

**SAGINAW CHARTER TOWNSHIP PLANNING COMMISSION  
SAGINAW CHARTER TOWNSHIP HALL  
APRIL 21, 2010**

Members Present

A. Seaver  
C. Nolan  
B. Nelson  
P. Brucker  
B. Gombar

Members Absent

E. Majask  
R. McGraw

Others Present

B. Smith, Planner  
C. Edlinger, Recording Secretary

Mr. Brucker called the meeting to order at 7:00 p.m.

**Approval of Minutes:**

Motion by Ms. Seaver, supported by Mr. Nelson, to approve the minutes of March 3, 2010.

**VOTE:            5 YEAS            0 NAYS            2 ABSENT            MOTION CARRIED**  
Majask  
McGraw

**New Business:**

- A.     **S-10-12** – From Buds to Blooms of Essexville, Michigan is requesting site plan approval to have an outdoor greenhouse located at Fashion Square Mall on Bay Road/M-84, north of Firestone and south of the entrance drive that would operate for 70 days.

Ms. Smith stated the applicant is proposing to install a greenhouse from which they will conduct outdoor sales from April 26 until July 31 (which would equate to a total of 97 days when 30 days are permitted by right). Section 1603, Uses Permitted Under Special Conditions, provides for temporary outdoor uses with several conditions, including that they shall be limited to 30 days in any one calendar year per parcel of land. It further provides that an extension beyond the 30-day limit may be granted after a public hearing if a practical difficulty will be created were the 30-day limit to be imposed.





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- Clearly prohibit commercial trailers from being parked/stored on residential properties
- Language that prohibits semi-tractors and other large commercial vehicles from being parked on residential properties
- Limitations on the placement and duration of contractor signs in yards of residential properties.
- Limit garage sales
- Temporary structures designed to protect property during the winter months, including snow fence and temporary structures for mailboxes.
- Define Home Occupations

Mr. Brucker then asked for public comments in favor or in opposition to the proposed text amendment.

There being no comments, Mr. Brucker closed the public hearing portion of this proposed text amendment.

Discussion followed among the Planning Commission members. It was noted that under Section 302.11.o. to change the sentence from "Vehicles, apparatus, trailers, or machines similar to any of those listed in this regulation, shall be prohibited within any R-1, R-2, or R-3 district" to "Vehicles, apparatus, trailers, or machines similar to any of those listed in this regulation, shall be prohibited within any Residential or Agricultural district" and to reformat the exceptions for Section 302.11.

Motion by Mr. Gombar, supported by Mr. Nolan, to recommend approval of the proposed text amendment (Z-10-02) with the noted changes to the Township Board.

The proposed amendments below show the existing text, the text that is to be removed is marked with "~~strikethrough~~" and the proposed text is in **bold**.

Proposed Amendment

Amend Chapter 2, Section 202, to amend the definition of a Home Occupation.

**Section 202. Definitions**

43. Home Occupation. ~~Any activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit.~~

**A home occupation is a lawful activity commonly carried on within a dwelling by a member or members of the family who occupy the dwelling where the occupation is secondary to the use of the dwelling for living purposes and up to one other person, and the residential character of the dwelling is maintained. Auto and/or vehicle repair (painting, sales, and salvage), kennels and other similar uses are not permitted home occupations.**

Section 302.11 ~~Heavy vehicles.~~ *Parking and storage of commercial vehicles.* **No person shall park or store any** vehicle, apparatus, trailer, or machine designed for a specific commercial operation or purpose such as:

- a) **Well drilling**
- b) **Moving dirt, stone, or other materials**
- c) **Removing lumber or stumps**
- d) **Trenching**

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- e) Planting trees or other vegetation
- f) Installing poles
- g) Lifting people or equipment
- h) Transporting water or other substances
- i) Vehicles intended to pull trailers
- j) Storage of construction equipment inside or outside the vehicle or trailer
- k) Generation of electrical power
- l) Pumping of water or other substances
- m) Demolition of materials or buildings and vehicles
- n) Wreckers
- o) Vehicles, apparatus, trailers, or machines similar to any of those listed in this regulation, shall be prohibited within any Residential or Agricultural districts.

**Exception:** The following vehicles, apparatus, trailers, or machines may be parked or stored in a residential district meeting the following guidelines: If a commercial vehicle is used for and in direct connection with a construction project taking place on the parcel where it is parked and the project is currently ongoing; or if the commercial vehicle is owned by a governmental body or utility and is used in the installation and/or maintenance of utilities such as water, sewer, streets, highways, cable television wire, telephone, or electrical wires.

i. **Commercial Vehicles on Public property.** No person shall park or store any commercial vehicle or equipment identified in subsection (a) of this section on public property located in any zoning district, including but not limited to public streets, stub streets, rights-of-way, bike paths or pedestrian paths, sidewalks, greenbelts, and planting areas between bike paths and streets unless such parking or storage is limited to vehicles or equipment engaged in the performance of a service on the adjacent or underlying property, for the period of time reasonably necessary to complete the service.

ii. **Commercial Vehicles in Residential and Agricultural districts.** No person shall park or store any commercial vehicle as defined in 302.11 in any residential or agricultural district unless the vehicles or equipment is engaged in the performance of a service on the adjacent or underlying property, for the period of time reasonably necessary to complete the service.

Commercial vehicles such as pickup trucks, passenger/cargo-style vans with seating of up to 15 persons, sport utility vehicles, passenger cars, and similar type vehicles, may be parked or stored in a residential district so long as it is not modified from the original manufacturer's specifications in such a way as it extends its' height or length with the exception that a plow on the front and a spreader on the rear of a vehicle may be attached even if the length of the vehicle is extended beyond the manufacturer's specifications.

iii. **Commercial vehicles in Nonresidential districts.** No person shall park or store any commercial vehicle identified as defined in Section 302.11 or commercial equipment on private property in any nonresidential district except as where such parking or storage is limited to vehicles or equipment engaged in the performance of a service on the adjacent or

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underlying property, for the period of time reasonably necessary to complete the service or unless such vehicle or equipment is parked or stored in relation to a permitted principal or accessory use of the property. In such event, parking or storage must comply with all other codes and ordinances.

**Add Section 302.19 Garage Sales**

**19. Yard, rummage, garage and similar type sales are permitted providing:**

- a) The sale is temporary in nature and shall not continue for a period exceeding four (4) days from the date of commencement, and may not commence again for at least thirty (30) days from the last date of a prior sale at that location, with no more than three (3) such sales per year. No items available during sales may be openly displayed when sales are not in progress.**
- b) The sale shall not be intended for more than incidental income and shall not be intended to operate as a commercial venture providing regular income.**
- c) Only secondhand household goods of the owner or lessee of the property may be sold or offered for sale. Items for sale shall not include new goods or goods on consignment.**

Sec. 303. Supplementary yard regulations.

1. *Permitted yard encroachments.*

- l) Temporary structures designed to protect property during the winter months, including snow fence and temporary structures for mailboxes. Structures shall be temporary and only during winter and shall be removed by April 1. Said structure(s) shall only be as large as necessary to function properly and installed in such a way as to not obstruct view or create a traffic hazard.**

Section 305.9. Home occupations. It is the intent of this section to permit residents of the township a broad choice in the use of their residences as places of livelihood and the production or supplementation of personal and family income, while establishing criteria for the conduct of home occupations in dwelling units in residential districts to protect neighboring residential land uses from adverse impacts of activities associated with home occupations, to maintain and protect the character of residential neighborhoods, and to ensure the compatibility of home occupations with other uses permitted in residential districts. **The burden of proof shall be upon the applicant to prove that the standards of this Section are being met, especially regarding possible nuisances and traffic.**

a) Home occupations, where permitted, shall conform to the following standards:

- i) Any home occupation shall employ not more than one person other than those persons residing on the premises where the home occupation is to be operated.

- ii) Any home occupation shall be operated entirely within the principal dwelling and shall have no separate entrance from outside the building. No home occupation or storage of goods, materials, equipment or products associated with a home occupation shall be permitted in any detached building, structure, ~~attached or~~ detached garage or open area other than within the principal dwelling.

- iii) ~~No retail sales shall be permitted on the premises, with the exception that telephone orders taken off the premises may be filled on the premises.~~ **Shall exclude retail and/or wholesale sales (other than over the phone, electronic means and/or through the mail) nor any industrial use (other than custom crafts and sewing).**



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**Receive and File All Correspondence:**

- A. Memo regarding the proposed sign ordinance changes
- B. The March and April 2010 issues of Planning & Zoning News.
- C. Supplement No. 13 revision to the Code of Ordinances

**Other New Business:**

**Old Business:**

**Adjournment:**

Motion by Mr. Gombar, supported by Ms. Seaver, to adjourn the meeting at 7:40 p.m.

<b>VOTE:</b>	<b>5 YEAS</b>	<b>0 NAYS</b>	<b>2 ABSENT</b>	<b>MOTION CARRIED</b>
			Majask McGraw	