

AGENDA
BOYNE CITY PLANNING COMMISSION
Monday, January 16, 2012, 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.

 - A. Approval of minutes from the December 19, 2011 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. Ken Krusel Sketch Plan Review
 - B. Boyne Country Provisions Sketch Plan Review
 - C. Planning Commission Ordinance
 - D. Chicken Ordinance
 - E. Planners Moments
8. Staff Report
9. Good of the Order
10. Adjournment – Next Meeting, February 20, 2012



Meeting of December 19, 2011

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday, December 19, 2011 at 5:00 P.M.

Call to Order

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

Roll Call

Present: Gretchen Crum, George Ellwanger , Chris Frasz, Jane MacKenzie, John McCahan, Lori Meeder , Tom Neidhamer and Joe St. Dennis
Absent: None
Vacancy: One

Meeting Attendance

City Officials/Staff: Planning Director Scott McPherson, Main Street Manager Hugh Conklin and Recording Secretary Pat Haver
Public Present: Fourteen

Consent Agenda

****MOTION**

2011-12-19-3

St. Dennis moved, Ellwanger seconded, PASSED UNANIMOUSLY a motion to approve the consent agenda. Approval of the November 21, 2011 Planning Commission minutes as presented.

Comments on Non-Agenda Items

None

Reports of Officers, Boards and Standing Committees

None

Unfinished Business

None

New Business

Eagles dumpster enclosure for Red Mesa Grill/Magnum Hospitality

Planning Director McPherson reviewed his staff report that was included in the agenda packet. The Red Mesa Grill has submitted an application to construct a dumpster enclosure which will be located in the Eagles parking lot. The Eagles have agreed to allow Red Mesa to build the enclosure and have signed off on the application. The proposed dumpster will be 17' x 20' and be located in the south east corner of the Eagles parking lot. The proposed dumpster enclosure will be a steel chain link fence with woven blue colored slats.

Mary Palmer - Owner of Red Mesa Grill. They have been in discussion with Eagles to finalize the plans to relocate their dumpster. What is currently at the Eagles now is not enclosed and they have proposed to enclose the area with a chain link fence with woven colored slats. The proposed blue color is due to the color match of their existing building; however, have a wide range of slat colors to choose from if requested.

Hugh Conklin - Main Street Manager. The Main Street Design Committee has taken the opportunity to look at the proposal. It was felt that a chain link fence would hold up to wear and tear much better than a wooden or concrete enclosure, they liked the idea of having more neutral color slats, and with the addition of sidewalks on this side of the river and more

pedestrian traffic, possibly some landscaping to soften the look.

Board discussion – The Planning Commissioners were in agreement that an enclosure is the best way to screen the dumpsters. They would like to see a more neutral/softer color in the slats. Concerns were raised about the dumpsters not being placed on a concrete slab, and the applicant indicated after speaking with the waste hauling company that to place the dumpsters partially on the asphalt and partially on gravel as is being requested by the Eagles would not be a problem, it would not sink into the asphalt during the warmer months, and could easily be kept cleaned. Concerns were raised about the recommended landscaping from the Main Street design committee, and the eventual inclusion of a sidewalk so close to the structures. If money were spent in landscaping now would it be affected by the construction of the sidewalk, would it need to be replaced, and with construction on an old road base any plantings would need to be a hardy plant.

After board discussion, **moved by Crum, seconded by Ellwanger** to approve the proposed dumpster request with a more neutral color slat that would blend in with the environment.

****MOTION**

2011-12-19-7A

Roll Call:

Ayes: Crum, Ellwanger, Frasz, MacKenzie, McCahan, Meeder, Neidhamer and St. Dennis

Nays: None

Vacancy: One

Motion Carried

Staff to work with the applicant on installation and color of slats.

Chicken Ordinance Discussion

Planning Director McPherson highlighted some of the language in the sample ordinance that was included in the agenda packet. This is just a starting point for discussion, not a final draft for consideration. This document will highlight some of the items that should be considered such as limiting the number of chickens, no roosters, type of enclosure/housing, lot line setbacks, and noise levels. As this was an informal discussion, Chair Neidhamer opened the floor to include them in the discussion. Several audience members voiced their support for an ordinance that would allow chickens within the city limits, they agreed to some sort of language that would limit the number of chickens, not allowing any roosters, type of enclosure and housing. They expressed a desire to allow them to free range, as they have a tendency to keep the bug population down. Other residents of the city expressed their desire to keep their chickens, as they did not realize that they were not suppose to raise them. Some audience participants discussed a larger problem they were having with neighbors who do not keep their yards cleaned up, and have garbage piled around, and not the few free range chickens on Cherry St. Board concerns ranged from sample language in the ordinance that was provided that was inconsistent

with our current zoning ordinance, and how noise and odor levels were to be determined. All agreed that it was a good starting point, and have asked staff to incorporate the discussed changes into the proposed document, and to make it apart of the city's zoning ordinance, so that staff has a tool for enforcement. Additional sample ordinance language will be brought back at the January meeting for further discussion.

Planning Commission Ordinance

Planning Director McPherson reviewed his staff report that was provided in the agenda packet. When the planning enabling act was adopted some changes were made to the membership requirements and the responsibilities of Planning Commissions. While the City of Boyne City does have an existing Planning Commission Ordinance, it is being recommended that a new ordinance be adopted to incorporate the changes reflected in the new act. Board discussed the sample document and had some concerns about proposed language specifying acceptable training, as that may limit educational opportunities. Language in the CIP portion would need to be corrected to reflect this Commission does an annual review and does not prepare the document. They all felt the presence of a city commissioner on the board was a good, and would like to have that element remain. Staff has been directed to revise the document and ensure that it is consistent with the current Planning Commission bylaws and return to the board for further review.

Planning Commission Candidates to fill the current board vacancy

Two candidates have submitted applications for the Planning Commission which currently has 1 opening. The application forms were provided and both candidates were at the meeting to meet with the members and answer questions. The Planning Commission will need to choose one of the applicants and make a recommendation for appointment to the City Commission. Both applicants had an opportunity to introduce themselves and answer questions from the board about their background and the reasons that they were pursuing a position on the board. Both applicants have a lot to offer the city and the members felt that either one of them would have been a good fit for the board position.

After discussion from the board and the applicants, **motion by Crum, seconded by Ellwanger** to recommend to the City Commission the appointment of Jim Kozlowski to fill the vacancy on the Planning Commission.

****MOTION**

2011-12-19-7D

Roll Call:

Ayes: Crum, Ellwanger, Frasz, MacKenzie, McCahan, and Meeder

Nays: Neidhamer and St. Dennis

Vacancy: One

Motion Carried

**Elementary School
parking lot
reconfiguration**

Planning Director McPherson reviewed his staff report that was included in the agenda packet. The Boyne City Elementary school is proposing to change the existing layout of the pick-up/drop-off area for the school. Proposed drawings showing the existing layout and proposed layout were provided. As the school is not under the jurisdiction of the zoning ordinance, the plans are being provided to the city for review and comment as a courtesy. The board felt the proposed changes would be good. At one time or another, everyone has been at the school during this chaotic time. Safety for the kids is the number one priority. The board inquired if the Police Department had reviewed the plans and were told that all of the city staff had an opportunity to review the plans and make comment.

Staff Report

- Kirtland Products have started up their operations, and unfortunately have had a lot of complaints about noise vapor and smell. The noise has exceeded the ordinance standards and they are aware of that, and are working through the process piece by piece to attempt to figure out where the noise is coming from and what combination of machinery. They want to be good stewards of the community, and are attempting to rectify the issues.
- Devlon hearing was before Judge Pajtas on December 9th. He is taking all of the factors under advisement and will render a written opinion, probably after the first of the year.
- The Northwest Michigan District Health Department recently conducted a walking tour for the "Safe school program"
- January 12th at St. Matthew parish hall will be a city wide goal setting session, beginning at 6:00 pm
- February 7th has been set for the annual Joint Boards and Commission meeting, which has been suggested to be a work session; location in the auditorium at city hall.

Good of the Order

Planning Director McPherson strongly encourage attendance at these very important community sessions and forums in January and February.

Adjournment

The next regular meeting of the Boyne City Planning Commission is scheduled for January 16, 2012.

****MOTION**

2011-12-19-10

Crum moved, St. Dennis seconded, PASSED UNANIMOUSLY a motion to adjourn the meeting at 6:40 p.m.

Pat Haver, Recording Secretary

Tom Neidhamer, Chair

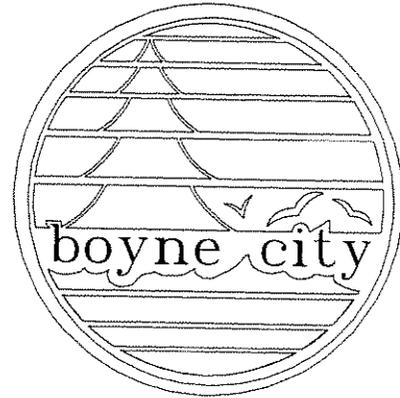
CITY OF BOYNE CITY

To: Chair Tom Neidhamer and fellow Planning Commissioners

From: Scott McPherson, Planning Director

Date: January 16, 2012

Subject: 310 S Lake St

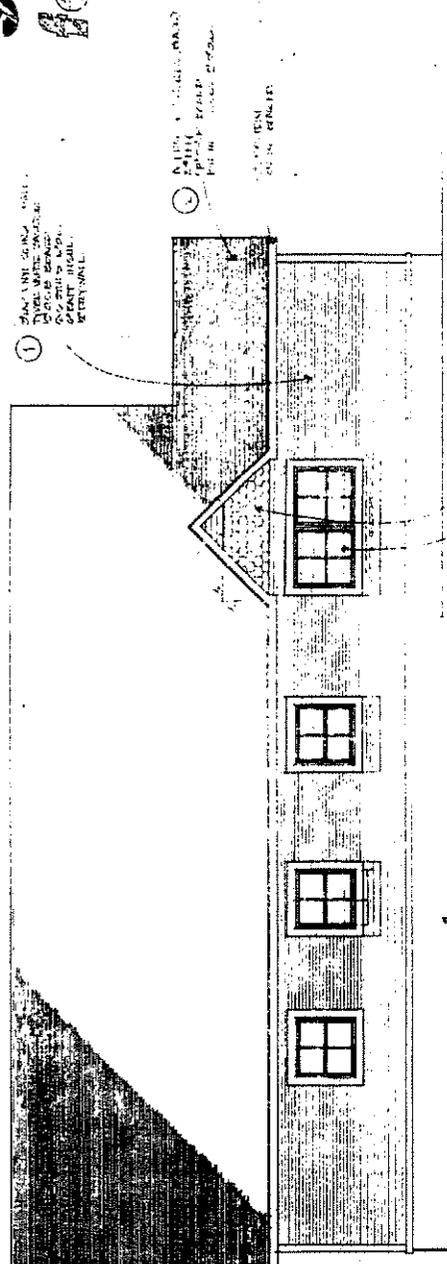


In 1988 approval was given by the Planning Commission for a 4 unit residential development located 310 S. Lake Street subject to receiving a variance from the Zoning Board of Appeals for the required 8 parking spaces, which was approved by the ZBA. A modified project was ultimately constructed that contained only 3 units. The applicant returned to the Planning Board and received approval for the modified plan. In 2010 Ken Kruzel purchased the property and requested to put an office in the building. The request went to the ZBA for interpretation and it was determined that the proposed project met the ordinance standards in regards to office and residential uses not occupying the same floor and the original variance of 8 spaces met the additional parking requirements for use.

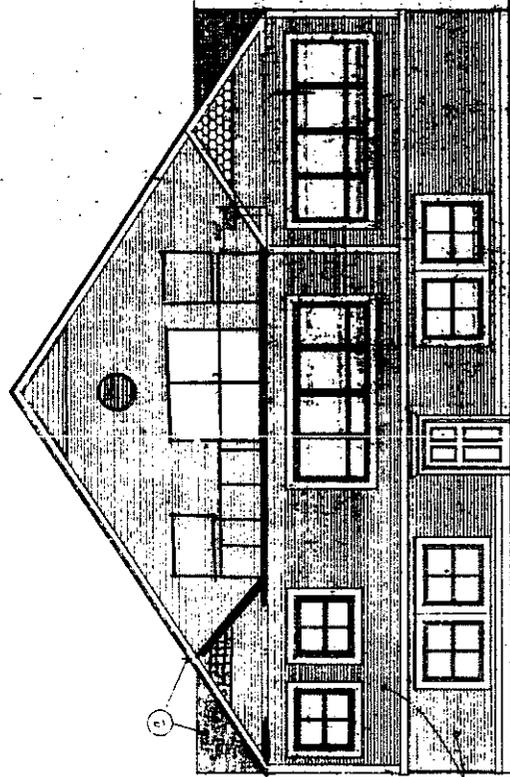
Ken Kruzel has now requested to add two additional residential uses in the building which will now total 5 units comprised of three 1 bedroom units and two 2 bedroom. The total parking required for the proposal is 9 spaces. As mentioned previously the use received a variance for 8 parking spaces in 1988. While only minimal exterior changes in the building are contemplated, the parking requirements for the additional units will exceed the variance amount of 8 spaces and requires approval by the Planning Commission for the required 9 spaces if the project is to proceed.

Parking and Loading. The Planning Commission shall determine if the number of off-street parking and loading/unloading spaces required per Article XXIV of this Ordinance shall be met, or if a lesser number spaces or no spaces are required due to the following: the availability of on-street parking spaces, off-site parking lots, or municipal parking lots; a finding that patrons will either walk to the site from nearby neighborhoods, or will park at other sites and visit several uses at one time; or the placement and configuration of existing buildings. If required, parking lot design shall comply with the standards below, in addition to the provisions of Article XXIV.

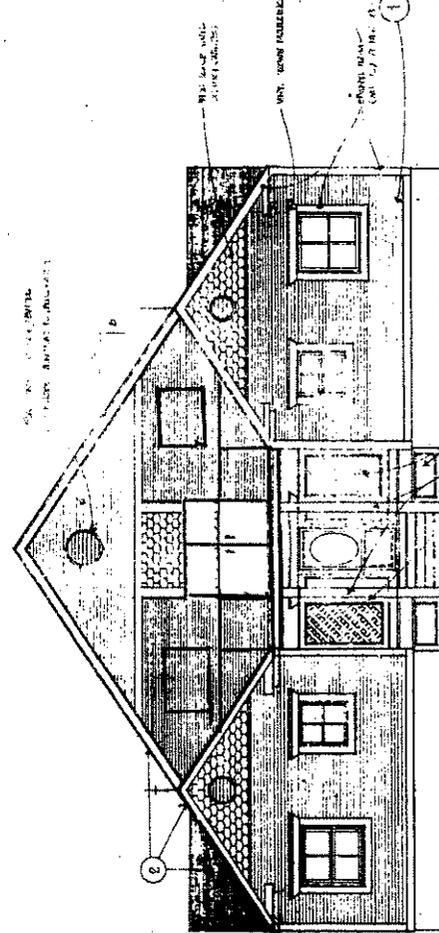
3 unit apartment for Hof buck Kujawski



**SOUTH ELEVATION
SIMILAR
NORTH ELEVATION
OPPOSITE HAND**



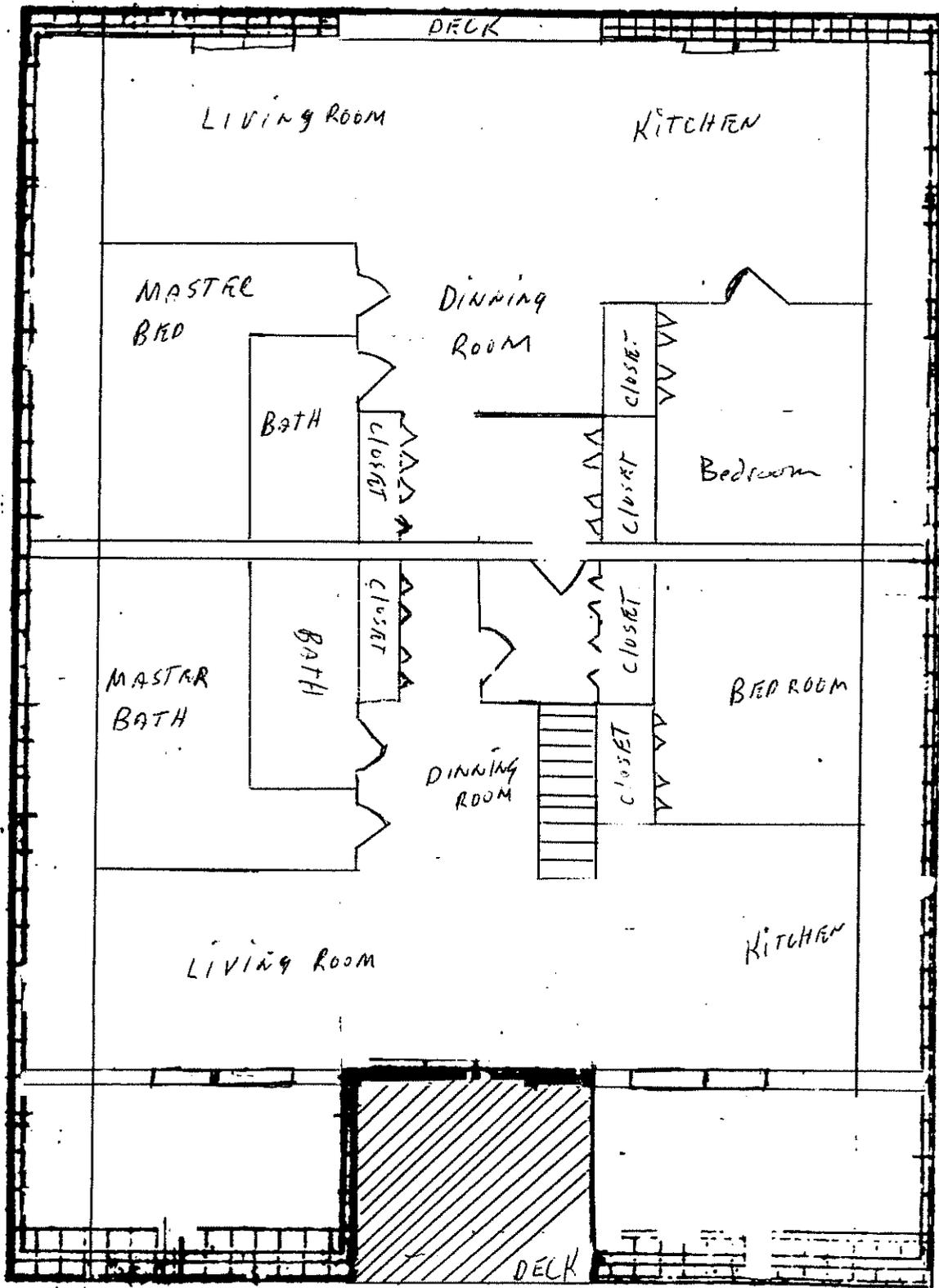
WEST ELEVATION



EAST ELEVATION

Demetrius D. Glosinski, Architect

DATE	NOV 1954
PROJECT	3 UNIT APARTMENT
CLIENT	HOF BUCK KUJAWSKI
ADDRESS	1234 5TH AVE, NEW YORK, N.Y.
SCALE	1/4\"/>



PLAN

2'-10"

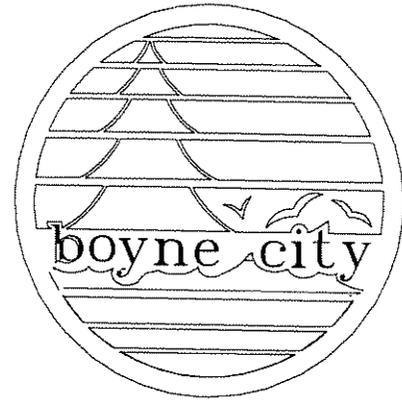
CITY OF BOYNE CITY

To: Chair Tom Neidhamer, and fellow Planning Commissioners

From: Scott McPherson, Planning Director

Date: January 16, 2012

Subject: Boyne County Provisions Sketch Plan Review



Background Information

The Boyne Country Provision located at 127 Water Street is requesting approval change the façade of their existing store and to expand the existing building.

Discussion

The proposed changes include the addition of windows and a door to create a store front for the building on the Water Street side and the addition of windows and a improved door on Park Street side. The façade of the existing building will be replaced with brick veneer and with 24' inch limestone base, 8" limestone accent band and brick columns on the corners and bracketing the doors on Park Street. The proposed expansion would be a 29' addition to the north of the building. Decorative wall sconce lighting fixtures will be placed on the all the columns and 5 wall mounted down lights will placed between the windows on the park street side. Gooseneck light fixture will illuminate the proposed signage that will be placed over the doors on each entrance.

Process

The Planning Commission is required to sketch plan review of the proposed project. As the proposed project is in the Main Street district the Main Street Design Committee did review the proposed project and recommended approval of the project as presented.

Recommendation

Review the draft findings of fact and make determinations in regards the specific sketch plan review standards. The commission should determine if the standard is met, met with conditions, not met or not applicable. If the Planning Commission finds a standard is met with condition the condition needs to be stipulated, if the determination is the standard is not met the reason it is not met needs to be stated.

**DEVELOPMENT PLAN REVIEW
FINDINGS OF FACT
BOYNE COUNTRY PROVISIONS**

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	FINDING	RELEVANT FACTS
<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>The proposed addition conforms to all applicable zoning ordinance requirements</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 design has been reviewed by the main street design committee</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>The site has no significant natural features</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 PLAN REVIEW
FINDINGS OF FACT
BOYNE COUNTRY PROVISIONS**

<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>Not Applicable</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>The site is accessible</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>Existing pedestrian access will remain unchanged</p>
<p><u>H. Barrier-Free Access.</u> The site has been designed to provide barrier-free parking and pedestrian circulation.</p>		<p>Existing parking will not be changed</p>

**DEVELOPMENT PLAN REVIEW
FINDINGS OF FACT
BOYNE COUNTRY PROVISIONS**

<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>Proposed addition does not require additional parking</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 area will stay the same</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>Not Applicable</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 not required</p>

**DEVELOPMENT PLAN REVIEW
FINDINGS OF FACT
BOYNE COUNTRY PROVISIONS**

<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>Existing storm water drainage will remain unchanged</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>Exterior building lighting and sign lighting proposed</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>Area to be used for storage of merchandise no additional noise will be created.</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>Mechanical equipment will be screened</p>
<p><u>R. Signs.</u> The standards of the City of Boyne City's Sign Ordinance are met.</p>		<p>Wall sign proposed on the above doors on Water and Park Streets.</p>

**DEVELOPMENT PLAN REVIEW
FINDINGS OF FACT
BOYNE COUNTRY PROVISIONS**

<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>No hazardous materials or waste will be stored.</p>
<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 necessary permits must be obtained prior to construction</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>		

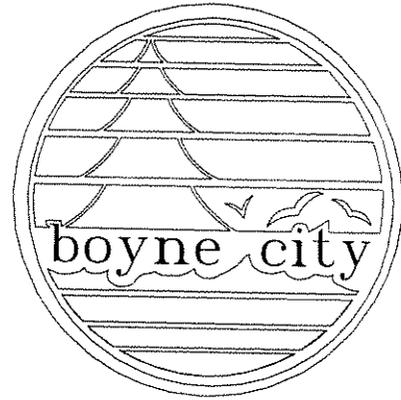
CITY OF BOYNE CITY

To: Chair Tom Neidhamer and fellow Planning Commissioners

From: Scott McPherson, Planning Director

Date: January 16, 2012

Subject: Planning Commission Ordinance



Background

While the City of Boyne City does have an existing Planning Commission Ordinance, it is being recommended that a new ordinance be adopted to incorporate the changes reflected in the new act. One significant change in the act is the requirement for representation of a city commission member on the Planning Commission. In the old act this representation was mandatory; the new act has changed this to be a discretionary appointment. In section 2(A) of the draft ordinance provided, the term (may/shall) has been provided to give the option to make the appointment mandatory or

Discussion

The changes that were recommended by the Planning Commission at last months meeting have been incorporated into the proposed Planning Commission Ordinance.

Recommendation

Recommend approval of the draft Planning Commission Ordinance and submit to City Commission for adoption

**AN ORDINANCE RE-CREATING THE CITY OF BOYNE CITY PLANNING
COMMISSION UNDER ACT 33 OF THE MICHIGAN PUBLIC ACTS OF 2008,
AS AMENDED, BEING THE MICHIGAN PLANNING ENABLING ACT**

AN ORDINANCE to re-create a Planning Commission for the City of Boyne City as required and authorized by Act 33 of the Michigan Public Acts of 2008, as amended, being the Michigan Planning Enabling Act (M.C.L. 125.3801 *et. seq.*) for the purpose of having planning and zoning in the City of Boyne City, to create, organize, enumerate powers and duties, and to provide for the regulation and subdivision of land, coordinated and harmonious development of the City of Boyne City; and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within the state where the City of Boyne City exists.

WHEREAS, The People of the City of Boyne City did establish the Boyne City Planning Commission under Article VI, Division 5 of the City of Boyne City Charter, and it is now desired to repeal the existing ordinance under Division 5 and adopt this ordinance as a replacement to Division 5 to insure proper record of the action is created, NOW THEREFORE, THE CITY OF BOYNE CITY ORDAINS:

1. Creation: There shall be a City of Boyne City Planning Commission pursuant to Act 33 of the Michigan Public Acts 2008, as amended, being the Michigan Planning Enabling Act (M.C.L. 125.3801 *et. seq.*), hereinafter referred to as the Planning Commission with the powers and duties as therein set forth and as hereinafter provided. This ordinance shall be officially known and described as the "City of Boyne City Planning Commission Ordinance."
2. Membership
 - A. The Planning Commission shall consist of nine (9) members appointed by the Mayor subject to approval by a majority vote of the City Commission. One of the members (may/shall) be a member of the City Commission and serve as an ex-officio with full voting rights. To be qualified to be a member and remain a member of the Commission, the following qualifications must be met:
 1. Shall be a qualified elector of the City of Boyne City, as defined in Section 8 of this Ordinance:
 2. Shall meet the conditions provided for each individual member in Sections 2.B, 2.C, and 2.D of this Ordinance.
 - B. Members shall be appointed for three-year terms. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment such that the terms of, of all commission members continue to expire each year. A member shall hold office until his or her successor is appointed. The term of ex-officio member's appointed from the City Commission shall be concurrent with their elected term of office.
 - C. The membership shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of the City of Boyne City, in accordance with the major interests as they exist in the City, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, commerce, healthcare, building trades, hospitality, retail, finance, insurance, real estate, cultural, historic, and recreational resources.

- D. The membership shall also be representative of the entire geography of the City of Boyne City to the extent practicable.
- E. The City Commission shall fill any vacancy in the membership of the Commission for the unexpired terms in the same manner as the initial appointment.
- F. The transition from the previous City of Boyne City Planning Commission and the Commission established in this ordinance shall be gradual and shall take place over the next three years. The City Commission shall continue to make annual appointments, appointing approximately $\frac{1}{4}$ of the membership of the Commission as specified in this Ordinance, so that three years from the effective date of this ordinance the membership, membership representation, and number of members have completed the transition to fully comply with this Ordinance. All other aspects of this ordinance shall have immediate effect.

3. Training

Appointed members of the Planning Commission should attend educational programs designed for training members of Michigan planning commissions if the adopted City of Boyne City budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. Nothing in this paragraph shall prevent a member who has not had training from finishing his or her term of office unless the member resigns or is removed by action of the City Commission. The Planning Commission shall include in its bylaws what training programs qualify to meet this requirement.

4. Removal from Office

The City Commission may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to disclose a potential conflict of interest as required by section 5d shall constitute malfeasance in office.

5. Meetings

A. The Planning Commission shall hold not less than four (4) regular meetings each year, and by resolution shall determine the time and place of meetings. Unless the bylaws provide otherwise, a special meeting of the Commission may be called by the chairperson or by two (2) other members, upon written request to the secretary. Unless the bylaws provide otherwise, the secretary shall send written notice of a special meeting to Commission members not less than 48 hours before the meeting.

B. The business that the Planning Commission may perform shall be conducted at a public meeting of the Commission held in compliance with the open meetings act, Act 267 of the Michigan Public Acts of 1976 (MCL 15.261 to 15.275), Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that act.

C. A writing prepared, owned, used, in the possession of, or retained by the Planning Commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act 442 of the Michigan Public Acts of 1976 (MCL 15.231 to 15.246).

D. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the Planning Commission.

6. Powers and Duties

A. Master Plan:

1. The Planning Commission shall make and approve a master plan as a guide for development within its planning jurisdiction. The planning jurisdiction includes areas within the City and may also include any areas outside of the City that, in the judgment of the Commission, are related to planning for the City.
2. In preparation of the master plan, the Planning Commission shall do all of the following, as applicable:
 - (a) Make careful and comprehensive surveys and studies of present conditions and future growth within the planning jurisdiction with due regard to its relation to neighboring jurisdictions.
 - (b) Consult with representatives of adjacent local units of government in respect to their planning so that conflicts in master plans and zoning may be avoided.
 - (c) Cooperate with all departments of the state and federal governments and other public agencies concerned with programs for economic, social, and physical development within the planning jurisdiction and seek the maximum coordination of the local unit of government's programs with these agencies.
3. The master plan shall address land use and infrastructure issues. The plan shall include maps, plats, charts, and show the Commission recommendations for the physical development of the City. The master plan shall also include information pertinent to the future development of the planning jurisdiction as detailed in Act 33 of the Michigan Public Acts of 2008 (MCL 125.3833 (2)).
4. Preparation and adoption of and amendments to the master plan shall follow the procedures established in Act 33 of the Michigan Public Acts of 2008 (MCL 125.3839-125.3845).

B. Records

1. The Planning Commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings and determinations.
2. The Planning Commission shall make an annual report to City Commission concerning its operations and the status of planning activities, including recommendations regarding actions by the City Commission related to planning and development.

C. Capital Improvements Program

Upon adoption of the master plan, the Planning Commission shall annually review and recommend a capital improvements program (CIP) of public structures and improvements, with the assistance of staff. The CIP shall show those public structures and improvements, in the general order of their priority for the ensuing 6-year period, based upon the requirements of the local unit of government for all types of public structures and improvements.

D. Review of Plats

Upon adoption of the master plan, the Planning Commission shall review and make recommendations on plats, after publishing and holding a public hearing.

7. Approval, Ratification, and Reconfirmation

All official actions taken by all the City of Boyne City Planning Commissions preceding the Commission created by this ordinance are hereby approved, ratified and reconfirmed. Any project, review, or process taking place at the effective date of this Ordinance shall continue with the Commission created by this ordinance, subject to the requirements of this Ordinance, and shall be deemed a continuation of any previous City of Boyne City Planning Commission. This

Ordinance shall be in full force and effect from and after its adoption and publication.

8. Definitions

For purposes of this Ordinance, the following words shall have the following meanings respectively ascribed to them, except where the content clearly indicates a different meaning:

A. "Qualified Elector," as used in this Ordinance, intending to be consistent with Section 10 of the Michigan Election Law, being MCLA 168.10, means a United States citizen who has been a resident of the City of Boyne City for 1 year and is eighteen (18) years or older.

B. "Residence," as used in this Ordinance, intending to be consistent with Section 11 of the Michigan Election Law, being MCLA 168.11, means that place at which a person habitually sleeps, keeps his or her personal effects and has a regular place of lodging. If a person has more than 1 residence, or if a wife has a residence separate from that of the husband, that place at which the person resides the greater part of the time shall be his or her official residence for the purposes of this act. This section shall not be construed to affect existing judicial interpretation of the term residence.

1. An elector shall not be deemed to have gained or lost a residence by reason of being employed in the service of the United States or of this state, while engaged in the navigation of the waters of this state or of the United States or of the high seas, while a student at an institution of learning, while kept at any state facility or hospital at public expense, or while confined in a jail or prison. Honorably discharged members of the armed forces of the United States or of this state and who reside in the veterans' facility established by this state may acquire a residence where the facility is located. The residence of a person who is a patient receiving treatment at a hospital or other facility pursuant to Act No. 258 of the Public Acts of 1974, as amended, being sections 330.1001 to 330.2106 of the Michigan Compiled Laws, is the village, city, or township where the person resided immediately before admission to the hospital or other facility.

2. A member of the armed forces of the United States shall not be deemed a resident of this state in consequence of being stationed in a military or naval place within the state.

9. Effect

This ordinance shall take effect fifteen (15) days following its enactment and shall be published once within seven (7) days after its enactment as provided by Charter.

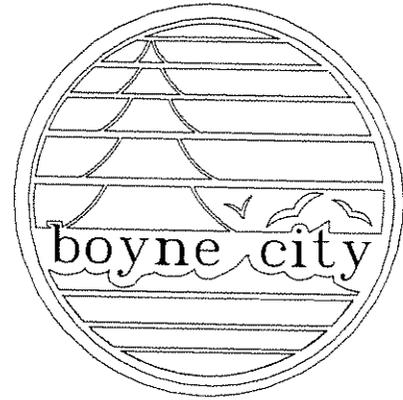
CITY OF BOYNE CITY

To: Chair Tom Neidhamer and fellow Planning Commissioners

From: Scott McPherson, Planning Director

Date: January 16, 2012

Subject: Chicken Ordinance



Background

To begin the discussion on potential chicken ordinances last month I provided a copy of an chicken ordinance from Milwaukee. The provided Ordinance was a comprehensive and detailed Ordinance that covered a wide variety issues that could be encountered with urban chickens. After reviewing the Ordinance the Planning Commission directed staff to provide the commission with ordinances from surrounding municipalities for further discussion.

Discussion

Ordinances from Traverse City and Petoskey have been provided for your review. The Ordinance from Traverse City is free standing police power ordinance that is currently in effect. The Ordinance from Petoskey was a zoning amendment that was proposed but was repealed. Also provided for your information is an extension bulletin provided by MSU extension containing suggestions for poultry ordinances.

Recommendation

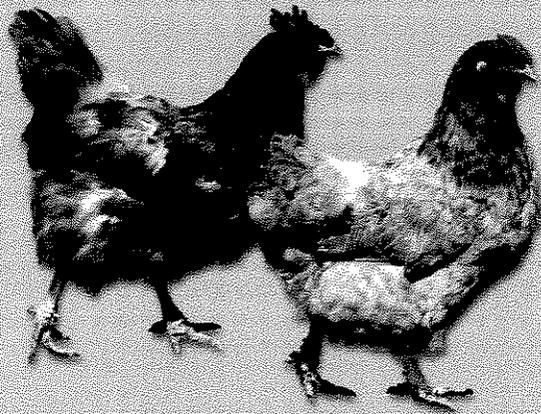
Review the discuss the provided materials and direct staff on if a ordinance should be drafted and if so what type of ordinance, free standing police power or zoning.

Suggestions for ORDINANCES

Allowing

Backyard

POULTRY



Authors:

Darrin M. Karcher, Ph.D., Poultry Extension Specialist, Department of Animal Science, Michigan State University

Paul Wylie, MSU Extension Agricultural and Natural Resources Educator, Retired

R. M. "Mick" Fulton, D.V.M., Ph.D., Avian Pathologist, Diagnostic Center for Population and Animal Health

Keeping small flocks of chickens in cities is dramatically increasing. Unfortunately, there is a large gap between these new urban audiences and their knowledge of poultry husbandry. Numerous websites, books and Michigan State University Extension (MSUE) publications can provide materials to educate individuals on proper poultry management. Issues of animal welfare, neighbor annoyance concerns and environmental impacts must be considered before legislation is passed allowing these small poultry flocks to exist. The following suggestions will provide guidance on creating an environment, urban or rural, where it is reasonable for any individual to produce his or her own food or enjoy a new hobby.

- Limit the raising of chickens to single or two-family residences only and the number of chickens to 4 to 6 per site.
- No roosters (male adult chickens) may be kept.
- Poultry should not be allowed in a residence, porch or attached garage. Chickens must be confined in a house or coop in the backyard of the residence with a minimum of 1 square foot per bird (144 square

inches). An outside, enclosed run may or may not be allowed. The run should be no larger than 8 feet by 8 feet, and it should be attached to the coop. The facilities should be built to keep dogs, cats and wildlife from gaining entry.

- The poultry facility should be 5 to 10 feet from any property line and at least 10 to 20 feet from a neighboring residence.
- The owner should dispose of waste materials (feed, manure and litter) in an environmentally responsible manner. The materials can be composted or bagged and disposed of in the trash. Piling waste materials on the property is not acceptable.
- Both the process of weeding out inferior animals known as culling and mortality (death) are common occurrences when raising live animals. Poultry owners will need to deal with unwanted males, old hens or sick birds. An animal care program involving euthanasia of birds should be made available. Owners should bag and dispose of dead birds in the trash.

SUGGESTIONS FOR ORDINANCES ALLOWING BACKYARD POULTRY



- The coop should be designed to discourage rodents and wild birds from entering. Owners should store all feed supplies in rodent-proof containers. They should take steps to avoid the buildup of flies and maggots by keeping litter and feed dry and promptly disposing of dead birds or waste eggs.
- The owner should control rodents by eliminating nearby hiding places (trash, weeds, and debris), trapping and baiting rats and mice on a regular basis.
- The owner must feed and water the chickens on a daily basis.
- Sales of eggs should not be allowed. Keeping hens should be for personal use and not for running a business.
- The ordinance may simply allow the keeping of laying hens if the conditions are met. A permit may be required depending on the municipality. If a permit is required, any fees should be nominal.
- The impact and spread of a disease can be reduced if households with poultry can be identified. A permit requirement will generate a list of all households with poultry allowing for a quicker response to a disease outbreak.
- For the protection of Michigan's commercial poultry industry, no such poultry holdings should be allowed within four miles of a commercial poultry operation.
- Contact Michigan Department of Agriculture to investigate the proximity to the commercial poultry industry.
- To review ordinances that have been passed in Michigan related to keeping poultry in urban and suburban settings, contact the Michigan Department of Agriculture at 517-335-5713.

MICHIGAN STATE
UNIVERSITY | **Extension**

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CHAPTER 610
Animals

610.01	Prohibited animals.	610.07	Cruelty; poisoning.
610.02	Confinement to premises.	610.08	Burning of animal matter.
610.03	Access to public ways and places.	610.09	Disposal of dead animals.
610.04	Removal of defecation.	610.10	Appearance tickets.
610.05	Dogs.	610.99	Penalty.
610.06	Sanitation of premises.		

CROSS REFERENCES

Animal pounds - see M.C.L.A. Secs. 123.301 et seq., 750.70
 Animal diseases generally - see M.C.L.A. Secs. 287.708 et seq.
 Animals generally - see M.C.L.A. Secs. 750.49, 752.21 et seq.
 Pet shops - see B.R. & T. Ch. 848
 Injuring animals - see S.U. & P.S. 1064.03
 Animals in parks - see S.U. & P.S. 1064.11
 Animals in cemeteries - see S.U. & P.S. 1066.03

610.01 PROHIBITED ANIMALS.

- (a) Annoying Animals. No person shall harbor or keep any animal or bird which causes annoyance or disturbance in a neighborhood, by making sounds common to its species or otherwise, or which endangers the safety of any person or property.
- (b) Fowl; Bees. No person shall keep, harbor, raise or hatch domestic fowl, pigeons or bees in the City.
- (c) Livestock. Except as otherwise provided in this section, no person shall keep within the City any cattle, cow, horse, sheep, swine, goat, mule, donkey, pony or other livestock.
- (d) Exceptions. Notwithstanding the prohibitions of this section.
 - (1) Animals may be kept in a municipal zoo,
 - (2) Chickens may be kept according to the following conditions:
 - (A) A maximum of four (4) hens may be kept per parcel. Roosters are prohibited.
 - (B) Slaughtering chickens outdoors is prohibited.
 - (C) Chickens shall be provided, and remain within, a fully enclosed shelter with an optional covered fenced enclosure in the rear yard.
 - (D) Enclosures shall be located at least twenty-five (25) feet from any dwelling on a neighboring parcel.
 - (E) No chicken shall be kept on parcels with more than one dwelling.
 - (3) Livestock may be kept with the advanced written permission of the City Manager which shall be given if the following are demonstrated:
 - (A) The animals are kept securely and humanely;
 - (B) The animals are not kept within 100 feet of any residence;
 - (C) All laws and ordinances regarding sanitation of the premises or buildings where the animals are kept are complied with;
 - (D) There is no adverse effect upon adjoining public or private property;
 - (E) The animals are not kept for more than thirty days within a twelve-month period; and

(F) It is otherwise legal to keep such animals.

(e) **Penalty.** A person who violates this section is responsible for a municipal civil infraction. (1976 Code Sec. 7.01; Ord. 441. Passed 7-1-96; Ord. 485. Passed 1-18-00. Ord. 845. Passed 9-8-09.)

610.02 CONFINEMENT TO PREMISES.

The owner or custodian of any animal or bird shall keep such animal or bird confined to his or her own premises if necessary to avoid annoyance or disturbance in the neighborhood. A person who violates this section is responsible for a municipal civil infraction. (1976 Code Sec. 7.02. Ord. 486. Passed 1-18-00.)

610.03 ACCESS TO PUBLIC WAYS AND PLACES.

No person shall tie, stake or fasten any animal in such a manner that the animal has access to any portion of any street, alley or public place. A person who violates this section is responsible for a municipal civil infraction. (1976 Code Sec. 7.022. Ord. 487. Passed 1-18-00.)

610.04 REMOVAL OF DEFECACTION.

No owner or person having custody of any dog or other animal shall permit such dog or other animal to defecate on any school grounds, public street, alley, sidewalk, tree lawn, park, other public grounds or private property in the City, other than on the premises of such owner or person, unless such defecation is removed immediately. A person who violates this section is responsible for a civil infraction. (Ord. 185. Passed 10-7-85. Ord. 417. Passed 5-15-95.)

610.05 DOGS.

- (a) Application of State Law. No person shall violate any law of the State pertaining to dogs, or any rule or regulation pertaining to dogs adopted by any State agency.
- (b) License Required. Any dog subject to license, which dog is not licensed, is a nuisance and may be impounded in the City dog pound or County dog pound.
- (c) Running At Large. Any dog, licensed or unlicensed, which is not attached to a leash or rope of eight feet or less in length, and which is running on public places or private property, other than the premises of the owner or person having custody of such dog, may be impounded in the County dog pound. When any dog is running at large, the owner or custodian may be notified by the City of a violation of this section, and after three such notices, the dog may be taken from the owner or custodian and impounded.
- (d) Vicious Dogs. No person, being the owner, caretaker or custodian thereof, shall permit any vicious dog to be unconfined unless such dog is securely muzzled and led by a leash. Any dog which has bitten a person or domestic animal without molestation, or which, by its actions, gives indication that it is liable to bite any person or domestic animal without molestation, shall be deemed vicious. Any vicious dog which is impounded shall be confined for not less than ten days.

- (e) **Quarantine.** Whenever notice of a dog quarantine is published in the official newspaper by the Health Department, no person shall, during the period of such quarantine, permit any dog, of which he or she is the owner, caretaker or custodian, to be unconfined, except under conditions specified in such notice.

(1976 Code Sec. 7.03; Ord. 186. Passed 10-7-85; Ord. 187. Passed 12-16-85.)

610.06 SANITATION OF PREMISES.

The owner or custodian of any animal or bird shall maintain the premises wherein such animal or bird is kept in a clean and sanitary condition, free from rodents, vermin and disagreeable odors. A person who violates this section is responsible for a civil infraction.

(1976 Code Sec. 7.04. Ord. 418. Passed 5-15-95.)

610.07 CRUELTY; POISONING.

No person shall be cruel to any animal or bird. No person shall throw or deposit any poisonous substance on any exposed public or private place where it may endanger any animal.

(1976 Code Sec. 7.05)

610.08 BURNING OF ANIMAL MATTER.

No person shall burn any feathers, hides or other animal matter in the City unless the following criteria are met:

- (a) The activity is accessory to either a veterinary clinic, laboratory research facility or animal control pound or shelter.
- (b) Emissions into the air from the activity do not exceed State or Federal requirements.
- (c) The odor emitted shall not be noxious or considered a nuisance and shall not be harmful to the environment or to residents.

A person who violates this section is responsible for a civil infraction.

(1976 Code Sec. 7.07; Ord. 210. Passed 9-2-86. Ord. 419. Passed 5-15-95.)

610.09 DISPOSAL OF DEAD ANIMALS.

(a) **Prohibited Locations.** No person shall deposit, place or throw any dead or fatally sick or injured animal, or part thereof, on any public or private place, in the City dump, into any reservoir, or into any stream, lake, pond, sewer, well or other body of water, or onto the banks thereof.

(b) **Burial.** No person shall bury any dead, fatally sick or injured animal, or part thereof, in the City, except that the owner or occupant of any unplatted property may bury thereon any dead animal owned by him or her, which animal died on such premises, after having obtained a written permit to do so from the Health Department. Such burial shall be made at a distance of not less than 200 yards from any residence or well, and the carcass shall be placed underground and well covered with at least four feet of earth from the surface of the ground to the upper part of the carcass.

(c) **Immediate Disposal Required.** No person shall fail to immediately dispose of any dead animal found upon property under his or her possession or control, either in the manner specified in this section, by disposal at the City dump or by other suitable means outside the City.

- (d) Transporting. No person shall carry or convey any dead animal through or upon any street, alley or public place unless the same is so covered that no part of it is exposed to view and no odors can emanate therefrom.
- (e) Civil Infraction. A person who violates this section is responsible for a civil infraction.
- (1976 Code Sec. 7.08 Ord. 420. Passed 5-15-95.)

610.10 APPEARANCE TICKETS.

The Police Chief and the appointed officers of the Police Department, or such other officials as are designated by the City Manager, are hereby authorized to issue and serve appearance tickets with respect to a violation of this chapter pursuant to Section 1 of Act 147 of the Public Acts of 1968, as amended (M.C.L.A. 764.9c(2); M.S.A. 28.868(3)(2)). Appearance tickets shall be in such form as determined by the City Attorney and shall be in conformity with all statutory requirements.

(Ord. 349. Passed 5-17-93.)

610.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

ORDINANCE NO. 724

AN ORDINANCE TO REPEAL AND REPLACE SECTION 401(6) OF ARTICLE IV OF THE CITY OF
PETOSKEY ZONING ORDINANCE

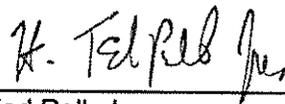
The City of Petoskey ordains:

1. Section 401(6) of the Zoning Ordinance of the City of Petoskey shall be repealed and replaced by the following:

Sec. 401. Principal uses permitted.

6. Accessory building and uses customarily incident to any of the above-permitted uses, and including:
 - a. The keeping of up to four (4) hens per parcel, provided that:
 - i. No person shall keep any rooster;
 - ii. No person shall slaughter or dress any chickens outdoors;
 - iii. Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure in the rear yard at all times;
 - iv. All enclosures shall be kept a minimum of three (3) feet from the rear or rear-side property line and at least twenty-five (25) feet from any dwelling on a neighboring parcel;
 - v. Covered enclosures shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.
 - vi. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.
 - vii. Hens and their enclosures must be kept in a neat, clean, and sanitary condition free from offensive odors, excessive noise, or any other condition that would constitute a nuisance.
 - viii. A permit shall be required to keep hens.
2. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.
3. This Ordinance shall take effect fifteen (15) days following its enactment and shall be published once within seven (7) days after its enactment as provided by Charter.

Adopted, enacted and ordained by the City of Petoskey City Council this 21st day of February, 2011.



H. Ted Pall, Jr.
Its Mayor



Alan Terry
Its Clerk



City of Boyne City
2011
Planning and Zoning
Report

Conditional Use and Development Plan Reviews.

Development Plan Review Precision Edge

In August the Planning Commission reviewed the development plan for Precision Edge Manufacturing to develop a 35,000 sqft factory for the manufacturing of surgical tools on parcels 3 and 4 in Air Industrial Park Phase II. The parcels contain approximately 5.9 acres and are located on the corner of Lexamar and Moll Drives. The proposed uses are allowed principal uses in the PID district as provided under sections 14.20(B) of the Boyne City Zoning Ordinance (BCZO). The proposed use is a principal allowed use in the PID district and the proposed site plan was found to be in compliance with all ordinance requirements in regards to building placement, size and height. The site plan included parking calculations for the proposed use showing 81 required parking spaces and 88 spaces have been provided. The site will have two access points, one on Lexamar and one on Moll Drive. The design, layout and location of the proposed driveways meet ordinance criteria and landscaping buffer will be located around the perimeter of the site and interior landscaping islands in accordance with ordinance criteria will be provided. Construction on the facility began in the fall of 2011 and it is expected to be completed in the spring of 2012

Conditional Use/Development Plan the Brook.

In March the Planning Commission reviewed and approved the development plan for The Brook independent/assisted living facility. This was the first time a conditional rezoning request was approved in the City. A conditional rezoning allows the City enter into an rezoning agreement with a developer that specifically allows the rezoning of the property for a specific use based on completion of voluntary conditions offered by the developer. The conditional rezoning was reviewed and approved by the City Commission in February and then sent back to the Planning City Commission for final site plan approval. The approved plan is for a 42 unit independent/assisted living facility with the possible future expansion of 20 additional units. One of the conditions of the approval was for the developer to install a sidewalk along the front of the property or install the same length of sidewalk (approximately 600 feet) at another location as requested by the City. The exact location of the sidewalk has not been determined and several options are being explored. Prior to installation of the sidewalk the location of the sidewalk will be brought to the City Commission for review and approval. While the development plan approval was received in March, the applicant had to acquire additional property and easements in order to secure the location the sewer line. These acquisitions delayed the start of the project for several months and construction did not commence until the fall of 2011. Since the initiation of construction much progress on the buildings has been completed and it is anticipated that the project will be completed in the spring-summer of 2012.

Development Plan Amendment Bay Winds Credit Union

In June Bay Winds Credit Union submitted a request to amend their previously approved development plan. The amended plan reduced the size of the building by approximately 20%, altering the configuration of the building and slightly changing its appearance. The

driveways, parking and landscaping remained unchanged. Construction on the building began in the fall of 2011 and it is anticipated that it will be finished in the spring of 2012.

Development Plan Amendment Classic Instruments

In 2004 the City approved a request to reconfigure lots 1 and 2 of Air Industrial Park Phase II. The reconfiguration moved the common lot line 95 feet to the east and the resulting parcels are shown on the attached survey from Benchmark Engineering dated October 15, 2004. The parcel has been subsequently transferred to a new owner who would like to expand the existing building and has requested to reconfigure lots 1 and 2 back to the original configuration as shown by the attached survey from Wade-Trim dated December 15, 2000.

Development Plan Amendment Harborage Heights .

Harborage Heights Condominium Association has submitted a request to amend the previously approved development plan. The proposed plan would 26' x 28' accessory building next to the existing community mail box area. The building would be used for the indoor storage of lawn mowing and maintenance equipment for the association. A proposed site plan and elevation have been submitted for your review.

Ordinances

Accessory Building Ordinance Section 21.36

Section 23.36 Accessory Buildings and Structures was amended to clarify the section and eliminates confusing and contradictory language. While the ordinance amendment simplified the section it did not substantively change the basic requirements for accessory buildings. The Ordinance was approved by the City Commission and became effective in September of 2011.

Parking Ordinance Article 24

After reviewing the ordinance and completing parking counts it was the determination of the Planning Commission that the existing on site parking requirements for many uses was excessive. Given the fact that the existing parking counts are based on studies that determine peak parking demand for uses that have ample and free parking and does not account for pedestrian access, available public parking, or other limiting factors, it is the opinion of staff that the basing ordinance standards on these studies results in excessive on site parking requirements. It should also be noted that the ordinance requirements use the peak demand as the baseline for parking space determinations and not the typical daily usage. By requiring parking for the highest possible use, parking lots are developed far larger than needed for most typical days. The overdevelopment of parking lots increases upfront costs for developers hinders future development, occupies land that could be better utilized and burdens the City with additional storm water runoff and all the associated negative effects that come with increased storm water runoff. Given these reasons it has been proposed that the on site parking requirements for the City should be reduced overall. The proposed amendment adjusts the on site parking requirements for many uses in the City. The amount that a specific use is reduced varies from use to use, but it was the goal of the proposed amendment to reduce the overall on site parking

requirements by approximately 20%. The Planning Commission held a public hearing on the proposed amendment in August and recommended to the City Commission that the amendment be adopted. The City Commission held a first and second reading on the proposed amendment and determined that a more comprehensive review of the parking ordinance and issues be completed and sent the proposed amendment back to the Planning Commission for further review.

Medical Marijuana

In 2008 voters approved the Michigan Medical Marijuana Act (MMMA) allowing for the cultivation, possession and use of medical marijuana for qualified persons. The legislation was approved by 63% of the voters statewide and was approved by 65% of the voters in Boyne City (1,132 yes - 622 no). Since its adoption municipalities statewide have been struggling with the application of the MMMA and what actions, if any, should be taken. Communities in Northern Michigan have taken or are pursuing a variety of actions. Currently there are multiple court cases pending in Michigan related to this issue that could have a dramatic effect on the law and how it is administered. The State Legislature is also looking at possible changes to the MMMA or other laws that may have ramifications on the administration of the act. Given the fluid nature of this issue it was determined that a 1 year moratorium should be passed to give time for the City to further explore this issue.

Planning Commission Ordinance

When the planning enabling act was adopted some changes were made to the membership requirements and the responsibilities of Planning Commissions. While the City of Boyne City does have an existing Planning Commission Ordinance, it is being recommended that a new ordinance be adopted to incorporate the changes reflected in the new act. One significant change in the act is the requirement for representation of a city commission member on the Planning Commission. In the old act this representation was mandatory; the new act has changed this to be a discretionary appointment. In December the Planning Commission reviewed a draft of a new planning commission ordinance and in January will be reviewing the final draft of the ordinance and it is anticipated that the ordinance will be submitted to the City Commission in February for consideration.

Chicken Ordinance

Several residents approached the Planning Commission and requested that the Commission investigate the possibility of adopting an ordinance that would allow for chickens within the City. The planning Commission agreed to put the issue on the agenda for review and discussion. In December the Commission discussed possible impacts and reviewed ordinances and directed staff to develop a draft ordinance for further consideration.

Storm water Ordinance

Staff continues to monitor the status of the Storm Water Ordinance. The Ordinance has been under review by County and municipal attorneys for the past few years and in 2010 a draft was submitted to the City for review. The draft was reviewed by staff and by C2AE and it was determined the regulations as proposed could have a negative effect on

future City projects. Since then little progress has been made towards developing changes in the ordinance language that would make it suitable for consideration. In 2011 an the Township Association reviewed and discussed the ordinance further but no action has been taken to adopt the ordinance.

Other Projects and Reviews

Partnership for Change

In March the Boyne City Planning Commission hosted a follow up meeting with our Partnership for Change partners, Wilson Township and Boyne Valley Township, to review the goals of the project and identify further actions that should be taken. One of the major focuses of the group was the goal of a trail connection between Boyne City and Boyne Falls. At the meeting the group decided to establish a sub-committee to work on the project. Working on the project though the summer the committee made significant progress on identifying a route and obtaining resolutions of support from stakeholders and municipalities.

Baliff Lot Sale

In 2008 Charlevoix County Equalization “discovered” parcel 051-235-032-10 located on the corner of Hannah and State Street. The parcel is 1,320 square feet and measures 20’x 66’. It appears that the parcel was created in the 1930’s, probably to permit access across lot 18 to lot 19. When the parcel was originally discovered and put on the roll the ownership of the property was unknown and it was scheduled for tax sale in January of 2011. Shortly before the sale it was determined by Charlevoix County Equalization that the City of Boyne City owned the parcel. Exactly when or how the City took ownership of the parcel is unclear. The parcel was approved for sale to the Baliff’s for 1 dollar.

Planners Moments

In 2011 the Northwest Michigan Council of Governments in partnership with MSU extension offered another Planning Moments training series. Each month a 15 minute video is provided to the Planning Commission offering training from area experts on current planning topics. This years theme was on place making and videos and so far the series has covered topics on Incorporating Placemaking into Master Plans, Placemaking and Entrepreneurs, Complete Streets, Defining Assets and Blue Infrastructure.

Lexamar

The use of the property for outdoor storage has never been approved and as the site currently is being used it is in violation of the zoning ordinance. Outdoor storage in the industrial park is allowed by the park deed restrictions and as a special use by the zoning ordinance however a site plan must be approved by the EDC/LDFA and the Planning Commission. Over the past few months City staff has been in contact with representatives from Lexamar to address this issue. Lexamar has been making efforts limit the amount of area being used for outdoor storage and has tried to better organize those areas but for the foreseeable future it does need some type of outdoor storage area. Given this need a site plan for an outdoor storage area must be developed and approved by the City. It is anticipated that representatives from Lexamar attended the November 21, 2011 Planning

Commission meeting to begin the discussion on a plan that can be approved by the City in order to bring the site into compliance. At the meeting representatives from Lexamar explained that they were in the process of eliminated and consolidating much of the materials currently stored out of doors, but did indicate that there current operation will require some outdoor storage for the foreseeable future. Lexamar agreed to continue to its efforts on reducing the area of outdoor storage and will come back to the Planning Commission in six months to evaluate their progress and develop a plan for moving forward.

Membership of Boards and Commissions

Hearing Officer Appointment

To implement the Dangerous Buildings or Structures Ordinance the appointment of a Hearing Officer was required. After searching for several months the City received interest in the position from Don Gilmet. Mr. Gilmet is the building official for the City of Alpena and had the experience and qualifications necessary for the position and was appointed by the Commission as the Hearing Officer in August.

Planning Commission

In May the City Commission reappointed Gretchen Crum, Norman Gardner and Jane MacKenzie to the Boyne City planning commission for 3 year terms expiring on May 31, 2014. In September Norman Gardner resigned his seat and at in December the Planning Commission recommended James Koslowski be appointed to fill the vacancy.

Zoning Board of Appeals

In September Bob Carlile was reappointed to the Zoning Board of Appeals.

With the appointments to the Planning Commission and the Zoning Board of Appeals both boards have the required number of members, although two alternates for the zoning board of appeals are vacant. With the election of Tom Neidhamer to the City Commission there now is a dual member of the City Commission and the Planning Commission.

GIS Development and Support

As part of its mission the Planning Department continues to develop, maintain, and archive all City GIS data and provide GIS support and services to all City departments. Over the past year hundreds of maps were created and produced in support of other city departments. In addition to providing GIS support to all City departments, the Planning Department was involved in several specific GIS projects over the past year.

Street Lighting Inventory

In the spring City officials met with a representative from Consumers Energy for the completion a street light audit. The purpose the audit is to inventory all street lights in the City and verify the street light are being correctly metered and billed. During the summer a team from Consumers Energy spent a few days in the City inventorying and mapping

all the street lights in the City. A report on their findings should be submitted back to the City in the spring of 2012.

FEMA Flood Map Modernization

The Planning Department continues to monitor the ongoing update of the national Flood Maps. This summer FEMA distributed draft copies of the new updated map and distributed hard copies and digitized maps to all the municipalities for review and comment. The maps were reviewed and some minor corrections made. We are currently waiting for the final drafts to be distributed for adoption. The existing maps were developed in the early 80's and the updates will significantly change the appearance, accuracy and applicability of the flood maps. It is estimated that the new maps will be ready for adoption by the respective communities in approximately two years. It is vitally important to keep apprised of the status of this program as communities that are enrolled in the NFIP need to take specific steps to adopt the maps before the new maps become effective or the community will be suspended from the NFIP. In the City of Boyne City there are 33 NFIP policies that total \$2,335,000 in coverage.

As-Built updates

The City completed considerable infrastructure work in 2011. As builts have been received for all the work and the GIS infrastructure data has been updated to reflect the improvements.

Grants Activities

Began administering the Certified Local Government grant from the State Historic Preservation Office to prepare an application for National Register of Historic Places listing of the downtown as a district. Working with Hugh Conklin, Main Street Manager, we selected William Rutter to prepare this application for submission to the state in June of 2012

Prepared grant applications for the North Bank Boyne River Path extension project between N. Park Street and N. Lake Street. Applications for grant support of this project went to Michigan Department of Natural Resources (Coastal Zone Management Program), the Charlevoix County Community Foundation, and the Great Lakes Energy People Fund. Grant funds received: \$4,698 from the Community Foundation, and \$1,000 from the People Fund

Prepared grant application in collaboration with John Lamont for a new ambulance from the Federal Emergency Management Agency (FEMA, under the Assistance to Firefighters Grant Program). At this time, FEMA has not released any information on the status of application reviews, or when awards will be announced

Assisted in preparation of Downtown Infrastructure Grant (DIG) application for work on S. Park Street

Assisted in preparation of additional grant applications for North Bank Boyne River Path project, and North M-75 pedestrian path project

Township Partners

The City continues its contractual relationship with Evangeline and Wilson Townships to provide planning and zoning services. This relationship has not only proven to be economically efficient but also has the added benefit increasing communication and cooperation between the municipalities. While each unit of government maintains its autonomy with its own zoning ordinances and master plans, the working relationship between them helps the municipalities mesh their land use goals. It is expected that Boyne City will continue to provide planning and zoning services to the townships in 2012.

Enforcement Activity Jan-Dec 2011

Complaints Received	25
Site Inspections	275
Enforcement Letters Sent	75
Phone Contacts	65
In Person Contacts	36
E-mail Contacts	1
Citations Issued	4
Court Appearances	0
No Violation Noted	10

Enforcement Issues

Dilapidated Structure	2
Junk Cars	12
Junk/Trash	18
Miscellaneous	18
Permit Violation	10
Signs	30
Weeds	41
Yard Sale Signs	12
Total	143

Devlon

The Devlon Corporation received all necessary approvals for the Beach Club project on September 7, 2004 and was issued a zoning permit for all the land based elements of the project on September 8th 2004. In August of 2005 a demolition permit was issued for removal of existing building and from August through December 2005 demolition of the existing building was completed. While some of the demolition debris was removed, a large amount of concrete rubble was left on the site, the disturbed soil was not graded or

stabilized and the site was not secured. After the demolition of the building there was no subsequent activity on the site and on May 16, 2006 Devlon was notified by the City zoning administrator that the zoning permit issued on September 8, 2004, had expired. In June of 2006 Devlon submitted an appeal of the zoning administrator's decision. At this time the site was graded flat and the concrete rubble was piled at the south end of the parcel. In October 2006 the Zoning Board of Appeals affirmed the decision of the zoning administrator, but also reinstated the original approvals with all the original conditions and established a deadline for the approval that would expire at 5pm October 8th, 2007. In July of 2007 a wooden fence was constructed on the perimeter of the site. On October 8, 2007, footings for the pool building were poured. From October 2007 into the summer of 2008 the pool building was under construction. When work ceased on the pool building it was left unfinished. The interior of the building is not completed, no doors or windows have been installed and siding has not been installed. In May of 2008 Devlon requested amendments to their approved site plan. Amendments included changes to the roof design of the pool building, changes to the main building façade and floor area, changes to the parking layout and landscaping changes. In September 2008 the planning commission approved an amended site plan. With the exception of several fence repairs completed after the perimeter fence was knocked down by wind, there has been no activity on the site since the summer of 2008.

Over the past three years the Devlon Corporation has had all the necessary permits and approvals to complete the Boyne Beach Club project in its entirety. Charlevoix County Department of Building and Safety was contacted in regards to their building permit status and it was noted that there has been no requested inspections on the site since October 11, 2007. Devlon's marina permit which was issued on October 13, 2006 was originally contested by Honeywell but a settlement agreement was reached in June of 2008 removing any impediment for the construction the marina. The marina permit which was due to expire on October 13, 2011

Given the lack of progress made on the Boyne Beach Club project it was determined that the zoning permit and the development plan approval had expired and Devlon was notified of this by letter from the Planning Department on May 18, 2011. In the letter Devlon was also notified that the rubble stored on the site was in violation of the zoning ordinance, the pool building on the site was a dangerous structure and needed to be removed and the fence must be removed after the rubble pile and dangerous structure were removed.

Devlon appealed the zoning administrator's determinations to the Boyne City Zoning Board of Appeals. The Board heard the appeal on August 2, 2011 and affirmed all the determinations made by the zoning administrator. Subsequently Devlon appealed the Zoning Board of Appeals decision to the Circuit Court and a hearing was held in front of Judge Pajtas on December 16, 2011. A decision from the Court on the appeal is expected some time in January 2012.

In regards to the open storage of discarded building materials Devlon was given 30 days to remedy the violation and after failing to correct the violation a citation was issued on

June 20, 2011. A formal hearing at District court was requested and the hearing was held September 1, 2011. At the hearing Judge May ruled that Devlon was in violation of the zoning ordinance and stipulated that the site must be cleaned up within 60 days however, the decision was stayed pending the determination by the Circuit Court on the appeal of the ZBA determination.

Court Appearances

The Planning Department made 5 court appearances in 2011

Yard Signs

Signs for approximately 12 yard sale were observed in Rights-of-Way throughout the city. The three most common locations were: the corner of State St. and East St.; the corner of Division St. and Pleasant St.; the corner of Division St. and Boyne Ave. Most sales posted multiple signs. The practice of visiting the sale locations and talking with residents resulted in satisfactory compliance, and no follow-up letters were required. *Remove and dispose* remains the practice for signs without an identifiable sale location, and for sign posted in City rights-of-way for sales outside of City limits.

Zoning Permits

Accessory Buildings	13
Additions	11
Adult Assisted Living	1
Amended Site Plan	1
Commercial Addition	0
Deck/Porch	5
New Commercial	0
New Dwellings	5
New Industrial	1
New Multifamily	0
Shed	0
Total	37

Permit Fees Collected: \$2,150

Total Project Value: \$7,605,739

Sign Permits

Permanent Signs	16
Sidewalk Signs	6
Commercial Temporary	1

Community Event Banner	11
Total	34

Total Fees Collected: \$1,215

Zoning Board of Appeals

- One variance request reviewed and approved due to narrowness of lot
- Recommendation on reappointment of members
- Administrative review of staff finding of violations at 475 N. Lake, findings upheld
- One variance request review begun, but withdrawn by applicant

Main Street Liaison

- Attended the monthly Boyne City Main Street/DDA Board meetings
- Attended the monthly Main Street Design Committee meetings
- Generated maps in support of Main Street planning and discussion for east Boyne Ave. entryway and Sunset Park winter amenities
- Assisted the final development, review, and distribution of downtown design guidelines document