

CITY OF CHARLEVOIX
210 STATE ST. CHARLEVOIX, MICH. 49720
PLANNING COMMISSION PUBLIC MEETING AGENDA

MONDAY, JANUARY 8, 2018 AT 6:00 PM in the City Council Chambers, 210 State Street, Charlevoix, MI

- A. Call to Order/Pledge of Allegiance
- B. Roll Call
- C. Inquiry into Potential Conflicts of Interest
- D. Approval of Agenda
- E. Approval of the Minutes
 - 1. December 11, 2017 Minutes
- F. Call for Public Comment Not Related to Agenda Items
- G. New Business
 - 1. Preliminary Site Condominium Development Plan Review (Peppervine)
 - 2. Public Hearing: Proposed General Ordinance and Signage Amendments
 - 3. Set 2018 Meeting Schedule
 - 4. Selection of Officers
 - 5. Request to Review Boarding House and Shuffleboard
- H. Old Business
- I. Staff Updates
 - 1. Solid Waste Ad Hoc Committee
- J. Requests For Next Months Agenda or Research Items
- K. Adjournment

The City of Charlevoix will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon one weeks' notice to the City of Charlevoix. Individuals with disabilities requiring auxiliary aids or services should contact the City of Charlevoix Clerk's Office in writing or calling the following: City Clerk, 210 State Street, Charlevoix, MI 49720 (231) 547-3250.

CITY OF CHARLEVOIX

Approval of the Minutes

TO:

FROM:

SUBJECT: December 11, 2017 Minutes

DATE: January 8, 2018

ATTACHMENTS:

▣ December 11, 2017 Minutes

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, December 11, 2017 - 6:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

A. Call to Order

The meeting was called to order at 6:00 p.m. by Chair Chamberlain.

B. Roll Call

Chair: Sherm Chamberlain

Members Present: Judy Clock, Mary Eveleigh, Nelson Fletcher, Toni Felter, Rick Golding, RJ Waddell (6:45pm)

Members Absent: Dennis Halverson

Staff Present: Elise Crafts, Regional Planner Networks Northwest; Larry Sullivan, Interim Zoning Administrator

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

Motion by Member Clock, second by Member Eveleigh to approve the agenda as presented. Motion passed by unanimous voice vote.

E. Approval of the October 9, 2017 and November 13, 2017 Minutes

Motion by Member Golding, second by Member Clock to approve the minutes of October 9, 2017 and November 13, 2017 as presented. Motion passed by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. New Business

1. Public Hearing/Findings of Fact Meeting Procedures

a. Staff Presentation

Regional Planner Crafts provided recommended procedures for conducting public hearings, obtaining public comment, and reviewing findings of fact.

b. Planning Commission Discussion

Chair Chamberlain stated that would be his job to ensure that everyone understood the issues involving each project. No changes were made to the procedures.

2. Level B Site Plan Review 2017 – SP: Wojan Aluminum Products Corporation Site Plan Review

a. Staff/Applicant Presentation

Interim Zoning Administrator Sullivan stated that the applicant was proposing a 10,800 sqft addition to their existing facility on Stover Road. The purpose of the addition is primarily for storage space. He stated that the project met all of the setbacks and will require additional parking. He stated that his main concerns were issues regarding the potential need for additional buffering on the north side of the property (vegetative or a berm), ensuring that the parking area and outdoor storage area be paved, and whether or not 6" curb and gutter will be added throughout the parking area. Jim Malewitz, Performance Engineers, stated that on their revised plan they show E2 curb in the new parking area.

Shawn Worden, General Counsel for Wojan Enterprises, stated that the property to the north of the site was owned by DK Investments and he noted a 6' berm currently on the property. He stated that the Wojan family was not requesting any additional screening. He emphasized this request was for storage and was not increasing the impact on adjacent properties as it was currently industrial zoned property. He stated that he represented the two entities, Wojan and DK Investments, and they were both in favor of this project.

b. Call for Public Comment

Interim Zoning Administrator Sullivan stated that there were three letters/emails from the public regarding the project related to noise from the existing building.

Steve Toornman, 205 Stover, was concerned about light pollution and increased traffic on Stover Road.

c. Planning Commission Discussion

Chair Chamberlain stated that the applicant presented a modified site plan (revision #4) which addressed some of Staff's concerns. He stated that the remaining issues were curbing the whole parking lot or requiring them only to curb the new portion of the driveway and whether to require that they plant more trees along the north side of the property. Interim Zoning Administrator Sullivan stated that there were two landscaping requirements at issue, one is the perimeter of the property and the other is the parking lot landscaping which is required for a parking lot of 10 spaces or more. He stated that the parking between the sidewalk and the street is problematic. Mr. Malewitz stated that there was pre-existing buffering all around the site which was beyond what the requirements are. Discussion followed regarding parking, landscaping and loading zone concerns.

Regional Planner Crafts stated that the Planning Commission needed to move through the Findings of Fact and select which options the Planning Commission was accepting. Following discussion, the Commission chose: Option B for Section 5.95(10.) *Loading Zones*; Option A for Section 5.95 (c), *Landscaping*, with conditions of approval to be added with the motion; changing (d) *Screening* by removing the first Finding of Fact, and replacing the third finding with: "The Planning Commission finds that a buffer is provided on the north side of the property via a $\pm 6'$ berm." Interim Zoning Administrator Sullivan stated if the landscaping on the north side of the property line was eliminated there would no longer be a buffer between the two properties. Extensive discussion followed regarding the north property line and buffering with the berm and vegetation between the two properties.

d. Motion

Motion by Member Felter, second by Member Eveleigh to accept the changes made to the Findings of Fact. Motion passed by unanimous roll call vote.

Motion by Member Eveleigh, second by Member Fletcher to approve Project 2027-11-SP with the condition of approval based on the Findings of Fact. Motion passed by unanimous roll call vote.

3. Ordinance Updates (Admin & Signage) – Schedule Public Hearing

a. Staff presentation

Regional Planner Crafts stated that Council did not have any questions on the administrative items, but did have a few questions related to signage. She stated that Council was comfortable with the changes to the Nuisance Ordinance as presented. Regional Planner Crafts reviewed the comments provided by City Council at their December 4th meeting. She stated that Council requested some graphics related to the business-friendly sign maximum scenario and she will provide these for the next Council meeting.

b. Planning Commission Discussion

d. Motion

Motion by Member Clock, second by Member Fletcher to schedule a public hearing on administrative and signage changes to the Zoning Ordinance for January 8, 2018. Motion passed by unanimous voice vote.

H. **Old Business**

1. Overlay Districts

a. Staff Presentation

Regional Planner Crafts reviewed a summary she prepared that outlined four existing overlay districts in the City.

b. Planning Commission Discussion

Discussion followed regarding whether there was a Historic District or a historic overlay in the City and Regional Planner Crafts indicated that she would do further research and report back. Member Golding referenced an article in the Petoskey News Review from September 11, 2014 that stated that the Charlevoix Historic District Commission was seeking historical district status for the Earl Young homes in Charlevoix.

I. **Staff Updates**

1. Solid Waste Ad Hoc Committee

Member Fletcher stated that the Committee was recommending to City Council that they go with a one hauler system at the January 15, 2018 City Council meeting. The Committee had a draft ordinance prepared for Council review.

2. Agendas & Packets

Regional Planner Crafts stated the City was switching to a new electronic system to generate agenda packets and they will be using that system for the January meeting.

J. Request for Next Month's Agenda or Research Items

K. Adjournment

Motion by Member Golding, second by Member Fletcher to adjourn the meeting. Motion passed by unanimous voice vote.
Meeting adjourned at 7:37 p.m.

Joyce M. Golding/fgm

City Clerk

Sherm Chamberlain

Chair

DRAFT

CITY OF CHARLEVOIX

New Business

TO:

FROM:

SUBJECT: Preliminary Site Condominium Development Plan Review (Peppervine)

DATE: January 8, 2018

ATTACHMENTS:

- ▣ Staff Report
- ▣ Application Form
- ▣ Site Plan
- ▣ Land Division Ordinance



PLANNING COMMISSION AGENDA ITEM

AGENDA TITLE:	<u>Preliminary Site Condominium Development Plan Review: (Peppervine)</u>	
PUBLIC MEETING DATE:	January 8, 2018	6:00PM

EXHIBITS:	1. Site Plan Review application. 2. Site Plan provided by applicant. 3. City of Charlevoix Zoning Ordinance. 4. City of Charlevoix Parcel Division Ordinance
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I. GENERAL INFORMATION:

Applicant:	James Malewitz, Performance Engineers Inc.
Property Owner:	Carol Amick Stimpson Revocable Trust
Requested Action:	Preliminary Site Condominium Development Plan Review for a 21 unit Single Family Residential Site Condominium Development
Zoning:	R-2, Residential Medium Density
Project Location:	602 Division Street
Tax Parcel #'s	15-052-123-054-10
Project Site Size:	4.618 acres or 201,160 square feet.
Existing Land Use:	This parcel is currently vacant.
Current Use of Property:	Land is not currently used for any purpose.
Adjacent Land Uses:	The property to the east and west are occupied by single family dwellings. The property to the north (across Division Street) is occupied in part by single family dwellings and in part by the Charlevoix Elementary School. The property located directly to the south is occupied by the American House, an assisted senior living facility. The property to the north is located in Charlevoix Township while the properties located in all other directions are located within the City of Charlevoix.

Adjacent Zoning:

The property on both the east and west sides are zoned R-1 Residential. The property located to the south is zoned R-4, Residential Planned High Density. The property to the north is located in Charlevoix Township and is zoned R-1, One-Family Dwelling District.

PROJECT DESCRIPTION/LOCATION:

The applicant is requesting approval of a site plan to allow for the development of 21 single family home sites. All of the sites exceed the minimum lot area requirement of 6,000 square feet as well as meeting the minimum lot width and depth requirements. Since this is not being proposed as a subdivision under the Subdivision Control Act, now known as the Michigan Land Division Act, the property is being proposed to be developed under the Condominium Act which provides for a shorter time frame for review and approval, it does require additional information to be provided which will be addressed shortly.

Aerial photo from 2016.

Source:

Charlevoix County Website, property boundary lines are Approximate.

MASTER PLAN CONSIDERATIONS: Please note that Site Plan Review is not based on consistency with the City Master Plan, this section is included only for general reference.

The 2016, Charlevoix Master Plan Future Land Use Map portrays this property as being used for Single Family-Medium Density usage which coincides with the uses currently being proposed for the property. The properties to the east and west are envisioned to be single family low density residential. The property immediately to the south is planned for uses as Multi Family Residential/Condominiums with the property to the north (located in Charlevoix Township) proposed as single family residential.

While the City of Charlevoix Zoning Ordinance treats Site Condominiums somewhat differently than typical site plans, I have chosen to follow the checklist for what is required in a typical site plan to both provide assistance to myself in reviewing the application as well as to follow a format similar to what the Planning Commission has seen with other development projects in the City in the recent past.

II. SITE PLAN REQUIREMENTS:

The Zoning Ordinance grants the authority to the Zoning Administrator to waive portions of the information that is typically required in a site plan by the Zoning Ordinance. The table below, Section 5.119 (1) indicates what items the Zoning Ordinance requires in site plans that are submitted, what items the Zoning Administrator has waived from being submitted and what items have not been waived but are missing from the submitted site plan. The key for the responses on the right hand side of the Table 5.119(1) are noted below.

X	Information Provided on Site Plan
SA	See Attached Information
PI	Partial Information Provided on Site Plan
NA	Not Applicable, Requirement Waived by Zoning Administrator
M	Missing
C	Staff has concerns regarding these items

5.115. Submittal Requirements

(1) Required Content. Each site plan submitted shall contain the information detailed in Table 5.119(1), as applicable:

Table 5.119(1): Required Site Plan Content

<u>Required Information</u>	<u>Level “B”</u>
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General Information

<u>Date, north arrow and scale</u>	PI-a
<u>Name and firm address of the professional individual responsible for preparing the site plan</u>	X

Name and address of the property owner or petitioner	X
Location sketch	M
Legal description of the subject property	X
Size of subject property in acres or square feet	X
Boundary survey	X
Preparer's professional seal	X
Revision block (month, day and year)	X

Existing Conditions

Existing zoning classification of subject property	X
Property lines and required setbacks (dimensioned)	PI - b
Location, width and purpose of all existing easements	X
Location and dimension of all existing structures on the subject property	NA
Location of all existing driveways, parking areas and total number of existing parking spaces on subject property	NA
Abutting street right-of-way width	X
Location of all existing structures, driveways and parking areas within three hundred (300) feet of the subject property's boundary	PI - c
Existing water bodies (rivers, creeks, wetlands, etc.)	NA
Existing landscaping and vegetation on the subject property	PI - d
Size and location of existing utilities	PI - e
Location of all existing surface water drainage facilities	M

Proposed Development

Location and dimensions of all proposed buildings	NA
Location of all proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, walls, fences, signs, exterior lighting, curbing, parking areas (including dimensions of a typical parking space and the total number of spaces to be provided) and unloading areas	NA
Setbacks for all buildings and structures	X
Recreation areas, common use areas, dedicated open space and areas to be conveyed for public use	M
Flood plain areas and basement and finished floor elevations of all buildings	NA
Landscape plan (showing location of proposed materials, size and type)	M
Layout and typical dimensions of proposed parcels and lots	X
Number of proposed dwelling units (by type), including typical floor plans for each type of unit	NA
Number and location (by code, if necessary) of efficiency and one, two and three or more bedroom units	NA
All deed restrictions or covenants	M
Brief narrative description of the project including proposed use, existing floor area (sq. ft.), size of proposed expansion (sq. ft.) and	

any change in the number of parking spaces	X
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Engineering

Proposed method of handling sanitary sewage and providing potable water	C
Location and size of proposed utilities, including connections to public sewer and water supply systems and/or size and location of on-site systems	C
Location and spacing of fire hydrants	C
Location and type of all proposed surface water drainage facilities	C
Grading plan at no more than two (2) foot contour intervals	M
Proposed streets (including pavement width, materials and easement or right-of-way dimensions)	C

Building Details

Typical elevation views of all sides of each building	NA
Gross and usable floor area	NA
Elevation views of building additions	NA
Building height	NA

(1) Required content lacking is as follows:

- a North arrow and scale is lacking
- b Dimensions of setbacks are not included
- c All property, structures, driveways and other required information for property within 300 feet are not shown
- d Some trees that currently exist on property area shown but not all. Perhaps the trees shown are trees proposed to be retained?
- e Location of most utility lines are shown but the sizes are not shown. Also, no information has been provided as to service demands that will be placed on existing utility infrastructure as a result of this development.

(2) Information Waiver. Specific requirements of either a Level “A” or “B” site plan may be waived by the Zoning Administrator where it is determined that such information is not applicable to the request. *Staff has chosen to waive the information regarding exact structure dimensions and location on the property as those decisions will be made by future purchasers of the property. The same holds true for driveway locations, and number of bedrooms contained in each dwelling to be constructed in the future.*

(3) Additional Reports/Study: The Zoning Administrator or Planning Commission may require additional studies, reports or written opinions from qualified consultants to determine compliance with this ordinance or to ensure negative impacts to public health, safety and welfare are avoided or mitigated. These reports/studies may include, but are not limited to, traffic studies, transportation plans, geotechnical reports, flood hazard evaluations or environmental assessments. The Zoning Administrator or Planning Commission shall have

the authority to choose the individual consultant, firm or company. The costs of additional study shall be paid for by the applicant.

Staff has concerns with a number of the required items for the Site Plan Review that are either not shown or insufficient information has been provided. Those items are denoted by the presence of a “C” and will be discussed at length below.

III. PLANNING COMMISSION REVIEW OF PRELIMINARY PLANS:

The Zoning Ordinance requires that a Preliminary Site Condominium Plan be reviewed by the Planning Commission prior to being submitted to the City Council for final review and approval. This plan qualifies as a Preliminary Site Condominium Plan for purposes of review by the Planning Commission.

Preliminary development plans shall comply with Section 5.305 (a) of the City Parcel Division Ordinance which is attached to this report.

Items required in Section 5.305 (a) (1) through (4) (a) through (g) have been provided as required as has 5.305 (a) (7). Items specified in Section 5.305 (a) (5) and (6) have not been completed due to the issues of weather and cost. These two items can be required as a condition of final approval.

The Planning Commission shall review the preliminary site condominium development plan in accordance with the standards contained in section 5.306 of the City Parcel Division Ordinance.

Staff contends that the plans submitted comply with items (a) through (h) of Section 5.306 of the Parcel Division Ordinance.

In addition, the standards and conditions contained in Section 5.47 (3) (a) (3) (a) through (e) shall apply.

- a. *Staff has provided copies of the proposed site plan to Don Swem in the City Electrical Department, Pat Elliot in the Public Works Department and to Dan Thorp, the Fire Chief and has requested their comment. As of January 2nd, I have only had feedback from Don Swem. Mr. Swem's comments were as follows: The City Utility Departments do not allow the utility lines to be placed along the rear lot lines as it makes it difficult and expensive to gain access to, and service the lines. He also commented that while looping the water main is an excellent idea, the City did provide for a connection into the water main serving the American House Charlevoix Senior Living Center facility located on the south boundary of this property, in the event that this property was to be developed at some point in the future. Mr. Swem felt the water service should be connected into that line. A conversation with Mark Heydlauff resulted in the desire to have the utilities issues reviewed by an independent engineer due to the fact that Performance Engineers Inc. serves the City in somewhat of a staff/consulting engineer for much of the city infrastructure and*

therefore it would be appropriate to have an disinterested third party review the information.

- b. Each site condominium unit complies with all applicable provisions of the zoning ordinance with the exception of potentially the building heights which will be determined at a later date. If they proposed building exceed the height requirements, zoning permits would not be issued.*
- c. I am still trying to get in contact with Mr. Elliot to ensure that the streets as proposed meet the City requirements and whether or not their require curb and gutter.*
- d. Public sewer and water are available and as a result, these parcels will be required to connect.*
- e. The Planning Commission may require that portions of the plan, as relevant to the reviewing authority in question, be submitted to the Charlevoix County Drain Commissioner, Michigan Department of Natural Resources, Michigan Department of Public Health, and other appropriate city, state and county review and enforcement agencies having direct approval or permitting authority over any aspect of the proposed site condominium development*

The items that staff has concerns with and that are noted with a “C” in Section II of this report are located in the Engineering Component of the Required Site Plan Content and are as follows:

No landscape plan has been provided showing the planting of trees within the development.

The plan as submitted does not indicate the surfacing material to be used in the construction of the private road nor does it indicate if curb and gutter will be provided.

As of this point in time, I have not been able to ascertain if the road right of way width complies with the same standards as are required for publicly maintained streets.

No mention has been made as to how storm water will be addressed on the property, will storm sewers be installed with the storm water feeding into the City system or will it be handled by swalls and detention basins on site.

Will there be a need for a sewage pump station to service this development.

Will there be the need for one or more fire hydrants to be located along the private road proposed to be named Peppervine.

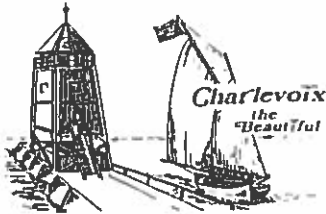
Who will be the owner and be responsible for maintaining the utility lines and the road located within this development.

IV. STAFF RECOMMENDATION

Staff recommends the Planning Commission provide an approval to the project concept pending the following:

- A. input from the Public Works Department regarding the utilities and roads,
- B. determination as to the need for fire hydrants within the development,
- C. approval of the street and utility design by an independent engineer,
- D. provision of a landscaping plan provision of landscaping complying with Section 5.81 (5) of the Zoning Ordinance,
- E. submission of condominium documents as required by the Michigan Condominium Act with a review and recommendation of approval from legal staff.

Following the completion and/or resolution of the above listed items, the Planning Commission should review the revised and newly supplies information and finding it to your satisfaction, recommend approval to the City Council.



CITY OF CHARLEVOIX
210 STATE ST. CHARLEVOIX, MICH. 49720

LEVEL B SITE PLAN APPLICATION

Carol Amick Simpson Revoc. TRUST
John & Carol Simpson
Applicant

Part of the West 1/2 of the SE 1/4
Address of subject property
Section 23, T34N, R8W City
#2001 Donita Springs, CHY
FL 34134

4731 Bonita Bay Blvd,
Address (City/State/Zip)

Property Owner Name (If different than applicant)

Property Owner Address (City/State/Zip) (If different than address of subject property)

Property Owner Phone
() - - - - -

Email

Agent Phone

(231) 547-2121

Email

jmalwitz@performanceeng.com

Zoning of subject property: R-2

Tax ID: 15-052-123-054-10

Current use of property (example: single family, apartments, commercial, industrial, etc.):

Vacant

Proposed use: Single Family Residential

Dimensions of parcel: SEE PLAN

Parcel size:

Square feet

Acres

4.618

Please describe the type of construction (example: 20' x 20' addition to the rear of the building for storage.):

Single Family Residential Homes -
See Site Plan

Dimensions of proposed construction, excluding eaves:

one story two story
Total square footage of proposed construction: MIN 800 SFT, MIN 1200 SFT
Height of proposed construction to the top of the roof: Less than 26 FEET
Height of proposed construction to the midpoint of the roof, for gabled roof: SEE PLANS
Roof type (example: gable, hip, flat, etc.): SEE PLANS
Square footage of all impervious surfaces (please show all on site plan: paved driveways, sidewalks, patios, etc.): _____
Requested date to begin construction if known: SPRING 2018

AFFIDAVIT

I the undersigned, do hereby make application to the City of Charlevoix for approval of the attached Site Plan which has been drawn in accordance with the City of Charlevoix Zoning Ordinance. I certify that the property owner has authorized the proposed work, and that I have been empowered by the owner to make this application as his/her selected agent. I agree the statements made in the above application and associated documents are true, and if found not to be true, the approval of the site plan may be void. I also agree to comply with the conditions and regulations required by the approved development plan. Further, I agree that if the site plan is approved, it is approved with the understanding that the individual(s) or organization(s) applying for that site plan (or those individual(s) or organization(s) represented by the applicant) will comply with all applicable sections of the City of Charlevoix Zoning Ordinance. For purposes of site inspection, I also agree to notify the City of Charlevoix Zoning Administrator when locations of lot lines and proposed structures are located and staked on the ground. I also agree to give permission for officials of the City of Charlevoix, the County, and the State of Michigan to enter the property subject to this permit application for purposes of inspection. I understand that the City may impose conditions of approval and that the conditions must be met by the specific times as defined in the Decision and Order. Finally, I understand that this is a site plan application, and if approved, cannot be implemented until applicant has applied for and the City has issued a zoning permit.

Property Owner Signature or Authorized Agent: _____

Date: _____

James B. Mahoney
11/13/17

THIS SECTION FOR OFFICE USE ONLY

Zoning District: R-2

Tax ID: 052-123-054-10

Receipt Number: 1554011

Date Inspected: Jan 2, 2018

Approved: ☐

Denied: ☐

If variance was required: Project # _____

Lot Coverage Calculations:

Existing: _____

Proposed: _____

Total: _____

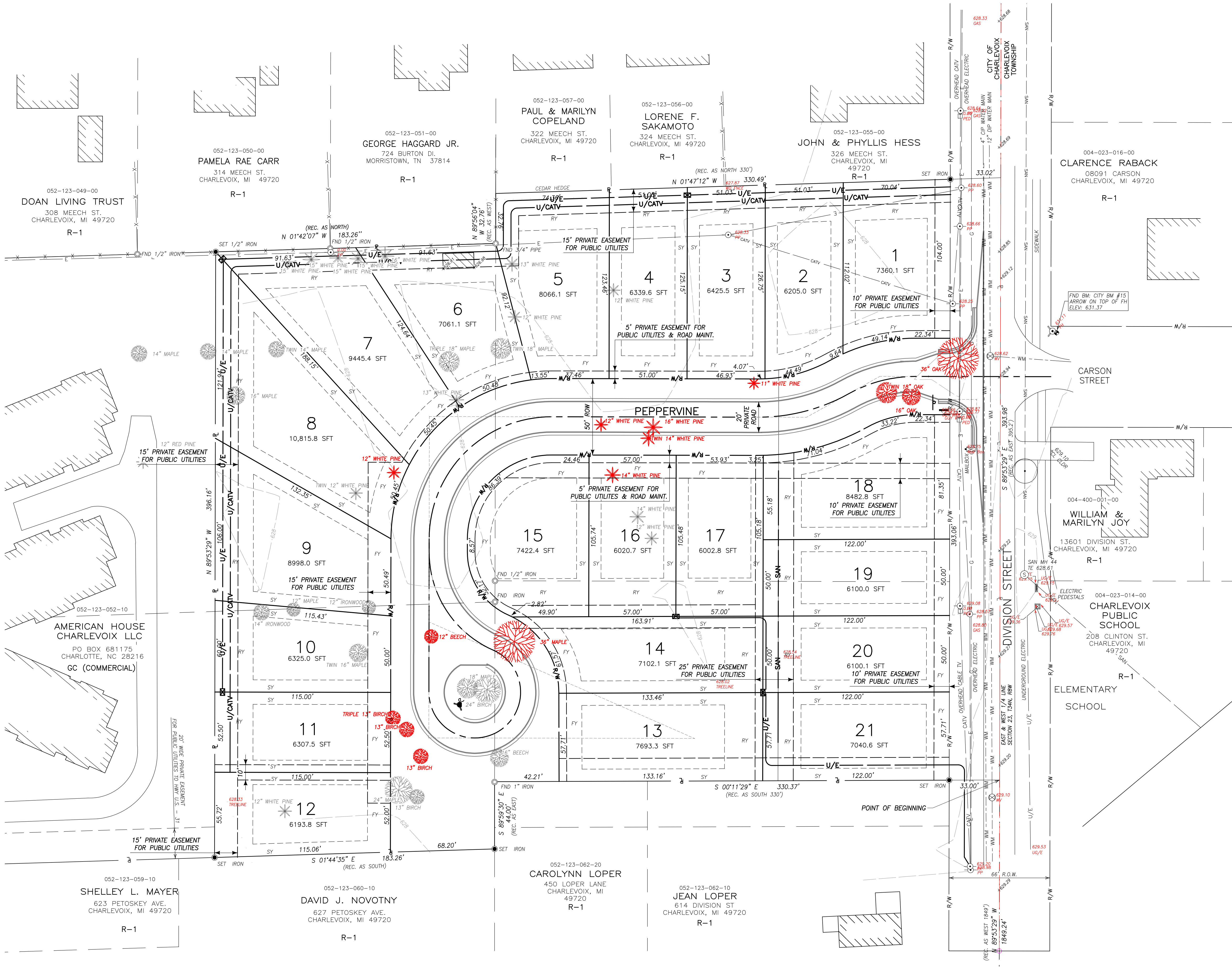
Lot Size: _____ Percentage: _____

Staff findings or notes: _____

Zoning Administrator Signature: _____

Date: _____

[Signature]
Jan 2, 2018



SITE/UNIT PLAN

FOR

PEPPERVINE

PART OF THE WEST 1/2 OF THE S.E. 1/4
SECTION 23, TOWN 34 NORTH, RANGE 8 WEST CITY
OF CHARLEVOIX, CHARLEVOIX COUNTY, MICHIGAN

R-2 ZONING DISTRICT

PARCEL SIZE = 4.618 ACRES TAX ID
#052-123-054-10

PREPARED FOR:

Carol Amick Stimpson Revoc. Trust

4731 Bonita Bay Blvd, #2001
Donita Springs, FL 34134

L'ECOLE VUE

SITE PLAN INFORMATION:

EXISTING ZONING = R-2 (MEDIUM DENSITY)
EXISTING USE = SINGLE FAMILY RESIDENCE
PROPOSED USE = 21 UNIT SINGLE FAMILY DETACHED HOUSING SITE CONDOMINIUM.
SETBACK REQUIREMENTS:
FRONT YARD (FY) = 15'
REAR YARD (RY) = 25'
SIDE YARD (SY) = 8' MIN.
LOT WIDTH = 50'
LOT SIZE = MIN. 6000 SFT
LOT COVERAGE = 40%
HOUSE SIZE = 800 SFT (SINGLE STORY)
= 1200 SFT (MULTIPLE STORY)

PEPPERVINE

In the City of Charlevoix, Charlevoix County, Michigan, Commencing at the East quarter corner of Section 23, Township 34 North, Range 8 West, as established by D.C. Nettleton, past Deputy County Surveyor; thence along the East and West quarter line of said section, as established by D.C. Nettleton, North 89°53'29" West 1849.24 feet (recorded as West 1849.00 feet), BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; thence South 00°11'29" East (recorded as South) 33.00 feet to a 1/2" re-rod on the South line of Division Street; thence continuing South 00°11'29" East 297.37 feet (recorded as South 297.00 feet) to a 1" rod; thence South 89°59'30" East (recorded as East) 44.00 feet to a 1/2" re-rod recorded as being 1805 and 7/8 feet West and 330 feet South of said quarter corner; thence South 01°44'35" East (recorded as South) 183.26 feet; thence North 89°53'29" West 396.16 feet; thence North 01°42'07" West (recorded as North) 183.26 feet to a 3/4" pipe; thence North 89°56'04" West (recorded as West) 32.76 feet to a point being 130 feet East of the East line of Meech Street; thence parallel with the East line of said Meech Street, North 01°47'12" West 297.47 feet (recorded as 297 feet) to a 1/2" re-rod on the South line of said Division Street; thence continuing along the last described course, North 01°47'12" West 33.02 feet to said quarter line; thence along said quarter line, South 89°53'29" East 393.98 feet (recorded as East 395.2 feet, more or less) to the point of beginning, being part of the West half of the southeast quarter of Section 23, Township 34 North, Range 8 West and containing 4.618 acres. Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road or highway purposes.

SURVEY LEGEND:

- ALL DIMENSIONS ARE IN FEET.
- "Δ" INDICATES NAIL SET.
- "●" SET 1/2" RE-ROD.
- "○" INDICATES IRON/ROD FOUND IN PLACE.
- BEARINGS ARE ON AN ASSUMED BASE.
- CONTOURS AS SHOWN ARE EXISTING GROUND ELEVATIONS. CONTOUR INTERVAL IS 1 FOOT. ELEVATIONS BASED ON CITY OF CHARLEVOIX BENCH MARK LOOP, U.S.G.S. DATUM. SPOT ELEVATIONS SHOWN ARE EXISTING GROUND ELEVATIONS.

AUTH	DATE	NO.	DESCRIPTION	AUTH	DATE	NO.	DESCRIPTION
JBM	11/13/17	0	CITY REVIEW				

DESIGNER

Performance Engineers, Inc.

408 Petoskey Avenue
Charlevoix, Michigan 49720
Phone: (231) 547-2121
Fax: (231) 547-0084
www.performanceeng.com

OWNER

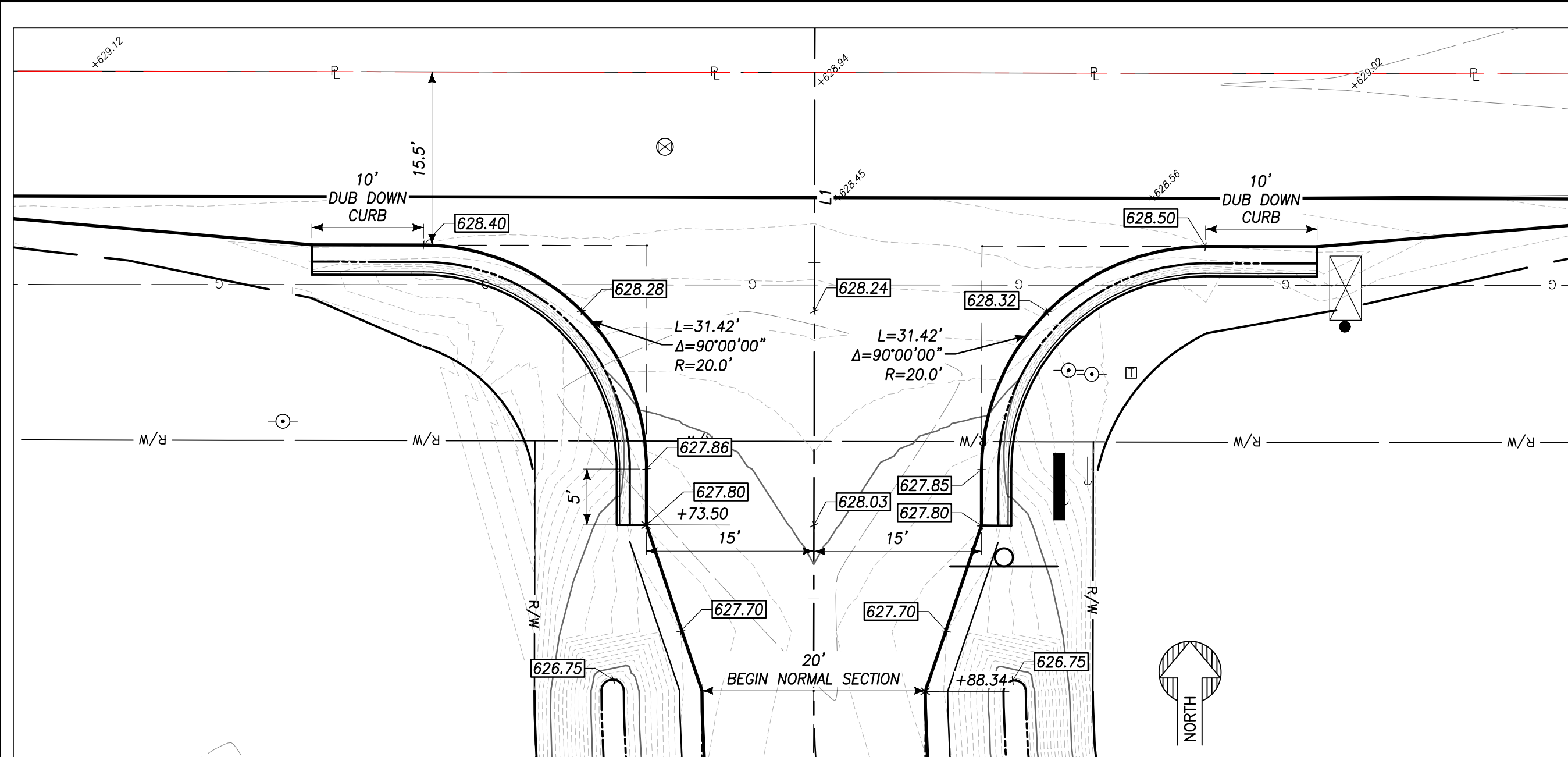
SCALE

PROJECT

PEPPERVINE

SECTION 23, CITY OF CHARLEVOIX, CHARLEVOIX COUNTY, MICHIGAN

SHEET	JOB NO.
EXISTING CONDITION	17-5020
AND	SHEET NO.
PROPOSED UNIT PLAN	- of -

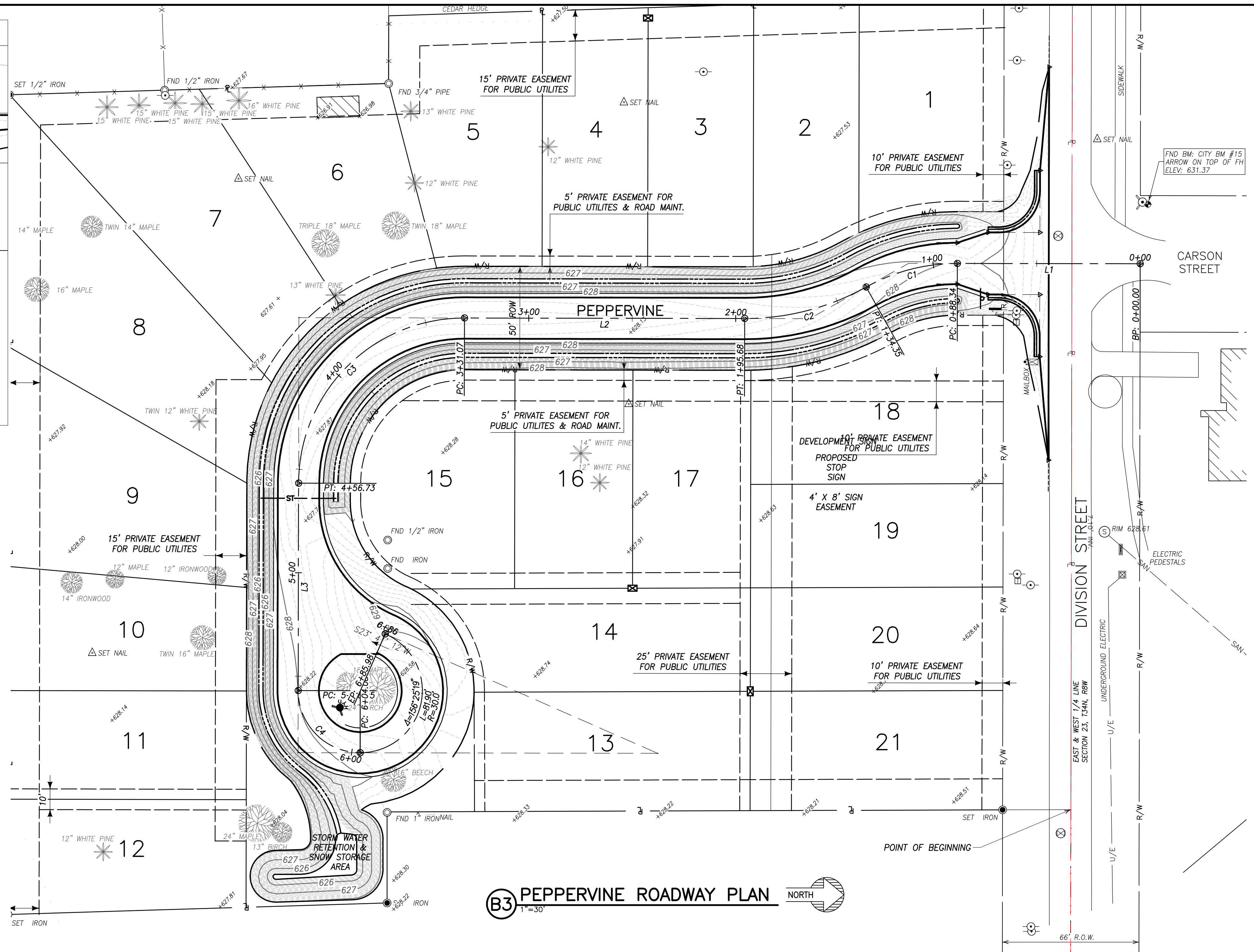


(D1) INTERSECTION ENLARGED PLAN
1"=10'

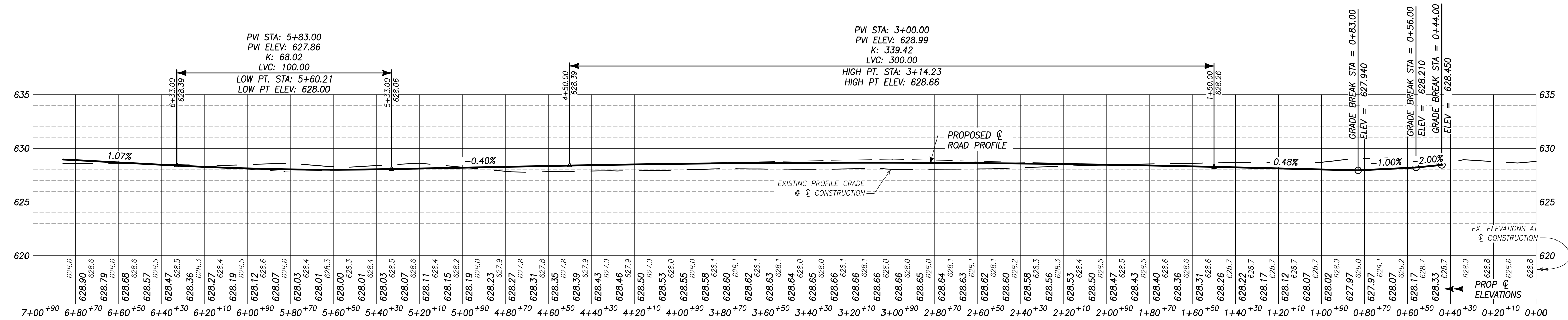
TOTAL	UNIT	ITEM
	EA	TREE, REM, 19 INCH TO 36 INCH
12.0	STA	MACHINE GRADING, MOD.
2164	SYD	AGGREGATE BASE, 6 INCH
150	TON	HMA, 13A
150	TON	HMA, 36A
94	FT	CURB AND GUTTER, CONC, DET C4
1897	SYD	MULCH
1897	SYD	MULCH ANCHORING
138	LB	SEEDING, MIXTURE TDS
1897	SYD	TOPSOIL SURFACE, FURN, 4 INCH

PEPPERVINE							
Number	Length	Radius	Line/Chord Direction	START NORTHING	START EASTING	PI NORTHING	PI EASTING
L1	88.34'		S0° 06' 31"W	5363.87'	4735.07'		
C1	46.00'	90.00'	S14° 32' 05"E			5252.01'	4734.86'
C2	61.34'	120.00'	S14° 32' 05"E			5204.11'	4761.61'
L2	135.39'		S0° 06' 31"W	5172.75'	4761.55'		
C3	125.66'	80.00'	S44° 53' 29"E			4957.37'	4761.14'
L3	100.22'		S89° 53' 29"E	4957.21'	4841.14'		
C4	47.12'	30.00'	N45° 06' 31"E			4956.97'	4971.36'

A1 ALIGNMENT TABLE



(B3) PEPPERVINE ROADWAY PLAN
1"=30'



A3 PEPPERVINE PROFILE
HORIZ: 1"=30, VERT: 1"=6

AUTH	DATE	NO.	DESCRIPTION	AUTH	DATE	NO.	DESCRIPTION
JBM	11/13/17	0	CITY REVIEW				

DESIGNER

**Performance
Engineers, Inc.**

406 Petoskey Avenue
Charlevoix, Michigan 49720
Phone: (231) 547-2121
Fax: (231) 547-0084
www.performanceeng.com

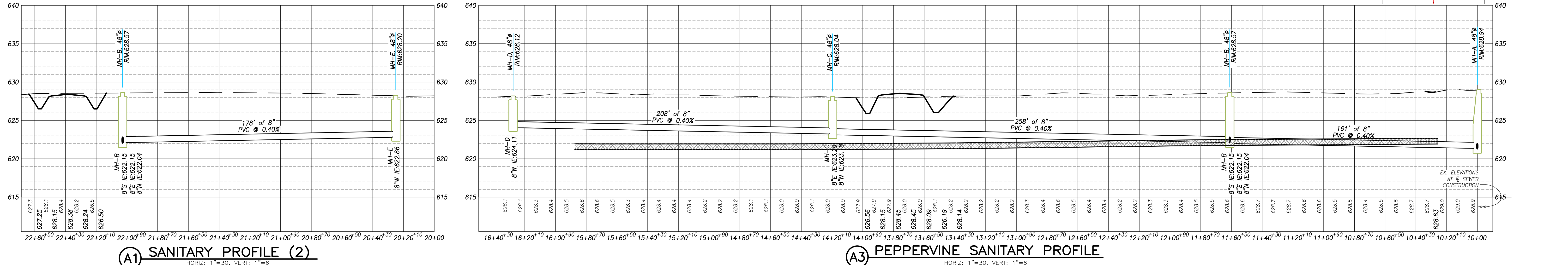
SCALE

PROJECT
PEPPERVINE

SECTION 23, CITY OF CHARLEVOIX, CHARLEVOIX COUNTY, MICHIGAN

SHEET
ROADWAY CONSTRUCTION
PLAN AND PROFILE

JOB NO.
7-5020
SHEET NO.
- of -



JOB NO.
17-5020
SHEET NO.
— of —

**CHAPTER 53
PARCEL DIVISION ORDINANCE**

(Ord 680, 11-18-02)

5.300. Title.

This Chapter shall be known as the City of Charlevoix Parcel Division Ordinance.

5.301. Purpose.

The purpose of this Chapter is to carry out the provisions of the Land Division Act (Act 288 of the Public Acts of 1967, as amended, formerly known as the Subdivision Control Act), to prevent the creation of lots and parcels that do not comply with applicable City of Charlevoix ordinances, to minimize potential boundary disputes, to maintain the orderly development of the city, and to otherwise protect the public health, safety and general welfare of the residents and the present and future property owners of the City of Charlevoix. This shall be accomplished by regulating the division of existing lots and parcels and the property transfer between two (2) or more adjacent lots or parcels. It is further the purpose of this Chapter to prescribe the procedures for the submission and review of proposed lot and parcel divisions and property transfers, to authorize fees for the review of applications submitted under this Chapter, and to provide penalties for violations of this Chapter.

5.302. Definitions.

Except as provided in this section, the terms used in this Chapter shall have the same meaning as in the Land Division Act, being Act No. 288 of the Public Acts of 1967, as amended. In addition, as used in this Chapter,

- (a) "Applicant" means an owner of a lot or parcel of land, or his or her designee
- (b) "Parent parcel" means first a tract of land lawfully in existence on March 31, 1997, if one exists in connection with a proposed division, or, if one does not exist, a parcel lawfully in existence on March 31, 1997.
- (c) "Property transfer" means a transfer of property between two (2) or more adjacent lots or parcels

5.304. Approval of Land Divisions or Property Transfers Required; Establishment of Exempt Splits.

The owner of a lot, parcel, or tract of land shall not divide or effect a property transfer involving, or cause any person to divide or effect a property transfer involving, that lot, parcel, or tract of land except as provided in this Chapter, unless the division is an exempt split as defined in the Land Division Act of 1967, being Act 288 of the Public Acts of 1967, as amended, the division or property transfer is approved as part of a subdivision plat at the time of plat approval under the Land Division Act, as amended, the division or property transfer is part of a condominium project developed under the Condominium Act, being Act 59 of the Public Acts of 1978, as amended, or the division or property transfer is done pursuant to an order of a court of competent jurisdiction.

5.305. Procedure for Division or Property Transfer.

The following procedure shall be followed to divide a lot, parcel or tract of land or to effect a property transfer:

- (a) The Applicant shall submit an application to the Zoning Administrator on a form supplied by the city for that purpose. The application shall include, but not be limited to the following:
 - (1) Proof of ownership of the lot, parcel, or tract of land to be divided, or of the lots or parcels involved in a property transfer, which shall include a copy of a warranty deed, land contract, title commitment, or other evidence satisfactory to the Zoning Administrator.
 - (2) The names and addresses of all persons having an interest in the lot, parcel, or tract of land to be divided, or of the lots or parcels involved in a property transfer and a statement of the type of interest each holds.
 - (3) The history of the prior divisions of the parent parcel from which the Applicant's parcel or tract of land came and proof that the Applicant holds the right to divide the parcel or tract of land proposed for division.
 - (4) A survey map of the land proposed to be divided or the land involved in the property transfer prepared pursuant to the survey map requirements of Act 132 of the Public Acts of 1970, as amended, certified by a land surveyor licensed by the State of Michigan. This survey map shall depict all of the following:

- (a) The dimensions of the lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer;
 - (b) The dimensions of the lots, parcels, or tracts of land that will result from the division or property transfer;
 - (c) The location of all current easements on the lot, parcel, or tract of land to be divided, or on the lots or parcels involved in a property transfer;
 - (d) The location of all proposed utility and ingress/egress easements on the lots, parcels or tracts of land that will result from the division or property transfer;
 - (e) The location of all buildings and structures on the lot, parcel, or tract of land to be divided, or on the lots or parcels involved in a property transfer;
 - (f) The distances between these buildings and structures and the original property lines of the lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer; and
 - (g) The distances between these buildings and structures and the property lines of the lots, parcels, or tracts of land that will result from the division or property transfer.
- (5) In addition to providing the survey map, the Applicant or his or her representative shall accurately stake the boundaries of the lot, parcel, or tract of land proposed to be divided or the lot or parcel involved in the property transfer and the boundaries of the lots, parcels, or tracts of land that will result from the division or property transfer such that the Zoning Administrator may, by use of a tape measure and horizontal measurements, confirm that the boundaries as staked are as represented on the survey
- (6) Accurate legal descriptions of the lots, parcels, or tracts of land that will result from the division or property transfer. In the event the Zoning Administrator is unable to determine whether the legal description is accurate, he or she may require the Applicant to obtain at Applicant's sole expense legal descriptions of the lots, parcels, or tracts of land that will result from the division or property transfer certified by a registered land surveyor licensed by the State of Michigan.
- (7) The Applicant shall submit documentation that each such resulting lot, parcel, or tract of land has or will have adequate permanent access, as defined in the City of Charlevoix Zoning Ordinance, as amended. In addition, if the lot, parcel, or tract of land that will result from the division or property transfer will be a development site, then the Applicant shall submit evidence establishing adequate easements for public utilities from each such resulting lot, parcel, or tract of land to existing public utility facilities.
- (8) Such other documentation that the Zoning Administrator may require relating to the application to divide a lot, parcel, or tract of land or to effect a property transfer.
- (b) The application shall be accompanied by an application fee as established and set forth in a city fee schedule. This fee schedule shall also establish "after the fact" fees that must be paid when an otherwise lawful division or property transfer occurs but without first complying with the procedural requirements of this Chapter. This "after the fact" fee is not intended to be a penalty, but shall consist of the normal application fee plus an amount equal to the legal and administrative costs incurred by the city as the result of the Applicant's failure to initially comply with the requirements of this Chapter.
- (c) Within forty-five (45) days after receiving the information required in subsection (a) above, the Zoning Administrator shall decide whether to approve or disapprove the proposed division or property transfer. If the Applicant fails to provide all the information required by this Chapter, then the application shall be deemed incomplete and may be denied on that basis. The Zoning Administrator's decision to approve the division or property transfer shall be made pursuant to the standards contained in Section 5.306 of this Chapter. The Zoning Administrator may grant conditional approval of an application, subject to the Applicant obtaining any necessary variances from the Zoning Board of Appeals pursuant to Section 5.308 of this Chapter. If the Zoning Administrator fails to grant approval of a proposed division or property transfer, written reasons for his or her decision shall be given to the Applicant. The Applicant shall then have the option of resubmitting information for approval to the Zoning Administrator or appealing the Zoning Administrator's decision to the Zoning Board of Appeals pursuant to Section 5.309 of this Chapter.
- (d) Upon approval of a proposed division or property transfer, the Zoning Administrator shall send a letter indicating such approval to the Applicant with a copy to the Charlevoix County Equalization Department. This letter shall contain the following statement: "Pursuant to Section 109a of the Land Division Act, as amended, the City of Charlevoix, its officers and employees are not liable if a building permit is not issued for a parcel less than one (1) acre in size that resulted from an approved division under the City of Charlevoix Parcel Division Ordinance." A copy of this letter shall be retained by the Zoning Administrator in his or her official records.

- (e) Because zoning requirements may change over time, any approval of an application for a division or property transfer by the Zoning Administrator under Section 5.305(c) above shall expire and a new approval required after ninety (90) days from the date of the approval, unless the Applicant records in the Charlevoix County Register of Deeds Office an instrument(s) of conveyance documenting the division or property transfer and files a copy of that recorded instrument(s) with the Zoning Administrator.

5.306. Standards for Approval of Divisions or Property Transfers.

An application to divide a lot, parcel, or tract of land, or to effect a property transfer shall be granted when all of the following standards are met:

- (a) The proposed division or property transfer shall comply with all requirements of the Land Division Act of 1967, being Act 288 of the Public Acts of 1967, as amended.
- (b) The lots, parcels, or tracts of land that will result from the division or property transfer shall comply with all requirements of the City of Charlevoix Zoning Ordinance, as amended, including but not limited to the requirements relating to area and width for the newly created lots, parcels, or tracts of land, the requirements relating to lake and/or street frontages, and the requirements relating to setbacks if the newly created lots, parcels, or tracts of land have buildings or structures on them.
- (c) Each lot, parcel, or tract of land that will result from the division or property transfer shall have an adequate and accurate legal description.
- (d) Each new lot, parcel, or tract of land that will result from the division shall have a depth of not more than four (4) times its width as measured under the requirements of the City of Charlevoix Zoning Ordinance. This standard shall not apply to a property transfer.
- (e) If a lot, parcel, or tract of land that will result from the division or property transfer will be a development site, then each such resulting lot, parcel, or tract of land shall have adequate easements for public utilities from each such resulting lot, parcel, or tract of land to existing public utility facilities.
- (f) Each lot, parcel, or tract of land that will result from the division or property transfer shall be accessible.
- (g) The owner of the parcel or tract of land shall possess the right to divide the parcel or tract of land. This standard shall not apply to a property transfer.
- (h) The property lines of the lots, parcels, or tracts of land that will result from the division or property transfer shall be consistent and in harmony with the property lines of the lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer, and/or the property lines of adjacent lots, parcels, or tracts of land.

5.307. Limitation Affecting Property Transfers.

If the land transferred between two (2) or more adjacent lots or parcels does not independently conform to the requirements of the Land Division Act, being Act 288 of the Public Acts of 1967, as amended, the City of Charlevoix Zoning Ordinance, as amended, and this Chapter, then the land transferred shall not thereafter be independently considered a development site, but may only be used in conjunction with an adjoining lot(s), parcel(s), or tract(s) of land.

5.308. Land Configuration Variances.

- (a) If a lot, parcel, or tract of land that will result from a division or property transfer does not meet the requirements of the City of Charlevoix Zoning Ordinance as specified in Section 5.306(b) of this Chapter, then the Applicant may seek a variance from those zoning requirements from the Zoning Board of Appeals pursuant to the procedures of the City of Charlevoix Zoning Ordinance.
- (b) If a lot, parcel, or tract of land that will result from a division does not meet the depth to width requirements of Section 5.306(d) of this Chapter, then the Applicant may seek a variance from those requirements from the Zoning Board of Appeals pursuant to the procedures of this section.
- (c) The Zoning Board of Appeals may grant a variance under this Chapter from the depth to width requirement of Section 5.306(d) of this Chapter, if all of the following exist:
 - (1) Exceptional or extraordinary circumstances or conditions exist on the parent parcel, including exceptional topographic or physical conditions, that do not generally apply to other lots, parcels, or tracts of land in the city.

- (2) The exceptional or extraordinary circumstances or conditions existing on the parent parcel are not the result of any act or omission by the Applicant or his or her predecessors in title
 - (3) The granting of the variance shall not be injurious or otherwise detrimental to adjoining lots, parcels, or tracts of land or to the general health, safety, and general welfare of the city
 - (4) The resulting lots, parcels, or tracts of land with the variance granted shall be compatible with surrounding lots, parcels, or tracts of land
 - (5) The variance granted shall be the minimum variance that will make possible the reasonable use of the parent parcel.
- (d) The Zoning Board of Appeals shall follow the procedures of the City of Charlevoix Zoning Ordinance relating to variances when deciding whether to grant a variance under this section.
- (e) In granting any variance under this Chapter, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in order to ensure that the lot, parcel, or tract of land that will result from the division or property transfer complies with the variance granted under this Chapter. Violations of such conditions and safeguards shall be deemed a violation of this Chapter, punishable under Section 5.310 of this Chapter.

5.309. Appeals to the Zoning Board of Appeals.

Any person aggrieved by a decision of the Zoning Administrator may appeal that decision to the Zoning Board of Appeals following the procedures of the City of Charlevoix Zoning Ordinance, as amended, for appeals to the Zoning Board of Appeals. Any such appeal shall be filed within thirty (30) days from the date of the decision from which the appeal is taken. During the appeal, the Zoning Board of Appeals shall conduct a *de novo* hearing of the matter and to that end shall have all the powers of the Zoning Administrator. In rendering its decision, the Zoning Board of Appeals shall receive and consider evidence and data relevant to the case and shall issue its decision in writing within thirty (30) days after receiving all evidence and data in the case. The decision of the Zoning Board of Appeals shall then be sent promptly to the Applicant, to the person who filed the appeal (if different than the Applicant), to the Zoning Administrator, and to the City Assessor.

5.310. Violations and Penalties.

Any person who shall violate any provision of this Chapter shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Chapter is violated shall be considered as a separate violation.

5.311. Enforcement Officer.

The Zoning Administrator is hereby designated as the authorized city official to issue municipal civil infraction citations directing alleged violators of this Chapter to appear in court.

5.312. Nuisance Per Se

A violation of this Chapter is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare

5.313. Separate Court Action.

In addition to enforcing this Chapter through the use of a municipal civil infraction proceeding, the city may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Chapter.

CITY OF CHARLEVOIX

New Business

TO: City of Charlevoix Planning Commission

FROM: Elise Crafts, Networks Northwest

SUBJECT: Public Hearing: Proposed General Ordinance and Signage Amendments

DATE: January 8, 2018

BACKGROUND

As you know, the Charlevoix City Council reviewed and discussed the draft ordinance amendments and new signage regulations at their December 4 meeting, and directed the Planning Commission to move forward with scheduling a public hearing. The Planning Commission scheduled a public hearing for Monday, January 8.

The proposed language is included in the Planning Commission's packet for discussion and potential action on the following motion:

- To accept the zoning amendments and proposed signage ordinance with changes as proposed.

If you have any questions prior to the January 8 Planning Commission meeting, please don't hesitate to contact me at 231-929-5057, or via email at elisecrafts@networksnorthwest.org.

ATTACHMENTS:

- ❑ Public Hearing Notice
- ❑ General Ordinance Draft
- ❑ Signage Ordinance Draft
- ❑ Nuisance Ordinance Draft

PUBLIC HEARING
CITY OF CHARLEVOIX PLANNING COMMISSION
210 State Street City Hall, City Council Chambers, 2nd Floor, Charlevoix, MI.
JANUARY 8, 6 PM

ZONING ORDINANCE AMENDMENTS

Public notice is hereby given that the City of Charlevoix Planning Commission will hold a public hearing on Monday, January 8, 2018 at 7:00 p.m. at Charlevoix City Hall to consider and hear public comments regarding amendments to City Zoning Ordinance, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006 (the "Zoning Act"). The Planning Commission will be considering text amendments relating to general zoning policy, signage, and the nuisance ordinance.

This hearing is intended to provide an opportunity for City residents and interested citizens to express their opinions, ask questions, and discuss all aspects of the text amendments. Those unable to attend the public hearing are invited to submit written comments to the attention of the Chairman of the Planning Commission at the address cited above.

Copies of the proposed ordinance are available for public review at the Charlevoix City office, 210 State Street, Charlevoix, Michigan, during regular office hours.

Sarah Lucas Networks Northwest, Staff Planner
210 State Street
Charlevoix, MI 49720
Phone: 547-3265 Fax: 547-3617
planner@cityofcharlevoix.org

CITY OF CHARLEVOIX ZONING ORDINANCE PROPOSED ZONING AMENDMENTS JANUARY 8, 2018 PUBLIC HEARING

Proposed ordinance language as follows:

- Language to be removed is shown in strikethrough text (~~text~~)
- Language to be added is shown in red text (**text**)

ARTICLE 1 PURPOSE AND TITLE

5.1 Title

An ordinance **enacted under Public Act 110 of 2006** to regulate and restrict the use of land and structures; to meet the needs for food, fiber, energy and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; to ensure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population, transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation and other public service and facility needs; and to promote public health, safety and welfare; and for those purposes to divide the city into districts; to prescribe penalties for the violation thereof; and to repeal conflicting ordinances.

ARTICLE 2 DEFINITIONS

5.6 Definitions A-B

~~Adjoining. Touching or bounding at a point or line; bordering; contiguous.~~ **All lands which touch, border, or are contiguous to a specific parcel of land including, but not limited to, those lands separated from the parcel by a road right-of-way, easements, public utility rights-of-way, or inland lakes and streams as defined by the Natural Resources and Environmental Protection Act 451 of 1994.**

Aggrieved Person. A person who has suffered a substantial damage from a zoning decision not in common to other property owners similarly situated, and who has actively opposed the decision in question.

Awning. A permanent shelter constructed on a supporting framework, projecting from and supported by the exterior wall of a building. *(note – not new definition, moved from Section 11)*

Building Elevation. All of that part of a building façade(s) which would be included in an elevation view rendering of the building drawn parallel to, and for the entire length of, a lot line. *(note – not new definition, moved from Section 11)*

5.7 Definitions C-D

Canopy (Building). A permanent rigid structure covered with fabric, metal, shingles or other material and supported by a building at one or more points. *(note – not new definition, moved from Section 11)*

Canopy (Freestanding). A permanent, rigid structure covered with fabric, metal or other material and supported by columns, posts or other forms of support not a part of a building. *(note – not new definition, moved from Section 11)*

Dredging. The process of cleaning out the bed of a harbor, river, or other areas of water by scoop out mud and other materials with a dredge.

- a) Upland Dredging. Removing material from above the high water mark in order to allow for waterway access.
- b) Inland Dredging. Removing material from inland waterways to maintain watercraft navigability or increase water depth.

5.11 Definitions L-M

Manufactured Home. ~~A factory built, single family structure that is manufactured under the National Manufactured Home Construction and Safety Standards Act. It is transportable in one (1) or more sections, built on a permanent chassis or foundation and designed and used as a dwelling. It is not constructed with a permanent hitch or other device allowing its transport, other than for its delivery to a permanent site and does not have wheels or axles permanently attached to its body or frame.~~ A structure (formerly known as a Mobile Home) built to the Manufactured Home Construction and Safety standards (HUD code) and which displays a red certification label on the exterior of each transportable section. Manufactured homes are built in the controlled environment of a manufacturing plant and are transportable in one or more sections on a permanent chassis.

Marquee. A permanent structure of rigid materials supported by and extending from, or above, the façade of a building. *(note – not new definition, moved from Section 11)*

Mobile Home. A single family dwelling manufactured prior to the Manufactured Home Construction and Safety Standards (HUD Code). See Manufactured Home. ~~designed for permanent year-round living that is transportable in one (1) or more sections and built on a chassis, designed to be used as a dwelling with or without permanent foundation. The term “mobile home” shall not include motor homes, campers, recreational vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for temporary use and~~

~~which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power and potable water utilities.~~

5.13 Definitions P-Q

Pennant. A small, often triangular, flag used in multiples. (*note – not new definition, moved from Section 11*)

Planned Unit Development (PUD): A use which allows a development to be designed and built as a unit and which is designed to encourage quality land development and site design outside the typical zoning standards through flexible design and use standards and a greater latitude in the mix or uses resulting in more efficient and effective use of the land and infrastructure.

5.14 Definitions R-S

Sign. A device, structure, fixture or placard, which may or may not use graphics, symbols and/or written copy designed specifically to advertise or identify an establishment, product, service, or activity.

Sign, Airborne Devices. A sign supported by aerodynamic forces or propelled through the air by force including, but not limited to, air filled balloons, signs animated by forced air and lighter than air signs.

Sign, Awning. A sign painted, printed, attached flat against or integrated within the surface of an awning.

Sign, Banner. A sign made of a non-rigid material; however, not including pennants or flags.

Sign, Billboard-Highway Advertising. An off-premises sign owned by a person, corporation or other legal entity that engages in the business of utilizing and/or selling the space on that sign. See “*Off-Premises Sign*.”

Sign, Business Center. An on-premises sign which identifies or gives directions to a business complex or group of contiguous stores which may contain the names of the individual stores, businesses, institutions, or other organizations located within the complex or group. See “*On-Premises Sign*.”

Sign, Canopy. A sign affixed, applied to or part of a canopy.

Sign, Electronic Sign Face. That portion of a sign face capable of changing its message or image electronically.

Sign, Flag. A sign made of non-rigid material having a distinctive size, color and design used as a symbol or emblem.

Sign, Flashing. Any illuminated sign on which the artificial light is not at all times stationary or constant in intensity and color.

Sign, Ground. A sign supported by one (1) or more uprights, poles, braces or some other structure, placed in the ground surface and not attached to any building.

Sign, Illuminated. A sign that includes artificial light by either emission, reflection or refraction.

Sign, Internally Lighted. A sign having an internal lighting source which allows light to be visible through the sign face.

Sign, Marquee. Any sign attached to or supported by a marquee.

Sign, Off-Premises. A sign which contains a message regarding a land use, service, or activity provided on property other than the premises where such sign is located.

Sign, On-Premises. A sign which contains a message regarding a land use, service, or activity provided on the property where such sign is located.

Sign, Portable. A freestanding sign, often with a changeable message, that is not permanently anchored or secured to either a building or the ground.

Sign, Projecting. A sign which is affixed to any building or structure other than a marquee or canopy and projects in such a way that the sign face is not parallel to the wall to which it is attached.

Sign, Roof. Any sign or part of a sign which is erected on, or as a part of, the roof of a building.

Sign Face. That portion of a sign excluding its base, foundation and erection supports.

Sign, Temporary. A sign, often with a non-changeable message, with or without a structural frame, intended for a limited period of display,

Sign, Wall. A sign which is attached directly to, or painted upon, a building wall, the exposed face of which is essentially in a plane parallel to the building wall or structure.

Sign, Window. A sign, picture, symbol or combination thereof that is placed on the interior of a window pane or glass with the intent to be visible from the outdoors.

Streamers. A long narrow wavy strip resembling or suggesting a banner floating in the wind.
(note – not new definition, moved from Section 11)

ARTICLE 4 RESIDENTIAL DISTRICTS

Section 5.26 Schedule of Uses

Table 5.26 Allowed Uses: Residential Zones

Table 5.26 Allowed Uses: Residential Zones						
P = Permitted Use by Right S = Special Land Use	R1	R2	R2A	R4	PC	Specific Requirements
Accessory						
Accessory uses, buildings and structures	P	P	P	P	P	Section 5.46(1)
Bed and breakfast establishment	S	S	-	-	-	Section 5.46(3)
Boathouses, Upland Dredging	S	-	-	-	S	Section 5.46(4)

ARTICLE 7 USE REQUIREMENTS

Section 5.46 Accessory Buildings and Uses

(4) *Boathouses and Upland Dredging*. Special land **use** approval for a **boathouse and upland dredging without a boathouse** in the R1 **Zone** shall be subject to the following requirements.

Boathouses and upland dredging:

- a) shall not be permitted on Lake Michigan or Lake Charlevoix;
- b) **Boathouses** shall have a gabled roof with a minimum roof pitch of 8:12 for new construction. Repair of existing **structures** may utilize the existing roof pitch and roof design at the time of application. Multiple peaks and a variety of rooflines or other architectural features consistent with the character of the neighborhood are encouraged. Eaves extending out greater than twenty-four (24) inches shall be considered part of the building footprint;
- c) **Boathouses** are permitted over the water but may not extend greater than eighty (80) feet lake ward from the existing sea wall location¹, or **ordinary high water mark** if no sea wall is present;
- d) where inland dredging is required, **boathouses** may not extend greater than fifty (50) feet inland from the existing sea wall location or **ordinary high water mark** if no sea wall is present;
- e) shall be located at least ten (10) feet from **side lot lines**; no **rear yard setback** required;
- f) **Boathouses** shall not exceed a building footprint (length x width) of two thousand (2,000) square feet in area, exclusive of eaves;
- g) shall not contain sleeping quarters, kitchens or bathrooms;
- h) in the R1 **Zone**, shall not exceed a height of sixteen (16) feet with the base elevation starting at the **ordinary high water mark**. (See *Figure 5.46(4)-1*)
- i) Existing sea wall² locations shall be considered the **rear lot line** for the purposes of calculating **lot area** and **coverage** requirements.
- j) Sea walls may not be extended lake ward, nor shall any **filling** take place for the purposes of increasing lot size or relocating the **rear lot line**. (See *Figure 5.46(4)-2*)
- k) **Upland dredging that would result in permanent altering of the shoreline requires a public hearing for a special use permit before the property owner applies for permits from the State and Federal governments.**

- l) **Boathouses** in the Belvedere Club and Chicago Club are excluded from the height requirements for **accessory structures** provided that they may be extended in the same building line elevation and size as the existing **boathouses**. (See *Figure 5.46(4)-3*)

ARTICLE 8 GENERAL PROVISIONS

Section 5.65 Fences and Walls

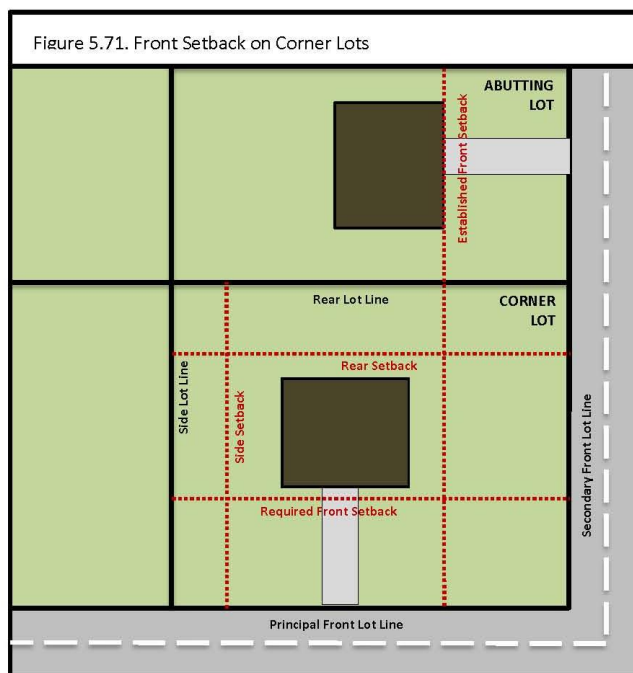
- (1) All **fences**, walls and other similar **structures** shall be located on private property and must not obstruct the sight distance of motorists from **driveways**, roads and intersections. **Fences** or walls in all districts, except Industrial, shall not exceed six (6) feet in height above **grade** when located in any portion of the **rear** or **side yard**. **Fences** located in the **front yard** are permitted provided they are open wrought iron, picket, split rail and similar decorative **fences**, have a maximum opacity of fifty (50) percent and do not exceed three (3) feet above **grade**.
- (2) Fence and wall materials may include treated wood, painted/stained wood, treated split rail, ornamental wrought iron, brick, stone, masonry block, molded vinyl, or chain link. Scrap lumber, plywood, woven wire, sheet metal, plastic or fiberglass sheets are specifically prohibited.
- (3) All **fences** shall be constructed with the finished side exposed to the neighboring properties. Support posts shall be placed on the inside. The **fence** shall be properly maintained and its appearance shall be harmonious with the surrounding properties and neighborhood. Fence posts and decorative caps shall not extend greater than six (6) inches above the maximum allowed height. (See *Figure 5.65(3)*)
- (4) **Fences** or walls in Industrial Districts shall not exceed nine (9) feet in height above **grade** in the **side** and **rear yards**. All other relevant provisions of this section shall apply.
- (5) It shall be unlawful to erect or maintain a **fence**, wall or other similar **structure** equipped with or having barbed wire, spikes, razor wire or similar devices, or any electrical charge or current sufficient to cause shock. In Industrial Districts, however, a security **fence** may be installed with one (1) foot of barbed wire; provided, the barbed wire is at least eight (8) feet above the **adjacent grade**.
- (6) **Fences** in the **front yard** shall have a minimum **setback** of twelve (12) inches from the property line.
- (7) **Fences** shall not be allowed to be located directly over property lines, unless two (2) or more **adjoining** property owners submit a joint application to the **zoning administrator** for approval.
- (8) Posts, cement, wood and any other **fence** materials shall not encroach onto **adjoining** properties, unless such encroachments are authorized under a joint application.

- (9) An artificial **berm** with a **fence** placed on top of it is considered part of the **fence**, with the combination being subject to the height limits for **fences** established in subsection (1) above.
- (10) The required **fence** height shall be maintained through the entire length on sloping properties. Grading and/or **filling** of materials to elevate the **grade** for a higher **fence** is prohibited.
- (11) Walls constructed of stone, brick or similar materials shall be permitted in the **front yard** provided they do not exceed three (3) feet in height. The height limits in the **side** and **rear yards** shall not exceed six (6) feet. Walls shall be set back a minimum of two (2) feet from all property lines and must be constructed and maintained in the future as to not create safety concerns for **adjoining** property owners or the general public. The **planning commission** may approve walls not to exceed six (6) feet in height in the **front yard** for developments in the R4 **zone**. This section shall not apply to **retaining walls**, as defined by this ordinance or **screening walls** under Section 5.81.
- (12) **Retaining Walls in residential districts are subject to the following requirements:**
 - (a) Retaining walls in the front yard(s), or yard(s) facing the public right-of-way, may be no taller than three (3) feet in height, and must be set back from the front property line, or property lines fronting the public right-of-way, a minimum of two (2) feet.
 - (b) In cases where the height or slope of the grade in the front yard(s), or yard(s) facing the public right-of-way, needing to be retained is greater than three (3) feet, multiple tiers may be used. The horizontal distance between tiers must be a minimum of five (5) feet.
 - (c) Retaining walls in side or rear yards that do not face a public right-of-way may be greater than three (3) feet tall, but are required to be designed and sealed by a licensed engineer to ensure the safety of adjoining property.
 - (d) Retaining walls must be constructed of stone, brick, treated lumber or similar materials. Plain cement block and untreated wood are not acceptable materials.
 - (e) The fill behind retaining walls must consist of dirt, drain stone, or similar materials.
 - (f) Retaining walls must be maintained in such a condition as to not present a threat to adjacent properties, or people or objects in the public right-of-way.

Section 5.71 Setback Requirements

- (1) *Front Setback on Corner Lots.* A **corner lot** shall have two **front lot lines**: a principal **front lot line** and a secondary **front lot line**. The principal **front lot line** shall be the location of the traditional front entrance of the **structure**. Where the **lot lines** are of equal length, and/or the principal **front lot line** is not evident, then the **zoning administrator** shall determine the principal **front lot line**. *(See Figure 5.71)*
 - (a) The required **front setback** shall apply to the principal **front yard**.

- (b) The required **setback** for the secondary **front yard** shall be the lesser of the required **front setback** or the established **setback** for the **principal building** on the **abutting lot** that faces the same **street** as the secondary **front lot line**.
- (c) The remaining **setbacks** shall be a **rear** and a **side setback**. The **rear setback** shall be measured from the **rear lot line**, which in the case of a **corner lot**, shall be the **lot line** opposite the principal **front lot line**.



ARTICLE 9 GENERAL SITE DEVELOPMENT REQUIREMENTS

Section 5.81 Landscaping

(3) *Buffer Areas.*

- (a) 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, R2A and R4 districts.
- (b) A **buffer** area is not required if the qualifying **adjacent zoning districts** are separated by a public right-of-way.
- (c) A **buffer** area shall be parallel to and follow the property line tangent to the qualifying **zoning district**.
- (d) A **buffer** area shall be required even when the **adjacent** property is undeveloped.

- (e) 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**.
- (f) 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**, in accordance with the requirements of *Table 5.81(3)(g)*. 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 *Section 5.81(1)*.
- (g) **Buffer areas** are required as shown in *Table 5.81(3)(g)*. **The numbers 1, 2, and 3 refer to the buffer type as detailed in Table 5.81(3)(h).**

Table 5.81(3)(g): Buffer Area Requirements by District			
Subject Zoning District	Adjacent district		
	R1 (buffer type)	R2 (buffer type)	Residential areas in Charlevoix Township
R4	3	3	NA
GC	1	1	1
CBD	2	2	NA
CH	1	1	NA
MC	1	1	NA
I	1	1	1

- (h) *Table 5.81(3)(h)* shows landscaping requirements by **buffer type**:

Table 5.81(3)(h): Buffer Area Landscaping Requirements			
Buffer Type	Minimum Width	Minimum Requirements	Intensity
1	10 feet	Two (2) canopy trees , <i>plus</i> one (1) evergreen tree or one (1) ornamental tree , <i>plus</i> twelve (12) shrubs , for each fifty (50) linear feet of buffer area	Most Intense ↓ Least Intense
2	10 feet	One (1) canopy tree , <i>plus</i> one (1) evergreen tree or one (1) ornamental tree , <i>plus</i> eight (8) shrubs , for each fifty (50) linear feet of buffer area	
3	10 feet	One (1) canopy tree or one (1) evergreen tree <i>plus</i> one (1) ornamental tree or twelve (12) shrubs , for each fifty (50) linear feet of buffer area	

- (i) Buffer Area Alternatives

- Plants** may either be arranged formally, or be informally clustered for a more random, natural effect.
- Berms** may be constructed in a **buffer area** to supplement landscaping and add interest. Minimum landscaping requirements shall be reduced by fifty (50) percent where a **berm** at least three (3) feet tall is constructed for at least eighty-five (85) percent of the length of the **buffer area**.

3. A **screen wall** or **fence**, located within a **buffer** area, may be used in lieu of some landscaping.
 - a. A **screen wall** or **fence** shall be six (6) feet tall and constructed of architectural block, brick, wood, vinyl or textured concrete.
 - b. A **screen wall** or **fence** shall be located at least two (2) feet from a property line.
 - c. To maximize the effectiveness of **screening**, openings shall not exceed twenty (20) percent of the surface of a wall or **fence**.
 - d. When a **screen wall** or **fence** has both a finished and unfinished side, the finished side shall face either outward from the development site or to the side most visible to the general public, as determined by the **planning commission**.
 - e. Landscaping requirements may be reduced by seventy-five (75) percent when a **screen wall** is constructed in a **buffer** area.

ARTICLE 12 SITE PLAN REVIEW

Section 5.116 Applicability

- (1) *Level “B” Review.* The **planning commission** shall act upon all **site plans**, other than those provided for level “A” review, in connection with the creation of a **use** or the erection of a **building** or **structure** in any of the following circumstances:
 - (d) Any “permitted” **use** within any **zoning district** occupying a **building** of two thousand (2000) square feet or more.
 - (e) Any special **use** in any district.
 - (f) Any Planned Unit Development.
 - (g) Any site plan on a waterfront parcel.
 - (h) As otherwise required by this ordinance.

CITY OF CHARLEVOIX ZONING ORDINANCE

PROPOSED NEW SIGN ORDINANCE

JANUARY 8, 2018 PUBLIC HEARING

ARTICLE 11 SIGNS

5.100. Purpose

The purpose of this article is to regulate signs designed to be visible to the public in a manner which does not restrict the content thereof while:

1. Recognizing the mass communications needs of both businesses and other parties.
2. Protecting property values and neighborhood character.
3. Creating a more attractive business climate.
4. Promoting pedestrian and traffic safety by reducing sign distractions, obstructions and other hazards.
5. Promoting pleasing community environmental aesthetics.
6. Discouraging visual competition among businesses.

5.101. General Provisions

(1) Prohibited Signs

The following signs shall not be allowed in any zoning district:

- a. Signs that are not consistent with the standards of this chapter.
- b. Signs that are not clean i.e. are covered with materials that obscure the message, in whole or in part. Signs that are not in good repair, i.e. having broken foundation, base or support structures, lighting fixtures, etc., and/or having a faded appearance.
- c. Signs that are structurally unsafe and/or dangerous, i.e. in a state of disrepair or being designed and/or constructed so as to pose a likely threat of total or partial collapse. See *Section 5.101(5)* and *Section 5.101(6)*.
- d. Signs that are not securely affixed to a substantial structure that will hold the sign in a fixed position under normal weather conditions.
- e. Signs that are attached to any natural growth, such as trees, shrubs or other natural foliage.
- f. Signs, which by reason of their location, shape, size or color appear to regulate, warn or direct the movement of traffic on public thoroughfares or interfere with or resemble an official traffic sign, signal or device.
- g. Signs other than official utility company signs affixed to power utility poles or other utility structures or fixtures.

- h. Signs located so as to interfere with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads. (See *Section 5.62*.)
- i. Signs in public rights-of-way other than those allowed by the City Highway Banner Program and State of Michigan TODS program.
- j. External neon signs other than in the GC, CBD, or CH Districts.
- k. All types of flags, feathers, banners (except those authorized under *Section 5.101(2)(d)* and *Section 5.103(7)*), pennants, streamers and airborne devices attached to the ground or buildings ("Over Highway Banners" are allowed only by the City Highway Banner Program by permit from the City Manager and MDOT.)
- l. Billboard-highway advertising signs.
- m. Internally lighted signs.
- n. Off-premises signs.
- o. Roof signs.
- p. Signs containing an electronic sign face other than allowed by *Section 5.104(1)*.

(2) Signs Authorized Without a Sign Permit

The following signs are authorized in any district without a Sign Permit and are not included towards the maximum number of signs allowed on a parcel, but shall conform to the applicable requirements of this chapter and the applicable building codes.

- a. Signs posted on private property less than or equal to one (1) square foot in sign face area.
- b. Signs erected by, on behalf of, or pursuant to the authorization of a governmental body.
- c. Official signs erected by public utilities.
- d. Non-commercial flags or insignia.
- e. Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts or lights.
- f. Any sign located wholly within a building and not visible from outside the building.
- g. Window signs located on the interior of a building. Window signs located on the exterior of a building are considered wall signs and are subject to all applicable regulations.
- h. Public signs or signs sanctioned by a public body on public land are not subject to this chapter.

(3) Permit Required for Signs

- a. Except as otherwise provided in this chapter, no sign may be constructed, erected, moved, enlarged, illuminated or otherwise altered unless a sign permit has been issued in accordance with the provisions of this chapter. Repainting or changing the message of a sign shall not in and of itself be considered an alteration.

- b. Application for a sign permit shall be submitted to the zoning administrator on appropriate forms supplied by her/his office. Said application shall contain the following information:
 - i. Name, address, and telephone number of the applicant.
 - ii. Written permission of property owner on whose property the sign will be located (if the applicant is not the property owner).
 - iii. Type of sign as defined by this chapter.
 - iv. Scaled drawing showing sign size, height, type of support (if applicable), zoning district in which the sign will be located, location of sign on property including front and side yard setback distances and any other information required herein.
 - v. Street address of the property upon which the sign will be located.
 - vi. The name of the sign contractor, who shall erect the sign and/or sign structure.
- c. No permit shall be issued for the erection of any sign or signs until such sign(s) have been reviewed and approved by the zoning administrator and without first having paid a permit fee as established by the city council.
- d. Any person aggrieved by a decision of the zoning administrator may appeal that decision to the zoning board of appeals.

(4) Signs in Public Rights-of-Way

All signs in the US 31 and M 66 Highway Rights of Way are jointly regulated by the City of Charlevoix and Michigan Department of Transportation (MDOT) at locations approved by and installed in accord with the State of Michigan TODS program.

(5) Unsafe Signs

- a. No person, corporation, business organization or other legal entity shall own or maintain any sign or advertising device that is structurally unsafe. For purposes of this section, the term “structurally unsafe” shall mean being in a state of disrepair or being designed and/or constructed so as to pose a likely threat of a total or partial collapse.
- b. The zoning administrator and/or other officials designated by the zoning administrator shall have the right to inspect signs and advertising devices to determine whether they are structurally unsafe. The zoning administrator and/or other officials designated by the zoning administrator may exercise this right of inspection by consent of the owner of the sign or advertising device and the owner of the property on which the sign or advertising device is located or by administrative search warrant.
- c. If the zoning administrator finds that a sign or advertising device is structurally unsafe, he or she shall serve on the owner of the sign or advertising device and the owner of the property on which the sign or advertising device is located a written notice, which specifies all of the following:
 - i. The location of the sign or advertising device that is structurally unsafe.
 - ii. The nature of the unsafe condition.

- iii. The date, no less than twenty (20) days after the written notice was served, before which the owner of the sign or advertising device or the owner of the property on which the sign or advertising device is located shall remedy the unsafe condition.
- iv. A statement that if the owner of the sign or advertising device or the owner of the property on which the sign or advertising device is located fails to remedy the unsafe condition within the time specified in the written notice, the city may enter onto the property to remedy the unsafe condition and charge the costs of such action, including reasonable attorney fees, to the owner of the sign or advertising device and/or the owner of the property on which the sign or advertising device is located.
- v. A statement that the owner of the sign or advertising device and the owner of the property on which the sign or advertising device is located has the right before the expiration of the deadline contained in the written notice to request a hearing before the city council regarding whether the sign or advertising device is structurally unsafe.
- vi. The service required by this subsection shall be personal service or service by certified mail, restricted delivery, return receipt requested. For purposes of this section, the phrase “remedy the unsafe condition” shall mean repairing the sign or advertising device so that it does not pose a serious threat of a total or partial collapse or removing the sign or advertising device from the property.
- vii. If the owner of the sign or advertising device or the owner of the property on which the sign or advertising device is located requests a hearing before the city council as provided in this section, the city shall take no action to remedy the unsafe condition until, after notice and hearing, the city council finds that the sign or advertising device is structurally unsafe. A notice of the time, date and place of the hearing before the city council shall be served on the owner of the sign or advertising device and on the owner of the property on which the sign or advertising device is located no less than fourteen (14) days before the scheduled hearing. The service of this notice may be made by first class mail. The owner of the sign or advertising device or the owner of the property on which the sign or advertising device is located may appeal an adverse decision by city council to the circuit court as provided by law.
- viii. In exercising its right under this section to remedy the unsafe condition, either with or without a hearing before the city council, the city shall remove the sign or advertising device from the property if the repairs necessary to remedy the unsafe condition exceed fifty (50) percent of the value of the sign or advertising device.

- ix. The costs of remedying the unsafe condition shall be collected by the city from the owner of the sign or advertising device or the owner of the property on which the sign or advertising device is located.

(6) Nonconforming Signs

- a. Subject to the remaining restrictions of this Section, nonconforming signs that were otherwise lawful on the effective date of this chapter may be continued, repaired and maintained as is necessary to keep in a sound condition.
- b. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. In addition, no person may add illumination.
- c. A nonconforming sign may not be moved or replaced except to bring the sign into greater conformity with this chapter.
- d. If a nonconforming sign is destroyed to the extent it is impractical to be restored using a majority of its existing major components, it may not thereafter be repaired, reconstructed or replaced except in conformity with all the provisions of this chapter, and the remnants of the former sign structure shall be cleared from the land.
- e. The message of a nonconforming sign may be changed so long as this does not create any new non-conformity.

5.102. Sign Standards for All Signs

(1) Number and Placement Requirements

- a. For the purpose of determining the number of signs where graphic material is displayed in a random manner without an organized relationship of elements, each element shall be considered a single sign. A number of small signs randomly placed on a wall cannot be construed to be a single sign.
- b. No sign may extend above any parapet or be placed upon any roof surface, except that for purposes of this chapter, roof surfaces constructed at an angle of seventy-five (75) degrees or more from horizontal shall be regarded as wall space. This subsection shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of residential structures.

(2) Computation of Sign Face Area

- a. The sign face area of a sign shall be computed by including the entire area within a single, continuous perimeter of a circle, triangle, rectangle or parallelogram enclosing the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.
- b. If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign face area.

- c. Subject to the provisions of *Section 5.103 (3)* the sign face area of two-sided, multi-sided or three-dimensional signs shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point.

(3) Sign Height

- a. The height of a sign shall be measured vertically from the ground level to the top of the sign, unless otherwise specified.

(4) Illumination and Lighting

- a. All electrical wiring to a sign shall be placed underground when applicable.
- b. Signs must be lighted indirectly and not internally. Indirect lighting shall be directed either downward or upward onto the sign face and shielded so that it illuminates only the sign face and does not shine directly into a public right-of-way or residential premises.
- c. Signs may be illuminated using a high intensity reflective surface or lettering.
- d. No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity.
- e. External neon signs no larger than two (2) square feet in sign face area are allowed in the GC (General Commercial), CBD (Central Business District), and CH (Commercial Hospitality) zoning districts only.

(5) Sign Materials

- a. Signs shall be constructed of durable materials.
- b. Natural or natural-like materials are encouraged. Earth tone colors are to be encouraged.
- c. It is recommended that the sign be constructed of materials compatible with the existing structure.

5.103. Sign Standards for Specific Signs

(1) Ground Signs

- a. No part of a ground sign may exceed a height of sixteen (16) feet, measured from ground level.
- b. No part of a ground sign may be closer than four (4) feet to the right-of-way line.

(2) Two-sided Signs

- a. A two-sided or multi-sided sign shall be regarded as one (1) sign so long as the interior angle of a "V" type sign does not exceed thirty (30) degrees and the two (2) side are at no point separated by a distance that exceeds five (5) feet; and the distance between the backs of each face of a double-faced (back-to-back) sign does not exceed three (3) feet.

(3) Wall Signs

- a. No wall sign attached to a building may project more than twelve (12) inches from the building wall. In those instances where a wall sign is affixed to the wall

of the structure which lies on a right-of-way line, the bottom of the wall sign may be no closer than eight (8) feet from the ground. In all other instances, see *Section 5.115* for height requirements.

(4) Projecting Signs

- a. Projecting signs located above a public right-of-way shall be located at least nine (9) feet from ground level, measured vertically from ground level to the bottom of the sign.
- b. Projecting signs located above an alley shall be located at least sixteen (16) feet above ground level, measured vertically from ground level to the bottom of the sign.
- c. No part of a projecting sign may extend more than eight (8) feet over private property or a public right-of-way.

(5) Awning, Canopy, Marquee Signs

- a. Except for awning, canopy, and marquee signs hanging entirely over private property, no part of an awning sign may be closer than eight (8) feet from ground level.

(6) Temporary Banner Signs

- a. Temporary banners in conjunction with a one-time event are only allowed in two (2) specific locations within the city, adjacent to the city golf course and near the intersection of M-66 and US-31. Banners do not require a sign permit and may only be placed in those locations, by non-profit or for-profit businesses or entities, after the Zoning Administrator determines that these events will provide a substantial benefit to the City of Charlevoix and the event will not create any unfair competition among local businesses. Temporary banners may be erected not more than two (2) weeks before the event and must be removed within two (2) days after the event.

(7) Flags

- a. Commercial flags shall be a maximum of fifteen (15) square feet and shall be located as to not interfere with pedestrian activity.

(8) Sandwich Board Signs

- a. Shall be not more than forty-eight (48) inches in height and thirty (30) inches in width, and cannot exceed six (6) square feet in sign face area;
- b. Shall be located on private property;
- c. Shall not block pedestrian access;
- d. Shall be constructed of durable materials and be clearly portable in terms of size, weight and placement; and
- e. Shall only be displayed between the hours of 7:00 a.m. and 12:00 a.m.
- f. Shall use chalkboards or whiteboards for their signage area.
- g. Shall not utilize changeable lettering for their messaging

5.104. Sign Standards for Specific Land Use

(1) Automobile Gasoline Service Stations

- a. In addition to the signs allowed by *Section 5.115*, automobile gasoline service stations, including any business selling gasoline, may display one (1) other sign with a sign face area not to exceed eighteen (18) square feet. For purposes of this subsection, the sign may be an electronic sign face. Signs on pump canopies may be considered secondary to a station's primary sign should the primary sign, for example be a ground sign. See *Section 5.105* for all dimensional requirements.
- b. On-premise signs displayed over individual entrances or service bays shall be permitted. Not more than one (1) such sign per bay shall be permitted and each sign shall not exceed four (4) square feet in total sign face area. See *Section 5.105* for all dimensional requirements.

(2) Major Home Occupations

- a. Major home occupations may have one (1) wall sign no larger than four (4) square feet. See *Section 5.105* for all dimensional requirements.

(3) Multi-tenant Business Center

- a. Notwithstanding the requirements of *Section 5.115* In the case of a shopping center or other integrated group of stores or commercial buildings, one (1) ground sign may be erected per street frontage. The maximum area for such a sign face shall be equal to twenty (20) square feet one of sign face area for each business, or sixty (60) square feet, whichever is less. See *Section 5.105* for all dimensional requirements.

5.105. Schedule of Regulations for Specific Land Use

Table 5.105 Schedule of Regulations for Specific Land Use

Land Use	Sign Type Allowed	Sign Face Area	Height	Number	Location	Permit Required?
Major Home Occupations	Wall	Max 4 sf	Max 8 ft	Max 1 per parcel	First floor of building	Yes
Business Center	Ground	See <i>Section 5.104(3)</i>	Max 16 ft	See <i>Section 5.104(3)</i>	Min set back 4 ft from ROW	Yes
Automobile Gasoline Service	Electronic	Max 18 sf	Max 16 ft	See <i>Section 5.104(1)</i>	Min set back 4 ft from ROW	Yes
	Service Bay	Max 4 sf	Min 8 ft Max 12 ft	Max 1 per service bay	See <i>Section 5.104 (1)</i>	Yes

5.106 R1, R2, R2A, R4, PC, and SR Zoning Districts

The following signs are authorized in the R1 (Residential Low Density), R2 (Residential Medium Density), R2A (Residential Medium Density – Multi Family), R4 (Residential Planned High Density), PC (Residential Private Clubs), and SR (Scenic Reserve) zoning districts. See *Section 5.115* for all dimensional requirements.

(1) Signs Not Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized without a sign permit:

- a. Signs authorized by *Section 5.101(2)*.
- b. Temporary signs less than or equal to eight (8) square feet in sign face area. Such signs shall be removed within seven (7) days after the activity referenced has concluded.

(2) Signs Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized after issuance of a sign permit:

- a. Temporary signs greater than eight (8) square feet in sign face area but not to exceed thirty-six (36) square feet and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after activity referenced has concluded.
- b. On-premise ground sign.

5.107 PUD Zoning District

The following signs are authorized in the PUD (Planned Unit Development) zoning district. See *Section 5.115* for all dimensional requirements.

(1) Signs Not Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized without a sign permit:

- a. Signs authorized by *Section 5.101(2)*.
- b. Temporary signs less than or equal to sixteen (16) square feet in sign face area. Such signs shall be removed within seven (7) days after the activity referenced has concluded.

(2) Signs Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized after issuance of a sign permit:

- a. Temporary signs greater than sixteen (16) square feet in sign face area but not to exceed 36 square feet and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after activity referenced has concluded.
- b. On-premise ground sign.
- c. On-premise projecting sign.
- d. On-premise wall sign.

(3) Mixed-use Planned Unit Development

- a. Except for the signs permitted under *Section 5.107*, no other signs are permitted in residential areas of a PUD zoning district, but are allowed in the commercial areas of a PUD zone district. See *Section 5.115* for all dimensional requirements.

5.108 PF Zoning District

The following signs are authorized in the PF (Public Facilities) zoning District. See *Section 5.115* for all dimensional requirements.

(1) Signs Not Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized without a sign permit:

- a. Signs authorized by *Section 5.101(2)*.
- b. Temporary signs less than or equal to sixteen (16) square feet in sign face area. Such signs shall be removed within seven (7) days after the activity referenced has concluded.
- c. Temporary Banners. See *Section 5.103(7)*.

(2) Signs Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized after issuance of a sign permit:

- a. Temporary signs greater than sixteen (16) square feet in sign face area but not to exceed 36 square feet and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after activity referenced has concluded.
- b. On-premise ground sign.
- c. On-premise wall sign.

5.109 GC Zoning District

The following signs are authorized in the GC (General Commercial) zoning district. See *Section 5.115* for all dimensional requirements.

(1) Signs Not Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized without a sign permit:

- a. Signs authorized by *Section 5.101(2)*.
- b. Temporary signs less than or equal to sixteen (16) square feet in sign face area. Such signs shall be removed within seven (7) days after the activity referenced has concluded.
- c. External neon signs no larger than two (2) square feet in sign face area.

(2) Signs Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized after issuance of a sign permit:

- a. Temporary signs greater than sixteen (16) square feet in sign face area but not to exceed 36 square feet and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after activity referenced has concluded.
- b. On-premise awning, canopy, or marquee sign.
- c. On-premise ground sign.
- d. On-premise projecting sign.
- e. On-premise wall sign.

5.110 CM Zoning District

The following signs are authorized in the CM (Commercial Mixed Use) zoning district. See *Section 5.115* for all dimensional requirements.

(1) Signs Not Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized without a sign permit:

- a. Signs authorized by *Section 5.101(2)*.
- b. Temporary signs less than or equal to sixteen (16) square feet in sign face area and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after the activity referenced has concluded.
- c. Portable signs. See *Section 5.103(8)*.

(2) Signs Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized after issuance of a sign permit:

- a. On-premise temporary ground signs greater than sixteen (16) square feet in sign face area but not to exceed 36 square feet and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after activity referenced has concluded.
- b. On-premise awning, canopy, or marquee sign.
- c. On-premise ground sign.
- d. On-premise projecting sign.

5.111 CBD Zoning District

The following signs are authorized in the CBD zoning districts. See *Section 5.115* for all dimensional requirements.

(1) Signs Not Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized without a sign permit:

- a. Signs authorized by *Section 5.101(2)*.
- b. Temporary signs less than or equal to sixteen (16) square feet in sign face area and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after the activity referenced has concluded.
- c. External neon signs no larger than two (2) square feet in sign face area.
- d. One (1) commercial flag per business. See *Section 5.103(7)*.
- e. Portable signs. See *Section 5.103(8)*.

(2) Signs Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized after issuance of a sign permit:

- a. Temporary signs greater than sixteen (16) square feet in sign face area but not to exceed 36 square feet and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after activity referenced has concluded.
- b. On-premise awning, canopy, marquee sign.
- c. On-premise ground sign.
- d. On-premise projecting sign.
- e. On-premise wall sign.

5.112 I Zoning District

The following signs are authorized in the I (Industrial) zoning district. See *Section 5.115* for all dimensional requirements.

(1) Signs Not Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized without a sign permit:

- a. Signs authorized by *Section 5.101(2)*.
- b. Temporary signs less than or equal to sixteen (16) square feet in sign face area and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after the activity referenced has concluded.
- c. Temporary Banners. See *Section 5.103(7)*.

(2) Signs Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized after issuance of a sign permit:

- a. Temporary signs greater than sixteen (16) square feet in sign face area but not to exceed 36 square feet and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after activity referenced has concluded.
- b. On-premise awning, canopy, marquee sign.
- c. On-premise ground sign.
- d. On-premise projecting sign.
- e. On-premise wall sign.

5.113 PO and MC Zoning Districts

The following signs are authorized in the PO (Professional Office) and MC (Marine Commercial) zoning districts. See *Section 5.115* for all dimensional requirements.

(1) Signs Not Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized without a sign permit:

- a. Signs authorized by *Section 5.101(2)*.
- b. Temporary signs less than or equal to sixteen (16) square feet in sign face area and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after the activity referenced has concluded.

(2) Signs Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized after issuance of a sign permit:

- a. Temporary signs greater than sixteen (16) square feet in sign face area but not to exceed 36 square feet and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after activity referenced has concluded.
- b. On-premise awning, canopy, marquee sign.
- c. On-premise ground sign.
- d. On-premise projecting sign.
- e. On-premise wall sign.

5.114 CH Zoning District

The following signs are authorized in the CH (Commercial Hospitality) district. See *Section 5.115* for all dimensional requirements.

(1) Signs Not Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized without a sign permit:

- a. Signs authorized by *Section 5.101(2)*.

- b. Temporary signs less than or equal to sixteen (16) square feet in sign face area and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after the activity referenced has concluded.

(2) Signs Requiring a Sign Permit. Subject to any other applicable requirements and permits, the following signs are authorized after issuance of a sign permit:

- a. Temporary signs greater than sixteen (16) square feet in sign face area but not to exceed 36 square feet and less than eight (8) feet in height. Such signs shall be removed within seven (7) days after activity referenced has concluded.
- b. On-premise ground sign.
- c. On-premise projecting sign.
- d. On-premise wall sign.

5.115 Schedule of Regulations

Table 5.115 Schedule of Regulations by Zoning District						
Zoning District	Sign Type	Max Sign Face Area	Max Height	Max. Number	Location	Permit Required?
R1, R2, R2A, R4, PC, SR	Temporary	Max 36 sf	Max 8 ft	1/public frontage	Min set back 4 ft from ROW	No – if sign face area less than/equal to 8 sf
	Ground	Max 16 sf	Max 16 ft	1/public frontage	Min set back 4 ft from ROW	Yes
PUD	Temporary	Max 36 sf	Max 8 ft	1/public frontage	Min set back 4 ft from ROW	No – if sign face area less than/equal to 16 sf
	Wall	Max 30 sf	Max 8 ft	1/parcel	First floor of building	Yes
	Ground	Max 16 sf	Max 16 ft	1/public frontage	Min set back 4 ft from ROW	Yes
	Projecting	Max 16 sf	Min 8 ft Max 12 ft	1/public frontage	Shall not be located in ROW	Yes
PF	Temporary Banner	Max 30 sf	Max 16 ft	n/a	US 31/M 66 intersection only. Shall not be located in ROW	No – Zoning Administrator approval is required
	Temporary	Max 36 sf	Max 8 ft	1/public frontage	Min set back 4 ft from ROW	No – if sign face area less than/equal to 16 sf
	Wall	Max 30 sf	Max 8 ft	1/parcel	First floor of building	Yes
	Ground	Max 16 sf	Max 16 ft	1/public frontage	Min set back 4 ft from ROW	Yes

Zoning	Sign Type	Max	Max	Max.	Location	Permit Required?
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District		Sign Face Area	Height	Number		
GC	Temporary	Max 36 sf	Max 8 ft	1/public frontage	Min set back 4 ft from ROW	No – if sign face area less than/equal to 8 sf
	Wall	Max 30 sf	Max 8 ft	1/parcel	First floor of building	Yes
	Awning, Canopy, Marquee	Max 16 sf	Max 8 ft	1/awning, canopy, or marquee	Shall not be located in ROW	Yes
	Ground	Max 20 sf	Max 16 ft	1/public frontage	Min set back 4 ft from ROW	Yes
	Projecting	Max 16 sf	Min 8 ft Max 12 ft	1/parcel	Shall not be located in ROW	Yes
	External Neon	Max 2 sf	Max 8 ft	1/business	n/a	No
CM	Temporary	Max 36 sf	Max 8 ft	1/public frontage	Min set back 4 ft from ROW	No – if sign face area less than/equal to 16 sf
	Portable	Max 6 sf	Max 4 ft	1/business	No	
	Awning, Canopy, Marquee	Max 16 sf	Max 8 ft	1/awning, canopy, or marquee	Shall not be located in ROW	Yes
	Ground	Max 16 sf	Max 16 ft	1/public frontage	Min set back 4 ft from ROW	Yes
	Projecting	Max 16 sf	Min 8 ft Max 12 ft	1/parcel	Shall not be located in ROW	Yes
CBD	Temporary	Max 36 sf	Max 8 ft	1/public frontage	Min set back 4 ft from ROW	No – if sign face area less than/equal to 16 sf
	Wall	Max 30 sf	Max 8 ft	1/parcel	First floor of building	Yes
	Portable	Max 6 sf	Max 4 ft	1/business	No	
	External Neon	Max 2 sf	Max 8 ft	1/business	n/a	No
	Commercial Flag	Max 15 sf	n/a	1/business	Shall not interfere with pedestrians	No
	Awning, Canopy, Marquee	Max 16 sf	Max 8 ft	1/awning, canopy, marquee	Shall not be located in ROW	Yes
	Ground	Max 16 sf	Max 16 ft	1/public frontage	Min set back 4 ft from ROW	Yes
	Projecting	Max 16 sf	Min 8 ft Max 12 ft	1/parcel	Shall not be located in ROW	Yes

Zoning District	Sign Type	Max Sign Face Area	Max Height	Max. Number	Location	Permit Required?
CBD Cont.	Awning, Canopy, Marquee	Max 16 sf	Max 8 ft	1/awning, canopy, marquee	Shall not be located in ROW	Yes
	Ground	Max 16 sf	Max 16 ft	1/public frontage	Min set back 4 ft from ROW	Yes
	Projecting	Max 16 sf	Min 8 ft Max 12 ft	1/parcel	Shall not be located in ROW	Yes
I	Temporary	Max 36 sf	Max 8 ft	1/public frontage	Min set back 4 ft from ROW	No – if sign face area less than/equal to 16 sf
	Temporary Banner	Max 30 sf	Max 16 ft	n/a	Adjacent to City Golf Course. Shall not be located in ROW	No – Zoning Administrator approval is required
	Wall	Max 30 sf	Max 8 ft	1/parcel	First floor of building	Yes
	Awning, Canopy, Marquee	Max 16 sf	Max 8 ft	1/awning, canopy, marquee	Shall not be located in ROW	Yes
	Ground	Max 16 sf	Max 16 ft	1/public frontage	Min set back 4 ft from ROW	Yes
	Projecting	Max 16 sf	Min 8 ft Max 12 ft	1/parcel	Shall not be located in ROW	Yes
PO, MC	Temporary	Max 36 sf	Max 8 ft	1/public frontage	Min set back 4 ft from ROW	No – if sign face area less than/equal to 16 sf
	Wall	Max 30 sf	Max 8 ft	1/parcel	First floor of building	Yes
	Awning, Canopy, Marquee	Max 16 sf	Max 8 ft	1/awning, canopy, marquee	Shall not be located in ROW	Yes
	Ground	Max 16 sf	Max 16 ft	1/public frontage	Min set back 4 ft from ROW	Yes
	Projecting	Max 16 sf	Min 8 ft Max 12 ft	1/parcel	Shall not be located in ROW	Yes
CH	Temporary	Max 36 sf	Max 8 ft	1/public frontage	Min set back 4 ft from ROW	No – if sign face area less than/equal to 16 sf
	Wall	Max 30 sf	Max 8 ft	1/parcel	First floor of building	Yes
	Ground	Max 20 sf	Max 16 ft	1/public frontage	Min set back 4 ft from ROW	Yes
	Projecting	Max 16 sf	Min 8 ft Max 12 ft	1/parcel	Shall not be located in ROW	Yes

5.116 Severability and Substitution Clause

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this code is declared invalid or unconstitutional, such invalidity shall not affect the validity or enforceability of the remaining portions of the code.

CITY OF CHARLEVOIX ZONING ORDINANCE PROPOSED NUISANCE ORDINANCE AMENDMENTS JANUARY 8, 2018 PUBLIC HEARING

Proposed ordinance language as follows:

- Language to be removed is shown in strikethrough text (~~text~~)
- Language to be added is shown in red text (text)

TITLE VI - HEALTH REGULATIONS CHAPTER 61 NUISANCES (Ord. No. 767, 09/15/14)

ARTICLE I. IN GENERAL

6.1. Purpose.

It is hereby found and declared that the purposes of this Article are to eliminate public nuisances within all areas of the City of Charlevoix for the protection of the health, safety, morals and general welfare of its residents; to preserve existing values of other properties within or adjacent to such areas and all other areas of the City; and to preserve the taxable value of the property within such areas and all other areas of the City. The purposes include regulating the maintenance and safety of certain buildings and structures for the benefit of the public health, safety, and welfare; to establish administrative requirements and prescribe procedures for the maintenance or demolition of certain buildings and structures; to establish remedies, provide for enforcement, and fix penalties for the violation of this ordinance.

6.2. Definitions. As used in this Article.

"Boat" means every description of watercraft used or capable of being used as a means of transportation on water, including personal watercraft and nonmotorized boats such as canoes, rowboats, and sailboats. Boat, however, does not include an air mattress, paddleboard, paddleboat, boogie board, or similar device used by one (1) or two (2) persons for floating or paddling.

"Building materials" mean lumber, bricks, concrete or cinder blocks, plumbing or heating materials, electrical wiring or equipment, shingles, mortar, concrete or cement, nails, screws, windows and window frames, molding, insulation, tyvec or any other materials used in construction of any structure.

"Dismantled" means the state of having a part or parts removed or missing that are integral to the operation of or required by any law or regulation to be present on a motor vehicle, boat, or other item to which it is normally attached.

"Dock" means a pier, platform, or other structure which, if fully operational, is designed to be extended from the shore over water.

"Dangerous Building Enforcing Agency" means the City, through the Zoning Administrator and/or such other official(s) or agency as may be designated by the City Council to enforce this ordinance. Such persons are authorized to seek advice from a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization.

"Dangerous Building Hearing Officer" or "Hearing Officer" means a person appointed by and serving at the pleasure of the City Mayor. The Dangerous Building Hearing Officer shall be a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the Dangerous Building Enforcing Agency, or a person whose advice is sought by the Enforcing Agency, shall not be appointed as Hearing Officer.

"Dangerous Sign or Advertising Device" means a sign or advertising device that is in such a state of disrepair or has such a design and/or construction flaw that it poses an imminent threat of total or partial collapse such that following the procedures of Section 5.111 Unsafe Signs of the Zoning Ordinance would result in substantial likelihood of injury to persons or property.

"Garbage" means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that relate to the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables.

"Hoist" means a mechanical device attached permanently or temporarily to the bottomland of a lake or river and used to raise or lift a boat out of the water for the purpose of preventing or restricting the motion of the boat.

"Inoperable" means incapable of being used for the purpose or purposes for which an item is designed or normally used, either physically or by operation of law, due to dismantling, disrepair, or the lack of a currently valid Michigan license or registration. In addition, the following items shall be deemed inoperable: any motor vehicle, trailer, recreational vehicle, or snowmobile which lacks functioning tires or treads that permit motion or movement. In addition, a boat shall be deemed inoperable if there are one or more holes in its hull, it lacks any parts necessary for normal use, or the engine does not start when provided fuel.

"Junk" means items or objects that are old, discarded, or not currently being used for the purpose or purposes for which they are designed or normally used, including but not limited to used or salvaged metals and their compounds or combination; used or salvaged rope; rubber; rotting wood; scrap iron; tires and snowmobile treads; parts for motor vehicles, boats, all terrain vehicles, recreational vehicles, snowmobiles, and/or trailers; inoperable or dismantled refrigerators, stoves, dishwashers, dryers, washing machines, and furniture; and inoperable or dismantled lawn mowers, weed trimmers, snow blowers, snow plows, tractors, and any other machinery used for excavation, maintenance, or snow removal.

"Liquid industrial wastes" means any liquid brine, by-product, industrial wastewater, leachate, off-specification commercial product, sludge, grease-trap clean-out residue, used oil, or other liquid waste produced by, incident to or resulting from industrial or commercial activity except any liquid brine normally used in oil or gas extraction on a site permitted by the Michigan Supervisor of Wells.

"Marine equipment" means any item used or intended for use in conjunction with boats or water related activities, including but not limited to swimming rafts, docks, hoists, dock supports, buoys, outboard motors, oars, boat trailers, sails, rope, masts, anchors, and any other stationary or movable structure intended to support a boat.

"Motor vehicle" means any wheeled vehicle which is self-propelled or intended to be self-propelled regardless of whether the vehicle is designed for off-road use or use on public streets. A motor vehicle includes, but is not limited to cars, trucks, all terrain vehicles, mopeds, motorcycles, scooters, dune buggies and golf carts.

"Person" means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

"Recreational Vehicle" means any motor vehicle or trailer capable of being self-propelled or towed that is equipped with living space, sleeping quarters, and associated amenities, including but not limited to motor homes, fifth wheel trailers, pop-up campers, caravans, camper vans, travel trailers, and truck campers.

"Rubbish" means hazardous or non-hazardous, non-putrescible solid wastes, including but not limited to combustible waste such as paper, cardboard, brush, bags, rags, and litter of any kind and non-combustible waste such as metal containers, glass, bedding, crockery, and demolished items, objects, or materials of any kind.

"Sealed container" means a covered, closable container which is fly-proof and watertight such as garbage cans with properly fitting tops or plastic garbage bags which have been closed or twisted shut.

"Snowmobile" means any motor-driven vehicle designed for travel primarily on snow or ice of a type that utilizes sled-type runners or skis, an endless belt tread, or any combination of these or other similar means of contact with the surface upon which it is operated, but is not a vehicle that must be registered under the Michigan vehicle code, being Act No. 300 of the Public Acts of 1949.

"Totally closed structure" means a building capable of being sealed on all sides such as a house, garage or storage shed with a roof, floor and walls or closable doors around its perimeter.

"Trailer" means any wheeled vehicle designed and normally towed behind a motor vehicle which is required to have a currently valid Michigan registration to be lawfully operated on a public highway.

"Vermin" means a noxious or objectionable animal, including but not limited to a mouse, rat, chipmunk, squirrel, skunk, raccoon, or porcupine.

6.3. Nuisances. The following are hereby declared to be nuisances:

- (1) The keeping or storage of building materials outside on private property unless there is in force a valid building permit from the County Building Department for construction on that property and the building materials are for use in such construction.
- (2) The keeping or storage of ashes, junk, garbage or rubbish outside of a totally enclosed structure on private property except in a sealed container designed for the purpose of holding such ashes, junk, garbage, or rubbish.

- (3) The placing of ashes, junk, garbage or rubbish on private property without the owner's permission or on public property. This provision applies regardless of whether the ashes, junk, garbage or rubbish is in a sealed container.
- (4) The keeping or storage of ashes, junk, garbage or rubbish on private property, including inside a building, in such a manner that the items, regardless of the method of containment, have become a breeding ground, food source or habitation of insects or vermin.
- (5) Intentional depositing of liquid petroleum crude oil, liquid petroleum crude oil by-products and derivatives or liquid industrial wastes on the ground.
- (6) A "dangerous building" as defined in MCL 125.539, as amended, or otherwise defined herein, which includes any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:
 - a. A door, aisle, passageway, stairway or other means of exit does not conform to the applicable Fire or Building Code.
 - b. A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Housing Law of Michigan, Public Act 167 of 1917, as amended, (MCL 125.401, *et seq.*), or the applicable Building Code for a new building or structure, purpose or location.
 - c. A part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property.
 - d. A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the Housing Law of Michigan, Public Act 167 of 1917, as amended, (MCL 125.401, *et seq.*), or the applicable Building Code.
 - e. The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
 - f. The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is used, or otherwise determined by the Enforcement Agency to be unsafe due to any of the following defects or because it is in any of the following conditions:
 - i. A structure, because of dilapidation, decay, damage, faulty construction, or otherwise which is unsanitary or unfit for human use;
 - ii. A structure or portion of a structure with significant decay or dilapidation due to neglect or deterioration that renders it unfit for its intended use, including damage to the roof or ceilings, walls or windows, or entrances;
 - iii. The building or structure, or a part of the building or structure, has light, air, or sanitation facilities which are inadequate to protect the health, safety, or general welfare of those who live or may live within;
 - iv. The building or structure, or a part of the building or structure, is hazardous to the safety, health, or general welfare of the people of the city by reason of inadequate maintenance, dilapidation, or abandonment;
 - v. The building or structure, or a part of the building or structure, has been damaged by fire, wind, flood, or by any other cause to such an extent as to be dangerous to the life, safety, health, or general welfare of the people living in the city;
 - vi. The building or structure, or a part of the building or structure, has become damaged to such an extent that the cost of repair to place it in a safe, sound, and sanitary condition exceeds the state equalized value of the building or structure of the structure, at the time when repairs are to be made.
 - g. The building or structure is damaged by fire, wind or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.
 - h. A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the health officer of the City or county determines is likely to cause sickness or disease, or is likely to injure the health, safety or general welfare of people living in the dwelling.
 - i. A building or structure is vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
 - j. A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease or rent with a real estate broker licensed under Article 25 of the Occupational Code, Public Act 299 of 1980, (MCL 339.2501, *et seq.*), or is not publicly offered for sale by the owner. This subdivision does not apply to either of the following:
 - i. A building or structure as to which the owner or agent does both of the following: (1) Notifies the City Police Department that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given by the owner or agent not more than 30 days after: the building or structure becomes unoccupied or the effective date of this Ordinance provision, whichever is latest in time; AND (2) Maintains the exterior of the building or structure and adjoining grounds in accordance with this ordinance and the Housing Law of Michigan, Public Act 167 1917, as amended, (MCL 125.401, *et seq.*), or the Building Code.
 - ii. A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the Police Department that the dwelling will remain unoccupied for a period of 180 consecutive days

or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the Police Department not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subparagraph, "secondary dwelling" means a dwelling such as a vacation home, hunting cabin or summer home, that is occupied by the owner or a member of the owner's family during part of year.

(7) Dangerous Signs.

- (8) Except as required by law, the distributing, placing, posting, or affixing of posters, notices, or handbills on private property without consent of the owner or occupant or in a public right-of-way; ~~provided, however, notices which do not cause a visual obstruction to traffic or pedestrians may be placed on public utility poles.~~
- (9) The existence of any pond, pool of water, or vessel holding stagnant water which serves as a breeding ground for insects.
- (10) The emission of fumes or gas in such quantities as to cause discomfort to a person of normal sensory acuity at an adjoining property or public place.
- (11) Any vehicle used for an illegal purpose.
- (12) Any use of public streets or public sidewalks, or both, which causes a crowd to gather and obstructs the free, lawful movement of people and vehicles along said streets and sidewalks.
- (13) Spitting on any sidewalk or on the floor or seat of any public carrier, or on the floor, wall, seat or equipment of any public place.
- (14) Keeping or housing any animals or domestic fowl within the city other than dogs, cats, birds or animals commonly classified as pets. For the purposes of this subsection the term "dog" shall include the male and female of the dog family or genus canis.
- (15) The keeping of any inoperable or dismantled icebox, refrigerator or similar airtight container having a door or access with a magnetic seal, snap latch or other locking device, in a place accessible by children without first removing the magnetic seal, snap latch or locking device or doors, or securely locking same.
- (16) Except as provided in subsections (16)(a) - (b), the keeping or storage of inoperable or dismantled motor vehicles, boats, all terrain vehicles, recreational vehicles, snowmobiles, and/or trailers outside of a totally enclosed structure on private property.
 - (a) An inoperable or dismantled motor vehicle, boat, all terrain vehicle, recreational vehicle, snowmobile, and/or trailer may be kept outside of a totally enclosed structure on private property for no more than fifteen (15) days for the purpose of being repaired or awaiting repairs. This subsection shall apply to individuals making the repairs and to gas and service stations engaged in the business of making repairs.
 - (b) An inoperable or dismantled motor vehicle, boat, all terrain vehicle, recreational vehicle, snowmobile, and/or trailer may be kept outside of a totally enclosed structure on private property for no more than fifteen (15) days for the purpose of being marketed for sale.
 - (c) For purposes of section 6.3(16)(a) & (b), a motor vehicle, boat, all terrain vehicle, recreational vehicle, snowmobile, and/or trailer that is possessed by a business which sells or repairs any of those items shall not be considered inoperable or dismantled solely because the item is unlicensed.
- (17) The keeping or storage of inoperable or dismantled marine equipment outside of a totally enclosed structure on private property.
- (18) Except as provided in subsection (18)(a), the existence of tanks, pumps lifts, jacks, air compressors or similar equipment outside of a totally enclosed structure.
 - (a) Service stations, repair shops, gas stations, construction companies, or similar businesses shall be allowed to store or keep tanks, pumps lifts, jacks, air compressors or similar equipment outside of a totally enclosed structure provided that any such item is in operable condition and is actively used for its intended purpose as part of the business.

6.4. Inspection.

City representatives shall have the duty and the right to inspect property or buildings to determine violations of or compliance with this Article. City representatives may exercise this right of inspection by consent of the person having the possession of the property or building or by an administrative search warrant issued by a court of competent jurisdiction.

6.5. Prohibition.

No person shall commit, create, or maintain any nuisance. No person shall knowingly permit the existence of a nuisance on the property owned or possessed by such person. It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous building as defined in Section 6.3(6).

6.6. Industrial Usage.

The storage or keeping of salvageable metal or wood shall not be prohibited on property on which is located a factory engaged in manufacturing, assembling or machining as long as the salvageable metal or wood is for resale or reuse by the occupant of the property.

6.7. Separate Court Action, Nuisance Per Se.

Nothing in this Ordinance shall prohibit the City or any interested party from seeking such other relief as may be permitted in law or in equity regarding the existence of a nuisance. A violation of this Article is deemed to be a nuisance per se.

6.8. Notice of Dangerous Building; Hearing; Order.

The provisions of this Section are intended to be consistent with the Housing Law of Michigan, MCL 125. 521 *et seq*, and shall be interpreted accordingly.

- (1) **Notice Requirement.** Notwithstanding any other provision of this ordinance, if a building or structure is found to be a dangerous building as defined in Section 6.3(6) of this Ordinance, the Dangerous Building Enforcing Agency may issue a notice that the building or structure is a dangerous building. The notice shall state the grounds for the Enforcing Agency's determination that the building or structure is a dangerous building.
- (2) **Parties Entitled to Notice.** The notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records of the City.
- (3) **Contents of Notice.** The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building and state that the person to whom the notice is directed shall have the opportunity at the hearing to show cause why the Hearing Officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.
- (4) **Service of Notice.** The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served upon a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least 10 days before the date of the hearing included in the notice.

6.9. Dangerous Building Hearing Officer; Duties; Hearing; Order.

- (1) **Filing Dangerous Building Notice with Hearing Officer.** The Dangerous Building Enforcing Agency shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.
- (2) **Hearing Testimony and Decision.** At the hearing, the Hearing Officer shall take testimony of the Dangerous Building Enforcing Agency, the owner of the property, and any interested party. Not more than five days after completion of the hearing, the Hearing Officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained, and where applicable shall fix a time for the owner, agent, or lessee to comply with the order. The Hearing Officer shall make factual findings supporting its conclusions.
- (3) **Noncompliance with Hearing Officer Order/Request to Enforce Order.** If the owner, agent or lessee fails to appear or neglects or refuses to comply with the Hearing Officer order, the Hearing Officer shall file a report of the findings and a copy of the order with the City Council not more than five days after noncompliance by the owner and request that necessary action be taken to enforce the order. A copy of the findings and order of the Hearing Officer shall be served on the owner, agent or lessee in the manner prescribed in Section 6.8(D) of this Article.

6.10. Abatement of Dangerous Signs

- (1) To protect the health, safety and general welfare of the inhabitants of the City of Charlevoix, the hearing officer is hereby authorized and empowered to order city officials to enter onto private property to remove, repair or otherwise make safe any dangerous sign or advertising device without notice to the owner of the sign or advertising device or the owner of the property on which the sign or advertising device is located.
- (2) If the hearing officer exercises the authority granted in Section 6.10(1) above, he or she shall cause a written notice of such action to be served on the entity who benefits from the sign or advertising device and on the owner of the property on which the sign or advertising device is located as soon as possible after the action is taken. The service required by this subsection shall be by personal service or by first class mail. Service shall be deemed completed when the notice is mailed. Acceptance of the certified mail is not required.

- (3) The costs incurred by the city in removing, repairing or otherwise making a dangerous sign or advertising device safe under this section, including reasonable attorney fees, may be collected in a lawsuit against the owner of the sign or advertising device or the owner of the property on which the a sign or advertising device is located.

6.11. Enforcement Hearing Before the City Council.

The City Council shall fix a date not less than 30 days after it receives the request for action and shall give notice to the owner, agent or lessee in the manner prescribed in Section 6.8(D) of this Article of the time and place of the hearing. At the hearing, the owner, agent or lessee shall be given the opportunity to show cause why the order should not be enforced. The City Council shall either approve, disapprove or modify the order. If the City Council approves or modifies the order, the City Council shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent or lessee shall comply with the order within 60 days after the date of the hearing under this section. In the case of an order of demolition, if the City Council determines that the building or structure has been substantially destroyed by fire, wind, flood or other natural disaster and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this section.

6.12. Implementation and Enforcement.

- (1) **Implementation of Order by City.** In the event of the failure or refusal of the owner or party in interest to comply with the decision of the City Council as applicable, the City Council may, in its discretion, contract for the demolition, making safe or maintaining the exterior of the building or structure or grounds adjoining the building or structure.
- (2) **Reimbursement of Costs.** The costs of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, incurred by the City to bring the property into conformance with this ordinance shall be reimbursed to the City by the owner or party in interest in whose name the property appears. The **cost** of demolition includes, but is not limited to, fees paid to hearing officers, **costs** of title searches or commitments used to determine the parties in interest, recording fees for notices and liens filed with the county register of deeds, demolition and dumping charges, court reporter attendance fees, and **costs** of the collection of the charges authorized under MCL 125.541.
- (3) **Notice of Costs.** The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the City assessor of the amount of the costs of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, by first class mail at the address shown on the City records.
- (4) **Lien for Unpaid Costs.** If the owner or party in interest fails to pay the costs within 30 days after mailing by the assessor of the notice of the amount of the cost, in the case of a dwelling, the City shall have a lien for the costs incurred by the City to bring the property into conformance with this ordinance. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Public Act 206 of 1893, as amended, (MCL 211.1, *et seq.*).
- (5) **Court Judgment for Unpaid Costs.** In addition to other remedies under this ordinance, the City may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. A judgment in an action brought pursuant to this Article may be enforced against assets of the owner other than the building or structure. The City shall have a **lien** on the property for the amount of a judgment obtained under this subsection. The **lien** provided for in this subsection shall not take effect until notice of the **lien** is filed or recorded as provided by law. The **lien** does not have priority over prior filed or recorded **liens** and encumbrances.

ARTICLE II. NOISE CONTROL

6.20. Excessive noise declared nuisance.

All loud or unusual noises or sounds and annoying vibrations which offend the peace and quiet of persons of ordinary sensibilities are hereby declared to be public nuisances.

6.21. Specific offenses.

Each of the following acts is declared unlawful and prohibited, but this enumeration shall not be deemed to be exclusive, namely:

- (1) **Animal and Bird Noises.** The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person.
- (2) **Construction Noises.** The erection (including excavating therefor), demolition, alteration or repair of any building, and the excavation of streets and highways, on Sundays, and other days, except between the hours of 7 o'clock A. M. and 6 o'clock P.M., unless a permit be first obtained from the City Manager.

- (3) *Sound Amplifiers.* Use of any loud speaker, amplifier or other instrument or device, whether stationary or mounted on a vehicle for any purpose except one which is non-commercial in character and when so used shall be subject to the following restrictions:
- (a) The only sounds permitted are music or human speech.
 - (b) Operations are permitted for four (4) hours each day, except on Sundays and legal holidays when no operations shall be authorized. The permitted four (4) hours of operation shall be as designated by the Chief of Police.
 - (c) Sound amplifying equipment mounted on vehicles shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when said truck is stopped or impeded by traffic.
 - (d) Sound shall not be issued within one hundred (100) yards of hospitals, schools or churches.
 - (e) The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred (100) feet from the sound amplifying equipment and so that the volume is not unreasonably loud, raucous, jarring, disturbing, or a nuisance to persons within the area of audibility.
- (4) *Engine Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which effectively prevents loud or explosive noises therefrom.
- (5) *Handling Merchandise.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (6) *Blowers.* The discharge into the open air of noise from a compressor, blower or power fan unless the noise from such compressor, blower or fan is muffled sufficiently to deaden such noise.
- (7) *Hawking.* The hawking of goods, merchandise, or newspapers in a loud and boisterous manner.
- (8) *Horns and Signal Devices.* The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or to give warning of intent to get under motion, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- (9) *Radio and Musical Instruments.* The playing of any radio, television set, phonograph, or any musical instrument in such a manner or with such volume, particularly during the hours between 11 o'clock P.M. and 7 o'clock A.M., or the making of any such noise at any time so as to annoy or disturb the quiet, comfort, or repose of persons in any school, place of worship, or office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.
- (10) *Shouting and Whistling.* Yelling, shouting, hooting, whistling, or singing or the making of any other loud noise on the public streets between the hours of 11 o'clock P.M. and 7 o'clock A.M., or the making of any such noise at any time so as to annoy or disturb the quiet, comfort, or repose of persons in any school, place of worship, or office, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.
- (11) *Whistle or Siren.* The blowing of any whistle or siren, except to give notice of the time to begin or stop work or as a warning of fire or danger.

6.22. Exceptions.

None of the terms or prohibitions of section 6.21 shall apply to or be enforced against:

- (1) *Emergency Vehicles.* Any police or fire vehicle or any ambulance, while engaged upon emergency business.
- (2) *Highway Maintenance and Construction.* Excavations or repairs of bridges, streets, or highways by or on behalf of the City or the State of Michigan, during the night, when the public safety, welfare, and convenience renders it impossible to perform such work during the day.

6.25—6.29 Repealed. (Ord. No. 658, 03-06-00).

ARTICLE III. VIOLATIONS

6.30. Violations.

A violation of Section 6.21(9) or Section 6.21(10) shall be a misdemeanor. A violation of any other provision of this Chapter, including failing or refusing to comply with an order approved or modified by the City under Article I, shall be a municipal civil infraction subject to a civil fine of not more than \$500.00 plus costs, which may include all direct or indirect expenses to which the City has spent in connection with the violation. Each day a violation of this Chapter continues to exist constitutes a separate violation.

(Ord. No. 658, §45, 03-06-00)

CITY OF CHARLEVOIX

New Business

TO: City of Charlevoix Planning Commission

FROM: Elise Crafts, Networks Northwest

SUBJECT: Set 2018 Meeting Schedule

DATE: January 8, 2018

BACKGROUND

The Planning Commission meets on the second Monday of every month. These dates in 2018 are as follows:

- January 8, 2018
- February 12, 2018
- March 12, 2018
- April 9, 2018
- May 14, 2018
- June 11, 2018
- July 9, 2018
- August 13, 2018
- September 10, 2018
- October 8, 2018
- November 12, 2018
- December 10, 2018

The Planning Commission may wish to keep the meeting at 7 p.m. or change the time to 6 p.m. (or other).

CITY OF CHARLEVOIX

New Business

TO: City of Charlevoix Planning Commission

FROM: Elise Crafts, Networks Northwest

SUBJECT: Selection of Officers

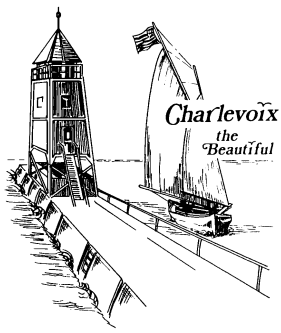
DATE: January 8, 2018

BACKGROUND

According to its bylaws, the Planning Commission shall select a Chair and Vice-Chair at the first regular meeting of each calendar year (Section 4.0).

ATTACHMENTS:

- ▣ Planning Commission Bylaws



CITY OF CHARLEVOIX
210 STATE ST. CHARLEVOIX, MICH. 49720

Planning Commission Bylaws

Adopted May 12, 2014

1.0 Purpose.

- 1.1 The name shall be the City of Charlevoix Planning Commission, hereafter known as the "Commission". The City of Charlevoix hereafter shall be known as the "City."
- 1.2 These Bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 *et seq.*), hereinafter "the Planning Act."
- 1.3 These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*), hereinafter "the Zoning Act."

2.0 Membership. Members of the Commission are appointed pursuant to Title I, Chapter 7, Article V of the City Code, entitled Planning Commission. (Ord. 751)

- 2.1 Each member shall represent and advocate what is best for the City as a whole, putting aside personal or special interests.
- 2.2 In an effort to establish a diverse Commission, the City shall make every effort to appoint members who represent important sectors of the community and economy consistent with the requirements of Title I, Chapter 7, Article V of the City Code.
- 2.3 Liaisons. The purpose of liaisons is to provide technical assistance and advice, participate in discussions with the Commission, and answer questions from the general public or the Commission. Liaisons may include Planning Department staff, City department heads, planning consultants, the City Attorney, surveyors, engineers, or other qualified consultants.
- 2.4 Attendance. A Commission member's absence from three consecutive regularly scheduled meetings shall be considered nonfeasance in office. Nonfeasance in office shall be grounds for the City Council to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Commission secretary, or acting secretary in the absence of the elected secretary, shall keep attendance records and shall notify the City Council whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the City Council can consider further action allowed under law or excuse the absences.

- 2.5 Training. Each member is encouraged to attend at least four hours per year of training in planning and zoning during the member's current term of office.
- 2.6 Incompatibility of Office.
- a.) Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
- (1) Issuing, deliberating on, voting on, or reviewing a case concerning the member, on land owned by the member, or if the case involves land adjacent to the members property.
 - (2) Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
 - (4) Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to the commissioner, or a friend or family member of the commissioner.
 - (5) Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parents in-law, grandparents in-law, or members of his or her household.
 - (6) Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is an applicant or agent for an applicant, or has a direct interest in the outcome.
- b.) If a question exists whether the circumstances actually present a conflict of interest, the Planning Commission member or zoning staff shall make a reasonable attempt to contact the city attorney prior to the Planning Commission meeting at which the matter that may give rise to the conflict of interest will be considered to obtain a legal opinion concerning whether a conflict of interest legally exists. If the Planning Commission member or zoning staff is not able to obtain a legal opinion from the city attorney then the Planning Commission may, by majority vote of the members present, adjourn the case to a specific time, date, and place in order to obtain a written opinion from the city attorney.
- c.) When a conflict of interest exists, the member of the Commission, or committee, shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:
- (1) declare a conflict exists at the next meeting of the Commission or committee:

- (2) cease to participate at the Commission or committee meetings, or in any other manner, or represent one's self before the Commission, its staff, or others, and
- (3) during deliberation of the agenda item before the Commission or committee, remove one's self from the front table where members of the Commission sit, until that agenda item is concluded.
- d.) If a member of the Commission is appointed to another office, which is an incompatible office with his or her membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.

3.0 Duties of all members.

3.1 *Ex Parte* contact

- a.) Members shall avoid *Ex Parte* contact about cases where an administrative decision is before the commission whenever possible.
- b.) Despite one's best efforts it is sometimes not possible to avoid *Ex Parte* contact. When that happens, the member should take detailed notes on what was said and report to the Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.

3.2 Site Inspections

- (a) Planning Commissioners are encouraged to do a site inspection prior to any public meetings or hearings where a decision may be made on a particular lot or parcel. Planning Commissions should visit the site by themselves and avoid contact with the applicants, property owners, and neighbors. If requested, members may visit the site with the Zoning Administrator or liaison.

3.3 Code of Conduct/Accepting gifts.

- a.) Each Planning Commissioner shall abide by the City of Charlevoix Code of Ethics and Conflict of Interest Policy. Gifts shall not be accepted by a member of the Commission or liaisons.

4.0 Officers

- 4.1 Selection: At the first regular meeting of each calendar year, the Commission shall select from its membership a Chair, and Vice-Chair. All officers are eligible for reelection. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice-Chair for the unexpired term.

- 4.2 Tenure. The Chair and Vice-Chair shall take office at the first regular meeting of the calendar year following their selection and shall hold office

for a term of one year or until their successors are selected and assume office.

- 4.3 Chair's Duties. The Chair retains his or her ability to discuss, make motions and vote on issues before the Commission. The Chair shall:
- a.) Preside at all meetings with all powers under parliamentary procedure;
 - b.) Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or other remarks which are not about the topic before the Commission;
 - c.) Call special meetings if deemed necessary;
 - d.) Review with the staff, prior to a Commission meeting, the items to be on the agenda if he or she so chooses;
 - e.) Periodically meet with the Planning Director and/or other Planning Department staff to review Planning Department operation, procedures, and to monitor progress on various projects.
 - f.) Chair or perform a major role in the interview and selection process for a Planning Director;
 - g.) Act as the Commission's and Planning Department's chief spokesman and lobbyist to represent the Commission at local, regional, and state government levels.
 - h.) Represent the Commission before the City of Charlevoix; and
 - i.) Perform such other duties as may be ordered by the Commission.
- 4.4 Vice-Chair's Duties. The Vice-Chair shall:
- a.) Act in the capacity of Chair, with all the powers and duties found in Section 4.3 of these Rules, in the Chair's absence;
 - b.) Perform such other duties as may be ordered by the Commission.
- 4.5 Recording Secretary's Duties. The Recording Secretary shall be the City staff designated by the Planning Commission to properly notice meetings, record the audio, and compose draft minutes.

5.0 Meetings

- 5.1 Regular meetings. Meetings of the Commission will be held the second Monday of every month at 7 p.m. at 210 State Street. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. An annual notice or regularly scheduled Commission meetings shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 *et seq.*)
- 5.2 Special Meetings. Special meetings shall be called by the Chair, by any two members of the Commission, or by the Chair at the request of any non-member of the commission. Special meetings shall be properly notice in accordance with the Open Meetings Act.
- 5.3 Quorum. More than half the total number of seats for members of the Commission, regardless if vacancies exist or not, shall constitute a

quorum for the transaction of business and the taking of official action for all matters before the Commission. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.

5.4 Motions.

- a.) Motions shall be restated by the Chair before a vote is taken.
- b.) Findings of Fact. All actions taken in an administrative capacity (including but not limited to, special use permits, subdivisions, zoning, site plan review, planned unit developments, review and submission on another municipality's proposed plan, review and submission on a capital improvement, review of township zoning) shall include each of the following parts.
 - (1) A finding of fact, listing what the Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements.
 - (2) Conclusions to list reasons based on the facts for the Commission's action, often directly related, or not, to a finding of compliance, or noncompliance, to standards.
 - (3) The Commission's action; recommendation or position, approval, approval with conditions, or disapproval.

5.5 Voting. Voting shall be by voice and shall be recorded as passing or failing. Roll call votes will be recorded only upon request by a member of the Commission and shall be recorded by "yes" or "no". Members must be present to cast a vote. Voting by proxy shall not occur. Except as provided herein, the affirmative vote of a majority of those present shall be necessary for the adoption of motions. The affirmative vote of a majority of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.

5.6 Parliamentary Procedure. Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by *Roberts Rules of Order Newly Revised*, (10th Edition, Perseus Publishing, New York, 2000 (ISBN 0-7382-037-6)) for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than *Robert's Rules of Order*, then these Bylaws control.

5.7 Public Participation. All regular and special meetings, hearings, records, and accounts shall be open to the public.

- a.) All public comments not specifically related to agenda items shall be provided at the beginning of the meeting in accordance with the agenda. Public comments on specific agenda items shall be called for at the appropriate time by the Chair.
- b.) The Chair may limit the amount of time allowed for each person wishing to make public comment at a Commission meeting. The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to

make public comment at the Commission meeting without time limit or an extended time limit.

5.8 Order of Business. Agenda. The Recording Secretary, or designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:

- a.) Call to order and Pledge of Allegiance.
- b.) Roll call.
- c.) Inquiry into potential conflicts of interest.
- d.) Approval of agenda.
- e.) Approval of the minutes.
- f.) Call for public comment not related to agenda items.
- g.) New business
- h.) Old business
- i.) Staff updates/Planning Commission general comments/Request for research items.
- j.) Requests for future agenda items, research, or miscellaneous business.
- k.) Adjournment.

5.9 Placement of Items on the Agenda.

- a.) The City Planning Director/Zoning Administrator or City Manager may place items on the agenda with approval from the Chair.
- b.) The Chair, Vice-Chair, any member of the Commission may request specific items be placed on the agenda.
- c.) Any member of the public may request items be placed on the agenda, with prior approval from the Planning Commission Chair.

5.10 Minutes and Record. The Commission Secretary shall keep, or cause to be kept, a record of Commission meetings, which shall at a minimum include an indication of the following:

- a.) Copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, M.C.L. 15.261 *et seq.*)
- b.) Copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence.

5.11 Retention. Commission records shall be preserved and kept on file in accordance with the State of Michigan

6.0 Committees

6.1 The Planning Commission may establish executive, ad-hoc, or citizen committees to assist the Commission in research, creation of neighborhood plans, to increase public involvement, or other specific purposes. Any committee established by the Commission may include not more than three Planning Commissioners. All committees are considered advisory and shall be required to follow the State of Michigan Open Meetings act.

7.0 Mileage and Per Diem

7.1 If requested, mileage shall be paid to members of the Commission at rates established by the City of Charlevoix for attending Commission meetings and other authorized meetings and trips to represent the City of

Charlevoix. City Council may establish a per diem rate for Commissioners. Commissioners may be reimbursed for travel expenses to attend training sessions or conferences with prior authorization from the City Planner/Zoning Administrator.

8.0 Hearings

- 8.1 Plan Hearings. Before the adoption of any part of a plan, as defined in the Planning Act, or any amendment to a plan, or recommending approval of an amendment to the City Council, the Commission shall hold at least one public hearing on the matter. Notice of the time and place of the hearing shall be given, not less than 15 days prior to such hearing, by at least one publication in a newspaper of general circulation within the city.
- 8.2 Any other hearings required by the Zoning Ordinance or special hearings requested by the Planning Commission shall be properly noticed in accordance with the City Zoning Ordinance, the Zoning Enabling Act, or Open Meetings Act.

9.0 Planning Commission Responsibilities

- 9.1 Planning Commission responsibilities and duties shall include all those delegated to the Commission by the Planning Enabling Act, the Zoning Enabling Act, the Land Division Act, Condominium Act and the City of Charlevoix Zoning Ordinance. Examples include but are not limited to:
 - a) Adoption and amendment to the City Master Plan and Parks and Recreation Master Plan.
 - b) Review of adjacent, or contiguous, local government plans from surrounding townships or Charlevoix County.
 - c) Review of the annual Capital Improvement Plan (CIP) and subsequent recommendation to City Council.
 - d) Review of new capital improvement projects not included in the annual CIP as defined by the adopted Capital Improvement Review Policy. (Resolution 2013-10-02 adopted on October, 21 2013)
 - e) Recommendations to City Council on zoning map and text amendments, Level B Site Plan Reviews, PUDs, and Site Condominiums.
 - f) Review and decision on Special Use Permit applications.
- 9.2 The Planning Commission may make other decisions or recommendations pertaining to land use if requested by City Council or the general public.
- 9.3 All powers of the zoning commission have been transferred to this Commission, pursuant to M.C.L. 125.3301 of the Zoning Act.

10.0 Adoption, Repeal, Amendments

- 10.1 Upon adoption of these Bylaws of May 12, 2014, they shall become effective and all previous Bylaws, shall be repealed.
- 10.2 The Commission may suspend any one of these Bylaws, for a duration of not more than one agenda item or meeting.
- 10.3 These Bylaws may be added to, amended or repealed in whole or in part. Proposed changes to these Bylaws must be submitted in writing to the members of the Planning Commission at least one (1) month in advance of the meeting at which the proposed changes will be considered. A majority vote of the entire Planning Commission members, regardless of

any vacancies, shall be required to amend these Bylaws. OR A vote of two-thirds (2/3) of the Planning Commission members present shall be required to amend these Bylaws.

CITY OF CHARLEVOIX

New Business

TO:

FROM:

SUBJECT: Request to Review Boarding House and Shuffleboard

DATE: January 8, 2018

ATTACHMENTS:

▣ Letter from City Manager



December 11, 2017

Mr. Sherm Chamberlain, Chair
Charlevoix Planning Commission

Dear Mr. Chamberlain:

Recently, the Planning Commission and City Council approved a Special Use and Site Plan approvals for a proposed boarding house on Petoskey Avenue. In the Council's consideration of this, they questioned why the Zoning Code required a full-scale parking lot with a curb for this kind of use and whether this was in keeping with the neighborhood. They also questioned whether this was practical for storm water runoff, snow plowing, and general use of the premises. As we seek to create a more walkable and bike friendly community, are outdated expectations of everyone owning a car still valid today?

Furthermore, with the advent of the short-term rental ordinance making it relatively easy for homes to be used for lodging, should we consider why a home must go through a more arduous process for a boarding house? It is the opinion of Council that we should encourage a variety of housing types from single room rentals (about which action has already been taken) to small homes to multi-family units and ADUs. Housing is a major concern in our community and the Council believes we should make it easier for a variety of housing types to be created in our community.

The City Council requested I share their feelings with the Planning Commission and encourage you to review these requirements. The Council would welcome the opportunity to review changes you might propose for the Zoning Code on these matters.

My secondary reason for writing you is regarding the Planning Commission's role as reviewer of proposed donations. I have a donor who has expressed interest in bringing shuffleboard courts back to downtown Charlevoix. However, it is the donor's strong desire that any plan to do so be a consensus decision for the community. Before the donor moves forward, they would like to know if the Planning Commission would be a welcomed re-addition to our downtown or if the time is not right to explore this. Would you consider adding this to your next agenda for discussion? I can then share the Commission's feelings with the donor.

Should you or the Commission have questions or concerns, please do not hesitate to contact me. I appreciate your ongoing work to improve the Charlevoix community.

Regards,
THE CITY OF CHARLEVOIX

Mark L. Heydlauff
City Manager