

The Charlevoix City Council met on Monday, April 1, 2024 with Mayor Lyle Gennett presiding. The following is an excerpt from the official records of said meeting.

Motion by Spring, seconded by Cole to approve Ordinance 848 of 2024 as presented.

**CITY OF CHARLEVOIX
ORDINANCE NO. 848**

AN ORDINANCE AMENDMENT TO AMEND TITLE XV LAND USAGE, CHAPTER 153: PLANNING AND ZONING: SECTIONS 153.101 CENTRAL BUSINESS DISTRICT OVERLAY DISTRICT; 153.116 ACCESSORY BUILDINGS AND USES; 153.117 RESIDENTIAL USES; 153.145 FENCES AND WALLS; 153.149 PROJECTIONS INTO REQUIRED YARDS; 153.151 SETBACK REQUIREMENTS; 153.152 LOT COVERAGE REQUIREMENTS; 153.158 RENTING OF RESIDENTIAL PROPERTIES; 153.189 OFF-STREET PARKING FACILITY DESIGN

THE CITY OF CHARLEVOIX ORDAINS:

Section 1: Title XV, Chapter 153, Section 153.101 Central Business District Overlay District subsections (B), (C) and (E) of the City of Charlevoix Code shall be repealed and replaced and shall read as follows:

(B) Applicability. This overlay district shall include all street level areas of buildings with store entrances facing Bridge Street from Antrim Street north to the Pine River Channel.

(C) Permitted uses.

- (1) Food and beverage services, including: grocery stores, restaurants, cafés (including internet cafes), coffee shops, bars, taverns, wine bars, breweries, bakeries, delicatessens, bistros and specialty shops;
- (2) Retail stores having a gross area of less than 5,000 square feet; (Appliance, furniture and similar stores selling large scale consumer products are not considered retail.)
- (3) Art galleries, frame shops, photography and art studios; and
- (4) Small single building hotel and universities
- (5) Professional offices and residential unit as not permitted on the street level

(E) Outdoor displays and merchandise. Merchandise or similar goods, and associated displays shall not be permitted on the exterior buildings, entryways or sidewalks, except during City sponsored official sidewalk sales.

Section 2: Title XV, Chapter 153, Section 153.116 Accessory Buildings and Uses subsections (A)2, (A)3, (A)5b, (A)5c, A(6)a, A(6)b, A(7) A(8) through A(11) of the City of Charlevoix Code shall be repealed and replaced and shall read as follows:

(A) Accessory buildings and structures.

A(2) Where an accessory building is attached to the principal building, it shall be considered part of the principal building for purposes of determining setback dimensions and building height. The accessory structure cannot be more than two feet closer to the front yard setback than the principal structure. If, however, the attached accessory building is connected to the principal building by a roofed porch, breezeway or similar covered structure, it shall not exceed 16 feet in height, shall not be closer than 20 feet to the rear lot line and shall meet the front and side yard setback requirements of that zone district.

A(3) In the R1 and R2 Residential Districts, if the principal building has an attached accessory buildings, only one detached accessory building shall be permitted, meeting (5) (a) and (b) of this section.

A(5)b The minimum distance between a principal buildings and detached accessory buildings shall be five feet (Diagram A:3), and meet all building code requirements.

A(6)a Rear yard: six feet from a rear lot line. Accessory structures that store vehicles adjacent to alleys or sidewalks shall not be closer than 20 feet from the edge of the alley or sidewalk surface.

A(6)b Side yards: an accessory building shall conform to the side yard and street side yard setback requirement of the principal building.

A(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 location and design maintain a compatible relationship to adjacent properties and does not significantly impact the privacy, light, air, or parking of adjacent properties.

(c) The structure shall be designed so that the appearance maintains that of the principle dwelling. In determining whether a structure is so designed, the structure shall meet the following requirements and Diagram C:

1. Buildings with a flat roof shall have a cornice expression line. A pitched (sloped) roof shall be compatible with the architecture of the principal building (1).
2. 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).
3. 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).
4. Window color and finish should complement the color and architectural style of the principal building (4).
5. Exterior finish should be constructed of similar materials as the principal building or traditional materials such as wood, wood lookalike, brick, or stone.
6. A permanent foundation is required.
7. Any exterior staircases that provide access to a second floor shall not be on the front of either the principal dwelling or the accessory building.
8. Windows that impact the privacy of the neighboring side or rear yards have been minimized or screened.

(d) Driveways, see § 153.189.

(e) Design standards do not apply to single family 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 § 153.170 Building Appearance).

(8) That all parts of the structure within the setbacks areas, comply with applicable building and fire codes.

(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 Zones:

- (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.

(10) Stand-alone carports are prohibited in all zones. Carports attached to existing structures shall meet the requirements of this chapter. Tents, wall tents, garages in a box and similar enclosures are prohibited.

(11) Permanent greenhouses shall be considered an accessory structure and meet the requirements of this section.

Section 3: Title XV, Chapter 153, Section 153.116 Accessory Buildings and Uses subsection B(1), B(7) Accessory Dwelling Units (ADUs) of the City of Charlevoix Code shall be repealed and replaced and shall read as follows:

B(1) All of the requirements of Division (A), above apply in addition to the ADU-specific requirements of this section with the exception of 153.116 (9) (a), (b), and (c).

B(7) 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 and shown that any additional stormwater does not leave the property. See § 153.152.

Section 4: Title XV, Chapter 153, Section 153.117 Residential Uses Subsection A(7) of the City of Charlevoix Code shall be repealed and replaced and shall read as follows:

A(7) A recreational vehicle, vehicle chassis or tent is not considered a dwelling and is not to be used as a dwelling, temporary or long term.

Section 5: Title XV, Chapter 153, Section 153.117 Residential Uses Subsection C. Accessory dwelling unit of the City of Charlevoix Code shall be repealed and replaced and shall read as follows:

C. 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 section. ADUs are considered an accessory building and shall fit within the standards of § 153.116(A) and (B) 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 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.
- (4) 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 five 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 6: Title XV, Chapter 153, Section 153.117 Residential Uses Subsections (E), (F) and (G) of the City of Charlevoix Code shall be repealed and replaced and shall read as follows:

- (E) Single-family attached and single multiple-family buildings.
 - (1) Single-family attached buildings home conversions and single multiple-family buildings are subject to all applicable regulations of the zoning district in which they are located unless otherwise expressly stated in this section.
 - (2) The main entrance is located in the building façade of the principal frontage.
 - (3) A maximum of two entrances per building façade.
 - (4) Parking is located in the rear or on the side of the building and meets the requirements of § 153.187.
 - (5) Parking access is from the alley where available, otherwise access may be from the side or front lot line.
 - (6) The principal building façade shall have a minimum of 20% glazing (windows). There shall be a minimum of two six-square-foot windows per non-street facing building façade.
 - (7) Roofline/pitch, siding, other architectural elements maintain single family character.
 - (8) Access to any second-floor dwelling unit is provided from the interior of the structure.
 - (9) All units will have construction code-approved egress.
- (F) Short-term rentals. Short-term rentals shall be regulated as provided in Chapter 114 of this code.

Section 7: Title XV, Chapter 153, Section 153.145 Fences and Walls Subsections (A) and (F) of the City of Charlevoix Code shall be repealed and replaced and shall read as follows:

- (A) All fences, walls and other similar structures shall be located on private property and must not obstruct the sight distance of motorists from driveways, roads and intersections. Fences or walls in all districts, except Industrial, shall not exceed six feet in height above grade when located in any portion of the rear or side yard. Fences located in the front yard are permitted; provided, they are open wrought iron, picket, split rail and similar decorative fences, have a maximum opacity of 50% and do not exceed 48 inches above grade.
- (F) Fences in the front yard shall have a minimum setback of 12 inches from the front property line.

Section 8: Title XV, Chapter 153, Section 153.149 Projections into Required Yards Subsections (B)1 and (B)2 of the City of Charlevoix Code shall be repealed and replaced and shall read as follows:

- (B)(1) A patio, terrace, deck, balcony or window awning may project no further than ten feet into a required front yard; no further than 15 feet into a required rear yard; and shall not project into any required side yard.
- B(2) In no case, shall a patio, terrace, deck, balcony or awning be placed closer than five feet to any front or rear lot line with the exception of the CBD district where a porch, terrace, deck, balcony or awning may extend to the property line.

Section 9: Title XV, Chapter 153, Section 153.151 Setback Requirements Subsections (A) of the City of Charlevoix Code shall be repealed and replaced and shall read as follows:

- (A) Front setback on corner lots. A corner lot shall have two front lot lines: a principal front lot line and a secondary front lot line which is considered a street side setback.
 - (1) The required front setback shall apply to the principal and street side front lot line on a corner lot.
 - (2) The required setback for the street side front yard shall be the lesser of the required front setback or the established setback for the principal building on the abutting lot that faces the same street as the street front lot line.
 - (3) The remaining setbacks shall be side setbacks.

Section 10: Title XV, Chapter 153, Section 153.152 Lot Coverage Requirements Subsections (B) and (C) of the City of Charlevoix Code shall be repealed and replaced and shall read as follows:

(B) Use of materials such as gravel or stone, pavers and similar permeable surfaces shall not count or calculated in lot coverage, however; the use permeable surfaces shall not exceed 25% of the requirements of Table 153.072 (b) Maximum Lot Coverage %.

Section 11: Title XV, Chapter 153, Section 153.158 Renting of Residential Properties Subsections (A) of the City of Charlevoix Code shall be repealed and replaced and shall read as follows:

(A) Short and long-term renting of part of, or entire residential structures is permitted in any zoning district providing all rentals comply with any applicable requirements of city ordinances. Short-term rentals shall be regulated as provided in Chapter 114 of this code.

Section 12: Title XV, Chapter 153, Section 153.189 Off-Street Parking Facility Design Subsections (A)2 and (A)3 of the City of Charlevoix Code shall be repealed and replaced and shall read as follows:

A(2) Front yard limitation. In the CBD, GC, PO and CM Districts and single multi-family buildings in the R1 or R2 Districts, the required front yard setback shall not be used for off-street parking, loading, or unloading and shall remain open, unoccupied and unobstructed, except for landscaping or vehicle access drives.

A(3) Proximity. Required off street parking facilities for all uses, other than residential dwellings, shall be located on the same lot as the use, or within 300 feet of the building(s) or use they are intended to serve. Distance shall be measured from the nearest point of the building to the nearest point of the off-street parking lot.

(a) Required off street parking facilities for residential dwellings shall be located on the same property as the premises they are intended to serve and shall consist of a driveway, a parking apron and/or a garage. Parking for single multifamily structures shall be located at the rear or on the side of the building.

(b) In the CBD District, parking facilities shall be located within 600 feet of the building or use to be served. Distance shall be measured from the nearest point of the building to the nearest point of the off-street parking lot.

(c) Parking access shall be from the alley or front side where available, otherwise access may be from the front lot line.

SECTION 13. 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 14. Effective Date

This Ordinance shall become effective thirty (30) days after its enactment pursuant to the City Charter.

Ordinance No. 848 was adopted on the 1st day of April 2024 A.D., by the Charlevoix City Council as follows:

Motion by seconded by to approve Ordinance Amendment 848 of 2024 as presented.

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

Nays: None

Absent: None

Motion carried.

State of Michigan } §

City of Charlevoix

Sarah J. Dvoracek

Clerk

Lyle Gennett

Mayor