

A Work session for the Portage Township Planning Commission (PC) was called to order at 7:03 PM on June 10, 2021 via Zoom by chair Melanie Watkins. Present were Watkins, Ted Soldan, Jeff Koski, John Ligon, and Peggy Anderson. Guest John Ollila was also present. No signup sheet was available since it was a Zoom meeting, so the chair made a strong effort to make sure everyone was accounted for before the meeting started.

Chair Watkins gave the floor to Zoning Admin John Ollila so he could go through the letter he and Bill Bingham sent to the PC (see attached).

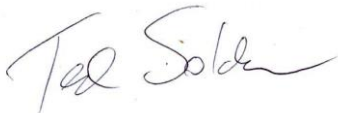
Item #4, The PC was not interested in the proposed change in the rear lot setback in LAR. Item #5, (people living in campers) will be taken up at a subsequent regular PC meeting. Watkins volunteered to discuss the ambiguity regarding the 75% setback rule in substandard lots with the MTA.

Watkins took notes during the work session (see attached).

Watkins, Ollila, and Bingham will proof the actual ZO language to be posted prior to the next regular PC meeting. These proposed changes will be distributed to the PC members when available.

Anderson made a motion to adjourn the meeting at 8:39 pm. The motion was seconded by Koski and passed.

Respectfully submitted,



Ted Soldan, Secretary

Attachment 1 – Letter from ZA John Ollila with proposed ZO changes

ZONING ORDINANCE AMENDMENTS for the P.C. to TAKE UP 5/14/21

ITEM #1 (Role of the ZBA)

In the letter Bill and I submitted for the May 6th PC meeting, we pointed out that in our Zoning Ordinance, all districts which permit businesses (B-1, B-2, M-1, and MU) have a statement similar to the following: “Any other retail business or establishment which is determined by the Zoning Board of Appeals to be of the same general character as the above permitted uses.” LAR does not have this statement even though many businesses are permitted in that district. The B-1 district does not specify who decides,

and other districts are sometimes the ZBA and sometimes the PC. Furthermore, the statement is sometimes listed among the Permitted Uses, sometimes as a Special Use.

The P.C. addressed the issue in 2016 when Bill and I first brought the problem to light, and, as I recall, kept the decision making responsibility with either the ZBA or the PC. However, the ZO change was made w/o posting and the required public hearing; plus, as we've learned from MTA, it is very unusual to task the ZBA with this role. Mike at MTA said it was typical for either Zoning Administrators or the PC itself to determine whether or not a novel business should be allowed in a zoning district. The ZBA has the final say on matters of interpretation; thus, if the ZBA made the initial ruling, there would therefore be no route for appeal.

After discussions with the MTA, Bill and I propose the following remedy for the inconsistencies. The statement could read: "Any other business or establishment determined by the Zoning Administrator and the Planning Commission Chairperson to be of the same general character as the above permitted uses." An alternate for the PC Chair (perhaps the PC Secretary) should be designated, and an alternate for the Zoning Administrator could be the Township Supervisor. Having worked for four years as a decision making duo, Bill and I think the decision should not be made by a single individual. Furthermore, convening the entire PC for such a decision is a waste of their time. Finally, the statement should be listed last in the Permitted Uses (not as a Special Use), since any new business goes to the PC anyway. Section 2.15 on page 8 will also have to be changed to match the revised statement, and the wording in Sec. 2.2, 4E will also have to be looked at.

ITEM #2 (Rear lot setback in business districts)

P. 40, Rear lot info near top, item 1 reads: "Where the rear of a lot in a B-1 District abuts upon the side yard of a lot in any FF, RUR, RER, LAR, or R District there shall be rear yard of not less than twenty-five (25) feet." The PC agreed with Bill Bingham that the distance should be changed to 35 feet. However, this change was made w/o any posting or public hearing. In addition, there is no equivalent statement for the B-2, M-1, or MU Districts, and perhaps there should be since these districts also abut residential districts.

ITEM #3 (Tiny Houses)

All zoning districts in the township (except M-1) contain the statement: “Year round or seasonal tiny house or dwelling unit of less than the minimum square footage required.” This statement should be removed from FF, RER, and LAR since the permitted uses for each of these districts already includes language for small dwellings, specifically cabins, camps, and cottages. The statement should also be removed from R-1 since tiny houses would be inappropriate within the residential areas which have the highest square foot requirement in the township. Mobile homes as we explained at the May 6th P.C. meeting are permitted by law anywhere they meet the square footage requirement for the district. Tiny houses in R-2, R-3, R-4, and RUR will be discussed separately.

ITEM #4 (Things which may merely be editorial)

The first line in the R-3 District, Sec. 3.10, Purpose reads: “The R-3 High Density Single Family Residential District is intended to reflect the existing older, developed neighborhoods served by public water and sewer systems.” The same line in R-2 is identical except for the word Medium in place of High. We believe the R-2 Purpose statement was intended to say NOT served by public water/sewer.

Houghton County has no county drains so where the term County Drain appears in the ZO it should be replaced with a more correct term.

The ZO mentions security fences (open woven or wrought iron) and residential fences. People keep asking if they can erect a PRIVACY fence. Is a residential fence a privacy fence, and can it be constructed of wood slats? We are suggesting the words 'privacy fence' should be mentioned somewhere since wooden slat fences are very common in the township.

ITEM #4 (Tiny Houses)

In the last couple years, Bill and I have mistakenly permitted a couple mobile homes less than 900 sq. ft. – these should have come to the PC for a site plan review. At the May meeting, I understood that PC members would rather not be bothered with something so trivial. Yet, all dwellings (mobile home or wood framed) less than 900 sq. ft. (in all districts except R-1) are currently required to undergo a PC site plan review. Mike at MTA proposed a workable solution – make dwellings less than the minimum required square footage a PERMITTED USE rather than a SPECIAL USE as the ZO now

requires. Make the 'tiny' dwellings a permitted use that must meet specified zoning, sanitary, and occupancy codes. The change would be made in RUR, R-2, R-3, and R-4 with the likelihood of the request in practice being limited to RUR and R-3 (Huron town, Dodgeville, #2 Location, and south along Portage Lake to about Goodwin Motors.

We think the definition of tiny house in the Definition section say “... less than the minimum square footage required” rather than “less than 500 square feet.” The Districts mentioned in ITEM #3 above already have the 500 sq. ft. language.

ITEM #5 (Campers)

I recall Jeff asked if people living in campers was an actual problem in Portage Twp. My best answer in retrospect would be that It certainly was for Bill Briggs on Portage Lake in Sheridan Place. The prospective buyers of his home did not intend to proceed if a mobile home was next to them (was a camper). The health dept. is concerned about sewage, and item 1, P. 1 in the ZO states that the purpose of the ZO is “To promote the public health, safety, and general welfare of the people.” Within the preceding AUTHORITY section, the ZO's primary focus is “...to conserve the value of property in the Township...”

According to MTA, a landowner has a right to reside in a camper on his own property. There are, however, certain regulatory measures. A time limit can be set for occupancy, and hookup to Twp. water and sewer can be mandated where available. In rural areas, the health dept. requires a septic system if a landowner has a pressurized well. A well with a hand pump is not subject to this rule. Permits for outhouses and composting toilets in districts the Twp. designates as remote (FF & RUR for example) are possible through application to the health dept. (the county Building Dept. has no jurisdiction over campers with current Mich plates). Bill and I have required a zoning application for Rvs parked long term, especially when the owner wants a deck or storage building which are only permitted when there's a dwelling on the land. Our assessor then puts these structures on tax roles. This is a lot of random info, but we suggest some camper guidelines should exist.

Attachment 2 – Notes taken by Chair Melanie Watkins during work session

ZONING ORDINANCE AMENDMENTS for the P.C. to TAKE UP ,
(JO&BB)

ITEM #1 (Role of the ZBA)

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--Houghton County has no county drains so where the term County Drain appears in the ZO it should be replaced with a more correct term. --Bill has suggested that the rear lot setback in the LAR District should be reduced from the current 25 ft. to only 10 ft. Lots in this district face the lake, and their rear setback is compromised by the proximity or the railroad grade right of way. Allowing a 10 ft. setback from the railroad grade easement would give the folks in this area more usable room to build their garages.

ITEM #5 (Tiny Houses continued))

In the last few years, Bill and I have mistakenly permitted a few mobile homes less than 900 sq. ft. – these should have come to the PC for a site plan review. At the May meeting, I understood that the PC would rather not be bothered with issues so trivial. Yet, all dwellings in all districts except R-1 (mobile home or wood framed) of less than 900 sq. ft. currently require PC site plan review. Mike at MTA proposed making dwellings less than the minimum required square footage a PERMITTED USE rather than a SPECIAL USE as now required; make them a permitted use that must meet specified zoning, sanitary, and occupancy codes.

In a May 26th conversation, Katherine at MTA pointed out that our inclusion of the 'tiny house' concept in our ZO was not helpful – Bill and I propose abandoning it. FF, RUR, RER, and LAR currently permit 500 sq. ft. living structures. We just call them cabins, cottages, and camps (the county & health dept use dwellings). Bill and I propose keeping the 900 sq. ft. minimum in R-3, and using 500 elsewhere, R-2, R-4, and the list above. Dwellings less than 900 sq. ft. could be permitted in R-3 for substandard lots.

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The county Building Dept. has no jurisdiction over campers with current Mich plates, and our assessor does not place campers with Mich plates on the roles since they have already paid taxes.

One avenue has enabled Bill and I to obtain a zoning application from seasonal residents – people need storage sheds and decks. Bill and I have required a zoning application for RVs parked long term, since accessory structures are permitted only if there's a dwelling on the site. Our assessor then records these structures on the tax roles. This is a lot of random info, but we suggest some guidelines should exist. With housing being so tight, people elsewhere (and here a year ago) are living in shipping containers, semi trailers, etc. We should be prepared.

ITEM #6 (Fences)

We have frequently been asked if PRIVACY fences are permitted. However, only 'residential' and 'security' fences are mentioned in the ZO. We suggest that the word 'privacy' be included, that wooden slats be included as a permitted material, and the the height be stated in both references to fences. The pertinent text in the ZO is from p. 76, Section 8.2, items C. and D. which follow below:

C. Residential fences are permitted on the property lines in residential districts, but shall not be closer than two (2) feet to any public right-of-way.

D. Security fences are permitted on the property lines in all districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

CLARIFICATION REQUESTED

There is a statement in the ZO which we believe allows us to permit smaller setbacks for substandard sized lots, which are common in Hurontown, Dodgeville, Number 2 Location, and along Portage Lake south of Houghton. The question is: how exactly does the PC interpret the following statement from P. 5, Section 2.3, item 7 which follows:

7. Substandard Lots - Any lot in a single ownership, which ownership was of record at the time of the adoption of this Ordinance, that does not meet the requirements of this Ordinance for yards, courts, or other area of open space may be utilized for a single family dwelling, provided the requirements for such yard or court area, width, depth, or open space is within seventy-five percent (75%) of that required by terms of this Ordinance and further provided that satisfactory arrangements can be made of sewage disposal and water supply. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.