

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, June 12, 2017 - 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, Dennis Halverson, Nelson Fletcher, RJ Waddell
Members Absent: Toni Felter, Rick Golding
City Staff: Susan Lucas, Staff Planner Networks Northwest; Elise Crafts, Regional Planner Networks Northwest

C. Inquiry Into Potential Conflicts of Interest

None.

D. Approval of Agenda

The Commission approved the agenda as presented.

E. Approval of May 8, 2017 Minutes

Motion by Member Waddell, second by Member Clock, to approve the May 8, 2017 minutes as presented. Motion passed by unanimous voice vote.

F. Call for Public Comment not Related to Agenda Items

Rick Groot, Taffy Barrel, questioned the approval of The Cantina. He felt it was not harmonious to any building in town. He stated the building had sheet metal siding and a walk-in cooler and storage shed in the back of the building. He also questioned how the out buildings were allowed which did not improve the alley. Chair Chamberlain asked Staff to provide photos for the Commission to review, and asked that the item be placed on the next agenda.

G. New Business

1. Short-Term Rental Ordinance

a. Staff Presentation

Staff Planner Lucas reviewed the draft Short-Term Rental Ordinance. The proposed ordinance would require registration of any short-term rentals that are rented two or more weeks per year. Member Waddell handed out draft documents for the registration process and the Good Visitor Guide. Discussion followed regarding enforcement provisions of the draft ordinance.

b. Planning Commission Discussion

Member Waddell stated that there were a few corrections as follows:

- Dwelling, two family - A single family dwelling unit attached to one (1) other single-family dwelling by a common wall or floor (also known as a "duplex")
- Bedroom – change first sentence to read: "A separate room or space with a legal means of egress, used or intended to be used specifically for sleeping purposes."
- Good Visitor Guideline Materials – numbering of the items 3) to be changed to 7)
- Short-term Rental – change beginning of first sentence to read: "Any dwelling or condominium, excepting boat docks, that is available for use for a fee or other compensation for a term of less than 30 consecutive days..."
- Application – change first sentence to read: "To register a dwelling unit used for short-term rentals, the property owner or agent of the owner shall complete an application form for each unit on the property."
- Revocation Procedure – change last bullet item to "short-term rental registration"

c. Motion

Motion by Member Elzinga, second by Member Halverson, to move the proposed Short-Term Rental Ordinance to City Council for further action and/or direction. Motion passed by unanimous voice vote.

2. Short-Term Rental Legislation

a. Staff Presentation

Staff Planner Lucas read aloud the proposed Senate Bill regarding short-term rentals and stated that if the Bill passes municipalities will not be able to adopt zoning language that interferes with the use of any dwelling unit as a short-term rental in a residential district.

b. Planning Commission Discussion

After discussion, the Commission concurred to have Staff Planner Lucas draft a letter opposing the Bill for Council's consideration.

c. Motion

Motion by Member Clock, second by Member Waddell, to authorize Staff Planner Lucas to draft a letter in opposition to the Senate Bill and present it to the City Council. Motion passed by unanimous voice vote.

H. Old Business.

1. Zoning Code Review

a. Staff Presentation

Regional Planner Crafts explained the proposed language changes to the definitions of manufactured home and mobile home. She began a discussion of Article II, *Signs*, of the Zoning Code and explained the extent to which the current ordinance does not comply with content neutral language. She posed the following questions:

Section 5.103(1): Do temporary banners at the intersection of M-66 and US-31 require a sign permit?

The banners require approval from the Zoning Administrator, but no sign permit.

Section 5.103(2): Is the Planning Commission comfortable with allowing temporary signs up to four square feet in sign face area and up to four feet in height in any district without a permit, so long as timing controls are in place before/after land use begins/concludes?

Regional Planner Crafts stated the simplest way to regulate was to define a maximum height dimension and a sign face area dimension as well as a specified posting duration for temporary signage which would not require a permit. She stated that another option would be to regulate temporary signs per zoning district. Discussion followed regarding possible scenarios for different type of temporary signs in residential or commercial zones. After discussion, the Commission concurred with allowing temporary signs up to four square feet in sign face area and up to four feet in height in any district without a permit.

Section 5.106: Needs to be regulated based on zoning district, not specific business (use). How do we balance the need for gas stations, for example, to have electronic signs, without opening that option to the entire zoning district (GC and MC) where gas stations are an allowed use? Same concern for home occupations within residential zoning districts, etc.

Regional Planner Crafts stated that electronic sign faces were prohibited in the sign ordinance. She suggested review by an attorney to offer some guidance on this issue and Staff Planner Lucas agreed. Regional Planner Crafts noted that the other issue was home occupation signage which was a specific use in a residential district which she would also need to research further.

Section 5.107: Should temporary sign sizes be regulated based on frontage widths or zoning districts? Should the maximum number of signs be accounted for in sum, or by each sign type, i.e. 2 temporary signs, 1 ground sign, etc.?

Discussion followed regarding the number of temporary signs allowed per parcel. Regional Planner Crafts stated that she will review best practices for how to divide up the number of signs allowed.

Section 5.112: Added severability clause which predicts valid signage regulations in the event of a lawsuit.

Regional Planner Crafts referenced the last page of the ordinance which included a severability and substitution clause that was recommended which provides that if any part of the ordinance is challenged in court and is rendered illegal the rest of the ordinance stays in effect.

b. Planning Commission Discussion

Member Waddell reviewed his questions regarding the proposed ordinance including the need to regulate business plaza signs so that a development had one sign with business names listed vs. multiple signs for each business. He felt that governmental, informational, building permit, and safety signs should be addressed in the ordinance as

exempted from a permit requirement. Discussion followed regarding window signs and temporary poster type signs and the Commission concurred to discuss window signs further at the next meeting. Regional Planner Crafts stated that she will provide an amended draft for the next meeting as well as highlighted sections that need further discussion and direction.

I. Staff Updates

Staff Planner Lucas stated that Larry Sullivan will be providing Zoning Administrator services on an interim basis.

Regional Planner Crafts stated that there was an administrative error in the noticing for the hangar site plan review that the Commission was to review that evening in that the property owners within the 300' radius were not properly noticed. She stated that Mr. Sutton was coming forward with a proposal for a new hangar at the Airport which requires a Level B site plan review. She requested a special meeting in June to accommodate the applicant.

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

Member Waddell questioned whether the Commission could receive a copy of the "tickler" list of future topics.

Member Eveleigh addressed conflict of interest issues and the Commission agreed to review the Commission's By-Laws regarding such at the next meeting.

Staff Planner Lucas stated that she had a site plan review for the next meeting. She gave a brief overview of last week's event with MSU's *Sustainable Built Environment Initiative* involving Van Pelt Alley.

K. Adjournment

Motion by Member Halverson, second by Member Clock, to adjourn the meeting. Motion passed by unanimous voice vote. Meeting adjourned at 8:48 p.m.

Joyce M. Golding/fgm

City Clerk

Sherm Chamberlain

Chair