

**CITY OF CHARLEVOIX**  
**PLANNING COMMISSION MEETING MINUTES**  
**Thursday, April 11, 2013 - 6:00 p.m.**  
210 State Street, City Hall, Council Chambers, Charlevoix, MI

**I. Call to Order/Pledge of Allegiance**

The meeting was called to order at 6:04 p.m. by Chair John Hess.

**II. Roll Call**

Chair: John Hess

Members Present: Dan Buday, Judy Clock, Sherm Chamberlain, Adam Whitley

Members Absent: Toni Felter, Becky Doan, John Elzinga

City Planner: Michael Spencer

**III. Inquiry Into Potential Conflicts of Interest**

None.

**IV. Approval of Agenda**

No changes were requested.

**V. Call for Public Comment Not Related to Agenda Items**

Chair Hess opened the meeting to public comment at 6:05 p.m. There was no public comment.

**VI. Old Business**

**A. Continued Review of 2013 Draft Zoning Ordinance**

**(1) Staff Update.**

Staff has incorporated the changes requested at the April 8<sup>th</sup> meeting. These changes include, but are not limited to, the following:

- (a) Planner Spencer has reviewed the Planning Enabling Act and the Zoning Enabling Act. The use of the word "morals" in the Preamble is in the Planning Enabling Act, but not the Zoning Enabling Act. The word has been removed from the ordinance.
- (b) Planner Spencer added definitions for Adjoining, Adjacent, Boarding/Rooming House, Building Roof, and Club or Lodge, and reviewed those definitions with the Commission. A definition for Abutting will be added as well, and the definition of NVGD has been deleted.
- (c) Upon review, Planner Spencer determined that the definition of Day Care does not prevent a 24-hour Day Care Center.
- (d) Planner Spencer reported that Traver Wood had supplied comments via e-mail. The Commission reviewed those comments, which related to Structure, Parking Area, and Living Quarters.
- (e) Jay Bingham had spoken to Planner Spencer regarding two parcels [204 Newman and 401 State] that are being changed from CBD, Central Business District, to R2, Residential Medium Density. Mr. Bingham would like the parcels to remain zoned CBD. The Commission generally agreed that CBD would be the best zoning for these parcels.
- (f) Planner Spencer asked if there were any other changes to the Zoning Map. The Commission discussed the parcel between Bay Winds Credit Union and Midwest International. This parcel [107 Stover] is zoned R1, Residential Low Density, even though it is located between I, Industrial, and PO, Professional Office. The Commission considered the location and condition of the property and determined that R2A would be a better zoning assignment. The Commission asked that Planner Spencer notify the property owner of the potential change.
- (g) Member Chamberlain asked if Planner Spencer had reviewed the properties on Kipke Lane to determine proper zoning. Mr. Spencer has not looked at these parcels, and asked that Commission Members take a drive by the properties so that everyone could discuss the zoning with some knowledge.
- (h) Planner Spencer reported that the consultants recommend removing the "N"s (Not Permitted) from the Schedule of Uses tables, listing only "P" for Permitted or "S" for Special Land Use. If there is no designation in the table, then it would not be a permitted use.
- (i) Boarding/Rooming House has been added to the Schedule of Uses, and Site Condominium was changed based on Commission comments.

The Commission continued its section-by-section review of the ordinance.

(2) Article 4, Residential Districts

(a) Section 5.27., Area, Height and Placement Requirements

- The Commission discussed minimum lot sizes for R1, R2, and R4 and determined that the minimum lot size should change to 6,000 sq. ft. for R2.
- The Commission determined that maximum lot coverage should remain 50 percent for lots less than 7,000 sq. ft. in R2.
- The Commission discussed R4 District Additional Requirements and reviewed emailed comments from Nancy Carey, which were provided to the Commission by Planner Spencer at the meeting. The Commission generally agreed that Planner Spencer should do some additional research and make a recommendation on the number of single family and multiple family dwelling units per acre.
- In Section 5.27.(4)(a)3., the word Berm needs to be formatted in bold. The Commission generally agreed that the portion of the sentence “which is deemed necessary” should be changed to “for reasons including, but not limited to,”
- Member Buday asked that in Section 5.27.(4)(b)5., the term “apartment complex” be changed to “development.”

(3) Article 5, Nonresidential and Mixed Use Districts

(a) Section 5.31., Schedule of Uses:

- Member Clock asked that Churches be changed to a permitted use in all zones.
- The Commission discussed the difference between permanent and temporary Boat Storage and agreed that “temporary” should be changed to “off season.”

(b) Section 5.32., Area, Height and Placement Requirements

- Member Buday asked that the word “None” under Lot Coverage (%) be changed to “N/A.”

(4) Article 6, Overlay Districts

(a) Section 5.44., North Side Professional Office Overlay District.

- Planner Spencer reported that the consultants recommend this area be identified by street boundaries instead of listing specific addresses; therefore, the applicable area includes all R1 properties between Dixon and Mercer (on US 31).

(5) Article 7, Use Requirements

(a) Section 5.46., Accessory Buildings and Uses, Subsection (1), Accessory Buildings and Structures

- The Commission generally agreed that two accessory buildings should not be permitted on lots less than 8,000 sq. ft.
- The Commission generally agreed that accessory buildings and boat houses (which are accessory buildings) have the same maximum footprint of 2000 square feet, and that they occupy no more than 25 percent of the rear yard.
- The Commission discussed allowable accessory structures when the principal building is built near the rear of the lot, significantly reducing available rear yard space.
- In subsection (1)(g)3., the Commission asked to have the word “or” preceding “for any length of time” removed.

(b) Section 5.46., Accessory Buildings and Uses, Subsection (3), Bed and Breakfast Establishments

- In subsection (a)1., the Commission generally agreed that the words “unless the ... times” be replaced with “during operation.”
- The Commission generally agreed to delete that portion of subsection (a)2.i. in parenthesis “(Additions or adding additional floors shall not.”

(c) Section 5.46., Accessory Buildings and Uses, Subsection (4), Boat Houses

- The Commission generally agreed to remove that portion of subsection (f) that deals with minimum pitch of roofs, as that requirement is listed in subsection (b).
- Tony Duerr noted grammatical errors in this section including the verb usage at the beginning of subsection (b) and the lack of semicolons at the end of subsections (b) and (g) and asked that these errors be corrected.
- The Commission generally agreed to change the wording in subsection (g) to read: “shall not contain sleeping quarters, kitchens, or bathrooms”.

- (d) Section 5.46., Accessory Buildings and Uses, Subsection (5), Day Care: Group Day Care Home.
    - Member Clock noted that subsection (c), which limits the number of hours a daycare facility can operate, is contradictory to the Commission's earlier decision regarding daycare facility hours.
  - (e) Section 5.46., Accessory Buildings and Uses, Subsection (7), Home Occupations
    - The Commission generally agreed that Minor Home Occupations should not require a zoning permit, and that this statement should be removed from this subsection. Additionally, a statement should be added in parenthesis that signs are not permitted for a Minor Home Occupations.
- (6) Public Comment
- Planner Spencer suggested that, since Michael Esposito was present at tonight's meeting, the Commission discuss parking requirements at Commercial Marinas. At the previous meeting, Mr. Esposito presented information regarding parking requirements at marinas across the country. The Commission appreciated Mr. Esposito's presentation and generally agreed to change the wording in Article 10, Off-Street Parking, Loading, Access and Circulation, Section 5.92., Parking Requirements and Limitation, Table 5.92(8): Parking and Access Requirements by Use for Commercial Marinas to read: "0.25 for every boat slip permitted by the Michigan Department of Natural Resources."

Mary Eveleigh addressed the Commission regarding allowing Boat Houses as a permitted use in Scenic Reserve. Ms. Eveleigh feels very strongly that property zoned Scenic Reserve should be protected and no construction should be allowed on that property.

**XI. Requests for Next Agenda or Research Items.**

Planner Spencer was directed to review or research the following items:

- Notify the property owner for 107 Stover of the potential zoning change.
- Number of units per acre for clustered housing, both for single family and multiple family dwelling units.
- Diagram how much lot coverage an accessory building would take up on an 8,000 sq. ft. lot.

**XII. Adjournment**

Motion by Chair Whitley, second by Member Chamberlain, to adjourn.

Motion passed by unanimous voice vote.

Meeting adjourned at 8:19 p.m.

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Stephanie C. Brown

Deputy City Clerk

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John Hess

Chair

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Carol A. Ochs

City Clerk