



City of Boyne City

Founded 1856

319 N. Lake Street

Boyne City, Michigan 49712
www.cityofboynecity.com

Phone 231-582-6597
Fax 231-582-6506

AGENDA

BOYNE CITY PLANNING COMMISSION

Monday December 17, 2018 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 November 19, 2018 Boyne City Planning Commission meeting.
4. Hearing Citizens Present (*Non-Agenda Items*)
5. Reports of Officers, Boards, Standing Committees
6. Unfinished Business
7. New Business
 - A. Public Hearing proposed Ordinance Amendment to Article XX Schedule of Regulations
 - B. Adoption of 2019 Meeting Calendar
8. Staff Report
9. Good of the Order
10. Adjournment – Next Meeting January 21, 2019

Individuals with disabilities requiring auxiliary aids or services in order to participate in municipal meetings may contact Boyne City Hall for assistance: Cindy Grice, City Clerk/Treasurer, 319 North Lake Street, Boyne City, MI 49712; phone (231) 582-0334

**Meeting of
November 19, 2018**

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday November 19, 2018 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, Jason Biskner, George Ellwanger, Jim Kozlowski, Tom Neidhamer, Aaron Place and Jeff Ross

Absent: Joe St. Dennis

Vacancy: One

Excused Absences

****Motion**

2018-11-19-02

Ross moved, Ellwanger seconded, PASSED UNANIMOUSLY, a motion to excuse the absence of St. Dennis.

Meeting Attendance

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

Public Present: Three

Consent Agenda

****Motion**

2018-11-19-03

Neidhamer moved, Biskner seconded, PASSED UNANIMOUSLY, a motion to approve the consent agenda, the Planning Commission minutes from October 15, 2018 as presented.

**Citizen comments on
Non-Agenda Items**

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

None

Unfinished Business

New Business

Planning Director McPherson advised with the resignation of Chris Frasz, the Commission will need to elect a Chair. With board discussion, and accepting the nomination, **motion by Ross, seconded by Ellwanger** to nominate Aaron Place as the Chair of the Planning Commission.

Election of Officers

****Motion**

2018-11-19-7A

Roll Call:

Ayes: Allen, Biskner, Ellwanger, Kozlowski, Neidhamer, Place and Ross

Nays: None

Absent: St. Dennis

Vacancy: One

Motion Carries

****Motion**

With Aaron Place, formerly the Vice Chair, accepting the Chair position, that left the Vice Chair position open. With board discussion and accepting the nomination, **motion by Ross, seconded by Ellwanger** to nominate Ken Allen as the Vice Chair of the Planning Commission.

2018-11-19-7A.1

Roll Call:

Ayes: Allen, Biskner, Ellwanger, Kozlowski, Neidhamer, Place and Ross

Nays: None

Absent: St. Dennis

Vacancy: One

Motion Carries

**Pre-application Review
216 N. Lake St.**

Planning Director McPherson advised that Case Construction, the contractor for the project, is before the board tonight for a pre-application meeting. With no conceptual site plans or building plans previously submitted, the developer indicated that they intend to demolish the existing structure and construct a new commercial space.

Cliff Harvey, Case Construction - showed the board some preliminary sketches of the concept of the 2,100 square foot one story structure that will be built. It will have the same design as the city facilities utilizing cultured stone and materials, the colors will be different and they will have awning type window treatments. They will be using the same footprint with the length running along Lake St. McPherson advised that they would need to adhere to the current zoning requirements and be 10' off of the lot lines on both streets. Due to the current lack of housing options, it was discussed possibly putting a second floor on the structure and using it for housing. Nate Vohwinkle, the developer, will speak with the client and present that option. The design will utilize energy efficiencies with the electrical and lighting and investigating the possibility of using geothermal heating. There was discussion on parking, which could not be finalized until the final designs are submitted. The board was excited for the project and to see the development plans, which should come before the board for the next meeting.

**Michigan Regulation
and Taxation of
Marijuana Act update**

Planning Director McPherson detailed the information included in the agenda packets, and gave a brief overview of the law. The exact date that this will become a law is not specifically known, but appears that sometime in early December. The Act establishes regulations for the legal possession, use, transport, transfer, growing and processing of specified amounts of marijuana and marijuana accessories for persons over the age of 21. The city will have to make some decisions in regards to implementation of the law within the city limits, such as which zoning district to allow it in if we move forward. The law established and clarified different types of establishments which include a grower, processor, transporter, safety compliance facility, retailer and microbusiness. If the city chooses not to permit marijuana establishments within the municipality, it would have to "opt out" of the MRTRA and it is recommended to be done by ordinance and not resolution. If the city chooses to "opt in" they may adopt ordinance regulations for commercial recreational marijuana establishments. Whatever decision the city makes, the state has one year from the effective date in order to assemble the regulatory framework for licensing commercial recreational marijuana establishments. Discussion for tonight was just a heads up that more meetings are likely to be held; possibly a public forum or Countywide forum.

Biskner left at 5:52 pm

**Development of 2019
Planning Commission
Work Plan**

Previously this item was before the Commission to develop a list of items to focus on. With the area wide shortage of housing, it seems the best place to continue discussions; such as possible adjustments of lot sizes and housing sizes to allow for smaller footprint houses. Staff has been looking at building height regulations. It is mentioned not only in feet but building stories; what is the difference in height or story; nothing. It hinders the ability to put in a 4 or 5 story building, yet remain under the requirement of height in feet. Looking at article 18; Open Space Community Option the "Cluster Development

Housing Option” which uses a formula of base density for residential districts only; can be quite detrimental to developers as they would need to remove land which could be used for housing and put towards collective open space parks or non-useable space, and it is not beneficial for them to go through the process. If we are sincere about looking at better ways of helping to develop housing, we may want to look at those items. We could look through the Master Plan to identify areas that would help with ways to increase density or regulations in order to garner additional housing, maybe look at the Professional Office District and housing regulations. What is the impact of short term rentals on available inventory, neighborhood noise or nuisances, impact on economy or additional services on the city? There is a possibility that this may become state wide as a Use by Right, and we would not be able to do anything about short term rentals. Currently there is no way to regulate them, perhaps we should have a Police Power License Ordinance with a local point of contact person. Staff was directed to develop ordinance amendment language on height for a public hearing next month.

**Staff Report
Good of the Order**

Happy Thanksgiving

The next regular meeting of the Boyne City Planning Commission is scheduled for Monday, December 17, 2018 at 5:00 p.m.

**Adjournment
Motion

2018-11-19-10

Kozlowski moved, Neidhamer seconded, PASSED UNANIMOUSLY a motion to adjourn the November 19, 2018 meeting at 6:18 p.m.

Chair Aaron Place

Recording Secretary Pat Haver

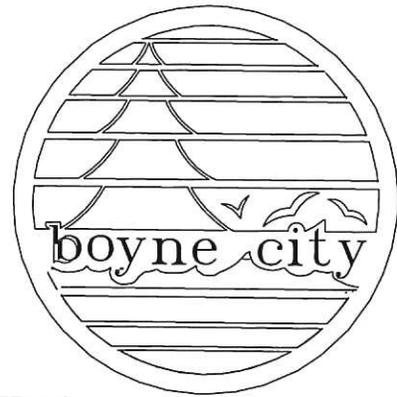
CITY OF BOYNE CITY

To: Chair Aaron Place, and fellow Planning Commissioners

From: Scott McPherson Planning Director

Date: December 17, 2018

Subject: Article XX Building Height Amendment Public Hearing



Background

As directed at the November regular meeting staff has developed a draft amendment to address the issue of the number stories limitation in regards to maximum building height. Currently the ordinance limits building height by a maximum a number of stories or maximum number of feet. Per ordinance requirements when there are multiple regulations that can be applied the most restrictive controls.

Discussion

The inclusion of the maximum number of stories in addition to the maximum number of feet for a building height has shown to be limiting factor for the types of buildings that can be constructed. As an example in the Central Business District a 3½ story building that is 45 feet in height is permissible by ordinance, but a 4 story building that is 45 feet in height is not. For your reference the ordinance definitions and associated graphics for building height and story have been provided.

Building Height: *The vertical distance measured from the established grade prior to any excavation or construction, to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height shall be measured from the lowest exposed point of a building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.*

For roofs which are not symmetrical the mean height between the eaves and ridge will apply to the highest midpoint of all roof surfaces. When more than one type of roof is present in a building design, each type shall be considered separately, and no roof element shall exceed the height allowed for that particular roof type.

Story: *A portion of a building, other than a mezzanine, included between the surface of a floor and the upper surface of the floor next above, or if there is no floor above, then the space between the floor and the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.*

Story, Half: *A part of a building between a pitched roof and the uppermost full story, such part having a floor area which does not exceed one-half (2) of the floor area of such full story,*

provided the area contains at least two-hundred (200) square feet, with a clear height of at least seven (7) feet six (6) inches.

While the current height limitation would have limited impact on the building's mass and visual appearance, it does significantly impact the functionality and efficiency of the structure. The change would be consistent with the master plan and the adopted goals of the City by more efficiently using available land. Eliminating the maximum stories limitation will provide the ability to create more usable space per building, which can be used for additional housing, and will more efficiently use existing infrastructure. Therefore it is being proposed that the story limitation be eliminated.

Process

In accordance with the Michigan Zoning Enabling Act and the Boyne City Zoning Ordinance Section 2.40 Amendment Procedures, a public hearing was scheduled for the Planning Commission on February 19, 2018. The Commission should review the proposed amendment and use the amendment criteria as listed in section 2.50(B) of the zoning ordinance as a guide in making their decision on the proposed amendment. Section 2.50 (B) is as follows:

Section 2.50 Amendment Criteria.

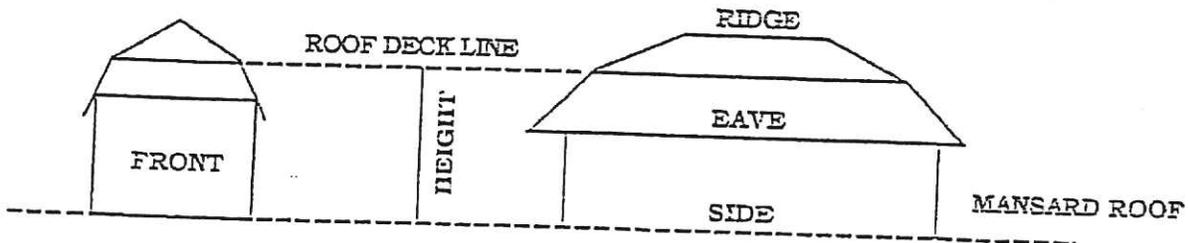
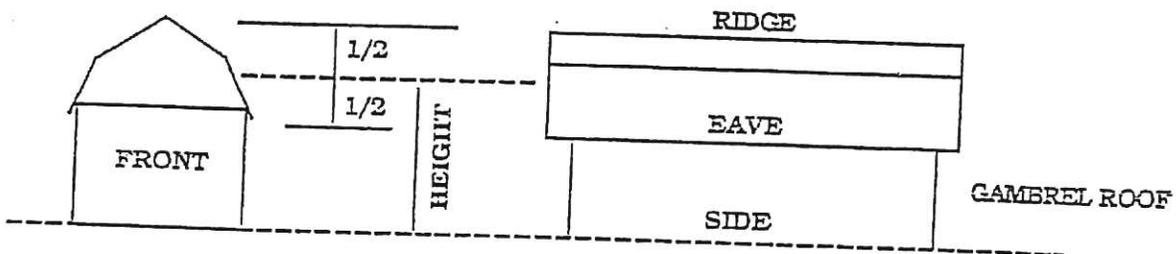
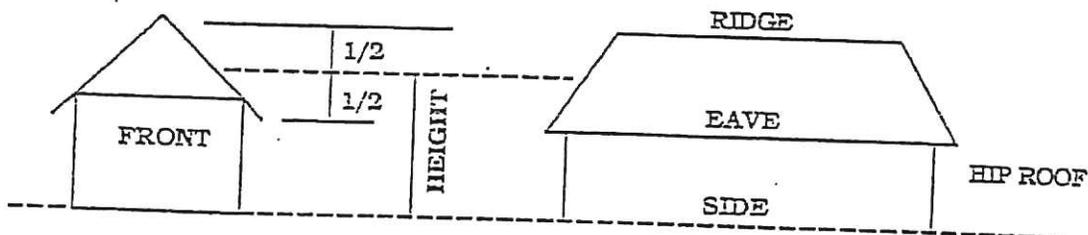
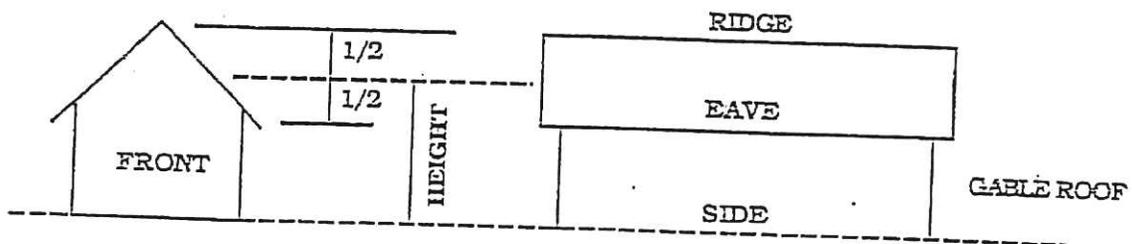
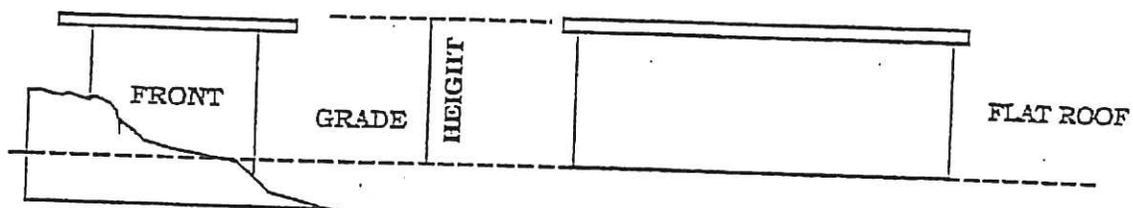
- B. For amendment requests to change or to add additional regulations or standards to a district or a use, the Planning Commission and City Commission shall use the following as a guide:
1. The proposed rule, change or addition helps to reinforce the Comprehensive Plan.
 2. The proposed rule, change or addition is in keeping within the spirit and intent of the this Ordinance, and with the objectives of the zoning district.
 3. The problem or issue which the change is intended to address cannot be accomplished in another, more appropriate fashion.
 4. The proposed amendment would correct an error in the Ordinance.
 5. The proposed amendment would clarify the intent of the Ordinance.
 6. Documentation has been provided indicating problems and conflicts in implementation or interpretation of specific sections of this Ordinance.
 7. The proposed amendment would address changes to county, state or federal legislation.
 8. The proposed amendment would address potential legal issues or administrative problems with this Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.
 9. The proposed amendment would promote compliance with changes in other city ordinances and/or county, state, or federal regulations.

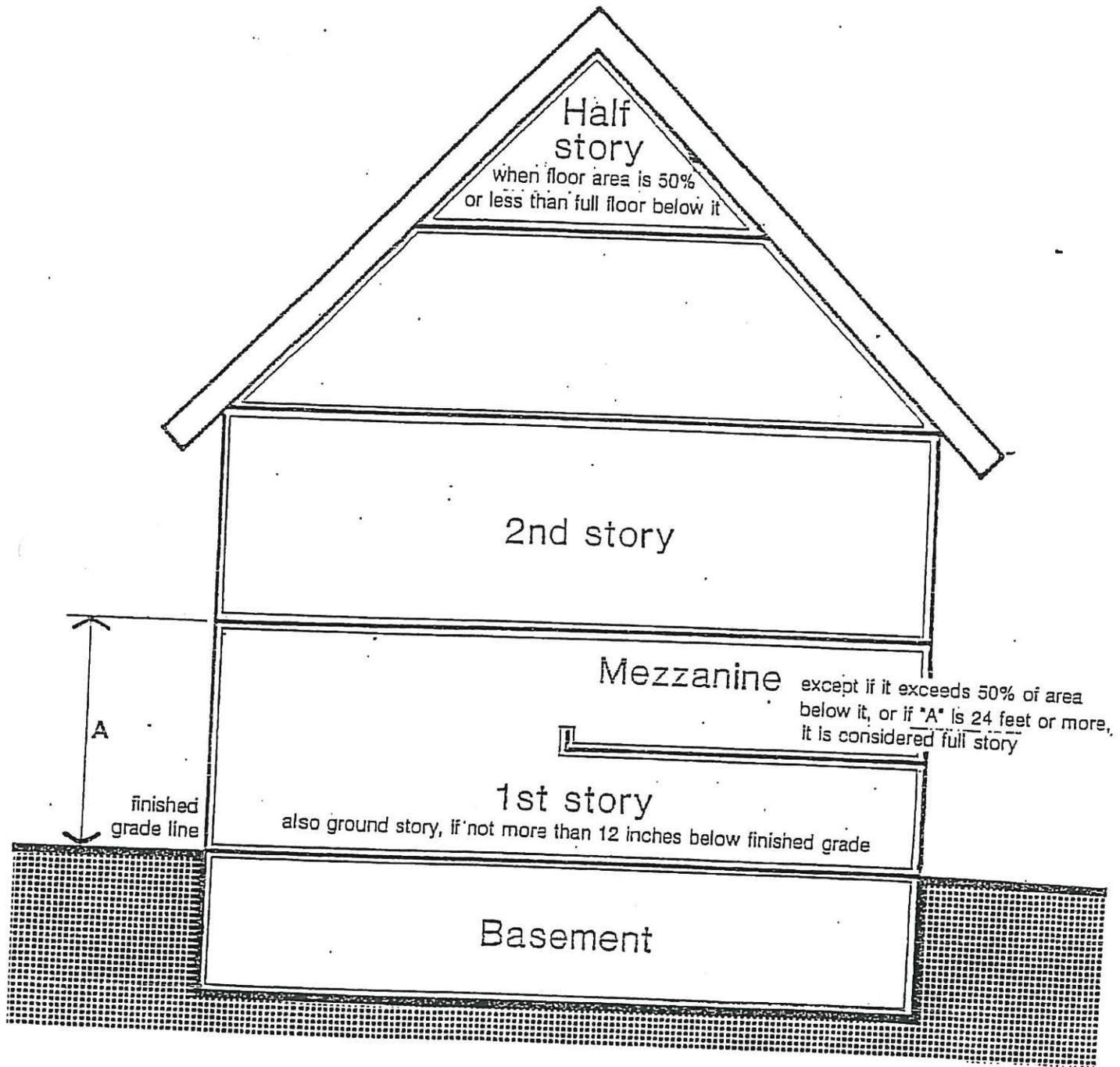
10. The proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
11. Other criteria as determined by the Planning Commission or City Commission which would protect the health, safety, and welfare of the public, protect public and private investment in the City, promote implementation of the goals and policies of the Comprehensive Plan, and enhance the overall quality of life in the City.

Recommendation

Review Section 2.50 and apply the standards to the proposed ordinance amendment and recommend adoption of the amendment to the City Commission.

GUIDE TO HEIGHT DEFINITIONS





Associates, Incorporated
 City Planning • Urban Design
 Ighon Hills, Michigan

Basic Structural Terms

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) ^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) ^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, 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, 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, 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, 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:

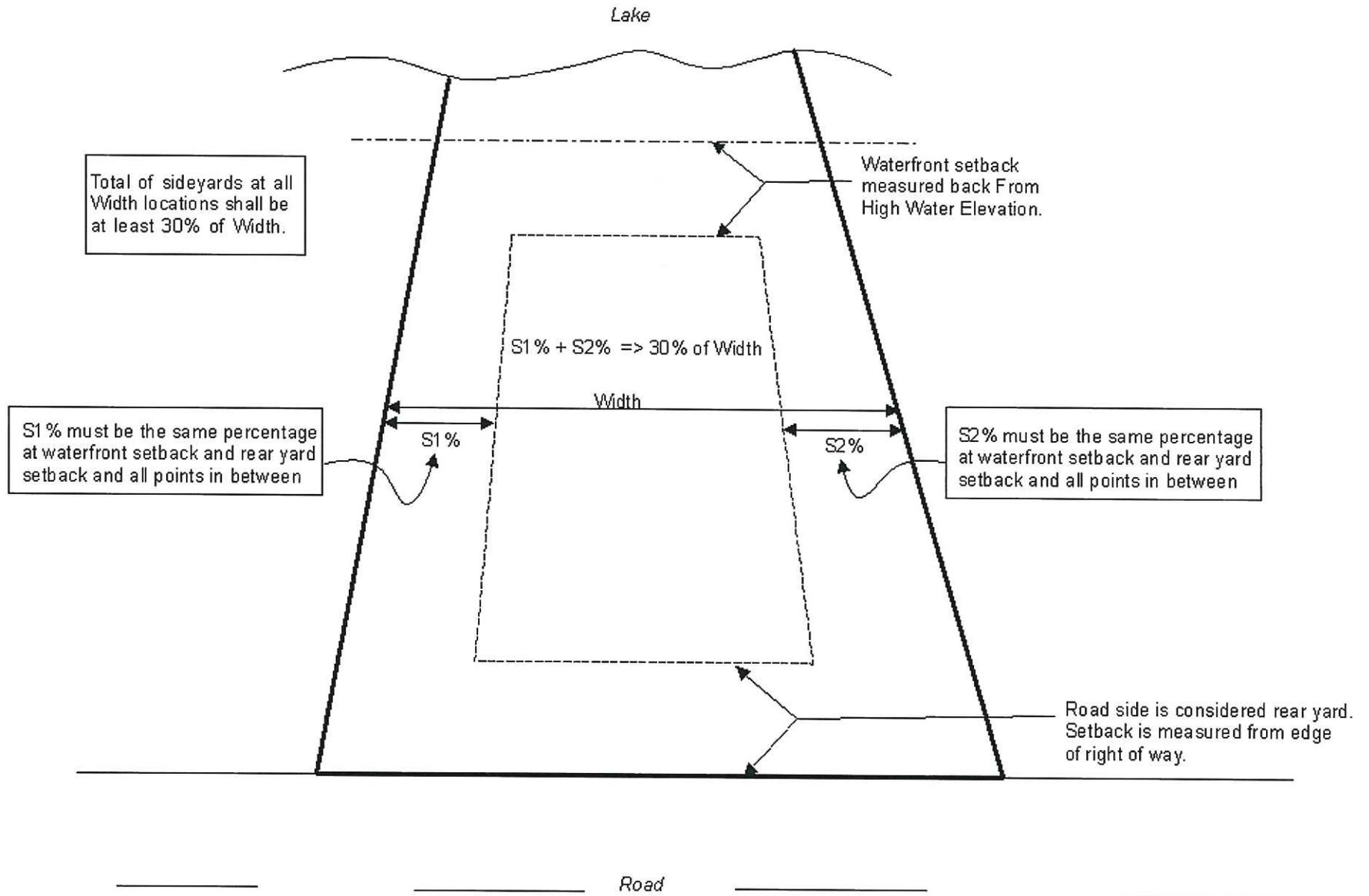
- a. Except for Section 21.46 C., all side yards abutting residentially zoned land shall have a minimum distance of twice the one yard requirement.
- b. All rear yards abutting residentially zoned land shall have a minimum distance of fifty (50) feet between the principal building and rear property line.
- 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 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.

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.
- n. 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.
- o. 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)



2019 Calendar Planning Commission

January

Su	Mo	Tu	We	Th	Fr	Sa
30	31	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	1	2

February

Su	Mo	Tu	We	Th	Fr	Sa
27	28	29	30	31	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	1	2

March

Su	Mo	Tu	We	Th	Fr	Sa
24	25	26	27	28	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31	1	2	3	4	5	6

April

Su	Mo	Tu	We	Th	Fr	Sa
31	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	1	2	3	4

May

Su	Mo	Tu	We	Th	Fr	Sa
28	29	30	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	1

June

Su	Mo	Tu	We	Th	Fr	Sa
26	27	28	29	30	31	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	1	2	3	4	5	6

July

Su	Mo	Tu	We	Th	Fr	Sa
30	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	1	2	3

August

Su	Mo	Tu	We	Th	Fr	Sa
28	29	30	31	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	1	2	3	4	5

October

Su	Mo	Tu	We	Th	Fr	Sa
29	30	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	1	2

November

Su	Mo	Tu	We	Th	Fr	Sa
27	28	29	30	31	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	1	2	3	4