

**VILLAGE OF LAKEVIEW
PLANNING COMMISSION MINUTES
JUNE 23, 2021**

Manager Dood called the Planning Commission Meeting to order at 6:31 P.M.

Members Present: Dave Lund, Craig Farrell, Gary Padden, Jyll Mitchell, and Chad Lincoln.

Members Absent: Emily Griffith, Ed Winter and Lynn Saxton.

Also Present: Manager Dood and Melissa King

Guests: Doug Piggott

Dave Lund and Gary Padden were given Oath of Office.

Farrell moved and Lincoln seconded to nominate Dave Lund as the Chairman of the Planning Commission. Motion carried.

Lund moved and Lincoln seconded to nominate Craig Farrell as Vice Chairman of the Planning Commission. Motion carried.

Lincoln moved and Farrell seconded to approve agenda as amended. Motion carried.

Public Comments: None

Business

Lakeview Schedule

This schedule outlines the meetings scheduled along with the chapters we will be analyzing for the new zoning ordinance.

Administration and Enforcement

Each chapter will start with a purpose/intent statement. These are the roles and responsibilities of the various bodies in the Village of Lakeview involved in the administration of the ordinance. The zoning administrator is appointed by the Village Council. If the zoning administrator is unavailable the Village Council may delegate the responsibilities. The zoning ordinance should specify the responsibilities of the Zoning Administrator. It was decided that we will not maintain a list of non-conforming lots, uses, and structures. The Zoning Administrator will handle the majority of zoning requests that meet the criteria. Any significant projects will go to Planning Commission for evaluation.

All responsibilities presented for the Zoning Administrator will be included in the ordinance draft with the exception of listing non-conforming lots, uses, and structures.

Planning Commission

The Planning Commission is responsible for holding public hearings and making recommendations on zoning amendments, including rezoning. It is recommended that some

Special Use Permits be approved by the Planning Commission. Typically, when you have an appeal questioning a provision in the zoning ordinance, then it would go to the Planning Commission first and they would make a recommendation to the Zoning Board of Appeals on what PC thinks it should say/mean before they make a decision. We will have the appeal go straight to ZBA.

All responsibilities presented for the PC will be included in the ordinance draft with the exception of hearing and deciding requests. This will go straight to ZBA. And the PC will not make recommendations to the Council on the appointment of the Zoning Administrator.

Village Council

The powers of the Village Council are essentially by state law. They appoint member of the PC and ZBA. They adopt the zoning ordinance and amendments and initiate amendments to the ordinance.

Village Clerk

The powers are guided by state law.

All responsibilities presented will be included in the zoning ordinance draft.

Zoning Permit

A zoning permit is verification that something you are doing complies with a zoning ordinance. A zoning permit is required when there are any changes in land use, new construction or construction additions to a structure. Moving a structure or erecting a fence requires a permit. Demolition whole/part of a structure and excavating will be added to draft ordinance at this time.

Zoning Permit Process

The zoning permit process presented will be included in the zoning ordinance draft.

Certificate of Zoning Compliance

The Zoning Administrator can issue certificates of zoning compliance.

Fees

The Village Council sets the fees by resolution for all applications.

Enforcement Procedures

The enforcement shall be put in writing and inspected within a 10-day period. If there is a violation, then the Zoning Administrator is required to notify the property owner.

Violations

We handle violations as Municipal Civil Infractions.

Conditions, Notices, and Performance Guarantees are all things that apply to site plans, special uses, variances.

Technical Analysis Zoning Board of Appeals

The current zoning ordinance has a limited number of provisions dealing with the ZBA.

The Purpose and Intent statement will be added to the chapter.

We have a 5 person ZBA and that is where it will remain.

The procedures will be included as discussed. The language will be applied as it is normally understood and if there are any questions when the draft is presented it will be changed.

Appeals of Administrative Decisions

The ZBA has the right to hear appeals of administrative decisions. These are decisions made by the zoning administrator or the PC on issues such as site plan approval. It does not include legislative decisions like rezoning. The current ordinance does not appear to allow appeals of SLU decisions. MZEA states the Village can have ZBA hear appeals. It is recommended to all ZBA to hear appeals. There should be a time frame to hear an appeal. We agree 21 days from the day the decision is made to appeal. To grant an appeal the ZBA must find that the decision was arbitrary or capricious, or was based on an erroneous finding of a material fact, or constituted an abuse of discretion, or was based on erroneous interpretation of the zoning ordinance or zoning law.

Variances

A variance is approval to violate a requirement of the ordinance. There are two categories;

A Use variance allows a use to be permitted on a parcel that is not permitted in the zoning district the property is located in.

A Non-Use Variance is any other type of variance including variances from setbacks, landscaping or lighting requirements, dimensional requirements such as maximum height or lot coverage, or number of required parking spaces.

Under Michigan law, the Village has to allow for the consideration of a Non-Use Variance but we don't have to allow for consideration of a Use Variance. It is not recommended that we have a Use Variance in our zoning ordinance. The Michigan Court of Appeals have laid out standards they would use in evaluating a use or non-use variance. We will adopt these standards.

Interpretation

There are 3 types of interpretation. Interpretation of map, terms, and a use that is not listed in the ordinance.

Other Powers

There are other powers that communities sometime give the ZBA. We propose that when we go through the non-conforming section or other areas and decide we want to give power to the ZBA, other than the ones discussed, we will come back here and add them.

Amendments

An amendment is a process by which the PC reviews a request and a recommendation is then given to the Village Council to amend the text in the ordinance or amend the map. It is agreed the ZBA not be allowed to initiate text amendments. A property owner should have the right to petition a rezoning of their property. Are they allowed to initiate a text amendment provided the amendment they propose would impact property they own? Yes

Procedures for Review

Does the Village want to provide for any additional notice? Do we want to require the property proposed to be posted that there is going to be a hearing on a rezoning? Provide notice to adjacent municipalities? We will notify within a half mile.

The other items presented are proposed to be used in this section.

Standards for Approval

The current ordinance does not provide any standard for consideration of zoning amendments. We recommend the village consider standards designed to evaluate a proposed amendment based on the land use plan. These will be added in the ordinance draft to review.

Conditional rezoning

Conditional rezoning is permitted under MZEA. We recommended that a set of procedures for consideration and approval and document such rezonings be included in this article.

Site Plan Review

When is a site plan required and when is a site plan required to be reviewed by the Planning Commission? The purpose of a site plan is to document that you are in compliance with the zoning ordinance. If you are developing from scratch there are a lot of details that you want to provide to make sure you are consistent with the zoning ordinance. The Zoning Administrator can approve the majority with the Planning Commission approving the big items.

Under what circumstance do we want the site plan to go to PC? Any special land uses, Condo's, and any new construction over 1000 sq ft. Zoning Administrator approves any single-family residence, accessory buildings, any construction less than 1000 sq. ft. and additions.

No preliminary site plan review with a subcommittee is required.

A detailed list of information is required for a site plan review. The Zoning Administrator and Planning Commission have the opportunity to waive any informational requirements when they are not necessary to verify compliance with the plan.

Standards for approval

The standards of approval need to be very detailed and tie to the information required. In most cases the decision will be cut and dry. The development needs to be built according to what the plan says. The Zoning Administrator can approve minor changes. Construction would begin within one year of approval with up to a 1-year extension. The extension would need to be granted from whoever approved the plan.

Lincoln moved and Mitchell seconded to adjourn at 8:46 PM. Motion carried.

Respectfully submitted,

Melissa King
Village Clerk