



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

PLANNING COMMISSION PUBLIC MEETING AGENDA

Created: November 11, 2016 Posted November 11, 2016 at 11:00 AM

MONDAY, November 14, 2016 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 October 10, 2016 MINUTES
- F) CALL FOR PUBLIC COMMENT NOT RELATED TO AGENDA ITEMS
- G) NEW BUSINESS
 - 1. Discussion on Addressing Summer Worker Housing.
 - a. Staff introduction.
 - b. Presentation by Dan Barron.
 - c. Call for public comment.
 - c. Planning Commission discussion.
- H) OLD BUSINESS
 - 1. 2016 Master Plan Update
 - a. Staff presentation.
 - b. Call for public comment.
 - c. Planning Commission review/discussion.
 - d. Review of draft resolution of adoption for the 2016 Master Plan.
 - e. Motion
 - 2. Update on Short Term Rental Subcommittee
 - a. Summary of November 14th meeting.
 - b. Planning Commission discussion.
 - 3. ZBA Request for Interpretation Update (Case: 2016-13 ZBA)
 - a. Staff update.
 - 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, October 10, 2016 - 7:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

A. Call to Order

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 Elzinga, Mary Eveleigh, Toni Felter, Rick Golding, Julee Roth, RJ Waddell
Members Absent: None
City Staff: Interim Planner Zach Panoff

C. Inquiry Into Potential Conflicts of Interest

None.

D. Approval of Agenda

Agenda approved as presented.

E. Approval of September 12, 2016 Minutes

Motion by Member Waddell, second by Member Clock to approve the September 12, 2016 minutes as presented. Motion passed by unanimous voice vote.

F. Call for Public Comment not Related to Agenda Items

None.

G. New Business

1. Public Hearing for Short Term Rentals in the City of Charlevoix

a. Review of September 28 Planning Commission Sub-Committee Public Meeting

Chair Chamberlain stated that the City was in the process of updating its Master Plan and Zoning Ordinance during which the discussion began about short-term rentals. He stated that this past year it seemed to be very prevalent. He recalled the discussion that weekly rentals have a tendency to change the identity of the community, impact affordable housing for year-round residents and seasonal workers, and impact businesses. Chair Chamberlain read aloud the intent of the R-1 and R-2 zoning districts as listed in the City's Zoning Ordinance. He stated that bed and breakfasts were allowed under a special use permit, and transient housing is permitted and defined as "apartments, condominiums, single-family homes or similar dwellings rented out to individuals or groups". He referenced Section 5.78 of the zoning regulations for specific standards which he read aloud. He also read the definition of boarding houses which are allowed in R-1 and R-2 zones. Chair Chamberlain stated that they appointed a Sub-Committee consisting of Members Golding, Roth, and Waddell to look into this issue further and take public comments.

Member Waddell summarized the September 28th Sub-Committee meeting and indicated that there were about 20 attendees including people who rent their properties, agents who oversee rentals, neighbors who live next to rental properties, and Chamber representatives. He stated that they listed the advantages and disadvantages of short-term rentals. There was discussion regarding possible regulations, inspections, license fees, and how such a policy would be enforced.

b. Call for Public Comments

Julie Bruce, Hurlbut Street, stated that they purchased their home earlier this year and prior to purchasing they were told by the City that there were no rental restrictions. She noted that she rented to families with no more than five people. She stated had she known that rentals were going to be an issue they would not have purchased the home.

John Hess, Charlevoix Township, stated that he does not rent his house, but felt that this idea was something that was going in the wrong direction for growth in Charlevoix, and he did not want to see more regulation. He also questioned how such regulations would be enforced. He stated that there was not a problem right now, and he felt that the issue should be tabled.

Hans Van Der Weijden, 300 Park Avenue, stated that most of the residences along his street are short-term or longer-term rentals and he did not see a problem with these rentals. He felt there was no need for more regulations or enforcement, and he had no complaints with the short-term rentals.

Amanda Wilkin, Charlevoix Convention & Visitors Bureau, stated that she agreed that a new hotel presence was needed. She stated there were 400 short-term rentals in the Charlevoix area and the hotels/motels were having a hard time filling their rooms. She felt that they need to do their due diligence so that Charlevoix does not become a full short-term rental community.

Kerrie Mulane, 400 Park Avenue, stated that they purchased their home two years ago and noted that they were doing some work on the house. They rented the home in July and August and they had no problems with their renters. She stated that she also rented her home in New Jersey and they were licensed through the city with an inspection sticker that said "they were regulated", but basically all it meant was that someone could call them if there was a problem with one of their renters. She felt they needed to be very careful with regulating short-term property.

Faith Miller, 104 Auld Avenue, stated that she sent an email to the Sub-Committee with additional points, but stated that her neighbors on both sides know how to reach her if there are problems with renters. She commented that she depends on local contractors, housekeeper, irrigation & lawn services, etc. from the area to help with the home. She noted that she had renters who signed rental agreements and paid deposits for 2017 so if there were any changes made to short-term rentals it would impact anyone who reserves their property well in advance.

Hans Van Der Weijden felt that a lot of the homeowners are from out of state and they pay 35% extra in property taxes and those who live here just in the summer use minimal City services.

c. Planning Commission Discussion

Member Roth stated that the Sub-Committee scheduled November 14th at 10:00 a.m. for more discussion as there were safety concerns as well as drafting some language. Member Golding summarized that there were two sides to the rental market – one with finer homes where there are no issues and the neighbors are agreeable and another side that may have physical (repair) issues. He stated that they all were going to have different needs and he felt that the Planning Commission was not "the only resolve to that". Member Waddell noted that the State of Michigan defined short-term rentals as shorter than 30 days. Member Roth felt it was important to look at the definitions of short-term rentals from surrounding communities. She stated that one of the references from the last meeting was from Kettering, Ohio and Interim Planner Panoff responded that it was a property maintenance code that did not really have anything to do with rentals. She also questioned if the short-term rentals were required to have a business license. Chair Chamberlain stated that he knew that there were people who formed LLC's that rent out their properties. He indicated that the issue would be turned back to the Sub-Committee for further discussion.

H. Old Business

1. Public Hearing for the 2016 Master Plan Update

a. Planning Commission Review/Discussion

Interim Planner Panoff gave a quick synopsis of the proposed changes in the 2016 Master Plan update including: the new Zoning Ordinance was adopted in 2011 so the zones were updated and expanded, existing and future land use maps were updated, major update to the Goals section, and the funding mechanisms in Chapter 4.

Chair Chamberlain stated that the Charlevoix County Planning Commission made a statement with regards to addressing Beaver Island's relationship to Charlevoix which he felt was an excellent idea. He stated also that Charlevoix County Schools have discussed doing a Facilities Update Study which relates back to the Beaver Island Boat Company parking most of their vehicles at the Charlevoix Middle School. Therefore, he felt it was necessary to look at how to provide adequate parking for the Beaver Island Boat Company. He also felt that the City should be more involved in the School's Facilities Study Committee, and that the Commission should take a look at these items as part of the Master Plan update.

Discussion followed regarding the two parcels on the County's Future Land Use Map that are owned by Charlevoix County but marked as single-family residential.

b. Call for Public Comments

None.

c. Review of Draft Resolution of Adoption for the 2016 Master Plan

Chair Chamberlain stated that the draft resolution will be reviewed at next month's meeting while they do the final review of the 2016 Master Plan.

d. Motion

Motion by Member Eveleigh, second by Member Waddell to table this item to the November Planning Commission meeting. Motion passed by unanimous voice vote.

I. **Staff Updates**

Interim Planner Panoff noted that there was a Charlevoix County Planners Forum on Wednesday, November 9th, from 4:30 to 9:00 p.m. at the Library, and asked that anyone interested in attending let him know so he could register them.

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

Chair Chamberlain asked Interim Planner Panoff to find out the distribution of students in the Charlevoix County Public School System.

Member Eveleigh questioned whether a meeting was scheduled by the Zoning Board of Appeals for clarification of front lots and side lot setbacks on corner lots, and Interim Planner Panoff replied that the meeting was Wednesday, November 2nd, at 6:00 p.m.

Member Eveleigh referenced the Charlevoix Pointe Condominiums (115 Pine River Lane) and stated that she wanted to see the plans once they were submitted to the City. Chair Chamberlain stated that they had processed this as a site condominium and Interim Planner Panoff stated that the appropriate documents were filed as a Master Deed for a site condominium on October 3, 2014. Chair Chamberlain explained his reasons for feeling that this project should have been processed as a "common wall condominium".

K. **Adjournment**

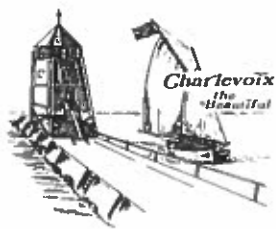
Motion by Member Eveleigh, second by Member Roth to adjourn. Motion passed by unanimous voice vote. Meeting adjourned at 7:53 p.m.

Joyce M. Golding/tgm

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: November 11th, 2016

SUBJECT: November 14th Meeting

Planning Commission Members,

- The Michigan Main Street Economic Restructuring Committee has been examining the difficulty local businesses have been having for the last few years in attracting summer workers to the area. One of the major issues has been finding affordable housing for potential employees that are likely to be student type workers looking for a temporary job before heading back to class in the fall. Dan Barron will be attending the meeting on behalf of Main Street and the Economic Restructuring Committee to speak to the Planning Commission more about the issue and participate in a discussion about what could be done to address this concern of local business owners. A few of the ways of approaching the issue that have been brought up are altering the definition of bed and breakfasts to allow, as a use by right, for one or two individual rooms to be rented out in a house before it is considered as such, defining short and long term rentals so that anything being rented for more than a certain time period would be permitted if a home owner wanted to rent out individual rooms in their home, or some combination of the two. Those potential solutions are just a starting point for the Planning Commission, and the item can be discussed at more length during the meeting. I have included a few relevant sections of the Zoning Ordinance in the packet for your reference at the meeting.
- I have made the changes and additions to the Land Use Master Plan that were brought up at the last meeting. Those sections that were updated with references to the Beaver Island Boat Company and the Charlevoix Schools are included in the packet for your review. The draft resolution that would accompany the recommendation to City Council is also included again for review and discussion at the meeting. No additional comments have been received since the public hearing at October's meeting. If I get the requested information from the school by the time of the meeting, I will present it then.
- The short term rental subcommittee will be meeting Monday, November 14th at 10am. For those on that subcommittee, research and other materials following up from the last

meeting will be provided at the meeting. Anyone is welcome to attend and an update can be given during the regular Planning Commission Meeting.

- The ZBA held its hearing to interpret the Zoning Ordinance in regard to determining front yards for single family residential corner lots on November 2nd. Their Decision and Order is included in the packet, along with draft meeting minutes and the report that was originally submitted to the ZBA. Pursuant to their recommendation, I have included draft Zoning Ordinance language relating to their findings, and the Commission can discuss their other input during the meeting.

Regards,

Zach Panoff

Accessory Structure. An attached or detached structure on the same lot with and of a customarily incidental nature that is subordinate to the principal use or building/structure. (See Section 5.46)

Accessory Use. A use located on the same lot that is customarily found in connection with, but clearly incidental to the principal use to which it is related. (See Section 5.46)

Addition. An extension or increase in floor area or height of a building or structure.

Adjacent. See *Adjoining*.

Adjoining. Touching or bounding at a point or line; bordering; contiguous.

Adult. A person at the legal age of adulthood, as defined by the laws of the state of Michigan.

Adult Day Care Home. A private residence with the approved capacity to receive six (6) or fewer adults, to be provided with foster care for periods of less than twenty-four (24) hours per day, five (5) or more days per week and for two (2) or more consecutive weeks, as licensed and regulated under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 *et seq.*, as amended.

Adult Foster Care. See *Foster Care*.

Alley. A public or private right-of-way that provides a secondary means of access to an abutting property, usually an improved surface providing access to the rear of the lot.

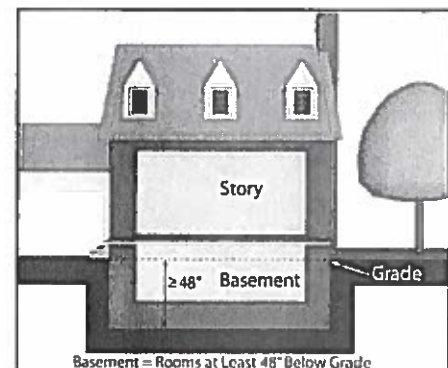
Alteration. A change, addition or modification in construction or type of occupancy; any change in a building, such as walls, partitions, columns or joists; any change in the dimensions or configuration of the roof, exterior walls or foundation; or any change which may be referred to as altered or reconstructed.

Amusement Park, Small Scale. An outdoor recreation area in a park-like setting which, along with required parking and landscaping, is comprised of limited participatory amusement facilities and activities.

Assisted Living. See *Senior Housing*.

Athletic Court. An improved surface designed or intended for sports activities including, but not limited to, basketball, tennis, badminton, pickle ball or shuffleboard. (See Section 5.55)

Basement. The part of a building between a floor and ceiling, which is partially below and partially above ground level, but with a vertical distance from grade to the floor below that is greater than the vertical distance from grade to the ceiling. A basement is not counted as a story.



Bed and Breakfast. A building or structure, or portion thereof, where two or more individual rooms are rented separately to transients for compensation. (See Section 5.46(3))

Berm. An earth mound covered with grasses, trees and/or other plants; designed to provide visual interest, screen undesirable views and impacts, and help separate incompatible uses.

Boarding/Rooming House. A building, structure, or portion thereof, where individual rooms are rented to separate parties, such as transitional homes, hostels or similar uses.

Boat, Commercial. Any vessel, such as, but not limited to, a tugboat or freighter, used for commercial purposes without regard to the carrying capacity.

Boat Docking Space. The space along a dock, pier or similar structure where a boat may be moored.



- (b) The outside edge of the pool wall and/or the **deck** and any other appurtenances shall not be located closer than ten (10) feet from any rear or side property line, nor less than ten (10) feet from the **principal building**. **Swimming pools** shall not be located in the **front yard**.
- (c) Each pool shall be enclosed by a minimum four (4) foot high **fence**, wall, or other **structure** or device, sufficient to make the pool inaccessible to small children. This enclosure, including gates, shall not be less than four (4) feet above the underlying ground; all gates must be self-latching with latches placed at least four (4) feet above the underlying ground or otherwise made reasonably inaccessible from the outside to small children. The **fence** may be located around the perimeter of a **deck** surrounding an above ground pool, provided that the total height of the **deck** and the **fence** does not exceed ten (10) feet. Above ground pools may have gates, removable or swing-up steps or other means to limit entry in lieu of a **fence**. Except for hot tubs and spas, a **swimming pool** cover shall not be allowed in lieu of a **fence**.
- (d) All **swimming pool** and hot tub installations shall comply with the State Construction Code and all standard codes referred to therein. All electrical installations or wiring in connection with **swimming pools** shall conform to the provisions of the National Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of a **swimming pool**. A no-fault ground unit shall be provided to protect against electrical shock.

(3) **Bed and Breakfast Establishments.**

(a) Requirements.

1. The **bed and breakfast** shall be located within a **residence** which is the **principal dwelling unit** on the property. Whenever the **bed and breakfast** is open for the renting of rooms, the **residence** shall be occupied by the owner or innkeeper at all times.
2. The rental rooms within the establishment shall be part of the **principal dwelling**. **Bed and breakfast** establishments shall not contain more than five (5) rental rooms, however the **planning commission** may consider additional rooms based on the following criteria:
 - a. The existing single family home has the capacity for more than five (5) rental rooms.
 - b. It is a single family home which has been operated as a **bed and breakfast** establishment in the past.
 - c. There is sufficient parking on site, or within three hundred (300) feet of the property, to accommodate additional rooms.
 - d. The **planning commission** finds that the additional rooms will not have an adverse impact to the residential character of the neighborhood.
3. Off-street parking shall include a minimum of five (5) **parking spaces**. Required **parking spaces** shall be accessible at all times.

4. The **residence** shall have at least two (2) exits to the outdoors.
 5. One (1) **sign** is permitted and shall be limited to four (4) square feet. If the **sign** is a freestanding **sign**, it shall not exceed eight (8) feet in height. Lighting of **signs** is not permitted unless the **bed and breakfast** is located on Bridge Street. In these cases external lighting shall be allowed meeting all the requirements of *Article 11*.
 6. A **bed and breakfast** establishment shall be consistent with the essential character of the residential neighborhood in terms of **use**, traffic generation and appearance.
 7. A **bed and breakfast** establishment shall not be permitted on a **lot** or **parcel**, (including a **nonconforming lot** or **parcel** of record) which does not meet the established lot size requirements for the **zoning district** in which it is located.
- (4) **Boathouses**. Special land **use** approval for a **boathouses** in the R1 **Zone** shall be subject to the following requirements. **Boathouses**:
- (a) shall not be permitted on Lake Michigan or Lake Charlevoix;
 - (b) shall have a gabled roof with a minimum roof pitch of 8:12 for new construction. Repair of existing **structures** may utilize the existing roof pitch and roof design at the time of application. Multiple peaks and a variety of rooflines or other architectural features consistent with the character of the neighborhood are encouraged. Eaves extending out greater than twenty-four (24) inches shall be considered part of the building footprint;
 - (c) are permitted over the water but may not extend greater than eighty (80) feet lakeward from the existing sea wall location¹, or **ordinary high water mark** if no sea wall is present;
 - (d) where inland dredging is required, **boathouses** may not extend greater than fifty (50) feet inland from the existing sea wall location or **ordinary high water mark** if no sea wall is present;
 - (e) shall be located at least ten (10) feet from **side lot lines**; no **rear yard setback** required;
 - (f) shall not exceed a building footprint (length x width) of two thousand (2,000) square feet in area, exclusive of eaves;
 - (g) shall not contain sleeping quarters, kitchens or bathrooms;
 - (h) in the R1 **Zone**, shall not exceed a height of sixteen (16) feet with the base elevation starting at the **ordinary high water mark**. (See *Figure 5.46(4)-1*)

FIGURE 5.46(4)-1 ON NEXT PAGE

¹ Existing sea wall locations shall be those locations as of the adoption of the zoning ordinance.



5.76. Voting Place

The provisions of this ordinance shall not be construed in any manner that would interfere with the **temporary use** of any property as a voting place in connection with a municipal, school or other public election.

5.77. Water Supply and Sewage Disposal Facilities

Every **building** erected, altered or moved upon any premises within the city shall be served with a safe and sanitary water supply system and with a means for collecting and disposing of all human and commercial, industrial and other wastes. For those areas of the city not served by public water and/or sanitary sewer, a permit from the district health department for on-site water and/or waste disposal facilities, as applicable, shall be obtained and submitted with an application for a **zoning permit** prior to commencing construction. This section shall not apply to **structures** that do not require water or waste systems.

5.78. Renting of Residential Properties

Renting of residential properties, including but not limited to homes, condos, apartments, townhouses, and duplexes, as **transient housing**, regardless of the underlying **zoning district**, shall comply with the following standards:

- (1) No exterior signage advertising the rental shall be allowed.
- (2) **Accessory Structures** may not be rented to separate individuals or groups.
- (3) Renting individual rooms to separate individuals or groups is prohibited and shall be considered a **bed and breakfast**, which requires special land use approval under *Article 13*.

5.79. Landscaping Features and Portable Storage Bins

Landscaping features including, but not limited to, arbors, gates, pergolas, trellises, latticework, permanent benches/seating, or portable storage closets or bins are not considered structures and are therefore not subject to the requirements of this ordinance regarding structures.

Chapter 3. Community Vision and Goals

3.1 Public Involvement

Charlevoix's master plan was prepared in a way that maximized public participation. Dating back to 2004, the Planning Commission and staff held numerous public meetings, visioning sessions, and administered two community surveys to seek input. The results of these discussions were then reflected in plan goals. Specific outreach activities included, but were not limited to the following:

- 2004: Charlevoix participates in a Regional Multi-Jurisdiction Smart Growth Planning Initiative, addressing issues about transportation, housing, economic development, environmental protection, and the delivery of public services. (See Appendix E)
- 2005-06: City Planner works with the Planning Commission to undertake a community survey, holds a community meeting to gather input, and drafts the 2006 Plan Revision- Goals, Objectives and Policies. (See Appendix D)
- 2008: To help better define goals, objectives, and policies, the Planning Commission holds multiple meetings and training sessions on master plan topics.
- 2009: Four high school government classes discuss the master plan with the City Planner and respond to a survey. (See Appendix B)

In February of 2009, about 800 community surveys were distributed to property owners, residents, business owners, and civic organizations to seek additional input. To ensure renters, year-round and season residents, were included, the



sample was based on property tax and voter registration records. The 85 question survey covered many topics including housing, economic development, city services, parks and recreation, future development, airport operations, and historic preservation. Again, the survey results were evaluated and helped better define the community vision, goals, objectives and action items. The survey and results can be found in Appendix A.



CITY OF CHARLEVOIX COMMUNITY SURVEY

In accordance with Michigan law (Michigan Planning Building Act, M.C.L. 193.201), the City of Charlevoix Planning Commission must prepare a master plan for the City of Charlevoix. A master plan is a long-term and infrastructure plan that sets local goals, objectives, and policies for community growth and development. The Master Plan is meant only as a vision document outlining what the community will look like in the future and how these goals will be accomplished. The Master Plan will cover topics such as future housing needs, economic development, transportation, infrastructure, parks and recreation, etc. Master planning ultimately results in higher property values, safer streets and intersections, higher quality of city services, and a more attractive climate for tourism and new or existing businesses.

As an essential first step in the update of the City of Charlevoix Master Plan, the Planning Department is asking City of Charlevoix residents, businesses, and property owners to complete this survey. The first step is to answer these questions to officials to help shape the new Charlevoix Master Plan, and, in turn, the future of the City of Charlevoix. Please understand the results of this survey will not necessarily result in policy changes, new policy, or discontinuing existing policies. The intent is to gather valuable information to make the City a better place to live, work and/or visit. Your input is important and appreciated. There are no "right" or "wrong" answers to the survey. The survey was designed to take less than 15 minutes. If you do not have enough information to answer a question, skip it or check the "no opinion" box. If you have a question or uncertainty as to how to answer a question, skip it or check the "no opinion" box. If you have a question or uncertainty as to how to answer a question, skip it or check the "no opinion" box. If you have a question or uncertainty as to how to answer a question, skip it or check the "no opinion" box. If you have a question or uncertainty as to how to answer a question, skip it or check the "no opinion" box.

I am qualified to be a REGISTERED VOTER or PROPERTY OWNER or BUSINESS OWNER in the City to complete this survey. You must submit this cover page and the survey. Once staff verifies that you are a registered voter or property owner the survey will be counted anonymously. We have to ensure that the information gathered is valid and not affected by special interests or individuals outside the Community. This will also ensure that we gather information from a broad sample of individuals throughout the City.

How do I get a copy of the survey and what do I do once completed? Roughly 800 surveys are being mailed out to a random sample of city property owners and registered voters. If you do not receive one in the mail, but would like to complete the survey, it can be downloaded from the City Website at www.cityofcharlevoix.org. You can also have a printed, hard, or mailed up on request. Once completed, the survey can be mailed to the City Planning Office. Prepaid postage envelopes can be provided upon request. Completed surveys may also be returned by letter e-mail to the City Planner.

SURVEY DUE DATE
April 24, 2009

Mike Spencer, City Planner
210 State Street, Charlevoix, MI 49720
mperencer@cityofcharlevoix.org
Phone: 231-537-3862, Fax: 231-547-3617

Name _____
City of Charlevoix Address _____

3.2 “Smart Growth” and the City of Charlevoix.

Charlevoix is committed to the principles of Smart Growth, which is an initiative that began to evolve in the early 1990s. Its overall goal is to provide a framework for communities to grow in ways that support economic development and jobs; create strong neighborhoods with a wide range of housing, commercial, and transportation options; and achieve healthy communities that provide residents with a clean environment. The following principles are the foundation for achieving Smart Growth. More information can be found in Appendix G.

1. Provide a mix of land uses.
2. Take advantage of compact building design.
3. Create a range of housing opportunities and choices.
4. Create walkable neighborhoods.
5. Foster distinctive, attractive communities with a strong sense of place.
6. Preserve open space, farmland, natural beauty, and critical environmental areas.
7. Strengthen and direct development to existing communities.
8. Provide a variety of transportation choices.
9. Make development decisions predictable, fair, and cost effective.
10. Encourage community and stakeholder collaboration in development decisions.

Both the Michigan Association of Planning and the Charlevoix County Future Land Use Plan identify the need and importance of Smart Growth and encourage municipalities to integrate these principles into master

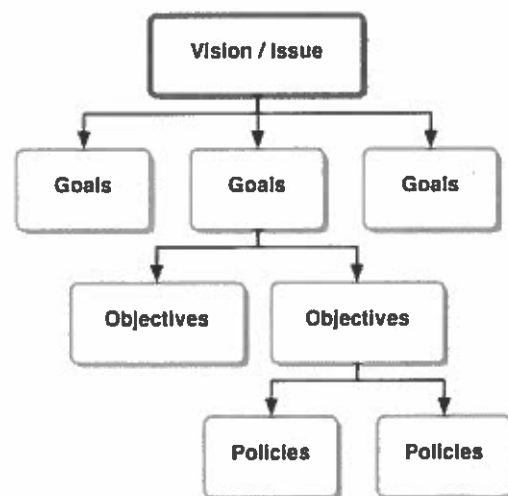
plans, land use regulations, and policies. Consequently, based on public input and guided by the County Future Land Use Plan, a number of Smart Growth principles have been integrated into this Master Plan.

3.3 How this Chapter is organized.

The chapter begins with a short vision statement that describes community values and a future direction for Charlevoix. Following that are six broad goals, which help define *how* the community will achieve its vision.

Each goal is further supported by more focused and specific objectives. Finally, for each objective, bulleted policies, or action items are identified that are to be completed over time to implement plan recommendations. Chapter 5 also contains an implementation matrix that outlines who is responsible for a particular action item, when it should be done, and which funding sources are available for its completion.

The following diagram shows how goals, objectives, and action items are organized:



3.4 The Vision Statement

While the Master Plan is an expression of Charlevoix's commitment to its future, the following vision statement is its underpinning:

"Charlevoix will strive to be the focal point for the region and build on its distinctive character, downtown, and diverse neighborhoods; while respecting its unique setting and environment and creating a foundation for future economic prosperity and personal success."



3.5 Community Goals, Objectives, and Action Items.

GOAL: *Protect and enhance Charlevoix's small town character, unique downtown, cultural and historic resources, and scenic beauty.*

1.1 PRESERVE AND ENHANCE CHARLEVOIX'S UNIQUE SMALL TOWN CHARACTER

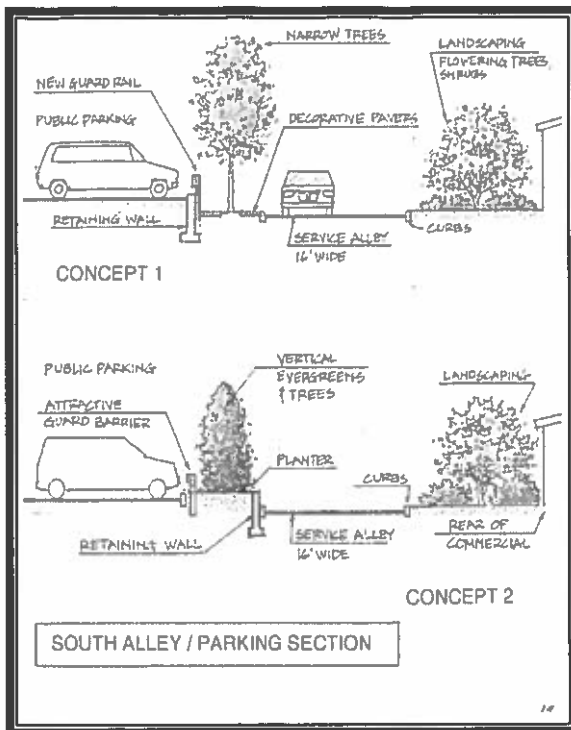
- Inventory and analyze the features contributing to Charlevoix's character; identify how development regulations can best protect and/or enhance them.
- Revise zoning regulations to en-

courage smaller scale development on commercial corridors with established maximum building sizes and parking away from the street side of buildings.

- Work with area townships, including Charlevoix, Marion, and Hayes on a regional plan.
- Continue to enforce the nuisance ordinance and look into adopting a property maintenance ordinance to better address the clean-up of blighted or poorly maintained properties.
- Research the feasibility of establishing a rental inspection program.

1.2 ENHANCE SCENIC BEAUTY

- Coordinate ongoing efforts with City staff, MDOT, Charlevoix County and surrounding townships, and seek public input to secure grant funding for Corridor Improvement Districts on US 31 and M-66.
- Enforce existing landscaping design standards for commercial development, parking lots, and public lands consistently.
- Support Keep Charlevoix Beautiful (KCB) and its petunia planting program, based on future budget considerations.
- Continue to support the Shade Tree Commission and expand the Tree Planting Program, based on budget considerations. Seek alternative forms of funding, such as donations and grants.



1.3 PRESERVE AND ENHANCE THE DOWNTOWN.

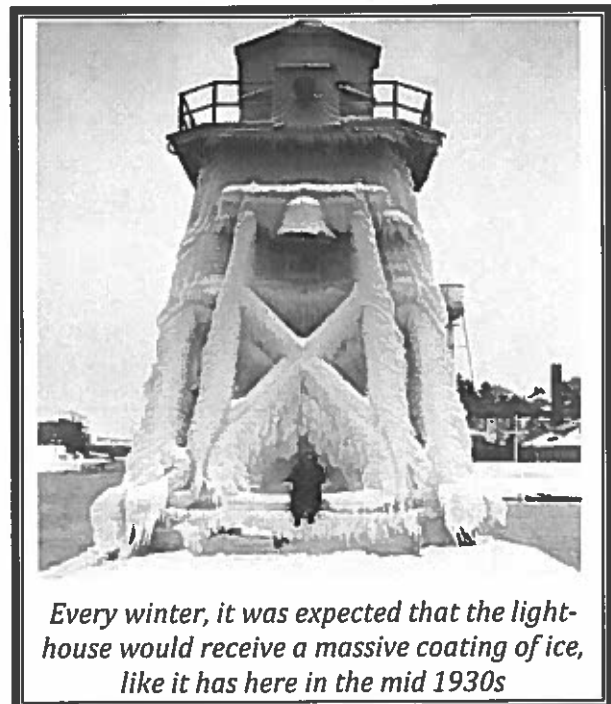
- Support the efforts of the Charlevoix Main Street boards and volunteers as the program expands.
- Involve and educate the general public, building and business owners, and the DDA about the potential demand for greater flexibility in the Central Business District zone's allowed uses.
- Investigate the demand for services that support local initiatives, such as Trail Towns, and focus economic development strategies and promotions appropriately.

1.4 PROTECT HISTORIC AND CULTURAL RESOURCES.

- Continue to support the efforts of the Historic District Commission and the Charlevoix Historical Society.
- Continue educating property owners about historic districts and seek

to establish districts where there is strong support.

- Support efforts by the Historical Society to design and locate a privately funded kiosk that provides historical information about Charlevoix and promotes the Harsha House Museum.
- Support improvements and long-term maintenance of the lighthouse.



GOAL: Maintain a diverse, regional economy that supports sustainable year-round business development and enhances Charlevoix as a tourism and second home destination.

2.1 ENCOURAGE REGIONAL COLLABORATION ON ECONOMIC DEVELOPMENT

- Continue collaboration with the Chamber of Commerce, local governments, and the business community regarding regional economic development.
- Support efforts to implement the Regional Comprehensive Development Strategy (CEDS) put out by Networks Northwest, designed to

retain, grow, and attract new business.

- Pursue goals outlined in the Economic Development Strategy prepared by the Chesapeake Group.
- Aggressively market and provide incentives to businesses in emerging industries.
- Support and promote technological advances, such as high speed internet and fiber optic networks in Charlevoix to encourage economic development.
- Evaluate, and if necessary, amend the Industrial Tax Abatement Program so that Charlevoix remains competitive.
- Coordinate with Charlevoix Township, community leaders, and property owners to plan for and promote future development.
- Work with surrounding townships to identify other suitable areas for economic development; explore 425 agreements where appropriate.
- Explore a program to waive or reduce utility extension, or hookup fees for businesses seeking to expand.
- Continue to support and promote expanding Coast Guard operations in Charlevoix.

2.2 PROMOTE CHARLEVOIX AND THE REGION AS A VIABLE PLACE TO LIVE AND WORK YEAR-ROUND.

- Encourage and utilize Placemaking strategies as a way to promote Charlevoix as a place to live and work full-time.
- Continue to support and work with the Chamber, CVB, and other community groups to promote and expand events, festivals, and recrea-

tion opportunities.

- Promote diverse and viable housing options by encouraging developers through affordable housing incentives and flexible Zoning Ordinance requirements.
- Work with the real estate community to help market Charlevoix to targeted groups interested in locating to the area.
- Investigate options for regulating rental property within the City through a rental inspection program, licensing fees, lodging taxes or other means.
- Explore the viability of expanding reduced tuition rates at North Central Michigan College for Charlevoix County residents.

2.3 ENCOURAGE ECONOMIC SUSTAINABILITY AND GROWTH IN DOWNTOWN CHARLEVOIX

- Work with the DDA, Chamber of Commerce, Charlevoix Main Street and the Convention and Visitors Bureau to develop and implement a downtown marketing plan that serves to retain existing establishments, while attracting new businesses and residents to fill vacant or underutilized buildings.
- Support and expand current downtown winter activities and pursue other winter recreational or promotional events.
- Pursue goals outlined in the Downtown Marketing Assessment and Development Strategy prepared by the Chesapeake Group.
- Support the Michigan Main Street Program as a way of encouraging economic development and providing tax credits for downtown redevelopment projects.



GOAL: *Work cooperatively with surrounding municipalities, governmental agencies, non-profits, and private sector organizations on a variety of issues.*

3.1 COOPERATE WITH CHARLEVOIX TOWNSHIP ON PLANNING AND ZONING.

- Hold annual meetings between the Charlevoix and Charlevoix Township, Marion Township, Norwood Township and Hayes Township Planning Commissions to discuss land use related topics and resolve any zoning issues.
- For border areas and properties, coordinate land uses, zoning regulations and street extensions that expand the City's grid.
- Cooperate with Charlevoix Township on an airport overlay district located around the Charlevoix Municipal Airport.

3.2 COORDINATE EFFORTS TO PROVIDE SAFE AND EFFICIENT TRANSPORTATION SYSTEMS

- Host an annual meeting between the City, MDOT, Charlevoix County, and surrounding townships to discuss transportation-related issues, enhancements, and funding opportunities.
- Work with MDOT to study summer-time traffic counts, review potential options to alleviate related traffic congestion and evaluate development proposals that may affect US 31 traffic, in particular for areas where there is no secondary access,

such as West Dixon.

- Hire a qualified transportation consultant, if financing is available, to evaluate transportation issues and recommended enhancements.

3.3 WORK COOPERATIVELY TO ENCOURAGE AND FACILITATE ALTERNATIVE FORMS OF TRANSPORTATION.

- Evaluate the local transportation system and look to integrate "complete streets" policies for future infrastructure planning and design.
- Increase public awareness and provide better signs that mark routes to promote walking and biking.
- Establish a City wide and regional bike route.
- Incorporate bike lanes into the design and future construction of streets and roads.
- Continue to enhance the Lake to Lake Trail initiative.
- Work with surrounding communities and Charlevoix County in the development of a regional trail system to connect with Boyne City, East Jordan, and Elk Rapids.
- Inventory existing sidewalks and identify and prioritize new sidewalk connections.
- Explore the viability of a multi-use transportation hub located at the City Airport.
- Further investigate, implement and promote the Trail Town initiative in conjunction with LIAA and local groups and organizations.



3.4 COORDINATE EFFORTS ON NATURAL RESOURCE PROTECTION.

- Work cooperatively with all jurisdictions to adopt a unified Stormwater Control Ordinance for Charlevoix County.
- Work with the Charlevoix County Planning Commission to evaluate current and future industrial and/or mining operations that may impact natural resources and coordinate their appropriate locations and zoning regulations to minimize their impacts.
- Work with organizations like Tip of The Mitt Watershed Council, the Little Traverse Land Conservancy, and the Lake Charlevoix Association to inform the public on water quality protection measures and conservation easements.
- Encourage a county-wide land bank or a transfer of development rights program.
- Coordinate Mt. McSaubas usage with Charlevoix Township.

3.5 CONTINUE TO PROMOTE OUR UNIQUE HISTORICAL TIES TO BEAVER ISLAND.

- Continue to invest in the airport to enhance commercial activity.
- Address the future parking needs of the Beaver Island Boat Company.
- Coordinate the operations of the Beaver Island Boat Company with the Charlevoix Municipal Marina.
- Coordinate special events with the Charlevoix Chamber of Commerce and the Beaver Island Chamber of Commerce.

3.6 WORK WITH CHARLEVOIX SCHOOLS ON FUTURE FACILITY USAGE.

- Coordinate with, or provide information to, the School's Facility Study Committee.
- Work with the School regarding the future use of their properties within the City and Townships



GOAL: Provide high quality public services, infrastructure, utilities, and amenities to Charlevoix that are sustainable and cost effective.

4.1 PROVIDE HIGH QUALITY PUBLIC SERVICES AND INFRASTRUCTURE AT A LOWER COST TO THE TAXPAYERS.

- Study public service consolidation with surrounding communities so that costs can be lowered, while maintaining or improving quality.
- Increase municipal water, sewer, and electric users to spread out operational costs.
- Cooperate with surrounding townships to expand infrastructure into areas without public water and sewer in a manner that does not encourage sprawl.
- Integrate Geographical Information Systems and revise capital improvement plans to more effectively predict and plan for future infrastructure upgrades.
- Prepare a facilities master plan that reflects future improvements, new buildings, and consolidating the Electric and Street Departments as advised by consultants.

***GOAL:** Reflect high environmental standards in land use policies, public education and in the design of municipal facilities, utilities, and stormwater management systems.*

5.1 IMPROVE WATER QUALITY PROTECTION

- Seek grant funding to complete a comprehensive study of the municipal stormwater management system.
- Continue to implement best management practices to address stormwater quantity and quality.
- Provide signs at the Marina and City boat launch concerning boat maintenance and measures to control the spread of invasive species.
- Coordinate with the DNR to provide proper signage regarding not dump-

ing fish bait.

- Educate the public about ways to mitigate impacts on the stormwater system from lawn clippings, leaves and other organic waste.
- Closely monitor the municipal water supply system to minimize or prevent leaks and/or ruptures.
- Study options and consider implementing alternative methods of storing and collecting yard waste.



This is one of the recently completed rain gardens incorporated into the Park Avenue storm drainage system.

5.2 INTEGRATE ENVIRONMENTAL BEST PRACTICES INTO CITY UTILITIES AND OPERATIONS.

- Promote the County Recycling Program.
- Consider more fuel efficient vehicles when replacing the City fleet.
- Continue to purchase electricity from renewable energy sources.
- Coordinate with the county and area townships to support renewable energy sources.
- Expand and improve the Energy Op-

timization Program by providing incentives and better educating residential and commercial users.

- Research the feasibility and potential grant opportunities available to power City buildings and facilities through alternative energy sources.
- Evaluate and test higher efficiency street lights.
- Continue to upgrade City facilities with energy features such as more energy efficient lights, motion sensing lights, and more efficient HVAC systems.

***GOAL:** Encourage higher density, infill development and/or redevelopment consistent with surrounding land uses and neighborhood character.*

6.1 ENCOURAGE HIGHER DENSITY IN APPROPRIATE LOCATIONS.

- Amend the zoning ordinance, and review Main Street Program recommendations to accommodate higher densities in appropriate neighborhoods and the downtown.
- Provide incentives for higher density developments in the downtown area.

6.2 PROMOTE INFILL DEVELOPMENT

- Review the Zoning Ordinance to allow for further subdividing and subsequent development of vacant land provided that it is consistent with the surrounding neighborhood.

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Chapter 4. Charlevoix Tomorrow

4.1 Introduction

When planning for future land uses and development, communities throughout Michigan are faced with difficult decisions. Shaping a community's future is further complicated by changing economic conditions and the inability to predict market demand for certain land uses. In addition, there are sometimes differing opinions among community stakeholders, such as property owners, elected officials, the development community, and the general public. Even though these obstacles exist, communities who do not plan are more likely to experience decreasing property values, incompatibility among land uses, infrastructure and transportation problems, and they are less likely to retain and attract businesses.

This chapter helps define how the City's land uses are to be shaped in the future. It is important to note that future land uses may be subject to change based on emerging market, or economic factors. In some cases a change in land use for a particular area or tract of land is an appropriate and beneficial decision for a community. In other cases it may not be.

The future land use map is found on two pages, one for the south side and one for the north side of Charlevoix. In most cases it matches current land uses, or zoning district boundaries. However, for some areas changes are recommended to address specific issues, to ensure compatible land uses, or to better reflect master plan goals.

Section 4.2 describes existing residential conditions and then recommendations are outlined. Similarly, Section 4.3 describes existing non-residential areas, including commercial and industrial, and then a future direction is outlined. In Section 4.4, a zoning analysis matrix is included comparing existing zoning districts to potential new districts. Finally the City's transportation system is analyzed, evaluated and recommendations are made in Section 4.5.

DISTINCTIONS BETWEEN MASTER PLAN MAPS

It is very important for the public to understand the differences among the various maps utilized in the Master Plan. The current land use map, future land use map, and existing zoning map in this plan are unique and may show different uses for the same lot or neighborhood. For example, the current land use map may show one particular lot as residential if it has a home on it, even though it is identified as commercial on the zoning map. This means the property could be used as commercial if the homeowner wanted to sell or convert the home into a commercial use. The future land use map identifies the use that the City feels is the most appropriate for a lot or neighborhood in the future based on several factors. The future land use map can be used as a tool for future rezoning, or establishing land use regulations, so that the City can evolve and be developed in a manner consistent with overall goals of the community.

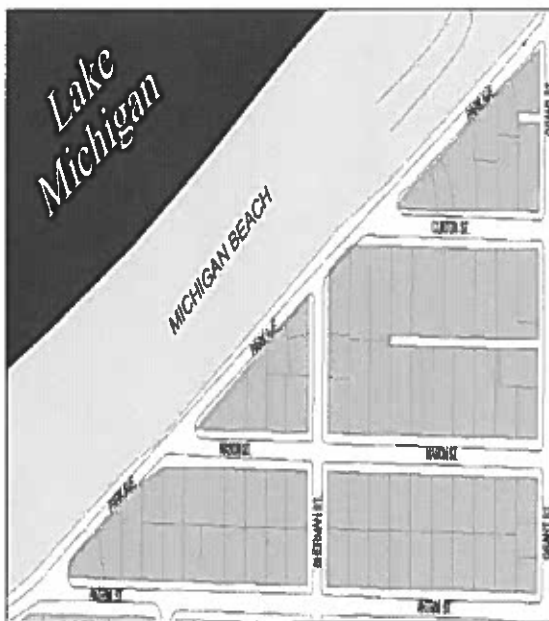
****Future Land Use Map on Next Page****

4.2 Current and Future Residential Land Uses.

CURRENT RESIDENTIAL LAND USE

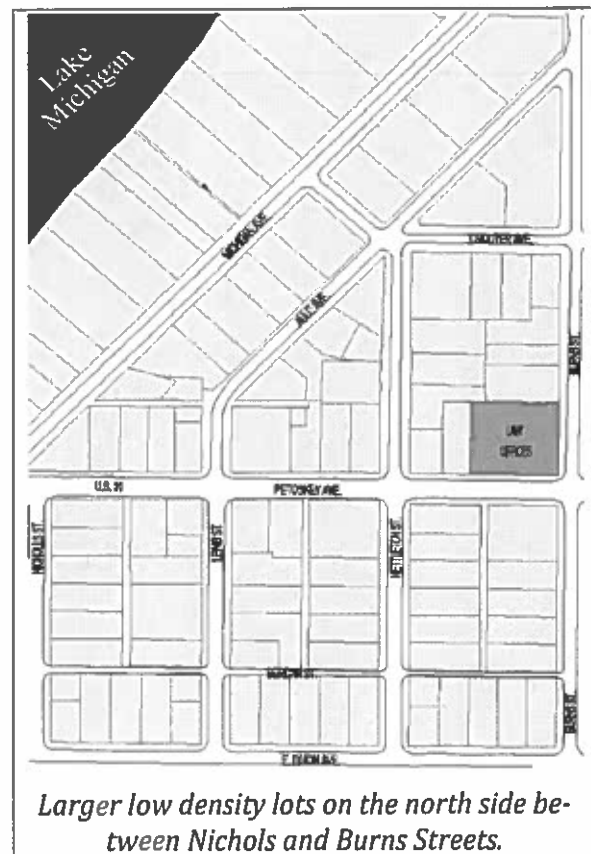
The City's residential areas are very diverse in terms of lot and home size, and density. The vast majority of neighborhoods were established prior to zoning and the parcel division ordinance. This has resulted in a variety of lot sizes and dimensions. In addition, most homes were constructed before zoning, so their location on their lots may vary and lack consistency. From a zoning standpoint, the resulting differences in setbacks create numerous nonconforming structures.

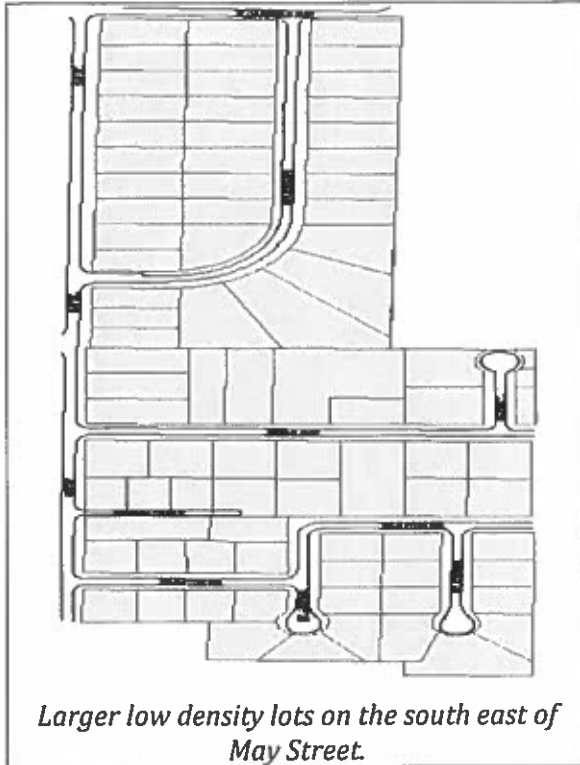
On average, smaller residential lots are located on the City's south side, between Park Avenue and West Garfield and Bridge Street extending west to Lake Street. The smallest are around 6,000 square feet and larger ones average about 11,000 square feet. These lots range in density from 4.5 to 6.5 units (single family homes) per acre.



Larger residential lots are located on the north side of the City and also on the south side, east of May Street. Examples of these lots and associated neighborhoods are shown on the diagrams below.

Larger parcels range from 10,000 to 40,000 square feet with even larger lots scattered throughout. These residential areas average 2.5 to 3.5 units (single family homes) per acre. Due to curved streets and varying intersection angles there are also numerous irregularly shaped lots. Some smaller lots, created prior to current development regulations, are inconsistent with these traditional neighborhoods.





High density residential areas include condominiums, apartments, and townhouses located throughout the City. Most condominiums are on the south side of Round Lake and along Ferry Avenue adjacent to Lake Charlevoix. To the north of the Memorial Bridge, multiple developments include condominiums, but there are also hotels, including the Edgewater, Weathervane Terrace, La Croft, and Points North. Apartment buildings are primarily in the 1000 block of May Street, with several others on the north side and Hillcrest Apartments on West Hurlbut.



FUTURE RESIDENTIAL LAND USE

LOW DENSITY RESIDENTIAL

Low-Density Residential areas primarily reflect the existing pattern of single family neighborhoods at the edges of the City, the north side and the previously described area east of May Street. While most residential development in Charlevoix is fairly mature, Low Density areas reflect more recent, large lot development trends. Densities are typically less than 5 units per acre and any new development should consider both the density and character of neighboring properties and the average density of the area. Low Density areas should serve as transition districts between more dense residential development in the City and newer, large lot development in the township. A continuation of this pattern at Charlevoix's perimeter is appropriate, provided attention is paid to neighborhood connectivity and walkability.

Since lot sizes vary greatly in this category, maximum size requirements for structures may need to be considered so that any future development is consistent with the surrounding neighborhood. This will prevent homes and structures that are inconsistent with existing and expected traditional development patterns.

MEDIUM DENSITY RESIDENTIAL

Medium Density Residential includes smaller lot single-family neighborhoods. Lot and home sizes are smaller, which will require shallower setback dimensions and greater lot coverage. Infill development is appropriate in these areas provided there is consistency with the placement of structures. Since the lot sizes are smaller and only certain blocks have alleys, special zoning considerations will have to take into account the size and placement of accessory structures, like garages.

MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL

Medium Density Multi-family Residential includes two-family, and multi-family dwellings, at densities less than 13 units per acre. Such uses may be appropriate as buffers between single family neighborhoods and non-residential areas located along major streets. In addition, they may also be appropriate for larger in-fill sites, or along the waterfront, if designed properly to protect viewsheds, complement the scale of the surroundings, and reflect surrounding, established architectural character. Creative site planning techniques such as clustering, interconnected open space, and pedestrian linkages (particularly to Round Lake and Lake Charlevoix) should be incorporated to the extent possible. Consistent front setbacks, rear or side yard garages, building orientation to the street, and a grid street pattern should be reflected in any future development. A pattern that is consistent and aligns with the character areas will help maintain Charlevoix's strong sense of community, quality of life, and neighborhoods.

HIGH DENSITY RESIDENTIAL

High Density development, at 13 units per acre or more, will likely be limited to multi-

ple family (either apartments or condominiums). Similar to Medium-Density Multi-Family Residential, these higher density developments can be used as transition areas, or for in-fill. However, care should be taken to ensure development at this level of intensity is designed to blend with and not dominate its surroundings. Open space, connectivity and walkability are its essential components. This district does not contemplate, or consider any high rise buildings, which should not be permitted.

There are a number of condominium and hotel developments within the City that are used as rental units and may have separate ownership, which is typical for the local resort economy. These developments have different demands for parking, intensity of use, and impacts on the transportation system. Some hotel developments, including the Weathervane Terrace, have expressed their concern over the ability to revert to a less intense condominium or high density residential use based on changes in the economy, or the preference of their owners.

PRIVATE CLUB RESIDENTIAL

Compared to other traditional single family residential neighborhoods, the Belvedere and Chicago Clubs are unique. The associations own the land and accessory buildings, including boat houses and meeting halls, while individuals own the homes. Each club has individual design and review standards for structures, which is also not typical of traditional single family neighborhoods. Because of these unique circumstances, future zoning regulations must continue to balance club interests with those of the broader community.

4.3 Current and Future Non-residential Land Uses.

CURRENT NON-RESIDENTIAL LAND USE

Despite its small town scale, Charlevoix has five distinct commercial development districts, segments or nodes, distinguished from one another by their predominant use and development character.

HIGHWAY/REGIONAL COMMERCIAL (MARION CENTER ROAD TO CARPENTER STREET)

The intersection of US-31 and M-66 near the Charlevoix Airport has a dominant regional/highway orientation. Large strip development, national restaurant chains and convenience stores, gas stations, banks, and other auto-oriented uses provide goods and services to tourists and residents, as well as the surrounding townships. Buildings are primarily single story and set back 75 feet or more from the roadway. Parking dominates the remainder of the lot and there are limited, if any, connections between adjacent developments.

MIXED LOCAL SERVICE COMMERCIAL/RESIDENTIAL

The character of development along US-31 south of downtown reflects an area in transition, introducing local service commercial into the once primarily residential corridor. Historically, this roadway was lined with early 20th century homes, much like those found in abutting neighborhoods. While many of these homes still exist, some have been converted to nonresidential uses (offices or other businesses). Over time non-residential infill development has occurred where homes were removed or vacant land between residences became available.

Nonresidential uses in the corridor include a variety of offices, local retail, and a church and school. Most of this development has

mimicked the setbacks and pattern of residential development along the corridor reasonably well. However, some infill development is significantly out of character. Parking lots and landscaping between the roadway and buildings are minimal. Strip commercial architecture interrupts the rhythm of the corridor.

DOWNTOWN CHARLEVOIX (FROM HURLBUT AVENUE TO THE PINE RIVER CHANNEL)

Downtown Charlevoix is the retail, cultural, and historic heart of the region. Most of downtown consists of traditional one to three story attached structures built to the sidewalk's edge. The exception is Oleson's Plaza, which is a strip-style development. Bridge and East Park afford public access to Round Lake and the marina. Much of the business community (mainly restaurants and retailers) caters to the Charlevoix's explosive influx of summer tourists. However, a variety of offices and personal service establishments are oriented mainly to local residents.

HOSPITALITY COMMERCIAL (PINE RIVER CHANNEL TO DIXON AVENUE)

While downtown Charlevoix extends a short distance across the Pine River Channel, the character north of the channel is decidedly different from the downtown core. Hospitality related uses including hotels, bed and breakfasts, and restaurants, rather than retail and office uses, lend a residential character to the corridor and blend with homes in surrounding neighborhoods. This transitional area features buildings set close to the roadway and includes elements of residential character including landscaped front yards, street trees, and pitched roofs.

MIXED LOCAL SERVICE COMMERCIAL

CIAL/LIGHT INDUSTRIAL RESIDENTIAL (FAIRWAY DRIVE TO MARTIN ROAD)

The US 31 corridor between Mercer Road and Martin Road is a mix of rural residential with scattered commercial and light industrial development. The C&O Club, Charlevoix Industrial Park, and Charlevoix Golf Course flank the corridor. Most nonresidential buildings are set 100 feet or more from the roadway and exhibit varied and not entirely harmonious construction styles. While most of this corridor is located in Charlevoix Township, the development pattern influences the perceived character of the City.

FUTURE NON-RESIDENTIAL LAND USE

REGIONAL COMMERCIAL

Given the existing development pattern, high traffic volumes, excellent visibility, and proximity to the airport, the area surrounding the intersection of US 31 and M 66 is well suited for intense Regional Commercial, including highway commercial or auto-oriented uses. The following elements should be considered for such development:

- This area is a major gateway into the community. Site design and building standards should be followed, and continually updated to ensure future development reflects an appropriate image for Charlevoix. Residents and visitors should be greeted with a first impression of a distinct, attractive, quality-conscious community, different from the monotonous repetition of every other place. This can be accomplished through zoning requirements and by introducing gateway elements, such as "welcome" and wayfinding signs, special landscape treatments, public art, etc.
- Since the continued development and promotion of downtown Charlevoix is

identified as a priority, uses allowed along US 31 near M 66 should be of a different type and scale than those found downtown. The two commercial areas should be distinct from one another to avoid duplication and undue competition. Both districts can thrive, if they retain their individual focus.

- The City should coordinate future land use plans with Charlevoix Township to prevent sprawl along US 31 and M 66 and to develop a unified character across community borders. Redevelopment of existing sites over new "greenfield development" should be encouraged.
- Access management requirements should be established through the zoning ordinance (possibly as an overlay district). Service or frontage roads, parking lot connections, shared driveways, and other techniques will ensure safe, convenient, and coordinated access to businesses, while protecting the traffic-carrying capacity of US 31 and M 66 and minimizing conflicts.

MIXED USE

This style of development promotes blending businesses and dwellings within the same site, or building. Low-intensity businesses and institutions that serve nearby neighborhoods are appropriate, such as offices, small convenience stores, and personal service establishments.

Three areas of the City that currently exhibit a variety of uses should retain that mixed use character. These locations are: 1) Along Bridge St. from Carpenter Ave. to Hurlbut Ave.; 2) north of downtown on US 31 from the Channel to Dixon Ave., and 3) from the south shore of Round Lake to Belvedere Avenue. These mixed use corridors should retain their current character of relatively low intensity office, condominium, single family and service uses.

Future nonresidential development along the corridors should reflect a residential character to blend with Charlevoix's well-established neighborhoods, east and west of US 31. Site development and building design elements of a high-quality residential atmosphere – pitched roofs, parking to the rear or side of the structure, well-maintained front yards and streetscape, entrances and windows facing the public street, and pedestrian amenities – should be incorporated into future development.

CENTRAL BUSINESS DISTRICT

Downtown should retain its position as the activity hub, not only for the City but the surrounding area. Rather than expanding its geography, attention should instead focus on continued infill development, redevelopment, and revitalization projects, streetscape and landscaping enhancements, and continued support for building façade improvements.

The ultimate mixed use district, downtown should contain a mix of retail, service, office, residential, public, and entertainment uses, as well as special uses that are found to create pedestrian traffic and promote a vibrant community environment. Retail, services and entertainment uses should be located at street level to enhance their visibility and pedestrian access. Other uses such as offices and residential, while important to the health of the business district, should be confined to upper floors of downtown buildings.

Upper level residential uses, in particular, are important to add energy and density to the downtown. While downtown Charlevoix is surrounded by residential neighborhoods, within easy walking distance of the business district, the addition of loft apart-

ments will inject a needed residential option to further support the vitality of the central core.



Attention to pattern and form in the downtown is as important as compatibility of use. New development should complement the established character. A consistent edge should be maintained along the street frontage with buildings built to the sidewalk. Parking should be located to the rear of buildings, ideally in central locations to serve entire blocks or sectors. Where parking is visible to the street, an attractive edge of landscaping or a low wall should be provided.

Building façades should be divided into smaller bays to maintain a rhythm of storefront patterns along the street to retain the

pedestrian scale. A consistent height, preferably two to three stories, should be maintained and reflected in appropriate development regulations.

Where feasible, rear access to businesses should be considered from central parking lots, often located behind downtown buildings. However, such access is not always possible due to building layout, location of storage rooms or because of security concerns. In any case, primary access should remain at the front to promote interaction among businesses and promote the street level activity that is essential to the health of the downtown.

The 2007 Downtown Blueprint and 2015 Market Study provide guidance and strategies for the future of downtown Charlevoix. The City should continue to work with the Downtown Development Authority to facilitate the recommendations and actions of the Blueprint as well as the preferred streetscape improvement alternatives for downtown area roadways.

EMPLOYMENT AREAS

Two areas of Charlevoix are natural attractors for employment opportunities; 1) the area surrounding the Charlevoix Municipal Airport, and 2) the Ance Industrial Park located on Taylor Street north of US-31. The City should work with the township toward a mutually beneficial plan for standardized zoning and expansion of the industrial park.

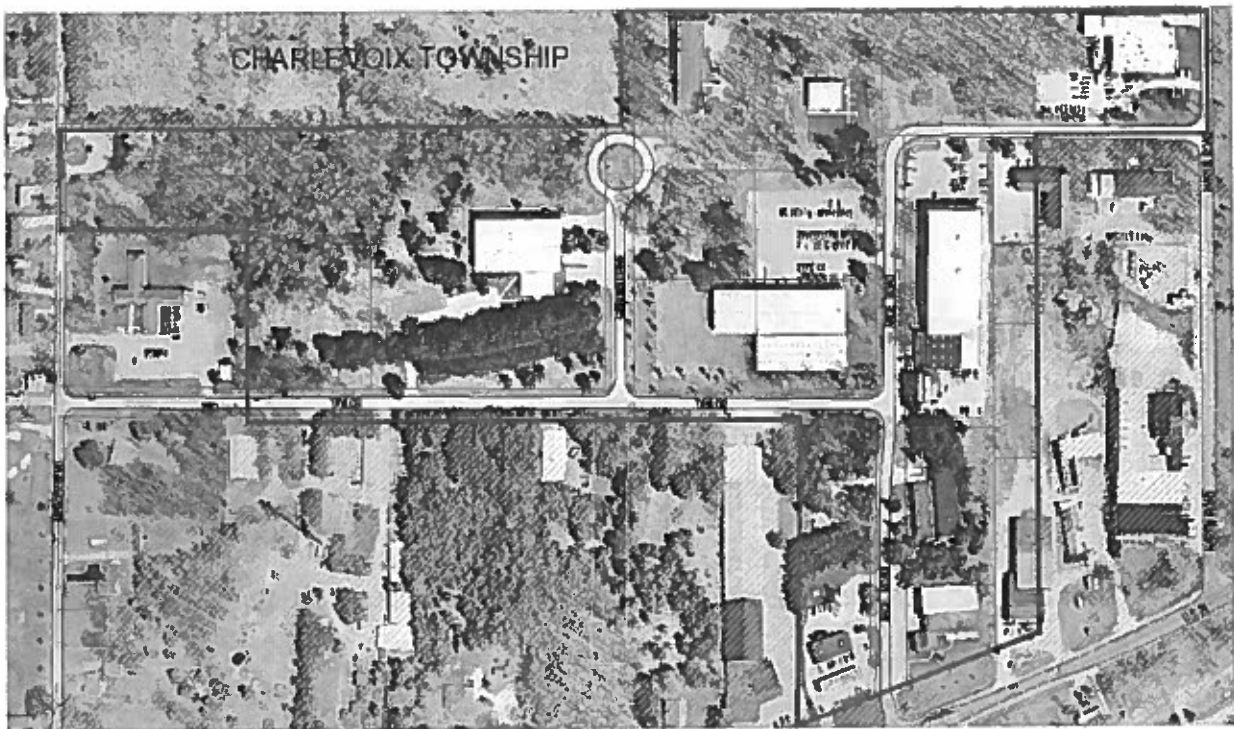
A growing trend in business park development is to better integrate employment areas with the rest of the community. Certain enhancements should be explored, such as pedestrian connectivity with nearby restaurants, businesses and neighborhoods; improved streetscapes and landscape standards. Design standards addressing building

materials and facades should also be considered.

Greater flexibility should also be considered for the future expansion of the City's employment districts. A wider variety of potential uses such as office, research and development, laboratories, light industrial/manufacturing, and service commercial can act to stimulate development. Supporting green efforts such as on-site alternative energy generation, coordinated recycling, innovative stormwater management practices, and LEED building certification and construction practices could attract new users to the industrial park. High speed internet and fiber optic systems being installed throughout the industrial park could also spur economic development in the form of software companies, E-commerce (internet based sales), and even home based businesses.

CHARLEVOIX AREA SCHOOLS

Recently, the Charlevoix Public Schools system has had to undergo changes related to falling attendance numbers. Charlevoix Middle School was closed and students consolidated in the elementary and high schools. As of the adoption of the plan, the school system has set up a committee to investigate further facility actions, including the possibility of relocation, as now the elementary school is in need of extensive repairs. City officials or committee members should seek to be involved in this process as the future use of the large properties owned by the school system will almost certainly have an important impact on the development of Charlevoix.



The Ance Industrial Park on the north side of Charlevoix.

SCENIC RESERVE

Scenic Reserve properties include both public and private lands that have high scenic, recreational and aesthetic value. These properties are typically along the water and help define the character of Charlevoix. Private property owners who actually own the land and those that live in the immediate vicinity are concerned about future development of these properties. The general public also has a keen interest in future development of these properties because of their scenic and environmental value.

Publicly owned examples of Scenic Reserve properties include Depot, Ferry and Michigan Beach Parks, East Park, and City owned land along the north side of the Pine River Channel and the DNR Fisheries Station. Privately owned examples of scenic reserve properties include Old Island owned by the

Chicago Club, and the beach area on the east side of Ferry owned by the Belvedere Club.

Future zoning considerations should allow for continued recreational facilities and associated development. Limited development should occur in these areas paying special attention to structure heights, setbacks, stormwater management, and other environmental considerations.

PUBLIC AND INSTITUTIONAL FACILITIES

Uses in the Public and Institutional Facilities designation are limited to government and quasi-government facilities such as schools, libraries, and government centers. Examples include the County Building, City Hall, the Electric Department, Water Treatment Plant, the Commission on Aging Building, and the former Charlevoix Middle School building.

4.4 Zoning Analysis and the Zoning Map.

The following Zoning Analysis provides a description of existing zoning districts established by the Zoning Ordinance adopted in 2013 and their uses, and compares that with proposed future land uses. This allows property owners to see how their existing zoning district relates to future land uses. Following this zoning matrix, a scaled down copy of the current zoning map is provided to determine which zoning district your property is located in.

Future Land Use Plan Designation	Corresponding Zoning Districts
Low-Density Residential	R1 and some lots in R2. The intent of this district is to encourage the construction and continued use of land for low density single-family dwellings and to prohibit other uses that would substantially interfere with the development or continuation of single family dwellings. The City should consider implementing new regulations for certain neighborhoods that can better protect and enhance existing and desired neighborhood character.
Medium-Density Residential	R2 - Medium Density Residential. These properties include the most residential lots on the southwest side of the City. Typically these residential areas were the first developed as the City spread out from the downtown core. Flexible zoning regulations should allow for and encourage redevelopment and improvement of these older structures consistent with neighborhood character.
High-Density Residential	R4 - Residential Planned High Density; is designed primarily for apartment and condominium style buildings with more units per acre than single family lots.
Residential Multi-family	R2A - Residential Medium Density - Multi-family: These properties include duplexes and could include large Victorian style homes that have been converted into multiple rental units. Careful consideration should be given to ensure these developments do not adversely affect neighborhood character.
Private Club Residential	PC - Private Club Residential; This includes the Belvedere and Chicago Clubs who have historically been zoned R-1 which has been problematic when administering zoning. The clubs have other recreational and commercial functions within the club boundaries. The homes do not have lots lines surrounding the structures.
Mixed Use	CM - Commercial Mixed Use: This includes developments such as the Edgewater, and older homes on Bridge Street that have offices or retail on the first floor with living space above. Building size, architecture, landscaping and parking will be important factors in ensuring future developments are consistent with the surrounding area.

Future Land Use Plan Designation	Corresponding Zoning Districts
Highway Commercial	The GC – General Commercial District best corresponds to this category and is intended to provide businesses and services usually found in major shopping centers and business areas on the outskirts of the City. The areas are better suited for larger scale commercial developments including shopping centers, big box stores, gas and service stations, chain stores, car dealerships, and fast food restaurants. These commercial uses are not historically located downtown and could detract from the unique character of the downtown.
Downtown Central Business District	CBD - Central Business District: This area is considered the core of the City where a variety of light retail, restaurants, residential (condos), and recreation uses blend to create a vibrant downtown. Special consideration should be given building design and architecture, in addition to addressing parking and congestion problems.
Hospitality Commercial	CH: Commercial Hospitality and some properties in GC and CM: These properties include hotels, motels, potentially bed and breakfasts and associated uses, typically in the same building. Associated uses may include gift shops, restaurants, conference rooms, offices for staff, etc. A number of these properties have separate owners for each unit with oversight by a Board of Directors.
Marine Commercial	MC - Marine Commercial: This area includes a mixture of land uses including marinas, professional offices, single and multi-family residential.
Industrial	I - Industrial: The Ance Industrial Park is the primary focus for future industrial uses and employment areas, where a variety of uses could occur to boost the local economy including manufacturing, information technology, and green (environmental) related industries.
Public Facilities	PF – Public Facilities: This designation includes public buildings such as the library, City Hall, the County building, and other municipal buildings.
Scenic Reserve	SR - Scenic Reserve: These areas are typically near the water and have high scenic and aesthetic value to the property owners and the general community. Examples include public parks, the City Marina, Michigan Beach, and beach area owned by the Belvedere Club.

4.5 Transportation

AUTOMOBILE TRAFFIC ON US 31

As it approaches the downtown from the north, US 31 is two-lanes in each direction to Park Avenue and from the south to Antrim Street. Between Park and Antrim, through downtown, US 31 is one lane in each direction with parallel parking on either side. In 2004, the corridor reached a peak of approximately 21,200 vehicles daily. However, the most recent (2013) traffic counts show an average daily volume between 12,000 and 13,000 vehicles, and there is no reason to expect that this will increase significantly.

These figures, however, do not reflect the seasonal nature of traffic volumes, with June, July, and August experiencing the heaviest flows.

Frequent summertime bridge openings also results in regular traffic backups, and another significant and typically overlooked source is the choking of four lanes down to two at the Park Avenue and Antrim Street intersections. However, parking lanes on either side of Bridge Street are not only valued by downtown businesses, they also provide a separation from travel lanes, thereby increasing pedestrian comfort and safety. It is imperative on-street parking remain.

New traffic counts should be completed during the summer months and carefully evaluated, in cooperation with MDOT. Such a study may reveal alternative designs or other recommendations such as transitioning from four to two lanes well before downtown, allowing traffic to sort out earlier, and alleviating summer traffic conflicts at least in the downtown.

Control of the location and spacing of

driveways or access points along US 31 outside of the downtown will improve safety and help preserve the roadway's ability to carry traffic. Despite its attractiveness for businesses due to the visibility and daily traffic, US 31 is a state highway that's primary purpose is to carry high volumes of traffic long distances. Balancing these often competing functions is a challenge in any community. One technique that can help is access management, i.e., the control of access to properties abutting busy arterials. Access management can protect the public investment in the roadway by minimizing congestion and crash potential and allow reasonable access to abutting properties. The goal of access management is to facilitate traffic operations and improve public safety along major roads. Access management regulations, incorporated into the Zoning Ordinance, should address the following factors:

- **Number of Access Points:** Because the number of driveways allowed along major roads will affect traffic flow, ease of driving and crash potential, the number of driveways should be limited. Alternative access should be provided from side streets or shared driveways wherever possible.
- **Sight Distance:** Proper sight distance needs to be maintained at driveways and intersections to ensure vehicles can safely enter or exit the traffic stream.
- **Driveway Spacing:** Driveways need to be adequately spaced from intersections and other driveways to help reduce conflicting turning movements.
- **Interconnection:** Whenever possible, drives or parking lots should be interconnected so travel from one site to an adjacent or nearby site does not require re-entering the main traffic stream.

The intersections of US 31 with West Dixon and Pine River Lane, are especially problematic because they are dead-end roads and do not provide secondary ingress or egress. The lack of secondary access and the construction of high density developments including Points North, LaCroft, and the Weathervane Terrace increases the traffic loads on these intersections specifically during the summer months. Therefore, additional high density development, or commercial uses that generate significant traffic trips may not be appropriate for this area.

MUNICIPAL AIRPORT (CVX)

The Charlevoix Municipal Airport is a general utility, primary, public airport currently hosting two charter-based operators, Island Airways and Fresh Air Aviation. These commercial operators provide transportation to and from Beaver Island. CVX also serves the needs of a local flying club, local general aviation pilots, business jets, transient charter operations, local businesses, flight training, Coast Guard, medical flights and other periodic military operations. The airport currently provides one all-weather runway and one seasonal grass landing strip. Leasable hanger space, public terminal, flight training, aircraft maintenance/repair, accessibility to car rental, and refueling equipment are among its amenities. The airport also receives traffic from seasonal residents returning to the community throughout the year with especially heavy traffic during the summer months. In the winter, when the ferry is closed, CVX serves as the primary airport for transporting people, goods, services, groceries and medicines to Beaver Island.

The 10-year airport capital improvement program calls for major renovations begin-

ning in 2010. Planned future improvements include: new runway overlay and grooving, construction of new hangar facilities, new airfield runway lighting, new taxiway lighting, taxiway rehabilitation, and updating the Airport Master Plan/Lease Agreements/Minimum Standards/Rules & Regulations. CVX also qualifies for FAA Entitlement monies due to its enplanement numbers; the City currently receives \$1M dollars annually for approved FAA Airport Capital Improvement Projects. (i.e., monies not generated through local taxes) These monies are appropriated to our airport from the FAA through national ticket and aviation fuel taxes, and if the City does not use the funds, they will be lost to other facilities in Michigan or other states. The entitlement dollars can only be used for capital improvements and may not be used for the airport's general operating fund or airport maintenance. Our local fees, fuel revenue, parking revenue, airport land leases and hangar rents support the operating fund.

The airport is an important link between the Charlevoix community, Beaver Island, and distant metropolitan/international areas. The city should continue to expand and enhance the airport and surrounding area to create an attractive regional transportation hub for employers, tourists, and residents. Charlevoix Municipal Airport serves as an important economic catalyst for Charlevoix, Beaver Island and northern Michigan. The airport is the first and last thing many visitors to the area see. The airport also brings valuable dollars into our area hotels, retail, restaurants and businesses. Many of our local businesses use our airport to transport their goods and services to regional/national/international

markets. It is in the City's best interest to promote, update and improve its airport to bring more people, dollars and revenue to our community to help ensure future economic growth.

BEAVER ISLAND FERRY

Beaver Island ferries have operated out of Charlevoix as the primary method of transporting people and materials to and from Beaver Island for over 100 years. Operating out of a dock on Round Lake immediately adjacent to downtown, the Beaver Islander and the Emerald Isle are owned by the Beaver Island Boat Company (BIBCO) and make hundreds of trips between Charlevoix and Beaver Island every year. Also, Island Airways and Fresh Air Aviation operate out of the Charlevoix Municipal Airport as additional methods of transportation to Beaver Island.

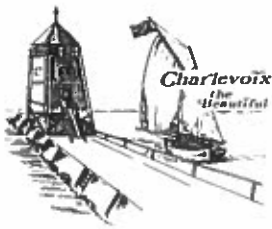
The City has unique ties to Beaver Island that should be continually promoted and addressed. BIBCO, Island Airways and Fresh Air Aviation have passenger parking needs that need to be taken into consideration and addressed as part of the master plan for the area. Currently, BIBCO uses the parking lot of the former Charlevoix Middle School for its users, while Island Airways and Fresh Air Aviation use the parking lot at the airport. Should conditions change at either location, the City should investigate different options for accommodating the large number of cars that need to be stored annually. Charlevoix's link with Beaver Island is historically and economically important to both parties and should be maintained for the benefit of all.

NON-MOTORIZED TRANSPORTATION

Both its small town scale and the influx of seasonal visitors each summer warrant,

even demand, that Charlevoix be made as pedestrian friendly as possible. Pedestrian/bicycle pathways can support alternate ways of getting around the City, as well as offering leisure opportunities and public access to its many resources.

Currently, non-motorized transportation in Charlevoix includes intermittent sidewalks and a bicycle paths connecting downtown to the Little Traverse Wheelway, as well as the Lake to Lake trail connecting Fisherman's Island State Park to town along US-31 and M-66. Non-motorized links should be expanded to connect parks and recreational areas, schools, downtown Charlevoix, US 31 corridor, and lakeshores. Gaps in the sidewalk system should be identified and prioritized for completion to create easily accessible routes through neighborhoods. To help encourage residents and visitors alike to venture into and explore Charlevoix and beyond, additional inter-connected bicycle lanes, trails, and pathways throughout the broader community should continue to be explored. Charlevoix should work with surrounding municipalities, townships, and Charlevoix County to further interconnect regional non-motorized trails that provide opportunities for a wide variety of recreational and transportation options.



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
Phone: (231)547-3265 Fax: (231)547-3617

ZONING BOARD OF APPEALS DECISION AND ORDER

November 10, 2016

City of Charlevoix Planning Commission
210 State Street
Charlevoix, MI 49720

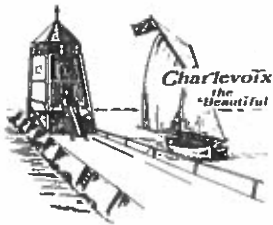
Dear Planning Commission Members,

As you are aware, the Zoning Board of Appeals held a public hearing on November 2nd, 2016 to review your request for an interpretation of certain sections of the City of Charlevoix Zoning Ordinance related to single family residential corner lots. This document serves as formal notification of the ZBA's interpretation in accordance with the City of Charlevoix Zoning Ordinance and the Michigan Zoning Enabling Act.

Please contact the City Planning Office at 547-3265 if you have any questions or concerns.

Regards,

Greg Withrow
Chairman of the Zoning Board of Appeals



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

OFFICE OF PLANNING AND ZONING

Zach Panoff, Interim City Planner/ Zoning Administrator

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Phone: (231)547-3265 Fax: (231)547-3617

ZONING BOARD of APPEALS AGENDA ITEM

AGENDA TITLE: Project 2016-13 ZBA: Planning Commission Request for Interpretation Regarding Single Family Residential Corner Lots.

PUBLIC HEARING DATE: Wednesday, November 2, 2016 6:00 PM

PRESENTED BY: Zach Panoff, Interim City Planner

- | | |
|------------------|--|
| EXHIBITS: | <ol style="list-style-type: none">1. Exhibit Photos2. Project file: 2016-13 ZBA and all contents.3. City of Charlevoix Zoning Ordinance. |
|------------------|--|

DECISION AND ORDER:

I. PROPOSAL:

The City of Charlevoix Planning Commission has received questions over the last few months related to determining the primary front yard for corner lots in single family residential districts, and the setbacks that would come with it. As it is not their role to interpret the Zoning Ordinance, they have asked for an interpretation from the ZBA. The main questions that have come up are:

1. Does the address of a property factor into determining its primary front yard?
2. Can the primary front yard of a corner property be changed if additions/alterations are made to the primary structure to reorient it on the site?
3. Which section of the code takes precedent when determining the front lot line of a property?
4. Can existing nonconforming buildings or conditions have an effect on determining which yard is which on a property?

There are a few sections of the ordinance that deal with corner lots, I have included them later in this report for your direct reference. Your decision will apply to corner properties requesting zoning permits or variances in the R1 or R2 Zoning Districts in the future.

II. STAFF COMMENTS AND DRAFT FINDINGS OF FACT:

STAFF COMMENTS:

There may be some inconsistent language in the Zoning Ordinance regarding determining the front lot line of a parcel in single family residential districts. The following sections related to corner lots are taken directly from the ordinance. Sections 5.11(1) and 5.60(1) may be considered conflicting when it comes to determining a front yard on such a lot (the most relevant language is underlined). Exhibits are included after the report to demonstrate the conditions in question as they already exist in some locations throughout the City.

5.11. Definitions L – M

Lot Lines.

- (1) *Front Lot Line.* In the case of an interior lot, the line separating the lot from the street right-of-way or road easement. For a corner lot, the front lot line shall be the shortest of the two lot lines tangent to the street right-of-way or road easement. In the case of a through lot, the front lot line shall be determined by the zoning administrator based on the dominant orientation of abutting and facing lots.
- (2) *Rear Lot Line.* The lot line opposite and most distant from the front lot line. In the case of an irregular, triangular or flared lot, the rear lot line shall be a line at least ten (10) feet in length entirely within the lot, parallel to and at the maximum distance from the front lot line. An undeveloped through lot does not have a rear lot line.
- (3) *Side Lot Line.* A lot line that is neither a front lot line, nor a rear lot line.
- (4) *Street Side Lot Line.* A side lot line abutting a street on a corner lot.

5.14. Definitions R – S

Setback. The minimum required horizontal distance, measured from the lot lines to a building or structure as designated for a zoning district.

- (1) *Front Setback Line.* The line marking the required setback from the front lot line, which establishes the required front yard setback.
- (2) *Rear Setback Line.* The line marking the required setback distance from the rear lot line, which establishes the required rear yard.
- (3) *Side Setback Line.* The lines marking the required setback distance from the side lot lines, which establishes the required side yards.

5.16. Definitions W – X – Y – Z

Yard. The open spaces on a lot located between a building and a lot line. The term “required yard” refers to the portion of the yard lying between the lot lines and required setback lines.

- (1) *Yard, Front.* The space extending the full width of the lot, the depth of which is the furthest horizontal distance between the front lot line and the building line of the principal building.
- (2) *Yard, Rear.* The space extending the full width of the lot, the depth of which is the furthest horizontal distance between the rear lot line and the building line of the principal building. A through lot is not considered to have a rear yard.

- (3) *Yard, Side.* The space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the furthest horizontal distance from the side lot line to the nearest building line of the principal building.
- (4) *Yard, Street Side.* A side yard located between a principal building and a street side lot line on a corner lot.
- (5) *Yard, Required.* The area within the required setback, on all sides of a building.

5.60. Setback Requirements

- (1) *Front Setback on Corner Lots.* A corner lot shall have two front lot lines: a principal front lot line and a secondary front lot line. The principal front lot line shall be the location of the traditional front entrance of the structure. Where the lot lines are of equal length, and/or the principal front lot line is not evident, then the zoning administrator shall determine the principal front lot line.
 - (a) The required front setback shall apply to the principal front yard.
 - (b) The required setback for the secondary front yard shall be the lesser of the required front setback or the established setback for the principal building on the abutting lot that faces the same street as the secondary front lot line.
 - (c) The remaining setbacks shall be a rear and a side setback. The rear setback shall be measured from the rear lot line, which in the case of a corner lot, shall be the lot line opposite the principal front lot line.

1. Does the address of a property factor into determining its primary front yard? (Exhibits 1-4)

This, or any similar standard, is not found in the current zoning ordinance and, to my knowledge, was not in the previous 1977 zoning ordinance, at least not as it stood when the 2013 ordinance was adopted. As property owners may be able to change the orientation of the house without being required to change an address that was assigned many years ago, my position is that this is not a factor to be considered when determining the primary front yard of a residential property.

2. Can the primary front yard of a corner property be changed if additions/alterations are made to the primary structure to reorient it on the site? (Exhibits 5-9)

There is nothing in the zoning ordinance preventing a property owner from altering the structure (in such a way that meets the requirements of the ordinance) so that their primary front entrance is changed from front one street to the other on a corner lot. I am of the opinion that this would have the effect of changing which front yard is considered the primary front yard, regardless of what was the previous condition on the site.

3. Which section of the code takes precedent when determining the primary front yard of a property?

I have identified Sections 5.11(1) and 5.60(1) as potentially conflicting in the code excerpts above. This could potentially be an issue as several corner lots in town do not have what may be considered their primary entrance located on the street fronted by the shorter of the two front lot lines. This could lead to some confusion or gray area when determining the primary front yard for

Project 2016-13 ZBA Decision and Order November 2, 2016 Page | 4

setback purposes. The definition of a front lot line (5.11(1)) adds the portion dealing with the shorter of the two frontages being the front lot line, and I believe it could be made clearer if that were removed and Section 5.60 was left to determine where the primary front yard of a structure is. The language in 5.11 is unnecessary in my opinion, and only serves to potentially confuse things. If the ZBA agrees, I would propose a change of the ordinance to the Planning Commission.

4. Can existing nonconforming buildings or conditions have an effect on determining which yard is which on a property? (Exhibits 10-14)

Nonconforming buildings, uses and other conditions that are currently existing, but were built or established in conformance with the zoning ordinance in effect at the time, are currently allowed to remain and be repaired, as long as they are not expanded. The question that has come before the Planning Commission is whether or not those would disqualify a corner lot from having the front yard that such a nonconforming structure is located in, from being considered its primary front yard, or a front yard at all. Given that there are very few situations like this in town, it is not a widespread issue, but could impact a few lots. Detached accessory structures are not allowed in front yards under the current ordinance, so the current minor issue with those types of nonconforming structures won't become anymore widespread with lawfully built structures. Given that, and that nonconforming structures are allowed to remain as built, unless they pose a danger to adjacent property, I do not think that existing nonconforming structures should have any effect when it comes to determining front, side or rear yards on a property.

Based on these questions the Planning Commission would like an interpretation for future use and determination of primary front yards on corner lots in residential zones. I would also like feedback from the ZBA on this issue and we can discuss in greater detail at the meeting.

FINDINGS OF FACT:

The ZBA finds that Sections 5.11(1) and 5.60(1) of the Zoning Ordinance contain overlap and potential conflict in their language. It is recommended that the Zoning Administrator submit potential changes to the language in Section 5.11(1) to the Planning Commission for their consideration that removes the portion of the definition that states, "For a corner lot, the front lot line shall be the shortest of the two lot lines tangent to the street right-of-way or road easement." Additionally, it is requested that the Planning Commission investigate whether it is feasible to establish that single family residential corner lots do not have rear yards, just two side yards and two front yards. Requiring that corner lots have rear yards may be an unnecessary burden on those property owners, whose overall lot usage would still be governed by lot coverage and other factors.

III. ZBA DECISION AND ORDER:

Motion to make the interpretation that potential conflicts exist within the Zoning Ordinance and should be addressed by the Planning Commission based on the findings of fact contained herein.

Motion Passed 4-0.

CITY OF CHARLEVOIX
ZONING BOARD OF APPEALS MINUTES
Wednesday, November 2, 2016 - 6:00 p.m.
210 State Street, City Hall, Charlevoix, MI

A) CALL TO ORDER

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

B) ROLL CALL/PLEDGE OF ALLEGIANCE

Members Present: Greg Bryan, Ann Gomey, Pat Miller, Greg Withrow
Members Absent: Gary Anderson, Bob Bergmann, Art Nash
Staff Present: Interim City Planner Zach Panoff

Chair Withrow indicated that there was a quorum present.

C) INQUIRY INTO POTENTIAL CONFLICTS OF INTEREST

None.

D) APPROVAL OF AGENDA

No changes.

E) APPROVAL OF MINUTES

Motion by Member Gomey, second by Member Miller, to approve the August 3, 2016 meeting minutes as presented.
Motion passed by unanimous voice vote.

F) NEW BUSINESS

1. Public Hearing for Project 2016-11 ZBA: Variance request from Nicholas Whitley, 1209 State St.

a. Staff Presentation.

Interim Planner Panoff presented background of the project and stated that the applicant was requesting a dimensional variance from the City's Zoning Ordinance for the construction of an addition to his home at 1209 State Street. The applicant wishes to construct a 14' x 16' addition to the north side of the home in the side yard, and a 17' x 4' addition to the east side of the home in the front yard. The proposed addition does not meet the setback requirements for side yards in an I-Industrial Zone. The existing home was present when the property was designated as part of the West Carpenter/State Street Industrial Overlay District as part of the 2013 Zoning Ordinance adoption.

Interim Planner Panoff noted that Industrial Zone setbacks were more restrictive and this issue involved side yard setbacks.

b. Applicant Presentation

Jodi Bergmann, representing the Whitleys, stated that this was a residential property and the City decided to zone it Industrial. She questioned the legality of changing the zoning to Industrial when families were living in three of the homes that were re-zoned. Ms. Bergmann indicated that the Whitleys wanted to add a master bathroom and add on to the living room. She stated that the additions met the residential setbacks.

c. Call for Public Comments

None.

d. ZBA Determination of Findings of Fact

No discussion.

e. Motion

Motion by Member Bryan, second by Member Gomey that the Board approve Project 2016-11 ZBA without conditions based on the findings of fact contained in the staff report.

Yeas: Bryan, Gomey, Miller, Withrow

Nays: None

2. Public Hearing for Project 2016-12 ZBA: Variance request from Tom Heckman and Linda Sawyer, 201 E. Lincoln Ave.

a. Staff Presentation

Interim Planner Panoff presented background of the project and stated that the owners were requesting dimensional and rear lot coverage variances from the City's Zoning Ordinance for an addition and new detached garage at 201 E. Lincoln Avenue. The applicants wish to construct a 10' x 43' carport addition to the existing home, and a new 24' x 27' detached garage in the rear yard. The proposal does not meet Section 5.27(2) for side setbacks, Section 5.46(1)(h) for rear accessory structure setbacks and Section 5.46(1)(f) for rear yard lot coverage.

Interim Planner Panoff referenced the conceptual photos on page 31 of the packet and explained that the applicant wanted to build a carport with storage above it. He stated that the main portion of the house would come within 4' of the west property line and the proposed garage would allow for a 3' rear yard setback. He indicated that the lot was 50' x 90' and the garage would need a rear lot coverage variance because the applicant was asking to cover 31.8% of the rear yard with the proposed detached garage. Member Miller questioned the less than 50% lot coverage as the diagrams made it look like the structures covered more than 50% of the lot, and Interim Planner Panoff replied that the lot coverage with the proposed structures was approximately 48%.

b. Applicant Presentation

None.

c. Call for Public Comments

None.

d. ZBA Determination of Findings of Fact

Member Gomey felt that the applicants wanted living quarters above the garage in the rear. Chair Withrow stated that he was inclined to table this matter until the applicants were present for a meeting. Member Gomey stated that she would like the lot coverage ratio re-calculated as it appeared to be over 50% and Member Bryan stated that he did not like the setbacks on the west side. Chair Withrow felt that Public Safety should be asked if other people build on the adjacent lots would that change their mind regarding access to the subject property once the proposed structures were built. He felt that they could not authorize a variance knowing that it impacts another property owner. Member Gomey questioned if the Project was tabled could the applicants come back to the Board with less than three variance requests. Chair Withrow stated that the applicants should be aware that the Board has a fair amount of hesitancy with respect to the variance requests.

e. Motion

Motion by Member Bryan, to turn down the Project and they could re-apply with a revised plan. No second to the motion.

Motion by Member Gomey, second by Member Miller to table this Project until such time as the applicants could be present at a meeting to present their proposal.

Yeas: Bryan, Gomey, Miller, Withrow

Nays: None

3. Public Hearing for Project 2016-13 ZBA: Interpretation request from the Planning Commission regarding current lots

a. Staff Presentation

Interim Planner Panoff explained that in the past few months the Planning Commission received questions related to determining the primary front yard for corner lots in single family residential districts, and the accompanying setbacks. The Planning Commission asked for an interpretation from the ZBA on these main questions:

1. Does the address of a property factor into determining its primary front yard?
2. Can the primary front yard of a corner property be changed if additions/alterations are made to the primary structure to reorient it on the site?
3. Which section of the Code takes precedent when determining the front lot line of a property?

4. Can existing non-conforming buildings or conditions have an effect on determining which yard is which on a property?

Interim Planner Panoff referenced materials in the staff report including Section 5.11, *Lot Lines*, which includes language that reads: *For a corner lot, the front lot line shall be the shortest of the two lot lines tangent to the street right-of-way or road easement.* Section 5.50, *Setback requirements*, which reads: *A corner lot shall have two front lot lines; a principal front lot line and a secondary front lot line. The principal front lot line shall be the location of the traditional front entrance of the structure.*

Member Gorney disclosed that she lived on a corner lot and Chair Withrow stated this was not a conflict.

b. Call for Public Comments

Al Wojan stated that his sister asked him to speak on her behalf and informational copies with pictures that may aid the discussion were distributed. He briefly explained the history of why this issue was before the Board and fully reviewed exhibits included in the information he provided to the Board. He reviewed inconsistencies in the applications, and pictures of the property at Sheridan and Hurlbut Streets, and other corner lots in the City. He questioned who enforces the applicable ordinances and how a determination could be made with the obvious ambiguity in the Zoning Ordinance.

Madeline Renauld, 503 W. Hurlbut, stated that she now has a garage that was built 11' from her side yard because Interim Planner Panoff turned the property around to have the front yard face W. Hurlbut. She stated that it said in the Zoning Ordinance that the traditional front entrance is the front yard where the property owner has a door and she is supposed to be 25' from her side yard but she was only 11'. She indicated that there has never been a survey. Ms. Renauld recalled that Interim Planner Panoff measured from the fence to the garage and noted that the fence is not the property line, so she has a garage, a shed and a fence on her side yard and "nobody seems to want to do anything about it".

Ms. Renauld questioned why the Zoning Ordinance provides for the traditional front yard and said that "if it isn't clearly evident then the Zoning Administrator can make the determination of what the front yard is". She felt that Sheridan Street is her neighbor's front yard.

Mary Eveleigh, Planning Commission member, stated that it was very confusing based on the two sections in question as it was hard to determine lot lines on corner lots. She felt that the ZBA needed to determine what the Ordinance should say and eliminate any conflicts.

Chair Withrow indicated that the ZBA would review the issue and give an opinion, but it was up to the Planning Commission to make recommendations on Zoning Ordinance changes to be presented to City Council for consideration. Member Bryan commented that corner lots have been one of their main applications for variances.

c. ZBA Determination of Findings of Fact

Chair Withrow questioned whether staff had a preferred position on this matter and Interim Planner Panoff replied that he was in favor of clearing up the language. Chair Withrow questioned which provision Interim Planner Panoff thought was appropriate and easiest to enforce and Interim Planner Panoff suggested altering Section 5.11, the definition of a front lot line. He felt the sentence should be removed or altered to mirror previous ordinances or the first section of Section 5.60, whereby the principal front lot line shall be the location of the traditional front entrance of the structure.

Mr. Wojan felt that it was important if the traditional front entrance was used that the definition be clearly stated.

Member Miller questioned whether they would have to define a "traditional front entrance" and Interim Planner Panoff responded that it would be up to the Planning Commission. She questioned if the traditional front entrance would be the side where the address is and Chair Withrow answered that was generally the case. Discussion followed regarding normal lots, front entrances, side yards, rear and side setbacks, corner lots having two front yards and two side yards but no rear yard, and other provisions of the Zoning Ordinance relative to corner lots.

Mr. Wojan stated that in his search for answers he found it very difficult to find what he needed in the Zoning Ordinance. He said that when a zoning permit is issued the applicant has two years to activate that permit, and the adjacent property owner is not notified if there is no variance required. Once the zoning permit is issued the

adjacent owner only has 30 days to appeal the permit to the Zoning Board of Appeals. He felt that this issue should also be addressed.

Discussion followed regarding the building permit process.

Member Bryan recommended that the contradiction in Section 5.1, Lot lines (1) be removed, specifically the sentence that reads: *"For a corner lot, the front lot line shall be the shortest of the two lot lines tangent to the street right-of-way or road easement."* and leave Section 5.60 as written. Chair Withrow recommended that a change in the definition of a corner lot relative to rear yards should be changed as he felt there should be two front lot lines and two side yards.

d. Motion

Motion by Member Bryan, second by Member Miller for the ZBA to make its interpretations based on the findings of fact contained (specifically #3) and to also ask that the Planning Commission address the need to redefine a corner lot by eliminating the rear yard and including two front lot lines and two side yards. Motion passed by unanimous voice vote.

Findings of Fact #3: *"The ZBA finds that Sections 5.11(1) and 5.60(1) of the Zoning Ordinance contain overlap and potential conflict in their language. It is recommended that the Zoning Administrator submit potential changes to the language in Section 5.1(1) to the Planning Commission for their consideration that removes the portion of the definition that states, "For a corner lot, the front lot line shall be the shortest of the two lot lines tangent to the street right-of-way or road easement."*

G) **CALL FOR GENERAL PUBLIC COMMENT**

Chair Withrow referenced a home at the corner of Dixon and Mercer where 6' stakes with cables were installed to keep the deer out which looks a fence to him. He said there is another house on Dixon that has plastic fence above the normal fence to keep the deer out, both in the front yards. He stated that in theory, both are illegal according to the Zoning Ordinance. He recalled that the ZBA recently refused two zoning applications for different fence heights that are the same issue. He asked Interim Planner Panoff to consult with the City Manager to see what to do about the situation.

Ms. Renauld reiterated her concerns about the property next door to her home as discussed previously in the meeting.

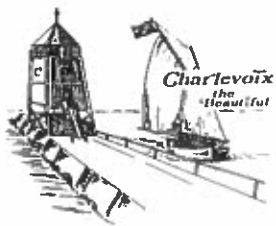
H) **ADJOURNMENT**

Motion by Member Gorney, second by Member Miller to adjourn the meeting. Motion passed by unanimous voice vote.

The meeting adjourned at 7:20 p.m.

Greg Withrow, Chair

Joyce Golding/fgm, City Clerk



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

OFFICE OF PLANNING AND ZONING

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ZONING BOARD of APPEALS AGENDA ITEM

AGENDA TITLE:	<u>Project 2016-13 ZBA: Planning Commission Request for Interpretation Regarding Single Family Residential Corner Lots.</u>
PUBLIC HEARING DATE:	Wednesday, November 2, 2016 6:00 PM
PRESENTED BY:	Zach Panoff, Interim City Planner

EXHIBITS:	1. Exhibit Photos
	2. Project file: 2016-13 ZBA and all contents.
	3. City of Charlevoix Zoning Ordinance.

STAFF REPORT:

I. PROPOSAL:

The City of Charlevoix Planning Commission has received questions over the last few months related to determining the primary front yard for corner lots in single family residential districts, and the setbacks that would come with it. As it is not their role to interpret the Zoning Ordinance, they have asked for an interpretation from the ZBA. The main questions that have come up are:

1. Does the address of a property factor into determining its primary front yard?
2. Can the primary front yard of a corner property be changed if additions/alterations are made to the primary structure to reorient it on the site?
3. Which section of the code takes precedent when determining the front lot line of a property?
4. Can existing nonconforming buildings or conditions have an effect on determining which yard is which on a property?

There are a few sections of the ordinance that deal with corner lots, I have included them later in this report for your direct reference. Your decision will apply to corner properties requesting zoning permits or variances in the R1 or R2 Zoning Districts in the future.

II. STAFF COMMENTS AND DRAFT FINDINGS OF FACT:

STAFF COMMENTS:

There may be some inconsistent language in the Zoning Ordinance regarding determining the front lot line of a parcel in single family residential districts. The following sections related to corner lots are taken directly from the ordinance. Sections 5.11(1) and 5.60(1) may be considered conflicting when it comes to determining a front yard on such a lot (the most relevant language is underlined). Exhibits are included after the report to demonstrate the conditions in question as they already exist in some locations throughout the City.

5.11. Definitions L – M

Lot Lines.

- (1) *Front Lot Line.* In the case of an interior lot, the line separating the lot from the street right-of-way or road easement. For a corner lot, the front lot line shall be the shortest of the two lot lines tangent to the street right-of-way or road easement. In the case of a through lot, the front lot line shall be determined by the zoning administrator based on the dominant orientation of abutting and facing lots.
- (2) *Rear Lot Line.* The lot line opposite and most distant from the front lot line. In the case of an irregular, triangular or flared lot, the rear lot line shall be a line at least ten (10) feet in length entirely within the lot, parallel to and at the maximum distance from the front lot line. An undeveloped through lot does not have a rear lot line.
- (3) *Side Lot Line.* A lot line that is neither a front lot line, nor a rear lot line.
- (4) *Street Side Lot Line.* A side lot line abutting a street on a corner lot.

5.14. Definitions R – S

Setback. The minimum required horizontal distance, measured from the lot lines to a building or structure as designated for a zoning district.

- (1) *Front Setback Line.* The line marking the required setback from the front lot line, which establishes the required front yard setback.
- (2) *Rear Setback Line.* The line marking the required setback distance from the rear lot line, which establishes the required rear yard.
- (3) *Side Setback Line.* The lines marking the required setback distance from the side lot lines, which establishes the required side yards.

5.16. Definitions W – X – Y – Z

Yard. The open spaces on a lot located between a building and a lot line. The term “required yard” refers to the portion of the yard lying between the lot lines and required setback lines.

- (1) *Yard, Front.* The space extending the full width of the lot, the depth of which is the furthest horizontal distance between the front lot line and the building line of the principal building.
- (2) *Yard, Rear.* The space extending the full width of the lot, the depth of which is the furthest horizontal distance between the rear lot line and the building line of the principal building. A through lot is not considered to have a rear yard.

- (3) *Yard, Side.* The space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the furthest horizontal distance from the side lot line to the nearest building line of the principal building.
- (4) *Yard, Street Side.* A side yard located between a principal building and a street side lot line on a corner lot.
- (5) *Yard, Required.* The area within the required setback, on all sides of a building.

5.60. Setback Requirements

- (1) *Front Setback on Corner Lots.* A corner lot shall have two front lot lines: a principal front lot line and a secondary front lot line. The principal front lot line shall be the location of the traditional front entrance of the structure. Where the lot lines are of equal length, and/or the principal front lot line is not evident, then the zoning administrator shall determine the principal front lot line.
 - (a) The required front setback shall apply to the principal front yard.
 - (b) The required setback for the secondary front yard shall be the lesser of the required front setback or the established setback for the principal building on the abutting lot that faces the same street as the secondary front lot line.
 - (c) The remaining setbacks shall be a rear and a side setback. The rear setback shall be measured from the rear lot line, which in the case of a corner lot, shall be the lot line opposite the principal front lot line.

1. Does the address of a property factor into determining its primary front yard? (Exhibits 1-4)

This, or any similar standard, is not found in the current zoning ordinance and, to my knowledge, was not in the previous 1977 zoning ordinance, at least not as it stood when the 2013 ordinance was adopted. As property owners may be able to change the orientation of the house without being required to change an address that was assigned many years ago, my position is that this is not a factor to be considered when determining the primary front yard of a residential property.

2. Can the primary front yard of a corner property be changed if additions/alterations are made to the primary structure to reorient it on the site? (Exhibits 5-9)

There is nothing in the zoning ordinance preventing a property owner from altering the structure (in such a way that meets the requirements of the ordinance) so that their primary front entrance is changed from front one street to the other on a corner lot. I am of the opinion that this would have the effect of changing which front yard is considered the primary front yard, regardless of what was the previous condition on the site.

3. Which section of the code takes precedent when determining the primary front yard of a property?

I have identified Sections 5.11(1) and 5.60(1) as potentially conflicting in the code excerpts above. This could potentially be an issue as several corner lots in town do not have what may be considered their primary entrance located on the street fronted by the shorter of the two front lot lines. This could lead to some confusion or gray area when determining the primary front yard for

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setback purposes. The definition of a front lot line (5.11(1)) adds the portion dealing with the shorter of the two frontages being the front lot line, and I believe it could be made clearer if that were removed and Section 5.60 was left to determine where the primary front yard of a structure is. The language in 5.11 is unnecessary in my opinion, and only serves to potentially confuse things. If the ZBA agrees, I would propose a change of the ordinance to the Planning Commission.

4. Can existing nonconforming buildings or conditions have an effect on determining which yard is which on a property? (Exhibits 10-14)

Nonconforming buildings, uses and other conditions that are currently existing, but were built or established in conformance with the zoning ordinance in effect at the time, are currently allowed to remain and be repaired, as long as they are not expanded. The question that has come before the Planning Commission is whether or not those would disqualify a corner lot from having the front yard that such a nonconforming structure is located in, from being considered its primary front yard, or a front yard at all. Given that there are very few situations like this in town, it is not a widespread issue, but could impact a few lots. Detached accessory structures are not allowed in front yards under the current ordinance, so the current minor issue with those types of nonconforming structures won't become anymore widespread with lawfully built structures. Given that, and that nonconforming structures are allowed to remain as built, unless they pose a danger to adjacent property, I do not think that existing nonconforming structures should have any effect when it comes to determining front, side or rear yards on a property.

Based on these questions the Planning Commission would like an interpretation for future use and determination of primary front yards on corner lots in residential zones. I would also like feedback from the ZBA on this issue and we can discuss in greater detail at the meeting.

DRAFT FINDINGS OF FACT:

Below are draft findings of fact that could be used as a starting point. As always the ZBA can add to these, modify them, or delete them as seen fit.

- 1. The ZBA finds that the address of a single family residential property does not affect what would be considered its front yard. That requirement is not established in the ordinance and due to the possibility of property owner lawfully changing the layout and orientation of their home on a site, could potentially be a burden on citizens that own corner lots within the city limits.*

The ZBA finds that, in certain situations where a home may have what appear to be two primary entrances, driveways accessing the subject site from two directions or other unusual conditions, the address of a property may be considered when determining the primary front yard of a corner single family residential lot.

- 2. The ZBA finds that a property owner may change the orientation of a home on a corner single family residential lot by adding or removing entrances, or entrance type structures, that meet the setback, height, etc. requirements of the zoning ordinance. This may result in the*

designation of the primary front yard being changed from one frontage to another and adjusting the setback requirements for the lot as such.

The ZBA finds that the designation of the primary and secondary front yards on corner single family residential lots cannot be affected by the actions of the property owner. Once those have been established, they may not be changed by alterations to the structure.

3. *The ZBA finds that Sections 5.11(1) and 5.60(1) of the Zoning Ordinance contain overlap and potential conflict in their language. It is recommended that the Zoning Administrator submit potential changes to the language in Section 5.11(1) to the Planning Commission for their consideration that removes the portion of the definition that states, "For a corner lot, the front lot line shall be the shortest of the two lot lines tangent to the street right-of-way or road easement."*

The ZBA finds that both Sections 5.11(1) and 5.60(1) are necessary as is in the Zoning Ordinance and do not conflict with one another.

4. *The ZBA finds that existing nonconforming structures on a site may be used for determining the primary front yard in certain situations where a home may have what appear to be two primary entrances, driveways accessing the subject site from two directions or other conditions where the front entrance is not immediately evident. The Zoning Administrator may factor such structures into their interpretation of the ordinance when necessary.*

The ZBA finds that existing nonconforming structures, located in either of the front yards of a corner single family residential lot, do not have an effect on which is considered that property's primary front yard. As long as such a structure is maintained legally and any proposed alterations to other structures on the site meet the requirements of the Zoning Ordinance, the nonconforming structure has no bearing on what would be considered the primary front yard.

III. ZBA OPTIONS:

Option 1: The ZBA makes its interpretations based on the findings of fact contained herein.

Option 2: The ZBA table the decision. (Typically this is done based on the need for additional information.)



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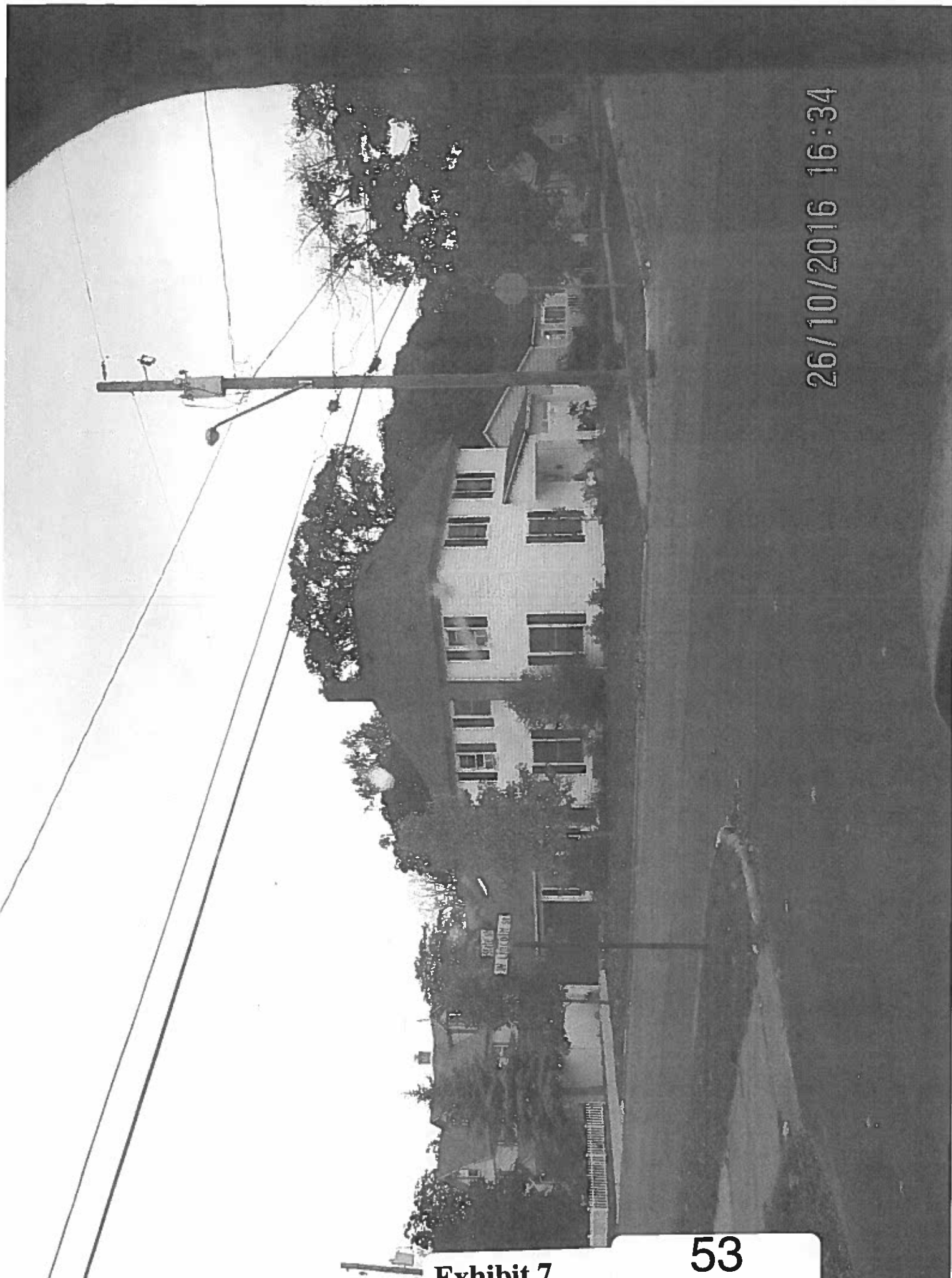
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