



Agenda

City of Charlevoix Planning Commission Regular Meeting

Monday, November 14, 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. Draft Minutes of October 10, 2022 (Regular Meeting)
 - 2. Draft Minutes of October 24, 2022 (Special Work Session)
- F. Call for Public Comment Not Related to Agenda Items**
- G. New Business**
 - 1. Bed and Breakfast Parking Standards Discussion
 - 2. Code Enforcement/Outdoor Storage Discussion
 - 3. Expanding Housing Types Discussion
- H. Old Business**
 - 1. 101 Leonard Special Land Use Review Update
 - 2. Review of Building Height Average
 - 3. Downtown Building Height Discussion
- I. Staff Updates**
 - 1. Zoning Administrator's Report
- J. Requests For Next Months Agenda or Research Items**
- K. Adjournment by 8:00 p.m. unless extended by a motion**

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City of Charlevoix
Planning Commission Regular Meeting minutes
Monday, October 10, 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, Mary Millington, Jennifer Muladore, Maureen Radke
Members Absent: Toni Felter
Staff Present: Jennifer Neal, Community Planner; Janet Koch, Zoning Administrator

C. Inquiry into Potential Conflicts of Interest

None.

D. Approval of Agenda

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

Motion passed by unanimous voice vote.

E. Approval of the Minutes

1. Draft Minutes of September 12, 2022

Motion by Member Conway, seconded by Member Radke to approve the minutes of September 12, 2022 as presented.

Motion passed by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

None.

G. New Business

1. Public Hearing: 101 Leonard Special Land Use Permit Application

Zoning Administrator Koch stated that this was a special land use permit application for a bed and breakfast use in the R-1 district in an existing home located at 101 Leonard Street. Bed and breakfast establishments are an allowed use with a special land use permit in both the R-1 and R-2 zoning districts and this request was not for a zoning change. The applicants have advised that there will be no additional construction related to this permit application.

Zoning Administrator Koch stated that to be approved as a special land use permit an applicant must meet all of the standards as listed in the staff report. She stated that a site plan was requested by the Planning Commission at the last meeting which the property owners provided.

Laura Jasurda, 101 Leonard Street, stated that they are a licensed short-term rental, but when the City came out to do that inspection she was made aware that they do not have to be certified by the City because as the owners they do remain in the house while it is rented. She stated that there are two (2) fire pits, one on their property and one on the adjacent property with the permission of that owner and because they do live in the home and do not allow their guests to actually start the fires themselves the fire pits are allowed. She stated that they did install the steps down the hill that were referenced earlier in the meeting and they did get approval from the Public Works and Water Departments. She stated that changing to a bed and breakfast status would be more transparent to their guests so that they know that the owners do reside in the house full-time while it is rented. She stated that they do not allow parties or children and they were a very boutique type of rental and they only had three (3) rentals over the summer. They have five (5) parking spaces as required and no one is allowed to park on the street. Their homeowners' insurance only allows them to rent up to 12 weeks per year and they only rent during the summer.

The public comment portion of this item was opened.

Max Carthew, 111 Eaton, spoke against the bed & breakfast, citing safety, transparency, and that he felt that a short-term rental offers more control than a bed & breakfast, and the bed & breakfast status would run with the property for future owners.

Scott Beatty, 1003 St. Johns Drive, stated that the owner could simply post on their short-term rental site "owner on premises" rather than changing the designation to a bed & breakfast.

John Eaton, 206 Carpenter Street, stated that he and his wife have operated a bed & breakfast for three (3) years and most people in town don't even know that they are a b & b. He spoke in favor of the project.

David Bertinelli stated that he strongly oppose the special use permit and allowing a commercial enterprise in their neighborhood.

Jon Zumbrink, 114 Eaton, spoke against the permit in that it would run with the property forever and the possible changed character of the neighborhood.

Robert Miller, 121 Hampton, questioned how many parking spaces are allowed. Zoning Administrator Koch stated that parking was not addressed in the Zoning Ordinance if there were less than five (5) bedrooms being rented. Mr. Miller stated he was opposed to allowing a commercial business to operate in their residential neighborhood.

Bridget Martin, 103 Stockman, stated that behind their backyard was a bed & breakfast but it has changed owners and it's a lot noisier than it used to be and across the street there was a short-term rental that feels like a Motel 6 and this type of use definitely affects neighborhoods.

Pat Miller stated that they no longer have the neighborhood that they once had and she was

against the bed & breakfast.

John Parrish, 119 Hampton, spoke against the bed & breakfast and stated that they wanted to keep the nice, quiet neighborhood.

Shirley Gibson, Third Ward, stated that this was not the kind of housing they need in Charlevoix and it does not belong in a residential neighborhood.

The public comment section was closed.

Chair Waddell reiterated that rental of a property is a use by right in Michigan. Member Conway stated that she received a text message from Sarah VanHorn who was in support of the bed & breakfast because the owners would be on site.

Findings of Fact:

(A) The use is designed and constructed, and will be operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; will be compatible with adjacent uses of land; and will not change the essential character of the area in which it is proposed.

Finding of Approval: The Planning Commission finds that the proposed special use is an allowable special use that will be harmonious with the intended character of the general vicinity, and that it will not change the area's essential character.

(B) The use is, or as a result of the Special Land Use approval, will be served adequately by public services and facilities, including but not limited to streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities and schools.

Finding of Approval: The Planning Commission finds that there are adequate essential public services and facilities to accommodate this special use and that this project will not require improvement to or expansion of city infrastructure or public services.

(C) The use will not involve activities, processes, materials and equipment or condition of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odors.

Member Millington stated that what they have to go on is what the neighbors are telling us as well such as noise, traffic, increased people in the neighborhood, and smoke from the two fire pits. Chair Waddell stated that everyone of the neighbors could have a fire pit. Member Radke stated they have heard from the neighbors that traffic and noise are applicable problems to this situation so it's some but not all of the items listed in (C). Chair Waddell stated that the applicant advised that the occupancy would be limited to six (6) people which could mean three (3) cars in the summer months and with the condominiums in that neighborhood there is a lot of traffic there. Member Radke stated that many of the letters addressed increased traffic. Member Millington stated that the high traffic goes mainly around the perimeter of the neighborhood, the interior streets are very quiet. Member Conway stated that it was already a short-term rental for the past two (2) years and she

recalled one of the speakers who stated that they didn't even know it was a short-term rental. Member Chamberlain stated that they could add a condition that there be no parking on the right-of-way which would run with the property if the use is approved.

Chair Waddell stated that he would like to move on and not find approval or denial on Item (C) and come back to this item.

(D) The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.

Finding of Approval: As the property is already developed, the Planning Commission finds that this section is not applicable.

(E) The site plan proposed for the use demonstrates compliance with the Special Land Use specific design standards and all other applicable requirements of this ordinance. Subsection 151.116(C) Accessory Buildings and Uses: Bed and breakfast establishments cites the following standards:

(1) The bed and breakfast shall be located within a residence which is the principal dwelling unit on the property. Whenever the bed and breakfast is open for the renting of rooms, the residence shall be occupied by the owner or innkeeper at all times.

Finding of Approval: Proposal meets standard.

(2) The rental rooms within the establishment shall be part of the principal dwelling. Bed and breakfast establishments shall not contain more than five rental rooms; however the Planning Commission may consider additional rooms based on the following criteria: (a) The existing single-family home has the capacity for more than five rental rooms; (b) It is a single-family home which has been operated as a bed and breakfast establishment in the past; (c) There is sufficient parking on site, or within 300 feet of the property, to accommodate additional rooms; and (d) The Planning Commission finds that the additional rooms will not have an adverse impact to the residential character of the neighborhood.

Finding of Approval: Proposal meets standard; applicant has indicated that there will be a maximum of four rental bedrooms.

(3) The residence must have at least two exits to the outdoors.

Finding of Approval: Meets standard.

(4) Signage shall be subject to the requirements of Subsections 153.205 through 153.219.

Finding of Approval: Meets standards; any and all future signage will be subject to all pertinent sections of the Zoning Ordinance.

(5) A bed and breakfast establishment shall be consistent with the essential character of the residential neighborhood in terms of use, traffic generation and appearance.

Discussion followed regarding the only differences between a short-term rental and a bed and breakfast being that, with a bed and breakfast, the owner must be present on the property when it is rented and the Special Land Use runs with the property. Member Conway stated that the owners were already practically renting the property as a bed and breakfast now.

(6) A bed and breakfast establishment shall not be permitted on a lot or parcel, (including a non-conforming lot or parcel of record) which does not meet the established lot size requirements for the zoning district in which it is located.

Finding of Approval: The lot conforms; standard is met.

(7) The special land use will be consistent with the intent and purpose of this ordinance and the most recent updates to the master plan.

Finding of Approval: Meets standard; the proposed use will continue to be residential, which is consistent with the current master plan.

Chair Waddell stated that there is an issue with traffic under item (C) and item (E)(5) there continues to be a concern about traffic generation for that neighborhood. He stated that the Commission had the option of adding conditions of approval to control the traffic to the Special Land Use permit. Member Chamberlain stated that in the summer time there is increased traffic.

Motion by Member Millington, seconded by Member Radke to deny the special request for a bed and breakfast based on Finding of Facts on the traffic issue, 153.253 (C) and 153.116 (E)(5), because this is not an issue that we can control. Chair Waddell absented from voting, there was no conflict of interest stated, equalivant to a nay vote.

Motion invalid, three (3) ayes, three (3) nays.

2. 101 Leonard Site Plan Review

No action taken.

3. Public Hearing: City of Charlevoix Master Plan

Chair Waddell stated that this item was for a Public Hearing on the language changes to the Master Plan.

Planner Neal stated that they were holding the Public Hearing following the 63-day public comment period under the Michigan Planning Enabling Act. She referenced comments included in the agenda packet and the Charlevoix County Planning Commission comments were added that day.

Member Chamberlain stated on page 80 that one of the houses depicted has been demolished and the picture should be moved to the redevelopment section as a new house has been built on the property.

The public hearing was opened and closed as there were no public comments.

4. Public Hearing: Zoning Ordinance Amendments

Chair Waddell summarized the draft language to be considered for Zoning Ordinance amendments including:

- Amendment #1 amends multiple sections of the City of Charlevoix Zoning Ordinance including Definitions, Area, Height, and Placement, Accessory Buildings and Uses, Accessory Dwelling Units, Structure Height, and Lot Coverage Requirements.
- Amendment #2 amends Section 153.215 CBD Zoning District to permit signage on the Bridge Park railing for businesses located beneath Bridge Park and Table 153.219 for clarification purposes.

The public hearing was opened.

Richard Hodgson, 303 Chicago, stated that he was also the ZBA Chair and the items proposed to be amended is related to the letter he wrote in May regarding how the building height definition should be changed. He explained the reasons for requesting the change.

Discussion followed regarding the building heights for a gabled roof, the need for a definitive maximum for roof heights, and concerns regarding 153.072(b) which referenced the Maximum **Average** Building Height.

Motion by Member Muladore, seconded by Member Conway to extend the meeting time beyond 8:00 p.m. by 15 minutes.

Motion passed by unanimous voice vote.

Mr. Hodgson stated that the word average should be removed and the definition modify as needed.

The public hearing was closed.

Motion by Member Conway, seconded by Member Radke to send the 2022 Master Plan and the amendments to the Zoning Ordinance to the City Council.

Motion passed by unanimous voice vote.

5. Bed and Breakfast Parking Standards Discussion

Item postponed to the November meeting.

6. Code Enforcement/Outdoor Storage Discussion

Item postponed to the November meeting.

7. Expanding Housing Types Discussion

Item postponed to the November meeting.

H. Old Business

1. October 24, 2022 Special Meeting

Chair Waddell stated that they had a Special Meeting scheduled in two weeks which included

invitations to the members of the DDA, ZBA, Historic District Commission, Shade Tree and Park Commission, and the Charlevoix Area Chamber of Commerce. The Commission will be discussing building height in the CBD zoning district. Planner Neal stated that she had not heard back yet from the Shade Tree Commission or the Chamber.

I. Staff Updates

1. Zoning Administrator's Report

Zoning Administrator Koch stated that she was newly appointed to the Board of Directors for Housing North.

J. Requests For Next Months Agenda or Research Items

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

Meeting adjourned at 8:09 p.m.

City of Charlevoix
Planning Commission Special Work Session minutes
Monday, October 24, 2022 - 6:30 PM
Council Chambers, 210 State Street, Charlevoix, MI

A. Call to Order/Pledge of Allegiance

The meeting was called to order by Planning Commission Chair Waddell at 7:00 p.m.

B. Roll Call

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

E. Call for Public Comment Not Related to Agenda Items

F. New Business

1. Downtown Building Height Presentation

Chair Waddell summarized the previous Planning Commission discussions regarding downtown building height. He gave examples of downtown building height issues in Petoskey and Traverse City. He stated that presently Charlevoix had a 40' height limit in place with an allowance of 6' over that to hide mechanicals like air conditioning, stairways, etc. He stated that the question is how do they keep the charm and feel of the downtown and still make the downtown buildings viable. Chair Waddell stated that they had invited the groups to provide input on this issue and he proceeded to invite each group representative to speak:

Downtown Development Authority (DDA) & Historic District Commission:

Lindsey Dotson, DDA Director, stated that she was representing both groups this evening, explained the roles of each, and provided a PowerPoint presentation. She described the Secretary of the Interior Standards for Rehabilitation of Historic Properties as a list of guidelines created by the National Park Service for the treatment of historic properties. A building is supposed to be a physical record of the time it was built. She explained that they were nominating the entire commercial corridor of Charlevoix to the National Register of Historic Places, which is not a local regulatory historic district, but is a designation, a nod of importance and acknowledging the significance of what the commercial corridor did for the development of Charlevoix and its history. This national designation opens the door to numerous resources, including some grants that have been applied for to try to convert a building that doesn't look the way it did when it was built to something similar to what was originally built, so that it can be considered a contributing resource to the District. This is an incentive for the property owner to maintain or restore the history of the building and they

could receive financial savings in the form of tax credits from both the national and state levels. She provided examples of under utilized square footage and the potential for additional housing in the downtown.

Director Dotson stated that in moving forward if they were talking about changes in height she did hope that they could keep in mind that the design and form matter. She stated that the DDA did work extensively on the Design Guidelines for the downtown.

Shade Tree & Park Commission:

Chair Perry Hodgson explained the duties of the Commission; trees enhance/frame a view of a space, and the street trees program with a diverse mix of trees.

Zoning Board of Appeals:

Chair Richard Hodgson stated that most of the time the ZBA meets it's about dimensional variances in aligning with planes, usually not height, but they did have an interpretation and finding on a variance request on Bridge Street related to height limitations.

Charlevoix Area Chamber of Commerce:

Brett Binkley, member of the Chamber Board of Directors, stated that they did a major renovation of what was known as the Pine River Bookstore that has been split and now includes an office that backs up to Van Pelt Alley for his business. He spoke in favor of a height increase that would allow more versatility and opportunities.

Chair Waddell opened and closed the meeting for public comment as there were no other speakers.

2. Comments from invited boards and commissions

Director Dotson showed historic photos of the Bridge and Clinton Street area.

Perry Hodgson questioned if anything could be done about the overhead utility lines that detract from the look of downtown.

3. Closing remarks

Chair Waddell stated that he and Vice Chair Muladore appreciated everyone's attendance and participation at the meeting.

Chair Waddell stated that everyone of the homeowners in the Earl Young Historical District had to agree to include their home in the District and he questioned if that would be true of a Historical District for the downtown. Director Dotson stated the owners were not required to agree but they would be notified and, because the District was not regulatory, it did not depend on whether or not a majority agreed with the designation.

G. Requests For Next Months Agenda or Research Items

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

The meeting was adjourned at 7:48 p.m.

Sarah J. Dvoracek/fgm Clerk

RJ Waddell

Chair

Charlevoix Planning Commission

New Business

Title: Bed and Breakfast Parking Standards Discussion

Date: November 14, 2022

Presented By: Janet Koch, Zoning Administrator

Background:

Per the direction of the Planning Commission, Staff have prepared language for Section 153116 Accessory Buildings and Uses related to Bed and Breakfast parking requirements.

Recommendation:

Attachments:

1. B and B Parking Darft

§ 153.116 Accessory Buildings and Uses

(C) Bed and breakfast establishments.

- (1) The bed and breakfast shall be located within a residence which is the principal dwelling unit on the property. Whenever the bed and breakfast is open for the renting of rooms, the residence shall be occupied by the owner or innkeeper at all times.
- (2) The rental rooms within the establishment shall be part of the principal dwelling. Bed and breakfast establishments shall not contain more than five rental rooms, however the Planning Commission may consider additional rooms based on the following criteria:
 - (a) The existing single-family home has the capacity for more than five rental rooms;
 - (b) It is a single-family home which has been operated as a bed and breakfast establishment in the past;
 - (c) There is sufficient parking on site, or within 300 feet of the property, to accommodate additional rooms; and
 - (d) The Planning Commission finds that the additional rooms will not have an adverse impact to the residential character of the neighborhood.
- (3) The residence shall have at least two exits to the outdoors.
- (4) Signage shall be subject to the requirements of §§ 153.205 through 153.219.
- (5) A bed and breakfast establishment shall be consistent with the essential character of the residential neighborhood in terms of use, traffic generation and appearance.
- (6) A bed and breakfast establishment shall not be permitted on a lot or parcel, (including a non-conforming lot or parcel of record) which does not meet the established lot size requirements for the zoning district in which it is located.
- (7) A minimum of five (5) off-street parking spaces are required. The parking spaces shall be accessible at all times. Parking shall be subject to the requirements of §§ 153.189 Off-Street Parking Facility Design.**

Charlevoix Planning Commission

New Business

Title: Code Enforcement/Outdoor Storage Discussion

Date: November 14, 2022

Presented By: Janet Koch, Zoning Administrator

Background:

Faith Miller served as the City's Code Enforcement Officer during the summer months of 2022. She prepared a memo of her observations related to outdoor storage during that time. See the attached memo.

Recommendation:

Attachments:

1. Memo re Outdoor Storage issues



MEMO

DATE: September 7, 2022

TO: Planning Commission Members
Janet Koch, Zoning Administrator

FROM: Faith Miller, Code Enforcement Officer

SUBJECT: Outdoor Storage

One area of concern that has come up this summer is the outdoor storage of vehicles, motorhomes, boats, jet skis, trailers, etc. throughout the City. Since June, I have had multiple complaints from one resident about eight (8) homes in the neighborhood with multiple vehicles stored on their properties; and 3-4 other individual complaints regarding similar issues in other neighborhoods (all on the south side of town). Below are the current Outdoor Storage regulations, please see notes as written in bold text:

§ 153.153 OUTDOOR STORAGE.

(A) Inoperable or unlicensed motor vehicles shall not be kept, parked or stored in any residential district, except within a completely enclosed building. The purpose of this provision is to prevent the accumulation of junk motor vehicles and, therefore, it shall not apply to any motor vehicle ordinarily used, but temporarily out of running condition. If the motor vehicle is being kept for actual use, but is temporarily unlicensed, the Zoning Administrator may grant the owner a reasonable time, not to exceed two months, to procure a license.

(B) Likewise, old, rusty and unsightly machinery, machines not suited for use upon the premises or quantities of used building materials not fit to be used to improve the premises shall not be kept or stored outside a building; provided, however, that, building materials fit to be used to improve the premises may be kept on-site for one year if they are piled off the ground so as not to become a harbor for vermin.

(C) *Recreational equipment and vehicle storage.* The standards of this section apply to all residential districts.

(1) All recreational equipment and vehicles that are stored outside of a structure shall be maintained in good condition, shall be operable and shall have a current license and/or registration. **Most rv's and vehicles are parked with the front facing the street making it difficult to determine if the vehicle(s) have a current license and/or registration without going on private property.**

(2) Recreational equipment and vehicles parked or stored outside shall not be connected to electricity, water, gas or sanitary facilities for living or lodging purposes other than allowed for in [§ 153.153\(C\)\(8\)](#). **This has come up as an issue when people say that they have the recreational**

vehicle connected to electricity only to use the rv only during the day for different activities basically as added home space or that the a/c is running in the summer to keep the rv climate-controlled to eliminate possibility of mold.

(3) The parking and/or storage of buses and converted buses in excess of 18 feet in length, and boats in excess of 30 feet in length, is prohibited.

(4) Outdoor storage of not more than two recreational equipment or vehicles shall be permitted on any parcel of property. **When questioned owners will advise that the third vehicle or boat is only there for a day or two and will be moved. Violation letters sent on these types of issues, most owners comply after the first or second notice letter, but often the equipment/vehicles re-appear on the property later in the summer.**

(5) Off-season storage of recreational equipment and vehicles shall be parked completely in an enclosed structure or within the side or rear yards, except that they may not be parked in required setbacks, and such recreational equipment and vehicles shall not be closer than five feet from any lot line, unless otherwise provided by this section. **What is considered “off-season” as there appears to be no definition provided in the Code? In some neighborhoods, parking such vehicles within side yards causes the vehicles to be very close or within setbacks or 5’ from any lot line.**

(6) Such recreational equipment and vehicles shall be placed or parked on a lot with a principal building, structure or use unless it is a lot which is attached to an occupied lot under the same ownership. **This appears to allow such recreational equipment or vehicles to be placed or parked on a lot as long as it is the owners lot all year long. There has been one homeowner that parks a boat on a neighboring vacant lot that he does not own, when told it has to be moved it’s moved back to his driveway but then it is moved back to the vacant lot later throughout the summer and additional contact is mad or violation notices are sent; this has happened at least three (3) times this summer.**

(7) Seasonal parking of recreational equipment and vehicles may be within any front yard, or front or side setback provided that public streets and sidewalks are not blocked to vehicular or pedestrian traffic. **Once again “seasonal” – what is seasonal, Memorial Day to Labor Day or what? Side note: City streets without public sidewalks allows these vehicles essentially to be parked very close to the street.**

(8) Recreational equipment and vehicles may be used for living or lodging purposes on a parcel with a principal building for no more than 14 days within any 60-day period. **This section would require staff to basically check every day to determine if the equipment or vehicle being used for living or lodging purposes is not used more than 14 days within any 60-day period. The City does not have the staffing level available to do this level of monitoring.**

In general, there are some in the City who would feel that storing such vehicles on driveways and side yards are an eyesore and they would rather see no outdoor storage and that homeowners who cannot store their recreational vehicles/boats in a fully enclosed structure on their property, store the vehicles/boats in an offsite storage facility rather than on their property.

Any questions or concerns, please advise. Thank you.

Charlevoix Planning Commission

New Business

Title: Expanding Housing Types Discussion

Date: November 14, 2022

Presented By: Jennifer Neal, Community Planner

Background:

With the preparation of the draft Master Plan and draft Zoning Amendments, the Planning Commission continues to look for opportunities to expand housing. The Planning Commission requested more information on the minimum lot size required in each zoning district, especially in relation to the R2A Two Family District. Planner Neal has included several documents that provide background information for the discussion of incorporating zoning changes that permit missing middle housing building types.

Recommendation:

Attachments:

1. Planner Housing MEMO
2. Section 153072 153084 Area Reqs
3. Residential Units Sizes Table
4. City Zoning Map (PDF)
5. Zoning Layer Summary By Acreage Totals
6. Density-of-Development-5_13_15-AccessibleDV
7. Cottage Court — Missing Middle Housing
8. Fourplex_ Stacked — Missing Middle Housing

MEMO

TO: City of Charlevoix Planning Commission

FROM: Jennifer Neal, AICP, Community Planner, Networks Northwest

SUBJECT: Expanding Missing Middle Housing Building Types

DATE: November 14, 2022

Background

This report is prepared for informational purposes only. The Planning Commission has requested additional information on the permitted uses and minimum lot areas in the context of expanding missing middle housing types.

Existing Regulations

The City of Charlevoix regulates densities in zones that allow residential uses¹ Sections 153.072 and 153.087 contain the Area, Height and Placement Requirements for the residential and non-residential and mixed use districts. They include but are not limited to the minimum lot area, minimum lot width, maximum building height, and other setback requirements. These regulations effectively set the allowed “density” of an area in combination with the permitted number of units.²

The intensity of residential uses are measured by “density,” generally expressed as the number of residential “units” in a given area. Most often, density is measured per acre (43,560 square feet), and utilizing either a net or gross calculation. **Gross density** means the number of residential units per acre of land. This is calculated by taking the total lot area divided by the number of units. For example: if a ten-acre property contains 40 residential lots, the gross density is 4 units per acre (40-units/10-acres = 4 units/acre). **Net density** is defined as the number of units (typically expressed in residential units) per acre of land after required infrastructure and critical areas are deducted from the gross area – thus leaving only the area devoted to the lots themselves. While not strictly applied, all density calculations are gross density calculations for the City. Table 1 presents the calculated densities of each district where residential uses are permitted.

The demand for housing in a constrained built environment encourages developers to build units that weren’t previously done. In response to this demand and a need to increase the number of units at all price points, the City has permitted increased density in the R2 district by allowing accessory dwelling units (ADUs) and home conversions. ADUs have historically been built, and more recently, home conversions have allowed single family homes to be developed into multi-unit residences. More development has also been initiated in the CBD district. As was previously discussed, the CBD and PO districts do not have a minimum residential unit size, and they also do not have a minimum lot area requirement. Therefore, they allow more flexible development.

Another consideration are those properties that are non-residentially zoned, but permit multiple family uses. The area, height and placement requirements are more flexible and allow for higher densities without the need to rezone. These include GC, CM, MC, and CH.

¹ The R1 Low Density Single Family, R2 Medium Density Single Family, R2A, Two Family, R4 Planned High Density, PC Private Club, GC General Commercial, CBD Central Business District, CM Commercial Mixed Use, MC Marine Commercial, CH Commercial Hospitality, and PO Professional Office.,

² An excerpt from the Zoning Ordinance has been included in this packet for reference. A summary of districts and their permitted residential uses is also included for reference.

Table 1: Density Calculations by District

District	Minimum Lot Area (Sq. Ft.)	Acres	Number of Units	Dwelling Units per Acre (Density)	Note
R1	9,000	0.21	1	4.84	
R2	6,000	0.14	1	7.26	
	6,000	0.14	2	14.52	ADU
	6,000	0.14	4	29.04	Home Conversion
R2A	7,000	0.16	1	6.22	
	9,000	0.21	2	9.68	Two unit / Duplex
R4	15,000	0.34	1	2.90	Minimum
	15,000	0.34	10	29.04	Example
	15,000	0.34	50	145.20	Example
CM	9,000	0.21	10	48.40	Example
MC	10,000	0.23	10	43.56	Example
GC	20,000	0.46	3	6.53	Minimum
	20,000	0.46	10	21.78	Example
CH	43,560	1.00	10	10.00	Example
PO	NA				
CBD	NA				
PUD	21,780	0.5	10	20	
Other Examples					
CBD - 205 Bridge St.	3,677	0.08	4	47.39	
R2 - Peppervine Place	208,000	4.78	21	4.40	
Missing Middle Housing Fourplex	6,000	0.14	4	29.04	

A presentation prepared for the Metropolitan Council for the Twin Cities metropolitan region was shared to show example images of various densities of development. The presentation nicely differentiates between suburban and urban examples. As mentioned, density is a product of the area, height and placement requirements. Factors such as minimum unit size, maximum building height, and minimum lot size all impact the number of dwelling units in any given development. In the urban examples, the units fit into a smaller parcel, but have a taller building height. Suburban examples are wider with space on site for parking and green space. Site and building design are crucial to how well the project integrates with the surrounding neighborhood.

“Missing Middle Housing,” coined by Opticos Design founder Daniel Parolek in 2010 defines a range of multi-unit or clustered housing types – compatible in scale with detached single-family homes – that help meet the growing demand for walkable urban living. The Cottage Court and Fourplex: Stacked examples are included. The example provides images of the suggested product and the specifications to implement it. Note the Fourplex: Stacked has the same density as a home conversion in the R2 district.

The Commission is asked to consider what types of housing speak to them and where they might fit into the fabric of the community. The Commission may recall the properties previously discussed at the August 9, 2021 meeting where Future Land Use Mapping was considered. These properties were located throughout the city, in the north adjacent to Petoskey Avenue, to the west at Sheridan Street, and to the south near Stover Road. Upon further direction by the Planning Commission, staff may prepare additional information for review.

§ 153.072 AREA, HEIGHT AND PLACEMENT REQUIREMENTS.

(A) Lot and width requirements. All lots in the residential districts shall conform to the requirements of Table 153.072(a) of this chapter:

Table 153.072(a): Lot and Width Requirements in Residential Districts		
Zoning District	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)
Table 153.072(a): Lot and Width Requirements in Residential Districts		
Zoning District	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)
R1	9,000	70
R2	6,000	50
R2A	9,000 ¹	80 (new construction)
		70 (conversion of existing homes)
R4	15,000	80
PC2	NA	NA

(B) Dimensional requirements, single-family and two-family districts. Building height, setbacks, lot coverage and minimum floor area for development of a principal structure in the R1, R2, R2A, R4, and PC Districts shall conform to the requirements of Table 153.072(b) of this chapter.

Table 153.072(b): Dimensional Requirements in Single-Family, Two-Family, Private Club Residential									
Zoning District	Max. Building Height (ft.)	Minimum Yard Setbacks (ft.)				Lot Coverage (%)	Min. Floor Area (sq. ft.)		Principal Structure Minimum Width (ft.)
		Front ³	Side		Rear		1 story	2 stories	
			Interior	Street Side					
Table 153.072(b): Dimensional Requirements in Single-Family, Two-Family, Private Club Residential									
Zoning District	Max. Building Height (ft.)	Minimum Yard Setbacks (ft.)				Lot Coverage (%)	Min. Floor Area (sq. ft.)		Principal Structure Minimum Width (ft.)
		Front ³	Side		Rear		1 story	2 stories	
			Interior	Street Side					
R1	26	15 ⁴	10	15	25	40 ⁵	1,040	1,600	20
R2	26	15	8	15	25	40 ⁶	800	1,200	20
R2A	26	15	10	20	30	40	800	1,200	20
PC	26	0	0	0	0	NA	0	0	20
NOTES TO TABLES 153.072(a) and 153.072(b)									
1 This minimum square footage applies to 2-family dwellings; for a single-family dwelling, the minimum allowable area of the R2 Zone, 7,000 square feet, shall apply.									
2 No minimum lot size or width is required; provided, the land is in common ownership. If the land is subdivided, the requirements of the R1 District shall apply.									
3 The Zoning Administrator may determine that front yards may be the opposite of the yard fronting a public street or right-of-way on lots with sloping topography or facing water bodies.									
4 Setbacks within the C&O Club Development shall be 35 feet for front yard, 15 for side yard and 25 for rear yard.									
5 Maximum lot coverage shall be 50% for lots less than 7,000 square feet.									
6 Maximum lot coverage shall be 50% for lots less than 6,000 square feet.									

(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	650

(D) Dimensional requirements, R4 District. Building height, setbacks, lot coverage and minimum floor area for multiple-family developments in the R4 District shall conform to the requirements of Table 153.072(d).

Table 153.072(d): Dimensional Requirements in Multiple-family Dwellings in the R4 Zone									
Max. Building Height (ft.)	Minimum Yard Setbacks (ft.)				Lot Coverage (%)	Min. Floor Area (sq. ft.), based on number of bedrooms ¹			Distance Between Buildings
	Yard Adjacent to:	Front	Side	Rear		1 bedroom/ efficiency	2 bedrooms	3 bedrooms	
35	All districts	15	20	35	50	660	780	900	30
NOTES TO TABLE: ¹ For 1- and 2-family units, the floor area requirements of the R2A District shall apply.									

(E) R4 District; additional requirements for multiple-family dwellings.

- (1) *Development standards.* The general plan for multiple-family dwellings shall include evidence and facts showing that it has considered and made provisions for, and the development shall be executed in accordance with, the following essential conditions.
- (a) The proposed development shall be constructed in accordance with an overall plan and shall be designed as the unified architectural unit (each building, excluding accessory structures, shall have consistent roof lines, roof pitch, architectural features and building materials) with appropriate landscaping meeting the requirements of § 153.171 of this chapter.
- (b) If the development of the R4 Zone is to be carried out in stages, each stage shall be so planned that the foregoing requirements and the intent of this subchapter shall be fully complied with at the completion of any stage and the development of each stage shall take place in sequential order as designated by the plan.
- (2) *Development requirements.*
- (a) *Distance between buildings.* The horizontal distance measured between buildings, forming courts and courtyards, shall not be less than 40 feet.
- (b) *Parking.* A parking area shall be placed so that it does not interfere with any recreation or service area and shall be set back at least 20 feet from property lines.
- (c) *Paving.* All areas provided for use by vehicles and all pedestrian walks shall be surfaced with bituminous asphalt, concrete or similar materials and be properly drained.
- (d) *Service.* Areas for loading and unloading delivery trucks and other vehicles and for the servicing of refuse collection, fuel and other services shall be provided, shall be adequate in size and shall be so arranged that they may be used without interference with the use of access ways or parking facilities.
- (e) *Access.* Provision shall be made for safe and efficient ingress and egress to the public streets and highways servicing the R4 Zone without undue congestion to, or interference with, normal traffic flow.
- (f) *Utilities.* All buildings within the R4 Zone shall be serviced by a public sanitary sewer disposal system and public water supply system. All utility lines within the subject property including, but not limited to, power, water, sewer and telephone shall be placed underground by the developer for new developments. Each unit will be considered as a separate dwelling for the purpose of utility connections.
- (g) *Open space.* The developer shall be required where possible to preserve or incorporate natural features such as wooded areas, streams and open space areas, which add to the overall cohesive development of the R4 Zone and overall community development.
- (F) *Dimensional requirements, clustered housing.* Building height, setbacks, lot coverage and minimum floor area for single-family attached, single-family detached, two-family dwellings or any combination in an R4 District clustered housing development shall conform to the requirements of Table 153.072(f).

Table 153.072(f) Dimensional Requirements: Single-Family Attached, Single-Family Detached and Two-Family Dwellings in an R4 Zone Clustered Housing Development								
Max. Building Height (ft.)	Minimum Yard Setbacks (ft.)				Lot Coverage (%)	Min. Floor Area (sq. ft.)		Distance Between Buildings
	Yard Adjacent to:	Front	Side	Rear		1 story	2 stories	
30	All districts	25	10	25	NA ²	800	1100	10
NOTES TO TABLE: ¹ The Planning Commission may waive this requirement for the expansion of existing developments. ² Applicants are required to submit a grading and drainage plan, in accordance with the requirements of §§ 153.230 through 153.243 of this chapter, demonstrating storm water can be contained and managed on the subject property if no municipal storm water system exists. If a municipal storm water system exists, the Director of Public Works, or consulting engineer representing the city, shall review the grading and drainage plan to determine if the existing infrastructure can adequately handle the storm water runoff. Applicants may be required to install storm water management features to mitigate impacts to the municipal storm water system.								

(G) *Additional requirements for single-family attached, single-family detached and two-family dwellings in the R4 District.*

(1) *Development standards.* The general plan for the development shall include evidence and facts showing that it has considered and made provisions for, and the development shall be executed in accordance with, the following essential conditions: if the development is to be carried out in stages, each stage shall be so planned that the foregoing requirements and the intent of this subchapter shall be fully complied with at the completion of any stage and the development of each stage shall take place in sequential order as designated by the plan.

(2) *Development requirements.*

(a) *Parking.* Parking areas shall be placed so that they do not interfere with any recreation or service areas.

(b) *Paving.* All areas provided for use by vehicles and all pedestrian walks shall be surfaced with bituminous asphalt, concrete or similar materials and be properly drained.

(c) *Service.* Areas for loading and unloading delivery trucks and other vehicles and for the servicing of refuse collection, fuel and other services shall be provided, shall be adequate in size and shall be so arranged that they may be used without interference with the use of access ways or parking facilities.

(d) *Access.* Provision shall be made for safe and efficient ingress and egress to the public streets and highways servicing the R4 zone without undue congestion to, or interference with, normal traffic flow.

(e) *Utilities.* All buildings within the development shall be serviced by a public sanitary sewer disposal system and public water supply system. All utility lines for new developments within the subject property including, but not limited to, power, water, sewer and telephone shall be placed underground by the developer. Each unit will be considered as a separate dwelling for the purpose of utility connections.

(Prior Code, § 5.27) (Ord. 794, passed 9-17-2018; Ord. 795, passed 11-5-2018; Ord. 802, passed 4-15-2019)

§ 153.087 AREA, HEIGHT AND PLACEMENT REQUIREMENTS.

All lots in the non-residential districts shall conform to the requirements of the Table 153.087. The requirements in footnotes are an integral part of this subchapter and shall apply in all instances.

Table 153.087: Dimensional Requirements, Non-Residential and Mixed Use Districts								
Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Building Height (ft.)	Minimum Yard Setbacks (ft.)				Lot Coverage (%)
				Front	Side		Rear	
					Interior	Street Side		
Table 153.087: Dimensional Requirements, Non-Residential and Mixed Use Districts								
Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Building Height (ft.)	Minimum Yard Setbacks (ft.)				Lot Coverage (%)
				Front	Side		Rear	
					Interior	Street Side		
PO	NA	75	26	15	10	15	25	NA
GC	20,000	100	26	15	10	15	25	NA
CBD	NA	NA	40	0	0	0	0 ¹	NA
CH	43,560	150	30	25	20 ²	20	30 ¹	50/80 ³
MC	10,000	50	35 ⁴	20	0	0	0	NA
SR	NA	NA	§ 153.088 (A)	25	20/50 ⁵	20/50	50	30
I	43,560	150	30	30	20 ⁶	20	25	60
P	NA	100	35	20	10	15	15	NA
CM	9,000	60	35	15	10	15	20	NA
NOTES TO TABLE:								
1 The minimum rear yard in the CBD District when adjacent to the Pine River Channel or Round Lake shall be 50 feet.								
2 In the CH District, the minimum side or rear yard adjacent to any residential district shall be 50 feet.								
3 In the CH District, lot coverage of buildings shall not exceed 50%; lot coverage of all impervious surfaces shall not exceed 80%.								
4 Maximum height in the MC District for residential structures shall be 26 feet.								
5 The minimum side yard shall be 20 feet and the total of both side yards shall be at least 50 feet.								
6 The minimum side and rear yards in the I District when adjacent to property in a residential district shall be 40 feet.								

(Prior Code, § 5.32)

Use	R1 – Low Density Single-Family	R2 – Medium Density Single Family	R2A – Two Family	R4- Planned High Density	PC – Private Club	GC – General Commercial	CBD – Central Business District	CM - Commercial Mixed Use	MC - Marine Commercial	CH – Commercial Hospitality	PO – Professional Office	SR – Scenic Reserve	I - Industrial	P – Public Facilities
Single-family, detached	P – 1,040 800 under rev.[3]	P – 800	P – 800 400 under rev. [3]	P – 800	P – 0			P – 0	P – 0					
Single-family, attached		P – 800	P – 800	P – 800	P – 0			P – 0	P – 0					
Two-Family		P – 800	P – 800	P – 800	P – 0									
Multiple-family				P – [1]	P – 0	P – 0	P – 0	P – 0	P -[2] 800	P – 0				
				1 BR - 660					Or					
				2 BR - 780					1 BR - 660					
				3 BR - 900					2 BR - 780					
Clustered Housing (SF Attached, SF Detached, Duplex)				P – 800 (1 story) / 1,100 (2 stories)					3 BR - 900					
Single Multiple Family building		P – 800												
Accessory dwelling unit	P – 300 min 900 max[3]	P – 300 min. 650 max 900 max. rev.[3]												
Home conversion		P –												
		1 BR - 300												
		2 BR - 450												
Rentals	P – Size based on specific dwelling type (use)													
Senior Housing: Independent Living, assisted living and similar facilities				S - 1 BR - 660 2 BR - 780 3 BR - 900										
Convalescent and nursing homes				S -										
Boarding/rooming house	S - 1,040	S - 800												
Dwellings above the first floor						P[4] - 0	P - 0		P – 0		P[5] - 0			
Motel or hotel						P – 0	P – 0	P – 0		P – 0				
Bed and breakfast	S - 1,040	S - 800					P – 0		P – 0	P – 0				
Adult foster care group home	S - small group 1,040 / 800			S - large group		S - 0								
Accessory uses, buildings and structures	P - 2,000 max													

P is Permitted Use; S is Special
Land Use

[1] In a building containing three or more dwelling units

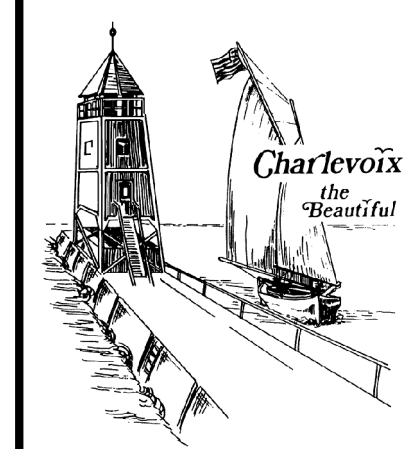
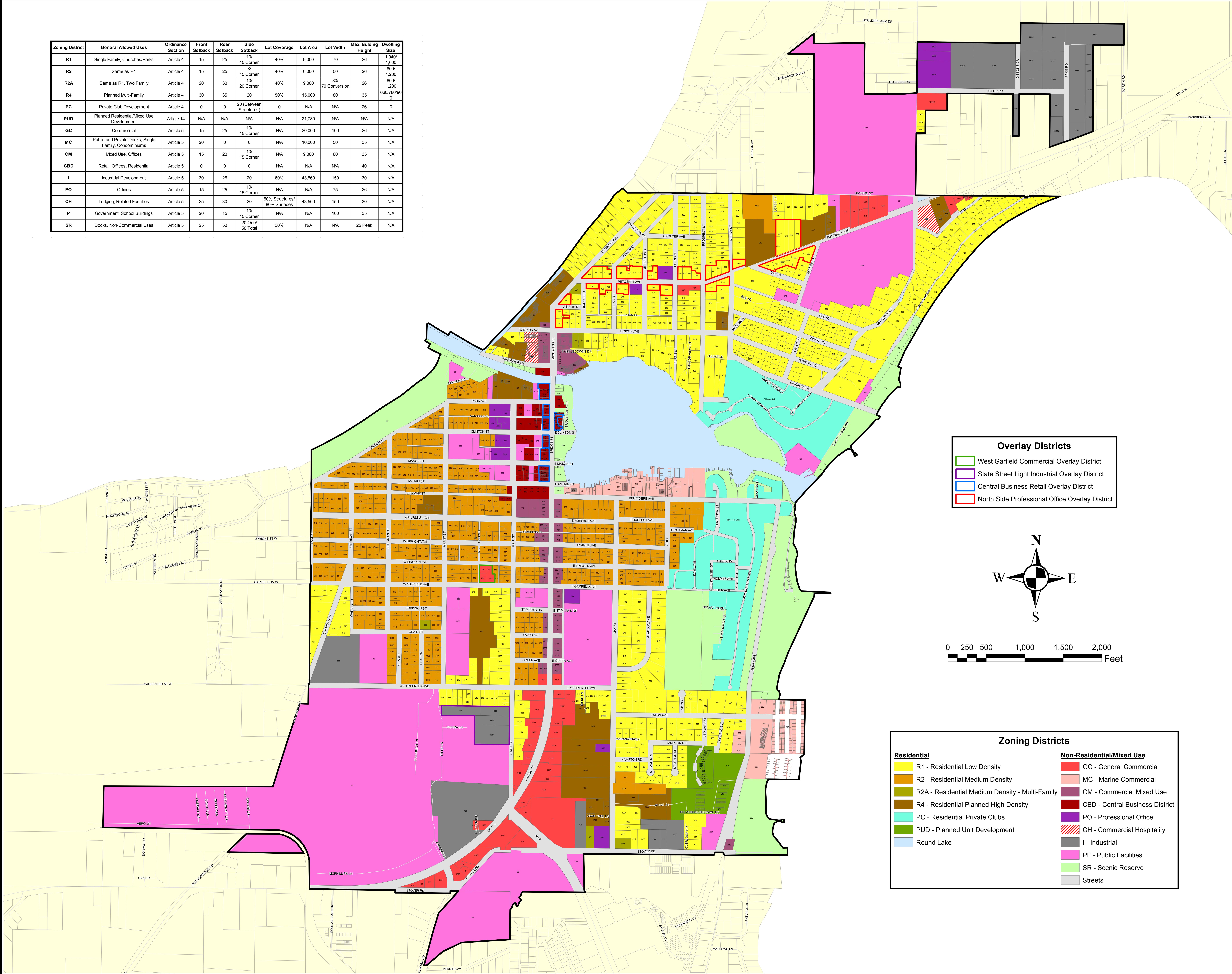
[2] Developments of a single multiple-family dwelling may be developed to the requirements of the R2 District, while Developments of more than one Multiple-family dwellings shall be developed to the requirements of the R4 District.

[3] Yet to be heard at City Council

[4] Mixed use developments where dwelling units are proposed above GC structure shall comply with the area, height and placement requirements of the GC District.

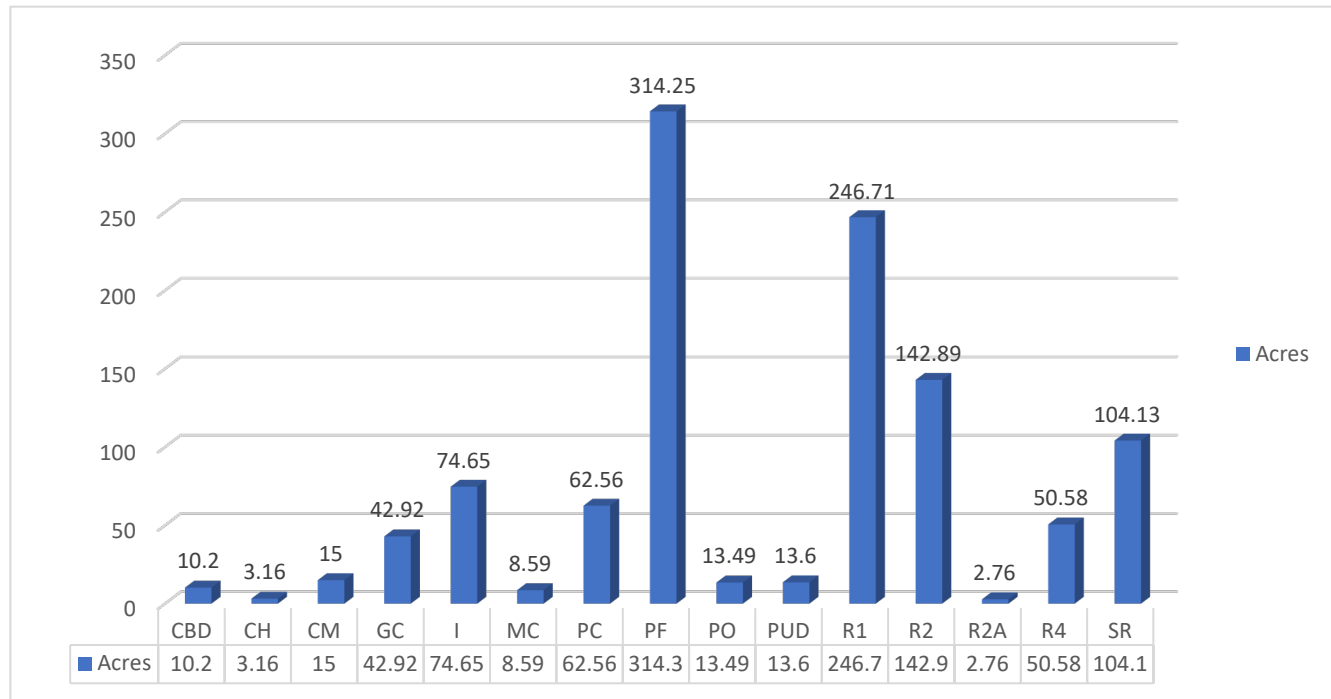
[5] Mixed use developments where dwelling units are proposed above professional offices shall comply with the area, height and placement requirements of the PO District.

Zoning District	General Allowed Uses	Ordinance Section	Front Setback	Rear Setback	Side Setback	Lot Coverage	Lot Area	Lot Width	Max. Building Height	Dwelling Size
R1	Single Family, Churches/Parks	Article 4	15	25	10'/15' Corner	40%	9,000	70	26	1,040/1,600
R2	Same as R1	Article 4	15	25	0'/15' Corner	40%	6,000	50	26	800/1,200
R2A	Same as R1, Two Family	Article 4	20	30	10'/20' Corner	40%	9,000	80'/70' Conversion	26	800/1,200
R4	Planned Multi-Family	Article 4	30	35	20	50%	15,000	80	35	660/780/900
PC	Private Club Development	Article 4	0	0	20 (Between Structures)	0	N/A	N/A	26	0
PUD	Planned Residential/Mixed Use Development	Article 14	N/A	N/A	N/A	N/A	21,780	N/A	N/A	N/A
GC	Commercial	Article 5	15	25	10'/15' Corner	N/A	20,000	100	26	N/A
MC	Public and Private Docks, Single Family, Condominiums	Article 5	20	0	0	N/A	10,000	50	35	N/A
CM	Mixed Use, Offices	Article 5	15	20	10'/15' Corner	N/A	9,000	60	35	N/A
CBD	Retail, Offices, Residential	Article 5	0	0	0	N/A	N/A	N/A	40	N/A
I	Industrial Development	Article 5	30	25	20	60%	43,560	150	30	N/A
PO	Offices	Article 5	15	25	10'/15' Corner	N/A	N/A	75	26	N/A
CH	Lodging, Related Facilities	Article 5	25	30	20	50% Structures/80% Surfaces	43,560	150	30	N/A
P	Government, School Buildings	Article 5	20	15	10'/15' Corner	N/A	N/A	100	35	N/A
SR	Docks, Non-Commercial Uses	Article 5	25	50	20 One/50 Total	30%	N/A	N/A	25 Peak	N/A



DATE: 9/30/2013

Zoning	Acres	%
CBD	10.2	0.92%
CH	3.16	0.29%
CM	15	1.36%
GC	42.92	3.88%
I	74.65	6.75%
MC	8.59	0.78%
PC	62.56	5.66%
PF	314.25	28.43%
PO	13.49	1.22%
PUD	13.6	1.23%
R1	246.71	22.32%
R2	142.89	12.93%
R2A	2.76	0.25%
R4	50.58	4.58%
SR	104.13	9.42%





Density of Development



Twin Cities Metropolitan Area Examples



Density of
Development

Introduction

- *Visualizing Housing Density*

This presentation is designed to help visualize housing unit density in a variety of urban and suburban settings. Density is an important characteristic in relationship between land use and transportation, particularly in supporting successful transit service. However, density has many forms and applications and developments of the same density can have a very different look and feel. Density also has numerous definitions and methods of measurement. This presentation defines density by how many housing units are in a development designated for housing, dwelling units per acre (du/acre). In some cases, it is the parcels that comprise the subdivision. In others, it is area included in the development project or neighborhood block.

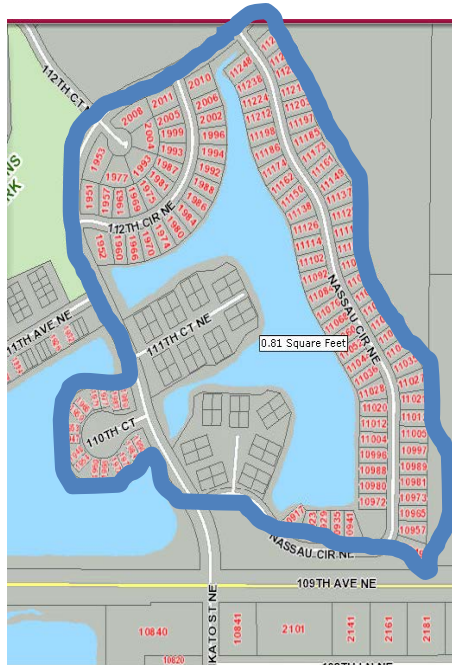
Key Points

- Density is a number of units in a given land area (project area, subdivision, parcel). In the residential developments used the land area includes all the area of the legal parcel or parcels. The maps show the land area definition for each project highlighted.
- In mixed use projects, density is the number of housing units divided by the land area of the mixed-use development (that includes area used for non-residential uses such as office or retail space).
- For questions about this presentation, contact John Kari at john.kari@metc.state.mn.us



Density of Development

Suburban 3.3 units per acre





Suburban 5 units per acre





Urban 7 units per acre



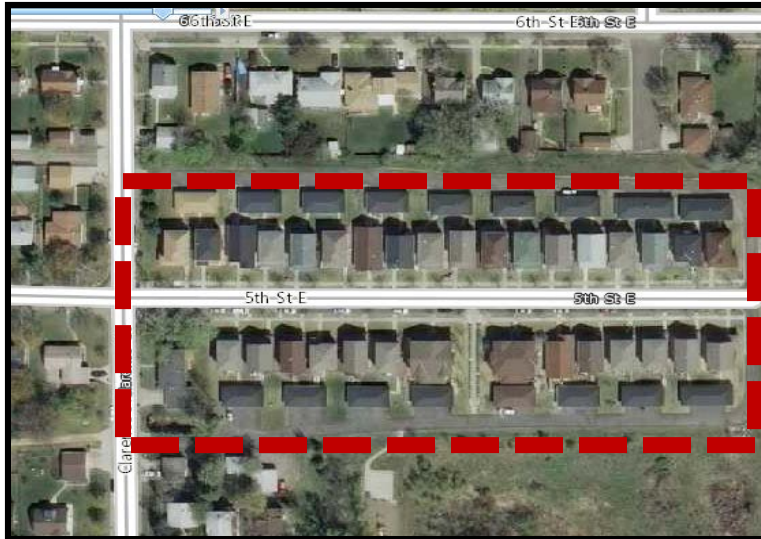


Suburban 7 units per acre





Urban 10 units per acre



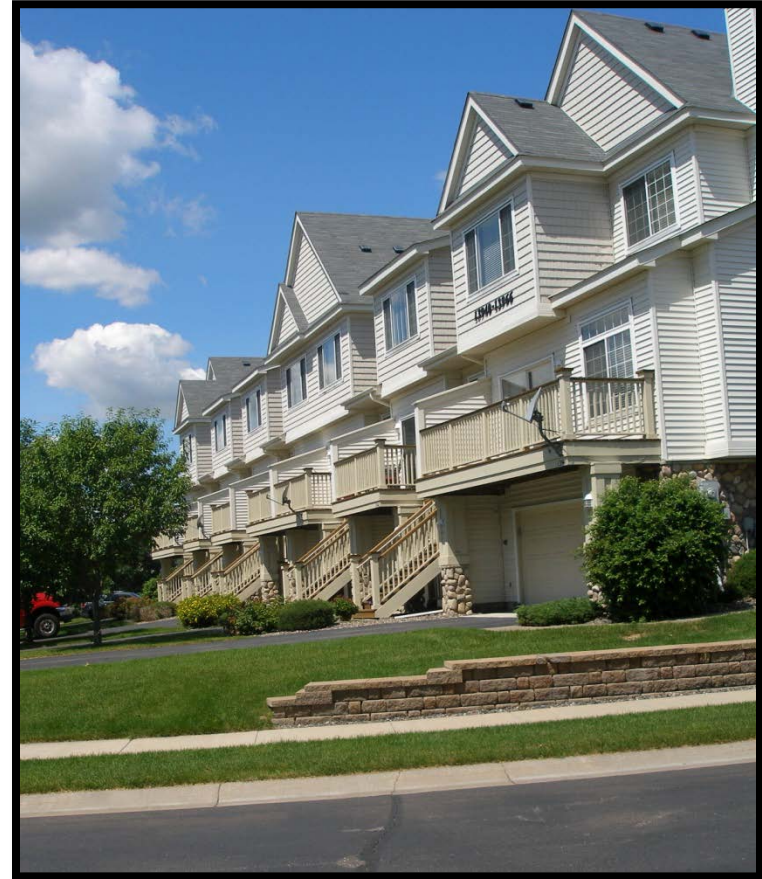


Suburban 10 units per acre





Suburban 15 units per acre



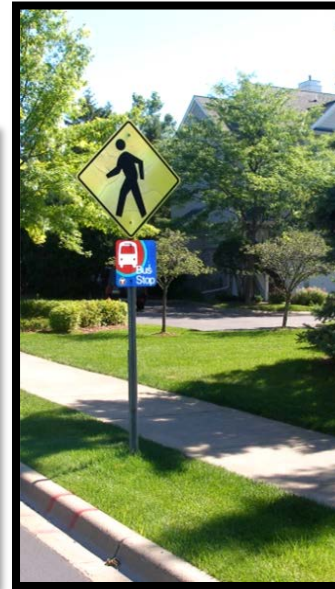


Urban 16 units per acre





Suburban 18 units per acre





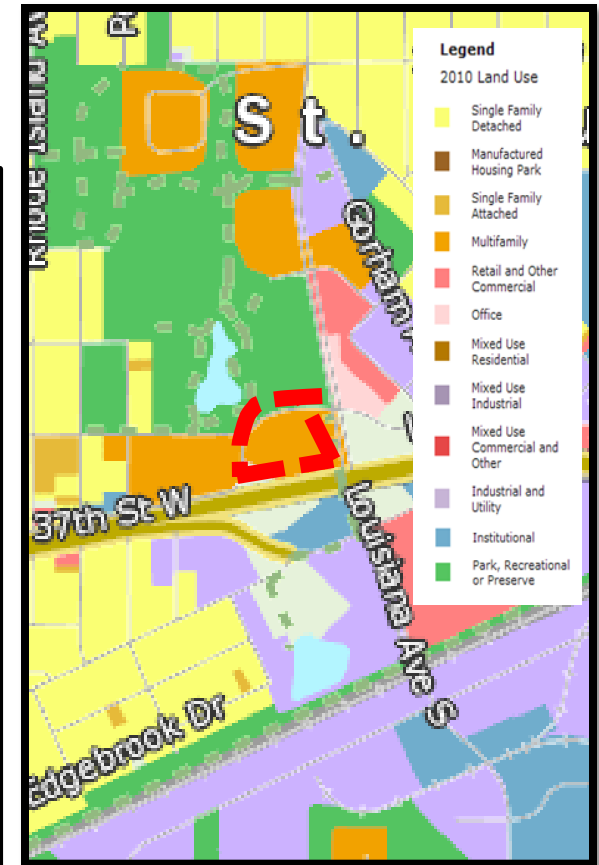
Density of
Development

**Urban 24 units per acre
mixed use**



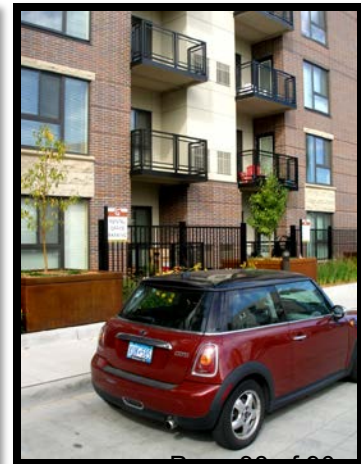
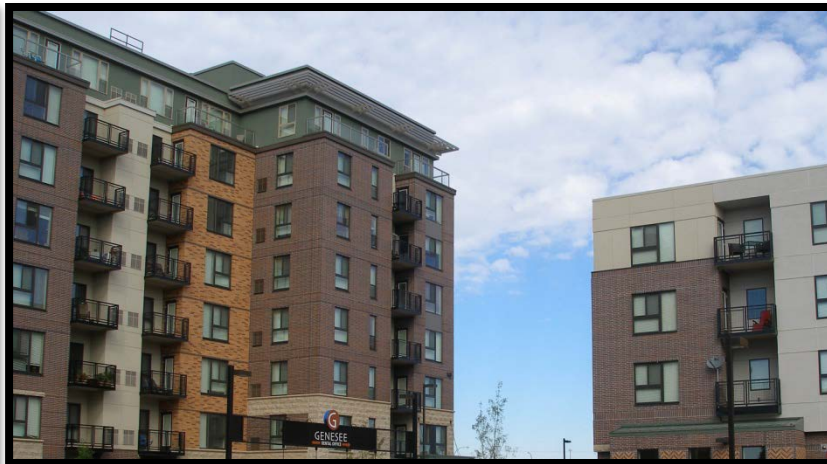
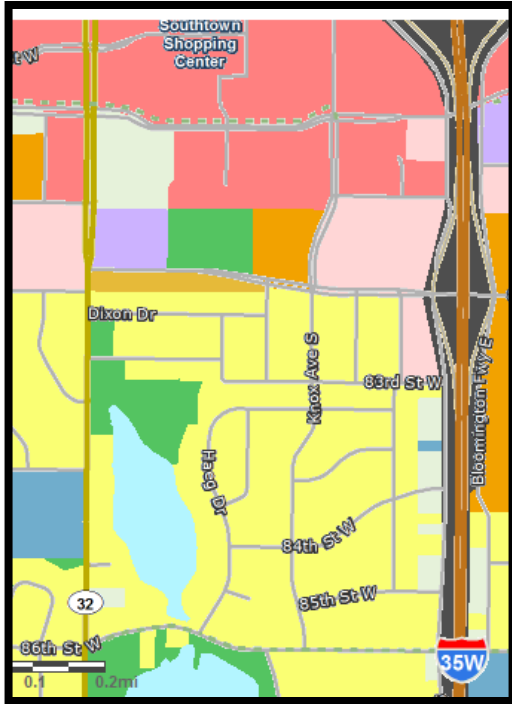


Suburban 25 units per acre



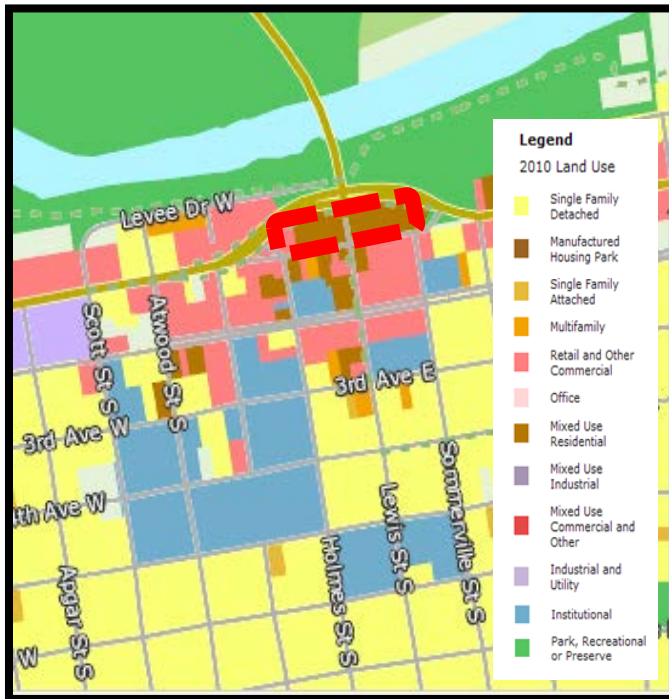


Suburban 28 units per acre mixed use





Suburban 28 units per acre mixed use





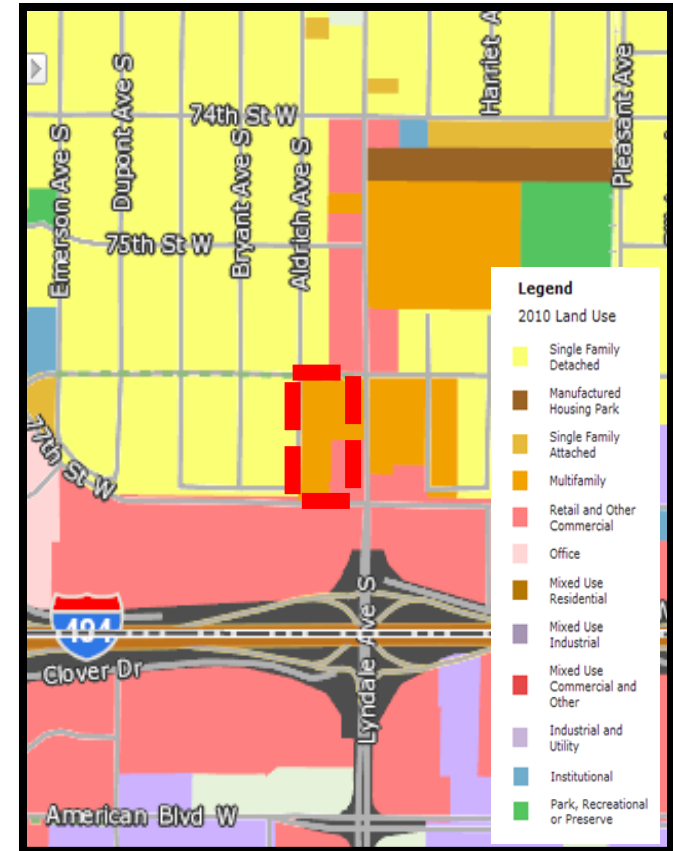
Suburban 32 units per acre (1) mixed use





Density of
Development

Suburban 32 units per acre (2) mixed use



2010 Land Use



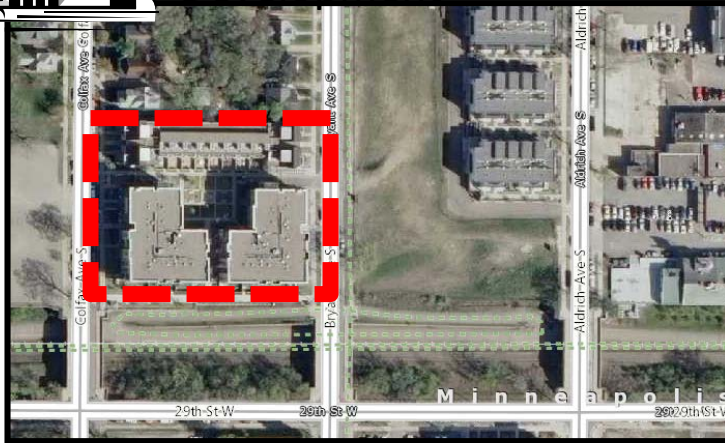
Density of
Development

**Urban 40 units per acre
mixed use**

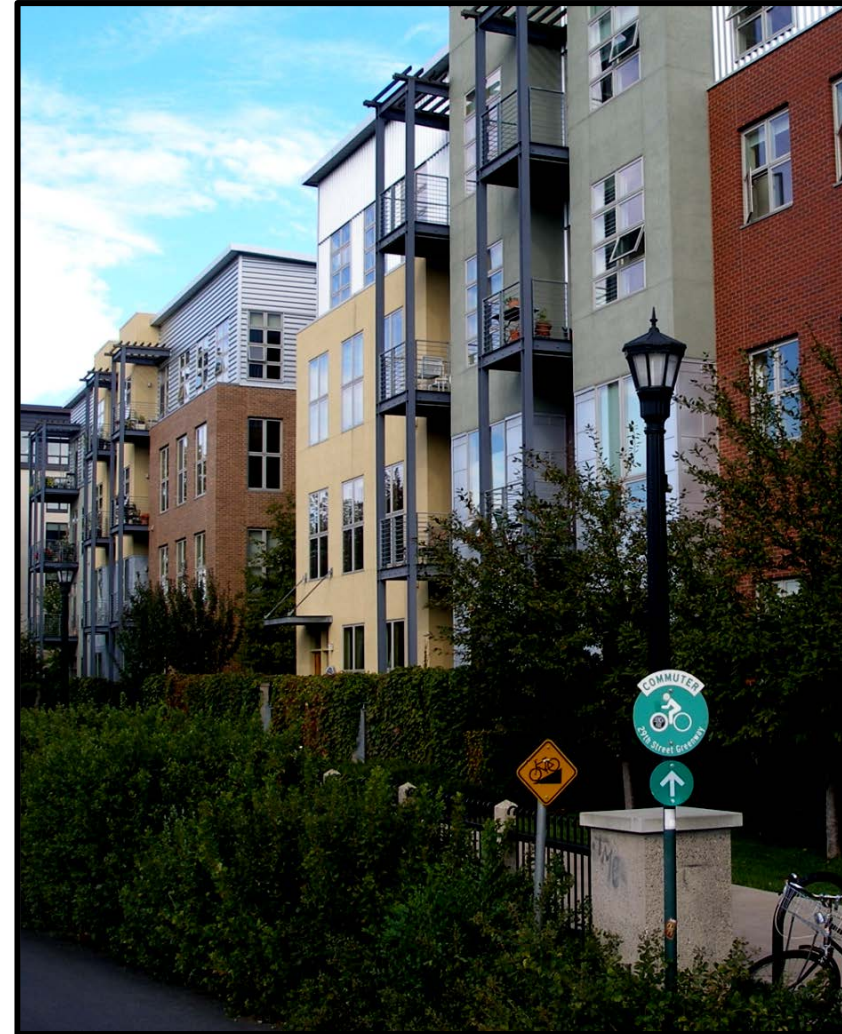




Density of Development

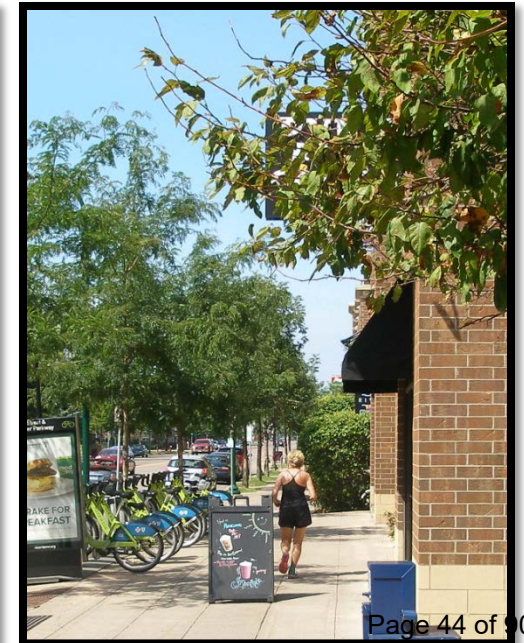
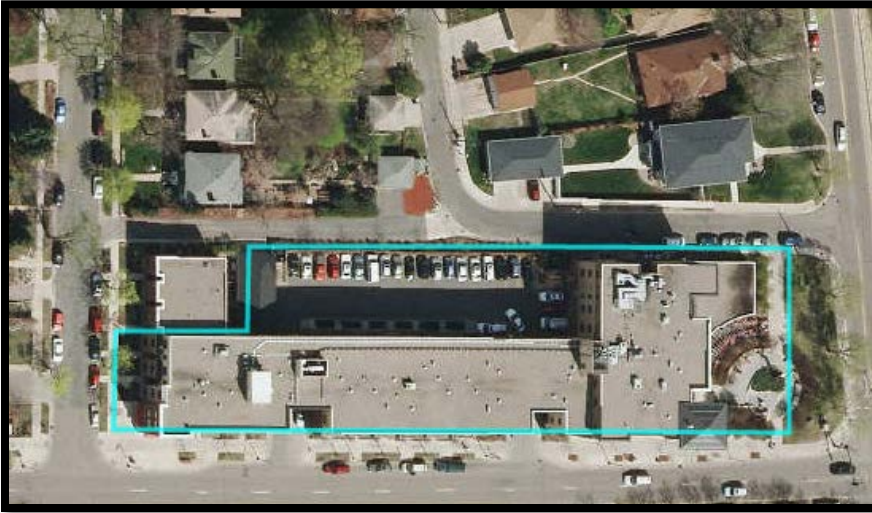


Urban 45 units per acre





Urban 46 units per acre Mixed Use





Suburban 46 units per acre Mixed Use



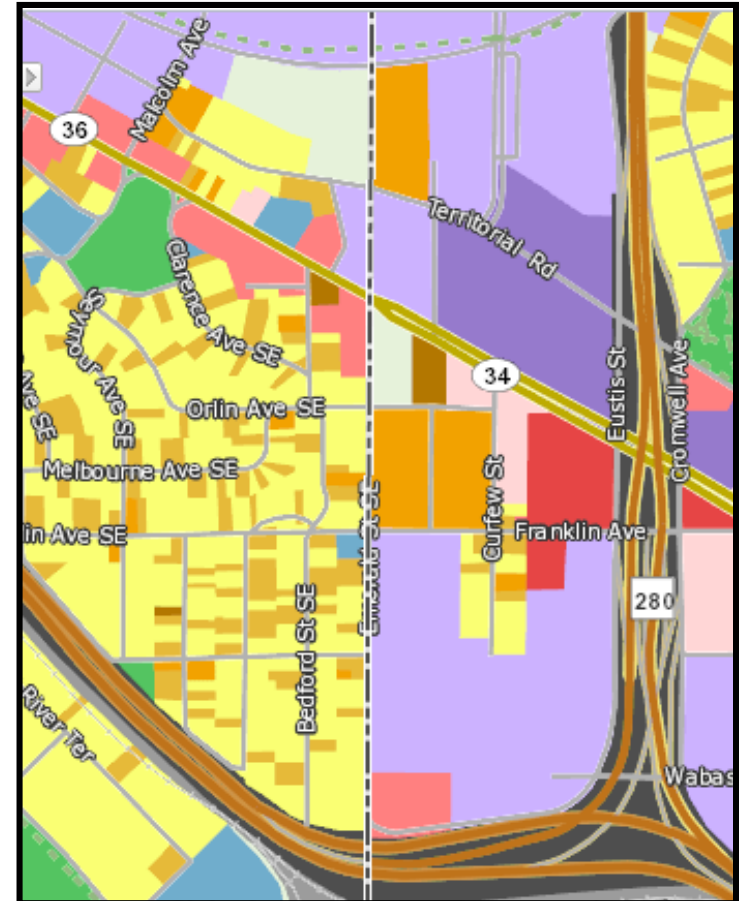


Urban 59 units per acre (1)





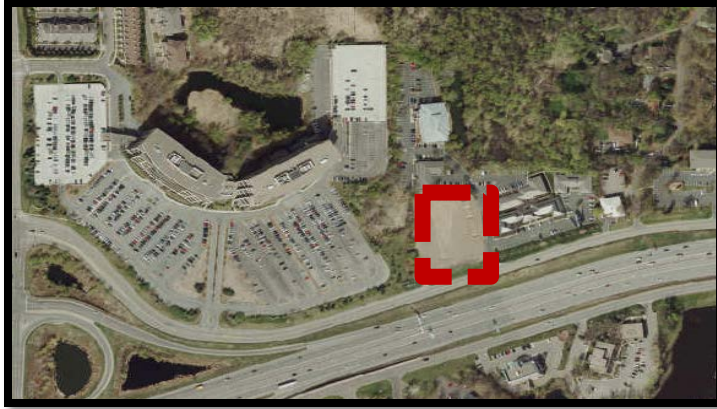
Urban 59 units per acre (2)



2010 Land Use

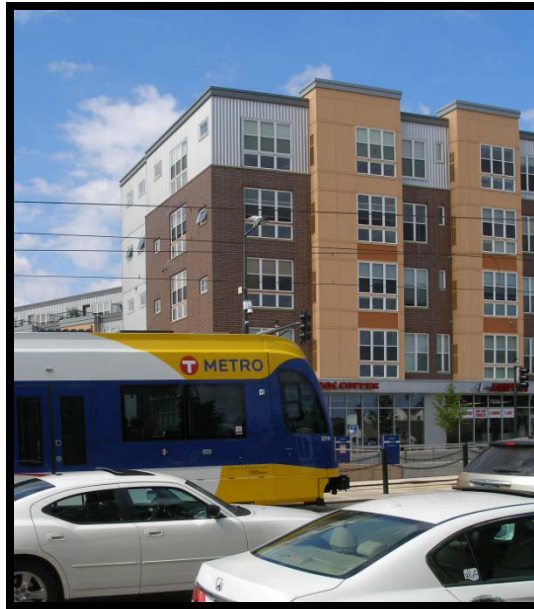


Suburban 64 units per acre



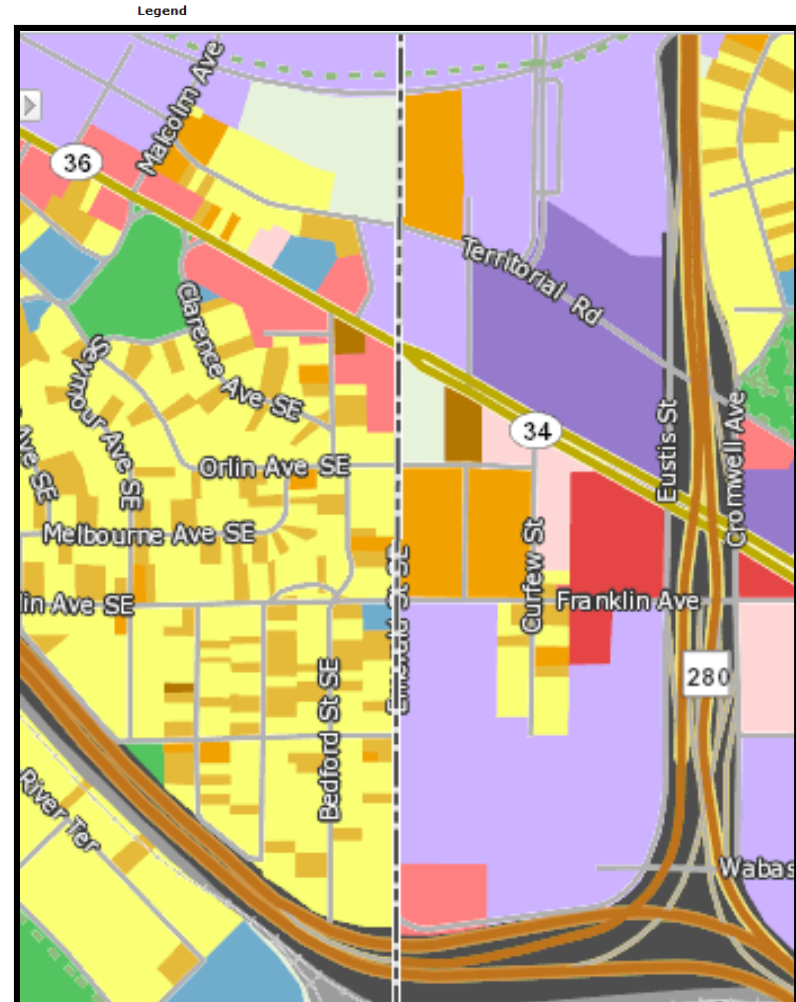


Urban 74 units per acre (1)





Urban 74 units per acre (2)



2010 Land Use





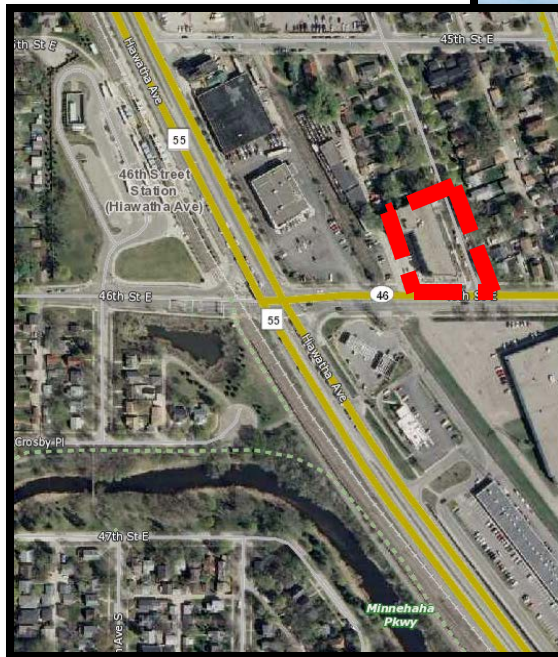
Urban 79 units per acre





Density of
Development

Urban 80 units per acre



**46th Street
Station**





Density of
Development

Suburban 90 units per acre



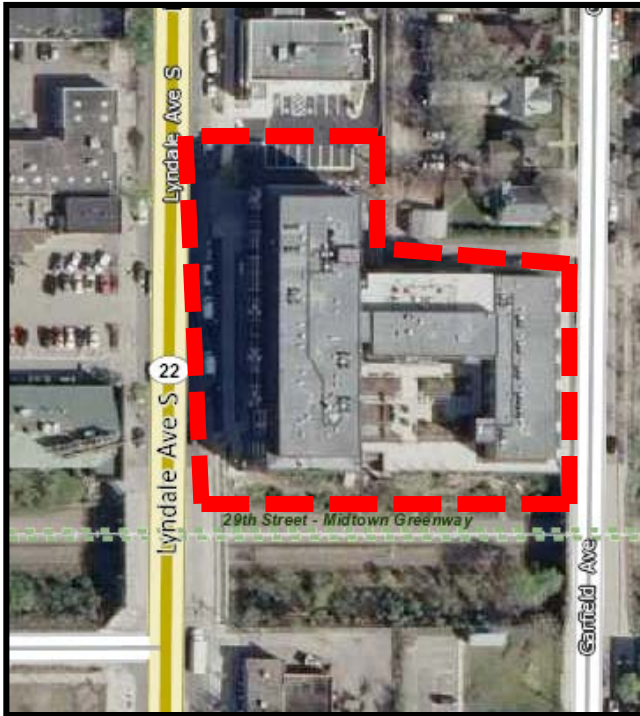


Urban 97 units per acre





Density of Development



Urban 108 units per acre



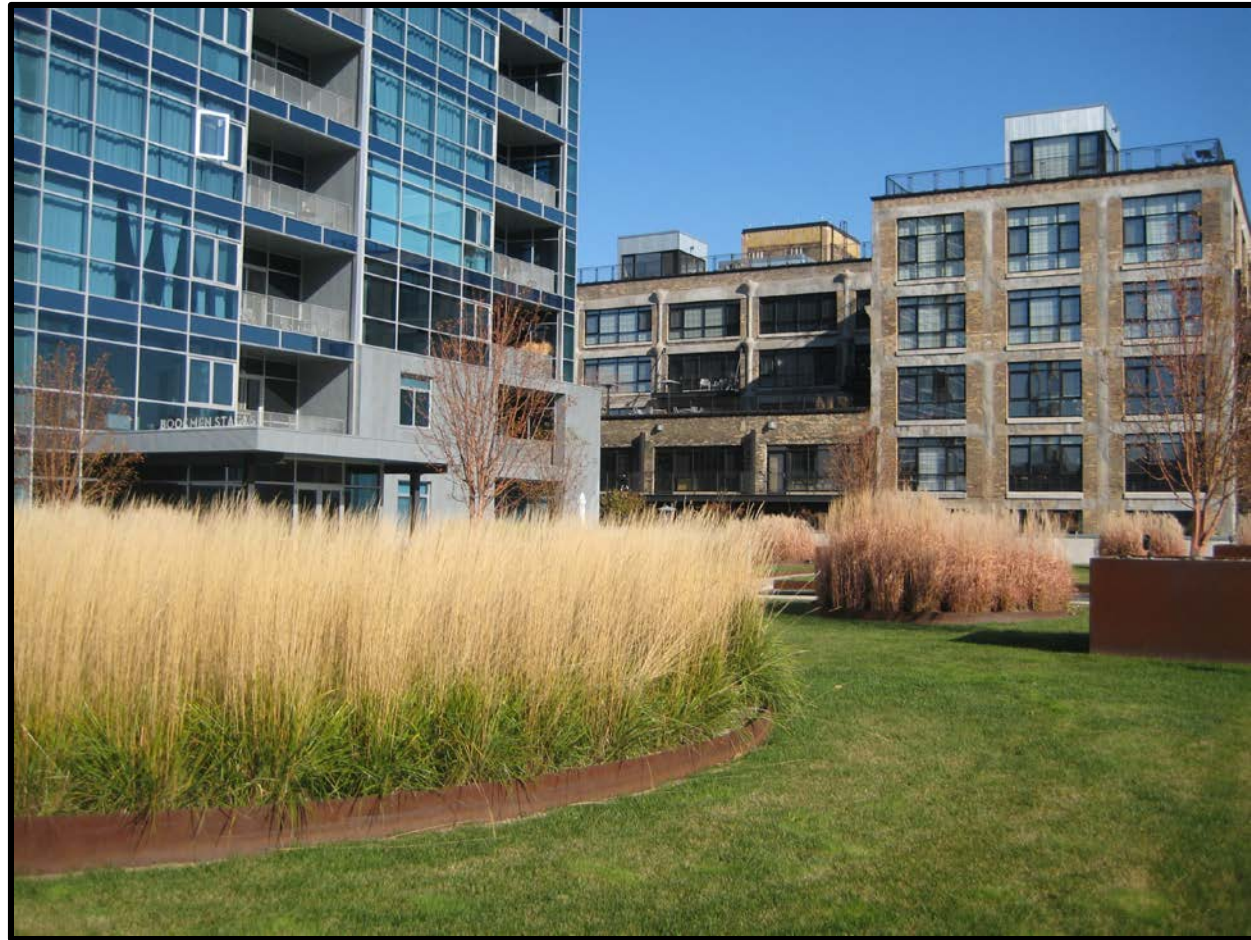


Urban 119 units per acre



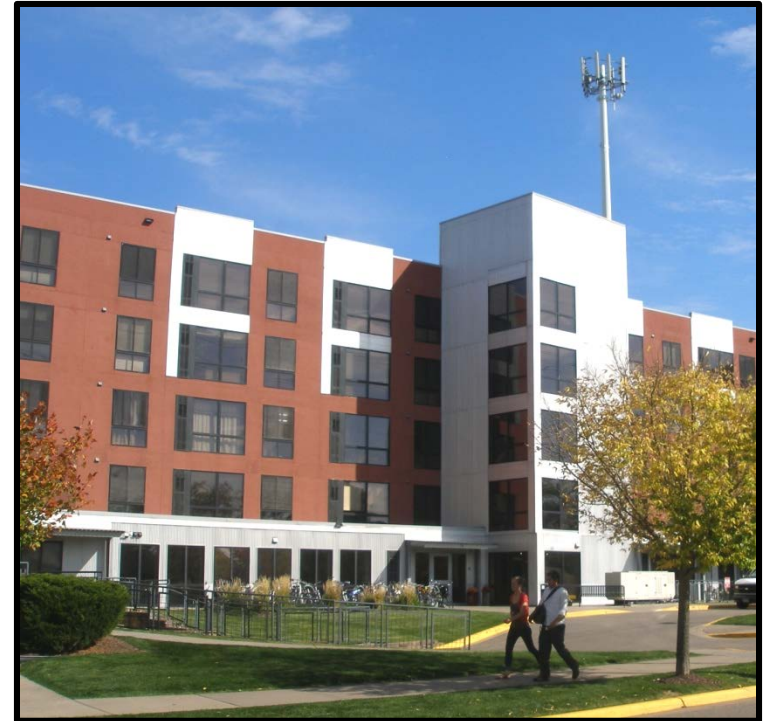


Urban 135 units per acre



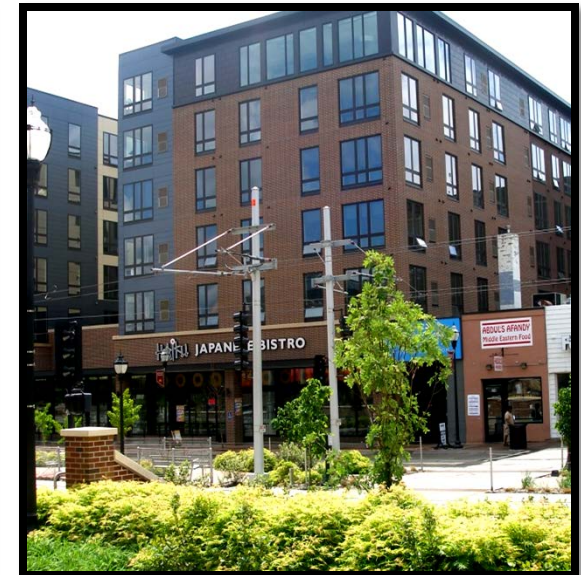
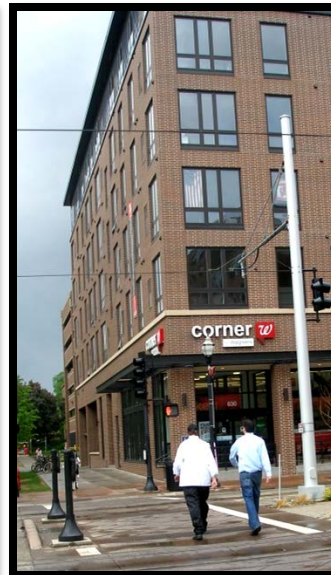


Urban 140 units per acre





Urban 196 units per acre Mixed use





[back to the types](#)

Cottage Court

Overview

Idealized

Documented

Description

A group of small (1 to 1.5-story*), detached structures arranged around a shared court visible from the street. The shared court is an important community-enhancing element and unit entrances should be from the shared court. It replaces the function of a rear yard. Often rear-most building can be up to 2 stories.

Typical Specifications

Lot	Front-loaded	Alley-Loaded
Width*	115–160 feet	100–150 feet
Depth*	100–150 feet	100–150 feet
Area*	11,500–24,000 sq. ft. 0.26–0.55 acres	10,000–22,500 sq. ft. 0.23–0.52 acres
Units		
Number of Units	5–10	5–10
Typical Unit Size	500–800 sq. ft.	500–800 sq. ft.
Density		
Net Density	13–38 du/acre	19–44 du/acre
Gross Density	10–20 du/acre	15–31 du/acre
Parking		
Parking Ratio*	1–2 per unit	1–2 per unit
On-street Spaces	5–7	5–7
Off-street Spaces	1 per unit max.	1 per unit max.
Setbacks		
Front*	10–25 feet	
Side*	5–15 feet	
Rear (main building)*	5–15 feet	
Between Main and Accessory Buildings	5–10 feet	
Building		
Building Size		
Width	18–24 feet max.	
Depth	24–36 feet max.	
Height (to eave)*	12–18 feet max.	
Stories	1–1.5 stories (Rear-most building sometimes 2 stories)	
*Varies based on context		



Gallery of Cottage Courts





[back to the types](#)

Fourplex: Stacked

- Overview
- Idealized
- Documented

Description

A detached (2 to 2.5-story) structure with four dwelling units, two on the ground floor and two above, with shared or individual entries from the street. This type has the appearance of a medium-sized single-unit house and may include a rear yard. This type is attractive to developers by generating four units on a typical 50’ lot with alley access.

Typical Specifications

Lot	Front-loaded	Alley-Loaded
Width*	50–75 feet	45–65 feet
Depth*	100–150 feet	100–150 feet
Area*	5,000–11,250 sq. ft.	4,500–9,750 sq. ft.
	0.11–0.26 acres	0.10–0.22 acres
Units		
Number of Units	4	4
Typical Unit Size	500–1,200 sq. ft.	500–1,200 sq. ft.
Density		
Net Density	18–29 du/acre	21–35 du/acre
Gross Density	14–22 du/acre	15–25 du/acre
Parking		
Parking Ratio*	1-2 per unit	1-2 per unit
On-street Spaces	2–3	2–3
Off-street Spaces	1.5 per unit max.	1.5 per unit max.
Setbacks		
Front*	10–25 feet	
Side*	5–12 feet	
Rear (main building)*	30–60 feet	
Between Main and Accessory Buildings	10–20 feet	
Building		
Building Size		
Width	34–56 feet	
Depth	32–60 feet	
Height (to eave)*	20–28 feet	
Floors	2-2.5 stories	

* *Varies based on context*



Gallery of Fourplexes

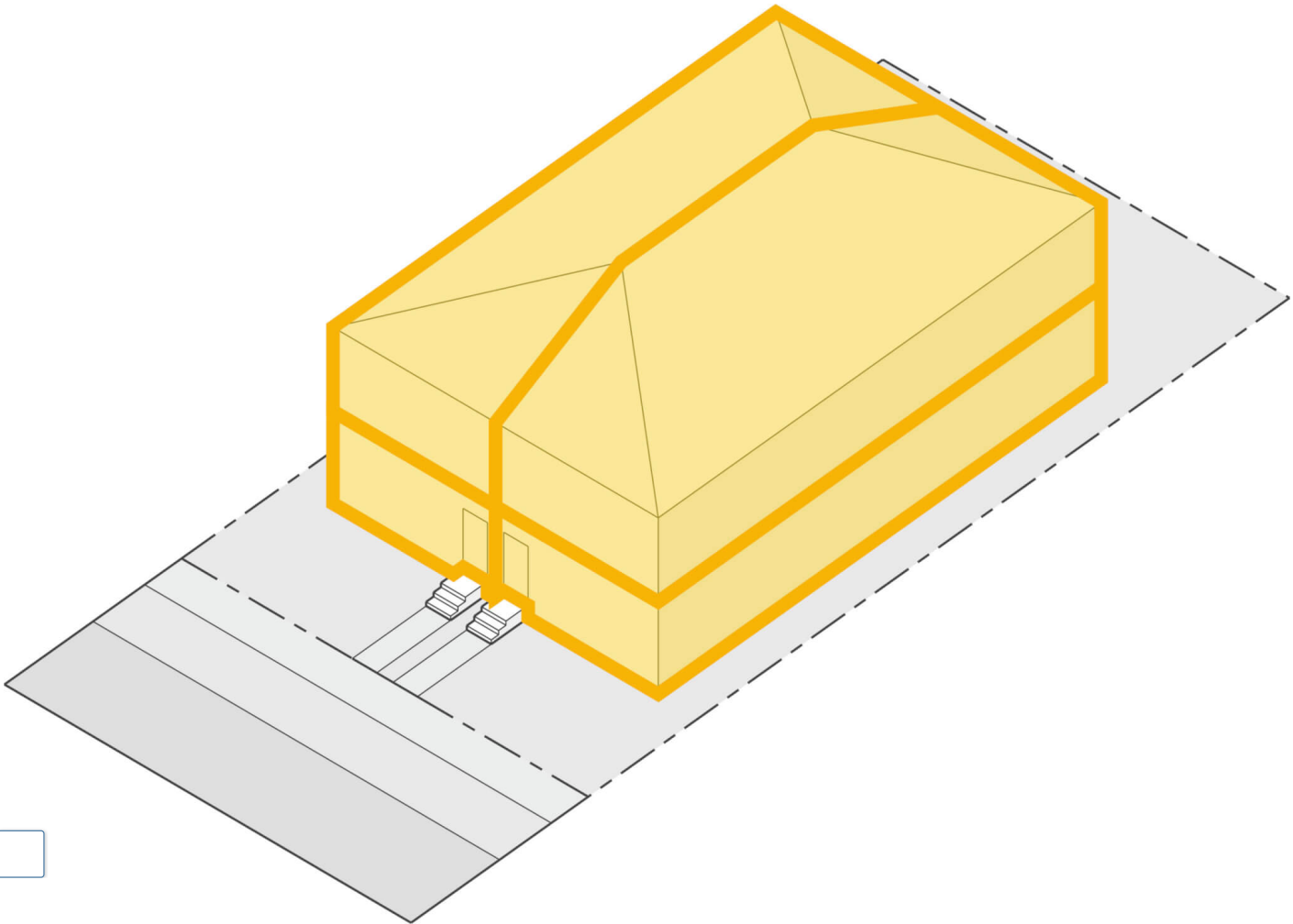




Idealized specifications take the best characteristics of this type and update them for today’s typical building standards, serving as a model for new development.

Alley Loaded | **Front Loaded**

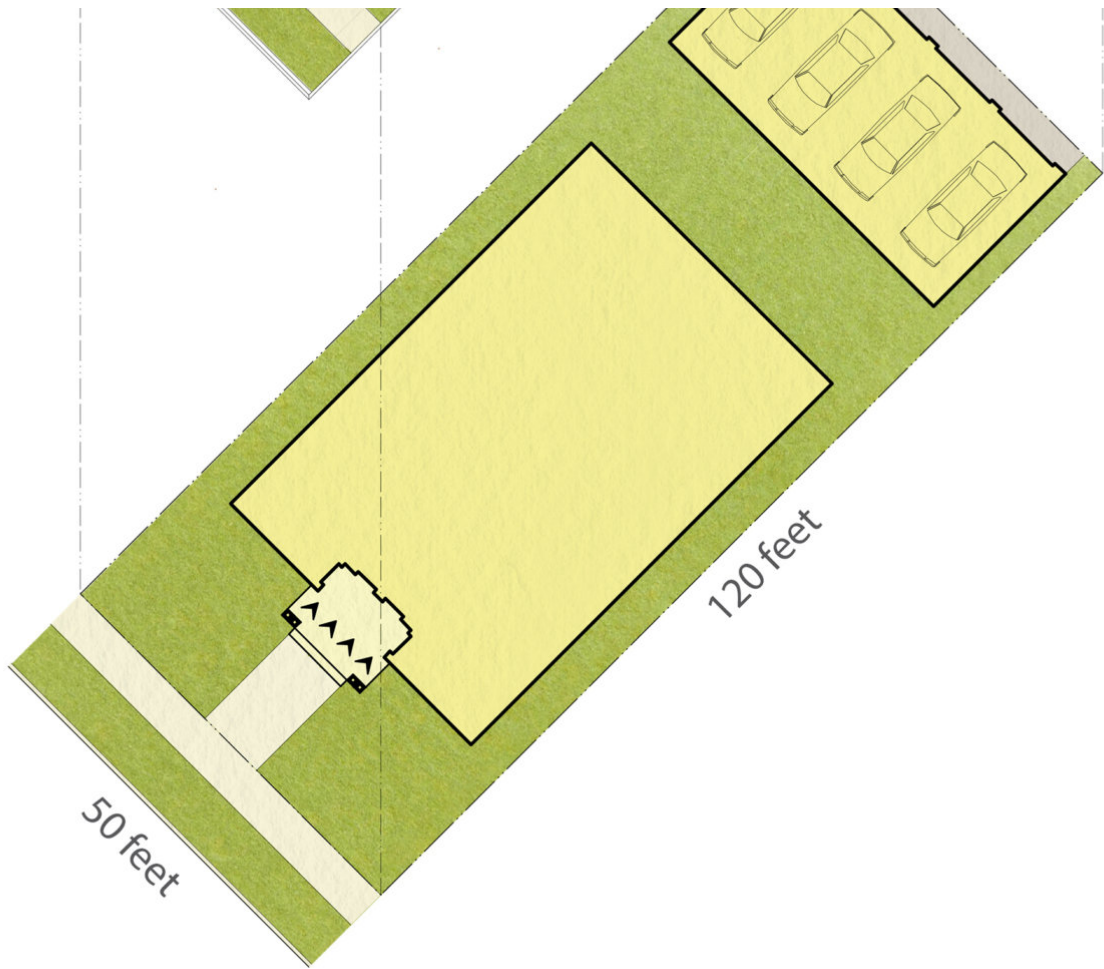
Alley Loaded



Ideal Specifications

Lot	
Width	50 feet
Depth	120 feet
Area	6,000 sq. ft.
	0.138 acres
Units	
Number of Units	4 units
Typical Unit Size	1,200 sq. ft.
Density	
Net Density	29 du/acre
Gross Density	22 du/acre
Parking	
Parking Ratio	1.5 per unit
On-street Spaces	2
Off-street Spaces	4
Setbacks	
Front	15 feet
Side	5 feet
Building	
Width	40 feet
Depth	60 feet
Height (to eave)	21 feet
Floors	2 stories





Front Loaded

Ideal Specifications

Lot	
Width	60 feet
Depth	130 feet
Area	7,800 sq. ft.
	0.179 acres
Units	
Number of Units	4 units
Typical Unit Size	1,200 sq. ft.
Density	
Density	22 du/acre
Max Density	18 du/acre
Parking	
Parking Ratio	1.5 per unit
On-street Spaces	2
Off-street Spaces	4

Setbacks

Front	15 feet
Side	5 feet
Building	
Width	40 feet
Depth	60 feet
Height (to eave)	21 feet
Floors	2 stories

The following example(s) show this housing type documented as real-world examples as they exist today. NOTE: Documented examples may be not be up to today’s local building code standards. See the **Idealized** tab for up-to-date specifications in line with modern building standards.

< Courtyard Building All Types Duplex: Stacked >

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The Types

- Duplex: Side-by-Side
- Duplex: Stacked
- Triplex: Stacked
- Fourplex: Stacked
- Cottage Court
- Courtyard Building
- Live-Work
- Townhouse
- Multiplex: Medium

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“Missing Middle Housing” was coined by Opticos Design founder Daniel Parolek in 2010 to define a range of multi-unit or clustered housing types—compatible in scale with detached single-family homes—that help meet the growing demand for walkable urban living.



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Charlevoix Planning Commission

Old Business

Title: 101 Leonard Special Land Use Review Update

Date: November 14, 2022

Presented By: Janet Koch, Zoning Administrator

Background:

Due to a procedural error that resulted in an invalid motion, the Commission is required to review the application and complete the process. However, on November 7, 2022, the applicant, Laura Jasurda, notified Zoning Administrator Koch that she has decided not to move forward with her Special Land Use Application. The application is closed.

Recommendation:

Attachments:

None

Charlevoix Planning Commission

Old Business

Title: Review of Building Height Average

Date: November 14, 2022

Presented By: Janet Koch, Zoning Administrator

Background:

The Commission has requested a second review of the Zoning Ordinance language presented at the October 10, 2022 meeting. Specifically, the Commission will review the term "Average" as added to Table 153.072(b), Table 153.072(d), Table 153.072(f), and Table 153.087.

Recommendation:

Attachments:

1. All Sections Combined Changes
2. 2 Mail - FW_ ZBA letter to Planning May 26, 2022
3. 2 ZBA Building Height Amendment
4. 2 ZBA Comment Building Height markup
5. 2 ZBA Comment Ordinance 821 highlighted
6. 2 ZBA Comment Ordinance 823

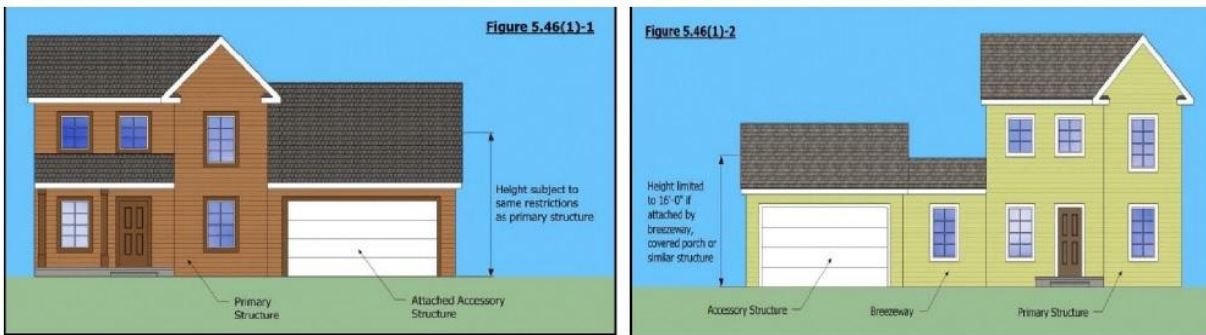
**Draft Zoning Ordinance Amendment
City of Charlevoix Planning Commission
Public Hearing October 10, 2022
Amendment #1
Building Type Standards
Changes Marked in Red**

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.)~~

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



(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

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, retaining walls, 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.)

§ 153.072 AREA, HEIGHT AND PLACEMENT REQUIREMENTS.

(B) *Dimensional requirements, single-family and two-family districts.* Building height, setbacks, lot coverage and minimum floor area for development of a principal structure in the R1, R2, R2A, R4, and PC Districts shall conform to the requirements of Table 153.072(b) of this chapter.

Table 153.072(b): Dimensional Requirements in Single-Family, Two-Family, Private Club Residential									
Zoning District	Max. <u>Average Building Height</u> (ft.) ⁷	Minimum Yard Setbacks (ft.)				<u>Maximum</u> Lot Coverage (%)	Min. <u>Gross</u> Floor Area (sq. ft.)		Principal Structure Minimum Width (ft.)
		Front ³	Side		Rear		1 story	2 stories	
			Interior	Street Side					
R1	26	154	10	15	25	405	1,040 800	1,600 1,200	20
R2	26	15	8	15	25	406	800	1,200	20
R2A	26	15	10	20	30	40	800 400	1,200 800	20
PC	26	0	0	0	0	NA	0	0	20

NOTES TO TABLES 153.072(a) and 153.072(b)

7. See § 153.005 DEFINITIONS for the definition of building height.

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
R1 and R2	300	900 650

Table 153.072(d): Dimensional Requirements in Multiple-family Dwellings in the R4 Zone

Max. **Average** Building Height (ft.)²

NOTES TO TABLE:

² See § 153.005 DEFINITIONS for the definition of building height.

Table 153.072(f) Dimensional Requirements: Single-Family Attached, Single-Family Detached and Two-Family Dwellings in an R4 Zone Clustered Housing Development

Max. **Average** Building Height (ft.)³

NOTES TO TABLE:

³ See § 153.005 DEFINITIONS for the definition of building height

§ 153.087 AREA, HEIGHT AND PLACEMENT REQUIREMENTS.

Table 153.087: Dimensional Requirements, Non-Residential and Mixed Use Districts

Zoning District	Max. Average Building Height (ft.)⁷
PO	26
GD	26
CBD	40
CH	30
MC	35 ⁴
SR	§ 153.088(A)
I	30
P	35
CM	35

NOTES TO TABLE:

⁷ See § 153.005 DEFINITIONS for the definition of building height.

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.



(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.

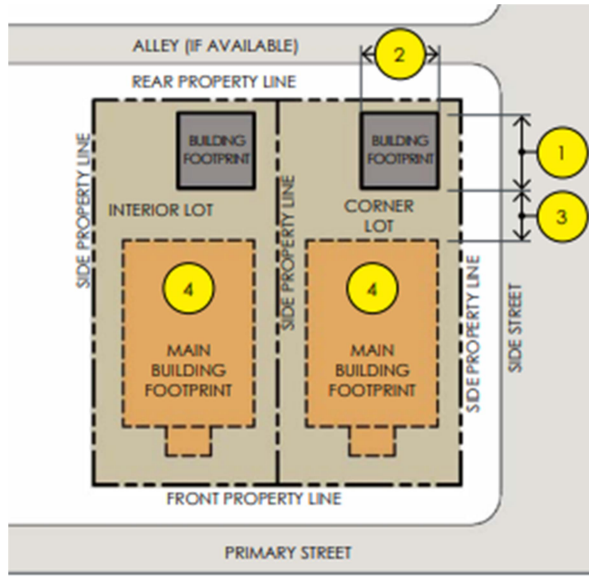
(4) Lots in the R1 and R2 Zone shall be permitted to have a secondary detached accessory building, such as a storage shed. Secondary accessory buildings shall meet all the requirements of this section and not exceed 200 square feet in area.

(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.

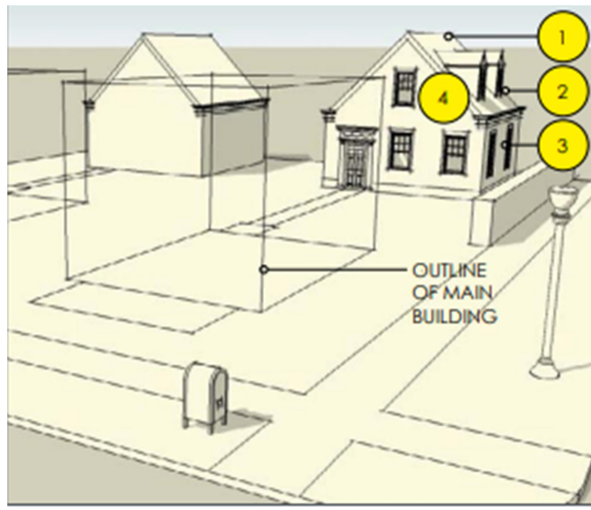
(c) Front yard: an accessory structure shall not be located within any front yard.

Add figure for detached accessory building

7. Design Standards. The following standards shall apply to buildings larger than 200 square feet:

- (a) Detached garages on corner lots shall 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.
- (b) The structure shall be designed so that the appearance maintains that of a single-family dwelling. In determining whether a structure is so designed, the structure shall meet the following requirements and Diagram C:
 - i. 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).
 - ii. 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).
 - iii. 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).
 - iv. Window color and finish should complement the color and architectural style of the principal building (4).
 - v. Exterior finish should be constructed of similar materials as the principal building or traditional materials such as wood, wood lookalike, brick, or stone.

Diagram C Façade Composition Requirements



(a)(c) Driveways see Section 153.189

(d) Design Standards do not apply to residences that may be built in the General Commercial (GC), Professional Office (PO) and Commercial Mixed Use (CM) Districts on lots fronting U.S. 31 (Bridge Street and Michigan Avenue) and M-66. (See Section 153.170 Building Appearance).

(8) Detached accessory structures shall not exceed 16 feet in height. See § 153.005 DEFINITIONS for the definition of building height.

(9) Prohibited uses within detached accessory structures or accessory structures connected by a breezeway or similar structure in all districts except the R1 and 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 (ADUs)

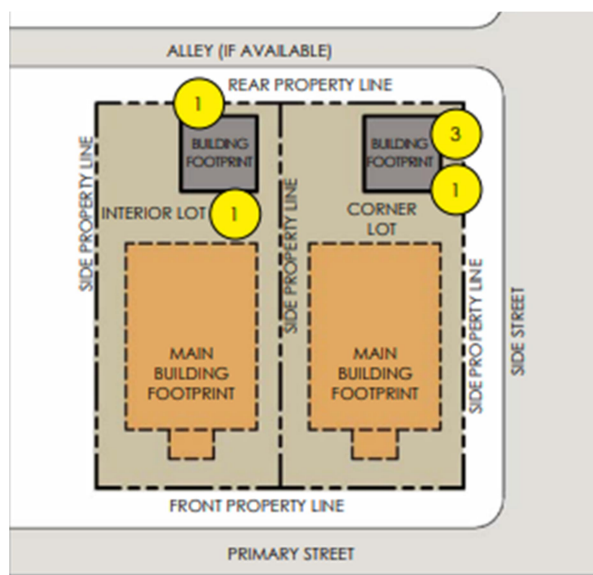
- (1) All of the requirements of Section 153.116(A) apply in addition to the ADU-specific requirements of this section.
- (2) ADUs shall be permitted as a single use or combined with another accessory use.
- (3) ADUs shall be permitted as a second-story use above a first-floor accessory use.
- (4) Examples of ADUs. The following images are intended as examples only and should be used for inspiration in the creation of ADU projects.



- (5) 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.

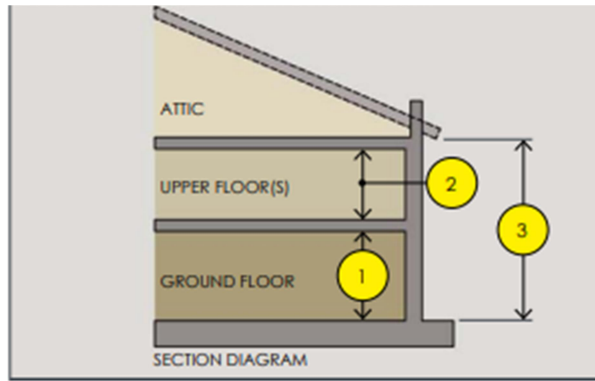
Diagram B Ground Floor Access



3. 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.
- 4-3. 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 202 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

~~—(7)—The ADU shall be designed so that the appearance of the structure maintains that of a single family dwelling.~~

(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.

§ 153.146 STRUCTURE HEIGHT CALCULATIONS AND HEIGHT LIMITS.

(E) Height limits specified elsewhere in this chapter shall not apply to:

- (2) Unoccupied Bbarns, 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 unoccupied structures shall be limited to 100 feet in height in any case, unless otherwise permitted in this chapter.

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



Jennifer Neal <jennifer.neal@networksnorthwest.org>

FW: ZBA letter to Planning May 26, 2022**Planner** <planner@charlevoixmi.gov>

To: Jennifer Neal <jennifer.neal@networksnorthwest.org>

Wed, Oct 5, 2022 at 10:13 AM

FYI...

Janet

From: Rich Hodgson II <rich@csbchx.com>**Sent:** Wednesday, October 5, 2022 9:00 AM**To:** R. J. Waddell <1rjwaddell@att.net>**Cc:** Planner <planner@charlevoixmi.gov>**Subject:** FW: ZBA letter to Planning May 26, 2022

This message was sent securely using Zix®

Jay,

I'm forwarding my letter to Planning Commission to you and I've added a markup of the Building Height Definition that shows the change suggested in the letter. In addition, I've added copies of ordinances 821 and 823 which show the changes to the definition that lead to the letter.

Regards,

Rich

From: Rich Hodgson II**Sent:** Thursday, May 26, 2022 4:55 PM**To:** 'jennifer.neal@networksnorthwest.org' <jennifer.neal@networksnorthwest.org>**Cc:** Mark Heydlauff <markh@charlevoixmi.gov>; 'Planner' <planner@charlevoixmi.gov>**Subject:** ZBA letter to Planning May 26, 2022

Dear Ms. Neal,

Please see the attached and forward it to Mr. Waddell for possible inclusion in an upcoming Planning Commission agenda.

Thank you,

Rich Hodgson

(231) 675-1328

This message was secured by Zix®.

4 attachments **ZBA Building Height Amendment.pdf**
220K **Buiding Height markup.pdf**
172K **Ordinance 823.pdf**
652K **Ordinance 821 highlighted.pdf**
519K

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

City of Charlevoix Planning Commission

September 12, 2022 Meeting

Building Height Definition

Changes Marked in Red

§ 153.005 DEFINITIONS.

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.)

§ 153.146 STRUCTURE HEIGHT CALCULATIONS AND HEIGHT LIMITS.

- (E) Height limits specified elsewhere in this chapter shall not apply to:
- (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 aerals~~. These structures shall be limited to 100 feet in height in any case, unless otherwise permitted in this chapter.

** Suggested change to "mechanical equipment and life-safety features" per letter from ZBA to Planning Commission 5/26/22*

The Charlevoix City Council met on Monday, October 19, 2020 with Mayor Luther Kurtz presiding. All Councilmembers were present. The following is an excerpt from the official records of said meeting:

**CITY OF CHARLEVOIX
ORDINANCE NO. 821 of 2020**

AN ORDINANCE TO AMEND TITLE XV, CHAPTER 153, SECTION 153.005 AND SECTION 153.118 OF THE CHARLEVOIX CITY CODE

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title XV, Chapter 153, Section 153.005 of the City of Charlevoix Code is hereby amended to repeal and replace the definition of "Building Height" as follows:

BUILDING HEIGHT.

- (a) 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; and 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 (6) feet above the maximum building height including antenna arrays, smoke and ventilation stacks, flag poles, **mechanical equipment and life-safety features**, and parapet walls designed solely to screen mechanical and elevator equipment.
- (b) For a building located on a sloping site, height shall be measured from the average finished grade. (See 153.146 of this chapter.)

SECTION 2. Title XV, Chapter 153, Section 153.005 of the City of Charlevoix Code is hereby amended to add the following definitions:

DECK, ROOF TOP. A finished surface constructed above any top plate of a structure without a roof or walls, except for railings, and which is designed to function as useable outdoor area for human activity.

LIFE-SAFETY FEATURES. A necessary component of a building whose primary use is to eliminate or reduce danger and hazards to occupants and users of a building, including but not limited to enclosed stairwells on a roof, or enclosed elevator systems on a roof, railings on a roof, or fire suppression systems on a roof.

SECTION 3. Title XV, Chapter 153, Sections 153.118 (C) and (D) of the City of Charlevoix Code are hereby added as follows:

(C) Restaurant with outdoor seating

- (1) Restaurants providing outdoor seating within an at-grade deck or patio or a roof top deck, must first acquire a zoning and building permit from the City and Charlevoix County Building Department.
- (2) All structures would be subject to review by the Zoning Administrator and shall meet the requirements of the Ordinance.
- (3) Restaurant outdoor seating shall be allowed only during normal operating hours of the establishment.
- (4) If alcoholic beverages are to be served, the current Liquor Control Commission rules and regulations shall apply.
- (5) Any music or sound that would violate the City's noise ordinances and restrictions is prohibited.
- (6) Lighting shall be shielded and pointed downward and shall not be a nuisance to adjacent properties subject to Section 153.172.
- (7) Outdoor seating space is subject to the requirements of Off-Street Parking, Loading, Access and Circulation.

(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 Section 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.
- (7) Lighting shall be shielded and pointed downward and shall not be a nuisance to adjacent properties subject to Section 153.172.
- (8) Roof top deck space is subject to the requirements of Section 153.185 et seq., Off-Street Parking, Loading, Access and Circulation.

SECTION 4. Severability.

No other portion, paragraph or phase of the Code of the City of Charlevoix, Michigan shall be affected by this Ordinance except as to the above sections, and in the event any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be

① This change removed by later ordinance 823
② This definition of Life Safety Features has been added.

construed to affect the validity of any other part or portion of this Ordinance or of the Code of the City of Charlevoix, Michigan.

SECTION 5. Effective Date.

This Ordinance shall become effective thirty (30) days after its enactment pursuant to the City Charter.

Ordinance No. 821 was adopted on the 19th day of October, 2020 A.D., by the Charlevoix City Council as follows:

Motion by: Kalbfell
Seconded by: Oleksy
Yeas: Oleksy, Bryan, Slater, Hagen, Cole, Kalbfell
Nays: None
Absent: None

State of Michigan } §
City of Charlevoix

Joyce M. Golding

Clerk

Luther Kurtz

Mayor

CERTIFICATION

I, the undersigned, City Clerk of the City of Charlevoix, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 821 of 2020 adopted by the City Council of the City of Charlevoix, County of Charlevoix, State of Michigan, at a regular meeting held on October 19, 2020 and published in the *Charlevoix Courier* on October 23, 2020, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of the Michigan Public Acts of 1876.

Dated: October 20, 2020

Joyce M. Golding, City Clerk

The Charlevoix City Council met on Monday, January 4, 2021 with Mayor Luther Kurtz presiding. All Councilmembers were present. The following is an excerpt from the official records of said meeting:

**CITY OF CHARLEVOIX
ORDINANCE NO. 823 of 2021**

AN ORDINANCE TO AMEND TITLE XV, CHAPTER 150, SECTION 150.01 AND CHAPTER 153, SECTIONS 153.005, 153.040, 153.116, 153.158, AND 153.170, AND 153.274 OF THE CHARLEVOIX CITY CODE

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title XV, Chapter 150, Section 150.01 of the City of Charlevoix Code is hereby repealed and replaced as follows:

- (A) This Ordinance is enacted pursuant to P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.).
- (B) Pursuant to the provisions of § 9 of Public Act 230 of 1972, being M.C.L.A. § 125.1509, the Building Official of the city is hereby designated as the enforcing agency to discharge the responsibilities of the city under Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531. The city hereby assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

SECTION 2. Title XV, Chapter 153, Section 153.005 (B) of the City of Charlevoix Code is hereby amended so that the definition of "BUILDING HEIGHT" reads as follows:

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 fifty (50) percent 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 (6) 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.)

SECTION 3. Title XV, Chapter 153, Section 153.040 of the City of Charlevoix Code is hereby repealed and replaced as follows:

- (A) After a final hearing, the ZBA shall make a decision on an application or appeal. A copy of the Board's decision shall be transmitted to the applicant or appellant. Such a decision shall be binding upon the Zoning Administrator and observed by them, and they shall incorporate its terms and conditions in a permit to the applicant or appellant whenever a permit is authorized by the Board.
- (B) Zoning Board of Appeals decisions shall expire one year from the date of issuance, unless substantial construction has begun.

SECTION 4. Title XV, Chapter 153, Section 153.116 (A) (6) of the City of Charlevoix Code is hereby repealed and replaced as follows:

- (6) The minimum distance between a principal building and detached accessory buildings shall be ten feet, and a minimum of 10 feet shall be provided between the sides of adjacent single family buildings and/or accessory structures.

SECTION 5. Title XV, Chapter 153, Section 153.116 (A) (9) of the City of Charlevoix Code is hereby repealed and replaced as follows:

- (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.

SECTION 6. Title XV, Chapter 153, Section 153.158 of the City of Charlevoix Code is hereby repealed and replaced as follows:

Renting of residential properties, including, but not limited to, homes, condos, apartments, townhouses, and duplexes, as short or long term rentals, regardless of the underlying zoning district, shall comply with the following standards.

- (A) Short and long-term renting of entire residential structures is permitted in any zoning district providing all rentals comply with any applicable requirements of City ordinances.
- (B) Signage shall be subject to the requirements of §§ 153.205 through 153.219.

SECTION 7. Title XV, Chapter 153, Section 153.170 of the City of Charlevoix Code is hereby repealed and replaced as follows:

- (A) *Purpose.* The purpose of this section is to provide quality exterior architectural building styles and material standards to enhance the visual environment of the main corridor entries to the city, thereby improving property values and stimulating investment in the business districts. The provisions of this section are intended to promote quality architecture to ensure that buildings retain their value, protect the investment of adjacent

landowners, blend harmoniously into the streetscape and create a positive image for business and the city.

(B) *Applicability.* This section shall apply to all new construction in the General Commercial (GC), Professional Office (PO) and Commercial Mixed Use (CM) Districts on lots fronting U.S. 31 (Bridge Street and Michigan Avenue) and M-66. This section shall not apply to single-family detached and two-family residential structures. Architecture shall be reviewed by the Zoning Administrator or Planning Commission, as applicable, as a part of site plan review under the requirements of §§ 153.230 through 153.239 of this chapter.

(C) *All exterior materials shall comply with the following:*

(1) *Design standards.* Buildings shall have architectural variety, but enhance the overall cohesive community character. At a minimum, the following standards shall be met.

(a) Buildings shall provide architectural features, details and ornaments such as archways, colonnades, cornices, peaked roof lines, hip returns, operable window shutters, transoms, gas lights or towers to accent and add interest.

(b) Repair of existing structures may utilize the existing roof pitch and roof design at the time of application.

(c) Plazas, strip malls or similar types of commercial or office developments where multiple businesses are located within the same building shall provide at least one dormer, archway or similar feature per business or store front.

(d) Building walls over 100 feet long shall be broken up with varying building lines, vertical architectural features, windows, architectural accents and trees.

(e) Building entrances shall utilize windows, canopies and awnings; provide unity of scale, texture and color; and clearly identify the entry.

(f) Building-mounted mechanical equipment shall be screened.

(D) *Site elements.* Signs and other site features shall be designed and located so they are aesthetically consistent and harmonious with the overall development. Sign bases shall be constructed of material which is compatible with the principal building. Mechanical equipment shall be screened.

SECTION 8. Title XV, Chapter 153, Section 153.274 (C) of the City of Charlevoix Code is hereby amended to delete "and rezoning" from the first sentence to read as follows:

(C) Preliminary PUD plan.

SECTION 9. Severability.

No other portion, paragraph or phase of the Code of the City of Charlevoix, Michigan shall be affected by this Ordinance except as to the above sections, and in the event any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or of the Code of the City of Charlevoix, Michigan.

SECTION 10. Effective Date.

This Ordinance shall become effective thirty (30) days after its enactment pursuant to the City Charter.

Ordinance No. 823 was adopted on the 4th day of January 2021 A.D., by the Charlevoix City Council as follows:

Motion by: Parr
Second by: Hagen
Yeas: Bryan, Knapp, Parr, Kalbfell, Hagen, Slater
Nays: None
Absent: None

State of Michigan
City of Charlevoix } §

Joyce M. Golding

Clerk

Luther Kurtz

Mayor

CERTIFICATION

I, the undersigned, City Clerk of the City of Charlevoix, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 823 of 2021 adopted by the City Council of the City of Charlevoix, County of Charlevoix, State of Michigan, at a regular meeting held on January 4, 2021 and published in the *Charlevoix Courier* on January 8, 2021, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of the Michigan Public Acts of 1876.

Dated: January 5, 2021

Joyce M. Golding, City Clerk

Charlevoix Planning Commission

Old Business

Title: Downtown Building Height Discussion

Date: November 14, 2022

Presented By: Jennifer Neal, Community Planner

Background:

The Commission would like to review the discussion held at the October 24, 2022 Special Work Session.

Recommendation:

Attachments:

None



To: The City of Charlevoix Planning Commission
From: Janet Koch, Zoning Administrator
Subject: Zoning Administrator's Report re: October 2022

Permits Issued

Eleven permits were issued in October, up from the nine that had been issued in September. Of the eleven permits, four were temporary banner permits. The remaining seven permits are as follows:

- Two sign permits in CBD
- Fence permit in R-1
- Screened-in porch in R-1
- Single family home in R-2
- Addition to single family home in R-2
- Fence permit in R-2

Customer Contacts

70 customer contacts were logged in October, up significantly from September's 60.

- Contact method and count: 6 by email, 21 in person, 2 by snail mail, 40 by phone, 1 by text.
- Reason for contact: 53 questions were related to zoning, 13 questions were related to short term rentals, 3 were general planning questions, and 1 was a code enforcement question. A significant number of the zoning questions regarded the special land use application for a bed & breakfast use.
- Complaints/queries regarding code enforcement are now being forwarded to the police department; those numbers were not included above. The part time seasonal Code Enforcement Officer left the area in mid-September.

Short Term Rentals (STR)

- At the time of the writing of this report, there are 20 properties on the wait list, 9 of which appear to be owned by property owners with principal residential exemptions in the City of Charlevoix.

Update on DTE Gas Regulator Project

- DTE ordered the block the last week of October. Though there is an 8-week lead time for that material, DTE is working to accelerate the delivery date. However, the Construction Supervisor told me that if the weather is cold, a temporary heated tent will be installed to allow for proper curing of the mortar. The footings are scheduled to be poured in late November.