

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
December 14, 2009**

PRESENT: Blough, Batchelor, Simmonds, Clements, Sanford
TOWNSHIP PLANNER: Tim Johnson
CITIZENS IN ATTENDANCE: 0

The regular meeting of the Lowell Charter Township Planning Commission was called to order by Chairperson Simmonds at 7:00 pm.

APPROVAL OF MINUTES:

The Minutes of the Regular Meeting of November 9, 2009 were presented for approval. Mr. Sanford moved to approve the Minutes as presented. Seconded by Mr. Blough. All in favor and the Minutes were approved.

APPROVAL OF AGENDA:

There were no changes to the Agenda.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Public comment began at 7:02 pm. No one spoke. Public comment closed at 7:02 pm.

OLD BUSINESS

PROPOSED FENCE ORDINANCE:

A list of issues dated November 9, 2009 prepared by Tim Johnson was reviewed.

As to Item 1, whether the Ordinance should apply to all zoning districts it was agreed that it should. At Mr. Blough's request Tim Johnson will check for any state law regulating fences. Mr. Clements suggested the proposed Ordinance be coordinated with the building code, with respect to such matters as fences required around swimming pools. It was agreed that a permit will not be required in connection with the building of a fence.

As to Item 2, height of fences in front, side and rear yards, in most districts a fence in the required front yard shall be 3 feet tall if solid, 4 feet tall if 40% or more open. In the Ag-1, Ag-2 and R-1 Districts, where the keeping of large animals is allowed, 5 foot fences if 40% or more open will be allowed. A 6 foot 40% or more open fence may be allowed in the required front yard of an Industrial Zone, with barbed wire allowed above the 6 foot height.

In most districts, side and rear fences may be up to 6 feet tall, whether solid or open. In the Commercial and Industrial Zones, side and rear fences may be up to 8 feet tall, with any barb wire being only above the 6 foot height.

Mr. Simmonds asked Tim Johnson to check on fencing requirements by the State for junk yards.

With respect to Item 3, fence setbacks, none is required.

With respect to Item 4, type of fence required, barbed wire shall be allowed in the Ag-1, Ag-2 and R-1 zones where the keeping of large animals is allowed, as well as in Commercial and Industrial zones with the restrictions noted above. Electric fencing shall be allowed in the Ag-1, Ag-2 and R-1 zones where the keeping of large animals is allowed.

With respect to Item 5, fencing materials, the general rule shall be to allow materials which are similar to buildings and other fences in the neighborhood. Razor wire is forbidden in all districts.

With respect to Item 6, corner lot rules, and Item 10, clear vision, language provided by Mr. Sanford and reviewed at the November 9, 2009 meeting was thought to be acceptable.

With respect to Item 7 on the direction a fence is to face, it was agreed that the finished side should face outwards.

With respect to Item 8, fence maintenance, the language provided by Mr. Sanford was acceptable.

With respect to Item 9, measuring height of a fence, it was felt that the supporting post height would not be included in determining the maximum height of a fence.

Finally, as to Item 11, fencing around tennis courts, golf driving ranges and similar structures, it was initially felt that these are backstops rather than fences and would not be covered by the fencing regulations.

Mr. Batchelor asked about existing fences, and it was decided that destruction or replacement of more than 50 percent of an existing fence would require the new fencing to comply with this proposed Ordinance.

It was noted that requirements for screening dumpsters were specifically determined elsewhere, and that this was more a screening requirement than a fencing requirement.

Based on this feedback, Tim Johnson will prepare Draft #1 of a proposed Fencing Ordinance for review and discussion at the next regular meeting of the Lowell Charter Township Planning Commission.

TRANSFER OF DEVELOPMENT RIGHTS IN AG-1 DISTRICT:

Upon review with all members of the Planning Commission present, it was decided such a plan raised too many legal unknowns for the perceived benefits, and so this concept will not be pursued at this time.

Mr. Blough did ask that the Planning Commission address the issue of allowing parcels to be created without road frontage in the Ag-1 zone, relying on easements or shared drives for access, to allow homes to be built on the least productive agricultural soils. Mr. Simmonds agreed this was needed, as

the new Ag-1 Ordinance has now been approved by the Township Board. Tim Johnson will provide a draft Ordinance at the next regular meeting of the Lowell Charter Township Planning Commission.

NEW BUSINESS

PROPOSED ORDINANCE TO RE-ESTABLISH THE PLANNING COMMISSION:

Changes to State law require a new establishment ordinance for the Planning Commission. The Planning Commission members reviewed the proposed Ordinance Draft #1 dated December 14, 2009 and offered the following proposed changes:

1. Clarify Section 102 (B) as to Township Board membership coinciding with the Planning Commission membership when a person serves on both.
2. It was noted that Section 102 (D) concerning important segments of the community, did not specifically include Agricultural.

Mr. Blough asked if the Ordinance would allow staff to take Minutes at a Planning Commission meeting, should such be desired in the future, and was advised that it would.

UPDATE OF PLANNING COMMISSION BY-LAWS:

The associated Draft #1 of the Lowell Charter Township Planning Commission Rules of Procedure requires same typographical corrections and conforming to changes proposed for the Re-Establishment Ordinance. Also, Section 4.11 shall drop the explicit reference to Robert's Rules of Orders.

Tim Johnson will have revised drafts of these two documents at the next regular meeting of the Lowell Charter Township Planning Commission, for review and possible recommendation for approval to the Lowell Charter Township Board.

ELECTION OF OFFICERS:

Nominations were opened for Chairperson, Vice-Chairperson and Secretary of the Lowell Charter Township Planning Commission for calendar year 2010. Mr. Sanford moved to nominate the current officers for re-election, being David Simmonds as Chairperson, Mark Batchelor as Vice-Chairperson, and Tim Clements as Secretary. No other nominations were made. Mr. Sanford moved that nominations be closed. Mr. Blough seconded. All in favor and the nominations were closed.

Mr. Sanford moved to elect the proposed slate of officers for service in 2010. Mr. Blough seconded. All in favor and Mr. Simmonds was elected as Chairperson, Mr. Batchelor as Vice-Chairperson, and Mr. Clements as Secretary of the Lowell Charter Township Planning Commission for 2010.

COMMISSIONER COMMENTS:

It was determined that there would not be a workshop meeting this month.

Mr. Sanford asked about the January 2010 meeting of the Michigan Townships Association, and Mr. Simmonds listed several offered training sessions which might be of interest to members of the Planning Commission. Attending the Thursday sessions will be Mr. Simmonds, Mr. Blough, Mr. Sanford and Mr. Clements. Mr. Batchelor may be available on a stand-by basis if one of those members cannot attend at the last minute.

Mr. Batchelor brought an article from the Grand Rapids Press noting the zoning issues raised in the city of Grand Rapids in connection with the sale of medical marijuana.

Tim Johnson will offer a list next month of possible projects to be addressed by the Planning Commission in 2010.

Mr. Blough asked about responses to notices of required annual reviews as terms of special use permits, and Mr. Simmonds summarized that information.

ADJOURNMENT:

Mr. Batchelor moved to adjourn. Seconded by Mr. Sanford. All in favor and the regular meeting of the Lowell Charter Township Planning Commission was adjourned at 9:45 p.m.

Submitted _____ Secretary
Timothy Clements

Approved _____