

The Charlevoix City Council met on Monday, April 15, 2019 with Mayor Luther Kurtz presiding. All Councilmembers were present. The following is an excerpt from the official records of said meeting:

**CITY OF CHARLEVOIX  
ORDINANCE NO. 802 of 2019**

AN ORDINANCE TO AMEND TITLE XV, CHAPTER 153, SECTIONS 153.070, 153.071, 153.072, 153.117, and 153.187 OF THE CHARLEVOIX CITY CODE

**THE CITY OF CHARLEVOIX ORDAINS:**

**SECTION 1. Title XV, Chapter 153, Section 153.070 (B) is hereby amended as follows:**

(B) *R2, Medium Density Single Family Residential District.* The R2 District has the same intent as the R1 District, but allows a slightly higher residential density by permitting smaller minimum lot areas and opportunities for additional dwelling units on a parcel.

**SECTION 2. Title XV, Chapter 153, Table 153.071 Dwellings of the City of Charlevoix Code is hereby amended as follows:**

Dwellings						
Single-family, detached	P	P	P	P	P	§ 153.117(A)
Single-family, attached	-	-	P	P	P	§ 153.117(A)
Two-family	-	-	P	P	P	
Multiple-family	-	-	-	P	P	
Accessory Dwelling Unit	-	P	-	-	-	§ 153.116(D)
Home Conversion	-	P	-	-	-	

**SECTION 3. Title XV, Chapter 153, Section 153.072 of the City of Charlevoix Code is amended to add a table after Section 153.072 (B) and renumber the rest of Section 153.072 as follows:**

(C) *Dimensional requirements: square footage for accessory dwelling units and home conversion units.* Square footage for accessory dwelling units and home conversion units shall conform to the requirements of Table 153.072(c).

<i>Table 153.072(c): Dimensional Requirement: Square footage for Accessory Dwelling Units and Home Conversion Units</i>		
<i>Zoning District</i>	<i>Minimum</i>	<i>Maximum</i>
R2	300	650

**SECTION 4. Title XV, Chapter 153, Section 153.117 (D) of the City of Charlevoix Code is hereby added as follows:**

(D) *Accessory Dwelling Unit (ADU).*

- (1) ADUs are subject to all applicable regulations of the zoning district in which they are located unless otherwise expressly stated in this ordinance. ADUs are considered an accessory building and shall fit within the standards of § 153.116(A) which covers both attached and detached ADUs. All ADUs are required to obtain a zoning permit prior to construction.
- (2) In districts that allow ADUs, they may be allowed on any legal parcel of record as of January 1, 2019, and there shall be an existing principal residential use on the parcel.
- (3) At least one of the units on the parcel shall be occupied by an owner with at least 50% interest in the subject property. The owner shall occupy either the principal dwelling unit or the ADU as their permanent residence via Michigan homestead exemption. An ADU shall not be sold independently of the primary dwelling on the parcel. Short-term rentals of ADUs shall only be allowed in compliance with the standards and requirements of this Zoning Ordinance and the City of Charlevoix Code of Ordinances.
- (4) The minimum square footage of an ADU is 300 square feet. The maximum square footage of an ADU is 650 square feet.
- (5) A permanent foundation is required.
- (6) The maximum lot coverage for parcels with an ADU may be increased to a maximum of 50% when stormwater runoff equivalent to 20% of the lot coverage area is collected in rain barrels, rain gardens, or is mitigated via porous concrete or other materials on the parcel.
- (7) The ADU shall be designed so that the appearance of the structure maintains that of a single-family dwelling.
- (8) Any exterior staircases that provide access to a second floor ADU shall not be on the front of either the principal dwelling or the ADU.
- (9) Dimensional Requirement Modifications. Under some circumstances certain dimensional requirements modifications may be granted by a Special Land Use Permit after a site plan review by the Planning Commission. Application for modifications may be applied for new construction or pre-existing structures built prior to 2019 that are located within the required setbacks of the district. In order to grant a Special Land Use permit for any modifications all of the following must be met:
  - (a) That any walls within the setback areas comply with applicable building and fire codes.
  - (b) That a setback requirement of a minimum of 5 feet from the side and rear property lines shall be required.
  - (c) The location and design of the ADU maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, air, or parking of adjacent properties.
  - (d) Windows on the ADU that impact the privacy of the neighboring side or rear yards have been minimized or screened.

**SECTION 5. Title XV, Chapter 153, Table 153.187 Residential Uses of the City of Charlevoix Code is hereby amended as follows:**

<i>Table 153.187 Parking and Access Requirements by Use</i>	
<i>Use</i>	<i>Number of Parking Spaces</i>
<b>RESIDENTIAL USES</b>	
Bed and breakfast	See Section § 153.116(C)
Boarding, rooming house, principal dwelling with ADU, home conversion	Minimum of two (2) off-street spaces required.
Dwellings above first floor businesses	One (1) space per dwelling unit.
Multiple family residential dwellings	Minimum of two (2) off-street spaces required.
Senior apartments and senior independent living	One-half (0.5) space per unit, and one (1) space per employee. Should units revert to general occupancy, the requirements for multiple family residential dwellings shall apply.
Single family and two family dwellings	Minimum of two (2) off-street spaces required.

**SECTION 6. 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 7. Effective Date.**

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

Ordinance No. 802 was adopted on the 15th day of April, 2019 A.D., by the Charlevoix City Council as follows:

Motion by: Hagen  
Seconded by: Cole  
Yeas: Oleksy, Bryan, Perron, Hagen, Cole, Kalbfell  
Nays: None  
Absent: None

State of Michigan } §  
City of Charlevoix }

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Joyce M. Golding

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Clerk

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Luther Kurtz

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Mayor

CERTIFICATION

I, the undersigned, City Clerk of the City of Charlevoix, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 802 of 2019 adopted by the City Council of the City of Charlevoix, County of Charlevoix, State of Michigan, at a regular meeting held on April 15, 2019 and published in the *Charlevoix Courier* on April 19, 2019, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of the Michigan Public Acts of 1876.

Dated: April 16, 2019

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Joyce M. Golding, City Clerk