CITY OF CHARLEVOIX

Agenda
City of Charlevoix Planning Commission Regular Meeting
Monday, September 11, 2023 - 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

A. Call to Order/Pledge of Allegiance

B. Roll Call

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

E. Approval of the Minutes

1. Draft Minutes from August 14, 2023

F. Call for Public Comment Not Related to Agenda Items

G. Public Hearing

1. Public Hearing for approval of rezoning multiple city parcels.

H. Old Business

1. Rezoning of multiple city properties
2. Zoning Ordinance changes, Housing

I. New Business

1. Zoning Ordinance changes

J. Staff Updates

1. Zoning Report

K. Requests For Next Months Agenda or Research Items

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

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

Charlevoix Planning Commission

Approval of the Minutes

Title: Draft Minutes from August 14, 2023
Date: September 11, 2023

Presented By:

Background:

Recommendation:
Motion to the minutes as presented.
Attachments:
1. Planning Commission Draft Regular Meeting Minutes 08/14/2023

City of Charlevoix
Planning Commission Regular Meeting Minutes
Monday, August 14, 2023 - 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

A. Call to Order/Pledge of Allegiance

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

B. Roll Call

Chair:	Sherm Chamberlain
Members Present:	Janet Coltman, John Kurtz, Mary Millington, Maureen Radke
Members Absent:	Scott Beatty, Shelly Boehmer, Toni Felter, Jennifer Muladore
Staff Present:	Jonathan Scheel, Zoning Administrator

Chair Chamberlain stated the Commission had a new member, Janet Coltman. Ms. Coltman gave a brief background of her experience.

C. Inquiry into Potential Conflicts of Interest

None.

D. Approval of Agenda

Motion by Member Radke, seconded by Member Coltman to approve the agenda as presented, but also add the Housing Committee under New Business.
Motion carried by unanimous voice vote.

E. Approval of the Minutes

1. Approval of Minutes from July 10, 2023
   Motion by Member Millington, seconded by Member Radke to approve the minutes of July 10, 2023 as presented.
   Motion carried by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

None.

G. Old Business

1. Proposed Zoning Ordinance Amendments - Expanded Housing Types
   Zoning Administrator Scheel summarized that this agenda item was a continuation of proposed ordinance changes to allow more housing types and to incentivize housing in general for the City. Mr. Scheel explained the proposed ordinance changes in detail. Regarding setbacks, Zoning Administrator Scheel asked the Commission Members to come back to the next meeting with some suggestions as to the width of the setbacks in each of the zoning districts. Changes discussed included:

   - Notes to Table 153.072(b), add "up to 50%" on item 9 to read: "Lot coverage may be increased by up to 50% if additional landscaping requirements are met"

- Remove numbers (1) and (2) under Section 153.117(A), Residential Uses
- Remove numbers (8) and (9), under Section 153.117(G), Single Multiple Family building
- Change language in Permitted Uses, Section 153.102 West Garfield Avenue General Commercial Overlay District to accommodate multi-use buildings
- Section 153.103, West Carpenter/State Street Industrial Overlay District - staff will check access to the Airport from this area

Zoning Administrator Scheel stated he would make the requested changes and bring those back to the Commission at the next meeting.

2. Rezoning of multiple parcels in the city

   Zoning Administrator Scheel gave a brief summary of the rezoning to be scheduled for a public hearing in September.

   Motion by Member Kurtz, seconded by Member Millington to schedule a public hearing for the rezoning of multiple parcels outlined on pages 16-29 of the agenda packet at the next regularly scheduled meeting.
   Motion carried by unanimous voice vote.

   Zoning Administrator Scheel stated there were two parcels he wanted to discuss, which were R-2 in an area on Stover located between a bank and an industrial use parcel. After discussion, the Commission concurred the rezoning would be R-2.

H. New Business-Housing Sub-Committee (added agenda item)

Member Kurtz stated last month they had discussed possibly rezoning the area around the Community Reformed Church and there were some questions and the Commission did not approve going forward with that rezoning. Mr. Kurtz stated Member Beatty wanted to have a letter requesting support for the rezoning from the Church; he distributed copies of the letter that he wanted to give to the Church to give back to the City on Church letterhead. Member Kurtz stated that he wanted to meet with the Housing Sub-Committee and discuss this rezoning and talk it through, hopefully, with the letter from the Church. Discussion followed regarding the wording of the letter, including using "marketability" instead of increased property value.

I. Staff Updates

1. Zoning Administrator Report

   Zoning Administrator Scheel stated the developer of the 100 block of West Hurlbut may have their application on the agenda next month.

   He also advised the American Planning Association's annual conference is scheduled for October in Acme.

J. Requests For Next Months Agenda or Research Items

Zoning Administrator Scheel stated they will have the public hearing on the rezoning of parcels at the September meeting.

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

Motion by Member Millington, seconded by Member Radke to adjourn the meeting at 7:35 p.m. **Motion carried by unanimous voice vote.**

_____ _____

Sarah J. Dvoracek/fgm Clerk Sherm Chamberlain Vice Chair

NOTICE OF PUBLIC HEARING
CITY OF CHARLEVOIX PLANNING COMMISSION
210 State Street, City Council Chambers, Second Floor, City Hall, Charlevoix, MI.
September 11, 2023 6:00 PM

The City of Charlevoix Planning Commission will hold a public hearing on Monday, September 11, 2023 at 6:00 p.m. in the City Council Chambers at Charlevoix City Hall, 210 State Street, Charlevoix, Michigan 49720 to accept public input on the proposed rezone of multiple properties in the city.

All forms of public comment are welcome and appreciated. Written comments may be emailed, faxed, or sent to the following by September 11, 2023 4:00 PM

Jonathan Scheel Zoning Administrator
210 State Street
Charlevoix, MI 49720

Fax: (231)547-3617
planner@charlevoixmi.gov

Phone calls will be accepted at 231-547-3265 or 231-550-2401

The following parcels are proposed to be rezoned:

The City of Charlevoix Planning Commission is proposing to rezone the following parcels, full described from R-1 Single Family District to R-2 Single Family District: In the City of Charlevoix, Charlevoix County, Michigan,

1. **510 W. Garfield Ave**. 52-227-001-25: COM AT S1/4 COR SEC 27 T34N R8W TH AL N &S1/4 LI SD SEC NODEG56'18"E 1155.34 FT TO NWLY COR ROBERT & BARBARA TIMMS PROP DESC L242 P475 CX CO R/D FOR POB TH CONTAL SD 1/4 LI N00DEG56'18"E 147.12FT TO SLI GARFIELD AVE TH A S LI GARFIELD AVE S89DEG41'39"E 148FT TH S00DEG56'18"W 147.16FT TO NLY LI SD TIMMS PROP TH AL SD LI N89DEG40'45"W 148FT TO POB BEING PT SW1/4 OF SE1/4 SEC 27 T34N R8W 95SP1094 FROM 227-001-100
2. **508 W. Garfield Ave**. 052-227-001-20: COM AT S1/4 COR SEC 27 T34N R8W TH AL N&S1/4 LI SD SEC N00DEG56'18"E 1155.34FT TO NWLY COR ROBERT & BARBARA TIMMS PROP DESC L242 P475 CX CO R/D TH CONT AL SD 1/4 LI N00DEG56'18"E 147.12FT TO S LI GARFIELD AVE SD PT BEING S00DEG56'18"W 16.5FT OF INTER S1/8 LI WI N&S1/4 LI SD SEC TH AL S LI SD AVE S89DEG41'39"E 148 FT FOR POB TH CONT S89DEG41'39"E 74FT THS00DEG04'11"E 138.69FT TO NLY LI SD TIMMS PROP TH AL SD PROP LI N85DEG11'48"W 47.16FT TH CONTAL SD LI S00DEG41'09"W 12.17FT(RECD AS 11.80FT) TH CONT AL SD LI N89DEG40'45"W 29.43FT TH N00DEG56'18" E 147.16FT TO POB BEING PT OF SW1/4 OF SE1/4 SEC 27 T34N R8W 95SP1094 FROM 227-001-10
3. **601 Sheridan St.** 052-227-001-15: COM AT S 1/4 COR SEC 27 T34N R8W TH AL N&S 1/4 LI SD SEC N00DEG56'18"E 1302.46 FT TO S LI GARFIELD AVE SD PT BEING S00 DEG56'18"W 16.5FT OF INTER OF S 1/8 LI WI N&S 1/4 LI SD SEC TH AL S LI SD AVE S88DEG41'39"E 222FT BEING POB TH CONT AL SD LI S89DEG41'39"E 161.16FT TO NWLY LI NORWOOD RD TH AL SD RD LI S20DEG14'23"W 156.47FT TO NELY COR OF ROBERT & BARBARATIMMS PROP DESC IN L242 P475 CHX CO REC TH AL NLY LI OF SD TIMMS PROP N85DEG11' 48"W 107.23FT TH N00DEG04'11"W 138.69FT TO POB BEING PART OF SW 1/4 OF SE 1/4 SEC 27 T34N R8W PARCEL A 90SP 1189 FROM 227-001-00
4. **602 Sheridan St.** 052-227-009-00: BEG AT PT ON ELY LI OF STATE RD 2 RDS S OF INTERSECTION OF E&W1/8 LI OF SEC 27 T34N R8W WI ELY LI OF STATE RD TH E 84.5FT TH S 120 FT TH W TO ELY LI OF STATE RD TH NELY AL ELY LI OF STATE RD TO POB
5. **603 Sheridan St**. 052-227-002-00: BEG ON THE N&S 1/4 LI SEC 27 T34N R8W 163.5 FT S OF THE S 1/8 LI SD SEC TH E PARA WITH SD S 1/8 LI 177.13 FT TH N PARA WITH SD N&S 1/4 LI 11.8 FT TH SE'LY 154.1 FT TO NW'LY LI OF NORWOOD RD TO A PTE WHICH IS PARA WITH SD S 1/8 LI AND PASSES THRU THE POB TH SW'LY AL SD NW'LY LI OF SD RD 90.28 FT TH NW'LY AT AN ANG OF 81DEG10'53" TO THE RIGHT FROM LAST DESC CRSE 85.40 FT TH SW'LY AT AN ANG OF 13DEG08'06" TO THE LEFT FROM LAST DESC CRSE 217.05 FT TO SD N&S 1/4 LI TH N AL SD 1/4 LI 75FT TO POB BEING PT OF SW 1/4 OF SE 1/4 SEC 27 T34N R8W PREVIOUSLY DESCRIBED AS: BEG ON N&S1/4 LI SEC 27 T34N R8W 163.5FTS OF S1/8 LI SD SEC TH E PARA WI S1/8 LI 177.13 FT TH N PARA WI SD N&S1/4 LI 11.8FT TH SELY 154.1 FT TO NWLY LI NORWOOD RD SD ST BEING ON LI WHICH IS PARA WI SDS1/8 LI & WHICH PASSES THRU POB TH SWLY AL NWLY LI SD RD TO INTER WI S LI OF N 492 FT OF SW1/4 OF SE1/4 SD SEC BEING ONN LI OF FORMER EARL MILLER PROP TH WLY AL NLY LI SD MILLER PROP TO SD N&S1/4 LI TH NLY AL SD 1/4 LI TO POB BEING PT OF SW1/4 OF SE1/4 SEC 27-34-8
6. **604 Sheridan St.** 052-227-011-00: N 60 FT OF FOLLOWING:COM 5 RDS & 2 FT E & 153 FT S OF INTER OF E&W1/8 LI SEC 27 T34N R8W WI E LI OF EMMET & GRAND TRAV STATE RD TH S 120 FT TO N LI OF ROBINSONAVE CLARKS ADD IF EXTEND TH DUE W TO E LI OF E> STATE RD TH NELY AL E LI SD STATE RD TO PT DUE W OF POB TH E TO POB BEING PT OF SW1/4 OF SE1/4 SEC 27-34-8
7. **605 Sheridan St**. 052-227-003-00: BEG ON THE N&S 1/4 LI SEC 27 T34N R8W 163.5 FT S OF THE S 1/8 LI SD SEC TH E PARA WITH SD S 1/8 LI 177.13 FT TH N PARA WITH SD N&S 1/4 LI 11.8 FT TH SE'LY 154.1 FT TO NW'LY LI OF NORWOOD RD TO A PTE WHICH IS PARA WITH SD S 1/8 LI AND PASSES THRU THE POB TH SW'LY AL THE NW'LY OF SD RD TO ITS INTER W/

THE S LI OF THE N 492 FT TO THE SW 1/4 OF SE 1/4 SD SEC BEING THE N LI OF THE FORMER EARL W MILLER PROP TH W'LY AL THE N'LY LI OF SD MILLER PROP TO SD N & S 1/4 LI TH N'LY AL SD 1/4 LI TO POB BEING PT OF THE SW 1/4 OF SE 1/4 SEC 27 T34N R8W EXC BEG ON THE N&S 1/4 LI SEC 27 T34N R8W 163.5 FT S OF THE S 1/8 LI SD SEC TH E PARA WITH SD S 1/8 LI 177.13 FT TH N PARA WITH SD N&S 1/4 LI 11.8 FT TH SE'LY 154.1 FT TO NW'LY LI OF NORWOOD RD TO A PTE WHICH IS PARA WITH SD S 1/8 LI AND PASSES THRU THE POB TH SW'LY AL SD NW'LY LI OF SD RD 90.28 FT TH NW'LY AT AN ANG OF 81DEG10'53" TO THE RIGHT FROM LAST DESC CRSE 85.40 FT TH SW'LY AT AN ANG OF 13DEG08'06" TO THE LEFT FROM LAST DESC CRSE 217.05 FT TO SD N&S 1/4 LI TH N AL SD 1/4 LI 75FT TO POB BEING PT OF SW 1/4 OF SE 1/4 SEC 27 T34N R8W PREVIOUISLY DESCRIBED AS: BEG 235.5 FT S OF NW COR OF S1/2 SE1/4 SEC 27 T34N R8W TH S 256.5 FT TH E TO WLY LI OF STATE RD TH NELY AL STATE RD TO PT E OF PT OF POB TH W TO POB PT SEC 27-34-8

8. **608 Sheridan St.** 052-227-010-00: BEG 84.5 FT E & 153 FT S INTERSECTION E&W1/8 LI SEC 27 T34N R8W WI ELY LI STATE RD S 120 FT W TO ELY LI RD NELY ALG RD TO PT W OF POB E TO POB EX:N 60FT
9. **610 Sheridan St**. 052-227-012-00: BEG 84.5 FT E & 273 FT S INTERSECTION E &W1/8 LI SEC 27 T34N R8W WI ELY LI STATE RD TH S 233.5 FT TH W TO ELY LI SD RD THNELY AL SD RD TO PT W OF POB TH E TO POB
10. **611 Sheridan St**. 052-227-005-00: COM AT A PT 40 RDS N OF SW COR OF S1/2 OF SE1/4 SEC 27 T34N R8W TH E 16 RDS TH N 10 RDS TH W 16 RDS TH S AL 1/4 LI TO POB EX:THAT PT LYING ELY OF NORWOOD RD
11. **612 Sheridan St**. 052-227-012-15: COM ON E LI EMMET GRAND TRAV STATE RD 2 RDS S FRM PT WHERE E&W1/8 LI INTER SD STATE RD IN S1/2 OF SE1/4 SEC 27 T34N R8W TH E 5 RDS 2FT TH S 548.5FT TH W132.5FT FOR POB TH N9DEG16'30"E 75.99FT TH W 120.25FT M/L TO E LI SD RD TH SLY AL SD RD 79.14FT TO PT W OF POB TH E 132.5FT M/L TO POB BEING PT S1/2 OF SE1/4 SEC 27-34-8 ALSO BEG AT A PT 660FT N & 264FT E OF SW COR OF SE1/4 SEC 27 T34N R8W TH N TO E LI STATE RD TH SWLY AL E LI SD RD TO A PT W OF POB TH E TO POB ALSO BEG 672.5FT N & 264FT E OF SW COR OF SE1/4 SEC 27-34-8 TH E 99FT TH N 66FT TH W 99FT TH S 66FT TO POB PT OF SW1/4 OF SE1/4 SEC 27-34-8 COMBINATION on 03/22/2004 from 052-227-004-20, 052-227-012-10
12. **000 Whitley St**. 052-227-012-20: COM ON E LI EMMET-GRAND TRAV STATE RD 2 RDS S FRM PT WHERE E&W 1/8 LI INTER SD RD IN S 1/2 OF SE 1/4 SEC 27 T34N R8W TH E 5 RDS 2 FT TH S 473.5 FT FOR POB TH CONT S 75 FT TH W 132.5 FT TH N9 DEG 16'30"E 75.99 FT TH E 120.25 FT M/L TO POB BEING PART OF S 1/2 OF SE 1/4 SEC 27-34-8.
13. **819 Whitley St**. 052-227-013-00: BEG 536 FT E & 640.5 FT N SW COR SE1/4 SEC 27 T34N R8W N 98 FT W 173 FT S 66 FT W 99 FT S 12.5 FT W TO SE'LY LI STATE RD SWLY ALG RD TO PT W OF BEG E TO BEG PT SEC 27-34-8.
14. **000 Sheridan St**. 052-227-006-00: BEG 660 FT S OF NW COR S1/2 SE1/4 SEC 27T34N R8W TH S 198 FT TH E TO WLY LI STATE RD TH NELY AL STATE RD TO PT E OF POB TH W TO POB PT SEC 27-34-8
15. **621 Sheridan St.** 052-227-008-00: BEG AT A PT ON N & S 1/4 LI 28 RDS N OF SW COR OF S 1/2 OF SE 1/4 TH E TO W LI OF STATE RD TH SW'LY AL W LI OF SD RD 100 FT TH W TO N & S 1/4 LI TH N TO POB BEING PT OF S 1/2 OF SE 1/4 SEC 27-34-8.
16. **000 Sheridan St**. 052-227-007-00: SEC 27 T34N R8W COM 28 RDS N OF SW COR OF S 1/2 OF SE 1/4 S ON 1/4 LI TO W LI O OF STATE RD NE AL W LI DUE E OF BEGW TO BEG EX: BEG AT PT ON N & S 1/4 LI 28 RD N OF SW COR S 1/2 OF SE 1/4 TH E TO W LI OF STATE RD TH SW'LY AL W LI OF SD RD 100 FT TH W TO N & S 1/4 LI TH N TO POB BEING PT OF S 1/2 OF SE 1/4 27-34-8.
17. **107 Stover Rd 052-**335-050-00 COM AT INTER OF MAY & STOVER MAY BEING ON W1/8 LI OF SEC 35 T34N R8W W ALG C/L STOVER 244 FT BEING POB CONT W ALG SD RD102.5FT TO SW COR FRED DECASTRO PROP N ALG W LI DECASTRO PROPERTY 315 FT E PARASTOVER TO PT 244 FT W C/L MAY ST TO POB PT SW1/4 OF NW1/4 SEC 35-34-8 SUB TO R/WOF STOVER RD

The City of Charlevoix Planning Commission is proposing to rezone the following parcels, full described from (GC) General commercial to R-4 Multi Family District: In the City of Charlevoix, Charlevoix County, Michigan,

1. **743 Petoskey Ave** 052-123-075-00: BEG 840.4 FT W E1/4 COR SEC 23 T34N R8W W ON 1/4 LI 138 FT S TO N LI PETOSKEY AVE ELY ON SD AVE TO PT S OF POB N TO POB PT N1/2 SE1/4 SEC 23 T34N R8W; NOW MORE PARTICULARLY DESCRIBED AS: COM AT WELL BOX @ E.K. ROBINSON'S (COUNTY SURVEYOR) POSITION OF THE E1/4 COR SEC 23 T34N R8W TH AL E.K. ROBINSON'S E&W1/4 LI SD SEC N89DEG55'52"W 842.82FT (RECD AS 840.4FT & MEAS 840.60FT FROM DC NETTLETON'S DEPUTY COUNTY SURVEYOR, E1/4 COR) FOR POB TH S00DEG05'02"W (RECD AS S) 31.90FT TH CONT S00DEG05'02"W (RECD AS S) 1.10FT TO S LI DIVISION ST TH CONT S00DEG05'01"W (RECD AS S) 382.66FT TO N LI PETOSKEY AVE TH AL SD AVE LI S69DEG01'16"W 147.88FT TO E LI CITY OF CHARLEVOIX PROP TH AL E LI SD CITY'S PROP N00DEG05'01"E (RECD AS N) 435.77FT TO S RD LI TH CONT N00DEG05'01"E (RECD AS N) 33FT TO SD ROBINSON'S 1/4 LI TH AL E&W1/4 LI S89DEG55'52"E 138FT TO POB BEING PT NE1/4 OF SE1/4 SEC 23-34-8

2. **745 Petoskey Ave** 052-123-076-00: COM 737.9FT W E1/4 COR SEC 23 T34N R8W S0DEG09'E 406.8FT TO C/L PETOSKEY AVE S69DEG 06'W ON PETOSKEY AVE 108.55FT N0DEG17'W 445.5FT TO E&W 1/4 LI E ON 1/4LI 102.5FTTO POB PT NE1/4 OF SE1/4

3. **747 Petoskey Ave** 052-123-077-00: COM AT A PT 737.9 FT W OF E1/4 POST SEC 23 T34N R8W TH S0DEG09'E 406.8 FT TO C/L PETOSKEY AVE TH N69DEG06'E AL SD C/L 59.2 FT TH N 406 FT TH W AL 1/4 LI SEC 23 56 FT TO POB ALSO DESC AS: BEG AT A PT 684.09FT W OF 1/4 POST BETWEEN SEC 23&24 S 384.12FT TO C/L OF PETOSKEY AVE TH SW'LY AL C/L OF PETOSKEY AVE 59.20FT TH N TO 1/4 LI TH E 56.00FT TO POB BEING PT OF N 1/2 OF SE 1/4 OF SEC 23 T34N R8W

4. **749 Petoskey Ave** 052-123-078-10: COM AT THE EAST 1/4 COR OF SEC 23 T34N R8W TH AL THE E-W 1/4 LI OF SD SEC N89°26'22"W 600.19 FT TO A PT IN THE C\L OF DIVISION ST TH S00°16'58" W 175.85 FT TO A 1/2" IR ROD BEING THE POB TH N89°24'59"W 15.68 FT TO A 1 INCH PIPE TH CONT N89°24'59"W 66.73 FT TO A 1 INCH PIPE TH S01°31'51"W 176.47 FT TO A 1/2" IR ROD ON THE N LI OF PETOSKEY AVE (US-31) TH CONT S01°31'51"W 32.93 FT TO THE C\L OF SD AVE TH AL THE

C\L OF SD PETOSKEY AVE N69°55'01"E 92.76 FT TH N00°16'58"E 32.16 FT TO A PK NAIL ON THE SD N AVE LI TH CONT N00°16'58"E 144.48 FT TO THE POB BEING A PT OF THE NE 1/4 OF THE SE 1/4 OF SEC 23 T34N R8W AND CONT 0.374 A COMBINED ON 12/09/2022 FROM 052-123-078-00 AND PT 052-123-080-00

5. **680 Division Street** 052-123-079-10: COM AT THE E 1/4 COR OF SEC 23 T34N R8W TH AL THE E-W 1/4 LI OF SD SEC N89°26'22"W 600.19 FT TO A PT IN THE C\L OF DIVISION ST BEING THE POB TH CONT AL SD 1/4 LI N89°26'22"W 81.74 FT TH S00°29'50"W 32.93 FT TO A 1 INCH PIPE ON THE S LI OF SD ST TH CONT S00°29'50"W 142.88 FT TO A 1 INCH PIPE TH S89°24'59"E 66.73 FT TO A 1 INCH PIPE TH CONT S89°24'59"E 15.68 FT TO A 1/2" IR ROD TH N00°16'58"E 142.96 FT TO A 1/2" IR ROD ON THE S LI OF SD ST TH CONT N00°16'58"E 32.89 FT TO THE POB BEING A PT OF THE NE 1/4 OF THE SE 1/4 OF SEC 23 T34N R8W AND CONT 0.331 A COMBINED ON 12/09/2022 FROM 052-123-079-00 & PT OF 052-123-080-00

6. **755 Petoskey Ave** 052-123-080-10: COM AT THE E 1/4 COR OF SEC 23 T34N R8W TH AL THE E-W 1/4 LI OF SD SEC N89°26'22"W 489.99 FT (REC AS 490.05 FT) TO A PT IN THE C\L OF DIVISION ST BEING THE POB TH CONT N89°26'22"W 110.20 FT TH S00°16'58"W 32.89 FT TO A 1/2" IR ROD ON THE S LI OF DIVISION ST TH CONT S00°16'58"W 287.44 FT TO A PK NAIL ON THE N LI OF PETOSKEY AVE (US-31) TH CONT S00°16'58"W 32.16 FT TO THE C\L OF SD AVE TH AL THE C\L OF SD AVE N69°55'01"E 116.29 FT TH N00°30'04"E 33.14 FT TO A 1/2" IR ROD ON THE N LI OF SD AVE TH CONT N00°30'04"E 245.42 FT TO A 1/2" SQUARE BAR ON THE S LI OF SD ST TH CONT N00°30'04"E 32.93 FT TO THE POB BEING A PT OF THE NE 1/4 OF THE SE 1/4 OF SEC 23 T34N R8W AND CONT 0.835 A SPLIT ON 12/09/2022 FROM 052-123-080-00

The City of Charlevoix Planning Commission is proposing to rezone the following parcels, full described from (R-2A) Residential to R-1 Residential District: In the City of Charlevoix, Charlevoix County, Michigan,

1. **106 Dixon Ave.** E 052-126-037-15: BEG AT PT ON S LI OF DIXON AVE 294.5FT E OF E LI OF MICH AVE TH CONT E AL SD DIXON AVE 74.5FT TH S 198FT TH W 74.5FT TH N11DEG17'50"E 53.45FT TH N7DEG57'W 56FT TH N1DEG43'58"W 90.16FT TO POB BEING PT GOV LOT 2 SEC 26-34-8 .321A 97SP0996 FROM 126-037-00

2. **106 Dixon Ave.** E 052-126-037-10: BEG AT PT ON S LI OF DIXON AVE 220 FT E OF E LI OF MICH AVE TH S 198FT TH E 74.5 TH N11DEG17'50"E 53.45FT TH N7DEG57'W 56FT TH N1DEG43'58"W 90.16FT TO S LI OF DIXON AVE TH AL SD DIXON AVE W 74.5FT TOPOB BEING PT GOV LOT 2 SEC 26-34-8 .356A 97SP0996 FROM 126-037-00

3. **304 Michigan Avenue** 052-153-001-00: LOTS 1 & 2 OF BLOCK 3 OF DIXONS ADDITION

4. **1032 May Street** 052-335-062-20 87SP/COMB 335-062-10/335-062-00 PT OF SE 1/4 OF NW 1/4 OF SEC 35 T34N R8W DESC AS COM AT INTERS C/L MAY ST & STOVER RD IN CITY OF CX TH E AL C/L OF SD STOVER RD 238.37 FT TH N 269.94 FT THW 238.37 FT TO C/L OF SD MAY ST TH S ON C/L OF SD MAY ST 269.94 FT TO POB EX: COM AT 5/8 IN BAR AT W 1/4 COR OF SEC 35-34-8 TH N 0DEG 49'24"W AL W LI OF SD SEC 1229.33 FT TH N 89DEG 42'35"E 1320.49 FT TO W1/8 LI OF SD SEC TH S 0DEG 49'59" E 411.6 FT TO PT IN C/L OF MAY ST HAVINGBEEN RECD AS 27.78 CHS S OF N LI OF SD SEC BEING POB OF DESC TH N 89DEG 41'16"E 238.2 FT (RECD AS E 238.37 FT) TO A T-IR ST TH S 0DEG 51'12"E 9RECD AS S) 100 FT TO 1/2 IN ROD TH S 89DEG 41'16-"W 238.24 FT TO SD W 1/8 LI TH N 0DEG 49'59"W (RECD AS N) AL SD 1/8 LINES & AL C/L OF SD RD 100 FT TO POB BEING PT OF SE 1/4 OF NW 1/4 SEC 35-34-8.

The City of Charlevoix Planning Commission is proposing to rezone the following parcels, full described from (R-2A) Residential to R-2 Residential District: In the City of Charlevoix, Charlevoix County, Michigan,

1. **305 & 307 Crain Street** 052-280-045-00: R2 WESTPORT LOTS 45 & 48
2. **107 Stover Rd** 052-335-050-00: COM AT INTER OF MAY & STOVER MAY BEING ON W1/8 LI OF SEC 35 T34N R8W W ALG C/L STOVER 244 FT BEING POB CONT W ALG SD RD102.5FT TO SW COR FRED DECASTRO PROP N ALG W LI DECASTRO PROPERTY 315 FT E PARASTOVER TO PT 244 FT W C/L MAY ST TO POB PT SW1/4 OF NW1/4 SEC 35-34-8 SUB TO R/WOF STOVER RD

Submitted by Jonathan Scheel Zoning Administrator City of Charlevoix

Zoning District	General Allowed Uses	Ordinance Section	Front Setback	Rear Setback	Side Setback	Lot Coverage	Lot Area	Lot Width	Max. Bulding 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	8/ 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

Overlay Districts

- West Garfield Commercial Overlay District
- State Street Light Industrial Overlay District
- Central Business Retail Overlay District
- North Side Professional Office Overlay District

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0 250 500 1,000 1,500 2,000 Feet

Zoning Districts

Residential

- R1 - Residential Low Density
- R2 - Residential Medium Density
- R2A - Residential Medium Density - Multi-Family
- R4 - Residential Planned High Density
- PC - Residential Private Clubs
- PUD - Planned Unit Development
- Round Lake

Non-Residential/Mixed Use

- GC - General Commercial
- MC - Marine Commercial
- CM - Commercial Mixed Use
- CBD - Central Business District
- PO - Professional Office
- CH - Commercial Hospitality
- I - Industrial
- PF - Public Facilities
- SR - Scenic Reserve
- Streets

CITY OF CHARLEVOIX
210 STATE ST. CHARLEVOIX, MI 49720
PLANNING AND ZONING
(231) 547-3617
FAX (231) 547-3265

DATE: 9/30/2013

CITY OF CHARLEVOIX ZONING MAP

ADOPTED SEPTEMBER 5th, 2013

From: John Duerr
To: Jonathan Scheel
Subject: Proposed Rezoning
Date: Friday, September 1, 2023 9:42:34 AM

Mr. Scheel,

Thank you for the notice and invitation to comment on the proposed rezoning of multiple properties in the city. I understand that these will be considered at the September 11, 2023 meeting of the City of Charlevoix Planning Commission.

I write in favor of the proposed changes. I believe these changes will simplify zoning regulations, provide flexibility, retain the character of our neighborhoods and encourage the development of needed housing within the city.

John Duerr
107 East Dixon

conquest builders inc.

Tele: 231-547-6752

P.O. Box 550, Charlevoix 49720

August 29th, 2023

RE: 749 Petoskey Ave.-R4-Rezoning

City of Charlevoix (Office of Planning and Zoning):

Zoning Administrator Scheel,

We received the letter regarding the possibility of rezoning multiple properties to a R-4 designation. We own the property located at 749 Petoskey Ave. and purchased it with the intent of constructing a building that would contain two offices on the main level facing Petoskey Avenue, 1-2 residential units on the main level, and 3 residential units on the 2nd level. My understanding is that if the property is rezoned to R-4 we would not be able to have our office located in the building. For this reason we would like the Office of Planning and Zoning to look at rezoning 749 Petoskey Avenue from a General Commercial to a Mixed-Use zoning and not rezone it to R-4. This would allow us to use it for our office as intended at the time of purchase.

We appreciate you working with us on this matter.

Regards,

Matt Stuck
Conquest Builders Inc.
231-547-6752

CYNTHIA A. URBAN

P.O. Box 436
621 Sheridan St.
Charlevoix, MI 49720

Cell: 231-675-2766

September 10, 2023

Dear Planning Commission:

I received a letter of 5/3/23 asking if I "should be interested in exploring the zoning opportunities with your parcel." I was not, and I am not. Then I received a letter of August 22, 2023 that indicated I had a meeting with a planning commission member and that implies that I have an interest in rezoning my very small parcel to R-2 from R-1. If that is your impression, let this letter inform you that I have no such interest, and that your "plan" appears to be to rezone my parcel to R-2 against my will and against my financial and personal interests.

I stand in complete disagreement with the statements in the last paragraph of the August 22 letter. My lot is almost completely occupied by the single story house, and by the septic field I need because no city sewer connection exists (the line does not extend to my property). There is no room for an additional structure. The only way to use this lot for a multiple dwelling or dwellings would be to destroy the existing house first.

Your letter also indicates that such a zoning change would increase the marketability of the lot and that the zoning change will not increase my taxes. First, there is no way a planning commission can make such a statement about taxes since such matters are entirely outside the control of that commission, and it flies in the face of the fact that the basis of taxation is highest and best use and it should be obvious that by definition multiple occupant dwellings are always taxed higher than comparable single family dwellings—even if the lot is not occupied by a multiple occupant dwelling or dwellings.

Since I have no plans to cease to live in my house on my lot, there is no physical way that I can benefit from a change in zoning. It would in fact reduce the market value of my house, as does the rather obnoxious set of noisy buildings directly across the street. Those buildings were placed there long after we bought this house, and the promised berm to reduce noise and odor was never built. So much for rezoning increasing market value. In fact, the proposed rezoning may even be a taking without compensation.

The crux of the problem of no housing in the City of Charlevoix was not created by zoning, it was created by outsiders buying up much of the single family dwellings and using them for summer rentals or summer only occupancy, aided by the rise of short term rentals via online apps. The horses have long since left the barn. Pressing the problem onto older residents who raised their families in this city is just wrong headed and backward, not to mention financially oppressive.

Sincerely,

Cynthis A. Urban

Charlevoix Planning Commission

Old Business

Title: Rezoning of multiple city properties

Date: September 11, 2023

Presented By: Jonathan Scheel, Zoning Administrator

Background:

The Planning Commission has been attempting to further the City of Charlevoix's goal of increasing all types of housing. With that in mind, the Planning Commission has proposed rezoning multiple parcels to incentivise the gentle addition of more density in the City.

Recommendation:

Approve and send to City Council with one exception (749 Petoskey) per letter dated 8/29/23.

Attachments:

1. Rezone notice template

NOTICE OF PUBLIC HEARING
CITY OF CHARLEVOIX PLANNING COMMISSION
210 State Street, City Council Chambers, Second Floor, City Hall, Charlevoix, MI.
September 11, 2023 6:00 PM

The City of Charlevoix Planning Commission will hold a public hearing on Monday, September 11, 2023 at 6:00 p.m. in the City Council Chambers at Charlevoix City Hall, 210 State Street, Charlevoix, Michigan 49720 to accept public input on the proposed rezone of multiple properties in the city.

All forms of public comment are welcome and appreciated. Written comments may be emailed, faxed, or sent to the following by September 11, 2023 4:00 PM

Jonathan Scheel Zoning Administrator
210 State Street
Charlevoix, MI 49720

Fax: (231)547-3617
planner@charlevoixmi.gov

Phone calls will be accepted at 231-547-3265 or 231-550-2401

The following parcels are proposed to be rezoned:

The City of Charlevoix Planning Commission is proposing to rezone the following parcels, full described from R-1 Single Family District to R-2 Single Family District: In the City of Charlevoix, Charlevoix County, Michigan,

1. **510 W. Garfield Ave**. 52-227-001-25: COM AT S1/4 COR SEC 27 T34N R8W TH AL N &S1/4 LI SD SEC NODEG56'18"E 1155.34 FT TO NWLY COR ROBERT & BARBARA TIMMS PROP DESC L242 P475 CX CO R/D FOR POB TH CONTAL SD 1/4 LI N00DEG56'18"E 147.12FT TO SLI GARFIELD AVE TH A S LI GARFIELD AVE S89DEG41'39"E 148FT TH S00DEG56'18"W 147.16FT TO NLY LI SD TIMMS PROP TH AL SD LI N89DEG40'45"W 148FT TO POB BEING PT SW1/4 OF SE1/4 SEC 27 T34N R8W 95SP1094 FROM 227-001-100
2. **508 W. Garfield Ave**. 052-227-001-20: COM AT S1/4 COR SEC 27 T34N R8W TH AL N&S1/4 LI SD SEC N00DEG56'18"E 1155.34FT TO NWLY COR ROBERT & BARBARA TIMMS PROP DESC L242 P475 CX CO R/D TH CONT AL SD 1/4 LI N00DEG56'18"E 147.12FT TO S LI GARFIELD AVE SD PT BEING S00DEG56'18"W 16.5FT OF INTER S1/8 LI WI N&S1/4 LI SD SEC TH AL S LI SD AVE S89DEG41'39"E 148 FT FOR POB TH CONT S89DEG41'39"E 74FT THS00DEG04'11"E 138.69FT TO NLY LI SD TIMMS PROP TH AL SD PROP LI N85DEG11'48"W 47.16FT TH CONTAL SD LI S00DEG41'09"W 12.17FT(RECD AS 11.80FT) TH CONT AL SD LI N89DEG40'45"W 29.43FT TH N00DEG56'18" E 147.16FT TO POB BEING PT OF SW1/4 OF SE1/4 SEC 27 T34N R8W 95SP1094 FROM 227-001-10
3. **601 Sheridan St.** 052-227-001-15: COM AT S 1/4 COR SEC 27 T34N R8W TH AL N&S 1/4 LI SD SEC N00DEG56'18"E 1302.46 FT TO S LI GARFIELD AVE SD PT BEING S00 DEG56'18"W 16.5FT OF INTER OF S 1/8 LI WI N&S 1/4 LI SD SEC TH AL S LI SD AVE S88DEG41'39"E 222FT BEING POB TH CONT AL SD LI S89DEG41'39"E 161.16FT TO NWLY LI NORWOOD RD TH AL SD RD LI S20DEG14'23"W 156.47FT TO NELY COR OF ROBERT & BARBARATIMMS PROP DESC IN L242 P475 CHX CO REC TH AL NLY LI OF SD TIMMS PROP N85DEG11' 48"W 107.23FT TH N00DEG04'11"W 138.69FT TO POB BEING PART OF SW 1/4 OF SE 1/4 SEC 27 T34N R8W PARCEL A 90SP 1189 FROM 227-001-00
4. **602 Sheridan St.** 052-227-009-00: BEG AT PT ON ELY LI OF STATE RD 2 RDS S OF INTERSECTION OF E&W1/8 LI OF SEC 27 T34N R8W WI ELY LI OF STATE RD TH E 84.5FT TH S 120 FT TH W TO ELY LI OF STATE RD TH NELY AL ELY LI OF STATE RD TO POB
5. **603 Sheridan St**. 052-227-002-00: BEG ON THE N&S 1/4 LI SEC 27 T34N R8W 163.5 FT S OF THE S 1/8 LI SD SEC TH E PARA WITH SD S 1/8 LI 177.13 FT TH N PARA WITH SD N&S 1/4 LI 11.8 FT TH SE'LY 154.1 FT TO NW'LY LI OF NORWOOD RD TO A PTE WHICH IS PARA WITH SD S 1/8 LI AND PASSES THRU THE POB TH SW'LY AL SD NW'LY LI OF SD RD 90.28 FT TH NW'LY AT AN ANG OF 81DEG10'53" TO THE RIGHT FROM LAST DESC CRSE 85.40 FT TH SW'LY AT AN ANG OF 13DEG08'06" TO THE LEFT FROM LAST DESC CRSE 217.05 FT TO SD N&S 1/4 LI TH N AL SD 1/4 LI 75FT TO POB BEING PT OF SW 1/4 OF SE 1/4 SEC 27 T34N R8W PREVIOUSLY DESCRIBED AS: BEG ON N&S1/4 LI SEC 27 T34N R8W 163.5FTS OF S1/8 LI SD SEC TH E PARA WI S1/8 LI 177.13 FT TH N PARA WI SD N&S1/4 LI 11.8FT TH SELY 154.1 FT TO NWLY LI NORWOOD RD SD ST BEING ON LI WHICH IS PARA WI SDS1/8 LI & WHICH PASSES THRU POB TH SWLY AL NWLY LI SD RD TO INTER WI S LI OF N 492 FT OF SW1/4 OF SE1/4 SD SEC BEING ONN LI OF FORMER EARL MILLER PROP TH WLY AL NLY LI SD MILLER PROP TO SD N&S1/4 LI TH NLY AL SD 1/4 LI TO POB BEING PT OF SW1/4 OF SE1/4 SEC 27-34-8
6. **604 Sheridan St.** 052-227-011-00: N 60 FT OF FOLLOWING:COM 5 RDS & 2 FT E & 153 FT S OF INTER OF E&W1/8 LI SEC 27 T34N R8W WI E LI OF EMMET & GRAND TRAV STATE RD TH S 120 FT TO N LI OF ROBINSONAVE CLARKS ADD IF EXTEND TH DUE W TO E LI OF E> STATE RD TH NELY AL E LI SD STATE RD TO PT DUE W OF POB TH E TO POB BEING PT OF SW1/4 OF SE1/4 SEC 27-34-8
7. **605 Sheridan St**. 052-227-003-00: BEG ON THE N&S 1/4 LI SEC 27 T34N R8W 163.5 FT S OF THE S 1/8 LI SD SEC TH E PARA WITH SD S 1/8 LI 177.13 FT TH N PARA WITH SD N&S 1/4 LI 11.8 FT TH SE'LY 154.1 FT TO NW'LY LI OF NORWOOD RD TO A PTE WHICH IS PARA WITH SD S 1/8 LI AND PASSES THRU THE POB TH SW'LY AL THE NW'LY OF SD RD TO ITS INTER W/

THE S LI OF THE N 492 FT TO THE SW 1/4 OF SE 1/4 SD SEC BEING THE N LI OF THE FORMER EARL W MILLER PROP TH W'LY AL THE N'LY LI OF SD MILLER PROP TO SD N & S 1/4 LI TH N'LY AL SD 1/4 LI TO POB BEING PT OF THE SW 1/4 OF SE 1/4 SEC 27 T34N R8W EXC BEG ON THE N&S 1/4 LI SEC 27 T34N R8W 163.5 FT S OF THE S 1/8 LI SD SEC TH E PARA WITH SD S 1/8 LI 177.13 FT TH N PARA WITH SD N&S 1/4 LI 11.8 FT TH SE'LY 154.1 FT TO NW'LY LI OF NORWOOD RD TO A PTE WHICH IS PARA WITH SD S 1/8 LI AND PASSES THRU THE POB TH SW'LY AL SD NW'LY LI OF SD RD 90.28 FT TH NW'LY AT AN ANG OF 81DEG10'53" TO THE RIGHT FROM LAST DESC CRSE 85.40 FT TH SW'LY AT AN ANG OF 13DEG08'06" TO THE LEFT FROM LAST DESC CRSE 217.05 FT TO SD N&S 1/4 LI TH N AL SD 1/4 LI 75FT TO POB BEING PT OF SW 1/4 OF SE 1/4 SEC 27 T34N R8W PREVIOUISLY DESCRIBED AS: BEG 235.5 FT S OF NW COR OF S1/2 SE1/4 SEC 27 T34N R8W TH S 256.5 FT TH E TO WLY LI OF STATE RD TH NELY AL STATE RD TO PT E OF PT OF POB TH W TO POB PT SEC 27-34-8

8. **608 Sheridan St.** 052-227-010-00: BEG 84.5 FT E & 153 FT S INTERSECTION E&W1/8 LI SEC 27 T34N R8W WI ELY LI STATE RD S 120 FT W TO ELY LI RD NELY ALG RD TO PT W OF POB E TO POB EX:N 60FT
9. **610 Sheridan St**. 052-227-012-00: BEG 84.5 FT E & 273 FT S INTERSECTION E &W1/8 LI SEC 27 T34N R8W WI ELY LI STATE RD TH S 233.5 FT TH W TO ELY LI SD RD THNELY AL SD RD TO PT W OF POB TH E TO POB
10. **611 Sheridan St**. 052-227-005-00: COM AT A PT 40 RDS N OF SW COR OF S1/2 OF SE1/4 SEC 27 T34N R8W TH E 16 RDS TH N 10 RDS TH W 16 RDS TH S AL 1/4 LI TO POB EX:THAT PT LYING ELY OF NORWOOD RD
11. **612 Sheridan St**. 052-227-012-15: COM ON E LI EMMET GRAND TRAV STATE RD 2 RDS S FRM PT WHERE E&W1/8 LI INTER SD STATE RD IN S1/2 OF SE1/4 SEC 27 T34N R8W TH E 5 RDS 2FT TH S 548.5FT TH W132.5FT FOR POB TH N9DEG16'30"E 75.99FT TH W 120.25FT M/L TO E LI SD RD TH SLY AL SD RD 79.14FT TO PT W OF POB TH E 132.5FT M/L TO POB BEING PT S1/2 OF SE1/4 SEC 27-34-8 ALSO BEG AT A PT 660FT N & 264FT E OF SW COR OF SE1/4 SEC 27 T34N R8W TH N TO E LI STATE RD TH SWLY AL E LI SD RD TO A PT W OF POB TH E TO POB ALSO BEG 672.5FT N & 264FT E OF SW COR OF SE1/4 SEC 27-34-8 TH E 99FT TH N 66FT TH W 99FT TH S 66FT TO POB PT OF SW1/4 OF SE1/4 SEC 27-34-8 COMBINATION on 03/22/2004 from 052-227-004-20, 052-227-012-10
12. **000 Whitley St**. 052-227-012-20: COM ON E LI EMMET-GRAND TRAV STATE RD 2 RDS S FRM PT WHERE E&W 1/8 LI INTER SD RD IN S 1/2 OF SE 1/4 SEC 27 T34N R8W TH E 5 RDS 2 FT TH S 473.5 FT FOR POB TH CONT S 75 FT TH W 132.5 FT TH N9 DEG 16'30"E 75.99 FT TH E 120.25 FT M/L TO POB BEING PART OF S 1/2 OF SE 1/4 SEC 27-34-8.
13. **819 Whitley St**. 052-227-013-00: BEG 536 FT E & 640.5 FT N SW COR SE1/4 SEC 27 T34N R8W N 98 FT W 173 FT S 66 FT W 99 FT S 12.5 FT W TO SE'LY LI STATE RD SWLY ALG RD TO PT W OF BEG E TO BEG PT SEC 27-34-8.
14. **000 Sheridan St**. 052-227-006-00: BEG 660 FT S OF NW COR S1/2 SE1/4 SEC 27T34N R8W TH S 198 FT TH E TO WLY LI STATE RD TH NELY AL STATE RD TO PT E OF POB TH W TO POB PT SEC 27-34-8
15. **621 Sheridan St.** 052-227-008-00: BEG AT A PT ON N & S 1/4 LI 28 RDS N OF SW COR OF S 1/2 OF SE 1/4 TH E TO W LI OF STATE RD TH SW'LY AL W LI OF SD RD 100 FT TH W TO N & S 1/4 LI TH N TO POB BEING PT OF S 1/2 OF SE 1/4 SEC 27-34-8.
16. **000 Sheridan St**. 052-227-007-00: SEC 27 T34N R8W COM 28 RDS N OF SW COR OF S 1/2 OF SE 1/4 S ON 1/4 LI TO W LI O OF STATE RD NE AL W LI DUE E OF BEGW TO BEG EX: BEG AT PT ON N & S 1/4 LI 28 RD N OF SW COR S 1/2 OF SE 1/4 TH E TO W LI OF STATE RD TH SW'LY AL W LI OF SD RD 100 FT TH W TO N & S 1/4 LI TH N TO POB BEING PT OF S 1/2 OF SE 1/4 27-34-8.
17. **107 Stover Rd 052-**335-050-00 COM AT INTER OF MAY & STOVER MAY BEING ON W1/8 LI OF SEC 35 T34N R8W W ALG C/L STOVER 244 FT BEING POB CONT W ALG SD RD102.5FT TO SW COR FRED DECASTRO PROP N ALG W LI DECASTRO PROPERTY 315 FT E PARASTOVER TO PT 244 FT W C/L MAY ST TO POB PT SW1/4 OF NW1/4 SEC 35-34-8 SUB TO R/WOF STOVER RD

The City of Charlevoix Planning Commission is proposing to rezone the following parcels, full described from (GC) General commercial to R-4 Multi Family District: In the City of Charlevoix, Charlevoix County, Michigan,

1. **743 Petoskey Ave** 052-123-075-00: BEG 840.4 FT W E1/4 COR SEC 23 T34N R8W W ON 1/4 LI 138 FT S TO N LI PETOSKEY AVE ELY ON SD AVE TO PT S OF POB N TO POB PT N1/2 SE1/4 SEC 23 T34N R8W; NOW MORE PARTICULARLY DESCRIBED AS: COM AT WELL BOX @ E.K. ROBINSON'S (COUNTY SURVEYOR) POSITION OF THE E1/4 COR SEC 23 T34N R8W TH AL E.K. ROBINSON'S E&W1/4 LI SD SEC N89DEG55'52"W 842.82FT (RECD AS 840.4FT & MEAS 840.60FT FROM DC NETTLETON'S DEPUTY COUNTY SURVEYOR, E1/4 COR) FOR POB TH S00DEG05'02"W (RECD AS S) 31.90FT TH CONT S00DEG05'02"W (RECD AS S) 1.10FT TO S LI DIVISION ST TH CONT S00DEG05'01"W (RECD AS S) 382.66FT TO N LI PETOSKEY AVE TH AL SD AVE LI S69DEG01'16"W 147.88FT TO E LI CITY OF CHARLEVOIX PROP TH AL E LI SD CITY'S PROP N00DEG05'01"E (RECD AS N) 435.77FT TO S RD LI TH CONT N00DEG05'01"E (RECD AS N) 33FT TO SD ROBINSON'S 1/4 LI TH AL E&W1/4 LI S89DEG55'52"E 138FT TO POB BEING PT NE1/4 OF SE1/4 SEC 23-34-8

2. **745 Petoskey Ave** 052-123-076-00: COM 737.9FT W E1/4 COR SEC 23 T34N R8W S0DEG09'E 406.8FT TO C/L PETOSKEY AVE S69DEG 06'W ON PETOSKEY AVE 108.55FT N0DEG17'W 445.5FT TO E&W 1/4 LI E ON 1/4LI 102.5FTTO POB PT NE1/4 OF SE1/4

3. **747 Petoskey Ave** 052-123-077-00: COM AT A PT 737.9 FT W OF E1/4 POST SEC 23 T34N R8W TH S0DEG09'E 406.8 FT TO C/L PETOSKEY AVE TH N69DEG06'E AL SD C/L 59.2 FT TH N 406 FT TH W AL 1/4 LI SEC 23 56 FT TO POB ALSO DESC AS: BEG AT A PT 684.09FT W OF 1/4 POST BETWEEN SEC 23&24 S 384.12FT TO C/L OF PETOSKEY AVE TH SW'LY AL C/L OF PETOSKEY AVE 59.20FT TH N TO 1/4 LI TH E 56.00FT TO POB BEING PT OF N 1/2 OF SE 1/4 OF SEC 23 T34N R8W

4. **749 Petoskey Ave** 052-123-078-10: COM AT THE EAST 1/4 COR OF SEC 23 T34N R8W TH AL THE E-W 1/4 LI OF SD SEC N89°26'22"W 600.19 FT TO A PT IN THE C\L OF DIVISION ST TH S00°16'58" W 175.85 FT TO A 1/2" IR ROD BEING THE POB TH N89°24'59"W 15.68 FT TO A 1 INCH PIPE TH CONT N89°24'59"W 66.73 FT TO A 1 INCH PIPE TH S01°31'51"W 176.47 FT TO A 1/2" IR ROD ON THE N LI OF PETOSKEY AVE (US-31) TH CONT S01°31'51"W 32.93 FT TO THE C\L OF SD AVE TH AL THE

C\L OF SD PETOSKEY AVE N69°55'01"E 92.76 FT TH N00°16'58"E 32.16 FT TO A PK NAIL ON THE SD N AVE LI TH CONT N00°16'58"E 144.48 FT TO THE POB BEING A PT OF THE NE 1/4 OF THE SE 1/4 OF SEC 23 T34N R8W AND CONT 0.374 A COMBINED ON 12/09/2022 FROM 052-123-078-00 AND PT 052-123-080-00

5. **680 Division Street** 052-123-079-10: COM AT THE E 1/4 COR OF SEC 23 T34N R8W TH AL THE E-W 1/4 LI OF SD SEC N89°26'22"W 600.19 FT TO A PT IN THE C\L OF DIVISION ST BEING THE POB TH CONT AL SD 1/4 LI N89°26'22"W 81.74 FT TH S00°29'50"W 32.93 FT TO A 1 INCH PIPE ON THE S LI OF SD ST TH CONT S00°29'50"W 142.88 FT TO A 1 INCH PIPE TH S89°24'59"E 66.73 FT TO A 1 INCH PIPE TH CONT S89°24'59"E 15.68 FT TO A 1/2" IR ROD TH N00°16'58"E 142.96 FT TO A 1/2" IR ROD ON THE S LI OF SD ST TH CONT N00°16'58"E 32.89 FT TO THE POB BEING A PT OF THE NE 1/4 OF THE SE 1/4 OF SEC 23 T34N R8W AND CONT 0.331 A COMBINED ON 12/09/2022 FROM 052-123-079-00 & PT OF 052-123-080-00

6. **755 Petoskey Ave** 052-123-080-10: COM AT THE E 1/4 COR OF SEC 23 T34N R8W TH AL THE E-W 1/4 LI OF SD SEC N89°26'22"W 489.99 FT (REC AS 490.05 FT) TO A PT IN THE C\L OF DIVISION ST BEING THE POB TH CONT N89°26'22"W 110.20 FT TH S00°16'58"W 32.89 FT TO A 1/2" IR ROD ON THE S LI OF DIVISION ST TH CONT S00°16'58"W 287.44 FT TO A PK NAIL ON THE N LI OF PETOSKEY AVE (US-31) TH CONT S00°16'58"W 32.16 FT TO THE C\L OF SD AVE TH AL THE C\L OF SD AVE N69°55'01"E 116.29 FT TH N00°30'04"E 33.14 FT TO A 1/2" IR ROD ON THE N LI OF SD AVE TH CONT N00°30'04"E 245.42 FT TO A 1/2" SQUARE BAR ON THE S LI OF SD ST TH CONT N00°30'04"E 32.93 FT TO THE POB BEING A PT OF THE NE 1/4 OF THE SE 1/4 OF SEC 23 T34N R8W AND CONT 0.835 A SPLIT ON 12/09/2022 FROM 052-123-080-00

The City of Charlevoix Planning Commission is proposing to rezone the following parcels, full described from (R-2A) Residential to R-1 Residential District: In the City of Charlevoix, Charlevoix County, Michigan,

1. **106 Dixon Ave.** E 052-126-037-15: BEG AT PT ON S LI OF DIXON AVE 294.5FT E OF E LI OF MICH AVE TH CONT E AL SD DIXON AVE 74.5FT TH S 198FT TH W 74.5FT TH N11DEG17'50"E 53.45FT TH N7DEG57'W 56FT TH N1DEG43'58"W 90.16FT TO POB BEING PT GOV LOT 2 SEC 26-34-8 .321A 97SP0996 FROM 126-037-00

2. **106 Dixon Ave.** E 052-126-037-10: BEG AT PT ON S LI OF DIXON AVE 220 FT E OF E LI OF MICH AVE TH S 198FT TH E 74.5 TH N11DEG17'50"E 53.45FT TH N7DEG57'W 56FT TH N1DEG43'58"W 90.16FT TO S LI OF DIXON AVE TH AL SD DIXON AVE W 74.5FT TOPOB BEING PT GOV LOT 2 SEC 26-34-8 .356A 97SP0996 FROM 126-037-00

3. **304 Michigan Avenue** 052-153-001-00: LOTS 1 & 2 OF BLOCK 3 OF DIXONS ADDITION

4. **1032 May Street** 052-335-062-20 87SP/COMB 335-062-10/335-062-00 PT OF SE 1/4 OF NW 1/4 OF SEC 35 T34N R8W DESC AS COM AT INTERS C/L MAY ST & STOVER RD IN CITY OF CX TH E AL C/L OF SD STOVER RD 238.37 FT TH N 269.94 FT THW 238.37 FT TO C/L OF SD MAY ST TH S ON C/L OF SD MAY ST 269.94 FT TO POB EX: COM AT 5/8 IN BAR AT W 1/4 COR OF SEC 35-34-8 TH N 0DEG 49'24"W AL W LI OF SD SEC 1229.33 FT TH N 89DEG 42'35"E 1320.49 FT TO W1/8 LI OF SD SEC TH S 0DEG 49'59" E 411.6 FT TO PT IN C/L OF MAY ST HAVINGBEEN RECD AS 27.78 CHS S OF N LI OF SD SEC BEING POB OF DESC TH N 89DEG 41'16"E 238.2 FT (RECD AS E 238.37 FT) TO A T-IR ST TH S 0DEG 51'12"E 9RECD AS S) 100 FT TO 1/2 IN ROD TH S 89DEG 41'16-"W 238.24 FT TO SD W 1/8 LI TH N 0DEG 49'59"W (RECD AS N) AL SD 1/8 LINES & AL C/L OF SD RD 100 FT TO POB BEING PT OF SE 1/4 OF NW 1/4 SEC 35-34-8.

The City of Charlevoix Planning Commission is proposing to rezone the following parcels, full described from (R-2A) Residential to R-2 Residential District: In the City of Charlevoix, Charlevoix County, Michigan,

1. **305 & 307 Crain Street** 052-280-045-00: R2 WESTPORT LOTS 45 & 48
2. **107 Stover Rd** 052-335-050-00: COM AT INTER OF MAY & STOVER MAY BEING ON W1/8 LI OF SEC 35 T34N R8W W ALG C/L STOVER 244 FT BEING POB CONT W ALG SD RD102.5FT TO SW COR FRED DECASTRO PROP N ALG W LI DECASTRO PROPERTY 315 FT E PARASTOVER TO PT 244 FT W C/L MAY ST TO POB PT SW1/4 OF NW1/4 SEC 35-34-8 SUB TO R/WOF STOVER RD

Submitted by Jonathan Scheel Zoning Administrator City of Charlevoix

Charlevoix Planning Commission

Old Business

Title: Zoning Ordinance changes, Housing
Date: September 11, 2023

Presented By: Jonathan Scheel, Zoning Administrator

Background:
Ordinance changes to incentivize infill housing, additional density and with duplexes and single multi-family buildings.

Recommendation:
Set Public Hearing for October Planning Commission meeting

Attachments:
1. Applicable Residential Ordinances September 2023 Final 9-7

City of Charlevoix Planning Commission

Applicable Residential Ordinance changes

Final September 11, 2023

§ 153.005 DEFINITIONS.

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

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

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

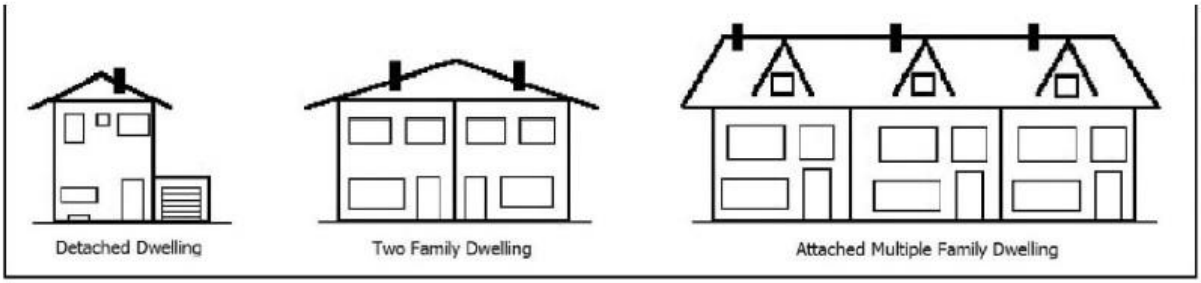
(a) **DWELLING, MULTIPLE-FAMILY.** A building containing **three or more** dwelling units where each unit may have access to a common hallway, stairs or elevator, or where each unit may have individual access to a street or common courtyard.

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

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

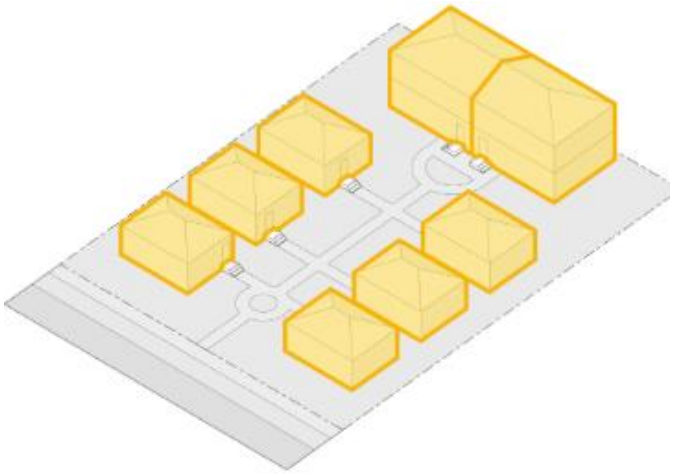
2. **ATTACHED.** A dwelling designed for occupancy by one family in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.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

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



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

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



Source: MissingMiddleHousing.com

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

MISSING MIDDLE HOUSING., Coined by Opticos Design founder Daniel Parolek in 2010, it defines a range of multi-unit or clustered housing types – compatible in scale with detached single-family homes – that help meet the growing demand for walkable urban living. Example images provide suggestions of the suggested product.

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

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

SEASONAL. Common understanding of the recreational seasons in Northern Michigan. Boats and

campers-June1 thru October 1

§ 153.055 ZONING MAP.

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

(1) *Residential districts.*

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

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

(d) R4 - Planned High Density Residential;

(e) PC - Private Club Residential; and

(f) R-4 - Conditional Rezone.

§ 153.056 ZONING OF VACATED AREAS.

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

§ 153.057 ZONING OF ANNEXED AREAS.

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

§ 153.070 INTENT.

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

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

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

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

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

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

§ 153.070 SCHEDULE OF USES.

Uses permitted in the R1, R2, R4 and PC Districts are listed in Table 153.071 of this chapter. Additional requirements related to a specific use, if any, are referenced in the "Specific Requirements" column.

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

§ 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.)**
R1	**9,000**	**70**
R2	**6,000**	**50**
R4	**15,000**	**80**
PC	**NA[1]**	**NA**

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

Table 153.072(b): Dimensional Requirements in Residential Districts									
Zoning District	***Max. Building Height (ft.)***[7]	***Minimum Yard Setbacks (ft.)***				***Maximum Lot Coverage (%)***	***Min. Gross Floor Area (sq. ft.)***		***Principal Building Minimum Width (ft.)***
		Front[3]	***Side***		***Rear***		***1 Story***	***2 Stories***	
			Interior	***Street Side***					
R1	26[7]	15	10	15	25	40[2,3,6]	800	1,200	20[5]
R2	26[7]	15	8	15	25	40[4,6]	800	1,200	20[5]
PC	26	0	0	0	0	NA	0	0	20
R4	35	15	15	15	15	50	800	1200	20

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

[1] 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.

[2] Setbacks within the C&O Club Development shall be 35 feet for front yard, 15 for side yard and 25 for rear yard.

[3] Maximum lot coverage shall be 50% for lots less than 8,000 square feet.

[4] Maximum lot coverage shall be 50% for lots less than 5,000 square feet.

[5] Lot coverage may be increased to 50% if additional landscaping requirements are met. See § 153.171(A)(B)(E).

[6] Single Multifamily buildings 30-foot maximum height.

[7] Does not include clustered homes, or courtyard homes.

[8] Planning Commission Site Plan Approval

[9] Both side yard setbacks need to add up to 16-foot total.

(C) Dimensional requirements**:** square footage for accessory dwelling units, single multifamily buildings 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

(D) R4 District; additional requirements for multiple-family dwellings and Clustered Housing Development Zone.

(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. The proposed units, circulation, layout, parking facilities, and any open space or recreation activity areas are designed and located in a manner that ensures the stability of the existing or future properties in the area, in addition to the proposed development.

(c) The proposed units, circulation, layout, parking facilities, and any open space or recreation activity areas are designed and located in a manner that ensures the stability of the existing or future properties in the area, in addition to the proposed development.

(2) *Development requirements.*

2 (a) Distance between buildings. The horizontal distance measured between buildings, forming courts and courtyards, shall not be less than 30 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 15 feet from property lines.

(c) *Paving.* All areas provided for use by vehicles and all pedestrian walks shall be surfaced with bituminous asphalt, concrete, pervious 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) *Vehicular circulation system.* The proposed development will have a planned circulation system that is designed in the best interest of the public health, safety, and welfare in regard to the overall circulation of the community. Provision shall be made for safe and efficient ingress and egress to the public streets and highways without undue congestion to, or interference with, normal traffic flow.

(f) *Utilities.* All buildings 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. A minimum of 50% open space, including water features, shall be provided and represented in the general plan for the site.

(F) *Dimensional requirements, clustered housing.* Building height, setbacks, lot coverage and minimum floor area for single-family attached, single-family detached, courtyard, 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(d): Dimensional Requirement in Multiple-family Dwellings in the R4 Zone									
Max. Building Height (ft.) ~~2~~	Minimum Yard Setbacks (ft.)				Lot Coverage (%)	Min. Floor Area (sq. ft.), based on number of bedrooms			Distance Between Buildings~~2~~
	Yard Adjacent to:	Front	Side	Rear		1 bedroom / efficiency	2 bedrooms	3 bedrooms	
35	All districts	15	15	20	50	400	600	900	20

§ 153.102 CENTRAL BUSINESS DISTRICT OVERLAY DISTRICT.

(A) Purpose. To create a vibrant downtown district fronting Bridge Street consisting of primarily retail and food service businesses that enhance the city's economy by defining specific uses intended to increase consumer traffic.

(B) Applicability. This overlay district shall include all street level areas of buildings with store entrances facing Bridge Street from Antrim Street north to the Pine River Channel.

(C) Permitted uses.

(1) Food and beverage services, including: grocery stores, restaurants, cafés (including internet cafes), coffee shops, bars, taverns, wine bars, breweries, bakeries, delicatessens, bistros and specialty shops;

(2) Retail stores having a gross area of less than 5,000 square feet; (Appliance, furniture, motorized vehicles and similar stores selling large scale consumer products are not considered retail.)

(3) Art galleries, frame shops, photography and art studios;

(4) Small single building hotel, and universities

~~(4) Beauty salons and barber shops as the primary use. Secondary uses may include tanning beds, pedicure or manicure services in the same location.~~

(5) Professional offices and residential units are not permitted on the street level

§ 153.102 WEST GARFIELD AVENUE GENERAL COMMERCIAL OVERLAY DISTRICT.

(A) *Purpose.* The purpose of this district is to support the future development of the 200 block of W. Garfield (north side) and the 200 block of W. Lincoln (south side) where industrial uses have been present in the past and commercial development currently exists, surrounded by residential uses.

(B) *Applicability.* This overlay district shall include the following addresses (see Zoning Map):

(1) 204 and 208 W. Lincoln; and

(2) 205 and 207 W. Garfield.

(C) *Permitted uses.* The following uses shall be permitted as special land uses, in accordance with the procedures of §§ 153.250 through 153.257 of this chapter:

(1) Restaurants, not including drive-through establishments;

(2) Convenience stores;

(3) Grocery stores;

(4) Storage buildings not to exceed 3,000 square feet;

(5 Multi-family residential;

(6) Furniture, carpet, appliance or similar use stores; and

(7) Retail stores.

(D) *Other regulations.* The Planning Commission, upon request, may determine if a proposed use not listed above is similar to, or comparable to, the permitted uses in Table 153.086. If the Planning Commission determines a proposed use is not similar or comparable to the permitted uses, the applicant may apply for a special use permit. The Planning Commission may issue a special use permit provided that the proposed use is found to generate commercial activity in accordance with the purpose of this section and it meets the requirements for special land use permits in §§ 153.250 through 153.257 of this chapter.

(E) *Dimensional requirements.*

(1) *Setbacks.* The minimum setback requirements are as follows:

(a) Front: 15 feet;

(b) Sides: ten feet; and

(c) Rear: 20 feet.

(2) *Height.* The maximum permitted building height shall be ~~26~~ 30feet.

(3) *Lot coverage.* The maximum lot coverage shall not exceed 75% of the total lot.

(Prior Code, § 5.42)

§ 153.117 RESIDENTIAL USES.

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

~~(7) Any addition to a dwelling shall meet all the requirements of this chapter.~~

(7) A recreational vehicle, vehicle chassis or tent is not considered a dwelling.

(F) *Home conversions.* An existing detached single-family dwelling built prior to 2019 that is located within the required setbacks of the district may be converted to multiple permanent dwelling units subject to the following:

(1) Lot area meets the minimum requirements for the district.

(2) The exterior appearance of the structure is not altered from its single-family character.

(3) Parking meets the requirements of § 153.187.

(4) Access to any second-floor dwelling unit is provided from the interior of the structure.

~~(5) The minimum square footage required for a studio, or one bedroom unit shall be 300 square feet.~~

(6) The minimum square footage required for a two-bedroom unit shall be 450 square feet.

(7) All units have construction code-approved egress.

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

(1) Single-family attached buildings and single multiple-family buildings are subject to all applicable regulations of the zoning district in which they are located unless otherwise expressly stated in this section.

(2) The main entrance is located in the building façade of the principal frontage.

(3) A maximum of two entrances per building façade.

~~(~~(4) All units have construction code-approved egress and meet all other building codes.

~~(4) Parking is located in the rear or on the side of the building.~~

~~(5) Parking access is from the alley where available, otherwise access may be from the side or front lot line.~~

(5) The principal building façade shall have a minimum of 20% glazing (windows).

(6) There shall be a minimum of two 6 sq ft windows per non-street facing building façade.

~~(8) Porches and stoops may project into the yards in accordance with § 153.149.~~

~~(9) Façade elements above the ground floor may project into the yards in accordance with § 153.149.~~

(7) Roofline/pitch, siding, other architectural elements maintain single family character.

Charlevoix Planning Commission

New Business

Title: Zoning Ordinance changes

Date: September 11, 2023

Presented By: Jonathan Scheel, Zoning Administrator

Background:

In the fall of 2022, the Planning Commission identified and ranked planning and zoning subjects to work on in 2023. The following proposed ordinance changes reflect some of the identified subjects and other changes reflecting duplicative language, contradictory language and additional language for continuing enforcement issues.

Recommendation:

Refer to Public Hearing at next month's meeting

Attachments:

1. Zoning ordinance other changes final September 11, 2023

§ 153.101 CENTRAL BUSINESS DISTRICT OVERLAY DISTRICT.

(A) *Purpose.* To create a vibrant downtown district fronting Bridge Street consisting of primarily retail and food service businesses that enhance the city's economy by defining specific uses intended to increase consumer traffic.

(B) *Applicability.* This overlay district shall include all street level areas of buildings with store entrances facing Bridge Street from Antrim Street north to the Pine River Channel.

(C) *Permitted uses.*

(1) Food and beverage services, including: grocery stores, restaurants, cafés (including internet cafes), coffee shops, bars, taverns, wine bars, breweries, bakeries, delicatessens, bistros and specialty shops;

(2) Retail stores having a gross area of less than 5,000 square feet; (Appliance, furniture, motorized vehicles and similar stores selling large scale consumer products are not considered retail.)

(3) Art galleries, frame shops, photography and art studios;

(4) Small single building hotel, and universities

~~(4) Beauty salons and barber shops as the primary use. Secondary uses may include tanning beds, pedicure or manicure services in the same location.~~

(5) Professional offices and residential units are not permitted on the street level.

(D) *Other regulations.* The Planning Commission, upon request, may determine if a proposed use not listed above is similar to, or comparable to, the permitted uses in division (C) above. If the Planning Commission determines a proposed use is not similar or comparable to the permitted uses, the applicant may apply for a special use permit. The Planning Commission may issue a special use permit provided that the proposed use is found to generate commercial activity in accordance with the purpose of this section and it meets the requirements for special land use permits in §§ 153.250 through 153.257 of this chapter.

(E) *Outdoor displays and merchandise.* Merchandise or similar goods, and associated displays shall not be permitted on the exterior buildings, entryways or sidewalks, except during official sidewalk sales.

(Prior Code, § 5.41)

§ 153.116 ACCESSORY BUILDINGS AND USES.

(A) *Accessory buildings and structures.*

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

(3) In the R1 and R2 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 Residential Districts 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:

(b) 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 and/or accessory structures.~~

(6) Detached accessory buildings and structures shall meet the following minimum setbacks.

(a) Rear yard: six feet from a rear lot line~~. Detached a~~ Accessory structures that store vehicles adjacent to alleys or sidewalks shall not be closer than ~~15~~ 20 feet from the edge of the alley or sidewalk surface.

(b) Side yards: an accessory building shall conform to the side yard or street side yard setback requirements of the principal building.

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

(b) The location and design maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, air, or parking of adjacent properties.

(c) 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:

(6) A permanent foundation is required.

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

(8) That all parts of the structure ~~any walls within the setback areas~~ comply with applicable building and fire codes.

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

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

(B) *Accessory Dwelling Units (ADUs).*

(1) All of the requirements of division (A) above apply in addition to the ADU-specific requirements of this section with the exception of 153.116 (9) (a)(b)(c).

~~(7) 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 § 153.152.~~

153.125 Other Uses

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

~~(4) A permanent foundation is required.~~

~~(5) 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 § 153.152.~~

~~(6) 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.~~

~~(7) *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 five 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.~~

§ 153.141 BUILDING REGULATIONS.

(E) *One lot, one building.* A lot or parcel shall not be devoted to more than one principal use, or contain more than one principal building, except for properties in the CBD District and groups of multiple-family dwellings, commercial buildings or industrial buildings determined by the Zoning Administrator to be a principal use collectively, based on meeting all of the following criteria:

(2) Buildings are under single ownership or an approved site condominium per 153.117 (C);

§ 153.144 GRADING.

(C) No premises shall be filled or graded so as to discharge surface runoff on abutting premises ~~in such a manner that will cause damage to adjacent properties~~.

§ 153.145 FENCES AND WALLS.

(A) All fences, walls and other similar structures shall be located on private property and must not obstruct the sight distance of motorists from driveways, roads and intersections. Fences or walls in all districts, except Industrial, shall not exceed six feet in height above grade when located in any portion of the rear or side yard. Fences located in the front yard are permitted; provided, they are open wrought iron, picket, split rail and similar decorative fences, have a maximum opacity of 50% and do not exceed ~~three feet~~ 42 inches above grade.

(F) Fences in the front yard shall have a minimum setback of 12 inches from the front property line.

§ 153.149 PROJECTIONS INTO REQUIRED YARDS.

(B)(1) An open, unenclosed ~~and uncovered porch,~~ patio, terrace, deck, balcony or window awning may project no further than ten feet into a required front yard; no further than 15 feet into a required rear yard; and shall not project into any required side yard.

(2) In no case, shall a ~~porch~~, patio, terrace, deck, balcony or awning be placed closer than five feet to any front or rear lot line with the exception of the CBD district where a porch, terrace, deck, balcony or awning may extend to the property line.

§ 153.151 SETBACK REQUIREMENTS.

(1) The required front setback shall apply to the principal and ~~secondary~~ street side front lot line.

(2) The required setback for the ~~secondary~~ street side front yard shall be the lesser of the required front setback or the established setback for the principal building on the abutting lot that faces the same street as the secondary front lot line.

(3) ~~(a) The required front setback shall apply to the principal front yard.~~

~~(b) The required setback for the secondary front yard shall be the lesser of the required front setback or the established setback for the principal building on the abutting lot that faces the same street as the secondary front lot line.~~

~~(c) 1. The remaining setbacks shall be a rear and a side setback.~~

~~2. The rear setback shall be measured from the rear lot line, which in the case of a corner lot, shall be the lot line opposite the principal front lot line.~~

§153.152 LOT COVERAGE REQUIREMENTS.

(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 of the afore mentioned permeable surfaces shall not exceed ~~60~~ 25% the requirements for the maximum lot coverage. ~~of the lot area.~~

~~(C) Accessory buildings and structures refer to § 153.117(D).~~ The maximum lot coverage for parcels with an ADU may be increased to a maximum of 50% when stormwater is collected in rain barrels, rain gardens, or is mitigated via porous concrete or other materials on the parcel and shown that stormwater does not leave the property.

153.153 OUTDOOR STORAGE.

(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) and 153.147.

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

(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.~~

(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, and such recreational equipment and vehicles shall not be closer than five feet from any lot line.

(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 with a permit from the Zoning Administrator.

153.158 RENTING OF RESIDENTIAL PROPERTIES.

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. Short-term rentals shall be regulated as provided in Chapter 114 of this code.

§ 153.189 OFF-STREET PARKING FACILITY DESIGN.

(A) *Off-street parking location and setbacks.*

(3) (a) Required off street parking facilities for residential dwellings shall be located on the same property as the premises they are intended to serve and shall consist of a driveway, a parking apron and/or a garage. Parking for single multifamily structures will be located in the rear or on the side of the building.

(c) Parking access will be from the alley or front side where available, otherwise access may be from the front lot line.

(d) In the CBD District, parking facilities shall be located within 600 feet of the building or use to be served. Distance shall be measured from the nearest point of the building to the nearest point of the off-street parking lot.

CITY OF CHARLEVOIX

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

Permits Issued in 2023

Following are two types of breakdowns for the 91 permits issued by the zoning office so far in 2023:

By month		By type	
January	8	Banner permits	32
February	5	Fence permits	18
March	13	Sidewalk café/use	4
April	17	Sign	12
May	10	Zoning	36
June	25	Use	1
July	13		
August	12		
September			
October			
November			
December			

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

Central Business District (CBD)	9
Commercial Mixed (CM)	9
General Commercial (GC)	
Industrial	
Marine Commercial (MC)	1
Residential Private Club (PC)	2
Public Facilities	
R-1	17
R-2	24

Blight Enforcement Actions

Our seasonal enforcement officer continuing to work 3 days a week. We continue to focus on blight, long term violations. I have issued an additional 5 civil infraction tickets.

The Zoning department sent out 90+ enforcement letters out to property owners with no visible address for fire prevention week.

Level A Site Plan Administrative Review

None

Level B Site Plan Reviews / Special Use Permits

None

Variances to Zoning Board of Appeals

The variance application that was submitted for a side yard setback variance of 19 feet for an attached garage on the 100 block of West Upright was denied. The ZBA did not see a hardship with the property.