

Clearwater Township
Planning Commission
Regular Meeting of August 1, 2016
As approved August 29, 2016

Call to Order, Pledge of Allegiance:

Chair Parzych called the meeting to order at 7:05 p.m., and opened with the Pledge of Allegiance.

Roll Call of Members and Recognition of Visitors:

Commissioners present: Backers (arrived 7:08 p.m.), Eldridge, Fields, Parzych, Von See.

Township officials: Zoning Administrator Molby

Public: Bruce Belanger, Beck Norris, Jessica Tracey, Trudie Sanson

Approval of Agenda:

MOTION by Parzych, second by Von See, to accept the agenda as presented. Motion carried.

Call for Disclosure of Conflicts of Interests:

Chair calls for commissioners to disclose any real or potential conflicts of interests. There were none.

Approval of Minutes:

MOTION by Von See, second by Parzych, to accept the minutes of July 7, 2016, as presented. Motion carried.

Public Comment for Matters Not on the Agenda:

Jessica Tracey owns five acres on Ruttan Road. Zoning Administrator Molby has advised that the property cannot be split. Therefore, she is looking into the process for creating a mother-in-law dwelling on her property. She was advised to confer further with Zoning Administrator Molby regarding the necessary documentation; Molby and Parzych will also review the documentation before presenting it to the planning commission. At the August 29 meeting, the commission will examine the special use permit application for completeness, and set a date for the public hearing.

Bruce Belanger asked whether Backers had received the modified minimum dwelling area decision from the county. He did not yet have that decision. Belanger commented that the county had passed the amendment. Backers and Parzych will follow up to secure copies for this commission. Then this commission can review the rationale presented by the county and consider amending the Clearwater Township Zoning Ordinance.

Comments from Commissioners for Matters Not on the Agenda:

The commissioners unanimously reminded all present to remember to vote the next day.

Public Hearing on proposed new Article XIX Monuments or Memorials:

Chair Parzych explained the process. Commissioner Backers read the language of the proposed Article and definition into the record. The text of the proposed Article and definition is attached to the permanent copy of these minutes, as [Att A].

There were no comments from the public. Chair Parzych closed the public comment portion of the hearing.

Commission deliberations: the commissioners expressed the opinion that they had made this proposed Article as simple and straightforward as they could, and offered no further comment. The following motion was made:

MOTION by Backers, second by Von See, to recommend to the Township Board, adoption of proposed Article XIX Monuments or Memorials, and the definition to be included in Article V Definitions. Motion carried by unanimous roll call vote.

Eldridge – yes;
Parzych – yes,
Von See – yes,
Backers – yes,
Fields – yes.

Ongoing Permanent Business:

There was nothing new to be considered for amending the township master plan. There was nothing further to be considered for amending the township zoning ordinance.

Nothing new at this time.

Old Business:

Nothing new to report on medical marijuana, either in court cases or in the state legislature.

A point brought up at a recent board meeting in another township, dealing with a proposed amendment to its waterfront property setback requirements, is that a landowner has the right to get to the water. Some topography may make it necessary to add a walkway or stairway in order to exercise that right.

Report of Township Representative:

Commissioner and Township Clerk Eldridge – reminded us all to vote in tomorrow’s primary election. A special meeting was held on July 16, to determine which roads will be addressed if the three-year road millage passes, tomorrow. The selected roads, in alphabetical order, are: Baggs, Plum Valley West, Wilhelm, and Zimmerman. The commission took note that we will not see any financial assistance from the state for roads until 2021, so funding repairs at this time is something we have to do for ourselves. At the July 20 regular meeting, it was noted that the sandbar was much quieter this year, with 84 peace officers on duty. The water testing results are not back yet. Considering all that has happened, the township will probably choose to act on a noise and mass gathering ordinance.

Report of ZBA Representative:

Commissioner Fields – reported that the ZBA held its regular quarterly meeting on July 11, 2016. Chair Mike Gaylord and member Pat Hubble were absent; present were Lucy Gerlach, Dave Lawicki, and Tina Fields. Although three members constitute a quorum, the ZBA by-laws state that no business will be carried out without a full board present. Therefore, we convened the meeting, took attendance, determined we could do no business, and adjourned.– although quorum no business – convened, took attendance, determined that we could do no business, and adjourned.

Report of Zoning Administrator:

Zoning Administrator Molby – the written report for July is not ready at this time. We now have the Umlor search warrant in hand and can proceed with the process. The letter is going out tomorrow; we must wait 30 days before writing the citation. The Castle and Rau warrants are also going out. Still trying to contact Silvernail on Crystal Beach Road about the shed that is too close. Another violation has arisen on Hahn Circle. There were three land use permits for the month.

New Business

There was none

Closing Public Comment:

There was none

Adjournment:

MOTION by Backers, second by Von See, to adjourn. Adjournment at 7:43 p.m.

Assignments:

- Fields to forward the recommendation to the township board for its action at its August meeting.
- Fields to forward the proposed Article to the county

Next Meeting: August 29, 2016

Respectfully submitted,



Tina Norris Fields
Secretary

**Article V
DEFINITIONS**

Proposed Addition

MONUMENT OR MEMORIAL - Any structure erected to commemorate a famous or notable person or event; a statue or other structure placed in memory of the dead; a structure, or site that is of historical importance or interest.

**Article XIX
MONUMENTS OR MEMORIALS**

Proposed New Article

To regulate monuments or memorials within the township.

19.01 PURPOSE.

Based on the findings which have been made by the Clearwater Township Board, the purposes of Article XIX are:

- A. To define Monuments or Memorials as permanent fixed structures, unique in structure and purpose (See Article V DEFINITIONS), and
- B. To differentiate these structures from signs, and exempt them from sign restrictions.

19.02. REGULATIONS.

- A. Construction of a Monument or Memorial requires a Special Use Permit. The Special Use Permit application shall be reviewed for compliance with setbacks, size, type and construction.
- B. Each request will be reviewed on an individual basis for compliance with the standards of Article XXIV SPECIAL USE PERMITS.

19.0 3. REMOVAL OF STRUCTURES NOT IN COMPLIANCE.

Any Monument or Memorial structure found to be in violation of any of the above conditions or restrictions, or any special conditions agreed upon prior to construction, must be remedied by the responsible party.

19.04. VIOLATIONS AND PENALTIES.

- A. Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961 (being Sections 600.101-600.9939 of Michigan Compiled Laws), and shall be subject to fines established by the Township Board.
- B. Violations of Article XIX may be reported to the Clearwater Township Supervisor and/or to the Kalkaska County Sheriff's Department and/or Clearwater Township Zoning Administrator.

19.05. ENFORCEMENT OFFICIALS.

The Clearwater Township Supervisor, Clearwater Township Zoning Administrator and police officers of the Kalkaska County Sheriff's Department are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Article to appear in court.

19.06. SEPARATE COURT ACTION.

In addition to enforcing Article XIX through the use of a municipal civil infraction proceeding or a criminal prosecution, the Clearwater Township Supervisor may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Article.

19.07. NON-EXCLUSIVITY.

The regulations in Article XIX shall be in addition to, and not exclusive of, any other local police power ordinance or zoning ordinance or any other state law or regulation,

19.08. Effective Date.

This Article shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.