



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 July 15, 2019 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 June 17, 2019 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. Edwin Street Vacation Request
 - B. Balsam Street Vacation Request
 - C. Review draft zoning ordinance amendments intended to eliminate unnecessary barriers to providing needed housing options,
8. Staff Report
9. Good of the Order
10. Adjournment – Next Meeting August 19, 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

An Equal Opportunity Provider and Employer
Hometown Feel, Small Town Appeal

Approved:

Meeting of June 17, 2019	Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday June 17, 2019 at 5:00 pm.
Call to Order	Vice Chair Ellwanger called the meeting to order at 5:01 p.m.
Roll Call	Present: George Ellwanger, Jim Kozlowski, Tom Neidhamer, Rose Newton, and Joe St. Dennis Absent: Aaron Place (arrived at 5:02 pm) and Jeff Ross
Excused Absences **Motion	2019-6-17-02 St. Dennis moved, Ellwanger seconded, PASSED UNANIMOUSLY , a motion to excuse the absence of Ross
Meeting Attendance	City Officials/Staff: Planning and Zoning Administrator Scott McPherson and Recording Secretary Pat Haver Public Present: Two
Consent Agenda **Motion	2019-6-17-03 Newton moved, Neidhamer seconded, PASSED UNANIMOUSLY , a motion to approve the consent agenda, the Planning Commission minutes from May 20, 2019 as presented. Place arrived and the meeting was turned over to him at 5:03 pm
Citizen comments on Non-Agenda Items	
Reports of Officers, Boards and Standing Committees	None
Unfinished Business	
New Business	St. Dennis moved, Newton seconded, PASSED UNANIMOUSLY , to appoint Aaron Place as Chair of the Planning Commission
Election of Officers	2019-6-17-7A.1 Roll Call: Aye: Ellwanger, Kozlowski, Neidhamer, Newton, Place and St. Dennis Nay: None Absent: Ross Vacancy: Two <i>Motion Carries</i>
**Motion	St. Dennis moved, Neidhamer seconded, PASSED UNANIMOUSLY , to appoint Jeff Ross as Vice-Chair of the Planning Commission
	2019-6-17-7A.2 Roll Call: Aye: Ellwanger, Kozlowski, Neidhamer, Newton, Place and St. Dennis Nay: None Absent: Ross Vacancy: Two <i>Motion Carries</i>

****Motion**

Kozlowski moved, St. Dennis seconded, PASSED UNANIMOUSLY, to appoint George Ellwanger as Secretary of the Planning Commission

2019-6-17-7A.3

Roll Call:

Aye: Ellwanger, Kozlowski, Neidhamer, Newton, Place and St. Dennis

Nay: None

Absent: Ross

Vacancy: Two

Motion Carries

Recommendation for Planning Commission appointments

The board currently has 2 vacancies with Ken Allen, who chose not to run again when his term expired on 5-31-19 and Jason Biskner who resigned as he accepted a different job and will not be able to fulfill the remainder of his term which is to expire on 5-31-2020. There were 3 applications for consideration, Lawrence Chute, Adam Graef and Skylar MacNaughton. Adam sent along his apologies for not being in attendance, he had prior commitments. Larry Chute and Skylar MacNaughton were in attendance and Chute gave a brief presentation of his experience and willingness to serve on the board. After board discussion along with a question and answer period, **motion by Ellwanger, seconded by St. Dennis** to recommend to the City Commission Larry Chute to fulfill the remainder of Biskner's term to expire on 5-31-2020

****Motion**

2019-6-17-7B.1

Roll Call:

Aye: Ellwanger, Kozlowski, Neidhamer, Newton, Place and St. Dennis

Nay: None

Absent: Ross

Vacancy: Two

Motion Carries

Motion by Place, seconded by Newton to recommend to the City Commission, Skylar MacNaughton to fill the 3 year term vacancy on the Planning Commission to expire on 5-31-2022

****Motion**

2019-6-17-7B.2

Roll Call:

Aye: Ellwanger, Kozlowski, Newton, Place and St. Dennis

Nay: Neidhamer

Absent: Ross

Vacancy: Two

Motion Carries

Review City Goals High Priority Action Item

Planning Director McPherson reviewed his staff report in the agenda packet. The Commission is to review the zoning ordinance and master plan with the intention of eliminating unnecessary barriers to providing needed housing options, especially for families and workers. Staff was tasked with a preliminary review of the ordinance and plans and identified barriers to the housing shortage and provided a list to this commission to start discussions and to focus on defining potential amendments that could be adopted. The list was not comprehensive nor was it an indication of what should be adopted, but a starting point for discussion. Chair Place facilitated discussion of the various district articles of the zoning ordinance and the potential amendments outlined by staff. Some of the ways that were identified to help alleviate shortages could be by changing some conditional uses to use by right; increasing density, decreasing

minimum lot areas and changing setbacks. One portion staff felt was very confusing and would benefit from a total re-write is Article XVIII Open Space Community Option. Another area would be Article XXIV Parking Requirements. It currently has in residential parking 2 spaces per dwelling and 1 ½ spaces per 1 bedroom and efficiency. As discussed in previous meetings this was the amount of parking required, which was felt to be excessive. Based on the comments and recommendations by this commission, staff will draft language for amendments. He would like to have all of the amendments go to the City Commission at one time for ease of timing and cost.

Staff Report

- The second part of the Medical Marijuana webinar series will be held on Thursday, June 20th from 3 to 4:30 pm at City Hall; all are invited to attend
- The Boyne City to Boyne Valley trail appropriations have been received and all of the necessary easements have been obtained
- The status of the completion of the Boyne City to Charlevoix trail is unknown

Good of the Order

- A question was asked about all of the concrete piping along M75 heading towards Boyne Falls. These are the concrete pipes for the sewer improvements at Boyne Mountain.

The next regular meeting of the Boyne City Planning Commission is scheduled for Monday, July 15, 2019 at 5:00 p.m.

Adjournment
****Motion**

2019-6-17-10

Newton moved, Neidhamer seconded, PASSED UNANIMOUSLY a motion to adjourn the June 17, 2019 meeting at 6:37 pm

Chair Aaron Place

Recording Secretary Pat Haver

CITY OF BOYNE CITY

To: Michael Cain, City Manager
From: Scott McPherson, Planning Director
Date: July 15, 2019
Subject: Application for Edwin street vacation



Background

An application for the vacation of a public way has been submitted by the Law Offices of Daniel J Harris representing Charles Johnson at 410 Jefferson Street. He is requesting the west 150.6' section of the undeveloped Edwin Street between Union and Jefferson be vacated. Mr. Johnson's driveway that accesses his property at 410 Jefferson is located within the ROW of Edwin Street. It appears the driveway was constructed when the house was constructed in 1992 as aerial imagery from May 1993 shows the house and driveway in the current locations. The zoning permit for construction of the home has been attached. The existing structure is significantly different than the plot plan submitted with the approved zoning permit which shows a 24' x 34', 816 sqft structure accessed directly from Jefferson Street.



The existing structure appears to encroach into the required 10' setback for the north lot line. The City has no records of additional zoning permits or variance requests for this property. Approximately 200' of the east end of Edwin Street developed which provides access to two homes. City water and sewer lines are located in the developed portion of the street as shown in the vicinity map (red lines sanitary sewer, blue water and tan storm sewer). The portion of the street that is proposed to be vacated is 50' wide and borders two other adjacent property owners. The adjacent property owners have not signed the petition for the application. The developed portion of the street is currently plowed by the City but it is not designated on the City's Act 51 map. The proposal has been reviewed by City Department heads and given the potential future use of the street for access and utilities the vacation request is not supported by City Staff.

Process

Before a street or alley can be vacated by the City Commission a recommendation on the proposed vacation request from the Planning Commission is required. As per Chapter 54 of the Boyne City Code of Ordinances, Article II Vacating Streets or Alleys section 54-26, after receiving the report of the Planning Commission, the City Commission shall determine whether to proceed further and if so the procedure shall be as hereinafter set forth:

- (1) The city shall have published a notice of the hearing and date of said hearing on the petition for the vacating of the street, alley, or portion thereof, by publishing the notice thereof once each week for three consecutive weeks in a newspaper printed or circulated within the city;
- (2) The city shall also cause copies of said published notice to be posted in three of the most public places within the city;
- (3) The city shall also cause to be mailed, by first class mail, a copy of said notice of hearing to those persons shown by the last known city assessor's records, to be the owners of each lot or parcel of land which abuts said street, alley, or portion thereof to be vacated; and
- (4) The city shall cause to be mailed, by certified mail, a copy of said published notice to the state treasurer and to all of the public utilities providing services in the city, if said street, alley, or portion thereof sought to be vacated is connected to a county road; then, a copy of said notice shall also be mailed to the board of county road commissioners.

Action

Review the proposed request and make a recommendation to the City Commission.

This permit must be displayed, within twenty-four (24) hours of its issuance, by placing it in a conspicuous place on the premises facing the nearest street and shall be continuously so displayed until all work is completed.

60
Paid
R#
16372

BOYNE CITY ZONING APPROVAL APPLICATION
319 North Lake Street - P. O. Box 68
Boyne City, MI 49712

Case 92-24-4 Map ___ Date 4-24-92
Referred to: Plan.Bd. ___ ZBA ___
Reason for Referral: _____

I. GENERAL INFORMATION

Name of Property Owner DINO FRANCHINO Telephone 582-3592
Address 533 LINE ST
City BOYNE State & Zip _____

II. PROPERTY DESCRIPTION

Legal Description (attach separate sheet, if necessary) LOT #9
LEWIS'S ADDITION TO BOYNE VILLAGE

Property Tax Code Number 1551-265-009-00
Nearest Intersection (Name Roads) JEFFERSON & CLARK

Zone District in which property is located R-2

III. PROPOSED USE

410 Jefferson St.

What type of construction is proposed:

- Single-Family Residential
 - Multiple-Family Residential
 - Other Residential (Describe) _____
 - Commercial (Describe) _____
 - Industrial (Describe) _____
 - Addition (Describe) _____
 - Other (Describe) _____
- Two-Family Residential
Number of Units _____

Height of the proposed structure? 24'
Exterior dimensions of the proposed structure? 24' X 34'
Approximate cost? \$25,000

IV. NAME OF BUILDING CONTRACTOR SELF
Address _____

V. SIGNATURE CLAUSE:

I hereby agree to comply with the provisions of the Boyne City Zoning Ordinance #A-28 in the installation, construction, alteration, addition, or demolition described herein and, if not the applicant, I hereby certify that the proposed work is authorized by the property owner and that I have been empowered by the owner to make this application as his selected agent.

DINO FRANCHINO
(Signature)

Date 4/23/92

VI. PLEASE COMPLETE THE FOLLOWING. Use care as this drawing will be used to determine if a permit may be issued in accordance with the Boyne City Zoning Ordinance.

Include: Proposed Building & Dimensions Approximate well & septic tank & field location.
 Front, Side and Rear Yard Setbacks Other topographic features.
 Roads (named), lakeshores, streams, easements, or other dedicated rights-of-way.

CM

ALL SETBACKS MUST BE MEASURED FROM THE EAVES DRIPLINE AND NOT THE WALL.

SEE ATTACHED

VII. DATE APPLICATION RECEIVED _____ Case _____ Map _____
APPROVALS: Health _____ Date _____
Soil Erosion _____ Date _____
ACTION: Permit Granted _____ Permit Denied _____
REASONS FOR DENIAL: _____

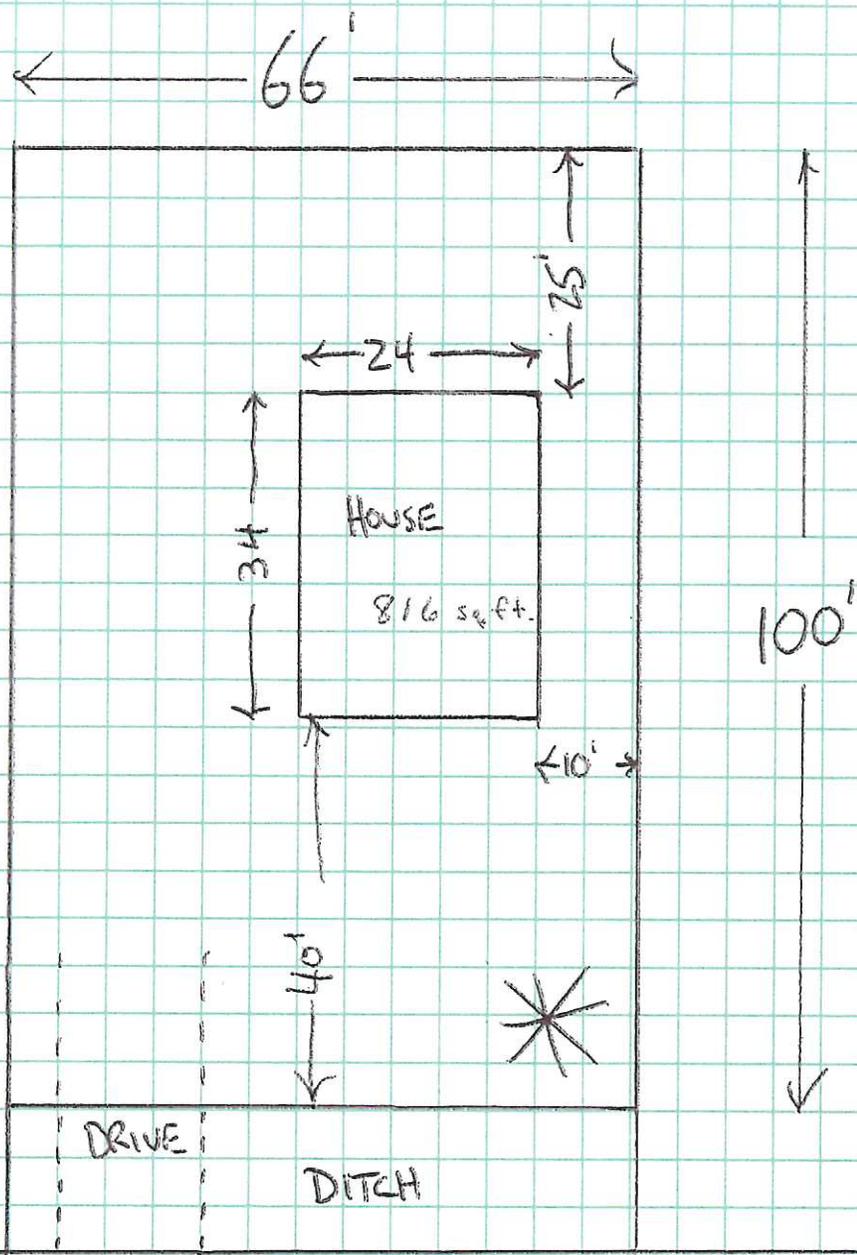
W. Randolph Lukens Date 4-27-92
(Zoning Administrator's Signature)

CERTIFICATE OF OCCUPANCY

It shall be unlawful to use or permit the use of any structure or premises hereafter altered, extended or erected, until the City Manager or his representative shall have made an inspection of the premises and shall have approved the same for occupancy. Call City Hall (582-6597) a minimum of two (2) working days in advance to schedule inspections.

Approved _____ Denied _____

Inspection Date _____ Signature of Approval _____



JEFFERSON ST.

□ = 5' x 5'

CITY WATER & SEWER

15" CULVERT BEING USED IN DITCH FOR DRIVE

410 Jefferson

Legend



Google Earth

Imagery © 2010 Google

Public Way Vacation Application



Boyne City Planning Commission

319 N. Lake Street (231) 582-0337
Boyne City, Michigan 49712-1188
www.boyne-city.com

➔ **Applicant Name:** Law Offices of Daniel J. Harris, P.C. - Katherine Mott
Street Address: 40 Petoskey St.
City: Petoskey **State:** MI **Zip-Code:** 49770
Phone Number (s): 231-347-4444 **E-mail:** Katie@NMI.LAWYERS.COM

Description of Public Way Proposed to be Vacated:

Portion of the "Paper Street" of Edwin St. near
410 Jefferson St., owned by Charles A. Johnson.
See attached.

Does the Public Way or part thereof abut any body of water? If so please describe:

No

Will the vacation result in any parcel of land being denied direct access?

No

I/we understand and agree, upon execution and submission of this application, that I/we agree to abide by all provisions of the City of Boyne City Zoning Ordinance as well as all procedures and policies of the City of Boyne City Planning Commission as those provisions, procedures, and policies relate to the handling and disposition of this application; that the above information is true and accurate to the best of my/our knowledge; and that a filing fee is due with this application.

Katherine E. Mott

Applicant (Printed Name)

Katherine E. Mott

Signature

10/24/2019

Date

This is to certify the required ~~\$400~~⁵⁰⁰ filing fee was received on 6-24-19 and documented
with Receipt Number 109599. This application is scheduled for public hearing on _____

Staff Initials SM

No Faxed Copies/Originals only

(form last updated 31 Aug 04)

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TELEPHONE (313) 964-4900
FAX (313) 961-1893

JON R. GARRETT, OF COUNSEL (1949-2014)

June 24, 2019

Boyne City Planning Commission
319 N. Lake St.
Boyne City, MI 49712
231-582-0337

RE: Edwin Street – Vacation Application

To Whom It May Concern:

I represent Charles A. Johnson who owns the residence located at 410 Jefferson Street, Boyne City, MI, which includes Lots 9, 10, and 11. *See Exhibit A.* We are asking the City to vacate a portion of the “paper street” of Edwin Street which lies adjacent to my client’s property.

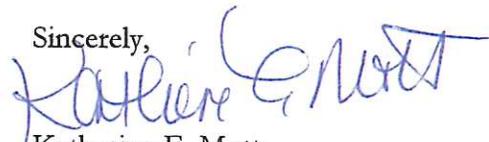
Mr. Johnson purchased his property on or about June 28, 1994 and at the time of purchase the driveway was situated in the same location as it is today. *See Exhibit B.* Mr. Johnson was informed that the driveway was situated on his land and he had no reason to doubt its placement.

In 2015, Mr. Johnson had an appraisal completed for refinancing. *See Exhibit C.* As was his understanding for years, the Appraiser noted “[p]art of the subject’s driveway lies on abandon public alleyway or abandon public right-of-way easement.

Mr. Johnson has maintained the parcel of land marked as “A” on the attached *Exhibit D* for approximately 25 years. He only recently learned that this parcel of land is the City’s paper street of Edwin. The City does not utilize this section of land for a utility easement or any other purpose and does not maintain this parcel.

My client is respectfully seeking for the City to vacate the section of Edwin Street which is identified as “A” on *Exhibit D.*

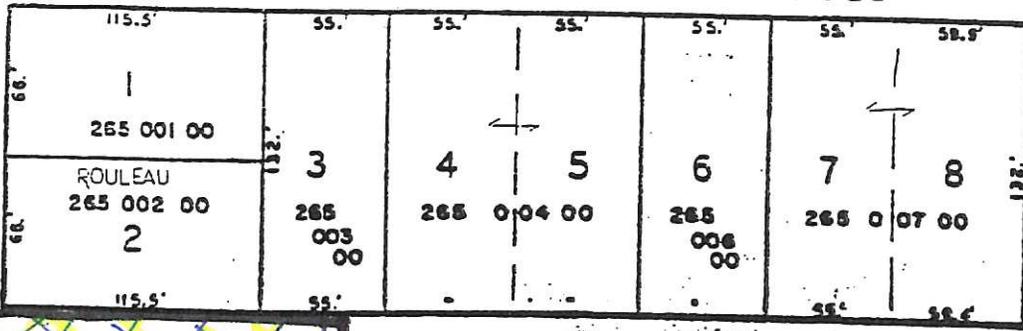
Please contact me with any questions at 231-347-4444 or at katie@nmilawyers.com. Thank you in advance.

Sincerely,

Katherine E. Mott

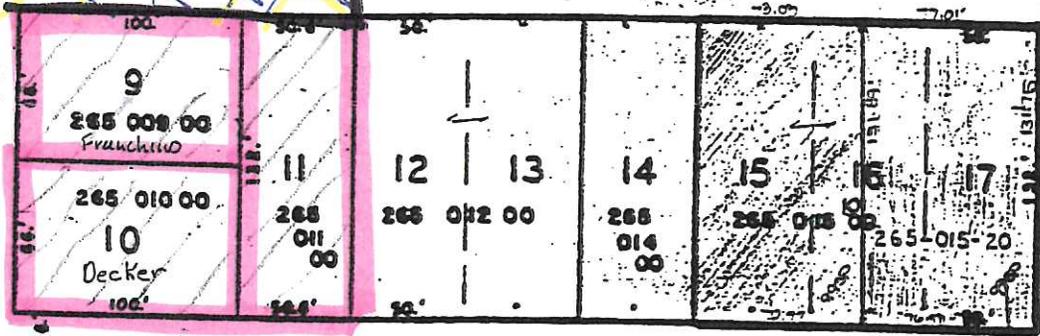
N 1/4 CORNER

NORTH LINE OF SECTION 35, T 35 N, R 6 W

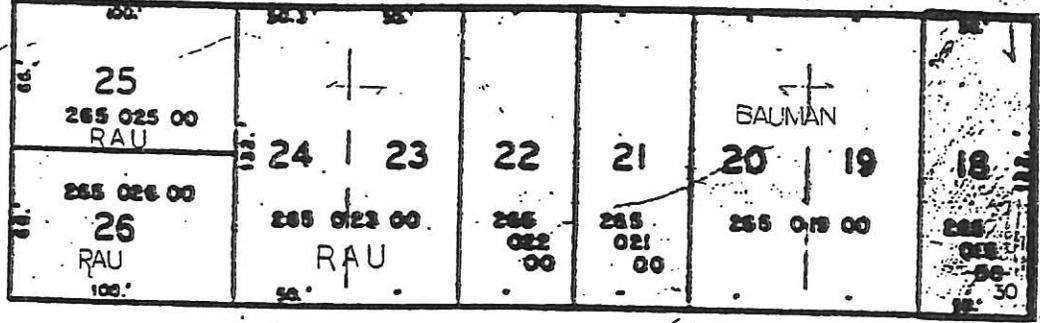
VOGEL



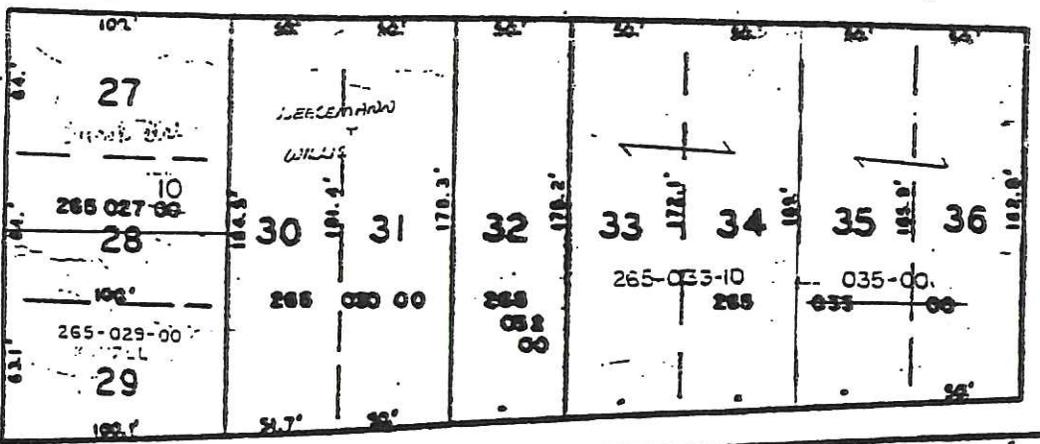
EDWIN ST.



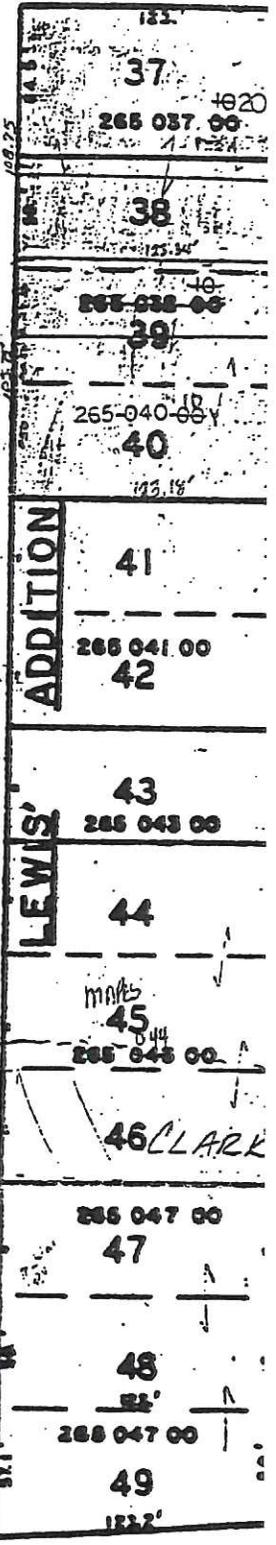
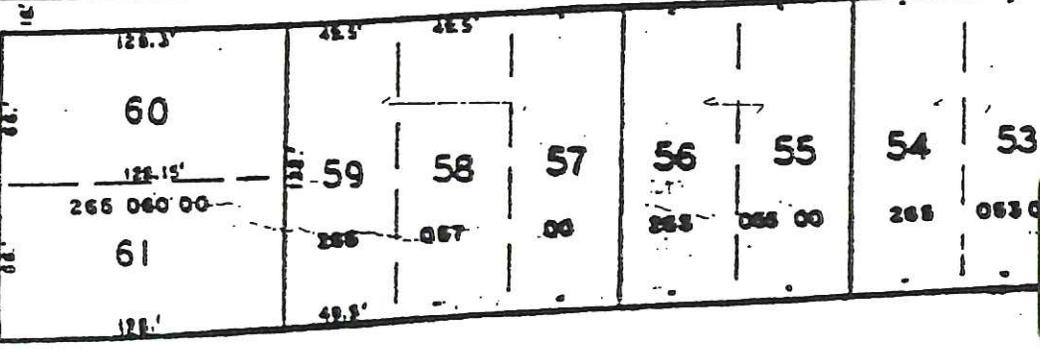
BAUMAN



CLARK ST.



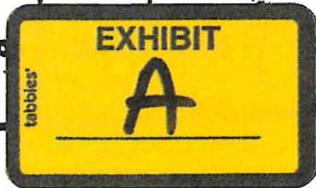
JEFFERSON



ADDITION

LEWIS

CLARK



SEE SHEET 2-7

N. A. S. 1/4 LINE

410 ST.

UNION ST.



EXHIBIT
B

APPRAISAL OF



SINGLE FAMILY HOME - EXTERIOR ONLY INSPECTION

LOCATED AT:

410 JEFFERSON ST
Boyne City, MI 49712

FOR:

JP Morgan Chase Bank, NA
111 E Wisconsin Ave
Milwaukee, WI 53202

BORROWER:

CHARLES JOHNSON

AS OF:

August 19, 2015

BY:

Stephen H. Ball
MI # 1201004923



08/20/2015

Stewart Valuation Services, LLC - 1202000094
JP Morgan Chase Bank, NA
111 E Wisconsin Ave
Milwaukee, WI 53202

File Number: 4652419

Attn: Sir or Madam

In accordance with your request, I have appraised the real property at:

410 JEFFERSON ST
Boyne City, MI 49712

The purpose of this appraisal is to develop an opinion of the market value of the subject property, as improved.

In my opinion, the market value of the property as of August 19, 2015 is:

\$126,000
One Hundred Twenty-Six Thousand Dollars

The attached report contains the description, analysis and supportive data for the conclusions, final opinion of value, descriptive photographs, limiting conditions and appropriate certifications.

Respectfully submitted,



Stephen H. Ball
MI # 1201004923
Stephen & Associates Appraisals

Appraisal Report

Exterior-Only Inspection Residential Appraisal Report

File No. 4652419

The purpose of this summary appraisal report is to provide the lender/client with an accurate, and adequately supported, opinion of the market value of the subject property.

Property Address 410 JEFFERSON ST, City Boyne City, State MI, Zip Code 49712. Borrower CHARLES JOHNSON, Owner of Public Record CHARLES & SUZANNE JOHNSON, County Charlevoix. Legal Description THE FOLLOWING DESCRIBED PREMISES SITUATED IN THE CITY OF BOYNE CITY, See Attached Addendum. Assessor's Parcel # 15-051-265-009-00, 15-051-265-011-00, Tax Year 2014, R.E. Taxes \$ 1,664. Neighborhood Name Boyne City, Map Reference Plat, Census Tract 0014. Occupant [X] Owner [] Tenant [] Vacant, Special Assessments \$ 0, PUD HOA \$ 0 per year per month. Property Rights Appraised [X] Fee Simple [] Leasehold [] Other (describe). Assignment Type [] Purchase Transaction [X] Refinance Transaction [] Other (describe). Lender/Client JP Morgan Chase Bank, NA, Address 111 E Wisconsin Ave, Milwaukee, WI 53202. Is the subject property currently offered for sale or has it been offered for sale in the twelve months prior to the effective date of this appraisal? [] Yes [X] No. Report data source(s) used, offering price(s), and date(s). Northern Michigan MLS.

I [] did [] did not analyze the contract for sale for the subject purchase transaction. Explain the results of the analysis of the contract for sale or why the analysis was not performed. Contract Price \$, Date of Contract, Is the property seller the owner of public record? [] Yes [] No, Data Source(s). Is there any financial assistance (loan charges, sale concessions, gift or downpayment assistance, etc.) to be paid by any party on behalf of the borrower? [] Yes [] No. If Yes, report the total dollar amount and describe the items to be paid.

Note: Race and the racial composition of the neighborhood are not appraisal factors. Neighborhood Characteristics: Location [] Urban [X] Suburban [] Rural, Property Values [] Increasing [X] Stable [] Declining, PRICE AGE, One-Unit Housing Trends: Demand/Supply [] Shortage [X] In Balance [] Over Supply, \$ (000) (vrs), 2-4 Unit, 0%, Growth [] Rapid [X] Stable [] Slow, Marketing Time [] Under 3 mths [X] 3-6 mths [] Over 6 mths, 7 Low 2 Multi-Family, 0%, Neighborhood Boundaries: Wilson Township to South, Lake Charlevoix to North, Lakeshore Drive to West and Evangeline Township to East, 439 High 90 Commercial, 10%, 76 Pred, 20 Other Vac, 20%. Neighborhood Description: Boyne City is a area with homes of mixed sizes, age, quality, and condition. Subject is in the Boyne City school district, and is in close proximity to Boyne City central business district which is a main job center. Boyne City has a population 3346 and is surrounded by rural township areas and Lake Charlevoix. See Attached Addendum. Market Conditions (including support for the above conclusions) Prices of residential homes have been stable depending on the kind of home it is. This is due to the slower Michigan economy which has affected the local real estate market. There there is some renovation of older homes little in the way of new construction. See Attached Addendum.

Dimensions Irregular, Area 13213 sf, Shape Basically Rectangular, View N;Res;. Specific Zoning Classification TRD, Zoning Description Traditional Residential District (Single Family Residential). Zoning Compliance [X] Legal [] Legal Nonconforming (Grandfathered Use) [] No Zoning [] Illegal (describe). Is the highest and best use of the subject property as improved (or as proposed per plans and specifications) the present use? [X] Yes [] No, If No, describe.

Utilities: Public Other (describe), Electricity [X] [], Water [X] [], Gas [X] [], Sanitary Sewer [X] [], Off-site Improvements—Type: Public Private, Street Asphalt [X] [], Alley None [] []. FEMA Special Flood Hazard Area [] Yes [X] No, FEMA Flood Zone C, FEMA Map # 2600560001B, FEMA Map Date 07/19/1982. Are the utilities and off-site improvements typical for the market area? [X] Yes [] No, If No, describe.

Are there any adverse site conditions or external factors (easements, encroachments, environmental conditions, land uses, etc.)? [] Yes [X] No, If Yes, describe. Date enter in "FEMA Map Date" is the date that FEMA info was verified. Flood information per InterFlood by A LA mode. There are NO farm activities were being done on the subject's site. Part of the subject's driveway lies on abandon public alleyway or abandon public right-of-way easement.

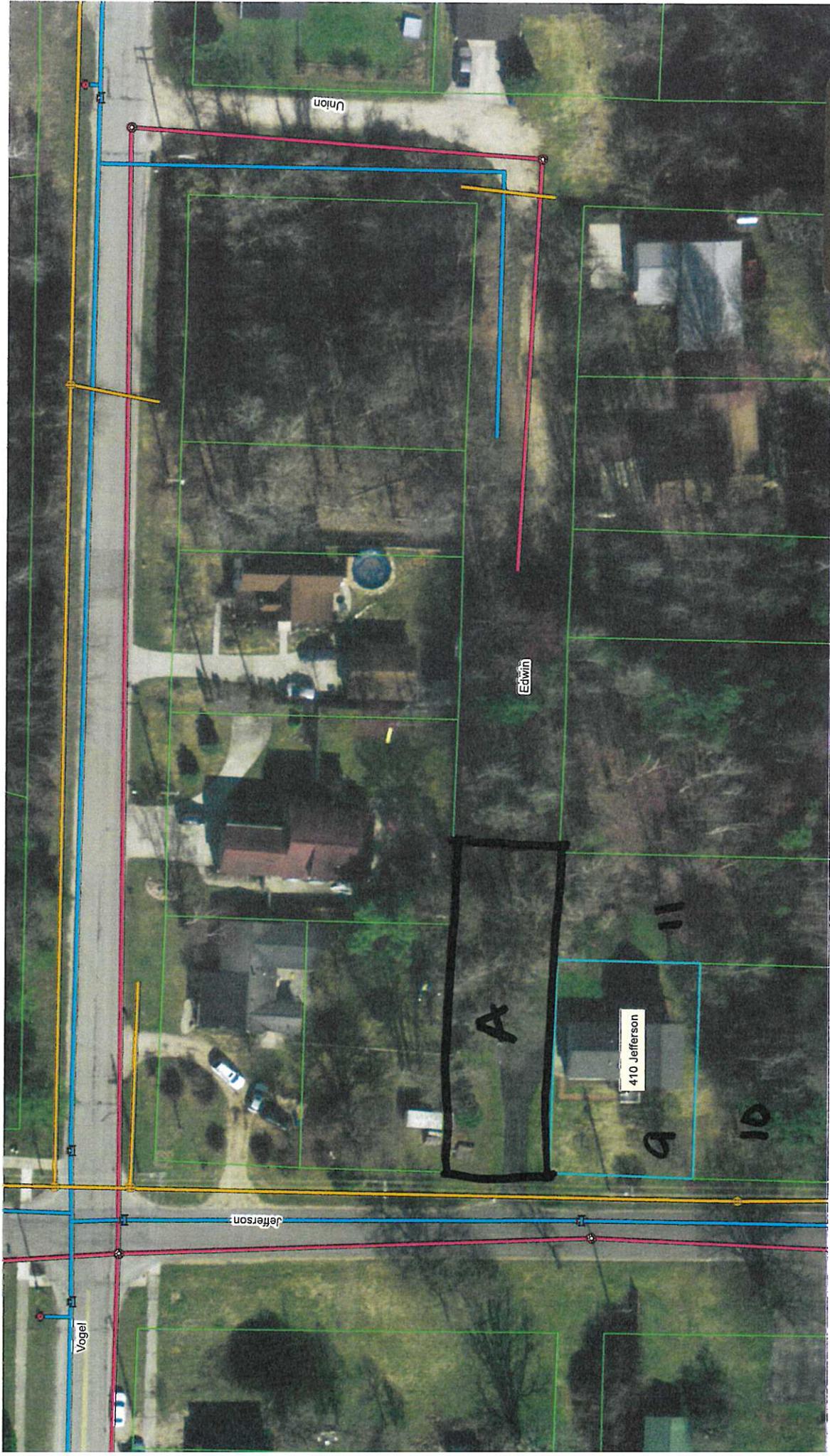
Source(s) Used for Physical Characteristics of Property [] Appraisal Files [] MLS [X] Assessment and Tax Records [] Prior Inspection [X] Property Owner. [X] Other (describe) Exterior Inspection & Owner, Data Source(s) for Gross Living Area Exterior Inspection. GENERAL DESCRIPTION: Units [X] One [] One with Accessory Unit, # of Stories 2, Type [X] Det. [] Att. [] S-Det./End Unit, [X] Existing [] Proposed [] Under Const., Design (Style) Traditional, Year Built 1992, Effective Age (Yrs) 10. Heating / Cooling: [X] FWA [] HWBB, [] Radiant, [] Other, Fuel Gas, [] Central Air Conditioning, [] Individual, [X] Other None. Amenities: Fireplace(s) # 0, WoodStove(s) # 0, [X] Patio/Deck Deck, [X] Porch Open, [] Pool None, [X] Attached [] Detached, [X] Other Shed, [] Built-in. Appliances: [] Refrigerator [] Range/Oven, [X] Dishwasher [X] Disposal [] Microwave [] Washer/Dryer [] Other (describe). Finished area above grade contains: 5 Rooms, 2 Bedrooms, 1.1 Bath(s), 1,344 Square Feet of Gross Living Area Above Grade. Additional features (special energy efficient items, etc.) Refrigerator, Range, and Washer/Drvr are personal property.

Describe the condition of the property and data source(s) (including apparent needed repairs, deterioration, renovations, remodeling, etc.). C3: Subject is a frame built home. Condition is good. Quality of construction is average to good. No physical, functional, or external depreciation noted. No known repairs needed. Subject has been well maintained thus reducing the dwelling's estimated effective age from the current or estimated actual age.

Are there any apparent physical deficiencies or adverse conditions that affect the livability, soundness, or structural integrity of the property? [] Yes [X] No, If Yes, describe. See Attached Addendum.

Does the property generally conform to the neighborhood (functional utility, style, condition, use, construction, etc.)? [X] Yes [] No, If No, describe.

Blue - water
Red - Sewer (sanitary)
Tan - Storm sewer



CITY OF BOYNE CITY

To: Chair Aaron Place and fellow Planning Commissioners

From: Scott McPherson, Planning Director

Date: July 15, 2019

Subject: Application for Balsam Street vacation



Background

An application for the vacation of a public way has been submitted by the Barron & Engstrom representing Thomas Stockbridge at 639 Woodland Drive. The application is requesting the entirety of Balsam Place be vacated from Woodland Drive to Shady Lane.



Currently 4 properties are accessed from Balsam Place which are 631, 639, 641, and 645 Woodland Street. All the adjacent property owners have signed the petition for the application. The application petition included 647 Woodland however it appears this property is not adjacent to Balsam Street and the access for the property is entirely within the Woodland Street ROW. Three of the properties, 631, 639 and 645 are parcels bifurcated by Balsam Street. The proposal would create new driveways from Woodland Street for 631 and 639 and the other properties would continue use the existing access and driveways as currently configured. A City sanitary sewer force main is located in the developed portion of the street as

shown in the vicinity map (red lines sanitary sewer, blue water and tan storm sewer). The portion of the street that is proposed to be vacated is 33' wide and approximately 200' in length. The street is paved and maintained by the City and is designated on the City's Act 51 map. The proposal has been reviewed by City Department heads and given the property is a developed and maintained street with existing City infrastructure City Staff sees no compelling reason the street should be vacated.

Process

Before a street or alley can be vacated by the City Commission a recommendation on the proposed vacation request from the Planning Commission is required. As per Chapter 54 of the Boyne City Code of Ordinances, Article II Vacating Streets or Alleys section 54-26, after receiving the report of the Planning Commission, the City Commission shall determine whether to proceed further and if so the procedure shall be as hereinafter set forth:

- (1) The city shall have published a notice of the hearing and date of said hearing on the petition for the vacating of the street, alley, or portion thereof, by publishing the notice thereof once each week for three consecutive weeks in a newspaper printed or circulated within the city;
- (2) The city shall also cause copies of said published notice to be posted in three of the most public places within the city;
- (3) The city shall also cause to be mailed, by first class mail, a copy of said notice of hearing to those persons shown by the last known city assessor's records, to be the owners of each lot or parcel of land which abuts said street, alley, or portion thereof to be vacated; and
- (4) The city shall cause to be mailed, by certified mail, a copy of said published notice to the state treasurer and to all of the public utilities providing services in the city, if said street, alley, or portion thereof sought to be vacated is connected to a county road; then, a copy of said notice shall also be mailed to the board of county road commissioners.

Action

Review the proposed request and make a recommendation to the City Commission.

BARRON & ENGSTROM, P.L.C.
ATTORNEYS AND COUNSELORS AT LAW
P.O. BOX 309
309 PETOSKEY AVENUE
CHARLEVOIX, MICHIGAN 49720

DANIEL B. BARRON
dbarron@barronengstrom.com

EDWARD F. ENGSTROM
efengstrom@barronengstrom.com

TELEPHONE: (231) 547-9950
TELEFAX: (231) 547-2977
bepic@barronengstrom.com

July 10, 2019

Scott McPherson
Boyne City Planning/Zoning Department
627 W. Michigan Ave.
Boyne City, MI

Re: *Final Mile Investments, LLC v City of Boyne City, et al.*

Dear Mr. McPherson:

I have enclosed a completed Boyne City Planning Commission Public Way Vacation Application seeking to vacate Balsam Place of the Glenwood Beach Resort. I have included a statement as to the public interest and access issues. I also enclosed an ALTA survey depicting the area at issue and how access will be obtained. Any easements necessary for utilities and/or ingress/egress will arise or remain. All property owners on Balsam Place do not have a problem with it being vacated and signed the application.

Furthermore, you will find enclosed a check made payable to the City of Boyne City in the amount of \$500.00.

If you need any additional information, I will obtain it for you upon your request.

Very truly yours,

BARRON & ENGSTROM, P.L.C.

Edward E. Engstrom

EFE/an

Public Way Vacation Application



Boyne City Planning Commission

319 N. Lake Street (231) 582-0337
Boyne City, Michigan 49712-1188
www.boynecity.com

➡ **Applicant Name:** Thomas Stockbridge, sole member of Final Mile Investments, LLC
Street Address: 639 Woodland Drive
City: Boyne City **State:** MI **Zip-Code:** 49712
Phone Number (s): (760) 207-9716 **E-mail:** tom@meridianww.com

Description of Public Way Proposed to be Vacated:

Balsam Place as depicted in the attached ALTA survey drafted by Ferguson & Chamberlain, dated April 27, 2019

Does the Public Way or part thereof abut any body of water? If so please describe:

No. Shady Lane, which is perpendicular to Balsam Place, does run into Lake Charlevoix but it will not be affected in any manner if Balsam Place is vacated. The public will still have access to the water from Shady Lane.

Will the vacation result in any parcel of land being denied direct access?

No

I/we understand and agree, upon execution and submission of this application, that I/we agree to abide by all provisions of the City of Boyne City Zoning Ordinance as well as all procedures and policies of the City of Boyne City Planning Commission as those provisions, procedures, and policies relate to the handling and disposition of this application; that the above information is true and accurate to the best of my/our knowledge; and that a filing fee is due with this application.

Edward F. Engstrom, Attorney for Final Mile Investments, LLC

Applicant (Printed Name)

Edward F. Engstrom 7-10-19
Signature Date

This is to certify the required ⁵⁰⁰~~400~~ filing fee was received on 7-10-19 and documented with Receipt Number 110024. This application is scheduled for public hearing on TBD

Staff Initials SEM

No Faxed Copies/Originals only

(form last updated 31 Aug 04)

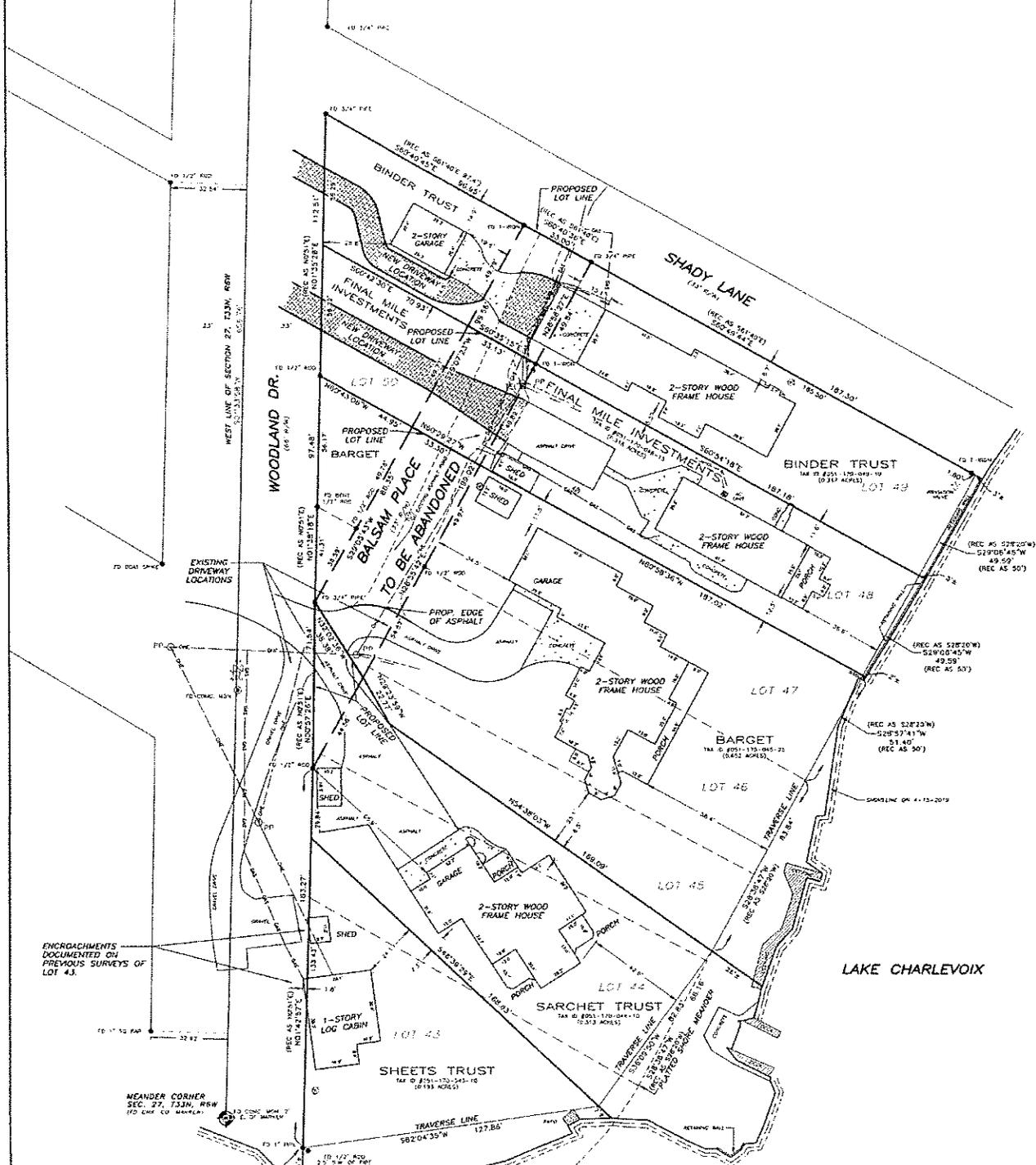


CERTIFIED TO:
EDWARD ENGSTROM
BARRON & ENGSTROM P.L.C.
P.O. BOX 305
302 PETOSKEY AVE.
CHARLEVOIX, MI 49720

WEST 1/4 CORNER
SEC. 27, T33N, R6W
1/4 CORNER MONUMENT

ALTA/NSPS SURVEY
WITH PROPOSED DRIVE LOCATIONS

FOR
LOTS 43 - 50 & BALSAM PLACE
PLAT OF GLENWOOD BEACH RESORT
(SHEET 1 OF PLATS, PAGE 85)
CITY OF ROYME CITY, CHARLEVOIX COUNTY, MICHIGAN



- LEGEND:**
- 1 DIMENSIONS ARE IN FEET AND DECIMALS THEREOF
 - 2 BEARINGS ARE BASED ON TRUE SURVEYS OF SEC. 43 - 50 WITHIN THE PLAT OF GLENWOOD BEACH RESORT
 - 3 "W" SYMBOLS INDICATE NON-FIELD IN PLACE
 - 4 "C" SYMBOLS INDICATE CONCRETE FOUNDATION IN PLACE
 - 5 "S" 4" X 4" STEEL RODS WITH 10' CAPS HAVE BEEN SET AT ALL POINTS MARKED WITH "S"

- UTILITY LEGEND:**
- POWER POLE
 - GUY WIRE
 - STREET LAMP
 - TELEPHONE POLE
 - DATA POLE
 - ELECTRICAL REMEDIATION
 - COMMON CONTAIN
 - FIRE HYDRANT
 - WATER VALVE
 - WATER CLOS. VALVE
 - VAL. VALVE
 - WATER MAIN
 - SEWER MAIN
 - SEWER MANHOLE
 - SEWER CLEANOUT
 - STORM MANHOLE
 - STORM CLEANOUT
 - ELECTRICAL MANHOLE
 - LANDSCAPE MANHOLE
 - LANDSCAPE CLEANOUT
 - GAS METER
 - GAS LINE

FERGUSON & CHAMBERLAIN ASSOCIATES, INC.
PROFESSIONAL SURVEYORS
101 N. VERBENA STREET
CHARLEVOIX, MICHIGAN 49720
PHONE: (231) 341-5822
FAX: (231) 341-5822
WWW.FERGUSONCHAMBERLAIN.COM

CERTIFICATION:
To BARRON & ENGSTROM, P.L.C.
This is to certify that the map or plat and the survey on which it is based were made in accordance with the 2018 Minimum Standard Data Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS. The fieldwork was completed on April 15, 2018.
Date of Plot or Map: _____
Scott A. Papineau P.S. 50446

OWNER	DATE	PROJECT NO.	
BARRON & ENGSTROM, P.L.C.	4/15/2018	2018-04-15-01	
PROJECT	DATE	PROJECT NO.	
ALTA/NSPS SURVEY	4/15/2018	2018-04-15-01	
DATE	TIME	DATE	TIME
4/15/2018	10:00 AM	4/15/2018	10:00 AM



*For Application submitted by Final Mile Investments, LLC
to vacate Balsam Place*

**STATEMENT REGARDING WHY VACATION OF BALSAM PLACE
IS IN THE PUBLIC'S INTEREST AND THE ACCESS ISSUE**

Public Interest

Balsam Place does not currently benefit the public except for the property owners that live along it. It is simply a road that is approximately 30 feet wide and 248.86 feet long used by the owners of the five homes exiting along it. Shady Lane which runs perpendicular to Balsam Place **will not** be effected in any manner.

The City will save in not having to maintain and/or plow Balsam Place and any funding it receives will be less then the benefit it will gain by having that road vacated for tax and other purposes. Allowing the vacation to occur will fulfill the City's mission statement of providing ethical and responsible local government.

Any existing utility easements for the benefit of the City and/or public will remain.

Access

The only purpose of Balsam Place is to provide the Sheets Trust, Sarchet Trust, Bruce and Net G. Barget, Final Mile Investment Group, LLC, and Binder Trust property owners ingress and egress. All of those property owners have signed the application agreeing Balsam Place can be vacated.

The owners of the Binder Trust and Final Mile Investments parcels will gain access by the new driveways depicted within the attached Alta survey. The owners of the three other parcels will gain access by the existing portion of balsam place they use to currently gain access with the appropriate easement(s) arising based upon it becoming private property if the vacation request is successful.

APPLICATION CHECKLIST:
PUBLIC WAY VACATION

The following is a list of material which must be submitted with your application. For some applications, it will not be necessary to submit all of the listed materials. Consult with the Planning Department if you have any questions. Please do not turn in your application until all materials which apply to your proposal have been checked off. A hearing date will not be assigned until you application materials are complete.

Applicant to check
if submitted

Pre-Submittal Meeting

A meeting with a planner is recommended prior to submittal



Application

A petition form signed by the owners of the property abutting the portion of the street or alley to be vacated. If any petitioner is purchasing abutting or underlying property under a real estate contract, the seller of that property must also sign the vacation petition.



A statement of why the proposed vacation is in the public interest.



A statement explaining how no property will be denied direct access as a result of the vacation.

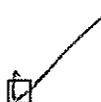


The legal description should be for a **full** street, alley, or easement vacation. Only in rare and unusual circumstances does the City approve a partial vacation.



Fees

A check to the City of Boyne City for the filing fee



Plans

Applicant to submit a map of area proposed to be vacated



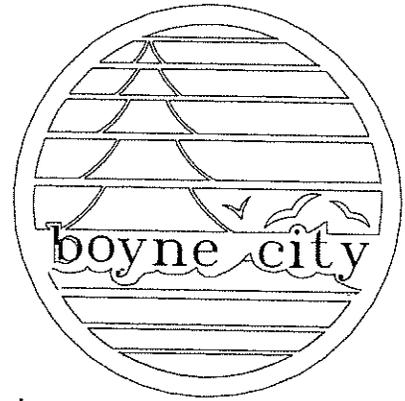
CITY OF BOYNE CITY

To: Chair Aaron Place, and fellow Planning Commissioners

From: Scott McPherson Planning Director

Date: June 17, 2019

Subject: Proposed Amendments to eliminate Housing Barriers



As discussed at the June meeting, possible amendments to eliminate potential housing barriers have been drafted for review by the planning commission. For the following proposed ordinance amendments deleted text is shown with a ~~strikeout~~ and new text is shown in *italics*.

Proposed Amendments to Article I Definitions

Several amendments to the definitions in Article I are being proposed. The amendments are intended to make the language consistent and eliminate unnecessary and duplicate definitions. The proposed amendments are as follows:

Dwelling, Manufactured *Home*: A building or portion of a building designed for long-term residential use and characterized by all of the following:

1. The structure is produced in a factory ~~in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended~~ *and is in compliance with all applicable codes to be classified and used as a dwelling;*
2. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities;
3. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

A mobile home ~~and modular home is~~ *are considered a type of manufactured dwelling homes.*

Dwelling, Mobile Home: A structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered "mobile homes" for the purposes of this Ordinance. ~~(See Mobile Home (Manufactured Housing Unit).~~

Dwelling, Modular Home: A dwelling which consists of prefabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat-bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, and which shall not be considered a mobile home.

~~**Mobile Home (Manufactured Housing Unit):** A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle as described and regulated herein for the purposes of this Ordinance. (See Dwelling, Manufactured, and Dwelling, Mobile Home.)~~

Mobile Home Park (Manufactured Housing Development): A parcel or tract of land under the control of a person upon which three (3) or more ~~mobile~~ *manufactured* homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a ~~mobile~~ *manufactured* home and ~~which is not intended for use as a temporary trailer park~~, subject to conditions set forth in the Michigan Manufactured Housing Commission Rules and Michigan Public Act 419 of 1976, 96 of 1987 as amended. *Seasonal mobile home parks as defined by the Act are not Manufactured Housing Developments.*

~~**Modular Home:** A dwelling which consists of prefabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, and which shall not be considered a mobile home.~~

Proposed Amendments to Article IV

The amendment proposed to Article VI would allow accessory dwellings and duplex's as a use by right and permit multiple family units with a maximum of 4 units as a conditional use. The proposed amendments are as follows:

Section 4.20 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. *Attached or detached accessory apartments, provided the site contains an owner occupied single family dwelling, limited to one (1) accessory apartment per site. Accessory apartments can be attached to either a single family dwelling or a detached garage. Detached accessory apartments shall have a minimum side yard and rear yard setback of ten (10) feet. Off-street parking shall be in accordance with D.1.a of this subsection.*
- C. *Two-family dwellings.*

Section 4.30 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. ~~Attached or detached accessory apartments, provided the site contains an owner occupied single family dwelling, limited to one (1) accessory apartment per site. Accessory apartments can be attached to either a single family dwelling or a detached garage. Detached accessory apartments shall have a minimum side yard and rear yard setback of ten (10) feet. Off-street parking shall be in accordance with D.1.a of this subsection.~~ *Multiple dwelling with a maximum of 4 units.*
- B. 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.
- C. Home occupations in which customers or patrons visit the site for the delivery of goods and/or services.
- ~~D. Two family dwellings.~~
- ~~1. Criteria for granting conditional uses for two family dwellings in a Traditional Residential District (TRD):~~
 - ~~a. A parking area shall be provided for the occupant of both units which shall be hard surfaced, preferably asphalt, brick or concrete, and shall have at least two (2) parking spaces for each dwelling unit (not less than four (4) spaces).~~
 - ~~b. The applicant shall submit a site plan (drawn to scale and indicating the setbacks) and a floor plan of both units showing the present use and the proposed use of each room in the structure. Any permit granted allowing the conditional use shall designate the number of bedrooms allowed in each unit and such number shall not thereafter be increased.~~
 - ~~c. The size and architecture shall be in harmony with the existing neighborhood in which it is located and will not be detrimental to the future orderly development of the nearby properties.~~
 - ~~d. Any refuse and garbage collection area or devices shall comply with 35.052, Section 2, Containers, of the City of Boyne City General Ordinances.~~
 - ~~e. The applicant shall compile a list and provide a map of existing duplex units, multiple family units, rooming houses, and care facilities within three hundred (300) feet of the proposed structure. The Planning Commission shall be entitled to consider the density of such units and limit the density within that area.~~

Proposed Amendments to Article VII

The amendments to Article VII would change the terminology from mobile home to manufactured home and park to development, increase the density to 10 units per acre and allow the 25,000 square feet open space requirement to be met by more than 1 area. The proposed amendments are as follows:

**ARTICLE VII
MANUFACTURED HOUSING ~~PARK~~ DEVELOPMENT DISTRICT (~~MHPD~~ MHDD)**

Section 7.10 Purpose.

The purpose of this district is to provide sites for ~~mobile homes and~~ manufactured housing units at appropriate locations in relationship to the existing and potential development of the surroundings while establishing an attractive residential environment.

Section 7.20 Principal Permitted Uses.

- A. Manufactured housing units *development*.
- B. Accessory structures and uses customarily incidental to the above permitted uses.

Section 7.30 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. Public, parochial and private schools including nursery schools, churches, temples, or similar places of worship, libraries, community buildings, hospitals, convalescent homes, and funeral homes. (amended: October 24, 2007)
- B. Private recreation areas, uses and facilities including country clubs, marinas, golf courses 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. Golf fairways, swimming pools, tennis courts, boat docks, and similar uses shall be located not less than thirty-five (35) feet from any property line.
- 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. The standard buffer shall consist of a landscaped strip at least six feet (6) wide outside the perimeter of the compound. The buffer shall contain a variety of species of plants.

Section 7.40 Development Requirements.

The following requirements shall be met within a Manufactured Housing Park District (MHPD):

- A. Preliminary development plan approval shall be required as set forth in Article XIX of this Ordinance. Following review of preliminary requirements and written notice of approval by the County Drain Commission, Road Commission, and the local health agency, the Planning Commission shall notify the developer of its action within sixty (60) days of filing a complete application. Review of a final development plan shall occur as set forth in the State of Michigan Public Act 96 of 1987.
- B. Off-street parking for manufactured homes as specified in Article XXIV of this Ordinance together with the following:
 - 1. All *mobile manufactured* home sites shall be provided with two (2) parking spaces.
 - 2. If on-site vehicle parking is provided, it shall be in compliance with both of the following:
 - a. The parking spaces may be either in tandem or side-by-side. If in tandem, the width shall not be less than ten (10) feet and the combined length shall not be less than forty (40) feet. If side-by-side, the combined width of the two (2) parking spaces shall not be less than nineteen (19) feet and the length shall not be less than twenty (20) feet. In either method, the length shall be measured from the curb or inner walkway edge.

- 2). Ten (10) feet from either an on-site parking space of an adjacent manufactured home site or an attached or detached structure or accessory which is not used for living purposes.
 - 3). Fifty (50) feet from a permanent building.
 - 4). One-hundred (100) feet from a sports field.
 - b. Any part or structure that belongs to a ~~mobile~~-*manufactured* home shall be set back the following minimum distances:
 - 1). Ten (10) feet from the edge of an internal road and seven (7) feet from a parking bay.
 - 2). Seven (7) feet from a common pedestrian walkway.
 - 3). Ten (10) feet from a natural or man-made lake, object, or waterway.
 - c. A ~~mobile~~ *manufactured* home site length may vary depending on park design and layout and the manufactured home to be installed; however the minimum standards pertaining to distance between manufactured homes shall be complied with.
 - d. Site dimensions may be computed to include the space requirements for manufactured homes which may contain expandable rooms, or in anticipation of the attachment of expansions such as add-a-rooms.
3. Setbacks from Property Boundary Lines.
 - a. ~~Mobile~~ *Manufactured* homes, permanent ~~park~~ *development* buildings and facilities, and other structures shall not be located closer than ten (10) feet from the property boundary line of the ~~park~~ *development*.
 - b. If ~~mobile~~ *manufactured* homes, permanent ~~park~~ *development* buildings and facilities, and other structures abut a public right-of-way, they shall not be located closer than twenty-five (25) feet from the park boundary line. This rule does not apply to internal ~~park~~ roads if dedicated for public use, providing the roads do not present a nuisance or safety hazard to the ~~park~~ *development* tenants.
4. Streets.
 - a. An internal road is subject to approval by the Michigan Department of Commerce and shall be in compliance with all of the following general requirements:
 - 1). The road shall be hard-surfaced.
 - 2). The road shall have access to a public thoroughfare by a permanent easement which shall be recorded prior to approval. Sole access by an alley is prohibited.
 - 3). A dead-end road shall terminate with an adequate turning area. A blunt-end road is prohibited.
 - 4). An adequate safe-sight distance shall be provided at intersections.

- 5). An offset at an intersection or an intersection of more than two (2) streets is prohibited.
 - 6). All roads shall be clearly marked with appropriate traffic signs, subject to the provisions of Rule 701(2) as set forth by the Michigan Department of Commerce.
 - 7). A road shall be named and so identified by street signs located at all road intersections.
 - 8). A name for an internal road shall be approved by the municipality.
 - b. A road shall have a driving surface of not less than the following:
 - 1). One way, with no parking - thirteen (13) feet.
 - 2). Two way, with no parking - twenty-one (21) feet
 - c. At access points where general traffic enters or leaves the park, the width shall be sufficient to permit free movement from or to the stream of traffic on the public roads.
5. Open Space Requirements.
- a. ~~A mobile home park that contains fifty (50) or more mobile home sites shall have at least one (1) easily accessible open space area continuing not less than twenty-five thousand (25,000) square feet including a minimum of ten thousand (10,000) square feet of open space developed for active recreation facilities. A manufactured home development that contains 50 or more home sites which are constructed according to a permit to construct issued under the act shall have not less than 2% of the development's gross acreage dedicated to designated open space, but not less than 25,000 square feet.~~
 - b. ~~The total of the land dedicated for open space shall not be less than two percent (2%) of the park's acreage but not less than twenty-five thousand (25,000) square feet.~~
6. A hard-surfaced walkway or patio connecting the dwelling with its off-street parking area shall be provided.
 7. Each lot shall contain an area reserved for the placement of a living unit, the base construction (i.e., foundation, pads, ribbons, etc.) of which shall meet or exceed State specifications.
 8. Each living unit shall be skirted, entirely enclosing the bottom, within thirty (30) days after its placement. In the event of inclement weather and upon demonstration of extenuating circumstances, an extension may be granted beyond thirty (30) days.
 9. Each living unit lot shall be provided with anchors, tie downs or other devices as provided for under Rules 601-609 of the Michigan Department of Commerce Manufactured Home Commission General Rules.
 10. ~~Mobile~~ *Manufactured home parks development*, when adjacent to a developed residential zoning district, shall be completely screened by fencing or natural growth along the entire

property boundary line abutting the district. If planting material is used for the development of a natural edge, the recommendations of Article XXIII of this Ordinance shall be followed. These requirements may be waived when, in the Planning Commission's opinion, the intent of this requirement has been satisfied.

Proposed Amendments to Article X

The proposed amendments for Article X would eliminate the setback requirements for apartment buildings in the CBD district and would permit dwellings on the ground floor of mixed use developments:

Section 10.20 Principal Permitted Uses.

In the CBD, no use shall be permitted, unless otherwise provided in this Ordinance, except for the following:

- A. Apartment buildings, up to a maximum of eight (8) units per building, ~~subject to the following standards:~~
 - 1. ~~All public utilities are available.~~
 - 2. ~~All units shall have at least one (1) living room and one (1) bedroom, except that two (2) units may be of an efficiency apartment type.~~
 - 3. ~~Buildings shall have a ten (10) foot front yard setback, five (5) foot side yard setbacks, and a fifteen (15) foot rear yard setback.~~
- B. Art galleries.
- C. Bus passenger stations.
- D. Business schools and colleges.
- E. Business establishments which perform services on premises such as, but not limited to: banks, savings and loans and credit unions (excluding drive-through branches and drive-through lanes); brokerage houses; insurance, real estate, and travel agencies; pedestrian-oriented automated teller machine facilities.
- F. Churches, temples, and similar places of worship, limited to a capacity of five-hundred (500) worshipers.
- G. Clubs, fraternal organizations, and lodge halls.
- H. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer, limited to two-thousand (2,000) square feet of floor area. Central dry cleaning plants serving more than two (2) retail outlets shall be prohibited.
- I. Essential public services, telephone exchanges, public utility offices, substations and uses when conducted within a completely enclosed building, excluding storage yards, provided the use and building are consistent with the appearance and character of the downtown as determined by the Planning Commission.
- J. Hotels, motels, bed and breakfast inns, and bed and breakfast houses.
- K. Laundromats (self-service or coin-operated).

- L. Medical offices including offices of doctors, dentists and similar or allied professions, with up to ten-thousand (10,000) square feet gross floor area.
- M. ~~Mixed use buildings, with business, commercial, or service uses on the ground floor, and residential, office, or warehouse uses on upper floors, subject to the conditions of contained herein. Business and office uses may occupy a building used for residential uses provided that no such business or office use may be located on the same floor as used for residential purposes, and no floor may be used for business or office use on a floor located above a floor used for residential purposes. Further, where there is mixed business/office and residential use in a building there shall be provided a separate, private pedestrian entranceway for the residential uses.~~
- Mixed-use buildings, with residential and all principle permitted uses as specified by this section subject to the following conditions: Residential units located on the first floor shall be located to the rear of the commercial uses, the units shall not have frontage on any adjacent street and shall be provided a separate, private pedestrian entranceway.*