

ONEIDA CHARTER TOWNSHIP PLANNING COMMISSION

MINUTES OF MEETING HELD

JANUARY 5, 2021

AT 7:00 P.M.

The Meeting was held on Zoom, Members were at their homes.

MEMBERS PRESENT: CHAIRMAN KILGORE, SCHERER, SCHROEDER, GREEN, KUHLMAN, AND WALTERS.

EXCUSED: STAHELIN

OTHERS PRESENT: ZONING ADMINISTRATOR GOSCHKA, MR. PIGGOT AND MS. HABBEN, TRUSTEE SCHULTZ

1. Meeting was called to Order by Chairman Kilgore at 7:00 p.m.
2. Pledge of Allegiance was given.
3. Additions to the Agenda, there were none.
4. Minutes of December 1, 2020 were approved as amended in a Motion made by Mrs. Scherer and supported by Mr. Green. Motion Carried.
5. Public Comment: There was none.
6. Zoning Amendment Discussion: Chairman Kilgore asked Mr. Walters to discuss his findings regarding an Amendment to the Zoning Ordinance to allow the definition of Church to be added to allow Churches to have affiliated day care and school facilities. Mr. Walters discussed his suggestion (Church/Daycare Problem). He thought we could fix the Zoning Ordinance by simply including a definition for Church in Chapter 2, Section 2.04. He was surprised we didn't already have a definition for Churches in the Ordinance. He said the definition could read (Churches to include incidental facilities such as Church associated Day Care Operations and Schools). If this was done, whenever Churches appears in the Zoning District Chapters of the Ordinance which are Chapters 4, 5, 6, 7, and 8, it would include the definition: incidental facilities such as Church associated Daycare Operations and Schools.

Furthermore; he stated that all of the Zoning District Chapters include a Special Land Use Section which includes a defining paragraph which reads: "The Following uses are permitted in the \_\_\_\_ district by obtaining approval from the Township Board after recommendation from the Planning Commission as a special land use after all applicable standards of Chapter 15 are satisfied." Therefore, a daycare operated on Church property would require the Church to comply with the appropriate Section 15.04 Special Land Use Specific Requirements. With the addition of (G.) Churches and Section 15.04 (O) Group Daycare Home; Commercial Daycare Home.

Chairman Kilgore noticed Churches were not mentioned in R-1A. He asked Zoning Administrator Goschka about an amendment to add Churches to this section. She explained the process and noted she was not sure why it had been omitted.

Chairman Kilgore then called on Mr. Green to discuss his suggestions for amending the Zoning Ordinance to allow Churches to have Daycare and Schools. Mr. Green said he also would

suggest amending the Definitions section C to include (Church). Defined as a structure or facility dedicated to the regular practice of religious beliefs. He defined a Church Operated Daycare or School as A Structure or facility dedicated to the regular practice of religious beliefs. He also stated that he thought the definition should say that the Day Care or School has to be a part of the Church and controlled by the Church.

(Church Operated Daycare or School) A daycare or school operated by an official of a Church, where said official is responsible for the monies charged for services by the Church and is responsible for the daily operations, including but not limited to, licensure and staffing on behalf of the Church.

Further, he felt that chapters A-1 and R-1A (maybe even B-1 and B-2) should be amended to include Churches as a permitted use and add Church Operated Daycare or School as allowable usages under SLUs.

He thought that the above-mentioned definitions would resolve the issues possibly involved with the term “associated” being misconstrued to mean church member, contracted person or business.

Zoning Administrator Goschka said it could be done either way using affiliated or leased out, but the leased out would involve taxation of that part of the Church.

Mr. Piggott suggested instead of Churches the Commission might want to change it to Religious Institutions. He also thought the Commission should check with their Attorney on how to regulate these types of Institutions, and that there was a need to be careful in how they were handled. He referred to the “Religious Land Use and Institution Act of 2000”. (Which was included in the packet from Eaton County). Mr. Walters wondered if we wanted to use the term incidentals for Daycare and School uses as part of Churches. Mr. Green felt that the Daycare or School should be totally Church run.

Zoning Administrator Goschka felt it should be clear that a SUP would be required for the Church and a separate SUP for a Daycare or a School within the church. Mrs. Schroeder discussed incidental facilities and wondered if they needed to be defined. Chairman Kilgore said he felt that they did and it should also be specifically clear who runs the Daycare or School. There was discussion on getting rid of affiliated and using the word (run) by the Church. Mr. Green said the definition should make it clear that the Church operates the Daycare or School and is responsible for handling of funds and so forth. Mr. Kuhlman felt that it was important to protect the Community and that it should be clear whether the Daycare or School is part of the Church or an individually run business.

Chairman Kilgore asked if there were any more comments.

Mr. Green asked if the Commission wanted to allow Churches permitted by right in Sections A-1, R-2A, B-1 and B-2 of the Ordinance are the only Sections that allow Commercial Daycare at the present time.

Chairman Kilgore suggested moving forward and having the Attorneys put together some proper wording to amend the Zoning Ordinance for Churches with Daycare and Schools. He suggested further that the proposed wording be sent to Members of the Commission for review prior to the next Meeting.

7. Master Plan Update – Revised Boards. Mr. Piggott was present to review the revised Boards with the Commission. He noted that they had made the requested corrections and that the

Header (Residential/Commercial, and Industrial Growth) will be corrected. They had corrected the maps and areas of growth. Chairman Kilgore asked the date for the Open House, Mr. Piggott said it will be held on January 21, 2021. The plan as of now is that it will be a Hybrid, unless things change with the COVID-19 situation.

Ms. Habben will be working with Zoning Administrator Goschka. She said there is a Master Plan Tab on the Web Page and the Boards and the Survey will be available there. If people have questions, they can join the virtual Open House.

She said there would be a soft opening on January 14<sup>th</sup> to be sure everything works correctly, and the Survey will open live on January 18, 2021.

Zoning Administrator Goschka asked how to handle the Survey for those who do not have or use the internet. Ms. Haven suggested a pick up at the Hall and return process. She was concerned that the mail has been slow due to COVID-19 and not dependable.

Mrs. Schroeder said that part of Saginaw Hwy. was missing on the maps. Mr. Piggott said that it would be corrected.

Ms. Habben and Mr. Piggott discussed Commission Members being available for part of the Open House for face to face with those who attend.

8. Public Comment: There was none.
9. Any Other Business: Zoning Administrator Goschka discussed the Amendment to the Solar Ordinance having to do with the setback of Solar Panels on the roof. She had met further with Fire Chief Rodney Vandecasteele, and they suggested the following wording.  
(Section 3.29 Solar Energy Systems. E. Any Solar Energy System mounted on the roof of a property must be installed with a minimum three (3) foot setback from the edges of the roof, the peak, the eave and the valley. Exceptions must be reviewed by the Fire Chief of the local Fire Department.) The Commission was in agreement with the suggested wording and change.

Mrs. Scherer moved to recommend to the Township Board that the suggested Amendment be made to the Solar Ordinance. Support was given by Mr. Kilgore Motion Carried. This will involve a Public Hearing and the normal Amendment process.

Mr. Green noted that there was a duplication of wording in Sections 6.02 F and 6.03 B, 7.02 G, 7.03 B and 8.02 G and 8.03 C of the Zoning Ordinance and wondered if it should be corrected. Zoning Administrator Goschka will review it and get back to the Commission.

After all discussion, Meeting was adjourned at 8:15

Minutes respectfully submitted by Jan Schultz and Melissa Goschka

APPROVED:

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Mr. Justin Kilgore, Chairman