

NOTICE OF REGULAR MEETING
COVERT TOWNSHIP PLANNING COMMISSION
Wednesday, January 15, 2024, at 6:30 P.M.
COVERT TOWNSHIP HALL

AGENDA

1. Call to Order / Roll Call / Pledge of Allegiance
2. Approval of Agenda
3. Approval of Minutes
: November 20, 2024
4. Public Comments (*3 minutes/person*)
5. Public Hearing
 - A. Zoning Ordinance Amendments related to Shipping/Storage Containers
 - Section 2.02 – Definitions (*P.H. Notice Item 1.*)
 - Section 18.14 – General Provisions (*P.H. Notice Item 2.*)
6. New Business
 - A. Election of Officers
 - B. 2024 Planning Commission Annual Report
 - C. 2025 Planning Commission Work Plan
 - D. 2025 Planning Commission Meeting Schedule Resolution
7. Ongoing Business
 - A. Master Plan/Coastal Management Plan
 - *Presentation of Draft Plan*
8. Communications
9. Public Comments (*3 minutes/person*)
10. Adjournment

PLANNING COMMISSIONERS: *Please notify the Planning Commission Chair no later than the day before the scheduled meeting if you are unable to attend the meeting. In the event of a lack of a quorum, the meeting will be canceled.*

COVERT TOWNSHIP

PLANNING COMMISSION

MINUTES OF THE November 20, 2024 REGULAR MEETING

6:30 P.M., COVERT TOWNSHP HALL

Call to Order / Roll Call / Pledge of Allegiance

Chair Rendell called the meeting to order at 6:30 p.m.

Members Present: Robert Brown, Tom Bury, Luke Dennison, Austin Harding, Jena Johnson, Wayne Rendell, Lonzey Taylor

Members Absent: None

Others Present: Rebecca Harvey, Township Planning Consultant

Approval of Agenda

Motion by Taylor, seconded by Dennison, to approve the agenda of the November 20, 2024 regular meeting, as presented. Motion carried unanimously.

Approval of Minutes – *October 16, 2024 Regular Meeting*

Motion by Bury, seconded by Harding, to approve the minutes of the October 16, 2024 regular meeting, as presented. Motion carried unanimously.

Public Comment

No public comment was offered.

New Business

Chair Rendell stated that no New Business is scheduled for consideration.

Ongoing Business

Text Amendment: Shipping/Storage Containers

Chair Rendell reminded that the Commission reviewed/discussed Draft #3 - 'Shipping Containers as Accessory Structures' in September. He noted that the desired approach to regulating the use of shipping containers in the Township had been reconsidered, and there had been agreement that the primary objective is to provide regulations for the use of shipping containers as accessory structures in residential areas to address potential negative impacts on the character of the Township's residential areas. To that end, Harvey was requested to revise the draft text to 'allow/regulate the use of shipping containers as accessory structures for residential uses; prohibit same for commercial uses; and allow without limitation use of same for agricultural business and industrial uses.'

Harvey provided an overview of Draft #4, highlighting the revisions made in response to Planning Commission review comments.

Chair Rendell noted that the 'waiver provision' added in Draft #3 uses the special land use approach in considering and granting waivers to the proposed regulations. He expressed concern with the related costs and delays inherent in the special land use approach, noting the site plan content requirements would be excessive and the process would require Township Board involvement. He questioned if this was appropriate as it relates to 'shipping containers'.

Planning Commission discussion ensued regarding the concerns expressed and the following observations were noted:

- Structural modifications to the container, such as adding a door or windows, are not proposed to be allowed. As such, a desire to make such a modification would require a waiver and trigger the special land use process.
- Taylor – the modification standard was proposed in recognition that structural modifications are often connected to use of the container for purposes other than storage.
- Dennison, Harding, Bury – there is merit in allowing some modifications, such as an additional door for improved access, windows, or even a lean-to.
- Taylor – allowing modifications will encourage unapproved use of the containers, as is currently occurring in the Township. Use as living quarters is a major concern.

- Chair Rendell, Dennison – use violations and enforcement practices are a concern across the board and not necessarily limited to shipping containers.

Planning Commission discussion continued wherein there was general consensus to remove the modification standard either wholly or in part, and to address unlawful use of a shipping container through enforcement. Taylor opined that quality modifications are hard to dictate and that the Township should be concerned that the structural integrity of shipping container is maintained. Chair Rendell suggested limiting allowed modifications to those that do not increase the footprint of the container.

Harvey noted that most of the proposed shipping container standards are designed to ensure compatibility with the surrounding area and reduce negative impacts on adjacent properties . . . which is why the special land use process for waivers is appropriate. However, the modification standard is a common approach used to increase the probability of use compliance and may not be appropriate for waiver under such a process. She advised that an alternative approach would be simply granting the Planning Commission authority to consider waivers under the Ordinance.

Chair Rendell, Johnson and Bury expressed interest in the option allowing the Planning Commission to grant deviations under certain circumstances and without public hearing. It was suggested that the deviation option could apply only to the modifications/additions provision . . . and could include criteria for review of such requests.

Following continued debate over the value of allowing structural modifications and whether the Ordinance should be designed to allow for deviations, there was Commission consensus to 1) allow structural modifications of a shipping container that do not expand the footprint of the container, and 2) retain the special land use waiver option for application to the remaining standards. It was agreed that this approach could be amended in the future if it was found to be unworkable.

Harvey was requested to revise the draft text per the Planning Commission's discussion and to notice same for public hearing at the January, 2025 meeting.

Communications

Harvey advised that the first draft of the Updated Master Plan/Coastal Management Plan will be distributed to the Commission in December. It was agreed to place review/discussion of the draft Plan on the January meeting agenda.

Public Comment

No public comment was offered.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:56 p.m.

Respectfully Submitted,
Rebecca Harvey, AICP, PCP
(McKenna)Township Planning Consultant

**COVERT TOWNSHIP
VAN BUREN COUNTY, MICHIGAN**

NOTICE OF PUBLIC HEARING AND PLANNING COMMISSION MEETING

To: The residents and property owners of Covert Township, Van Buren County, Michigan, and any other interested persons:

PLEASE TAKE NOTICE that the Covert Township Planning Commission will hold a public hearing and meeting on Wednesday, January 15, 2025, at 6:30 p.m. at the Covert Township Hall, 73943 E. Lake Street, Covert, Michigan 49043. The items to be considered at this public hearing/meeting include the following:

1. Zoning Ordinance text amendments to Article 2, Section 2.02, Construction of Language and Definitions, to add definitions of cargo container and portage storage container; and,
2. Zoning Ordinance text amendments to Article 18, Section 18.14, General Provisions, to regulate cargo containers in specified zoning district classifications; to determine setbacks; to limit the number of cargo containers placed on a lot; to set height and lot coverage limitations; to prohibit cargo containers to be used as living quarters; to allow for waiver or modifications of Section 18.14 through special land use proceedings; to allow for permanent placement of storage containers on a lot under certain circumstances; to regulate temporary use and portable storage containers; to require a zoning permit; to provide for repeal of conflicting ordinances; to provide severability; and, to set and effective date.
3. Such other matters as may properly come before the Planning Commission at this public hearing/meeting.

PLEASE TAKE FURTHER NOTICE that the full text of the proposed Zoning Ordinance text amendments may be obtained by contacting the Township Clerk at the phone number set forth below.

PLEASE TAKE FURTHER NOTICE that the Planning Commission reserves the right to recommend approval of, denial of, or make modifications to the proposed amendments and may make its recommendation to the Township Board accordingly.

Written comments concerning the above matter(s) may be submitted to the chairperson of the Covert Township Planning Commission, or to the Clerk of Covert Township, at any time prior to the public hearing/meeting, and may further be submitted to the Planning Commission at the public hearing/meeting.

Covert Township will provide necessary, reasonable auxiliary aids and services at the hearing/meeting to individuals with disabilities, such as signers for the hearing impaired and audiotapes of printed materials being considered, upon five (5) days notice to the Township Clerk of the need for the same.

COVERT TOWNSHIP
Wende Pritchard, Clerk
73943 E. Lake Street
PO Box 35
Covert, MI 49043-0035
269-764-8986
clerk@coverttwp.com
www.coverttwp.com

Covert Township

Planning Commission

Zoning Ordinance Amendment – Shipping Containers as Accessory Structures

Article 2 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Section 2.02 Definitions

(ADD)

Cargo Container: Any metal or primarily metal container originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or generally capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms ‘transport containers’, ‘shipping containers’.



Portable Storage Container. A portable or moveable, weather resistant receptacle designed and used for the storage or shipment of household goods, wares, valuables or merchandise (i.e. PODS or MODS) and which is typically leased on a short-term basis for temporary storage purposes.



Article 18 GENERAL PROVISIONS

Section 18.14 – Use of Containers, Semi-Trailers, Mobile/Manufactured Home or Recreational Vehicles for Storage Prohibited

1. No recreational vehicle or mobile/manufactured home may be used as an accessory use storage building in any district. This shall not prohibit the outdoor storage of unoccupied recreational vehicles or motor homes, in accordance with the standards in Section 18.13 above.

Covert Township

Planning Commission

2. No storage container or semi-trailer may be used as an accessory use storage building in any district, except as allowed by Section 18.14 3. and except in the I-Industrial zoning district or in the AG-Agriculture zoning district when used in support of commercial agricultural business operations. For this section, commercial agricultural business operations is defined as any agricultural business activity defined as agriculture pursuant to the definition found in Article II, Section 2.02 of this ordinance and contributing no less than thirty-three (33) percent of the total household income of the property owner(s) residing upon the land in active and continuous agricultural production.

(ADD)

3. Cargo containers and portable storage containers shall be allowed in the residential zoning districts (RR, LD-1, LD-2, MD, and HD Districts) and in the AG-Agricultural zoning district as accessory use storage buildings, subject to the following requirements:

A. All Cargo Containers.

1) *Location:*

- a. Cargo containers shall be subject to the location requirements applicable to accessory buildings established by Section 18.12.
- b. Cargo containers shall not occupy required off-street parking, fire lanes, loading/unloading areas or landscape areas nor shall they be located where they may cause hazardous conditions or constitute a threat to public safety.

2) *Setbacks:* Cargo containers shall be subject to the setback requirements applicable to accessory buildings established by Section 18.12.

3) *Number:* No more than two (2) cargo containers may be placed on a lot at any one time.

4) *Height:* Cargo containers shall not be stacked above the height of a single container.

5) *Lot Coverage:* The surface area covered by cargo containers shall be included in the lot coverage calculations for the lot, unless it is sited over an existing impervious surface.

6) *Utilities:* Cargo containers may be provided electrical service but shall not

Covert Township

Planning Commission

be provided plumbing service.

- 7) *Use:* Cargo containers shall not be used as living quarters nor as housing for livestock or pets.
- 8) *Modifications:* **Structural modifications shall not be made to cargo containers that expand the footprint of the container.**
- 9) *Nonconforming Lot/Use:* The placement of a cargo container on a nonconforming lot or to serve a nonconforming use shall not be considered an expansion of the nonconformity.

10) *Waiver or Modification of Requirements:*

- a) Cargo containers failing to meet **any of the requirements of subsections 1 through 5 of this Section (Section A.)** may be allowed as a Special Land Use, subject to Article 24.
 - b) Cargo containers may be allowed on an otherwise vacant lot or on a lot having only another accessory building(s)/use as a Special Land Use, subject to Article 24.
 - c) All applications requiring a Special Land Use Permit hereunder shall be accompanied by a site plan of the subject property that depicts the information required by Section 23.07 B. 2. – Subsections a., f., g., h. j. m. n. and w.
- B. Permanent Use of Cargo Containers. Cargo containers may be permanently placed on property for storage purposes, subject to the following requirements:
- 1) All applicable building regulations shall apply.
 - 2) Cargo containers shall be placed on a permanent, durable and dustless hard surface.
 - 3) Cargo containers shall not be used as signage or for advertising and shall be kept free of all alphanumeric signage and writing.
 - 4) Any writing or graffiti placed on cargo containers shall be the responsibility of the property owner and shall be removed.

Covert Township

Planning Commission

- 5) A Zoning Compliance Permit is required and shall be obtained from the Township Zoning Administrator in accordance with Section 27.05.
- C. Temporary Use of Cargo Containers. Cargo containers may be temporarily placed on property for storage purposes, subject to the following requirements:
- 1) Section 18.15 shall apply to the temporary use of cargo containers associated with construction sites.
 - 2) A Zoning Compliance Permit is required and shall be obtained from the Township Zoning Administrator in accordance with Section 27.05.
 - 3) Cargo containers shall be removed from the property within 180 calendar days of the date of initial placement. One (1) extension of up to 180 calendar days may be approved by the Zoning Administrator.
- D. Portable Storage Containers. Portable storage containers may be temporarily placed on property for storage purposes, subject to the following requirements:
- 1) *Location.*
 - a. Portable storage containers used within a residential district or associated with a residential use shall be located on a driveway or paved area.
 - b. Portable storage containers used in a non-residential district or associated with a non-residential use shall not occupy required off-street parking, fire lanes, loading/unloading areas or landscape areas nor shall they be located where they may cause hazardous conditions or constitute a threat to public safety.
 - c. Portable storage containers may not be located on a vacant lot, unless the lot is associated with an approved building construction project.
 - 2) *Height:* Portable storage containers shall not be stacked above the height of a single container.
 - 3) *Utilities:* Portable storage containers shall not be provided electrical or plumbing service.
 - 4) *Use:* Portable storage containers shall not be used as living quarters nor as

Covert Township

Planning Commission

housing for livestock or pets.

- 5) *Permit:* A Zoning Compliance Permit is required and shall be obtained from the Township Zoning Administrator in accordance with Section 27.05.
- 6) *Time Limits:* Portable storage containers shall be removed from the property within 180 calendar days of the date of initial placement. One (1) extension of up to 180 calendar days may be approved by the Zoning Administrator.

2024 Planning Commission Annual Report

Planning Commission:

Chair Wayne Rendell
Vice Chair Tom Bury
Secretary Austin Harding

Robert Brown
Luke Dennison
Jena Johnson
Lonzey Taylor, Trustee

Township Staff:

Planning Consultant McKenna: Rebecca Harvey, AICP, PCP
Zoning Administrator Safebuilt: Alton Neal,

Planning Commission:

- **Eleven (11) regular meetings** of the Planning Commission were held in 2024, in compliance with the Michigan Planning Enabling Act (MPEA).
- The **2023 Planning Commission Annual Report** was prepared/accepted as required in February, 2024.
- **Three (3) applications** were considered and acted upon by the Planning Commission in 2024:

Site Plan Review – Ronan (Blue Star Hwy)
Environmentally Sensitive Land Use Permit – Holtec/Palisades (Blue Star Highway)

2024 Planning Commission Annual Report

Site Plan Review – Covert Community Park (M-140 Highway)

- The Planning Commission approved and prioritized a **2024 Work Plan** in February, 2024 wherein **6 - Priority #1 work items** and **3 - Priority #2 work items** were identified.

Priority #1 Work Items

- Text Amendment – Solar Energy Systems (*updates*)
- Text Amendment – Keyholing (Anti-Funneling) (*implementation of MP*)
- Text Amendment – Battery Storage Systems (*missing use option*)
- Update Master Plan (2020)
- Update Coastal Management Plan (2004)
- Joint TB/PC/ZBA Meeting

Priority #2 Work Items

- Text Amendment – Shipping/Storage Containers (*TB Request*)
- Text Amendment – Principal-Use Alternative Energy Systems (*following MP/CMP adoption*)
- Technical Review of Zoning Ordinance (*following MP/CMP adoption*)

- ✓ 4 of the 9 Priority Work Items were completed in 2024
- ✓ 2 of the 9 Priority Work Items (Updated MP/CMP) are in progress w/ anticipated adoption in mid-2025.
- ✓ 2 of the 9 Priority Work Items are pending completion of the MP/CMP

- **Work Summary**

1. *Amendments to Article 2 – Definitions and Article 18 – General Provisions related to ‘solar energy systems’*

The Planning Commission initiated discussion in early 2022 and began work in the study of sample ordinances and reference material/guidance provided through MSU Extension. Consideration of draft amendments continued from June, 2022

2024 Planning Commission Annual Report

through February, 2023. The public hearing was held on April 19, 2023 . . and the amendments were recommended for approval.

The proposed amendments were considered by the Township Board in November, 2023 and returned to the Planning Commission with questions of clarification. The Planning Commission considered the Township Board's questions and provided clarity and changes to the proposed amendments in January/February, 2024 . . and the modified recommended amendments were returned to the Township Board.

2. *Amendments to Article 2 – Definitions and Article 18 – General Provisions related to ‘waterfront lot access’ regulations (keyholing/anti-funneling)*

In September, 2023, the Planning Commission added a discussion on the need for ‘keyholing’ or ‘anti-funneling’ regulations to the Work Plan. Reference material and sample ordinances were reviewed in October and November, 2023 . . and draft amendments considered in January, 2024. The public hearing was held on February 21, 2024 . . and the amendments were recommended for approval.

3. *Amendments to Article 2 – Definitions, Article 18 – General Provisions and the I-District related to ‘battery energy storage systems’ (BESS)*

The Planning Commission initiated discussion in February, 2024. Consideration of draft amendments and legal guidance of same continued from March, 2024 through July, 2024. The public hearing was held on August 21, 2024 . . and the amendments were recommended for approval.

4. *Amendments to Article 2 – Definitions and Article 18 – General Provisions related ‘shipping/storage containers’*

The Planning Commission initiated discussion/review in May, 2024. Consideration of draft amendments continued from June, 2024 through November, 2024. A public hearing on the proposed amendments is scheduled for January 15, 2025.

2024 Planning Commission Annual Report

5. *The Township Board retained McKenna, Township Planning Consultant, to update the Covert Township Master Plan and Covert Township Coastal Management Plan.*

The project Kick-Off Meeting was held with the Township Board and Planning Commission on June, 7, 2023. Public engagement efforts were initiated in July, 2023 . . and included the launch of a Community Survey in August, 2023 and a Focus Group/Stakeholder Roundtable event in October, 2023. The Community Survey remained open through the end of January, 2024. Presentation of a preliminary draft of the MP/CMP is scheduled for January, 2025.

Planning/Zoning Department:

- The Township Planning Consultant and Township Zoning Administrator effectively worked together throughout 2024 to maintain consistency in zoning ordinance interpretation and application.

2024 Planning Commission Annual Report

- **Work Summary Table**

WP Item	1.24	2.23	3.23	4.23	5.23	6.23	7.23	8.23	9.23	10.23	11.23	12.23
T.A. - Solar Energy Systems												
T.A. – WF Lot Access (Keyholing)												
T.A. – Battery Energy Storage Systems												
T.A. – Shipping /Storage Containers												
MP/CMP Update												
PC Annual Report/WP												

2025 Work Plan

Covert Township Planning Commission

PRIORITY	WORK ITEM	SUPPORTING MASTER PLAN POLICY or FOUNDATION FOR REVIEW	STATUS
ZONING ORDINANCE AMENDMENTS FOR CONSISTENCY W/ MASTER PLAN			
	AG District vs RR District	AG, Rural Res, Natural Features policies	
	RR – SF (1 unit/2.5 acres) LD – SF (2 units/acre) MD – SF-2F (3.5 units/acre) HD – SF-2F-MF (5 units/acre) VMU – SF-2F-MF	Need for additional housing options/variety of housing	
	Accessory Dwelling Unit (ADU)/Mobile Home as Accessory Use	Need for additional housing options / variety of housing	
	Short Term Rentals	Rural quality of life; Residential environment; Economic development that maintains character of community	
	Opt-Out Provision (Adult Use Marihuana Establishments)	MRTMA	
	TB Review of SLU/ Site Plans	RRC Recommendation	
1	Update Coastal Management Plan – Adopted 2004	Alignment w/ Updated Master Plan	In Progress - McKenna
1	Update Master Plan – Updated 2020	Alignment w/ Updated Coastal Management Plan	In Progress - McKenna
2	Review Zoning Ordinance for	2040 Master Plan/Coastal Management Plan	Following MP/CMP Adoption

2025 Work Plan

Covert Township Planning Commission

	Consistency w/ Updated MP/CMP		
2	Alternative Energy Facilities (including principal use wind/solar energy systems)	TBD	Following MP/CMP Adoption
ZONING ORDINANCE UPDATES			
1	Shipping/Storage Containers as Accessory Buildings and/or Dwellings	Township Supervisor Request	Public Hearing – January, 2025
TRAINING/EDUCATION			
	In-House PC Training Session		
1	Joint TB/PC/ZBA Meeting		

COVERT TOWNSHIP
VAN BUREN COUNTY, STATE OF MICHIGAN
RESOLUTION SETTING PLANNING COMMISSION
REGULAR MEETING SCHEDULE FOR 2025

Whereas, pursuant to the Michigan Planning Enabling Act, the Covert Township Planning Commission is required to hold not less than four (4) regular meetings each year, and by resolution determine the time and place of such regular meetings.

Now, therefore, the Covert Township Planning Commission hereby establishes by this Resolution the following schedule of regular meetings for 2025, with each such meeting to be held at the Covert Township Hall, unless the time and/or place of a meeting is changed in accordance with applicable law:

Wednesday	February 19, 2025 – 6:30 pm	Wednesday	August 20, 2025 – 6:30 pm
Wednesday	March 19, 2025 – 6:30 p.m.	Wednesday	September 17, 2025 -6:30pm
Wednesday	April 16, 2025 – 6:30 pm	Wednesday	October 15, 2025 – 6:30 pm
Wednesday	May 21, 2025 – 6:30 pm	Wednesday	November 19, 2025 –6:30pm
Wednesday	June 18, 2025 – 6:30 pm	Wednesday	December 17, 2025 –6:30pm
Wednesday	July 16, 2025 – 6:30 pm	Wednesday	January 21, 2026 – 6:30 pm

The Planning Commission also hereby resolves to authorize its chairperson to cancel one or more of such regular meetings, and give reasonable notice of any such cancellation to the members of the Planning Commission and the general public, upon determining there is no known business to come before the Planning Commission at the meeting; provided that the Planning Commission shall comply with the statutory requirement to hold not less than four (4) regular meetings each year.

CERTIFICATION

I hereby certify that the foregoing resolution was adopted at a regular meeting of the Covert Township Planning Commission held at the Covert Township Hall on January 15, 2025; that the meeting was conducted and public notice of the meeting was given pursuant to and in full compliance with the Open Meetings Act of Michigan; that a quorum of the Planning Commission was present; that a majority of the members of the Commission voted in favor of the Resolution; and that minutes of the meeting were kept and will be or have been made available as required by the Open Meetings Act.

_____ Secretary, Covert Township Planning Commission