

The Charlevoix City Council met on Monday, January 2, 2023 with Mayor Lyle Gennett presiding. All Council Members were present. The following is an excerpt from the official records of said meeting:

**CITY OF CHARLEVOIX
ORDINANCE NO. 835 of 2022**

AN ORDINANCE TO AMEND TITLE XV, LAND USAGE, CHAPTER 153, PLANNING AND ZONING SECTIONS 153.005, 153.072, 153.087, 153.116, 153.117, 153.146, AND 153.152 OF THE CHARLEVOIX CITY CODE

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title XV, Chapter 153, Section 153.005 (B) Definitions of the City of Charlevoix Code is hereby amended by adding a section, which shall be placed in alphabetical order under (B) Definitions in which the section shall read as follows:

Accessory dwelling unit (ADU). See Dwelling Unit: Dwelling, Accessory (ADU).

Structure, Accessory. An attached or detached structure on the same lot and of a customarily incidental nature that is subordinate to the principal use or building /structure. (See § 153.116 of this chapter).

SECTION 2. Title XV, Chapter 153, Section 153.005 (B) Definitions of the City of Charlevoix Code is hereby repealed and replaced as follows:

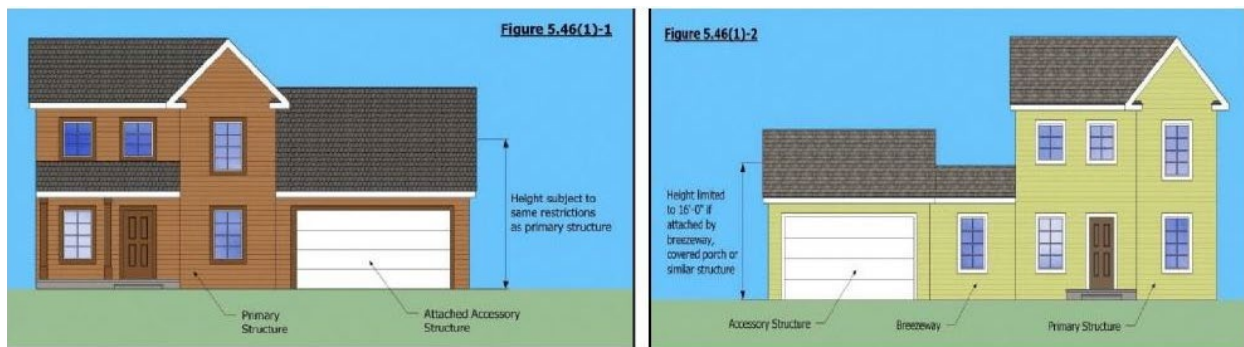
Accessory Structure. See Structure, Accessory.

(d) Dwelling, Accessory (ADU). An accessory building that incorporates one dwelling unit.



Structure. Anything constructed or erected requiring a permanent location in or on the ground, or that must be attached to something having such a permanent location. Structures include, but are not limited to, houses, buildings, accessory structures or buildings, fences, signs, decks, retaining walls, parking lots, access drives and swimming pools.

SECTION 3. Title XV, Chapter 153, Section 153.005 (B) Definitions, Dwelling Unit of the City of Charlevoix Code is hereby amended by adding a section, which shall include Figures 5.46 (1)-1 and 5.46(1)-2 and shall be placed under the dwelling unit definition as follows:



SECTION 4. Title XV, Chapter 153, Table Section 153.072(b), Dimensional Requirements in Single-Family, Two-Family, and Private Club Residential shall be repealed and replaced as follows:

Table 153.072(b): Dimensional Requirements in Single-Family, Two-Family, Private Club Residential									
Zoning District	Max. Building Height (ft.) ⁷	Minimum Yard Setbacks (ft.)				Maximum Lot Coverage (%)	Min. Gross Floor Area (sq. ft.)		Principal Structure Minimum Width (ft.)
		Front ³	Side		Rear		1 story	2 stories	
			Interior	Street Side					
R1	26	15 ⁴	10	15	25	40 ⁵	800	1,200	20
R2	26	15	8	15	25	40 ⁶	800	1,200	20
R2A	26	15	10	20	30	40	400	800	20
PC	26	0	0	0	0	NA	0	0	20

NOTES TO TABLES 153.072(a) and 153.072(b)

1 This minimum square footage applies to 2-family dwellings; for a single-family dwelling, the minimum allowable area of the R2 Zone, 7,000 square feet, shall apply.

2 No minimum lot size or width is required; provided, the land is in common ownership. If the land is subdivided, the requirements of the R1 District shall apply.

3 The Zoning Administrator may determine that front yards may be the opposite of the yard fronting a public street or right-of-way on lots with sloping topography or facing water bodies.

4 Setbacks within the C&O Club Development shall be 35 feet for front yard, 15 for side yard and 25 for rear yard.

5 Maximum lot coverage shall be 50% for lots less than 7,000 square feet.

6 Maximum lot coverage shall be 50% for lots less than 6,000 square feet.

7 See § 153.005 DEFINITIONS for the definition of building height.

SECTION 5. Title XV, Chapter 153, Table Section 153.072(c), Dimensional Requirement: Square footage for Accessory Dwelling Units and Home Conversion Units shall be repealed and replaced as follows:

Table Section 153.072(c), Dimensional Requirement: Square footage for Accessory Dwelling Units and Home Conversion Units		
Zoning District	Minimum	Maximum
R1 and R2	300	900

SECTION 6. Title XV, Chapter 153, Table Section 153.072(d), Dimensional Requirements in Multiple-family Dwellings in the R4 Zone shall be repealed and replaced as follows:

Table 153.072(d): Dimensional Requirements in Multiple-family Dwellings in the R4 Zone									
Max. Building Height (ft.) ²	Minimum Yard Setbacks (ft.)				Lot Coverage (%)	Min. Floor Area (sq. ft.), based on number of bedrooms ¹			Distance Between Buildings
	Yard Adjacent to:	Front	Side	Rear		1 bedroom/efficiency	2 bedrooms	3 bedrooms	
35	All districts	15	20	35	50	660	780	900	30

NOTES TO TABLE:

¹ For 1- and 2-family units, the floor area requirements of the R2A District shall apply.

² See § 153.005 DEFINITIONS for the definition of building height

SECTION 7. Title XV, Chapter 153, Table Section 153.072(f), Dimensional Requirements: Single-Family Attached, Single-Family Detached and Two-Family Dwellings in an R4 Zone Clustered Housing Development Zone shall be repealed and replaced as follows:

Table 153.072(f) Dimensional Requirements: Single-Family Attached, Single-Family Detached and Two-Family Dwellings in an R4 Zone Clustered Housing Development								
Max. Building Height (ft.)²	Minimum Yard Setbacks (ft.)				Lot Coverage (%)	Min. Floor Area (sq. ft.)		Distance Between Buildings
	Yard Adjacent to:	Front	Side	Rear		1 story	2 stories	
30	All districts	25	10	25	NA ¹	800	1100	10

NOTES TO TABLE:

¹ Applicants are required to submit a grading and drainage plan, in accordance with the requirements of §153.230 through 153.243 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.

² See § 153.005 DEFINITIONS for the definition of building height.

SECTION 8. Title XV, Chapter 153, Table Section 153.087, Dimensional Requirements, Non-Residential and Mixed-Use Districts, table header labeled Max. Building Height (ft.) shall be repealed and replaced as follows:

Table 153.087: Dimensional Requirements, Non-Residential and Mixed-Use Districts	
Zoning District	Max. Building Height (ft.)⁷
PO	26
GC	26
CBD	40
CH	30
MC	35 ⁴
SR	§ 153.088 (A)
I	30
P	35
CM	35

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 Maximum height in the MC District for residential structures shall be 26 feet.

5 The minimum side yard shall be 20 feet and the total of both side yards shall be at least 50 feet.

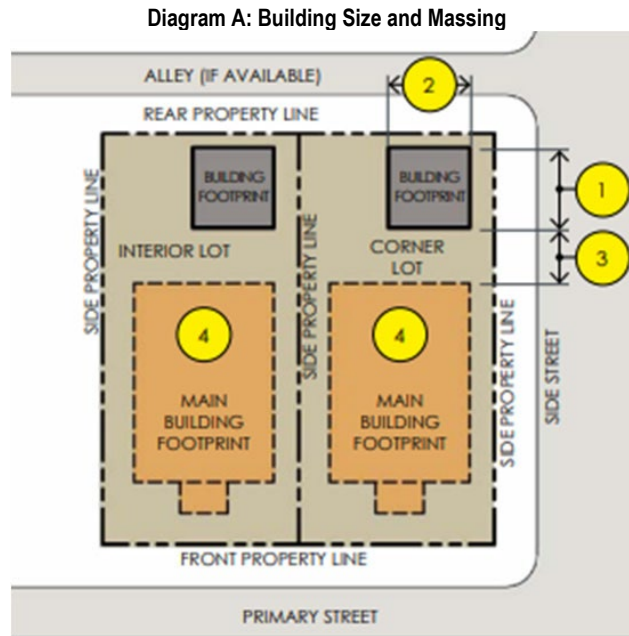
6 The minimum side and rear yards in the I District when adjacent to property in a residential district shall be 40 feet.

7 See § 153.005 DEFINITIONS for the definition of building height.

SECTION 9. Title XV, Chapter 153, Section 153.116 Accessory Buildings and Uses (A) Accessory buildings and structures. (5)-(9) of the City of Charlevoix Code shall be repealed and replaced as follows:

(5) Building Size and Massing. Accessory buildings and structures shall meet the following requirements and Diagram A

- (a) No accessory building shall have a building footprint (length x width) (Diagram A: 1,2) greater than 900 square feet with no side to exceed 30 feet. An accessory building shall not be larger than the main structure (Diagram: A:4).
- (b) The minimum distance between a principal building and detached accessory buildings shall be ten feet (Diagram A:3), and a minimum of ten feet shall be provided between the sides of adjacent single-family buildings and and/or accessory structures.



(6) Detached accessory buildings and structures shall meet the following minimum setbacks.

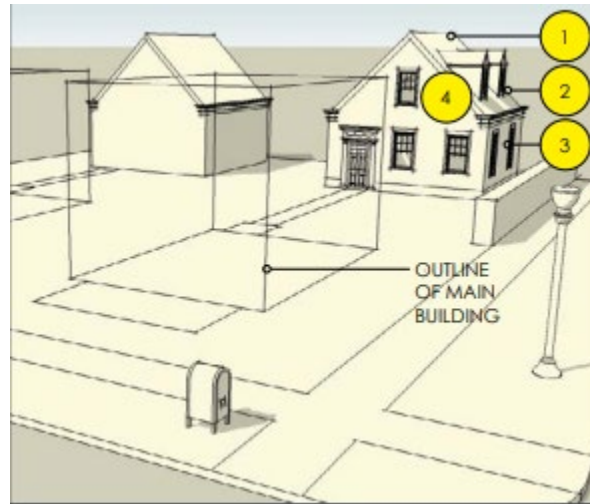
- (a) Rear yard: six feet from a rear lot line. Detached accessory structures that store vehicles adjacent to alleys or sidewalks shall not be closer than 15 feet from the edge of the alley or sidewalk surface.
- (b) Side yards: an accessory building shall conform to the side yard setback requirements of the principal building, unless it is located in a street side yard, the minimum setback shall be 15 feet from the street side lot line.
- (c) Front yard: an accessory structure shall not be located within any front yard.

(7) Design Standards. The following standards shall apply to buildings larger than 200 square feet:

- (a) Detached garages on corner lots shall face side streets. Detached garages on the corner side with driveways extending from the front street are prohibited. When an alley is available, access will come from the alley.
- (b) The structure shall be designed so that the appearance maintains that of a single-family dwelling. In determining whether a structure is so designed, the structure shall meet the following requirements and Diagram C:

- i. Building with a flat roof, shall have a cornice expression line. A pitched (sloped) roof shall be compatible with the architecture of the main building (1).
- ii. Transparency Upper Floor: Building facades facing streets shall have minimum 10% of the façade be glass between the finish floor line of the second story and bottom of the cornice expression line or bottom eave (2).
- iii. Transparency Ground Floor: Building facades facing streets shall have minimum 10% of the façade be glass between the adjacent grade and the finish floor line of the second story (3).
- iv. Window color and finish should complement the color and architectural style of the principal building (4)
- v. Exterior finish should be constructed of similar materials as the principal building or traditional materials such as wood, wood lookalike, brick, or stone.

DIAGRAM C Façade Composition Requirements



- (c) Driveways see Section 153.189
- (d) Design Standards do not apply to residences that may be built in the General Commercial (GC), Professional Office (PO) and Commercial Mixed Use (CM) Districts on lots fronting U.S. 31 (Bridge Street and Michigan Avenue) and M-66. (See Section 153.170 Building Appearance).

(8) Detached accessory structures shall not exceed 16 feet in height. See Section 153.005 DEFINITIONS for the definition of building height.

(9) Prohibited uses within detached accessory structures or accessory structures connected by a breezeway or similar structure in all districts except the R1 and R2 Zone:

- (a) May not contain features that form a habitable dwelling unit or create a second dwelling unit;
- (b) These structures may contain utility sinks, one bathroom, and refrigeration units. Full kitchen facilities that include a range or stove are prohibited; and
- (c) Rooms within accessory structures may be used for additional sleeping quarters for the owner, or resident, and their immediate family provided that these rooms may not be rented out as short- or long-term rentals for any length of time.

SECTION 10. Title XV, Chapter 153, Section 153.116 Accessory Buildings and Uses of City of Charlevoix Code is hereby amended by adding a section, which shall be titled Accessory Dwelling Units (ADUs) and placed after 153.116 (A) (11) which the section shall read as follows:

(B) Accessory Dwelling Units (ADUs)

- (1) All of the requirements of Section 153.116(A) apply in addition to the ADU-specific requirements of this section.
- (2) ADUs shall be permitted as a single use or combined with another accessory use.
- (3) ADUs shall be permitted as a second-story use above a first-floor accessory use.
- (4) Examples of ADUs. The following images are intended as examples only and should be used for inspiration in the creation of ADU projects.

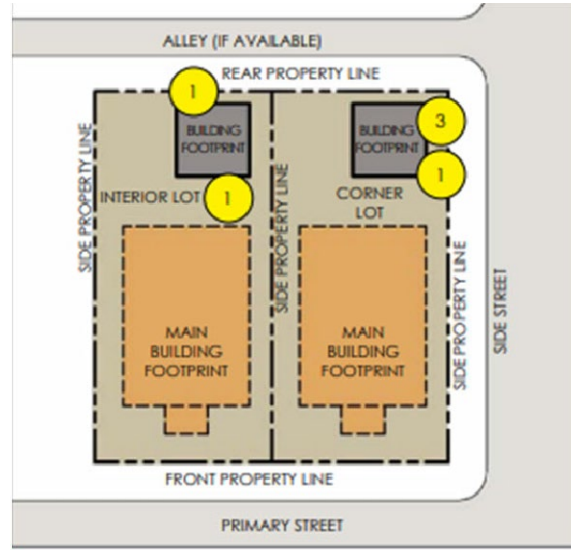


(5) Ground floor pedestrian access and activation. Accessory dwelling unit building type ground floor entrances shall meet the following requirement of Diagram B

- (a) Entrance for upper unit is required to be accessed from the alley, side street, or internal to the lot.
- (b) Entrance for upper unit shall not be through a garage.
- (c) Parking may be accessed from the alley, side street, or primary street per the requirements for off-street parking access in the zoning district.

- (d) Parking may be accessed from the front street only when there is no adjacent alley or side street.

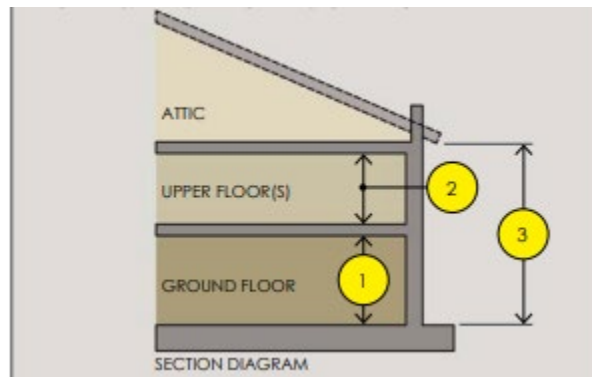
Diagram B Ground Floor Access



(6) Building Type Floor Height Requirements. Building Type floor heights shall meet the following requirements and Diagram D.

1. Ground floor: Floor to ceiling height shall be 8 feet minimum.
2. Upper floors: floor to ceiling height shall be required by Building Code.
3. Overall height of Building Type is regulated by Zoning District, refer to Section 153.072

Diagram D Building Height Story Height



Current Sections labeled (B) Additional requirements for swimming pools and hot tubs through (J) Wind energy conversion systems, single accessory shall be relabeled accordingly.

SECTION 11. Title XV, Chapter 153, Section 153.117 Residential Uses. (A) Dwellings, single-family attached or detached (outside manufactured home communities) (2-9) of the City of Charlevoix Code shall be repealed and replaced as follows:

- (2.) The minimum width of a single-family dwelling unit shall be 20 feet.
- (3.) All dwelling units shall comply with the state's Construction Code as promulgated by the state's Construction Code Commission under provisions of Public Act 30 of 1972, as amended, being M.C.L.A. §§ 125.1501 et seq. or the Mobile Home Construction and Safety Standards", as promulgated by the United States Department of Housing and Urban Development, being 24 C.F.R. part 3280, and as from time to time such standards may be amended.
- (4.) A dwelling unit shall be attached to a permanent foundation constructed in accordance with the State Construction Code and shall have the same perimeter dimensions as the dwelling. In the case of a manufactured home, it shall be installed per the manufacturer's set-up instructions and shall be secured to a foundation by an anchoring system or device complying with the rules and regulations of the state's Manufactured Housing Commission or the state's Construction Code, whichever is stricter.
- (5.) If provided, the wheels of a manufactured home shall be removed and the towing mechanism, undercarriage and chassis shall not be exposed.
- (6.) All dwellings shall be connected to city sanitary sewer and water utilities.

(7.) Any addition to a dwelling shall meet all the requirements of this chapter.

(8.) A dwelling may have either a roof overhang of not less than six inches on all sides or, alternatively, a roof drainage system that concentrates water at collection points and discharges it away from the dwelling.

SECTION 12. Title XV, Chapter 153, Section 153.117 Residential Uses. (D) Accessory dwelling unit (ADU) (3-9) of the City of Charlevoix Code shall be repealed and replaced as follows:

(3.) At least one of the units on the parcel shall be occupied by a long-term renter or an owner with at least 50% interest in the subject property. The owner or renter shall occupy either the principal dwelling unit or the ADU as their permanent residence. An ADU shall not be sold independently of the primary dwelling on the parcel. Short-term rentals of ADUs shall be prohibited.

(4.) A permanent foundation is required.

(5.) 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. See Section 153.152

(6.) 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.

(7.) 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 13. Title XV, Chapter 153, Section 153.117 Residential Uses. (G) Single-family attached and single multiple-family buildings (8-9) of the City of Charlevoix Code shall be repealed and replaced as follows:

(8) Porches and stoops may project into the yards in accordance with Section 153.149.

(9) Façade elements above the ground floor may project into the yards in accordance with Section 153.149.

SECTION 14. Title XV, Chapter 153, Section 153.146 Structure Height Calculations and Heights Limits. (E) Height limits specified elsewhere in this chapter shall not apply to: (2) of the City of Charlevoix Code shall be repealed and replaced as follows:

(2.) Unoccupied barns, silos, or other buildings or structures on farms; church spires, belfries, cupolas and domes; monuments; windmills. These unoccupied structures shall be limited to 100 feet in height in any case, unless otherwise permitted in this chapter.

SECTION 15. Title XV, Chapter 153, Section 153.152 Lot Coverage Requirements of the City of Charlevoix Code shall be is hereby amended by adding a section C., which section C. shall read as follows:

(C.) Accessory buildings and structures refer to Section 153.117 D.

SECTION 16. 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 17. Effective Date.

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

Ordinance No. 835 was adopted on the 2nd day of January 2023 A.D., by the Charlevoix City Council as follows:

Motion by: Cole

Seconded by: Spring

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

Nays: None

Motion carried.

State of Michigan } §
City of Charlevoix

Sarah J. Dvoracek

City Clerk

Lyle Gennett

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. 835 of 2023 adopted by the City Council of the City of Charlevoix, County of Charlevoix, State of Michigan, at a regular meeting held on January 2, 2023 and a summary published in the *Charlevoix Courier* on January 6, 2023 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: January 3, 2023

Sarah J. Dvoracek, City Clerk