

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

MONDAY, SEPTEMBER 10, 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. August 13, 2018 minutes
- F. Call for Public Comment Not Related to Agenda Items
- G. New Business
 - 1. Housing Article
- H. Old Business
 - 1. Continuation of Public Hearing: Zoning Ordinance Amendment #1 Housekeeping
- 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: August 13, 2018 minutes

DATE: September 10, 2018

ATTACHMENTS:

- ▣ August 13, 2018 draft minutes

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, August 13, 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:	Rick Golding, Jennifer Muladore, Philip Parr, Brian Gelb, Toni Felter, RJ Waddell, Dennis Halverson
Members Absent:	None
Member Vacancy:	One
Staff Present:	Kathy Egan, Community Planner Networks Northwest

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

Motion by Member Felter, second by Member Parr to approve the agenda as presented. Motion passed by unanimous voice vote.

E. Approval of the July 9, 2018 Minutes

Motion by Member Waddell, second by Member Golding to approve the minutes of July 9, 2018 as presented. Motion passed by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. New Business

1. Public Hearing: Zoning Ordinance Amendment #1 Housekeeping

Chair Chamberlain opened the public hearing. Staff Egan reviewed the items in the housekeeping Zoning Ordinance amendment. Chamberlain asked about the setbacks on corner lots. He doesn't feel that past issues have been addressed and we need to make sure that the corner lots are clear in that there are two front setbacks and two side setbacks. We should eliminate the rear setback as this can cause problems with trying to fit buildings on the lots. Staff wanted time to review the ordinance to make sure any changes made do not create a contradiction elsewhere in the ordinance. The Zoning Administrator should review the proposed changes as well. The Planning Commission wanted to see any proposed changes before forwarding the amendment on to City Council. The Planning Commission can postpone this public hearing until next month and review any new proposed changes to corner setbacks at that time. There were no submitted written comments and no public present. Chair Chamberlain closed the public hearing.

Motion by Member Halverson, second by Member Waddell to postpone the public hearing to the September 10, 2018 meeting at 6:00 p.m. Motion passed by unanimous voice vote.

2. Public Hearing: Zoning Ordinance Amendment #2 Procedure Change

Chair Chamberlain opened the public hearing. Planner Egan reviewed the amendment which is to remove the requirement for City Council approval special use permits, site condos, PUD and the like. Council requested this amendment and felt their approval was not necessary because it is a repeat process of what applicants go through with the Planning Commission. Planning Commissioners had no concerns with the amendment. There were no submitted written comments and no public present. Chair Chamberlain closed the public hearing.

Motion by Member Parr, second by Member Felter to forward the amendment on to City Council with a recommendation to adopt. Motion passed by unanimous voice vote.

3. 2016 Census/Housing Data for Charlevoix

The Commission reviewed the 2016 Census statistics. Points discussed included that the data shows a lot of single-person households, many retirees, and a lot of older building stock.

4. Code of Ethics

All Planning Commissioners signed the Code of Ethics Acknowledgement.

H. Old Business

I. Staff Updates

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

Next month will include the continuation of the public hearing and a start of potential zoning changes with regard to housing. October will be a field trip around town to look at housing options. Chair Chamberlain and Planner Egan will conduct some research and prepare for the field trip.

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

Motion by Member Golding, second by Member Felter to adjourn the meeting. Motion passed by unanimous voice vote. Meeting adjourned at 6:51 p.m.

Kathy Egan

Community Planner

Sherm Chamberlain

Chair

CITY OF CHARLEVOIX

New Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Housing Article

DATE: September 10, 2018

BACKGROUND

Sherm asked that I share this article with all of you. It's a good synopsis of what we have been talking about with regard to housing in Charlevoix. It'll serve as a good introduction to the October walking field trip to discuss opportunities for more housing in the R2 district.

<https://www.bridgemi.com/quality-life/charlevoix-and-petoskey-pricey-housing-leaves-businesses-without-workers>

CITY OF CHARLEVOIX

Old Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Continuation of Public Hearing: Zoning Ordinance Amendment #1 Housekeeping

DATE: September 10, 2018

BACKGROUND

LATE ADDITION:

I added an addendum (third document) to the packet that further clarifies the changes recommended for corner lot setbacks. I will review it at the meeting.

The public hearing for housekeeping zoning ordinance amendments will continue. I'll first present the adjustments from what you had in last month's packet (they are highlighted in yellow). Then we can listen to public comment. Following that will be the time for planning Commission discussion of the proposed amendments. There are four choices of action:

- Choose to accept them as presented,
- Amend the proposed amendment,
- Take no action, or
- Require more information before making any decision

Attached are two documents:

Amendments – Housekeeping 2018 – chart

Amendments – Housekeeping 2018 – supplemental information

ATTACHMENTS:

- ▣ Amendments – Housekeeping 2018 – chart
- ▣ Amendments – Housekeeping 2018 – supplemental information
- ▣ Addendum to the Discussion

City of Charlevoix
Zoning Ordinance Amendments - Housekeeping
9/10/18 Public Hearing - Continued

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
25	Sect. 5.27(2)	Interior and Side Street Setbacks	see attached	PC to decide if needed
31	Sect. 5.31	Allowed Uses chart	add "Athletic Courts" to Recreation facility line. See attached	Per D. Cline review.

City of Charlevoix
Zoning Ordinance Amendments - Housekeeping
9/10/18 Public Hearing - Continued

Page No.	Section Number	Topic	Language	Notes
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
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,...	

City of Charlevoix
Zoning Ordinance Amendments - Housekeeping
9/10/18 Public Hearing - Continued

Page No.	Section Number	Topic	Language	Notes
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.	
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	Strike Section 5.71(1). It's not needed with the clarification added to the definition of <i>Front Lot Line</i> . The change to the definition and the striking of this section means that for corner lots there is one front lot line, two sides, and one rear.	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.

City of Charlevoix
Zoning Ordinance Amendments - Housekeeping
9/10/18 Public Hearing - Continued

Page No.	Section Number	Topic	Language	Notes
171	Sect. 5.195	Conditional Zoning	Section 5.195 Conditional Zoning	Create Section heading - language is there but heading isn't.

City of Charlevoix
Zoning Ordinance Amendments
Housekeeping
9/10/18 Public Hearing Continued

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)*
- PC to discuss whether they want different standards for interior and street side setbacks on corner lots. If yes = no changes. If no = change chart to read "Side" and delete the "Interior" and Street Side" terms, and strike "Street Side Yard" from definition of "Yard".

**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 20
R2	26	15	8	15	25	40 ⁴	800	1,200	16 20
R2A	26	15	10	20	30	40	800	1,200	16 20
PC	26	0	See	0	0	0	0	0	16 20

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)~~ (20) 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)

Charlevoix Planning Commission
September 10, 2018
Zoning Amendment Public Hearing – Housekeeping
Addendum to Discussion

Proposed Section 5.71:

Changes shown in red

5.71 Setback Requirements

- (1) *Front Setback on Corner Lots.* A **corner lot** shall have two **front lot lines**: a principal **front lot line** and a secondary **front lot line** which is considered a **street side setback**. ~~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.~~
- (a) The required **front setback** shall apply to the principal ~~and secondary front lot line.~~ **front yard.**
- (b) The required **setback** for the secondary **front yard** shall be the lesser of the required **front setback** or the established **setback** for the **principal building** on the **abutting lot** that faces the same **street** as the secondary **front lot line**.
- (c) The remaining **setbacks** shall be **side setbacks**. ~~a rear and a side setback. The rear setback shall be measured from the rear lot line, which in the case of a corner lot, shall be the lot line opposite the principal front lot line.~~

Proposed language – with changes incorporated:

Section 5.71 Setback Requirements

1. *Front Setback on Corner Lots.* A **corner lot** shall have two **front lot lines**: a principal **front lot line** and a secondary **front lot line** which is considered a **street side setback**.
- a. The required **front setback** shall apply to the principal and secondary **front lot line**.
- b. The required **setback** for the secondary **front yard** shall be the lesser of the required **front setback** or the established **setback** for the **principal building** on the **abutting lot** that faces the same **street** as the secondary **front lot line**.
- c. The remaining **setbacks** shall be **side setbacks**.