

CITY OF CHARLEVOIX
210 STATE ST. CHARLEVOIX, MICH. 49720
PLANNING COMMISSION PUBLIC MEETING AGENDA

MONDAY, JULY 9, 2018 AT 6:00 PM in the City Council Chambers, 210 State Street, Charlevoix, MI

- A. Call to Order/Pledge of Allegiance
- B. Roll Call
- C. Inquiry into Potential Conflicts of Interest
- D. Approval of Agenda
- E. Approval of the Minutes
 - 1. June 11, 2018 Minutes
- F. Call for Public Comment Not Related to Agenda Items
- G. New Business
 - 1. Moose Sculpture
 - 2. Zoning Ordinance Amendment Review #1 Housekeeping
 - 3. Zoning Ordinance Amendment Review #2 Procedure Changes
- H. Old Business
 - 1. Rental Ordinance Example
 - 2. Housing Discussion Report
- I. Staff Updates
- J. Requests For Next Months Agenda or Research Items
- K. Adjournment by 8:00 PM unless extended by a motion

The City of Charlevoix will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon one weeks' notice to the City of Charlevoix. Individuals with disabilities requiring auxiliary aids or services should contact the City of Charlevoix Clerk's Office in writing or calling the following: City Clerk, 210 State Street, Charlevoix, MI 49720 (231) 547-3250.

CITY OF CHARLEVOIX

Approval of the Minutes

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: June 11, 2018 Minutes

DATE: July 9, 2018

ATTACHMENTS:

▯ June 11, 2018 Draft Minutes

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, June 11, 2018 - 6:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

A. Call to Order

The meeting was called to order at 6:00 p.m. by Chair Chamberlain.

B. Roll Call

Chair:	Sherm Chamberlain
Members Present:	Toni Felter, Brian Gelb, Dennis Halverson, Jennifer Muladore, Philip Parr, RJ Waddell
Members Absent:	Nelson Fletcher, Rick Golding
Staff Present:	Mark Heydlauff, City Manager

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

Chair Chamberlain stated that he was adding under New Business, Item G-5, Presentation by Judy Clock and Mary Eveleigh on the *Citizen Planner Advanced Academy* meeting held in Okemos, and election of a new Vice Chair under New Business, Item G-1.

Motion by Member Halverson, second by Member Waddell to approve the agenda as revised. Motion passed by unanimous voice vote.

E. Approval of the May 14, 2018 Minutes

Chair Chamberlain recalled that the tape recorder wasn't working during the May 14th Commission meeting. The Commission proceeded to fill in the missing motions from the May 14th minutes:

- Approval of agenda – motion by Member Felter, second by Member Halverson
- Approval of February 12, 2018 Minutes – motion by Member Waddell, second by Member Eveleigh
- Meeting adjournment – motion by Member Halverson, second by Member Felter.

Motion by Member Waddell, second by Member Halverson to approve the minutes of May 14, 2018 as amended. Motion passed by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. New Business

1. Introduce New Planning Commission Members

New Members Philip Parr and Jennifer Muladore shared their backgrounds. Chair Chamberlain expressed his appreciation to Judy Clock and Mary Eveleigh for their dedicated service on the Commission and their commitment to the City.

Motion by Member Felter, second by Member Halverson to nominate R.J. Waddell as Vice Chair. Motion passed by unanimous voice vote.

2. Public Participation Plan

City Manager Heydlauff stated that the Public Participation Plan was part of the City's ongoing process to be a Redevelopment Ready Certified Community, and the intent is to update the Plan once the new website goes live with some of the additional communication tools that they expect to have in place.

3. Remote Attendance Policy

City Manager Heydlauff stated that the Remote Attendance Policy was drafted by the City Attorney to allow remote attendance for advisory boards and committees. He stated that under this policy a member could participate in the meeting by phone so long as there was a physical quorum present. A member wishing to participate remotely would need to advise the Chairperson 24 hours in advance, and a roll call vote would be required for all votes during the meeting.

4. Update Bylaws

Chair Chamberlain stated that the Bylaws needed to be amended to allow the Remote Attendance Policy. City Manager Heydlauff felt this was unnecessary. Chair Chamberlain recalled a suggested revision to Sections 5.3 and 5.5 of the Bylaws.

Motion by Member Parr, second by Member Halverson to amend the Bylaws based on the amendments presented to Sections 5.3 and 5.5. Motion passed by unanimous roll call vote.

5. Presentation by Past Members Judy Clock and Mary Eveleigh on the *Citizen Planner Advanced Academy*

Mrs. Clock reviewed specifics of presentations she had attended relative to solar energy and stated that the City's ordinances do not address solar energy. Without such ordinances it would take months for such a project to be permitted.

Mrs. Clock stated that currently the City's ordinances regulate the growing and distribution of cannabis but opts out of having dispensaries in the City. She stated that the State was putting together regulations for all phases of medical marijuana. Mrs. Clock stated that the City currently lacks an ordinance dealing with the production of pharmaceutical forms of marijuana.

Mrs. Clock stated that one key point was the necessity of avoiding the perception of conflicts of interest. Mrs. Eveleigh presented a review of particular court cases pertaining to Planning.

H. Old Business

1. Long Term Housing Discussion (continued)

Chair Chamberlain stated that there were two issues regarding housing: one that deals with safety of the long-term renter and another regarding different types of multi-family structures in the various zoning districts. He also addressed the need for workforce housing, looking into what the Charlevoix Housing Commission was going to do with the remainder of its property south of Pine River Place, allowing boarding and rooming houses in the commercial, mixed zone or C-1 zoning district rather than residential districts, and the possibility of a "road trip" for the Commission members to view the different types of housing in September or October. Member Parr suggested the need for an inventory of available properties throughout the City with a view toward what could possibly be utilized for workforce housing.

Member Waddell recalled that during the public hearings on the short-term rentals several citizens questioned why they weren't doing anything about long-term rentals. City Manager Heydlauff stated that Council would like to create an atmosphere where a variety of housing types are more easily accomplished and Council was supportive of creating more workforce housing. City Manager Heydlauff suggested that the Commission study the issue further to determine what is appropriate for the community.

I. Staff Updates

City Manager Heydlauff stated that they were using goats as a method of eliminating invasive plant species in Lake Michigan Beach Park.

City Manager Heydlauff stated the Sheriff's Department is coordinating with law enforcement agencies in Charlevoix County along with the EMS staff to conduct active shooter drills within the old school building using paint balls.

Member Waddell stated that a draft of the letters going to homeowners about short-term rentals would be provided to the Commission. City Manager Heydlauff stated that they were planning to use the tax bills to distribute the information in June.

City Manager Heydlauff advised the Commission of the Council's approval of the Peppervine Project on Division Street that will include 21 new home sites and the developer expected groundbreaking on the first home within the next week or two.

J. Request for Next Month's Agenda or Research Items

Chair Chamberlain stated that he will coordinate with Kathy Egan on the research needed on the long-term rental and other housing types as discussed previously in the meeting.

K. Adjournment by 8:00 p.m. Unless Extended by Motion

Motion by Member Parr, second by Member Muladore to adjourn the meeting. Motion passed by unanimous voice vote. Meeting adjourned at 7:12 p.m.

Joyce M. Golding/fgm

City Clerk

Sherm Chamberlain

Chair

CITY OF CHARLEVOIX

New Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Moose Sculpture

DATE: July 9, 2018

BACKGROUND

See attached documents.

ATTACHMENTS:

- ▣ Moose Memo
- ▣ Moose Photos
- ▣ Kent Knorr Email
- ▣ Donation Acceptance Policy

**City of Charlevoix
Planning Commission
July 9, 2018 Meeting**

Re: Proposed gift of moose sculpture

Background

- Mark Heydlauff, City Manager, has forwarded to the planning commission a request to review the offer of a donation of a sculpture to the city.
- The sculpture, being offered by Claudia and Weldon Baird, is of a life-sized moose (see attached photos).
- The Bairds feel that the moose would make a beautiful addition to East Park.
- The city has a Donation Acceptance Policy (attached).
- According to Section V of the Policy, "the City Council shall have the full and final authority to approve or deny all gift proposals... The City Council may also send any proposal to the appropriate board or committee for review with subsequent recommendation to City Council."
- The Planning Commission is being asked to review the offer of the moose sculpture and to make a recommendation to City Council.
- In order to gain an understanding of what the future goals for East Park may be, I contacted Kent Knorr, Recreation Director, and asked him for input. (His email response is attached.)

Process

The Planning Commission should evaluate if this offer fits into the city's guidelines for gifts and report their findings to the City Council.

Review Guidelines

There are nine criteria outlined in the Donation Acceptance Policy for considering gifts to the city.

1. Aesthetics- The City and Community have an interest in ensuring the best appearance and aesthetic quality of public lands and facilities. Donations and their recognition shall reflect the character and be consistent with the intended surroundings.
2. Requirement of Maintenance/Repair- Since donated elements and their associated recognition become City property, the Community has an interest in ensuring that all elements remain in good repair. In addition, the Community has an interest in ensuring that the short and long-term repair costs are reasonable and that repair parts and materials be readily available. So too, elements must be of a quality to insure a long life, be resistant to weather, wear and tear, and acts of vandalism.
3. Requirement of Consistency with Current and Future Use- i.e. does the proposed donation substantially interfere with the intended current or future use of the land or facility where it is being proposed to be located?
4. Uniqueness of the Proposed Gift and Its Ability to Attract Visitors to the Community
5. Whether the Proposed Gift Requires Relocation, Removal or Installation of Other Equipment or Infrastructure to Accommodate the Donation
6. Absence of Substantial Impact on Public Health and Safety and/or Welfare

7. Costs Associated with the Proposed Gift- The City also has an interest in knowing in advance the full cost which may be associated with a gift, namely those which may relate to purchase, installation, maintenance and operation during the gift's expected life cycle. In the ordinary course the amount of the gift should be sufficient to cover all such expenses.
- a. Neither purchase nor installation shall commence until the donor's gift has been completed and funds have been received by the City for such purposes.
 - b. As to gifts requiring on-going operation and maintenance, amounts which are estimated to exceed \$5,000 on an annual basis, the gift shall include an endowment sufficient to defray them, i.e. 20x the estimated amounts.
 - c. In rare and unusual circumstances where the City has determined that the value of the gift substantially exceeds the cost associated therewith, these requirements may be waived, but only after appropriate notice and public hearing.
8. Requirements for Memorial Plaques- To ensure uniformity of appearance and good taste, the language of such plaques shall also be approved by the City.

Donation acknowledgments and memorial plaques shall be made of bronze and be of the highest quality, life and durability. In cases where bronze plaques are not feasible, other alternative types may be considered.

9. Special Provisions Relating to City Parks- In cases of donations to City parks which may reasonably affect the park or its immediate surroundings, the City Council shall hold a Public Hearing for such purpose to invite comment from the community with respect to impact on viewsheds, safety concerns, potential for noise generation, and compatibility with the aesthetic features of the park.



Kent Knorr <kentk@charlevoixmi.gov>
To: kathy.egan@networksnorthwest.org

Wed, Jun 27, 2018 at 4:51 PM

Kathy-

I have looked at the City of Charlevoix Recreation Master Plan. The current plan, which was adopted in 2017, does not call for the display of public art in East Park or any other location. I understand and appreciate the desire to add art to our parks in Charlevoix. However, my hope is that we would create a systematic approach before doing so.

I believe, should we seek out displays of public art, that it is essential for the City to develop selection criteria and process. This is by no means a complete list of items for consideration, but before we place any public art I think we should further study:

- Suitable locations for future art projects
- A selection process which would include artistic quality, aesthetic sensibility and technical excellence.
- A selection team made up of community partners
- A specified time frame for display
- A plan for maintenance, upkeep, or repair of any public art

My hope is that we not accept art pieces until we have time to study this further and develop a policy for accepting donated pieces of art or for commissioned pieces of art.

Kent

Kent J. Knorr
Recreation Director

210 State Street
Charlevoix, Mi 49720
(231)-547-7183

charlevoixmi.gov

City of Charlevoix

Donation Acceptance Policy

I. Introduction/Purpose

The City truly appreciates the generosity of donors who wish to make Charlevoix a finer community for all. The residents of the City of Charlevoix have a proven track record in not only volunteering for many community initiatives and serving on various boards but also making generous donations. These efforts further enhance our quality of life and contribute to making "Charlevoix the Beautiful" a truly unique and special community. These invaluable efforts often make the difference between a good community and a great community. Examples of past donations include art work, vehicles, benches, trees and other items. The current list of donated amenities that have been partially or fully funded by the generosity of an individual, organization, or foundation is a long one. Charlevoix and its residents are very fortunate. With the increased presence of the Charlevoix County Community Foundation, future success may be promoted through collaboration with that organization, and City officials are therefore encouraged to maintain appropriate liaisons for such reasons.

The purpose of this policy is to establish guidelines, standards and procedures for the acceptance of gifts to the City, including the installation, long-term maintenance and operation of donated elements to the City which will enhance the quality of life. The City of Charlevoix (hereinafter the "City") desires to encourage donations while at the same time considering aesthetic impacts and on-going maintenance and operational costs.

Acceptance Guidelines and Standards established by this policy will apply to all donations made after the effective date of this policy.

II. Guidelines

A. Gifts intended to either become incorporated into City parks as well as gifts of equipment, vehicles, boats or facilities intended to supplement those of the City often involve considerations of aesthetics, costs, and compatibility whose features shall be evaluated using the following criteria:

1. Aesthetics- The City and Community have an interest in ensuring the best appearance and aesthetic quality of public lands and facilities. Donations and their recognition shall reflect the character and be consistent with the intended surroundings.
2. Requirement of Maintenance/Repair- Since donated elements and their associated recognition become City property, the Community has an interest in ensuring that all elements remain in good repair. In addition, the Community has an interest in ensuring that the short and long-term repair costs are reasonable and that repair parts and materials be readily

available. So too, elements must be of a quality to insure a long life, be resistant to weather, wear and tear, and acts of vandalism.

3. Requirement of Consistency with Current and Future Use- i.e. does the proposed donation substantially interfere with the intended current or future use of the land or facility where it is being proposed to be located?
4. Uniqueness of the Proposed Gift and Its Ability to Attract Visitors to the Community
5. Whether the Proposed Gift Requires Relocation, Removal or Installation of Other Equipment or Infrastructure to Accommodate the Donation
6. Absence of Substantial Impact on Public Health and Safety and/or Welfare
7. Costs Associated with the Proposed Gift- The City also has an interest in knowing in advance the full cost which may be associated with a gift, namely those which may relate to purchase, installation, maintenance and operation during the gift's expected life cycle. In the ordinary course the amount of the gift should be sufficient to cover all such expenses.
 - a. Neither purchase nor installation shall commence until the donor's gift has been completed and funds have been received by the City for such purposes.
 - b. As to gifts requiring on-going operation and maintenance, amounts which are estimated to exceed \$5,000 on an annual basis, the gift shall include an endowment sufficient to defray them, i.e. 20x the estimated amounts.
 - c. In rare and unusual circumstances where the City has determined that the value of the gift substantially exceeds the cost associated therewith, these requirements may be waived, but only after appropriate notice and public hearing.
8. Requirements for Memorial Plaques- To ensure uniformity of appearance and good taste, the language of such plaques shall also be approved by the City.

Donation acknowledgments and memorial plaques shall be made of bronze and be of the highest quality, life and durability. In cases where bronze plaques are not feasible, other alternative types may be considered.
9. Special Provisions Relating to City Parks- In cases of donations to City parks which may reasonably affect the park or its immediate surroundings,

the City Council shall hold a Public Hearing for such purpose to invite comment from the community with respect to impact on viewsheds, safety concerns, potential for noise generation, and compatibility with the aesthetic features of the park.

- B. Gifts made for programs, sponsorships, renovations, and projects of like nature may also benefit the City either directly or indirectly. However, in addition to considerations of timeliness, cost and suitability, there may also involve concerns related to the method of conveyance and adequacy of funding. The criteria outlined above (A. 1-9) shall then be applicable where appropriate. In general, categories of acceptable gifts are:

- ❖ Cash (and cash equivalents-checks, CDs, savings accounts)
- ❖ Marketable securities (publicly traded stocks, bonds, U.S. government securities)
- ❖ Tangible personal property
- ❖ Life insurance
- ❖ Real estate
- ❖ IRA rollovers
- ❖ Charitable Gift Annuities
- ❖ Charitable Remainder Trusts
- ❖ Charitable Annuity Trusts
- ❖ Charitable Lead Trusts
- ❖ Bequests

Council shall exercise caution as to gifts including conditions and carrying costs, and at all times shall ensure itself that the funds provided are sufficient to carry out the intention of the gift and that its purpose is a salutary one.

- C. These guidelines shall not be applicable to programs sponsored or approved by the City existing as of the date of this policy.

III. Installation

If the gift, including donor acknowledgements/memorial plaques, requires any type of installation, the installation shall take place through a contract between the City and a licensed contractor. The contract shall be drafted by the City and the terms and conditions of the contract shall be approved by municipal legal counsel. In certain instances, a performance bond may be required, costs of which shall be borne by the donor and considered as an additional expense under II A. 7. The installation shall be completed by a licensed contractor. The licensed contractor will assume all responsibility for construction or placement of the gift and shall hold the City harmless for any damages to City property or buildings resulting from the construction or placement of the gift to the extent authorized by law (note: MCL 691.991 may be applicable). If installation involves City Staff, the City may require reimbursement for personnel and equipment costs associated with installation. The installation will be scheduled at a time and date as determined by City Staff so as not to unnecessarily interfere with routine maintenance

Page 3 of 4

activities and in a manner that minimizes impacts to the Community. City Staff shall oversee the installation process to ensure compliance with the proposal.

IV. Removal and/or Relocation

The City reserves the right to restore, relocate, remove or relinquish donations. This decision shall be made based upon the best interests of the City. This section applies to both existing and new donations.

V. Procedures for Making and Accepting Gifts

The City Council shall have the full and final authority to approve or deny all gift proposals. To promote an efficient review process, though, as well as to prevent disappointed expectations, prior to preparing a written proposal the donor or donor's representatives shall contact the City Manager's Office to discuss a proposed gift. Such pre-application meeting shall assist both the prospective donor and the City in determining whether a gift will meet the criteria contained in this policy. City Staff or City Council may request additional information including but not limited to scaled drawings, artist's renditions or other documents to better illustrate the exact nature of the donation. The City may choose to consult with other agencies or organizations in the review process. The City Council may also send any proposal to the appropriate board or committee for review with subsequent recommendation to City Council.

If a gift appears to be in accordance with this policy, the donor or donor's representative will then submit a written proposal and meet with City Staff members to determine the specific nature of the donation, proposed location, and yearly maintenance and operational costs for review and processing. The written proposal, including a Staff report, will be sent to City Council for its decision.

Because promptness is likely to be important to both the prospective donor and the City, each party shall be considerate in this regard at each stage of its dealings with one another.

CITY OF CHARLEVOIX

New Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Zoning Ordinance Amendment Review #1 Housekeeping

DATE: July 9, 2018

BACKGROUND

See the attached documents for a listing of proposed minor updates to the Zoning Ordinance.

ATTACHMENTS:

- ▣ Chart of Housekeeping Amendments
- ▣ Housekeeping Amendments Document

**City of Charlevoix
Zoning Ordinance Amendments
Housekeeping
7/9/18 Meeting**

Page No.	Section Number	Topic	Language	Notes
11	Sect. 5.9	Home Occupation (Minor) definition	Home Occupation (Minor). A vocational activity conducted as an accessory use in a dwelling unit by a member or members of the resident family, which is accessory and incidental to the principal residential use of the dwelling. Minor home occupations have two (2) or less employees who also reside at the same location , have no exterior signage, and conduct business in a manner not known to the general public.	Conflicts with standards in Section 5.46(7)
12	Sect. 5.11	Lot Lines. <i>Front Lot Line</i> definition	<i>Front Lot Line</i> . In the case of an interior lot, the line separating the lot from the street right-of-way or road easement. For a corner lot, the principal front lot line shall be the location of the traditional front entrance of the structure. the front lot line shall be the shortest of the two lot lines tangent to the street right-of-way or road easement. In the case of a through lot, the front lot line shall be determined by the zoning administrator based on the dominant orientation of abutting and facing lots.	Correct contradiction with Sect. 5.71(1)
15	Sect 5.14	Recreation Facility, Indoor and Outdoor definitions	A facility that is not publicly owned , open either to the general public or to members and their guests...	Apply to both public and non-public per D. Cline review.
17	Sect. 5.14	Signs	A structure, including its base, foundation and erection supports upon which is displayed any words, letters, figures, emblems, symbols, designs or trademarks by which any message or image is afforded public visibility from outdoors on behalf of, or for the benefit of, any product, place, activity, individual, firm, corporation, institution, profession, association, business or organization. (See Article 11 for detailed definitions.)	Strike existing definition and match definition to new definition in Article 11
25/51	Sect. 5.27(2) and 5.47(1)(c)	Area, Height, and Placement/Residential Uses	see attached	Standards for minimum dwelling width do not match
25	Sect. 5.27(2)	Footnote no. 7	see attached	Move to 5.46(1)(g) and reletter rest of section
31	Sect. 5.31	Allowed Uses chart	add "Athletic Courts" to Recreation facility line. See attached	Per D. Cline review.
40	Sect. 4.46(1)(g)	Add sentence	The minimum distance between a principal building and detached accessory buildings shall be ten (10) feet, and a minimum of twenty (20) feet shall be provided between the sides of adjacent single family buildings and/or accessory structures.	Relocate Footnote no. 7 from page 25

City of Charlevoix
Zoning Ordinance Amendments
Housekeeping
7/9/18 Meeting

Page No.	Section Number	Topic	Language	Notes
45	Sect. 5.46(7)(b)	Signs	Except for a sign , as allowed by <i>Article 11</i> , the home occupation must not be evident from the street or any neighboring property. (Minor home occupations shall not have signage.)	
45	Sect. 5.46(8)	Outdoor Display and Sales	Outdoor Display and Sales are allowed in CBD Overlay only during district-wide sidewalk sale events.	Add sentence to the end of 5.46(8)
46	Sect. 5.46(9)(a)5	Signs	There shall be no signs on the unit, greater than three (3) square feet, other than allowed per Article 11. a sign or logo identifying the manufacturer with an area no greater than three (3) square feet, plus any necessary safety information signs.	
48	Sect. 5.46(10)(c)2	WECS	Minimum Lot Area. A building-mounted WECS shall be allowed on any lot , except in the SR district , provided that all other requirements are met.	Per D. Cline review.
48	Sect. 5.46(10)(c)6	Signs	There shall be no signs on the WECS , greater than three (3) square feet, other than allowed per Article 11. a sign or logo identifying the manufacturer with an area no greater than three (3) square feet, plus any necessary safety information signs.	
59	Sect. 5.48(1)(b)1(d)i	Signs	Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public right-of-way which advertises the availability of this type of photographic reproduction; or	
60	Sect. 5.48(1)(f)1	Signs	Any sign or advertising for the sexually oriented business must comply with the provisions of this ordinance. No sign or advertising may include photographs, silhouettes or drawings of any "specified anatomical areas" or "specified sexual activities," or obscene representations of the human form and may not include animated or flashing illumination.	
66	Sect. 5.52(4)(i)	Signs	...Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo. In addition,...	
67	Sect. 5.52(4)(l)	Signs	A dwelling or an accessory structure in which a primary caregiver is providing primary caregiver services to qualifying patients shall not have any signage, symbols, pictures or similar features visible from the outdoors that would indicate the nature of the primary caregiver services being conducted in the dwelling.	

City of Charlevoix
Zoning Ordinance Amendments
Housekeeping
7/9/18 Meeting

Page No.	Section Number	Topic	Language	Notes
79	Sect. 5.61(4)	Building Regulations	<i>Frontage</i> . No principal building shall be erected on a lot, unless that lot fronts its full width , as required by <i>Section 5.60</i> , upon an improved street or access road. Multiple-family, commercial, office, industrial, or other developments may be exempt from this requirement, as provided in <i>Section 5.60</i> .	Per Denise Cline notes
83	Sect. 5.69(1)	Projections into setbacks	Certain architectural features, such as eaves , cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features may project no further than three (3) feet into any required yard .	clarifying that eaves can project into yard setbacks
83	Sect. 5.71(1)	Setback Requirements	<i>Front Setback on Corner Lots</i> . A corner lot shall have two front lot lines : a principal front lot line and a secondary front lot line . The principal front lot line shall be the location of the traditional front entrance of the structure. Where the lot lines are of equal length, and/or the principal front lot line is not evident, then the zoning administrator shall determine the principal front lot line.	Correct conflict with definition of Front Lot Line.
86	Sect. 5.78(2)	Signs	No exterior signage advertising the rental shall be allowed. Signage shall be subject to the requirements of Article 11.	
112	Sect. 5.101	Signs	Strike definitions for "Flashing Sign", Home Occupation Sign", and Ingress-Egress Sign".	Strike definitions for words that do not appear anywhere in the text.
159	Sect. 5.175(2)	ZBA	Membership. The ZBA shall consist of seven (7) five (5) members appointed by the city council, one (1) of whom may be a member of the planning commission, and two (2) alternate members.	Change ZBA from 7 to 5 members
159	Sect. 5.177(1)	ZBA	Meetings of the board shall be held once each month, and at such additional times as the board may determine but at least one time annually . The time of regular meetings shall be specified in the rules and regulations. There shall be a fixed place of meeting, and all meetings shall comply with the Open Meetings Act, Act 267 of the Public Acts of 1976, as amended.	Match meeting requirement to that of the MZEA
160	Sect. 5.177(2)	ZBA	... except that a concurring vote of five (5) four (4) members shall be necessary to grant a land use variance.	Change requirement for a land use variance vote.
171	Sect. 5.195	Conditional Zoning	Section 5.195 Conditional Zoning	Create new Section heading - language is there but heading isn't.

City of Charlevoix
Zoning Ordinance Amendments
Housekeeping
6/18/18

Section 5.27(2) chart and 5.47(1)(c) Pages 25 and 51

- The chart has the minimum dwelling width at 16' and the Residential Uses section has it at 22' along with a provision that the 22' be at least 67% of the length of the building. Planning Commission needs to discuss which they prefer and make the two sections match each other.
- Also, footnote No. 7 does not have a corresponding point on the chart. It needs to be moved to Section 5.46(1)(g). *(as shown in Zoning Ordinance Amendment Chart)*

**Table 5.27(2) Dimensional Requirements: Single Family- Two Family - Private Club
Residential**

Zoning District	Max. Building Height (ft.)	Minimum Yard Setbacks (ft.)				Lot Coverage (%)	Min. Floor Area (sq. ft.)		
		Front ¹	Side		Rear		1 story	2 stories	Principal Structure Minimum Width (ft)
			Interior	Street Side					
R1	26	15 ²	10	15	25	40 ³	1,040	1,600	16
R2	26	15	8	15	25	40 ⁴	800	1,200	16
R2A	26	15	10	20	30	40	800	1,200	16
PC	26	0	See	0	0	0	0	0	16

¹ The zoning administrator may determine that front yards may be the opposite of the yard fronting a public street or right of way on lots with sloping topography, or facing water bodies.

² Setbacks within the C&O Club Development shall be thirty-five (35) feet for front yard, fifteen (15) side yard, and twenty-five (25) for the rear yard.

³ Maximum lot coverage shall be fifty (50) percent for lots less than seven thousand (7,000) square feet.

⁴ Maximum lot coverage shall be fifty (50) percent for lots less than six thousand (6,000) square feet.

⁷ A minimum of twenty (20) feet shall be provided between the sides of adjacent single family buildings and/or accessory structures.

Page 51 Sect. 5.47(1)(c) The minimum width of a single family dwelling unit shall be twenty-two (22) feet for at least sixty-seven (67) percent of its length, measured between the longest exterior walls.

Section 5.31 Allowed Uses: Non-Residential and Mixed Use Zones Page 31

Recreation facility/Athletic courts	Indoor	-	P	P	-	-	-	P	-	-	
	Outdoor	-	-	-	-	-	P	S	-	P	Section 5.49(1)

CITY OF CHARLEVOIX

New Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Zoning Ordinance Amendment Review #2 Procedure Changes

DATE: July 9, 2018

BACKGROUND

According to the Michigan Zoning Enabling Act there are some approval processes that are specifically under the jurisdiction of the Planning Commission, some under the City Council and some that can be either the Planning Commission or the City Council. In those cases the City Council determines the responsible party.

Recently the City Council has decided that they want to shift some zoning approval processes to the Planning Commission. They feel that the Planning Commission is the appropriate body to determine if these applications meet the requirements of the Ordinance, and that by eliminating the second round of review and approval by the City Council the process will be streamlined for both the city and the applicant.

Those approval process approvals include:

- Special land use permits
- Site plan reviews
- Site condo approvals
- Planned Unit Development approvals

Attached is a Zoning Ordinance amendment which would make the appropriate changes to the review and approval processes.

ATTACHMENTS:

- ▢ Chart of proposed procedure changes amendments
- ▢ Text document for procedure amendment

City of Charlevoix
Zoning Ordinance Amendments
to remove City Council from Planning Commission Procedures
7/9/18 Meeting

Page No.	Section Number	Topic	Language
7	5.7	definition of Condominium, Site	(9) Site Condominium Development Plan. The plans, drawings and information prepared for a site condominium development, as required by Section 66 of the Condominium Act and this ordinance, for review by the planning commission and the city council.
27	Sect. 5.27(4)b(6)	Footnote no. 1	City council The Planning Commission may waive this requirement for the expansion of existing developments.
52 - 56	5.47(3)	Site Condominiums	see attached
60	5.48(1)(d)1 and 2	Sexually Orientated Businesses	see attached
71 - 72	5.55(2)	Mineral Extraction Operations	see attached
74	5.55(4)(a)1	Wireless Communications Towers	see attached
107	5.93(6)	Parking Alternatives	...provided that the planning commission and city council may approve a site plan as required by Section 5.118 as amended...
127	5.118(2)(f)	Site Plan Review Procedures	see attached
131	5.122	Performance Guarantees	... The city manager council may require that a performance guarantee be furnished ...shall be set forth by the city manager, with input from staff, council ...
137 - 145	5.141(2) through 5.144(4)(d)	Planned Unit Developments	see attached
133	footnote 36	Strike entire footnote	The Planning Commission shall review special land use applications unless otherwise specified in this ordinance, in which case city council shall review special land use applications. City council shall follow the same procedures as the planning commission.—

City of Charlevoix
Zoning Ordinance Amendments
To remove City Council from Planning Commission Procedures
6/18/18

Section 5.47 (3) Site Condominiums

Site Condominiums. This chapter requires ~~preliminary~~ review of **site condominium** plans by the **planning commission**, ~~followed by final review and approval by the city council~~, to ensure that **site condominiums** comply with this ordinance and other applicable city ordinances.

Section 5.47(3)(a) and 5.47(3)(a)1

(a) Optional Planning Commission Review of Preliminary Plans.

1. Prior to final review and approval of a **site condominium development plan** ~~by the city council~~, a preliminary **site condominium development plan** ~~shall~~ **may** be reviewed by the **planning commission** in accordance with the procedures, standards and requirements provided by this section ~~if requested by the applicant~~. Such review shall take place following a public hearing by the **planning commission** on the preliminary plan. At least fifteen (15) days' notice of the hearing shall be given by ordinary mail, sent to the owners of, or parties with interest in, the lands within three hundred (300) feet of the property to be included in the development, as listed in the current city tax assessment rolls.

Section 5.47(3)(a)4

After reviewing the preliminary **site condominium development plan**, the **planning commission** shall prepare a written statement of recommendations regarding the proposed **site condominium development**, including any suggested or required changes in the plan. The **planning commission** shall provide a copy of its written recommendations to the applicant ~~and to the city council~~.

Section 5.47(3)(b)1-4

Review and Approval of Final Plans ~~by City Council~~.

1. ~~After receiving the planning commission's recommendations on the preliminary plan, the applicant shall submit to the zoning administrator a minimum of ten (10) copies of a final site condominium development plan which complies with the requirements of this section and of Section 5.305(a) of the City of Charlevoix Parcel Division Ordinance. All of the requirements for plats, as set forth in that ordinance, shall be required for site condominium developments. The zoning administrator shall forward the copies of the final plan to the city council.~~
2. The final **site condominium** plan shall incorporate all of the recommendations, if any, made by the **planning commission** based on its prior review of the preliminary plan. If any of the **planning commission's** recommendations are not incorporated in the final plan, the applicant shall clearly specify, in writing, which recommendations have not been incorporated and the reasons why. Except for changes made to the plan as needed to incorporate the recommendations of the **planning commission**, the final plan shall

otherwise be identical to the preliminary plan acted upon by the **planning commission**. Changes made to the plan other than those necessary to incorporate the recommendations of the **planning commission** shall be resubmitted to the **planning commission** for further review and recommendation prior to approval of the plan ~~by the city council.~~

3. After receiving the ~~planning commission's recommendations and a~~ final **site condominium development plan**, the ~~city council~~ **planning commission** shall proceed to review and may approve, deny, or approve with conditions the plan in accordance with the standards and requirements provided the City of Charlevoix Parcel Division Ordinance and other applicable procedures, standards and requirements of this section.
4. As a condition of approval of a final **site condominium development plan** the **city manager, with input from staff** ~~council~~ may require that a financial guarantee, covering the estimated cost of improvements associated with the **site condominium development** for which approval is sought, be deposited with the city, as provided by the Michigan Zoning Enabling Act, Public Act 110 of the Public Acts of 2006, as it may be amended from time to time.

Section 5.47(3)(d)

Construction in Compliance with Approved Plan. No **buildings** or **structures** shall be constructed, nor shall any other site improvements or changes be made on the property in connection with a proposed **site condominium development**, except in compliance with a final **site condominium development plan**, as approved by the ~~city council~~ **planning commission**, including any conditions of approval.

Section 5.47(3)(f)

Expandable or Convertible Condominium Developments. Approval of a final **site condominium development plan** shall not constitute approval of expandable or convertible portions of a **site condominium development**, unless the expandable or convertible areas were specifically reviewed and approved by the **planning commission** ~~and city council~~ in compliance with the procedures, standards and requirements of this section.

Section 5.47(3)(g)2

Any change which constitutes a major change shall be reviewed by the **planning commission**, at a public hearing and with the notice required for an original approval of a **site condominium development**, ~~and shall also be reviewed and approved by the city council~~, as provided in this chapter for the original review and approval of preliminary and final plans.

Section 5.47(3)(h)

Incorporation of Approved Provisions in Master Deed. All provisions of a final **site condominium development plan** which are approved by the ~~city council~~ **planning commission**, as provided by this section, shall be incorporated by reference in the **master deed** for the **site condominium project**. Further, all major changes to a development shall be incorporated by reference in the **master deed**. A copy of the **master deed**, as recorded with the Charlevoix County Register of Deeds, shall be provided to the city within ten (10) days after recording.

Section 5.37(3)(i)

Commencement of Construction. Construction of an approved **site condominium development** shall commence within two (2) years after final site condominium development approval and be diligently pursued to completion in accordance with the terms and conditions of the approval. The two-year period may be extended by the **city-council planning commission**, at its discretion, for additional time periods as determined appropriate by the **council-planning commission**. Any extension shall be applied for, in writing, by the applicant prior to the expiration of the initial two-year period.

Section 5.48(1)(d) Sexually Orientated Businesses

(d) Procedures.

1. **Special Use.** Review of any request for establishment of a sexually oriented business shall be in accordance with the special land **use** provisions of *Article 13* of this ordinance.; ~~provided, the planning commission shall make a recommendation, after public hearing, to the city-council.~~ The **city-council planning commission** shall also conduct a public hearing, in accordance with the timing and notification requirements of *Section 5.131(2)* and shall approve, deny or approve with conditions the special land **use** request based on the requirements of this Article and the general standards of *Section 5.133*.
2. **Conditions of Approval.** Prior to granting approval for the establishment of any sexually oriented business, the **city-council planning commission** may impose conditions or limitations upon the establishment, location, construction, maintenance or operation of the use as authorized by *Section 5.132*. Any evidence, bond or other performance guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

Section 5.55 Mineral Extraction Operations

(1) *Mineral Extraction Operations.*

- (a) A special **use** approval shall be required for mineral extraction operations, including removal of soil, sand or gravel, where more than six hundred (600) cubic yards will be removed. The special **use** permit shall be subject to approval by the **city-council planning commission** following a public hearing ~~and recommendation from the planning commission~~. Once issued, the special **use** may be reviewed annually by the **city-council planning commission** to ensure that the operation conforms to all plans, progress, conditions and sureties. Removal operations shall not begin until the special **use** is approved and a zoning compliance permit is issued.
- (b) Application. In addition to the submittals for a special **use** outlined in *Section 5.131*, an application for a mineral extraction permit shall be accompanied by the following:
 1. A fee, determined by resolution of the **city manager, with input from staff, council**, to defray review, administration and inspection costs.
- (c) Requirements. A special use permit shall not be issued unless activities comply with all the following requirements and the **city-council planning commission** finds that there will be no serious consequences to the

immediate area or community at large. A special use permit may be revoked if the use is found in violation of any part of this section:

1. Activities shall comply with applicable soil erosion and sedimentation control regulations.
2. Final **grades** shall not exceed five (5) percent and shall meet existing elevations at all property lines. **Grades** in excess of five (5) percent may be permitted by the **city council planning commission** if the applicant demonstrates that an increase is essential to implement a plan for future **use**.

Section 5.118(2)(e) and (f) Site Plan Review Procedures

(e) The **planning commission** shall consider the **site plan** and shall either ~~recommend approval of~~ **approve** the **site plan**, as submitted, if all applicable requirements and standards have been met; ~~recommend approval of~~ **approve** the **site plan** with conditions; or ~~recommend denial of~~ **deny** the **site plan** if applicable requirements and standards have not been met. The **planning commission** review shall be based on the requirements of this chapter, comments received from city departments and consultants, and, specifically, the review standards of *Section 5.120*.

~~(f) After the **planning commission** decision has been made under *Section 5.118(2)(e)*, the **zoning administrator** shall forward the recommendation to **city council** for review, including all relevant documentation. **City council** shall consider the **site plan** and shall either approve the **site plan**, as submitted, if all applicable requirements and standards have been met; approve of the **site plan** with conditions; or deny approval of the **site plan** if applicable requirements and standards have not been met. The **city council** review shall be based on the requirements of this chapter, comments received from city departments and consultants, and, specifically, the review standards of *Section 5.120*.~~

Section 5.141 through 5.144 Planned Unit Developments

Section 5.141(2)

Size. Each PUD shall contain a minimum of twenty-one thousand, seven hundred eighty (21,780) square feet; provided sites containing less than twenty-one thousand, seven hundred eighty (21,780) square feet may be considered for rezoning to PUD, if the **city council planning commission** determines that the site will advance the purposes of the PUD District. When determining the appropriateness of areas less than the applicable minimum required, the **city council planning commission** shall determine that:

Section 5.142(3)

Modification of Minimum Requirements. District regulations applicable to a land **use** in the PUD may be altered from the requirements specified in *Table 5.142(2)*, including, but not limited to, modification from the **lot area** and **width**, building **setbacks**, height, **lot coverage**, **signs** and parking. The applicant for a PUD shall identify in writing all intended deviations from the zoning requirements. Modifications may be approved by the **city council planning commission** during the preliminary development plan review stage, ~~after planning commission recommendation~~. These adjustments may be permitted only if they will result in a higher quality and more sustainable development consistent with the purposes of PUD expressed in *Section 5.140*. The modifications shall also satisfy at least four (4) of the following criteria:

Section 5.142(4)

Density Bonus. In addition to the modification of minimum requirements permitted in *Section 5.142(3)*, the ~~city council, after planning commission recommendation,~~ may permit an increase in the total number of residential units allowed within a PUD where it is demonstrated that at least three (3) of the following amenities will be included in the development:

Section 5.143(1)

Conditions. Reasonable conditions may be imposed upon the PUD approval by the **planning commission** ~~and/or city council~~ as part of the final decision of the PUD application. The conditions imposed shall be recorded in the minutes of the approval action and shall remain unchanged except upon amendment of the PUD in accordance with the procedures of *Section 5.147*. Conditions may include, but are not limited to, those necessary to:

Section 5.143(2)

Performance Guarantees. The ~~city council or~~ **planning commission** may require reasonable performance guarantees in accordance with *Section 5.122* of this ordinance to ensure completion of specified improvements within the PUD.

Section 5.143(4)

Time Limits. Each PUD shall be under construction within twelve (12) months after the date of approval of the final development plan. If this requirement is not met, the ~~city council~~ **planning commission** may, in its discretion, grant one extension not exceeding up to twelve (12) additional months; provided that prior to the expiration of the initial twelve (12) month period, the applicant shall submit reasonable evidence in writing to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the PUD. If the PUD has not been commenced within the initial twelve (12) month approval period, or within an authorized extension thereof, any building permits issued for the PUD or any part thereof shall be of no further effect. At the expiration of the applicable period of time, the **planning commission** ~~or city council~~ may initiate proceedings for the rezoning of the property to some other **zoning district**.

Section 5.144(3)(d)

Recommendation. Following the public hearing, the **planning commission** shall review the PUD request and the preliminary development plan based on conformance with the standards of *Section 5.145* and shall ~~make a recommendation to the city council to~~ approve, deny or approve with modifications the request for PUD zoning and the preliminary development plan.

Section 5.144(3)(e)

~~*City Council Action.* Upon receipt of the **planning commission** recommendation, the **city council** shall conduct a public hearing, notice of which shall comply with the requirements of the Zoning Enabling Act, and review the preliminary development plan and the record of the **planning commission** proceedings. Based on the standards of *Section 5.145* and the recommendation of the **planning commission**, the **council** shall approve, deny or approve with modifications the preliminary development plan and rezoning request.~~

Section 5.144(4)

Final Development Plan. Within twelve (12) months of the ~~city council's~~ **planning commission's** approval of the preliminary development plan and PUD rezoning, the applicant shall submit a final development plan for the entire PUD or one or more phases to the **zoning**

administrator, in accordance with the requirements for Level B site plan review, as contained in *Table 5.119(1)* of this ordinance. If determined to be complete by the **zoning administrator**, copies of the plan shall be forwarded to the **planning commission**.

Section 5.144(4)(b)

Extension of Time Limit. One extension of the time period for submitting the final development plan may be granted by the **planning commission** for up to an additional twelve (12) months if a request is submitted by the applicant in writing prior to the expiration of the original twelve (12) month approval period. If an application for final development plan approval has not been submitted prior to the expiration of the original twelve (12) months or an approved extension, the preliminary development plan shall be null and void. In addition, the **planning commission** ~~or city council~~ may initiate a rezoning of the property to another **zoning district**.

Section 5.144(4)(d)

Review and Action. The **planning commission** shall review the final development plan in relation to its conformance with the preliminary development plan and any conditions or modifications attached to the PUD rezoning ~~by the city council~~. If it is determined that the final plan does not substantially conform to the preliminary development plan, the review process shall be conducted as a preliminary development plan review, in accordance with *Section 5.144(3)*. If the final development plan is consistent with the approved preliminary development plan, the **planning commission** shall review the final plan in accordance with the standards for site plan review, *Section 5.120* and the PUD standards of *Section 5.145*. The **planning commission** shall prepare a record of its findings and shall approve, deny or approve with modifications the final development plan.

CITY OF CHARLEVOIX

Old Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Rental Ordinance Example

DATE: July 9, 2018

BACKGROUND

Last month you asked to see a basic rental ordinance as a sample of what the city could consider. After some research I found that the city of Ionia has a rather simple ordinance that focuses on building and renter safety.

ATTACHMENTS:

- ▣ Ionia Inspection Checklist
- ▣ Ionia Rental Ordinance



Troy S. Thomas
Director

IONIA DEPARTMENT OF PUBLIC SAFETY

239 East Adams Street, Ionia Michigan, 48846
616-527-4431



John J. Odette
Deputy Director

CITY OF IONIA – RENTAL INSPECTION CHECK LIST

(IPMC-2012)

EXTERIOR

- ☐ Roof, flashing, drains; gutters and downspouts shall be sound, tight and not have defects that admit rain. Shingles should not be missing, worn to the point they are curling or damaged by trees. Gutters and downspouts should be in good repair; all parts intact and properly attached. (304.7)
- ☐ Chimneys shall be maintained structurally safe and sound, and in good repair. Check for cracks and missing mortar. (304.11, 603.2)
- ☐ Exterior wall surfaces must be free from holes, breaks, and loose or rotting materials. All exterior surfaces shall be protected from the elements and decay by painting or other protective covering or treatment. Power spraying peeling paint is not allowed, keep painted surface wet when scraping, Utilize tarps or sheet plastic to contain chips and remove daily. (304.2, 304.6)
- ☐ Ensure all handrails and guardrails are securely anchored and in good repair. Handrails are required for any interior or exterior stairway with 4 or more stair risers. Guardrail openings must be 4" or less and are required where stairs or a drop is greater than 30". (307.1)
- ☐ Windows and frames shall be kept in sound condition, good repair and weather tight. Check for peeling paint, broken storm window frames, insect screen damage, broken or cracked window panes. Insect screens required from May through October. (304.2, 304.13, 304.14, 304.17)
- ☐ Doors and hardware shall be maintained in good condition. Check for weather tight fit, deadbolt locks and windows intact (not cracked) locks on means of egress doors shall be in accordance with Section 702.3. (304.13, 304.15, 304.18.1)
- ☐ All foundation walls shall be maintained, free from open cracks and breaks and prevent entry of rodents and pests. Check for holes or cracks where a pencil can penetrate the surface and fill them in. (304.5)
- ☐ Sidewalks and driveways must be in a proper state of repair and maintained free from hazards. Check for cracks, breaks and uneven surfaces that create trip hazards. Shovel, if necessary. (302.3)
- ☐ Yard maintained free of trash and grass under 6" tall. Approved leak proof, covered, outside garbage container must be provided. (308.3, 308.3.1)
- ☐ Accessory structures, including detached garages, sheds, fences and walls, shall be maintained structurally sound and in good repair. (302.7)

INTERIOR

- ☐ Interior wall surface, including windows and doors, shall be maintained in good, clean and sanitary condition. Check for peeling paint, holes and other defective surface conditions. (305.3)
- ☐ Stairs and walking surfaces shall be maintained in sound condition and good repair. Handrails and guardrails must be firmly fastened and maintained in good condition. Check for trip hazards. (305.4, 305.5)
- ☐ Windows accessible to the public must have a functioning locking device. Windows must be easily openable and capable of being held in position by window hardware. (304.13.2, 304.18.2)
- ☐ Doors must open and close easily, provide security for occupants and provide safe egress. No hasp hardware, double keyed locks or padlocks on egress or habitable room doors. Deadbolts not allowed on interior bedroom doors, unless in a rooming house. (304.15, 304.18, 304.18.1, 305.6, 702.3)
- ☐ Building must be free of insect and rodent infestation. (302.5, 309.1)
- ☐ Electrical equipment and appliances shall be properly installed and maintained in a safe and approved manner. Every bathroom shall contain at least one receptacle. At least one electric light is required in every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room. Extension cords shall not be used for permanent wiring. Check to ensure appliances are functional, sufficient receptacles in place, lighting provided and extension cords are not running over or under furniture or doors, (305.1, 603.1, 605.1, 605.2, 605.3, 605.4)
- ☐ All plumbing fixtures must be installed and maintained in working order, free from obstructions, leaks or defects and be capable of performing the function for which they are designed. Sufficient volume and water pressure shall be supplied to plumbing fixtures to enable proper function. 110° hot water shall be provided. (504.1, 505.1, 505.3, 505.4)
- ☐ Any heating system or heating appliance not owned by the occupant of a unit shall be inspected and serviced by a registered mechanical contractor. Heat must supply a minimum temperature of 68° in all habitable rooms and bathrooms. (602.3, 603.1)
- ☐ Ensure all mechanical ventilation systems are in good repair and functioning as intended. This includes kitchen and bath exhaust fans, clothes dryer exhaust and fuel burning equipment exhaust vents. (403.2, 403.5, 603.1, 603.2)
- ☐ Bedrooms must contain a minimum of 70 square feet and every bedroom occupied by more than one person shall contain a minimum of 50 square feet of floor area for each occupant. No bedrooms in unfinished basements, (404.4.1, 404.4.4, 404.4.5)
- ☐ A safe, continuous and unobstructed path of egress shall be provided from any point in a building to the public way. Indoor storage should be safe and sanitary; does not block doors, windows or stairways. Flammable liquid containers should not be stored inside. (108.1.2, 702.1)
- ☐ Smoke alarms shall be maintained and kept in operating conditions at all times. Smoke alarms shall be located inside each bedroom (Sleeping area), on the ceiling or wall outside of each separate sleeping area and on each level of the dwelling unit, including the basement. (704.2)

Ionia, MI Code of Ordinances

Chapter 858 Renting of Residential Property

- 858.01 Definitions.
- 858.02 Registration.
- 858.03 Certificate of compliance.
- 858.04 Scheduling of inspections.
- 858.05 Right of access for inspection.
- 858.06 Inspection consequences.
- 858.07 Fees.
- 858.08 Penalties.
- 858.09 Appeals.

CROSS REFERENCES

Hotels; boarding and lodging houses - see M.C.L.A. §§ 427.1 et seq.

Leases of City Housing Commission - see ADM. 278.07

Licensing in general - see B.R. & T. Ch. 802

Site condominiums - see P. & Z. Ch. 1272

Distance spacing for multiple dwellings - see P. & Z. Appx. XI

858.01 DEFINITIONS.

As used in this chapter:

(a) "Agent" means a person authorized by the owner who has charge, care or control of a rental dwelling or rental unit which is let or offered for occupancy. The owner must notify the City of any agent authorized to act on the owner's behalf. The tenant in a rental unit may not act as the owner's authorized agent.

(b) "Applicable codes" means all local, State, and Federal laws and regulations in force in the City that pertain to the maintenance and safety of residential property, including but not limited to the Michigan Construction Code, the Property Maintenance Code, and the Michigan Housing Law.

(c) "Code official" means a public safety officer assigned by the City Manager to enforce this chapter.

(d) "Certificate of compliance" means a certification issued under this chapter stating that a residential dwelling was — as of the time of its last inspection — safe, healthful and in fit

condition for occupancy. A valid rental license issued by the City prior to the effective date of Ordinance No. 516, qualifies as a certificate of compliance.

(e) "Family member" means a child, grandchild, stepchild, brother, sister, step-brother, step-sister, half-brother, half-sister, parent, grandparent, stepfather and/or stepmother (but not the parents of such individuals), niece, nephew, uncle, aunt, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, and sister-in-law.

(f) "Let for occupancy" or "let" means to permit, provide, or offer occupancy of a building or portion of a building by a person who is not the legal owner for monetary or other consideration.

(g) "Michigan Housing Law" means Act 167 of the Public Acts of 1917, as amended, M.C.L.A. 125.401 et seq.

(h) "Occupant" means an individual living in, sleeping in, or otherwise having possession of a space.

(i) "Owner" means the record legal title holder and any partners, members, or officers of a person holding title.

(j) "Person" means an individual, married couple, joint tenancy, trust, corporation, limited liability company, partnership, association, or any other similar legal entity.

(k) "Property Maintenance Code" means the property maintenance code adopted in Chapter 1460 of these Codified Ordinances.

(l) "Rental dwelling" means a building or structure that has at least one rental unit. The term "rental dwelling" does not include jails, hospitals, foster care homes, or buildings that are inspected by housing professionals under contract with the United States Department of Housing and Urban Development (HUD), the Michigan State Housing Development Authority (MSHDA), or an agency that is a sub-recipient of funding from either HUD or MSHDA.

(m) "Rental unit" means a space for sleeping or living with complete, independent living facilities (including permanent provisions for living, sleeping, eating, cooking and sanitation) that is let for occupancy to any individual(s) other than a family member of the owner.

(Ord. 338. Passed 5-1-90; Ord. 516. Passed 10-7-14.)

858.02 REGISTRATION.

(a) An owner of a rental dwelling located in the City, regardless of whether such owner resides in the City, shall provide to the code official in writing the information described in this section. The City shall maintain a registry of all rental dwellings, upon such form as may be prescribed by the code official containing, at a minimum, the following information:

(1) Address(es) of the rental dwelling.

(2) Number and type of rental units.

(3) Name, address, and birthdate of the owner. In situations when the owner is not an individual, the name, address, and birthdate of the president, general manager, partner, or other chief executive of the entity.

(4) Name, address, and birthdate of any agent designated by the owner.

(5) Address and telephone number of the person responsible to accept notices and calls from the City. A local agent for every rental unit is required if an owner does not reside in Ionia County or any county adjoining Ionia County.

(b) It is a violation of this chapter to provide inaccurate information for the rental registry or to fail to provide information required by the City for the rental registry.

(c) After the effective date of Ordinance No. 516, owners or agents responsible for rental dwellings shall comply with the following rental registry requirements:

(1) All existing rental dwellings shall be registered within 90 days of the effective date. Any existing rental dwelling that does not have a valid rental license as of the adoption date shall be subject to an initial compliance inspection and shall be required to obtain a certificate of compliance. Any person occupying a rental unit as of the adoption date shall be permitted to remain until an initial compliance inspection can be conducted.

(2) All rental dwellings constructed or established by conversion of an existing structure after the adoption date shall be registered and required to obtain a certificate of compliance prior to being let for occupancy.

(3) Any change in the information required by this section shall be communicated in writing to the City within 30 days of the change by the owner or the owner's agent.

(Ord. 516. Passed 10-7-14.)

858.03 CERTIFICATE OF COMPLIANCE.

(a) Except as otherwise provided in this chapter, no owner or agent responsible for a rental dwelling shall let any rental unit in such dwelling without a valid certificate of compliance issued by the City after inspection (as conducted pursuant to Section 858.04).

(b) A certificate of compliance shall expire in accordance with the following guidelines:

(1) A certificate of compliance for a rental dwelling with five or more rental units let for occupancy shall expire two years after the date of issuance. The code official may choose to inspect only a portion of the rental units in such dwelling in order to issue a certificate of compliance, at the discretion of the code official. An inspection fee will be assessed only for the rental units that are actually inspected.

(2) A certificate of compliance for a rental dwelling with less than five rental units let for occupancy shall generally expire four years after the date of issuance. However, the certificate of compliance shall expire only two years after the date of issuance if the owner or agent responsible for the rental dwelling has been found to be in violation of this chapter within the last five years. Further, a four-year certificate of compliance may be amended to expire two years from the date of original issuance if the owner or agent is later found to be responsible for a violation of this chapter. If the amendment results in an expired certificate of compliance, a complete compliance inspection will occur and a new two-year certificate of compliance issued if the rental dwelling passes the inspection.

(c) A certificate of compliance authorizes occupancy only of the rental units that were let for occupancy as of the date of issuance. If new rental units are added by construction or conversion, the owner or agent must notify the City and obtain a new certificate of compliance before such rental units can be occupied.

(d) The City may refuse to issue a certificate of compliance for any rental dwelling owned by a person or entity with outstanding bills or liabilities to the City.

(Ord. 516. Passed 10-7-14.)

858.04 SCHEDULING OF INSPECTIONS.

(a) The code official shall be responsible for contacting owners and agents to conduct inspections.

(b) The code official shall endeavor to schedule initial compliance inspections as follows:

(1) Newly constructed rental dwellings will be inspected in accordance with this chapter at the same time the building is subject to final inspection to obtain a certificate of occupancy as required under the building code.

(2) Existing structures that are converted to rental dwellings will be scheduled for an initial compliance inspection within 30 days of the submission of the rental registry information.

(3) Rental dwellings that were not registered with the City prior to the adoption of Ordinance No. 516 will be scheduled for an initial compliance inspection within 60 days of the submission of the rental registry information.

(4) Any new rental unit within a certified rental dwelling will be scheduled for an initial compliance inspection within 30 days of a request for inspection by the owner or agent.

(5) Upon receipt of knowledge that a rental dwelling is not registered with the City as required by this chapter, the code official shall schedule an initial compliance inspection and may assess fees and/or issue violation citations as authorized under this chapter.

(c) Periodic compliance inspections will be scheduled by the code official for registered rental dwellings prior to the expiration of the existing certificate of compliance.

(d) Non-periodic compliance inspections may be required and scheduled as soon as practical by the code official:

(1) Upon receipt of a complaint from an owner, agent, occupant or citizen who would have occasion to be aware that the rental dwelling or rental unit is in violation of this chapter.

(2) Upon receipt of a report or a referral from any City department, public or private school or other public agency that a rental dwelling or rental unit is in violation of this chapter.

(e) When scheduling an inspection, the code official shall seek right of entry and access pursuant to Section 858.05 of this chapter, and shall not conduct an inspection until such rights are obtained.

(Ord. 516. Passed 10-7-14.)

858.05 RIGHT OF ACCESS FOR INSPECTION.

(a) To conduct a complete compliance inspection for purposes of this chapter, the code official needs access to all rental units to be inspected, and to all additional parts of the premises that serve such units, including mechanical equipment and hallways. The code official shall not

request access to structures that are unattached from any rental units and occupied solely by the owner or the owner's family members, except to the extent needed to inspect mechanical equipment serving the rental units.

(b) By registering a rental dwelling, the owner or agent agrees to make the rental dwelling available for inspections conducted under this chapter within 14 days of receiving notice of the need for inspection from the code official. If an owner or agent hinders a code official's access to portions of a rental dwelling premises so as to prevent a full inspection, the code official is authorized to revoke a certificate of compliance, pursue administrative warrants, or pursue other recourse as provided by law.

(c) If an occupant refuses to provide access to a rental unit, the code official is authorized to pursue administrative warrants, or pursue other recourse as provided by law.

(d) Upon request of the code official, the owner or agent responsible for the rental dwelling shall accompany the code official during the inspection.

(Ord. 516. Passed 10-7-14.)

858.06 INSPECTION CONSEQUENCES.

(a) If the code official conducts an inspection and determines that the rental dwelling or unit is not in compliance with applicable codes, the code official will provide the owner or agent a list of items required to be completed or conditions to be met, and the applicable time frame, in order to schedule a re-inspection. A certificate of compliance will be issued or renewed only when those requirements have been met.

(b) If the code official does not conduct an initial compliance inspection within the time frames stated in Section 858.05, the owner or agent shall, upon request, be entitled reimbursement of the initial registration fee. The building inspector's inability to conduct an inspection shall not be construed as in any way authorizing an owner or agent to let a rental dwelling or unit prior to the issuance of a certificate of compliance.

(c) If the official does not conduct a periodic compliance inspection prior to the expiration date of the certificate of compliance:

(1) And the failure is not due to any action or failure of the owner or agent (including a failure to make the rental dwelling available for inspection within 14 days of receiving notice of the need for inspection), the owner or agent shall be permitted to let the subject rental dwelling or unit until the code official conducts an inspection and decides whether or not to issue or renew a certificate of compliance.

(2) And the failure is due to an action or failure of the owner or agent (including a failure to make the rental dwelling available for inspection within 14 days of receiving notice of the need for inspection), the owner or agent shall not let the subject rental dwelling or unit and, if occupants are utilizing the rental dwelling or unit, the code official may require vacation of the subject rental dwelling or unit and may seek a court of eviction pursuant to Section 858.07(c).

(Ord. 516. Passed 10-7-14.)

858.07 FEES.

(a) Except as otherwise provided in this section, the owner or agent responsible for a rental dwelling shall pay a fee for the initial registration of the dwelling, all required compliance inspections, all required re-inspections, and any appeal request that does not result in a reversal or modification of the code official's decision. The fees shall be in amounts established from time to time by resolution of the City Council.

(b) All required fees shall be paid prior to the issuance of a certificate of compliance.

(c) The code official shall waive registration and inspection fees for any tax-exempt charitable organization that is operating the subject rental dwelling for charitable purposes (such as providing relief to the poor or to victims of domestic violence), or that is letting the subject rental unit to its own employees (such as pastor of a church renting a church-owned dwelling).

(Ord. 516. Passed 10-7-14.)

858.08 PENALTIES.

(a) Any violation of this chapter shall be a municipal civil infraction and shall be subject to such fines, costs and other relief as provided for in Section 202.99 of these Codified Ordinances.

(b) Where an owner has notified the City that an agent is authorized to act on his behalf, the agent (and not the owner) shall generally be the party responsible for violations of this chapter. However, this division shall not be interpreted as precluding the City from seeking the remedies provided in division (d) in situations where the owner has authorized an agent.

(c) Upon a finding of responsibility by the court for a violation of this chapter, including a violation of applicable codes, the code official may revoke an existing certificate of compliance and may seek the issuance of a court order compelling the eviction of all persons and property upon the premises until a new certificate of compliance is issued by the City.

(d) The City may seek a court order requiring an owner or agent to abate conditions in a rental dwelling that constitute a violation of applicable codes, and may seek permission for City personnel to abate such conditions with the cost of abatement becoming a lien on the property collected in the same manner as property taxes.

(Ord. 516. Passed 10-7-14.)

858.09 APPEALS.

(a) Appeal Procedure.

(1) Any owner aggrieved by a decision of the code official made pursuant to this chapter (except for decisions to commence enforcement proceedings or obtain a warrant in a court of competent jurisdiction) may request a hearing on the matter before the Housing Board of Appeals. Examples of decisions that can be appealed include decisions to revoke or withhold a certificate of compliance and decisions to deny a fee waiver under Section 858.06. The aggrieved person shall file a written appeal request to the code official requesting the hearing. The appeal request shall include the name, address and phone number of the appellant, and a brief statement of the grounds for the appeal.

(2) Any appeal request submitted under this section shall not be processed until payment of the applicable appeal fee.

(3) The appeal must be filed within 21 days after the date of the decision being appealed (which shall be the date when the owner or agent first received notice of the decision). Failure to file the written notice of appeal within the 21-day period shall be deemed a waiver of the person's right to a hearing. Upon timely receipt of an appeal, the code official shall set a time for a hearing before the Housing Board of Appeals and shall give the appellant notice of the date, time and location for the hearing.

(b) Hearings.

(1) Hearings shall be commenced within a reasonable time after an appeal has been filed. At such hearings the appellant shall be given an opportunity to be heard and to show cause as to why the code official's decision was in error. The code official shall be given the opportunity to provide information about the decision being appealed.

(2) The Housing Board of Appeals shall conduct the hearing in a public meeting accordance with the Open Meetings Act, Act 267 of the Public Acts of 1976, as amended, M.C.L.A. 15.261 et seq.

(3) After a hearing, the Housing Board of Appeals may affirm, reverse, or modify the decision of the code official. In rendering these determinations, the powers of the Housing Board of Appeals shall be limited to interpreting the provisions of this chapter and the applicable codes and applying their specific provisions to the specific case being heard.

(c) Decision. The decision of the Board of Appeals shall be final.

(Ord. 516. Passed 10-7-14.)

CITY OF CHARLEVOIX

Old Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Housing Discussion Report

DATE: July 9, 2018

BACKGROUND

See attached memo.

ATTACHMENTS:

▣ Housing Memo

Charlevoix Housing For July 9, 2018 Planning Commission Meeting

The following is a listing of the topics/ideas discussed at a meeting on June 27, 2018
(Attendees: Kathy Egan, Sarah Lucas, Jonathan Scheel, Luther Kurtz, Mark Heydlauff).

Increasing opportunities for housing is a priority for the Planning Commission, and now it seems it is also a priority for the City Council as well. This list is for discussion purposes this month. I'll adjust the document after planning commission discussion and forward to the city council for their information. I will bring forward some draft language/changes for your review next month.

Current District Allowances:

- R-1 – single family
- R-2 – single family – on smaller lots
- R-2A – single family and duplex, 2-family conversions
- R-4 – Multi-family, clustered

Zoning Considerations:

- Missing Middle Housing
 - Accessory dwelling units (ADU)
 - Duplexes
 - Home conversion – splitting existing home into apartments
 - Multi-units up to a fourplex: home conversions, small apartment buildings, courtyard apartments, townhouses, cottage style development, etc.
- Increase allowed density in current districts
 - R-1 – single family, duplex, ADU, conversion to two-family
 - R-2 – single family, duplex, ADU, conversion to two-family
 - R-2A – all of the above and up to multi-units up to a fourplex
 - R-4 – all of the above + multi-family
- Expand R-2A district?
- ADUs –
 - Base maximum size of the unit on a percentage of the primary residence size
 - Minimal rental period of 30 days
 - Owner must live on site, in one of the units
 - Use by right – with conditions
- House Conversions
 - Have a minimum square footage requirement
 - Don't require owner to live on site
 - No STR allowed
 - Use by right – with conditions

- Multi-units up to a fourplex –
 - Density based on size of lot not the district – the larger the lot the more units possible
- Look at road frontage and setback requirements to create more opportunity
- Allow motel/hotels to have long-term rented rooms
- Single Room Occupancy (SRO)
 - Includes boarding, rooming, hostel, single room rentals
 - Allow more than 1 room renting (long term) in R districts
 - Decide how many rooms can be rented (by size of building/by district/other)
 - Manager must live on site
- Inventory of vacant lots
 - List what districts they are in
 - Determine what would fit into the scale of the neighborhood
- Look at current non-conforming uses
 - Determine if they fit in or not
 - Update zoning to allow for those uses if they do fit in
- Adjust parking requirements
- Reduce lot sizes – decided that this is not likely as all lots are already platted – increase density allowances instead
- Reduce square footage requirements in various housing types

Other Considerations:

- Payment in lieu of taxes
- Brownfield Redevelopment Authority
- Land Bank Authority
- Tax increment financing
- Inclusionary zoning – Untested in courts - unsure if this is legal in Michigan
- Streamlined zoning
- Parking bonuses/incentives

Other Points brought up by Planning Commission:

- Present a simple rental housing inspection program to City Council
 - Ionia as example
- Move boarding houses/ rooming houses to non-residential uses (per Sherm - ??)
- Look into Pine River's goals for their undeveloped land