

City of the Village of Clarkston  
375 Depot Road  
Clarkston, Michigan 48346

City Council

Joseph Luginski, Mayor, '12  
Richard Bisio, '12  
James Brueck, '11  
Stephen Hargis, '11  
Thomas Hunter, Mayor-Pro-Tem, '11  
Chuck Inabnit, '12  
Peg Roth, '12

City Departments

Dennis Ritter, City Manager  
Kelly Richter, City Clerk  
Sandra Barlass City Treasurer  
Marcy Rotondo, Admin. Assistant  
Bob Pursley, DPW Director  
Seymour Stone, Building Inspector

Community Committee

Peg Roth, Chair, '12  
Joe Luginski, '12  
Chuck Inabnit, '12

Departments Committee

Tom Hunter, Chair, '11  
Jim Brueck, '11  
Steve Hargis, '11

Finance Committee

Joe Luginski, Chair, '12  
James Brueck, '11  
Richard Bisio, '12  
Dennis Ritter, City Manager  
Sandra Barlass, City Treasurer

Physical Plant Committee

James Brueck, Chair, '11  
Thomas Hunter, '11  
Peg Roth, '12

Ordinance Committee

Richard Bisio, Chair, '12  
Chuck Inabnit, '12  
Thomas Hunter, '11  
Robert Bondy, Planning Comm. Chair

Technology Committee

Stephen Hargis, '11  
Joe Luginski, '12  
Chuck Inabnit, '12

Planning Commission

Robert Bondy, '13  
Steve Hargis, City Council '11  
Thomas Goldner, '12  
Frank Schoebel, '13  
Mike McGraw, '12  
Eric Haven, '13  
Jen Detkowski, '12

Zoning Board of Appeals

William Basinger, '12  
James Brueck, City Council, '11  
Sharron Catallo, '11  
Margaret De Costa, '13  
Scott Meyland, '13  
Doug Roeser, '11

Historic District Commission

Cara Catallo, Chair, '12  
Dave Bihl, '12  
Melissa Luginski, '11  
Chip Travis '14  
Kevin Harrison, '13

Board of Review

Carol Eberhardt, Chair, '14  
Joel Hoffman, '13  
Bonnie Valuet, '12  
Scott Meyland, Alternate, '13

City Council Special Meeting Agenda

11/3/11

7:00 p.m.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call:** Bisio, Brueck, Hargis, Hunter, Luginski, Inabnit, Roth
4. **Motion:** Approval of Agenda
5. **Public Comments:** *Individuals have the opportunity to address the City Council on non agenda items, limiting their comments to five minutes. Please begin by stating your name and address for the record. Individual comments on agenda items will be heard when the item comes up on the agenda and will be limited to 5 minutes (unless an exception is granted by council). See Public Comment Policy document.*
6. **Motion:** Acceptance of Agenda as Presented
7. **Old Business**
  - a. **Resolution:** Amendment to Zoning Ordinance 129-2, Article XXV, SPECIAL LAND USES, Section 25.10.B. 35. F.1 "Prohibited Uses and Activities for Property Abutting a Water Body"
8. **Adjourn**

*Only those matters that are on the agenda are to be considered for action.*



City Council  
City of the Village of Clarkston

RE: Amendment to Ordinance 129-2

To the City Council of the City of the Village of Clarkston,

The Planning Commission met on Thursday evening the 27<sup>th</sup> of October, 2011. There were five members of the commission in attendance meeting the requirement of quorum. The commission voted 4 to 1 in favor of the acceptance of the Amendment to Ordinance 129-2 as submitted by Mr. Carlisle, the City Planner for the City of the Village of Clarkston.

Sincerely,

*Robert J. Bondy*

Robert Bondy  
Chairman  
Planning Commission  
City of the Village of Clarkston

f. **Uses and Activities for Property Abutting a Water Body.**

- 1) The water bodies situated in the City are small, with relatively low environmental and recreational carrying capacities, and may be adversely affected by the introduction of new and significant use. Accordingly, considering that the subject property is situated in a single family neighborhood, if the subject property abuts a water body such as a natural or artificial lake, pond, or stream, the exercise of riparian rights and any other access shall be compatible with use and activities similar to normal and customary single-family residential use. If the predominate use of the subject property is approved as non-residential, the standards set forth herein regarding water body access regulation are deemed to be important and necessary in order to balance the interests of the owner of the overlay approved property and people in the neighborhood and waterfront residents on the water body. The owner shall agree to the ordinance restrictions set forth herein as to water use with enforcement reserved to the City in a form to be approved by City Council and recorded in the Oakland County Register of Deeds. In no respect shall water body access be permitted from, over, or through the subject property by any person other than the owner or occupants of the property and their occasional guests. No use of the water body that constitutes a nuisance shall be permitted by the owners or occupants and their occasional guests in accessing the water body. "Access" for purposes of this section shall mean access to the water body for swimming, fishing, boating, or any other recreational or non-recreational purpose.

In the application of these regulations, the following further restrictions shall apply:

- a) Residential Users. If an approved special land use authorizes water body access for residential users, such water body access shall be limited to use by an owner of the subject property having a bona fide fee ownership interest in the subject property, and to such owner's family and their occasional guests.
- b) Non-Residential Users. It is the intent of this ordinance to permit non-residential water body access which is no more intense than the customary usage of a single-family residence on the particular water body, considering average seasonal use and customary holiday usage. Water body access for a non-residential use shall be restricted to a professional service business that is the exclusive and single user of the property, and if following approval for such a user the building becomes occupied by more than a single user, the water body access approval shall thereupon expire and be of no effect. The new owner with multiple uses may re-apply for Special Use Approval pursuant to this Ordinance. Considering that the use

is non-residential in a residential setting, hours of water body access shall cease after sunset and shall not commence prior to sunrise, and use shall in all events not create a nuisance to residences in the neighborhood or on the water body. Consistent with customary residential usage, water body access authorization shall be restricted to the owner of the subject property, those individuals who work at the professional service business on the property, and their occasional guests who must be accompanied by either the owner of the property or by individuals who work at the professional service business on the Property.

- 2) Not more than one permanent or seasonal dock of not more than twenty-five (25) feet in length and eight (8) feet in width may be established. Not more than one (1) off-shore raft with dimensions not to exceed one hundred (100) square feet shall be permitted. For purposes of this section, "dock" means a platform structure extending from the area of the normal high water mark of the water body into the water, intended to provide access for swimming and fishing. A dock permitted under this section shall not be used for the mooring of more than two (2) watercrafts. The permission in this section shall be subject to any other more restrictive ordinance and law.
- 3) Consistent with the provisions of this subsection, native water's edge plantings shall be established near the edge or shore of the subject property in the area abutting the water body for notice, buffering, and environmental protection purposes.

## Dennis Ritter

---

**From:** Richard Bisio [bisior@villageofclarkston.org]  
**Sent:** Tuesday, November 01, 2011 9:17 PM  
**To:** 'Dennis Ritter'  
**Cc:** Kelly Richter; 'Richard Carlisle'; 'tom ryan'; Chuck Inabnit; James Brueck; Joe Luginski; Peg Roth; Stephen Hargis; Tom Hunter  
**Subject:** 11/3 council meeting - zoning ordinance amendment  
**Attachments:** proposed water access amendment-revised-simplified version.pdf

Dennis:

Please distribute the attached alternative zoning ordinance amendment for consideration of the council at the November 3 meeting.

Richard Bisio  
Clarkston City Council  
[bisior@villageofclarkston.org](mailto:bisior@villageofclarkston.org)  
248 740-5698

**f. Property Abutting a Lake or Pond.**

The restrictions in this Section 25.10.A.35.f apply to property approved for a special use under Section 25.10.A.35 that abuts a lake or pond.

- 1) Intent. The water bodies in the City are small, with relatively low environmental and recreational carrying capacities and may be adversely affected by introduction of new and significant use. The standards here for water access are important and necessary to balance the interests of the owner of the property, people in the neighborhood, and residents on the water body. "Water access" for purposes of this section 25.10.A.35.f means access to the water body for swimming, fishing, boating, or any other recreational or non-recreational purpose.
- 2) Restrictions on Residential and Non-Residential Occupants. Since the property is in a single family neighborhood, exercise of riparian rights and any other water access must be compatible with normal and customary single-family residential use.
- 3) Restrictions on Residential Occupants. Water access for residential occupants is limited to full time residents of the property, their family, and their occasional guests.
- 4) Restrictions on Non-Residential Occupants. Water access for a non-residential occupant is limited to a single business that is the only non-residential user of the property. The following restrictions apply:
  - a) Water access must be no more intense than the customary usage of a single-family residence on the particular water body.
  - b) Water access is limited to the business, individuals who work at the business, and their occasional guests.
  - c) Only one permanent or seasonal dock not more than 25 feet long and eight feet wide is permitted. Only one off-shore raft not more than 100 square feet is permitted. "Dock" means a platform structure extending from the area of the normal high water mark of the water body into the water, intended to provide water access. A dock permitted under this section may not be used for mooring more than two watercraft.
  - d) The permission in this section is subject to any other more restrictive ordinance and law.