

PLANNING COMMISSION
Minutes for Regular Meeting of
December 2, 2009

- PRESENT** Chairperson Carol Kooistra, Tom Thompson, Jan Deur, William Josephson, Brian Lernowich, Steve Nagengast and Susan Hertel.
- ALSO PRESENT** Zoning Administrator Sandel, Recording Secretary Garvey and 0 interested parties.
- CALL TO ORDER** Chairperson Kooistra called the December 2, 2009 meeting to order at 7:00 p.m. and led those in attendance in the Pledge of Allegiance.
- AGENDA** **Motion by Jan Deur, second from Steve Nagengast, *ADOPTED*, to accept the December 2, 2009 meeting agenda as written.**
7 AYES
- MINUTES** **Motion by Jan Deur, second from William Josephson, *ADOPTED*, to accept the November 4, 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.
- **ARTICLE XI** Neighborhood Commercial District, **SECTION 11.04** Site Development Standards
 - A. The following dimensional requirements shall be met for any use in this District, unless otherwise provided.

Minimum front yard setback	100 feet <i>for buildings, 75 feet for supplementary structures other than buildings</i> – No parking shall be located within the first 15 feet of the front yard. The 15 foot setback shall be landscaped.
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Consensus is to amend Section 11.04 (A) Minimum front yard setback language as proposed; however, supplementary structures will need to be defined. The intent is to allow a 75’ setback for canopies, signs, etc. The Zoning Ordinance Review Committee will work on a definition and have ready for the public hearing in January and Recording Secretary Garvey will also have proposed language for any Special Land Use Specific Requirements that need amendment.

- **ARTICLE XIV** Special Land Uses, **SECTION 14.04** Special Land Use Specific Requirements

GG Vehicle service stations, excluding body shops

3. All buildings, structures, and equipment shall be located not less than fifty (50) feet ~~from any right-of-way line and not less than fifty (50) feet~~ from any side or rear lot line abutting a Residential District.

- **ARTICLE III** General Provisions, **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 professional 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~~ **structures including projections into yard setbacks may shall** not restrict the lake view of the adjoining lots, 4) all side setbacks are within the requirements of the zoning district, 5) lot coverage requirements are maintained, 6) building height requirements are maintained.

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Consensus is to amend Section 3.23 (B) (1) language as proposed. The Zoning Ordinance Review Committee will work further on language for (B) (3), the view needs to be determined and then where it will be measured from.

- **ARTICLE III** General Provisions, **SECTION 3.18** Filling Of Land

10. **The permittee (applicant) is cautioned that grade changes resulting in increased runoff onto adjacent property may be 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 to amend Section 3.18 (C) language as proposed.

- **Article IV, Section 4.04, Article V, Section 5.04, Article VI, Section 6.04, Section VIa, Section 6.04a, Article VII, Section 7.04, Article VIII, Section 8.04, Article VIIIa, Section 8.02a and Article XI, Section 11.04** Zoning District Site Development Standards

Streams and , Creeks <u>and Lakes</u>	No buildings or septic tanks, tile fields or other similar waste facilities shall be permitted within one hundred (100) feet from <u>the normal ordinary high water mark of any streams, and creeks, lakes or similar bodies of water, with the exception of lift stations or other similar devices. Also, no septic tanks, tile fields or similar waste facility shall be permitted within 100' from the normal ordinary high water mark of any, streams, creeks, lakes or similar bodies of water unless specifically mandated by the County Environmental Health Officer.</u>
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Consensus is to amend Section 4.04, Section 5.04, Section 6.04, Section 6.04a, Section 7.04, Section 8.04, Section 8.02a and Section 11.04 language as proposed.

- **ARTICLE III** General Provisions, **SECTION 3.32** Driveways

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 amend Section 3.32 language as proposed.

- **ARTICLE XX** Administration and Enforcement, **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~~ **not less than Seventy-Five (\$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,~~ **compel compliance with** this Ordinance, **or seek other equitable or injunctive relief.** 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.

Consensus is to amend Section 20.09 language as proposed.

Motion by Steve Nagengast, second from Jan Deur, ADOPTED, to set public hearing for January 6, 2010 on the following (Article IV, Section 4.04, Article V, Section 5.04, Article VI, Section 6.04, Section VIa, Section 6.04a, Article VII, Section 7.04, Article VIII, Section 8.04, Article VIIIa, Section 8.02a and Article XI, Section 11.04 Zoning District Site Development Standards, Article XI Neighborhood Commercial, Section 11.04 (A) Minimum front yard setback, Article XIV Special Land Uses, Section 14.04 (GG), Article III General Provisions, Sections 3.18, 3.23, 3.32 and Article XX Administration and Enforcement, Section 20.09).

7 AYES

2. Master Plan Review

Discussion was held on the revised proposed language from Planner Tim Johnson for Section 1 Introduction and language for Forest/Recreation (FR) to replace Conservation/Preservation (C/P). Chairperson Kooistra had asked Mr. Gregory Boughton, previous Supervisor, if he could give some history on adoption of previous Master Plans. After reading the history he offered consensus was to have Planner Tim Johnson revise what he had proposed for Section 1 Introduction.

Discussion was held on the Future Land Use Map. Consensus was to add the White Lake Yacht Club to the Waterfront Marine District and to recommend that the White Lake Yacht Club be informed of this change.

Final review meeting set for Friday December 11, 2009 at 3:00 p.m. Chairperson Kooistra requested all Commissioners read the document and if they have any concerns to get them to her prior to the meeting so the changes can be made before the meeting.

3. Review of the Township Guide to Planning and Zoning, Part 4, Chapters 12 and 13.

Commissioner Thompson provided a summary of Part 4, Township Planning and Zoning Tools, Chapters 12 and 13. Chapter 12 has to do with the Nonconforming Uses, Buildings and Lots and Chapter 13 has to do with linking the Master Plan and the Zoning Ordinance.

NEW BUSINESS

1. North Central Muskegon County Joint Planning Commission – Organizational Choices

Commissioner Deur gave brief overview of the choices. Consensus was that PA 281 of 1945 Regional Planning Act probably fits best; however, if the JPC requires a great deal of time, many of the commissioners would not be able to participate. Commissioner Deur was going to send to Attorney Eklund for his opinion and then discuss with the Township Board.

ADJOURNMENT

**Motion by Brian Lernowich, second from Jan Deur, ADOPTED,
to adjourn the December 2, 2009 regular meeting at 9:38 p.m.**

7 AYES

Respectfully Submitted,

Sally Garvey, Recording Secretary