contracted unless the site is brought into conformance with the provisions of this ordinance.
 2. Single Family Residential Exception: A single family residential structure that is located on a legally nonconforming site with respect to required yards, areas, or height may be structurally altered or enlarged, providing the portion of the structure that is altered or enlarged conforms with the provisions of this ordinance.
- D. Relocations: No structure shall be relocated within a nonconforming site until the site is brought into conformance with the provisions of this ordinance.
- E. Change in Use: A nonconforming site shall be allowed to be occupied by another use allowed by right in the district so long as no exterior structural or site modifications are to occur. In the event the new occupant desires to provide exterior structural modifications, the site shall be brought into compliance with all applicable site and use standards, unless a nonconforming site variance has been approved by the Zoning Board of Appeals.

5.33.5 Nonconforming Structures

Nonconforming structures may be continued, repaired, replaced, enlarged or expanded, **following review by the Zoning Administrator and a land use permit**, in accordance with the following provisions:

- A. Continuance of Nonconforming Structures:

Current Language: Subject to all limitations in this subsection, and the provisions for Exception for Repairs Pursuant to Public Order in General Standards subsection, any nonconforming structure may be occupied, operated, and maintained in a state of good repair, but no nonconforming structure shall be enlarged or extended unless in accordance with the provisions under Enlargement or Expansion in this subsection, provided that such maintenance does not exceed an aggregate cost of thirty (30) percent of the assessed value of the structure.

Proposed: Any nonconforming structure may be occupied, operated, and maintained in a state of good repair, but no nonconforming structure shall be enlarged or extended unless in accordance with the provisions under Enlargement or Expansion.

- B. Repair and Maintenance of Nonconforming Structures: Nothing in this Ordinance shall prevent the repair, reinforcement, improvement or rehabilitation of any nonconforming structure, or any part thereof, which results from wear and tear, deterioration, fire, windstorm, snowstorm, rainstorm, flood or other casualty damage, nor shall it prevent compliance with the provisions of the State Construction Code Act, relative to the maintenance of buildings or structures. Such repair and maintenance shall not be so extensive as to constitute a replacement of the structure by replacing an exterior wall(s). For the purposes of this subsection, the determination of whether proposed repairs and maintenance constitute replacement shall be made by the Zoning Administrator. The determination of the Zoning Administrator shall be appealable to the Zoning Board of Appeals.
- C. Replacement of Damaged Nonconforming Structures: Nothing in this Ordinance shall prevent the replacement of any nonconforming building or structure damaged or destroyed by fire, windstorm, snowstorm, rainstorm, flood or other casualty damage beyond the control of the owner, provided such replacement utilizes the original structure footprint and does not increase the original usable floor area or volume of such structure. Such replacement shall commence within twenty four (24) months of the damage or destruction.
- D. Enlargement or Expansion:

Current Language: A nonconforming structure in which only permitted uses are operated may be enlarged or expanded provided that the area of nonconformance is not increased and provided further that compliance with all of the provisions of this Ordinance established for structures in the district in which the nonconforming structure is located. Such enlargement shall also be subject to all other applicable Township ordinances.

Proposed: A nonconforming structure in which only permitted uses are operated may be enlarged or expanded as follows. Applications for enlargements or expansions that do not increase any nonconformance shall be reviewed by the Zoning Administrator and approved upon the Zoning Administrator's determination that there is no increase to any nonconformance. Applications for enlargements or expansions that increase any nonconformance shall be reviewed by the Zoning Board of Appeals. The Zoning Board of Appeals shall only approve such increase if the applicant meets all necessary requirements to receive a variance. Upon approval of the enlargement or expansion under one of the scenarios above, the applicant must apply for and receive any and all other approvals, including but not limited to site plan or special use permit amendment or approval, prior to receiving a land use permit.

5.33.6 Nonconforming Lots

- A. Any nonconforming lot of record may be used for any purpose authorized by the district in which it is located, except those uses that specify a minimum lot size. This provision shall apply even though such lot fails to meet the requirements for area or width applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Any required variances may be requested pursuant to the procedures and standards of this Ordinance.
- B. If two (2) or more contiguous lots, parcels, or portions of lots or parcels are under the same ownership and do not individually meet the lot width, depth, and/or area requirements of this Ordinance, then those contiguous lots, parcels, or portions of

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lots or parcels shall be considered an undivided lot or parcel for the purposes of this Ordinance, and no portion of such undivided lot or parcel shall be used or divided in a manner that diminishes compliance with the lot width, depth, and/or area requirements established by this Ordinance or which creates a nonconforming structure.

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000
Fax (231)946-8273

ORDER CONFIRMATION

Salesperson: MEGAN O'BRIEN

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Acct #: 6

Ad #: 597678

Status: New WHOLD

ACME TOWNSHIP
LISA SWANSON, CLERK
6042 ACME ROAD
WILLIAMSBURG MI 49690

Start: 02/25/2023 Stop: 02/25/2023
Times Ord: 1 Times Run: ***
STDAD 3.00 X 3.56 Words: 251
Total STDAD 10.68
Class: 147 LEGALS
Rate: LEGAL Cost: 119.15
Affidavits: 1

Contact:

Phone: (231)938-1350

Fax#: (231)938-1510

Email: dwhite@acmetownship.org

Agency:

Ad Descrpt: LEGAL NOTICE TOWNSHIP OF
Given by: *

P.O. #:

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PUB ZONE EDT TP START INS STOP SMTWTFS
RE A 97 W Sat 02/25/23 1 Sat 02/25/23 SMTWTFS
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We appreciate your business.

(CONTINUED ON NEXT PAGE)

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000
Fax (231)946-8273

ORDER CONFIRMATION (CONTINUED)

Salesperson: MEGAN O'BRIEN

Printed at 02/22/23 11:41 by mobri

Acct #: 6

Ad #: 597678

Status: New WHOLD WHOI

**LEGAL NOTICE
TOWNSHIP OF ACME
NOTICE OF HEARING**

PLEASE TAKE NOTICE that the ACME TOWNSHIP PLANNING COMMISSION will hold a public hearing at its regular meeting on Monday, March, 2023 at 7:00 p.m. at the Acme Township Hall, 6042 Acme Road, Williamsburg, MI 49690, to consider the following amendment to the Acme Township Zoning Ordinance:

Zoning Ordinance Amendment 003 - Nonconforming Structures

The proposed amendment would modify Article V Section 5.33.5 of the Acme Township Zoning Ordinance to provide clarity to 5.33.5 A. Continuance of Nonconforming Structures. The proposed amendment would also modify 5.33.5 D. Enlargement or Expansion to clarify the review and approval process.

All interested persons are invited to attend and be heard at the public hearings before the Planning Commission. After the public hearings the Planning Commission may or may not deliberate and make its recommendation based on the Acme Township Zoning Ordinance to the Township Board, which will subsequently take appropriate action on the application.

The application for the proposed amendment may be inspected at the Acme Township Hall between 7:30 a.m. and 5:00 p.m. Monday through Thursday. The application materials will also be available on the Acme Township website www.acmetownship.org under the current meeting minutes tab. If you are planning to attend and require any special assistance, please notify Lisa Swanson, Township Clerk, within 24 hours of the meeting at 938-1350. Written comments may be directed to:

Lindsey Wolf, Planning & Zoning Administrator
6042 Acme Rd, Williamsburg, MI 49690, (231)938-1350, zoning@acmetownship.org

February 25, 2023- 1T

597678