



AGENDA

Park Township Planning Commission Regular Meeting

**October 10, 2018
6:30 p.m.**

(Please turn off or set to silent mode all cellphones and other electronic devices)

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. Approval of Minutes: Regular meeting September 12, 2018.**
- 4. New Business:**
 - **Section 38-490 – Accessory Uses**
 - **Keeping of poultry language**
 - **Chapter 18 – Land Divisions and Subdivisions**
 - **Minor revision recommendations**
 - **Tree Preservation Ordinance concept**
 - **Discussion of need**
- 5. Old Business:**
 - **Condominium Language**
- 6. Public Comments**
- 7. Announcements**
 - **NHP update**
 - **Upcoming ordinance amendments – Airport overlay**

Next meeting date November 14, 2018

- 8. Adjourn**

**MINUTES
PARK TOWNSHIP
PLANNING COMMISSION**

Park Township Hall
52 152nd Street
Holland, MI 49418

Regular Meeting
September 12, 2018
6:30 P.M.

DRAFT COPY

CALL TO ORDER:

Chair Pfof called to order the regular meeting of the Park Township Planning Commission at 6:30 P.M., held in the Township Hall at the Park Township Office.

ATTENDANCE:

Present: Jeff Pfof, Terry DeHaan, Rosemary Ervine, David Kleinjans, Denise Nestel

Absent: Dennis Eade, Diana Garlinghouse

Staff: Gregory Ransford, Staff Planner; Dan Martin, Legal Counsel

Ervine moved, supported by Kleinjans, to approve the agenda as presented.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

APPROVAL OF MINUTES:

Kleinjans noted two corrections on page 5 and page 8.

Ervine moved, supported by Nestel, to approve the Regular Meeting Minutes of July 11, 2018 as corrected.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

BUSINESS ITEMS:

A. Coastal Condos – Planned Unit Development

Preliminary Plan: Commercial storage units and four residential lots

As background, this is an application from Facility Management Services, LLC on behalf of Dirkse Capital Management, LLC for a mixed-use PUD consisting of two (2) storage buildings containing ten (10) storage units, four (4) private single-family homes, a private road, sidewalks, gazebo, open space, and related site improvements, which are proposed to be developed as a condominium. The project is located on three (3) vacant parcels on Ottawa Beach Road, east of 152nd Avenue. Pursuant to Division 8 – Planned Unit Development of the Park Township Zoning Ordinance (PTZO), the Preliminary PUD Development Plan has been submitted for consideration by the Planning Commission.

The site is comprised of three (3) separate parcels (70-15-25-160-029, 70-15-25-160-049, and 70-15-25-160-051). Parcels -049 and -029 are located within the Neighborhood Business District (C-1). Parcel -051 is located within the Low Density Residential District (R-3). The proposed storage units are planned to be located within the properties zoned C-1 and the residential units are proposed to be located within the property zoned R-3.

Ransford introduced the agenda item. He reminded the Planning Commission this was an agenda item in 2017 for commercial-storage condos. He noted the previous problem was compatibility with the residential area so it was recommended for denial. The applicant withdrew the application and has returned with a different plan that has fewer storage units and four residential condo units to create a buffer to the residential area. He explained the ultimate plan is to review the preliminary plan to provide the applicant feedback. The Planning Commission will give the applicant direction to return with a final plan. At the final plan presentation there will be a public hearing.

Todd Sneller, representing Dirkse Capital Management, said the original proposal was redesigned to include 10 private storage units for purchase with four stand-alone residential condominium units to be built on the lot behind which an R3 designation. The condo units will have their own association, self-governed with dues and fees. All 14 owners will share in the cost of the maintenance. The exterior plan has not changed. The design of the residential condos will be compatible with that of the storage units. There will be a shingled roof on all units to blend with the adjacent condos to the east. They are trying to keep a tree buffer to the south as a border around the property. A gazebo in front has been included to meet PUD requirements. They have tried to comply with Park Township PUD requirements.

Ervine asked Sneller if he planned to describe the layout of the development.

Sneller said there are some visuals available to the members of the Planning Commission. He referred to the visual of the private storage units and the stand alone condo units. The floor plans are included and the exterior foot-lighting is described. The sign in front will be compatible with the appearance of the units.

Pfost said the staff identified previous issues. He asked Ransford about the design plan modifications for meeting the PUD requirements. A public hearing was previously held on the storage parcel but this is now a different application. Pfost asked if the Planning Commission can move forward with these conditions.

Nestel referred to Ransford's staff memo and asked if he had any issues with this plan.

Ransford said, historically, Park Township would put storage units in a commercial district but he has no problems at this point. He will address special use standards.

Pfost said it appears Sneller included the residential element with screening and thanked Sneller for that consideration. The other elements are noteworthy.

De Haan asked about the disparity in the square footage reference – one was 6,000 and the other was 9,000.

Sneller said there are four units that total square feet is 6,000 and six units that total 9,000 square feet for a total of 15,000 sq. feet of storage facilities.

DeHaan asked about the drive being the main access to residential areas. He was concerned about the amount of traffic. He was also concerned about the lack of landscaping on the west side. He asked whether landscaping could be included on that side of the development.

Sneller said they added stone on the back side of the building to improve the appearance.

Jim VanderMeulen, architect for the project, noted there is only five feet on that side. It's a vacant lot there which creates a potential problem. There are some restrictions with parking and the building so there is not much room on that side. It was more important to keep the buffer on the front side rather than the back side.

Kleinjans asked if some high windows could be added to break up the high wall. Sneller said there are windows on the north side.

Sneller said there was no problem to add more windows – it would give the units more light. Security is an issue too so that's why the windows are high.

Pfost observed it is unique to drive through the storage units to get to the condo units. He asked whether the Planning Commission was okay with this kind of access.

Ervine asked if there is another option for a drive.

Sneller said there is no room on the east side.

Ervine asked what do you see when driving by the development.

Sneller said the northwest unit will catch the eye going east past the corner. Once you pass the stone veneer is apparent which offers curb appeal. Going west you will see a sign, a gazebo, and well-manicured grass.

Nestel asked if everyone will have an equal vote in the condos.

Sneller noted that the residents in the condo units will have more square footage so they will have a bigger vote.

DeHaan asked about the bylaws and whether the association overwrites a bylaw rule.

Martin said the bylaws are like a constitution. They would have to amend them to allow an overwrite as part of the bylaws. The PUD approval will be the law imposed by the Township – the condo association won't have the authority to change the PUD conditions without coming back to the Township.

Pfost asked if the PUD ordinance requires public access to private property.

Martin said it is open to interpretation. Property owners generally have the right to exclude people from their private property. Allowing public access to private property arguably takes away that "stick" from the "bundle of sticks" a property owner has. But there may be situations where there is a legitimate governmental reason for allowing general public access to certain parts of real property. The PUD ordinance talks about allowing public access in a commercial PUD. That's typically true and necessary when the general public is going to a commercial establishment, like a store or restaurant. But here, the plan is for privately owned storage units, which are only allowed in commercial districts. So the general public isn't expected to come to this commercial property the way it would to a typical commercial use. And there may be legitimate reasons to not want the general public hanging out around the privately owned and used storage units.

Nestel said if it's private storage you should have the right to keep public out.

Pfost asked for the review of the Points for Consideration.

Ransford led the review of points for consideration:

1 - Open space Requirement– The applicant provided only 14% of open space. The plan includes the cul-de-sac island to meet the open space requirement of 20%. Pfost asked about the private road meeting the right-of-way. Ransford cited item 2 of Section 38-368 regarding open space, which excludes the right-of-way from open space calculations

VanderMeulen said he applied Subsection B of private roads for PUD requirements regarding the plan for the cul-de-sac. He asked whether he should use the Subdivision rule or the PUD rule. He asked whether he needed to design a cul-de-sac.

Martin explained that Subsection A deals with location of roads and Subsection B deals with the construction and application, so both are applicable. Any conflict between them requires interpretation by the Planning Commission. Private roads are allowed in both subdivisions and site condominiums. This development is commercial and private residential, so it's a mixed use. The Planning Commission can waive some of this requirement wording as part of the PUD approval. He explained the difference between subdivisions, site condominiums and PUDs.

VanderMeulen said the other option is to consider if the property is considered one parcel with the condominiums as in a Subdivision rather in a PUD.

Martin said it is one lot for the general area of the condominium.

Ransford said Section 38-366 allows flexibility in building height and setbacks so that provides an option. It could be done.

Martin agreed with Ransford that we can. The dedicated open space states 20% open space. For land that is zoned commercial like this property you can be flexible, if there is a way to meet it. If we can meet it at the preliminary stage then it is recommended to do it.

VanderMeulen said R3 requires 15,000 sq. feet per unit. Site calculations for R3 state you don't have to subtract land for green space or a private road if it is deeded into.

DeHaan asked if there will be green space inside the cul-de-sac.

VanderMeulen confirmed it would.

2 – Dedicated Open Space for Non-resident Use Meets Intent of Zoning Ordinance -

Ransford said this is met. All agreed.

3 – Whether Bylaw Provisions Restricting Public Use of Pathways, Benches and Gazebo is Removed –

Ransford said the PUD will confirm this.

Martin said Section 38-358 states regarding the open space requirement that the Planning Commission can recommend *more* than the requirement, but not less than the requirement. It could be challenged. This is a stronger reason to confirm the 20% figure. The bylaws will supersede.

4 – Whether Public Amenity with Open Space is Acceptable –

De Haan asked is the sidewalk could be curved to exit the development.

Sneller asked if the plan should cancel the gazebo.

Martin said it is a commercial use that is privately owned and privately used, where the general public is not invited to the commercial activity on the property – it is unique.

Kleinjans said the gazebo is an amenity.

VanderMeulen noted the gazebo has to meet the setback requirement.

Sneller said he does not support it because it will invite public problems.

Ransford asked what is appropriate – it doesn't have to be a gazebo. There are options.

Pfost asked about a bench as an option.

5 – Whether the Greenspace Requirement is Met
All agreed this is met.

6 – Whether Width of Pavement at Cul-de-Sac Should Be 22’–
Ransford asked Martin to recommend conditions for this.

Martin said the cul-de-sac is more specific than the private road. You can be more flexible. If challenged the ordinance would be interpreted against that. However, with regard to the cul-de-sac 20’ is okay for the width of the pavement.

7 – Condition Open Space Preservation and Maintenance Agreement Reviewed by Township Legal counsel –
All agreed.

8 – Whether Material for Dumpster enclosure is Appropriate –
Sneller said it’s cedar.

All agreed it is appropriate

9 – Whether Parking for Storage Units is Adequate -
All agreed it is appropriate.

10 – Whether Parking Area is Screening is Adequate –
All agreed it is appropriate.

11 - Is Environmental Impact Assessment Necessary –
Ransford said this is standard. All agreed.

12 – Ottawa County Water Resources Commissioner Review and Approval –
Pending approval would be a contingency of Planning Commission approval.

Pfost asked for a motion to approve the preliminary site plan for the applicant.

Nestel moved, supported by Ervine, to approve the Preliminary Site Plan for the Coastal Condos PUD

Ransford reviewed the agreed upon conditions following discussion on the 12 Points of Considerations:

- 1– The west elevation will have windows or trees or a combination thereof.
- 2 – The condo lots will be smaller to increase the open space to at least the 20% requirement.
- 3 - Reexamine the gazebo option with a bench or other public amenity.
- 4 - The open space document is reviewed by Legal Counsel
- 4 – Approval from the Ottawa County Water Resources Commission Office

Kleinjans asked about rear yard calculations for the PUD. He didn’t see the reference on the drawing.

Ransford said he will review them and confirmed they were okay.

Nestel asked Sneller if he has talked with the residents in the surrounding neighborhood.

Sneller said he had not.

Pfost asked about the process from this point in time.

Ransford said the staff will review the application. The applicant will address the conditional items. It is possible it could be ready for the Planning Commission's review in October, perhaps November. A public hearing notice will be necessary.

Pfost advised an updated narrative from the applicant before the next meeting.

Kleinjans, aye; DeHaan, aye; Ervine, aye; Pfost, aye; Nestel, aye

Roll Call Vote:

Ayes 5, Nays 0. Motion carried to approve.

B. Condominium Language

Ransford described the two means of dividing land, through either the Michigan Land Division Act or the Condominium Act. He noted most communities have a subdivision ordinance to outline the process for sidewalks, lighting, trees and utilities. Typically when someone wants to do these back to back they go through the PUD process. In Park Township currently there is no site condo process to come to the Planning Commission without a PUD. Recently, the Township received an inquiry to propose a condominium project without a concurrent Planned Unit Development (PUD) application, which revealed that the Township does not possess a means for application before the Planning Commission without a PUD. This language is based on language from Allendale Charter Township, but it has been crafted to be consistent with Park Township regulations for subdivision ordinances, so now the Planning Commission has a review process.

Martin said historically Park Township has required to have site condos come before the Planning Commission for the review process and be approved as a PUD. The Park Township ordinance says you can build a house on a lot or a parcel. There will be a separate tax parcel ID numbers for each unit in a site condo. Having the ordinance gives the Planning Commission and Township more review over it to avoid a situation where someone builds a development that is not attractive, yet complies with the zoning regulations.

Ransford said the Township requires a public hearing for a subdivision. However, in the condo act there is not a provision for a public hearing.

Pfost had one comment on page 2 under 514, paragraph c, "prior to recording the master deed," and "the condo project will undergo site plan approval." Who approves? This should be clear.

Ransford said it is the Planning Commission – it states this on page 1.

Nestel asked if developers have to provide a master deed. Should we look at this?

Martin said we may not want to enforce it by ordinance.

Nestel suggested to add anything that is inconsistent is still bound by a master deed. We need a safety provision the developer has to comply.

Pfost asked for the schedule for review by the Planning Commission.

Ransford said we can finalize the text, then have a public hearing, then acquire approval.

Nestel asked about the convertible process.

Martin said it is State law – it's in the Condo Act. Approval by the Planning Commission should be added regarding the convertible process.

Martin clarified that regardless of what the Zoning Administrator says the developers have to comply with the ordinance.

Kleinjans asked if the site condo is different from a traditional condo.

Martin said site condos can have land included and limited common elements. The subdivision has to have infrastructure in before the plat is approved. With a site condo you buy the parcel but there can be covenants.

Martin suggested replacing the term “mobile home” with “manufactured house” to update reference.

DeHaan asked if use of the term “approximate” is the appropriate word in reference to the number of parcels.

Nestel asked if the references to other ordinances can be valid and compliant.

Ransford confirmed he will check on this.

Nestel asked if information has to be kept current in the documents.

Martin said there is a statement confirming this. The Condo Act says it has to be up-to-date according to the county registrar.

Nestel asked if there a statement that says the Master Deed has to be kept up-to-date in compliance with the Park Township zoning ordinance.

Martin said a title search will trigger if amendments have been made to the Master Deed.

Pfost asked if Ransford wants a motion on the condo language to bring this back for the next meeting's deliberation.

Ransford said he will bring back a second revised and corrected draft. He asked if the Planning Commission wants a public hearing to be required within the language.

Pfost confirmed a public hearing would be appropriate.

Ransford asked if the Planning Commission wants site condo approvals to go to the Township Board.

Martin said ultimately it will be the Township Board's decision.

The Planning Commission members agreed that the Township Board should be involved in the approval process.

PUBLIC COMMENT

Pfost opened Public Comment at 8:45 P.M

There was no comment

Pfost closed Public Comment at 8:45 P.M.

ANNOUNCEMENTS

1 – NHP Update – Ransford said the most recent meeting was at the Pump House and went well. The Township obtained a lot of information. He has drafted a summary for Howard Fink before it will come to the Planning Commission. Traffic was the major concern. They met with the representative who manages the State Park and the Macatawa Coordinating Council. Fink will schedule a follow-up meeting. There was a suggestion regarding a mobile app for the public to improve traffic congestion at the Park.

DeHaan noted the residents don't want the added cost of fire protection.

2 – Ed de Vries – Pfost commented on de Vries' public service. He was on the Planning Commission when Pfost joined as a member. He appreciated their working relationship, Ed's kindness and respectful demeanor, and thanked him for his assistance on issues that have come before the Planning Commission. He was a gentle spirit but a strong force. He wished him well.

3 – Upcoming ordinance amendments - Airport overlay, Subdivisions, Corner Lots, Non-Pet Animals in Residential Zones. These will be considered in the near future.

The next meeting is October 10, 2018.

ADJOURNMENT

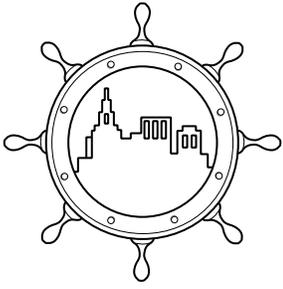
Nestel moved, supported by Ervine, to adjourn the meeting at 8:53 P.M.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
September 14, 2018
APPROVED:



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MEMORANDUM

To: Park Township Planning Commission
From: Gregory L. Ransford, MPA
Date: October 2, 2018
Re: Section 38-490 – Accessory Uses, Keeping of Poultry

As you are aware, previous Community Development Director and Zoning Administrator, Ed de Vries, raised concern regarding the administration of poultry as an accessory use within the township. Section 38-490 – Accessory Uses of the Park Township Zoning Ordinance (PTZO) provides for the Township Zoning Administrator to authorize the keeping of poultry or defer to the Park Township Zoning Board of Appeals for approval. Currently, the keeping of poultry is prohibited within any zoning district, except within the AG Agricultural and Permanent Open Space District, unless authorized by the Township Zoning Administrator. For your convenience, attached is a copy of Section 38-490 of the PTZO.

Historically, for requests that were authorized by the Township, Mr. de Vries utilized the attached set of standards, which were created by himself, to administer to poultry requests rather than following provisions established within the PTZO. Currently, no significant standards exist within the PTZO, which is the reason Mr. de Vries created his own.

As you may anticipate, it is more appropriate for the PTZO to contain the standards by which decisions regarding the keeping of poultry are provided. Given this and in the instance you agree, we seek your direction regarding the districts in which the keeping of poultry is appropriate as an accessory use, in what number, on what acreage, whether they are free range, if roosters are allowed, and etcetera. For your convenience, below is sample language that Tallmadge Charter Township (TCT) recently adopted to authorize chickens as an accessory use. When reviewing the language, it is important to note that TCT does not permit lots as small as Park Township, outside of Planned Unit Developments.

Section 3.16 Keeping of Animals

(b) Farm Animals. The keeping of farm animals -- including beef and dairy cattle, horses, goats, hogs, poultry, sheep, or other fur-bearing farm animals -- is prohibited in all districts except the AG, RP and R-1 Districts, as follows:

1. The keeping of poultry and fowl is permitted in the AG District without limitation.
2. The keeping of poultry and fowl is permitted in the RP and R-1 Districts as an accessory use, provided that the number of such animals does not exceed ten (10) animals for the first two and one half (2 1/2) acres and one (1) additional animal for each additional one quarter (1/4) acre thereafter.
 - a) Poultry and fowl in the RP and R-1 Districts shall not be free range and shall be securely contained within a fenced area so as to restrict such animals to the lot on which they are kept.

- b) The fenced area where the poultry and fowl are kept shall be located within the rear yard and shall be at least 20 feet from any side or rear lot line.
 - c) Roosters shall not be permitted in the RP and R-1 Districts.
3. In both the AG and RP Districts, the number of horses and cattle, including foals and calves, is limited to two (2) such animals for the first two and one-half (2-1/2) acres of land and one (1) additional such animal for each additional acre of land.

Any barn, stable or other building which houses horses or cattle shall be setback a minimum of one hundred fifty (150) from any road right-of-way line and one hundred feet from any side or rear property line.

Private and commercial stables for the keeping of horses and other large domestic animals shall be regulated in accordance with Chapter 5 and 6.

4. In the R-1 District, the keeping of horses, cattle, including foals and calves, goats, hogs, sheep or other large farm animals is prohibited.

Section 38-490 has been placed as a New Business item on your October 10, 2018 agenda. If you have any questions, please let us know.

GLR
Planner

Attachment

cc: Howard Fink, Manager

Park Township

Chicken keeping requirements

- No roosters.
- Not within 50 feet of adjoining dwelling (1-6 chickens), or within 100 feet of adjoining dwelling (more than 6).
- Covered enclosure to prevent chickens from getting out and to prevent predators from entry.
- Food stored in enclosed containers so as to prevent rats/mice.
- Area kept clean so as to prevent noxious odors.
- No slaughter of animals. (Under 1 acre.)
- If hens are caged, 1 sq. foot minimum. (MDARD GAAMPS call for 67 – 86 sq. inches)
- Coop 4 sq. feet per hen, fenced run, 4 sq. feet per hen.
- Not permitted in multifamily residence.
- Number of chickens permitted per lot size: Lot size is _____
 - 8,500 sq. feet to 14,999 sq. feet - 4
 - 15,000 sq. feet to 24,999 sq. feet - 6
 - 25,000 sq. feet to 1 acre – 10
 - Over 1 acre - 15
- Setbacks: Rear yard only. 10 feet from property line for structures and enclosures.

Permission may be revoked upon violation of any of the above.

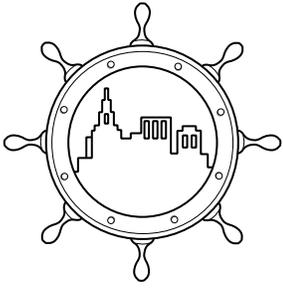
Sec. 38-490 Accessory uses.

- (a) In any zoning district, accessory uses, incidental only to a permitted use, are permitted when located on the same lot; provided, however, that such accessory uses shall not involve the conduct of any business, trade or industry.
- (b) The keeping of household pets, including cats, dogs, household fish and household birds, is expressly permitted as an accessory use in any zoning district; provided, however, that no more than four adult dogs or cats or any combination thereof shall be kept or housed in or at one dwelling unit. The keeping of any other animals or poultry in any zoning district except the AG agricultural and permanent open space district or as a part of a riding stable in the R-1 rural estate residence district is prohibited except when authorized by the Zoning Administrator. The Zoning Administrator may, in his discretion, decline to decide such matter and refer decision thereon to the Zoning Board of Appeals as a matter for Zoning Board of Appeals decision pursuant to Section 603 of the Zoning Act (MCL 125.3603). In considering such authorization, the following standards shall be considered:
 - (1) The land area where such animals are to be housed;
 - (2) The location of adjacent property; and
 - (3) Whether or not noise or odors are likely to adversely affect the use of adjoining properties or the surrounding neighborhood.
- (c) The keeping of any animal or poultry as an accessory use in a residential zoning district shall not be authorized unless it is for recreational purposes only.
- (d) The keeping of horses as an accessory use shall only be permitted if all of the following requirements are met.
 - (1) The grazing area upon which the horses are kept shall be a minimum of one acre in area. For purposes of this section, grazing area shall mean the fenced open pasture land used for grazing by the horses and the accessory building required in Subsection (2) of this section immediately below, and shall specifically exclude the portion of the lot occupied by the principal building and its accessory structures and/or buildings as well as all required front, side, and rear yards.
 - (2) An accessory building shall be erected in compliance with all requirements and restrictions of Section 38-491 to be used as a shelter for the horses.
 - (3) The accessory building and the grazing area upon which the horses are kept must be entirely fenced. All gates in the fence should be kept locked. The fencing must comply with Section 38-498 and be adequate in height, strength, and general design to prevent a horse from escaping from the grazing area.
 - (4) The number of horses permitted shall be limited to the ratio of one large horse per full acre, or two miniature horses per full acre, as shown in the following table. For purposes of this section, a large horse shall be any horse whose size is greater than 38 inches in height (including a foal of a large mare, regardless of the size of the foal), and a miniature horse shall be any horse (except for the foal of a large mare) whose size is less than or equal to 38 inches in height.

Table Showing the Number of Horses Permitted for Parcels Smaller Than Eight Acres

Size of Grazing Area	Total Number of Horses	
	Permitted	Possible Combinations Permitted
5 acres to	5 large or 10 mini	(2 large + 4 mini) (1 large + 6 mini) (0 large + 8 mini) (5 large + 0 mini) (4 large + 2 mini) (3 large + 4 mini) (2 large + 6 mini) (1 large + 8 mini)
6 acres to	6 large or 12 mini	(0 large + 10 mini) (6 large + 0 mini) (5 large + 2 mini) (4 large + 4 mini) (3 large + 6 mini) (2 large + 8 mini) (1 large + 10 mini)
7 acres to	7 large or 14 mini	(0 large + 12 mini) (7 large + 0 mini) (6 large + 2 mini) (5 large + 4 mini) (4 large + 6 mini) (3 large + 8 mini) (2 large + 10 mini) (1 large + 12 mini) (0 large + 14 mini)

- (e) In addition to initial authorization by the Zoning Administrator or the Zoning Board of Appeals, the housing of nonhousehold pets, animals, fish or birds in any zoning district except the AG agricultural and permanent open space district or as a part of a riding stable in the R-1 rural estate residence district shall require a nontransferable permit to be issued by the Zoning Administrator for one year when authorization is first granted with renewal annually thereafter. In renewing such permit, the Zoning Administrator shall determine whether or not the permit holder is in compliance with the requirements of this chapter and any requirements, conditions, or restrictions established when authorization was granted.



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MEMORANDUM

To: Park Township Planning Commission
From: Gregory L. Ransford, MPA
Date: October 2, 2018
Re: Chapter 18 – Land Divisions and Subdivisions

As you are aware, previous Community Development Director and Zoning Administrator, Ed de Vries, raised concern regarding several provisions of Chapter 18 – Land Divisions and Subdivisions Ordinance of Park Township. While we are unfamiliar with the history of these concerns, they are as follows, according to Mr. de Vries:

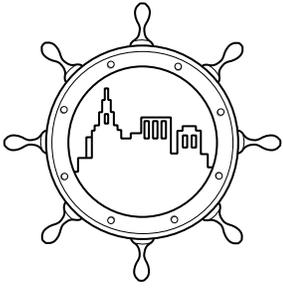
1. Easements for dead-end streets currently require the area to be deeded to the Township, rather than the Ottawa County Road Commission, which should be corrected accordingly
2. Block – the definition and interpretation of Block, particularly its length, has not been enforced and should be removed
3. A public hearing is required pursuant to the Michigan Planning Enabling Act, Act 33 of 2008, as amended. No provision exists within Chapter 18 to indicate the same.
4. General compliance with the Land Division Act, Act 288 of 1967, as amended

After reviewing these concerns, we agree with his suggestion regarding number 1 and number 3, albeit the latter can be addressed by way of reference to Act 33. Nonetheless, if revisions are proposed to Chapter 18, it is appropriate to complete a comprehensive amendment concerning the aforementioned list. In regards to number 2, we defer to the Planning Commission for more discussion, based on your past administration of this Chapter. Finally, in regards to number 4, we are unaware of any significant amendments to the Land Division Act to raise concerns regarding the content of Chapter 18. Nonetheless, we again defer to you to understand historic concerns and we can perform a review in this regard, if desired.

Chapter 18 has been placed as a New Business item on your October 10, 2018 agenda. If you have any questions, please let us know.

GLR
Planner

cc: Howard Fink, Manager



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MEMORANDUM

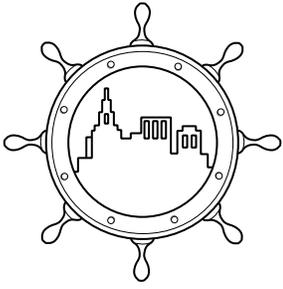
To: Park Township Planning Commission
From: Gregory L. Ransford, MPA
Date: October 2, 2018
Re: Tree Preservation Ordinance Discussion

Pursuant to recent development within the township and historic concerns regarding the removal of mature trees, Manager Fink requested that the Planning Commission hold a discussion regarding the need to draft a Tree Preservation Ordinance. While we would ordinarily provide sample language for your review, we first wanted the Planning Commission to reach a consensus of how to proceed, if at all, prior to engaging in that effort. As a result, the Tree Preservation Ordinance concept has been placed as a New Business item on your October 10, 2018 agenda.

If you have any questions, please let us know.

GLR
Planner

cc: Howard Fink, Manager



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MEMORANDUM

To: Park Township Planning Commission
From: Gregory L. Ransford, MPA
Date: October 2, 2018
Re: Revised Language to Regulate Condominium Projects

Pursuant to your direction at your September 12, 2018 meeting, attached is revised language to include condominium provisions within the Park Township Zoning Ordinance. Your direction included the following:

- Revise the introduction to Section 38-514 to provide clarity and require approval by the Board of Trustees, and add an "s" to the word "requirement"
- Subsection (a)(5) – Strike "approximate" related to the number of condominium units
- Subsection (c) – Provide clarity and require approval by the Board of Trustees
- Subsection (d) – Provide clarity and require approval by the Board of Trustees
- Subsection (e) – Provide language that the approved plan and the ordinance language trumps any conflict within the restrictive covenants
- Subsection (f) – The word "statues" was changed to "Statutes"
- Subsection (i) – The words "flood" and "plain" were modified to "floodplain"
- Subsection (l) – The phrase "mobile home" was replaced with "manufactured housing" and the remainder of the subsection was modified for clarity
- Subsection (n) – The word "assure" was replaced with "ensure"
- Subsection (p) – The language was modified to provide clarity
- Subsection (s) – This section is new to require public hearing by the Planning Commission and further provide clarity that approval rests with the Board of Trustees

In addition to these revisions, Township Attorney, Dan Martin, also provided suggestions within the language. Finally, attached is a document showing the changes from the first draft. The proposed language has been scheduled for your review at your October 10, 2018 meeting. If you have any questions, please let us know.

GLR
Planner

Attachments

cc: Howard Fink, Manager

Sec. 38-514 Condominium Project Approval.

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, (MCL 559.101 et. seq.; MCL 559.241) as amended, all condominium subdivision plans shall be submitted to the Planning Commission for Township approval. In determining whether to approve a condominium subdivision plan, the Planning Commission and Township Board shall consult with the Zoning Administrator, Township Planner, Township Attorney, and Township Engineer regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirements of the Condominium Act. For purposes of interpreting and applying this Section 38-514, the words and phrases used shall have the meanings respectively ascribed to them in sections 3 through 10 of the Condominium Act (MCL 559.103-MCL 559.110).

(a) Initial Information.

Concurrently with notice required to be given to the Township pursuant to Section 71 of the Condominium Act (MCL 559.171), a person intending to develop a condominium project shall provide the following information with respect to the project:

- (1) The name, mailing address, electronic mail address, and telephone number of:
 - a. All persons with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each person's interest (for example, fee owner, optionee, or land contract vendee).
 - b. All engineers, attorneys, architects or registered land surveyors associated with the project.
 - c. The developer of the condominium project.
- (2) The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
- (3) The acreage content of the land on which the condominium project will be developed.
- (4) The purpose of the condominium project (for example, residential, commercial, industrial, etc.).
- (5) The number of condominium units to be developed as part of the condominium project.
- (6) Whether or not a community water system is contemplated.
- (7) Whether or not a community septic system is contemplated.

(b) Information to be Kept Current.

All information required by this Section 38-514 shall be furnished to the Zoning Administrator and shall be kept current and updated until such time as a Certificate of Compliance pursuant to Section 38-35 has been issued.

(c) Site Plans - New Projects, Master Deed, and Engineering and Inspections.

Prior to recording the Master Deed as required by Section 72 of the Condominium Act (MCL 559.108), the condominium project shall undergo site plan review and approval pursuant to Article II, Division 3 of this Ordinance by the Planning Commission. The Township Board may approve a condominium project in any location within Park Township provided the condominium project meets the provisions of Section 38-514. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Compliance.

(d) Site Plans - Expandable or Convertible Projects.

Prior to expansion or conversion of a condominium project to additional land, the new phase of the condominium project shall be subject to site plan review and approval pursuant to Article II, Division 3 of this Ordinance by the Planning Commission. The Township Board may approve an expansion or conversion provided the condominium project meets the provisions of Section 38-514.

(e) Master Deed, Restrictive Covenants and "As Built" Survey to be Furnished.

The developer shall furnish the Zoning Administrator with the following:

One (1) copy of the recorded Master Deed and one (1) copy of all restrictive covenants. In the event of any conflict between the restrictive covenants, the approved plan, and this Ordinance, the approved plan and this Ordinance shall control. Two (2) copies of an "as built survey shall also be provided. The "as built survey" shall be reviewed by the Zoning Administrator for compliance with all applicable Township Ordinances.

(f) Compliance with Federal, State and Local Law.

All condominium projects shall comply with Federal and State Statutes and local ordinances.

(g) State and County Approval.

The developer shall establish that appropriate state and county approvals have been received with regard to the fresh water system for the proposed condominium project and with regard to the waste water disposal system for the proposed condominium project.

(h) Easements for Utilities.

The condominium subdivision plan shall include all necessary easements granted to Park Township, or Ottawa County if appropriate, for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character (hereinafter collectively called "public structures") for the purpose of providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of the public structures.

(i) Condominium Plan - Required Content.

All condominium subdivision plans shall include the information required by Section 66 of the Condominium Act and the following:

- (1) A survey plan of the condominium subdivision.
- (2) A floodplain plan, when appropriate.
- (3) A site plan showing the location, size, shape, area and width of all condominium units.
- (4) A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the Township for installation, repair and maintenance of all utilities.
- (5) A street construction, paving, and maintenance plan for all private streets within the proposed condominium subdivision.
- (6) A storm drainage and stormwater management plan, including all lines, swales, drains, basins, and other facilities.

(j) Relocation of Boundaries.

The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the district in which the condominium project is located, and shall be subject to the review and approval of the Zoning Administrator. These requirements shall be made part of the bylaws and recorded as part of the Master Deed.

(k) Subdivision of Condominium Units.

All subdivisions of individual condominium units shall conform to the requirements of this Ordinance for minimum lot width, lot area, and the building setback requirements, and shall be subject to the review and approval of the Zoning Administrator. These requirements shall be made part of the bylaws and recorded as part of the Master Deed.

(l) Manufactured Housing Condominium Project.

Manufactured Housing condominium projects shall conform to all requirements of this Ordinance and shall be located only in a Planned Unit Development.

(m) Site Condominium Projects.

All Condominium projects that consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites shall provide in the condominium plan a building envelope which complies with the setback, area and width requirements of the applicable zoning district and shall be subject to the review and approval of the Zoning Administrator.

(n) Single Family Detached Condominiums.

Single family detached condominium units shall be subject to all requirements and standards of the applicable residential district regulations including minimum floor area requirements. There shall be maintained a minimum distance of eighty (80) feet from the center of one (1) residential dwelling unit to the center of another residential dwelling unit. This eighty (80) foot requirement shall be computed along the front building line. In addition, building envelopes shall be depicted on the site plan to ensure that the minimum area requirements can be met.

(o) Streets and Roads and Sidewalks.

- (1) All streets and roads in a site condominium project shall, at a minimum, conform to the standards and specifications promulgated by the Ottawa County Road Commission, or private roads built to Section 38-512 of this Ordinance.
- (2) The developer shall install sidewalks, designed and installed to Ottawa County Road Commission standards, along the development side of all public streets on which the development has frontage if the public street has a bituminous hard surface or if the developer is proposing to hard surface the public street on which the development has frontage. In cases where a sidewalk, or portion of a sidewalk, is outside of the public street right-of-way, a public easement for sidewalk purposes is required.
- (3) The developer shall install internal sidewalks according to the requirements of Chapter 18 – Land Divisions and Subdivisions Ordinance, as amended.

(p) Paved Public Streets.

The land for which a condominium project is proposed under this Ordinance shall have frontage on and abut a paved public street for the entire width of the parcel being proposed for the condominium project. If such land is a corner lot each public street abutting the land must be paved as noted herein.

If the land does not have such paved public street frontage, the developer of the condominium project may make such improvements as are necessary to comply with the paved public street frontage requirement of Section 38-514(p) above, subject to the approval of the Ottawa County Road Commission. If a parcel has frontage on only one (1) public street such improvements shall be extended from an existing paved public street to the farthest lot line of the parcel containing the proposed condominium project.

If the parcel is a corner lot only one (1) of the street frontages must be paved as extended from an existing paved public street to the farthest lot line of the parcel containing the proposed condominium project. This street shall be considered the primary street frontage for the condominium project.

In order to comply with the paved public street frontage requirement of Section 38-514(p) above, the remaining street frontage (the secondary street frontage) for the condominium project must be paved at such time that an entrance to the condominium project is provided onto the secondary street frontage. This paving shall be extended from the paved primary street frontage to the condominium project entrance on the secondary street.

(q) Public Water and Sanitary Sewer

Public water and sanitary sewer service shall be provided to all condominium projects according to the requirements of Chapter 18 – Land Divisions and Subdivisions Ordinance, as amended.

(r) Street Lights and Street Trees

The developer shall install street lights and street trees according to the requirements of Chapter 18 – Land Divisions and Subdivisions Ordinance, as amended.

(s) Public Hearing

Prior to making a recommendation to the Township Board, the Planning Commission shall hold a public hearing on the condominium plan. Public notice shall be provided as required by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Sec. 38-514 Condominium Project Approval.

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, (MCL 559.101 et. seq.; MCL 559.241) as amended, all condominium subdivision plans shall be submitted to must be approved by the Planning Commission for Township approval. In determining whether to approve a condominium subdivision plan, the Planning Commission and Township Board shall consult with the Zoning Administrator, Township Planner, Township Attorney, and Township Engineer regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirements of the Condominium Act. For purposes of interpreting and applying this Section 38-514, the words and phrases used shall have the meanings respectively ascribed to them in sections 3 through 10 of the Condominium Act (MCL 559.103-MCL 559.110).

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- (1) The name, mailing address, electronic mail address, and telephone number of:
 - a. All persons, ~~firms or corporations~~ with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's-person's interest (for example, fee owner, optionee, or land contract vendee).
 - b. All engineers, attorneys, architects or registered land surveyors associated with the project.
 - c. The developer ~~or proprietor~~ of the condominium project.
- (2) The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
- (3) The acreage content of the land on which the condominium project will be developed.
- (4) The purpose of the condominium project (for example, residential, commercial, industrial, etc.).
- (5) The Approximate number of condominium units to be developed on the subject parcels as part of the condominium project.
- (6) Whether or not a community water system is contemplated.

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(b) Information to be Kept Current.

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The condominium subdivision plan shall include all necessary easements granted to Park Township, or Ottawa County if appropriate, for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character (hereinafter collectively called "public structures") for the purpose of providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of ~~said the public~~ structures.

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