**GREEN LAKE TOWNSHIP PLANNING COMMISSION**

**Golden Fellowship Hall**

**9700 Riley Road, Interlochen, MI**

**OCTOBER 28, 2019**

**MINUTES**

1. **CALL TO ORDER**: By Chair Kopriva at 6:00 pm.
2. **PLEDGE OF ALLEGIANCE:** Was recited.
3. **ROLL CALL:** Board members present were: McDonald, Mouser, Schuster, Horne, Schworm, Kopriva and Marshall. Also present was Alycia Reiten, Zoning Administrator and Ronda Robinson, Recording Secretary.
4. **APPROVAL OF MINUTES:** Moved by Horne and supported by Mouser to approve the Minutes of the meeting held on September 23, 2019, as written. Carried.
5. **FIRST PUBLIC COMMENT:** None.
6. **APPROVAL OF AGENDA:** Moved by Mouser and supported by Schuster to approve the Agenda, as presented. Carried.
7. **CONFLICT OF INTERETS:** None.
8. **NEW BUSINESS:**
9. PUBLIC HEARING: ZOA 19-01

A Public Hearing to receive and discuss any public comment for consideration given relative to the proposed amendment to Article 8 Zoning District, 8.6 Table of Uses to eliminate residential uses from the Village Commercial District; Article 3 Definitions, 3.1 Defined Words and Terms; Article 10 Conditional Uses, 10.3 Specific Requirements and Standards to permit an owner/operator accessory dwelling subject to the definition of an specific requirements for a conditional use accessory dwelling in the Green Lake Township Zoning Ordinance. *Attachment A.*

Reiten explained that the Board has been working on this Amendment for a couple of months. She clarified that this Amendment will allow residential structures in the Village Commercial District unless they are immediately adjacent to M-137. Kopriva asked for an asterisk notation on the Table of Uses, stating this.

Public Hearing opened to Public Comment by Chair Kopriva at 6:08 pm.

No Public Comment.

Public Hearing closed to Public Comment by Chair Kopriva at 6:08 pm.

Motion by McDonald and second by Mouser to recommend to the Township Board approval of ZOA 19-01. Carried.

1. PUBLIC HEARING: ZOA 19-02

A Public Hearing to receive and discuss any public comment for consideration given relative to the proposed amendment for corrections to errors, omissions, grammar and article organization of the Green Lake Township Zoning Ordinance. The proposed corrections also include removal of the word “Overlay” from Article 8 Zoning Districts, 8.5 District Provisions-G Office Overlay District and all applicable impacted subsections. The proposed also includes corrections and additions to Article 3 Definitions, 3.1 Defined words and Terms. *Attachment B.*

Reiten stated that the Board has been working on this for a couple months and the Township Attorney has looked at it.

Public Hearing opened to Public Comment by Chair Kopriva at 6:09 pm.

No Public Comment.

Public Hearing closed to Public Comment by Chair Kopriva at 6:09 pm.

Motion by Mouser and second by Horne to recommend to the Township Board approval of ZOA 19-02. Carried.

1. PUBLIC HEARING: 19-003

A Public Hearing to receive and discuss any public comment for consideration given relative to the proposed amendment to replace Article 15 Board of Appeals, 15.4 Variances, introduction paragraph and section A, of the Green Lake Township Zoning Ordinance. Sections B through F remain unchanged. *Attachment C.*

Public Hearing opened to Public Comment by Chair Kopriva at 6:14 pm.

No Public Comment.

Public Hearing closed to Public Comment by Chair Kopriva at 6:14 pm.

After a discussion by the Board **d** was changed to *The need for the variance is due to unique circumstances specific to the property.* and **b** was changed to *The variance will do substantial justice to the applicant, as well as to the adjacent property owners.*

Public Hearing opened to Public Comment a second time by Chair Kopriva at 6:17 pm.

No Public Comment.

Public Hearing closed to Public Comment by Chair Kopriva at 6:17 pm.

Motion by Schworm and second by Marshall to recommend to the Township Board approval of ZOA 19-003. Carried.

1. **OLD BUSINESS:** None.
2. **OTHER BUSINESS:**
3. Review of the Green Lake Township Master Plan

Motion by McDonald and support by Schworm to take no action after review of the Master Plan. Carried.

1. Discussion relative to the rescheduling for the December 23, 2019, Planning Commission meeting to Wednesday, December 18, 2019, due to the Christmas holiday.

Motion by Horne and support by Mouser to reschedule the December 23, 2019, Planning Commission meeting to December 18, 2019. Carried.

1. Proposed 2020 meeting schedule.

Motion by McDonald and support by Mouser to adopt the 2020 Planning Commission proposed meeting schedule. Carried.

1. **CORRESPONDENCE:** None.
2. **SECOND PUBLIC COMMENT:** None.
3. **DISCUSSION:** None.
4. **ADJOURNMENT:** Kopriva adjourned the meeting at 6:39 pm.

WILLIAM MOUSER, SECRETARY

GREEN LAKE PLANNING COMMISSION

RONDA ROBINSON, RECORDING SECRETARY

GREEN LAKE PLANNING COMMISSION

NOTE: THESE MINUTES ARE SUBJECT TO AMENDMENT AND /OR CORRECTION PRIOR TO THEIR ADOPTION.

**Attachment A**

Amendment to Article 8 Zoning Districts, 8.6 Table of Uses to eliminate residential uses from the Village Commercial district for parcels immediately adjacent to M-137. Parcels not immediately adjacent shall still be permitted to be residential uses by right consistent with the requirements of the Green Lake Township Zoning Ordinance. Article 3 Definitions, 3.1 Defined Words and Terms; Article 10 Conditional Uses, 10.3 Specific Requirements and Standards to permit an owner/operator accessory dwelling subject to the definition of and specific requirements for a conditional use accessory dwelling in the Green Lake Township Zoning Ordinance.

The Table of Uses has been revised to incorporate the suggestion from above.

The proposed additional amendments are as follows:

**Article 3 Definitions, 3.1 Defined Words and Terms**

The definition of an Accessory dwelling unit is a dwelling which is secondary in nature to a primary residential unit **or permitted commercial use in the Village Commercial district**. An accessory dwelling unit provides complete, independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation on the same lot as the primary residence **or as permitted within a commercial building.**

**Article 10 Conditional Uses, 10.3 Specific Requirements and Standards**

Every application for a conditional use shall be evaluated by the Planning Commission to ensure that the conditional use meets the following specific requirements and standards for such use:

A. **Accessory Dwelling Unit**

 1. An accessory dwelling unit shall be accessory to a detached single-family residential unit ~~only~~ or as a part of a building with a permitted commercial use in the Village Commercial district and shall not be accessory to any multiple family or duplex unit.

 2. An accessory dwelling unit shall not be sold separately from the primary unit.

 3. The property owner must occupy either the primary residence or the accessory dwelling. In the case of a commercial accessory dwelling unit, the owner/operator of the business shall occupy the accessory dwelling unit.

 4. No more than one accessory dwelling shall be permitted in conjunction with any single-family dwelling or commercial use.

 5. The accessory dwelling unit to a detached single-family residential unit may be attached to or within the primary dwelling or incorporated into a garage. An accessory dwelling may not be detached from the primary dwelling unless incorporated into a detached garage. In the case of a commercial accessory dwelling unit, the accessory dwelling unit shall be attached to or within the commercial building or incorporated into an attached garage.

6. The accessory dwelling unit may not exceed seven hundred and fifty (750) square feet in area.

7. There shall be a minimum of one (1) and a maximum of two (2) designated off-street parking spaces for the accessory dwelling unit.

**8.6 TABLE OF USES** [amended by ZA #10-01, adopted 5/12/2014, effective 5/31/2014] [amended by

ZA #18-03, adopted 3/12/2018, effective 4/2/2018]

|  |  |
| --- | --- |
|  | **DISTRICTS** |
| **USES** | **R-5** | **R-2** | **R-1** | **VR** | **LR** | **C-10** | **O** | **GC** | **C** | **VC/\*VC-M-137** | **PC** | **M** | **I** |
| **Residential Uses** |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Dwelling, existing duplex |  |  |  | SU |  |  |  | SU | SU | **P/~~P~~** |  |  | SU |
| Dwelling, new duplex |  |  |  | SU |  |  |  |  |  | **P/~~P~~** |  |  | SU |
| Dwelling, multiple family |  |  |  | SU |  |  |  | SU | SU | **P/~~P~~** |  |  |  |
| Dwelling, existing single-family | P | P | P | P | P | P | P | SU | SU | **P/~~P~~** |  |  | P |
| Dwelling, new single-family | P | P | P | P | P | P | P |  |  | **P/~~P~~** |  |  | P |
|  | See Section 8.5 District Regulations for additional standards in each zoning district. |
| Bungalows | SU |  |  | SU |  | SU |  | SU |  | SU |  |  |  |
| Accessory Dwelling Unit | CU | CU | CU |  | CU | CU |  |  |  | **CU** |  |  |  |
| Home occupation | See Section 4.15 |
| Manufactured housing community |  | CU |  |  |  |  |  |  |  |  |  |  |  |
| Open Space Preservation Development | See Article 11 |
| Residential care facility | See Section 4.16 |
| Planned Unit Development | See Article 11 |
| Tourist Cabin | SU |  |  |  |  | SU |  |  |  |  |  |  |  |
| **Public and Institutional Uses** |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Civic and social organizations |  |  |  |  |  |  |  | P | P | P |  |  |  |
| Community center |  |  |  |  |  |  |  | P |  | P |  |  |  |
| Dormitories |  |  |  |  |  |  |  |  |  |  |  |  | CU |
| Emergency services |  |  |  | P |  |  |  |  | P | P | SU | P |  |
| Funeral home |  |  |  |  |  |  |  |  | P | P |  |  |  |
| Library |  |  | CU | P |  |  |  | P |  | P |  |  | P |
| Museum | SU |  |  | SU |  | SU | SU | P | SU | P |  |  | P |
| Nursing home or convalescent home | SU |  |  |  |  | SU |  | SU | SU |  |  |  |  |
| Parks and playgrounds | P | P | P | P | P | P | SU | P | P | P | P | P | P |
| Place of worship | P | P | P | P | P | P | SU | P | P | P | P | P | P |
| Public administration |  |  |  | CU |  |  |  |  | SU | P |  |  |  |
| Public assembly and performance spaces |  |  |  |  |  |  |  |  | CU | P |  |  | CU |
| Public recreation facility | SU | SU | SU |  | SU | SU |  | P | SU | P |  | P |  |
| Retirement home/assisted living |  |  |  |  |  |  |  |  | SU | SU |  |  |  |
| School | CU | CU | CU | CU | CU | CU | SU | CU | CU | P |  |  | P |
| **P=Permitted Use, CU=Conditional Use, SU = Use Permitted only after Special Land Use Approval** |

\*Residential uses in VC not permitted immediately on M-137

**ATTACHMENT B**

**Article 1** – TITLE AND SCOPE (No changes)

**Article 2** – INTERPRETATION, ZONES AND ZONING MAP

 2.1 Rules of Interpretation B.4. add “organization”

 2.2 Zones A. 3. remove “Overlay”

 Zoning Map corrected GC to GO for Gateway Overlay

**Article 3** – DEFINITIONS

Article 3 Definitions, 3.1 Defined Words and Terms as follows:

* **BUILDING HEIGHT** means the vertical distance (Distance C), measured from ~~the lowest elevation of the ground next to the building elevation of the ground~~ **grade at the first floor level above the basement** next to the building (Point B), to the highest point of the roof (to the deck line, for flat roofs) (Point A), but not including chimneys, antennas, steeples and other similar un-inhabitable structures and portion of structures.
* **CONDOMINIUM Individually owned unit in multi-unit development with shared ownership/use of certain common property services.**
* **DEPTH** The distance from the **nearest to the** **farthest point of something or from front to back.**
* **DEVELOPMENT SIGN A sign that displays the developer, development, contractor or agent of the proposed development area.**
* **DWELLING** means a building containing one (1) or more ~~dwelling~~ **residential unit/s**.
* **DWELLING, APARTMENT means a self-contained housing unit that occupies only part of a building usually on one floor of a large building of similar units stacked and divided by shared walls, floors and ceilings, designed for multiple units, each in their own respective dwelling unit**
* **DWELLING, DUPLEX** means a ~~dwelling~~ **residence** designed for or occupied by two (2) families, each in their own respective dwelling unit, divided by a shared vertical wall**,** which complies with the standards given in the Ordinance.
* **DWELLING, MULTIPLE FAMILY** means a ~~dwelling~~ **residence** designed for or occupied by three (3) or more families, each in their own respective dwelling unit, **divided by a shared vertical wall or floor/ceiling,** which complies with the standards given in this Ordinance.
* **DWELLING, SINGLE-FAMILY** means a ~~dwelling~~ **residence** designed for or occupied by only one (1) family, which complies with the standards given in the Ordinance.
* **GAZEBO A detached accessory structure that offers an open view of the surrounding area, not intended for habitation.**
* **HEIGHT The measurement from base to top (vertical measurement).**
* **LENGTH The measurement of something from end to end (the longest measurement of something)**
* **LOT, PARCEL ~~OR TRACT~~** any tract of land as identified by one property tax parcel number in the Green Lake Township assessment roll except where lots have been combined by the Green Lake Township assessor only for tax purposes. Lot may also refer to land which is described and fixed in a recorded plat or site condominium. [amended by ZA #07-02, adopted 4/14/08, effective 5/25/08]

**1. LOT, CORNER** means a lot which has ~~at least two (2) contiguous sides abutting upon a road~~ **frontage on two (2) intersecting streets** for their full length.

* For the drawing that indicates lot lines, width, depth, side, rear and lots - **~~Side (Street side)~~ Front**
* **PARCEL** See Lot, Parcel~~, or Tract~~
* **PARKING SPACE** means one (1) unit of ~~parking~~ area provided for the parking of one ~~automobile~~ **vehicle**.
* **PERMANENT Lasting or intended to last unchanged or remain indefinitely.**
* **PLAYGROUND An outdoor area provided for children to play, often equipped with facilities for recreation by children.**
* **PORTABLE SIGN A sign that is movable or capable of being moved easily, not fixed.**
* **RESIDENCE A place where someone lives.**
* **ROAD:** ~~See STREET~~ **A prepared surface which vehicles can use, leading from one place to another.**
* **SIGN** means any structure, wall or other object used for ~~the audible~~ communication or visual display of any information including Billboards.
* **SITE PLAN A detailed drawing of proposed improvements to a given lot.**
* **TEMPORARY Lasting for a limited period of time not to exceed 30 days. Not permanent.**
* **TRELLIS A framework of light wood or metal bars chiefly used as a support for trees or climbing plants.**
* **WALL HEIGHT The vertical measurement of a wall at grade.**
* **WIDTH The measurement of something from side to side.**

**Article 4** – GENERAL PROVISIONS

 4.1 K. add “directional aids”

4.3 Standards for All Dwellings F. remove “All dwellings shall contain a dry storage area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to, or of better quality than, the principal dwelling, which storage area shall be equal to ten percent (10%) of the cubic footage of the dwelling or eight hundred (800) cubic feet, whichever shall be greater.”

 4.6 Projections into Yards A. remove “such features as”

 4.11 Accessory Building and Structures A. 4. replace “i, ii, iii, iv” with “a, b, c, d”

 4.11 B. Dimensional Restrictions for Accessory Structures add below the table - The above table is for where there exists a primary structure on the same parcel

4.13 Fences A. 1. add “are not considered a structure therefore dimensional standards do not apply”

 4.15 Home Occupations F. add “A floorplan shall be provided to the township.”

 4.20 D. 9. Correct wit to with

 4.21 Driveway and Curb Cuts E. replace “GTRFD” with “Green Lake Township Emergency Services” or successor

 4.29 Recreational Keeping of Horses C. add “including the applicable standards from the right to Farm act.”

 4.30 C Regulations and Standards for Keeping of Mature Fowl 4. remove “a house”

 4.30 D. Compliance with Health Regulations add “Right to Farm Act”

 4.30 E. Non-application to Farms add “A, B and C”

 4.33 Standards and Requirements D. 9. remove “At the Township Board’s request”

**Article 5.** PARKING AND LOADING FACILITIES

5.1 Parking F. 3. remove “For single-family dwellings and duplex dwellings, not more than one (1) required parking space per dwelling unit may be located within the required front yard.”

**Article 6.** SIGNS

6.2 Permitted Signs B.1.a. replace “for a limited amount of time” with “not to exceed 30 days”

6.2 Permitted Signs B.2.h. Table of Sign Regulations I – Institutional brought into conformity to match general commercial signage requirements

 6.3 Prohibited Signs C. add “No” sign . . . replace “may” with “shall”

**Article 7** - LANDSCAPING

 7.6 Buffers C. 1. replace “provided that it provides” with “providing”

**Article 8** – ZONING DISTRICTS

 F. Conservation C-10. 1. correcting typographical error “reserved” to “preserved”

 G. Remove “Overlay”

 L. Industrial M 2. c. add the word “and” between “access drives, parking areas”

L. Industrial M 2. d. replace “and other similar services” with “etc.”

 L. Industrial M 2. g. i. clarified through rearrangement of existing verbiage

 Existing – The owner shall be responsible for maintenance of all landscaping. Plant materials (including grass) shall be kept in a healthy growing condition and free from refuse and debris, except for watering during periods of water shortage or drought.

 Rearranged – The owner shall be responsible for maintenance of all landscaping. Plant materials (including grass) shall be kept in a healthy growing condition, except for watering during periods of water shortage or drought and free from refuse and debris.

 L. Industrial M 2. g. ii. add the word “etc.” after “shrubs”

**Article 9** - SPECIAL LAND USES AND SPECIAL USE PERMITS

 9.5 Specific Requirements and Standards – move entire section to Article 4.35

**Article 10** – CONDITIONAL USES (No changes)

**Article 11** – DEVELOPMENT OPTIONS (No Changes)

**Article 11A** – GATEWAY FORM BASED OVERLAY

11A.8 Building Design Standards B. remove “so that when they go up they return an equal amount”

**Article 12** – CONDOMINIUM DEVELOPMENT

 12.9 Additional Filings Required a. remove “one (1) mylar copy and”

**Article 13** – SITE PLAN REVIEW (No Changes)

**Article 14** – PLANNING COMMISSION (No Changes)

**Article 15** – BOARD OF APPEALS (No Changes)

**Article 16** – NON-CONFORMITIES (No Changes)

**Article 17** – AMENDMENTS (No Changes)

**Article 18** – ADMINISTRATION AND ENFORCEMENT (No Changes)

**Article 19** – LEGAL BASIS AND EFFECTIVE DATE (No Changes)

**NOTE: Entire documents spell-checked and grammatical errors repairs. The word “insure” was used extensively and has been changed to “ensure”, these do have significant differences in meaning.**

**ATTACHMENT C**

Below is what is proposed to replace all of above to become Article 15 Board of Appeals, 15.4 Variances in place of the introduction paragraph and section A only. Sections B through F remain.

The authority to grant variances shall be exercised in accordance with the following standards:

1. The Zoning Board of Appeals may grant a requested "non-use" variance only upon a finding that practical difficulties exist. A finding of practical difficulties must be based upon the applicant’s demonstration of all of the following:

a. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.

b. The variance will do substantial justice to the applicant, as well as to adjacent property owners.

c. The Board must consider whether a grant of a lesser relaxation than applied for would give substantial relief to the applicant and be more consistent with justice to other properties.

d. The need for the variance is due to unique circumstances specific to the property.

e. The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, not by the applicant or the applicant’s predecessors.