

PLANNING COMMISSION
Minutes for Regular Meeting of
August 4, 2016

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

NOT PRESENT Zoning Administrator Jensen

ALSO PRESENT Recording Secretary Dion and 0 interested parties.

CALL TO ORDER Chairperson Roesler called the August 4, 2016 meeting to order at 6:30 p.m. and led those in attendance in the Pledge of Allegiance.

AGENDA Motion by John Warner, second from Jan Deur, **ADOPTED**, to accept the agenda as written.

7 AYES

MINUTES Motion by Leslie Sprott, second from William Josephson, **ADOPTED**, to accept the June 2, 2016 meeting minutes as written.

7 AYES

PUBLIC COMMENT – None

OLD BUSINESS

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

Commissioner Josephson gave brief explanation of what was discussed when the sub-committee met with Zoning Administrator Jensen and Attorney Even. In his research he found there are several lawsuits all over that have not won in court regarding fences so consensus of the sub-committee was to suggest the following amendments:

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, WALLS, HEDGES, BERMS AND SCREENS**

- A. Notwithstanding other provisions of this ordinance, fences, walls, hedges, berms and screens may be permitted with a zoning permit in any yard or along the edge of any yard

provided that no fences, 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, 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 without first obtaining a zoning permit from the Zoning Administrator. There shall be an application fee established by the Township Board.

After further discussion consensus was to make the following amendments and have the language reviewed by Zoning Administrator Jensen and Attorney Even before sending to the Township Board of Trustees for approval.

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, WALLS, HEDGES, BERMS AND SCREENS

- A. Notwithstanding other provisions of this ordinance, fences, 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, 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, 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

B. 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, wall, hedge, berm or screen within the setback.

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

COMMISSIONERS COMMENTS

Commissioner Thompson reiterated from previous meeting(s) his concerns with the posts located at the corner of Whitehall Road and Riley Thompson Road at Michigan's Adventure. He referenced Article III, General Provisions, Section 3.12 Clear Vision Areas; he believes the posts obstruct the view of a vehicle driver approaching the intersection.

Commissioner Deur advised that R. Sidney Shaw has been appointed by Supervisor St. Amour as Deputy Supervisor during his absence. He will be attending meetings both at the Township and other entities on behalf of the Township and reporting back. He will not be a voting member.

Commissioner Deur advised that he asked Chairperson Roesler to attend the Township Board meeting regarding the Historical Resort language. He did attend and helped explain and the language was passed as recommended. Buzz's Lakeside Inn has not been in to apply yet for the Special Land Use.

Chairperson Roesler stated that Steve Coverly from the Muskegon Conservation District is requesting 2-3 Commissioners to be on a sub-committee. The Land Conservancy of West Michigan and the Muskegon Conservation District put together a grant proposal to implement portions of the Duck Creek Watershed Management Plan. The Conservation District will be working with both Fruitland and Dalton Township on Master Plan & Zoning Ordinance recommendations. He believes much of this can be taken care of with 3-4 committee meetings over the next 15 months. He is proposing to have the first meeting in the fall.

Chairperson Roesler, Commissioners Deur and Warner volunteered.

Chairperson Roesler will let Steve Coverly know.

Commissioner Deur also added that the Township is working with the Land Conservancy to research putting a conservation easement on the 300+ acre parcel of property located in the center of the watershed to permanently protect it from being developed.

PLANNING/ZONING UPDATES

Commissioner Warner stated the Zoning Board of Appeals has not met since last year.

ADJOURNMENT

Motion by Jan Deur, second from John Warner, *ADOPTED*, to
ADJOURN the August 4, 2016 regular meeting at 7:30 p.m.

7 AYES

Respectfully Submitted,

Sally Dion, Recording Secretary