

The Charlevoix City Council met on Monday, January 4, 2021 with Mayor Luther Kurtz presiding. All Councilmembers were present. The following is an excerpt from the official records of said meeting:

**CITY OF CHARLEVOIX  
ORDINANCE NO. 823 of 2021**

AN ORDINANCE TO AMEND TITLE XV, CHAPTER 150, SECTION 150.01 AND CHAPTER 153, SECTIONS 153.005, 153.040, 153.116, 153.158, AND 153.170, AND 153.274 OF THE CHARLEVOIX CITY CODE

**THE CITY OF CHARLEVOIX ORDAINS:**

**SECTION 1. Title XV, Chapter 150, Section 150.01 of the City of Charlevoix Code is hereby repealed and replaced as follows:**

- (A) This Ordinance is enacted pursuant to P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.).
- (B) Pursuant to the provisions of § 9 of Public Act 230 of 1972, being M.C.L.A. § 125.1509, the Building Official of the city is hereby designated as the enforcing agency to discharge the responsibilities of the city under Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531. The city hereby assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

**SECTION 2. Title XV, Chapter 153, Section 153.005 (B) of the City of Charlevoix Code is hereby amended so that the definition of "BUILDING HEIGHT" reads as follows:**

*BUILDING HEIGHT.* The vertical distance measured from the average finished grade around the building to the highest point of a flat roof; to the deck line of a mansard roof; when there is a dormer built into the roof, the height is measured to the midpoint of the dormer roof if the dormer(s) exceeds fifty (50) percent or more of the width of any side of the building; to the average height between the eaves and ridge for a gable, hip and gambrel roof; or to an equivalent point on any other roof, excluding structural elements not intended for habitation and not exceeding six (6) feet above the maximum building height including antenna arrays, smoke and ventilation stacks, flag poles, mechanical and elevator equipment, and parapet walls designed solely to screen mechanical and elevator equipment (See § 153.146 of this chapter.)

**SECTION 3. Title XV, Chapter 153, Section 153.040 of the City of Charlevoix Code is hereby repealed and replaced as follows:**

- (A) After a final hearing, the ZBA shall make a decision on an application or appeal. A copy of the Board's decision shall be transmitted to the applicant or appellant. Such a decision shall be binding upon the Zoning Administrator and observed by them, and they shall incorporate its terms and conditions in a permit to the applicant or appellant whenever a permit is authorized by the Board.
- (B) Zoning Board of Appeals decisions shall expire one year from the date of issuance, unless substantial construction has begun.

**SECTION 4. Title XV, Chapter 153, Section 153.116 (A) (6) of the City of Charlevoix Code is hereby repealed and replaced as follows:**

- (6) The minimum distance between a principal building and detached accessory buildings shall be ten feet, and a minimum of 10 feet shall be provided between the sides of adjacent single family buildings and/or accessory structures.

**SECTION 5. Title XV, Chapter 153, Section 153.116 (A) (9) of the City of Charlevoix Code is hereby repealed and replaced as follows:**

- (9) Prohibited uses within detached accessory structures or accessory structures connected by a breezeway or similar structure in all districts except the R2 Zone:
  - (a) May not contain features that form a habitable dwelling unit or create a second dwelling unit;
  - (b) These structures may contain utility sinks, one bathroom, and refrigeration units. Full kitchen facilities that include a range or stove are prohibited; and
  - (c) Rooms within accessory structures may be used for additional sleeping quarters for the owner, or resident, and their immediate family provided that these rooms may not be rented out as short or long term rentals for any length of time.

**SECTION 6. Title XV, Chapter 153, Section 153.158 of the City of Charlevoix Code is hereby repealed and replaced as follows:**

Renting of residential properties, including, but not limited to, homes, condos, apartments, townhouses, and duplexes, as short or long term rentals, regardless of the underlying zoning district, shall comply with the following standards.

- (A) Short and long-term renting of entire residential structures is permitted in any zoning district providing all rentals comply with any applicable requirements of City ordinances.
- (B) Signage shall be subject to the requirements of §§ 153.205 through 153.219.

**SECTION 7. Title XV, Chapter 153, Section 153.170 of the City of Charlevoix Code is hereby repealed and replaced as follows:**

- (A) *Purpose.* The purpose of this section is to provide quality exterior architectural building styles and material standards to enhance the visual environment of the main corridor entries to the city, thereby improving property values and stimulating investment in the business districts. The provisions of this section are intended to promote quality architecture to ensure that buildings retain their value, protect the investment of adjacent

landowners, blend harmoniously into the streetscape and create a positive image for business and the city.

(B) *Applicability.* This section shall apply to all new construction 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. This section shall not apply to single-family detached and two-family residential structures. Architecture shall be reviewed by the Zoning Administrator or Planning Commission, as applicable, as a part of site plan review under the requirements of §§ 153.230 through 153.239 of this chapter.

(C) *All exterior materials shall comply with the following:*

(1) *Design standards.* Buildings shall have architectural variety, but enhance the overall cohesive community character. At a minimum, the following standards shall be met.

(a) Buildings shall provide architectural features, details and ornaments such as archways, colonnades, cornices, peaked roof lines, hip returns, operable window shutters, transoms, gas lights or towers to accent and add interest.

(b) Repair of existing structures may utilize the existing roof pitch and roof design at the time of application.

(c) Plazas, strip malls or similar types of commercial or office developments where multiple businesses are located within the same building shall provide at least one dormer, archway or similar feature per business or store front.

(d) Building walls over 100 feet long shall be broken up with varying building lines, vertical architectural features, windows, architectural accents and trees.

(e) Building entrances shall utilize windows, canopies and awnings; provide unity of scale, texture and color; and clearly identify the entry.

(f) Building-mounted mechanical equipment shall be screened.

(D) *Site elements.* Signs and other site features shall be designed and located so they are aesthetically consistent and harmonious with the overall development. Sign bases shall be constructed of material which is compatible with the principal building. Mechanical equipment shall be screened.

**SECTION 8. Title XV, Chapter 153, Section 153.274 (C) of the City of Charlevoix Code is hereby amended to delete “and rezoning” from the first sentence to read as follows:**

(C) Preliminary PUD plan.

**SECTION 9. 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 10. Effective Date.**

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

Ordinance No. 823 was adopted on the 4th day of January 2021 A.D., by the Charlevoix City Council as follows:

Motion by: Parr  
Second by: Hagen  
Yeas: Bryan, Knapp, Parr, Kalbfell, Hagen, Slater  
Nays: None  
Absent: None

State of Michigan  
City of Charlevoix } §

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Joyce M. Golding Clerk

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Luther Kurtz Mayor

CERTIFICATION

I, the undersigned, City Clerk of the City of Charlevoix, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 823 of 2021 adopted by the City Council of the City of Charlevoix, County of Charlevoix, State of Michigan, at a regular meeting held on January 4, 2021 and published in the *Charlevoix Courier* on January 8, 2021, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of the Michigan Public Acts of 1876.

Dated: January 5, 2021

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Joyce M. Golding, City Clerk