

PLANNING COMMISSION
Minutes for Regular Meeting of
April 6, 2017

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 April 6, 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

NOMINATIONS:

Motion by Commissioner Josephson, second from Commissioner Holman, **ADOPTED**, to nominate David Roesler as Chairperson, John Warner as Vice Chairperson and Leslie Sprott as Secretary.

7 AYES

Motion by Commissioner Josephson, second from Commissioner Holman, **ADOPTED**, to close nominations and to elect Dave Roesler as Chairperson, John Warner as Vice Chairperson and Leslie Sprott as Secretary.

7 AYES

MINUTES Motion by Chairperson Sprott, second from Commissioner Warner, **ADOPTED**, to accept as written.

7 AYES

PUBLIC COMMENT – None

PUBLIC HEARING OPEN 6:35 P.M.

- **Article I, Title and Purpose** – Section 1.02 Purpose (J.) (**amend**)
- **Article II, Definitions** – Section 2.22 Definitions –W (**amend to add definition**)
- **Article II, Definitions** – Section 2.05 Definitions – D (**amend**)
- **Article III, General Provision** – Section 3.08 Accessory Buildings and Uses (D.) (**amend**)
- **Article III, General Provisions** – Section 3.11 Fences, Wall, Hedges, Berms and Screens (A.) (**amend**)
- **Article VIa, Lake Michigan Shoreline District** – Section 6.04a Site Development Standards (7.) (**amend**)
- **Article VIIIa, Inland Lakes District** – Section 8.02a Site Development Standards (3.) (**amend**)
- **Article VIIIb, North Duck Lake Overlay District** – Section 8.02b Limitations on Construction (2.) (**amend**)

Chairperson Roesler advised that Attorney Even has reviewed and approves the language as written.

Chairperson Roesler asked Zoning Administrator Jensen for his comments.

ZONING ADMINISTRATOR COMMENTS

Zoning Administrator Jensen stated he is fine with most of the proposed language, however, that he believes Article III, General Provisions, Section 3.11 Fences, Walls, Hedges, Berms and Screens 5. and 6. could be argued. He questions what is considered a temporary fence in 5.? He questions if in 6. nothing exceeding 3' can be planted within the side yard setback area of the full length of the property or just between the back of the house and the lake?

CORRESPONDENCE

None.

PUBLIC COMMENT

None.

PUBLIC HEARING CLOSED 7:02 P.M.

DISCUSSION

Consensus after discussion of Zoning Administrator Jensen’s questions was that a temporary fence is one put up and taken back down, not permanent. Language was added stating that nothing can 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.

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

7 AYES

**ARTICLE I
TITLE AND PURPOSE**

SECTION 1.02 PURPOSE

J. to protect and ~~conserve natural recreational areas~~ ***preserve the natural features and views of our lands and waters;***

**ARTICLE II
DEFINITIONS**

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

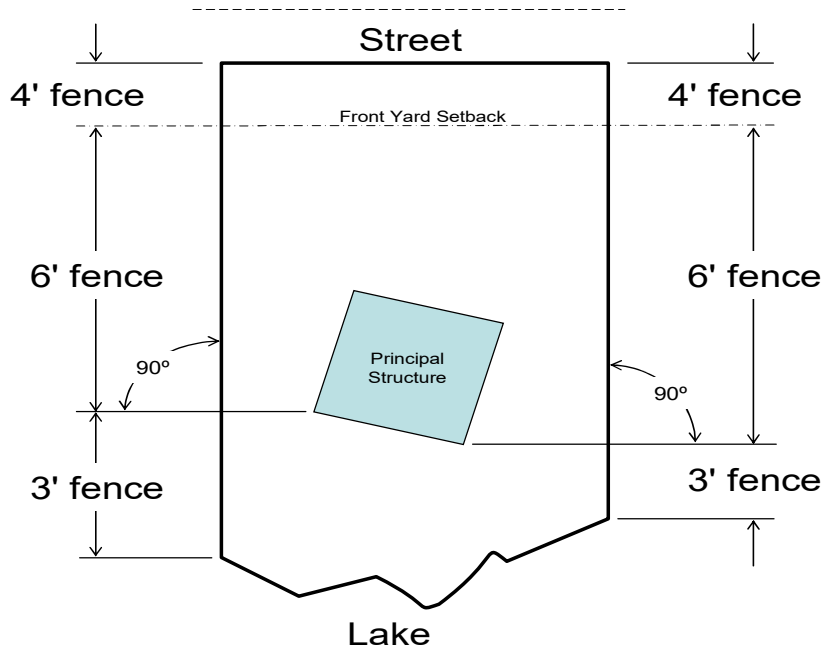
SECTION 3.11 FENCES, WALLS, HEDGES, BERMS AND SCREENS

- 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 *must* 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.

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 DEO 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 Lakefront 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.*
- 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.~~

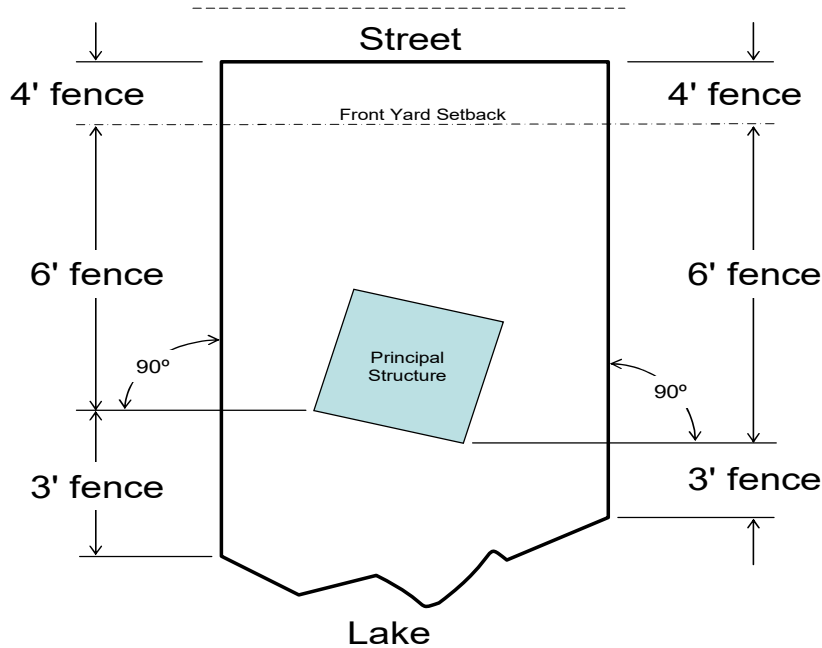
**ARTICLE VIIIb
NORTH DUCK LAKE OVERLAY DISTRICT**

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 II
DEFINITIONS**

SECTION 2.05 DEFINITIONS – D

DWELLING, OR DWELLING UNIT

~~Any building or portion thereof having cooking and housekeeping facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently. A motor home, trailer coach, garage, automobile chassis, tent, or portable building shall not be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit and shall comply with the applicable provisions of this Ordinance.~~

A building providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and bathroom facilities.

**ARTICLE III
GENERAL PROVISIONS**

SECTION 3.08 ACCESSORY BUILDINGS AND USES

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

PLANNING/ZONING UPDATE

Commissioner Warner advises no report. The Zoning Board of Appeals did not meet in March.

COMMISSIONER COMMENTS

Chairperson Roesler handed out Medical Marihuana Facility Licensing Act (MMFLA) information. He said that the Muskegon County Prosecutor was at the March Township Board of Trustee's Meeting and made a presentation on this subject. The Township Board of Trustees may remain silent if they do not want to allow or they may go on record as the City of Norton Shores did stating they do not intend to allow. Chairperson Roesler said he will see if he can get someone to come to a Planning Commission meeting in the near future to answer questions.

ADJOURNMENT

Motion by Commissioner Josephson, second from Commissioner Warner, **ADOPTED**, to **ADJOURN** the April 6, 2017 regular meeting at 7:30 p.m.

7 AYES

Respectfully Submitted,

Sally Dion, Recording Secretary
Township of Fruitland