

**Minutes of the regular meeting of the Georgetown Township Planning Commission, held
Wednesday, February 15, 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

#170215-01 – Agenda for February 15, 2017

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

MOTION CARRIED UNANIMOUSLY.

#170215-02 – Minutes of the regular February 1, 2017 meeting

Moved by Richard VanderKlok, seconded by Donna Ferguson, to approve the minutes as presented.

MOTION CARRIED UNANIMOUSLY.

#170215-03 – Public Comments

Paul Carbone, 6260 40th Ave., spoke about future uses for his LDR property on 40th Ave. and the difficulty and cost of bringing sewer to the site. He wanted to use the property for storage buildings for RVs and was told by Township staff that he could apply for the special use permit, but likely wouldn't get approved because that use is not allowed in the residential districts. He said that the Master Plan was a wish list. He asked the Planning Commission for help.

The Zoning Administrator stated the following. Mr. Carbone and his wife have been to the Township office many times and she had talked to them many times. They were given the uses allowed by the Zoning Ordinance for the residential district. She and the Township Superintendent met with Mrs. Carbone for a couple hours. The Township Superintendent explained the sewer situation for the location and said that sewer was not available at this location. The Township would not allow grinder pumps to be installed for a housing development because it would be doing a disservice to the people who would buy those houses. There would be problems in the future with those types of pumps. She had explained to him that the use of storage garages was allowed in the Highway Service and Industrial districts, but not in the residential districts. So if he applied for a special use permit for a use that was not allowed in the district he was located in, the Planning Commission did not have the authority to approve it. She also had explained that the Master Plan designated his area as residential and that to rezone any property, the Planning Commission would use consistency with the Master Plan as criteria.

Comments from the Planning Commission included the following:

- Staff understands the Planning Commission and their duties and responsibilities and tends to give good advice;
- Sometimes a property owner can't use their property as they would like to;

- The Township manager explained the sewer system to the Planning Commission and now they have a better understanding of how it works;
- There are issues like a lift station and drainage in the area;
- They could split the property into four lots;
- This might not be the right time to develop this property;
- Though they appreciate the problem, the Planning Commission has no solution;
- The property owner has the right to submit an application for anything that they want and the Planning Commission will review it and take action in conformance with what is allowed in the Zoning Ordinance.

#170215-04 – Review Chapter 3 in Zoning Ordinance

The Planning Commission reviewed Chapter 3 page by page and discussed the stipulations in the various sections. The direction was given to publish notices for any proposed revisions at a point in the future when another notice was going to be published.

Moved by Richard VanderKlok, seconded by Donna Ferguson, to initiate a Zoning Ordinance amendment to Sec. 3.61 as follows to make it clear that the Planning Commission wants surveys to be submitted for all construction, whether for a new structure or for reconstruction (so the word new is to be removed), and that the survey had to be done by a licensed surveyor.

Sec. 3.61 REGULATIONS APPLICABLE TO ALL NEW CONSTRUCTION, INCLUDING RECONSTRUCTION.

- (A) All new construction shall comply with all applicable building, electrical, plumbing, fire energy and other similar codes which are or may be adopted by the Township, and with applicable federal or state standards or regulations for construction. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Inspector.
- (B) Prior to construction commencing, a site plan or survey shall be submitted for review and approval and shall contain the following:
- (1) Property lines and proposed setback distances;
 - (2) The location of all existing structures on the property;
 - (3) The location of all proposed structures on the property.
 - (4) Properties determined by the Zoning Administrator to be at risk for flooding due to their location on the flood insurance rate maps must show the following additional information:
 - i. The location of the floodplain boundary;
 - ii. The base flood elevation of the 100-year floodplain;
 - iii. Existing and proposed topographic elevation contours in 2 foot increments;
 - iv. The proposed lowest floor elevation.
- (C) All new construction which includes a foundation of poured walls below the average lot grade shall be surveyed by a licensed surveyor and a copy of the survey shall be filed with and approved by the zoning department before the foundation wall is inspected and before any construction is commenced upon the foundation. Such survey is required to be drawn from the foundation wall and to show the following:
- (1) Measured dimension of setback distances from the foundation to all property lines;
 - (2) Measured dimensions of the foundation;
 - (3) Measured elevation information to show that no building opening shall be constructed below the following elevations:

- i. The required minimum building opening elevation established at the time of plat or development approval as stated in the restrictive covenants and on record with the Ottawa County Drain Commission and on file in the Township;
 - ii. Three feet above the top of any downstream culvert, four feet above the bottom of any permanent and defined drain and one foot above the 100 year floodplain or any high water mark of any adjacent body of water which is a higher elevation.
 - iii. Alternatively, one foot above the overflow elevation as designated on the approved grading plan.
- (4) Properties determined by the Zoning Administrator to be at risk for flooding due to their location on the flood insurance rate maps must show the following additional information:
- i. The location of the floodplain boundary;
 - ii. The base flood elevation of the 100-year floodplain;
 - iii. The existing measured elevation(s) near the foundation walls;
 - iv. The measured lowest floor elevation;
 - v. Any other information needed by the Township to determine that the construction complies with all ordinances and floodplain regulations.
- (5) Alternately for construction which is determined by the Zoning Administrator to not be a substantial improvement (as defined in floodplain regulations) to an existing structure, a signed affidavit verifying location on the lot and that the lowest building opening elevation is not decreased from that of the existing structure may be submitted in lieu of a professional survey.

MOTION CARRIED UNANIMOUSLY.

Moved by Richard VanderKlok, seconded by Donna Ferguson, to initiate a Zoning Ordinance amendment to delete Sec. 3.28 because it has been in effect since 2002 and has never been used, plus the same type of development would be possible by using a planned unit development.

Sec. 3.28 OPEN SPACE DEVELOPMENT REGULATIONS. (revised 11-25-2002)

(A) Description and Purpose.

- (1) The purpose of an Open Space Development (OSD) is to permit greater flexibility in development than is generally possible under standard District regulations. The intent of the regulations is to foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be developed, but will be preserved as a result of the OSD.
- (2) These OSD provisions are not intended as a device for ignoring the requirements of this Ordinance and are not intended simply as a means to increase density. These provisions are intended to result in land development substantially consistent with the underlying zoning, but provide a degree of flexibility in design to allow for customization of design to meet the unique natural conditions of a particular site and innovation in design to create a higher quality development than could otherwise be possible with the underlying zoning.

(B) Qualifying Conditions.

- (1) The tract of land for which an OSD application is received must be either in one ownership or the subject of an application filed jointly by the owners of all affected properties.

- (2) The property that is the subject of an OSD application must be a minimum of twenty (20) contiguous acres in total area and must be located within an AG and RR Districts. The Planning Commission may consider a lesser development size if the proposed project substantially forwards the intent of the Open Space Development regulations.

(C) Review Procedures.

- (1) Preliminary Plan Approval: To be considered as an OSD the applicant shall be required to first receive approval of a preliminary plan in accordance with the requirements of this Section.
 - a. Applications for sketch plan approval for OSDs shall be submitted to the Zoning Administrator prior to the date of first consideration by the Planning Commission.
 - b. The application materials shall include all the following information:
 1. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.
 2. Parallel Plan used to determine base density that meets the standards of Section 3.28, D, 3, a.
 3. Written documentation that the proposal meets the standards of Section 3.28, H.
 4. If a phased development is proposed, identification of the areas included in each phase. The density, lot area and setbacks of proposed housing units within each phase and for the total OSD.
 5. Arrangement and area calculations for open space, including upland and wetland open space areas.
 6. A completed application form, supplied by the Township, and an application fee.
 7. Ten (10) copies of a preliminary plan meeting the following requirements:
 - i. Small scale sketch of properties, streets and use of land within one quarter (1/4) mile of the subject property.
 - ii. A scaled site plan showing any existing or proposed arrangement of:
 - (a) Existing adjacent streets and proposed streets and existing curb cuts within one-hundred (100) feet of the property.
 - (b) All lot lines with dimensions.
 - (c) Parking lots and access points, if applicable.
 - (d) Proposed buffer strips or screening.
 - (e) Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and other significant natural features.
 - (f) Location of any signs not attached to the building.
 - (g) Existing and proposed buildings, including existing buildings or structures within one hundred (100) feet of the boundaries of the property.
 - (h) General topographical features including contour intervals no greater than five (5) feet.
 - (i) Number of acres allocated to each proposed use and gross area in building, structures, parking, public streets and drives.
 - (j) Dwelling unit densities by type, if applicable.
 - (k) Proposed method of providing sanitary sewer and water service, as well as other public and private utilities.
 - (l) Proposed method of providing storm drainage.
 - (m) Written description of the computation for required parking, if applicable.

- (n) Building footprints.
- c. Public Hearing - The Planning Commission shall conduct a public hearing prior to considering the proposed preliminary site plan. Notices of the public hearing will be provided in accordance with the requirements of the Zoning Act for special land uses.
- d. Approval, Denial of Approval with Conditions - The Planning Commission shall review the preliminary plan in accordance with the requirements of this Ordinance and deny, approve, or approve with conditions, the preliminary plan. In addition, the Planning Commission may impose necessary and reasonable conditions that work to further the intent of the Open Space Development.

(2) Final Site Plan Approval

- a. After receiving approval of a preliminary plan from the Planning Commission, the applicant shall within one (1) year submit a final site plan to the Planning Commission.
- b. The final site plan may be for either the entire project or for one or more phases.
- c. Applications for final site plan approval for OSDs shall be submitted to the Zoning Administrator prior to the date of first consideration by the Planning Commission.
- d. The application materials shall include all the following information:
 - 1. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.
 - 2. Written documentation that the proposal meets the standards of Section 3.28, H.
 - 3. If a phased development is proposed, identification of the areas included in each phase. The density, lot area, building envelope and setbacks of proposed housing units within each phase and for the total OSD.
 - 4. Arrangement and area calculations for open space, including upland and wetland open space areas.
 - 5. A completed application form, supplied by the Township, and any application fees.
 - 6. Ten (10) copies of a final site plan for the phase for which approval is requested, meeting the requirements of Section 19.4.
- e. Failure to submit a final site plan for approval within the one-year period shall void the previous preliminary plan approval and a new application shall be required to be submitted and approved in accordance with these provisions.
- f. The Planning Commission shall deny, approve, or approve with conditions, the final site plan for the OSD, based on the standards as outlined in Section 3.28.I.
- g. Changes to an approved OSD shall be permitted only under the following circumstances:
 - 1. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the OSD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - i. Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent.
 - 2. A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the OSD and shall be processed in the same manner as the original OSD application for the final development plan.

(D) Site Development Requirements

- (1) The minimum lot area, width, setbacks and yard requirements for any lot designated for residential use shall be determined by the Planning Commission as part of the review process for the OSD.

Suggested Lot Designations	
Minimum Lot Area	10,000 sq. ft.
Minimum Lot Width	70 feet
Front Yard Setback	35 feet
Side Yard Setback	Min. 8 ft. one side, Total 18 ft.
Rear Yard Setback	35 feet

- (2) Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of Section 3.28, E.

(3) Development Density

- a. Parallel Plan: The number of dwelling units permitted in the OSD shall be determined through the completion and submission of a parallel plan which shall indicate the number of dwelling units that may be developed under the existing zoning classification. The parallel plan shall meet the following minimum requirements:

1. The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each indicated lot and/or dwelling unit. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan.
2. All lots or buildings shown on the parallel plans shall be located on buildable lots, which, for the purposes of this Section shall mean lots or building areas that have an areas of sufficient size and shape to accommodate the proposed main building septic and well systems (where no public sanitary sewer or water system is to be used), and required driveways, streets, or other means of permitted access.
3. Areas of wetlands, water bodies, and other unbuildable areas shall not be included within buildable areas, but may be included in the lot area calculations.

- (E) Open Space: Any open space provided in the OSD shall meet the following considerations and requirements:

- (1) Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire OSD may utilize the available open space.
- (2) Open space areas shall be available for all residents of the development, subject to reasonable rules and regulations. This open space shall also be reasonably accessible to the residents of the OSD. Safe and convenient pedestrian access points to the open space from the interior of the open space shall be provided.
- (3) A portion of the open space shall be reasonably useable by the residents of the land for passive recreational uses such as hiking or picnicking.
- (4) The OSD shall have a minimum of 50% open space. Any area used in the calculation of required open space shall have a minimum dimension of 50 feet.
- (5) Open space shall be provided where significant natural features may be preserved and/or be used for passive or active recreation. Open space is encouraged to be located between neighborhood clusters of housing units, as shown in the accompanying illustration.

(6) All land set aside as open space shall be joint ownership of the property owners or set aside through a deed restricted, protected by conservation easement, plat dedication, restrictive covenant, under the jurisdiction and/or ownership of the Township, County and/or State, or other legal instrument that runs with the land, as approved by the Township Attorney. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.

(F) Areas Not Counted as Open Space

- (1) The area within all public or private road rights-of-way.
- (2) Golf Courses.
- (3) The area within a platted lot, site condominium unit or metes and bounds parcel occupied or to be occupied by a building or structure not permitted to be located in open space.
- (4) Off street parking area.
- (5) 50% of the area of wetlands, creeks, streams, existing ponds or lakes or other bodies of water.
- (6) 50% of areas of slopes, which are 50% or over.

(G) Development Setback

- (1) Any building area, which for the purposes of this Section shall mean any lot on which a principal use is located, shall be located at least 200 feet from any public street right-of-way not constructed as part of the OSC.
- (2) No native or natural vegetation shall be removed from the 200 foot setback, nor any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements.
- (3) The Planning Commission may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the OSD.
- (4) The Planning Commission may reduce this setback if existing landscaping provides a natural screen, or the proposed development provides such a landscape screen. In any case, the setback shall be not less than 100 feet. The landscape screen shall meet all of the following minimum requirements:
 - a. Occupy at least 70% of the lineal distance of the property line abutting any public street right-of-way.
 - b. Be on a strip of unoccupied land at least 50 feet in depth.
 - c. Have at least 50% opacity from the roadside view at the time of planting.
 - d. Consist of existing vegetation, landforms, or landscaped areas using native or natural materials, or a combination thereof.
- (5) OSD sites abutting more than one public street shall be permitted to reduce the setback on the shortest side of the abutting streets to 100 feet without a natural screen. No native or natural vegetation shall be removed from the 100 foot setback, nor any grading or changes in topography occur, except that as may be necessary for entrance roads or utilities.

(H) Design Principles: The overall intent of the Open Space Development regulations is to foster more creative development design, using open space to the advantage of the development, maintaining

the rural character of the township, ensuring access to open spaces, preserving natural features, and other design objectives intended to foster an improved living environment. To this end the following general guidelines will be considered by the Planning Commission in evaluating proposed Open Space Developments.

- (1) Open space should be provided where significant natural features may be preserved, active agricultural land maintained, or be used for passive or active recreation.
- (2) Open space should generally be used to group areas of residential neighborhoods as clusters of housing units. This is intended to avoid the suburban development type normally found in urbanized areas. Generally, neighborhood clusters should have not more than 8-10 units per cluster for smaller developments and not more than 15-20 units per cluster for larger developments.
- (3) The Open Space Development should be designed with due regard for views from adjacent roadways as well as adjacent properties. Where possible, substantial setbacks from adjacent development should be provided, except where internal roadways are designed to connect to adjacent properties for the purposes of providing a network of internal connections between properties.
- (4) Open space within the development should generally be accessible from as many places within the development as possible, rather than limited to individual easements between development lots. To this end, providing open space segments along the internal roadways will be considered a high priority by the Township. Such areas should be large enough to appear as open space, rather than a vacant lot for future development, and kept in their natural state. Such areas may, however, incorporate trails or other internal pedestrian circulation paths.
- (5) The overall design of the Open Space Development should emphasize the natural character of the area, provide views to open spaces from as many areas of the development as possible, and avoid long, straight street segments and rows of homes.

(I) Standards for Approval: The following standards will be used by the Planning Commission in their consideration of an OSD. Before such developments may be approved the Planning Commission shall find:

- (1) That the OSD meets the stated purposes of Section 3.28, A.
- (2) The houses are arranged to respect the natural features of the site and so residents can benefit from viewing or utilizing the required open space.
- (3) The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or by making those alterations to the topography that are reasonably necessary to develop the site in accordance with the requirements of this Ordinance.
- (4) Areas of natural or created drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
- (5) The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, to accomplish these purposes.
- (6) All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Township Fire Department.
- (7) All Streets and driveways shall be developed in accordance with Ottawa County Road Commission standards.
- (8) Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties and comply to Ottawa County Drain Commission Standards. Provisions shall be made to accommodate stormwater, prevent erosion particularly during construction, and prevent the formation of excessive dust. The use of detention/retention ponds may be required.

- (9) Site plans shall conform to all applicable requirements of county, state and federal statutes and approval may be conditioned on the applicant receiving necessary county, state and federal permits before final site plan approval or an occupancy permit is granted.
- (J) Validity of Approved Site Plans: All approved Open Space Development projects are valid for two (2) years from the date of the approval by the Planning Commission. If construction has not commenced and progress has not been made toward completion of the project before the end of the two (2) year period, the approval shall be voided. Upon written application to the Township, filed prior to the termination for the two (2) year review period, the Planning Commission may authorize a single extension of the time limit for approval of a final site plan for a further period of not more than one (1) year.
- (K) Land Division/Platting. Pursuant to the Township's Subdivision Control Ordinance and the State of Michigan Land Division Act, and as amended, all lots shall conform to the regulations provided therein.

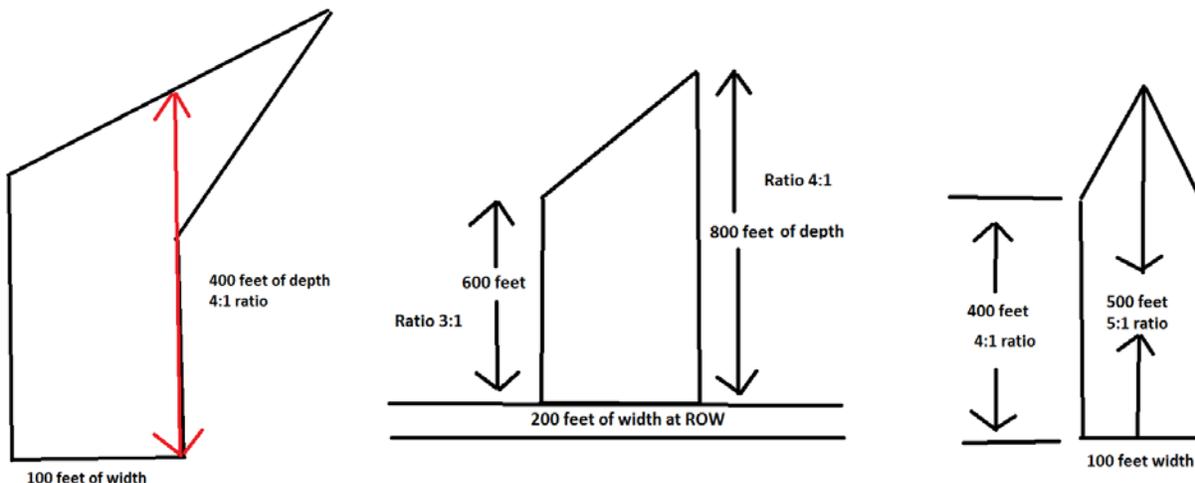
MOTION CARRIED UNANIMOUSLY.

Moved by Richard VanderKlok, seconded by Steve Hall, to initiate a Zoning Ordinance amendment to

Sec. 3.29 LAND DIVISION ORDINANCE.

(G) Standards for Approval of Land Divisions

(3) The ratio of depth to width of any parcel created by the division or adjustment does not exceed a four to one ratio (for all parcels including those parcels larger than 10 acres) exclusive of access roads, easements, or non-development sites. The depth of a parcel created by a land division **or adjustment** shall be measured within the boundaries of each parcel from the abutting road right-of-way to **the most a** remote boundary line **point** of the parcel **from the point of commencement of the measurement. as follows: the dimension of a straight line perpendicular to the road right-of-way line, beginning at whichever point on the road right-of-way produces the greatest distance to the point of an intersecting lot line.**



MOTION CARRIED UNANIMOUSLY.

#170215-05 – Other Business

#170215-06 – Public Comments

#170215-07 – Adjournment

The meeting was adjourned at 9:00 p.m.