

**MINUTES  
PARK TOWNSHIP  
PLANNING COMMISSION**

Park Township Hall  
52 152<sup>nd</sup> Street  
Holland, MI 49418

Regular Meeting  
December 15, 2015  
6:30 P.M.

**DRAFT-APPROVED COPY**

**CALL TO ORDER:**

Chair Pfof called to order the special 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, Nicki Arendshorst, Eric DeBoer, Linda Dykert, Dennis Eade, Denise Nestel,

Absent: Tom Vanderkolk

Staff: Andy Bowman, Staff Planner, Ed de Vries, Zoning Administrator

**APPROVAL OF AGENDA:**

DeBoer moved, supported by Nestel, to approve the agenda as submitted.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

**APPROVAL OF MINUTES:**

Dykert moved, supported by Eade, to approve the minutes of the November 17, 2015 Regular Meeting as submitted.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

**ORDINANCE AMENDMENTS:**

**1. Additions to a non-conforming structure and Front/rear yard averaging**

Pfost explained the necessity to make some changes in these amendments. de Vries noted that some of the ordinance amendments have been discussed prior to the Master Planning process. Front and rear yard averaging and additions to a non-conforming structure which is an issue that regularly comes to the Zoning Board of Appeals. Bowman prepared a narrative addressing setbacks and projections to assist in the understanding of what should be clarified, and deVries found an ordinance used by the City of Holland for special exceptions regarding setbacks. Copies of these were distributed to the Planning Commission prior to the meeting for review.

Eade asked if these are specific recommendations.

deVries said the approach to front and rear yard averaging is straightforward. He recommended going out 300' for the lot in question to give more of an average. The only change in the ordinance is expanding this number from the current 100'. He reminded the Commissioners a decision cannot be made at this meeting since a public hearing has to be held on any changes, however, we can discuss approaches for some changes and hold the public hearing in a future meeting.

Nestel asked if this information was previously discussed and accepted as recommended language. It appeared some of the narrative was straightforward and some required more detailed language.

Pfost said the Planning Commission objective should be to resolve some of the problematic ordinances, update the language, make them less administrative, and lessen the impact on the decision-making process for the Zoning Board of Appeals.

Bowman addressed the need to clarify definitions regarding building setbacks. As described in Section 38-6, the recommended change addressing decks and patios is “not more than 30” above the average surrounding grade. The determining factor is where you determine the measurement for averaging the grade.

deVries said 30” is already in the code, but we didn't have averaging. As an example, if the slope is away from the house, going down, the point at which that deck is 30” above grade that is how far they can go, if they are within the setback. With averaging it could be more.

Nestel asked if this relates to the height of a building. Bowman replied that the top of the foundation wall of the main floor is where you start the height measurement. But when a basement wall is started 12” above ground the height measurement changes.

Other considerations were discussed. Under the term “yard,” the building setback is established. Bowman explained the distinction of a yard which extends from the foundation line to the lot line. Once you place a structure you define the yard. A building envelope is

different and we must make this difference clear. Another issue being addressed is nonconforming buildings that don't meet current setback requirements. We must resolve what is acceptable and what isn't when an owner wants to build a small addition to a house that violates setbacks.

With regard to projections such as bay windows and eaves, deVries said we currently don't have a definition of how large an eave may be. If we make it clear in the ordinance, we don't have to rely on a past Zoning Board of Appeals ruling that was not based on a measurement stated in the ordinance. If an overhang is not over 2' then it would be acceptable. This would codify it. Bowman said if adopted, it would be a discretionary decision but wouldn't be considered a variance request since it would be stated in the zoning ordinance.

Dykert left at 7:05 P.M.

Pfost referred to the 2012 flow chart for the ordinance amendment process that was developed by Bowman as a procedural tool. Bowman clarified that this chart is helpful for generating conceptual changes by the Planning Commission.

Additionally, following discussion regarding side yards, deVries suggested a minimum of 5' from a wall for building separation. Bowman concurred.

Pfost asked where we proceed from here with the Planning Commission recommendations.

Bowman said we could send a memo to the Township Board regarding these issues and obtain their concurrence. Following a public hearing held by the Planning Commission the Township Board would vote for approval.

Pfost asked if these recommendations could be drafted in a memo. Bowman said the staff will prepare the memo.

Nestel moved, and DeBoer supported, to ask staff to prepare a memo which includes recommendations for front and rear averaging, setbacks and projections, expansion along existing lines, lakefront setback clarification, and to include the minimum of 5' for on side yards.

de Vries asked if any discussion was needed on the recommended changes for the lakefront setback. Members felt the language was clear enough as written.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

Pfost said the staff memo should reflect why we are doing this in a clear rationale approach.

## 2. Zoning Map corrections/updates

Pfost thanked deVries for his research regarding errors on the 2011 zoning map. Pfost summarized the problems: color coding was incorrect in some areas, some properties were incorrectly zoned, and other areas had incorrect designations.

deVries pointed out some areas where there are some discrepancies. His research took him back to 1974 to track notations on the map.

Bowman reminded commissioners that the zoning map is adopted as an official map in the zoning ordinance. The colors can be changed on the map, but if due process hadn't been followed, then the zoning process similar to the one discussed for amendments is to be followed.

deVries stated the Planning Commission is being asked to review the report, along with recommendations to the Township Board, with any recommended rezoning language. This should result in a new map. 2011 is our most current map, and based on the record presented by the minutes, 1974 is the only officially adopted map.

Bowman said if we completed the rezoning process where necessary we would revise the map to include all current rezoning. This map would then go to the Township Board for approval. This would become the new officially adopted zoning map for the Township.

Pfost recommended that the rationale for changes to the map should be very clear to avoid the appearance of making arbitrary decisions. Bowman said the map needs to be accurate since it is the one we should be operating from when we make land use decisions.

Nestel asked if there are survey monuments placed around the Township, and if we have to have a survey done. Bowman said we have to have reasonable precision in the mapping process and we are using GIS from the County. This allows us to rely on Ottawa County mapping resources for land descriptions, deed information and recorded easements or rights-of-way.

DeBoer asked how a new map, with the necessary corrections, is adopted. Pfost said we can introduce it to the Township Board in January with our recommendations.

deVries said it is a clerical and administrative process. The Planning Commission will review it, approve it for recommendation to the Board, and submit it to them for approval.

deVries noted that we should look at area D on the map. It was designated C2 resort commercial in 1974. Then it was changed to R4 on the 2010 zoning map. He assumes it is still C2 since it was never technically rezoned R4. It doesn't lend itself to commercial use and the Master Plan shows it is residential. This is one area where a rezoning process would be recommended. Bowman restated that if we recommend R4 for this area we will have to do a rezoning process and property owners will have to be notified. deVries said he contacted the owners to determine if they had information as to the zoning of the property. If we propose making it residential we would have to make that zoning designation officially correct.

deVries also noted one other rezoning issue to look at is the parking lot in Macatawa Park. Technically it's R4 and is outside the PUD, though the current map shows it as C2. Bowman advised we have to be careful to avoid spot zoning, especially in this case.

DeBoer moved, and Nestel supported, to ask staff to draft a memo for the Township Board to address these changes.

Nestel suggested an amendment to the motion to note these changes reflect inconsistencies that need to be corrected.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

**PUBLIC COMMENT:**

Pfost opened Public Comment at 7:52 P.M.

There was no comment.

He closed Public Comment at 7:52 P.M.

**ANNOUNCEMENTS:**

The next meeting is January 19, 2016.

deVries noted the list of meeting dates for 2016 which was included on the agenda.

deVries added that other ordinances we need to address are accessory buildings, lots of record (e.g., contiguous lots under joint ownership), PUDs (generic references vs. specific criteria that have conflicting language), problematic densities, and chickens (non-pet animal keeping or ownership). In reference to the latter, the current ordinance allows the Zoning Administrator to approve animal keeping but there are very few guidelines. The ordinance should have clear standards rather than be left to the Zoning Administrator for decision-making. Adult entertainment regulations are also necessary if we are to be proactive.

Arendshorst reported on the Township Board regarding the Covenant Villas on Macatawa Lake PUD proposal. A committee has been created to discuss the density issue and the concern regarding the added five acre parcel.

**ADJOURNMENT:**

DeBoer moved, and Eade supported, to adjourn the meeting at 8:25 P.M.

Voice vote:

Ayes 6, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall  
Recording Secretary  
December 17, 2015

Approved: January 19, 2016

DRAFT