

**PLANNING COMMISSION**  
**Minutes for Regular Meeting of**  
**November 3, 2016**

**PRESENT** Dave Roesler, Tom Thompson, Leslie Sprott, Ina Ray, John Warner, William Josephson and Jan Deur.

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

**CALL TO ORDER** Chairperson Roesler called the November 3, 2016 meeting to order at 6:30 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 agenda as written.

**7 AYES**

**MINUTES** Motion by John Warner, second from Leslie Sprott, *ADOPTED*, to accept the October 6, 2016 meeting minutes as written.

**7 AYES**

**PUBLIC COMMENT**

Steve Nagengast, 3905 Scenic Drive, stated his concern with the neighbors is not a view issue it is a lack of sunlight from the south. He said the neighbors installed a fence with the bad side towards his house. They have created a wall 10' high of wood, bushes, etc. He stated the Zoning Board of Appeals and a Judge ruled that 2 hemlocks be removed along with some metal posts. Since they were removed the hemlocks were replaced with large bushes and more metal posts have been put in. He is asking that the township enforce the rulings made in the past.

**OLD BUSINESS**

- **Article III, General Provisions** – Section 3.11 Fences, Walls, Hedges, Berms and Screens (A.) (**amend**).
- **Article XX, Administration and Enforcement** – Section 20.06 Zoning Permit Required (A.) (**amend**).

Commissioner Sprott advised the sub-committee met, she said consensus was to remove things not easily enforced.

Zoning Administrator Jensen spoke about DEQ requirements. He reviewed a couple permits issued by the DEQ and some of our existing language is conflicting.

Commissioner Deur asked Zoning Administrator Jensen what the difference is between DEQ requirements for critical dune and high risk erosion areas.

Zoning Administrator Jensen stated he does not know at this time. The DEQ website is not the easiest to find things.

Because the DEQ is a separate entity Commissioner Josephson said maybe we should just reference that DEQ requirements regarding vegetation shall be met.

Commissioner Sprott provided proposed language regarding the DEQ requirements to Recording Secretary Dion who made the revisions.

Consensus was to send the language as proposed below to Attorney Even for review and comment.

## ARTICLE II DEFINITIONS                      DEFINITIONS - W

### WALL

**An upright structure of masonry, wood or other building materials serving to enclose, divide, or protect an area.**

## ARTICLE III GENERAL PROVISIONS

### SECTION 3.11                      ~~FENCES, AND WALLS, HEDGES, BERMS AND SCREENS~~

- A. Notwithstanding other provisions of this ordinance, fences; *and* walls, ~~hedges, berms and screens~~ may be permitted with a zoning permit in any yard or along the edge within the setback of any yard provided that no fences; *and* walls, ~~hedges, berms or screens~~ shall be over six (6) feet in height if erected in back of the required front set back line, or the rear of the house whichever is closest and any fences; *and* walls, ~~hedges, berms or screens~~ erected between the required front yard setback line or the rear of the house whichever is closest and up to the street right-of-way, shall not be in excess of four (4) feet. For lakefront lots see additional restrictions in the Lake Michigan Shoreline District, Inland Lakes District and North Duck Lake Overlay District.

## ARTICLE XX ADMINISTRATION AND ENFORCEMENT

### SECTION 20.06                      ZONING PERMIT REQUIRED

- A. No person shall commence construction of ~~any building, or structure, fence, wall, hedge, berm and screen~~ or make structural changes in any existing structure or use of a parcel of land in the township the following without first obtaining a zoning permit from the Zoning Administrator:

1. Any building, or structure, or structural changes in any existing structure or use of a parcel of land in the township;
2. Any fence, or wall, hedge, berm or screen within the setback.

There shall be an application fee established by the Township Board.

**ARTICLE VIa  
LAKE MICHIGAN SHORELINE DISTRICT**

**SECTION 6.04a SITE DEVELOPMENT STANDARDS**

On lakefront lots, no fence, ~~or wall, hedge, berm, or screen~~ shall be higher than three (3) feet in height between the shoreline and the lakeside of the home as measured perpendicular to the side lot line nearest the lakeside. On lakefront lots that have no principal building the height of a fence, ~~or wall, hedge, berm or screen~~ may not exceed three (3) feet.

**SECTION 6.04a SITE DEVELOPMENT STANDARDS**

5. Tree cutting and/or removal of shore cover.
  - a) Natural vegetation shall be preserved as far as practical and where removed shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty.
  - b) Natural vegetation shall not be cleared, cut, nor destroyed from more than thirty (30%) percent of the total setback area. The removal of such thirty (30%) percent shall not create clear-cut openings totaling more than thirty (30) feet for each one hundred five (105) feet of perpendicular lot width.
  - c) *DEO requirements for vegetation, planting and/or removal shall be met.*

**SECTION 6.05a WATERFRONT ACCESS, USE, AND RELATED MATTERS**

3. Waterfront Access Standards

- ~~b) On common waterfront sites with lake frontage greater than three hundred (300) feet, vegetative buffers may be established of sufficient size and location to afford adequate screening from adjacent properties.~~

**ARTICLE VIIIa  
INLAND LAKES DISTRICT**

**SECTION 8.02a SITE DEVELOPMENT STANDARDS**

3. On lakefront lots fences, ~~or walls, hedges, berms or screens~~ may not exceed three (3) feet in height between the shoreline and the lakeside of the principal building as measured perpendicular to the side lot line nearest the lakeside of the principal building. On lakefront lots that have no principal building the height of a fence, ~~or wall, hedge, berm or screen~~ may not exceed three (3) feet.
8. Tree cutting and or removal of shore cover:
  - a. On banks facing the lake, natural vegetation should be kept where possible to help filter nutrients from ground water flowing to the lake and prevent erosion.

- b. Selective trimming of trees and brush for a filtered view of the lake is preferred as opposed to clear-cutting within one hundred (100) feet inland of the water's edge to provide a buffer strip of deeper rooted plants for nutrient absorption and erosion control.
- c. Natural vegetation such as trees or shrubs shall be preserved as far as practical and where removed shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and preserving natural beauty.
- d. **DEQ requirements for vegetation, planting and/or removal shall be met.**

## ARTICLE VIIIb NORTH DUCK LAKE OVERLAY DISTRICT

### SECTION 8.02b LIMITATIONS ON CONSTRUCTION

- 2. On lakefront lots fences, or walls, ~~hedges, berms or screens~~ may not exceed three (3) feet in height between the shoreline and the lakeside of the principal building as measured perpendicular to the side lot line nearest the lakeside of the principal building. On lakefront lots that have no principal building the height of a fence, ~~or wall, hedge, berm or screen~~ may not exceed three (3) feet.
- 7. Tree cutting and or removal of shore cover:
  - a. On banks facing the lake, natural vegetation should be kept where possible to help filter nutrients from ground water flowing to the lake and prevent erosion.
  - b. Selective trimming of trees and brush for a filtered view of the lake is preferred as opposed to clear-cutting within one hundred (100) feet inland of the water's edge to provide a buffer strip of deeper rooted plants for nutrient absorption and erosion control. Natural vegetation such as trees or shrubs shall be preserved as far as practical and where removed shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and preserving natural beauty.
  - c. **DEQ requirements for vegetation, planting and/or removal shall be met.**

### COMMISSIONERS COMMENTS

Chairperson Roesler, Commissioners Thompson, Ray, Warner, Sprott, Josephson, Zoning Administrator Jensen and Recording Secretary Dion all thanked Commissioner Deur for his service to the township both as a Planning Commissioner and Trustee and told him he was a great asset and will be missed.

Commissioner Deur advised his term expires November 20<sup>th</sup> and the Planning Commission will be getting a new Township Board liaison.

### PLANNING/ZONING UPDATES

No update.

**ADJOURNMENT**

Motion by Jan Deur, second from John Warner, ***ADOPTED***, to  
***ADJOURN*** the November 3, 2016 regular meeting at 8:00 p.m.

**7 AYES**

Respectfully Submitted,

Sally Dion, Recording Secretary