

**MINUTES  
PARK TOWNSHIP  
PLANNING COMMISSION**

Park Township Hall  
52 152<sup>nd</sup> Street  
Holland, MI 49424

Special Meeting  
South Lawn of Township Building  
August 1, 2020  
10:00 A.M.

**DRAFT COPY**

**CALL TO ORDER:**

Chair Pfof called to order the special meeting of the Park Township Planning Commission at 10:00 A.M., held on the south lawn of the Park Township Government Building.

**ATTENDANCE:**

Present: Terry DeHaan, Rosemary Ervine, Diana Garlinghouse, David Kleinjans, Jeff Pfof,

Absent: Dennis Eade, Denise Nestel

Staff: Dan Martin, Legal Counsel, Emma Posillico, Zoning Administrator, Greg Ransford, Planner

**APPROVAL OF AGENDA:**

Motion by Ervine, supported by DeHaan, to approve the agenda as submitted.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

**APPROVAL OF MINUTES:**

Kleinjans noted a correction on page 7 and DeHaan pointed out an error on page 11.

Motion by Ervine , supported by Garlinghouse, to approve the July 8, 2020 Regular Meeting Minutes as amended.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

**NEW BUSINESS:**

Ransford introduced the zoning ordinance amendments for review. Ottawa Beach is identified by the Planning Commission as one of several historic neighborhoods in the Township. As the Chair has noted, there will be another opportunity to review the recommendations once revisions to the proposed language have been made. Limiting density, providing for safety, and restricting commercial activity are covered under use regulations. He pointed out that there are two zoning districts in Ottawa Beach. The language is separated into improved and unimproved lots. With regard to side yards, residents have asked they not be less than 5'. Height requirements are also noted in addition to those for parking. Alternative parking for Ottawa Beach and Macatawa Park are the two exceptions in the Township.

The language recognizes there are property size limitations in the Ottawa Beach area. Reconstruction of buildings is covered other than demolition in event of arson or order by the Township. Recreational fires are also covered and there are different setbacks for the options. Note the map that was made available for designation of park areas. The home occupation section is also to be revised.

Martin asked with regard to the home occupation if restrictions on retail sales are to be included. In Subsection A language should be included to prohibit retail sales. He advised including this for Macatawa Park.

**A. ZONING ORDINANCE AMENDMENTS**

**PUBLIC HEARING**

The Public Hearing will cover the following Zoning Ordinance Amendments:

1. Division 6B – Ottawa Beach Overlay District
2. Section 38-6 – Definitions
3. Section 38-155 – Zone Districts
4. Section 38-506(1) – Home Occupations
5. Section 38-601 – General Parking Requirements

Chair Pfof opened the Public Hearing at 10:20 A.M.

Sally Pollock asked for clarification under the home occupation rule that one can work from home but not sell from home.

Ronald Mudge said he was concerned about the height for new construction. In his opinion, it did not make sense to apply averaging. This restricted residents in how they wanted to design their homes. And, he asked if the Fire Marshall can approve a safe fire pit grate on his property since he has no space to meet the setback requirement.

Bob Garlinghouse said he supported the parking requirements for the front of properties. He noted about 50% of the residents park off-site. The wording about parking in the rear isn't clear. Does this refer to parking inside?

Garlinghouse said he was asked by a resident who could not attend, Joyce Flipse Smith, to state her support for the proposed language in the fire safety section.

He concurred with averaging for height restrictions. However, the language for fire safety distancing is confusing. What is the difference between 25' vs. 15' in reference to "portable fireplaces"? He would prefer a setback of 10'.

Dave Denhof also asked for clarification of the reference to 25' vs. 15' for outdoor fires.

George Washburn said he has two cars and one is parked inside a garage. Does the proposed language allow him to continue this arrangement – with one car parked outside and one inside?

Chair Pfof closed the Public Hearing at 10:35 A.M.

Ervine asked if the Planning Commission could discuss each section separately as addressed by the residents in the Public Hearing.

Garlinghouse noted that Legal Counsel said she could participate in the discussion although she is a resident of Ottawa Beach.

Pfof agreed with Ervine's suggestion to proceed with the discussion among the Planning Commission members covering the following items of resident concern: parking, fires, setbacks and height restrictions, and home occupation.

1 – Parking: covered and continued use of garage and outside parking

Ransford concurred that the present scenario can continue. The ordinance requires that outdoor parking spaces are to be provided. One inside and one outside satisfies the language. If a resident has a building with parking space outside parking is also allowed.

Martin said the Ottawa Beach overlay district has two benefits for parking: First, the off-street parking can be entirely off-site, as well as a combination of on and off-site, if the resident lives within the Ottawa Beach district. Second, the required number of off-street parking spaces can include space in a garage.

Pfof asked if the vehicles have to be registered.

Martin confirmed that the overlay doesn't allow an exemption regarding vehicles having to be registered. This is covered in another Township ordinance.

## 2 – Home Occupation

Martin said the OB - Ottawa Beach zoning district should be added to the list of zoning districts set forth in Section 4 of the zoning amendment, which amends Section 38-506(1) pertaining to home occupations, in subsection A. In the use regulations in Section 38-304B, which is part of the Ottawa Beach overlay district regulations, the language states that except for home occupations, no new commercial uses are permitted in the Ottawa Beach overlay district. Then in Section 38-506(1)(e), which is part of the home occupation regulations, it states that retail sales are prohibited within the OB Ottawa Beach Overlay. Martin said it seemed to imply that home occupations are permitted, so the Ottawa Beach Overlay district should be added to the list.

After Garlinghouse stated that sales would be prohibited in the Ottawa Beach Overlay District, Martin explained that people can't go to a property in Ottawa Beach and buy products, emphasizing that retail sales were prohibited. Martin clarified that if someone lived in Ottawa Beach and were a real estate agent who operated out of their home, that would be acceptable as a home occupation. Martin further noted that if children had lemonade stands, sale of Girl Scout cookies, and other children's limited sale activities would be acceptable, as the Township would not treat those types of activities by children to be retail sales.

Pfost said, with regard to firewood sales, he encouraged residents to bring that activity to the attention of the Township staff.

## 3 – Setback and Building Height Restrictions

Pfost said the Township is trying to be flexible with these restrictions. Averaging is the best solution, especially in the lower elevation areas of this district.

Garlinghouse asked about the restrictions regarding adding fill to a property to raise the grade.

Posillico said the Township had no ordinance covering this situation.

Ransford noted that building height is measured from the grade. He asked Martin about clarifying language for the term "grade."

Pfost pointed out that the Ottawa Beach overlay district is located in an active dune area. There is a natural ongoing process in that the dunes tend to move. Such a natural process cannot be legislated. We have to be careful regarding the definition of grade. The average grade is what is considered in this case. The grade in this area is arbitrary.

Posillico said the term "average grade" applies throughout the Township.

Ransford confirmed the term is called "average existing grade."

Martin said he doesn't know whether Ottawa Beach is regulated by the MDEQ or EGLE.

Bob Garlinghouse said there are a couple of lots in Ottawa Beach that need approval by MDEQ.

Martin said there is an earth change ordinance in the Township Code. You could apply that ordinance in the overlay district, or otherwise modify it for this overlay district to restrict how high someone could raise the current existing average grade.

Martin said there is no review process if a property owner conducts an earth change within the guidelines of the ordinance - if you have an earth change of less than 2500 cubic yards. Martin noted that the PC could modify the draft ordinance to address and regulate any earth change that involves more than 100 cubic yards, requiring the property owner to obtain a special use.

Pfost suggested adding a caveat to the language if the Planning Commission considers it an important consideration. This would cover prohibition of bringing in fill beyond the requirement. We could include this as an action item during the meeting. He asked Martin to draft regulatory language to be considered before the end of the meeting.

#### 4 – Fire Pit Safety

Ransford said the language for the required setbacks is in place. The Township Fire Chief applied the fire code to specific areas in Ottawa Beach.

DeHaan suggested illustrating a design of what is allowed so the requirement is clear. And, defining a portable fireplace for gas, rather than actual fire, needs to be clear. This is different from a fire pit. Could the Township require these to be gas-driven as opposed to woodburning?

Ransford said the setback requirement for fire pits is currently 25'. He noted that the Township Fire Chief e-mailed him the specific IFC requirements which were used in the language. According to the International Fire Code, portable outdoor fireplaces require a setback no closer than 15'.

Kleinjans said if we refer to the International Fire Code and incorporate that language to Township rules that should hold. If something should change in the future the Township should follow the guidelines of the IFC.

Pfost asked Garlinghouse, who is President of the Ottawa Beach Homeowners Association, if Ottawa Beach residents have considered gas as an option.

Garlinghouse said they have looked at this and that decision is not in their jurisdiction. He supports the language that is compatible to the IFC code.

Pfost said the Township should rely on our fire expert and regulations. He observed that the use of a fire pit is an important value recreationally. To strike a balance we should allow the IFC language to prevail as our guideline until there is a different request in the future.

Kleinjans noted a few editing corrections in the language: page 2, under side yard averaging the word "adjacent" should be removed. The same word should be deleted on the next page under unimproved lots. Under recreational fires – strike "only."

Another change: under parking area: "when located entirely within..." Ottawa Beach should be added.

Garlinghouse asked about the requirement for extinguishing fires at midnight.

Pfost said it is his guess the time was noted for safety reasons. He suggested it remain as stated.

Pfost asked Martin if he was ready with the draft language for covering earth change requirements. He thanked him for preparing it so quickly so the Planning Commission could review it before the end of the meeting.

Martin read the draft of the proposed amendment for earth change, which would be added to 3.a.v and 3.b.vi. respectively:

Any earth change or grade change that involves more than 100 cubic yards will be permitted only as a special use subject to the review and approval of the Planning Commission. In making its decision, the Planning Commission shall consider the following standards:

- a.** The nature of the proposed **change**, including, without limitation, whether materials are to be excavated and removed from, or imported to, or moved upon the parcel and the purpose for the proposed **change**, together with the clearing of the land.
- b.** The proposed **change** in the topography on the parcel. The **change** shall not cause a significant **change** in the natural topography or have an adverse or destructive impact on the environment, a natural resource, adjoining properties, or the neighborhood.
- c.** The effect and impact of such **change** on neighboring parcels and whether such **change** can be conducted in a manner harmonious with the neighboring uses of property.
- d.** The potential of the **change** to create safety concerns or hazards, to cause problems with noise, fumes, dust, lights and vibrations, to create erosion problems, to alter the groundwater table in the vicinity, to cause flooding or diversion of water, to result in the creation of sand blows, stagnant water pools, bogs and other similar problems affecting the adjacent properties and environment in the neighborhood.  
The **change** must not create or cause a safety hazard, erosion by wind or water, alteration of groundwater tables and other similar problems. The **change** must not cause or create any sand blows, stagnant water pools, bogs or any similar type circumstances that cause injury to adjoining properties or the neighborhood.
- e.** The types of trucks and other equipment to be used and the potential for traffic congestion, damage to roads, noise and debris, and safety hazards resulting from trucks and equipment used in the **change** activities. The **change** shall not result in traffic congestion, road safety hazards or other similar problems.
- g.** Whether the **change** activities comply with all applicable federal, state, county and local laws, ordinances, rules, regulations, permits and requirements.

Pfost asked for a motion for approval of the changes in the zoning ordinance amendment language for:

Division 6B – Ottawa Beach Overlay District  
Section 38-6 – Definitions  
Section 38-155 – Zone Districts  
Section 38-506(1) – Home Occupations  
Section 38-601 – General Parking Requirements

and for the new proposed amendment for:

Section 3 a.v. and 3.b.vi – Earth or Grade Change

Kleinjans moved, supported by Ervine, to approve the changes in language for all five existing zoning ordinance amendments, and the new proposed zoning ordinance amendment.

Roll Call Vote:

Kleinjans, aye; Garlinghouse, aye; DeHaan, aye; Ervine, aye; Pfof, aye

Ayes 5, Nays 0. Motion carried.

## **OLD BUSINESS**

None

## **PUBLIC COMMENT**

Chair Pfof opened Public Comment at 11:38 A.M.

Pollock said it was her opinion the Township has a lot of ordinances on the books but they don't always get enforced. For example, there is a house located next to her property that is a fire trap. She asked if it has been inspected.

Chair Pfof closed Public Comment at 11:40 A.M.

## **ANNOUNCEMENTS**

Pfof asked Kleinjans for an update on the Tree Committee language revision.

Kleinjans said the Tree Committee language revision will be available for review at the Planning Commission meeting in September.

The next Planning Commission meeting date is August 12, 2020.

## **ADJOURNMENT**

DeHaan moved, supported by Kleinjans, to adjourn the Special Meeting at 11:42 A.M.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith R. Hemwall  
Recording Secretary  
August 3, 2020

Approved: