

**CHARTER TOWNSHIP OF FLUSHING**

**6524 N. SEYMOUR ROAD**

**FLUSHING, MICHIGAN 48433**

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***MINUTES OF THE PLANNING COMMISSION MEETING***

**DATE: November 9, 2020**

**TIME: 7:00 P.M.**

**WEB ADDRESS <http://www.flushingtowship.com>**

**MEMBERS OF PLANNING COMMISSION**

Chair – Jerome Doyle

Ronald Voigt

Vice Chair – Mark Newman

Christopher Czyzio

Secretary – Ronald Flowers

William Mills

Terry A. Peck, Board of Trustees Representative

Joyce A. Wilson, Recording Secretary

**PRESENT:** Mark Newman, Ronald Flowers, William Mills, Ronald Voigt, Christopher Czyzio and Terry Peck

**ABSENT:** Jerome Doyle

**OTHERS PRESENT:** Clerk Wendy Meinburg, Supervisor Fred Thorsby, Caitlyn Habben of Rowe Engineering and two other individuals

**I. MEETING CALLED TO ORDER** at 7:00 P.M. by Planning Commission Vice Chairman Newman with Roll Call and Pledge to the American Flag.

**II. APPROVAL OF AGENDA: COMMISSIONER FLOWERS MOVED,** supported by Commissioner Peck to approve the agenda as presented.

**THE MOTION CARRIED UNANIMOUSLY.**

**III. APPROVAL OF PREVIOUS MINUTES:**

**COMMISSIONER PECK MOVED,** supported by Commissioner Flowers to approve the minutes of the October 13, 2020 meeting.

**THE MOTION CARRIED UNANIMOUSLY** with Chairman Jerome Doyle absent.

#### **IV. PUBLIC COMMENTS**

Open for Public Comments at 7:02 P.M.

Flushing Township Resident Teresa Jenson spoke regarding the agenda item “Home Occupation” pointing out the proposed ordinance amendment was a way to have some controls on medical marijuana growers in the Township but she stated it would be a detriment to neighborhoods because of the potential crime, odor and other problems it would bring to the Township.

Closed for Public Comments at 7:04 P.M.

#### **V. UNFINISHED BUSINESS**

1. Referral from the Board of Trustees to review a proposed text amendment to the Zoning Ordinance Section regarding Home Occupation.

Ms. Habben reviewed with the Commissioners proposed language for the amendment to the Home Occupation Ordinance. The amendment would affect Article XVIII Special Use Permits, Sec. 20-1803 and Article IV Site Regulations, Sec. 20-419 Home Occupation. The

There was lengthy discussion regarding the proposed revisions with the proposed language listed below:

### **Home Occupations Text Amendment**

#### **Article II DEFINITIONS**

**Home occupation** means an occupation conducted as an accessory land use of a dwelling unit. Home occupations include occupations conducted within a dwelling unit or in an attached or detached accessory structure.

**Primary Caregiver** means a registered individual or enterprise that follows the General Rules of the Michigan Department of Health and Human Services and the Michigan Medical Marihuana Act, Initiated

Law 1 of 2008, to assist with a qualifying patient's use of medical marihuana through growing and provisioning.

## **Article IV SITE REGULATIONS**

### ***Sec. 20-419 Home Occupation.***

- (A) All home occupation shall meet the below requirements:
- (1) There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation, other than one (1) sign not exceeding two (2) square feet in area, non illuminated, and mounted flat against the wall of the dwelling.
  - (2) There shall be no sale of any goods manufactured elsewhere in connection with such home occupation except for sales incidental to the home occupation.
  - (3) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking, generated by the conduct of such home occupation shall be provided by an off-street area, located other than in a required front yard.
  - (4) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premise, or causes fluctuations in line voltage off the premises.
  - (5) Home occupations shall be carried on by a member or members of the family residing on the premises, and not over one (1) employee not residing on the premises
- (B) A Type 1 home occupation shall only be conducted inside the dwelling unit. Below are additional requirements to consider:
- (1) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used for the purposes of the home occupation, and shall be carried out completely within such dwelling.
- (C) A Type 2 home occupation requirements are located in Sec. 20-1803.(A).

## **Article XVIII SPECIAL USE PERMITS**

### ***Sec. 20-1803 Standards for Non-Discretionary Special Land Use Permits***

#### **(A) Home Occupation.**

- (1) All Type 2 home occupations shall meet the below requirements: All home occupations shall meet the requirements in Sec. 20-419.
  - i. A primary caregiver shall be considered a Type 2 home occupation and shall meet the following requirements:
    - a. Shall have a minimum lot size of \_\_\_\_.
    - b. All operations involving the growing of medical marihuana plants shall be fully enclosed and have the appropriate equipment to reduce nuisances of light, smoke, noise, and odor.
    - c. The holder of the primary caregiver license shall live on the premises as long as the operations are ongoing.
    - d. The growing location for the primary caregiver shall be inside an enclosed, detached accessory building.

- e. The holder of the primary caregiver license shall renew their special land use permit on an annual basis from the day it is granted by the township to ensure all information is accurate and up to date.
  - f. The location of primary caregiver home occupations shall be kept on private record with the township and shall not be accessible through requests that cite the Freedom of Information Act, PA 442 of 1976, as amended.
  - g. When deemed necessary, township staff are permitted to conduct inspections of the property and home occupation to ensure that all operations are compliant with the zoning ordinance and applicable local and state laws.
- (B) The proposed use shall only be located within an attached building or detached accessory building that is incidental to the principal dwelling unit on the property.
- (C) The proposed use shall not occupy more than \_\_ (\_\_) percent or \_\_\_\_ ( ) square feet of the gross floor area located on site for the dwelling unit.
- (D) Services involving the use of a commercial vehicle (less than one (1) ton in rated capacity) for use off premises shall be limited to \_\_ such vehicle. All other equipment and/or supplies utilized for this occupation shall only be kept on the premises when located within a fully-enclosed accessory building.

**Article VII DISTRICT REGULATIONS**

**Section 20-701 Zoning District Uses**

ZONING DISTRICT USES									
SCHEDULE OF USES (Uses Permitted by Right (P), Uses Permitted by Non-Discretionary Special Use Permits (NS), Uses Permitted by Discretionary Special Use Permit (DS), Accessory Uses and Buildings (A))									
TYPE OF USES	DISTRICTS								
	RSA	RU-1	RU-2	RU-4	C-1	C-2	C-3	M-1	M-2
RESIDENTIAL AND RELATED USES									
Type 1 Home Occupation	P	P	P	P					
Type 2 Home Occupation	NS	NS	NS	NS					

**VICE CHAIRMAN NEWMAN MOVED**, supported by Commissioner Mills to approve the discussed amendments to the Home Occupation Ordinance and bring said changes back for a formal hearing at our next meeting.

**THE MOTION CARRIED UNANIMOUSLY** with Chairman Jerome Doyle absent.

**VI. NEW BUSINESS**

**VI. PUBLIC COMMENTS**

**OPEN FOR COMMENTS: 7:35 P.M.**  
**NO COMMENTS**

**CLOSED FOR COMMENTS: 7:36 P.M.**

**VII. COMMISSION COMMENTS**

No Comments

**VIII. NEXT REGULAR SCHEDULED MEETING IS TUESDAY,  
DECEMBER 14, 2020 AT 7:00 P.M.**

**IX. ADJOURNMENT**

With no further business, the meeting adjourned at 7:38 P.M

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MARK NEWMAN, Chairman

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RONALD FLOWERS, Secretary

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Date of Approval

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Joyce A. Wilson, Recording Secretary  
11/09/2020 Plan. Com. Mtg.