

CITY OF CHARLEVOIX
210 STATE ST. CHARLEVOIX, MICH. 49720

PLANNING COMMISSION PUBLIC MEETING AGENDA

Created: February 9, 2017 Posted February 10, 2017 at 12:00 PM

MONDAY, February 13, 2017 at 7:00 P.M. in the City Council Chambers.

- 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 January 9, 2017 MINUTES
- F) CALL FOR PUBLIC COMMENT NOT RELATED TO AGENDA ITEMS
- G) NEW BUSINESS
 - 1. Consideration of Donation from Charlevoix Conservation Easement Committee
 - a. Staff presentation.
 - b. Applicant presentation (if requested).
 - c. Call for public comment.
 - d. Planning Commission discussion.
 - e. Motion
 - 2. Zoning Code Review
 - a. Staff presentation.
 - b. Planning Commission discussion.
- H) OLD BUSINESS
 - 1. Update on Short Term Rental Subcommittee
 - a. Summary of December 12th meeting.
 - b. Planning Commission discussion.
- I) STAFF UPDATES
- J) REQUESTS FOR NEXT MONTHS AGENDA OR RESEARCH ITEMS.
- K) ADJOURNMENT

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 1 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
PLANNING COMMISSION MEETING MINUTES
Monday, January 9, 2017 - 7:00 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 7:00 p.m. by Chair Chamberlain.

B. Roll Call

Chair: Sherm Chamberlain

Members Present: Judy Clock, John Elizinga, Mary Eveleigh (7:04 p.m.), Toni Felter, Nelson Fletcher, Rick Golding, RJ Waddell

Member Absent: Julee Roth

City Staff: Interim Planner Zach Panoff

C. Inquiry Into Potential Conflicts of Interest

None.

D. Approval of Agenda

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

E. Approval of November 14, 2016 Minutes

Member Fletcher stated that a correction was needed on page 4, item 2b, second line should read "Michigan Residential Code". Motion by Member Clock, second by Member Fletcher, to approve the November 14, 2016 minutes as corrected. Motion passed by unanimous voice vote.

F. Call for Public Comment not Related to Agenda Items

None.

G. New Business

1. Networks Northwest Goal Setting

a. Staff Update

Chair Chamberlain noted that the memo included in the agenda packet notified the Commission that the City has come to an initial agreement with Networks Northwest for the agency to serve as the City Planner.

b. Presentation and Planning Commission Discussion with Sarah Lucas

Sarah Lucas, Networks Northwest Manager, gave a quick introduction of her company, their staff and expertise. She referenced the proposed contract with the City and the scope of work. She reviewed a brief presentation regarding the Master Plan Implementation, special Planning projects, and overall goals/priorities for the Planning Commission and how the agency could assist the City in reaching those goals.

Chair Chamberlain referenced the possibilities of the Redevelopment Ready Program. Ms. Lucas also briefly reviewed transportation recommended enhancements and their interaction with the Michigan Department of Transportation. Chair Chamberlain suggested that each member should think about what they wanted to add to the list and then they could prioritize the items. He stated that they need to finalize the summer housing issue and all the zoning amendments that relate to housing at this time.

Ms. Lucas agreed the first step was to review the Zoning Ordinance and other applicable City ordinances. Ms. Lucas stated that staff will be in Charlevoix 1-2 days a week, but she can be reached at the Traverse City office any time.

H. Old Business

1. Potential Summer Worker Housing Zoning Amendments

a. Staff Presentation

Interim Planner Panoff presented draft language for minor revisions to the Zoning Ordinance to provide more affordable housing. He included adding definitions of short-term (less than 30 consecutive days) and long-term (more than 30 consecutive days) rentals as well as "long term renting of no more than one individual room in a residential structure is permitted, as long as the structure is owner occupied."

Member Waddell noted that this would allow every house in R-1 and R-2 to be eligible for room rentals. He stated there was no way to control a college student from renting a room. He felt that issues discussed in the Short-Term Rental Sub-Committee such as traffic, apply with summer workforce housing. He stated that he was "not sure we're going to address the need we want and opening up another issue that we don't have right now." He stated that they had boarding house language as a special use. He questioned how they would ensure that houses had smoke detectors and were safe.

Member Fletcher felt they needed to differentiate between "owner present and owner not present". He said that short-term rentals could be apartments, single family dwellings, one room in a single family dwelling, one room in a multi-family dwelling, or seasonal. He felt there was a lot to try to regulate. He was concerned about hiring a building inspector and the City's liability.

Member Eveleigh asked if there was language to exclude the City to avoid liability. Member Golding responded that if you had a City employee performing inspections for the City, the City would then assume responsibility for the results of those inspections. Chair Chamberlain recalled Sub-Committee meeting discussion regarding the owner of the house registering the house as a summer rental. He stated whether or not the City had a similar registration for summer workforce housing is a question for the Commission, and they could have a similar list of regulations for summer workforce housing renters.

Member Fletcher questioned where does the City "have the authority to say what I do with my house with one room with one student." He felt the City should not restrict individuals from renting a room in their home if the home was owner occupied.

Interim Planner Panoff read the Ordinance definitions for "bed and breakfasts" and "boarding and rooming house." He noted that the current Zoning Code does not differentiate between short and long-term rentals.

b. Call for Public Comments

Maureen Owens, Main Street Economic Restructuring Committee, stated that the Main Street Board was asking the Commission to remove existing restrictions so homeowners can legally rent a room in their home. She felt homeowners should decide what level of insurance coverage they carry.

Dan Barron, DDA Chairman, stated that they were looking for flexibility and felt that the proposed language was a step in the right direction. He stated that they needed to look at a matter of personal responsibility vs. government stepping in as big brother to ensure certain actions. He stated that young adults looking for this type of housing would have the opportunity to inspect the property and the homes were owner occupied.

c. Planning Commission Discussion

Chair Chamberlain stated that rentals being owner occupied was a key point. Discussion followed regarding the proposed language change, owner responsibilities, parking issues, number of people per room, and boarding house regulations. Interim Planner Panoff stated that the proposed language needed to be approved by the City Attorney and then the public hearing would be the next step.

Motion by Member Felter, second by Member Elzinga, to forward this on to the list of proposed changes [to the Zoning Ordinance and hold a public hearing at a future date.] Motion passed by unanimous voice vote.

2. Update on Short Term Rental Sub-Committee

a. Summary of December 12th Meeting

Member Waddell reported that Interim Planner Panoff and Member Golding received quite a bit of information from a seminar they attended in Grand Haven. The Sub-Committee determined that they needed to look at this issue as three prongs: 1) registration process for short-term rentals, registration fee and 24/7 contact information for the owner or representative; 2) reach out to short-term rental homeowners to ensure that their homeowners insurance covers rentals and provide sample contracts for short-term rentals; and 3) reach out to renters through something similar to South Haven's "Good Visitor Guide."

b. Planning Commission Discussion

Discussion followed regarding the three-prong approach.

c. Public comments.

Jonathan Pack, Charlevoix Inn & Suites General Manager, stated that as a hotel operator he had concerns regarding short-term rentals due to the number of regulations and codes that hotels must follow that are not applicable to short-term rentals. He felt that short-term rentals created an unfair advantage over the hotel industry. He stated that the City has not inspected their property in at least the last three years and he expressed concerns about safety issues in private homes. He felt that there will continue to be a higher demand for short-term rentals.

Maureen Owens felt that short-term rentals were displacing citizens and causing a loss of workforce and affordable housing. She stated that Traverse City was looking at perimeters for short-term rentals. Member Waddell stated that Traverse City looked at the issues a few years ago and now they are revisiting them and he noted Petoskey eliminated short-term rentals outside their downtown area.

Chair Chamberlain felt that the Sub-Committee should continue with their three-prong approach and the Commission agreed. The next Sub-Committee meeting is 10:00 a.m. on February 13, 2017.

3. Proposed PUD Rezoning for Property on Division Street

a. Staff Update

Interim Planner Panoff recalled in April 2016 they held a second public hearing regarding the proposed PUD rezoning for property on Division Street for four 12-unit apartment buildings. He stated that after hearing presentations and public comments, the Commission opted to table the decision to give the applicant more time to either revise their project or proceed with their original plan by the end of 2016. John Murray, the property owner's broker, advised that the applicant did not have anything else to submit in regard to their project and that they would not continue.

b. Tabled Motion

Motion by Member Waddell, second by Member Elzinga, to deny the [PUD rezoning on Division Street] proposal as it did not meet their requirements and the applicant had not submitted any revisions to the proposed plan. Motion passed by a unanimous vote.

4. Review of 2017 Planning Commission Meeting Schedule

There were no changes proposed to the meeting schedule as presented. Chair Chamberlain requested a motion for Chairman. Member Clock nominated Sherm Chamberlain as Chair. Member Waddell nominated Judy Clock as Vice Chairman. Motion by Member Clock, second by Member Felter to accept the nominations for the next year. Motion passed by a unanimous vote.

I. Staff Updates

None.

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

Member Waddell commented that per the Supreme Court, sign ordinances cannot deal with any content on the sign; they can only regulate the sign size.

K. Adjournment

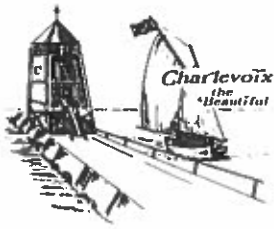
Motion by Member Elzinga, second by Member Waddell, to adjourn. Motion passed by unanimous voice vote. Meeting adjourned at 8:48 p.m.

Joyce M. Golding/fgm

City Clerk

Sherm Chamberlain

Chair



CITY OF CHARLEVOIX
210 STATE ST. CHARLEVOIX, MICH. 49720

OFFICE OF PLANNING AND ZONING
Zach Panoff, Interim City Planner/Zoning Administrator
210 State Street Charlevoix, MI. 49720
planner@cityofcharlevoix.org
(231)547-3265

MEMORANDUM

TO: Planning Commission Members

DATE: February 10th, 2017

SUBJECT: February 13th Meeting

Planning Commission Members,

- John Campbell has approached the City on behalf of the Charlevoix Conservation Easement Committee to propose the donation of fence materials to be placed across the street from the 300 block of Park Avenue, in the upper portion of Lake Michigan Beach Park. Residents of the area have reported problems with people parking in the grass in the area for years, where they do damage to the edge of the road, as well as the park itself. The purpose of the fence would be to move cars wishing to park and view the Earl Young homes down Park Avenue further to a designated parking area. The donation itself would just be for the fencing materials and the City would provide installation, which Pat Elliott expects would take his crew a couple of days. After discussion at the meeting, your recommendation would be forwarded to City Council, who would make the final determination on the acceptance of this donation.
- The short term rental subcommittee will meet on Monday, February 13th at 10AM. I have included their materials in everyone's packet, so those wishing to attend can have that for review. A summary and further discussion will take place at the general Planning Commission meeting for those that are unable to make it.

Regards,

Zach Panoff

LAKE MICHIGAN BEACH PARK

RE: General Parks Improvement Fund

The Charlevoix Conservation Easement Committee wishes to provide 454 Lineal feet of fencing material to the noted fund. A color photo of the actual materials is attached to this request as well as a site plan which has been presented and approved by the Charlevoix Shade Tree Commission, City Manager and Street Department Superintendent and its staff (snow removal).

Guidelines:

Aesthetics:

The fence is in character of the park

Maintenance & Repair:

The materials are readily available. Life of the material is 30-40 yrs.

Use of the Fence:

Is to protect the park and direct parking to specific areas

Unique:

The fence is a standard element and consistent within the park.

Relocation of existing City Structure:

NO relocation is required.

Impact on Safety, Health, and Welfare:

The proposed fence is specifically designed to promote safety, health and welfare of the community and park.

Associated City Costs:

Installation of posts and rails

Memorials:

None

The park improvement is an initial step to provide designated parking and relieve random parking that is occurring adjacent to Park Avenue.

SITE PLANNING DEVELOPMENT, INC.

12608 Taylor Rd.
P.O. Box 528
CHARLEVOIX, MICHIGAN 49720
(231) 547-4429

JOB LAKE MICHIGAN BEACH PARK

SHEET NO. ONE OF ONE

CALCULATED BY JUX DATE 1/10/2017

CHECKED BY _____ DATE _____

SCALE SKETCH 1" = 80'

ERANT



NOTE: 454 FEET DOUBLE RAIL FENCE

10 PARKING SPACES

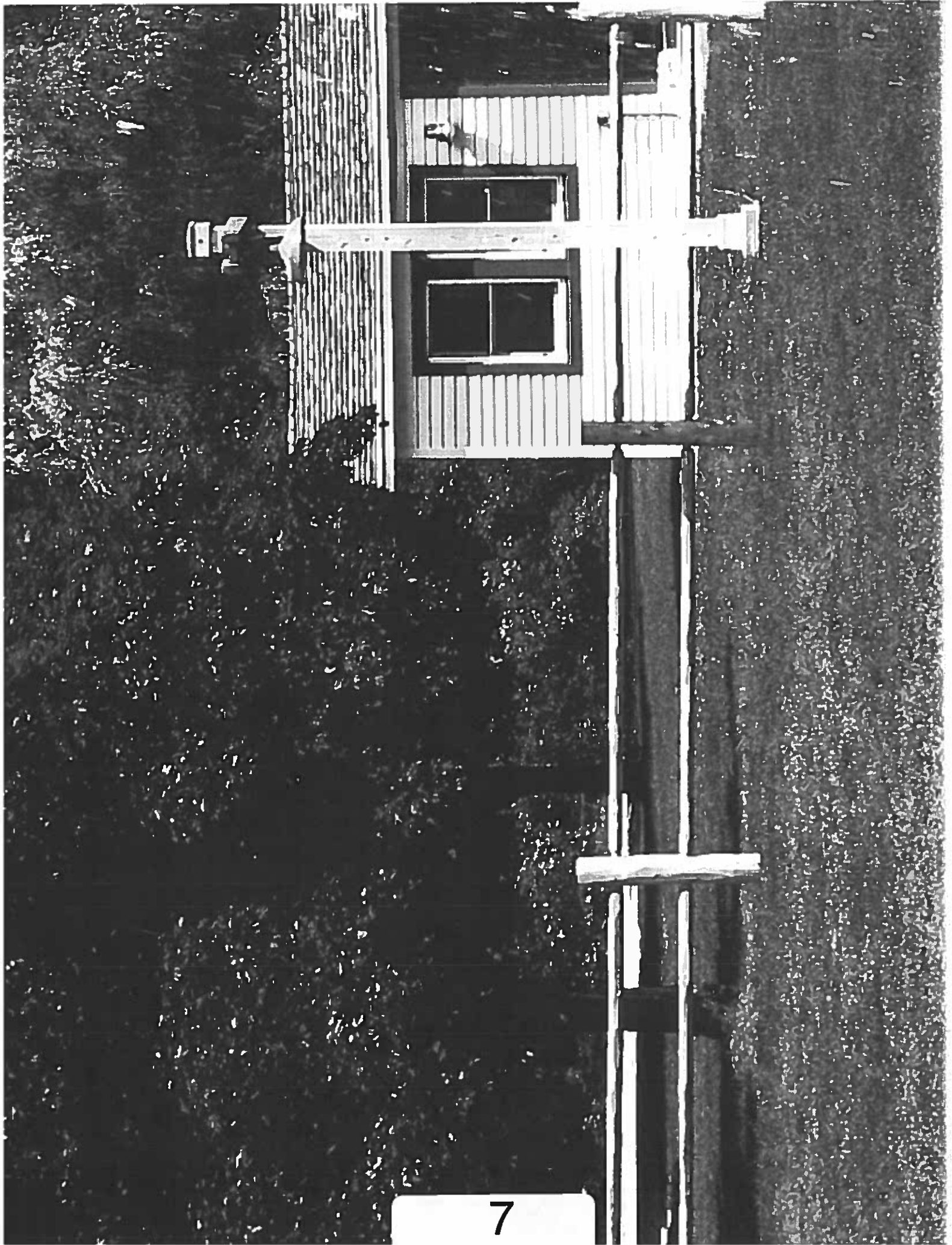
MATERIALS SUPPLIED BY DONOR

INSTALLATION BY CITY OF CHARLEVOIX

PARK AVENUE

CLINTON

•• BRICK PILLARS
— EDGE OF ASPHALT
⊕ HYDRANT
—x— PROPOSED FENCE





MEMO

February 9, 2017

To: City of Charlevoix Planning Commission
From: Sarah Lucas, Director of Community Development
Re: City of Charlevoix Zoning Code Review

Per discussion at the January 9 Planning Commission meeting, Networks Northwest staff has conducted a review of the City of Charlevoix Zoning Code. The ordinance was reviewed for broad potential changes that may align with City of Charlevoix Master Plan goals and priorities; 2017-2018 City Council goals; MEDC's Redevelopment Ready Communities program objectives; the 2011 Tip of the Mitt Watershed *Local Gaps Analysis*; and the 2016 *Enacting Shoreline Zoning Protections*, developed by the Land Information Access Association for the Lake Charlevoix Watershed.

Please note that staff is not recommending any specific changes at this time; this review is intended only to provide information for your reference and consideration.

Also, in addition to this higher-level review, a more detailed review of the zoning code is underway to identify potential "housekeeping" changes that address administrative or dimensional components of the ordinance. A report will be provided at the March meeting.

I look forward to discussing the attached review with you at your February 13 meeting. If you have any questions in the meantime, please don't hesitate to contact me at 231-929-5034, or via email at sarahlucas@networksnorthwest.org.

City of Charlevoix Zoning Code Review: Aligning City Goals & Zoning Regulations

In consideration of City Planning Commission goals, Networks Northwest staff has conducted a review of the City of Charlevoix Zoning Code. Zoning review is organized into several topic areas that address goals and objectives of a number of City-adopted or –endorsed plans and documents, including:

- City of Charlevoix Master Plan (2016) goals and priorities
- Michigan Economic Development Corporation’s Redevelopment Ready Communities program, and factors that will be considered in certification of a community as Redevelopment Ready, including:
 - The community has adopted a zoning ordinance that aligns with the goals of the master plan.
 - The zoning ordinance provides for areas of concentrated development in appropriate locations and encourages the type and form of development desired
 - The zoning ordinance includes flexible tools to encourage development and redevelopment
 - The zoning ordinance allows for a variety of housing options
 - The zoning ordinance includes standards to improve non-motorized transportation
 - The zoning ordinance includes flexible parking standards
 - The zoning ordinance includes standards for green infrastructure
- 2017-2018 City Council goals (see attached memo and summary);
- Tip of the Mitt Watershed *Local Gaps Analysis* (2011)
- *Enacting Shoreline Zoning Protections*, developed by the Land Information Access Association for the Lake Charlevoix Watershed (2016)

Where applicable, these considerations are identified as an introduction to each area of review.

Residential/Commercial Objectives

RRC Objectives: *The zoning ordinance allows for a variety of housing options.*

Master Plan Action Items: *Promote Charlevoix and the region as a viable place to live and work year-round: Promote diverse and viable housing options through incentives and flexible zoning requirements*

Enhance the Downtown Business District: Encourage higher density and mixed uses

Conversion of single-family to two-family dwelling as a special/conditional use.

As households sizes shrink, large historic homes may become “too much house” for older couples or single people. Allowing some home owners to divide these larger homes into two dwelling units would provide important options to property owners while providing much-needed rental housing. This activity is permitted in the R-2A district, but few properties are designated R-2A.

Regional Precedent

- Allowed as special uses in Traverse City’s R-1 districts.

Accessory dwelling units.

Accessory dwelling units are often promoted as a simple way to incrementally add housing units – often small rentals – to existing lots and neighborhoods, while minimizing the impacts to surrounding homes and residents.

Regional Precedent

- Allowed as a use-by-right in Villages of Suttons Bay, Empire, City of Frankfort, and other communities.
- Up to ten ADUs per year are permitted in Traverse City as conditional uses.

Cottage housing.

Cottage housing overlay districts can provide opportunities to developers and property owners to create smaller, single-family homes in higher densities than are typically allowed, while ensuring that they are carefully designed and consistent with surrounding neighborhood character.

It’s important to note that while cottage housing may be developed under PUD or other zoning requirements, an overlay would give the developer/property owner guidance up front as to desired development patterns.

Regional Precedent

- The City of Harbor Springs Zoning Ordinance allows cottage housing development, known as “single family detached condominium developments” as a special use.

Residential uses in commercial and office districts.

While the ordinance permits dwellings above the first floor in most commercial districts, multi-family and single-family attached or detached dwelling types are limited in the Professional Office, General Commercial, Industrial, Central Business, and Commercial Hospitality. Commercial districts may be an appropriate location for higher-density housing or “missing middle” housing types like duplexes, four-plexes, or townhomes, in that these districts are more intensive; create more walkability; gradually transition higher-intensity uses into residential districts; and typically generate less public opposition to new multi-family residential development.

Regional Precedent

- Multi-family housing is allowed as a use-by-right in all Frankfort and Traverse City commercial districts
- Allowed as conditional uses in East Bay Township.

Transient housing

Transient housing is currently defined as “an apartment, condominium, single family home or similar dwelling unit rented out to individuals or groups.” As written, there’s nothing in the definition to indicate that the rental is temporary, or temporary for what length of time, i.e. nightly or weekly. This may become particularly relevant in discussions about short-term rentals. The Planning Commission may consider a new definition of transient housing to align with changes regarding short-term rentals, single room rentals, etc.

Natural Resource Protection

Master Plan Goals: Pursue water quality protection measures alongside regional organizations.

City Council Goals: Ensure Charlevoix is environmentally sustainable while also economically viable

Charlevoix should be a leader in using renewable energy to meet the demands of our electric customers and to protect our natural resources. Our built infrastructure should incorporate design standards that protect our waterways, preserve our trees, and encourage healthy living. Recycling, energy optimization, and water conservation will be encouraged.

- *Consider ordinance changes in support of the Lake Charlevoix Watershed Plan and improve storm water effluent*

Two zoning analyses include recommendations for water quality protection measures in the Charlevoix City Zoning Ordinance: the 2011 Tip of the Mitt Watershed *Local Gaps Analysis*; and the 2016 *Enacting Shoreline Zoning Protections*, developed by the Land Information Access Association for the Lake Charlevoix Watershed. Complete recommendations from each are attached, and are summarized below.

Enacting Shoreline Zoning Protections

- Redefine High Water Elevation
- Require coordinated permits from other agencies
- Require all county, state, federal permits be obtained prior to zoning permit issuance
- Require formal site plan review for all waterfront uses
- Specifically regulate the number of docks allowed
- Specifically regulate or prohibit keyhole/funnel development
- Prohibit the construction of seawalls
- Prohibit the construction of new boathouses; grandfather in existing boathouses

Local Ordinance Gaps Analysis

- Shoreline protection strip provisions should be required in all shoreline districts in the city, with some exception. In the exception areas, however, low cost and effective methods can and should be used to mitigate the impacts of polluted stormwater runoff directly into the city lakes and streams.
- Encourage or require a (minimum) 30 feet Shoreline Protection Strips. Require the maintenance and re-establishment of native vegetation and prohibit the use of invasive species.
- Restrict boat repair and maintenance activities in marinas to clearly marked areas to prevent debris from falling into the water and prevent the spread of invasive species.
- Require marina fueling stations to have spill containment equipment that is stored in a clearly marked location. Also require a spill contingency plan, and post emergency phone numbers in a prominent location. Finally, signs of leakage or spillage should be investigated immediately, and undertake cleanup in accordance with applicable BMPs.
- Consider adding review of stormwater BMPs and other water quality protections in the site plan review ordinance.

Definitions

- Cottage industries are similar to home occupations, with the exception that they may permit several employees that are not residents of the home. Permitting cottage industries in residential or other districts has been identified as a way to encourage entrepreneurial activity by allowing individuals to begin and gradually expand their business concept. They are currently not defined or regulated by the zoning ordinance.
- Definitions for “family” need to be carefully worded in order to comply with Fair Housing law (recommendation for language is forthcoming from the Fair Housing Center of West Michigan).

Signs

A 2015 Supreme Court decision has clarified how communities to regulate signage; and most Michigan communities are facing some changes to their ordinances in order to comply with the new understanding that regulations must be content-neutral. A number of sections within the ordinance may require modifications, including:

- Section 5.102.9
- Section 5.103
- Section 5.104
- Section 5.107

MSU Extension recommends that, rather than re-working existing sign language, communities might be better served by simply preparing a new sign ordinance.

Development and Redevelopment

RRC Objective: *The zoning ordinance provides for areas of concentrated development in appropriate locations and encourages the type and form of development desired*

The zoning ordinance provides for areas of concentrated development in appropriate locations and encourages the type and form of development desired

Master Plan goal: *Preserve and enhance Charlevoix's unique small town character.*

- *Revise zoning regulations to encourage smaller scale development on commercial corridors with established maximum building sizes and parking away from the street side of buildings.*

Redevelopment Ready Districts

Some properties in the City may be more appropriate for development or redevelopment, and/or may present opportunities for higher-density, mixed use development that's compatible with existing community character. Identifying these "redevelopment ready" properties or areas and developing standards, with community input, specifically designed to encourage development or redevelopment could reduce administrative/procedural barriers and act as an incentive for development.

Redevelopment ready districts would:

- Identify appropriate development types and parameters
- Streamline approval procedures
- Include design guidance and/or form-based zoning overlay for high-priority development/redevelopment ready areas that allow developers to proceed without special approvals (site plan review would still be required)

General Site Development Standards

The ordinance states that the Planning Commission "may require parking in the side or rear of a building where possible, if a proposed development fronts a public street." Development standards may be modified to require it, with some language to allow for exemptions as needed.

Some additional design requirements may be included to address building placement and other details in order to encourage or require commercial development that is compatible with Charlevoix's unique character. For instance, regulations can require predominant building walls and entryways to face the street; for building mass to make up a specified proportion of the lot width; and to require a specified proportion of transparency in any street-facing walls.

City of Charlevoix

2017-2018 City Council Goals

Ensure Charlevoix is environmentally sustainable while also economically viable

Charlevoix should be a leader in using renewable energy to meet the demands of our electric customers and to protect our natural resources. Our built infrastructure should incorporate design standards that protect our waterways, preserve our trees, and encourage healthy living. Recycling, energy optimization, and water conservation will be encouraged.

Action steps:

- Schedule a work session to learn about these topics (Michigan Environmental Council, Tip of the Mitt Watershed Council, and others)
- Set an attainable and economically viable goal of powering all City-owned facilities with renewable energy
- Develop a program for electric customers to cooperate and invest in solar and wind generation projects
- Consider ordinance changes in support of the Lake Charlevoix Watershed Plan and improve storm water effluent
- Improve the availability of recycling receptacles throughout the community- especially downtown
- Plan for non-motorized trails, bike parking, and pedestrian-friendly design in infrastructure projects where appropriate

Include the senior citizen community in all public events and activities

We have a growing senior citizen population and it is important for all members of the community to enjoy the quality of life we offer. Public facilities, especially parks, should have activities available for all ages and ability levels.

Action steps:

- Work with the Charlevoix County Transit Authority to provide shuttles during special events to provide remote parking and ease of transit
- Consider a survey to see what additional activities are desired- especially for senior citizens
- Develop a policy requiring all festivals and special events who use public spaces to provide a statement of inclusion for senior citizens
- Consider adding activities in East Park and Bridge Park like shuffle board and concrete checker and chess boards
- Explore designation as "Age-friendly City" from the World Health Organization

Develop and maintain long-term infrastructure plans

As a progressive, year-round community, Charlevoix's infrastructure must be reliable in all weather conditions and should deliver the services required by our population.

Action steps:

- Develop and continually maintain a long-range plan of street and utility upgrades that can be used for planning and capital budget development
- Develop a plan for implementing city-wide Wi-Fi and other technological benefits for our permanent residents, visitors, and seasonal residents
- Obtain more information about and explore professional consultation for adding heated sidewalks in the downtown
- Improve the snow and ice clearing from sidewalks throughout the community by working with property owners

Provide strong stewardship of public resources and promote good governance

We will seek collaboration with other entities around the area and look for ways to efficiently provide the quality services the community expects. Charlevoix government should be organized around gathering public input and effectively giving staff and Council good recommendations for public policy.

Action steps:

- Assess our committees, boards, and commissions to determine continued need and whether restructuring is appropriate
- Consider amending the Shade Tree Ordinance to expand the mission of the Shade Tree Commission to protect the long-term condition of our parks
- Draft a charter amendment to increase the protections for all of our parks, while ensuring local enjoyment of these resources in perpetuity
- Provide appropriate fire protection for the community that recognizes pro-active fire prevention measures and collaboration with neighboring municipalities
- Improve the City's website and include more information for those seeking to live, visit, and build a business in Charlevoix; include ways for residents to keep in contact with the City through electronic methods

Enhance and showcase the outstanding quality of life in Charlevoix

Charlevoix is well known as one of the premiere resort communities on the Great Lakes, but of equal importance is that it is home to our residents. We cannot lose sight of our community being "home." One of our strongest attributes is the many activities and amenities offered; we should support these and build upon them.

Action steps:

- Recognize the role of our cultural corridor institutions (Charlevoix Public Library, Circle of Arts, and Historical Society) and build on their programming
- Encourage more outdoor dining and placemaking settings that showcase the unique geography, architecture, and programming of Charlevoix
- Collaborate with Charlevoix Township on the development of a dog park and a dog beach to help residents enjoy public spaces with their four-legged friends
- Enhance existing recreation options by opening the pier for jumping at Ferry Beach and considering tubing at Mt. McSaubia

Enacting Shoreline Zoning Protections around Lake Charlevoix

To: Zach Panoff, Interim Planning and Zoning Administrator, City of Charlevoix
From: Claire Karner, Community Planner at LIAA
Date: June 24, 2016
Subject: Draft Ordinance Language Recommendations for Lake Charlevoix Project

In an effort to build upon previous shoreline protection work, the *Enacting Shoreline Zoning Protections* project is intended to help protect the water quality of Lake Charlevoix through the adoption of shoreline protection zoning standards in the ten jurisdictions surrounding the lake. Based on feedback from discussions with the City of Charlevoix Planning Commission on April 11, 2016, the following ordinance language has been prepared for planning commission discussion and consideration.

For each of the ordinance recommendations, there is a brief overview and reasoning behind ordinance recommendation as well as draft language for consideration. Draft language has been developed using Michigan Department of Environmental Quality best management practices, statewide model ordinances, and ordinances from neighboring communities surrounding Lake Charlevoix. We use a ~~strikethrough~~ for language recommended to eliminate and redline for new language.

It should be noted that this draft ordinance language is intended for planning commission discussion and any additions or deletions to the existing zoning ordinance should be reviewed by a municipal attorney and may also be amended through the public hearing process.

Redefine High Water Elevation

It is recommended that the Zoning Ordinance be amended to define the High Water Elevation of Lake Charlevoix as 582.35' I.G.L.D. This elevation is the highest water level recorded on the lake and historical lake levels have frequently been higher than the defined Ordinary High Water Mark (OHWM). Standardizing a High Water Elevation of 582.35' helps ensure the effectiveness of shoreline buffers around the lake.

Recommended Edits:

Part 1: Introduction 5.12. Definitions N – O, p.13: Ordinary High Water Mark. The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is common or recurrent so that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. On an inland lake which has had a level established by law, it means the high established level. On a river or stream, the ordinary high water mark shall be the ten year flood limit line. The ordinary high water mark shall be at elevation ~~581.5~~ 582.35 feet (International Great Lake Datum, IGLD-~~1985~~) for Lake Michigan, the Pine River Channel, Round Lake and Lake Charlevoix.

Conditions for Issuance of Zoning Permits

By requiring that all necessary permits be obtained prior to the issuance of a zoning permit, jurisdictions can be sure that the requirements of all other agencies are being met by the proposed development.

Recommended Edits:

Part V Article 16 Section 5.161. Zoning Permits, p. 155.

- (1) No building or structure shall be erected or installed on any lot unless, or until, a zoning (1) permit has been issued by the city for such building or structure. No permit shall be issued by the City of Charlevoix or any official thereof for the construction, erection, alteration, placing or moving of any building or structure on any parcel of land unless such building or structure is designed and the proposed location on its lot, or its intended lot, is arranged to conform with the provisions of this chapter, except that no permit shall be required for alterations which do not result in change in height, floor area, lot coverage, location of walls or other structural alterations.
- (2) A Zoning Permit may not be issued until all other necessary permits required by statute have been obtained or waived with exception of those permits issued by the Charlevoix County Building Department.¹

Require formal Planning Commission site plan review for all waterfront uses

Requiring formal site plan review for any waterfront use gives local units of government detailed information and more precise documentation on proposed projects adjacent to the Lake. The site plan review process ensures that each of these projects is meeting the required standards of the ordinance and allows zoning staff to simply verify that development is occurring according to the approved plans.

Recommended Edits:

Part IV Article 12: Site Plan Review – Part 5.116. Applicability, p. 125.

5.116. Applicability

- (2) 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:
 - a) Any “permitted” use within any zoning district occupying a building of two (a) thousand (2000) square feet or more.
 - b) Any special use in any district.
 - c) Any Planned Unit Development.
 - d) Any site plan on a Waterfront parcel.
 - e) As otherwise required by this ordinance.

5.117. Exemptions

Site plan review shall not be required for a 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, with the exception of single or two family dwellings on the waterfront.

¹ Language adapted from Hayes Township Zoning Ordinance, 2009

Specifically regulate number of docks allowed

It is recommended that the Zoning Ordinance specifically regulate the number of docks allowed for each waterfront parcel to help protect water quality by limiting the opportunity for erosion and fuel and chemical pollution from increased boat dockage on the Lake.

Recommended Edits:

Part 1 Article 4 Residential Districts 5.26 Schedule of Uses, p. 24.

Part 1 Article 5 Nonresidential and Mixed Use Districts 5.31 Schedule of Uses, p. 30.

Language similar to the following could be inserted into each table or added as additional notes: Each legally created lakefront lot shall be entitled to one (1) seasonal dock. A minimum of two (200) hundred feet of frontage is required for a second dock. Each additional dock or boat hoist shall require an additional one (100) hundred feet of water frontage.²

Specifically regulate or prohibit keyhole/funnel development

It is recommended that the Zoning Ordinance specifically regulate or prohibit keyhole, or funnel, development where multiple property owners or parcels are allowed lake access on a single waterfront parcel. Keyhole practices can greatly increase the number of docks and motorized watercraft on the lake, increase runoff and pollution, and increase shoreline erosion. By limiting the number of motorized boats that are able to be docked on individual waterfront parcels, water quality can be protected by reducing the potential for fuel and chemical spills. Additionally, congestion and aesthetic issues are reduced when keyholing/funneling is prevented.

Recommended Edits:

Part III Article 8 General Provisions 5.60. Access, p. 79.

- (1) All lots shall have frontage on a dedicated public or private street.
- (2) A copy of an approved driveway permit from the city, Charlevoix County or MDOT, as applicable, shall be required.
- (3) Multiple-family, commercial, office or industrial developments consisting of multiple buildings need not front each structure within the development upon publicly dedicated streets.
- (4) Limitation of Funnel Development. Not more than one (1) residential home, condominium unit, or apartment unit shall use or be permitted to use each one hundred (100) feet of lake or stream frontage as measured along the normal high water mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream frontage to preserve the quality of the waters, avoid congestion, and to preserve the quality of recreational uses of all waters and recreational lands within the City. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease. This restriction shall not apply to a "Public Access Site" as hereafter described.³

² Language adapted from Bay Township Zoning Ordinance, 2011

³ Language adapted from Hayes Township Zoning Ordinance, 2012

Prohibit the construction of seawalls

Seawalls can cause degradation of shoreline areas on the waterside of the wall and additional erosion of adjacent shorelines on either side of the wall. It is recommended that the construction of seawalls be prohibited within the Zoning Ordinance in favor of revetments and engineered natural shorelines, except where there is no other practical alternative. Currently, the only place in the ordinance where seawalls are referenced is in Part II Article 7, 5.46. Accessory Buildings and Uses – the Section on Boathouses. The planning commission is currently exploring updates to this section on Boathouses to better protect the shoreline and added regulations regarding seawalls would be a strategy to accomplish this goal.

Recommended Edits

Standard sheet piling or concrete seawalls are prohibited except where the applicant can demonstrate to the Planning Commission that no other practical alternative exists.⁴ (The Planning Commission will need to identify where in the Zoning Ordinance is the most appropriate place to add seawall language).

Upland Dredging

Although not a strategy explored by the Steering Committee, upland dredging is an issue that has come to the attention of the City of Charlevoix Planning Commission. According to the Michigan Department of Environmental Quality, any dredging below (waterward) of the ordinary high water mark of a lake or stream requires a permit. Excavation on the upland (dry land) within 500 feet of a lake or stream that does not extend below the water table does not require a permit from the DEQ.

Local communities can restrict alteration of the area between the water's edge and the OHWM through their local ordinance. Charlevoix Township has language in their ordinance restricting alteration between the water's edge and the OHWM.

The City could consider not allowing the construction of new boathouses, and grandfather in existing structures. Because of the dynamic nature of shorelines, the area between the water's edge and the OHWM is constantly in flux. The water quality of the lake depends partially on what goes on in that important transition zone.

⁴ Language adapted from Evangeline Township Zoning Ordinance, 2008

Best Management Practices (BMPs), and other environmental considerations (Chapter 4 Charlevoix Tomorrow, Scenic Reserve p. 51).

Stormwater management is also addressed in the city plan. In recent years, Charlevoix partnered with Tip of the Mitt Watershed Council on this topic, and recommendations for stormwater control were received by the city (included in Master Plan Appendix G). Two Rain gardens and a stormwater filtration device have been implemented, so far, and the plan acknowledges the need to incorporate BMPs. This is a great policy approach for water protection. The city demonstrates to citizens, businesses, and visitors that cost effective, sustainable technology is available to keep water quality high that can also be very attractive or non-intrusive (Chapter 2 Community Profile, 2.11 City Utilities; Stormwater page 31).

The plan also includes this crucial point: "Work cooperatively with all jurisdictions to adopt a unified Stormwater Control Ordinance for Charlevoix County." (Chapter 3 Community Vision & Goals, 3.5 Community Goals, Objectives & Action Items, Item 3.4, p. 40) The need for doing so is described below, in the Stormwater Element, and in more detail in Chapter 1 of this project, covering Charlevoix County.

Master Plan Components: RECOMMENDATIONS

Again, we congratulate the city on the new Master Plan and the hard work it took to complete. The City Planning office is now starting an update of the existing Zoning Ordinance, and this plan will serve as the basis for that work, in accordance with state law. We understand that decades went by before a new Master Plan update was attempted, but it is now finished and that is a wonderful accomplishment. We urge city officials to adopt the practice of review and updating the plan every five years. When this plan comes up for review in 2016, we recommend the following points.

SUGGESTED ACTION: In the next plan update, consider calling for minimizing impervious surfaces in new construction and redevelopment projects to reduce stormwater runoff and improve infiltration. Encourage incentive-based approaches that are creative and effective, and educate citizens and businesses about the need to do so.

SUGGESTED ACTION: Ensure that the plan update acknowledges the importance of well-constructed and maintained road stream crossings on the quality of Stover Creek.

SUGGESTED ACTION: Finally, the next plan update should also include identification and protection of any wildlife corridors that may exist in the city, working with neighboring jurisdictions to make them effective.

Basic Zoning Components

POSSIBLE SCORE: 54

TOTAL SCORE: 19, ADEQUATE

As noted above, the Zoning Ordinance is now up for review, which we hope is good timing for this Local Ordinance Gaps Analysis project, in terms of opportunities to improve water protection measures for the City of Charlevoix. The score for this element for Charlevoix is 19 of a possible 54. It scored "Adequate" but one less point would have put it into the "Weak" category. However, that is not to diminish the good basic components that are evident and can be used as a foundation for improvement.

The ordinance includes a fee system to cover costs for review of proposal applications or appeals: "The fees for processing planning and zoning requests within the City of Charlevoix shall be as specified by the city council in the annual City of Charlevoix budget ordinance." (CHAPTER 52 FEE SCHEDULE--ZONING AND SUBDIVISION REVIEW; 5.295) It also has methods in place for enforcement, including a clearly defined process for inspections and correction of violations: "Any person, partnership, corporation, or association

who creates or maintains a nuisance per se as defined in subsection (a) above or who violates or fails to comply with this Chapter or any permit issued pursuant to this Chapter shall be responsible for a municipal civil infraction punishable by a fine of no more than \$500.00 as determined by the court." [Chap 51 Art XII Sec 5.291 Penalties (b)]

The city Zoning Ordinance proposal review process is also coordinated with the receipt of other applicable permits. Approval is based upon, among other things, compliance with requirements of the city for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services. Also, approval is based on compliance with the standards of other government agencies, where applicable, and the approval of these agencies must be obtained or somehow assured [Chap 51 Art V General Provisions Sec 5.188 Development Plan (2)(b-c)]. This is good policy that allows more certainty early in the process. It is good to know about everything that is required before spending thousands of dollars. It is our experience that developers, including individuals who propose development projects on a single-family scale, appreciate understanding what is needed, up front. They often need to be educated about working in water and wetlands, or about concerns for ground water that is underfoot and out of sight, but nevertheless, crucial for the community.

Site plan review is required for all activities, except in R-1 and R-2 [Chap 51 Art V General Provisions Sec 5.188 Development Plan (1)]. Additionally, they are not required to include open spaces. However, Planned Unit Development (PUD) proposals are included in the ordinance, and they are required to provide 40 percent Open Space [Chapter 51, Art IV PUD Sec 5.73(1)(i)].

Site plans are only minimally required to indicate all existing natural features; this could be improved [Chapter 51 Art V Sec 5.188 Development Plan Review (3)(f)(9)]. In the R-4 zone, which is Multiple Family Dwelling areas, natural features are required, where possible [Chapter 51, Art IV Sec 5.64 Area Regulations, R-4 Planned Residential Zone (13)].

Basic Zoning Components: RECOMMENDATIONS

SUGGESTED ACTION: Consider requiring a pre-application or pre-construction meeting for new development or redevelopment proposals. This can help applicants to understand what is needed, up front, and create a climate of certainty.

SUGGESTED ACTION: Consider improving site plan requirements to indicate all existing natural features, including the location and elevations of existing water courses and water bodies, man-made drainage pathways, flood plains, county drains, wetlands and ground water recharge areas.

SUGGESTED ACTION: Consider requiring open spaces in all districts of the city, and require open spaces to be managed in a natural condition with retention of native vegetation. Open space allowable uses should also be restricted to low impact activities. Finally, open spaces should be protected, using a conservation easement or other similar mechanism, to ensure they continue to serve the purpose of protecting water quality in the watershed.

Shorelines

POSSIBLE SCORE: 60
TOTAL SCORE: 13, WEAK

The City of Charlevoix is blessed with a Great Lakes shoreline, forming part of the special northeastern shore of Lake Michigan. It also has a significant, mostly hardened, urban shoreline surrounding Round Lake, which connects Lake Michigan to Lake Charlevoix. The urban shoreline of Lake Charlevoix in the city limits eventually gives way to parkland or private residences, or water-related, recreational business concerns. Charlevoix is a true gateway to some of the most prized water resources in the state, and it is visited by thousands of people from around the world, every year. These people come to the city for the shoreline and the waters,

and special care must be taken to ensure this enthusiasm also incorporates efforts to protect those beloved shorelines and waters.

On the topic of shoreline protection, the city could improve. We recognize the enormous challenges of doing so, and appreciate the work already done in this regard. Two of the most effective ways that local governments can protect water quality is to require setbacks from the water's edge, and require a shoreline protection strip of native vegetation between the water and the upland land use, also called a vegetative buffer.

All principal uses located in the R-1 and R-4 districts of the City of Charlevoix must have a setback of 50 feet from the ordinary high water mark (OHWM) of Lakes Michigan and Charlevoix and Round Lake, as well as the Pine River Channel Marine-Commercial district (Art V Sec 5.198 Setback from Water bodies). The Scenic Reserve (SR) District also requires a minimum structure setback of 50 feet from the OHWM on the adjacent lake or water body [Art IV Sec 5.134 Scenic Reserve; Other Regulations (1)]. The SR has one stated purpose of providing for appropriate residential development along lake shores that will protect both the environment and the scenic qualities of this unique land area, which includes both public and private lands.

Charlevoix does not require vegetative buffers, except in the SR District, and even there, the provisions should be improved. It is generally recommended that a vegetative buffer should be at least 30 feet deep. The Other Regulations section in the SR includes: "Natural trees, shrubbery, or other vegetation shall be preserved as far as practicable, and where removed shall be replaced with other vegetation that is equally effective in retarding run off, preventing erosion and preserving natural beauty." [Art IV Sec 5.134 Scenic Reserve; Other Regulations (1)]

As you can see, there is no minimum depth for the vegetative strip. Elsewhere in the ordinance, there are conflicting definitions of greenbelt. In Art II Sec 5.5 Definitions, Greenbelt is noted as having a minimum depth of 10 feet. However, Art V General Purposes, Sec 5.203 addresses plant materials and landscaping requirements, and notes that if a greenbelt is required, it has to be at least 8 feet deep [9(e)]. Neither of these specifies greenbelts to serve as vegetative buffers, and both have limited effectiveness for shoreline protection because of their narrow depth.

As noted in the Literature Review, shorelines are vital transition zones between land and water, where many important interactions occur to benefit the lake ecosystem. These benefits are diminished when shoreline properties are developed and vegetation is removed, but can be recovered by planting vegetated buffer strips using a variety of native species. It is clear that some areas, such as the Marine-Commercial district and similar areas will not provide a practical setting for a riparian buffer. But other low cost and effective techniques exist to mitigate impacts of polluted stormwater runoff from impervious surfaces, directly into our lakes and streams.

Boating use of inland lakes can impact water quality, wildlife habitat, and the use and enjoyment of the lake by residents and visitors. A common way for local governments to address boating use is through dock restrictions and provisions. The Definition section of the ordinance defines Boat Docking Space as 26 lineal feet. If you have more than 2 docking spaces, each 1 ½ spaces more must have an on-site parking spot available. There are no keyhole prevention provisions to place restrictions on the size and type of multi-boat launch and docking sites, which may or may not make sense, given the site specifics and historic uses.

Since even a very small amount of petroleum products or hazardous chemicals can impact a large amount of water, it is important to ensure proper management of these liquids. Charlevoix does not have much oversight of marinas, even though the Marine-Commercial District provides principle uses for berthing, launching, handling or servicing of recreational or commercial boats [Art IV Sec 5.142 (1)]. It does not specify restrictions of boat repair and maintenance activities to prevent debris from falling into the water and prevent invasive species. It also does not specify fueling station spill prevention and containment measures, or BMPs.

Site plan review and special use permits require the disclosure of the use of hazardous or toxic materials in a development plan, but there is no mention of coordinating permit approvals from state or federal agencies, or requiring designs to prevent spills and (unless permitted by state or federal statute) discharges to surface or ground water.

Shorelines: RECOMMENDATIONS

SUGGESTED ACTION: Maintaining native vegetation along the shoreline is critical to preserving water quality and providing wildlife habitat. Shoreline protection strip provisions should be required in all shoreline districts in the city, with some exception. In the exception areas, however, low cost and effective methods can and should be used to mitigate the impacts of polluted stormwater runoff directly into the city lakes and streams.

SUGGESTED ACTION: Encourage a minimum depth of 30 feet for all Shoreline Protection Strips. Require the maintenance and re-establishment of native vegetation and prohibit the use of invasive species.

SUGGESTED ACTION: Restrict boat repair and maintenance activities in marinas to clearly marked areas to prevent debris from falling into the water and prevent the spread of invasive species.

SUGGESTED ACTION: Require marina fueling stations to have spill containment equipment that is stored in a clearly marked location. Also require a spill contingency plan, and post emergency phone numbers in a prominent location. Finally, signs of leakage or spillage should be investigated immediately, and undertake cleanup in accordance with applicable BMPs.

Impervious Surfaces

POSSIBLE SCORE: 33

TOTAL SCORE: 6, WEAK

The more a local government can do to reduce impervious surfaces, the better for water quality. As noted in the Lake Charlevoix Watershed Management Plan, impervious surfaces (streets, roofs, sidewalks, etc.) generate much more stormwater runoff than natural forested, or even agricultural, land uses. That polluted runoff discharges directly into Lakes Michigan and Charlevoix and Round Lake from pavement and rooftops, and includes bacteria from pet and animal wastes, fertilizer, oil and grease, sediment, heavy metals, salt, etc. To reduce impervious surfaces, a community should increase the retention or restoration of native vegetation in riparian areas and in open spaces, and install simple and effective solutions, ranging from rain barrels and rain gardens, to engineering approaches that treat stormwater that has traveled across impervious surfaces, before it discharges into the water.

On a positive note, Article V, Section 5.206 (2) requires parking areas to have canopy trees and planting areas that increase, with the increased size of the lot. Additionally, the SR district limits impervious surfaces to no more than 30 percent of the usable lot area [Art IV Sec 5.133 Lot Requirements for Scenic Reserve (4)].

Impervious Surfaces: RECOMMENDATIONS

There are many opportunities for local governments to reduce impervious surfaces through their Zoning Ordinance. Additionally, the Lake Charlevoix Watershed Plan calls for reduction of impervious surfaces to reduce the pollutant load from stormwater running into our water resources. We encourage the City of Charlevoix to consider integrating the following provisions into their ordinance.

SUGGESTED ACTION: Consider reducing the parking space dimensions and setting them as a maximum. Also consider reducing the number of required parking spaces and setting the number as a maximum number, as opposed to a minimum.

SUGGESTED ACTION: Establish impervious surface lot coverage limits in all zoning districts (especially residential districts) to limit impervious surfaces to 15% of the total lot. Provide incentives for using LID techniques to mitigate the impacts of impervious surfaces, in exchange for a larger building footprint.

SUGGESTED ACTION: Consider adding a provision that allows for flexibility in front yard setbacks or side yard setbacks to encourage shorter driveways or shared driveways between two lots.

Stormwater Management

POSSIBLE SCORE: 27

TOTAL SCORE: 3, WEAK

A multitude of studies from around the nation and world have documented that urban stormwater is a serious source of pollution. The city has some minimal oversight of stormwater. Site plan review requires that the drainage plan for proposed developments is adequate to handle anticipated stormwater runoff, and will not cause undue runoff onto neighboring property or overloading of watercourses in the area [Chap 51 Art IX Sec 5.263.3 Special Use Permit (7)(j)].

The city Zoning Ordinance also limits grading: "No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner that will cause inconvenience or damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades shall have priority." (Art V Sec 5.186)

Stormwater Management: RECOMMENDATIONS

As noted in Chapter 1, the county stormwater ordinance is no longer in effect. This should be remedied as soon as possible.

SUGGESTED ACTION: Consider adding review of stormwater BMPs and other water quality protections in the site plan review ordinance.

SUGGESTED ACTION: Coordinate efforts with the County Drain Commissioner to enact local stormwater ordinances in the county, allowing the county to administer and enforce them for local jurisdictions. Ask the county to finish the Storm Water Control (SWC) Ordinance and Intergovernmental Agreement, and present it to the City of Charlevoix for passage.

Soil Erosion and Sediment Control

POSSIBLE SCORE: 18

TOTAL SCORE: 1, WEAK

By volume, sediment is the single largest pollutant to waters of the United States. Any time earth is disturbed or graded (as typically happens during the construction process), there is a potential for soil to erode and sediment to be deposited into lakes, streams, and wetlands. The City of Charlevoix Site Plan Review requires that a proposed development will not cause soil erosion or sedimentation problems [Art IX Sec 5.263.3 Special Use Permit (7)(i)].

As noted in the first chapter, counties are mandated to administer and enforce Part 91, and Charlevoix County has two state-recognized agencies that do so: The Soil Erosion Control Officer in the Department of Building Safety, and the County Road Commission.

Soil Erosion and Sediment Control: RECOMMENDATIONS

All properties that are located near streams, wetlands, or drainage ways have the potential to erode and cause sedimentation to nearby waters. Accordingly, it is recommended that local units require all earth movement activities associated with development or construction projects to follow BMPs to control erosion and ensure that any sediment-laden runoff does not enter waterways. Coordination between townships and the county is essential to ensure that soil erosion and sedimentation is controlled.

SUGGESTED ACTION: Specifically require that all proposed development project earth change activities within 500 feet of a stream, wetland, or other waterway in all zoning districts receive a soil erosion and sedimentation control permit from Charlevoix County before they receive a permit from the City of Charlevoix.

Sewer/Septic

POSSIBLE SCORE: 24

TOTAL SCORE: 11, ADEQUATE

The city's Master Plan includes goals to closely monitor the municipal water supply system to minimize or prevent leaks and/or ruptures; and integrate GIS and revise capital improvement plans to more effectively predict and plan for future infrastructure upgrades [Chapter 3 Community Vision & Goals, 3.5 Community Goals, Objectives & Action Items, 1.12 and 1.13(v)].

City regulations that pertain to septic systems are coordinated with the County Health Department regulations: "Every buildingshall be provided with a safe and sanitary water supply system. For those areas of the city not served by water and sewer, the written approval by the district health department of proposed facilities for water generation and treatment of waste, shall be filed with an application for a zoning permit." (Art V Sec 5.181)

Sewer/Septic: RECOMMENDATIONS

SUGGESTED ACTION: If not already done, ensure the Sewer Service Area is mapped, including sewers that currently exist, areas that will be sewerred in the future, and areas that will not be sewerred.

SUGGESTED ACTION: Require that existing infrastructure be inventoried for age and condition, and ensure that a maintenance and replacement schedule is provided in the Master Plan.

SUGGESTED ACTION: Require the community to have a program to identify sanitary sewer or septic systems that are seeping into the storm water system, surface waters or ground water.

SUGGESTED ACTION: In the rural zoning district that allows septic, require that septic systems be located at least 100 feet from streams, wetlands, or other water bodies.

SUGGESTED ACTION: Consider establishing a "point of transfer" inspection requirement for the rural septic district, whereby septic systems must be inspected to ensure they are operating properly before ownership is transferred.

Wetlands

POSSIBLE SCORE: 21

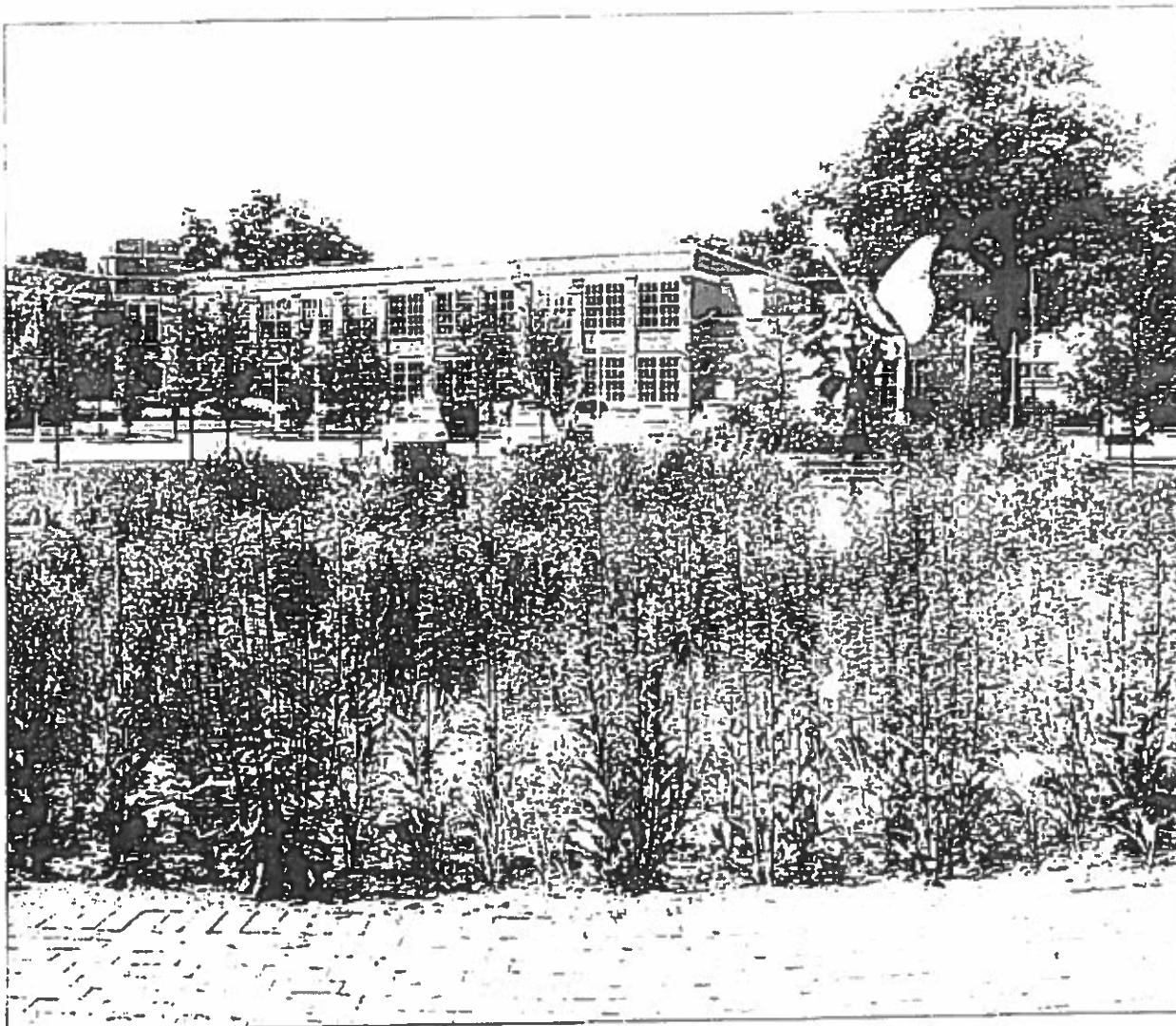
TOTAL SCORE: 1, WEAK

Michigan's wetland law specifically authorizes local governments to adopt wetland protection ordinances that provide an additional layer of protection to wetlands that fall under state jurisdiction and provide protection to wetlands not protected by the state statute. In addition to adopting and implementing a stand-alone wetland ordinance, local governments can support wetland protection through zoning and by requiring wetland permits from state and federal agencies prior to granting local zoning permits.

SUGGESTED ACTION: Given the important role that wetlands play in protecting water quality, providing wildlife habitat, and minimizing flooding, it is important to educate citizens on the importance of protecting wetlands.

SUGGESTED ACTION: Consider expanding the Shoreland Protection Strip to include setbacks from wetlands. This would help to protect wetlands and cost less to administer than a separate ordinance, in the short term. Eventually, a local wetland ordinance should be enacted to fill in gaps of protection.

SUGGESTED ACTION: Specifically require applicants seeking zoning permits to secure applicable state wetland permits before issuing a local zoning permit.



Ground Water and Wellhead Protection

POSSIBLE SCORE: 18

TOTAL SCORE: 6, WEAK

The city relies on Lake Michigan for its drinking water (Master Plan, Chapter 2, 2.11 City Utilities, Water Supply p. 30). However, there could be protections in place for ground water sources in the city, which are important to surface water sources. For example, site plan review can be used to ensure direct discharge of potentially hazardous material is prevented, and required to be coordinated with state statutes.

Discharges to ground water are regulated by the state under Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act (NREPA) 1994 PA 451, and Part 22 Rules. Any proposed discharges should be prohibited by the city until required state permits are received by the applicant. Storage of hazardous material is also regulated under Part 5 Rules issued for Part 31. This includes Pollution Incident Prevention Plans, which can be efficiently coordinated with Local Emergency Planning Committee work.

Ground Water and Wellhead Protection: RECOMMENDATIONS

Ground water is vital for not only drinking water, but also to feed tributaries, seeps, springs, and wetland resources with fresh water supplies to support those ecosystems, including important recreational fisheries.

SUGGESTED ACTION: Complete and maintain a comprehensive inventory of potential threats to ground water. This will be particularly important as the city continues to grow.

SUGGESTED ACTION: If direct or indirect discharges to ground water are proposed, use site plan review or some other ordinance provision to prohibit this until appropriate approvals or permits are obtained from the state.

SUGGESTED ACTION: Protect ground water from potential contamination by requiring Pollution Incident Prevention Plans for storage of hazardous materials, in coordination with Local Emergency Planning Committee efforts.

Other

POSSIBLE SCORE: 48

TOTAL SCORE: 24, ADEQUATE

The City of Charlevoix participates in the National Flood Insurance Program, and the Zoning Ordinance coordinates efforts by requiring proposed development properties to respect floodways and floodplains on or in the vicinity of the subject project [Art IX Special Use Permits Sec 5.263 (7)(g)]. We have no additional recommendations for this element.

Conclusion

We applaud the water protection measures that exist in the City of Charlevoix. We also thank you for your time and attention in reading this chapter, and hope that our recommendations are helpful. However, if anything is unclear, please be sure to let us know. If you have any questions related to this project, please contact Tip of the Mitt Watershed Council at 231.347.1181.

The New York Times <https://nyti.ms/2jIAQVi>

SundayReview | CONTRIBUTING OP-ED WRITER

A Housing Crisis for Seniors

Allison Arieff JAN. 28, 2017

Last fall, I had to take the car keys away from an elderly relative who lives alone. This intervention should have happened much earlier, but when the day came it was one of the more emotionally wrenching things I've ever done. "Don't take my car away," he pleaded. "Without my car I don't have a life."

The fear he expressed is one shared by many older Americans, who, overwhelmingly, live in places where car travel is a necessity. And that number is skyrocketing: The population aged 65 and over is expected to grow to 79 million from 48 million in the next 20 years, and by 2035, one in three American households will be headed by someone 65 or older (and 9.3 million of those will be one-person households like my relative's). A report just out from the Joint Center for Housing Studies at Harvard, "Projects and Implications for a Growing Population: Older Households 2015-2035 Housing," reveals that this demographic shift will increase the need for affordable, safe housing that is well connected to services way beyond what current supply can meet.

My now-car-free relative is not the sort to sign up for one of those 55-plus communities promising sunshine, gardens and golf. Retirement was an eventuality that inspired in him not relief but dread. Fiercely independent, an old-school intellectual and, frankly, a bit of a loner, he insists on remaining in his suburban

home (“I will die in this house” typically ends any conversation in which I suggest a move) — even if that home is slowly becoming a dangerous place for him to be in.

A new study from the Urban Land Institute’s Terwilliger Center for Housing, a nonprofit research group, shows that suburban areas surrounding the 50 largest metropolitan areas in the United States make up 79 percent of the population of those areas but accounted for 91 percent of population growth over the past 15 years (and three-quarters of people age 25 to 34 in these metro areas live in suburbs).

But suburban homes were originally designed, and for the most part still are, for young families — and for drivers. They are typically surrounded by other single-family houses. Lacking a fitter partner or a network of helpful neighbors and caring family members, older residents can end up feeling isolated, unable to do basic errands or keep up their property. Further, most suburbs are zoned to prevent any non-single-family housing from being built, whether multiunit projects or the seemingly benign granny flat.

We’ve got to change this paradigm.

Before she died, way too young, of breast cancer at 60, my mother used to say to me, only half-joking, “You promise you’re not going to put your mother in a home, are you?” She had vivid memories of her grandmother’s generally miserable experience at an old-age home.

Decades later, some progress has been made in rethinking these facilities (and they tend to be called “communities” now rather than “the home”), yet the unease about where one will end up as one ages is not at all unfounded. Better housing for older people exists at the lowest and the highest ends of the economic spectrum — for those who can afford luxury options and those who qualify for aid.

Really good options are limited, particularly for the middle class. A colleague of mine, bemoaning the lack of attention and care at his father’s pricey assisted-living center, put it this way: “It’s not like they’re worrying about cultivating repeat customers.”

Thoughtfully designed housing for older adults is not being created on a scale commensurate with the growing need. It's not a market many architects or developers have embraced. Conversely, a disproportionate amount of attention has been focused on the presumed desires of millennials. We hear all the time that it's that group that craves walkability, good transit and everything-at-their-doorstep amenities — and that only cities can provide it.

But what if these offerings weren't exclusively urban? What if suburban communities could provide some of them? And what if more communities weren't so keyed into specific demographics, maybe even aiming instead to serve multiple generations? Professionals are starting to pay attention, with some suggesting that the housing industry ditch the term "senior" altogether.

NORCs — naturally occurring retirement communities — are found most often in dense and vibrant cities like New York, and demonstrate how well cities can work for older people. But less than a quarter of older adults live in high-density areas, so demand is likely to increase for new housing options within existing suburbs and rural communities. While it wouldn't be impossible for suburbs to morph into NORCs, it wouldn't be easy. Zoning precludes a lot of the mixed-use (stores, restaurants, multifamily housing) that is required, as does Nimbyism (the "not in my backyard" syndrome). But we already have many of the tools for incremental transformation.

The social safety net that helped provide so much of what we're talking about here has evaporated; it has to re-emerge in new ways. As I've observed over the years when writing about topics from communes to urban agriculture, much of this is so old-fashioned as to seem innovative.

New York University recently announced an initiative that matches students in need of housing with older people who have rooms to spare. Programs like Marin Villages, in Northern California, put together networks of volunteers to organize activities, cultivate community and supply rides and other services to seniors, though it does not offer housing.

Co-housing, if it can shed its 1960s hippie commune associations, which doesn't square with how these communities operate today, is another path toward providing

community and care for all ages. The homebuilder Lennar is offering houses with a range of floor plans to accommodate varied family stages and needs. De-stigmatizing housing for older people through good design, as architects like David Baker and Anne Fougeron are doing in California, is also heartening, as is Perkins Eastman's recently released report on biophilic design in senior housing (in non-architect-speak, integrating nature into architecture).

Technology can be part of the solution, though not without some tweaks. I've been engaged in a slow-moving campaign to convince my newly nondriving relative of the safety, convenience and economic savings of using the car services Lyft and Uber, but the transition isn't an easy one. Summoning these cars is a no-brainer for heavy users of smartphones, but for older people with declining vision and motor skills, it's a puzzle. (Why is it nearly impossible to telephone one of these services? It shouldn't be.)

On-demand delivery services (meals, groceries, medicine) can also help bridge the gap, with the caveat that receiving everything at your doorstep can increase isolation (that goes for all ages). Expect a slew of "smart" products to hit the marketplace soon, some actually smart (some probably really stupid) that include "time to take your medication" notification systems, wearables that deploy airbags in case of a fall or aid in walking and sitting.

The difficulties *inside* the home are significant, and homes themselves must evolve and adapt as their residents age. And again, there are existing fixes: universal design elements such as step-free entrances, single-floor living, under-counter appliances, and halls and doorways that accommodate wheelchairs. Many of these could be standard, yet, typically, they're renovations done after the need for them arises.

Every day for the next 19 years, 10,000 people will reach age 65. That companies aren't scrambling to exploit this market is not only unfortunate for their bottom line, but almost certainly treacherous, eventually, for all of us.

Allison Arieff is a writer on architecture and design and a contributing opinion writer.

Follow The New York Times Opinion section on Facebook and Twitter (@NYTopinion), and sign up for the Opinion Today newsletter.

A version of this op-ed appears in print on January 29, 2017, on Page SR6 of the New York edition with the headline: A Housing Crisis for Seniors.

© 2017 The New York Times Company