



## LAKE LOUISE CHRISTIAN COMMUNITY *Building Policy & Residential Regulations*

The Lake Louise Christian Community (LLCC), a Michigan 501(c)(3) non-profit corporation, has established through its Board of Trustees (the “Board”), the following residential regulations (the “regulations”) which shall govern any and all development on residential property owned by the LLCC. These regulations shall be interpreted as being consistent with the LLCC’s existing policies and regulations, as well as any Hudson Township, Charlevoix County, State of Michigan or United States law, ordinance, rule or regulations (“governing law”). To the extent that these regulations are inconsistent with any governing law, the local, state or national governing law shall have precedence, but only to the extent that the regulations are inconsistent. The purpose of these regulations is to create a positive image consistent with the mission statement of the LLCC.

### Article I

#### Residential Construction

- 1. Approval of the Board Required.** Any and all structures to be constructed at, or to be placed on, any real property subject to the Residential Property Lease must be approved by the LLCC Board, or by the LLCC staff assigned by the LLCC Board, and must be consistent with these regulations. *Any and all structures* include, but are not limited to, residential structures (hereinafter the “cottage”), garages, storage or auxiliary buildings, retaining walls, fences, breakwaters, piers, woodsheds, decks, driveways and walkways, imported rocks or other materials and septic systems, geothermal heating and cooling systems or any construction that in the judgment of the Board or its agents falls under this policy. Any and all structures must be consistent, in the interpretations of the Board, with the character, nature and natural surroundings of the Lake Louise Christian Community (the “Community”). Any and all construction related activities must be conducted in a manner that limits the environmental impact of the construction process and must be performed in a manner that preserves and protects the ecology. An environmental impact statement shall be provided by the lessee, at his/her expense, at the request of the Board, or the Board’s designee, setting forth the efforts made by the lessee or his/her builder to comply with this paragraph.
- 2. Residential Structures.** Each lease may contain only one (1) cottage.
- 3. Cottage Construction.** Cottages or habitable additions shall be constructed by a residential builder, licensed through the Michigan Department of Consumer and Industry Services (the “builder”). Cottages must be constructed on the real property subject to the Lease (hereinafter the “Lease site”) and, as a general rule, cottages must be constructed as site-built homes. Alternate methods of construction may be considered. However, prior to initiating construction, any such method must be reviewed by the Board and, at their sole discretion shall be accepted or rejected.
- 4. Cottage Location.** Any and all cottages to be constructed, or any cottage for which the exterior structure of the cottage is to be expanded or modified in any manner, including but not limited to room additions, decks, porches, etc., must be constructed in a location on the Lease site, and in a manner, so that the cottage, in the opinion of the Board or the Board’s designee, does not unreasonably interfere with the adjoining leaseholders’ views or enjoyment of Lake Louise. See guidelines in Appendix 1.

5. **Setback Requirements.** Setbacks must conform to County and Township requirements. Lessee is responsible for obtaining and conforming to these regulations.
6. **Square Footage Requirements.** The square footage of a cottage, including all above ground floors, walkout basements and living areas above the garage, but excluding subterranean basements and garages, shall not exceed 4,000 square feet of habitable living space, as determined by the Board or their designee.
7. **Exterior and Architectural Design and Aesthetics.** The Board reserves the right to deny requests for construction of a cottage or structure that is not consistent, in the Board's sole determination, with the nature and character of the natural surroundings of the Community. Preferred methods are included in Appendix 1 to this document.
8. **Garage Requirements.** Each Lease site may have one (1) garage that shall have no more than a 1,000 foot square footprint. Township regulations do NOT permit habitable living spaces within or above detached garages or any other out buildings. Garages may have finished living or useable space included above the garage, if the garage is attached to the cottage and if such space is consistent with the requirements set forth in Paragraph 6 and is consistent with any other governing law.
9. **Landscape Elements.** Landscaping shall be done in a manner that does not adversely affect the Lake and is consistent with all Federal, State, County and Township regulations. Lessee is responsible for being aware of, and conforming to all regulations. In addition to governmental requirements, no modifications shall be made to the shoreline, i.e. where the water meets the land, without the expressed, written approval of the Board or the Board's designee, and then only according to applicable government regulations and having first obtained the required permits. Such modifications include, but are not limited to, breakwaters, fixed piers, retaining walls, imported rocks, sand or other materials. Preferred landscaping methods are included in Appendix 1 to this document. For preferred guidelines, see Appendix 1.
10. **Trees.** According to the Residential Property Lease, each lessee agrees "to refrain from cutting down or destroying any tree now and hereafter upon said premises, except by consent of the Lessor's agent first obtained." Therefore, permission must be obtained from the LLCC staff before cutting down, removing or destroying any tree, living or dead, located on the Lessee's property. Cottagers will be assessed a fine of \$200 for each tree removed without permission. The relationship between cottagers and the LLCC is a collaborative one that starts with the environmental stewardship of the water and shoreline, forest and trees.
11. **Outdoor Lighting.** Lighting methods shall not negatively impact other residents' enjoyment of the Lake. Required lighting methods are included in Appendix 1 to this document.
12. **Additional Structures and Items.** In addition to the cottage and garage, one (1) auxiliary structure, not to exceed a footprint of 10 x 12 feet is allowed for personal storage needs. Any items that are stored outside of a fixed structure shall be arranged in an organized and aesthetically pleasing manner, as judged by the Board or the Board's designee.
13. **Geothermal heating and cooling systems.** The installation of a geothermal heating and cooling system requires the prior notification and approval of the Board or the Board's designee. The information provided to the Board or the Board's designee shall include the name of the heating contractor, the type and size (BTUs) of the system being installed, the system's water source and the plan for system's drainage.

## Article II

### Permit Application Process

1. **Structures requiring a LLCC Permit.** Any cottager who intends to construct a structure on a Lease site, including a cottage, deck, porch, enclosing an existing deck or porch, garage, storage or auxiliary building, woodshed, retaining wall, fence, breakwater, pier, driveway, walkway, septic system, well, or any project where rocks, sand or other foreign material is imported shall comply with the following Permit Application Process, in addition to any process required by any governing entity or law:

a) **A LLCC Building Permit is required.** Any construction on a Lease site requires that a permit be issued by the LLCC Executive Director, or his / her designee, with approval of the Board of Trustees (notwithstanding the fact that governing law may not require a building or other permit) and such a permit must be obtained *before* any other permits are requested or obtained from a governing entity.

b) **Lease Site Boundary Lines must be established**

1) Prior to the issuance of a LLCC building permit, the cottager must be able to confirm the location of the boundary lines on both sides of the cottager's Lease site by demonstrating that concrete boundary monuments have been placed both at the high water mark and at 200 feet back, or where deemed practical.

2) Should concrete boundary monuments on both sides of the cottager's Lease site not be in place prior to issuance of a permit, the cottager shall establish with the cottagers of the adjoining Lease sites the agreed upon locations for the placement of concrete boundary markers and shall notify the LLCC Executive Director, or his / her designee, of those locations. The LLCC staff will then install the concrete boundary monuments at those agreed upon locations. The cottager will be assessed a \$125.00 fee per lot line that needs to be established with permanent concrete monuments.

3) Should there be a disagreement between cottagers regarding the location of the boundary between Lease sites, the Board of Trustees, through the Executive Director, or his designee, shall use its best efforts to resolve the dispute in a manner that provides the best compromise for both cottagers. However, in the absence of a compromise acceptable to both cottagers, the Board of Trustees, upon the recommendation of the Executive Director, or his / her designee, shall have the sole final authority to determine the locations of the Lease site boundary markers.

c) **The LLCC Permit Process**

1) The cottager shall obtain a LLCC Building Permit Application from the LLCC office, at 11037 Thumb Lake Road, Boyne Falls, Michigan 49713, and complete and return it to that office with a \$125.00 application fee and a description of the planned construction, including structural blueprints, drawings and/or other documents that will assist in describing the planned construction. The permit fee will cover the review of all submitted documentation, information regarding any alterations that would be required for approval, subsequent LLCC approval and permit issuance.

2) As the final step in the permit process, following the LLCC approval of the construction and the issuance of a Building Permit by the appropriate governing entity, the cottager shall provide a copy of that Building Permit to the LLCC office to be reviewed and retained in the cottagers file.

d) **Violation of the Permit Process.** A cottager who undertakes construction without completing the process outlined above will be liable for the entire permit fee *plus* a fine of \$250.00.

2. **Completion of Construction.** Any cottage or garage construction shall be completed no more than twelve (12) months after the Building Permit is issued by the governing entity. The LLCC Executive Director may extend the construction time by what he/she considers to be a reasonable period of time, based on a credible explanation for the delay provided by the cottager. Should the cottager fail to complete cottage construction in the defined time period, a fine of \$50.00 per month of delay in completion of construction shall be assessed to the cottager.

3. **Temporary Alternate Shelter.** A cottager may use, during the construction period, with prior approval of the Executive Director or his / her designee, a temporary shelter on the Lease site, including a tent, trailer or motor home.

## Article III

### Appeal Process

1. **Submission of Appeal.** Any person (including any natural person or entity) that is a party to a Residential Property Lease may appeal the decision of the Board related to any matter stated herein, as well as any matter subject to review and approved by the Board or any of its Committees related to any structures on residential property. The appeal submission process is as follows:

a) The appellant (hereinafter referred to as the "cottager") shall mail or hand-deliver to the Community, at 11037 Thumb Lake Road, Boyne Falls, MI 49713, the following information, documentation or media:

- 1) A copy or description of the decision that the cottager is appealing.
- 2) A written explanation of any and all reasons supporting the cottager's appeal of the decision, including a written explanation of any and all reasons why the Board should grant the appeal or otherwise modify or amend the decision being appealed.
- 3) Any and all drawings, blueprints, visual renderings, photographs, video-recordings, or other documentation or medial that would support the cottager's appeal.
- 4) A non-refundable fee of twenty five dollars (\$25) and a \$400.00 bond payable to the Lake Louise Christian Community is required to initiate an appeal. The bond shall be held in escrow pending the result of the appeal. If the appeal is granted, the full bond will be returned to the cottager.

b) The information, documentation or media must be received by the LLCC Board at the address provided above by no later than thirty (30) calendar days prior to the date of the next LLCC Board meeting. Moreover, the appeal of any decision must be made not less than thirty (30) days after the decision is communicated (verbally or in writing) by the LLCC. Exceptions to the subparagraph may be granted by the Board.

c) The LLCC Executive Director shall mail copies of the documentation to the Board's trustees as soon as possible after receipt of same.

2. **Hearing of Appeal.** Any appeal timely submitted in accordance with this Article shall be presented to the Board for its consideration. The hearing of any appeal shall be conducted as follows:
- a) The Board may receive comment from the cottager who submitted the appeal and any persons who have meaningful comment in support of or opposition to the appeal. The Board shall provide each person up to five (5) minutes to present their position on the appeal, provided, however, that the Board's President may determine, in his/her sole discretion, that additional comment shall or shall not be received.
  - b) After receiving comment, the Board shall adjourn into closed session and shall excuse all non-Board persons present. The Board shall discuss and consider the appeal for not more than thirty (30) minutes.
  - c) After the conclusion of discussion, the Board shall make a decision to:
    - 1) Grant the appeal as requested
    - 2) Deny the appeal
    - 3) Approve an alternative to the appeal; or
    - 4) Remand the appeal back to the interested party or parties for additional discovery or fact finding. Immediately following the Board's decision, the Board shall inform the cottager of the Board's decision. The Board's decision is not subject to review or appeal.

## Article IV

### Sanctions

In the event these regulations are ignored or not followed, the Board and its agents shall have, in any combination, the right:

1. To involve the applicable governmental agency or the Community's attorney in the correction of the problem.
2. To require that structures or constructions that do not conform to these regulation or those of the applicable governmental agencies be modified or removed at the cottager's expense to conform to these regulations.
3. To require redress for any damage to or destruction of community property, including, but not limited to, roads, trails, and trees or to assign a fine in the amount of twice the cost of normally required building permits.
4. To apply a lien on the cottage and/or terminate a residential property lease. The Lessee will be responsible for all legal fees incurred.

## Appendix 1

The purpose of this appendix is to provide a guide to the lessee of preferred methods of stewardship of Lake Louise and the surrounding areas.

**1. Cottage Construction and Aesthetics:** Cottages should be centered on the lessee's lot and should have setbacks that are consistent with adjacent cottages and township requirements. The subject cottage should be aesthetically compatible in design and appearance with other cottages. Cottages should be consistent with other cottages in terms of roof pitch, scale, size, mass, minimum transparency, orientation to the waterfront/road, siding materials, window openings and overhangs. The foregoing should not be construed to prohibit innovative design concepts involving such matters as, but not limited to, solar energy, view or unique land contour. Cottages should be built to the natural contour of the land, whenever possible.

**2. Landscaping** Landscaping provided within a waterfront setback should be comprised of native species. A ribbon of a minimum 30-foot buffer zone should be provided immediately adjacent to the waterfront to serve as a buffer for storm water runoff, shoreline stability and lake aesthetics. Within this buffer zone, no live trees or native shrubs of any size shall be cut or vegetation removed without specific approval of the Executive Director, or his/her designee, whose decision is final. As a general rule, beyond the buffer zone, existing live trees in excess of six (6) inches in diameter at five (5) feet above the ground should be preserved as much as practical unless the trees are located within the approved building footprint or drain field, or are located in close proximity to the new structure as to cause harm and/or damage. (See Article 1, Item 11 for regulation regarding trees). The Executive Director, or his/her designee, must specifically approve the additional removal of trees to allow construction of driveways, parking areas, retaining walls, etc., and his/her decision is final. With new construction, when required by County of Township ordinance, berms and swales should be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion. Berms should have a rounded surface, which is a minimum of two (2) feet in width at the highest point of the berm, extending the length of the berm. Berms are not permitted adjacent to the waterfront. No fences or walls shall be erected in the waterfront setback. Obscuring walls and fences shall not be placed parallel to the waterfront. Approved fences and walls shall be limited to three (3) feet in height in waterfront yards.

**3. Outdoor Lighting:** The best efforts shall be made to minimize illumination of the night sky, neighbors' sites, or the surrounding area. Direct or directly reflected light must be confined to the development site, and no light sources or light lenses should be directly visible from beyond the boundary of the site. All light sources and light lenses shall be fully shielded, and the intensity of light emitted from the fixture at any angle of 80 degrees from the vertical must be less than 10% of the peak candle power of the outdoor light fixture. Light may not be emitted above the horizontal plane running through the lowest point of the fixture where light is emitted. All outdoor fixtures shall be placed and installed to insure the fixture does not produce a glare.

**4. Use of Off-Road Vehicle (ORVs) on Lake Louise Christian Community (LLCC) property:** The use of off-road vehicles (ORVs), defined as any motor vehicle specifically designed for and capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, is permitted on all LLCC roads, but is not permitted on any path, trail or woodland area located on LLCC property, including both Commercial Forest (CFA) and Forest Legacy lands. The entrances and exits to LLCC trails may be posted to indicate that ORV access is prohibited.

Approved April, 2006

Revised April 2009 and April 2011

Revised June 2013 – Authorized the LLCC Executive Director to act on behalf of the LLCC Board in matters pertaining to meeting regulations and that the Executive Director report projects approved and compliance with regulations to the LLCC Board of Trustees at the Board of Trustees meeting following the approval.

Revised November 2016 by the LLCC Land Committee, Executive Director and Operations Director.

Final Board of Trustees' approval granted November 2016

Revised February 2018 by the LLCC Land Committee and Board of Trustees

Revised April 2018 by the LLCC Land Committee and Board of Trustees

Revised November 2018 by the LLCC Land Committee and Board of Trustees