

Kearney Township Planning Commission
Minutes
November 20, 2023 Regular Meeting

Call to Order at 7:00 PM EDT

Members present: S. Alger, L Elrod, D. Jacques, T. Murray, C Rix

Pledge of Allegiance

Conflict of Interest – None reported

Jacques asked to add Commercial Event Facility to new business

Elrod asked to move Zoning Ordinance: Article 4 Zoning Districts Review to old business.

Jacques moved to approve of agenda as amended. Second by Rix, Carried

Jacques moved to approve of minutes of the October meeting as distributed. Second by Rix, Carried

Correspondence: None

Public Comment: Question regarding the status of the Short-Term Rental Ordinance.

Reports

- Township Official: Nuisance Ordinance returned by Antrim County without comment
- Zoning Administrator: Dan reported on permits issued since last meeting
- ZBA: ZBA was canceled, request for variance was withdrawn

Old Business

- Future Land Use Map: Dick distributed copies of the current FLUM and will email copies of the final version.
- Review of Zoning Ordinance: Article 4 Zoning Districts was completed with Melissa.

New Business

Jacques moved to add the following definition to Section 1.04 of the Kearney Township Zoning Ordinance: “**Commercial Event Facility**. A location where events are held for a fee including, but not limited to, weddings, parties, meetings, family reunions, and corporate events. The event locations can include, but not be limited to, tents, gazebos, barns, open areas, and residential structures as well as other structures specifically designed to host events. Also known as Convention Centers, Conference Centers, Banquet Halls, Wedding Venues, or Wedding Barns.

Commercial event facilities shall be allowed as a Special Use in the Agricultural, Resort Residential and Commercial districts.”

Second Murray, Carried

Jacques moved to add the following section to the Kearney Township Zoning Ordinance as Article VII:

Article VII Commercial Events Facilities

A. Standards.

1. Restaurants and hotels with banquet facilities where commercial event facilities are accessory to the principal use shall not be subject to this Section.
2. **Parking.** No vehicles associated with the event shall be permitted to be parked on public or private roadways. All vehicle parking shall be maintained "on site." "On-site" is defined as at least one hundred (100') feet from the property boundaries of the parcel on which the event is permitted. Adequate parking shall be provided for the guests of the event and those employed in support of the event. At a minimum, at least one (1) parking space for every four (4) persons attending the event shall be provided for on-site parking. The Planning Commission is authorized to take into account, to the extent it deems practicable, the joint use of parking spaces that may exist for a golf course, public restaurant, or other operations on the property during the time of events. The Planning Commission may approve, in its discretion, the use of off-site parking as an alternative with transportation provided to the site by attendees through a commercial transportation service. The use of off-site parking may be granted if it is determined that there is not sufficient space on the lot for on-site parking and that the use of a transportation service will provide a safe method of transportation.
3. **Setbacks.** The general event area (the actual location(s) in which the gathering is to occur) shall be located three hundred (300') from adjacent owners' lot lines. All activities associated with the use are to be included within the general event area, the only exception being the parking as allowed by **subsection A.2** above.
4. **Hours of Operation.** Year-round operations may be authorized. Events shall commence no earlier than 10 AM and shall terminate no later than midnight. However, the Planning Commission shall have the power to modify the commencement and termination times for a particular site based upon the specifics of the application pursuant to **subsection B.3**. For purposes of this Section, "termination" shall mean the termination of food, drinks, service, and entertainment, with the understanding that attendees and servers will need a reasonable amount of time after termination to exit the premises.
5. **Amplified Sound.** Sources of amplified sound, including but not limited to recorded music, live musical performances, and spoken word, shall commence no earlier than 12:00 PM, shall be terminated by 11:00 PM. The Planning Commission shall have the power to modify the time limits for amplified sound for a particular site based on the specifics of the application pursuant to **subsection B.3**. Enclosed buildings, tents, pavilions, and other open/non-enclosed structures shall be considered an acceptable location for the source of amplified sound as referenced in this Section. Strict consideration shall be afforded to the maintenance of ambient outdoor noise levels at the property boundaries.
6. **Overnight Accommodations.** No overnight accommodations shall be provided in temporary structures such as tents or recreational vehicles unless the Planning Commission approves a deviation from this standard pursuant to **subsection B.3**. Any Commercial Event Facility which provides overnight

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accommodations must comply with all applicable codes and laws related to the provision of said accommodations.

7. **Capacity.** The number of persons allowed at each event for a proposed Commercial Event Facility shall be compatible with the proposed facilities and infrastructure for each site.
8. **Sanitary Facilities.** Adequate sanitary restroom and waste processing facilities shall be provided on-site, and the type and location of such facilities shall be subject to the approval of the Planning Commission and **District Health Department**. All waste processing facilities shall be inspected and certified at least every 5 years.
9. **Number of Events.** The Planning Commission may limit the number of events allowed per year.
10. **Ingress/Egress.** The site of the Commercial Event Facility shall have at least two (2) means of egress, at least one (1) of which is adequate for emergency vehicles as determined by the Planning Commission in consultation with emergency responders based on its width, length, surface, and ability to support the gross vehicle axle weight of emergency vehicles.
11. **Buffers.** The Planning Commission may require appropriate buffers between the Commercial Event Facility and adjoining properties given the size of parcel, the natural topography, and vegetative cover.
12. **Outdoor Seating.** Seating for events may occur outdoors, under a fabric structure temporarily constructed on the property, or in an event barn or other structure.

B. Submittal Requirements.

1. In addition to the requirements in **Section 5.4: Site Plan Data Required**, the site plan must show the area of the event, parking, temporary structures, and sanitation facilities.
2. **Event Management Plan.** An event management plan shall be prepared and submitted to the Planning Commission for review and approval. The plan shall include provisions for traffic and parking management, hours of operation, noise abatement, toilet facilities, and the maximum number of guests. The plan shall also include a list of contacts for emergency situations.
 - a. Hours of operation must include setup and takedown times.
 - b. The event plan must provide expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors, and spectators/participants.
 - c. The event plan must provide the expected number of automobiles and other vehicles intended to use the property at one time and collectively.
 - d. The event plan must provide certification that the property where the event is to take place is not subject to any covenant or restriction limiting its use, or if the use is restricted by easement or

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otherwise, a copy of a survey or diagram depicting the easement area and any reserved area where development rights are intact.

3. The Planning Commission may grant a deviation from any of the **subsections A.2 through A.6** above upon the following findings:
 - a. Granting the deviation will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties.
 - b. Granting the deviation will not otherwise impair the public health, safety, and general welfare of the residents.
 - c. Granting the deviation will uphold the spirit and intent of this Ordinance.

A request for deviation shall be considered as part of the Special Use process. The need/reason for the deviation shall be provided, in writing, by the applicant. If a deviation is requested after the initial approval, a new approval process shall be required.

Second Elrod

Jacques moved to change the inspection and certification frequency in paragraph 8 from 5 to 3 years.
Second Murray, Carried

Moved Alger, second Rix to replace paragraph 3 as follows. "**Setbacks.** The general event area (the actual location(s) in which the gathering is to occur) shall be located three hundred (300') for open event spaces and one-hundred (100) feet for closed in spaces from adjacent owners' lot lines. All activities associated with the use are to be included within the general event area, the only exception being the parking as allowed by **subsection A.2** above. All event areas are subject to current and future noise ordinances."
Carried

Motion to add Article VII as amended carried

Motion Murray, Second Rix to strike the words "and residential structures" for the definition of Commercial Event Facilities. Carried

Public Comment: None

Commission Comments: None

Rix moved to Adjourn @ 9:25PM EDT. Second Murray, Carried

Motions:

1. To approve of agenda as modified.
2. To approve of minutes of the October meeting.
3. To Add a definition of Commercial Event Center to the Zoning Ordinance

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4. To add Article VII to the Zoning Ordinance
5. To Modify Section 6 of the proposed Article VII
6. To modify Section 3 of the proposed Article VII
7. To modify the definition of Commercial Event Center
8. To Adjourn

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "R E Jacques", is written over a light gray rectangular background.

R E Jacques
Secretary