

The Charlevoix City Council met on Monday, April 15, 2019 with Mayor Luther Kurtz presiding. All Councilmembers were present. The following is an excerpt from the official records of said meeting:

**CITY OF CHARLEVOIX
ORDINANCE NO. 801 of 2019**

AN ORDINANCE TO AMEND TITLE XV, CHAPTER 153, SECTIONS 153.005, 153.116, 153.153, 153.158, and 153.207 OF THE CHARLEVOIX CITY CODE

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title XV, Chapter 153, Section 153.005 of the City of Charlevoix Code is hereby amended to replace the Building Height, Dwelling Unit and Family (b) definitions and to add (d) Dwelling, Accessory Dwelling Unit definition as follows:

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

DWELLING UNIT. A building or portion of a building, designed for use and occupancy by individuals, or one family, for living, kitchen and bathing facilities. A recreational vehicle, vehicle chassis or tent is not considered a dwelling.

FAMILY. (b) A collective number of individuals, domiciled together in one dwelling unit whose relationship is of a continuing, domestic character, and who cook and live as a single non-profit housekeeping unit. This does not include a society, club, fraternity, sorority, association, halfway house, lodge, organization, group of students or other individuals whose domestic relationship is of a transitory or seasonal nature, such as a school term, a period of rehabilitation or treatment or is otherwise not intended to be of a permanent nature.

(d) **DWELLING, ACCESSORY (ADU).** A second unit on an owner-occupied single-family parcel that is a minimum of three-hundred (300) and less than six-hundred-fifty (650) square feet and is either attached to the principal dwelling or in a separate structure on the same parcel.

SECTION 2. Title XV, Chapter 153, Section 153.116 (A) (6) of the City of Charlevoix Code is hereby deleted.

SECTION 3. Title XV, Chapter 153, Section 153.116 (C) (3) of the City of Charlevoix Code is hereby deleted.

SECTION 4. Title XV, Chapter 153, Section 153.116 (C) (5) of the City of Charlevoix Code is hereby amended as follows:

Signage shall be subject to the requirements of §§153.205 through 153.219.

SECTION 5. Title XV, Chapter 153, Section 153.158 (C) and Section 153.158 (D) of the City of Charlevoix Code are hereby deleted.

SECTION 6. Title XV, Chapter 153, Section 153.158 (E) of the City of Charlevoix Code is hereby amended as follows:

Long-term renting within a residential structure is permitted, as long as the structure is owner-occupied.

SECTION 7. Title XV, Chapter 153, Section 153.207 (D) of the City of Charlevoix Code is hereby amended as follows:

(D) *Illumination and lighting.*

- (1) For the safety of the general public, no unshielded lights, or lights directed upward or horizontally at sign faces, flashing lights, scrolling or moving electronic lights, or other distractive devices may be used in conjunction with any sign or business.
- (2) Each sign, which is artificially illuminated, shall have the light source shielded from the direct vision of individuals using adjacent roadways, properties, or sidewalks.
- (3) Signs shall not emit light directly into the sky. The light source shall not be positioned so that the center of the light source exceeds more than 45 degrees from ground level.
- (4) Illumination by bare bulbs or flames is prohibited.
- (5) Underground wiring shall be required for all illuminated signs that are not attached to a building.
- (6) External neon signs no larger than two square feet in sign face area are allowed in the GC (General Commercial), CBD (Central Business District) and CH (Commercial Hospitality) Zoning Districts only.

SECTION 8. Severability.

No other portion, paragraph or phase of the Code of the City of Charlevoix, Michigan shall be affected by this Ordinance except as to the above sections, and in the event any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or of the Code of the City of Charlevoix, Michigan.

SECTION 9. Effective Date.

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

Ordinance No. 801 was adopted on the 15th day of April, 2019 A.D., by the Charlevoix City Council as follows:

Motion by: Cole
Seconded by: Hagen
Yeas: Oleksy, Bryan, Perron, Hagen, Cole, Kalbfell
Nays: None
Absent: None

State of Michigan }
City of Charlevoix } §

Joyce M. Golding

Clerk

Luther Kurtz

Mayor

CERTIFICATION

I, the undersigned, City Clerk of the City of Charlevoix, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 801 of 2019 adopted by the City Council of the City of Charlevoix, County of Charlevoix, State of Michigan, at a regular meeting held on April 15, 2019 and published in the *Charlevoix Courier* on April 19, 2019, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of the Michigan Public Acts of 1876.

Dated: April 16, 2019

Joyce M. Golding, City Clerk