



Agenda
City of Charlevoix Planning Commission Regular Meeting
Monday, July 11, 2022 - 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. June 13 Meeting Minutes
- F. Call for Public Comment Not Related to Agenda Items**
- G. New Business**
 - 1. Proposed Donation: Miniature Painted Sailboat Honoring Dale and Marilyn Boss
Linda Boss
Pam Beatty
 - 2. Site Plan Review of DTE Energy Gate Valve Enclosure
 - 3. Revised ADU Architectural Standards
 - 4. Building Height Review and Discussion
 - 5. Sign Ordinance Review and Discussion
- H. Old Business**
- I. Staff Updates**
 - 1. Zoning Administrators 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 13, 2022 - 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

A. Call to Order/Pledge of Allegiance

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

B. Roll Call

Chair: RJ Waddell

Members Present: Sherm Chamberlain, Annemarie Conway, Jennifer Muladore, Maureen Radke

Members Absent: Toni Felter, Mary Millington

Staff Present: Jennifer Neal, Community Planner, Networks Northwest; Janet Koch, Zoning Administrator

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

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

Motion carried by unanimous voice vote.

E. Approval of the Minutes

1. May 9 Meeting Minutes

Motion by Member Radke, seconded by Member Muladore to approve the minutes of May 9, 2022 as presented.

Motion carried by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. New Business

1. 2021-2022 Annual Report

Jennifer Neal, Community Planner, reviewed the Annual Report which included a report of events and activities the Planning Commission undertook in the previous 12 months (May 2021 - April 2022) and the report is required by the Michigan Planning Enabling Act. The report is in the form of a letter to the City Council.

Chair Waddell asked that there be a change on page 1 to reflect that Jennifer Muladore was elected as Vice Chair in January 2022.

Motion by Member Chamberlain, seconded by Member Conway to approve the Annual Report and submit it to the City Council with the minor change indicated.

Motion carried by unanimous voice vote.

2. Residential Types and Unit Sizes

Chair Waddell stated last month at the City Council meeting, Mayor and Council asked the Planning Commission to review the Zoning Code requirements around minimum and building size standards relative to year-round attainable housing. Chair Waddell suggested that since the request could not be completed in one meeting, the Commission should begin by reviewing efficiency apartments. Chair Waddell stated that there is no minimum size or density of residential use in the Central Business District.

Planner Neal stated she reviewed the information requested regarding permitted residential unit types and unit sizes. Planner Neal said the City should be considering how to make it easier for realtors and developers to provide housing in the community. She stated the staff report she provided to the Commission was for discussion only and to explore ideas. She stated when they prepared the table which was included in her report they looked at permitted uses and special land uses that are permitted within the zoning districts both within residential, non-residential, and mixed use districts. The numbers in the table were largely the minimum square footage in each category.

Planner Neal stated the Commission's first question for discussion could be how to define an efficiency apartment. She stated an efficiency apartment is typically defined as a one-room space serving as all living quarters (living room, dining room, kitchen) with one door for the bathroom and maybe a closet, about 500-600 sq. ft. Within the residential districts, an efficiency apartment would be permitted in the R-2 district only as an ADU or as a part of a home conversion.

Discussion followed regarding the R2A zoning category, removing the minimum floor size all together, accessory dwelling unit reduction from 2,000 to 900 sq. ft., creating architectural standards for other types of units/buildings, potential for smaller units in the industrial area, building height requirements in the City for discussion at the next Planning Commission meeting, potential for Planned Unit Developments (PUD) with so few large vacant parcels in the City, and Charlevoix Corridor potential for smaller units.

H. Old Business

I. Staff Updates

Chair Waddell reported that a meeting was held at Ferry Beach regarding the future of the old DPW property. The meeting's purpose was to survey the community and discuss the possibilities of developing it into a park or housing.

Chair Waddell stated there is a ZBA meeting later this week and he plans on attending and the only agenda item was the Barton home on Antrim involving a variance for an accessory dwelling unit.

Chair Waddell stated this is the time of year for political signs and reminded everyone that signs, including real estate signs, could not be placed within the City's right-of-way (between the sidewalk and the street) and asked that staff be aware of those issues.

Chair Waddell stated that Member Conway had asked for a personal point of privilege. Member Conway announced that she was running for County Commissioner for District 6, which includes the City of Charlevoix and Charlevoix Township, and the message she receives when she is canvassing door-to-door is that "we need to bring young families back to Charlevoix" because it will help schools and businesses.

Member Chamberlain stated that his son is also running for County Commissioner in East Jordan and he has spoken to local business owners and they all said that they need the younger generations involved in County government to look at all these problems.

J. Requests For Next Months Agenda or Research Items

Chair Waddell stated that next month the Commission will review building heights, square footage related to Planned Unit Developments (PUD's), and architectural standards. He stated he also had a citizen approach him about looking at the recreational vehicle parking requirements and he suggested that it would be best to look at this issue at the end of the summer.

Chair Waddell stated they also needed to review the parking requirements for bed and breakfast locations later in the summer. Zoning Administrator Koch suggested that the Commission may want to see a monthly report of the number of activities undertaken each month in the Zoning office.

Chair Waddell announced that Shirley Gibson was celebrating her 75th birthday that day and he recognized her for her many contributions to the community.

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

Chair Waddell adjourned the meeting at 7:41 p.m.

Sarah J. Dvoracek,fgm City Clerk

RJ Waddell

Chair

Charlevoix Planning Commission

New Business

Title: Proposed Donation: Miniature Painted Sailboat Honoring Dale and Marilyn Boss

Date: July 11, 2022

Presented By: Linda Boss
Pam Beatty

Background:

A group of folks would like to offer a donation of a miniature painted sailboat to memorialize the life and work of Dale and Marilyn Boss. The sails would feature scenes from Charlevoix reminiscent of activities Mr. and Mrs. Boss enjoyed and contributed to over their long lives in Charlevoix. Details and background of the proposal, submitted by the donors, are included as attachments.

Pursuant to the Donation Acceptance Policy, the Council first considers whether the donation has some likelihood for acceptance. It determines who and how feedback should be obtained for the donation before the Planning Commission is tasked with the following:

- The donation is in keeping with the spirit and design intentions of the public space and protects and preserves the natural resources of the City
- There is sufficient funding (either through a donated endowment or through City operations) to cover long-term costs and maintenance of the donation
- Determination of no-adverse affect from the gift either in financial cost or reputational harm to the community

Since this donation is proposed for some location in East Park, the Planning Commission will also need to "affirmatively find the donation in keeping with the City's Master Plan and Parks and Recreation Master Plan where applicable."

As currently described, I do not see a long-term maintenance cost that this item would create for the City to consider. The full Donation Acceptance Policy is included for your review.

Recommendation:

Council discussion and direction.

Attachments:

1. Proposal for Pictorial Memorial Dale & Marilyn Boss
2. Dale and Marilyn Boss - an exceptional legacy of volunteering
3. Donation Acceptance Policy 2022 Revision

A Pictorial Memorial on a Sailboat Sculpture of Dale and Marilyn Boss's Lifetime Contribution to Charlevoix

Hi I'm Linda Boss, Dale and Marilyn's daughter-in-law, their younger son Jim's wife. I am an artist and have been painting and drawing scenes of Charlevoix for the past forty years. You may be familiar with my work. I was asked to restore and redesign the Sailboat "Sailing through Time", that has been on display at the Depot since 2016. I am including photos of it for your reference. It depicts 16 scenes of landmarks that are from Charlevoix's past. It is fun to go down memory lane, please go check it out in person.

I would like to do the same on this new sailboat. The scenes would all represent places that Dale and Marilyn had direct contribution to the existence of. If it weren't for their involvement, these places either would not be in Charlevoix or would be very different. There will be a plaque accompanying the Sailboat.

Here is a list of the paintings that will be collaged onto the sails:

In no order of importance:

1. **Operation Petunia** (scene of people along the road planting the petunias)

2. **Petunia Truck pulling float in the Venetian Parade**

3. **Mt McSauba**

4. **Harsha House**

5. **Hoffman Park**

6. **Thanksgiving Day Parade in Detroit**

7. **Charlevoix Elementary School**

8. **Community Reformed Church**

9. **Old Charlevoix Library, now Charlevoix Circle of Arts**

10. **Rayder Bus**

11. **The Christmas House**

12. And of course, **Dale and Marilyn sitting downtown in the red Cadillac visiting with passerbys**

Colorful petunias will fill in where needed as accents



One of the Scenes

This sailboat sculpture consists of metal sails that are thin enough to bend slightly. They are primed, painted and will be clear-coated with auto clear coat. The one at the Historical Society was marine sealer and didn't hold as well as expected. It had to be recoated through the years. It measures approx 7 foot to 7.5 feet in total heighth. The boat part is carved wood and will be a stained light red, because it was Dale

and Marilyn's favorite color! The base/stand will be styled stone and cement like the one at the Depot.

I had been approached by Gail Gennett a few years ago to do this but we couldn't get the funding. Now, Pam and her husband Lane, have generously offered to gift this memorial to the city.

In closing, I had heard that Charlevoix was going to try to incorporate more Art in Public Places around town. What a perfect addition to Charlevoix! A beautiful, 3D sculpture, right downtown with local scenes painted tastefully on it that captures the spirit of volunteerism and honors a couple who loved Charlevoix dearly. We are respectfully requesting placement, somewhere prominent in East Park, location at your discretion so everyone may enjoy. Thank you!

Photos attached.





Dale and Marilyn Boss – An exceptional legacy of volunteering

“Remember that the happiest people are not those getting more, but those giving more.”
This is a quote by American author— **H. Jackson Brown Jr.**

My dad’s laugh was infectious – and at times, completely annoying to me, his youngest daughter. When something was funny to him, he laughed. When things went wrong, he laughed. His motto was...smile – be happy! I used to roll my eyes at that one....until one day I realized, my dad, Dale Boss was literally, one in a million, He taught me by example that the joy of life doesn’t come from achieving financial success, but by giving back to others and making the community you live in a better place for the next generation.

My mom and dad loved Charlevoix. They grew up here and did everything they could to promote Charlevoix as the most beautiful little town in the world. They were a compliment to each other as my dad was the outspoken one who talked to everyone, and I mean everyone... He was the little boy who hung out as Earl Young was building his mushroom houses and learned everything he could, somehow not being told to go away, but earning Earl’s respect by his persistence and curiosity. My mom was the organized genius behind Dale’s big ideas who saw to it that the sometimes lofty goals were accomplished.

In 1978, my dad began volunteering to drive the Venetian float around the state, promoting Charlevoix in every little town he could. He even finagled his way into being invited to the Detroit Thanksgiving Parade by his enthusiasm and persistence in promoting Charlevoix the Beautiful. Hours and hours of volunteering, sometimes paying for gas and food for the girls riding the float out of his own pocket was the norm until my mom made him start turning in his receipts. However, he never took a dime for any of his 40+ years volunteering.

Without Dale Boss, there probably would not be a Mt.McSaubia ski hill and recreation area in Charlevoix. He was instrumental in obtaining the property and he put up the first \$100 to encourage many others, who did the same. My dad never skied himself, but he recognized the opportunity for the City of Charlevoix to make a difference in the lives of countless children and families in this community.

My dad was instrumental in convincing Ann Harsha to donate her house to the Charlevoix Historical Society and made good friends with Jim Flynn, who became the first tenant/caretaker of the Harsha House. My mom documented hours and hours of Charlevoix History in books, taped interviews and newspaper articles that are housed there today.

Dale was the one who talked to Betty Hoffman, convincing her to donate the property on the channel to the City (instead of selling it for profit). This is where beautiful Hoffman Park now sits.

It was my dad who brought to the City Council his idea of lining the streets of Charlevoix with Petunias 40 years ago. When asked how they would raise the money, he simply volunteered my mom to design a petunia license plate! It read: Charlevoix

the Beautiful, Michigan's resort city on 3 lakes. Come enjoy it with us! They were able to buy the blanks for \$1 apiece if they bought 1,000 – so he and Bruce McArthur went down to the First State Bank and borrowed from Lou Hollow, the bank President, \$1,000 on a note, interest free. My dad was an ex-milkman so he knew every street, alley and house in town. They advertised in the paper, that someone would be coming around to sell the license plates. They had almost every service organization come to city hall on the evening the plates were to be sold. Students from the high school went with the service organization automobile drivers and they covered the town and 8 miles into the countryside. \$3,500 was raised in less than 3 hours! Six hundred flats of petunias, at \$5 a flat were ordered from Renalda's Greenhouse on March 1, 1982, the date they had to be planted in the greenhouse.

Dale got up every morning to water the petunias at 4:00 in the morning, with my mom sitting on the back of the initial hand-made tank- getting sloshed with cold water on the daily trip. It was a team effort, working with the community volunteers and the city council and planning committees to bring to life "Project Petunia." What started 40 years ago is still attracting visitors to Charlevoix today.

Tom Brokaw once said, "it's easy to make a buck. It's a lot tougher to make a difference". Dale and Marilyn Boss have made a significant difference in the lives of not only those of us who are fortunate enough to live or summer in Charlevoix, but in preserving the quality of life for future generations who raise their children here.

Oh, I forgot to mention Mr. and Mrs. Claus and the Christmas House! My parents volunteered thousands of hours making figurines, setting up the annual Christmas scene. Mom also turned the inside of the house into "Santa's Workshop" decorating more than 30 trees along with displays of animated toys and stuffed animals. Mom and Dad dressed up as Mr. and Mrs. Claus on Christmas Eve, listening to children's wishes and giving out lollipops to boys and girls from all around the north. This continued until they went to be with the Lord. My family (particularly my brother, Bo) still carries on this tradition yearly - minus Mr. and Mrs. Claus. A neighborhood child said it best one summer when he exclaimed, "Momma – I saw Mrs. Claus mowing the lawn today!"

I figured out that Dale volunteered over 11,880 hours watering the Petunias alone, not to mention the parades, etc. When I found out that Gayle Gennett and Gordon VanWieren had brought up the original idea a few years ago to memorialize Dale and Marilyn's contributions to Charlevoix and heard of my sister-in-law Linda's theme to go along with the sailboat pictorial similar to the one at the Depot, I jumped on board. We are respectfully asking you, the Charlevoix City Council members, to preliminarily approve moving forward to the planning commission this tasteful, memorial pictorial showing the importance of volunteerism and community effort.

"Volunteers don't get paid – not because they are worthless, but because they are priceless."



Donation Acceptance Policy

Adopted by City Council on April 18, 2022

POLICY PURPOSE

The City appreciates the generosity of donors who offer improvements for the community. The residents of the Charlevoix have a well-established record of giving their time, talent and treasure to events, causes, and improvements in the community. The purpose of this policy is to establish guidelines, standards and procedures for the acceptance of gifts to the City, including the installation, long-term maintenance and operation of donated elements to the City which will enhance the quality of life. The City desires to encourage donations while at the same time considering aesthetic impacts and on-going maintenance and operational costs.

BACKGROUND

In 2013, a Donation Acceptance Committee was formed to develop a policy for the consideration and acceptance of gifts (whether funding for a specific purpose, a specific feature or item, or a building). The policy was adopted in September 2013 and established the public review process and criteria to evaluate a proposed donation.

The City Council resurrected the committee in 2015 to review potential changes. The revised policy was approved by City Council on October 19, 2015.

At the request of City Council in March 2022, the City Manager was asked to review the policy for potential further direction to the Planning Commission on how it considers gifts. The review included a recodification of the past work on the policy and its contents.

POLICY REVIEW

This policy will be reviewed at least annually by City Council and the Planning Commission; revisions and changes may be made. An updated copy will be kept on the City's website.

PROCEDURE FOR MAKING A DONATION

The City Council shall have the full and final authority to approve or deny all gift proposals. To promote an efficient review process though, as well as to prevent disappointed expectations, prior to preparing a written proposal the donor or donor's representatives should contact the City Manager's Office to discuss a proposed gift. Such pre-application meeting can assist both the prospective donor and the City in determining whether a gift will meet the criteria contained in this policy. City staff or City Council may request additional information including but not limited to scaled drawings, artist's renditions or other documents to better illustrate the exact nature of the donation. The City may choose to consult with other agencies or organizations in the review process.

CONSIDERATION GUIDELINES

Financial Gifts for Programming or Improvement Funds

Financial gifts are the easiest and preferred method of donation since the final outcome of a project is ultimately directed by City Council. Contributions without condition in the form of cash or other monetary instruments will automatically be accepted and can be directed to various causes.

Donations can be sent to several funds at the Charlevoix County Community Foundation intended for the benefit of the City:

- Charlevoix Canopy Fund—to support long-term tree planting in the city
- Brookside Cemetery Improvement Fund—to support long-term projects at the Brookside Cemetery
- Charlevoix Dog Park Fund—to support long-term operation and improvement to the dog park
- Mt. McSaubia Recreational Area Fund—to support the activities of Mt. McSaubia

In addition to these funds, the City can accept cash donations for a variety of projects and purposes to the various funds of the City including:

- Housing Fund
- Park-specific improvement funds
- Skate Park
- Scholarships for youth skiing and day camp
- Junior Golf or the golf course generally
- Mt. McSaubia

Additionally, the City may directly or through a third party, work to raise funds for a specific project from time to time. In the past, this has included efforts to create the Dog Park and improve Hoop Skirt Alley through Junior Main Street.

Gifts of Fixed Assets and Equipment/Vehicles

Gifts intended for installation on public land (including parks) as well as gifts of equipment, vehicles, boats or facilities often involve considerations of aesthetics, costs, and compatibility. These features shall be evaluated using the following criteria:

1. Aesthetics- The community has an interest in ensuring the best appearance and aesthetic quality of public lands and facilities. Donations and their recognition shall reflect the character and be consistent with the intended surroundings.
2. Requirement of Maintenance/Repair- Since donated elements and their associated recognition become City property, the community has an interest in ensuring that all elements remain in good repair. Elements must be of a quality to ensure a long life, be resistant to weather, wear and tear, and acts of vandalism.
3. Requirement of Consistency with Current and Future Use- Proposed donations should not substantially interfere with the intended current or future use of the land or facility.
4. Uniqueness of the Proposed Gift
5. Whether the Proposed Gift Requires Relocation, Removal or Installation of Other Equipment or Infrastructure to Accommodate the Donation
6. Absence of Substantial Impact on Public Health and Safety and/or Welfare
7. Costs Associated with the Proposed Gift- The City also has an interest in knowing in advance the full cost which may be associated with a gift, namely those which may relate to purchase,

installation, maintenance and operation during the gift's expected life cycle. In the ordinary course the amount of the gift must be sufficient to cover all such expenses.

- a. Neither purchase nor installation shall commence until the donor's gift has been completed and funds have been received by the City for such purposes.
- b. Gifts requiring on-going operation and maintenance which are estimated to exceed \$5,000 annually must include an additional amount sufficient to defray that expense for twenty years. Example: \$5000. maintenance annually for twenty years = \$100,000.
- c. In rare and unusual circumstances where the City has determined that the value of the gift substantially exceeds the cost associated therewith, these requirements may be waived, but only after appropriate notice and public hearing.

Fixed asset gifts for public land shall be reviewed first by City Council who shall determine whether the gift is reasonably appropriate for use somewhere in the City, if it finds the answer is yes, it shall determine what City departments and/or boards should also review it (such as the Department of Public Works, Marina, Shade Tree and Parks Commission, Recreation Advisory Committee, etc).

Following reviews and reports from these groups, the Planning Commission shall review the proposed donation and the findings of these other bodies to make a recommendation to Council. Based on the above criteria, the Planning Commission shall determine the following:

- The donation is in keeping with the spirit and design intentions of the public space and protects and preserves the natural resources of the City
- There is sufficient funding (either through a donated endowment or through City operations) to cover long-term costs and maintenance of the donation
- Determination of no-adverse affect from the gift either in financial cost or reputational harm to the community

Memorial Plaques

Plaques will be limited in use and small in scale when recognizing donations. Aside from plaques already contemplated for benches and tables and to ensure uniformity of appearance and good taste, the language of such plaques shall also be approved by the City. Donation acknowledgments and memorial plaques shall be made of bronze and be of the highest quality, life and durability. In cases where bronze plaques are not feasible, other alternative types may be considered.

Gifts in City Parks

In cases of donations to City parks which may reasonably affect the park or its immediate surroundings, the City Council shall hold a public hearing for such purpose to invite comment from the community with respect to impact on view corridors, safety, potential for noise generation, and compatibility with the aesthetic features of the park.

Prior to consideration by City Council, the Planning Commission will need to affirmatively find the donation in keeping with the City's Master Plan and Parks and Recreation Master Plan where applicable. Donations not consistent with these plans shall be declined with appreciation.

Benches and Tables

The City will maintain a map of future locations for donated benches and tables. These must be of uniform character and donors may choose locations from the map for their donation. Donors pay costs

for the bench or table and the City will install them as time allows when they are received. Plaques may be placed on these in keeping with past practice.

INSTALLATION OF FIXED-ASSET OR LAND ALTERING DONATION

Once a gift of a fixed asset or land-altering donations are received (projects not planned and executed by City staff), a written agreement will be developed between the donor, any and all licensed contractors used in the donation, and the City. This contract will determine payment, expectations for final results, and performance bonds as necessary for reimbursement for unplanned expenses or failures of the project. Costs for bonds and all aspects of the project will be borne by the donor. The City shall have sole discretion to determine the time and manner of construction. Various aspects of state and federal law may apply for work on public land and within public rights of way.

REMOVAL and RELOCATION

The City reserves the right to restore, relocate, remove or relinquish donations. This decision shall be made based upon the best interests of the City. Upon receipt of a donation, donated property becomes the sole property of the City of Charlevoix; disposal, sale, or other actions related to the donation shall be made by the City.

VETERANS and MILITARY MEMORIALS

Memorials honoring veterans and military memorial or improvements to existing memorials should be looked at on a case by case basis and approved at the discretion of City Council according to this policy.

OPPORTUNITIES FOR FUTURE GIFTS

The City will regularly identify a list of projects that would be desirable for the community. Donors unsure how to provide a meaningful benefit to the community could consult this list and provide funds for these purposes as described above:

- Upgrade the Michigan Beach access steps along Michigan Avenue
- Improve playground equipment at Depot Beach, Ferry Beach and Mt. McSauba
- Combined recycling/trash receptacles in the downtown (Big Belly units)

Charlevoix Planning Commission

New Business

Title: Site Plan Review of DTE Energy Gate Valve Enclosure

Date: July 11, 2022

Presented By: Janet Koch, Zoning Administrator

Background:

DTE Energy is requesting a gate valve enclosure be installed on property id number 052-250-018-10. The property is located on the northside of Mason Street, east of the Charlevoix Public Library near the marina parking lot. Given the public nature of this proposal, Planning Commission approval is being sought for this site plan.

Recommendation:

Attachments:

1. 0-Site Plan Review - DTE
2. 1a-DTE Regulator Station - site plan
3. 1b-CharlevoixSitePlan
4. 2a-City Manager memo
5. 2b-Charlevoix Regulator Easement
6. 2c-DTE Presentation
7. 3-Council minutes



PLANNING COMMISSION AGENDA ITEM

AGENDA TITLE: Level B Site Plan Review – DTE Regulator Station

PUBLIC MEETING DATE: July 11, 2022 at 6:00 PM

EXHIBITS:	1. Site Plan provided by DTE Gas Company 2. Agenda packet materials for 3-21-2022 City Council Meeting 3. Minutes from the 3-21-2022 City Council Meeting 4. City of Charlevoix Zoning Ordinance
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I. GENERAL INFORMATION

Applicant:	DTE Gas Company
Property Owner:	City of Charlevoix 210 State St. Charlevoix, MI 49720
Requested Action:	Level B Site Plan Approval for Regulator Station
Zoning:	Public Facilities (PF)
Project Location:	Tax ID 052-250-018-10; inside new gate valve easement
Project Site Size:	Easement is 0.033 acres; 1,453.5 square feet
Existing Land Use:	Vacant
Adjacent Land Uses:	Public use (library, municipal parking lots) and residential
Adjacent Zoning:	Public facilities and residential

II. PROJECT DESCRIPTION/LOCATION

The agenda packet materials for the March 21, 2022 City Council meeting state that “DTE Energy is requesting to install a gate valve as part of a broader system upgrade and reliability improvement.” The City Council granted an easement to DTE Energy for the purpose on property adjacent to the library parking lot.

§ 153.231 (A)(4) of the Zoning Ordinance states that “When, in the opinion of the Zoning Administrator, a project which otherwise qualifies for level “A” site plan review may have a significant impact on surrounding properties or the city, the Zoning Administrator may, at their sole discretion, submit the site plan to the Planning Commission for review.” Given the public nature of this proposal, Planning Commission approval is being sought for this site plan.

III. SITE PLAN REQUIREMENTS

The Zoning Ordinance grants authority to the Zoning Administrator to waive specific requirements of either a level A or B site plan “where it is determined that such information is not applicable to the request.” Given the unusual nature of this site plan, the Zoning

Administrator has determined that the submitted site plan is sufficient with one exception, the height of the proposed wall. That height was not included in the originally submitted materials. However, an email from Greg Smith, Associate Section Manager from Burns & McDonnell, who is representing DTE's interests in this project, states that the wall height will not exceed six feet.

V. SITE PLAN REVIEW

§ 153.174 and § 153.145 of the Zoning Ordinance apply to this project.

§ 153.174 Mechanical Equipment.

Ground-, building- and roof-mounted mechanical equipment and utility structures including, but not limited to, heating units, cooling units, air handling units, refrigeration units, blowers, ventilating fans, water and gas meters, elevator housing, tanks, generators and utility transformers are subject to the following regulations.

(A) Ground- and building-mounted equipment.

- (1) Mechanical equipment and utilities visible to the public and located on or around any non-residential building shall be screened by landscaping or by decorative walls compatible with the material used on the building.
- (2) Mechanical equipment may not be located within the required front yard setback area or within five feet of any side property line, except as may otherwise be permitted by this chapter. However, in a non-residential district, ground-mounted mechanical equipment shall not be located under any circumstances within 20 feet of a residential district boundary.

§ 153.145 Fences And Walls.

- (A) All fences, walls and other similar structures shall be located on private property and must not obstruct the sight distance of motorists from driveways, roads and intersections. Fences or walls in all districts, except Industrial, shall not exceed six feet in height above grade when located in any portion of the rear or side yard. Fences located in the front yard are permitted; provided, they are open wrought iron, picket, split rail and similar decorative fences, have a maximum opacity of 50% and do not exceed three feet above grade.
- (B) Fence and wall materials may include treated wood, painted/stained wood, treated split rail, ornamental wrought iron, brick, stone, masonry block, molded vinyl, or chain link. Scrap lumber, plywood, woven wire, sheet metal, plastic or fiberglass sheets are specifically prohibited.
- (C) All fences shall be constructed with the finished side exposed to the neighboring properties. Support posts shall be placed on the inside. The fence shall be properly maintained and its appearance shall be harmonious with the surrounding properties and neighborhood. Fence posts and decorative caps shall not extend greater than six inches above the maximum allowed height.
- (D) Fences or walls in industrial districts shall not exceed nine feet in height above grade in the side and rear yards. All other relevant provisions of this section shall apply.
- (E) It shall be unlawful to erect or maintain a fence, wall or other similar structure equipped with or having barbed wire, spikes, razor wire or similar devices, or any electrical charge or current sufficient to cause shock. In industrial districts, however, a security fence may be installed with one foot of barbed wire; provided, the barbed wire is at least eight feet above the adjacent grade.

- (F) Fences in the front yard shall have a minimum setback of 12 inches from the property line.
- (G) Fences shall not be allowed to be located directly over property lines, unless two or more adjoining property owners submit a joint application to the Zoning Administrator for approval.
- (H) Posts, cement, wood and any other fence materials shall not encroach onto adjoining properties, unless such encroachments are authorized under a joint application.
- (I) An artificial berm with a fence placed on top of it is considered part of the fence, with the combination being subject to the height limits for fences established in division (A) above.
- (J) The required fence height shall be maintained through the entire length on sloping properties. Grading and/or filling of materials to elevate the grade for a higher fence is prohibited.
- (K) Walls constructed of stone, brick or similar materials shall be permitted in the front yard; provided, they do not exceed three feet in height. The height limits in the side and rear yards shall not exceed six feet. Walls shall be set back a minimum of two feet from all property lines and must be constructed and maintained in the future as to not create safety concerns for adjoining property owners or the general public. The Planning Commission may approve walls not to exceed six feet in height in the front yard for developments in the R4 Zone. This section shall not apply to retaining walls, as defined by this chapter or screening walls under § 153.171 of this chapter.

NOTE: Staff believes that the site plan, in combination with the communication from Mr. Smith, complies with the Zoning Ordinance.

The following section is taken directly from the Site Plan Review Section of the Zoning Ordinance. The Planning Commission must make findings of fact to determine if the proposal meets each of the following standards. The Planning Commission must find that this proposal meets all the following standards based on findings of fact before considering a motion to approve or deny. Staff has written the following recommended findings of fact as a starting point. The Planning Commission may add, modify, or delete any of the following draft findings at the meeting. The draft findings are in ***bold italics***.

§ 153.235 Standards for Site Plan Approval: A site plan shall be approved only upon a finding of compliance with the following standards:

- A. The site plan must comply with all standards of this Article and all applicable requirements of this ordinance, as well as with all other applicable city, county, state and federal laws and regulations.

The Planning Commission finds that the site plan proposal complies with the Zoning Ordinance.

- B. The site must be designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.

The Planning Commission finds that the proposed project is harmonious with the character of the surrounding area.

- C. The site must be designed to minimize hazards to adjacent property and to reduce the negative effects of traffic, noise, smoke, fumes and glare to the greatest extent possible.

The Planning Commission finds that the proposal adds no hazards to adjacent properties.

- D. The site plan does not have a negative impact on the provisions of human services, housing, transportation needs, and access to food in the community.

The Planning Commission finds that the proposal does not have a negative impact on the provisions of human services to the community.

- E. The site plan protects the natural environment and conserves natural resources and energy to the extent possible in light of the proposed development.

The Planning Commission finds that the proposal protects the natural environment to the extent possible.

- F. Unless a more specific design standard is required by the city through a different ordinance or regulation, all uses and structures subject to site plan review shall comply with the following design standards:

- (1) Traffic circulation. *Not applicable.*
- (2) Storm water. *Not applicable.*
- (3) Snow storage. *Not applicable.*
- (4) Landscaping: The landscape shall be preserved in its natural state, insofar as practical, by minimizing unnecessary tree and soil removal. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. Provision or preservation of landscaping, buffers or greenbelts may be required to ensure the proposed uses will be adequately buffered from one another and from surrounding property.
- (5) Screening: Where non-residential uses abut residential uses, appropriate screening shall be provided in accordance with § 153.171 to shield residential properties from noise, headlights and glare.
- (6) Lighting. *Not applicable.*
- (7) Utility service. All utility service shall be underground, unless impractical due to engineering difficulties.

The Planning Commission finds that the utilities proposed to be above ground are necessary.

- (8) Exterior uses. *Not applicable.*
- (9) Emergency access. *Not applicable.*
- (10) Water and sewer. *Not applicable.*
- (11) Signs.

The Planning Commission recognizes that § 153.206 (B)(2) of the Zoning Ordinance states that “Signs erected by, on behalf of a governmental body for purposes of protecting the public health, safety and welfare” are authorized without a sign permit.

VI. CONDITIONS OF APPROVAL

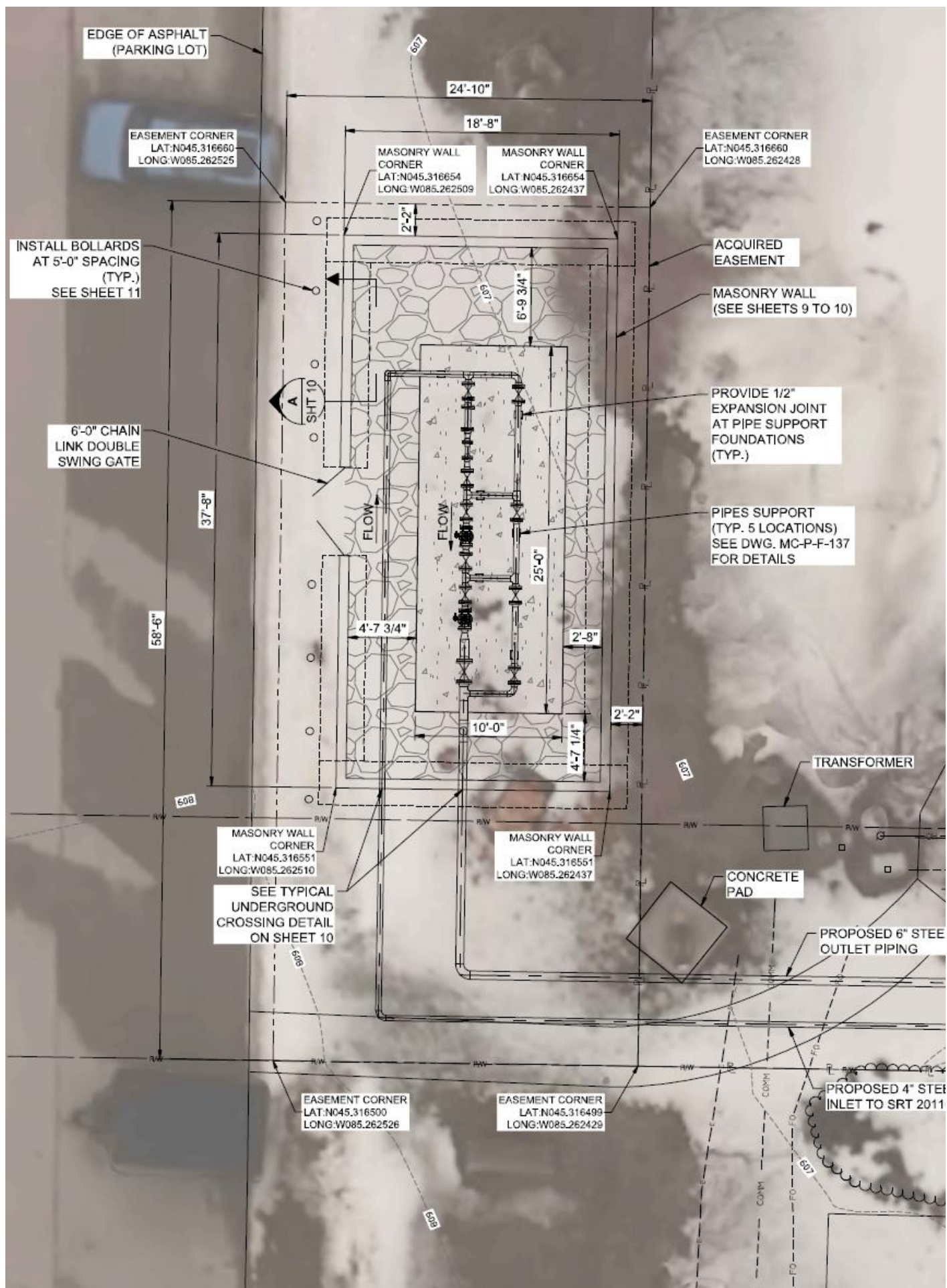
The following section is taken directly from the § 153.236 of the Zoning Ordinance. The PC may impose conditions of approval on the site plan based on the following criteria.

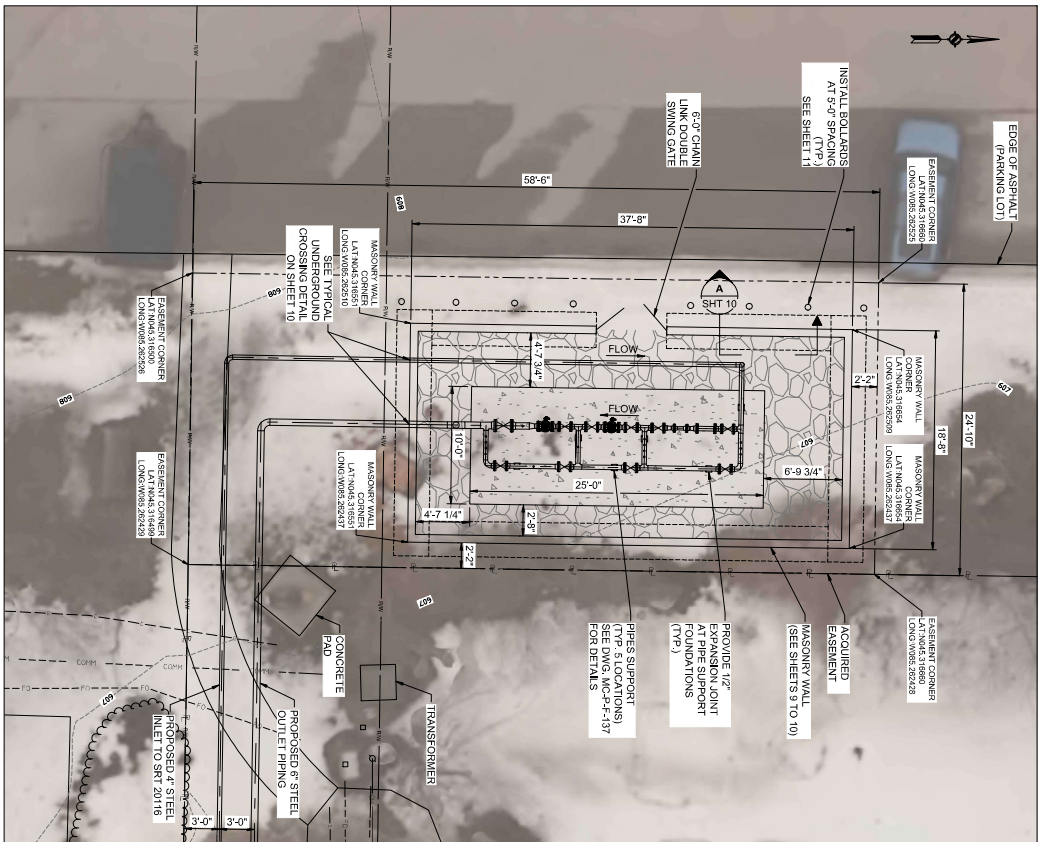
§ 153.238 Conditions of Site Plan Approval.

- (A) Conditions which are designed to ensure compliance with the intent of this subchapter and other regulations of the City of Charlevoix may be imposed on site plan approval.
- (B) Conditions imposed shall be based on the following criteria:
 - (1) Ensure that public services and facilities affected by the proposed land use and site plan will not be adversely affected.
 - (2) Ensure that the use is compatible with adjacent land uses and activities.
 - (3) Protect natural resources, the health, safety, welfare and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - (4) Ensure compatibility between the proposed use or activity and the rights of the city to perform its governmental functions.
 - (5) Meet the intent and purpose of the City of Charlevoix Zoning Ordinance, be related to the regulations and standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
 - (6) Ensure compliance with the intent of other city ordinances that are applicable to the site plan.
 - (7) Ensure compatibility with other uses of land in the vicinity.

Planning Commission Actions:

- A. Approve without conditions, based on specific findings of fact that prove the project does meet the review standards in Section 153.237
- B. Approve with conditions, based on specific findings of fact that prove the project does meet the review standards in Section 153.237
- C. Deny based on specific findings of fact that prove the project does not meet the review standards in Section 153.237
- D. Table. (Usually, this option is only used when additional information is needed to assist the Planning Commission in making the decision.)

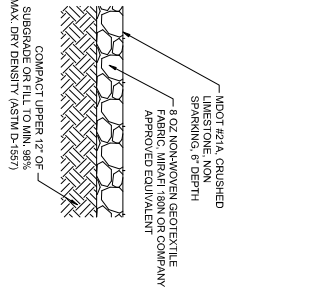




CHARLEVOIX SRT 20116 SITE PLAN

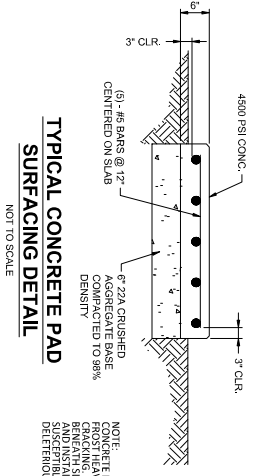
SCALE: 1" = 5'

- GENERAL NOTES
1. BEARINGS AND COORDINATES ARE RELATIVE TO THE NAD83 83 NORTH DATUM. INTERNATIONAL OFF.
 2. ALL MATERIALS AND WORKMANSHIP SHALL COMPLY WITH ALL APPLICABLE DTE ENERGY STANDARDS, CODES, SPECIFICATIONS, LOCAL ORDINANCES, INDUSTRY STANDARDS AND UTILITY COMPANY REQUIREMENTS.
 3. CAUTION: THERE ARE NO UNDERGROUND UTILITIES OR OBSTRUCTIONS IN THIS AREA. THE UNDERGROUND UTILITIES SUBSTATION ON THE SITE IS OWNED BY THE CITY OF CHARLEVOIX. THE CITY OF CHARLEVOIX IS NOT RESPONSIBLE FOR ANY DAMAGE TO ANY UNDERGROUND UTILITIES OR OBSTRUCTIONS. THE CITY OF CHARLEVOIX SHALL BE CALLED FOR ANY EXCAVATION PROJECT AT LEAST THREE (3) BUSINESS DAYS PRIOR TO EXCAVATION WORK.
 4. THE CONCRETE SHALL BE PLACED IN THE PRESENCE OF THE CITY OF CHARLEVOIX. THE CITY OF CHARLEVOIX SHALL BE CALLED FOR ANY EXCAVATION PROJECT AT LEAST THREE (3) BUSINESS DAYS PRIOR TO EXCAVATION WORK.
 5. THE CONCRETE SHALL BE PLACED IN THE PRESENCE OF THE CITY OF CHARLEVOIX. THE CITY OF CHARLEVOIX SHALL BE CALLED FOR ANY EXCAVATION PROJECT AT LEAST THREE (3) BUSINESS DAYS PRIOR TO EXCAVATION WORK.
 6. EXCAVATION OF GRANULAR SOILS SHALL BE COMPLETED IN 10% NOT EXCEEDING 10 INCHES TO A MINIMUM OF 15% OF ITS MAXIMUM DRY UNIT WEIGHT.
 7. SEE DTE FENCING STANDARD 165-7-1 FOR CONCRETE MATERIAL AND INSTALLATION REQUIREMENTS.
 8. CONCRETE FOR FOUNDATIONS SHALL HAVE A MINIMUM STRENGTH OF 4500 PSI AT 28 DAYS WITH 6% AIR ENTRAINMENT.
 9. MAXIMUM 5% OF 10 AND 10% OF 20% SHALL BE ALLOWED TO EXCEED 10%.



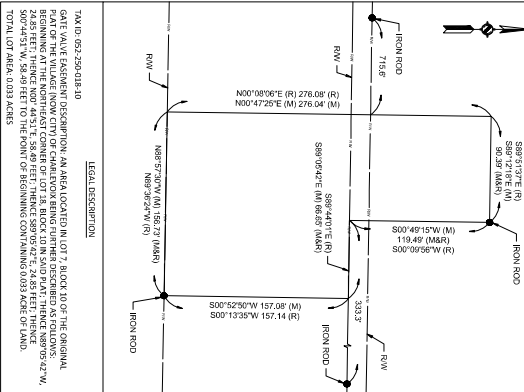
TYPICAL AGGREGATE SURFACING DETAIL

NOT TO SCALE



TYPICAL CONCRETE PAD SURFACING DETAIL

NOT TO SCALE



- LEGEND
- RIGHT-OF-WAY
 - ACQUIRED EASEMENT
 - U/G FIBER OPTIC CABLE
 - U/G ELECTRIC LINE
 - U/G COMMUNICATION LINE
 - OVERHEAD POWERLINE
 - TREE LINE
 - CONCRETE
 - STONE

PRELIMINARY ONLY
NOT FOR
CONSTRUCTION

REFERENCE DRAWINGS	NUMBER	DESCRIPTION	DATE	REVISIONS
ALIGNMENT SHEET 14-1 TO 14-2	1	ALIGNMENT SHEET 14-1 TO 14-2	10/20/2022	
ALIGNMENT SHEET 14-2 TO 14-3	2	ALIGNMENT SHEET 14-2 TO 14-3	10/20/2022	
ALIGNMENT SHEET 14-3 TO 14-4	3	ALIGNMENT SHEET 14-3 TO 14-4	10/20/2022	
ALIGNMENT SHEET 14-4 TO 14-5	4	ALIGNMENT SHEET 14-4 TO 14-5	10/20/2022	
ALIGNMENT SHEET 14-5 TO 14-6	5	ALIGNMENT SHEET 14-5 TO 14-6	10/20/2022	
ALIGNMENT SHEET 14-6 TO 14-7	6	ALIGNMENT SHEET 14-6 TO 14-7	10/20/2022	
ALIGNMENT SHEET 14-7 TO 14-8	7	ALIGNMENT SHEET 14-7 TO 14-8	10/20/2022	
ALIGNMENT SHEET 14-8 TO 14-9	8	ALIGNMENT SHEET 14-8 TO 14-9	10/20/2022	
ALIGNMENT SHEET 14-9 TO 14-10	9	ALIGNMENT SHEET 14-9 TO 14-10	10/20/2022	
ALIGNMENT SHEET 14-10 TO 14-11	10	ALIGNMENT SHEET 14-10 TO 14-11	10/20/2022	
ALIGNMENT SHEET 14-11 TO 14-12	11	ALIGNMENT SHEET 14-11 TO 14-12	10/20/2022	
ALIGNMENT SHEET 14-12 TO 14-13	12	ALIGNMENT SHEET 14-12 TO 14-13	10/20/2022	
ALIGNMENT SHEET 14-13 TO 14-14	13	ALIGNMENT SHEET 14-13 TO 14-14	10/20/2022	
ALIGNMENT SHEET 14-14 TO 14-15	14	ALIGNMENT SHEET 14-14 TO 14-15	10/20/2022	
ALIGNMENT SHEET 14-15 TO 14-16	15	ALIGNMENT SHEET 14-15 TO 14-16	10/20/2022	
ALIGNMENT SHEET 14-16 TO 14-17	16	ALIGNMENT SHEET 14-16 TO 14-17	10/20/2022	
ALIGNMENT SHEET 14-17 TO 14-18	17	ALIGNMENT SHEET 14-17 TO 14-18	10/20/2022	
ALIGNMENT SHEET 14-18 TO 14-19	18	ALIGNMENT SHEET 14-18 TO 14-19	10/20/2022	
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ALIGNMENT SHEET 14-27 TO 14-28	27	ALIGNMENT SHEET 14-27 TO 14-28	10/20/2022	
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ALIGNMENT SHEET 14-148 TO 14-149	148	ALIGNMENT SHEET 14-148 TO 14-149	10/20/2022	
ALIGNMENT SHEET 14-149 TO 14-150	149	ALIGNMENT SHEET 14-149 TO 14-150	10/20/2022	
ALIGNMENT SHEET 14-150 TO 14-151	150	ALIGNMENT SHEET 14-150 TO 14-151	10/20/2022	
ALIGNMENT SHEET 14-151 TO 14-152	151	ALIGNMENT SHEET 14-151 TO 14-152	10/20/2022	
ALIGNMENT SHEET 14-152 TO 14-153	152	ALIGNMENT SHEET 14-152 TO 14-153	10/20/2022	
ALIGNMENT SHEET 14-153 TO 14-154	153	ALIGNMENT SHEET 14-153 TO 14-154	10/20/2022	
ALIGNMENT SHEET 14-154 TO 14-155	154	ALIGNMENT SHEET 14-154 TO 14-155	10/20/2022	
ALIGNMENT SHEET 14-155 TO 14-156	155	ALIGNMENT SHEET 14-155 TO 14-156	10/20/2022	
ALIGNMENT SHEET 14-156 TO 14-157	156	ALIGNMENT SHEET 14-156 TO 14-157	10/20/2022	
ALIGNMENT SHEET 14-157 TO 14-158	157	ALIGNMENT SHEET 14-157 TO 14-158	10/20/2022	
ALIGNMENT SHEET 14-158 TO 14-159	158	ALIGNMENT SHEET 14-158 TO 14-159	10/20/2022	
ALIGNMENT SHEET 14-159 TO 14-160	159	ALIGNMENT SHEET 14-159 TO 14-160	10/20/2022	
ALIGNMENT SHEET 14-160 TO 14-161	160	ALIGNMENT SHEET 14-160 TO 14-161	10/20/2022	
ALIGNMENT SHEET 14-161 TO 14-162	161	ALIGNMENT SHEET 14-161 TO 14-162	10/20/2022	
ALIGNMENT SHEET 14-162 TO 14-163	162	ALIGNMENT SHEET 14-162 TO 14-163	10/20/2022	
ALIGNMENT SHEET 14-163 TO 14-164	163	ALIGNMENT SHEET 14-163 TO 14-164	10/20/2022	

CHARLEVOIX CITY COUNCIL

All Other Actions and Requests

TITLE: Request for Gate Valve Easement from DTE Energy

DATE: March 21, 2022

PRESENTED BY: Chris Hackbarth and Tim Proos, DTE Energy

BACKGROUND:

DTE Energy is requesting to install a gate valve as part of a broader system upgrade and reliability improvement planned for the Charlevoix. Under this plan, they would abandon a structure currently placed in Hoffman Park and install a new gate valve structure at the end of the alley between Clinton and Mason Streets adjacent to the County's parking lot and the Marina Parking lot. They have agreed to build and maintain a screening around the structure in accord with the Zoning Ordinance and the determination of the Planning Commission. Once Council grants permission for the easement, the Planning Commission will consider the merits of the project from the site plan perspective.

The City Attorney has extensively reviewed the agreement and we are satisfied with the language. Our public works and utilities staff have also done a thorough review of the area to ensure it doesn't conflict with current or future planned utilities.

RECOMMENDATION:

Motion to authorize the City Manager to execute the Gate Valve Easement Agreement with DTE Energy as presented.

ATTACHMENTS:

- D Draft Easement Agreement
- D DTE Presentation

Gate Valve Easement

For and in consideration of the sum of actual consideration is less than \$100.00, exempt under MCL 207.526(a) and MCL 207.505(a) of which is hereby acknowledged,

City of Charlevoix
210 State Street
Charlevoix, MI 49720

(hereinafter called GRANTOR) for themselves, their heirs, executors, administrators, successors, and assigns hereby grant to DTE GAS COMPANY, a Michigan corporation, One Energy Plaza, Detroit, Michigan 48226 (hereinafter called GRANTEE) an easement with the right to install, operate, maintain, alter, replace, move and remove gate valves, main line valves, blow-offs, meters, pipeline fittings, regulators and appurtenances, with housing therefore, conduct archeological and environmental testing and assessments, in connection with the construction, operation and maintenance of Grantee's pipeline or pipelines upon a parcel of land situated in City of Charlevoix, Charlevoix County, Michigan, described as follows:

See Exhibit 'A' attached

Together with the right of ingress and egress at convenient points for such purposes; hereby releasing and waiving all rights under and by virtue of any applicable homestead exemption laws.

Grantee shall have the right to erect, maintain and remove a fence around said parcel or any part thereof.

To have and to hold said Gate Valve Easement unto said Grantee, its successors and assigns, until any of the facilities or appurtenances mentioned above be constructed upon the above described parcel and so long thereafter as they, or any of them, remain thereon.

The rights may be assigned in whole or in part. All rights, privileges and obligations created by this instrument shall inure to the benefit of, and be binding upon, the heirs, devisees, legal representatives, successors and assigns of the parties hereto.

Grantee's nonuse or limited use of this easement shall not preclude Grantee's later use of this easement to its full extent.

Grantee shall indemnify, defend, and hold Grantor harmless from and against all claims and liabilities for injury to persons or property, including without limitation, reasonable attorney's fees expended in defending against any such claims, to the extent caused by Grantee's willful or negligent acts or omissions in exercising the rights granted in this Easement.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

It is understood that the person securing this permit is without authority to make any agreement in respect of the subject matter hereof not herein expressed.

Executed this _____ day of _____, 2022.

City of Charlevoix
By: Mark Heydlauff
Its: Manager

ACKNOWLEDGMENT

State of Michigan
County of

The foregoing instrument was acknowledged before me, a Notary Public, this _____ day of _____, 2022, by Mark Heydlauff, City Manager, for and on behalf of the City of Charlevoix, a municipal corporation.

Notary Public _____ County, MI.
Acting in _____ County, MI.
My Commission Expires: _____

Prepared by and return to: Nate Krommendyk
DTE Gas Company
PO Box 279
Kalkaska, MI 49646

Spicer Group, Inc.
230 S. Washington Avenue
Saginaw, MI 48607
TEL (989) 754-4717
FAX (989) 754-4440
www.SpicerGroup.com



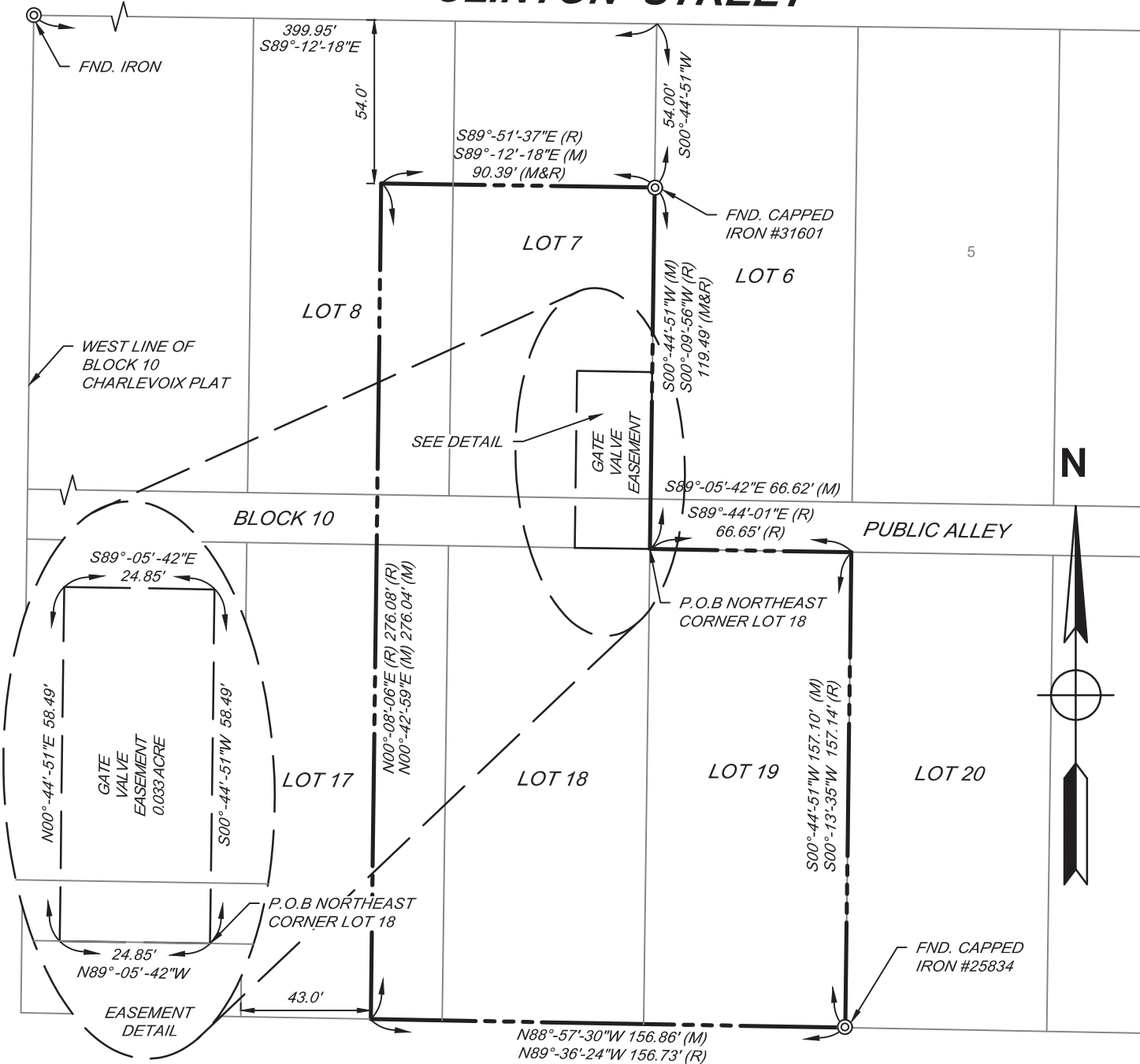
EXHIBIT A
NEW EASEMENT

SCALE: 1" = 50'

DWG. NO.: A-28733-1

BLOCK 10
ORIGINAL PLAT OF VILLAGE
OF CHARLEVOIX
CHARLEVOIX COUNTY,
MICHIGAN

CLINTON STREET



TAX ID: 052-250-018-10
OWNER NAME: City of Charlevoix
PROPERTY: 210 State Street
Charlevoix, Michigan 49720

DATE: 12/20/2021



LEGEND

 NEW EASEMENT

DRAWN BY: DEH
CHECKED BY: JRD

PLOT DATE: 12/20/2021
SHEET 1 OF 2

JOB#: 131523SG2021
DWG#: A-28733-1

Spicer Group, Inc.
230 S. Washington Avenue
Saginaw, MI 48607
TEL (989) 754-4717
FAX (989) 754-4440
www.SpicerGroup.com



EXHIBIT A
NEW EASEMENT

TAX ID: 052-250-018-10
OWNER NAME: City of Charlevoix
PROPERTY: 210 State Street
Charlevoix, Michigan 49720

DWG. NO.: A-28733-2

DATE: 12/20/2021

PARENT PARCEL DESCRIPTION: Plat lots 7-8-17-18 and 19 of Block 10 of the Original Plat of the Village (Now City) of Charlevoix according to received plat being described as: Commencing at the Northwest Corner of said Block 10 thence S89°-12'-18"E, 399.95 feet along the north line of Block 10 in said plat; thence S00°-44'-51"W, along line between Lots 6 & 7 of said plat, 54.00 feet to the Point of Beginning; thence continuing S00°-44'-51"W on said line and its southerly extension 119.49 feet to the Northwest corner of Lot 19, Block 10 in said plat; thence S89°-05'-42"E on Northern line of said Lot 19, Block 10 and Southernly line of an alley 66.65 feet to the Northeast corner of Lot 19, Block 10; thence S00°-44'-51"W on line common to Lots 19 and 20, Block 10, 157.10 feet to Southeast corner of Lot 19, Block 10; thence N88°-57'-30"W, on south line of said Block 10 and north line of Mason Street; 156.86 feet to a point that is 43.00 feet easterly of Southwest corner, Lot 17, Block 10 in said plat; thence N00°-42'-59"E parallel with west line of Lot 17, Block 10, 276.04 feet to a point that is 54.00 feet southerly of south line of Clinton Street; thence S89°-12'-18"E parallel with the South line of Clinton Street 90.39 feet to the Point of Beginning, split on 12/03/2004 from 052-250-007-00.

GATE VALVE EASEMENT DESCRIPTION: An area located in Lot 7, Block 10 of the Original Plat of the Village (Now City) of Charlevoix being further described as follows: Beginning at the Northeast corner of Lot 18, Block 10 in said plat; thence N89°-05'-42"W, 24.85 feet; thence N00°-44'-51"E, 58.49 feet; thence S89°-05'-42"E, 24.85 feet; thence S00°-44'-51"W, 58.49 feet to the Point of Beginning containing 0.033 acre of land.

DRAWN BY: DEH
CHECKED BY: JRD

PLOT DATE: 12/20/2021
SHEET 2 OF 2

JOB#: 131523SG2021
DWG#: A-28733-2



Charlevoix Area Natural Gas System Enhancement Project Regulation Station Easement

March 2022



- DTE Gas would like to acquire an easement to construct a new regulating station.
- The new regulating station is just one phase in a multi-phase system enhancement project for the Charlevoix Area.
 - In 2021, DTE completed enhancement work in north Charlevoix.
 - In late 2022 or early 2023, DTE will complete the final phase of the enhancement project in north and south Charlevoix to provide improved system reliability, safety and system redundancy.
- The new regulation station would:
 - Increase system reliability by installing a 100% redundant regulating station.
 - Allow for safer operation of our distribution system.
 - Allow easier maintenance and equipment upgrades at an existing station.

Gate Valve Easement Document



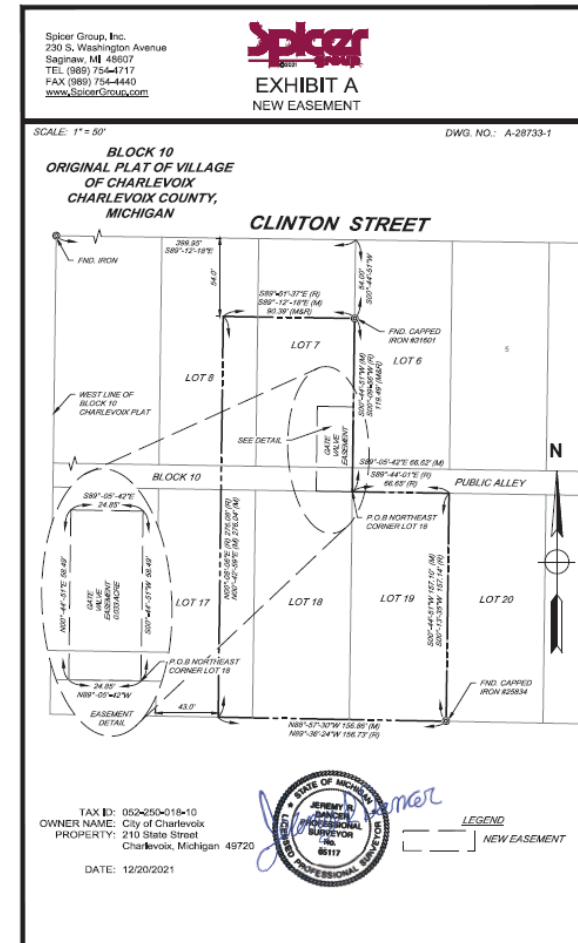
Gate Valve Easement

For and in consideration of the sum of actual consideration is less than \$100.00, exempt under MCL 207.526(a) and MCL 207.505(a) of which is hereby acknowledged,

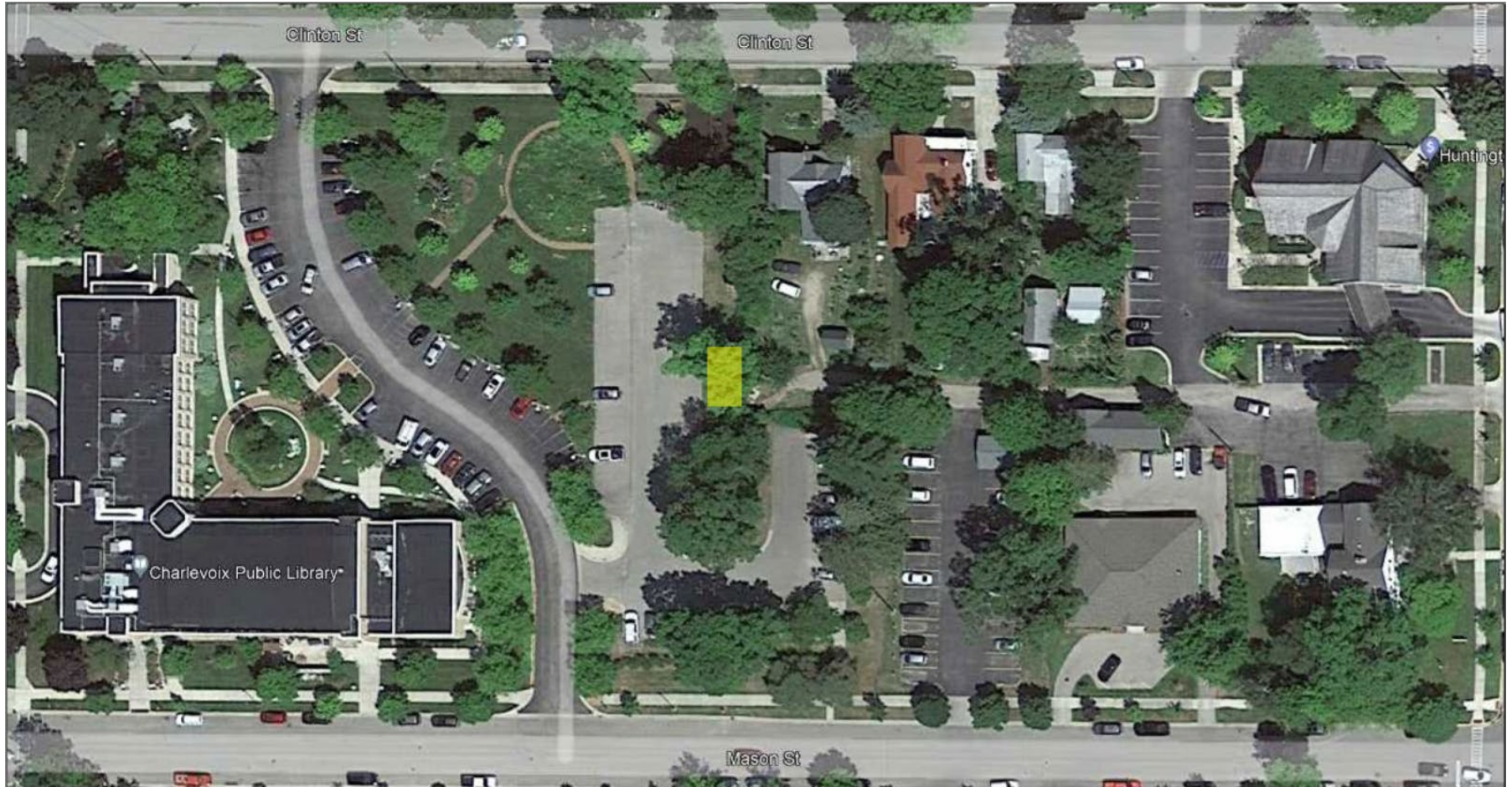
City of Charlevoix
210 State Street
Charlevoix, MI 49720

(hereinafter called GRANTOR) for themselves, their heirs, executors, administrators, successors, and assigns hereby grant to DTE GAS COMPANY, a Michigan corporation, One Energy Plaza, Detroit, Michigan 48226 (hereinafter called GRANTEE) an easement with the right to install, operate, maintain, alter, replace, move and remove gate valves, main line valves, blow-offs, meters, pipeline fittings, regulators and appurtenances, with housing therefore, conduct archeological and environmental testing and assessments, in connection with the construction, operation and maintenance of Grantee's pipeline or pipelines upon a parcel of land situated in City of Charlevoix, Charlevoix County, Michigan, described as follows:

See Exhibit 'A' attached



Gate Valve Easement Location



Gate Valve Enclosure Example #1



Gate Valve Enclosure Example #2



Gate Valve Enclosure Example #3



CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, March 21, 2022 – 6:00 p.m.
 210 State Street, Charlevoix, MI 49720

The meeting was called to order at 6:00 p.m. by Mayor Kurtz.

1. Pledge of Allegiance

2. Roll Call

Mayor:	Luther Kurtz
Members Present:	Aaron Hagen, Janet Kalbfell, Mark Knapp, Phil Parr, Richard Spring
Members Absent:	Greg Bryan
City Manager:	Mark L. Heydlauff
City Clerk:	Sarah J. Dvoracek

3. Presentations

A. Mayor Proclamation

Mayor Kurtz read a proclamation honoring and celebrating the life of city employee Karen Golovich.

4. Inquiry Regarding Conflicts of Interest

Council Member Knapp recused himself from item ~~7B. Marina Commercial Dock RFP~~ 7D Proposed Donation of Landscaping on the Pine River Channel. Council Member Kalbfell recused herself from items 7B. Marina Commercial Dock RFP and 7C. Little Traverse Charters, LLC Commercial Slip Lease.

5. Consent Agenda

All items listed under Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion of an item is required, it will be removed from the Consent Agenda and considered separately.

A. City Council Meeting Minutes – March 7, 2022

B. Purchase of Toro Walk Behind Greensmaster-Purchase approved for a 2022 Toro Greensmaster 10 in the amount of \$13,646.13.

C. Accounts Payable and Payroll Check Registers

- a. Payroll Transmittal Checks – March 18, 2022 **(\$5,089.31)**
- b. Payroll (net pay) – March 18, 2022 **(\$93,471.30)**
- c. Regular Accounts Payable – March 22, 2022 **(\$303,026.87)**
- d. ACH/WIRE Payments—March 3, 2022 through March 18, 2022 **(\$201,556.11)**
- e. Tax Disbursement – March 9, 2022 **(\$58,965.04)**

Mayor Kurtz opened the item to public comment, and none were heard.

Motion by Parr, seconded by Kalbfell to approve the Consent Agenda.

Yeas: Hagen, Kalbfell, Parr, Spring, Knapp

Nays: None

Absent: Bryan

Motion carried.

6. Public Hearings & Actions Requiring Public Hearings

A. Public Hearing: Ordinance to Amend Ward Boundaries

The entire Council must be present to vote on an ordinance amendment therefore no action was taken.

7. All Other Actions & Requests

A. Request for Gate Valve Easement from DTE Energy

Chris Hackbarth and Tim Proos representatives from DTE Energy explained the request for the easement would allow DTE Energy to upgrade equipment and create necessary redundancy which would allow them to do regular maintenance on their system without any disruption to services.

Mayor Kurtz opened the item to public comment, and none were heard.

Motion by Hagen, seconded by Spring to authorize the City Manager to execute the Gate Valve Easement Agreement with DTE Energy as presented. **Motion carried unanimously.**

B. Marina Commercial Dock RFP

Council Member Kalbfell and Council Member Knapp stepped down from the dais.
Discussion was held.

Mayor Kurtz opened the item to public comment, and none were heard.

Motion by Spring, seconded by Hagen to award Sunshine Charters the Commercial Dockage and authorize the City Manager to move forward with signing a Boat Docking agreement with the selected vendor. **Motion carried unanimously.**
Council Member Knapp returned to the dais.

C. Little Traverse Charters, LLC Commercial Slip Lease

Scott Howard, City Attorney, advised Council they should postpone the item until the next council meeting.

Mayor Kurtz opened the item to public comment, and one was heard.

Motion by Hagen, seconded by Spring to postpone the item until the next meeting {April 4, 2022}. **Motion carried unanimously.**
Council Member Kalbfell returned to the dais.

D. Proposed Donation of Landscaping on the Pine River Channel

Scott Philp presented Council with his proposed landscaping plans for the Pine River Channel and provided a material and native plant selection list. Discussion was held.

City Manager Heydlauff stated the Donation Policy could be revised to provide better direction in the future for instances like this. Council concurred and requested City Manager Heydlauff revise the Donation Policy.

Mayor Kurtz opened the item to public comment and six were heard.

Motion by Hagen, seconded by Kalbfell to decline the offer {of the proposed donation of landscaping on the Pine River Channel}. **Motion carried unanimously.**

E. Council Appointment

Council Member Kalbfell requested consideration of Dan Reed for appointment as an alternate to the Zoning Board of Appeals.

Mayor Kurtz opened the item to public comment, and none were heard.

Motion by Kalbfell, seconded by Parr to appoint Dan Reed as an alternate member to the Zoning Board of Appeals for a term to expire in December 2024. **Motion carried unanimously.**

Motion by Hagen, seconded by Kalbfell to appoint Mark Knapp to the {Lake Charlevoix} EMS Authority Board {for a term to expire in March 2025}. **Motion carried unanimously.**

8. **Reports & Communications**A. Public Comments

- Lyle Gannett suggested fundraising for a memorial bench in honor of Karen Golovich.

B. City Manager Comments

- He thanked Shane Cole for his service on the EMS Authority Board.
- He stated he met with Denise Fate, President of the Charlevoix Historical Society, regarding the Lighthouse Maintenance Agreement with the City.
- He stated that he and staff met with CivicPlus regarding the new agenda management software which will be converted at the end of April.
- He gave his condolences to the Golovich family and shared a memory of Karen.

C. Mayor & Council Comments

- Mayor and Council collectively gave their condolences to the Golovich family.
- Council Member Spring stated he appreciated Scott Philp and his efforts.
- Council Member Kalbfell announced that the Senior Centers are now open.

9. **Other Council Business**A. Marina Commercial Dock

Council Member Kalbfell stepped down from the dais. Discussion was held.

Mayor Kurtz opened the item to public for comment, and one was heard.

Motion by Hagen, seconded by Spring to award Whitecap Charters the 3rd Commercial Dockage and authorize the City Manager to move forward with signing a Boat Docking agreement. **Motion carried unanimously.**

10. Adjourn

Mayor Kurtz adjourned the meeting at 7:14 p.m.

Sarah J. Dvoracek

City Clerk

Luther Kurtz

Mayor

PAYROLL TRANSMITTAL CHECKS 03/18/2022

4FRONT CREDIT UNION	\$885.00
AMERICAN FAMILY LIFE	\$521.59
CALIFORNIA STATE DISBURSEMENT UNIT	\$92.19
CHARLEVOIX STATE BANK	\$890.00
COMMUNICATION WORKERS OF AMER	\$692.41
EQUITABLE FINANCIAL LIFE INSURANCE	\$386.22
MI STATE DISBURSEMENT UNIT	\$116.55
PRIORITY HEALTH	\$1,505.35
	<u>\$5,089.31</u>

PAYROLL (NET PAY) 03/18/2022

HEYDLAUFF, MARK L.	\$3,069.50
DVORACEK, SARAH J.	\$2,244.03
DEROSIA, PATRICIA E.	\$921.43
DOTSON, LINDSEY J.	\$1,386.42
KLOOSTER, ALIDA K.	\$1,795.97
GOLOVICH, KAREN J.	\$259.23
BARNEVELD, RICHELLE L.	\$1,265.82
SCHULZ, GINNY L.	\$1,464.52
MCGINN, KELLY A.	\$1,690.69
DOAN, GERARD P.	\$2,432.49
SCHOLEY, ROBERT W.	\$1,599.88
UMULIS, MATTHEW T.	\$1,251.52
ORBAN, BARBARA K.	\$1,173.73
RILEY, DENISE M.	\$385.09
MUNK, CHRISTOPHER J.	\$1,311.47
SCHICK, TIELER R.	\$1,412.00
STEWART, MORGAN J.	\$1,424.83
YOUNG, KRISTEN L.	\$1,438.27
WURST, RANDALL W.	\$1,359.21
HILLING, NICHOLAS A.	\$1,938.06
MEIER III, CHARLES A.	\$1,755.00
ZACHARIAS, STEVEN B.	\$1,462.05
NEWMAN, MARK J.	\$1,348.58
LOUGHMILLER, JOHN A.	\$1,702.84
GRIFFITH, JOHN J.	\$2,998.09
EATON, BRAD A.	\$2,643.61
WILSON, TIMOTHY J.	\$2,756.01
LAVOIE, RICHARD L.	\$2,290.80
STEVENS, BRANDON C.	\$2,542.21
DRAVES, MARTIN J.	\$2,778.51
ANDERSON, ELIZABETH A.	\$1,338.42
KENWABIKISE, DAVID L.	\$1,184.64
ELLIOTT, PATRICK M.	\$3,083.00
SCHWARTZFISHER, JOSEPH L.	\$1,453.64

PAYROLL (NET PAY) 03/18/2022 (CONT)

BRADLEY, KELLY R.	\$1,367.56
HART II, DELBERT W.	\$1,837.02
JONES, ROBERT F.	\$1,563.02
FARRELL, MITCHELL L.	\$1,400.64
THORP JR, WILLIAM D.	\$1,454.83
LEITNER, RYAN S.	\$1,516.65
FERGUSON, ROYCE L.	\$1,441.49
KNORR, KENT J.	\$2,026.00
ANZELL, BETH A.	\$1,367.26
WASHBURNE, MICHAEL J.	\$195.84
BOSS, SHERRY M.	\$118.69
MCDERMOTT, DENNIS J.	\$996.09
DOE-NIMPHIE, SETH K.	\$113.23
HAGEN, MADISON L.	\$65.28
KUPPE II, KENNETH N.	\$123.34
BERTINELLI, DAVID P.	\$141.53
JOY, ANNE E.	\$590.32
MATTACK, JEFFREY C.	\$595.79
HILLIGAN, ABIGAIL B.	\$437.27
MAY, MEREDITH A.	\$130.38
PEARSALL, KRISTA M.	\$44.04
WELLS, JANINNA J.	\$90.59
BOSS, BEAU J.	\$1,537.64
BEMIS, GARRETTSON G.	\$425.37
COFFEY, JASON J.	\$953.52
GILL, DAVID R.	\$450.26
LIVINGSTON, BRIAN D.	\$647.27
WYMAN, MATTHEW A.	\$1,809.69
MILLER, WILLIAM S.	\$1,000.98
DOUGLAS, MARK	\$1,018.31
MCCRANEY, RUSSELL R.	\$1,167.07
FRATRICK, JOSEPH W.	\$503.21
PAALMAN, STEPHEN J.	\$169.16
WHITLEY, ANDREW T.	\$2,904.81
MORRISON, KEVIN P.	\$1,250.66
BOSS JR, DALE E.	\$1,296.79
MATTER, DAWSON K.	\$249.09
HOLM, ARTHUR R.	\$1,263.77
WILLSON, BRENDA R.	\$45.28
	<u>\$93,471.30</u>

REGULAR ACCOUNTS PAYABLE 03/22/2022

ACE HARDWARE	\$2,215.04
ACME SPORTS INC	\$1,021.95
AMAZON CAPITAL SERVICES	\$591.91
ASPEN WIRELESS TECHNOLOGIES INC	\$1,122.00
AUTO-WARES GROUP	\$28.63
AVFUEL CORPORATION	\$18,107.83
BARNUM, JILL	\$29.10
BELL EQUIPMENT COMPANY	\$1,040.08
BRADFORD MASTER DRYCLEANERS	\$26.00
CAREY, LEAH	\$145.50
CARQUEST OF CHARLEVOIX	\$2,246.61
CDW GOVERNMENT	\$793.13
CENTRAL DRUG STORE	\$126.26
CHARLEVOIX SEWER & DRAIN	\$275.00
CHARLEVOIX TOWNSHIP TREASURER	\$86.88
CINTAS CORPORATION	\$169.36
CITY OF CHARLEVOIX - UTILITIES	\$48,439.81
CLEAR WATER PLUMBING & HEATING	\$150.00
COLE, SAMANTHA	\$75.00
CONWAY PROFESSIONAL SERVICES	\$1,362.50
DOTSON, LINDSEY J.	\$304.22
EDGEWATER RESOURCES LLC	\$4,356.75
ELMER'S CRANE & DOZER INC	\$1,893.75
FAMILY FARM AND HOME	\$279.29
FASTENAL COMPANY	\$182.80
FERGUSON & CHAMBERLAIN	\$225.00
FERGUSON'S	\$201.02
GINOP SALES INC	\$1,742.41
GRAINGER	\$2,144.78
HACH COMPANY	\$174.91
HUNTINGTON NATIONAL BANK	\$131,250.00
HYDROCORP	\$562.50
JOPPA HOUSE MINISTRIES PROGRAM	\$21,500.00
KILKENNY, PATRICK	\$429.71
KSS ENTERPRISES	\$188.61
LITTLE TRAVERSE DISPOSAL LLC	\$60.00
MAKI, KARI	\$29.10
MCCARDEL CULLIGAN-PETOSKEY	\$51.50
MICHIGAN OFFICEWAYS INC	\$1,842.99
MOSCA DESIGN	\$645.00
NAVIA BENEFIT SOLUTIONS	\$50.00
NCL OF WISCONSIN INC	\$820.19
OLESON'S FOOD STORES	\$21.14
OLSON BZDOK & HOWARD	\$961.00
OMS COMPLIANCE SERVICES INC	\$60.00

REGULAR ACCOUNTS PAYABLE 03/22/2022 (CONT)

PENINSULA FIBER NETWORK LLC	\$470.00
PERFORMANCE ENGINEERS INC	\$13,715.00
PLUNKETT COONEY	\$200.00
POWER LINE SUPPLY	\$907.00
PREIN & NEWHOF	\$1,165.00
SCIENTIFIC BRAKE - GAYLORD	\$325.03
STRICKER'S OUTDOOR POWER EQUIPMENT	\$61.00
SUPERIOR MECHANICAL OF CHARLEVOIX LLC	\$216.11
TELEDYNE INSTRUMENTS INC	\$1,365.43
TEUSCHER, MATT	\$75.00
TRANSUNION RISK AND ALTERNATIVE	\$75.00
UNIFIRST CORPORATION	\$666.17
UNIVERSAL CREDIT SERVICES INC	\$10.00
USABUEBOOK	\$1,707.61
UTILITIES INSTRUMENTATION SERVICE INC.	\$2,256.85
UTILITY FINANCIAL SOLUTIONS	\$21,436.25
VERIBANC INC	\$500.00
WEX BANK	\$8,737.66
ZIXCORP	\$1,108.50
	\$303,026.87

ACH/WIRE PAYMENTS 03/03/2022-03/18/2022

AMG PAYMENT SOLUTIONS	\$24.99
PAYMENT SERVICE NETWORK INC	\$258.40
MI PUBLIC POWER AGENCY	\$17,951.46
DTE ENERGY	\$10,161.18
STATE OF MI (SALES TAX)	\$22,492.46
MI PUBLIC POWER AGENCY	\$40,357.71
IRS (PAYROLL TAX DEPOSIT)	\$33,971.12
ALERUS FINANCIAL (HCSP)	\$350.00
STATE OF MI (WITHHOLDING TAX)	\$5,024.15
VANTAGEPOINT (401 PLAN)	\$957.68
VANTAGEPOINT (457 PLAN)	\$19,327.31
VANTAGEPOINT (ROTH IRA)	\$1,080.76
MERS (DEFINED BENEFIT PLAN)	\$49,598.89
	\$201,556.11

TAX DISBURSEMENT 03/09/2022

CHARLEVOIX COUNTY TREASURER	\$4,592.00
CHARLEVOIX DISTRICT LIBRARY	\$3,851.53
CHARLEVOIX PUBLIC SCHOOLS	\$34,264.06
CHARLEVOIX-EMMET ISD	\$9,144.08
CITY OF CHARLEVOIX - TAXES DUE	\$2,974.48
LAKE CHARLEVOIX EMS AUTHORITY	\$3,394.49
RECREATIONAL AUTHORITY	\$744.40
	\$58,965.04

Charlevoix Planning Commission

New Business

Title: Revised ADU Architectural Standards

Date: July 11, 2022

Presented By: Jennifer Neal, Community Planner

Background:

Per direction received by the City Attorney, revisions to the ADU Standards draft ordinance amendment are provided for review. Included is a cover memo describing the general comments that led to the revisions, the revised ordinance amendment, and an example of Residential and Building Design Guidelines from Plymouth Township.

Recommendation:

For discussion only.

Attachments:

1. Draft ADU architectural standards cover letter
2. Draft ADU architectural standards w changes
3. Plymouth Twp Design Standards

MEMO

To: City of Charlevoix, Planning Commission
From: Jennifer Neal, Planner
Subject: Review of Legal Comments Pertaining to Architectural Standards
Date: July 11, 2022

Background

Upon Planning Commission review and recommendation of approval to the City Council at their regular meeting held January 10, 2022, the draft Accessory Dwelling Unit (ADU) Standards were sent to the City Attorney for legal review. The City Attorney has reviewed and responded with a letter addressed to Jenni Neal, Planner dated June 10, 2022. The City Attorney recognized the intent of the draft ordinance amendment, but seeks a revised amendment that addresses issues she found with the proposed language. The specific contents of the letter are Confidential Attorney-Client and Work Product Privilege and are not intended to be shared publicly. Changes to the draft ADU Standards are prepared for your consideration and discussion. A brief description of the intent behind the recommended changes is included in this memo.

Comments

When developing Zoning Ordinance language, there are several aspects that need to be considered.

The first is clarity. While often technical, the Zoning Ordinance language should be clear and concise. It should be specific and unambiguous. This is often accomplished by providing definitions for terms with specific meanings that will be used in the interpretation of the word or entire sections. Definitions are added to the revised draft ADU Standards to clarify the intended meaning of the terms. The definition applies to each use of the term throughout the Zoning Ordinance.

Draft ordinance language should not be redundant or conflict with existing language. Redundancies and potential conflicts are usually unintended and difficult to avoid when regulations and standards are identified in multiple sections. To maintain clarity, typically one section should contain the standards for all districts (such as parking, landscaping, and lighting) and referenced throughout. Additional cross references are included in the proposed language where additional ADU standards are provided.

The draft ADU Standards deal specifically with accessory buildings that incorporate one dwelling unit. Through multiple meetings, this was decided intentionally; general accessory buildings were not included. There is concern that ADUs are being held to a higher aesthetic standard than other accessory buildings. This is especially concerning for accessory buildings of the same type such as garages. The City must either clearly identify why there is a need to regulate ADUs with different aesthetic standards than general accessory buildings, or establish consistent aesthetic standards for all accessory buildings. The revised draft ADU Standards incorporate additional language for garages in Section 153.116(A). Staff is awaiting an answer as to whether the aesthetic standards in Sections 153.116(B) and 153.117(D) address the identified concern.

Specificity refers to the general use of "may" or "can" instead of "shall" or "should". Preferences should be phrased as requirements to maintain clarity when determining whether or not the standard is met. Requirements clearly define the expectations of the City and the criteria for which the Commission or the Zoning Administrator will implement the desired intent. Where general discussion and background information is necessary it should be provided in a separate guidance document such as the Master Plan. If additional design standards are developed a separate section may be warranted. An example of codified residential and building design standards from Plymouth Township are also included.

These are general aspects to ensure the policies described in the Master Plan are carried out in the legal framework of the Zoning Ordinance.

Next Steps

Staff request Planning Commissioner feedback on the recommend changes and discussion as to whether the intent of the original ADU Standards have been upheld in the revised document or if additional changes are needed.

**Draft Zoning Ordinance Amendment
For Planning Commission Review
July 11, 2022**

**ADU Building Type Standards Draft
Proposed Language Marked in Red
Language in Red Removed**

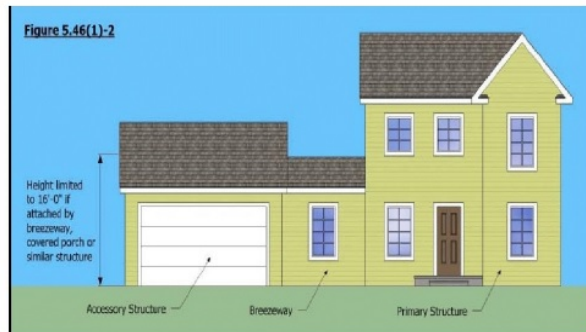
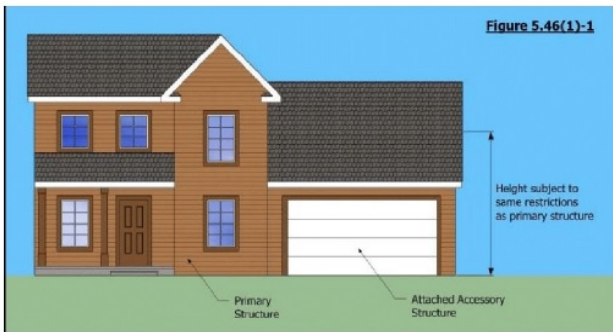
Section 153.005 *Definitions*

Accessory dwelling unit (ADU). See Dwelling Unit: Dwelling, Accessory (ADU).

Accessory Structure. See Structure, Accessory. An attached or detached structure on the same lot with and of a customarily incidental nature that is subordinate to the principal use or building/structure. (See § 153.116 of this chapter.)

Structure. Anything constructed or erected requiring a permanent location in or on the ground, or that must be attached to something having such a permanent location. Structures include, but are not limited to, houses, buildings, accessory structures or buildings, fences, signs, decks, parking lots, access drives and swimming pools.

Structure, Accessory. An attached or detached structure on the same lot with and of a customarily incidental nature that is subordinate to the principal use or building/structure. (See § 153.116 of this chapter.)



(d) Dwelling, Accessory (ADU). An accessory building that incorporates one dwelling unit A second unit on an owner-occupied single-family parcel that is a minimum of three hundred (300) and less than six hundred fifty (650) square feet and is either attached to the principal dwelling or in a separate structure on the same parcel.

Add figure for detached ADU Building

Section 153.072(C) Dimensional requirements: square footage for accessory dwelling units and home conversion units. Square footage for accessory dwelling units and home conversion units shall conform to the requirements of Table 153.072(c).

Table 153.072(c): Dimensional Requirement: Square footage for Accessory Dwelling Units and Home Conversion Units		
Zoning District	Minimum	Maximum
R2	300	900 650

Section 153.116 Accessory Buildings and Uses.

(A) Accessory buildings and structures.

(1) Authorized accessory buildings and structures may be erected as part of the principal building, may be connected to the principal building by a roofed breezeway or similar structure or may be completely detached from the principal building.

(2) Where an accessory building is attached to the principal building, it shall be considered part of the principal building for purposes of determining setback dimensions and building height. If, however, the attached accessory building is connected to the principal building by a roofed porch, breezeway or similar covered structure, it shall not exceed 16 feet in height, shall not be closer than 20 feet to the rear lot line and shall meet the front and side yard setback requirements of that zone district.

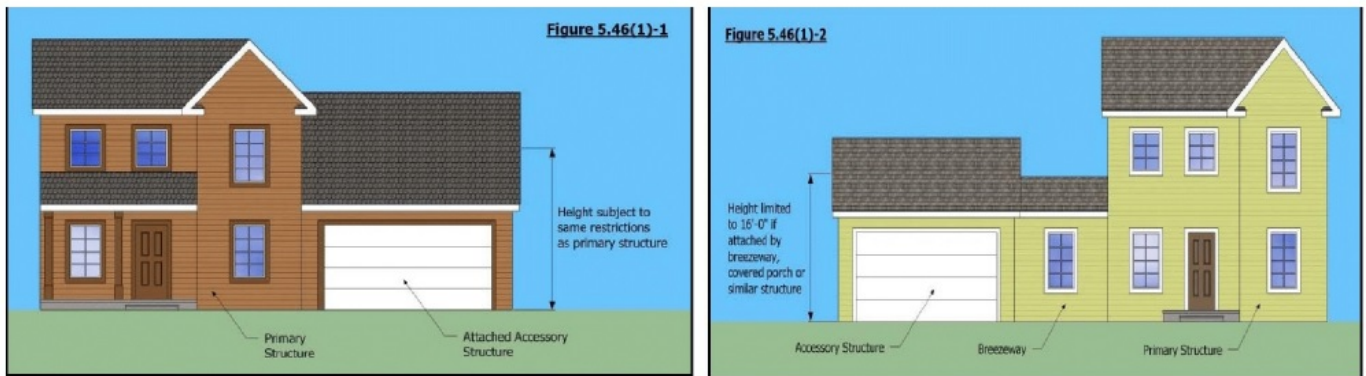


Figure moved to Section 153.005 Definitions – see above

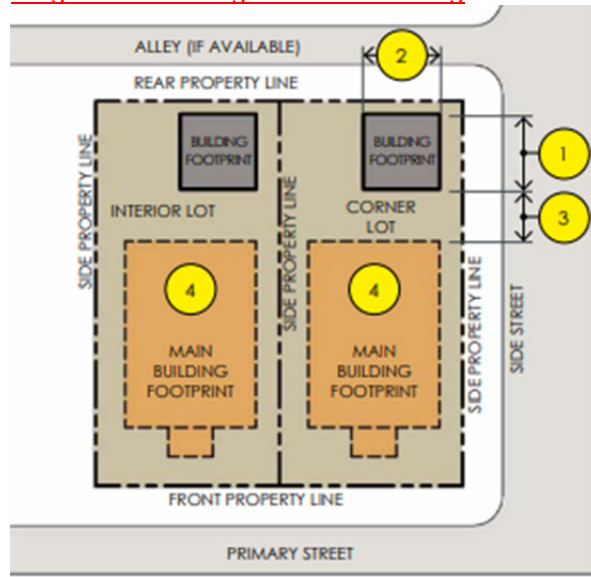
(3) In the R1 and R2 Single-Family Residential Districts, if the principal building has an attached accessory building, only one detached accessory building shall be permitted.

(4) Lots in the R1 and R2 Zone shall be permitted to have a secondary detached accessory building, such as a storage shed. Secondary accessory buildings shall meet all the requirements of this section and not exceed 200 square feet in area.

(5) Building Size and Massing. Accessory buildings and structures shall meet the following requirements and Diagram A

- (a) No ~~detached~~ accessory building shall have a building footprint ~~greater than (30' (length x 30' width) (Diagram A: 1,2)~~ greater than 9002,000 square feet ~~with no side to exceed 30 feet. An accessory building shall not be larger than the main structure (Diagram A: 4).~~
- ~~(b) (6)~~ The minimum distance between a principal building and detached accessory buildings shall be ten feet ~~(Diagram A: 3)~~, and a minimum of ten feet shall be provided between the sides of adjacent single-family buildings and/or accessory structures.

Diagram A: Building Size and Massing



- ~~(67)~~ Detached accessory buildings and structures shall meet the following minimum setbacks.

- (a) Rear yard: six feet from a rear lot line. Detached accessory structures that store vehicles adjacent to alleys or sidewalks shall not be closer than 15 feet from the edge of the alley or sidewalk surface.
- (b) Side yards: an accessory building shall conform to the side yard setback requirements of the principal building, unless it is located in a street side yard, the minimum setback shall be 15 feet from the street side lot line.
- (c) Front yard: an accessory structure shall not be located within any front yard.

Add figure for detached accessory building

7. Garages

- (a) Garage doors over 10 feet wide are not allowed.
- (b) Detached garages on corner lots should face side streets. Detached garages on the corner side with driveways extending from the front street are prohibited. When an alley is available, access will come from the alley.

- (8) Detached accessory structures shall not exceed ~~17'6"~~46 feet in height.
- (9) Prohibited uses within detached accessory structures or accessory structures connected by a breezeway or similar structure in all districts except the R2 Zone:
- (a) May not contain features that form a habitable dwelling unit or create a second dwelling unit;

(b) These structures may contain utility sinks, one bathroom, and refrigeration units. Full kitchen facilities that include a range or stove are prohibited; and

(c) Rooms within accessory structures may be used for additional sleeping quarters for the owner, or resident, and their immediate family provided that these rooms may not be rented out as short or long term rentals for any length of time.

(10) Stand-alone carports are prohibited in all zones. Carports attached to existing structures shall meet the requirements of this chapter. Tents, wall tents, garages in a box and similar enclosures are prohibited.

(11) Permanent greenhouses shall be considered an accessory structure and meet the requirements of this section.

(B) Accessory Dwelling Units

(a) Accessory dwelling unit building type description

~~The accessory dwelling unit building type is a small- to medium-sized detached accessory structure that incorporates one dwelling unit. The unit may be located above a first floor garage. This specific type of ADU is known as a Carriage House. ADUs are typically located at the rear of the lot within a primarily single-family neighborhood in a walkable urban setting. The accessory dwelling unit building type enables well-designed higher densities. It is an essential building type for providing a broad choice of housing types.~~

~~(1) Precedent of the accessory dwelling unit building type Examples of ADUs. The following images are intended as examples only and should be used for inspiration in the creation of ADU projects.~~

~~The following images represent precedent examples of the accessory dwelling unit building type. They are intended as examples only and should be used for inspiration in the creation of ADU projects within the City of Charlevoix Form-Based Code area.~~





Figure removed

(c) Building size and massing

Building type and massing shall meet the following requirement of Diagram A

Diagram A Building Size and Mass

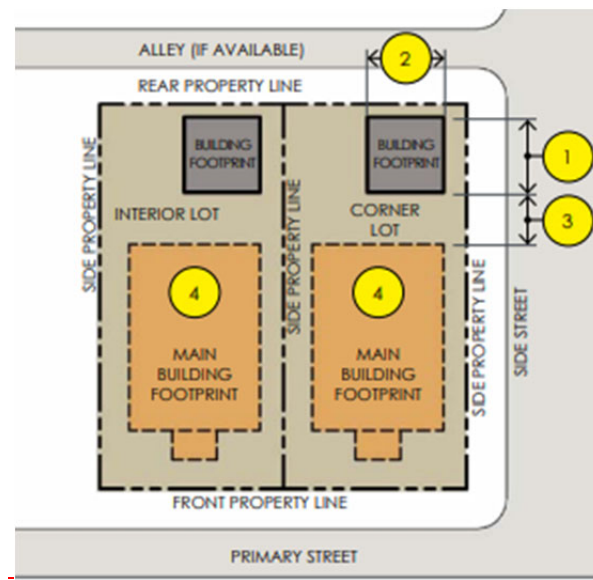


Figure moved to Section 153.116(A.5.)

1. Building width (side facing street): 30 feet maximum.

2. Building depth: 30 feet maximum.

3. Separation from main building: 10 feet minimum. The accessory dwelling unit building type may be connected to the main building with an uninhabitable space such as a breezeway.

4. The accessory dwelling unit building type is only allowed on lots where the parcel has an allowed residential use and is one of the following building types:

- a. Small Multi-plex Building Type
- b. Live / Work Building Type
- c. Rowhouse Building Type
- d. Duplex Building Type
- e. Detached House Building Type

5. Lot coverage: See Section 153.152

6. Building footprint shall not exceed the footprint of the main building on the lot.

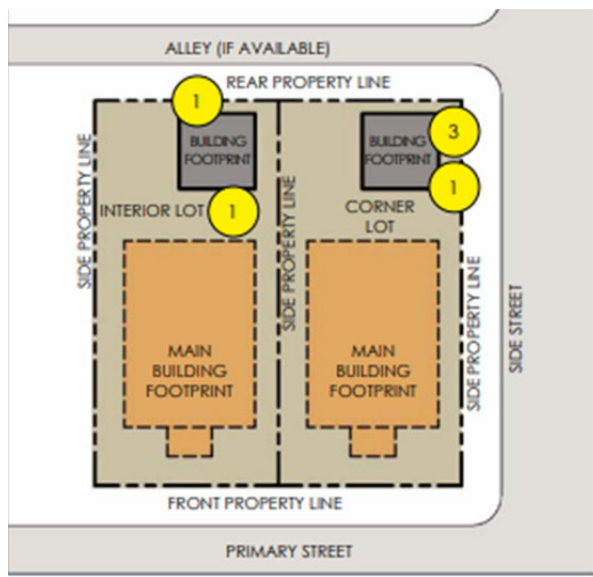
7. Detached garages on corner lots should face side streets. Detached garages on the corner side with driveways extending from the front street are prohibited. When an alley is available, access will come from the alley.

8. Front loaded attached garages protruding from the front elevation of a residence are the least desirable. A three foot (3') minimum offset of such a garage allows for variation of facade, the front of the garage shall be setback a minimum of Ten (10') from the projection of the front porch or building line.

(2) Ground floor pedestrian access and activation. Accessory dwelling unit building type ground floor entrances shall meet the following requirement of Diagram B

- (a) Entrance for upper unit is required to be accessed from the alley, side street, or internal to the lot.
- (b) Entrance for upper unit shall not be through a garage.
- (c) Parking may be accessed from the alley, side street, or primary street per the requirements for off-street parking access in the zoning district.
- (d) Parking may be accessed from the front street only when there is no adjacent alley or side street.

Diagram B Ground Floor Access



(e) Number of Units

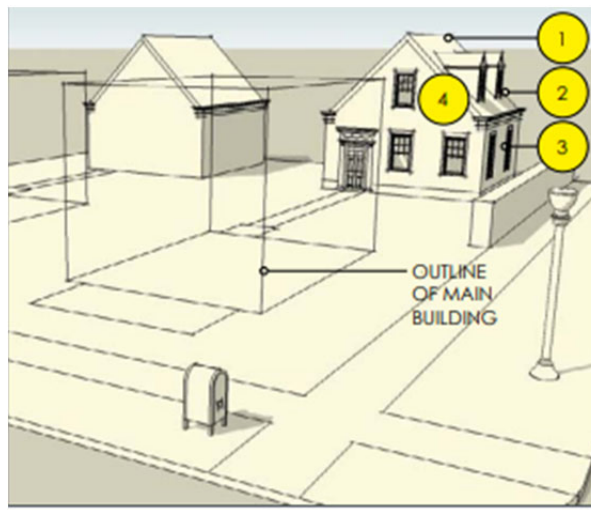
~~1. Total of 1 unit per building~~

3. Façade Composition Requirements. ADU building type façade composition shall meet the following requirements and Diagram C

~~Building Type façade composition shall meet the following requirements and Diagram C~~

- ~~a. Building with a flat roof, shall have a cornice expression line. or A pitched (sloped) roof that is shall be compatible with the architecture of the main building (1).~~
- ~~b. Transparency Upper Floor: Building facades facing streets shall have minimum 10% of the façade be glass between the finish floor line of the second story and bottom of the cornice expression line or bottom eave (2).~~
- ~~c. Transparency Ground Floor: Building facades facing streets shall have minimum 10% of the façade be glass between the adjacent grade and the finish floor line of the second story (3).~~
- ~~(d) Garage doors over 10 feet wide are not allowed.~~
- ~~(e) Window color and finish should complement color and architectural style of the principal building (4).~~
- ~~(f) Accessory building's exterior finishes will be constructed of similar materials as the principal building or traditional materials such as wood, wood lookalike, brick, or stone.~~
- ~~(g) For additional design criteria refer to Section 153.117.D~~

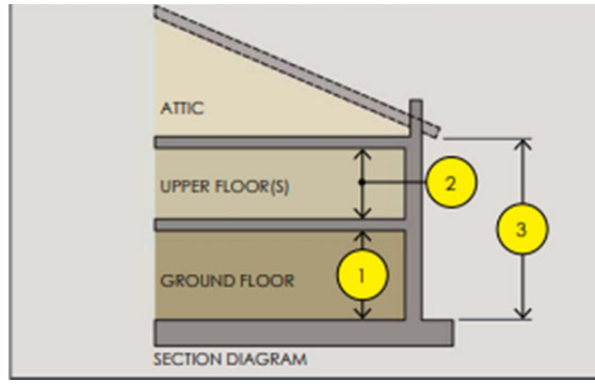
Diagram C Façade Composition Requirements



~~3.4. Building Type Floor Height Requirements. Building Type floor heights shall meet the following requirements and Diagram D.~~

- ~~1. Ground floor: Floor to ceiling height shall be 8 feet minimum.~~
- ~~2. Upper floors: floor to ceiling height shall as required by Building Code.~~
- ~~3. Overall height of Building Type is regulated by Zoning District, refer to Section 153.072~~

Diagram D Building Height Story Height



~~B-(C)~~ Additional requirements for swimming pools and hot tubs

~~C-(D)~~ Bed and Breakfast establishments

~~D-(E)~~ Boathouses and upland dredging

Continued

Section 153.117 *Residential Uses.*

(A) *Dwellings, single-family attached or detached (outside manufactured home communities).* All dwelling units located outside a licensed manufactured home community shall comply with the following.

(1) A dwelling unit shall conform to the minimum floor area requirements of the district in which it is located.

~~—(2) A dwelling unit shall have a minimum floor to ceiling height of seven feet, six inches; or, if a manufactured home, it shall meet the requirements of the United States Department of Housing and Urban Development Regulations, entitled *Mobile Home Construction and Safety Standards*, effective 6-15-1976, as amended.~~

(23) The minimum width of a single-family dwelling unit shall be 22 feet for at least 67% of its length, measured between the longest exterior walls.

(34) All dwelling units shall comply with the state's Construction Code as promulgated by the state's Construction Code Commission under provisions of Public Act 30 of 1972, as amended, being M.C.L.A. §§ 125.1501 et seq. or the *Mobile Home Construction and Safety Standards*", as promulgated by the United States Department of Housing and Urban Development, being 24 C.F.R. part 3280, and as from time to time such standards may be amended.

(45) A dwelling unit shall be attached to a permanent foundation constructed in accordance with the State Construction Code and shall have the same perimeter dimensions as the dwelling. In the case of a manufactured home, it shall be installed per the manufacturer's set-up instructions and shall be secured to a foundation by an anchoring system or device complying with the rules and regulations of the state's Manufactured Housing Commission or the state's Construction Code, whichever is stricter.

(56) If provided, the wheels of a manufactured home shall be removed and the towing mechanism, undercarriage and chassis shall not be exposed.

(67) All dwellings shall be connected to city sanitary sewer and water utilities.

(78) Any addition to a dwelling shall meet all the requirements of this chapter.

(89) A dwelling may have either a roof overhang of not less than six inches on all sides or, alternatively, a roof drainage system that concentrates water at collection points and discharges it away from the dwelling.

(D) *Accessory dwelling unit (ADU).*

(1) ADUs are subject to all applicable regulations of the zoning district in which they are located unless otherwise expressly stated in this section. ADUs are considered an accessory building and shall fit within the standards of § [153.116](#)(A) which covers both attached and detached ADUs. All ADUs are required to obtain a zoning permit prior to construction.

(2) In districts that allow ADUs, they may be allowed on any legal parcel of record as of January 1, 2019, and there shall be an existing principal residential use on the parcel.

(3) At least one of the units on the parcel shall be occupied by [a long term renter or](#) an owner with at least 50% interest in the subject property. The owner [or renter](#) shall occupy either the principal dwelling unit or the ADU as their permanent residence ~~via Michigan homestead exemption~~. An ADU shall not be sold independently of the primary dwelling on the parcel. Short-term rentals of ADUs shall only be allowed in compliance with the standards and requirements of this Zoning Ordinance and the City of Charlevoix Code of Ordinances.

~~—(4) The minimum square footage of an ADU is 300 square feet. The maximum square footage of an ADU is 650 square feet.~~

~~(54)~~ A permanent foundation is required.

~~(56)~~ The maximum lot coverage for parcels with an ADU may be increased to a maximum of 50% when stormwater runoff equivalent to 20% of the lot coverage area is collected in rain barrels, rain gardens, or is mitigated via porous concrete or other materials on the parcel. [See Section 153.152](#)

~~(67)~~ The ADU shall be designed so that the appearance of the structure maintains that of a single-family dwelling. [In determining whether an ADU is so designed, the following criteria shall be considered:](#)

- [\(a\) Window color and finish should complement the color and architectural style of the principal building.](#)
- [\(b\) Exterior finish should be constructed of similar materials as the principal building or traditional materials such as wood, wood lookalike, brick, or stone.](#)
- [\(c\) Driveways are required to be constructed of concrete or masonry to the back of the sidewalk. Stamped and colored concrete, interlocking pavers \(impervious\), concrete with brick borders, and exposed aggregate concrete paving is encouraged. Color, pattern, and design should complement that of the proposed new home or renovated home. Asphalt, shell, mulch, grass and gravel driveways are prohibited.](#)

~~(78)~~ Any exterior staircases that provide access to a second floor ADU shall not be on the front of either the principal dwelling or the ADU.

~~(89)~~ *Dimensional requirement modifications.* Under some circumstances certain dimensional requirements modifications may be granted by a Special Land Use Permit after a site plan review by the Planning Commission. Application for modifications may be applied for new construction or pre-existing structures built prior to 2019 that are located within the required setbacks of the district. In order to grant a Special Land Use permit for any modifications all of the following must be met:

- (a) That any walls within the setback areas comply with applicable building and fire codes.
- (b) That a setback requirement of a minimum of 5 feet from the side and rear property lines shall be required.
- (c) The location and design of the ADU maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, air, or parking of adjacent properties.

(d) Windows on the ADU that impact the privacy of the neighboring side or rear yards have been minimized or screened.

(G) *Single-family attached and single multiple-family buildings.*

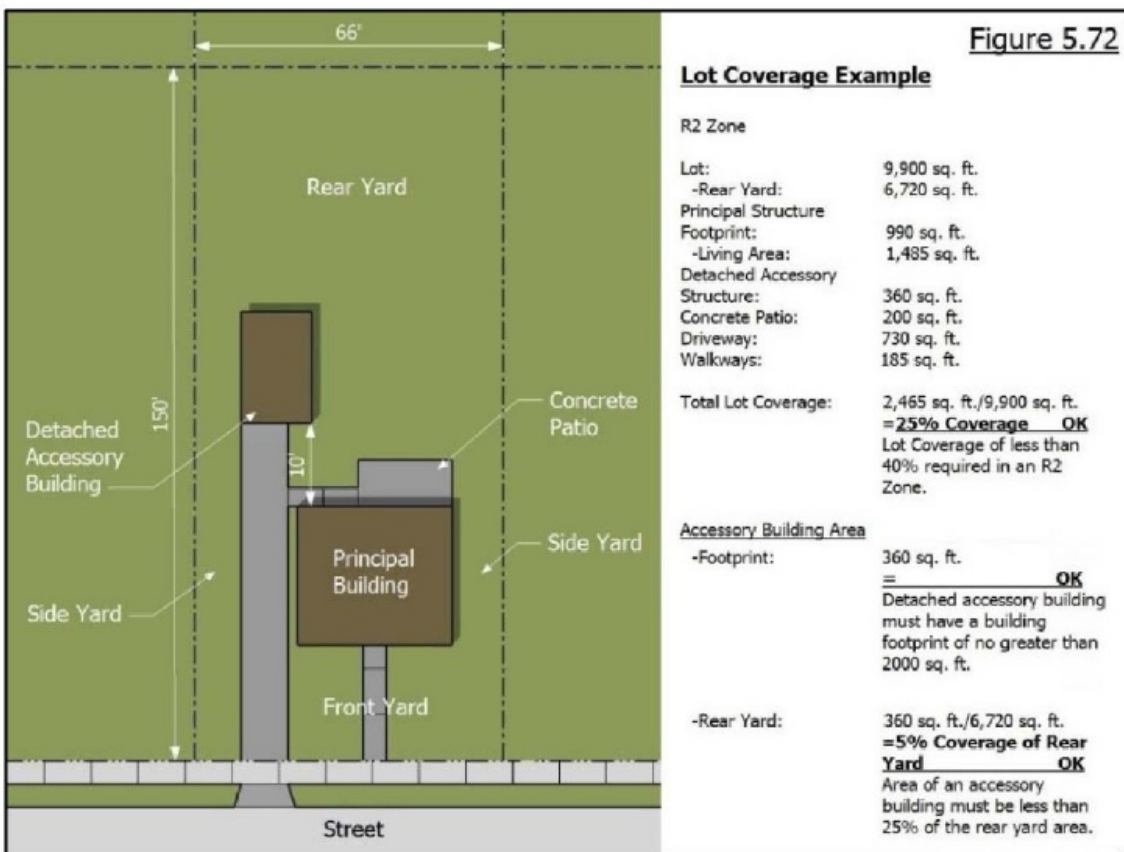
(8) Porches and stoops may project into the yards [in accordance with Section 153.149.](#)

(9) Façade elements above the ground floor may project into the yards [in accordance with Section 153.149.](#)

Section 153.152 Lot Coverage Requirements.

(A) Lot coverage requirements in all zones shall be calculated by dividing the total area of the lot by the total square footage of all impervious surfaces.

(B) Use of materials such as gravel or stone, pavers and similar permeable surfaces shall not count be calculated in lot coverage, however; the use permeable surfaces shall not exceed 60% of the lot area.



(C) [Accessory buildings and structures refer to Section 153.117.D](#)

ARTICLE XXVIII

SPECIAL PROVISIONS

The following special provisions shall be applicable to all zoning districts, unless otherwise indicated in this Article or the district.

SPECIAL PROVISIONS	
DEVELOPMENT RELATED PROVISIONS	
28.1	CONDOMINIUM SUBDIVISIONS
28.2	DIVISION OF UNPLATTED LAND
28.3	RESIDENTIAL DESIGN STANDARDS
28.4	DWELLING LOCATIONS
28.5	ENVIRONMENTAL PERFORMANCE REQUIREMENTS
28.6	LANDFILL, GRADING AND EXCAVATION
28.7	WATER SUPPLY AND DISPOSAL SYSTEM
28.8	EXTERIOR LIGHTING
28.9	WASTE RECEPTACLES
28.10	UNDERGROUND UTILITIES
28.11	WIRELESS COMMUNICATION FACILITIES AND SERVICES
28.12	NATURAL GAS, OIL AND OTHER PETROLEUM RELATED FACILITIES
28.13	OPEN SPACE PRESERVATION OPTION
28.14	BUILDING DESIGN STANDARDS
28.15	YARD GRADING AND DRAINAGE
28.16	SIDEWALKS
28.17	FIRE APPARATUS ACCESS (added 4/09/09)
28.18 - 28.19	RESERVED
DIMENSIONAL PROVISIONS AND EXCEPTIONS	
28.20	BUILDING PROJECTIONS AND YARD AREA ENCROACHMENTS
28.21	FRONT YARD EXCEPTIONS
28.22	STREET SETBACK AND RIGHT-OF-WAY REQUIREMENTS
28.23	HEIGHT EXCEPTIONS
28.24	LOTS ADJOINING ALLEYS
28.25	CORNER VISIBILITY AND CLEAR VISION ZONES
28.26	ESTABLISHED SINGLE FAMILY PATTERN PRESERVATION
28.27	RESIDENTIAL NONCONFORMING LOT HEIGHT LIMIT
28.28 –28.29	RESERVED
GENERAL PROVISIONS	
28.30	ACCESSORY USES AND BUILDINGS IN BUSINESS AND INDUSTRIAL DISTRICTS
28.31	PLACEMENT OF AIR CONDITIONING CONDENSER UNITS AND SIMILAR ACCESSORIES

Article 28: Special Provisions

- (c) The Township Supervisor shall grant final approval of a land division application upon determination that the proposed division conforms with the requirements of this Section and Ordinance, and any Community Development Department conditions of the tentative approval.

3. Standards for Approval

Each resulting parcel shall meet all applicable requirements of this Ordinance, and the following:

- a) The depth of each resulting parcel shall not be greater than four (4) times the parcel width (4:1) at the front parcel boundary. Land divisions may be approved where the existing parcel and resulting parcels exceed this maximum 4:1 length to width ratio, where the proposed division would improve compliance with this Section.
- b) Each resulting parcel shall abut a dedicated and improved public street, or an approved private road with a dedicated private right-of-way easement and roadway pavement and improvements constructed and maintained in compliance with Chapter 43, Private Road Construction and Maintenance, of the Charter Township of Plymouth Code of Ordinances.
- c) Each resulting parcel shall have access to sufficient right-of-way for utilities and services (including but not limited to water, sanitary sewer, storm sewer, gas, electric, telephone and street lighting), a driveway, sidewalks, road access and other improvements reasonably necessary for the type of development and the circumstances of the particular case.

4. Approval Limitation

Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.

SEC. 28.3 RESIDENTIAL DESIGN STANDARDS

Any new one family detached dwelling unit located outside a mobile home park, erected after the effective date of adoption or amendment of this Ordinance shall be subject to the following conditions prior to issuance of a building permit:

1. Purpose and Intent

The purpose of this Section is to protect the economic welfare and property values of surrounding residential uses, and the Township as a whole, by establishing reasonable and consistent standards governing the design and appearance of all dwellings, including manufactured homes, mobile homes, modular homes or site ("stick") built homes where developed on individual lots or home sites within the Township. It is the intent of these regulations to allow architectural variation and variation in housing types and styles, while ensuring reasonable compatibility of dwellings in a manner that will not adversely affect

the stability, desirability of, and investment in, existing neighborhoods and to realize development consistent with the Township Master Plan.

2. Dimensional Standards

Such dwelling units shall comply with the minimum standards listed in Article 20 for the zoning district in which it is located, including minimum lot area, minimum lot width, minimum floor area, required setbacks, and maximum building height, except as provided in Section 27.1 for nonconforming lots or parcels of record in the R-1 District.

3. Local, State and Federal Standards

Such dwelling units shall conform to all applicable Township codes and ordinances and the State Construction Code. All construction, plumbing and electrical apparatus and insulation within and connected to a manufactured home shall conform to the "Manufactured Home Construction and Safety Standards" [United States Department of Housing and Urban Development (HUD)]. Additionally all minimum requirements for roof snow load and strength shall be met.

4. Foundation

Such dwelling units shall be firmly attached to a permanent foundation constructed on the site in conformance with the State Construction Code, with a perimeter wall constructed of such type and materials as required in the State Construction Code for one family dwellings. Manufactured homes shall have a perimeter wall as required above, and shall be installed and secured to the premises by an anchoring system or device in conformance with the manufacturer's instructions and the Michigan Manufactured Housing Commission General Rules.

5. Storage Area

Each such dwelling unit shall contain a storage area equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever is less. This storage area shall consist of a basement, attic, attached garage, or a separate detached accessory structure which complies with the standards of this Zoning Ordinance regarding accessory buildings and structures. The intent of these standards is to limit the extent of outdoor storage.

6. Compatibility

Such dwelling unit shall be compatible in design and appearance with other dwellings in the residential development or surrounding residential areas. The compatibility of design and appearance shall be determined by the Chief Building Official, subject to appeal by an aggrieved party to the Zoning Board of Appeals. In reviewing any proposed dwelling for compatibility in design and appearance, the Chief Building Official shall insure that the following provisions are met, based upon a comparison to the character, design and appearance of any dwelling unit on abutting lots, plus a minimum of five (5) dwelling unit on lots in the surrounding neighborhood:

- (a) Exterior finish materials (brick, stone, siding, windows, etc.) shall be similar to dwellings located in the residential development or the surrounding residential neighborhood, and shall be comparable in composition, appearance and durability to exterior material commonly used for site built homes.
- (b) Roof designs and roofing materials shall be similar to dwelling units located within the residential development or in the surrounding neighborhood, subject to the following:
 - 1) The pitch of the main roof shall have a minimum vertical rise of one foot per four feet of horizontal run (1:4).
 - 2) Dwellings shall be designed with overhangs or eaves extending a minimum of one (1) foot from each building wall.
- (c) The dwelling's exterior building wall configuration in regards to width to depth ratio shall reasonably conform to the configuration of dwelling units located within the residential development or in the surrounding neighborhood.
- (d) The minimum width across any front, side or rear elevation shall be twenty four (24) feet.
- (e) The above standards shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or variation from the common or standard designed home.

SEC. 28.4 DWELLING LOCATIONS

1. Principal Buildings

In all AG, R-1-E, R-1-H, R-1-S, R-1, R-M and R-2 Districts, only one (1) principal building shall be placed on a lot of record, including a single lot in a recorded subdivision plat or site condominium development, or a single parcel created by a metes-and-bounds land division.

2. Accessory Structures

Accessory structures are not permitted on a lot without a principal building.

3. Lot Width

Every single family dwelling shall be located on a lot, parcel or tract of land having a width of not less than sixty (60) feet at the front or rear building line, whichever is less, except as provided in Section 27.1 for nonconforming lots or parcels of record in the R-1 District.

4. Street Right-of-Way

Every single family dwelling shall be located on a lot which abuts a dedicated and

- (c) Where sites include linear features, such as existing access roads, tree lines, and stone rows, roads shall follow these features to minimize the visual impact of the roads.
- (d) Use of common driveways to serve up to two (2) units is permitted to minimize the amount of paving and reduce the number of curb cuts onto public roads.

9. Stormwater Management

- (a) Existing natural drainage shall be maintained to the maximum extent feasible.
- (b) Retention and detention basins, where proposed or required, shall resemble natural ponds with gradual slopes and shall be landscaped with plant material that enhances the wildlife habitat.

10. Landscaping and Lawns

- (a) Existing trees and other plant growth shall be preserved in areas where disturbance is not necessary outside of the building envelope.
- (b) Conversion of woods, meadows, and other natural features into lawns shall be avoided, except where lawn areas are a part of the open space design or serve as residential yard space.
- (c) Landscaping shall be required as specified in Article 26.

11. Existing Structures

- (a) When a parcel contains existing structures deemed by the Planning Commission or Township Board to be of historic, cultural or architectural significance (such as farm structures), and where these structures are suitable for rehabilitation, the structures shall be retained.
- (b) Adaptive reuse of existing structures for residential use or permitted accessory residential uses shall be permitted.

SEC. 28.14 BUILDING DESIGN STANDARDS

1. Purpose and Construction

The purpose of this Article is to establish a consistent set of standards for the design and appearance of non-single-family residential structures, which includes buildings, canopies, or gateway structures, within each zoning district of the Township, in order to improve and enhance the overall visual character of the community. These standards are also intended to encourage architectural variety within the context of creating a high-quality and harmonious aesthetic environment. This Article shall apply to new construction as well as additions or alterations to existing non-single-family residential structures. All new construction, and/or all additions or alterations to existing non-single-

family residential structures that require site plan and/or administrative review shall conform to the requirements of this Section. This Article shall be construed consistently with the design and development requirements set forth in other Articles; however, to the extent that there is a conflict between a provision of another Article and this Article, the requirements of this Article shall control.

2. Building Massing and Form

- (a) All buildings shall incorporate architectural features, including, but not limited to: arches, arcades, porticos, cornices, peaked rooflines, or towers.
- (b) Building walls over 100 feet in length shall be broken up by varying rooflines, projections, recesses, wall insets, arcades, windows or faux windows, architectural accents, and other details to create rhythm and interest in building facades. Repeating patterns of changes in color, texture, and materials are encouraged.

3. Facade Materials

- (a) A minimum of 75% of all building facades, excluding the roof and windows, shall consist of masonry products, such as: brick, cut stone, integral colored split face block, cast stone, limestone, granite, or an equivalent material, as determined by the Planning Commission or the Administrative Review Committee. The use of aluminum metal panel systems may be permitted for buildings located within the Industrial District or an industrial area of a nonresidential district, or for buildings of a high-technology or industrial nature. Aluminum metal panel systems may also be permitted for automobile dealerships. The Planning Commission or Administrative Review Committee may modify the 75% exterior finish requirement, if the proposed project is found to meet the objectives of this Article.
- (b) The remaining maximum 25% of the building facade may utilize other materials such as: fiberglass-reinforced concrete, cement board siding, stucco, polymer plastic (Fypon), or EIFS, provided that such materials do not constitute the base of the building.
- (c) The facade materials for any screening structure, which may be used to screen elevators, stairways, tanks, heating and air conditioning equipment, vents, ducts, pipes, or other similar apparatus, shall complement the facade materials of the principal building.

4. Color and Texture

- (a) Variations in color shall be kept to a minimum.

- (b) Building colors shall be in harmony with the surrounding area. Traditional colors, such as: red, subtle earth tones, or neutral colors shall be used for the building facade material. Roof colors shall complement the color of the building facade. The use of high-intensity, metallic, or fluorescent colors is prohibited.
- (c) Accent colors may be permitted if considered by the Planning Commission, or the Administrative Review Committee, to be part of the overall architectural theme for the project.
- (d) Awnings located above windows and doors shall consist of a solid color and shall not incorporate stripes or patterns. Dark colors, such as: dark brown, navy blue, black, maroon, dark green, or dark red, are encouraged. Backlit or underlit awnings are prohibited.
- (e) Simple and uniform texture patterns within the building facade materials are encouraged.

5. Roof Design

- (a) Variations in the roofline are required to reduce the scale of the structure and add visual interest.
- (b) Rooftop equipment shall be screened from view by parapet walls or other architectural elements which complement the overall building design.

6. Canopies

Overhead canopies for gasoline service stations or other uses shall be designed to be compatible with the architectural characteristics and color of the principal building. Canopies shall incorporate peaked, hipped, or gabled roofs with shingles, support structures which match or simulate the materials of the principal building, and fully recessed lighting fixtures.

7. Alterations or Additions to Existing Buildings

- (a) For an alteration proposed to an existing building facade, the entire façade shall be subject to this Article. However, the Planning Commission or the Administrative Review Committee may limit compliance with this Article to only the portion of the building affected by the proposed alteration, provided that the materials and colors of the altered portion of the building complement the materials and colors of the existing unaltered portion of the building.
- (b) For an addition proposed to an existing building, the materials of the existing portion of the building may be utilized for the proposed addition, provided that the following conditions are met:

- 1) The addition does not exceed one hundred percent (100%) of the existing building floor area.
 - 2) The facade of the existing portion of the building does not consist of materials or colors that would be prohibited under Section 3 or 4 of this Article.
 - 3) All new facades substantially constitute a continuation of the existing facades relative to color, texture, size, height, and location of materials.
 - 4) The visual effect is to make the addition appear as part of the existing building.
- (c) If the alteration or addition is proposed for an existing building located within the Ann Arbor Road Corridor (ARC) District, then the entire building shall be brought into full compliance with this Article. The Planning Commission or the Administrative Review Committee may modify this requirement if the proposed project is found to meet the objectives of the ARC District.

8. Façade Modification

The Planning Commission or the Administrative Review Committee may approve alternatives to the exterior building design or materials, provided that the proposed project is found to be consistent with the intent and purpose of this Article.

SEC. 28.15 YARD GRADING AND DRAINAGE

All yard and open space areas in the Township shall be graded in a manner which shall avoid the ponding of stormwater unless said conditions have been designed to occur as part of a storm detention plan which has been approved by the Township and such grading shall comply with the engineering design standards for the Township prior to issuance of a permit.

Drainage channels and flood plains, which exist and which are indicated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Map, are essential for the maintenance of the health and general welfare of the people of the Township. Any encroachment, filling or destruction of these drainage channels or floodplains is a violation of this Ordinance.

However, this shall not prevent the development of the property where adequate facilities, determined by the Department of Building and Code Enforcement, Township Engineer and the appropriate agencies having jurisdiction, have been provided to maintain the uninterrupted flow of surface water (see Article 3, Floodplain District for regulations concerning drainage channels and flood plains).

SEC. 28.16 SIDEWALKS

Charlevoix Planning Commission

New Business

Title: Building Height Review and Discussion

Date: July 11, 2022

Presented By: Janet Koch, Zoning Administrator

Background:

Per the direction from the Planning Commission, a review of ordinance language pertaining to building height is included. Examples from the City of Boyne City, the City of Harbor Springs, and the City of Petoskey are included for review and discussion.

Recommendation:

For discussion only.

Attachments:

1. ZBA Letter to PC Building Height Amendment
2. Rodman Letter to PC Building Height Amendment
3. Bldg Height Report

May 26, 2022

Charlevoix Planning Commission
c/o Ms. Jennifer Neal, Community Planner, by email

Dear Planning Commission,

The Zoning Board of Appeals met last week on May 18 where it was resolved that I should write you about an apparent error in city ordinance chapter 153, Planning and Zoning. The first business item on the agenda was an interpretation of the “Building Height” definition in section 153.005(B). The interpretation was pretty straightforward but revealed what looks like an error in the latest amendment affecting that definition (Reference Ordinances 821 and 823). The issue is a factor that impacts plans to build a roof top deck at 205 Bridge. (Reference ZBA 2022-02)

The suggested correction to the Building Height definition is simple: change the first instance of “mechanical and elevator equipment” to “mechanical equipment and life-safety features”. Life-safety features were added by ordinance 821 in 2020, but not included in ordinance 823 in 2021 which restated the definition with added treatment for large dormers. I suspect this omission was inadvertent and this suggested correction would simply restore the applicable verbiage from ordinance 821.

I have two additional comments:

1. There is conflicting overlap between the Building Height definition in section 153.005(B) and section 153.146(E)(2) providing for height limitations for such things as smokestacks and flagpoles.
2. Neither ordinance 821 nor 823 were thoroughly incorporated into the online version of chapter 153. Timely and accurate incorporation of ordinance amendments should be a priority and a thorough review of amendments to ensure they have been incorporated may be warranted.

Sincerely,
Richard M. Hodgson II
Chairman, Charlevoix ZBA



Jennifer Neal <jennifer.neal@networksnorthwest.org>

FW: 40' zoning height limit in regards to roof top patios and access

Planner <planner@charlevoixmi.gov>
To: Jennifer Neal <jennifer.neal@networksnorthwest.org>

Wed, Jun 1, 2022 at 12:19 PM

From: Rodney Rotman <rodney.rotman@2rautomation.com>
Sent: Monday, May 23, 2022 2:51 PM
To: Planner <planner@charlevoixmi.gov>
Subject: 40' zoning height limit in regards to roof top patios and access

Charlevoix Planning Commission:

My name is Rodney Rotman. My wife and I purchased the Gull Building at 205 Bridge Street in August of 2021. It is our intention to add a third floor to this building and create six condominiums: Two – two bedroom residential condos in the basement; two – commercial condos on Bridge street, one residential condo on the second floor and one residential condo on the third floor. Everyone we have worked with is very excited to bring new residential units to the City but we have ran into some difficulties in completing our building designs. It is our understanding that the City Zoning Ordinance (CZO) allows us to increase our building height to 40' above the average of the level of Bridge Street in the front and Van Pelt alley in the back. It is also our understanding that the CZO allows us to build a roof top patio. Since our building will have four residential units designed to the standards of the American Disabilities Act (ADA), the roof top patio must also have ADA access and the local building inspector, John Cochran has told us that the rooftop must be ADA compliant as well as meet the Michigan Building Code for ingress and egress for fire code. In order to have ADA access, we need to have an elevator to the roof top as well as two stair wells designed to current fire and building code.

In order to maintain the look of the original building design, we designed the ceiling height on the second and third floor to be 10' bringing our roof level to a height of 37' above the average street level. Once we added the necessary stairwells and elevator, we struggled to meet the 46' mandatory height limit imposed by the ZBA. We applied to the Zoning Board of Appeals for a variance and were denied both requests for the level of the stairway rooftop and the elevator roof top because the ZBA interpreted the existing height limit to be 40' above the average street level plus 6' for mechanical devices. The ZBA included the necessary stairwells and elevator into the definition of building mechanicals and limit their height to 46' maximum above the average street level. The ZBA told me that we must change our building design to accommodate the maximum 46' height for everything. Even if we make the ceiling height of the 2nd and 3rd floors the code minimum of 7'-6", we cannot resolve the necessity of going above the 46' maximum set by the ZBA. 6' above the 40' average height works well for Air Conditioner Condenser Units and screens for the A/C units, but not for stairwells or elevators. If we build to the allowed 40' average height on our lot, we cannot meet the 46' mandated height for our stairwells or the elevator. Thus, the currently, the City CZO is in direct conflict with the Michigan Building Code and American Disabilities Act because the City will not allow us to build the necessary stairwells and elevator shaft to their necessary heights. Our architect has communicated to us that the minimum ceiling height in the stairwell is 7'-6". Add to that a roof structure with insulation and the height rises to 9' as a minimum. We are suggesting a 10' height above the roof level for stairwells would be able to be accommodated by various different stairwell designs. In regards to the elevator, we have reviewed three different elevator designs and they are all regulated by specific building codes and OSHA rules. The result is that an elevator needs 13'-3" above the upper floor level (see attached drawing supplied by Kone) to the underside of the roof so we have to again add an insulated roof structure above the 13'-3". We are suggesting a 15' height limit above the roof limit to accommodate different elevator manufacturers.

We are respectively requesting the Charlevoix Planning Commission review this section of the CZO and clarify their intention of how the CZO handles code mandated stairwells and ADA mandated elevators in conjunction with the 40' height restriction and roof top patios.

Thank you for your time and consideration.

Rodney Rotman

c: 616.406.7085

City of Charlevoix Zoning Ordinance

From § 153.072 AREA, HEIGHT AND PLACEMENT REQUIREMENTS

Maximum Building Height

R1.....	26'
R2.....	26'
R2A.....	26'
PC.....	26"
R4.....	35'
R4 Clustered Housing.....	30'
PO Professional Office	26'
GC General Commercial.....	26'
CBC Central Business District.....	40'
CH Commercial Hospitality	30'
MC Marine Commercial	35'
MC Marine Commercial - Residential Structures.....	26'
SR Scenic Reserve	§ 153.088(A)
“No building shall exceed 25 feet in height to the peak of the roof.”	
I Industrial.....	30'
P Public Facilities	35'
CM Commercial Mixed	35'
West Garfield Ave. General Commercial Overlay	26'
West Carpenter/State St. Industrial Overlay	26'

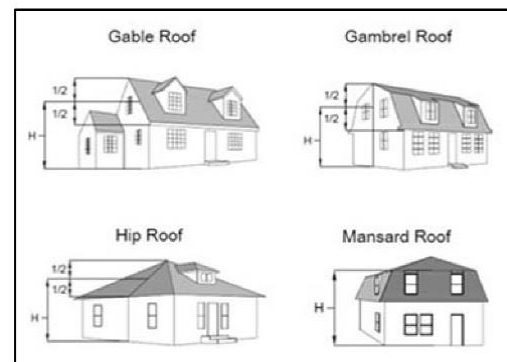
§ 153.005 DEFINITIONS

NOTE: There are two definitions of Building Height in the Zoning Ordinance. The first is out of alphabetical order and follows the definition of Berm.

BUILDING HEIGHT. The vertical distance measured from the average finished grade around the building to the highest point of a flat roof; to the deck line of a mansard roof; when there is a dormer built into the roof, the height is measured to the midpoint of the dormer roof if the dormer(s) exceeds 50% or more of the width of any side of the building; to the average height between the eaves and ridge for a gable, hip and gambrel roof; or to an equivalent point on any other roof, excluding structural elements not intended for habitation and not exceeding six feet above the maximum building height including antenna arrays, smoke and ventilation stacks, flag poles, mechanical and elevator equipment, and parapet walls designed solely to screen mechanical and elevator equipment (See § 153.146 of this chapter.)

BUILDING HEIGHT. The vertical distance measured from the average finished grade around the building to the highest point of a flat roof; to the deck line of a mansard roof; when there is a dormer built into the roof, the height is measured to the midpoint of the dormer roof if the dormer(s) exceeds 50% or more of the width of any side of the building;

BUILDING ROOF. A structure that covers or forms the top of a building. Roof styles include, but are not limited to, gable, gambrel, hip, mansard and flat.



§ 153.116 ACCESSORY BUILDINGS AND USES.

(A) Accessory buildings and structures.

- (2) Where an accessory building is attached to the principal building, it shall be considered part of the principal building for purposes of determining setback dimensions and building height. If, however, the attached accessory building is connected to the principal building by a roofed porch, breezeway or similar covered structure, it shall not exceed 16 feet in height, shall not be closer than 20 feet to the rear lot line and shall meet the front and side yard setback requirements of that zone district.



§ 153.118 LODGING, DINING AND ENTERTAINMENT USES

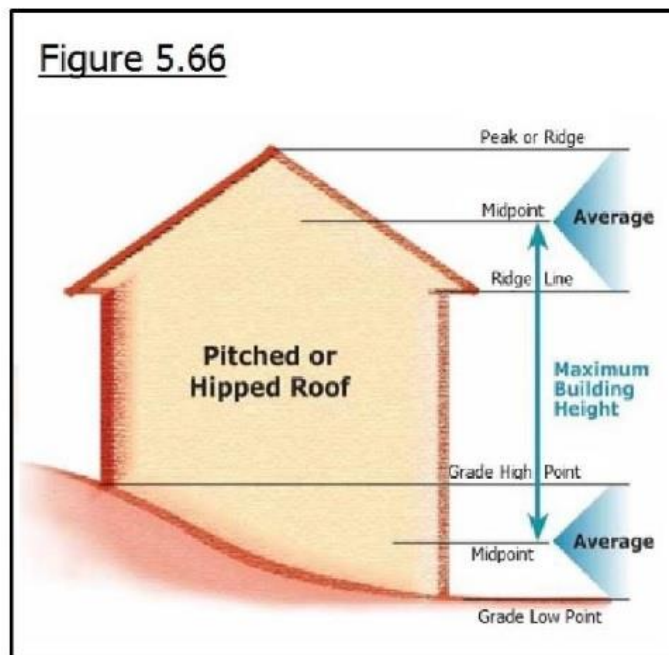
(D) Roof top decks. The following provisions are intended to regulate roof top deck use, permanent or temporary, in all districts to reduce safety concerns, noise and other nuisances, and visual impact on neighboring properties and on the community generally. The use of roof top decks is subject to the following restrictions:

- (1) A zoning and building permit for any roof top deck must be first obtained from the City Zoning Administrator and Charlevoix County Building Department and is subject to construction of and maintenance of guardrails and other protective features as required by the Charlevoix County Building Code.
- (2) Any request for a City of Charlevoix zoning permit that includes a roof top deck must undergo site plan review and receive approval by the Planning Commission prior to issuance of a zoning permit.
- (3) Parapet walls and perimeter guardrails shall extend around the perimeter of the roof top deck and incorporate exterior building materials consistent with the architectural style of the underlying structure subject to § 153.170.
- (4) Any structure on a deck or patio must be permitted under the Zoning Code. Portable appurtenances are prohibited. Temporary appurtenances and structures are subject to site plan review to assure public safety.
- (5) Except within the CBD, Central Business District, amplified musical instruments or sounds are prohibited. Any other music or sound that would violate the city's noise ordinances and restrictions is prohibited.
- (6) All commercial food preparation shall take place inside the establishment.
- (7) No open flames are allowed.
- (8) Lighting shall be shielded and pointed downward and shall not be a nuisance to adjacent properties subject to § 153.172.
- (9) Roof top deck space is subject to the requirements of §§ 153.185 et seq., Off-Street Parking, Loading, Access and Circulation.

§ 153.146 STRUCTURE HEIGHT CALCULATIONS AND HEIGHT LIMITS.

Structure height calculations:

- (A) The vertical distance measured to the highest point of the building's roof for flat roofs; to the deck line for mansard roofs; and to the mean height level between eaves and peak for gable, hip and gambrel roofs, from the existing grade.
- (B) On lots with less than 1% change in grade, building height shall be measured from the existing grade surrounding the building site.
- (C) On lots having an average sloping grade of between 1% and 5%, building height shall be measured from the front of the building line of the proposed structure.
- (D) On lots having an average sloping grade of more than 5%, building height shall be measured from the average elevation between front and rear building lines or between side building lines, whichever dimension reflects the greater degree of slope.
- (E) Height limits specified elsewhere in this chapter shall not apply to:
 - (1) Churches, schools, hospitals and public buildings including, but not limited to, libraries, museums, art galleries, fire stations or public buildings owned or used by a public entity; or
 - (2) Barns, silos or other buildings or structures on farms; church spires, belfries, cupolas and domes; monuments; transmission towers; windmills; chimneys; smokestacks; flagpoles; and radio towers, masts and aerials. These structures shall be limited to 100 feet in height in any case, unless otherwise permitted in this chapter.



Boyne City Zoning Ordinance

ARTICLE XX. SCHEDULE OF REGULATIONS

Maximum Height of Structure:

CBD	45'
All other commercial zoning districts	35'
Residential Districts (except multi-family)	30'
Residential District - Multi-family	35'

Sec. 21.04. - Exceptions to height limitations.

A roof structure for the housing of elevators, stairways, tanks, ventilation fans or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, individual domestic radio and television aerials, wireless communication facilities, and wireless masts, electrical transmission and communication poles and towers, theater screens, steeples, flagpoles, chimneys, smokestacks, wireless masts, water tanks, grain elevators, silos, gas containers, industrial installation requiring a vertical production procedure such as flour mills, steel mills and refineries, or similar structures may be erected above the height limits herein prescribed, but no such structures shall be allowed for the purpose of providing additional floor space for residential, business or industrial use.

No such structure may be erected to more than twice applicable the height limits of the district in which it is located. No such structure shall have a total area greater than 25 percent of the roof area of the building. Such structures shall be screened by a solid wall, landscaping, and/or architectural features that are compatible in appearance with the principal building. No such structure shall be used for any residential purpose or commercial purpose, other than a use incidental to the main use of the building.

Section 10.20 – CBD Principal permitted uses

Q. Outdoor cafes, outdoor eating areas, carry-out, and open front restaurants, subject to the following site design standards:

1. Outdoor cafes may be permitted within the boundaries of a parcel or lot, on a building roof top, or as part of a patio or deck.
2. The outdoor cafe must be kept clean, litter-free, and with a well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor waste receptacles may be required.
3. Tables, chairs, planters, waste receptacles, and other elements of street furniture shall be compatible with the architectural character of the adjacent buildings. If table umbrellas will be used, they shall complement building colors.
4. Other additional signs are not permitted beyond those permitted for the existing restaurant.

Harbor Springs Zoning Ordinance

Section 50.202 Definitions

Building, Height Of. [The vertical distance from the average elevation of the natural, undisturbed terrain paralleling the front of a building, or if on a street corner, the average elevation of the natural undisturbed terrain paralleling the front and side of a building, measured at the building line to the highest point of the structure, but not including chimneys, spires, life-safety features, mechanical equipment and similar projections.] 139

Deck, Roof Top. A deck constructed above any top plate of a structure and which is designed to function as a usable outdoor area.

Section 50.304 Deck or Patio Usage.

The following provisions are intended to regulate deck or patio usage to reduce safety concerns, noise and other nuisances, and visual impact on neighboring properties and on the community generally. (1) Residential Usage. Use of decks or patios for residential uses such as sunning, lounging, and small social gatherings is permitted in all residential districts and i~_ the CBD, WF, B and TR Districts. Use of decks (including roof top decks) or patios for residential purposes in these districts is subject to the following restrictions:

(a) A zoning and building permit for any deck must be first obtained from the City and Emmet County Building Department and is subject to construction of and maintenance of guardrails and other protective features as required by the Emmet County Building Code.

(b) Amplified musical instruments are prohibited. Any other music or sound that would violate the City's noise ordinances and restrictions, or would exceed seventy (70) decibels measured at the property line of the property where the deck or patio is located, is prohibited.

(c) Lighting shall be shielded and pointed downward and shall not be a nuisance to adjacent properties.

(d) Any structure on a deck or patio must be permitted under the Zoning Code.

(2) Roof Top Deck Commercial Usage. Use of a roof top deck for commercial purposes may be permitted in the CBD, B, WF and TR Districts but only as a special land use and only as accessory to the principal use permitted for the building, and subject to the following restrictions:

(a) Planning Commission approval of the roof top deck usage as a special land use must be first obtained.

(b) Any structure on a roof top deck must be permitted under the Zoning Code.

(c) The Planning Commission may limit the number of persons using such roof top deck as determined necessary or advisable by the Planning Commission to prevent the City's noise ordinances from being violated.

(d) A building permit for any roof top deck activity must be obtained from the Emmet County Building Department and such usage is subject to construction of and maintenance of guardrails and other protective features as required by the Emmet County Building Code.

(e) Such usage must be screened from view of adjacent properties and the area proposed for such usage shall not exceed fifty (50%) percent of the total square footage of the roof area.

(f) Structures for such usage shall be set back at least five (5) feet from the edge of any roof not fronting on a public street or right of way, and at least fifteen (15) feet from the edge of any roof that fronts on a public street or right of way. Mechanical, heating, or cooling equipment or

structures that are required by the Building Code as a health or life-safety feature shall not be subject to this set back requirement.

(g) The dimensional area of all structures (other than a mechanical, heating, or cooling element or one that is required by the Building Code as a health or life-safety feature) shall not exceed fifteen (15%) percent of the square footage of the total top roof area.

(h) Amplified musical instruments are prohibited. Any other music or sound that would violate the City's noise ordinances and restrictions, or would exceed seventy (70) decibels measured at the property line of the property where the deck or patio is located, is prohibited.

(i) Roof top deck usage is permitted only between the hours of 7:00 a.m. and 11 :00 p.m., except for special events approved by the City Council.

(j) Lighting shall be shielded and pointed downward and shall not be a nuisance to adjacent properties.] 136

Multiple Sections: Building Height, Area and Yard Requirements

Maximum Height of Structure

AR, Agricultural-Residential District

R-1-A, Single Family District2.5 stories35'

R-1-B, Single Family District2 stories35'

R-1-C, Single Family District2 stories35'

R-1-E, Single Family Residential Estate District.....2.5 stories35'

R-2, Two Family District2 stories35'

Accessory building height maximum

in residential districts2 stories25'

MHP, Mobile Home Park District

Accessory carport height maximum 15'

RM, Multiple Residential District.....2 stories35'

C, Community District.....3 stories40'

O-1, General Office2 stories30'

TR, Transitional Residential District2 stories35'

CBD, Central Business District2 stories30'

B-1, Convenience Business District2 stories35'

B-2, General Business District.....2 stories30'

WF, Waterfront District 1 story16'

WF-1, Waterfront-Resort District 1 story16'

M-1, Manufacturing District.....2 stories35'

Planned Development35'

CBD39'

CBD PD Overlay 39'; 49' max. for any structure

Petoskey Zoning Ordinance

ARTICLE XVI. SCHEDULE OF REGULATIONS

Maximum Height of Structure

Residential Zoning Districts (most)	2.5 stories	25'
Residential Zoning RM-2 Multi-Family	3 stories	33'
B-2 Central Business.....	3 stories	45'
B-2A Transitional Business	3 stories	37'
B-2B Mixed Use Corridor	3 stories	37'
B-3 General Business.....	2 stories	30'
B-3a Resort Commercial	2 stories	25'
B-3B Business Industrial	2 stories	25'
O-S Office Service	2 stories	25'
I-1 Light Industrial	2 stories	25'
I-2 General Industrial	3 stories	35'

ARTICLE XVIII. - GENERAL EXCEPTIONS

Sec. 1800. - Area, height and use exceptions.

3. Height limit. The height limitations of this ordinance shall not apply to chimneys, church spires, flag poles, public monuments or wireless transmission towers; provided however, that the board of appeals may specify a height limit for any such structure when such structure requires authorization as a conditional use.

Charlevoix Planning Commission

New Business

Title: Sign Ordinance Review and Discussion

Date: July 11, 2022

Presented By: Janet Koch, Zoning Administrator

Background:

Zoning Administrator Koch would like Planning Commission to consider visibility concerns for tenants located on Bridge Park Dr.

Upon Planning Commission direction, additional materials can be prepared.

Recommendation:

For discussion only.

Attachments:

None



To: The City of Charlevoix Planning Commission
From: Janet Koch, Zoning Administrator

Planning Commissioners:

Following is a summary of the Zoning Administrator's efforts for the month of June. If you would like to see different and/or additional information in future reports, please let me know and I'll do my absolute best to accommodate. Also, please keep in mind that this is a part time position of 20 hours/week.

Permits Issued

18 permits were issued in June. Four were for signs in CBD, CM, and the GC zoning districts, 5 were for temporary banners. Nine zoning permits were issued. One was in the State Street Light Industrial Overlay District for the replacement of a single-family home; the remaining were issued in the R-1 and R-2 districts: 1 shed, 2 fences, 1 land division, and 4 additions to single family homes.

Customer Contacts

Internal tracking of customer contacts began on June 13. Between that date and the end of the month, there were 70 contacts in a variety of ways and for a variety of reasons.

- Contact method and count: 9 by email, 1 by text message, 14 in person, 46 by phone
- Reason for contact: 45 questions relating to zoning, and 19 questions related to short term rentals. There were 2 general planning questions and 4 code enforcement questions (questions forwarded to the Code Enforcement Officer were not included in that number).

Zoning Board of Appeals meeting of June 15

- For application 2022-05 ZBA 401 Antrim St, prepared and sent 300' public notices, provided public notice to the Charlevoix Courier, prepared staff report.
- Prepared meeting agenda packet.

Short Term Rentals (STR)

- With Code Enforcement Officer, created a STR Inspection Checklist and had it reviewed by the City Manager.
- Conducted two STR inspections. The Code Enforcement Officer is working to schedule inspections for the remainder of the licensed STRs.
- Have scheduled a training session with a representative from Host Compliance, the software company hired by the City to provide STR administration and compliance services.