



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

PLANNING COMMISSION PUBLIC MEETING AGENDA

Created: May 4, 2017 Posted May 5, 2017 at 12:00 PM

MONDAY, June 12, 2017 at 7:00 P.M. in the City Council Chambers.

- 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 May 8, 2017 MINUTES
- F) CALL FOR PUBLIC COMMENT NOT RELATED TO AGENDA ITEMS
- G) NEW BUSINESS
 - 1. Short Term Rental Ordinance.
 - a. Staff presentation.
 - b. Planning Commission discussion.
 - c. Motion
 - 2. Short Term Rental Legislation (attached)
 - a. Staff presentation.
 - b. Planning Commission discussion.
 - c. Motion
- H) OLD BUSINESS
 - 1. Zoning Code Review.
 - a. Staff presentation.
 - b. Planning Commission discussion. 2
- I) STAFF UPDATES
- J) REQUESTS FOR NEXT MONTHS AGENDA OR RESEARCH ITEMS.
- K) ADJOURNMENT

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CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, May 8, 2017 - 7:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

A. Call to Order

The meeting was called to order at 7:00 p.m. by Chair Chamberlain.

B. Roll Call

Chair: Sherm Chamberlain

Members Present: Judy Clock, John Elzinga, Mary Eveleigh, Toni Felter, Nelson Fletcher, Rick Golding, RJ Waddell

Members Absent: Dennis Halverson

City Staff: Elise Crafts, Regional Planner Networks Northwest; Interim City Planner Zach Panoff

C. Inquiry Into Potential Conflicts of Interest

None.

D. Approval of Agenda

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

E. Approval of April 10, 2017 Minutes

Motion by Member Waddell, second by Member Felter, to approve the April 10, 2017 minutes as presented. Motion passed by unanimous voice vote.

F. Call for Public Comment not Related to Agenda Items

Annette Kuttbauer, 318 Antrim, stated that there needs to be a railing on the steps going down to Lake Michigan Beach. She suggested also having handicap parking spaces closer to the steps.

G. New Business

1. Consideration of East Park Planter Planning, Material and Work Donation from Site Planning Development

a. Staff Presentation

John Campbell reviewed a presentation of existing plantings in East Park near the bandshell and the proposed design to remove the existing perennials and replace with annuals. He explained that the proposal went through the DDA Design Committee and the DDA Board. He stated that they have done fundraising efforts through the Main Street Program and there was no cost to the City.

b. Applicant Presentation (if requested)

None.

c. Call for Public Comments

None.

d. Planning Commission Discussion

None.

e. Motion

Motion by Member Waddell, second by Member Wertz, to send this on to the City Council as the Planning Commission has reviewed the Plan and approved the donation. Motion passed by unanimous voice vote.

2. Solid Waste Ordinance Ad Hoc Committee

a. Staff Presentation

Regional Planner Elise Crafts stated that several issues in the City's solid waste ordinance were identified and it was decided to form a Solid Waste Ordinance Ad Hoc Committee, appointing two Planning Commission members.

b. Call for Public Comments

None.

d. Planning Commission Discussion

Discussion held to determine who would be available to serve on the committee.

e. Motion

Motion by Member Waddell, second by Member Golding, to appoint Judy Clock and Nelson Fletcher to the Solid Waste Ordinance Ad Hoc Committee. Motion passed by unanimous voice vote.

H. Old Business

1. Zoning Code Review

a. Staff Presentation

The Commission agreed with the recommended definition for adjoining: "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 rights-of-way, or inland lakes and streams as defined by the Natural Resources and Environmental Protect Act 451 of 1994."

Regional Planner Crafts referenced HUD's definition for manufactured home, which read: "A structure (formally 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 transported in one or more sections on a permanent chassis." Member Fletcher explained the differences between a State and a HUD approved manufactured home. Regional Planner Crafts recommended referencing the federal Act (HUD Code) for manufactured homes in the Zoning Ordinance. She indicated that she would amend that definition to reflect State legislation and she will review Section 5.47 of the Zoning Ordinance.

Regional Planner Crafts referenced Article 11 of the Zoning Ordinance related to Signs. She cited the Town of Gilbert lawsuit that resulted in a mandate that all sign ordinances must be content neutral. She stated that the rule of thumb going forward is "if you have to read the sign it's not content neutral". She referenced a template for a sign ordinance included in the agenda packet and it was clear that the City's ordinance goes too far and the template was too bare. She also referenced an article entitled *Drafting and Enforcing Sign Codes after Reed v Town of Gilbert*. Regional Planner Crafts stated she will draft an ordinance and bring it back to the Commission for further review.

b. Planning Commission Discussion

None.

2. Update on Short Term Rental Subcommittee

a. Summary of May 8th Meeting

Member Waddell stated that they were going ahead with the short-term rental registration form and Good Visitor Guide. He stated that their goal was to implement the registration process in 2018 with a draft to the Commission during the summer and then City Council in the fall. He noted that both the State House and Senate proposed bills to eliminate all short-term rental regulations. Chair Chamberlain questioned if it would be possible to have the City Council pass a resolution or write a letter to our State Senator and State Representative opposing any legislation that would deregulate short-term rentals. Interim Planner Panoff responded that he would speak to the City Manager. Member Golding noted that they plan to have a draft ordinance ready for the next Planning Commission meeting.

b. Planning Commission Discussion.

Discussion followed regarding methods to notify their legislative representatives.

I. Staff Updates

Interim Planner Panoff stated that he submitted his notice of resignation effective June 2.

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

Member Waddell asked Interim Planner Panoff to include a list of the other sections of the Zoning Code that the Commission discussed in the past that needed revisions.

K. Adjournment

Motion by Member Golding to adjourn the meeting. Motion passed by unanimous voice vote. Meeting adjourned at 8:18 p.m.

MEMO

June 8, 2017

To: Charlevoix Planning Commission
From: Sarah Lucas, Director of Community Development
Re: Short Term Rental Options

The City of Charlevoix's rental subcommittee has developed a draft short-term rental ordinance for the Planning Commission's review and discussion. As currently written, the draft ordinance would:

- Propose new and/or modified definitions of relevant terms
- Require registration of short-term rentals that are rented two or more weeks per year
- Require owners/agents of short-term rentals to provide basic information about the rental unit
- Require relevant information, including a "good neighbor guide," to be posted/provided/visible to tenants and others
- Require compliance with relevant City codes, including safety, inspections, nuisance, and fireworks codes
- Propose procedures necessary for effective administration of the ordinance

The draft ordinance is presented primarily for discussion at the June 12 Planning Commission meeting. At the meeting, the Planning Commission can take actions including:

- Propose changes or additional language
- Forward to the City Council for a presentation and discussion
- Refer back to the Rental Subcommittee

If you have any questions prior to the June 12 Planning Commission meeting, please don't hesitate to contact me at 231-929-5034, or via email at sarahlucas@networksnorthwest.org.

DRAFT City of Charlevoix

Short-Term Rental Ordinance

Definitions

Bed and Breakfast. Any place of lodging that provides rooms for rent for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner or owner's representative at the time of rental, and in which a morning meal is served to guests.

Bedroom. A separate room or space with a door and a window, used or intended to be used specifically for sleeping purposes. The following spaces do not qualify as bedrooms: 1) kitchens; 2) dining areas; 3) gathering spaces such as family rooms, dens, or living rooms; and 4) attics or basements without egress meeting standards in applicable building, residential, and fire codes.

Dwelling Unit. A building or portion of a building, designed for use and occupancy by individuals, or one family, for living and sleeping purposes and with housekeeping facilities. A recreational vehicle, vehicle chassis or tent is not considered a dwelling.

(1) Dwelling, Multiple Family. A building containing three (3) or more dwelling units where each unit may have access to a common hallway, stairs or elevator, or where each unit may have individual access to a street or common courtyard.

(2) Dwelling, Single Family. (a) Detached. A single family dwelling unit that is separate and distinct from any other dwelling. A single family dwelling that does not share a party wall with any other dwelling is a detached single family dwelling. (b) Attached. A dwelling designed for occupancy by one (1) family in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separated from any other unit by one or more vertical common fire-resistant walls (also known as a townhouse or rowhouse).

(3) Dwelling, Two Family. A single family dwelling unit attached to one (1) other single family dwelling by a common wall (also known as a "duplex").

Good Visitor Guideline Materials. Materials prepared by the City's Planning and Zoning Department that include 1) a summary of the City's noise ordinance, fireworks ordinance, trash disposal ordinances, and applicable offenses against the public peace; 2) a reminder that the rental property is located in a residential neighborhood and that neighbors may not be vacationing; 3) information regarding amenities and regulations regarding pets; 4) parking rules and designated areas; 5) street address; 6) safety features; and 3) a statement informing the renters that neighboring property owners may contact the local agent and local police to report any issues relating to the property.

Local Agent. An individual designated to oversee the short-term rental of a dwelling unit in accordance with this article and to respond to calls from renters, concerned citizens, and representatives of the city. The local agent must be available to accept telephone calls on a 24 hour basis at all times that the short-term rental is rented and occupied. The local agent must have a key to the rental unit and be able to respond to the short-term rental within sixty (60) minutes to address issues or must have arranged for another person to address issues within the same timeframe.

Short-term rental. Any dwelling or condominium or portion thereof, that is available for use for a fee or other compensation for a term of less than 30 consecutive days, not including bed and breakfasts, hotel rooms, transitional housing operated by a non-profit entity, group homes such as nursing homes and adult foster care homes, and hospitals or other health care related facilities.

Motel/Hotel. A building or group of buildings on the same lot, containing sleeping or dwelling units in which lodging is provided for compensation on a transient basis. The term includes tourist cabins, motor courts, motor lodges and similar facilities.

Registration Required.

Registration Required. All dwelling units used for short-term rentals for a total of two (2) or more weeks per calendar year shall be registered with the City. The short-term rental of an unregistered dwelling unit for a total of two or more weeks during a calendar year is prohibited. Registration shall be issued by calendar year. All short-term rental registrations shall expire at the end of the calendar year and must be renewed each year.

Application. To register a dwelling unit used for short-term rentals, the property owner or agent of the owner shall:

- Provide and certify as true the following on a form provided by the City:
 - Name, address, and telephone number of the local agent for the dwelling unit
 - The street address of the dwelling unit, along with other identification if more than one dwelling unit has the same street address.
 - The number of bedrooms in each dwelling unit, and in the dwelling as a whole.
 - The number of weeks the dwelling unit is available for short term rental each calendar year.
 - A statement certifying that the property owner or a local agent will provide at least one copy of the City's good visitor guideline materials to the renters each time the dwelling unit is rented.
 - A statement indicating which year the dwelling unit was first used as a short-term rental, and for how many weeks it was rented in the previous calendar year.
 - Such other information as the City deems appropriate.
- Pay an administrative fee, as set by resolution of the City Council.

Short-term rental regulations.

Local agent required. All dwelling units used for short-term rentals shall have a designated local agent.

Contact information posted in window. A notice shall be posted in a prominent first-floor door or window of any dwelling unit used for short-term rentals stating (in at least 16-point type) the name of the local agent, a 24-hour telephone number with which the agent can be reached.

Compliance with codes. The dwelling unit must meet all applicable residential building, health department, nuisance, and safety codes.

Noise and nuisance. Noise during quiet hours must be limited to that which does not disturb the quiet, comfort or repose of a reasonable person of normal sensitivities. Quiet hours shall be from 11:00 PM to 7:00 AM. The City of Charlevoix Noise Control Ordinance shall also apply.

Fireworks. Fireworks of any kind are not allowed on rental property except in accordance with the City of Charlevoix Fireworks Ordinance.

Inspections and Conditions.

Upon written complaint, the zoning administrator may make periodic inspections of a short-term rental to ensure continuing compliance with the approval standards specified in this Ordinance. In addition, the zoning administrator may impose reasonable conditions on a registration issued under this Ordinance which are reasonably necessary to ensure compliance with the approval standards provided in this Ordinance.

Suspension or Revocation of Short Term Rental Registration.

Grounds for Suspension or Revocation. In addition to any other penalty authorized by law, a short term rental registration may be suspended or revoked if the Zoning Administrator finds by competent, material, and substantial evidence and after written notice of the charges to the owner and an opportunity to be heard, that the licensee or his or her agents or employees has or have violated, or failed to fulfill, the requirements of any of the following:

- Any provision of this Ordinance
- Article # of the City Code – Noise Control.
- Article # of the City Code – Controlled Substances
- Article # of the City Code – Fireworks
- Article # of the City Code – Solid Waste
- Any provision of the Zoning Ordinance or any permit or approval issued pursuant to the Zoning Ordinance.

Revocation Procedure. The written notice of the charges and the notice of the hearing shall be personally served on the owner or agent or served on the owner by certified mail, restricted delivery, no less than 21 days before the hearing before the Zoning Administrator.

- Upon a finding by the Zoning Administrator of a First violation within any twelve (12) month period, the short term rental registration may be suspended for up to thirty (30) days and during said time the premises shall not be utilized for a short term rental.
- Upon a finding by the Zoning Administrator of a Second violation within any twelve (12) month period, the short term rental registration shall be suspended for thirty (30) days and during said time the premises shall not be utilized for a short term rental.
- Upon a finding by the Zoning Administrator of a Third violation within any twelve (12) month period, the short term rental registration shall be revoked and the owner or local agent who had been issued the short term rental license shall not again be issued a short term rental registration for a period of twelve (12) months and during said time the premises shall not be utilized for a short term rental. Appeal from denial or suspension or revocation of a short term rental registration is allowed.

Appeals.

Appeal. Upon a determination by the zoning administrator that the registration of a dwelling unit is subject to revocation pursuant to subsection), the zoning administrator shall issue a notice to the owner and agent stating that the City intends to revoke the rental registration. The notice shall inform the owner and local agent of a right to a hearing to show cause as to why the registration should not be revoked. If a hearing is requested within 14 days of the service of the notice, the City shall schedule the hearing before the Zoning Board of Appeals and notify the owner and agent in writing of a time and place for that hearing. At the hearing, the owner and agent may present evidence that the requirements for revocation provided in subsection_ are not satisfied, or that the property owner and agent should not be held responsible for one or more of the three requisite violations due to extenuating circumstances. Extenuating circumstances may include circumstances that the owner or the owner's agent could not reasonably anticipate and prevent, and could not reasonably control.

MEMO

June 8, 2017

To: Charlevoix Planning Commission
From: Sarah Lucas, Director of Community Development
Re: SB 329 – Legislation Proposed for Local Control of Short-Term Rentals

Legislation is currently proposed in the Michigan State Senate that would restrict the ability of local governments to regulate short-term rentals. The bill is sponsored by Senator Dale Zorn, 17th District, and is currently in the Senate Local Government Committee. Because the City of Charlevoix is currently considering short-term rental regulations, Senate Bill 329 is attached for your reference, review, and discussion.

If you have any questions prior to the June 12 Planning Commission meeting, please don't hesitate to contact me at 231-929-5034, or via email at sarahlucas@networksnorthwest.org.

SENATE BILL No. 329

April 25, 2017, Introduced by Senator HUNE and referred to the Committee on Local Government.

A bill to amend 2006 PA 110, entitled
"Michigan zoning enabling act,"
(MCL 125.3101 to 125.3702) by adding section 206b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 206B. (1) FOR THE PURPOSES OF ZONING, ALL OF THE
2 FOLLOWING APPLY TO THE RENTAL OF A DWELLING, INCLUDING, BUT NOT
3 LIMITED TO, SHORT-TERM RENTAL:

4 (A) IT IS A RESIDENTIAL USE OF PROPERTY AND A PERMITTED USE IN
5 ALL RESIDENTIAL ZONES.

6 (B) IT IS NOT SUBJECT TO A SPECIAL USE OR CONDITIONAL USE
7 PERMIT OR PROCEDURE DIFFERENT FROM THOSE REQUIRED FOR OTHER
8 DWELLINGS IN THE SAME ZONE.

9 (C) IT IS NOT A COMMERCIAL USE OF PROPERTY.

10 (2) THIS SECTION DOES NOT PROHIBIT REGULATION APPLIED ON A
11 CONSISTENT BASIS TO RENTAL AND OWNER-OCCUPIED RESIDENCES FOR NOISE,

1 ADVERTISING, TRAFFIC, OR OTHER CONDITIONS.

2 (3) AS USED IN THIS SECTION, "SHORT-TERM RENTAL" MEANS THE
3 RENTAL OF ANY SINGLE-FAMILY RESIDENCE OR 1-TO-4-FAMILY HOUSE OR
4 DWELLING UNIT, OR ANY UNIT OR GROUP OF UNITS IN A CONDOMINIUM, FOR
5 TERMS OF LESS THAN 28 DAYS AT A TIME.

6 Enacting section 1. This amendatory act takes effect 90 days
7 after the date it is enacted into law.

MEMO

June 12, 2017

To: City of Charlevoix Planning Commission

From: Elise Crafts, Networks Northwest

Re: Signage Regulations

At the May 10, 2017 meeting, the Planning Commission directed Networks Northwest staff to research and provide recommendations regarding the following administrative changes and signage regulations. These are shown in the draft ordinance sections attached and summarized below:

List of Edits in City of Charlevoix Zoning Ordinance for discussion at June 12, 2017 meeting:

Article 2, 5.11 Definitions L-M

- Amended definition of **manufactured home** according to HUD definition.
- Amended definition of **mobile home** according to HUD definition.

Article 11 Signs

- Section 5.103 (1): Do temporary banners at the intersection of M-66 and US-31 require a sign permit?
- Section 5.103 (2): Is the Planning Commission comfortable with allowing temporary signs up to four square feet in sign face area and up to four feet in height in any district without a permit, so long as timing controls are in place before/after land use begins/concludes?
- Section 5.106: Needs to be regulated based on zoning district, not specific business (use). How do we balance the need for gas stations, for example, to have electronic signs, without opening that option to the entire zoning district (GC and MC) where gas stations are an allowed use? Same concern for home occupations within residential zoning districts, etc.
- Section 5.107: Should temporary sign sizes be regulated based on frontage widths or zoning districts? Should the maximum number of signs be accounted for in sum, or by each sign type, i.e. 2 temporary signs, 1 ground sign, etc.?
- Section 5.112: Added severability clause which protects valid signage regulations in the event of a lawsuit.

Documents Enclosed:

- Definitions page L-M (1 page)
- Current signage ordinance (14 pages)
- Proposed signage ordinance (10 pages)



- (4) **Street Side Lot Line.** A side lot line abutting a street on a corner lot.

Lot of Record. A parcel of land separately described on a plat, condominium document or metes and bounds description recorded in the office of the Charlevoix County Register of Deeds. When an owner has combined two or more lots into a single building site, or combined two (2) or more lots contained in any recorded plat, the combination of lots shall be deemed to be a single lot of record.

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 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 transported in one or more sections on a permanent chassis.

Manufactured Home Community. A property that has been planned, designed, improved and maintained for the placement of manufactured homes and permitted accessory uses.

Manufactured Home Site. A property within a manufactured home community designed to accommodate a single manufactured home.

Master Plan. A physical plan adopted by the planning commission and/or the city council, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and existing and future land use within the city, including any unit or part of the plan, and any amendment to the plan or parts thereof.

Minor Arterials. Streets whose primary function is to move traffic between principal arterials and local streets and between major parts of the city such as neighborhoods, employment and shopping. These provide important roadway links into the city and to major activity areas and are considered secondary gateways. Examples include Ferry and Belvedere Avenues, State Street and Division.

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.~~

Motel/Hotel. A building or group of buildings on the same lot, containing sleeping or dwelling units in which lodging is provided for compensation on a transient basis. The term includes tourist cabins, motor courts, motor lodges and similar facilities.

Motor Home. See *Recreational Vehicle*.

5.12. Definitions N – O

Nonconforming Structure. A building or any of its parts lawfully existing on the effective date of this ordinance or its subsequent amendment that does not conform to the current provisions of the district in which it is located.



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. Sign-Related Definitions

Awning. A permanent shelter constructed on a supporting framework, projecting from and supported by the exterior wall of a building.

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.

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

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

Billboard-Highway Advertising Sign. 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 ~~for advertising.~~ See "Off-Premises Sign."

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.

Business Center Sign. An on-premises sign ~~which identifies or gives direction 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."

Canopy (Building). A permanent rigid structure covered with fabric, metal, shingles or other material and supported by a building at one or more points.

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.

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

Construction Sign. An on-premises sign erected during a construction project which ~~identifies the project, the owner or the developer of the site, the architect, engineer, contractor and subcontractors working on the project, and any funding sources for the project, but which does not act to advertise a product or service.~~

Development Identification Sign. An on-premises sign that ~~contains the name of the development, neighborhood or residents residing on the premises where located.~~



Directional Sign. An on-premises sign which ~~directs visitors or customers to a particular land use on the premises where located.~~ See "On-Premises Sign."

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

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

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

Ground Sign. 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.

Home Occupation Sign. A non-illuminated, ~~on-premises sign announcing a home occupation or professional service.~~ See "On-Premises Sign."

Identification Sign. An on-premises sign that ~~identifies the type of business and contains the name and/or street address.~~

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

Informational Sign. ~~A non-advertising sign used to identify architectural features of a land use such as building entrances, drop boxes, restrooms, handicapped ramps and similar features.~~

Ingress-Egress Sign. ~~A directional sign located adjacent to the entrance or exit drives of a development to identify the points of vehicular ingress and egress.~~

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

Marquee. A permanent structure of rigid materials supported by and extending from, or above, the façade of a building

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

Non-Commercial Speech Sign. Legal speech, in written form, by an individual or group of individuals expressing thoughts, ideas, opinions, etc. to the public.

Off-Premises Sign. A sign which contains a message ~~related to a business or profession or to a commodity, service or activity sold or offered for sale~~ on property other than the premises where such sign is located.

On-Premises Sign. A sign which ~~contains a message related to a business or profession or to a commodity, service or activity sold or offered for sale~~ on the property where such sign is located.

Pennant. A small, often triangular, flag used in multiples as a device ~~to call attention to a land use or activity.~~

Political Sign. A sign relating to the election of a person to public office, to a political party or to a proposition to be voted on at a scheduled election.

Portable Sign. A freestanding sign ~~usually having a changeable message~~ that is not permanently anchored or secured to either a building or the ground.

Projecting Sign. 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.



Real Estate Development Sign. A sign placed on the premises of a subdivision or other real estate development to ~~indicate the proposed start of the development project or to inform the public that property within the development is available.~~

Real Estate Sign. A sign ~~containing the message that the real estate on which the sign is located (including buildings) is for sale, lease or rent, together with information identifying the owner or agent.~~

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

Sign. A structure, including its base, foundation and erection supports upon which is displayed ~~any words, letters, figures, emblems, symbols, designs or trademarks by which any message or image is afforded public visibility from outdoors on behalf of, or for the benefit of, any product, place, activity, individual, firm, corporation, institution, profession, association, business or organization.~~

Sign Face. That portion of a sign excluding its base, foundation and erection supports on which ~~identifications, descriptions, illustrations, displays or devices are placed pertaining to an idea, opinion, product, use, occupancy, function, service or activity.~~

Streamers. A long narrow wavy strip resembling or suggesting a banner floating in the wind.

Temporary Sign. A sign, banner or advertising display, with or without a structural frame, intended for a limited period of display, ~~including displays for holidays or public events.~~

~~**TOD Sign—TODS.** Michigan Tourist Oriented Directional Sign Program sign.~~

Wall Sign. 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.

Window Sign. A sign, picture, symbol or combination thereof ~~designed to communicate information about any idea, activity, business, commodity, event, sale or service~~ that is placed on a window pane or glass with the intent to be visible from the outdoors.

5.102. Prohibited Signs

ALL ZONE DISTRICTS: The following **signs** shall not be allowed in any district:

- (1) **Signs** that are not consistent with the standards of this chapter.
- (2) **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.
- (3) **Signs** that are not securely affixed to a substantial **structure** that will hold the **sign** in a fixed position under normal weather conditions.
- (4) **Signs** that are attached to any natural growth, such as **trees**, **shrubs** or other natural foliage.
- (5) **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.
- (6) **Signs** other than utility company **signs** affixed to power utility poles or other utility **structures** or fixtures.
- (7) **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 Corner Clearance.)



- (8) **Signs** in public rights-of-way other than those allowed by the City Highway Banner Program.
- (9) External neon **signs** other than in the GC, CBD, or MH Districts ~~where the wording specifically states "Open," "Closed," "Vacancy" or "No Vacancy."~~ These specific **signs** shall be no larger than two (2) square feet.
- (10) All types of **flags, feathers, banners** (except those authorized under *Section 5.104(8)*), **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.)
- (11) **Billboard-highway advertising signs.**
- (12) **Internally lighted signs.**
- (13) **Off-premises signs.**
- (14) **Roof signs.**
- (15) All types of signage on sidewalks, roads or ground.
- (16) **Sign** containing an **electronic sign face.**

5.103. Signs Excluded From Permits

The following **signs** are permitted in any district without a Sign Permit, but shall conform to the applicable requirements of this chapter and the applicable building codes.

- (1) One (1) ~~identification~~ **sign** not exceeding two-and-one-half (2.5) square feet in **sign face** area ~~used to identify a residential or non-commercial use.~~
- (2) **Signs** not exceeding two-and-one-half (2.5) square feet in **sign face** area on mailboxes or newspaper tubes, or posted on private property ~~relating to private parking or warning the public against trespassing or danger from animals.~~
- (3) **Signs** erected by, on behalf of, or pursuant to the authorization of a governmental body, including legal notices, ~~identification and informational signs, street signs, historical markers, traffic, regulatory and directional signs, public displays for holidays and public events.~~
- (4) Official **signs** ~~of a noncommercial nature~~ erected by public utilities.
- (5) **Flags** or insignia of any governmental or nonprofit organization ~~when not displayed in connection with a commercial promotion or as an advertising device.~~
- (6) 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.
- ~~(7) Signs directing and guiding traffic on private property that do not exceed four (4) square feet each and that bear no advertising matter.~~
- ~~(8);~~(7) **Informational signs** not exceeding one-and-one-half (1.5) square feet in **sign face** area.
- ~~(9);~~(8) Any **sign** wholly located within a **building** and not visible from outside the **building**.
- ~~(10);~~(9) **Window signs** less than or equal to six (6) square feet. **Window signs**, whether inside or outside of a **building**, exceeding six (6) square feet are considered **wall signs** and are subject to this chapter.



- (11)(10) ~~Non-commercial speech signs~~ placed on private property, outside of any **street** right-of-way, not exceeding four (4) square feet in **sign face** area.
- (12) External neon **signs** no larger than two (2) square feet in **sign face** area in the GC, CBD or MH Districts, ~~which specifically state "Open," "Closed," "Vacancy" or "No Vacancy."~~
- (13)(11) Public **signs** or **signs** sanctioned by a public body on public land are not subject to this chapter.
- (14)(12) One (1) ~~commercial~~ **flag** per business in the CBD, no larger than fifteen (15) square feet, ~~which only states "Open."~~ The **"Open"** flag shall be placed in a location where it does not interfere with pedestrian traffic.

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5.104. Certain Temporary Signs – Permit Exemptions and Additional Exemptions

The following **signs** related to **temporary land uses** are permitted in any district without a sign permit. However, such **signs** shall conform to the requirements set forth herein as well as all other applicable requirements of this chapter.

- (1) ~~Construction Signs. One (1) construction sign not to exceed twenty (20) square feet is permitted. In the place of one (1) large sign, a maximum of four (4) individual smaller signs may be erected, one (1) along each street frontage upon which the property faces on the site, upon the condition that each smaller sign shall not exceed four (4) square feet in sign face area per sign.~~
- (2)(1) **Political Signs.** **Political signs** are allowed in connection with elections or political campaigns. Such **signs** shall be removed within three (3) days following the election or conclusion of the campaign. **Political signs** must meet the height and area requirements of *Table 5.108* based on type of **sign**.
- (3) ~~Real Estate Development Signs. One (1) real estate development sign is permitted for each street frontage upon which the property faces. Such sign(s) may be present only for the duration of the development's construction. Such duration is limited to developer having majority ownership in saleable lots.~~
- (4) ~~Real Estate Signs. One (1) real estate listing sign is permitted for each street frontage upon which the property faces. Such sign(s) shall be removed within ten (10) days after sale, lease or rental.~~
- (5) ~~Special temporary events. One (1) sign not exceeding twenty-four (24) square feet in sign face area indicating a special temporary event such as a carnival, circus, festival or similar event is permitted on the lot where the activity is to take place. Such signs may be erected not more than one (1) month before the event and must be removed not later than three (3) days after the event.~~
- (6) ~~Yard sales and similar events. Signs for yard sales or other similar temporary activities not covered in the foregoing categories are permitted. Not more than one (1) sign may be located on any lot. No sign may exceed four (4) square feet in sign face area. Signs may be erected not more than three (3) days prior to the event and shall be removed immediately following the event.~~
- (7)(2) **Other temporary signs.** **Temporary signs** not listed in *Section 5.104* shall be regarded and treated in all respects as permanent **signs**.
- (8)(3) **Temporary Banners.** Temporary banners 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 ~~advertising community events~~ may be placed in those locations by non-profit or for-profit businesses or entities ~~when the zoning administrator determines that those events will provide a substantial benefit to the City of Charlevoix and the event will not create any unfair competition among local businesses.~~ Banners shall not exceed thirty (30) square feet in area, may be erected not more than two (2) weeks before the event and must be removed within two (2) days after the event.

5.105. Sign Standards for All Signs

(1) *Number and square footage requirements.*

- (a) Each business shall be allowed a maximum of two (2) types of **signs** per any single building elevation that has public **frontage** as specified in *Section 5.108, Table of Use Districts*. (For example a business may have a **wall sign** and a **ground sign** for each **frontage**, but cannot have two of the same type of **signs** on one elevation.)
- (b) 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**.
- (c) 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) sides 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.
- (d) **Canopy signs** and **marquee signs** are allowed the same square footage as a wall **sign**.
- (e) All **signs** in the US 31 highway right-of-way are regulated by the Michigan Department of Transportation (MDOT) at locations approved by and installed in accord with the State of Michigan TODS program.
- (f) **Window signs** are allowed provided they do not exceed twenty-five (25) percent of the total area of each window pane and do not exceed six (6) square feet.
- (g) ~~A development identification sign shall contain no other advertisement display.~~
- (h) ~~An identification sign shall contain no other advertisement display, except that the identification sign for a business may identify the type of business being conducted on the premises.~~

(2) *Computation of sign 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 5.105(1)(c), 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) *Height, setback and projection requirements.*
 - (a) 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**.
 - (b) 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.
 - (c) No part of a **ground sign** may exceed a height of sixteen (16) feet, measured from ground level.
 - (d) No part of a **ground sign** may be closer than four (4) feet to the right-of-way line.
 - (e) No part of a **projecting sign** may extend more than eight (8) feet over private property or a public right-of-way nor be less than eight (8) feet from ground level.
 - (f) Except for **awning signs** hanging entirely over private property, no part of an **awning sign** may be closer than eight (8) feet from ground level.
- (4) *Illumination/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. **Signs** may be illuminated using a high intensity reflective surface or lettering.
 - (c) No **sign** may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity.
- (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**.

5.106. Standards for Portable Signs

Portable Signs:



- (1) 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;
- (2) Shall be located on private property;
- (3) Shall not block pedestrian access;
- (4) Shall be constructed of durable materials and be clearly portable in terms of size, weight and placement; and
- (5) Shall only be displayed between the hours of 7:00 a.m. and 12:00 a.m.
- (6) Shall use chalkboards or whiteboards for their signage area.
- (7) Shall not utilize changeable lettering for their messaging.

5.107. Sign Standards for Specific Uses

- (1) All signs must comply with Table 5.108, unless otherwise provided.
 - (2)(a) Signs relating to automobile gasoline service stations, including any business selling gasoline.
 - (a)(b) ~~In addition to the signs allowed by Section 5.105(1), automobile gasoline service stations, including any business selling gasoline, may display one (1) other sign with a sign face not exceeding eighteen (18) square feet for the purpose of advertising the price of gasoline or other accessory products sold on the premises, including information regarding accepted credit cards. For purposes of this subsection, the sign advertising the price of gasoline or fuel 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.~~
 - (b)(c) ~~Directional signs or lettering displayed over individual entrances or service bays shall be permitted, provided they consist only of the words, "washing," "lubrication," "repairs," "mechanic on duty" or similar words directly relating to motor vehicle services offered on the premises. 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.~~
 - (3)(2) Major Home Occupations may have one (1) wall sign no larger than four (4) square feet.
 - (4)(3) Except for the signs permitted under Sections 5.103 and 5.104, no other signs are permitted in residential areas of a PUD Zone District, but are allowed in the commercial areas of a PUD Zone District.
 - (5)(4) ~~Multi-Tenant Business Center Sign. Notwithstanding Section 5.105(1)(a), in the case of a shopping center or other integrated group of stores or commercial buildings, one (1) freestanding business center sign may be erected. The maximum area for such a sign face shall be equal to one-half (0.5) square foot of sign face area for each foot of building frontage, or sixty (60) square feet, whichever is less.~~

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5.108. Table of Use Districts

Sign face in Square footage / Setback from Right-of-Way / Max Height

Table 5.108: Sign Requirements by Use District



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ZONING DISTRICT	AWNING	GROUND	PROJECTING	WALL & WINDOW	DIRECTIONAL	AGGRESSIVE	CONSTRUCTION	REAL ESTATE	REAL ESTATE DEV	TEMPORARY	BUSINESS CENTER	INFO SIGN	POLITICAL	DEVELOPMENT	IDENTIFICATION
R1, R2, R2A, PC, SR	-	16/4/16	-	-	4/4/8	2/4/4	20/4/8	8/0/8	36/4/8	6/4/8	-	1.5/4/0	8/0/4	16/4/8	2.5
R4	-	16/4/16	-	-	4/4/8	2/4/4	20/4/8	8/0/8	36/4/8	6/4/8	-	1.5/4/0	8/0/4	16/4/8	2.5
PUD	-	16/4/16	16/0/8	30/0/0 5.105(1)(f)	4/4/8	2/4/4	20/4/8	8/0/8	36/4/8	6/4/8	-	1.5/4/0	8/0/4	16/4/8	2.5
GC	16/0/8	20/4/16	16/0/8	30/0/0 5.105(1)(f)	4/4/8	2/4/4	20/4/8	8/0/8	36/4/8	6/4/8	5.107(5)	1.5/4/0	8/0/4	-	2.5
CM	16/0/8	16/4/16	16/0/8	-	4/4/8	2/4/4	20/4/8	8/0/8	36/4/8	6/4/8	5.107(5)	1.5/4/0	8/0/4	-	2.5
CBD	16/0/8	16/4/16	16/0/8	30/0/0 5.105(1)(f)	4/4/8	2/4/4	20/4/8	8/0/8	36/4/8	6/4/8	5.107(5)	1.5/4/0	8/0/4	-	2.5
PO	16/0/8	16/4/16	16/0/8	30/0/0 5.105(1)(f)	4/4/8	2/4/4	20/4/8	8/0/8	36/4/8	6/4/8	5.107(5)	1.5/4/0	8/0/4	-	2.5
I	16/0/8	16/4/16	16/0/8	30/0/0 5.105(1)(f)	4/4/8	2/4/4	20/4/8	8/0/8	36/4/8	6/4/8	5.107(5)	1.5/4/0	8/0/4	-	2.5
MC	16/0/8	16/4/16	16/0/8	30/0/0 5.105(1)(f)	4/4/8	2/4/4	20/4/8	8/0/8	36/4/8	6/4/8	5.107(5)	1.5/4/0	8/0/4	16/4/8	2.5
CH	-	20/4/16	16/0/8	30/0/0 5.105(1)(f)	4/4/8	2/4/4	20/4/8	8/0/8	36/4/8	6/4/8	-	1.5/4/0	8/0/4	-	2.5



5.109. Nonconforming Signs

- (1) 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.
- (2) 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.
- (3) A nonconforming **sign** may not be moved or replaced except to bring the **sign** into greater conformity with this chapter.
- (4) 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.
- (5) The message of a nonconforming **sign** may be changed so long as this does not create any new non-conformity.

5.110. Permit Required for Signs

- (1) Except as otherwise provided in Sections 5.103 and 5.104, 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**.
- (2) Application for a sign permit shall be submitted to the **zoning administrator** on appropriate forms supplied by his/her office. Said application shall contain the following information:
 - (a) Name, address and telephone number of applicant.
 - (b) Written permission of property owner on whose property the **sign** will be located.
 - (c) Type of **sign** as defined in this chapter.
 - (d) Scaled drawing showing **sign** size, height, type of support (if applicable), **zone 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.
 - (e) Street address of the property upon which the **sign** will be located.
 - (f) The name of the sign contractor, who shall erect the **sign** and/or **sign structure**.
- (3) 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**.
- (4) Any person aggrieved by a decision of the **zoning administrator** may appeal that decision to the **zoning board of appeals**.

5.111. Unsafe Signs

- (1) 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.

- (2) 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.
- (3) 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:
 - (a) The location of the **sign** or advertising device that is structurally unsafe.
 - (b) The nature of the unsafe condition.
 - (c) 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.
 - (d) 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.
 - (e) 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.
- (4) 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.
- (5) 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.



- (6) 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 exceeds fifty (50) percent of the value of the **sign** or advertising device.
- (7) The costs of remedying the unsafe condition by the city, 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 **sign** or advertising device is located.

5.112. Abatement of Dangerous Signs

- (1) To protect the health, safety and general welfare of the inhabitants of the City of Charlevoix, the **zoning administrator** 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. For purposes of this section, the phrase "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* would result in a substantial likelihood of injury to persons or property.
- (2) If the **zoning administrator** exercises the authority granted in *Section 5.112(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.



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. Sign-Related Definitions

Awning. A permanent shelter constructed on a supporting framework, projecting from and supported by the exterior wall of a building.

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.

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

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

Billboard-Highway Advertising Sign. 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.*"

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.

Canopy (Building). A permanent rigid structure covered with fabric, metal, shingles or other material and supported by a building at one or more points.

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.

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

Construction Sign. An on-premises sign erected during a construction project.
Electronic Sign Face. That portion of a sign face capable of changing its message or image electronically.

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

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



Ground Sign. 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.

Identification Sign. An on-premises sign that identifies the type of business and/or contains the name and/or street address.

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

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

Marquee. A permanent structure of rigid materials supported by and extending from, or above, the façade of a building

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

Non-Commercial Speech Sign. Legal speech, in written form, by an individual or group of individuals expressing thoughts, ideas, opinions, etc. to the public.

Off-Premises Sign. A sign which contains a message on property other than the premises where such sign is located.

On-Premises Sign. A sign which contains a message regarding the property on the property where such sign is located.

Pennant. A small, often triangular, flag used in multiples as a device. **Political Sign.** A sign relating to the election of a person to public office, to a political party or to a proposition to be voted on at a scheduled election.

Portable Sign. A freestanding sign usually having a changeable message is not permanently anchored or secured to either a building or the ground.

Projecting Sign. 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.

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

Sign. A structure, including its base, foundation and erection supports upon which a message is displayed.

Sign Face. That portion of a sign excluding its base, foundation and erection supports on which the message is displayed. **Streamers.** A long narrow wavy strip resembling or suggesting a banner floating in the wind.

Temporary Sign. A sign, banner or advertising display, with or without a structural frame, intended for a limited period of display.

Wall Sign. 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.

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



5.102. Prohibited Signs

ALL ZONE DISTRICTS: The following **signs** shall not be allowed in any district:

- (1) **Signs** that are not consistent with the standards of this chapter.
- (2) **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.
- (3) **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 5.110 Unsafe Signs and Section 5.111 Abatement of Dangerous Signs.
- (4) **Signs** that are not securely affixed to a substantial **structure** that will hold the **sign** in a fixed position under normal weather conditions. **Signs** that are attached to any natural growth, such as **trees**, **shrubs** or other natural foliage.
- (5) **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.
- (6) **Signs** other than official utility company **signs** affixed to power utility poles or other utility **structures** or fixtures.
- (7) **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 Corner Clearance*.)
- (8) **Signs** in public rights-of-way other than those allowed by the City Highway Banner Program. Reasoning? Eliminates sidewalk signage downtown, etc.
- (9) External neon **signs** other than in the GC, CBD, or MH Districts.
- (10) All types of **flags**, **feathers**, **banners** (except those authorized under *Section 5.103(1)*), **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.)
- (11) **Billboard-highway advertising signs**.
- (12) **Internally lighted signs**.
- (13) **Off-premises signs**.
- (14) **Roof signs**.
- (15) All types of signage on sidewalks, roads or ground.
- (16) **Sign** containing an **electronic sign face** other than in the XXX districts.



5.103. Certain Temporary Signs – Permit Exemptions and Additional Exemptions

The following **signs** related to **temporary land uses** are permitted in any district without a sign permit. However, such **signs** shall conform to the requirements set forth herein as well as all other applicable requirements of this chapter.

- (1) Temporary **banners** in conjunction with an 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 may be placed in those locations by non-profit or for-profit businesses or entities when 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. Banners shall not exceed thirty (30) square feet in area, may be erected not more than two (2) weeks before the event and must be removed within two (2) days after the event.
- (2) Temporary signs related to temporary land uses (for example – construction activity, development activity, events, real estate sales, yard sales), no greater than four (4) square feet in **sign face area**, and no greater than four (4) feet in height do not require a **sign permit**, provided that such signs shall not be erected prior to fourteen (14) days of the temporary land use occurring and shall be removed within fourteen (14) days after the temporary land use has concluded.

5.104. Sign Standards for All Signs

- (1) *Number and square footage requirements.*
 - (a) Each business shall be allowed a maximum of two (2) types of **signs** per any single building elevation that has public **frontage** as specified in *Section 5.107, Table of Use Districts*. (For example a business may have a **wall sign** and a **ground sign** for each **frontage**, but cannot have two of the same type of **signs** on one elevation.)
 - (b) 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**.
 - (c) 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) sides 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.
 - (d) **Canopy signs** and **marquee signs** are allowed the same square footage as a **wall sign**.
 - (e) All **signs** in the US 31 highway right-of-way are regulated by the Michigan Department of Transportation (MDOT) at locations approved by and installed in accord with the State of Michigan Tourist Oriented Directional Signs (TODS) program.



- (f) **Window signs** are allowed provided they do not exceed twenty-five (25) percent of the total area of each window pane and do not exceed six (6) square feet.
- (2) *Computation of sign 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 5.105.*, 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) *Height, setback and projection requirements.*
 - (a) 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**.
 - (b) 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.
 - (c) No part of a **ground sign** may exceed a height of sixteen (16) feet, measured from ground level.
 - (d) No part of a **ground sign** may be closer than four (4) feet to the right-of-way line.
 - (e) No part of a **projecting sign** may extend more than eight (8) feet over private property or a public right-of-way nor be less than eight (8) feet from ground level.
 - (f) Except for **awning signs** hanging entirely over private property, no part of an **awning sign** may be closer than eight (8) feet from ground level.
- (4) *Illumination/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. **Signs** may be illuminated using a high intensity reflective surface or lettering.

- (c) No **sign** may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity.
- (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**.

5.105. Standards for Portable Signs

Portable Signs:

- (1) 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;
- (2) Shall be located on private property;
- (3) Shall not block pedestrian access;
- (4) Shall be constructed of durable materials and be clearly portable in terms of size, weight and placement; and
- (5) Shall only be displayed between the hours of 7:00 a.m. and 12:00 a.m.
- (6) Shall use chalkboards or whiteboards for their signage area.
- (7) Shall not utilize changeable lettering for their messaging.

5.106. Sign Standards for Specific Use Districts

- (1) All **signs** must comply with *Table 5.107*, unless otherwise provided.
 - (a) **Signs** relating to automobile gasoline service stations, including any business selling gasoline.
 - (b) one (1) other **sign** with a **sign face** not exceeding eighteen (18) square feet 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**.
 - (c) 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.
- (2) **Major Home Occupations** may have one (1) **wall sign** no larger than four (4) square feet.
- (3) Except for the **signs** permitted under *Sections 5.103 and 5.104*, no other **signs** are permitted in residential areas of a PUD **Zone District**, but are allowed in the commercial areas of a PUD **Zone District**.



- (4) The maximum area for such a **sign face** shall be equal to one-half (0.5) square foot of **sign face** area for each foot of building **frontage**, or sixty (60) square feet, whichever is less.
- (5) GC, CBD, or MH Districts are allowed one (1) **external neon sign** per business, no more than two (2) square feet in **sign face** area.

5.107. Table of Use Districts

Maximum sign face in Square footage / Minimum setback from Right-of-Way / Max Height

Table 5.107: Sign Requirements by Use District							
ZONING DISTRICT	AWNING	GROUND	PROJECTING	WALL & WINDOW	TEMPORARY	MAXIMUM NUMBER OF SIGNS TOTAL	SIGN TYPES ALLOWED
R1, R2, R2A, PC, SR	-	16/4/16	-	-	4/4/8	8	
R4	-	16/4/16	-	-	For lots with less than 100 feet of frontage: 20/4/8	8	
PUD	-	16/4/16	16/0/8	30/0/0 5.104(1)(f)		10	
GC	16/0/8	20/4/16	16/0/8			11	
CM	16/0/8	16/4/16	16/0/8	-	For lots with greater than 100 feet of frontage: 36/4/8	10	
CBD, PO, I, MC	16/0/8	16/4/16	16/0/8	30/0/0 5.104(1)(f)		11	
CH	-	20/4/16	16/0/8			10	



5.108. Nonconforming Signs

- (1) 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.
- (2) 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.
- (3) A nonconforming **sign** may not be moved or replaced except to bring the **sign** into greater conformity with this chapter.
- (4) 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.
- (5) The message of a nonconforming **sign** may be changed so long as this does not create any new non-conformity.

5.109. Permit Required for Signs

- (1) Except as otherwise provided in *Sections 5.103 and 5.104*, 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**.
- (2) Application for a sign permit shall be submitted to the **zoning administrator** on appropriate forms supplied by his/her office. Said application shall contain the following information:
 - (a) Name, address and telephone number of applicant.
 - (b) Written permission of property owner on whose property the **sign** will be located.
 - (c) Type of **sign** as defined in this chapter.
 - (d) Scaled drawing showing **sign** size, height, type of support (if applicable), **zone 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.
 - (e) Street address of the property upon which the **sign** will be located.
 - (f) The name of the sign contractor, who shall erect the **sign** and/or sign **structure**.
- (3) 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**.
- (4) Any person aggrieved by a decision of the **zoning administrator** may appeal that decision to the **zoning board of appeals**.



5.110. Unsafe Signs

- (1) 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.
- (2) 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.
- (3) 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:
 - (a) The location of the **sign** or advertising device that is structurally unsafe.
 - (b) The nature of the unsafe condition.
 - (c) 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.
 - (d) 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.
 - (e) 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.
- (4) 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.
- (5) 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.

- (6) 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 exceeds fifty (50) percent of the value of the **sign** or advertising device.
- (7) The costs of remedying the unsafe condition by the city, 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 **sign** or advertising device is located.

5.111. Abatement of Dangerous Signs

- (1) To protect the health, safety and general welfare of the inhabitants of the City of Charlevoix, the **zoning administrator** 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. For purposes of this section, the phrase "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* would result in a substantial likelihood of injury to persons or property.
- (2) If the **zoning administrator** exercises the authority granted in *Section 5.112(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.

5.112. Severability and Substitution Clause

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