

**Village of Lexington
Planning Commission Regular Meeting
Village Hall, 7227 Huron Ave., Lexington, MI 48450
November 1, 2021
7 PM**

CALL TO ORDER REGULAR MEETING: Mike Ziegler

ROLL CALL: Vicki Scott

Members: Ziegler Stencil McCombs Fulton Kaatz
Picot Macksey Morris Huepenbecker

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: Minutes of Regular Meeting October 4, 2021 Pages 1-3

PUBLIC COMMENT: (3-minute limit)

ZONING ADMINISTRATOR'S REPORT Page 4

OLD BUSINESS

1. **UPDATE ON MASTER PLAN IMPLEMENTATION** Motion to approve report of the Implementation Steering Committee

Written report will be available at the meeting (The Collaborative meeting is scheduled for October 28.)

2. **Design Review for Cottage Lot on 5472 Washington** Motion to approve design for residence on cottage lot.

Checklist for Review of Cottage Lots (per Section 3.4.1.4 of the zoning ordinance) and information provided by owner

Pages 5 -13

3. Discussion of changeable electronic signs in the CBD

Page 14

Suggestion by Dave Picot

NEW BUSINESS

1. **Discussion of Zoning Board of Appeals**

Pages 15-33

2. **Report of Training Officer**

Pages 34-36

Member Orientation and RRC Draft attached

3. **Discussion of possible amendments to Zoning Ordinance**

Page 37-38

PUBLIC COMMENT: (3-minute limit)

ADJOURNMENT

VILLAGE OF LEXINGTON
Planning Commission Regular Meeting
Village Hall
7227 Huron Avenue, Lexington, Michigan
October 4, 2021
7 p.m.

Regular Meeting called to order at 7:00 p.m. by Chairperson Mike Ziegler

Roll Call by Vicki Scott, Clerk

Present- Picot, Stencel, McCombs, Morris, Fulton, Huepenbecker, Ziegler

Absent – Macksey, Kaatz

Others Present –Amos Williams, Jim Pierce, Peter Muoio, David & Susan Diener, and 1 resident.

Approval of Agenda –

Motion by Fulton, seconded by Stencel, to approve the agenda as presented.

All ayes

Motion carried

Approval of Minutes –

Motion by Huepenbecker, seconded by McCombs, to approve the minutes of September 13, 2021, as presented.

All ayes

Motion carried

Motion by Picot, seconded by Huepenbecker, to approve the minutes of September 20, 2021, as presented.

All ayes

Motion carried

Public Comment – None

Zoning Administrator Report – Pierce reported Woodpecker Industries moved to a larger facility in Croswell.

Huepenbecker asked to clarify the report by adding that only four commissioners went on the site visit to the Frasier property.

He reported that Huepenbecker will work with him on tracking projects to make his zoning reports easier. The ZBA training she set up should be helpful going forward.

Stencel asked about the water storm drain issue behind Jeff's Market. Pierce said he is working with Kevin Martin on this. Discussion follows. Picot asked about the ownership of the alley by Jeff's Market. Pierce explained it is not clear who owns it.

Picot asked if a sign permit has been submitted for Jeff's Market. Williams said he asked Jeff to go through the proper process and start from the beginning and believes Jeff may ask for a variance or to be rezoned. Discussion follows. Picot would like this issue addressed next month. Ziegler suggested putting this on the next agenda.

Motion by Morris, seconded by Stencel, to accept the Zoning Administrator's report with the correction of four Planning Commissioners.

All ayes

Motion carried

Old Business:

1. Update on Master Plan Implementation –

Motion by Fulton, seconded by McCombs to approve the report of the Implementation Steering Committee.

Discussion – Fulton thanked Morris, Picot, and Huepenbecker for meeting with the staff of Clear Ideas.

All ayes

Motion carried

New Business:

1. Design Review for Cottage Lot on 5472 Washington – Huepenbecker commented that the materials for the design review for the cottage lot are incomplete and would like a completed copy resubmitted. Pierce explained David and Susan Diener are looking for guidance from the Planning Commission on what would be permitted. This may need to go to the ZBA for a variance request. A cottage lot review would still be required.

Susan Diener explained they would like to make their cottage into a full-time home by rebuilding. To be compliant they could keep the same footprint which is 30' wide, they could add on the back by narrowing it down to 25' wide. However, that would not allow them to have a driveway. We do not have a final site plan yet because our architect needs to know how to proceed.

Discussion took place on ownership of the alley behind Jeff's Market. Picot spoke to the register of deeds regarding this issue.

Picot explained the accessory structure only needs a 5 foot set back on the back and either side, not 20 ft. The width of the garage conflicts with the ordinance because it must be no more than fifty percent of the front façade of the home.

Susan Diener asked what she needed from the Planning Commission before asking the ZBA for a variance should they go in that direction. Picot explained they would need a "no" from the Planning Commission.

Discussion follows about the cottage lot design review. Susan Diener said the architect cannot finalize the plan until we find out how wide we can make the house, and they hope to start the project in Fall 2022. Susan Diener asks if they can build on the existing repaired foundation with the same footprint. Picot will look into this and get back to them with an answer.

Motion by Picot, seconded by Morris to deny the request for design review approval based on the plan to build in the side setback and the garage is wider than the ordinance will allow.

Roll call:

Ayes: Picot, Morris, Fulton, McCombs, Stencel, Huepenbecker, Ziegler

Nays: None

Motion carried

2. Appointment of a Training Officer for the Planning Commission – Ziegler appointed Dave Picot as the training officer from now through December 2021.

Public Comment

- Peter Muoio – Thanked Jim Pierce for his prompt follow-up on the blight issue and the Dieners for investing in the community.

Adjournment - Motion by Fulton, seconded by Picot, to adjourn at 8:25 p.m.

All Ayes

Motion carried

Vicki Scott

Village Clerk

Zoning Administrator Report

October 2021

Please find outlined below the activities of the Zoning Office through the month of October for the Village of Lexington:

A) Permits (issued or pending):

- 1) Residential – 6 (new deck; new concrete pad; non-conforming fence – rejected; replacement of retaining wall; and new porch/deck roof); new driveway and culvert;
- 2) Commercial – 5 (new SBA antenna on existing tower – Denissen); entranceway improvements at 7262 Huron; new sign letters at 7285 Huron; storm drainage/paving in alley adjacent to Jeff’s; and new signage at 3 North Vines pursuant to action of the ZBA); new dumpster/fence screening at 7420 Huron; and
- 3) MHP – 2 (removal of ramp - #85; deck/driveway - #84)

B) Complaints and Blight Concerns/Follow-up:

- 1) Pending – 7 (primarily North Shores and Conlee)
- 2) Completed or significant progress – 4

Handled several meetings and phone calls servicing various inquiries and answering a variety of questions, including communications and/or meetings with:

- Continuing to assist the owner and attorney of Jeff’s Market with their planned request for a rezoning of the Market property;
- Assisting the developer of the SuperStand with the follow-up to the Planning Commission’s points-of-concern/information for his final site plan approval;
- Prepared short and long-term goals, strategies, and actions for ZA office at the request of Acting VM;
- Participated in ZBA training from MSU arranged by Jackie;
- Continued discussions with Foley’s Market on their options for rejected signage request;
- Communications with new owner of legal non-conforming Harbourfront rentals on possible improvement plans/upgrades to address concerns;
- Researched Cadillac House/Hidden Cavern signage situation in follow-up to complaints/concerns at the ZBA meeting; and
- Continued to help Mr. and Mrs. Diener with their request to build a new home on a cottage lot on Washington Street for review by the Planning Commission and/or ZBA.

I hope this report is helpful and informative. If you have any questions or would like any additional information I will be happy to follow-up at any time individually or collectively. Thank you very much.

Jim Pierce, ZA



MEMORANDUM

To: Village of Lexington Planning Commission

From: Zoning Administrator Jim Pierce

Copy: Village Manager
Village Clerk

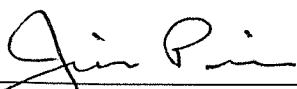
Subject: Construction of a single-family dwelling on a cottage lot!

To further support and assist you with your design review of the new home proposed by David and Susan Diener at 5472 Washington Street, which will be constructed by Brown Builders, I have attached the following:

- Completed checklist; boundary survey and Certificate of Survey from John A. Milletics, P.S.; lot coverage map – 44%; site map of property and home confirming that the existing utility lines and rear property line fencing will remain unchanged; and elevation and floor plans for the new home and garage.

Finally, as confirmed by Mr. Adam Young, you can use your discretionary authority to approve this new home “on the same or less footprint”, attaching any other conditions you may deem appropriate on behalf of the Village. In regard to the size of the proposed garage relative to current ordinance requirements (at least until such time as said requirements may be amended), the owners, if they wish, may petition our ZBA for a necessary variance to permit their desired garage to cover/allow for anything in excess of one-half of the home façade (13.5 feet)!

I hope all of this documentation is helpful. If I can provide anything further prior to or at the hearing I would, of course, be pleased to supply anything I can or answer any questions you may have of me. Thank you very much for your consideration of this request and submittal.



Jim Pierce, Zoning Administrator

Date Completed 10-19-21

Cottage Lot Design Review Checklist for: David + Susan Diener (Applicant)

Address: 5472 Washington, Lexington, MI

Only complete design reviews are to be submitted to the Planning Commission. They should be available at least one week prior to its regular meeting.

Indicate the status of each item (as required in Section 3.4.1.4 of zoning ordinance) as follows:

- C Complies with all standards in the zoning ordinance
- X Does not comply with all standards in the zoning ordinance
- NA Does not apply

Survey of Property

C Current boundary survey depicting lot lines, easements, and required setbacks

Site Plan Map that depicts the following for proposed dwelling:

- C a. footprint and dimensions
- C b. proposed setbacks
- C c. lot coverage/floor area ratio
- C d. location
- C e. dimension and construction material of sidewalks
- C f. driveway/parking
- C g. accessory buildings
- C h. water and sewer lines
- C i. fences or other screening materials (proposed and existing)
- C j. location and setbacks of adjacent buildings

Architectural Renderings and Building Plans for residential dwelling and accessory building that indicate:

- C a. square footage
- C b. structural dimensions (including roof heights, access points, steps, porches, chimney, overhangs (or similar features))
- C c. exterior materials
- NA d. related amenities

Landscaping

NA Landscaping or other elements, unique topography, or natural features for consideration

PROJECT NO.

2021-291

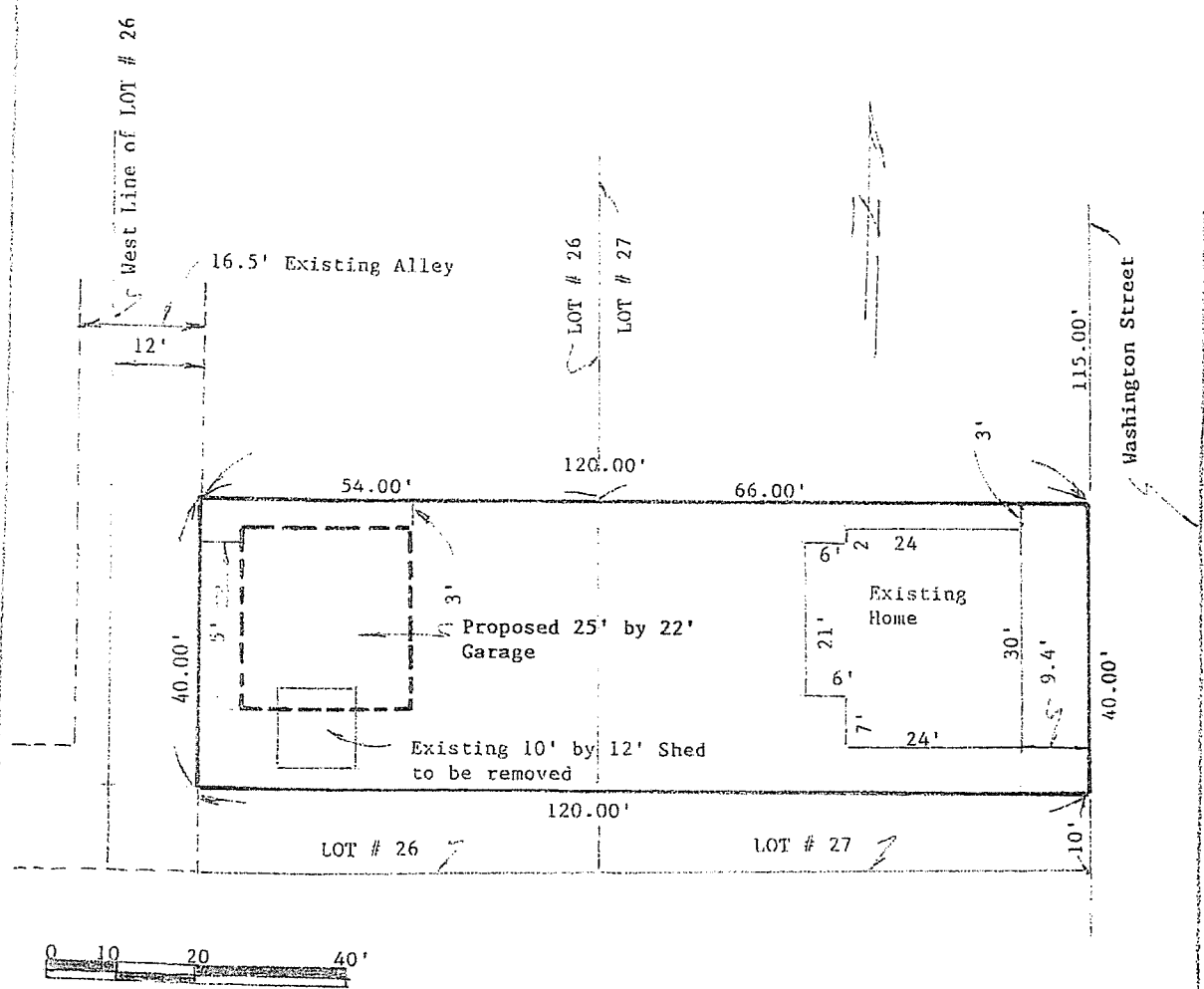
Client David & Susan Diener
Street 5472 Washington Street
City Lexington Michigan 48450

CERTIFICATE OF SURVEY

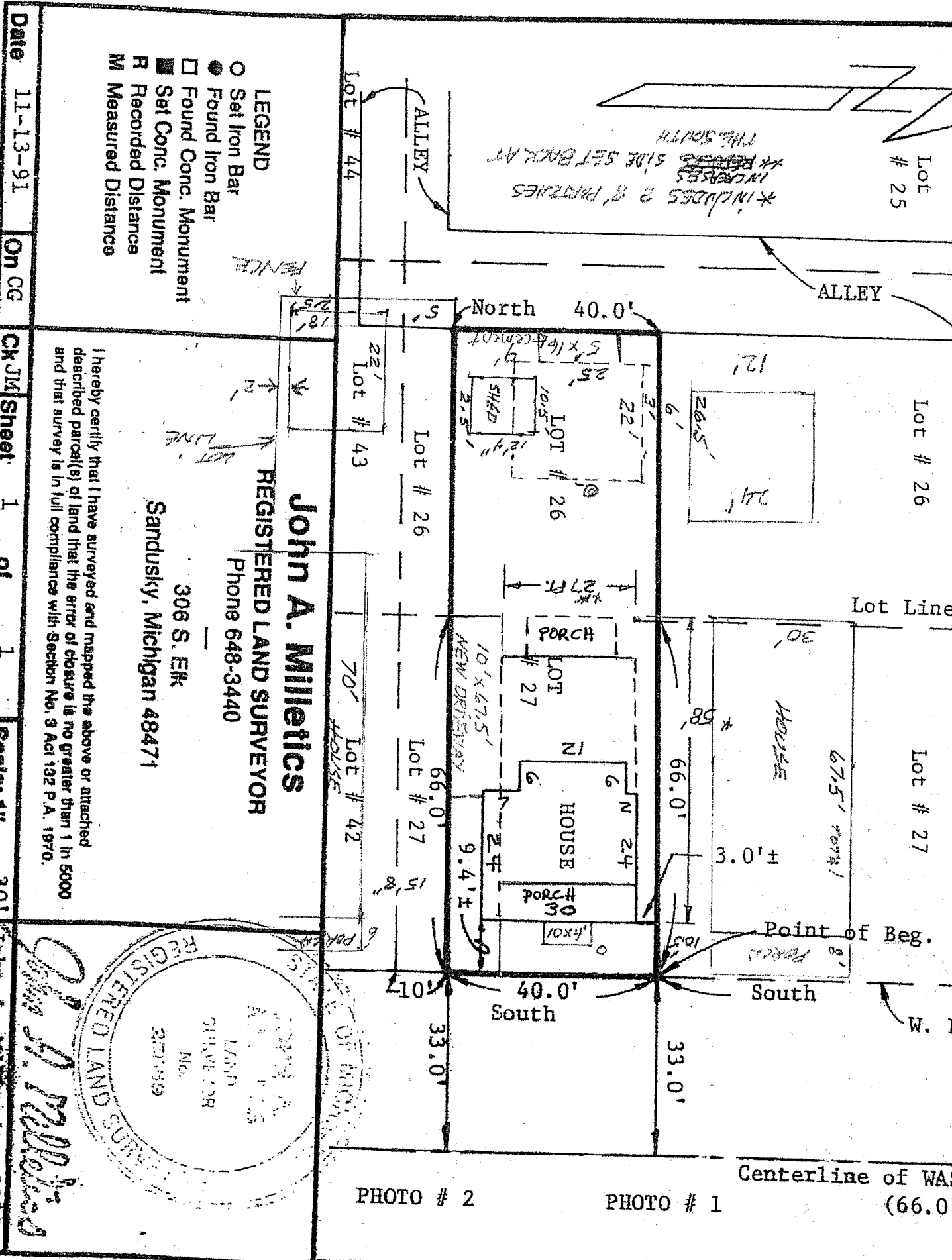
Part of the SW1/4	Sec 30	T 10N - R 16 E	Lexington	Twp.	Sanilac	Co.
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DESCRIPTION

Commencing 115 feet South of the NE Corner of LOT # 27 , Anson Simon's recorded plat of part of the Village of Lexington, according to the plat thereof as recorded in Liber of Town Plats, pages 24 and 25 of the Sanilac County Records and running thence South 40 feet, Thence West across Lots 27 and 26 (120') to an existing alley, Thence North 40 feet, thence East (120') across Lots 26 and 27 to the Point of Beginning



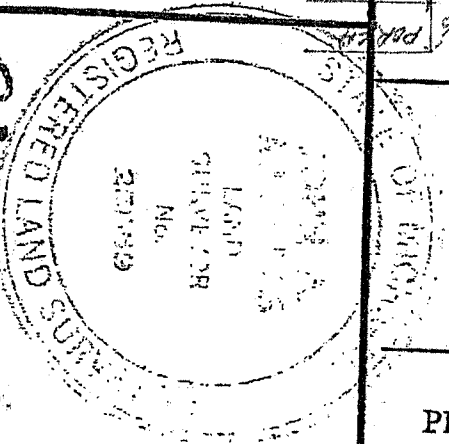
<p>Legend</p> <ul style="list-style-type: none"> ○ Set Iron Bar ⊙ Found Iron Bar ⊠ Set Conc Monu □ Found Conc Monu △ Set Line Stake "R" Recorded "M" Measured 	<p>JOHN A MILLETICS P.S. 37 E. Sanilac Sandusky Michigan 48471 Phone 810 648 - 3440 Fax 810 648 9818 E. Mail john@millettics.com</p>	<p>I hereby certify that I have surveyed and mapped the above or attached described parcels of land that the error of closure is no greater than 1 in 5000 and that survey is in full compliance with section No. 3 Act 132 P. A. 1970</p>
<p>DATE 10-19-21 DNJN CKJN</p>	<p>Sheet 1 of 1</p>	<p>Scale: 1" = 20' JOHN A MILLETICS #4001025859</p>



- LEGEND**
- Set Iron Bar
 - Found Iron Bar
 - Found Conc. Monument
 - Set Conc. Monument
 - R Recorded Distance
 - M Measured Distance

I hereby certify that I have surveyed and mapped the above or attached described parcel(s) of land that the error of closure is no greater than 1 in 5000 and that survey is in full compliance with Section No. 3 Act 132 P.A. 1970.

John A. Millettics
REGISTERED LAND SURVEYOR
 Phone 648-3440
 306 S. EK
 Sandusky, Michigan 48871



Date 11-13-91 On CG CKJM Sheet 1 of 1 Scale: 1" = 30' John A. Millettics 25859

PHOTO # 2

PHOTO # 1

Centerline of WAS (66.0)

PROJECT NO.

2021-291

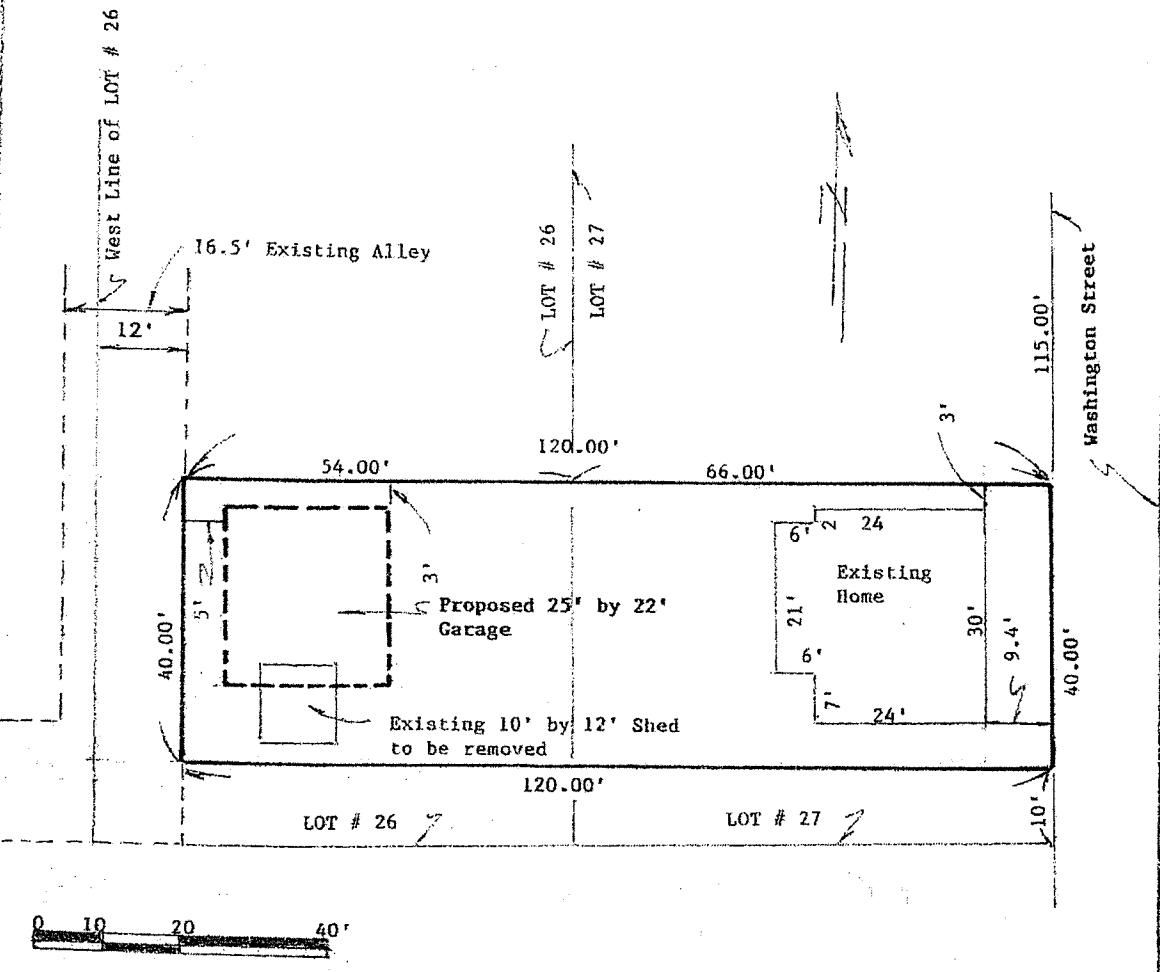
Client David & Susan Diener
Street 5472 Washington Street
City Lexington Michigan 48450

CERTIFICATE OF SURVEY

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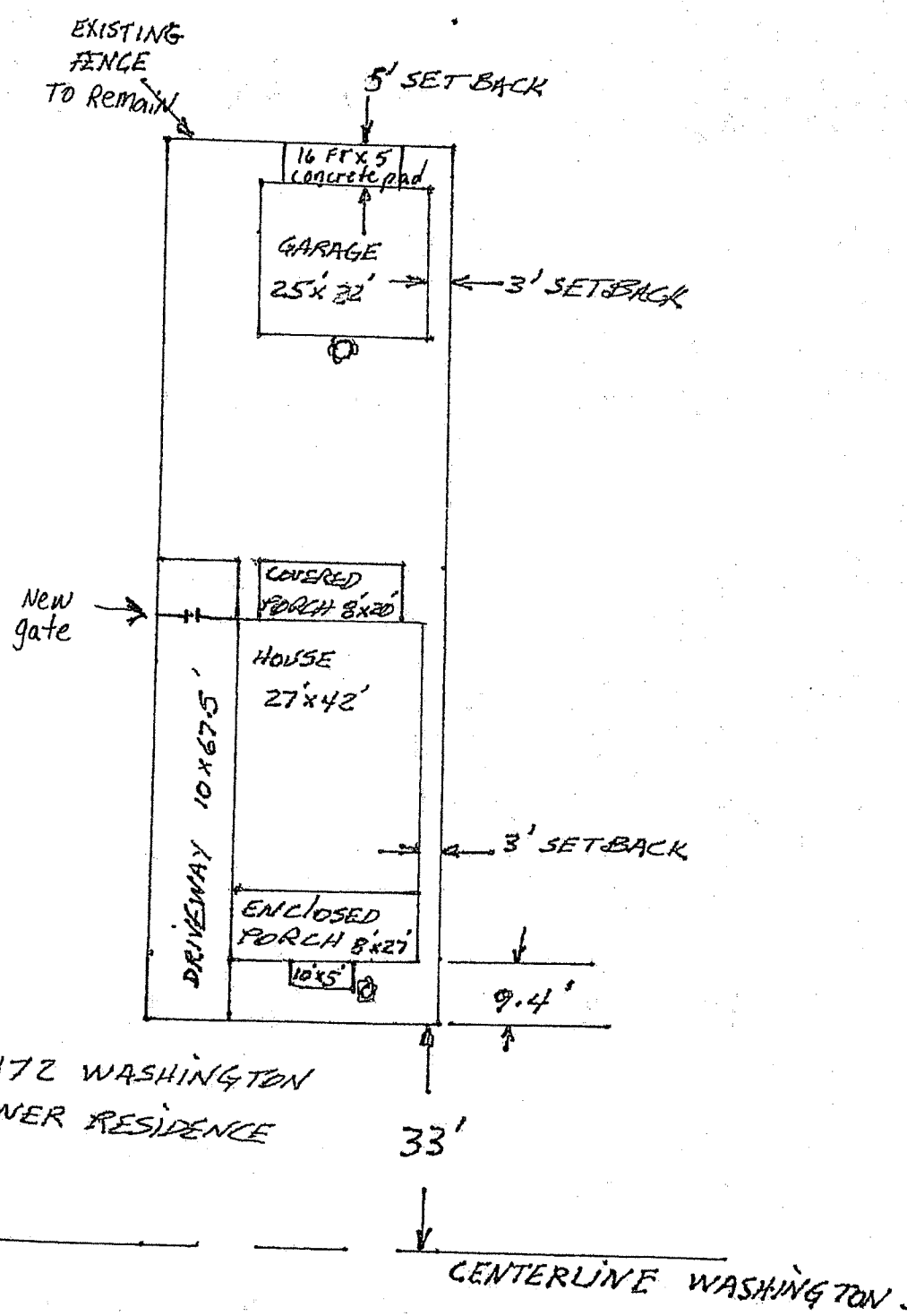
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DATE 10-19-21	DNJM	CKJM	Sheet 1 of 1	Scale: 1" = 20'	JOHN A MILLETICS #4001025859

EXISTING LOT = 2150 sq ft. } LOT coverage ratio = 44%
 TOTAL LOT = 4800 sq ft.



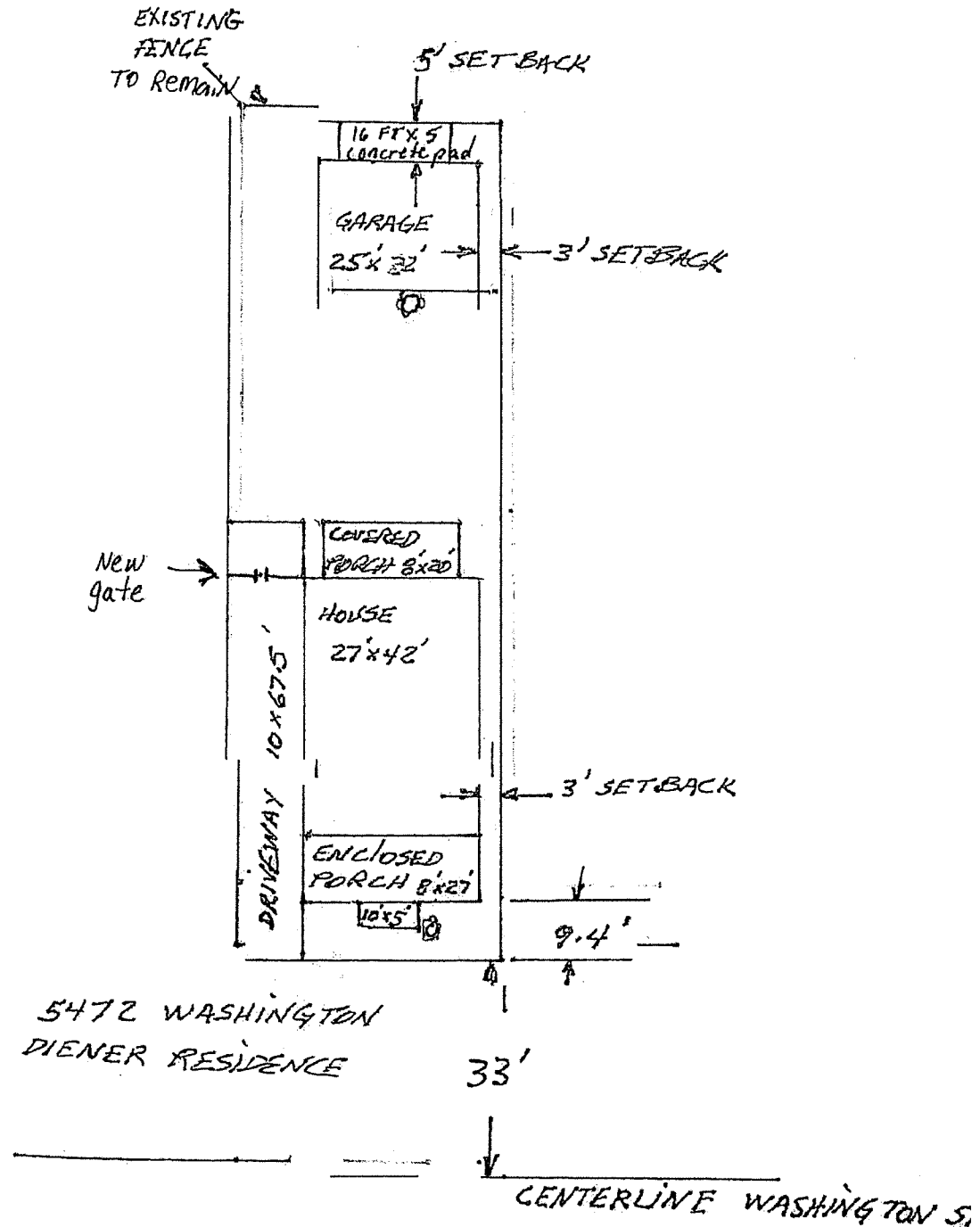
⊙ 2 Trees to be removed

Total lot coverage = 2130 feet

Total lot size = 4800 sq. feet

Lot coverage ratio = 44%

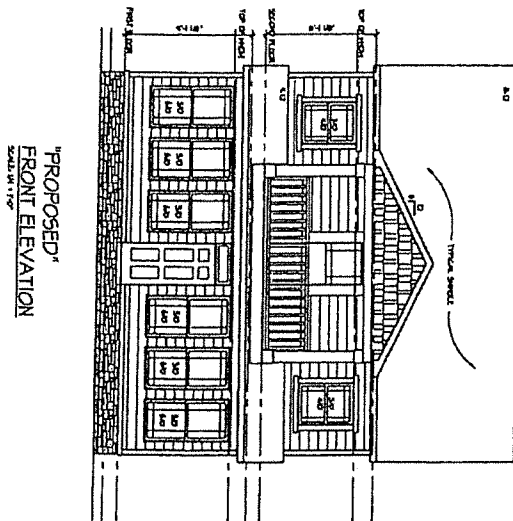
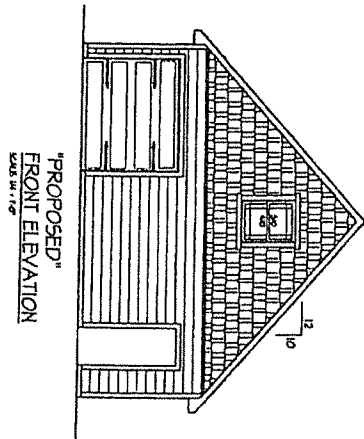
* Location of water and sewer lines will not change



⊗ 2 Trees to be removed

Diener Residence

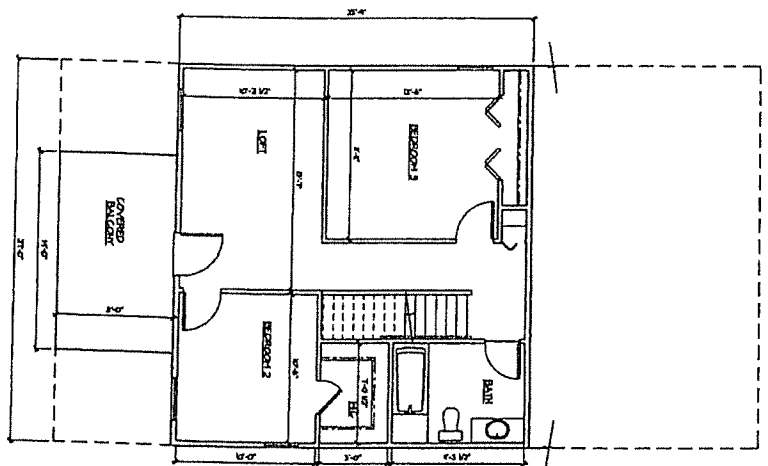
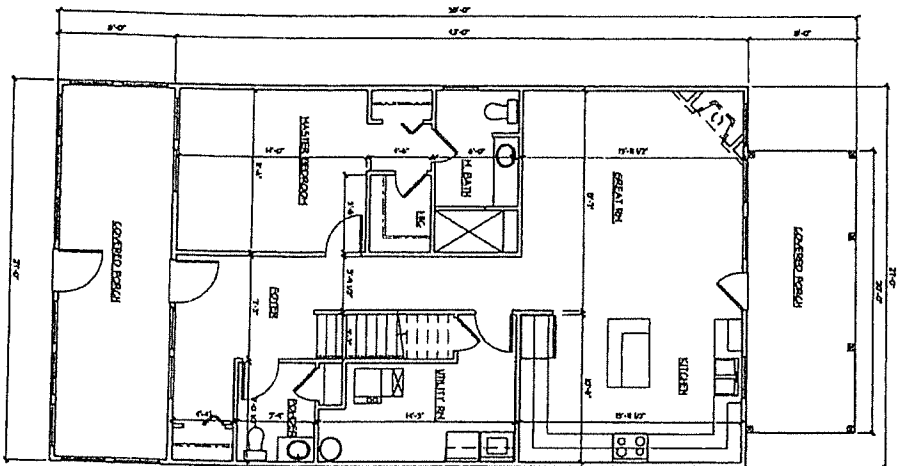
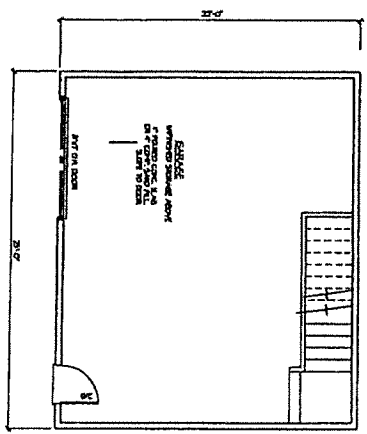
5472 Washington St.
LEXINGTON, MI 48450



SHEET NO. A-3	PROJECT DIENER RESIDENCE 5472 Washington St. LEXINGTON, MI 48450	DATE 12/05/70	FULL SETS ISSUED FOR PROPOSED HOME

Diener Residence

5472 Washington St.
LEXINGTON, MI 48450



PROJECT	DIENER RESIDENCE		DATE	FULL SETS ISSUED FOR PROPOSED HOME
			12/21/20	
SHEET NO.	5472 Washington St. LEXINGTON, MI 48450			
A-2				

ORDINANCE AMENDMENT PROPOSAL SIGN MODIFICATION

Changeable copy electronic signs offer convenience for the owner and are less vulnerable to tampering. They also possess performance characteristics that can negatively impact the aesthetic quality when they are too large and too numerous. Therefore, additional regulation and limitations within the CBD shall be invoked to avoid their becoming a nuisance and distraction causing a diminishment to the walkable retail and civic town center character and appeal.

- There shall be no more than four(4) in the CBD.
- No more than 20% of the total sign area is allowed.
- Will not operate between 10 PM and 8 AM.
- Message change no more than once per day.
- Those in place will remain indefinitely.
- Current in use will be brought into full compliance within two (2) calendar years of amendment adoption.
- Applications to the clerk and first come when available.

Discussion of the Zoning Board of Appeals

Zoning Boards of Appeals are required by the Michigan Zoning Enabling Act.

The legislative body (Council) may act as a Zoning Board of Appeals or they can appoint one. If they appoint one, it must have at least three members. One of the members may be a member of the Council or Planning Commission.

Other Small Communities

Many small communities have a five-member ZBA or Council serves as the ZBA

Village of Lexington's ZBA

Council determined that the ZBA in Lexington will have three members and two alternates. This is provided in Article 11 of the Zoning Ordinance.

Members had received a copy of the Zoning Ordinance, Master Plan, and Zoning Board of Appeals Handbook (Michigan Municipal League).

Their previous hearing was five years ago. The hearing on August 9, 2021 was the first meeting that one of the members had ever attended.

On September 30, 2021, and October 5, 2021, all three members of the ZBA (as well as several members of the Council and Planning Commission) attended a two-part workshop provided online by the Michigan State Extension. (Three and a half hours of training.)

The following information is attached:

1. Zoning Ordinance Article 11
2. Survey of other small communities
3. Summary of ZBA Hearing of August 9, 2021
4. Minutes of ZBA Hearings on August 9, 2021
5. Summary of ZBA Hearing of October 5, 2021
6. Minutes of ZBA Hearings on October 5, 2021



11

Zoning Board of Appeals



SEC. 11.1 AUTHORITY

There is hereby established a Zoning Board of Appeals (ZBA), the membership, powers, duties of which are prescribed in Public Act 110 of 2006 (MCL 125.3601 et seq.), as amended. The Zoning Board of Appeals, in addition to the general powers and duties conferred upon it by said Act, in specific cases and subject to appropriate conditions and safeguards, shall interpret and determine the application of the regulations established under this Ordinance in harmony with their purpose and intent as hereinafter set forth.

SEC. 11.2 MEMBERSHIP

The Zoning Board of Appeals shall consist of three (3) members appointed by the Village Council.

1. The members of the Zoning Board of Appeals shall be selected from the electors of the village. The members selected shall be representative of the population distribution and the various interests present in the village. An employee or contractor of the Village Council may not serve as a member of the Zoning Board of Appeals.
2. Terms shall be for three (3) years, and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
3. The Village Council may appoint not more than two (2) alternate members for the same term as regular members to the board. The alternate member(s) has the same voting rights as a regular member of the board when serving. The alternate member appointed to a case shall serve in the case until a final decision is made. An alternate member may be called to serve as a regular member of the board if;
 - a. the regular member is absent from or will be unable to attend one (1) or more meetings, or
 - b. a regular member needs to abstain for reasons of conflict of interest.

SEC. 11.3 REMOVAL OF MEMBER(S) CONFLICT OF INTEREST

A member of the Zoning Board of Appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Conflict of Interest as defined: a) if the member is the applicant b) if the member is a close relative of the applicant c) a business associate of the applicant or the lender or a renter d) if the member could receive financial gain or benefit from the decision e) if the member has participated in a decision that preceded this question.

SEC. 11.4 MEETINGS

11.4.1. All decisions of the Board shall be made at a meeting open to the public. All deliberations of the Board constituting a quorum of its member shall take place at a meeting open to the public except as provided in compliance with the Open Meetings Act, Act 267 of 1976 as amended.

11.4.2. A majority of the members of the Board shall constitute a quorum for purposes



of transacting the business of the Board and the Open Meetings Act, Act 267 of 1976, as amended. Each member of the Board shall have one (1) vote.

11.4.3. Regular meetings of the Board shall be called as needed in response to receipt of a Notice of Appeal, so long as the meeting is scheduled within twenty (20) days of the notice of Appeal. The meeting can be called by the Zoning Administrator, the Chair of the Appeals Board, or, in his or her absence, the Vice-Chair. Public notice of the date, time, and place of a public meeting of the Board shall be given in the manner required by Act 267 of 1976, as amended.

11.4.4. The business of the Board of Appeals shall be conducted in accordance with its adopted bylaws.

11.4.5. The Chair, or in his or her absence, Vice-Chair may administer oaths and compel the attendance of witnesses.

SEC. 11.5 POWERS & DUTIES

11.5.1. General.

The Zoning Board of Appeals has the power to act on matters as provided in this Ordinance and Public Act 110 of 2006 (MCL 125.3601 et seq.), as amended. The specific powers of the ZBA are enumerated in the following sections of this Article

11.5.2. Voting.

The concurring vote of a majority of the members of the board shall be necessary to reverse an order, requirements, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the board is required to pass under an ordinance, or to effect a variation in an ordinance except that a concurring vote of 2/3 of the members of the board shall be necessary to grant a variance from uses of land permitted in an ordinance.

A member shall be disqualified from a vote in which there is a conflict of interest. Failure of a member to disclose a conflict of interest and be disqualified from a vote shall constitute misconduct in office.

11.5.3. Administrative Review.

The Board shall hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or other duly authorized enforcing agent, in enforcing any provision of this Ordinance.

11.5.4. Interpretation.

1. The Board shall hear and decide requests for interpretation of this Ordinance or the Zoning Map taking into consideration the intent and purpose of the Ordinance and the General Development Plan.
2. A record shall be kept by the ZBA of all decisions for interpretation of this Ordinance or Zoning Map and land uses which are approved under the terms of this section. The ZBA may request that the Planning Commission consider initiation of an amendment to clarify a point that has given rise to uncertainty.





11.5.5. Variances.

Upon an appeal, the Board is authorized to grant a variance from the strict provisions of this ordinance, whereby extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance. In granting a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this ordinance. Further, in granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance as outlined below. When granting any variance, the Board must ensure that the spirit of the ordinance is observed, public safety secured, and substantial justice done.

1. Use variance. The applicant must present evidence to show that if the zoning ordinance is applied strictly, unnecessary hardship to the applicant will result, and that all four of the following requirements are met:
 - a. That the property could not be reasonably used for the purposes permitted in that zone;
 - b. That the appeal results from unique circumstances peculiar to the property and not from general neighborhood conditions;
 - c. That the use requested by the variance would not alter the essential character of the area; and
 - d. That the alleged hardship has not been created by any person presently having an interest in the property.
2. Nonuse variances. The applicant must present evidence to show that if the zoning ordinance is applied strictly, practical difficulties will result to the applicant and:
 - a. That the ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose;
 - b. That the variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation than that requested would not give substantial relief to the owner of the property or be more consistent with justice to other property owners;
 - c. That the plight of the landowner is due to the unique circumstances of the property; and
 - d. That the alleged hardship has not been created by any person presently having an interest in the property.



SEC. 11.6 PROCEDURE FOR APPEAL

11.6.1. An applicant requesting any action by the Board shall commence such request by filing a notice of appeal, on the form supplied by the Village, accompanied by such appeal fee as determined by the Village Council, and all plans, studies and any other information and data as applicable, all of which shall be made a part of the record.

11.6.2. Every appeal from a determination of the Zoning Administrator or other duly authorized enforcing agent shall be made by the applicant within thirty (30) days of the date of the order issuance or refusal to issue permit, requirement, or refusal.

11.6.3. Upon receipt of a completed application for an appeal, a public hearing shall be



held by the Zoning Board of Appeals with advance notice provided in accordance with the requirements of Section 103 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

11.6.4. Any person may appear in person at the public hearing, or be represented by an agent or attorney, and present any evidence in support of their appeal. The Board of Appeals shall have the power to require the attendance of witness, administer oaths, compel testimony, and otherwise cause the production of books, papers, files, and other evidence pertaining to matters properly coming before the Board of Appeals.

11.6.5. The Board shall not decide an appeal until after a public hearing.

11.6.6. The Board may reverse, affirm, vary, or modify, any order, requirement, or determination, as to which it has the power to consider, and have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit.

11.6.7. The Board may impose conditions with any decision. Such conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, public health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards. Violations of any of these conditions shall be deemed a violation of this Ordinance, enforceable as such, and/or may be grounds for revocation or reversal of such decision.

11.6.8. All decisions of the Board shall be in writing and so far as it is practicable, in the form of a general statement or resolution reciting the conditions, facts, and findings of the Board. The applicant shall be advised of the decision after the public hearing unless the Board moves for a continuation of such hearing.

11.6.9. Any decision of the Board favorable to the applicant shall remain valid only as long as the information or data relating thereto are found to be correct, and the conditions upon which the decision was based are maintained.

11.6.10. The Board may reconsider an earlier decision, if, in the opinion of the Board, circumstances justify taking such action.

11.6.11. No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period of longer than one (1) year, unless a land use and building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year, unless such use is established within such period; provided, however, that such order shall continue in force and effect if a land use and building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.





Zoning Board of Appeals

11.6.12. Any person or persons, or any board or department of the Village having an interest affected by a decision of the Board shall have the right to appeal to the circuit court on questions of law and fact. Such appeal must be taken within twenty-one (21) days after the date of the Board's decision. A request for reconsideration under subsection (10) above shall not toll the time for taking such appeal. In the event a request for reconsideration is granted, the time period for appeal shall commence from 21 days from the date of the decision of the meeting where the appeal was reconsidered. In any event, only one request for reconsideration on each appeal shall be allowed.

SEC. 11.7 SEVERABILITY CLAUSE

The various parts of this ordinance shall be deemed severable. Should any section, paragraph, or provision hereof be held by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part held to be unconstitutional or invalid.

SEC. 11.8 REPEAL

All Ordinances or portions, thereof, which are in conflict with this Ordinance are hereby repealed.

SEC. 11.9 EFFECTIVE DATE

Public hearing having been held hereon, the provisions of this Ordinance shall take effect upon the expiration of seven days after publication, pursuant to the provision of Section 401 (6), Act 110 of the Public Acts of 2006, as amended.



Similar Municipalities				Zoning Board of Appeals						
				Membership				Number of Members		
Name	Type	Pop.	Area Sq. Miles	Total ZBA	Including		Alt.	Appointed		
					PC	Council		5	3	Council 7
<u>Baldwin</u>	Village	1,208	1.26	3	0	0	0		1	
<u>Bellaire</u>	Village	1,086	1.84	5	0	1	0	1		
<u>Bingham Farms</u>	Village	1,111	1.21	7	1*	7*	na			1
<u>Birch Run</u>	Village	1,555	1.89	5	1	1	2	1		
<u>Breckenridge</u>	Village	1,328	1.07	5	1	1	0	1		
<u>Brooklyn</u>	Village	1,206	1.01	7	2*	7*	0			1
<u>Caledonia</u>	Village	1,511	1.33	7	1*	7	0			1
<u>Dimondale</u>	Village	1,234	0.9	5	0	0	1	1		
<u>Douglas</u>	City	1,232	1.75	5	0	0	?	1		
<u>Fennville</u>	City	1,398	1.1	7	1*	7*	0			1
<u>Fowler</u>	Village	1,208	1.32	7	1*	7	0			1
<u>Frankfort</u>	City	1,286	1.39	5	1	0	1	1		
<u>Grass Lake</u>	Village	1,173	0.94	7	1*	7*	0			1
<u>Harbor Springs</u>	City	1,194	1.29	5	1	0	?	1		
<u>Lexington</u>	Village	1,178	1.4	3	0	0	1**		1	
<u>Luna Pier</u>	City	1,436	1.5	3**	0	0	2**		1	
<u>Ortonville</u>	Village	1,442	0.98	7	2*	7*	0			1
<u>Ravenna</u>	Village	1,219	1.21	5	1*	5*	0			1
<u>Reese</u>	Village	1,454	1.35	5	1	1	2	1		
<u>Roscommon</u>	Village	1,075	1.49	5	0	1	2	1		
<u>Saranac</u>	Village	1,325	1.15	7	1*	7*	0			1
<u>Schoolcraft</u>	Village	1,525	0.98	5	1	2	0	1		
<u>Stanton</u>	City	1,417	2.15	7	2*	7*	0			1
<u>Stevensville</u>	Village	1,142	1.04	3	1	1	0		1	
<u>Stockbridge</u>	Village	1,218	1.51	3	1	1	0		1	
<u>White Cloud</u>	City	1,408	1.95	5	1	1	0	1		
								11	5	10

* Member serves on both Council and Planning Commission

** Vacant

Hearing on August 9, 2021, to appeal the action of the zoning administrator

- Appeal:** Zoning Administrator's action in enforcing Violation Sign Ordinance 8.10.3
- Facts:** A changeable copy sign was installed at Jeff's Marketplace in March 2020 without a permit.
Changeable copy signs are not permitted in the CBD
No sign permit was submitted
The sign was installed during COVID when the Village Office was closed but employees were available by phone and email.
Zoning administrator sent notice to owner to remove the sign and pay a fine of \$357 (June 9, 2021)
- Decision:** Rescind the fine and postpone the final decision for a period of nine months to give the Planning Commission time to consider removing Jeff's Marketplace from the CBD and the planning Commission reconsider the zoning be changed for the property along M25.

The Lexington Zoning Board of Appeals held a Public Hearing and Regular Meeting held in the Council Chambers at the Village Hall 7227 Huron Avenue Lexington Michigan on Monday, August 9, 2021
Chair Tom Constantineau called the Public Hearing to Order at 7:00 p.m.

Roll Call

Present: Raymond, Havel, Constantineau
Absent: None
Others: Beth Grohman, Kristen Kaatz, Janal Mosset Village Attorney, James Pierce, Jeff Durecka, Sara Grout Attorney, and 40 citizens

Purpose: To appeal the Violation of the Zoning Ordinance Signage, Article 8, Section 8.10.3.

Presentation:

Sara Grout – Attorney – Jeff’s Marketplace -- Put in a statement of appeal, and asking for a non-use variance for the replacement of the previous sign, exact dimension. Previous sign was a standard type that had to be changed at the sign. At that point Jeff did not feel the permit was necessary, no change the foundation, no electric changes. Other businesses in the district who have signs to a larger extent and it was at that time there was supposed to be a permit pulled. Later review it was found that as part of the CBD that type of sign is not allowed in the CBD. Other types of signs, banner, political signs, temp signs, projecting signs, 20x20 sign on his building.

Jeff Durecka– Sign is wider than the old sign, the letters light up from inside, with a timer, shuts off at 9 p.m. and doesn’t come on until 7:30-8a.m. Vandalism was part of the reason for the change. After 15 months was sent a letter regarding the violation and signed not allowed. Not a historical building but in the historic district. Was not trying to cause trouble. Just wanted to improve the store. Was upset with a \$357.00. Donates a lot to community, and school district. Signs work and the previous sign did not work.

Sara Grout – Initially this sign was allowed, and the new ordinance does not allow for this CBD. Feels is appropriate to grant a variance for the sign and would not go against the intent of the ordinance.

Fred Raymond- Feels Jeff Durecka has done an outstanding job for this community, and don’t have an issue of having the sign, the issue is the zoning in the CBD you can’t have a digital sign. What value of Jeff’s Marketplace being in the CBD? May consider a rezone. Need to be fair with everyone in this town. See a pattern along 25 is a state highway, and there is a church, a gas station, the grocery store and the A& W, all have illuminated signs, take a look how that is mapped out and maybe the Village needs to look at the ordinance or could opt of the CBD. Raymond asked about the process of rezone.

James Pierce – Would have to file an application and the Planning Commission could take that into consideration.

Tom Constantineau – Benefit of the CBD is no parking space requirements. Jeff's Marketplace has plenty of parking spaces.

Bernie Havel – Jeff's Marketplace does not have any historical value, and it is a retail store, sees the sign as an update. New sign keeps the vandalism away and is a benefit. Methodist Church sign is a good sign and can be seen off the road, and it is bright. Signs downtown has issues as well.

Fred Raymond – Need a solution and will be seeing others that will have an interest in digital illuminated signs, need a consistent way of dealing with it. Opinion is rezone.

Jeff Durecka – Really no benefit to being in the CBD, not historical building, if it beneficial to rezone, that is what I would be willing to do.

Jim Pierce - What brought this to light was a request was received for a changeable electronic sign, from Foley's Market. Request was denied due to the CBD district regulations. Well, what about the other illuminated signs in the area.

Public Comment

Ray John -5394 Ben Franklin – Comments in favor of the sign and in the midst of the pandemic and some consideration should be given to Jeff. Small businesses are struggling staff shortages, and supply changes, etc. His commitment to the community should be part of the context. Planning Commission should find a solution. Both sides need to look at this issue.

Carla Salmons – 5782 Union – Comments in favor the sign, likes it here, like Jeff's Marketplace and aware of the many things Jeff's has done for the community.

Kirk Shoults – 5603 Old Orchard Bluff – Sign man at the Methodist Church, and the sign is in full compliance. Jeff talked about the misuse of his sign, the Church also had vandalism to their sign, and signage missing. In favor of the sign at Jeff's Durecka. Has there been any thought to grandfathering the installations in place at the time of zoning modifications? Grandfathering is common use to make sure you don't upset the arrangement that was in place and still comply with the ordinance. Should be modifications to the zoning ordinance to enable Jeff's to have the sign.

Jackie Huepenbecker – 7108 BR Noble - Commented on the non-use variance and is not appropriate in this instance. Thought it was just an appeal.

Janal Mossett – Village Attorney – The request for a variance is not properly before the ZBA tonight, there is process that needs to be followed, Sara Grout has completed the paperwork but has not submitted it at this time. Technically it is not something the ZBA can grant or deny tonight. Not foreclosed from applying for variance.

Beth Grohman – Village Clerk – Letters received from Sara Grout requesting an appeal for the violation. I was given instruction on what to publish, I was not given a request for a variance it was an appeal of the violation.

Janal Mossett – Village Attorney – In order to decide a variance, notice of hearing for the request for a variance would have to be given and it was not given to the public. The

notice that was given was an appeal of the violation. They requested in the appeal if the order is to remove the sign, they be given more time to do so within your authority to do that.

Brian Jackson – 5049 Lakeshore Road – Director of Croswell Lexington Project and comments in support of Jeff's Marketplace and the sign, and do not understand why there is an issue.

Peter Muoio – Lester Street – Comment on the power to make a decision on the violation and strongly in favor to of sending to Planning Commission for their recommendation.

Mike Keller – William Drive – Commented on the services Jeff's provided for the community during the pandemic.

Mary Ann Knoblauch – 7127 Simons – Commented on the ZBA authority to grant a variance.

Tom Constantineau – If we need to come back here to work on the variance. Would like to alleviate the fine, and nine months put on hold.

Havel – Would like delay proceedings for nine months.

Liz Jackson- Lexington Township - Not a fan of electronic signs, don't want to look like Pigeon Forge, sign the Cadillac put up is beautiful and I realize electronic signs have a place in marketing, unfortunately the Village did wrong by not addressing the sign when it first when up, he has a right remain. Just would not like to see anymore electronic signs in the Village.

Peter Muoio- Deal with issue on the agerda, a positive to the Planning Commission.

Fred Raymond – Advocate to rescind the fine, and take time to find a solution and would not like to see the sign removed.

Jeff Durecka - Does not want to hurt the historical charm of the Village, do your job and keep the historic building historical and modern stores and have modern signs.

Correspondence – None

Motion by Havel, seconded by Raymond to close the Public Hearing at 7:50 p.m.

Chair Tom Constantineau called the meeting to order at 7:51 p.m.

Roll Call

Present: Raymond, Havel, Constantineau

Absent: None

Others: Beth Grohman, James Pierce, Kristen Kaatz, Janal Mossett, Village Attorney, Sara Grout, Attorney for Jeff's Marketplace and 40 citizens

Review/Approval of Minutes from October 10, 2016

Motion by Raymond, seconded by Constantineau, to approve the minutes of October 10, 2016 as presented.

All ayes

Motion carried

Approval of the Agenda

Motion by Raymond, seconded by Constantineau to approve the agenda as presented.

All ayes

Motion carried

New Business:

1. Violation Appeal- Violation of the Zoning Ordinance Signage, Article 8, Section 8.10.3-

Motion by Raymond, seconded by Constantineau, to rescind the fine of \$357.00 and postpone the final decision for a period of nine months to give the Planning Commission time to consider removing Jeff's Marketplace from the CBD.

Discussion

Janal Mossett – Village Attorney – First, there is a violation notice that was sent to Jeff's Marketplace for failure to get a permit, Section 8.2 of the ordinance states a sign permit is required for erection, construction or alteration of any sign. Members need to determine if there is a violation of this section of the ordinance, focus on the erection, construction or alteration of any sign, second whether or not this type of sign is permitted at Jeff's Marketplace. There is an alleged violation of the ordinance, it says this type of sign is not permitted. Notice was given by Mr. Pierce, Zoning Administrator that the sign needs to be removed. Two different issues, and the second issue the zoning ordinance provides, within the commercial district CMU and CG districts changeable copy signs, including electronic copy signs shall be permitted and prohibited in all other districts. Should determine whether or not there is a violation of failure to obtain or permit and whether the fine stands for that and secondly whether the sign is permitted at all and if it needs to be removed, because it is in violation of the ordinance. As the counsel for the Village, you need to look at black and white letters on the page, ask the ZBA to do the same, there are other avenues, variances, and request for rezone. Which are not before you tonight but you should let those processes play out. There is a reason why the ordinance was put in place, it gives its intended purposes which includes unduly distracting to traffic and pedestrians and creates a traffic hazard. This information came from the Planner helping to draft the ordinances. Reduces the effectiveness of signs to direct and warn the public. The decision the ZBA makes tonight will result potentially in others to come before you who signs will not be as nice as Jeff's sign. Be mindful of the ordinance and not lose sight of the purpose and intent.

Raymond – Sees M25 different than Huron Avenue. Need to have time to make this consistent and work with Planning and the attorney.

Janal Mossett – Need a positive recommendation, ZBA is more constrained in what they can do tonight and what is properly before you and what you can and cannot do. Need to find other avenues. Ultimately, I do not want to see the Village have to deal with a rush

of individuals trying squeeze through signs, because you are leaving it open for extended period time.

Constantineau – Amended motion that it is the consensus of the ZBA that the planning commission reconsider the zoning be changed for the property along M25.

James Pierce – Zoning Administrator- As the new zoning administrator, I urge you to be cautious about waiving the right do things without a permit, because you have the issue in the community, most people are diligent, do the right thing and check to see if a permit is required. Few people that proceed without a permit, and it is a challenge for the Village as whole having people just things. Fine was not because we didn't like the sign, the fine was because it was put up without a permit.

Roll Call

Ayes- Raymond, Constantineau, Havel

Nays- None

Motion carried

Public Comment

Carla Salmons -- Commented on Zoning Administrator statement

Motion by Constantineau, seconded by Raymond, to adjourn the meeting at 8:24 p.m.

Beth Grohman, Village Clerk

Hearing on October 5, 2021, for Sign Variance for 3 North Vines Lexington

Request for:

29.9 square foot sign on the west side (front)

52.7 square foot sign on the south side

ZBA's decision permitted three wall signs on a building.

Request: Two wall signs. One on the west side (front) and one on the south side

Facts: Building has one wall sign on the north side of the building. (Previously was there and owners said they were keeping it.)

Building has frontage on one public roadway.

Building has two walls that provide public access: one on the west (front) and one on the north

Previous owners had more than three signs on the building

LOCATION OF SIGNS:

Zoning Ordinance - Page 152

SEC. 8.5 GENERAL REQUIREMENTS FOR WALL & FREE-STANDING SIGNS

8.5.1. Wall Sign General Requirements.

- i. One (1) wall sign shall be permitted per premise. One (1) additional wall sign may be permitted if at least one of the following conditions exists:
 - a. The premise has frontage on more than one public roadway.
 - b. The premise includes a building with more than one wall providing an individual means of access to the public.
 - c. The premise includes a building where the only means of access to the public is provided from a wall other than the front wall.

Where two (2) wall signs are permitted, the total allowable square footage of the two (2) wall signs in combination shall not exceed one-hundred fifty (150%) percent of the maximum allowable square footage for the District as specified in Section 8.6

The decision: Allow the two additional signs making the total 3 signs.

During deliberations, ZBA members discussed the requirement of no more than two wall signs. When the owners said they had already purchased the signs, the chairperson said the ZBA had not been provided with that information, and he made a motion to approve the additional two signs.

In the training the members attended on September 30, 2021, two types of standards were discussed:

Discretionary: the decision body must exercise judgment.

Example: The use must be compatible with adjacent uses of land. In this case, there may be discussion on what is compatible.

Nondiscretionary: the decision body or administrative official has no discretion in determining whether the standard has been met.

Example: Whenever a residential zone abuts a commercial zone, an eight-foot-high brick wall shall be constructed along the property line. There is no discretion. The applicant either meets it or they don't.

The standard for the number of wall signs was a **non-discretionary** one:

One (1) wall sign shall be permitted per premise. **One (1)** additional wall sign may be permitted if at least one of the following conditions exists:...

How might this have been handled? The owners should have been advised they could only have two signs and they might consider replacing the sign on the north wall with a projecting sign.

Decision regarding the size of the signs:

Signs with a coverage area of over 120 square feet should not have been approved.

SIZE OF SIGNS:

Zoning Ordinance P. 153

SEC. 8.6 SPECIFIC REQUIREMENTS FOR WALL & FREE-STANDING SIGNS

Wall and Free-Standing signs shall be permitted by the District in accordance with the following regulations:

8.6.1 District, Height, & Width Requirements & Area:

Type of Sign/District	Maximum Height & Width	Maximum Area and Additional Requirements
Wall Signs: CBD, C-MU and G-MU Districts	Four (4) ft. in height and eight (8) ft. in width	1) Not to exceed fifteen percent (15%) of the net wall surface (per side) or thirty-two (32) square feet, whichever is less. 2) Signage shall be addressed in the site plan, including: a detailed schematic of the proposed sign, dimensions, a color rendition of the completed sign and all detail for lighting. (if any) 3) No flashing or blinking lettering or graphics 4) The premises shall have no current zoning violations. 5) A written maintenance plan must be on file in the Village office.

Request: Two wall signs. 29.9 square feet (west side)
52.7 square feet (south side)

Owners: Clarified the signs are larger than their request. They measured from parts that are covered by the materials not the perimeter of the whole sign. The one on the south side is about 72 square feet. They said their signs cover about .09% of the building while the ordinance says 15%. That means smaller buildings can have larger signs. They also stated that the previous owners had 512 square feet of signs. They also Questioned the size of the signs at the Cadillac.

Zoning ordinance specifies 15% of the net wall surface or 32 square feet, whichever is less

The 15% is of the net wall surface is to prevent that large of a sign on a small building. The ZBA might consider that although the request for the 29.9 square foot sign does meet the height and width, it does meet the square feet so it likely meets the intent of the ordinance.

The decision: Allow the signs to be installed as presented.

During their deliberations, the chairperson asked if the signs could be smaller. However, once the owners said they had already purchased the signs, the chairperson said the ZBA had not been provided with that information, and he made a motion to approve the oversized signs.

How might this have been handled? They could have delayed their decision to give themselves more time to investigate the size of signs. They had the discretion to approve a sign that is 32 square feet but not four feet in height and eight feet in width. The fact that the owners had already purchased the signs should not have influenced the decision.

In the training on September 30, they were instructed that in order to approve a nonuse variance, they must show that if the zoning ordinance is applied strictly, practical difficulties will result and all the following:

- a. Ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose;
- b. The variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation than that requested would not give substantial relief to the owner of the property or be more consistent with justice to other property owners;
- c. The plight of the landowner is due to the unique circumstances of the property; and
- d. The alleged hardship has not been created by any person presently having an interest in the property.

The ZBA members did not review these at the Hearing.

DRAFT

The Lexington Zoning Board of Appeals held a Public Hearing and Regular Meeting in the Council Chambers in the Village Hall 7227 Huron Avenue Lexington Michigan on Tuesday, October 5, 2021

Chair Tom Constantineau called the Public Hearing to Order at 7:03 p.m.

Roll Call

Present: Constantineau, Havel, Raymond (arrived @7:45 p.m.)
Absent: None
Others: Vicki Scott, Kristen Kaatz, Amos Williams, James Pierce, Kristi & Nate Shopbell, Ryan Mulrenin, and 14 citizens

Purpose: To take comment on the application for a variance at 5475 Main St. The variance is being sought from Zoning Ordinance Section 8.6.1 (Wall Signs) for a 50.6 sq. ft. wall sign and to install two signs (one on the south side and one on the front).

Presentation:

Kristi and Nate Shopbell asked for a variance to install two signs totaling 83 sq. ft. one sign would be 29.9 sq. ft. on the west side and the second sign would be 52.7 sq. ft. on the south side. The total percentage of the building we are proposing to use in signage is .009%.

The new zoning ordinance does take into account if your building is small your signage has to be smaller to fit the building. However, the new zoning ordinance does not take into account for a large building. Our building is one of the largest buildings in the central business district.

The signs we have proposed are laser-cut steel plate that has pegs that go back to the wall. When you look at the sign you will see the cut-out silhouette of it. The sign is made of 14-gauge steel and stands out 6 inches. Discussion follows.

Constantineau asked about the new sign on the north side of the building. Shopbell explained this is not a new sign. The sign was an existing sign from the previous owners. Shopbell was told by the previous Village Manager Holly Tatman that this sign was grandfathered in as long as it was not changed. Shopbell explained they only replaced a plastic sheet with their name on it in the existing sign. Discussion follows.

A sign permit was submitted and denied by the previous Village Manager Holly Tatman due to the size. The ZBA Board was not aware of the denied sign permit. Discussion follows regarding other signs in town. ZBA Board opened it up to public comment.

Public Comment

- Dina Wurmlinger (7211 Park Ave.) – commented on things not being enforced
- Rollin Stocker (Inn the Garden) – commented these signs add to the building and are very appropriate.
- Jackie Huepenbecker (7108 B.R. Noble Ct.) – commented 32 sq. ft. is the maximum size. The 15% is of the net wall surface is to prevent that large of a sign on a small building. The ZBA might consider that although the request for the 29.9 sq. ft. sign does meet the height and width, it does meet the sq. ft. so it likely meets the intent of the ordinance. You are only allowed to have two signs when there are two public accesses.
- Sue Diener (5472 Washington St.) – commented what you are proposing looks beautiful.

Motion by Havel, seconded by Raymond to adjourn the Public Hearing at 7:49 p.m.
All ayes
Motion carried

Chair Tom Constantineau called the meeting to order at 7:50 p.m.

Roll Call

Present: Constantineau, Raymond, Havel

Absent: None

Others: Vicki Scott, Kristen Kaatz, Amos Williams, James Pierce, Kristi & Nate Shopbell, Ryan Mulrenin, and 14 citizens

Approval of Minutes

Motion by Raymond, seconded by Havel, to approve the minutes of August 9, 2021, as presented.

All ayes

Motion carried

Approval of the Agenda

Motion by Raymond, seconded by Havel to approve the agenda as presented.

All ayes

Motion carried

New Business:

Variance Request- 3 North Vines at 5475 Main St.- Constantineau explained the variance request from the Shopbells. He asked about parking. Nate Shopbell explained they have seven parking spots for our business with a ramp on the north entrance.

Kristi Shopbell explained the historical aspect of this building. Discussion follows.

Constantineau discussed the hardship issue. Kaatz clarified their hardship issue lies with the Shobells owning the largest building in town while the ordinance addresses a majority of much smaller buildings. Discussion follows.

Motion by Constantineau that the owners would consider downsizing the square footage on these new signs and taking the illumined sign off the north side of the building replacing it with a similar sign as the other two signs making them all the same approving it with those changes. Discussion follows. Kristi Shopbell explained these signs have already been made.

Amended Motion by Constantineau, seconded by Raymond to approve the new signs that have already been purchased for the south and west side of the building, removing making any alterations to the existing sign on the north side of the building.

Roll call

Ayes: Constantineau, Raymond, Havel

Nays: None

Motion carried

Public Comment

- Peter Muoio – commented the owners presented a very good plan
- Tom Constantineau – commented the communication was displaced we were not aware the signs were already purchased.
- Kristi Shopbell – commented it would be helpful to have a better form to follow on what we should provide the board.

Motion by Havel, seconded by Raymond, to adjourn the meeting at 8:20 p.m.

Respectfully submitted,

Vicki Scott
Village Clerk

WELCOME TO THE PLANNING COMMISSION

Your best trainer will be experience, but all packet items are essential knowledge. To get started, discuss current commission activity with your mentor, then study sections of the ordinance that are relevant to the next meeting's agenda. The other urgent items are the Open Meetings Act and Robert's Rules.

Give attention to all of these supplied documents, as your time allows and you will be functioning fully and well in a short time.

WELCOME

PS: All past meeting minutes of the planning commission are available on the village website.

The following documents comprise the orientation packet for new planning commissioners.

- Master Plan
- Zoning Ordinance and map
- Bylaws
- Design Guidelines
- Open meetings Act
- Enabling Act
- Roberts Rules
- Development Guide
- Contact Information Page (village staff, officials, volunteers)

Draft: RRC 4.2 for the PC
(a web page item)

Village residents are eligible to serve on a community board, commission or committee. Want to be a Planning Commissioner? Read on.

An authentic and traditional town is ours to enjoy and ours to preserve. Good land-use decisions that are applied fairly and consistently make a key contribution. A well-informed and proactive planning commission seeks compatibility among a broad range of land uses while preserving a healthy and durable natural and built environment.

The Master Plan and the Zoning Ordinance are the planning commissioner's primary tools. Commissioners take the time to know these documents well and then blend them with imagination and common sense to advise Council to grow the village wisely and preserve its character.

That's the commissioner's job in a nutshell. We meet regularly on the first Monday of each month. There may be half that many more special meetings in a year. Information packets are distributed four days before each meeting. Giving generous attention to the packet information will strengthen your meeting contribution and determine your success as a commissioner. You are appointed by the Village President to serve a three-year term.

There is no best background, education, or experience that ideally prepares a commissioner. But, there are some competencies that are especially helpful. Having a nine-member commission allows a breadth of talent. Key among them are business and finance, land development, management and administration, law, architecture, environmental sciences, real estate, asset management. If you didn't see your niche in there, don't be discouraged. Our small town makes community service a possibility for many and many are needed.

Continuous improvement as a group and as individuals is now necessary to keep up, as the pace of growth increases and new issues emerge. Topical issues plus ethical guidelines, commission procedures, and meeting conduct are all training elements. Our orientation process will help the new commissioner settle in.

Your service begins when you go to the village clerk for an application for an appointment. The completed application is reviewed by the Village President and appointments are made as vacancies arise.

Suggested Revisions to the Zoning Ordinance

This list is for discussion purposes. Others amendments may be suggested.

ARTICLE 3 ADMINISTRATION AND ENFORCEMENT

P. 34 and 36 Appear to be contradicting numbers. (Dave)

3.4 Site Plan Review

3.4.1 Where required.

1. Site plan review is required for all new construction of any nonresidential building or structure on any parcel and for any new residential development (single-family, two-family or multiple-family). All such construction or developments shall be consistent with the purpose of this Ordinance as presented in Section 1.2 of this Ordinance.
2. Site plan review is required for all proposed uses and certain existing uses within the Village where an alteration, addition, expansion, change or conversion constitutes an increase or reduction to the existing structure or use of more than five hundred (500) square feet or ten (10%) percent, whichever is less; or would require a variance from the provisions of this Ordinance, regardless of its size, or if there is a change of use from the existing use. Site plan review shall also be required prior to the paving of any off-street parking for any use for which off-street parking is required by this Ordinance, or for the construction of new parking lots or driveways.

3.4.2 Administrative Review

1. Intent. The intent of this section is to permit the submittal of a sketch plan for administrative review in certain specific instances where a complete site plan is not considered essential to ensure compliance with the intent and standards of this ordinance. The intent is to also provide for an administrative review by the Zoning Administrator of Planning Commission approved site plans for compliance with conditions as imposed by the Planning Commission.
2. Applicability. In lieu of a complete site plan prepared in accordance with Sections 3.4.3 and 3.4.4, a sketch plan may be submitted for the uses or activities identified below.
 - a. Accessory uses incidental to a conforming existing use where said use does not require any variance or further site modifications.
 - b. Expansion and/or addition of ~~one thousand five hundred (1,500)~~ **five hundred 500** square feet or less to an existing conforming structure or use.

ARTICLE 5 GENERAL AND SPECIAL PROVISIONS

P. 96 Clarification; language difficulty discovered during cottage lot review at Oct. meeting (Dave)

SEC. 5.6 Building Design Standards

5.6.5.11 Garage

- 5.6.5.11.b. A garage either attached or detached **and similarly sited as the façade along the front setback** may not exceed 50% of the front façade

P. 99 Prohibit fences in the Mobile Home Park

SEC. 5.7 Mobile Home Park Requirements

5.7.10 General Provisions

5.7.10.18 Fencing is not permitted on mobile home lots

P. 117 Language is unnecessary; the distance regulation takes care of the issue (Jackie)

Depending on what the Senate does, we may need to remove language regarding short-term rentals from our ordinance. The House voted to take away local control.

SEC. 5.25 Short-Term Residential Rentals in Residential Districts

5.25.1. Applicability, Intent and Purpose (3rd paragraph)

As of this date, most if not all of the short term residential rentals are located in those areas zoned as R-1 with the majority located east of M-25 near Lake Huron. Many of these rentals are very close together creating the potential to jeopardize the single family neighborhood character; therefore, for purposes of maintaining the small town character of our Village, short term rentals will be limited to one every 250 feet ~~and comprise a maximum of five percent (5%) of the total number of houses in the Village that are not restricted by deed or HOA (as of September 2017: 402 total homes x 5% = 20).~~

ARTICLE 11 ZONING BOARD OF APPEALS

P. 176 Consider adding two more members to the ZBA (Jackie)

SEC. 11.2 Membership

The Zoning Board of Appeals shall consist of ~~three (3)~~ **five (5)** members appointed by the Village Council.

Add language regarding training as recommended by MSU Extension and RRC (Jackie)

11.2.4 Each member shall have attended at least four hours per year of training in planning and zoning during the member's current term of office. Failure to meet the training requirement shall result in the member not being reappointed to the Appeals Board.

Zoning Map

Rezone Jeff's Marketplace from CBD to C-MU. The owner requested a sign that is permitted in the C-MU, but not in the CBD and the property is adjacent to the C-MU and it does not have the same look as other properties in the CBD.. (Jackie)

Public roads are required for all new developments. (Holly) This would need to be a new ordinance. Dave looking this up.

Dave may have some wording for changeable signs in the CBD.