

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 Hagen, seconded by Kalbfell to approve Ordinance Amendment 866 of 2026.

**CITY OF CHARLEVOIX
ORDINANCE NO. 866 of 2026**

AN ORDINANCE TO AMEND TITLE XV LAND USAGE, CHAPTER 153 PLANNING AND ZONING, SECTION 153.087 AREA, HEIGHT, AND PLACEMENT REQUIREMENTS, 153.104 NORTH SIDE PROFESSIONAL OFFICE OVERLAY DISTRICT, MIXED-USE DISTRICTS AND ADD SECTION TITLED MIXED USE REGULATIONS WITH STANDARDS

THE CITY OF CHARLEVOIX ORDAINS:

Section 1: Title XV, Land Usage, Chapter 153 Planning and Zoning, Section 153.087 Area, Height, and Placement Requirements and its entirety shall be repealed, replaced and shall read as follows:

All lots in the non-residential districts shall conform to the requirements of the Table 153.087. The requirements in footnotes are an integral part of this subchapter and shall apply in all instances.

<i>Table 153.087: Dimensional Requirements, Non-Residential and Mixed Use Districts</i>								
Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Building Height (ft.)	Minimum Yard Setbacks (ft.)				Lot Coverage (%)
				Front	Side		Rear	
					Interior	Street Side		
<i>Table 153.087: Dimensional Requirements, Non-Residential and Mixed Use Districts</i>								
Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Building Height (ft.)	Minimum Yard Setbacks (ft.)				Lot Coverage (%)
				Front	Side		Rear	
					Interior	Street Side		
PO	NA	75	26	15	10	15	25	NA
GC	20,000	100	26	15	10	15	25	NA
CBD	NA	NA	40	0	0	0	0 ¹	NA
CH	43,560	150	30	25	20 ²	20	30 ¹	50/80 ³
MC	10,000	50	35 ⁴	20	0	0	0	NA
SR	NA	NA	§ 153.088 (A)	25	20/50	20/50	50	30
I	43,560	150	30	30	20	20	25	60
P	NA	100	35	20	10	15	15	NA
CM	6,000	50	MU-R 27, MU-CL 39	15 ⁶	0 ⁴	15 ^{4&5}	20 ⁴	NA

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 Non-residential: none, residential: see Sec. 153.072 standards for R-1 & R-2 districts

⁵ Street side setbacks may be reduced to 10 feet for 2 story buildings and 10 feet for 3 story buildings with design review when the reduction improves the overall site design, design of the building or better integrates the building with its site and surroundings and a 6-foot-wide sidewalk is provided.

⁶ Front may be reduced to 10 feet with design review when the reduction improves the overall site design, design of the building or better integrates the building with its site and surroundings and a 10-foot-wide sidewalk is provided.

Section 2. Title XV, Land Usage, Chapter 153 Planning and Zoning, Section 153.104 North Side Professional Office Overlay District and its entirety shall be repealed.

Section 3. Title XV, Land Usage, Chapter 153 Planning and Zoning, Section 153.XXX Mixed Used Regulations shall be added and shall read:

ESTABLISHMENT OF ZONING REGULATIONS.

- A. Purpose.** The purpose of these Zoning Regulations is to implement the Master Plan.
- B. Applicability.** The Zoning Regulations set forth in Section 1 of this Ordinance shall apply citywide to all Permit Applications, as defined in this Ordinance. As they apply to the City's review and consideration of Permit Applications, these Zoning Regulations supersede any conflicting provisions of the Existing Zoning Ordinance in effect on the effective date of these Zoning Regulations.
- C. Land Use Definitions to Implement Zoning Regulations.** The following definitions are for the purpose of implementing the Zoning Regulations established by Section 1 of this Ordinance.

Artisan/Small-Scale Manufacturing. The artisan/small-scale manufacturing use type refers to establishments primarily engaged in on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hands tools or domestic mechanical equipment not exceeding five horsepower or kilns not exceeding 25 kilowatts, and the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, candle making shops, and custom jewelry manufacturers.

Artist's Studio. Workspace for an artist or artisan, including individuals practicing one of the fine arts or performing arts, or an applied art or craft. This use may include incidental display and retail sales of items produced on the premises and instructional space for small groups of no more than 18 students per instruction. It does not include joint living and working units (See Live-Work).

- **Studio-Light.** Small-scale art production is generally of a low impact and no more than a maximum floor area of 2,500 square feet. Typical uses include painting, photography, jewelry, glass, textile, and pottery studios.
- **Studio-Heavy.** Art production on a medium or large scale generally using heavy equipment and greater floor area than 2,500 square feet. Typical uses include large-scale metal and woodworking studios.

Brewpub. A full-service or limited-service restaurant with a micro-brewery as an accessory use that meets the requirements of Michigan Liquor Control Commission, where no more than 5,000 barrels of beer are produced per year. A brewpub may sell other supplier's beer, including other hand-crafted or micro-brewed beers as well as wine to patrons for consumption on its premises.

Breweries, Limited. Small-scale facilities that produce beer and similar beverages onsite.

- **Brewery, Brew-on-Premises.** A do-it-yourself brewery where customers produce craft style beer or wine on the premises of a brewery or micro-brewery. Customers also may purchase the ingredients, rent the equipment, time, and space, and be provided assistance by an on-site brewmaster.
- **Micro-brewery.** An establishment that produces annually less than 5,000 barrels of ales, beers, meads, hard ciders and/or similar beverages onsite. Micro- breweries may also serve beverages onsite and sell beverages for offsite consumption pursuant to the regulations of the Michigan Liquor Control Board and the federal Bureau of Alcohol, Tobacco, and Firearms.

Catering Service. A business that prepares food for consumption on the premises of a client or at any other location separate from where the food was prepared.

Cultural Facility. Facilities engaged in activities to serve and promote aesthetic and educational interest in the community that are open to the public on a regular basis. This classification includes performing arts centers for theater, music, dance, and events; spaces for display or preservation of objects of interest in the arts or sciences; libraries; museums; and public art galleries. It does not include schools or institutions of higher education providing curricula of a general nature.

Media Production. Facilities for production of motion pictures, television, video, sound, computer, and other communications media production.

Offices for Walk-In Clientele. Offices providing direct services to patrons or clients without prior appointments. This use classification includes employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, and offices for elected officials. It does not include banks or check-cashing facilities, which are separately classified and regulated.

Printing & Publishing. A use engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other activities serving the printing trade such as bookbinding, typesetting, engraving, photo-engraving and electrotyping. This use also applies to the publishing of newspapers, books, and periodicals; manufacturing business forms and binding devices. Quick printing services are included in the Printing and Copying use classification.

Research and Development. The research and development use type refers to establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale, but excludes uses that may be objectionable by reason of production of offensive odor, dust, noise, bright lights, vibration or the storage of hazardous material or products, or uses that threaten public safety. Typical uses include biotechnology and software development firms.

Retail Sales.

- **General Retail Sales, Small-Scale.** The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments with 15,000 square feet or less of sales area; including department stores, clothing stores, pet supply stores, small hardware and garden supply/nurseries stores, and businesses retailing goods including, but not limited to, the following: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, private art galleries, art supplies and services, glass and windows, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machines, computers, electronics, and similar small-item repairs.
- **General Retail Sales, Large-Scale.** Retail establishments with over 15,000 square feet of sales area that sell merchandise and bulk goods for individual consumption, including membership warehouse clubs, where sales of grocery items do not occupy more than 25 percent of the floor area.
- **With Drive-Through.** A retail establishment with drive-through facilities.

D. Overlay Districts Established. The purpose of this subsection D is to establish the following Overlay Districts consistent with the Master Plan. The locations and boundaries of the Overlay Districts are delineated in Exhibit A attached hereto and incorporated herein.

1. **MU-R Residential Mixed Use.** The Residential Mixed-Use district prioritizes residential development with associated non-residential development, neighborhood-scale retail and office space. In addition to a mix of housing types, other uses like live/work units, artist studios, and businesses that are less than 4,000 square feet are permitted. Residential units are required with densities ranging between 16 and 30 housing units per gross acre.
2. **MU-CL Commercial Mixed-Use Low.** The Commercial Mixed Use Low district provides for developments that integrate residential and non-residential uses. It is intended for a mixture of uses in a single building; however, if a mixture of uses is infeasible due to site constraints or development costs, single uses are allowed, including neighborhood and community retail; eating and drinking establishments; small-scale commercial recreation; residential; financial, business, and personal services; educational and social services; and offices. No separate residential density standards shall apply.

E. Effect of Ordinance on Existing Zoning Districts. To the extent that the Existing Zoning Ordinance applies a different zoning district designation to any area within the boundaries of an Overlay District established by this Ordinance, the zoning district designation of the Existing Zoning Ordinance shall be superseded and have no force.

F. Basis for Zoning Map. The Zoning Districts established in Exhibit A are based on the Master Plan Land Use Designations for Mixed Use for pedestrian-oriented development.

G. Zoning District Regulations. The purpose of this subsection G is to establish use and development regulations for the Zoning Districts.

1. **Uses Permitted, Conditionally Permitted, and Prohibited.** Land uses, as classified in the Existing Zoning Ordinance and in this Ordinance, are permitted, conditionally permitted, or prohibited in the Zoning Districts as indicated in Table 1. Permitted uses are indicated by a "P", conditionally permitted uses are indicated by a "C", uses subject to specific standards are indicated by a "S", and prohibited uses are indicated by a blank. Where a subclassification, which is indented, has a different designation from the one given to the more general land use, that designation governs. Conditionally permitted uses are allowed upon the approval of a use permit pursuant to Section 153.234 of the Zoning Ordinance and any additional findings that may be required by this Ordinance.

TABLE 1: LAND USE REGULATIONS FOR MIXED USE ZONES

P = Permitted C = Conditional S = Specific Standards Apply; See Section 153.234

Blank= Not Allowed

Zoning Districts	MU-R	MU-CL	Additional Regulations
A. Commercial Uses			
1. Animal care and sales			
Animal care facilities, excluding exterior pens or runs		C	
Animal retail sales and supplies, excluding exterior pens or runs		C	
Taxidermy shops			
2. Business sales and service			
Locksmith		P	
Office furniture sales and rentals		P	
Office supply and equipment shops (incl. accessory repair)			
Printing and copy shops		P	
Printing and publishing		P	
3. Food and beverage service establishments, stores			
Food service establishments	See subclassifications below		*For restaurants, cocktail lounges and bars, with outdoor seating see Sec 153.118 (C)
With or without accessory serving of beer or wine	CS*	P	Drive-through, see Sec 153.118 (B)
With a bar, live entertainment or dancing		CS	
With drive-through use		CS	*C if operating 24 hours or before 7AM and/or adjacent to residential
Food and beverage stores, specialty	P	P	
Bakeries, retail	P*	P*	
Brewpubs		CS	
Catering service			
Convenience market	C	P	
Grocery stores and supermarkets		P	
Liquor stores		C*	
4. Motor vehicle sales and service			
Sales, new or used vehicles (including repair accessory to sales)			
Sales, parts and supplies (and accessory service)			
5. Personal services			
Artist studio, light	P	P	
Artist's studio, heavy		P	
Barber shops, beauty salons, nail salons, personal grooming	P	P	*C if > than 5,000 sf
Check cashing, bail bond services			
Dry cleaning, laundromats, laundries		P*	
Mail services	P	P	
Shoe repair and shoeshine	P	P	
Tailor/seamstress	P	P	
Travel agencies		P	
Weight loss establishments		P	
6. Recreation facilities, commercial			
Health clubs/gyms		P	*C if > than 3,000 sf
Health spas, nails, other	P*	P	
7. Retail uses			
Auction house			
General Retail Sales	See subclassifications below		*C if > than 5,000 sf
Large scale			
Small scale		P	
With drive through uses		CS	Drive-through, see Sec 153.118 (B)
Second hand and consignment shops		P	
Shopping centers			
8. Visitor accommodations			
Hotels, motels, STRs		P*	*C if > than 10,000 sf

Zoning Districts	MU-R	MU-CL	Additional Regulations
Visitor information centers		P	
B. Industrial Uses			
Artisan/small-scale manufacturing		P	
"Boutique" food processing with retail sales		P	
C. Offices and Related Uses			
1. Financial services			
Banks, savings and loans, and other financial institutions		P*	*C if > than 5,000 sf
Financial services offices		P	
2. Offices and Related Uses			
Clinics		C	
Media production		P	
Medical, dental and health-related offices		P*	*C if > than 5,000 sf
Office (administrative, business, and professional)		P*	*C if > than 5,000 sf
Offices with walk-in clientele	P	P	
D. Public and Quasi-Public Uses			
1. General			
Clubs and lodges, including for youth		P	
Cultural facility		P	
Other public/quasi-public uses of an administrative, educational, religious, communications or public service nature		P	
2. Schools			
Parochial, private	C	C	
Public	P	P	
Vocational, business trades			
3. Transportation facilities			
Parking facilities, commercial or municipal (5+ spaces)		C	
Transit or bus stations			
Single-family attached	P	P	For condominiums, see Sec. 153.117(B)
Multifamily residential	P	P	
Group residential, including SROs	CS	CS	
Live/work developments		C	
Residential care facilities			
Small (0-6 residents)		P	
Large (7 or more residents)		CS	
Day care facility, child or adult (up to 6 children or 6 adults)	P	P	
Day care center (13 or more children or 7 or more adults)		CS	
F. Accessory Structures and Uses			
Accessory structures and uses	P if principal use is permitted; C if principal use requires a use permit. See Chapter 153.116		
Automatic teller machines		P	
G. Other Uses			
Nonresidential condominiums		P	See standards Ch. 153.117 (B)

2. Additional Land Use Regulations

- a.** Mixed use development. Mixed use development is permitted on a site that (i) is designated for mixed uses by the Master Plan, (ii) all of the proposed uses are permitted in the applicable zoning district, and (iii) no conversion of an existing residential rental unit is proposed with the exception of (b) below.
- b.** Residential rental units. Conversion of existing residential rental units to nonresidential units is allowed only with a conditional use permit and is subject to the same standards as new development unless waived by the Planning Commission.
- c.** Commercial Development in MU-R District. Commercial only development is not allowed. The area devoted to commercial uses cannot exceed 30 percent of the total building floor area, and all non-residential uses must be located at the ground level.

3. Development Standards. The development standards for the Commercial Mixed-Use Zoning Districts are shown in Table 2.

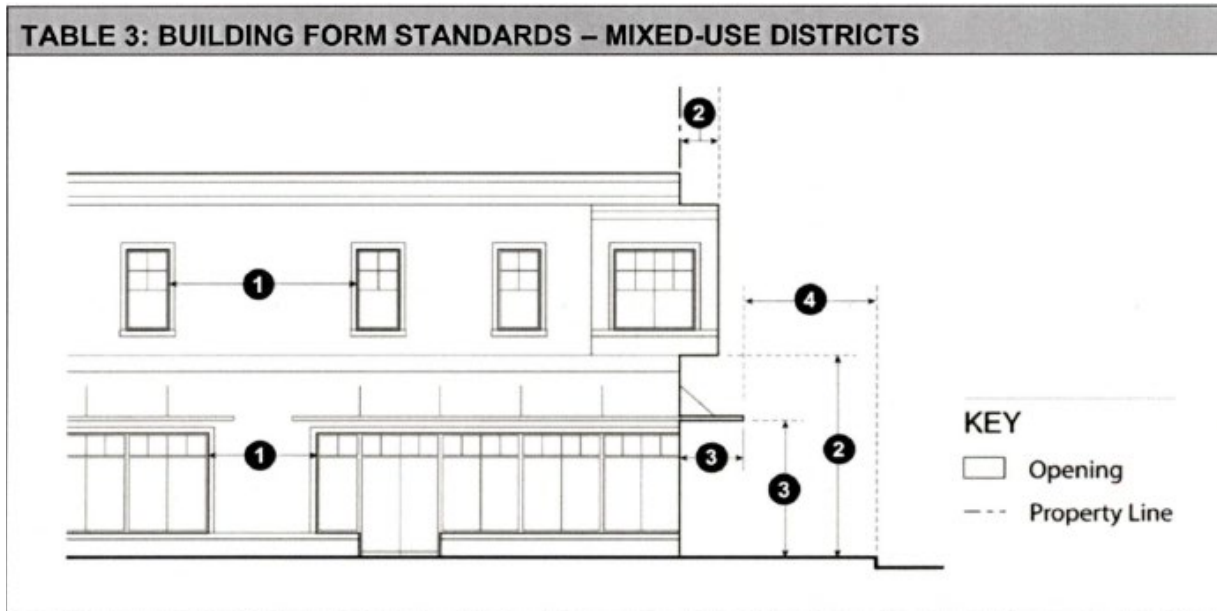
TABLE 2: CM USE DISTRICTS-PROPERTY DEVELOPMENT STANDARDS

Property Development Standards	MU-R	MU- CL	Additional Standards
Maximum density (units/gross acre)	30*	NA	* >.5 round up
Maximum Height (in feet)	27	39	
Maximum number of stories	2	3	
Minimum lot area (sq. ft)	6,000	6,000	
Minimum lot frontage (feet) at front property line	50	50	
Front setback (feet)			
- Arterial or collector	15	10	(1)
- Local street	15	15	(1)
Street side setback (feet)			
- Arterial or collector	15	15	(2) (3)
- Local street	15	15	(2) (3)
Garage door setbacks from street (feet)	20	20	
Side and Rear setback (feet)	Non-residential: none, residential: see Sec. 153.072 standards for R-1 & R-2 districts		

Notes:

- (1) Front may be reduced to 10 feet with design review when the reduction improves the overall site design, design of the building or better integrates the building with its site and surroundings and a 10-foot-wide sidewalk is provided.
 - (2) Street side setbacks may be reduced to 10 feet for 2 story buildings and 10 feet for 3 story buildings with design review when the reduction improves the overall site design, design of the building or better integrates the building with its site and surroundings and a 6-foot-wide sidewalk is provided.
 - (3) Commercial and mixed-use development on land that abuts a residential district will be designed and constructed, and will be operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; will be compatible with adjacent uses of land; and will not change the essential character of the area in which it is proposed;
- 4. Build-to Line, MU-CL.** Buildings shall be constructed at the street frontage or required setback line (the "build-to" line) for at least 60 percent of the building frontage. Portions of the area between the building and lot line shall be paved so that it functions as a wider public sidewalk and public areas. This requirement may be modified or waived by the Planning Commission upon finding that:
- a. Substantial landscaping will be located between the build-to line and ground floor residential units to soften visual impact of buildings;
 - b. Entry courtyards, plazas, entries, or outdoor eating and display areas will be located between the build-to line and building, provided that the buildings will be built to the edge of the courtyard, plaza, or outdoor dining area; or
 - c. The building will incorporate an alternative entrance design that will create a welcoming entry feature facing the street.
- 5. Required Side and Rear Yards for Residential Uses.** In order to provide light and air for residential units, the following minimum setbacks apply to any building wall containing windows for residential units and facing an interior side or rear yard.
- a. For any wall containing windows, a setback of at least 5 feet shall be provided.
 - b. For any wall containing bedroom windows, a setback of at least 10 feet shall be provided.
 - c. For any wall containing a living room or other primary room windows, a setback of at least 10 feet shall be provided.
 - d. The required setbacks apply to that portion of the building wall containing a window and extending three feet on either side of the window.
- 6. Minimum Ground-floor Height.** The minimum ground-floor height shall be 10 feet for residential uses and 12 feet for non-residential uses.
- 7. Exceptions to Maximum Height Limits.**
- a. Architectural Features. A parapet wall, cornice, cupolas or mechanical equipment may project up to four feet above the maximum height limit.
 - b. Towers. If the project site is greater than 15,000 square feet, a tower or other projecting architectural elements may extend up to 12 feet above the top of a pitched roof, provided that the square footage of the element(s) do not total more than 15 percent of the building footprint. The area above the uppermost permitted floor of the element(s) shall not be a habitable space.
 - i. The composition of the tower element shall be balanced, where the width of the tower has a proportional relationship to the height of the tower.
 - ii. The tower element shall be proportional to the rest of the building.
 - iii. The tower element shall not be stepped back at any point,

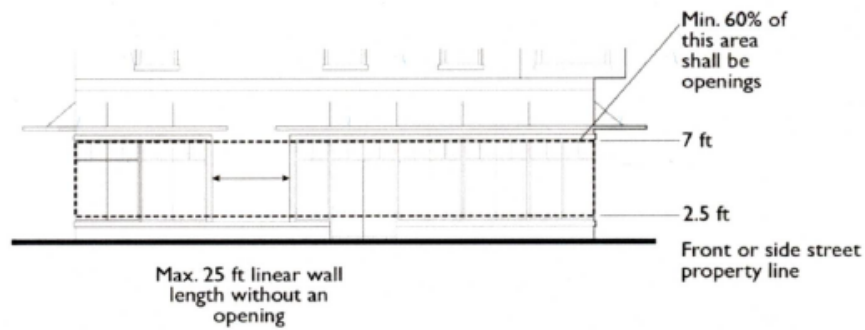
- iv. The maximum horizontal dimension of the tower element shall not exceed 52 feet. Fenestration shall be greater at the base of the tower than at the top.
 - v. The roof shall include architectural detailing, such as a cornice or eave.
8. **Upper Story Limitations.** For the MU-CL zoning district abutting a R1 or R2 residential zoning district, the top story of all three-story buildings shall contain only residential uses and shall be stepped back a minimum of 10 feet from the story below on the abutting side.
9. **Wide Buildings.** Any building over 50 feet wide shall be broken down to read as a series of buildings no wider than 50 feet each or 30 feet in the MU-R Zoning District. Increases in the maximum building width may be approved through design review if recesses, offsets, or other architectural articulation modulate a "box-like" appearance.
10. **Maximum Building Length and Length of Blank Walls.** The maximum building length is 100 feet. See Table 3. This limitation does not apply to buildings with unique design requirements, such as gyms and auditoriums. Increases in the maximum building length may be approved through design review if recesses, offsets, or other architectural articulation modulate a "box-like" appearance. The maximum length of blank walls is 10 feet on the ground floor and 25 feet on upper floors.



<i>District</i>	<i>MU-R</i>	<i>MU-CL</i>	<i>Additional Regulations</i>	<i>#</i>
Maximum Building Length (ft.)	100	100		
Maximum Length of Blank Wall (ft.)	10 for ground floor, 25 for upper floors	10 for ground floor, 25 for upper floors		1
Bay Window	Max. 2 feet from primary facade and min. 12 feet above			2
Awnings & Overhangs (ft.)	Max. 4 feet from primary facade and 8 feet above sidewalk grade above public ROW			3
Awning setback from Curb	Min. 4 feet clear			4

11. **Building Projections.** The maximum width of any projection, including bay windows, is 10 feet, and the total of all projections along a building face may not be more than 10 feet wide or 25 percent of the building frontage, whichever is greater.
12. **Building Orientation and Entrances.**
- a. Buildings shall be oriented to face public streets or pedestrian-oriented areas.
 - b. Building frontages shall be generally parallel to streets, and the primary building entrances shall be located on or within 15 feet of a public sidewalk.
 - c. At least one entrance shall be provided per 100 linear feet of building frontage unless the building has unique security needs.
 - d. Entrances located at corners shall generally be oriented at a 45-degree angle to the corner and shall have a distinct architectural treatment to animate the intersection and facilitate pedestrian flow around the corner. Different treatments may include angled or rounded corners, arches, and other architectural elements.
 - e. Entrances to residential units shall be physically separated from the entrance to the permitted commercial uses and clearly marked with a physical feature incorporated into the building or an appropriately scaled element applied to the facade.
13. **Building Transparency; Required Openings for Non-Residential Uses.** Exterior walls facing and within 15 feet of a front or street side property line shall include windows, glass doors, or other openings for at least 60 percent of the building wall area located between 2.5 and 7 feet above the level of the sidewalk (see Figure 1). No wall may run in a continuous plane for more than 25 feet without a window or other opening.

**FIGURE 1: REQUIRED OPENINGS FOR NON-RESIDENTIAL USES
IN MIXED USE DISTRICTS**



- a. Design of Required Openings. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least two feet deep.
 - b. Exceptions for Parking Garages. Garages are not required to meet the building transparency requirement of this subsection. Instead, they must be screened with buffer landscaping.
 - c. Alternatives through Design Review. Alternatives to the building transparency requirement may be approved if the Planning Commission finds that:
 - i. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, such as in the case of a cinema or theater; and
 - ii. Street-facing building walls will exhibit architectural relief and detail and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.
- 14. Building Design and Articulation.** Buildings shall provide adequate architectural articulation and detail to avoid a bulky and "box-like" appearance. Building design shall reflect and complement the architectural style of significant historic buildings within the city. This may be accomplished through the incorporation of architectural style, colors, and materials similar to those used for historic buildings in the City. The following standards apply to development projects in the Mixed-Use Districts:
- a. Massing. Building massing shall align with the street grid of adjacent blocks.
 - b. Relation to Existing Buildings. Buildings shall be designed to appear integrated with existing buildings in the district.
 - c. Vertical Relationship. Buildings shall be designed to have a distinctive base (ground floor level), middle (intermediate upper floor levels), and top (either top floor or roof level). Cornices, balconies, roof terraces, and other architectural elements should be used, as appropriate, to terminate rooflines and accentuate setbacks between stories.
 - d. Windows.
 - i. Window frames shall be inset at least two inches from the face of the building to enhance shadow-line around opening.
 - ii. Snap-in vinyl mullions between double pane glass is prohibited. If a divided light appearance is desired, mullions must be made of dimensional material projecting in front of the panes on both the inside and outside of the window.
 - iii. Exceptions may be granted through the design review process to accommodate alternative window design complementary to the architectural style of the structure.
 - e. **Exterior Building Materials and Colors.**
 - i. A unified palette of materials shall be used on all sides of buildings.
 - ii. Exterior building materials shall be stone, brick, stucco, architectural concrete block, painted wood clap-board, painted metal clapboard or other quality, durable materials approved through the design review process.
 - iii. A wainscoting of quality materials on the bottom of the ground floor facade may be required.
 - iv. Colors shall be used to help delineate windows and other architectural features to increase architectural interest.
 - f. **Building Details.**
 - i. Building facades shall include building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest.
 - ii. All applied surface ornamentation or decorative detailing shall be consistent with the architectural style of the building.
 - iii. All balconies shall have a minimum horizontal dimension of two feet.
 - iv. Each side of the building that is visible from a public right-of-way shall be designed with a complementary level of detailing.
- 15. Pedestrian Access.**
- a. Internal Connections. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
 - b. To Circulation Network. Regular connections between on-site walkways and the public sidewalk and other pedestrian walkways within the project shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.
 - c. To Neighbors. Direct and convenient access shall be provided from commercial and mixed-use

projects to adjoining residential and commercial areas to the maximum extent feasible, while still providing safety and security.

- d. Interior Pedestrian Walkway Design.
 - i. Walkways shall have a minimum clear, unobstructed width of six feet, where feasible, but at least four feet, shall be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
 - ii. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.
 - iii. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

16. Limitations on Location of Parking. Parking may be located within 40 feet of the street facing property line in accordance with Table 4 and the following standards.

- a. Underground and Partially Submerged Parking. Parking completely or partially underground, may match the setbacks of the main structure. The maximum height of a parking podium visible from a street is five feet from finished grade.
 - i. Surface Parking. Above ground surface parking may be located within 40 feet of a street facing property line if the Decision-Making Body makes all of the following findings:
 - ii. Buildings are built close to the public sidewalk to the maximum extent feasible;
 - iii. The parking area is screened along the public right-of-way with a wall, hedge, trellis, and/or landscaping; and
 - iv. The site is small and constrained such that underground, partially submerged, or surface parking located more than 40 feet from the street frontage is not feasible.

17. Residential Open Space. Residential open space is required for any mixed-use development with dwelling units (see Table 5); it may be provided as common or private open space. Private areas consist of balconies, decks, patios, or fenced yards directly accessible from the residence. Common areas consist of landscaped areas, walks, patios, swimming pools, barbeque areas, playgrounds, turf, rooftop areas, or other such improvements as are appropriate to enhance the outdoor living environment of the development. Landscaped courtyard entries that are oriented towards the public street which create a welcoming entry feature are also considered common areas. All areas not improved with buildings, parking, vehicular accessways, trash enclosures, and similar items or devoted to perimeter landscaping shall be developed as common areas with the types of attributes described above.

TABLE 4: PARKING AND LOADING STANDARDS - MIXED-USE DISTRICTS				
District	MU-R	MU-CL	Additional Regulations	#
Setback from Street Property Line (ft)	40 ft; Buildings shall be placed as close to the street as possible, with parking underground, behind a building, or on the interior side or rear of the site.			14
Setback from Buildings and Public Plazas (ft)	5 ft walkway plus 3 ft landscaping; Applicable only to above ground parking.			15
Access Location	Side street or alley wherever possible			
Curb Cuts	Minimized and in area least likely to impede			16
Loading/Service Area	Side or rear of lot; must be screened from public ROW			17

TABLE 5: LANDSCAPING AND OPEN SPACE STANDARDS - MIXED-USE DISTRICTS				
<i>District</i>	<i>MR-R</i>	<i>MU-CL</i>		<i>Additional Regulations</i>
Minimum Residential Private Open Space (sq ft per unit)	65	75		
Minimum Public Open Space	For residential and mixed-use development: 60 sq ft per unit; For non-residential development: 10% of site			
Minimum Amount of Landscaping (% of site)	10	15		

a. *Minimum Dimensions.*

- i. *Private Open Space.* Private open space located on the ground level (e.g., yards, decks, patios) shall have no horizontal dimension less than 10 feet. Private open space located above ground level (e.g., balconies) shall have no horizontal dimension less than six feet.
- ii. *Common Open Space.* Minimum horizontal dimension of 20 feet.

b. **Usability.** A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing. The maximum slope shall not exceed 10 percent.

c. **Accessibility.**

- i. *Private Open Space.* The space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
- ii. *Common Open Space.* The space shall be accessible to all of the living units on the lot. It shall be served by any stairway or other accessway qualifying as an egress facility from a habitable room.

H. Mixed Use Residential District. The Mixed Use Residential (MU-R) district applies to frontages on arterial streets that are designated for a pedestrian orientation in the MU-R Overlay District. This designation is intended to unify and strengthen the Commercial areas where it applies by establishing standards that will create active street fronts with widened sidewalks and improved pedestrian connections.

1. Street Frontage Improvements. New development subject to an MU-R Overlay District shall provide street frontage improvements in accordance with the following:

a. Between the Property Line and Curb.

- i. *Sidewalks.* Sidewalks that are six to ten feet wide shall be provided if none exist or if the existing sidewalks are in poor condition.
- ii. *Street Furniture.* Trash receptacles, benches, bike racks, and other street furniture shall be provided.
- iii. *Landscaping.* Street landscaping will meet Section 153.171 of the Zoning Ordinance and 152.05 of the Tree Ordinance of the City.

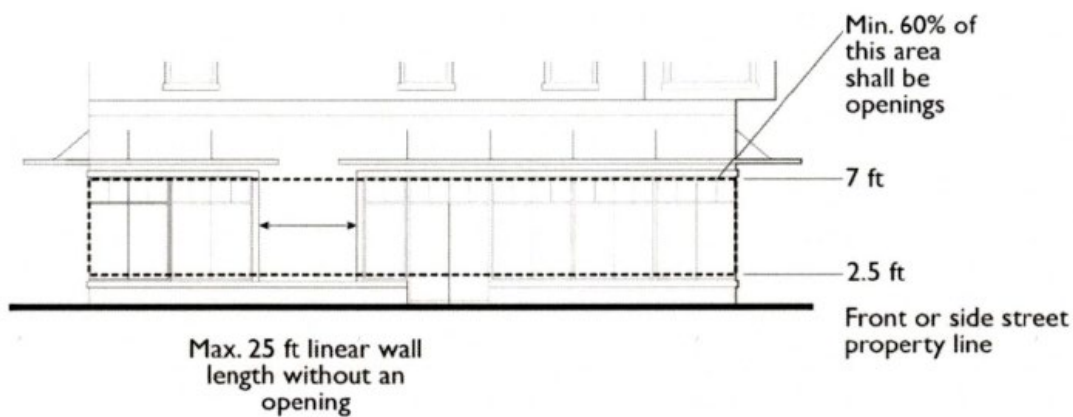
b. Interior from Property Line. Except where occupied by a building or necessary for parking access, the street frontage, for a depth of 10 feet from the property line, shall be utilized for pedestrian circulation or active outdoor uses, including, but not limited to outdoor dining; paved for public uses so that it functions as part of a wider public sidewalk; or improved with landscaping, public art, and/or pedestrian amenities, such as outdoor seating.

2. Building Orientation and Entrances.

- a. Buildings shall be oriented to face public streets.
- b. Building frontages shall be generally parallel to streets, and the primary building entrances shall be located on or within 20 feet of a public sidewalk.
- c. At least one entrance shall be provided per 100 linear feet of building frontage unless the building has unique security needs.
- d. Entrances located at corners shall generally be oriented at a 45-degree angle to the corner and shall have a distinct architectural treatment to animate the intersection and facilitate pedestrian flow around the corner. Different treatments may include angled or rounded corners, arches, and other architectural elements.
- e. Entrances to residential units shall be physically separated from the entrance to the permitted commercial uses and clearly marked with a physical feature incorporated into the building or an appropriately scaled element applied to the facade.

3. Building Transparency; Required Openings for Non-Residential Uses. Exterior walls facing and within 20 feet of a front or street side property line shall include windows, glass doors, or other openings for at least 60 percent of the building wall area located between 2.5 and seven feet above the level of the sidewalk. No wall may run in a continuous plane for more than 25 feet without a window or other opening.

FIGURE 2: REQUIRED OPENINGS FOR NON-RESIDENTIAL USES IN A MIXED USE RESIDENTIAL OVERLAY DISTRICT



- a. Design of Required Openings. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.
- b. Exceptions for Parking Garages. First floor garages are not required to meet the building transparency requirement of this subsection. Instead, they must be screened with buffer landscaping.
- c. Alternatives through Design Review. Alternatives to the building transparency requirement may be approved through the design review process if the Planning Commission makes all of the following findings:
 - i. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, such as in the case of a cinema or theater; and
 - ii. Street-facing building walls will exhibit architectural relief and detail and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

4. Pedestrian Access.

- a. Internal Connections. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
- b. To Circulation Network. Regular connections between on-site walkways and the public sidewalk and other planned or existing pedestrian routes and trails shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.
- c. To Neighbors. Direct and convenient access shall be provided from commercial and mixed-use projects to adjoining residential and commercial areas to the maximum extent feasible, while still providing safety and security.
- d. To Transit. Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.

Interior Pedestrian Walkway Design.

- i. Walkways shall have a minimum clear, unobstructed width of six feet, where feasible, but at least four feet, shall be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
- ii. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.
- iii. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or another physical barrier.

I. Permit Application Review Process.

1. **Process for Review of Permit Applications.** Each Permit Application shall be subject to the review procedure set forth below.
 - a. Preliminary Determination of Commercial Mixed-Use Standards Consistency. Under Step 1 of this Permit Application review process, the Director shall make a preliminary determination regarding whether the Project described in the Permit Application is consistent with the Commercial Mixed-Use Standards by determining whether the Project (i) is permitted under the applicable Zoning Ordinance Land Use Designation, and (ii) considering all its aspects, will further the goals, objectives and policies of the Commercial Mixed-Use Standards and not obstruct their attainment.
 - b. If the Director determines that the Project described in the Permit Application is not consistent with the Commercial Mixed-Use Standards, the Permit Application shall not be further reviewed or processed until the applicant revises the Project to be consistent with the Commercial Mixed-Use Standards and/or files an application for a Zoning Variance. If the Director determines that the Project described in the Permit Application is consistent with the Commercial Mixed-Use Standards, the Permit Application shall continue. The Permit Application shall be reviewed and processed in accordance with the applicable development standards of the Existing Zoning District, including whether the proposed use is permitted by right, conditionally permitted, or not allowed.
 - c. The Permit Application shall then be reviewed and processed in accordance with all of the applicable land use regulations set forth in the City of Charlevoix Zoning Ordinance.
 - d. Appeal of Step 1 Preliminary Determinations. Upon completion of this Step 1, the Director shall issue to the applicant written notice of its Step 1 determinations (the "Preliminary Determinations Notice"). Not later than ten (10) days following the issuance of the Preliminary Determinations Notice, the applicant may file a single appeal to any or all of the Step 1 determinations set forth in the Preliminary Determinations Notice in accordance with the appeal procedures set forth in Section 153.240 of the Zoning Ordinance. Any appeal by the applicant must address all of the Step 1 determinations set forth in the Preliminary Determinations Notice,

and failure to address any Step 1 determination in an applicant's appeal will result in the applicant's waiver of its right to appeal such determination. No appeal of a Step 1 determination may be made by an applicant unless and until the Director has issued the Preliminary Determinations Notice.

If no appeal is filed within ten (10) days of the issuance of the Preliminary Determination Notice, the Permit Application will proceed to the Decision-Making Body for review and action on the Permit Application.

- e. Step 2: Final Review and Action by the Planning Commission; Required Findings to Support Approval of Permit Application. Upon completion of Step 1 above, including the completion of any appeal from a Preliminary Determinations Notice, the Permit Application shall be reviewed and processed in accordance with all of the applicable land use and development standards of the applicable Zoning District as determined in Step 1. and acted upon by the Planning Commission. During the effective period of this Ordinance, no Permit Application may be approved unless and until the Planning Commission makes each and all of the following findings regarding the Project described in the Permit Application, in addition to any other findings required by the applicable provisions of the Zoning Ordinance and this Ordinance:
- i. The Project will further the goals, objectives and policies of the Commercial Mixed-Use Standards and not obstruct their attainment; and
 - ii. The Project substantially conforms to the Zoning Ordinance requirements of the applicable Zoning District.
2. **Appeal of Action by Decision-Making Body on Permit Application.** Any action on a Permit Application by the Decision-Making Body pursuant to this Ordinance may be appealed in accordance with the procedures set forth in Section 153.240 of the Zoning Ordinance.
3. **Generally Applicable Laws.** Nothing in this Ordinance shall be interpreted as exempting Permit Applications or development proposals from compliance with generally applicable state or local laws or regulations. Nothing in this Ordinance shall be construed to limit the rights of a property owner to apply to the City for a zoning amendment or general plan amendment pursuant to the procedures set forth in the Zoning Ordinance.

Section 4. Title XV, Land Usage, Chapter 153 Planning and Zoning, Section 153.XXX Architectural Design Standards Commercial Mixed Use shall be added and shall read:

Architectural Design Standards Commercial Mixed-Use

Commercial mixed-use should respect adjacent development and provide a pleasing pedestrian street orientation and comfortable living environments.

This subsection for commercial mixed-use includes design goals and guidelines organized into six categories:

1. Site Planning
2. Ground Floor Land Use
3. Architectural Design
4. Lighting
5. Materials and Color
6. Streetscape

1. Site Planning

Mixed-use residential projects should be designed to create new and enhance existing pedestrian friendly streets that are effective social and economic centers for neighborhoods and the community.

Vertical Mixed-use:

- Mixed-use residential projects in existing storefront districts should be designed to fit into the block reflecting the scale and rhythms found along the street edge. The majority of new structures should be a minimum of two stories. When possible, view corridors to protect established views from a given observer against building development of Lake Charlevoix or other specific point of interest should be left within a development.
- New areas should establish a pattern and design that provides multi-modal transit-oriented businesses and life styles.
- Storefront edges should be set back from the curb to accommodate outdoor eating or other anticipated activities and amenities.
- Mixed-use residential projects should be oriented to take advantage of foot traffic and visibility from the street.
- Storefront edges should be transparent with a short kickplate, a full height storefront, and transom windows.
- Parking lots or structures for residents and ground floor commercial tenants should not separate the project from the street edge. Place parking to the side, rear or within a mixed-use project so as to not interrupt the pedestrian orientation.
- Project surface parking areas should be shaded and visually screened from the sidewalk with landscaping.
- Underground parking structures where possible are encouraged.
- Access drives to parking should be located to minimize their impact on pedestrians.
- Projects should be set back to traditional front yard depth on residential streets.



Above: UNDESIRABLE
These apartment buildings have ground level parking and a tall blank wall along the street. The design is out of scale with the adjacent buildings. The architecture is spare and unattractive.

Horizontal Mixed-use:

- Adjacent commercial and multi-family residential uses should be designed to create and share public spaces and streets.
- Pedestrian connections between commercial and residential developments should be active and friendly.
- Commercial storefront uses should face public spaces and street edges.
- Large blank walls should not face streets or walkways.
- Residential entries and lobbies should face streets and common open spaces.
- Landscape concepts should enhance the linkages between residential and commercial uses.
- Signage, lighting, and landscaping should provide a thematic identity for mixed-use sites.
- Service areas for commercial uses should be located at the edge of the site and screened to reduce impacts on residents.
- Unnecessary tall concrete block sound walls should not separate commercial uses from residential uses.



2. Ground Floor Activities

Ground floor uses in residential mixed-use projects should generally take advantage of visual and physical pedestrian access and support economic objectives for the neighborhood or district.

- Mixed-use projects in the Downtown and neighborhood commercial areas need to satisfy economic and social objectives for storefront shopping and commercial services.
- When ground floor commercial uses are not possible, projects should include common amenities for projects, such as health clubs and meeting space.
- For lower foot traffic areas, ground floor uses can include live-work spaces that take advantage of walk-in access for clients.
- Portions of a project's edges facing residential streets should include front stoops, yards, and entry porches.
- Projects shall not have blank walls or parking garages along public streets and sidewalks



3. Architectural Design

The architectural design of mixed-use projects should reflect the historic or traditional context utilizing design elements and forms that fit the neighborhood or district.

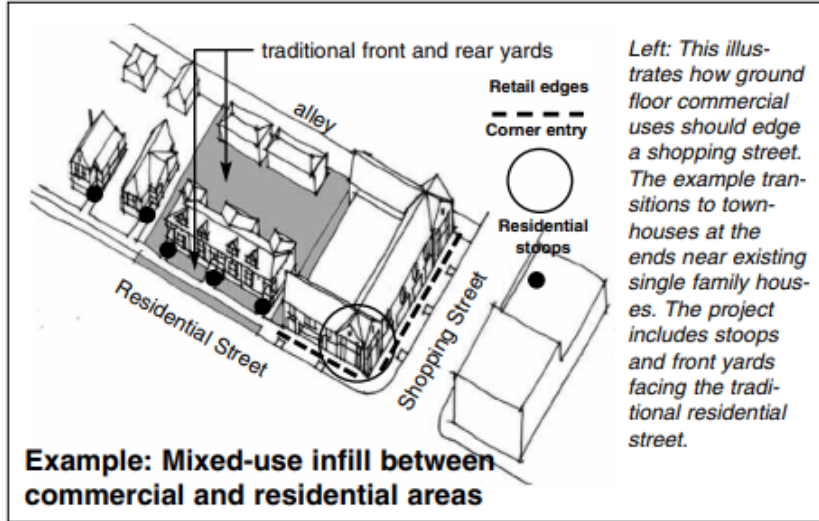
- A mixed-use building's form and design should have a deliberate street and street corner orientation.
 - Upper levels should have expressive design features, such as balconies and bay windows, that give the building a rhythm and residential scale.
 - Roof forms should reflect the project's architectural context. In a commercial context, the roof may be flat or have a strong horizontal cornice element. In a residential neighborhood edge or village context, roof forms should include hip or gable elements.
 - The massing and scale between buildings should be consistent with the surrounding context.
- Design considerations:*
- Use residential scale for upper levels
 - Orienting commercial uses to street corners
 - Enclosing service areas
 - Interfacing commercial and residential uses





Above: DESIRABLE

(1) This mixed-use project provides streetscaping and outdoor seating areas on a wide sidewalk.
 (2) This storefront includes a signage and graphic concept that supports ground floor retailing.

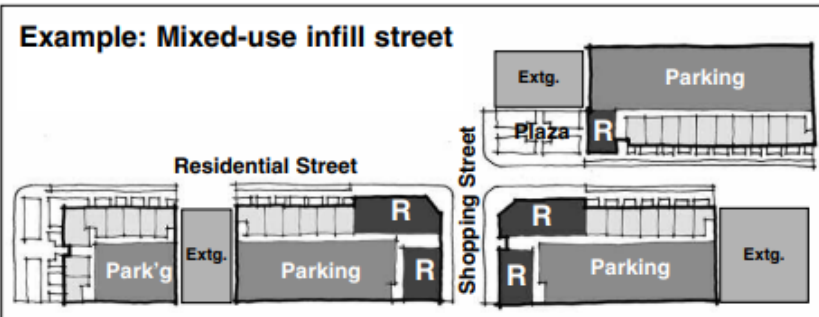


Left: This illustrates how ground floor commercial uses should edge a shopping street. The example transitions to townhouses at the ends near existing single family houses. The project includes stoops and front yards facing the traditional residential street.

Right: DESIRABLE

Mixed-use streets should have transparent storefronts aligned along the sidewalk on shopping streets. Residential porches or "stoops" should be located along residential sides of projects. Parking should be located along rear alleys or under the housing.

Small parks and plazas should be developed as part of the neighborhood. Plazas along shopping streets should have retail uses around the edges.



4. Lighting

Lighting should be an integral part of the planning and design of mixed-use projects anticipating the needs of the shopping street, storefront businesses, and residents.

- Lighting on commercial elevations of mixed-use projects should support overall objectives for the street and storefront design.
- Residential front porches should have individual lights that illuminate entries and walkways.
- Lighting in common areas should be shielded from adjacent residential units.
- All lighting should be shielded and meet the intent of Dark Sky Ordinances

5. Materials and Color

Selection of materials and finishes should reflect the materials in the district and support overall image and massing concepts.

- Commercial frontage portions of mixed-use projects should utilize materials and colors that support retailing and image objectives for shopping environments.
- Portions of mixed-use projects with residential frontage should use colors and materials that enhance the project's architectural concepts and are compatible with adjacent residential streets.
- Architecture within each mixed-use project should use a palette of materials that convey an image of quality and durability. Certain materials have an inherently inexpensive, insubstantial, or garish quality. These materials should not be used in new construction or renovation.

Examples include: Roofs: glazed or painted tiles, highly reflective metal or sheet materials, fake shingles made from metal or plastic materials.

Walls: vinyl, metal, plywood, T-111 siding, Masonite or other sheet materials

- Wood or hardboard siding, if used, should be, lap, shiplap or board-and-batten.
- Shiplap should be installed so there are no visible joints. Board-and-batten should be installed so there are no visible joints in the underlying "board" material.
- Painted surfaces should use colors that reinforce architectural concepts and are compatible with natural materials, such as brick or stone.



Above: DESIRABLE
 This mixed-use project transitions in scale and design as it “turns the corner” from a storefront shopping street to a residential block. It features:

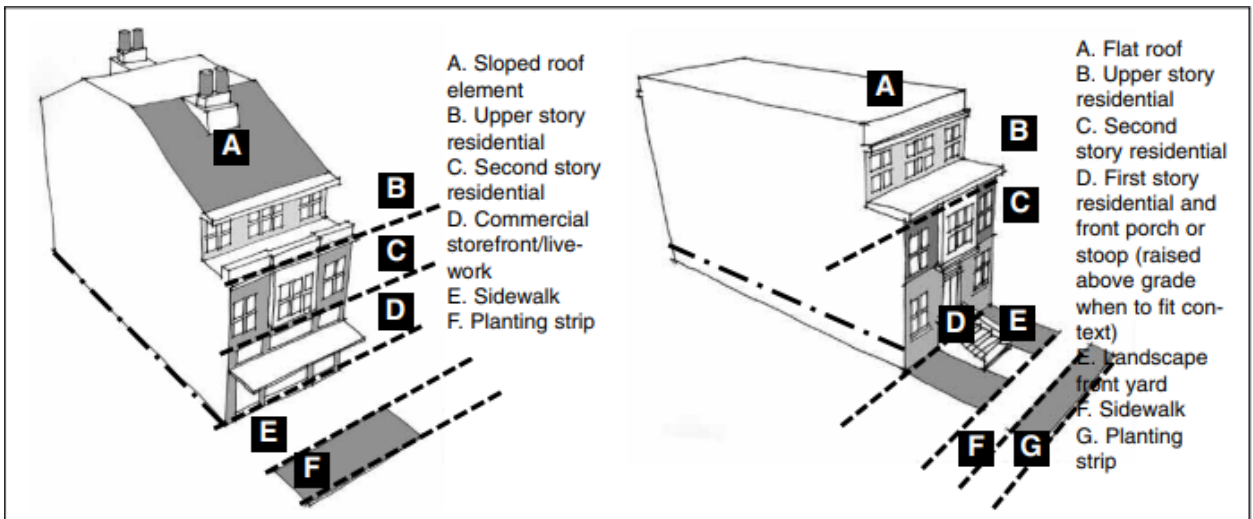
- Transparent storefront level with neighborhood services and housing above;
- Stepping storefront building up into a third story under a pitched roof; and
- Designing attached housing to reflect the patterns and scale of single family housing found on the block.



6. Streetscape

New and infill mixed-use residential projects should provide street trees, lighting and street furniture that support the streetscape concepts for the district.

- Sidewalks adjacent to mixed-use development should be wide enough to accommodate outdoor sitting areas and landscape. This should include an area for planting, for sitting, and for pedestrian travel.
- Street trees are required for sidewalk areas. Trees should be spaced to be coordinated with the bay spacing and storefront design of the project. Coordination of tree types with the Shade Tree Commission is encouraged.
- Street furniture and pedestrian-scale lighting should be included in development planning for mixed-use projects.



Above: DESIRABLE
 This illustrates guidelines for a building bay in a two and three story residential context where commercial or live-work uses are on the ground floor.

Above: DESIRABLE
 This illustrates a typical residential building bay in a context with flat roofs on adjacent buildings. On traditional residential streets with front yards, units should be set back and have stoops or porches facing the street.

Section 5. 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 6. Effective Date.

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

Ordinance No. 866 was adopted on the 19th day of January 2026 A.D., by the Charlevoix City Council as follows:

Motion by: Hagen

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. 866 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