

**PLANNING COMMISSION**  
**Minutes for Regular Meeting of**  
**June 3, 2021**

**AMENDED**

**PRESENT** Commissioners Dave Roesler, Mike Holman, John Warner and William Josephson.

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

**NOT PRESENT** John Gloster, Ina Ray and Maribeth Picard, excused.

**CALL TO ORDER** Chairperson Roesler called the June 3, 2021 meeting to order at 6:00 p.m. and led those in attendance in the Pledge of Allegiance.

**AGENDA** Motion by Commissioner Holman, second from Commissioner Warner, **ADOPTED**, to accept the agenda as written.

**4 AYES, 3 ABSENT**

**MINUTES** Motion by Commissioner Josephson, second from Commissioner Holman, **ADOPTED**, to accept the May 6, 2021, Meeting Minutes as written.

**4 AYES, 3 ABSENT**

**PUBLIC COMMENT**

1. Jeff Marcinkowski, 3767 Jay Road, stated as Supervisor that a vote will be taken on House Bill 4772 and Senate Bill 446 regarding short term rentals and if passed short term rentals will be allowed in all zoning districts. A vote was taken on Sand-mining, he is not sure of that outcome. He advised the Township Board is looking at technology to provide Zoom for listening only. The will each be getting a laptop & all their information will be sent that way.

**NEW BUSINESS**

1. Dwelling Definition

Chairperson Roesler stated he met with Attorney Even and Supervisor **Marcinkowski**, the rental on Scenic Drive was discussed. Attorney Even believes there is no need to write new Ordinances, we have existing Ordinances that can be used; however, he suggests amendment to the definition of Commercial and believes we need to add one for Residential.

Suggested language is as follows:

**COMMERCIAL**

This term relates to the use of property in connection with the ***lodging of transient guests for profit or the*** purchase, sale, ***lease***, barter, display or exchange of goods, wares, merchandise or personal services or ***that is used in commerce or*** the maintenance of service offices or recreation or amusement enterprise or garage/basement/yard sales operating more than six (6) days during any one (1) twelve (12) month period ***and designed to make a profit. The term also relates to any rental of a dwelling for less than 30 consecutive days.***

**RESIDENTIAL**

***This term relates to the use of real property for dwelling purposes in any residential zoned district and is the owner's principal, seasonal, or main, living place. This term does not include any rental of a dwelling for less than 30 consecutive days.***

Chairperson Roesler advised that a letter has been sent to the owner of said short term rental located at 3905 Scenic Drive by Attorney Even, if ignored, a citation will be given for Ordinance violations.

He believes the direction this needs to take is short term rentals being used commercially, those with advertising, etc., not those that rent to the same families, the same weeks/weekends every year. He also believes these proposed amendments are crucial to other areas, not just short-term rentals.

Commissioner Warner stated he feels the definition of Residential needs to include secondary/seasonal homes as well.

Consensus of the Commissioners is that the amended language for the definition of Commercial is fine as suggested, however, they feel the added definition for Residential, needs to also address seasonal/secondary homes and that it applies to all residential zoned districts, thence, the underlined wording. The suggested language as written above will be sent to Attorney Even for his opinion.

Once Attorney Even has provided opinion, the Planning Commission will set a Special Meeting, to set Public Hearing for the July 15, 2021 meeting, on these definitions and a few other things that are pending.

2. Change July meeting from July 1 to July 15?

Motion by Commissioner Josephson, second from Commissioner Warner, **ADOPTED**, to change the meeting from July 1 to July 15, 2021.

**4 AYES, 3 ABSENT**

**OLD BUSINESS**

1. Master Plan Review/Update, Survey Results

Recording Secretary Dion has checked and there is still no updated information.

2. Barn Weddings/Special Events

Chairperson Roesler advised he did speak with Attorney Even, and he believes that Barn Weddings/Special Events are commercial uses and not allowed if collecting money on a regular basis for it. He does not see a need to propose ordinance language at this time.

3. Stairs/platforms Sub-Committee

Chairperson Roesler advises that neither Zoning Administrator Jensen or Attorney Even had any issue with the language as suggested below for Section 6.04a and 8.02a. and is being put on the list for Public Hearing.

No structures or buildings shall be built or installed lakeward of the bluff line except for wooden stairs and platforms which provide beach access and comply with the

requirements of Michigan Law and the Department of Environmental Quality (DEQ). ~~Total platform area may not exceed one hundred fifty (150) sq. ft. in surface area.~~ All such Items (including stairs and platforms) shall be approved by the Zoning Administrator.

Chairperson Roesler advised Attorney Even has no problem with revisiting the Accessory Building sizes allowed and that he has contacted Planners Tim and Jan Johnson to help determine what is reasonable. He will call them, see when available and set up a sub-committee of three to meet with whomever is available.

## NEW BUSINESS

Article III, General Provisions

Section 3.08 ACCESSORY BUILDINGS AND USES

- D. No part of a detached accessory building shall be used for independent living facilities for one or more persons. No accessory building shall include all the permanent provisions for living, sleeping, eating, cooking and bathroom facilities.

Chairperson Roesler stated he discussed this with Attorney Even. Attorney Even does not see any issue with existing language, he said the first sentence alone says it all, it stands alone and is defensible.

Article III, General Provision

Section 3.29 OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS

The outdoor storage or parking of recreational vehicles or *recreational* equipment, in all Residential Districts shall be subject to the following minimum conditions:

Consensus of Commissioners after discussion was to add recreational in front of equipment and put on the list for Public Hearing.

## PLANNING/ZONING UPDATES

None

## ADJOURNMENT

Motion by Commissioner Holman, second from Commissioner Josephson, **ADOPTED**, to **ADJOURN**, the June 3, 2021 regular meeting at 7:20 p.m.

**4 AYES, 3 ABSENT**

Respectfully Submitted,

Sally Dion, Recording Secretary  
Township of Fruitland