

PLANNING COMMISSION
Minutes for Regular Meeting of
November 4, 2009

- PRESENT** Chairperson Carol Kooistra, Tom Thompson, Jan Deur, William Josephson, Brian Lernowich, Steve Nagengast and Susan Hertel.
- ALSO PRESENT** Zoning Administrator Sandel and 0 interested parties.
- CALL TO ORDER** Chairperson Kooistra called the November 4, 2009 meeting to order at 7:00 p.m. and led those in attendance in the Pledge of Allegiance.
- AGENDA** **Motion by Steve Nagengast, second from Jan Deur, *ADOPTED*, to accept the November 4, 2009 meeting agenda as written.**
7 AYES
- MINUTES** **Motion by Jan Deur, second from Brian Lernowich, *ADOPTED*, to accept the October 7, 2009 regular meeting minutes as written.**
7 AYES

PUBLIC COMMENT - None

OLD BUSINESS

1. Zoning Ordinance Review Committee – Review and discuss proposed language for amendments.
 - Neighborhood Commercial Front Yard Setbacks – 50’ vs. 100’

Consensus is to keep 100’ Minimum Front Yard Setback in zoning districts for the building but to allow canopies outside of that and to amend Special Land Use Requirements from 50’ to 100’ where necessary. The Zoning Ordinance Review Committee will work on proposed language.

- Projections Into Yards – Section 3.23 Non-Conforming Buildings, Structures and Uses B (1) (3)

B. Expansion and Substitution of Nonconforming Buildings or Structures

1. Nonconforming uses including buildings and structures may be maintained and repaired to be kept in sound condition and may be restored or rebuilt provided, however, that the restored or rebuilt building or structure is on the original footings and foundations or on new footings and foundations constructed exactly where the footings and foundations of the nonconforming structure were located. *A topographical survey prepared by a registered professional engineer surveyor shall be required for all lakefront non-conforming structures to assure proper grade elevations and placement.* Restoration or rebuilding is permitted whether the nonconforming building or structure is damaged by fire, wind, act of God, or other casualty or is demolished and regardless of the cost of such rebuilding or restoration.
3. Buildings or structures that are nonconforming due to front or rear setback requirements, may be expanded, extended, enlarged, altered or remodeled provided that all of the following requirements are complied with 1) front setbacks are maintained as prescribed by the zoning district or are in line with the existing structure, 2) rear setbacks are maintained as prescribed by the zoning district or are in line with the existing structure, ~~3) lakefront lots may shall not restrict the lake view of the adjoining lots, including projections into yard~~

~~setbacks,~~ 4) all side setbacks are within the requirements of the zoning district, 5) lot coverage requirements are maintained, 6) building height requirements are maintained.

Consensus is B (1) is fine as amended, however, B (3) (3) should read: **3) lakefront structures including projections into yard setbacks shall not restrict the lake view of the adjoining lots. The Zoning Ordinance Review Committee will continue to work on proposed language such as to determine what the view is and where to measure from.**

- Filling of Land – Section 3.18

10. **The permittee (applicant) is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.**

11. Up to three hundred (300) yards of clean fill sand or topsoil for the purpose of a septic system, driveway, or landscaping may be imported without a permit provided it is for immediate use. **Culverts will be placed at all natural drainage courses or other waterways.**

Consensus is that 10. should read: ***The permittee (applicant) is cautioned that grade changes resulting in increased runoff onto adjacent property may be subject to civil damage litigation.***

- Septic and Well Requirements

Consensus is to keep the 100' setback from streams and creeks in the zoning districts, however, to amend the language to read: ***No buildings shall be permitted within 100' from any streams and creeks. Also, no septic tanks, tile fields or similar waste facility shall be permitted within 100' from any streams and creeks unless specifically mandated by the County Environmental Health Officer.***

- Driveway Requirements

Each building site is to be serviced by a driveway. Driveways shall be constructed of gravel, concrete, asphalt, crushed limestone, crushed concrete, slag or other comparable material as may be approved by the township. All new driveways must have a cleared driving area throughout their entire length to a width of ~~12 feet and a height of 12 feet~~ **not less than twenty feet and an unobstructed vertical clearance of not less than 13 feet 6 inches to be consistent with the current International Fire Code requirements as adopted by the Township Board.** Driveways shall not be closer than 80 feet to an intersection, except for exceptional circumstances as approved by the Fruitland Township Board or their designated representative and the Muskegon County Road Commission. Except for building sites on private streets, an approved driveway permit must be obtained from the Muskegon County Road Commission (MCRC) and submitted to the Building Inspector prior to the issuance of a building permit.

Consensus is to not strike the width and height requirement and to insert what is consistent with the current International Fire Code requirements. Recording Secretary Garvey will review the current International Fire Code requirements and insert the width and height.

- Zoning Violation Penalties – Section 20.09

SECTION 20.09 REMEDIES AND ENFORCEMENT

Any person, including an agent, in charge of any structure or land who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any provision of this Ordinance or any amendment thereof, shall be punishable by a fine ~~of up to~~ **of not less than Seventy-Five Dollars (\$75) nor more than Five Hundred Dollars (\$500)**, or imprisonment in the county jail for up to ninety (90) days, or both. Each day a violation continues shall be deemed to be a separate offense. In addition to criminal sanctions, the Township or any owner of real estate within the Township may institute an appropriate court proceeding to

prevent, enjoin, abate or remove any violation of this Ordinance. In addition to any other sanctions under this Ordinance **the Township Attorney shall have the authority to seek injunctive or other relief to enforce and compel compliance with this zoning ordinance.** Persons determined to be in violation of this Ordinance shall be required to reimburse the Township for its actual costs of prosecution, including court costs and reasonable attorney fees.

According to Zoning Administrator Sandel Attorney Eklund stated this is not where we need this. Recording Secretary Garvey to request suggested language from Attorney Eklund.

2. Review of the Township Guide to Planning and Zoning, Part 4, Chapters 10 and 11.

Commissioner Hertel provided a summary of Part 4, Township Planning and Zoning Tools, Chapters 10 and 11. Chapter 10 has to do with the Master Plan and Chapter 11 has to do with the Zoning Ordinance.

3. Master Plan Review.

Discussion held on Zoning Districts. Meeting scheduled for November 30, 2009 at 4:00 p.m. with Planner Tim Johnson.

ADJOURNMENT

**Motion by Brian Lernowich, second from Tom Thompson, ADOPTED,
to adjourn the November 4, 2009 regular meeting at 9:10 p.m.**

7 AYES

Respectfully Submitted,

Sally Garvey, Recording Secretary