

# LAKE TOWNSHIP PLANNING COMMISSION

## Unapproved Minutes

Wednesday, November 19, 2008

The meeting of the Lake Township Planning Commission was called to order at 7:15 PM by Chairman Colletta. Geppert, Ehrlich, Lalley and McCallum present along with 19 guests.

Motion by Geppert to approve the minutes of October 22, 2008, seconded by Ehrlich. Motion carried.

Agenda: Lalley requested to add comment under New Business from November 5<sup>th</sup> ZBA hearing and McCallum requested to add attorney referral on wind ordinance under Old Business.

No site plans to review.

Correspondence. Deb McBride read a letter from Resident Syrie Hirth.

**New Business:**

Lalley commented on the November 5<sup>th</sup> ZBA hearing. The property owner had begun work without a permit and a stop work order had been posted on the building but the property owner did not know of the violation for some time after since he is not a full-time resident of the Township. Lalley stated that when a stop work order is posted, the property owner should also be sent notice by certified mail and he would recommend the Township Board establish a policy in this regard. Motion by McCallum to make a recommendation to the Township Board to establish such a policy, seconded by Colletta. Motion carried.

**Old Business:**

**Accessory Structures in Rural-Residential District:** Discussion on revisions to Section 605.4 of the Zoning Ordinance. The following amendments are proposed:

**Accessory structures are permitted in the R-R district subject to the following regulations:**

**A. Height and Size Limitations:**

Lot Size/Acres	Accessory Structure No. 1			Accessory Structure No. 2			Accessory Structure No. 3		
	Square Feet	Wall Height	Ridge Height	Square Feet	Wall Height	Ridge Height	Square Feet	Wall Height	Ridge Height
<b>1 - &lt;5</b>	1,200	12'	22'	576	10'	22'	Not	Allowed	
<b>5 - &lt;7.5</b>	1,800	12'	22'	1,200	12'	22'	576	10'	22'
<b>7.5 - 10</b>	2,400	14'	24'	1,800	12'	22'	1,200	12'	22'

- B. The architectural character of all such buildings (excluding buildings accessory to agricultural operations in the AG District) shall be similar to the principal building with respect to design and aesthetic quality so as to keep the surrounding theme to residential design. Any accessory structure will have a minimum one foot overhang and a minimum 6/12 roof pitch.**
- C. When a garage is structurally attached to a main building, it shall be subject to and must conform to all regulations applicable to the main or principal building. *(Formerly subparagraph B)***
- D. No garage, accessory building or portion thereof shall be erected or extended into the required front yard setback areas. An attached garage building of fireproof construction may be erected to extend beyond the front line of the house except that such garage shall not encroach upon the minimum front yard setback areas as required by this ordinance. No garage or accessory building shall be permitted in the front yard. *(Formerly subparagraph E)***
- E. No garage, utility or accessory building shall be constructed or moved to any parcel of property until the principal building is at least two-thirds (2/3) completed except that construction of an attached garage may proceed with the construction of the dwelling, unless otherwise provided herein. *(Formerly subparagraph F)***

**Exterior Lighting:** Colletta explained the reason for an exterior lighting ordinance is in order for the Township to have a method of addressing complaints that may arise. At the previous meeting a copy of an ordinance from Taos, NM was provided to members for review. Colletta suggested that portions of that ordinance could be used along with the diagrams which provide good visual graphics of lights and shading requirements to prevent glare from impacting neighbors.

Lalley emphasized the need for such an ordinance in order to allow the Township to address complaints inasmuch as often times neighbors cannot resolve problems on their own, but it is not the intent of such an ordinance for the Township to patrol the community and tell people to change their lights.

Colletta read through portions of the ordinance and asked the planning commission members to review it and come back in January with the portions they would like to see included in a proposed ordinance.

**Mining and Mineral Extraction:** Colletta spoke with the MTA attorney. According to the attorney, there is a difference between mining in the agricultural district when it is a farmer who wants to extract sand, loam, or top soil for his own use, which the Township cannot regulate, but as soon as it is trucked off the property, it becomes a commercial use and the Township has a right to form an ordinance that designates requirements such as appropriate times, roads, fencing, restoration, et cetera for such uses under a special use category and to also require the posting of a bond. The attorney was going to send copies of ordinances from other communities. Colletta will follow up tomorrow and provide copies to members when they come in. Also, the attorney emphasized the need for a definition for “mining” and for “extraction”.

**Wind Ordinance:** McCallum contacted Glenn Stoddard, an attorney in Wisconsin who has worked with several Wisconsin communities on a wind ordinance. Inasmuch as wind energy is relatively new in Michigan, McCallum recommended sending what we have developed to date, including the noise regulations proposed by Richard James, to Stoddard for review. He charges a \$200.00 per hour with a \$500.00 retainer fee upfront. Motion by Lalley to send a preliminary draft to Glenn Stoddard, seconded by Colletta. Motion carried.

Bob Smith asked what the planning commission had in their budget for legal services. McCallum verified there was \$2,000.00 in the budget.

Kim Depner asked about their special use request. McCallum responded that the planning commission would like to look at ordinances from other communities and consider possibly amending the Township’s ordinance for agricultural uses so as not to require a special use permit for the type of use they are requesting which is a similar use seen in other communities.

Motion by Geppert to adjourn, seconded by Ehrlich. Motion carried. Meeting adjourned at 8:15 P.M.

Valerie McCallum, Secretary