

PLANNING COMMISSION
Minutes for Regular Meeting of
August 3, 2017

AMENDED

PRESENT Commissioners Dave Roesler, Tom Thompson, Leslie Sprott, Ina Ray, John Warner, William Josephson and Mike Holman.

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

CALL TO ORDER Chairperson Roesler called the August 3, 2017 meeting to order at 6:30 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.

7 AYES

MINUTES Motion by Commissioner Holman, second from Commissioner Josephson, **ADOPTED**, to **AMEND** the June 1, 2017 minutes as follows: ~~Chairperson~~ Commissioner Josephson, and accept as amended.

7 AYES

PUBLIC COMMENT – None

NEW BUSINESS

- Review of amended language to adopt the 2015 Fire Code

Zoning Administrator Jensen explained the last time the Fire Code was adopted some of the standards regarding (Fire Apparatus Access Roads) were modified after the language was reviewed by the Planning Commission. In 2014 the law changed and the language has to be adopted fully with no modifications. He does not believe it should be an issue adopting fully, being some of the township private street standards are more stringent than the fire code.

Chairperson Roesler stated that the Fire Code is a Regulatory Ordinance and the Township Board of Trustees is only asking them to review because previously the Planning Commission recommended the modified language.

Motion by Commissioner Josephson, second from Commissioner Warner, **ADOPTED**, that after review of the proposed language to adopt the 2015 Fire Code they have no issues with it.

7 AYES

OLD BUSINESS

- **Proposed language from the Township Board (Highlighted Yellow)**

Chairperson Roesler advised he spoke with Attorney Even regarding the language recommended by the Township Board of Trustees. Attorney Even said he has no issue with either language. Consensus of the Planning Commission after discussion are **(Highlighted Green)**.

ARTICLE I
TITLE AND PURPOSE

SECTION 1.02 PURPOSE

J. to protect and preserve the natural features and views of our lands and waters;

ARTICLE II
DEFINITIONS

SECTION 2.07 DEFINITIONS – F

FENCE

A barrier, partition, wall, structure or gate erected as a dividing structure, barrier or enclosure.

FENCE DESIGN & TYPE:

Fence, 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, does not act as a retaining structure, and is made of material that typically is not found in security fences. Commissioners question what “and is made of material that typically is not found in security fences” means. Suggested possibly ending sentence at retaining structure and striking this.

Fence, living: plantings that are not expected to grow to exceed three (3) feet in height.

Fence, obscuring: a fence that is fifty (50) percent or more opaque.

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 DEO regulations in the Critical Dunes and High Risk Erosion areas. Commissioners suggested this be moved to the end of suggested language for Section 3.11 (5.)

SECTION 2.22 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 3.08 ACCESSORY BUILDINGS AND USES

D. No part of an ~~an~~ detached accessory building shall be used as a dwelling for independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and bathroom facilities.

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.
Commissioners agree with the recommended language.

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 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, **must** not be in excess of four (4) feet.

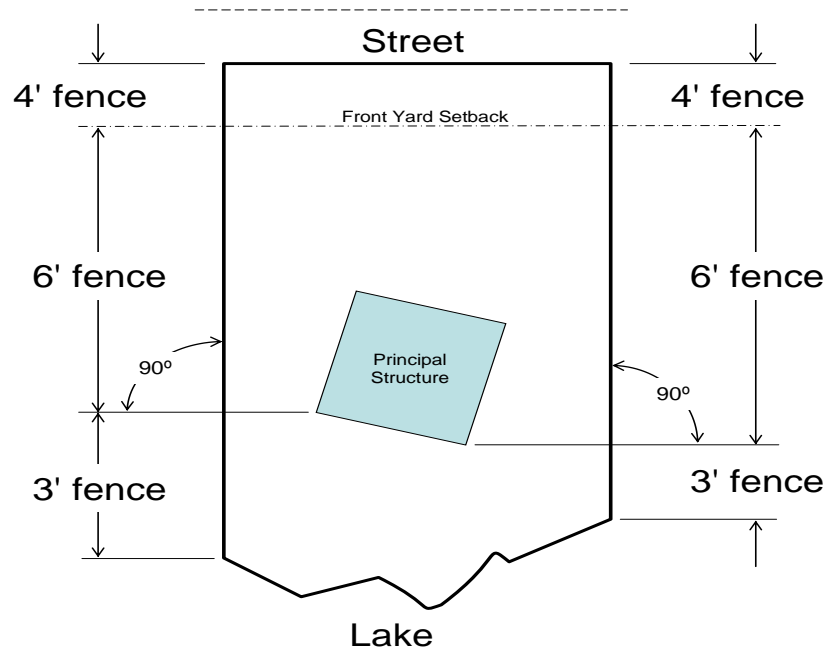
In the Critical Dunes and High Risk Erosion areas, any fences, berms and walls built, and any vegetative planting and/or removal, must comply with DEQ regulations. For lakefront lots in the Lake Michigan Shoreline District, the Inland Lakes District, and the North Duck Lake Overlay District, no fence, wall, hedge, berm, or screen shall be higher than three (3) feet in height between the shoreline and the lakeside of the home as measured perpendicular to the side lot line nearest the lakeside. On Lake front lots that have no principal building the height of a fence, wall, hedge, berm or screen may not exceed three (3) feet. Fences in 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 a maximum height of three (3) feet above the average ground surface between adjacent fence posts at all points along their length.**
- 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 snow fence or wood/twisted wire snow fences intended as temporary fences are not acceptable for permanent installation.**

Fence materials such as plastic or wood/twisted style "snow" fences are not acceptable for permanent installations.

Commissioners agree with striking what was proposed for 5. and replacing with this recommendation from the Township Board of Trustees.

- 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 VIa
LAKE MICHIGAN SHORELINE DISTRICT**

SECTION 6.04a SITE DEVELOPMENT STANDARDS

7. On lakefront lots, no fence, wall, hedge, berm, or screen shall be higher than three (3) 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.

**ARTICLE VIIIa
INLAND LAKES DISTRICT**

SECTION 8.02a SITE DEVELOPMENT STANDARDS

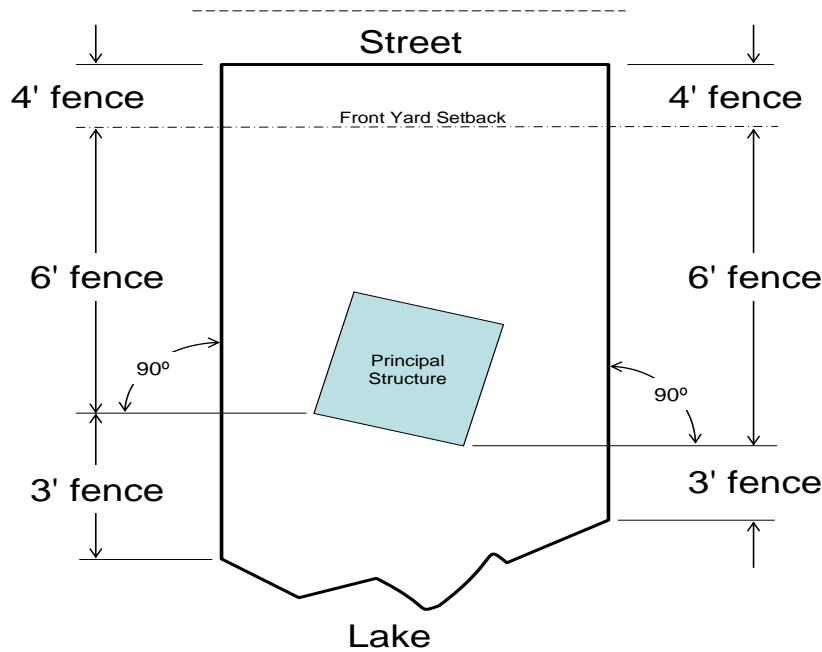
3. On lakefront lots, no fence, wall, hedge, berm, or screen shall be higher than three (3) feet in height between the shoreline and the lakeside of the home as measured perpendicular to the side lot line nearest the lakeside. On lakefront lots that have no principal building the height of a fence, wall, hedge, berm or screen may not exceed three (3) feet.

**ARTICLE VIIIb
NORTH DUCK LAKE OVERLAY DISTRICT**

SECTION 8.02b NORTH DUCK LAKE OVERLAY DISTRICT

2. ~~On lakefront lots, no fence, wall, hedge, berm, or screen shall be higher than three (3) 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.~~

Strike the following diagram from 6.04a (7.), 8.02a (3.) and 8.02b (2.)



• **Article III, General Provisions, Section 3.31 (D.), 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 **no closer to the same distance from the ordinary high water mark as than the average distance from the ordinary high water mark of the nearest** principal ~~nearest~~ 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.

Chairperson Roesler stated Attorney Even has reviewed this language and has no issue with it. Consensus was to put on list for amendments ready for Public Hearing.

PLANNING/ZONING UPDATE

Commissioner Warner advised the Board of Zoning Appeals has not had to meet.

COMMISSIONERS COMMENTS

Commissioner Roesler advised the Commissioners he received an email from the Parks and Recreation Chairperson regarding the Disc Golf Course that has been constructed at the Nestrom Road Park. He was advised by Attorney Even that the Planning Commission has nothing to do with this.

Consensus of all Commissioners is there is nothing pending for September so there will be no meeting.

ADJOURNMENT

Motion by Commissioner Holman, second from Commissioner Warner, ***ADOPTED***, to ***ADJOURN*** the August 3, 2017 regular meeting at 7:15 p.m.

7 AYES

Respectfully Submitted,

Sally Dion, Recording Secretary
Township of Fruitland