

PLANNING COMMISSION (AMENDED)
Minutes for Regular Meeting of
August 1, 2012

PRESENT Dave Roesler, Tom Thompson, Jan Deur, William Josephson, John Warner, Leslie Sprott and Mark Dykhouse.

ALSO PRESENT Zoning Administrator Sandel, Recording Secretary Dion and 1 interested party.

CALL TO ORDER Chairperson Roesler called the August 1, 2012 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 William Josephson, *ADOPTED*, to amend the August 1, 2012 meeting agenda by adding Article XX Administration and Enforcement under New Business and accept as amended.**

7 AYES

MINUTES **Motion by John Warner, second from Leslie Sprott, *ADOPTED*, to accept the June 6, 2012 regular meeting minutes as written.**

7 AYES

PUBLIC COMMENT

Dave Heylmun, 3135 W. White Lake Drive, questions the possibility of being able to build an office to work out of as a Financial Advisor on this parcel which already has a single family residence on it and a Special Land Use approved to operate a Group Day Care Home. Because this parcel is located across from the school there is already a turn lane and the business would create very little traffic.

Consensus of Commissioners is the parcel is not currently zoned for an office and the current Master Plan does not indicate business/commercial zoning so a Zone Change request is not an option. Mr. Heylmun thanked the Commissioners for their time and stated if he decides to try and pursue this he will contact Zoning Administrator Sandel to discuss options if there are any.

OLD BUSINESS

1. Reports from Sub-Committees

- **Article III, General Provisions, Section 3.17 – Excavations, Holes or Ponds (Amend)**

Commissioner Thompson advised that he, Commissioner Dykhouse, Zoning Administrator Sandel and Recording Secretary Dion met to discuss Special Land Use Requirements for ponds with a surface area of more than one (1) acre or multiple ponds on lots or parcels containing a minimum area of five (5) acres. The sub-committee is suggesting changing our proposed B to C and C to B. He then handed out Laketon Township's Zoning Ordinance regarding ponds and pointed out some requirements that we could discuss proposing in ours.

DISCUSSION

Commissioners discussed if the minimum setback of one hundred (100) feet from the outside edge of any pond excavation to any dwelling and minimum setback of one hundred (100) feet from any property line should be two hundred (200) feet for the larger ponds, requiring fencing and what type of plans would be required. Consensus of all Commissioners was to change proposed B to C and C to B, not to increase the setback to 200 feet and to request the sub-committee to continue working on the proposed Special Land Use Requirements. Zoning Administrator Sandel will suggest technical specifications that will be required for review.

- **Article III, General Provisions, Section 3.08 – Accessory Buildings and Uses**

Zoning Administrator Sandel advises this sub-committee (Commissioners Thompson, Dykhouse, Warner) and himself have not met yet. When it meets it will be discussing the existing ordinance to see if amendments are needed.

- **Medical Marihuana Ordinance**

Commissioner Deur advised bills have been introduced into legislature; one was regarding dispensaries being allowed in residential districts, however, according to Attorney Even most bills are stalled until after the November election. The sub-committee will watch these closely. Chairperson Roesler said it may come back to the local government to either allow or disallow dispensaries.

- **Digital Signs**

The book that was ordered has been received and Chairperson Roesler gave it to Commissioner Thompson to review. At this time we are having the following issues with campaign signs (the size limit and when they must be removed) and according to Attorney Even we cannot regulate and he will be suggesting language for amendment in September or October.

NEW BUSINESS

- **Article III, General Provisions, Section 3.29 – Outdoor Storage in Residential Districts (C)**

- C. ~~Recreational vehicles or equipment shall be parked or stored on a lot or parcel of land that is devoted to a single family dwelling of same owner.~~ The lease of space for storage or parking of recreational vehicles or equipment for compensation shall not be permitted in a Residential District.

DISCUSSION

Commissioner Deur advised that the Township Board of Trustees requested this be reviewed. There is some question as to why recreational vehicles or equipment shall only be parked or stored on a lot or parcel of land that is devoted to a single family dwelling of same owner. Consensus is to strike the first sentence and set public hearing.

Motion by Jan Deur, second from Leslie Sprott, *ADOPTED*, to set public hearing for September 5, 2012, on language as written above.

7 AYES

- **Article XX Administration and Enforcement, Section 20.09 – Remedies and Enforcement**

Any person, **firm or corporation**, 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** ~~be punishable by a fine of 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~~ **responsible for a civil infraction and subject to fines as published by the Township from time to time.** Each day a violation continues shall be deemed to be a separate offense. In addition to ~~criminal~~ **other** 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, 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.

Fee Schedule

**FRUITLAND TOWNSHIP
MUNICIPAL CIVIL INFRACTION FINE SCHEDULE**

For purposes of this Fine Schedule, a violation which is a “2nd Offense” or “3rd Offense” shall be deemed a “subsequent offense ~~“ ”~~” and means a violation of the same section of the applicable Ordinance committed by the same person within twelve (12) months of a previous violation of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one (1) weeks following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

ORDINANCE	1 ST Offense	2 ND Offense	3 RD Offense
SECTION 20.09 ADMIN AND ENFORCEMENT	\$ 100.00	\$ 200.00	\$ 400.00

DISCUSSION

Consensus is to set public hearing on the language as written above. This amendment will make this Zoning Ordinance consistent with Regulatory (Township) Ordinances that have already been amended.

Motion by Jan Deur, second from William Josephson, *ADOPTED*, to set public hearing for September 5, 2012, on language as written above.

7 AYES

COMMISSIONERS COMMENTS

None

ADJOURNMENT

**Motion by Tom Thompson, second from Leslie Sprott, *ADOPTED*,
to adjourn the August 1, 2012, regular meeting at 7:54 p.m.**

7 AYES

Respectfully Submitted,

Sally Dion, Recording Secretary