

**Minutes of the regular meeting of the Georgetown Township Planning Commission, held  
Wednesday, February 1, 2017**

Meeting called to order by Chairman Honderd at 7:30 p.m.

Present: Greg Honderd, Richard VanderKlok, Don Hebler, Donna Ferguson, Tim Smit, Jeannine Bolhouse, Steve Hall

Absent: None

Also present: Mannelle Minier, Zoning Administrator

**#170201-01 – Agenda for February 1, 2017**

Moved by Richard VanderKlok, seconded by Tim Smit, to approve the agenda as submitted.

MOTION CARRIED UNANIMOUSLY.

**#170201-02 – Minutes of the regular January 4, 2017 meeting**

Moved by Richard VanderKlok, seconded by Tim Smit, to approve the minutes as presented.

MOTION CARRIED UNANIMOUSLY.

**#170201-03 – (Ordinance 2017-02) (REZ1702) Site Condominium Ordinance**

The Zoning Administrator presented a [staff report](#).

There was discussion about the ordinance and placing a moratorium on site condo developments until the new ordinance could become effective. The wording in the definition of private streets was revised to be clearer and to clarify that private streets are not allowed in a site condo development.

**Moved by Donna Ferguson, seconded by Don Hebler, to initiate the following Zoning Ordinance amendment and to publish the notice for a public hearing, and to place a moratorium on site condominium developments for six months or until the effective date of this ordinance, whichever comes first:**

GEORGETOWN CHARTER TOWNSHIP  
OTTAWA COUNTY, MICHIGAN  
(Ordinance No. 2017-02)

At a regular meeting of the Township Board for the Charter Township of Georgetown, held at the Township Offices on \_\_\_\_\_, 2017, the following Ordinance/ordinance amendment was offered for adoption by Township Board Member \_\_\_\_\_, and was seconded by Township Board Member \_\_\_\_\_:

AN ORDINANCE TO AMEND THE GEORGETOWN CHARTER TOWNSHIP ZONING  
ORDINANCE FOR SITE CONDOMINIUMS

THE CHARTER TOWNSHIP OF GEORGETOWN (the “Township”) ORDAINS:

Article I. The Georgetown Charter Township Zoning Ordinance, as amended, is hereby amended to revise Sec. 3.26 and to add the following Sec. 3.31:

**Sec. 3.26 PRIVATE STREETS.**

Private streets are allowed **only** in a Planned Unit Development, a condominium project **including** and/or a private street project approved **by the Township** prior to 11-28-2000. A previously **approve** **approved** **lawful nonconforming** private street may not be extended. **Private streets are not allowed in any** site condominium development.

**Sec. 3.31 SITE CONDOMINIMUMS.**

Pursuant to the authority conferred by Section 141 of the Michigan Condominium Act, (being MCL 559.241, Public Act 59, of 1978, as amended), all site condominium projects shall comply with this and all other applicable Township ordinances in order to provide a development that promotes and safeguards the public health, safety and general welfare of the people of this Township.

- (A) **Title.**  
Section 3.31 of this Ordinance shall be known and cited as the Georgetown Charter Township Site Condominium Ordinance.
- (B) **Purpose.**  
The purpose of Sec. 3.31 of this Ordinance is to provide procedures and standards for review and approval or disapproval of condominium projects, and to ensure that each project will be consistent and compatible with other developments in this community.
- (C) **Definitions.**  
For purposes of Sec. 31 of this Ordinance, certain terms and words used herein shall have the following meaning:
- (1) *Applicant* means a natural person, firm, association, partnership, corporation, company or combination of any of them that holds an ownership interest in land, whether recorded or not.
  - (2) *Building envelope* means the ground area occupied, or to be occupied, by the principal structure which is, or is intended to be, placed on a building site, together with any accessory structures including attached garage.
  - (3) *Building site* means the equivalent of a lot which is that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed. The building site shall include the building envelope and limited area.
  - (4) *Condominium Act* means Public Act 59 of the Michigan Public Acts of 1978, as amended, or any successor Michigan public act having the same or similar regulatory purpose as amended.
  - (5) *Condominium structure* means the building or structure on a building site (also called a condominium unit).
  - (6) *Site condominium project* (also called a “site condo project”) means a project of not less than two (2) site condominium units which are established and regulated pursuant to the Condominium Act.
  - (7) *Site Condominium* (also called a “site condo”) means a unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of surface or

subsurface vacant air space, designed and intended for separate ownership and use described in the site condominium project master deed, and within which a building or other improvements may be constructed by the condominium unit owner.

- (8) *Site condominium subdivision* means a division of land, on the basis of condominium ownership, which is not subject to the provisions of the Michigan Land Division Act, being MCL 560.101 *et seq.* (Public Act 591 of 1996), as amended.
- (9) *Words and phrases*, except as otherwise defined by this Ordinance, have the same meanings given to them by the Condominium Act.

(D) **Site Plan Review and Approval Procedures.**

Site condominium developments shall only be permitted upon approval by the Planning Commission under the site plan review process in Chapter 19 and the review process contained in Section 3.31 of this Ordinance.

An applicant shall file all of the following with the Township Zoning Administrator or designee for review of a proposed site condominium project in accordance with the Township Meeting Procedures Policy:

- (1) A completed application form with the signatures from all property owners involved.
- (2) Any fee or fees as established by the Township Board.
- (3) A narrative describing the overall objective of the proposed site condo project, along with a proposed timetable.
- (4) A site plan submitted including the following:
  - a. All the elements listed in Chapter 19 as Site Plan requirements.
  - b. A layout of the individual building sites (lots) with building envelopes. All regulations pertaining to a lot shall apply to the building sites. Required setbacks shall also apply to all site condominium building envelopes.
  - c. Where applicable, floor plans and elevations of the units, with attached garages for residential units. All regulations pertaining to buildings and dwellings shall also apply to the structures.
  - d. Street layouts showing the relationship of proposed streets to adjacent streets and the relationship of improvements and significant physical features to neighboring properties and public and private utilities. All streets shall be conveyed to the Ottawa County Road Commission as a public street. There shall be no private streets.
  - e. Layouts and design of sanitary sewer, storm sewer and water mains. All site condominium projects (and buildings therein) shall be served by both public water and sanitary sewer facilities. Stormwater shall be coordinated with the Ottawa County Water Resources Commissioner.
  - f. Construction plans for utilities.

(E) **Standards.**

Every site condominium development or project shall comply with all of the following:

- (1) A site condominium unit shall be considered as a separate lot or parcel equivalent to a single lot as defined by this Zoning Ordinance, and shall meet all minimum use, width, area, setbacks and other applicable requirements of the zoning district in which the project is located, to be measured as provided for in this Ordinance.
- (2) All streets shall be public and shall be developed in compliance with Ottawa County Road Commission standards. All streets shall provide inter-connection to existing streets or provide for future interconnectivity as directed by the Road Commission.
- (3) Sidewalks and/or non-motorized paths shall be provided in compliance with Township ordinance requirements. The developer shall provide sidewalks along any of the major streets as listed in Chapter 24 footnote (b) prior to the issuance of any building permits within the project.
- (4) Public water, sanitary sewer, storm sewer and detention/retention systems shall be provided in accordance with Township ordinance requirements and also in accordance with all applicable Ottawa County Water Resources Commission requirements. Engineered drawings for the Township Department of Public Works showing connections to the water supply system and the sewer system shall be submitted to the Township. As-built plans for all water and sewer installations in the development shall be submitted to and become the sole property of the Township. Lot inspection fees, as set by the Township Board, shall be paid for the Township Department of Public Works inspectors to inspect each lot to determine correct connections to utilities. Each unit with a connection to the public water system shall be inspected.
- (5) A list containing the lowest building openings for each lot shall be filed with the Ottawa County Water Resources Commission and a copy provided to the Township.
- (6) All residential units shall have an attached garage with a minimum floor area in compliance with Ordinance requirements.
- (7) Streetlights shall be installed at the expense of the applicant.
- (8) No building permit shall be issued for structures until all utility and street construction and related rights-of-way and easements have been recorded and accepted by the Township and/or Ottawa County Road Commission.
- (9) Site plan approval for a site condominium project shall not be effective unless and until the final site condominium project plan has been submitted to and approved in writing by all applicable governmental agencies having jurisdiction over any aspect of the proposed site condominium project.
- (10) As a condition of granting site plan approval for a site condominium project, the Township may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with the site condominium project for which approval is sought be deposited with the Township Clerk.

(11) All standards found in Section 19.10 of this Ordinance shall also be met.

(F) **Master Deed and Restrictive Covenants.**

All provisions of a site condo project approval, including maintenance of common areas and conditions of approval, shall be incorporated by reference in the master deed for the site condo project. The master deed shall be reviewed and shall not be determined to be complete until approved by the Township Attorney at the sole cost of the applicant. After approval by the Township Attorney, the applicant shall furnish the Township with a copy of the recorded master deed and restrictive covenants and all exhibits, as recorded with the Ottawa County Register of Deeds. No zoning compliance approval or building permit for construction within the site condominium project shall be issued until a copy of the complying recorded master deed is submitted to the Township.

(G) **Changes to an Approved Site Condo Project.**

Any change proposed in connection with an approved site condo project shall be subject to the same review and approval procedures as required for the Township original review and approval.

(H) **Land Divisions.**

If any land is divided, split, proposed to be divided, or conveyed separately for the purpose of sale, transfer or building construction, into or including a number of lots, parcels of land, or other interests in land, or any combination thereof, and it results in three (3) or more parcels, lots or pieces of land, Section 3.31 of this Ordinance shall apply. If a parcel of land is created, divided or split from or out of another parcel of land, and if either, both or some of such parcels are further divided or split, or if any of such actions is proposed, within seven (7) years after the recording of the first land division or land split, then each parcel shall be subject to Section 3.31 of this Ordinance, if the number of lots, parcels of land created or developed from or out of such parcels exceeds three (3) or more parcels in total during such seven-year time period.

Article II. Except as specified above, the balance of the Georgetown Charter Township Zoning Ordinance, as amended, shall remain unchanged and in full force and effect.

Article III. Severability. In the event that any one or more sections, provisions, phrases, or words of this Ordinance/ordinance amendment shall be found to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance/ordinance amendment, and the balance of this Ordinance/ordinance amendment shall remain unchanged and in full force and effect.

Article IV. Effective Date. This Ordinance/ordinance amendment shall become effective upon the expiration of seven (7) days after the date that this Ordinance/ordinance amendment or a summary thereof appears in the newspaper as provided by law.

The vote in favor of this Ordinance/ordinance amendment was as follows:

YEAS:

NAYS:

ABSENT/ABSTAIN:

ORDINANCE/ORDINANCE AMENDMENT DECLARED ADOPTED.

### CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance/ordinance amendment adopted by the Township Board for Georgetown Charter Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

By \_\_\_\_\_

Richard VanderKlok

Georgetown Charter Township Clerk

### **MOTION CARRIED UNANIMOUSLY.**

#### **#170201-04 – Other Business – Discussion of Possible Beekeeping Ordinance**

The Zoning Administrator presented a draft Beekeeping Ordinance and explained that a resident had asked that an ordinance be investigated to allow beekeeping in a residential area. She noted that the Township Board had not initiated any ordinance revision and the Planning Commission was just asked to review this possible use.

Richard VanderKlok said that beekeeping was an agricultural use and was currently allowed in the AG district and with a special use permit in the RR district. He said that he was not in favor of changing the ordinance to allow the use in a residential district, but was open to listen to any information presented and to reevaluate his position.

Jeannine Bolhouse said that the use was allowed in the AG district and with a special use permit in the RR district. She said that she was not in favor of such an ordinance, but was also willing to listen to the information and to consider it.

Tim Smit asked how the ordinance had been drafted. The Zoning Administrator answered that she had researched about eleven similar ordinances from other communities and had compiled a draft ordinance using some of the language in the other ordinances. She noted that it was presented as a beginning point for discussion.

Greg Honderd stated the following. The Township currently allows the use of beekeeping in the AG district and with a special use permit in the RR district. Normally the Planning Commission looks at changing an ordinance if many people want it changed. Now it appears that only one person is asking for this change and many other people may be opposed to allowing beekeeping on the smaller LDR subdivision lots.

Don Hebler stated the following. He had talked to six other people about this and found that five were opposed to having bees in a subdivision area. One person was okay with it. At this time many people are trying different things and trying to grow their own things. He was not opposed to talking about it. The use would be okay on a site with a big back yard, like in the RR district.

Steve Hall stated the following. He was concerned for safety reasons. A child could have a reaction to a bee sting or multiple bee stings and could die from it if he had allergies. He wondered how a resident with a child with those types of allergies would feel if a neighbor had beehives. When kids play, a ball could go in a neighbor's back yard and kids are curious. The

place for this use is in areas with larger back yards, like in the RR district, where the hives can be far away from the neighbors.

Donna Ferguson stated the following. She is opposed to having bees in a low density residential areas. Her neighbor has an allergy and an ambulance had to come when he got stung. She knows bees are necessary for farmers, but would need to be convinced why this is necessary in a residential area and she needs more information.

Jim Kiel, 1305 Monte Carlo Dr., stated the following. This all started last fall when a neighbor complained about him keeping bees. This will be an uphill battle. The concerns are due to people having a lack of information and understanding of honeybees. Bees are in nature naturally and food and flowers would not be pollinated without bees. There are many species and honeybees are different from yellow jackets and wasps. About 85% of fruits and vegetables require pollination. Even flowers in neighborhoods need to be pollinated. Bees are useful and about 25% of the US population has been lost. There has been a rising to try to save bees. California has no bees. He realizes he can have bees in the rural areas of the Township, but he lives in the LDR district and he enjoys watching them. The bees go up about eight feet and spread out to fly for a three to four mile radius. If there is a flight barrier, the bees head up and out. Kids need to be educated. Like when kids play in the front yard they are taught that they don't run in the street. Kids are taught that they don't touch a hot stove. His neighbor girl was fascinated with bees. You don't stand in front of the hive to block their path because they become agitated. You stand in back. They won't become agitated if they are not obstructed. He was concerned with some elements of the draft ordinance, including the requirement of a submission of an application and the payment of a fee.

Greg Honderd stated the following. He appreciated the information. He always learns something new at meetings. He has a garden with flowers and vegetable and the bees are amazing. He lives near Victory Farms and knows that the farmers bring bees in to pollinate. He shares the enjoyment of watching bees. He pointed out that if Jim Kiel's feelings are strong about having bees, he should move to a house in the RR district where this is allowed. Greg Honderd said that is what he would do and is what he did for his kids to raise 4-H animals. He knew the farm animals were not allowed in the low density residential district, so he found a place where it was allowed in the RR district.

Jim Kiel said that he didn't want to move but found a farm in the AG district to move his hive to; however, he was not able to see the bees and the moved caused them all to die. He said that other people in the LDR district keep bees and that the Planning Commissioners made up their minds ahead of time.

Greg Honderd said that it was not fair to say that and that the Planning Commissioners fairly evaluate all requests.

Don Hebler stated the following. Jim Kiel said that there needs to be education, but that could be a problem with people who don't learn about them. There also could be a problem for the Township because people will blame the people with bees if their child gets stung and they will be guilty by association. They will say there was no problem with bees until the neighbor brought a beehive to his back yard. The Planning Commission has to consider the ramifications for the residents of the Township.

Steve Hall stated the following. He had been willing to listen to the information provided and to evaluate the use based on the new information. However, after hearing the information from Jim Kiel, he decided that he was more opposed than before and the information gave more justification for not allowing this use in the low density residential areas. First, if bees go up six to eight feet and fly for two to three miles, he will get blamed for bee stings, even if it isn't his bees. Second, Jim Kiel said that people should not block an entrance to a hive or the bees will get agitated. He also said that kids need to be educated. However, how can you prevent kids from going up to the entrance of a hive to see if they are curious or how can you prevent a kid from accidentally kicking a ball into his yard. Third, he was concerned about liability and if the Township would be blamed if bees were approved in a LDR district and if a kids was stung and passed away from his allergy to it.

Donna Ferguson asked how many people in the LDR district want to have bees.

Jim Kiel said that he knows several people who have them.

Richard VanderKlok said that there are about 19,000 homes in the Township.

Donna Ferguson said that she personally does not like bees and didn't want them by her, but she was trying to put her own feeling aside to do her job as a Planning Commissioner. She asked if there was a big enough need to change the ordinance and if it was reasonable.

Jim Kiel said that he did not want a majority of people to have bees and that the hives needed to be a specific distance apart. He said that he does not want too many colonies.

Donna Ferguson asked if then the Township would have to regulate the distance between colonies.

Greg Honderd said that the market usually regulates uses.

Richard VanderKlok stated the following. He has already expressed that the Township allows bee hives in the AG district and with a special use permit in the RR district. He was opposed to allowing them in the LDR district. There is also the issue of the fact that this is a "farm product" which would be regulated by GAAMPS in the Michigan Right to Farm Act. They are the Generally Accepted Agricultural and Management Practices (GAAMPs) for farms and farm operations in Michigan. If the Township was entertaining the thought of adopting this ordinance, and he was not advocating that the ordinance be adopted, the GAAMPS would have to be taken into consideration.

**Moved by Richard VanderKlok, seconded by Steve Hall, to not initiate a Zoning Ordinance change to allow beekeeping in the LDR district.**

MOTION CARRIED UNANIMOUSLY.

#### **#170201-05 – Zoning Ordinance Amendment to Chapter 24 for 28<sup>th</sup> Ave.**

The Zoning Administrator presented a [staff report](#).

There was discussion and the consensus was that the lesser setbacks were appropriate on 28<sup>th</sup> Ave. between Bauer Rd and Fillmore, but not for 28<sup>th</sup> Ave. north of Fillmore because of the following:



- the hope is that a bridge may go over the Grand River in that area someday, though it would likely not occur in our lifetimes,
- this would become a busier road when the trail way by the river comes through this area and when the Bend in the River Plan is implemented,
- it would be better for the houses to be a greater distance from the street if it becomes busy and would help the driveways to have less of a steep slope.

**Moved by Tim Smit, seconded by Richard VanderKlok, to initiate the following resolution:**

**Chapter 24 – DISTRICT REGULATIONS.**

- (b) Additional front setback requirements for certain streets.
- i. In all districts, required setbacks along any of the following streets shall be measured from a point 50 ft. from the centerline of the street, if the public right-of-way measures 50 ft. or less from such centerline. Streets upon which this requirement applies include the following:

**28<sup>th</sup> Ave. (north of Bauer Road to Fillmore Street)**

- ii. In all districts, required setbacks along any of the following streets shall be measured from a point 60 feet from the centerline of the street, if the public right-of-way measures 60 feet or less from such centerline. Streets upon which this requirement applies include the following:  
(Revised 3-27-2000) (Revised 4-10-2000)

**28<sup>th</sup> (except for north of Bauer Road to Fillmore Street)**

**MOTION CARRIED UNANIMOUSLY.**

**#170201-06 – Other Business**

**#170201-07 – Public Comments**

**#170201-08 – Adjournment**

The meeting was adjourned at 8:55 p.m.