



319 N. Lake Street

Boyne City, Michigan 49712
www.boynecity.com

City of Boyne City
Founded 1856

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AGENDA
BOYNE CITY PLANNING COMMISSION
Monday October 16, 2017, 5:00 p.m.
Boyne City Hall



Scan QR code or go to
www.cityofboynecity.com
click on Boards & Commissions for complete
agenda packets & minutes for each board

1. Call to Order
2. Roll Call - Excused Absences
3. Consent Agenda

The purpose of the consent agenda is to expedite business by grouping non-controversial items together to be acted upon by one Commission motion without discussion. Any member of the Commission, staff, or the public may ask that any item(s) on the consent agenda be removed to be addressed immediately following action on the remaining consent agenda items. Such requests will be respected.

Approval of minutes from the September 18, 2017 Boyne City Planning Commission meetings.

4. Hearing Citizens Present (*Non-Agenda Items*)
5. Reports of Officers, Boards, Standing Committees
6. Unfinished Business
7. New Business
 - A. Review Proposed Zoning Ordinance Amendments to Article V and Article XX.
8. Staff Report
9. Good of the Order
10. Adjournment – Next Meeting November 20, 2017

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An Equal Opportunity Provider and Employer

Hometown Feel, Small Town Appeal

**Meeting of
September 18, 2017**

Record of the proceedings of the Boyne City Planning Commission regular meeting held at Boyne City Hall, 319 North Lake Street, on Monday September 18, 2017 at 5:00 pm.

Call to Order

Vice Chair Place called the meeting to order at 5:00 p.m.

Roll Call

Present: Ken Allen, Tom Neidhamer, Aaron Place, Jeff Ross and Joe St. Dennis
Absent: Jason Biskner, George Ellwanger, Chris Frasz and James Kozlowski

Excused Absences

2017-09-18-02

****Motion**

Allen moved, Ross seconded, PASSED UNANIMOUSLY, a motion to excuse the absence of Biskner, Ellwanger, Frasz and Kozlowski.

Meeting Attendance

City Officials/Staff: Planning and Zoning Administrator Scott McPherson and Recording Secretary Pat Haver
Public Present: 2

Consent Agenda

2017-09-18-03

****Motion**

Ross moved, Neidhamer seconded, PASSED UNANIMOUSLY, a motion to approve the Planning Commission minutes from August 21, 2017 as presented.

**Citizen comments on
Non-Agenda Items**

None

**Reports of Officers,
Boards and Standing
Committees**

None

Unfinished Business

**Proposed Site Plan
Amendment for
Boyne City Preschool
1040 Roosevelt St.**

Planning Director McPherson reviewed his staff report that was included in the agenda packet. The Boyne City Preschool submitted an application for a sketch plan review for a development plan amendment on a 56 x 26 ft. addition to their existing structure for additional classroom space, kitchen, office space and entry. This board reviewed the proposed plan at the regular May meeting, but could not approve the plan as it was proposed because it did not meet the ordinance requirements for parking. Today they have submitted additional plans showing a deferred parking area in the back of the building and is requesting a waiver to be granted of the parking requirements as provided by section 25.10(B)(3). While the parking area of the previously approved plan in 1988 is being eliminated with the proposed addition, a new paved parking area in the right of way is being developed with the guidance of the City's DPW staff and would be acceptable with the provision that an easement for a sidewalk is obtained, which the daycare center has indicated would be granted. The board had questions about the current parking situation and if the proposed parking in front would be curved or straight. DPW Director Kovolski is currently working with them as a portion of the parking will be in the right of way, it is not a high traffic area, and is on a very narrow road; this area will be paved, once the addition is completed. Other inquiries were what would trigger the "need" for the deferred parking to be completed, it depends upon enrollment, staffing and future growth. The deferred area is currently located over their septic field & tank, and they are aware that if the parking has to be established, they will need to hook into the city's water and wastewater systems. Kristin Noblett, applicant for the preschool; was very appreciative of staff's guidance both in the Planning Department and the DPW.

****Motion**

With no further board discussion, **motion by Allen, seconded by Ross** to approve the development plan amendment for the Boyne City Preschool as presented with approval of a waiver for the deferred parking area as provided by Ordinance section 24.10 (B)(3) as the proposed plan meets all other applicable ordinance requirements.

2017-09-18-6A

Roll Call:

Ayes: Allen, Neidhamer, Place, Ross and St. Dennis

Nays: None

Absent: Biskner, Ellwanger, Frasz and Kozlowski

Motion Carries

New Business

Ordinance interpretation recommendation from Zoning Board of Appeals

Planning Director McPherson reviewed his staff report that was included in the agenda packet. After a review of the zoning ordinance, staff requested an interpretation of section 20.30(L) by the Zoning Board of Appeals at their meeting on September 5, 2017. This section seemed contradictory in stating no rear or side yard setback is required for properties abutting a public alley, however, accessory buildings in the rear yard are required to meet setbacks. After discussion from the ZBA a motion was made to refer this item back to the Planning Commission for clarification on the intent of Section 20.30(L) with suggestion from the ZBA that there is some sort of setback for accessory structures on a public alley. At this point, staff feels that it would be best to strike Section 20.30(L) from the ordinance. After discussion from the Planning Commission, they concurred with his assessment and have directed staff to begin the process to have the language stricken from the zoning ordinance by setting up the required public hearings.

Waterfront District Discussion

At the recent ZBA meeting, 2 variance requests were heard that were in the WFD. One of the requirements is a 35 ft setback from the water, which is considered the front yard. There are homeowners in the WFD that do not have waterfront property; however, are encumbered with the same front yard setback requirements. If the homeowners in the WFD that are not on the water were not held to the strict 35 ft front yard setback, one applicant would have been able to move forward with her renovations without having to ask for a variance. What would be the purpose to have these residences burdened with such a large setback if they do not have waterfront properties? There are areas in the city that examples of homes that are in the WFD that are not on the waterfront are the north side of Bay St. and Lower Lake St. Staff has been directed to come up with wording to alleviate the strict requirements of the non-waterfront properties in the WRD

Staff Report

-
- It is once again time to come up with nominations for the Marvin Loding Awards that are presented to individuals and businesses who have been recognized for their efforts in the upkeep, renovations and pride in their homes and businesses.
 - Planning Staff will be attending the Michigan Association of Planners conference next week.
 - Networks Northwest will be holding a Housing Forum on October 16th in Traverse City, from 9 to 4:00 pm. Anyone who is interested in attending, please let Scott or Pat know so that we can get participants registered. So far, Scott McPherson, Michael Cain, Ken Allen and Jeff Ross have expressed an interest in attending.
-

Good of the Order

Ken Allen is requesting a review of the uses for the new city facilities building, specifically the downstairs. The Winter Farmers Market has been proposed to use the lobby and the training/conference room this winter, and his concern is that the city did not take the time to consider additional uses for the time the market is in the building and the impact that it may have. A letter was submitted to the Mayor for consideration on groups, times and charges for the space.

Adjournment

The next regular meeting of the Boyne City Planning Commission is scheduled for Monday, October 16, 2017 at 5:00 p.m.

****Motion**

2017-09-18-10

St. Dennis moved, Neidhamer seconded, PASSED UNANIMOUSLY a motion to adjourn the September 18, 2017 meeting at 5:45 p.m.

Vice Chair Aaron Place

Recording Secretary Pat Haver

DRAFT

CITY OF BOYNE CITY

To: Chair Chris Franz, and fellow Planning Commissioners

From: Scott McPherson Planning Director

Date: October 16, 2017

Subject: Proposed Zoning Ordinance Amendments



Background

As directed by the Commission staff has developed proposed zoning ordinance amendment language for Article V Waterfront Residential District (WRD) and Article XX Schedule of regulations.

Discussion

The Planning Commission was requested by the Zoning Board of Appeals to review and amend Article XX, Section 20.30 note 1. This recommendation was made after the Zoning Board of Appeals was unable to interpret the intent of the section and found the text to be confusing and somewhat contradictory. After review by the Planning Commission it was the recommendation the language be deleted as it could not be specifically determined the intent of the section. The proposed amendment is included in the attached Article XX.

The proposed amendment to Article V was proposed by staff to address an issue of waterfront setbacks being required for parcels that do not have waterfrontage. There are several locations where this occurs and maps showing the affected locations are attached. On the maps the existing waterfront setback of 35 feet is shown and the proposed 10 foot setback is also shown. As can be seen on the maps there are a number of nonconformities that were created with the 35 setback requirement and a number of these would become conforming if the proposed change is adopted. The proposed change would be a text amendment to the WRD district and only the waterfront setback would be changed, all other requirements of the district, including building height and mass, would remain in effect. The proposed amendment would add section 5.60 E to Article V. The complete article with the proposed amendment has been attached for your review.

Recommendation

As no valid purpose or benefit can be identified from the current zoning ordinance language as discussed above, it is recommended a public hearing be scheduled for the proposed text amendments.

ARTICLE XX SCHEDULE OF REGULATIONS

Section 20.10 Residential Districts.

Zoning District	Minimum Lot Per Unit		Maximum Height of Structure		Minimum Yard Setback (Per Lot In Feet)					Maximum Percentage of Lot Area Covered by All Buildings ^h
	Area in Square Feet	Width In Feet	In Stories	In Feet	Front	Sides ^k		Rear	Minimum Floor Area Per Unit (Square Feet) ⁱ	
						At Least One	Total of Two			
Rural Estate District (RED) ^{n, o}	10,890	100	2.5	30	30 ^c	10 ^k	30 ^k	30 ^l	800 first floor 1,200 if more than one story	30%
Traditional Residential District (TRD) ^{n, o}	5,445	50	2.5	30	10 ^c	5 ^k	15 ^k	15 ^l	672 first floor 1,000 if more than one story	40%
Waterfront Residential District (WRD) ^{e, l, m, n, o}	5,445	66	2.5	30	35	5 ^k	15 ^k	15	672 first floor 1,000 if more than one story	30%
Multiple Family Residential District (MFRD) ^{e, l, m, n, o}	^g	100	2.5	35	40 ^d	25 ^d	50 ^d	50 ^d	500	30%
Manufactured Housing Park District (MHPD)	See Article VII Manufactured Housing Park District									

Section 20.20 Mixed Use and Non-Residential Districts.

Zoning District	Minimum Lot Per Unit		Maximum Height of Structure		Minimum Yard Setback (Per Lot In Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum Percentage of Lot Area Covered by All Buildings i
	Area in Square Feet	Width In Feet	In Stories	In Feet	Front j	Sides c, l		Rear l		
						At Least One	Total of Two			
Professional Office District (POD)	5,445	50	2.5	35	10	5	15	15	672	60%
Waterfront Marina District (WMD) e, l, m, n, o	5,445	50	2.5	35	10	5	15	15	672	60%
Central Business District (CBD)	-	-	3.5	45	-	-	-	-	-	100%
Transitional Commercial District (TCD)	5,445	50	2.5	35	10	5	15	15	672	60%
General Commercial District (GCD)	10,890	75	2.5	35	10	5 a	15	15 b	-	60%
Regional Commercial/Industrial District (RC/ID)	21,780	100	2.5	35	20	10 a	25	25 b	-	60%
Planned Industrial District (PID)	21,780	100	2.5	35	50	25 a	50	25 b	-	40%
Community Service District (CSD) f, n-o	5,445	50	2.5	35	10	5	15	15	672	40%
Flood Hazard District (FHD)	All structures shall be set back a minimum of fifteen (15) feet from the 100 year floodplain. See Article XVI Flood Hazard District for the remaining regulations.									

Section 20.30 Notes for Schedule of Regulations.

The following letters refer to the charts containing the schedule of regulations in Sections 20.10 and 20.20:

- a. Except for Section 21.46 C., all side yards abutting residentially zoned land shall have a minimum distance of twice the one yard requirement.
- b. All rear yards abutting residentially zoned land shall have a minimum distance of fifty (50) feet between the principal building and rear property line.
- c. Parking shall not be permitted in any required front yard, notwithstanding off-street parking requires in CBD and PID districts.
- d. Multiple family dwellings which have all off-street parking provided behind the dwelling and have the main entrance to the building facing a public street may reduce required minimum yard setbacks (per lot in feet) as follows:

Front	Sides		Rear
	Least One	Total of Two	
5	-	-	30

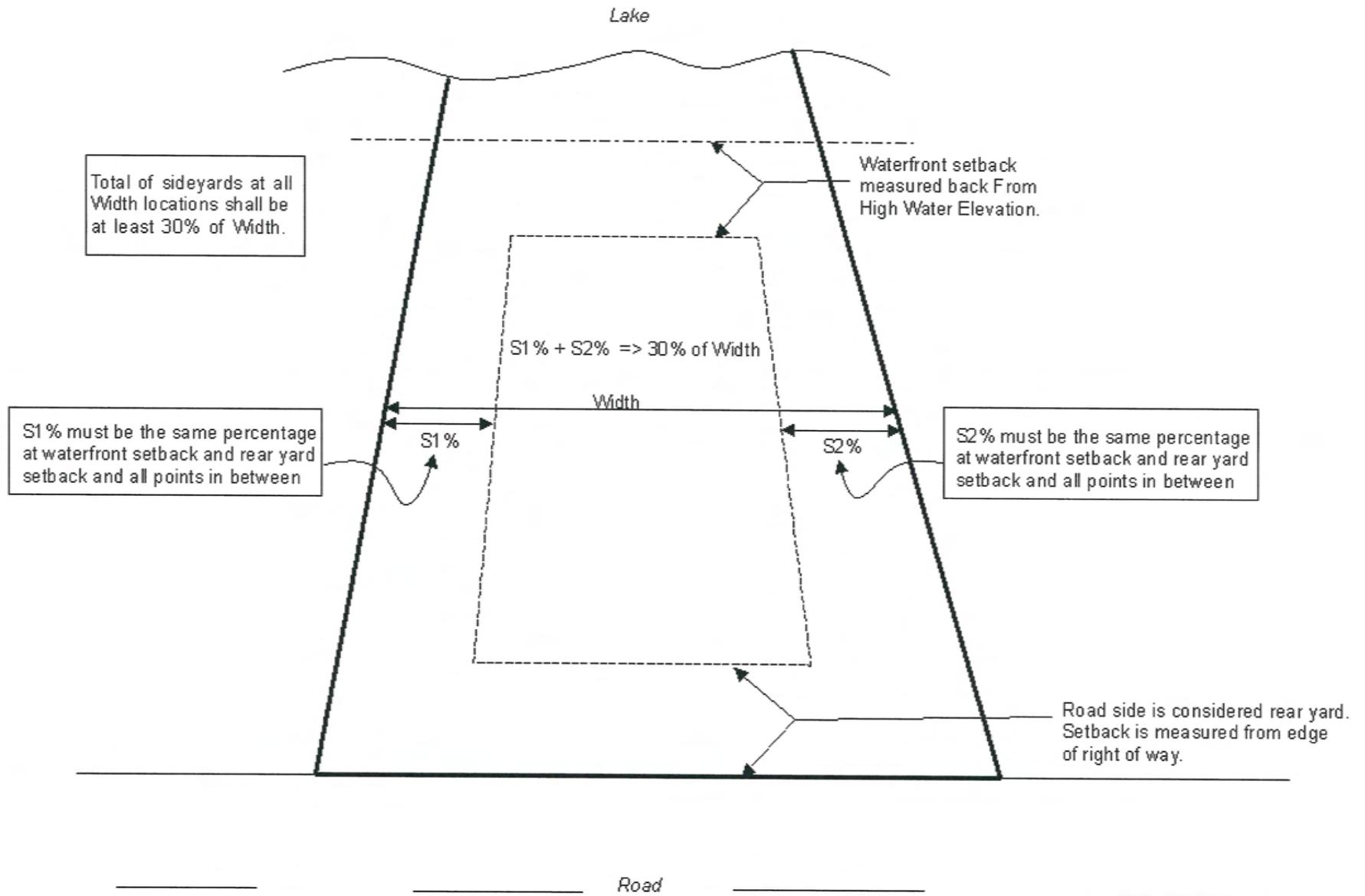
- e. The Planning Commission may waive these standards if it determines it is necessary, in order to preserve public views and scenic vistas from being unreasonably obscured by development of lakeside properties or properties near bodies of water, to allow flexibility in the siting and construction of new buildings in such zoning districts.
- f. The Planning Commission may waive these standards if it determines it is necessary for the development of a site to be compatible with surrounding uses and buildings if such a site is adjacent to the CBD.
- g. Apartments shall comply with the applicable standards for the MFRD listed in Section 20.10. Single-family detached dwellings shall comply with the applicable standards for the TRD listed in Section 20.10. All other uses shall comply with the applicable standards for the CBD listed in Section 20.20.
- h. The total floor space in all buildings on the lot may not exceed one and one-half (1 1/2) times the total net lot area (floor area ratio of 1.5).
- i. The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, attached garages, attached sheds or utility rooms.
- j. In all zoning districts, except the CBD and PID Districts, the required front yard setback shall not be used for off-street parking, loading or unloading, and shall remain as open space, unoccupied and unobstructed from the ground upward, except for landscaping, plant materials or vehicle access drives; unless use of the front yard setback for off-street parking is determined necessary by the Planning Commission due to the size and configuration of the lot.
- k. In all residential districts, the width of side yards which abut upon a street on the same side or on the opposite side of the same block, upon which other residential lots front, shall not be less than the required front yard setback for homes which front upon such side street.
- l. ~~No rear yard or side yard setback is required where such property abuts a public alley, providing that accessory buildings in the rear yard shall meet the required setback.~~

l m. Setbacks

- 1) Waterfront Setback: For the purposes of this Ordinance the waterside of the structure shall be considered the front yard; except for docks, shoreline protection structures and walkways six (6) feet or less in width, all other structures shall be located a minimum of thirty-five (35) feet upland from the high water elevation as defined.
- 2) Wetland Setback: All structures or additions to existing structures shall be set back a minimum of twenty-five (25) feet from areas defined as wetlands in the Boyne City Comprehensive Plan.
- 3) Road Setback: For the purposes of this Ordinance the road side will be considered a rear yard and subject to the provisions of Article XX.

m.#: Height, area, lot coverage and yard regulatory is specified in Article XX of this Ordinance with the following exception: Within the area described as follows: from the edge of Lake Charlevoix along the centerline of West Michigan Avenue to the centerline of North Lake Street to the intersection of Lower Lake Street, building height shall be defined as the vertical distance measured from the highest point of the finished grade adjacent to the building (excluding berms, flower boxes, and other similar increases in elevation) to the highest point of the roof of the building (excluding chimneys, antennas, and similar items) and such building height in this area shall not exceed thirty (30) feet.

n g. The minimum combined side yard setbacks for buildings and structures on waterfront parcels shall not be less than thirty percent (30%) of the width of the corresponding cross section of the parcel. The percentage used for each side yard setback shall be consistent along the entire length of each side yard. Additionally, side yard setbacks may not be less than the minimum setback as listed for the district as required by this section unless specifically allowed by other provisions of this ordinance. (effective: December 31, 2008)



ARTICLE V WATERFRONT RESIDENTIAL DISTRICT (WRD)

Section 5.10 Purpose.

The purpose of this district is to provide a pleasant and attractive residential living environment of a low density, primarily on lots with frontage upon Lake Charlevoix and other bodies of water within the City. It is the further intent and purpose of this district to ensure that development within such lots remains at a sustainable density and scale, and does not unreasonably obstruct views, view sheds, scenic vistas, or degrade the quality of the surface waters of Lake Charlevoix and other bodies of water from other lots and public rights-of-way.

Section 5.20 Principal Permitted Uses.

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance.

- A. Single family detached dwellings.
- B. Municipal parks, playgrounds, and recreation centers.
- C. Adult foster care family homes, provided, this subsection shall not apply to adult foster care facilities, licensed by a state agency, for the care and treatment of persons released from or assigned to adult correctional institutions.
- D. Home occupations in which customers or patrons do not visit the site for the delivery of goods and/or services.
- E. Family day care homes.
- F. Accessory structures and uses customarily incidental to the above permitted uses, excepting that boat houses shall not be permitted.

Section 5.30 Conditional Uses.

The following uses shall be considered conditional and shall require conditional use approval, and shall comply with any applicable conditional use requirements of Article XXV:

- A. Private recreation areas, uses and facilities including marinas, and swimming pools subject to the following:
 - 1. No building shall be located within one-hundred (100) feet of a dwelling.

2. Facilities such as licensed restaurants and bars may be permitted when occupying an integral part of the main structure, provided there is no exterior display or advertising of said facilities.
 3. Swimming pools, tennis courts, boat docks, and similar uses shall be located not less than thirty-five (35) feet from any property line.
- B. Home occupations in which customers or patrons visit the site for the delivery of goods and/or services.
- C. Public utility transformer stations, substations and gas regulator stations without service or storage yards shall comply with the requirements of this Ordinance and shall be subject to the following: a front yard setback of not less than fifty (50) feet shall be provided (irrespective of the yard requirement of the district in which it is located) and two (2) side yards and a rear yard shall be provided, each shall not be less than twenty-five (25) feet in width. The previously mentioned conditional uses shall be landscaped with a buffer of plant materials that effectively screens the view of the use from property used for residences, public walkways and rights-of-way. The standard buffer shall consist of a landscaped strip at least six feet (6) feet wide outside the perimeter of the compound. The buffer shall contain a variety of species of plants.

Section 5.40 Development Requirements.

A. Building Design.

1. The primary entrance to a dwelling shall be located along the front wall of the building, unless otherwise required for barrier-free access. Such entrance shall include an architectural feature such as a porch, landing or portico. However, a waterfront may have a primary entrance to the street.
2. Accessory buildings and attached garages shall have a front yard setback that is at least ten (10) feet greater than the front setback of the principal building that is located on the front portion of the lot.
3. A rooftop or second floor addition shall not overhang the lower front or side exterior walls of the existing building. This requirement shall not exclude recessed dormers or entrance ways.
4. In the event that a new dwelling is proposed to be constructed on the rear portion of a lot which has frontage on two (2) streets and an alley, the front of such new dwelling shall face the street.
5. The minimum pitch of the roof of any building shall be five to twelve (5:12) and the maximum pitch of the roof of any building shall be twelve to twelve (12:12), except that additions to existing dwelling units may be constructed with a pitch that matches

any roof pitch of the existing dwelling unit. Additionally, the roof pitch of a dormer, turret or similar architectural feature may not exceed twenty-four to twelve (24:12) and the roof pitch of a covered porch may be flat whenever the roof of such a porch is also considered to be the floor of a second story deck.

- B. Landscape / Hardscape Material. A maximum of forty percent (40%) of the front yard of a lot may be covered with inorganic material such as asphalt or cement concrete, paving stone, flagstone, rock or gravel.
- C. Access. Whenever a lot has frontage along an alley, any new off-street parking area located on such lot must obtain access from such adjoining alley; provided, however, that such alley access shall not be required when a new detached garage is proposed to be accessed from an existing driveway that has a curbcut along a public street, or when alley access is determined by the City Engineer to be a hazard to persons or vehicles.
- D. Site Design. Permanent open off-street parking areas for all permitted principal uses, other than single-family dwellings, shall not be located any closer to a public street right-of-way than the distance by which the principal building is set back from the street right-of-way. This provision shall not be construed to preclude temporary parking in driveways.
- E. Watercraft / Dock Limitation. Each single family detached dwelling shall be limited to the docking of three (3) watercraft. There shall not be more than one (1) dock per every one hundred (100) feet of waterfront. However, any waterfront lot, regardless of frontage, without a dock as of the adoption of this Ordinance, may be permitted one (1) dock.
- F. Additional Requirements. The following requirements, unless superceded by the standards of this Article, shall be met within a Waterfront Residential District (WRD).
 - 1. Development plan approval as specified in Article XIX of this Ordinance, except single family dwellings and home occupations as a principal permitted use.
 - 2. Off-street parking, loading, and access management standards for all uses as specified in Article XXIV of this Ordinance.
 - 3. Signs for all uses as specified in the Boyne City Sign Ordinance.
 - 4. Height, area, lot coverage and yard regulations as specified in Article XX of this Ordinance with the following exception: Within the area described as follows: from the edge of Lake Charlevoix along the centerline of West Michigan Avenue to the centerline of North Lake Street to the intersection of Lower Lake Street, building height shall be defined as the vertical distance measured from the highest point of the finished grade adjacent to the building (excluding berms, flower boxes, and other similar increases in elevation) to the highest point of the roof of the building (excluding chimneys, antennas, and similar items) and such building height in this area shall not exceed thirty (30) feet.

5. Landscaping requirements as specified in Article XXIII of this Ordinance.
6. Design, architectural, and building material standards as specified in Article XXII of this Ordinance.
7. Provisions relating to all zoning districts (as applicable in each separate case) as specified in Article XXI of this Ordinance.

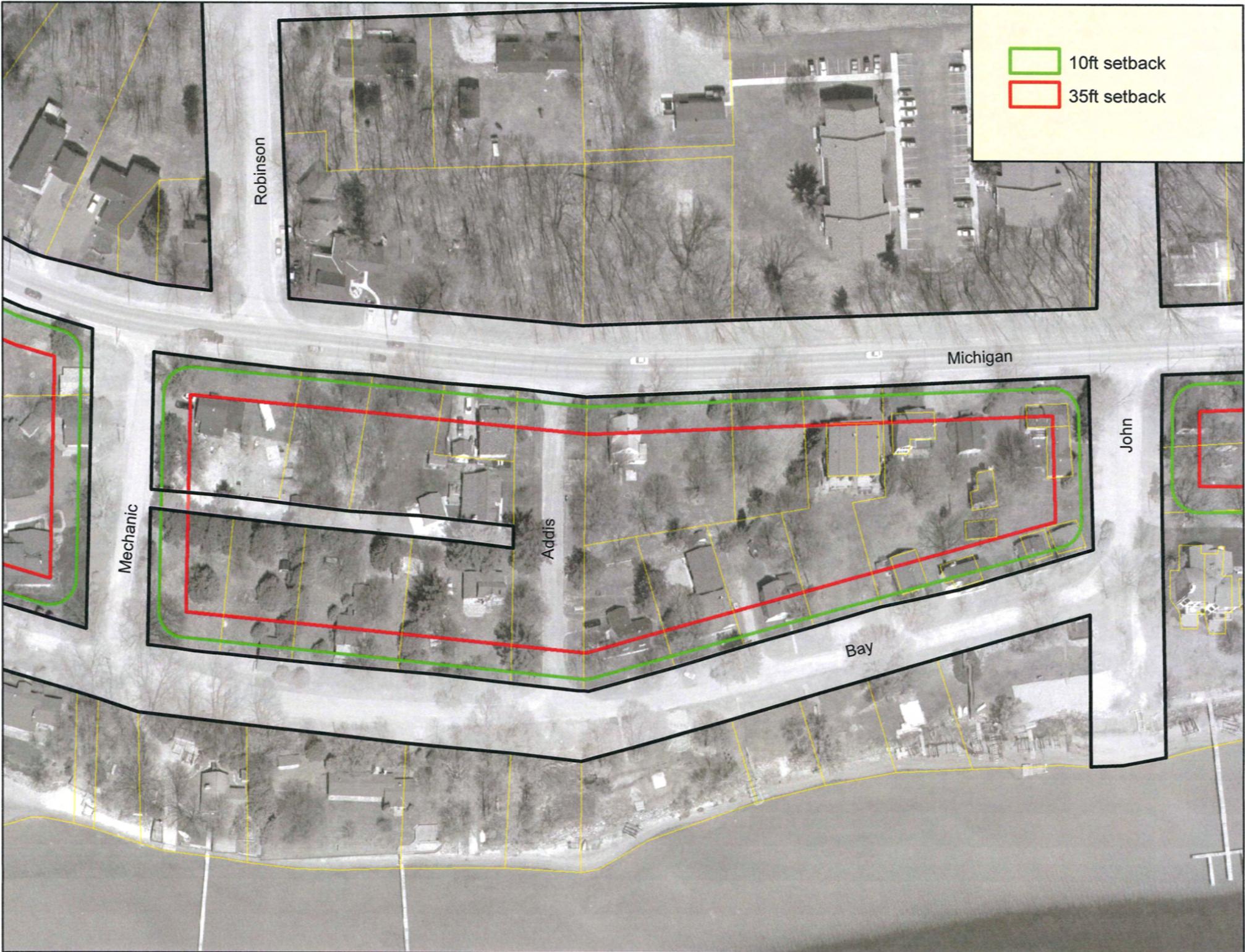
Section 5.50 Nonconforming Uses and Structures

Two-family and multiple-family residential dwellings shall be prohibited in the Waterfront Residential District (WRD). Nonconforming structures and uses which were existing at the time of enactment of this Ordinance shall be subject to, and shall continue to conform to, the requirements of the respective zoning district in which the property was located prior to the adoption of this Ordinance. Such existing structures shall be allowed to be reconstructed and updated on the existing foundations, but such existing structures shall not be expanded.

Garages, decks, and open porches which meet the requirements of this Ordinance, or the requirements of the respective zoning district in which the property was located prior to the adoption of this Ordinance, may be added to such structures which were lawfully existing within the Waterfront Residential District (WRD) at the time of adoption of this Ordinance.

Section 5.60 Setbacks

- A. **Waterfront Setback:** For the purposes of this Ordinance the waterside of the structure shall be considered the front yard; except for docks, shoreline protection structures and walkways six (6) feet or less in width, all other structures shall be located a minimum of thirty-five (35) feet upland from the high water elevation as defined.
- B. **Wetland Setback:** All structures or additions to existing structures shall be setback a minimum of twenty-five (25) feet from areas defined as wetlands in the Boyne City Comprehensive Plan.
- C. **Road Setback:** For the purposes of this Ordinance the road side will be considered a rear yard and subject to the provisions of Article XX.
- D. **View shed of Lake Charlevoix:** The siting of all buildings and structures along the City's lakefront shall comply with Section 21.17.
- E. **Non-Waterfront Parcels** *Parcels in the Waterfront Residential District that do not have waterfrontage shall have a minimum front yard setback of 10 (ten) feet.*



10ft setback
35ft setback

Robinson

Michigan

John

Mechanic

Addis

Bay

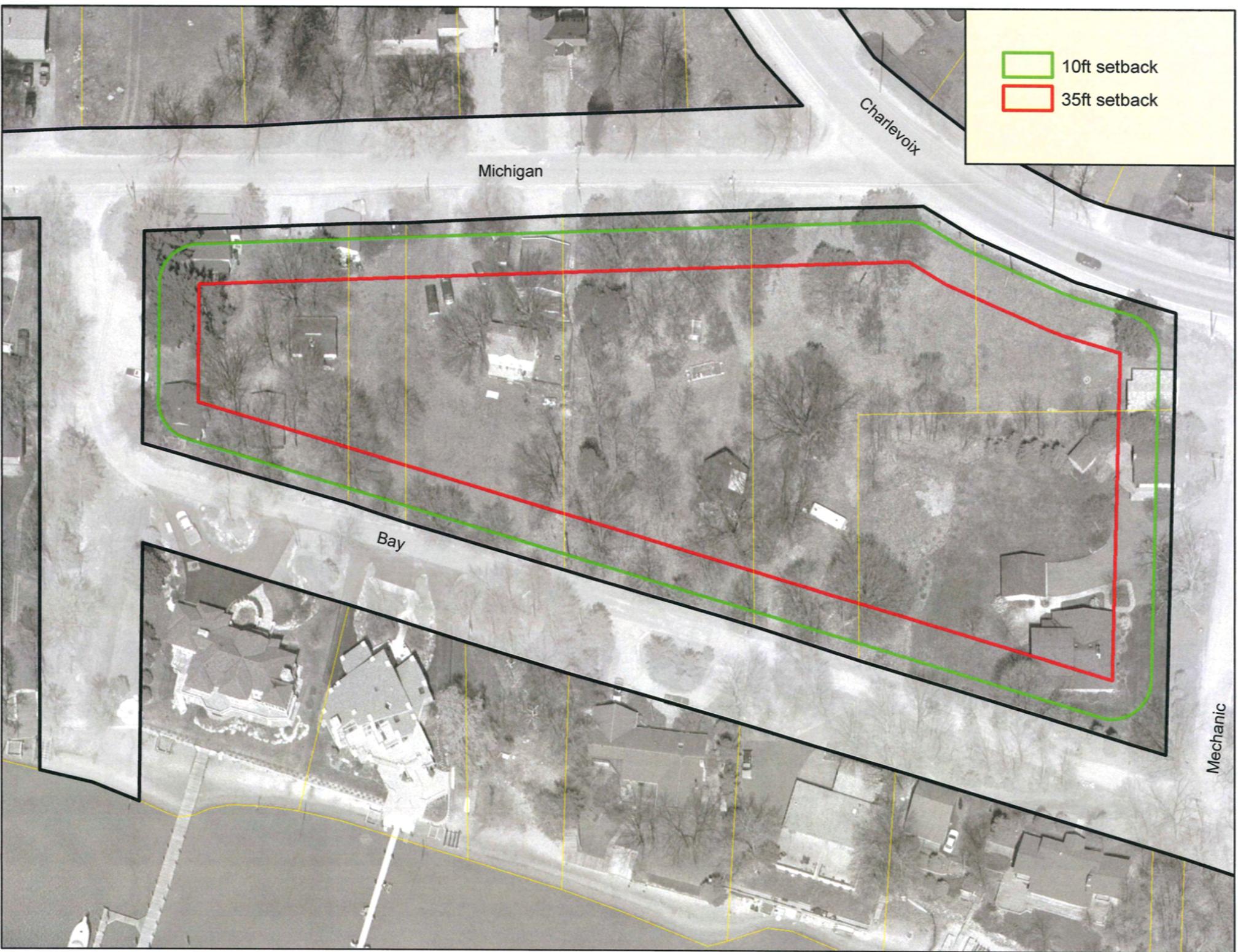
10ft setback
35ft setback

Michigan

Charlevoix

Bay

Mechanic

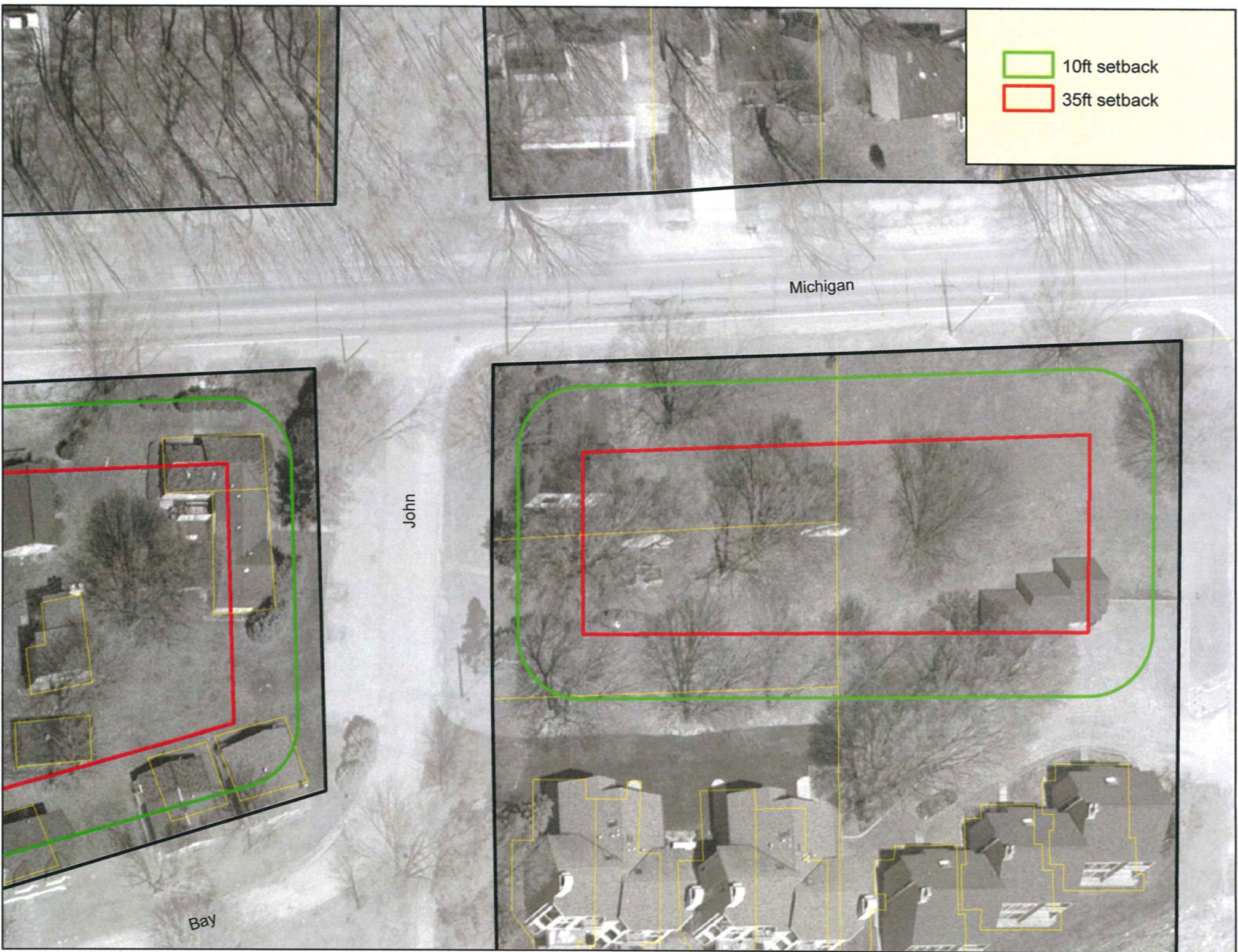


10ft setback
35ft setback

Michigan

John

Bay





10ft setback

35ft setback

Michigan

Lake

Groveland

Lower Lake

10ft setback
35ft setback

