

City of Charlevoix
City Council Regular Meeting Minutes
Monday, January 19, 2026 - 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

1. Pledge of Allegiance

The meeting was called to order at 6:00 p.m. by Mayor Gennett. The Council, staff, and members of the public rose and recited the Pledge of Allegiance.

2. Roll Call

Mayor: Lyle Gennett

Members Present: Aaron Hagen, Dennis Halverson, Janet Kalbfell, Mark Knapp, Phil Parr, Richard Spring

Members Absent: None

City Manager: Mark L. Heydlauff

City Clerk: Sarah J. Dvoracek

3. Presentations

4. Inquiry Regarding Conflicts of Interest

5. Consent Agenda

Mayor Gennett opened the item for public comment. None were heard.

Motion by Parr, seconded by Spring to approve the consent agenda as presented.

Yeas: Knapp, Parr, Kalbfell, Halverson, Hagen, Spring

Nays: None

Motion carried.

A. City Council Meeting Minutes - January 5, 2026

Motion to approve the minutes as presented.

B. Accounts Payable and Payroll Check Registers

Motion to approve the accounts payable and payroll check registers as presented.

Dates	Description	Amount
01/07/2026	Special Accounts Payable Run	\$103,379.85
01/16/2026	Payroll (annual sick leave payout net)	\$24,564.20
01/16/2026	Payroll (regular payroll net pay)	\$117,467.13
01/16//2026	Payroll Remittance Checks	\$6,944.19
01/20/2026	Regular Accounts Payable	\$268,988.34
12/29/2026-01/16/2026	ACH/WIRE Payments	\$202,173.65
12/30/2025	Special A/P Tax Disbursement	\$394,430.41

Grand Total		\$1,117,947.77
The detailed accounts payable and payroll check registers can be viewed on the City's website .		

- C. 2026 Poverty Exemption Policy and Guidelines
Motion to approve the 2026 Poverty Exemption Policy and Guidelines as presented.
- D. Approval of Electrical Contractor for City Hall
Motion to award the contract for electrical repairs and improvements at City Hall to Charlevoix Electric, LLC.

6. Public Hearings and Actions Requiring Public Hearings

- A. Public Hearing: Zoning Ordinance Amendments Section 153.116 Accessory Buildings and Uses
Jonathan Scheel, Director of Planning & Zoning
Director Scheel presented information on Zoning Ordinance Amendments Section 153.116 Accessory Buildings and Uses.

Director Scheel answered questions from Council.

Mayor Gennett opened the item for public comment, two were heard.

Motion by Knapp, seconded by Hagen to approve Ordinance Amendment 863 of 2026.

Yeas: Knapp, Hagen, Spring

Nays: Parr, Kalbfell, Halverson

Motion failed, the Mayor can't break tie on a Zoning Amendment per Charter Section 13.2.

Council concurred to bring the proposed ordinance back at the same time as the new design standards. The new standards are being reviewed by the City Attorney.

- B. Public Hearing: Zoning Ordinance Amendments Section 153.118 and Section 153.160 Residential Raised Decks
Jonathan Scheel, Director of Planning & Zoning
Director Scheel presented information on Zoning Ordinance Amendments Section 153.118 and Section 153.160 Residential Raised Decks.

Mayor Gennett opened the item for public comment. None were heard.

CITY OF CHARLEVOIX

ORDINANCE NO. 864 of 2026

AN ORDINANCE TO AMEND TITLE XV LAND USAGE, CHAPTER 153 PLANNING AND ZONING, SECTION 153.118 LODGING, DINING, AND ENTERTAINMENT USES AND TO ADD TO SECTION TITLED PROVISIONS GENERALLY APPLICABLE TO ALL DISTRICTS

THE CITY OF CHARLEVOIX ORDAINS:

Section 1: Title XV, Land Usage, Chapter 153 Planning and Zoning, Section 153.118 (D) Roof top decks. shall be repealed and replaced and shall read as follows:

D. Roof top decks. The following provisions are intended to regulate roof top deck use, permanent or temporary, in allowed districts to reduce safety concerns, noise and other nuisances, and visual impact on neighboring properties and on the community generally. The use of roof top decks is subject to the following restrictions:

(1) A zoning and building permit for any roof top deck must be first obtained from the City Zoning Administrator and Charlevoix County Building Department and is subject to construction of and maintenance of guardrails and other protective features as required by the Charlevoix County Building Code.

(2) Any request for a City of Charlevoix zoning permit that includes a roof top deck must undergo site plan review and receive approval by the Planning Commission prior to issuance of a zoning permit.

(3) Parapet walls and perimeter guardrails shall extend around the perimeter of the roof top deck and incorporate exterior building materials consistent with the architectural style of the underlying structure subject to § 153.170.

(4) Any structure on a deck or patio must be permitted under the Zoning Code. Portable appurtenances are prohibited. Temporary appurtenances and structures are subject to site plan review to assure public safety.

(5) Except within the CBD, Central Business District, amplified musical instruments or sounds are prohibited. Any other music or sound that would violate the city's noise ordinances and restrictions is prohibited.

(6) All commercial food preparation shall take place inside the establishment.

(7) No open flames are allowed.

(8) Lighting shall be shielded and pointed downward and shall not be a nuisance to adjacent properties subject to § 153.172. Unshielded string lights are prohibited.

(9) Roof top deck space is subject to the requirements of §§ 153.185 et seq., Off-Street Parking, Loading, Access and Circulation.

Section 2. Title XV, Land Usage, Chapter 153 Planning and Zoning, Section Titled “Provisions Generally Applicable to All Districts” is hereby amended to include the following language and shall read as follows:

153.160 Residential Raised Decks

Decks that are above the ground floor shall be fully screened from neighboring residential properties that are in the R-1 and R-2 Districts. Screening could include mature vegetation, fencing, walls, or a combination of them to allow maximum privacy for adjacent properties. All lighting on raised decks will meet Section 153.172 LIGHTING of the City of Charlevoix Zoning Ordinance. No decks will be allowed above the second-floor interior floor elevation of the home.

Section 3. Severability.

No other portion, paragraph or phase of the Code of the City of Charlevoix, Michigan shall be affected by this Ordinance except as to the above sections, and in the event any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or of the Code of the City of Charlevoix, Michigan.

Section 4. Effective Date.

This Ordinance shall become effective thirty (30) days after its enactment.

Ordinance No. 864 was adopted on the 19th day of January 2026 A.D., by the Charlevoix City Council as follows:

Motion by Kalbfell, seconded by Spring to approve Ordinance Amendment 864 of 2026.

Yeas: Knapp, Parr, Kalbfell, Halverson, Hagen, Spring

Nays: None

Motion carried.

C. Public Hearing: Zoning Ordinance Amendment Section 153.171 Landscaping

Jonathan Scheel, Director of Planning & Zoning

Director Scheel presented information on Zoning Ordinance Amendments Section 153.171 Landscaping.

Mayor Gennett opened the item for public comment. None were heard.

CITY OF CHARLEVOIX

ORDINANCE NO. 865 of 2026

AN ORDINANCE TO AMEND TITLE XV LAND USAGE, CHAPTER 153 PLANNING AND ZONING, SECTION 153.171 LANDSCAPING

THE CITY OF CHARLEVOIX ORDAINS:

Section 1: Title XV, Land Usage, Chapter 153 Planning and Zoning, Section 153.171 and its entirety shall be repealed, replaced and shall read as follows:

(A) Intent. This section promotes the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping. Landscaping and landscaped buffers help protect and enhance land uses and the visual image of the community. They further preserve natural features, improve property values and can alleviate the impacts of noise, traffic and visual distractions. Landscaped buffers protect less intense uses from noise, lighting and other impacts associated with more intensive land uses. Specifically, the intent of these provisions is to:

- (1)** Improve the appearance of off-street parking and storage areas and property abutting public rights-of-way;
- (2)** Protect and preserve the appearance, character and value of the neighborhoods which abut non-residential areas, parking lots and other potentially obtrusive uses;
- (3)** Reduce soil erosion and depletion;
- (4)** Increase soil water retention, thereby helping to prevent flooding, erosion and sedimentation and enhancing ground water recharge;
- (5)** Remove air pollutants and reduce, eliminate or control glare, reflection and heat island effects; and
- (6)** Assist in directing safe and efficient traffic flow and prevent vehicular and pedestrian circulation conflicts.

(B) General requirements. These regulations apply to all new uses and the expansion of existing uses requiring site plan approval.

(1) Landscaping shall be installed before occupancy, unless the Zoning Administrator authorizes occupancy prior to complete landscape installation, due to unforeseen weather conditions or other circumstances beyond the applicant's control. In such a case, a performance guarantee, per § [153.239](#) of this chapter, shall be provided to ensure completion of the project as required. All landscaping shall be completed within one full growing season.

(2) All landscaping shall be maintained after planting and regularly watered, fertilized, pruned and kept free from disease. The owner or controlling party shall be responsible for maintenance.

(3) The landscaping shown on the approved landscape, screening and buffering plan shall be maintained according to (B) (2) above. Any plants in the approved plan that die shall be replaced within a reasonable time, but in no case shall such time exceed six months. The replacement plants shall meet the purpose of the original specifications of an approved landscape, screening and buffering plan.

(4) All plants shall be hardy per climatic conditions in the city.

a. The use of native vegetation species with deep roots in rain gardens, bioswales, buffer areas, and other forms of naturalized landscaping to accomplish the goal of stormwater retention and filtration is encouraged.

b. Prohibited species. Species deemed invasive or restricted by the State of Michigan or Michigan State University will be rejected during landscape plan review.

(5) All landscaped areas shall be mulched and those not containing trees and shrubs must be planted with ground cover. Mulch of any type is not considered ground cover, nor is it a substitute for ground cover. Areas of lot coverage that are not paved or occupied by building footprint must be landscaped with living grass lawn, living plant ground covers, perennial/shrub beds, or a combination thereof.

(6) The overall landscape plan shall not contain more than 25% of any one plant species. Ground covers other than living plants (e.g. stone chips, rocks, mulch) must be arranged in a deliberate manner and may not exceed more than 25 percent of the site landscape area. All ground covers must be controlled on site and not allowed to freely migrate or spill onto the public sidewalk, public rights-of-way, or into storm drains.

(7) Trees and shrubs shall not be placed closer than a distance of 40% of the spread at maturity to a fence, wall or property line.

(8) For a corner lot or a lot with more than one frontage where landscaping is required, all frontages shall be landscaped.

(9) Berms shall be designed to vary in height and shape to create a more natural appearance. An unbroken earth mound of uniform height shall be avoided. The maximum slope for a berm shall be one foot vertical to three feet horizontal, unless otherwise allowed by the Planning Commission.

(10) Landscaping shall not obstruct sight distance, per § [153.142](#) of this chapter.

(11) Landscaping plans are subject to Planning Commission or Zoning Administrator review and approval.

(12) The Planning Commission or Zoning Administrator may allow a deviation from the requirements of this section under any of the following circumstances:

(a) Existing vegetation or topographic features make compliance with requirements unnecessary or difficult to achieve;

(b) The application of requirements will result in a significant loss of existing vegetation, or natural or cultural features;

(c) Modification of requirements will clearly result in a superior design that could not otherwise be achieved;

(d) Where the required landscaping may interfere with view corridors, such as developments along water bodies, the Planning Commission may require planting of specific species in locations where the height or canopy will not compromise view corridors.

(13) The Planning Commission or Zoning Administrator may impose conditions on landscaping as part of site plan review.

(14) Where a development is proposed in phases, each phase shall comply with all applicable landscaping requirements.

(15) Where landscaping requirements are based on a distance measured along a property line and result in a fractional requirement, the required landscaping for just that area shall be multiplied by the fraction. For example, when a fractional area is equal to 30% of the required distance the number of required plants shall be multiplied by 0.30. A fraction less than 25% may be disregarded.

(16) To ensure that all landscaping is installed, as a condition of approval a letter of credit or some other performance guarantee may be required in accordance with § [153.239](#) of this chapter.

(C) Buffer areas.

(1) A buffer area may be required where any use in a business or industrial district is adjacent to residentially zoned land and where multiple-family residential land uses are adjacent to land in the R1, R2 and R4 Districts. A landscaped buffer shall be provided between the subject property and all adjacent residentially zoned or used properties if the subject building(s) of the site plan is within 25 feet of the adjoining property line and if existing landscaping, tree cover, or fencing/screening does not exist.

(2) A buffer area is not required if the qualifying adjacent zoning districts are separated by a public right-of-way.

(3) A buffer area shall be parallel to and follow the property line tangent to the qualifying zoning district.

(4) A buffer area shall be required even when the adjacent property is undeveloped.

(5) Except for access drives or private streets determined by the Planning Commission to be necessary to provide safe access to a property, a building, structure or parking lot shall not encroach within a required buffer area.

(6) When adjacent to a PUD containing a residential land use, a use in a non-residential or multiple-family residential district shall provide a buffer area along the property line adjacent to the residential use. The Planning Commission, however, may waive or modify the required buffer if the setbacks and perimeter landscaping provided within the PUD meet the intent of division (A) above.

(7) Landscape buffers will include at least one tree for each 25 linear feet, or fraction of buffer area.

(a) Landscape buffers shall consist of evergreen shrubs, evergreen trees, fencing/screen walls (75 percent or more opaque), or any combination thereof that forms a continuous visual buffer.

(b) At least 40 percent of the overall adjoining property line must be covered by plant materials at the time of planting.

(c) The Planning Commission may allow a consistent 75 percent or more opaque, six-foot tall screen wall or fence for the entire length of the adjoining property line to provide buffering that meets the intent of this section. If a screen wall or fence is used for all of the buffer area, the overall landscape buffer width may be eliminated except for the trees required in this section.

(d) Where the distance between a building, parking area or use is more than 200 feet from a side or rear lot line, the Planning Commission may reduce the buffer area requirements along the

applicable lot line(s) by 50%;

(e) Where a screen wall or fence is not otherwise required, the Zoning Administrator may require an opaque screening within the buffer area, to block views and contain materials. Screening shall be provided in the form of a six-foot tall ornamental fence or wall, capable of keeping paper and other debris from blowing off the premises.

(8) Buffer Area Alternatives

(a) Plants may either be arranged formally, or be informally clustered for a more random, natural effect.

(b) Berms may be constructed in a buffer area to supplement landscaping and add interest. Minimum landscaping requirements shall be reduced by 50% where a berm at least three feet tall is constructed for at least 85% of the length of the buffer area.

(c) Berms shall be designed to vary in height and shape to create a more natural appearance. An unbroken earth mound of uniform height shall be avoided. The maximum slope for a berm shall be one foot vertical to three feet horizontal, unless otherwise allowed by the Planning Commission.

(d) A screen wall or fence, located within a buffer area, may be used in lieu of some landscaping.

1. A screen wall or fence shall be a maximum of six feet tall and constructed of architectural block, brick, wood, vinyl or textured concrete.

2. To maximize the effectiveness of screening, openings shall not exceed 20% of the surface of a wall or fence.

3. Landscaping requirements may be reduced by 50% when a screen wall is constructed in a buffer area.

(D) Minimum plant requirements.

(1) The minimum plant size at the time of installation shall comply with Table 153.171(a):

Table 153.171(a): Minimum Plant Size at Installation			
Plant Material	Minimum Caliper	Minimum Height	Minimum Spread
Canopy tree	2.5"		
Ornamental tree	1-3/4"		
Evergreen tree		6'	
Shrubs			24"

(2) Existing healthy and desirable trees to be preserved may satisfy the landscaping regulations of this section. Each credit may be applied toward fulfilling the requirements set forth in this section (i.e., one credit equal to one equivalent tree).

Table 153.171(d): Credit for Existing Landscaping

Tree Material	Minimum Caliper	Minimum Height	Credits
Canopy tree	4 to 8 inches		1
	Greater than 8 inches		2
Ornamental tree		6 to 10 feet	1
		Greater than 10 feet	2
Evergreen tree		6 to 12 feet	1
		Greater than 12 feet	2

(E) Residential development.

(1) For each dwelling unit in a residential subdivision, land division or site condominium.

(a) One canopy tree shall be planted between the right-of-way line and the street per Shade Tree and Park Commission rules Chapter 152 Trees.

(b) Trees shall meet Residential Guidelines except where site conditions warrant otherwise.

(2) For a multiple-family development, one canopy and ornamental tree shall be provided for every 7,000 square feet of gross lot area.

(3) For a residential development abutting an arterial street, one evergreen tree and one canopy tree for every 50 feet of development frontage on the arterial street.

(4) Berms may also be used to buffer lots or dwellings from an abutting arterial street. Minimum landscaping requirements shall be reduced by 50% where a berm at least three feet tall is constructed for at least 85% of the length of the street frontage.

(5) In the R4 Zone, the Planning Commission may require berms, fencing or vegetative screening (or any combination thereof) along property lines for reasons including, but not limited to, protection of public safety, preservation of neighborhood character or the creation of privacy buffers for single-family zones.

(F) Non-residential and mixed-use districts and non-residential uses in residential districts.

(1) For non-residential uses in any zoning district except the CBD District, for every 100 feet of lot frontage as measured along a public right-of-way, the following front yard landscaping requirements apply.

(a) Two canopy trees or three ornamental trees shall be provided.

(b) The Planning Commission may allow landscaping anywhere within the front yard, except where a parking area is located along the lot frontage. In such instances landscaping shall be placed between the parking lot and the public right-of-way.

(2) Berms may be constructed in a front yard to supplement landscaping and enhance buffering of parking lots. Minimum front yard landscaping requirements shall be reduced by 50% where a berm at least three feet tall is constructed between a parking lot located along a street frontage and the public right-of-way. A berm may also be used to meet the screening requirement for parking lots as required in division (I) below.

(3) Non-residential right-of-way and front setback planting.

(a) Street yard landscaping within the public rights-of-way.

(1) Public rights-of-way shall be planted with grass. Trees, shrubs, or other ground covers may be planted within the right-of-way with permission from the City Forester and the City Engineer, or their assigns.

(2) Rights-of-way yards abutting activity corridor street types may incorporate decorative paving and streetscape elements if such elements exist on adjoining parcels. Plant materials shall be located in tree wells, bioswales, and above ground planters, and shall be approved by the Department of Public Service.

(b) Between sidewalk and parking.

(1) There shall be a landscaping setback area of eight feet between the edge of sidewalk and parking lot edge, which shall consist of grass lawn and landscape planting beds.

(2) Landscape planting beds shall be a minimum of 25 percent of the landscape setback area.

(3) Setback areas greater than 20 feet in depth must plant at least one (1) deciduous tree for every 25 feet of frontage or part thereof and a minimum of one shrub shall be planted for each ten linear feet of frontage, or portion thereof.

(4) These landscape requirements are in addition to other screening or buffer requirements as indicated in the applicable zoning district section.

(5) Landscape planting beds shall be a minimum of 50 percent of the front, side, and rear landscaping setback areas for all special land use off-street parking surface lots' in addition to trees required.

(c) Between sidewalk and building.

(1) Non-residential setback landscaping between the edge of sidewalk and building face shall consist of lawn, landscape planting beds, and paved pedestrian areas.

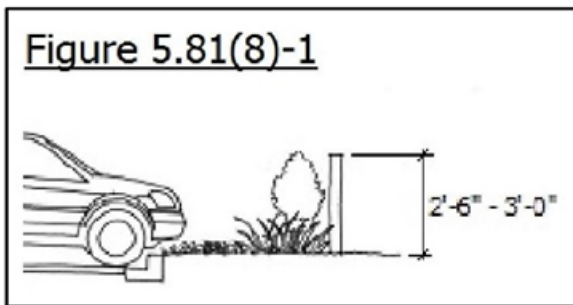
(2) Landscape planting beds shall be a minimum of 25 percent of the landscape setback area. This may be reduced to zero percent in areas where the public sidewalk is immediately adjacent to the building face.

(G) **Outdoor storage areas.** Where permitted, outdoor storage areas shall be completely screened by buildings, structures or a continuous buffer at least five feet wide. The buffer area shall meet 153.153 Outdoor Storage.

(H) **Parking lot landscaping.**

(1) A parking lot containing more than ten spaces shall be screened as follows:

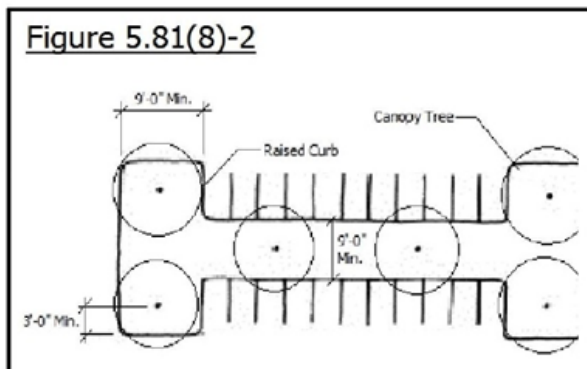
(a) Along any right-of-way or residential property line by a continuous two and one-half to three-foot tall screen; and



(b) The screen shall consist of landscaping, berms, a screen wall or any combination of these elements.

(2) To provide shade and to break up the visual appearance of large, paved areas, parking lots with more than ten spaces shall be landscaped based on the following requirements.

(a) One canopy tree for every 12 parking spaces shall be provided within a parking lot island or peninsula.



(b) Parking lot islands and peninsulas shall meet the following requirements:

1. All islands and peninsulas shall be protected by raised curbs; dub-downs non-raised curbs are

permitted to facilitate drainage, except in instances where the grading and drainage plan demonstrates storm water runoff can be managed without the use of raised curbs.

2. Each tree shall be provided with an open land area of not less than 75 square feet to provide area for infiltration and with a minimum diameter of nine feet at the trunk of the tree for protection. Tree plantings shall also be protected from automobiles with curbing or other suitable device that incorporate curb cuts or other openings, and grading to capture stormwater.
3. Trees shall be planted centered on islands.
4. Landscaping shall not obscure traffic signs, fire hydrants or sight distance within the parking lot and at driveway entrances, in accordance with § [153.142](#) of this chapter.

(I) Fencing, screening and walls.

- (1) Screening shall be required around all trash dumpsters in all zoning districts, except as may be provided elsewhere in this section.
- (2) Solid waste dumpsters may be located in required buffers; provided, they are screened in accordance with this division (I).
- (3) Screening shall be required even if the surrounding area or adjacent properties are not developed.
- (4) When a property changes to a more intense land use, a special land use or when site plan approval is required, screening shall be provided in accordance with this section.
- (5) (a) Unless otherwise permitted in accordance with this section, a screen shall consist of a solid, sight-obscuring fence or wall that meets Section 153.173 of this code. Additionally, the screen must meet the following:
 1. A minimum height to completely obscure the sight of the container. Walls must be no greater than eight feet high.
 2. Enclosed on all sides and does not contain any openings other than a an access gate, which shall be closed at all times when not being used. A screen around staging or loading/unloading areas may provide an opening that does not contain an access gate;
 3. Constructed of masonry, treated wood or other materials approved by the Planning Commission and must be durable, weather-resistant, rust-proof and easily maintained; and
 4. A trash dumpster enclosure and gates shall be protected by bollards or other means to prevent vehicle damage.
- (b) If approved by the Planning Commission, a screen may consist of berms or landscaping either in combination or as a substitute for a fence or wall. It must be determined that the alternate design shall either provide the same degree or enhanced screening as required by this section.
- (6) (a) Placement cannot interfere with pedestrian or vehicular traffic.
- (b) Walls must be maintained and kept in good condition by the property owner.

(J) Landscape site plan requirements.

1. An approved landscape, screening and buffering plan that meets the requirements of this section is required prior to approval of a site plan for activities listed in Section 153.230.
2. Planting plan specifications.(a) A planting plan shall be provided to include the following:
 - (b) Minimum scale of one-inch equals 50 feet.
 - (c) Existing and proposed contours with contour interval not to exceed two feet.
 - (d) The planting plan shall indicate, to scale, the location, spacing and starting size for all proposed landscape material within the required buffer or landscaped area.
 - (e) The planting plan shall indicate all existing trees (four-inch caliper or greater) located in portions of the site that will be built upon or otherwise altered. Trees shall be labeled “To Be

Removed” or “To Be Saved” on the site plan. The plan will include all existing or proposed utilities and easements.

(f) Typical straight cross section including slope, height and width of berms and type of ground cover or height and type of construction for all proposed walls, including footings.

(g) Significant construction details to resolve specific site conditions, e.g., green infrastructure, tree wells to preserve existing trees, culverts to maintain natural drainage patterns.

(h) Planting plans shall show all landscaped areas and plants listed in a table by common and botanic name and show quantities, size at planting and anticipated mature height and spread. Anticipated mature height and spread shall be shown with circles indicating anticipated plant size at maturity.

(i) A tree survey identifying the location and species of existing trees 12 inches or greater in caliper, measured at 12 inches off the ground, and identifying which trees are to be preserved. The Zoning Administrator may require an evaluation of the quality of the trees for purposes of determining which trees should be removed or preserved.

(3) Landscaping plans are subject to Planning Commission review and approval in all districts other than R-1 and R-2. The Zoning Administrator will review any required landscape plans in R-1 and R-2.

(K) Treatment of existing plant material. The following regulations shall apply to existing plants.

1. Destruction or removal of healthy trees. In the event healthy plants that are intended to meet the requirements of this section are cut down, damaged or destroyed during construction, they shall be replaced in accordance with Shade Tree and Park Commission requirements.

Section 2. Severability.

1. No other portion, paragraph or phase of the Code of the City of Charlevoix, Michigan shall be affected by this Ordinance except as to the above sections, and in the event any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or of the Code of the City of Charlevoix, Michigan.

Section 3. Effective Date.

This Ordinance shall become effective thirty (30) days after its enactment.

Motion by Parr, seconded by Kalbfell to approve Ordinance Amendment 865 of 2026.

Yeas: Knapp, Parr, Kalbfell, Halverson, Hagen, Spring

Nays: None

Motion carried.

D. Public Hearing: Zoning Ordinance Amendment Adding Section Mixed Use

Jonathan Scheel, Director of Planning & Zoning

Director Scheel presented information on Zoning Ordinance Amendments Adding Section Mixed Use.

Mayor Gennett opened the item for public comment. None were heard.

AN ORDINANCE TO AMEND TITLE XV LAND USAGE, CHAPTER 153 PLANNING AND ZONING, SECTION 153.087 AREA, HEIGHT, AND PLACEMENT REQUIREMENTS, 153.104 NORTH SIDE PROFESSIONAL OFFICE OVERLAY DISTRICT, MIXED-USE DISTRICTS AND ADD SECTION TITLED MIXED USE REGULATIONS WITH STANDARDS

THE CITY OF CHARLEVOIX ORDAINS:

Section 1: Title XV, Land Usage, Chapter 153 Planning and Zoning, Section 153.087 Area, Height, and Placement Requirements and its entirety shall be repealed, replaced and shall read as follows:

All lots in the non-residential districts shall conform to the requirements of Table 153.087. The requirements in footnotes are an integral part of this subchapter and shall apply in all instances.

Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Building Height (ft.)	Minimum Yard Setbacks (ft.)				Lot Coverage (%)
				Front	Side		Rear	
					Interior	Street Side		
PO	NA	75	26	15	10	15	25	NA
GC	20,000	100	26	15	10	15	25	NA
CBD	NA	NA	40	0	0	0	0 ¹	NA
CH	43,560	150	30	25	20 ²	20	30 ¹	50/80 ³
MC	10,000	50	35 ⁴	20	0	0	0	NA
SR	NA	NA	§ 153.088 (A)	25	20/50	20/50	50	30
I	43,560	150	30	30	20	20	25	60
P	NA	100	35	20	10	15	15	NA
CM	6,000	50	MU-R 27, MU-CL 39	15 ⁶	0 ⁴	15 ^{4&5}	20 ⁴	NA

NOTES TO TABLE:

1 The minimum rear yard in the CBD District when adjacent to the Pine River Channel or Round Lake shall be 50 feet.

2 In the CH District, the minimum side or rear yard adjacent to any residential district shall be 50 feet.

3 In the CH District, lot coverage of buildings shall not exceed 50%; lot coverage of all impervious surfaces shall not exceed 80%.

4 Non-residential: none, residential: see Sec.153.072 standards for R-1 & R-2 districts

5 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.

6 Front 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.

Section 2. Title XV, Land Usage, Chapter 153 Planning and Zoning, Section 153.104 North Side Professional Office Overlay District and its entirety shall be repealed.

Section 3. Title XV, Land Usage, Chapter 153 Planning and Zoning, Section 153.XXX Mixed Used Regulations shall be added and shall read:

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 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 machines, computers, 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.

1. 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.

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

3. 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: 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			
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			
Printing and copy shops		P	
Printing and publishing		P	
3. Food and beverage service establishments, stores			
Food service establishments	See subclassification 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 Services			
Convenience market	C	P	

Grocery stores and supermarkets		P	
Liquor stores		C*	
4. 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	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			
Auction house			
General Retail Sales	See subclassification below		*C if > than 5,000 sf Drive-through, see Sec. 153.118 (B)
Large scale			
Small scale		P	
With drive-through uses		CS	

Second hand and consignment shops		P	
Shopping centers			
8. Visitor accommodations			
Hotels, motels, STRS		P*	*C if > than 10,000 sf
Visitor information centers		P	
B. Industrial Uses			
Artisan/small-scale manufacturing		P	
"Boutique" food processing with retail sales		P	
C. Offices and Related Uses			
1. Financial services			
Banks, savings and loans, and other financial institutions		P*	*C if > than 5,000 sf
Financial services offices		P	
2. Offices and Related Uses			
Clinics		C	
Media production		P	
Medical, dental and health-related offices		P*	*C if > than 5,000 sf
Office (administrative, business, and professional)		P*	
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,		P	

educational, religious, communications or public service nature			
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			
E. Residential Uses			
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		P	See standards Ch. 153.117

condominiums			(B)
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4. 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 with the exception of (b) below.

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.

5. 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)	30*	NA	* >.5 round up
Maximum Height (in feet)	27	39	
Maximum number of stories	2	3	
Minimum lot area (sg. ft)	6,000	6,000	
Minimum lot frontage (feet) at front property line	50	50	
Front setback (feet)			
-Arterial or collector	15	10	(2) (3)
-Local street	15	15	(2) (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		

Notes:

1. Front 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;

6. Build-to Line, MU-CL. 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:

7. Substantial landscaping will be located between the build-to line and ground floor residential units to soften visual impact of buildings;

1. 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
2. The building will incorporate an alternative entrance design that will create a welcoming entry feature facing the street.

8. 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.

1. For any wall containing windows, a setback of at least 5 feet shall be provided.
2. For any wall containing bedroom windows, a setback of at least 10 feet shall be provided.
3. For any wall containing a living room or other primary room windows, a setback of at least 10 feet shall be provided.
4. The required setbacks apply to that portion of the building wall containing a window and extending three feet on either side of the window.

9. Minimum Ground-floor Height. The minimum ground-floor height shall be 10 feet for residential uses and 12 feet for non-residential uses.

10. Exceptions to Maximum Height Limits.

- a. Architectural Features. A parapet wall, cornice, cupolas or mechanical equipment may project up to four feet above the maximum height limit.
- b. Towers. If the project site is greater than 15,000 square feet, a tower or other projecting

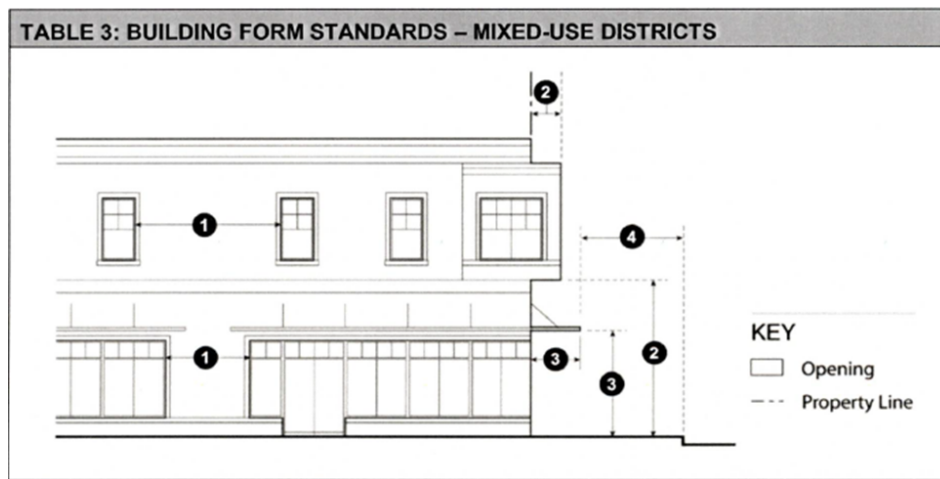
architectural elements may extend up to 12 feet above the top of a pitched roof, provided that the square footage of the element(s) do not total more than 15 percent of the building footprint. The area above the uppermost permitted floor of the element(s) shall not be a habitable space.

- 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.

11. 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.

12. Wide Buildings. Any 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.

13. 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.



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	10 for ground floor, 25 for upper floors			1
Bay Window	Max. 2 feet from primary facade and min. 12				2

	feet above		
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

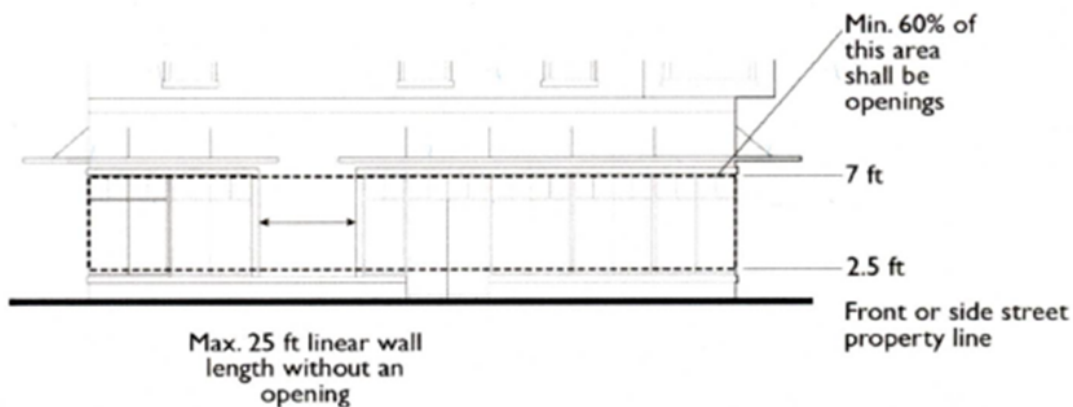
14. Building Projections. The maximum width of any projection, including bay windows, is 10 feet, and the total of all projections along a building face may not be more than 10 feet wide or 25 percent of the building frontage, whichever is greater.

15. 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 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.

16. 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.

17. 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 may be 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.

18. 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.

19. Limitation 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.

20. 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	
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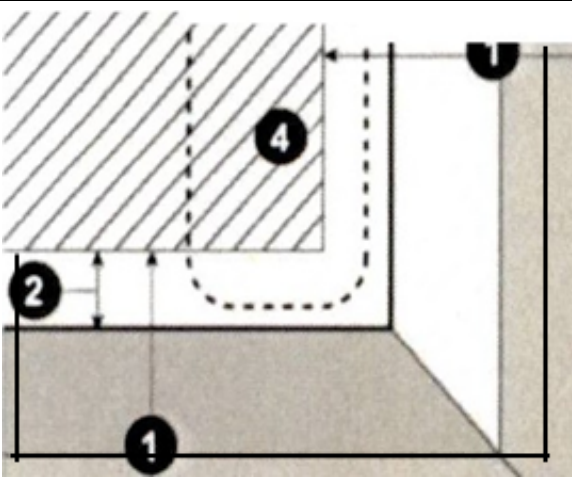
		Property Line Parking Area Loading Area		
District	MU-R	MU-CL	Additional Regulations	#
Setback from Street Property Line (ft)	40 ft; buildings shall be placed as close to the street as possible, with parking underground, behind a buildings, or on the interior side or rear of the site.			1
Setback from Buildings and Public Plazas (ft)	5 ft. walkway plus 3 ft landscaping; applicable only to above ground parking.			2
Access Location	Side street or alley wherever possible			
Curb Cuts	Minimized and in area least likely to impede			
Loading/Service Area	Side or rear of lot; must be screened from public ROW			4

TABLE 5: LANDSCAPING AND OPEN SPACE STANDARDS-MIXED USE DISTRICTS			
District	MR-R	MU-CL	Additional Regulations
Minimum Residential Private Open Space (sq ft per unit)	65	75	
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 Commercials 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.

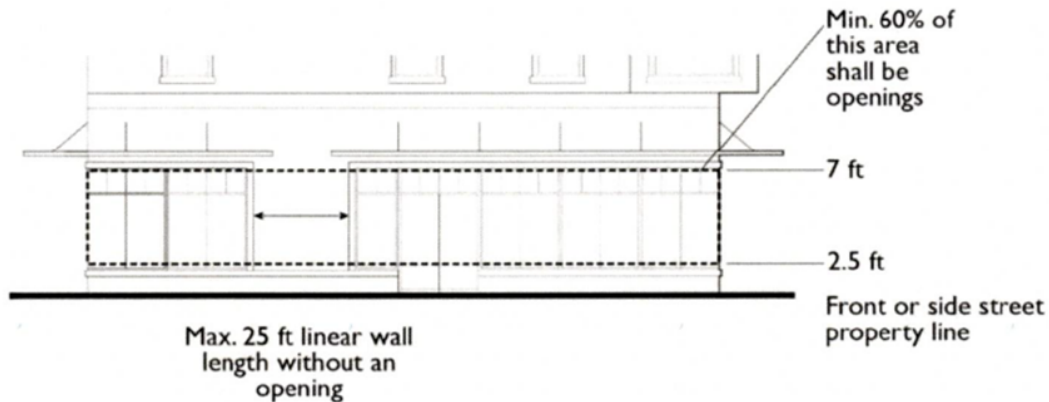
d. Entrances located at corners shall generally be oriented at a 45-degree angle to the corner and shall have a distinct architectural treatment to animate the intersection and facilitate pedestrian flow around the corner. Different treatments may include angled or rounded comers, arches, and other architectural 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.

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 Step 1 Preliminary Determinations. Upon completion of this Step 1 the Director shall issue to the applicant written notice of its Step 1 determinations (the "Preliminary Determinations Notice"). Not later than ten (10) days following the issuance of the Preliminary Determinations Notice, the applicant may file a single appeal to any or all of the Step 1 determinations set forth in the Preliminary Determinations Notice in accordance with the appeal procedures set forth in Section 153.240 of the Zoning Ordinance. Any appeal by the applicant must address all of the Step 1 determinations set forth in the Preliminary Determinations Notice, and failure to address any Step 1 determination in an applicant's appeal will result in the applicant's waiver of its right to appeal such determination. No appeal of a Step 1 determination may be made by an applicant unless and until the Director has issued the Preliminary Determinations Notice. If no appeal is filed within ten (10) days of the issuance of the Preliminary Determination Notice, the Permit Application will proceed to the Decision-Making Body for review and action on the Permit Application.

e. Step 2: Final Review and Action by the Planning Commission; Required Findings to Support Approval of Permit Application. Upon completion of Step 1 above, including the completion of any appeal from a Preliminary Determinations Notice, the Permit Application shall be reviewed and processed in accordance with all of the applicable land use and development standards of the applicable Zoning District as determined in Step 1. and acted upon by the Planning Commission. During the effective period of this Ordinance, no Permit Application may be approved unless and until the Planning Commission makes each and all of the following findings regarding the Project described in the Permit Application, in addition to any other findings required by the applicable provisions of the Zoning Ordinance and this Ordinance:

i. The Project will further the goals, objectives and policies of the Commercial Mixed-Use Standards and not obstruct their attainment; and

ii. The Project substantially conforms to the Zoning Ordinance requirements of the applicable Zoning

District.

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 4. Title XV, Land Usage, Chapter 153 Planning and Zoning, Section 153.XXX Architectural Design Standards Commercial Mixed Use shall be added and shall read:

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

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.



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.

Horizontal Mixed-use:

- Adjacent commercial and multi-family residential uses should be designed to create and share public spaces and streets.
- Pedestrian connections between commercial and residential developments should be active and friendly.
- Commercial storefront uses should face public spaces and street edges.
- Large blank walls should not face streets or walkways.
- Residential entries and lobbies should face streets and common open spaces.
- Landscape concepts should enhance the linkages between residential and commercial uses.
- Signage, lighting, and landscaping should provide a thematic identity for mixed-use sites.

- Service areas for commercial uses should be located at the edge of the site and screened to reduce impacts on residents.
- Unnecessary tall concrete block sound walls should not separate commercial uses from residential uses.



1. 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;

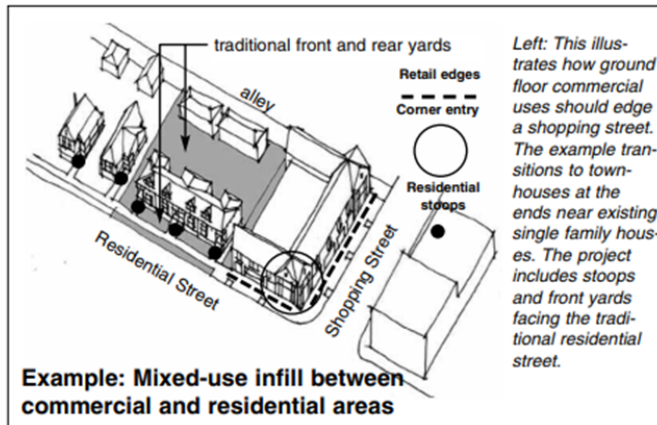
- Orienting units towards public streets and commons rather than neighboring backyards;

- 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



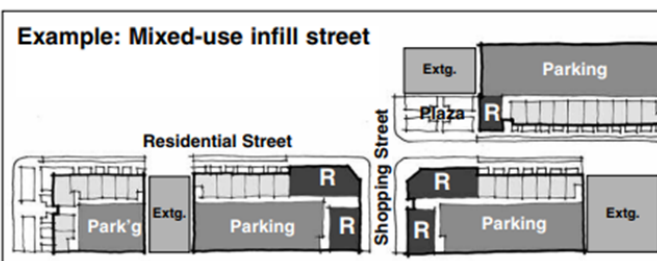
Above: DESIRABLE
 (1) This mixed-use project provides streetscaping and outdoor seating areas on a wide sidewalk.
 (2) This storefront includes a signage and graphic concept that supports ground floor retailing.



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.



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.

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.

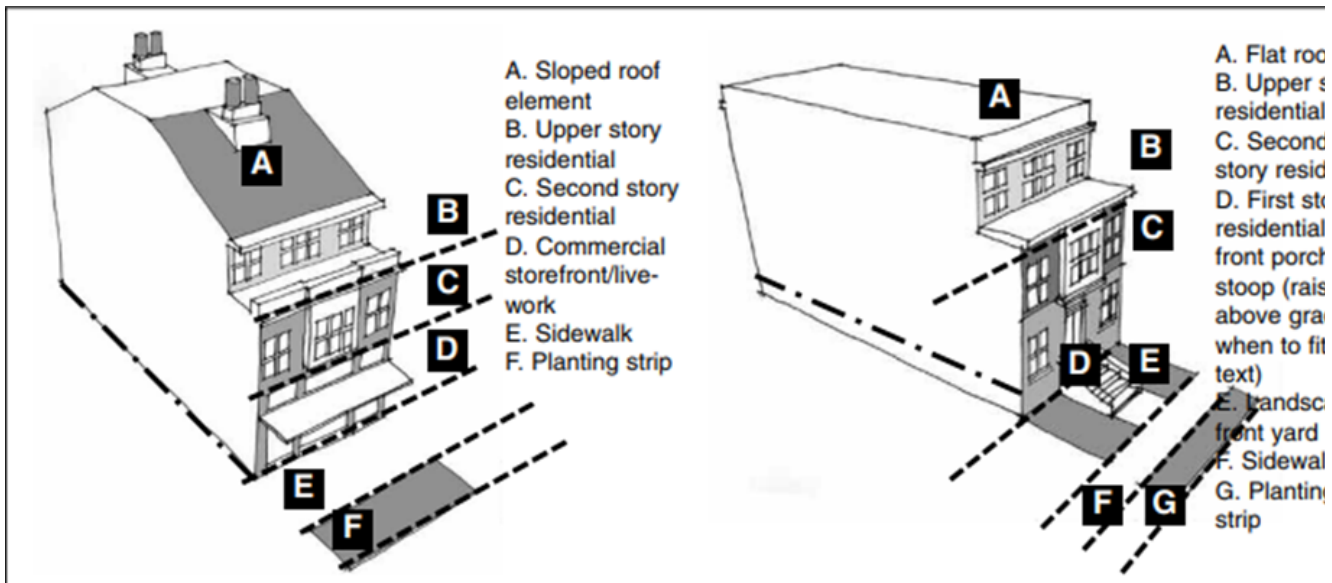


Above: DESIRABLE

This 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.*





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 corner 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.

Section 5. Severability.

1. No other portion, paragraph or phase of the Code of the City of Charlevoix, Michigan shall be affected by this Ordinance except as to the above sections, and in the event any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or of the Code of the City of Charlevoix, Michigan.

Section 6. Effective Date.

This Ordinance shall become effective thirty (30) days after its enactment.

Ordinance No. 866 was adopted on the 19th day of January 2026 A.D., by the Charlevoix City Council as follows:

Motion by: Hagen

Seconded by: Kalbfell

Yeas: Knapp, Parr, Kalbfell, Halverson, Hagen, Spring

Nays: None

Motion carried.

E. Public Hearing: Amend Chapter 70 Traffic Code

Jill McDonnell, Chief of Police

Chief of Police McDonnell presented information on the Zoning Ordinance Amendment Chapter 70 Traffic Code.

Mayor Gennett opened the item for public comment. None were heard.

CITY OF CHARLEVOIX

ORDINANCE NO. 867 of 2026

AN ORDINANCE TO AMEND TITLE VII TRAFFIC CODE, CHAPTER 70 GENERAL PROVISIONS AND CHAPTER 71 TRAFFIC AND PARKING

THE CITY OF CHARLEVOIX ORDAINS:

Section 1: Retitle Chapter 70. Chapter 70 General Provisions shall be retitled as Chapter 70 Traffic and Parking.

Section 2: Retitle Chapter 71. Chapter 71 Traffic and Parking shall be retitled as Chapter 71 Municipal Launch and Parking.

Section 3. Chapter 70 General Provisions and its entirety shall be repealed and replaced and shall read as follows:

70.00 Traffic and Parking

Section 70.01 Uniform Traffic Code and Michigan Motor Vehicle Code Adopted.

1. The Uniform Traffic Code for Cities, Townships, and Villages (the "UTC"), as promulgated by the director of the Michigan Department of State Police, pursuant to the Administrative Procedures Act of 1969, 1969 Public Act 306, MCL 24.201 to 24.328, as amended, and all future amendments to the UTC, are incorporated herein and adopted by reference. The penalties provided by the UTC are hereby adopted by reference.
2. The Michigan Vehicle Code, 1949 Public Act 300, MCL 257.1 to 257.923 (the "Code"), as amended, and all future amendments to the code, are incorporated herein and adopted by reference. Penalties. The penalties provided by the code are hereby adopted by reference; provided, however, that the City of Charleovix may not enforce any code provision for which the maximum period of imprisonment is greater than 93 days.

Section 70.02 References in Code.

A. References in Uniform Traffic Code for Michigan Cities, Townships and Villages to “Governmental Unit” shall mean the City of Charlevoix. **Section 70.03. Copies to be available.**

A. Copies of the Uniform Traffic Code and the Michigan Vehicle Code shall be available electronically in the office of the City Clerk and shall be made available for inspection by request.

Section 70.04 Traffic Engineer.

A. Traffic Engineer. The office of traffic engineer is hereby established. The authority of the traffic engineer shall be vested in the chief of police and the chief of police of the City of Charlevoix shall serve as the traffic engineer. The traffic engineer shall exercise the powers and duties provided in this Chapter in a manner consistent with prevailing traffic engineering and safety practices and in the best interests of this governmental unit.

B. Traffic Control Orders. The authority to regulate traffic contained in this chapter shall be exercised by the Traffic Engineer through the issuance of Traffic Control Orders specifying the rules and regulations adopted or established. Such Traffic Control Orders shall become effective upon filing with the City Clerk and upon the installation of required signage, pavement markings, or traffic control devices providing notice to the public.

Traffic Control Orders may be issued by the Traffic Engineer under their authority and approved by resolution of the City Council when required by this chapter. All Traffic Control Orders, resolutions and amendments shall be maintained by the City Clerk in a separate record known as the Traffic Control Order Book.

C. Truck Routes, Load Limits. The Traffic Engineer is authorized subject to approval by resolution of the City Council to designate truck routes, restrict commercial vehicle access, and impose vehicle weight on designated streets. Such restrictions shall not take effect until notice is provided through official signage.

D. Continuation of Existing Regulations. All traffic and parking regulations lawfully established and in effect on the effective date of this Code—including but not limited to parking meter zones, pay station zones, permit parking areas, loading zones, time-limited parking areas, and weight restrictions—shall remain in effect unless modified or rescinded in accordance with this chapter.

Section 70.05 Parking.

A. Special Parking Permits.

1. The city may provide parking permits for service vehicles, repair and maintenance trucks and other such commercial vehicles to allow parking in any metered space in the city upon payment of such annual fee as the council shall prescribe.
2. Commercial establishments shall pay such annual fee as the council shall prescribe for truck unloading zones established at their request by the city council.
3. A special request to hood or cover a meter or meters shall be allowed upon approval of the chief of police and on advance payment of a fee as the City Council may from time to time set by resolution. Such approval shall be considered for the purpose of construction, refurbishment or maintenance for an adjacent building or property. Special consideration, at no charge, for the purpose of funerals or other requests deemed proper by the chief of police.

B. Parking Meter and Pay Station Zones. The Traffic Engineer is authorized, subject to approval by

resolution of the City Council of Charlevoix, to determine and designate parking meter zones and pay station zones. The Traffic Engineer may install, operate, maintain, replace, or remove parking meters, multi-space pay stations, electronic payment systems, or other parking management devices or technologies deemed necessary to regulate, control, and monitor the parking of vehicles within such zones.

C. Angle Parking Zones. The Traffic Engineer shall determine and establish the location of angle parking zones, subject to approval by resolution of the City Council and shall erect and maintain appropriate signage indicating such zones and the applicable parking regulations.

D. Permit Parking. The Traffic Engineer is authorized, subject to approval by resolution of the City Council to establish permit parking zones, permit fees, fines for violations, applicable hours, and seasonal or annual periods of enforcement. Such regulations in a Traffic Control Order shall be documented in Traffic Control Order and maintained as part of the official record.

E. Meter and Paid Parking Regulations. The Traffic Engineer is authorized, subject to approval by resolution of the City Council of Charlevoix, to establish parking fees, fines, enforcement hours, and time limitations for parking meter zones and pay station zones. The Traffic Engineer may designate enforcement hours, maximum parking durations, variable pricing, and location-specific restrictions through Traffic Control Orders. All such determinations shall be documented in schedules attached to the applicable Traffic Control Orders.

F. Parking Meter, Pay Stations, and Payment Systems. Parking meters, pay stations, or electronic payment systems may be installed adjacent to individual parking spaces, groups of spaces, or designated parking areas. Notice of applicable regulations shall be provided by signage, pavement markings, digital displays, or electronic instructions, including payment methods, time limits, and enforcement hours.

Payment may be made through coins, credit or debit cards, mobile applications, license-plate-based systems, or other authorized payment methods. A vehicle shall be considered lawfully parked only when payment has been properly made and maintained in accordance with posted instructions and applicable Traffic Control Orders.

G. Parking Violations in Paid or Permit Zones. It shall be unlawful to park a vehicle in any metered parking zones, pay station, or permit parking zone without complying with the application payment or permit requirements, or to remain parked beyond the maximum time allowed. Failure to initiate or maintain payment, or failure to display or register a valid permit where required, shall constitute a violation of this chapter.

H. Fraudulent Payment. It shall be unlawful to use, attempt to use or cause the use of any fraudulent means, device, or method to avoid lawful parking payment.

I. Overtime Parking. It shall be unlawful for any person to cause or permit a vehicle remain parked beyond the authorized parking duration in any metered, paid, or permit parking area.

J. Proof of Parking Violation. The presence of a vehicle in a regulated parking area without an active payment record, valid permit, or within an expired time period shall constitute prima facie evidence of a parking violation.

K. Tampering or Damage. It shall be unlawful to damage, tamper with, obstruct, alter, or impair the operation of any parking meter, pay station, signage, or parking payment system.

L. Loading and Passenger Activity. Commercial vehicles actively loading or unloading goods, and passenger vehicles actively loading or unloading passengers, may utilize designate parking spaces without payment for a period not to exceed thirty (30) minutes, unless otherwise restricted by posted signage and Traffic Control Order.

M. Enforcement and Violations. It shall be the duty of the Police officers or authorized enforcement personnel observing a violation to issue a citation.

1. Shall record the vehicle identification, location, time and nature of the violation and may issue a parking violation notice in accordance with the procedures of the City Traffic Violations Bureau.
2. Each additional enforcement interval beyond issuance of a violation.

Section 70.06 Year-Round Parking.

A. Maximum time for parking Municipal parking lots.

1. The maximum time limit for parking in City lots shall be 24 hours.
2. A vehicle shall be considered to be continuously parked if it has not been moved a minimum distance of 200 feet during the specified time period.
3. Vehicles parked in violation of this section may be subject to citation, towing, or impoundment at the owner's expense.

B. Exceptions.

1. This ordinance does not apply to vehicles parked in designated long-term parking areas established by the City of Charlevoix, provided the vehicle is in compliance with applicable permits or fees.
2. Temporary exemptions may be granted by the City of Charlevoix Police Department for special events, emergencies, or other extenuating circumstances.

Section 70.07 Winter Parking.

A. Time and manner of permitted parking. Unless otherwise marked, the following standards apply from December 1 to the following April 1 between the hours of 2:00 a.m. and 6:00 a.m., Sundays through Saturdays, annually, , on-street parking for vehicles (motorized and non-motorized), trailers, equipment, etc., here after referred to as vehicles, shall only be permitted on all public streets within the city only as follows, unless otherwise authorized by the City Manager:

1. **Odd-numbered dates.** On all odd-numbered dates, all vehicles shall be parked on the odd-numbered side of the street. Odd-numbered dates shall mean the first, third, fifth, seventh, ninth, 11th, 13th, 15th, 17th, 19th, 21st, 23rd, 25th, 27th, 29th and 31st days of each month.
2. **Even-numbered dates.** On all even-numbered dates, all vehicles shall be parked on the even-numbered side of the street. Even-numbered dates shall mean the second, fourth, sixth, eighth, 10th, 12th, 14th, 16th, 18th, 20th, 22nd, 24th, 26th, 28th, and 30th days of each month.
3. **Odd-numbered side of street.** The "odd-numbered side of the street" shall mean the side of the public street that is adjacent to properties that are designated by odd-numbered addresses. Odd-numbered addresses shall be those that end with a digit that is a 1, 3, 5, 7,

or 9.

4. **Even-numbered side of street.** The "even-numbered side of the street" shall mean the side of the public street that is adjacent to properties that are designated by even-numbered addresses. Even-numbered addresses shall be those that end with a digit that is a 0, 2, 4, 6, or 8.
5. **Central business district exception.** The provisions in this section shall not apply to public streets within the Central Business District zone. Within the Central Business District zone, no vehicle shall be parked on any public street between the hours of 2:00 a.m. and 6:00 a.m., Sundays through Saturdays, annually, from December 1 to the following April 1.
6. **Overnight parking is not allowed on specific streets at any time.** Overnight parking is not allowed on the following streets between the hours of 2:00 a.m. and 6:00 a.m., Sundays through Saturdays, annually, from December 1 to the following April 1: Belvedere Ave./Ferry Ave., Burns St. from Petoskey Ave. (US-31) to Division St., W. Carpenter St., Division St., W. Garfield Ave. from Bridge St. to Grant St., Grant St., W. Hurlbut Ave. between Bridge St. and State St., May St. between E. Carpenter Ave. from Bridge St. to May St. and E. Garfield Ave. Bridge St. to May St., Meech St., Michigan Ave. between Division St. and Petoskey Ave. (US-31), and State St.
7. **Overnight parking in City lots.** Overnight parking in designated city lots is allowed by permit only. (December 1- April 1)
 - a. **Permits issued.** Residents who reside in the Central Business District (north of Antrim Street and east of State Street to the Pine River Channel and Round Lake) may receive permits for their vehicles.
 - b. **Maximum time for parking.** The maximum time limit for parking in City lots shall be 24 hours.
 - c. **Overnight parking lots.** Residents with a parking permit may park overnight in marked areas in the Acacia lot; Dewitt lot; the Central lot; and the Kusina lot.
8. **Violations.** Any person who violates any provision herein shall be responsible for a civil infraction, the fine for which City Council may, from time to time, set by resolution.

Section 70.08 Snowmobiles.

A. Adoption Part 821 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (MCL 324.82101 et seq.), is adopted by reference by the City of Charlevoix, as part of this Chapter, and any amendments thereto shall become part of this Chapter.

B. Additional Regulations. In addition to State law which pertains to snowmobiles, the following provisions shall apply to snowmobiles operating within the City of Charlevoix.

C. Snowmobiles may only be operated within the City of Charlevoix as shown in the map denominated "Designated Snowmobile Routes within the City of Charlevoix". That map shall depict two types of designated snowmobile routes which are Type A routes and a Type B route and areas where snowmobiles may park. Type A routes consist of the following streets:

1. Division Street from Michigan Avenue to Mercer Boulevard.
2. Sherman Street to Charlo Street to Carpenter Street, along the east perimeter fence of the Charlevoix Airport to US 31.

3. The Garfield/May Street intersection south on May Street to Eaton Avenue to Ferry Avenue to Stover Road.

D. The Type B route consists of the following areas: Ferry Avenue from the intersection of Eaton Avenue and Ferry Avenue and Belvedere Avenue from its intersection with Ferry Avenue to the downtown snowmobile area. The downtown snowmobile area is located south of the Clinton Street right of way, east of the Bridge Street right of way, north of the Belvedere Avenue right of way and west of Round Lake.

E. No snowmobile may be operated on U.S. 31 within the City limits of Charlevoix, except when crossing U.S. 31.

F. When a snowmobile is normally stored at a location in the City which is not on a Designated Snowmobile Route, the snowmobile may be operated only on the most direct route to or from a Designated Snowmobile Route.

G. No person may operate a snowmobile within the City of Charlevoix at a rate of speed greater than it is reasonable and proper giving due regard for conditions then existing and in no event exceeding the maximum speed permitted under MCL 324.82121.

H. A snowmobile may be operated on a Type A route only for the purpose of ingress to the City of Charlevoix or egress from the City of Charlevoix. A snowmobile may be operated on the Type B route to access a residence, a business or municipal parking area directly adjacent to the route or at the end of the route, or to return from a residence, business or municipal parking area directly adjacent to the route or at the end of the route.

I. Snowmobiles shall not be driven on any sidewalks within the City of Charlevoix.

J. No person under 12 years of age may operate a snowmobile. A person 12 through 15 years of age shall possess a valid snowmobile safety certificate issued pursuant to Part 821 of NREPA while operating a snowmobile. All operators of snowmobiles within the city shall carry valid proof of age on their person while operating a snowmobile within the City of Charlevoix.

K. No person may operate a snowmobile on private property within the City of Charlevoix without consent of the property owner or his agent.

L. No person may operate a snowmobile within the city limits with more than two (2) people on a snowmobile, unless the snowmobile is designed by the manufacturer to carry more than one person.

M. Any person operating a snowmobile on a city street must:

1. Travel as close to right edge of the plowed area of the street as practical.
2. Obey all traffic signals, signs, and devices.
3. Yield the right-of-way to all vehicular traffic and pedestrian traffic.

N. No snowmobile shall be operated across any street except at a street intersection.

O. No snowmobile shall be operated in the City of Charlevoix unless it is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise.

P. No snowmobile shall be operated on the Charlevoix Municipal Golf Course.

Q. No snowmobile may be operated on any street, including any Designated Snowmobile Route, from 11:00 p.m. to 7:00 a.m.

R. A snowmobile may be operated on a City street or an area within the City open to the general public for a special event of limited duration conducted according to a prearranged schedule

submitted to the City Council and after obtaining a permit from the City Council. The permit may designate which streets and/or areas may be used for snowmobiles, set hours of operation, and impose such other conditions as the Council determines are appropriate.

S. From December 1 through March 31 of each year, snowmobiles may be parked on snow covered ground in the downtown snowmobile area.

T. Impoundment of snowmobiles. A snowmobile operated in violation of this chapter or in violation of Part 821 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (MCL 324.82101 et seq.), may be impounded by the City of Charlevoix Police Department when authorized by law. A snowmobile that is lawfully impounded shall be released to the owner or a person authorized by the owner upon proof of ownership and payment of all reasonable towing, impound, and storage fees, unless otherwise ordered by a court of competent jurisdiction.

U. Violation/misdemeanor. Any person who violates any provision of this chapter is responsible for a violation and subject to the penalties as provided under Part 821 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (MCL 324.82101 et seq.).

Section 70.09 Bicycle, Skating, Micromobility Devices Restricted, Violation as a Civil Infraction Definitions.

1. **Bicycle.** A device propelled solely by human power through a system of pedals and gears, having two or more wheels in tandem, and designed to be ridden by one or more persons.
2. **Motorized Bicycle.** As defined by the Michigan Vehicle Code.
3. **Electric Bicycle (E-Bike).** A bicycle equipped with fully operable pedals and an electric motor of not more than 750 watts (1 horsepower). E-bikes are classified according to state law:
 1. Class I – Provides assistance only when the rider is pedaling and ceases to assist at 20 mph.
 2. Class II – Can propel the bicycle without pedaling and ceases to assist at 20 mph.
 3. Class III – Provides assistance only when pedaling and ceases to assist at 28 mph.
4. **Scooter.** A two- or three-wheeled device with a handlebar and deck designed to be stood upon, either:
 1. Human-powered (foot propulsion), or
 2. Electric-powered (commonly called an e-scooter)
 3. Note: Scooters do not include mopeds.
5. **Skating Device.** Any human-powered device consisting of a platform or shoe mounted on wheels, including but not limited to skateboards, roller skates, and in-line skates.
6. **One-Wheel Powered Device.** A single-wheeled personal transportation device powered by an electric motor or similar propulsion system, designed for the rider to stand or balance while in motion.
7. **Micromobility Device.** A small personal transportation device for individual use on roadways, bike paths, or sidewalks. Includes bicycles, e-bikes, scooters, skating devices, and one-wheel powered devices.

8. **Sidewalk.** The portion of a public right-of-way designed or ordinarily used for pedestrian travel.

2. **Use Restrictions.**

1. **Prohibited Areas.** A person shall not operate a bicycle or micromobility device:

- a. On Bridge Street right of way between the Pine River Channel Drive and Hurlbut Avenue except on the travel portion intended for motor vehicles.
- b. On public land or street right-of-way between the Bridge Street right-of-way and Round Lake (including the Marina Promenade), and between Belvedere Avenue and the Pine River Channel, and Hoffmann Park (between Park Avenue and the Pine River Channel walkway).
- c. Exception: Devices may be used on the traveled portion of any street, alley, or public parking lot intended for motor vehicles.
- d. Bicycles may be walked, and micromobility devices may be carried through these areas.

2. **Sidewalk Speed Limit.** No person shall operate a bicycle or micromobility device on any sidewalk at a speed exceeding 10 miles per hour, outside the prohibited areas except where otherwise posted.

3. **Children.** Children aged 12 or under may operate an e-bike or a powered micromobility device in accordance with state law under adult supervision. Children 17 and under must wear a properly fitted helmet at all times while riding.

4. **Traffic Rules.** When operating on a roadway, riders must:

- a. Obey all rules of the road
- b. Use designated crosswalks when crossing streets
- c. Ride no more than two abreast
- d. Ride as close as practicable to the right-hand edge, except when making a left turn or avoiding hazards

5. **Parking and Storage.** No bicycle or micromobility device may be secured to a sign post, streetlight, or tree using a chain, cable, or other device. Devices must not be left unattended on sidewalks in a manner that obstructs pedestrian or vehicle traffic.

a. Bicycles Micromobility devices may be immediately removed by police authority, and any cost of removal or store item will be at the owner's expense.

6. **Rights and Duties.** Individuals using roller skates, roller blades, coasters, scooters, or similar devices shall have all rights and responsibilities applicable to pedestrians, except as provided in this ordinance. All such devices must be used in a manner that does not threaten public safety or damage public or private property.

7. **No Skating, Micromobility Devices Apparatus** may be secured to a signpost, streetlight post or tree by a chain, cable or other such device, nor shall the owner or operator of said device leave same unattended on a sidewalk in such a manner as to interfere with the free flow of pedestrian or vehicular traffic.

8. **Wheelchair or Mobility Assistance Device.** This ordinance shall not prohibit the use of wheelchairs or similar mobility devices operated manually or by electric motor by individuals with certified disabilities.

9. A person who violates this section is responsible for a civil infraction.

70.10 Violations Bureau

A. Authority, Establishment, and Supervision. Pursuant to M.C.L.A. § 600.8395, as amended, and M.C.L.A. § 257.742, as amended a Parking Violations Bureau, for the purpose of handling alleged parking violations within the city is hereby established. The Parking Violations Bureau shall be under the supervision and control of the Chief of Police.

B. Location. The Chief of Police shall, subject to the approval of the City Council, establish a convenient location for the Parking Violations Bureau, appoint qualified city employees to administer the Bureau and adopt rules and regulations for the operation thereof.

C. Definitions. For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

D. Parking Violations Bureau. The Bureau established by this subchapter for the processing of all civil infractions involving the parking or standing of a motor vehicle within the township.

E. Parking Violations Notice. A notice, other than a citation, directing a person to appear at the Parking Violations Bureau and to pay the fines and cost, if any, prescribed by the code of the township for the parking or standing of a motor vehicle in violation of the code.

F. Service of Parking Violation Notice. In a civil infraction or local ordinance violation involving the parking or standing of a motor vehicle, a copy of the parking violation notice need not be served personally upon the defendant but may be served upon the registered owner of the motor vehicle by attaching the copy to the vehicle. The parking violation notice may be issued by either a police officer of the City or by any other City employee duly authorized by the City Board to issue a notice.

G. Form of the Parking Violation Notice. The issuance of the parking violation notice shall be deemed an allegation of a parking violation. The parking violation notice shall set forth the nature of the offense and the date, time and location of the offense. In addition, the parking violation notice shall also indicate the length of time in which the person to whom the same was issued must respond before the Parking Violations Bureau. It shall also indicate the address of the Bureau, the hours during which the Bureau is open, the amount of the penalty scheduled for the offense for which the parking violation notice was issued and advise that a civil infraction citation or local ordinance violation will be sought if a person fails to respond within the time limit.

H. Settlement of Violations. No violation not scheduled in § 70.10 of this chapter shall be disposed of by the Parking Violations Bureau. The scheduling of a particular violation herein shall not entitle the violator to disposition of the violation at the Bureau and in any event the person in charge of such Bureau may refuse to dispose of such violation in which case any person having knowledge of the facts may make a sworn complaint before any court of proper jurisdiction as provided by law.

I. Procedure for all Contested and/or Unresolved Violations. If a parking violation notice is attached to a motor vehicle and if an admission of responsibility is not made and the civil fines and cost, if any, for the violation are not paid at the Parking Violations Bureau, a citation may be filed with the court having competent jurisdiction thereof and a copy of the citation may be served by first-class mail upon the registered owner of the vehicle at the owner's last-known address. The citation shall consist of a sworn complaint containing the allegations stated in the parking violation notice and shall fairly inform the defendant how to respond to the citation. Thereafter, the citation for the parking or standing violation shall be processed in the same manner as provided in M.C.L.A. § 257.741.

J. Schedule of Fines. The Traffic Engineer is hereby authorized, subject to the approval of the City Council by resolution, to determine penalties and fines for violation of any of the provisions of this traffic code. The Traffic Engineer shall maintain a traffic control order specifying a schedule of all such fines.

Section 4. Severability.

No other portion, paragraph or phase of the Code of the City of Charlevoix, Michigan shall be affected by this Ordinance except as to the above sections, and in the event any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or of the Code of the City of Charlevoix, Michigan.

Section 5. Effective Date.

This Ordinance shall become effective thirty (30) days after its enactment.

Ordinance No. 867 was adopted on the 19th day of January 2026 A.D., by the Charlevoix City Council as follows:

Motion by: Spring

Seconded by: Kalbfell

Yeas: Knapp, Parr, Kalbfell, Halverson, Hagen, Spring

Nays: None

Motion carried.

7. All Other Actions and Requests

A. Special Event Approval: Easter Egg Hunt hosted by Charlevoix Chamber of Commerce

Mark Heydlauff, City Manager

City Manager Heydlauff presented information on the Special Event Approval: Easter Egg Hunt hosted by Charlevoix Chamber of Commerce.

Mayor Gennett opened the item for public comment. None were heard.

Motion by Spring, seconded by Knapp to approve the use of East Park for the Easter Egg Hunt on April 4, 2026.

Yeas: Knapp, Parr, Kalbfell, Halverson, Hagen, Spring

Nays: None

Motion carried.

B. Special Event Request: Knee Deep Performance-Odmark Pavilion

Mark Heydlauff, City Manager

City Manager Heydlauff presented information on the Special Event Request: Knee Deep Performance—Odmark Pavillion.

Mayor Gennett opened the item for public comment. None were heard.

Motion by Kalbfell, seconded by Spring to approve Knee Deep use the Odmark Pavilion on June 20, 2026 for a free concert.

Yeas: Knapp, Parr, Kalbfell, Halverson, Hagen, Spring

Nays: None

Motion carried.

C. Northside Trail Project

Mark Heydlauff, City Manager

City Manager Heydlauff presented information on the Northside Trail Project.

Mayor Gennett opened the item for public comment, one was heard.

Motion by Hagen, seconded by Knapp to move forward with the Northside Trail Project as presented.

Yeas: Knapp, Parr, Kalbfell, Halverson, Hagen, Spring

Nays: None

Motion carried.

D. Budget Discussion and Review

Mark Heydlauff, City Manager

City Manager Heydlauff presented information on the Budget Discussion and Review.

Council concurred to schedule a budget work session on Thursday, February 5, 2026 at 4 p.m.

E. Request to Change City Council Meeting Date/Time for May Election

Sarah Dvoracek, City Clerk

City Clerk Dvoracek presented information on the Request to Change City Council Meeting Date/Time for May Election.

Mayor Gennett opened the item for public comment. None were heard.

Motion by Hagen, seconded by Kalbfell to reschedule the first Council Meeting in May to Monday, May 4, 2026 at 12 p.m.

Yeas: Knapp, Parr, Kalbfell, Halverson, Hagen, Spring

Nays: None

Motion carried.

8. Reports and Communications

A. Public Comment

B. City Manager's Comments

- Met with Jonathan and we are recommending a joint work session meeting with Council and the Planning Commission to discuss updating the Master Plan. We are hoping to schedule the joint meeting on April 13, 2026 at 6 p.m.; Council concurred.
- Provided a brief update on the City Hall lighting project and noted that some budgeted items are allocated for refreshing other aging government buildings.

C. Mayor and Council Comments

- Council Member Halverson reported that the City has participated in the CCE 911 Central Dispatch Authority for over 35 years. The authority is funded through a millage from Charlevoix, Cheboygan, and Emmet counties. On Friday, the Charlevoix County Board

Chair held a special meeting to discuss withdrawing from the three-county arrangement without advising the City or the Police Chief. The Sheriff has expressed interest in assuming control of dispatch operations, but the reason for this proposed change is unknown.

9. Other Council Business

10. Adjourn

Mayor Gennett adjourned the meeting at 7:32 p.m.

Sarah J. Dvoracek

City Clerk

Lyle Gennett

Mayor