



Agenda
City of Charlevoix Planning Commission Regular Meeting
Monday, October 9, 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. Minutes from September 11, 2023
- F. Call for Public Comment Not Related to Agenda Items**
- G. Public Hearing**
 - 1. Public Hearing for the rezone of two parcels, 749 Petoskey Avenue and 904 May Street
 - 2. Public hearing for Housing Ordinance Changes
- H. Old Business**
 - 1. Rezone of 749 Petoskey Avenue and 904 May Street
 - 2. Housing Ordinance amendments
 - 3. Zoning Ordinance Changes
- I. New Business**
 - 1. Rezone of Community Reformed Church property
- 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: Minutes from September 11, 2023

Date: October 9, 2023

Presented By:

Background:

Recommendation:

Motion to approve the minutes as presented.

Attachments:

1. Planning Commission Draft Regular Meeting Minutes 09/11/2023

City of Charlevoix
Planning Commission Regular Meeting Minutes
Monday, September 11, 2023 - 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 Jennifer Muladore.

B. Roll Call

Chair: Jennifer Muladore

Members Present: Scott Beatty, Shelley Boehmer, Sherm Chamberlain (arrived at 6:08 p.m.), Janet Coltman, Toni Felter, John Kurtz (arrived at 6:07 p.m.), Mary Millington, Maureen Radke

Members Absent: None

Staff Present: Jonathan Scheel, Zoning Administrator

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

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

Motion carried by unanimous voice vote.

E. Approval of the Minutes

1. Draft Minutes from August 14, 2023

Member Boehmer stated that her name was spelled wrong in the August minutes.

Motion by Member Radke, seconded by Member Coltman to approve the minutes of August 14, 2023 as corrected.

Motion passed by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. Public Hearing

1. Public Hearing for Approval of Rezoning Multiple City Parcels

Chair Muladore opened the public hearing at 6:03 p.m.

Cynthia Urban, 621 Sheridan Street, stated she had the smallest parcel on Sheridan Street and she did not think her property should be zoned R-2 and she had a septic system and was not connected to City sewer.

Member Kurtz arrived at the meeting at 6:07 p.m, and Member Chamberlain joined the meeting at 6:08 p.m.

Dean Wilhelm, 1030 May Street, stated he was adjacent to a property proposed to be rezoned

and he received the City's letter but no explanation as to why the City was doing the rezoning. Zoning Administrator Scheel explained that the R2-A zone has seven (7) properties throughout the entire City and only two of the properties actually have a duplex on site, with the remainder as single-family residential. Mr. Scheel explained the reasoning for eliminating the R2-A zone and the other proposed rezoning areas.

Mary Pollard, stated she lived in Chez Charlevoix, which is adjacent to the empty lot with the old gas station, and she questioned what guarantee they would have that something would not be built and used as short-term rentals.

Arlene Good, 735 Petoskey Avenue, Unit 10, stated she was also concerned about multi-family units going in the area. Mr. Scheel further explained the reasoning for removing the commercial zoning designation in that area.

Chair Muladore acknowledged several letters including: John Doer, 107 E. Dixon, in favor of the proposed changes; Matt Stuck, Conquest Builders, Inc., owner of 749 Petoskey Avenue, who purchased the property with the intent of constructing a mixed use building with office and residential units on the main level and more residential units on the second level and he was requesting that it be zoned to mixed use instead of R-4. Zoning Administrator Scheel stated that over 300 letters were sent out for notification and only three (3) letters came back undeliverable.

The public hearing was closed at 6:29 p.m.

H. Old Business

1. Rezoning of Multiple City Properties

Chair Muladore addressed the letter from Matt Stuck, Conquest Builders, Inc. regarding the property at 749 Petoskey Avenue and she felt that rezoning that parcel to mixed use made a good buffer to the commercial and residential properties along that stretch. Mr. Scheel agreed that changing the proposed zoning designation to mixed commercial use would require another public hearing.

Chair Muladore stated there were 16 properties moving from R-1 to R-2 zoning designations on Garfield, Sheridan, and Whitley Streets. Ms. Muladore stated they had received input from a couple of neighbors and positive input from the sub-committee members speaking to the residents earlier in the year.

Mr. Scheel addressed the letter from Cynthia Urban of 621 Sheridan Street, and advised that he had spoken to the City Assessor and was assured that the rezoning would not impact property taxes.

Chair Muladore stated the next section was the Petoskey Avenue area, which included removing the 749 Petoskey Avenue property and changing that to mixed commercial use with the remainder of the properties changed to R-4, multi-family. The next area included properties on Dixon, Michigan, and May Streets changing the R-2A lots to R-1 to match the surrounding neighborhood and another area of R-2A's on Crain Street and Stover Road being

moved to R-2 zoning.

Motion by Member Boehmer, seconded by Member Millington to approve {the rezones} and send them to City Council with one exception {excluding} the property at 749 Petoskey Avenue for the proposed rezonings as presented in the packet.

Motion carried by unanimous roll call vote.

Chair Muladore stated the rezoning ordinance would be sent to the City Council for a public hearing and that a public hearing before the Planning Commission for the 749 Petoskey Avenue property would be held in October.

2. Zoning Ordinance Changes-Housing

Chair Muladore stated the proposed zoning ordinance changes were meant to incentivize infill housing, additional density and with duplexes and single-family buildings. Mr. Scheel stated the proposed document takes in everything that the Planning Commission has discussed over the past several months and he further explained the format of the changes and the issues yet to be addressed.

Mr. Scheel stated that staff has an issue with outdoor storage and other things, including the lack of a definition for seasonal, which shows up numerous times in City ordinances, including those addressing outdoor storage of boats and recreational vehicles. Mr. Scheel suggested that seasonal would be defined as June 1 - October 1. Discussion followed regarding the seasonal timeframe and the Commission concurred to define seasonal as May 1 to October 31.

Mr. Scheel stated they had architectural standards approved for accessory dwelling units and for single multi-family buildings, but the Commission has not discussed duplexes. Mr. Scheel stated he wanted to know if the Commission wanted him to draft standards for duplexes to be discussed at a future meeting and the Commission concurred that standards were needed for duplexes. Discussion followed regarding additional requirements in R-4 zoning, the dimensional requirements for clustered housing and multi-family dwellings, and the West Garfield Avenue General Commercial Overlay District.

Motion by Member Radke, seconded by Member Felter to send the ordinance amendments as presented in the agenda packet for a public hearing before the Planning Commission in October.

Motion carried by unanimous voice vote.

I. New Business

1. Zoning Ordinance Changes

Zoning Administrator Scheel stated that in the fall of 2022, the Planning Commission identified and ranked planning and zoning subjects to work on in 2023. The proposed ordinance changes reflect some of the identified subjects and other changes reflect duplicative language, contradictory language, and additional language containing enforcement language.

Mr. Scheel stated while he was not working for the City, the Planning Commission had a site plan approval come through for a dentistry office downtown. Mr. Scheel stated he has received complaints from downtown businesses who stated that the use shouldn't have been approved

for downtown, and that the ordinance was not written in enough detail. Mr. Scheel brought this up for discussion to see if the Commission wanted to discuss this issue further. After discussion, the Commission agreed that the dentist's office with retail in front was appropriate.

Detailed discussion followed regarding staff proposed changes to Section 153.115, *Accessory Buildings and Uses*, Section 153.125, *Other Uses*, Section 153.141, *Building Regulations*, Section 153.144, *Grading*; Section 153.145, *Fences and Walls*; Section 153.149, *Projections into Required Yards*; Section 153.151, *Setback Requirements*; and Section 153.152, *Lot Coverage Requirements*. The Commission concurred to continue discussion on the remaining items at the next meeting.

J. Staff Updates

1. Zoning Report

Mr. Scheel reviewed his August report including the number of permits issued, blight enforcement actions, and that 90+ enforcement letters were sent out to property owners with no visible address on their homes in combination with Fire Prevention Month in October.

K. Requests For Next Months Agenda or Research Items

Chair Muladore stated she and the Zoning Administrator had discussed the Housing Sub-Committee which hasn't met in awhile and perhaps a meeting should be scheduled in the near future. Chair Muladore encouraged Members to also go out and look at garages (in relation to architectural standards), particularly in Meadowlane, before the next meeting.

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

Motion by Member Radke, seconded by Member Chamberlain to adjourn the meeting at 8:00 p.m.

Motion carried by unanimous voice vote.

Sarah J. Dvoracek/fgm

City Clerk

Jennifer Muladore

Chair

Charlevoix Planning Commission

Public Hearing

Title: Public Hearing for the rezone of two parcels, 749 Petoskey Avenue and 904 May Street

Date: October 9, 2023

Presented By: Jonathan Scheel, Zoning Administrator

Background:

At the September 11th 2023 Planning Commission meeting, it was decided to remove 749 Petoskey Ave from being rezoned to R4. Furthermore, it was decided to rezone the parcel to the MC Mixed Use District. 904 May Street was rezoned as R4 Conditional zoning during the rezone process by City Council. Because all underlying zoning regulations stay in place for a conditional rezone, it is more appropriate to rezone back to the original R2 zone District.

Recommendation:

Attachments:

1. Rezone notice final 10-9-23

NOTICE OF PUBLIC HEARING
CITY OF CHARLEVOIX PLANNING COMMISSION
210 State Street, City Council Chambers, Second Floor, City Hall, Charlevoix, MI.
October 9, 2023, 6:00 PM

The City of Charlevoix Planning Commission will hold a public hearing on Monday, October 9, 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 October 9, 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 GC General Commercial District to Mixed Use District: In the City of Charlevoix, Charlevoix County, Michigan,



1. IN THE CITY OF CHX, CHX CNTY MI 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 Commonly known as 749 Petoskey Avenue

The City of Charlevoix Planning Commission is proposing to rezone the following parcels, full described from R-4 Multi-family Conditional District to R-2 Single Family District: In the City of Charlevoix, Charlevoix County, Michigan,



1. COM AT CONC MON ON N LI OF SEC 35 T34N R8W BEING SW COR OF PLAT OF MEADOWLANE REC L2 P35 CHX CNTY REC TH AL SD N LI N89DEG51'42"W 9.88FT (REC AS 10.00FT) TO E LI OF MAY ST TH AL SD E LI S00DEG23'42"E 99.83FT (REC AS 100.00FT) TO 1/2"IN ROD BEING POB TH CONT AL SD E LI S00DEG23'42"E 99.83FT (REC AS 100.00FT) TO 1/2"IN ROD TH S89DEG54'19"E 122.36FT TO 1/2"IN ROD TH N00DEG07'48"W 99.77FT TO 1/2"IN ROD TH N89DDEG52'36"W 122.82FT TO POB BEING PT OF LOTS 39 AND 41 J MILO EATONS ADD TO CHX AS REC L1 P54 & 55 CHX CNTY REC 0.281A SPLIT ON 11/13/2020 FROM 052-335-054-00 Commonly known as 904 May Street

Submitted by Jonathan Scheel Zoning Administrator City of Charlevoix

Charlevoix Planning Commission

Public Hearing

Title: Public hearing for Housing Ordinance Changes

Date: October 9, 2023

Presented By: Jonathan Scheel, Zoning Administrator

Background:

To assist the Planning Commission in their discussion about the housing amendments, the individual items and changes are listed below. Within each of the items you will find listed the individual elements for consideration. For example, the 4th item discusses increasing allowable density in the R-1 Single-Family District, and the two subsequent elements to achieve this are allowing duplexes and single multi-family structures.

I have also included a red-lined version of the changes to the zoning ordinance which details the changes in the applicable chapters, noting that some of the amendment elements impact language in multiple locations of the Zoning Ordinance that need to be identified. It also references less substantive changes that are included, such as definitions, spelling corrections, duplications, etc.

ZONING AMENDMENT ELEMENTS

Item 1: Added numerous Definitions.

Item 2: Remove redundant/duplicative zoning districts.

1. Remove the R-2A Zoning District.
2. Remove the R-4 Conditional District.

Item 3: Clarify Intent of residential districts.

1. R-1, R-2, R4.

Item 4: Increase Density in the R-1 and R-2 Districts.

1. Allow duplexes in R-1 (already allowed in R-2) by right.
2. Allow single multi-family structures by right.
3. Remove Home Conversion (redundant).
4. Remove Single Multi-family building (redundant).

Item 5: Dimension Standard Modifications to incentivize infill.

1. Add R-4 to the residential table.
2. Remove redundant Notes to Table.
3. Increase lot coverage with additional requirements R-1 and R-2.
4. Lower side setback and rear setback in R-4 District.
5. Lower unit size for one and two bedroom units R-4 District.
6. Lower distance between buildings in R-4 District.

Item 6: Add standards and requirements to assure safe and quality development of multi-family projects.

1. Revise vehicle circulation system standards.
2. Lower distance between courtyard buildings.
3. Allow parking closer to property line.
4. Add pervious concrete to allowed paving choices.
5. Lower front and rear setbacks.
6. Remove redundant Notes to Table.

Item 7: Incentives housing in West Garfield Ave General Commercial Overlay District.

1. Add multi-family as a use allowed.
2. Remove single family housing.
3. Raise maximum height of structures.

Item 8: Remove redundant language and add architectural standards to ensure projects that fit into the neighborhoods look and feel.

1. Remove Senior Housing as redundant to any other housing.
2. Add size of windows.
3. Add roofline and other architectural elements.
4. Remove STRs from Other Uses and move to Residential Use.
5. Move specific stormwater stands from Multifamily section to Site Plan approval.

Recommendation:

None

Attachments:

1. redline version housing amendments 9-23

§ 153.005 DEFINITIONS.

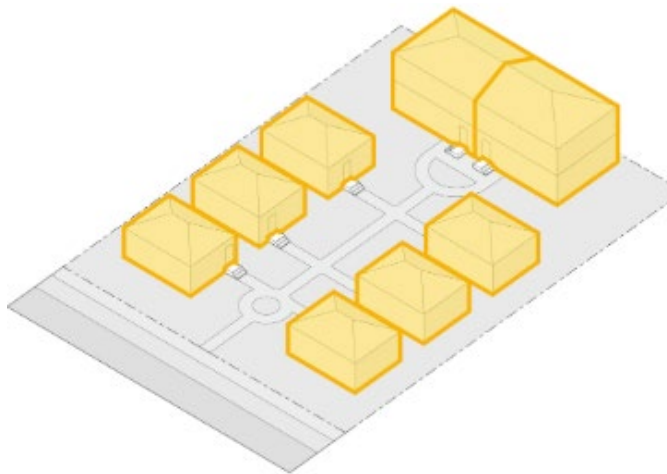
(B) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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.

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



(d) **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.



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

SEASONAL. Common understanding of the recreational seasons in Northern Michigan. Summer-May thru October 31

§ 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.*

~~—(f) R-4 – Conditional Rezone.~~

§ 153.070 INTENT.

(A) *R1, Low Density ~~Single-Family Residential District~~*. This district is intended to provide stable, low density neighborhoods of predominantly ~~detached, attached, 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, ~~residential~~, accessory dwelling units, ~~two family dwellings, courtyard dwellings, and multi-family structures that maintain single-family character.~~ ~~single multiple-family dwellings, and attached dwellings are located.~~

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

(D) *R4, Planned High Density Residential*. This district allows for higher density developments such as ~~condominiums, apartment buildings, site condominiums, large multiple-family structures.~~ Multiple-family dwellings may include apartment buildings, townhouses, ~~courtyard dwellings~~ and clustered housing.

§ 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)	P	P		P	P	§ 153.117(A)
Two-family (2 units)	P	P		P	P	§ 153.117(G)
Multiple-Family (3 or more units)	P	P		P	P	§ 153.117(G)
Single Multiple-Family Building		P				§ 153.117(G)
Accessory Dwelling Unit	P	P	P			
Home Conversion		P				

§ 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
R2A	9,000 ¹	80 (new construction) 70 (conversion of existing homes)
R4	15,000	80
PC ¹	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 Single-Family, Two-Family, Private Club Residential Districts								
Zoning District	Max. Building Height (ft.) ⁷	Minimum Yard Setbacks (ft.)				Maximum Lot Coverage (%)	Min. Gross Floor Area (sq. ft.)		Principle Structure Minimum Width (ft.)
		Front ³	Side				1 Story	2 Stories	
			interior	Street Side	Rear				
R1 ²	26 ⁶	15 ⁴	10	15	25	40 ^{53,5}	800	1,200	20
R2	26 ⁶	15	8	15	25	40 ^{64,5}	800	1,200	20
R2A	26	15	10	20	25	40	400	800	20
PC	26	0	0	0	0	NA	0	0	20
R4 ⁸	35	15	15	15	25	50	800	1,200	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.~~

²¹ 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.~~

⁴² Setbacks within the C&O Club Development shall be 35 feet for front yard, 15 for side yard and 25 for rear yard.

⁵³ Maximum lot coverage shall be 50% for lots less than 7,000 square feet.

⁶⁴ Maximum lot coverage shall be 50% for lots less than ~~64~~,500 square feet.

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

⁶ Single multi-family structures 30-foot maximum height

⁷~~See § 153.005 Definitions for the definition of building height.~~

⁷ Does not include clustered homes, or courtyard homes.

⁸ Planning Commission Site Plan Approval

(C) Dimensional requirements: square footage for accessory dwelling units, and ~~single multifamily buildings~~ units ~~home conversion units~~. Square footage for accessory dwelling units and ~~home conversion units~~ single multifamily buildings 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 Single Multi-Family Building Units		
Zoning District	Minimum	Maximum
R1, and R2 R2A	300	900 for ADU only

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

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 ¹			Distance Between Buildings ²
	Yard Adjacent to:	Front	Side	Rear		1 bedroom / efficiency	2 bedrooms	3 bedrooms	
35	All districts	15	20-15	35-25	50	660 400	780 600	900	30-20

(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.

(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.

(a) Distance between buildings. The horizontal distance measured between buildings, forming courts and courtyards, shall not be less than ~~40~~ 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 ~~20~~ 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.

(e) ~~Access~~ 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) 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(f) Dimensional Requirements: Single-Family Attached, Single-Family Detached and Two-Family Dwellings in an R4 Clustered Housing Development Zone								
Max. Building Height (ft.) ²	Minimum Yard Setbacks (ft.)				Lot Coverage (%)	Min. Gross Floor Area (sq. ft.)		Distance Between Buildings
	Yard Adjacent to:	Front	Side	Rear		1 story	2 stories	
30	All districts	25 15	10	25-20	NA ¹	800	1,100	10

NOTES TO TABLE:

¹ ~~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 stormwater can be contained and managed on the subject property if no municipal stormwater system exists. If a municipal stormwater 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 stormwater runoff. Applicants may be required to install stormwater management features to mitigate impacts to the municipal stormwater system.~~

~~² See § 153.005 Definitions for the definition of building height.~~

§ 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) ~~Single~~ 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~~ 30 feet.
- (3) Lot coverage. The maximum lot coverage shall not exceed 75% of the total lot.

§ 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.~~ A recreational vehicle, vehicle chassis or tent is not considered a dwelling.

~~(B) Senior housing: independent living, assisted living and similar.~~

~~—(1) All dwellings must comply with this chapter. Developments or portions of developments designed as multiple-family buildings shall be subject to the requirements applying to multiple-family dwellings.~~

~~—(2) Developments or portions of developments designed as single or two-family dwellings shall be subject to the requirements applying to single and two-family dwellings.~~

~~(CB)~~ *Site condominiums.*

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

~~(ED)~~ *Boarding/rooming house*

~~(FE)~~ 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:

~~(GF)~~ 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.

(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.

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

§ 153.125 OTHER USES.

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

§ 153.237 STANDARDS FOR SITE PLAN APPROVAL.

(F) (2) *Storm water.* Storm water retention and drainage systems shall be designed so the removal of surface water will not adversely affect neighboring properties or public storm water drainage systems. Unless impractical, storm water shall be removed from all roofs, canopies and paved areas by an underground surface drainage system. Low impact design solutions such as rain gardens and green roofs are encouraged. The proposed project will meet the City of Charlevoix Storm Water Ordinance. Applicants are required to submit a grading and drainage plan, demonstrating stormwater can be contained and managed on the subject property if no municipal stormwater system exists. If a municipal stormwater 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 stormwater runoff. Applicants may be required to install stormwater management features to mitigate impacts to the municipal stormwater system.

Charlevoix Planning Commission

Old Business

Title: Rezone of 749 Petoskey Avenue and 904 May Street

Date: October 9, 2023

Presented By: Jonathan Scheel, Zoning Administrator

Background:

At the September 11th 2023 Planning Commission meeting, it was decided to remove 749 Petoskey Ave from being rezoned to R4. Furthermore, it was decided to rezone the parcel to the MC Mixed Use District. 904 May Street was rezoned as R4 Conditional zoning during the rezone process by City Council. Because all underlying zoning regulations stay in place for a conditional rezone, it is more appropriate to rezone back to the original R2 zone District.

Recommendation:

Motion to send to City Council for approval

Attachments:

1. Rezone notice final 10-9-23

NOTICE OF PUBLIC HEARING
CITY OF CHARLEVOIX PLANNING COMMISSION
210 State Street, City Council Chambers, Second Floor, City Hall, Charlevoix, MI.
October 9, 2023, 6:00 PM

The City of Charlevoix Planning Commission will hold a public hearing on Monday, October 9, 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 October 9, 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 GC General Commercial District to Mixed Use District: In the City of Charlevoix, Charlevoix County, Michigan,



1. IN THE CITY OF CHX, CHX CNTY MI 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 Commonly known as 749 Petoskey Avenue

The City of Charlevoix Planning Commission is proposing to rezone the following parcels, full described from R-4 Multi-family Conditional District to R-2 Single Family District: In the City of Charlevoix, Charlevoix County, Michigan,



1. COM AT CONC MON ON N LI OF SEC 35 T34N R8W BEING SW COR OF PLAT OF MEADOWLANE REC L2 P35 CHX CNTY REC TH AL SD N LI N89DEG51'42"W 9.88FT (REC AS 10.00FT) TO E LI OF MAY ST TH AL SD E LI S00DEG23'42"E 99.83FT (REC AS 100.00FT) TO 1/2"IN ROD BEING POB TH CONT AL SD E LI S00DEG23'42"E 99.83FT (REC AS 100.00FT) TO 1/2"IN ROD TH S89DEG54'19"E 122.36FT TO 1/2"IN ROD TH N00DEG07'48"W 99.77FT TO 1/2"IN ROD TH N89DDEG52'36"W 122.82FT TO POB BEING PT OF LOTS 39 AND 41 J MILO EATONS ADD TO CHX AS REC L1 P54 & 55 CHX CNTY REC 0.281A SPLIT ON 11/13/2020 FROM 052-335-054-00 Commonly known as 904 May Street

Submitted by Jonathan Scheel Zoning Administrator City of Charlevoix

Charlevoix Planning Commission

Old Business

Title: Housing Ordinance amendments

Date: October 9, 2023

Presented By: Jonathan Scheel, Zoning Administrator

Background:

To assist the Planning Commission in their discussion about the housing amendments, the individual items and changes are listed below. Within each of the items you will find listed the individual elements for consideration. For example, the 4th item discusses increasing allowable density in the R-1 Single-Family District, and the two subsequent elements to achieve this are allowing duplexes and single multi-family structures.

I have also included a red-lined version of the changes to the zoning ordinance which details the changes in the applicable chapters, noting that some of the amendment elements impact language in multiple locations of the Zoning Ordinance that need to be identified. It also references less substantive changes that are included, such as definitions, spelling corrections, duplications, etc.

ZONING AMENDMENT ELEMENTS

Item 1: Added numerous Definitions.

Item 2: Remove redundant/duplicative zoning districts.

1. Remove the R-2A Zoning District.
2. Remove the R-4 Conditional District.

Item 3: Clarify Intent of residential districts.

1. R-1, R-2, R4.

Item 4: Increase Density in the R-1 and R-2 Districts.

1. Allow duplexes in R-1 (already allowed in R-2) by right.
2. Allow single multi-family structures by right.
3. Remove Home Conversion (redundant).
4. Remove Single Multi-family building (redundant).

Item 5: Dimension Standard Modifications to incentivize infill.

1. Add R-4 to the residential table.
2. Remove redundant Notes to Table.
3. Increase lot coverage with additional requirements R-1 and R-2.
4. Lower side setback and rear setback in R-4 District.
5. Lower unit size for one and two bedroom units R-4 District.
6. Lower distance between buildings in R-4 District.

Item 6: Add standards and requirements to assure safe and quality development of multi-family projects.

1. Revise vehicle circulation system standards.
2. Lower distance between courtyard buildings.
3. Allow parking closer to property line.
4. Add pervious concrete to allowed paving choices.
5. Lower front and rear setbacks.
6. Remove redundant Notes to Table.

Item 7: Incentives housing in West Garfield Ave General Commercial Overlay District.

1. Add multi-family as a use allowed.
2. Remove single family housing.
3. Raise maximum height of structures.

Item 8: Remove redundant language and add architectural standards to ensure projects that fit into the neighborhoods look and feel.

1. Remove Senior Housing as redundant to any other housing.
2. Add size of windows.
3. Add roofline and other architectural elements.
4. Remove STRs from Other Uses and move to Residential Use.
5. Move specific stormwater standards from Multifamily section to Site Plan approval.

Recommendation:

Motion to send to the City Council for approval

Attachments:

1. redline version housing amendments 9-23

§ 153.005 DEFINITIONS.

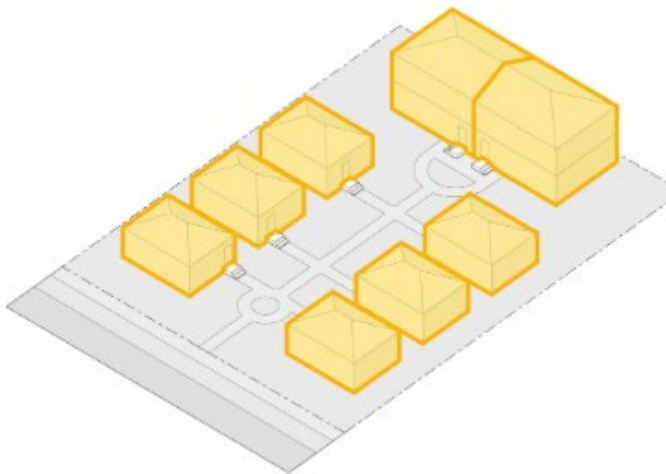
(B) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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.

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



(d) **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.



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

SEASONAL. Common understanding of the recreational seasons in Northern Michigan. Summer-May thru October 31

§ 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.*

~~—(f) R-4 – Conditional Rezone.~~

§ 153.070 INTENT.

(A) *R1, Low Density ~~Single-Family Residential District~~*. This district is intended to provide stable, low density neighborhoods of predominantly ~~detached, attached, 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, ~~residential~~, accessory dwelling units, ~~two family dwellings, courtyard dwellings, and multi-family structures that maintain single-family character.~~ ~~single multiple-family dwellings, and attached dwellings are located.~~

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

(D) *R4, Planned High Density Residential*. This district allows for higher density developments such as ~~condominiums, apartment buildings, site condominiums, large multiple-family structures.~~ Multiple-family dwellings may include apartment buildings, townhouses, ~~courtyard dwellings~~ and clustered housing.

§ 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)	P	P		P	P	§ 153.117(A)
Two-family (2 units)	P	P		P	P	§ 153.117(G)
Multiple-Family (3 or more units)	P	P		P	P	§ 153.117(G)
Single Multiple-Family Building		P				§ 153.117(G)
Accessory Dwelling Unit	P	P	P			
Home Conversion		P				

§ 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
R2A	9,000 ¹	80 (new construction) 70 (conversion of existing homes)
R4	15,000	80
PC ¹	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 Single-Family, Two-Family, Private Club Residential Districts								
Zoning District	Max. Building Height (ft.) ⁷	Minimum Yard Setbacks (ft.)				Maximum Lot Coverage (%)	Min. Gross Floor Area (sq. ft.)		Principle Structure Minimum Width (ft.)
		Front ³	Side				1 Story	2 Stories	
			interior	Street Side	Rear				
R1 ²	26 ⁶	15 ⁴	10	15	25	40 ^{53,5}	800	1,200	20
R2	26 ⁶	15	8	15	25	40 ^{64,5}	800	1,200	20
R2A	26	15	10	20	25	40	400	800	20
PC	26	0	0	0	0	NA	0	0	20
R4 ⁸	35	15	15	15	25	50	800	1,200	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.~~

²¹ 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.~~

⁴² Setbacks within the C&O Club Development shall be 35 feet for front yard, 15 for side yard and 25 for rear yard.

⁵³ Maximum lot coverage shall be 50% for lots less than 7,000 square feet.

⁶⁴ Maximum lot coverage shall be 50% for lots less than ~~64~~,500 square feet.

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

⁶ Single multi-family structures 30-foot maximum height

⁷~~See § 153.005 Definitions for the definition of building height.~~

⁷ Does not include clustered homes, or courtyard homes.

⁸ Planning Commission Site Plan Approval

(C) Dimensional requirements: square footage for accessory dwelling units, and ~~single multifamily buildings~~ units ~~home conversion units~~. Square footage for accessory dwelling units and ~~home conversion units~~ single multifamily buildings 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 Single Multi-Family Building Units		
Zoning District	Minimum	Maximum
R1, and R2 R2A	300	900 for ADU only

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

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 ¹			Distance Between Buildings ²
	Yard Adjacent to:	Front	Side	Rear		1 bedroom / efficiency	2 bedrooms	3 bedrooms	
35	All districts	15	20-15	35-25	50	660 400	780 600	900	30-20

(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.

(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.

(a) Distance between buildings. The horizontal distance measured between buildings, forming courts and courtyards, shall not be less than ~~40~~ 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 ~~20~~ 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.

(e) ~~Access~~ 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) 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(f) Dimensional Requirements: Single-Family Attached, Single-Family Detached and Two-Family Dwellings in an R4 Clustered Housing Development Zone								
Max. Building Height (ft.) ²	Minimum Yard Setbacks (ft.)				Lot Coverage (%)	Min. Gross Floor Area (sq. ft.)		Distance Between Buildings
	Yard Adjacent to:	Front	Side	Rear		1 story	2 stories	
30	All districts	25 15	10	25-20	NA ¹	800	1,100	10

NOTES TO TABLE:

¹ ~~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 stormwater can be contained and managed on the subject property if no municipal stormwater system exists. If a municipal stormwater 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 stormwater runoff. Applicants may be required to install stormwater management features to mitigate impacts to the municipal stormwater system.~~

~~² See § 153.005 Definitions for the definition of building height.~~

§ 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) ~~Single~~ 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~~ 30 feet.
- (3) Lot coverage. The maximum lot coverage shall not exceed 75% of the total lot.

§ 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.~~ A recreational vehicle, vehicle chassis or tent is not considered a dwelling.

~~(B) Senior housing: independent living, assisted living and similar.~~

~~—(1) All dwellings must comply with this chapter. Developments or portions of developments designed as multiple-family buildings shall be subject to the requirements applying to multiple-family dwellings.~~

~~—(2) Developments or portions of developments designed as single or two-family dwellings shall be subject to the requirements applying to single and two-family dwellings.~~

~~(CB)~~ *Site condominiums.*

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

~~(ED)~~ *Boarding/rooming house*

~~(FE)~~ 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:

~~(GF)~~ 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.

(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.

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

§ 153.125 OTHER USES.

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

§ 153.237 STANDARDS FOR SITE PLAN APPROVAL.

(F) (2) *Storm water.* Storm water retention and drainage systems shall be designed so the removal of surface water will not adversely affect neighboring properties or public storm water drainage systems. Unless impractical, storm water shall be removed from all roofs, canopies and paved areas by an underground surface drainage system. Low impact design solutions such as rain gardens and green roofs are encouraged. The proposed project will meet the City of Charlevoix Storm Water Ordinance. Applicants are required to submit a grading and drainage plan, demonstrating stormwater can be contained and managed on the subject property if no municipal stormwater system exists. If a municipal stormwater 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 stormwater runoff. Applicants may be required to install stormwater management features to mitigate impacts to the municipal stormwater system.

Charlevoix Planning Commission

Old Business

Title: Zoning Ordinance Changes

Date: October 9, 2023

Presented By: Jonathan Scheel, Zoning Administrator

Background:

Assorted Zoning Ordinance changes deleting redundancies, recodification, and minor other changes

Recommendation:

Motion for Public Hearing November Planning Commission 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.

Charlevoix Planning Commission

New Business

Title: Rezone of Community Reformed Church property

Date: October 9, 2023

Presented By: Jonathan Scheel, Zoning Administrator

Background:

The Planning Commission identified numerous parcels for rezoning to incentivize housing infill development in the city. Over the last few months, the Planning Commission has approved rezoning over twenty-five parcels for that purpose. The Church property is the last large parcel that the Planning Commission was considering. The Planning Commission Housing Sub Committee had reached out to the church as recently as last month and presented to the church board the reasons the Planning Commission considered for rezoning of the property. I have received a letter from the Community Reformed Church requesting a rezone from R-1 to R-2.

Recommendation:

Set for Public Hearing at November PC meeting

Attachments:

1. letter
2. Rezone notice church 10-9-23

September 12, 2023

To the City of Charlevoix Planning Commission Members,

Community Reformed Church is requesting the Planning Commission to rezone our parcel from R-1 to R-2. The property is located near US-31 between Meech Street, Elm Street, and Cherry Street. (See the enclosed parcel photograph.)

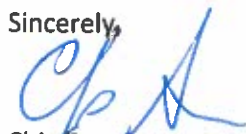
We understand and share the goals of addressing housing needs across our community. We also feel a rezone will present more opportunities with the future of the property for both Community Reformed Church and for the Charlevoix resident community.

Please confirm the following statements that have been discussed with us are correct:

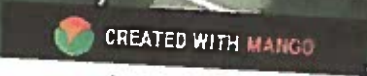
1. As long as the property is owned by Community Reformed Church, the change in zoning from R-1 to R-2 will have no effect on the current or future use of the property.
2. It is the opinion that the change in zoning will only have a positive impact on the marketability of Community Reformed Church's property.
3. The Planning Commission believes that the change in zoning could help local residents find attainable housing in Charlevoix in the future.

With this understanding and our goals for the future, we request the rezone of our parcel from R-1 to R-2. We are ready to walk through the necessary steps with the Commission.

Sincerely,



Chip Sauer
Senior Pastor
Community Reformed Church
109 Elm St.
Charlevoix, MI 49720
(231)547-9482



NOTICE OF PUBLIC HEARING
CITY OF CHARLEVOIX PLANNING COMMISSION
210 State Street, City Council Chambers, Second Floor, City Hall, Charlevoix, MI.
November 13, 2023, 6:00 PM

The City of Charlevoix Planning Commission will hold a public hearing on Monday, October 9, 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 November 13, 2023, 4:00 PM

Jonathan Scheel Zoning Administrator
210 State Street
Charlevoix, MI 49720
231-547-3265 or cell 231-550-2401

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

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 Residential District to R-2 Single Family Residential District: In the City of Charlevoix, Charlevoix County, Michigan,

1. LOTS 1-2-3-4-5-19-20-21-22-23-24-25-26-27-28 BLK 4 LINDSAY PARK ADDITION AND ALSO THAT PART OF ELM ST VACATED L336 P295-297 ADJACENT TO LOTS 19 THRU 28 Commonly known as 000 Elm Street



2. LINDSAY PARK ADDITION LOTS 29 & 30 BLK 4 & ALSO THAT PT OF ELM ST VACATED IN L336 P295-297 ADJACENT TO SD LOTS Commonly known as 100 Elm Street



Submitted by Jonathan Scheel Zoning Administrator City of Charlevoix

Charlevoix Planning Commission

Staff Updates

Title: Zoning Report

Date: October 9, 2023

Presented By: Jonathan Scheel, Zoning Administrator

Background:

September Zoning report

Recommendation:

None

Attachments:

1. ZA Report to PC 2023-10



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

Permits Issued in 2023

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

<u>By month</u>	<u>By type</u>
January8	Banner permits34
February5	Fence permits18
March13	Sidewalk café/use4
April17	Sign12
May10	Zoning42
June25	Use 1
July13	
August12	
September8	
October	
November	
December	

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

Central Business District (CBD).....10
Commercial Mixed (CM).....9
General Commercial (GC)
Industrial
Marine Commercial (MC)1
Residential Private Club (PC)2
Public Facilities
R-118
R-228

Blight Enforcement Actions

Our seasonal enforcement officer continuing to work 3 days a week. We continue to focus on blight, long term violations

Level A Site Plan Administrative Review

None

Level B Site Plan Reviews / Special Use Permits

The condominium/hotel has withdrawn their project on Hurlbut Avenue

Variances to Zoning Board of Appeals

None