

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

MONDAY, MARCH 9, 2020 AT 6:00 PM in the Council Chambers, City Hall

- 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. February 10, 2020 Minutes
- F. Call for Public Comment Not Related to Agenda Items
- G. New Business
 - 1. Draft Site Plan Review Language
- H. Old Business
 - 1. Rooftop Usage Draft Language
 - 2. Residential Building Size Discussion
- 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: February 10, 2020 Minutes

DATE: March 9, 2020

ATTACHMENTS:

- ▣ Draft February 10, 2020 Minutes

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, February 10, 2020 - 6:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

A. Call to Order/Pledge of Allegiance

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

B. Roll Call

Chair Sherm Chamberlain

Vice Chair: RJ Waddell

Members Present: Toni Felter, Brian Gelb, Ben Edwards, David Gray, Dennis Halverson, Jennifer Muladore, Philip Parr

Staff Present: Kathy Egan, Community Development Director; Jennifer Neal, Community Planner; Jonathan Scheel, Zoning Administrator

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

Motion by Member Felter, second by Member Gelb to approve the Agenda as amended. Motion passed by unanimous voice vote.

E. Approval of the Minutes

1. January 13, 2020 Meeting Minutes

Motion by Member Waddell, second by Member Parr to approve the minutes of January 13, 2020 as presented. Motion passed by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. New Business

H. Old Business

1. Election of Officers

Member Waddell volunteered to be Chair and Member Halverson volunteered to be Vice Chair. The Commission acknowledged Chair Chamberlain's long service to the Commission as a Member and Chair.

Motion by Chair Chamberlain, second by Member Gray to appoint RJ Waddell as Chair and Dennis Halverson as Vice Chair. Motion passed by unanimous voice vote.

2. Rooftop Usage Discussion

Planner Neal recalled that the Planning Commission reviewed a Rooftop Use Chart including the types of buildings, building standards, and uses that should be permitted on rooftops, examples of rooftop uses, and regulations from the city of Traverse City. She proceeded to explain a comparison table of ordinances (Harbor Springs, Traverse City and Petoskey) in residential and non-residential districts and then draft ordinance language for rooftop usage. Member Halverson addressed concerns about areas abutting between two zoning districts and potential extra language to smooth over the transition between districts. Planner Neal stated that they could add additional language for surrounding uses and conflicts.

Discussion followed regarding noise/amplification, canopies on rooftops, temporary structures, exemptions for special permitted events, and special events/restaurants with music adjacent to or near rooftop venues or a part of a rooftop venue. The Commission concurred that the draft ordinance was a very good start toward rooftop regulations that they would want to recommend to the City Council.

3. Residential Building Size

Chair Waddell recalled that City Council asked the Planning Commission to look in to establishing regulations on building size. He stated in the past this was controlled by setbacks on property, but they have been finding that people have been purchasing multiple lots and combining lots for very large homes. He asked the Zoning Administrator to look into the specifications for the different areas in town and what is the actual square footage of houses that they are dealing with. Zoning Administrator Scheel explained the existing conditions portion of the data he provided, amount of lot coverage, size of the lots and setbacks, and the livable floor area. Member Chamberlain suggested that all building footprints over a certain size should require site plan review such as new residential construction over 5,000 sq. ft. He stated that would require them to come up with some additional standards.

Zoning Administrator Scheel stated that he reviewed other zoning ordinances and looked at contextual zoning which regulates the height of new buildings, bulk, setback from the street line, and width along street frontage to produce buildings that are consistent with the existing neighborhood. He stated that the waterfront was where the market is for new homes, but as the property gets developed and land becomes more valuable other areas of the City will see the larger homes going in. The only area in the City where someone could not buy a house and tear it down is within the historical overlay.

Planner Egan stated that it may be beneficial to go back to City Council and confirm what it is they are asking and the Commission agreed that they do need more direction from Council.

I. Staff Updates

Due to the election, the Commission agreed to move their March meeting to one of the City Hall conference rooms.

Zoning Administrator Scheel recalled that a couple of months ago the Commission looked at a conditional rezoning on May Street and during his discussions with the applicant they talked about the back of the lot and how the lot could be split and a residential house built on it. He wanted to make sure before he presented it to City Council that the Commission agreed that the front portion of the lot with the existing building and that the remainder of parcel A would be conditionally rezoned. He stated that none of the conditions change and parcel B would be split out and remain R-1 zoning. The only access to parcel B would be through parcel A. Zoning Administrator Scheel stated that if the Commission was in agreement he would have the City Attorney write up the original conditions that the applicant presented but they would only apply to parcel A. Zoning Administrator Scheel stated that the applicant still had to come back before the Commission for site plan review. After discussion, the Commission concurred to direct the Zoning Administrator to present the conditional rezoning with the original conditions to the City Council for approval.

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

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

Motion by Member Gray, second by Member Muladore to adjourn the meeting. Motion passed by unanimous voice vote. Meeting adjourned at 7:23 p.m.

Joyce M. Golding/fgm

City Clerk

Sherm Chamberlain

Chair

CITY OF CHARLEVOIX

New Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Draft Site Plan Review Language

DATE: March 9, 2020

BACKGROUND

Attached is the first draft of an update to the Site Plan Review section of the Zoning Ordinance. It has been created by both Kathy Egan and Jonathan Scheel.

ATTACHMENTS:

- ▢ Draft Site Plan Review Language

**Charlevoix
Site Plan Review Draft
2-28-2020**

Article 12 Site Plan Review

153.230 Intent

The purpose of this Article is to establish uniform requirements for the planning and design of developments within the city in order to achieve the following objectives:

- (1) to determine compliance with the provisions of this ordinance;
- (2) to apply provisions of this ordinance equitably and fairly;
- (3) to promote the orderly development of the city;
- (4) to prevent depreciation of land values;
- (5) to ensure a consistent level of quality throughout the community;
- (6) to ensure a harmonious relationship between new development and the existing natural and manmade surroundings;
- (7) to achieve the goals and recommendations of the city master plan; and
- (8) to promote consultation and cooperation between applicants and the city in order that applicants may accomplish their objectives in the utilization of land, consistent with the public purposes of this ordinance and the master plan.

153.231 Applicability

Site plan review shall be required, as applicable, under the following conditions, or under other circumstances required by this ordinance, unless exempted by Section 153.232.

Level "A" review. The Zoning Administrator shall review site plans in connection with the creation of a use or the erection of a building or structure in any of the following circumstances:

- (1) Any use permitted by right within any zoning district, if the proposed building is less than 2,000 square feet;
- (2) Additions to existing buildings in any zoning district; provided, the addition is not larger than 20% of the area of the building prior to the expansion or more than 2,000 square feet in area, whichever is less;

(3) Changes in the use of any existing building in any zoning district; provided, the use is permitted by right in that zoning district; and

(4) When, in the opinion of the Zoning Administrator, a project which otherwise qualifies for level “A” site plan review may have a significant impact on surrounding properties or the city, the Zoning Administrator may, at their sole discretion, submit the site plan to the Planning Commission for review. In such cases, the Planning Commission shall follow the review procedure for level “B” site plans and may require any additional information needed to make an informed decision.

Level “B” review. The Planning Commission shall act upon all site plans, other than those provided for level “A” review, in connection with the creation of a use or the erection of a building or structure in any of the following circumstances:

(1) Any “permitted” use within any zoning district occupying a building of 2,000 square feet or more;

(2) Any special use in any district;

(3) Any planned unit development;

(4) Any site plan on a waterfront parcel. A waterfront parcel is a parcel of land, or a portion thereof, abutting a water body; and

(5) As otherwise required by this chapter.

153.232 Exemptions

Site plan review shall not be required for;

(1) Developments, expansions, or additions to existing uses within the Charlevoix City Airport.

(2) Single- or two-family dwellings on a lot on which there exists no other principal building or use or for any home occupation or accessory building in a single-family residential district.

153.233 Pre-Application Conference

Charlevoix zoning administrator and/or planner shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the site plan review process and other ordinance requirements; and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.

This conference is not mandatory, but is recommended for small and large projects alike. For large projects, a pre-application conference should be held several months in advance of the desired start of construction. Such an advance conference will allow the

applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

153.234 Site Plan Review Procedures

The process for reviewing the site plan shall be as follows:

- (1) Site Plan and Level "A" reviews shall be performed by the zoning administrator as follows:
 - (a) Two (2) copies of a complete site plan and an electronic version, in a format specified by the city, shall be submitted along with an application for that purpose and a fee, as established by the city council.
 - (b) The zoning administrator shall review the site plan for completeness.
 - (c) If the site plan is found to be incomplete, the zoning administrator shall return the site plan to the applicant with a list of items needed to make the site plan complete.
 - (d) Once the site plan is determined to be complete, the zoning administrator shall notify and seek comment from other city departments as applicable. A review by all the applicable departments will be held within fourteen (14) days. A report will be drafted by the zoning administrator stating a synopsis of the proposal and how the proposal relates to the zoning ordinance standards.
 - (e) The zoning administrator shall consider the site plan, any comments received and the applicable standards of this ordinance and shall either approve the site plan, as submitted, if all applicable requirements and the standards of Section 153.237 have been met; approve the site plan with conditions; or deny approval of the site plan, if applicable requirements and standards have not been met.
 - (f) The reasons for the zoning administrator's action, along with any conditions that may be attached, shall be stated in writing and provided to the applicant.
 - (g) If approved, two (2) copies of the final site plan shall be signed and dated by the zoning administrator and the applicant. One (1) copy, along with the digital version, shall be kept on file with the city and one (1) copy shall be returned to the applicant or their designated representative. If the plan is approved with conditions, a revised plan shall be submitted reflecting those conditions and signed by the applicant and zoning administrator prior to the issuance of any permits.

(2) Site Plan and Level "B" reviews shall be performed by the Planning Commission as follows:

- (a) Two (2) copies of a complete site plan and an electronic version, in a format specified by the city, shall be submitted along with an application for that purpose and a fee, as established by the city council.
- (b) The zoning administrator shall review site plan for completeness.
- (c) If the site plan is found to be incomplete, the zoning administrator shall return the site plan to the applicant with a list of items needed to make the plot plan or site plan complete.
- (d) Once the site plan is determined to be complete, the zoning administrator shall notify and seek comment from other city departments as applicable. A review by all the applicable departments will be held within fourteen (14) days. A report will be drafted by the zoning administrator stating a synopsis of the proposal and how the proposal relates to the zoning ordinance standards.
- (e) The applicant will then submit eleven (11) copies of the complete (revised) site plan; 2 full size, 9 11" x 17" and an electronic version, in a format specified by the city.
- (f) The zoning administrator shall transmit the site plan and report to the planning commission for consideration at its next meeting that meets the noticing requirements. Comments, if any, from the public, city departments and consultants shall be transmitted to the planning commission prior to its review of the plan.
- (g) The planning commission shall consider the site plan and shall either recommend approval of the site plan, as submitted, if all applicable requirements and standards have been met; recommend approval of the site plan with conditions; or recommend denial of 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 153.237.
- (h) If approved, two (2) copies of the site plan shall be signed and dated by the planning commission chairperson and the applicant. One (1) copy, plus the digital copy, shall be kept on file with the city and one (1) copy shall be returned to the applicant or their designated representative. If the plan is approved with conditions, a revised plan shall be submitted reflecting those conditions and signed by the applicant and the planning commission chairperson, prior to the issuance of any permits.

153.235 Submittal Requirements

(1) Required Content. Each site plan submitted shall contain the information detailed in Table 153.235 as applicable:

<i>Table 153.235: Required Site Plan Content</i>		
<i>Required Information</i>	<i>Level "A"</i>	<i>Level "B"</i>
GENERAL INFORMATION		
Date, north arrow and scale	X	X
Name and firm address of the professional individual responsible for preparing the site plan	X	X
Name and address of the property owner or petitioner	X	X
Location sketch	X	X
Legal description of the subject property	X	X
Size of subject property in acres or square feet	X	X
Boundary survey	X	X
Preparer's professional seal		X
Revision block (month, day and year)	X	X
EXISTING CONDITIONS		
Existing zoning classification of subject property	X	X
Property lines and required setbacks (dimensioned)	X	X
Location, width and purpose of all existing easements		X
Location and dimension of all existing structures on the subject property	X	X
Location of all existing driveways, parking areas and total number of existing parking spaces on subject property	X	X
Abutting street right-of-way width	X	X
Location of all existing structures, driveways and parking areas within 300 feet of the subject property's boundary		X
Existing water bodies (rivers, creeks, wetlands and the like)		X
Existing landscaping and vegetation on the subject property		X
Size and location of existing utilities		X
Location of all existing surface water drainage facilities	X	X
PROPOSED DEVELOPMENT		
Location and dimensions of all proposed buildings	X	X

Table 153.235: Required Site Plan Content

Location of all proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, walls, fences, signs, exterior lighting, curbing, parking areas (including dimensions of a typical parking space and the total number of spaces to be provided) and unloading areas	X	X
Setbacks for all buildings and structures	X	X
Recreation areas, common use areas, dedicated open space and areas to be conveyed for public use		X
Flood plain areas and basement and finished floor elevations of all buildings		X
Landscape plan (showing location of proposed materials, size and type)		X
Layout and typical dimensions of proposed parcels and lots		X
Number of proposed dwelling units (by type), including typical floor plans for each type of unit		X
Number and location (by code, if necessary) of efficiency and 1-, 2- and 3- or more bedroom units		X
All deed restrictions or covenants		X
Brief narrative description of the project including proposed use, existing floor area (sq. ft.), size of proposed expansion (sq. ft.) and any change in the number of parking spaces	X	X
ENGINEERING		
Proposed method of handling sanitary sewage and providing potable water	X	X
Location and size of proposed utilities, including connections to public sewer and water supply systems and/or size and location of on-site systems	X	X
Location and spacing of fire hydrants		X
Location and type of all proposed surface water drainage facilities	X	X
Grading plan at no more than 2-foot contour intervals		X
Proposed streets (including pavement width, materials and easement or right-of-way dimensions)		X
BUILDING DETAILS		
Typical elevation views of all sides of each building		X
Gross and usable floor area	X	X
Elevation views of building additions	X	X
Building height	X	X

- (2) Information Waiver. Specific requirements of either a Level "A" or "B" site plan may be waived by the zoning administrator where it is determined that such information is not applicable to the request. The planning commission reserves the right to request the waived information for Level B Site Plan reviews in their decision making process.
- (3) Additional Reports/Study: The zoning administrator or planning commission may require additional studies, reports or written opinions from qualified consultants to determine compliance with this ordinance or to ensure negative impacts to public health, safety and welfare are avoided or mitigated. These reports/studies may include, but are not limited to, traffic studies, transportation plans, geotechnical reports, flood hazard evaluations or environmental assessments. The zoning administrator, or planning commission, shall have the authority to choose the individual consultant, firm or company. The costs of additional study shall be paid for by the applicant.

153.236 Coordination with Other Department and Agencies

- (1) The zoning administrator shall forward Level "A" and Level "B" site plans and applications to the following department and agencies where applicable for their information and opportunity to comment:
- (a) City of Charlevoix Fire and Rescue Department
 - (b) City of Charlevoix Public Works Department
 - (c) Charlevoix County Road Commission
 - (d) Michigan Department of Transportation
 - (e) Charlevoix District Health Department
 - (f) Charlevoix County Drain Commissioner
 - (g) City of Charlevoix Police Department
 - (h) City of Charlevoix Downtown Development Authority
 - (i) Any other agency that may be affected by the Site Plan.
- (2) This review does not alleviate the applicant from obtaining any and all required permits and/or approvals from these agencies. Any comments received within a reasonable time (14) days will be reviewed and considered by the planning commission and/or the ZBA.

- (3) The planning commission may approve an application conditioned on obtaining agency permits, or may, if the permit is critical to the site plan, require the permit or approval prior to issuance of their approval.
- (4) No construction activity associated with an approved site plan shall be undertaken until permits and approvals from all applicable agencies have been presented to the zoning administrator.
- (5) Whenever possible, site plan review by the zoning administrator and planning commission shall be coordinated and done simultaneously with other reviews by the zoning administrator and planning commission on the same application.
- (6) When an application is dependent on the need for a dimensional variance from the ZBA, re-zoning of property, or a zoning ordinance text amendment, such action must be completed prior to final site plan approval by the planning commission.

153.237 Standards for Site Plan Approval

A site plan shall be approved or approved with conditions, only upon a finding of compliance with the following standards:

- (1) The site plan must comply with all standards of this Article and all applicable requirements of this ordinance, as well as with all other applicable city, county, state and federal laws and regulations.
- (2) The site must be designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.
- (3) The site must be designed to minimize hazards to adjacent property and to reduce the negative effects of traffic, noise, smoke, fumes and glare to the maximum extent possible.
- (4) The site plan does not have a negative impact on the provisions of human services, housing, transportation needs, and access to food in the community.
- (5) Protection of natural environment and conservation of natural resources and energy.
- (6) Unless a more specific design standard is required by the city through a different ordinance or regulation, all uses and structures subject to site plan review shall comply with the following design standards:
 - (a) The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in this ordinance, unless otherwise provided.

(b) Vehicular and Pedestrian Circulation. Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. A pedestrian circulation system shall be provided and shall be as insulated as completely as reasonably possible from the vehicular circulation system. The number, location and size of access and entry points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, as well as circulation within the site. In reviewing traffic features, the number, spacing and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties.

(1) Walkways from parking areas to building entrances

- a. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from internal parking areas and shall be designed to provide access from these areas to the entrances of the building(s)
- b. The walkways shall be designed to separate people from moving vehicles.
- c. These walkways shall have a minimum width of five (5) feet with no car overhang or other obstruction.
- d. The walkways must be designed in accordance with the Michigan Barrier Free Design Standards.
- e. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority.

(c) Storm Water. Storm water retention and drainage systems shall be designed so the removal of surface water will not adversely affect neighboring properties or public storm water drainage systems. Unless impractical, storm water shall be removed from all roofs, canopies and paved areas by an underground surface drainage system. Low impact design solutions such as rain gardens and green roofs are encouraged. The proposed project will meet the City of Charlevoix Storm Water Ordinance.

(d) Snow Storage. Proper snow storage areas shall be provided so to not

adversely affect neighboring properties, vehicular and pedestrian clear vision, and parking area capacity.

- (e) Landscaping. The landscape shall be preserved in its natural state, insofar as practical, by minimizing unnecessary tree and soil removal. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. Provision or preservation of landscaping, buffers or greenbelts may be required to ensure the proposed uses will be adequately buffered from one another and from surrounding property.
- (f) Screening. Where non-residential uses abut residential uses, appropriate screening shall be provided in accordance with Section 5.81(9) to shield residential properties from noise, headlights and glare.
- (g) Lighting. Lighting shall be designed to minimize glare on adjacent properties and public streets. As a condition of site plan approval, reduction of lighting during non-business hours may be required.
- (h) Utility Service. All utility service shall be underground, unless impractical due to engineering difficulties.
- (i) Exterior Uses. Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, waste storage areas, utility buildings and structures, and similar accessory areas shall be located to have a minimum negative effect on adjacent properties and shall be screened, if reasonably necessary, to ensure compatibility with surrounding properties.
- (j) Emergency Access. All buildings and structures shall be readily accessible to emergency vehicles and personnel.
- (k) Water and Sewer. Water and sewer installations shall comply with all city specifications and requirements.
- (l) Signs. Permitted signs shall be located to avoid creating distractions, visual clutter and obstructions for traffic entering or exiting a site.

153.238 Conditions of Site Plan Approval

Conditions which are designed to ensure compliance with the intent of this ordinance and other regulations of the City of Charlevoix may be imposed on site plan approval. Conditions imposed shall be based on the following criteria:

- (1) Ensure that public services and facilities affected by the proposed land use and site plan will not be adversely affected.
- (2) Ensure that the use is compatible with adjacent land uses and activities.

- (3) Protect natural resources, the health, safety, welfare and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- (4) Ensure compatibility between the proposed use or activity and the rights of the city to perform its governmental functions.
- (5) Meet the intent and purpose of the zoning ordinance, be related to the regulations and standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
- (6) Ensure compliance with the intent of other city ordinances that are applicable to the site plan.
- (7) Ensure compatibility with other uses of land in the vicinity.

153.239 Performance Guarantee

To assure compliance with this ordinance and any conditions of approval, performance guarantees may be required. The city council may require that a performance guarantee be furnished to ensure compliance with the requirements and conditions imposed under the city's Zoning Ordinance. The amount of the performance guarantee shall be set forth by the city council, and shall be an amount acceptable to the city in covering the estimated cost of improvements associated with the project for which zoning approval is sought. This performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or a surety bond, and shall be deposited with the treasurer of the city. The performance guarantee shall be deposited at the time of issuance of the permit authorizing the activity or project. The city shall not require the deposit of the performance guarantee before the date on which the city is prepared to issue the permit. The city shall rebate any cash deposits in reasonable proportion to the ratio of work completed on the required improvement as work on the required improvements progresses.

153.240 Authority and Limitations

- (1) A person aggrieved by a decision of the Zoning Administrator or Planning Commission in granting or denying approval of a site plan, or regarding any conditions attached to an approval, may appeal the decision to the ZBA per the requirements of Section of this Ordinance.
- (2) Decisions on a Special Use Permit or Planned Unit Development site plan may not be appealed to the ZBA, and may be appealed directly to Circuit Court.

- (3) Land Use Permits associated with an approved site plan will not be issued until permits and approvals from applicable outside agencies have been presented to the Zoning Administrator. Such permits and approvals shall include but not be limited to soil erosion and sedimentation control permits, wetland permits, floodplain permits, driveway and road permits, and Health Department permits.

153.241 Amendment to Approved Site Plan

Changes to an approved site plan shall be permitted only under the following circumstances:

- (1) The holder of an approved site plan shall notify the zoning administrator of any proposed change to an approved site plan.
- (2) Changes to a Level "A" site plan may be approved by the zoning administrator.
- (3) Minor changes to a Level "B" site plan may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design or any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - (a) Reduction in building size or increase in building size up to five (5) percent of total approved floor area.
 - (b) Movement of buildings or other structures by no more than ten (10) feet.
 - (c) Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
 - (d) Changes in building materials to a comparable or higher quality.
 - (e) Changes in floor plans which do not alter the character of the use.
 - (f) Changes required or requested by a city, county, state or federal regulatory agency in order to conform to other laws or regulations.
- (4) A proposed change to a Level "B" site plan, determined by the zoning administrator to not be a minor change, shall be submitted to the planning commission as a site plan amendment and shall be reviewed in the same manner as the original application.

153.242 Expiration

Site plan approval shall expire twelve (12) months after the date of approval, unless substantial construction has been commenced and is continuing. The zoning

administrator, in the case of a Level "A" site plan, or the planning commission, in the case of Level "B" site plan, may grant one extension of up to twelve (12) additional months ; provided the applicant requests an extension in writing prior to the date of expiration of the site plan. The extension shall be approved if the applicant presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the applicant and the project will proceed within the extension period. If the above provisions are not fulfilled or the extension has expired prior to construction, the site plan approval shall become null and void.

153.243 As Built Plan

- (1) For a project which requires a detailed site plan review, an as-built site plan shall be submitted to the city within 90 days of completion or occupancy, whichever comes first. This site plan shall be prepared to the same standard as the approved site plan. The Zoning Administrator shall use this as-built site plan as a comparison to the approved site plan, and the actual construction on the ground to insure compliance with the conditions, and other requirements of the site plan, Planned Unit Development, special use permit, and requirements of this Ordinance.
- (2) If the as-built site plan does not show compliance with the conditions, and other requirements of the site plan, Planned Unit Development, special use permit, and requirements of this Ordinance the deviation shall be considered a violation of this Ordinance and shall be subject to any applicable enforcement remedy.

CITY OF CHARLEVOIX

Old Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Rooftop Usage Draft Language

DATE: March 9, 2020

BACKGROUND

After the discussion and feedback received at the February Meeting, Jennifer has updated the draft as shown on the attached document.

ATTACHMENTS:

- ▢ Draft Rooftop Usage Language

To: City of Charlevoix Planning Commission
From: Jennifer Neal, Community Planner
Kathy Egan, Community Development Director
Jonathan D. Scheel, Zoning Administrator
Date: 3/9/2020
Re: Rooftop Uses Discussion, Ongoing

PREVIOUS DISCUSSION

The topic of rooftop uses is an ongoing Planning Commission discussion. Per the Commissioners' direction, we have modified the draft ordinance language provided at the February 10, 2020 Planning Commission meeting. Provided below is the modified draft ordinance.

DRAFT ORDINANCE

Draft ordinance language is provided for your review. Items in *italics* is revised or new language from the draft provided in the memo dated February 10, 2020.

DEFINITIONS

Building Height. (a) 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 six (6) feet above the maximum building height including antenna arrays, smoke and ventilation stacks, flag poles, mechanical *equipment* and *elevator equipment*~~life-safety features~~, and parapet walls designed solely to screen mechanical and elevator equipment. (b) For a building located on a sloping site, height shall be measured from the average finished grade. (See ' 153.146 of this chapter.)

Deck, Roof Top. *A finished surface constructed above any top plate of a structure without a roof or walls, except for railings, and which is designed to function as useable outdoor area for human activity.*

Life-Safety Features. *A necessary component of a building whose primary use is to eliminate or reduce danger and hazards to occupants and users of a building, such as enclosed stairwells on a roof, or enclosed elevator systems on a roof, railings on a roof, or fire suppression systems on a roof.*

Section 153.118 LODGING, DINING AND ENTERTAINMENT USES

(C) Restaurant with outdoor seating

(1) *Restaurants providing outdoor seating within an at-grade deck or patio or a roof top deck, must first acquire a zoning and building permit from the City and Charlevoix County Building Department.*

(2) *Any structure on a deck or patio must be permitted under the Zoning Code.*

- (3) Restaurant outdoor seating shall be allowed only during normal operating hours of the establishment.
- (4) All food preparation shall take place inside the establishment.
- (5) If alcoholic beverages are to be served, the current Liquor Control Commission rules and regulations shall apply.
- (6) ~~Amplified musical instruments or sounds are prohibited.~~ Any other music or sound that would violate the City's noise ordinances and restrictions is prohibited.
- (7) Lighting shall be shielded and pointed downward and shall not be a nuisance to adjacent properties subject to Section 153.172.
- (8) Outdoor seating space is subject to the requirements of Off-Street Parking, Loading, Access and Circulation.

(D) Roof top decks

The following provisions are intended to regulate roof top deck use, permanent or temporary, in all districts to reduce safety concerns, noise and other nuisances, and visual impact on neighboring properties and on the community generally. The use of roof top decks is subject to the following restrictions:

- (1) A zoning and building permit for any roof top deck must be first obtained from the City and Charlevoix County Building Department and is subject to construction of and maintenance of guardrails and other protective features as required by the Charlevoix County Building Code.
- (2) Upon applying for a City of Charlevoix zoning permit, the Zoning Administrator may require site plan review and approval by the Planning Commission prior to use.
- (1)(3) Parapet walls and perimeter guardrails shall extend around the perimeter of the ~~building~~ use and incorporate exterior building materials consistent with the architectural style of the underlying structure subject to Section 153.170.
- (2) ~~Parapet walls and perimeter guardrails erected as a necessary safety and protective feature shall not increase the overall height of the structure.~~
- (3)(4) Any structure on a deck or patio must be permitted under the Zoning Code. Portable appurtenances are prohibited. Temporary appurtenances and structures are subject to site plan review to assure public safety.
- (4)(5) ~~Amplified musical instruments are prohibited.~~ Any other music or sound that would violate the City's noise ordinances and restrictions is prohibited.
- (6) Lighting shall be shielded and pointed downward and shall not be a nuisance to adjacent properties subject to Section 153.172.
- (5)-(8) Roof top deck space is subject to the requirements of Off-Street Parking, Loading, Access and Circulation.

NEXT STEPS

Based on the comments and direction by the Commission, staff will present a revised ordinance for public hearing and review.

CITY OF CHARLEVOIX

Old Business

TO: Planning Commission

FROM: Jonathan Scheel

SUBJECT: Residential Building Size Discussion

DATE: March 9, 2020

BACKGROUND

Jonathan will have a verbal update on this topic at the meeting.