



Agenda
City of Charlevoix Planning Commission Regular Meeting
Monday, July 13, 2026 - 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

- A. Call to Order/Pledge of Allegiance**
- B. Roll Call**
- C. Inquiry into Potential Conflicts of Interest**
- D. Approval of Agenda**
- E. Approval of the Minutes**
 - 1. June 8, 2026, Planning Commission Regular Meeting Minutes
- F. Call for Public Comment Not Related to Agenda Items**
- G. New Business**
 - 1. Site Plan review 605 Sheridan
- H. Old Business**
 - 1. Data Center Ordinance
- I. Staff Updates**
 - 1. Zoning Administrator Report
- J. Requests For Next Month's Agenda, Commissioner Comments or Research Items**
- K. Adjournment by 8:00 p.m. unless extended by a motion**

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

City of Charlevoix
Planning Commission Regular Meeting Minutes
Monday, June 8, 2026 - 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

A. Call to Order/Pledge of Allegiance

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

B. Roll Call

Chair: Jennifer Muladore

Members Present: Scott Beatty, Shelley Boehmer, Christine Galbreath, Kristin Jones, Maureen Radke

Members Absent: None

Staff Present: Jonathan Scheel, Director of Planning and Zoning

C. Inquiry into Potential Conflicts of Interest

None.

D. Approval of Agenda

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

Motion carried by unanimous voice vote.

E. Approval of the Minutes

1. Minutes of May 11, 2026

Member Radke stated that a correction was needed at the end of page 2, to read: " Members Radke and Boehmer expressed a middle position emphasizing the historic value of downtown and noting that many buildings are already close to three stories."

Motion by Member Boehmer, seconded by Member Galbreath to approve the minutes of May 11, 2026 as amended.

Motion carried by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

None.

G. New Business

1. Sheridan Street Development preliminary review

John Kurtz, Representative of Sheridan Street Development, stated the Commission was aware of this project, and he had requested to be on the agenda tonight, but was unable to forward the information to Director Scheel on a timely basis. Mr. Kurtz stated his presentation would be scheduled for the July Planning Commission Meeting.

H. Old Business

1. Data Center Ordinance

Director Scheel reported that he had continued researching data centers and recently attended a related event in Gaylord. He reviewed the event's presentation slides with the Commission.

He noted that two visitors at the previous meeting had argued that cities should not regulate data centers through zoning. Director Scheel agreed with Mr. Boal that large hyperscale data centers do not meet "local needs" under the Michigan Zoning Enabling Act. However, he explained that smaller data centers could meet demonstrated local needs, which is what the City's proposed ordinance aims to address.

Director Scheel also expressed concern that the draft ordinance gave the City's electric department veto authority over proposed data centers if they determined the electrical infrastructure was insufficient, similar to the authority held by the water department. He noted that many data center companies are now building private power systems. He asked for the Commission's support to begin researching and drafting an ordinance to regulate private power companies. He then summarized key considerations related to data centers, including power grid impacts, infrastructure costs, water usage, incentive negotiations, zoning, land use, and long-term impacts.

Chair Muladore reminded attendees that this was not an official public hearing but welcomed public comments.

Director Scheel also addressed the topic of a moratorium, explaining that only the City Council could enact one. He stated that he does not believe the City faces an immediate risk of new data center proposals and that staff is actively working on an appropriate regulatory ordinance.

Ellis Boal, Attorney, stated that he did not have a strong position about a moratorium, but he did have a strong opinion about whether or not you even need to do anything. He explained his reasoning for why the City did not need to adopt an ordinance regulating data centers.

LuAnn Kozma, 9330 Woods Road, questioned if the Commission had received the paper written by Mr. Boal and if the City Attorney had responded, and Director Scheel stated that Mr. Howard had not responded. She referenced the City's industrial zone, and she did not feel that the City's Master Plan would allow any 24-hour operations in the industrial zone. She stated that the previous week they had an event at the Charlevoix Library about data centers with about 110 people in attendance, and she would be putting the videos from that meeting on their website, NoCharlevoixdatacenters.org.

Catherine Seger, 101 Eaton Court, questioned why this topic was up for discussion if the City does not have the physical space for a data center, and Director Scheel responded.

Andrew Page, lives by the ski hill, stated that he had specific questions about what was included in the proposed ordinance. He stated his concerns about data centers.

David Bean, 8635 Carson Avenue, referenced the noise from the existing cement plant and on his street he can hear all kinds of activity that is echoed across the water. His concern is low frequency and audible noise and the potential problems it can cause.

Oksana Posa, 320 W. Upright, questioned whether there are currently data centers in the City by right and will the proposed ordinance allow any of the existing low-frequency type facilities. Director Scheel explained legal non-confirming or "grandfathering in" a use that is currently existing.

Steve Jadwin, 911 State Street, stated that he was a data manager for 30 years and people have no idea the amount of money involved in AI and data centers. He referenced the AI centers in Northern Virginia where 25% of the nation's data centers exist.

Jenna, Horton Bay Road, stated that she was extremely scared for the community to see what was going to come and spoke against the impact of data centers and for preserving what is already here in the Charlevoix area.

Bill, Charlevoix Township, wanted to clarify some earlier points and referenced the Hayes Township proposal, and that Holtec is going to put in a data center, and he stated that the property was still owned by Consumers Power. He stated he worked for Consumers Power for 40 years, and he knows what they have planned for that property. Holtec only operates the dry fuel storage facility.

Jay Gibbons, 225 State Street, Boyne City, stated that \$30 billion in funding is proposed for about 34 projects in Michigan, and questioned how anyone could say that these facilities would be smaller scale in this area. He spoke against locating such facilities in this area.

Lyle Gennett, 217 Clinton Street, thanked Director Scheel and the Commission for listening to concerns and putting an ordinance forward for the City Council to consider.

Michelle Duprey, 11935 Pa Be Shan Trail, stated she would bet that most people are concerned about what is going to happen with the Big Rock property, and she encouraged the Commission to communicate with the surrounding communities as much as possible.

Chair Muladore explained the Commission's agenda and meeting process.

Director Scheel reviewed in detail the standards used to develop the proposed ordinance regarding data centers.

Member Beatty stated he was curious whether providing this ordinance acknowledges the need in this community for the service they were trying to regulate. He returned to Mr. Boal's argument that if it's of no immediate need that the ordinance may not be necessary, and he awaited the City Attorney's opinion on the matter. He felt that there should be a moratorium on such uses as a safety net.

Member Galbreath thanked the audience for their participation and comments. She stated that she did not feel they should be addressing the ordinance until they received the City Attorney's opinion on the matter.

Member Radke stated she was grateful for the participation and for the audience's comments. She stated that she had gone to the program in Gaylord the previous week, and she was really

struck that at the end of each presentation she heard everyone indicating that there needed to be a plan for when these facilities become obsolete.

Member Boehmer thanked everyone for their participation as well and stated that she was a bit overwhelmed by all the information provided and she was not sure that she could delve deep into this issue today.

Member Jones stated that she was prepared to address some specific things in the ordinance, but they may need to wait for more information.

Director Scheel reminded the Commission Members and the public to reach out to him with their questions and concerns.

Member Muladore stated that she started looking at what micro or small scale size was for these facilities, and she came across all these articles from California, where it's basically a server on a server rack in people's houses. Director Scheel stated that the definition of data center is not sufficient and needs to be addressed and very clearly defined. Members of the audience spoke and asked questions from their seats. Director Scheel stated that he and the Commission Members were educating themselves on the whole data center issue.

No action was taken.

I. Staff Updates

1. Zoning Administrator Report

Member Galbreath stated that it was time to talk to Andy's Party Store about their sign.

Director Scheel stated that for the Redevelopment Ready Community the Economic Development Strategy that was written years ago includes numerous references to the Planning Commission so he will bring a report to the Commission at the next meeting.

Director Scheel stated that they would be having a ZBA meeting for a variance for an A/C unit at 421 Michigan.

Director Scheel reported that Berkshire-Hathaway Real Estate bought out the previous owner of the property on the hill on Hurlbut and has pre-sold six of the 14 units and when they have eight units sold they will be starting construction.

Director Scheel stated that another developer had come to him asking about property he had purchased on the corner of Carpenter and Sheridan (14 acres) and he anticipated that the developer would be coming forward in the next few months with a residential project. Most of the 14 acres is within Charlevoix Township.

Director Scheel stated that enforcement has started, and 40 letters were sent out for tall grass and other issues last Thursday.

Discussion followed in general regarding review of the Comprehensive Land Use Plan and the

need for a designated bike path through town.

J. Requests For Next Month's Agenda, Commissioner Comments or Research Items

Chair Muladore stated that the July meeting would include a public hearing for parking standards, and maybe the site plan review for Mr. Kurtz's project.

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

Chair Muladore adjourned the meeting at 8:00 p.m.

Sarah J. Dvoracek/fgm

City Clerk

Jennifer Muladore

Chair

Charlevoix Planning Commission

New Business

Title: Site Plan review 605 Sheridan

Date: July 13, 2026

Presented By: Jonathan Scheel, Director of Planning & Zoning

Background:

Before the Planning Commission is a final plan for a 21-unit subdivision that is partially in the city and partially in the township. The planning Commission is only approving the 9 units in the city but should review how the entire subdivision as shown will impact the city.

Recommendation:

Review with ordinance standards, discuss, findings of fact, motion to approve with or without conditions.

Attachments:

1. Level B Site Plan Review 01-2026
2. V100 6-5-26
3. C100 6-5-26
4. Lot Dimensions



PLANNING COMMISSION AGENDA ITEM

AGENDA TITLE: Level B Site Plan Review 2026-1 SPA 605 Sheridan Street

PUBLIC MEETING DATE: September 13, 2025 6:00PM

EXHIBITS:	1. Site Plan Review application. 2. Site Plan provided by applicant. 3. Site Plan Review Report by Zoning Administrator 4. City of Charlevoix Zoning Ordinance.
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I. GENERAL INFORMATION:

Applicant: John Kurtz

Property Owner: Sheridan Street Development
712 E Dixon
Charlevoix, MI 49720

Requested Action: Level B Site Plan Approval for 9 unit condominium subdivision

Zoning: Residential 2 (R2)

Project Location: 605 Sheridan Tax ID 052-227-0033-00

Project Site Size: 3.58 acres

Existing Land Use: Undeveloped

Adjacent Land Uses: Across the street east, excavation business. North west and south, single family homes.

Adjacent Zoning: North, south and east, R-2 Low Density Family residential. West, Charlevoix Township R-2

II. PROJECT DESCRIPTION/LOCATION:

Sheridan Street Development is proposing a 21-unit condominium subdivision with nine units in the city and 12 additional units in Charlevoix Township. The proposed plan includes a private road and seven lots that meet the minimum 6,000 sq ft lot size of the R2 zoning district.



Charlevoix County Website Aerial photo 2016



Subject property Google Earth 2022

III. MASTER PLAN CONSIDERATIONS: *Please note that Site Plan Review is not based on consistency with the City Master Plan, this section is included only for general reference.

The 2022 Land Use Master Plan identifies this area of Charlevoix as being City Center Residential.

Key Characteristics: The City Center Residential future land use community character area is aligned with the Central City Neighborhood District Community Character Area. The neighborhood character is made up of primarily residential uses with

secondary, complementary home occupations spaces. Activity in this area is typically during the day with some evening and night activity. Proximity to the downtown core and downtown edge areas and ease of accessibility through the city's historic grid network of streets and sidewalks encourages a more active environment. The mixture of uses generates by a medium level of intensity. The City Center Residential area has the City's oldest neighborhoods as well as the City's only residential historic district. The neighborhood's historic resources should be protected through preservation, rehabilitation, or adaptive reuse.

Transportation and Mobility: The City Center Residential area should maintain connections with surrounding areas and be highly accessible by a variety of transportation options. Roads within the City Center Residential area follow Charlevoix's historic grid network and also have common elements including sidewalks, pedestrian scale lighting, and tree canopy. The network of alleys, sidewalks, and bicycle lanes support connectivity within the area and between adjacent areas and the use of alternative forms of transportation. Expanded sidewalks in this area should help guide people to the downtown area and other key destinations and create a welcoming streetscape. On-street parking provides an alternative parking option for residents and business owners who do not have onsite parking.

Appropriate Land Uses: Uses in the City Center Residential area should be primarily residential in nature. Home occupations and other mixed uses such as public institutions, day care centers, and parks that may be appropriate.

IV. SITE PLAN REQUIREMENTS:

The Zoning Administrator has been granted the authority to waive portions of the information that is typically required in a site plan by the Zoning Ordinance. Table 153.234 below indicates what items are included on the site plan as submitted and what items the Zoning Administrator has waived. The key for the responses on the right-hand side of Table 153.234 is noted below.

X	Information Provided on Site Plan
SA	See Attached Information
PI	Partial Information Provided on Site Plan
NA	Not Applicable, Requirement Waived by Zoning Administrator
M	Missing

Submittal Requirements

(1) **Required Content.** Each site plan submitted shall contain the information detailed in Table 153.234, as applicable:

Table 153.234: Required Site Plan Content

<u>Required Information</u>	<u>Level "B"</u>
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General Information

Date, north arrow and scale	X
Name and firm address of the professional individual responsible for preparing the site plan	X
Name and address of the property owner or petitioner	X
Location sketch	X
Legal description of the subject property	X

Size of subject property in acres or square feet	X
Boundary survey	X
Preparer's professional seal	X
Revision block (month, day and year)	X

Existing Conditions

Existing zoning classification of subject property	X
Property lines and required setbacks (dimensioned)	X
Location, width and purpose of all existing easements	X
Location and dimension of all existing structures on the subject property	X
Location of all existing driveways, parking areas and total number of existing parking spaces on subject property	X
Abutting street right-of-way width	X
Location of all existing structures, driveways and parking areas Within three hundred (300) feet of the subject property's boundary	X
Existing water bodies (rivers, creeks, wetlands, etc.)	NA
Existing landscaping and vegetation on the subject property	X
Size and location of existing utilities	X
Location of all existing surface water drainage facilities	NA

Proposed Development

Location and dimensions of all proposed buildings	NA
Location of all proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, walls, fences, signs, exterior lighting, curbing, parking areas (including dimensions of a typical parking space and the total number of spaces to be provided) and unloading areas	NA
Setbacks for all buildings and structures	X
Recreation areas, common use areas, dedicated open space and areas to be conveyed for public use	NA
Flood plain areas and basement and finished floor elevations of all buildings	NA
Landscape plan (showing location of proposed materials, size and type)	NA
Layout and typical dimensions of proposed parcels and lots	NA
Number of proposed dwelling units (by type), including typical floor plans for each type of unit	NA
Number and location (by code, if necessary) of efficiency and one, two and three or more bedroom units	NA
All deed restrictions or covenants	Future document
Brief narrative description of the project including proposed use, existing floor area (sq. ft.), size of proposed expansion (sq. ft.) and any change in the number of parking spaces	X

Engineering

<u>Proposed method of handling sanitary sewage and providing potable</u>	
<u>Water</u>	X
<u>Location and size of proposed utilities, including connections to public</u>	
<u>sewer and water supply systems and/or size and location of on-site systems</u>	X
<u>Location and spacing of fire hydrants</u>	X
<u>Location and type of all proposed surface water drainage facilities</u>	X
<u>Grading plan at no more than two (2) foot contour intervals</u>	Waived
<u>Proposed streets (including pavement width, materials and easement or</u>	
<u>right-of-way dimensions)</u>	X

Building Details

<u>Typical elevation views of all sides of each building</u>	NA
<u>Gross and usable floor area</u>	NA
<u>Elevation views of building additions</u>	NA
<u>Building height</u>	NA

(1) Information Waiver. Specific requirements of either a Level “A” or “B” site plan may be waived by the Zoning Administrator where it is determined that such information is not applicable to the request.

(2) Additional Reports/Study: The Zoning Administrator or Planning Commission may require additional studies, reports or written opinions from qualified consultants to determine compliance with this ordinance or to ensure negative impacts to public health, safety and welfare are avoided or mitigated. These reports/studies may include, but are not limited to, traffic studies, transportation plans, geotechnical reports, flood hazard evaluations or environmental assessments. The Zoning Administrator or Planning Commission shall have the authority to choose the individual consultant, firm or company. The costs of additional study shall be paid for by the applicant.

Area, Height and Placement Requirements

<u>Maximum building height</u>	<u>26 feet</u>	<u>Proposed buildings are at</u>
<u>Minimum Yard setbacks</u>	<u>front 15 feet</u>	<u>Proposed building is at</u>
<u>Minimum Yard setbacks</u>	<u>side 8 feet</u>	<u>Proposed building is at t</u>
<u>Minimum Yard setbacks</u>	<u>rear 25 feet</u>	<u>Proposed building is at</u>

Applicants are required to submit a grading and drainage plan, in accordance with the requirements of 153.230 through 153.239 of this chapter, demonstrating storm water can be contained and managed on the subject property if no municipal storm water system exists. If a municipal storm water system exists, the Director of Public Works, or consulting engineer representing the city, shall review the grading and drainage plan to determine if the existing infrastructure can adequately handle the storm water runoff. Applicants may be required to install storm water management features to mitigate impacts to the municipal storm water system.

Charlevoix County Building Department will review submitted Drainage Plan

V. SITE PLAN REVIEW:

The following section is taken directly from the Site Plan Review Section of the Zoning Ordinance. The Planning Commission must make findings of fact to determine if the proposal meets each of the following standards. The Planning Commission must find that this proposal meets all of the following standards based on findings of fact before considering a motion to approve or deny. Staff have written the following recommended findings of fact as a starting point. The Planning Commission may add, modify, or delete any of the following draft findings at the meeting. The draft findings are in *italics*.

153.235 Standards for Site Plan Approval: A site plan shall be approved only upon a finding of compliance with the following standards:

- A. The site plan must comply with all standards of this Article and all applicable requirements of this ordinance, as well as with all other applicable city, county, state and federal laws and regulations.

The Planning Commission finds that the site plan proposal complies with the Zoning Ordinance, which states that the parcel is zoned Residential Medium Density. The following findings of fact will show that the site plan meets all other applicable laws and regulations.

- B. The site must be designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.

The Planning Commission finds that the proposed development is harmonious with the character of the existing neighborhood. The proposed project will fit into the neighborhood which has medium single-family housing. This proposal is designed to the similar maximum height, setbacks and lot coverage to the existing homes that exist in the area.

- C. The site must be designed to minimize hazards to adjacent property and to reduce the negative effects of traffic, noise, smoke, fumes and glare to the greatest extent possible.

The Planning Commission finds that the proposal adds no hazards to adjacent properties. This is a single-family/duplex home development. The plan shows one curb cut on Sheridan Street for a private road.

- D. The site plan does not have a negative impact on the provisions of human services, housing, transportation needs, and access to food in the community.

This development continues the development pattern of the neighborhood with similar density and lot size. Sheridan Street has plenty of excess capacity. The development will have no negative impact on the existing city residents.

- E. The site plan protects the natural environment and conserves natural resources and energy to the extent possible in light of the proposed development.

The existing parcel has minimal vegetation but will be landscaped to meet current ordinance standards. Storm water will be held on site to meet the city storm water ordinance.

F. Unless a more specific design standard is required by the city through a different ordinance or regulation, all uses and structures subject to site plan review shall comply with the following design standards:

(a) The site plan shall comply with the applicable zoning district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in the City of Charlevoix Zoning Ordinance, unless otherwise provided.

Traffic Circulation

(b) Vehicular and pedestrian circulation. Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. A pedestrian circulation system shall be provided and shall be as insulated as completely as reasonably possible from the vehicular circulation system. The number, location and size of access and entry points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, as well as circulation within the site. In reviewing traffic features, the number, spacing and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties.

(c) Walkways from parking areas to building entrances.

1. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from internal parking areas and shall be designed to provide access from these areas to the entrances of the building(s)

Plan shows no walkways, trails or sidewalks.

2. The walkways shall be designed to separate people from moving vehicles.

None shown

3. These walkways shall have a minimum width of five feet with no car overhang or other obstruction.

None shown

4. The walkways must be designed in accordance with the Michigan Barrier Free Design Standards.

None shown

5. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority.

NA

Stormwater

Storm water retention and drainage systems shall be designed so the removal of surface water will not adversely affect neighboring properties or public storm water drainage systems. Unless impractical,

storm water shall be removed from all roofs, canopies and paved areas by an underground surface drainage system. Low impact design solutions such as rain gardens and green roofs are encouraged.

Plan will need to meet the City of Charlevoix Stormwater Ordinance. Charlevoix County Building Department will review the stormwater plan to see that it meets the requirements.

Snow Storage

NA

Landscaping

Development must meet the City of Charlevoix Shade Tree Ordinance Standards.

Lighting

No street lights are shown. All exterior lighting on any future structures must meet current lighting ordinance standards.

Utility Service

Electric Department has reviewed the plans and has the ability to provide all power needed. All facilities installed must meet City Electric Department Standards.

Exterior uses

Plan shows no exterior uses.

Emergency Access

Private Rd is a thorough road with one cul de sac meeting Charlevoix Township Fire Department requirements Charlevoix Township Fire Chief has reviewed the plans and has no concerns.

Water and Sewer

Public Works has reviewed the plans and has the ability to serve. All installation of facilities must meet City Public works standards.

Signs

No signs have been proposed.

Other Considerations

VI. CONDITIONS OF APPROVAL

The following section is taken directly from the Section 153.236 of the Zoning Ordinance. The PC may impose conditions of approval on the site plan based on the following criteria.

5.121. Conditions of Site Plan Approval.

Conditions which are designed to ensure compliance with the intent of this ordinance and other regulations of the City of Charlevoix may be imposed on site plan approval.

Conditions imposed shall be based on the following criteria:

- (1) Ensure that public services and facilities affected by the proposed land use and site plan will not be adversely affected.
- (2) Ensure that the Use is compatible with adjacent land uses and activities.
- (3) Protect natural resources, the health, safety, welfare and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- (4) Ensure compatibility between the proposed use or activity and the rights of the city to perform its governmental functions.
- (5) Meet the intent and purpose of the zoning ordinance, be related to the regulations and standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
- (6) Ensure compliance with the intent of other city ordinances that are applicable to the site plan.
- (7) Ensure compatibility with other uses of land in the vicinity.

Condition upon;

- 1. Meet all standards of the city's stormwater ordinance with no stormwater leaving the site.*
- 2. Meet all standards of the city's lighting ordinance.*
- 3. Meet all standards of the Shade tree ordinance.*
- 4. Provide fire hydrants as required by Charlevoix Fire Department*
- 5. Provide pedestrian sidewalks along the private road and Sheridan in the city*
- 6. Review of condominium documents (Master Deed) by Zoning Administrator and City Attorney if needed to include:*

- A utility plan showing all water and sewer lines and easements granted to the appropriate jurisdiction for installation, repair and maintenance of all utilities;
- *Incorporation of approved provisions in master deed.* All provisions of a final site condominium development plan which are approved by the Planning Commission, as provided by this section, shall be incorporated by reference in the master deed for the site condominium project.

3. Other(s)?

Planning Commission Decision: (choose one)

- A. **Approve** Project 2026-1 SPA **without conditions**, based on specific findings of fact that prove the project does meet the review standards in Section 153.237
- B. **Approve** Project 2026-1 SPA **with conditions**, based on specific findings of fact that prove the project does meet the review standards in Section 153.237

- C. **Deny** Project 2026-1 SPA based on specific findings of fact that prove the project does not meet the review standards in Section 153.237
- D. **Table** the decision on Project 2026-1 SPA. (Usually, this option is only used when additional information is needed to assist the Planning Commission in making the decision.

14132 W. GARFIELD AVE., 605 SHERIDAN ST.
SECT. 27, T34N-R8W, CITY OF CHARLEVOIX , CHARLEVOIX TWP., CHARLEVOIX COUNTY, MICHIGAN



BEG ON N&S1/4 LI SEC 27 T34N R8W WHERE IT INTER S LI GARFIELD AVE TH S 32RDS TH W 20RDS TH N 32RDS TH E 20RDS TO POB EX.COM AT S1/4 COR SEC 27 TH 34N R8W TH AL N&S1/4 LI SD SEC NODEG65611'E 1285.98'F70S LI OF GARFIELD AVE TH AL SD AVE N89DEG 3404'W 165FT TO POB TH SDEG5611'W 167FT TH N89DEG3404'W 165FT TH NODEG5611' 167FT TO SD AVE LI TH AL SD AVE N89DEG3404' 165FT TO POB BEING PT OF SE 1/4 OF SW1/4 SEC 27-34-8 2000SP0999 FROM 027-006-00

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PROPERTY IS ZONED	R-2 TOWNSHIP, R-2 CITY
CURRENT USE:	UN-USED
PROPOSED USE:	SINGLE FAMILY AND DUPLEX HOMES
PROPERTY SIZE:	3.354 ACRE IN TOWNSHIP, 1.531 ACRE IN CITY
	TOTAL: 4.885 ACRE

TOWNSHIP REQUIREMENTS

MAXIMUM STRUCTURE HEIGHT:	35 FEET
MINIMUM FRONT YARD:	25 FEET
MINIMUM INTERIOR SIDE YARD:	10 FEET
MINIMUM STREET SIDE YARD:	25 FEET
MINIMUM REAR YARD:	30 FEET
MINIMUM AREA:	10,000 SQFT

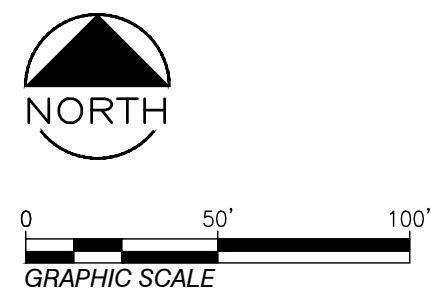
CITY REQUIREMENTS

MAXIMUM STRUCTURE HEIGHT:	26 FEET
MINIMUM FRONT YARD:	15 FEET
MINIMUM INTERIOR SIDE YARD:	8 FEET
MINIMUM STREET SIDE YARD:	15 FEET
MINIMUM REAR YARD:	25 FEET
MINIMUM AREA:	6000 SQFT

PARKING REQUIREMENTS: NO REQUIREMENTS

PARKING PROVIDED: N/A

1. SURVEY INFORMATION PROVIDED BY FERGUSON & CHAMBERLAIN ASSOC.
2. NO STREET LIGHTING OR SIDEWALKS ARE PROPOSED.



PIC:	AEN
PM:	AEN
DRAFTS:	CFT
PROJECT NO.	25-6911

SHEET TITLE
EX. CONDITIONS
AND
PROPOSED PARCELS

SHEET

V100

SHEET No. ----

CONSULTANTS

SHERIDAN
HOUSING

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**Performance
Engineers, Inc.** 

Civil / Structural Engineering
6872 US-31 SOUTH Phone: (231) 547-2121
Charlevoix, Michigan 49720 Fax: (231) 547-0084
www.performanceengr.com

DATE:

CC

DATE _____

D BY:

DATE:

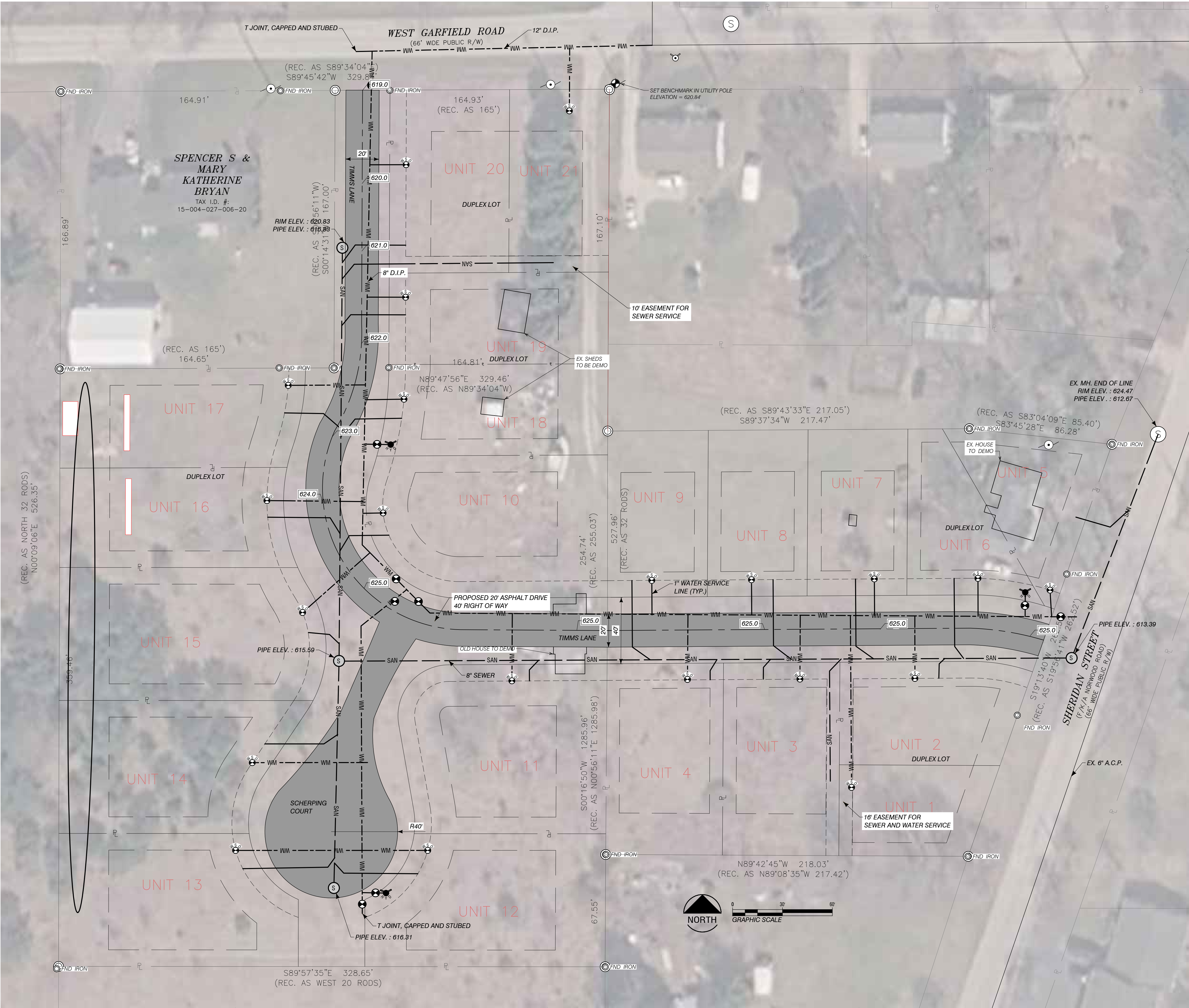
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FILE NAME: 6911 BASE.DWG

SHERIDAN HOUSING

14132 W. GARFIELD AVE., 605 SHERIDAN ST.
SECT. 27, T34N-R8W, CITY OF CHARLEVOIX , CHARLEVOIX TWP., CHARLEVOIX COUNTY, MICHIGAN

LEGEND			
DESCRIPTION	PROPOSED	EXISTING	
BUILDING			
STORM SEWER	— ST —	— ST —	
SANITARY SEWER	— SAN —	— SAN —	
WATER	— W —	— W —	
NATURAL GAS	— G —	— G —	
UNDRGRND ELEC.	— U/E —	— U/E —	
OVERHEAD ELEC.	— E —	— E —	
UNDRGRND TEL.	— UT —	— UT —	
WELL			
MANHOLE			
CATCH BASIN			
FIRE HYDRANT			
UTILITY POLE			
LIGHT POLE			
CLEANOUT			
WATER VALVE			
DECIDUOUS TREE			
CONIFEROUS TREE			
BUSH			
TREELINE			
DITCH OR SWALE			
ELEVATION			
CONTOUR			
PROPERTY LINE			
UNIT LINE			
FENCE	— X —	— X —	
ABBREVIATIONS			
ASPH	- ASPHALT	IE	- INVERT ELEVATION
BF	- BARRIER FREE	LFT	- LINEAR FEET
BC	- BACK OF CURB	MH	- MANHOLE
BLDG	- BUILDING	PVC	- POLYVINYLCHLORIDE
B.M.	- BENCH MARK	PIPE	- PIPE
CFT	- CUBIC FEET	R	- RADIUS
C/C	- CENTER TO CENTER	RCP	- REINFORCED CONCRETE PIPE
CMP	- CORRUGATED METAL PIPE	RR	- RAILROAD
CONC	- CONCRETE	SAN	- SANITARY
DIP	- DUCTILE IRON PIPE	STL	- STEEL
FDN	- FOUNDATION	STM	- STORM
FFE	- FINISH FLOOR ELEVATION	T/C	- TOP OF CURB
F.G.	- FINISH GRADE	TIW	- TOP OF WALK
HDPE	- HIGH DENSITY POLYETHYLENE	TIWALL	- TOP OF WALL
		TE	- TOP/IRIM ELEVATION
		TYP	- TYPICAL



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605 SHERIDAN ST.
CHARLEVOIX, MI 49720

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Performance Engineers, Inc.

Civil / Structural Engineering

6972 US 31 South
Charlevoix, Michigan 49720

Phone: (231) 547-2121
Fax: (231) 547-0064
www.performanceeng.com

DATE

ISSUED FOR

2-9-2026

OWNER REVIEW

6-5-2026

ZONING REVIEW

PROJECT NO.

25-6911

SHEET TITLE

SITE PLAN

SHEET

C100

SHEET No. ---

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Page 19 of 34

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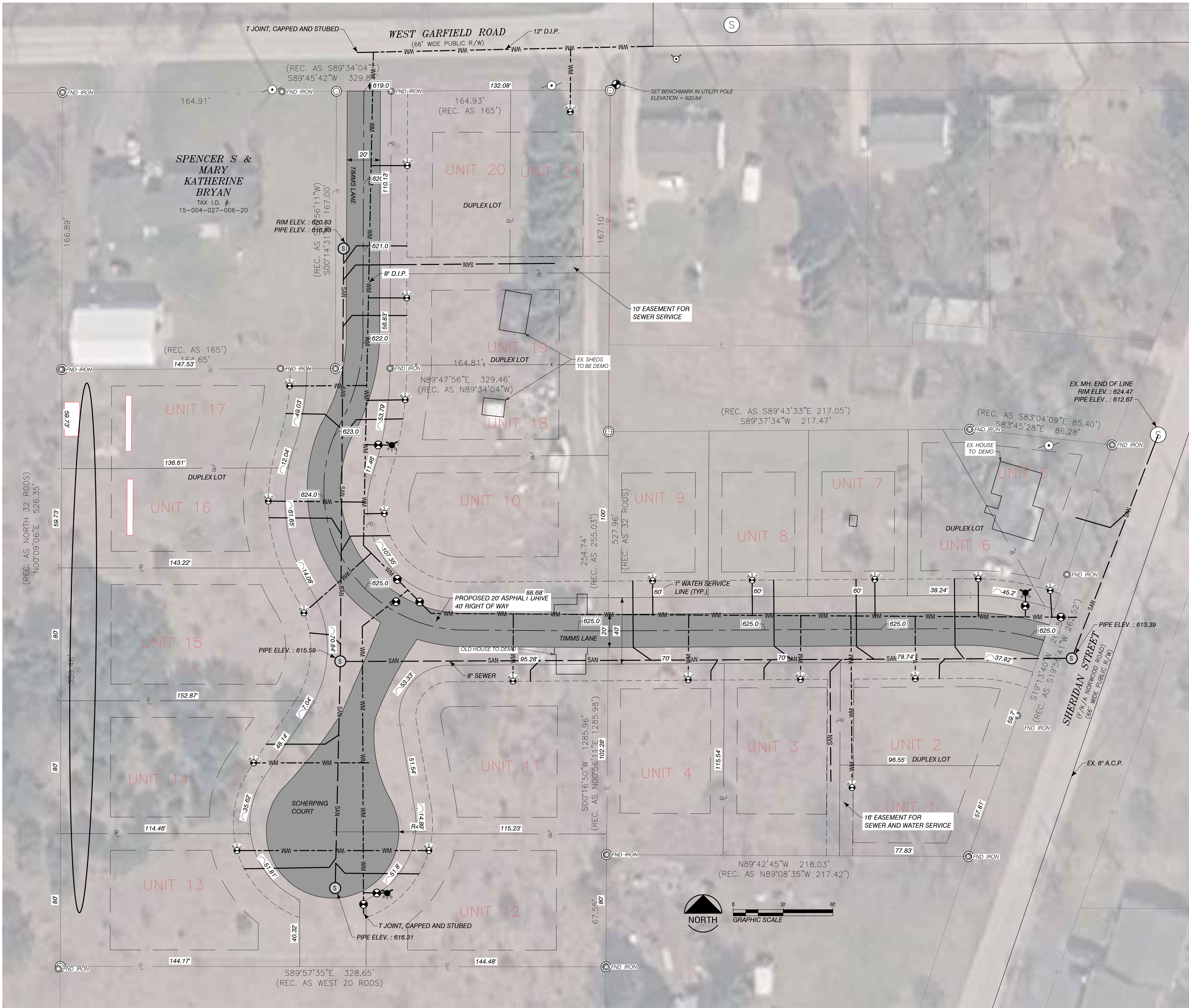
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SHERIDAN HOUSING

14132 W. GARFIELD AVE., 605 SHERIDAN ST.

SECT. 27, T34N-R8W, CITY OF CHARLEVOIX, CHARLEVOIX TWP., CHARLEVOIX COUNTY, MICHIGAN

LEGEND			
DESCRIPTION	PROPOSED	EXISTING	
BUILDING			
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SANITARY SEWER	— SAN —	— SAN —	
WATER	— W —	— W —	
NATURAL GAS	— G —	— G —	
UNDRGRND ELEC.	— U/E —	— U/E —	
OVERHEAD ELEC.	— E —	— E —	
UNDRGRND TEL.	— U/T —	— U/T —	
WELL			
MANHOLE			
CATCH BASIN			
FIRE HYDRANT			
UTILITY POLE			
LIGHT POLE			
CLEANOUT			
WATER VALVE			
DECIDUOUS TREE			
CONIFEROUS TREE			
BUSH			
TREELINE			
DITCH OR SWALE			
ELEVATION			
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ABBREVIATIONS			
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Charlevoix, Michigan 49720
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DATE	ISSUED FOR
2-9-2026	OWNER REVIEW
6-5-2026	ZONING REVIEW

SEAL

PIC:	AEN
PM:	AEN
DRAFTS:	CFT
PROJECT NO.	25-6911

SHEET TITLE
SITE PLAN

SHEET
C100

SHEET No. ---

DATE

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DATE

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FILE NAME: 6911 SITE.DWG

Charlevoix Planning Commission

Old Business

Title: Data Center Ordinance

Date: July 13, 2026

Presented By: Jonathan Scheel, Director of Planning & Zoning

Background:

Per the request from the Planning Commission, I have asked Scott Howard, City Attorney, to weigh in on how the Planning Commission should proceed in approaching regulation of data centers. It is his opinion that Mr. Boal's theory of not having data centers as a use allowed in the city zoning ordinance puts the city at risk of lawsuits. Even though there may be merit to the theory that large hyperscaler data centers do not meet "local needs" as described in the Michigan Zoning Act, a lot of Mr. Boal's theory is site specific to the Saline project. Mr. Howard agrees with my statement that there could be a demonstrated need for a small data center that could meet a local need, thus violating the State Planning Act

I have attached the draft Data Center Ordinance which has not changed since the last draft. The criteria document is the original checklist of talking points from the PC. The red font has been included in the draft ordinance.

There is movement of data center developers to provide their own private power. Gas is currently being used and mention of small nuclear plants is being suggested. Discussion will be needed to decide if the PC wants to regulate private power sources and whether that would be tied to the data center ordinance or be a stand-alone section of the zoning ordinance.

Recommendation:

Continue to discuss and review the draft documents.

Attachments:

1. Data Center criteria
2. Data Center ordinance

Establishing Data Center Development Standards

Maximum facility size and site acreage

Power demand thresholds and utility capacity review

Water usage limits and cooling method requirements

Noise, lighting, buffering and setback standards

Site location criteria and zoning compatibility

Phased development and expansion limitations

Emergency response, resiliency, and decommissioning plans

Community benefit and infrastructure impact considerations.

These are the main points that the city should address looking at any future data center in or around the city (using city services).

Let me know how I should proceed.

CITY OF CHARLEVOIX

ORDINANCE NO. ____

**AN ORDINANCE TO REGULATE CRYPTOCURRENCY DATA MINING FACILITIES
AND DATA CENTERS**

The City of Charlevoix ordains:

**Addition of New Sections 153.200 and 153.201 to Title XV Land Usage, Chapter 153 Planning
and Zoning.**

A new section 153.200 entitled “Supplemental Regulations” is hereby added to the City’s Zoning Ordinance.

A new Section 153.201 entitled “Cryptocurrency Data Mining Facilities and Data Centers” is hereby added to the City’s Zoning Ordinance, to read, in its entirety, as follows:

153.201 CRYPTOCURRENCY DATA MINING FACILITIES AND DATA CENTERS.

1. Definitions.

Cryptocurrency Data Mining Facility. A facility dedicated to operating data processing equipment for commercial cryptocurrency mining and the process by which cryptocurrency transactions are verified and added to digital ledgers.

Data Center. A structure that houses information technology infrastructure and equipment for building, running, and delivering applications, and the storage of digital data. This includes Artificial Intelligence (“AI”) Data Centers.

Electrical Substation. A facility used for the transformation or distribution of electrical power necessary to serve a Cryptocurrency Data Mining Facility or Data Center site, excluding any energy generation facility designed to serve as the primary or continuous power source for the Cryptocurrency Data Mining Facility or Data Center.

2. General Provisions.

1. Cryptocurrency Data Mining Facilities and Data Centers of up to 10MW are permitted in the City as a special land use in the Industrial Zoning District.
2. Data Centers that are ancillary to another primary use are permitted in a non-residential district if they a) occupy no more than ten percent of the building footprint, b) are used to serve the enterprise functions of the on-site property owner and are not used to lease data storage and processing services to third parties, and c) are not housed in a separate stand-alone structure on the parcel.
3. The City may enforce any remedy or enforcement, including but not limited to, the removal of any Cryptocurrency Data Mining Facilities and Data Centers pursuant to the Zoning

Ordinance or as otherwise authorized by law if the Cryptocurrency Data Mining Facility or Data Center does not comply with this Section.

3. Special Land Use Application Requirements. In addition to the requirements of Article 153.231 Site Plan Approval an applicant for special land use approval of a Cryptocurrency Data Mining Facility or Data Center must provide the City with all of the following:
 1. An application fee in an amount set by resolution of the City Council.
 2. A list of all parcel numbers that the Cryptocurrency Data Mining Facility or Data Center will use; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.
 3. An operations agreement setting forth the parameters of the operation, the name and contact information of the operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
 4. Current photographs of the subject property.
 5. A site plan that meets 153.235 Required Site Plan Content of the city's zoning ordinance. The site plan must indicate how the Cryptocurrency Data Mining Facility or Data Center will be connected to the power grid.
 6. A written plan for maintaining the subject property, including a plan for maintaining and inspecting drainage systems and addressing stormwater management, and identifying anticipated water usage and wastewater discharge methods, including any required state or county permits, which are subject to the City's review and approval.
 7. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the Cryptocurrency Data Mining Facility or Data Center, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the Cryptocurrency Data Mining Facility or Data Center and restore the subject parcels, which is subject to the City's review and approval.
 8. A deposit for an escrow account in an amount set by resolution or fee schedule approved by the City Council. The escrow account is used to cover all costs and expenses associated with the special land use review and/or approval process, which costs can include, but are not limited to, review fees of the City Attorney, City Planner, and City Engineer, as well as any reports or studies which the City anticipates will be required during the review and/or approval process for the application. At any point during the review process, the City may require that the applicant place additional monies into escrow with the City if the existing escrowed funds on account with the City will be insufficient, in the determination of the City, to cover any remaining costs or expenses with the review and/or approval process. If additional funds are required by the City to be placed in escrow and the applicant refuses to do so within 14 days after receiving notice, the City will cease the zoning review

and/or approval process until and unless the applicant makes the required escrow deposit. Any escrow amounts in excess of actual cost will be returned to the applicant. An itemized billing of all expenses will be provided to the applicant upon request.

9. A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Cryptocurrency Data Mining Facility or Data Center, which is subject to the City's review and approval.

10. A plan for infrastructure impact considerations including;

(1) Power demand thresholds

(a) Utility capacity review

- I. Dedicated electrical substation
- II. Electric nameplate capacity
- III. Power usage effectiveness (PUE) Federal guidelines 1.3 or lower
- IV. Power with clean energy sources (same or better than City)
- V. Self-generation of power (power backup)

(b) Water usage limits

- I. Require usage and disposal amounts
- II. Require disposal ingredients
- III. Water, city capacity review and approval from water department
- IV. Sewer, city capacity review and approval from public works department
- V. Cooling/climate control methods and specifications. ■

11. A plan for managing any hazardous waste, which is subject to the City's review and approval.

12. A plan addressing response to power outages, which is subject to the City's review and approval.

13. A security plan for providing 24-hour on-site or remote monitored security, including security fencing as described in Section 4.D.

14. A fire protection plan, which identifies the fire risks associated with the Cryptocurrency Data Mining Facility or Data Center; describes the fire suppression system that will be implemented; describes what measures will be used to reduce the risk of fires re-igniting (i.e., implementing a "fire watch"); identifies the water sources that will be available for the local fire department to protect adjacent properties; identifies a system for continuous monitoring, early detection sensors, and appropriate venting; and explains all other measures that will be implemented to prevent, detect, control, and suppress fires and explosions.

15. A transportation plan for construction and operation phases, including any applicable agreements with the County Road Commission and Michigan Department of Transportation, which is subject to the City's review and approval.

16. An attestation that the applicant will indemnify and hold the City harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Cryptocurrency Data Mining Facility or Data Center, which is subject to the City's review and approval.

17. Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL 324.36501 et. seq.); and any other applicable laws and rules in force at the time the City considers the application.

18. An attestation that all stationary and backup energy systems will comply with applicable EPA and EGLE air emission standards, that any diesel generators shall meet the EPA's current Tier 4 emission standards, and that any battery energy storage system (BESS) shall comply with NFPA 855 fire safety standards.

19. A noise and sound study demonstrating compliance with the noise standards, as provided in Section 4.F, at all property lines.

20. A traffic impact study prepared by a professional engineer knowledgeable in the traffic study field identifying trip generation, road capacity needs, and any required improvements.

21. Documentation prepared in coordination with the serving utility demonstrating the availability of sufficient electrical, water, and wastewater capacity to serve the facility without compromising existing needs or causing rate hikes for existing customers.

22. An analysis describing existing environmental site conditions, natural features, and any anticipated impacts to wetlands, streams, woodlands, wildlife habitat, air quality, and groundwater.

23. A community and environmental impact statement evaluating the expected operational characteristics of the Cryptocurrency Data Mining facilities or Data Center and its potential impacts, describing measures to avoid, minimize, or mitigate any adverse impacts identified, including, but not limited to:

1. Emergency Services: Fire, police, and medical response needs and coordination measures.

2. Road Network: Effects on City street infrastructure and access points.

3. Water Resources: Effects on wells, aquifers, and surface waters.
 4. Noise, Vibration and Air Emissions: Including generators and cooling equipment.
 5. Land Use Compatibility and Visual Impacts: Especially in relation to nearby residential or agricultural properties.
 24. Any additional relevant information or documentation requested by the Planning Commission, City Council, or other City representatives.
4. System and Location Requirements. In addition to the requirements of Section 153.231 for a site plan, the site plan must include all of the following:
1. Equipment. All equipment used in any Cryptocurrency Data Mining Facility or Data Center must be housed in a metered, electrically grounded, and pre-engineered or prefabricated structure with a fire rating designed to resist an internal electrical fire for at least one hour.
 2. Structures. All principal and accessory structures used for cryptocurrency mining operations and/or data centers, shall be arranged, designed, and constructed to be harmonious and compatible with the site and with the surrounding properties, and comply with zoning district regulations. If prefabricated, pre-engineered, or modular structures are installed, the following standards are required:
 - (a) All structures shall have concrete foundations.
 - (b) All exterior facades shall have muted earth tone colors that will blend the facility into the natural setting and existing environment, and shall not be defective, decayed or corroded.
 - (c) If intermodal shipping containers are utilized such installation shall comply with current National Electrical Code standards.
 3. Lighting. The lighting of the Cryptocurrency Data Mining Facility or Data Center is limited to the minimum light necessary for safe operation. Illumination from any lighting must not extend beyond the perimeter of the lot(s) used for the Cryptocurrency Data Mining Facility or Data Center and must be fully shielded and directed downward. The Cryptocurrency Data Mining Facility or Data Center must not produce any glare that is visible to neighboring lots or persons traveling on public or private roads. Security lighting may be motion-activated or reduced during nighttime or off-peak hours.
 4. Security Fencing. Security fencing must be installed around all electrical equipment related to the Cryptocurrency Data Mining Facility or Data Center. Such fencing must be a minimum six (6) feet tall and must use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment.
 5. Substations. Any on-site electrical substation shall be located to minimize visual impact and screened to provide year-round opacity when viewed from public roads or adjacent residential properties.

5 Noise. The Data Center must be designed and built to incorporate sound mitigation methods sufficient to prevent the sound levels emanating from the Data Center including any generator noise (as determined by a third-party acoustic engineer) from exceeding the ambient noise levels that were observed in a baseline study. Design specifications for such sound mitigation must be provided to the City before zoning permit approval.

1. The noise generated by the Cryptocurrency Data Mining Facility or Data Center must not exceed 45 dBA, as measured at the property line of any adjacent parcel.
2. Testing of generators shall be permitted only Monday through Friday between 9:00 a.m. and 5:00 p.m.
3. Where necessary to meet noise limits, audible screening such as sound walls, enclosures, or other mitigation measures shall be required.
4. The Data Center operator must also conduct an additional noise study, as measured at the property line of the nearest property to the Data Center property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the Zoning Administrator, annually during peak operation of the Data Center mechanical equipment for five years after completion of the initial post-construction noise study. The Data Center operator must provide the results of the noise study to the City within thirty days of the anniversary of the date on which the certificate of occupancy or certificate of completion was issued by the City.

6. Vibration. No use shall generate any ground-transmitted vibration in excess of the limits set forth below. Vibration shall be measured at the nearest adjacent lot line. The vibration maximums set forth below are stated in terms of particle velocity, which may be measured with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following standards shall apply:

Frequency (Hz)	Particle Velocity (in/sec)
0 to 9.99	0.0010
10 to 19.99	0.0008
20 to 29.99	0.0006
30 to 39.99	0.0004
40 and over	0.0002

If requested by the enforcement official, the petitioner shall provide evidence of compliance through a third-party professional specializing in vibration monitoring. The cost and arrangement of testing shall be the petitioner's obligation. Vibrations from temporary construction activities are exempt from these requirements.

7. Signage. The Cryptocurrency Data Mining Facility or Data Center shall provide a 24-hour emergency contact signage visible at the access entrance. Signs shall include company name if applicable, owner/representative name, telephone number, and corresponding local power company and telephone number.

8. Traffic and Access. Vehicle access shall be directed to County or State-designated primary roadways where feasible. The City may require roadway improvements, turn lanes, or other traffic management measures after considering the recommendations of the Traffic Impact Study required under Section 3.S.

9. Underground Transmission. All power transmission or other lines, wires, or conduits from a Cryptocurrency Data Mining Facility or Data Center to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation.

10. Drainage System Inspections. The Cryptocurrency Data Mining Facility or Data Center must be maintained in working condition at all times while in operation. The applicant or operator must inspect all drain piping at least once every three years using a robotic camera, with the first inspection occurring before the Cryptocurrency Data Mining Facility or Data Center is in operation. The applicant or operator must submit proof of the inspection to the City. The owner or operator must repair any damage or failure of the drainage system within sixty (60) days after discovery and submit proof of the repair to the City. The City is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.

11. Stormwater Management. Stormwater management facilities shall comply with City and Charlevoix County standards. The use of green infrastructure and low-impact design practices is encouraged where feasible.

12. Fire Protection.

1. Before any construction of the Cryptocurrency Data Mining Facility or Data Center begins, the City's fire department (or the fire department with which the City contracts for fire service) will review the fire protection plan submitted with the application. The fire chief will determine whether the fire protection plan adequately protects the City's residents and property and whether there is sufficient water supply to comply with the fire protection plan and to respond to fire or explosion incidents. If the fire chief determines that the plan is adequate, then the fire chief will notify the City or his or her designee of that determination. If the fire chief determines that the plan is inadequate, then the fire chief may propose modifications to the plan, which the applicant or operator of the Cryptocurrency Data Mining Facility or Data Center must implement. The fire chief's decision may be appealed to the City Planning Commission, and the City Council will hear the appeal at an open meeting. The City Planning Commission may affirm, reverse, or modify the fire chief's determination. The City Planning Commission's decision is final, subject to any appellate rights available under applicable law.

2. The applicant or operator may amend the fire protection plan from time-to-time in light of changing technology or other factors. Any proposed amendment must be submitted to the fire department for review and approval under subsection (1).

3. The Cryptocurrency Data Mining Facility or Data Center must comply with the fire protection plan as approved by the fire chief (or as approved by the City Planning Commission in the event of an appeal).
4. The Cryptocurrency Data Mining Facility or Data Center must contain an internal fire suppression system that shall be reviewed and tested once every twelve (12) months by a third-party contractor approved by the fire chief.
14. Applicant must provide all City Fire Department staff or contractors with the appropriate equipment and training to address fires in the Cryptocurrency Data Mining Facility or Data Center.
15. Insurance. The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least \$5 million per occurrence. The City shall be listed as an additional insured on the policy at all times.
16. Permits. All required county, state, and federal permits must be obtained before the Cryptocurrency Data Mining Facility or Data Center begins operating. A building permit is required for construction of a Cryptocurrency Data Mining Facility or Data Center regardless of whether the applicant or operator is otherwise exempt under state law.
17. Before a Data Center is constructed within the Industrial zoning district, the property owner proposing to build a Data Center must comply with the following:
 1. The Data Center operator must schedule and attend two neighborhood meetings with residents to describe the project and the proposed sound-mitigation aspects of the project design. Notice of the neighborhood meetings must be mailed to all residents and homeowners associations within a 2,000-foot radius of the parcel. A representative of the developer or owner with decision-making authority on the design of the Data Center must attend the neighborhood meetings. The Data Center operator or property owner must also post a minimum size of 16 sq ft sign on the subject property, at least fifteen days before each neighborhood meeting. The sign must be located along an arterial street or other high-visibility location as reasonably determined by the Zoning Administrator. The content of the sign shall (i) be consistent with the City's generally applicable sign guidelines to include the applicants name and contact information, a brief description of the Data Center project, and the date, time, and location of the neighborhood meeting, and (ii) must be reviewed and approved by the Zoning Administrator before installation. The applicant must remove the sign at the conclusion of the citizen review process.
 2. Before the first neighborhood meeting is held, the property owner proposing to build a Data Center must conduct a sound study performed by a third-party acoustic engineer to document baseline sound levels in the area of the proposed Data Center, including noise levels measured at the property line of the nearest property to the Data Center property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the Zoning Administrator. The property owner must provide a copy of the results of the study to the City before the first neighborhood meeting.

18. Decommissioning. If a Cryptocurrency Data Mining Facility or Data Center is abandoned or otherwise nonoperational for a period of one year, the property owner or the operator must notify the City and must remove the system within six (6) months after the date of abandonment. Removal requires receipt of a demolition permit from the Charlevoix County Building Official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with top soil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a Cryptocurrency Data Mining Facility or Data Center that is never fully completed or operational if construction has been halted for a period of one (1) year.

19. Financial Security. To ensure proper decommissioning of a Cryptocurrency Data Mining Facility or Data Center upon abandonment, the applicant must post financial security in the form of a security bond or escrow payment in an amount equal to 125% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the City. The operator and the City will review the amount of the financial security every two (2) years to ensure that the amount remains adequate. This financial security must be posted within fifteen (15) business days after approval of the special use application.

20. Extraordinary Events. If the Cryptocurrency Data Mining Facility or Data Center experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the City within 24 hours.

21. Annual Report. The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:

1. Current proof of insurance;
2. Verification of financial security; and
3. A summary of all complaints, complaint resolutions, and extraordinary events.

22. Inspections. The City may inspect a Cryptocurrency Data Mining Facility or Data Center at any time by providing 24-hour advance notice to the applicant or operator.

23. Transferability. A conditional land use permit for a Cryptocurrency Data Mining Facility or Data Center is transferable to a new owner. The new owner must register their name and business address 30 days prior to the transfer date with the City and must comply with this Ordinance and all approvals and conditions issued by the City. In the event of a sale or transfer of ownership and/or operation of the Cryptocurrency Data Mining Facility or Data Center, the original security bond or escrow must be maintained throughout the entirety of the process and must not be altered.

24. Remedies. If an applicant or operator fails to comply with this Ordinance, the City, may pursue any remedy or enforcement, including but not limited to the removal of any Cryptocurrency Data Mining Facility or Data Center pursuant to the Zoning Ordinance or as

otherwise authorized by law. Additionally, the City may pursue any legal or equitable action to abate a violation and recover any and all costs, including the City's actual attorney fees and costs.

1.

Table 153.086: Allowed Uses, Non-Residential and Mixed Use Zones

Table of Permitted Uses, is hereby amended to add Cryptocurrency Data Mining Facilities and Data Centers as a special land use in the Industrial zoning districts:

	PO	GC	CBD	CH	MC	SR	I	P	CM	Specific Requirements
INDUSTRIAL AND STORAGE										
Cryptocurrency Data Mining Facilities and Data Centers							S			Sec. 153.095

Section x. Validity and Severability.

If any portion of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

Section x. Repealer.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section x. Effective Date.

This Ordinance takes effect upon the expiration of 7 days after publication as required by MCL 125.3401(7).

I, Sarah Dvoracek, do hereby certify that I am the duly elected and acting clerk of the City of Charlevoix, and I do hereby certify that this Ordinance was adopted by the City Council of the City of Charlevoix, County of Charlevoix, State of Michigan, at a regular meeting of the City Council held at the Charlevoix City Hall, on the ____ day of _____, 20____.

Vote: ____ Aye ____ Nay

THE CITY COUNCIL OF THE
CITY OF CHARLEVOIX, COUNTY
OF CHARLEVOIX, STATE OF MICHIGAN

By: _____
Sarah Dvoracek
Charlevoix City Clerk

AUTHENTICATED:

By: _____
Lyle Gennett
Charlevoix City Mayor



To: The City of Charlevoix Planning Commission
 From: Jonathan Scheel, Zoning Administrator
 Subject: Zoning Administrator's Report re: thru June 30, 2026

Permits Issued in 2026

Following are two types of breakdowns for all permits issued by the zoning office in 2026:

<u>By month</u>	<u>By type</u>		
January5		<u>Month</u>	<u>Year</u>
February6	Banner permits	0	16
March3	Fence permits	3	5
April.....28	Sidewalk café/use	0	10
May17	Sign	4	7
June.....13	Zoning	5	7
July.....	Use	0	5
August.....	<u>Parcel Division</u>	0	2
September	Single-family	0	
October.....	ADU	0	
November	Multi-family	0	1
December	ROW	1	6

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

	M	Y
Central Business District (CBD)	1	4
Commercial Mixed (CM)	1	4
General Commercial (GC)		1
Industrial		
Marine Commercial (MC)		
Residential Private Club (PC)		1
Public Facilities		
Office	1	1
R-1	3	6
R-2	3	6
Other (LD, Café, Use, ROW)	1	19

Other activities

Level A Site Plan Administrative Review

None

Variances to Zoning Board of Appeals

421 Michigan side setback for AC unit approved