

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 Parr, seconded by Kalbfell to approve Ordinance Amendment 865 of 2026.

**CITY OF CHARLEVOIX
ORDINANCE NO. 865 of 2026**

AN ORDINANCE TO AMEND TITLE XV LAND USAGE, CHAPTER 153 PLANNING AND ZONING, SECTION 153.171 LANDSCAPING

THE CITY OF CHARLEVOIX ORDAINS:

Section 1: Title XV, Land Usage, Chapter 153 Planning and Zoning, Section 153.171 and its entirety shall be repealed, replaced and shall read as follows:

(A) *Intent.* This section promotes the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping. Landscaping and landscaped buffers help protect and enhance land uses and the visual image of the community. They further preserve natural features, improve property values and can alleviate the impacts of noise, traffic and visual distractions. Landscaped buffers protect less intense uses from noise, lighting and other impacts associated with more intensive land uses. Specifically, the intent of these provisions is to:

- (1) Improve the appearance of off-street parking and storage areas and property abutting public rights-of-way;
- (2) Protect and preserve the appearance, character and value of the neighborhoods, which abut non-residential areas, parking lots and other potentially obtrusive uses;
- (3) Reduce soil erosion and depletion;
- (4) Increase soil water retention, thereby helping to prevent flooding, erosion and sedimentation and enhancing ground water recharge;
- (5) Remove air pollutants and reduce, eliminate or control glare, reflection and heat island effects; and
- (6) Assist in directing safe and efficient traffic flow and prevent vehicular and pedestrian circulation conflicts.

(B) *General requirements.* These regulations apply to all new uses and the expansion of existing uses requiring site plan approval.

(1) Landscaping shall be installed before occupancy, unless the Zoning Administrator authorizes occupancy prior to complete landscape installation, due to unforeseen weather conditions or other circumstances beyond the applicant's control. In such a case, a performance guarantee, per § 153.239 of this chapter, shall be provided to ensure completion of the project as required. All landscaping shall be completed within one full growing season.

(2) All landscaping shall be maintained after planting and regularly watered, fertilized, pruned and kept free from disease. The owner or controlling party shall be responsible for maintenance.

(3) The landscaping shown on the approved landscape, screening and buffering plan shall be maintained according to (B) (2) above. Any plants in the approved plan that die shall be replaced within a reasonable time, but in no case shall such time exceed six months. The replacement plants shall meet the purpose of the original specifications of an approved landscape, screening and buffering plan.

(4) All plants shall be hardy per climatic conditions in the city.

(a) The use of native vegetation species with deep roots in rain gardens, bioswales, buffer areas, and other forms of naturalized landscaping to accomplish the goal of stormwater retention and filtration is encouraged.

(b) Prohibited species. Species deemed invasive or restricted by the State of Michigan or Michigan State University will be rejected during landscape plan review.

(5) All landscaped areas shall be mulched and those not containing trees and shrubs must be planted with ground cover. Mulch of any type is not considered groundcover, nor is it a substitute for ground cover. Areas of lot coverage that are not paved or occupied by building footprint must be landscaped with living grass lawn, living plant ground covers, perennial/shrub beds, or a combination thereof.

(6) The overall landscape plan shall not contain more than 25% of any one plant species. Ground covers other than living plants (e.g. stone chips, rocks, mulch) must be arranged in a deliberate manner and may not exceed more than 25 percent of the site landscape area. All ground covers must be controlled on site and not allowed to freely migrate or spill onto the public sidewalk, public rights-of-way, or into storm drains.

(7) Trees and shrubs shall not be placed closer than a distance of 40% of the spread at maturity to a fence, wall or property line.

(8) For a corner lot or a lot with more than one frontage where landscaping is required, all frontages shall be landscaped.

(9) Berms shall be designed to vary in height and shape to create a more natural appearance. An unbroken earth mound of uniform height shall be avoided. The maximum slope for a berm shall be one foot vertical to three feet horizontal, unless otherwise allowed by the Planning Commission.

(10) Landscaping shall not obstruct sight distance, per § 153.142 of this chapter.

(11) Landscaping plans are subject to Planning Commission or Zoning Administrator review and approval.

(12) The Planning Commission or Zoning Administrator may allow a deviation from the requirements of this section under any of the following circumstances:

- (a) Existing vegetation or topographic features make compliance with requirements unnecessary or difficult to achieve;
- (b) The application of requirements will result in a significant loss of existing vegetation, or natural or cultural features;
- (c) Modification of requirements will clearly result in a superior design that could not be otherwise achieved;

(d) Where the required landscaping may interfere with view corridors, such as developments along water bodies, the Planning Commission may require planting of specific species in locations where the height or canopy will not compromise view corridors.

(13) The Planning Commission or Zoning Administrator may impose conditions on landscaping as part of site plan review.

(14) Where a development is proposed in phases, each phase shall comply with all applicable landscaping requirements.

(15) Where landscaping requirements are based on a distance measured along a property line and result in a fractional requirement, the required landscaping for just that area shall be multiplied by the fraction. For example, when a fractional area is equal to 30% of the required distance the number of required plants shall be multiplied by 0.30. A fraction less than 25% may be disregarded.

(16) To ensure that all landscaping is installed, as a condition of approval a letter of credit or some other performance guarantee may be required in accordance with § 153.239 of this chapter.

(C) *Buffer areas.*

(1) A buffer area may be required where any use in a business or industrial district is adjacent to residentially zoned land and where multiple-family residential land uses are adjacent to land in the R1, R2 and R4 Districts. A landscaped buffer shall be provided between the subject property and all adjacent residentially zoned or used properties if the subject building(s) of the site plan is within 25 feet of the adjoining property line and if existing landscaping, tree cover, or fencing/screening does not exist.

(2) A buffer area is not required if the qualifying adjacent zoning districts are separated by a public right-of-way.

(3) A buffer area shall be parallel to and follow the property line tangent to the qualifying zoning district.

(4) A buffer area shall be required even when the adjacent property is undeveloped.

(5) Except for access drives or private streets determined by the Planning Commission to be necessary to provide safe access to a property, a building, structure or parking lot shall not encroach within a required buffer area.

(6) When adjacent to a PUD containing a residential land use, a use in a non-residential or multiple-family residential district shall provide a buffer area along the property line adjacent to the residential use. The Planning Commission, however, may waive or modify the required buffer if the setbacks and perimeter landscaping provided within the PUD meet the intent of division (A) above.

(7) Landscape buffers will include at least one tree for each 25 linear feet, or fraction of buffer area.

(a) Landscape buffers shall consist of evergreen shrubs, evergreen trees, fencing/screen walls (75 percent or more opaque), or any combination thereof that forms a continuous visual buffer.

(b) At least 40 percent of the overall adjoining property line must be covered by plant materials at the time of planting.

(c) The Planning Commission may allow a consistent 75 percent or more opaque, six-foot tall screen wall or fence for the entire length of the adjoining property line to provide buffering that meets the intent of this section. If a screen wall or fence is used for all of the buffer area, the overall landscape buffer width may be eliminated except for the trees required in this section.

(d) Where the distance between a building, parking area or use is more than 200 feet from a side or rear lot line, the Planning Commission may reduce the buffer area requirements along the applicable lot line(s) by 50%;

(e) Where a screen wall or fence is not otherwise required, the Zoning Administrator may require an opaque screening within the buffer area, to block views and contain materials. Screening shall be provided in the form of a six-foot tall ornamental fence or wall, capable of keeping paper and other debris from blowing off the premises.

(8) *Buffer Area Alternatives*

(a) Plants may either be arranged formally, or be informally clustered for a more random, natural effect.

(b) Berms may be constructed in a buffer area to supplement landscaping and add interest. Minimum landscaping requirements shall be reduced by 50% where a berm at least three feet tall is constructed for at least 85% of the length of the buffer area.

(c) Berms shall be designed to vary in height and shape to create a more natural appearance. An unbroken earth mound of uniform height shall be avoided. The maximum slope for a berm shall be one foot vertical to three feet horizontal, unless otherwise allowed by the Planning Commission.

(d) A screen wall or fence, located within a buffer area, may be used in lieu of some landscaping.

1. A screen wall or fence shall be a maximum of six feet tall and constructed of architectural block, brick, wood, vinyl or textured concrete.

2. To maximize the effectiveness of screening, openings shall not exceed 20% of the surface of a wall or fence.

3. Landscaping requirements may be reduced by 50% when a screen wall is constructed in a buffer area.

(D) *Minimum plant requirements.*

(1) The minimum plant size at the time of installation shall comply with Table 153.171(a):

Table 153.171(a): Minimum Plant Size at Installation			
Plant Material	Minimum Caliper	Minimum Height	Minimum Spread
Canopy tree	2.5"		
Ornamental tree	1-3/4"		
Evergreen tree		6'	
Shrubs			24"

(2) Existing healthy and desirable trees to be preserved may satisfy the landscaping regulations of this section. Each credit may be applied toward fulfilling the requirements set forth in this section (i.e., one credit equal to one equivalent tree).

Table 153.171(d): Credit for Existing Landscaping			
Tree Material	Minimum Caliper	Minimum Height	Credits
Canopy tree	4 to 8 inches		1

	Greater than 8 inches		2
Ornamental tree		6 to 10 feet	1
		Greater than 10 feet	2
Evergreen tree		6 to 12 feet	1
		Greater than 12 feet	2

(E) *Residential development.*

(1) For each dwelling unit in a residential subdivision, land division or site condominium.

(a) One canopy tree shall be planted between the right-of-way line and the street per Shade Tree and Park Commission rules Chapter 152 Trees.

(b) Trees shall meet Residential Guidelines except where site conditions warrant otherwise.

(2) For a multiple-family development, one canopy and ornamental tree shall be provided for every 7,000 square feet of gross lot area.

(3) For a residential development abutting an arterial street, one evergreen tree and one canopy tree for every 50 feet of development frontage on the arterial street.

(4) Berms may also be used to buffer lots or dwellings from an abutting arterial street. Minimum landscaping requirements shall be reduced by 50% where a berm at least three feet tall is constructed for at least 85% of the length of the street frontage.

(5) In the R4 Zone, the Planning Commission may require berms, fencing or vegetative screening (or any combination thereof) along property lines for reasons including, but not limited to, protection of public safety, preservation of neighborhood character or the creation of privacy buffers for single-family zones.

(F) *Non-residential and mixed-use districts and non-residential uses in residential districts.*

(1) For non-residential uses in any zoning district except the CBD District, for every 100 feet of lot frontage as measured along a public right-of-way, the following front yard landscaping requirements apply.

(a) Two canopy trees or three ornamental trees shall be provided.

(b) The Planning Commission may allow landscaping anywhere within the front yard, except where a parking area is located along the lot frontage. In such instances landscaping shall be placed between the parking lot and the public right-of-way.

(2) Berms may be constructed in a front yard to supplement landscaping and enhance buffering of parking lots. Minimum front yard landscaping requirements shall be reduced by 50% where a berm at least three feet tall is constructed between a parking lot located along a street frontage and the public right-of-way. A berm may also be used to meet the screening requirement for parking lots as required in division (I) below.

(3) Non-residential right-of-way and front setback planting.

(a) Street yard landscaping within the public rights-of-way.

(1) Public rights-of-way shall be planted with grass. Trees, shrubs, or other ground covers may be planted within the right-of-way with permission from the City Forester and the City Engineer, or their assigns.

(2) Rights-of-way yards abutting activity corridor street types may incorporate decorative paving and streetscape elements if such elements exist on adjoining parcels. Plant materials shall be located in tree wells, bioswales, and above ground planters, and shall be approved by the Department of Public Service.

(b) Between sidewalk and parking.

(1) There shall be a landscaping setback area of eight feet between the edge of sidewalk and parking lot edge, which shall consist of grass lawn and landscape planting beds.

(2) Landscape planting beds shall be a minimum of 25 percent of the landscape setback area.

(3) Setback areas greater than 20 feet in depth must plant at least one (1) deciduous tree for every 25 feet of frontage or part thereof and a minimum of one shrub shall be planted for each ten linear feet of frontage, or portion thereof.

(4) These landscape requirements are in addition to other screening or buffer requirements as indicated in the applicable zoning district section.

(5) Landscape planting beds shall be a minimum of 50 percent of the front, side, and rear landscaping setback areas for all special land use 'off-street parking surface lots' in addition to trees required.

(c) Between sidewalk and building.

(1) Non-residential setback landscaping between the edge of sidewalk and building face shall consist of lawn, landscape planting beds, and paved pedestrian areas.

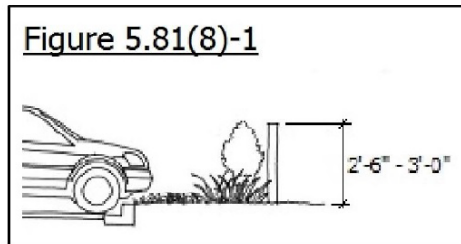
(2) Landscape planting beds shall be a minimum of 25 percent of the landscape setback area. This may be reduced to zero percent in areas where the public sidewalk is immediately adjacent to the building face.

(H) *Outdoor storage areas.* Where permitted, outdoor storage areas shall be completely screened by buildings, structures or a continuous buffer at least five feet wide. The buffer area shall meet 153.153 Outdoor Storage

I) *Parking lot landscaping.*

(1) A parking lot containing more than ten spaces shall be screened as follows:

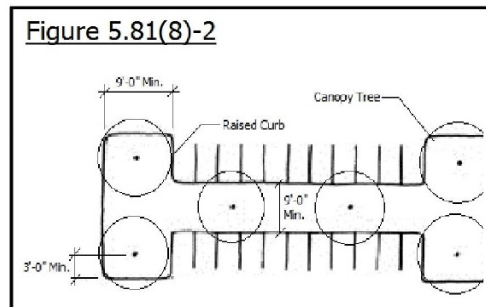
(a) Along any right-of-way or residential property line by a continuous two and one-half to three-foot tall screen; and



(b) The screen shall consist of landscaping, berms, a screen wall or any combination of these elements.

(2) To provide shade and to break up the visual appearance of large, paved areas, parking lots with more than ten spaces shall be landscaped based on the following requirements.

(a) One canopy tree for every 12 parking spaces shall be provided within a parking lot island or peninsula.



(b) Parking lot islands and peninsulas shall meet the following requirements:

1. All islands and peninsulas shall be protected by raised curbs; dug-outs non-raised curbs are permitted to facilitate drainage, except in instances where the grading and drainage plan demonstrates storm water runoff can be managed without the use of raised curbs.

2. Each tree shall be provided with an open land area of not less than 75 square feet to provide area for infiltration and with a minimum diameter of nine feet at the trunk of the tree for protection. Tree plantings shall also be protected from automobiles with curbing or other suitable device that incorporate curb cuts or other openings, and grading to capture stormwater.

3. Trees shall be planted centered on islands.

4. Landscaping shall not obscure traffic signs, fire hydrants or sight distance within the parking lot and at driveway entrances, in accordance with § 153.142 of this chapter.

(J) *Fencing, screening and walls.*

(1) Screening shall be required around all trash dumpsters in all zoning districts, except as may be provided elsewhere in this section.

(2) Solid waste dumpsters may be located in required buffers; provided, they are screened in accordance with this division (I).

(3) Screening shall be required even if the surrounding area or adjacent properties are not developed.

(4) When a property changes to a more intense land use, a special land use or when site plan approval is required, screening shall be provided in accordance with this section.

(5) (a) Unless otherwise permitted in accordance with this section, a screen shall consist of a solid, sight-obscuring fence or wall that meets Section 153.173 of this code. Additionally, the screen must meet the following:

1. A minimum height to completely obscure the sight of the container. Walls must be no greater than eight feet high.

2. Enclosed on all sides and does not contain any openings other than an access gate, which shall be closed at all times when not being used. A screen around staging or loading/unloading areas may provide an opening that does not contain an access gate;

3. Constructed of masonry, treated wood or other materials approved by the Planning Commission and must be durable, weather-resistant, rust-proof and easily maintained; and

4. A trash dumpster enclosure and gates shall be protected by bollards or other means to prevent vehicle damage.

(b) If approved by the Planning Commission, a screen may consist of berms or landscaping either in combination or as a substitute for a fence or wall. It must be determined that the alternate design shall either provide the same degree, or enhanced screening as required by this section.

(6) (a) Placement cannot interfere with pedestrian or vehicular traffic.

(b) Walls must be maintained and kept in good condition by the property owner.

(K) *Landscape site plan requirements.*

(1) An approved landscape, screening and buffering plan that meets the requirements of this section is required prior to approval of a site plan for activities listed in Section 153.230.

(2) Planting plan specifications.

(a) A planting plan shall be provided to include the following:

(b) Minimum scale of one-inch equals 50 feet.

- (c) Existing and proposed contours with contour interval not to exceed two feet.
- (d) The planting plan shall indicate, to scale, the location, spacing and starting size for all proposed landscape material within the required buffer or landscaped area.
- (e) The planting plan shall indicate all existing trees (four-inch caliper or greater) located in portions of the site that will be built upon or otherwise altered. Trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan. The plan will include all existing or proposed utilities and easements.
- (f) Typical straight cross section including slope, height and width of berms and type of ground cover or height and type of construction for all proposed walls, including footings.
- (g) Significant construction details to resolve specific site conditions, e.g., green infrastructure, tree wells to preserve existing trees, culverts to maintain natural drainage patterns.
- (h) Planting plans shall show all landscaped areas and plants listed in a table by common and botanic name and show quantities, size at planting and anticipated mature height and spread. Anticipated mature height and spread shall be shown with circles indicating anticipated plant size at maturity.
- (i) A tree survey identifying the location and species of existing trees 12 inches or greater in caliper, measured at 12 inches off the ground, and identifying which trees are to be preserved. The Zoning Administrator may require an evaluation of the quality of the trees for purposes of determining which trees should be removed or preserved.

(3) Landscaping plans are subject to Planning Commission review and approval in all districts other than R-1 and R-2. The Zoning Administrator will review any required landscape plans in R-1 and R-2.

(L) *Treatment of existing plant material.* The following regulations shall apply to existing plants.

- (1) *Destruction or removal of healthy trees.* In the event healthy plants that are intended to meet the requirements of this section are cut down, damaged or destroyed during construction, they shall be replaced in accordance with Shade Tree and Park Commission requirements.

Section 2. Severability.

- 1. 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 3. Effective Date.

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

Ordinance No. 865 was adopted on the 19th day of January 2026 A.D., by the Charlevoix City Council as follows:

Motion by: Parr

Seconded by: Kalbfell

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

Nays: None

Motion carried.

State of Michigan } §
 City of Charlevoix

Sarah J. Dvoracek

Clerk

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. 865 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

Sarah J. Dvoracek, City Clerk

