

PLANNING COMMISSION
Minutes for Regular Meeting of
September 5, 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 September 5, 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 John Warner, *ADOPTED*, to accept the September 5, 2012 meeting agenda as written.**

7 AYES

MINUTES **Motion by Jan Deur, second from Leslie Sprott, *ADOPTED*, to amend the August 1, 2012 regular meeting minutes under NEW BUSINESS, Article XX Administration and Enforcement, Section 20.09 – Remedies and Enforcement un-striking (by) from the 3rd sentence and under the Fruitland Township Municipal Civil Infraction by reversing the quotation mark in 2nd sentence and striking (s) from weeks in 5th sentence and accept as amended.**

7 AYES

PUBLIC COMMENT

None

PUBLIC HEARINGS

- **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 ~~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

PUBLIC HEARING OPEN 7:06 P.M.

No public comment or correspondence.

PUBLIC HEARING CLOSED 7:09 P.M.

DISCUSSION

Commissioner Deur stated the amendment to Section 20.09 Remedies and Enforcement is to change the penalty provision from a misdemeanor to a civil infraction.

Motion by Jan Deur, second from John Warner, *ADOPTED*, to recommend approval to the Township Board of Trustees Section 20.09 Remedies and Enforcement and the Fruitland Township Municipal Civil Infraction Fine Schedule as written above.

7 AYES

- **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.

PUBLIC HEARING OPEN 7:12 P.M.

No public comment or correspondence.

PUBLIC HEARING CLOSED 7:14 P.M.

DISCUSSION

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~~ **containing a primary structure.** The

lease of space for storage or parking of recreational vehicles or equipment for compensation shall not be permitted in a Residential District.

Motion by William Josephson, second from Leslie Sprott, ADOPTED, to recommend approval to the Township Board of Trustees of Section 3.29 (C) Outdoor Storage in Residential Districts as written above.

7 AYES

OLD BUSINESS

1. Reports from Sub-Committees

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

No report, Commissioner Thompson advised that the sub-committee has not met since the August meeting.

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

No report, 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 spoke of four House Bills passed by the House of Representatives and advised he does not know where they stand at this time. They are HB 4851, 4834, 4853 and 4856. Chairperson Roesler stated we need to work on a draft ordinance before December so we can hold public hearing and send to Township Board for approval so we can have something in place before the moratorium expires January 31, 2013.

- **Digital Signs**

Commissioner Thompson reviewed the book from Scenic Michigan and stated he has flagged several pages, however, there is a chapter pertaining to digital signs only. Chairperson Roesler stated he believes we need to focus only on that section at this time. Zoning Administrator Sandel will review the book next.

COMMISSIONERS COMMENTS

Commissioner Josephson stated he would like to see the zoning ordinance allow a roof overhang of 24" into a side setback. He will bring proposed language forward for review.

Commissioner Deur stated Attorney Even has said that the Keyhole Ordinance needs amendment and he will be bringing those concerns forward. He also stated that Governor Snyder signed into law (SB1130) amendments to Part 353, Sand Dune Protection and Management, of the Natural Resources and Environmental Protection Act which took immediate effect and he will send the link to all Commissioners.

ADJOURNMENT

Motion by William Josephson, second from Leslie Sprott, *ADOPTED*, to adjourn the September 5, 2012, regular meeting at 8:05 p.m.

7 AYES

Respectfully Submitted,

Sally Dion, Recording Secretary