

**Lake Township Planning Commission  
Regular Meeting  
September 26, 2018**

**Approved Minutes**

The meeting was called to order at 7:02 by Pobanz. The Pledge of Allegiance was recited.

**Roll call.** Jerry Pobanz, Nicole Collins, Randy Armstead and Mark Eidelson of LandPlan all present.

**Approval of September 12, 2018 Minutes:** Motion made by Collins to accept the September 12, 2018 minutes, seconded by Pobanz. All ayes – passed.

**Approval of Agenda:** Motion made by Pobanz to accept the agenda, seconded by Collins. All ayes – passed.

Bob Siver arrived at 7:06

**Public Comments:** None

**Correspondence:** None

**New Business:** None

**Old Business:**

**Review Zoning Ordinance with Mark Eidelson:**

Eidelson stated he reviewed all the Minutes as of January 2018 relative to the new Zoning Ordinance. He stated he has a number of questions and concerns to share but he will do whatever the PC directs him to do.

*Trustee Clay Kelterborn arrived at 7:08. Pobanz advised that Kelterborn, as past PC representative, was invited to the meeting because he has so much time in on it. Eidelson advised that while he has no issue with Kelterborn in attendance, he is unable to vote on issues. The PC agreed.*

September 12, 2018 Minutes:

Number system – the PC members suggested to change the numbering system in the ZO; PC wants a more friendly numbering system. After discussion and clarification of the numbering system, the PC agreed to have the word “Page” placed in the footer and for LandPlan to create a brief user guide for the user on how to navigate the ZO.

Section 20.13 on page 20-10. Eidelson stated the Minutes state that the PC wants to add under Subsection A in the Definitions, #7 Keeping of Chickens. Eidelson advised that Subsection A deals with definitions, not regulations; the reference to chickens is already in the definitions under Subsection A.4. Small livestock. Eidelson states he believes the PC wants to add to Subsection D, Keeping of Livestock, Subsection 1, Small Livestock, and add more specific language to the keeping of chickens. Eidelson suggested adding to Subsection D.1.e. everything dealing with the keeping of chickens. Further discussion ensued and the PC agreed to add under Subsection D.1.e that there is no minimum lot size for the keeping of chickens, however, chickens must be caged if the same requirements for building setback in the R1 and R2 districts are not met or the lot is under 10,000 feet.

Eidelson referred to the suggestion to change language in Article 21.1 “Construction of Language” to “Explanation of Terms” and it was agreed upon.

Eidelson referred to the language confusion on page 21-6 of the **Lot, Lakefront** definition and the PC confirmed it agreed to change it to “A lot adjacent to Lake Huron or “where the lake is in excess of thirty acres in area.”

PC’s suggestion to redefine “parcel” on page 21-7. Eidelson explained that in the ZO, there is no differentiation between parcel and lot and all references are to lots. The definition of a lot includes subdivisions as well as metes and bounds and the definition for parcel refers the reader to the definition of a lot which states for the purpose of this ZO, a lot shall be construed to be the same as a parcel unless specified otherwise. Kelterborn points out that the township’s land division ordinance references certain requirements into the ZO. Kelterborn stated he wouldn’t want someone to misconstrue the zoning requirements as they apply to the land division act and get caught up in the ambiguity of parcel versus a lot. After discussion, the PC agreed to leave the language as is; it is explained in Section 21.1.D.

Page 3-10, Site Development Requirements under **Maximum Building Coverage (BC)** and **Maximum Lot Coverage (LC)** requirements. Eidelson stated that there is a concern in the lot coverage requirement, which in summary is essentially everything impervious, by the Zoning Administrator. Eidelson advised that the lot coverage percentages are within the bell curve of those communities that regulate lot coverage. Eidelson stated he conducted a five minute search on the internet using key search words and being specific to Michigan just to verify that the percentages in the ZO are not unrealistic. Eidelson states examples including: Traverse City has a maximum impervious coverage of 30% on a 9,000 square foot lot; on a 5,000 square foot lot, a maximum of 45%. Waterford Township has an across the board 30% impervious lot coverage irrespective of the residential district. Wisconsin has a 15% maximum impervious surface coverage for

those areas within 300 feet of lake or stream; it's all relevant on how close you are to a stream or lake. Eidelson stated that if the PC is concerned about the smaller lots, there are a couple options: 1) Increase the permitted impervious surface in certain situations where the lot is less than X square feet, the impervious surface can be increased to Y; 2) include a provision to replace any impervious surface with a new impervious surface in the same location assuming it does not exceed the existing boundary; or 3) don't change the draft at all.

After discussion, the PC agreed to an exception for smaller lots to allow for a driveway no more than 10 feet in width. The PC also agreed to allow an additional 5% impervious surface if documentation demonstrating that adequate measures will be being taken to avoid erosion or flooding.

Eidelson referred to the issue of Whippoorwill Haven with homes on the south side of M-25 that have lakeside lots. Kelterborn advised that the lakeside lots were not to be built on; the intent of the lakeside lots was for sunbathing. Eidelson advised that an overlay district can be written for that specific area but he in no way feels confident that if legally challenged, the township would win. After lengthy discussion, the PC asked that a separate overlay district be created for Whippoorwill Haven to restrict any development. Eidelson advised that he would not make it an overlay district; it has nothing to do with the R-1 district or any residential district; the PC wants this area as open space preservation with no dwellings. Eidelson suggested creating a separate open space preservation district or shoreline preservation district; state the purpose with allowable uses, which is essentially wildlife management, conservation areas, with no structures other than decks. The PC agreed to allow Eidelson draft the language for a separate preservation district that will be submitted to the township's attorney for review.

#### August 22, 2018 Minutes:

Eidelson referred the PC to the three (3) bullets on the first page of the Minutes and advised he is uncertain what needs to be done with regard to fences. After discussion the PC agreed with the prohibition of 6 foot fences in the front yard with the front yard extending from the road to the house. The PC also agreed to add the 30 degree rule back in and include anything more than 4 feet. Eidelson then referred the PC to page 3-13 #7.A. and after discussion, the PC agreed to add the 30% rule to Footnote 7.A. of Table 3-4, with the exception that the 30% rule does not apply in the R-1 District if the existing house is set back 100 feet or more.

Eidelson referred to the PC's issue on removing the language on page 20-6, Section 20.9.C.1. regarding temporary fences extending closer than 35 feet of the high water mark. It was agreed to remove that language.

Section 20.11 B. Standards #2. Eidelson confirmed with the PC that it wants to change the eighteen inch requirement for walking surface to six inches only for the R1 District on the lake front side. It was further agreed by the PC that a diagram is not necessary.

July 25, 2018 Minutes:

After a discussion regarding the diagram in Section 20.6 Single Family Dwelling Standards, the PC agreed to leave the diagram in the ordinance.

Section 20.8 Accessory Buildings and Structures, Subsection B, the PC agreed to change the language to read “a building permit may be necessary for all accessory structures irrespective of size” thereby putting the applicant on notice that a building may be required.

Section 20.8 Subsection C 1.a. and 2.a. Eidelson explained that 1.a. pertains to lots adjacent to the lake while 1.b. pertains to lots not adjacent to the lake. Subsection C, 2.a. pertains to lots adjacent to the lake and 2.b. is intended to address through lots.

Eidelson referred to the issue on the 30 degree rule in the Minutes and the PC agreed that this is no longer an issue as it was addressed earlier.

Section 21.1 Construction of Language, the definition of lot coverage; it was agreed to break up the definition into two sentences.

Eidelson advised he had no further issues with the July 25, 2018 Minutes.

June 27, 2018 Minutes: Eidelson advised he has no questions or concerns with those Minutes. He advised that he will send an updated site plan list that will address items 1, 2 and 3 of the Minutes.

May 23, 2018 Minutes:

Article 7, Section 7.26, D Medium Solar Energy Systems, the PC wants to change the minimum setback from 50 feet to 150 feet for a medium solar energy system. Eidelson advised that large solar energy systems has the 150 setback feet requirement and to apply the same requirement to a small system will require the PC to be prepared to answer why the same setbacks. The PC agreed it will be prepared to defend its position on the setback requirement.

April 25, 2018 Minutes:

The PC wants to add another number to Section E. Additional Standards and Requirements Applicable to Campgrounds that no storage of recreational vehicles or permanent fixtures be allowed. Eidelson explained a situation may arise with a campground that it may make sense to store RV's in areas where appropriately located. Eidelson suggested stating, *prohibiting storage unless expressly approved and delineated on a site plan*. The PC agreed.

Eidelson referred to the remaining items on page 2. Eidelson explained his only concern is with the PC's suggestion to add "and/or Township" to Section 7.25 Extraction Operations, Section C.5. After discussion, the PC agreed to leave the language as is.

Section 7.3 Cemeteries, B.2. Change the standard for a burial plat from twenty (20) feet from all lot lines to fifty (50) feet from any lot lines and to add *from any natural water feature*. The PC agreed to change it to fifty (50) across the board.

Section 7.5 Hospital, B.1. the PC agreed to remove the reference to M-25.

#### April 11, 2018 Minutes:

Eidelson asked the PC what it wants to do with regard to agritourism, e.g. corn mazes, pumpkin patches. The PC advised it doesn't want to discourage agritourism; Eidelson suggested drafting soft language to address the issues with it; e.g. limiting the number of people during specific times.

Eidelson referred to the following concerns:

1. Extraction operation – why is it allowed in residential? Eidelson advised the law reads that you cannot prohibit an extraction operation in any district unless you can show that the proposed operation will result in very serious consequences.
2. Assisted living facilities, nursing home and convalescent homes – why they are allowed in R-2 but not R-1? Eidelson advised they can be allowed in any district. The PC agreed to allow in R-1.
3. Bed and Breakfast/tourist home – why are they not allowed in AG? Eidelson advised it was an oversight; they should be allowed in AG.
4. Equestrian center – Why this would be allowed in RR? Eidelson advised that a lot of communities allow such things as kennels and horse related activities in both districts. The Township has similarities between the two districts so Eidelson included in both. The PC agreed.
5. Resorts and conference centers – Wouldn't this be a commercial use and if so why RR? Eidelson explained that if a parcel is re-zoned commercial, which could potentially be 10 to 20 acres, once it's approved commercial, it is wide open to do with whatever the resort/conference center wants to do. He further explained that a lot of resorts and conference centers want a rural setting as opposed to in the middle of a commercial district. The PC agreed.
6. Retail and wholesale sales of trees, shrubs, flowers and other plant material – Why this would be in RR? Eidelson advised that it's allowed in the RR district just as it is allowed in the AG district. After discussion, the PC decided to remove from the RR district.
7. Wireless communication facilities – Why this would be in RR? Eidelson advised that most communities don't want these facilities in their densely populated single family districts. Many rural communities that allow in the AG district cover the majority of the township. Eidelson advised that he included in the RR district because the RR district is closer to M-25 and priority is frequently given to

- travelers along state highways to be able to have internet access. The townships RR district is a rural based district. The PC agreed.
8. Clubs – First question what is a club? Why would it be allowed in RR? Eidelson advised that a club is defined in the ZO. After further discussion, the PC agreed to allow in the RR and add to the AG district.
  9. Private cemeteries – Why would they be allowed in R1 & R2? Eidelson advised that cemeteries are common in residential districts and that's why it was included as a special use. The PC agreed to leave as is.
  10. Public facilities owned by other than Lake Township – Why this would be allowed in RR and R-1? Eidelson explained that the township allows public facilities that are owned by the township in any district. Eidelson asked, if the county, for example, came and stated they want to put a library on a specific property, would the Township want the county to have that opportunity to make that proposal? The PC agreed to leave as is.

Eidelson referred to the issue on Solar Energy Systems and whether the 10,000 square feet in size seemed large for the districts and whether to revisit this issue at a later date. After discussion, the PC agreed to leave as is.

January 24, 2018 Minutes:

Eidelson referred to the issue on a rear yard setback in the R1 district, especially on Casai Drive. Eidelson advised he is familiar with the drive but is not sure what is being asked. After discussion of setbacks of multiple buildings on a single parcel, Eidelson advised he will look into the issue.

Eidelson advised he will put a new draft together that will be sent to the township in PDF format sometime in late November.

Kelterborn asked about zoning maps. Eidelson advised that the zoning map issue must be finalized because it is part of the book; the township cannot go to a public hearing until it is finalized. Pobanz advised to put the map issue on the next agenda.

Motion to adjourn made by Armstead, seconded by Siver. All ayes – passed.

Meeting adjourned at 10:06 p.m.

Next meeting October 24, 2018 @ 7:00 p.m.

Submitted by Lisa Clinton