



Agenda
City of Charlevoix Planning Commission Regular Meeting
Monday, November 13, 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. October 9, 2023
- F. Call for Public Comment Not Related to Agenda Items**
- G. Public Hearing**
 - 1. Public Hearing for Rezone Zoning Ordinance amendment
 - 2. Public Hearing for multiple zoning changes 153.101 - 153.189
- H. Old Business**
 - 1. Rezone Zoning Ordinance Amendment
 - 2. Zoning Ordinance changes (Outdoor Storage)
 - 3. Zoning Ordinance changes (Garfield Overlay District)
 - 4. Zoning Ordinance (other changes)
- I. New Business**
- 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: October 9, 2023

Date: November 13, 2023

Presented By:

Background:

Recommendation:

Motion to approve the minutes as presented.

Attachments:

1. 2023.10.09 PC DRAFT

City of Charlevoix
Planning Commission Regular Meeting Minutes
Monday, October 9, 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 followed by the Pledge of Allegiance.

B. Roll Call

Chair: Jennifer Muladore

Members Present: Scott Beatty, Shelley Boehmer, Sherm Chamberlain, Janet Coltman, Toni Felter, John Kurtz, Mary Millington

Members Absent: Maureen Radke (excused)

Staff Present: Jonathan Scheel, Zoning Administrator

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

Chair Muladore stated she wanted to add an update from the Housing Sub-Committee meeting from the previous week to the Staff Updates portion of the agenda.

Motion by Member Boehmer, seconded by Member Beatty to approve the agenda as amended.

Motion carried by unanimous voice vote.

E. Approval of the Minutes

1. Minutes from September 11, 2023

Motion by Member Chamberlain, seconded by Member Millington to approve the minutes of September 11, 2023 as presented.

Motion carried by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

Annemarie Conway, 103 East Lincoln, stated she has been canvassing for the upcoming election on the Stover property and she had a few questions. She stated that it was her understanding the City's Master Plan approved housing for this property in 1983. The property has been designated for housing continuously until the present. The property is currently zoned Public Facilities because of the DPW location that had been there and the Master Plan designates it as Mixed Use.

Chair Muladore stated the Planning Commission in a past meeting decided that the Commission would not be getting involved with this property specifically because of the contentious political issues. Zoning Administrator Scheel stated he had definitive answers for Mrs. Conway's questions and he would be glad to meet with her the next day.

Chair Muladore wanted to remind everyone of their role as the Planning Commission as appointed officials charged with reviewing and approving zoning and development issues in the City and, as such, they have to keep the big picture of the community and its future in their minds based on

the Master Plan. Discussion followed regarding potential conflicts and issues related to the upcoming ballot questions.

G. Public Hearing

1. Public Hearing for the rezone of two parcels, 749 Petoskey Avenue and 904 May Street
Chair Muladore opened the public hearing at 6:17 p.m.

Zoning Administrator Scheel explained the details of the proposed rezonings for the two parcels.

Bob Jess stated his concerns about parcel 904 May Street.

The public hearing was closed at 6:24 p.m.

2. Public hearing for Housing Ordinance Changes
Chair Muladore opened the public hearing at 6:24 p.m.

Dean Dewildt, 1030 May Street, stated his concerns about the definition of density.

The public hearing was closed at 6:35 p.m.

H. Old Business

1. Rezone of 749 Petoskey Avenue and 904 May Street
Motion by Member Kurtz, seconded by Member Boehmer to send the recommendation for the rezoning of 749 Petoskey Avenue and 904 May Street to the City Council for approval.

Motion carried by unanimous voice vote.

2. Housing Ordinance amendments
Chair Muladore referenced Section 153.070, *Intent*, and changes needed to delete the R2-A references. After discussion, the Commission agreed to discuss the proposed changes to Section 153.102 at a subsequent meeting and remove those changes from the proposed Housing Ordinance amendments.

Motion by Member Felter, seconded by Member Millington to send the proposed Housing Ordinance changes, with the exception of Section 153.102 to the City Council for approval.

Motion carried by unanimous voice vote.

3. Zoning Ordinance Changes
Zoning Administrator Scheel summarized the proposed Zoning Ordinance changes that deleted redundancies, remodification and other minor changes. Member Boehmer stated the references to universities should be changed to educational facilities, as discussed at the September meeting. Discussion followed regarding design standards so that new homes do not overwhelm existing neighborhoods and the Zoning Administrator would look at some minimum/maximum design standards to present to the Commission for discussion.

Zoning Administrator Scheel recommended raising the height of front yard fences to 42" and

explained the reasons for his recommendation. After discussion, the Commission agreed to change the maximum front yard fence height to 48".

Discussion followed regarding outdoor storage and the Commission agreed to discuss the matter in further detail at the next meeting.

I. New Business

1. Rezone of Community Reformed Church property

Zoning Administrator Scheel stated that he and members Kurtz and Chamberlain visited the Board of the Community Reformed Church before the last Planning Commission meeting and they gave the Board a presentation providing them with the reasoning on why the Planning Commission considered their property for rezoning. Mr. Scheel stated he had received a letter from the Community Reformed Church requesting a rezone from R-1 to R-2. Mr. Scheel stated the rezoning would give the Church more opportunity and flexibility to use their land and potentially more units for what the City needs.

Motion by Member Kurtz, seconded by Member Boehmer to set the rezone of the Community Reformed Church property from R-1 to R-2 for a public hearing on November 13, 2023.

Motion carried by unanimous voice vote.

Chair Muladore thanked the Sub-Committee members for all their work on this project.

J. Staff Updates

1. Zoning Report

Zoning Administrator Scheel reviewed his September Report. Mr. Scheel also reported the condominium/hotel project on Hulbut is not happening and the request has been withdrawn.

Update on Housing Sub-Committee:

Chair Muladore thanked the Sub-Committee members including Zoning Administrator Scheel for meeting with the Community Reformed Church. Ms. Muladore stated the Committee is going to start working with the Charlevoix Public School Board to talk about their pee-wee football practice field potentially changing that property into housing. Chair Muladore stated she is having a difficult time scheduling a meeting with the Charlevoix Township Planning Commission.

Member Kurtz stated that the Pine River Place on Garfield Street was looking to expand and he had spoken to the manager and they were in the process of talking to architects about expanding housing there and the manager felt it would be beneficial for the City to work with them for future housing possibilities.

Chair Muladore stated two Members attended the Michigan Planning Association Conference. Members Boehmer and Felter spoke about the sessions they attended at the conference.

Motion by Member Boehmer, seconded by Member Felter to send the Zoning Ordinance

changes to a public hearing on November 13, removing Section 153.153, Outdoor Storage for further discussion.

Yeas: Boehmer, Beatty, Chamberlain, Coltman, Felter, Kurtz, Muladore, Millington

Nays: None

Absent: Radke

Motion carried.

K. Requests For Next Months Agenda or Research Items

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

Meeting adjourned at 7:54 p.m.

Sarah J. Dvoracek/fgm Clerk

Jennifer Muladore Chair

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 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,

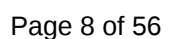
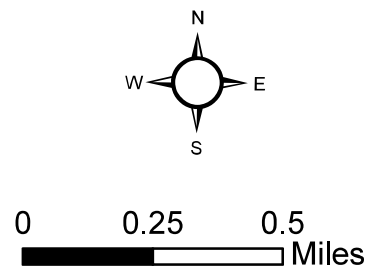
1. LOTS 1-2-3-4-5-19-20-21-22-23-24-25-26-27-28 BLK 4 LINDSAY PARK ADDITION AND ALSO THAT PART OF ELM ST VACATED L336 P295-297 ADJACENT TO LOTS 19 THRU 28 Commonly known as 000 Elm Street



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 Corridor

Key Characteristics: On the perimeter of the Downtown Core area, along Bridge Street, the north side of Belvedere Avenue, and along Petoskey Avenue, the Charlevoix Corridor area has been added to allow for a gradual transition and buffer zone between the Downtown Core area to the City Center Residential and Neighborhood Residential areas. The Charlevoix Corridor area is the gateway district to the City of Charlevoix. The streetscape should be designed to be welcoming for all coming into the city on Petoskey Avenue and Bridge Street.

While these areas will still be predominantly residential, the district will allow for limited commercial that will provide services for surrounding residences within walking distance. The combination of home occupations, commercial, and residential spaces generates a high- to medium-level of intensity. Activity in this area will be less than the downtown core, but more than the surrounding residential neighborhood. Like the downtown core, this mix of uses encourages community connection and a variety of complimentary uses. Unique and historic resources should be protected through the preservation, rehabilitation, or adaptive reuse of historic structures. The Charlevoix Corridor future land use category is a new district that incorporates portions of both North and South US 31.

Appropriate Land Uses: The Charlevoix Corridor is transitional zone that permits a mix of commercial, professional and medical offices, residential, and civic, and transitional or temporary spaces that can be used as business incubators. Office uses make compatible neighbors as they tend to keep quiet daytime hours and generate minimal traffic. The proximity to downtown makes this an appropriate area for higher density housing with similar height restrictions as the central business district so it would not be too imposing on the adjacent residential uses.

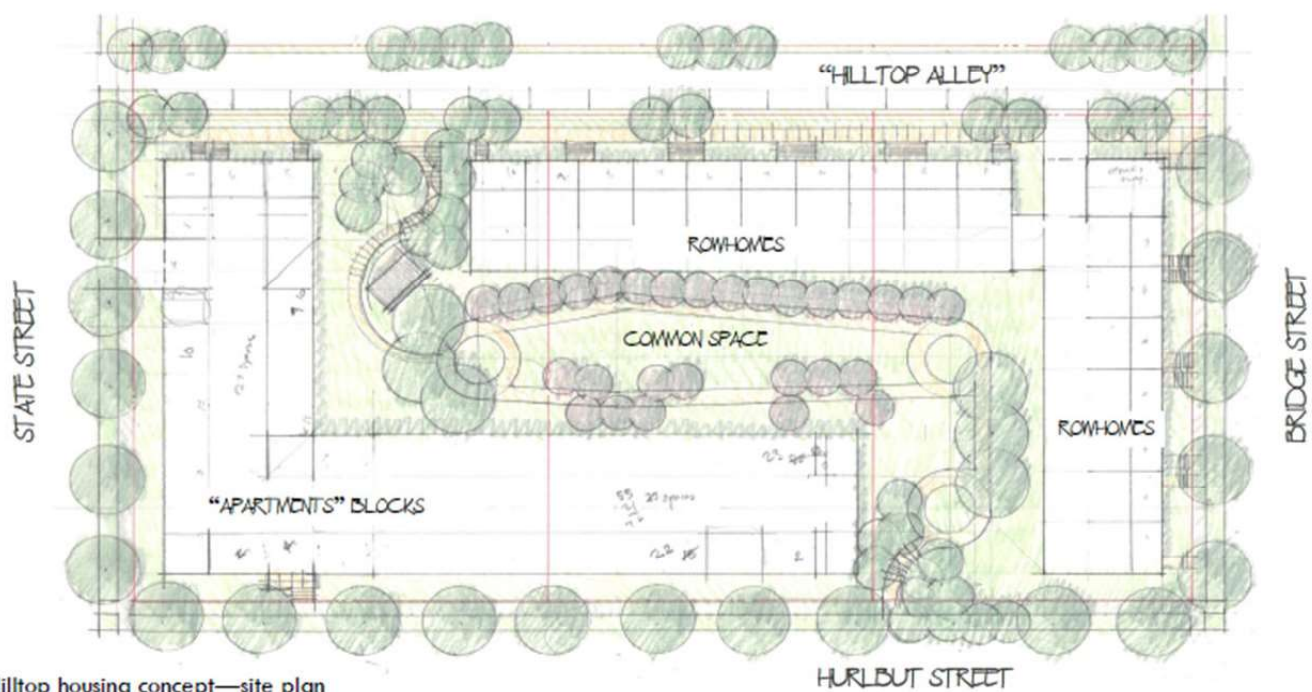
Building and Site Design: Reuse and re-occupancy of existing buildings is preferred whenever possible. Where new construction and infill buildings are introduced the site design should maximize lot frontage by orienting the building towards the street and allowed building height by building multiple stories. New buildings should match the feel and character of surrounding buildings such as similar lot line setbacks and the use of materials similar to or complimentary to existing facades. Onsite parking should be located to the side or rear of the lot and access should be designed in such a way as to be shared among multiple users. Shared parking maximizes the use throughout the day and reduces individual use parking requirements. Signs should be minimal and not detract from the neighborhood character.

Housing Character: Future development should include a variety of unit types and sizes. Housing types should include a mix of multi-family units incorporated into multi-story, mixed use buildings, multi-story, single family, attached units, and single family homes converted into live-work spaces or multiple-family units. Housing should be attainable for a variety of occupants including short and long term occupants as well as renter- and owner-occupied units.

Transportation and Mobility: The Charlevoix Corridor area should be highly accessible by a variety of transportation options. Charlevoix's grid network of streets and sidewalks, bicycle lanes, and the bicycle route encourage the use of alternative forms of transportation. Bridge Street and Petoskey Avenue should continue to be highly walkable with pedestrian access through alleyways and appropriate intersections and mid-block crossings. Bicycle parking should be encouraged in strategic locations. On-street parking spaces should be utilized for short-term parking, while off-street parking located in the rear of buildings should be used for downtown residents and employees and long-term visitors. Coordination with MDOT and access management practices should be considered where new development occurs.

Natural Features: Natural features should also transition to a more prominent role in the Charlevoix Corridor area. Efforts to reduce stormwater runoff through green infrastructure and low impact design are encouraged. Street trees should be incorporated into the streetscape design to beautify the right-of-way and promote placemaking. Ornamental trees, shrubbery, pocket gardens, and rain gardens should be considered for front yard and parking lot landscape opportunities to incorporate natural features while reducing the amount of impervious surface. Buildings are encouraged to incorporate green roofs and living walls on building facades where appropriate. Natural features located in park and recreation areas should support a variety of purposes such as active play, rest areas, and pollinator habitats.

Planned Character



Hilltop housing concept—site plan

Source: Downtown Charlevoix Futures Summary Report, Hurlbut and State Housing Concept

Neighborhood Residential

Key Characteristics: The Neighborhood Residential future land use community character area is largely located in the Petoskey Avenue District and South US 31 Mixed Use Community Character Areas. It is a low intensity area that is intended to support primarily residential activity with secondary, complementary home occupations. The intensity of this neighborhood area shall be low due to the primarily day time activity, lower levels of traffic and pedestrian movement, and reduced building mass compared to other neighborhoods in the city. The Neighborhood Residential area's unique and historic resources should be protected through the preservation, rehabilitation, or adaptive reuse of historic structures.

Appropriate Land Uses: Uses in the Neighborhood Residential area should be primarily residential in nature. Home occupations and mixed use spaces may be appropriate. Uses that support and enhance residential neighborhoods may be appropriate such as public institutions, day care centers, parks, and other neighborhood commercial uses with a residential component.

Building and Site Design: Reuse and re-occupancy of existing buildings is preferred whenever possible. New construction and infill buildings should match the feel and character of existing buildings including the use of materials similar to or complementary to existing facades. The site design and building orientation of residential uses should permit an accompanying accessory dwelling unit. Setbacks should be similar to those of surrounding buildings and garages should not dominate the front façade of the home.

Housing Character: Residential uses should be a mix of housing types and a variety of building and unit sizes. Housing types may include single family attached and detached units, accessory units, and single family homes converted into home occupation spaces or multiple-family units. Mixed use buildings may be appropriate along the perimeter of the neighborhood adjacent to more intense areas. Housing should include rental- and owner-occupied units primarily intended for permanent residents. Housing should be attainable for occupants at various income levels.

Transportation and Mobility: The residential streets located within the Neighborhood Residential area should be designed for slow traffic and easy pedestrian and bicycle usage. However, they should form a connected, logical pattern with as many connections to the existing street system as possible. Cul-de-sacs are highly discouraged. An expanded sidewalk network is encouraged to increase pedestrian access and connections to surrounding areas.

Natural Features: Both public and private property should provide natural features in the Neighborhood Residential area. Street trees, rain gardens, and plantings of native grasses and wildflowers located in the public right of way are opportunities to incorporate natural features while creating a welcoming streetscape. Natural features located in park and recreation areas should support a variety of purposes such as active play, rest areas, and pollinator habitats.

Planned Character



Source: City of Royal Oak

§ 153.071 SCHEDULE OF USES.

Uses permitted in the R1, R2, R2A, 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	R2A	R4	PC	Specific Requirements
Table 153.071: Allowed Uses in Residential Zones						
P = Permitted Use by Right						
S = Special Land Use						
	R1	R2	R2A	R4	PC	Specific Requirements
ACCESSORY						
Accessory uses, buildings and structures	P	P	P	P	P	§ 153.116(A)
Bed and breakfast establishment	S	S	-	-	-	§ 153.116(D)
Boathouses, upland dredging	S	-	-	-	S	§ 153.116(E)
Day care						
Family day care home	S	S	-	-	-	
Group day care home	S	S	-	-	-	§ 153.116(F)
Foster care						
Adult foster care family home	S	S	-	-	-	
Foster family home and foster family group home	S	S	-	-	-	
Major home occupation	S	S	S	S	-	§ 153.116(H)
Minor home occupation	P	P	P	P	P	§ 153.116(H)
Solar panels	P	P	P	P	P	§ 153.116(J)
Wind energy conversion systems, single accessory	P	P	P	P	P	§ 153.116(K)
RESIDENTIAL						
Adult foster care large group home	-	-	-	S	-	
Adult foster care small group home	S	S	-	-	-	
Convalescent and nursing homes	-	-	-	S	-	
Dwellings						
Single-family, detached	P	P	P	P	P	§ 153.117(A)

Single-family, attached	-	P	P	P	P	§ 153.117(A)
Two-family	-	P	P	P	P	
Multiple-family	-	-	-	P	P	
Single Multiple Family building	-	P	-	-	-	§ 153.117(G)
Accessory dwelling unit	P	P	P	-	-	
Home Conversion	N/A	P	-	-	-	
Senior housing: independent living, assisted living and similar facilities	-	-	-	S	-	§ 153.117(B)
Rentals	P	P	P	P	P	§ 153.158
Boarding/rooming house	S	S	-	-	-	
OFFICES AND SERVICES						
Day care center/nursery	S	S	-	-	-	§ 153.121(A)
RECREATION AND OPEN SPACE						
Public parks/playgrounds	P	P	P	P	-	
Athletic courts	P	P	-	P	P	§ 153.125(A)
PUBLIC/INSTITUTIONAL						
Churches and customary related uses	P	P	P	P	P	
Colleges and universities	-	-	-	S	-	
Community centers	-	-	-	S	-	
OTHER USES						
Essential service, publicly owned	P	P	P	P	P	
Site condominium	P	P	P	P	P	§ 153.117(C)

(Prior Code, § 5.26) (Ord. 791, passed 3-19-2018; Ord. 802, passed 4-15-2019; Ord. 805, passed 9-3-2019; Ord. 840, passed 6-19-2023)

§ 153.072 AREA, HEIGHT AND PLACEMENT REQUIREMENTS.

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

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

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

Table 153.072(b): Dimensional Requirements in Single-Family, Two-Family, Private Club Residential

Zoning District	Max. Building Height (ft.) ⁷	Minimum Yard Setbacks (ft.)				Maximum Lot Coverage (%)	Min. Gross Floor Area (sq. ft.)		Principal Structure Minimum Width (ft.)
		Front ³	Side		Rear		1 story	2 stories	
			Interior	Street Side					

Table 153.072(b): Dimensional Requirements in Single-Family, Two-Family, Private Club Residential

Zoning District	Max. Building Height (ft.) ⁷	Minimum Yard Setbacks (ft.)				Maximum Lot Coverage (%)	Min. Gross Floor Area (sq. ft.)		Principal Structure Minimum Width (ft.)
		Front ³	Side		Rear		1 story	2 stories	
			Interior	Street Side					
R1	26	15 ⁴	10	15	25	40 ⁵	800	1,200	20
R2	26	15	8	15	25	40 ⁶	800	1,200	20
R2A	26	15	10	20	30	40	400	800	20
PC	26	0	0	0	0	NA	0	0	20

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

¹ This minimum square footage applies to 2-family dwellings; for a single-family dwelling, the minimum allowable area of the R2 Zone, 7,000 square feet, shall apply.

² No minimum lot size or width is required; provided, the land is in common ownership. If the land is subdivided, the requirements of the R1 District shall apply.

³ The Zoning Administrator may determine that front yards may be the opposite of the yard fronting a public street or right-of-way on lots with sloping topography or facing water bodies.

⁴ Setbacks within the C&O Club Development shall be 35 feet for front yard, 15 for side yard and 25 for rear yard.

⁵ Maximum lot coverage shall be 50% for lots less than 7,000 square feet.

⁶ Maximum lot coverage shall be 50% for lots less than 6,000 square feet.

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

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

Table 153.072(c): Dimensional Requirement: Square footage for Accessory Dwelling Units and Home Conversion Units

Proposed Rezoning of Lindsay Park Addition Lots



Daniel Hopkins <hopkinsd58@yahoo.com>

To Jonathan Scheel

Reply

Reply All

Forward

Wed 11/8/2023 1:13 PM

You replied to this message on 11/8/2023 2:40 PM.

As a 27year resident of the neighborhood, I do not support the proposed rezoning from R-1 to R-2. The addition of a number of dual family residences will significantly change the character of the neighborhood which is predominantly single family homes. The purpose of the rezoning is to make it possible to increase housing density. Rezoning would allow the addition of **multiple** residences (duplexes) on smaller lots. Lindsay Park Addition is characterized by quiet streets of single-family homes on 100 ft. lots. The results of the development that rezoning is designed to permit will have an adverse impact on the character and nature of the neighborhood as it exists. Homeowners who purchased homes here have done so because of the character and quaintness' of the neighborhood and the quiet walkable community so many desire. Rezoning and the development of multiple housing units in the proposed location will increase noise and traffic and the other distractions that others have come to our quiet community to escape.

I support increased housing and the development of denser housing to encourage families to purchase homes in our community. This type of development must be carefully thought out and planned to avoid adverse impacts to our existing neighborhoods. There are other areas more conducive to this kind of development that would suffer less than putting multiple dual family homes in a quiet single family home neighborhood. For this reason I oppose the rezoning of the lots in question in the Lindsay Park Addition.

Respectfully,

Daniel W. Hopkins
Julie A. Hopkins

From: Robert Nelden <bobnelden@gmail.com>
Sent: Saturday, November 11, 2023 10:34 AM
To: Jonathan Scheel
Subject: Rezoning of Property on Elm Street

Dear Mr. Scheel:

I am opposed to the rezoning of the properties commonly known as 000 Elm Street and 100 Elm Street from R-1 to R-2. Having reduced setbacks and allowing duplex homes on lots currently not allowing duplex single family homes, is my primary reason. The smaller 6000 sq. foot lot size plus a duplex (2 homes) on that smaller lot size, does not make sense to me. If each potential homeowner has 2 cars, that would make 4 cars that need to be parked for each duplex.

Thank you for considering my thoughts.

Best regards,

Bob & Carol Nelden
102 Elm St.
Charlevoix, MI 49720

From: Jessa VanGuilder <jessacaruth@gmail.com>
Sent: Sunday, November 12, 2023 8:05 PM
To: Jonathan Scheel
Subject: opposition to zoning change on Elm Street

Dear Jonathan Scheel,

We are writing this letter in opposition to your proposal to rezone the property on Elm St. in Charlevoix. We reside on Cherry St. and live adjacent to the aforementioned property. In addition to this rezoning having potential for a large negative impact on our neighborhood, we believe that it does not satisfy criteria to support a master plan that is harmonious and efficient with regards to contiguous property. In addition, we have a concern that this rezoning might be an example of spot zoning, which is something we must avoid when it conflicts with neighboring properties and has great potential to negatively change the character of the neighborhood.

To begin, we ask who has initiated this request to rezone? Also, which residents were sent notices regarding this issue? We question the short amount of time that we were given as residents to respond to this push for rezoning. We received ours in the mail three days before the November public hearing that is tomorrow. Our city is currently divided on many housing issues as was seen in the recent vote....why, then, are we being sent information on the city's desire for zoning change on this property with little to no time to respond? Clearly, this is an issue that is important to our community and needs more information and time for response. The larger northside neighborhood, in addition to the Elm St. property being considered, is predominantly single family housing already. Why would we change it to allow for more heavily congested housing units there? Our city should not be making exceptions to zoning requests for one landowner who has land surrounded by single family homes. This area cannot support more dense housing units and should not be considered as such as it allows for land usage that is inconsistent with the majority of the surrounding R1 neighborhood, including high potential for negative impact on our neighborhood.

The impact on the adjacent land use should be considered, in which there are several negative external impacts to consider. Allowing an R2 zoning would allow for more densely populated

housing, which is not the predominant zoning in the area. The beauty and appeal of this neighborhood is in its quiet, residential scene just blocks from both the highway and lake. Owners who have purchased homes have invested into this northside community that exists from its collection of single family homes. The property being considered currently serves as a major buffer between the commercial type activities (all on Elm Street) and the rest of the neighborhood. If rezoned, it would allow closer setbacks to both the road and neighboring properties, thus eliminating ANY buffer there is. Elm Street has grown to a heavily trafficked street - with the congested area of the church, church parking lot, driver's training business, the pickleball/tennis courts, and the golf course as the adjacent properties. It's very busy during our peak season, with parking areas FULL all along Elm St. and the nearest cross street. There is much more traffic and noise ALREADY along this exact property line that the city is requesting to rezone, which is why it's so important to maintain it as an R1 zoning. Keeping it as such would ensure that we do not heighten the congestion but maintain it as is. This proposal would not only eliminate that buffer, but indeed do the opposite by exacerbating the congestion, noise, and traffic flow...thus negatively affecting our quiet, single family homes neighborhood which Charlevoix has already established and maintained as such.

Although the city may state that rezoning this property is consistent with the City of Charlevoix's Master Plan, this property is not the place to develop more dense housing as it does not "preserv[e] the character of the neighborhood". (quote taken from the City of Charlevoix Master Plan). The master plan also states that "consideration should be given for the impact on the existing neighborhood. Context sensitive design will ensure redevelopment does not occur at the expense of the current residents." (page 83). The Master Plan and its preparation are intended to create a consensus vision of future land use and infrastructure, yet there is NOT a consensus among our city residents regarding the rezoning of this proposed parcel. It is necessary to review and consider the impact that this zoning would have on the adjacent land. Because the current land use in the contiguous area is zoned R1, it follows that the Elm St. property should remain as such unless it can satisfy our master plan criteria as being

harmonious and efficient within the existing neighborhood. This specific rezoning change would not do such...It has potential to not only eliminate the current buffer but to do the opposite, creating a more densely populated area on an already congested road. In addition, this would greatly affect our residents and negatively impact the character and environment of the neighborhood we have invested in. In addition to adding congestion, there are many factors tied to more dense housing that could negatively impact the culture and value of the neighborhood and its homes. In conclusion, the future impact and city's desire to rezone would NOT satisfy this criteria, due to the negative impact that it could have on our northside city community.

We also question the validity of this isolated zoning amendment proposal, due to its close ties to spot zoning. The area being rezoned must be highly considered if they create a discrepancy between the surrounding zoning district, and we believe that the Elm Street property does create a discrepancy. With a spot zone, there are circumstances in question that must satisfy four criteria, and we believe that the rezoning of this Elm St. parcel falls into many of these criteria:

1. It is small compared to the districts surrounding the parcel
2. the spot zone would confer a special benefit on the property owner not commonly applied by the surrounding areas
3. the new land use would be inconsistent with those allowed in the vicinity
4. the existence of the spot zone would conflict with our city's plan because the impact is too great on the neighboring area, and development would occur at the expense of the current residents.

Overall, we have a responsibility to preserve that which makes our town so special, and this is an area worth preserving! We are long term residents who support an increase in local housing, yet this parcel is not the right place to justify rezoning. Please leave the parcel zoned as it is, which still allows for growth and housing! I ask that you choose to maintain and develop the neighborhood as it was designed...allowing for growth at the same R1 zoning district that is already set in place. Please consider the negative impact that rezoning this one city parcel could have on our northside neighborhood.

Sincerely,

Luke and Jessa LaBlance

T. Christopher & Deborah F. Crossen
209 Meech Street Charlevoix MI 49720

November 12, 2023

City of Charlevoix
Planning Commission
Mr. Jonathan Scheel, Zoning Administrator
210 State Street
Charlevoix, MI 49720

Re: Public Hearing for multiple zoning changes 153.101 - 153.189

Dear Mr. Scheel,

I am writing this letter in opposition to your proposal to rezone the property on Elm St. in Charlevoix. My wife and I reside at 209 Meech Street and are directly across from the property proposed for a zoning change from R-1 to R-2. We are opposed to this change for many reasons.

This rezoning would have the potential to negatively impact our neighborhood, I believe that it does not satisfy criteria to support the Charlevoix Master Plan that is harmonious and efficient with regards to contiguous properties in our neighborhood. In addition, I have a concern that this rezoning might be an example of spot zoning, which is something we must avoid when it conflicts with neighboring properties and has great potential to change the character of the neighborhood.

Who initiated this request to rezone? Also, which residents were sent notices regarding this issue? I question the short amount of time that we were given as residents to respond to this push for rezoning. Our city is currently divided on many housing issues as was seen in the recent vote....why, then, are we being sent information on the city's desire for zoning change on this property with little to no time to respond? Clearly, this is an issue that is important to our community and needs more information and time for response. The larger northside neighborhood, in addition to the Elm St. property being considered, is predominantly single family housing already. Why would we change it to allow for more heavily congested housing units there? Our city should not be making exceptions to zoning requests for one landowner who has land surrounded by single family homes. This area cannot support more dense housing units and should not be considered as such as it allows for land usage that is inconsistent with the majority of the surrounding R1 neighborhood, including the potential for negative impact on our neighborhood.

The impact on the adjacent land use should be considered, in which there are several negative external impacts to consider. Allowing an R2 zoning would allow for more densely populated housing, which is not the predominant zoning in the area. The beauty and appeal of this neighborhood is in its quiet, residential scene just blocks from both the highway and lake. Owners, like my wife and me, who have purchased homes have invested into this northside community that consists of well-maintained single-family homes. We moved from 316 Mason after ten years to 209 Meech to enjoy larger lots, more open space, and less congestion we experienced in the center city. Our home was built in 1911 and while there has been growth over the past century, this change would be unprecedented and unwarranted. The property being considered currently serves as a major buffer between the commercial type activities (all

on Elm Street) and the rest of the neighborhood. If rezoned, it would allow closer setbacks to both the road and neighboring properties, thus eliminating ANY buffer there is. Elm Street and Meech Street have grown to heavily trafficked streets - - with the congested area of the church, church parking lot, driver's training business, the pickleball/tennis courts, and the golf course as the adjacent properties. It's very busy during our peak season, with parking areas FULL all along Elm St. and the nearest cross street. There is much more traffic and noise ALREADY along this exact property line that the city is requesting to rezone, which is why it's so important to maintain it as an R1 zoning. Keeping it as such would ensure that we do not heighten the congestion but maintain it as is. This proposal would not only eliminate that buffer, but indeed do the opposite by exacerbating the congestion, noise, and traffic flow...thus negatively affecting our quiet, single family homes neighborhood which Charlevoix has already established and maintained as such.

I have had the City traffic department set up speed assessments twice in the past four years as traffic speeds along Meech to and from Depot Beach continue to climb endangering the many pedestrians and pets that traverse these already busy streets.

Although the city may state that rezoning this property is consistent with the City of Charlevoix's Master Plan, this property is not the place to develop more dense housing as it does not "preserve the character of the neighborhood". (quote taken from the City of Charlevoix Master Plan). The master plan also states that "consideration should be given for the impact on the existing neighborhood. Context sensitive design will ensure redevelopment does not occur at the expense of the current residents." (page 83). The Master Plan and its preparation are intended to create a consensus vision of future land use and infrastructure, yet I do not believe that there is a consensus among our city residents regarding the rezoning of this proposed parcel. It is necessary to review and consider the impact that this zoning would have on the adjacent land. Because the current land use in the contiguous area is zoned R1, it follows that the Elm St. property should remain as such unless it can satisfy our master plan criteria as being harmonious and efficient within the existing neighborhood. This specific rezoning change would not do such...It has potential to not only eliminate the current buffer but to do the opposite, creating a more densely populated area on an already congested road. In addition, this would greatly affect our residents and negatively impact the character and environment of the neighborhood we have invested in. In addition to adding congestion, there are many factors tied to more dense housing that could negatively impact the culture and value of the neighborhood and its homes. In conclusion, the future impact and the desire to rezone would NOT satisfy this criterion, due to the negative impact that it could have on our northside city community.

I also question the validity of this isolated zoning amendment proposal, due to its close ties to spot zoning. The area being rezoned must be highly considered if they create a discrepancy between the surrounding zoning district, and I believe that the Elm Street property does create a discrepancy. With a spot zone, there are circumstances in question that must satisfy four criteria, and I believe that the rezoning of this Elm St. parcel falls into many of these criteria:

1. It is small compared to the districts surrounding the parcel
2. the spot zone would confer a special benefit on the property owner not commonly applied by the surrounding areas
3. the new land use would be inconsistent with those allowed in the vicinity

T. Christopher & Deborah F. Crossen
209 Meech Street Charlevoix MI 49720

4. the existence of the spot zone would conflict with our city's plan because the impact is too great on the neighboring area, and development would occur at the expense of the current residents.

Overall, we have a responsibility to preserve what makes our town so special, and this is an area worth preserving! We are long term residents who support an increase in local housing, yet this parcel is not the right place to justify rezoning. Please leave the parcel zoned as it is, which still allows for growth and housing! I ask that you choose to maintain and develop the neighborhood as it was designed, allowing for growth at the same R1 zoning district that is already set in place. Please consider the negative impact that rezoning this one city parcel could have on our northside neighborhood.

Sincerely,

T. Christopher "Chris Crossen

Deborah F. Crossen

209 Meech

We received a notice on Friday November 3 regarding a public hearing on rezoning of properties in Lindsay Park and Elm Street. From that notice it appears that this is a second public hearing. The first being on October 9 for which we received no notice. Perhaps that was a typographical error. I left a message on your phone regarding this on Monday November 6 but have had no response. I inquired as to who owns the property, what is being proposed, and what R2 allows.

Since then we have done a little research on our own and learned that R2 is multi family such as duplexes and apartments which needs to conform to the neighborhood including size and height of proposed buildings. We found no reference to R2 single family as is specified in the notice. We also learned that to make a change the neighbors need to receive detailed information about the proposed amendment which was not included and which you have not given us verbally per a return phone call. As you know, Lindsay Park is zoned R1 requiring a minimum of 100 foot lots which results in a low density neighborhood. Several years ago local realtors purchased four lots on which a storage barn had been located for many years. We were advised that it did not need to comply with the requirements. Instead of being a good neighbor and selling four 100 foot lots they sold eight 50 foot lots thus creating more density and not blending with the neighborhood. This new proposal advocates further disregard for the zoning of this neighborhood. It should be the zoning board's duty to protect not remove long standing protections for a neighborhood such as Lindsay Park.

The property in question is in a desirable neighborhood thereby making the purchase of property very high resulting in even higher costs of homes. Homes, garages, driveways create a very dense neighborhood. Most green space would be eliminated. Not a very good scenario for Charlevoix the Beautiful. We would like to know what is being proposed that would require this rezoning.

Sincerely,

Dennis and Karen Joy
110 Elm Street

From: Lori Bennett <lbennett507@gmail.com>
Sent: Monday, November 13, 2023 1:02 PM
To: Jonathan Scheel
Subject: Elm Street Rezoning Proposal

Hi Jonathan,

I am a 10+ year Charlevoix resident who received your Notice of Public Hearing a few days ago regarding the meeting to be held today at 6 p.m. to accept public input on the proposed rezone of multiple properties in the city.

While it is understood the City of Charlevoix Planning Commission has a desire to rezone multiple properties around the city with the hopes of achieving more housing options, which we realize are desperately needed in Charlevoix, I respectfully ask that each property being considered is only considered individually and not as a packet of properties. I have talked with several of my neighbors, and we do not desire the parcels referenced in the notice we received referred to as Elm Street to be voted on as a group with other parcels around the city which the Planning Commission is, or may be in the future, considering for rezoning. Further, when your decision is presented to the City Council on these parcels, we want to ensure each parcel is considered individually so the City Council does not simply rubber stamp approved on a group of properties to be rezoned as recommended by the Planning Commission. We believe each property has residents nearby who may desire to voice their opinions, concerns, and their objections as to why they oppose such rezonings, and all may be uniquely different and therefore they should all be considered individually and on their own merit.

I am writing this letter to oppose the rezoning of the parcels referred to as 000 Elm Street and 100 Elm Street in the Lindsay Park Addition and those parts of Elm Street vacated as referenced on that notice. I understand the Community Reformed Church is the property owner of those parcels today. I also realize those parcels are zoned as R-1 (low-density single-family dwellings), similar to all the surrounding and nearby properties in our neighborhood which are also zoned as R-1.

Providing no mistakes were made from when this neighborhood was first originally zoned as R-1, then I am having an extremely difficult time understanding why the zoning needs to change now for this one particular property owner in our neighborhood. I learned members of the Planning Commission

(Jonathan Scheel, John Kurtz, and Sherm Chamberlain) visited the leadership Board at the Church prior to their October Planning Commission meeting. It was stated in the minutes from your October meeting that the Planning Commission gave the Church board a presentation providing them with the reasoning on why the Planning Commission was requesting a rezone of those Elm Street parcels from R-1 to R-2 (medium density multi-family dwelling units). Jonathan Schell also indicated he received a letter from the Church requesting that rezone. Jonathan Schell stated "that rezoning would give the Church more opportunity and flexibility to use their land and potentially for what the City needs."

Today, I spoke to Church Pastor, Chip Sauer. He indicated the Church has no intent to do anything right away with this land, but he did tell me this rezoning gives them the possibility to do something more with their land should they choose to one day. It is that very real "possibility" that gives me, and many of my neighbors, great concern, and why many of us are expressing our voices be heard on this matter.

I purchased my property in the north area of the City because it was all single-family dwellings in a quiet low density zoned community, a great community far enough away from the congestion of the city, yet walkable to the city. We love the character of our community, and we do not wish increased housing density dwellings on one of our neighboring lots to possibly become a reality one day. If the Elm Street parcels were rezoned, the property owner (the Church) would essentially be granted special permission to develop and/or sell the land to someone who could then build multiple family dwellings like apartments and duplexes on these parcels, thereby creating an adverse impact to our existing neighborhood. I have lived in other areas of the country and have seen firsthand where an apartment complex or a gas station, for example, can be built right next to single family homes and communities. I have witnessed the deterioration of the property values for other property owners in the nearby surrounding areas because of this.

I am not a land use attorney, nor am I fully knowledgeable in those specialties, but this particular rezoning request does spark additional concerns for me about spot zoning. Jessa Lablance has already outlined similar concerns in her letter to you whereby an individual property owner of a parcel in question may be conferred a special benefit for their property not commonly enjoyed by owners of a

similar property. Allowing the Elm Street parcels to be rezoned is giving the Church a benefit we, as their immediate neighbors, will not enjoy. Further, if redeveloped one day, we will see our property values eventually decline. Our desire is to "preserve this neighborhood and all parcels within this area as it is, and as it was originally created for R-1 zoning".

I have had to absorb and learn a lot in the last few days regarding this matter. I learned about the City of Charlevoix's Master Plan, something I was not familiar with before. To my surprise, the Elm Street parcels being discussed along with some others on Garfield and May Streets are underdeveloped and underutilized and may be suitable for additional housing and were noted in the Plan. Some of those other parcels are already zoned for medium-density and high-density residential dwellings and may be a better fit for the additional housing needs of the City.

It is further stated in the Master Plan that as the City explores opportunities to create new housing or expand existing housing types, "consideration should be given for the impact on the existing neighborhood" and that it will "ensure redevelopment does not occur at the expense of the current residents." It also mentions that all of this must occur while "preserving the character of the neighborhood." I believe rezoning of the Elm Street parcels to R-2 will be at the expense of our existing neighborhood, and it will certainly not preserve the character of this neighborhood, and this is why myself and several other neighbors are expressing our opposition to this rezoning now or in the future.

No doubt, these are very important and major decisions that impact many of us here. I sincerely hope if this were happening right next to your own property and in your own neighborhood, that you would stop for a few minutes and walk a mile in our shoes (as they say). I hope you consider our concerns regarding the Elm Street proposed parcel rezonings and thus the future impacts to our beloved Charlevoix neighborhood. Thank you.

Respectfully,
Lori A. Bennett

From: Marianne Mast <mast.marianne@gmail.com>
Sent: Monday, November 13, 2023 2:14 PM
To: Jonathan Scheel
Subject: Proposed Elm street zoning change

Dear Mr Scheel,
We are sending you an email to state our OPPOSITION to the proposed change
of zoning (from R1 to R
2) for the vacant property on Elm street. We are unable to attend
tonight's meeting .
Marianne and Jim Mast
702 Mercer
Charlevoix

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



I am against the rezoning of the Elm St. proposed parcels, as mentioned in the Public Hearing Notice sent by the City of Charlevoix Planning Commission (as attached).

NAME

ADDRESS

DATE

Alicia M Doan Alicia M Doan 200 Cherry St 11/12/23

Don D. Papke DONALD PAPKE 115 CHERRY ST 11/12/23

Martina M. Papke MARTINA M. PAPKE / 115 CHERRY ST 11/12/23

Karen M Joy ^{Karen M.} Joy 110 Elm St 11/12/23

Uwe Mettler 204 Elm 11/12/23

Laurie Lesser Hodgson LAURIE LESSER HODGSON 209 Elm St 11/12/23

Lori Mitchell Lori Mitchell 206 Elm St 11/12/23

Dorothy Trost Dorothy Trost 206 Elm St 11/12/23

Jen Vollmer Jen Vollmer 213 Elm 11/12/23

Robert (Vic) Stilson Robert + Victor Stilson 211 Elm 11-12-23

Lori Katz Lori Katzman 301 Mercer Blvd 11/12/23

Gerard Doan Gerard Doan 200 Cherry 11-12-23

Bryan Vanner 213 Elm 11-12-23

Michele Laurent MICHELE LAURENT 505 Fairway 11-12-23

Jocelyn Laurent Jocelyn Laurent 505 Fairway 11/12/23

Dennis M. Joy Dennis M. Joy 110 Elm Street 11/12/23

Marilyn J. Novak Marilyn J. Novak 801 E. Dixon Ave. 11-13-23

NAME	ADDRESS	DATE
Peter L. Hampton	714 Dixon Ave HAMPTON	11/13/23
Jeffrey M. Young	800 E. Dixon Ave	11/13/23
Jonna G. Young	800 E. Dixon Ave	11/13/2023

There are several parcels on both the west and east side of May Street, almost to Stover Road, that are largely undeveloped or underutilized. 1021 May Street is owned by Charlevoix Public Schools and is currently used as the bus garage. Vacant property to the west, north, and east across May Street may be suitable for housing development. The properties on the west side of May Street are currently zoned for high density residential while the vacant properties on the east side of May Street are zoned for medium density residential.



Neighborhood infill development on a smaller scale should include the conversion of older, larger, once single family homes, into multiple unit residential or mixed use spaces. Many completed conversions can be seen as you travel the City's main thoroughfares; however, opportunities exist in the core neighborhoods. In order to encourage home conversions, programs may be needed to provide financial support to property owners, but creating multiple, smaller units within an existing home will provide the community with additional housing while preserving the character of the neighborhood.

Creating Regional Housing

No Consensus at all

As recognized by regional entities such as Housing North, providing residents and potential residents affordable, quality housing is a challenge faced by communities across Charlevoix County and northwest Michigan. The City of Charlevoix may seek partnerships with surrounding townships to develop large parcels of land outside of the City limits. As the City has an established municipal infrastructure system and currently provides service to residential, commercial, and industrial properties in surrounding areas, the City may partner with Charlevoix Township and potential developers to extend municipal infrastructure so as to provide utilities to areas that will create new, desired housing units. This may or may not involve an Act 425 of 1984 agreement which transfers property by contract between certain local units of government. Any large-scale development project should incorporate a mixture of housing types as well as uses compatible with placemaking such as walkable neighborhoods, access to multi-modal transportation, technology infrastructure, access to food and household goods, and community spaces that support a population aged 8 to 80 (880cities.org).

Find housing that is not surrounded by R1 housing

Residential Design Guidelines

As the City explores opportunities to create new housing or expand existing housing types, consideration should be given for the impact on the existing neighborhood. Context sensitive design will ensure redevelopment does not occur at the expense of the current residents. The City should consider creating Residential Design Guidelines to identify the character and community needs of the five specified community character areas. Like sub-area plans, the Guidelines would collect community input specific to each neighborhood and produce an existing conditions report, which would then inform a set of design guidelines for continued development in that area. The Guidelines would identify the appropriate size, scale, location, buffering, and overall design for various redevelopment and infill projects, ensuring a seamless transition into the existing neighborhood framework. *A MASTER PLAN MUST CONSIDER IMPACT + IS INTENDED TO*

Create a consensus vision of future land use

Much of the housing solutions discussed in this chapter are representative of Missing Middle Housing. This is a phrase coined by Daniel Parolek in 2010 to describe a diverse set of housing options that are compatible in scale and form with detached single-family homes. Missing Middle Housing types include duplexes, fourplexes, cottage courts, and

Only develop housing where it will be harmonious w/ the existing neighborhood

From: Alicia Doan <aliciaupnorth@gmail.com>
Sent: Monday, November 13, 2023 2:31 PM
To: Jonathan Scheel
Subject: Fwd: Message from "Charlevoix-Main-Ricoh"
Attachments: 20231113125117604.pdf

November 13, 2023

Dear Jonathan Scheel,

I am writing this letter in opposition of the proposal to rezone the property on Elm St. in Charlevoix.
I reside at 200 Cherry St and oppose the proposed rezoning change from R-1 Single Family Residential District to R-2 Single Family Residential District: In the City of Charlevoix, Charlevoix County, Michigan.

I've attached the Notice of Public Hearing with some of the signatures collected and highlights from page 83 of the Master Plan.

This proposed change is NOT in the best interest of the R-1 Home Owners who reside in this neighborhood.

Thank you,

Alicia Doan

From: Mark Trexler <mdtrex1@gmail.com>
Sent: Monday, November 13, 2023 2:37 PM
To: Jonathan Scheel
Cc: Mom
Subject: Proposed Elm Street Zoning Change

Dear Mr. Scheel,
We are sending you an email to state our OPPOSITION to the proposed change of zoning (from R1 to R 2) for the vacant property on Elm street.

We are unable to attend tonight's meeting .

Mark and Catherine Trexler
503 Fairway Dr
Charlevoix, MI 49720

From: rbjoslyn@gmail.com
Sent: Monday, November 13, 2023 2:52 PM
To: Jonathan Scheel
Subject: Proposed Rezone of Elm Street Properties

City of Charlevoix Planning Commission-

In response to your Notice of Public Hearing scheduled today at 6:00 pm, please be advised that I am the owner of the single family residential property indicated below and am firmly opposed to the proposed change of the Elm Street properties' currently effective R-1 Single Family Residential District. Thank you.

Robert B. Joslyn
202Elm Street
Charlevoix, MI 49720-1114
586/596-2668
rbjoslyn@gmail.com

From: Noni Pace <paceinteriordesign@yahoo.com>
Sent: Monday, November 13, 2023 3:12 PM
To: Jonathan Scheel
Subject: Elm Street Property

Hi Jonathan,
I am writing in opposition to change from R1 to R2 on the Elm Street property. I reside at 708 E. Dixon Ave. I think townhomes would be fine but not an apartment building.
Thank you,
Lenore "Noni" Pace

From: RODD BARTEMEYER <roddbart@astound.net>
Sent: Monday, November 13, 2023 3:54 PM
To: Jonathan Scheel
Subject: Charlevoix Zoning meeting regarding R-1 zoning change for vacant property on Elm Street

Dear Jonathan,

We have recently been informed the city is interested in changing the R-1 zoning to R-2 zoning for the large vacant property across from the tennis courts on Elm Street. We are opposed to this change. Thankyou for your consideration.

Rodney and Judith Bartemeyer
700 Mercer Blvd
Charlevoix, MI
49720

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Public Notices

STATE OF MICHIGAN
IN THE 33rd CIRCUIT COURT FOR THE COUNTY OF CHARLEVOIX

ORDER FOR PUBLICATION

File No. 23-0334-28 CH
Hon. Roy C. Hayes, III

ROSE M. GENSON, f/k/a ROSE WAGER
Plaintiff.

v

JEAN KAY GENSON, deceased and her heirs, representatives, successors and assigns, Defendant.

KLEVORN & KLEVORN, Attorney for Plaintiff
BY: Kevin G. Klevorn (P35531) 215 S. Lake St.
Boyne City, MI 49712 231-582-7911

The Court having read and considered the Motion for Substituted Service by Publication with regard to Jean Kay Genson and the Court being fully advised.

It is hereby Ordered that this Order be published in a Charlevoix County newspaper for three consecutive weeks. Plaintiff, Rose M. Genson having filed an Action to Quiet Title against Jean Kay Genson, deceased, and her heirs, representatives, successors and assigns, or any Claimant with an interest in the parcel located in the City of Boyne City, County of Charlevoix and State of Michigan, described as follows:

CITY OF BOYNE CITY ASSESSOR'S PLAT OF JERSEYS ADD LOT 117-118, Tax Code: 051-050-117-00, commonly 514 Jersey Street, Boyne City, MI 49712 SUBJECT TO restrictions, reservations and easements of record or presently in use upon said property.

A defendant or interested party shall file an Answer to the Complaint to Quiet Title in the Plaintiff's favor on or before November 10, 2023 or a Default will be entered and Judgment in Plaintiff's favor entered thereafter.

IT IS SO ORDERED.

Dated: 10/2/2023

/s/
Honorable Roy C. Hayes III (P50042)
Charlevoix County Circuit Court Judge

Public Notices

Public Notices

Public Notices

Public Notices

Public Notices

CITY OF CHARLEVOIX
NOTICE OF PUBLIC HEARING
Monday, November 13, 2023-6pm
210 State Street, Charlevoix, MI

The Charlevoix City Planning Commission will hold a public hearing on Monday, November 13, 2023 at 6pm in Council Chambers of City Hall to receive public input regarding ordinance amendments for
1. Chapter 153.006 Amendments Rezone of parcel:
a) A portion of 109 Elm Street from R-1 Residential to R-2 Residential 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
2. Chapter 153.101 Central Business District to:
a) Add small hotels and educational facilities.
3. Chapter 153.102 West Garfield Avenue General Commercial Overlay District to:
a) Removed single family and added multi-family under permitted uses.
b) Changed maximum height to 30'.
c) Remove Storage buildings.
d) Remove Furniture, carpet, appliance or similar uses.
4. Chapter 153.116 Accessory Buildings and Uses to:
a) Add architectural language for attached garages.
b) Change rear setback from 15 feet to 20 feet.
c) Move design standards from Other Uses section to this section.
d) Move (B) (7) 50% lot coverage to Site Plan Review section
5. Chapter 153.125 Other Uses to:
a) Move Accessory Dwelling Unit from this section to Residential.
b) Move design standards from this section to Accessory Building and Uses section.
6. Chapter 153.141 Building Regulations to:
a) Add site condominium under single ownership.
7. Chapter 153.144 Grading to:
a) Removed wording to make it similar to the City's Storm Water Ordinance.
8. Chapter 153.145 Fences and Walls to:
a) Changed height of fences from 3' to 4'
9. Chapter 153.149 Projections into Required Yards to:
a) Removed the word "porch" and added "patio" in two places.
10. Chapter 153.151 Setback Requirements to:
a) Changed "secondary" to "street side".
b) Removed contradictory language of side and rear setbacks.
11. Chapter 153.152 Lot coverage Requirements to:
a. Added language to permeable surfaces.
b. Added language allowing up to 50% lot coverage with added regulation.
12. Chapter 153.158 Renting of Residential Properties to:
a. Moved STR language from "Other Uses" to this section.
13. Chapter 153.189 Off Street Parking Facility Design to:
a. Added language for single multi-family buildings.
b. Added similar language used for accessory buildings to single multi-family buildings.
c. Removed parking requirements for Central Business District

Interested citizens can make comments at the public hearing or written comments can be sent to the City Clerk, 210 State Street or jonathans@charlevoixmi.gov .

Sarah J. Dvoracek, City Clerk

Public Notices

Notice of Foreclosure by Advertisement
Notice is given under section 3212 of the revised judicature act of 1961, 1961 PA 236, MCL 600.3212, that the following mortgage will be foreclosed by a sale of the mortgaged premises, or some part of them, at a public auction sale to the highest bidder for cash or cashier's check at the place of holding the circuit court in Charlevoix County, starting promptly at 11:00 AM, on November 17, 2023. The amount due on the mortgage may be greater on the day of sale. Placing the highest bid at the sale does not automatically entitle the purchaser to free and clear ownership of the property. A potential purchaser is encouraged to contact the county register of deeds office or a title insurance company, either of which may charge a fee for this information:
Name(s) of the mortgagor(s): Troy A. Thomas and Cindy Thomas, husband and wife
Original Mortgagee: Mortgage Electronic Registration Systems, Inc., as mortgagee, as nominee for lender and lender's successors and/or assigns
Foreclosing Assignee (if any): Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust
Date of Mortgage: October 23, 2006
Date of Mortgage Recording: December 29, 2006
Amount claimed due on date of notice: \$71,412.03
Description of the mortgaged premises: Situated in City of East Jordan, Charlevoix County, Michigan, and described as: THE WEST ONE-HALF (W 1/2) OF LOT'S FIVE (5) AND SIX (6), BLOCK A, OF STONE'S ADDITION TO THE VILLAGE OF SOUTH LAKES (now the City of East Jordan) according to the Plat thereof.
Common street address (if any): 85 Mary St, East Jordan, MI 49727-8612
The redemption period shall be 6 months from the date of such sale, unless determined abandoned in accordance with MCL 600.3241a; or, if the subject real property is used for agricultural purposes as defined by MCL 600.3240(16).
If the property is sold at foreclosure sale under Chapter 32 of the Revised Judicature Act of 1961, pursuant to MCL 600.3278 the borrower will be held responsible to the person who buys the property at the mortgage foreclosure sale or to the mortgage holder for damaging the property during the redemption period.
Attention homeowner: If you are a military service member on active duty, if your period of active duty has concluded less than 90 days ago, or if you have been ordered to active duty, please contact the attorney for the party foreclosing the mortgage at the telephone number stated in this notice.
This notice is from a debt collector.
Date of notice: October 13, 2023
Trott Law, P.C.
31440 Northwestern Hwy, Suite 145
Farmington Hills, MI 48334
(248) 642-2515
1511713
(10-13)(11-03)
Invoice Date: 11/03/2023

Public Notices

STATE OF MICHIGAN
JUDICIAL DISTRICT
33RD JUDICIAL CIRUIT
CHARLEVOIX COUNTY

ORDER REGARDING
ALTERNATE SERVICE
CASE NO. and JUDGE
23-025328-CH
Hon. Roy C. Hayes III

Court address:
301 State Street,
Charlevoix, MI 49720
231-547-7243

WELLS FARGO BANK, N.A.
c/o Plaintiff's attorney
Plaintiff
v.
UNKNOWN HEIRS,
DEVEISES & ASSIGNS OF
JOHN H. LOWERY II,
KELLY L. LOWERY
Defendant(s)

THE COURT FINDS:
1. Service of process upon the defendant, UNKNOWN HEIRS, DEVEISES & ASSIGNS OF JOHN H. LOWERY II, cannot reasonably be made as provided in MCR 2.105 and service of process may be made in a manner that is reasonably calculated to give the defendant actual notice

Dated: 10/20/2023
/s/Hon. Roy C. Hayes III
Judge signature and date

Attorney for Plaintiff:
Sogol I. Plagany (P69690)
ORLANDS PC
P.O. Box 5041,
Troy, MI 48007
(248) 502-1359

1513120
(10/27)(11/10)
Invoice Date: 11/10/2023

Public Notices

of the proceedings and an opportunity to be heard.

IT IS ORDERED:
2. Service of the summons and complaint and a copy of this order shall be made by the following method(s):
a. First-class mail to 02538 Camp Ten Road, Elmira, MI 49730.
d. Other: Publishing for three (3) consecutive weeks in the Charlevoix County Legal News pursuant to MCR 2.106(D) and via certified mail, return receipt requested to the last known address of: 02538 Camp Ten Road, Elmira, MI 49730.

For each method used, proof of service must be filed promptly with the court.

Dated: 10/20/2023
/s/Hon. Roy C. Hayes III
Judge signature and date

Attorney for Plaintiff:
Sogol I. Plagany (P69690)
ORLANDS PC
P.O. Box 5041,
Troy, MI 48007
(248) 502-1359

1513120
(10/27)(11/10)
Invoice Date: 11/10/2023

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FIND IT
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SELL YOUR CAR
GET A JOB
BUY A BOAT
FIND A TREASURE
GET A MASSAGE
HIRE A HANDYMAN

Check out the classified section everyday.

Page 38 of 56

§ 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.*

(5) Small single building hotel, and educational facilities

(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.

§ 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, **forward no more than two feet from the front of the principle structure** and meet the side yard setback requirements of that zone district.

(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 ~~45~~ 20 feet from the edge of the alley or sidewalk surface.

(b) Side yards: an accessory building shall conform to the side yard **and 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, or air flow 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~~ 48 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 street~~ front lot line.

(3) ~~The remaining setbacks shall be a side setbacks.~~

~~(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.

153.158 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

Old Business

Title: Rezone Zoning Ordinance Amendment

Date: November 13, 2023

Presented By: Jonathan Scheel, Zoning Administrator

Background:

The Planning Commission identified numerous parcels for rezoning to incentivize housing infill development in the city. The Church property is the last large parcel that the Planning Commission was considering. There is a letter from the Community Reformed Church requesting a rezone from R-1 to R-2.

At the request of the Planning Commission, staff has been reviewing the zoning ordinance in its entirety to update per the 2023 Master plan, add or subtract language for enforceability and clean up typos, and unclear language. The document in front of the planning commission is the result of that process.

Recommendation:

Send approval recommendation to the City Council for their review.

Attachments:

1. Rezone notice church 10-9-23(1)

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 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

Old Business

Title: Zoning Ordinance changes (Outdoor Storage)

Date: November 13, 2023

Presented By: Jonathan Scheel, Zoning Administrator

Background:

In 2019, the Planning Commission made changes to 153.153 Outdoor Storage. Since then, there has been a substantial increase in the number of boats and travel trailers in front yards with many trailers being used as long-term living spaces throughout the summer months. It has been difficult at best to enforce the new ordinance standards, including the 14 day limit on using the trailers as living quarters.

Recommendation:

Review, discuss.

Attachments:

1. Outdoor storage

I have included the current ordinance, the pre 2019 ordinance, potential suggestions and/or changes in red

Current ordinance

§ 153.005 DEFINITIONS.

RECREATIONAL VEHICLE. A travel, camping or tent trailer, motor home or pickup camper intended for mounting on a truck or similar vehicle designed primarily as temporary living quarters for recreational, camping or travel use, ~~not including a manufactured home;~~ or *also* a boat, snowmobile, all-terrain vehicle or similar vehicle designed for recreational use, including any trailer and equipment used to transport the vehicle. *Or:*

RECREATIONAL VEHICLE OR EQUIPMENT: Vehicle or equipment used for travel and leisure activities including:

a. Travel trailer: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses; and which is permanently identified as a "travel trailer" by the manufacturer.

b. Pickup camper: A structure designed primarily to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.

c. Motorized home: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

d. Folding tent trailer: A canvas or plastic folding structure, mounted on wheels, designed for travel and vacation use.

e. Utility trailer: A vehicle designed for the purpose of hauling miscellaneous goods and materials.

f. Boats and boat trailers: Includes boats, floats, rafts, canoes and kayaks; plus the normal equipment to transport them on the highway.

g. Other recreational equipment: Includes snowmobiles, personal watercraft (e.g., jet skis), all terrain or special terrain vehicles, motorcycles, utility trailers, plus the normal equipment used to transport them on the highway.

§ 153.153 OUTDOOR STORAGE.

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

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

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

(1) All recreational equipment and vehicles that are stored outside of a structure shall be maintained in good condition, shall be operable and shall have a current license and/or registration.

(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). *[It is difficult or impossible to determine if the trailers are being lived in on a daily basis beyond the 14-day period (C)(8). Explanations include charging the batteries, cleaning, keeping food cold in the refrigerator.]*

(3) The parking and/or storage of ~~buses~~ *recreational equipment and vehicles* and ~~converted buses~~ in excess of ~~48~~ 20 feet in length, and boats in excess of ~~30~~ 20 feet in length, is prohibited.

(4) Outdoor storage of not more than two recreational equipment or vehicles shall be permitted on any parcel of property. *Canoes, kayaks?*

(5) ~~Off-season~~ *S*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. *When parked in the side yard, owner will meet 153.171(G) Outdoor storage areas. (see section below)*

(6) Such recreational equipment and vehicles shall be placed or parked on a lot with a principal building, structure or use unless it is a lot which is attached to an occupied lot under the same ownership.

(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. *No enforceable definition for season. The city attorney removed the "Season" definition from the PC suggested ordinance change. Allow, don't allow at all, or allow with a permit.*

(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. *Without a permit, enforcement is impossible. Allow with no time limit, don't allow at all, or allow with a permit.*

(G) *Outdoor storage areas.* Where permitted, outdoor storage areas shall be completely screened by buildings, structures or a continuous buffer at least five feet wide. The buffer area shall include:

(1) A six-foot tall screen wall or fence along with any combination of the following to provide an effective screen, as approved by the Planning Commission:

- (a) Berms;
- (b) Canopy, evergreen and ornamental trees; and
- (c) Shrubs.

2017 Ordinance

§ 153.153 OUTDOOR STORAGE.

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

unlicensed, the Zoning Administrator may grant the owner a reasonable time, not to exceed two months, to procure a license.

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

(C) The open parking or storage of any recreational vehicle not owned by a resident or owner of the property on which it is located shall not be permitted for periods in excess of 24 hours, except on property specifically approved for that purpose.

Charlevoix Planning Commission

Old Business

Title: Zoning Ordinance changes (Garfield Overlay District)

Date: November 13, 2023

Presented By: Jonathan Scheel, Zoning Administrator

Background:

At last month's Planning Commission meeting, there was consensus on revisiting this section as there are potential and current changes happening to multiple properties in the overlay district. Buildings being removed for environmental reasons and other businesses relocating.

Recommendation:

Discuss, make changes, approve to send to City council

Attachments:

1. GARFIELD OVERLAY DISTRICT

OVERLAY DISTRICTS

§ 153.100 INTENT AND SCOPE.

(A) *Intent.* The intent of the overlay districts is to establish regulations in addition to the applicable regulations of the existing (underlying) zoning district that either supplement or replace those existing regulations. The overlay districts are applied in specific locations based on the environmental features, historic assets, scenic qualities, traffic conditions or other unique characteristics of the area, regardless of the established zoning districts.

(B) *Scope.* Several overlay districts are established, as described in this subchapter, to address the varied and unique needs of specific locations within the city. The boundaries of these districts shall be as described in this subchapter and shown on the zoning map. The requirements of this article are in addition to and shall supplement those imposed on the same lands by any underlying zoning provisions of this chapter or other ordinances of the city. These regulations supersede all conflicting regulations of the underlying districts to the extent of such conflict.

§ 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 ~~which furnish convenience goods and services to meet the daily needs of the residents of the neighborhood~~ 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.

Charlevoix Planning Commission

Old Business

Title: Zoning Ordinance (other changes)

Date: November 13, 2023

Presented By: Jonathan Scheel, Zoning Administrator

Background:

The planning commission continues to review and make needed changes to the City Zoning Ordinance.

Recommendation:

Review, approve to send to City Council

Attachments:

1. Zoning ordinance other changes final 10-10-2023-1

§ 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.*

(5) Small single building hotel, and educational facilities

(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.

§ 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, **forward no more than two feet from the front of the principle structure** and meet the side yard setback requirements of that zone district.

(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 **and 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, or air flow 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~~ 48 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 street~~ front lot line.

(3) ~~The remaining setbacks shall be a side setbacks.~~

~~(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.

153.158 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.~~



To: The City of Charlevoix Planning Commission
 From: Jonathan Scheel, Zoning Administrator
 Subject: Zoning Administrator's Report re: thru October 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 permits37
February5	Fence permits18
March13	Sidewalk café/use4
April17	Sign12
May10	Zoning49
June25	Use 1
July13	
August12	
September8	
October14	
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-123
R-229

Blight Enforcement Actions

Our seasonal enforcement officer is no longer on staff and will return in April. I continue to follow up on summer blight cases.

Level A Site Plan Administrative Review

None

Level B Site Plan Reviews / Special Use Permits

None

Variances to Zoning Board of Appeals

None