

PLANNING COMMISSION
Minutes for Regular Meeting of
December 2, 2021

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

NOT PRESENT Maribeth Picard and John Gloster, excused.

ALSO PRESENT Zoning Administrator Jensen, Recording Secretary Sally Dion and 2 interested parties.

CALL TO ORDER Chairperson Roesler called the December 2, 2021 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 Holman, **ADOPTED**, to accept the agenda as written.

5 AYES
2 ABSENT

MINUTES Motion by Commissioner Warner, second from Commissioner Holman, **ADOPTED**, to **AMEND** the November 4, 2021 Regular Meeting Minutes under Agenda by adding Holman to Motion by Commissioner and accept as amended.

5 AYES
2 ABSENT

PUBLIC COMMENT

- Kim McGee, 6166 Murray Road, stated has concerns on proposed amendments to Article III, however, he will speak to that during the Public Hearing. He thanked the Commissioners for all their work.

PUBLIC HEARINGS

1. Master Plan

PUBLIC HEARING OPEN 6:04 P.M.

Chairperson Roesler explained the process of review started two years ago, however, with Covid and the need to wait for updated Census information it has been on hold. A survey was sent to all residents, new Census data has become available and has been updated in the plan, notice was sent to all entities for their review and comments.

No comments received.

PUBLIC HEARING CLOSED 6:08 P.M.

FRUITLAND TOWNSHIP PLANNING COMMISSION December 2, 2021 REGULAR MEETING MINUTES

Motion by Commissioner Holman, second from Commissioner Warner, **ADOPTED**, to approve the updated 5-year Master Plan.

**5 AYES
2 ABSENT**

2. Article III, General Provisions, Section 3.23 Non-conforming Buildings, Structures and Uses, E. Lots of Record, 4.

E. Lots of Record.

4. In all the ~~Medium Density Residential (MDR), Medium High Density Residential (MHDR), High Density Residential (HDR), Lake Michigan Shoreline (LMSD), Inland Lakes (ILD) and North Duck Lake Overlay (NDLOD)~~ **residential** zoning districts, if two or more adjacent nonconforming vacant lots of record are held in common ownership, said lots shall be considered to be an undivided parcel for purposes of obtaining a zoning permit and shall be combined into a parcel (s) that has a lot width of at least 90 feet and a lot size of at least 50 percent of the minimum lot area required in the zoning district where the parcel (s) are located.

PUBLIC HEARING OPEN 6:10 P.M.

1. Kim McGee, 6166 Murray Road, states concern of how this amendment will affect his property. He lives next to 21 boat slip/marina that consist of 3 different sub-division lots that are carrot shaped.

Chairperson Roesler advised this amendment will have no effect on his property, his property is already located in a residential zoning district that was already a part of those that the Zoning Administrator could combine if the parcels meet certain requirements.

PUBLIC HEARING CLOSED 6:20 P.M.

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

**5 AYES
2 ABSENT**

OLD BUSINESS

1. Accessory Buildings and Uses - Sizes

Chairperson Roesler shared the following language for review.

ARTICLE III GENERAL PROVISIONS

SECTION 3.08 ACCESSORY BUILDINGS AND USES

- A. Accessory buildings attached to dwellings or other main buildings, including enclosed porches and garages, shall be deemed a part of such buildings and must conform to all regulations of this Ordinance applicable to such main buildings.

- B.** In addition to the accessory buildings and structures permitted herein, each single-family and **each two-family dwelling may provide one private garage for use by the occupants of the single-family or each two-family dwelling unit.** The private garage may be attached to the dwelling or detached from the dwelling. The maximum size of such **private garage shall not exceed 816 1,000 square feet.**
- B.C.** On corner lots, accessory buildings or uses shall meet the site development standards for the zoning district in which the accessory building is located, **and according to the requirements of Section 2.13 Definitions-L.** In the case of double frontage lots, one street will **shall** be designated as the front **lot line** street for all lots, and accessory buildings or uses shall be located no nearer to the front street than the required front yard setback line. If there are existing structures in the same block fronting on one or more of the streets, the required front yard setback shall be observed on those streets where such structures presently front.
- C.D.** An accessory building or use shall only be permitted on a lot which contains a principal use or main building.
- D.E.** 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 **sanitary** facilities.
- E.F.** Detached accessory buildings shall:
1. be located a minimum of ten (10) feet from any building on the lot, **as measured from the eaves of the accessory building, or any portions of the structure, whichever is closer;**
 2. be placed at least two hundred (200) feet from the road right-of-way if located in the front yard, between the house and road in the RR, LDR, MDR, MHDR, and HDR Districts, **with the exception of double frontage lots as regulated by Section 3.08 C. herein.**
- F.G.** Setbacks for detached accessory buildings shall be measured to the eaves of the building, **or any portion of the structure, whichever is closer.**
- G.H.** Accessory building sizes, heights and setbacks.
1. The total area for all accessory buildings shall not exceed the maximum footprint areas, **including any cantilevered or open-sided lean-to,** noted below, **as required by Section 3.08 H. 2. herein,** except that in no case shall the total square footage of all accessory buildings exceed thirty-two hundred (3,200) square feet. **For the purposes of this section, footprint area shall mean the square footage of enclosed building space measured at the perimeter of the outside walls, including enclosed cantilevered portions of a building.**
 2. Maximum floor areas and heights (as measured from the ground to the highest point of the roof) and setbacks for buildings accessory to single and two-family dwellings:

MAXIMUM ACCESSORY BUILDING FOOTPRINT SIZE	
Parcel Size	Maximum Building Footprint Size
Less than 1.00 acre	672 1,200 square feet
1.00 to 1.99 acres	888 1,500 square feet
2.00 to 2.99 acres	1,104 1,800 square feet
3.00 to 3.99 4.99 acres	1,536 2,100 square feet
4.00 to 4.99 acres	1,968 square feet
5.00 to 9.99 acres	2,400 square feet
10.00 to 19.99 acres and over	2,800 3,200 square feet
20 acres and over	3,200 square feet

MAXIMUM ACCESSORY BUILDING HEIGHT	
Building Footprint Size	Maximum Building Height
Less than 673 2,400 square feet	22 24 feet
673 to 1,103 square feet	24 feet
1,104 to 2,400 square feet	24 feet
2,401 2,400 to 3,200 square feet	35 feet

ACCESSORY BUILDING SIDE AND REAR YARD SETBACKS		
Building Footprint Size	Minimum Building Setback	
	Side	Rear
100 square feet or less	10 feet	5 feet
Less than 673 1,200 square feet	10 feet	10 feet
673 1,200 to 1,104 less than 1,500 square feet	15 feet	15 feet
1,104 1,500 to 2,400 less than 2,400 square feet	25 feet	25 feet
2,401 2,400 to 2,800 3,200 square feet	50 feet	50 feet
2,801 to 3,200 square feet	75 feet	75 feet

3. The requirements for accessory buildings **and structures** in the **Lake Michigan Shoreline Overlay** District shall prevail.
4. **The requirements for accessory building and structures in the Waterfront Marine District shall prevail.**
5. **Accessory buildings and structures on lakefront lots shall be subject to the requirements of Section 3.31 herein.**
6. **The requirements for accessory buildings and structures in the Manufactured Home Park District shall prevail.**
7. **Requirements for accessory structures and uses for specific uses as regulated by Article XIV, Special Land Uses, shall prevail.**

- 4 8. Maximum floor areas and heights (as measured from the ground to the highest point of the roof) for buildings accessory to uses other than single and two-family dwellings:
- a. Multiple-family developments: nine hundred (900) square feet **and 24 feet in height.**
 - b. Other uses in Nonresidential Districts and nonresidential uses in Residential Districts: not to exceed twenty-five percent (25%) of the ground floor area and the allowable height of the main building(s) for the district in which the use is located.

H.I. The architectural character of any accessory building shall be substantially compatible with that of the principal building **as determined by the zoning administrator.**

SECTION 2.02 DEFINITIONS – A

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, **enclosed breezeway, or a covered colonnade**, the accessory building shall be deemed to have been integrated into the main building and no longer considered an accessory building.

After discussion, consensus was to amend the proposed language submitted for review as highlighted in yellow.

Motion by Commissioner Warner, second from Commissioner Josephson, **ADOPTED**, to put this in the pending public hearing folder.

**5 AYES
2 ABSENT**

PLANNING/ZONING UPDATES

None

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Holman, second from Commissioner Josephson, **ADOPTED**, to **ADJOURN**, the December 2, 2021 regular meeting at 6:45 p.m.

**5 AYES
2 ABSENT**

FRUITLAND TOWNSHIP PLANNING COMMISSION December 2, 2021 REGULAR MEETING MINUTES

Respectfully Submitted,

Sally Dion, Recording Secretary
Township of Fruitland