



Agenda

City of Charlevoix Planning Commission Regular Meeting

Monday, June 10, 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. Approval of Planning Commission Minutes May 13, 2024
- F. Call for Public Comment Not Related to Agenda Items**
- G. Public Hearings**
 - 1. Public Hearing for Mixed Use Overlay District
 - 2. WITHDRAWN BY APPLICANT Public Hearing for Conditional Rezone of 800 State Street to Commercial Mixed Use with office use only
- H. New Business**
 - 1. Planning Commission Annual Report
- I. Old Business**
 - 1. Lighting Ordinance
- J. Staff Updates**
 - 1. Zoning Administrator Report.
- K. Requests For Next Months Agenda or Research Items**
- L. Adjournment by 8:00 p.m. unless extended by a motion**

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

City of Charlevoix
Planning Commission Regular Meeting Minutes
Monday, May 13, 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 6:04 p.m. by Chair Muladore.

B. Roll Call

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

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

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

Motion carried by unanimous voice vote.

E. Approval of the Minutes

1. Minutes from April 8, 2024

Motion by Member Chamberlain, seconded by Member Kurtz to approve the minutes of April 8, 2024, as presented.

Motion carried by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. Public Hearings

1. Public Hearing for Rezone of 800 State Street

Chair Muladore opened the public hearing and briefly described the public hearing process. Director Scheel presented the application, showing the public notice, the application, and maps of the area. Mr. Scheel presented the Commission the Future Land Use Map and page 93 of the Master Plan which showed that the applicant's property was shown as Commercial Mixed Use and that this was a transitional zone that would permit small businesses, offices and higher density housing. Mr. Scheel then stated that the property is a 7,480 square foot residential lot located on the northeast corner of the block zoned Residential 2. The rest of the block is the Catholic Church campus, which includes the church, school, rectory and parking and is zoned Public Facilities. The applicant's property is surrounded by the church parking lot on two sides, single family housing across Garfield St. and a women's shelter across State St. The rest of the neighborhood is zoned Residential 2.

The applicant's representative, Aaron Nordman then presented the application. Mr. Nordman spoke of how the applicant's plan for an office and meeting space with ties to the church would be a good addition to the church campus and fit in with the neighborhood.

Chair Muladore opened the meeting up for public comment.

Laurie Engstrom-Gaudio, 805 State St., voiced her concerns.

Shirley Gibson voiced her concerns.

Al Pertner, 903 State St., voiced his concerns.

Chair Muladore closed the public comment portion of the public hearing and brought the discussion back to the Commission. There was much discussion of the public's concerns. The discussion centered on all of the possible uses allowed, that many would not be appropriate for the lot in question. There was also the opinion that a single-family home would be the most appropriate use for that particular lot. Chair Muladore then went through the Findings of Fact.

- (1) In considering a rezoning application, the Planning Commission and the City Council shall consider the following criteria in making their findings, recommendations and decisions:
 - (a) Consistency with the goals, policies and future land use map of the Charlevoix Master Plan, including all applicable subarea and corridor studies. If conditions have changed since the Master Plan was adopted, then consistency with recent development trends in the area shall be evaluated;

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

The Planning Commission concurs.

- (b) Whether development under current zoning is impractical or less reasonable than the requested or desired zoning district given factors such as development trends;

As the only single family home on the entire block (not including the church owned home), other uses similar to the church facilities may be reasonable.

The Planning Commission concurs.

- (c) Capability of the site's physical, geological, hydrological and other environmental features to accommodate the potential uses allowed in the proposed zoning district;

Not applicable. Standard city lot with all city infrastructure and facilities.

The Planning Commission concurs.

(d) Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, noise, density, nature of use, traffic impacts, aesthetics, infrastructure, impact on the ability to develop adjacent properties under existing zoning and potential influence on property values;

Many uses in the Commercial Mixed Use Zone District are not compatible with this neighborhood. At this time a single-family home is most reasonable in the Residential 2 Zone District.

Motion by Member Beatty, seconded by Member Radke to deny the rezone based on failure of (D) in the findings of fact.

Yeas: Beatty, Kurtz, Radke, Muladore

Nays: Felter, Chamberlain

Absent: Boehmer

Motion carried.

2. Public Hearing for Mixed Use District Ordinance

Chair Muladore opened the public hearing. Director Scheel presented excerpts of the ordinance language and the maps of the areas affected. Chair Muladore opened up for public comment. Multiple residents complained of not being properly noticed. Other comments included that businesses should not be allowed in residential neighborhoods.

Rick Brandi, 1008 St. James Place, voiced his concerns.

Jim Berlage, 1009 St. James Place, voiced his concerns.

Dennis Halverson, Overlook Drive, voiced his concerns.

Vinny Klooster, 1010 St. James Place, voiced his concerns.

Chair Muladore closed the public comment section. The Planning Commission then discussed the amount of public notice necessary to be transparent to the citizens of Charlevoix. The Director stated he met the State law requirements by posting the public hearing in the Charlevoix Courier more than the 15-day requirement. The Commission suggested there should be a better way since no one reads the newspaper. The Director reminded the Commissioners that all hearing notices are also posted on the City's website and also are available at the same time as the Commissioners. The Commissioners then requested the Director contact the City Attorney for an opinion as to whether the Director followed State law in his posting and if they could notify above and beyond the state requirements.

Motion by Member Beatty, seconded by Member Chamberlain table this public hearing item to next month, June 10, 2024. Motion carried by unanimous voice vote.

H. New Business

I. Old Business

1. 2024 Priorities and Activities

Chair Muladore presented the updated Matrix to the Commission. Director Scheel asked if the numbering of the items represented the prioritization. Chair Muladore stated that the items were prioritized under each subheading. Chair Muladore also stated that the Director should have the opportunity to bring any item in front of the Commission when appropriate.

2. Lighting Ordinance

Discussion was held regarding the proposed second version of the light ordinance. A consensus of the Commission stated they liked the simpler version. Director Scheel stated he will fine tune the ordinance language and bring it back next month.

J. Staff Updates

1. Zoning Administrator's Report

The Director stated that the first meeting was held between Charlevoix Township and the City with the Housing Readiness Grant. The meeting was very successful, with the City and Township showing a willingness to work together on lighting, US 31 corridor and general infrastructure and zoning issues.

K. Requests For Next Months Agenda or Research Items

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

Chair Muladore adjourned the meeting at 8:04 p.m.

Sarah J. Dvoracek/js City Clerk

Jennifer Muladore Chair

Charlevoix Planning Commission

Public Hearings

Title: Public Hearing for Mixed Use Overlay District

Date: June 10, 2024

Presented By: Jonathan Scheel, Zoning Administrator

Background:

At the May 13, 2024, meeting, the Planning Commission held a Public Hearing about Commercial and Residential Mixed-Use Regulations supported by Standards and a Commercial/Residential Mixed-Use Overlay Map. Public response showed concerns about lack of notification and concerns about commercial uses allowed in residential neighborhoods. The Planning Commission tabled the public hearing and directed staff to contact the city attorney to request information on the standards of public notification. The attorney's response is included in the packet.

Because of the overwhelming public concern about commercial use being allowed in residential neighborhoods, I have added recommended changes to the overlay maps. The maps now show mixed use regulations only on the US 31 corridor along Bridge Street and Petoskey Ave. The Standards, the Regulations and the Overlay Map will all make up the new ordinance. These ordinance amendments create a commercial mixed-use corridor along Bridge Street from the Central Business District South to the Airport. All of these properties already allow commercial uses on the properties. The new ordinance will promote second floor housing, walkability, outdoor dining experiences and architecture appropriate for the City of Charlevoix. Also proposed are Residential Mixed Use language that allows small scale two-story buildings. These areas include Petoskey Avenue from Nicholls Street, north to the city end. This area already has an office overlay district on the properties with all included properties within 60 feet of US 31 (Petoskey Ave.). The idea would be to have small businesses appropriate to residential areas, including offices (already allowed) and other traditional small businesses including already allowed home-based businesses, and other non-intrusive small businesses. A second story would be required to have residential unit(s) above the first floor, helping with our need for housing and promoting live/work spaces. Again, promoting walkability and architecture appropriate to the residential neighborhoods behind these parcels.

Recommendation:

Discuss, make appropriate changes based on public input with motion to send to City Council

Attachments:

1. attorney response
2. maps 6-10-24
3. Radke questions
4. Commercial mixed-use standards
5. CMU Regulations
6. Delete Office Overlay
7. maps 2

RE: Public notification questions.

Abbie Hawley <Abbie@envlaw.com>

Tue 5/14/2024 10:33 AM

To: Jonathan Scheel <jonathans@charlevoixmi.gov>; Scott Howard <Scott@envlaw.com>

Cc: Karla Gerds <karla@envlaw.com>

Hi Jonathan,

To answer your questions:

1. *Do the 204 property owners and all other property owners within 300 feet of those parcels need to be personally notified?*

Based on your quoted language, notification is unnecessary as each section has at least 11 adjacent parcels.

2. *Are the overlay districts an amendment, a supplement, or a rezoning per Section 125.3203 (2) of the MZEA for notification purposes?*

Yes, we believe it falls into the same category for notification purposes.

3. *Commissions desire to add in additional noticing. Would doing extra set a precedence on future notifications?*

Not necessarily. The law provides the minimum required notification, but they can go above and beyond. The caveat to that is you want to ensure that they are consistently applying the new notification standards.

If the commission would like to abandon the additional notifications in the future, they would be free to do so. However, a word of caution on possible due process or constitutional claims: If historically they adhered to stricter notification standards and applied them to all projects, there could be a problem if they wanted to abandon the extra notifications at a time when there would be a zoning change that would impact a protected class.

For example, if the new zoning would predominately impact a neighborhood comprised of individuals from a particular religion. That could open the door to claims that the only reason the additional notification was abandoned was that the commission did not want to notify those individuals due to their religion.

Let us know if you have any further questions,

Abbie

From: Jonathan Scheel <jonathans@charlevoixmi.gov>

Sent: Tuesday, May 14, 2024 8:35 AM

To: Scott Howard <Scott@envlaw.com>

Cc: Abbie Hawley <Abbie@envlaw.com>

Subject: Public notification questions.

Good morning Scott and Abbie. The Planning Commission is working on an a couple of Mixed Use Overlay Districts. A commercial mixed use district generally running along Bridge Street (US 31) south

of the bridge and a residential mixed use district north along Petoskey Ave. (US 31) and a large area in the south east part of town. 204 parcels all together. There technically are three areas with 40 parcels adjacent to each other, 14 parcels adjacent to each other, 57 parcels adjacent to each other and 93 parcels adjacent to each other. I have attached maps showing the areas.

The Michigan Zoning Enabling Act 125.3103 states the Notice and Publication requirements. Section 103 (2) generally states all owners subject to the request and all other property owners within 300 feet of the subject properties should get notified. Section 125.3202 amendments or supplements, notice of proposed rezoning, Section 202 (2) and (3) state that there is an exception to the publication rule for any group of 11 or more adjacent properties, the personal notice doesn't apply.

My question is does the 204 property owners and all other property owners within 300 feet of those parcels need to be personally notified? Is the overlay districts an amendment, a supplement or a rezoning per Section 125.3202 (2) of the Michigan Zoning Enabling Act for notification purposes.

Lastly, the commission would like to have additional noticing to city residents on changes to the zoning ordinance such as the afore mentioned changes other than state required notice and on our website. They have not specified what that should be. My concern of doing "extra" is that it would set a precedence on future notifications. Your thoughts on that?

Thank you for your time.

Respectfully,

Jonathan Scheel

Director of Planning and Zoning
City of Charlevoix
210 State Street
Charlevoix, MI 49720
231-547-3265

Residential Mixed Use overlay



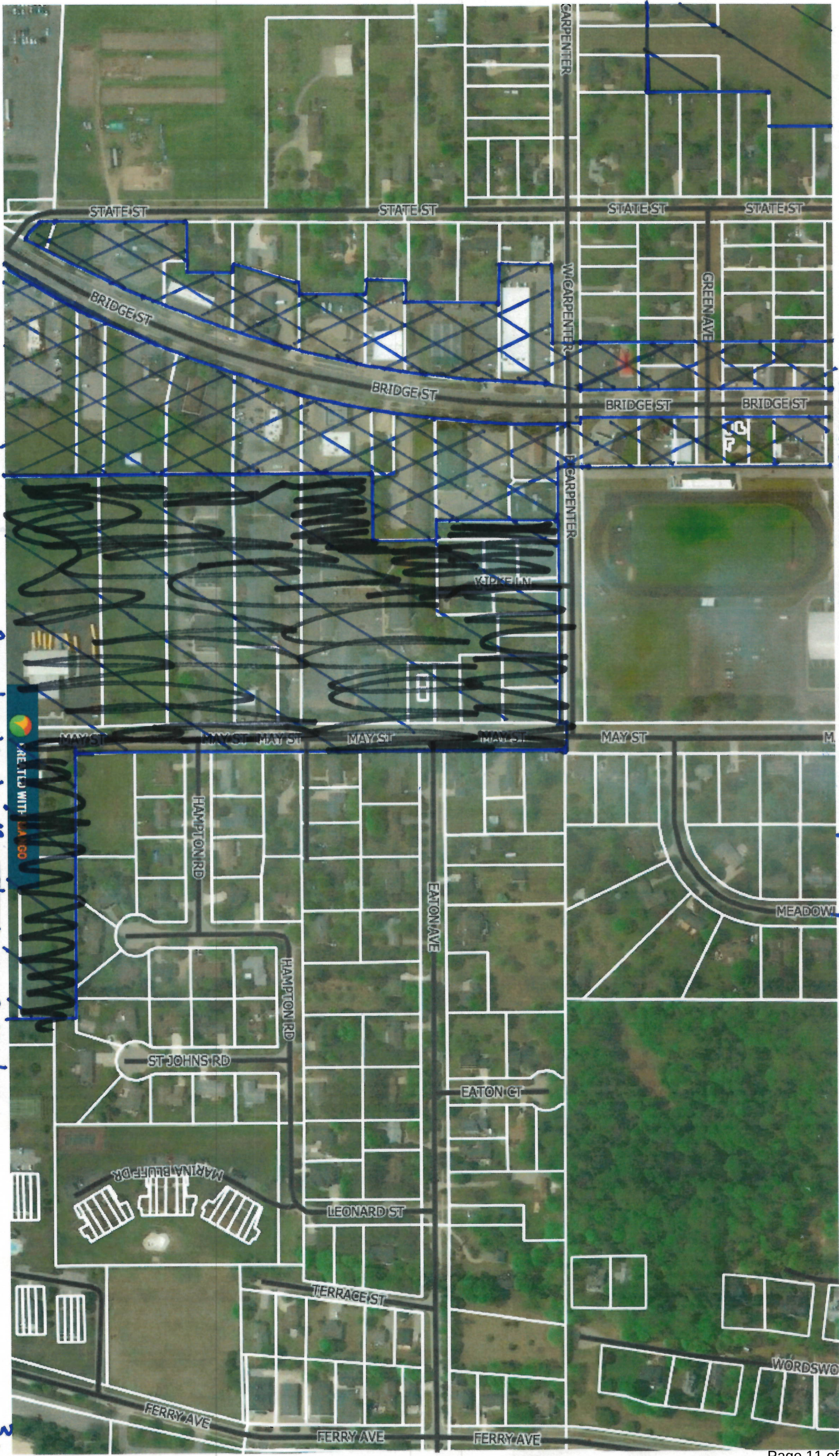
Commercial Mixed Use Overlay corridor only N



~~Residential Mixed Use Overlay~~

Commercial Mixed Use Overlay only

N ↑



CREATED WITH LIA 6.0

Commercial Mixed Use overlay only



↑
N

~~Residential Mixed Use Overlay~~

Mixed Use Regulations May 14, 2024 – Notes From Mo

1. Overlay Districts Maps - Exhibit A are only generally readable. There is no north arrow and no key. Difficult for public comprehension. We never went over this parcel by parcel.

Once the PC has agreed on the parcels to be located in each overlay, I will be contracting with Networks Northwest to provide us with a professional map. The map has not changed in the three + months it has been out for public consumption. After public comment, the expectation is to discuss the maps, the standards and the regulations for final approval with any changes brought on by public comment.

2. Need a copy of the newspaper advertising this overlay zone.

It was included in the May 13, PC packet.

3. The school owned football field was not included in the MU-C Zone. Should it be?

The overlay zones were based on the Future Land Use Map of the 2022 Master Plan. I see no reason we would include the overlay district over Public Facilities areas.

4. The Rose Street properties should not be included in the MUR zone.

This is a cohesive residential neighborhood. There are numerous non-residential uses one block away – drug store, restaurants, gas station, food stores, specialty coffee. Are we creating competition for the existing businesses on Bridge Street?

The land around Rose Lane is exactly where an overlay zone would be helpful for housing development. It is the largest undeveloped area in the city. 4+ acres of empty land. It is already zoned R4 High Density. There is a “cohesive residential neighborhood to the north which is not in the overlay district and 4 lots to the east which I would hardly describe as a neighborhood. Drug stores, gas stations, fast food are not allowed in the overlay district we are proposing. It should not be a large concern of the PC of creating competition in the free-market system we have in the United States.

What happened to our need to create housing? The expansion of the Wojan Industry granted by the ZBA stipulated an extended setback into the Rose Street properties.

The hole basis of the regulations was to incentivize having second stories above small businesses in the residential and commercial areas. In fact, the regulations require you to create housing if you want a business. Remember, many of the businesses we are

allowing in the residential overlay district are already there as allowed home based businesses. The current businesses are working out of the residential home, taking away residential use.

Rose Street is a private road, not wide enough to accommodate two cars passing each other. There is no sewer or water services.

Not sure of the relevance. Most development starts with open land and with development all services are upgraded and/or installed.

5. Page 1.C Are these definitions of land uses for the purposes of this section only?

Probably not. If we have a definition in the existing ordinance, this would replace the existing one. New definitions would be located in the Definitions Section

6. Page 1.B Applicability. ...these Zoning Regulations supersede any conflicting provisions?

Common ordinance language to protect against any contradictions in the ordinance

7. P.3 D.1 MUR Zone – Can you have a non-residential use as a primary use? Also, where else in the City do we have 16 to 30 units/acre?

No, again this ordinance requires residential to be included in any development. Any of our condominiums or apartments in the city are on the 16 to 20 number. If you had underground parking you may reach 30 units per acre. Parking requirements and height will always drive the density. We could say you could have 100 units per acre but because of our other site plan requirements, you would never get above 20.

8. P.3 D.2 MU-CL Zone – Non -Res Uses allowed w/o a residence? Yes!

The US 31 corridor includes many very small lots. This ordinance recognizes that and allows businesses as a single primary use. Remember though. This corridor project was also about the “gateway” to the city. The ordinance is also about aesthetics, walkability, vibrancy among other important factors. There are other important goals in the city other than housing.

9. P.3 E Effect of Ordinance on Existing Zoning District – If this ordinance supersedes the underlying zoning, it is effectively a rezoning!

I’m not sure of the relevance of the question/statement.

10. P.3 Table 1 -Where are regulations for signage, lighting of non-residential uses?

They exist in our existing ordinance. The PC is working on new lighting standards currently and sign/sign lighting is on our priority list.

11. P.4 3. Food & Beverage w or w/o serving beer wine – What is the CS*?

Conditional, special use

12. P.4 3. How does a food and beverage store differ from a convenience store?

DW could be a food beverage store, Friskie Market could be a food beverage store, Krist gas store could be a food beverage store. The PC needs to define it.

13. Missing 4.

?

14. Page 5. Public & Quasi Public Schools – Neither should be allowed in MU-R

Up to the PC

15. Page 5. Pawn shops in MUC? No way.

Up to the PC. 125.3207 of the State Planning Act does state cannot prohibit a land use within your local unit of government. This may or may not be the appropriate place, but you have to allow the use somewhere.

16. Page 6. What is an SRO?

Single Room Occupancy. Micro apartments, basically.

17. Page 6. Table 2 MUR allows 25 units/acre. What is it now?

We do not have density requirements in the R4 District. See answer to #7

18. Page 8. Define fenestration

The arrangement of windows and doors on the elevations of a building.

19. Page 8. Extension to the building length? Really? >100 feet?

At a minimum, we will have large buildings proposed at 101 Hurlbut, any R4 zoned and area. The regulations that are included in the proposed language include no blank walls longer than 10 feet, first floor, 25 feet second floor. There are diagrams and other architectural language to visually scale down large buildings.

20. Page 18. Maximum Building Length 100 feet? Explain why?

See answer to #19

21. Page 11. Define mullion.

A mullion is a vertical or horizontal dividing bar that separates units of a window or screen for decoration

Concluding Solutions/Remarks:

All of these “solutions/remarks” should be brought up to the PC and discussed. As the City Planner, I use my knowledge and experience to propose what I believe are the best solutions to move the goals of the Master Plan forward. It is the PC and City Council that accept or reject those proposed solutions.

1. Delete the Rose Lane (Wojan) properties from consideration, as applied to the Residential and Commercial Overlay District.
2. Adopt the Design Standards and Regulations, with a map that includes only the proposed hotel properties. Test it out with this small area first.
3. Is there another small area of Bridge Street we can test it on?
4. Overall - these standards should strive to put more Residential uses in the Commercial areas, and not more Commercial into existing Residential! This is in keeping with our priority for creating more opportunities for the development of diverse housing types throughout the city.

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 concrete block sound walls should not separate commercial uses from residential uses.

1

2

3

4

5

6

7

8

9

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



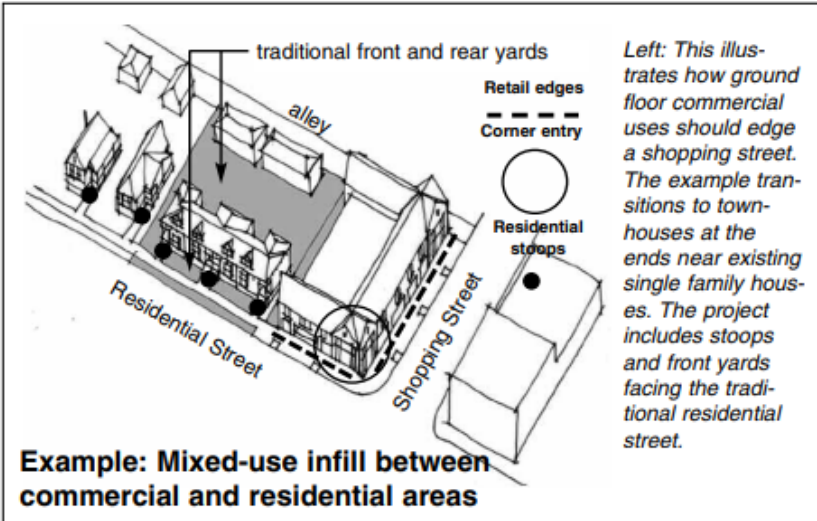
3. Architectural Design

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*

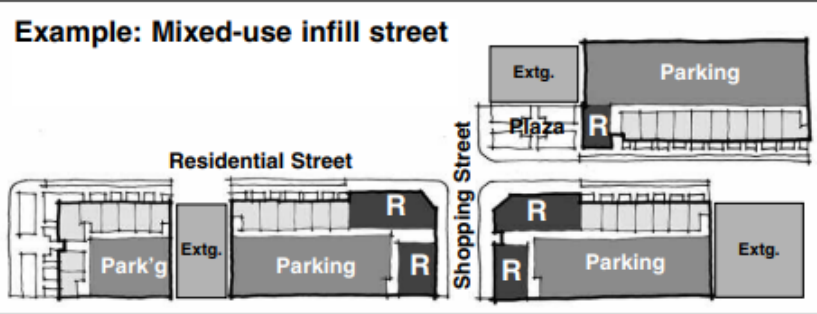


Above: **DESIRABLE**
 (1) This mixed-use project provides streetscaping and outdoor seating areas on a wide sidewalk.
 (2) This storefront includes a signage and graphic concept that supports ground floor retailing.



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:

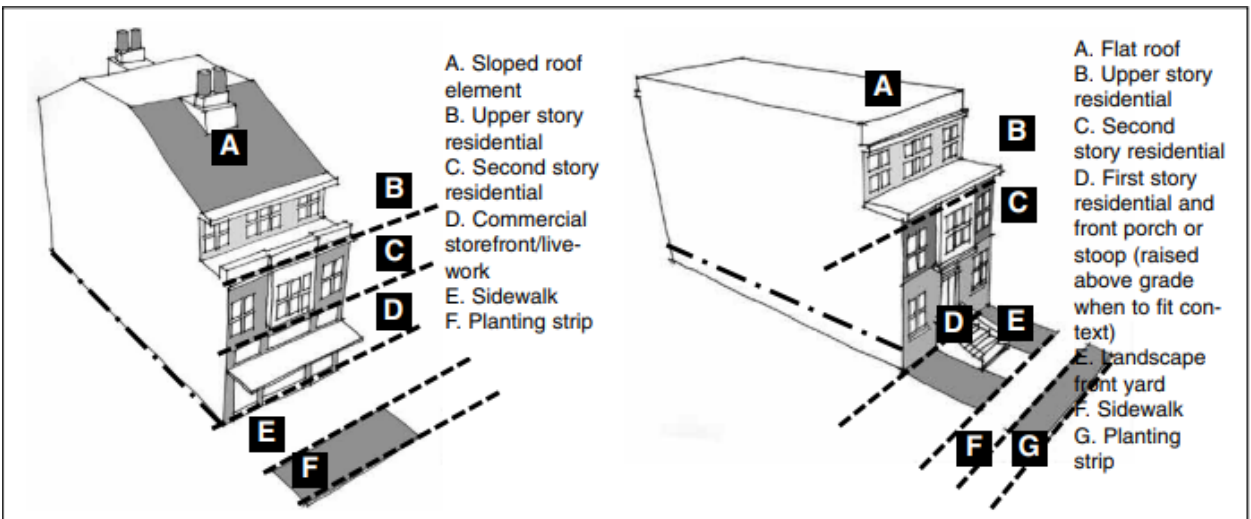
- Transparent storefront level with neighborhood services and housing above;
- Stepping storefront building up into a third story under a pitched roof; and
- Designing attached housing to reflect the patterns and scale of single family housing found on the block.



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.

MIXED-USE REGULATIONS

SECTION 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

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

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			

MIXED-USE REGULATIONS

Animal care facilities, excluding exterior pens or runs		C	
Animal retail sales and supplies, excluding exterior pens or runs		C	
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			

MIXED-USE REGULATIONS

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 > than 10,000 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			

MIXED-USE REGULATIONS

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	

MIXED-USE REGULATIONS

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

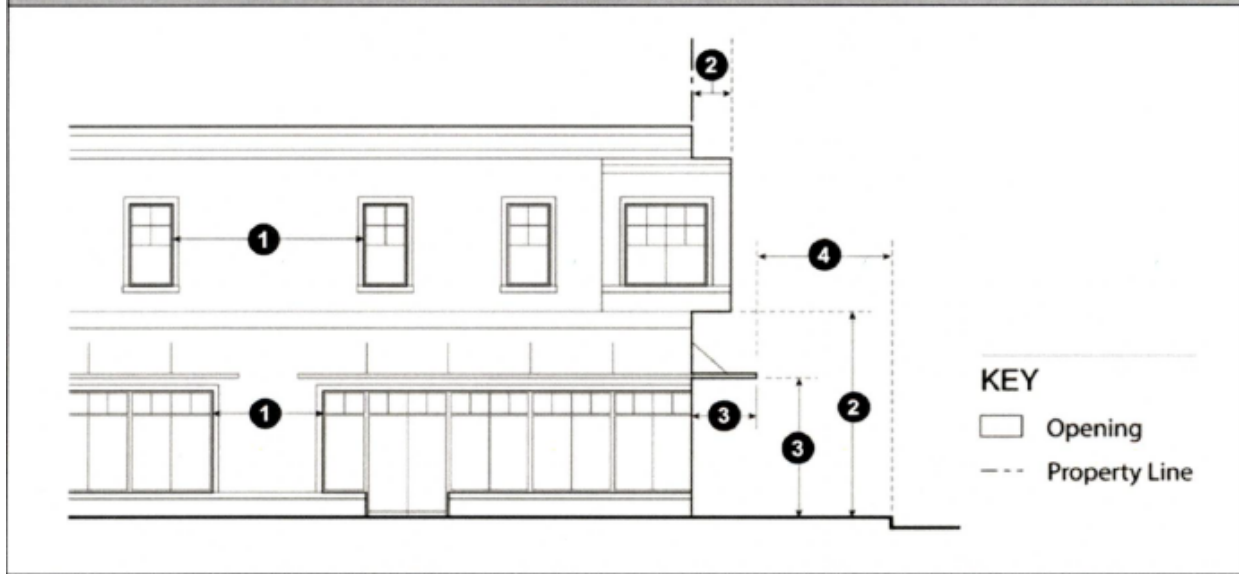
MIXED-USE REGULATIONS

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.

MIXED-USE REGULATIONS

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

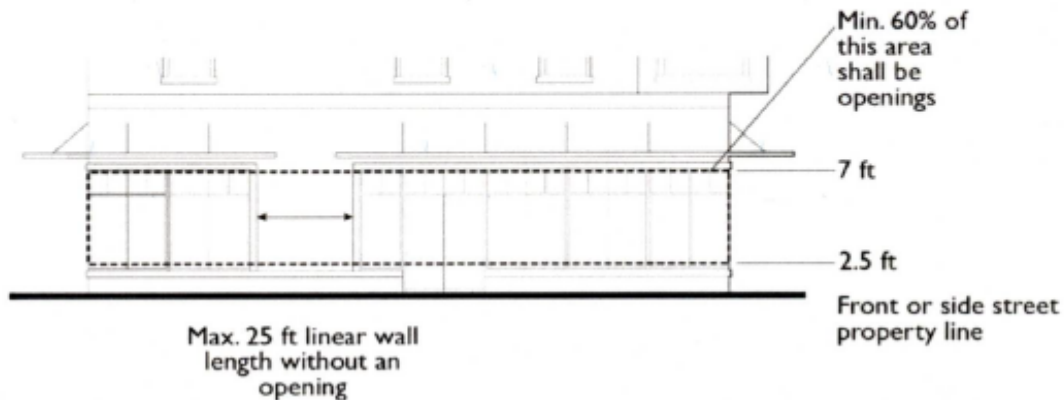
MIXED-USE REGULATIONS

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

MIXED-USE REGULATIONS

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.**

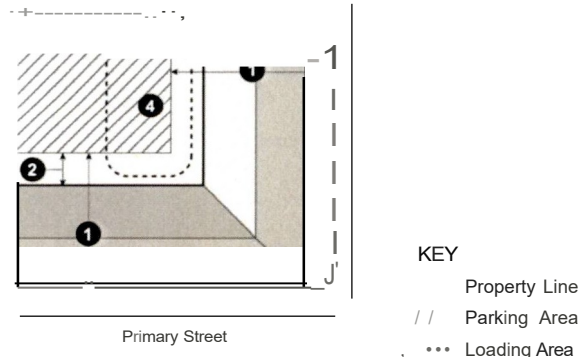
MIXED-USE REGULATIONS

- 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

MIXED-USE REGULATIONS

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



<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	

MIXED-USE REGULATIONS

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,

MIXED-USE REGULATIONS

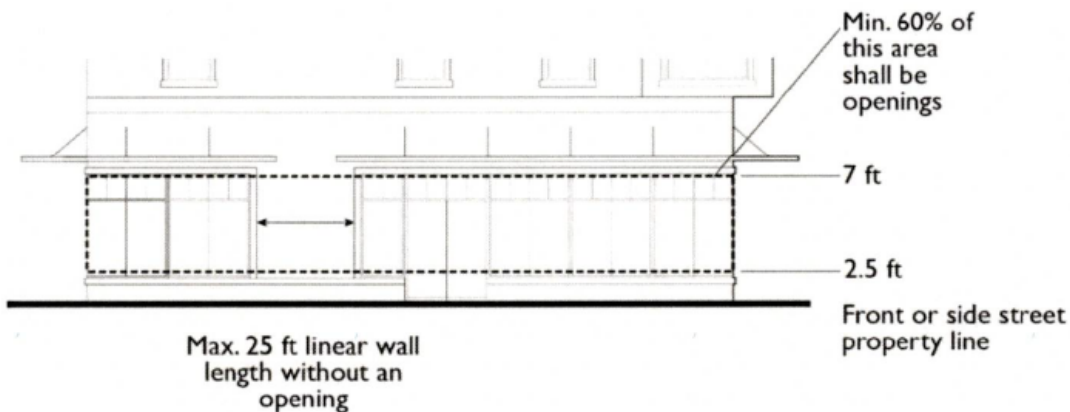
public art, and/or pedestrian amenities, such as outdoor seating.

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

MIXED-USE REGULATIONS

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

MIXED-USE REGULATIONS

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.

MIXED-USE REGULATIONS

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.

~~§ 153.104 NORTH SIDE PROFESSIONAL OFFICE OVERLAY DISTRICT.~~

~~—(A) *Purpose.* The purpose of this district is to continue to allow the conversion of homes to offices fronting U.S. 31/Bridge Street while having a minimal impact on the residential character of the neighborhood.~~

~~—(B) *Applicability.* This overlay district shall include the lots zoned R1 Single-Family Residential that lie on the east side of Michigan Avenue between East Dixon Avenue and Petoskey Avenue, as well as all lots zoned R1 Single-Family Residential that lie on Petoskey Avenue between Michigan Avenue and Fairway Drive. The overlay district does not apply to the site occupied by the Charlevoix Community Reformed Church at 100 Oak Street. (See Zoning Map.)~~

~~—(C) *Permitted uses.* The conversion of homes to professional offices shall be permitted as special land uses, in accordance with the procedures of §§ 153.250 through 153.257 of this chapter.~~

~~—(D) *Other regulations.* The use of a gabled roof is required, with a minimum roof pitch of 8:12 for new construction. Conversion of existing structures may utilize the existing roof pitch and roof design at the time of application. Rooflines shall be consistent with the established character of the surrounding neighborhood relative to height, pitch, configuration and materials. Parking shall meet the requirements of §§ 153.185 through 153.190 of this chapter.~~

~~—(E) *Dimensional requirements.* The dimensional requirements of the R1 Zone shall be required.~~

(Prior Code, § 5.44)

Residential Mixed Use Overlay

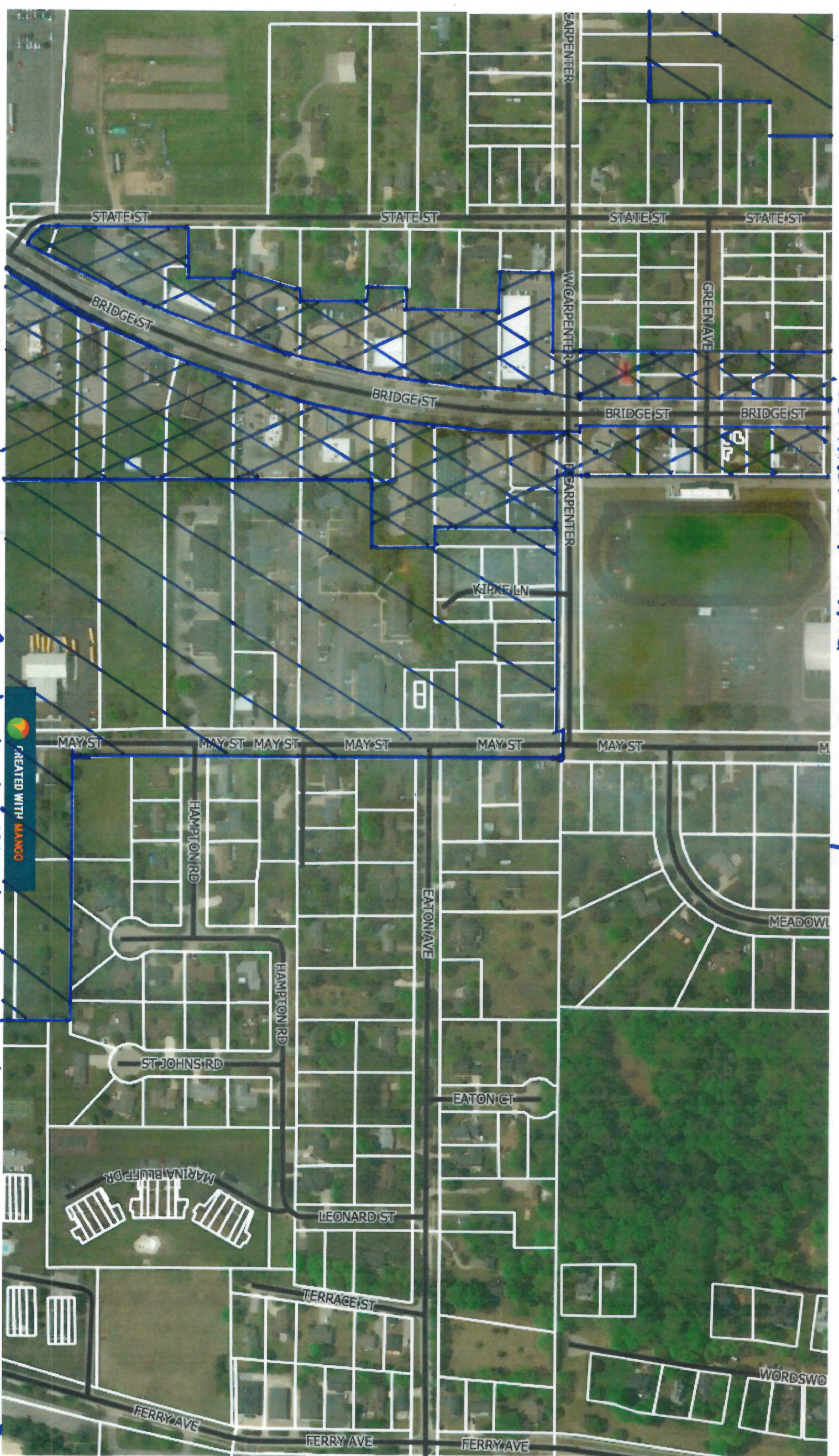


Commercial Mixed Use Overlay



Residential Mixed Use Overlay

Commercial Mixed Use Overlay



Residential Mixed Use Overlay

Commercial Mixed Use overlay



Residential Mixed Use overlay
4.

Charlevoix Planning Commission

New Business

Title: Planning Commission Annual Report

Date: June 10, 2024

Presented By: Jonathan Scheel, Zoning Administrator

Background:

By State of Michigan law, a Planning Commission must submit an Annual Report each year.

Recommendation:

Make any needed changes and submit to the City Council

Attachments:

1. Planning Commission Annual Report 2024

June 10, 2024

Hon. Mayor and Council Members
210 State Street
Charlevoix, MI 49720

RE: 2023 Charlevoix Planning Commission Annual Report

Hon. Mayor and Council Members:

As required per the Michigan Planning Enabling Act, Section 125.3819 (2) (Act 33 of 2008, as amended), the Planning Commission respectfully submits a report of the activities they undertook in the previous twelve months (May 2023-April 2024).

"A planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development."

PLANNING COMMISSIONERS

1. Jennifer Muladore, Chairperson
2. Sherm Chamberlain, Vice-Chair
3. Mary Millington
4. Toni Felter
5. Maureen Radke
6. John Kurtz
7. Scott Beatty
8. Shelley Boehmer
9. Janet Coltman

PLANNING STAFF

Planning and Zoning staff provide support and technical expertise to the Planning Commission as well as other public bodies, City staff, residents, and other inquirers who have questions about the City's Ordinances, development potential, and application processes. Planning services were provided by regional planning agency, Networks Northwest until August 2023. Planning and zoning staff included:

1. Jennifer Neal, Planner, Networks Northwest (left 8/2023)
2. Jonathan Scheel, Zoning Administrator
3. Faith Miller, Enforcement Officer (seasonal)

January of 2023 Jonathan Scheel was promoted to Director of Planning and Zoning

MEETINGS

The Planning Commission met a total of twelve (12) times in the past year. Meetings are typically scheduled for the second Monday of the month, at 6:00 PM, at City Hall. All meetings are held in compliance with the *Open Meetings Act, PA 267 of 1976, as amended*.

1. Monday, May 8, 2023
2. Monday, June 12, 2023
3. Monday, July 10, 2023
4. Monday, August 14, 2023
5. Monday, September 11, 2023
6. Monday, October 9, 2023
7. Monday, November 13, 2023
8. Monday, December 11, 2023
9. Monday, January 8, 2024
10. Monday, February 12, 2024

11. Monday, March 11, 2024
12. Monday, April 8, 2024

Minutes to all Planning Commission meetings are available at <https://charlevoixmi.portal.civicclerk.com/>

ACTIVITIES

The Planning Commission Chairman directed a Housing sub-committee to look for any housing opportunities. The committee brought back information on rezones, working with the Charlevoix School District, and Charlevoix Township.

Housing opportunities including types and sizes in the city, missing middle, expanding housing opportunities at all income levels and implementing housing solutions that fit the community character, primarily duplexes and single multi-family buildings were all discussed.

Housing North presented a current housing study for Charlevoix County and the 10 county region.

Priority Matrix. Review ordinances related to outdoor / RV storage, Mixed Use Overlay Districts landscaping and Lighting.

The City received a Housing Readiness Grant from Michigan State Housing Development Authority to allow the City and the Charlevoix Township to plan together for regional housing.

UPDATES TO THE ZONING ORDINANCE

The Planning Commission continued to review and amend the Zoning Ordinance with language that supports and implements the vision of the adopted Master Plan.

Using Form-Based code to allow more housing choices with the least amount of impact to existing neighborhoods.

Reviewed the Zoning Ordinance for additional language to expand housing choices.

Held public hearings to rezone multiple parcels of General Commercial to Multifamily on the north side of the city and multiple parcels of Residential 1 to Residential 2 on the southwest side of the city. Both were recommended for adoption to the City Council.

LOOKING FORWARD...

In May 2024, the Planning Commission prepared a list of priority activities. The Planning Commission prioritized for 2024/25 discussion around design guidelines and landscaping standards for a mixed-use corridor along US31. Items related to expand Missing Middle Housing include continuing to consider initiatives to increase missing middle housing types, including considering permitting residential uses in the Industrial Zoning District, and considering initiatives to create additional housing in the Central Business District. The Commission also looks forward to an opportunity to hold a joint meeting with the Charlevoix Township Planning Commission to discuss housing initiatives and coordinate land use and future developments with the Township.

Respectfully submitted,

PLANNING COMMISSION
CITY OF CHARLEVOIX, MICHIGAN

Charlevoix Planning Commission

Old Business

Title: Lighting Ordinance

Date: June 10, 2024

Presented By: Jonathan Scheel, Zoning Administrator

Background:

This is the third version of a revised zoning ordinance that the Planning Commission has been reviewing over the last few months.

Recommendation:

Review, debate and send back to staff with any changes.

Attachments:

1. Lighting ordinance version 2

Purpose and Intent. It is the purpose and intent of this Code to balance the goals of the City of Charlevoix Master Plan to maintain its small-town character with the need to provide for safe lighting practices and to minimize light pollution for the enjoyment of Charlevoix's citizens and visitors.

A. The use of outdoor lighting is often necessary for adequate nighttime safety and utility, but common lighting practices can also interfere with other legitimate public concerns. Principles among these concerns are:

1. The degradation of the nighttime visual environment by production of unsightly and dangerous glare;
2. Lighting practices that interfere with the health and safety of Charlevoix's citizens and visitors;
3. Unnecessary waste of energy and resources in the production of too much light or wasted light;
4. Interference in the use or enjoyment of property which is not intended to be illuminated at night, and the loss of the scenic view of the night sky due to increased urban sky-glow.

B. The concerns of safety, utility and aesthetic appearance need not compete. Good modern lighting practices can provide adequate light for safety and utility without excessive glare or light pollution. In nearly all cases, careful attention to when, where and how much nighttime lighting is needed will lead to better lighting practices.

C. The topography and atmospheric conditions in northern Michigan are uniquely suited for commercial and private astronomical observation in the area. Unnecessary or excessive uses of outdoor nighttime lighting have an adverse impact on astronomical observation even at relatively distant observatories.

D. Accordingly, it is the intent of this Code to require lighting practices and systems which will minimize light pollution, glare, light trespass, and conserve energy while maintaining nighttime safety, utility, security and productivity.

Outdoor Lighting. This definition includes the following terms and definitions:

A. "Class 1 lighting" means all outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly or repair areas, advertising and other signs, recreational facilities and other similar applications where color rendition is important to preserve the effectiveness of the activity.

B. "Class 2 lighting" means all outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination for safety or security of the grounds is the primary concern.

C. "Class 3 lighting" means any outdoor lighting used for decorative effects including, but not limited to, architectural illumination, flag and monument lighting, and illumination of trees, bushes, and the like.

D. “Direct illumination” means illumination resulting from light emitted directly from a lamp, luminary, or reflector and is not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

E. “Display lot or area” means outdoor areas where active nighttime sales activity occurs and where accurate color perception of merchandise by customers is required. To qualify as a display lot, 1 of the following specific uses must occur: automobile sales, boat sales, tractor sales, building supply sales, gardening or nursery sales, and assembly lots. Uses not on this list may be approved as display lot uses by the Director.

F. “Foot-candle” means 1 lumen per square foot. Unit of illuminance. It is the luminous flux per unit area in the Imperial system. One foot-candle equals approximately 0.1 (0.093) lux.

G. “Fully shielded light fixture” means a light fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted (see Figure 2.9).

FUTURE PHOTO

Figure 2.9 Example of Fully Shielded Light Fixture (Shoe Box)

H. “Glare” means the sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

I. “Installed” means a light fixture attached or fixed in place, whether or not connected to a power source, of any outdoor light fixture.

J. “Light pollution” means any adverse effect of manmade light.

K. “Light trespass” means light spill falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

L. “Lumen” means a unit used to measure the actual amount of visible light which is produced by a lamp as specified by the manufacturer.

M. “Luminary” means the complete lighting assembly, less the support assembly.

N. “Motion sensing security lighting” means any fixture designed, and properly adjusted, to illuminate an area around a residence or other building by means of switching on a lamp when motion is detected inside the area or perimeter, and switching the lamp off when the detected motion ceases.

O. “Multi-class lighting” means any outdoor lighting used for more than 1 purpose, such as security and decoration, such that its use falls under the definition of 2 or more classes as defined for Class 1, 2 and 3 lighting.

P. "Net acreage" means the remaining ground area of a parcel after deleting all portions for proposed and existing public rights-of-way and undeveloped area.

Q. "Outdoor light fixture" means an outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. Such devices shall include, but are not limited to, lights used for:

1. Buildings and structures;
2. Recreational areas;
3. Parking lot lighting;
4. Landscape lighting;
5. Architectural lighting;
6. Signs (advertising or other);
7. Street lighting;
8. Product display area lighting;
9. Building overhangs and open canopies;
10. Security lighting.

R. "Outdoor recreation facility" means an area designed for active recreation, whether publicly or privately owned, including, but not limited to, parks, baseball diamonds, soccer and football fields, golf courses, tennis courts, and swimming pools.

S. "Partially shielded light fixture" means a fixture shielded in such a manner that no more than 10% of the light emitted directly from the lamp or indirectly from the fixture is projected at an angle above the horizontal, as determined by photometric test or certified by the manufacturer. Luminaries mounted under canopies or other structures such that the surrounding structure effectively shields the light in the same manner are also considered partially shielded for the purposes of this Code.

T. "Security lighting" means lighting designed to illuminate a property or grounds for the purpose of visual security. This includes fully shielded lighting designed.

U. "Unshielded fixture" means any fixture that allows light to be emitted above the horizontal directly from the lamp or indirectly from the fixture or a reflector.

V. "Watt" means the unit used to measure the electrical power consumption (not the light output) of a lamp.

Applicability.

A. New Uses, Buildings and Major Additions or Modifications. If the total cumulative increase in floor area is greater than 33% for single-family residential or greater than 10% for all other uses,

then all outdoor lighting fixtures shall meet the requirements of this Code for the entire site, including previously installed and any new outdoor lighting. Cumulative modification or replacement of outdoor lighting constituting 25% or more of the permitted lumens for the parcel, no matter the actual amount of lighting already on a nonconforming site, shall constitute a major addition for purposes of this section.

B. Minor Additions. If the total cumulative increase in the floor area is 33% or less for single family residential or 10% for all other uses, then full conformance of the existing portion of the building or structure is not required. However, such projects shall require the submission of a complete inventory and Site Plan detailing all existing and any proposed new outdoor lighting.

C. New Lighting. Any new lighting on the site shall meet the requirements of this Code with regard to shielding and lamp type; the total outdoor light output after the modifications are complete shall not exceed that on the site before the modification, or that permitted by this Code, whichever is larger.

D. Resumption of Use after Abandonment. If a property or use with nonconforming lighting is abandoned as defined in 153.293, Nonconforming Buildings or Structures, then all outdoor lighting shall be reviewed and brought into compliance with this Code before the use is resumed.

E. Public Roadways. In general, this Code does not apply to city and state rights-of-way. However, the goal of the City is to have all such street lights fully shielded.

Outdoor Lighting Standards.

A. Low Pressure Sodium Lighting. Due to their high energy efficiency, long life and spectral characteristics, low pressure sodium (LPS) lamps are the preferred illumination source throughout the city. Their use is to be encouraged, when not required, for outdoor illumination whenever its use would not be detrimental to the use of the property. Ten percent white light added to LPS light permits nearly normal color perception.

1. Class 1 Lighting. Low pressure sodium (LPS) lamps are not required. Businesses who chose to use LPS as their primary lamps are eligible to apply for an additional 10% increase in the lumens per acre allowed for their site.

2. Class 2 Lighting. Low pressure sodium (LPS) lamps are required. Up to 10% of the total lumens per acre allowed may be white light.

B. Light Trespass Standard. All light fixtures, including security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the source.

Particular care is to be taken to assure that the direct illumination does not fall onto or across any public or private street or road. Motion sensing light fixtures shall be fully shielded and properly adjusted, according to the manufacturer's instructions, to turn off when detected motion ceases.

C. Lamp and Shielding. All light fixtures are required to be fully shielded and shall be installed in such a manner that the shielding complies with the definition of fully shielded light fixtures for all uses, including single-family and multifamily residential uses, except as provided below.

1. All lamp types above 2,000 lumens shall be fully shielded.

2. Partially shielded light fixtures may be permitted subject to the approval of the Director.

Partially shielded light fixtures are limited to a maximum of 5,500 lumens per net acre and shall not exceed 2,000 per lamp (see subsection (D) of this section).

D. Total Outdoor Light Output Standards – Nonresidential and Multifamily Uses.

1. Total outdoor light output shall not exceed .4356 lumens per net foot for all development except single-family residential uses. This cap is not intended to be achieved in all cases or as a design goal. Instead, design goals should be the lowest levels of lumens necessary to meet the lighting requirements of the site. Partially shielded light fixtures are limited to a maximum of 7.92 lumens per net foot and are counted towards the 100,000 lumens per net acre cap.

2. Seasonal decorations, permitted between Thanksgiving and January 15, are not counted toward these limits. Lighting used for external illumination of signs is counted.

E. Total Outdoor Light Output Standards – Single-Family Residential Uses.

1. Outdoor lighting for single-family residential uses is not subject to a lumens per net acre cap.

2. Outdoor lighting for single-family residential uses is subject to the lamp fixture and shielding requirements.

F. Parking Lot Standards. Parking lots shall be considered Class 2 lighting. Parking lot lighting poles shall be sized in such a manner that the top of any luminary does not exceed 12 feet above adjacent grade.

G. Lighting Time Limitations.

1. Class 1 lighting, including but not limited to sales, service, commercial, assembly, repair, maintenance, and industrial areas, may only continue in operation until 11:00 p.m. or for as long as the area is in active use but once off remain off during nonbusiness hours.

2. Class 2 lighting shall have no time restrictions except as specified by any conditions of approval. Uses that do not require all-night illumination are encouraged to turn off their outdoor lighting during night hours whenever possible.

3. Class 3 lighting, except for flagpole lighting, must be extinguished after 11:00 p.m. or when the business closes, whichever is later, except that low-wattage holiday decorations may remain on all night from Thanksgiving to January 15.

4. Multi-class lighting, except for security lighting, must conform to the time limitations of the strictest class.

H. Multi-Class Lighting Standard. Multi-class lighting must conform to the shielding and timing restrictions, if any, that apply to the most restrictive included class.

I. Class 3 Lighting Standards.

1. All Class 3 lighting must be selected, designed, installed, and aimed so that there is a minimum amount of spill beyond the area intended to be lighted.

2. Permanent exposed string lighting is not permitted.

3. All Class 3 lighting must comply with the light trespass standards as described in subsection 911.05(B) of this section.

4. All Class 3 lighting shall comply with the lamp and shielding standards as described in subsection 911.05(C) of this section.

5. a. Subject to the approval of the Director, uplighting or ground-mounted lighting may be allowed to accent unique features of a building and/or surrounding landscaping (such as outstanding architectural features, specimen trees with dense year-round foliage or large native shrub masses). Uplighting or ground-mounted lighting shall be designed and installed in such a manner as to minimize glare with special consideration in areas where there is vehicle and pedestrian traffic.

b. All lighting which is directed upwards shall be placed in such a manner that the angle of the lamp shall not be greater than 45 degrees measured from a horizontal plane to a line projected through the center of the lamp, and fixtures shall be fully shielded to contain and direct the light onto the feature to be lighted.

J. Searchlights, floodlights, laser source lights, strobe or flashing lights, illusion lights or any similar high intensity light shall not be permitted except in emergencies by police and fire personnel at their direction. Spot lights are permitted and must be directed downward 45 degrees from any neighboring property.

K. On projects where an engineer or architect is required, the developer shall verify in writing to the city that all outdoor lighting was installed in accordance with the approved plans.

Special Uses.

A. Recreational Facilities.

1. Lighting for outdoor athletic fields, courts or tracks shall be considered Class 1.

2. Lighting allowed in this subsection shall be subject to approval. When the proposed lumens per acre exceed the lumens per net acre limits, the installation shall be designed to achieve no greater than the minimum illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).

3. Every such lighting system design shall be certified by a Michigan registered engineer as conforming to all applicable restrictions of this Code.

4. Such lighting shall not include any light trespass as determined by the Director.

5. All events shall be scheduled so as to complete all activity and lights turned off by 10:00 p.m.

6. Fully shielded lighting shall be required for fields designed for amateur, recreational or nonprofessional sports activity. For professional level sports facilities where fully shielded fixtures are not utilized, acceptable luminaries shall include those which:

a. Are provided with internal or external glare control louvers, or both, and installed so as to minimize uplight and off-site light trespass as determined by the Director; and

b. Are installed and maintained with aiming angles that permit no greater than 2% of the light emitted by each fixture to project above the horizontal.

B. Outdoor Display Lots. Light for outdoor display lots shall be considered Class 1, and shall conform to the lumens per net acre limits except as follows:

1. All such lighting shall utilize fully shielded luminaries that are installed in a fashion that maintains the fully shielded characteristics.

2. When the proposed lumens exceed the per acre limits, the installation shall be designed to achieve no greater than the minimum illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).

3. Such lighting shall not include any light trespass as determined by a Michigan Arizona registered engineer as conforming to all applicable restrictions of this Code.

5. Lighting Time Limitations. Outdoor display lot lighting shall conform to the hours of operation as established under Class 1 lighting standards. Any lighting on after the time limitations shall be considered Class 2 lighting and shall conform to all restrictions of this Code applicable to this class.

C. Service Station Canopies.

1. Class 2. Lighting for service station canopies shall be considered Class 2 lighting.

2. Shielding. All luminaries shall be flush with the lower surface of canopies and utilize flat glass or plastic covers.

3. Total Under-Canopy Output. The total light output used for illuminating service station canopies, defined as the sum of under-canopy initial bare-lamp outputs in lumens, shall not exceed 40 lumens per square foot of canopy. All lighting mounted under the canopy, except internally illuminated signs, shall be included in the total. Fifty percent of the total lumen output of all lamps mounted within or under a canopy shall be included in the lumen per acre cap.

D. Other Lighting on Parcels with Special Uses. All site lighting not directly associated with the special uses as permitted shall conform to all lighting standards described in this Code.

Plan Submittal and Evidence of Compliance.

A. Plan Submittal. Whenever a person is required to obtain a permit for outdoor lighting or signage, a conditional use permit, subdivision approval or any development plan approved by the city, including all city projects, or whenever a person requests a rezoning, the applicant shall, as part of the application process, submit sufficient information to enable the Director to determine whether proposed lighting complies with this Code. All applications may be subject to review and action by the Planning and Zoning Commission at the discretion of the Director.

B. Applications. All applications shall include the following:

1. A Site Plan indicating the location of all lighting fixtures, both proposed and any already existing on the site.

2. A description of each illuminating device, fixture, lamp, support and shield, both proposed and existing. The description shall include, but is not limited to, manufacturer's catalog cuts and illustrations (including sections where required); lamp types, wattages and initial lumen outputs.

3. Such other information that the Director may determine is necessary to ensure compliance with this Code.

C. Plan Approval. If the Director determines that any proposed lighting does not comply with this Code, the permit shall not be issued or the plan approved.

D. Lamp or Fixture Substitution. Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the Director for approval, together with adequate information to assure compliance with this Code, which must be received prior to substitution.

E. Certification of Installation. For all projects, commercial and multi-family, certification that the lighting, as installed, conforms to the approved plans shall be provided by a certified engineer

before the Certificate of Occupancy is issued. Until this certification is submitted, approval for use of a Certificate of Occupancy shall not be issued for the project.

Approved Materials and Methods of Construction or Installation/Operation – Approval of Alternatives. The provisions of this Code are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed by this Code, provided any such alternate has been approved by the Director. The Director may approve any such proposed alternate providing that it:

A. Provides at least approximate equivalence to that applicable specific requirement of this Code.

B. Is otherwise satisfactory and complies with the intent of this Code.

Exemptions and Nonconforming Lights.

A. All nonconforming outdoor light fixtures lawfully installed prior to and operable on the effective date of the ordinance codified in this Code are exempt from all requirements of this Code. However, there shall be no change in use or lamp type, or any replacement (except for same type and same-output lamp replacement) or structural alteration made, without conforming to all applicable requirements of this Code.

B. In the event that an outdoor lighting fixture is abandoned or is damaged to the point of requiring repairs for safe operation, the repaired or replacement fixture shall comply with the provisions of this Code.

C. Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt from all requirements of this Code for as long as the emergency exists.

D. Swimming Pool and Decorative Water Fountain Lighting. Underwater lighting used for the illumination of swimming pools and decorative water fountains is exempt from the lamp type and

SIGNS

G. Lighting Requirements.

1. Externally lit signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the sign without causing glare.

2. Light bulbs or lighting tubes used for illuminating a sign shall not be visible from adjacent public rights-of-way or residential properties.

3. External illumination for signs shall conform to all provisions of Outdoor lighting.

Such lighting shall be treated as Class 1 lighting and shall conform to the lamp and shielding restrictions and lumen caps.

4. The intensity of sign lighting shall not exceed that necessary to illuminate and make legible a sign from the adjacent travel way or closest right-of-way; and the illumination of a sign shall not be obtrusive to the surrounding area as determined by the Director.

22

5. The fixtures used to illuminate signs shall not be directed toward nearby residential properties.

6. Internally illuminated signs are permitted in certain circumstances as follows:

a. Individual back-lit letters which are silhouetted against a softly illuminated wall (see Illustration 11-1);

Illustration 11-1

b. Individual letters with translucent faces, containing soft lighting elements inside each letter (see Illustration 11-2); and

Illustration 11-2

c. Metal-faced box signs with cut-out letters and soft-glow fluorescent tubes (see Illustration 11-3).

Illustration 11-3

7. Fluorescent lights shall be allowed for indirect illumination when placed in such a manner that the light tubes are not exposed to view from the public right-of-way or sidewalk.

23

8. A sign may be illuminated during the hours of operation of the facility being identified or advertised or until 11:00 p.m., whichever is later.

9. Such signs shall provide an automatic timer to comply with the intent of this section.

10. Illumination of off-premises signs is prohibited, except in the case of off-premises kiosks which are subject to the provisions of this Code.

11. a. Ground-mounted sign lighting is not permitted for freestanding signs on poles, where open

space is visible from the bottom of the sign to the ground. The Director may approve ground mounted lighting for freestanding signs which are constructed in such a way that no open space is visible from the bottom of sign to the ground (such as solid base, landscaping).

b. All ground-mounted lights shall be placed in such a manner that the angle of the lamp shall not be greater than 45 degrees measured from a horizontal plane to a line projected through the center of the lamp, and fixtures shall be fully shielded to contain and direct the light onto the sign only. All upward-directed sign lighting is prohibited.



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 40 permits issued by the zoning office so far in 2024:

<u>By month</u>	<u>By type</u>
January6	Banner permits14
February4	Fence permits4
March10	Sidewalk café/use1
April20	Sign3
May.....	Zoning.....12
June.....	Use.....3
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).....2
General Commercial (GC)
Industrial
Marine Commercial (MC)
Residential Private Club (PC)
Public Facilities
R-16
R-210

Level A Site Plan Administrative Review

None

Level B Site Plan Reviews / Special Use Permits

None

Variances to Zoning Board of Appeals

509 Newman 6-foot side yard setback variance

Denied

Other activities