

**PLANNING COMMISSION**  
**Minutes for Regular Meeting of**  
**September 5, 2019**

**PRESENT** Commissioners Dave Roesler, Leslie Sprott, Ina Ray, William Josephson, John Warner and Maribeth Picard.

**ALSO PRESENT** Zoning Administrator Val Jensen, Recording Secretary Sally Dion and 0 interested parties.

**NOT PRESENT** Commissioner Mike Holman.

**CALL TO ORDER** Chairperson Roesler called the September 5, 2019 meeting to order at 6:00 p.m. and led those in attendance in the Pledge of Allegiance.

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

**6 AYES**  
**1 ABSENT**

**MINUTES** Motion by Commissioner Josephson, second from Commissioner Warner, **ADOPTED**, to accept the July 11, 2019 minutes as written.

**6 AYES**  
**1 ABSENT**

**PUBLIC COMMENT** - None

**PUBLIC HEARING OPEN 6:04 P.M.**

**DISCUSSION**

Chairperson Roesler did brief explanation of amendments.

**ARTICLE II            DEFINITIONS - A**

**Section 2.02**

**ACCESSORY BUILDING**

A building or portion of a building subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use. **An independent structure, either temporary or permanent, having a roof supported by columns, walls, or any other support used for the housing or storage of persons, animals or property, or carrying on business activities.** When an accessory building is attached to a main building in a substantial manner, such as a common wall or roof, the accessory building shall ~~be considered~~ **be deemed to have been integrated into the** ~~a part of the main building~~ **and no longer considered an accessory building.**

ARTICLE II DEFINITIONS – D

Section 2.05

DAY CARE, PRIVATE HOMES

A. FAMILY DAY CHILD CARE HOME

A dwelling licensed by the state (in conjunction with the private residence home of the operator) in which care is provided for more than one (1) but less fewer than seven (7) minor children or adults are received for care and supervision for compensation for periods of less than twenty-four (24) hours in a day, unattended by a parent or legal guardian, excluding except children related to an adult member of the family household by blood, marriage or adoption. This definition Family Child Care home includes a dwelling home in which care is provided given to an unrelated minor child for more than four weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual. As used in this subparagraph, "providing babysitting services" means caring for a child on behalf of the child's parent or guardian when the annual compensation for providing those services does not equal or exceed \$600.00 or an amount that would according to the internal revenue code of 1986 obligate the child's parent or guardian to provide a form 1099-MISC to the individual for compensation paid during the calendar year for those services.

According to the Michigan Zoning Enabling Act 110 of 2006, MCL 125.3206, a family child care home is considered a residential use of property for the purposes of zoning and a permitted use in all residential zones and is not subject to a special use or conditional use permit or procedure different from those required for other dwellings of similar density in the same zone.

B. GROUP DAY CHILD CARE HOME

A dwelling licensed by the state (in conjunction with the private residence of the operator) private home in which care is provided for at least more than seven six (7 6) but not more than twelve (12) minor children or adults are given care and supervision for periods of less than twenty-four (24) hours per a day, unattended by a parent or legal guardian, excluding except children related to an adult member of the family household by blood, marriage or adoption. This definition A group child care home includes a dwelling home in which care is provided given to an unrelated minor child for more than four weeks during a calendar year.

According to the Michigan Zoning Enabling Act 110 of 2006, MCL 125.3206, a group child care home shall be issued a special use permit, conditional use permit, or other similar permit if the group child care home meets all requirements.

ARTICLE II DEFINITIONS – F

Section 2.07

FENCE DESIGN & TYPE

Decorative: a designed open or solid fence or wall that contributes to the identification and beauty of the principle use; is not erected to satisfy any other provision, and does not act as a retaining structure.

~~Living: plantings that are not expected to grow to exceed three (3) feet in height.~~

~~Obscuring: a fence that is more than fifty (50) percent opaque.~~

**ARTICLE II DEFINITIONS – S**

**Section 2.19**

~~STATE LICENSED RESIDENTIAL FACILITY~~

~~A residential care facility licensed by the State of Michigan under Act 287 of 1972 of the Public Acts of Michigan, as amended, or Act 116 of 1973 of the Public Acts of Michigan, as amended, which provides resident care services under twenty four (24) hour supervision or care for persons in need of that supervision or care. This term does not include such facilities licensed by the State of Michigan for care and treatment of persons released from or assigned to adult correctional institutions.~~

- ~~A. A Family Care Facility includes a state licensed residential facility providing resident services to six (6) or fewer persons.~~
- ~~B. A Small Group Care Facility includes a state licensed residential facility providing resident services to less than twelve (12) persons.~~
- ~~C. A Large Group Care Facility includes a state licensed residential facility providing resident services for at least thirteen (13) but no more than twenty (20) persons.~~

**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.~~

**GENERAL FENCE REQUIREMENTS**

- ~~B. All required fence heights shall be measured as the vertical distance from the average elevation of the finished grade within twenty (20) feet of the fence to the highest point of the fence.~~
- 1.** No fence, wall, berm, sign, screen or any planting shall be erected **in the road right-of-way** or **be** maintained in such a way as to conflict with clear vision areas.
- 2.** Fences on platted lots of record shall not contain barbed wire, electric current, charge of electricity, dangerous materials such as, but not limited to broken glass, bottle caps, or chain link type fences with sharp wire edges upwardly exposed. Exception: Fences enclosing domesticated animals, and for bona fide agricultural operations may use barbed wire, electric current, or other materials necessary.

~~D 3.~~ Fences which enclose public or privately-owned parks, or recreational grounds or playgrounds, or public landscaped areas, shall not exceed nine (9) feet in height as, measured ~~as outlined above~~ to the highest part of the fence, and shall not obstruct vision to an extent greater than twenty-five percent (25%) of their total area.

~~E~~ No fence, wall, berm, sign, screen or any planting shall be erected or maintained in such a way as to conflict with clear vision areas.

4. Within the limits of the rear yard, no fence, wall, or other screening structure other than evergreens, deciduous trees, shrubs, and bushes shall be erected higher than seven (7) feet above the surface of the ground.

~~F 5.~~ Agricultural fencing: No farm animals shall be kept except within an entirely enclosed structure consisting of either a building or an area completely surrounded by fencing. The structure shall be of a height and kind sufficient to prevent animals from wandering at large. Fencing for cervidae facilities shall be in accordance with State of Michigan guidelines and requirements. Such structures shall be located as required by the applicable provisions of the particular district in which the structure is located.

#### NON-LAKEFRONT LOTS

~~within the setback of any yard provided that no Any fences, walls, hedges, berms or screens shall be over six (6) feet in height if erected in back of between the required front yard setback line, or the rear of the house whichever is closest, and up to the street right-of-way, must not be in excess of five (5) feet in height as measured to the highest part of the fence, wall, berm or screen at any point. and any~~

Fences, walls, hedges, berms or screens shall not exceed seven (7) feet in height as measured to the highest part of the fence, wall, berm or screen if 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, must not be in excess of four (4) feet rear yard lot line.

#### LAKEFRONT LOTS

In the Critical Dunes and High-Risk Erosion areas, any fences, berms and walls built, and any vegetative planting and/or removal, must comply with ~~DEQ~~ all State and or Federal regulations.

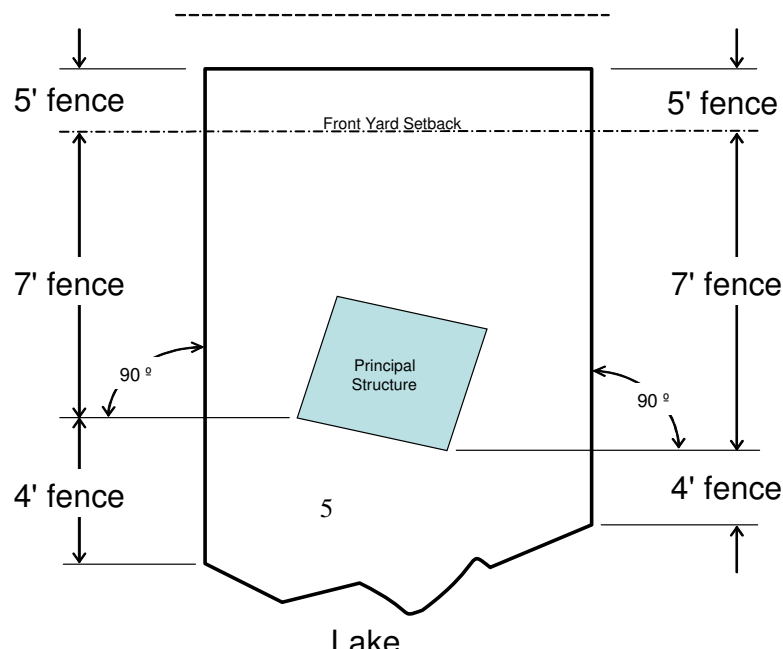
~~For lakefront lots in the Lake Michigan Shoreline District, the Inland Lakes District, and the North Duck Lake Overlay District, no Any fence, wall, hedge, berm, or screen shall erected between the required front yard setback line or the rear of the house whichever is closest, and up to the street right-of-way, must not be higher than in excess of three five (3 5) 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, wall, hedge, berm or screen may not exceed three (3) feet. Fences on lakefront lots may be permitted with a zoning permit within the side setback of any yard provided that such fences meet the following: as measured to the highest part of the fence, wall, berm or screen at any point.~~

Fences, walls, berms or screens shall not exceed seven (7) feet in height as measured to the highest part of the fence, wall, berm or screen at any point if erected between the required front yard setback line, or the rear elevation of the main house whichever is closest. In calculating the rear elevation of the main house to side yard lot line, measure perpendicular from the side yard lot line

to the house rear elevation wall. Projections into rear yard, such as porches, dormers or decks shall not be used for this calculation.

For lakefront lots in the Lake Michigan Shoreline District, the Inland Lakes District, and the North Duck Lake Overlay District, no fence, wall, hedge, berm, or screen shall be higher than ~~three~~ **four** (34) feet in height between the shoreline and the lakeside of the home as measured perpendicular to the side **yard** lot line nearest the lakeside. On Lakefront lots that have no principal building the height of a fence, wall, hedge, berm or screen may not exceed ~~three~~ **four** (34) feet. Fences on lakefront lots may be permitted with a zoning permit within the side setback of any yard provided that such fences meet the following:

1. Such fences must be for the purpose of delineation of property lines, not for the intent of obscuring vision or blocking out of natural light.
2. Such fences must be of man-made material or wood and must be intended for permanent installation.
3. Such fences must ~~have~~ **not exceed** a maximum height of ~~three~~ **four** (34) feet ~~above the average ground surface between adjacent~~ **as measured to the highest part of the** fence, posts at all points along their length. **wall, berm or screen at any point.**
4. ~~Such fences must be a minimum 50% open space through which light can penetrate, for example: cyclone fence, lattice, picket or split rail.~~
5. Fence materials such as plastic or wood/twisted style “snow” fences are not acceptable for permanent installations. Unless otherwise specified, all residential fences must be constructed of wood product, composite wood, rigid vinyl, wrought iron or chain link and shall comply with ~~DEQ~~ **all State and or Federal** regulations in the Critical Dunes and High-Risk Erosion areas.
6. ~~A property owner must not intentionally plant, nor cause to be planted, within the side yard setback area between the shoreline and the lakeside of the home as measured perpendicular to the side lot line nearest the lakeside any vegetative material (whether dead or alive) exceeding three (3) feet in height, or which would reasonably be expected to grow to over three (3) feet in height.~~



**ARTICLE III            GENERAL PROVISIONS**

**SECTION 3.12            CLEAR VISION AREAS**

- A.     No plantings, fences, walls, ~~hedges~~, berms or screens shall be established or maintained on any lot which will obstruct the view of a vehicle driver approaching the intersection of public roads, private streets or any combination thereof. Such unobstructed corner shall be a triangular area formed by the street right-of-way, a line connecting them not less than ten (10) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street right-of-way extended. The Zoning Administrator may require a distance of more than ten (10) feet of unobstructed vision, if necessary, to provide for a clear vision area.
  
- B.     No plantings, fences, walls, ~~hedges~~, berms, or screens, shall be established in any setback area which, in the opinion of the Zoning Administrator, will obstruct the view of a driver, or a vehicle, approaching or leaving a driveway or adjacent roadway.

**ARTICLE III            GENERAL PROVISIONS**

**SECTION 3.22A           TEMPORARY SALES**

**SECTION 3.22B           RESIDENTIAL GARAGE/ BASEMENT/ YARD SALES**

The owner/ or occupant of the principal single-family dwelling shall be entitled by right to hold two (2) garage/ basement/ yard sales per calendar year, not to exceed a maximum of three (3) consecutive days per sale.

**ARTICLE III            GENERAL PROVISIONS**

**SECTION 3.31            AVERAGE SETBACK LINES**

- D.     Rear (Shoreline). For parcels on White Lake and Duck Lake if there are existing principal buildings on adjacent lots within two hundred (200) feet on each side of a proposed building location, a proposed building or structure ~~may~~ **must** be located ~~the same distance from~~ **no closer to** the ordinary high water mark as **than** the average distance from the **ordinary high water mark of the principal** nearest **principal** buildings located within two hundred (200) feet on each side from the proposed structure. If there is a vacant waterfront lot within two hundred (200) feet, the one hundred (100) foot setback shall be used for averaging.

The average setback line shall be determined by extending a line perpendicular to the ordinary high-water mark to the existing structure. The length of the shortest setback distance of each adjoining lot will be averaged, establishing the proposed average building setback line.

A proposed structure **may be** located **an additional** five (5) feet closer to the ~~lake~~ **water** than the averaging **may** allows **so long as the proposed structure satisfies** twice the required ~~side yard~~ setback ~~can be placed~~ **on each side**.

**ARTICLE IV RURAL RESIDENTIAL DISTRICT**

SECTION 4.02 USES PERMITTED BY RIGHT

- C. Family ~~day~~ child care homes.
- ~~D. Family group care facilities.~~

SECTION 4.03 USES PERMITTED BY SPECIAL LAND USE

- ~~B. Small group care facilities.~~
- L. Group ~~day~~ child care homes.

**ARTICLE V LOW DENSITY RESIDENTIAL DISTRICT**

SECTION 5.02 USES PERMITTED BY RIGHT

- B. Family ~~day~~ child care homes.
- ~~C. Family group care facilities.~~

SECTION 5.03 USES PERMITTED BY SPECIAL LAND USE

- ~~A. Small group care facilities.~~
- B. Group ~~day~~ child care homes.

**ARTICLE VI MEDIUM DENSITY RESIDENTIAL DISTRICT**

SECTION 6.02 USES PERMITTED BY RIGHT

- B. Family ~~day~~ child care homes.
- ~~C. Family group care facilities.~~

SECTION 6.03 USES PERMITTED BY SPECIAL LAND USE

- ~~A. Small group care facilities.~~
- B. Group ~~day~~ child care homes

**ARTICLE VIa LAKE MICHIGAN SHORELINE DISTRICT**

SECTION 6.02a USES PERMITTED BY RIGHT

- B. Family ~~day~~ child care homes.
- ~~C. Family group care facilities.~~

SECTION 6.03a USES PERMITTED BY SPECIAL LAND USE

- C. Group ~~day~~ child care homes.
- ~~D. Small group care facilities.~~

SECTION 6.04a SITE DEVELOPMENT STANDARDS

4. a) No structures or buildings shall be built or installed ~~westerly~~ ***lakeward*** of the bluff line except for wooden stairs and platforms ~~less than one hundred fifty (150) sq. ft. in surface area~~ 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.

ARTICLE VII MEDIUM HIGH DENSITY RESIDENTIAL DISTRICT

SECTION 7.02 USES PERMITTED BY RIGHT

- B. Family day ***child*** care homes.  
C. ~~Family group care facilities.~~

SECTION 7.03 USES PERMITTED BY SPECIAL LAND USE

- D. Group day ***child*** care homes.  
E. ~~Small group care facilities.~~

ARTICLE VIII HIGH DENSITY RESIDENTIAL DISTRICT

SECTION 8.02 USES PERMITTED BY RIGHT

- C. Family day ***child*** care homes.  
D. ~~Family group care facilities.~~

SECTION 8.03 USES PERMITTED BY SPECIAL LAND USE

- A. ~~Large and small group care facilities.~~  
C. Group day ***child*** care homes.

ARTICLE VIIIa INLAND LAKES DISTRICT

SECTION 8.02a SITE DEVELOPMENT STANDARDS

- 11. 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.***

SECTION 8.03a USES PERMITTED BY RIGHT

- A. Family day ***child*** care homes.  
B. ~~Family group care facilities.~~



SECTION 8.04a USES PERMITTED BY SPECIAL LAND USE

- A. Group ~~day~~ ***child*** care homes.
- ~~B. Small group care facilities.~~

**ARTICLE VIIIb NORTH DUCK LAKE OVERLAY DISTRICT**

SECTION 8.03b USES PERMITTED BY RIGHT

- B. Family ~~day~~ ***child*** care homes.
- ~~C. Family group care facilities.~~

SECTION 8.04b USES PERMITTED BY SPECIAL LAND USE

- ~~C. Group day ***child*** care homes.~~
- ~~D. Small group care facilities.~~

**ARTICLE IXa OPEN SPACE PLANNED UNIT DEVELOPMENT (OS-PUD)**

SECTION 9.06a PERMITTED USES

- 2. Golf courses, tennis courts, ball fields, bike paths, walking paths, playground, community buildings, horse stables and similar recreational facilities as well as ~~day~~ ***family child*** care facilities ***homes***, provided such uses are accessory to the residential uses in the OS-PUD. Such uses shall be designed to be used primarily by residents of the OS-PUD but this shall not prohibit non – OS-PUD residents from utilizing these accessory uses provided the rules for such use are set forth in the Open Space Agreement required herein.

SECTION 9.07a USES PERMITTED BY SPECIAL LAND USE

- ~~D. ***Group child care home.***~~

**ARTICLE IX MANUFACTURED HOME PARK DISTRICT**

SECTION 9.02 PERMITTED USES

- ~~E. ***Family child care home.***~~

SECTION 9.03 USES PERMITTED BY SPECIAL LAND USE

- ~~D. ***Group child care home.***~~

**ARTICLE XIV  
SPECIAL LAND USES**

**SECTION 14.04 SPECIAL LAND USE SPECIFIC REQUIREMENTS**

- M. Group and commercial day care homes and facilities.

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1. A group ~~day~~ ***child*** care home shall not be located within fifteen hundred (1500) feet to any of the following as ~~measured along a street, road or other public thoroughfare~~:
  - a. Another ~~similar~~ licensed day ***group child*** care establishment ***home***.
  - b. An adult foster care ***small group home or large group facility home*** licensed ~~by the state of Michigan~~ ***under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.***
  - c. A facility offering substance abuse treatment and rehabilitation services to seven or more people, ~~which is licensed by the state of Michigan~~ ***under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.***
  - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
2. All outdoor play areas shall be enclosed by a non-climbable fence that is at least forty-eight (48") inches high.
3. ~~The property shall be maintained in a manner that is~~ ***the property*** consistent with the ***visible characteristics*** of the neighborhood. ~~A group day care home shall not require exterior modifications to the dwelling nor should the front yard be the location of play equipment, except on a corner lot.~~
4. ~~Hours of operation shall~~ ***Does*** not exceed sixteen (16) hours ***of operation in during*** a twenty-four (24) hour period, ~~and activity shall be limited~~ ***The local unit of government may limit but not prohibit the operation of a group child care home*** between the hours of 10 pm and 6 am.
5. One (1) identification sign shall be permitted, not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the dwelling.
6. One (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used to fulfill this requirement

<b>Institutional</b>	
Group and commercial day care homes and group care facilities	One (1) space for each four (4) clients

7. The applicant shall provide evidence of the ability to comply with all applicable State licensing requirements.
8. For a city or village, a group child care home may be issued a special user permit, conditional use permit, or other similar permit.
9. A licensed or registered family or group child care home that operated before March 30, 1989 is not required to comply with the requirements of this section.
10. The requirements of this section shall not prevent a local unit of government from inspecting and enforcing a family or group child care home for the home's compliance with the local unit of government's zoning ordinance. For a county or township, an ordinance shall not be more restrictive for a family or group child care home than as provided under 1973 PA 116, MCL 722.111 to 722.128.

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11. The subsequent establishment of any of the facilities listed under subsection (4)(a) will not affect any subsequent special use permit renewal, conditional use permit renewal, or other similar permit renewal pertaining to the group child care home.
12. The requirements of this section shall not prevent a local unit of government from issuing a special use permit, conditional use permit, or other similar permit to a licensed or registered group child care home that does not meet the standards listed under ~~subsection (4)~~ **M. of this section.**
13. The distances required under ~~subsection (4)(a)~~ **M. 1. of this** section shall be measured along a road, street, or place maintained by this state or a local unit of government and generally open to the public as a matter of right for the purpose of vehicular traffic, not including an alley.

**PUBLIC HEARING CLOSED 6:23 P.M.**

Motion by Commissioner Warner, second from Commissioner Josephson, ***ADOPTED***, to recommend approval of the amended language as written above to the Township Board of Trustees.

**6 AYES  
1 ABSENT**

**PLANNING/ZONING UPDATES**

Commissioner Warner advised the Zoning Board of Appeals has an upcoming meeting September 9 on one application.

**COMMISSIONERS COMMENTS**

Chairperson Roesler advised everyone that he, Commissioner Josephson, Zoning Administrator Jensen and Attorney Even met with Buzz of Buzz's Lakeside Inn regarding the process of them becoming compliant in having this Historic Resort on record.

Attorney Even advised the procedures for obtaining a Special Land Use Permit for a Historic Resort are in Article XIV Special Land Uses, Section 14.04 Special Land Use Specific Requirements LL.

According to Commissioner Josephson an existing site plan and five pages of current uses has been presented to Attorney Even and they are waiting to hear back from him. Once a completed application has been submitted it will be placed on the agenda.

Once they obtain the Special Land Use Permit, they can present future application/plan if desired.

**ADJOURNMENT**

Motion by Commissioner Holman, second from Commissioner Josephson, ***ADOPTED***, to ***ADJOURN***, the September 5, 2019 regular meeting at 6:40 p.m.

**6 AYES  
1 ABSENT**

**FRUITLAND TOWNSHIP PLANNING COMMISSION September 5, 2019 REGULAR MEETING MINUTES**

Respectfully Submitted,

Sally Dion, Recording Secretary  
Township of Fruitland