



Agenda

City of Charlevoix Planning Commission Regular Meeting

Monday, April 8, 2024 - 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. February 22, 2024 & March 11, 2024
- F. Call for Public Comment Not Related to Agenda Items**
- G. New Business**
- H. Old Business**
 - 1. Commercial Mixed-Use Standards, Regulations and Overlay Map
 - 2. Lighting Ordinance
- I. Staff Updates**
 - 1. Zoning Administrator Report
- J. Requests For Next Months Agenda or Research Items**
- K. Adjournment by 8:00 p.m. unless extended by a motion**

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

Charlevoix Planning Commission

Approval of the Minutes

Title: February 22, 2024 & March 11, 2024

Date: April 8, 2024

Presented By:

Background:

Recommendation:

Motion to approve the minutes as presented.

Attachments:

1. 2024.02.22 PC Draft
2. 2024.03.11 PC DRAFT

City of Charlevoix
Planning Commission Special Meeting Minutes
Thursday, February 22, 2024 - 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

A. Call to Order/Pledge of Allegiance

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

B. Roll Call

Chair: Jennifer Muladore
Members Present: Scott Beatty, Shelley Boehmer, Sherm Chamberlain, Toni Felter, John Kurtz, Mary Millington, Maureen Radke
Members Absent: None
Staff Present: Jonathan Scheel, Director of Planning and Zoning

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

Motion by Member Felter, seconded by Member Boehmer to approve the agenda as presented.
Motion carried by unanimous voice vote.

E. Approval of the Minutes

F. Call for Public Comment Not Related to Agenda Items

G. New Business

1. Commercial Mixed-Use Standards

Director Scheel stated to his knowledge this is the only time that the Commission was considering ordinance changes where the Commission would be starting from scratch. Mr. Scheel stated the Commission is trying to implement the Master Plan through the ordinance, and he read sections from pages 93, 95 and 97 of the Master Plan. Mr. Scheel referenced a document entitled Architectural Design Standards Commercial Mixed Use which is meant to be a step between the Master Plan and the actual ordinance regulations. Once the standards are agreed upon, then the actual regulations will be written in ordinance form with the standards as a part of the ordinance. Mr. Scheel referenced the Future Land Use Map of the Master Plan which showed in yellow the Commercial Mixed Use areas. Mr. Scheel proceeded to review the proposed district overlays as displayed on the maps provided at the meeting.

Member Chamberlain referenced the aesthetics and what blends in with the existing neighborhoods and discussion followed. Member Boehmer referenced language in the bullet items that used the term "should be" and questioned if that was appropriate language. Director Scheel stated the Architectural Design Standards would lead into the ordinance with all the specific regulations, and he explained the reasoning for the "should" language vs. "shall" language.

Member Beatty stated that his overall concerns were building height and lighting and referenced the look of Traverse City with taller structures.

Chair Muladore began a review of each section of the proposed Architectural Design Standards:

1. Site Planning - no changes

Vertical Mixed Use:

1st bullet - discussion followed regarding view corridors; language to be clarified.

2nd bullet - needs to be changed to allow multi-modal transit oriented life styles.

5th bullet - measurements will be removed and more generalized language included.

Member Beatty referenced the photographs included with Section 2. Ground Floor Activities specifically the one photograph with a 3-story building. Discussion followed regarding building height and the preference appeared to be two-stories with a rooftop or two-stories with a third story set back at least 10' from the front of the building.

Horizontal Mixed Use: No changes.

2. Ground Floor Activities: After general discussion, no changes were made.

3. Architectural Design: Discussion occurred regarding 3-story buildings with the third story being 10' back. Chair Muladore stated adding language about underground parking could go in this section.

4. Lighting: Member Beatty stated the Commission might want to include more guiding principles about dark sky lighting and Director Scheel stated that he was going to tweak the language further in this section including language related to lighting in residential areas. Director Scheel stated in the second bullet he would remove the language referencing "elevations with residential front porches".

5. Materials and Color: Chair Muladore referenced the City of Gaylord's regulations. After general discussion, no changes were made.

6. Streetscape: Member Boehmer indicated that the measurements included in this section should be in the actual regulations. Chair Muladore stated that developers should coordinate with the Shade Tree Commission when selecting trees for their projects.

Director Scheel will make the minor changes as discussed and bring the Standards back to the next Planning Commission meeting.

Motion by Member Felter, seconded by Member Radke to take the Commercial Mixed Use Standards to public hearing at the April Planning Commission meeting.

Motion carried by unanimous voice vote.

Member Beatty questioned if it would be appropriate to ask the City Council to suspend any development for 90 days since this is a massive project and once they get to the regulations it's going to be even more difficult. Director Scheel stated as an example when short-term rental

regulations were being discussed in 2017, the City Council put a moratorium on short term rentals for 6-9 months and once they approved the Short-Term Rental Ordinance the Council released the moratorium. Mr. Scheel stated he could share the Commission's concerns with the City Manager and let the City Manager make the decision as to whether or not to request that the City Council set a moratorium on development projects.

Motion by Member Kurtz, seconded by Member Beatty to direct the Director of Planning to approach the City Manager to plead the case for a moratorium on development projects while the Commission works on the new standards and regulations for commercial mixed use.

Motion carried by unanimous voice vote.

2. Site Plan Review exercise

Director Scheel explained the agenda materials provided by the City of Petoskey for their Planning Commission to review a proposed 40-unit multifamily project in their City using the current Zoning Ordinance standards and then using the new proposed standards. Mr. Scheel encouraged the Commission Members to review the site plan for the Petoskey project and the proposed Commercial Mixed Use Standards that were approved earlier in the meeting.

H. Old Business

I. Staff Updates

J. Requests For Next Months Agenda or Research Items

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

Chair Muladore adjourned the meeting at 8:03 p.m.

Sarah J. Dvoracek/fgm City Clerk

Jennifer Muladore Chair

City of Charlevoix
Planning Commission Regular Meeting Minutes
Monday, March 11, 2024 - 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 Muladore followed by the Pledge of Allegiance.

B. Roll Call

Chair: Jennifer Muladore
Members Present: Scott Beatty, Shelley Boehmer, Sherm Chamberlain, Toni Felter, John Kurtz, Mary Millington
Members Absent: Janet Coltman, Maureen Radke
Staff Present: Jonathan Scheel, Director of Planning and Zoning

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

Director Scheel recommended they move Item I-1 under Old Business in front of Item H-1 New Business.

Motion by Member Boehmer, seconded by Member Chamberlain to amend the agenda to move Item I-1 in front of Item H-1.

Motion carried by unanimous voice vote.

E. Approval of the Minutes

1. Approval of February 12, 2024 minutes

Motion by Member Chamberlain, seconded by Member Felter to approve the minutes of February 12, 2024 as presented.

Motion carried by unanimous voice vote.

F. Public Hearing

1. Section 153.005 Definitions and 153.153 Outdoor Storage

Chair Muladore opened the public hearing at 6:06 p.m.; there was no public comment.

Member Boehmer questioned the Active Use definition and whether they should define seasons, but the Commission decided at the previous meeting not to define seasons that would allow active use.

Member Boehmer questioned if item C (6) allowed someone to place a vehicle on their neighbor's lot and Director Scheel further explained the reasoning for the requirement.

Motion by Member Beatty, seconded by Member Chamberlain to send the proposed outdoor

storage Ordinance changes to the City Council with a recommendation to approve.

Motion carried by unanimous voice vote.

2. Section 153.209 (A) (3) Sign Ordinance Bridge Park Drive

Chair Muladore opened the public hearing at 6:14 p.m.

Tim McCrew, President of the Beaver Island Boat Company, located at 103 Bridge Park Drive, stated they were in favor of and would like to see some signage added at Bridge Street Park, especially if it meets the conditions of not blocking the view. Mr. McCrew stated they get a lot of third party shippers now and the signage will assist those drivers in locating the correct address when the boat is not docked.

Chair Muladore closed the public hearing at 6:18 p.m.

Motion by Member Boehmer, seconded by Member Millington to send the proposed changes to Section 153.209(A)(3) of the Sign Ordinance to the City Council with a recommendation for approval.

Motion carried by a 6 to 1 vote with Member Kurtz abstaining from the vote.

G. Call for Public Comment Not Related to Agenda Items

H. New Business

1. Lighting Ordinance

Director Scheel stated the backup material in the agenda packet was informational only and was to show the Commission the complexity of the lighting issue. Mr. Scheel the Commission needed to start with goals of what they really wanted to see as far as lighting standards. General discussion followed regarding lighting and dark sky issues.

Member Kurtz suggested that since this issue was so complex, there should be a Sub-Committee on Lighting. Member Beatty stated the lighting issue was a high priority for him. Director Scheel stated he could keep moving on this issue, but again he needed everyone's input, including a consensus that the lighting issue is important and should be on each meeting's agenda.

I. Old Business

1. Commercial Mixed-Use Standards, Regulations and Overlay Map

Director Scheel stated before the Commission were the first proposed drafts of regulations that tied the regulations to the commercial design standards that the Commission approved in concept last month. Mr. Scheel proceeded to review the proposed Commercial Mixed-Use Regulations in detail and responded to questions from Members. Mr. Scheel asked the Members to review the document in further detail and come back to the next meeting with any questions, additions, or deletions to the regulations.

The following items were discussed and or changed:

- Discussion regarding "bay windows" and the projection of the windows and the Commission concurred to change the maximum feet from the primary facade from 3 feet to 2 feet.

Director Scheel stated it was important to keep in mind the goals of the Master Plan since the Plan recognizes what the economy is, Charlevoix's history, and what the City wants to be in 20 years. Mr. Scheel stated the standards were very important for the future of the City. Mr. Scheel stated that the City had 50 years of not having many standards, and the City may see a lot of new things happening in the next 20 years.

Chair Muladore asked what the next steps were, and Director Scheel stated at a minimum he wanted to make sure the Commission was comfortable in the general direction with the proposed regulations with some minor tweaks and then for him to ensure that there were no contradictions with an existing ordinance. Mr. Scheel stated he would bring the Regulations back next month and he asked that the Members also review the Regulations thoroughly and provide any feedback to him. Mr. Scheel also wanted to ensure that they were not creating a hardship for developers.

Chair Muladore questioned the status of discussing a pause on development and Director Scheel stated that he had spoken to the City Manager and he was not ready to bring that to the City Council at this time and basically asked that the Commission continue to work on the Regulations and if needed in the future a moratorium discussion would be brought before Council.

Director Scheel began a review of the potential overlay map in detail. Mr. Scheel stated the residential mixed use areas would be small businesses such as hair stylists or tax accountants with very low intensity without a lot of daily traffic. The higher intensity and taller buildings will go down Bridge Street right to downtown (Central Business District) but most are one lot wide and follow the current Commercial Mixed Use regulations and the commercial properties which start at about Carpenter going out of town. Director Scheel stated the north side which includes almost all residential homes north of the bridge and he believed that 3-story buildings will be too high and that the area should be treated as residential mixed use. Mr. Scheel will bring the map back to the Commission with more detail at the next meeting.

J. Staff Updates

1. Zoning Report

Director Scheel stated he visited a project in Alanson where the County took a failed 12-lot subdivision, and they rezoned it to have one duplex with an ADU on each lot, and it was very well done. The project was in the middle of the red pine forest and the developer designed it so that it was not clearly visible from the road and each unit had privacy from their neighbors.

Director Scheel and Member Kurtz went to a School Board meeting last month and gave them an invitation to keep thinking about housing and what they as a School Board could do to help with housing and how housing helps them.

2. CMU Pictures

No discussion.

K. Requests For Next Months Agenda or Research Items

Member Kurtz stated he would prefer that the meetings start at 5:30 p.m. and still end before 8:00 p.m. Chair Muladore stated that such a change would not be best for her and Member Millington stated that it might compromise public hearings with individuals not getting off work until 5:00 p.m.

Chair Muladore thanked Member Millington for her service as this was her last Commission meeting.

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

Chair Muladore adjourned the meeting at 8:03 p.m.

Sarah J. Dvoracek/fgm City Clerk

Jennifer Muladore Chair

Charlevoix Planning Commission

Old Business

Title: Commercial Mixed-Use Standards, Regulations and Overlay Map

Date: April 8, 2024

Presented By: Jonathan Scheel, Zoning Administrator

Background:

At the February 12, 2024, meeting, the Planning Commission preliminary approved the Commercial Mixed-Use Standards with changes. Regulations supporting the standards were presented to the Planning Commission in March with a draft Commercial/Residential Mixed-Use Overlay Map. The map aligns the new regulations with the areas denoted in the Master Plan as Mixed Use.

Recommendation:

Discuss, and suggest any changes needed. Motion to set public hearing for May 13, 2024 Planning Commission meeting.

Attachments:

1. Commercial mixed-use standards
2. CMU ordinance 4-1-24
3. mixed use map 4-1-24

Architectural Design Standards Commercial Mixed-Use

Commercial mixed-use should respect adjacent development and provide a pleasing pedestrian street orientation and comfortable living environments.

This subsection for commercial mixed-use includes design goals and guidelines organized into six categories:

- 1. Site Planning
- 2. Ground Floor Land Use
- 3. Architectural Design
- 4. Lighting
- 5. Materials and Color
- 6. Streetscape



Above: **UNDESIRABLE**
These apartment buildings have ground level parking and a tall blank wall along the street. The design is out of scale with the adjacent buildings. The architecture is spare and unattractive.

1. Site Planning

Mixed-use residential projects should be designed to create new and enhance existing pedestrian friendly streets that are effective social and economic centers for neighborhoods and the community.

Vertical Mixed-use:

- Mixed-use residential projects in existing storefront districts should be designed to fit into the block reflecting the scale and rhythms found along the street edge. The majority of new structures should be a minimum of two stories. When possible, view corridors to protect established views from a given observer against building development of Lake Charlevoix or other specific point of interest should be left within a development.
- New areas should establish a pattern and design that provides multi-modal transit-oriented businesses and life styles.
- Storefront edges should be set back from the curb to accommodate outdoor eating or other anticipated activities and amenities.
- Mixed-use residential projects should be oriented to take advantage of foot traffic and visibility from the street.
- Storefront edges should be transparent with a short kickplate, a full height storefront, and transom windows.
- Parking lots or structures for residents and ground floor commercial tenants should not separate the project from the street edge. Place parking to the side, rear or within a mixed-use project so as to not interrupt the pedestrian orientation.
- Project surface parking areas should be shaded and visually screened from the sidewalk with landscaping.
- Underground parking structures where possible are encouraged.
- Access drives to parking should be located to minimize their impact on pedestrians.
- Projects should be set back to traditional front yard depth on residential streets.

Horizontal Mixed-use:

- Adjacent commercial and multi-family residential uses should be designed to create and share public spaces and streets.
- Pedestrian connections between commercial and residential developments should be active and friendly.
- Commercial storefront uses should face public spaces and street edges.
- Large blank walls should not face streets or walkways.
- Residential entries and lobbies should face streets and common open spaces.
- Landscape concepts should enhance the linkages between residential and commercial uses.
- Signage, lighting, and landscaping should provide a thematic identity for mixed-use sites.
- Service areas for commercial uses should be located at the edge of the site and screened to reduce impacts on residents.
- Unnecessary tall concert block sound walls should not separate commercial uses from residential uses.

1		6	
2		7	
3		8	
4		9	
5		10	
1. Mechanical Cover 2. Countertop 3. Rooftop Deck 4. Second Floor 5. First Floor 6. Roof Canopy 7. Canopy Columns 8. Planter 9. Glass Railing 10. Commercial or Residential Picture Window			

2. Ground Floor Activities

Ground floor uses in residential mixed-use projects should generally take advantage of visual and physical pedestrian access and support economic objectives for the neighborhood or district.

- Mixed-use projects in the Downtown and neighborhood commercial areas area need to satisfy economic and social objectives for storefront shopping and commercial services.
- When ground floor commercial uses are not possible, projects should include common amenities for projects, such as health clubs and meeting space.
- For lower foot traffic areas, ground floor uses can include live-work spaces that take advantage of walk-in access for clients.
- Portions of a project’s edges facing residential streets should include front stoops, yards, and entry porches.
- Projects shall not have blank walls or parking garages along public streets and sidewalks



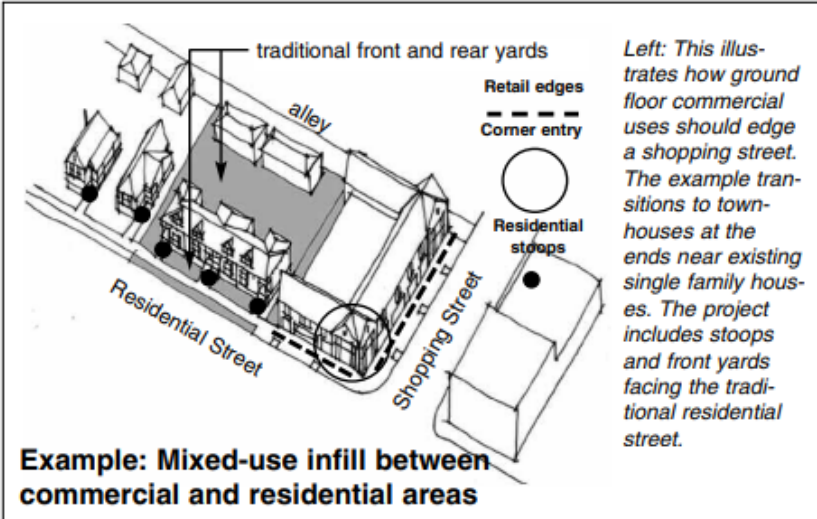
3. Architectural Design

The architectural design of mixed-use projects should reflect the historic or traditional context utilizing design elements and forms that fit the neighborhood or district.

- A mixed-use building’s form and design should have a deliberate street and street corner orientation.
- Upper levels should have expressive design features, such as balconies and bay windows, that give the building a rhythm and residential scale.
- Roof forms should reflect the project’s architectural context. In a commercial context, the roof may be flat or have a strong horizontal cornice element. In a residential neighborhood edge or village context, roof forms should include hip or gable elements.
- The massing concepts of multi-story mixed-use development should transition in scale between commercial streets and smaller single family residential streets.
Design concepts may include: - *Stepping down the scale and mass and increasing side or rear yard setbacks of taller mixed-use projects where they adjacent to existing single-family areas;*
- *Use residential roof forms on residential streets;*
- *Orienting units towards public streets and commons rather than neighboring backyards;*
- *Enclosing parking to reduce the impact on adjacent houses; and/or*
- *Interfacing single and mixed-use development with streets or open spaces in new developments*

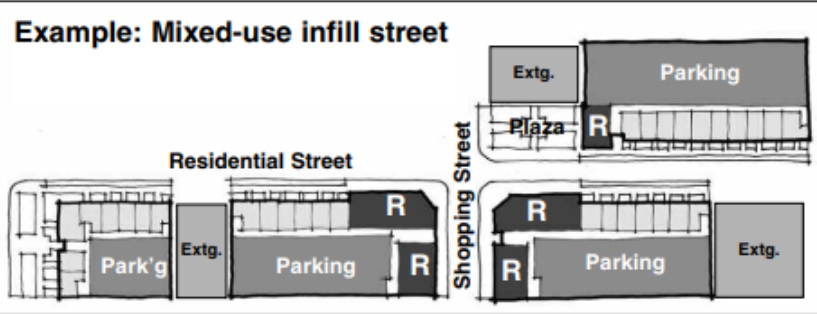


Above: **DESIRABLE**
 (1) This mixed-use project provides streetscaping and outdoor seating areas on a wide sidewalk.
 (2) This storefront includes a signage and graphic concept that supports ground floor retailing.



Right: **DESIRABLE**
 Mixed-use streets should have transparent storefronts aligned along the sidewalk on shopping streets. Residential porches or "stoops" should be located along residential sides of projects. Parking should be located along rear alleys or under the housing.

Small parks and plazas should be developed as part of the neighborhood. Plazas along shopping streets should have retail uses around the edges.



4. Lighting

Lighting should be an integral part of the planning and design of mixed-use projects anticipating the needs of the shopping street, storefront businesses, and residents.

- Lighting on commercial elevations of mixed-use projects should support overall objectives for the street and storefront design.
- Residential front porches should have individual lights that illuminate entries and walkways.
- Lighting in common areas should be shielded from adjacent residential units.
- All lighting should be shielded and meet the intent of Dark Sky Ordinances

5. Materials and Color

Selection of materials and finishes should reflect the materials in the district and support overall image and massing concepts.

- Commercial frontage portions of mixed-use projects should utilize materials and colors that support retailing and image objectives for shopping environments.
- Portions of mixed-use projects with residential frontage should use colors and materials that enhance the project's architectural concepts and are compatible with adjacent residential streets.
- Architecture within each mixed-use project should use a palette of materials that convey an image of quality and durability. Certain materials have an inherently inexpensive, insubstantial, or garish quality. These materials should not be used in new construction or renovation.

Examples include: Roofs: glazed or painted tiles, highly reflective metal or sheet materials, fake shingles made from metal or plastic materials.

Walls: vinyl, metal, plywood, T-111 siding, Masonite or other sheet materials

- Wood or hardboard siding, if used, should be, lap, shiplap or board-and-batten.
- Shiplap should be installed so there are no visible joints. Board-and-batten should be installed so there are no visible joints in the underlying "board" material.
- Painted surfaces should use colors that reinforce architectural concepts and are compatible with natural materials, such as brick or stone.



Above: DESIRABLE
 This mixed-use project transitions in scale and design as it “turns the corner” from a storefront shopping street to a residential block. It features:

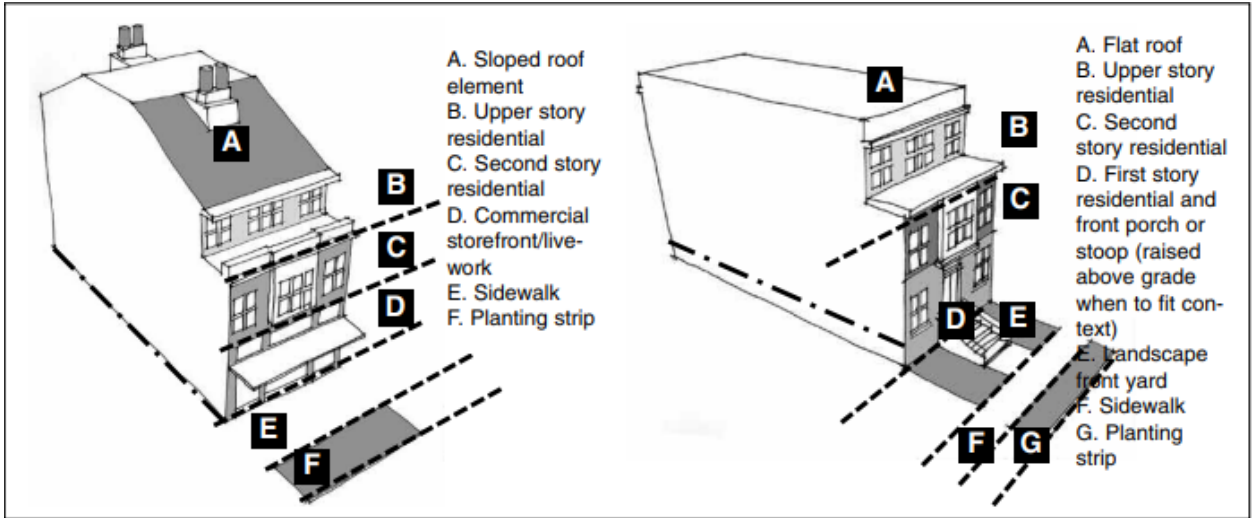
- Transparent storefront level with neighborhood services and housing above;
- Stepping storefront building up into a third story under a pitched roof; and
- Designing attached housing to reflect the patterns and scale of single family housing found on the block.



6. Streetscape

New and infill mixed-use residential projects should provide street trees, lighting and street furniture that support the streetscape concepts for the district.

- Sidewalks adjacent to mixed-use development should be wide enough to accommodate outdoor sitting areas and landscape. This should include an area for planting, for sitting, and for pedestrian travel.
- Street trees are required for sidewalk areas. Trees should be spaced to be coordinated with the bay spacing and storefront design of the project. Coordination of tree types with the Shade Tree Commission is encouraged.
- Street furniture and pedestrian-scale lighting should be included in development planning for mixed-use projects.



Above: DESIRABLE
 This illustrates guidelines for a building bay in a two and three story residential context where commercial or live-work uses are on the ground floor.

Above: DESIRABLE
 This illustrates a typical residential building bay in a context with flat roofs on adjacent buildings. On traditional residential streets with front yards, units should be set back and have stoops or porches facing the street.

COMMERCIAL MIXED-USE REGULATIONS

2SECTION 1 ESTABLISHMENT OF ZONING REGULATIONS.

- A. **Purpose.** The purpose of these Zoning Regulations is to implement the Master Plan.
- B. **Applicability.** The Zoning Regulations set forth in Section 1 of this Ordinance shall apply citywide to all Permit Applications, as defined in this Ordinance. As they apply to the City's review and consideration of Permit Applications, these Zoning Regulations supersede any conflicting provisions of the Existing Zoning Ordinance in effect on the effective date of these Zoning Regulations.
- C. **Land Use Definitions to Implement Zoning Regulations.** The following definitions are for the purpose of implementing the Zoning Regulations established by Section 1 of this Ordinance.

Artisan/Small-Scale Manufacturing. The artisan/small-scale manufacturing use type refers to establishments primarily engaged in on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hands tools or domestic mechanical equipment not exceeding five horsepower or kilns not exceeding 25 kilowatts, and the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, candle making shops, and custom jewelry manufacturers.

Artist's Studio. Workspace for an artist or artisan, including individuals practicing one of the fine arts or performing arts, or an applied art or craft. This use may include incidental display and retail sales of items produced on the premises and instructional space for small groups of no more than 18 students per instruction. It does not include joint living and working units (See Live-Work).

- **Studio-Light.** Small-scale art production that is generally of a low impact and no more than a maximum floor area of 2,500 square feet. Typical uses include painting, photography, jewelry, glass, textile, and pottery studios.
- **Studio-Heavy.** Art production on a medium or large scale generally using heavy equipment and greater floor area than 2,500 square feet. Typical uses include large-scale metal and woodworking studios.

Brewpub. A full-service or limited-service restaurant with a micro-brewery as an accessory use that meets the requirements of Michigan Liquor Control Commission, where no more than 5,000 barrels of beer are produced per year. A brewpub may sell other supplier's beer, including other hand-crafted or micro-brewed beers as well as wine to patrons for consumption on its premises.

Breweries, Limited. Small-scale facilities that produce beer and similar beverages onsite.

- **Brewery, Brew-on-Premises.** A do-it-yourself brewery where customers produce craft style beer or wine on the premises of a brewery or micro-brewery. Customers also may purchase the ingredients, rent the equipment, time, and space, and be provided assistance by an on-site brewmaster.
- **Micro-brewery.** An establishment that produces annually less than 5,000 barrels of ales, beers, meads, hard ciders and/or similar beverages onsite. Micro- breweries may also serve beverages onsite and sell beverages for offsite consumption pursuant to the regulations of the Michigan Liquor Control Board and the federal

COMMERCIAL MIXED-USE REGULATIONS

Bureau of Alcohol, Tobacco, and Firearms.

Catering Service. A business that prepares food for consumption on the premises of a client or at any other location separate from where the food was prepared.

Cultural Facility. Facilities engaged in activities to serve and promote aesthetic and educational interest in the community that are open to the public on a regular basis. This classification includes performing arts centers for theater, music, dance, and events; spaces for display or preservation of objects of interest in the arts or sciences; libraries; museums; and public art galleries. It does not include schools or institutions of higher education providing curricula of a general nature.

Media Production. Facilities for production of motion pictures, television, video, sound, computer, and other communications media production.

Offices for Walk-In Clientele. Offices providing direct services to patrons or clients without prior appointments. This use classification includes employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, and offices for elected officials. It does not include banks or check-cashing facilities, which are separately classified and regulated.

Printing & Publishing. A use engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other activities serving the printing trade such as bookbinding, typesetting, engraving, photo-engraving and electrotyping. This use also applies to the publishing of newspapers, books, and periodicals; manufacturing business forms and binding devices. Quick printing services are included in the Printing and Copying use classification.

Research and Development. The research and development use type refers to establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale, but excludes uses that may be objectionable by reason of production of offensive odor, dust, noise, bright lights, vibration or the storage of hazardous material or products, or uses that threaten public safety. Typical uses include biotechnology and software development firms.

Retail Sales.

- **General Retail Sales, Small-Scale.** The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments with 15,000 square feet or less of sales area; including department stores, clothing stores, pet supply stores, small hardware and garden supply/nurseries stores, and businesses retailing goods including, but not limited to, the following: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, private art galleries, art supplies and services, glass and windows, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and **new automotive parts and accessories** (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.
- **General Retail Sales, Large-Scale.** Retail establishments with over 15,000 square feet of sales area that sell merchandise and bulk goods for individual

COMMERCIAL MIXED-USE REGULATIONS

consumption, including membership warehouse clubs, where sales of grocery items do not occupy more than 25 percent of the floor area.

- **With Drive-Through.** A retail establishment with drive-through facilities.

D. **Overlay Districts Established.** The purpose of this subsection D is to establish the following Overlay Districts consistent with the Master Plan. The locations and boundaries of the Overlay Districts are delineated in Exhibit A attached hereto and incorporated herein.

1. **MU-R Residential Mixed Use.** The Residential Mixed-Use district prioritizes residential development with associated non-residential development, neighborhood-scale retail and office space. In addition to a mix of housing types, other uses like live/work units, artist studios, and businesses that are less than 4,000 square feet are permitted. Residential units are required with densities ranging between 16 and 30 housing units per gross acre.
2. **MU-CL Corridor Mixed Use Low.** The Corridor Mixed Use Low district provides for developments that integrate residential and non-residential uses. It is intended for a mixture of uses in a single building; however, if a mixture of uses is infeasible due to site constraints or development costs, single uses are allowed, including neighborhood and community retail; eating and drinking establishments; small-scale commercial recreation; residential; financial, business, and personal services; educational and social services; and offices. No separate residential density standards shall apply.

E. **Effect of Ordinance on Existing Zoning Districts.** To the extent that the Existing Zoning Ordinance applies a different zoning district designation to any area within the boundaries of an Overlay District established by this Ordinance, the zoning district designation of the Existing Zoning Ordinance shall be superseded and have no force.

F. **Basis for Zoning Map.** The Zoning Districts established in Exhibit A are based on the Master Plan Land Use Designations for Mixed Use for pedestrian-oriented development.

G. **Zoning District Regulations.** The purpose of this subsection G is to establish use and development regulations for the Zoning Districts.

1. **Uses Permitted, Conditionally Permitted, and Prohibited.** Land uses, as classified in the Existing Zoning Ordinance and in this Ordinance, are permitted, conditionally permitted, or prohibited in the Zoning Districts as indicated in Table 1. Permitted uses are indicated by a "P", conditionally permitted uses are indicated by a "C", uses subject to specific standards are indicated by a "S", and prohibited uses are indicated by a blank. Where a subclassification, which is indented, has a different designation from the one given to the more general land use, that designation governs. Conditionally permitted uses are allowed upon the approval of a use permit pursuant to Section 153.234 of the Zoning Ordinance and any additional findings that may be required by this Ordinance.

TABLE 1: DRAFT LAND USE REGULATIONS FOR MIXED USE ZONES

*P = Permitted C = Conditional S = Specific Standards Apply; See Section 153.234
Blank= Not Allowed*

Zoning Districts	MU-R	MU-CL	Additional Regulations
A. Commercial Uses			
1. Animal care and sales			

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Animal care facilities, excluding exterior pens or runs		p	
Animal retail sales and supplies, excluding exterior pens or runs		p	
Taxidermy shops			
2. Business sales and service			
Locksmith		p	
Office furniture sales and rentals		p	
Office supply and equipment shops (incl. accessory repair)			
Printing and copy shops		p	
Printing and publishing		p	
3. Food and beverage service establishments, stores			
Food service establishments	See subclassifications below		*For restaurants, cocktail lounges and bars, with outdoor seating see Sec 153.118 (C)
With or without accessory serving of beer or wine	CS*	p	
With a bar, live entertainment or dancing		CS	Drive-through, see Sec 153.118 (B)
With drive-through use		CS	
Food and beverage stores, specialty	p	p	*C if operating 24 hours or before 7AM and/or adjacent to residential
Bakeries, retail	P*	P*	
Brewpubs		CS	
Catering service			
Convenience market	C	p	
Grocery stores and supermarkets		p	
Liquor stores		C*	
- Motor vehicle sales and service			
Sales, new or used vehicles (including repair accessory to sales)			
Sales, parts and supplies (and accessory service)			
5. Personal services			
Artist studio, light	p	p	*C if > than 5,000 sf
Artist's studio, heavy		p	
Barber shops, beauty salons, nail salons, personal grooming	p	p	
Check cashing, bail bond services			
Dry cleaning, laundromats, laundries		P*	
Mail services	p	p	
Shoe repair and shoeshine	p	p	
Tailor/seamstress	p	p	
Travel agencies		p	
Weight loss establishments		p	
6. Recreation facilities, commercial			
Health clubs/gyms		p	*C if > than 3,000 sf
Health spas, nails, other	P*	p	
7. Retail uses			

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Zoning Districts	MU-R	MU-CL	Additional Regulations
Auction house			*C if > than 5,000 sf Drive-through, see Sec 153.118 (B)
General Retail Sales	See subclassifications below		
Large scale			
Small scale		p	
With drive through uses		CS	
Second hand and pawn shops		p	
Shopping centers			
8. Visitor accommodations			
Hotels, motels, STRs		P*	*C if > than10,000 sf
Visitor information centers		p	
B. Industrial Uses			
Artisan/small-scale manufacturing		p	
"Boutique" food processing with retail sales		p	
C. Offices and Related Uses			
1. Financial services			
Banks, savings and loans, and other financial institutions		P*	*C if > than 5 ,000 sf
Financial services offices		p	
2. Offices and Related Uses			
Clinics		C	
Media production		p	
Medical, dental and health-related offices		P*	*C if > than 5,000 sf
Office (administrative, business, and professional)		P*	*C if > than 5,000 sf
Offices with walk-in clientele	p	p	
D. Public and Quasi-Public Uses			
1. General			
Clubs and lodges, including for youth		P	
Cultural facility		P	
Other public/quasi-public uses of an administrative, educational, religious, communications or public service nature		P	
2. Schools			
Parochial, private	C	C	
Public	p	p	
Vocational, business trades			
3. Transportation facilities			
Parking facilities, commercial or municipal (5+ spaces)		C	
Transit or bus stations			

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Zoning Districts	MU-R	MU-CL	Additional Regulations
Single-family attached	p	p	For condominiums, see Sec. 153.117(B)
Multifamily residential	p	p	
Group residential, including SROs	CS	CS	
Live/work developments		C	
Residential care facilities			
Small (0-6 residents)		P	
Large (7 or more residents)		CS	
Day care facility, child or adult (up to 6 children or 6 adults)	p	p	
Day care center (13 or more children or 7 or more adults)		CS	
F. Accessory Structures and Uses			
Accessory structures and uses	P if principal use is permitted; C if principal use requires a use permit. See Chapter 153.116		
Automatic teller machines		p	
G. Other Uses			
Nonresidential condominiums		p	See standards Ch. 153.117 (B)

2. Additional Land Use Regulations

- a. Mixed use development. Mixed use development is permitted on a site that (i) is designated for mixed uses by the Master Plan, (ii) all of the proposed uses are permitted in the applicable zoning district, and (iii) no conversion of an existing residential rental unit is proposed.
- b. Residential rental units. Conversion of existing residential rental units to nonresidential units is allowed only with a conditional use permit and is subject to the same standards as new development unless waived by the Planning Commission.
- c. Commercial Development in MU-R District. Commercial only development is not allowed. The area devoted to commercial uses cannot exceed 30 percent of the total building floor area, and all non-residential uses must be located at the ground level.

3. **Development Standards.** The development standards for the Commercial Mixed-Use Zoning Districts are shown in Table 2.

TABLE 2: CM USE DISTRICTS-PROPERTY DEVELOPMENT STANDARDS

Property Development Standards	MU-R	MU- CL	Additional Standards
Maximum density (units/gross acre)	25*	NA	* >.5 round up
Maximum Height (in feet)	27	39	
Maximum number of stories	2	3	
Minimum lot area (sq. ft)	6,000	6,000	

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Minimum lot frontage (feet) at front property line	50	50	
Front setback (feet)			(1)
- Arterial or collector	15	10	(2)
- Local street	15	15	(2)
Street side setback (feet)			
- Arterial or collector	15		(3)
- Local street	15	10	(3)
Garage door setbacks from street (feet)	20	20	
Side and Rear setback (feet)	Non-residential: none, residential: see Sec. 153.072 standards for R-1 & R-2 districts		(4)

Notes:

- (1) Front and street side setbacks may be reduced to 10 feet with design review when the reduction improves the overall site design, design of the building or better integrates the building with its site and surroundings and a 10-foot-wide sidewalk is provided.
- (2) Street side setbacks may be reduced to 10 feet for 2 story buildings and 10 feet for 3 story buildings with design review when the reduction improves the overall site design, design of the building or better integrates the building with its site and surroundings and a 6-foot-wide sidewalk is provided.
- (3) Commercial and mixed-use development on land that abuts a residential district will be designed and constructed, and will be operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; will be compatible with adjacent uses of land; and will not change the essential character of the area in which it is proposed;
4. **Build-to Line.** Buildings shall be constructed at the street frontage or required setback line (the "build-to" line) for at least 60 percent of the building frontage. Portions of the area between the building and lot line shall be paved so that it functions as a wider public sidewalk and public areas. This requirement may be modified or waived by the Planning Commission upon finding that:
 - a. Substantial landscaping will be located between the build-to line and ground floor residential units to soften visual impact of buildings;
 - b. Entry courtyards, plazas, entries, or outdoor eating and display areas will be located between the build-to line and building, provided that the buildings will be built to the edge of the courtyard, plaza, or outdoor dining area; or
 - c. The building will incorporate an alternative entrance design that will create a welcoming entry feature facing the street.
5. **Required Side and Rear Yards for Residential Uses.** In order to provide light

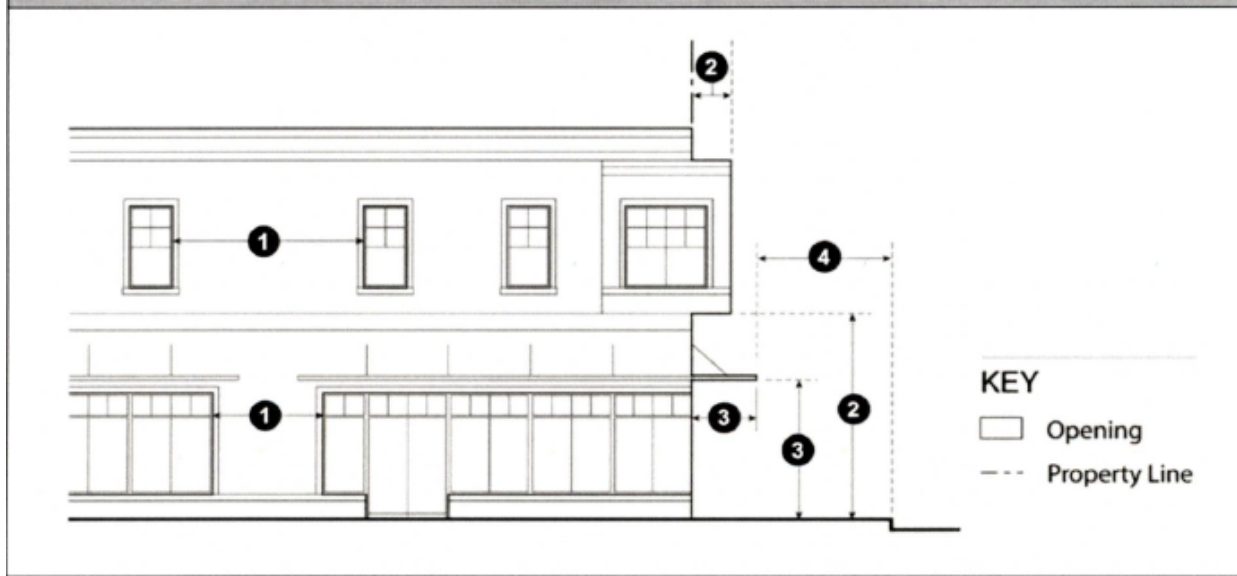
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and air for residential units, the following minimum setbacks apply to any building wall containing windows for residential units and facing an interior side or rear yard.

- a. For any wall containing windows, a setback of at least 5 feet shall be provided.
 - b. For any wall containing bedroom windows, a setback of at least 10 feet shall be provided.
 - c. For any wall containing a living room or other primary room windows, a setback of at least 10 feet shall be provided.
 - d. The required setbacks apply to that portion of the building wall containing a window and extending three feet on either side of the window.
6. **Minimum Ground-floor Height.** The minimum ground-floor height shall be 12 feet for residential uses and 15 feet for non-residential uses.
7. **Exceptions to Maximum Height Limits.**
- a. Architectural Features. A parapet wall, cornice, cupolas or mechanical equipment may project up to six feet above the maximum height limit.
 - b. Towers. If the project site is greater than 15,000 square feet, a tower or other projecting architectural elements may extend up to 12 feet above the top of a pitched roof, provided that the square footage of the element(s) do not total more than 15 percent of the building footprint. The area above the uppermost permitted floor of the element(s) shall not be a habitable space.
 - i. The composition of the tower element shall be balanced, where the width of the tower has a proportional relationship to the height of the tower.
 - ii. The tower element shall be proportional to the rest of the building.
 - iii. The tower element shall not be stepped back at any point,
 - iv. The maximum horizontal dimension of the tower element shall not exceed 52 feet. Fenestration shall be greater at the base of the tower than at the top.
 - v. The roof shall include architectural detailing, such as a cornice or eave.
8. **Upper Story Limitations.** For the MU-CL zoning district abutting a R1 or R2 residential zoning district, the top story of all three-story buildings shall contain only residential uses and shall be stepped back a minimum of 10 feet from the story below on the abutting side.
9. **Wide Buildings.** Any non-residential building over 50 feet wide shall be broken down to read as a series of buildings no wider than 50 feet each or 30 feet in the MU-R Zoning District. Increases in the maximum building width may be approved through design review if recesses, offsets, or other architectural articulation modulate a "box-like" appearance.
10. **Maximum Building Length and Length of Blank Walls.** The maximum building length is 100 feet. See Table 3. This limitation does not apply to buildings with unique design requirements, such as gyms and auditoriums. Increases in the maximum building length may be approved through design review if recesses, offsets, or other architectural articulation modulate a "box-like" appearance. The maximum length of blank walls is 10 feet on the ground floor and 25 feet on upper floors.

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TABLE 3: BUILDING FORM STANDARDS – MIXED-USE DISTRICTS



<i>District</i>	<i>MU-R</i>	<i>MU-CL</i>		<i>Additional Regulations</i>	<i>#</i>
Maximum Building Length (ft.)	100	100			
Maximum Length of Blank Wall (ft.)	10 for ground floor, 25 for upper floors	10 for ground floor, 25 for upper floors			1
Bay Window	Max. 2 feet from primary facade and min. 12 feet above				2
Awnings & Overhangs (ft.)	Max. 4 feet from primary facade and 8 feet above sidewalk grade above public ROW				3
Awning setback from Curb	Min. 4 feet clear				4

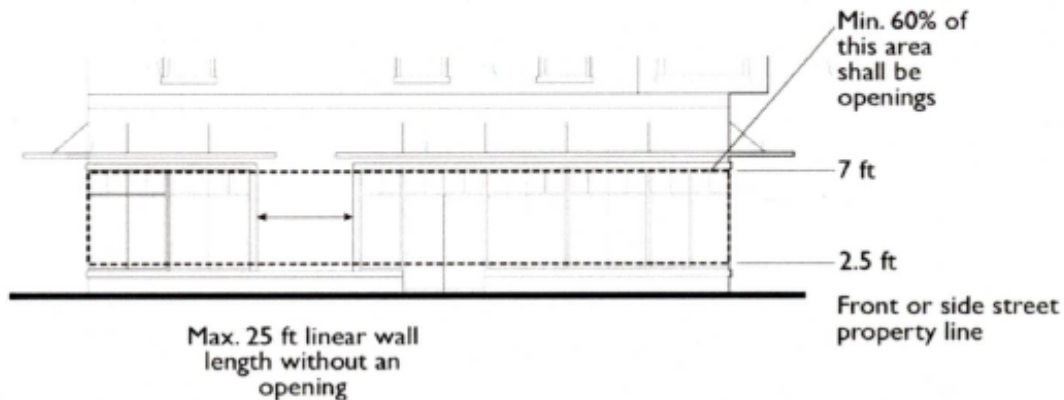
11. **Building Projections.** The maximum width of any projection, including bay windows, is 10 feet, and the total of all projections along a building face may not be more than 10 feet wide or 25 percent of the building frontage, whichever is greater.
12. **Building Orientation and Entrances.**
 - a. Buildings shall be oriented to face public streets or pedestrian-oriented areas.
 - b. Building frontages shall be generally parallel to streets, and the primary building entrances shall be located on or within 15 feet of a public sidewalk.
 - c. At least one entrance shall be provided per 100 linear feet of building frontage unless the building has unique security needs.
 - d. Entrances located at corners shall generally be oriented at a 45-degree angle to the corner and shall have a distinct architectural treatment to animate the

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intersection and facilitate pedestrian flow around the corner. Different treatments may include angled or rounded corners, arches, and other architectural elements.

- e. Entrances to residential units shall be physically separated from the entrance to the permitted commercial uses and clearly marked with a physical feature incorporated into the building or an appropriately scaled element applied to the facade.
13. **Building Transparency; Required Openings for Non-Residential Uses.** Exterior walls facing and within 15 feet of a front or street side property line shall include windows, glass doors, or other openings for at least 60 percent of the building wall area located between 2.5 and 7 feet above the level of the sidewalk (see Figure 1). No wall may run in a continuous plane for more than 25 feet without a window or other opening.

**FIGURE 1: REQUIRED OPENINGS FOR NON-RESIDENTIAL USES
IN MIXED USE DISTRICTS**



- a. Design of Required Openings. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least two feet deep.
 - b. Exceptions for Parking Garages. Garages are not required to meet the building transparency requirement of this subsection. Instead, they must be screened with buffer landscaping.
 - c. Alternatives through Design Review. Alternatives to the building transparency requirement may be approved if the Planning Commission finds that:
 - i. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, such as in the case of a cinema or theater; and
 - ii. Street-facing building walls will exhibit architectural relief and detail and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.
14. **Building Design and Articulation.** Buildings shall provide adequate architectural articulation and detail to avoid a bulky and "box-like" appearance. Building design shall reflect and complement the architectural style of significant historic buildings

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within the city. This may be accomplished through the incorporation of architectural style, colors, and materials similar to those used for historic buildings in the City. The following standards apply to development projects in the Mixed-Use Districts:

- a. Massing. Building massing shall align with the street grid of adjacent blocks.
- b. Relation to Existing Buildings. Buildings shall be designed to appear integrated with existing buildings in the district.
- c. Vertical Relationship. Buildings shall be designed to have a distinctive base (ground floor level), middle (intermediate upper floor levels), and top (either top floor or roof level). Cornices, balconies, roof terraces, and other architectural elements should be used, as appropriate, to terminate rooflines and accentuate setbacks between stories.
- d. Windows.
 - i. Window frames shall be inset at least two inches from the face of the building to enhance shadow-line around opening.
 - ii. Snap-in vinyl mullions between double pane glass is prohibited. If a divided light appearance is desired, mullions must be made of dimensional material projecting in front of the panes on both the inside and outside of the window.
 - iii. Exceptions may be granted through the design review process to accommodate alternative window design complementary to the architectural style of the structure.
- e. **Exterior Building Materials and Colors.**
 - i. A unified palette of materials shall be used on all sides of buildings.
 - ii. Exterior building materials shall be stone, brick, stucco, architectural concrete block, painted wood clap-board, painted metal clapboard or other quality, durable materials approved through the design review process.
 - iii. A wainscoting of quality materials on the bottom of the ground floor facade is required.
 - iv. Colors shall be used to help delineate windows and other architectural features to increase architectural interest.
- f. **Building Details.**
 - i. Building facades shall include building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest.
 - ii. All applied surface ornamentation or decorative detailing shall be consistent with the architectural style of the building.
 - iii. All balconies shall have a minimum horizontal dimension of two feet.
 - iv. Each side of the building that is visible from a public right-of-way shall be designed with a complementary level of detailing.

15. **Pedestrian Access.**

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- a. Internal Connections. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
 - b. To Circulation Network. Regular connections between on-site walkways and the public sidewalk and other pedestrian walkways within the project shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.
 - c. To Neighbors. Direct and convenient access shall be provided from commercial and mixed-use projects to adjoining residential and commercial areas to the maximum extent feasible, while still providing safety and security.
 - d. Interior Pedestrian Walkway Design.
 - i. Walkways shall have a minimum clear, unobstructed width of six feet, where feasible, but at least four feet, shall be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
 - ii. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.
 - iii. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.
16. **Limitations on Location of Parking.** Parking may be located within 40 feet of the street facing property line in accordance with Table 4 and the following standards.
- a. Underground and Partially Submerged Parking. Parking completely or partially underground, may match the setbacks of the main structure. The maximum height of a parking podium visible from a street is five feet from finished grade.
 - i. Surface Parking. Above ground surface parking may be located within 40 feet of a street facing property line if the Decision-Making Body makes all of the following findings:
 - ii. Buildings are built close to the public sidewalk to the maximum extent feasible;
 - iii. The parking area is screened along the public right-of-way with a wall, hedge, trellis, and/or landscaping; and
 - iv. The site is small and constrained such that underground, partially submerged, or surface parking located more than 40 feet from the street frontage is not feasible.
17. **Residential Open Space.** Residential open space is required for any mixed-use development with dwelling units (see Table 5); it may be provided as common or private open space. Private areas consist of balconies, decks, patios, or fenced yards directly accessible from the residence. Common areas consist of landscaped areas, walks, patios, swimming pools, barbeque areas, playgrounds, turf, rooftop areas, or other such improvements as are appropriate to enhance the outdoor living environment of the development. Landscaped courtyard entries that are oriented towards the public street which create a welcoming entry feature are also

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considered common areas. All areas not improved with buildings, parking, vehicular accessways, trash enclosures, and similar items or devoted to perimeter landscaping shall be developed as common areas with the types of attributes described above.

TABLE 4: PARKING AND LOADING STANDARDS - MIXED-USE DISTRICTS

KEY — Property Line // Parking Area ... Loading Area						
<i>District</i>	<i>MU-R</i>	<i>MU-CL</i>			<i>Additional Regulations</i>	<i>#</i>
Setback from Street Property Line (ft)	40 ft; Buildings shall be placed as close to the street as possible, with parking underground, behind a building, or on the interior side or rear of the site.					1
Setback from Buildings and Public Plazas (ft)	5 ft walkway plus 3 ft landscaping; Applicable only to above ground parking.					2
Access Location	Side street or alley wherever possible					
Curb Cuts	Minimized and in area least likely to impede					
Loading/Service Area	Side or rear of lot; must be screened from public ROW					4

TABLE 5: LANDSCAPING AND OPEN SPACE STANDARDS - MIXED-USE DISTRICTS

<i>District</i>	<i>MR-R</i>	<i>MU-CL</i>		<i>Additional Regulations</i>
Minimum Residential Private Open Space (sq ft per unit)	65	75		

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Minimum Public Open Space	For residential and mixed-use development: 60 sq ft per unit; For non-residential development: 10% of site			
Minimum Amount of Landscaping (% of site)	10	15		

a. **Minimum Dimensions.**

- i. *Private Open Space.* Private open space located on the ground level (e.g., yards, decks, patios) shall have no horizontal dimension less than 10 feet. Private open space located above ground level (e.g., balconies) shall have no horizontal dimension less than six feet.
- ii. *Common Open Space.* Minimum horizontal dimension of 20 feet.

b. **Usability.** A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing. The maximum slope shall not exceed 10 percent.

c. **Accessibility.**

- i. *Private Open Space.* The space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
- ii. *Common Open Space.* The space shall be accessible to all of the living units on the lot. It shall be served by any stairway or other accessway qualifying as an egress facility from a habitable room.

H. **Mixed Use Residential District.** The Mixed Use Residential (MU-R) district applies to frontages on arterial streets that are designated for a pedestrian orientation in the MU-R Overlay District. This designation is intended to unify and strengthen the corridors where it applies by establishing standards that will create active street fronts with widened sidewalks and improved pedestrian connections.

1. **Street Frontage Improvements.** New development subject to an MU-R Overlay District shall provide street frontage improvements in accordance with the following:

a. **Between the Property Line and Curb.**

- i. *Sidewalks.* Sidewalks that are six to ten feet wide shall be provided if none exist or if the existing sidewalks are in poor condition.
- ii. *Street Furniture.* Trash receptacles, benches, bike racks, and other street furniture shall be provided.
- iii. *Landscaping.* Street landscaping will meet Section 153.171 of the Zoning Ordinance and 152.05 of the Tree Ordinance of the City.

b. **Interior from Property Line.** Except where occupied by a building or necessary for parking access, the street frontage, for a depth of 10 feet from the property line, shall be utilized for pedestrian circulation or active outdoor uses, including, but not limited to outdoor dining; paved for public uses so that it functions as part of a wider public sidewalk; or improved with landscaping,

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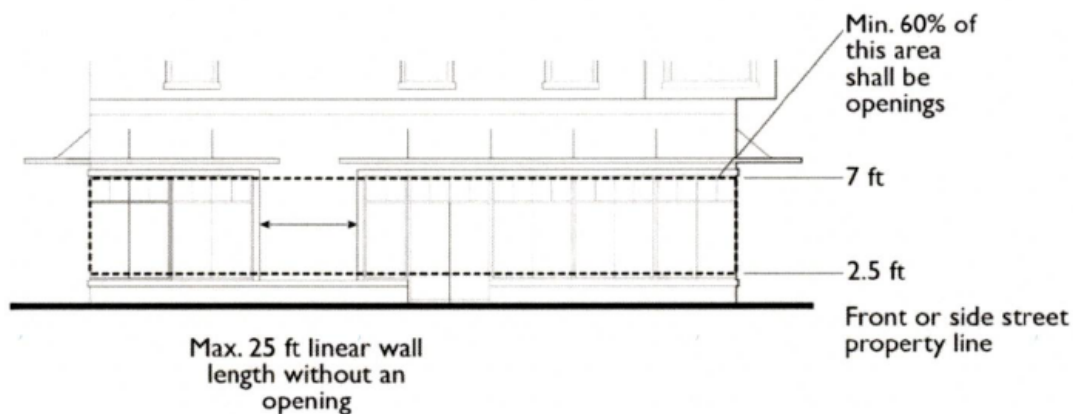
public art, and/or pedestrian amenities, such as outdoor seating.

2. **Building Orientation and Entrances.**

- a. Buildings shall be oriented to face public streets.
- b. Building frontages shall be generally parallel to streets, and the primary building entrances shall be located on or within 20 feet of a public sidewalk.
- c. At least one entrance shall be provided per 100 linear feet of building frontage unless the building has unique security needs.
- d. Entrances located at corners shall generally be oriented at a 45-degree angle to the corner and shall have a distinct architectural treatment to animate the intersection and facilitate pedestrian flow around the corner. Different treatments may include angled or rounded corners, arches, and other architectural elements.
- e. Entrances to residential units shall be physically separated from the entrance to the permitted commercial uses and clearly marked with a physical feature incorporated into the building or an appropriately scaled element applied to the facade.

3. **Building Transparency; Required Openings for Non-Residential Uses.** Exterior walls facing and within 20 feet of a front or street side property line shall include windows, glass doors, or other openings for at least 60 percent of the building wall area located between 2.5 and seven feet above the level of the sidewalk. No wall may run in a continuous plane for more than 25 feet without a window or other opening.

FIGURE 2: REQUIRED OPENINGS FOR NON-RESIDENTIAL USES IN A MIXED USE RESIDENTIAL OVERLAY DISTRICT



- a. **Design of Required Openings.** Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.
- b. **Exceptions for Parking Garages.** First floor garages are not required to meet the building transparency requirement of this subsection. Instead, they must

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be screened with buffer landscaping.

- c. Alternatives through Design Review. Alternatives to the building transparency requirement may be approved through the design review process if the Planning Commission makes all of the following findings:
 - i. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, such as in the case of a cinema or theater; and
 - ii. Street-facing building walls will exhibit architectural relief and detail and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

4. **Pedestrian Access.**

- a. Internal Connections. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
- b. To Circulation Network. Regular connections between on-site walkways and the public sidewalk and other planned or existing pedestrian routes and trails shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.
- c. To Neighbors. Direct and convenient access shall be provided from commercial and mixed-use projects to adjoining residential and commercial areas to the maximum extent feasible, while still providing safety and security.
- d. To Transit. Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.

Interior Pedestrian Walkway Design.

- i. Walkways shall have a minimum clear, unobstructed width of six feet, where feasible, but at least four feet, shall be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
- ii. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.
- iii. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or another physical barrier.

I. **Permit Application Review Process.**

- 1. **Process for Review of Permit Applications.** Each Permit Application shall be subject to the review procedure set forth below.
 - a. Preliminary Determination of Commercial Mixed-Use Standards Consistency. Under Step 1 of this Permit Application review process, the Director shall make a preliminary determination regarding whether the Project described in the Permit Application is consistent with the Commercial Mixed-Use Standards by determining whether the Project (i) is permitted under the applicable Zoning Ordinance Land Use Designation, and (ii) considering all its aspects, will further the goals, objectives and policies of the Commercial

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Mixed-Use Standards and not obstruct their attainment.

- b. If the Director determines that the Project described in the Permit Application is not consistent with the Commercial Mixed-Use Standards, the Permit Application shall not be further reviewed or processed until the applicant revises the Project to be consistent with the Commercial Mixed-Use Standards and/or files an application for a Zoning Variance. If the Director determines that the Project described in the Permit Application is consistent with the Commercial Mixed-Use Standards, the Permit Application shall continue. The Permit Application shall be reviewed and processed in accordance with the applicable development standards of the Existing Zoning District, including whether the proposed use is permitted by right, conditionally permitted, or not allowed.
- c. The Permit Application shall then be reviewed and processed in accordance with all of the applicable land use regulations set forth in the City of Charlevoix Zoning Ordinance.
- d. Appeal of Step 1 Preliminary Determinations. Upon completion of this Step 1, the Director shall issue to the applicant written notice of its Step 1 determinations (the "Preliminary Determinations Notice"). Not later than ten (10) days following the issuance of the Preliminary Determinations Notice, the applicant may file a single appeal to any or all of the Step 1 determinations set forth in the Preliminary Determinations Notice in accordance with the appeal procedures set forth in Section 153.240 of the Zoning Ordinance. Any appeal by the applicant must address all of the Step 1 determinations set forth in the Preliminary Determinations Notice, and failure to address any Step 1 determination in an applicant's appeal will result in the applicant's waiver of its right to appeal such determination. No appeal of a Step 1 determination may be made by an applicant unless and until the Director has issued the Preliminary Determinations Notice.

If no appeal is filed within ten (10) days of the issuance of the Preliminary Determination Notice, the Permit Application will proceed to the Decision-Making Body for review and action on the Permit Application.

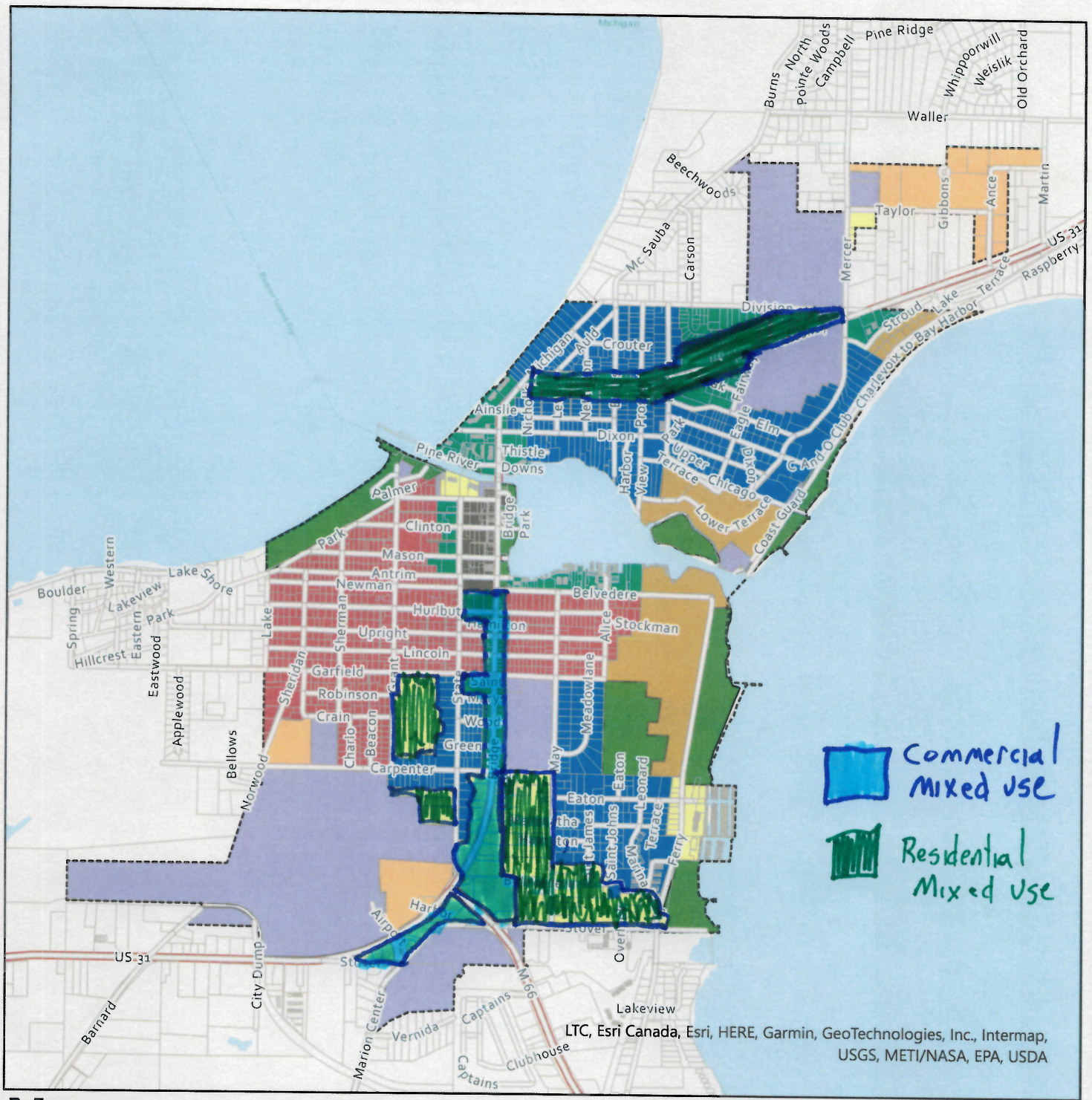
- e. Step 2: Final Review and Action by the Planning Commission; Required Findings to Support Approval of Permit Application. Upon completion of Step 1 above, including the completion of any appeal from a Preliminary Determinations Notice, the Permit Application shall be reviewed and processed in accordance with all of the applicable land use and development standards of the applicable Zoning District as determined in Step 1. and acted upon by the Planning Commission. During the effective period of this Ordinance, no Permit Application may be approved unless and until the Planning Commission makes each and all of the following findings regarding the Project described in the Permit Application, in addition to any other findings required by the applicable provisions of the Zoning Ordinance and this Ordinance:
 - i. The Project will further the goals, objectives and policies of the Commercial Mixed-Use Standards and not obstruct their attainment; and
 - ii. The Project substantially conforms to the Zoning Ordinance requirements of the applicable Zoning District.

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2. **Appeal of Action by Decision-Making Body on Permit Application.** Any action on a Permit Application by the Decision-Making Body pursuant to this Ordinance may be appealed in accordance with the procedures set forth in Section 153.240 of the Zoning Ordinance.
3. **Generally Applicable Laws.** Nothing in this Ordinance shall be interpreted as exempting Permit Applications or development proposals from compliance with generally applicable state or local laws or regulations. Nothing in this Ordinance shall be construed to limit the rights of a property owner to apply to the City for a zoning amendment or general plan amendment pursuant to the procedures set forth in the Zoning Ordinance.

SECTION 2 SEVERABILITY.

If any section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.



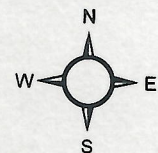
Map 7.1
Future Land Use Map

- Parcels
- City Boundary
- Roads
- Highways
- Water Bodies

FLU Designation

- Downtown Core
- Charlevoix Corridor
- City Center Residential
- Community Mixed Use

- Neighborhood Residential
- Private Club Residential
- Industrial
- Public Facilities
- Scenic Reserve



0 0.25 0.5 Miles



**Networks
Northwest**
Talent / Business / Community

Charlevoix Planning Commission

Old Business

Title: Lighting Ordinance

Date: April 8, 2024

Presented By: Jonathan Scheel, Zoning Administrator

Background:

As the Planning Commission has more development, lighting has the potential to have a negative impact on the city's citizens. More development comes with more lights. It is already impossible to see the stars when in the Charlevoix area. Unneeded lights use extra energy during a time when global warming is on everyone's mind. It negatively affects the animals, birds and insects. It makes driving more difficult and can be viewed as light "pollution". There is more acceptance, if not encouragement, of lighting regulations for a "dark sky". Attached is a draft lighting ordinance for the city based on a model Dark Sky Ordinance that was originally presented last month.

Recommendation:

Discussion only.

Attachments:

1. Lighting Ordinance

Draft City of Charlevoix Lighting Ordinance 3-1-2024

I. INTENT

The purpose of this Ordinance is to provide regulations for outdoor lighting that will:

- a. Permit the use of outdoor lighting that does not exceed the minimum levels specified in Illuminating Engineering Society (IES) recommended practices for night-time safety, utility, security, productivity, enjoyment, and commerce.
- b. Minimize adverse offsite impacts of lighting such as light trespass, and obtrusive light.
- c. Curtail light pollution, reduce skyglow and improve the nighttime environment for astronomy.
- d. Help protect the natural environment from the adverse effects of night lighting from gas or electric sources.
- e. Conserve energy and resources to the greatest extent possible.

II. LIGHTING ZONES

The Lighting Zone shall determine the limitations for lighting as specified in this ordinance. The Lighting Zones shall be as follows:

LZ1: Low ambient lighting

Areas where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience, but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline.

LZ-1	Lighting Zone 1 pertains to areas that desire low ambient lighting levels. These typically include single and two family residential communities, rural town centers, business parks, and other commercial or industrial/storage areas typically with limited nighttime activity. May also include the developed areas in parks and other natural settings.	Recommended default zone for rural and low density residential areas. Includes residential single or two family; agricultural zone districts; rural residential zone districts; business parks; open space include preserves in developed areas.
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LZ2: Moderate ambient lighting

Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience, but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline.

LZ-2	Lighting Zone 2 pertains to areas with moderate ambient lighting levels. These typically include multifamily residential uses, institutional residential uses, schools, churches, hospitals, hotels/motels, commercial and/or businesses areas with evening activities embedded in predominately residential areas, neighborhood serving recreational and playing fields and/or mixed use development with a predominance of residential uses. Can be used to accommodate a district of outdoor sales or industry in an area otherwise zoned LZ-1.	Recommended default zone for light commercial business districts and high density or mixed use residential districts. Includes neighborhood business districts; churches, schools and neighborhood recreation facilities; and light industrial zoning with modest nighttime uses or lighting requirements.
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LZ3: Moderately high ambient lighting

Draft City of Charlevoix Lighting Ordinance 3-1-2024

Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform and/or continuous. After curfew, lighting may be extinguished or reduced in most areas as activity levels decline.

LZ-3	Lighting Zone 3 pertains to areas with moderately high lighting levels. These typically include commercial corridors, high intensity suburban commercial areas, town centers, mixed use areas, industrial uses and shipping and rail yards with high night time activity, high use recreational and playing fields, regional shopping malls, car dealerships, gas stations, and other nighttime active exterior retail areas.	Recommended default zone for large cities' business district. Includes business zone districts; commercial mixed use; and heavy industrial and/or manufacturing zone districts.
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III. GENERAL REQUIREMENTS

A. Conformance with All Applicable Codes

All outdoor lighting shall be installed in conformance with the provisions of this Ordinance, applicable Electrical and Energy Codes, and applicable sections of the Building Code.

B. Applicability

Except as described below, all outdoor lighting installed after the date of effect of this Ordinance shall comply with these requirements. This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.

Exemptions from III. (B.) The following are not regulated by this Ordinance

- a. Lighting within the public right-of-way or easement for the principal purpose of illuminating roads and highways. No exemption shall apply to any street lighting and to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside of the public right of way or easement.
- b. Lighting for public monuments and statuary.
- c. Lighting solely for signs (lighting for signs is regulated by the Sign Ordinance).
- d. Repairs to existing luminaires not exceeding 25% of total installed luminaires.
- e. Temporary lighting for theatrical, television, performance areas, and temporary events.
- f. Underwater lighting in swimming pools and other water features
- g. Temporary lighting and seasonal lighting provided that individual lamps are less than 10 watts and 70 lumens.
- h. Lighting that is only used under emergency conditions.
- i. In lighting zones 2, 3 and 4, low voltage landscape lighting controlled by an automatic device that is set to turn the lights off at one hour after the site is closed to the public or at a time established by the City.
- j. Lighting specified or identified in a specific use permit.
- k. Lighting required by federal, or state, laws or regulations.

C. Lighting Control Requirements

1. Automatic Switching Requirements Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system, all with battery or similar backup power or device.

2. Automatic Lighting Reduction Requirements

Between the hours of 11 PM and 6 AM total outdoor lighting lumens shall be reduced by at least 30% or extinguished.

Exceptions to III. (C.) 2. Lighting reductions are not required for any of the following:

- a. With the exception of landscape lighting, lighting for residential properties including multiple residential properties not having common areas.
- b. When the outdoor lighting consists of only one luminaire.
- c. Code required lighting for steps, stairs, walkways, and building entrances.
- d. When in the opinion of the City, lighting levels must be maintained.
- e. Motion activated lighting.
- f. Lighting governed by special use permit in which times of operation are specifically identified.
- g. Businesses that operate between the hours of 11 PM and 6 AM.

IV. NON-RESIDENTIAL LIGHTING

For all non-residential properties, and for multiple residential properties of three domiciles or more and having common outdoor areas, all outdoor lighting shall comply either with Part A or Part B of this section.

A. Prescriptive Method

An outdoor lighting installation complies with this section if it meets the requirements of subsections 1 and 2, below.

1. Total Site Lumen Limit

The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit. The total site lumen limit shall be determined using either the Parking Space Method (Table A) or the Hardscape Area Method (Table B).

Only one method shall be used per permit application, and for sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens.

The total installed initial luminaire lumens is calculated as the sum of the initial luminaire lumens for all luminaires.

2. Limits to Off Site Impacts

All luminaires shall be rated and installed according to Table C.

3. Light Shielding for Parking Lot Illumination

All parking lot lighting shall have no light emitted above 90 degrees.

Exception:

a) Ornamental parking lighting shall be permitted by Planning Commission review only and shall meet the requirements of Table C-1 for Backlight, Table C-2 for Uplight, and Table C-3 for Glare, without the need for external field-added modifications.

B. Performance Method

1. Total Site Lumen Limit

The total installed initial luminaire lumens of all lighting systems on the site shall not exceed the allowed total initial site lumens. The allowed total initial site lumens shall be determined using Tables D and E. For sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens.

The total installed initial luminaire lumens of all is calculated as the sum of the initial luminaire lumens for all luminaires.

2. Limits to Off Site Impacts

All luminaires shall be rated and installed using either Option A or Option B. Only one option may be used per permit application.

Option A: All luminaires shall be rated and installed according to Table C.

Option B: The entire outdoor lighting design shall be analyzed using industry standard lighting software including interreflections in the following manner:

1) Input data shall describe the lighting system including luminaire locations, mounting heights, aiming directions, and employing photometric data tested in accordance with IES guidelines. Buildings or other physical objects on the site within three object heights of the property line must be included in the calculations.

2) Analysis shall utilize an enclosure comprised of calculation planes with zero reflectance values around the perimeter of the site. The top of the enclosure shall be no less than 33 feet (10 meters) above the tallest luminaire. Calculations shall include total lumens upon the inside surfaces of the box top and vertical sides and maximum vertical illuminance (footcandles and/or lux) on the sides of the enclosure.

The design complies if:

a) The total lumens on the inside surfaces of the virtual enclosure are less than 15% of the total site lumen limit; and

b) The maximum vertical illuminance on any vertical surface is less than the allowed maximum illuminance per Table F.

V. RESIDENTIAL LIGHTING

A. General Requirements

Draft City of Charlevoix Lighting Ordinance 3-1-2024

For residential properties including multiple multi-family residential properties not having common areas, all outdoor luminaires shall be fully shielded and shall not exceed the allowed lumen output in Table G, row 2.

Exceptions

1. One partly shielded or unshielded luminaire at the main entry, not exceeding the allowed lumen output in Table G row 1.
2. Any other partly shielded or unshielded luminaires not exceeding the allowed lumen output in Table G row 3.
3. Low voltage landscape lighting aimed away from adjacent properties and not exceeding the allowed lumen output in Table G row 4.
4. Shielded directional flood lighting aimed so that direct glare is not visible from adjacent properties and not exceeding the allowed lumen output in Table G row 5.
5. Open flame gas lamps.
6. Lighting installed with a vacancy sensor, where the sensor extinguishes the lights no more than 15 minutes after the area is vacated.
7. Lighting exempt per Section III (B.).

B. Requirements for Multi-family Residential Landscape Lighting

1. Shall comply with Table G.
2. Shall not be aimed onto adjacent properties.

VI. PROHIBITED LIGHTING AND BY SPECIAL PERMIT ONLY

A. High Intensity and Special Purpose Lighting

The following lighting systems are prohibited from being installed:

1. Temporary lighting in which any single luminaire exceeds 20,000 initial luminaire lumens or the total lighting load exceeds 160,000 lumens.
2. Aerial Lasers.
3. Searchlights.
4. Other very intense lighting defined as having a light source exceeding 200,000 initial luminaire lumens or an intensity in any direction of more than 2,000,000 candelas.
5. Lighting that is flashing, moving or intermittent, including those associated with signs.

B. Complex and Non-Conforming Uses

Upon special permit issued by the City, lighting not complying with the technical requirements of this ordinance but consistent with its intent may be installed for complex sites or uses or special uses including, but not limited to, the following applications:

1. Sports facilities, including but not limited to unconditioned rinks, open courts, fields, and stadiums.
2. Construction lighting.

Draft City of Charlevoix Lighting Ordinance 3-1-2024

3. Lighting for industrial sites having special requirements, such as petrochemical manufacturing or storage, shipping piers, etc.

4. Parking structures.

5. Urban parks

6. Ornamental and architectural lighting of bridges, public monuments, statuary and public buildings.

7. Theme and amusement parks.

8. Correctional facilities.

To obtain such a permit, applicants shall demonstrate that the proposed lighting installation:

a. Has sustained every reasonable effort to mitigate the effects of light on the environment and surrounding properties, supported by a signed statement describing the mitigation measures. Such statement shall be accompanied by the calculations required for the Performance Method.

b. Employs lighting controls to reduce lighting at a Project Specific Curfew ("Curfew") time to be established in the Permit.

c. Complies with the Performance Method after Curfew.

The City shall review each such application. A permit may be granted if, upon review, the City believes that the proposed lighting will not create unwarranted glare, sky glow, or light trespass.

VII. EXISTING LIGHTING

A. New Uses or Structures, or Change of Use

Whenever there is a new use of a property (zoning or variance change) or the use of the property is changed, all outdoor lighting on the property shall be brought into compliance with this Ordinance before the new or changed use commences.

B. Additions or Alterations

1. Major Additions.

If a major addition occurs on a property, lighting for the entire property shall comply with the requirements of this Code. For purposes of this section, the following are considered to be major additions:

Additions of 25 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this Ordinance.

Single or cumulative additions, modification or replacement of 25 percent or more of installed outdoor lighting luminaires existing as of the effective date of this Ordinance.

2. Minor Modifications, Additions, or New Lighting Fixtures for Non-residential and Multiple Dwellings

For non-residential and multiple dwellings, all additions, modifications, or replacement of more than 25 percent of outdoor lighting fixtures existing as of the effective date of this Ordinance shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting.

Draft City of Charlevoix Lighting Ordinance 3-1-2024

Any new lighting shall meet the requirements of this Ordinance.

3. Resumption of Use after Abandonment

If a property with non-conforming lighting is abandoned for a period of twelve months or more, then all outdoor lighting shall be brought into compliance with this Ordinance before any further use of the property occurs.

IX. TABLES

Table A - Allowed Total Initial Luminaire Lumens per Site for Non-residential Outdoor Lighting, Per Parking Space Method
May only be applied to properties up to 10 parking spaces (including handicapped accessible spaces).

LZ-0	LZ-1	LZ-2	LZ-3	LZ-4
350 lms/space	490 lms/space	630 lms/space	840 lms/space	1,050 lms/space

Table B - Allowed Total Initial Lumens per Site for Non-residential Outdoor Lighting, Hardscape Area Method
May be used for any project. When lighting intersections of site drives and public streets or road, a total of 600 square feet for each intersection may be added to the actual site hardscape area to provide for intersection lighting.

LZ-0	LZ-1	LZ-2	LZ-3	LZ-4
Base Allowance				
0.5 lumens per SF of Hardscape	1.25 lumens per SF of Hardscape	2.5 lumens per SF of Hardscape	5.0 lumens per SF of Hardscape	7.5 lumens per SF of Hardscape

Table B - Lumen Allowances, in Addition to Base Allowance

	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
Additional allowances for sales and service facilities. No more than two additional allowances per site, Use it or Lose it.					
Outdoor Sales Lots. This allowance is lumens per square foot of uncovered sales lots used exclusively for the display of vehicles or other merchandise for sale, and may not include driveways, parking or other non sales areas. To use this allowance, luminaires must be within 2 mounting heights of sales lot area.	0	4 lumens per square foot	8 lumens per square foot	16 lumens per square foot	16 lumens per square foot
Outdoor Sales Frontage. This allowance is for lineal feet of sales frontage immediately adjacent to the principal viewing location(s) and unobstructed for its viewing length. A corner sales lot may include two adjacent sides provided that a different principal viewing location exists for each side. In order to use this allowance, luminaires must be located between the principal viewing location and the frontage outdoor sales area	0	0	1,000 per LF	1,500 per LF	2,000 per LF
Drive Up Windows. In order to use this allowance, luminaires must be within 20 feet horizontal distance of the center of the window.	0	2,000 lumens per drive-up window	4,000 lumens per drive-up window	8,000 lumens per drive-up window	8,000 lumens per drive-up window
Vehicle Service Station. This allowance is lumens per installed fuel pump.	0	4,000 lumens per pump (based on 5 fc horiz)	8,000 lumens per pump (based on 10 fc horiz)	16,000 lumens per pump (based on 20 fc horiz)	24,000 lumens per pump (based on 20 fc horiz)

Draft City of Charlevoix Lighting Ordinance 3-1-2024

Table C - Maximum Allowable Backlight, Uplight and Glare (BUG) Ratings

May be used for any project. A luminaire may be used if it is rated for the lighting zone of the site or lower in number for all ratings B, U and G. Luminaires equipped with adjustable mounting devices permitting alteration of luminaire aiming in the field shall not be permitted.

TABLE C-1	Lighting Zone 0	Lighting Zone 1	Lighting Zone 2	Lighting Zone 3	Lighting Zone 4
Allowed Backlight Rating*					
Greater than 2 mounting heights from property line	B1	B3	B4	B5	B5
1 to less than 2 mounting heights from property line and ideally oriented**	B1	B2	B3	B4	B4
0.5 to 1 mounting heights from property line and ideally oriented**	B0	B1	B2	B3	B3
Less than 0.5 mounting height to property line and properly oriented**	B0	B0	B0	B1	B2

*For property lines that abut public walkways, bikeways, plazas, and parking lots, the property line may be considered to be 5 feet beyond the actual property line for purpose of determining compliance with this section. For property lines that abut public roadways and public transit corridors, the property line may be considered to be the center-line of the public roadway or public transit corridor for the purpose of determining compliance with this section. NOTE: This adjustment is relative to Table C-1 and C-3 only and shall not be used to increase the lighting area of the site.

** To be considered 'ideally oriented', the luminaire must be mounted with the backlight portion of the light output oriented perpendicular and towards the property line of concern.

Table C - 2 Maximum Allowable Uplight (BUG) Ratings - Continued

TABLE C-2	Lighting Zone 0	Lighting Zone 1	Lighting Zone 2	Lighting Zone 3	Lighting Zone 4
Allowed Uplight Rating	U0	U1	U2	U3	U4
Allowed % light emission above 90° for street or Area lighting	0%	0%	0%	0%	0%

Table C - 3 Maximum Allowable Glare (BUG) Ratings - Continued

TABLE C-3	Lighting Zone 0	Lighting Zone 1	Lighting Zone 2	Lighting Zone 3	Lighting Zone 4
Allowed Glare Rating	G0	G1	G2	G3	G4
Any luminaire not ideally oriented*** with 1 to less than 2 mounting heights to any property line of concern	G0	G0	G1	G1	G2
Any luminaire not ideally oriented*** with 0.5 to 1 mounting heights to any property line of concern	G0	G0	G0	G1	G1
Any luminaire not ideally oriented*** with less than 0.5 mounting heights to any property line of concern	G0	G0	G0	G0	G1

*** Any luminaire that cannot be mounted with its backlight perpendicular to any property line within 2X the mounting heights of the luminaire location shall meet the reduced Allowed Glare Rating in Table C-3.

Table D Performance Method Allowed Total Initial Site Lumens

May be used on any project.

Lighting Zone	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
Allowed Lumens Per SF	0.5	1.25	2.5	5.0	7.5
Allowed Base Lumens Per Site	0	3,500	7,000	14,000	21,000

Table E Performance Method Additional Initial Luminaire Lumen Allowances. All of the following are "use it or lose it" allowances. All area and distance measurements in plan view unless otherwise noted.

Lighting Application	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
Additional Lumens Allowances for All Buildings except service stations and outdoor sales facilities. A MAXIMUM OF THREE (3) ALLOWANCES ARE PERMITTED. THESE ALLOWANCES ARE "USE IT OR LOSE IT".					
Building Entrances or Exits. This allowance is per door. In order to use this allowance, luminaires must be within 20 feet of the door.	400	1,000	2,000	4,000	6,000
Building Facades. This allowance is lumens per unit area of building facade that are illuminated. To use this allowance, luminaires must be aimed at the facade and capable of illuminating it without obstruction.	0	0	8/SF	16/SF	24/SF

Lighting Application	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
Sales or Non-sales Canopies. This allowance is lumens per unit area for the total area within the drip line of the canopy. In order to qualify for this allowance, luminaires must be located under the canopy.	0	3/SF	6/SF	12/SF	18/SF
Guard Stations. This allowance is lumens per unit area of guardhouse plus 2000 sf per vehicle lane. In order to use this allowance, luminaires must be within 2 mounting heights of a vehicle lane or the guardhouse.	0	6/SF	12/SF	24/SF	36/SF
Outdoor Dining. This allowance is lumens per unit area for the total illuminated hardscape of outdoor dining. In order to use this allowance, luminaires must be within 2 mounting heights of the hardscape area of outdoor dining.	0	1/SF	5/SF	10/SF	15/SF
Drive Up Windows. This allowance is lumens per window. In order to use this allowance, luminaires must be within 20 feet of the center of the window.	0	2,000 lumens per drive-up window	4,000 lumens per drive-up window	8,000 lumens per drive-up window	8,000 lumens per drive-up window
Additional Lumens Allowances for Service Stations only. Service stations may not use any other additional allowances.					
Vehicle Service Station Hardscape. This allowance is lumens per unit area for the total illuminated hardscape area less area of buildings, area under canopies, area off property, or areas obstructed by signs or structures. In order to use this allowance, luminaires must be illuminating the hardscape area and must not be within a building below a canopy, beyond property lines, or obstructed by a sign or other structure.	0	4/SF	8/SF	16/SF	24/SF

Table F Maximum Vertical Illuminance at any point in the plane of the property line

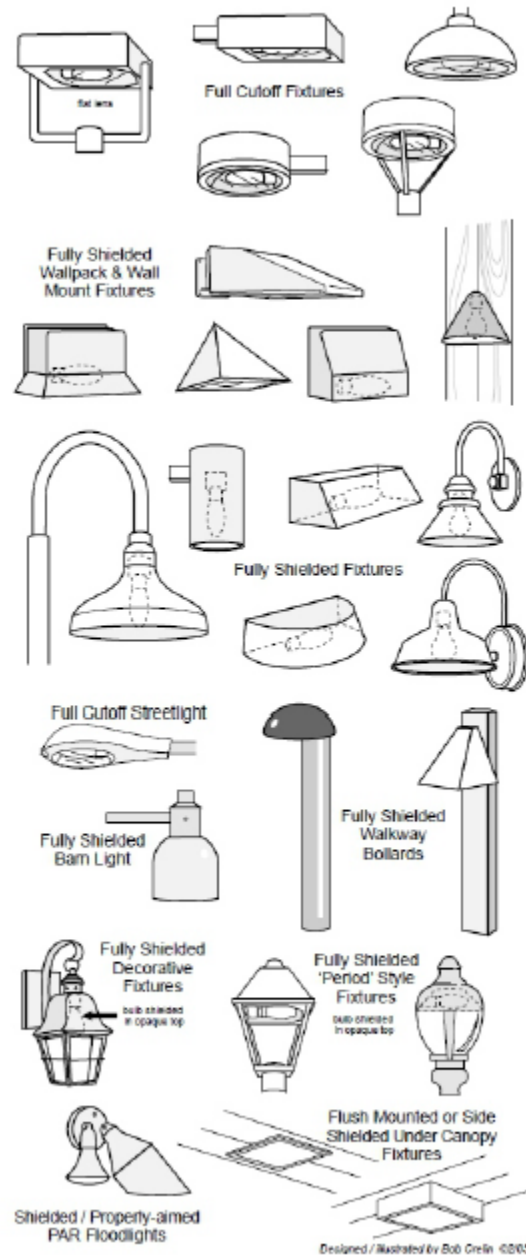
Lighting Zone 0	Lighting Zone 1	Lighting Zone 2	Lighting Zone 3	Lighting Zone 4
0.05 FC or 0.5 LUX	0.1 FC or 1.0 LUX	0.3 FC or 3.0 LUX	0.8 FC or 8.0 LUX	1.5 FC or 15.0 LUX

Table G - Residential Lighting Limits

Lighting Application	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
Row 1 Maximum Allowed Luminaire Lumens* for Unshielded Luminaires at one entry only	Not allowed	420 lumens	630 lumens	630 lumens	630 lumens
Row 2 Maximum Allowed Luminaire Lumens* for each Fully Shielded Luminaire	630 lumens	1,260 lumens	1,260 lumens	1,260 lumens	1,260 lumens
Row 3 Maximum Allowed Luminaire Lumens* for each Unshielded Luminaire excluding main entry	Not allowed	315 lumens	315 lumens	315 lumens	315 lumens
Row 4 Maximum Allowed Luminaire Lumens* for each Landscape Lighting	Not allowed	Not allowed	1,050 lumens	2,100 lumens	2,100 lumens
Row 5 Maximum Allowed Luminaire Lumens* for each Shielded Directional Flood Lighting	Not allowed	Not allowed	1,260 lumens	2,100 lumens	2,100 lumens
Row 6 Maximum Allowed Luminaire Lumens* for each Low Voltage Landscape Lighting	Not allowed	Not allowed	525 lumens	525 lumens	525 lumens

* Luminaire lumens equals Initial Lamp Lumens for a lamp, multiplied by the number of lamps in the luminaire

Examples of Fully Shielded Luminaires



Designed / Illustrated by Bob Grell ©2005

X. DEFINITIONS

Absolute Photometry	Photometric measurements (usually of a solid-state luminaire) that directly measures the footprint of the luminaire. Reference Standard IES LM-79	Hardscape Perimeter	The perimeter measured in linear feet is used to calculate the Total Site Lumen Limit in the Performance Method. Refer to Hardscape definition.
Architectural Lighting	Lighting designed to reveal architectural beauty, shape and/or form and for which lighting for any other purpose is incidental.	IDA	International Dark-Sky Association.
Authority	The adopting municipality, agency or other governing body.	IESNA	Illuminating Engineering Society of North America.
Astronomic Time Switch	An automatic lighting control device that switches outdoor lighting relative to time of solar day with time of year correction.	Impervious Material	Sealed to severely restrict water entry and movement
Backlight	For an exterior luminaire, lumens emitted in the quarter sphere below horizontal and in the opposite direction of the intended orientation of the luminaire. For luminaires with symmetric distribution, backlight will be the same as front light.	Industry Standard Lighting Software	Lighting software that calculates point-by-point illuminance that includes reflected light using either ray-tracing or radiosity methods.
BUG	A luminaire classification system that classifies backlight (B), uplight (U) and glare (G).	Lamp	A generic term for a source of optical radiation (i.e. "light"), often called a "bulb" or "tube". Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays.
Canopy	A covered, unconditioned structure with at least one side open for pedestrian and/or vehicular access. (An unconditioned structure is one that may be open to the elements and has no heat or air conditioning.)	Landscape Lighting	Lighting of trees, shrubs, or other plant material as well as ponds and other landscape features.
Common Outdoor Areas	One or more of the following: a parking lot; a parking structure or covered vehicular entrance; a common entrance or public space shared by all occupants of the domiciles.	LED	Light Emitting Diode.
Curfew	A time defined by the authority when outdoor lighting is reduced or extinguished.	Light Pollution	Any adverse effect of artificial light including, but not limited to, glare, light trespass, sky-glow, energy waste, compromised safety and security, and impacts on the nocturnal environment.
Emergency conditions	Generally, lighting that is only energized during an emergency; lighting fed from a backup power source; or lighting for illuminating the path of egress solely during a fire or other emergency situation; or, lighting for security purposes used solely during an alarm.	Light Trespass	Light that falls beyond the property it is intended to illuminate.
Footcandle	The unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot.	Lighting	"Electric" or "man-made" or "artificial" lighting. See "lighting equipment".
Forward Light	For an exterior luminaire, lumens emitted in the quarter sphere below horizontal and in the direction of the intended orientation of the luminaire.	Lighting Equipment	Equipment specifically intended to provide gas or electric illumination, including but not limited to, lamp(s), luminaire(s), ballast(s), poles, posts, lens(s), and related structures, electrical wiring, and other necessary or auxiliary components.
Fully Shielded Luminaire	A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.	Lighting Zone	An overlay zoning system establishing legal limits for lighting for particular parcels, areas, or districts in a community.
Glare	Lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.	Lighting Equipment	Equipment specifically intended to provide gas or electric illumination, including but not limited to, lamp(s), luminaire(s), ballast(s), poles, posts, lens(s), and related structures, electrical wiring, and other necessary or auxiliary components.
Hardscape	Permanent hardscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways and non-vegetated landscaping that is 10 feet or less in width. Materials may include concrete, asphalt, stone, gravel, etc.	Low Voltage Landscape Lighting	Landscape lighting powered at less than 15 volts and limited to luminaires having a rated initial luminaire lumen output of 525 lumens or less.
Hardscape Area	The area measured in square feet of all hardscape. It is used to calculate the Total Site Lumen Limit in both the Prescriptive Method and Performance Methods. Refer to Hardscape definition.	Lumen	The unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from "watt," a measure of power consumption).
		Luminaire	The complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

Draft City of Charlevoix Lighting Ordinance 3-1-2024

Luminaire Lumens	For luminaires with relative photometry per IES, it is calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70%. For luminaires with absolute photometry per IES LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.	Relative photometry	Photometric measurements made of the lamp plus luminaire, and adjusted to allow for light loss due to reflection or absorption within the luminaire. Reference standard: IES LM-63.
Lux	The SI unit of illuminance. One lux is one lumen per square meter. 1 Lux is a unit of incident illuminance approximately equal to 1/10 footcandle.	Repair(s)	The reconstruction or renewal of any part of an existing luminaire for the purpose of its ongoing operation, other than relamping or replacement of components including capacitor, ballast or photocell. Note that retrofitting a luminaire with new lamp and/or ballast technology is not considered a repair and for the purposes of this ordinance the luminaire shall be treated as if new. "Repair" does not include normal relamping or replacement of components including capacitor, ballast or photocell.
Mounting height	The height of the photometric center of a luminaire above grade level.	Replacement Lighting	Lighting installed specifically to replace existing lighting that is sufficiently broken to be beyond repair.
New lighting	Lighting for areas not previously illuminated; newly installed lighting of any type except for replacement lighting or lighting repairs.	Sales area	Uncovered area used for sales of retail goods and materials, including but not limited to automobiles, boats, tractors and other farm equipment, building supplies, and gardening and nursery products.
Object	A permanent structure located on a site. Objects may include statues or artwork, garages or canopies, outbuildings, etc.	Seasonal lighting	Temporary lighting installed and operated in connection with holidays or traditions.
Object Height	The highest point of an entity, but shall not include antennas or similar structures.	Shielded Directional Luminaire	A luminaire that includes an adjustable mounting device allowing aiming in any direction and contains a shield, louver, or baffle to reduce direct view of the lamp.
Ornamental lighting	Lighting that does not impact the function and safety of an area but is purely decorative, or used to illuminate architecture and/or landscaping, and installed for aesthetic effect.	Sign	Advertising, directional or other outdoor promotional display of art, words and/or pictures.
Ornamental Street Lighting	A luminaire intended for illuminating streets that serves a decorative function in addition to providing optics that effectively deliver street lighting. It has a historical period appearance or decorative appearance, and has the following design characteristics: · designed to mount on a pole using an arm, pendant, or vertical tenon; · opaque or translucent top and/or sides; · an optical aperture that is either open or enclosed with a flat, sag or drop lens; · mounted in a fixed position; and · with its photometric output measured using Type C photometry per IESNA LM-75-01.	Sky Glow	The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.
Outdoor Lighting	Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment.	Temporary lighting	Lighting installed and operated for periods not to exceed 60 days, completely removed and not operated again for at least 30 days.
Partly shielded luminaire	A luminaire with opaque top and translucent or perforated sides, designed to emit most light downward.	Third Party	A party contracted to provide lighting, such as a utility company.
Pedestrian Hardscape	Stone, brick, concrete, asphalt or other similar finished surfaces intended primarily for walking, such as sidewalks and pathways.	Time Switch	An automatic lighting control device that switches lights according to time of day.
Photoelectric Switch	A control device employing a photocell or photodiode to detect daylight and automatically switch lights off when sufficient daylight is available.	Translucent	Allowing light to pass through, diffusing it so that objects beyond cannot be seen clearly (not transparent or clear).
Property line	The edges of the legally-defined extent of privately owned property.	Unshielded Luminaire	A luminaire capable of emitting light in any direction including downwards.
		Uplight	For an exterior luminaire, flux radiated in the hemisphere at or above the horizontal plane.
		Vertical Illuminance	Illuminance measured or calculated in a plane perpendicular to the site boundary or property line.



To: The City of Charlevoix Planning Commission
From: Jonathan Scheel, Zoning Administrator
Subject: Zoning Administrator's Report re: thru March 2024

Permits Issued in 2024

Following are two types of breakdowns for the 91 permits issued by the zoning office so far in 2024:

<u>By month</u>	<u>By type</u>
January7	Banner permits11
February5	Fence permits4
March10	Sidewalk café/use1
April	Sign
May.....	Zoning.....5
June.....	Use.....1
July.....	
August	
September.....	
October.....	
November.....	
December	

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

Central Business District (CBD).....	2
Commercial Mixed (CM).....	1
General Commercial (GC)	
Industrial	
Marine Commercial (MC)	
Residential Private Club (PC)	
Public Facilities	
R-1	3
R-2	5

Level A Site Plan Administrative Review

None

Level B Site Plan Reviews / Special Use Permits

None

Variances to Zoning Board of Appeals

None

Other activities

City staff continue to be engaged with interested developers of housing in Charlevoix.

City representatives will meet with Charlevoix Township to start the process with the Housing Readiness grant.