

Zachary Sompels
Founder
Northern Land Use Consultants LLC
1303 Boyne City Road
Boyne City, Michigan 49712
5/2/24

St. James Township
Beaver Island, MI 49782

Dear Ms. Taylor-Blitz,

I am pleased to submit this proposal in response to the Request for Proposal (RFP) for the Zoning Ordinance rewrite project issued by St. James Township. Our team at Northern Land Use Consultants, LLC has carefully reviewed the requirements outlined in the RFP and we are confident in our ability to deliver a comprehensive and effective zoning ordinance rewrite tailored to meet the needs and goals of St. James Township.

Enclosed in this proposal, you will find detailed information regarding our approach, methodology, personal qualifications, comparable projects, proposed fee, and timeline for completion. We believe that our expertise, experience, and dedication to excellence make us the ideal partner for this important endeavor.

Should you have any questions or require further clarification on any aspect of our proposal, please do not hesitate to contact me directly at 269-365-6014 or ZacharySompels@gmail.com. We look forward to the opportunity to collaborate with St. James Township on this project and to contribute to the continued growth and development of your community.

Thank you for considering our proposal.

Sincerely,

Zachary Sompels
Founder
Northern Land Use Consultants, LLC
ZacharySompels@gmail.com
269-365-6014

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3. Introduction and Summary

The purpose of this document is to provide a comprehensive proposal for the zoning ordinance rewrite project for St. James Township. This introduction will provide an overview of the project, its objectives, and the approach we will undertake to achieve success.

The Zoning Ordinance rewrite project aims to modernize and streamline the existing zoning regulations to better align with current needs and future development goals of St. James Township. By updating and clarifying the Zoning Ordinance, we aim to create a more efficient and effective regulatory framework that promotes sustainable growth, economic vitality, and community well-being.

Our approach to this project will involve a thorough analysis of the existing zoning ordinance, two stakeholder engagement sessions, best practices research, and collaboration with key stakeholders to develop a revised zoning ordinance that reflects the unique characteristics and priorities of St. James Township.

4. Method of Approach

Our approach to the Zoning Ordinance rewrite project will be structure around the following key steps:

1. Existing Zoning Ordinance assessment: We will conduct a comprehensive review of the 2023 Master Plan and existing Zoning Ordinance to identify strengths and weaknesses. We will prepare an annotated outline of areas for improvement to be presented and reviewed during stakeholder engagement.
2. Stakeholder engagement: We will engage with a diverse range of stakeholders, including elected and appointed officials, Staff, community members, business owners, and other interested parties, to gather input and feedback on the current zoning regulations and desired changes.
3. Draft regulations for new ordinance: We will conduct research on best practices in zoning ordinance design and implementation, drawing on examples from similar jurisdictions to inform our recommendations for St. James Township. Based on our assessment, stakeholder input, and best practices research, we will develop a draft Zoning Ordinance for St. James Township.
4. Review of new ordinance: Project consultants will present the draft ordinance which will undergo multiple rounds of review and revision to ensure clarity, consistency with the Master Plan, and effectiveness.
5. Finalization and Adoption: Once the draft ordinance has been refined and finalized, we will work closely with St. James Township to facilitate the adoption process, providing support and assistance as needed to ensure a smooth transition to the new regulations.

5. Personnel Qualifications

Our team brings together a diverse range of expertise and experience in urban planning, zoning regulation, legal analysis, community engagement, and project management. Key personnel assigned to the Zoning Ordinance rewrite project include:



Zachary Sompels, AICP, Founder:

Zach holds degrees in Natural Resources Management and Urban and Regional Planning from Grand Valley State University and Michigan State University respectively. He has as years of planning experience across a vast field of planning disciplines from transportation and master planning to ordinance writing and code enforcement across Genesee, Shiawassee, Lapeer, and Manistee Counties and their prospective municipalities as well as the City of Manistee and City of Petoskey. Zach is currently the Housing Ready Program Director for

Charlevoix and Antrim Counties with Housing North as well as the Bay Township Zoning Administrator and Zoning Board of Appeals member for the City of Boyne City.



Jennifer Neal, ACIP, Director:

Jennifer is a professional planner located in northwest lower Michigan. She has a BA in Interior Design from Michigan State University, a Master of Regional and City Planning from the University of Oklahoma, and over ten years of experience. Jenni has worked as a planner in various capacities including as a municipal planner, private consulting, transportation and regional planning. She has had the pleasure working with communities of all sizes, each with their own unique challenges. Whether working on a master plan, parks and recreation plan, zoning ordinance update, or other community plan, the goal is to activate citizen participation and create community-driven solutions. Jenni currently serves as the Assistant Planner /

Zoning Administrator for the City of Boyne City, contracting with Evangeline Township and Wilson Township, the Planner for Norwood Township, and she serves as a Planning Commissioner for Emmet County.

6. Comparable Projects

Zach's and Jenni's experience each includes successfully completing similar zoning ordinance rewrite projects for municipalities of varying sizes and contexts.

Zach's recent comparable projects include:

1. Master Plan rewrite for Genesee County
2. Zoning Ordinance Amendment and Master Plan review of numerous townships in Manistee County
3. Numerous Zoning Ordinance Amendments for the City of Manistee and City of Petoskey
4. Off Road Vehicle Ordinance for Genesee County

Jenni's recent comparable projects include:

1. Zoning Ordinance amendments regarding sand and gravel excavation for Evangeline Township
2. Proposed Zoning Ordinance amendments regarding housing for the City of Charlevoix
3. Housing visual preferences exercise for City of Charlevoix Planning Commission
4. 2022 City of Charlevoix Master Plan update

7. Proposed Fee and Timeline

Based on our initial assessment of the project scope and requirements, we propose the following fee and timeline for the Zoning Ordinance rewrite project:

Fee: \$17,500

Timeline: July 2024 – May 2025

Task	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Current ordinance assessment											
Public engagement session #1											
Development of draft regulations for new ordinance											
Review of full draft of new ordinance											
Public engagement session #2											
Zoning Ordinance adoption											

Our proposed fee includes all necessary expenses, including personnel costs, travel expenses, research materials, and overhead. The timeline outlined above is contingent upon timely access to relevant data and information, as well as active participation and feedback from St. James Township throughout the duration of the project.

We believe that our proposed fee and timeline represent excellent value for the high-quality services and expertise that we will provide to St. James Township throughout the Zoning Ordinance rewrite project.

Please note that the proposed fee and timeline are subject to negotiation and may be adjusted based on any changes or additions to the project scope that may arise during our collaboration.

We are committed to delivering a successful zoning ordinance rewrite that meets the needs and expectations of St. James Township, and are confident that our team has the skills, experience, and dedication to achieve that goal.

Thank you for considering our proposal. We look forward to the opportunity to work with St. James Township on this important project.

Sincerely,



Zachary Sompels
Founder



Appendix A

[2022 City of Charlevoix Master Plan update](#)

[Genesee County ORV Ordinance](#)

[Genesee County Master Plan](#)

July 2023 City of Charlevoix Planning Commission Packet featuring numerous Zoning Amendments

Evangeline Township Sand and Gravel Excavation Amendments memo



Agenda
City of Charlevoix Planning Commission Regular Meeting
Monday, July 10, 2023 - 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

- A. Call to Order/Pledge of Allegiance**
- B. Roll Call**
- C. Inquiry into Potential Conflicts of Interest**
- D. Approval of Agenda**
- E. Approval of the Minutes**
 - 1. Draft Minutes of June 12, 2023
- F. Call for Public Comment Not Related to Agenda Items**
- G. New Business**
 - 1. Existing Multiple-family Uses
 - 2. Existing Vacant Parcels and Form Based Code
 - 3. Proposed Zoning Ordinance Amendments - Expanded Housing Types
- H. Old Business**
 - 1. Expanding Housing Types - Residential Rezoning
- I. Staff Updates**
 - 1. Zoning Administrator's Report
- J. Requests For Next Months Agenda or Research Items**
- K. Adjournment by 8:00 p.m. unless extended by a motion**

Persons with disabilities who need an accommodation to fully participate in these meetings should contact the City Clerk's Office at 231-547-3250 or by email clerk@charlevoixmi.gov. A 24-hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodations requests.

City of Charlevoix
Planning Commission Regular Meeting Minutes
Monday, June 12, 2023 - 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

A. Call to Order/Pledge of Allegiance

The meeting was called to order by Chair Muladore at 6:00 p.m.

B. Roll Call

Chair: Jennifer Muladore

Members Present: Shelley Boehmer, Sherm Chamberlain, Toni Felter, Mary Millington,
Maureen Radke

Members Absent: Scott Beatty, John Kurtz

Staff Present: Jennifer Neal, Community Planner; Jonathan Scheel, Zoning Administrator

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

Motion by Member Chamberlain, seconded by Member Radke to approve the agenda as presented.

Motion carried by unanimous voice vote.

E. Approval of the Minutes

1. Draft Minutes of May 8, 2023

Motion by Member Chamberlain, seconded by Member Felter to approve the minutes of May 8, 2023 as presented.

Motion carried by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. New Business

1. Housing Subcommittee Report

Chair Muladore referenced and reviewed the Housing Subcommittee's meeting notes with the Commission. Chair Muladore proceeded to review the list of potential properties including the possible action items needed to create housing opportunities.

Member Millington stated the Commission must be very tactful in making sure that any development matches the neighborhood. Member Millington also stated that deed restrictions will be the only way to keep any of these developments from turning into seasonal housing. Commissioner Chamberlain explained the sketches provided in the packet and shared potential examples of future affordable housing ideas. Commissioner Radke and Millington suggested removing the Stover property from the list of potential developments. Discussion followed regarding the list of potential properties for rezoning, the lot size requirements for the R-4

zoning district, amending the Master Plan, seasonal housing, housing types, apartments converted into condominiums, and how to avoid spot zoning. Chair Muladore thanked the Subcommittee's hard work on their efforts.

Chair Muladore opened the item for public comment:

Sarah VanHorn thanked the Commission and Subcommittee for their work

Zach Sompels stated the May Street parcels could be very expensive to develop because of the utilities

Dennis Halverson stated he has concerns regarding the Stover property and the underused commercial and industrial properties

More discussion was held regarding future potential development ideas. Zoning Administrator Scheel stated there are over 100 parcels of small vacant lots and the department is working on how to incentivize them for development. Member Radke stated the Commercial Park is very underutilized and that there are a lot of potential ideas that could turn into larger successful projects.

2. Visual Preferences Exercise - Residential Uses

Planner Neal stated, in the context of the Housing Subcommittee's work, the next couple of exercises were recognizing the community's character and staff prepared a visual preference exercise on "Missing Middle Housing" types to open up discussion about preferred housing types, design, and architectural features. The four housing groups were identified as:

1. Single-family residential/Townhouse
2. Multiplex: Duplex, Triplex, Fourplex
3. Cottage courts/Clustered tiny homes
4. Industrial

Planner Neal gave instructions to the Commission and asked them to identify housing types and/or housing features that they liked or disliked by using colored dots on the provided housing photographs. Zoning Administrator Scheel stated the Members should not focus on affordability issues in this exercise, but rather focus on architectural design features and housing types and indicate which ones they liked or disliked. The Members proceeded to mark the housing images they liked and disliked; afterwards the Commission discussed their particular reasons for liking or disliking a housing type image and/or its features.

3. Proposed Ordinance Language - Residential Uses

Planner Neal stated as the Commission continues to discuss "Missing Middle Housing" opportunities in the City, staff has prepared a table that represents summary information taken from Sections 153.005, Definitions, 153.071, Schedule of Uses, 153.072 Area, Height and Placement requirements (B-D, F), 153.117 Residential Uses (F-G), and 153.086, Allowed Uses, Non-residential and Mixed Use Zones with proposed changes to permit additional residential units and proposed minimum lot sizes. The proposed changes include:

- Remove Single Multiple Family Building as a separate permitted use (based on the definition of Multiple Family, the district is redundant); add the criteria for this use to Two-Family and Multiple-family.
- Remove Home Conversion as a separate permitted use (based on the definition of multiple-family, the district is redundant); add the criteria for this use to two-family and

multiple-family.

Staff responded to questions from Members regarding the proposed ordinance changes. Zoning Administrator Scheel spoke about more density with smaller scale buildings and allowing fourplexes on R-2 zoned properties, which would require standards on setbacks, lot coverage, a certain number of trees to be planted, and architectural and landscaping requirements. Mr. Scheel stated that presently R-1 and R-2 districts are exempt from landscaping requirements, so with duplexes, triplexes or fourplexes, landscaping requirements would be needed. Discussion followed regarding courtyard housing. Zoning Administrator Scheel summarized staff's next steps to move forward.

H. Old Business

I. Staff Updates

1. Zoning Administrator's Report

Zoning Administrator Scheel provided the Commission with the highlights of his report. Mr. Scheel stated that he approved Site Plan A for a change of the Yacht Club's dumpster location and the developer of the 100 block of West Hurlbut advised him that the project is not going to be a hotel, but rather a site-condominium, multi-family residential units that are individually owned but are short-term rented when the owners are not present. Mr. Scheel predicts the West Hurlbut project will not be presented to the Commission for another 2-3 months and he made it very clear to the developers that architecturally it's incredibly important as to how this project fits in the community.

Planner Neal stated she would be assisting the Zoning Administrator on the vacant parcel study throughout the summer.

Zach Sompels stated he received the first update of Housing North's newest Housing Needs Assessment, which is a 600-page document for the 10-County region, and there were no real big surprises for Charlevoix. Mr. Sompels will share the assessment with the Commission in the next few months.

Chair Muladore stated she would not be present at the next two Commission meetings.

J. Requests For Next Months Agenda or Research Items

K. Adjournment by 8:00 p.m. unless extended by a motion

Chair Muladore adjourned the meeting at 8:04 p.m.

Sarah Dvoracek/fgm

Clerk

Jennifer Muladore

Chair

Charlevoix Planning Commission

New Business

Title: Existing Multiple-family Uses

Date: July 10, 2023

Presented By: Jonathan Scheel, Zoning Administrator

Background:

Staff have prepared a city-wide map of the existing multiple-family uses. Zoning Administrator Scheel will review his findings.

Recommendation:

For discussion purposes only.

Attachments:

1. City Multi-family Parcels

PLANNING AND ZONING
(231) 547-3265 FAX (231) 547-3617

DATE: 4/11/2016

CITY OF CHARLEVOIX
AREA MAP

Charlevoix Planning Commission

New Business

Title: Existing Vacant Parcels and Form Based Code

Date: July 10, 2023

Presented By: Jonathan Scheel, Zoning Administrator

Background:

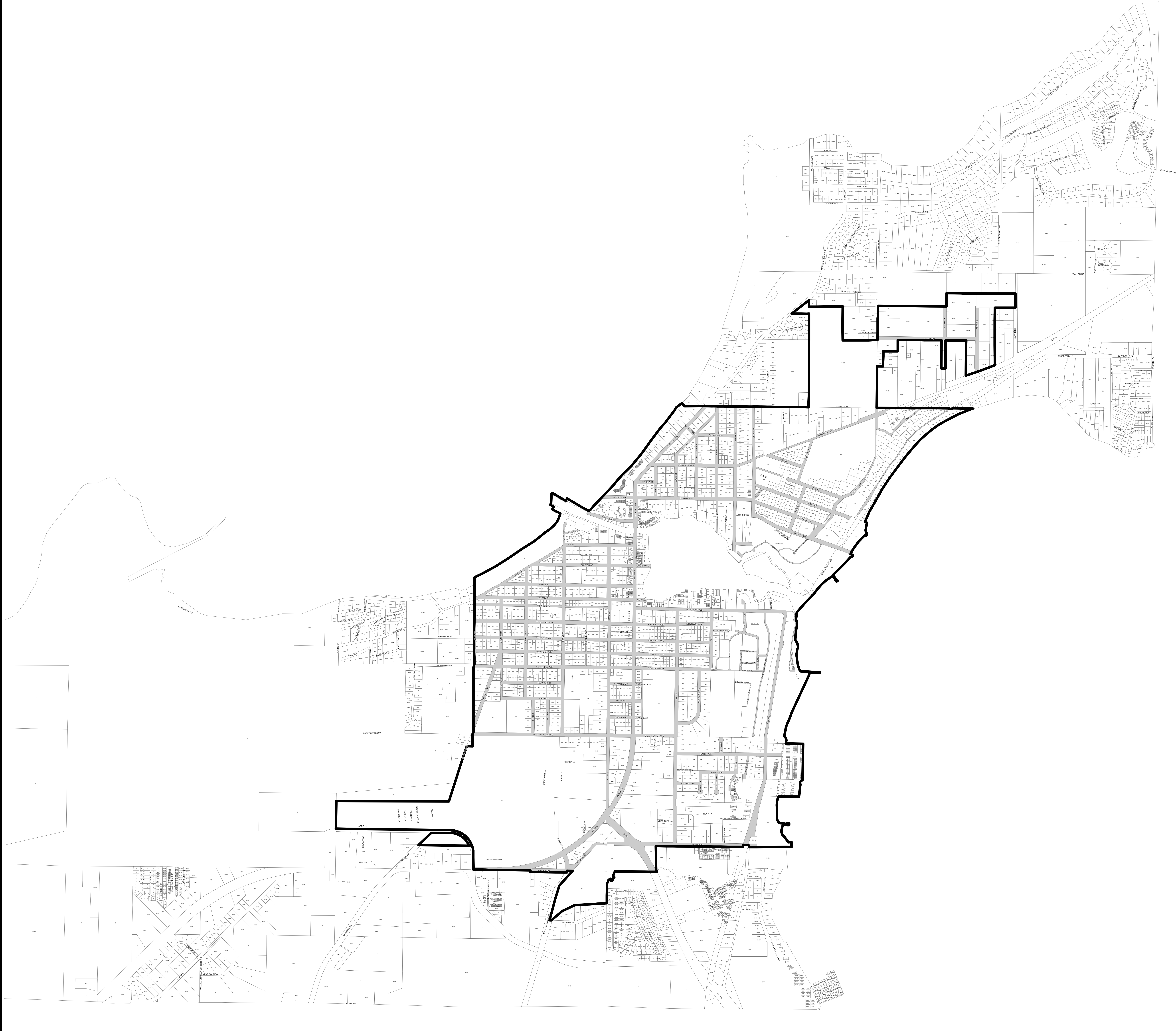
Staff have prepared an analysis of vacant parcels in the city. The City may promote housing development through in fill development in these locations as well as on underutilized properties. Additionally, staff have shared information about Form Based Code (FBC) for your consideration. The City may incorporate elements of FBC to maximize development of vacant and underutilized lots while maintaining the desired architectural character. FBC was recently incorporated into the Zoning Ordinance as design standards for Accessory Dwelling Units.

Recommendation:

For discussion purposes only.

Attachments:

1. City Vacant parcels
2. JScheelFBCMemo
3. JScheelFBCInfo





MEMO

July 10, 2023

To: Charlevoix Planning Commission

From: Jonathan Scheel, Zoning Administrator

The commission will be adding form-based code language to the zoning ordinance to insure the additional infill housing we are promoting will fit into the character of city's neighborhoods I have included educational material for you to review which should help in this process. This is excerpts from the book " Form-Based Codes In 7-Steps, The Michigan Guidebook to Livability" by Congress For The New Urbanism Michigan.

not exactly match the vision in your master plan.

To help avoid such inconsistencies, it is important to involve an attorney in the master planning process and to include all property owners in the process. It may also be useful to set short-term (5 to 10 years) and long-term (10 years +) goals during your visioning process.

Regulating Plan Tips. In creating the regulating plan, the street and building types should be considered together, informing the placement of each other on the map. The street types may also be located on the regulating plan.

To assist developers of greenfield sites, the code should be clear as to which street types are appropriate for which building types or form standards. Additional guidance can also be given in the sections of the code focused on subdivisions (*if the code is a unified development ordinance - refer to page 86*).

It is important to understand your community's goals and vision before creating building form standards

BUILDING FORM STANDARDS

INTRODUCTION

Building Standards are the *heart* of the FBC. They can include the basics such as building placement, frontages, height, fenestration, roofs and entrances, and they can be more extensive and more detailed. It is important to understand that before developing the building standards for the FBC, your community must have reached consensus on a community vision and goals for how to attain that vision (*refer to Step 5*).

BUILDING PLACEMENT

The need to provide standards for building placement in relation to the street facing property lines is a

common thread throughout all four FBC types as it is the critical component in determining the relationship between the building and the street.

A FBC may also regulate building placement or location in relation to the side and rear property lines, locations for accessory structures (*such as detached garages or sheds*), and locations for off-street parking lots. There are three possible methods or tools used to define building placement on a lot in a FBC—build-to line, build-to zone, and setback.

If the goal is to preserve existing character of an area, the standards should be set based upon that existing pattern of development. This requires a detailed field survey and analysis intended to create the right set of requirements.

If, on the other hand, the vision developed out of the master planning process and community meetings call for something different, then the

standards need to be based on a desired development pattern. For example, you might choose to use another community as a basis for your decisions. The goals might also change from neighborhood to neighborhood.

Build-to Line. A build-to line establishes a fixed location for the placement of a building—the building's façade (*exterior face of a building*) must be located on the build-to line, not in front or behind it. Its use provides certainty for residents and the developer as to how or where a building will be developed. This differs from a setback line, which only provides information on how close a building may be to a property line.

However, a build-to line lacks flexibility, without obtaining a zoning variance, and should be used thoughtfully. For example, a build-to line is appropriate in situations where the existing pattern of development is very clear, such as a mixed-use area or a downtown where all the buildings

are constructed to their property lines (*in this case, the build-to line could match the front and corner property lines*).

A build-to line can also be useful for greenfield sites when the exact location of a building is critical to defining the character of an area. In most situations, the build-to line is applied along the front and corner property lines and not to the side or rear property lines or to accessory buildings. It is the placement along the front and corner property lines that will most impact the appearance of a lot or block and the relationship between the building and the street.

Consequently, it is in these locations where such a high level of precision is most necessary. However, existing development patterns or unique situations within a community may dictate its use in other locations.

Build-to Zone. A build-to zone establishes an area or zone in which the building façade must be located.

Like the build-to line it provides more certainty of the building's location than a setback line, though it does not provide the exact location for a building.

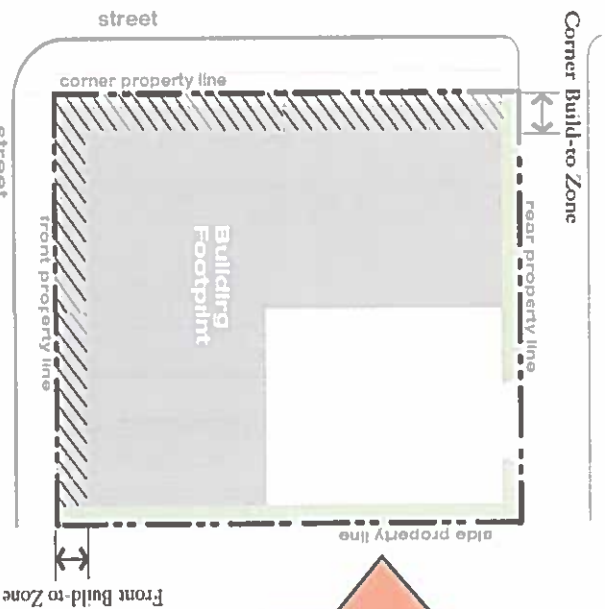
A build-to zone provides flexibility to a developer or property owner in that it gives a defined range of location options. However, the benefit of providing certainty of location and some flexibility is lost if the build-to zone is too large.

Like the build-to line, the build-to zone should be set after a detailed analysis of existing or desired development patterns.

Using a build-to zone is helpful when a block or area's buildings are not all located exactly the same distance from the property lines, but within a narrow range of each other.

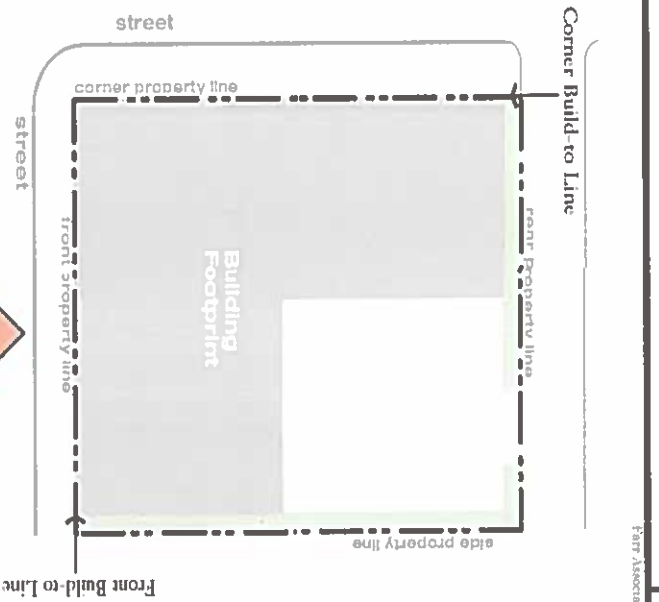
Applying the build-to zone can be used to minimize the creation of non-conformances or simply provide options in an area where multiple building forms are permitted.

FIGURE 9.



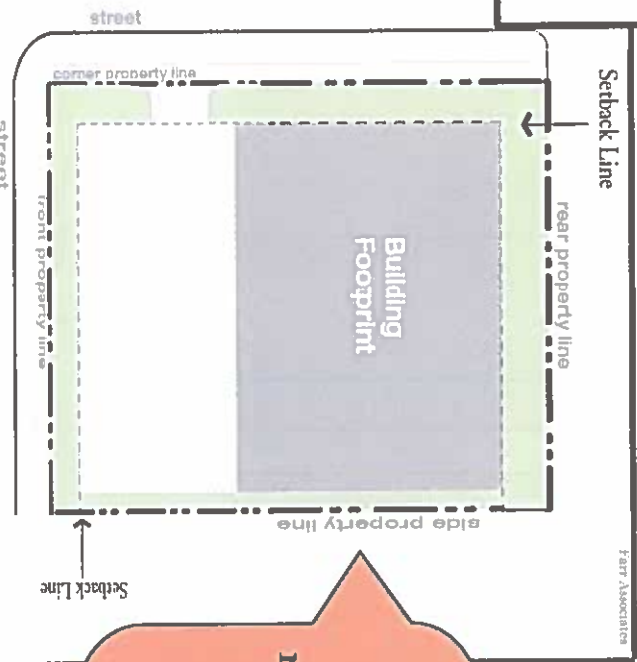
BUILD-TO ZONE
A build-to zone provides a fixed area in which a building's facade must be located

FIGURE 8.



BUILD-TO LINE
A build-to line is the fixed location on which a building's facade must be located.

FIGURE 10.



SETBACK LINE
A setback line represents the closest a building's facade may be placed to a property line

A build-to zone, for the same reasons as the build-to line, is most commonly used for the placement of the principal or primary building along the front and corner property lines.

Setback Line. A setback line is the tool used in a conventional code for placement of both the principal and accessory buildings along all property lines.

A setback line defines the closest a building's façade may be located to a property line, but it is silent on where the building should be located beyond that point.

Use of a setback line provides no certainty for the ultimate building's location, which can negatively impact a defined character or development pattern within a block or neighborhood.

It is very flexible in that a building maybe located anywhere behind the setback line, but as a result of its flexibility it does not necessarily foster the relationship between the building

A parking setback line can prevent vehicles from being visible from the street where a lot is interior to a building

and the street. That said there are appropriate applications for a setback line in a FBC.

A setback line is appropriate along the side and rear property lines for many building types and for locating accessory structures in side and rear yards. A possible exception for using a setback line along the front and corner property lines is in areas where strict FBC standards are not being applied, such as a rural, low density residential settings where the area's character is not as clearly defined with buildings as it is in urban areas.

Off-Street Parking Setbacks. Parking facilities can create holes or gaps in the development pattern of a block. This impacts not only the block's aesthetic appearance, but more

Importantly, pedestrian movements. Therefore, the location of off-street parking facilities is also regulated as part of the site's design parameters.

A parking setback line is a common tool. The line should be located to prevent parking, whether in an open-air surface lot or interior to a building, from being visible from the street.

To account for parking within a building, the setback line should be located to provide enough space that the front of the building may contain an active use or lobby space. This could also be handled in the building type or form standards by requiring permitted uses in the ground floor along the street facing façades.

Parking Lot Design. Many zoning ordinances set minimum parking requirements based on a belief that a developer typically does not provide enough parking. Many now believe too much parking can be even worse than not enough. The FBC process provides an opportunity to review current

parking requirements to see if, based on new research, the amount of parking required for various uses can be reduced or if a maximum parking ratio, should be considered..

Shared parking to optimize use of parking lots can be promoted and “banking” can be allowed where an area is reserved for parking and developed only if needed.

Parking lot design features should also ensure sensitivity to pedestrians, lighting and opportunities for low impact or “green” parking design such as landscaping and incorporation of more natural storm water design practices.

BUILDING STANDARDS

PLACEMENT & FORM

The building standards are the core of form-based codes and can be divided into two main groups—building placement and building form.

Building Placement. Building

placement regulates the location of the building, both principal and accessory, on the lot in relation to the street and property lines.

Building Form. Building form focuses on the building façades (*exterior face of a building*) facing the street, which are commonly referred to as the street facing façades, height and massing.

At a minimum, building form standards include façades, transparency, entrance location, and treatment of the ground story (*private frontage treatment or types*) and could also include regulations for roof types, materials, and other façades details.

The extent of the building standards included in your community’s code will depend on the needs and vision of your community. Page 71 provides a description of some of the more common types of buildings.

BUILDING HEIGHT

Conventional codes typically handle

building height by stating a maximum height in feet. This is usually measured to the midpoint of the roof from the average finished grade around the structure. The primary problem with this method is the lack of a minimum height requirement. This oversight can allow for single story buildings to occur in areas desired for mixed-use development or in an area previously developed with multiple story buildings.

This method of regulating height may also negatively impact floor height and roof types by forcing developers to shorten floor heights to meet the maximum height given in feet. This can hurt retail spaces.

To better handle the regulation of height, FBCs provide a dual set of standards. First, they provide both a minimum and maximum building height. This is typically denoted in number of stories, rather than in feet. Second, FBCs regulate the minimum and maximum height of the ground

If only the characteristics of these
two buildings were combined on
one site...



BUILDING PLACEMENT AND FORM

Comparison of two CVS stores

City of Northville (*left*)



Shelby Township (*right*)



Building Placement. Both sites do not represent the principles of good urban design. However, the Northville building (*left*) is up to the street, which recognizes the character of the street and the presence of on-street parking (*site also has side-yard parking*). The Shelby Township building (*right*) is located on a shopping center out-lot, set back from the street with front-yard parking. Shelby is a situation of where there is a busy street and no on-street parking. In these types of situations, developers must accommodate parking on-site. The rule-of-thumb for building placement is: (1) front on-street parking is best, (2) rear-yard parking is ideal, and (3) side-yard parking is acceptable.

Building Form. The standard CVS building is generally very rigid in how it is corporately designed. The Northville building is upgraded, but still looks like the standard CVS, while the Shelby building is perhaps the best example of one that would conform to building form standards that might be in your FBC (*the upper floor is false*).

MEASURING HEIGHT

FBGs provide a minimum and maximum building height — denoted in number of stories, rather than in feet.

FBGs also regulate the minimum and maximum height of the ground and/or upper floors within a building

and/or upper floors within a building.

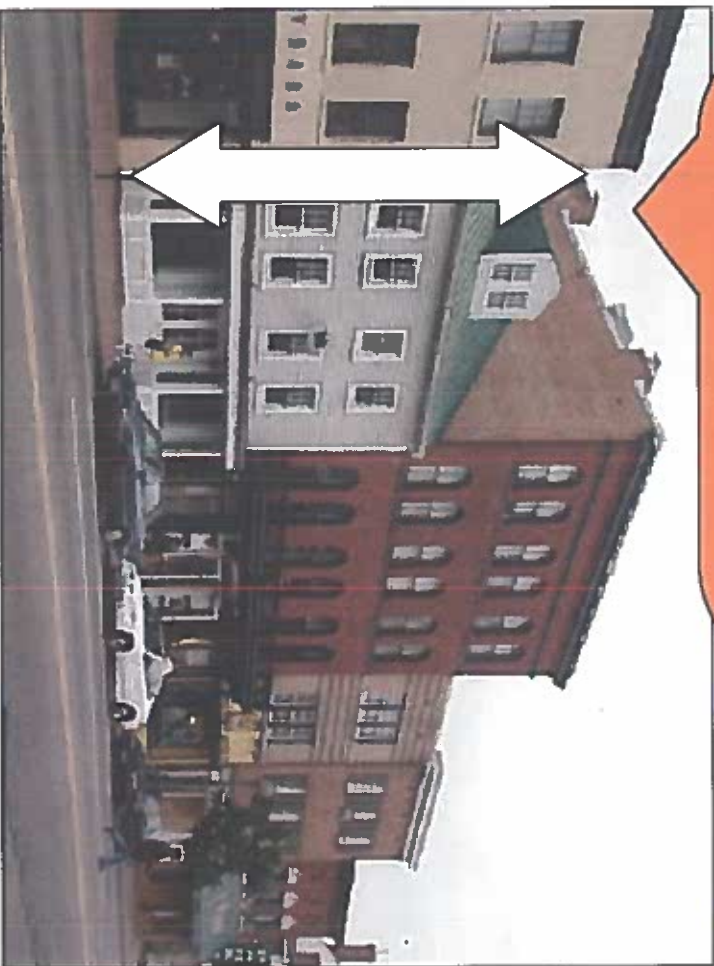
Minimum and Maximum Building Heights. Providing a range of permitted heights ensures that buildings are developed in character with the surrounding buildings or in line with the vision for the area. As with the other building standards in a FBG, the height ranges are set from information gathered in

the master planning process and in the public meetings associated with the zoning code update, including a visual preference survey (*refer to Step 5*).

Building Height—Stories vs. Feet.

FBGs typically regulate building height in stories (*or floors*) rather than in feet. It is a simplified method of measuring height and allows a developer more options in both roof type and floor height within the building. When regulated by feet, a developer may be forced to build lower floor heights or a flatter roof than is typical or desired within an area in order to meet the maximum height, unless a minimum floor height is also used.

Floor Height. Besides providing an overall minimum and maximum building height, FBGs also regulate the height of each floor. This is typically measured from floor to ceiling of each story and is stated as a range. Regulating floor height allows new structures to fit with an existing or historic character. Floor height standards also ensure appropriate space for ground floor retail uses.



COMMON TYPES OF BUILDINGS IN MICHIGAN

Single-family dwelling. While the style is decidedly residential, the uses may vary depending on the location. The dwelling size can vary and may need to be co-organized into size categories with different Building Types

Accessory unit. The accessory unit is noticeably smaller than the primary building and is located behind a larger single-family house. While style is decidedly residential, the uses may vary depending on the location.

Duplex, Triplex, & Fourplex. While style is residential, the uses may vary depending on the location.

Mansion Apartment. Large existing house that has been divided into apartments. For new construction, it's a building designed to appear similar to this vernacular. While style is residential, the uses may vary depending on the location.

Bungalow Court. One lot including several small houses (*similar or identical to one another*) and a common yard. While style is decidedly residential, the uses may or may not vary, depending on the location. Rare examples with 2 1/2 story identical houses can be found in Ann Arbor and Harbor Springs.

Townhouse (or Rowhouse). Multi-family residential buildings regulated by the Michigan Residential Code. These are side by side units where each unit is separated from all adjacent units by continuous walls and each unit begins below grade and continues all the way through to the roof.

Live-Work. Townhouse (or Rowhouse) with a ground floor commercial use, often includes a storefront or unique type of frontage. This ground-floor use designation also requires Live-Works to be designed and constructed per the Michigan Building Code (*not the Michigan Residential Code*).

Mixed-Use Building. While uses in all building types within a FBC remain flexible, the Mixed-Use Building Type represents the most typical downtown multi-story building. It is built to the sidewalk and fills the entire lot frontage, potentially resulting in a continuous building frontage along the sidewalk. The ground floor uses are typically retail and office, with office and/ residential above.

Apartment Building. Residential building with individual units as flats. Depending on the setback, can fit into districts with varying development intensities.

Workplace. A single use workplace building that houses light industrial, research and office kinds of uses. These buildings are important places within the urban fabric. When creating great places, the FBC should not relegate workplace uses solely to industrial parks.

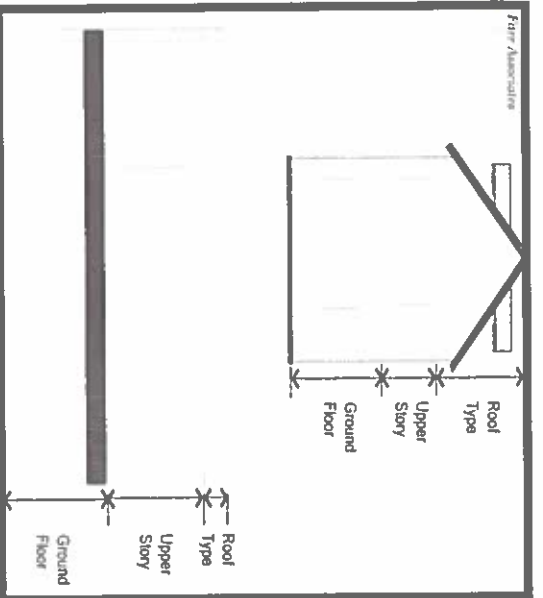
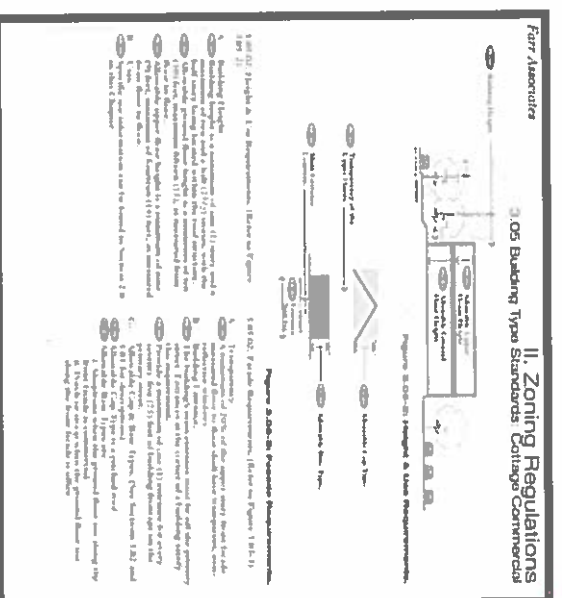


FIGURE 11.

These are examples of images that might be in a FBC demonstrating building height standards.



WINDOWS

The selection of appropriate windows are important in buildings of all sizes, from single-family homes, to large mixed-use to commercial buildings. Generally, building walls along retail frontages in the most vital Michigan towns and downtowns have no more than 50% transparency (*the glass portion of the window*) on the upper floors, and with no less than 70% on the ground floors. Refer to the graphic on the next page to see how this might look.

Long expanses of blank walls tend to be boring and unattractive for pedestrians. Windows attract people, which act as a marketing tool but also as a security system for businesses. Buildings without such relief and interest tend to create a "massive scale" feeling. Having ample windows facing the street creates visual interest for the pedestrian, and energizes the street by providing a view of the inside of the building.



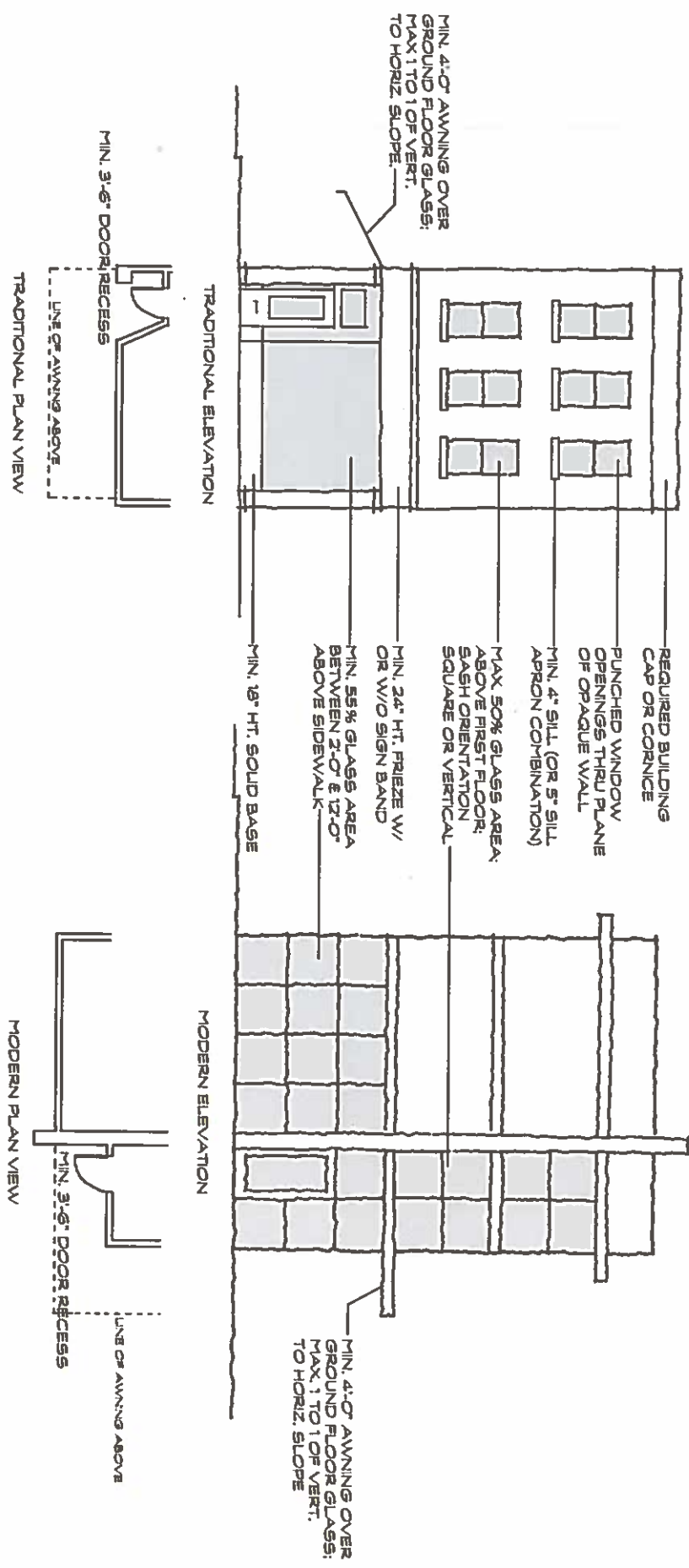
ENTRANCES & DOORS

Buildings should have an entrance on the front façade. In cases where a building has a long front façade, multiple entrances may be required. Rear or side entrances, or entrances oriented toward a parking lot, make travel highly inconvenient for pedestrians and transit users. Such a design also cuts the building off from street life.

In addition, a building with its main

COMMERCIAL / MIXED USE BUILDINGS

Gibbs Planning Group and Campbell Planning and Architecture



DOORS & WINDOWS

FIGURE 12.

This is an example of a graphic that you should create for your FBC showing standards for doors and windows.



Ferndale
Photo by Foster E. Keulen



Brighton
Photo by Dan Burden

entrance directed away from the primary sidewalk and street "turns its back" to the public realm, reduces urban vibrancy, and is harmful to promoting street life.

When a building is located at an intersection, the most convenient entrance is usually abutting the public sidewalk at the corner of the intersection. Often, the most convenient sidewalk is formally aligned diagonally and aligned straight with the entrance to minimize walking distance.

Pedestrian character is a primary focus of FBCs. Therefore, it is important that doors be recessed along retail frontages because doors that swing outward can obstruct walkers on sidewalks. In addition, retail doors should be at grade for handicap accessibility. This recess protects entrances and doorways from the elements and also protects their appearance, which affects retail viability (*see storefront frontage on page 76*).

Law enforcement agencies

increasingly see the merits of citizen policing, in which citizens are able to watch out for their collective security. Such "eyes on the street" are promoted when buildings, windows, entrances and porches are near the street and sidewalk.

ROOFS

There are an almost infinite variety of roof forms that are acceptable. But, unless you intend to include a detailed architectural code in your FBC, it is better to keep the options more

limited.

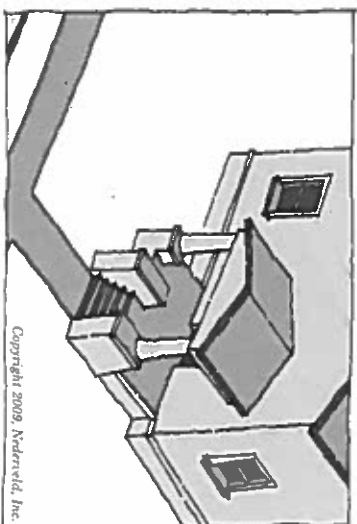
Roofs may be pitched or flat, and may or may not have overhangs. Many traditional and historic buildings have flat roofs, as is illustrated in the graphic on page 73. Many modern buildings have curved and sloped roofs. The standards for roofs in your FBC should reflect the history and character of your community.

PRIVATE FRONTAGES

A Private Frontage or ground floor façade treatment is the privately owned layer between the property line (*right-of-way line*) and the building façade, or building front face. As a component in your FBC, private frontages are probably one the most important component as they define the character of the walls for the public realm.

Porch Lawn. A porch lawn is a planted frontage where the façade is set back from the property line with an attached porch permitted to encroach.

FIGURE 13.



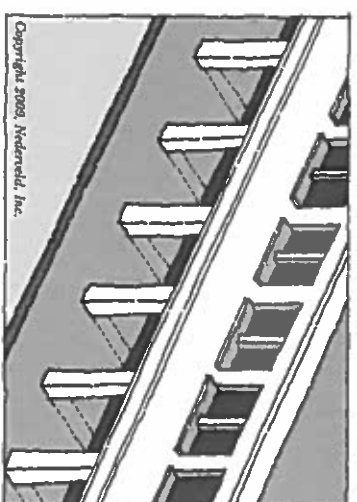
Porch Lawn

Porches should be wide enough so that people sitting on the front porch have room to move about.

Arcade. An arcade is located where the façade at the sidewalk level remains at or behind the building front face. Arcades provide a covered space where people can walk from store to store and be shielded from the hot sun or rainy and snowy weather, but is retail-unfriendly and can diminish life on the street. (*A storefront frontage may or may not exist behind or beneath an Arcade*).

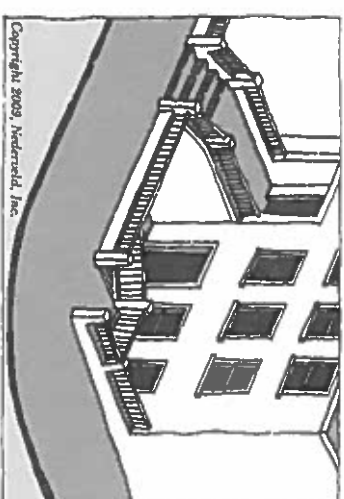
Terrace and Light Well. The terrace and light well frontage is created by an elevated terrace and a sunken light

FIGURE 14.



Arcade

FIGURE 15.



Terrace and Light Well

well. This type of frontage separates a residential use from the sidewalk where various types of urban uses take place. If a building is no longer used for residential, the terrace is suitable for conversion to an outdoor café.

Storefront. A storefront frontage is where the façade is aligned close to the right-of-way line, with the building entrance at the same level as the sidewalk and the front door is recessed.

This frontage type is typical for retail use. Generally, the building has a minimum of 70% transparency at the sidewalk level and an awning that MUST overlap the sidewalk.

The storefront frontage can be located in more than one zone.

Wherever a retail area or "downtown" kind of character exists or is desired, the building standards of the storefront frontage should be required as a special condition that is noted on the Regulating Plan.

Forecourt. A forecourt frontage is described as when a portion of the façade is built close to the right-of-way line and the central portion of the building is set back.

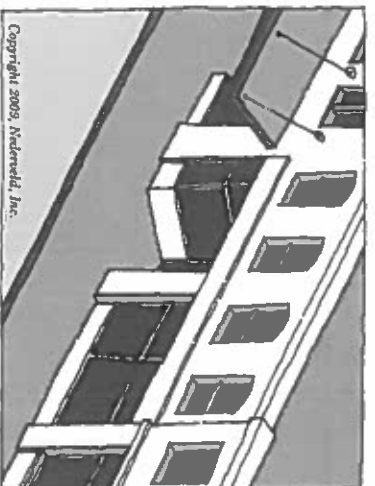
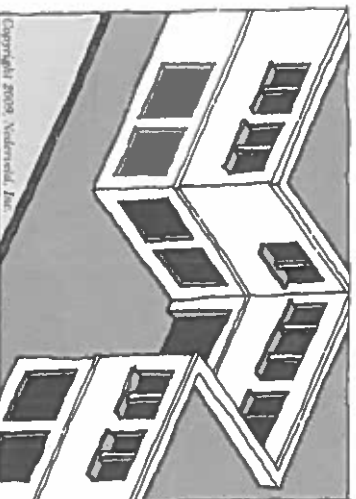


FIGURE 16.

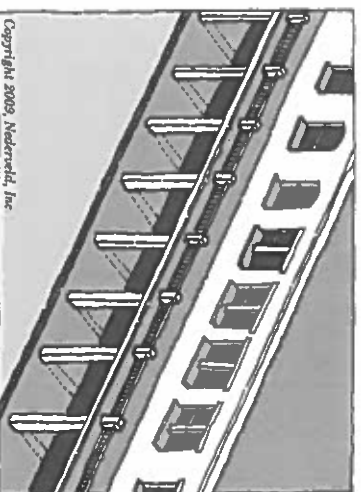
Storefront

FIGURE 17.



Forecourt

FIGURE 18.

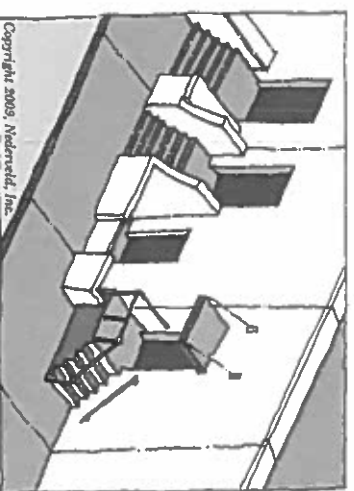


Balcony

Balcony. A balcony is similar to the arcade frontage, except the area above the colonnade is not enclosed. The balcony may project without columns below.

Stoop. A stoop frontage is where the façade is aligned close to the right-of-way line with the first story elevated from the sidewalk. It is important that the height of the stoop be sufficiently high enough to provide privacy for the windows on the first floor. The entrance is usually an exterior stair with a landing. This type of frontage is recommended for ground-floor residential uses.

FIGURE 19.



Stoop

Charlevoix Planning Commission

New Business

Title: Proposed Zoning Ordinance Amendments - Expanded Housing Types

Date: July 10, 2023

Presented By: Jennifer Neal, Community Planner

Background:

Staff have prepared a summary of the results from the visual preferences exercise completed at the June 12, 2023 Planning Commission meeting and prepared a set of proposed Zoning Ordinance amendments. The amendments included are part one of the proposed changes. Additional amendments will be prepared for subsequent meetings.

Recommendation:

Upon satisfactory review, provide directions for further amendments.

Attachments:

1. JNeal Visual Summary Memo
2. Proposed Residential Ordinance Amendment Part I

MEMO

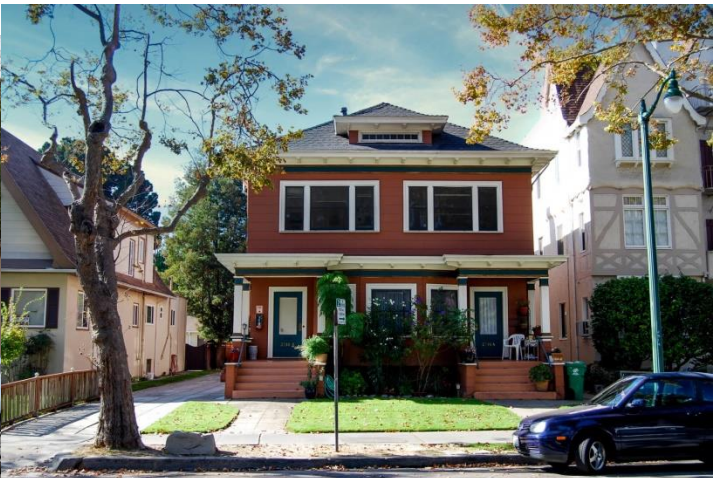
To: City of Charlevoix, Planning Commission
From: Jennifer Neal, Planner
Subject: Proposed Ordinance Changes
Date: July 10, 2023

The information presented in this report is for discussion purposes. As the Planning Commission continues to discuss Missing Middle Housing opportunities, staff have summarized the results of the visual preferences exercise that took place at the previous Planning Commission meeting on June 12, 2023. As the Commission discussed ordinance amendments and Form Based Code language it is important to have a visual reminder of the desired housing types the changes are intending to make.

Set #1 - Single Family Attached – Townhouse



Set #2 - Multiple Family





Set #3 - Clustered Housing - Cottage Court



Set #4 - Industrial



City of Charlevoix Planning Commission

Applicable Residential Ordinances, Part I

Proposed Changes in Red

July 10, 2023

153.005 Definitions

INFILL DEVELOPMENT. The process of developing vacant or underutilized parcels within existing urban areas that are already largely developed.

DENSITY, GROSS. The number of residential units per acre of land. This is calculated by taking the total lot area divided by the number of units.

DENSITY, NET. The number of dwelling units per net acre of land. Net acreage is calculated by subtracting the land area in rights-of-way or private easements for streets and roads from the total gross acreage, unless otherwise specified in this chapter.

DWELLING UNIT. A building or portion of a building, designed for use and occupancy by individuals, or one family, for living, kitchen and bathing facilities. A recreational vehicle, vehicle chassis or tent is not considered a **DWELLING**.

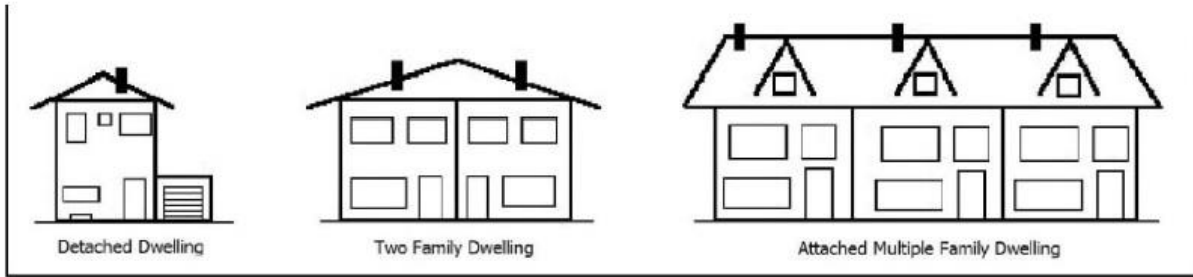
- (a) **DWELLING, MULTIPLE-FAMILY.** A building containing **three or more** dwelling units where each unit may have access to a common hallway, stairs or elevator, or where each unit may have individual access to a street or common courtyard.

- (b) **DWELLING, SINGLE-FAMILY.**

1. **DETACHED.** A single-family dwelling unit that is separate and distinct from any other dwelling. A single-family dwelling that does not share a party wall with any other dwelling is a **DETACHED SINGLE-FAMILY DWELLING**.

2. **ATTACHED.** A dwelling designed for occupancy by one family in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separated from any other unit by one or more vertical common fire-resistant walls. (Also known as a **TOWNHOUSE** or **ROWHOUSE**.)

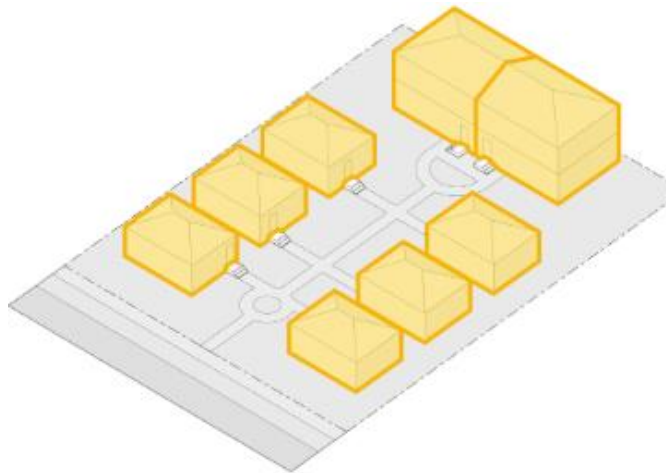
- (c) **DWELLING, TWO-FAMILY.** A single-family dwelling unit attached to one other single-family dwelling by a common wall or floor. (Also known as a **DUPLEX**.)



(d) **DWELLING, ACCESSORY (ADU).** An accessory building that incorporates one dwelling unit.



(e) **DWELLING, COURTYARD.** A structure or series of structures consisting of multiple detached, side-by-side, and/or stacked dwelling units oriented around a courtyard or series of courtyards. The courtyard replaces the function of a rear yard and is more open to the street in low intensity neighborhoods and less open to the street in more urban settings. Each unit is accessed from the courtyard and shared stairs.



Source: MissingMiddleHousing.com

MISSING MIDDLE HOUSING. Coined by Opticos Design founder Daniel Parolek in 2010, it defines a range of multi-unit or clustered housing types ±compatible in scale with detached single-family homes ±

that help meet the growing demand for walkable urban living. Example images provide suggestions of the suggested product

PLANNED UNIT DEVELOPMENT (PUD). A use which allows a development to be designed and built as a unit and which is designed to encourage quality land development and site design outside the typical zoning standards through flexible design and use standards and a greater latitude in the mix or uses resulting in more efficient and effective use of the land and infrastructure.

RESIDENTIAL DISTRICTS. The R1, R2, ~~R2A~~, R4, R-4 ±Conditional Rezone, and PC Zoning Districts.

§ 153.055 ZONING MAP.

(A) The city is hereby divided into the following zoning districts as shown on the Official Zoning Map:

(1) *Residential districts.*

(a) R1 - Low Density Single-Family Residential;

(b) R2 - Medium Density Single-Family Residential;

~~(c) R2A - Two-Family Residential;~~

(d) R4 - Planned High Density Residential;

(e) PC - Private Club Residential; and

(f) R-4 - Conditional Rezone.

§ 153.056 ZONING OF VACATED AREAS.

Whenever all or part of a street, alley or other public way is vacated, it shall automatically become a part of the zoning district to which it attaches. If a vacated area is bordered by two different zoning districts, the area is divided along a line halfway between them, according to the adjacent zone, unless the City Council shall designate otherwise.

§ 153.057 ZONING OF ANNEXED AREAS.

Where land is annexed into the city, it shall be automatically zoned R1, Residential, upon annexation, unless or until the City Council initiates action to classify it as another zoning district in accordance with the procedures specified in § 153.006(C) of this chapter.

§ 153.070 INTENT.

(A) *R1, Low Density Single-Family Residential District.* This district is intended to provide stable, low density neighborhoods of predominantly detached and clustered single-family dwellings. Where new infill development occurs, housing may include: accessory dwelling units, two family dwellings, courtyard dwellings, and multi-family structures that maintain single-family character. This district also permits non-residential uses that contribute to the culture and well-being of single-family neighborhoods, such as parks, schools and churches.

(B) *R2, Medium Density Family Residential District.* The R2 District is intended to provide for residential neighborhoods where a mix of detached, attached, and clustered single-family ~~residential dwellings~~, accessory dwelling units, two family dwellings, courtyard dwellings, and multi-family structures that maintain single-family character. ~~single multiple-family dwellings, and attached dwellings are located.~~

~~—(C) *R2A, Two-Family Residential District.* The R2A District allows for both single-family and two-family (duplex) dwellings in order to allow higher densities in appropriate locations and to provide expanded housing choices. This district also recognizes the existence of older residential areas in the city, where single-family homes have been or can be converted to two-family residences, in order to extend the economic life of these structures and allow the owners to justify the expenditures, repairs and modernization.~~

(D) *R4, Planned High Density Residential.* This district allows for higher density developments such as condominiums, courtyard dwellings, multi-family structures that maintain single-family character, and other multiple-family dwellings. Multiple-family dwellings may include apartment buildings, condominiums, townhouses, and multi-family condominiums, and clustered housing units.

(E) *PC, Private Club Residential District.*

(1) This district is intended to accommodate established single-family residential developments that are generally seasonal in nature, governed by a private club association, and in which the homes are privately owned, but the land is in common ownership.

(2) In addition, the district may include facilities for the common use and benefit of the members such as clubhouses, boathouses and other recreation related uses such as athletic courts, trail systems and beach cabanas.

§ 153.070 SCHEDULE OF USES.

Uses permitted in the R1, R2, ~~R2A~~, R4 and PC Districts are listed in Table 153.071 of this chapter.

\$ G L W L R Q D O U H T X L U H P H Q W V U H O D W H G W R D V S H F L I L F X V H L I D Q \ D U column.

Table 153.071: Allowed Uses in Residential Zones						
P = Permitted Use by Right						
S = Special Land Use						
	R1	R2	R2A	R4	PC	Specific Requirements*
RESIDENTIAL						
Dwellings						
Single-Family, detached	P	P	P	P	P	§ 153.117(A)
Single-Family, attached (3 or more units)	S	P	P	P	P	§ 153.117(A)
Two-family (2 units)	P	P	P	P	P	
Multiple-Family (3 or more units)	S	P		P	P	§ 153.117(G)
Single Multiple Family Building		P				§ 153.117(G)
Accessory Dwelling Unit (1 unit in addition to a principle building)	P	P	P			§ 153.116(B)
Home Conversion		P				
*Specific Requirements Section references are subject to change based on future discussions.						

Charlevoix Planning Commission

Old Business

Title: Expanding Housing Types - Residential Rezoning

Date: July 10, 2023

Presented By: Jonathan Scheel, Zoning Administrator

Background:

The Housing Subcommittee previously discussed and recommended action for several properties located throughout the city. Staff have prepared information for the Commission to consider for rezoning property. The Commission is asked to determine if staff should move forward with the process to rezone parcels at or near the Community Reformed Church and Meech Street, parcels located at or near Sheridan Street and Garfield Avenue, and parcels at Petoskey Avenue and Division Street.

Recommendation:

Upon review, the Commission should provide direction for the next steps to be taken.

Attachments:

1. JScheelRezoneMemo



MEMO

July 10, 2023

To: Charlevoix Planning Commission

From: Jonathan Scheel, Zoning Administrator

As the commission has been reviewing possible rezoning of property, I have attached both a Summary of Factors to Consider in Rezoning and the ordinance section of the actual process in rezoning a property for your review.

SUMMARY OF FACTORS TO CONSIDER IN
REZONING DETERMINATION

1. Is the proposed rezoning reasonably consistent with surrounding uses?
2. Will there be an adverse physical impact on surrounding properties?
3. Will there be an adverse effect on property values in the adjacent area?
4. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
5. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
6. Will rezoning grant a special privilege to an individual property, owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
7. Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
8. Is the rezoning in conflict with the planned use for the property as reflected in the master plan?

In considering the foregoing, it is important to recognize that the considerations are general in nature, may tend to overlap somewhat, and that there may be other factors not listed. When pondering the above questions, the decision maker must also give due consideration to (i) the general character of the area in which the subject property is located; (ii) the property itself and its attendant physical limitations and suitability to particular uses; (iii) the general desire to conserve property values; and (iv) the general trend and character of population development.

The decision maker should not focus on any one concern among the various factors to be taken into consideration when passing upon a rezoning request. Rather, each of the factors should be taken into consideration in determining (i) whether the present zoning classification is unreasonable; and (ii) if so, which zoning classification is more reasonable for purposes of adopting an amendment.

§ 153.006 AMENDMENTS.

(A) *Initiation of rezoning and chapter text amendments.* The city may from time to time amend, modify, supplement or delete any provision of this chapter (text amendment) or change the zoning district boundaries shown on the Official Zoning Map (rezoning) pursuant to the provisions of the state's Zoning Enabling Act (Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 to 125.3702).

(1) *Initiation of rezoning.* An amendment to the zoning district boundaries contained on the Official Zoning Map (rezoning) may be initiated by the City Council, the Planning Commission, the owner or owners of property or with permission of the owner which is the subject of the proposed amendment.

(2) *Initiation of text amendment.* Amendments to the text provisions of this chapter may be initiated by the City Council, the Planning Commission or by petition of one or more residents or property owners of the city.

(Prior Code, § 5.190)

(B) *Application procedure.* A rezoning or text amendment request, except those initiated by the City Council or Planning Commission, shall be initiated by submission of a completed application on a form supplied by the city, including an application fee to cover publication, administrative costs and fees for any consultant reviews. Such fees and escrow amounts shall be established from time to time by resolution of the City Council.

(1) *Application for rezoning.* The following information shall accompany the rezoning application form:

(a) A legal description and street address of the subject property;

(b) A map identifying the subject property in relation to surrounding properties;

(c) The name, signature and address of the owner of the subject property; a statement of the applicant's interest in the subject property, if not the owner in fee simple title, and proof of consent from the property owner;

(d) The existing and proposed zoning district designation of the subject property;

(e) A site analysis at a scale not less than one inch equals 100 feet or aerial photography illustrating existing conditions on the site and adjacent properties such as woodlands, wetlands, soil conditions, topography, drainage patterns, existing buildings, adjacent land uses, any sight distance limitations and access points on both sides of the streets within 200 feet of the subject site;

(f) A written evaluation to support that the request addresses consistency with the city's Master Plan, demonstrates all uses in the requested zoning district will be compatible with the surrounding area and other similar factors; and

(g) The Planning Commission and/or City Council may require a traffic impact analysis for a rezoning that results in potential uses that would be expected to have 50 or more peak hour directional trips or 500 or more vehicle trips daily.

(2) *Application for text amendment.* An application for a text amendment shall include a general description and indication of the purpose of the proposed amendment.

(Prior Code, § 5.191)

(C) *Rezoning and chapter amendment procedure.*

(1) *Pre-application conference (optional).* An optional pre-applicant conference with the Zoning Administrator to review the amendments, discuss the level of environmental information, land uses and the need for a traffic study may be requested by the applicant.

(2) *Public hearing.* Upon initiation of a rezoning or zoning ordinance text amendment, a public hearing on the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be provided in accordance with the Zoning Act.

(3) *Planning Commission review and recommendation.* Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the City Council. In the case of a rezoning request, the Planning Commission shall consider the criteria in making its finding and recommendation.

(4) *City Council review and action.* Following receipt of the findings and recommendation of the Planning Commission, the City Council shall consider the proposed amendment.

(a) In the case of a rezoning request, the City Council shall approve or deny the request, which may be based on the consideration of the criteria for amendment of the Official Zoning Map (rezoning).

(b) In the case of a text amendment, the City Council may modify or revise the proposed amendment prior to enactment.

(5) *Notice of adoption.* Following adoption of a zoning map amendment (rezoning) or text amendment by the City Council, a notice will be published in accordance with the provisions of the Zoning Act and the city.

(6) *Resubmittal.* A petition for a rezoning or zoning ordinance text amendment that has been denied by the City Council shall not be resubmitted for a period of one year from the date of denial except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission.

(Prior Code, § 5.192)

(D) *Criteria for amendment of the official zoning map (rezoning).*

(1) In considering a rezoning application, the Planning Commission and the City Council shall consider the following criteria in making their findings, recommendations and decisions:

(a) Consistency with the goals, policies and future land use map of the Charlevoix Master Plan, including all applicable subarea and corridor studies. If conditions have changed since the Master Plan was adopted, then consistency with recent development trends in the area shall be evaluated;

(b) Whether development under current zoning is impractical or less reasonable than the requested or desired zoning district given factors such as development trends;

(c) Capability of the site's physical, geological, hydrological and other environmental features to accommodate the potential uses allowed in the proposed zoning district;

(d) Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, noise, density, nature of use, traffic impacts, aesthetics, infrastructure, impact on the ability to develop adjacent properties under existing zoning and potential influence on property values;

(e) Capacity of city infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the city;

(f) The apparent need for the types of uses permitted in the requested zoning district in the city in relation to the amount of land in the city currently zoned to accommodate that need; and

(g) Other factors as determined by the Planning Commission and the City Council.

(2) Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another or by amending the list of permitted or special land uses within a district.

(Prior Code, § 5.193)

(E) *Amendments required to conform to court decree.* An amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the City Council and published without necessity of a public hearing or a referral to any other commission or agency.

(Prior Code, § 5.194)

(Ord. 795, passed 11-5-2018)



To: The City of Charlevoix Planning Commission
From: Jonathan Scheel, Zoning Administrator
Subject: Zoning Administrator's Report re: thru June 2023

Permits Issued in 2023

Following are two types of breakdowns for the 67 permits issued by the zoning office so far in 2023:

<u>By month</u>	<u>By type</u>
January 8	Banner permits23
February 5	Fence permits14
March 13	Sidewalk café/use4
April 15	Sign7
May 9	Zoning19
June25	
July	
August	
September.....	
October	
November	
December	

The fence, sign & zoning permits break down into the following zoning districts:

Central Business District (CBD)	4
Commercial Mixed (CM)	2
General Commercial (GC)	
Industrial	
Marine Commercial (MC).....	
Residential Private Club (PC).....	1
Public Facilities.....	
R-1	2
R-2	10

Blight Enforcement Actions

Are seasonal enforcement officer is now working 3 days a week. We are focused on all blight, long term violations and of course weeds/long grass. We are getting more aggressive by issuing 7 civil infraction tickets recently.

Level A Site Plan Administrative Review

Level B Site Plan Reviews / Special Use Permits

There has been new communication from the developer on the 100 block W Hurlbut site. They are working on a parking study for their application.

Variances to Zoning Board of Appeals

one variance application has been submitted for a side yard setback variance of 19 feet for an attached garage on the 100 block of West Upright.



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www.evangelinetwp.org

MEMO

To: Chairman Cortright and fellow Planning Commissioners
From: Jennifer Neal, AICP, Assistant Planner/Zoning Administrator
Date: April 16, 2024
Subject: Zoning Ordinance amendment pertaining to Sand and Gravel Excavation Operations

Background:

The Planning Commission scheduled a public hearing originally for March 19, 2024. The March meeting was subsequently cancelled and the public hearing was rescheduled to April 16, 2024. The public hearing is scheduled to hear comment from the public regarding recommended amendments to the Evangeline Township Zoning Ordinance. The amendments would add provisions for Sand and Gravel Excavation Operations to various sections of the Zoning Ordinance. Changes are marked in [blue](#).

Discussion:

If approved, the amendments will be sent to the Charlevoix County Planning Commission for review and comment, and then to the Township Board for adoption.

Recommendation:

Review the proposed amendments and make a recommendation to the Township Board.

Section 2.01 – Definitions

Decibel: Means the unit of measure used to express the magnitude of sound pressure and sound intensity.

Excavating: Excavating means the removal or movement of topsoil, clay, sand stone, nonmetallic minerals, aggregates or gravel, except for common household gardening, landscaping, building foundation construction, construction grading, farming, farm operations, and general ground care.

Excavation Operation: means the excavation from the earth of aggregates, nonmetallic minerals, gravel, topsoil, subsoil, or sand for sale or use and includes the use of mining equipment or techniques to remove materials from the earth, as well as, associated activities such as excavation, grading, and dredging. It also includes processes carried out at a mineral and nonmetallic mineral mining site that are related to the preparation, storage, loading/unloading, or processing of mineral aggregates or nonmetallic minerals obtained from the mining site.

Mining Operation: Means the excavation, excavation operation, removal, movement, loading/unloading or processing, storage of soil, subsoil, sand, stone, gravel, minerals or nonmetallic minerals. Mining operation does not include the following activities:

A. Excavation of a limited scope and duration undertaken primarily for the immediate use and development of land for the construction of buildings, structures, or the installation of water wells, septic and sewage facilities, landscaping, activities within a cemetery and construction which is otherwise ancillary to a land use.

B. Excavation done as part of a farm or farming operation as defined by the Michigan Right to Farm Act, PA 93 of 1971, as amended.

Quarrying Operation : Means the excavation, mining, excavation operation mineral extraction and/or processing of stone, minerals or nonmetallic minerals whether solid or fractured and/or which enquire excavation, blasting, cutting, pounding, drilling or other processing.

Sand and Gravel: Means a mixture that primarily consists of sand and gravel as individually defined in this Ordinance. Sand and gravel may contain lesser amounts of silt and/or clay.

Topsoil: Means the unconsolidated, natural material that supports or is capable of supporting plant life and naturally covers subsurface layers of regolith, glacial drift, and/or bedrock

Section 5.07 – Mixed Use District (MU)

Section 5.07.24 – Allowable Uses for Low-density Land Development

The following uses are allowed by right in this district:

- A. Single-family dwellings
- B. Two-family dwellings
- C. Multiple-family dwellings
- D. Accessory dwelling unit (1), provided the property is owner occupied
- E. Residential dwellings above commercial uses
- F. Public parks and playgrounds
- G. Child or Adult daycare facilities serving six (6) or fewer clients
- H. Accessory buildings and uses customarily incidental to the above-permitted uses
- I. Nursing homes, assisted living facilities, convalescent homes, rest homes, public buildings, public schools, private schools, and places of worship.
- J. Low-impact commercial and recreational facilities, subject to the regulations of Section 8.18 (adopted February 1, 2011)

K. Sand and Gravel Excavation Operations for up to one thousand (1,000) cubic yards of topsoil, sand, clay, gravel or similar material. (adopted XX XX, 20XX)

Section 5.07.25 – Allowable uses subject to Special Use Permit

The following uses are allowed by special use permit, subject to provisions outlined in this Article and Articles VII and VIII

~~E~~**A.** A single Warehouse/Storage a maximum of 4 acres in area (including required screening and storm-water retention areas) is allowed on master parcels 20 acres or greater in area.

~~F~~**B.** Campgrounds on master parcels 20 acres or greater in area.

C. Sand and Gravel Excavation Operations for one thousand (1,000) cubic yards or more of topsoil, sand, clay, gravel or similar material. (adopted XX XX, 20XX)

Section 5.07.26 – Developable Area

All new structures on the Master Parcel shall be limited to areas where according to the Soil Survey of Charlevoix County:

- ~~DA~~. Slopes are less than 12%, and;
- ~~EB~~. The seasonal high-water table is greater than 3' below the soil surface.
- ~~FC~~. The remainder of the land shall consist of conservation lands, forestland, and recreation areas.

Section 5.08 – Rural Residential/Farm Forest District (RRF)

Section 5.08.2 – Allowable Buildings and Structures

The following uses are allowed by right in this district

- A. Farms, including both general and specialized farming operations devoted to the production of food, feed and fiber
- B. Farm dwelling units and other farm dwellings
- C. Single-family detached non-farm dwelling units
- D. Noncommercial recreation facilities
- E. Forest Preserves and Conservation areas
- F. Game refuges
- G. Timber-cutting and Forest management practices
- H. Home occupations
- I. Accessory dwelling unit (1), provided the property is owner-occupied
- J. Building and other structures normally considered accessory or incidental to the above permitted uses
- K. Low impact commercial recreational facilities, subject to the regulations of Section 8.18 (adopted February 9, 2011)
- L. Sand and Gravel Excavation Operations for up to one thousand (1,000) cubic yards of topsoil, sand, clay, gravel or similar material. (adopted XX XX, 20XX)

Section 5.08.3 – Allowable uses subject to Special Use Permit

The following uses are allowed by special use permit, subject to Article 8, Supplemental Site Development Standards

- A. Campgrounds
- B. Cottage Industries
- C. Kennels
- D. Temporary sawmills and other mills
- E. Riding stables
- F. Veterinary clinic and Hospital
- G. Nursing homes, assisted living facilities, convalescent homes, rest homes, public buildings, public schools, private schools, and their local supporting service uses, and places of worship. (amended: August 4, 2009)
- H. Event Centers (adopted July 20, 2019)

I. Sand and Gravel Excavation Operations for one thousand (1,000) cubic yards or more of topsoil, sand, clay, gravel or similar material. (adopted XX XX, 20XX)

Section 8.12 – Sand and Gravel Excavation Operations

- A. From and after the effective date of this Ordinance, it shall be unlawful for any person, firm, corporation, partnership, or any other organization or entity to strip greater than ~~two~~one thousand (21,000) cubic yards of topsoil, sand, clay, gravel or similar material, or to use lands for filling within the Township without first submitting a site plan and procuring approval from the Planning Commission. (adopted XX XX, 20XX)
- B. A separate site plan approval shall not be required for excavation or fill activities associated with building construction pursuant to a duly issued building permit. However, where sand, gravel, topsoil, or other substances are removed from the site where found and taken to another site, site plan approval is needed for the receiving site.
- C. Site plan application. A separate site plan shall be required for each separate excavation or fill site. In addition to the site plan requirements listed in Section 6.02 (B) Site Plan Review (All Districts), a site plan prepared under this section shall also include:
1. Names and addresses of parties interested in said premises setting forth their legal interest in said premises.
 2. Full legal description of the premises where operations are proposed.
 3. Detailed proposal as to method of operation, what type of machinery or equipment will be used, and estimated period of time that such operation will cover.
 4. Detailed statement as to exactly what type and quantity of material is proposed to be extracted or deposited.
 5. Proposed method of filling, excavation and/or other means to be used to allow for the reclamation of lands for a usable purpose.
 6. Such other information as may be reasonably required by the Planning Commission to base an opinion as to whether the site plan should be approved or not.
- D. The sand and gravel operations application shall provide information to confirm compliance with the following standards:
1. Hours of Operation
 - a. The operation of mechanical equipment of any kind shall be limited by the day and/or the hour. Site Specific Hours of Operation for mining, processing and reclamation activities must be approved, but shall not exceed the following schedule Monday through Saturday, excluding legal holidays, during the following times:
 - b. Mining or extracting operations, and processing and stockpiling of aggregates shall occur only between the hours of 7:00 a.m. and 6:00 p.m.
 - c. Loading and hauling operations shall occur only between the hours of 7:00 a.m. and 8:00 p.m.
 - d. Equipment maintenance and repair shall occur only between the hours of 7:00 a.m. and 9:00 p.m.
 2. Screening

Fences, berms, walls, and visual screening devices may be required, if necessary, in the opinion of the Planning Commission, to protect adjoining properties and/or ensure

the health, safety and welfare of persons in the vicinity of the site. Factors of safety and aesthetics shall be addressed.

3. Noise, Dust, Debris

All processing equipment and activities and all storage areas shall be located, treated, covered, muffled, or otherwise controlled to prevent excessive dust, debris, or other impacts beyond the property line. Noise levels shall not exceed 60 dBA at the property line during approved hours of operation, any activity occurring on Sundays, and before 8:00 am or after 6:00 pm on all other days that generates continuous and persistent noises or vibrations that endanger or injure the safety or health of humans or animals or that annoys or disturbs a reasonable person of normal sensitivities, shall not be permitted. Any trucks hauling material to or from the site shall be enclosed or covered to prevent materials from blowing or falling out of the trucks.

4. Groundwater Impact

Extractive operations shall be managed and designed so as to not cause any negative impact on groundwater and potable water supply, whether as a result of contamination or reduction in the rate and/or volume of flow.

5. Road Impact

- a. Extractive operations shall be managed and designed so as to have minimum negative impact on existing roadways. The truck route to be utilized in the accessing of the extraction site shall be designated and subject to approval by the Planning Commission.
- b. Dust caused by truck traffic at the entrance drive shall be treated as needed with dust suppression material.
- c. Soil deposition on public roads shall be minimized and resulting depositions shall be cleaned a minimum of once a day.

6. Reclamation Plan

A reclamation plan shall include all information required by any state or federal agency having jurisdiction and shall include the following:

- a. Description and location of each phase, number of acres included in each phase, estimated starting and termination dates for each phase and the amount of time that will be required to complete the entire reclamation operation.
- b. All areas shall be reclaimed progressively as the extraction in that area is completed. Reclaimed areas shall be reasonably natural and inconspicuous, lacking in hazards and in a condition such that the area can be reused for an allowable use in the district in which the site is located. Vegetation shall be restored by the appropriate seeding of grasses, or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to stabilize the soil and minimize erosion and match the pre-existing vegetation unless otherwise approved by the Planning Commission. All slopes and banks shall be graded to angles that do not exceed those found in the natural topography of the surrounding area, and the banks shall be treated to prevent erosion.-(adopted XX XX, 20XX)

- c. Provisions for grading, drainage, re-vegetation/re-forestation, and stabilization that will minimize soil erosion, sedimentation and public safety problems and re-establish a natural resource base. The reclamation area shall be graded so that no gradients in disturbed earth are steeper than a slope of 1:3 (vertical: horizontal). All slopes and banks shall be graded to angles that do not exceed those found in the natural topography of the surrounding area, and the banks shall be treated to prevent erosion. (adopted XX XX, 20XX)
- d. Description of proposed future land uses.
- e. Description of plans for disposition of all structures, roads, drains or related facilities after cessation of the extractive operation.
- f. A plan for disposal or treatment of all harmful or toxic materials found in any formations penetrated by the extractive operation or produced during the processing of minerals on the site and of chemicals or materials used during the extractive, processing or reclamation operations.
- g. All information required as part of a reclamation plan that is required by state or federal law.
- h. All top soil shall be stripped and stockpiled for reuse. The native stockpiled topsoil and additional materials (as necessary) shall be spread over the disturbed area, to a depth equivalent to the pre-excavation depth, except exposed rock surfaces, roads or other planned improvements which remain in accordance with the approved reclamation plan. (adopted XX XX, 20XX)
- i. An aerial photograph shall be taken prior to any extraction. Photographic image scale shall be no more than 375 feet to the inch. (amended: August 4, 2009)