

memo

To: Township Board and Planning Commission

From: Randy Mielnik, AICP

Date: December 15, 2020

Re: Zoning Ordinance Update

Given recent conversations and concerns regarding the zoning ordinance update, please consider the following clarification of actions taken to date and the suggested path going forward.

RECENT PLANNING COMMISSION ACTIONS

1. The draft zoning ordinance update was first placed on the township website in January 2020 with a request for public comments. After comments were received, the draft was further modified. This updated draft intentionally excluded modifications to the winery portion of the ordinance since a separate subcommittee was working with Wineries of Old Mission Peninsula (WOMP) to address this portion of the ordinance.

More review and discussion of the draft zoning ordinance took place at planning commission meetings in June, July, August, and September and additional modifications were made. At the September meeting, the planning commission agreed to move forward with a public hearing in October to begin the formal adoption process.

2. At the October public hearing, concerns were expressed about attending a public meeting given COVID. The need to provide a zoom option was discussed and the public hearing was continued to November.
3. At the November meeting, a zoom option was provided. While technical problems were evident with poor/dropped connections, many residents provided input in person and remotely. Following public comment, planning commission members acknowledged several challenging issues imbedded in the overall update. Planning commission member and township board liaison Isaiah Wunsch proposed setting aside the more challenging issues so that the majority of the rewrite could move forward. Planning commission members indicated support for this approach.
4. The public hearing is scheduled to continue on December 21 to provide more opportunities for input, comments, and suggestions on the rest of the zoning ordinance update.

MASTER PLAN

1. Some of the issues the township is struggling with are made more difficult by the fact that we have an outdated (10-year-old) master plan that is silent on many important matters.
2. The Master Plan Steering Committee, appointed last year, began addressing this. We have updated community survey results and identified several key planning issues to address in the new master plan. This committee also began developing an online community engagement platform called Bang the Table that will be unveiled in January (see the upcoming winter newsletter). Among other things, Bang the Table will allow us to conduct additional surveys and support richer and more productive community conversations on key topics.
3. With the foundational elements of the new master plan in place, including the mechanism for community engagement, the task of the master plan development will soon shift to the planning commission. When an updated master plan exists, it will be easier to navigate through challenging zoning issues in the future.

PLANNING COMMISSION WORK SESSION

1. The recently cancelled work session scheduled for November 30, 2020, was intended to set aside a larger block of time to bring the planning commission members up to speed on plans to launch Bang the Table and begin engaging the community via the online platform. No action of any kind was contemplated, and contrary to newspaper reports, the meeting was unrelated to the winery lawsuit.
2. Unfortunately, recent changes to the township website allowed the meeting notice to appear in two places, with different meeting dates in each place. This created confusion and the need to cancel the meeting.
3. Work sessions are a normal part of committee work; the decision to hold a work session between regularly scheduled meetings stems from the fact that three public hearings and several other action items are already on the agenda for the upcoming December 21 meeting.

STEPS FORWARD

1. There is no preconceived timeline or push to quickly adopt the zoning ordinance update. In fact, it is the township board's desire that all residents have the opportunity to provide input on all provisions of the ordinance. For this reason, the township board will not take up the zoning ordinance update or hold required public meeting(s) until July, when summer residents are here and able to participate.
2. In the interim, the planning commission will continue to move forward with meetings and public comment on the rest of the zoning ordinance update, with the goal of having it ready to move to the township board by July.

WOMP LAWSUIT

1. The impact of WOMP's recently filed lawsuit on the winery portion of the ordinance is unknown at this time. The subcommittee of the planning commission had been working with WOMP to revise the winery sections of the ordinance with the goal of submitting them to the full planning commission for consideration and the required public hearing(s). That option is now off the table.

2. Once the lawsuit filed by WOMP is resolved, the planning commission will bring the winery ordinance to the public for review, public comment, and revisions, if necessary. We believe the township's winery ordinance is compliant with Michigan law and hope and expect it will prevail at trial. Should that be the case, any changes to the winery ordinance will be those suggested by the planning commission after a process of review and public comment and sent to the township board for approval per the state-mandated process of amending an ordinance.

SHORT-TERM RENTALS

1. Changes to short term rental regulations should be set aside for now. The Michigan legislature has taken up two separate bills that would bring control of short-term rentals under the auspices of the State of Michigan, potentially requiring us to alter our ordinance. Once the Michigan Legislature promulgates this legislation, the intent is to revise these sections of the ordinance and submit them to the planning commission for the required public hearing(s). The impact of the Michigan legislature taking no action on short-term rentals despite promises to the public that the legislation would be completed and approved by now is causing problems.
2. The township-wide 2019 survey revealed that nearly two-thirds of residents support our existing short-term rental policy. We will continue to seek additional public comment on short-term rental policy and dig deeper into this issue while we monitor state legislation. Once we receive public comment and direction from legal counsel, the short-term rental ordinance will be brought before the planning commission and the public for review and revisions. Once the planning commission approves this portion of the ordinance, it will be sent to the township board, where the process of review and public comment will begin again before adoption ultimately occurs.