

**Miami Township  
Zoning Commission  
Tuesday, January 17, 2017**

**Members of the Zoning Commission present:**

Karen Kreusch, Chairperson  
Michael Pothast  
Cynthia Griffith  
John Barber  
Brent Anslinger  
Kurt Hatcher

**Members of Township Staff present:**

Chris Snyder, Director of Community Development  
Kyle Hinkelman, Deputy Director of Community Development

**Others Present:**

none

Ms. Kreusch called the meeting to order at 7:00 P.M.

**Special Announcements**

There were none.

**Approval of Minutes**

Mr. Barber made a motion to approve the minutes from December 20, 2016 and Mr. Pothast seconded the motion. Mr. Anslinger and Mr. Hatcher abstained from the vote and the remaining votes were all ayes. The motion passed.

**New Business**

**1. ZC #222-88 The Fortus Group - Major Modification**

Ms. Kreusch made a motion to open case ZC #222-88. Mr. McElroy seconded the motion, the vote was all ayes, and the motion passed.

Mr. Hinkelman informed the Commission that the applicant has requested that the case be continued until the next regular Zoning Commission meeting scheduled for February 21, 2017.

Ms. Griffith made a motion to continue the case until the next regular meeting. Mr. Pothast seconded the motion and the vote was all ayes. The motion passed.

## **Work Session**

### **1. Discussion on Proposed Text Amendment to Article 38**

Ms. Kreuzsch made a motion to open a work session to discuss proposed amendments to Article 38 of the Miami Township zoning code. Ms. Griffith seconded the motion and the vote was all ayes. The motion passed.

Mr. Snyder stated the intent of the proposed amendments to Article 38 would be to make changes to the language, re-organizing the layout of the code, and provide clarification to the outdoor sales, temporary use, and other sections within the document.

Mr. Snyder specifically asked the Commission for their views on the placement of donation boxes, the number allowed, and their signage.

Ms. Griffith asked if a permit would be required to place a box in a front parking lot.

Mr. Hinkelman stated that they would not be permitted in a front parking lot and that donation boxes are presently permitted as if they are a primary structure. He explained the intent would be to clarify the code's definition of a donation box in addition to the permitted location requirements.

Mr. Snyder suggested that limitations can be placed on their location, screening, and size.

Mr. Barber asked if limitations were placed on donation boxes if that would in fact defeat the purpose of which they are intended or make them less accessible.

Mr. Snyder suggested the Commission consider defining the donation boxes either as an accessory structure with the required setbacks or regulate them as a primary structure.

Mr. Hinkelman noted that some of the boxes are more temporary than others and that many of the businesses lease the space to the donation box companies.

Mr. Anslinger asked if the donation boxes were typically related to the connected businesses or if the owners desired just any visible and accessible location.

Mr. Pothast commented that it is mostly a visibility and accessibility issue.

Mr. Anslinger suggested there be a designated space within the Township for donations or drop-offs.

Mr. Pothast reiterated Mr. Barber's point that if the donation boxes were limited to the back or sides of buildings then that would limit the visibility and would likely dissuade those companies from locating to the Township.

Mr. Anslinger suggested how it may be in the township's best interest to offer a central area for such use to prevent multiple drop-off boxes in undesirable locations.

Mr. Hinkelman commented that they may still dissuade companies because they are often in competition with one another.

Mr. Snyder also pointed out that a number of these boxes are located at churches which may receive a portion of the profits.

Mr. Hinkelman added that churches often place the boxes in the side or back of the property.

Mr. Anslinger asked if it would be possible to have separate regulations for non-profit locations such as churches.

Mr. Snyder said that could be looked into as a possibility. He further noted that there were quite a few boxes located in the township at present and stressed that the larger issue was that the donation boxes are not specifically defined within the code to clarify what can or cannot be done.

The Commission discussed with Staff the benefits for property owners in hosting donation boxes on their properties.

Mr. Hinkelman noted a concern that if the donation boxes are permitted in the front of a property eventually multiple businesses on a single street visibility could have donation boxes facing the roadway. This could be an aesthetic issue.

Mr. Hatcher asked if it would be possible to require a specific setback from the roadway and Mr. Snyder replied that it would be difficult to do since it would be based upon the size and location of the existing building on each property, the location of sidewalks.

Mr. Pothast asked if any research was done to see what other communities were doing and Mr. Hinkelman replied that many communities he had researched had banned the boxes outright.

Mr. Barber inquired if the boxes were limited to the sides or back of the businesses if signage would be possible directing people to their location. He also suggested that the property owner be held responsible for the maintenance or cleanliness of the box area if on their property.

Mr. Anslinger stated that he wouldn't rule out a specific area in the Township to have multiple boxes on properties such as Meijer or Wal-Mart.

Mr. Snyder responded that it would be difficult within the code to call out specific businesses for this purpose and Mr. Hinkelman added it would have to clarify a specific zoning district and that it would apply to all the businesses within those specified districts, not just single businesses.

Mr. Snyder also added that it would also be left up to the Township to monitor and enforce those specifications.

Mr. Barber suggested that if a business leases a portion of their property they should be responsible for the maintenance of that area.

Ms. Griffith suggested that perhaps using a portion of Township property should be discussed further.

Mr. Anslinger also suggested an agreement between the Township and the business owner could be a possibility.

Mr. Barber reiterated Staff concerns about code enforcement.

Mr. Snyder noted that some box companies target specific businesses based upon the type of consumers that visit those businesses.

Mr. Barber suggested limiting the types of materials being collected in specific areas.

Mr. Hinkelman reiterated that would require more monitoring from a code enforcement perspective and include interpreting the types of items that are allowed.

Ms. Kreuzsch asked if the primary concern was how the boxes often look.

Mr. Snyder replied that it was a blight issue as well as an issue of not having a specific definition of the boxes within the code and what is permitted. He noted that the interpretation of the current code today is that they are not defined and as a result are not allowed nor permitted.

Ms. Kreuzsch asked if a time line had been considered.

Mr. Hinkelman noted that placing limitations on a time or location of the boxes may dissuade companies from pursuing placement all together, especially if fees are involved.

Ms. Griffith and Mr. Barber both noted that a timeline would also require more enforcement.

Mr. Hinkelman stressed the importance of having a clear definition in the code of what a donation box (or other type of box) is in addition to what is permitted and what is not.

Mr. Snyder informed the Commission that the next item up for discussion was a timeline and location requirement for residential trash containers. He informed the Commission that the current zoning inspector receives numerous complaints from residents each year in regards to trash receptacles being left out too long after pickup or trash being left on the curb for unreasonable periods of time.

Mr. Snyder recommended at least a twelve hour window for trash and noted that it was a challenge from a code enforcement stand point to manage but stressed it has been a repetitive issue each year.

Mr. Barber suggested having a contract with someone to pick up unsightly trash as needed and bill the property owner for it.

Mr. Hatcher stated that residents may be disposing of trash due to limitations provided by the landlord.

Mr. Snyder reiterated that it would be difficult to manage from a code enforcement perspective due to the lengthy process that would be required to take action.

Mr. Anslinger stated concerns having only a twelve hour timeline.

Mr. Snyder commented that vacations and other related issues would need to be taken into consideration by the enforcement officer.

Mr. Hinkelman noted that the language would need to be applicable to multiple districts, trash contract recipients, and holiday delays.

Mr. Snyder addressed the topic involving the parking of recreational vehicles. He explained the current code allows temporary 48 hour parking but the process of taking action and enforcing violations was legally prohibitive without constant 48 hour monitoring of those vehicles.

Ms. Griffith asked if it was currently permitted to park recreational vehicles in the back or side yard and Mr. Snyder stated that it was.

Mr. Hinkelman stressed the importance of having a clear definition of what is permitted so it is easy to specify what specifically is allowed to residents.

Mr. Barber commented that trailers not be permitted in the street.

Mr. Hinkelman noted that trailers parked in the street are not enforced by zoning and that they are a police issue when in the street.

Mr. Snyder also noted that the police were additionally looking into changing parking regulations related to recreational vehicles that are parked in the street.

Mr. Hinkelman and Mr. Snyder added that the department receives complaints each year about parking recreational vehicles from both sides of the issue.

Mr. Snyder explained Staff was looking into adjustments to the setback requirements for pools and hot tubs. He noted the code currently has no consistency in regards to the setback requirements for pools or the permitted location for hot tubs. He further noted that the location of things like vending machines and propane exchanges should be clarified as well.

Mr. Snyder explained that Staff was looking into things that will or will not require a permit. Which would include things like basketball poles, flag poles, and sport poles, as well as specify which items don't need a permit like mailboxes.

Mr. Anslinger asked if there could be different height restrictions on flag poles or sport poles based on the type of building and suggested there be a maximum height requirement.

Mr. Snyder stated that that could be regulated to a degree.

Mr. Snyder also suggested there be specific standards in place for temporary uses such as graduation tents, tent sales, temporary storage units, garage sales, and special outdoor events.

Mr. Anslinger asked if special events were currently permitted.

Mr. Hinkelman explained that special events were currently permitted in the agricultural district only. He further stated that the number of days an event can take place should be specified and also require a permit.

Mr. Hinkelman stressed the importance of specifically identifying and defining what a special event is so that it doesn't become subject to false interpretation.

Mr. Anslinger suggested that the final approval for events be determined by the Board of Zoning Appeals.

Mr. Snyder noted that permitting events that may affect neighboring residential areas should be carefully contemplated. He noted that churches currently have different requirements than other businesses by law.

Ms. Kreuzsch asked if the intent was to ban certain events.

Mr. Hinkelman replied that the intent is not to prevent events from happening at any location but to have the necessary requirements met and permit those events with the safety and interests of existing residents and businesses in mind.

Ms. Kreuzsch noted that planned events were permitted at Austin Landing.

Mr. Hinkelman explained that planned events and outdoor sales can be specifically permitted in a planned development such as Austin Landing but other zoning districts currently make it more difficult to allow.

Mr. Anslinger stated that he liked the idea of permitting events but would be concerned how these provisions would affect traffic flow and safety.

Mr. Hinkelman stressed the importance of calling out specific requirements such as those things directly related to insuring events are organized, planned, and safe for the public.

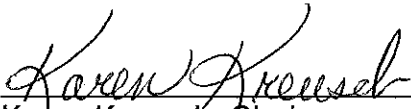
**Other Business**

Ms. Kreuzsch nominated Mr. Pothast as the new Chairman and Mr. Barber as the Vice Chairman of the Zoning Commission. Ms. Griffith seconded the motion and the vote was all ayes. The motion passed.

Mr. Pothast made a motion to close the work session, Mr. Anslinger seconded the motion, and the vote was all ayes. The motion passed.

Ms. Kreuzsch made a motion to adjourn the meeting at 8:05 p.m., Mr. Barber seconded the motion and the vote was all ayes. The motion passed.

Respectfully submitted,  
Nicole Kessel, Recording Secretary

  
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Karen Kreuzsch, Chairperson

  
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Date