

Minutes of the regular meeting of the Georgetown Township Planning Commission, held Wednesday, August 17, 2022

Meeting called to order by Chairperson Samy at 7:00 p.m.

Present: Tom Healy, Gary Veldink, Josiah Samy, Jeannine Bolhouse, Kelly Kuiper
Absent: Jessica Ulberg, Michael Moores
Also present: Victor Vuong, Zoning Administrator; Rich Nawrocki, Code Enforcement Officer

#220817-01 – Planning Commission Agenda for August 17, 2022

Moved by Gary Veldink, seconded by Kelly Kuiper, to approve the agenda as submitted.

Yeas: Tom Healy, Gary Veldink, Josiah Samy, Jeannine Bolhouse, Kelly Kuiper

Nays: None

MOTION CARRIED UNANIMOUSLY.

#220817-02 – Minutes of the May 18, 2022 Planning Commission Meeting

Moved by Gary Veldink, seconded by Kelly Kuiper, to approve the minutes as presented.

Yeas: Tom Healy, Gary Veldink, Josiah Samy, Jeannine Bolhouse, Kelly Kuiper

Nays: None

MOTION CARRIED UNANIMOUSLY.

#220817-03 – Initiate Zoning Ordinance Amendments

Chapter 25 Sign Ordinance

The Zoning Administrator presented the [staff report](#) to replace the existing Chapter 25 Sign Ordinance ([current Chapter 25](#), [Chapter 25 proposed draft](#), [full strikethrough version](#)).

Tom Healy said the proposed Sign Ordinance looks good and having court rulings helped him understand the logic of the amendment. One thing that stumped him is that a directional sign is still being defined. You have to read the sign to know it's a directional sign. It also seems the level of scrutiny that commercial language gets is different.

The Zoning Administrator said a directional sign is still defined because they can be regulated to ensure the public health, safety, and welfare.

Kelly Kuiper said it seems some spots in this new ordinance is still content-based. For instance, a billboard.

The Code Enforcement Officer said there are additional court rulings out there that some content-based regulations are allowed and there's been lower courts that have confirmed this. We have met with the Township Attorney several times and she wrote all of this. For directional signs, as it

relates to traffic and pedestrian safety, the courts have ruled it's acceptable. For instance, the Spectrum Health sign, arrows directing traffic would be fine, but a logo would probably still need a variance. We're worried about the size of the sign and where it's at. There are content-based regulations in here and lower courts have said that's okay. We just have to ensure that we treat people fairly and not pick on anyone based on the message.

Tom Healy said Spectrum Health wanted a significantly larger sign and it was tough to get the size reduced.

The Code Enforcement Officer said one that really stands out is the donut shop on Chicago Drive. They have many directional signs, but they're to ensure the safety of vehicle and pedestrian traffic.

Tom Healy said that's good to know in case something comes in front of the Zoning Board of Appeals.

Kelly Kuiper said if the Township Attorney is comfortable with this language, then she doesn't think there's much to add. In the proposed Sec 25.4(10) of temporary signs, it seems like it needs an additional sentence saying which setback takes precedence. The other item she has is regarding lighting because the lights for Licari's sign points at one of the homes. Sec 25.7(3) is very subjective. She's checked out the lights at Licari's after a nearby homeowner complained about them at a meeting and it did appear that one of the lights keeps getting knocked over in a position that is directed at his home.

The Code Enforcement Officer said he's had three cases similar to that. Yes, the light at Licari's gets knocked over by a mower and he has had to reset it in the right spot himself. The ordinance works, property owners have complied when they've been put on notice. The gentleman complaining about Licari's lights hasn't submitted a complaint in about a year. There's been multiple times that he's showed up to work at around 4:30-5:00 am to check out the lights himself. There was also an instance where a property owner used a hooded attachment on a light to contain its illumination. The ordinance works if they keep handling it through the complaint process.

Kelly Kuiper asked if the Planning Commission should consider requiring similar type of hooding for lighting.

The Code Enforcement Officer said he doesn't believe all lights can be made for that. For instance, he doesn't think you can get some type of shielding for Licari's lights and still make it look good. The Township gets such a limited amount of complaints about lighting for this section to change.

Gary Veldink said the proposed ordinance looks good. He mentioned that some municipalities require a lighting plan for development. He said staff has done their due diligence working with the Township Attorney on this. If anything needs to be changed down the line, the Planning Commission can do that.

Josiah Samy said lets go down the line and address the questions posed in the staff report. He asked does everyone agree with the list of prohibited signs in the proposed Sec 25.3?

Tom Healy agreed with the list.

Jeannine Bolhouse agreed with the list.

Josiah Samy agreed with the list.

Kelly Kuiper agreed with the list.

Gary Veldink agreed with the list.

Josiah Samy asked does everyone agree with the proposed Sec 25.4 for temporary signs?

Tom Healy agreed with the proposal. He said for Sec 25.4(10) that Kelly Kuiper pointed out earlier, it's limiting and sets a good minimum.

Jeannine Bolhouse asked would flags that are attached to the home be considered signs?

The Zoning Administrator said yes.

Josiah Samy said he would like to change the proposed Sec 25.4(4) because a home that's being constructed should be allowed to have multiple signs so that the builder and finance agent can place their sign on the lot. He'd like to change this to two signs.

Kelly Kuiper said maybe the real estate agent would want a sign as well. She believes it should be three. Maybe not all of them could be 32 square feet each, but perhaps a total aggregate of 32 square feet.

Jeannine Bolhouse said maybe it should depend on if the property is residential or commercial.

Gary Veldink said sometimes commercial properties combine it all as one sign with the builder, finance agent, or real estate agent all on it.

Kelly Kuiper said this doesn't address how lots look under construction.

Tom Healy said it would concern him that in a development, there might be 24 signs across eight lots.

Josiah Samy said every home won't be started at the same time.

Kelly Kuiper said Sugar Maple Estates by her is a great example. They have multiple homes being constructed and the signs don't bother her as much as lawns not being installed.

The Code Enforcement Officer said we had this conversation with the Township Attorney and the problem we have to remember is that the sign can say whatever it wants. The 32 square feet is mentioned a lot in the proposed ordinance because most politicians running for office have 32 square foot signs stacked in their garage ready to go for the next election. When we talked about this, we wanted to know if there was a way for management to direct us on how they want to enforce it. So this is a matter of how we should be directed to enforce it. If we go with three signs, we can't control what goes on it. Even if we want to promote signs, it can say anything they want.

Kelly Kuiper said we're a complaint driven township for a reason, from a legal perspective, does it concern us being forthright taking an interpretation that is different from what the actual law says? Is someone out there going to say we're purposefully not enforcing laws that we have?

The Code Enforcement Officer said there are books on enforcement and a lot of them say it's better to be reactive and complaint driven. We can also find court rulings that we shouldn't be offensive. Especially the current court that we have, we shouldn't be going around picking on people. The way we are responding is well within the norm of how courts and communities want us to enforce things. He said he can get a statement from the Township Attorney saying that she agrees with this.

Tom Healy said it seems that given the recent court ruling on content, this particular subsection was created with that in consideration. We have not given it an opportunity to engage the public to see if it works or not work. He understands the promotion aspect, but the content limitations that we have now have become a becoming factor and is considered more heavily.

Josiah Samy said he disagrees with that because now you'll have slander on that.

Tom Healy said except for the instance where it becomes truth and it's no longer slander.

Jeannine Bolhouse said it becomes a slippery slope.

Tom Healy said given the fact that the experts drew this conclusion, the Planning Commission should give it the opportunity to work.

Kelly Kuiper said we know that this is a reality in the Township,

Jeannine Bolhouse said the question was the number of signs and size of sign. How about saying all signs on a lot doesn't exceed 32 square feet so you can have multiple small signs?

Kelly Kuiper said the Township Attorney has looked into it so she's comfortable with this proposal beginning its life in the world.

Josiah Samy said he disagrees because of the world he comes from.

The Code Enforcement Officer said we had this discussion. Sec 25.4(4) is dealing with signs on construction sites. Under Sec 25.4(1), you're already allowed a 32 square foot sign. From an appearance or enforcement standpoint, we don't care how it's broken down. This is just what they went with after discussion. It won't be an issue from a zoning or enforcement standpoint what the Planning Commission goes with.

Josiah Samy said he's in favor of the total square footage, but not the number of signs.

Kelly Kuiper said she can make arguments for it either way.

Gary Veldink said he agrees with Josiah Samy. If you allow a maximum of 32 square feet, you can have four 2' x 4' signs.

Tom Healy said if we do that, then we should remove the limit in Sec 25.4(7) and have an aggregate for all signs to be a total square foot limitation.

Kelly Kuiper said so then Sec 25.4(7) can be struck.

Tom Healy asked so then why should we have a limit on height in Sec 25.4(2)?

Jeannine Bolhouse said we also have to consider the size of the lot.

Josiah Samy said they shouldn't limit the size of signs on vacant land that's for sale.

Tom Healy said the point he's trying to make is to let these limitations work instead of dissecting this now. We can dissect the entire ordinance if we wanted to, but the people who put this together will be the ones enforcing it and defending the Township in court.

Josiah Samy said he disagrees. He said let's do it right the first time.

Kelly Kuiper said she reads ordinances all the time and they aren't easy to understand. It's important to have the text accurate because not many people will understand it. The ordinance should state truthfully what we do allow.

Tom Healy said the proposed ordinance does state what we would allow and it protects the aesthetics of the community.

Josiah Samy asked in Sec 25.4(5), should we consider developments with multiple phases by adding "and/or phase" in the text? For instance, a development may pause between phases for a long time.

Kelly Kuiper said she does understand that in mixed-use developments, but we can assume people will think they can do it anyways.

Tom Healy suggested it was time to make a motion.

Josiah Samy agreed and asked if anyone had a motion.

Moved by Tom Healy, seconded by Jeannine Bolhouse, to initiate a Zoning Ordinance amendment to replace the existing Chapter 25 Sign Ordinance as presented for the public notices and public hearing to be held simultaneously with another application.

Yeas: Tom Healy, Jeannine Bolhouse, Kelly Kuiper

Nays: Josiah Samy, Gary Veldink

MOTION CARRIED.

Sec 3.4 Accessory Building and Uses

The Zoning Administrator presented the [staff report](#) to replace the existing Sec. 3.4 Accessory Building and Uses ([current Sec 3.4](#), [proposed version 1](#), [version 1 no markups](#), [proposed version 2](#), [version 2 no markups](#)).

Josiah Samy began by addressing the questions in the staff report and asked does the Planning Commission want to keep the door opening height the same?

Kelly Kuiper said the door opening height should be adjusted as the building size increases.

Jeannine Bolhouse asked is the door opening height regulated because we don't want large items to be placed into accessory buildings?

Kelly Kuiper said it is ugly. Her neighbor has a big garage door for an RV. But accessory buildings are required to be in the rear yard so who's staring at the garage door? When you have a larger building, it's important to have a larger door. She said the new revision is not as clear. She suggested eliminating a lot of text and make a table instead. Just like signs, accessory buildings can get confusing. Perhaps make a table based on zoning districts. There's a lot of information scattered throughout.

Gary Veldink said this is pretty common though. He reads accessory building ordinances everywhere.

Tom Healy said to the Zoning Administrator's question in the staff report, is there a logical reason to regulate door opening height?

Kelly Kuiper said she doesn't think so.

Gary Veldink said limiting door opening height might not allow folks to store a motorhome.

Jeannine Bolhouse said she doesn't have a strong feeling about door opening height. She thinks it's unnecessary.

Josiah Samy said he agrees. Remove door opening height across the board.

The Zoning Administrator asked Kelly Kuiper does she want a table just for category C or for the entire section.

Kelly Kuiper said the entire section.

Tom Healy said then what happens, if for instance, a homeowner asks about having a gazebo.

Kelly Kuiper said she thinks of the District Regulations chapter with footnotes, something similar to that. She doesn't believe it would be too cumbersome to make it into a table. She asked should chicken coups be included?

Tom Healy said a chicken coup is listed as a miscellaneous accessory building. He suggested maybe this item should be tabled and have the Zoning Administrator come up with a table.

Kelly Kuiper talked about the breakdown of sizes relating to the size of the lot. She doesn't think it matters what zoning district you're in.

Josiah Samy asked Kelly Kuiper so she's saying it should just be based on lot size regardless of zoning?

Kelly Kuiper said yes.

Jeannine Bolhouse asked what about where it mentions non-residential?

Kelly Kuiper asked do we even have instances where there is non-residential MDR?

The Zoning Administrator said he has never had to review a request for an accessory building for a non-residential MDR property.

Josiah Samy said it would simplify it for the ordinary person to know what they can do.

Kelly Kuiper said she knows from experience and from talking to zoning staff that people want larger accessory buildings, but they don't apply for a variance because they know they won't meet the seven standards. This ordinance amendment would take care of it.

Josiah Samy said he agrees and suggested to get rid of the subsection about non-residential properties. He provided a recap and said so we are removing door opening height, removing the subsection about non-residential properties, removing distinctions between zoning districts and only use the lot size. He asked the Planning Commission to discuss version 1 and 2, whether the additional accessory buildings should be kept separate or combined.

Kelly Kuiper said she likes version 2 and wants to incorporate it into the table. It's better for the community and lets residents use buildings the way that suits their lives.

Tom Healy asked doesn't this essentially allow a storage building, pool building, greenhouse, chicken coup that are all 200 square feet?

Kelly Kuiper said let's say you live in an LDR area and someone has a 600 square foot building, it could technically be a greenhouse. The minimum lot size for an LDR property is 11,475 square feet. When you consider setbacks and the home, you may have a backyard full of accessory buildings.

Tom Healy said we should try to avoid that.

Jeannine Bolhouse said you would need a pool to have a pool accessory building. To Tom Healy's point, how many buildings can you actually build? Is that an actual issue?

Tom Healy said in the scenario of version 2 and allowing square footage based on lot size, that's a lot of buildings.

Kelly Kuiper said she's now leaning towards version 1.

Josiah Samy asked is the hang-up that if you have a pool you have less square footage?

Kelly Kuiper said instead of having a 600 square foot accessory building and a 200 square foot pool building, they can divvy it up how they want. You don't want two large accessory buildings in backyards and people may end up turning them into ADU's.

Jeannine Bolhouse said she agrees there's too much wiggle room in version 2. There could be something they didn't think of and won't be able to regulate it.

Josiah Samy said it sounds like everyone is leaning towards version 1. He's good with allowing an additional greenhouse.

The Zoning Administrator asked how much square footage for the greenhouse?

Kelly Kuiper said 100 square feet is good for now. It's a good start.

The Zoning Administrator asked what about the structures that are less than 5 feet in height and playground equipment? He said zoning staff has been following an SOP dated June 17, 2014 that says we don't regulate them. Should some language be added to the ordinance so that it's available to the public?

Kelly Kuiper said she doesn't think it should be added because someone is going to try to build a small structure.

Josiah Samy asked what about playground equipment?

The Planning Commission all agreed to not add any language and to have zoning staff keep using the SOP.

Tom Healy said he highlighted Section 3.12(I) in the Zeeland Township Zoning Ordinance regarding manufactured homes, semi-trailers or other vehicles not being used as accessory buildings. He suggested that should be added to Georgetown Township's Zoning Ordinance.

Kelly Kuiper said she agrees that should be added.

Moved by Kelly Kuiper, seconded by Gary Veldink, to table the request to have the Zoning Administrator provide a revised version with the suggested changes in table format and to add language like Section 3.12(I) from Zeeland Township's Zoning Ordinance.

Yeas: Tom Healy, Gary Veldink, Josiah Samy, Jeannine Bolhouse, Kelly Kuiper

Nays: None

MOTION CARRIED UNANIMOUSLY.

Sec 2.25 Family Day Care Home and Sec 2.26 Group Day Care Home

The Zoning Administrator presented the [staff report](#) for the following ordinance amendments to the definition of Family Day Care Home and Group Day Care Home:

Sec 2.25 DAY CARE HOME, FAMILY

A single family residence, occupied as such, in which care is provided for ~~more than~~ **at least** one (1) but less than **seven** (7) minor children or adults for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage or adoption to a member of the family occupying the dwelling is excluded from this definition. **The capacity may be increased by one (1) in compliance with State licensing requirements.**

Sec 2.26 DAY CARE HOME, GROUP

A single family residence, occupied as such, in which care is provided for at least seven (7) but not more than twelve (12) minor children or adults for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage, or adoption to a member of the family occupying the dwelling is excluded from this definition. **The capacity may be increased by two (2) in compliance with State licensing requirements.**

Jeannine Bolhouse asked can the ordinance be left as is or are we required to update it?

The Zoning Administrator said we are required to update it because state law has changed.

Moved by Gary Veldink, seconded by Kelly Kuiper, to initiate a Zoning Ordinance amendment as presented for the public notices and public hearing to be held simultaneously with another application.

Yeas: Tom Healy, Gary Veldink, Josiah Samy, Jeannine Bolhouse, Kelly Kuiper

Nays: None

MOTION CARRIED UNANIMOUSLY.

#220817-04 – Communications, Letters and Reports

The [Allendale Township Master Plan notification](#) was presented for review.

The Planning Commission discussed the notification and decided to take no action at this time.

#220817-05 – Public Comments

No one from the public was present to make public comments at this time.

#220817-06 – Other Business

The Planning Commission had discussion on how wind energy systems should be regulated. The Zoning Administrator was directed to research how other communities regulate them and come back with ideas.

#220817-07 – Adjournment – The meeting was adjourned at 9:23 p.m.

MOTION CARRIED UNANIMOUSLY.