



City of Boyne City

Founded 1856

319 N. Lake Street

Boyne City, Michigan 49712
www.cityofboynecity.com

Phone 231-582-6597



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agenda packets & minutes for each board

AGENDA

BOYNE CITY PLANNING COMMISSION

Monday October 21, 2019 5:00 p.m.
Boyne City Hall

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 16, 2019 Boyne City Planning Commission meeting.

4. Hearing Citizens Present *(Non-Agenda Items)*
5. Reports of Officers, Boards, Standing Committees
 - A. Marijuana Work Group Volunteers
6. Unfinished Business
7. New Business
 - A. Development Plan Review 1245 M-75
 - B. Public Hearing Proposed Ordinance Amendments to Reduce Housing Barriers
 - C. Zoning Map Correction Recommendation
8. Staff Report
9. Good of the Order
10. Adjournment – Next Meeting November 18, 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

Approved:

**Meeting of
September 16, 2019**

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday September 16, 2019 at 5:00 pm.

Call to Order

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

Roll Call

Present: Larry Chute, George Ellwanger, Monica Kroondyk, Skylar MacNaughton, Rose Newton, Aaron Place and Jeff Ross
Absent: Tom Neidhamer (arrived at 5:17 pm)
Vacancy: One

Meeting Attendance

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

- Welcome Monica Kroondyk to the commission. She brings years of planning experience from her previous position with Evangeline Township.
 - Effective immediately, Joe St. Dennis has resigned from the commission. We greatly appreciate his 29 years of service, wisdom and knowledge to the community and on this board, he will be missed.
 - Tom Neidhamer will be in attendance at tonight's meeting, however, will be a little late
-

**Consent Agenda
Motion

2019-9-16-03
Ross moved, Ellwanger seconded, PASSED UNANIMOUSLY, a motion to approve the consent agenda, the Planning Commission minutes from August 19, 2019 as presented.

**Citizen comments on
Non-Agenda Items**

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

None

Unfinished Business

New Business

**Proposed Zoning
Ordinance
Amendments to Reduce
Housing Barriers**

Planning Director Scott McPherson reviewed his report that was included in the agenda packet. This information is a result of a number of proposed amendments to eliminate or reduce barriers to the development of future housing discussed in June of this year. It is being brought back tonight as we have new members appointed to the board since that meeting, for a final review prior to holding a public hearing. Particular sections that had amendments proposed are Article I – definition updates, Article IV – proposed amendments 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 in the TRD; the board asked about also adding this to the RED district as well. Staff will look into adding similar language as requested. Article VII Manufactured Housing Development District (MHDD) majority of the changes were in terminology from Manufactured Housing Park to Manufactured Housing Development; clarify the Open Space requirement language, and allowing maximum density of 10 units per acre. Article X would eliminate setback requirements for apartment buildings in the CBD district and would permit dwellings on the ground floor of mixed use developments, which must be located in the rear of the

commercial uses with separate pedestrian entrances. The board concurred with these proposed amendments and directed staff to set up a public hearing for next month.

Tom Neidhamer arrived at 5:17 pm

Proposed Zoning Ordinance Amendments to Parking Requirements

Planning Director McPherson reviewed his staff report included in the agenda packet. In August the commission reviewed the assessment report from Annaka Norris of Cambourne Consultants, and as a result, staff is proposing amendments to Article 24 Parking Loading, and Access Management Requirements. There are two sections of the existing ordinance where the amendments will be incorporated, section 24.20 which would provide the opportunity for properties in the Downtown Core, which is defined as all properties in the Central Business District and the Transitional Commercial District, to pay into the Parking Improvement Fund in lieu of providing required off street parking. The amount to be determined for payment into the improvement fund will be determined by the annual budget, so any monetary changes can be done administratively with city commission approval. There is proposed a new section, 24.85, that would create new minimum parking requirements for properties in the downtown core. Due to the assessment report, there is proposed a 30 to 40% reduction in off street parking in the downtown core due to the availability of public parking. The Planning Commission still has discretion and control over when parking could/would be deferred. As development trends change, may need to look at requirements in the future for parking. Additional refinements will be made and staff anticipates a public hearing in November or December.

Storm Water Control Ordinance

Planning Director McPherson reviewed his staff report included in the agenda packet. East Jordan, Charlevoix and Boyne City have all been working together to come up with a storm water ordinance that fits the communities. There is an ordinance currently that is best suited for the townships. The City has the ability to designate an agent, either the County or someone else. The changes have been provided to the county and Tip of the Mitt Watershed Council and both are ok with the changes suggested. As the City Commission wants to protect our most valuable asset, the lake, we have instituted filtration systems prior to being discharged into the lake. The city placed a holding filtration tank in Sunset Park, and recently took out several trucks of garbage that had been filtered; the new construction projects on Cedar & Terrace streets have french drain systems installed. This commission was very passionate about remaining proactive to keeping the integrity of the waterfront areas. After board discussion, **motion by Newton, seconded by MacNaughton**, to recommend adoption of the proposed Storm Water Ordinance by the City Commission.

****Motion**

2019-9-16-7C

Roll Call:

Aye: Chute, Ellwanger, Kroondyk, MacNaughton, Neidhamer, Newton, Place and Ross

Nay: None

Absent: None

Vacancy: One

Motion Carries

Staff Report

-
- Scott McPherson reminded the commission of the free training provided by MEDC/RRC scheduled for September 30th in Petoskey. The deadline for signing up was September 6th; however, both he and Patrick signed up to “hold” a spot, so if you are interested in attending, please let him know.
 - The pre-con meeting was recently held for the non-motorized trail from the airport to Boyne Falls and work will begin sometime around the 23rd of September in Boyne Falls and will work towards the airport; they will be staging equipment to clear cut

and grade the trail, pavement will be done next year along with work on a board walk to be completed at the south end of the Boyne Mountain airport.

Good of the Order

- What is the status of the short term rentals? McPherson advised that the City Commission has charged staff with identifying the impact of those on the city. An inventory has been done and there are approximately 100 units that have been identified most of them with Water Street Inn and other developments; which leaves about 40 units that are divided between homesteaded and non-homesteaded. We need to look at the economic impact if we do not allow where will they be displaced to, where will their money be spent if not in Boyne? We also need to look at the fact that available housing units are being bought up for vacation rentals, and it is difficult for young families to purchase homes. What is the best balance?
- What is the status of the Property Management Ordinance? McPherson advised that he has an upcoming meeting with the attorney on Thursday, September 19th.
- Last Friday, a meeting was held at city hall regarding Land Banks and Brownfield redevelopment. There was a lot of good discussion and great information was passed along. Additional meetings will be scheduled in the future.

Adjournment
****Motion**

The next regular meeting of the Boyne City Planning Commission is scheduled for Monday, October 21, 2019 at 5:00 p.m.

2019-9-16-10

Ross moved, Chute seconded, PASSED UNANIMOUSLY a motion to adjourn the September 16, 2019 meeting at 6:16 pm

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: October 21, 2019

Subject: 1245 M-75 Development Plan Review



BACKGROUND

An application has been submitted for development plan review for building additions to the Jervis Webb manufacturing facility located at 1245 M-75. The property is a 10-acre parcel located in the Regional Commercial/ Industrial District (RCID) and the application is to construct two building additions onto the existing facility. A 28' x 62' addition on the north side of the building is proposed for new a breakroom and restrooms, a 66' x 96' oven structure addition is being proposed to be located on the south side. The existing and proposed uses are principal permitted use in the RC/IND district as provided under sections 13.20(A) of the Boyne City Zoning Ordinance (BCZO).



DISCUSSION

The proposed use is a principal allowed use in the RC/IND district and the proposed site plan is in compliance with all ordinance requirements of BCZO section 20.20 in regards to building placement, size, height and lot coverage. Section 13.40 and 22.30 of the BCZO establishes the design standards for buildings located in the RC/IND district and the proposed complies with the applicable design criteria and the building is similar in character to existing building. The design, layout and location of the future proposed driveway meets ordinance criteria. The existing parking currently exceeds ordinance standards and the proposed addition is not anticipated to add additional parking demands.

PROCESS

The application requires development plan review as per article 19 Development Plan Requirements.

RECOMMENDATION

The Planning Commission should then review the development plan requirements. On each item of the findings the Commission needs to make a determination based on the relevant facts if the standard is met, not met or met with conditions. The Planning Commission can approve the application, approve the application with conditions or deny the application. If approved with conditions the conditions must be listed, if denied the reasons for denial must be stated.

**DEVELOPMENT SITE PLAN REVIEW STANDARDS
FINDINGS OF FACT
1254 M-75**

Section 19.40 Development Plan Approval Criteria.

In order that buildings, open space and landscaping will be in harmony with other structures and improvements in the area, and to ensure that no undesirable health, safety, noise and traffic conditions will result from the development, the Planning Commission shall determine whether or not the development plan meets the following criteria, unless the Planning Commission determines that one or more of such criteria are inapplicable:

ORDINANCE REQUIREMENT	FACTS	FINDINGS
<p><u>A. General.</u> All elements of the development plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property, and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance. The development plan shall conform with all requirements of this Ordinance, including those of the applicable zoning district(s).</p>	<p>1245 M-75 is a previously developed site which is the location of the Jarvis Webb manufacturing facility. The parcel is 10.06 acres with 748 of frontage on M-75. Building additions of 66' x 96' on the south side and 28' x 62' on the north side are being proposed. No other changes are being proposed at this time, but it is anticipated sometime in the future a driveway will be developed near the east lot line. Limited clearing and grading will be required for the proposed additions as they will be located in existing developed yard space. The additions meet all setback, building, and lot coverage requirements per BCZO section 20.02. The property is zoned RC/IND and the existing and proposed uses are principle permitted used in the district.</p>	
<p><u>B. Building Design.</u> The building design shall relate to the surrounding environment in regard to texture, scale, mass, proportion, and color. High standards of construction and quality materials will be incorporated into the new development. In addition to following design guidelines adopted in specific district or sub-area plans, the building design shall meet the architectural and building material requirements of this Ordinance.</p>	<p>Building existing building is approximately 75,000 single story structure with flat roof. The proposed additions will add approximately 8,000 square feet to the structure. The proposed additions will match the style and architecture of the existing building.</p>	
<p><u>C. Preservation of Significant Natural Features.</u> Judicious effort shall be used to preserve the integrity of the land, existing topography, and natural, historical, and architectural features as defined in this Ordinance, in particular wetlands designated /regulated by the Michigan Department of Environmental Quality, and, to a lesser extent, wetlands which are not regulated by the Department.</p>	<p>No significant natural features will be impacted by the proposed additions.</p>	
<p><u>D. Streets.</u> All streets shall be developed in accordance with the City of Boyne City Subdivision Control Ordinance and City Municipal Standards, unless developed as a private road in accordance with the requirements of the City.</p>	<p>Not Applicable</p>	

**DEVELOPMENT SITE PLAN REVIEW STANDARDS
FINDINGS OF FACT
1254 M-75**

<p><u>E. Access, Driveways and Circulation.</u> Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, parking and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points. All driveways shall meet the design and construction standards of the City. Access to the site shall be designed to minimize conflicts with traffic on adjacent streets, particularly left turns into and from the site. For uses having frontage and/or access on a major traffic route, as defined in the City of Boyne City Comprehensive Plan, the number, design, and location of access driveways and other provisions for vehicular circulation shall comply with the access management provisions of this Ordinance.</p>	<p>Existing access drives to be used. The development of future access drive located near the east lot line is anticipated.</p>	
<p><u>F. Emergency Vehicle Access.</u> All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department, Ambulance Department and Police Department.</p>	<p>Site accessibility has been reviewed by BCPD, Fire Dept and Ambulance Dept, necessary access for emergency vehicles is provided.</p>	
<p><u>G. Sidewalks, Pedestrian and Bicycle Circulation.</u> The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and sidewalks/pedestrian or bicycle pathways in the area. There shall be provided a pedestrian circulation system which is separated from the vehicular circulation system. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of primary and secondary schools, playgrounds, local shopping areas, fast food/service restaurants and other uses which generate a considerable amount of pedestrian or bicycle traffic.</p>	<p>Sidewalk located in the ROW in front of the east half of the parcel, pedestrian crossing located at middle of parcel to the west side of the Beardsley intersection.</p>	
<p><u>H. Barrier-Free Access.</u> The site has been designed to provide barrier-free parking and pedestrian circulation.</p>	<p>Site has existing barrier free access.</p>	

**DEVELOPMENT SITE PLAN REVIEW STANDARDS
FINDINGS OF FACT
1254 M-75**

<p><u>I. Parking.</u> The number and dimensions of off-street parking [spaces] shall be sufficient to meet the minimum required by this Ordinance. However, where warranted by overlapping or shared parking arrangements, the Planning Commission may reduce the required number of parking spaces, as provided in this Ordinance.</p>	<p>Site meets ordinance requirements for parking number and layout. The proposed addition to not add the parking demand.</p>	
<p><u>J. Loading.</u> All loading and unloading areas and outside storage areas, including refuse storage stations, shall be screened in accordance with this Ordinance.</p>	<p>Existing loading and dumpster areas will not be changed.</p>	
<p><u>K. Landscaping, Screening, and Open Space.</u> The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Landscaping, landscape buffers, greenbelts, fencing, walls and other protective barriers shall be provided and designed in accordance with the landscaping provisions of this Ordinance. Recreation and open space areas shall be provided in all multiple-family residential and educational developments.</p>	<p>The addition on the north side will require the removal of a mature spruce tree. No other changes to landscape proposed.</p>	
<p><u>L. Soil Erosion Control.</u> The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the Planning Director or City Engineer, and have a valid Charlevoix County Soil Erosion permit.</p>	<p>Soil erosion permit must be obtained if required.</p>	

**DEVELOPMENT SITE PLAN REVIEW STANDARDS
FINDINGS OF FACT
1254 M-75**

<p><u>M. Stormwater Management.</u> Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater which complements the natural drainage patterns and wetlands, prevent erosion and the formation of dust. Sharing of stormwater facilities with adjacent properties shall be encouraged. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water. All such measures shall comply with the Charlevoix County Stormwater Ordinance.</p>	<p>Site has on site storm water detention with, drainage calculations with proposed retention provided.</p>	
<p><u>O. Lighting.</u> Exterior lighting shall be arranged so that it is directed preferably downward onto the subject site and deflected away from adjacent properties. Lighting shall not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.</p>	<p>No changes to exterior lighting shown on plan.</p>	
<p><u>P. Noise.</u> The site has been designed, buildings so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to residential districts.</p>	<p>Proposed use is not anticipated to create any noise exceeding what can be expected in the district.</p>	
<p><u>Q. Mechanical Equipment.</u> Mechanical equipment, both roof and ground mounted, shall be screened in accordance with the requirements of this Ordinance.</p>	<p>No exterior mechanical equipment proposed.</p>	
<p><u>R. Signs.</u> The standards of the City of Boyne City's Sign Ordinance are met.</p>	<p>No changes to existing signage proposed.</p>	
<p><u>S Hazardous Materials or Waste.</u> For businesses utilizing, storing or handling hazardous material such as automobile service and automobile repair stations, dry cleaning plants, metal plating industries, and other industrial uses, documentation of compliance with state and federal requirements shall be provided.</p>	<p>Facility must comply with all industrial waste disposal requirements</p>	

**DEVELOPMENT SITE PLAN REVIEW STANDARDS
FINDINGS OF FACT
1254 M-75**

<p><u>T. Other Agency Reviews.</u> The applicant has provided documentation of compliance with other appropriate agency review standards, including, but not limited to, the Michigan Department of Natural Resources, Michigan Department of Environmental Quality, Michigan Department of Transportation, Charlevoix County Drain Commissioner, Northwest Michigan Community Health Agency, Charlevoix County Building Department, and other federal and state agencies, as applicable.</p>	<p>All other required permits must be obtained.</p>	
<p><u>U. Approval Process.</u> The development plan shall be reviewed by the Planning Commission. If disapproval is recommended, the Planning Commission shall cite reasons for such disapproval. If the Planning Commission finds a development plan not in conformity with this section, it may, at its discretion, return the development plan to the applicant with a written statement of the modifications necessary to obtain approval. Upon resubmission of the modified development plan, the Planning Commission shall review the plan. The Commission may approve, disapprove or approve subject to compliance with such modifications and conditions as may be deemed necessary to carry out the purpose of this Ordinance and other ordinances and resolutions of the City. If disapproved, the Planning Commission shall cite reasons for such disapproval.</p>		

WDD1 PERMIT REQUIRED FOR CONSTRUCTION IN M-75 R-2-W

M-75 (BOYNE AVENUE)



PROPOSED SITE PLAN
 Jervis Webb (Daifuku)
 1254 Boyne Avenue
 Part of SECTION 1, T32N, R2W,
 BOYNE CITY, CHARLEVOIX COUNTY, MI

EX. BLDG

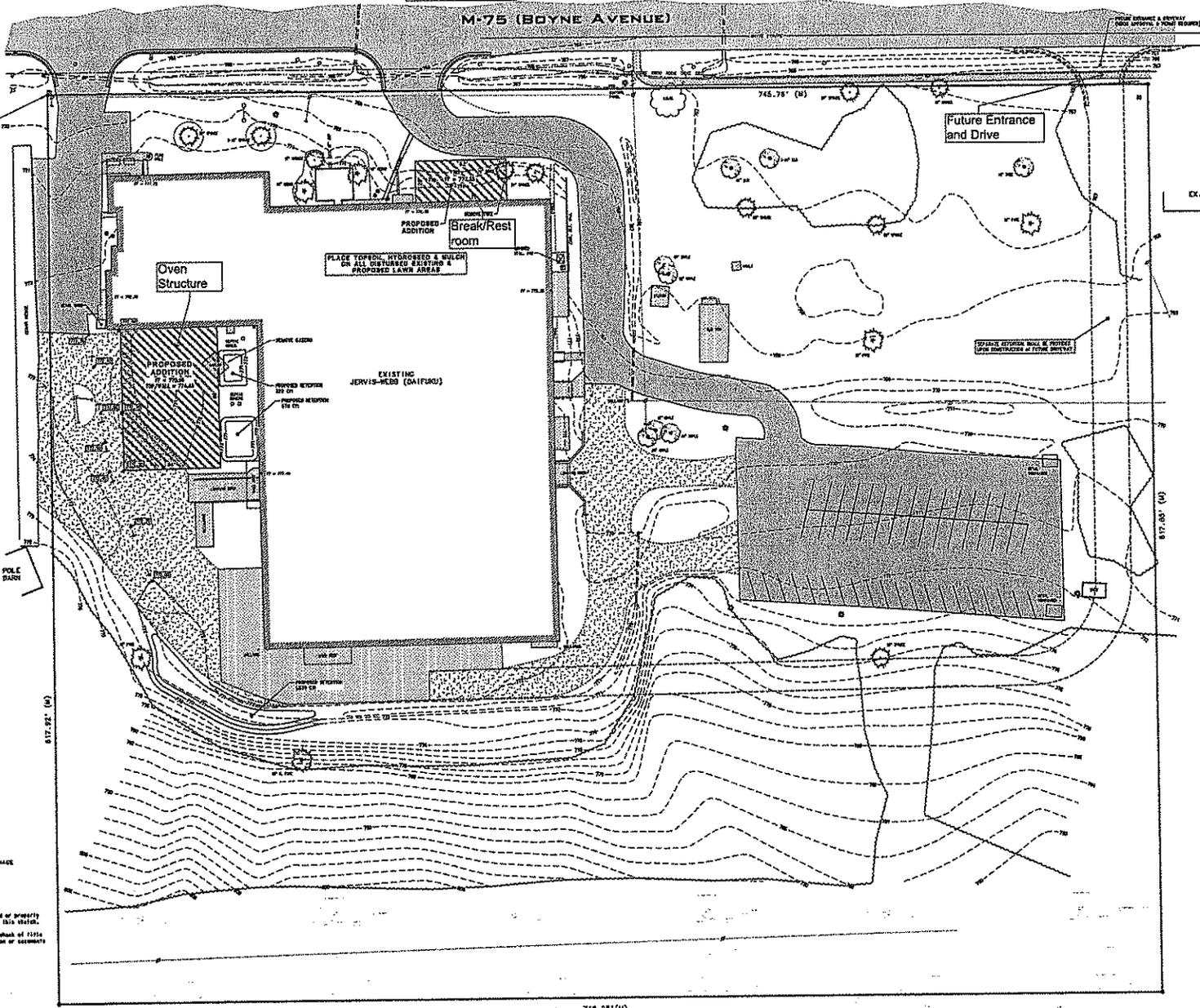


PAVEMENT X-SECTION
 1/4\"/>

DRAINAGE CALCULATIONS
 25 FT. X 100 FT. STORM (1) = 2,500
 EX. BLDG (2) = 1,000 (1) = 1,000
 FUTURE BLDG (3) = 1,000 (1) = 1,000
 TOTAL DRAINAGE AREA = 4,500
 SIFTE CONDITIONS:
 NET FLOW, SAND SURFACE (4) = 0.075 (1)
 CALCULATED RETENTION VOLUME (5) = 312
 VOLUME:
 2.5 X 1.0 X 1.0 = 2.5
 2.5 X 1.0 X 1.0 = 2.5
 RETENTION VOLUME PROVIDED:
 RETENTION BARRIS = 2,700 (1)
 TOTAL RETENTION VOL. = 2,700 (1)

- LEGEND:**
- FOUND SURVEY BORN
 - U- Utility Pole w/ GUY WIRE
 - ⊕ TELEPHONE PEDESTAL
 - ⊖ ELECTRIC PEDESTAL
 - WATER VALVE
 - MANHOLE
 - CATCH BASIN
 - BOX
 - FLUSH UTILITY (A-BOS)
 - HYDRANT
 - LIGHT POLE/LAMP
 - MAILBOX
 - WELL
 - CLEANOUT
 - OVERHEAD UTILITY
 - EDGE OF WATER (B10-0)
 - ▨ EX. CONCRETE SURFACE
 - ▨ EX. GRAVEL SURFACE
 - ▨ EX. BITUMINOUS SURFACE
 - ▨ PROPOSED GRADE
 - ▨ PROPOSED PAVED SURFACE
 - ▨ PROPOSED DIRECTION OF DRAINAGE

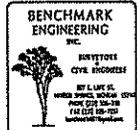
NOTES:
 This is not intended or represented to be a final or property survey. No property corners were set as part of this sketch.
 The property description was furnished, and no check of title relative to same, was made. Investigation or comments has been performed as part of this Site Plan.



748.25' (M)

Date (month)	By
NOV. 15, 2018	
NOV. 20, 2018	
NOV. 1, 2018	

Client: CUB WELLS - MANICHAH
 Project: 1254 BOYNE
 Drawn By: J. W. WELLS
 Plot By: J. W. WELLS
 Job File: 18-001 1254-1254
 Job #: 18-001
 Date: 11/1/18



PROPOSED SITE PLAN
 Jervis Webb (Daifuku)
 Boyne City



1 WORKING SHEET
 BEFORE YOU BUY
 CALL JACK WELLS
 800-443-7777

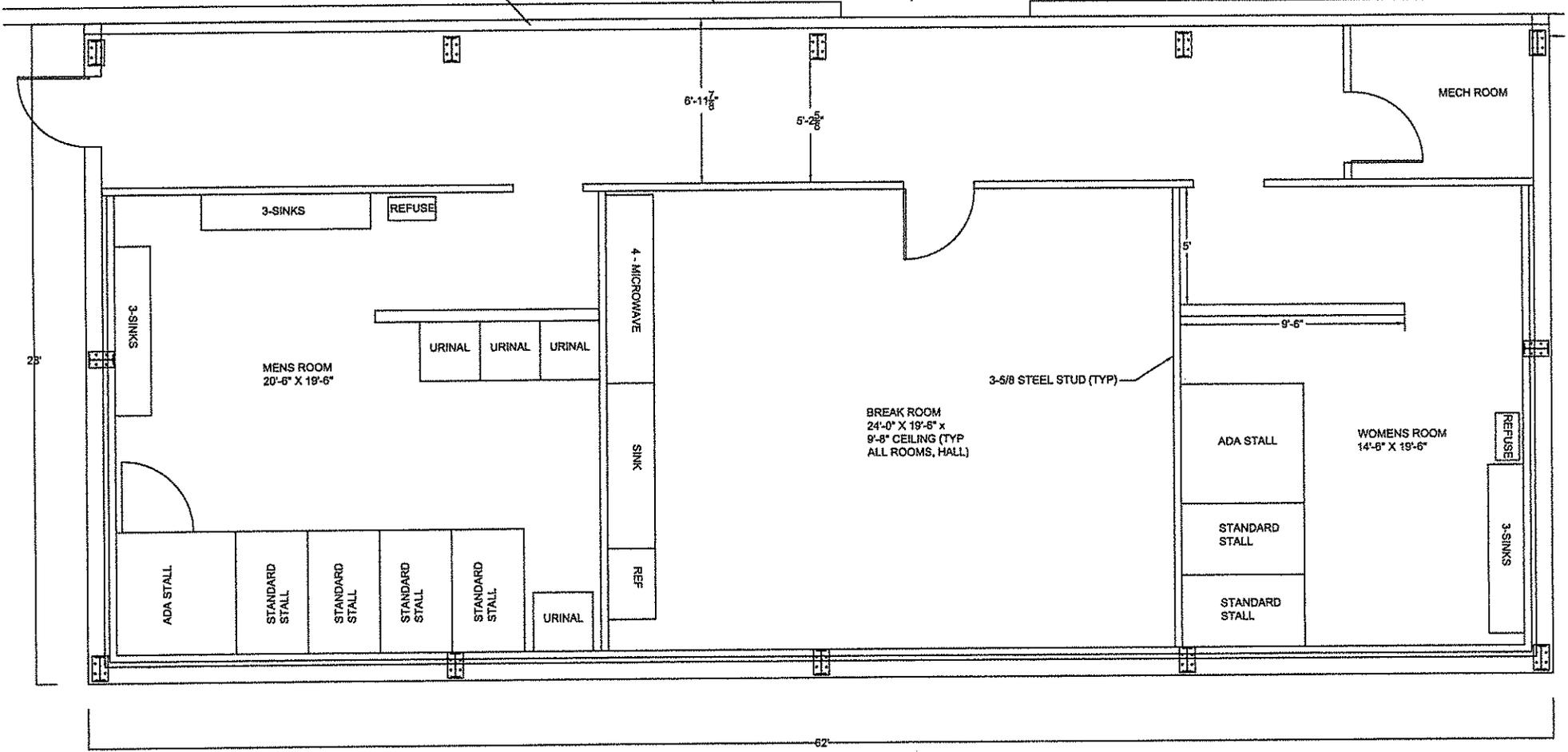
Break/Rest Room Addition



2-HOUR FIRE WALL (UL 415)

EXISTING BUILDING

PROPOSED 8' X 8' ENTRANCE WITH FIRE DOOR



MENS ROOM
20'-8" X 19'-6"

BREAK ROOM
24'-0" X 19'-6" x
9'-8" CEILING (TYP
ALL ROOMS, HALL)

WOMENS ROOM
14'-6" X 19'-6"

MECH ROOM

4 - MICROWAVE

SINK

REF

3-SINKS

REFUSE

3-SINKS

URINAL

URINAL

URINAL

ADA STALL

STANDARD STALL

STANDARD STALL

STANDARD STALL

STANDARD STALL

URINAL

ADA STALL

STANDARD STALL

STANDARD STALL

REFUSE

3-SINKS

6'-1 1/8"

5'-2 5/8"

5'

9'-6"

3-5/8 STEEL STUD (TYP)

23'

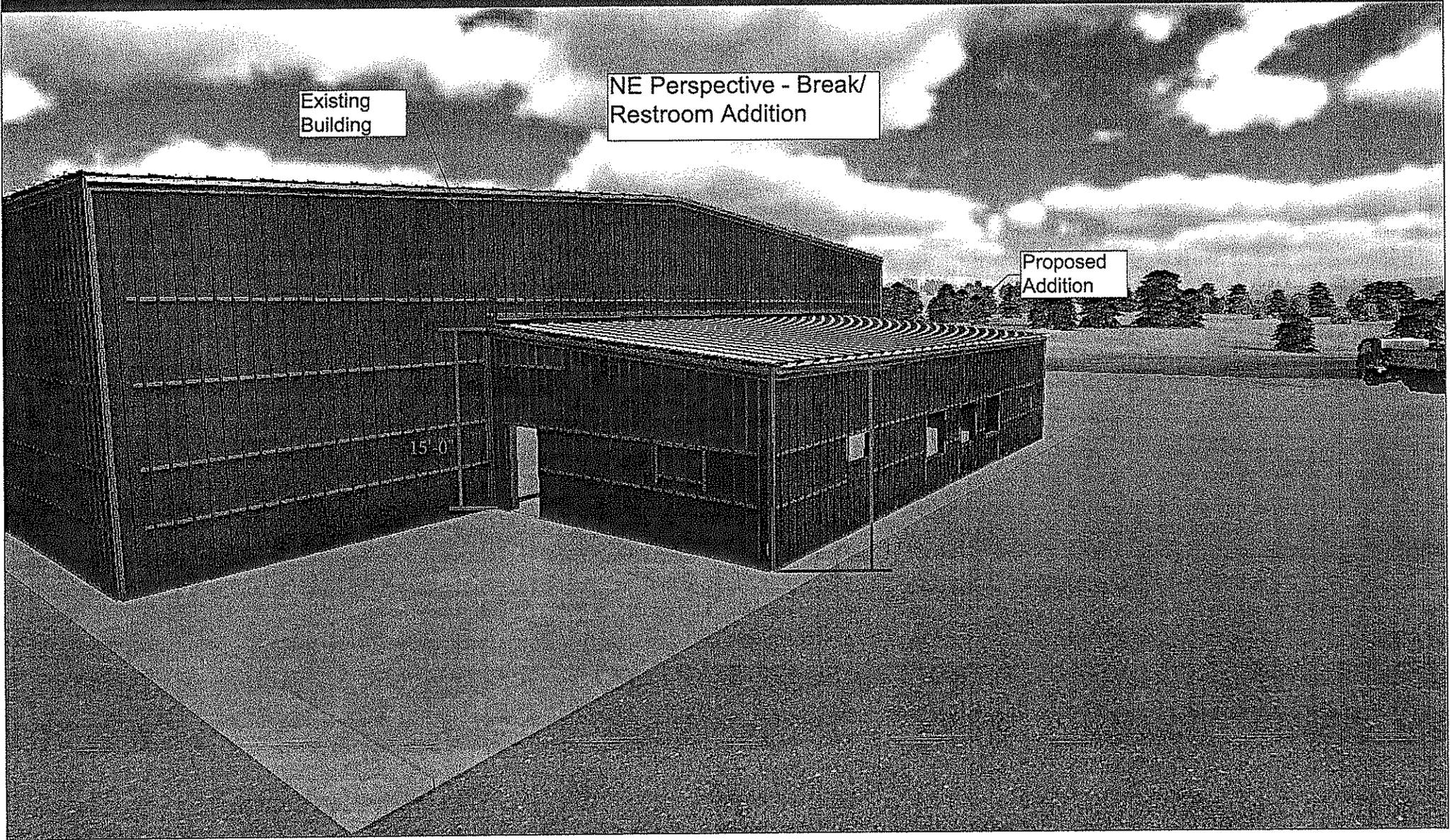
62'

Existing Building

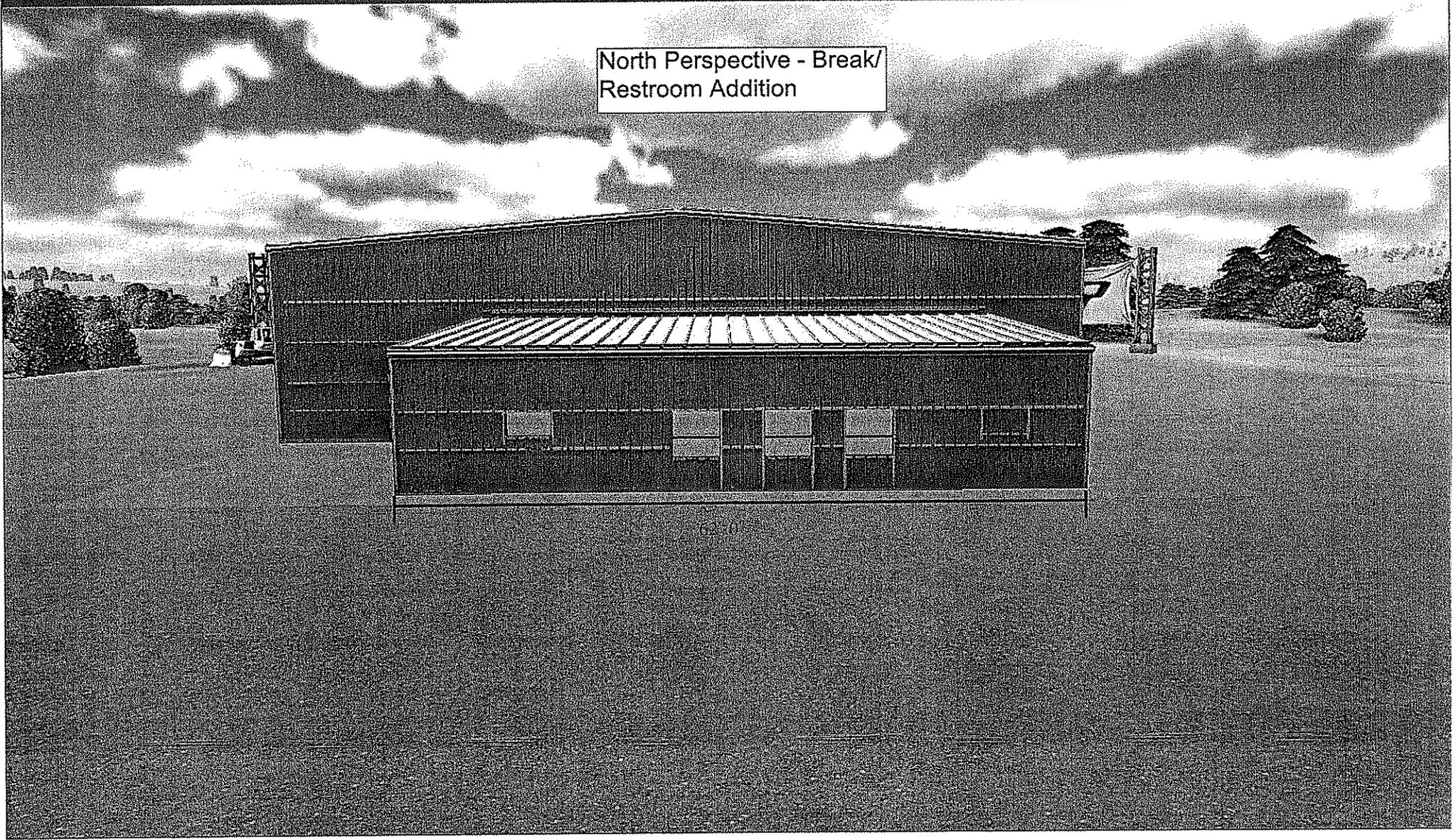
NE Perspective - Break/
Restroom Addition

Proposed Addition

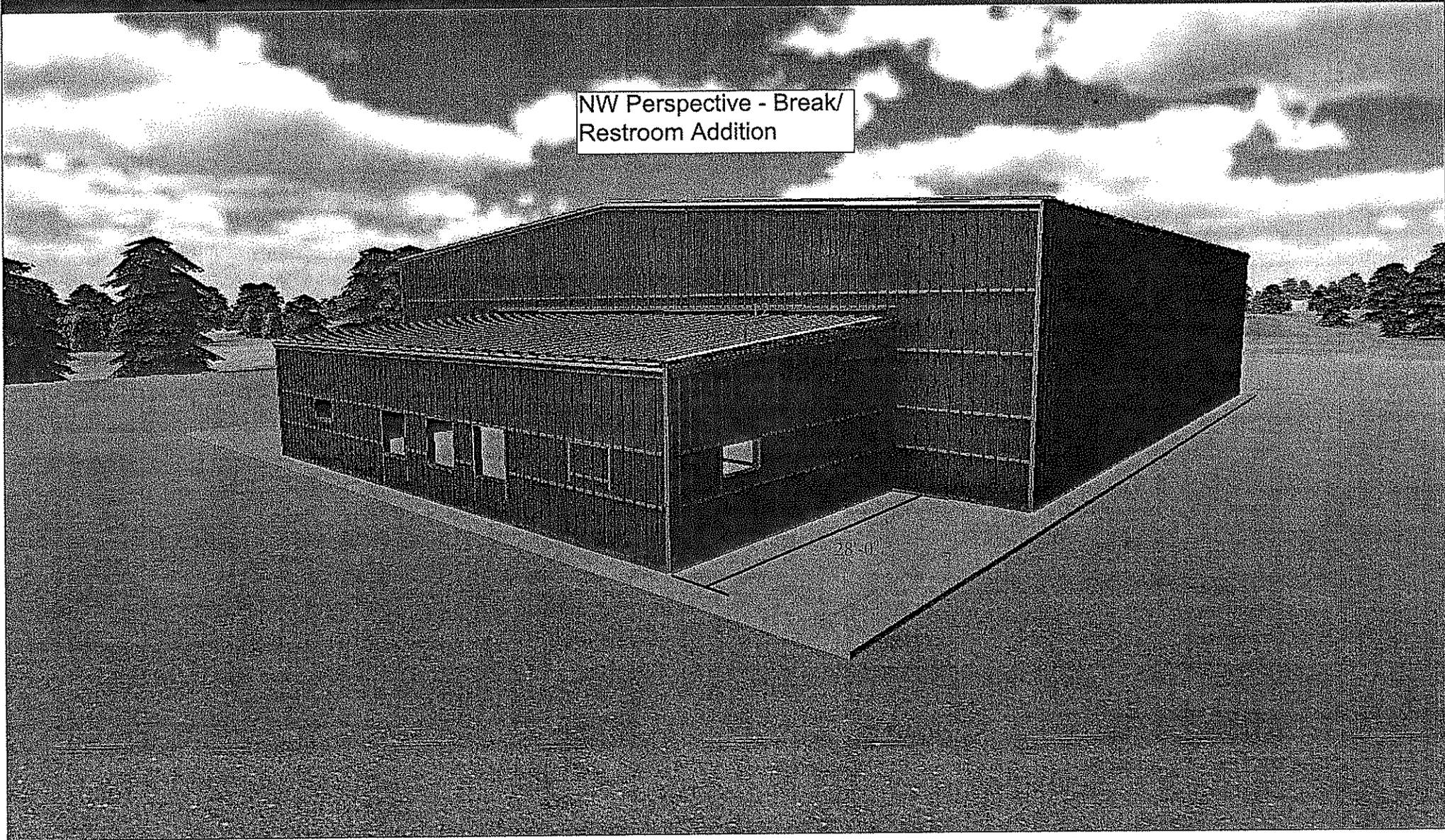
15'-0"



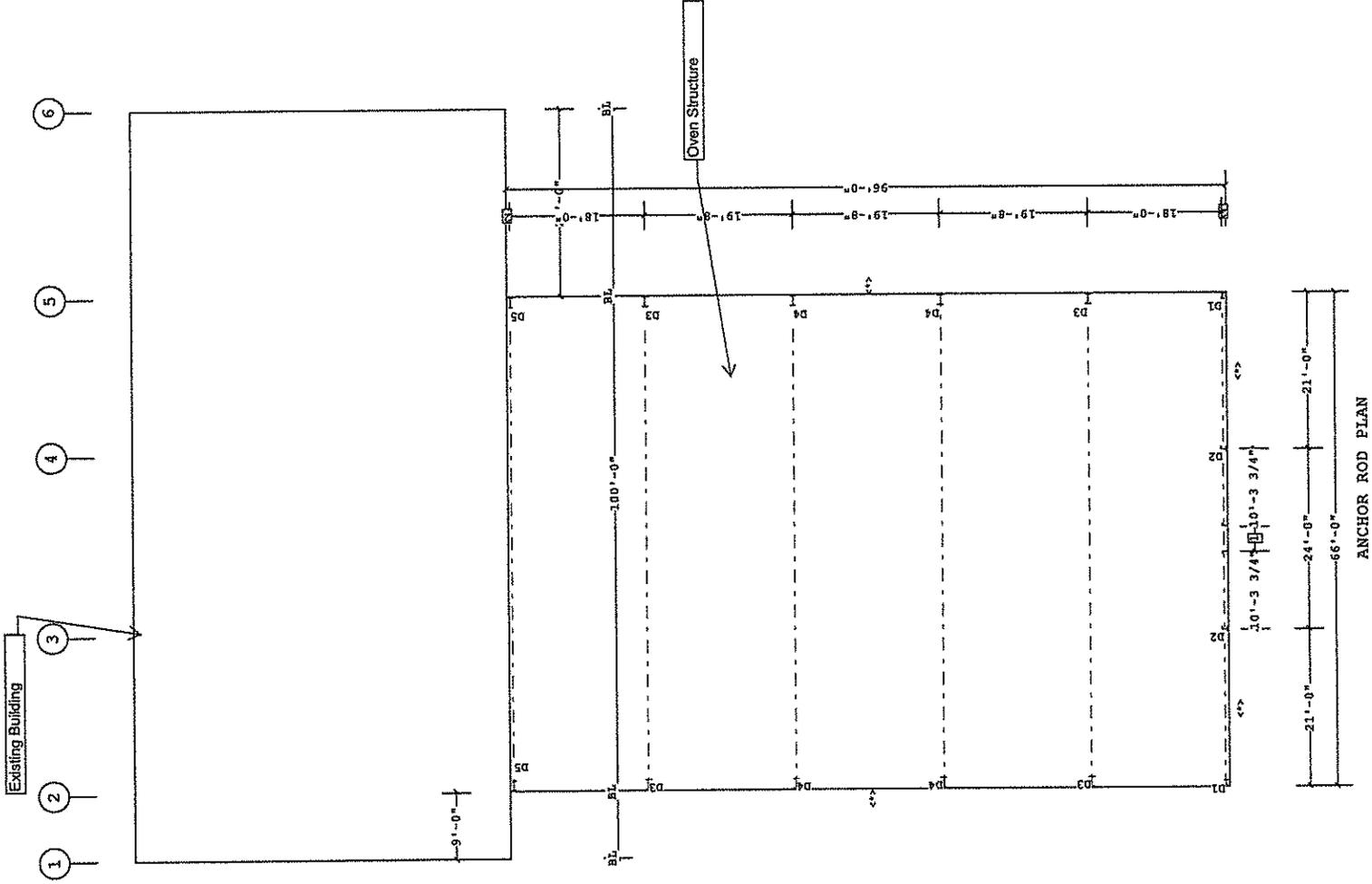
North Perspective - Break/
Restroom Addition



NW Perspective - Break/
Restroom Addition



Oven Structure - Floor Plan



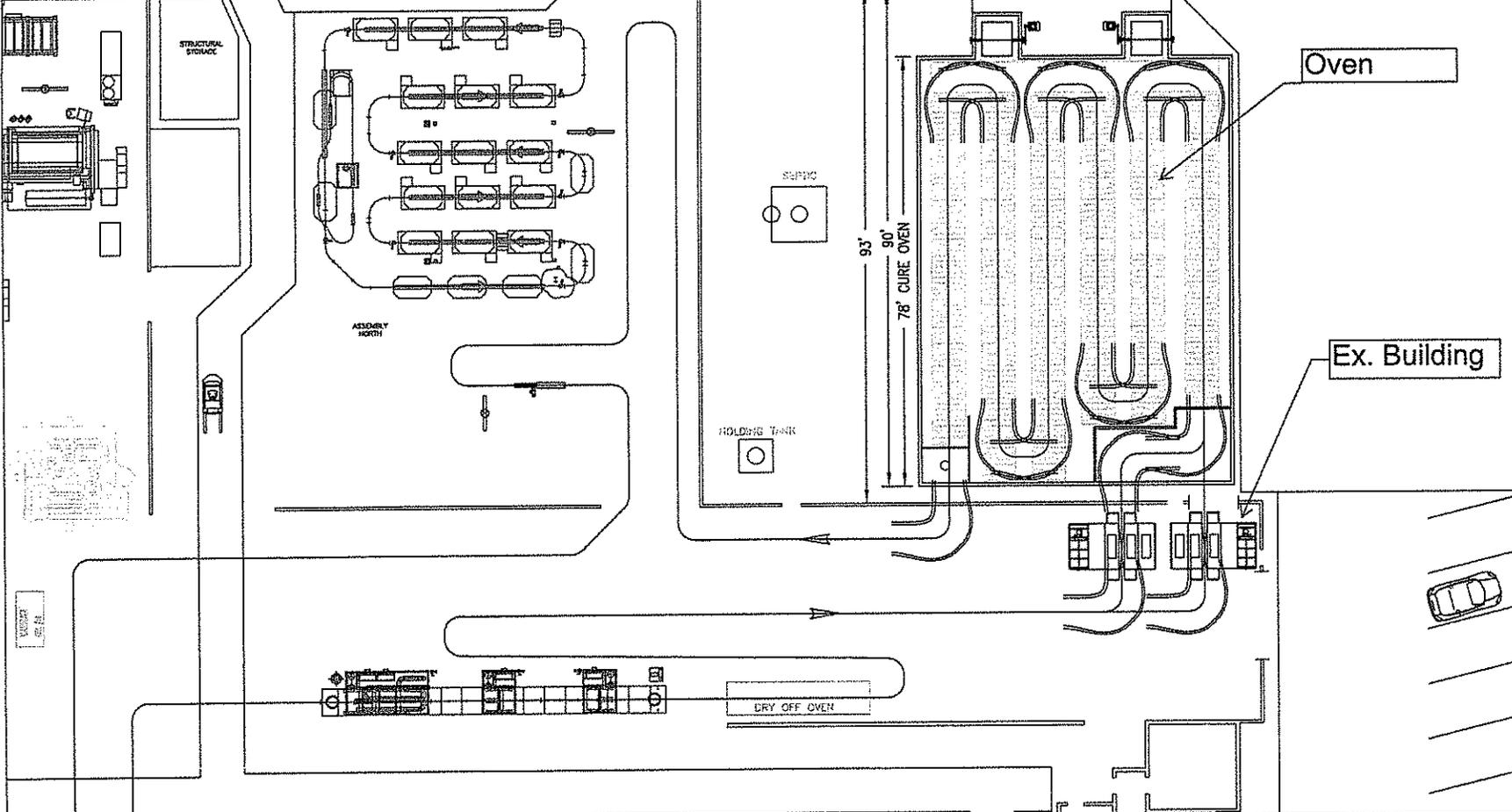
- 2 6"
- 1 3'-4 1/2" 3-8.50
- Dimension Key



ANCHOR ROD PLAN

LINE SPEED = 8 FPM
 CONVEYOR = POWER AND FREE
 PART OPENING = 6'-0" W 7'-0" H
 LONGEST PART = 10'-0"
 50 MIN. CURE OVEN (400' @ 8 FPM)

Oven Structure Schematic



REV	DESCRIPTION	DATE	BY	CHK

MFS
MIDWEST FINISHING SYSTEMS
 1506 Oliver Road, Milwaukee, WI 53207
 Phone: 414/231-8099 / FAX: 414/231-1091

COMPANY: **JERVIS B. WEBB**

TITLE: **CURE OVEN CONCEPT**

TOLERANCES UNLESS OTHERWISE SPECIFIED

.X ± .125	FRACTIONS ± .125
.XX ± .063	ANGLES ± 1'
.XXX ± .001	

DATE: 8/8/10

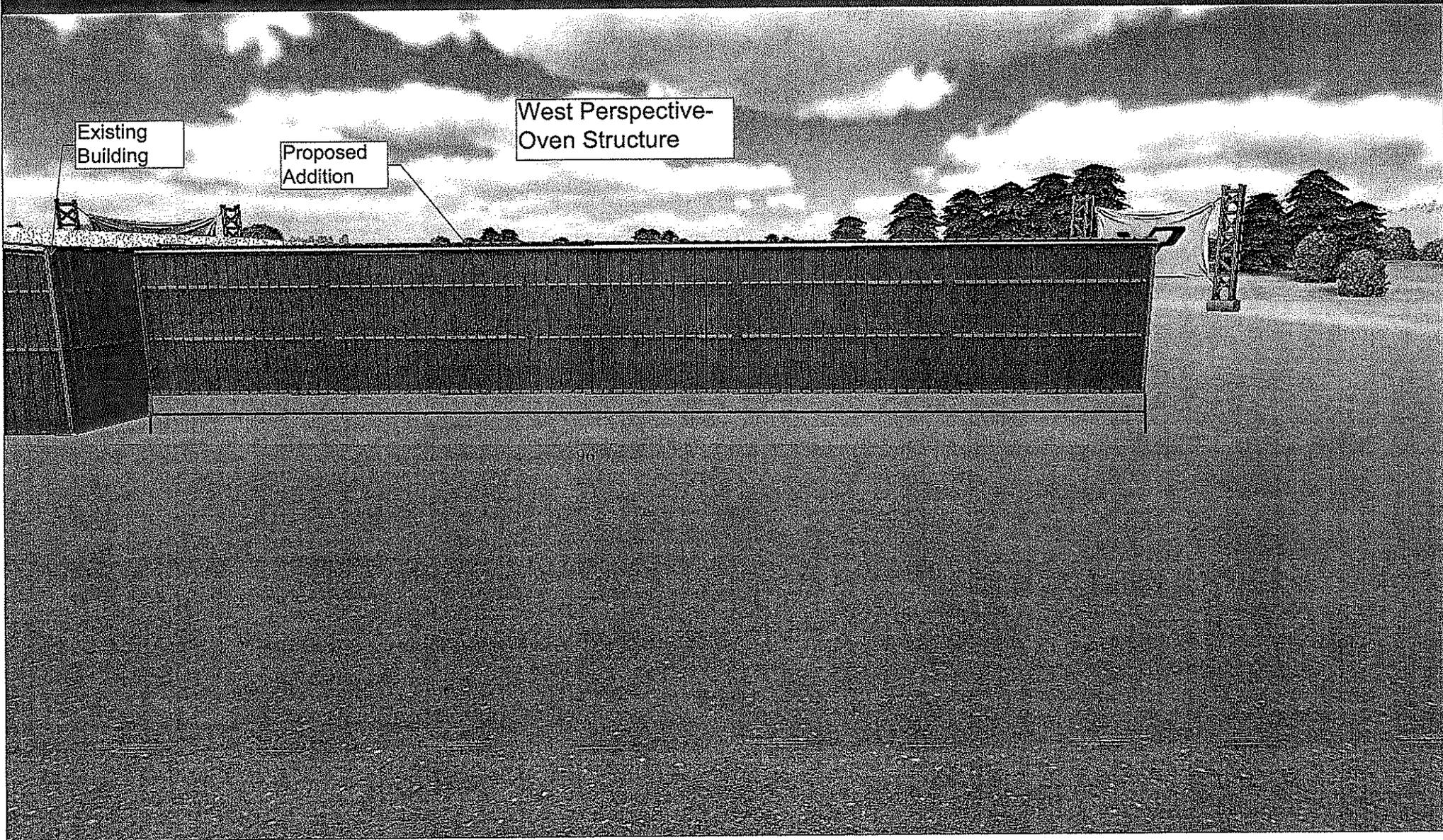
SHEET: 1 OF 2

NO: 6725A05B

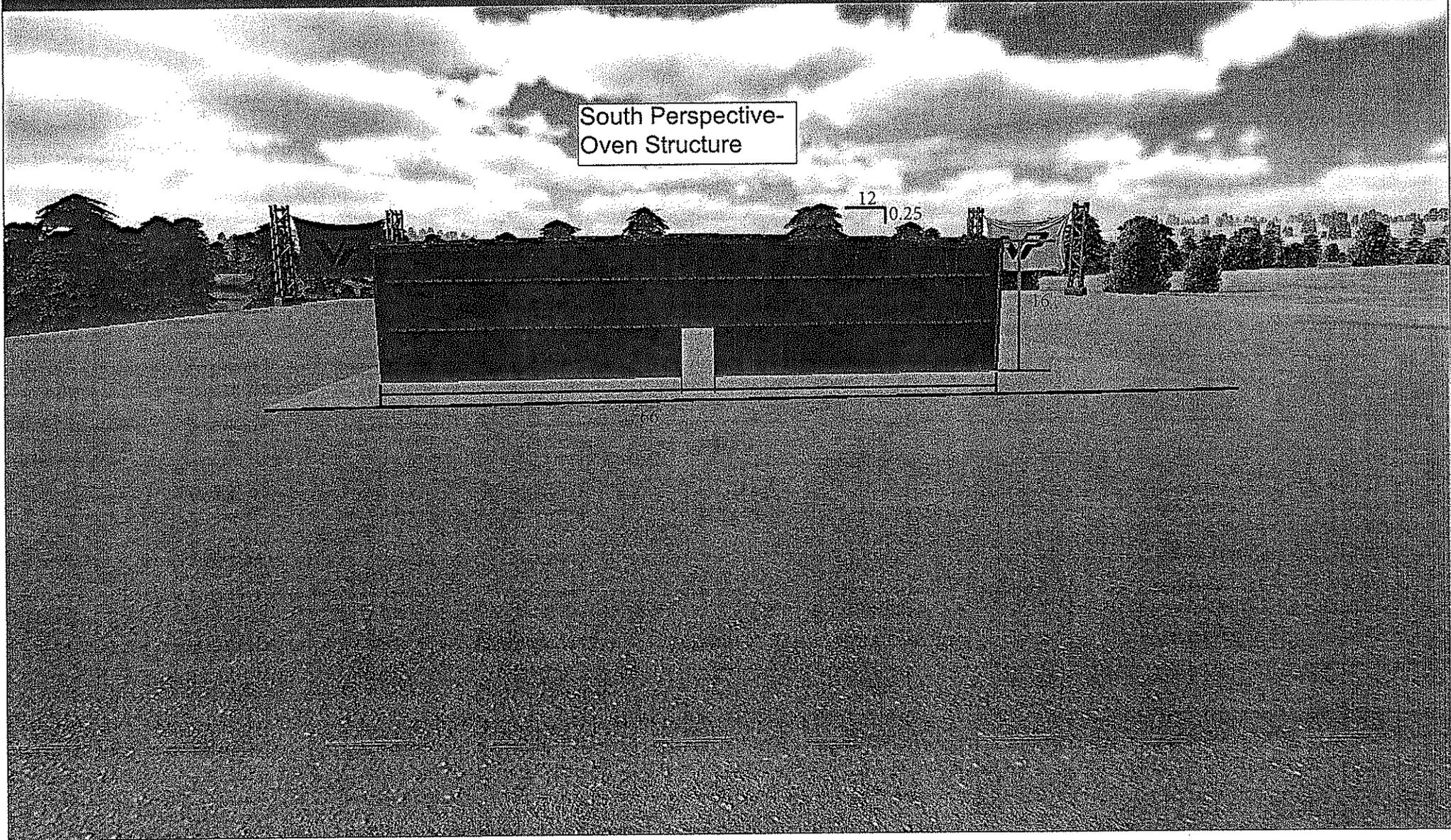
Existing Building

Proposed Addition

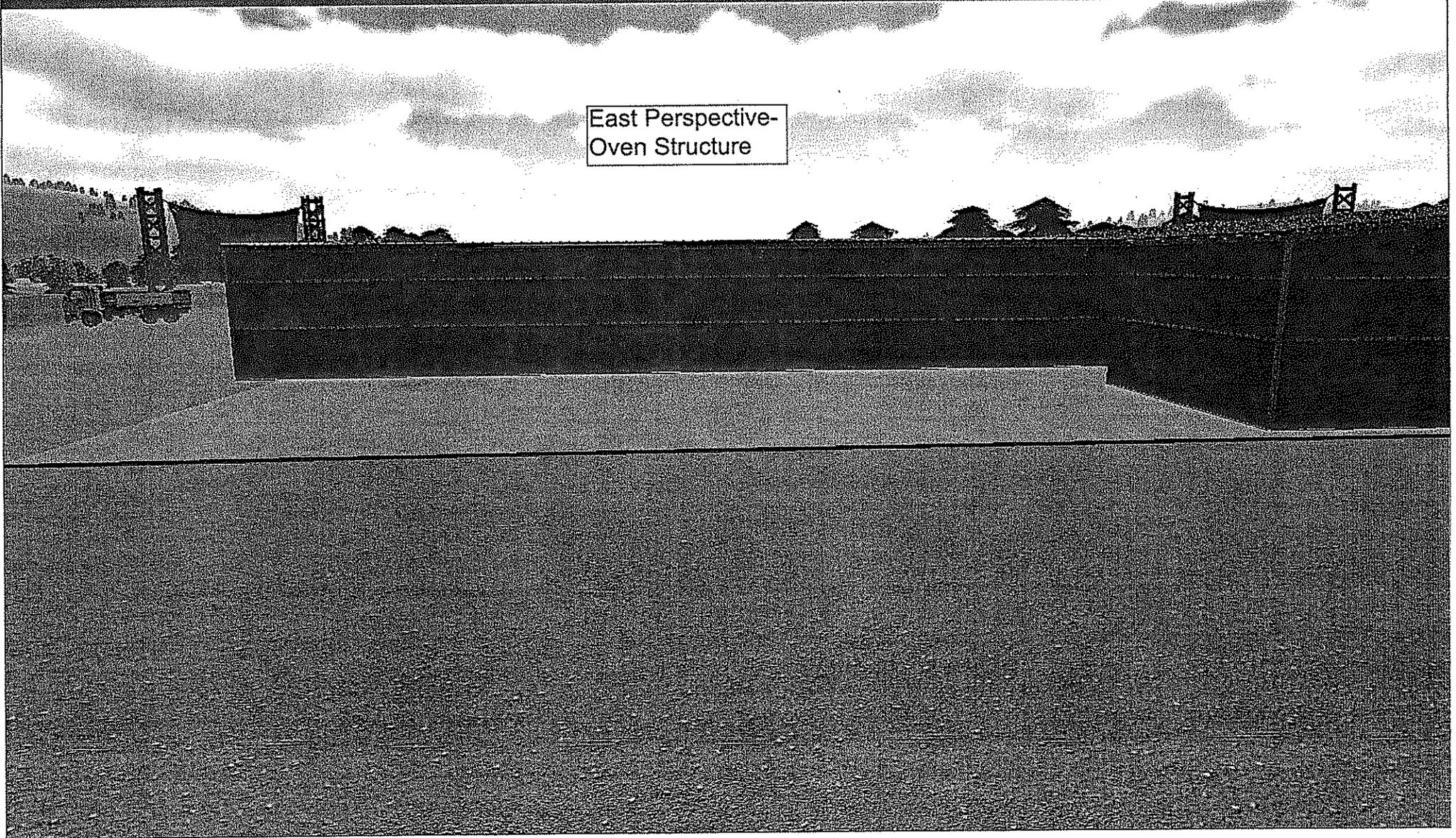
West Perspective-Oven Structure



South Perspective-
Oven Structure



East Perspective-
Oven Structure



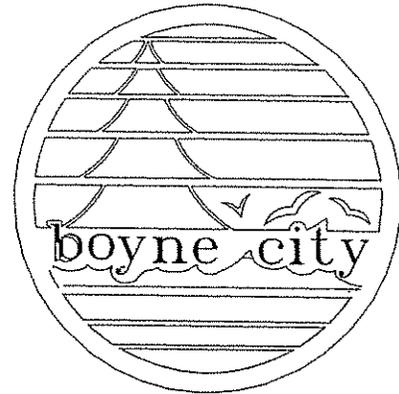
CITY OF BOYNE CITY

To: Chair Aaron Place, and fellow Planning Commissioners

From: Scott McPherson Planning Director

Date: October 21, 2019

Subject: Zoning Ordinance Amendments Public Hearing



Background

As directed at the September regular meeting staff has scheduled a public hearing on proposed amendments to eliminate barriers to the development of housing. The proposed amendments are listed below, proposed new text is shown in *italics* and proposed deletions are shown as ~~strikeout~~.

Discussion

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.

- b. A parking space shall be hard-surfaced and shall be constructed in compliance with Act No. 8 of the Public Acts of 1973, being S 125.1361 of the Michigan Compiled Laws.
3. If off-site vehicle parking is provided, the parking spaces shall be adjacent to the ~~mobile~~ *manufactured* home site and shall comply with the following:
 - a. Parking facilities shall be provided for the storage of ~~mobile~~ *manufactured* homes if a sales office is part of the ~~park~~ *development* operation.
 - b. Parking facilities shall be provided for the storage of maintenance vehicles.
 - c. Parking facilities shall be provided at the office location for office visitors.
 - d. A minimum of one (1) parking space for every (3) ~~mobile~~ *manufactured* home sites shall be provided for visitor parking located convenient to the area served.
 - e. If off-site parking facilities are provided in bays and at office or other facilities, they shall be in compliance with R 408.30427 of the Michigan Administrative Code.
 - f. If not provided for on-site or in parking bays, a separate parking area may be provided for vehicles that cannot be accommodated within the standards set forth in these rules, and for recreational vehicles, such as motor homes, travel trailers, and snowmobiles.
- C. Signs for all uses as specified in the Boyne City Sign Ordinance.
- D. In a ~~mobile~~ *manufactured* home ~~park~~ *development*, the following specific standards shall apply:
1. Lot Area and Density.
 - a. The tract to be developed shall contain a minimum of ten (10) acres.
 - b. ~~The *mobile* *manufactured* home *park* *development* may have a maximum density of 10 units per acre. shall be developed with sites averaging five thousand five hundred (5,500) square feet per manufactured home unit. This 5,500 square feet for any one site may be reduced by twenty percent (20%) provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open and distance requirements be less than that required under R 125,1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.~~
 2. Yard Requirements.
 - a. A ~~mobile~~ *manufactured* home shall be in compliance with the following minimum distances:
 - 1). Twenty (20) feet from any part or attached structure of another manufactured home which is used for living purposes.

- 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) worshippers.
- 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.

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 October 21, 2019. 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.

CITY OF BOYNE CITY

To: Chair Aaron Place, and fellow Planning Commissioners

From: Scott McPherson Planning Director

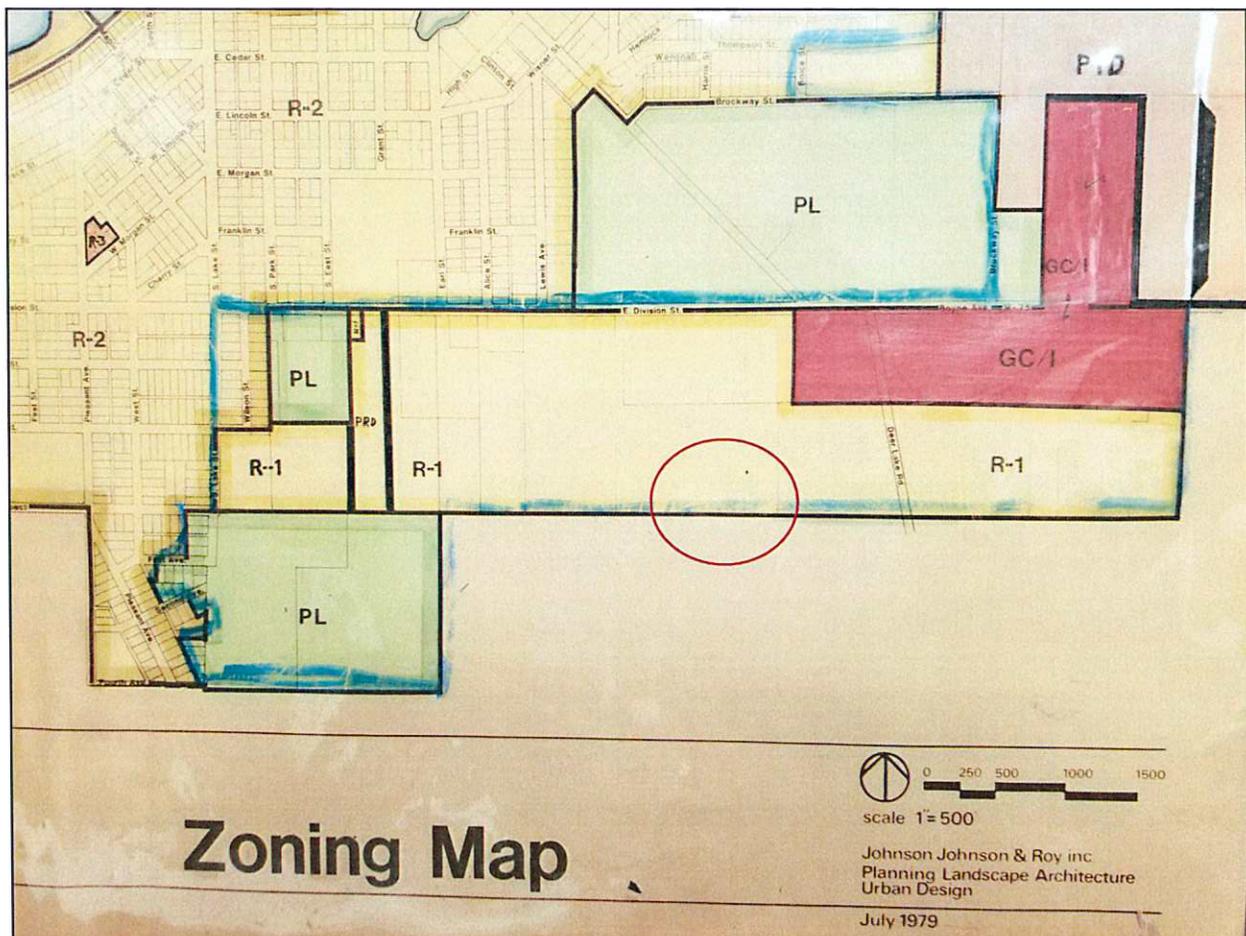
Date: October 21, 2019

Subject: Zoning Map Correction Recommendation

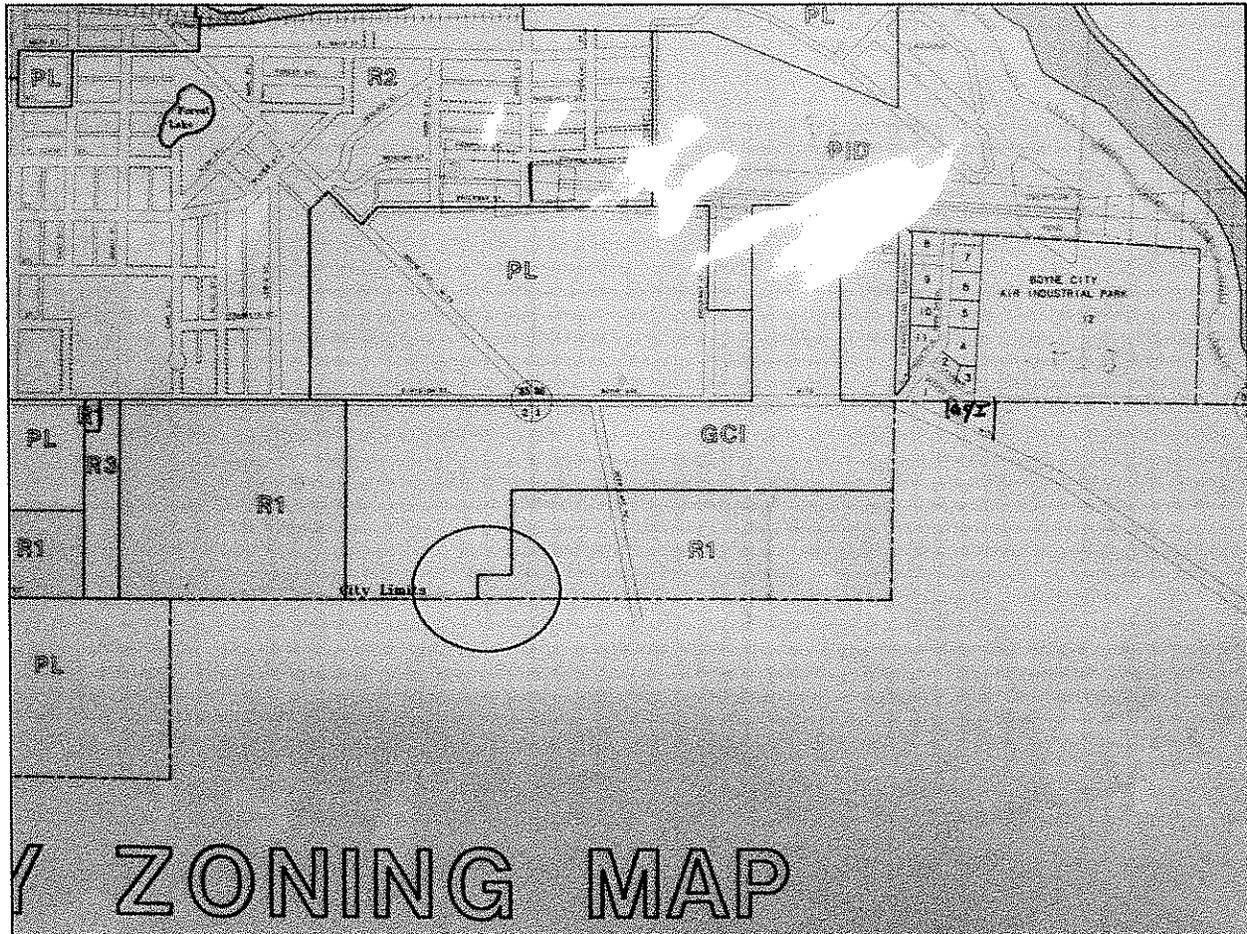


Background

In May 2001 a new city-wide zoning ordinance and map was adopted. The new map and ordinance introduced new district designation and new boundaries for some of the residential and commercial districts. One area that was significantly changed was the area in the southeast corner of the City near Crozier Crest, specifically parcels 15-051-302-001-60 and 15-051-302-001-65. After review of historical zoning maps, land use, geography, and topography it is believed that the zoning map boundary lines that were updated in 2001 were incorrectly drawn to include these parcels in the RC/IND. In the 1970's, as shown on the zoning map below, most of the area south of division and west of Fall Park Road was zoned low density residential, the general location of the referenced parcels is shown circled in red.

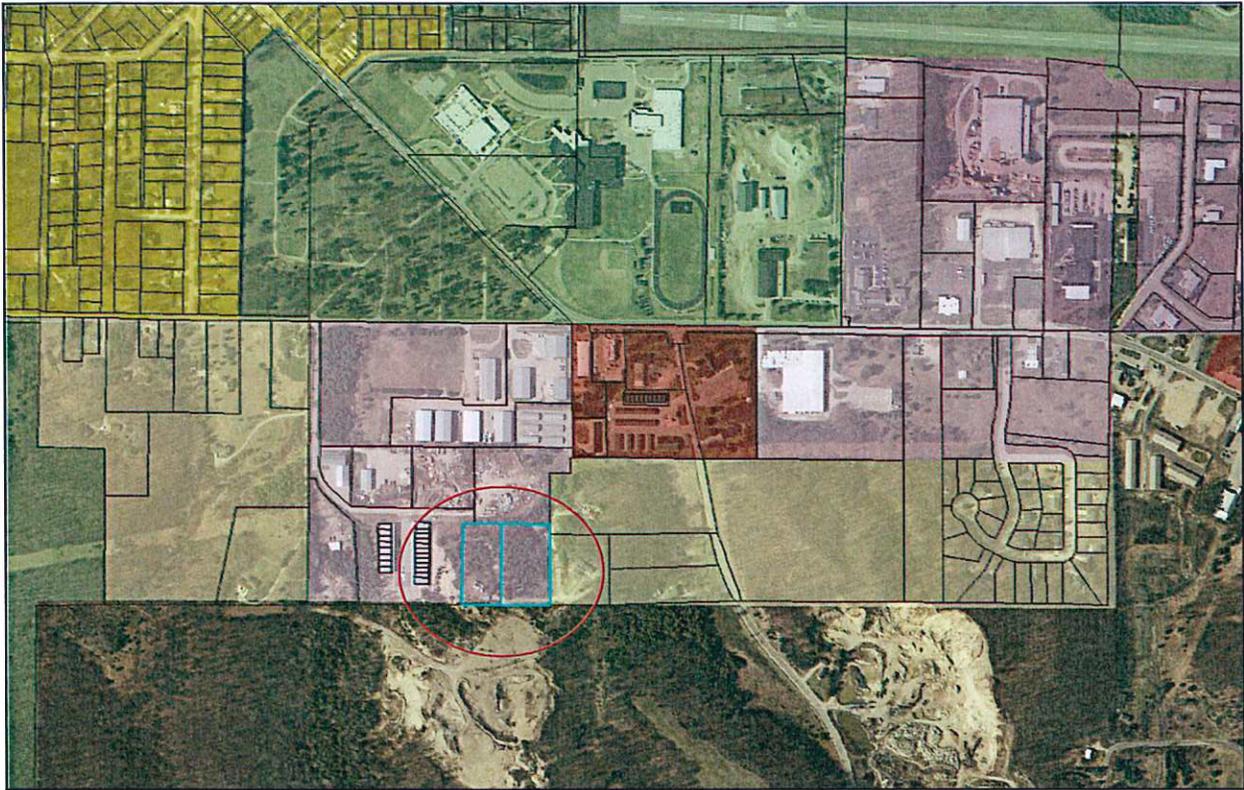


In the 1980's this area was changed with areas to the north and west of the parcels being changed to General Commercial/Industrial District (GCI). Please note the south west corner of the R-1 circled in red. While much of the vicinity changed this map retained the residential designation for the area where the referenced parcels area located.



The subject parcels were created in the 1990's and in 1994 a dwelling was constructed on parcel 15-051-302-001-60. Parcel 15-051-302-001-65 has remained vacant. Tax records for both parcels shows that the parcels have been classified and assessed as residential since each was created.

The boundary line for the Rural Estate District on the map developed with the new ordinance in 2001 did not include the two residential parcels. While the surrounding areas included in the commercial zoning designations were consistent with the allowed uses in the new district designations, the inclusion of the these two residentially used parcels within the RC/IND district would create nonconforming uses. Not only would changing these parcels create nonconformities, the topography and access to these parcels significantly limits the commercial viability for these parcels and is inconsistent with the intent and purpose of the RC/IND.



The subject parcels are accessed by Crosier Crest which is a private road. There is an elevation difference of approximately 80 feet from the subject residential parcels and the adjacent commercial uses. The road could not be redeveloped as a public road without significant reconstruction and cost as several portions of the road have grades exceeding 14%. The dramatic elevation difference in the area can clearly be seen on the digital elevation model show below.



Process

Section 2.30 of the Boyne City zoning ordinance includes procedures for resolving questions regarding district boundary lines. The ordinance specifies that the Zoning Board of Appeals shall determine the exact boundary lines after a recommendation from the Planning Commission.

Recommendation

Given the facts that the boundy lines drawn in 2001 for the zoning districts in the area of the subject parcels were not consistent with existing land use and previous zoning designations; the parcels were created and used for residential purposes prior the adoption of the 2001 map; the parcels have been classified and taxed as residential parcels since created; the topography and access to the parcels make any commercial development economically and physically impractical, it is clearly evident that the map erroneously included parcels 15-051-302-001-60 and 15-051-302-001-65 with commercial/industrial whereas the parcels should be designated low density residential.