

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

MONDAY, JUNE 8, 2020 AT 6:00 PM in the Council Chambers, City Hall

- A. Call to Order/Pledge of Allegiance
 - 1. Zoom Log-in Information
- B. Roll Call
- C. Inquiry into Potential Conflicts of Interest
- D. Approval of Agenda
- E. Approval of the Minutes
 - 1. March 9, 2020 Minutes
- F. Call for Public Comment Not Related to Agenda Items
- G. New Business
 - 1. Legal Review of Rooftop Uses
 - 2. Legal Review of Site Plan Review Language
 - 3. Annual Report
 - 4. Introduction: Priority Exercise
- H. Old Business
- 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

Call to Order/Pledge of Allegiance

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Zoom Log-in Information

DATE: June 8, 2020

BACKGROUND

Topic: Charlevoix Planning Commission, June 8, 2020
Time: Jun 8, 2020 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/97354222536?pwd=U09XNkI4Z0QwWXhBNVZHYi8rY2pPUT09>

Meeting ID: 973 5422 2536

Password: 685732

One tap mobile

+13126266799,,97354222536#,,1#,685732# US (Chicago)

Dial by your location

+1 312 626 6799 US (Chicago)

Meeting ID: 973 5422 2536

Password: 685732

Find your local number: <https://zoom.us/u/aPhowXsbu>

CITY OF CHARLEVOIX

Approval of the Minutes

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: March 9, 2020 Minutes

DATE: June 8, 2020

ATTACHMENTS:

▣ March 9, 2020 Draft Minutes

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, March 9, 2020 - 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 Waddell.

B. Roll Call

Chair	RJ Waddell
Vice Chair:	Dennis Halverson
Members Present:	Sherm Chamberlain, Brian Gelb, Ben Edwards, David Gray, Jennifer Muladore, Philip Parr
Members Absent:	Toni Felter
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 Chamberlain, second by Member Halverson to approve the Agenda as presented. Motion passed by unanimous voice vote.

E. Approval of the Minutes

1. February 10, 2020 Meeting Minutes

Motion by Member Muladore, second by Member Muladore to approve the minutes of February 10, 2020 as presented. Motion passed by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. New Business

1. Draft Site Plan Review Language

Zoning Administrator Scheel presented the first draft of an update to the Site Plan Review section of the Zoning Ordinance. He stated that it was intended to clean up some language, add more specifications for the Commission to review site plans and also for the developers themselves to know the expectations. The overall changes were more administrative and procedural. He clarified Site Level A & B requirements and waterfront property requirements. He stated that the draft version did not include site approvals for the Airport.

Zoning Administrator Scheel stated that the process for coordination with other departments and agencies was now included in the Site Plan process and there is a section referencing the City's stormwater ordinance. Member Chamberlain suggested adding a six-year time limit on boundary surveys that were required under the Site Plan Submittal Requirements. He also said that under Existing Conditions the requirement for "location, width and purpose of all easements" needed to be applicable to both Level A & B site plan reviews; and on "Existing water bodies" it needed to show the high water mark and the flood plain limit line; and "flood plain areas and basement and finished floor elevations of all buildings" should apply to Level A & B.

Motion by Member Chamberlain, second by Member Gelb to approve the Site Plan Review Draft as presented with changes to include those addressed by Member Chamberlain and to send the draft for legal review. Motion passed by unanimous voice vote.

H. Old Business

1. Rooftop Usage Discussion

Community Planner Neal explained each of the revisions in detail and responded to questions from the Commission members. Discussion followed regarding issues related to music or amplified sound for restaurants with outdoor seating and roof top decks. The Commission concurred to have the sentence in Section D (5) read: *"Amplified musical instruments are prohibited. Any other music or sound that would violate the City's noise ordinances and restrictions is prohibited."*

After discussion, Zoning Administrator Scheel stated that they would need to add language as to the use of music/sound and that would become a permitting process through the site plan approval process. He stated that he gave Hotel Earl permission to build a deck but, he did not give them a use permit for the rooftop. Member Chamberlain stated that presently the Hotel Earl had a rooftop deck that their patrons can use, but it is not an area serving any refreshments. Zoning Administrator Scheel advised that the Townhouse Bar was not replacing windows but constructing an open deck at the front of their building. Zoning Administrator Scheel stated that this would most likely constitute a change of use which would have to come before the Planning Commission for approval.

Motion by Member Halverson to amend the draft ordinance to not permit amplified music on rooftops outside the Central Business District, and a special use permit would be required for any outdoor music. Community Development Director Egan summarized the Commission's direction to: "you're allowing amplification on rooftops in the Central Business District, no amplification on rooftops anywhere else; for restaurants they are saying yes to amplified music as written and as covered by the noise ordinance." Member Halverson restated his motion to be that they will accept the edits as submitted by staff except for Section D (5) which will include language "Amplified musical

instruments are prohibited outside the Central Business District.” Member Chamberlain seconded the motion. Motion passed by unanimous voice vote. The Commission agreed that the draft ordinance needed to be sent for legal review.

3. Residential Building Size Discussion

Chair Waddell stated that last month the Commission asked for further direction on this issue from the City Council. Zoning Administrator Scheel stated he spoke to the City Manager who thought the expectations were that they did not want to see another house like the Anderson house. Zoning Administrator Scheel stated that a house the size of the Anderson house could not be built again based on the Zoning Ordinance's definition of height. He stated that the Commission may want to consider contextual zoning which was zoning compatible with the neighborhood. Discussion followed regarding the issues related to mega homes, conditional rezoning, potential financial issues related to large homes, and possibly limiting house size to no more than 16,000 sq. ft. Chair Waddell stated that their recommendation would be that the avenues do not seem clear for implementing a square footage limit beyond the present rules in place. Zoning Administrator Scheel asked that he and Director Egan be allowed to work on language for a memo to the Council that the Commission could consider at its next meeting.

I. Staff Updates

Member Halverson asked about the status of the Miller zoning violation. Zoning Administrator Scheel stated that the property owner did not meet any of the City Council deadlines. He noted that Mr. Miller said that he was having 104 W. Upright torn down and he was working on the roof on 102 W. Upright which was supposed to have been done by 12/31/19. He gave a brief review of the status of other zoning violations.

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

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

Motion by Member Halverson, second by Member Edwards to adjourn the meeting. Motion passed by unanimous voice vote. Meeting adjourned at 7:35 p.m.

Joyce M. Golding/fgm

City Clerk

R.J. Waddell

Chair

CITY OF CHARLEVOIX

New Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Legal Review of Rooftop Uses

DATE: June 8, 2020

BACKGROUND

The attached is the review from the City Attorney. We will be reviewing his recommendations and comments.

Your recommended language is in red. The attorney's review shows up in blue and orange.

If the Planning Commission has no further changes, the next step for the amendment would be to forward the draft language to a public hearing.

ATTACHMENTS:

▣ Legal Review of Rooftop Uses

Section 153.005 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 [Section](#) 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.

Comment [LB1]: Recommend changing to "including but not limited to" if City envisions that other features could qualify as life-safety features.

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) Any 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.

Comment [SH2]: Are these allowed under other provisions of the zoning code? Or is this provision to say that any restaurants with roof top decks must get a permit under this part?

(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 Zoning Administrator 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) Any request for a ~~Upon applying for a City of Charlevoix zoning permit that includes a roof top deck, the Zoning Administrator may require~~ must undergo site plan review and receive approval by the Planning Commission prior to ~~use~~issuance of a zoning permit.
- (3) Parapet walls and perimeter guardrails shall extend around the perimeter of the ~~use~~roof top deck and incorporate exterior building materials consistent with the architectural style of the underlying structure subject to Section 153.170.
- (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.
- (5) Except within the CBD, Central Business District, amplified musical instruments or sounds 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.
- (7) Roof top deck space is subject to the requirements of [Section 153.185 et seq.](#), Off-Street Parking, Loading, Access and Circulation.

CITY OF CHARLEVOIX

New Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Legal Review of Site Plan Review Language

DATE: June 8, 2020

BACKGROUND

The attached is the review from the City Attorney. We will be reviewing his recommendations and comments. The attorney's review and comments show up in red.

If the Planning Commission has no further changes, the next step for the amendment would be to forward the draft language to a public hearing.

ATTACHMENTS:

- ▢ Daft Site Plan Review Language

Charlevoix
Site Plan Review Draft – Track Changes
Approved by Planning Commission
Ready for legal review
3-9-2020

153.230 Intent

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

- A. to determine compliance with the provisions of this ~~chapter~~ordinance;
- B. to apply provisions of this ordinance equitably and fairly;
- C. to promote the orderly development of the city;
- D. to prevent depreciation of land values;
- E. to ensure a consistent level of quality throughout the community;
- F. to ensure a harmonious relationship between new development and the existing natural and manmade surroundings;
- G. to achieve the goals and recommendations of the city ~~Master Plan~~Master pPlan; and
- H. 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~~Master pPlan.

153.231 APPLICABILITY.

Site plan review shall be required, as applicable, under the following conditions, or under other circumstances required by the City of Charlevoix Zoning Ordinance or other applicable law~~this ordinance~~, unless exempted by ~~§ 153.232 of this chapter~~Section 153.232.

(A) *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.

(B) *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.

(Prior Code, § 5.116) (Ord. 791, passed 3-19-2018)

§

153.232 EXEMPTIONS.

Site plan review shall not be required for ~~a single~~:

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

(Prior Code, § 5.117)

§

153.233 PRE-APPLICATION CONFERENCE

The Charlevoix ~~z~~Zoning ~~a~~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 ~~of~~ for reviewing ~~a~~ the site plan shall be as follows:

(A) Site Plan and Level “A” reviews shall be performed by the ~~Zoning Administrator~~zZoning aAdministrator as follows:

- (1) ~~Three~~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; eCity eCouncil.~~
- (2) ~~The Zoning Administrator~~zZoning aAdministrator shall review the site plan for completeness ~~and,~~
- (3) ~~If the site plan is found to be incomplete, the zZoning aAdministrator shall obtain comments, as deemed necessary, return the site plan to the applicant with a list of items needed to make the site plan complete.~~
- (4) Once the site plan is determined to be complete, the zZoning aAdministrator shall notify and seek comment from other city departments or consultants, as applicable. A review by all the applicable departments will be held within fourteen (14) days. A report will be drafted by the zZoning aAdministrator stating a synopsis of the proposal and how the proposal relates to the zoning ordinance standards.
- (5) The zZoning aAdministrator shall consider the site plan, any comments received and the

applicable standards of this ~~chapter~~ordinance and shall either approve the site plan, as submitted, if all applicable requirements and the standards of ~~§ 153.236 of this chapter~~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;

- (6) The reasons for the ~~Zoning Administrator's~~Zoning Administrator's action, along with any conditions that may be attached, shall be stated in writing and provided to the applicant; ~~and,~~
- (7) If approved, two ~~(2)~~ copies of the final site plan shall be signed and dated by the ~~Zoning Administrator~~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~~Zoning Administrator prior to ~~the~~ issuance of any permits.

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

- (1) ~~Eighteen (18)~~ Two (2) copies of a complete site plan and an electronic version, in a format specified by the city, shall be submitted ~~to the Zoning Administrator~~ along with an application for that purpose and a fee, as established by the ~~City Council~~City Council.
- (2) The ~~Zoning Administrator~~Zoning Administrator shall review ~~the~~ site plan for completeness; ~~and,~~
- (3) ~~If the site plan is found to be incomplete, the Zoning Administrator shall obtain comments, as deemed necessary, from the city departments return the site plan to the applicant with a list of items needed to make the plot plan or consultant's site plan complete.~~
- (4) Once the site plan is determined to be complete, the ~~Zoning Administrator~~Zoning Administrator shall notify and seek comment from ~~adjoining property owners~~other city departments as applicable. A review by all the applicable departments will be held ~~within 300 feet of the subject property by U.S. mail~~ tenfourteen (14) days prior to the Planning Commission meeting. A report will be drafted by the ~~Zoning Administrator~~Zoning Administrator stating a synopsis of the proposal and how the proposal relates to the zoning ordinance standards.
- (5) ~~Once the Zoning Administrator determines that the site plan is complete, they~~ 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.
- (6) The ~~Zoning Administrator~~Zoning Administrator shall transmit the site plan ~~and report~~ to the ~~Planning Commission~~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~~Planning Commission prior to its review of the plan. Where required by the City of Charlevoix Zoning Ordinance or other applicable law, notice shall be given to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction, and a public hearing held.
- (7) The ~~P~~Planning Commission shall consider the site plan and shall either ~~approve~~recommend approval of the site plan, as submitted, if all applicable requirements and standards have been met; ~~approve~~recommend approval of the site plan with conditions; or ~~deny~~recommend denial of the site plan if applicable requirements and standards have not been met. The ~~Planning Commission~~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 ~~§ 153.235; and~~Section 153.237.
- (8) If approved, two ~~(2)~~ copies of the site plan shall be signed and dated by the ~~P~~Planning Commission chairperson ~~of the Planning Commission~~ 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~~Planning Commission chairperson, prior to ~~the~~ issuance of any permits.

(Prior Code, § 5.118) (Ord. 794, passed 9-17-2018)

~~§ 153.234 SUBMITTAL REQUIREMENTS.~~

153.235 SUBMITTAL REQUIREMENTS

(A) *Required content.* Each site plan submitted shall contain the information detailed in Table 153.234,235 as applicable:

-

Table 153.234,235: Required Site Plan Content

Required Information	Level “A”	Level “B”
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 <u>dated within 6 years of application</u>	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	<u>X</u>	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)	<u>X</u>	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		

Table 153.234235: Required Site Plan Content

Location and dimensions of all proposed buildings	X	X
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	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

- (B) *Information waiver.* Specific requirements of either a ~~level "Level "A" or "B"~~ site plan may be waived by the ~~Zoning Administrator~~zZoning aAdministrator where it is determined that such information is not applicable to the request. The pPlanning eCommission reserves the right to request the waived information for Level B Site Plan reviews in their decision making process.
- (C) *Additional reports/study.* ~~The Zoning Administrator~~ The zZoning aAdministrator or Planning Commission~~pPlanning eCommission~~ may require additional studies, reports or written opinions from qualified consultants to determine compliance with this ~~chapter ordinance or other applicable law~~ 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~~zZoning aAdministrator, or Planning Commission~~pPlanning eCommission~~, shall have the authority to choose the individual consultant, firm or company. The costs of additional study shall be paid for by the applicant.

(Prior Code, § 5.119)

~~§ 153.235 STANDARDS FOR SITE PLAN APPROVAL.~~

~~153.236~~ COORDINATION WITH OTHER DEPARTMENT AND AGENCIES

- (A) The zZoning aAdministrator shall forward Level "A" and Level "B" site plans and applications to the following departments and agencies where applicable for their information and opportunity to comment:
- (1) City of Charlevoix Fire and Rescue Department
 - (2) City of Charlevoix Public Works Department
 - (3) Charlevoix County Road Commission
 - (4) Michigan Department of Transportation
 - (5) Charlevoix District Health Department
 - (6) Charlevoix County Drain Commissioner
 - (7) City of Charlevoix Police Department
 - (8) City of Charlevoix Downtown Development Authority
 - (9) Any other agency that may be affected by the Site Plan.
- (B) This review does not alleviate the applicant from obtaining any and all required permits and/or approvals from these departments and agencies listed above. Any comments received from the departments and agencies within a reasonable time (14) days) will be reviewed and considered by the pPlanning eCommission and/or the Zoning Board of Appeals ("ZBA").
- (1) The pPlanning eCommission may approve an application conditioned on obtaining agency permits, or may, if the permit is critical to the site plan shall be, require the permit or approval prior to issuance of their approval.
 - (2) 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 zZoning aAdministrator.
 - (3) Whenever possible, site plan review by the zZoning aAdministrator and pPlanning eCommission shall be coordinated and done simultaneously with other reviews by the zZoning aAdministrator and pPlanning eCommission on the same application.
 - (4) 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 pPlanning eCommission.

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:

- (A) The site plan must comply with all standards of this Article and all applicable requirements of this

~~chapter~~ Zoning Ordinance, as well as with all other applicable city, county, state and federal laws and regulations.

- (B) The site must be designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.
- (C) 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.
- (D) 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.
- (E) The site plan Protection protects of the natural environment and conservation conserves of natural resources and energy to the extent possible in light of the proposed development.
- (F) 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:
 - (1) Traffic circulation.
 - a. The site plan shall comply with the applicable zoning district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in this the City of Charlevoix Zoning 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.
 - c. 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 riving 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.
 - (2) 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.
 - (3) 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.
 - (4) 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.

- (5) *Screening.* Where non-residential uses abut residential uses, appropriate screening shall be provided in accordance with ~~§ 153.171(4) of this chapter~~ Section 5.81(9) to shield residential properties from noise, headlights and glare.
- (6) *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.
- (7) *Utility service.* All utility service shall be underground, unless impractical due to engineering difficulties.
- (8) *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.
- (9) *Emergency access.* All buildings and structures shall be readily accessible to emergency vehicles.
- (10) *Water and Sewer.* Water and sewer installations shall comply with all city City specifications and requirements.
- (11) *Signs.* Permitted signs shall be located to avoid creating distractions, visual clutter and obstructions for traffic entering or exiting a site.

(Prior Code, § 5.120)

~~§ 153.236 CONDITIONS OF SITE PLAN APPROVAL~~

153.238 CONDITIONS OF SITE PLAN APPROVAL

- (A) Conditions which are designed to ensure compliance with the intent of this ~~chapter~~ Zoning Ordinance and other regulations of the ~~city~~ City of Charlevoix may be imposed on site plan approval.

- (B) 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 ~~this chapter~~ the City of Charlevoix 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.

(Prior Code, § 5.121)

~~§ 153.237 PERFORMANCE GUARANTEE~~

153.239 PERFORMANCE GUARANTEE

Charlevoix
Draft Site Plan Review Language
Page 8 of 10
6/1/2020 5/6/2020 5/1/2020

Comment [LB1]: I think this should be § 153.171, which includes various types of screens in the landscaping provisions of the ZO.

To assure compliance with this ordinance and any conditions of approval, performance guarantees may be required. The ~~City Manager~~City eCouncil may require that a performance guarantee be furnished to ensure compliance with the requirements and conditions imposed under the ~~city's City's zoning ordinance~~Zoning Ordinance. The amount of the performance guarantee shall be set forth by the ~~City Manager, with input from staff~~City eCouncil, 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~~City. The performance guarantee shall be deposited at the time of issuance of the permit authorizing the activity or project. The ~~city~~City shall not require the deposit of the performance guarantee before the date on which the ~~city~~City is prepared to issue the permit. The ~~city~~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. (Prior Code, § 5.122) (Ord. 794, passed 9-17-2018)

~~§ 153.238 AMENDMENT TO APPROVED PLANS.~~

—

153.240 AUTHORITY AND LIMITATIONS

- (A) ~~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 153.038. A party aggrieved by the decision of the ZBA may appeal to the Charlevoix County Circuit Court.~~
- (B) ~~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.~~
- (C) ~~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:

- (A) The holder of an approved site plan shall notify the ~~Zoning Administrator~~zoning administrator of any proposed change to an approved site plan.
- (B) ~~Changes to a level "A" site plan may be approved by the Zoning Administrator. site plan may be approved by the Zoning Administrator.~~
- (C) ~~Minor changes to a level "B" site plan may be approved by the Zoning Administrator.~~ 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:
 - (1) Reduction in building size or increase in building size up to ~~five~~ five (5%) percent of total approved floor area;
 - (2) Movement of buildings or other structures by no more than ten ~~(10)~~ (10) feet;
 - (3) Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size;
 - (4) Changes in building materials to a comparable or higher quality.

(5) Changes in floor plans which do not alter the character of the use; ~~and,~~

(6) Changes required or requested by a city, county, state or federal regulatory agency in order to conform to other laws or regulations.

(D) A proposed change to a ~~level "Level "B"~~ site plan, determined by the ~~Zoning Administrator~~ ~~Zoning~~ ~~aAdministrator~~ to not be a minor change, shall be submitted to the ~~Planning Commission~~ ~~Planning~~ ~~eCommission~~ as a site plan amendment and shall be reviewed in the same manner as the original application.

(Prior Code, § 5.123)

§

~~153.239 EXPIRATION.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~~ ~~Zoning~~ ~~aAdministrator~~, in the case of a ~~level "Level~~ ~~"A"~~ site plan, or the ~~Planning Commission~~ ~~Planning~~ ~~eCommission~~, in the case of ~~level "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.

(Prior Code, § 5.124)

§

~~153.250 INTENT.243~~ AS BUILT PLAN

(A) For a project which requires a detailed site plan review, an as-built site plan shall be submitted to the eCity 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 ensure compliance with the conditions, and other requirements of the site plan, Planned Unit Development, special use permit, and requirements of this Ordinance.

(B) If the as-built site plan does not show compliance with the conditions, and other applicable requirements of the site plan, Planned Unit Development, special use permit, and/or other 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

New Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Annual Report

DATE: June 8, 2020

BACKGROUND

Each year the Planning Commission approves and adopts a reporting of the progress and activities they have undertaken the previous year and forwards that report to the City Council.

A draft Annual Report is attached. Please review and be ready to amend, change, make suggestions, etc.

ATTACHMENTS:

- ▣ Annual Report



June 8, 2020

Hon. Mayor and Council Members
210 State Street
Charlevoix, MI 49720

RE: 2020 Charlevoix Planning Commission Annual Report

Hon. Mayor and Council Members:

As required per the Michigan Planning Enabling Act, Section 125.3819 (2) (Act 33 of 2008, as amended), the Planning Commission respectfully submits a report of the activities they undertook in the previous twelve months (May 2019-April 2020).

"A planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development."

PLANNING COMMISSIONERS

1. Sherm Chamberlain, Chairperson (2019)
2. R.J.Waddell, Vice-Chair (2019) / Chairperson (2020)
3. Dennis Halverson, Vice-Chair (2020)
4. Ben Edwards
5. Toni Felter
6. Brian Gelb
7. David Gray
8. Jennifer Mulador
9. Philip Parr

PLANNING STAFF

Planning and zoning services are provided by regional planning agency, Networks Northwest. The Zoning Administrator provides on-site support by maintaining regular office hours on Monday, Tuesday, and Wednesday 8 AM – 5 PM. Planning and zoning staff include:

1. Kathy Egan, Regional Director of Community Development, Networks Northwest
2. Jennifer Neal, Community Planner, Networks Northwest
3. Jonathan Scheel, Zoning Administrator, Networks Northwest

MEETINGS

The Planning Commission met a total of ten (10) times in the past year and the meetings are typically scheduled for the second Monday of the month, at 6:00 PM, and City Hall. All meetings are held in compliance with the *Open Meetings Act, PA 267 of 1976, as amended*.

- | | |
|--------------------------------------|--|
| 1. Monday, May 13, 2019 | 7. Monday, November 11, 2019 |
| 2. Monday, June 10, 2019 – Cancelled | 8. Monday, December 9, 2019 |
| 3. Monday, July 8, 2019 | 9. Monday, January 13, 2020 |
| 4. Monday, August 12, 2019 | 10. Monday, February 10, 2020 |
| 5. Monday, September 9, 2019 | 11. Monday, March 9, 2020 |
| 6. Monday, October 14, 2019 | 12. Monday, April 13, 2020 - Cancelled |

THE YEAR IN REVIEW

The Planning Commission's work in the previous year was largely reviewing, revising, and creating new language for the Zoning Ordinance. Throughout the course of normal business, whether by members of the public, Planning Commissioners, or City staff, a number of concerns were raised related to housing, parking, recreational vehicle storage, sidewalk signage, rooftop uses, and residential building sizes. This prompted a thorough discussion of each issue, a review of best practices, input from the public, and a practical solution. More detail about each topic is discussed below.

SITE PLAN REVIEWS AND PUBLIC HEARINGS

The Planning Commission began the year by reviewing the plans for the City's new public services facility. While not a formal site plan review, the Planning Commission was afforded a chance to view the plans and provide guidance for alignment with the Master Plan. Additionally, a site plan for fourteen (14) new multiple-family dwellings located at 115 Pine Rive Lane was approved in January after lengthy discussion and review.

Two applications were presented that required public hearings. The Planning Commission held public hearings for a special land use permit at 206 Carpenter Street to be used as a bed and breakfast and for a conditional rezoning request at 904 May Street to be R-4, Multi-Family High Density. The special land use permit was granted and the conditional rezoning request was recommended to the City Council for approval.

UPDATES TO THE ZONING ORDINANCE

The Planning Commission reviewed the Zoning Ordinance for language pertaining to a wide range of topics. In several cases the language required an amendment in which a public hearing was held and the proposed language was reviewed by the city attorney.

1. Upon direction by the City Council, the Planning Commission further reviewed ordinance language regarding recreational vehicles. Therefore, Section 153.153(C) (originally Outdoor Storage) was replaced with Recreation Equipment and Vehicle Storage. The Commission considered covers for boats, street parking, the number and size of vehicles, among others when creating standards for storage. A public hearing was held and proposed ordinance language was recommended to City Council for adoption.
2. Several revision and additions were made to the Zoning Ordinance regarding housing including the following amendments: the definition of Boarding/Rooming House, the intent statement of Section 153.070(B) R2, Medium Density Family Residential District, Housing amendment, and the residential schedule of uses. New sections were added for Boarding/Rooming House, Home

Conversions, and Single-family attached and single Multiple-family buildings. A public hearing was held and proposed ordinance language was recommended to City Council for adoption.

3. The Planning Commission addressed necessary changes to the City's parking standards in Off-Street Parking, Loading, Access and Circulation. Changes included the removal of payment in lieu option, revisions to the number of required parking spaces, and changes to the shared parking standards. A public hearing was held and proposed ordinance language was recommended to City Council for adoption.
4. At the request of the City Manager, the Planning Commission began a discussion regarding sandwich board signage on downtown sidewalks. During the discussion Mr. Kirby Dipert represented the merchant's perspective and planning and zoning staff provided input based on City Code and ordinance enforcement.
5. Upon discussion of current review standards, the Planning Commission requested staff to review the site plan review standards and provide a draft of recommended revisions. Draft standards are under legal review and will be presented at the next available meeting.
6. The growing desire to add functional outdoor living space on building rooftops prompted a review of the Zoning Ordinance for language that pertained to rooftop uses in both residential and commercial areas. Upon review, planning staff determined few standards existed, and new language would be needed to address the concerns. Proposed standards have been presented and are under legal review.
7. At the request of the City Council, the Planning Commission began a discussion regarding a maximum residential building size. Planning staff were directed to review existing conditions and current regulations available to control residential building sizes. Several methods were discussed and planning and zoning staff are preparing a memo outlining the options available for the Council to consider.

2020-2021 WORK PLAN

The Planning Commission has asked planning staff to prepare an updated list of priority items. The list will be presented and discussed at the next available meeting. We anticipate the list will include items such as implementation of the Master Plan, additional Zoning Ordinance amendments, and holding a joint meeting for city boards and commissions. The City Council will be updated when the work plan has been established.

Respectfully submitted,

PLANNING COMMISSION
CITY OF CHARLEVOIX, MICHIGAN

R.J. Waddell, Chairperson

CITY OF CHARLEVOIX

New Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Introduction: Priority Exercise

DATE: June 8, 2020

BACKGROUND

We have completed many items that have been on our To-Do List so it's time once again to put more on the list. In the past we had an open discussion about potential priorities and the Planning Commissioners ranked them in order of importance.

Tonight we are only going to introduce the process and we will go into a deeper discussion next month. Staff feels that trying to do the entire process in a Zoom meeting may inhibit open discussion and collaboration so we will wait until we all meet in person to do that.

Attached are two documents, one that has potential topic areas (you may have more to add) and a chart that will help you think them through as to their impact for the community and the amount of effort each will require.

ATTACHMENTS:

- ▣ Projects
- ▣ Project Quadrant Chart

To: City of Charlevoix Planning Commission
From: Jennifer Neal, Community Planner
Kathy Egan, Community Development Director
Jonathan D. Scheel, Zoning Administrator
Date: 5/11/2020
Re: Planning Commission Priority List

PREVIOUS DISCUSSION

Per the direction of the Planning Commission, we have compiled a to-do list of potential projects to be discussed in a High/Low Effort – High/Low Impact quadrant exercise. Additional items may be added to the list based on the Planning Commission's preferences. The exercise will create a list of priority projects for the Commission.

COMPILED TO-DO LIST

General Items

1. Review and update of Master Plan
2. Review of Capital Improvements Plan process
3. Review Annual Reports process
4. Organize and develop ongoing education for Planning Commission
5. Hold joint meeting with City Council, Downtown Development Authority, Historic District Commission, Recreation Advisory Committee, and Zoning Board of Appeals
6. Hold joint meeting with neighboring jurisdictions including Charlevoix County Planning Commission and Charlevoix Township Planning Commission

Master Plan Implementation

1. Pursue Corridor Improvement Districts on M66 and US 31 (See #3 Enhance scenic beauty)
2. Establish and implement a downtown marketing plan (See #4 Enhance Downtown Business District)
3. Pursue storm water control and green infrastructure standards (See #5 Natural resource protections)
4. Establish a City wide and regional bike route and incorporate bike lanes into the design of city streets (See #7 Pursue alternative forms of transportation)
5. Inventory existing sidewalks and identify and prioritize new sidewalk connections (Also see #7)

Zoning Ordinance Review Items (See #1 Update the Zoning Ordinance regularly)

1. Review of all definitions and strike those that do not appear in the text
2. Impervious surface definition (Any material that substantially reduces or prevents the infiltration of storm water in the earth.)
3. Review *Recreational facility* and *indoor* definitions
4. Review of Section 150.01 Building Regulations; Construction (per Denise Kline notes)
5. Review of Section 153.154 Temporary Building, Structures, Uses and Special Events
6. Review building standards for architecture, mass, and scale, especially Central Business District and residential districts
7. Review standards for duplexes, tri-plexes, and accessory dwellings in residential districts
8. Review of Section 153.290 Non-Conformities
9. Review of Home Occupation (Major and Minor) levels and standards

10. Review of Wind Energy Conversion Systems

NEXT STEPS

Based on the results of the High/Low Effort – High/Low Impact quadrant exercise and Planning Commission direction, we will pursue the items listed on the priority list.

	Low Impact	High Impact
High Effort		
Low Effort		