CITY OF CHARLEVOIX

Agenda
City of Charlevoix Planning Commission Regular Meeting
Monday, July 8, 2024 - 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

A. Call to Order/Pledge of Allegiance

B. Roll Call

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

E. Approval of the Minutes

1. June 10, 2024 Minutes

F. Call for Public Comment Not Related to Agenda Items

G. Public Hearings

1. Commercial and Residential Mixed-Use Corridor Zoning Ordinance Amendments

H. New Business

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, June 10, 2024 - 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

A. Call to Order/Pledge of Allegiance

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

B. Roll Call

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

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

Chair Muladore announced the public hearing for the conditional rezoning of 800 State Street had been removed from the agenda as the applicant had withdrawn the rezoning application. Member Chamberlain asked to add an item to discuss the area requirements for commercial mixed use.

Motion by Member Radke, seconded by Member Boehmer to approve the agenda as presented with the addition of an item to discuss the area requirements for commercial mixed use.
Motion carried by unanimous voice vote.

E. Approval of the Minutes

1. Approval of Planning Commission Minutes May 13, 2024

Motion by Member Felter to approve the minutes as presented.

Member Radke stated she had two corrections, item G., first page, last paragraph reads *northeast* corner of the block when in fact it should read *northwest* corner of the block and Item 2, Page 2 instead of Vinny Klooster, 1010 St. James Place, voiced *his* concerns the minutes should read, voiced *her* concerns.

Motion by Member Felter, seconded by Member Chamberlain to amend the motion to approve the minutes of the May 13, 2024, Planning Commission Meeting as corrected.
Motion passed by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

Paul Silva of Hotel Earl, 120 Michigan Avenue, stated he came to the meeting to ask if the Commission would consider revising the rooftop noise ordinance. Mr. Silva stated they have a neighbor that is weaponizing the way the ordinance is written, and it currently doesn't allow amplified music on rooftops in downtown Charlevoix, regardless of the decibel level. Mr. Silva stated they have one neighbor that has called the police several times. The hotel shuts down the

music at 10:30 p.m.and closes the rooftop at 11:00 p.m. Mr. Silva asked the Commission to consider amending the ordinance to add a certain decibel level rather than no amplified music. Director Scheel stated that this issue could be revisited.

G. Public Hearings

1. Public Hearing for Mixed Use Overlay District
   Chair Muladore opened the public hearing at 6:09 p.m.

   Director Scheel referenced the meeting on May 13 where the Planning Commission held a public hearing about Commercial and Mixed-Use Regulations supported by Standards and a Commercial/Residential Mixed Use Overlay Map. Public response showed concerns about the 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 to ensure that the public notification was noticed correctly. The City Attorney's response supported the fact that the notification process was done correctly by Director Scheel.

   Director Scheel stated that because of the overwhelming public concern about commercial use being allowed in residential neighborhoods, he recommended changes to the overlay map. The revised maps now show mixed use regulations only on the US 31 corridor along Bridge Street and Petoskey Avenue. The 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. Also proposed is residential mixed use language that allows small scale two-story buildings in areas along Petoskey Avenue from Nichols Street north to the city limits.

   Shirley Gibson thanked the Commission for revising the Overlay Map and protecting the residential neighborhoods.

   The public hearing was closed at 6:17 p.m.

   A couple of weeks ago, Member Radke contacted Chair Muladore and Director Scheel regarding questions about the Mixed-Used Regulations. Director Scheel responded to Member Radke in a document that was included in the agenda packet and those responses were discussed.

   Chair Muladore began a review of the proposed Mixed-Use Regulations and after discussion the following changes were recommended:

   - Consistent language throughout the document referencing Commercial Mixed Use vs. Corridor Mixed Use Low
   - After discussion, change second hand and pawn shops to second hand and consignment stores. The location of pawn shops will come back at a different meeting to be included in the industrial zoned area.
   - After discussion, height limitations were left as proposed in the document

Chair Muladore stated the end of the document included the deletion of the North Side Professional Office Overlay District which covers Petoskey Avenue. Director Scheel stated that right now there is the Professional Office Overlay District and the new Residential Mixed Use Overlay District follows almost lot for lot, other than the larger developable land that is very unlikely to change, such as the church and the golf course. The district would allow the offices that are presently there and allow some additional office type uses, and may require a second story for residential, which is for major redevelopment.

Director Scheel stated he would bring the regulations back next month with the few minor changes the Commission has requested. The changes will be red-lined and will be on the next agenda as old business.

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
   Motion by Member Boehmer, seconded by Member Felter to approve the Annual Report as presented and submit it to City Council.
   Motion passed by unanimous voice vote.
2. Area Requirements for Commercial Mixed Use (added during approval of the agenda)
   Member Chamberlain stated that in reviewing the proposal for the Commercial Mixed Use rezone he took a look at the requirement of 9,000 sq. ft., then he went to the Zoning Map and determined that 85% of the City's lots do not comply with the 9,000 sq. ft. minimum requirement. Member Chamberlain stated that the Commission should take a hard look at reducing that number. Director Scheel stated that the median size of the commercial mixed use lots is at about 7,200 sq. ft.; there are many lots 6,000 sq. ft. that are commercial mixed-use.

I. Old Business

1. Lighting Ordinance
   Commission did not discuss item.

J. Staff Updates

1. Zoning Administrator Report
   Director Scheel stated his department is staying very busy and provided the following permit information:
   March - 10 permits issued
   April -20 permits issued
   May-18 permits issued

K. Requests For Next Months Agenda or Research Items

Chair Muladore stated for the July meeting they will have commercial mixed use, lighting, minimum area for commercial mixed use, and in the future re-addressing the rooftop ordinance concerns. Director Scheel stated he could provide a report on the rooftop ordinance and

information on what a noise ordinance based on the sound volume would look like vs. amplified noise restriction.

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

Chair Muladore adjourned the meeting at 8:08 p.m.

_____ _____

Sarah J. Dvoracek/fgm City Clerk Jennifer Muladore Chair

Charlevoix Planning Commission

Public Hearings

Title: Commercial and Residential Mixed-Use Corridor Zoning Ordinance Amendments
Date: July 8, 2024

Presented By: Jonathan Scheel, Zoning Administrator

Background:
The proposed ordinance language now includes all changes requested by the Planning Commission. The maps now show mixed use regulations only on the US 31 corridor along Bridge Street and Petoskey Ave. The Standards (intent), 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 is 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. 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 is 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. 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 is 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

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Recommendation:

Motion to recommend approval and send to Attorney and City Council.

Attachments:

1. Commercial mixed-use standards
2. CMU Regulations
3. x_____xxlB1HfsDQUI6xxBwQFTM0Q..x_____x_ags_20f0af74-393f-11ef-bd3b-0e7f82b6934b
4. CMU map

Architectural Design Standards Commercial Mixed-Use

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

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

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

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

1. Site Planning

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

Vertical Mixed-use:

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

Horizontal Mixed-use:

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

1. 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.

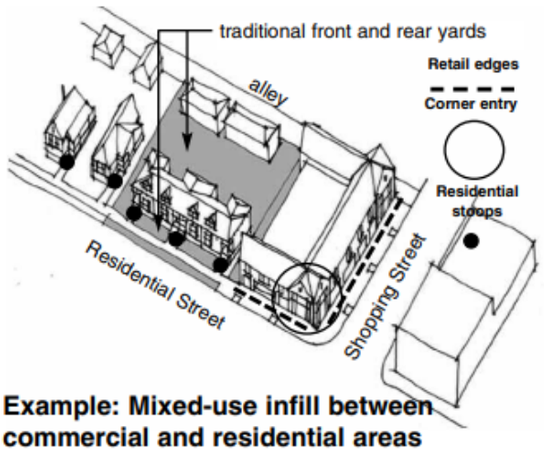
• Mixed-use projects in the Downtown and neighborhood commercial areas area need to satisfy economic and social objectives for storefront shopping and commercial services.
• When ground floor commercial uses are not possible, projects should include common amenities for projects, such as health clubs 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.



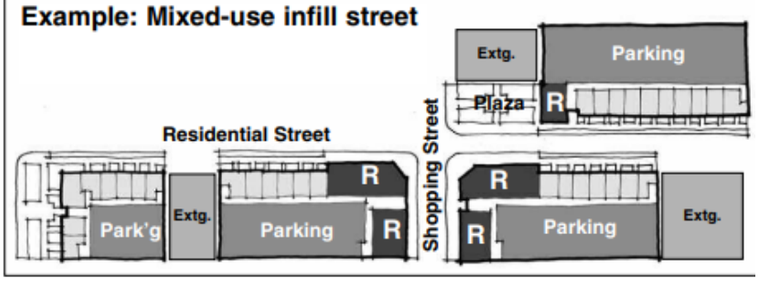
Example: Mixed-use infill between commercial and residential areas

Left: This illustrates how ground floor commercial uses should edge a shopping street. The example transitions to townhouses at the ends near existing single family houses. The project includes stoops and front yards facing the traditional residential street.

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.

Example: Mixed-use infill street



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.

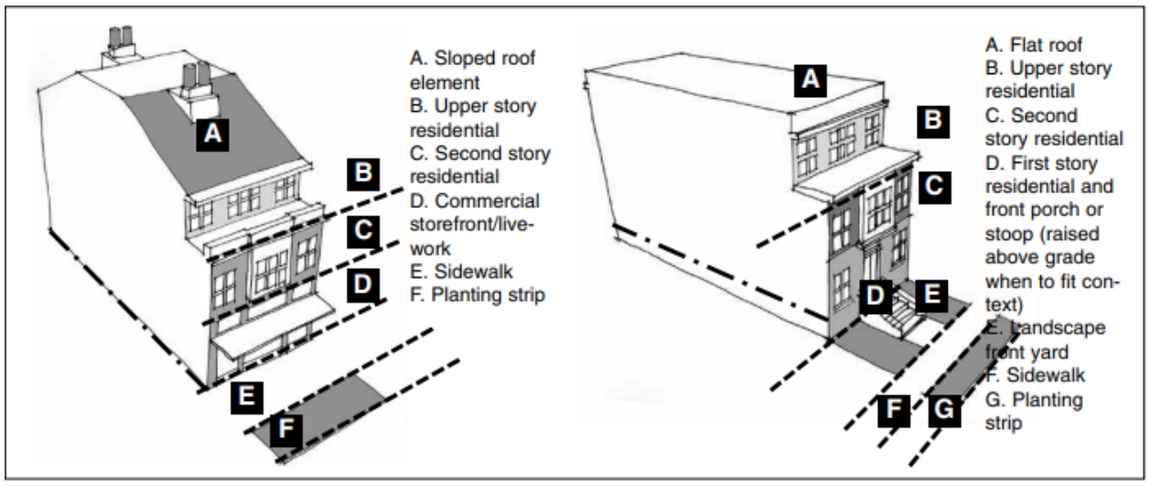
6. Streetscape

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

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

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 Commercial Mixed Use Low.*** The Commercial 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) Drive-through, see Sec 153.118 (B) *C if operating 24 hours or before 7AM and/or adjacent to residential
With or without accessory serving of beer or wine	CS*	p	
With a bar, live entertainment or dancing		CS	
With drive-through use		CS	
Food and beverage stores, specialty	p	p	
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	
Artist's studio, heavy		p	*C if> than 5,000 sf
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-MU-P	MU-CL	Additional Regulations	Additional Regul
Auction house				
General Retail Sales	*See subclassifications below*		*C if > than 5,000 sf	
Large scale				
Small scale		p		
With drive through uses		CS	Drive-through, see Sec 153.118 (B)	
Second hand and consignment shops		p		
Shopping centers				
8. Visitor accommodations				
Hotels, motels, STRs		P*	*C if > than10,000 sf	
Visitor information centers		p		
B. Industrial Uses				
Artisan/small-scale manufacturing		p		
"Boutique" food processing with retail sales		p		
C. Offices and Related Uses				
1. Financial services				
Banks, savings and loans, and other financial institutions		P*	*C if > than 5 ,000 sf	
Financial services offices		p		
2. Offices and Related Uses				
Clinics		C		
Media production		p		
Medical, dental and health-related offices		P*	*C if > than 5,000 sf	
Office (administrative, business, and professional)		P*	*C if > than 5,000 sf	
Offices with walk-in clientele	p	p		
D. Public and Quasi-Public Uses				
1. General				
Clubs and lodges, including for youth		P		
Cultural facility		P		
Other public/quasi-public uses of an administrative, educational, religious, communications or public service nature		P		
2. Schools				
Parochial, private	C	C		
Public	p	p		
Vocational, business trades				
3. Transportation facilities				
Parking facilities, commercial or municipal (5+ spaces)		C		
Transit or bus stations				

MIXED-USE REGULATIONS

Zoning Districts	*MU-R*	*MU-CL*	*Additional Regulations*	*MU-R*
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	

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

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.

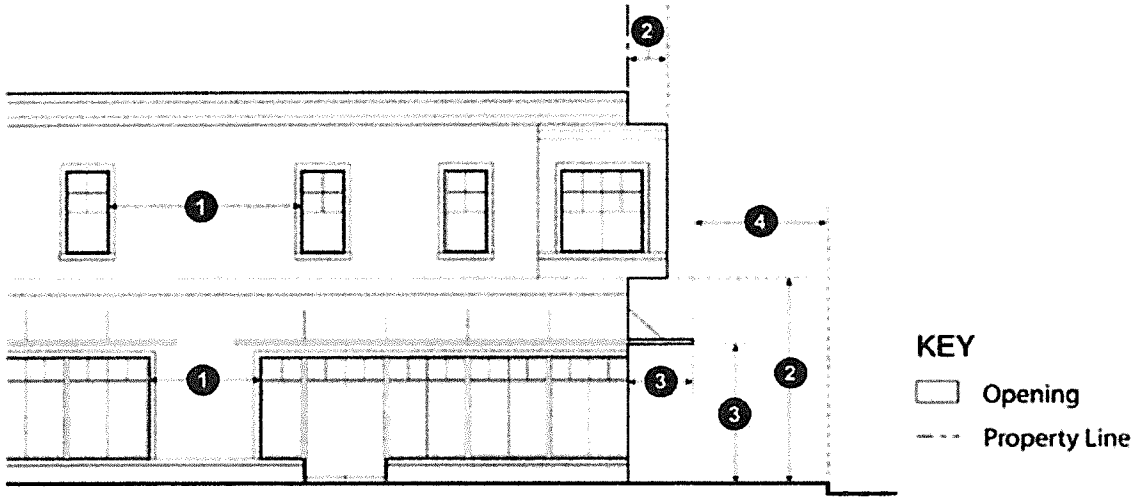
v. The roof shall include architectural detailing, such as a cornice or eave.

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.

TABLE 3: BUILDING FORM STANDARDS – MIXED-USE DISTRICTS



District	*MU-R*	*MU-CL*		*Additional Regulations*	#
Maximum Building Length (ft.)	100	100			
Maximum Length of Blank Wall (ft.}	10 for ground floor, 25 for upper floors	1O 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.

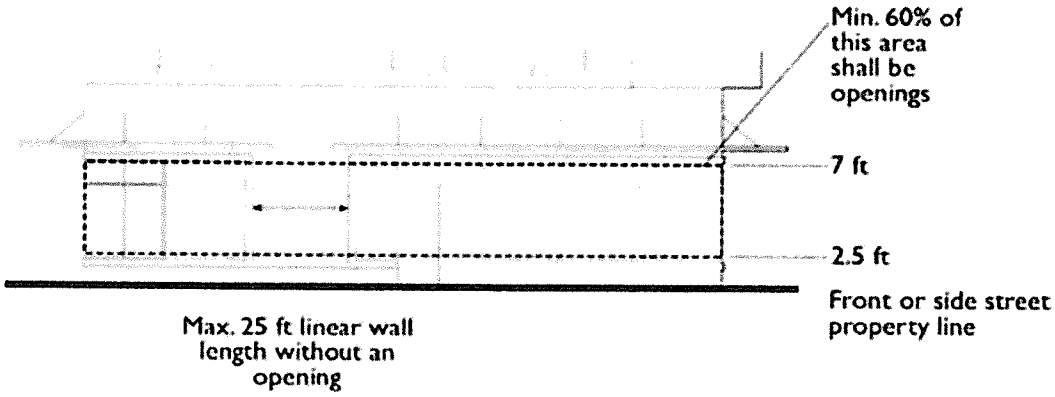
d. Entrances located at corners shall generally be oriented at a 45-degree angle to the corner and shall have a distinct architectural treatment to animate the

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

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.**

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;

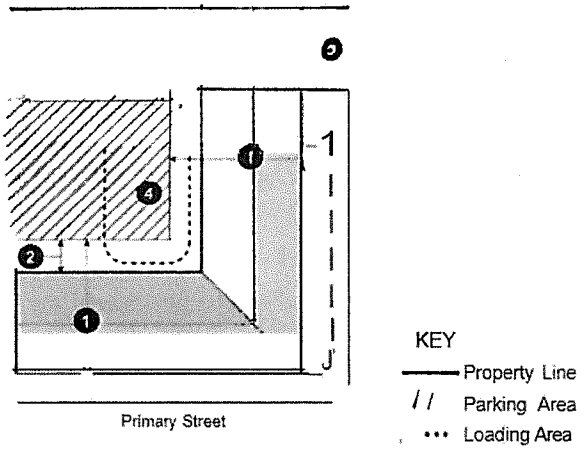
iii. The parking area is screened along the public right-of-way with a wall, hedge, trellis, and/or landscaping; and

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

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



District	*MU-R*	*MU-CL*			*Additional Regulations*	#
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					3
Curb Cuts	Minimized and in area least likely to impede					3
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

District	*MR-R*	*MU-CL*		*Additional Regulations*
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,

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.

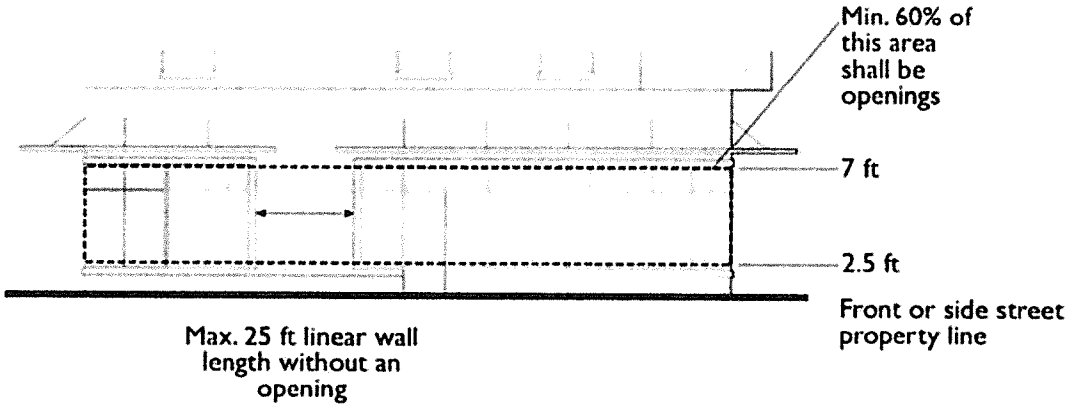
   c. At least one entrance shall be provided per 100 linear feet of building frontage unless the building has unique security needs.

   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 comers, 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

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 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 Step1 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.

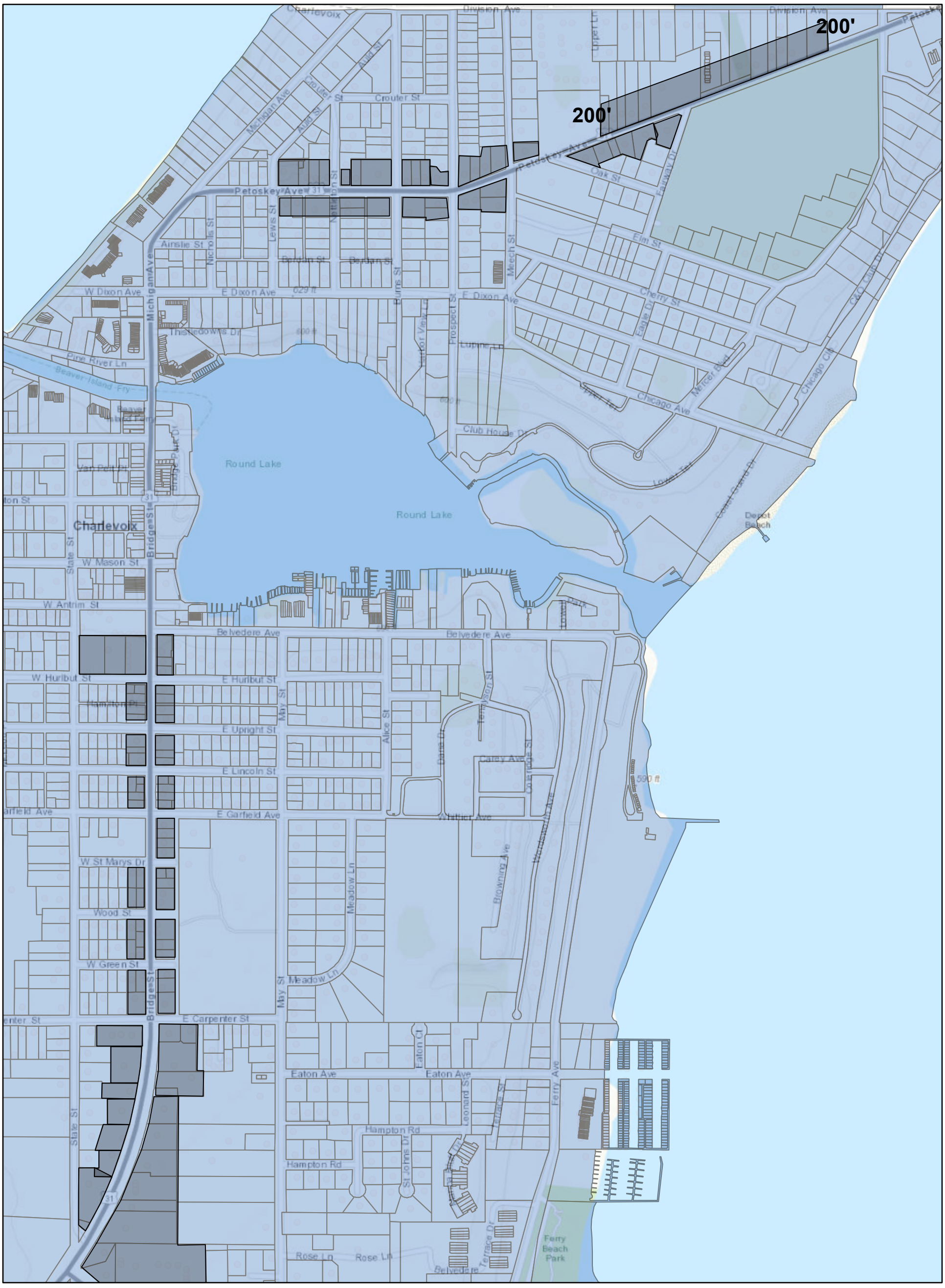
2. **Appeal of Action by Decision-Making Body on Permit Application.** Any action on a Permit Application by the Decision-Making Body pursuant to this Ordinance may be appealed in accordance with the procedures set forth in Section 153.240 of the Zoning Ordinance.

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.

Mixed Use Overlay



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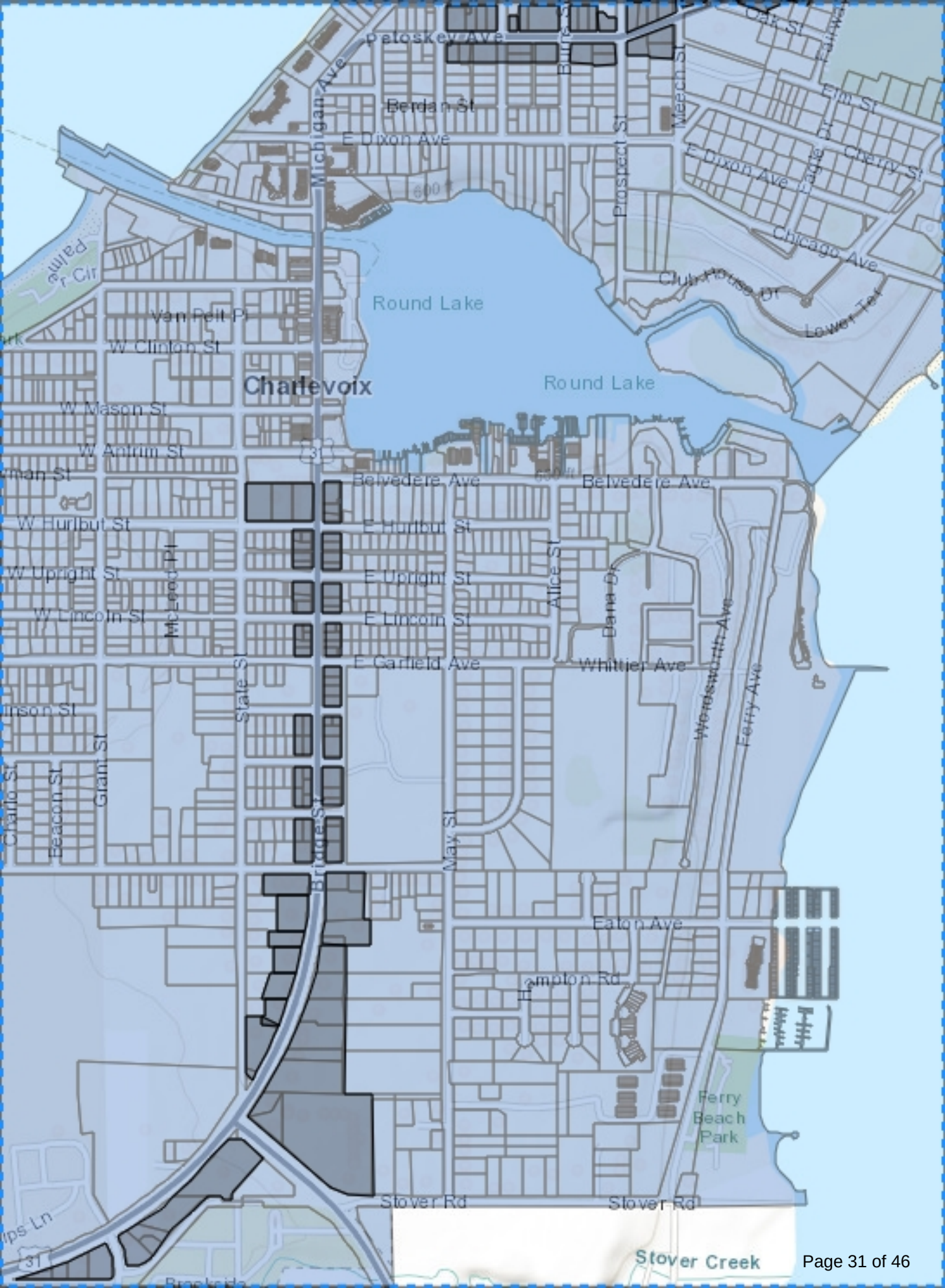
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Whittier Ave
State St
Grant St
Beacon St
Bridge St
May St
Eaton Ave
Hampton Rd
Ferry Beach Park
Stover Rd
Stover Rd
Stover Creek

Charlevoix Planning Commission

Old Business

Title: Lighting Ordinance
Date: July 8, 2024

Presented By: Jonathan Scheel, Zoning Administrator

Background:
The Planning Commission has been discussing the need for revisions to the current Zoning Ordinance regarding lighting regulations. A third version follows with changes from previous discussions.

Recommendation:
Motion to set a public Hearing for the August Planning Commission meeting.

Attachments:
1. Lighting ordinance version 2

This proposed ordinance will replace the existing ordinance language in 153.172

153.172 LIGHTING

Purpose and Intent. It is the purpose and intent of this Code to balance the goals of the City of Charlevoix's 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 and/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 similar things.

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 Zoning Administrator.

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 153.172).

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 man-made 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, for example 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.

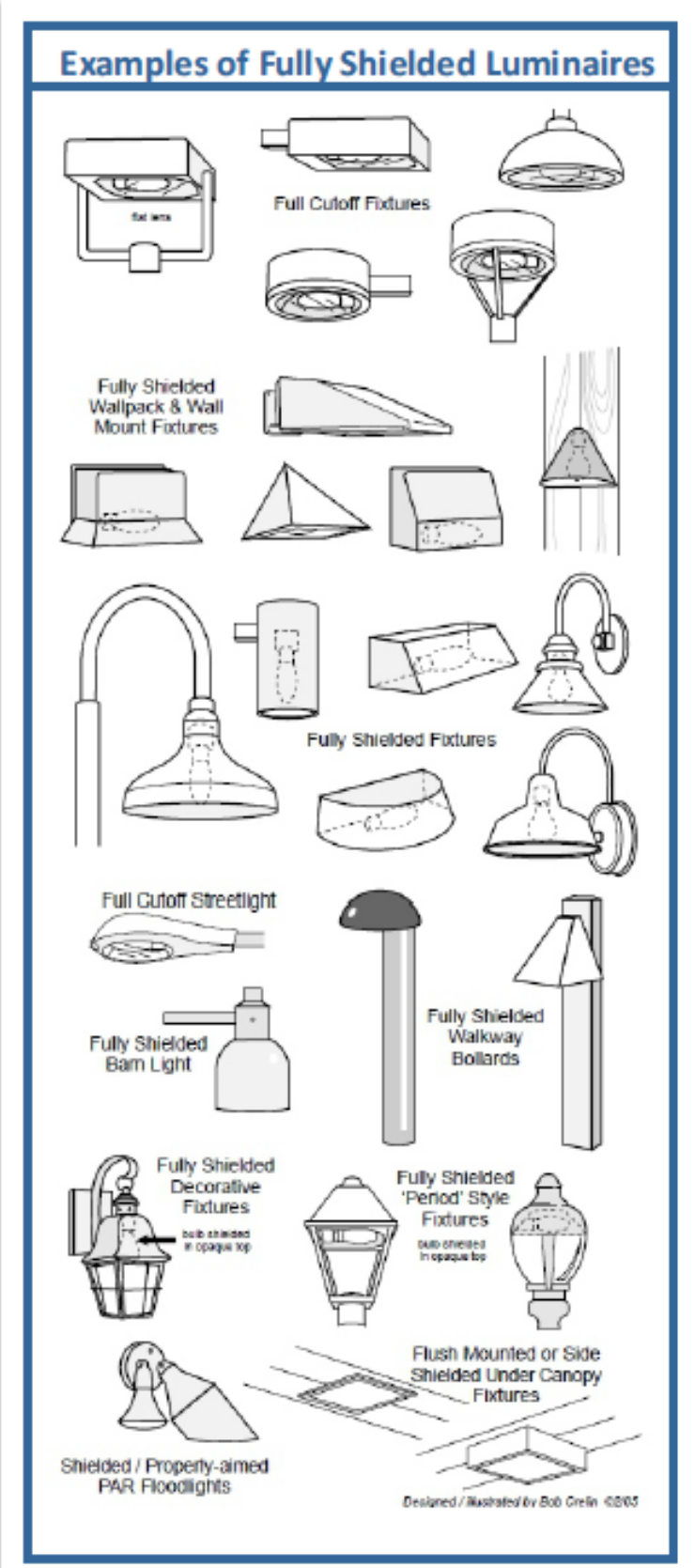
S. “Partially shielded light fixture” means a fixture shielded in such a manner that no more than 10% of the light emitted directly from the lamp or indirectly from the fixture is projected at an angle above the horizontal, as determined by photometric test or certified by the manufacturer. Luminaries 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.

(END OF LIST)


Examples of Fully Shielded Luminaires
Full Cutoff Fixtures
Fully Shielded Wallpack & Wall Mount Fixtures
Fully Shielded Fixtures
Full Cutoff Streetlight
Fully Shielded Barn Light
Fully Shielded Walkway Bollards
Fully Shielded Decorative Fixtures
Fully Shielded 'Period' Style Fixtures
Flush Mounted or Side Shielded Under Canopy Fixtures
Shielded / Properly-aimed PAR Floodlights

Applicability.

The following lighting requirements shall apply to all uses requiring site plan review, as stated in §§ 153.230 through 153.243 of this chapter. Light levels on a site that is subject to site plan approval under this chapter shall meet the requirements in Table 153.172 for the developed portion of the site containing buildings, drives and parking lots.

(A) Exemptions. The following lighting applications are exempt from regulation under this section:

(1) Soffit lighting, provided the light source is recessed or flush with the soffit surface;

(2) Emergency lighting, provided the lights are designed to operate only under emergency or loss of power situations;

(3) Holiday decorations from November 15 to January 15;

(4) Window displays;

(5) Lighting for temporary events, such as fairs, carnivals and similar temporary outdoor uses; and

(6) Ornamental lighting that is incorporated into an architectural design, such as colored tubes, lighting of fountains, statuary or other outdoor art and other building elements (other than signs), provided that the light source is shielded to direct light onto the lighted element.

(B) Prohibited lighting. The following lighting types and methods are prohibited:

(1) High intensity lights such as laser light sources, search lights or any similar high intensity light for outdoor advertisement or entertainment;

(2) Any lighting determined to be creating off-site glare that is a hazard to travelers on an adjacent street or road;

(3) Lighting that is flashing, moving or intermittent, including those associated with signs meeting the requirements of §§ 153.205 through 153.219 of this chapter; and

(4) Lighting that appears similar to that used for traffic control devices or for emergency vehicles.

(C) Shielding and glare.

(1) All outdoor lighting shall be designed or shielded to reduce glare and shall be placed so a nuisance is not created for motorists, adjacent uses or residential dwellings.

(2) All outdoor lighting, with the exception of those ground-based lights for the purpose of illuminating government flags, shall be directed toward the ground or the article being illuminated and shall not impair the safe movement of automobile traffic on any street. Flag lighting shall be directed to illuminate the flag only and shall be placed so lighting or glare is not directed toward streets or adjacent properties.

(D) General requirements.

(1) Lighting shall be provided throughout all non-residential parking lots. Lights to illuminate parking lots shall not be attached to any building.

(2) Street lighting meeting the requirements of the city shall be required for all roads constructed as part of or in advance of any new development.

(3) 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.

(4) 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.

(5) 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.

(6) 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.

(7) 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 or LEDs 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 or LEDs 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 Zoning Administrator.

3. 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 an average .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 an average 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 November 15 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 14 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 required to turn off their outdoor lighting during night hours per Planning Commission Site Plan Approval.

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 November 15 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 except where permitted in the Central Business District.

3. All Class 3 lighting must comply with the light trespass standards as described in subsection 153.172(B) of this section.

4. All Class 3 lighting shall comply with the lamp and shielding standards as described in subsection 153.072 Outdoor Lighting standard (C) of this section.

5. a. Subject to the approval of the Zoning Administrator, 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 Planning Commission 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 Zoning Administrator.

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 Zoning Administrator; 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 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 Zoning Administrator 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 Zoning Administrator.

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 Zoning Administrator may determine is necessary to ensure compliance with this Code.

C. Plan Approval. If the Zoning Administrator determines that any proposed lighting does not comply with this Code, the permit shall not be issued, nor 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 Zoning Administrator 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 final approval by the City. Until this certification is submitted in writing, the City will ask that the Certificate of Occupancy be revoked or 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 Zoning Administrator. The Zoning Administrator 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

(F) 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 Zoning Administrator.

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.

b. Individual letters with translucent faces, containing soft lighting elements inside each letter.

c. Metal-faced box signs with cut-out letters and soft-glow fluorescent tubes.

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.

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 Zoning Administrator 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.

CITY OF CHARLEVOIX

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

Permits Issued in 2024

Following are two types of breakdowns for the 40 permits issued by the zoning office so far in 2024:

By month		By type	
January	6	Banner permits	28
February	4	Fence permits	9
March	10	Sidewalk café/use	6
April	20	Sign	5
May	18	Zoning	17
June	16	Use	3
July			
August			
September			
October			
November			
December			

Other activities

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

Central Business District (CBD)	11
Commercial Mixed (CM)	2
General Commercial (GC)	1
Industrial	
Marine Commercial (MC)	
Residential Private Club (PC)	
Public Facilities	
R-1	11
R-2	14

Level A Site Plan Administrative Review

None

Level B Site Plan Reviews / Special Use Permits

None

Variances to Zoning Board of Appeals