

**TALLMADGE CHARTER TOWNSHIP
PLANNING COMMISSION MEETING
OF MARCH 9, 2009**

Chairman Marvin Bennink called the meeting to order at 7:00 p.m.

Members present: Dewey Bultsma, Matthew Fenske, Dick Temple, Marvin Bennink and Jim Szejda

Member absent: Donald Smith

Also present was Greg Ransford, Township Planner

The minutes of the January 12, 2009 meeting were approved as presented.

1. Discussion Item – Proposed Nuisance Ordinance.

The current Nuisance Ordinance is approximately 30 years old, and in part has been found too subjective by the courts, and therefore unenforceable. Mr. Ransford submitted a proposed amended version prohibiting disorderly conduct and regulating outdoor wood boilers. Portions of the proposed ordinance repeat many State laws, because on occasion it is easier and faster to pursue penalty for violation of these regulations through the local Ordinance rather than State enforcement. The township is supportive of outdoor wood boilers with certain guidelines. A draft has been proposed that includes stack height and other regulations. Existing stacks would not have to meet the proposed Zoning Ordinance requirements unless a complaint is filed. Installation of an outdoor wood boiler requires a zoning permit and a mechanical permit.

Jim Szejda and Dick Temple were concerned about subjective language in the proposed ordinance. Dick Temple would also like to make sure the proposed language is typical for townships in Michigan, and suggested researching this through sources such as MTA. Marvin Bennink agreed that it should be compared to other township ordinances and also wants Mr. Ransford have the proposed Nuisance Ordinance reviewed by the township attorney. Jim Szejda would like a Civil Infraction Ordinance in place, otherwise it is more costly to enforce.

Greg Ransford noted that the proposal he submitted requires a minimum stack height of at least two feet above the highest intake of any dwelling that is located within 150 feet of a property line abutting the parcel of property on which the outdoor wood boiler is located. He feels it makes more sense for the stack height requirement to be contingent on any dwelling located within 150 feet of the wood boiler structure rather than the property line. Dewey Bultsma is concerned about new houses built next to existing wood boilers. Dick Temple feels there should be a minimum stack height on all newly installed wood boilers.

The Planning Commission agreed that a distance from the wood boiler structure rather than a property line would make more sense for the stack height requirement. The majority also agreed that the stack height would need to be raised if a neighbor builds next to an existing wood boiler and then files a complainant. The Planning Commission would prefer that a Civil Infraction Ordinance is in place first.

Jim Szejda would like definitions for acts prohibited. Greg Ransford will ask the township attorney if the proposed language is subjective on purpose in order to give a judge discretion. It was the Planning Commission consensus to have Greg Ransford make sure the proposed ordinance contains typical language and get the township attorney's approval.

2. Discussion Item – Setbacks.

Greg Ransford provided some information on neighboring townships setback requirements. He said the average front yard setback in neighboring townships is 50 feet. No other township has a 100 foot rear yard setback, as Tallmadge does in Rural Preserve.

Dewey Bultsma wants a scaled drawing of a 2500 square foot house on a one acre parcel. The Planning Commission likes the 75 foot front yard setback in Agricultural and Rural Preserve. They agree that a 100 foot rear yard setback is excessive. Dick Temple feels Agricultural and Rural Preserve should have the same rear yard setback requirements. The Planning Commission preferred a 50 foot rear yard setback for Agricultural and Rural Preserve. They also liked the proposed front yard setback of 50 feet in R1 & R2 and the proposed side yard setbacks in Agricultural and Rural Preserve of 20 feet per side.

3. Discussion Item – Proposed Peddler Licensing and Control Ordinance.

Mr. Ransford submitted a proposed draft from Scholten & Fant regulating door-to-door sales in the township. He noted that the township office feels violation of this proposed ordinance should be a misdemeanor rather than a civil infraction.

Dick Temple moved, Dewey Bultsma supported, motion CARRIED to recommend APPROVAL of the adoption of the proposed Peddler Licensing and Control Ordinance. Ayes: Dewey Bultsma, Matthew Fenske, Dick Temple, Marvin Bennink and Jim Szejda. Nays: none.

Meeting adjourned at 8:25 p.m.

Respectfully submitted,

Denise Somers, Administrative Assistant

