

PLANNING COMMISSION
Minutes for Regular Meeting of
September 1, 2022

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

NOT PRESENT Maribeth Picard, excused.

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

CALL TO ORDER Chairperson Roesler called the September 1, 2022 to order at 6:00 p.m.

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

6 AYES
1 ABSENT

MINUTES Motion by Commissioner Holman, second from Commissioner Warner, **ADOPTED**, to accept the August 4, 2022 Regular Meeting Minutes as written.

6 AYES
1 ABSENT

PUBLIC COMMENT

1. Jeff Marcinkowski, Supervisor, 3767 Jay Road. Stated that he would like to narrow the area for review for zoning along White Lake Drive, thinking from Blank to White Lake Drive/Zellar Road corner. He believes the township should be looking at purchasing the 80 acres on the corner of White Lake Drive/Zellar Road to spur a commercial district. Stated this property is still under EGLE as having contaminated wells, etc., however, eventually, this property will be used. He asked the Commissioners to please think of reviewing the Master Plan.

PUBLIC HEARING

1. Article II, Definitions – D, Daycare, Private Homes, amend A. Family Child Care Home, B. Group Child Care and add C. Increased Capacity

DAY CARE, PRIVATE HOMES

A. FAMILY CHILD CARE HOME

“Family child care home” means A a **private** home in which one (1) but fewer than ~~seven~~ **eight (78)** minor children are received for care and supervision for compensation for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage or adoption. ~~A~~ **Family child care home** includes a home in which care is 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. **Family child care home includes a private home with increased capacity.**

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 CHILD CARE HOME

Means A private home in which more than six (6) but not more than ~~twelve~~ **fourteen (14)** minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage or adoption. ~~A g~~**Group child care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year. Group child care home includes a private home with increased capacity.**

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.

C. INCREASED CAPACITY

Means 1 additional child added to the total number of minor children received for care and supervision in a family child care home or 2 additional children added to the total number of minor children received for care and supervision in a group child care home.

In the event the Michigan Legislature chooses to expand or reduce the number of minor children received for care and supervision in a family child care home or in a group child care home, those expansions or reductions shall be deemed to automatically apply to the definition of "family child care home" or "group child care home", as defined above.

PUBLIC HEARING OPEN 6:09 p.m.

No correspondence, no public comment.

PUBLIC HEARING CLOSED 6:11 p.m.

Short discussion was held that this is actually to meet the new state requirements.

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

**6 AYES
1 ABSENT**

OLD BUSINESS

1. Article III, General Provisions, Section 3.07, Projections into Yards, B. 4. Porches, terraces, decks, balconies, window awnings, and similar structures which are open on all sides, unenclosed and uncovered:
 4. on parcels contiguous to Lake Michigan, White Lake and Duck Lake, the highest point of any deck, including railings, shall not exceed 6' above the original grade.

Consensus is to publish public hearing for the October meeting to strike 4.

Commissioner Warner said grade must be defined, there is rough grade, original grade and final grade. Consensus was to set up a subcommittee to review.

A subcommittee was set up of Chairperson Roesler, Commissioners Warner and Josphson to discuss the definition of Grade. Zoning Administrator Jensen will sit in on the meeting(s).

1. Solar Farm Ordinance

Chairperson Roesler said he would rather tweak an existing ordinance from another area. Zoning Administrator Jensen said that Montague Township has forwarded him some language for review. We will leave on the agenda for another month or so.

PLANNING/ZONING UPDATE

Commissioner Warner advised there was a Zoning Board of Appeals meeting and that the variance request was granted, the project was only 126 sq. ft. over the 50% maximum allowed for a non-conforming building.

Motion by Commissioner Holman, second from Commissioner Warner, **ADOPTED**, to adjourn the September 1, 2022 regular meeting at 6:30 p.m.

6 AYES
1 ABSENT

Respectfully Submitted,

Sally Dion, Recording Secretary
Township of Fruitland