



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

PLANNING COMMISSION PUBLIC MEETING AGENDA

Created: September 5, 2017 Posted September 7, 2017 at 2 p.m.

MONDAY, September 11, 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 August 14, 2017 MINUTES
- F) CALL FOR PUBLIC COMMENT NOT RELATED TO AGENDA ITEMS
- G) NEW BUSINESS
 - 1. Public Hearing: Proposed Short-term Rental Ordinance
 - a. Staff Presentation
 - b. Call for Public Comment
 - c. Planning Commission Discussion
 - d. Motion
- H) OLD BUSINESS
 - 1. Zoning Code Review: Signage
 - a. Staff presentation
 - b. Planning Commission discussion
 - 2. Zoning Code Review: Site Plan Review
 - a. Staff presentation
 - b. Planning Commission discussion
- I) STAFF UPDATES
 - 1. Solid Waste Ad Hoc Committee
- J) REQUESTS FOR NEXT MONTHS AGENDA OR RESEARCH ITEMS.
- K) ADJOURNMENT

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CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, August 14, 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, Dennis Halverson
Members Absent:	Rick Golding, RJ Waddell
Staff Present:	Elise Crafts, Regional Planner Networks Northwest

C. Inquiry Into Potential Conflicts of Interest

D. Approval of Agenda

The Commission approved the agenda as amended.

E. Approval of Minutes – July 7, 2017

Motion by Member Clock, second by Member Eveleigh, to approve the minutes of the July 7, 2017 meeting as presented.
Motion passed by unanimous voice vote.

F. Call for Public Comment not Related to Agenda Items

G. New Business

1. Cemetery Pillar Donation

a. Staff Presentation

Chair Chamberlain stated that an anonymous benefactor wished to donate pillars to Brookside Cemetery. The pillars would match the ones on the Marion Center Road side of the cemetery. Regional Planner Crafts stated that Staff recommended accepting the donation and forwarding the request to City Council for final approval.

b. Planning Commission Discussion

Regional Planner Crafts noted that it was an anonymous donation and no placard would be provided.

c. Motion

Motion by Member Elzinga, second by Member Halverson, to recommend acceptance of the pillar donation to the City Council. Motion passed by unanimous voice vote.

2. Short-Term Rental Ordinance – Schedule Public Hearing

a. Staff Presentation

Chair Chamberlain stated the proposed short-term rental ordinance was presented to City Council who generally accepted the ordinance and directed the Commission to continue the approval process.

Judy Lozo, State Street, questioned if there was a way for the general public to obtain a copy of the proposed ordinance and Regional Planner Crafts replied it was available to the public.

b. Planning Commission Discussion

Regional Planner Crafts stated that the City Attorney reviewed the proposed ordinance and the Commission concurred to hold the public hearing on September 11, 2017.

c. Motion

Motion by Member Elzinga, seconded by Member Clock, to schedule the public hearing on the proposed short-term rental ordinance for September 11, 2017, at 7:00 p.m. Motion passed by unanimous voice vote.

3. Site Plan Review Discussion

a. Staff Presentation

Regional Planner Crafts stated that Interim Zoning Administrator Sullivan reviewed the site plan review chapter in the Zoning Ordinance and he provided feedback. She discussed each of the suggested language changes. She commented that she would discuss Level B site plan reviews further with Interim Zoning Administrator Sullivan.

Regional Planner Crafts stated that she would update the ordinance to reflect these changes and would provide more history regarding the proposal to eliminate Council review of Level B site plans.

b. Planning Commission Discussion

Regional Planner Crafts stated that they will start including an administrative checklist for all applications.

H. Old Business

1. PC "To Do" List

a. Staff Presentation

Chair Chamberlain reviewed the checklist and added an item for a "Master Plan for the Airport". Regional Planner Crafts felt that the list was clear as to what the Commission wanted to work on over the next several months.

b. Planning Commission Discussion

General discussion followed regarding the items on the "To Do" list and the proposed Master Plan for the Airport.

2. Zoning Code Review

a. Staff Presentation

Regional Planner Crafts reviewed the draft Sign Ordinance and the following changes were agreed upon:

- 5.101. General Provisions – Discussion ensued regarding dangerous/unsafe sign provisions. Language will be added to the sign or nuisance ordinance to address any type of imminent threat from dangerous/unsafe signs that should be abated immediately.
- 5.102. Sign Standards for All Signs – No changes
- 5.103. Sign Standards for Specific Signs – Section (7) addressing flags and the requirements will be added
- 5.104. Sign Standards for Specific Land Use – Multi-tenant Business Center – change to one ground sign per street frontage
- 5.105. Schedule of Regulations for Specific Land Use – No changes
- 5.106. R1, R2, R2A, R4, PC, and SR Zoning Districts – Remove standard referencing: "window signs that do not exceed twenty-five (25%) percent of the total area of each window pane"
- 5.107. PUD Zoning District – Remove 25% reference to window signs
- 5.108. PF Zoning District – Entirely new section
- 5.109. GC Zoning District – A brief review was conducted of the remaining sections (5.110 – 5.113), and a more formal review will occur at the next Planning Commission meeting.
- 5.114. Schedule of Regulations – No changes
- Sign Related Definitions – No changes

Regional Planner Crafts stated that she will do further research on real estate signs, other types of signage "that might escape these type of regulations", the maximum number of signs per business, per parcel, per frontage, and continued review of the last half of the draft ordinance at the next Planning Commission meeting.

I. Staff Updates

1. Solid Waste Ad Hoc Committee

Discussion followed regarding various concerns related to noise and solid waste issues, and recycling centers vs. individual pick-up of recyclables.

2. SBEI Event August 17th

Regional Planner Crafts stated that MSU Extension will be hosting a meeting on August 17th at 6:00 p.m. regarding *Sharing Streets & Alleys in Charlevoix: Envisioning Multi-Modal Traffic in Charlevoix's Downtown*.

3. Staff Roles & Contact Information

Chair Chamberlain thanked Staff for the contact information provided to the Commission members.

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

K. Adjournment

Motion by Member Eveleigh, second by Member Fletcher, to adjourn the meeting. Motion passed by unanimous voice vote. Meeting adjourned at 8:33 p.m.

MEMO

September 7, 2017

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

As you know, the Charlevoix City Council reviewed and discussed the draft short-term rental regulations at their August 7 meeting, and directed the Planning Commission to move forward with scheduling a public hearing on the draft amendment. The Planning Commission scheduled a public hearing for Monday, September 11.

City attorney Scott Howard has reviewed the draft ordinance and has proposed some edits. The new proposed language is included in underlined text in the attached document.

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

- To accept the proposed zoning amendments regarding short term rentals with changes as proposed.

If you have any questions prior to the September 11 Planning Commission meeting, please don't hesitate to contact me at 231-929-5034, or via email at sarahlucas@networksnorthwest.org.

CITY OF CHARLEVOIX ZONING ORDINANCE PROPOSED SHORT-TERM RENTAL AMENDMENTS 9-11-17

ARTICLE 2 DEFINITIONS

5.7 Definitions C – D

Bed and Breakfast. ~~A building or structure, or portion thereof, where two or more individual rooms are rented separately to transients for compensation.~~ 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 legal means of egress, 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.

5.7 Definitions C – D

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 **or floor** (also known as a "duplex").

5.9 Definitions G - H

Good Visitor Guideline Materials. Materials prepared by the City's Planning and Zoning Department that may include, but are not limited to, the following: 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 7) 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. The Good Visitor Guideline Materials may be revised by the City's Planning and Zoning Department from time to time.

5.11 Definitions L - M

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, law enforcement, 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, excepting boat docks, 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.

ARTICLE 5 USE REQUIREMENTS

Section 5.55 Other Uses

3) Short-Term Rentals

a) 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.

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

1. Provide and certify as true the following on a form provided by the City:
 - a) Name, address, and telephone number of the local agent for the dwelling unit
 - b) The street address of the dwelling unit, along with other identification if more than one dwelling unit has the same street address.
 - c) The number of bedrooms in each dwelling unit, and in the dwelling as a whole.

- d) The number of weeks the dwelling unit is available for short term rental each calendar year.
 - e) 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.
 - f) 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.
 - g) Such other information as the City deems appropriate.
2. Pay an administrative fee, as set by resolution of the City Council.

(c) Regulations.

1. **Local agent required.** All dwelling units used for short-term rentals shall have a designated local agent.
2. **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.
3. **Compliance with codes.** The dwelling unit must meet all applicable residential building, health department, nuisance, and safety codes.
4. **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.
5. **Fireworks.** Fireworks of any kind are not allowed on rental property except in accordance with the City of Charlevoix Fireworks Ordinance.

(d) 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.

(e) Suspension or Revocation of Short Term Rental Registration.

1. 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:

- a. Any provision of this Ordinance
- b. Title VI of the City Code: Health Regulations
- c. Title IX of the City Code: Police Regulations
- d. Title II of the City Code: Utilities and Services

- e. Any provision of the Zoning Ordinance or any permit or approval issued pursuant to the Zoning Ordinance.

The Zoning Administrator may find 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.

2. 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.

- a. 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.
- b. 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.
- c. 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 registration 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.

f) Appeals. 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 5.55.3(e) 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. The Zoning Board of Appeals shall independently determine whether there is competent, material, and substantial evidence establishing a violation of Section 5.55.3, and/or whether there is competent, material, and substantial evidence establishing that extenuating circumstances exist.

MEMO

September 7, 2017

To: City of Charlevoix Planning Commission

From: Elise Crafts, Networks Northwest

Re: Draft Signage Ordinance

Summarized below are the changes made to each section of the proposed new signage ordinance. We worked through Sections 5.100 – 5.108 at the August Planning Commission meeting. The following “to-do” list was generated based on that discussion.

- **Should dangerous signs be moved to the nuisance ordinance?** Short answer, yes. Long answer, Gerard Doan is amenable to this suggestion and agrees dangerous signs would be best placed next to the dangerous building regulations in the nuisance ordinance currently. The nuisance ordinance will need to be amended per the standard amendment process to accomplish this.
- **How shall we deal with real estate signage that is not stand alone, but rather attached over existing ground signs, for example?** This is technically a temporary sign and could be regulated by the temporary standards proposed for each zoning district in the new ordinance.
- **How shall the maximum number of signs be determined? By business? Parcel? Frontage?** The current ordinance is not clear on the maximum number of signs, with the exception of businesses. I have attempted to clarify the maximum signs allowed, and by doing so, have increased the maximum number administered currently. Larry Sullivan, interim zoning administrator, believes the current regulations are working well, but we don’t understand how to “translate” those into the new ordinance. We are meeting in September to discuss this further.
- **What about regulations specific to Flags?** These have been added to the proposed ordinance under Section 5.103(8).
- **What about artwork?** The current ordinance provides that “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” are allowed as signs excluded from permits. If a mural, for example, contained letters, this would be classified as a wall sign and wall sign regulations would apply. A barber pole, as it contains moving parts, would be classified as a projecting sign and those regulations would apply. The PC may choose to leave this section as is, amend it in some way, or consider creating a separate arts ordinance/commission to deal with private and public art.

Changes to the new ordinance based on this discussion are reflected in **RED** below.

PROPOSED NEW SIGNAGE ORDINANCE:

Definitions

These will be moved out of the signage ordinance chapter and into Article II Definitions of the zoning ordinance. Definitions have been added for “unsafe” and “dangerous” signs.

Section 5.100 Purpose

No changes made.

Section 5.101 General Provisions

- (1) Prohibited Signs
- (2) Signs Authorized Without a Sign Permit
- (3) Permit Required for Signs
- (4) Signs and Public Rights-of-Way
- (5) Unsafe Signs
- ~~(6) Abatement of Dangerous Signs~~
- (7) Legal Non-Conforming Signs
- (8) Appeals

I reorganized this section to include much of the “administrative” components of the signage ordinance (permits, appeals, etc.) and regulations that apply broadly to all signs, everywhere (prohibited signs, unsafe signs, dangerous signs, etc.). The text in this section is substantially similar to the existing sign ordinance.

This section is meant to give the reader a broad “lay of the land” before we dive into specific sign standards.

Changes based on August discussion:

- Old MH district (which no longer exists) was updated to the Commercial Hospitality (CH) district.
- Section 5.101(1)(k) references consolidated standards for temporary banners, found in Section 5.103(7).
- Section 5.101(6) Dangerous Signs has been removed and will be incorporated into the nuisance ordinance.

Section 5.102 Sign Standards for All Signs

- (1) Number and Placement Requirements
- (2) Computation of Sign Face Area
- (3) Sign Height**
- (4) Illumination and Lighting
- (5) Sign Materials

I reorganized this section to include the physical regulations applicable to all signs (lighting, sign face area, materials, etc.). The text is substantially similar to the existing sign ordinance.

This section is intended to provide the reader the required basics of all signs erected in the City, before getting into specific regulations for each type of sign.

Changes based on August discussion:

- Section 5.102(3) Sign Height added to clarify how height is measured for all signs.

Section 5.103 Sign Standards for Specific Signs

- (1) Ground Signs
- (2) Window Signs
- (3) Two-Sided Signs
- (4) Wall Signs
- (5) Projecting Signs

- (6) Awning, Canopy, Marquee Signs
- (7) Temporary Banner Signs
- (8) Flags

This section provides requirements for each type of sign, no matter where that sign is located in the City. The text is substantially similar to the existing sign ordinance, though I pulled much of it from different places in the existing ordinance and consolidated it into one section.

Changes based on August discussion:

- Section 5.103(7) Temporary Banner Signs added. Placing the temporary banners regulations in one place (as opposed to under the GC and PF zoning district regulations) is cleaner and consistent with the current ordinance.
- Section 5.103(8) Flags added.

Section 5.104 Sign Standards for Specific Land Use

- (1) Automobile Gasoline Service Stations
- (2) Major Home Occupations
- (3) Multi-tenant Business Center

This section provides specific sign standards for three separate land uses – gas stations, major home occupations, and multi-tenant business centers – but does not provide standards related to what the signage says. After extensive research, I determined that regulating commercial signage post-Reed v. Town of Gilbert is still a “gray area”. This approach offers minimal regulation (based on land use, not content) and still allows these specific uses a practical sign option without opening up that option to the entire zoning district within which they reside.

Changes based on August discussion:

- Section 5.104(3) Multi-Tenant Business Center is edited to indicate one ground sign may be erected per street frontage and the maximum area for each sign shall be 20 sf per business or 60 sf, whichever is less (as opposed to 0.5 sf for each foot of building frontage or 60 sf). This addresses some confusion expressed with the current ordinance.

Section 5.105 Schedule of Regulations for Specific Land Use

This section summarizes the information contained in Section 5.104 as a table and offers additional dimensional requirements such as height, location, etc.

Sections 5.106-5.113 Zoning Districts (Let's pick up here in the September discussion).

These sections provide the types of signs allowed (without and with a permit) for each zoning district in the City. The sections are broken up by district (though in several cases multiple districts are lumped together because the regulations are the same). I determined which signs are allowed in which district based on the existing sign ordinance.

However, there are significant changes to these sections, including:

- On-premise temporary ground signs less than or equal to 8 sf are allowed in most districts without a permit. This is intended to provide for real estate, yard sales, etc. Temporary ground signs larger than that will require a permit – which is a departure from the current ordinance. To avoid this, we could raise the 8 sf to a greater size allowed without a sign permit.

- On-premise temporary ground signs mean that the sign refers to an activity/event/service occurring at that property. Therefore, temporary signs related to a community event, for example, are not allowed. This is consistent with the current ordinance.
- The regulations for portable signs have not changed from the current ordinance, however, I did include which districts portable signs are allowed in (this is not stated in the current ordinance). These are proposed to be allowed in the CBD and CM districts.

Section 5.114 Schedule of Regulations

This section summarizes the information contained in Sections 5.106-5.113 as a table and offers additional dimensional requirements such as height, location, etc.

I provided a maximum number of signs allowed based on best practices in other sign ordinances. The current ordinance does not specify a maximum allowed, except for businesses, which are allowed a maximum of two types of signs per public frontage (for example, a wall/projecting sign).

Section 5.115 Severability and Substitution Clause

This is the recommended language to include in every sign ordinance and protects the ordinance as a whole if one section/subsection is ruled invalid.

Sign-Related Definitions

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

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.

Business Center Sign. 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.”*

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.

Dangerous Sign. A sign 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 outlined in *Section 5.101(5) Unsafe Signs* would result in substantial likelihood of injury to persons or property.

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.

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.

Off-Premises Sign. 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.

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

Pennant. A small, often triangular, flag used in multiples.

Portable Sign. A freestanding sign, often with 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.

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.

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

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

Unsafe Sign. A sign in a state of disrepair or being designed and/or constructed so as to pose a likely threat of a total or partial collapse.

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 the interior of a window pane or glass with the intent to be visible from the outdoors.

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 less than or equal to six (6) square feet in sign face area and located on the interior of a building. Window signs exceeding six (6) square feet in sign face area, whether located on the interior or 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.
 - vii. 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) 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 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.

5.102 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) Window Signs

- a. 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. Any window sign greater than six (6) square feet is shall be considered a wall sign.
- b. Window signs less than or equal to six (6) square feet shall not count towards the maximum number of signs allowed.

(3) 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.

(4) 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 5.114* for height requirements.

(5) Projecting Signs

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

(6) 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.

(7) 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.

(8) Flags

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

5.104 Sign Standards for Specific Land Use

(1) Automobile Gasoline Service Stations

- a. In addition to the signs allowed by *Section 5.114*, 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 114* 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 Section 5.104(3)	Max 16 ft	See Section 5.104(3)	Min set back 4 ft from ROW	Yes
Automobile Gasoline Service	Electronic	Max 18 sf	Max 16 ft	See Section 5.104(1)	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 Section 5.104 (1)	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 5.114* 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:

- Window signs that do not exceed twenty-five (25) percent of the total area of each window pane and do not exceed six (6) square feet in sign face area.
- On-premise wall signs less than or equal to two (2) square feet in sign face area.
- On-premise temporary ground 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:

- On-premise temporary ground 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.
- On-premise ground sign.

5.107 PUD Zoning District

The following signs are authorized in the PUD (Planned Unit Development) zoning district. See *Section 5.114* 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. Window signs that do not exceed twenty-five (25) percent of the total area of each window pane and do not exceed six (6) square feet in sign face area.
- b. On-premise wall signs less than or equal to two (2) square feet in sign face area and less than eight (8) feet in height.
- c. On-premise temporary ground signs less than or equal to eight (8) 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. On-premise temporary ground signs greater than eight (8) 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 5.114* for all dimensional requirements.

5.108 PF Zoning District

The following signs are authorized in the PF (Public Facilities) zoning District. See *Section 5.114* 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. Window signs that do not exceed twenty-five (25) percent of the total area of each window pane and do not exceed six (6) square feet in sign face area.
- b. On-premise wall signs less than or equal to two (2) square feet in sign face area and less than eight (8) feet in height.

- c. On-premise temporary ground signs less than or equal to eight (8) 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. On-premise temporary ground signs greater than eight (8) 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 5.114* 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. Window signs that do not exceed twenty-five (25) percent of the total area of each window pane and do not exceed six (6) square feet in sign face area.
- b. On-premise wall signs less than or equal to two (2) square feet in sign face area and less than eight (8) feet in height.
- c. On-premise temporary ground signs less than or equal to eight (8) 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.
- d. 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. On-premise temporary ground signs greater than eight (8) 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 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 5.114* 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. On-premise wall signs less than or equal to two (2) square feet in sign face area and less than eight (8) feet in height.
- b. On-premise temporary ground signs less than or equal to eight (8) 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
 - i. 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;
 - ii. Shall be located on private property;
 - iii. Shall not block pedestrian access;
 - iv. Shall be constructed of durable materials and be clearly portable in terms of size, weight and placement; and
 - v. Shall only be displayed between the hours of 7:00 a.m. and 12:00 a.m.
 - vi. Shall use chalkboards or whiteboards for their signage area.
 - vii. Shall not utilize changeable lettering for their messaging

(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 eight (8) 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 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 5.114* 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. Window signs that do not exceed twenty-five (25) percent of the total area of each window pane and do not exceed six (6) square feet in sign face area.

- b. On-premise wall signs less than or equal to two (2) square feet in sign face area and less than eight (8) feet in height.
- c. On-premise temporary ground signs less than or equal to eight (8) 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.
- d. External neon signs no larger than two (2) square feet in sign face area.
- e. One (1) commercial flag per business. The flag shall be placed in a location where it does not interfere with pedestrian traffic.
- f. Portable signs
 - i. 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;
 - ii. Shall be located on private property;
 - iii. Shall not block pedestrian access;
 - iv. Shall be constructed of durable materials and be clearly portable in terms of size, weight and placement; and
 - v. Shall only be displayed between the hours of 7:00 a.m. and 12:00 a.m.
 - vi. Shall use chalkboards or whiteboards for their signage area.
 - vii. Shall not utilize changeable lettering for their messaging.

(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 eight (8) 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 sign.
- c. On-premise ground sign.
- d. On-premise projecting sign.
- e. On-premise wall sign.

5.112 PO, I, and MC Zoning Districts

The following signs are authorized in the PO (Professional Office), I (Industrial), and MC (Marine Commercial) zoning districts. See *Section 5.114* 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. Window signs that do not exceed twenty-five (25) percent of the total area of each window pane and do not exceed six (6) square feet in sign face area.
- b. On-premise wall signs less than or equal to two (2) square feet in sign face area and less than eight (8) feet in height.

- c. On-premise temporary ground signs less than or equal to eight (8) 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. On-premise temporary ground signs greater than eight (8) 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 sign.
- c. On-premise ground sign.
- d. On-premise projecting sign.
- e. On-premise wall sign.

5.113 CH Zoning District

The following signs are authorized in the CH (Commercial Hospitality) district. See *Section 5.114* 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. Window signs that do not exceed twenty-five (25) percent of the total area of each window pane and do not exceed six (6) square feet in sign face area.
- b. On-premise wall signs less than or equal to two (2) square feet in sign face area and less than eight (8) feet in height.
- c. On-premise temporary ground signs less than or equal to eight (8) 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:

- d. On-premise temporary ground signs greater than eight (8) 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.
- e. On-premise ground sign.
- f. On-premise projecting sign.
- g. On-premise wall sign.

5.114 Schedule of Regulations

Table 5.113 Schedule of Regulations by Zoning District

Zoning District	Sign Type	Sign Face Area	Height	Number	Location	Permit Required?
R1, R2, R2A, R4, PC, SR	Window	See Section 5.106(1)(a)	n/a	n/a	n/a	No
	Wall	Max 2 sf	Max 8 ft	Max 1 per parcel	First floor of building	No
	Temporary Ground	Max 36 sf	Max 8 ft	Max 1 per 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	Max 1 per frontage	Min set back 4 ft from ROW	Yes
PUD	Window	See Section 5.107(1)(a)	n/a	n/a	n/a	No
	Wall	Max 30 sf	Max 8 ft	Max 1 per parcel	First floor of building	No – if sign face area less than/equal to 2 sf
	Temporary Ground	Max 36 sf	Max 8 ft	Max 1 per 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	Max 1 per frontage	Min set back 4 ft from ROW	Yes
	Projecting	Max 16 sf	Min 8 ft Max 12 ft	Max 1 per parcel	Shall not be located in ROW	Yes
PF	Window	See Section 5.108(1)(a)	n/a	n/a	n/a	No
	Wall	Max 30 sf	Max 8 ft	Max 1 per parcel	First floor of building	No – if sign face area less than/equal to 2 sf
	Temporary Ground	Max 36 sf	Max 8 ft	Max 1 per 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	Max 1 per frontage	Min set back 4 ft from ROW	Yes
	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
GC	Window	See Section 5.109(1)(a)	n/a	n/a	n/a	No
	Wall	Max 30 sf	Max 8 ft	Max 1 per parcel	First floor of building	No – if sign face area less than/equal to 2 sf
	Temporary Ground	Max 36 sf	Max 8 ft	Max 1 per frontage	Min set back 4 ft from ROW	No – if sign face area less than/equal to 8 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

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Zoning District	Sign Type	Sign Face Area	Height	Number	Location	Permit Required?
GC cont.	Awning, Canopy, Marquee	Max 16 sf	Max 8 ft	Max 1 per parcel	Shall not be located in ROW	Yes
	Ground	Max 20 sf	Max 16 ft	Max 1 per frontage	Min set back 4 ft from ROW	Yes
	Projecting	Max 16 sf	Min 8 ft Max 12 ft	Max 1 per parcel	Shall not be located in ROW	Yes
	External Neon	Max 2 sf	Max 8 ft	Max 1 per business	n/a	No
CM	Wall	Max 2 sf	Max 8 ft	Max 1 per parcel	n/a	No
	Temporary Ground	Max 36 sf	Max 8 ft	Max 1 per frontage	Min set back 4 ft from ROW	No – if sign face area less than/equal to 8 sf
	Portable	Max 6 sf	Max 4 ft	<i>See Section 5.110(1)(c)</i>		No
	Awning, Canopy, Marquee	Max 16 sf	Max 8 ft	Max 1 per parcel	Shall not be located in ROW	Yes
	Ground	Max 16 sf	Max 16 ft	Max 1 per frontage	Min set back 4 ft from ROW	Yes
	Projecting	Max 16 sf	Min 8 ft Max 12 ft	Max 1 per parcel	Shall not be located in ROW	Yes
CBD	Window	<i>See Section 5.111(1)(a)</i>	n/a	n/a	n/a	No
	Wall	Max 30 sf	Max 8 ft	Max 1 per parcel	First floor of building	No – if sign face area less than/equal to 2 sf
	Temporary Ground	Max 36 sf	Max 8 ft	Max 1 per frontage	Min set back 4 ft from ROW	No – if sign face area less than/equal to 8 sf
	Portable	Max 6 sf	Max 4 ft	<i>See Section 5.111(1)(c)</i>		No
	External Neon	Max 2 sf	Max 8 ft	Max 1 per business	n/a	No
	Commercial Flag	Max 15 sf	n/a	Max 1 per business	Shall not interfere with pedestrians	No
	Awning, Canopy, Marquee	Max 16 sf	Max 8 ft	Max 1 per parcel	Shall not be located in ROW	Yes
	Ground	Max 16 sf	Max 16 ft	Max 1 per frontage	Min set back 4 ft from ROW	Yes
	Projecting	Max 16 sf	Min 8 ft Max 12 ft	Max 1 per parcel	Shall not be located in ROW	Yes
PO, I, MC	Window	<i>See Section 5.112(1)(a)</i>	n/a	n/a	n/a	No
	Wall	Max 30 sf	Max 8 ft	Max 1 per parcel	First floor of building	No – if sign face area less than/equal to 2 sf
	Temporary Ground	Max 36 sf	Max 8 ft	Max 2 per frontage	Min set back 4 ft from ROW	No – if sign face area less than/equal to 8 sf

Zoning District	Sign Type	Sign Face Area	Height	Number	Location	Permit Required?
PO, I, MC cont.	Awning, Canopy, Marquee	Max 16 sf	Max 8 ft	Max 1 per parcel	Shall not be located in ROW	Yes
	Ground	Max 16 sf	Max 16 ft	Max 1 per frontage	Min set back 4 ft from ROW	Yes
	Projecting	Max 16 sf	Min 8 ft Max 12 ft	Max 1 per parcel	Shall not be located in ROW	Yes
CH	Window	<i>See Section 5.113(1)(a)</i>	n/a	n/a	n/a	No
	Wall	Max 30 sf	Max 8 ft	Max 1 per parcel	First floor of building	No – if sign face area less than/equal to 2 sf
	Temporary Ground	Max 36 sf	Max 8 ft	Max 2 per frontage	Min set back 4 ft from ROW	No – if sign face area less than/equal to 8 sf
	Ground	Max 20 sf	Max 16 ft	Max 1 per frontage	Min set back 4 ft from ROW	Yes
	Projecting	Max 16 sf	Min 8 ft Max 12 ft	Max 1 per parcel	Shall not be located in ROW	Yes

5.115 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.

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.

"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.
- (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. 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.

6.11. 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)

CHAPTER 62
LITTER
(Ord. No. 767, 09/15/14)

6.41. Definitions.

In the interpretation of this Chapter the following definitions shall apply, except where the context clearly indicates that another meaning is intended:

- (1) "Private premises" shall mean any lot or parcel of land owned or occupied by any person whether or not improved with any dwelling, house, building, or other structure, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to any dwelling, house, building or other structure erected thereon.
- (2) "Public place" shall mean any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds and buildings.
- (3) "Garbage" shall mean decaying animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- (4) "Refuse" shall mean all decaying and nondecaying solid wastes including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, junk and solid market and industrial wastes.
- (5) "Rubbish" shall mean nondecaying solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.
- (6) "Litter" shall mean garbage, refuse, and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

6.42. Litter in Public Places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles, in authorized private receptacles for collection, or in official City dumps.

6.43. Use of Waste Receptacles.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

6.44. Sweeping Litter into Gutters.

No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

6.45. Merchants' Duty to Keep Sidewalks Clean.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot. Persons owning or occupying places of business within the City shall keep the sidewalk in front of their business premises free of litter.

6.46. Litter on Occupied Private Property.

No person shall throw or deposit litter on any private premises within the City whether owned by such person or not, except that the owner or person in control of occupied private premises may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

6.47. Persons to Maintain Premises Free of Litter.

The owner, occupant, or person in control of any private premises shall at all times maintain the premises free of litter. Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.
(Ord. No. 658, §16, 03-06-00)

6.48. Enforcement.

The chief of police or his designee is hereby charged with the enforcement of this Chapter. No person being the owner, occupant, or person in control of any private premises shall accumulate or permit the accumulation of any litter on the private premises owned, controlled or occupied by such person in a manner prohibited by the provisions of this Chapter.
(Ord. No. 658, §17, 03-06-00)

6.49. Nuisance Per Se.

A violation of this Chapter is hereby declared to constitute a nuisance per se. Upon application to any court of competent jurisdiction, the court may order the nuisance abated and/or the violation restrained and enjoined. Relief sought pursuant to this section shall not operate to preclude the enforcement of this Chapter pursuant to Section 1.12 or A of this Code.
(Ord. No. 658, §18, 03-06-00)

**CHAPTER 63
WEED CONTROL***

(Ord. No. 630, 12-04-95) (Ord. No. 767, 09/15/14)

6.71. Weed Growth Prohibited.

No person owning and/or occupying any premises in the City of Charlevoix shall permit or maintain on any such premises any growth of noxious weeds; nor any growth of grass or any growth of grass or other rank vegetation to a greater height than twelve (12) inches on the average; nor any accumulation of dead weeds, grass or brush. "Noxious weeds" shall include Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), Wild Carrot (*Daucus Carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia elatior* 1), poison ivy (*Rhus toxicodendron*) and poison sumac (*Toxicodendron vernix*). The term "person," as used in this chapter, means an individual, partnership, corporation, limited liability company or any other legal entity.

6.72. Duty of Occupant or Owner.

It shall be the duty of the occupant as well as the owner of every premises within the city to cut and remove or destroy by lawful means all such noxious weeds and grass, as often as may be necessary to comply with the provisions of section 6.71; provided, that the cutting, removing or destroying of such weeds and grass at least once in every three (3) weeks between June 1 and September 15 of each year shall be deemed to be compliance with this chapter.

6.73. When City to Do Work.

If there is not compliance with the provisions of sections 6.71 and 6.72, the city manager shall notify the occupant or owner of such premises to comply with the provisions of said sections within ten (10) days after service of such notice. Notice shall be given in accordance with section 1.11 of this Code. If there is no compliance with such notice within the specified time, the city manager shall cause such weeds, grass and other vegetation to be removed or destroyed and the actual cost of such cutting, removal or destruction including supervision and overhead costs shall be a lien against the premises and collected in the manner prescribed in Act 359 of the Public Acts of 1941, as amended. The city manager shall be commissioner of noxious weeds of the city and shall serve as such without additional compensation.

6.74. Alternative Publication.

In lieu of the notice required by section 6.73, the city manager may publish a notice in a newspaper of general circulation in the city during the month of March. The notice shall state that vegetation not cut by June 1 of that year will be cut by the city. It shall also state the continuing obligation of a person to comply with this chapter and that the owner of the property may be charged with the cost of compliance pursuant to section 6.73. The notice shall also contain such other information as is required by Act 359 of the Public Acts of 1941, as amended.

CHAPTER 64
MASS GATHERINGS*
(Ord. No. 767, 09/15/14)

(Ord. No. 598)

***Editor's note**—Ordinance No. 598 did not specifically amend the Code; hence, inclusion of §§1-3 as Ch. 64, §§ 6.91-6.63, was at the discretion of the editor.

Cross reference(s)--Parks and public grounds, Tit. III; streets and sidewalks, Tit. IV; licenses, Ch. 71; police regulations, Tit. IX.

6.91. Definitions.

The following terms, as used in this chapter, are hereby defined to mean:

- (1) *City* shall mean the City of Charlevoix.
- (2) *City Manager* shall mean the person appointed by the city pursuant to Article III, Section 3.3 of the City Charter for the City of Charlevoix or his or her designee.
- (3) *Licensee* shall mean any person to whom a license is issued pursuant to this Ordinance.
- (4) *Mass gathering* shall mean an organized outdoor event of two thousand (2,000) people or more held at a single location on either public or private land within the city.
- (5) *Sponsor* shall mean any person who organizes, promotes, conducts, or causes to be organized, promoted or conducted a mass gathering.

(Ord. No. 598, §1, 05-04-92; Ord. No. 599, §1, 08-17-92; Ord. No. 658, 03-06-00)

6.92. License.

- (a) *Required.* A person shall not sponsor, maintain, conduct, promote or permit a mass gathering in the city without first obtaining a license from the city for each mass gathering
- (b) *Application.* No later than twenty (20) days before the proposed mass gathering, the sponsor(s) of the mass gathering shall submit in writing an application for a mass gathering license to the city manager on such forms and in such manner as the city manager prescribes. The application shall contain:
 - (1) The name(s), address(es) and telephone number(s) of the proposed mass gathering sponsor(s);
 - (2) The date(s) and estimated hours of the proposed mass gathering;
 - (3) A description of the kind, character and type of mass gathering proposed;
 - (4) The address of location of the site at which the proposed mass gathering will be held, including a written statement from the property owner consenting to the use of his or her property for the proposed mass gathering; and
 - (5) An estimate of the maximum number of people expected to attend the proposed mass gathering.
- (c) *Application fee.* Each application for a mass gathering license shall be accompanied by a nonrefundable fee in an amount established, from time to time, by the city council by resolution.
- (d) *Action on application.* After receiving an application for a mass gathering license and the appropriate fee, the city manager shall consider the information contained in the application and shall, if necessary, investigate or cause to be investigated the circumstances surrounding the proposed mass gathering, the number of people anticipated to attend, whether there is a conflict with other uses of the site, the increased demands on the city's police and fire department resources, and the sponsor's plans to provide adequate food and water facilities, bathroom facilities, disposal of solid waste and garbage and vehicle parking and access to the site. Within fifteen (15) days after receiving an application for a mass gathering license, the city manager shall approve the application and issue the mass gathering license, unless after considering the above factors,

he or she finds by a preponderance of the evidence that holding the mass gathering as proposed in the application would be detrimental to the public health, safety and welfare of the city. If the city manager denies a mass gathering license, he or she shall send written notice of the denial, including the reasons for the denial, to the sponsor(s) by certified mail within five (5) days of the denial decision.

(Ord. No. 598, §1, 05-04-92)

6.93. Nuisance Per Se.

A violation of Section 6.92(a) is hereby declared to be a nuisance per se and any action and violation thereof may be immediately enjoined in the Charlevoix County Circuit Court. Enforcement of this Section shall not preclude enforcement for violation of this Chapter pursuant to Section 1.12 of this Code.

(Ord. No. 598, 05-04-92, Ord. No. 658, 03-06-00)

CHAPTER 65
LEAF AND BRUSH PICKUP

6.100. Definitions.

As used in this Chapter, the following definitions shall apply:

- (a) "Acceptable Vegetative Materials" shall mean leaves, branches of vegetative material not exceeding 12 inches in diameter or not exceeding 6 feet in length which are untreated by any chemical, perennial cuttings, grass clippings and any of the foregoing items that are chipped into pieces up to, but not exceeding 12 inches in either diameter or length;
- (b) "Prohibited Materials" shall mean any material or object, organic or man-made that is not an Acceptable Vegetative Material. This includes, but is not limited to the following specific materials: concrete, bricks, asphalt, dirt, soil, sod piles, root balls, stumps, treated lumber, railroad ties, rocks, stones, any building or remodeling materials from interior or exterior construction or demolition projects and vegetative material of any type that is over 12 inches in diameter or over 6 feet in length.

6.101. Interpretation.

If any material can be classified as an Acceptable Vegetative Material as well as a Prohibited Material and the material is specifically listed as a Prohibited Material, then the material shall be deemed to be a Prohibited Material.

6.102. Prohibition.

No person shall place on private property or the public right of way Prohibited Materials for pick up or disposal by the City of Charlevoix.

6.103. Violation – Municipal Civil Infraction.

A violation of section 6.102 shall be a municipal civil infraction.

(Ord. No. 765, 06-02-14)

MEMO

August 9, 2017

To: City of Charlevoix Planning Commission

From: Elise Crafts, Networks Northwest

Re: Site Plan Review Process

A more thorough review of the current site plan review process will be provided by Larry Sullivan, interim Zoning Administrator, in time for the August 14, 2017 meeting. Apologies for the delay.

Below are some comments previously made by the Planning Commission regarding site plan review:

- Checklist should be included in Planning Commission packet
- Letters of approval from appropriate entities should be included in Planning Commission packet



ARTICLE 12 SITE PLAN REVIEW

5.115. Intent

The purpose of this Article is to establish uniform requirements for the planning and design of developments within the city in order to achieve the following objectives:

- (1) to determine compliance with the provisions of this ordinance;
- (2) to promote the orderly development of the city;
- (3) to prevent depreciation of land values;
- (4) to ensure a consistent level of quality throughout the community;
- (5) to ensure a harmonious relationship between new development and the existing natural and manmade surroundings;
- (6) to achieve the goals and recommendations of the city **master plan**; and
- (7) to promote consultation and cooperation between applicants and the city in order that applicants may accomplish their objectives in the utilization of land, consistent with the public purposes of this ordinance and the **master plan**.

5.116. Applicability

Site plan review shall be required, as applicable, under the following conditions, unless exempted by *Section 5.117*:

- (1) *Level "A" Review.* The **zoning administrator** shall review **site plans** in connection with the creation of a **use** or the erection of a **building** or **structure** in any of the following circumstances:
 - (a) Any **use permitted by right** within any **zoning district**, if the proposed **building** is less than two thousand (2,000) square feet **and is the only principal or primary building located upon the property.**
 - (b) **Additions** to existing **buildings** in any **zoning district**; provided, the **addition** is not larger than twenty (20) percent of the area of the **building** prior to the expansion or more than two thousand (2,000) square feet in area, whichever is less.
 - (c) Changes in the **use** of any existing **building** in any **zoning district**; provided the **use** is permitted by right in that **zoning district**.
 - (d) When, in the opinion of the **zoning administrator**, a project which otherwise qualifies for level "A" site plan review may have a significant impact on surrounding properties or the city, the **zoning administrator** may, at their sole discretion, submit the **site plan** to the **planning commission** for review. In such cases, the **planning commission** shall follow the review procedure for level "B" **site plans** and may require any additional information needed to make an informed decision.
- (2) *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:



- (a) Any “permitted” **use** within any **zoning district** occupying a **building** of two thousand (2000) square feet or more **or which results in two or more principal or primary buildings located upon the property which have a total square footage of 2,000 square feet or more.**
- (b) Any special **use** in any district.
- (c) Any Planned Unit Development.
- (d) Any site plan on a waterfront parcel.
- (e) As otherwise required by this ordinance.

5.117. Exemptions

Site plan review shall not be required for a **single** or **two family dwellings** on a **lot** on which there exists no other **principal building** or **use** or for any **home occupation** or **accessory building** in a **single family residential district**.

5.118. Site Plan Review Procedures

The process of reviewing a **site plan** shall be as follows:

- (1) Level “A” reviews shall be performed by the **zoning administrator** as follows:
 - (a) Three (3) copies of a complete **site plan** and an electronic version, in a format specified by the city, shall be submitted along with an application for that purpose and a fee, as established by the **city council**.
 - (b) The **zoning administrator** shall review the **site plan** for completeness and shall obtain comments, as deemed necessary, from city departments or consultants.
 - (c) The **zoning administrator** shall consider the **site plan**, any comments received and the applicable standards of this ordinance and shall either approve the **site plan**, as submitted, if all applicable requirements and the standards of *Section 5.120* have been met; approve the **site plan** with conditions; or deny approval of the **site plan**, if applicable requirements and standards have not been met.
 - (d) The reasons for the **zoning administrator’s** action, along with any conditions that may be attached, shall be stated in writing and provided to the applicant **and the Planning Commission for their information.**
 - (e) If approved, two (2) copies of the final **site plan** shall be signed and dated by the **zoning administrator** and the applicant. One (1) copy, along with the digital version, shall be kept on file with the city and one (1) copy shall be returned to the applicant or their designated representative. If the plan is approved with conditions, a revised plan shall be submitted reflecting those conditions and signed by the applicant and **zoning administrator** prior to issuance of any permits.
- (2) Level “B” reviews shall be performed by the **planning commission** as follows:
 - (a) Eighteen (18) copies of a complete **site plan** and an electronic version, in a format specified by the city, shall be submitted to the **zoning administrator**



along with an application for that purpose and a fee, as established by the **city council**.

- (b) The **zoning administrator** shall review the **site plan** for completeness, and shall obtain comments, as deemed necessary, from the city departments or consultants.
- (c) Once the **site plan** is determined to be complete, the **zoning administrator** shall notify and seek comment from **adjoining** property owners within three hundred (300) feet of the subject property by US mail ten (10) days prior to the **planning commission** meeting.
- (d) Once the **zoning administrator** determines that the **site plan** is complete, they shall transmit the **site plan** to the **planning commission** for consideration at its next meeting. Comments, if any, from city departments and consultants shall be transmitted to the **planning commission** prior to its review of the plan.
- (e) The **planning commission** shall consider the **site plan** and shall either recommend approval of the **site plan**, as submitted, if all applicable requirements and standards have been met; recommend approval of the **site plan** with conditions; or recommend denial of the **site plan** if applicable requirements and standards have not been met. The **planning commission** review shall be based on the requirements of this chapter, comments received from city departments and consultants, and, specifically, the review standards of *Section 5.120*.

Option 1: Delete this subsection, rendering sole approval of Level B reviews to the Planning Commission.

- (f) ~~After the **planning commission** decision has been made under *Section 5.118(2)(e)*, the **zoning administrator** shall forward the recommendation to **city council** for review, including all relevant documentation. **City council** shall consider the **site plan** and shall either approve the **site plan**, as submitted, if all applicable requirements and standards have been met; approve of the **site plan** with conditions; or deny approval of the **site plan** if applicable requirements and standards have not been met. The **city council** review shall be based on the requirements of this chapter, comments received from city departments and consultants, and, specifically, the review standards of *Section 5.120*.~~

Option 2: Edit subsection to include PC comments as to what the City Council review would be based upon in part.

- (f) After the **planning commission** decision has been made under *Section 5.118(2)(e)*, the **zoning administrator** shall forward the recommendation to **city council** for review, including all relevant documentation and **Planning Commission comments as to what the City Council review would be based upon in part**. **City council** shall consider the **site plan** and shall either approve the **site plan**, as submitted, if all applicable requirements and standards have been met; approve of the **site plan** with conditions; or deny approval of the **site plan** if applicable requirements and standards have not been met. The **city council** review shall be based on the requirements of this



chapter, comments received from city departments and consultants, and, specifically, the review standards of *Section 5.120*.

- (g) If approved, two (2) copies of the **site plan** shall be signed and dated by the ~~chairperson of the planning commission~~ City Clerk on behalf of the Council (if Option 2 above) and the applicant. One (1) copy, plus the digital copy, shall be kept on file with the city and one (1) copy shall be returned to the applicant or their designated representative. If the plan is approved with conditions, a revised plan shall be submitted reflecting those conditions and signed by the applicant and the **planning commission** chairperson, prior to issuance of any permits.

5.119. 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		
Required Information	Level "A"	Level "B"
General Information		
Date, north arrow and scale	X	X
Name and firm address of the professional individual responsible for preparing the site plan	X	X
Name and address of the property owner or petitioner	X	X
Location sketch	X	X
Legal description of the subject property	X	X
Size of subject property in acres or square feet	X	X
Boundary survey	X	X
Preparer's professional seal		X
Revision block (month, day and year)	X	X
Existing Conditions		
Existing zoning classification of subject property	X	X
Property lines and required setbacks (dimensioned)	X	X
Location, width and purpose of all existing easements	X	X
Location and dimension of all existing structures on the subject property	X	X
Location of all existing driveways , parking areas and total number of existing parking spaces on subject property	X	X

Table 5.119(1): Required Site Plan Content

Required Information	Level “A”	Level “B”
Abutting street right-of-way width	X	X
Location of all existing structures, driveways and parking areas within three hundred (300) feet of the subject property’s boundary		X
Existing water bodies (rivers, creeks, wetlands, etc.)	X	X
Existing landscaping and vegetation on the subject property		X
Size and location of existing utilities		X
Location of all existing surface water drainage facilities	X	X
Proposed Development		
Location and dimensions of all proposed buildings	X	X
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	X	X
Setbacks for all buildings and structures	X	X
Recreation areas, common use areas, dedicated open space and areas to be conveyed for public use		X
Flood plain areas and basement and finished floor elevations of all buildings	X	X
Landscape plan (showing location of proposed materials, size and type)		X
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		X
Number and location (by code, if necessary) of efficiency and one, two and three or more bedroom units		X
All deed restrictions or covenants	X	X
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	X
Engineering		
Proposed method of handling sanitary sewage and providing potable water	X	X
Location and size of proposed utilities, including connections to public sewer and water supply systems and/or size and location of on-site systems	X	X
Location and spacing of fire hydrants		X



Table 5.119(1): Required Site Plan Content

Required Information	Level "A"	Level "B"
Location and type of all proposed surface water drainage facilities	X	X
Grading plan at no more than two (2) foot contour intervals		X
Proposed streets (including pavement width, materials and easement or right-of-way dimensions)		X
Building Details		
Typical elevation views of all sides of each building		X
Gross and usable floor area	X	X
Elevation views of building additions	X	X
Building height	X	X

- (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. **The Planning Commission and/or City Council reserves the right to request the waived information for Level B Site Plan reviews should they (the respective body) believe the information is useful or necessary in their decision making process.**
- (3) *Additional Reports/Study:* The **zoning administrator, planning commission, or city council** 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, planning commission, or city council** shall have the authority to choose the individual consultant, firm or company. The costs of additional study shall be paid for by the applicant.

5.120. Standards for Site Plan Approval

A **site plan** shall be approved only upon a finding of compliance with the following standards:

- (1) The **site plan** must comply with all standards of this Article and all applicable requirements of this ordinance, as well as with all other applicable city, county, state and federal laws and regulations.
- (2) The site must be designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.
- (3) The site must be designed to minimize hazards to **adjacent** property and to reduce the negative effects of traffic, noise, smoke, fumes and glare to the maximum extent possible.



- (4) Unless a more specific design standard is required by the city through a different ordinance or regulation, all **uses** and **structures** subject to **site plan** review shall comply with the following design standards:
- (a) Traffic Circulation. The number, location and size of access and entry points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, as well as circulation within the site. In reviewing traffic features, the number, spacing and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on **abutting streets** and **adjacent** properties.
 - (b) Storm Water. Storm water retention and drainage systems shall be designed so the removal of surface water will not adversely affect neighboring properties or public storm water drainage systems. Unless impractical, storm water shall be removed from all roofs, canopies and paved areas by an underground surface drainage system. Low impact design solutions such as rain gardens and green roofs are encouraged.
 - (c) Landscaping. The landscape shall be preserved in its natural state, insofar as practical, by minimizing unnecessary **tree** and soil removal. Any **grade** changes shall be in keeping with the general appearance of neighboring developed areas. Provision or preservation of landscaping, **buffers** or **greenbelts** may be required to ensure the proposed **uses** will be adequately **buffered** from one another and from surrounding property.
 - (d) Screening. Where non-residential **uses** abut residential **uses**, appropriate **screening** shall be provided in accordance with *Section 5.81(9)* to shield residential properties from noise, headlights and glare.
 - (e) Lighting. Lighting shall be designed to minimize glare on **adjacent** properties and **public streets**. As a condition of site plan approval, reduction of lighting during non-business hours may be required.
 - (f) Utility Service. All utility service shall be underground, unless impractical due to engineering difficulties.
 - (g) Exterior Uses. Exposed storage areas, machinery, heating and cooling units, **service areas**, loading areas, utility **buildings** and **structures**, and similar accessory areas shall be located to have a minimum negative effect on **adjacent** properties and shall be screened, if reasonably necessary, to ensure compatibility with surrounding properties.
 - (h) Emergency Access. All **buildings** and **structures** shall be readily accessible to emergency vehicles.
 - (i) Water and Sewer. Water and sewer installations shall comply with all city specifications and requirements.
 - (j) Signs. Permitted **signs** shall be located to avoid creating distractions, visual clutter and obstructions for traffic entering or exiting a site.



5.121. Conditions of Site Plan Approval

Conditions which are designed to ensure compliance with the intent of this ordinance and other regulations of the City of Charlevoix may be imposed on site plan approval. Conditions imposed shall be based on the following criteria:

- (1) Ensure that public services and facilities affected by the proposed land **use** and **site plan** will not be adversely affected.
- (2) Ensure that the **use** is compatible with **adjacent** land **uses** and activities.
- (3) Protect natural resources, the health, safety, welfare and social and economic well-being of those who will use the land **use** or activity under consideration, residents and landowners immediately **adjacent** to the proposed land **use** or activity, and the community as a whole.
- (4) Ensure compatibility between the proposed **use** or activity and the rights of the city to perform its governmental functions.
- (5) Meet the intent and purpose of the zoning ordinance, be related to the regulations and standards established in the ordinance for the land **use** or activity under consideration and be necessary to ensure compliance with those standards.
- (6) Ensure compliance with the intent of other city ordinances that are applicable to the **site plan**.
- (7) Ensure compatibility with other **uses** of land in the vicinity.

5.122. Performance Guarantee

To assure compliance with this ordinance and any conditions of approval, performance guarantees may be required. The **city council** may require that a performance guarantee be furnished to ensure compliance with the requirements and conditions imposed under the city's Zoning Ordinance. The amount of the performance guarantee shall be set forth by the **city council**, and shall be an amount acceptable to the city in covering the estimated cost of improvements associated with the project for which zoning approval is sought. This performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or a surety bond, and shall be deposited with the treasurer of the city. The performance guarantee shall be deposited at the time of issuance of the permit authorizing the activity or project. The city shall not require the deposit of the performance guarantee before the date on which the city is prepared to issue the permit. The city shall rebate any cash deposits in reasonable proportion to the ratio of work completed on the required improvement as work on the required improvements progresses.

5.123. Amendment to Approved Plans

Changes to an approved **site plan** shall be permitted only under the following circumstances:

- (1) The holder of an approved **site plan** shall notify the **zoning administrator** of any proposed change to an approved **site plan**.
- (2) Changes to a Level "A" **site plan** may be approved by the **zoning administrator**.
- (3) Minor changes to a Level "B" **site plan** may be approved by the **zoning administrator** upon determining that the proposed revision(s) will not alter the basic



design or any specified conditions imposed as part of the original approval. Minor changes shall include the following:

- (a) Reduction in building size or increase in building size up to five (5) percent of total approved **floor area**.
 - (b) Movement of **buildings** or other **structures** by no more than ten (10) feet.
 - (c) Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
 - (d) Changes in building materials to a comparable or higher quality.
 - (e) Changes in floor plans which do not alter the character of the **use**.
 - (f) Changes required or requested by a city, county, state or federal regulatory agency in order to conform to other laws or regulations.
- (4) A proposed change to a Level "B" **site plan**, determined by the **zoning administrator** to not be a minor change, shall be submitted to the **planning commission** as a site plan amendment and shall be reviewed in the same manner as the original application.

5.124. Expiration

Site plan approval shall expire twelve (12) months after the date of approval, unless substantial construction has been commenced and is continuing. The **zoning administrator**, in the case of a Level "A" **site plan**, or the **planning commission**, in the case of Level "B" **site plan**, may grant one extension of up to twelve (12) additional months; provided the applicant requests an extension in writing prior to the date of expiration of the **site plan**. The extension shall be approved if the applicant presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the applicant and the project will proceed within the extension period. If the above provisions are not fulfilled or the extension has expired prior to construction, the site plan approval shall become null and void.