

Draft: May 13, 2008

Village of Bingham Farms
Joint Meeting Planning
Commission & Council
May 12, 2008

Approved: August 11, 2008

The joint meeting of the Planning commission and Village Council was called to order by PC Chairman Wolfe at 7:30 p.m.

Present: Planning Commission – Wolfe, Hagaman, Freedman, Towle, Wells, Kesley,
Yaremchuk
Council – Freeman, Gollnitz, Tripp, Ettenson, Leckie

Absent: Planning Commission – Bello, Warren
Council – Bauer

Also Present: David Birchler (Village Planner) & Clerk Hagaman

Agenda

Motion by Kesley, second by Wells to accept the Agenda as presented.
Motion carried.

Minutes

Motion by Hagaman, second by Freedman to approve the meeting minutes of March 10, 2008 as submitted.
Motion carried.

Ordinance Definitions

Chair Wolfe explained that this joint meeting was to share thoughts about existing definitions in the Zoning Ordinances, to remove potential conflicting language and hopefully simplify the definitions.

Mr. Birchler briefly summarized the contents of his handout “Bingham Farms Front Yard Use Limitations”. He indicated the goal was to properly regulate accessory structures and landscape features on the same scale as accessory structures. To accomplish this, it is necessary to:

1. Make sure terms are clearly defined
2. Identify relevant provisions in the ordinances
3. Review examples of features considered to be appropriate and not appropriate for use in the front yard and,
4. Define ornamental landscape features and set standards for review by either the Planning Commission or Design Review Board.

Discussion ensued on the necessity for definitions, the impact of regulations on individual property rights, and the need for any regulations. Concern was raised over definitions being too restrictive and its ramifications. Other attendees believed specificity was needed to avoid different interpretations.

Mrs. Tripp stated that definitions and rules should be clear so a resident doesn't have to struggle to understand what needs approval and what does not need approval. The process should be simplified.

Chair Wolfe recommended that the group go through the proposed definitions individually.

There was consensus for the definition of principal building as “a building, or buildings, in which the primary use of the lot on which the building is located is conducted. In a residential district, the dwelling on the lot shall be deemed to be the principal building.”

There was consensus for the definition of accessory building as “A building or portion thereof, supplementary or subordinate to a principal building or principal use on the same lot, occupied by or devoted exclusively to an accessory use.”

The proposed definition for structure was confusing and it was recommended that it be simplified. In response to a question, it was noted that while a building is a structure, a structure is not necessarily a building.

The proposed definition for accessory structure is to be simplified.

It was recommended that the Village provide a definition for ornamental landscape feature. After discussion, the proposed definition was changed to read “A structure of an open or closed design erected as a decorative or ornamental feature of a landscaping plan and not more than 36 inches above grade or more than 100 cubic feet in bulk.”

The proposed definition for fence clarifies the materials appropriate for construction of a fence.

The proposed definition for a wall now will identify the appropriate materials for construction.

Discussion ensued on the need to provide definitions for principal buildings and accessory buildings, accessory structures and accessory uses. Mr. Birchler pointed out that those terms are used in various sections of the Zoning Ordinance and as such, should be defined.

There was consensus on the proposed definition of accessory use as “a use that is subordinate to and which is customarily incidental to the principal permitted use on the property”.

It is recommended that the definition for “front yard” be amended to exclude live landscape plants and/or approved Ornamental Landscape Feature(s).

No change was proposed for the definition of “side yard” or “rear yard”.

Part II of the process to properly regulate accessory structures involves identifying existing ordinance provisions to support the goal of limiting the front yard to only appropriate landscaping and similar features.

There was consensus to amend Section 157.050(I) and simplify it to prohibit accessory structures in any front yard. It removes references to “required” front yard and walls and fences. Outside lighting facilities and real estate signs are exempted from this regulation.

Part III of the process provides specific examples of appropriate and inappropriate Ornamental Landscape Features that would become the basis for a set of standards to be applied when reviewing requests for permits.

Appropriate examples would include natural stone walls not more than 36 inches tall, trees shrubs and planters, flagpoles not over 27 feet in height, sculptures, pathways, decorative light poles, simple unadorned entry features, and mailbox stands. Inappropriate examples of ornamental landscape features in the front yard would include for example, gazebos, pergolas, recreation equipment, mechanical equipment (screened or unscreened), pools, ponds, fences, and monumental entry features inconsistent with the natural landscape.

Mr. Ettenson and Dr. Yaremchuk left the meeting at 9:15 p.m.

Part IV of the process establishes standards for review. The concepts proposed were briefly reviewed. No concerns were raised.

It was noted that prior to adoption of any of these amendments or forwarding to Council, the Village attorney would need the opportunity to review the concepts and proposed language.

Motion by Wells, second by Hagaman to adjourn.
Motion carried.

Meeting adjourned at 9:30 p.m.