ACT NO. 641, P.A. 1978 signed 1/11/79

STATE OF MICHIGAN 79TH LEGISLATURE REGULAR SESSION OF 1978

Introduced by Reps. Mahalak, Mathieu, Anderson, Brotherton, Kennedy and Porter

ENROLLED HOUSE BILL No. 6314

AN ACT to protect the public health and the environment; to provide for the regulation and management of solid wastes; to prescribe the powers and duties of certain state and local agencies and officials; to prescribe penalties; to make an appropriation; and to repeal certain acts and parts of acts.

The People of the State of Michigan enact:

- Sec. 1. This act shall be known and may be cited as the "solid waste management act".
- Sec. 2. The words and phrases defined in sections 3 to 7 shall have the meanings ascribed to them in those sections.
- Sec. 3. (1) "Applicant" means an individual, sole proprietorship, partnership, corporation, association, municipality, this state, a county, or any other governmental authority created by statute.
- (2) "Ashes" means the residue from the burning of wood, coal, coke, refuse, wastewater sludge, or other combustible materials.
- (3) "Certified health department" means a city, county, or district department of health which is specifically delegated authority by the director to perform designated activities as prescribed by this act.
- (4) "Collection center" means a tract of land, building, unit, or appurtenance or combination thereof that is used to collect junk motor vehicles and farm implements under section 23.
 - Sec. 4. (1) "Department" means the department of natural resources.
 - (2) "Director" means the director of the department of natural resources.
- (3) "Disposal area" means a solid waste transfer facility, incinerator, sanitary landfill, processing plant, or other solid waste handling or disposal facility utilized in the disposal of solid waste.
- (4) "Garbage" means rejected food wastes including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetable:
- Sec. 5. (1) "Health' officer" means a full-time administrative officer of a certified city, county, or district department of health.
 - (2) "Municipality" means a city, township, or village.
- (3) "Person" means an individual, sole proprietorship, partnership, association, or corporation, public or private, organized or existing under the laws of this state or any other state, including a federal corporation, but excluding a municipality or a special district having taxing powers.

- Sec. 6. (1) "Regional solid waste management planning agency" means the regional solid waste planning agency designated by the governor pursuant to section 4006 of title 2 of the solid waste disposal act, 42 U.S.C. 6946.
- (2) "Rubbish" means nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety.
- (3) "Rule" means a rule promulgated pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.
- Sec. 7. (1) "Solid waste" means garbage, <u>rubbish</u>, ashes, incinerator ash, incinerator residue, street cleanings, <u>incinerator</u> and industrial sludges, and solid commercial and solid industrial waste, animal waste, but does not include human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products.
- (2) "Solid waste hauler" means a person, county, this state, or a municipality, or an agency of this state, county, or a municipality which owns or operates a solid waste transporting unit.
- (3) "Solid waste processing plant" means a tract of land, building, unit, or appurtenance of a building or unit or a combination of land, buildings, and units that is used or intended for use for the processing of solid waste or the separation of material for salvage or disposal, or both, but does not include a plant engaged primarily in the acquisition, processing, and shipment of ferrous or nonferrous metal scrap.
- (4) "Solid waste transporting unit" means a container which may be an integral part of a truck or other piece of equipment used for the transportation of solid waste.
- (5) "Solid waste transfer facility" means a tract of land, building, unit, or appurtenance of a building or unit or combination of land, buildings, and units that is used or intended for use in the rehandling or storage of solid waste incidental to the transportation of the solid waste. A solid waste transfer facility does not include a tract of land or the containers on the land, if the containers have a volume of 10 cubic yards or less, and does not include a tract of land and the containers on the land if the containers have a volume of 65 cubic yards or less, and are used only for the storage of solid waste generated on or near the site and incidental to the transportation of the solid waste.
- Sec. 8. The department and a health officer shall assist in developing and encouraging methods for the disposal of solid waste which are environmentally sound, which maximize the utilization of valuable resources and which encourage resource conservation including source reduction and source separation.
- Sec. 9. A city, county, or district health department may be certified by the director to perform a solid waste management program. Certification procedures shall be established by the director by rule. The director may rescind certification upon request of the certified health department or after reasonable notice and hearing if the director finds that a certified health department is not performing the program as required.
- Sec. 10. (1) A person, county, municipality, this state, or an agency of a person, county, municipality, or this state shall not establish a disposal area without a construction permit from the director. A person, municipality, or an agency of a person or municipality proposing the establishment of a disposal area shall make application for a construction permit to the director through the health officer on a form provided by the director. If the disposal area is located in a county or city that does not have a certified health department, the application shall be made directly to the director.
- (2) The application for a construction permit shall contain the name and residence of the applicant, the location of the proposed disposal area, and other information considered necessary by the director. The application shall be accompanied by an engineering plan and a construction permit application fee that has been established on a graduated scale from \$300.00 to \$700.00. The director shall establish by rule the scale for determining the initial construction permit application fee. The scale shall be based on site size, projected waste volume, nature of the waste, and hydrogeological characteristics. The application shall be accompanied by a determination of existing hydrogeological conditions specified in a hydrogeological report and monitoring program consistent with rules promulgated by the director for groundwater quality standards, an environmental assessment, and an engineering plan.
- (3) An applicant for a construction permit, within 6 months after a permit denial, may resubmit the application, together with the additional information as needed to address the reasons for denial, without being required to pay an additional application fee.
- Sec. 11. (1) Before the submission of an application for construction permit for a new solid waste disposal area, the applicant shall request a health officer or the director to provide an advisory analysis of

the proposed area. However, the applicant, not less than 15 days after the request, and notwithstanding an analysis result, may file an application for a construction permit.

- (2) Upon receipt of a construction permit application the director or an authorized representative of the director shall:
- (a) Immediately notify the municipality in which the facility is located or proposed to be located, the local soil erosion and sedimentation control agency, each division within the department that has responsibilities in land, air, or water management, and the designated regional solid waste management planning agency.
- (b) Publish a notice in a newspaper having major circulation in the vicinity of the proposed undertaking. The required published notice shall contain a map indicating the location of the facility or proposed facility and shall contain a description of the proposed action and the location where the complete application package may be reviewed and where copies may be obtained.
- (c) Indicate in the public, departmental, and municipality notice, that the department shall hold a public hearing in the area of the project if a written request is submitted by the applicant or a municipality within 30 days after the date of publication of the notice, or by a petition submitted to the department containing a number of signatures which is equal to not less than 10% of the number of registered voters of the municipality where the project is to be located who voted in the last gubernatorial election. The petition shall be validated by the clerk of the municipality. The public hearing shall be held after the director makes a preliminary review of the application and all pertinent data, and before a construction permit is issued or denied
- (d) Review the plans of the proposed operation to determine if it complies with this act and the rules promulgated under this act. The review shall be made by persons qualified in hydrogeology and sanitary landfill engineering. A written approval by the persons qualified in hydrogeology and sanitary landfill engineering shall be received before a construction permit is issued. If the site review, plan review, and the application meet the requirements of this act and the rules promulgated under this act, the director shall issue the construction permit which may contain a stipulation specifically applicable to the site and operation. An expansion, enlargement, or alteration of a facility beyond the specified areas indicated in the original construction application shall constitute a new proposal for which a new construction permit is required.
- Sec. 12. (1) The director shall make a final decision on a construction permit application within 120 days after the director receives the application. If the director fails to make a final decision within 120 days, the permit shall be considered issued. This subsection shall not apply if the director is required to meet the provisions of Executive Order 1974-4.
- (2) A construction permit shall expire 1 year after the date of issuance, unless development under the construction permit is initiated within that year. A construction permit that has expired may be renewed upon payment of a permit renewal fee and submission of any additional information the director may require. The permit renewal application fee shall be established on a graduated scale from \$100.00 to \$500.00. The director shall establish the criteria by rule for determining the construction permit renewal application fee. The criteria shall be based on site size, projected waste volume, nature of the waste, and hydrogeological characteristics.
- Sec. 13. (1) A person, county, municipality, or an agency of a person, county, or municipality shall not conduct, manage, maintain, or operate a disposal area within this state without a license from the director. A person, county, municipality, or an agency of a person, county, or municipality that operates a disposal area shall make a license application to the director through a certified health department on a form provided by the director. If the disposal area is located in a county or city that does not have a certified health department, the application shall be made directly to the director.
- (2) The application for a license shall contain the name and residence of the applicant, the location of the proposed or existing disposal area, and other information the director considers necessary. The application shall be accompanied by a fee of \$100.00.
- (3) At the time of application for a license for a disposal area, the applicant shall submit to a health officer or the director a certification under the seal of a registered professional engineer verifying that the construction of the facility has proceeded according to the approved plans. The director shall require additional certification during intermediate progression of the operation, or to verify proper closure of the site.
- (4) An applicant for an operating license, within 3 months after a license denial, may resubmit the application, together with additional information or corrections as are necessary to address the reason for denial, without being required to pay an additional application fee.

- Sec. 14. (1) Upon receipt of a license application, the director or health officer or an authorized representative of the director or health officer shall inspect the site and determine if the proposed operation complies with this act and the rules promulgated under this act.
- (2) The department shall not license a landfill facility operating without an approved hydrogeologic monitoring program until the department receives a hydrogeologic monitoring program and the results of the program. The director shall use the results of this information in conjunction with other information about the facility to determine a course of action regarding further licensing of the facility consistent with section 4005 of title 2 of the solid waste disposal act, 42 U.S.C. 6945, and this act. In deciding a course of action, the director shall consider, at a minimum, the health hazards, environmental degradation, and other public or private alternatives. The director may revoke a license or issue a timetable or schedule to provide for compliance for the facility or operation which specifies a schedule of remedial measures, including a sequence of actions or operations, which leads to compliance with this act within a reasonable time period, which shall not extend beyond September 1, 1984. This subsection shall take effect April 1, 1980.
- Sec. 15. (1) The director shall make a final decision on a license application within 90 days after the director receives the application. If the director fails to make a final decision within 90 days, the license shall be considered issued. This subsection shall not apply if the director is required to meet the provisions of Executive Order 1974-4.
- (2) An operating license shall expire 2 years after the date of issuance and may be renewed upon payment of a renewal application fee of \$100.00 if the licensee has complied with this act and the rules promulgated under this act.
- (3) The issuance of a license shall empower the director or a health officer or an authorized representative of the director or health officer to enter at any reasonable time, pursuant to law, in or upon private or public property licensed under this act for the purpose of inspecting or investigating conditions relating to the storage, processing, or disposal of any material.
- Sec. 16. At the time of licensing of a sanitary landfill, an instrument which imposes a restrictive covenant upon the land involved shall be executed by all of the owners of the tract of land upon which the landfill is to be located and the director. The instrument imposing the restrictive covenant shall be filed for record by the director or a health officer in the office of the register of deeds of the county in which the facility is located. The covenant shall state that the land described in the covenant, has been or will be used as a landfill and that neither the property owners, their servants, agents, or employees, nor any of their heirs, successors, lessees, or assigns shall engage in filling, grading, excavating, drilling, or mining on the property during the first 15 years following completion of the landfill without authorization of the director. In giving authorization, the director shall consider the original design, type of operation, material deposited, and the stage of decomposition of the fill. Special exemption from this section may be granted by the director if contracts existing between the landowner and the licensee on the effective date of this act, are not renegotiable.
- Sec. 17. (1) The director shall specify, in writing, the reasons for denial of a construction permit or an operating license, specifying those particular sections of this act or rules promulgated under this act which may be violated by granting the application, and in what manner the violation may occur.
- (2) The health officer or director may issue a cease and desist order to a person who constructs or operates a disposal area without a permit or license, or to a person who holds a permit or license but constructs or operates an area that is not in accordance with the approved plans.
- (3) The director may revoke a permit or license after reasonable notice and hearing if the director finds that the disposal area is not being constructed or operated in accordance with the approved plans or this act and the rules promulgated under this act. The director or a health officer shall inspect and file a written report not less than 4 times per year for each licensed disposal area.
- Sec. 18. (1) Fees collected by a health officer under this act shall be deposited with the city or county treasurer, who shall keep the deposits in a special fund designated for use in carrying out the purposes of this act. If there is an ordinance or charter provision that prohibits a health officer from maintaining a special fund, the fees shall be deposited and used in accordance with the ordinance or charter provision. Fees collected by the director under this act shall be credited to the general fund of the state.
- (2) This act shall not be construed to prohibit an individual from disposing of solid waste from the individual's own household upon the individual's own land as long as the disposal does not create a nuisance or hazard to health. Solid waste accumulated as a part of an improvement or the planting of privately owned farmland may be disposed of on the property if the method used is not injurious to human life or property and does not unreasonably interfere with the enjoyment of life or property.

- Sec. 19. Before the director may issue a license, the applicant shall submit to the director a surety bond in favor of the director to assure operation in accordance with this act and rules promulgated under this act according to the following schedule:
- (a) A surety bond submitted for a saritary landfill shall be in an amount equal to \$4,000.00 per acre of disposal area, but not less than \$20,000.00, nor more than \$500,000.00. Each bond shall be renewed to provide assurance for the maintenance of the finished landfill site for a period of 5 years after the landfill is completed.
- (b) A surety bond for any other disposal area shall be in an amount equal to 1/4 of 1% of the construction cost of the facility but shall not be less than \$4,000.00, and shall be continued in effect for a period of 2 years after the disposal area is closed.
- Sec. 20. Each solid waste hauler shall be licensed under this act. Each solid waste transporting unit shall carry a seal issued by the director for inspection by an authorized representative of the director, a health officer, or a law enforcement agent. A solid waste hauler or a solid waste transporting unit licensed by a municipality under an ordinance with requirements at least equal to the requirements of this act shall be exempt from the licensing requirement of this section except that each solid waste transporting unit shall be required to carry a seal indicating compliance with this act. The application for a solid waste hauler license shall contain the name and address of the applicant, the number of solid waste transporting units operated by the applicant, and other information as the director requires. The application for a solid waste hauler license shall be made before operation, to a health officer or the director, on a form provided by the director and shall be accompanied by a license application fee of \$20.00 for each solid waste transporting unit operated by the applicant. The fee shall be payable as provided in section 18. Each additional solid waste transporting unit placed in service after a new or renewal application has been filed for the current year shall be reported to a health officer or the director on a form provided by the director and shall be accompanied by the appropriate fee before the health officer or director may issue the required seal. After reviewing the application and recommendations from the health officer, if the applicant meets the requirements of this act and the rules promulgated under this act, the director shall issue a license.
- Sec. 2I. The director or a health officer shall inspect the solid waste transporting units in accordance with procedures established by the director, and shall determine that the solid waste hauler has in operation only solid waste transporting units which are proper and hygienic, that the solid waste transporting units do not contribute to litter, and that all solid waste is delivered to disposal areas or facilities licensed under this act. A license shall expire I year after the date of issuance. A seal furnished by the director shall designate the year for which the solid waste hauler license was issued and shall be affixed to each solid waste transporting unit. A private individual may transport the individual's own household solid waste in the individual's own vehicle without being licensed. This section shall not be construed to release the private individual from a duty to provide proper constraints to prevent the discharge of solid waste from the vehicle during transport.
- Sec. 22. (1) A solid waste transporting unit used for garbage, industrial or domestic sludges, or other moisture laden materials not specifically covered by Act No. 136 of the Public Acts of 1969, being sections 323.271 to 323.280 of the Michigan Compiled Laws, shall be watertight and constructed, maintained, and operated to prevent littering. Solid waste transporting units used for hauling other solid waste shall be designed and operated to prevent littering or any other nuisance.
- (2) A solid waste hauler who violates this act shall be subject to the penalties provided in this act. After proper notice and hearing, a license issued under this act may be revoked by the director.
- (3) The director, a health officer, or a law enforcement officer may order a solid waste transporting unit out of service if the unit does not satisfy the requirements of this act or the rules promulgated under this act. Continued use of a solid waste transporting unit ordered out of service is a violation of this act.
- Sec. 23. (1) A municipality or county may establish and operate a collection center for junk motor vehicles and farm implements.
- (2) A municipality or county may collect junk motor vehicles and farm implements and dispose of them through its collection center, through the process of competitive bidding.
- (3) A municipality or county may issue bonds as necessary pursuant to Act No. 342 of the Public Acts of 1969, as amended, being sections 141.151 to 141.153 of the Michigan Compiled Laws, to finance the cost of constructing or operating facilities to collect junk motor vehicles or farm implements. The bonds shall be general obligation bonds and shall be backed by the full faith and credit of the municipality or county.
- (4) As used in this section, "collect" means to obtain a vehicle pursuant to section 252 of Act No. 300 of the Public Acts of 1949, as amended, being section 257.252 of the Michigan Compiled Laws, or to obtain the vehicle or farm implement and its title pursuant to a transfer from the owner.

- Sec. 24. A municipality or county shall assure that all solid waste is removed from the site of generation, frequently enough to protect the public health, and are delivered to licensed solid waste disposal areas, except waste which is permitted by state law or rules promulgated by the department, to be disposed of at the site of generation.
- Sec. 25. (1) Each solid waste management plan shall include an enforceable program and process to assure that the nonhazardous solid waste generated or to be generated in the planning area for a 20-year period is collected and recovered, processed, or disposed of at facilities which comply with state law and rules promulgated by the department governing location, design, and operation of the facilities.
- (2) A solid waste management plan shall be prepared and approved under this section and shall be submitted to the director before July 1, 1981. The plan shall be prepared for a 20-year period and shall be reviewed and updated every 5 years. An amendment to an existing plan shall follow the procedures outlined in this act for the development of a solid waste management plan. The solid waste management plan shall encompass all municipalities within the county. The plan shall at a minimum comply with the requirements of section 30. The solid waste management plan shall take into consideration solid waste management plans in contiguous counties and existing local approved solid waste management plans as they relate to the county's needs. At a minimum, a county preparing a solid waste management plan shall consult with the regional planning agency from the beginning to the completion of the plan.
- (3) Not later than 4 months after the effective date of this act, each county shall file with the director and with each municipality within the county on a form provided by the director, a notice of intent, indicating the county's intent to prepare a county solid waste management plan or to upgrade an existing plan. The notice shall identify the designated agency which shall be responsible for preparing the county
- (4) If the county fails to file a notice of intent with the director within the prescribed time, the director immediately shall notify each municipality within the county and shall request those municipalities to prepare the county solid waste management plan and shall convene a meeting to discuss the plan preparation. Following notification by the director, the municipalities, within 2 months but not later than 6 months after the effective date of this act, whichever is later, shall decide by a majority vote of the municipalities in the county whether or not to file a notice of intent to prepare the county solid waste management plan. Each municipality in the county shall have I vote. If a majority does not agree, then a notice of intent shall not be filed. The notice shall identify the designated agency which shall be responsible for preparing the county plan.
 - (5) If the municipalities fail to file a notice of intent to prepare a county solid waste management plan with the director within the prescribed time, the director shall request the appropriate regional solid waste management planning agency to prepare the county solid waste management plan. The regional solid waste management planning agency shall respond within 90 days after the date of the request.
 - (6) If the regional solid waste management planning agency declines to prepare a county plan the director shall prepare the plan for the county and that plan shall be final.
 - (7) A solid waste management planning agency, upon request of the director, shall submit a progress report in preparing its solid waste management plan.
 - Sec. 26. (1) The county board of commissioners, in a county choosing to prepare a solid waste management plan under section 25, or the municipalities preparing a plan under section 25(4), shall appoint a planning committee to assist the agency designated to prepare the plan under section 25. The committee shall consist of 13 members appointed for terms of 2 years. Of the members appointed, 4 shall represent the solid waste management industry, 2 shall represent environmental interest groups, 1 shall represent county government, 1 shall represent city government, 1 shall represent township government, 1 shall represent the regional solid waste planning agency, and 3 shall represent the general public. Vacancies shall be filled in the same manner as the original appointments. A member may be removed for nonperformance of duty.
 - -(2) The committee shall annually elect a chairperson and shall establish procedures for conducting the committee's activities and for reviewing the solid waste plan. The plan shall only be approved by a majority of the members appointed and serving.
 - Sec. 27. A county or regional solid waste management planning agency preparing a solid waste
 - (a) Solicit the advice and consult periodically during the preparation of the plan with the municipalities, management plan shall: appropriate organizations, and the private sector in the county under section 30(1) and solicit the advice and consult with the appropriate county or regional solid waste management planning agency, and adjacent counties and municipalities in adjacent counties which may be significantly affected by the solid waste management plan for a county.

- (b) If a planning committee has been appointed under section 26, prepare the plan with the advice, consultation, and assistance of the planning committee.
- (c) Notify, by letter, the chief elected official of each municipality and any other person so requesting within the county, not less than 10 days before each public meeting of the planning agency designated by the county, if that planning agency plans to discuss the county plan. The letter shall indicate as precisely as possible the subject matter being discussed.
- (d) Submit for review a copy of the proposed county or regional solid waste management plan to the director, to each municipality within the affected county, and to adjacent counties and municipalities that may be affected by the plan or which have requested the opportunity to review the plan. The county plan shall be submitted for review to the designated regional solid waste management planning agency for that county. Reviewing agencies shall be allowed an opportunity of not less than 3 months to review and comment on the plan before adoption of the plan by the county or a designated regional solid waste management planning agency. The comments of a reviewing agency shall be submitted with the plan to the county board of commissioners or to the regional solid waste management planning agency.
- (e) Publish a notice, at the time the plan is submitted for review under subdivision (d), of the availability of the plan for inspection or copying, at cost, by an interested person.
- (f) Conduct a public hearing on the proposed county solid waste management plan before formal adoption. A notice shall be published not less than 30 days before a hearing, in a paper having a major circulation within the county. The notice shall indicate a location where copies of the plan are available for public inspection and the time and place of the public hearing.
- Sec. 28. (1) A municipality located in 2 counties or adjacent to a municipality located in another county may request to be included in the adjacent county's plan. The request shall be approved by a resolution of each county board of commissioners of the counties involved before the municipality may be included. A municipality may appeal a decision not to be included in an adjacent county's plan to the resource recovery commission. If there is an appeal, the resource recovery commission shall issue a decision within 45 days. The decision of the resource recovery commission shall be final.
- (2) Except as provided in subsection (3), the county board of commissioners shall formally act on the plan following the public hearing.
- (3) If a planning committee has been appointed by the county board of commissioners under section 26, the county board of commissioners, or if a plan is prepared under section 25(4), the municipalities in the county who voted in favor of filing a notice of intent to prepare a county solid waste management plan, shall take formal action on the plan after the completion of public hearings and only after the plan has been approved by a majority of the planning committee as provided in section 26(2). If the county board of commissioners, or if a plan is prepared under section 25(4), a majority of the municipalities in the county who voted in favor of filing a notice of intent to prepare a county solid waste management plan, does not approve the plan as submitted, the plan shall be returned to the planning committee along with a statement of objections to the plan. Within 30 days after receipt, the planning committee shall review the objections and shall return the plan with its recommendations.
- (4) Following approval the county plan shall be approved by the governing bodies of not less than 67% of the municipalities within each respective county before the plan may take effect.
- (5) A county plan prepared by a regional solid waste management planning agency shall be approved by the governing bodies of not less than 67% of the municipalities within each respective county before the plan may take effect.
- (6) If, after the plan has been adopted, the governing bodies of not less than 67% of the municipalities have not approved the plan, the director shall prepare a plan for the county, including those municipalities that did not approve the county plan. A plan prepared by the director shall be final.
- Sec. 29. (1) The director shall, within 6 months after a plan has been submitted for approval, approve or disapprove the plan. An approved plan shall at a minimum meet the requirements set forth in section 30(1).
- (2) The director shall review an approved plan periodically and determine if revisions or corrections are necessary to bring the plan into compliance with this act. The director may, after notice and opportunity for a public hearing, held pursuant to Public Act No. 306 of the Public Acts of 1969, as amended, withdraw approval of the plan. If the director withdraws approval of a county plan, the director shall establish a timetable or schedule for compliance with this act.
- Sec. 30. (1) Not later than 6 months after the effective date of this act, the director shall promulgate rules for the development, form, and submission of solid waste management plans. The rules, at a minimum, shall require:

- (a) The establishment of goals and objectives for prevention of adverse effects on the public health and on the environment resulting from improper solid waste collection, processing, or disposal including protection of surface and groundwater quality, air quality, and the land.
- (b) Evaluate waste problems by type and volume, including residential and commercial solid waste, hazardous waste, industrial sludges, pretreatment residues, municipal sewage sludge, air pollution control residue, and other wastes from industrial or municipal sources.
- (c) Evaluate and select technically and economically feasible solid waste management options, which may include sanitary landfill, resource recovery systems, resource conservation, or a combination of options.
- (d) An inventory and description of all existing facilities where solid waste is being treated, processed, or disposed of, including a summary of the deficiencies, if any, of the facilities in meeting current solid waste management needs.
- (e) The encouragement and documentation as part of the plan, of all opportunities for participation and involvement of the public, all affected agencies and parties, and the private sector.
- (f) That the plan contain enforceable mechanisms for implementing the plan, including identification of the municipalities within the county responsible for the enforcement. This subdivision shall not be construed to preclude the private sector's participation in providing solid waste management services consistent with the county plan.
- (g) Current and projected population densities of each county and identification of population centers and centers of solid waste generation, including industrial wastes.
- (h) That the plan area has, and will have during the plan period, access to a sufficient amount of available and suitable land, accessible to transportation media, to accommodate the development and operation of solid waste disposal areas, or resource recovery facilities provided for in the plan.
- (i) That the solid waste disposal areas or resource recovery facilities provided for in the plan are capable of being developed and operated in compliance with state law and rules of the department pertaining to protection of the public health and the environment, considering the available land in the plan area, and the technical feasibility of, and economic costs associated with, the facilities.
 - (i) A timetable or schedule for implementing the county solid waste management plan.
- (2) A person shall not dispose of refuse at any place except a disposal area licensed as provided in this act unless exempted under section 18(2).
- (3) The director shall not issue a license for the development or operation of a new solid waste disposal area or resource recovery facility in a plan area unless the facility complies with and is consistent with an approved solid waste management plan.
- (4) Following approval by the director of a county solid waste management plan and after July 1, 1981, an ordinance, law, rule, regulation, policy, or practice of a municipality, county, or governmental authority created by statute which would prohibit or regulate the location or development of a solid waste disposal area, which is not part of or consistent with the approved solid waste management plan for the county, shall be considered in conflict with this act and shall not be enforceable.
- (5) Upon receipt of the application the director or health officer or their representatives shall inspect the proposed site and determine whether the proposed operation complies with this act and the rules promulgated pursuant to this act. After October 1, 1977, a sanitary landfill shall not be constructed if the sanitary landfill will be located within 10,000 feet of a runway of an airport licensed and regulated by the Michigan aeronautics commission until the construction, location and operation are reviewed by the resource recovery commission. The resource recovery commission shall review for hazards to the safety of aircraft as affected by the construction, location and operation of the sanitary landfill. If the commission, after preliminary review, decides to consider the request formally, it shall set a date for a hearing and give reasonable notice to all affected parties whom the commission has reason to believe are interested in the project. In the hearing all affected or interested parties shall be given a reasonable opportunity to be heard and to submit additional data to the commission within a reasonable time following the hearing. After the hearing the commission shall by resolution set forth its findings and shall recommend action to the director of the department of natural resources on the issuance or denial of the application. The commission shall set forth its reasons for the recommendation in the resolution to the director.
- Sec. 31. Not more than 6 months after the effective date of this act, the director shall submit to the legislature pursuant to Act No. 306 of the Public Acts of 1969, as amended, rules which contain sanitary design and operational standards for solid waste transporting units and disposal areas and otherwise implement this act. The rules shall include standards for hydrogeologic investigations; monitoring; liner materials; leachate collection and treatment, if applicable; groundwater separation distances; environmental

assessments; methane gas control; soil erosion; sedimentation control; groundwater and surface water quality; noise and air pollution; and the use of floodplains and wetlands.

- Sec. 32. (1) The state solid waste management plan shall consist of the state resource recovery plan and all county plans approved or prepared by the director.
- (2) The director shall consult and assist in the preparation and implementation of the county solid waste management plans.
- (3) The director may undertake or contract for studies or reports necessary or useful in the preparation of the state solid waste management plan.
- Sec. 33. In addition to any other remedy available at law, the director or a health officer may request that the attorney general bring an action in the name of the people of the state, or a municipality may bring an action in its own name within its municipal boundaries, for an injunction or other process against a person, county, municipality, or an agency of a person, county, or municipality to restrain or prevent the establishment, management, maintenance, or operation of a solid waste disposal area, solid waste facility, solid waste processing plant, or a solid waste hauling business without a license, or a solid waste transporting unit without a seal or for any other violation of this act.
- Sec. 34. (1) In order for a county to effectively carry out the planning responsibilities designated under this act, a grant program is established to provide financial assistance to county or regional solid waste management planning agencies. Municipalities joined together with interlocal agreements relating to solid waste management plans, within a county having a city of a population of more than 1 million, shall be eligible for a separate planning grant in addition to those granted to counties. This separate grant allocation provision shall not alter the planning and approval process requirements for county plans as specified in this act. Eighty percent of the money for the program not provided for by federal funds shall be appropriated annually by the legislature from the general fund of the state and 20% shall be appropriated by the applicant. Grant funds appropriated for local planning may be used by the director if the director finds it necessary to invoke the director's authority to develop a local plan under section 25(6). The director shall promulgate rules for the distribution of the appropriated funds.
- (2) In order for a certified health department to effectively carry out the responsibilities designated under this act, an annual grant shall be appropriated by the legislature from the general fund of the state to provide financial assistance to a certified health department. A certified health department shall be eligible to receive 100% of reasonable personnel costs as determined by the department based on criteria established by rule. The director shall promulgate rules for the distribution of the appropriated funds.
- Sec. 35. This act is not intended to prohibit the continuation of the private sector from doing business in solid waste disposal and transportation. This act is intended to encourage the continuation of the private sector in the solid waste disposal and transportation business when in compliance with the minimum requirements of this act.
- Sec. 36. A person who violates this act or a rule promulgated under this act is guilty of a misdemeanor. A person convicted under this act or the rules promulgated under this act may be punished by a fine of not more than \$1,000.00 and costs of prosecution and in default of payment of fine and costs, imprisonment for not more than 6 months. If the violation is of a continuing nature, each day upon which a violation occurs shall be considered a separate offense.
- Sec. 37. Act No. 87 of the Public Acts of 1965, as amended, being sections 325.291 to 325.300 of the Compiled Laws of 1970, is repealed.

Act No. /O
Public Acts of 1979
Approved by Governor
MAY // 1979

STATE OF MICHIGAN 80TH LEGISLATURE REGULAR SESSION OF 1979

Introduced by Senators Engler, Mowat, Irwin, VanderLaan, DeSana and Arthurhultz

ENROLLED SENATE BILL No. 250

AN ACT to amend sections 22, 25, 30, 31, and 33 of Act No. 641 of the Public Acts of 1978, entitled "An act to protect the public health and the environment; to provide for the regulation and management of solid wastes; to prescribe the powers and duties of certain state and local agencies and officials; to prescribe penalties; to make an appropriation; and to repeal certain acts and parts of acts," being sections 299.422, 299.430, 299.431, and 299.433 of the Compiled Laws of 1970; to add sections 20a and 21a; and to repeal certain acts and parts of acts.

. The People of the State of Michigan enact:

Section 1. Sections 22, 25, 30, 31, and 33 of Act No. 641 of the Public Acts of 1978, being sections 299.422, 299.425, 299.430, 299.431, and 299.433 of the Compiled Laws of 1970, are amended and sections 20a and 21a are added to read as follows:

Sec. 20a. The director, a health officer, or a law enforcement officer of competent jurisdiction may inspect a solid waste transporting unit that is being used to transport solid waste along a public road to determine if the solid waste transporting unit is designed, maintained, and operated in a manner to prevent littering or to determine if the owner or operator of the solid waste transporting unit is performing in compliance with this act and the rules promulgated pursuant to this act.

Sec. 21a. A solid waste hauler transporting solid waste over a public road in this state shall deliver all waste to a disposal area or solid waste transfer facility licensed under this act and shall use only a vehicle or container that does not contribute to littering and that conforms to the rules promulgated by the director.

A solid waste hauler who violates this act or a rule promulgated pursuant to this act, or is responsible for a vehicle that has in part contributed to a violation of this act or a rule promulgated pursuant to this act is subject to a penalty as provided in section 36.

Sec. 22. (1) A solid waste transporting unit used for garbage, industrial or domestic sludges, or other moisture laden materials not specifically covered by Act No. 136 of the Public Acts of 1969, being sections 323.271 to 323.280 of the Michigan Compiled Laws, shall be watertight and constructed, maintained, and operated to prevent littering. Solid waste transporting units used for hauling other solid waste shall be designed and operated to prevent littering or any other nuisance.

- (2) A solid waste hauler who violates this act shall be subject to the penalties provided in this act. After proper notice and hearing, a license issued under this act may be revoked by the director.
- (3) The director, a health officer, or a law enforcement officer may order a solid waste transporting unit out of service if the unit does not satisfy the requirements of this act or the rules promulgated under this act. Continued use of a solid waste transporting unit ordered out of service is a violation of this act.
- Sec. 25. (1) Each solid waste management plan shall include an enforceable program and process to assure that the nonhazardous solid waste generated or to be generated in the planning area for a 20-year period is collected and recovered, processed, or disposed of at facilities which comply with state law and rules promulgated by the department governing location, design, and operation of the facilities.
- (2) A solid waste management plan shall be prepared and approved under this section and shall be submitted to the director within 2 years after the effective date of the rules promulgated pursuant to section 30(1). The plan shall be prepared for a 20-year period and shall be reviewed and updated every 5 years. An amendment to an existing plan shall follow the procedures outlined in this act for the development of a solid waste management plan. The solid waste management plan shall encompass all municipalities within the county. The plan shall at a minimum comply with the requirements of section 30. The solid waste management plan shall take into consideration solid waste management plans in contiguous counties and existing local approved solid waste management plans as they relate to the county's needs. At a minimum, a county preparing a solid waste management plan shall consult with the regional planning agency from the beginning to the completion of the plan.
- (3) Not later than 4 months after the effective date of this act, or 4 months after the rules promulgated pursuant to section 30 or 31 take effect whichever is later, each county shall file with the director and with each municipality within the county on a form provided by the director, a notice of intent, indicating the county's intent to prepare a county solid waste management plan or to upgrade an existing plan. The notice shall identify the designated agency which shall be responsible for preparing the county plan.
- (4) If the county fails to file a notice of intent with the director within the prescribed time, the director immediately shall notify each municipality within the county and shall request those municipalities to prepare the county solid waste management plan and shall convene a meeting to discuss the plan preparation. Within 4 months following notification by the director, the municipalities shall decide by a majority vote of the municipalities in the county whether or not to file a notice of intent to prepare the county solid waste management plan. Each municipality in the county shall have I vote. If a majority does not agree, then a notice of intent shall not be filed. The notice shall identify the designated agency which shall be responsible for preparing the county plan.
- (5) If the municipalities fail to file a notice of intent to prepare a county solid waste management plan with the director within the prescribed time, the director shall request the appropriate regional solid waste management planning agency to prepare the county solid waste management plan. The regional solid waste management planning agency shall respond within 90 days after the date of the request.
- (6) If the regional solid waste management planning agency declines to prepare a county plan the director shall prepare the plan for the county and that plan shall be final.
- (7) A solid waste management planning agency, upon request of the director, shall submit a progress report in preparing its solid waste management plan.
- Sec. 30. (1) Not later than September 11, 1979, the director shall promulgate rules for the development, form, and submission of solid waste management plans. The rules shall require all of the following:
- (a) The establishment of goals and objectives for prevention of adverse effects on the public health and on the environment resulting from improper solid waste collection, processing, or disposal including protection of surface and groundwater quality, air quality, and the land.
- (b) An evaluation of waste problems by type and volume, including residential and commercial solid waste, hazardous waste, industrial sludges, pretreatment residues, municipal sewage sludge, air pollution control residue, and other wastes from industrial or municipal sources.
- (c) An evaluation and selection of technically and economically feasible solid waste management options, which may include sanitary landfill, resource recovery systems, resource conservation, or a combination of options.
- (d) An inventory and description of all existing facilities where solid waste is being treated, processed, or disposed of, including a summary of the deficiencies, if any, of the facilities in meeting current solid waste management needs.
- (e) The encouragement and documentation as part of the plan, of all opportunities for participation and involvement of the public, all affected agencies and parties, and the private sector.

(f) That the plan contain enforceable mechanisms for implementing the plan, including identification of the municipalities within the county responsible for the enforcement. This subdivision does not preclude the private sector's participation in providing solid waste management services consistent with the county plan.

(g) Current and projected population densities of each county and identification of population centers and centers of solid waste generation, including industrial wastes.

(h) That the plan area has, and will have during the plan period, access to a sufficient amount of available and suitable land, accessible to transportation media, to accommodate the development and operation of solid waste disposal areas, or resource recovery facilities provided for in the plan.

- (i) That the solid waste disposal areas or resource recovery facilities provided for in the plan are capable of being developed and operated in compliance with state law and rules of the department pertaining to protection of the public health and the environment, considering the available land in the plan area, and the technical feasibility of, and economic costs associated with, the facilities.
 - (j) A timetable or schedule for implementing the county solid waste management plan.
- (2) A person shall not dispose of refuse at any place except a disposal area licensed as provided in this act unless exempted under section 18(2).
- (3) The director shall not issue a license for the development or operation of a new solid waste disposal area or resource recovery facility in a plan area unless the facility complies with and is consistent with an approved solid waste management plan.
- (4) Following approval by the director of a county solid waste management plan and after July 1, 1981, an ordinance, law, rule, regulation, policy, or practice of a municipality, county, or governmental authority created by statute which prohibits or regulates the location or development of a solid waste disposal area, which is not part of or consistent with the approved solid waste management plan for the county, shall be considered in conflict with this act and shall not be enforceable.
- (5) Upon receipt of an application the director or health officer or their representatives shall inspect the proposed site and determine whether the proposed operation complies with this act and the rules promulgated under this act. After October I, 1977, a sanitary landfill shall not be constructed within 10,000 feet of a runway of an airport licensed and regulated by the Michigan aeronautics commission unless the construction, location, and operation of the sanitary landfill are reviewed by the resource recovery commission shall review for hazards to the safety of aircraft as affected by the construction, location, and operation of the sanitary landfill. If the resource recovery commission, after preliminary review, decides to consider the request formally, it shall set a date for a hearing and give reasonable notice to all affected parties who the resource recovery commission has reason to believe are interested in the project. In the hearing all affected or interested parties shall be given a reasonable opportunity to be heard and to submit additional data to the resource recovery commission within a reasonable time following the hearing. After the hearing the resource recovery commission shall by resolution set forth its findings and shall recommend action to the director of the department of natural resources on the issuance or denial of the application. The resource recovery commission shall set forth its reusons for the recommendation in the resolution to the director.
- Sec. 31. Not later than September 11, 1979, the director shall submit to the legislature pursuant to Act No. 306 of the Public Acts of 1969, as amended, rules which contain sanitary design and operational standards for solid waste transporting units and disposal areas and otherwise implement this act. The rules shall include standards for hydrogeologic investigations; monitoring; liner materials; leachate collection and treatment, if applicable; groundwater separation distances; environmental assessments; methane gas control; soil erosion; sedimentation control; groundwater and surface water quality; noise and air pollution; and the use of floodplains and wetlands.
- Sec. 33. In addition to any other remedy available at law, the director or a health officer may request that the attorney general bring an action in the name of the people of the state, or a municipality may bring an action in its own name within its municipal boundaries, for an injunction or other process against a person, county, municipality, or an agency of a person, county, or municipality to restrain or prevent the establishment, management, maintenance, or operation of a solid waste disposal area, solid waste facility, solid waste processing plant, or a solid waste hauling business or solid waste transporting unit that does not possess a license or seal required under under this act, or that does not meet the requirements of this act or rules promulgated pursuant to this act, or for any other violation of this act.

Section 2. Effective March 1 of the year following the first appropriation by the legislature to provide financial assistance to a certified health department pursuant to section 34(2), sections 20 and 21 of Act No. 641 of the Public Acts of 1978, being sections 299.420 and 299.421 of the Compiled Laws of 1970, are repealed.

Section 3. Sections 20a and 21a shall take effect on March 1 of the year following the first appropriation by the legislature to provide financial assistance to a certified health department pursuant to section 34(2).

This act is ordered to take immediate effect.	
	Billie & Farmen
	Clerk of the House of Representatives.
Approved	
Governor.	,

Haren broter

STATE OF MICHIGAN

IN THE DISTRICT COURT FOR THE 74th JUDICIAL DISTRICT

FRANK ROBBINS,

Plaintiff,

ys,

File No. 80-Y-080-H

BEAVER TOWNSHIP, a Municipal Corporation,

Defendant.

OPINION OF COURT

This action was commenced by the Plaintiff (hereinafter Robbins) on January 28, 1980, seeking recovery of \$500.00 which Robbins paid to Beaver Township as a precondition for consideration of his appeal from the denial of a building permit to construct a radio transmission tower in Beaver Township. The Defendant (hereinafter Beaver Township) denies that Robbins is entitled to any such refund, and further claims that Robbins owes it the sum of \$46.45 which represents the difference between the \$500.00 deposit and the total fees and expenses incurred in processing his appeal which totalled \$546.45.

FINDINGS OF FACT

Both parties admit that the Plaintiff is a resident of Bay County, Michigan, and the Defendant is a municipal corporation located in Bay County, Michigan. Further, it is stipulated that the Plaintiff applied for a building permit to construct a radio communication tower on his real estate in Beaver Township, Bay County, Michigan, on or about June 19, 1979. It is further agreed that the application for the building permit was denied by the Beaver Township Building Inspector for the reason that the proposed use of land was not permitted in the zoning district where the Plaintiff's real estate was located, and that the Plaintiff appealed the denial of his application for building permit to the Beaver Township Zoning Board of Appeals. Beaver Township required the Plaintiff to deposit the sum of \$500.00 with it before the Zoning Board of Appeals would consider his

appeal, and the Plaintiff paid this deposit of \$500.00 on or about July 21, Thereafter, a public hearing was conducted by the Zoning Board of Appeals and on August 15, 1979, the Zoning Board of Appeals unanimously ruled that the Plaintiff could construct a radio transmission tower on his Thereafter, the Zoning Board of Appeals billed the Plaintiff the sum of \$546.45 for all costs and expenses it incurred in processing the Plaintiff's appeal. An itemization of these fees has been attached to the Plaintiff's Complaint as Exhibit A which the Defendant admits is a copy of The parties further admit that the the statement it sent to Plaintiff. Beaver Township Board of Trustees was requested to refund the \$500.00 appeal fee, but that it refused to do so on the basis that it was authorized to collect such fees from applicants seeking to avail themselves of the remedies afforded under the Zoning Ordinance of Beaver Township. tiff further claims that such appeal fee is without statutory authority, and The Defendant contends that such reimbursetherefore not enforceable. ment of costs is a permissible practice inasmuch as the Township has adopted a fee schedule which provides for such fees upon application for appeals before the Zoning Board of Appeals.

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CONCLUSIONS OF LAW

The Court finds that the Plaintiff did prevail in his appeal before the Zoning Board of Appeals and that the determination of the building inspector, which was to deny the issuance of a building permit to the Plaintiff, was reversed and subsequently a building permit was issued to the Plaintiff,

The Township Rural Zoning Enabling Act, MCLA \$125.295 provides that a township is authorized to charge reasonable fees for zoning permits as a condition to the granting of authority to erect, alter or locate dwellings, buildings and structures within a zoning district established under this act. Those fees are for the purpose of providing funds to carry out the provisions of the Township Rural Zoning Enabling Act and for the purpose of defraying costs associated with the enforcement of that act. Furthermore, the Township is authorized to levy a sufficient tax upon real and personal property to provide sufficient funds for the implementation and enforcement of a zoning ordinance.

The Court is of the opinion that it is inequitable to require a person such as the Plaintiff to reimburse the Township for all costs and expenses associated with an appeal of the denial of the issuance of a building permit in situations where the denial is based upon an interpretation of a zoning

ordinance and where that denial is subsequently reversed on appeal. In effect, the Township is attempting to seek reimbursement from the Plaintiff for all costs and expenses incurred by it as a result of the decision by the building inspector that the use proposed by the Plaintiff is not permitted in the zoning district where his land is located. Yet the Zoning Board of Appeals found to the contrary, that is, that the proposed use was permitted within the zoning district where the Plaintiff's real estate is located, but nonetheless charged the Plaintiff \$546.45 to reach that determination.

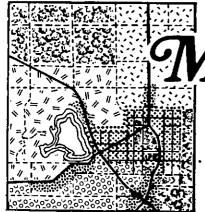
The Court is of the opinion further that such costs are not fees contemplated by Section 25 of the Township Rural Zoning Enabling Act since they represent a reimbursement of costs and expenses to the Township which vary from case to case rather than being a flat fee applicable to all applicants for building permits within the Township. Furthermore, the Zoning Board of Appeals is called upon to act in a quasi judicial fashion in interpreting the Township Zoning Ordinance as it relates to the Plaintiff's lands and proposed development. The Court is of the opinion that when acting in such a fashion, the Zoning Board of Appeals is without authority to require the Plaintiff to compensate it for all costs and expenses incurred in performing such a quasi judicial function.

CONCLUSION

Therefore, it is the opinion of the Court that the Plaintiff is entitled to a refund of the \$500.00 previously paid to Beaver Township and a judgment in conformity with this opinion will be signed upon presentation. Neither party shall be entitled to tax their costs, this case involving the interpretation of a public statute.

DATED: 5/1/80

ARTHUR E. HIGGS, District Judge



Michigan Zoning Topics

DIVISION OF LAND RESOURCE PROGRAMS
DEPARTMENT OF NATURAL RESOURCES

September, 1977

Issues Related to Energy Use & Land Use Regulations at the Community Level

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We have left the age of energy abundance and entered the era of energy scarcity. Our current watchword is energy conservation; we are all being asked to slow down, dial down and bundle up. The "energy crisis", however uncertain may be its severity, is stimulating very basic changes in our energy use, in our energy producing facilities, in our ways of thinking and in our new land developments. Consequently, we have started to see windmills reappear and solar collectors added to the roofs of buildings, new structures have less windows (which are recessed) and structures are oriented to take advantage of the sun. These and other changes will face us in this new era.

However, the fundamental nature and magnitude of many of these changes is such that, as communities, we will need to plan for more energy-efficient land use patterns and to insure in our local regulations that individual efforts at energy conservation are not incompatible with existing development. Yet, in addition to our regulations, we must continue to encourage reasonable and innovative energy conservation attempts, so as to most efficiently utilize our energy resources. Effectively dealing with these changes will require each community to address a number of new issues which they have probably not had to face before. These issues are related to effective land use planning and regulation in our new energy conscious age. Some of the issues likely to become common concerns are introduced

Zoning

As the principal local control over the use of land, zoning has carried the major burden for half a century for regulating height and bulk of structures, setback, placement of accessory structures and location of various land uses, usually through the creation of a variety of use districts. Some of the reasons zoning controls are instituted are to insure structures are located relative to one another so as to secure safety from fire, to provide adequate light and air and to prevent overcrowding of land and buildings. The plan upon which the zoning districts is based, is greatly concerned with efficiencies and the economics of land development so as to prevent the waste of land and to prevent the construction of unnecessary roads, utilities and

public facilities. These considerations are becoming even more important than ever, as construction and operating costs for public services escalate and as the energy costs to individual homes and businesses induce consideration of alternative energy systems. Accommodating these new concerns will not be easy, since conflicts are sure to arise when regulations attempting to insure compatibility between uses, comes in conflict with an individuals energy conservation efforts.

Wind and Solar Rights

One area sure to generate considerable litigation is the access to and rights to wind or sunlight. A tall structure, a shade tree, or even a new house may effectively block the sunlight or wind that powers a supplementary residential water or interior heating system. Our laws and courts have not yet established with any certainty the extent of individuals rights to sunlight and wind.

Windmills and Solar Collectors

Solar energy, and to a lesser extent wind energy, provide some promise as supplemental energy sources, particularly at the scale of the individual home or office, and their use should be encouraged. However, consideration must still be given to insuring the proposed use is compatible with use of adjacent land. For example, windmills are typically somewhat noisy, and solar collectors may create tremendous glare on adjacent structures if not carefully sited. Some consideration should be given in building codes to insure that structures are properly constructed and pose no safety hazards, such as may occur if a windmill were to fall over. Then of course, there are the aesthetic considerations. Communities who include aesthetic considerations in their ordinances must be able to justify them on the grounds of a reasonable relationship to the protection of public welfare. Currently House Bills 4493, 4494, 4495 and 4496 propose to amend Michigan's zoning enabling statutes to prevent communities from totally prohibiting solar or wind energy conversion through a local zoning ordinance or other locally adopted ordinances. Amendments to the proposed legislation are being drafted which will permit communities to regulate such devices for purposes of protecting health, safety and welfare.

Dwelling Types

It is also likely that new energy-efficient dwelling types will be proposed and that many more apartments, townhouse units and attached dwelling units will be built, since sharing common walls significantly reduces energy waste. Underground homes with one open side facing south may become popular. Currently, some ordinances may be written so as to prohibit the establishment of below-ground residences.

New Subdivisions

New subdivisions may be built with narrower streets and immediately planted with shade trees to keep neighborhoods cooler in the summer, thus reducing the need for air conditioning. Bicycle paths may be an integral part of the subdivision, insuring convenient and separate access to the community. Mass transit will play an expanded role and new development will be better oriented to being served by it.

Many Challenges

All of these issues pose challenges to our ability to effectively conserve energy and to plan for and build new energy-efficient developments. The problems associated with conversion of dwellings in existing neighborhoods to accommodate solar energy systems are different from those associated with design of new subdivisions, but ultimately both will have elements of regulation that seek to ensure compatibility with adjacent uses and to protect the public health, safety and general welfare. The challenge will be to adopt reasonable regulations that protect the public interest without discouraging innovation and in this case, energy conservation and energy-efficiency.

WANTED: ZONING AND PLANNING PROBLEMS

Michigan Zoning Topics is designed to give its readers specific technical information on the practice of land use planning and zoning in Michigan. To further expand the usefulness of this publication and insure that Zoning Topics is meeting your needs, feel free to write or call and pose a zoning or planning problem you would like to see answered in subsequent issues of Zoning Topics.

DIVISION OF LAND RESOURCE PROGRAMS

DEPARTMENT OF NATURAL RESOURCES

BOX 30028

LANSING MI. 48909

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Greg Lyman or Mark Wyckoff Division of Land Resource Programs Michigan Department of Natural Resources P.O. Box 30028 Lansing, Michigan 48909 (517) 373-3328

opinions *** decisions

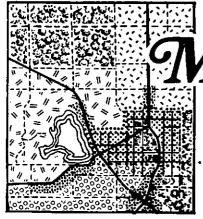
Abrahamson v. Wendell, et al 72 Mich App 80 (Oct. 1976) amended opinion filed June 20, 1977 (No. 23041).

Although an amended opinion was recently filed, the principal holding of this case remains un-changed and is still supported by the three Appeals Court Justices who heard the case. The Court held that it was not appropriate for a Township Supervisor to appear before the Board of Appeals as a representative of the defendants (he was their contractor) because it "constituted a duress as a matter of law so as to make the Board's decision void". The reason for this holding is based on the fact that the Township Supervisor is one of those charged by law with the appointment of the members of the Board of Appeals. Had the variance been granted as requested, the Supervisor, as contractor, could have procurred the building permit and proceeded to build. The Court said, "Under the circumstances, it is difficult to believe the Supervisor did not in fact have a conflict of interest between personal profit and public duty".



From Ard on the Eighth Bay by R. Hedman and Fred Bair, Jr. ASPO, 1rd ed. 1976

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Michigan Zoning Topics

DIVISION OF LAND RESOURCE PROGRAMS DEPARTMENT OF NATURAL RESOURCES

JULY 1977

Amendment by Ordinance, Not by Resolution

Question: May a zoning ordinance be properly

amended by passage of a resolution?

Answer: No, a zoning ordinance must be amended by passage of an amendatory ordinance by the

legislative body.

Zoning regulations enacted in accordance with state zoning enabling acts are adopted by the local legislative body as a zoning ordinance. The ordinance is composed of both a text (written regulations) and a zoning district map. Once adopted, the ordinance may be amended by going through essentially the same procedure as required by the appropriate zoning enabling statute for adoption of the original ordinance. This includes adopting the amendment also as an ordinance. In effect, it takes an ordinance to amend an ordinance.

The Michigan Appeals Court clearly established the requirement for amendment by ordinance, not resolution, in the case of Parr v. Lansing City Clerk, 9 Mich App 719 (1968). Their words are instructive:

"As pointed out in 5 McQuillin, Municipal Corporations, \$15.02 at p 51, the difference between municipal ordinances and resolutions is in what the actions do, rather than in the manner in which they are passed. Resolutions are for implementing ministerial functions of government for short-term purposes. Ordinances are for establishing more permanent influences on the community itself." (p. 722)

"Normally, when faced with the fact of a resolution passed by a city government in an area where an ordinance is required, this Court would respond by declaring the resolution void." (p. 723)

The words of the Court are clear (see also, Schrier v. Kalamazoo, 380 Mich 626 (1968). Michigan attorneys with considerable expertise have long counseled our counties, townships and cities against ignoring the requirement for adoption of amendments by ordinance. See, for example, Crawford, Michigan Zoning and Planning, 1974 Cumulative Supplement, 3.03 page 11 and McTaggart and Bauckham, 1974 Supplement to the Handbook of Michigan Township Zoning and Planning, page 13; and Appendix B-Form 7 in the original text.

If your community has amended the zoning ordinance by resolution, and not by ordinance, you may wonder what corrective actions can be taken, since it can be argued that all amendments adopted by resolution are not legally valid. To insure continued ordinance validity, the community should take some action that both corrects past actions and prevents future mistakes.

As a suggestion, staff in the Department of the Attorney General have recommended that past amendments adopted in a form other than an ordinance can be remedied by passage of a ratifying amendment. A sample format would read:

Be it ordained by the County of Pleasant Living, as follows: Amendment # ___. Any and all resolutions or motions heretofore adopted amending the ____ Zoning Ordinance are hereby ratified.

The community attorney should be contacted for assistance in any attempt to correct improper actions.

To avoid future mistakes, a zoning ordinance amend-	
ment format for both text and map amendments should	
be developed. It is important to remember that zon-	
ing amendments should be prefaced by an "ordains	
clause" in order to help insure adoption of an amend-	-
atory ordinance. Such a clause could read: "The	
(city, township or county) of ordains	3 :
" or "Be it ordained by the of	
as follows:".	

Be sure to seek legal counsel in developing an ordinance format, and before attempting to correct any amendment improperly adopted. It is usually far less expensive to seek competent legal advice and to properly initiate (or correct) official actions than it is to engage the community in an expensive law suit over procedural improprieties.

Opinions/Decisions * * * * * * * * * *

Boris Karpenko, et al v. City of Southfield Michigan Court of Appeals, April 19, 1977, No. 29509

The Court of Appeals has upheld the constitutionality of the public notice requirements of the City or Village Zoning Act, Public Act 207 of 1921, as applied to the rezoning of land. The Court rejected argu-

ments that properly published newspaper notice of a hearing on zoning amendments was insufficient to meet constitutional guarantees of due process and equal protection. While the Court agreed individual mailed notices are better, and are required by law to be sent to railroads and utilities, the Court decreed that proper newspaper publication was sufficient to inform other interested parties of proposed zoning amendments.

NOTE: Many local ordinances require individual mailed notices to adjacent property owners. These local requirements are unaffected by this ruling. Additionally, state soning enabling statutes still require that hearings before the Board of Appeals of a City or Village, and hearings concerning proposed amendments before a Township Zoning Board, be preceded by individual public notice to property owners within 300 feet of the property affected.

Long Island Court Homeowners Assn. et al v. Terry
Methner
Michigan Court of Appeals, March 29, 1977, No. 25889

Despite being located in a district zoned for marina use, the Court of Appeals upheld a trial court order restricting the expansion of an existing marina. The court determined that since the marina was a non-conforming use, its right to expand were limited. Also, the marina was restricted in its expansion because an earlier ruling of the Court had determined it to be a nuisance and thus, subject to Court ordered restrictions on its use. The Court of Appeals offered the following definition of a non-conforming use: "A 'non-conforming use' comprehends the physical characteristics, dimensions, or location of a structure as well as the functional use thereof or of the premises on which it is located, and is used as a generic term that includes nonconforming uses of non-conforming structures and plots, and conforming use of non-conforming structures and plots." 82 Am Jur 2nd, Zoning and Planning, 178 (1976).

AG Opinion on Property Ownership Requirements

Attorney General, Frank Kelley, has ruled a requirement that an individual be a property owner to serve as a member of a village planning commission is invalid. Kelley's decision was based upon his findings that: (1) implementation of a master plan

developed under the Municipal Planning Act, 285 of 1931, affects all inhabitants of a community, not just property owners; and (2) that in considering a similar question, the Michigan Court of Appeals in Williams v Lansing Board of Education, 69 Mich App 654 (1976) held property ownership as a requirement to sit as a schoolboard member was a violation of the 14th Amendment of the United States Constitution. This opinion, No. 5197 was requested by Senator John F. Toepp is dated May 23, 1977, and is consistent with Kelley's previous determination that property ownership was not a valid requirement for membership on a township planning commission (that opinion was in response to a request from Representative Jowett dated February 28, 1973).

Zoning Legislation

House Bills 4591, 4592, 4593, and 4594 which propose amendments to the zoning enabling acts are currently being considered in the House Towns and Counties Committee. The bills are designed to update the zoning statutes and help citizens and local governments in their use and administration of zoning ordinances. For information contact: Greg Lyman, Division of Land Resource Programs, Mason Building, Lansing, Michigan 48909, (517) 373-3328.



DIVISION OF LAND RESOURCE PROGRAMS
DEPARTMENT OF NATURAL RESOURCES
BOX 30028
LANSING MI. 48909

BULK RATE
U.S. POSTAGE
PAID
Lansing, Mi.
Permit No. 1200



Money budget for letter -Public heaving / Spec Use Reinst PROPOSED AGENDA FOR RUBLIC HEARING 1. CALL TO DEDER Sec Min any Corrections, 2. ROLL CALL 2. ROLL CALL-3. ADVISE PERSONS PRESENT HOW THE MEETING WILL BE HANDLED Harty (18) Stand A. ALL QUESTIONS WIRL BE ANSWERED I ederlify themselves IF POSSIBLE AND SHOULD BE Paddiss, DIRECTED TO THE CHAIR. B. PERSONS IN FAVOR TO SPEAK FIRST C. PERSONS AGAINST TO SPEAK NEXT D. WE WILL NOT ALLOW ANY ARGUING BETWEEN THE PEOPLE PRESENT E. IN CASE OF A HIGHLY CONTROVERSIAL TISSUE ATIME LIMIT WILL BE PUT

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KAWKAWLIN TOWNSHIP PLANNING COMMISSION

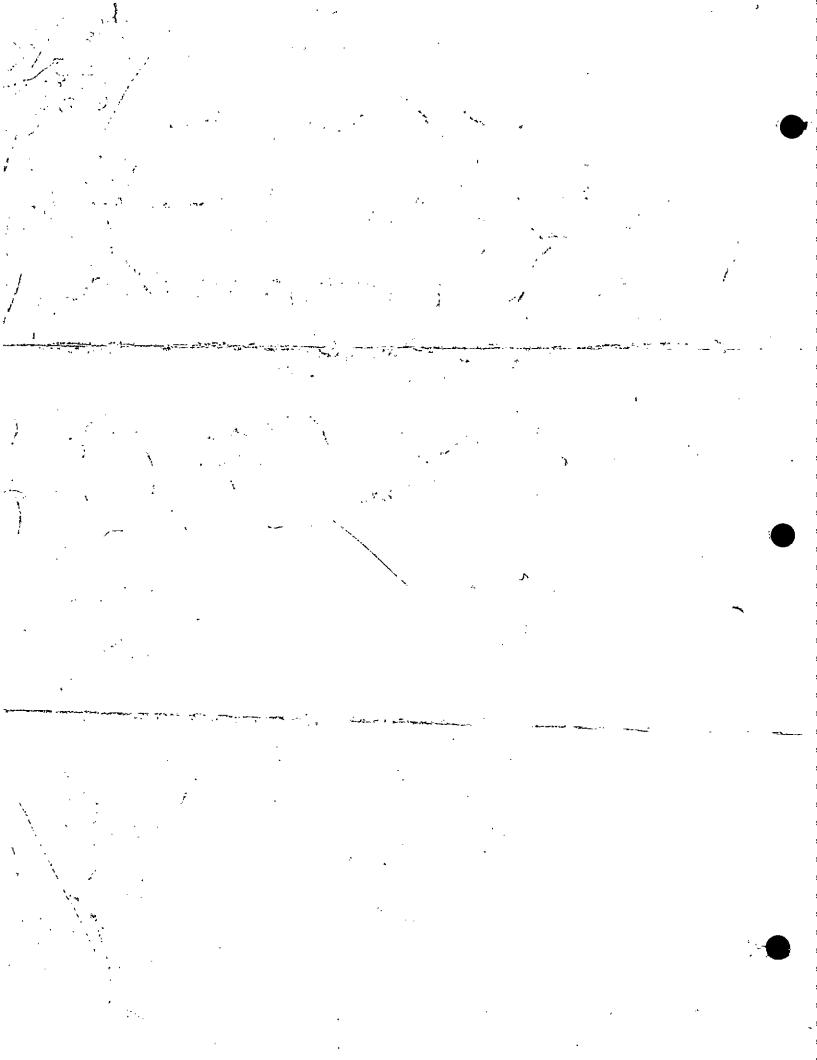
SCHEDULE OF FEES

For a rezoning request at a regular meeting of the Planning Commission	\$200.00
For a rezoning request at a special meeting of the Planning Commission	\$400.00
For an application for a special use permit which would include the review of a site plan where	-
applicable	\$ 75.00
For a site plan review	\$ 50.00
For a special meeting of the Planning Commission	\$200.00

appaintment & for 3 years.

Melnen 83 Karens 82 - reappointed Muylow 83 Marcha 85 Luck 85 Harlly 83

Harlly 83 Schauli 8210 replaced



MINIMAL REQUIREMENTS FOR SPECIAL USES AND SITE PLAN REVIEW IN KAWKAVLIN TOWNSHIP

- 1. Date and north arrow.
- 2. Scale to be applicants descretion,; however, no less that one inch to fifty feet is to be used.
- 3. Dimensions of lot shown in feet.
- 4. Location, distance in feet, of existing buildings from all four sides of lot lines and also show in feet all public road right of ways.
- 5. Show existing buildings within 300 feet of/all four sides of your lot, these will not have to drawn to scale.
- 6. Specify driveway location and size in feet.
- 7. In cases of a pond or borrow pit, were allowed, show it s location in feet from all four of your lot lines as well as diameter, slope, and depth also in feet. Also detail overflow provisions.
- 8. In cases of commercial development the Planning Commission reserves the right to request a more detailed plan.

9. Grades De drounage, fill 2here's water going to Nun?

ARTICLE 17
31+E PLAN PROCEDURE
10. Reasons for rejections on Approval in Minux.

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bo James . 14:02 Jupa to water M) Q Geste as hallowin MAKE 1-OR BOR MEXT MTE. WE COULD THE POTRE HOO TO OR CHECK BUER THE SITE PLAN AND THE 31011 THE PLENT TO RECORD DEVELOPMENT

THE PLANNING COMMERCIAL DEVELOPMENT

TO CASES OF COMMERCIAL DEVELOPMENT PERMITS THE SIZE BORROW PILL

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ABLE TO CLUPED STAIN PROPERTY LINES

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JUNE - Junk ann - PRESENT BUTLOINES (SET BACK) MINIMUM REQUIREMENTS FOR See ALTICO Water 17 .

1. Have I referred to the proper articles - 16+17? 2. Those numbers curled, Karen, refers to 16+19 as per hank; any further additions ar currections will be endicated below? or & & Sperent tot Struelle A. Is there a min Minimum area recommended for parking and to promote of sport of prome to be adequate. B. Is there a min, set book for all Separately? Refer to a Seatment # 223,5 C. Ingress & Egress - any requirement Judeline to see if they've one enoug? use med: Surfore of lat - the guideline state of Lighting? Sugar in Jupe of equipment used of heart of Jupe of equipment used of heart of the state D. Fenning; y nuded A. Dimensions of Building of Rd Commission, I. Codes: Elisability Series Dist; ite J. Utitilies needed Increasing 2 7 7. True listed for permits L' Dite -Morrison en have a Sublice having monthly for site duty - majhe the information New War. Should be given us; 1. at the public Rearing the Chen we desired it 2. at hick mity Destudy it

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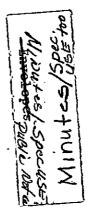
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December 6, 1979 Kawkawlin Twp. Meeting Room

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

The meeting was called to order at 8:25 by our chairman Tom Schindler. The secretary's minutes were read and approved as corrected. A letter was read that was sent to the D.N.R. by the Twp. Board and Planning Commission orging immediate consideration on T. Hoyle's marina expansion.

Re-organization results.

Chairman Tom Schindler

(Chair assumed by B. Hartley, Noninated by R. Lukowski no other nominees sec. cast unanimous ballot for Tom Schindler.)

Vice-Chairman L. Rokosy (Nominated by B. Hartley, no other nominees, sec. was instructed by the chair to cast unanimous ballot for Leo Rokosz.)

Secretary Bill Hartley (Nominated by E. Meylan, no other nominees, sec. was instructed by the chair to cast unanimous ballot for Bill Hartley.)

After all offices threchilicantherefane chairecalled for a thice tote Exings the filled offices unanimous. Motion carried unanimously.

Ag re-zoning was next discussed. The question was brought up about the two acre requirement defeating the Manning Commission's intention of keeping ortes fara land into agriculture production.

№ The M-13 Corridor from Parish to River Roads was discussed, maps were reviewed, and after due consideration it was decided to have the entire planning commission as well as the zoning administrator tour this area before projecting any farther with re-zoning changes. Dec. 22, 1979 was selected, we are to meet at the Twp. Hall at 9:00%.m. (This tour actually took place Doc. 15, 1979 at 9:00%.m. and all seven board members were present as well as L. Ballor.)

Our next regular meeting will be held January 3, 1980 at 7:30p.m. in the Kawkawlin Twp. Meeting Room. This meeting was adjourned at 10:25p.m.

Members Present:

Junior Schindler

L. Rokoszaher Junior Junior

B. Hartley

R. Lukowski

D. Fenton aberry

Member Absent:

M. Witzke

so present

Respectfully submitted

Sec. Kawkawlin Wp.

Planning Commission

admendment -

so present

L. Ballor

re-Zoning- natificato Velettes

Tall Kluddman is torbus Augh Valuma Track Legeneng from h wow from 1, 25 (2/1) LOG 250/ 100 through a ward (A) 126)(314 x 802 ios or gran xal mon loss which was the Inships would to beating. (80° + 20°) Sing morro 604 120 dam The standard

approx 6 hence chan Sivelage - harled will January 3, 1980 Kawkawlin Twp. Meeting Room KAWKAWLIN TWP. PLANNING COMMISSION MINUTES (Public - Hearing) The public hearing was called to order at 7:40p.m. by our chairman

Tom Schindler. The purpose of this hearing is to hear comments on a preposed drainage pond and irrigation site by Richard Vermeech on a portion of ground located in Sec. 3 of Kawkawlin Twp. Because this parcel of ground is presently zoned CH this permitted use is only by special exception.

Mark Vermeesch spoke on behalf of his father Richard Vermeesch who was unable to attend this hearing. Mark stated " ... this was to used for drainare because of seepare from the sand ridge along M-13 and also used to irrigate approximately fifty acrest

Walt Szafranski next spoke in opposition to the preposed pond stating ".

I don't want a lake in back of my house...

Jim Beck had the floor next and proceded to go over the preposed plans and explained it 45 to be located approx. 100 feet from his south property line and explained that the pond would help clean-up an eye-sore. He also stated Mr. Vermeesch plans to fence the area and provide a 5 to 1 side slope. Mr. Schindler explained a project of this scope would need a site plan. This site plan would have to be drawn to scale, provide for fenceing, have to 5 side slope and provide for future beautification such as pine trees.

and schrubs. After discussion among the board members present it was moved by B. Hartley and supported by E. Meylan to approve this special use permit with Roll Call vote 4 yeas O neys; decision unanimous.

The following are reasons why this decision was reached.

1. In due consideration of the lone objection is was felt better drainage of the surrounding area would be achieved, especially the sub-division to the south of the 50 acre parcel.

The preposed site of pond itself is presently unproductive and growing up to brush. Teles (Regular- Meeting)

The regular meeting was called to order at 8:50p.m. The secretary's minutes were read and approved as corrected.

Mr. Darbee recommended we change the Ag. re-zoning and the M-13 corridor as well as provide for multiple family dwellings all at the same time.

Ag re-zoning was discussed as to size of lots permitted for home sites. The Board asked Mr. Ballor to tell us how our present system was working. He stated that many residents said they would be more willing to sell if the lot requirements were reduced in size. The underlying consideration expresse by this board is to not encourage any more home building in the Ag. zones than is necessary primarily because of water and sewer as well as losing. precious farm ground. Therefore, it was moved by E. Meylan and supported by B. Hartley to leave as is, our requirements for homes and their respective lot sizes in the Ag. zones.. Voice vote resulting in 4 yeas and O mays. Motion

The preposed re-zoning along a portion of the M-13 corridor was next discussed. Maps and notes were looked at and discussed. It was Motioned M. Witzke and supported by E. Meylan to preceed to draw up the initial plan to re-zone From CH to C-2 the portion E. of M-13 from Parish to Wetters.

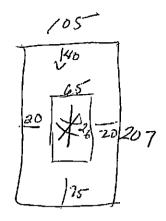
Voice vote resulting in 4 yeas O nays, motion carried.

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KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

(page two)

Multiple family housing was next discussed. After looking at maps and discussing this matter with Mr. Ballor and Mr. Darbee, it was suggested by B. Hartley and supported by M. Witzke "... to permitt Multiple housing in C.H. zones by special exception. Rather than vote on this matter is was decided by the entire board to table this matter until our next meeting; because lot sizes and much more should be considered before recommending this change to the Twp. Board.

Our next meeting will be February 7, 1980 at 7:30p.m. in the Kawkawlin Twp. Meeting Room. This meeting was adjourned at 11:30p.m.

Respectfully submitted

Bull arthy Sec. Kawkayin Twp. Planning Commission

Members Present:

T. Schindler

B. Hartley

M. Witzke

E. Mevlan

Members Absent:

R. Lukowski

L. Rokosz

D. Fenton

Also present

Mr. Darbee Mr. Ballor

Five residents for the public hearing.

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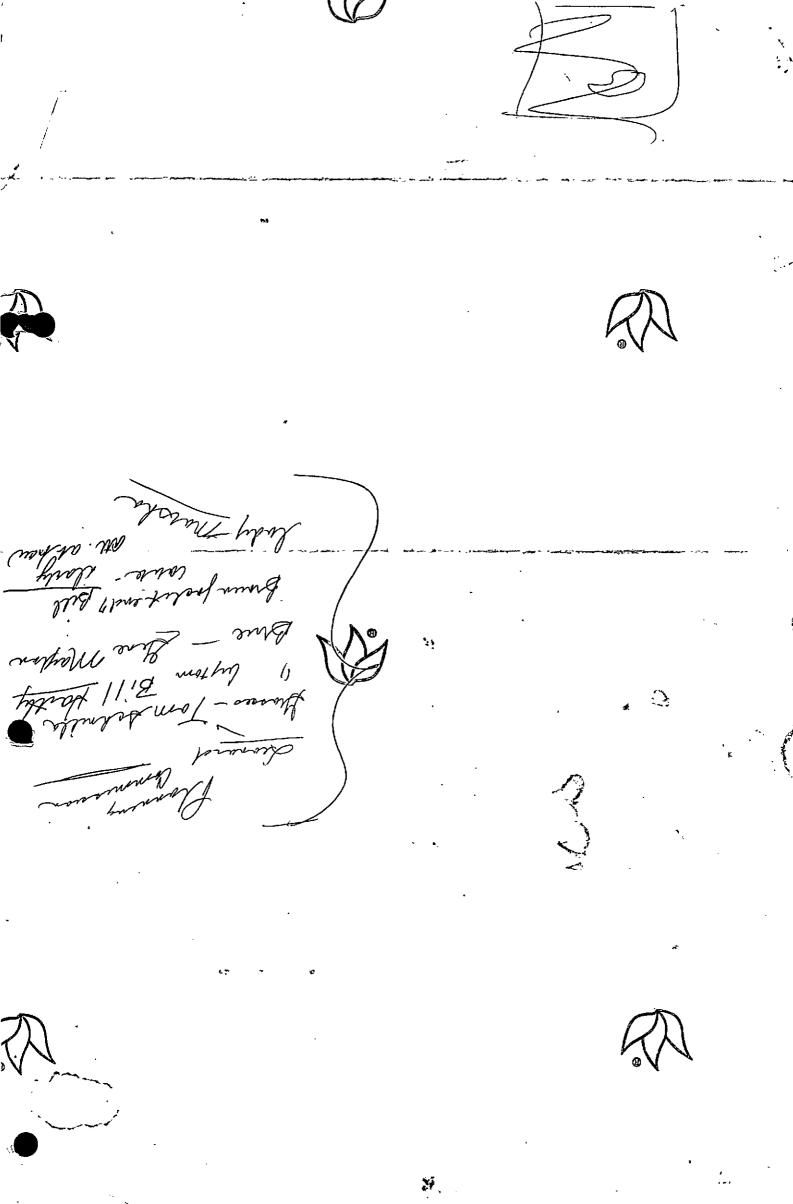
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TOWNSHIP OF KAWKAWLIN BAY COUNTY, MICHIGAN

APPLICATION FOR SPECIAL USE PERMIT

Date:	Tel_697-3407
Name of Applicant: Richard Vermeesch	
Mailing Address: 2374 E. Cottage Grove RD., Linwood, Mich.	48634
Name of OwnerSame	
Mailing Address: (080-03-400-180-00) N. 7 of	SE + lyg E of Huran rd.Ex W
280ft . of Sky 9650ft., EX com on E&W 1 Li 312 ft. & of	of E Li of HWY th E 348 ft
th S 208 ft th w 348 ft th N 208 ft to Beg. Sec 3	TIS R4E
th 5 200 ft th w 34	
Proposed Use of Land for Which Special Use Permit is Requested: To dispersion parcel for the purpose of better drainage. The are	ea of proposed pond is
normally to wet to farm.	4
Sountry Homes, now heining used for AG (1.P.	erming)
Additional information which need not accompany this application but	must be in the possession of the zonnis
Vicinity plan showing land use within 300 feet of the perimeter of th	f the property to be rezoned. 👚 🥇 🔭
2. Site plan, plot plan, or development plan, drawn to a readable so the togation of all abutting streets, the location of all existing buildings and their uses.	cale, of the total property involved showing and proposed structures, the types o
3. Preliminary plans and specifications of the proposed developme	ent and for all construction.
3. Preliminary plans and specimes. 4. A statement with supporting evidence regarding the required	finding specified in Section of the Zonin
A statement with supporting evidence regarding the required Code. The planning Commission will review this application of the planning Commission will review this application.	tion Jan. 3, 1980, 7:30 P.M.,
The planning Commission Will Favior	,
at Kawkawlin Township Hall. This will be an oper	Colored Colored
el level;	Signature of Applicant

area Map LeBourdais House screened w/sined trus at mig: Josite Plan for review patries el/m 300 32 runes



February 7, 1980 Kawkawlin Twp. Meeting Room

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

(Public-Hearing Site-Plan)

The public hearing was called to order at 7:40p.m. by our chairman Tom Schindler. The secretary's minutes were read and approved as read. Public hearing on R. Vermeesch site plan:

Site plan was presented and reviewed by board. Ricrard Vermeesch explained site plan to the board and all those present. Mr. Walt Szafranski objected to site plan and the ponds location within that plan. Karen Shepard had Mr. Vermeesch explain the irrigation system. Janice Szafranski next expressed fear for her children's safty .. A fence was next discussed; K. Shepard stated she would like to see at least a six foot high fence around the entire pond area. B. Hartley suggested a stockade type top be installed with the fencefor added protection. Mr. Szafranski explained how J. Beck originally wanted the property for a pond and that he wouldn't sell because of the pond and he suspects Mr. Vermeesch is doing this for Mr. beck's benefit rather than his own. Mr. Vermeesch explained why the pond had to be located where it was preposed and that irrigation is the only purpose for the pond. Board members M. Witzke, E. Meylan, & B. Hartley on seperate occasions visited the site between Jan. 3 and Feb. 7, 1980. After discussing the fence and other considerations that were to be met by Mr. Vermeesch the following motion was moved by E. Mevlan and supported by M. Witzke that the Site plan submitted by Richard Vermeesch be approved with the following restrictions: A six foot stockade type fence be erected around the entire pond, a three - one side lope be maintained, 90 days after pond is dug fence is to be up, grade around pond is to be no higher than the natural grade of the surrounding property. A rool call vote was taken with 5 yeas and 0 nays resulting. Motion to accept site plan with restrictions carried unanimously.

The following are why this decision was reached:

1. Irrigation would make this a more valuable piece of ground for agricultural production.

2. Surrounding property would be better surface drained.

3. Restrictions would make pond safer and ease the owner's liability.

4. Those opposing the pond seemed satisfied with the restrictions provided in the acceptance of the site-plan.

The Multiple-Family dwelling Art. 7.00 Sec.7.03 Ordinace #9 was next discussed by the board in conjunction with Mr. Darbee. The one, two, & three bedroom units were discussed and seemed that .50acre, .75acre, & 1.00 acre lots respectively should be provided. A motion was thereby made by R. Lukowski and supported by E. Meylan to schedule for public hearing a preposed change to our Twp. ordinance reguarding Multiple-Family dwellings at our next regular board meeting. Voice vote, motion carried unanimously.

The M-13 corridor was next discussed. The preposed change would change from CH to C-2 the portion E. of M-13 from Parish to and including 300-075. (The rest home) with the extreme N. line going straight instead of following the highway. Thereby it was moved by R. Lukowski and supported by E. Meylan to schedule for public hearing the above change to Twp. Zoning Ordinance at our next regular board meeting. Voice vote, motion carried unaminlusly.

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

(Page-two)

Mr. Darbee will prepare the two ordinance changes in their proper form and take care of the necessary publications that have to the made for these preposed ordinance changes.

Our next regular meeting will be held March 6, 1980 at 7:30p.m. as well as the two public hearings. This meeting was adjourned at 10:40p.m.

Respectfully submitted

Beliffartly Sec. Kawkawin Twp. Planning Commission

Members Present:

- T. Schindler
- B. Hartley
- M. Witzke
- E. Meylan
- R. Lukowski

Members Absent:

- L. Rokosz D. Fenton

Also Present: W. Darbee

L. Ballor

R. Vermeesch Mr. & M#s. Walt Szafranski

Janice Szafranski

Karen Shepard

Jim Beck

33 Beach

TOWNSHIP OF KAWKAWLIN BAY COUNTY, MICHIGAN



· APPLICATION FOR SPECIAL USE PERMIT

Date: Jan. 75, 1980		
Name of Applicant: Richard Vermeesch	_ Tel	697*3407
Mailing Address: 2374 E. Cottage Grove Rd.		
Name of Owner Same		
Mailing Address:		
Legal Description of Premises: (080-03 -400-I80-00) N. $\frac{1}{2}$ of SE $\frac{1}{4}$ lyg	E. of	Huron rd.
Ex W.200ft.Sly 366ft., Ex com on E & W $\frac{1}{4}$ Li 3I2' of E of E		
348' th S 208' th W 348' th N. 208' to Beg. Sec 3 TI5 R4E		
Proposed Use of Land for Which Special Use Permit is Requested: To dig pond in	N.W.	corner
of 50 Acre parcel for the purpose of better drainage. The		
proposed rond is normally to wet to farm.		
Present Zoning: Country Homes (Now being used for AG)		
Additional information which need not accompany this application but must be in the post Board forty-eight (48) hours prior to the public hearing:	ssession	of the Zoning

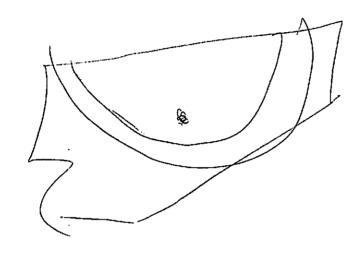
- 1. Vicinity plan showing land use within 300 feet of the perimeter of the property to be rezoned.
- 2. Site plan, plot plan, or development plan, drawn to a readable scale, of the total property involved showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses.
- 3. Preliminary plans and specifications of the proposed development and for all construction.
- 4. A statement with supporting evidence regarding the required finding specified in Section of the Zoning Code.

The Flanning Commission will review this application Feb.7, 1980, 7:30 F.M. at Kawkawlin Township Hall. This will be an open Meeting.

Arlene Vermersche
Signature of Applicant

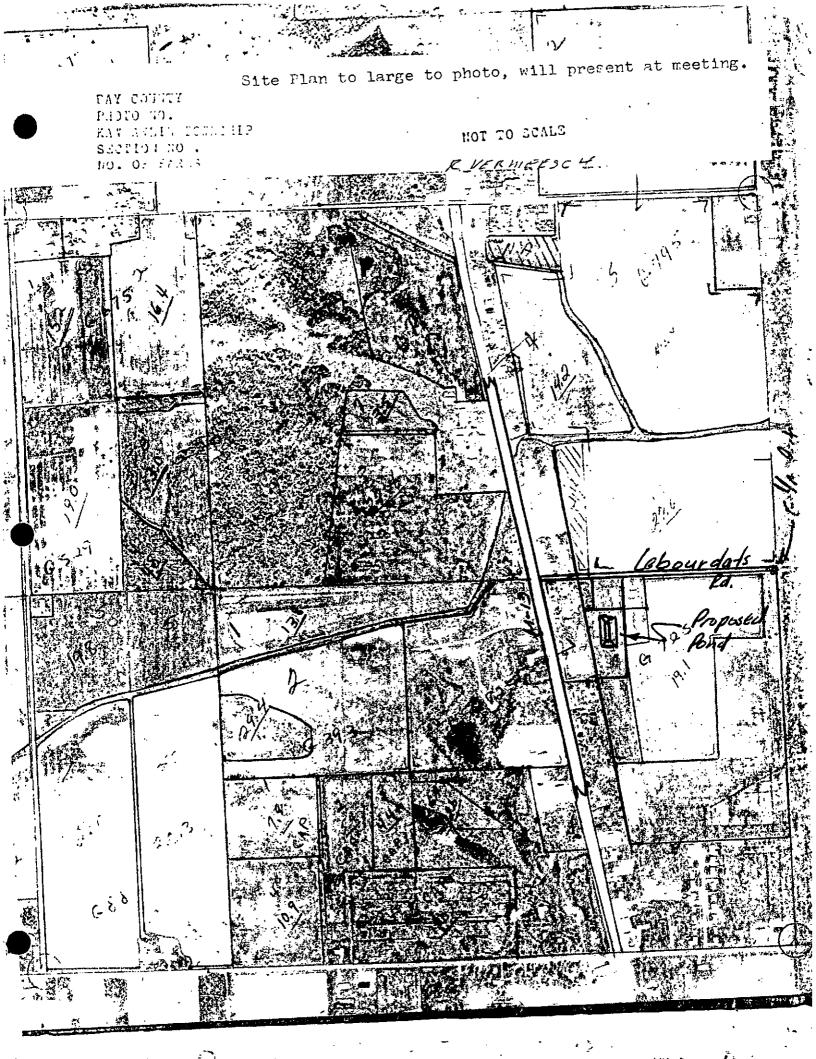
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March 6, 1980 Kawkawlin Twp. Meeting Room



KAWKAWLIN TWP. PLANNING COMMISSION MINUTES (Public-Hearing M-13 Corridor)

The public hearing was called to order at 7:35p.m. by our chairman Tom dler. The roll was taken with 7 board members present and none absent. Schindler. The purpose of this public hearing is to hear comments on the preposed zoning change to the Twp. Zoning Ordinance on a portion of the M-13 Corridor (On the east side from Parish Rd. south to include but stop at the Huron Woods Nursing Home) from CH to C2 hereafter referred to ordinance #21. Chairman Schindler explained the reason for the public hearing and it's purpose and that everyone present would get a chance to express their views after they were recognized by the chair and stated name and location.

Mr. Ed. LaLonde, a property owner and retired businessman wondered if taxes would increase and if a residence could be re-built if it was destroyed for one reason on the other. It was explained by the commission that taxes would not be increased be cause of the re-zoning and that residence's could not be

rebuilt if they were more than 50% destroyed.

Mr. Ed Grandmaison wanted and received an explaination of the reasons for

re-zoning changes.

Mr. Tim Beson A prospective business owner wondered if spot zoning could The commission explained in all probability spot zoning would be considered. not be employed by this commission.

Mr. Keith Troxell spoke in favor of residential re-building.

Burt Bruss owner of the Poor House Bar would liked to have had his proper re-zoned commercial and had non-conforming uses explained to him by the chair.

Joe Beson suggested an amendment to the ordinance allowing residential re-building in C-2 districts. Mr. Darbee expalined with proper procedure this could be possible.

Murtle Troxell wanted homes to be rebuild in C-2 if destroyed beyond 50%. Leonard Koslowski didn't think it was fair to not allow residence's to

re-build.

Ed. LaLonde wanted to know if residence's could be condemmed. The commis sion explained under normal circumstances they could not be commended and unde

very special could they be condemmed.

Leonard Ballor wondered if residential re-building could be allowed under a special use. Mr. Parbee explained they could if certain conditions were meet. However he also explained this may not be the recommended way to go about this, as it could become very troublesome in the future.

Roy DeLorge wanted to know who determined when 50% or more of a residence was destroyed. The answer was this would probably be the Zoning Administrator

job.

Doug Herwier a business owner farther south wanted his property re-zoned 2. This lead to a discussion of the reasons why the 20 year "land use plan" must be followed and what it would take to change this land use plan such as public hearings etc.

Ed Grandmaison suggested we amend the preposed re-zoning to allow residence be re-built. The chair assuser Mr. Grandmaison this would be care-ful: ces to be re-built. considered when our recommendation went to the Twp. Board. With that as a

final thought this public hearing was concluded.

(Public-Hearing Multifamily inCH)
The purpose of this public-hearing is to hear comments concerning a preposed amendment to the Twp. Ordinance in essence allowing a duplex to be placin a CH district, hereafter referred to as ordinance #22.

Mr. Jim Burke wanted to know if property owners adjacent would be notifi prior to construction. The commission explained in all probability this woul

be a requirement.

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

(Page-Two)

Hearing no further comments for or against this public-hearing was concluded.

(Regular-Meeting)

The regular meeting was called to order at 9:10p.m. by our chairman Tom Schindler. The secretary's minutes were read and approved. Our newest commission member Karen Shepard was welcomed to the group.

The Multi-family (duplex) in CH was discussed and with no one opposing this amendment to the Twp. Ordinance during the public hearing it was moved by R. Lukowski and supported by E. Meylan to recommend to the Twp. Board that they adopt this amendment ,#22, to our Twp. Ordinance. Roll call vote was taken with 7 yeas and 0 nays resulting. Motion carried unanimously.

The following is why this decision was reached:

- 1. This would provide affordable rental units in the township.
- 2. There is a definate need for more housing in the township.

3. Being duplex type it should not conflict with our present lack of sewage - systems and with a site plan septic-type systems could be safely employed.

Ordinance #21 the M-13 corridor from CH to C-2 was discussed next. Mr. Darbee explained the disadvantages of amending to allow residential re-building. The lack of sewage and water was also discussed in the reguard that this present situation would lend itself to certain small businesses rather that residential development. After more discussion with Mr. Darbee it was moved by L. Rokosz and supported by K. Shepard to table ordinance #21 until Mr. Darbee can bring tack to the commission 2 or 3 preposals. A voice vote was taken and the motion was passed unanimously.

Our next regular meeting falls on Holy Thursday and it was decided that the planning commission would meet on April 10, 1980 at 7:30p.m. and that the Twp. clerk will be instructed to post this change prior to this meeting.

The meeting was then adjourned at 10:30p.m.

Respectfully submitted

Sec. Kawkawlin Twp. Planning Commission

Bell Hastle

Members Present: T. Schindler

- B. Hartley
- M. Witzke
- The Williams
- L. Kokosz
- E. Meylan
- K. Shepard
- R. Lukowski

Members Absent:

None

Also present:

- W. Darbee
- L. Ballor
- K. Prugiel
- R. Delorge
- 19 Twp. Resinence's for public hearing

PUBLIC NOTICE

TO: RESIDENTS AND PROPERTY OWNERS OF KAWKAWLIN TOWNSHIP, BAY COUNTY, MICHIGAN

NOTICE IS HEREBY GIVEN That the KAWKAWLIN TOWNSHIP PLANNING COMMISSION will hold a public meeting in the Kawkawlin Township Hall, 1800 E. Parish Road, Kawkawlin, Michigan, on the day of MARCH, 1980, at 7:30 o'clock P.M., Prevailing Eastern Time, on a proposed amendment to the Kawkawlin Township Zoning Ordinance, being Ordinance No. 9 to allow two family dwellings in a CH Country Home District by Special Exception.

The tentative text of said amendement may be examined in the Township Hall during normal business hours or at the Office of the Township Clerk at 2184 S. Fraser Road, Kawkawlin, Michigan, and the zoning map may be examined in the Township Hall.

DATED: This 7th day of FEBRUARY, 1980.

William C. Hartley, Secretary
Kawkawlin Township Planning Commission
BayCounty, Michigan

LAW OFFICES
HIGGS, HIGGS
AND DARBEE, P.C.
420 Bay City Bank Building
Bay City, Michigan
48707



THE TOWNSHIP OF KAWKAWLIN, BAY COUNTY, MICHIGAN, ORDAINS:

1. Article 7.00, Section 7.03, of Ordinance No. 9 is hereby amended by adding subsection 1. to read as follows:

- 1. Two family dwellings subject to the following conditions:
 - 1. Each two family dwelling shall have the exterior characteristics of a single family dwelling.
 - Each two family dwelling shall front on and have access from a public street.
 - 3. The minimum lot area shall be as follows:

a. One bedroom unit

b. Two bedroom unit

c. Three bedroom unit

l acre

4. The minimum lot width shall be as follows:

a. One bedroom unit
b. Two bedroom unit
c. Three bedroom unit
105 feet
130 feet
155 feet

- 5. The maximum building height shall be two (2) stories and 25 feet.
- 6. The minimum front yard setback shall be 40 feet.
- 7. The minimum side yard setback shall be as follows:

a. One bedroom unit

b. Two bedroom unit

c. Three bedroom unit

20 feet per side yard

25 feet per side yard

35 feet per side yard

- 8. The minimum rear yard setback shall be 75 feet.
- 9. The minimum required floor space per dwelling unit shall be:

a. One bedroom unit
b. Two bedroom unit
c. Three bedroom unit
500 square feet
580 square feet
670 square feet

10. A site plan review pursuant to Article 17.00

LAW OFFICES
HIGGS, HIGGS
AND DARBEE, P.C.
420 Bay City Bonk Building
Bay City, Michigan
48207

- 1 -

all 500 Dantouty what.

	ince shall become effective immediately upon
the day of	lished once in the Bay City Democrat on or before 1980.
The above Ordinan	ice was adopted at a regular meeting of the Townshi kawlin, Bay County, Michigan, on the day
YEAS:	
NAYS:	
ABSENT:	
·	
	Kathleen Bragiel, Township Clerk Kawkawlin Township
	Ray County Michigan

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HIGGS, HIGGS
AND DARBEE, P.C.
420 Boy City Bank Building
Boy City, Michigan
48707

PUBLIC NOTICE

TO: RESIDENTS AND PROPERTY OWNERS IN KAWKAWLIN TOWNSHIP, BAY COUNTY, MICHIGAN

NOTICE IS HEREBY GIVEN That the KAWKAWLIN TOWNSHIP
PLANNING COMMISSION will hold a public meeting in the Kawkawlin Township
Hall, 1800 Parrish Road, Kawkawlin, Michigan 48631, on the 6th day of March,
1980, at 7:30 o'clock P.M., Prevailing Eastern Time, on a proposed amendment
to the Kawkawlin Township Zoning Ordinance, being Ordinance No. 9, to rezone
the following described land from a CH District to a C2 District, to-wit:

The following described property being in the Northwest Quarter and the Southwest Quarter of Section 14, Town 15 North, Range 4 East, Township of Kawkawlin, County of Bay, to-wit:

Commencing at the intersection of the South Right of Way line of Parrish Road and the Easterly Right of Way line of Highway M-13 (Huron Road), which point is the Point of Beginning; thence East to a point which is 377 feet East and 33 feet South of the Northwest corner of Section 14, which point is on the South Right of Way line of Parrish Road; thence South along a line 377 feet East and parallel to the West Section line of Section 14 to a point, which point is 66.2 feet North of the South line of the North 50 acres of the West Half of Northwest Quarter; thence West 47 feet; thence South 66.2 feet; thence East 106 feet; thence South to a point which is 466.72 feet North of the East-West Quarter line; thence West to a point which is 338.28 feet East of the West line of Section 14; thence South 466.72 feet to the centerline of Wetter Road; thence Southwesterly to the Northeast corner of Lot 1 of Arthur Mielen's Subdivision; thence Southeasterly 1277 feet along the East line of said Subdivision to the South 1/8 line of Section 14; thence East 179.3 feet along said South 1/8 line; thence South 347.2 feet; thence South 83°47' West 408.22 feet to the Easterly Right of Way line of M-13; thence Northerly along the East Right of Way of Highway M-13 to the Point of Beginning.

The tentative text of said amendment, a map showing the boundary lines of the above described parcel and zoning map may be examined in the office of the Township Hall, 1800 Parrish Road, Kawkawlin, Michigan, and at

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AND DARBEE, P.C.
420 Bay City Bonk Building
Bay City, Michigan
48707

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5, FB

the office of the Township Clerk, 2184 Fraser Road, Kawkawlin, Michigan, during normal business hours.

DATED: This 7th day of February, 1980.

William Hartley, Secretary Kawkawlin Township Planning Commission Bay County, Michigan

LAW OFFICES
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AND DARBEE, P.C.
420 Bay City Bank Building
Bay City, Michigan
48707

LAW OFFICES

MILTON E. HIGGS

WILLIAM H DARBEE

CARY E. BOSCO

MICHAEL A. MAKULSKI

OF COUNSEL F NORMAN HIGGS 420 BAY CITY BANK BUILDING
P. O. BOX 840
BAY CITY, MICHIGAN 48707
517/892-2531

March 20, 1980

Mr. Thomas E. Schindler 2786 Seven Mile Road Kawkawiin, MI 48631

Dear Mr. Schindler:

Enclosed please find a Public Notice changing the Kawkawlin Township Planning Commission's regular meeting from April 3, 1980 to April 10, 1980, at 7:30 P.M.

Also enclosed please find an amendment to Ordinance No. 9 for your review.

Yours very truly,

William H. Darbee

WHD:cid

Enclosure

CC: William C. Hartley
Gene Meylan
Robert Lukowski
Marcia Witzke
Karen Shepard
Leo Rokosz
Leonard Ballor

April 10, 1980 Kawkawlin Twp. Meeting Room

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

The meeting was called to order at 7:35p.m. by our chairman Tom Schindler. The Secretary's minutes were read and approved as read. The Twp. Board was present and requested this joint meeting to discuss oridinance #-21 (Dublex's) L. Pajot questioned in 7.03 the site-plan requirement and the possibility that allowing duplex's by right would be a more desirable way to handle this matter. It was also discussed because of the Twp's lack of sewers at this time that duplex's be limited to two bedrooms and also that they have a dispersement of some nature placed upon them. The new changes in 17.05 were reviewed and seemed to give the Planning Commission the necessary tool to implement a proper site-plan review.

The following motions were moved to supplement the restrictive changes to ordinance # 21 Moved by L. Rokosz supported by K. Shepard to limit duplex's to no more than two bedrooms on a 3/4 acre plot, primarily because of the Twp.'s lack of proper sewers at this time. This motion was unanimously carried by a voice vote. It was next moved by E. Meylan and supported by M. Witzke to have a 500 foot minimum dispersement between duplex's. This motion was unanimously by voice vote of the Planning Commission. It was then moved by R. Lukowski and supported by E. Meylan that we retain the site-plan concept with ordinance # 21. This was also passed unanimously by a voice vote of the Planning Commission. Next it was move by L. Rokosz and supported by B. Hartley t we send back to the Twp. Board ordinance # 21 with the above three changes for their consideration with the legal work to be done by Higgs, Higgs & Darbee. This was unanimously carried by a voice vote of the Planning Commission.

Ordinance # 22(M-13 Corridor) was next brought before the Planning Commission. Much discussion about protecting residence's in a C-2 district was discussed; Mr. Darbee, the Twp. Board members and the Planning Commission tossed this matter around for more than 1 hour and 45 minutes. It was then moved L. Rokosz and supported by K. Shepard to table ordinance # 22 until it can be studied further by Mr. Darbee and the Planning Commission. Motion to table ordinance was carried unanimously by voice vote of the planning commission.

Our next meeting will be May 1,1980 at 7:30p.m. in the Kawkawlin Twp. The meeting was than adjourned at 10:15p.m. meeting room.

Members Present:

T. Schindler

B. Hartley

M. Witzke

L. Rokosz

E. Meylan

K. Shepard

R. Lukowski

Twp. Board Present:

L. Pajot K. Bragiel

R. DeLorge

M. McNally

So Present

W. Darbee

L. Ballor

Respectfully submitted

Sec. Kawkawlif Twp.

Planning Commission

May 1, 1980 Kawkawlin Twp. Meeting Room

TWP. PLANNING COMMISSION MINUTES KAWKAWLIN

The meeting was called to order at 7:40p.m. by our chairman Tom Schindler.

The Secretary's minutes were read and approved as read.

The M-13 corridor was first discussed in reguard to continuing of nonconforming homes. In ordinance # 23 Sec. 21.14 it was preposed that the change be ... "Notwithstanding the foregoing, dwelling and accessory structures located in a zone which does not permit the same may still be altered, expanded, and or rebuilt". Because the above is a preposed amendment to the Twp. Ordinance there must be a public hearing June 5, 1980 at 8:00p.m. Higgs, & Darbee will handle notices and also notify the property owners that were originally contacted which this matter was first brought up before the Planning Commission.

Therefore, it was moved by L. Rokosy and supported by B. Hartley that Sec. 21.14 as worded above be presented to the property owner's in a public hearing. This motion was carried unanimously. It was further moved by R. Lukowski and supported by E. Meylan to renotify the property owner's of this public hearing and discussion on the original oridinance change which is being re-submitted for public imput. This motion was also unanimously carried by a voice vote.

Next the M-13 Corridor (Beyond Land Use Map) was discussed. After a one hour discussion; Mr Darbee will come back to our next meeting with recommend-

ations for land use plan changes.

Our next meeting and public hearing will be June 5, 1980 at 8:00p.m. in This meeting was adjourned at 9:45p.m. the Kawkawlin Twp. Meeting Room.

> Respectfully submitted Bill Hartley Sec. Kawkawlin Twp. Planning Commission

Members present: T. Schindler

B. Hartley B.

K. Shepard

L. Rokosy Led

E. Meylan Eugene

R. Lukowski Member absent:

M. Witzke marks mark

Also present: W. Darbee

r. Ballor

Commercial Zone Commercial Zone Parcial Rd te Hurring Home

1. 12 A lot - Who would Jourchase?

LAW OFFICES =

MILTON E. HIGGS
WILLIAM H. DARBEE
GARY E. BOSCO
MICHAEL A. MAKULSKI

OF COUNSEL F NORMAN HIGGS 420 BAY CITY BANK BUILDING
P. O. BOX 840
BAY CITY, MICHIGAN 48707
517/892-2531

April 29, 1980 '

Mr. Thomas E. Schindler 2786 Seven Mild Road Kawkawlin, MI 48631

Dear Mr. Schindler:

Enclosed please find a proposed Ordinance for your review in anticipation of discussion at the May 8, 1980 meeting.

Yours very truly,

William H. Darbee

WHD:cjd Enclosure

CC: William C. Hartley
Gene Meylan
Robert Lukowski
Marcia Witzke
Karen Shepard
Leo Rokosz
Leonard Ballor

	ORDINANCE NO.
	THE TOWNSHIP OF KAWKAWLIN ORDAINS:
-	1. Article 21.00, is hereby amended by adding Section 21.14 to read as follows:
	Section 21.14 CONTINUATION OF NON CONFORMING HOMES: Duelling with forestry for the foregoing, a home located in a zone which does not permit the same may still be altered, expanded and/or rebuilt.
	2. This Ordinance shall become effective on publication and shall be published once in the Bay City Democrat on or before the day of, 1980.
	The foregoing Ordinance was adopted by vote of the Township Board, Kawkawlin Township, Bay County, Michigan, at a meeting on the day of , 1980.
	Kathleen Bragiel, Clerk Kawkawlin Township Bay County, Michigan
	au zones
(Ducie le non-conforming use.
ı	3) non-conforming gover from owner Do owner - no effect on re-sale Value.
7	3) This is by right -
(4. On Vorance property- Can chome ou buret? No.
	6. add

LAW OFFICES
HIGGS, HIGGS
AND DARBEE, P.C.

20 Boy City Bank Building Boy City, Michigan 48707

PUBLIC NOTICE

KAWKAWLIN TOWNSHIP

PLANNING COMMISSION

Notice is hereby given that the Kawkawlin Township Planning Commission whose telephone number is (517) 686-8710, and whose address is 1800 E. Parish Road, Kawkawlin, Michigan 48631, will hold its regular meeting at 7:30 P.M., Prevailing Eastern Time at the Township Hall on April 10, 1980. Please take notice that this is a change from its regular meeting scheduled for April 3, 1980, at 7:30 P.M., Prevailing Eastern time.

William C. Hartley, Secretary Kawkawlin Township Planning Commission

ORDINANCE NO	
THE TOWNSHIP OF KAWKAWLIN ORDAINS:	
1. Article 21.00, is hereby amended by adding Section 21.14 to read as follows:	
Section 21.14 CONTINUATION OF NON CONFORMING HOMES:	
Notwithstanding the foregoing, a dwelling unit together with any accessory structure located in a zone which does not permit the same may still be altered, expanded and/or rebuilt.	
2. This Ordinance shall become effective on publication and shall be published once in the Bay City Democrat on or before the day of, 1980.	
The foregoing Ordinance was adopted by vote of the Township Board, Kawkawlin Township, Bay County, Michigan, at a meeting on the day of, 1980	
Kathleen Bragiel, Clerk	
Kawkawlin Township Bay County, Michigan	

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AND DARBEE, P.C.
420 Bay City Bonk Building
Bay City, Michigan
48707

June 5,1980 Kawkawlin Twp. Meeting Koom

KAWKAWLIN . TWP. PLANNING COMMISSION MINUTES

The public hearing was called to order at 8:00p.m. by our chairman Tom Schindler. A rot call of members was taken with seven present and none absent. This public hearing is concerning the M-13 corridor on the east side of the highway from Parish Rd. south through the Nursing Home. It is preposed to re-zone this area from CH to C-2 and also hear public comment on a proposed amendment to allow rebuilding in C-2 areas of residential homes and accessory buildings.

Mr. Alan McDonald spoke about vacant lots and if they could be built into a residence if they fell in this area. Answer... no they could not under the

present preposal.

Mr. Willis Wackerle Next asked if multi-family dwellings could be built in C-2 areas. Answer... no they could not under the present preposal if they were not already existing.

Mr. Felix LeMouix wanted to know if taxes would increase as a result of this preposed change. Answer... no unless the property increased in size or actual built on value.

As a result of hearing no real comments against this preposed zoning change as amended the Planning Commission voted 7 yea and O ney to recommend to the Kawkawlin Twp. Board to approve the Oridinance change as amended.

The regular meeting was called to order at 8:25 p.m. by our chairman,

the Secretary's minutes were read ad approved as read.

A special use permit was first discussed concerning a multi-family dwelling to be built in a CH district by Willis Wackerle. It was noted that 16 otices were sent out on this parcel to surrounding property owners and that one were present for this meeting. After looking over the lot in question t was determined back yard and side yard set backs were not with in our Therefore after some discussion with Mr. Wackerle and Mr. Darbee it was moved by L. Rokosz and supported by B. Hartley that we, the planning commission, recommend to Mr. Wackerle to go before the Board of Appeals seaking a variance for this preposed project of his and if favorable return to the Planning Commission for final approval. A roll call was taken with 7 yeas and

Tim Beson next presented an application for re-zoning from CH to C-2. This percel being the former Northland Sales on the NW cornor of River Rd. and M-13. Mr Beson explained why he wanted to develop this location and its future expectations. After the Planning Commission explained with Mr. Darbee's advice that spot zoning would be undesirable with the Planning Commission and that the near future plans of the Planning Commission call for looking into this area for a zoning change. Mr. Beson then withdrew his application to wait and see what the Planning Commission will come up with. During the meantime Mr. Ballor will provide Mr. Beson with the commercial possibilities

that presently are allowed on this property.

All members were instructed by the chair to consider this area and come to

our next meeting with ideas to place before the board.

Next we formally considered recommending to the Twp. Board the amendment of continuing Non-conforming homes in a C-2 district. It was moved by R. Lukowski and supported by M. Witzke that we recommend to the Twp. Board we add 21.14 to Article 21.00 of our Twp. Ordinance. A roll call vote was taken with ? yeas and O neys. The following are reasons for this action.

Present residence's would be placed at a disadvantage.

This area is not that commercialized at this time. 2.

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

(Page-two)

Next the Planning Commission formally recommended to the Twp. Board that we re-zone from CH to C-2 the M-13 corridor on the east side from Parish rd. south through the Rest Home, this motion was moved by B. Hartley and supported by K. Shepard. A roll call vote was taken with 7 yeas and o neys. The following are the reasons why this action was taken.

1. This will enable present business's to rebuild and expand.

· 2. It will invite new business's to locate in our Twp.

3. It follows our land use plan.

The above two changes to our Twp. Ordiance will be handled by Higgs, Higgs, & Darbee.

Because of the 4th of July holiday our next meeting will be held on June 26,1980 at 8:00p.m. in the Kawkawlin Twp. Meeting Room., because this is different that our usual meeting the Twp. clerk will post this meeting change. This meeting was then adjourned at 10:15p.m.

Respectfully submitted

Bell Hartley Sec. Kawkawlin Tw. Planning Commission

Lembers present:

.T. Schindler

9. Hartley

M. Witzke K. Shepard

L. Rokosz

E. Meylan

R. Lukowski

also Present:

W. Darbee

L. Ballor

W. Wackerle

T. Beson

A. Beson

A. McDonald

F. Lemieux

R. DeLorge

approved as read-

4. Set Green brack (3) Bill's approvail (Land use Map)

(Land use Map)

(go to River Rd) Public Heave Reviserg Landlise Plan -Give eury one cpy of Landlese Map 1. Lunise Commercial Chief m L. Rd. to River Rd.

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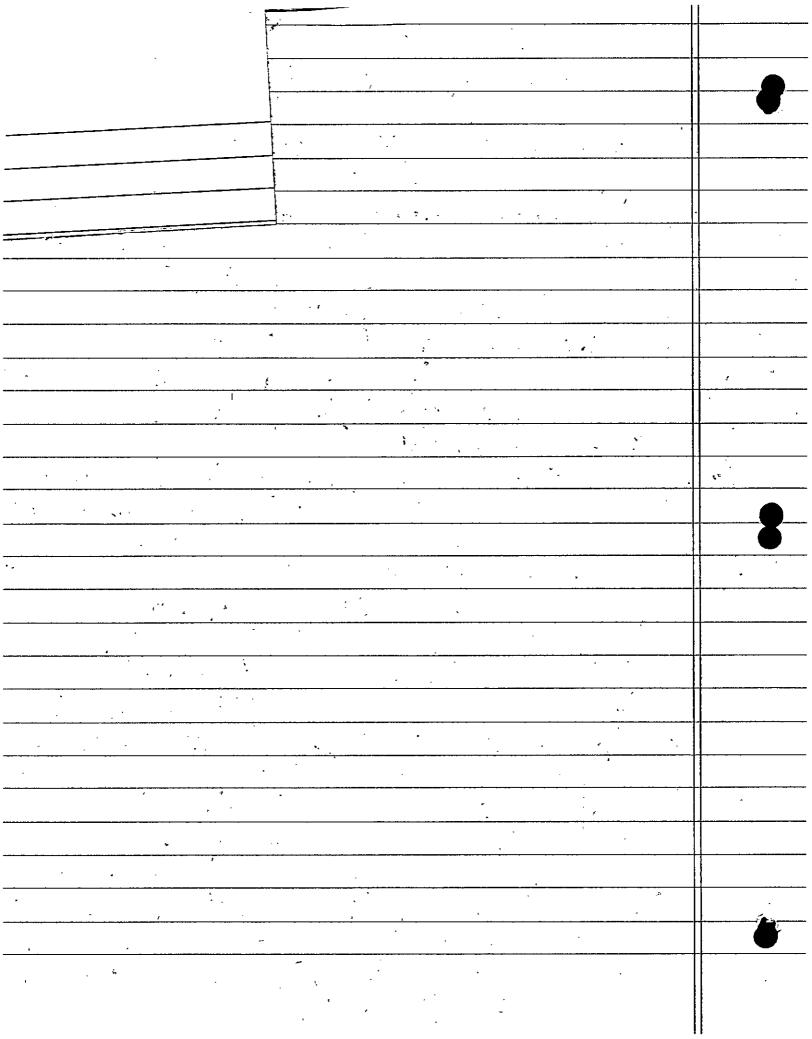
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TOWNSHIP OF KAWKAWLIN BAY COUNTY, MICHIGAN

APPLICATION FOR SPECIAL USE PERMIT

appured

Date: May 8-1980.	!
Name of Applicant: William A. Warkink	Tel. <u>697-572</u> 6
Mailing Address: 1828 C. Rescould Ret.	
Name of Owner Julle A Nachale	
Mailing Address: 1828 & Linux Ret Linux	-d, mi 48634
Legal Description of Premises:	d the West 60 feet of Lo
Ten (10), Parsons Sub. of a part of the Norther	
Northwest Quarter (NW $\frac{1}{4}$) of Section 3, Town 15	North, Range 4 East,
Kawkawlin Township, Bay Co., Michigah. Subject the North 25 ft. of the East 20 ft. of the Wes- easement appurtenant for ingress and egress to	t 60 ft. of Lot 10 as an Lot 11 and the East 40 f
Proposed Use of Land for Which Special Use Permit is Requested:	that of Lot 10.
2 bed rm. unites	
Present Zoning: Res Country Hornes	
Additional information which need not accompany this application but must Board forty-eight (48) hours prior to the public hearing:	be in the possession of the Zoning
1. Vicinity plan showing land use within 300 feet of the perimeter of the p	roperty to be rezoned.
Site plan, plot plan, or development plan, drawn to a readable scale, of the location of all abutting streets, the location of all existing and buildings and their uses.	the total property involved showing proposed structures, the types of
3. Preliminary plans and specifications of the proposed development and	for all construction.
 A statement with supporting evidence regarding the required finding Code. 	g specified in Section of the Zoning
The Planning Commission will meet June 5 th, Iq Kawkawlin Township Hall, to review the above sp	980, 8 P.M. at pecial use.
This will be an open meeting.	Willis A. Harbonton
	Signature of Applicant

HOUSE WILL BE PRESENTED TO PLANNING A LARGER SITE PLANTOSCANCE , 412 9<u>E</u> COMM. WEETING NITE. PARSON PRO POSED DWPLEX open feeld TIMMOOD D 56 ,78 本 761 DITCH BREW BH DRAIN Linwood, Michigan 48634 TO JANUAY, TI, OTHA

PUBLIC NOTICE

TO: RESIDENTS AND PROPERTY OWNERS IN KAWKAWLIN TOWNSHIP, BAY COUNTY, MICHIGAN

NOTICE IS HEREBY GIVEN that the KAWKAWLIN TOWNSHIP PLANNING COMMISSION will hold a public meeting in the Kawkawlin Township Hall, 1800 Parrish Road, Kawkawlin, Michigan 48631, on the 5th day of June, 1980, at 8:00 o'clock P.M., Prevailing Eastern Time, on a proposed amendment to the Kawkawlin Township Zoning Ordinance, being Ordinance No. 9 to revise Article 21.00, by adding Section 21.14 to read as follows, to-wit:

SECTION 21.14 CONTINUATION OF NON CONFORMING HOMES:

Not withstanding the foregoing, a dwelling unit together with any accessory structure located in a zone which does not permit the same may still be altered, expanded and/or rebuilt.

The tentative text of said amendment and zoning map may be examined in the office of the Township Hall, 1800 Parish Road, Kawkawlin, Michigan and at the office of the Township Clerk, 2184 Fraser Road, Kawkawlin, Michigan during normal business hours.

DATED: This 7th day of May, 1980.

William Hartley, Secretary
Kawkawlin Township Planning
Commission
Bay County, Michigan

LAW OFFICES
HIGGS, HIGGS
AND DARBEE, P.C.
420 Bay City Bank Building
Bay City, Michigan
48707

ORDINANCE	NO.	

THE TOWNSHIP OF KAWKAWLIN ORDAINS:

1. Article IV, Section 4.01 of Ordinance No. 9 is hereby amended by amending the map dated July, 1977, to include the following:

To rezone from a CH District to a C2 District the following:

The following described property being in the Northwest Quarter and the Southwest Quarter of Section 14, Town 15 North, Range 4 East, Township of Kawkawlin, County of Bay, to-wit:

Commencing at the intersection of the South Right of Way line of Parrish Road and the Easterly Right of Way line of Highway M-13 (Huron Road), which point is the Point of Beginning; thence East to a point which is 377 feet East and 33 feet South of the Northwest corner of Section 14, which point is on the South Right of Way line of Parrish Road; thence South along a line 377 feet East and parallel to the West Section line of Section 14 to a point, which point is 66.2 feet North of the South line of the North 50 acres of the West Half of Northwest Quarter; thence West 47 feet; thence South 66.2 feet; thence East 106 feet; thence South to a point which is 466.72 feet North of the East-West Quarter line; thence West to a point which is 338.28 feet East of the West line of Section 14; thence South 466.72 feet to the centerline of Wetter Road; thence Southwesterly to the Northeast corner of Lot 1 of Arthur Mielen's Subdivision; thence Southeasterly 1277 feet along the East line of said Subdivision to the South 1/8 line of Section 14; thence East 179.3 feet along said South 1/8 line; thence South 347.2 feet; thence South 83°47' West 408.22 feet to the Easterly Right of Way line of M-13; thence Northerly along the East Right of Way of Highway M-13 to the Point of Beginning.

	2.	This	Ordinance shall	become e	ffective of	on	
1 980, and	shal	ll be	published once	n the Bay	City		on or before
	··· .	····	, 1980.				
	The	foreg	oing Ordinance	was adopt	ed by	•	vote of the
Township F	3oar	d, Ka	wkawlin Townsh	ip, Bay C	ounty, M	ichigan, at	t its
meeting on				, 1980.			

Kathleen Bragiel, Township Clerk Kawkawlin Township Bay County, Michigan

Reviewed led vived in the contract of the cont

LAW OFFICES
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AND DARBEE, P.C.
20 Bay City Bank Building
Bay City, Michigan
48707

PUBLIC NOTICE

TO: RESIDENTS AND PROPERTY OWNERS IN KAWKAWLIN TOWNSHIP, BAY COUNTY, MICHIGAN

NOTICE IS HEREBY GIVEN That the KAWKAWLIN TOWNSHIP PLANNING COMMISSION will continue to hold their public meeting in the Kawkawklin Township Hall, 1800 Parrish Road, Kawkawlin, Michigan 48631, on the 5th day of June, 1980, at 8:00 o'clock P.M., Prevailing Eastern Time, on a proposed amendment to the Kawkawlin Township Zoning Ordinance, being Ordinance No. 9, to rezone the following described land from a CH District to a C2 District, to-wit:

The following described property being in the Northwest Quarter and the Southwest Quarter of Section 14, Town 15 North, Range 4 East, Township of Kawkawlin, County of Bay, to-wit:

Commencing at the intersection of the South Right of Way line of Parrish Road and the Easterly Right of Way line of Highway M-13 (Huron Road), which point is the Point of Beginning; thence East to a point which is 377 feet East and 33 feet South of the Northwest corner of Section 14, which point is on the South Right of Way line of Parrish Road; thence South along a line 377 feet East and parallel to the West Section line of Section 14 to a point, which point is 66.2 feet North of the South line of the North 50 acres of the West Half of Northwest Quarter; thence West 47 feet; thence South 66.2 feet; thence East 106 feet; thence South to a point which is 466.72 feet North of the East-West Quarter line; thence West to a point which is 338.28 feet East of the West line of Section 14; thence South 466.72 feet to the centerline of Wetter Road; thence Southwesterly to the Northeast corner of Lot 1 of Arthur Mielen's Subdivision; thence Southeasterly 1,277 feet along the East line of said Subdivision to the South 1/8 line of Section 14; thence East 179.3 feet along said South 1/8 line; thence South 347.2 feet; thence South 83°47' West 408.22 feet to the Easterly Right of Way line of M-13; thence Northerly along the East Right of Way of Highway M-13 to the Point of Beginning.

The tentative text of said amendment, a map showing the boundary lines of the above described parcel and zoning map may be examined in the office of the Township Hall, 1800 Parrish Road, Kawkawlin, Michigan, and at

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AND DARBEE, P.C.
420 Bay City Bank Building
Bay City, Michigan
48702

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the office of the Township Clerk, 2184 Fraser Road, Kawkawlin, Michigan, during normal business hours.

DATED: This 7th day of May, 1980.

William Hartley, Secretary Kawkawlin Township Planning Commission Bay County, Michigan

LAW OFFICES
HIGGS, HIGGS
AND DARBEE, P.C.
420 Bay City Bank Building
Bay City, Michigan
48707



	Date
Memo to	-
Sue	Carrespondence
June 6,1	980 and the
	The Valorius.

KAWKAWLIN TOWNSHIP

BAY COUNTY, MICHIGAN

1800 E. Parish Road, Kawkawlin, Michigan 48631

July 21, 1980 11522Beaver Road Kawkawlin Mi. 48631

KAWKAWIIN TWP. PLANNING COMMISSION

Kawkawlin Twp. Supervisor 1800 E. Parish Road Kawkawlin. Mi. 48631

Dear Mr. Pajot:

The Planning Commission in it's June 26, 1980 meeting in the Kawkawlin Twp. Meeting Room went on record opposing any solid waste land fills in Kawkawlin Twp. that would involve prime agriculture land or any land in the township that is suitable for potential development in the future. In considering a solid waste site, we the Planning Commission, urge the use of waste land in the Twp.; such as borrow pits or simular land that has no real potential for future development. The Planning Commission would also appreciate any information that you may have on the solid waste issue in Bay County as it becomes awailable to you. We realize that solid waste must be located in the county in the very near future and if Kawkawlin Twp. is chosen, the Blanning Commission is at your service if we have to deal with this matter.

Copies

Kawkawlin Twp. Planning Commission

Kawkawlin Twp. Board

Kawkawlin Twp. Zoning Administrator

Sincerely yours

Chairman Kawkawlin Twp. Planning Commission

Sec. Kawkawlin Twz.

Planning Commission

June 26, 1980 Kawkawlin Twp. Meeting Room

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

The public hearing on a special use permit submitted by Mr. Willis Wackerle in a CH district was called to order at 8:00p.m. by our chairman Tom Schindler. Prior to this hearing the Board of Appeals granted a variance on this property with the following reasons being why they approved it; 1.) Conforms to surcounding homes; 2.) Ample room between present buildings. Mr. Wackerle then presented the intended scale drawing and pointed out exact distances from existing homes, lot lines, etc. Also note that no one else from the surrounding area was at this public hearing. After going over the plan with Mr. Wackerle for 20 minutes of so, the public hearing was adjourned at 8;29p.m.

The regular meeting was called to order at 8:30p.m. by our chairman, the secretary's minutes were read and approved as read. The first matter considered was Mr. Wackerle's special use variance in a CH district. After discussion it was moved by B. Hartley and supported by M. Witzke to approve this special use variance based on the site plan presented. Roll call vote 7 yeas 0 nays; notion carried unanimously. The following are reasons why this variance was granted; 1.) Conforms to surrounding area 2.) Neighboring homes have excessive side yards thus allowing this unit to fit in 3.) There are no other two family units with in 500 feet.

A letter was next read from Higgs, Higgs, & Darbee pertaining to our last two zoning changes; of which the Twp. Board approved since our June 5, 1980 meet lng. Sur last possesses fine 6, 1980

After lengthy discussion L. Rokosy moved and E. Meylan supported a motion that the Planning Commission go on record as opposing a solid waste disposal lite that would use prime ag. land, residential, or any land in Kawkawlin Twp. Lat may have future potential. Voice vote unanimous; the secretary was instruct to send a copy to Mr. L. Pajot as he is presently on the County Committee eciding this matter.

Mr. Darbee next assisted the Planning Commission in reviewing our present land use plan and its future expansion. While discussing this matter and roing over the land use map the Planning Commission decided to expand the land use plan through a public hearing from Linwood Rd. to just south of River Rd. There its presently CH, it would change to C-2 and in some snstances to L-1. Also the area along M-13 from Beaver Rd. to the makkawlin River from its present CH -6-1 to C-2 - L-1. Therefore, it was moved by E. Meylan and supported by K. Shepard that we hold a public hearing on this land use expansion proposal on August 7, 1980 and see what the public has to say in this matter. Roll call vote, 7 yeas 0 nays; motion carried unanimously, Higgs, Higgs, & Darbee will randle the details. Our regular "July Meeting" (Held 6/26/80 because of the 4th of July Holiday) was adjourned at 10:35p.m. Our next regular meeting will be after the 8:00p.m. public on August 7,1980.

Members present:

- T. Schindler
- B. Hartley
- M. Witzke
- TT OTTE
- K. Shepard
- L. Rokosy
- E. Meylan
- R. Lukowski Jembers absent:

none so present:

W. Darbee, L. Ballor & W. Wackerle

Respectfully submitted

Bell Wartley
Sec. Kawkawlin Twp.
Planning Commission

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

The public hearing on the preposed changes to the land use plan was called to order at 8:05 p.m. by our chairman Tom Schindler. Please note there was no one in the audience either for or against the preposed changes to our present land use plan. Therefore, the map of the preposed changes was throughly discussed amongst the board members and Mr. Darbee; with K. Shepard moving and E. Meylan supporting a motion that we recommend to the Twp. Board that they accept the land use plan as amended. The reasons are as follows: (1) The topography from Linwood Rd. to Cottage Grove Rd. and from Beaver Rd. south to the River lends itself to Ll or Heavy Comm ercial (2) This would allow existing businesses to exist and expand. (3) This would encourage new businesses & industry to locate in the Twp. (4) The high volume of traffic along M-13 lends itself to businesses. (5) the reason for the L-1 change is that it will be easier in the future to go down in classification rather than up. A roll call vote was taken with 7 yeas and 0 neys, motion carried unanimously.

The public hearing on the preposed J. LaCourse pond in a CH district was next brought before the board. Mr. LaCourse explained the reason for the pond would be to beautify his property. After discussion and question about depth, side slope, and fenceing; the chair informed Mr. LaCourse that a detailed site plan would be required before we could procede, but that we had approved ponds before and with a reasonable site plan and execution thereof his special use would probably be approved. Mr. LaCourse

said he would have a detailed site plan for our Sept. meeting.

The public hearing on a special use permit for Marion h. Meylan to place a house trailer in a Ag. District was next brought before the planning commission. Because there was no one representing Mrs. Meylan planning commission denied this application for the present time. This motion to deny was moved by R. Lukowski and supported by K. Shepard. A roll call vote was taken with 6 yeas for denial with E. Meylan abstain-

The regular meeting was called to order at 8:40p.m. by our chairman Tom Schindler. The secretary's minutes were read and approved as read.

Re-zoning M-13 on the east side from the rest home south to include the motel and on the west side from River Rd. north to include the bar was discussed by the board with Mr. Darbee. Therefore, with the assumptio that the Twp. Board would approve the land use plan it was moved by L. Rokosz and support by M. Witzke that we recommend to the Two. Board that we re-zone the above mentioned from CH to C2. The reasons for this being:
1) This would maintain existing businesses. 2) Certain businesses in this area were promissed re-zoning by the planning commission. vote was taken with 7 yeas and 0 neys. Motion carried unanimously. Higgs, & Darbee will prepare.

At our next meeting, which will be held at 8:00p.m. on Sept. 4, 1980, we will review fees for special use permits, site plans, special meetings for special use permits and special meetings for site plans.

This meeting was then adjourned at 9:50p.m.

Respectfully submitted

Sec. Kawkawling Twp. Planning Commission

Members present: T. Schindler B. Hartley

- M. Witzke

- K. Shepard L. Rokosz E. Meylan R. Lukowski

Members absent: none...

Also present: W. Darbee L. Ballor

- Mr. and Mrs. Jerry LaCourse

TOWNSHIP OF KAWKAWLIN Commission Jules, BAY COUNTY, MICHIGAN Special Use Ginis granted. APPLICATION FOR SPECIAL USE PERMIT Keasan much her listed 1. Comforme with alea 2. ample set top back Date: June 17 - 1980 3. Noorder duplines Name of Applicant: Willis (1) Mailing Address: //28 Name of Owner Mailing Address: 9+ the W60 of lot 10, Parson Proposed Use of Land for Which Special Use Permit is Requested: 1 3 0 Additional information which need not accompany this application but must be in the possession of the Zoning Board forty-eight (48) hours prior to the public hearing: (48) 1. Vicinity plan showing land use within 300 feet of the perimeter of the property to be rezoned. ेशाः । 2. Site plan, plot plan, or development plan, drawn to a readable scale, of the total property involved showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses. Preliminary plans and specifications of the proposed development and for all construction. 4. A statement with supporting evidence regarding the required finding specified in Section of the Zoning he Flanning Commission will meet June 26 8:00. PM, at Kaw Kawlin Township Hall to the above Special use. This willWille be an open meeting. I has 52' set book from San in a William Commen

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granish - 1. Tuck to " (wind COOMNIT (Hru al Harly) BOMM MEETING NITE WILL BE PRESENTED TO PLANNING ALARGER SITE PLANTOSCALE HTAFWOH X=7dad 7=150d 08d N open fredd NOSYHA

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

The public hearing on the preposed changes to the land use plan was called to order at 8:05 p.m. by our chairman Tom Schindler. Please note there was no one in the audience either for or against the preposed changes to our present land use plan. Therefore, the map of the preposed changes was throughly discussed amongst the board members and Mr. Darbee; with K. Shepard moving and E. Meylan supporting a motion that we recommend to the Twp. Board that they accept the land use plan as amended. are as follows: 1) The topography from Linwood Rd. to Cottage Grove Rd. and from Beaver Rd. south to the River lends itself to Ll or Heavy Comm ercial 2) This would allow existing businesses to exist and expand. 3) This would encourage new businesses & industry to locate in the Twp. 4) The high volume of traffic along M-13 lends itself to businesses. 5) the reason for the L-1 change is that it will be easier in the future to go down in classification rather than up. A roll call vote was taken with 7 yeas and 0 neys, motion carried unanimously.

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The regular meeting was called to order at 8:40p.m. by our chairman Tom Schindler. The secretary's minutes were read and approved as read.

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1) This world maintain existing businesses. 2) Certain businesses in this area were promissed re-zoning by the planning commission. A roll call vote-was taken with 7 yeas and 0 neys. Motion carried unanimously. Higgs, & Darbee will prepare.

At our next meeting, which will be held at 2:00p.m. on Sept. 4, 1980, we will review fees for special use permits, site plans, special meetings for special use permits and special meetings for site plans.

This meeting was then adjourned at 9:50p.m.

Respectfully submitted

Sec. Kawkawling Twp. Planning Commission

Members present: T. Schindler B. Hartley M. Witzke K. Shepard L. Rokosz E. Meylan R. Lukowski

- R. Lukowski

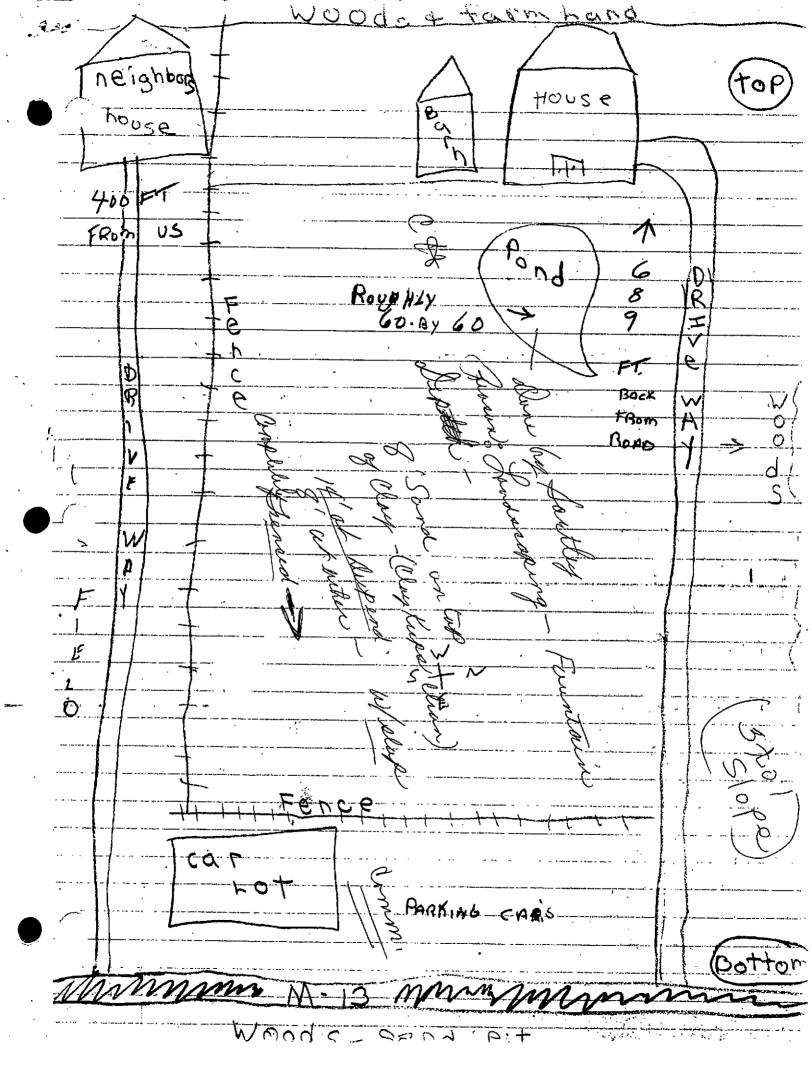
 Members absent:
 none

 Also present:
 W. Darbee
 L. Ballor
 Mr. and Mrs. Jerry LaCourse

TOWNSHIP OF KAWKAWLIN

House Ist time

APPLICATION FOR SPECIAL USE PERMIT Liters Kauskainleal law (L) - Bluen Liters	, ,
Date: July 15 80	e -
Name of Applicant: JENNY LA COURSE Tel. 684.	030
Mailing Address: 2802 5 HURON AD Markaulin mi	c # .
Name of Owner TERRY LA COURCE	
iviailing Address: 2805 Shonow Ris Machine Mic 4	ول معالمة المعالمة بعد ريا
Legal Description of Premises: Com 445 FT 5 OF WH CON THE 250 FT	14 E
689:45 FT TO W 21 OF m-13 TH N 180 06M W3	•
TH N. 170 BBM W 285 FT TH W 611.70 FT TO F	• •
SEC 36 TIEN RYE 3-1.76	
Proposed Use of Land for Which Special Use Permit is Requested: Small Farm Ponto	
	••
Present Zoning: CH Country Homes	
Additional information which need not accompany this application but must be in the possession of the Board forty-eight (48) hours prior to the public hearing:	Zoning
1. Vicinity plan showing land use within 300 feet of the perimeter of the property to be rezoned.	°igit ságu≢É
2. Site plan, plot plan, or development plan, drawn to a readable scale, of the total property involved si the location of all abutting streets, the location of all existing and proposed structures, the ty buildings and their uses.	
3. Preliminary plans and specifications of the proposed development and for all construction.	,
.4. A statement with supporting evidence regarding the required finding specified in Section of the	Zoning
Code.	1
The Planning Commission will meet to review the above request august 7, 8 PM, 1980 at Kawkapula	2
about request august 1, 8100 11 luy folorus	<u>, </u>
Township Hall. This will be an Signature of Applica	nt _e .
open meeting.	





TOWNSHIP OF KAWKAWLIN

B.A.	AY COUNTY, MICH		wrently -
	·		Zenieg -
APPLICAT	ION FOR SPECIAL	USE PERMI	
Date: 7-23-1980		n Cinnh	ud) Fre
Name of Applicant: Marion Re	ith mugla	n (unit	Tel. 647-3607
Mailing Address: 723-7 mg	•	KAWLIN	1- MICH
Name of Owner	maylens	<u>. </u>	· · · · · · · · · · · · · · · · · · ·
Mailing Address: 723 - 7 mm	RD	MANUAL AND	Comment of Comments of the Comment o
Legal Description of Premises: S 12 of	NW 14. EX NZ	220FT of	W23/FT EX W440
FT of F 550 FT of 5231	FT. SEC.	8 TIS	N R4E
80 ACRE PARCES		·····	
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home as I am in			mily dispute -
Present Zoning:	0.	Lucy	the Said WO- no -
Additional information which need not acc Board forty-eight (48) hours prior to the	company this application e public hearing:	DALGALION DE IN	the possession of the Zoning
 Vicinity plan showing land use with 	in 300 eet of the perime	ter of the proper	ty to be rezoned.
Site plan, plot plan, or development the location of all abutting streets buildings and their uses.	t plan, drawn to a readab s, the location of all ex	ole scale, of the t disting and prop	otal property involved showing / bosed structures, the types of
3. Preliminary plans and specifications	s of the proposed develo	pment and for al	I construction.
 A statement with supporting evide Code. 			',
The Planning Comm at Kawkawlin Towns use. This will be	ission will	& meets	Jug 7- 1989 8 PM.
at Kawkawlin Towns	hip Hall to	review	ion Ruth Meylan
use. This will be	an ofen mei	ting	Signature of Applicant
(Ref. Sec 6:03)			

September 4, 1980 Kawkawlin Twp. Meeting Room

KAWKAWLIN IMP. PLANNING COMMISSION MINUTES

Meeting was called to order at 8:05p.m. by our Vice-chairman The secretary's minutes were read and approved as read. first order of business was going over the recommended land use changes with the Twp. Board. H. Lukowski stated that the Twp. Board had trouble accepting our recommendation from the previous month in reguard to the north portion, specificly placing the "Hoyle Subdivision" in a L-1 \times 3 district. After 90 minutes of discussing our previous landuse recommendation as amended the following was resolved: that we table this decision until next month and that at a call from the chair we will look this area over before our next meeting as one body.

An application for a special use permit was submitted by Everett Hiltz, to park a mobile home for occupancy while his home is being built. After some questions from the board and with the understanding that no occupancy will occur until water and sewer are connected to the trailer; it was moved by B. Hartley and supported by K. Shepard that we approve this special use permit of Mr. Hiltz's. Roll call vote resulting in 6 yeas, O neys, with one member absent. Motion carried unanimously.

A fee system for site-plans and special use-permits was next discussed with the Twp. Board; with the Twp. Board giving their approval to set up a fee schedule. Mr. Darbee will send the Planning Commission recommendations on these fees.

Our next meeting will be October 2, 1980 at 8:00p.m. in the Kawkawlin Twp. Meeting koom. With know other business coming before the Planning Commission the meeting was adjourned at 10:30p.m.

> Respectfully submitted Bell burtley Sec. Kawkawlin

Planning Commission

Members present:

- T. Schindler
- B. Hartley
- L. Rokosz
- E. Meylan
- K. Shepard
- k. Lukowski Member absent:

M. Witzke

Also present:

- I.. Pajot
- K. Brigiel
- R. Delorge
- M. McMally
- L. Ballor
- W. Darbee
- E. Hiltz

Land Use Plan per aug 7 minutes Jump. Ed. dedort ague wij prapoud plan Liv. Rd to Sahordais (# Lister abjected to St. Industrial / Commercial 1. Permit for Lt. Industriail - couldn't Peny Permit.

But, must Canford to Code!

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TOWNSHIP OF KAWKAWLIN BAY COUNTY, MICHIGAN

APPLICATION FOR SPECIAL USE PERMIT

Name of Applicant: <u>EVERETT</u> HILTZ	Tel 684-534
Mailing Address: 2602 E. RIVER Rd. K	AWKAWLIN- MICH
Name of Owner S A M E	
Mailing Address: SAME	
Legal Description of Premises: F66 of W957 of SW 1	4 of SW 14 SEC 13
TISN RUE	
and the contraction of the contr	
Proposed Use of Land for Which Special Use Permit is Requested: 10	PARK MOBILE HOME
FOR OCCUPANCY WhILE HOME	
CONSTRUCTED 0 1/87	5/1/0/
9-11/1 No	3/1/8/
Present Zoning: Present Zoning: WETLANDS	
Additional information which need not accompany this application but n Board forty-eight (48) hours prior to the public hearing:	nust be in the possession of the Zoning
1. Vicinity plan showing land use within 300 feet of the perimeter of t	he property to be rezoned.
2. Site plan, plot plan, or development plan, drawn to a readable scal the location of all abutting streets, the location of all existing buildings and their uses.	
3. Preliminary plans and specifications of the proposed development	and for all construction.
4. A statement with supporting evidence regarding the required fir	nding specified in Section of the Zoning
The Planning Commission will.	ment to review the
Above application Sept 4, 1980; above application Ship is a public hearing	8 PM at Kankawlin
Jourship Hall. This is a public hearing	Signature of Applicant
The second se	
RUSH STATIONERS REF. SEE 6:03 - 2) AMENDED-	uhlisact 637

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NON-Conforming use ? What is Legal Odmendment - if home glums - tre-build & hurgers this was fanasale Pourhunge - Parish (mylle Tropiell) Dut forgetting residence legal Non-Need air for true have their priver Non: Conforming use to Jonny 1 now x Non-Conforming - duesn't Cunform depresent use Now) (asset to pell as Commercial) Prymaid ing Baning N. Bill Durlys.

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Admendment Joseph Questacpuper domain,

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(3) People Vate to haire hus or not—

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(1111) special Use—King Turf', Sucherer (15) Can till what his sill? (16) Soute et aren, sumo to be, to River Ry.
as Com. 17)

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Questions

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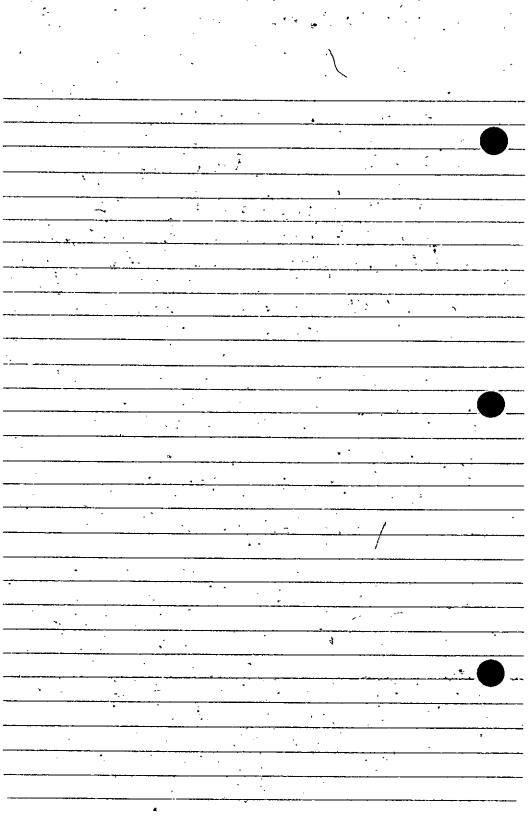
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agrand lather Clause - atternatives to ordeances Ordiane tulites to be discussed to the former of the recommendation next meeting - by attorney.
-686-4408 Mushn to.



KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

Meeting called to order at 8:05p.m. by acting chairman Bill Hartley The secretary's minutes were despensed with and the Planning Commission immediately heard the Special Use Permit of Roese Contracting Co. Inc. The reason for this special use permit was to allow a pond in a: C-2 Mr. Roese presented to the Planning Commission signatures of property owners within 600 feet of his property approving the pond, K. Shepard asked Mr. Roese why proper procedure was not followed such as building permit etc. Mr. Leser on Roese behalf stated that he was not aware a permit and site plan was required in a C-2 district. Mr. Ballor informed the board that he told Mr. Renk, who was acting as Mr. Roese's representative, about the necessary steps that were required. Mr. Darbee asked what relationship this pond had to the business. Mr. Roese replied that it was to demonstrate pumps that he sell in his construction business. D. Schrieber next spoke on the freedom of the ... property owner and how the planning commission is taking away these rights. After consideration by the Blanning Commission and with advice from Mr. Darbee the following motion was moved by K. Shepard and supported by E. Meylan that we deny this special use permit. Roll call vote 5 yeas O neys 2 absent. Motion carried, special use permit denyed. The reason for denying this permit being that it simply is not allowed in a C-2 Because of Mr. Roese commitment to a new building and office. building and generally improving the looks of the property the following resolution resulted. Moved by K. Shepard support by M. Witzke to accept the site plan presented tonight from Mr. Roese and for the time being until this area is re-woned L-1 the excavation is to be fenced with an un-excessable 6 foot chain link fence with a 1 foot barb top and this is to be completed with in 30 days and also no outside storage is to ... used. Roll call on resolution resulting in 5 year 0 news 2 absent, resolution adopted. , Mr. Roese was explained by the chair that no excavating or building could occur until the site plan is reviewed and properly desposed by the Blanning Commission.

Nr. Don Wilder next came before the commission to see if he could operate a used car sales in a C-2 district. The chair recommended he apply for a special use permit and possibly call a special meeting of the Planning Commission if time was short.

Planning Commission if time was short.

Mr. H. Flood next came before the Planning Commission to see if he could build a pole building and operate a business in a R-1 district.

The Planning Commission informed Mr. Flood this would require re-zoning and that we are presently considering a revision of our long range plan and would consider his request at that time. Therefore, this matter of our long range plan was tabled until next meeting because of the lateness of the hour and hopefully the entire Planning Commission could consider this matter.

The fee schedule submitted by Mr. Darbee was accepted by a motion from E. Meylan and supported by B. Hartley. Roll call 5 yeas, 0 neys, 2 absent. Therefore, the Planning Commission recommends to the Twp. Board

October 2. 1980

Kawkawlin Twp.

Meeting Room

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

PAGE TWO

For a rezoning request at a regular meeting of the Planning Commission \$200.00; For a rezoning request at a special meeting of the Planning Commission \$400.00; For an application for a special use permit which would include the review of a site plan where applicable \$75.00; For a site plan review \$50.00; For a special meeting of the Planning Commission \$200.00.

Our next regular meeting will be November 6, 1980 at 8:00p.m. in the Kawkawlin Twp. Meeting Room. This meeting was adjourned at 11:15 p.m.

Respectfully submitted

Sec. Kawkawlin Twp.
Planning Commission

Members present:

B. Hartley

L. Rokosz

M. Witzke

E. Meylan

K. Shepard

Nembers absent:

T. Schindler

R. Lukowski

Also present:

L. Ballor

W. Darbee

W. Roese

W. Lesser

W. Renk

D. Schieber

D. Wilder

H. Flood

Mrs. H. Flood

TOWNSHIP OF KAWKAWLIN BAY COUNTY, MICHIGAN

APPLICATION FOR SPECIAL USE PERMIT

Date: <u>Sept. 19. 1980</u>
Name of Applicant: Roese Contracting Co., Inc. Tel (517)684-512)
Mailing Address: P. O. Box 104 P. O. Box 104
Name of Owner SAME Kawkawlin, M1 48631
Mailing Address:
Legal Description of Premises: Com 704 Ft NWIY Alg C/L USB3 From
EAW 1/4 Li, The SELY ON S/L 108.33 FT, Th SWLY TO PT
443.25 Ft N of W'/4 POST, Th N 106.3 FT, Th NEELY
To Beg. Sec 36 TISN E4E
Proposed Use of Land for Which Special Use Permit is Requested: He Avy. EQUIDMENT
Storage, Work shop, Pump Sales office, As
PERC.2. THIS SPECIAL USE PERMIT 25 16K
A POND AS PER SITE PHAN IN C.2 AREA
Present Zoning: C 2
Additional information which need not accompany this application but must be in the possession of the Zoning Board forty-eight (48) hours prior to the public hearing:
Vicinity plan showing land use within 300 feet of the perimeter of the property to be rezoned.
Site plan, plot plan, or development plan, drawn to a readable scale, of the total property involved showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses.
3. Preliminary plans and specifications of the proposed development and for all construction.
4. A statement with supporting evidence regarding the required finding specified in Section of the Zoning Code.
he Flanning Commission will prost Cot. 2, 1980, 8:00P.M., at Kawkawlin Township Hall, for a hearing on the above Special Use. This will be an open meeting.

Site plan to be Toresented at meeting.

Signature of Applicant

9-5-80 Site PlAN 2674 S. Huron Rd. KAWKAWlin, Mich Owner & Roese Contracting Co., Inc. 3777 N. Evelid Ave BAY City, Mich 48706 Ex. SUMMARY Schedule Building 58 len Pole Building Work Shop BAY Dust Control Storage 90'X54 IRA RSTORY EL601.00 FACILITY Frame Office 27122 Pole Total Property Area: Parking 1.63 Acres or Work Prop. Grass Trees Shop 3 11,003 59. ft. Graveled Aren: Storage EL 600,40 0.51 Acres or 67055 22,135 50.ft. Trecs Existing property: Average EL. 600.05 Improved property: Gravel proposed El. 600.40 Fire protection And Storm Drainage: 100 Excavate pond \$ Fill SWAIL AYEA Sewage Disposals Fill septic system PROTOSED CYCLONE Aren to meet Health Dept. requirements FENCE (6'41') AROUND Potable Water Supply: TOTAL PEREMPTEE Use Einsting Well POND WILL BE SEPERE-ATLY FENCED IF PEQU.

The state

Fire Prevention & Dewntering Pump Demonstration Pond with Fire Fighting Pumper Connection & Anti Stagnation Device

> Scale: Horizontal 1"=5" Vertical 1"=5"

Location: 2674 S. Huron Rd. KAWKAWlin, Mich. Half Pond Section Detail Fire Prevention Schedule:
9'Deep Water Produces A 36' Square Pond Containing 43627 Gal.
Aspir Pump Model 8-1800@ Total Capability Pumps 1600 gal/Min.
@ 250 gal/min-Pondwill Supply Water for 2.9 hours.
@ 500 gal/min-Pondwill Supply Water for 1.45 hours.

Anti Stagnation Schedule:

Stock Pond With Bass & Bluegill fish.

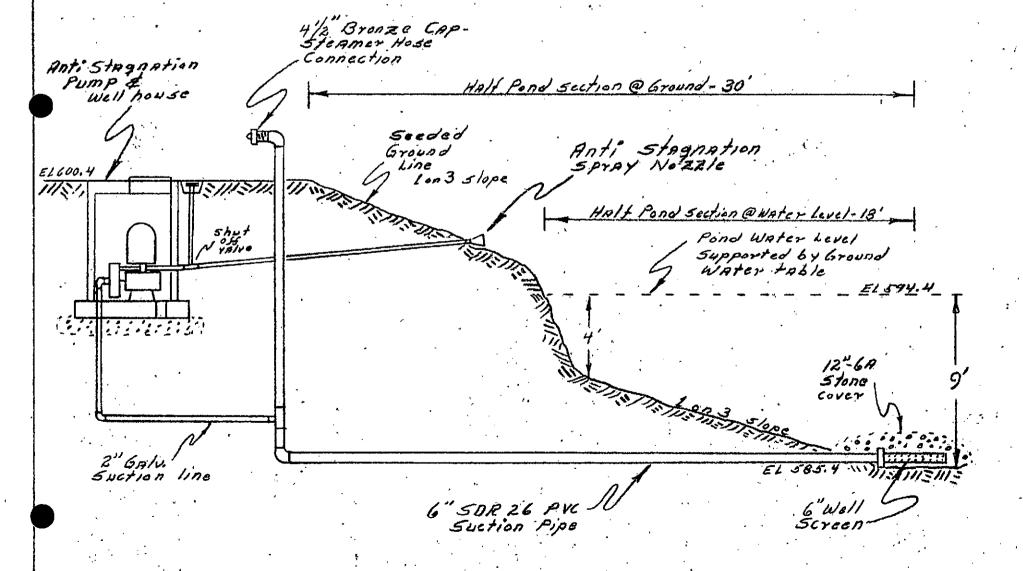
Maintain 4 Depth @ Water's edge to prevent weed Growth.

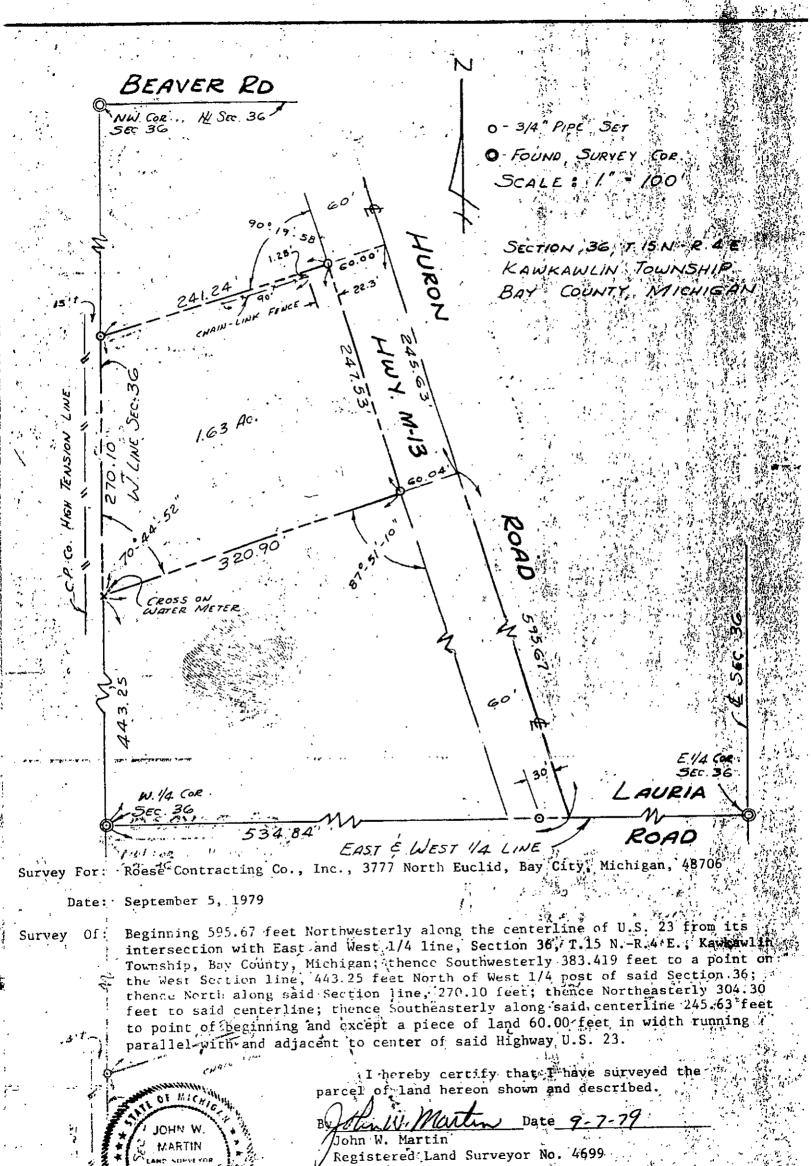
Acre ate Pond by Water Circulation With Surface Spray.

Maintain Socded Ground line to prevent tree & Brush Growth.

Plaintain H! to 9' water Depth To prevent Mosquito Growth.

See USDA Bulletins 2250 & 2256





to LLi.

A-12902

SPICER ENGINEERING COMPANY 818 South Michigan Avenue

Saginaw, Michigan 48602

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Kawkawlin Township Supervisors 1800 East Parish Road Kawkawlin, Michigan

要用的自身机态激发的和效果性引起的工作。 "那么美心,我们的这种用意识,这个

RE: Property located at 2674 South Huron

Honorable Supervisors:

CO SHIFTER OF THE TIME

We are property owners annexed (north and south) to the Roese Contracting Company, Inc. property located at the address noted above. We understand they are trying to get the land re zoned so that they may build a pond to facilitate them in their business ventures. We, as neighbors do not oppose the construction of this pond or their request for a zoning variance.

Sincerely,

Latrick James Person &

In addition, the cyclone fence, which will surround the property, is to be seven feet high. Again, we, as neighbors do not object to this construction.

Kawkawiti is washin Surecost was 1860 항공 : 1) 11sh Road Kawkawilder, Yronigho

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October 16, 1980 Kawkawlin Twp. Meeting Room

KAWKAKLIN TWP. PLAPNING COMMISSION MINUTES

(Special Meeting)

This special meeting was called to order at 8:05p.m. by our chair of Tom Schindler. This being a special meeting the secretary's minutes The reason for this special meeting was an appliwere dispensed with. cation for a special use permit submitted by Donald L. Weiler, to operate a used car lot in a C-2 district. The Planning Commission discussed with Mr. Weiler the location of this lot as per the site plan submitted? along with his application for special use permit. After various questions from Planning Commission it was moved by B. Hartley and supported; by K. Shepard that we grant this special use providing the present fence is moved to within three feet of the house and that gravel is applied to the intended sales lot from this relocated fence east to meet the existing gravel. Roll call vote, 6 yeas 0 neys 1 absent; motion carried unanimously.

The following is a list of the stipulations:

1.) Re-locate split rail fence to run on a N/S line three feet in front of the present house on this property.

2.) Gravel is to be provided from this fence east to meet the existing gravel from the previous lot.

3.) Two mercury vapor lights are to pe provided on this lot.

4.) Wow cars are to be moved on this location until the above stipe is ulations are met.

The following are reasons for the above stipulations:

1.) Fence is for segregation between house and business.

2.) Gravel for appearance and is also a state requirement.

3.) Prior use of this property was a used car sales.

4.) Lighting is for self protection, safty, and security.

After the above was dispensed with the Planning Commission decided to make it future policy to send a certified letter to parties names in special use permits or any time decisions are made pertaining to a to specific individual or individuals so that there is no confusion as to what is required and that these requirements and stipulations be in writing.

The following will be required by the secretary to be included in these certified letters:

- 1.) Dated and location (When and where meeting was held when this decision was reached).
- Summery and reasons why it was granted or denied.

3.) Type of motion; vioce, or roll call with count.4.) List of restrictions and regulations.

State time period to be accomplished in, if any is required.

One copy is to go the Zoning Administrator, secretary's files, and applicant.

After discussing the Roese Construction Co. from last month's meeting this meeting was adjourned at 10:35p.m.

Members present: Schindler, Hartley, Rokosz, Witzke, Shepard & Lukowski Member absent: Meylan

Also present: I. Ballor & D. Weiler

Respectfully submitted

Sec. Kawkawlin Wyp. Planning Commission

KAWKAWLIN TOWNSHIP

BAY COUNTY, MICHIGAN

1800 E. Parish Road, Kawkawlin, Michigan 48631

October 17, 1980

Mr. Donald L. Weiler 401 Cambridge St. Bay City, Mi. 48706

Dear Mr. Weiler:

At a special meeting requested by you held in the Kawkawlin Two. meeting on October 16, 1980 the following is a result of your "Application" for special use permit".

A motion was moved by B. Hartley and supported by K. Shepard that L we grant this special use permit with stipulations. There was a rall. call vote with 6 yeas C news 1 absent; motion carried unanimously.

The following are a list of these stipulations:

- 1.) he-locate split rail fence to run on a N/S line three feet in front of the present house north to the property line south to drive.
- 2.) Gravel is to be provided from this re-located fence east to meet the existing gravel from the previous lot.

3.) Two mercury vapor lights are to be provided on this lot.
4.) Wow cars are to be goved on this location until the above stipulation are met.

The following are reasons for the above stipulations:

- 1.) Fence is for segregation between house and business.
 2.) Gravel is for appearance and is also a state requirement:

3.) Prior use of this property was a used car sales.

4.) Lighting is for self protection, safty, and security.

Also Don the #275.00 you deposited with the zoning administrator is our correct fee for the services that were rendered; the new fee schedule adopted by the Twp. Coard was retroactive to the Flanning Commission's Oct. 2, 1980 meeting. If we can be of further service to you please don't hesitate to ask.

Respectfully yours,

Bick Hartley

Sec. Kawkawlin Twp. Planning Commission 1152 Beaver Road Kawkawlin, Mr. 48631 684-6732

KAWKAWLIN TOWNSHIP

BAY COUNTY, MICHIGAN

1800 E. Parish Road, Kawkawlin, Michigan 48631

October 17, 1980

Roese Construction Co. Inc. 2674 S. Huron Road Kawkawlin, Mi. 48631

Dear, Mr. Roese:

At the Kawkawlin Tup. Planning Commission October 2, 1980 regular meeting held in the Kawkawlin Twp. meeting room, the following was decided on your application for a special use permit.

On advice from our Twp. attorney Mr. Darbee the following motion concerning your special use permit resulted: Moved by K. Shepard and supported by E. Meylan that we deny this special use permit. A roll call vote was taken with 5 yeas for denial O neys 2 members absent. Motion carried, special use permit denied. The reason for denying this. permit leing, that it simply is not allowed in our Twp. zoning ordinance in a C-2 district. However, because of your commitment to a new building and office already constructed and that this generally improved the looks of the property the following resolution resulted. Moved by K. Shepard and supported by M. Witzke to accept the site-plan presented tonight by you and for the time being until this area is re-zoned to L-1 the excavation(pond) is to be fenced with an un-excessable 6 foot chain link fence with a l foot barb wire top and is to be completed 30 days from Oct. property because it is a C-2 district. A roll call vote was taken on

this resolution resulting in 5 yeas 0 neys 2absent, resolution adopted. It was also explained to you by the chairman that no excavating or building could occur on this property until the site-plan is properly reviewed and desposed of by the Kawkawlin Twp. Planning Commission, keeping in mind that violations in this agreement could result in a warrent being issued for your arrest.

Therefore, it is the planning commission's desire that you comply with this screement and help us provide for the orderly development of our community: If you have any further questions of the planning commission don't hesitate to ask, we are more than happy to be of service to you.

Respectfully yours,

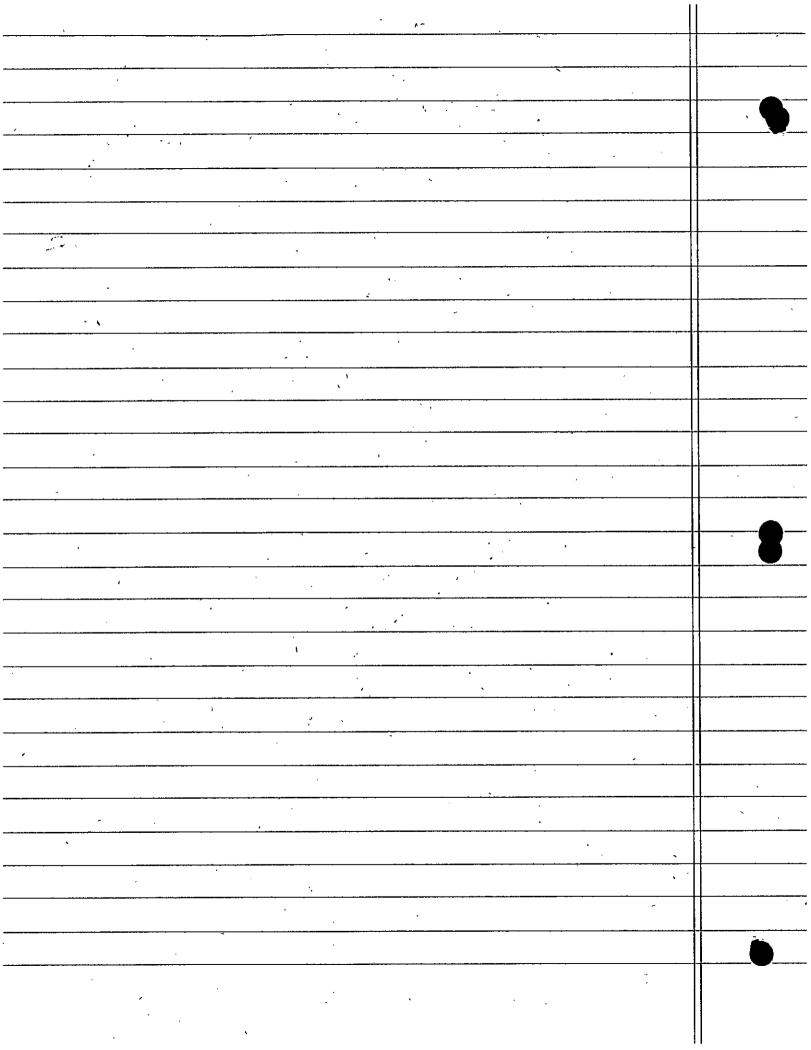
Bel & Hartley

Sec. KawkawliM Twp. Planning Commission 1152 E. Beaver Rd. Kawkawlin, Mi. 48631

684-6732

- Oct 30, Ruese repluse to Genard -

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TOWNSHIP OF KAWKAWLIN BAY COUNTY, MICHIGAN



APPLICATION FOR SPECIAL USE PERMIT

Date: <u>Sept. 29, 1980</u>	Business:	686-8470
Name of Applicant: <u>Donald L. Weiler</u>	Tel	<u>895-8723</u>
Mailing Address: 401 Cambridge t. Bay City, Mich.	48706	
Name of Owner Osgood L. McCollum Linconning)	The second secon	
Mailing Address: 2646 S. Huron Rd. Kawkawlin, Mi	ch.	*****
Legal Description of Premises: COM 1140.15 FT NWL Y ALG C/T	IIS="#23	
FR INTER WI E&W 1 LINE THEN SEL Y ON C/L143.85 FT	TH SWLY	
257.2 FT TO A PT 875.70 FT N FR W 2 POST TH N 175.	.65 FT TH	· · · · · · · · · · · · · · · · · · ·
NELY TO BEG. SEC 36 T15N R4E	· .	·
roposed Use of Land for Which Special Use Permit is Requested:Used_ Car	Lot & Lot	y itoric base
On the own cours.	•,	
Present Zoning:	•	
Additional information which need not accompany this application but must be Board forty-eight (48) hours prior to the public hearing:		
1. Vicinity plan showing land use within 300 feet of the perimeter of the prop	perty to be rezone	ed
(2. Site plan, plot plan, or development plan, drawn to a readable scale, of the location of all abutting streets, the location of all existing and probuildings and their uses.	roposed structure	es, the types of
3. Preliminary plans and specifications of the proposed development and for	all construction.	
4. A statement with supporting evidence regarding the required finding s Code.	•	
The Kackawlen Township Hanning Con	miester	- will
The Kackawlen Township Planning Con holdie ficklic hearing (at 16, 198) Kackackin Jaconship Hall for the above	on Wille	
Kuckucken Turnship Hell for the above	Şignature c	of Applicant
Special use, This is an ofen meeting		

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100.6, 1980 rata Mr. & Mrs allen Budeseen Luyte Sub. dredged marina - used Ful-deil -Broken teles; 1 Turry Rayle (nerbally) There no intend to lived and these lats Extra Clay - for road -Ron Nadnaley - to trench area unsufficient +o redo-as somas prosely 1. Water tally well offeet Septen field -Eleants tile Repaired Hayirus plan for Lenwood Tile + \$5.04 B.

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November 6, 1980 Kawkawlin Twp. Meeting Room

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

Meeting was called to order at 8:00p.m. by our president Tom Schindler. A roll call of members was taken with 6 present and 19 4. absent. The secretary's minutes were read and approved as read entire reply letter from the Planning Commission to Roese and Wieler were read and discussed. R. Lukowski informed the Planning Commission that permission must be obtained from the Twp. Board to spend the money to register these reply's; setting up a budget was discussed by the Planning Commission members to handle such incidental expenses which result in putting in writing jour decisions.

Mr. & Mrs. Alan Butzin next came before the Planning Commission to see if there was anything the Planning Commission could do to get T. Hoyle to provide drainage to the fill project he did to his subdivision this past summer. After going over maps and discussing this matter with the Butzin's they were told that this is a Twp. Board matter and should

· be handled by the supervisor.

.Because W. Darbee was present we next went into the M-13 preposed land use changes. It was decided to link C-2 to L1 by by changing the two houses that are in front but not part of the Hoyle Subdivision to C-2 thus making this necessary connecting link in the land use plan. - Higgs, Higgs, & Darbee will prepare this amended land use plan and send it to the Twp. Board. The above was but into motion form by M. Witzke and supported by B. Hartley; a voice vote carried this motion unanimously

After discussing the spending of monies that we cannot do without the Two. Board's approval it was moved by L. Rokosz and supported by K. Shepard to request of the Twp. Board monies to provide registered letters to parties named in special use permits or anytime decisions are made by the Planning Commission; so as to enable this to be in writing thus giving our zoning administrator direction to his efforts. A voice vote carried this motion unanimously. Our meeting was, then adjourned at 9:45p.m.; our next meeting will be December 4, 1980 at 8:00p.m. in the Kawkawlin Twp. Meeting Room.

Respectfully submitted

Sec. Kawkawliti Twp. Planning Commission

Members present:

· T. Schindler

B. Hartley (melnen m July)

M. Witzke

K. Shepard

R. Lukowski

Member absent:

E. Meylan

Also present:

W. Darbee

L. Ballor

Mr. & Mrs. Butzin

The issue resilved before due season face - complied. D'enileis " E of H-13 - und as apt kllq - not in Violation E. Budget You Com? - not during 6. Land use Plan-Report from Bl - doubt wester dermind 1. Fullis natries for Special Use + Variances) per Darbie if they require public hearing; New Bd. member supering Bak Luflowshi - auch Intelnew Mc Nachy; Leo Rakes - retired Buil Hartly-re-appointed Officers elected in blecember before new Business Nominations Charman Secretary - Bull Harting 1 Bob Lukowski Vice Chauman Tom Schlindh) Vice Chauman xturan house hurring home; 1. Dam Sek. Secretary Haward. Dr. 1. Bul Santy Proeticion S Lunwood Bel Guidehines for Special Use Permits - Decial Use Premit Home occupation -(2) Site Plan who as rounds one or 2 (2) days weekly - traffic - parking Communicani con Emergency rechiles set restriction -Can this be refused in Troad is now [Car) Could problem the We Send sperificions in regards to his letter) - fres, rompite.

ald Bus

Dec 4, 80

December 4, 1980 Kawkawliñ Twp. Meeting Room

KAWKAWLIN TWP. PLANNING COPMISSION MILUTES

Meeting called to order at 8:10p.m. by our chairman Tom Schindler. A roll call was taken with 7 present 0 absent. The secretary's minutes The secretary's minutes were read and approved as read.

L. Ballor reported on Roese Cons Co., Weiler Used Cars, LaFromboise Apts. on hiver hd. and Hovle's essentially saying they were within the

guide lines set up by the Planning Commission.

It was also brought up about Mr. Darbees advice to the Planning Commission that we publish all public hearings in either the Bay City Times or the "emocrat a policy we previously haven't been doing.

Re-organization results.

Service.

Chairman Robert Lukowski (Hominated by B. Hartley no other nominees) sec. was instructed by T. Schindler, chairman,; to cast unanimous ballot for R. Lukowski, motion carried by voice vote unanimously.)

Vice* Chair. T. Schindler (Nominated by R. Lukowski no other nominees the sec. was instructed by Chairman Lukowski to

cast a unanimous ballot for T. Schindler; motion carried by a voice vote unanimously.);

Secretary Bill Hartley

Nominated by E. Meylan no other nomines sec. was instructed by Chair to cast unanomous ballot for B. Hartley, motion carried by voice vote unanimously.)

It was brought up prior to electing officers that Hartley was rea appointed to the Planning Commission, McNally was the newly appointed member, and lukowski would finish out his term.

. In new business br. Hurt inquired about having a practice a couple of days a week of his residence. It was determined that this might be possible under a special use. Mr. Ballor will contact Dr. Hurt about necessary steps lefore this can become a reality.

It was also decided that the Planning Commission should have some definate guide lines on site plans; during our January meeting we will try to come up with the guide lines that will determine future site plans and what they will provide. The Planning Commission would like to take a certain month such as Jan. and review all special use permits on an annual basis.

Our next meeting will be held Monday January 5, 1980. This is a change from our regular schedule and will therefore be posted by the Twp. Clerk. We will also start this meeting at 7:00p.m. instead of 8:00 This meeting was then adjourned at 9:50p.m.

Respectfully submitted.

Bill Wartley Sec. Kawkawlin Twp. Planning Commission

Members present:

R. Lukowski

T. Schindler

B. Hartley

M. Witzke

K. Shepard

E. Meylan

M. Mchally

Also present:

L. Ballor

January: 82-1981 Kawkawlin Two Meeting Room

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES Meeting called to order at 7:15 p.m. by our chairman Robert Eukowski Roll call was taken with 5 present and 2 absent. The secretary siminuities were read and approved as read.

L. Ballor stated he sent a letter of explaination to Dr. Hurtand that he didn't get a reply as of yet. After this, various other matter conderning the Planning Commission was discussed.

Public hearing called to order at 8:00 p.m. on an application for special use permit" submitted by P.M. Lubricants. Mr. Mark Nelson represented P.M. Lubricants and stated that they intend to supply large users such as Dow with lubricants and acrylic latex coatings; and that this los cation would be primarily a sales office with some storage as most large orders are shipped direct to the user. He also stated that they changed their minds about re-packaging any of these products

Mr. Robert Bowen, an adjacent property owner, had no objections to them doing business in the neighborhood.

Mr. Cliff Jones was also on hand to answer questions, he was the form er owner of this property.

Because P.M. Iubricants doesn't intend to re-package products; Planning Commission decided this property located in a C-2 district is allowed to do this type of business by right (see 12.02 party dis) and therefore this application for a special use permittis not necessary; how ever, a site plan (See 17.01 par. a. article 3) is reguired. After reviewing the site plan, submitted with the application for special use per mit, it was moved by E. Meylan and supported by K. Shepard that the site? plan be accepted. A roll call vote was taken with 5 yeas Oneys 2 absent motion carried unanimously. The reasons for accepting this site plan are: 1.) It elready is an existing site 2.) This use is permitted in C-2.3.) No outside storage is intended to be used 4.) The site plan met minimal requirements. It was also explained to Mr. Nelson that a charge of \$50.00 is required for this service and that any additional monies given to the Township would be refunded. This special meeting was then adjourn edat 8:45p.m.

The regular was then reconvened by going directly into reviewing minimal requirements expected in site plans submitted to the Planning Commission. Eight articles were adopted and willabe typed by the secretary and sent to the Planning Commission members for their approval and a final decision will be decided in our February 5, 1981 meeting to be held again at 7:00p.m. instead of 8:00p.m., the secretary will check with the Twp. Clerk to see if this time change has to be posted. This meeting was then adjourned at 10:05 p.m.

Members present:

R. Lukowski

B. Hartley

M. Witzke

K. Shepard E. Meylan

Members absent

T. Schindler

M. McNally

Also present

L. Ballor .

M. Nelson

C. Jones

R. Bowen

kespectfully submitted

Sec. Kawkawlin/Twp:

Planning Commission

2-5-81 Land use Chy app. Rezond M-13 from Rest Nome to Kinei Rd & - ly TWP Bd min uses of Site Plan Parrisk to S. of Rive'r on Ersite Church parking loh. Public Harrigante-201 1. Need Site Plan gr fill (grades -2. 1 note sent Parrich Chainage that site plan is needed, pertanger adopt asport Carrespondence: Hayle Sul. Matter fired-to juice bd-314 Tulu Court have L. S. suggest there are requirement as "Guideling" Kd-asdykepershis Ser. 5:04 - 4. Eside west Side Len Rd. Dital Res, Spatted w Com Detale to Loursdie - LA Ins Laid to Cattage Res-Bourth to \$5.00 River C. Grovetto Britile C2 Bo to Parush Parish to S. of River, C, R south to pose Residential Ise to Bene - Spot margs, 7pm. Roses - Not supposed to have authorde plorage)

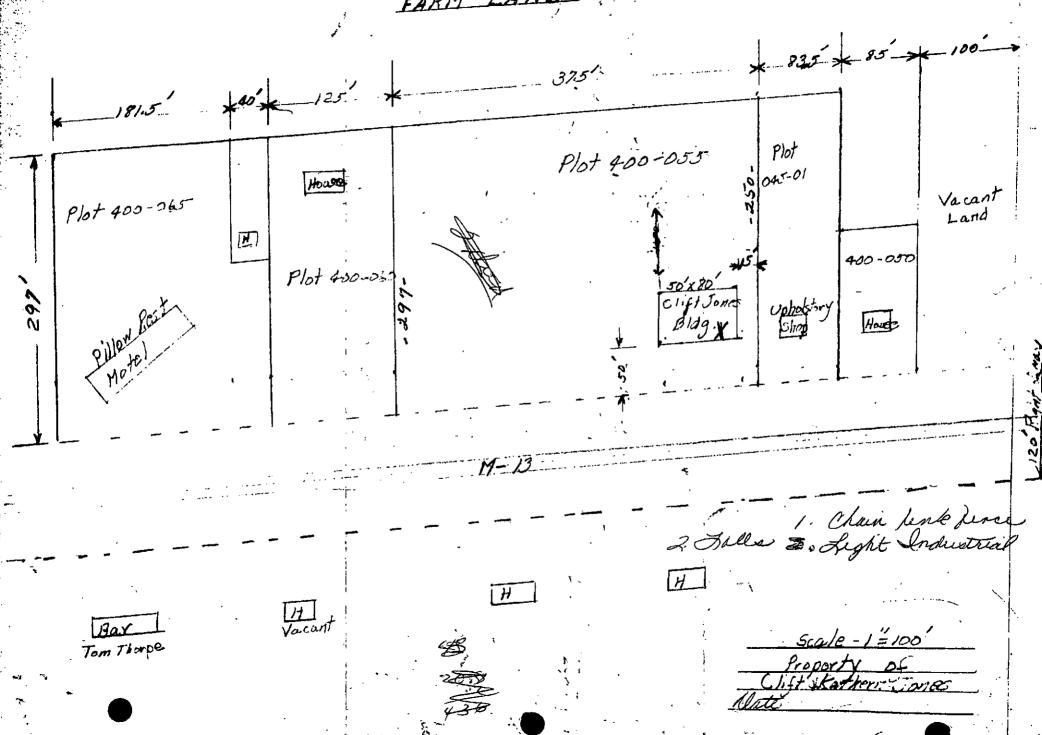
TOWNSHIP OF KAWKAWLIN BAY COUNTY, MICHIGAN

APPLICATION FOR SPECIAL USE PERMIT

Date: 12-16-80	
ए 6% १	- 542 696 5020
Name of Applicant: P.M. Lubricants, Inc.	Tel 517-686-5920
Mailing Address: 2543 S. Two Mile Road Bay City, MI 48706	
Name of Owner Clift & Kathleen Jones	•
Mailing Address: 810 Huron Linwood, MI	KING STATE OF THE
Legal Description of Premises: G-10-4006 - Sale - APR - Land	Com. 297 ft. W & 346.50 ft.
N of W L1 US-23, S L1 NE 4 of SE 4 Sec. Th E FR SD PT to W	Li US-23 Then NL Ly Para
W1 W L1 SD US-23 375 ft. TH W 250 ft. Th S to Beg Sec 10 -	T 15 N R5E
Jan 125 × 250: 3 poul en.	
Proposed Use of Land for Which Special Use Permit is Requested: Busin	ess Office & Storage of
Lubrication & Roofing Products. Point of distribution to	
re-prekaging could take place within bldg. proper or a ne	w bldg. ajasent to present
structure. Lando this lay.	right thecause?
Present Zoning: 1C-2 Soning: Muglon	ly site plan
Additional information which need not accompany this application but m Board forty-eight (48) hours prior to the public hearing:	the hone:
1. Vicinity plan showing land use within 300 feet of the perimeter of the	ne property to be rezoned.
2. Site plan, plot plan, or development plan, drawn to a readable scale the location of all abutting streets, the location of all existing a buildings and their uses.	
3 Preliminary plans and specifications of the proposed development a	and for all construction.
4. A statement with supporting evidence regarding the required fine	ding specified in Section of the Zoning
Code. The Kawkawlin Townshin Planning Commission will Jan. 8, 1981, 8:00 P.Ng at Kawkawlin Township Homeeting.	hold a public hearing Hall, This is an open
Ref. (Article 12:00, Sec. 12:01 & 12:03	This lesson
The state of the s	Signature of Application PM Lubricants, Inc.
Mark Nelse	2543 S. Two Mile Road Bay City, MI 48706
RUSH STATIONERS	Ph. (517) 686-5926/686-5921

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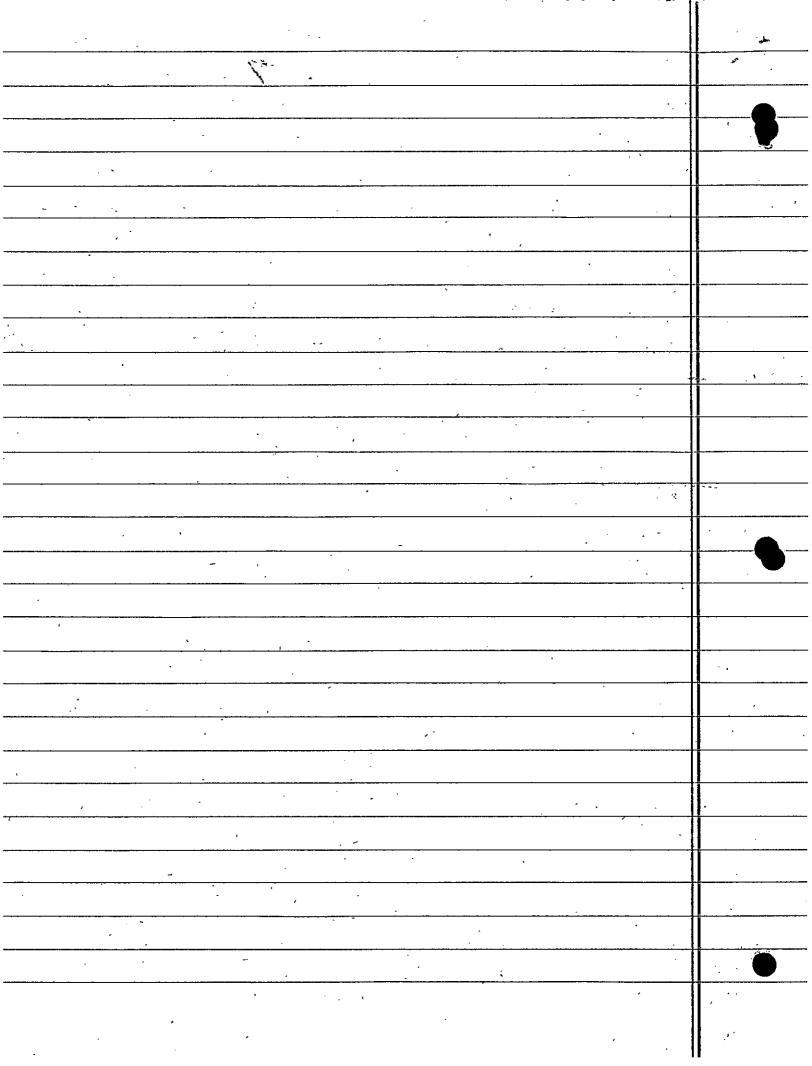
graph paper - Karen - 5 Thursday Gudlines for Special Usi Permits 1. lat lines - distances in fut Le ardianie; article 16) x then in 30,00 Open min act)

Site Dendopment

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Storage

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to notify Vilaplane Kawkawlin Twp. Meeting Room KAWKAWLIN TWP. PLANNING COMMISSION MINUTES Meeting called to order at 7:10p.m. by our chairman Robert Lukowski. Roll call was taken with 7 present and 0 absent. The secretary's minutes were read and approved as read. St. Anne's south parking lot was discussed after reading a letter submitted by L. Rokosz. It seems that a site-plan is required before this can be devloped for parking. Therefore, the secretary was instructlecto send a letter to St. Anne's Finance & Administration Committee explaining the procedure for submitting such a plan.

Next a letter was read from M. Legatz on behalf of Mr. & Mrs. Butzin wilten to the Twp. Pourd and refered to our committee. It was discussed and the secretary was instructed to send a letter to the Twp Board stating we never pronted permission or had any knowledge of Mr. Hoyle's intention or action. Subats extense Mchally to lake the

Mr. W. Darbee next proceded to outline the preposed zoning changes of the M-13 corridor and the River Road intersection. The preposed zoning changes would be from C-H to C-2. After discussing the matter in question it was decided to present at a public hearing to be held March 5, 1981 in the Kawkawlin Twp. Meeting Room the proposed changes submitted by Mr. Darbee that was outlined by the Planning Commission in our August 7, 1980 meeting. A roll call vote was taken with 7 yeas of neve motion to have public hearing carried, Higgs, Higgs, & Darbee will handle the mailings etc.

Therefore, our next regular meeting will be held on March 5, 1981 and will be held 7:00p.m. in the Twp. Meeting Room, along with the public hearing on the M-13 River Road Zoning Changes. This meeting was then

adjourned at 9:15p.m.

Respectfully submitted

Sec. Kawkawlin Twp. Planning Commission

Members present:

Hillukowski -B. Hartley

T Schindler

MasWitzke

K. Shepard

Meylan

M: McNally

so present:

barbee

%Ballor

Check-Mail for Public } hearing Mari 5, 1981 Public Learing Re-Zaning Bovin Shop Repair Shop

Bovin Shop Repair Shop

Bovin Shop Repair Shop

Bovin Muharcating egang at

Ner. Pichardo motal his property for Commercial - 175 lat -165-Sm. Home (1) For Rezoning - Procedure - Review 170 Larry Kaslowski 1. Public hearing - Recommedation to Sump &. Kash.

3. Re comming Turop Bd for approval - if adupt.

3. Published then effective. 2. Assessing - Takes deffer for en type & Druperty-Landune 20160 adjacerming to send native Inster Land use Map - Changed -Commercial Parish to
E. of River by Mutch

X empy fat Bary SchmidtDouble & Purty Store

120 Jim Bron Res. 300-050 - Residential Jan. to C. 2-Daylow Beauch - N. of ty Store this aren included Probably tombe. Bulding on Someps. 51 te flu - neded -

March 5, 1981 Kawkawlin Twp. Bar Room

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

Public hearing called to order at 7:10p.m. Roll call of members was taken with 6 present and 1 absent(M. Witzke arrived late). The chairman then introduced the hoard members and explained public hearing procedure.

Jerry Richards; inquired why parcel # 175 could not be included in this preposed re-zoning change. his Vacant but 5. I Motel — Geo. Bovin: wanted to know why parcel # 170 should not be included astit presently is a business and that approximately 10 years ago he went to the county to have it re-zoned and thought it was re-zoned commercial.

Gary Schmidt: wanted clarification on rebuilding a residence in a

C-2 district.

Tim Beson: wanted to know how long before re-zoning would be come a reality.

Gaylan Beauch: a land owner N. of the party store wanted to know if he could re-build a residence and or start a business in this district. Gary Schmidt: wanted to know if this preposal wasn't condisered spot zoning. Mr. Darbee explained that it was not under the preposed plan.

Hearing no more comments either for or against the public hearing

was adjourned at 8:00p.m.

Regular meeting called to order at 8:05p.m. The secretary's minutes The St. Anne's parking question were read and approved as corrected. was next discussed with L. Ballor stating that he would work with them and have a site-plan ready for review at our April meeting.

The letter sent to the Twp. Board reguarding the Butzen-Hoyle problem was next discussed; with M. McNally saying he would ask the Twp. Board if they would like 5.04 h reviewed by the Planning Commission if they can not administer it the way it presently reads.

The M-13 preposed re-zoning change was next discussed and after confering with W. Darbee it was Moved by E. Meylan and supported by K. Shepard to postpone public hearing until Niggs, Higgs, & Darbee can look into the possibility of including parcel 170 & 175 and reconvene April 2, at 7:00p.m. A voice vote was taken with a unanimous decision for adoption of this motion. Higgs, Higgs, & Darbee will handle the necessary mailings etc.

The lack of enforcing our Twp. Zoning Ordinance on existing parcels was discussed with our Zoning Administrator, with him stating that the Twp. Board told him that he who take to do much of this and as it turns out lately that is all he is doing. Therefore, it was decided that the Planning Commission better meet with the Twp. Board soon and get some of these problems solved. M. McNally will ask for a joint meeting to be held at our next regular April 2, 1981 meeting to be held at 7:00p.m. if agreeable with the Twp. Board.

This meeting was then adjourned at 9:35p.m.

Respectfully submitted

Bell Haitley Sec. Kawkawlin/Twp.

Planning Commission

120 Mr. Bourne little skap March 5, 1981 June 1983 165 " Kichards- Thatil 1978 - to present Members presentat de R. Lukowski to Aldreis B. Hartlev when there That all per Mae L+ Soil Ersion Pumit T. Schindler M. Witzke K. Shepard formits E. Meylan M. McNally Wohil han * 1. Have on file all Spac. Use Permits - to be W. Darbee 2)/ Posselle stop L. Ballor reviewed - to be J. Richards A from general fund. ?? enforced -Schmidt Beauch 3 people who didn't speak. Regular Mtg & Planning Commission: 1. Turp Bd. present -Enforceing Zoning Ordiance - Subject of evening of Supering Description of Evening of Enforcement rests w/ Jump Bound Not Planning Commission (" Extresine dumping" what is it?) } Umborni Bldg. Røde - (50 cm yd. reasonable - Nat P.C. Penalem - gres to Durop Bd of The question - "was someone damaged? -Not Conforming Paul Ruhinsoins - Cor Lat - Special & Inspector -Wieter auto Xuses Sailerson Shouldn't be. E of 4-13-

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KAWKAWIIN TWP. PLANNING COMMISSION MINUTES

Public hearing called to order at 7:05p.m. by our chairman R. Luk- ... Roll call of members was taken with 6 present 1 absent: Chairman, Lukowski explained this was a continuation of the March 5th meeting and that parcels 170 & 175 were being considered in the re-zoning from CH to a C-2. Mr. Richards and Mr. Bovin were present and stated they were pleased with the Planning Commission's decision to include these additional parcels No one in the audience spoke for or against this preposed re-zoning change. Mr. Walt Halm a businessman (Old Findley ges station) wanted to be

re-zoned from CH to C-2.

Next Mr. Tim Beson in rather harsh terms wanted to know what was holde ing up his re-zoning and it was explained the Planning Commission was mov-ing with caution so as to get the job done properly and legalatry.

T. Schindler moved and K. Shepard supported a motion to close the public hearing. A roll-call vote was taken with 6 yeas 0 neys, public hearing was closed at 7:35p.m.

Before our regular meeting Mr. Bill Briggs representing St. Annes Parish, presented copies of their site-plan to the Planning Commission members. T. Schindler advised the Planning Commission that a public hear-Therefore after going ofer the ing must be held as this is a special use. site-plan with Mr. Briggs it was decided to hold the public hearing at our May 7, 1981 meeting to be held at 8:00p.m., our Zoning Administrator, L. Ballon, will handle the notices etc.

Regular meeting called to order at 8:00p.m. by chairman Lukowski. The secretary's minutes were approved as read. The Twp. Board was represented by L. Pajot, R. Delorge, T. Dore & M. McNally. The dumping of dirt was discussed with the Twp. board assuring the Planning Commission that it was their problem and that they could handle it, as it is presently written in 5.04b. The question of enforcing the Twp. Zoning Ordinance is up to the Twp. Board and the Zoning Administrator; with additional compensation to be discussed because of the building lag at present. The Zoning Administrator will keep a file on all special uses and periodically review them. (In the future any problems the Planning Commission find with the enforceing of our Twp. Zoning Ordinance will be listed in writing to the Twp. Board and they will take the necessary action with the Zoning Administrator. The Twp. Hoard also promised to look into the listing of non-conforming uses in our Twp. prior to april 8, 1978; if approved the file would be set-up by the Zoning Administrator.

The M-13 re-zoning question was brought lefore the Planning Commiss-After some discussion it was moved by T. Schindler and supported by M. McNally that we recommend adoption of the M-13, River Rd area as described by Higgs, & Durbee from CH to C-2 district to the Twp. Roll call vote taken with & year, O neys, 1 absent; motion carried unanimously. Higgs, Higgs, '& Darbee will prepare and present to the Twp. Board.

Our next meeting wich will also le a pullic hearing on the St. Anne parking lot site-plan will be way 7,1981 at 8:00p.m. in the Kawkawlin Twp. Meeting Room. Our meeting was then adjourned at 9:50p.m.

Respectfully submitted

Sec. Auwkawlin Wp. Planning Commission

- over -

Sionard along duy. Duy of tires April 2, 1981 Members Present Workett R. Lukowski B. Hartley T. Schindler K. Shepard E. Meylan M. McNally Member Absent M. Witzke Also Present: W. Darbee L. Ballor L. Pajot R. DeLorge T. Bore B. Briggs G. Bovin J. Richards T. Beson W. Halm 2 people who didn't speak. Carrispondince! 1. Malil Homes ; Can't def bulde mabile homes to just maked Some Jorks. Provisors are en allow on 30 acres en regardo to restriction W/ Can Wait Traser is Juking

A note from: Sand are chy-Len Rd - to River (Jumpas) Caned rec. Com? St. Industrial Cauld Zone Comn. It Comm. Cont 90 St Irdust CFB-18.0# CANARY 3M "Action" The Carbonless Paper that runs like Bond

Recommenda Chause Sa ase-Chy La Barden S, Chy to Evmm. Braner Rd. Sauch A note from ruffer Zones and can be

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May 7, 1981 Kawkawlin Twp. Meeting Room

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

Public hearing called to order at 8:10 by our chairman R. Lukowski. Roll call of members was taken with 5 present and 2 absent. The first item taken up was the St. Anne's parking lot. Twenty-one notices were sent out and No one in attendence opposed the site-plan or the special use permit. Therefore, after some discussion it was moved by B. Hartley and supported by M. Witzke that we approve the special use permit and the site-plan with the stipulation that this parking lot have a labeled entrance and exit. A roll call vote was taken with 5 yeas 2 absent, motion carried unanimously. The measons for approving this are: 1.) this is allowed in this district under a special use permit, which was obtained 2.) this lot would provide for off street parking. 3.) the development of this lot blends in with the neighborhood.

The James W. King irrigation pond was next brought before the Planning Commission. Mr. King went over the site plan and explained location and depth of preposed pond. Mrs. Beverly Petrowski a neighbor was concerned about safty, but other-wise did not object to the pond. Therefor Therefore, after much discussion it was moved by B. Hartley and supported by K. Shepard that we approve this special use permit and site-plan with the following stipulations. 1.) the perimeter must be on a 4 to 1 slope for a minimum of 15 feet 2). a tile overflow is to outlet on Wetters Rd 3). a six foot stockade fence is to be erected on top of dike that will be located around the entire perimeter. 4). any excess dirt not used in land scaping will be removed 5). the fence is to be installed 90 days after the digging of the pond is complete. A roll call vote was taken with 5 yeas 2 absent, motion carried. The following are reasons for approving 1). this pond is necessary for the King farming operation 2). this is permited under special exception 3). the owner is willing to provide the safty features required 4). With 20 notices send out to neighboring property owners no one showed up the the meeting to object (Mrs. Petrowski) was satisfied with the safty requirements)

The regular meeting was called to order at 9:00p.m. by R. Lukowski. The secretary's minutes were read and approved as read. Mr. A Beson presented a site-plan of his preposed business location. The major discussion centered around parking and the following motion moved by K. Shepard and supported by M. McNally to have the following restrictions on this site-plan 1). ingress and egress to be allowed off both M-13 and River Rds. as per the Twp. Ordinance 2). parking is not allowed on the north side of the building 3). parking is allowed on the south, west and east sides of the building. A roll call vote was taken with 5 yeas 2 absent, motion carried unanimously.

Next a letter from Mr. Darbee to Mr Pajot explaining location of mobile homes within the Twp. was read; Robinson Twp. vs Knoll was used as the example. It was decided this issue will have to be addressed at a later date after more developes. It was decided by the Planning Commission members present not to have a June thru August meetings unless something special comes up, at which time the chairman will call a special meeting. Therefore our next scheduled meeting will be Sept. 3, 1981 in the Kawkawlin Twp. meeting room at 8:00p.m. This meeting was then adjourned at 10:45p.m.

Respectfully submitted

Sec. Kawkawlin Twp. Planning Commission

Members present: R. Lukowski B. Hartley M. Witzke

M. Witzke K. Shepard M. McNally Members absent: T. Schindler E. Meylan Also present L. Ballor B. Petrowski A. Beson

- - Mr. & Mrs. James W. King & Son

TOWNSHIP OF KAWKAWLIN BAY COUNTY, MICHIGAN



APPLICATION FOR SPECIAL USE PERMIT

Date:
Name of Applicant: Stane Church Tel. 697-4443
Mailing Address: 315 W. Center st. Village of Linword
Name of Owner Stane Parish
Mailing Address: James
Land Promises of Promises: At 4 All #12 Oddillans
to Dinwood 60x120' (080-406-012-001-00)
roposed Use of Land for Which Special Use Permit is Requested:
roposed Use of Land for Which Special Use Permit is Requested: use of a fascel loo'x 120 for farking lot for Fasish only.
The factory of the same of the
Present Zoning: R-2. Residential

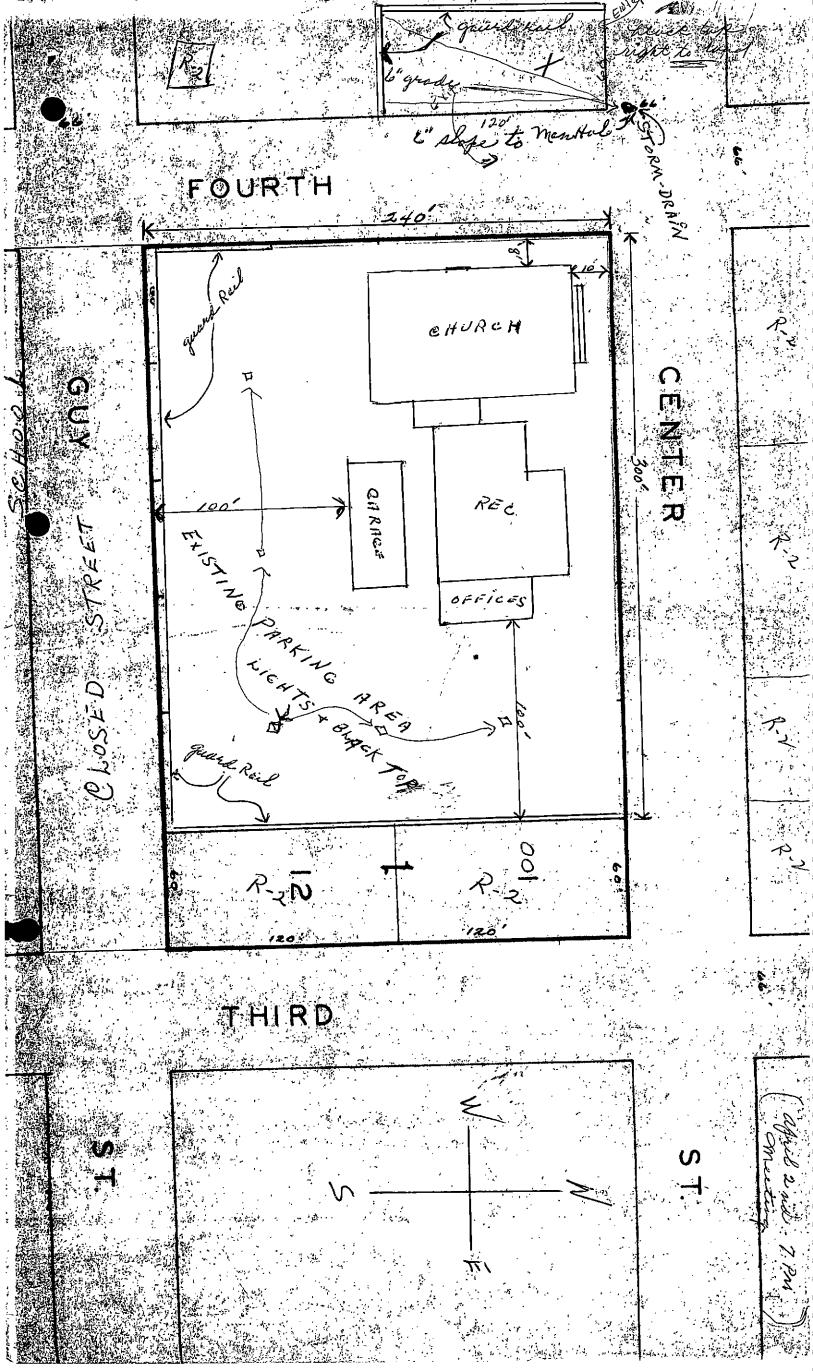
Additional information which need not accompany this application but must be in the possession of the Zoning Board forty-eight (48) hours prior to the public hearing:

- 1. Vicinity plan showing land use within 300 feet of the perimeter of the property to be rezoned.
- 2. Site plan, plot plan, or development plan, drawn to a readable scale, of the total property involved showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses.
- 3. Preliminary plans and specifications of the proposed development and for all construction.
- 4. A statement with supporting evidence regarding the required finding specified in Section of the Zoning Code.

Please be advised, that the Planning Commission will hold a meeting for the above use May 7, 1981, 8:00 p.m., at Kawkawlin Township Hall. This will be an open meeting.

In . Kemald & Washer Signature of Applicant

Ref: Sec. 8:03 - A



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TOWNSHIP OF KAWKAWLIN BAY COUNTY, MICHIGAN

APPLICATION FOR SPECIAL USE PERMIT

Date: 4-4-81		
Name of Applicant: James W. King	Tel. 684-7321	, <u></u> ;
Mailing Address: 2305 E. Wetters Rd.	Kawkawlin, MI. 48631	ر" و دريد دريد دريد
Name of Owner James King	· · · · · · · · · · · · · · · · · · ·	
Mailing Address: 2305 E. Wetters Rd.	Kawkawlin, MI. 48631	
Legal Description of Premises: <u>S 60 A. of J</u>	W & of NE 1. less MCRR. R.O.W	
EX S 218 ft of W 200 ft. Sec. 1	4 T15N R4E	
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Proposed Use of Land for Which Special Use Permi	it is Requested: Farm pond for irrigation	M
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Present Zoning: Country Home		
		900

Additional information which need not accompany this application but must be in the possession of the Zoning Board forty-eight (48) hours prior to the public hearing:

- 1. Vicinity plan showing land use within 300 feet of the perimeter of the property to be rezoned.
- 2. Site plan, plot plan, or development plan, drawn to a readable scale, of the total property involved showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses.
- 3. Preliminary plans and specifications of the proposed development and for all construction.
- 4. A statement with supporting evidence regarding the required finding specified in Section of the Zoning Code.

Please be advised, That the Planning Commission will hold a meeting for the above special use May 7, 1981, 8:10 P.M., at Kawkawlin Township Hall This will be an open meeting.

Signature of Applicant

Ref: Sec. 702- J.

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TOWNSHIP OF KAWKAWLIN	
BAY COUNTY, MICHIGAN	* ***********************************
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APPLICATION FOR RE-ZONING	مخي
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Mountain the contraction	,
Date:APPLICATION FOR RE-ZONING	
	hone <u> しらい-0348</u>
Mailing Address 3385 N. FOCIN AUE	
Name of Owner Timothy J Brisin Telepi	hone 686-0340
Mailing Address 3385 N FOCIO AVE	
Legal Description of Premises HORTH RANGE 4 EAST 1170 feet South of	THE NORTHWEST CORNER
the west line to the center of the River Boad So-called Center Line of the River ROAD to the center-line of Highway US-23: There of Highway US-23 to A point Egs to the point of beginning in a line of Line; Thence west to point of beginning. Except Right of Way to constitute the content of the constitute of the consti	HOTTH GLOUS THE CENTER IINE THIS TO BE BY COMMENT
Application is hereby made to change	2 district
or zone.	<u> </u>
Present use of premises: STORAGE	
Proposed use of premises: Ment MKT's or Retail Store	/
Present Zoning: Country Homes	· · · · · · · · · · · · · · · · · · ·
Additional Information: A. X Vicinity plan showing land use within 300 feet of the perimeter of the propert	, ,
B. X Scale drawings showing plan view with yard areas and elevations of the property	•
The Planning Commission will meet Jume & TORO 9:20 B	dia a sa
this application for re-roning. This will be an open meet Kawkawlin Township Hall.	ting at
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Site Plan to be presented at meeting.	ignature of Applicant
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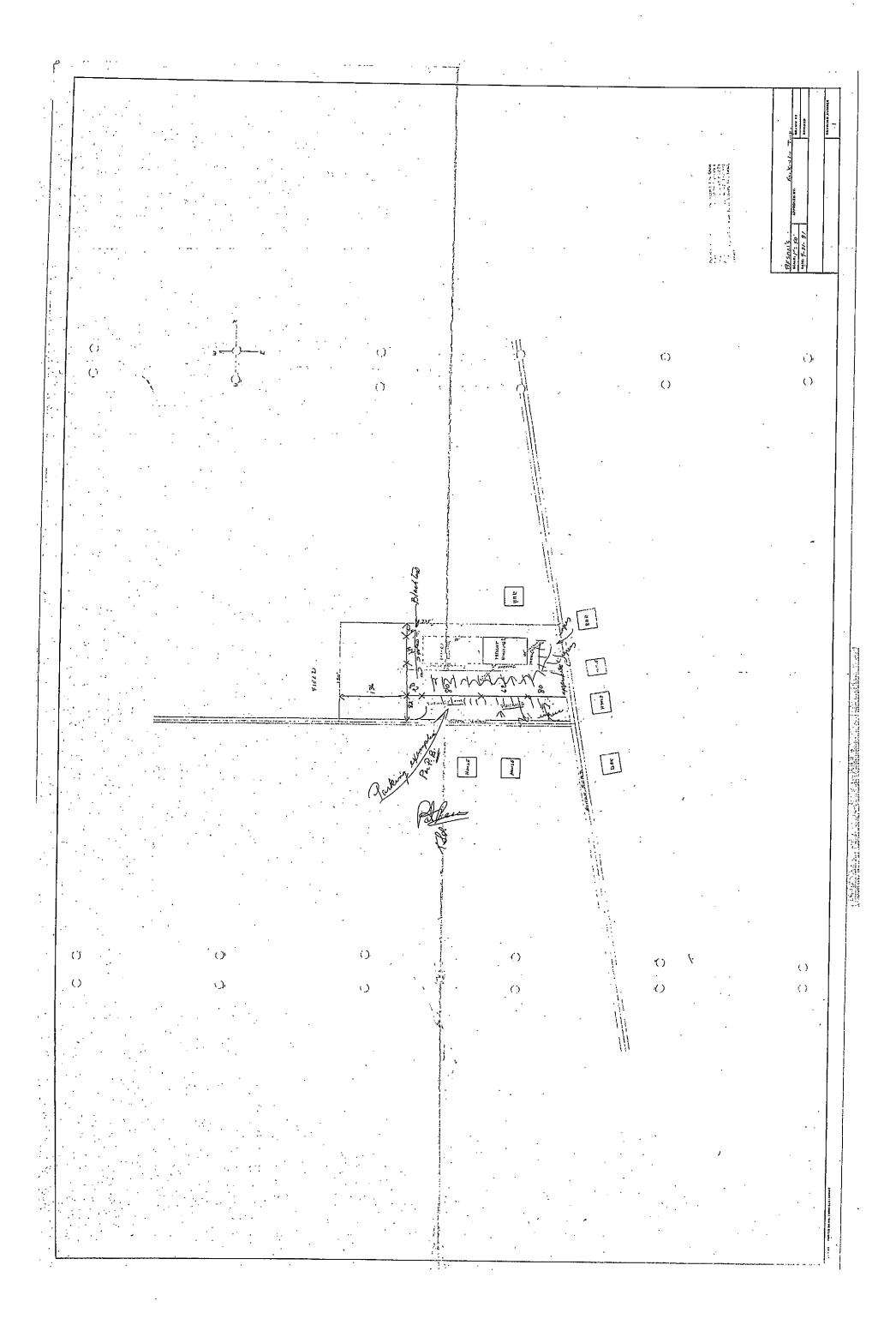
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July 2, 1981 Kawkawlin Twp. Meeting Room

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

The public hearing was called to order at 8:05p.m. by our chairman R. Lukowski. Roll call of members was taken with 5 present and 2 ab-The reason for this public hearing was to hear comments for and against an application for a special use permit submitted by John F. 🐥 Zalucha for placement of a house trailer on a 31 acre parcel of land in an Ag. District. Mr. and Mrs. John C. Zalucha represented their son John F. Zalucha at this hearing. Please note at this time no other property owners surrounding this parcel were in attendence. Mr. Zalucha: explained the trailer is 14 X 65 feet with a septic system and water supply presently being established, it was further explained other improvements were also done to the site.

After reading 6:03 a-1 the chairman as well as other board members expalined to the Zalucha's this trailer cannot be allowed on this site because John F. Zalucha dossnot receive 50% of his income from this farm and that therefore, this special use has to be denged by the Planning Commission. Therefore after much debate with the Zahucha's T. Schindler moved the motion which was supported by E. Meylan that we accept this special use; a roll call vote was taken resulting in 5 neys O yeas 2 absent; motion defeated resulting in this special use permit The reason of Mr. Zalucha's conditions Sec. 6:03 - 1 being dented. specifically prohibits this moble home in an Ag. District.

After more discussion the the Zalucha's this public hearing was

adjourned at 9:50p.m.

Respectfully submitted

Sec. Kawkawlin pp. Planning Commission

Members present:

R. Lukowski

B. Hartley

T. Schindler.

E. Meylan

M. McNally

Members absent

M. Witzke

K. Shepard

Also present:

L. Ballor

J. C. Zalucha

A. Zalucha

Karen

July 2, 1981 Kawkawlin Twp. Meeting Room

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

The public hearing was called to order at 8:05p.m. by our chairman R. Lukowski. Roll call of members was taken with 5 present and 2 absent. The reason for this public hearing was to hear comments for and against an application for a special use permit submitted by John F. Zalucha for placement of a house trailer on a 31 acre parcel of land in an Ag. District. Mr. and Mrs. John C. Zalucha represented their son John F. Zalucha at this hearing. Please note at this time no other property owners surrounding this parcel were in attendence. Mr. Zalucha explained the trailer is 14 X 65 feet with a septic system and water supply presently being established, it was further explained other improvements were also done to the site.

After reading 6:03 a-1 the chairman as well as other poard members expalined to the Zalucha's this trailer cannot be allowed on this site because John F. Zalucha doesnot receive 50% of his income from this farm and that therefore, this special use has to be denied by the Planning Commission. Therefore after much debate with the Zalucha's T. Schindler moved the motion which was supported by E. Meylan that we accept this special use; a roll call vote was taken resulting in 5 neys 0 yeas 2 absent; motion defeated resulting in this special use permit being denied. The reason of Mr. Zalucha's conditions Sec. 6:03 - 1 specifically prohibits this moble home in an Ag. District.

After more discussion the the Zalucha's this public hearing was

adjourned at 9:50p.m.

Respectfully submitted

Sec. Kawkawlin fwp. Planning Commission

Members present:

R. Lukowski

B. Hartley

T. Schindler.

E. Meylan

M. McNally

Members absent

M. Witzke

K. Shepard

Also present:

L. Ballor

J. C. Zalucha

A. Zalucha

TOWNSHIP OF Kawkawlin BAY COUNTY, MICHIGAN

APPLICATION FOR SPECIAL USE PERMIT

_ ^	"
Date: (fine 18, 1981	
Name of Applicant: John F. Zalueha	Tel. <u>684037</u>
Mailing Address: 1687 So Huron Rdi Ko	wkawlin Mich
Name of Owner John C. Zalucha	4863
Mailing Address: SAME	And the second of the second o
Legal Description of Premises: NW 14 of NE 14 LYG	WLY of WLY
11 HWY 1-75 SEC & TI5N.	R4E
Description of the office of the Consideration Description Description	in the second
Proposed Use of Land for Which Special Use Permit is Requested:	
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The state of the s	
Present Zoning: AB	
Additional information which need not accompany this application but must —Board forty-eight (48) hours prior to the public hearing:	be in the possession of the Zoning
1. Vicinity plan showing land use within 300 feet of the perimeter of the p	roperty to be rezoned.
2. Site plan, plot plan, or development plan, drawn to a readable scale, of the location of all abutting streets, the location of all existing and buildings and their uses.	the total property involved showing proposed structures, the types of
3. Preliminary plans and specifications of the proposed development and	for all construction.
4. A statement with supporting evidence regarding the required finding. Code.	g specified in Section of the Zoning
The Kawkawlin Township Planning Commission wi	llmeet for a public
Hearing to be held at Kawkawlin Township Hall for the purpose of the above Special Use Peri	
This will be an open meeting.	ohn t, falucha
	Signature of Applicant
Ref: Art. 6:00, Sec. 6:03	

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August 6, 1981 Kawkawlin Twp. Bar Room

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

Meeting called to order at 8:00p.m. by our chairman R. Lukowski. A rool call of members was taken with 5 present and 2 absent. and July minutes were read and approved as read. The May

The John F. Zalucha special use permit was discussed and after discussion both for and against our July denial of this permit; one side following the ordinance to the letter and the other side having trouble with the 50% income requirement plus advice from Mr. Darbee this would be tough to defend in Circut Court. Therefore it was moved by B. Hartley and after relinquishing the chair supported by R. Lukowski to reverse our July 2, 1981 decision on the Zalucha special use permit thereby permitting this special use with with the following stipulations; 1.) This parcel will be inspected annually by our Twp. Zoning Administrator to insure our Twp. Ordinance is being followed 2) All building codes will be followed 3) This land will still be used for agricultural purposes only 4) This trailer shall only be owned and occupied by John F. Zalucha. A roll call vote was taken with 3 yeas 2 neys, motion carried. The following are reasons for granting this special use permit 1) In this day and age it is impossible to derive 50% of one's income from 31 acres of general crops which this farm is presently producing 2) The applicant is the son of the owner, a stipulation of our Twp. Ordinance 3) this land will still be used for agriculture.

Because our "summer recess" was cut short it was decided to skip our September meeting unless something special comes up if not, our next scheduled meeting will be October 1, 1981 at 8:00p.m. in the Kawkawlin Twp. meeting room. This meeting, was adjourned at 9:50p.m.

Respectfully submitted

Bill Hartley Sec. Kawkawlin /Wp. Planning Commission

Members present:

R. Lukowski

B. Hartley

T. Schindler

E. Meylan

M. McNallv

Members absent

M. Witzke

K. Shepard Also present

L. Ballor

October 1, 1981 Kawkawlin Twp. Meeting Room

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

Meeting called to order at 8:00p.m. by our chairman R. Lukowski A roll call of members was taken with 5 present and 2 absent. August 6. minutes were read and approved as read.

An application for re-zoning was presented by James & Ida Hadd on behalf of City Dairy Inc. from Res. to C-2. After questioning Charles & June Heintskill about their preposed building it was moved by B. Hartle and supported by E. Meylan to procede with the Public hearing for our Nov. 5, 1981 meeting and that Higgs Higgs & Darbee will handle the details. A roll call vote was taken with 4 yeas and 0 neys , motion carried unanimously.

Next Mr. Walt Halm expressed his desire to have his parcel re-zoned from CH to C-2, (Findley's old station site). After discussing this matter with Mr. Halm he decided to submit an application for re-zoning, which was moved by E. Meylan and supported by B. Hartley that we accept this application and procede with the public hearing possibly at our Nov. 5, meeting. A roll call vote was taken with 5 yeas 0 neys, motion carried unanimously.

Our next meeting will be held November 5, 1981 at 8:00p.m. in the Kawkawlin Twp. meeting room, this will also be a public hearing. Our meeting was then adjourned at 9:15p.m.

Respectfully submitted

Sec. Kawkawlin Twp. Planning Commission

Members present:

R. Lukowski

B. Hartley

E. Meylan

M. Witzke

M. McNally

Members absent:

T. Schindler

K. Shepard

Also present: L. Ballor

C. & J. Heintskill '

J. & I. Hadd

W. Halm

October 1, 1981 Kawkawlin Twp. Meeting Room

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

Meeting called to order at.8:00p.m. by our chairman R. Lukowski. A roll call of members was taken with 5 present and 2 absent. The August 6, minutes were read and approved as read.

An application for re-zoning was presented by James & Ida Hadd on behalf of City Dairy Inc. from Res. to C-2. After questioning Charles & June Heintskill about their preposed building it was moved by B. Hartle and supported by E. Meylan to procede with the Public hearing for our Nov. 5, 1981 meeting and that Higgs Higgs & Darbee will handle the details. A roll call vote was taken with 4 yeas and 0 neys, motion carried unanimously.

Next Mr. Walt Halm expressed his desire to have his parcel re-zoned from CH to C-2, (Findley's old station site). After discussing this matter with Mr. Halm he decided to submit an application for re-zoning, which was moved by E. Meylan and supported by B. Hartley that we accept this application and procede with the public hearing possible at our Nov. 5, meeting. A roll call vote was taken with 5 yeas 0 neys, motion carried unanimously.

Our next meeting will be held November 5, 1981 at 8:00p.m. in the Kawkawlin Twp. meeting room, this will also be a public hearing. Our meeting was then adjourned at 9:15p.m.

Respectfully submitted

Sec. Kawkawlin Twp.
Planning Commission

Members present:

R. Lukowski B. Whartley

Here E. Meylan

machin. Witzke - A

Jeaning Kaw. Jurys, Jerm 419 81

Members absent:

T. Schindler

K. Shepard - Expus 82

Also present:

L. Ballor

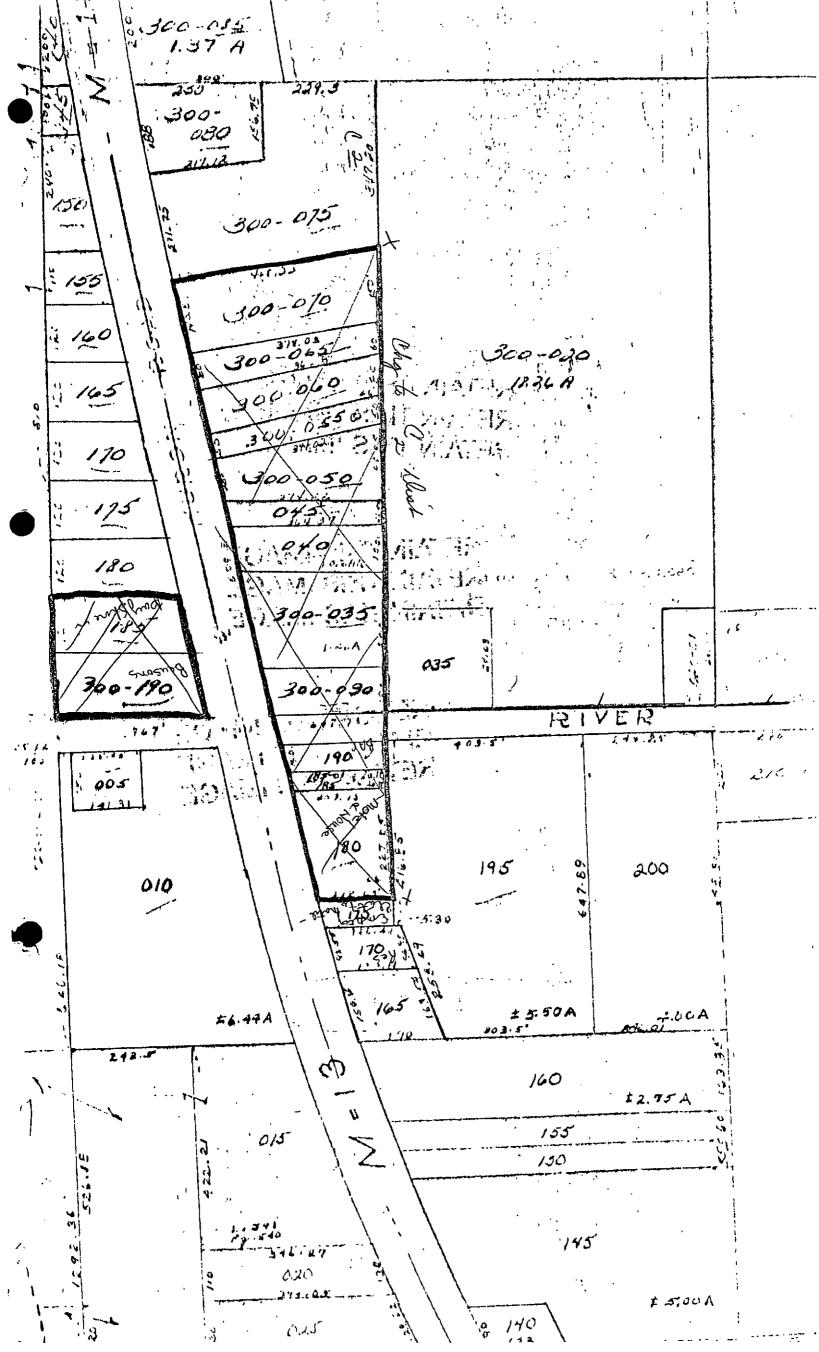
C. & J. Heintskill '

J. & I. Hadd

W. Halm

Berson 300-190 De 33 Nov14 KIVER 010 200 George BOVINDE ZONINO C2 Richards ±6.44A 242.5 à 160 \$2.75 A 015 155 . Q: 150 035 130 : 030 : 125 374.84 115 050

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November 5, 1981 Kawkawlin Twp. Meeting Room

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

Meeting called to order at 8:00p.m. by our chairman R. Lukowski. A roll call was taken with 5 present and 2 absent.

The first public hearing was immediately called to order; which was J. & I. Hadd's request to have a CH parcel re-zoned to C-2 which it adjoins. Mrs. Fred Jeske was first to voice her disaproval, siteing the high filled in lot and possible noise and mess that a business such as this would bring.

Mr. Fred Jeske stated that to satisfy him that drainage would have to be provided, fenceing and a proper set-back to complement his bldgs.

Mr. Hitz who resides in the 2nd house south of the parcel in question voiced his disapproval also concerning traffic and noise.

Mr. Bowen was concerned about drainage and extended hours.

After discussing this matter amoung the Planning Commission members it was decided to table this request for re-zoning until Thursday April 1, 1982 and continue this public hearing at this time. The motion to table was carried 5 yeas to 0 neys. This was done to give City Dairy Inc more time to decide if they want this parcel or not.

The 2nd public hearing was called to order at 8:45p.m. This was a request by Mr. W. Halm to re-zone from CH to C-2 to protect his busness.

Gordon Kolwolski wanted to know if he could re-build his residence. Finding that he could he had no objections to the re-zoning.

Mr. & Mrs. Stanley Jeske had no objections to this either.

W. Findley thought it was re-zoned already and had no objections to its re-zoning.

After some discussion amoung the board members it was moved bt K. Shepard and supported by M. Witzke to recommend this re-zoning be changed, to the Twp. Board with Higgs, Higgs, & Darbee to handle the details. Motion carried 5 Yeas O neys. The reasons for recommending this change are it conforms to our long range plan and it provides for the re-building of this business if necessary.

Next the minutes from our October meeting was read and approved. The Planning Commission discussed having our zoning book brought up to date just as soon as possible. Our next regular meeting will be held. Thursday December 3, 1981 in the Kawkawlin Twp. meeting room. This meeting was then adjourned at 9:45p.m. Next month will be re-orginazation also.

Respectfully submitted

Bell Hartley
Sec. Kawkawlin Twp.
Planning Commission

Page two

Members present:

R. Lukowski

B. Hartley

M. Witzke

K. Shepard

M. McNally

Members absent

T. Schindler

E. Meylan

Also present

L. Ballor

Mr. Bosco PC

Mr. & Mrs. Hadd

Mr. & Mrs. Fred Jeske Mr. & Mrs. Stan Jeske

Mr. & Mrs Hitz

Mr. Bowen ---

Mrs W. Findley Ms. N. Findley Mr. G. Kolwolski

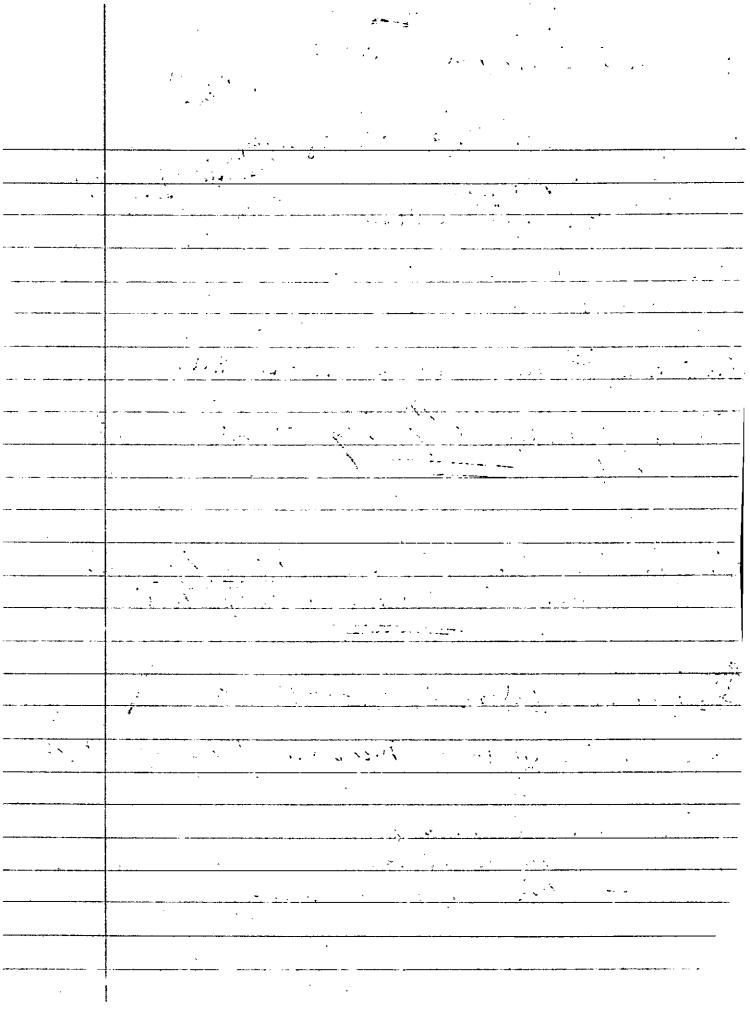
Mr. W. Halm

Next month the following terms are up:

R. Lukowski

M. W itzke

- Well affect Soming Jund Home Muniter 3 d New mid Less mond - Now bout - New Chrombot Form mand Lead still betier My - even w/site Plus Kelma Carentry Ato Wast Stating Tollot till April Miling = It mis he · bå gew) of tuemmoss prof Chine W (Longs) Showed The Ho back - to be vi for litty Ap 44, 19th 12 Joseper = Warter 7. Buyer mugnet by - Clay Daving -Bowner Service Sometha Prestone no drawnop rething 52'BUEL MA HATE DENKE LOW-Freenetty Ros. Go to to C-2 MINSKI15 (Some Let Size dan't much site Plund) Parmarenil -6 the Plan a must.



Luxesty of stack Halm

PUBLIC NOTICE

TO: RESIDENTS AND PROPERTY OWNERS IN KAWKAWLIN TOWNSHIP, BAY COUNTY, MICHIGAN

NOTICE IS HEREBY GIVEN THAT the KAWKAWLIN TOWNSHIP PLANNING COMMISSION
will hold a public meeting in the Kawkawlin Township Hall, 1800 Parish Road,
Kawkawlin, Michigan 48631, on the day of, 1981, at
o'clock P.M., Prevailing Eastern Time, on a proposed amendment
to the Kawkawlin Township Zoning Ordinance being Ordinance No. 9, to rezone the
following described land from a CH District to a C2 District, to-wit:
land cituate in the Southwest Ouarter of Section 1/2

Land situate in the Southwest Quarter of Section 14, Town 15 North, Range 4 East, Kawkawlin Township, Bay County, Michigan.

Commencing 1050 feet South of the Northwest corner of Southwest Quarter of Southwest Quarter, thence South to South line of said Section; thence East to the centerline of M-13 (Huron Road); thence Northwesterly along the centerline of M-13 (Huron Road) to a point East of the place of beginning; thence West to the place of beginning.

ALS0

The West half of the Southwest Quarter of the Southwest Quarter lying East of M-13 (Huron Road); EXCEPT the North 347.20 feet thereof.

ALS0

Land situate in the Northwest Quarter of Section 23, Town: 15 North, Range 4 East, Kawkawlin Township, Bay County, Michigan.

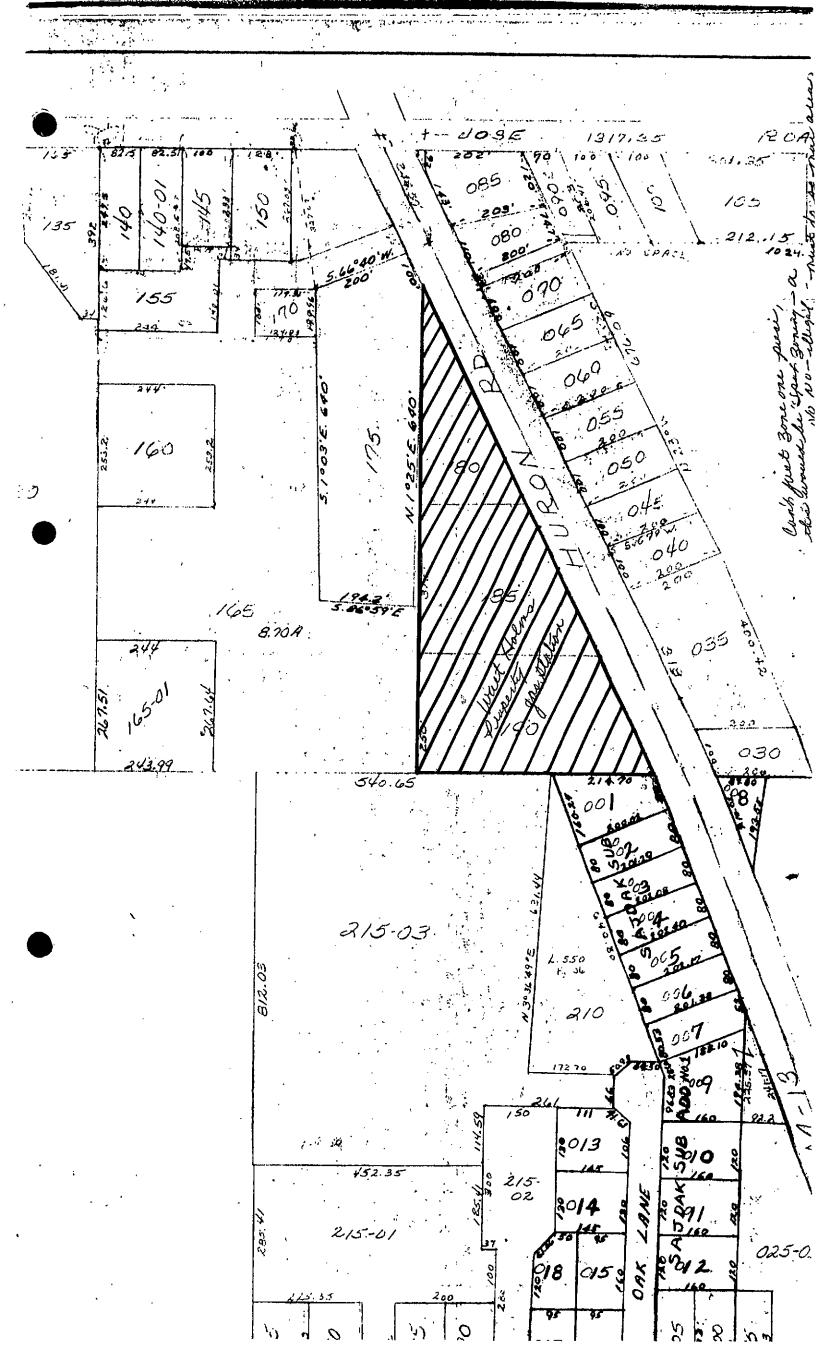
The East Half of the Northwest Quarter of the Northwest Quarter of the Northwest Quarter lying East of M-13 (Huron Road) EXCEPT the South 295 feet thereof.

The tentative text of said amendment, a map showing the boundary lines of the above described parcel and zoning map may be examined in the office of the Township Hall, 1800 Parish Road, Kawkawlin, Michigan, and at the office of the Township Clerk, 2184 Fraser Road, Kawkawlin, Michigan, during normal business hours.

DATED:	This	day. of,	,	1981.

William Hartley, Secretary Kawkawlin Township Planning Commission Bay County, Michigan

LAW OFFICES
HIGGS, HIGGS
AND DARBEE, P.C.
120 Bay City Bank Building
Bay City, Michigan
48707



December 3, 1981 hawkawlin Twsp. Meeting Room

KAWKAWLIN TWSP. PLANNING DON' 18. ION MIGUTLS

Meeting was called to order at 8:05 p.m. by R. Lukowski. A roll call was taken with 4 present, 3 absent.

The minutes were read and accepted. The only change was the spelling of Mr. Gordon Kolowsky's name.

Other persons present were:

Mr. Lenoard Ballor Mr. Walt Halm

Mr. W. Halm inquired about a refund of the money he paidt to have his property re-zoned. He understood that Mr. Tim Beason had his money refunded and after an explanation that this was not true was satisfied and ald not pursue the latter further. Mr. Halm wanted to know when his property would be officially be re-zoned and was told that re-zoning was effective on date of publication.

Re-organization results for 1932:

CHAIRMAN: Robert Lukowski (no other nominees; nominated by M. McNally, seconded by M. Witzke; instructed by Chair unanimous voice vote)

VICE-CHAIRMAN: Tom Schindler (no other nominees; nominated by R. Lukowski, seconded by K. Shepard; in-structed by Chair-unanimous voice vote)

SECRETARY: Bill Hartly (no other nominees; nominated by K. Shepard; seconded by M. Witzke; instructed by Chair-unanimous voice vote)

M. Witzke and R. Lukowski have been re-appointed to three (3)

R. Lukowski suggested we start thinking about Mobil Home Placement and zoning. Mr. McNally recommeded we wait for results from State legislation.

In reference to Mobil Homes and the requests for special use permits, L. Ballor suggested we consider an admendment, a "Hard-ship Clause" such as Fraser Twsp. be added to our ordiances. It was also mentioned we consider an admendment for Multi-Family Units.

Next meeting will be January 7, 1982 at 7 p.m. A motion at 9:10 p.m. to adjourn was made by M. Witzke and seconded by M. McNally.

Respectfull submitted, Karen Shepard Commission Member 1. See Thin. requirements!

3. January Muting - ALL. Previous Permits Veriewed

5. Lindens w/ enforcement a little to Dury Bol

5. Frahems w) enforcement a little to Dury Bol 4. Our Spec. The pumits - Toning alm well provide article & Section of Toning book to be referred to.

Specialyse

LAW OFFICES

MILTON E. HIGGS
WILLIAM H. DARBEE
GARY E, BOSCO
MICHAEL A, MAKULSKI

OF COUNSEL F. NORMAN HIGGS 420 BAY CITY BANK BUILDING
P. O. 80X 840
BAY CITY, MICHIGAN 48707
517/892-2531

June 6, 1980

Kawkawlin Township Board c/o Lloyd Pajot 1379 E. Beaver Road Kawkawlin, MI 48631

🗱 RE: June 5, 1980 Planning Commission Meeting

Dear Mr. Pajot:

Enclosed please find two ordinances upon which public hearings were held on June 5, 1980 by the Township Planning Commission. The first ordinance concerns a rezoning from Country Home to C2 for those lands lying Easterly of M-13 from Parrish Southerly to the Southern boundary of the Huron Woods Nursing Home property. At the public hearing on the rezoning the public comments received were minimal and concerned the premises Westerly of the proposed rezoning. The question of rezoning the Westerly portion at this time was opposed by the people in attendance. There were no other public comments received at this particular hearing. Previously, there has been a public hearing on the same rezoning question on March 6, 1980. Although generally the comments received were not in opposition of the rezoning because of the large commercial area which exists between River and Parrish Roads at the present time there was very much concern about not being able to rebuild a persons home should the premises be rezoned. At that particular public hearing in March the Planning Commission as a result of the input suggested that the rezoning ordinance should be amended so as to allow the rebuilding, altering or modifying an existing home within either an industrial or commercial zone. In light of that opposition the Planning Commission tabled the rezoning request until June 5, 1980 at which time notices again were served on the various persons and also published. Accordingly, it was the recommendation of the Planning Commission to recommend to the board that the rezoning from CH to C2 of the property lying Easterly of Huron Road, Southerly

Correspondence

of Parrish Road and Northerly of the Southern boundary of the Huron Woods Nursing Home be approved. The reasons expressed were as follows:

- A. It would allow the existing businesses in that area to continue should something happen to them.
- B. It would invite new businesses to the M-13 corridor.
- C. It would implement the land use plan presently in existance.

The second public hearing concerned the rebuilding of certain homes within a commercial or industrial district. Section 21.14 would continue non-conforming homes within any zone. There was no input from the public at the public hearing either pro or con on this proposal. Accordingly, it was the recommendation of the Planning Commission that the Township Board adopt the amendment proposed for the following reasons:

- A. At this particular time the people should be allowed to rebuild their homes since this is a transition period for Kawkawlin Township Zoning.
- B. At the previous public hearing on the rezoning of the M-13 corridor that was scheduled on March 6, the main opposition to the rezoning was that people would not be able to rebuild. This amendment will satisfy their concerns.
- C. That the M-13 corridor as well as the rest of the Township is not commercialized to a point of a Euclid Avenue in Bangor Township and the City of Bay City. Accordingly, since it is a transition, zone the uses should be intermingled for the time being.

If you have any questions concerning the above please don't hesitate to contact me.

Yours very truly

William H. Darbee

ORDINANCE	NO.	

THE TOWNSHIP OF KAWKAWLIN ORDAINS:

 Article IV, Section 4.01 of Ordinance No. 9 is hereby amended by amending the map dated July, 1977, to include the following:

To rezone from a CH District to a C2 District the following:

The following described property being in the Northwest Quarter and the Southwest Quarter of Section 14, Town 15 North, Range 4 East, Township of Kawkawlin, County of Bay, to-wit:

Commencing at the intersection of the South Right of Way line of Parrish Road and the Easterly Right of Way line of Highway M-13 (Huron Road), which point is the Point of Beginning; thence East to a point which is 377 feet East and 33 feet South of the Northwest corner of Section 14, which point is on the South Right of Way line of Parrish Road; thence South along a line 377 feet East and parallel to the West Section line of Section 14 to a point, which point is 66.2 feet North of the South line of the North 50 acres of the West Half of Northwest Quarter; thence West 47 feet; thence South 66.2 feet; thence East 106 feet; thence South to a point which is 466.72 feet North of the East-West Quarter line; thence West to a point which is 338.28 feet East of the West line of Section 14; thence South 466.72 feet to the centerline of Wetter Road; thence Southwesterly to the Northeast corner of Lot 1 of Arthur Mielen's Subdivision; thence Southeasterly 1277 feet along the East line of said Subdivision to the South 1/8 line of Section 14; thence East 179.3 feet along said South 1/8 line; thence South 347.2 feet; thence South 83°47' West 408.22 feet to the Easterly Right of Way line of M-13; thence Northerly along the East Right of Way of Highway M-13 to the Point of Beginning.

2. This Ordinance shall become effective on	
1980, and shall be published once in the Bay City	on or before
, 1980.	•
The foregoing Ordinance was adopted by	vote of the
Township Board, Kawkawlin Township, Bay County, Michiga	n, at its
meeting on, 1980.	

Kathleen Bragiel, Township Clerk Kawkawlin Township Bay County, Michigan

LAW OFFICES
HIGGS, HIGGS
AND DARBEE, P.C.

20 Bay City Bank Building
Bay City, Michigan

48707

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LAW OFFICES ==

MILTON E HIGGS
WILLIAM H DARBEE
GART E BOSCO
MICHAEL A MAKULSKI

OF COURSEL F NORMAN HIGGS 420 BAY CITY BANK BUILDING
P. O. BOX 840
BAY CITY, MICHIGAN 48707
517,892 253

June 30, 1980

Kawkawlin Township Planning Commission Kawkawlin, MI 48631

Dear Members:

Enclosed please find a copy of Enrolled House Bill No. 6314 and an Opinion of Court in regards to Frank Robbins versus Beaver Township.

Yours very truly,

William H. Darbee

WHD:c]d

CC: Thomas Schindler
William C. Hartley
Gene Meylan
Robert Lukowski
Marcia Witzke
Karen Sheppard
Leo Rokosz
Leonard Ballor









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---- - LAW OFFICES -----

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P. O. BOX 840
BAY CITY, MICHIGAN 48707
517/892-2531

OF COUNSEL F NORMAN HIGGS

August 8, 1980

Mr. Lloyd Pajot 1379 E. Beaver Road Kawkawlin, Ml 48631

RE: Kawkawiin Township Land Use Plan

Dear Mr. Pajot:

Enclosed please find the original Land Use Plan adopted by the Township in 1976. Also enclosed please find the Plan which has been proposed for revision by the Towship Planning Commission.

The Township Planning Commission at a public hearing held Thurs-day, August 7, 1980, has recommended that the following changes to the Land Use Plan be considered.

- 1. The area adjoining M-13 lying South of Linwood Road and North of Cottage Grove Road would be changed to Light Industrial. This represents a change from a Commercial Urban Residential and Suburban Residential along M-13.
- 2. The area adjoining M-13 lying South of Cottage Grove Road and North of Boutell Road is proposed for Commercial. This would be a change from Suburban Residential Use. This would also be an extension Northerly of the Commercial Land Use Northerly from Parish Road.
- 3. The area adjoining M-13 lying Southerly of Wetters Road to Southerly of River Road is proposed to be changed to Commercial. This represents a change from Suburban Residential. This also represents an extension of the Commercial Land Use Southerly from Parish Road.
- 4. The area adjoining M-13 lying Southerly from Beaver Road to the Kawkawlin River is proposed for Light Industrial. This represents a change from the proposed use of commercial as of this time.









The above changes are recommended for change for the following reasons:

- 1. The area surrounding M-13 is of limited use because of the land configuration. The land adjacent to M-13 is located on a sand ridge and does not lend itself to the same uses Easterly and Westerly of M-13 because of the sand ridge.
- 2. The volume of traffic on the M-13 corridor does not lend itself to residential usage in the long run. Although the Township Planning Commission does not necessarily enjoy the thought of strip zoning along M-13 the configuration of the land and the high volume traffic does not lend itself to a suburban residential in the long run.
- 3. The present usages of the areas proposed for light industrial are now generally of a light industrial nature. This would allow the industrial uses presently there to continue to be there as well as some expansion along the highway. This would also be true of the areas proposed for commercial use inasmuch as the area and the uses of the present cannot be ignored for the long run.
- 4. The businesses that are presently looking to come into the area are looking up and down the M-13 corridor, including the present use areas.

The concept of the original Land Use Plan is still very feasible with the added changes. This is still attempting to congregate the commercial and light industrial uses around the major roadways of the Township. It also recognizes the present land uses in existence in the area and has been the subject of many inquires for rezoning since adoption of the Land Use Plan.

For the above reasons, the Planning Commission has recommended that the Township Board by resolution adopt the proposed revisions to the Land Use Plan.

By adopting the proposed additions to the Land Use Plan, it is not a rezoning of the area in question. Although the Planning Commission is looking to rezone portions of the area in the very near future, the majority of the zoning as it presently exists within the Township will continue to be as is.

At the public hearing held by the Township Planning Commission, there were no persons in attendance either proposing or opposing the changes to the Land Use Plan. In previous public hearings on rezoning the M-13 corridor, there has been a lot of concern about the area and as a result the proposed changes are being recommended for adoption.

Should the Township Board follow the recommendation of the Planning Commission, the Board should adopt the changes by resolution and authorize the printing of the Land Use Plan to be revised in accordance with the resolution adopted by the Township Board.

if you have any questions, please do not hesitate to contact me.

Yours very truly,

WIII Tam H. Darbee

WHD:cjd

CC: Planning Commission Members

LAW OFFICES ==

MILTON E. HIGGS
WILLIAM H. DARBEE
GARY E, BOSCO
JAMES R. KELLER

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420 BAY CITY BANK BUILDING
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BAY CITY, MICHIGAN 48707
517/892-2531

OF COUNSEL F. NORMAN HIGGS

November 7, 1980

Mr. Lloyd Pajot 1379 E. Beaver Road Kawkawlin, MI 48631

RE: Kawkawlin Township Land Use Plan

Dear Mr. Pajot:

The Township Planning Commission has revised the Land Use Plan following the comments received from the Township Board at the September 4, 1980, regular meeting of the Planning Commission.

It was the Planning Commission's understanding that the area located South of Cottage Grove Road was generally acceptable with the Township Board. The Planning Commission then reviewed the area located North of Cottage Grove Road. The enclosed changes to the Land Use Plan reflect a change of thought in the area North of Cottage Grove Road. By adopting the proposed amendments to the Land Use Plan, it is not rezoning the area in question. Although the Planning Commission is looking to rezone portions of the area in the very near future, the majority of the zoning as it presently exists within the Township will continue to be as is.

- 1. The area adjoining M-13 lying South of the Railroad drain and North of LeBourdais Road would be changed to Industrial from Commercial.
- 2. The area South of LeBourdais Road and North of Cottage Grove Road adjoining M-13 would be changed to Commercial from Single Family Urban Residential.
- 3. The area South of the Hoyle Subdivision, North of Cottage Grove Road, East of the North-South quarter line and West of M-13 would be changed to Industrial from Suburban Residential.

4. The area abutting M-13 lying South of LeBourdais Road extended Westerly, North of the proposed industrial Area, East of the Hoyle Subdivision, and West of M-13 would be changed Commercial (basically the depth of the lots abutting M-13).

This incorporates the reasons set forth in the August 8, 1980, correspondence addressed to yourself, but recognizes the Hoyle Subdivision area as well as reflecting the current uses of the property in the area.

For the above reasons and the reasons expressed in the August 8, 1980, correspondence, the Planning Commission does recommend that the Township Board by Resolution adopt the proposed revisions to the Land Use Plan.

Should the Township Board after review of the proposal follow the recommendation of the Planning Commission, the Township Board should adopt the changes by resolution and authorize the printing of the Land Use Plan to be revised in accordance with the resolution adopted by the Township Board.

If you have any questions, please don't hesitate to contact

me.

William H. Darbee

WHD:cld

Enclosure

CC: Planning Commission Members

= LAW OFFICES =

MILTON E. HIGGS WILLIAM H. DARBEE GARY E. BOSCO JAMES R. KELLER

420 BAY CITY BANK BUILDING
P. O. BOX 840
BAY CITY, MICHIGAN 48707
517/892-2531

OF COUNSEL F. NORMAN HIGGS

April 8, 1981

Mr. Lloyd D. Pajot Supervisor of Kawkawlin Township 1379 E. Beaver Road Kawkawlin, MI 48631

RE: Proposed Zoning Ordinance Change

Dear Mr. Pajot:

Enclosed please find two proposed ordinances for which the Kawkawlin Township Planning Commission held separate hearings. The public hearing for the proposed ordinance for land located in both the SW 1/4 of Section 14 and the NW 1/4 of Section 23 was held on March 5, 1981 at 7:00 p.m. At that time public comments were received and there were no persons in attendance at that public hearing who were adverse to the proposed change. Various comments received from various persons in attendance referred to why parcels southerly of the proposed zoning change could not be included for commercial district. In addition, questions as to spot zoning were answered and questions concerning rebuilding of residence located in the proposed district were answered. At the public hearing of March 5, 1981, the matter was not passed upon pending resolution of the question about extending the parcel southerly and, accordingly, no action was taken until the next public meeting of the planning commission which was on April 2, 1981.

At the April 2, 1981, public hearing the planning commission heard comments concerning land located solely within the northwest 1/4 of Section 23. At that particular public hearing there was no opposition to the proposed zoning change.

Following the close of the public hearing the planning commission made a recommendation to recommend both ordinances to the township for adoption for the reasons as follows.

- 1. That the present use of the premises as described within the proposed zoning changes are in fact commercial and this would conform the zoning ordinance with the uses in general.
- 2. The proposed zoning change is in conformity with the Land Use Plan as amended.
- 3. The public comments received at the public hearings were in favor of the rezoning.

Accordingly, the planning commission recommends to the township board adoption of the enclosed ordinances.

Yours very truly,

William H. Darbee

WHD/dkb

Enclosures

CC: Thomas E. Schindler
William C. Hartley
Gene Meylan
Robert Lukowski
Marcia Witzke
Karen Shepard
Melvin McNally
Leonard B. Ballor

-LAW OFFICES-

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LAWRENCE B. GRAYES, JR.

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517/892-2531

OF COUNSEL
F. NORMAN HIGGS

November 10, 1981

Mr. Lloyd Pajot Kawkawlin Township Supervisor 1379 E. Beaver Rd. Kawkawlin, MI 48631

> RE: Kawkawlin Township Planning Commission Regular Meeting November 5, 1981

Dear Mr. Pajot:

The Planning Commission reviewed the applications for rezoning for the enclosed two ordinances.

The first public hearing concerned a parcel of land in Section 10 along M-13. This was the application of City Dairy, Inc., concerning the property of Mr. and Mrs. James Hadd. A proposed rezoning change is to reclassify the current land use from CH to that of C2.

There were a number of concerns expressed by the public in attendance concerning the proposed future site for a City Dairy Retail operation. The Hadds' indicated to the Planning Commission that there had been no sale of this land but it was anticipated that a sale could occur in the Spring of 1982. There were other concerns regarding traffic control and site development. Because of the concern and the fact that the sale of the land is anticipatory, a motion was made and seconded to recommend that the question of rezoning be tabled until the regular Board Meeting of April of 1982. A motion passed unanimously. Accordingly, no recommendation of the Planning Commission is to be forwarded to the Township Board concerning this particular parcel.

Mr. Lloyd Pajot Page Two

November 10, 1981

The next item of business brought before the Planning Commission was a rezoning application by Mr. Halms for a parcel of land situated in Section 26 on M-13. Requested land use change involved reclassifying the current CH zoning to that of C2. Following a short discussion concerning whether a residential unit currently situated within the proposed zoning district could be rebuilt, in the event of destruction, with the same being addressed by amendment to the Zoning Ordinance for Section 21.14; the following motion was made, seconded and unanimously approved. The motion was to recommend the rezoning or the parcel of land located in Section 26 and specifically set forth in the attached ordinance for rezoning from CH to C2.

If you have any further questions or comments, please do not he sitate to contact me.

WHD:akm

CC: All Members of the Planning Commission

See your Servague detucted 2. But blog

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THE TOWNSHIP OF KAWKAWLIN ORDAINS:

1. Article 11.00, Section 11.02 of Ordinance No. 9 is hereby amended by adding subsection L. to read as follows:

1. Single family residence provided there is no other building -- on said lot.

2. Article 11.00, Section 11.03 of Ordinance No. 9 is hereby amended

by adding subsection e. to read as follows:

e. Single family residence when used in conjunction with another building on said lot.

In considering such authorization, the Planning Commission shall consider the following standards:

- (1) The size, character and nature of the structure to be erected on the lot;
- (2) The effect of the proposed uses on adjoining properties and the surrounding neighborhood;
- (3) The effect of the proposed uses on light and air circulation of adjoining properties;
- (4) The effect of any increased density of the intended uses on the surrounding neighborhood;
 - (5) Available parking for the intended uses.
- 3. Article 12.00, Section 12.02 of Ordinance No. 9 is hereby amended by adding subsection k. to read as follows:

k. Single family residences provided there is no other building on said lot.

- 4. Article 12.00, Section 12.03 of Ordinance No. 9 is hereby amended by adding subsection g. to read as follows:
 - g. Single family residence when used in conjunction with another building on said lot.

In considering such authorization, the Planning Commission shall consider the following standards:

- (1) The size, character and nature of the structure to be erected on the lot;
- (2) The effect of the proposed uses on adjoining properties and the surrounding neighborhood;

Thalid to May

-8

LAW OFFICES

- 1

- (3) The effect of the proposed uses on light and air circulation of adjoining properties;
- (4) The effect of any increased denisty of the intended uses on the surrounding neighborhood;
 - (5) Available parking for the intended uses.

5.	This Ordinance	shall become	effective or	n publication	and shall
be published	once in the Ba	y City	·-	_ on or before	this
day of	· · ·	1980.			
				•	
The	foregoing Ord	inance was ado	pted by		vote of
the Township	Board, Kawkawli	in Township, B	ay County, Mi	ichigan, at a	
meeting on		_, 1980.	•		

Kathleen Bragiel, Township Clerk Kawkawlin Township Bay County, Michigan

- Sec.7.3 requirements 1. Site Peon (review) articles

2. Spec. res w/ site peon

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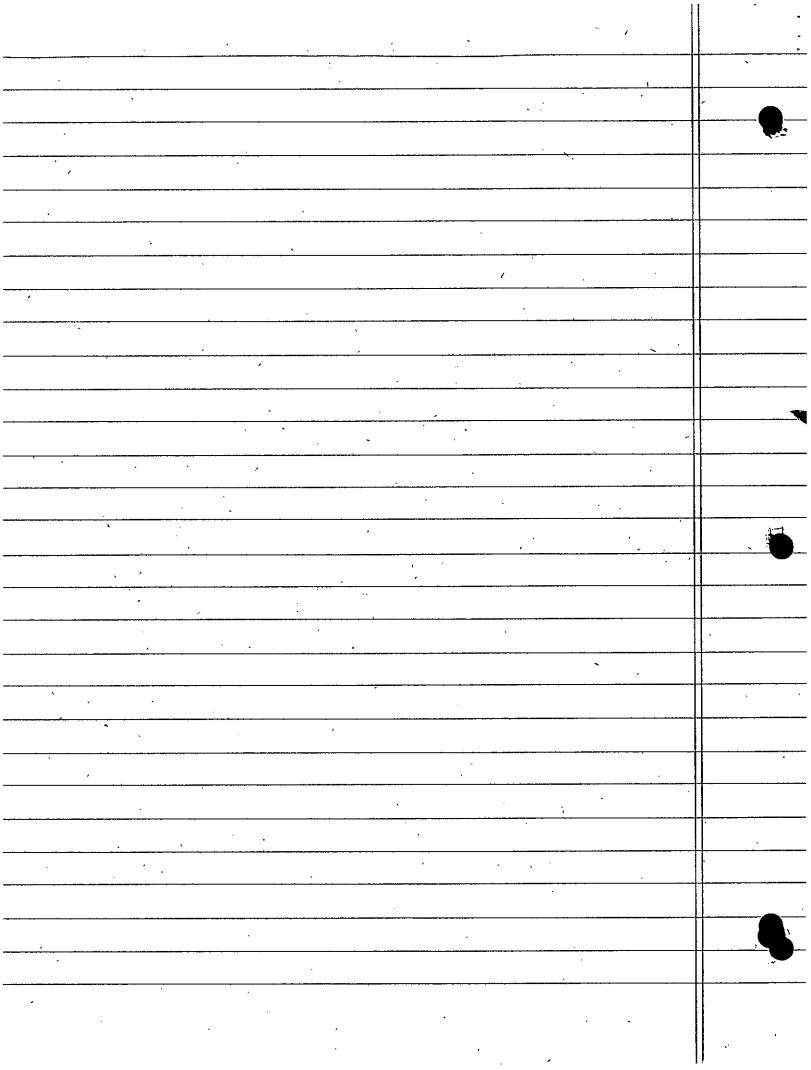
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heavy Clay
health dept - belder much comply why was district set aside for apt; No Sewers - Limit it to Dupleyes? - State Statusmich Pullinder 9 to 9

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•	ORDINANCE NO
THE TOW	NSHIP OF KAWKAWLIN ORDAINS:
	I. Article IV, Section 4.01 of Ordinance No. 9 is hereby amended
by amendi	ng the map dated July, 1977, to include the following:
	To rezone from a CH District to a C2.District the following:
	The following described property being in the Northeast Quarter of the Southeast Quarter of Section 26, Town 15. North, Range 4 East, Township of Kawkawlin, County of Bay, to-wit:
	The Northeast Quarter of the Southeast Quarter lying Westerly of Huron Road.
	2. This Ordinance shall become effective on,
1981, and	shall be published once in the Bay City Democrat on or before
 	, 1981.
	The foregoing Ordinance was adopted at a meeting of
he Towns:	hip Board of the Township of Kawkawlin, by a vote ofvotes
in favor o	f passage and votes not in favor of passage, on the
day of	, 1981.
	Kathleen Bragiel
	Township Clerk Kawkawlin Township
	Rawkawiin Township Bay County, Michigan
	and a country to the country of the

LAW OFFICES
HIGGS, HIGGS,
DARBEE & BOSCO, P. C.
420 Bay City Bank Building
Bay City, Michigan
48707

ORDINANCE NO	•
THE TOWNSHIP OF KAWKAWLIN ORDAINS:	
1. Article IV, Section 4.01 of	Ordinance No. 9 is hereby amended
by amending the map dated July, 1977, to	include the following:
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1981, and shall be published once in the B	ay City Democrat on or before
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The foregoing Ordinance was ac	dopted at a meeting of
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favor of passage and votes not in	facor of passage, on the day of
, 1981.	
	•
, _	
1	Kathleen Bragiel

Township Clerk

Kawkawlin Township Bay County, Michigan

LAW OFFICES
HIGGS, HIGGS,
DARBEE & BOSCO, P. C.
420 Bay City Bank Building
Bay City, Michigan
48707

ORDINANCE NO.	•

THE TOWNSHIP OF KAWKAWLIN ORDAINS:

1. Article IV, Section 4.01 of Ordinance No. 9 is hereby amended by amending the map dated July, 1977, to include the following:

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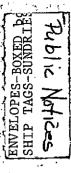
The following described property being in the Southeast Quarter of Section 10, Town 15 North, Range 4 East, Township of Kawkawlin, County of Bay, to-wit:

Commencing at the intersection of the West Right-of-Way line of M-13 and the South 1/8 line; thence Southerly along the West Right-of-Way line of M-13, 200 feet; thence West 367.26 feet; thence North, 190.62 feet; thence East, 308.43 feet to the place of beginning.

2. This Ordinance sha	all become effective	on	
1981, and shall be published once	in the Bay City Dem	ocrat on or be	efore
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favor of passage and vote	s not in facor of pas	sage, on the	day.of
, 1981.			

Kathleen Bragiel Township Clerk Kawkawlin Township Bay County, Michigan

LAW OFFICES
HIGGS, HIGGS,
JEE & BOSCO, P. C.
3cy City Bank Building
-ray City, Michigan
48707



TO: RESIDENTS AND PROPERTY OWNERS OF KAWKAWLIN TOWNSHIP, BAY COUNTY, MICHIGAN

NOTICE IS HEREBY GIVEN That the KAWKAWLIN TOWNSHIP PLANNING COMMISSION will hold a public meeting in the Kawkawlin Township Hall, 1800 E. Parish Road, Kawkawlin, Michigan, on the 3rd day of May, 1979, at 7:30 o'clock p.m., Prevailing Eastern Time, on a proposed amendment to the Kawkawlin Township Zoning Ordinance, being Ordinance No. 9, to revise procedures contained in said Ordinance pertinent to "special land uses" and/or "site plan reviews" or concepts in the Ordinance under different terminology designed to accomplish similar objectives of a reviewing process and delegating the reviewing process from the Zoning Board of Appeals to the Planning Commission.

The tentative text of said amendment and zoning map may be examined in the Township Hall during normal business hours or at the Office of the Township Clerk at 2184 S. Fraser Road, Kawkawlin, Michigan.

DATED: This 5th day of April, 1979.

William C. Hartley, Secretary
Kawkawlin Township Planning Commission
Bay County, Michigan

LAW OFFICES
HIGGS, HIGGS
AND DARBEE, P.C.
Bay City Bank Building
Bay City, Michigan
48707

ORDINANCE NO. 17.00

THE TOWNSHIP OF KAWKAWLIN, BAY COUNTY, MICHIGAN ORDAINS:

T _

That the following Articles of the Zoning Ordinance, being Ordinance
No. 9 are hereby amended in order to conform with Michigan Public Act 637 of
1978 with respect to procedures contained in said Ordinance pertinent to "special
land uses", "site plan reviews", and similar concepts in the Ordinance under
different terminology designed to accomplish similar objectives of a reviewing
process and such reviewing process is changed from the Zoning Board of Appeals
to the Planning Commission. Accordingly wherever the words:

- A) "BOARD OF APPEALS" appears, the ordinance shall read "PLANNING COMMISSION"
- B) "ZONING BOARD OF APPEALS" appears, the ordinance shall read "PLANNING COMMISSION";
- C) "BOARD" appears, the ordinance shall read "PLANNING COMMISSION".

That the Articles of the Zoning Ordinance, being Ordinance No. 9
which are hereby affected are:

- A) Section 6.03 of Article 6.00
- B) Section 7.03 of Article 7.00
- ····C) | Section 8.03 of Article 8.00
 - D) Section 9.03 of Article 9.00
 - E) Section 10.03 of Article 10.00
 - F) Section 11.03 of Article 11.00
 - G) Section 12.03 of Article 12.00
- (H) Section 13.03 of Article 13.00
 - T) Section 14.03 of Article 14.00
 - J) Section 15.06 of Article 15.00
- (K) Section 16.02 of Article 16.00
- L) Section 17.06 of Article 17.00
- M) Section 17.07 of Article 17.00 N) Section 17.09 of Article 17.00

II.

That Section 17.01 of Article 17.00 shall read as follows:

Section 17.01 Scope: Prior to the establishment of a use or the erection of any building in a Zoning District, subject to the conditions listed below, a site plan shall be submitted for review by the Township in accordance with the procedures of this Article and the development requirements of this and other appli-

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AND DARBEE, P.C.
20,20 Bay City Bank Building
Bay City, Michigan

cable ordinances. Such site plans shall be forwarded to the Township Planning Commission for disposition by approval, approval with modifications to the site plan or disapproval.

Site Plans are subject to review for the following uses:

- Permitted Uses and Structures when the proposed development is over one (1) acre in land area and/or composed of more than one (1) principal building and/or intended to be occupied by three or more tenants (whether residential or non-residential), in:
 - RM. Two-Family and Multiple Family District. (1)

(2)

(2) RMH, Mobile Home Park District.
(3) C-1, C-2, and C-3 Commercial Districts.
(4) LI, Industrial Districts.

b... Uses Permitted By Special Exception in all Zoning Districts.

III.

That Section 17.03 of Article 17.00 shall read as follows:

Section 17.03 Submittal: The site plan and all related information specified above shall be presented to the Planning Commission in an appropriate number of copies as they may request of the Upon receipt of an application property owner or petitioner. for a formal site plan approval, one notice that a request for site plan review has been received, shall be published in a newspaper which circulates in the Township and sent by mail or personal delivery to the owners of property to whom real property is assessed within 300 feet of the boundary of the property in question. The notice shall be given not less than five nor more than fifteen days before the site plan review will be considered or approval given at a public hearing of the Planning Commission. The notice shall: (a) describe the nature of the special land use request; (b) indicate the property which is the subject of the special land use request; (c) state when and where the special (d) indicate when and land use request will be considered; where written comments will be recieved concerning the request; (e) indicate that a public hearing on the special land use request will be held and the date, time and place where the special land use request will be considered.

Section 17.04 of Article 17.00 shall read as follows:

The Planning Commission shall Section 17.04 Approval: have the function, duty, and power to approve or disapprove, or to approve subject to compliance with certain modifications, the site plan in accordance with the purpose and intent of this Ordinance and after consideration of comments and recommendations received after a public hearing thereon.

LAW OFFICES HIGGS, HIGGS AND DARBEE, P.C. Bay City Bank Building lay City, Michigan 48707

safety and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and land owners immediately adjacent to the proposed land use or activity in the community as a whole.

g. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

h. Be necessary to meet the intent purpose of the Zoning Ordinance, be related to the standards established in the Zoning for the land use or activity under consideration and be necessary to insure compliance with those standards.

VI.

Section 17.07 of Article 17.00 shall be amended by adding subparagraph c. to read as follows:

c. To insure compliance with this Ordinance and any conditions imposed pursuant to this Section, the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Planning Commission covering the estimated cost of compliance with this Ordinance, and/or conditions herein imposed, be deposited with the Clerk of the Township to insure faithful compliance of the

conditions and/or Ordinance. There shall be no deposit of the performance guarantee prior to the time the Township is prepared to issue the permit: But the deposit of the performance guarantee shall be done prior to actual issuance of the permit. In the event of a cash deposit or certified check, the Planning Commission shall establish a procedure whereby a rebate of the cash shall occur in a reasonable proportion of the ratio of work completed on the required improvements.

VII.

Section 23.02 of Article 23.00 shall add subparagraph d. to follow subparagraph c. and read as follows:

d. Terms of members serving because of their membership on the Planning Commission or Township Board shall be limited to the time they are members of the Planning Commission or Township Board, respectively, and the period stated in the Resolution appointing them.

VIII.

This Ordinance shall become	effective immediately upon publication
and shall, be published once in the Ba	y City Democrat on or before the
day of, 1979.	
The foregoing Ordinance was	adopted by avote of the
Township Board, Kawkawlin Township, E	18 A
meeting held on	ay country, michigan, at the

Kathleen Bragiel, Township Clerk Kawkawlin Township Bay County, Michigan

1 AW OFFICES
1 1GCS, HIGGS
ANL DARBEE, P.C.
10 Bay City Bank Building
Bay City, Michigan
48702

TO: RESIDENTS AND PROPERTY OWNERS OF KAWKAWLIN TOWNSHIP, BAY COUNTY, MICHIGAN

NOTICE IS HEREBY GIVEN That the KAWKAWLIN TOWNSHIP PLANNING COMMISSION will hold a public meeting in the Kawkawlin Township Hall, 1800 E. Parish Road, Kawkawlin, Michigan, on the 3rd day of May, 1979, at 7:30 o'clock p.m., Prevailing Eastern Time, on a proposed amendment to the Kawkawlin Township Zoning Ordinance, being Ordinance No. 9, to revise procedures contained in said Ordinance pertinent to "special land uses" and/or "site plan reviews" or concepts in the Ordinance under different terminology designed to accomplish similar objectives of a reviewing process and delegating the reviewing process from the Zoning Board of Appeals to the Planning Commission.

The tentative text of said amendment and zoning map may be examined in the Township Hall during normal business hours or at the Office of the Township Clerk at 2184 S. Fraser Road, Kawkawlin, Michigan.

DATED: This 5th day of April, 1979.

William C. Hartley, Secretary Kawkawlin Township Planning Commission Bay County, Michigan

LAW OFFICES
HIGGS, HIGGS
AND DARBEE, P.C.
20 Bay City Bank Building
Bay City, Michigan
48707

17.00 ORDINANCE NO.

THE TOWNSHIP OF KAWKAWLIN, BAY COUNTY, MICHIGAN ORDAINS:

That the following Articles of the Zoning Ordinance, being Ordinance No. 9 are hereby amended in order to conform with Michigan Public Act 637 of 1978 with respect to procedures contained in said Ordinance pertinent to "special land uses", "site plan reviews", and similar concepts in the Ordinance under different terminology designed to accomplish similar objectives of a reviewing process and such reviewing process is changed from the Zoning Board of Appeals to the Planning Commission. Accordingly wherever the words:

- A) "BOARD OF APPEALS" appears, the ordinance shall read "PLANNING COMMISSION"
- "ZONING BOARD OF APPEALS" appears, the ordinance shall read "PLANNING COMMISSION";
- "BOARD" appears, the ordinance shall read "PLANNING COMMISSION".

That the Articles of 'the Zoning Ordinance, being Ordinance No. 9 which are hereby affected are:

- Section 6.03 of Article 6.00
- Section 7.03 of Article 7.00 B)
- C) Section 8.03 of Article 8.00
- Section 9.03 of Article 9.00 D)
- Section 10.03 of Article 10.00 E)
- Section 11.03 of Article 11.00 F) G) Section 12.03 of Article 12.00
- Section 13.03 of Article 13.00 (H)
- T)
- Section 14.03 of Article 14.00 Section 15.06 of Article 15.00 J)
- K) Section 16.02 of Article 16.00
- Section 17.06 of Article 17.00 L)
- Section 17.07 of Article 17.00 Section 17.09 of Article 17.00 M)

N)

II.

That Section 17.01 of Article 17.00 shall read as follows:

Section 17.01 Scope: Prior to the establishment of a use or the erection of any building in a Zoning District, subject to the conditions listed below, a site plan shall be submitted for review by the Township in accordance with the procedures of this Article and the development requirements of this and other appli-

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cable ordinances. Such site plans shall be forwarded to the Township Planning Commission for disposition by approval, approval with modifications to the site plan or disapproval.

Site Plans are subject to review for the following uses:

- a. Permitted Uses and Structures when the proposed development is over one (1) acre in land area and/or composed of more than one (1) principal building and/or intended to be occupied by three or more tenants (whether residential or non-residential), in:
 - (1) RM, Two-Family and Multiple Family District.

(2) RMH, Mobile Home Park District.

(3) C-1, C-2, and C-3 Commercial Districts.

(4) LI, Industrial Districts.

 b_{\bullet} Uses Permitted By Special Exception in all Zoning Districts.

III.

That Section 17.03 of Article 17.00 shall read as follows:

Section 17.03 Submittal: The site plan and all related information specified above shall be presented to the Planning Commission in an appropriate number of copies as they may request of the property owner or petitioner. property owner or petitioner. Upon receipt of an application for a formal site plan approval, one notice that a request for site plan review has been received, shall be published in a newspaper which circulates in the Township and sent by mail or personal delivery to the owners of property to whom real property is assessed within 300 feet of the boundary of the property in question. The notice shall be given not less than five nor more than fifteen days before the site plan review will be considered or approval given at a public hearing of the Planning Commission. notice shall: (a) describe the nature of the special land use request; (b) indicate the property which is the subject of the special land use request; (c) state when and where the special land use request will be considered; (d) indicate when and where written comments will be recieved concerning the request; (e) indicate that a public hearing on the special land use request will be held and the date, time and place where the special land use request will be considered.

IV.

Section 17.04 of Article 17.00 shall read as follows:

Section 17.04 Approval: The Planning Commission shall have the function, duty, and power to approve or disapprove, or to approve subject to compliance with certain modifications, the site plan in accordance with the purpose and intent of this Ordinance and after consideration of comments and recommendations received after a public hearing thereon.

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AND DARBEE, P.C.

D Bay City Bank Building
Bay City, Michigan
48707

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conditions and/or Ordinance. There shall be no deposit of the performance guarantee prior to the time the Township is prepared to issue the permit: But the deposit of the performance guarantee shall be done prior to actual issuance of the permit. In the event of a cash deposit or certified check, the Planning Commission shall establish a procedure whereby a rebate of the cash shall occur in a reasonable proportion of the ratio of work completed on the required improvements.

VII.

Section 23.02 of Article 23.00 shall add subparagraph d. to follow subparagraph c. and read as follows:

d. Terms of members serving because of their membership on the Planning Commission or Township Board shall be limited to the time they are members of the Planning Commission or Township Board, respectively, and the period stated in the Resolution appointing them.

VIII.

· · · · · · · · · · · · · · · · · · ·
This Ordinance shall become effective immediately upon publication
and shall be published once in the Bay City Democrat on or before the 29
lay of <u>May</u> , 1979.
, · ·
The foregoing Ordinance was adopted by a vote of the
Township Board, Kawkawlin Township, Bay County, Michigan, at its
meeting held on, 1979.

Kathleen Bragiel, Township Clerk Kawkawlin Township Bay County, Michigan

LAW OFFICES
HIGGS, HIGGS
AND DARBEE, P.C.
0 Bay City Bank Building
Bay City, Michigan
48707

TO: RESIDENTS AND PROPERTY OWNERS IN KAWKAWLIN TOWNSHIP, BAY COUNTY, MICHIGAN

NOTICE IS HEREBY GIVEN THAT the KAWKAWLIN TOWNSHIP PLANNING COMMISSION will hold a public meeting in the Kawkawlin Township Hail, 1800 Parish Road, Kawkawlin, Michigan 48631, on the 2nd day of April, 1981, at 7:00 o'clock P.M., Prevailing Eastern Time, on a proposed amendment to the Kawkawlin Township Zoning Ordinance being Ordinance No. 9 to rezone the following described land from a CH District to a C2 District, to-wit:

Land situate in the Northwest Quarter of Section 23, Town 15 North, Range 4 East, Kawkawlin Township, Bay County, Michigan:

The North 50 feet of the South 295 feet of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 lying East of Highway US-23 (M-13).

AND

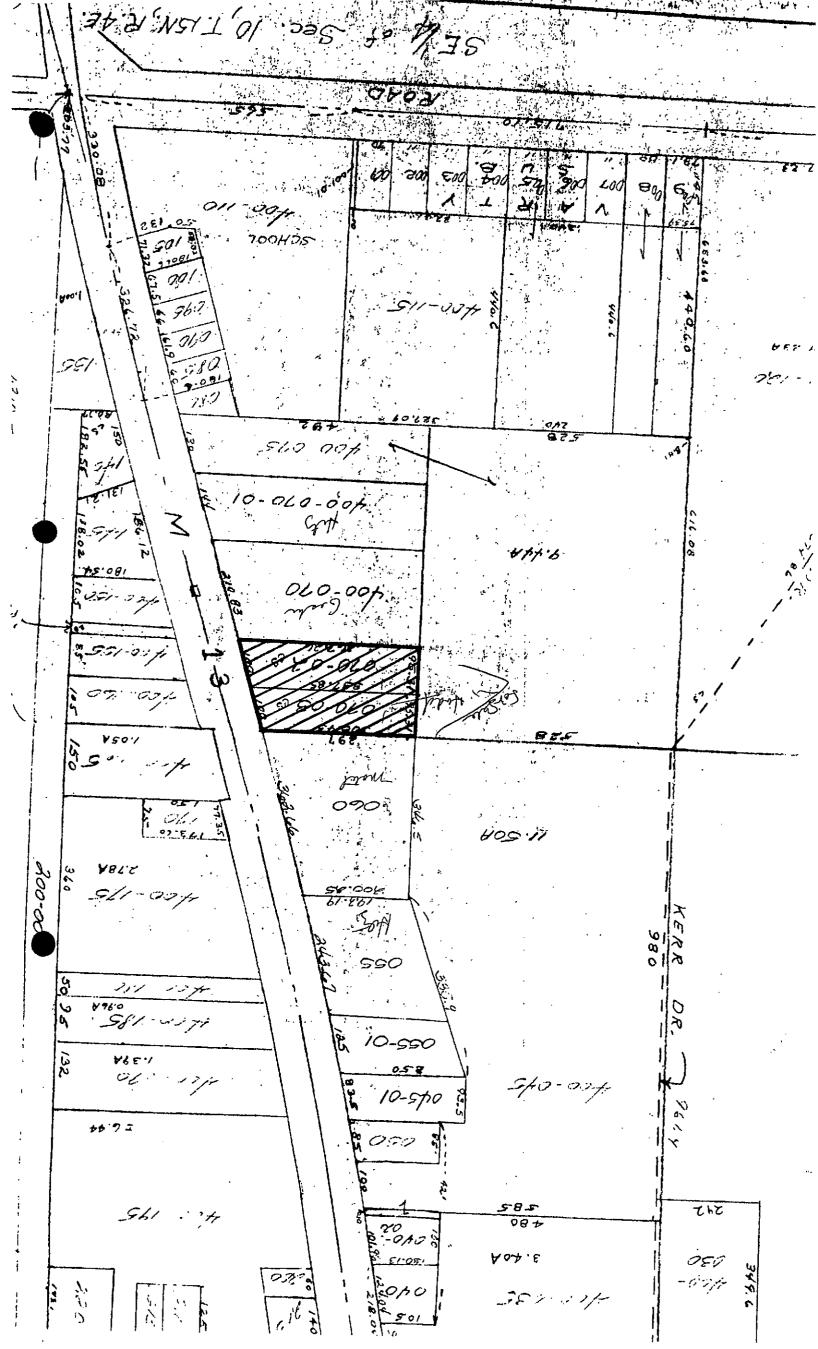
Commencing 647.75 feet East and South 2011 West 416.85 feet of Northwest corner of said Section; thence East 5.3 feet; thence South 17055 East 94.95 feet; thence West 155.11 feet to the Easterly line of Huron Road; thence North 12050 West 92.55 feet; thence East 141.14 feet to the point of beginning.

The tentative text of said amendment, a map showing the boundary lines of the above described parcel and zoning map may be examined in the office of the Township Hall, 1800 Parish Road, Kawkawlin, Michigan, and at the office of the Township Clerk, 2184 Fraser Road, Kawkawlin, Michigan, during normal business hours.

DATED: This 9th day of March, 1981.

William Hartley, Secretary Kawkawlin Township Planning Commission

LAW OFFICES
HIGGS, HIGGS
AND DARBEE, P.C.
120 Bay City Bank Building
Bay City, Michigan
48707



TO: RESIDENTS AND PROPERTY OWNERS IN KAWKAWLIN TOWNSHIP, BAY COUNTY, MICHIGAN

The second se

NOTICE IS HEREBY GIVEN That the KAWKAWLIN TOWNSHIP PLANNING COMMISSION will continue to hold their public meeting in the Kawkawlin Township Hall, 1800 Parish Road, Kawkawlin, Michigan 48631, on the 5th day of November, 1981, at 8:00 o'clock P.M., Prevailing Eastern Time, on a proposed amendment to the Kawkawlin Township Zoning Ordinance, being Ordinance No. 9, to rezone the following described land from a CH District to a C2 District, to-wit:

The following described property being in the Southeast Quarter of Section 10, Town 15 North, Range 4 East, Township of Kawkawlin, County of Bay, to-wit:

Commencing at the intersection of the West Right-of-Way line of M-13 and the South 1/8 line; thence Southerly along the West Right-of-Way line of M-13, 200 feet; thence West 367.26 feet; thence North, 190.62 feet; thence East 308.43 feet to the place of beginning.

The tentative text of said amendment, a map showing the boundary lines of the above described parcel and zoning map may be examined in the office of the Township Hall, 1800 Parish Road, Kawkawlin, Michigan, and at the office of the Township Clerk, 2184 Fraser Road, Kawkawlin, Michigan, during normal business hours.

DATED: This 1st day of October, 1981.

William Hartley, Secretary
Kawkawlin Township Planning
Commission
Bay County, Michigan

LAW OFFICES
HIGGS, HIGGS,
ARBEE & BOSCO, P. C.
0 Bay City Bank Building
Bay City, Michigan
48707

TO: RESIDENTS AND PROPERTY OWNERS IN KAWKAWLIN TOWNSHIP, BAY COUNTY, MICHIGAN

NOTICE IS HEREBY GIVEN That the KAWKAWLIN TOWNSHIP PLANNING COMMISSION will continue to hold their public meeting in the Kawkawlin Township Hall, 1800 Parish Road, Kawkawlin, Michigan 48631, on the 5th day of November, 1981, at 8:00 o'clock P.M., Prevailing Eastern Time, on a proposed amendment to the Kawkawlin Township Zoning Ordinance, being Ordinance No. 9, to rezone the following described land from a CH District to a C2 District, to-wit:

The following described property being in the Northeast Quarter of the Southeast Quarter of Section 26, Town 15 North, Range 4 East, Township of Kawkawlin, County of Bay, to-wit:

The Northeast Quarter of the Southeast Quarter lying Westerly of Huron Road.

The tentative text of said amendment, a map showing the boundary lines of the above described parcel and zoning map may be examined in the office of the Township Hall, 1800 Parish Road, Kawkawlin, Michigan, and at the office of the Township Clerk, 2184 Fraser Road, Kawkawlin, Michigan, during normal business hours.

DATED: This 1st day of October, 1981.

William Hartley, Secretary
Kawkawlin Township Planning
Commission
Bay County, Michigan

LAW OFFICES
HIGGS, HIGGS,
TIBEE & BOSCO, P. C.
Soy City Bank Building
Fay City, Michigan
48707

Walt . " Halmo Hay Sty-

ORDINANCE NO.
THE TOWNSHIP OF KAWKAWLIN ORDAINS:
1. Article IV, Section 4.01 of Ordinance No. 9 is hereby amended
by amending the map dated July, 1977, to include the following:
To rezone from a CH District to a C2 District the following:
The following described property being in the Northeast

Quarter of the Southeast Quarter of Section 26, Town 15 North, Range 4 East, Township of Kawkawlin, County of Bay, to-wit:

The Northeast Quarter of the Southeast Quarter lying Westerly of Huron Road.

<u> </u>
2. This Ordinance shall become effective on
1981, and shall be published once in the Bay City Democrat on or before
, 1981.
The foregoing Ordinance was adopted at a meeting of
the Township Board of the Township of Kawkawlin, by a vote of votes
in favor of passage and votes not in favor of passage, on the
day of, 1981.

Kathleen Bragiel Township Clerk Kawkawlin Township Bay County, Michigan

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ABBLE & BOSCO, P. C.
Bay City Bank Building
Bay City, Michigan
48707

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Minites, Public Natices, all arder of luciness Together for that month

January 7, 1982 Kawkawlin Twp. Meeting Room

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

Meeting called to order at 7:05p.m. by our chairman R. Lukowski. A roll call was taken with 6 present and 1 absent. The minutes from The minutes from

our December 3, 1981 meeting were read and approved as corrected.

Our first order of business was to discuss possible changes, that may be occuring to our "Mobile Home" portion our present ordinance. Mr L. Pajot reported on legislative progress in Lansing and informed us Mr. Darbee will be attending seminars in the very near future concerns ing this matter and after that will report back to the Planning Commi ission.

The preposed building site for PCA and Federal Land Bank building at the I-75 and Beaver Rd. interchange was briefly discussed with the Board of Appeals granting a variance and expressing their concern for proper fire protection to be built into the design of the building

It was also suggested that our Zoning Administrator supply proper information to each Planning Commission member prior to public hearings, Site-Plan reviews, etc; so as to enable the commission members to be better prepared to act upon these applications. Also a one half hour executive session be held prior to such matters was suggested and could be employed if necessary.

Next we discussed the deterioration of our public hearings or any time we have communication from the audience. In order to help the chair keep order it was decided that at our February meeting we will formulate an agenda for meetings as well as public hearings etc.

Mr. Martin Burner was at this meeting hoping that the PCA and Land Bank people would be presenting their site plan for review; however This matter was briefly discussed no one showed up for this purpose. pertaining to proper procedure and then dropped.

Our next meeting will be held February 4, 1982 at 7:00p.m. in the Kawkawlin Twp. meeting room. This meeting was then adjourned at 10:10 p.m.

Members present:

R. Lukowski

B. Hartley

T. Schindler

K. Shepard

E. Meylan

M. McNally

Member absent:

M. Witzke

Also, present:

L. Pajot

L. Ballor M. Burner

Respectfully submitted

Sec. Kawkawlin Jwp. Planning Commission

Bell Cartley

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"Robinson Tweep' 15. Malen" Deard. L. Bush Withen - abount Jan 1, 1982 Muting 7,20 Junit : Housing, Julians, Mays Mc Muly, Shipond Bearmen of &

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TOWNSHIP OF KAWKAWLIN BAY COUNTY, MICHIGAN

APPLICATION FOR SPECIAL USE PERMIT

Date: January 15, 1982
Name of Applicant: CASS CAR Com DANY DEAlier # R 1755 Tel. 697-3061
Mailing Address: 765 S. Hugan a
Name of Owner <u>Victor</u> A. Wise
Name of Owner <u>Victor</u> A. Wise Mailing Address: /// N. HURCH D. U. BCX 3C8
Legal Description of Premises: L= aA/ Description Atlatched to back
Proposed Use of Land for Which Special Use Permit is Requested: Car Lot
Present Zoning: C - 2
Additional information which need not accompany this application but must be in the possession of the Zoning Board forty-eight (48) hours prior to the public hearing:
1. Vicinity plan showing land use within 300 feet of the perimeter of the property to be rezoned.
Site plan, plot plan, or development plan, drawn to a readable scale, of the total property involved showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses.
-3. Preliminary plans and specifications of the proposed development and for all construction.

The Kawkawlin Township Planning Commission will hold a public hearing Feb. 4, 1982, 7:30 P.M., at Kawkawlin Township Hall for the above Special Use. This is an open meeting.

Signature of Applicant

4. A statement with supporting evidence regarding the required finding specified in Section of the Zoning

Ref. Article I2:00 Sec. I2:01, I2:02, I2:03

Commission Members 7:00 P.M.

RUSH STATIONERS

Code.

January 15, 1982 BOUTELL - EAST WEST 2 Lightning breakfee 3, Bumper Guardo Suiding - improvements Signs? ludy morning from Froser to Kambander 4+4 051 + Duhat type of paneng you planto uce - must be oustfree 4) Egress - engress

The South Line of Boutell Road Intersects the Easterly line of Highway US 23: thence Southerly along the Easterly line of Said Highway US 23

140 FEEt; Thence East parallel with the South line of Boutell Road 100 Feet; thence Northerly parallel with the said Easterly line of Highway US 23

150 Peet to the South line of Boutell Road; thence West 100 Feet to the place of beginning; being a part of the North 2 of the North east 14 of the South east 14 of Section 10, Town 15 North, Range 4 East.

CENTER . TRUMO DISPLA Sales

Mobile home decision raises a ruckus

on February 23, the Michigan Supreme Court handed down a ruling that has serious implications for townships. In essence, it states that a municipality may not exclude a mobile home from areas other than mobile home parks simply on the basis that it is not standard housing. The ruling does, however, allow townships some latitude in establishing standards and requirements for placement in the form of ordinances.

At the February 25 meeting of the MTA Board of Directors, Attorney John Bauckham was asked to provide MTA's members with some guidance on this ruling. His report is reprinted in full below.

After meeting with Steve Zamiara, Director of the Mobile Home Commission, MTA has found the MHC to be extremely helpful and cooperative in helping to set up standards for mobile home placement.

Bauckham is now working on establishing one or more possible model ordinances to be made available to townships sometime in the future. In the meantime, the Robinson township attorney may seek a stay on this ruling to allow townships to get their mobile home ordinances and regulations in orders.

Capitol Currents will keep our readers informed on developments in this case.

— Special Report on Location of Mobile Homes Within a Township — by John H. Bauckham

MTA Counsel

"On February 23, 1981 the Michigan Supreme Court decided the case of Robinson v Knoll which had been argued before the Court on January 8th of the preceding year. The Court, in substance, held that the absolute exclusion of mobile homes from all areas of a municipality outside of mobile home parks was unreasonable and unconstitutional, thereby overruling the previous case of Myoming Township v Herweyer, 321 Mich 611, decided in 1948 which had upheld the limitation of mobile homes to licensed mobile home parks.

The decision was a 4-3 decision with two separate dissenting opinions by Justices Coleman and Ryan and by Justice Moody.

The facts in the case involved a township zoning ordinance which limited mobile homes to licensed mobile home parks. The Defendant located a mobile home upon his 80 acres which was zoned for mobile home parks but upon which no licensed mobile home park existed. At the time the suit was commenced there were no mobile home parks within the township. The facts could not have been much more supportive of the decision that resulted.

While the Court held that mobile homes could not be excluded by ordinance from all areas outside of mobile home parks because they were transported on wheels, were movable or portable, or were constructed entirely or substantially off the site, it did hold that a municipality could adopt reasonable requirements for mobile homes located outside of licensed parks to assure that the mobile home, when located upon the particular site, would compare favorably to other housing in such things as aesthetics, nsulation, adequacy of plumbing, size of living space, protection from wind storm damage, . quality of manufacture, a solid foundation under the same, obscurity of the wheels and chassis, and a community standard-size lot. The dissenting opinions also referred to the elements of inadequate storage in a mobile home and their more rapid deterioration than a standard home. These elements might accordingly also be considered in a proper regulatory ordinance.

Because most municipal zoning ordinances do not address these considerations, it is incumbent upon all officials to review their ordinances and adopt regulatory standards which will preserve property values against an influx of aesthetically undesirable mobile homes or other precut or premanufactured homes.

Under the Mobile Home Park Commission Act of the state, the Commission is intending to promulgate its own rules of this nature which, however, may take some period of time to accomplish. Such Commission is also taking the position that it is authorized under the aforesaid Act to approve any and all amendments to township zoning ordinances and to individual ordinances controlling mobile homes outside of mobile home parks. According, before any supplemental ordinance is adopted, it should be submitted to the Mobile Home Park Commission for its review and approval.

Michigan Townships Association has been invited to participate in the rule-making process of the Commission and would welcome any suggestions for regulations which would assure compatibility with existing standard construction.

As an immediate assistance to you in reviewing and implementing your zoning ordinance in these regards, we would suggest you consider the following:

 Review the ordinance to determine the language used in permitting dwellings within your various zoning district

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Mobile home decision raises a ruckus ... continued from p. 3

classifications, i.e., single-family dwelling; two-family dwelling; multiple-family dwelling; single-family residence; etc.

- 2. Prepare a definition or modify an existing definition of the pertinent term "dwelling" or "residence" or such other term as may be contained in your ordinance.
- 3. Include in the definition such language as "a building, mobile home, premanufactured or precut dwelling structure designed and used for the complete living accommodations of a single family complying with the following standards:..."
- 4. Include under the foregoing definition such reasonable standards as you may determine appropriate to insure compatibility with existing standard constructed homes and which will not discriminate against a home brought into an area on wheels, a flatbed, or other conveyance. Subjects that could be considred in this regard are as follows:
 - a. minimum living area of, for example, 750 square feet for a one or two-bedroom dwelling plus 150 square feet of additional living area for each additional bedroom beyond two,
 - b. a minimum floor-to-ceiling height of 7.5 feet,
 - c. a minimum exterior width of any side elevation of 24 feet,
 - d. firm attachment to a solid foundation not less in area than the perimeter area of the dwelling constructed in accordance with the township building code and all state regulations,
 - e. no exposed wheels, towing mechanism, or undercarriage,
 - f. connection to a public sewer and water supply or to private facilities approved by the local health department,
 - g. the requirement of a storage area either within a basement, closet areas, in an attic or in a separate fully enclosed structure constructed of equal or better quality than the principal dwelling not less in area than 15% of the interior living area of the dwelling and exclusive of storage space for automobiles,
 - h. aesthetic compatibility in design and appearance to conventionally onsite constructed homes including, where

appropriate, a roof overhang, a front and rear or front and side exterior door, permanently attached steps or porch areas where an elevation differential requires the same and roofdrainage systems concentrating roof drainage and avoiding drainage along the sides of the dwelling,

- i. prohibiting no room or other area additions to the home unless constructed of similar materials and quality of workmanship as in the principal structure, including an appropriate foundation and permanent attachment thereto,
- j. compliance with all pertinent building and fire codes including, among others, those pertaining to newly manufactured homes or newly manufactured mobile homes.
- k. properly maintained against deterioration and/or damage from the elements or otherwise by prompt and appropriate repairs, surface coating, and other appropriate protective measures.
- 5. It should be made clear that the foregoing standards do not apply to a mobile home located within a licensed mobile home park except to the extent required by state law or otherwise specifically set forth in the zoning ordinance pertaining to such parks."



Wisconsin primary overruled

A recent U.S. Supreme Court decision on the Wisconsin presidential primary brought smiles from Michigan's Democratic primary opponents.

In their 6-3 decision, the judges said an open presidential primary in Wisconsin could have no effect on how a national political party chooses delegates to its nominating conventions. Michigan's Democrats had spurned the open presidential primary in favor of closed caucuses, because no law limiting the primary to party members had been enacted. The state party asked the main Democratic candidates not to appear on the primary ballot and most complied.

Gov. Milliken, a supporter of the open primary, had threatened to veto any measure that would repeal or close the primary. After the recent ruling, he said he needed to study the decision before he could say if it would have an impact on Michigan.

b. FEES:

All fees regarding the enforcement of this ARTICLES to be in accordance with a schedule established by the Township Board.

Section 17.04 Review And Approval Of Class "A" Manufactured thru 17.049 Dwellings:

Section 17.04 Review And Approval Of Class "A" Manufactured

Dwellings to be Located on Individual Lots
or Parcels Outside Mobile Home Parks:

It is recognized that there is a need for safe, attractive, economical single-family housing in the Community. It is also recognized that manufactured housing, including mobile homes, may, in part, satisfy this need. It is further recognized, however, that because it is factory-built, some types of manufactured dwellings may differ markedly in structure and appearance from traditionally site-built dwellings.

Therefore, it is the intent of this Section to provide review and processing procedures, along with specific conditions and standards, which must be met by manufactured dwellings intended to be located on individual lots or parcels in residential districts outside mobile home parks. These standards are considered necessary to assure compliance with both minimum structural standards and reasonable compatibility of exterior appearance between manufactured dwellings and site-built dwellings, either previously constructed, or which might be constructed, on lots or parcels in the same vicinity, while also avoiding monotony of appearance.

The term "vicinity", as employed herein, includes that area within six hundred and sixty (660) feet of the lot or parcel upon which a Class "A" manufactured dwelling is proposed to

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be assembled and occupied. Any determination of reasonable compatibility of appearance shall be based both upon the standards established herein (see Sections 17.048 and 17.049) and upon the character, design, and appearance of one (1) or more appropriate single-family dwellings located outside the boundaries of mobile home parks, but within the vicinity of the proposed Class "A" manufactured dwelling lot or parcel, where twenty (20) percent of the properties in the vicinity are developed with dwellings; or, in instances where the vicinity is not developed to this extent, by the character, design, and appearance of one (1) or more appropriate single-family dwellings located throughout the Township, but outside the boundaries of mobile home parks

For general conditions and standards, see Section 17.048, General Requirements, Class "A" Manufactured Dwellings.

For criteria and standards relating to appearance and compatibility, see Section 17.049, Appearance and Vicinity Compatibility, Class "A" Manufactured Dwellings.

Section 17.041 Authority to Grant Class "A" Manufactured Dwelling Designation:

The Township Building Inspector, except as otherwise provided herein, shall have the authority to review and approve Class "A" manufactured dwelling designation applications, with approval of such designation to be based upon a determination of compliance with minimum structural standards and assurance of reasonable compatability of exterior appearance between Class "A" manufactured dwellings and site-built dwellings on lots or parcels in the vicinity.

Section 17.042 Application and Fee Requirements:

Application for Class "A" manufactured dwelling designation, as provided under the provisions of this Zoning Ordinance, shall be made to the Township Clerk by filing an official Class "A" Manufactured Dwelling Designation Application form: submitting required data, exhibits, and information; and depositing the required fee, as may be established by resolution of the Township Board of Trustees, as may be amended. No portion of such fee shall be reimbursable to the applicant.

The Clerk shall forward the application to the Building Inspector for review and designation of Class "A" manufactured dwelling status. Subsequent issuance of a building permit shall be accomplished in accordance with the regulations and procedures in Article 23.00.

Section 17.043 Application, Data, Information, Exhibits:

An application for Class "A" manufactured dwelling designation shall include the following:

- a. Applicant's name, address, and telephone number.
- b. Address and/or tax description number of the lot or parcel upon which the Class "A" manufactured dwelling is to be assembled.
- c. A signed statement that the applicant is the owner of the lot or parcel upon which the Class "A" manufactured dwelling is to be assembled, or that the applicant is acting as the owner's representative.

- d. Manufacturers specifications for the main body of the manufactured dwelling, including door and window locations, interior room arrangement, roof slope, attachment to foundation, materials listing, and other pertinent applicable data.
- e. Elevation drawings, with construction materials, colors, and color combinations adequately noted and described, or color photographs of all four (4) sides of the Class "A" manufactured dwelling.
- Architectural elevation and plan drawings of any additions, whether manufactured or site-built, proposed to be attached to the main body of the Class "A" manufactured dwelling, including method of attachment to the main body and foundation. Construction materials, colors, and color combination to be employed shall be adequately noted and described.
- g. A sketch of the lot or parcel, drawn to a scale and in detail sufficient to accurately depict the relationship of the proposed mobile home dwelling, all attached additions, and all detached accessory structures, to the boundaries of the lot or parcel upon which the mobile home dwelling is to be assembled.
- h. In addition, the applicant shall, upon request of the Building Inspector, provide any other data, plans, exhibits, or other necessary information as may reasonably be required to assist the Building Inspector in making a determination regarding approval of the applicant's request for Class "A" manufactured dwelling designation.

Within fifteen (15) days of receiving an application for Class "A" manufactured dwelling designation and all required supporting materials, including those additional materials which may be requested, the Building Inspector shall make a determination regarding conformity with Sections 17.048 and 17.049 and shall either approve, approve subject to conditions, or deny the application.

Approval subject to conditions shall be predicated upon a written statement of the specific conditions and reasons therefore, signed by the Building Ispector and agreed to and signed by the applicant.

In instances of denial, the reasons for such denial shall be stated in writing and signed by the Building Inspector.

One (1) copy of the Class "A" manufactured dwelling designation application shall be returned to the applicant after the Building Inspector shall have marked such copy either approved, approved subject to attached conditions, or denied and attested to same by his signature. The original and one copy of the application, similarly marked and attested to, shall be retained by the Building Inspector, maintained on file in the Township offices, and be available to the public for inspection upon request during normal business hours.

In no instance shall a building permit be issued prior to the granting of Class "A" manufactured dwelling designation.

Manufactured dwellings which have been granted Class "A" designation, either on an individual basis, or by general approval of model, type, brand, variety, or design shall be eligible to be assembled on a lot or parcel in which single-family dwellings are permitted, subject to compliance with the requirements and regulations applying to Class "A" manufactured dwellings in Sections 17.048 and 17.049.

The Building Inspector may establish a general approval listing for specified models, types, brands, varieties, or designs of Class "A" manufactured dwellings and materials, appurtenances, and accessories to be employed in connection with the assembly and installation of Class "A" manufactured dwellings. Any such general approval-list shall not be exclusive and shall be based upon a determination of acceptable similarity and compatibility in appearance to materials, appurtenances and accessories for site-built dwellings in the Township and on durability sufficient to preserve appearance with adequate maintenance.

The Building Inspector shall make the above stated determinations upon receipt of an individual application for similar approval of specific models, types, brands, varieties, or designs which have not received general approval. Upon approval of specific models, types, brands, varieties, or designs in connection with individual applications, the same shall thereafter be included on the Building Inspector's general approval listing.

Following a determination by the Building Inspector that a previously approved model, type, brand, variety, or design is insufficiently durable to preserve acceptable appearance standards, with adequate maintenance, the Building Inspector shall order that the owner of the Class "A" manufactured dwelling make necessary corrections, and shall remove such model, type, brand, variety, or design from the general approval listing, with reasons for removal specified in writing. Subsequent reinstatement to the general approval listing shall be predicated upon a determination by the Building Inspector that adequate manufacturing modifications have been made to assure acceptable product durability.

Section 17.046 Appeal of Determination, Class "A"

Manufacture Dwellings:

An applicant aggrieved by a specific determination or condition made or imposed by the Building Inspector may file an appeal with the Board of Appeals under the terms of Article 24.00 of this Zoning Ordinance.

Section 17.047 Voiding of Class "A" Manufactured Dwelling Designation:

Any Class "A" manufactured dwelling designation granted under this Zoning Ordinance shall become null and void and all fees forefeited unless a building permit application for assembly of the mobile home dwelling is submitted within twelve (12) months of the date of the Building Inspector's granting of Class "A" manufactured home dwelling designation, except that the building inspector may, at his discretion, and upon application by the owner for cause shown, provide for one (1) twelve (12) month extension.

Any violation of a requirement, condition, or safeguard imposed hereunder shall be considered a violation of this Zoning Ordinance and shall constitute grounds for termination of a previously granted Class "A" manufactured dwelling designation. Section 17.048 General Requirements, Class "A" Manufactured

Dwellings:

The following general requirements are necessary to facilitate the orderly placement of manufactured dwellings in singlefamily districts in conjunction with traditionally site-built dwellings; to assure adequate construction and health standards to provide for the development of safe, economical housing in the community; and to maintain property values.

- Class "A" manufactured dwellings (see definition of mobile home, Article 3.00, Definitions) may be assembled and occupied on individual lots or parcels, outside mobile home parks, only in those residential districts in which they are designated as permitted uses and only in conformance with the conditions and standards established herein.
- Class "A" manufactured dwellings, including the b. main body, attached additions, and detached accessory structures shall comply with the minimum lot size, floor area, and setback requirements, and maximum lot coverage and height limitations for singlefamily dwellings in the district in which the Class "A" manufactured dwelling is proposed to be assembled and occupied, as specified in Article 21.00 Schedule of Regulations.

- As a means of avoiding monotony of appearance in any single-family district in the vicinity surrounding a lot or parcel upon which a Class "A" manufactured dwelling is to be assembled and occupied, no Class "A" manufactured dwelling of an identical model shall be located on a lot contiguous to another Class "A" manufactured dwelling which fronts on the same street and is similarly sited or oriented to the street frontage.
- d. Class "A" mobile home dwellings shall be constructed to meet or exceed the requirements of the United States Department of Housing and Urban Development (HUD) 1976 Mobile Home Construction and Safety Standards, as may be amended. Each Class "A" mobile home dwelling must bear an approved HUD certification label.

All other manufactured dwellings shall meet or exceed the requirements and standards contained in the Township Building Code.

e. Class "A" manufactured dwellings shall be firmly anchored to a permanent foundation to restrain potential displacement resulting from wind velocity. The foundation shall be designed to completely enclose the perimeter of the Class "A" manufactured dwelling and all attached additions, and shall be constructed in conformance with the Township Building Code. If the Class "A" manufactured dwelling is a mobile home, it shall, in addition, also comply with the manufacturer's pillar placement and load bearing capacity specifications, as may be applicable.

- f. Class "A" manufactured dwellings shall be connected to either municipal sanitary sewer and water service, or to such private on-site facilities as may be approved by the County Health Department.
- g. Prior to installation of the Class "A" manufactured dwelling on the permanent foundation, as required herein, any wheels and towing mechanism, including tongue, hitch assembly, and any other towing appurtenances shall be completely removed.

Section 17.049 Unit Appearance and Vicinity Compatibility,
Class "A" Manufactured Dwellings:

To provide for minimum compatibility between Class "A" manufactured dwellings and existing traditionally site-built dwellings in the vicinity of the lot or parcel upon which a Class "A" manufactured dwelling is proposed to be assembled and occupied, in addition to meeting the requirements in Section 17.048, above, Class "A" manufactured dwellings shall also comply with the requirements which follow: These requirements, however, are not intended to prohibit the employment of innovative design concepts relating to the utilization of solar energy, orientation to a particularly desireable view, unique character or contour of the site, or imaginative deviation from the common or standard designed dwelling.

a. The width of the main body of the assembled Class "A" manufactured dwelling shall be a minimum of twenty (20) feet, as measured across the narrowest portion.

- b. The minimum width of the front (street side) elevation of the Class "A" manufactured dwelling shall be thirty-four (34) feet, with such dimension to include the main body of the Class "A" manufactured dwelling and all additions attached to and within ten (10) feet of the front of the main body.
- c. The main body of the Class "A" manufactured dwelling shall be surmounted by a pitched roof with a minimum slope of 1:4 (one (1) foot of vertical rise to each four (4) feet of horizontal distance) and having a minimum six (6) inch overhang on all sides. The minimum distance from eaves to ridge shall be ten (10) feet.

The pitched roof shall be securely attached to and exclusively supported by the Class "A" manufactured dwelling.

Eave troughs and downspouts shall be installed as required, to adequately intercept and divert rainwater.

Any type of roofing materials generally acceptable for, and applied in a manner resulting in appearance similar to, traditionally site-built dwellings in the vicinity may be employed on the roof of the main body of the Class "A" manufactured dwelling, attached additions, and detached accessory structures.

- d. Exterior wall finishes generally acceptable for, and applied in a manner resulting in appearance similar to, site-built dwellings in the vicinity may be employed on the main body of the Class "A" manufactured dwelling, attached additions, and detached accessory structures.
- e. Windows and other visible, exterior features of the Class "A" manufactured dwelling, including exterior wall colors, or color combinations, shall be compatible with such features of site-built dwellings in the vicinity.
- f. The Class "A" manufactured dwelling shall have no fewer than two (2) exterior doors, one (1) of which shall enter upon a main living area of the dwelling, with the other located in either the rear or side.

The minimum distance between the two (2) exterior doors shall be not less than twenty (20) feet, as measured from the centerlines of door openings in a straight line course, notwithstanding the actual length of the route of travel between the doors.

g. Steps designed to provide safe, convenient access to each exterior door shall be provided to the door area, or to porches accessible to the door area, when required by a difference in elevation between the door sill and the surrounding grade.

Steps and/or porches shall be securely attached to a permanent floating foundation separate from the foundation supporting the main body of the dwelling or additions.

Steps, porches, and foundations shall be constructed in conformance with the Township Building Code.

h. Enclosed storage space shall be provided in an amount equal to not less than ten (10) percent of the minimum square footage per dwelling requirement for the district in which the Class "A" manufactured dwelling is to be located; however, in no instance shall more than one hundred (100) square feet of enclosed storage area be required under this provision.

Required enclosed storage space may be contained within a basement under the Class "A" manufactured dwelling, in an attic, in a closet area, or in a separate attached or detached structure located on the lot or parcel; however, required enclosed storage space shall not include any enclosed space which may be provided for automobile storage.

i. Additions attached to the main body of the Class "A" manufactured dwelling may be fabricated by a reputable mobile home manufacturer, if such fabrication is in conformance with the standards adhered to in the construction of the main body of the dwelling. If such additions are fabricated by other than a reputable mobile home manufacturer, or if sitebuilt they shall be constructed in conformance

with the Township Building Code, with materials and workmanship similar in appearance and quality to the main body of the Class "A" manufactured dwelling. Any addition shall be placed on a foundation determined by the Building Inspector to be compatible with the foundation upon which the main body is placed and shall be suitably attached to the main body; however, a pitched roof is not required on such additions, if another roof type is considered by the Building Inspector to be compatible with other single-family dwelling construction in the vicinity.

Such attached additions shall be further subject to the same review and approval procedures as for the main body of the Class "A" manufactured dwelling, contained herein.

j. Detached accessory buildings shall be located on the lot or parcel in conformance with Section 5.08 of this Zoning Ordinance, shall be constructed in conformance with the Township Building Code, and shall be compatible in appearance and workmanship with the main body of the Class "A" manufactured dwelling and any additions thereto.

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POSSIBLE TEXT CHANGES TO TOWNSHIP ZONING ORDINANCES REGARDING MOBILE HOMES

INTRODUCTION
On February 23, 1981, the Michig Michigan Supreme Court decided the case of Robinson Township v. Knoll, 410 Mich 293 (1981). In essence, the Supreme Court ruled that provisions र्विक्रिक्ट्रिक रेटी हैं। हे उन्तर्क र प्रक्रिक्ट् in a zoning ordinance which exclude mobile homes from areas other than mobile home parks are invalid if based solely on the criterion of whether or not the structure is a mobile home. As a result of this decision, the Michigan Townships Association has received numerous inquiries from member townships for guidelines in addressing the issues raised in this decision.

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It is recognized that changes will have to be made in many zoning ordinances throughout the state with the degree 网络新维尔马拉尔阿特尔斯斯曼斯斯特斯 医二十二 of change depending upon the format of existing ordinances. Naturally, it is an impossible task to develop standard regulations which would apply in all instances. The Michigan Townships Association has prepared a model zoning ordinance which is currently in use in many townships. Accordingly, the attached recommendations were prepared with a view toward possible amendments which a township might consider if it has adopted the MTA model zoning ordinance. Of course, these regulations may also be tailored to meet the framework of other zoning ordinances as well. The basic approach which has been utilized in the foregoing recommendations is based upon the suggestion in the Supreme Court decision that reasonable

dwellings, dealing with such questions as aesthetic compatibility with surrounding architecture; square footage, sewer facilities and other areas of regulation as well:

It must be recognized, however, that future decisions of our appellate courts may further refine or modify the holding in the Robinson Township case which might necessitate further revisions in a zoning ordinance. Accordingly, townships are advised to consult with their local attorney to keep abreast of future court decisions.

It is hardly necessary to state that no form can be a substitute for legal judgment and that no form should be used unless, after careful review it is the professional judgment of an attorney that the use of the form will accomplish the particular objectives and intentions of a township. Although the attached regulations are the result of much thought and effort, neither the Michigan Townships Association or its attorneys can assume any responsibility for the results of use in individual cases.

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SUGGESTED ZONING ORDINANCE AMENDMENTS TO THE MICHIGAN TOWNSHIPS ASSOCIATION MODEL ORDINANCE

I. THE AMENDMENT OF THE DEFINITION OF "BUILDING" IN SECTION 20.028 SO THAT THE ENTIRE SECTION NOW READS AS FOLLOWS:

20.028. BUILDING. A structure erected on-site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosur of persons, animals or property of any kind.

II. THE AMENDMENT OF THE DEFINITION OF "DWELLING, SINGLE-FAMILY" IN SECTION 20.029 SO THAT THE ENTIRE SECTION NOW READS AS FOLLOWS:

20:029: DWELLING, SINGLE-FAMILY. A building containing not more than one dwelling unit designed for residential use, complying with the following standards:

(1) It complies with the minimum square footage requirements of this ordinance for the zone in which it is located

(2) It has a minimum width across any front, side or rear elevation of 20 feet and complies in all prespects with the township building code*, including minimum heights for habitable rooms. Where a dwelling is required by law to-comply with any federal or state standards or regulations for construction and where such standards or regulations for construction and where such standards or than those imposed by the township building code*, those imposed by the township building code", then and in that event such federal or state standard or regulation shall apply

(3) It is firmly attached to a permanent foundation constructed on the site in accordance with the township building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home has defined herein such dwelling shall be installed pursuant to the manufacturer is setup instructions and system or devise complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.

(4) In the event that a dwelling is a mobile home as defined herein leach mobile home shall be installed with the wheels removed Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.

The dwelling is connected to a public sewer and water supply or to such private facilities approved, by the local health department.

的。如此的文章·文明和"新 The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling 100 square feet, whichever shall be less.

The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems, concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear on side of the dwelling; and contains steps connected to said exterior door

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areas or to porches connected to said door areas where a difference in elevation requires the

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character design and appearance of one or more residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; or, where said area is not so developed, by the character; design and appearance of one or more residential dwellings located outside of mobile home parks throughout the township. The foregoing shall not be construed to prohibit foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

- (8) The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein
- (9) The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- (10) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the Township pertaining to such parks to the first the second se
 - Cartilla Control Stage grant and All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable township building code* provisions and requirements.

*If the Township has not adopted its own building code, insert "the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions. of 1972 PA 230, as amended." III. THE AMENDMENT OF THE DEFINITION OF "DWELLING, TWO-FAMILY" IN SECTION 20.030 SO THAT THE ENTIRE SECTION NOW READS AS FOLLOWS:

20.030. DWELLING, TWO-FAMILY. A building containing not more than two separate dwelling units designed for residential use and conforming in all other respect to the standards set forth in Section 20.029.

IV. THE AMENDMENT OF THE DEFINITION OF "DWELLING, MULTIPLE-FAMILY" IN SECTION 20.031 SO THAT THE ENTIRE SECTION NOW READS AS FOLLOWS:

20.031. DWELLING MULTIPLE-FAMILY A building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section 20.029.

V. THE AMENDMENT OF THE FIRST SENTENCE OF SECTION 20.582B, SO THAT THE ENTIRE SENTENCE NOW READS AS FOLLOWS:

20.582B. Mobile homes which do not conform to the standards of Section 20.029 of this Ordinance shall not be used for dwelling purposes within the Township unless located within a mobile home park or a mobile home plat zoned for such uses, or unless used for temporary residence purposes as hereinafter provided.

- VI. THE AMENDMENT OF SECTION 20.583 OF THE ORDINANCE TO DELETE THAT SECTION IN ITS ENTIRETY.
- VII. CONSIDERATION TOWARD ALLOWING SO-CALLED SINGLE WIDE MOBILE HOMES:

As you will note, subsection 2 of the definition of "dwelling, single-family" set forth above requires a minimum width of 20 feet for such dwellings. The practical effect of this requirement is to limit the placement of so-called single-wide mobile homes to mobile home parks. It has been suggested that such a limitation may result in an exclusionary challenge to your zoning regulations. The success of such challenge may ultimately only be resolved through litigation. Because the character and intensity of residential development varies greatly from township to township, you should be prepared to address the issue of whether an area should be reserved within your township for the placement of single-wide mobile homes in other than mobile home parks. Such placement might be allowed, for example, in one or more residential zoning districts or some thought can be given toward creating a new zoning district classification which clearly permits not only conventional residential housing but also mobile homes whose width, for example, is at least 12 or more feet. Of course, consideration can also be given toward requiring compliance with all other applicable requirements set forth for single-family dwellings above. In any event, we strongly believe that the issue should be addressed and that your township should either allow for the placement of single-wide mobile homes or be prepared to defend limiting the same to mobile home

Manufactured Building: Includes all factory constructed buildings, or three-dimensions al modules or units thereof, designed and constructed in a manner facilitating ease of transportation to the site for placement in accordance with local construction codes, connection to required utilities, and subsequent occupancy. The term "manufactured building" includes both a single, three-dimensional module or unit intended to constitute a building and all threedimensional modules or units intended to be combined on-site to form a building. The term "manufactured building" applies only to those major structural, threedimensional modules or units requiring relatively minor, incidental combination on-site and is not intended to include prefabricated support system components such as panels, trusses, plumbing systems, or similar types of prefabricated support system components designed to be

incorporated within buildings during the course of construc-Manufactured Dwellings: Includes manufactured buildings, modules, or units, or areas within such buildings, modules, or units which have been designed for and are intended to be employed as dwellings for residential occupancy on an extended, rather than transient basis.

Manufactured Dwelling Classifications: Manufactured dwellings are hereby divided into the following classes for purposes of this Ordinance, to provide for differentiation between those manufactured dwellings meeting both current federal or Township, regulatory standards and Township dwelling appearance/vicinity compatibility standards and those dwellings which do not meet such standards.

- a. CLASS "A" MANUFACTURED DWELLING: Includes those dwellings certified either under the Department of Housing and Urban Development (HUD) "Mobile Home Construction and Safety Standards (MHCSS)," as may be amended, or the Township Code and also in conformance with Township standards established in Article 17.00, Sections 17.048 and 17.049 of this Ordinance. Class "A" manufactured dwellings are subject to the review and processing procedures as prescribed in Sections 17.04 17.047.
- b. CLASS "B" MANUFACTURED DWELLING: Includes all other manufactured dwellings which do not meet the standards for Class "A" manufactured dwelling designation.

Mobile Home: A manufactured dwelling constructed on a chassis. Notwithstanding the face that wheels, axles, trailer hitch, or other appurtenances facilitating highway mobility may have been removed and regardless of the type of foundation upon which the mobile home is to be placed, a mobile home shall, for purposes of this Ordinance, remain a mobile home and shall, therefore, be subject to all regulations applicable to mobile homes. A mobile home shall not be considered a travel trailer, motor home, or any other type of recreational

February 4, 1982 Kawkawlin Twsp. Meeting Room

KANKAWLIN TOWNSHIP PLANNING COMMISSION MINUTES

Meeting called to order at 7:30 p.m. by chairman R. Lukowski. A roll call was taken: R. Lukowski, T. Schindler, K. Shepard, E. Meylan, M. McNally, and M. Witzke, present. Absent: B. Hartle Absent: B. Hartley: The minutes from the January meeting were read and approved.

A public hearing was held concerning the request by the bass Oar Jompany for a Special Use Permit to operate a used car lot at 765/81 Huron Road. This is a 0-2 zone and car lots are allowed under Special Use with restrictions.

Applicant Victor A. Wise, George L. Tomaszewski and Martin Antonelli were present. Mr. Antonelli holds the dealer license (class B) for the company. The major function of the Cass Car Company is to retail and wholesale the cars. No mechanical work, bodywork can be or will be done on site

After discussion, a motion by T. Schlinder and seconded by E. Meylan was made to issue a temporary one (1) month permit for February 1982. This permit would enable the Jass Jar Company to continue business. (The company will be leasing from V. Wise)

At the March meeting, another site plan is to be presented with the following requirements and restriction:

- 1. Site to be paved with dust free surfacing pack as chip 'n seal on or before June 30,1982.
- -3. Two(2) vapor mercury lights are to be installed.
- The road commission is to be contacted for a view road right away and this is to be shown on the site plan.
 - 先5. Show ingress and egress.
- A. 6. Show how and where the cars are to be parked on site.
 - The restriction is: This special use is to be granted to Mr. M. Antonelli, licensee for the lass Jar Company, and the use is non-transferrable.

A roll call vote was taken and the motion was approved

A motion was made by T. Schindler and seconded by M. Witzke that an adgenda is to be made and submitted to the next meeting.* The purpose of an adgenda is for a more efficient and organized meeting.

Correspondence from W. Darbee was discussed concerning ordiances and Mobil Homes. Further discussion is to wall till the State Legislature makes final decisions and guidlines.

Federal Land Bank: the orginal plans scraped and changes are now being make.

Motion was made by E. Mey lan and seconded by K. Saepard for adjournment at 3:40 p.m.

adende is to be

Respectfully Submitted; Baren Shipmend Keren Suepard

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

Meeting called to order at 7:00p.m. by our vice-pres. T. Schindler. A roll call was taken with 6 members being present and 1 absent. The minutes from our February 4, 1982 meeting was read and approved as read.

The site-plan for the special use permit submited by V.A. Wise on Jan. 15, 1982 was reviewed and upon arrival of Mr. Wise and Mr. Antonelliquestions were asked and restrictions were discussed. After parking and lighting were discussed it was moved by K. Shepard and supported by B. Hartley to grant this special use with the following restrictions: 1)
Two lights will be installed by sales office with additional lights to be installed with planning commission approval 2) No cars are to be located in area in front of existing house or the next lot south of house 3) Site is to be paved with dust free surfacing such as chip 'n seal on or before June 30, 1982. 4) Maximum number of cars is to be 20. 5) The read commission is to be contacted for view road right of way and shown on site plan. 6) Show ingress and egress. 7) Show how and where the cars will be parked on the site. 8) This special use is to be granted to Mr. M. Antonelli, licensee; for the Cass Car Company and the use is non-transferable.

A roll call vote was taken with 6 yeas and 0 neys 1 absent; motion carried. The following are reasons for approving the above special use and site-plant

L. This use is permited in a C-2 district with special use.

2. Lights must be combatable with surrounding area.

3. Existing house and adjoining lot excluded from use, eliminating sprawling effect.

4. Dust control provided for safty and compatability.

5. General lay out of lot restricted so as to provide for neat appearance

We next discussed the various used car dealerships in Twp. and decided the only thing that can be done when they get out of compliance is to have our zoning administrator send letters explaining the conditions set forth by the board of appeals and the possible legal consequences that may result.

We were then joined by Mr. Bosco and 3 members of the Twp.Board. We immediately began discussion of Moble homes outside of Moble Home Parks. It was pointed we could require adequate anchors, removal of wheels and chassis, compliance and conform to to looks of existing homes and that our uniform building code could be enforced. After lengthly discussion the following resolution was moved for adoption, Higgs, Higgs, Darbee & Bosco wi prepare a modification of the model MTA ordinance change and have it ready for our April meeting for our review. With a voice vote this resolution was unanimously passed. Our next meeting will be held at 7:00p.m. April 1, 1982 in the Kawkawlin Twp. Meeting Room. This meeting was then adjourned at 10:00p.m.

Members present

T. Schindler B. Hartley K. Shepard M. Witzke

E, Meylan M. McNally

Member absent

R. Lukowski

Respectfully submitted

Bill Hartley

Sec. Kawkawlin Twp. Planning Commission

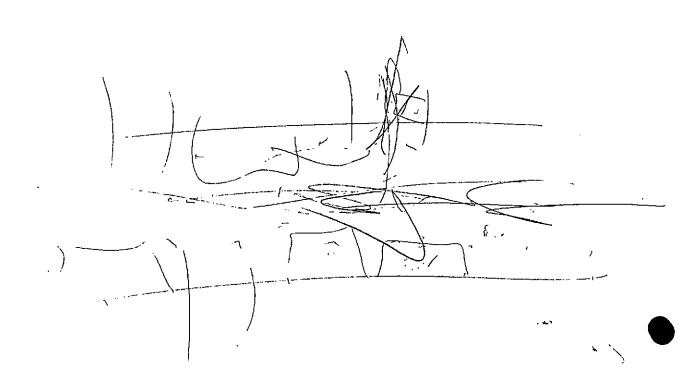
Also present:

V. Wise K. Bragiel M. Antonelli T. Dore

G. Bosco

L. Pajot

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March meters 82

Spec. Use Cont

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regurements + rescriptions

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Enforcement of Special use Permit

Paul -

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LAW OFFICES

AWILLIAM H. DARBEE

1-29-82

420 BAY CITY BANK BUILDING

P. O. BOX 840

6AY CITY, MICHIGAN 48707

517/892-2531

TO P.C. Members:

Enclosed the some MARRIALS

I picked up AT I SEMINARS

I just Attended Concerning the

placement of Mobile homes in

places other than Mobile home

parks. Please Review the MARRIALS

with the thought that the Language

CAN be redified to Meet the

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LAW OFFICES.
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MILTON E. HIGGS
WILLIAM H. DARBEE
GARY E. BOSCO
LAWRENCE B. GRAVES, JR.

420 BAY CITY BANK BUILDING
P.O. BOX 840
BAY CITY, MICHIGAN 48707-0840
517/892-2531

OF COUNSEL
F. NORMAN HIGGS

March 1, 1982

Mr. Robert Lukowski 1795 S. Huron Rd. Kawkawlin, MI 48631

Dear Mr. Lukowski:

Earlier I had forwarded a copy of the MTA Ordinance concerning placement of mobile homes outside a mobile home park.

For information purposes and to give you an alternative viewpoint, I enclose another portion of an ordinance which is presently being reviewed by another Township.

By a copy of this letter I am forwarding a copy to all members of the Planning Commissi on.

Also I am forwarding a copy of the original MTA Ordinance and a copy of the enclosed to the Board members.

The enclosed is anticipated to be reviewed on March 11.

If you have any questions, please feel free to contact me.

Yours very truly

William H. Darbee

WHD:akm Enclosures

Cc: William C. Hartley
Gene Meylan
Thomas E. Schindler
Melvin McNally
Karen Shepard
Marcia Witzke

cc: Leonard Ballor
Lloyd Pajot
Kathleen Bragiel
Roy DeLorge
Tom Dore

The Township of Kawkawlin, Bay County, Michigan, Ordains:

1. The definition of Dwelling, One-Family, in Article 3.00 Section 3.01 shall be amended to read as follows:

(DWELLING. ONE-FAMILY: A detached building designed for or occupied by one (1) family and so arranged as to provide living, cooking and kitchen accomodations for one (1) family only. Also known as a single-family dwelling. manufactured building which includes all factory constructed buildings, or three dimensional modules or units thereof, designed and constructed in a manner facilitating ease of transportation to the site for placement in accordance with local construction codes, connection to required utilities, and subsequent occupancy. The term "manufactured building" includes both a single, three dimensional module or unit intended to constitute a building and all three dimensional modules or units intended to be combined on-site to form a building. The term "manufactured building" applies only to those major structural, three dimensional modules or units requiring relatively minor and incidental combination on-site and is not intended to include prefabricated support system components such as panels, trusses, plumbing systems, or similar types of prefabricated support system components designed to be incorporated within buildings during the course of construction. Provided however, that said manufactured building meets the following standards, to-wit:

(1) The manufactured building is certified to meet or exceed:

(a.) If the manufactured building is a mobile home, then the requirements are the United States Department of Housing and Urban Development (HUD) 1976 Mobile Home Construction and Safety Standards, as amended; or

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(b.) If the manufactured building is other than a mobile home, then the requirements are the Township Building Codes.

tached to a permanent foundation constructed on the building site having a wall of the same perimeter dimensions of the building and constructed of such materials and type as required under the applicable building code. In the event that the manufactured building is a mobile home, it shall be installed pursuant to the manufacturer's set-up instructions and shall be secured to the premises by an anchoring system or devise com-

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plying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as above required.

- (3) The manufactured building shall not be chutich installed with wheels attached in any manner and shall not have any exposed towing mechanism, under carriage or chassis.
- (4) The manufactured building contains a storage capacity area either in a basement located under the building, in an attic area, in closet areas, or in an accessory building such storage area not to beless than 10% of the square footage of the building or 100 square feet.
- (5) The manufactured building shall include roof over-hang of not less than six inches on all sides, or, alternatively, window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; have not less than two exterior doors with the second one being in either the rear or side of the dwelling; contain steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
- aesthetically compatible in design and appearance with other dwellings in the vicinity. Determination of compatibility shall be based upon the standards set forth herein as well as the character, design and appearance of residential dwellings located outside of mobile home parks and within 2,000 feet of the subject manufactured building where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; or, where said area is not so developed, by the character design and appearance of residential dwellings located outside of mobile home parks throughout the township, the foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- (7) All additions, rooms or other areas attached to or affixed to the manufactured building shall be constructed so as to comply with the provisions of this Ordinance as well as all other applicable township ordinances.

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: Unkalunt Confum W/duriel (8) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance.)

2. Article 20.00 Schedule of Regulations, Section 20.01 shall be amended to read as follows:

Section 20.01 Area, Height and Placement Requirements:

The following regulations regarding lot sizes, yards, setbacks, minimum dwelling sizes and densities apply within the Zoning Districts as indicated, including the regulations contained in Section 19.02, Footnotes. No building shall be erected, nor shall an existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located. No portion of a lot used in complying with the provisions of this Ordinance for yards, courts, lot area occupancy, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or stucture existing or intended to exist at the same time

SEE ATTACHED CHART OF REGULATIONS

Section 20.02 Footnotes to Schedule of Regulations Set Forth in Section 20.01:

a. In all residential and industrial districts, the required front yard setback shall not be used for offstreet parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.

b. All yards abutting upon a public street shall be considered as front yard setback purposes.

c. Where a front yard of lesser depth than specified in the Schedule of Regulations exists in front of dwellings on more than sixty (60) percent of the lots of record on one side of the street in any one block in a Single-Family Residential District, the depth of front yard for any building thereafter erected or placed on any lot in such block need not be greater than the average depth of front yards of such existing building.

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d. The minimum floor area per dwelling unit shall not include area of basements, utility rooms, breezeways, porches or attached garages.

e. Minimum land area required for each dwelling unit in the RM District shall be:

Dwelling Unit Size	Land Area in Square Feet		
		Townhouses	
	Multiple Dwellings	and Duplexes	
Efficiency or one-bedroom unit	3,000	4,200	
Two-bedroom unit	4,200	5,100	
Three-bedroom unit	5,100	5,700	
Four or more bedroom unit	5,700	6,000	

- f.l. Single family lots without municipal sanitary sewer and water shall be a minimum of one-half (1/2) acre in area, with 105 feet of frontage and subject to Bay County Health Department approval; lots served by both municipal sanitary sewer and water must be a minimum of 10,400 square feet in area, with 80 feet of frontage.
- f.2. Residential developments shall be served by public sanitary sewer and public water supply systems.
- g. Each side yard shall be a minimum of ten (10) feet and this space shall be increased beyond ten (10) feet by two (2) feet for each ten (10) feet or part thereof by which said dwelling structure exceeds forty (40) feet in overall dimension along the adjoining lot line. Maximum building length shall not exceed two hundred (200) feet.

Where two (2) or more multiple, row or townhouse dwelling structures are erected on the same lot or parcel, a minimum distance between any two (2) structures shall be thirty (30) feet plus two (2) feet for each ten (10) feet, or part thereof, by which the total length of that portion of the two structures lies opposite each other.

h. The minimum required floor space per dwelling unit shall be:

Efficiency	350	square	feet
One-bedroom apartment	500	square	feet
Two-bedroom apartment	580	square	feet
Three-bedroom apartment	670	square	feet

plus an additional 80 square feet for each bedroom in excess of three bedrooms in any dwelling unit.

i. Mobile home sites used for double (joined together to make one unit) mobile homes shall not be less than five thousand eight hundred (5,800) square feet in area.

j. Front and Rear Yards: There shall be a rear yard of not less than ten (10) feet at the rear end of the mobile home and a front yard of not less than twenty-five (25) feet at the front end of the mobile home. For irregularly shaped side yards, the sum is determined as the sum of the average width of each side yard, provided that the required minimum noted above is maintained at all points in the side yard. No mobile home site or any building in a mobile home park shall be located closer than fifty (50) feet to the right-of-way line of a public highway nor any mobile home closer than twenty (20) feet to any mobile home park boundary property line which does not abut a public right-of-way.

Side Yards: The sum of the side yards at the entry side and non-entry side of a mobile home shall not be less than thirty (30) feet; provided, however, there shall be a side yard of not less than twenty (20) feet at the entry side of the mobile home and a side yard not less than ten (10) feet at the non-entry side of the mobile home.

- k. Side yards are not required at interior side lot lines if walls are of fireproof masonry construction, excepting that when such walls of buildings facing such interior side lot lines have windows or similar openings, side yards of at least ten (10) feet shall be provided. A side yard of twenty (20) feet is required on all corner lots and whenever adjacent to or across a street from a residential district.
- 1. The principle structure on a waterfront lot must be set back a minimum of twenty-five (25) feet from the shoreline, and subject to Section 5.01(b).
- $\ensuremath{\text{m.}}$ Wall width is the average horizontal width for the building height of a wall.
- 3. This ordinance shall become effective on publication, and shall be published once in the Bay City Democrat on or before the ______ day of ______, 1982.

		The	fore	egoing	g o	rdinan	ice i	was	adopte	ed a	at a	a
	meeting	of th	e To	wnshi	ip E	loard,	Kaw	kaw.	lin Tor	wns:	hip,	, Bay
County,	Michigan											
and	votes	not	in f	Eavor	of	passa	ge.	•			-	-

Kathleen Bragiel, Clerk Kawkawlin Township Bay County, Michigan

Zoning District	Minimum Lot Area Per Dwelling Unit Area Width	Max Bui Hei Stories	lding ght	abc	Side			X	Minimum Wall Width m Front Side Rear
AG, Agricultural	2 acres 210 Feet	2	35	50	25	50	50	1,000 Sq. Feet	20 Ft. 20 Ft. 20 Ft.
CH, Country Home	21,780 Sq. Ft. 105 Feet	2	25	40	10	25	50	1,000 Sq. Feet	20 Ft. 20 Ft. 20 Ft.
R-1 Single Family	f.1 f.1 f.2 f.2 1 1	2	25	30	10	20	40	950 Sq. Feet	20 Ft. 20 Ft. 20 Ft.
R-2 Single Family f.2	7,200 Sq. Ft. 60 Feet	2	25	25	5	15	35	720 Sq. Feet	20 Ft. 20 Ft. 20 Ft. 4
RM, Two Family and Multiple Family f.1, f.2	e ~	2	⁻ 25	25	g	g	g	h	40 Ft. 40 Ft. 40 Ft.
RMH, Mobile Home Park, f.1, f.2	4,725 Sq.Ft. i 45 Feet	1	20	25j	10j	30j	10j	600 Sq. Feet	12 ft. 12 Ft. 12 Ft.
C-l, Neighborhood Commercial	-	-	25		10	20k	20	-	
C-2, Community Commercial	_ , _ ,	-	25	45	10	20k	20	, -	
C-3, General Commercial		-	25	45	10	20k	20	-	<u> </u>
LI, Light Industrial		- -	25	30	20	40	20	<u>-</u>	- , - -
WC, Wetlands Conservation	10 acres 330 Feet	2	25	40	10	25	50	1,000 Sq. Feet	20 Ft. 20 Ft. 20 Ft.

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KAWKAWLIN TOWNSHIP FINANCIAL TATEMENT

March 27, 198

GENERAL FUND						
3/15/81 General Fund Balance	ce .	\$ 75,360.01	٠ ج	Hall		, #i
Receipts		, , , , , , , , , , , , , , , , , , , ,	• (Custodian & Ass't. Salaries	5,665.40	**
	43,088.68	•	•	Operating Expense	2,124.29	•
Deliquent Taxes	7,239.22			Pop	1,990.00	
Trailer Tax	838.00	• .	•	Refunds	3,522.75	a a
Tax Col. Fees & License	17.014.65	•	-	Telephone & Insurance	200.55	
Refunds	1,335.50			Electricity	1,423.92	
State Shared Revenue 10	03,998.03		•	Gas	2,050.19	
· ·	37,893.85			Repairs	546.32	
	2,270.00			Equipment	1,424.27	
er 5.5 Po 1	9,805.00	,		Trash Removal	744.00	
Damage Deposits	3,084.20	_	•	Miscellaneous		20,017.29
Senior Citizens	1,523.50	, ,		· · · · · · · · · · · · · · · · · · ·	لتتنكتك	
Miscellaneous	6,852.37		6.	Fire Department		
	7,790.00				17,790.17	
Linwood Storm Sewer	324.12			Supplies	164.27	
Recreation		243,393.35		Telephone	987.47	
Code Date Stateson CodeM			-	Gas, Oil & Grease	920.53	
Total receipts and balance		318,753.36		Insurance	43.42	
Disbursements		:		Repairs & Maintenance	1,105.28	
1. Administration				Volunteer Firefighters	5,956.90	
	1,800.00	٠.		Building & Hydrant Rental	2,620.00	
	5.839.84			Equipment	799.00	
	2,735.66		,	Transportation & Dues	331.40	30,718.44
Legal & Audit	795.00		7.	Health (Disposal Grounds)		2,250.00
	2,149.0 0			•	•	2,200.00
Telephone	470.60		8.	Recreation		
Conference & Trans. 2				Electricity	377.10	•
Advertis'g & Prnt'g	64.00	• •	٠,	Repairs & Operating Sup.	662.58	
Dues & Subscriptions				Cutting Grass & Trash Removal	1,585.80	2,625.48
Miscellaneous	129.90	48,376,09	9.	Planning Commission		
	متكنكتتب	1-821000		Salaries	880.00	
2. Elections		989.32		Board of Appeals Salaries	705.00	
	•	= -		Advertising & Consultant	3,147.45	
3. Board of Review	4	1,025.52		Operating Expense	47.99	_ 4,780.44
4. Roads and Lights				Others	•	_
Paving & Gravel 48,	,125.92			Drain-at-Large		1 510 40
Street Lighting 4.	455.12			201 Westside Sewer		1,518.40
Miscellaneous 5	821.45	58,402.49		Linwood Storm Sewer and Lagoo	na	4,480.00
		•	٠.,	Kawkawlin-Fraser Water Line	110	760.57 60.00
(\$15,000.00 transferred to	Stabilizatio	n Fund)	_			
(31,000.00 transferred to	Public Impro	vement Id)	Tot	al Disbursements	* \$	176,004.04
	, , =	• • •	Mar	ch 27, 1982 Balance	\$	96,749.32
	•			•	4	•

2 070 00	3/15/81 Balance	342.50 4.190.00
3,054.93	Total receipts and balance	4,532.50
	Disbursements 3/27/82 Balance	3,815.00 717.50
3.054.93 None	DELIQUENT TAX FUND 3/15/81 Balance Receipts	None 396.17
	Disbursements 3/27/82 Balance	396.17 None
35,000.00 15,000.00 50,000.00	BUILDING DEPARTMENT FUND 3/15/81 Balance Receipts	5,509.64
None 20,824.00 20,824.00 None	Building Permits 6,762.50 Plumbing Permits 770.00 Electrical Permits 1,376.50 Code Books & Misc. 707.03 Total balance and receipts Disbursements	9,616.03 15,125.67
8,603.15	Plumbing Insp. Sal. 707.50 Electrical Insp. Sal. 1,259.10 Operating Expense 901.02 3/27/82 Balance	8,920.12 6,205.55
14,876.36 23,479.51	PUBLIC UTILITY REVOLVING FUND 3/15/81 Balance: Receipts Disbursements 3/27/82 Balance	1,811.42 None None 1,811.42
11.206.83 12,272.68 71,876.27 36.434.77	SPECIAL STREET LIGHT FUND 3/15/81 Balance Receipts(Current & Del. Tax Total receipts and balance Disbursements (Consumers Power) 3/27/82 Balance	(-1,052.97) 1,508.40 455.43 1,656.80 (-1,201.37)
	35,000.00 15,000.00 50,000.00 None 20,824.00 20,824.00 None 8,603.15 14,876.36 23,479.51 11,206.83 12,272.68	Total receipts and balance Disbursements 3/27/82 Balance DELIQUENT TAX FUND 3/15/81 Balance Receipts Disbursements 3/27/82 Balance 35,000.00 15,000.00 15,000.00 20,804.00 None None 20,824.00 None Building Permits Building Permits Building Permits Building Permits Code Books & Misc. Total balance and receipts Building Insp. Sal. Building Insp. Sal. Code Books & Misc. Total balance and receipts Disbursements Building Insp. Sal. Code Books & Misc. Total balance and receipts Disbursements Building Insp. Sal. Total balance Pumbing Insp. Sal. Total balance Receipts Disbursements Sylvary Balance PUBLIC UTILITY REVOLVING FUND 3/15/81 Balance Receipts Disbursements 3/27/82 Balance SPECIAL STREET LIGHT FUND 3/15/81 Balance Receipts (Current & Del. Tax Total receipts and balance Disbursements (Consumers Power) 3/27/82 Balance

RECAPITULATION

March 27, 1982 Balances

General Fund	\$ 96,749.32
Liquor Fund	None
Federal Revenue Sharing	None
Cemetery Fund	12,272.68
Revolving Public Improvement Fund	108,380.29
Deliquent Tax Fund	None
Trailer Tax	717.50
Public Utility Revolving Fund	1,811.42
Building Department Fund	6,205.55
Special Street Light Fund	(-1,201.37)
Stabilization Fund	50,000.00
Net Balance March 27, 1982	\$ 274,935.39

Lloyd Pajot, Supervisor Kathleen Bragiel, Clerk Roy DeLorge, Treasurer Melvin McNally, Trustee Thomas Dore, Trustee

Report subject to audit.

A detailed account may be inspected at Clerk's Office.

1981 TAX COLLECTIONS REPORT

	Mills	Tax Roll	Collected	Returned
County Operating	5.19	237,323.34	204.428.30	32,895.04
County Bridge	.05	2,286.47	1,969.45	317.02
County Library	.70	32,009.07	27,572.22	4,436.85
County Mosquito	.25	11,432.04		1,584.83
County Sr. Citizens	.25	11,432.04	9,847.21	1,584.83
County Jail	.30	13,718.33	11,816.65	1,901.68
County Historical	.10	4,572.90	3.938.91	633.99
County Transportation	. 75	34,295.46	29,541.66	4,753.80
Township	1.2425	56,816.04	48,988.47	7,827.57
College	, 1. 73	79,107.65	68,187.86	10,919.79
Intermediate	.1775	8,116.50	6,996.14	1,120.36
Special Ed.	• 75	34,295.46	29,561.13	4,734.33
Skill Center	1.381	63,148.81	54,431.91	8,716.90
Bay City Schools		788,076.76	654,256.30	133,820.46
Bedell		153,236.50	148,306.93	4,929.57
Townhall		183,388.82	155,790.08	27,598.74
Pinconning Pinconning		247,964.50	223,893.95	24,070.55
Ott		112,351.52	93,690.30	18,661.22
Warren	•	45,921.70	37,747.42	8,174,28
Linwood Sewer		7,918.94		1,797.31
Linwood Water	•	2,130.10	1,855.30	274.80
201 Project		32,613.48	26,569.01	6,044,47
Hoyles Subdivision		340.02		0.00
Cottage Grove Subdivision		305.10	271.20	33 .9 0
Oak Lane, Sub.	·	255.06	198.38	56.68
South Linwood Beach	*	935.00	782.00	153.00
Hadd Drain		3,964.00	3,683.50	280.50 256.85
Oakwood Drain		4,017.80	3,760.95	2,00.00
Dog License (1985) Collection Fee (1986)	\$4	f	688.00 18,602.45	
Deliquent Water		618.48	0.00	618.48
Deliquent water Deliquent Sewer	•		0.00	169.77
Drain-at-Large		169.77	1,518.40	702.11
nrarn-a't-nange."			1,9710.4U	

1,885,202.94

Roy DeLorge, Kawkawlin Township Treasurer,

General Rund Proposed Budget 1982-83

EXPENDITURES	1981-82 <u>Budget</u>	1982-83 Proposed
Officer's Salary Supervisor Assessor Clerk Treasurer Trustee Trustee	\$ 8,300.00 \$ 4,100.00 8,200.00 1,500.00 1,500.00	8,300.00 4,100.00 8,200.00 8,200.00 1,500.00
Office Expense Retirement Extra Help (Reappraisal, etc.) Audit, Legal, Consultant Telephone Conferences & Transportation Dues Advertising & Publishing Supplies & Equipment	6,250.00 10,000.00 4,000.00 500.00 2,300.00 800.00 200.00 4,000.00	6,900.00 6,000.00 2,000.00 500.00 3,000.00 950.00 150.00 3,000.00
Board of Review Insurance Recreation Highway Expense Fire Department Street Lighting Health (Disposal Grounds) Elections Drain-at-Large Public Improvement Hall Operation Planning & Zoning Contingency	600.00 9,000.00 5,500.00 142,000.00 33,000.00 2,000.00 1,500.00 1,000.00 6,000.00 20,500.00 3,000.00 5,000.00	1,000.00 12,000.00 5,000.00 125,000.00 29,000.00 4,300.00 2,500.00 1,000.00 31,000.00 22,000.00 5,000.00 11,000.00
Total	\$ 292,550.00 \$	303,900.00
ANTICIPATED REVENUES		

ANTICIPATED: REVENUES

Mærch 15, 1982 Balance	•	\$	96,749.32
1982 Tax Collections @	2 mills		49,000.00
State Shared Revenue	*	•	100,000.00
Trailer Tax	f*-		750.00
Tax Collection Fees	*	the state of the state of	15,000.00
Hall Rent and Pop		•	15,000.00
Interest			30,000.00
>			

Total

\$ 306,499.32

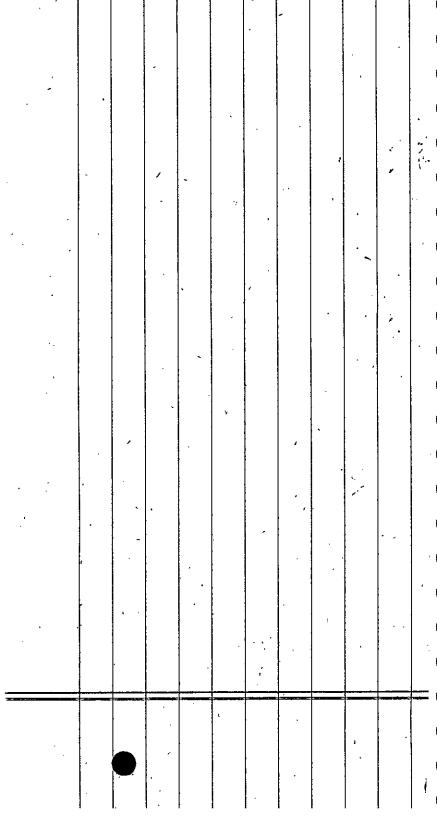
1982-83 Proposed Budgets for Special Accounts

FUND April 18 18 18 18 18 18 18 18 18 18 18 18 18	1981-82 <u>Actual</u> Budget	1982-83 Proposed
LIQUOR FUND	2,800.00	3,000.00
FEDERAL REVENUE SHARING FUND	21,000.00	20,000.00
CEMETERY FUND (Amended	6,500.00 to 11,500.00)	10,000.00
Total To COUEV blace	Krop	\$ 33,000.00

BUDGETS SUMMARY:

General Fund	\$ 303,900.00
Liquor Fund	3,000.00
Federal Revenue Sharing Fund	20,000.00
Cemetery Fund	10,000.00
Total 1982-83 Budget Revenue Budget Expenses	\$ 339,499.32 \$ 336,900.00

12 - 12/2 may alche. pril (24, 1982 Metery 10:02 AB D 20 days gran Mrs. Dry



April 1, 1982 Kawkawlin Twp. Meeting Room

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

Meeting called to order at 7:35p.m. by our chairman R. Lukowski. A roll call was taken with 5 members present and 2 absent.

The first matter brought before the commission was the postponement from our November 5,1981 meeting of the City Dairy-Hadd re-zoning request; however, because no notices were sent out to nearby property owners it was moved by K. Shepard and supported by B. Hartley to hold this public hearing at our May 6, 1982 meeting. A roll call vote was taken with 5 yeas 0 neys 2 absent; motion carried. Mr. Ballor will handle the notices.

Next the secretary's minutes were read and approved as read.

After the minutes were read Mrs. Schieber and R. Revord let their intentions known about their future plans for constructing a alcohol mfg. plant. Because this is presently a C-2 district it will have to be changed to L-1. It was generally felt by the Planning Commission members present that this would be as good a time as any to look into re-zoning this area as we presently have many existing business's in this District that are non-conforming L-1's anyway. Therefore it was moved by M. Witzke and Supported by K. Shepard we look at this area 11:00a.m. Saturday April 3, 1982 and that we hold a public hearing at our May 5, 1982 meeting and that Higgs, Higgs, Darbee & Bosco handle the details. A roll call vote was taken with 5 yeas o neys and 2 absent; motion carried.

Next we discussed along with Mr. Darbee "Mobile Homes Outside of Mobile Home Parks. After going over Mr. Darbee's modification of MTA's plan the planning commission recommended a few revisions and Higgs, Higgs, Darbee & Bosco will revise and have ready for a public hearing at our May 6, 1982 meeting.

It was next discussed by the Planning Commission that it would be nice if the Chairman, Secretary & Zoning Administrator each have a receant copy of the "Tax Roll Plat Map". Our chairman R. Lukowski next presented us with a copy of his agenda for public hearings and asked that each member study it and bring back recommendations at our next meeting.

Our next meeting which will include three public hearings will be held at 7:30p.m. May 6, 1982 in the Kawkawlin Twp. Meeting room. The secretary will see to it that the proper notices are posted. This meeting was then adjourned at 10:30p.m.

Respectfully submitted

Sec. Kawkawlin/Iwp.
Planning Commission

Members present:

R. Lukowski

B. Hartley

M. Witzke

K. Shepard

M. McNally

Members absent:

T. Schindler

E. Meylan

Also present:

L. Ballor

W. Darbee

C. Shhieber

R. Revord

M. Burner

Mr. & Mrs. F. Jeske

Mr. & Mrs. Hitz

TOWNSHIP OF KAWKAWLIN BAY COUNTY, MICHIGAN

APPLICATION FOR SPECIAL USE PERMIT

Name of Applicant: JERRY A. SPENCER Mailing Address: 2211 E. PARISH Rd., KAWKAWIN Name of Owner SAME Mailing Address: 1 Legal Description of Premises: The southeast /4 of the Southeast /4 and other town is range y fast except for a praceful fund in the fast /2 of the south South west /4 of section II Town is, range y fast, described as follows: Commonwer of said section: They can north 90 06" west, and the south Line of sa	ENSING ATTHE SOUT !! Id SECTION 250 FEET THENCE SOUTH 90°0'0'
Name of Owner SAME Mailing Address: Legal Description of Premises: The southeast /4 of the Southeast /4 and other town 15, Range 4 East except for a proceed of Land in the East 1/2 of the South	ENSING ATTHE SOUT !! Id SECTION 250 FEET THENCE SOUTH 90°0'0'
Legal Description of Premises: The southeast /4 of the Southeast /4 And other Town is Rangey East except for a proceed of Land in the East is of the South	ENSING ATTHE SOUT !! Id SECTION 250 FEET THENCE SOUTH 90°0'0'
Legal Description of Premises: The southeast /4 of The Southeast /4 And other Town is, RANGEY EAST EXCEPT FOR A PARCEL OF LAND IN THE EAST /2 OF THE SOUTH	ENSING ATTHE SOUT !! Id SECTION 250 FEET THENCE SOUTH 90°0'0'
Legal Description of Premises: The southeast /4 of the Southeast /4 And other Town is Range 4 East except for a pracel of Land in the East /2 of the South South WEST /40 F SECTION II, TOWN IS, RANGE 4 EAST, described As Follows: Committee of the South West /40 F SECTION II, TOWN IS, RANGE 4 EAST, described As Follows: Committee of the South West /40 F SECTION II, TOWN IS, RANGE 4 EAST, described As Follows:	ENSING ATTHE SOUT !! Id SECTION 250 FEET THENCE SOUTH 90°0'0'
SOW WEST THOF SECTION IT TOWN IS, BANGE & EAST, described AS Follows. Comm	THENCE SOUTH O'
	THENCE SOUTH O"
Thence NUATHO 23 0" W PARAMEL WITH THE NUATH AND SOUTH /4 LINE 697 FEET, AST, PARAMEL WITH SAID SOUTH LINE; 250 FEET TO SAID NORTH AND SOUTH //4 LINE; 250 FEET TO SAID NORTH AND SOUTH //4 LINE; 250 FEET TO THE POINT OF BEGINNING, CONTAINING 4 LIGHWAY USE OF THE SOUTH 33 FEET THEREOF, CONTAINING 16 ACRES Proposed Use of Land for Which Special Use Permit is Requested:	ACRES OF LAND AND SI
PERSONAL RESIDENTS OF A BERM EARTH HOME ON 16 ACRES. I	would like To
# The state of the	
ong A SMALL POND in my back YARD FOR THE SAND+Clay To be u	
Y "BERM" EARTH PASSIVE SOLAR HOME - Also FOR WILDLIFE TO TODRAIN	PROPERTY
Present Zoning: AGRICULTURE C.H.	
Additional information which need not accompany this application but must be in the posse. Board forty-eight (48) hours prior to the public hearing:	ssion of the Zoning
1. Vicinity plan showing land use within 300 feet of the perimeter of the property to be rez	oned.
 Site plan, plot plan, or development plan, drawn to a readable scale, of the total properties the location of all abutting streets, the location of all existing and proposed structure buildings and their uses. 	y involved showing tures, the types of
3. Preliminary plans and specifications of the proposed development and for all constructi	on.
 A statement with supporting evidence regarding the required finding specified in Se Code. 	
The Kawkawlin Township Planning Commission will meet May 6,1982, 7:00 P	.P. at
Kawkawlin Township Hall for the above Special Use. This is a public hea	ring and
open meeting. Signatur	e of Applicant
7-6- 4 44-1- 7-00	

JERRY A. SPENCER "ANDUNED BY wmschmidt NOT MAWKAWIN MICHER HOME From 6 4863/ John Counted Hadla 808 RA E. PARISH - EAST WEST 2211 哑 16 ACRES メネグ NANCY DAINE İ Schmidl 20 ACAES DPEN. PNUT YSPENCER font i KN BERM PASSIVE SOLAR HOME 3000 C PONO 000 Q North

H' OF TAPER PERI OF DEPIH TAPER HII 4 STUES 80'X 110 POND ON 16 ACRES GRADE GAAGE END VIEW OF TAPER IN POND NEED DIRT FROM POND TO PUT AROUND + OVER "BERM" PASSIVE SOLAR HOME OWNED BY | KAWKAWlin JERRY A. SPENCER 22 E. PARISH RD.

-LAW OFFICES -

MILTON E. HIGGS
WILLIAM H. DARBEE
GARY E. BOSCO
LAWRENCE B. GRAVES, JR.

420 BAY CITY BANK BUILDING
P. O. BOX 840
BAY CITY, MICHIGAN 48707-0840
517/892-2531

OF COUNSEL
F. NORMAN HIGGS

April 8, 1982

Mr. Robert Lukowski. 1795 S. Huron Road Kawkawlin, MI 48631

RE: Potential Zoning Ordinance Amendments

Dear Mr. Lukowski:

Enclosed please find proposed Ordinance and Public Notice for the allowance of mobile homes in various districts under certain circumstances. Also, enclosed please find Public Notice, Proposed Ordinance and map of the area proposed for rezoning along M-I3 south of Beaver Road.

I have attempted on the map to include all of the areas presently which are non-residential in nature. I noticed following the drafting of the Ordinance map and Public Notice that some of the areas proposed for industrial are actually commercial in nature. Those items include the Fruit Stand, the Motel and perhaps the Used Car Dealership. At this point, we may not desire to rezone those from the commercial district they are presently located in to industrial. I would think the input from the public hearing will control that particular question.

* By a copy of this letter to all Planning Commission members, I am advising them of the enclosures also.

If you have any question, please do not hesitate to contact me.

Yours very truly,

5

William H. Darbee

WHD/dkb Enclosures

CC: Planning Commission Members

ORDINANCE NO.

' The Township of Kawkawlin, Bay County, Michigan, Ordains:

1. The definition of Dwelling, One-Family, in Article 3.00 Section 3.01 shall be amended to read as follows:

DWELLING, ONE-FAMILY: A detached building designed for or occupied by one (1) family and so arranged as to provide living, cooking and kitchen accomodations for one (1) family only. Also known as a single-family dwelling. It shall also include a manufactured building which includes all factory constructed buildings, or three dimensional modules or units thereof, designed and constructed in a manner facilitating ease of transportation to the site for placement in accordance with local construction codes, connection to required utilities, and subsequent occupancy. The term "manufactured building" includes both a single, three dimensional module or unit intended to constitute a building and all three dimensional modules or units intended to be combined on-site to form a building. The term "manufactured building" applies only to those major structural, three dimensional modules or units requiring relatively minor and incidental combination on-site and is not intended to include prefabricated support system components such as panels, trusses, plumbing systems, or similar types of prefabricated support system components designed to be incorporated within buildings during the course of construction. Provided however, that said manufactured building meets the following standards, to-wit:

(1) The manufactured building is certified to meet or exceed:

(a.) If the manufactured building is a mobile home, then the requirements are the United States Department of Housing and Urban Development (HUD) 1976 Mobile Home Construction and Safety Standards, as amended; or

(b.) If the manufactured building is other than a mobile home, then the requirements are the Township Building Codes.

(2) The manufactured building is firmly attached to a permanent foundation constructed on the building site having a wall of the same perimeter dimensions of the building and constructed of such materials and type as required under the applicable building code. In the event that the manufactured building is a mobile home, it shall be installed

pursuant to the manufacturer's set-up instructions and shall be secured to the premises by an anchoring system or devise complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as above reguired.

- (3) The manufactured building shall not be · installed with wheels attached in any manner and shall not have any exposed towing mechanism, under carriage or chassis.
 - The manufactured building contains a (4)storage capacity area either in a basement located under the building, in an attic area, in closet areas, or in an accessory building such storage area not to beless than 10% of the square footage of the building or 100 square feet.
 - The manufactured building shall include (5) a roof as specified within the duly adopted Building Code; have not less than two exterior doors with the one being in either the rear or side of the dwelling; and, contain steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
 - The manufactured building shall be aes-(6) thetically compatible in design and appearance with other dwellings in the vicinity. Determination of compatibility shall be based upon the standards set forth herein as well as the character, design and appearance of residential dwellings located outside of mobile home parks and within 2,000 feet of the subject manufactured building where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; or, where said area is not so developed, by the character design and appearance of residential dwellings located outside of mobile home parks throughout the township but within the same zoning district. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
 - All additions, rooms or other areas attached to or affixed to the manufactured building shall be constructed so as to comply with the provisions of this Ordinance as well as all other applicable township ordinances.
 - The foregoing standards shall not apply (8) to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance.
 - Article 20.00 Schedule of Regulations, 2. Section 20.01 shall be amended to read.as follows:

Section 20.01 Area, Height and Placement Requirements: The following regulations regarding lot sizes, yards, setbacks, minimum dwelling sizes and densities apply within the Zoning Districts as indicated, including the regulations contained in Section 19.02, Footnotes. No building shall be erected, nor shall an existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located. No portion of a lot used in complying with the provisions of this Ordinance for yards, courts, lot area occupancy, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or stucture existing or intended to exist at the same time.

SEE ATTACHED CHART OF REGULATIONS

Section 20.02 Footnotes to Schedule of Regulations Set Forth in Section 20.01:

- a. In all residential and industrial districts, the required front yard setback shall not be used for offstreet parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.
- b. All yards abutting upon a public street shall be considered as front yard setback purposes.
- c. Where a front yard of lesser depth than specified in the Schedule of Regulations exists in front of dwellings on more than sixty (60) percent of the lots of record on one side of the street in any one block in a Single-Family Residential District, the depth of front yard for any building thereafter erected or placed on any lot in such block need not be greater than the average depth of front yards of such existing building.
- d. The minimum floor area per dwelling unit shall not include area of basements, utility rooms, breezeways, porches or attached garages.
- e. Minimum land area required for each dwelling unit in the RM District shall be:

Dwelling Unit Size	Land Area in	Square Feet
• -		Townhouses
	· Multiple Dwellings	and Duplexes
Efficiency or one-bedroom unit	3,000 +	4,200
Two-bedroom unit	4,200	5,100
Three-bedroom unit	5,100	5,700
Four or more bedroom unit	5,700	6,000

- f.l. Single family lots without municipal sanitary sewer and water shall be a minimum of one-half (1/2) acre in area, with 105 feet of frontage and subject to Bay County Health Department approval; lots served by both municipal sanitary sewer and water must be a minimum of 10,400 square feet in area, with 80 feet of frontage.
- f.2. Residential developments shall be served by public sanitary sewer and public water supply systems.
- g. Each side yard shall be a minimum of ten (10) feet and this space shall be increased beyond ten (10) feet by two (2) feet for each ten (10) feet or part thereof by which said dwelling structure exceeds forty (40) feet in overall dimension along the adjoining lot line. Maximum building length shall not exceed two hundred (200) feet.

Where two (2) or more multiple, row or townhouse dwelling structures are erected on the same lot or parcel, a minimum distance between any two (2) structures shall be thirty (30) feet plus two (2) feet for each ten (10) feet, or part thereof, by which the total length of that portion of the two structures lies opposite each other.

h. The minimum required floor space per dwelling unit shall be:

Efficiency	350	square	feet
One-bedroom apartment	500	square	feet
Two-bedroom apartment	580	square	feet
Three-bedroom apartment	670	square	feet

plus an additional 80 square feet for each bedroom in excess of three bedrooms in any dwelling unit.

- i. Mobile home sites used for double (joined together to make one unit) mobile homes shall not be less than five thousand eight hundred (5,800) square feet in area.
- j. Front and Rear Yards: There shall be a rear yard of not less than ten (10) feet at the rear end of the mobile home and a front yard of not less than twenty-five (25) feet at the front end of the mobile home. For irregularly shaped side yards, the sum is determined as the sum of the average width of each side yard, provided that the required minimum noted above is maintained at all points in the side yard. No mobile home site or any building in a mobile home park shall be located closer than fifty (50) feet to the right-of-way line of a public highway nor any mobile home closer than twenty (20) feet to any mobile home park boundary property line which does not abut a public right-of-way.

Side Yards: The sum of the side yards at the entry side and non-entry side of a mobile home shall not be less than thirty (30) feet; provided, however, there shall be a side yard of not less than twenty (20) feet at the entry side of the mobile home and a side yard not less than ten (10) feet at the non-entry side of the mobile home.

- k. Side yards are not required at interior side lot lines if walls are of fireproof masonry construction, excepting that when such walls of buildings facing such interior side lot lines have windows or similar openings, side yards of at least ten (10) feet shall be provided. A side yard of twenty (20) feet is required on all corner lots and whenever adjacent to or across a street from a residential district.
- 1. The principle structure on a waterfront lot must be set back a minimum of twenty-five (25) feet from the shoreline, and subject to Section 5.01(b).
- m. Wall width is the average horizontal width for the building height of a wall.
- 3. This ordinance shall become effective on publication, and shall be published once in the Bay: Gity Democrat on or before the ____ day of ____, 1982.

The foregoing ordinance was adopted at a meeting of the Township Board, Kawkawlin Township, Bay County, Michigan by a vote of votes in favor of passage and votes not in favor of passage.

Kathleen Bragiel, Clerk Kawkawlin Township Bay County, Michigan

CHART OF REGULATIONS,

Zoning District	Minimum Lot Area Per Dwelling Unit Area Width	Maximum Building Height Stories Feet	Min.Yd. Setbacks Req'd abc Side Yard Front Least Total Rear Yard One Two Yard	Minimum Floor Area Per	Minimum Wall Width m Front Side Rear
AG, Agricultural	2 acres 210 Feet	2 35	50 25 50 50	- 1,000 Sq. Feet	20 Ft. 20 Ft. 20 Ft.
CH, Country Home	21,780 Sq. Ft. 105 Feet	2 25	40 10 25 50	1,000 Sq. Feet	20 Ft. 20 Ft. 20 Ft.
R-1 Single Family	f.1 f.1 f.2 f.2 1 1	2 25	30 10 20 40	950 Sq. Feet	20 Ft. 20 Ft. 20 Ft.
R-2 Single Family f.2	7,200 Sq. Ft. 60 Feet	2 25	25 5 1 <u>5</u> 35	720 Sq. Feet	20 Ft. 20 Ft. 20 Ft.
RM, Two Family and Multiple Family f.1, f.2	e –	2 25	25 g g g	, h	40 Ft. 40 Ft. 40 Ft.
RMH, Mobile Home Park, f.1, f.2	4,725 Sq.Ft. i 45 Feet	1 20	25j 10j 30j 10j	600 Sq. Feet	12 ft. 12 ft. 12 ft.
C-1, Neighborhood Commercial	- - ,	25	45 10 20k 20	_	-
C-2, Community Commercial		- 25	45 10 20k 20		
C-3, General Commercial		- 25	45 10 20k , 20	_	
LI, Light Industrial		- 25	30 20 40 20	-	
WC, Wetlands Conservation	10 acres 330 Feet	2 25	40 10 25 50	1,000 Sq. Feet	20 Ft. 20 Ft. 20 Ft.

PUBLIC NOTICE

TO: RESIDENTS AND PROPERTY OWNERS IN KAWKAWLIN TOWNSHIP, BAY COUNTY, MICHIGAN

NOTICE IS HEREBY GIVEN THAT the KAWKAWLIN TOWNSHIP PLANNING COMMISSION will hold a public meeting in the Kawkawlin Township Hall, 1800 Parish Road, Kawkawlin, Michigan 48631, on the 6th day of May, 1982, at 7:30 o'clock P.M., Prevailing Eastern Time, on a proposed amendment to the Kawkawlin Township Zoning Ordinance being Ordinance No. 9, to-wit:

1. The definition of Dwelling, One-Family, in Article 3.00 Section 3.01 shall be amended to read as follows:

DWELLING, ONE-FAMILY: A detached building designed for or occupied by one (1) family and so arranged as to provide living, cooking and kitchen accomodations for one (1) family only. Also known as a single-family dwelling. It shall also include a manufactured building which includes all factory constructed buildings, or three dimensional modules or units thereof, designed and constructed in a manner facilitating ease of transportation to the site for placement in accordance with local construction codes, connection to required utilities, and subsequent occupancy. The term "manufactured building" includes both a single, three dimensional module or unit intended to constitute a building and all three dimensional modules or units intended to be combined on-site to form a building. The term "manufactured building" applies only to those major structural, three dimensional modules or units requiring relatively minor and incidental combination on-site and is not intended to include prefabricated support system components such as panels, trusses, plumbing systems, or similar types of prefabricated support system components designed to be incorporated within buildings during the course of construction. Provided however, that said manufactured building meets the following standards, to-wit:

- (1) The manufactured building is certified to meet or exceed:
- (a.) If the manufactured building is a mobile home, then the requirements are the United States Department of Housing and Urban Development (HUD) 1976 Mobile Home Construction and Safety Standards, as amended; or
- (b.) If the manufactured building is other than a mobile home, then the requirements are the Township Building Codes.
- (2) The manufactured building is firmly attached to a permanent foundation constructed on the building site having a wall of the same perimeter dimensions of the building and constructed of such materials and type as required under the applicable building code. In the event that the manufactured building is a mobile home, it shall be installed pursuant to the manufacturer's set-up instructions and

LAW OFFICES
HICGS, HIGGS,
URBER & BOSCO, P. C.
) Bay City Bank Building
Say City, Michigan
48707

shall be secured to the premises by an anchoring system or devise complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as above required.

- (3) The manufactured building shall not be installed with wheels attached in any manner and shall not have any exposed towing mechanism, under carriage or chassis.
- (4) The manufactured building contains a storage capacity area either in a basement located under the building, in an attic area, in closet areas, or in an accessory building such storage area not to be less than 10% of the square footage of the building or 100 square feet.
- (5) The manufactured building shall include a roof as specified within the duly adopted Building Code; have not less than two exterior doors with the one being in either the rear or side of the dwelling; and, contain steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
- The manufactured building shall be aesthetically compatible in design and appearance with other dwellings in the vicinity. Determination of compatibility shall be based upon the standards set forth herein as well as the character, design and appearance of residential dwellings located outside of mobile home parks and within 2,000 feet of the subject manufactured building where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; or, where said area is not so developed, by the character design and appearance of residential dwellings located outside of mobile home parks and within 2,000 feet of the subject manufactured building where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; or, where said area is not so developed, by the character design and appearance of residential dwellings located outside of mobile home parks throughout the township but within the same zoning district. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar contour, or relief from the common or energy, view, unique land standard designed home.
- (7) All additions, rooms or other areas attached to or affixed to the manufactured building shall be constructed so as to comply with the provisions of this Ordinance as well as all other applicable township ordinances.
- (8) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance.
- 2. Article 20.00 Schedule of Regulations, Section 20.01 shall be amended to read as follows:

Section 20.01 Area, Height and Placement Requirements:

The following regulations regarding lot sizes, yards, set-backs, minimum dwelling sizes and densities apply within the Zoning Districts as indicated, including the regulations contained in Section 19.02, Footnotes. No building shall be erected, nor shall an existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established

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for the district in which such building is located. No portion of a lot used in complying with the provisions of this Ordinance for yards, courts, lot area occupancy, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or stucture existing or intended to exist at the same time.

SEE ATTACHED CHART OF REGULATIONS

Section 20.02 Footnotes to Schedule of Regulations Set Forth in Section 20.01:

- a. In all residential and industrial districts, the required front yard setback shall not be used for offstreet parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.
- b. All yards abutting upon a public street shall be considered as front yard setback purposes.
- c. Where a front yard of lesser depth than specified in the Schedule of Regulations exists in front of dwellings on more than sixty (60) percent of the lots of record on one side of the street in any one block in a Single-Family Residential District, the depth of front yard for any building thereafter erected or placed on any lot in such block need not be greater than the average depth of front yards of such existing building.
- d. The minimum floor area per dwelling unit shall not include area of basements, utility rooms, breezeways, porches or attached garages.
- e. Minimum land area required for each dwelling unit in the RM District shall be:

Dwelling Unit Size	Land Area in Square Feet			
		Townhouses		
	Multiple Dwellings	and Duplexes		
Efficiency or one-bedroom unit	3,000	4,200		
Two-bedroom unit	4,200	5,100		
Three-bedroom unit	5,100	5,700		
Four or more bedroom unit	5,700	6,000		

- f.1. Single family lots without municipal sanitary sewer and water shall be a minimum of one-half (1/2) acre in area, with 105 feet of frontage and subject to Bay County Health Department approval; lots served by both municipal sanitary sewer and water must be a minimum of 10,400 square feet in area, with 80 feet of frontage.
- f.2. Residential developments shall be served by public sanitary sewer and public water supply systems.
- g. Each side yard shall be a minimum of ten (10) feet and this space shall be increased beyond ten (10) feet by two (2) feet for each ten (10) feet or part thereof by which said dwelling structure exceeds forty (40) feet in overall dimension along the adjoining lot line. Maximum building length shall not exceed two hundred (200) feet.

Where two (2) or more multiple, row or townhouse dwelling structures are erected on the same lot or parcel, a minimum distance between any two (2) structures shall be thirty (30) feet plus

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two (2) feet for each ten (10) feet, or part thereof, by which the total length of that portion of the two structures lies opposite each other.

h. The minimum required floor space per dwelling unit shall be:

Efficiency 350 square feet
One-bedroom apartment 500 square feet
Two-bedroom apartment 580 square feet
Three-bedroom apartment 670 square feet

plus an additional 80 square feet for each bedroom in excess of three bedrooms in any dwelling unit.

- i. Mobile home sites used for double (joined together to make one unit) mobile homes shall not be less than five thousand eight hundred (5,800) square feet in area.
- j. Front and Rear Yards: There shall be a rear yard of not less than ten (10) feet at the rear end of the mobile home and a front yard of not less than twenty-five (25) feet at the front end of the mobile home. For irregularly shaped side yards, the sum is determined as the sum of the average width of each side yard, provided that the required minimum noted above is maintained at all points in the side yard. No mobile home site or any building in a mobile home park shall be located closer than fifty (50) feet to the right-of-way line of a public highway nor any mobile home closer than twenty (20) feet to any mobile home park boundary property line which does not abut a public right-of-way.

Side Yards: The sum of the side yards at the entry side and non-entry side of a mobile home shall not be less than thirty (30) feet; provided, however, there shall be a side yard of not less than twenty (20) feet at the entry side of the mobile home and a side yard not less than ten (10) feet at the non-entry side of the mobile home.

- k. Side yards are not required at interior side lot lines if walls are of fireproof masonry construction, excepting that when such walls of buildings facing such interior side lot lines have windows or similar openings, side yards of at least ten (10) feet shall be provided. A side yard of twenty (20) feet is required on all corner lots and whenever adjacent to or across a street from a residential district.
- 1. The principle structure on a waterfront lot must be set back a minimum of twenty-five (25) feet from the shoreline, and subject to Section 5.01(b).

m. Wall width is the average horizontal width for the building height of a wall.

3. This ordinance shall become effective on publication, and shall be published once in the Bay City Democrat on or before the _____ day of ______, 1982.

The tentative text of said amendment as above set forth may also be examined in the office of the Township Hall, 1800 Parish Road, Kawkawlin, Michigan, and at the office of the Township Clerk, 2184

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Fraser Road, Kawkawlin, Michigan, during normal business hours.

DATED: This 1st day of April, 1982.

s/William Hartley
William Hartley, Secretary
Kawkawlin Township Planning
Commission

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CHART OF REGULATIONS

Zoning District	Minimum Lot Area Per Dwelling Unit Area Width	Maximum Building Height Stories Fee	abc Sid Front Lea	Setbacks Req'd. e Yard st Total Rear e <u>Two</u> Yard	Minimum Floor Area Per Dwell Unit d	Minimum Wall Width m Front Side Rear
AG, Agricultural	2 acres 210 Feet	2 35	50 25	50 50	1,000 Sq. Feet	20 Ft. 20 Ft. 20 Ft.
CH, Country Home	21,780 Sq. Ft. 105 Feet	2 25	40 10	25 50	1,000 Sq. Feet	20 Ft. 20 Ft. 20 Ft.
R-1 Single Family	f.1 f.1 f.2 f.2 1 1	2 25	30 10	20 40	950 Sq. Feet	20 Ft. 20 Ft., 20 Ft.
R-2 Single Family f.2	7,200 Sq. Ft. 60 Feet	2 25	25 5	15 35	- 720 Sq. Feet	20 Ft. 20 Ft. 20 Ft.
RM, Two Family and Multiple Family f.1, f.2	e -	. 2 25	25 g	g g	h	40 Ft. 40 Ft. 40 Ft.
RMH, Mobile Home Park, f.1, f.2	4,725 Sq.Ft. i 45 Feet	1 20	2 5j 10j	30j 10j	600 Sq. Feet	12 ft. 12 ft. 12 ft.
C-l, Neighborhood Commercial		25	45 10	20k 20	-	<u> </u>
C-2, Community Commercial		- 25	45 10	20k 20		-
C-3, General Commercial		- 25	45 10	20k 20	·, -	·
LI, Light Industrial	-	- 25 .	30 20	40 20	~	_
WC, Wetlands Conservation	10 acres 330 Feet	- 2 25	40 10	25 50	1,000 Sq. Feet	20 Ft. 20 Ft. 20 Ft.

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PUBLIC NOTICE

TO: RESIDENTS AND PROPERTY OWNERS IN KAWKAWLIN TOWNSHIP, BAY COUNTY, MICHIGAN

NOTICE IS HEREBY GIVEN THAT THE KAWKAWLIN TOWNSHIP PLANNING COMMISSION Will hold a public meeting in the Kawkawlin Township Hall, 1800 Parish Road, Kawkawlin, Michigan 48631, on the 6th day of May, 1982, at 7:30 o'clock P.M., Prevailing Eastern Time, on a proposed amendment to the Kawkawlin Township Zoning Ordinance, being Ordinance No. 9, to rezone the following described land from a C2 (Community Commercial) District to a LI (Light Industrial) District, to-wit:

l. Land situate in the Southwest Quarter of Section 36, Town 15 North, Range 4 East, Kawkawlin Township, Bay County, Michigan, described as lying East of M-13 (Huron Road); North of Russell Street (Old Fraser Road); West of Michigan Central Railroad (New York Central Railroad); and South of the North line of the Southwest Quarter of Section 36.

ALSO

2. Land situate in the Southwest Quarter of Section 36, Town 15 North, Range 4 East, Kawkawlin Township, Bay County, Michigan, described as: Commencing at the intersection of the West line of Huron Road and the North line of the Southwest Quarter of the Southwest Quarter of said Section; thence West along the said North line to a point 786.3 feet East of the West line of said section; thence South parallel with the West line of said section 471 feet; thence East parallel with the said North line 207.05 feet; thence South parallel with the said West line 206.5 feet; thence East 147.8 feet; thence South parallel to the said West line to the North line of Russell Street; thence Northeasterly along the North line of Russell Street to the West line of M-13 (Huron Road); thence Northwesterly along the Westerly line of M-13 (Huron Road) to the point of beginning.

ALSO

. 3. Land situate in the Southwest Quarter of Section 36, Town 15 North, Range 4 East, Kawkawlin Township, Bay County, Michigan, described as the South 595 feet of the North 695 feet of the Southwest Quarter of Section 36 lying West of the West line of M-13 (Huron Road).

ALSO

4. Land situate in the Northwest Quarter of Section 36 and the Northeast Quarter of Section 35, Town 14 North, Range 5 East, Kawkawlin Township, Bay County, Michigan, described as lying West of the West line of the New York Central Railroad (Michigan Central Railroad); Southwesterly of the Southwesterly line of AuSable Road; Southerly of the South line of Beaver Road; East of the Easterly line of M-13 (Huron Road); and North of the South line of the Northwest Quarter of Section 36.

ALSO

- 5. Land situate in the Northwest Quarter of Section 36, Town 14 North, Range 5 East, Kawkawlin Township, Bay County, Michigan, described as that part of the Northwest Quarter of Section 36 lying Westerly of M-13 (Huron Road), except the following:
 - A. Land Northerly of a line 1227.0 feet North of the West Quarter corner of Section 36; and except

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Bay City, Michigan
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- B. Commencing 875.7 feet North along the West Section line from the West Quarter corner; thence Northeasterly perpendicular to M-13 (Huron Road) to the West line of M-13 (Huron Road); thence Northwesterly along the West line of M-13 (Huron Road) 155 feet; thence Southwesterly perpendicular to M-13 (Huron Road) to the West line of the section; thence South along the West line of the section 162.35 feet to the point of beginning; also except
 - C. Commencing 250 feet North along the West Section line from the West Quarter corner; thence Northeasterly perpendicular to M-13 (Huron Road) to the West line of M-13 (Huron Road); thence Northwesterly along the West line of M-13 (Huron Road) 203.74 feet; thence Southwesterly perpendicular to M-13 (Huron Road) to the West line of the section; thence South along the West line of the section 193.25 feet to the point of beginning.

ALSO

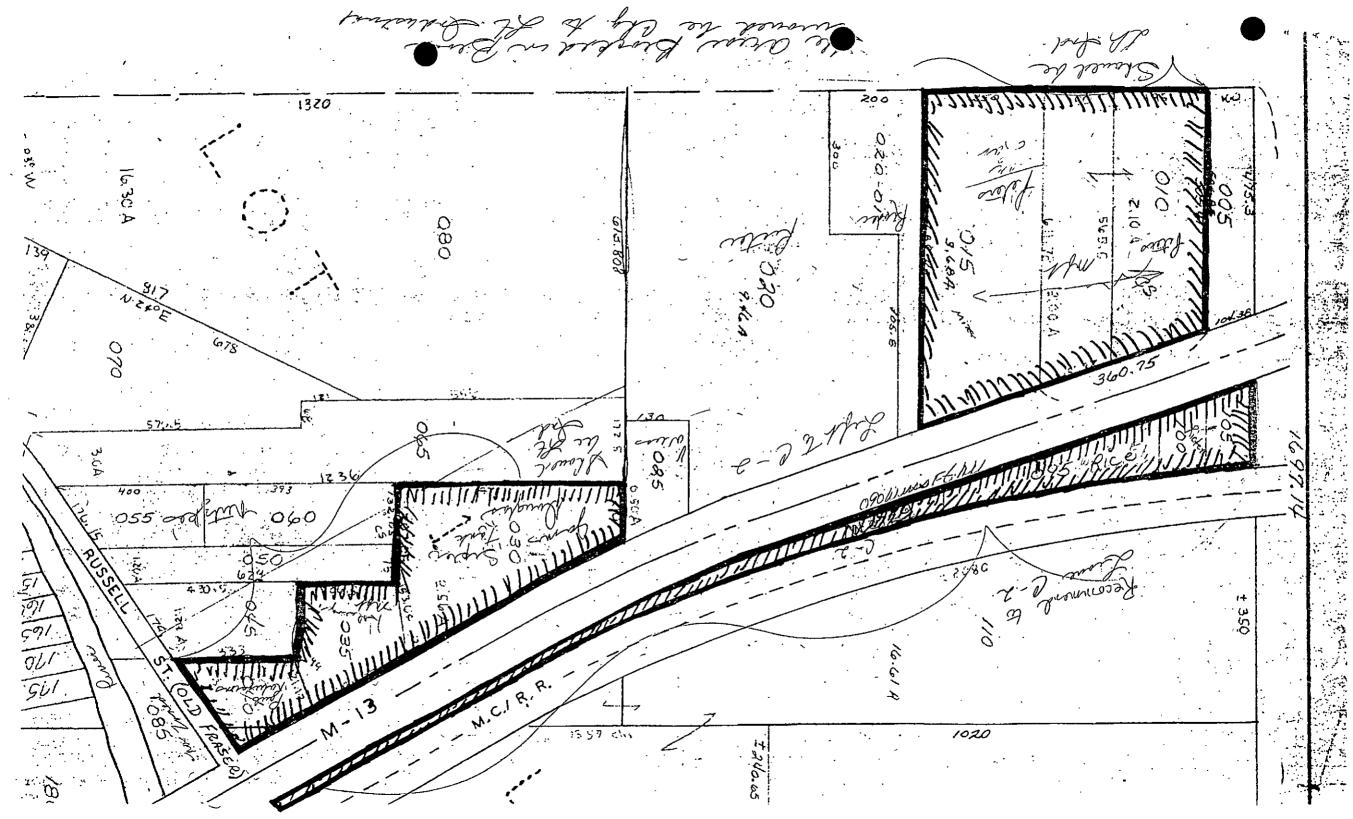
6. Land situate in the Northeast Quarter of fractional Section 35, Town 15 North, Range 4 East, Kawkawlin Township, Bay County, Michigan, described as follows: The South 603.95 feet of the North 1440 feet of the East 495 feet of the Northeast Quarter; except the South 264 feet thereof; also except the West 135 feet of the North 50 feet thereof, but including all land extending easterly into Section 36 to the Westerly line of M-13 (Huron Road).

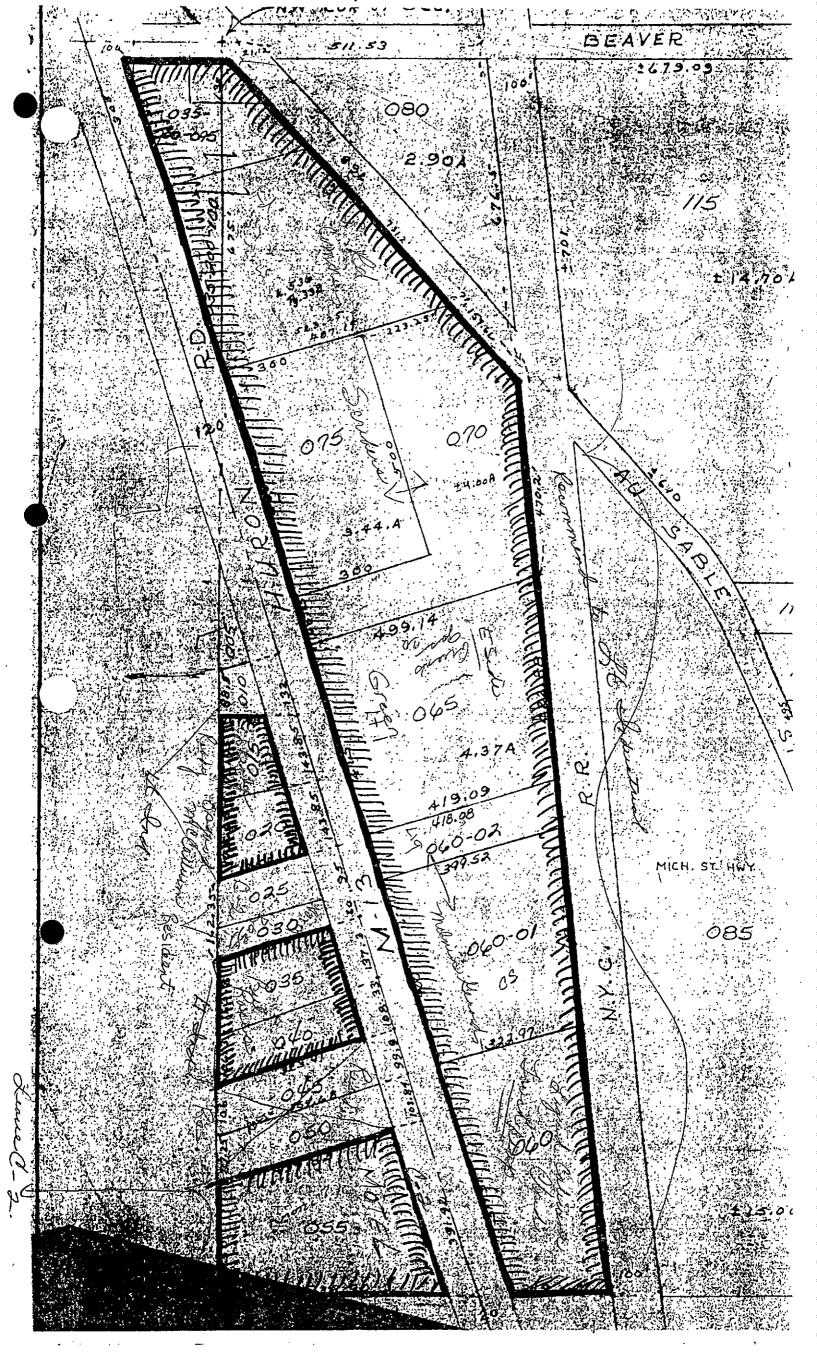
The tentative text of said amendment, a map showing the boundary line of the above-described parcels, and zoning map may be examined in the office of the Township Hall, 1800 Parish Road, Kawkawlin, Michigan, and at the office of the Township Clerk at 2184 Fraser Road, Kawkawlin, Michigan, during normal business hours.

DATED: This 1st day of April, 1982.

s/William Hartley
William Hartley, Secretary
Kawkawlin Township Planning Commission

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050-000 4:00.91

THE TOWNSHIP OF KAWKAWLIN ORDAINS:

A. Article IV, Section 4.01 of Ordinance No. 9 is hereby amended by amending the map dated July, 1977, to include the following:

To rezone from a C2 (Community Commercial) District to a LI (Light Industrial) District the following:

l. Land situate in the Southwest Quarter of Section 36, Town 15 North, Range 4 East, Kawkawlin Township, Bay County, Michigan, described as lying East of M-13 (Huron Road); North of Russell Street (Old Fraser Road); West of Michigan Central Railroad (New York Central Railroad); and South of the North line of the Southwest Quarter of Section 36.

ALSO

2. Land situate in the Southwest Quarter of Section 36, Town 15 North, Range 4 East, Kawkawlin Township, Bay County, Michigan, described as: Commencing at the intersection of the West line of Huron Road and the North line of the Southwest Quarter of the Southwest Quarter of said Section; thence West along the said North line to a point 786.3 feet East of the West line of said section; thence South parallel with the West line of said section 471 feet; thence East parallel with the said North line 207.05 feet; thence South parallel with the said West line 206.5 feet; thence East 147.8 feet; thence South parallel to the said West line to the North line of Russell Street; thence Northeasterly along the North line of Russell Street to the West line of M-13 (Huron Road); thence Northwesterly along the Westerly line of M-13 (Huron Road) to the point of beginning.

ALSO

3. Land situate in the Southwest Quarter of Section 36, Town 15 North, Range 4 East, Kawkawlin Township, Bay County, Michigan, described as the South 595 feet of the North 695 feet of the Southwest Quarter of Section 36 lying West of the West line of M-13 (Huron Road).

ALSO

4. Land situate in the Northwest Quarter of Section 36 and the Northeast Quarter of Section 35, Town 14 North, Range 5 East, Kawkawlin Township, Bay County, Michigan, described as lying West of the West line of the New York Central Railroad (Michigan Central Railroad); Southwesterly of the Southwesterly line of AuSable Road; Southerly of the South line of Beaver Road; East of the Easterly line of M-13 (Huron Road); and North of the South line of the Northwest Quarter of Section 36.

ALS0

- 5. Land situate in the Northwest Quarter of Section 36, Town 14 North, Range 5 East, Kawkawlin Township, Bay County, Michigan, described as that part of the Northwest Quarter of Section 36 lying Westerly of M-13 (Huron Road), except the following:
 - A. Land Northerly of a line 1227.0 feet North of the West Quarter corner of Section 36; and except

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- B. Commencing 875.7 feet North along the West Section line from the West Quarter corner; thence Northeasterly perpendicular to M-13 (Huron Road) to the West line of M-13 (Huron Road); thence Northwesterly along the West line of M-13 (Huron Road) 155 feet; thence Southwesterly perpendicular to M-13 (Huron Road) to the West line of the section; thence South along the West line of the section 162.35 feet to the point of beginning; also except
- C. Commencing 250 feet North along the West Section line from the West Quarter corner; thence Northeasterly perpendicular to M-13 (Huron Road) to the West line of M-13 (Huron Road); thence Northwesterly along the West line of M-13 (Huron Road) 203.74 feet; thence Southwesterly perpendicular to M-13 (Huron Road) to the West line of the section; thence South along the West line of the section 193.25 feet to the point of beginning.

ALSO

Northeast of the Nor	6. Land situate in the Northeast Quarter of fractional Section 35, Town Range 4 East, Kawkawlin Township, Bay County, Michigan, described as The South 603.95 feet of the North 1440 feet of the East 495 feet of the Quarter; except the South 264 feet thereof; also except the West 135 feet th 50 feet thereof, but including all land extending easterly into Section Westerly line of M-13 (Huron Road).
	B. This Ordinance shall become effective on publication and shall be
published	once in the Bay City Democrat on or before, 1982.
	The foregoing Ordinance was adopted by
vote of t	he Township Board, Kawkawlin Township, Bay County, Michigan, at its

_ meeting on _

Kathleen Bragiel, Township Clerk Kawkawlin Township Bay County, Michigan

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MILTON E. HIGGS
WILLIAM H. DARBEE
GARY E. BOSCO
LAWRENCE B. GRAVES, JR.

May 10, 1982

420 BAY CITY BANK BUILDING
P. O. BOX 840
BAY CITY, MICHIGAN 48707-0840
517/892-2531

OF COUNSEL F. NORMAN HIGGS

> Mr. Lloyd Pajot Kawkawlin Township Supervisor 1379 E. Beaver Road Kawkawlin, MI 48631

RE: Public Hearings of Planning Commission, May 6, 1982

Dear Mr. Pajot:

The Planning Commission held three public hearings concerning potential amendments to the Township Zoning Ordinance being Ordinance No. 9.

The first public hearing concerned the possible rezoning from a CH district to a C2 district the following, to-wit:

The described property being in the Southeast 1/4 of Section ·10, Town 15 North, Range 4 East, Township of Kawkawlin, County of Bay, and commencing at the intersection of the West right-of-way line of M-13 and the South 1/8 line; thence Southerly along the West right-of-way line of M-13, 200 feet; thence West 367.26 feet; thence North 190.62 feet; thence East 308.43 feet to the place of beginning.

The request having been made by Mr. and Mrs. James Hadd. Originally this public hearing was held on November 5, 1981, but as a result of delayed negotiations for sale of the property the Hadd's indicated that no current sale of the land had been made in November of They anticipated a spring sale in 1982 and it was recommended by the Planning Commission that the question of rezoning be tabled until the regular board meeting of April 1, 1982. At the regular board meeting of April 1, 1982 it was discovered that no person was in attendance representing the area in question. Accordingly, it was delayed one month to the regular meeting of May 6, 1982. In attendance were a few people from the area but the applicants were not in attendance. The Chairman reported that he had spoken with the applicants and indicated that the sale of the property had not occurred and there was nothing contemplated for the area in question. Comments from the persons in attendance opposed the rezoning at this time. Accordingly, a motion was made seconded and passed that the recommendation to the township board for rezoning of the parcel be denied for the reason that nothing was contemplated to be done with the property at this time.

The second public hearing concerned the area along M-13 South of Beaver Road for rezoning from C2 to LI (light industrial). At the public hearing comments were received from persons in attendance concerning rebuilding of homes within a LI District. It was pointed out to those persons that by a previous ordinance change, those homes in existence could be rebuilt, altered and modified without any problem. A concern was raised from Ed Weiss on behalf of himself and Orval Rice concerning the proposed industrial use for the area located in the Southwest 1/4 of Section 36, and Easterly of M-13. In addition, Mr. Lyle Richter was there on his behalf and on behalf of Leonard Eickle protesting the proposed change. The Planning Commission reviewed the area in question and discovered that the C2 use was the best use for the area at this time and made a recommendation to delete the area from rezoning to a light industrial district. Additionally, the Planning Commission reviewed the Northland Motel and considered that the best and highest use of that land is, at this point, C2 and should also not be rezoned to light industrial. As to the remainder of the parcels, it was recommended by the Planning Commission to recognize the existing uses of the land in question and recommend to the Township Board that the area as outlined, with the exception of the five parcels described above, be rezoned to light industrial.

The Planning Commission held a third public hearing on the proposed adoption of an amendment to the zoning ordinance for allowance of manufactured dwellings in certain zones of the township. The comments received at the public hearing were in favor of the proposed change. The Planning Commission recognized that the Robinson Township v Knoll Supreme Court decision had changed the law concerning the placement of mobile homes and have recommended the change to conform with the Robinson Township case. Accordingly, the motion was passed that the planning commission recommend to the township board to adopt the proposed ordinance.

Along that line, I enclose two copies of the proposed ordinances that were considered at the public hearings. The proposed ordinance along M-13 and South of Beaver Road has been amended to reflect the changes of deleting the two proposed areas.

If you have any questions, please do not hesitate to contact me.

Yours very truly,

5/

William H. Darbee

WHD/dkb

Enclosures

CC: All members of Planning Commission

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May 5, 1982 W 7-20-82

Kawkawlin Twn. 8 7-20-82

Meeting Room

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

Meeting called to order at 7:00p.m. by our chairman R. Lukowski. A roll call was taken with 6 members being present and 1 absent.

The first matter brought before the planning commission was a special use permit submitted by Jerry Spencer for the purpose of digging a pond on his property located in a CH district. After questioning Mr. Spencer it was moved by G. Meylan and supported by M. Witzke that we accept this special use permit; with the only restrictions being "danger-Pond" sigh being posted to the four directions. A roll call vote was taken with 6 years 1 absent; motion carried.

At 7:30p.m. our first public hearing was held on Mr. Hadd's request for re-zoning from CH to C-2. Mr's Jeske and Hitz both Worked their respective disaproval. Mr. Hadd was not in attendence and after discussion among the planning commission members; the motion was moved by M. Witzke and supported by E. Meylan to reject the application for re-zoning. A roll call was taken with 5 yeas I ney and I absent. Motion carried. The following are why this application was rejected: (1.) At the present time there is no definate buyer for this parcel 2.) The planning Commission would have more control over the use of this parcel if the use would be

known at the time of re-zoning.

The next public hearing was on the preposed re-zoning of M-13 south of Beaver Rd. to the river, from C-2 to L1. E. Weiss wanted to be able to re-build his business if necessary. Under the terms in our zoning ordinance it was discovered a C-2 use could not be re-built in a L1 district. N. Ross wanted to know if he could re-build his residence. (Ans. yes) Lyle Richter wanted to know if his taxes would change. (Ans. No) L. Pajot spoke on behalf of the Northland Motel Concluding they could not re-build if it was re-zoned to L1. M. Nitzke had a civil problem in this region about excess junk. E. Ayers would also appreciate cleaner neighbors. Therefore, after much discussion with members in the audience as well as with Mr. Darbee the motion was moved by B. Hartley and supported by M. Witzke that we re-zone from C-2 to L-1 this portion along M-13 with excepted delitions which will remain C-2. This recommendation the Twp. Board was after a roll call vote of 6 yeas 1 absent. Motion carried, Higgs, Higgs, Darbee & Bosco will handle the details.

Our next public hearing was Mobile Homes outside of mobile home parks. R. Lukowski expalined the reasons for this preposed ordinance change. L. Pajot explained discrimination is the main reason however, certain guide . lines must be followed so as not to de-value existing preperties.

N. Wentworth wanted to know if it would be possible to set a mobile home in a hardship case. The chairman explained each case must stand on it's own merit. B. Smith stated mobile homes can go anywhere. After discussing this issue and after Mr. Darbee explained some matters it was moved by E. Meylan and supported by B. Hartley that we recommend for adoption as presented by Mr. Darbee to the Twp. board. A roll call was taken with 6 yeas labdent, motion carried.

B. Smith wanted to know about her Wetters Rd. property and was told 6 persons is the maximum she could house at this facility. Prior to this the regular meeting was convened at 9:30p.m. After discussing Mrs. Smith's problems we discussed our agenda for public hearings, with the chairman explaining sometimes they are hard to follow as this even was a good example. The meeting was adjourned at 10:00p.m. Our next scheduled meeting will be September 2, 1982 at 8:00p.m. If a special meeting is necessary it will be at the call of the chair.

Respectfully submitted

Bill Hartly Sec. Kawkawiin Twp. Plan. Com.

May 6, 1982 Kawkawlin Twp. Meeing Room

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

page two

MEMBERS, PRESENT:

R. Lukowski

B. Hartley

M. Witzke

K. Shepard

E. Meylan M. McNally

MEMBER ABSENT:

T. Schindler

Also present:

W. Darbee L. Ballor

L. Pajot

K. Bragiel

F. Jeske

A. Hitz

E. Weiss

R. Weiss L. Richter

Mr. & Mrs Nitzke

Mr. & Mrs. Ayres N. Wentworth que her mother

B. Smith J. Spencer

six others not mentioned in procedings.



	Date 8/16/82
Memo to	
Quareno is 6	
1) Posting date chg. for Ju	usp. Mtg 10ds,
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8,30 my. adjourned. Hoosell meg ch. in Oet. - Lation on Jup - he-court - Chuck parking lat letter

TOWNSHIP OF KAWKAWLIN BAY COUNTY, MICHIGAN

APPLICATION FOR SPECIAL USE PERMIT

a c Really	
Date: 7-20-82 Salvo Ref. Di	
Name of Applicant: AL BLOCK Tel. 893-30.	<u>8</u> L/
Date: 7-20-82 Name of Applicant: AL BLOCK Salvo Ref. B. C. Really Mailing Address: 998 RIVER Rd. Bay City, Mi 48706	<u> </u>
Name of Owner Mrs. Fransciellin l'asicels	
Mailing Address: 5400 M. Levis free Earl Mi 48623	_
Mailing Address: 5400 111. Rever free Earl 1921 48623 Legal Description of Premises: (see attached) (080-26-200-250-00)	<u>)</u>
PARCEL A	_
	_
	_
Proposed Use of Land for Which Special Use Permit is Requested: Triplex apartme	<u>ñ</u> E
building	
•	_
Present Zoning: Country Homes)	_
Additional information which need not accompany this application but must be in the possession of the Zonir	- ia
Board forty-eight (48) hours prior to the public hearing:	3

- 1. Vicinity plan showing land use within 300 feet of the perimeter of the property to be rezoned.
- 2. Site plan, plot plan, or development plan, drawn to a readable scale, of the total property involved showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses.
- 3. Preliminary plans and specifications of the proposed development and for all construction.
- 4. A statement with supporting evidence regarding the required finding specified in Section of the Zoning Code.

The Kawkawlim Township Planning Commission will meet August I6, 1982, 7:30 P.M. at Kawkawlin Township Hall. This is a public hearing and open meeting.

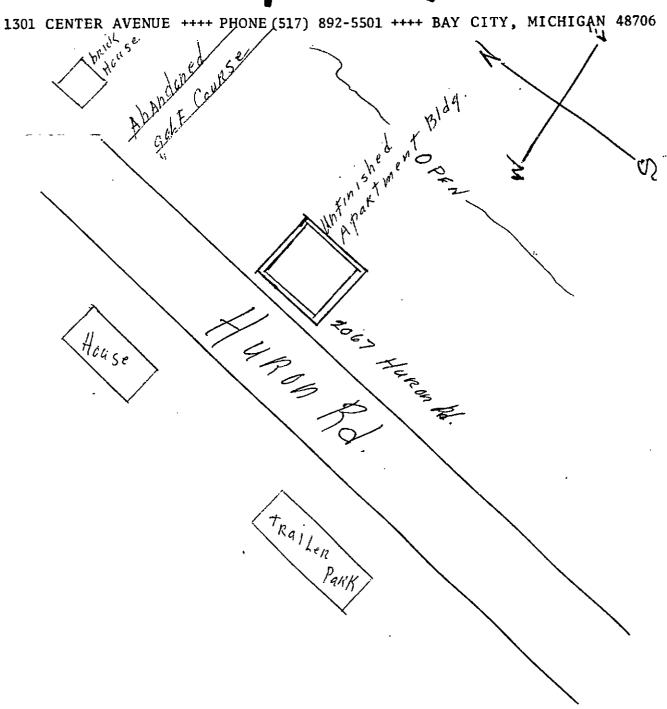
Signature of Applicant

Ref; Sec. 7:02, 7:03

Article 9:00

RUBH STATIONERS







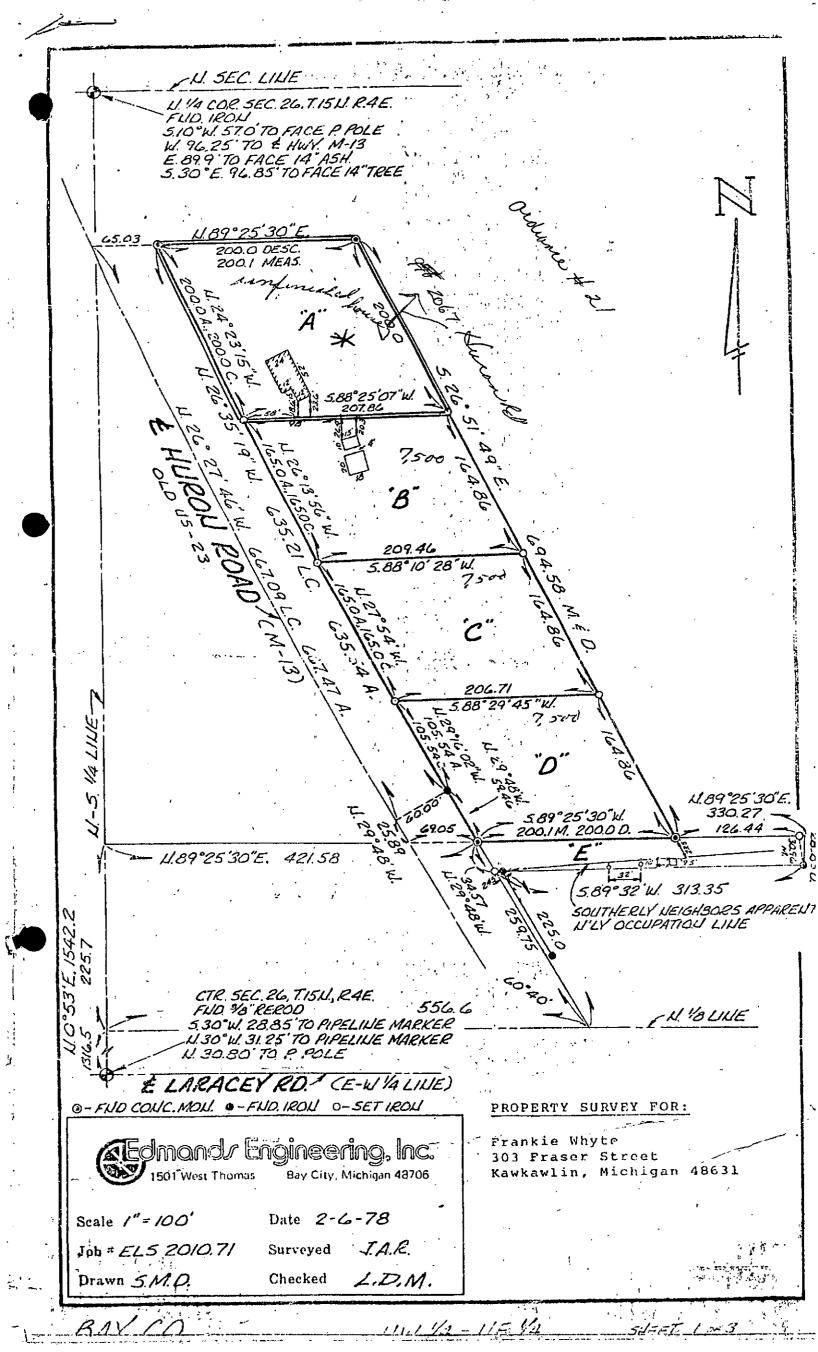
1301 CENTER AVENUE ++++ PHONE (517) 892-5501 ++++ BAY CITY, MICHIGAN 48706

PROPERTY SURVEY FOR: Frankie Whyte

303 Fraser Street Kawkawlin, Michigan 48631

PROPERTY DESCRIPTION:

Parcel "A": A parcel of land in the Northwest 1/4 of the Northeast 1/4 of Section 26, Town 15 North, Range 4 East, Kawkawlin Township, Bay County, Michigan, described as follows: Commencing at the center of Section 26, Town 15 North, Range 4 East; thence North 0°53' East 1542.2 feet along the North-South 1/4 line; thence North 89°25'30" East 421.58 feet to a point on the Easterly Right-of-Way line, Highway M-13 (120 feet wide); thence North 29°48' West 59.46 feet along said Easterly Right-of-Way line; thence Northwesterly 435.54 feet along the Highway arc of a curve to the right having a chord bearing and distance of North 27°36' West 435.43 feet to the Point of Beginning; thence Northwesterly 200.0 feet along the Highway arc of said curve having a chord bearing and distance of North 24°23'15" West 200.0 feet; thence North 89°25'30" East 200.0 feet; thence South 26°51'49" East 200.0 feet; thence South 88°25'07" West 207.86 feet to the Point of Beginning. Subject to A THE PARTY OF THE PARTY OF easements and Rights-of-Way of record.





PHONE 715 762-3231 Memo to Ung. 23, Bd. Members: Kan We Lorge Kathlun B L. Papar In Tully inwood Cener on Public

Quality Papers by Flambeau

FLAMBEAU BOND • REAM SEALED PARENT SIZES

FOR THE PROPERTY SIZES

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August 16, 1982 Kawkawlin Twp. Meeting Room

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

Special meeting called to order at 7:30p.m. by our chairman R.

Lukowski. A roll was taken with six members being present and one absent. The first item of business was a special use permit submitted by Al Block concerning the old C. Whyte apt. bldg. Mr. Block explained the intended use that the building will be used for and G. Atkinson said two units could be worked into their plans. The planning commission explained that with our sewers three units would be out of the question at this time in a CH district. During this hearing it was discovered that a site plan must be submitted for the planning commission's review and upon futher study a variance will have to be granted from the board of appeals; because of the structure's nearness to the south line. Therefore, a motion to table this "special use permit" was moved by M. Witzke and supported by K. Shepard and will be taken up at our September meeting. A roll call vote was taken with 6 yeas 0 neys, motion to table carried.

The regular portion of the meeting was called to order at 8:10p.m. by chairman Lukowski. The secretary's minutes were read and approved. There was much discussion about the lack of enforcement of our Twp. Zoning Ordinance and that perhaps the planning commission members are wasting their time serving on the board, if what we adopt cannot enforced. From this discussion it was decided that as many planning Commission members as possible attend the next Twp. Board meeting and see if this matter cannot be

Our next regular meeting will be held on Sept. 2, 1982 at 8:00p.m. in the Kawkawlin Twp. meeting room. This meeting was then adjourned at 8:40p.m.

Respectfully submitted

Sec. Kawkawlin Two.
Planning Commission

Members present:

R. Lukowski

B. Hartley

T. Schindler

K. Shepard

M. Witzke

M. McNally

Member absent:

E. Meylan

Alsopresent:

Mr. & Mrs. A. Block

D. Kirkfried

G. Atkinson

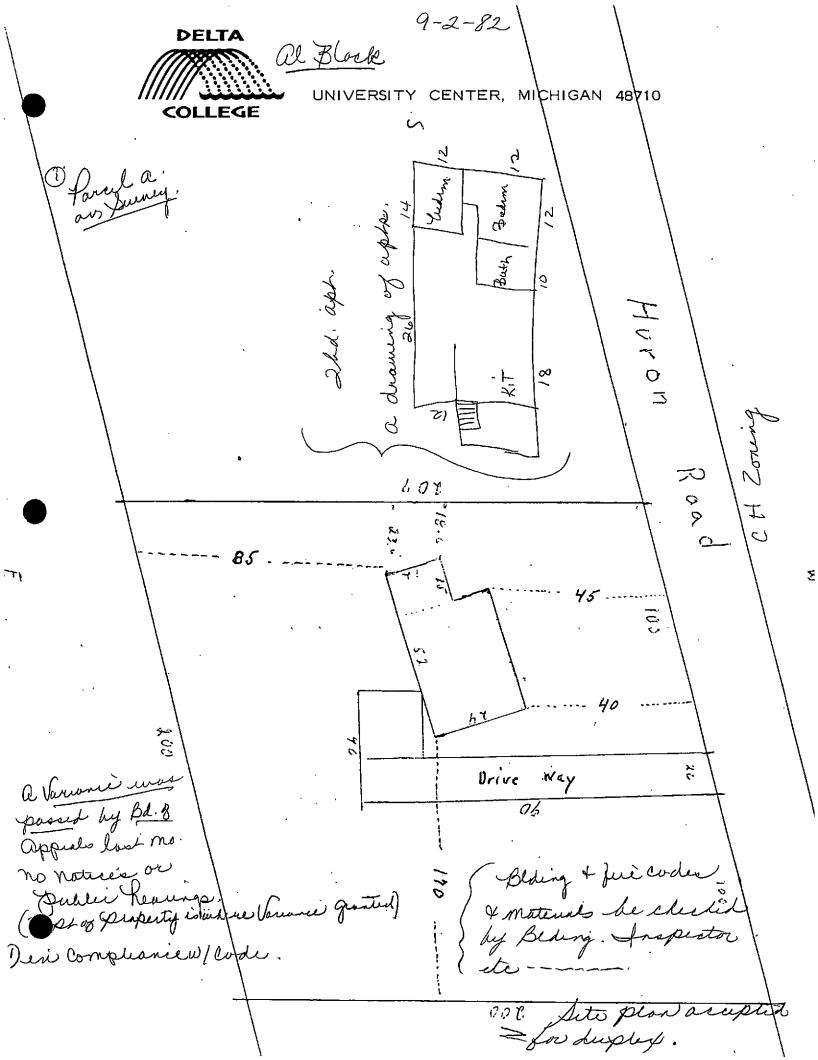
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3. Bd has book bits of what we are to do.
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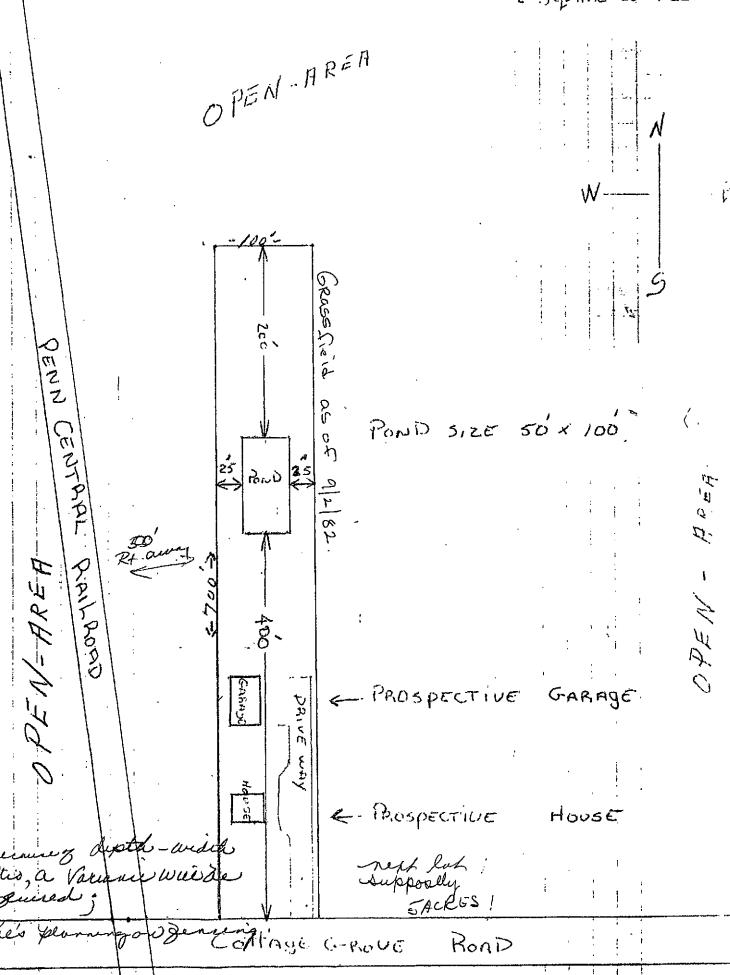
ONEN MOORE AGENCY 119 CENTER STREET P. O. BOX 99 LINHOOD, MI 48634



TOWNSHIP OF KAWKAWLIN BAY COUNTY, MICHIGAN

APPLICATION FOR SPECIAL USE PERMIT

Date: August 26, 1982	
Name of Applicant: Daniel Lewis Michalski	Tel. 697-3502
Mailing Address: 2655% Boutell Rd. Linwood, MI 48634	4
Name of Owner Daniel Lewis Michalski	
Mailing Address: 2655% Boute 11-Rd. Linwood, MI 48634	***
Legal Description of Premises: Commencing at the south Quarter Corner of Section	ion 2, Town 15
North, Range 4 East, Kawkawlin Township, Bay County, Michigan, thence H	East 410.33 feet
along the South Section line of Section 2 to the Easterly Right-of-way	line of the Penn
Central Railroad, thence East along the South Section Line 74.72 feet to beginning of this description, thence North perpendicular to the said seroposed Use of Land for Which Special Use Permit is Requested:	
I request to dig a pond for the use of the fill dirt to raise my land a	
my property.	_
Present Zoning: AG	
Additional information which need not accompany this application but must be in the po Board forty-eight (48) hours prior to the public hearing:	ssession of the Zoning
1. Vicinity plan showing land use within 300 feet of the perimeter of the property to be	rezoned.
 Site plan, plot plan, or development plan, drawn to a readable scale, of the total pro- the location of all abutting streets, the location of all existing and proposed st buildings and their uses. 	
3 Freliminary plans and specifications of the proposed development and for all constru	uction.
4. A statement with supporting evidence regarding the required finding specified in Code.	Section of the Zening
The Kawkawlin Township Planning Commission will meet for the above re Kawkawlin Township Hall September 2,1982, 8:30 P.M. This is a Public	
Ref. Sec. 603H Sec: 5:05 Rescrittion - Ported & Jenning.	2) 72 Z L O DARW ature of Applicant



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September 2, 1982 Kawkawlin Twp. Meeting Room

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

Public hearing called to order at 8:00p.m. by our chairman R. Lukowski. First a site plan was presented by O. Moore for a commercial building in a C-2 district; after reviewing it was moved by B. Hartley and supported by E. Meylan to accept this site plan as presented. A r call was taken with 4 yeas O neys & 3 absent; motion carried.

Next a site plan was considered that was tabled from last months!

meeting from A. Block in regards to an apartment house in a CH district. It was stated that the two upper levels would each be a two bed-room apt., and that the lower level would be common area to both apts. It was stated by our Zoning Adm. that the structure was sound.in his opinion. Therefore. it was moved by T. Schindler and supported by E. Meylan to accept this site plan and special use permit and that Mr. Ballor will make sure the

Bldg. Code is followed. A roll call vote was taken with 5 yeas 0 neys & 2 absent, motion carried.

A site plan and application for a special use was next presented by Daniel Michalski for a pond in an Ag. District. Mr. Michalski along with his father explained the intended use for this pond and its location to the surrounding area. After some discussion it was moved by K. Shepard and supported by B. Hartley to accept the site plan and special use permit with the following restrictions 1) fence the entire pond area within 60 days of digging the pond (farm type fence min. four feet high) 2) Post danger signs to the four directions. A roll call vote was taken with 5 yeas 0 neys 2 Absent; motion carried.

The regular portion was called to order at 9:10p.m. by chairman Lukowski. The secretary's minutes were read and approved as read.

A discussion was held with our Zoning Adm. (Mr. Ballor) on the enforcement our Twp. Zoning Ordinance. It was brought up why some of the special use permits which has been granted by the Planning Commission has not been enforced as a regular matter of business by our Zoning Adm. His reply being that the lack of proper compensation or complaints prevented him from carry. ing out his duty.

Our next meeting because of conflecting schedules will be Wednesday October 6, 1982 at 7:30p.m. and that because this is not our our regual? day the secretary will instruct the Twp. Clerk to post this meeting.

L. Bellor

D. Michalski Mr. Michalski

W.Vermeesch

meeting was then adjourned at 10:00p.m.

Members present:

R. Lukowski B. Hartley

T. Schindler

K. Shepard

E. Meylan

M. McNally

Member absent:

M. W1tzke

Also present: O. Moore

A. Block

Atkinson

D. Kirkfried

Respectfully submitted

Sec. Kawkawlin Typ.

Planning Commission

TOWNSHIP OF KAWKAWLIN BAY COUNTY, MICHIGAN

APPLICATION FOR SPECIAL USE PERMIT

APPLICATION FOR SPECIAL USE PERMIT
. Tom Rengo Son
1:1/2 Keng aut
Date: 9/1/82'
Name of Applicant: Donald Thomas Ring Tel. 893-1043
Mailing Address: 204 State St. Bay City
Name of Owner Thomas 6. & Ruby C Ring
Mailing Address: 5746 MICHAEL DC Bay City
Legal Description of Premises: Commencing at the south-west corner of section 15, Town
15 North Range 4 east (Lawyers Title Insurse Porp case # F-9545)
Proposed Use of Land for Which Special Use Permit is Requested: Service Shop for wholeso
and retail turniture stripping and refinishing. Future
plan is some sales of antiques Finished and
unfinished antiques and collectable furniture
Present Zoning: Country Home
Additional information which need not accompany this application but must be in the possession of the Zoning Board forty-eight (48) hours prior to the public hearing:
, 1. Vicinity plan showing land use within 300 feet of the perimeter of the property to be rezoned.
2. Site plan, plot plan, or development plan, drawn to a readable scale, of the total property involved showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses.
3. Preliminary plans and specifications of the proposed development and for all construction.
4. A statement with supporting evidence regarding the required finding specified in Section of the Zoning Code.
The Kawkawlin Township Planning Commission will meet Oct. 6,

Ref: Sec. 7:03 " 12:03 - Sec. 23:06

hearing and open meeting.

Signature of Applicant

1982, 8:00 P.M. at Kawkawlin Township Hall. This is a public

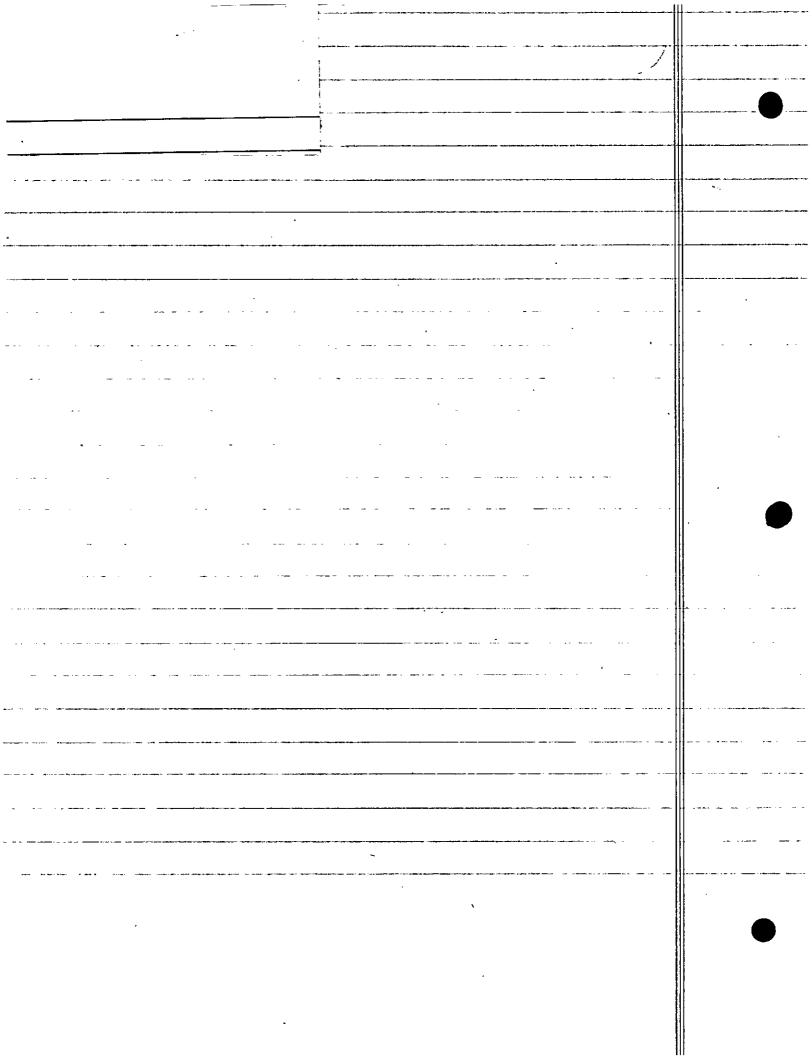
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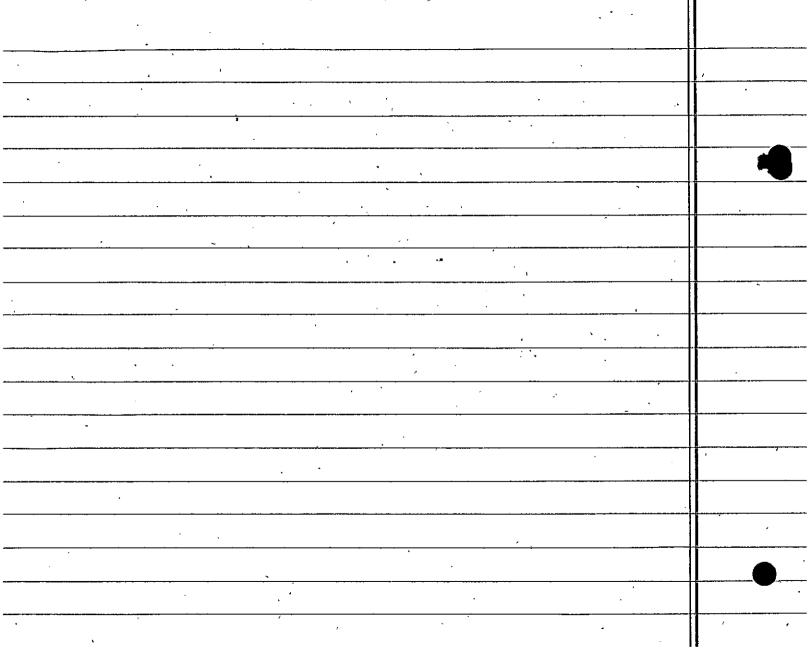
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TOWNSHIP OF KAWKAWLIN BAY COUNTY, MICHIGAN

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APPLICATION FOR SPECIAL USE PERMIT

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Bale husking	
Date: 9-22-82	
Name of Applicant: BETTY J. DAVIES	Tel. <u>697-3/36</u>
Mailing Address: 884 S, DMILE ED,	
Name of Owner_ ROBERT W, & BETTY J. DAVIES	
Mailing Address: 884 S, 7 MILERD; KAWKAWLIN MICH	48631
Legal Description of Premises: $G-7-400/-A$	
N 175 FT OF E 249 FT OF SE 1/4 OF SE 1/4 SI	€C.
7 T 15 N R 4E	•
Proposed Use of Land for Which Special Use Permit is Requested: [[PHOLSTERY, FO]]	ENITURE,
WHOLESALE + RETAIL SALES. APPLICANTS HUSBANDS EM	•
GN, SAG, PARTS WILL TERMINATE WHEN PLANT CLOSES,	
Present Zoning: AG. ZONED AREA.	

Additional information which need not accompany this application but must be in the possession of the Zoning Board forty-eight (48) hours prior to the public hearing:

- 1. Vicinity plan showing land use within 300 feet of the perimeter of the property to be rezoned.
- Site plan, plot plan, or development plan, drawn to a readable scale, of the total property involved showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses.
- 3. Preliminary plans and specifications of the proposed development and for all construction.
- 4. A statement with supporting evidence regarding the required finding specified in Section of the Zoning Code.

The Kawkawlin Township Planning Commission will meet Oct. 6, 1982, 8:30 P.M; at Kawkawlin Township Hall. This is an open meeting and public hearing.

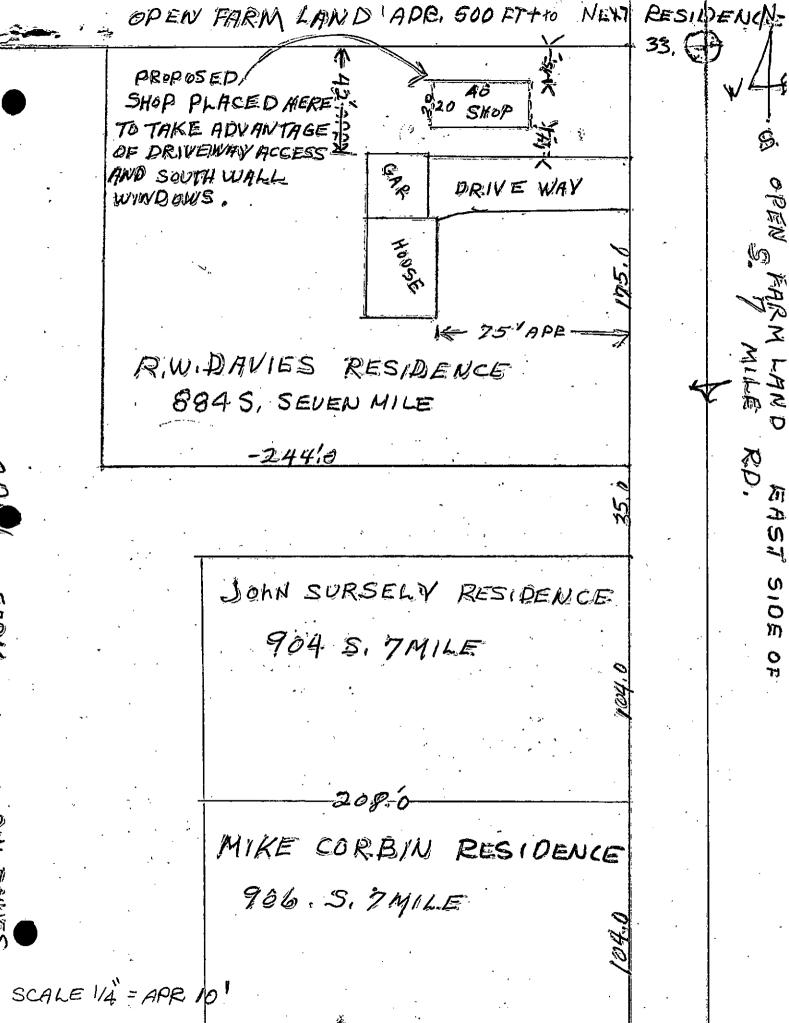
Sec. 6:03 AG Amaria

Signature of Applicant

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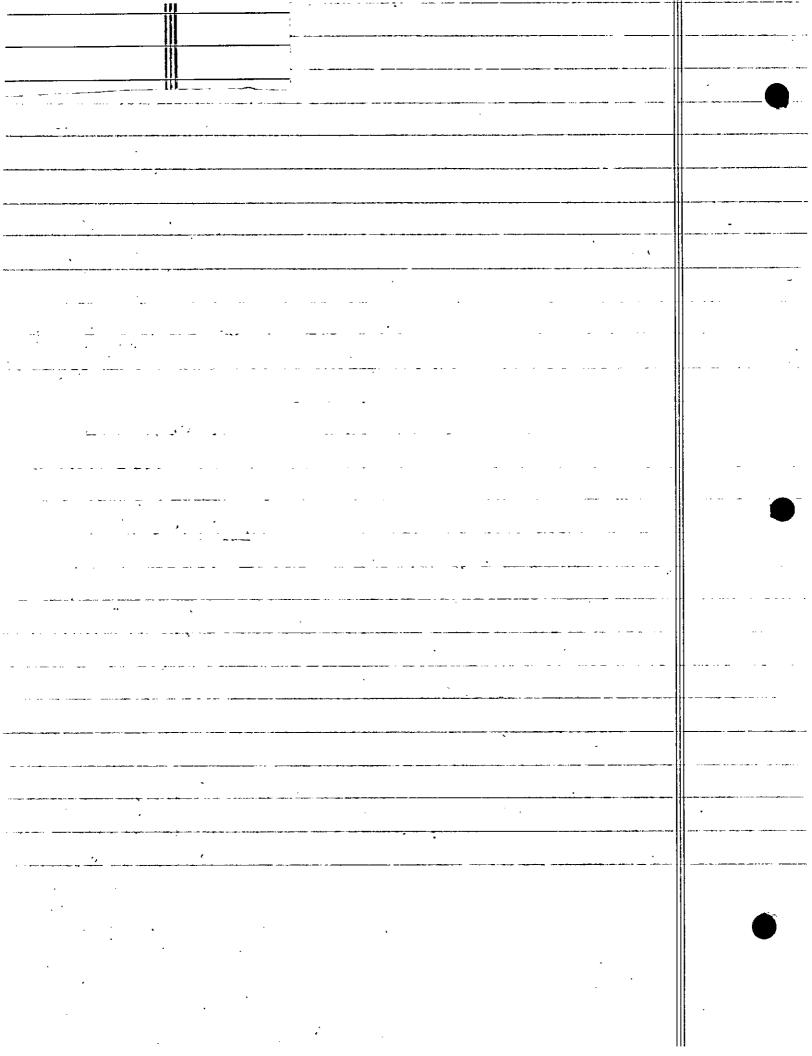
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Only Quality Papers by Plambeau FLAMBEAU BOND • REAL SEALED PARENT SIZES

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PHONE 715 762-3231



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Quality Papers by Flambeau FLAMBEAU BOND • REAM SEALED PARENT SIZES

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Quality Papers by Flambeau

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Sec. 23.00 say this
Quality Papers by Flambeau Quality Papers by Flambeau go to FLAMBEAU BOND • REAM SCALED PARENT SIZES Planing Communication

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October 6, 1982 Kawkawlin Twp. Meeting Room

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

Public hearing called to order at 8:00p.m. by our chairman R. Lukowski and rules of conduct were explained. The item for this hearing was Special Use Permit submitted by Donald Ring for a parcel incated in a CH district.

Donald Ring stated that this would improve the location. Floyd Meyer wanted to know if their would be any smells or outside trash problems. He was satisfied with answers he received and had no objections.

Alice Satkowiak had abjections to the crowded parking problems as she had a taste of the future with this summers problem as rummage, was

being offered at this property.

Members of the Planning Commission questioned why the Zoning Adm. accepted this application in the first place and there is no way this can be allowed by our Zoning Ordinance. K. Shepard moved and M. Witzke supported a motion to table this matter and get legal council. After discussing this matter and looking at the clear cut lines the Motion was defeated by 4 neys and 2 yeas for passage; motion to table defeated.

D. Ring explained that he was not told by the Zoning Adm. that this was impossible for a CH district and that he was required to get a licensed electrican this summer leading him to believe this was already a commer-

cial building.

Finally a motion was moved by B. Hartley and supported by T. Schindler to to deny this Application For Special Bse Permit submitted by D. Ring for a CH district. A robl call vote was taken with 4 yeas and 2 absentions and 1 absent; Motion carried. The following are reasons why this application was denied 1) \$7.03 specificly does not allow this in a CH district 2) only re-zoning would bermit this special use.

only re-zoning would permit this special use.
Our next public hearing was a Special Use Permit Submitted by Betty

J. Davies in a Ag. District.

Robert Davies stated the application explained everything and that he was merely trying to find a means of employment he could preform at his residence. Planning Commission members explained this was simular to the above application just acted upon and that this is simply not allowed in Ag. district as a special exception. Therefore it was moved by B. Hartley and supported by M. Witzke to deny this Application for a Special Use Permit submitted by B. Davies in an Ag. district. A roll call was taken with 6 yeas 1 absent; motion carried application denied. The reasons being 1) this use is not allowed in an Ag. district 2) only re-zoning would permit this requested special use.

The Regular meeting was called to order at 9:00p.m. by chairman R. Lukowski. The minutes were read and approved. We then met with the Twp. Board and immediately discussed this problem of the Zoning Adm. allowing people to apply for special uses when they cannot be allowed by curzoning Ordinance. It was decided that if an applicant insisted against the Zoning Administrator's advice, he was to note this in writing on the application.

Next bring our zoning maps up to date was discussed and after going over our most recenst changes it was decided our chairman R. Lukowski would make these changes on a plank map and bring all zoned district boundaries up to date. T. Schindler discussed his intention to resign his commission seat at the close of the November meeting, thus giving the Twp. Board fare notice to find a replacement. Our next meeting will have to be held on wednesday again and will be Nov. 3, 1982 at 7:30p.m. this meeting change will be posted. This meeting was then adjourned at 10:55p.m.

Respectfully submitted

Bill Hartly Sec. Kawkawyin Twp. Plan. Comm

. KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

page two

MEMBERS PRESENT:

- R. Lukowski
- B. Hartley T. Schindler
- M. Witzke
- K. Shepard
- M. McNally

MEMBER ABSENT E. Meylan

ALSO PRESENT: L. Ballor

- D. Ring T. Ring

- B. Davies R. Davies
- F. Meyer A. Satkowiak
- L. Pajot
- K. Braziel
- R. Delorge

to extend Proposal of for 2 L Grais. **V** PAPER C@RP. PARK FALLS, WISCONSIN 54552 PHONE 715 762-3231 Date 11-3

Cell Keillen on Map. 7:45 - Rell Call: Renderg of Menente. a correction to menente: Legal - of accepting permits; Don't have a right to make application with hat allowed on onen. * Bd. 7 Appens -Note in meeting as to whether application is denied or accipil: Lonery administrato to get ligal Counsel before application

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November 3,1982 Kawkawlin Twp. Meeting Room

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

Meeting called to onder at 7:45 p.m. by our chairman R. Lukowski. The roll was taken with 5 members present and 2 absent. The minutes were read and after much discussion approved as corrected. (Making it a matter of record the Zoning Adm. informed both applicants that neither special use permit could be granted by the Planning Commission.)

Next the question of home occupation was discussed and was thought legal council should be consulted so as to make a clearer decision in future cases.

The new colored zone-map was gone over by the board and the following points were noted.

- 1. Was Pines Trailer Park over looked?
- 2. At present we have no zoned area for multi-family dwelling.
- 3. The Planning Commission recommends that a professional map be drawn up.

Darbee should review for any errors.

- b. Fraser Twpss map should be considered for its ease of reading.
- c. L. Bauman should make final copies of map for all Planning Commission members.
- 4. Our present Zoning Ordinance manual must be brought up to date and every member's copy changed.

Our next meeting date was discussed and because of conflicting schedules will have to be held on Wednesday December 1, 1982 at 7:30p.m. in the Kawkawlin Twp. meeting room, this change will be posted prior to this date by the secretary. The Secretary was also instructed to send a letter of appreciation to Tom Schindler for his many years of faithful service to the Planning Commission. This meeting was then adjourned at 9:35p.m.

Respectfully submitted

Sec. Kawkawlin Twp. Planning Commission

Members present:

R. Lukowski

B. Hartley

K. Shepard

M. Witzke

M. McNally

Members absent:

T. Schindler

E. Meylan

Also present

L. Ballor

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

Meeting called to order at 7:30p.m. by our chairman R. Lukowski. New commission members Ferrio & Hitz were introduced. A roll call was taken with 5 members present and 2 absent. The first item of business was the re-organizational portion of our agenda.

Bill Hartley was nominated for chairman and with no further nomination being received, the secretary was instructed to cast a unanimous ballot for Bill Hartley Planning Commission chairman.

Robert Lukowski was nominated for vice-chairman and with no futher nominations being received, the secretary was instructed to cast a unanimous ballot for Robert Lukowski Planning Commission vice-chairman.

Karen Shepard was nominated for secretary and with no further nominations being received, the secretary was instructed to cast a unanimous ballot for Karen Shepard Planning Commission secretary.

Don Schieber's site plan was next gone over by the Planning Commission and discussed.

The formal portion of our meeting was called to order by chairman B. Hartley. The rules for site plan review was explained by the chair and that anyone wishing to speak must first be recognized by the chair.

Don Schieber testified about his plans and went over the site plan point by point.

Ernest Maes spoke against the preposed location of the building; suggesting that the extreme N.E. corner of the Schieber property would be better for safty as well as smell.

Art. Rotarious also didn't want, the operation in front of his property.

After the above testimony and after the Planning Commission reviewed the LI zoning the motion was moved by M. Witzke and supported by R. Lukowsk that the site plan be accepted as presented with the understanding that all building codes are to be followed. A roll call vote was taken with 4 yeas 2 absent and 1 abstention, motion carried; site plan accepted.

Ms. Clare Main wanted to know if and old house she has in a C-1 district could be used for part of her trailer repair business. The answer being this is not allowed in a C-1 district.

Mr. & Mrs. Bill Pfund wanted to know if they could operate a towing and repair business in a lot next to Ms. Main's which is also in a C-l district. There answer was the same as Ms. Main's this is not allowed in a C-l district. Therefore, after some discussion they were advised by the Planning Commission to seek re-zoning for these two parcels from C-l to C-3 and that any further action would be handled through the Zoning Administrator's office.

Our minutes from the November meeting was read and accepted as read. Our next meeting will be held in the Kawkawlin Twp. meeting room at 8:00p.m on January 6, 1982; with an invitation going out to Mr. Darbee to see if he could make the January meeting to start the procedure to bring our maps as well as our zoning ordinance books up to date. This meeting was then adjourned at 10:30p.m.

Respectfully submitted

Bell Hartley

Acting Sec. Kawkawlin Twp. Planning Commission

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES

*page two#

MEMBERS PRESENT:

R. Lukowski

B. Hartley

M. Witzke

M. Ferrio

E. Hitz M. McNally

Members Absent

K. Shepard

ALSO PRESENT: L. Ballor

D. Schieber

E. Maes

M. Maes

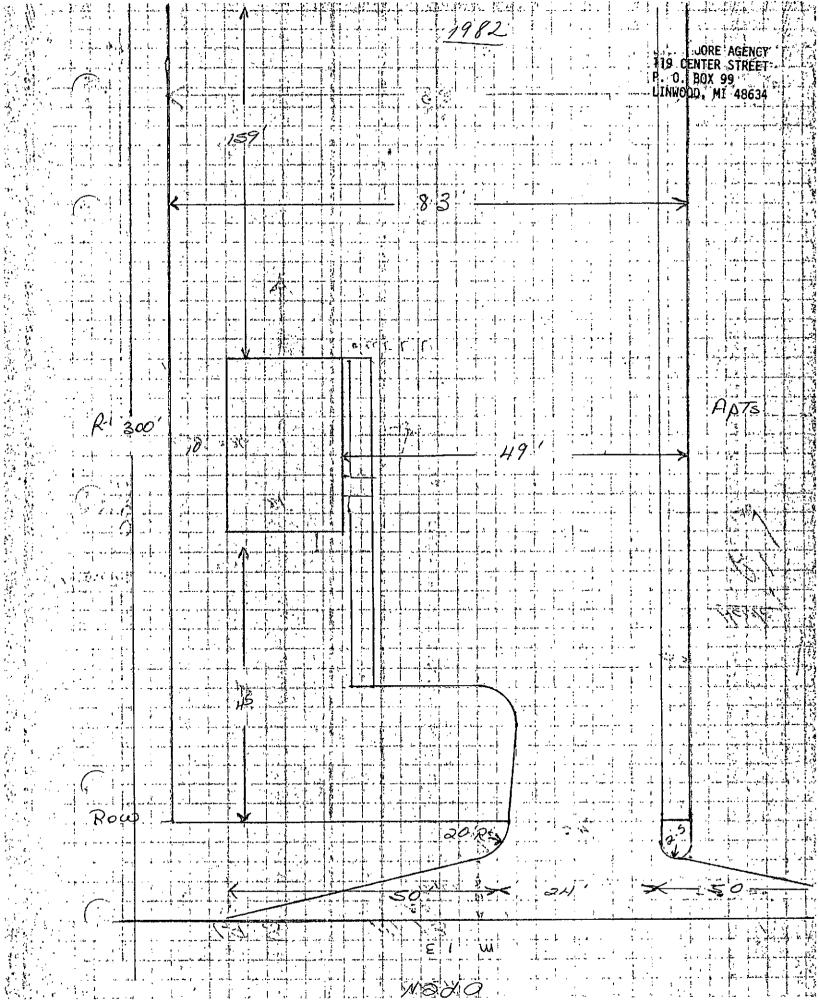
Art. Rotarius

Mlice Rotarius

C. Main

B. Pfund

L. Pfund



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Respectfully submitted

Bell Hartley Acting Sec. Kawkawlin Twp. Planning Commission

KAWKAWLIN TWP. PLANNING COMMISSION MINUTES:

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R. Lukowski

B. Hartley M. Witzke

M. Ferrio

E. Hitz M. McNally

Members Absent

K. Shepard

ALSO PRESENT:

L. Ballor

D. Schieber

E. Maes

· M. Maes

Art. Rotarius

Alice Rotarius

C. Main

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L. Pfund

