

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

MONDAY, JANUARY 14, 2019 AT 6:00 PM in the 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. December 10, 2018 Meeting Minutes
- F. Call for Public Comment Not Related to Agenda Items
- G. New Business
 - 1. Novus software training
 - 2. Election of Officers
 - 3. Bylaws review
 - 4. Sign illumination - draft language review
- H. Old Business
 - 1. ADU Standards
 - 2. Review of draft definitions for “Building Height” and “Dwelling Unit”
 - 3. RV Storage draft language
- I. Staff Updates
 - 1. Miscellaneous Follow-up from December Meeting
- 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: December 10, 2018 Meeting Minutes

DATE: January 14, 2019

ATTACHMENTS:

- ▣ Draft December 10, 2018 meeting minutes

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, November 12, 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: Ben Edwards, Toni Felter, Brian Gelb, Dennis Halverson, Jennifer Muladore, Phillip Parr
Members Absent: Rick Golding, RJ Waddell
Staff Present: Kathy Egan, Community Planner; Jonathan Scheel, Zoning Administrator

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

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

E. Approval of the Minutes

1. November 12, 2018 Minutes

Motion by Member Gelb, second by Member Muladore to approve the minutes of November 12, 2018 as presented. Motion passed by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

Planner Egan stated that she received a phone call from Connie Sigmund indicating that there was a vacant lot for sale on the corner of Grant and Carpenter Streets and she felt that the City should consider buying it to extend Grant out to Airport Road to alleviate some of the traffic on Bridge Street. After discussion, Planner Egan stated that she would contact the Airport Manager about the suggestion.

G. New Business

1. 2019 Meeting Schedule

Planner Egan stated that State law requires a Planning Commission to pass a resolution to adopt a meeting schedule each year. Resolution by Member Halverson, second by Member Parr to adopt Resolution No. 1 for 2019 Schedule of Regular Meetings included in the agenda packet. Resolution passed by unanimous voice vote.

H. Old Business

1. Draft Accessory Dwelling Units (ADU) Standards

Chair Chamberlain stated that members should be a representative of their neighborhoods. He suggested thinking about their homes and their neighbors and how different regulations would affect them. Planner Egan referenced an article about the City of Minneapolis doing away with all single-family zoning resulting in three units per lot and also doing away with residence parking requirements.

Planner Egan reviewed the following items which were discussed by the Commission members:

- Draft definition of an accessory structure – in simple terms an accessory structure must include living, cooking and bathing areas
- Where they are allowed – discussion regarding separate electric and water meters for ADUs depending on use; no changes
- Minimum parcel area – no changes
- Minimum parcel width – discussion regarding going down to 25' from the current 50'; no changes
- Minimum parcel depth – no provision included in current Zoning Ordinance
- Maximum parcel coverage – current is 40% which could be increased to 50% to allow for more building; no changes
- Exterior appearance – discussion regarding architectural standards and accessory buildings to look like smaller residences; consensus to remove "ADU entrances shall be less visible from the street view of the principal dwelling than the main entrance of the principal dwelling unit"
- Setbacks – Chair Chamberlain suggested stating that the setbacks must meet the requirements of Section 2.46 for accessory buildings; Planner Egan agreed they were all treated the same

- Setback modifications – no changes
- Separation from other buildings – no changes
- Maximum building height – no changes
- Floor area – consensus to set the minimum at 300 sq. ft., and maximum at 650 sq. ft.
- Parking – discussion regarding winter parking requirements
- Additional standards – discussion regarding whether a permanent foundation would be required or if a non-permanent home (such as a tiny home on wheels) could receive a one-year permit; consensus that a permanent foundation would be required
- Occupancy – consensus to further consider whether ADUs would fit in every residential neighborhood

Planner Egan stated that she would clean up the language and provide a draft to the Commission.

2. Draft RV Storage Language

Planner Egan stated that she will present draft RV storage language similar to East Jordan and Boyne City at the next meeting.

I. Staff Updates

Chair Chamberlain asked Planner Egan to email the City's parking study report to the members. Planner Egan noted that the current meters do not produce enough revenue to cover maintenance and enforcement costs, meter rates are lower than comparable cities, and cannot be changed.

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

1. Annual Review of Bylaws

Planner Egan stated that it was good practice to review the Bylaws annually. She noted that at a Commission meeting it was suggested that the Bylaws include an educational requirement for members. Discussion followed regarding online educational opportunities.

2. Novus Training

Commission members agreed that additional Novus training would be beneficial and will be scheduled on a light agenda.

K. Adjournment by 8:00 PM Unless Extended by Motion

Motion by Member Halverson, second by Chair Chamberlain to adjourn the meeting. Motion passed by unanimous voice vote. Meeting adjourned at 7:55 p.m.

Joyce M. Golding/fgm

City Clerk

Sherm Chamberlain

Chair

CITY OF CHARLEVOIX

New Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Novus software training

DATE: January 14, 2019

BACKGROUND

As requested, Mark Heydlauff, City Manager, will run a training session on the Novus Agenda software.

CITY OF CHARLEVOIX

New Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Election of Officers

DATE: January 14, 2019

BACKGROUND

As per the Bylaws: At the first regular meeting of each calendar year, the Commission shall select from its membership a Chair, and Vice-Chair. All officers are eligible for reelection. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice-Chair for the unexpired term.

CITY OF CHARLEVOIX

New Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Bylaws review

DATE: January 14, 2019

BACKGROUND

A few changes are being recommended for the Bylaws. First is a change to Section 2.5 Training. The new language would require basic planning commissioner training during all new member's first term.

The second edit is to change the heading of Section 2.6 and to create a Section 2.7. These two section were previously lumped together under the heading "Incompatibility of Office" and most of the section should be titled "Conflict of Interest".

The third change is to Section 9.1 which will clarify that the Planning Commission reviews and renders decisions on Level B Site Plan Reviews, PUDs, Site Condominiums and Special Use Permits.

ATTACHMENTS:

- Draft Bylaws



CITY OF CHARLEVOIX

210 STATE ST. CHARLEVOIX, MICH. 49720 www.CityofCharlevoix.org

Planning Commission Bylaws

Adopted May 12, 2014

Amended April 9, 2018

Amended June 11, 2018

1.0 Purpose.

- 1.1 The name shall be the City of Charlevoix Planning Commission, hereafter known as the "Commission". The City of Charlevoix hereafter shall be known as the "City."
- 1.2 These Bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 *et seq.*), hereinafter "the Planning Act."
- 1.3 These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*), hereinafter "the Zoning Act."

2.0 Membership. Members of the Commission are appointed pursuant to Title I, Chapter 7, Article V of the City Code, entitled Planning Commission. (Ord. 751)

- 2.1 Each member shall represent and advocate what is best for the City as a whole, putting aside personal or special interests.
- 2.2 In an effort to establish a diverse Commission, the City shall make every effort to appoint members who represent important sectors of the community and economy consistent with the requirements of Title I, Chapter 7, Article V of the City Code.
- 2.3 Liaisons. The purpose of liaisons is to provide technical assistance and advice, participate in discussions with the Commission, and answer questions from the general public or the Commission. Liaisons may include Planning Department staff, City department heads, planning consultants, the City Attorney, surveyors, engineers, or other qualified consultants.
- 2.4 Attendance. A Commission member's absence from three consecutive regularly scheduled meetings shall be considered nonfeasance in office.

Nonfeasance in office shall be grounds for the City Council to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Commission secretary, or acting secretary in the absence of the elected secretary, shall keep attendance records and shall notify the City Council whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the City Council can consider further action allowed under law or excuse the absences.

- 2.5 ~~Training. Each member is encouraged to attend at least four hours per year of training in planning and zoning during the member's current term of office.~~ Each member shall have completed, at a minimum, basic planning commissioner training such as that offered by Michigan Association of Planning, Michigan Municipal League, or Michigan State University Extension during the member's first full term of office. The "Citizen Planner" program, offered as continuing education through Michigan State University and MSU Extension is recommended but not required. Members shall then be encouraged to attend training in planning and zoning related topics as authorized by the City Council in the adopted budget.

2.6 ~~Incompatibility of Office. Conflict of Interest~~

- (a) Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
- (1) Issuing, deliberating on, voting on, or reviewing a case concerning the member, on land owned by the member, or if the case involves land adjacent to the members property.
 - (2) Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
 - (4) Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to the commissioner, or a friend or family member of the commissioner.
 - (5) Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parents in-law, grandparents in-law, or members of his or her household.
 - (6) Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is an applicant or agent for an applicant, or has a direct interest in the outcome.

- b.) If a question exists whether the circumstances actually present a conflict of interest, the Planning Commission member or zoning staff shall make a reasonable attempt to contact the city attorney prior to the Planning Commission meeting at which the matter that may give rise to the conflict of interest will be considered to obtain a legal opinion concerning whether a conflict of interest legally exists. If the Planning Commission member or zoning staff is not able to obtain a legal opinion from the city attorney then the Planning Commission may, by majority vote of the members present, adjourn the case to a specific time, date, and place in order to obtain a written opinion from the city attorney.
- c.) When a conflict of interest exists, the member of the Commission, or committee, shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:
 - (1) declare a conflict exists at the next meeting of the Commission or committee:
 - (2) cease to participate at the Commission or committee meetings, or in any other manner, or represent one's self before the Commission, its staff, or others, and
 - (3) during deliberation of the agenda item before the Commission or committee, remove one's self from the front table where members of the Commission sit, until that agenda item is concluded.

~~d.)~~

- 2.7 **Incompatibility of Office.** If a member of the Commission is appointed to another office, which is an incompatible office with his or her membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.

3.0 Duties of all members.

3.1 *Ex Parte* contact

- a.) Members shall avoid *Ex Parte* contact about cases where an administrative decision is before the commission whenever possible.
- b.) Despite one's best efforts it is sometimes not possible to avoid *Ex Parte* contact. When that happens, the member should take detailed notes on what was said and report to the Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.

3.2 Site Inspections

- (a) Planning Commissioners are encouraged to do a site inspection prior to any public meetings or hearings where a decision may be

made on a particular lot or parcel. Planning Commissions should visit the site by themselves and avoid contact with the applicants, property owners, and neighbors. If requested, members may visit the site with the Zoning Administrator or liaison.

3.3 Code of Conduct/Accepting gifts.

- a.) Each Planning Commissioner shall abide by the City of Charlevoix Code of Ethics and Conflict of Interest Policy. Gifts shall not be accepted by a member of the Commission or liaisons.

4.0 Officers

4.1 Selection: At the first regular meeting of each calendar year, the Commission shall select from its membership a Chair, and Vice-Chair. All officers are eligible for reelection. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice-Chair for the unexpired term.

4.2 Tenure. The Chair and Vice-Chair shall take office at the first regular meeting of the calendar year following their selection and shall hold office for a term of one year or until their successors are selected and assume office.

4.3 Chair's Duties. The Chair retains his or her ability to discuss, make motions and vote on issues before the Commission. The Chair shall:

- a.) Preside at all meetings with all powers under parliamentary procedure;
- b.) Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or other remarks which are not about the topic before the Commission;
- c.) Call special meetings if deemed necessary;
- d.) Review with the staff, prior to a Commission meeting, the items to be on the agenda if he or she so chooses;
- e.) Periodically meet with the Planning Director and/or other Planning Department staff to review Planning Department operation, procedures, and to monitor progress on various projects.
- f.) Chair or perform a major role in the interview and selection process for a Planning Director;
- g.) Act as the Commission's and Planning Department's chief spokesman and lobbyist to represent the Commission at local, regional, and state government levels.
- h.) Represent the Commission before the City of Charlevoix; and
- i.) Perform such other duties as may be ordered by the Commission.

4.4 Vice-Chair's Duties. The Vice-Chair shall:

- a.) Act in the capacity of Chair, with all the powers and duties found in Section 4.3 of these Rules, in the Chair's absence;
- b.) Perform such other duties as may be ordered by the Commission.

- 4.5 Recording Secretary's Duties. The Recording Secretary shall be the City staff designated by the Planning Commission to properly notice meetings, record the audio, and compose draft minutes.

5.0 Meetings

- 5.1 Regular meetings. Meetings of the Commission will generally be held the second Monday of every month at 6 p.m. at 210 State Street. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. An annual notice or regularly scheduled Commission meetings shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 *et seq.*)
- 5.2 Special Meetings. Special meetings shall be called by the Chair, by any two members of the Commission, or by the Chair at the request of any non-member of the commission. Special meetings shall be properly notice in accordance with the Open Meetings Act.
- 5.3 Quorum. More than half the total number of seats for members of the Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of business and the taking of official action for all matters before the Commission. Commissioners connected to a meeting remotely shall not be considered attendance for the purpose of establishing a quorum (City Council Resolution 2018-05-01). Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.
- 5.4 Motions.
- a.) Motions shall be restated by the Chair before a vote is taken.
 - b.) Findings of Fact. All actions taken in an administrative capacity (including but not limited to, special use permits, subdivisions, zoning, site plan review, planned unit developments, review and submission on another municipality's proposed plan, review and submission on a capital improvement, review of township zoning) shall include each of the following parts.
 - (1) A finding of fact, listing what the Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements.
 - (2) Conclusions to list reasons based on the facts for the Commission's action, often directly related, or not, to a finding of compliance, or noncompliance, to standards.
 - (3) The Commission's action; recommendation or position, approval, approval with conditions, or disapproval.
- 5.5 Voting. Voting shall be by voice and shall be recorded as passing or failing. Roll call votes will be recorded only upon request by a member of the Commission and shall be recorded by "yes" or "no". Commissioners connected to a meeting remotely may vote and take any action as part of the meeting as if the remote participant were attending the meeting in

person (City Council Resolution 2018-05-01). Voting by proxy shall not occur. Except as provided herein, the affirmative vote of a majority of those present shall be necessary for the adoption of motions. The affirmative vote of a majority of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.

- 5.6 Parliamentary Procedure. Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by *Roberts Rules of Order Newly Revised*, (10th Edition, Perseus Publishing, New York, 2000 (ISBN 0-7382-037-6)) for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than *Robert's Rules of Order*, then these Bylaws control.
- 5.7 Public Participation. All regular and special meetings, hearings, records, and accounts shall be open to the public.
 - a.) All public comments not specifically related to agenda items shall be provided at the beginning of the meeting in accordance with the agenda. Public comments on specific agenda items shall be called for at the appropriate time by the Chair.
 - b.) The Chair may limit the amount of time allowed for each person wishing to make public comment at a Commission meeting. The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment at the Commission meeting without time limit or an extended time limit.
- 5.8 Order of Business. Agenda. The Recording Secretary, or designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:
 - a.) Call to order and Pledge of Allegiance.
 - b.) Roll call.
 - c.) Inquiry into potential conflicts of interest.
 - d.) Approval of agenda.
 - e.) Approval of the minutes.
 - f.) Call for public comment not related to agenda items.
 - g.) New business
 - h.) Old business
 - i.) Staff updates/Planning Commission general comments/Request for research items.
 - j.) Requests for future agenda items, research, or miscellaneous business.
 - k.) Adjournment.
- 5.9 Placement of Items on the Agenda.
 - a.) The City Planning Director/Zoning Administrator or City Manager may place items on the agenda with approval from the Chair.

- b.) The Chair, Vice-Chair, any member of the Commission may request specific items be placed on the agenda.
 - c.) Any member of the public may request items be placed on the agenda, with prior approval from the Planning Commission Chair.
- 5.10 Minutes and Record. The Commission Secretary shall keep, or cause to be kept, a record of Commission meetings, which shall at a minimum include an indication of the following:
- a.) Copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, M.C.L. 15.261 *et seq.*)
 - b.) Copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence.
- 5.11 Retention. Commission records shall be preserved and kept on file in accordance with the State of Michigan

6.0 Committees

- 6.1 The Planning Commission may establish executive, ad-hoc, or citizen committees to assist the Commission in research, creation of neighborhood plans, to increase public involvement, or other specific purposes. Any committee established by the Commission may include not more than three Planning Commissioners. All committees are considered advisory and shall be required to follow the State of Michigan Open Meetings act.

7.0 Mileage and Per Diem

- 7.1 If requested, mileage shall be paid to members of the Commission at rates established by the City of Charlevoix for attending Commission meetings and other authorized meetings and trips to represent the City of Charlevoix. City Council may establish a per diem rate for Commissioners. Commissioners may be reimbursed for travel expenses to attend training sessions or conferences with prior authorization from the City Planner/Zoning Administrator.

8.0 Hearings

- 8.1 Plan Hearings. Before the adoption of any part of a plan, as defined in the Planning Act, or any amendment to a plan, or recommending approval of an amendment to the City Council, the Commission shall hold at least one public hearing on the matter. Notice of the time and place of the hearing shall be given, not less than 15 days prior to such hearing, by at least one publication in a newspaper of general circulation within the city.
- 8.2 Any other hearings required by the Zoning Ordinance or special hearings requested by the Planning Commission shall be properly noticed in accordance with the City Zoning Ordinance, the Zoning Enabling Act, or Open Meetings Act.

9.0 Planning Commission Responsibilities

- 9.1 Planning Commission responsibilities and duties shall include all those delegated to the Commission by the Planning Enabling Act, the Zoning Enabling Act, the Land Division Act, Condominium Act and the City of Charlevoix Zoning Ordinance. Examples include but are not limited to:

- a) Adoption and amendment to the City Master Plan and Parks and Recreation Master Plan.
 - b) Review of adjacent, or contiguous, local government plans from surrounding townships or Charlevoix County.
 - c) Review of the annual Capital Improvement Plan (CIP) and subsequent recommendation to City Council.
 - d) Review of new capital improvement projects not included in the annual CIP as defined by the adopted Capital Improvement Review Policy. (Resolution 2013-10-02 adopted on October, 21 2013)
 - e) Recommendations to City Council on zoning map and text amendments. ~~Level B Site Plan Reviews, PUDs, and Site Condominiums.~~
 - f) Review and decision on ~~Level B Site Plan Reviews, PUDs, Site Condominiums~~ and Special Use Permit applications.
- 9.2 The Planning Commission may make other decisions or recommendations pertaining to land use if requested by City Council or the general public.
- 9.3 All powers of the zoning commission have been transferred to this Commission, pursuant to M.C.L. 125.3301 of the Zoning Act.

10.0 Adoption, Repeal, Amendments

- 10.1 Upon adoption of these Bylaws of May 12, 2014, they shall become effective and all previous Bylaws, shall be repealed.
- 10.2 The Commission may suspend any one of these Bylaws, for a duration of not more than one agenda item or meeting.
- 10.3 These Bylaws may be added to, amended or repealed in whole or in part. Proposed changes to these Bylaws must be submitted in writing to the members of the Planning Commission at least one (1) month in advance of the meeting at which the proposed changes will be considered. A majority vote of the entire Planning Commission members, regardless of any vacancies, shall be required to amend these Bylaws. OR A vote of two-thirds (2/3) of the Planning Commission members present shall be required to amend these Bylaws.

CITY OF CHARLEVOIX

New Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Sign illumination - draft language review

DATE: January 14, 2019

BACKGROUND

Jonathan Scheel, Zoning Administrator will be in attendance at the meeting to explain the need to adjust the "Sign Illumination" language in the Zoning Ordinance. Draft language has been prepared for your discussion.

ATTACHMENTS:

- ▣ Sign Illumination - draft language for review

Section 5.105 (4)

Illumination:

- a. For the safety of the general public, no unshielded lights, or lights directed upward or horizontally at sign faces, flashing lights, scrolling or moving electronic lights, or other distractive devices may be used in conjunction with any sign or business.
- b. Each sign, which is artificially illuminated, shall have the light source shielded from the direct vision of individuals using adjacent roadways, properties, or sidewalks.
- c. Signs shall not emit light directly into the sky. The light source shall not be positioned so that the center of the light source exceeds more than 45 degrees from ground level.
- d. Illumination by bare bulbs or flames is prohibited.
- e. Underground wiring shall be required for all illuminated signs that are not attached to a building.

CITY OF CHARLEVOIX

Old Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: ADU Standards

DATE: January 14, 2019

BACKGROUND

After last month's discussion and after meeting with Jonathan Scheel I have updated the draft standards for ADUs. We will be prepared to discuss the questions that arose last month and present the draft standards again for further review.

ATTACHMENTS:

- ▣ Draft ADU Standards for Discussion

**City of Charlevoix Planning Commission
January 14, 2019 Meeting
Accessory Dwelling Units
Draft Standards – For Discussion**

Accessory Dwelling Unit (ADU) Definition:

A second unit on an owner-occupied single family parcel that is less than 650 square feet and is either attached to the principal dwelling or in a separate structure on the same parcel.

ADUs are considered an accessory building and fit under the standards of **Section 5.46 (1)** which covers both attached and detached ADUs. This section's standards for placement, height and setbacks are in alignment with the goals of the PC and we can refer to this section for those standards.

Where allowed:

- ADUs are allowed only on parcels occupied by an existing principal residential use.

Minimum parcel area:

- Same (6,000 square feet) as required for single family detached dwelling or on any legal parcel of record as of 1-1-19

Minimum parcel width:

- Same (50 feet) as required for single family detached dwelling or on any legal parcel of record of record as of 1-1-19.

Maximum parcel coverage:

- Increase to allow for more density – 50% when stormwater runoff of 20% of the lot coverage area is collected in rain barrels or rain gardens or mitigated via porous concrete or other materials.

Floor area:

- Minimum of 300 square feet
- Maximum of 650 square feet

Exterior Appearance:

- The ADU shall be designed so that the appearance of the structure maintains that of a one-family dwelling.
- Exterior staircases that provide access to a second-floor ADU shall not be on the front of either the principal dwelling or the ADU.

Setbacks: See Sect 5.46(1)

Setback Modifications

- **New construction.** A property owner may be granted modifications to the required setbacks by a Special Land Use permit after a site plan review by the Planning Commission.
- **Pre-existing structures** built prior to 2019 that are located within the required setbacks may be approved for use as an ADU subject to a Special Land Use permit after a site plan review by the Planning Commission.
- **Setback Modifications Criteria:**
 - That any walls within the setback areas comply with applicable building and fire codes
 - That a setback requirement of a minimum of 5 feet from the side and rear properties shall be required.
 - The location and design of the ADU maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, air, or parking of adjacent properties.
 - Windows that impact the privacy of the neighboring side or rear yard have been minimized and/or screened.

Parking:

- Any parking provided is subject to the same regulations that apply to the principal dwelling unit.
- Same as residential uses in R2 District **OR**
- No additional parking is required **OR**
- No parking is required
 - when the ADU is a studio (no bedrooms)
 - when the ADU is entirely within the principal residence and adds no habitable floor space to the property.

Additional standards:

- ADUs are subject to all applicable regulations of the zoning district in which they are located unless otherwise expressly stated in this ordinance.
- An ADU shall not be sold independently of the primary dwelling on the parcel.
- Only one ADU is allowed per parcel.
- A permanent foundation is required.

Occupancy:

- At least one of the units on a parcel with an ADU shall be occupied by an owner with at least a 50% interest in the subject property. The owner shall occupy either the principal dwelling unit or the ADU as their permanent residence via Michigan homestead exemption.
- Only one unit per parcel may be rented out for periods of less than 30 days.

CITY OF CHARLEVOIX

Old Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Review of draft definitions for “Building Height” and “Dwelling Unit”

DATE: January 14, 2019

BACKGROUND

Staff has prepared draft changes to two definitions. The “Building Height” definition has been adjusted to account for rooftop mechanicals. We are proposing a slight change to the definition of “Dwelling Unit” and an addition of a definition for “ADU”.

ATTACHMENTS:

▣ Draft Definitions

Building Height. The vertical distance measured from ~~the average~~ finished grade ~~around the building~~ to the highest point of a flat roof; to the deck line of a mansard roof; and to the average height between the eaves and ridge for a gable, hip and gambrel roof, or to an equivalent point on any other roof, ~~excluding structural elements not intended for habitation and not exceeding 15 feet above the maximum building height including cupolas, chimneys, wireless communication antenna arrays, smoke and ventilation stacks, flag poles, mechanical and elevator equipment, and parapet walls designed solely to screen mechanical and elevator equipment. For a building located on a sloping site, height shall be measured from the average finished grade.~~ (See Section 5.66)

Dwelling Unit. A building or portion of a building, designed for use and occupancy by individuals, or one family, for living, ~~kitchen and bathing and sleeping purposes and with housekeeping~~ facilities. A recreational vehicle, vehicle chassis or tent is not considered a dwelling.

- (1) *Dwell, Accessory Dwelling.* A second unit on an owner-occupied single-family parcel that is less than 650 square feet and is either attached to the principal dwelling or in a separate structure on the same parcel.
- (2) *Dwelling, Multiple Family.* A building containing three (3) or more dwelling units where each unit may have access to a common hallway, stairs or elevator, or where each unit may have individual access to a street or common courtyard.
- (3) *Dwelling, Single Family.*
 - (a) Detached. A single family dwelling unit that is separate and distinct from any other dwelling. A single family dwelling that does not share a party wall with any other dwelling is a detached single family dwelling.
 - (b) Attached. A dwelling designed for occupancy by one (1) family in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separated from any other unit by one or more vertical common fire-resistant walls (also known as a townhouse or rowhouse).
- (4) *Dwelling, Two Family.* A single family dwelling unit attached to one (1) other single family dwelling by a common wall or floor (also known as a “duplex”). (Ord 784, 10/16/2017)



CITY OF CHARLEVOIX

Old Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: RV Storage draft language

DATE: January 14, 2019

BACKGROUND

After researching other communities, staff has prepared some draft language to provide for the storage of recreational vehicles. The draft language is ready for your review, and a few points of it will require planning commission discussion.

ATTACHMENTS:

▣ RC Storage Draft Language

Recreational Vehicles.

- All recreational equipment and vehicles shall be maintained in good condition, shall be operable and shall have a current license and/or registration.
- Recreational vehicles parked or stored outside shall not be connected to electricity, water, gas or sanitary facilities for living or lodging purposes.
- The parking and/or storage of buses and converted buses in excess of 18 feet in length, and boats in excess of 30 feet in length, is prohibited.
- A suitable covering shall be placed over all boats whenever stored outside.
- Storage of not more than two recreational vehicles shall be permitted.
- Recreational vehicles shall be parked completely in an enclosed structure or within the side or rear yards, except that they may not be parked in required setbacks, and such units shall not be closer than five feet from any lot line, unless otherwise provided by this section.
- If there is not sufficient access to an enclosed structure or the rear or side yard, recreational vehicles may be stored in the front yard on a paved surface, except that they may not be parked in the required setbacks, and such units shall not be closer than five feet from any lot line, unless otherwise provided by this section. **[[for PC discussion]]**
- Such units shall be placed or parked on a lot with a principal building, structure or use unless it is a lot which is attached to an occupied lot under the same ownership.
- Recreational vehicles or recreational equipment may be parked or placed within any front yard or within a public right-of-way where on-street parking is permitted for a period not to exceed 48 hours for loading and unloading or in the process of normal maintenance and cleaning.
- Recreational vehicles may be used for living or lodging purposes on a parcel with a principal building for no more than seven days within any 60-day period. **[[for PC discussion]]**

CITY OF CHARLEVOIX

Staff Updates

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Miscellaneous Follow-up from December Meeting

DATE: January 14, 2019

BACKGROUND

Follow-up on random items from the December meeting:

- Call from citizen about extending Grant Street through to US31 as an airport bypass... cannot happen because that land is in a runway protection zone.
- The changes to allow ADUs is going to create some other required changes to the Zoning Ordinance (definitions, Sect 5.46, parking, etc.). I'm keeping track of them and will present them at a future meeting.
- Connection to utilities (with regard to additional dwelling units on a parcel)
 - o It is up to the property owner. It is easier to have separate meters with newer buildings; multiple sewer hookups to the older buildings can be difficult.
 - o Regardless of how many water connections there are (and there is usually just one), each dwelling unit is charged the minimum monthly charge of 2,000 gallons and any amount of water used over the base rate.
 - o Most landlords have separate electric meters for each unit, where each tenant can put the utility in their name and pay only for what they use. The charge is \$7/month/meter plus usage.
- I have samples of two publications to pass around: P&Z News and Michigan Planner newsletter. Would you be interested in receiving one or both of these monthly?
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Lot Coverage/Parking Thoughts

- Reviewed the Harriman site plan and did the math:
 - o Lot coverage (which includes parking) is at 41% so that amount of coverage could happen on other parcels.
- We could add a parking space maximum of 4 spaces per parcel regardless of number of dwelling units in order to not have too much interior parking on parcels.
- If we increase the percentage of lot coverage allowed we would need to start requiring permits (could be a no-fee permit) for driveways, patios, sidewalks, etc so that we would know the percentage of the parcel that is being covered. This practice could also serve to educate property owner on the ramifications of lot coverage (too much impervious surface could lead to not being able to add dwelling units).