

**AGENDA
FOR BOARD
ACTION –**

**NEW
BUSINESS**

**NEW
BUSINESS
#1**

ITEM 1

MOTION TO AMEND POLICE POWER FIRE LANE
ORDINANCE 2021-03 AS PRESENTED AND DIRECT
THE CLERK TO PUBLISH NOTICE OF AMENDMENT IN
THE PAPER WITHIN 15 DAYS, WITH EFFECTIVE DATE
30 DAYS AFTER PUBLISHING.

MADE BY: _____

SECONDED BY: _____

VOTE:

ALAN _____

KATHY _____

JASON _____

SHARON _____

BOB _____

DRAFT

Fire Lane Ordinance
Torch Lake Township
Ordinance No. 2021-03

AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE BY REGULATING THE ESTABLISHMENT AND ENFORCEMENT OF FIRE LANES IN TORCH LAKE TOWNSHIP PURSUANT TO MCLA 41.181, 41.183, 257.674(1)(aa) AND 257.907.

Torch Lake Township Ordains:

Section 1. Title

This Ordinance shall be known as the Torch Lake Township Fire Lane Ordinance.

Section 2. Definitions

FIRE LANE- Any means of access, public or private, improved or unimproved, that is essential or designated for use by emergency vehicles by the Fire Department.

Section 3. Designation of Fire Lanes

Designation of the fire lanes shall be made by posting signs which read "FIRE LANE, NO PARKING, FINES OF \$100 AND TOWING EXPENSES, PAID BY VEHICLE OWNER". The Fire Department shall determine when a fire lane is necessary to protect the human life and property, on public or private lands, or on public or private roads. All signs shall be posted and maintained by the property owner.

Section 4. Sign Requirements

Required signs shall not be less than 100 square inches in area. All lettering of signs shall be red letters laced on a white background. The words "FIRE LANE" shall not be less than two inches in height per letter. Signs shall be placed at both ends of the fire lane and at intervals along said fire lane not to exceed 100 feet. Sign height shall be a minimum of 4 feet and a maximum of 6 feet.

Section 5. Parking of Non-Emergency Vehicles Prohibited

Parking of all non-emergency vehicles is prohibited in all designated fire lanes.

Section 6. Enforcement

The Fire Chief or his designated agents of the Torch Lake Township Fire Department, officers of the Antrim County Sheriff's Department, or other individuals appointed by the Township Board, are designated to enforce this Ordinance.

Section 7. Violations and Penalties

Any person who shall permit a vehicle owned, or operated by him or under his control, to park or stand in a fire lane established pursuant to this ordinance or place his vehicle in such manner as to impair or interfere with the operation of firefighting equipment, shall be responsible for a civil infraction and be

fined a sum not to exceed \$100 plus the cost of prosecution and costs including but not limited to towing expenses. Each violation shall constitute a separate offense.

Any person who shall violate any other provision of this ordinance shall also be responsible for a civil infraction and be fined a sum not to exceed \$100 plus the cost of prosecution and costs. Each violation shall constitute a separate offense.

Section 8. Severability

Should any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 9. Effective Date

This ordinance shall take effect thirty (30) days following publication.

DRAFT

**NEW
BUSINESS
#2**

ITEM 2. MOTION TO AMEND SCRIPT ERROR IN
POLICE POWER SEPTIC INSPECTION AND PROPERTY
TRANSFER ORDINANCE 2023-3 AS PRESENTED.

MADE BY: _____

SECONDED BY: _____

VOTE:

BOB _____

JASON _____

SHARON _____

ALAN _____

KATHY _____

DRAFT

Real Estate Service Provider: A person, who for a fee and in connection with the transfer of a premises, provides one or more of the following services: provides escrow services, provides title insurance, or acts as a real estate agent for an owner or a transferee or both.

Septic Tank: A watertight receptacle used to receive all sewage and designed to collect solids from such wastes for decomposition therein.

Sewage Treatment and Disposal System (STDS): The method of disposing of sewage by means of a sewer line connected to a septic tank or aerobic tank and one or more of the following: dry well, seepage pit, block trench, absorption field, trench or bed or any similar device or devices approved by the Health Officer.

Township: Torch Lake Township.

TOT Notification: A written document prepared by the Township that contains a summary of the requirements of this Ordinance.

Transfer: A conveyance of the entire legal or equitable title to a premises to a person who at the time of the conveyance did not have an ownership interest in the premises. The conveyance may be by any legal means, including but not limited to, a deed, land contract, or inheritance (testate or intestate). In addition, a transfer includes a change in more than 50% of the ownership interest of a legal entity when that legal entity owns a premises.

Transferee: A person to whom a premises is transferred.

Transferor: A person who makes a transfer of a premises.

Section 4. ADVISING OWNERS OF ORDINANCE

When providing services in connection with a transfer of a premises, a real estate service provider shall provide the owner and transferee with a TOT Notification. TOT Notification documents may be obtained from a Township officer or employee, as designated by the Township Board, or from the HDNW.

Section 5. STDS EVALUATION REQUIRED and EXEMPTIONS

- 1) Except as provided in subsection **2 B**, an owner of any premises in the Township shall not transfer a premises until the following conditions are met:
 - a) The existing STDS has been evaluated as required by this Ordinance and the HDNW has determined that the STDS complies with the HDNW's Environmental Health Regulations and, if applicable, the private water supply system complies with the requirements of Section 7 of the Ordinance; and
 - b) A written copy of the evaluation report has been provided to the transferee or an authorized agent of the transferee by the owner or an authorized agent of the owner.
- 2) The transfer of a premises is exempt from the STDS and private water supply system evaluation requirements of this Ordinance under any of the following circumstances:
 - a) Based on information provided by the owner or the records of the HDNW a determination is made by the HDNW that, pursuant to a permit issued by the HDNW under applicable Environmental Health Regulations, a new or replacement STDS was installed on the premises within ten years prior to the proposed date of transfer.
 - b) Based on information provided by the owner or the records of the HDNW, a determination is made by the HDNW that the STDS, which serves the premises, has been evaluated and found by the HDNW to meet the requirements of this Ordinance within five years prior to the date of the proposed transfer.
 - c) Based on information provided by the owner or the records of the HDNW, a determination is made by the HDNW that any structure on the premises, which is served by a STDS, will be demolished and not replaced.
 - d) When a mortgage or other payment obligation for which the premises is pledged as security is refinanced.
 - e) A transfer to establish, release or foreclose on a secured interest (such as a mortgage).

**NEW
BUSINESS
#3**

3. MOTION TO ACCEPT NOMINATION OF JEFFREY CLARKE TO FULFILL REMAINING TERM OF BARBARA BUDROS ON TLT PLANNING COMMISSION, EFFECTIVE DATE IS SEPTEMBER 20, 2023, ENDING OCTOBER 31, 2023.

MOTION BY: _____

SECONDED BY: _____

VOTE:

SHARON _____

BOB _____

KATHY _____

ALAN _____

JASON _____

DRAFT

From: Jeffrey M Clarke

To: Supervisor Bob Cook

Tuesday, September 9, 2023

As we discussed, I am interested in being a part of the Torch Lake Township Planning Commission. In conversation with you and another member of the commission, I have a general appreciation for the purview and expectations of the commission.

As a bit of background, I have had a life long connection to the Eastport. My wife (Christy) and I bought our house that is just adjacent to Barnes Park 18 years ago.

I have practiced law for 24 years and currently serve as Assistant General Counsel with BASF Corporation, responsible for commercial legal matters for a number of businesses in North American.

Let me know if any more detail or background would be helpful.

Jeffrey M Clarke

NEW BUSINESS

#4

4. MOTION TO APPROVE ZONING AMENDMENT
RELATED TO THE ZONING ORDINANCE CHAPTER 20
REPLACING SECTION 20.6 AS PRESENTED AND THE
CLERK IS DIRECTED TO PUBLISH THE NOTICE OF
CHANGE WITHIN 15 DAYS OF PASSAGE AND THE
EFFECTIVE DATE IS 8 DAYS AFTER THE PUBLICATION
DATE.

MOTION BY: _____

SECONDED BY: _____

VOTE:

JASON _____

SHARON _____

BOB _____

KATHY _____

ALAN _____

DRAFT

Date: 09.13.2023
From: Sara Kopriva, AICP
To: Torch Lake Township Board
Project: Zoning Amendment- ZBA Criteria

i
initiative

Proposed Motion: Motion to adopt Ordinance Number _____ of 2023 and have the Clerk publish in the newspaper within 15 days.

The proposed amendment is intended to clarify and simplify the criteria that the ZBA uses when making a decision on variances. In simplifying the language, it allows for all the findings or responses to the criteria to be positive or negative, aligning with the final decision. This is something that has been a struggle with the current criteria since sometime a finding that supports the criteria actually means denying the application.

The Planning Commission held a public hearing on June 13, 2023 on this amendment and recommended approval to the Township Board. (Minutes Attached)

The County Planning Commission held a meeting on September 5, 2023 and determined there were no incompatibilities with the County Master Plan and recommended approval. (Letter Attached)

Beckett & Raeder, Inc.
535 West William
Suite 101
Ann Arbor, MI 48103

Petoskey Office
113 Howard Street
Petoskey, MI 49770

Traverse City Office
148 East Front Street
Suite 207
Traverse City, MI 49684

Grand Rapids Office
5211 Cascade Road SE
Suite 300
Grand Rapids, MI 49546

734.663.2622 ph
734.663.6759 fx

231.347.2523 ph
231.347.2524 fx

231.933.8400 ph
231.944.1709 fx

616.585.1295 ph

Torch Lake Township

Ordinance Number _____ of 2023

An Ordinance to amend portions of the Torch Lake Township Zoning Ordinance to replace section 20.06, Dimensional Variances.

Torch Lake Township Ordains:

Section 1. Amendment.

The Torch Lake Township Zoning Ordinance is hereby amended to replace Section 20.06 Dimensional Variances with the following language:

Section 20.06 – DIMENSIONAL VARIANCES

No dimensional variance from the provisions or requirements of this Zoning Ordinance shall be authorized by the ZBA unless the ZBA makes findings of fact approved by the ZBA, establishing all of the following, based upon competent material and substantial evidence on the whole record:

- A. There is a unique circumstance that applies to the property.
- B. The variance is consistent with the spirit of the ordinance and is fair to adjacent properties
- C. The need for the variance is not self-created.
- D. The variance requested is the minimum necessary to remedy the practical difficulty.
- E. Strict compliance with the zoning ordinance prevents the applicant from using the property for the purposes permitted in the zoning district. Section

2: Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid. Section

3: Effective Date.

This Ordinance shall become effective eight (8) days following publication. Torch Lake Township

By: _____ By: _____

Supervisor

Clerk

Adoption Date: _____

Published Date: _____

Effective Date: _____

TORCH LAKE TOWNSHIP
ANTRIM COUNTY, MICHIGAN
Torch Lake Township
Community Services Building
Public Hearing and
Planning Commission Meeting
Draft Minutes
June 13, 2023

Present: Walker, Woodward, Carleton, Merchant
Absent: Dvorak, Graves
Others: Sara Kopriva TLT Planner / Zoning Administrator

Audience: 1
Recording Secretary: J. Petersen

1. Call to Order Regular Meeting

Meeting called to order at 7 pm by Carleton

2. Pledge of Allegiance

The Pledge of Allegiance was recited

3. Consideration of Agenda

Motion by Woodward to accept agenda as presented; seconded by Merchant :. Vote: 4 /0 motion carried

4. Conflict of Interest

Carleton asked if there were any conflicts of interest. There were none.

5. Approval of Meeting Minutes from May 9, 2023

Motion by Woodward to approve minutes with no changes. Motion seconded by Merchant Vote: 4 /0 motion carried

6. Public Comment on agenda items other than public hearing

None

7. Correspondence

None

8. Unfinished Business

None

9. New Business

A. PUBLIC HEARING - Amendment to Chapter 20, Section 20.06 Dimensional Variances

Carleton Opened the public hearing at 7:04pm, Kopriva summarized the ordinance revision. Carleton asked for comment from the public. Janet Killian spoke in support of the revisions, but not in support of the existing provision of the ordinance that all criteria must be met. The Planning Commission deliberated the amendment. Motion by Woodward to recommend approval of the Amendment to Chapter 20, Section 20.06 Dimensional Variance and send to Antrim County for approval, Motion seconded by Merchant - Vote; 4/0 - motion carried.

B. PUBLIC HEARING - Amendment to Chapter 2, Section 21.02 Amendment Criteria

Kopriva summarized the ordinance revision. Carleton asked for comment from the public. There was none. The Planning Commission deliberated the amendment. Motion by Merchant to recommend approval of the Amendment to Chapter 2, Section 21.02 Amendment Criteria and send to Antrim County for approval, Motion seconded by Woodward - Vote; 4/0 motion carried. Carleton closed the public hearing

10. On-Going Reports

- 1. TLT Board Representative on PC Report** - Merchant reported the board approved a new contract with IT Right, submitted a Michigan Fire Equip grant and recognized National EMS week.
- 2. Zoning Administrator's Report** - will present at next meeting
- 3. PC Representative to ZBA Report** -nothing scheduled in June or July

11. Public Comment

None

12. Concerns of Commission

- A. Chair** -absent
- B. Members** - Walker expressed appreciation for the training she received.
- C. Consultant** - next meeting June 26, 2023 at 6pm and June 28, 2023 at 6pm
- D. 12. Adjournment @**

Motion to adjourn: . Seconded by ; Vote: 4/0 motion carried



County of Antrim Planning Department

P.O. Box 187
Bellaire, Michigan 49615

Phone: (231) 533-6265
Fax: (231) 533-8111
www.antrimcounty.org

Jeremy Scott
Administrator

Janet Koch
Deputy Administrator

Tina Schrader
Administrative Assistant

Margie Boyd
Secretary

September 6, 2023

Ms. Sara Kopriva
Zoning Administrator
Torch Lake Township
[sent via email to: skopriva@torchlaketownship.org]

Dear Ms. Kopriva:

During their regular meeting of September 5, 2023 the Antrim County Planning Commission reviewed the proposed amendments to Torch Lake Township's zoning ordinance sections 20.06 – Dimensional Variances and 21.02 – Amendment Criteria. The following motion was made and approved:

That the Antrim County Planning Commission found no incompatibilities between the Antrim County Master Plan and the proposed amendments to Sections 20.06 and 21.02 of the Torch Lake Township Zoning Ordinance, and recommends that the Torch Lake Township Board approve the proposed amendments.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Janet Koch
Deputy County Administrator

e-cc: Torch Lake Township Clerk (clerk@torchlaketownship.org)

**NEW
BUSINESS
#5**

5. MOTION TO APPROVE ZONING AMENDMENT
RELATED TO ZONING ORDINANCE CHAPTER 21 BY
ADDING SECTION 21.02 AS PRESENTED AND THE
CLERK IS DIRECTED TO PUBLISH THE NOTICE OF
CHANGE WITHIN 15 DAYS OF PASSAGE AND THE
EFFECTIVE DATE IS 8 DAYS AFTER THE PUBLICATION
DATE.

MOTION BY: _____

SECONDED BY: _____

VOTE:

KATHY _____

ALAN _____

JASON _____

SHARON _____

BOB _____

DRAFT

Date: 09.13.2023
From: Sara Kopriva, AICP
To: Torch Lake Township Board
Project: Zoning Amendment- Amendment Criteria

i
initiative

Proposed Motion: Motion to adopt Ordinance Number _____ of 2023 and have the Clerk publish in the newspaper within 15 days.

The current Zoning Ordinance does not contain any criteria to base a decision for a zoning amendment or rezoning request. In the past the Planning Commission has used a list similar to this criteria to base their decision to create consistency in making a decision. Like special use and site plan review, it is important to have criteria to base a decision on.

The Planning Commission held a public hearing on June 13, 2023 on this amendment and recommended approval to the Township Board. (Minutes Attached)

The County Planning Commission held a meeting on September 5, 2023 and determined there were no incompatibilities with the County Master Plan and recommended approval. (Letter Attached)

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Grand Rapids Office
5211 Cascade Road SE
Suite 300
Grand Rapids, MI 49546

616.585.1295 ph

Torch Lake Township
Ordinance Number _____ of 2023

An Ordinance to amend portions of the Torch Lake Township Zoning Ordinance to add Section 21.02, Amendment Criteria.

Torch Lake Township Ordains:

Section 1. Amendment.

The Torch Lake Township Zoning Ordinance is hereby amended to add Section 21.02 Amendment Criteria with the following language:

Section 21.02 Amendment Criteria

The Planning Commission shall identify and evaluate all relevant factors and shall report its findings and recommendation to the Township Board. In considering an amendment to the Official Zoning Map (rezoning) or Ordinance text, the Planning Commission and Township Board may consider the following factors in making its findings and recommendations, although not all standards must be met in order to recommend approval of an amendment:

1. Consistency with the Master Plan's goals, policies, and future land use map, including planned timing or sequence of development. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.
2. Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site's physical, geological, hydrological, and other environmental features.
3. Compatibility of all the potential uses allowed in the proposed district(s) with surrounding uses and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure, and potential influence on property values.
4. Capacity of available utilities and public services to accommodate the uses permitted in the district(s) without compromising the health, safety, and welfare of Township residents or burdening the Township or Antrim County with unplanned capital improvement costs or other unplanned public expenses.
5. Capability of the road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district(s).
6. The apparent demand for the types of uses permitted in the district(s) in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.
7. The boundaries of the proposed district(s) in relationship to the surrounding area and the scale of future development on the site.

8. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.
9. Other factors deemed appropriate by the Planning Commission and/or Township Board.

Section 2: Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid.

Section 3: Effective Date.

This Ordinance shall become effective eight (8) days following publication.

TORCH LAKE TOWNSHIP
ANTRIM COUNTY, MICHIGAN
Torch Lake Township
Community Services Building
Public Hearing and
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Draft Minutes
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Audience: 1
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The Pledge of Allegiance was recited

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Motion by Woodward to accept agenda as presented; seconded by Merchant :. Vote: 4 /0 motion carried

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Carleton asked if there were any conflicts of interest. There were none.

5. Approval of Meeting Minutes from May 9, 2023

Motion by Woodward to approve minutes with no changes. Motion seconded by Merchant Vote: 4 /0 motion carried

6. Public Comment on agenda items other than public hearing

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B. PUBLIC HEARING - Amendment to Chapter 2, Section 21.02 Amendment Criteria

Kopriva summarized the ordinance revision. Carleton asked for comment from the public. There was none. The Planning Commission deliberated the amendment. Motion by Merchant to recommend approval of the Amendment to Chapter 2, Section 21.02 Amendment Criteria and send to Antrim County for approval, Motion seconded by Woodward - Vote; 4/0 motion carried. Carleton closed the public hearing

10. On-Going Reports

- 1. TLT Board Representative on PC Report** - Merchant reported the board approved a new contract with IT Right, submitted a Michigan Fire Equip grant and recognized National EMS week.
- 2. Zoning Administrator's Report** - will present at next meeting
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- B. Members** - Walker expressed appreciation for the training she received.
- C. Consultant** - next meeting June 26, 2023 at 6pm and June 28, 2023 at 6pm
- D. 12. Adjournment @**

Motion to adjourn: . Seconded by ; Vote: 4/0 motion carried



County of Antrim Planning Department

P.O. Box 187
Bellaire, Michigan 49615

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Jeremy Scott
Administrator

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September 6, 2023

Ms. Sara Kopriva
Zoning Administrator
Torch Lake Township
[sent via email to: skopriva@torchlaketownship.org]

Dear Ms. Kopriva:

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That the Antrim County Planning Commission found no incompatibilities between the Antrim County Master Plan and the proposed amendments to Sections 20.06 and 21.02 of the Torch Lake Township Zoning Ordinance, and recommends that the Torch Lake Township Board approve the proposed amendments.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Janet Koch
Deputy County Administrator

e-cc: Torch Lake Township Clerk (clerk@torchlaketownship.org)

**NEW
BUSINESS
#6**

6. MOTION TO ACCEPT NOMINATION OF CHARLES BOWMAN AS A SCANNER EFFECTIVE SEPTEMBER 20, 2023 AT A RATE OF \$15 PER HOUR.

MOTION BY: _____

SECONDED BY: _____

VOTE:

BOB _____

KATHY _____

ALAN _____

JASON _____

SHARON _____

DRAFT