

The Charlevoix City Council met on Monday, January 19, 2026 with Mayor Lyle Gennett presiding. The following is an excerpt from the official records of said meeting.

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

**CITY OF CHARLEVOIX  
ORDINANCE NO. 864 of 2026**

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

**THE CITY OF CHARLEVOIX ORDAINS:**

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 shall be repealed and replaced and shall read as follows:**

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

- (1) A zoning and building permit for any roof top deck must be first obtained from the City Zoning Administrator and Charlevoix County Building Department and is subject to construction of and maintenance of guardrails and other protective features as required by the Charlevoix County Building Code.
- (2) Any request for a City of Charlevoix zoning permit that includes a roof top deck must undergo site plan review and receive approval by the Planning Commission prior to issuance of a zoning permit.
- (3) Parapet walls and perimeter guardrails shall extend around the perimeter of the roof top deck and incorporate exterior building materials consistent with the architectural style of the underlying structure subject to § 153.170.
- (4) Any structure on a deck or patio must be permitted under the Zoning Code. Portable appurtenances are prohibited. Temporary appurtenances and structures are subject to site plan review to assure public safety.
- (5) Except within the CBD, Central Business District, amplified musical instruments or sounds are prohibited. Any other music or sound that would violate the city's noise ordinances and restrictions is prohibited.
- (6) All commercial food preparation shall take place inside the establishment.
- (7) No open flames are allowed.
- (8) Lighting shall be shielded and pointed downward and shall not be a nuisance to adjacent properties subject to § 153.172. Unshielded string lights are prohibited.
- (9) Roof top deck space is subject to the requirements of §§ 153.185 et seq., Off-Street Parking, Loading, Access and Circulation.

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

**153.160 Residential Raised Decks**

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

**Section 3. Severability.**

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

**Section 4. Effective Date.**

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

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

Motion by: Kalbfell

Seconded by: Spring

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

Nays: None

**Motion carried.**

State of Michigan } §  
City of Charlevoix

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Sarah J. Dvoracek

Clerk

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Lyle Gennett

Mayor

CERTIFICATION

I, the undersigned, the 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. 864 adopted by the City Council of the City of Charlevoix, County of Charlevoix, State of Michigan, at a regular meeting held on January 19, 2026 the original of which is on file in the Clerk's office and available to the public. Public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, Act 267 of the Michigan Public Acts of 1976.

Dated: 01/20/2026

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Sarah J. Dvoracek, City Clerk