

CITY OF HILLSDALE



Planning Commission
97 North Broad Street
Hillsdale, Michigan 49242-1695
(517) 437-6449 Fax: (517) 437-6450

Planning Commission Agenda February 20, 2018

- I. Call to Order 5:30**
 - A. Pledge of Allegiance
 - B. Roll Call
- II. Public Comment**

Agenda items only
- III. Consent Items/Communications**
 - A. Approval of agenda – **Action**
 - B. Approval of Planning Commission 01.16.2018 minutes – **Action**
- IV. Old Business**
- V. New Business**
 - A. West Street Living LLC Lot Division Application – **Action**
 - B. Region 2 Planning Commission Report – **Update**
 - C. Commission By-laws – **Discussion**
- VI. Zoning Ordinance Review**
 - A. Chapter 26 Sign Ordinance Amendment – **Discussion**
- VII. Zoning Administrator Report**
- VIII. Adjournment**

Next meeting March 20, 2018 at 5:30 pm



CITY OF HILLSDALE

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PLANNING COMMISSION MINUTES HILLSDALE CITY HALL, 97 N. Broad Street January 16, 2018 at 5:30 PM

I. Call to Order 5:30 pm

- A. Members present: Chair Amber Yoder, Councilman William Morrissey, Vice Chair Samuel Nutter, Eric Moore, Eric Swisher, Kerry Laycock
- B. Others present: Alan Beeker (Zoning Administrator), Mary Wolfram, Jack McLain
- C. Members absent: Ron Scholl (excused)

II. Consent Items/Communications

- A. Kerry Laycock moved to approve the Consent Agenda as presented, Eric Swisher seconded, motion passed.

III. Public Comment

Jack McLain – Correction on November minutes re: members present. He had several suggestions for amendments re: Planning Commission By-laws.

Mary Wolfram – has several ideas and comments for Overnight Parking and asked to be included in the discussion.

IV. Old Business

V. New Business

- A. Region 2 Planning Commission Report – Mr. Beeker presented a brief overview of the R2PC meeting.
- B. Commission By-Laws Review – Mr. Beeker will look for minutes from Council regarding the 2011 ordinance and anything pertaining to the 2013 by-laws. Since the by-laws and the ordinance are not the same, the Commission chose to start with the 2011 rules and amend. Kerry Laycock moved to table the matter until February asking that a determination as to which version, 2011 or 2013 takes precedent and the PC members shall review and make suggestions. Eric Moore seconded. Eric Swisher asked that minutes from 2013 be found. Motion passed.
- C. Downtown Overnight Parking – Mr. Beeker asked the PC to consider opening all of the streets in the downtown to overnight parking. Ms. Wolfram wondered why the restrictions were put in place in the first place. Mr. Moore stated that when he developed the apartments in his building, there was an uphill battle to get the spaces on North St. designated to overnight parking. The concern is people parking and leaving their cars for more than the allowed time. The key to all of this would be enforcement by the police. Mr. Laycock suggested allowing unloading zones near residential areas.

VI. Public Comment

Jack McLain – Feels that one of the main issues with downtown parking is lack of enforcement. Is encouraged that the Planning Commission is finally looking at the by-laws. He disagrees with the recently adopted definitions of “family”. He feels that street numbers on properties need to be better enforced.

VII. Adjournment at 7:23 pm – Samuel Nutter moved to adjourn, Eric Swisher seconded, motion passed. Meeting adjourned.

Next meeting: February 16, 2018 at 5:30 pm.

DRAFT



TO: Planning Commission

FROM: Zoning Administrator

DATE: February 13, 2018

RE: West Street Living LLC Lot Division Application

Background:

West Street Living LLC, owner of the parcels located at southwest corner of N. West and College streets known as the Hillsdale College Townhomes project is requesting a lot division of the existing parcels.

West Street Living LLC is requesting approval of the proposed lot division for the parcels. The project building will be split into 6 parcels with the remaining property to be the seventh parcel.

The Zoning Administrator and Assessor have reviewed the request and is recommending that the Planning Commission recommend the parcel splits to Council for final approval.

RECEIVED

JAN 23 2018

HILLSDALE CITY ASSESSOR
~~Without Fee~~



City of Hillsdale LAND DIVISION APPLICATION

Date Received by clerk/treasurer: 1/23/2018
Application Fee \$75 - Check or Receipt #: 57248

This application shall be filed with the clerk/treasurer and shall state the reasons for the proposed division and shall include a survey (where deemed necessary) showing such proposed divisions prepared by a registered Michigan civil engineer or land surveyor, a proper legal description of the lot to be divided, and a proper legal description of each separate lot, outlot or parcel proposed shall be submitted with the application (HMC Section 18-82).

Clerk/treasurer: Forward application and all attachments to Assessing Department for review and recommendation to council.

The undersigned owner(s) of the parcel(s) of property referenced below and located within the City of Hillsdale, Hillsdale County, Michigan, hereby request(s) that the properties listed be divided in accordance with the City of Hillsdale Land Division Ordinance (Hillsdale Municipal Code Part II, Chapter 18, Division 3) and with the State of Michigan Land Division Act (Public Act 288 of 1967 as amended, Michigan Compiled Laws Section 560.101 et seq.).

APPLICANT Information:

Owner of Property: WEST STREET LIVING LLC
Daytime Phone Number: 248 476 3700
Mailing Address: 3700 GRAND RIVER #360
City: FARMINGTON HILLS State: MI Zip: 48335

PARENT Parcel Identification Number(s) as Identified on the most recent assessment roll:

- 1. 30-006- 222-476-27 (Combined from -04, -09, -10 + -11 for 2017)
- 2. 30-006-
- 3. 30-006-
- 4. 30-006-
- 5. 30-006-

Attach a copy of the most recent tax notice for each parcel or tract to be divided and copy of all deeds for same since March 31, 1997 (that being the effective date of the Michigan Land Division Act) establishing current ownership and availability of division rights. Include a survey or parcel map of the property as it existed on March 31, 1997, and any boundary lines and dimensions of each resulting parcel from any prior divisions since that date.

All outstanding taxes must be paid on all affected parcels prior to processing of this request. Certification from the Hillsdale County Treasurer may be required.

PROPOSAL:

- 1. Attach a tentative parcel map (survey preferred), including:
 - a. Proposed boundary lines and the dimensions of each resulting parcel for this application.

1 This form is designed to comply with Sections 18-82 and 18-83 of the City of Hillsdale Land Division Ordinance and Section 109 of the Michigan Land Division Act (formerly the subdivision control act, P.A. 288 of 1967, as amended (particularly by P.A. 591 of 1996) MCL 560.101 et seq.). Land in the City of Hillsdale shall not be divided without the prior review and approval by the City Council or their designated agent, in accordance with the City of Hillsdale Land Division Ordinance and the State of Michigan Land Division Act.



City of Hillsdale LAND DIVISION APPLICATION

- b. Accurate legal description for each resulting parcel proposed.
 - c. The location, dimensions and nature of proposed ingress to and egress from any existing or proposed public streets.
 - d. The location of any public or private street, driveway (and associated existing addresses) or utility easement(s) to be located within any resulting parcel(s).
 - e. The location(s) of any existing structures or improvements (i.e. septic, well, house, garage, etc) and setback from proposed parcel lines.
 - f. Intended use for each proposed parcel (commercial, single-family residential, duplex, apartments, industrial, etc. – Separate application to amend the zoning map may be required).
2. **DEVELOPMENT SITE LIMITS.** Check each item below that represents a condition that exists on the parent parcel. Indicate location on proposed parcel map.
- a. In a DNR-designated critical sand dune area?
 - b. Riparian or littoral (river or lake front parcel)?
 - c. Affected by a Great Lake High Erosion setback?
 - d. A wetland?
 - e. A beach?
 - f. Within a flood plain?
 - g. Slopes more than twenty five percent (a 1:4 pitch or 14 degree angle) or steeper?
 - h. On muck soils or soils known to have severe limitation for on-site sewage systems if not served by public sewer.
 - i. Known or suspected to have an abandoned well, underground storage tank or contaminated soils?
3. **FUTURE DIVISIONS:**
- a. How many divisions are remaining after processing of this application?
0
 - b. Are any future divisions being transferred from the parent parcel to another parcel? Circle yes or no. (If yes, please attach completed form L-4260a "Notice to assessor of transfer of the right to make a division of land" for each child parcel to receive division rights.)
4. **Affidavit and permission for municipal, county and state officials to enter the property for inspections:**
I agree the statements above are true, and if found not to be true this application and any approval will be void. Further, I agree to comply with the conditions and regulations provided with this parent parcel division. Further, I agree to give permission for officials of the municipality, county and the State of Michigan to enter the property where this parcel division is proposed for purposes of inspection to verify that the information on the application is correct at a time mutually agreed with the applicant. Finally, I understand this is only a parcel division which conveys only certain rights under the applicable local land division ordinance, the local zoning ordinance, and the State Land Division Act (formerly the Subdivision Control Act, P.A. 288 of 1967, as amended (particularly by P.A. 591 of 1996, MCL 560.101 et. Seq.), and does not include any representation or conveyance of rights in



City of Hillsdale LAND DIVISION APPLICATION

any other statute, building code, zoning ordinance, deed restriction or other property rights.

Finally, even if this division is approved, I understand zoning, local ordinances and State Acts change from time to time, and if changed the division made here must comply with the new requirements (apply for division approval again) unless deeds, land contracts, leases or surveys representing the approved divisions are recorded with the Register of Deeds or the division is built upon before the changes to laws are made.

Property Owner's Signature: _____

Date: 1-23-10

All complete application packages will be acted upon within 60 days of receipt. If the application package does not conform to the City of Hillsdale Land Division Ordinance requirements and/or the State of Michigan Land Division Act, the administrator shall return the same to the applicant for completion and refilling in accordance with same.

For Government Use - DO NOT WRITE BELOW THIS LINE

ZONING ADMINISTRATOR COMMENTS:

Current Zoning: _____
Does the request meet the minimum lot size and width requirements under the current zoning?: _____
Recommendation: _____

ASSESSOR'S COMMENTS:

Platted or unplatted? Platted - Blackmar + Berbe's Addition
If unplatted, how many splits are available? N/A
Recommendation: Approve under condition that all sales include common area maintenance agreement

DATE OF COUNCIL ACTION: ____ - ____ - ____

____ Approved; Conditions, if any:

____ Denied; Reasons:

Assessor/Land Division Administrator Signature and Date: _____

Legal Description Change #: ____ - ____ Date Processed: ____ - ____ - ____

Attach list showing parcel numbers, addresses and descriptions of all resulting parcels.

First year this change will appear on the assessment roll: _____

3 This form is designed to comply with Sections 18-82 and 18-83 of the City of Hillsdale Land Division Ordinance and Section 109 of the Michigan Land Division Act (formerly the subdivision control act, P.A. 288 of 1967, as amended (particularly by P.A. 591 of 1996) MCL 560.101 et seq.). Land in the City of Hillsdale shall not be divided without the prior review and approval by the City Council or their designated agent, in accordance with the City of Hillsdale Land Division Ordinance and the State of Michigan Land Division Act.

CERTIFIED TO:
 WEST STREET LIVING,LLC
 37000 GRAND RIVER AVE. SUITE 360
 FARMINGTON HILLS,MI. 48335

PARCEL SPLIT SKETCH

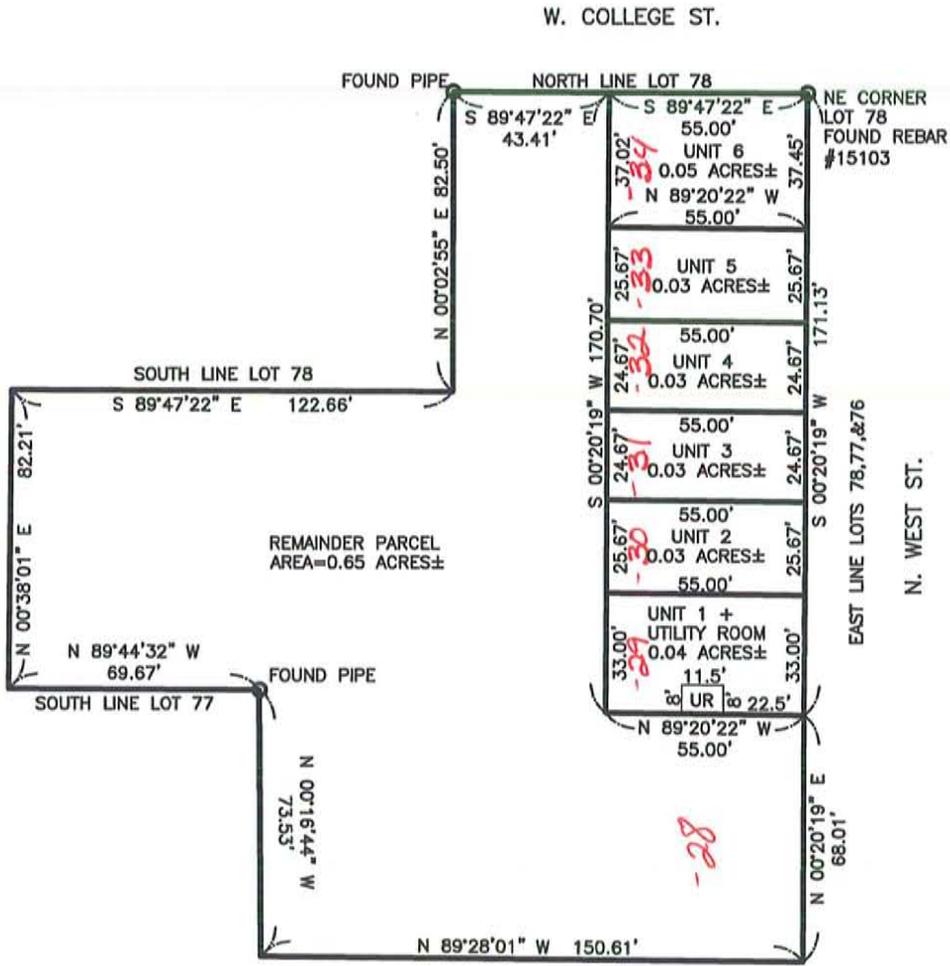
PARCEL ADDRESS: ²⁴⁰252 N. WEST ST.
 HILLSDALE,MI. 49242
 ID NO.: 30-006-222-476-27 *Parent Parcel*
 AREA=0.86 ACRES±



PARENT PARCEL METES AND BOUNDS LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PART OF LOTS 76,77 AND 78 OF BLACKMAR AND BEEBE'S ADDITION TO THE VILLAGE,NOW CITY OF HILLSDALE,ACCORDING TO THE RECORDED PLAT THEREOF, AS RECORDED IN LIBER X OF DEEDS,PAGES 484,485 AND 486,HILLSDALE COUNTY RECORDS, SAID PARCEL BEING BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND REBAR #15103 AT THE NORTHEAST CORNER OF LOT 78 OF BLACKMAR AND BEEBE'S ADDITION TO THE VILLAGE,NOW CITY OF HILLSDALE, THENCE SOUTH 00°20'19" WEST, ALONG THE EAST LINE OF LOT 78,77 AND 76, 239.14 FEET; THENCE NORTH 89°28'01" WEST 150.61 FEET; THENCE NORTH 00°16'44" WEST 73.53 FEET TO A FOUND PIPE ON THE SOUTH LINE OF LOT 77; THENCE NORTH 89°44'32" WEST, ALONG SAID SOUTH LINE, 69.67 FEET; THENCE NORTH 00°38'01" EAST 82.21 FEET TO THE SOUTH LINE OF LOT 78; THENCE SOUTH 89°47'22" EAST, ALONG SAID SOUTH LINE, 122.66 FEET; THENCE NORTH 00°02'55" EAST 82.50 FEET TO A FOUND PIPE ON THE NORTH LINE OF LOT 78; THENCE SOUTH 89°47'22" EAST, ALONG SAID NORTH LINE, 98.41 FEET TO THE POINT OF BEGINNING.



Job No.: 17s01057
 Drawn by: MJL
 Checked by: MJL
 Date: 01/17/18
 Scale: 1" = 40'
 Page: 1 of 4

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 SOMERSET CENTER, MI 49282
 Phone: (517) 320-1087
 E-Mail: Lodzinski@comcast.net

CERTIFIED TO:
WEST STREET LIVING,LLC
37000 GRAND RIVER AVE. SUITE 360
FARMINGTON HILLS,MI. 48335

LEGAL DESCRIPTIONS

UNIT 1 LEGAL DESCRIPTION (INCLUDES UTILITY ROOM): - 29

A PARCEL OF LAND BEING A PART OF LOTS 76 AND 77 OF BLACKMAR AND BEEBE'S ADDITION TO THE VILLAGE,NOW CITY OF HILLSDALE,ACCORDING TO THE RECORDED PLAT THEREOF, AS RECORDED IN LIBER X OF DEEDS,PAGES 484,485 AND 486,HILLSDALE COUNTY RECORDS, SAID PARCEL BEING BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND REBAR #15103 AT THE NORTHEAST CORNER OF LOT 78 OF BLACKMAR AND BEEBE'S ADDITION TO THE VILLAGE,NOW CITY OF HILLSDALE, THENCE SOUTH 00°20'19" WEST, ALONG THE EAST LINE OF LOT 78,77 AND 76, 138.13 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 00°20'19" WEST, ALONG SAID EAST LINE, 33.00 FEET; THENCE NORTH 89°20'22" WEST 55.00 FEET; THENCE NORTH 00°20'19" EAST 33.00 FEET; THENCE SOUTH 89°20'22" EAST ,ALONG THE CENTERLINE OF THE DEMISING WALL BETWEEN UNIT 1 AND UNIT 2, 55.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL BEING SUBJECT TO AN EASEMENT TO PROVIDE ACCESS TO THE UTILITY ROOM AT THE SOUTH END OF THE BUILDING.

UNIT 2 LEGAL DESCRIPTION: - 30

A PARCEL OF LAND BEING A PART OF LOT 77 OF BLACKMAR AND BEEBE'S ADDITION TO THE VILLAGE,NOW CITY OF HILLSDALE,ACCORDING TO THE RECORDED PLAT THEREOF, AS RECORDED IN LIBER X OF DEEDS,PAGES 484,485 AND 486,HILLSDALE COUNTY RECORDS, SAID PARCEL BEING BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND REBAR #15103 AT THE NORTHEAST CORNER OF LOT 78 OF BLACKMAR AND BEEBE'S ADDITION TO THE VILLAGE,NOW CITY OF HILLSDALE, THENCE SOUTH 00°20'19" WEST, ALONG THE EAST LINE OF LOT 78,77 AND 76, 112.46 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 00°20'19" WEST, ALONG SAID EAST LINE, 25.67 FEET; THENCE NORTH 89°20'22" WEST, ALONG THE CENTERLINE OF THE DEMISING WALL BETWEEN UNIT 1 AND UNIT 2, 55.00 FEET; THENCE NORTH 00°20'19" EAST 25.67 FEET; THENCE SOUTH 89°20'22" EAST ,ALONG THE CENTERLINE OF THE DEMISING WALL BETWEEN UNIT 2 AND UNIT 3, 55.00 FEET TO THE POINT OF BEGINNING.

UNIT 3 LEGAL DESCRIPTION: - 31

A PARCEL OF LAND BEING A PART OF LOT 77 OF BLACKMAR AND BEEBE'S ADDITION TO THE VILLAGE,NOW CITY OF HILLSDALE,ACCORDING TO THE RECORDED PLAT THEREOF, AS RECORDED IN LIBER X OF DEEDS,PAGES 484,485 AND 486,HILLSDALE COUNTY RECORDS, SAID PARCEL BEING BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND REBAR #15103 AT THE NORTHEAST CORNER OF LOT 78 OF BLACKMAR AND BEEBE'S ADDITION TO THE VILLAGE,NOW CITY OF HILLSDALE, THENCE SOUTH 00°20'19" WEST, ALONG THE EAST LINE OF LOT 78,77 AND 76, 87.79 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 00°20'19" WEST, ALONG SAID EAST LINE, 24.67 FEET; THENCE NORTH 89°20'22" WEST, ALONG THE CENTERLINE OF THE DEMISING WALL BETWEEN UNIT 2 AND UNIT 3, 55.00 FEET; THENCE NORTH 00°20'19" EAST 24.67 FEET; THENCE SOUTH 89°20'22" EAST ,ALONG THE CENTERLINE OF THE DEMISING WALL BETWEEN UNIT 3 AND UNIT 4, 55.00 FEET TO THE POINT OF BEGINNING.

Job No.: 17e01057

Drawn by: MJL

Checked by: MJL

Date: 01/17/18

Scale:

Page: 2 of 4

LODZINSKI & ASSOCIATES, LLC

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WEST STREET LIVING,LLC
37000 GRAND RIVER AVE. SUITE 360
FARMINGTON HILLS,MI. 48335

LEGAL DESCRIPTIONS

UNIT 4 LEGAL DESCRIPTION: - 32

A PARCEL OF LAND BEING A PART OF LOT 77 AND 78 OF BLACKMAR AND BEEBE'S ADDITION TO THE VILLAGE,NOW CITY OF HILLSDALE,ACCORDING TO THE RECORDED PLAT THEREOF, AS RECORDED IN LIBER X OF DEEDS,PAGES 484,485 AND 486,HILLSDALE COUNTY RECORDS, SAID PARCEL BEING BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND REBAR #15103 AT THE NORTHEAST CORNER OF LOT 78 OF BLACKMAR AND BEEBE'S ADDITION TO THE VILLAGE,NOW CITY OF HILLSDALE, THENCE SOUTH 00'20'19" WEST, ALONG THE EAST LINE OF LOT 78,77 AND 76, 63.12 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 00'20'19" WEST, ALONG SAID EAST LINE, 24.67 FEET; THENCE NORTH 89'20'22" WEST, ALONG THE CENTERLINE OF THE DEMISING WALL BETWEEN UNIT 3 AND UNIT 4, 55.00 FEET; THENCE NORTH 00'20'19" EAST 24.67 FEET; THENCE SOUTH 89'20'22" EAST ,ALONG THE CENTERLINE OF THE DEMISING WALL BETWEEN UNIT 4 AND UNIT 5, 55.00 FEET TO THE POINT OF BEGINNING.

UNIT 5 LEGAL DESCRIPTION: - 33

A PARCEL OF LAND BEING A PART OF LOT 78 OF BLACKMAR AND BEEBE'S ADDITION TO THE VILLAGE,NOW CITY OF HILLSDALE,ACCORDING TO THE RECORDED PLAT THEREOF, AS RECORDED IN LIBER X OF DEEDS,PAGES 484,485 AND 486,HILLSDALE COUNTY RECORDS, SAID PARCEL BEING BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND REBAR #15103 AT THE NORTHEAST CORNER OF LOT 78 OF BLACKMAR AND BEEBE'S ADDITION TO THE VILLAGE,NOW CITY OF HILLSDALE, THENCE SOUTH 00'20'19" WEST, ALONG THE EAST LINE OF LOT 78,77 AND 76, 37.45 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 00'20'19" WEST, ALONG SAID EAST LINE, 25.67 FEET; THENCE NORTH 89'20'22" WEST, ALONG THE CENTERLINE OF THE DEMISING WALL BETWEEN UNIT 4 AND UNIT 5, 55.00 FEET; THENCE NORTH 00'20'19" EAST 25.67 FEET; THENCE SOUTH 89'20'22" EAST ,ALONG THE CENTERLINE OF THE DEMISING WALL BETWEEN UNIT 5 AND UNIT 6, 55.00 FEET TO THE POINT OF BEGINNING.

UNIT 6 LEGAL DESCRIPTION: - 34

A PARCEL OF LAND BEING A PART OF LOT 78 OF BLACKMAR AND BEEBE'S ADDITION TO THE VILLAGE,NOW CITY OF HILLSDALE,ACCORDING TO THE RECORDED PLAT THEREOF, AS RECORDED IN LIBER X OF DEEDS,PAGES 484,485 AND 486,HILLSDALE COUNTY RECORDS, SAID PARCEL BEING BOUNDED AND DESCRIBED AS FOLLOWS:

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Job No.: 17s01057	LODZINSKI & ASSOCIATES, LLC P.O. BOX 129 SOMERSET CENTER, MI 49282 Phone: (517) 320-1087 E-Mail: Lodzinski@comcast.net
Drawn by: MJL	
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FARMINGTON HILLS,MI. 48335

LEGAL DESCRIPTIONS

UTILITY ROOM EASEMENT LEGAL DESCRIPTION: (included in -29)

A PARCEL OF LAND BEING A PART OF LOTS 76 AND 77 OF BLACKMAR AND BEEBE'S ADDITION TO THE VILLAGE,NOW CITY OF HILLSDALE,ACCORDING TO THE RECORDED PLAT THEREOF, AS RECORDED IN LIBER X OF DEEDS,PAGES 484,485 AND 486,HILLSDALE COUNTY RECORDS, SAID PARCEL BEING BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND REBAR #15103 AT THE NORTHEAST CORNER OF LOT 78 OF BLACKMAR AND BEEBE'S ADDITION TO THE VILLAGE,NOW CITY OF HILLSDALE, THENCE SOUTH 00°20'19" WEST, ALONG THE EAST LINE OF LOT 78,77 AND 76, 171.13 FEET; THENCE NORTH 89°20'22" WEST 22.50 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTH 89°20'22" WEST 11.50 FEET; THENCE NORTH 00°20'19" EAST 8.00 FEET; THENCE SOUTH 89°20'22" EAST 11.50 FEET; THENCE SOUTH 00°20'19" WEST 8.00 FEET TO THE POINT OF BEGINNING.

REMAINDER PARCEL LEGAL DESCRIPTION (HILLSDALE COLLEGE): - 28

A PARCEL OF LAND BEING A PART OF LOTS 76,77 AND 78 OF BLACKMAR AND BEEBE'S ADDITION TO THE VILLAGE,NOW CITY OF HILLSDALE,ACCORDING TO THE RECORDED PLAT THEREOF, AS RECORDED IN LIBER X OF DEEDS,PAGES 484,485 AND 486,HILLSDALE COUNTY RECORDS, SAID PARCEL BEING BOUNDED AND DESCRIBED AS FOLLOWS:

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Job No.: 17s01057

Drawn by: MJL

Checked by: MJL

Date: 01/17/18

Scale:

Page: 4 of 4

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**HILLSDALE
TOWNHOMES**
Thomas Duke Company
VERSION 1.0 | 06.21.17

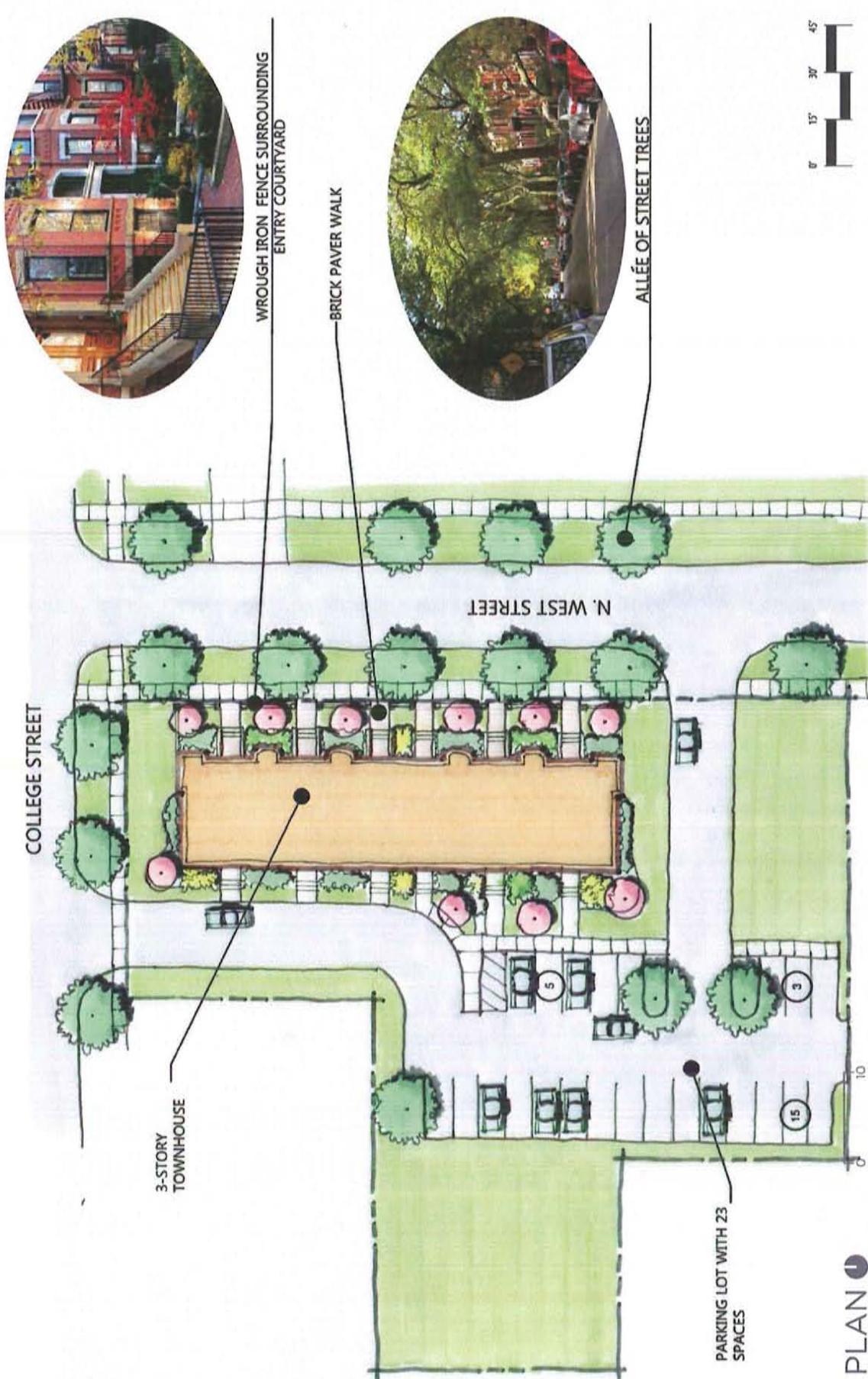


VIEW FROM N WEST STREET

THOMAS DUKE COMPANY
COMMERCIAL PROPERTY

THOMAS DUKE COMPANY | HILLSDALE TOWNHOMES | 06.15.17 | 725990003

progressive | ep



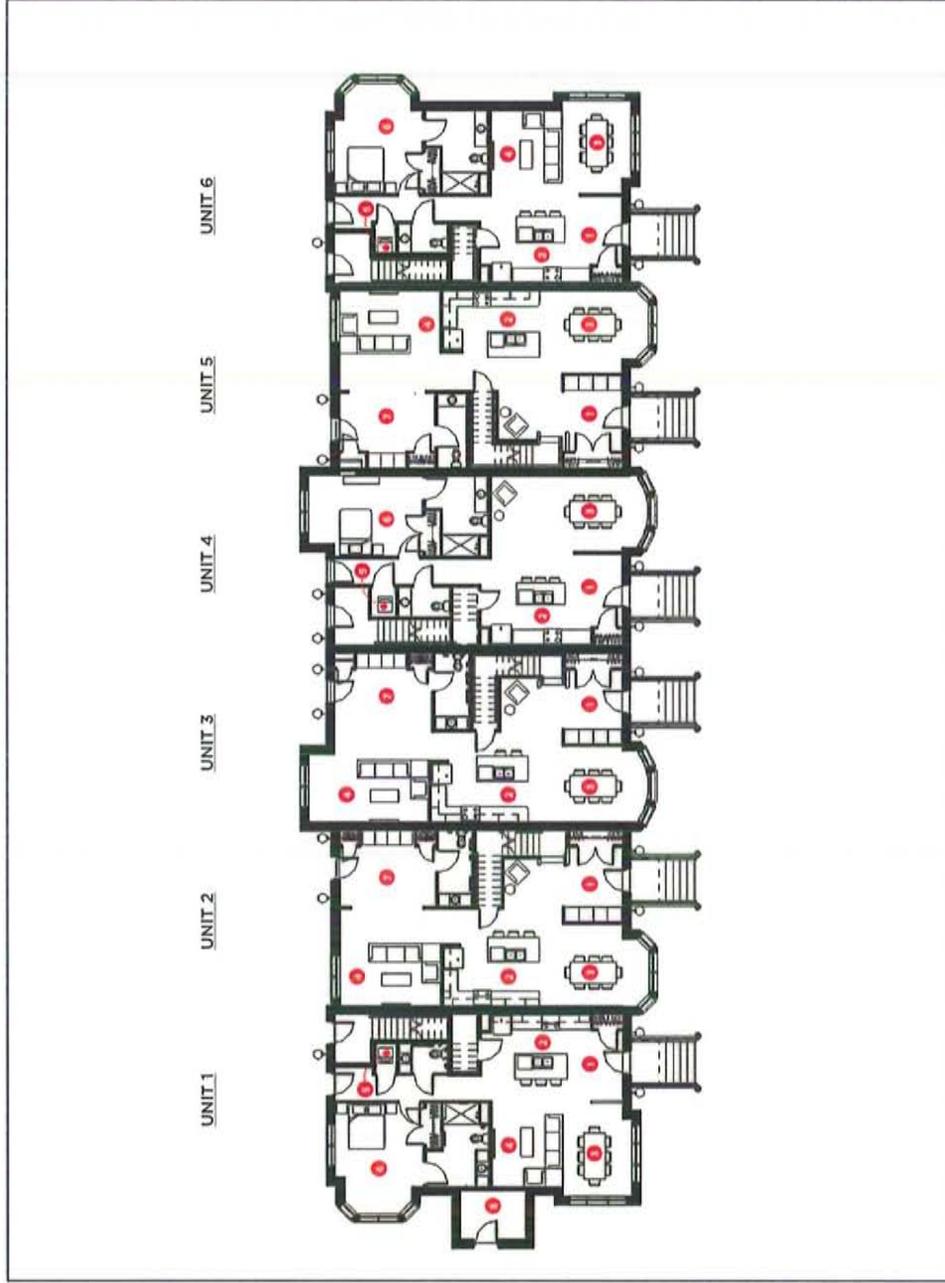
SITE PLAN

THOMAS DUKE COMPANY
COMMERCIAL PROPERTY

THOMAS DUKE COMPANY | HILLSDALE TOWNHOMES | 06.15.17 | 725960003

progressive | **lap**

HILLSDALE TOWNHOMES FIRST FLOOR



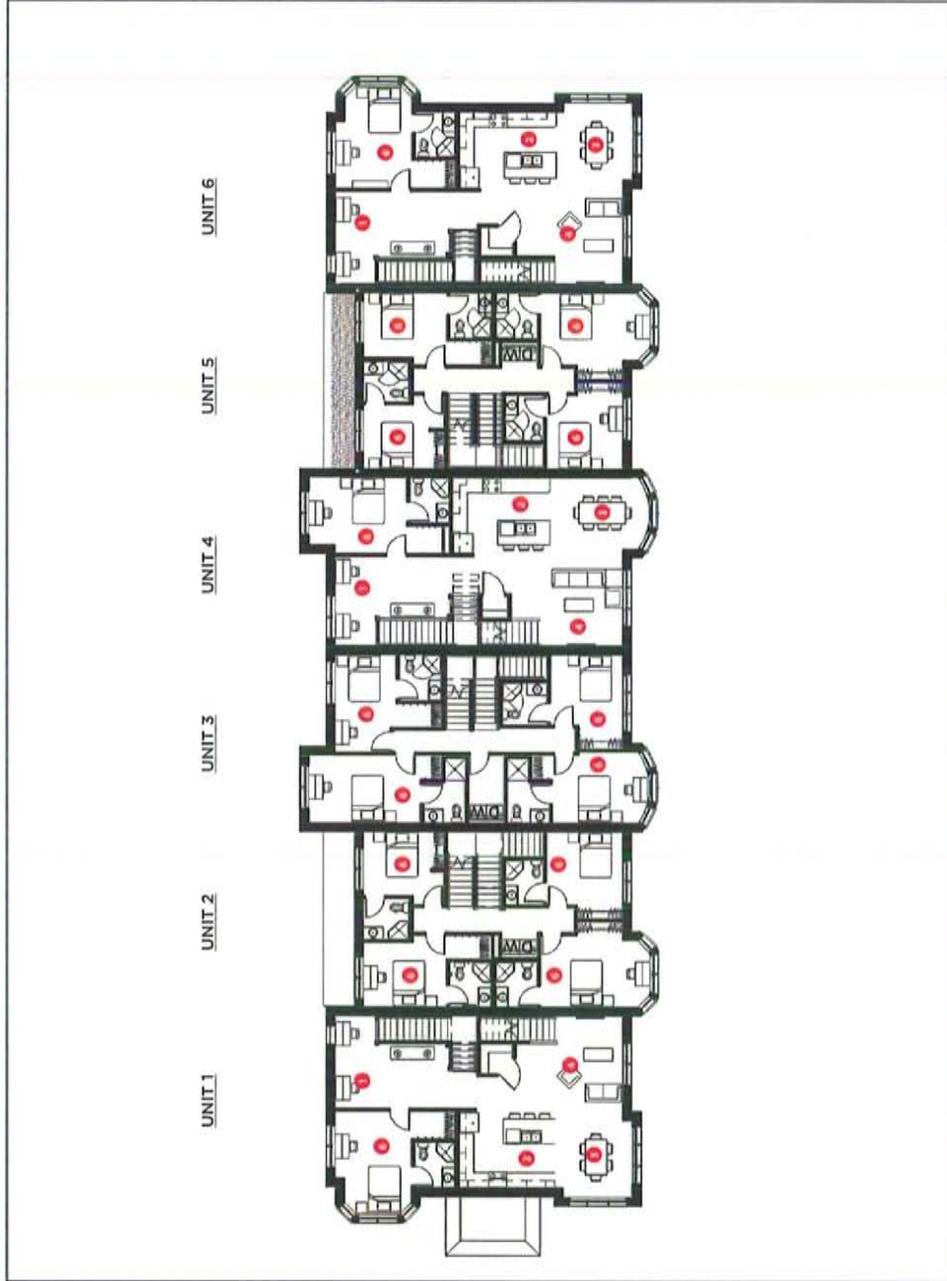
KEY

- 1 Entry
- 2 Kitchen
- 3 Dining Room
- 4 Living Room
- 5 Washer/Dryer Mud Room
- 6 Bedroom
- 7 Mud Room
- 8 Mechanical Room

FLOOR PLAN  0 6 10

THOMAS DUKE COMPANY
COMMERCIAL PROPERTY

HILLSDALE TOWNHOMES SECOND FLOOR



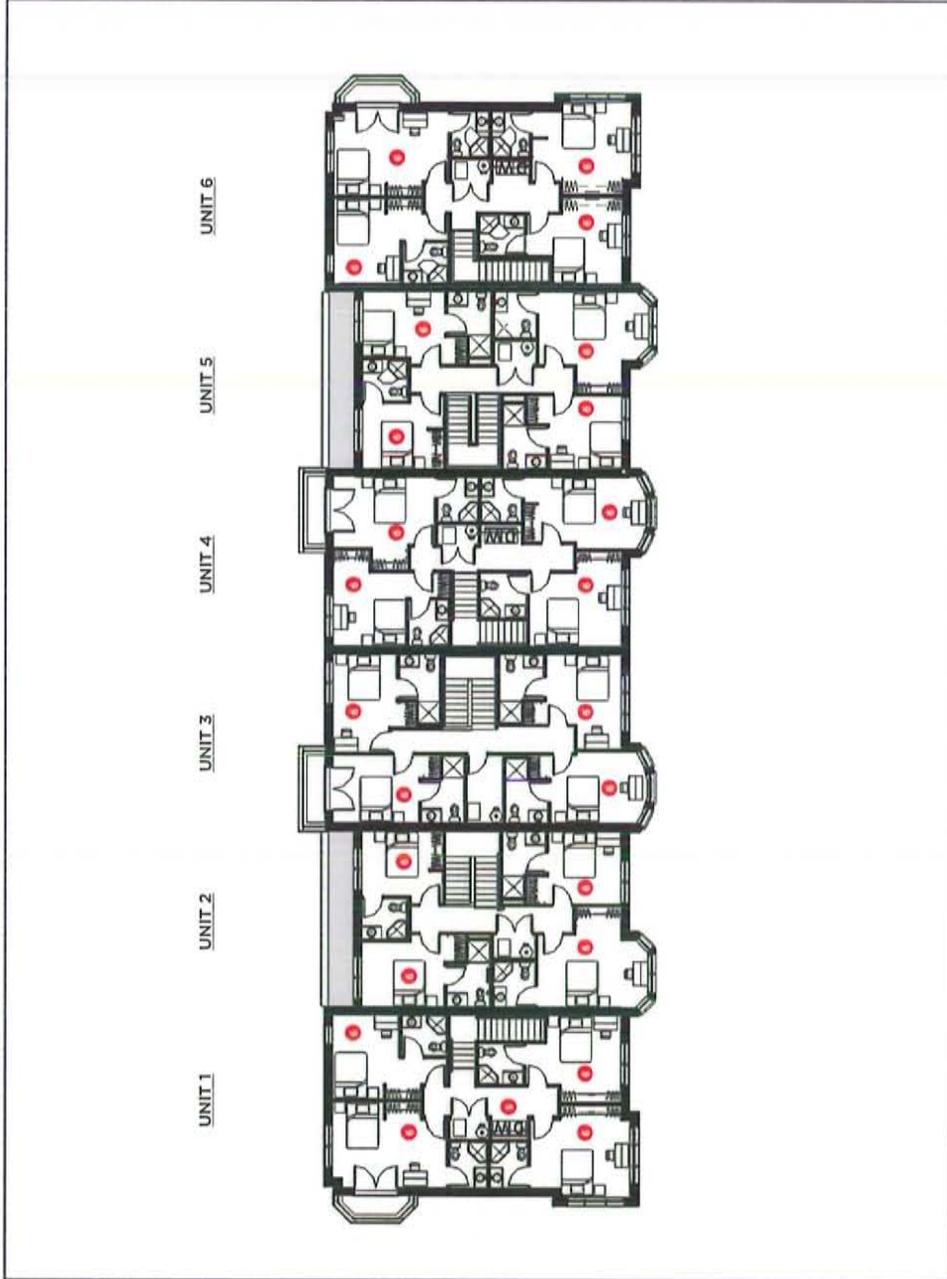
FLOOR PLAN  0 10

THOMAS DUKE COMPANY
COMMERCIAL PROPERTY

THOMAS DUKE COMPANY | HILLSDALE TOWNHOMES | 06.15.17 | 72990003

progressive | 

HILLSDALE TOWNHOMES THIRD FLOOR

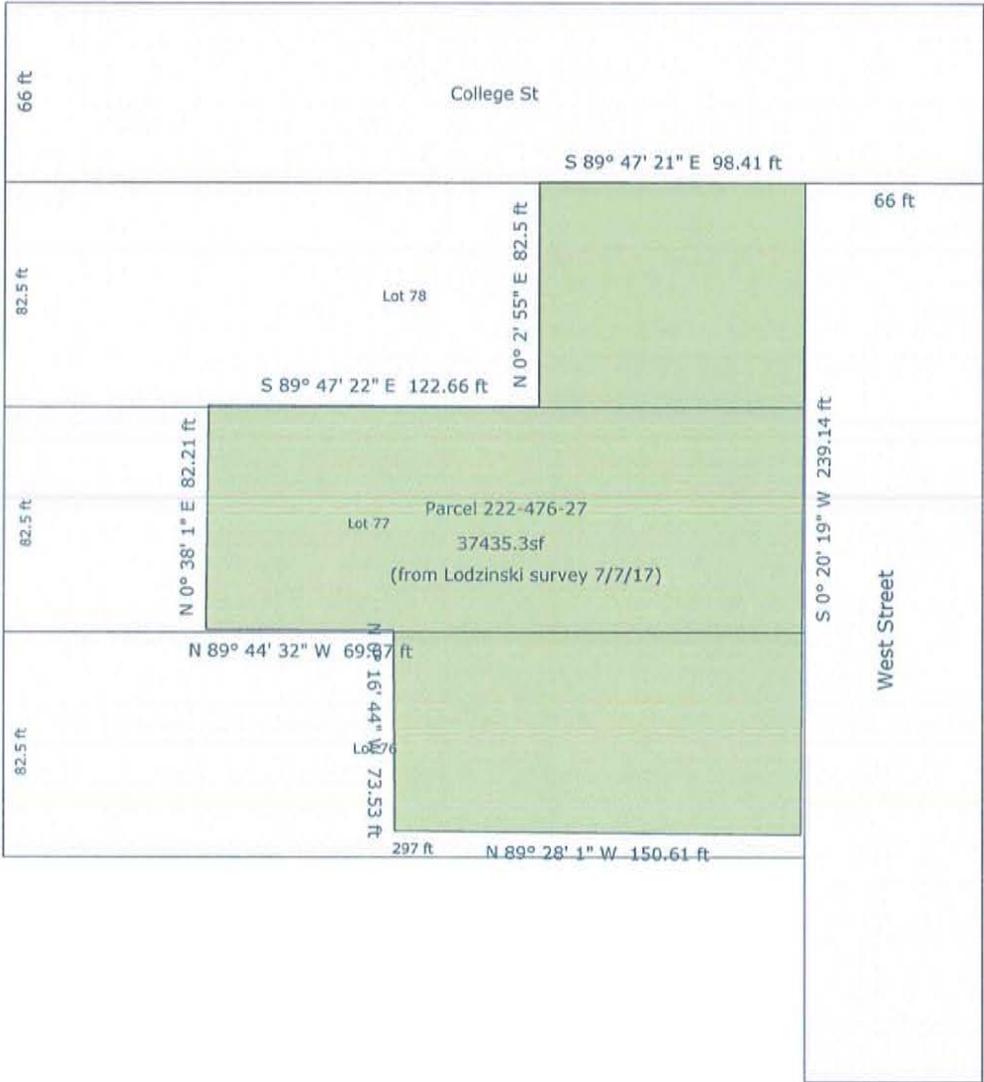


KEY

- 1 Entry
- 2 Kitchen
- 3 Dining Room
- 4 Living Room
- 5 Washer/Dryer Mud Room
- 6 Bedroom
- 7 Mud Room
- 8 Mechanical Room

FLOOR PLAN  0 10

THOMAS DUKE COMPANY
COMMERCIAL PROPERTY





Hillsdale County General Property Information

This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various township, city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The user of this map acknowledges that the Township/City/County shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City/County from any and all claims brought by the User, its employees or agents, or third parties which arise out of the User's access or use of data provided.

Report Date: 1/30/2018

Property Data current as of: December 9, 2017

Parcel ID: 30-006-222-476-12

Owner: HILLSDALE COLLEGE

Owner(secondary):

Property Address: 234 N WEST ST

City/Twp/Village: CITY OF HILLSDALE

School District: HILLSDALE COMMUNITY

Tax Description: W2 COM AT A POINT 16.5 FT N OF THE SE COR OF LOT 75 TH N 74.25 FT TH W 198 FT TH S 74.25 FT TH E 198 FT TO THE POB PART LOTS 75 and 76 BLACKMAR and BEEBES ADDN SECOND WARD

Assessor Acreage: 0.33

Owner Address: 33 E COLLEGE ST

HILLSDALE MI 49242

Property Class: 401

Parcel ID: 30-006-222-476-05

Owner: HILLSDALE COLLEGE

Owner(secondary):

Property Address: 41 PARK ST

City/Twp/Village: CITY OF HILLSDALE

School District: HILLSDALE COMMUNITY

Tax Description: W2 THE W 64 FT OF LOT 77 BLACKMAR and BEEBES ADDN. SECOND WARD.

Assessor Acreage: 0.12

Owner Address: 33 E COLLEGE ST

HILLSDALE MI 49242

Property Class: 401

Parcel ID: 30-006-222-476-06

Owner: HILLSDALE COLLEGE

Owner(secondary):

Property Address: 31 PARK ST

City/Twp/Village: CITY OF HILLSDALE

School District: HILLSDALE COMMUNITY

Tax Description: W2 COM AT THE NW COR LOT 76 TH E 148.5 FT TH S 74.25 FT TH W 148.5 FT TH N 74.25 FT TO THE POB BLACKMAR and BEEBES ADDN SECOND WARD

Assessor Acreage: 0.26

Owner Address: 33 E COLLEGE ST

HILLSDALE MI 49242

Property Class: 401

Parcel ID: 30-006-222-476-19 **Assessor Acreage:** 0.39
Owner: RICHARDS, MARC A & JILL K
Owner(secondary):
Property Address: 27 PARK ST **Owner Address:** PO BOX 162
City/Twp/Village: CITY OF HILLSDALE CAMDEN MI 49232
School District: HILLSDALE COMMUNITY **Property Class:** 401
Tax Description: W-2 COM AT THE SW CORNER OF LOT 74 TH N 173.25 FT TH E 99 FT TH S 173.25 FT TH W 99 FT TO POB PART OF LOTS 74, 75 AND 76 BLACKMAR and BEEBES ADDN SECOND WARD

Parcel ID: 30-006-222-476-13 **Assessor Acreage:** 0.45
Owner: HILLSDALE COLLEGE
Owner(secondary):
Property Address: 230 N WEST ST **Owner Address:** 33 E COLLEGE ST
City/Twp/Village: CITY OF HILLSDALE HILLSDALE MI 49242
School District: HILLSDALE COMMUNITY **Property Class:** 401
Tax Description: W2 THE E 198 FT OF LOT 74, AND THE E 198 FT OF THE S 16.5 FT OF LOT 75 BLACKMAR and BEEBES ADDN SECOND WARD

Parent **Parcel ID:** 30-006-222-476-27 **Assessor Acreage:** 0.88
Owner: WEST STREET LIVING LLC
Owner(secondary):
Property Address: 252 N WEST ST **Owner Address:** 37000 GRAND RIVER AVE STE 360
City/Twp/Village: CITY OF HILLSDALE FARMINGTON HILLS MI 48335
School District: HILLSDALE COMMUNITY **Property Class:** 401
Tax Description: E 99 FT LOT 78 ALSO LOT 77 EXC W 64 FT THEREOF ALSO N 74.25 FT OF E 148.5 FT LOT 76 .9A+/- BLACKMAR and BEEBES ADDN SEC 22 T6S R3W SECOND WARD SPLIT/COMBINED ON 02/20/2017 FROM 006-222-476-04, 006-222-476-09, 006-222-476-10, 006-222-476-11;

Parcel ID: 30-006-222-476-03 **Assessor Acreage:** 0.09
Owner: FACE, VICTOR
Owner(secondary):
Property Address: 6 W COLLEGE ST **Owner Address:** 9504 25 1/2 MLE RD
City/Twp/Village: CITY OF HILLSDALE HOMER MI 49245
School District: HILLSDALE COMMUNITY **Property Class:** 401
Tax Description: W2 COM AT A PT ON THE N LN OF LOT 78, 148.5FT E OF THE NW COR OF SD LOT and RNG TH S 82.5 FT TO THE S LN OF SD LOT, TH E 49.5FT TH N 82.5 FT TO THE N LN OF SD LOT, TH W 49.5 FT TO THE POB. PART LOT 78 BLACKMAR and BEEBES ADDN SECOND WARD

Parcel ID: 30-006-222-476-02 **Assessor Acreage:** 0.12
Owner: HILLSDALE COLLEGE
Owner(secondary):
Property Address: 12 W COLLEGE ST **Owner Address:** 33 E COLLEGE ST
City/Twp/Village: CITY OF HILLSDALE HILLSDALE MI 49242
School District: HILLSDALE COMMUNITY **Property Class:** 401
Tax Description: W2 COM AT PT 5 RDS E OF NW COR OF LOT 78 TH S 5 RDS E 4 RDS N 5 RDS W 4 RDS TO POB BLACKMAR and BEEBES ADDN SECOND WARD

Parcel ID: 30-006-222-476-01 **Assessor Acreage:** 0.12
Owner: HILLSDALE COLLEGE
Owner(secondary):
Property Address: 16 W COLLEGE ST **Owner Address:** 33 E COLLEGE ST
City/Twp/Village: CITY OF HILLSDALE HILLSDALE MI 49242
School District: HILLSDALE COMMUNITY **Property Class:** 401
Tax Description: W2 COM 1 RD E NW COR LOT 78 SAME BEING E LN OF PARK ST, TH E 4 RDS TH S 5 RDS TH W 4 RDS TO E LN OF PARK ST. TH N 5 RD TO POB BLAKCMAR and BEEBES ADDN SECOND WARD.

Kim Thomas

From: Kim Thomas
Sent: Friday, January 26, 2018 11:55 AM
To: 'Thomas Duke'
Cc: Alan Beeker; 'lbernath@co.hillsdale.mi.us'; Scott Keiser; Katy Price; Scott Hephner; Mark Hawkins
Subject: FW: addresses for new townhomes on North West Street

Tom,

Here are the tentative sidwell numbers and addresses. As we discussed, I used the addresses assigned by BPU during construction and service installation. These numbers have been assigned in anticipation and assuming approval of the land division.

Please let me know if you have any questions or concerns.

Kimberly Thomas, Assessor
City of Hillsdale
97 N Broad St
Hillsdale, MI 49242

(517)437-6456
(517)437-6450 fax
kthomas@cityofhillsdale.org

From: Scott Keiser
Sent: Friday, January 26, 2018 8:30 AM
To: Kim Thomas
Subject: RE: addresses for new townhomes on North West Street

Account.accountNumber	Tentative Sidwell Number	Account.serviceAddressString	Account.accountNumber- Account.serviceAddressString
304498	30-006-222-476-29	240 N WEST ST 1A	304498-240 N WEST ST 1A
304499	30-006-222-476-29	240 N WEST ST 1B	304499-240 N WEST ST 1B
304500	30-006-222-476-30	240 N WEST ST 2	304500-240 N WEST ST 2
304501	30-006-222-476-31	240 N WEST ST 3	304501-240 N WEST ST 3
304502	30-006-222-476-32	240 N WEST ST 4A	304502-240 N WEST ST 4A
304503	30-006-222-476-32	240 N WEST ST 4B	304503-240 N WEST ST 4B
304504	30-006-222-476-33	240 N WEST ST 5	304504-240 N WEST ST 5
304505	30-006-222-476-34	240 N WEST ST 6A	304505-240 N WEST ST 6A
304506	30-006-222-476-34	240 N WEST ST 6B	304506-240 N WEST ST 6B

17051	30-006-222-476-28 (vacant lot / common areas)	240 N WEST HOUSE	17051-240 N WEST ST
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Kim,

This is what billing has for addresses for the town house that is currently being built.

I'm not sure where the addresses came from but this is what BS&A has for the addresses.

If the addresses are to be changed please let Kelley Newel know so the BS&A utility billing information can be changed accordingly.

Thank you.

From: Kim Thomas
Sent: Thursday, January 25, 2018 1:22 PM
To: Scott Keiser <skeiser@hillsdalebpu.com>; lbernath@co.hillsdale.mi.us
Subject: addresses for new townhomes on North West Street

Mr. Duke submitted the attached information for a land division request and asked that I assign tentative addresses & sidwell numbers for each of the townhouse units so he could get started on the sales agreements. Can you take a look at the attached and let me know if you see any problems with the addresses I used? Our records showed the main address for the project as 252 but the County permits were issued under 240.

Units 1, 4 & 6 each have 2 separate living areas. Unit 1 also includes the common utility room.

All of the houses on this block have been demolished on both sides of the street except 219 and 225. The closest existing addresses on the even side are 208 (Church of the Nazarene at the NW corner of Fayette & West) and 278 (Fowler Maintenance Building – north of College Street).

Kimberly Thomas, Assessor
City of Hillsdale
97 N Broad St
Hillsdale, MI 49242

(517)437-6456
(517)437-6450 fax
kthomas@cityofhillsdale.org

AGENDA

REGION 2 PLANNING COMMISSION

Executive Committee

FOR FURTHER INFORMATION CONTACT:

**Steven Duke, Executive Director
(517) 768-6706**

DATE: Thursday, February 8, 2018

TIME: 2:00 P.M.

**WHERE: Hillsdale City Hall
97 N. Broad Street
Hillsdale, MI 49242**

Comments will be solicited on each item following discussion and prior to any final action.

	<u>PAGE #</u>
1. Call to Order	
2. Pledge of Allegiance	
3. Approval of the February 8, 2018 Agenda – ACTION	
4. Public Comment	
5. Approval of Minutes of the December 14, 2017 Executive Committee Meeting (see enclosure) – ACTION	2
6. Receipt of Treasurer's Report of January 31, 2018 (to be provided) – ACTION	
7. Approval of the February 8, 2018 Submitted Bills (see enclosure) – ACTION	5
8. Staff Progress Report for January, 2018 (see enclosure) – DISCUSSION	6
9. Report of the Nominating Committee – Election of the R2PC Officers for 2018 (see enclosure) – ACTION	12
10. Approval of Amendments to the JACTS FY 2017-2020 Transportation Improvement Program (TIP) (see enclosures) – ACTION	16
<ul style="list-style-type: none">• Jackson County Department of Transportation• Michigan Department of Transportation	
11. Regional Prosperity Initiative (RPI) 2018 Grant Award – Approval Authorizing the Chair to Sign the 2018 RPI Contract Agreement (to be provided) – ACTION	
12. Solar Energy Facility Model Ordinance, Grant Bauman, AICP (see enclosure) - PRESENTATION	18
13. Other Business	
<ul style="list-style-type: none">• New Commissioner Orientation – March 8, 2018, 1:00 PM, 5th Floor, Jackson County Tower Building	
14. Public Comment/Commissioner Comments	
15. Adjournment	

Region 2 Planning Commission

Serving Hillsdale, Jackson and Lenawee Counties

MINUTES

Region 2 Planning Commission – Executive Committee
Jackson County Tower Bldg. – 5th Floor
120 W. Michigan Avenue
Jackson, MI 49201

Thursday, December 14, 2017

- I. **Call to Order** – Chair Rice called the meeting to order at 2:04 p.m. A quorum was present.

Executive Committee Members:

✓ Beeker	✓ Jancek	✓ Sigers
✓ Bryant	✓ Johnson	✓ Terry
✓ Burtch	Knoblauch	✓ Tillotson
Duckham	✓ Kubish	Welsh
Gaede	✓ Quigley	✓ Williams
✓ Gould	✓ Rice	✓ Wittenbach
✓ Herl	Rohr	✓ Wonacott

Key: ✓ = present

Other Commissioners Present: Grabert, Griewahn, Herlein, Overton, Southworth

Others Present: Mike Davis, MDOT; Jon Dowling, City of Jackson; Deb Penney, Jefferson Township, Richard Deller, Jefferson Township, J. Swider, Jefferson Township

Staff Present: Duke

- II. **Pledge of Allegiance** – Those in attendance joined in the Pledge of Allegiance.

- III. **Approval of the Agenda** – A motion was made by Comm. Jancek, supported by Comm. Knoblauch, to approve the December 14, 2017 Executive Committee agenda as presented. The motion carried unanimously.
- IV. **Public Comment** – Chair Rice announced the first opportunity for public comment. No public comments were received. Representatives from Jefferson Township rose and introduced themselves.
- V. **Receipt of the Treasurer’s Report of November 30, 2017** – A motion was made by Comm. Jancek, supported by Comm. Gaede, to receive the November 30, 2017 Treasurer’s Report as submitted. The motion carried unanimously.
- VI. **Approval of the December 14, 2017 Submitted Bills** – A motion was made by Comm. Jancek, supported by Comm. Beeker, to approve payment of the December 14, 2017 submitted bills as presented. The motion carried unanimously.
- VII. **Staff Progress Report for November, 2017** – Mr. Duke briefly reviewed the staff progress report for November. Activities included submitting the 2018 Regional Prosperity Initiative application packet; setting up the 3-county rural task force meetings; completing the pavement PASER rating for all federal roads in Hillsdale, Jackson, and Lenawee counties; continuing to work on the 2045 Long Range Transportation Plan update; meeting with MDOT and local officials regarding context sensitive solutions improvements for the I-94/Cooper Street interchange, and assisted numerous townships and villages with updates to their master plans, recreation plans, or zoning ordinances.
- VIII. **Approval of Amendments to the JACTS FY 2017-2020 Transportation Improvement Program (TIP)** – The following amendments were proposed by the City of Jackson to the JACTS FY 2017-2020 Transportation Improvement Program (TIP):

FY	Street	Description	Funding	Action
2018	Ganson Signal at Steward	Reconstruct Signal	Fed \$85,000 City \$21,000	Delete
2018	Fourth Street Signal at Horton Road	Reconstruct Signal with mast arms	Fed \$85,000 City \$21,000	Add
2018	Fourth Street Audubon to Horton Road	Single course mill resurface, construct roundabout at Hickory, with intersection realignment at Fourth & Horton, and connect PAKA trail to Ella Sharp Museum	Fed \$782,000 Local \$195,000	Scope Change

Mr. Duke reported that the JACTS Committees had reviewed and recommended approval of the amendments at their respective meetings in November. A motion was made by Comm. Jancek, supported by Comm. Bryant, to approve the proposed amendments to the JACTS FY 2017-2020 Transportation Improvement Program (TIP) as presented. The motion carried unanimously.

IX. Federal Project Review

- a. A motion was made by Comm. Gaede, supported by Comm. Jancek, to recess the Executive Committee and convene the Review Committee. The motion carried unanimously.
- b. Review and Comment on Project Notification – Representatives from Jefferson Township reported they are submitting a grant application to the USDA requesting federal funds to construct a new fire station. No comments were received.
- c. The motion was made by Comm. Tillotson, supported by Comm. Gaede, to recess the Review Committee and re-convene the Executive Committee. The motion carried unanimously.

X. **Approval of the R2PC Meeting Calendar for 2018** – A motion was made by Comm. Knoblauch, supported by Comm. Jancek, to approve the R2PC meeting dates for 2018 as presented. The motion carried unanimously.

XI. **Other Business** – Per the requirements of the Michigan Planning Enabling Legislation, R2PC has been notified by the Village of Blissfield that their revised Comprehensive plan had been approved and can be viewed or downloaded at the Village’s website (www.blissfieldmichigan.gov).

No other business was brought before the Committee.

XII. **Public Comment / Commissioner Comments** – Chair Rice announced the second opportunity for public comment. Comm. Jancek and Chair Rice extended Christmas wishes to all the Commissioners.

XIII. **Adjournment** – There being no further business, the meeting was adjourned by Chair Rice at 2:30 p.m.

Chris Wittenbach
Secretary

REGION 2 PLANNING COMMISSION
Submitted Bills
February 8, 2018

Vendor	Description	Amount Due
AECOM	JATA Regional Transit Accessibility Study	\$ 9,135.32
American Planning Assoc.	Yearly Membership (G. Bauman)	\$ 500.00
Blue Cross/Blue Shield	Office Premium for Mar. 2018	\$ 3,515.31
County of Jackson	Rent for February 2018	\$ 2,957.77
County of Jackson	Phone Expense for Dec. 2017	\$ 309.30
County of Jackson	Postage Exp./Accounting Services Dec. 2017	\$ 2,592.77
Hillsdale Daily News	Annual Subscription	\$ 323.92
ICMA Retirement Trust	ICMA 401 Contribution	\$ 2,219.43
ICMA Retirement Trust	Quarterly Fee	\$ 250.00
Lenawee Econ. Dev. Corp.	RPI FY 2017	\$ 8,505.00
Mlive	JACTS Advertising	\$ 200.28
Public Sector Consultants	RPI Grant FY 2017 - Dec. 2017 Support	\$ 1,400.00
Southeast Mich. Comm. Alliance	RPI FY 2017 (Inv. From 10/24/17)	\$ 5,091.00
The Water Store	Supplies for Jan. 2018	\$ 24.90
Vantage Point Transfer Agents	ICMA RHS Contribution	\$ 251.66
	Total Submitted Billing - February, 2018	<u>\$ 37,276.66</u>



Staff Progress Report *January 2018*

Area-Wide Regional Planning Activities

Economic Development

- **Jackson DDA.** Staff attended and chaired the monthly meeting of the City of Jackson DDA committee.
- Staff performed administrative responsibilities for the January Leoni Township DDA.
- **U.S. Economic Development Administration.** Staff participated in the January 24th quarterly economic development district conference call hosted by the Chicago Office of the Economic Development Administration.

Regional Prosperity Initiative

- **Program Administration**
 - Public Sector Consultants (PSC) scheduled and completed a teleconference meeting with the Greater Ann Arbor Region (GAAR) management team on January 24, 2018. The meeting included discussion of speakers and agenda topics for 2018 GAAR meetings.
- **10 Cents a Meal Program Evaluation**
 - PSC's and the Michigan State University Center for Regional Food Systems' (CRFS) evaluation continued to refine and finalize evaluation materials for the 10 Cents a Meal program.
 - In partnership with CRFS and with oversight from the Michigan Department of Education, PSC continued conversations with food service directors at public schools in Dexter and Ypsilanti, in preparation for data collection and evaluation activities in these two GAAR school districts. Activities in Dexter began on January 30, 2018. The results of this data collection will inform the evaluation materials and expansion of the materials to other 10 Cents a Meal regions.

R2PC Activities

- **Michigan Association of Regions.** Staff represented the R2PC at the January 9th meeting of the Michigan Association of Regions in Lansing.
- **R2PC website.** Staff continued updating the R2PC website through WordPress.

[January, 2018 Staff Progress Report]

Regional Transportation Planning Hillsdale, Jackson, and Lenawee Counties

Program Management

- Staff reviewed new Rural Task Force reports regarding monitoring obligation authority.
- The annual 3-county Rural Task Force meeting has been scheduled for Tuesday, January 30, 2018 at the Jackson County Department of Transportation offices from 10:00 a.m. – 12:00 p.m. Staff provided public notices in all local papers for the 3-county Rural Task Force meeting. All members, local officials, and other interested parties were provided the agenda packet for the Rural Task Force meeting.
- Staff presented the findings of the 2016-2017 PASER Collection to R2PC, JACTS Technical Committee, and JACTS Policy Committee. The report was also submitted to the state's Asset Management Council.
- Staff updated the Highway Performance Monitoring System (HPMS) data and conducted outreach with applicable agencies regarding data collection.

Metropolitan Area Transportation Planning Jackson Area Comprehensive Transportation Study

Program Management

- Staff attended the Jackson Transportation Authority's monthly Local Transit Advisory Council (LTAC) meeting.
- Staff conducted the monthly meetings of the JACTS Technical Advisory and Policy committees.
- Staff completed the quarterly Disadvantaged Business Enterprise (DBE) forecasting required by MDOT.
- Staff attended the monthly Michigan Transportation Planning Association meeting in Lansing.
- Staff attended the January 25th Federal Highway Administration's Performance Based Planning and Programming webinar.
- Staff submitted the Safety Performance Measure packet to MDOT to ensure that JACTS is in good standing, meeting federal guidelines and requirements.
- Staff attended a Local Agency Program webinar on Endangered Species.

2045 Long Range Transportation Plan

- Staff met with Jackson County to discuss how the County maintains the transportation system when natural disasters, like extreme weather occur, in order to address new federal requirements for the plan.

[January, 2018 Staff Progress Report]

- The public comment period for review of the Operation and Management; Environmental Mitigation; Travel Demand Modeling and Forecasting; and Emergency Management, Natural Disasters, and the Transportation System draft chapters and the Coordination draft chapter is open. The JACTS Technical, JACTS Policy, Region 2 Planning Commission and Steering Committee members, as well as those on the project Contact List were notified via email and/or U.S. mail.
- Staff is working on drafts of the Consultation, Environmental Justice, Performance Measures, Financial Analysis and Travel Demand Model Results draft chapters of the 2045 Long Range Transportation Plan.
- Staff has reached out to MDOT, the City of Jackson, Jackson County and the Jackson Area Transportation Authority for financial information for the plan.
- Staff is working to ensure that the plan is on track to be adopted and approved by the Region 2 Planning Commission in June 2018 by staying on task and meeting project milestones.
- Staff is working to prepare for the February 2nd Steering Committee meeting.
- Staff is working with MDOT and FHWA to ensure that the plan will incorporate and address all new requirements as required by law and guidance from the current federal transportation bill – the FAST Act.
- Staff is maintaining the project website. For information on progress, meetings and to review sections of the plan, please see: <http://www.region2planning.com/long-range-transportation-plan/>.

Technical Assistance

- The Jackson Area Transportation Authority and the Region 2 Planning Commission continue to work with consultants AECOM to complete the “Connecting Jackson County Transit Plan.”
- MDOT made additional revisions to the Context Sensitive Solutions (CSS) aesthetic design plans for the reconstruction of the interchanges along the 9-mile I-94 modernization expansion plan. The next meeting of the committee will be held on January 31st.
- Staff sent out the agenda packets and attended the monthly Walkable Community Coalition meeting.
- Staff continues to work with the DNR to address the needs of the development of non-motorized trails within Jackson County. This will help facilitate communication among the State, the Region 2 Planning Commission, Jackson County and local communities on current and future planning and construction projects.
- Staff helped facilitate a Jackson County Parks Iron Belle Mini Grant application. Award notifications from the DNR should be received in February.
- Development of the Countywide, combined City-County Non-Motorized Plan RFP continues. Staff presented a draft copy of the RFP at JACTS meetings, and good feedback was provided. The final RFP should be complete and released soon.
- Staff met with the Center for Automotive Research (CAR) to discuss opportunities for the Region 2 Planning Commission as it relates to electrical vehicles and connected/automated vehicles. The speaker at the Annual R2PC dinner in November 2017 was from CAR.

[January, 2018 Staff Progress Report]

Transportation Improvement Program (TIP)

- Several amendments and administrative modifications approved by the JACTS committees and the R2PC to the JACTS FY 2017-2020 TIP were submitted to MDOT and FHWA for review and approval.
- Staff continued attending MDOT-sponsored workshops on the development of performance measures and targets to achieve in preparing future FHWA-required work activities.
- Staff worked with MDOT to ensure that projects are up to date in JobNet.

Jackson Traffic Safety Program

- Staff held the regularly scheduled January Jackson Traffic Safety Program meeting, transcribing minutes.
- Staff updated and distributed the 2018 Call for Project applications for the Jackson Traffic Safety Program. The deadline is March 30, 2018 for submission.
- Staff provided notification to local Jackson County papers regarding the Call for Projects for the Jackson Traffic Safety Program.
- Staff reviewed and updated JTSP bylaws to include officer election cycle.

Local Planning Assistance

The requests of member units of government within Hillsdale, Jackson, and Lenawee Counties are listed below. These activities were prepared at cost to the individual units of government requesting the service (unless alternative funding was available).

Hillsdale County

City of Jonesville

- Staff assisted City Officials in finalizing ‘Securing Jonesville’s Future’, the community survey which will help guide the development of the *City of Jonesville Master Plan*. The survey was released online via Survey Monkey: 245 surveys were returned as of 1:00 pm on January 29th.

Somerset Township

- Staff provided a template for creating bylaws for the operation of the Planning Commission at the request of its Chair. Staff also met with the Chair and the Township’s Zoning Administrator on January 31st to discuss those bylaws and other issues that will be before the Planning Commission.

Jackson County

Blackman Township

- Staff met with Township Officials on January 10th regarding a possible 2018 grant application for the

[January, 2018 Staff Progress Report]

development of Rod Mills Memorial Park through the Michigan Natural Resource Trust Fund.

- Staff provided the Deputy Clerk with some documentation regarding the recommendation made by the Jackson County Planning Commission on conditional rezonings.
- Staff began working on an update to the *Blackman Charter Township Master Plan*.

Concord Township

- Staff met with the Township Supervisor on January 24th to discuss development along Spring Arbor Road (M-60). Staff also spoke with the Supervisor about a possible update to the *Concord Area Master Plan*.

Village of Grass Lake

- Staff met with the Zoning Administrator on January 11th to discuss possible changes to the Union Street Gateway District's form-based code standards which would allow 'bank, loan, and financial offices' and 'drive-through service accessory to a bank, loan, or financial office' as conditional uses. Staff provided a detailed written analysis of the proposal.
- Staff was authorized by the Planning Commission Chair to assist in an update to the *Village of Grass Lake Master Plan*. Staff provided drafts of the 'Notice of Intent to Prepare a Master Plan' and a base map of the Village and made corrections to those documents at the request of the Chair.

County of Jackson

- **County Planning Commission.** Russ Jennings and Jonathan Williams were recently appointed to the Jackson County Planning Commission (JCPC). Staff facilitated the January 11th meeting of the JCPC. The following staff reports were prepared for County Planning Commissioners: (1) a proposed rezoning (i.e., map amendment to the zoning ordinance) from Highway Service Commercial (C-2) to General Commercial (C-1) and Agricultural (AG-1) in Section 27 (T2S-R3W) of Parma Township and (2) a proposed rezoning from General Commercial (GC) to Single-Family Residential (R-1) in Section 34 (T2S,-R2E) of Grass Lake Charter Township.
- **Semi-Annual Report.** Staff presented the semi-annual report of the Region 2 Planning Commission for July through December of 2017 to the Jackson County Board of Commissioners' Affairs and Agencies Committee on January 8th.

Napoleon Township

- Staff finalized the community survey—which will help guide the development of the *Napoleon Township Master Plan*—and provided it to Township Officials.

Village of Parma

- Staff met with Village Officials on January 16th to discuss an update to the *Village of Parma Master Plan*. Staff provided drafts of the 'Notice of Intent to Prepare a Master Plan' and a base map of the Village.

Rives Township

- 24-in. x 36-in. copies of the maps included in the *Rives Township Master Plan* were made for the

[January, 2018 Staff Progress Report]

Planning Commission Chair at his request.

Spring Arbor Township

- The Township is considering the addition of standards regarding Solar Farms and small solar energy facilities to the *Spring Arbor Township Zoning Ordinance*. Staff provided the latest suggested revisions to the standards to the Planning Commission for its consideration.
- Staff met with a committee of the Planning Commission on January 24th to discuss an update to the *Spring Arbor Township Master Plan*. Staff provided drafts of the 'Notice of Intent to Prepare a Master Plan' and a base map of the Village.

Lenawee County

Fairfield Township

- Staff printed out a 36-in. x 48-in. copy of the Township's zoning map at the request of a local official.

County of Lenawee

- **County Planning Commission.** Bruce Nickel and Dale Witt were recently appointed to the Lenawee County Planning Commission (LCPC). The January 18th meeting of the LCPC was cancelled due to a lack of agenda items.

Macon Township

- Staff attended the January 10th meeting of the Macon Township Planning Commission to discuss final revisions to the regulations regarding Solar Farms and small solar energy facilities proposed for amendment to the *Macon Township Zoning Ordinance*. Those revisions were made and the proposed amendments were submitted back to the Township.

Woodstock Township

- Staff updated the Township's zoning map after receiving documentation of recent rezonings. A digital copy of the new map was sent to the Township Clerk.

Region 2 Planning Commission



TO: Region 2 Planning Commission

FROM: Steven Duke, Executive Director

DATE: February 4, 2018

SUBJECT: Election of 2018 R2PC Officers

Section VII of the R2PC Bylaws specifies that the officers of the Commission, which shall include a Chair, Vice-Chair, Treasurer, and Secretary; shall be elected by the Executive Committee from its membership. Officers shall serve for a period of not more than two years. Officer positions are also to be rotated among Committee members representing Hillsdale, Jackson, and Lenawee counties.

The current officers, who have all served two years in their present positions are: Chair – Carl Rice Jr. (Jackson County); Vice-Chair – Ralph Tillotson (Lenawee County); Treasurer – Doug Terry (Hillsdale County) – Chris Wittenbach (Lenawee County).

Officers are recommended by the Nominating Committee. The Nominating Committee met on Tuesday, January 9, 2018 and unanimously endorsed the following slate of Officers for 2018:

Chair – Ralph Tillotson, Lenawee County
Vice-Chair – Doug Terry, Hillsdale County
Treasurer – Chris Wittenbach, Lenawee County
Secretary – Pete Jancek, Jackson County

In addition, nominations may be taken from the floor.

Region 2 Planning Commission

Serving Hillsdale, Jackson and Lenawee Counties

MINUTES

Region 2 Planning Commission Nominating Committee Meeting

Artesian Wells Sports Tavern

Cement City, MI

Tuesday, January 9, 2018

Attendance: Committee Members Carl Rice, Jr., Pete Jancek, and Ralph Tillotson

Absent: Phil Duckham and Doug Terry

Others: Steven Duke, Executive Director

I. Call to Order

Chair Rice called the Nominating Committee meeting to order at 12:05 p.m.

II. Election of Nominating Committee Chair

A motion was made by Comm. Tillotson, supported by Comm. Jancek, to retain Mr. Rice as chair of the Nominating Committee for 2018. The motion carried unanimously.

III. Approval of the December 19, 2016 Meeting Minutes

The motion was made by Comm. Tillotson, supported by Comm. Jancek, to approve the Nominating Committee meeting minutes of December 19, 2016 as submitted. The motion carried unanimously.

IV. Nominations for R2PC 2018 Executive Committee Membership

Mr. Duke explained that with the passing of Comm. Polaczyk, the Jackson County Board of Commissioners appointed Jon Williams to assume Comm. Polaczyk's committee assignments, including his position on the R2PC Executive Committee.

Mr. Duke reported that Comm. Dotterweich will be moving out of the City of Jackson shortly and requested that he be removed from all R2PC committee assignments. Comm. Dotterweich will remain on the R2PC Full Commission until the time he moves.

A motion was made by Comm. Tillotson, supported by Comm. Jancek, recommending the appointment of Jeanne Kubish to the Executive Committee. The motion carried unanimously.

A motion was made by Comm. Tillotson, supported by Comm. Jancek, to retain the remaining Executive Committee members as follows:

<u>Alan Beeker</u>	representing City of Hillsdale
<u>Jon Williams</u>	representing Jackson County
<u>Phil Duckham</u>	representing Jackson County
<u>Elwin Johnson</u>	representing Jackson County
<u>Carl Rice, Jr.</u>	representing Jackson County
<u>Cliff Herl</u>	representing Jackson County
<u>Patrick Burtch</u>	representing City of Jackson
<u>Jeanne Kubish</u>	representing City of Jackson
<u>Jack Quigley</u>	representing Lenawee County
<u>Ralph Tillotson</u>	representing Lenawee County
<u>Robert Knoblauch</u>	representing Lenawee County
<u>David Rohr</u>	representing City of Adrian
<u>Pete Jancek</u>	representing at large
<u>Larry Gould</u>	representing at large
<u>Doug Terry</u>	representing at large
<u>Chelsea Bryant</u>	representing at large
<u>Roger Gaede</u>	representing at large
<u>Rick Sigers</u>	representing at large
<u>Jim Wonacott</u>	representing at large
<u>Chris Wittenbach</u>	representing at large
<u>Robert Welsh</u>	representing at large

The motion carried unanimously.

V. Nominations for R2PC 2018 Officers

Mr. Duke reported that the current 2017 R2PC officers have all held their officer position for two (2) years, the maximum amount of time allowable by the R2PC bylaws; however, Commissioner Wittenbach has only completed one (1) year as R2PC Secretary, completing former Comm. Hayes's term.

The motion was made by Comm. Jancek, supported by Comm. Tillotson, recommending the following slate of candidates for the R2PC 2018 officers:

- Chair – Ralph Tillotson (Lenawee County)
- Vice-Chair – Doug Terry (Hillsdale County)
- Treasurer – Chris Wittenbach (Lenawee County)
- Secretary – Pete Jancek (Jackson County)

The motion carried unanimously.

Mr. Duke explained that the election of the officers will occur at the February 8, 2018 Executive Committee meeting. Nominations for officers will also be accepted from the floor.

VI. Adjournment

There being no further business, Chair Rice adjourned the meeting at 12:10 p.m.

Steven M. Duke
Executive Director

Christopher J. Bolt, MPA, P.E.
Managing Director

Robert D. Griffis
Director of Operations



Angela N. Kline, P.E.
Director of Engineering

Dawn Goodwine
Administrative Services Manager

January 3, 2018

Mr. Steven Duke, Executive Director
Region 2 Planning Commission
120 W. Michigan Ave – 9th Floor
Jackson MI 49201

Dear Mr. Duke;

Jackson County Department of Transportation (JCDOT) would like to request that JACTS consider the following amendment to the JACTS FY 2017 – 2020 TIP:

Fiscal Year	Project Name	Limits	Project Description	Funding
2018 ADD	Moon Lake Road Bridge	Bridge over the Dollar Lake Channel	Bridge Replacement	Federal: \$860,700.00 Local: \$45,300.00

Sincerely,

A handwritten signature in black ink that reads 'Angela N. Kline'.

Angela N. Kline, P.E.
Director of Engineering
Jackson County Department of Transportation
[2400 Elm Road](#)
[Jackson, MI 49201](#)
O: [\(517\) 768-6219](#)
F: [\(517\) 788-4237](#)
akline@co.jackson.mi.us

Your Local Road Professionals
2400 Elm Road, Jackson, Michigan 49201
Telephone (517) 788-4230 or (800) 718-3537* Fax: (517) 788-4237
<http://www.jerc-roads.org>



STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
 LANSING

RICK SNYDER
 GOVERNOR

KIRK T. STEUDLE
 DIRECTOR

January 3, 2018

Mr. Steve Duke, Executive Director
 Region 2 Planning Commission
 Jackson County Tower Building
 120 W. Michigan Avenue, 9th Floor
 Jackson, Michigan 49201

Dear Mr. Duke:

This letter is sent by the Michigan Department of Transportation (MDOT) to inform the Jackson Area Comprehensive Transportation Study committees of nine TIP Amendments to the FY 2018 element of the FY 2017-2020 Transportation Improvement Plan (TIP).

Fiscal Year	Project Name	Limits	Project Description	Funding
Add FY 2018	Laurence Ave	At ATK RR Crossing	Replace RR Crossing	Construction State: \$ 270,256
Add FY 2018	Parnall Rd	At JAIL RR Crossing	Replace RR Crossing	Construction State: \$ 63,494
Add FY 2018	Cunningham Rd	At JAIL RR Crossing	Replace RR Crossing	Construction State: \$ 43,597
Add FY 2018	Cook Rd	At JAIL RR Crossing	Replace RR Crossing	Construction State: \$ 46,961
Add FY 2018	Rives Eaton Rd	At JAIL RR Crossing	Replace RR Crossing	Construction State: \$ 44,171
Add FY 2018	Territorial Rd	At JAIL RR Crossing	Replace RR Crossing	Construction State: \$ 46,961
Add FY 2018	Wood Rd	At JAIL RR Crossing	Replace RR Crossing	Construction State: \$ 46,961
Add FY 2018 JN 202166	I-94	At West Ave Interchange	Project Scoping	Early Preliminary Engineering State: \$ 750,000
Add FY 2018 JN 132576	Various Roads	Jackson TSC	Resurfacing	Construction Federal (ST): \$ 319,215 State: 70,785

Thank you for your attention to this request. If you have any questions or need additional information, please contact me at 517-335-2641

Sincerely,

Rick Fowler, Transportation Planner

Region 2 Planning Commission

Serving Hillsdale, Jackson and Lenawee Counties

To: Region 2 Area Communities

From: Grant E. Bauman, AICP
Principal Planner

Date: January 30, 2018

Subject: **Model Solar Energy Facility Standards**

Local governments from across the Region 2 Area have been contacted by solar energy production companies interested in developing utility-scale solar energy generation facilities (i.e., Solar Farms). Macon Township (Lenawee County) contacted R2PC staff to develop zoning ordinance amendments which will allow and provide standards for the development and operation of Solar Farms and small scale solar energy facilities. Staff worked with the Macon Township Planning Commission throughout 2017 to develop appropriate zoning ordinance amendments which will be considered for adoption by the Township Board this winter. Invenergy LLC, an energy production company headquartered in Chicago, participated in the meetings held in Macon Township and was very helpful in providing input on the proposed regulations. The standards drafted for Macon Township were also utilized to create regulations currently under discussion in Spring Arbor Township (Jackson County).

The attached model ordinance is based upon the work described above. A differentiation is made between 2 types of proposed solar energy facilities:

- A Large Solar Energy Facility (or Solar Farm) is a utility-scale commercial facility developed for the purpose of wholesale or retail sales of generated electricity.
- A Small Solar Energy Facility is any device that is accessory to the primary use of the property and designed for the purpose of reducing or meeting on-site energy needs.

Large Solar Energy Facilities (Solar Farms)

Allowable Districts. Solar Farms are proposed as a conditional/special land use in agricultural and industrial zoning districts.

Minimum Lot Size. The minimum lot size for a Solar Farm is 20 acres. However, Macon Township wants to allow for the operators of potential Solar Farms to be able to consolidate unused portions of adjacent individual properties which have a different primary use into a single Solar Farm. The solution was the creation of a 'Zoning Lot', defined as follows:

Provided that the owner(s) of any number of contiguous lots, or contiguous portions of lots, may have as many of said contiguous lots, or contiguous portions of lots, considered as a single lot for the purpose of this Ordinance as he/she so elects, and in such case the outside perimeter of said group of lots or portions of lots shall constitute the front, rear, and side lot lines thereof.

Height. The maximum height of solar panels is 14 feet. This takes into account the rotation of panels to maximize exposure to sunlight throughout the day. The height of the 'power switchyard'—the structure needed to connect the solar energy facility to electric transmission lines—is limited to the height needed

to tie into the electric transmission lines. All other buildings/accessory structures must meet the height requirements of the underlying zoning district.

Setbacks. Solar arrays and other structures must be set back 30 feet from all lot lines and road rights-of-way (or the minimum setback of the underlying zoning district if greater). They must also be set back at least 100 feet from residential properties and residentially zoned properties in existence at the time the Solar Farm is approved. Macon Township took the extra step of listing all of the residential districts.

Security Fencing. Security fencing is required. Needed exceptions to any fencing requirements addressed elsewhere in the zoning ordinance should be listed under 'safety/access' in order to permit such fencing around the perimeters of the Solar Farm and its power switchyard. Macon Township set the maximum height of security fencing at 8 feet for a power switchyard and 7 feet for a Solar Farm.

Noise. Maximum allowable noise levels produced by a Solar Farm should be established. Macon Township set a range of 45-60 decibels (see the model ordinance for more detail). 60 decibels is comparable to the noise generated by an air conditioner or conversational speech. Macon Township took the extra step of listing all of the residential districts to which the 50 decibel maximum is applied.

Screening. At least 50% of the perimeter of a Solar Farm adjacent to residential lots (in existence at the time the Solar Farm is approved) must be screened using vegetation, berms, fencing, or like materials. When vegetation is utilized, at least 50% of it must be evergreen. Macon Township specifies that vegetation must be planted every 10-feet on center and must be at least 6-feet high and 10-feet wide at maturity. Any screening requirements should match pertinent standards listed elsewhere in the zoning ordinance.

Lighting. Lighting is limited to the minimum necessary and cannot extend beyond the Solar Farm perimeter. A photometric study may be used to make that determination. Any lighting standards should match pertinent standards listed elsewhere in the zoning ordinance.

Glare. Glare from a Solar Farm is prohibited from being a nuisance to neighboring properties or travelers on neighboring roads. Macon Township specifies that upon written notice of such a nuisance, the Solar Farm owner has no more than 12 months to remediate. That time period is similar to that for a discontinued nonconforming use to be considered abandoned.

Electrical Cabling. All medium voltage cable within the Solar Farm must be buried, with the exception of the power switchyard or within a substation. The Planning Commission may waive this requirement due to severe environmental constraints.

Agreements/Easements. If lot/zoning lot is to be leased by the owner of the Solar Farm, all property within the project boundary must be included in some type of recorded legal agreement specifying the applicable uses for the duration of the project. All necessary legal agreements between the owner of the Solar Farm and property owners must be in place prior to commencing construction.

Permit Application. A Solar Farm conditional/special land use permit application must include a complete description of the project. Any related conditional/special land use permit applications for substations or new transmission lines should be submitted at the same time. The intended route for connecting to the power grid and the alternative locations for any substation must be disclosed.

Siting Considerations. The applicant is required to provide evidence of compliance with all applicable Michigan statutes, including pertinent parts of the Natural Resources and Environmental Protection Act. The site plan must identify a comprehensive listing of factors (see the model ordinance for more detail). The disposal of hazardous wastes, and the prevention of spills and their cleanup, must also be ad-

dressed. Proof of an agreement with the County Road Commission/MDOT regarding any construction phase of the project is required.

Decommissioning Plan. A plan shall describe the decommissioning of a Solar Farm and final reclamation of the land within 12 months of abandonment, including evidence of proposed commitments to the owners of leased lots. A decommissioning plan secured by a bond may be required as a condition of a conditional/special land use permit.

Small Solar Energy Facilities

Allowable Districts. Small solar energy facilities are proposed as accessory uses in all zoning districts. Written authorization from the utility company to connect with the electrical grid is required if such connection is proposed.

Height. Roof-mounted facilities may not exceed the maximum building heights (principal or accessory) specified for the underlying zoning district (and they may not extend beyond the edge of a roof). Ground-mounted facilities may not exceed a height of 14 feet.

Size. The surface area for a ground-mounted facility shall be calculated as part of the allowable overall lot coverage permitted in the underlying zoning district.

Setbacks. The minimum setback for a ground-mounted facility is equivalent to the principal building setback of the underlying zoning district. No ground-mounted facility or facility mounted to an accessory structure is permitted within the required front yard setback.

Screening. Mechanical equipment must be screened from adjacent residentially zoned or used property. At least 50% of vegetation used for screening must be evergreen. A decorative fence that is at least 50% opaque may be used instead of vegetation.

Electrical Cabling. All electrical cabling between a ground-mounted facility and a principal structure must be buried.

Reclamation. Any earth disturbance resulting from the removal of a ground-mounted facility shall be graded and reseeded. An abandoned or inoperable facility shall be removed after 6 months.

Solar Access

No assurance of solar access is made by the local government. An applicant may provide evidence of legal documentation for abutting property owners providing solar access.

Ordinance Organization

Macon Township has a separate zoning ordinance article in which all alternative energy production uses are addressed. This makes organizational sense. Otherwise, Solar Farm standards would likely be added to the article addressing conditional uses under the appropriate section listing additional development requirements for certain conditional uses. Solar Farms should also be added to the listings of conditional uses in all pertinent zoning districts. As accessory uses, the standards for small solar energy facilities would likely be included under the article addressing supplemental uses. In most cases, definitions should be added to the article in which other definitions are listed.

Model Zoning Ordinance
Solar Energy Facilities
Draft 10 | 1/30/18

[ARTICLE VII]
ALTERNATIVE ENERGY PRODUCTION

...

[Section 7.03]. SOLAR ENERGY FACILITY. Sunlight is utilized to generate energy through a facility consisting of one (1) or more solar devices under common ownership or operational control. Such a facility may include, but not be limited to, substations, cables/wires and other buildings and accessory structures whose main purpose is to supply energy on-site or to off-site customer(s):

A. **LARGE SOLAR ENERGY FACILITY (SOLAR FARM).** The purpose of this Section is to establish minimum requirements and regulations for the placement, construction and modification of large solar energy facilities (Solar Farms), as defined in **[Section 20.01.78.25a]**, while promoting the safe, effective, and efficient use of such energy facilities as a **[special land/conditional]** use in specified zoning districts.

1. **LOCATION.** All large solar energy facilities (solar farms) are limited to the **[Agricultural (AG)]** and **[Industrial (I)]** districts.

2. **REGULATIONS AND DESIGN STANDARDS.** All large solar energy facilities (Solar Farms) shall comply with the following minimum regulations and design standards.

a. **DESIGN STANDARDS.**

(1) **MINIMUM LOT SIZE.** No large solar energy facility (Solar Farm) shall be erected on any Zoning Lot less than twenty (20) acres in size (as defined in **[Section 20.01.91]**).

(2) **MAXIMUM HEIGHT.** The maximum height for a solar panel shall be fourteen (14) feet. The maximum height of a Power Switchyard (as defined in **[Section 20.01.75.25.d]**) shall not exceed the minimum height needed to tie into electric transmission lines. The height of all other buildings and accessory structures shall comply with the maximum building height requirements of the applicable zoning district in which the Solar Farm is located, as listed in **[Article XV (Schedule of Regulations)]**. The height of required lightning rods attached to the Power Switchyard or Solar Farm related equipment shall not be subject to the foregoing height limitations. The height of lightning rods shall be limited to that height necessary to protect the Power Switchyard and Solar Farm equipment from lightning.

(3) **SETBACKS.** Large solar energy facility (Solar Farm) solar arrays and other structures shall be set back thirty feet (30) from all lot lines and public road rights-of-way, or the district setbacks stated in Article XV, whichever is greater. In addition, large solar energy facility (Solar Farm) solar arrays and other structures must be located at least one hundred (100) feet from all existing **[R-1 Single Family, R-2 Single Family, and RM Multiple Family and Manufactured Housing Residential District]** land and existing residences at the time the Solar Farm is granted **[special]**

land/conditional] use approval, unless the Zoning Lot is comprised of a portion of the lot containing the residence.

- (4) SAFETY/ACCESS.
- (a) Security fencing shall be installed around the Solar Farm in conformance with Section 4.12 (Fences), with the following exceptions: (i) non-ornamental fencing is acceptable; (ii) perimeter fencing around the Solar Farm shall not exceed seven (7) feet; and (iii) perimeter fencing around the Power Switchyard shall not exceed eight (8) feet. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
 - (b) Appropriate warning signage shall be placed at the entrance and perimeter of the large solar energy facility (Solar Farm).
- (5) NOISE. No operating large solar energy facility (Solar Farm) shall produce noise that exceeds any of the following limitations.
- (a) Fifty (50) dBA, as measured at the property line of any adjacent R-1 Single Family Residential, R-2 Single Family Residential, and RM Multiple Family and Manufactured Housing Residential zoned land in existence at the time the Solar Farm is granted special land/conditional use approval.
 - (b) Forty-five (45) dBA, as measured at any neighboring residence in existence at the time the Solar Farm is granted special land/conditional use approval, between the hours of nine (9) p.m. and seven (7) a.m.
 - (c) Sixty (60) dBA, as measured at the lot lines of the project boundary.
- (6) VISUAL APPEARANCE.
- (a) Large solar energy facility (Solar Farm) buildings and accessory structures shall utilize materials, textures, and neutral colors customary with Solar Farms and that to the extent which is prudent and feasible will blend the facility into the existing environment.
 - (b) Landscaping and/or screening materials in the manner provided in this Section 7.03.A.2.a(6)(b) shall be required to help screen large solar energy facility (Solar Farm) buildings and accessory structures from adjacent lots containing residences in existence at the time of special land/conditional use approval. At least fifty percent (50%) of the Solar Farm perimeter adjacent to lots containing residences in existence at the time of special land/conditional use approval shall be screened. The Solar Farm shall be screened using berms, fencing, vegetation, and like materials. At least fifty percent (50%) of vegetative screening shall be evergreen. Vegetation used to screen the Solar Farm shall be planted every ten (10) feet on center at a planting height of four (4) feet with a height at maturity of not less than six (6) feet and width not less than ten (10) feet. Any fence used

to screen the Solar Farm shall be at least fifty percent (50%) opaque and must meet the fencing requirements of [Section 4.12](#). Adjacent residential lots that are a part of the acreage of any Zoning Lot where the Solar Farm is located are not required to be landscaped or screened as otherwise required by this Section.

- (c) Lighting of the large solar energy facility (Solar Farm) shall be limited to the minimum necessary, supplied with down lighting, and in no case shall any illumination from such lighting extend beyond the perimeter of the Solar Farm. A photometric study may be used to make this determination.
 - (d) No large solar energy facility (Solar Farm) shall produce glare that would constitute a nuisance to occupants of neighboring properties or to persons traveling neighboring roads. Upon written notice from the [Township Building Inspector](#), or such other person designated by the [Township Board](#), to the owners of the Solar Farm that glare from the Solar Farm is causing a nuisance to occupants of neighboring property or to persons traveling neighboring roads, the owner of the Solar Farm shall have a reasonable time (not to exceed twelve (12) months) from the date of such notice to remediate such glare.
- (7) MEDIUM VOLTAGE CABLE. All medium voltage cable (as defined in [Section 20.01.75.25.e](#)) within the project boundary shall be installed underground at a depth not required to be greater than four (4) feet below grade, unless determined otherwise by the Planning Commission because of severe environmental constraints (e.g. wetlands, cliffs, hard bedrock), and except for Power Switchyards (as defined in [Section 20.01.75.25.d](#)) or area within a substation. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.
- b. LOCAL, STATE AND FEDERAL PERMITS. A large solar energy facility (Solar Farm) shall be required to obtain all necessary permits from the Michigan Department of Environmental Quality (see [Section 7.03.A.4.b](#)) and any applicable municipal/county or Federal permits.
 - c. AGREEMENTS/EASEMENTS. If the Zoning Lot (as defined in [Section 20.01.91](#)) on which the project is proposed is to be leased, rather than owned, by the owner of the Solar Farm, all property within the project boundary must be included in a recorded easement(s), lease(s), or consent agreement(s) specifying the applicable uses for the duration of the project. All necessary leases, easements, or other agreements between the owner of the Solar Farm and property owners must be in place prior to commencing construction, unless specified otherwise by the [special land/conditional](#) use permit.
3. PERMIT APPLICATIONS. An application for a [special land/conditional](#) use permit to establish a large solar energy facility (Solar Farm) shall include a complete description of the project and documentation to sufficiently demonstrate that the requirements set forth in [Section 7.03.A.2.a](#) will be met. Supporting documentation for addressing the

review criteria of [Section 7.03.A.4 and Section 16.06 \(Required Standards and Findings for Making a Special Land Use Determination\)](#) is also to be provided. The Planning Commission and/or [Township Board](#) may require any information reasonably necessary to determine compliance with this ordinance.

It is preferred that any related [special land/conditional](#) use permit applications for substations or new transmission lines be considered in conjunction with the [special land/conditional](#) use permit application for the large solar energy facility (Solar Farm); however, if the details of those improvements are not available at the time of application for the large solar energy facility (Solar Farm), they may be considered later, through subsequent [special land/conditional](#) use permit review. At a minimum, the intended route for connecting to the power grid and the alternative locations of any substation shall be disclosed with the application for the large solar energy facility (Solar Farm).

Prior to issuance of the construction permit, the [Township](#) may require as a condition of [special land/conditional](#) use approval that the owner of the Solar Farm and [Township](#) enter into a decommissioning agreement setting forth a Decommissioning Plan as required by [Section 7.03 A.4.h](#), secured by a bond to secure removal of the Solar Farm in the event the use is terminated and abandoned for a period of twelve (12) months. The amount of the bond shall be determined based upon the reasonable cost of land reclamation to seasonal grasses or to an agricultural ready condition, removal, and the salvage value of the Solar Farm.

4. PROVISIONS FOR [SPECIAL LAND/CONDITIONAL](#) USE PERMIT REVIEW. In addition to the standards set forth for [special land/conditional](#) use approval in [Section 16.06](#), the Solar Farm shall comply with the following standards:

- a. SOLAR FARM DESCRIPTION. The application for the Solar Farm shall identify the Solar Farm buildings and accessory structures, the time period to construct the Solar Farm, the phasing of construction, if any, and the anticipated useful life of the Solar Farm.
- b. ENVIRONMENTAL SITING CONSIDERATIONS. The applicant shall provide evidence of compliance with applicable State of Michigan statutes including, but not limited to: Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL324.36501 et. seq.); and such other applicable laws and rules in force at the time the application is considered by the [Township Board](#).
- c. SITE PLANS. Site plans shall identify (1) all Zoning Lots in the Solar Farm, and as to each Zoning Lot, existing and proposed (a) buildings, (b) accessory structures, (c) utilities, (d) transmission lines, (e) solar panels, (f) drainage ways, (g) grades, (h) topographical conditions, (i) vegetation (j) regulated wetlands, (k) regulated floodplains, (l) regulated and endangered species, and (m) regulated lakes, streams or ponds; (2) required setbacks; (3) access routes to Zoning Lots that are a part of the Solar Farm; (4) proposed road improvements; (5) any lots within three hundred (300) feet of a large solar energy facility (Solar Farm); (6) proposed transmission lines to and from Power Switchyards and/or between Zon-

ing Lots; (7) proposed signage; and (8) methods for dust and erosion control. All maps and visual representations need to be drawn at an appropriate scale and in accordance with [\[Section 17.05 \(Required Data for Detailed Site Plan\)\]](#).

- d. ENVIRONMENTAL INFORMATION. The applicant shall provide evidence of compliance with the Environmental Siting Conditions as required in this Section.
- e. HAZARDOUS WASTE. As applicable, the application must include plans for the spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes.
- f. TRANSPORTATION PLAN FOR CONSTRUCTION AND OPERATION PHASES. Proof of an agreement with the County [\[Road Commission/Department of Transportation\]](#), and the Michigan Department of Transportation (if applicable) regarding any construction phase of the project is required.
- g. OTHER REQUIRED STANDARDS. Proof of compliance with the [\[Section 16.06 \(Required Standards and Finding for Making Determination\)\]](#) must also be provided.
- h. DECOMMISSIONING PLAN. Describe the decommissioning and final land reclamation plan to be followed after the anticipated useful life, or abandonment, or termination of the large solar energy facility (Solar Farm), including evidence of proposed commitments with property owners to ensure proper final reclamation of the Solar Farm with seasonal grasses or to an agricultural ready condition if required by the property owner, repairs to roads for damage caused by the Solar Farm, if any, and within twelve (12) months from the notice of abandonment issued by the [\[Township\]](#) to complete decommissioning and land reclamation.

B. SMALL SOLAR ENERGY FACILITY. Notwithstanding other provisions of this Section of the Ordinance, Small Roof-Mounted or Ground-Mounted Solar Energy Facilities shall be considered a permitted use in all zoning districts as an accessory to a principal use. A Small Solar Energy Facility (as defined in [\[Section 20.01.78.25b\]](#)) shall be required to have appropriate building permits.

- 1. All Small Solar Energy Facilities are subject to the following minimum requirements:
 - a. A small solar energy facility shall provide power for the principal use and/or accessory use of the property on which the small solar energy facility is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
 - b. A small solar energy facility connected to the utility grid shall provide written authorization from the local utility company to [\[Township\]](#) acknowledging and approving such connection.
 - c. A roof-mounted facility may be mounted on a principal building or accessory building. A roof mounted facility, whether mounted on the principal building or accessory building, may not exceed the maximum principal building height or accessory building height specified for the building type in the underlying zoning district. In no instance shall any part of the small solar energy facility extend beyond the edge of the roof.
 - d. A ground mounted facility shall not exceed a height of fourteen (14) feet.

- e. The surface area of a ground mounted facility, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.
- f. A ground mounted facility or facility attached to an accessory building shall not be located within the required front yard setback.
- g. The minimum ground-mounted small solar energy facility setback distance from the property lines shall be equivalent to the principal building setback of the underlying zoning district.
- h. All mechanical equipment associated with and necessary for the operation of the small solar energy facility shall comply with the following:
 - (1) Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species which provides a visual screen. At least fifty percent (50%) of plants must be evergreen. In lieu of a planting screen, a decorative fence meeting the requirements of [\[Section 4.12 \(Fences\)\]](#) and that is at least fifty percent (50%) opaque may be used.
 - (2) Mechanical equipment shall not be located within the minimum front yard setback of the underlying zoning district.
 - (3) Mechanical equipment for ground-mounted facilities shall comply with the setbacks specified for principal structures in the underlying zoning district.
- i. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
- j. All power transmission lines from a ground mounted small solar energy facility to any building or other structure shall be located underground.
- k. A small solar energy facility shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy facility provided they comply with the prevailing sign regulations.
- l. The design of the small solar energy facility shall conform to applicable industry standards. A building/zoning permit shall be obtained prior to construction. In the case of a roof-mounted facility, the existing roof structure and the weight of the facility shall be taken into consideration when applying for a small solar energy facility permit.

All wiring shall comply with the applicable version of Michigan’s construction codes. The local utility provider shall be contacted to determine grid interconnection and net metering policies. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization and any such design shall be certified by an Engineer registered in the State of Michigan.
- m. The small solar energy facility shall comply with all applicable [\[Township\]](#) ordinances and codes so as to ensure the structural integrity of such facility.

- n. Before any construction can commence on any small solar energy facility the property owner must acknowledge that he/she is the responsible party for owning/leasing and maintaining the solar energy facility.
 - 2. If a ground mounted small solar energy facility is removed, any earth disturbance as a result of the removal of the ground mounted facility shall be graded and reseeded.
 - 3. If a small solar energy facility has been abandoned (meaning not having been in operation for a period of six (6) months) or is defective or is deemed to be unsafe by the Building Inspector, the facility shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the Building Inspector. If the owner fails to remove or repair the defective or abandoned small solar energy facility, the Township may pursue a legal action to have the facility removed at the owner’s expense.
- C. SOLAR ACCESS. The Township makes no assurance of solar access other than the provisions contained within this Section. The applicant may provide evidence of covenants, easements, or similar documentation for abutting property owners providing access to solar energy for the operation of a solar energy facility.

...

[ARTICLE XX]
DEFINITIONS

...

- [Section 20.01.78.25]. SOLAR ENERGY FACILITY: An energy generating facility consisting of one or more solar panels and associated equipment including, but not limited to:
- a. LARGE SOLAR ENERGY FACILITY (SOLAR FARM). A utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV) or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity.
 - b. SMALL SOLAR ENERGY FACILITY. Any photovoltaic or solar hot water devices that is accessory to, and incorporated into the development of an authorized use of the property, and which is designed for the purpose of reducing or meeting on-site energy needs.
 - c. PHOTOVOLTAICS (PV). A technology that converts light directly into electricity.
 - d. POWER SWITCHYARD. The structure needed to tie the solar energy facility to electric transmission lines.
 - e. MEDIUM VOLTAGE CABLE. 34.5 kV lines which provide electricity to homes.

...

[Section 20.01.91]. ZONING LOT: Provided that the owner(s) of any number of contiguous lots, or contiguous portions of lots, may have as many of said contiguous lots, or contiguous portions of lots, considered as a single lot for the purpose of this Ordinance as he/she so elects, and in such case the outside perimeter of said group of lots or portions of lots shall constitute the front, rear, and side lot lines thereof.

...



TO: Planning Commission

FROM: Zoning Administrator

DATE: February 13, 2018

RE: Planning Commission By-laws

Background:

I have researched several things.

1. The amendments that became the 2013 by-laws were begun in May of 2013 and continued until their adoption and distribution in November of the same year. Minutes from those meetings are included.
2. The 2011 ordinance #2011-3 was adopted by Council on June 20, 2011 as a result of major amendments to the Michigan Zoning Enabling Act of 2008.
3. In Section 2-243 it states:

Sec. 2-243. - Meetings and records.

The commission shall adopt bylaws for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record.

The by-laws are required by the ordinance. The by-laws cannot disagree with the ordinance. The bylaws do not require approval by Council.

**PLANNING COMMISSION BYLAWS
Of the City of Hillsdale**



Adopted, effective immediately, November 19, 2013

I. Name Purpose

1. The name shall be the City of Hillsdale Planning Commission, hereafter known as the “Commission”.
2. The name shall be the City of Hillsdale Council, hereafter known as the “Council”.
3. These Bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 et seq.), hereinafter “the Planning Act.”
4. These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et seq.), hereinafter “the Zoning Act.”
5. **If there is a conflict between the bylaws and the Planning Act, the Planning Act will control.**

II. Members, Appointment and Terms.

1. In November of each year the City of Hillsdale Clerk shall place an advertisement of those vacated positions in a newspaper with paid circulation in the City of Hillsdale to seek applications for commission members.
2. In November of each year the mayor and council shall consider the applications and nominations received, and appoint members to the commission by a majority vote for a three-year term of office which shall end on the date it determines.

III. Membership

1. The Commission shall consist of 7 members appointed in accordance with MCL 125.3815 et. seq.
2. Membership of the Commission shall consist of the following:
3. Not less than six (6) members of the planning commission shall be qualified electors of the City of Hillsdale.
4. Members shall be appointed for three-year terms. However when first appointed a number of members shall be appointed to one-year, two-year, or three-year terms such that, as nearly as possible, the terms of one third of all commission members will expire each year. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment such that, as nearly as possible, the terms of one third of all commission members continue to expire each year.
5. Ex officio members may include the City Manager and the Mayor, or a person designated by him or her provided that no ex officio member may serve as planning commission chair. The terms of office of elected officials serving as ex officio members shall expire with their respective elected terms of office, and the term of the City Manager shall expire with the term of the Mayor that appointed him or her.
6. The membership shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of the City of Hillsdale, in accordance with the major interests such as:

- a. Agriculture/Natural resources;
 - b. Recreation/public health;
 - c. Education;
 - d. Government; non-profit/charitable
 - e. Industry/Commerce
7. The membership shall also be representative of the entire geography of the City of Hillsdale to the extent practicable, and as a secondary consideration to the representation of the major interests.
8. Not more than one third of the total membership of the Commission shall consist of, collectively, the City Manager, the Mayor, or a person designated by either.

A. Liaisons

The Commission may name “liaisons” to the Commission. The purpose of liaisons is to provide certain City of Hillsdale officials and quasi-officials the ability to participate in discussions with the Commission, in addition to speaking in public participation, and nothing else. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, or be counted for a quorum. Liaisons, if not already appointed as Commission members, are:

- a. Assessing department staff, and their agents and consultants.
- b. City Manager
- c. City engineering, water, sewer, DPW, or similar department heads.
- d. City Attorney

B. Attendance

If any member of the Commission is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Council to remove a member from the Commission for nonperformance of duty, or misconduct. The Commission secretary, or acting secretary in the absence of the elected secretary, shall keep attendance records and shall notify the Council whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the Council can consider further action allowed under law or excuse the absences.

C. Training

Each member shall receive planning and zoning training. The training shall consist of a minimum of four hours per year or completion of the MSUE Citizen Planner Course which shall constitute the whole of training requirements for the member’s first term on the Commission. ~~Each member shall have attended at least four hours per year of training in planning and zoning during the member’s current term of office.~~ As provided in the ordinance creating the Commission, failure to meet the training requirements shall result in the member not being reappointed to the Commission. Training shall be provided by one or more of the following organizations: Michigan Association of Planning, Michigan State University Extension, Michigan Townships Association, and Michigan Municipal League, continuing education programs of Michigan State University, University of Michigan, Northern Michigan University, Central Michigan University, or Wayne State University.

IV. Duties of all members

A. Incompatibility of Office/Conflict of Interest

Each member of the Commission shall avoid and refrain from engaging in conflicts of interest. As used herein, a conflict of interest shall include by way of example and not ~~limitation~~ **limited to** the following:

1. Unless permitted by a majority vote of the remaining members of the Commission determining that a conflict of interest does not exist, the actions of a member of the Commission in deliberating on, reviewing, participating in, presenting, or commenting on any of the following shall constitute a conflict of interest:
 - a. A case concerning or involving him or her.
 - b. A case concerning land that he or she owns in whole or in part.
 - c. A case concerning land that is adjacent to land that he or she owns in whole or in part.
 - d. A case concerning land in or to which he or she has a financial interest or any other relationship from which he or she may stand to have financial gain, loss, or other benefit or detriment.
 - e. A case involving a corporation, company, partnership, or any other business or entity in which he or she is a sole or part owner or has any other relationship from which he or she may stand to have financial gain, loss, or other benefit or detriment.
 - f. A case involving any issue the resolution of which will or might result in financial gain, loss, or other benefit or detriment to him or her.
 - g. A case concerning or involving his or her spouse, or members of his or her spouse's family including, but not limited to children, step-children, parents, siblings, grandparents, and non-relative members of his or her household.
2. When a case involves the possible existence of a conflict of interest, the affected member or any remaining member of the Commission having knowledge of it shall immediately raise the question. Thereupon, the question shall be put to the remaining Commission members as to whether a conflict of interest exists or not. Whether a conflict of interest exists or not shall be determined by a majority of the remaining planning commission members.
3. Upon the discovery or determination of a conflict of interest, all of the following steps shall be taken:
 - a. The existence of the conflict of interest shall be declared on the record by the member declaration of it or the Commission's determination of it, together with the underlying facts pertinent thereto.
 - b. The affected member shall immediately cease any of his or her participation in the Commission's deliberations, review, and determination of the involved matter.
 - c. During the Commission's hearing and consideration of the matter, the affected member shall either leave the meeting or remove himself or herself from his or her seat at the Commissioners' table until the involved matter is concluded.
4. If a member of the Commission is appointed to and accepts another office, which is an office that is incompatible with his or her membership on the Commission, then the appointment to and acceptance of the other office shall result in and be deemed to be the

member's automatic resignation from the Commission as of its effective date. If a member of another office is appointed to the Commission and accepts the appointment, and the appointment to the Commission is incompatible with his or her membership in the other office, then the member's acceptance of the appointment to the Commission shall be deemed to be his or her resignation from the other office as of its effective date.

B. Ex Parte Contact

Members shall avoid Ex Parte contact about cases where an administrative decision is before the commission whenever possible.

Despite one's best efforts it is sometimes not possible to avoid Ex Parte contact. When that happens, the member should take detailed notes on what was said and report to the Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.

C. Site Inspections

Site inspections shall be done by the zoning administrator or other staff. A written report of the site inspection shall be orally presented to the Commission at a public meeting or hearing on the site. ~~No more than one member of the Commission may visit the site at a time and they shall be accompanied by the Zoning Administrator.~~ **There shall not be a quorum of members visit a site for inspection. The Zoning Administrator may accompany Commission members during site inspections.**

D. Not Voting On the Same Issue Twice

Any member of the Commission shall avoid situations where they are sitting in judgment and voting on a decision which they had a part in making. As used here, sitting in judgment and voting on a decision which they had a part in making, at a minimum shall include, but not necessarily be limited to, the following:

1. When the appeal is of an administrative or other decision by Commission and the member of the Commission sits both on the Commission and Zoning Board of Appeals.
2. When the appeal is of an administrative or other decision by any committee of the Commission, Council, or other committee and the member of the Commission sits both on that committee and Zoning Board of Appeals or both on the Commission and Zoning Board of Appeals.
3. When the case is an administrative decision which was decided by the Commission and sent to the Council for further action, and the member of the Commission sits both on the Commission and Council.

E. Accepting gifts

Gifts shall not be accepted by a member of the Commission or liaisons from anyone connected with an agenda item before the Commission. As used here, gifts shall mean cash, any tangible item, or service, regardless of value; and food valued over \$10. This section does not apply to the Commission accepting gifts for the exercise of its functions pursuant to M.C.L. 125.3823(3), §23(3) of the Planning Act.

F. Spokesperson for the Commission

Free and open debate should take place on issues before the Commission. Such debate shall only occur at meetings of the Commission. Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Commission. From time-to-time or on a specific issue, the Commission may appoint a spokesperson for the Commission for all matters which occur outside of the meetings of the Commission.

V. Officers

A. Selection

At the regular meeting in December of each year, the Commission shall select from its membership a Chair and a Vice-Chair. All officers are eligible for reelection. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice-Chair for the unexpired term. The Commission may also designate another person who is not a member of the Commission to be the recording Secretary.

B. Tenure

The Chair and Vice-Chair shall take office January 1 following their selection and shall hold office for a term of one year or until their successors are selected and assume office.

C. Chair's Duties

The Chair retains his or her ability to discuss, make motions and vote on issues before the Commission. The Chair shall:

1. Preside at all meetings with all powers under parliamentary procedure;
2. May call special meetings pursuant to Section 5.B of these Bylaws;
3. Represent the Commission, before Council;
4. Execute documents in the name of the Commission;
5. Perform such other duties as may be ordered by the Commission.

D. Vice-Chair's Duties

The Vice-Chair shall:

1. Act in the capacity of Chair, with all the powers and duties found in Section 4.C of these Rules, in the Chair's absence;
2. Perform such other duties as may be ordered by the Commission.

E. Secretary's Duties

The Secretary shall:

1. Be responsible for the minutes of each meeting, pursuant to Section VI of these Bylaws if there is not a recording secretary.
2. Review the draft of the minutes, and submit them for approval to the Commission. Copies of minutes shall be distributed to each member of the Commission prior to the next meeting of the Commission.

3. Receive all communications, petitions, and reports to be addressed by the Commission, delivered or mailed to the Secretary in care of the Assessing Department Office.
4. Keep attendance records pursuant to Section II of these Bylaws.
5. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to the Open Meetings Act, P.A. 267 of 1976, as amended, M.C.L. 15.261 et seq.
6. Prepare an agenda for Commission meetings pursuant to Section V of these Bylaws.
7. Perform such other duties as may be ordered by the Commission.

VI. Meetings

A. Regular meetings

Meetings of the Commission will be held the 3rd (third) Tuesday of every month at 5:30 p.m. at City Hall, 97 N. Broad St., Hillsdale, Michigan. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. An annual notice of regularly scheduled Commission meetings shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 et seq.)

B. Special Meetings

Special meetings shall be called in writing and directed to the Planning Secretary in the following manner:

1. By the Chair.
2. By any two members of the Commission.

Notice of special meetings shall be given by the Secretary to members of the Commission at least twenty four (24) hours prior to such meeting and shall state the purpose, time, day, month, date, year and location of the meeting (the Secretary may delegate this function to staff). In addition, notices shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act M.C.L. 15.261 et seq.).

C. Recess

The Chair, or the Commission, after the meeting has been in session for two hours (not including site inspections), shall suspend the Commission's business and evaluate the remaining items on its agenda. The commission shall then decide to finish that meeting's agenda, may act to continue the meeting on another day (fix the time at which to adjourn), or complete some agenda items and continue the meeting on another day to complete other agenda items or postpone certain agenda items to the next meeting. If applicable such action shall include the time, day, month, date, year, and location the Commission will reconvene. If more than 18 hours will pass before the reconvened Commission, public notice shall be given to comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 et seq.). Upon reconvening, a roll call of attendance shall be the first item of business before proceeding with the same agenda. The commission shall resume with the same meeting agenda, proceeding at the same point where they left off, without the addition of additional business.

D. Quorum

More than half the total number of seats for members of the Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of business and the taking of official action for all matters before the Commission. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.

E. Motions

Motions shall be restated by the Chair before a vote is taken.

F. Findings of Fact

All actions taken in an administrative capacity including but not limited to; special use permits, subdivisions, zoning, site plan review, planned unit developments, review and submission on another municipality's proposed plan, review and submission on a capital improvement, review of township zoning, shall include each of the following parts:

1. A finding of fact, listing what the Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements.
2. Conclusions to list reasons based on the facts for the Commission's action, often directly related, or not, to a finding of compliance, or noncompliance, to standards.
3. The Commission's action, recommendation or position, approval, approval with conditions, or disapproval.

G. Voting

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

H. Commission Action

Action by the Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.

I. Parliamentary Procedure

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

J. Public Participation

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

1. All public comment on all agenda items should be presented at the beginning of the meeting where provided in the printed agenda. After that point during the meeting, public comment is normally not allowed; however, sometimes the Commission may

direct questions to members of the public. Public comment is at the beginning of the meeting so the Commission can hear concerns and questions before acting on an issue. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time. To help the public in preparing for the meeting, any written material shall be made available without cost for members of the public asking for a copy prior to the meeting.

2. The Chair may limit the amount of time allowed for each person wishing to make public comment at a Commission meeting. The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment at the Commission meeting without time limit or an extended time limit.

K. Consensus Business

Certain items of business before the Commission are routine matters where no discussion normally occurs or is expected to occur and a consensus for adoption normally occurs or is expected to occur. The individual preparing the agenda may mark such items on the agenda as a Consent Item, if that individual feels it qualifies as consensus business. The agenda or material presented on the issue should indicate the proposed action; approve, disapprove, no comment, approve with modification. Any Consent Item can be removed by request of a member. It may be automatically removed if discussed during Public Participation. A motion to adopt the Consent Items can be made to adopt all agenda items still included as Consent Items. The approval of minutes and the expense report shall be proposed on the agenda as Consent Items. Consensus business can be proposed for any item on the agenda, but shall never include any of the following:

1. Items of business which are listed in Section X of these bylaws.
2. Review of plans and zoning ordinances, or any part or amendment thereto.
3. Action on special use permits, planned unit developments, site plans, and similar administrative actions.
4. Election of officers.
5. Any item not printed on the agenda which is delivered, along with adequate supporting information, to Commissioners prior to the meeting.

The motion to adopt Consent items in the minutes shall clearly list each item and indicate its action/disposition.

L. Order of Business/Agenda

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

1. Call to Order, Roll Call, and Pledge of Allegiance.
2. Matters pertaining to citizens present at the meeting, in the following order:
3. Advertised Public Hearings.
 - a. The Chair will declare such a public hearing open and state its purpose. The petitioner, or proponent of the action advertised will be heard first.
4. Persons requested by the Commission to attend the meeting.
5. Other public participation for items on this agenda.
6. Housekeeping business.

- a. Consent Business.
 - b. Approval of Minutes.
 - c. Approval of Department's expense report.
 - d. Other.
7. Unfinished business and reports.
- a. Items considered here are taken up in the same order as established by the Commission to fix a priority for consideration and work done in the planning office.
8. New business
- a. Other business and communications
9. Public participation for items not on this agenda.
10. Adjournment.

M. Delivery of Agenda

The agenda and accompanying materials shall be delivered to each Commission member to be received **within the week** ~~one week~~ prior to the regular meeting date.

N. Placement of Items on the Agenda

1. The Assessing Department/Zoning Administrator shall be the office of the Commission and handler of Commission requests.
2. The Assessing Department/Zoning Administrator may receive items related to a petition on behalf of the Commission between the time of the adjournment of the previous Commission meeting and ten (10) business days prior to the next regularly scheduled Commission meeting.
3. Completed petition items for review received by the Assessing Department/Zoning Administrator less than ten (10) business days prior to the next regularly scheduled Commission meeting shall be set aside to be received by the Commission at its next regularly scheduled meeting. The Commission may act on those items of a minor nature or table action to the subsequent regular or special Commission meeting. Those items requiring action or items normally receiving staff review, analysis, or recommendation shall be tabled until the subsequent regular or special Commission meeting.

VII. Record

A. Minutes and Records

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

1. Copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, M.C.L. 15.261 et seq.)
2. Copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence:
 - a. Time and place the meeting was called to order.
 - b. Attendance.
 - c. Indications of others present by listing names of those who choose to sign in and/or a count of those present.

- d. Summary or text of points of all reports (including reports of what was seen and discussed at a site inspection) given at the meeting, and who gave the report and in what capacity. An alternative is to attach a copy of the report if offered in writing.
- e. Summary of all points made in public participation or at a hearing by the applicant, officials, and guests and an indication of who made the comments. An alternative is to attach a copy of the public's statement, petition, or letter if it is provided in written form.
- f. Full text of all motions introduced, whether seconded or not, who made the motion and who seconded the motion. For each motion, the following should be included:
 - i. Who testified and a summary of what was said.
 - ii. A statement of what is being approved (e.g. special use permit, variance, conditional use permit, subdivision, land division, etc.)
 - iii. The location of the property involved (tax parcel number and description, legal description is best).
 - iv. What exhibits were submitted (list each one, describe each, number or letter each and refer to the letter or number in the minutes).
 - v. What evidence was considered (summary of discussion by members at the meeting).
 - vi. The administrative body's findings of fact.
 - vii. Reasons for the decision made. (If the action is to deny, then each reason should refer to a section of an ordinance which would be violated or with which not complied.)
 - viii. The decision (e.g. approves, deny, approve with modification).
 - ix. A list of all required improvements (and if they are to be built up-front or name the type of performance security to be used), if any.
 - x. List of all changes to the map/drawing/site plan that was the changes on the map of what was applied for, rather than listing the changes. Do not use different colors. The map will most likely be photo copied. Then colors on the copy will not show at all or will just be black.)
 - xi. Make the map/drawing/site plan part of the motion (e.g. "...attached to the original copy of these minutes as appendix `A', and made a part of these minutes...").
 - xii. Who called the question.
 - xiii. The type of vote and its outcome. If a roll call vote, indicate who voted yes, no, abstained or a statement the vote was unanimous. If not a roll call vote, then simply a statement: "the motion passed/failed after a voice vote."
 - xiv. That a person making a motion withdrew it from consideration.
 - xv. All the Chair's rulings.
 - xvi. All challenges, discussion and vote/outcome on a Chair's ruling.
 - xvii. All parliamentary inquiries or point of order.
 - xviii. When a voting member enters or leaves the meeting.

- xix. When a voting member or staff member has a conflict of interest and when the voting member ceases and resumes participation in discussion, voting and deliberations at a meeting.
- xx. All calls for an attendance count, the attendance, and ruling if a quorum exists or not.
- xxi. The start and end of each recess.
- xxii. All of the Chair's rulings of discussion being out of order.
- xxiii. Full text of any resolutions offered.
- xxiv. Summary of announcements.
- xxv. Summary of informal actions, or agreement on consensus.
- xxvi. Time of adjournment.
- xxvii. Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as an appendix to the minutes.

B. Retention

Commission records shall be preserved and kept on file according to the following schedule:

- 1. Minutes, bonds, oaths of officials, zoning ordinances, master or compressive plans, other records of decisions, Commission or department publications: permanent.
- 2. General ledger: 20 years.
- 3. Account journals: 10 years.
- 4. Bills and/or invoices, receipts, purchase orders, vouchers: 7 years.
- 5. Correspondence: Permanent.

VII. Committees

A. Ad Hoc Committees

The Commission or Chair may establish and appoint ad hoc committees for special purposes or issues, as deemed necessary. Less than a quorum may serve on an ad hoc committee at any given time.

B. Citizen Committees

The Commission, Chair, or Assessing Department/Zoning Administrator may establish and appoint citizen committees with the consent of the Commission. Membership can be any number, so long as less than a quorum of the Commission serves on a citizen committee at any given time. The purpose of the citizen committee is to have more citizen and municipal government involvement, to be able to use individuals who are knowledgeable or expert in the particular issue before the Commission and to better represent various interest groups in the City of Hillsdale.

VIII. Rules of Procedure for All Committees

A. Subservient to the Commission

All committees are subservient to the Commission and report their recommendations to the Commission for review and action. The Commission can overrule any action of any committee.

B. Same Principles

The same principals of these Bylaws for the Commission also apply to all committees of the Commission.

IX. Mileage and Expenses

Mileage and travel expenses shall be paid to members of the Commission at rates established by the Council for attending certain training programs representing the City of Hillsdale as authorized by the Commission.

X. Hearings

A. Plan Hearings

Before the adoption of any part of a plan, as defined in the Planning Act, or any amendment to a plan, or recommending approval of an amendment to the Council, the Commission shall hold a public hearing on the matter. Notice of the time and place of the hearing shall be given, not less than 15 days prior to such hearing, by at least one publication in each newspaper of general circulation.

B. Special Hearings

Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties will be given in the most practical manner and to persons, or group representatives most interested, and as required by the Planning Act, Zoning Act, and relevant local Zoning Ordinance.

C. Notice of Decision

A written notice containing the decision of the Commission will be sent to petitioners and originators of a request for the Commission to study a special problem.

XI. Zoning Responsibilities

All powers of the zoning commission have been transferred to this Commission, pursuant to M.C.L. 125.3301 of the Zoning Act.

A. Zoning adoption or amendment including PUD zoning amendments

The commission shall review and act on all proposed zoning ordinances, or zoning amendments pursuant to the Zoning Act. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing, action shall be in the form of a recommendation to the Council. At a minimum the recommendation shall include:

1. Zoning plan for the areas subject to zoning, or zoning amendment of the City of Hillsdale
2. The establishment of or modification of zoning districts, including the boundaries of those districts, if applicable
3. The text of a zoning ordinance or amendment with the necessary maps and zoning regulations to be adopted for a zoning district or the zoning jurisdiction as a whole
4. The manner of administering and enforcing the zoning ordinance

B. Special Use Permit including PUDs

The Commission shall review and act on all special use permits pursuant to the Zoning Act and Zoning Ordinance. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory action, pursuant to Section V of these Bylaws.

C. Site Plan Review

The Commission shall review and act on all site plans which the zoning ordinance requires Commission action. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory action, pursuant to Section V of these Bylaws.

D. Appeals

The Commission shall not act, or otherwise hear issues on zoning ordinance interpretation, zoning map interpretation, non-use variances, or use variances. Such matters shall be exclusively the jurisdiction of the Zoning Board of Appeals.

***XII.* Plan Reviews**

The Commission shall review all adjacent, or contiguous, local government plans (township, village, and city), adjacent county plans, local governments government plans (township, village, and city plans) within the boundaries serviced by the Commission, and the county plans in which the Commission's service area is located. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory action, pursuant to Section V of these Bylaws.

The review should focus on:

- A. First and foremost, the process is intended to increase coordination of planning between governments.
- B. Consistencies or inconsistencies with your government's plan(s) for matters such as:
 - a. Border issues
 - b. Issues of greater than local concern
 - c. Comparison with local plan contents
 - d. Comparison with county/regional plan contents
 - e. Comparison to other relevant adopted plans (such as an historic preservation plan, local wetland protection plan, TIF or brownfield redevelopment plan, etc.).
 - f. Comparison to various implementation strategies.
- C. The review shall be in the form of a letter and shall take into account:
 - a. Respect for the idea that the submission and review stages are near the end of a plan adoption process. A community may be ready to adopt and others may be waiting for the task to be done. Do not extend the adoption more than necessary.
 - b. Focus only on significant issues, in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.

- c. Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments.
- d. Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.

XIII. Capital Improvements Review

Capital Improvements

The removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any public way, grounds, agricultural land, open spaces, buildings, or properties before work is started and after municipal capital improvement planning approval is obtained. All preliminary plans and reports for the physical development of the City of Hillsdale, including the general location, character and extent of streets and roads, viaducts, bridges, farmland, agricultural land, forest land, parks and open spaces; the general location of public buildings and other public property; the general location and extent of public utilities and terminals. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory action, pursuant to Section V of these Bylaws.

When reviewing the proposed project the planning commission should at a minimum consider the following issues. If the answer to any of the below is “no,” then the planning commission’s review of the project should not be favorable.

- A. Is the proposed project consistent with adopted plans?
- B. Is the project consistent with other governmental management plans?
- C. Is the project consistent with the plans of each municipality located within or contiguous to the City of Hillsdale?
- D. Is the project consistent with adopted, if any, capital improvement plans?

The review shall be in the form of a letter, sent within 35 days after the proposal is filed for review, and shall take into account:

- A. Respect for the idea that the submission and review stages are near the end of a process. A community may be ready to start construction and others may be waiting for the task to be done.
- B. Focus only on significant issues in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
- C. Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments or agencies of governments.
- D. Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.

XIV. Subdivision Review

Prepare a Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance), or amendments to the same, to submit to the City of Hillsdale Council.

A. Proposed Subdivisions

The Commission is to implement the following:

1. Staff for the Commission is to receive a plat and determine that the submission is complete. If incomplete, the plat shall be returned to the applicant with a list of deficiencies. If complete, the plat shall be received on behalf of the Commission.
2. Conduct a review of plats of proposed subdivisions (and/or site-condominium).
3. Hold a hearing on a proposed subdivision (and/or site-condominium) with notice of the hearing sent not less than 15 days before the date of the hearing.
4. The notice shall contain an explanation of what the hearing is for, the location and nature of the proposed development, the date, and time, place of the hearing, where written comments may be submitted, and the deadline for those written comments.
5. The notice shall be sent to the person indicated on the plat (and/or draft site-condominium master deed) as the proprietor or other person(s) to whom notice of the hearing shall be sent, the property owner, and adjacent property-owners.
6. The notice shall be published in a newspaper of general circulation in the City of Hillsdale.
7. Any others as required by the Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance).
8. Within 63 days of a complete plat (and/or draft site-condominium master deed) being submitted, act on the proposed subdivision (and/or site-condominium) in the form of a recommendation to the City of Hillsdale Council of the municipality in which the proposed subdivision (and/or site-condominium) is located.
9. If applicable standards under the Land Division Act (M.C.L.560.101 et seq.), Condominium Act (M.C.L. 559.101 et seq.) if applicable, and Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance), the Commission shall recommend approval.
10. Grounds for any recommendation of disapproval of a plat (and/or Site-Condominiums) shall be stated upon the record of the Commission.
11. If the Commission does not act within the 63-day period, the plat (and/or Site-Condominiums) shall be considered to have been recommended for approval, and a certificate to that effect shall be issued by the Commission upon request of the applicant. The applicant may waive the 63-day period and grant an extension.

B. Master Plan Amendment

Commission approval of a subdivision shall be considered to be an amendment to the master plan and a part thereof. The Commission shall cause the official copies of the master plan to be modified to reflect the amendment to the master plan within 30 days of the subdivision approval.

XV. Other Matters to be considered by the Commission

Commission Action

The following matters shall be presented for consideration at a meeting of the Commission:

- A. At least annually, the adoption of priorities for the Commission's plan of work.
- B. Annually, preparation of an annual report of the Commission.
- C. Office, or Administrative Policy and ruling of interpretation of regulations by the Commission or its staff.

Land subdivision plats.

All Planning reports and plans before publication.

Such other matters as the Planning Administrator shall find it advisable or essential to receive consideration by the Commission.

XVI. Adoption, Repeal, Amendments

Upon adoption of these Bylaws all previous Bylaws shall be repealed.

~~The Commission may suspend any one of these Bylaws, for duration of not more than one agenda item or meeting.~~

These Bylaws may be amended at any regular or special meeting by a two-thirds vote of the members present.

Adopted: November 19, 2013

Effective: November 19, 2013



PLANNING COMMISSION MINUTES
REGULAR MEETING
CITY HALL, 97 N. BROAD ST. 2nd FLOOR
October 15, 2013 at 5:30 PM

I. Call to Order 5:30

- A. Pledge
- B. Members present; Dave Williams, Brian Watkins, Linda Brown, Laura Smith, Amber Yoder
- C. Others present; Mary Wolfram, (EDC liaison), Alan Beeker (staff), Kim Thomas, (Assessor)
- D. Members absent; Kerry Laycock

II. Consent Items/Communications

- A. Regular meeting minutes from August 17, 2013 meeting were reviewed. Kerry Laycock letter of absence was read and recorded. Laura Smith motioned to accept the minutes as read, Amber Yoder seconded, the motion was passed by unanimous vote.

III. Old Business

- A. Planning Commission Bylaws: Receive new copy

Upon a quick review of the supplied copy of the bylaws, an error was found and discussion was made to amend with 2/3 vote. Upon further review, there came into question whether the updated version was truly the updated version. Ms. Smith moved to await final approval of the PC bylaws until the November regular meeting. Mr. Watkins seconded the motion and it was approved by unanimous vote.

Discussion moved to rule #2 of the Membership requirements which states; *No planning commission member, excepting a member who is a City Council representative running for re-election, may be a declared candidate for any political office.* Mr. Williams moved that rule #2 under the Membership requirements of the Planning Commission bylaws be removed. Mr. Watkins seconded and the motion was approved by unanimous vote.

Due to past errors in the newspaper, Mr. Williams asked Mr. Beeker to verify future Planning Commission meeting dates with the Hillsdale Daily News.

- B. Restaurant Ordinances- Public hearing

Public hearing brought to order.

Mr. Williams delivered a quick synopsis of the reasons for the Ordinance to amend Section 36-272(3) of Division 7 of Article III, of Chapter 36 of the Code of the City of Hillsdale.

Background: A local business within the downtown area (B-2 Zoning District) approached the city to inquire whether the city ordinance allowed food and beverage to be sold and consumed on their property outside of the business structure. Upon review of the existing ordinance it became clear that the terminology allowing restaurants in that district used limiting language that potentially brought other downtown businesses that sold food and drink in jeopardy of being in violation of said ordinance.

However, upon review of the ordinance distributed at the meeting, it was discovered that the ordinance still did not have the desired wording. The commission further amended Section 36-272(3) to read: *Restaurants and taverns including outdoor seating, but excluding drive-through restaurant and taverns.* Mr. Watkins motioned to accept the newly amended wording, Miss Yoder seconded. The motion was carried by unanimous vote.

There were no public comments.

Mr. Williams closed the public hearing.

Mr. Beeker was instructed to revise the Ordinance to amend Section 36-272(3) and send it to Katy Price in the Clerk's office for publication. Linda Brown, City Manager was also to receive a copy.

C. Sign Ordinances- Attorney/Staff comments

Ms. Smith will meet with Mr. Beeker in November to review and amend the sign ordinances prior to sending to the City Attorney, Lewis Loren, for final wording.

D. Master Plan Review

Mr. Beeker was instructed to verify with Grant Bauman, Principal Planner, for the Region 2 Planning Commission, the parameters of his involvement in updating the City of Hillsdale Master plan. The commission was implementing an update, not an entire overhaul. During discussion regarding the master plan, the question arose, is there a place in the plan to deal with blight and industrial vacancies as well as zoning encroachments? Mr. Williams would like to share copies of our (the City) master plan with adjacent communities and receive copies of their master plans in return. This would, hopefully, reduce redundancies in the overall plannings of the communities.

E. Priorities list (In random order)

- Railroad
 - Encourage cleanup of Railroad maintenance area.
 - Encourage Railroad to maintain own right of way.
- Evaluate areas that could become Multi-Use Zoning
- Dumpster and Trash Can screening has been addressed but it needs to be enforced.
 - Dumpster on Buena Vista needs to be inspected to determine compliance.
 - Possibly review Dumpster policy for Multi-family zoning.

- Possibly return multi-family rentals back into Single family dwellings.
 - Neighborhood Renaissance Zone.
- Rental unit licensing
 - If owner lives outside of radius, must have a local agent.
- Vacant building ordinance
 - Holland ordinance as a good example to review
- Large item trash pickup day.
 - Streamline leaf pickup by possibly using a vacuum truck.
- Water retention ordinance
 - Investigate what is being done in other municipalities
- Should there be a ratio of person/gsf in single family dwellings?
- Review zoning ordinance
- Review Parking requirements

IV. New Business

The commission would like to consider creating electronic access to all planning commission information for easy accessibility.

Add Priorities List to Old Business Agenda for future meetings.

V. Public Comment

No public comment

VI. Adjournment

Mr. Williams made the motion to adjourn the meeting, Ms. Smith seconded, motion passed by unanimous vote. The meeting adjourned at 7:00 pm.



PLANNING COMMISSION MINUTES
REGULAR MEETING
CITY HALL, 97 N. BROAD ST. 2ND FLOOR
November 19, 2013 at 5:30 PM

I. Call to Order 5:30

- A. Pledge
- B. Members present: Dave Williams, Laura Smith, Amber Yoder, Scott Sessions, Linda Brown
Ms. Brown's term as Ex Officio member, nominated by ex-Mayor Doug Moon, has expired with the election of new Mayor Scott Sessions.
- C. Others present: Mary Wolfram (EDC liaison), Alan Beeker (Staff)
- D. Members absent: Kerry Laycock

There was discussion regarding the need to fill vacant the vacant seats on the Commission. Mr. Beeker informed the commission that a letter requesting applications to the commission was posted in the Hillsdale Daily News. Mr. Beeker also submitted the resume of Mr. Steve Vear to Mayor Sessions for consideration at a later date.

II. Consent Items/Communications

- A. Mr. Williams asked to revise the agenda. He asked that the presentation from Hillsdale College be moved before old business. Mr. Williams made the motion, Ms. Smith supported, the motion passed by unanimous vote.
- B. Mayor Sessions moved to accept the Agenda as amended, Ms. Smith seconded, passed by unanimous vote.
- C. Regular meeting minutes from October 15, 2013 meeting were reviewed. Kerry Laycock letter of absence was read and recorded. Amber Yoder moved to accept the minutes, Mayor Sessions supported, passed by unanimous vote.

III. New Business

Prior to the Hillsdale College presentation, Mr. Beeker and Ms. Brown gave some background. In October 2013, Progressive Architects and Engineers approached the City to discuss the addition to Phillips Auditorium on the Hillsdale College Campus. The proposed addition includes a port cochere which would extend into the existing city right-of-way.

After discussion, it was proposed that the city would allow the construction of the port cochere support columns in the right-of-way if the College were willing to incur the cost of narrowing West Street between College Street and Galloway Street to a uniform 32'-0" outside curb to outside curb. The existing east curb line of West Street is not straight from College to Galloway streets allowing the street width to vary. The City also requested that a legal agreement be drawn up giving the College license to use the city right-of-way for the foundations and that the drive under the port cochere be used for drop off only, no parking would occur in that area.

The College will hire a professional surveyor to measure and draft the legal description to be used for the license agreement. Mr. Beeker, Planning and Zoning Administrator and Keith Richard, the Director of Public Services will assist the surveyor in determining the areas of impact.

Mr. Richard Pewe, representative of Hillsdale College and Mr. Jack DeBruins, representative from Progressive AE were in attendance to answer questions from the commission. Mr. DeBruins presented the project and described the impact to the College and to the City right-of-way. Linda Brown, Hillsdale City Manager and Alan Beeker, Planning and Zoning Administrator stressed that this presentation was for information to the Planning Commission only. No decisions would be made until a survey documenting the area that would be included in the easement and the legal documents outlining the licensure and indemnities were complete.

The architect was advised that all of that needed to be in place before submittal of final drawings for site plan review would be accepted. The deadline for submittal prior to the December 17, 2013 meeting would be December 6.

Reduced copies of the presentation are included.

IV. Old Business

A. Planning Commission By-laws

Mr. Williams gave background as to why the by-laws were on the agenda. Since Mayor Sessions had not had a chance to review the by-laws, there was a question whether he would choose to vote at this time. Discussion ensued whether the by-laws could be passed with the existing number of members present. It was determined that a unanimous vote of all members present, including Mayor Sessions, would be required to adopt the by-laws at this meeting. Amber Yoder moved to vote to adopt the presented Planning Commission By-laws, Laura Smith seconded the motion. Dave Williams requested a roll call vote:

Dave Williams – yes

Scott Sessions – yes

Amber Yoder – yes

Laura Smith – yes

The Planning Commission By-laws were adopted by unanimous vote. Mr. Williams asked Mr. Beeker to create bound copies of the by-laws for all of the commission members.

A copy of the adopted by-laws is included.

B. Storm water Utility Program

Mr. Beeker presented his findings into establishing a storm water utility program for the City of Hillsdale. In 1998 the City of Hillsdale approached Tetra Tech to perform a feasibility study with the goal of implementing a storm water utility program. In 1999 the city of Lansing was sued because it was viewed that the storm water utility fee was not a fee but a tax. The case went to the Michigan Supreme Court and the City of Hillsdale did not pursue the storm water program.

In 2011, the Planning Commission once again began pursuing the idea of implementing a storm water utility program. For various reasons, the implementation has not occurred.

At the October 2013 Planning Commission meeting, Mr. Beeker was asked to investigate the procedure necessary to implement a storm water program. Mr. Beeker reviewed programs from Adrian and Jackson and found that Tetra Tech had helped implement both programs. Mr. Beeker contacted Victor Cooperwasser from Tetra Tech.

Mr. Cooperwasser informed Mr. Beeker that Tetra Tech had implemented all of the storm water utility programs in the State of Michigan. He sent a proposal for a feasibility study as well as resumes for Tetra Tech and himself.

Mr. Beeker also informed the commission of the current state of storm water utility programs in Michigan. After much discussion, it was decided to consider implementing a policy of storm water control that would not include a fee schedule. The item will be revisited in the future.

C. City Master plan

Mr. Beeker contacted Grant Bauman, Region 2 Planner, to find out what exactly he had been asked to do for the City. Mr. Bauman is updating the master plan on a task by task basis. He has updated the demographic data but has not completed the economic data updates. Mr. Beeker will communicate the commission's desire for him to continue the economic updates. Mr. Williams had concerns that the master plan updates are meeting the state mandates. Mr. Beeker will pursue that with Mr. Bauman.

D. October Permit list

No permit list was presented at the meeting.

E. Priorities list

No priorities list was discussed. The commission requested that an actual list of past priorities be added to the agenda in the future.

F. Synced folder

Overall the new synced folder worked well. There were a few glitches during implementation but as a whole it is working relatively smoothly. Mr. Williams and Mayor Sessions are still

experiencing some difficulties. Mr. Beeker was asked to follow up with Nonik Technologies to work out the problems.

V. New Business

A. Rental Registry

Much discussion ensued on the topic. The commission considered the formation of a committee to investigate the implementation of a registry. The need for public education was also discussed. It was decided that Mr. Beeker would contact Port Huron and the housing commission to ask about a registry. Mr. Beeker also informed the commission that the City already has a Use and Occupancy permit requirement for all buildings within the city limits. He told the commission that Kim Thomas, City Assessor, is enforcing the need for such a permit. Previously, the Planning Department was not unilaterally enforcing the requirement of the Use and Occupancy permit.

B. R2PC November Update

Mr. Beeker, along with Mary Wolfram, attended the annual dinner of the Region 2 Planning Commission. He gave a brief report on the meeting and the guest speaker.

VI. Public Comment

A. Mr. Williams reminded the commission of the requirement to make an annual report to City Council. He is willing to present a dashboard report to the council. The report should include a budget. He will plan on presenting the report to council by March in order to meet the city budget deadline.

B. Mr. Beeker presented an announcement that he received from the Michigan Rural Council. In it, there was an offer to perform a community assessment for the fee of \$250.

VII. Adjournment 7:09pm

Planning Commission Minutes
6/18/2013

I. Call to Order 5:35

a. Roll Call

Members Present: Kerry Laycock, Chair Dave Williams, Laura Smith, Amber Yoder, CM Linda Brown, Brian Watkins

Members Absent: None

Others Present: Kyle Smith (staff), Peg Williams, Mick Ritter

b. Pledge of Allegiance

II. Consent items

a. Approval of Minutes

Request to scratch order to contact the DNR

Moved by Smith, seconded by Laycock- Passed Unanimously as amended

b. Approval of agenda

Moved by Smith seconded by Watkins- Passed unanimously.

c. Pruitt resignation

Brown moved to accept resignation, seconded by L. Smith

Passed unanimously, mayor to be made officially aware.

III. New Business

a. Eric Leutheuser's request to build parking in his setback

Mr. Leutheuser described his plan and intentions to park cars on paved parking pad in front of his business. This pad is located in the setback, but has been used as display area before.

Motion to approve Mr. Leutheuser's Site Plan: L. Smith, seconded by B. Watkins,

Roll Call vote:

Brown: Yea

Laycock: Yea

Smith: Yea

Watkins: Yea

Williams: Yea

Yoder: Yea

b. Amendment to Sec. 36 272-3

1. Peg Williams petition- Ms. Williams presented her plan (verbally) to make outside seating for her theater's tavern. The B2 zoning conditions for establishing a tavern or restaurant are defined

in ch. 36 Sec. 272-3, which places certain conditions on tavern construction. The issue at hand results from the use of the words “within a building” which is defined as “enclosed,” and “requiring a roof” according to the City Attorney’s interpretation of Sec. 36 272-3 and the definition of “building” according to the HMC. The result of this interpretation is to effectively ban outdoor seating on private property in the B2, which is against the wishes of Peg Williams. No action needed.

2. zoning question- Kyle Smith asked the members to consider whether they wanted to permit outdoor seating in the B2 District. The question will require further insight and information, and commission made no recommendation. L. Smith requested copies of ordinances from Grand Rapids, Ann Arbor and other cities to review as they write their own ordinance.

3. Sidewalk amenities- Peg Williams determined to place her outdoor seating on the public sidewalk in front of the Dawn Theater. Planning Commission is powerless over sidewalk amenities, and authorization comes from administration via council. She was then directed to follow standard permit procedure for sidewalk amenities.

IV. Old Business

1) Continual review of bylaws

Chair pointed out that there are several copies and no one is certain which is approved. Commission proceeded to review bylaws as presented by staff. Commission examined line-by-line improvements and requested that it is approved as edited thus far. Bylaws remain incomplete.

Issue tabled thereafter.

V. Public Comments: None

Adjournment 7:50pm

PLANNING COMMISSION Minutes
REGULAR MEETING
CITY HALL, 97 N. BROAD ST. 2nd FLOOR
9/17/13 @ 5:30 PM

I. Call to Order 5:30

Members present: Dave Williams, Kerry Laycock, Laura Smith, Linda Brown (City Manager)

Members absent: Amber Yoder, Brian Watkins (councilman)

Others Present: Kyle Smith (Staff)

II. Consent Items

a. approval of agenda- Motion made by Kerry Laycock, seconded by Laura Smith, passed unanimously

b. approval of 8/21/13 minutes- Linda Brown questioned the original interpretation of the ordinance amendment made last meeting, which was clarified to include permitting open-front store.

Moved to approve as corrected made by Laycock, seconded by Laura Smith, passed unanimously.

III. Old Business

a. Bylaws: No changes offered by staff beyond previous amendments.

Linda's report: Linda Brown discussed communications with the attorney regarding 2A(2) and the powers of the Commission. According to Linda's interpretation, the Commission has jurisdiction and responsibility over any and all changes to infrastructure and planning regarding the master plan, but the capital improvements plan is not necessarily included in the Master Plan. Dave Williams said that there needs to be an understanding among various city bodies as to what the Commission does. The commission serves as a "clearinghouse" for city plans

Motion to approve bylaws as amended: Laura Smith, Seconded by Kerry Laycock,
passed unanimously. (include final bylaws in minutes)

b. Restaurant Ordinances- Public hearing will be scheduled for next PC meeting.

Dave Williams pointed out that the Commission time is incorrectly posted on the website and elsewhere.

Moved by Laura Smith to set public hearing for restaurant ordinance, seconded by Linda Brown, Motion carried unanimously after roll-call vote.

c. Sign ordinance: Staff has reviewed, making suggestions and sending to Attorney

If a business closes and a sign is non-conforming, the next business must dismantle and replace the nonconforming sign if they want new signs.

Kyle Smith asked what the goal of the sign ordinances are, and what modifications they want to make to achieve these goals.

Laura Smith delineated the goals and aims of the sign commission.

d. Master plan review: Grant Bauman letter

Commission wants to know if there is something PC can change in the Master Plan to effectively reduce blight, including poorly located industries? Additionally, can railroads be affected by planning laws, because the railroad is a potential priority.

e. Priorities list

Laura Smith Suggested that priorities list needs to be on master plan.

Ideas for Priorities: Dumpster screening, railroad blight, zoning overlay.

IV. New Business

a. none

V. Public Comment

VI. Adjournment

Absence Communications

It is looking more and more likely that I will be unable to make tonight's meeting. I will do my best to be there, but if I am unable to make it, please accept my apologies.

Best,
Brian

Good Morning,

I wanted to let you both know that I will be unable to attend tomorrow's PC meeting. I will be heading out of town for the evening directly after work. Please keep me updated if there is anything requiring my follow up or attention.

~Amber

Master Plan Communications

Hi Kyle,

I received your email from last week. Unfortunately, this is the first chance that I've had to respond. I'm more than happy to assist the City in any way I can throughout the process. In the meantime, attached is an excerpt from the Michigan Planning Enabling Act which spells out the correct approval process. I've highlighted the text from Section 39 & 41 that is most pertinent. In short, the process is:

- Send out a notice of intent (NOI) to plan to the required recipients
- Develop the master plan
- Submit the master plan to City Council for its review and its consent to send it out for public comment
- Send the plan out for public comment to all of those entities that received the NOI
- Receive comments back from the 63-day comment period
- The PC holds a public hearing - a notice must be published in a newspaper and sent to all those entities that received the NOI
- The PC approves the plan
- The PC sends the plan to City Council for its approval (*optional, but recommended by the R2PC*)

By the way, I've already worked with the PC to update the socioeconomic data included in the 'population characteristics,' 'education,' 'occupation and income,' and 'housing characteristics' (all but building permit data) chapters of the plan. I was also given a verbal go-ahead to begin work on 'the economy' chapter, but have held back due to the transition at the City and my own heavy workload. The draft document is also attached. I'm happy and eager to resume assisting the PC with the update if that is their wish.

Please call me directly if you wish to speak further on this or another subject.

Grant Bauman

Grant E. Bauman, AICP | Principal Planner

Region 2 Planning Commission
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120 W. Michigan Ave, 9th Floor, Jackson, MI 49201

-----Original Message-----

From: ksmith@cityofhillsdale.org [mailto:ksmith@cityofhillsdale.org]

Sent: Friday, August 30, 2013 12:12 PM

To: Grant Bauman

Subject: Master Plan - Web Site Message

YOU HAVE RECEIVED AN EMAIL FROM THE REGION 2 WEBSITE

Planning Commission Minutes

5/21/2013

I. Call to order 5:35 pm

Roll Call:

Present: Laura Smith, Amber Yoder, Linda Brown, Kerry Laycock, Chair Dave Williams

Absent: Doug Moon, James Pruitt

Others present: Kyle Smith

Commission moved to appoint K. Smith acting Secretary for recording.

II. Consent Items

Approval of minutes moved by L. Smith, Seconded by Laycock, passed unanimously.

Approval of agenda with the order of items VII (3) and (4) reversed made by Williams, Seconded by Smith, passed unanimously.

III. Old Business

1. Land Use plan review: Manager Brown indicated that Grant Boughman is reviewing land use plan and we have not heard back from him.
2. L. Smith wanted to explore multi-use zoning and regulation for obsolete land. The more available uses there are for land, the likelier it is to be used and increased in value.
 - a. Chairman Williams described the previous use of land along the St. Joseph river that had contaminated it. Before the land was public parkway, the railroad kept a coal gasification plant to fuel its trains, and this plant contaminated the groundwater. He noted that an energy company worker told him that the wellheads on the property are mostly clean and will be completely clean in a short time.
 - b. Chairman Williams also noted that the property might be valuable.
 - c. Brown noted that the DEQ and DNR want to remove it from a list of contaminated properties, and the city may want to revisit its use when this removal occurs.
3. Bylaws: Williams said we should send a memo to the mayor regarding the appointment of a surrogate in his place. City Manager and Mayor can appoint designees to PC, but cannot ignore their role on the Commission. After sifting through the Bylaws, some provisions were found to be inconsistent with itself. PC assigned staff to syphon through the bylaws and state law/city ordinances to achieve a simple and internally consistent set of bylaws for next meeting.
 - a. Laycock asked how the minutes are archived. Brown explained that they are in the Clerk's office. Brown also wanted to know if the workshop counted at mandatory training for Planning Commission. The Commission generally said yes, but one hour is still required to be a qualified PC member for each member. L. Smith said the training program sponsored by MSU is well worth the money and highly informative.
 - b. PC directed staff to make training part of PC orientation
4. Elections
 - a. Laycock moved to continue current officers
 - b. Smith Seconded
 - c. Voice vote passed unanimously.

IV. New Business

1. Hotel in B2

- a. Staff reported that a hotel in the B2 is not permitted, which may be a setback for establishing businesses in the Keefer House and other properties. Laycock said the issue should be taken to the Land Use Plan Review because there are no offers, bids, or options that would require rezoning currently. Williams said that the option of a hotel in B2 might be good in general.

Adjourned (motion Smith, second Brown) 7:00pm



TO: Planning Commission

FROM: Zoning Administrator

DATE: February 13, 2018

RE: Chapter 26 Sign Ordinance Amendments

Background:

The existing Sign Ordinance was adopted as a whole in 2014. Two recent events now require the ordinance to receive a major revision.

1. Reed v. Gilbert, Arizona – an appeal of a code enforcement action was taken all of the way to the United States Supreme Court. The ruling on June 18, 2015 and included in this packet outlines the court's decision. The Court ruled that no sign ordinance could dictate differences in regulations based on a sign's content. Specifically, look at the opinions by Justice Alito and Justice Kagan.
2. City-wide Rezoning – with the rezoning of the City and the removal of certain zoning districts, the ordinance required revision.

As you see when reading the proposed amendments, the ordinance is significantly reduced.

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

REED ET AL. *v.* TOWN OF GILBERT, ARIZONA, ET AL.CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT

No. 13–502. Argued January 12, 2015—Decided June 18, 2015

Gilbert, Arizona (Town), has a comprehensive code (Sign Code or Code) that prohibits the display of outdoor signs without a permit, but exempts 23 categories of signs, including three relevant here. “Ideological Signs,” defined as signs “communicating a message or ideas” that do not fit in any other Sign Code category, may be up to 20 square feet and have no placement or time restrictions. “Political Signs,” defined as signs “designed to influence the outcome of an election,” may be up to 32 square feet and may only be displayed during an election season. “Temporary Directional Signs,” defined as signs directing the public to a church or other “qualifying event,” have even greater restrictions: No more than four of the signs, limited to six square feet, may be on a single property at any time, and signs may be displayed no more than 12 hours before the “qualifying event” and 1 hour after.

Petitioners, Good News Community Church (Church) and its pastor, Clyde Reed, whose Sunday church services are held at various temporary locations in and near the Town, posted signs early each Saturday bearing the Church name and the time and location of the next service and did not remove the signs until around midday Sunday. The Church was cited for exceeding the time limits for displaying temporary directional signs and for failing to include an event date on the signs. Unable to reach an accommodation with the Town, petitioners filed suit, claiming that the Code abridged their freedom of speech. The District Court denied their motion for a preliminary injunction, and the Ninth Circuit affirmed, ultimately concluding that the Code’s sign categories were content neutral, and that the Code satisfied the intermediate scrutiny accorded to content-neutral regulations of speech.

Held: The Sign Code’s provisions are content-based regulations of

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speech that do not survive strict scrutiny. Pp. 6–17.

(a) Because content-based laws target speech based on its communicative content, they are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. *E.g.*, *R. A. V. v. St. Paul*, 505 U. S. 377, 395. Speech regulation is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. *E.g.*, *Sorrell v. IMS Health, Inc.*, 564 U. S. ___, ___–___. And courts are required to consider whether a regulation of speech “on its face” draws distinctions based on the message a speaker conveys. *Id.*, at ___. Whether laws define regulated speech by particular subject matter or by its function or purpose, they are subject to strict scrutiny. The same is true for laws that, though facially content neutral, cannot be “justified without reference to the content of the regulated speech,” or were adopted by the government “because of disagreement with the message” conveyed. *Ward v. Rock Against Racism*, 491 U. S. 781, 791. Pp. 6–7.

(b) The Sign Code is content based on its face. It defines the categories of temporary, political, and ideological signs on the basis of their messages and then subjects each category to different restrictions. The restrictions applied thus depend entirely on the sign’s communicative content. Because the Code, on its face, is a content-based regulation of speech, there is no need to consider the government’s justifications or purposes for enacting the Code to determine whether it is subject to strict scrutiny. Pp. 7.

(c) None of the Ninth Circuit’s theories for its contrary holding is persuasive. Its conclusion that the Town’s regulation was not based on a disagreement with the message conveyed skips the crucial first step in the content-neutrality analysis: determining whether the law is content neutral on its face. A law that is content based on its face is subject to strict scrutiny regardless of the government’s benign motive, content-neutral justification, or lack of “animus toward the ideas contained” in the regulated speech. *Cincinnati v. Discovery Network, Inc.*, 507 U. S. 410, 429. Thus, an innocuous justification cannot transform a facially content-based law into one that is content neutral. A court must evaluate each question—whether a law is content based on its face and whether the purpose and justification for the law are content based—before concluding that a law is content neutral. *Ward* does not require otherwise, for its framework applies only to a content-neutral statute.

The Ninth Circuit’s conclusion that the Sign Code does not single out any idea or viewpoint for discrimination conflates two distinct but related limitations that the First Amendment places on government regulation of speech. Government discrimination among viewpoints

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is a “more blatant” and “egregious form of content discrimination,” *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829, but “[t]he First Amendment’s hostility to content-based regulation [also] extends . . . to prohibition of public discussion of an entire topic,” *Consolidated Edison Co. of N. Y. v. Public Serv. Comm’n of N. Y.*, 447 U. S. 530, 537. The Sign Code, a paradigmatic example of content-based discrimination, singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter.

The Ninth Circuit also erred in concluding that the Sign Code was not content based because it made only speaker-based and event-based distinctions. The Code’s categories are not speaker-based—the restrictions for political, ideological, and temporary event signs apply equally no matter who sponsors them. And even if the sign categories were speaker based, that would not automatically render the law content neutral. Rather, “laws favoring some speakers over others demand strict scrutiny when the legislature’s speaker preference reflects a content preference.” *Turner Broadcasting System, Inc. v. FCC*, 512 U. S. 622, 658. This same analysis applies to event-based distinctions. Pp. 8–14.

(d) The Sign Code’s content-based restrictions do not survive strict scrutiny because the Town has not demonstrated that the Code’s differentiation between temporary directional signs and other types of signs furthers a compelling governmental interest and is narrowly tailored to that end. See *Arizona Free Enterprise Club’s Freedom Club PAC v. Bennett*, 564 U. S. ___, ___. Assuming that the Town has a compelling interest in preserving its aesthetic appeal and traffic safety, the Code’s distinctions are highly underinclusive. The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town when other types of signs create the same problem. See *Discovery Network, supra*, at 425. Nor has it shown that temporary directional signs pose a greater threat to public safety than ideological or political signs. Pp. 14–15.

(e) This decision will not prevent governments from enacting effective sign laws. The Town has ample content-neutral options available to resolve problems with safety and aesthetics, including regulating size, building materials, lighting, moving parts, and portability. And the Town may be able to forbid postings on public property, so long as it does so in an evenhanded, content-neutral manner. See *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U. S. 789, 817. An ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—*e.g.*, warning signs marking hazards on private property or signs directing traffic—might also survive strict scrutiny. Pp. 16–17.

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707 F. 3d 1057, reversed and remanded.

THOMAS, J., delivered the opinion of the Court, in which ROBERTS, C. J., and SCALIA, KENNEDY, ALITO, and SOTOMAYOR, JJ., joined. ALITO, J., filed a concurring opinion, in which KENNEDY and SOTOMAYOR, JJ., joined. BREYER, J., filed an opinion concurring in the judgment. KAGAN, J., filed an opinion concurring in the judgment, in which GINSBURG and BREYER, JJ., joined

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NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 13–502

CLYDE REED, ET AL., PETITIONERS *v.* TOWN OF
GILBERT, ARIZONA, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

[June 18, 2015]

JUSTICE THOMAS delivered the opinion of the Court.

The town of Gilbert, Arizona (or Town), has adopted a comprehensive code governing the manner in which people may display outdoor signs. Gilbert, Ariz., Land Development Code (Sign Code or Code), ch. 1, §4.402 (2005).¹ The Sign Code identifies various categories of signs based on the type of information they convey, then subjects each category to different restrictions. One of the categories is “Temporary Directional Signs Relating to a Qualifying Event,” loosely defined as signs directing the public to a meeting of a nonprofit group. §4.402(P). The Code imposes more stringent restrictions on these signs than it does on signs conveying other messages. We hold that these provisions are content-based regulations of speech that cannot survive strict scrutiny.

¹The Town’s Sign Code is available online at <http://www.gilbertaz.gov/departments/development-service/planning-development/land-development-code> (as visited June 16, 2015, and available in Clerk of Court’s case file).

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I

A

The Sign Code prohibits the display of outdoor signs anywhere within the Town without a permit, but it then exempts 23 categories of signs from that requirement. These exemptions include everything from bazaar signs to flying banners. Three categories of exempt signs are particularly relevant here.

The first is “Ideological Sign[s].” This category includes any “sign communicating a message or ideas for noncommercial purposes that is not a Construction Sign, Directional Sign, Temporary Directional Sign Relating to a Qualifying Event, Political Sign, Garage Sale Sign, or a sign owned or required by a governmental agency.” Sign Code, Glossary of General Terms (Glossary), p. 23 (emphasis deleted). Of the three categories discussed here, the Code treats ideological signs most favorably, allowing them to be up to 20 square feet in area and to be placed in all “zoning districts” without time limits. §4.402(J).

The second category is “Political Sign[s].” This includes any “temporary sign designed to influence the outcome of an election called by a public body.” Glossary 23.² The Code treats these signs less favorably than ideological signs. The Code allows the placement of political signs up to 16 square feet on residential property and up to 32 square feet on nonresidential property, undeveloped municipal property, and “rights-of-way.” §4.402(I).³ These signs may be displayed up to 60 days before a primary election and up to 15 days following a general election. *Ibid.*

²A “Temporary Sign” is a “sign not permanently attached to the ground, a wall or a building, and not designed or intended for permanent display.” Glossary 25.

³The Code defines “Right-of-Way” as a “strip of publicly owned land occupied by or planned for a street, utilities, landscaping, sidewalks, trails, and similar facilities.” *Id.*, at 18.

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The third category is “Temporary Directional Signs Relating to a Qualifying Event.” This includes any “Temporary Sign intended to direct pedestrians, motorists, and other passersby to a ‘qualifying event.’” Glossary 25 (emphasis deleted). A “qualifying event” is defined as any “assembly, gathering, activity, or meeting sponsored, arranged, or promoted by a religious, charitable, community service, educational, or other similar non-profit organization.” *Ibid.* The Code treats temporary directional signs even less favorably than political signs.⁴ Temporary directional signs may be no larger than six square feet. §4.402(P). They may be placed on private property or on a public right-of-way, but no more than four signs may be placed on a single property at any time. *Ibid.* And, they may be displayed no more than 12 hours before the “qualifying event” and no more than 1 hour afterward. *Ibid.*

B

Petitioners Good News Community Church (Church) and its pastor, Clyde Reed, wish to advertise the time and location of their Sunday church services. The Church is a small, cash-strapped entity that owns no building, so it holds its services at elementary schools or other locations in or near the Town. In order to inform the public about its services, which are held in a variety of different loca-

⁴The Sign Code has been amended twice during the pendency of this case. When litigation began in 2007, the Code defined the signs at issue as “Religious Assembly Temporary Direction Signs.” App. 75. The Code entirely prohibited placement of those signs in the public right-of-way, and it forbade posting them in any location for more than two hours before the religious assembly or more than one hour afterward. *Id.*, at 75–76. In 2008, the Town redefined the category as “Temporary Directional Signs Related to a Qualifying Event,” and it expanded the time limit to 12 hours before and 1 hour after the “qualifying event.” *Ibid.* In 2011, the Town amended the Code to authorize placement of temporary directional signs in the public right-of-way. *Id.*, at 89.

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tions, the Church began placing 15 to 20 temporary signs around the Town, frequently in the public right-of-way abutting the street. The signs typically displayed the Church's name, along with the time and location of the upcoming service. Church members would post the signs early in the day on Saturday and then remove them around midday on Sunday. The display of these signs requires little money and manpower, and thus has proved to be an economical and effective way for the Church to let the community know where its services are being held each week.

This practice caught the attention of the Town's Sign Code compliance manager, who twice cited the Church for violating the Code. The first citation noted that the Church exceeded the time limits for displaying its temporary directional signs. The second citation referred to the same problem, along with the Church's failure to include the date of the event on the signs. Town officials even confiscated one of the Church's signs, which Reed had to retrieve from the municipal offices.

Reed contacted the Sign Code Compliance Department in an attempt to reach an accommodation. His efforts proved unsuccessful. The Town's Code compliance manager informed the Church that there would be "no leniency under the Code" and promised to punish any future violations.

Shortly thereafter, petitioners filed a complaint in the United States District Court for the District of Arizona, arguing that the Sign Code abridged their freedom of speech in violation of the First and Fourteenth Amendments. The District Court denied the petitioners' motion for a preliminary injunction. The Court of Appeals for the Ninth Circuit affirmed, holding that the Sign Code's provision regulating temporary directional signs did not regulate speech on the basis of content. 587 F.3d 966, 979 (2009). It reasoned that, even though an enforcement

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officer would have to read the sign to determine what provisions of the Sign Code applied to it, the “kind of cursory examination” that would be necessary for an officer to classify it as a temporary directional sign was “not akin to an officer synthesizing the expressive content of the sign.” *Id.*, at 978. It then remanded for the District Court to determine in the first instance whether the Sign Code’s distinctions among temporary directional signs, political signs, and ideological signs nevertheless constituted a content-based regulation of speech.

On remand, the District Court granted summary judgment in favor of the Town. The Court of Appeals again affirmed, holding that the Code’s sign categories were content neutral. The court concluded that “the distinctions between Temporary Directional Signs, Ideological Signs, and Political Signs . . . are based on objective factors relevant to Gilbert’s creation of the specific exemption from the permit requirement and do not otherwise consider the substance of the sign.” 707 F. 3d 1057, 1069 (CA9 2013). Relying on this Court’s decision in *Hill v. Colorado*, 530 U. S. 703 (2000), the Court of Appeals concluded that the Sign Code is content neutral. 707 F. 3d, at 1071–1072. As the court explained, “Gilbert did not adopt its regulation of speech because it disagreed with the message conveyed” and its “interests in regulat[ing] temporary signs are unrelated to the content of the sign.” *Ibid.* Accordingly, the court believed that the Code was “content-neutral as that term [has been] defined by the Supreme Court.” *Id.*, at 1071. In light of that determination, it applied a lower level of scrutiny to the Sign Code and concluded that the law did not violate the First Amendment. *Id.*, at 1073–1076.

We granted certiorari, 573 U. S. ____ (2014), and now reverse.

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II

A

The First Amendment, applicable to the States through the Fourteenth Amendment, prohibits the enactment of laws “abridging the freedom of speech.” U. S. Const., Amdt. 1. Under that Clause, a government, including a municipal government vested with state authority, “has no power to restrict expression because of its message, its ideas, its subject matter, or its content.” *Police Dept. of Chicago v. Mosley*, 408 U. S. 92, 95 (1972). Content-based laws—those that target speech based on its communicative content—are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. *R. A. V. v. St. Paul*, 505 U. S. 377, 395 (1992); *Simon & Schuster, Inc. v. Members of N. Y. State Crime Victims Bd.*, 502 U. S. 105, 115, 118 (1991).

Government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. *E.g.*, *Sorrell v. IMS Health, Inc.*, 564 U. S. ___, ___–___ (2011) (slip op., at 8–9); *Carey v. Brown*, 447 U. S. 455, 462 (1980); *Mosley*, *supra*, at 95. This commonsense meaning of the phrase “content based” requires a court to consider whether a regulation of speech “on its face” draws distinctions based on the message a speaker conveys. *Sorrell*, *supra*, at ___ (slip op., at 8). Some facial distinctions based on a message are obvious, defining regulated speech by particular subject matter, and others are more subtle, defining regulated speech by its function or purpose. Both are distinctions drawn based on the message a speaker conveys, and, therefore, are subject to strict scrutiny.

Our precedents have also recognized a separate and additional category of laws that, though facially content neutral, will be considered content-based regulations of speech: laws that cannot be “justified without reference to

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the content of the regulated speech,” or that were adopted by the government “because of disagreement with the message [the speech] conveys,” *Ward v. Rock Against Racism*, 491 U. S. 781, 791 (1989). Those laws, like those that are content based on their face, must also satisfy strict scrutiny.

B

The Town’s Sign Code is content based on its face. It defines “Temporary Directional Signs” on the basis of whether a sign conveys the message of directing the public to church or some other “qualifying event.” Glossary 25. It defines “Political Signs” on the basis of whether a sign’s message is “designed to influence the outcome of an election.” *Id.*, at 24. And it defines “Ideological Signs” on the basis of whether a sign “communicat[es] a message or ideas” that do not fit within the Code’s other categories. *Id.*, at 23. It then subjects each of these categories to different restrictions.

The restrictions in the Sign Code that apply to any given sign thus depend entirely on the communicative content of the sign. If a sign informs its reader of the time and place a book club will discuss John Locke’s *Two Treatises of Government*, that sign will be treated differently from a sign expressing the view that one should vote for one of Locke’s followers in an upcoming election, and both signs will be treated differently from a sign expressing an ideological view rooted in Locke’s theory of government. More to the point, the Church’s signs inviting people to attend its worship services are treated differently from signs conveying other types of ideas. On its face, the Sign Code is a content-based regulation of speech. We thus have no need to consider the government’s justifications or purposes for enacting the Code to determine whether it is subject to strict scrutiny.

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C

In reaching the contrary conclusion, the Court of Appeals offered several theories to explain why the Town's Sign Code should be deemed content neutral. None is persuasive.

1

The Court of Appeals first determined that the Sign Code was content neutral because the Town “did not adopt its regulation of speech [based on] disagree[ment] with the message conveyed,” and its justifications for regulating temporary directional signs were “unrelated to the content of the sign.” 707 F. 3d, at 1071–1072. In its brief to this Court, the United States similarly contends that a sign regulation is content neutral—even if it expressly draws distinctions based on the sign's communicative content—if those distinctions can be “justified without reference to the content of the regulated speech.” Brief for United States as *Amicus Curiae* 20, 24 (quoting *Ward, supra*, at 791; emphasis deleted).

But this analysis skips the crucial first step in the content-neutrality analysis: determining whether the law is content neutral on its face. A law that is content based on its face is subject to strict scrutiny regardless of the government's benign motive, content-neutral justification, or lack of “animus toward the ideas contained” in the regulated speech. *Cincinnati v. Discovery Network, Inc.*, 507 U. S. 410, 429 (1993). We have thus made clear that “[i]llicit legislative intent is not the *sine qua non* of a violation of the First Amendment,” and a party opposing the government “need adduce ‘no evidence of an improper censorial motive.’” *Simon & Schuster, supra*, at 117. Although “a content-based purpose may be sufficient in certain circumstances to show that a regulation is content based, it is not necessary.” *Turner Broadcasting System, Inc. v. FCC*, 512 U. S. 622, 642 (1994). In other words, an

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innocuous justification cannot transform a facially content-based law into one that is content neutral.

That is why we have repeatedly considered whether a law is content neutral on its face *before* turning to the law’s justification or purpose. See, e.g., *Sorrell, supra*, at ____–____ (slip op., at 8–9) (statute was content based “on its face,” and there was also evidence of an impermissible legislative motive); *United States v. Eichman*, 496 U. S. 310, 315 (1990) (“Although the [statute] contains no explicit content-based limitation on the scope of prohibited conduct, it is nevertheless clear that the Government’s asserted *interest* is related to the suppression of free expression” (internal quotation marks omitted)); *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U. S. 789, 804 (1984) (“The text of the ordinance is neutral,” and “there is not even a hint of bias or censorship in the City’s enactment or enforcement of this ordinance”); *Clark v. Community for Creative Non-Violence*, 468 U. S. 288, 293 (1984) (requiring that a facially content-neutral ban on camping must be “justified without reference to the content of the regulated speech”); *United States v. O’Brien*, 391 U. S. 367, 375, 377 (1968) (noting that the statute “on its face deals with conduct having no connection with speech,” but examining whether the “the governmental interest is unrelated to the suppression of free expression”). Because strict scrutiny applies either when a law is content based on its face or when the purpose and justification for the law are content based, a court must evaluate each question before it concludes that the law is content neutral and thus subject to a lower level of scrutiny.

The Court of Appeals and the United States misunderstand our decision in *Ward* as suggesting that a government’s purpose is relevant even when a law is content based on its face. That is incorrect. *Ward* had nothing to say about facially content-based restrictions because it involved a facially content-*neutral* ban on the use, in a

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city-owned music venue, of sound amplification systems not provided by the city. 491 U. S., at 787, and n. 2. In that context, we looked to governmental motive, including whether the government had regulated speech “because of disagreement” with its message, and whether the regulation was “justified without reference to the content of the speech.” *Id.*, at 791. But *Ward’s* framework “applies only if a statute is content neutral.” *Hill*, 530 U. S., at 766 (KENNEDY, J., dissenting). Its rules thus operate “to protect speech,” not “to restrict it.” *Id.*, at 765.

The First Amendment requires no less. Innocent motives do not eliminate the danger of censorship presented by a facially content-based statute, as future government officials may one day wield such statutes to suppress disfavored speech. That is why the First Amendment expressly targets the operation of the laws—*i.e.*, the “abridg[ement] of speech”—rather than merely the motives of those who enacted them. U. S. Const., Amdt. 1. “The vice of content-based legislation . . . is not that it is always used for invidious, thought-control purposes, but that it lends itself to use for those purposes.” *Hill, supra*, at 743 (SCALIA, J., dissenting).

For instance, in *NAACP v. Button*, 371 U. S. 415 (1963), the Court encountered a State’s attempt to use a statute prohibiting “improper solicitation” by attorneys to outlaw litigation-related speech of the National Association for the Advancement of Colored People. *Id.*, at 438. Although *Button* predated our more recent formulations of strict scrutiny, the Court rightly rejected the State’s claim that its interest in the “regulation of professional conduct” rendered the statute consistent with the First Amendment, observing that “it is no answer . . . to say . . . that the purpose of these regulations was merely to insure high professional standards and not to curtail free expression.” *Id.*, at 438–439. Likewise, one could easily imagine a Sign Code compliance manager who disliked the Church’s

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substantive teachings deploying the Sign Code to make it more difficult for the Church to inform the public of the location of its services. Accordingly, we have repeatedly “rejected the argument that ‘discriminatory . . . treatment is suspect under the First Amendment only when the legislature intends to suppress certain ideas.’” *Discovery Network*, 507 U. S., at 429. We do so again today.

2

The Court of Appeals next reasoned that the Sign Code was content neutral because it “does not mention any idea or viewpoint, let alone single one out for differential treatment.” 587 F. 3d, at 977. It reasoned that, for the purpose of the Code provisions, “[i]t makes no difference which candidate is supported, who sponsors the event, or what ideological perspective is asserted.” 707 F. 3d, at 1069.

The Town seizes on this reasoning, insisting that “content based” is a term of art that “should be applied flexibly” with the goal of protecting “viewpoints and ideas from government censorship or favoritism.” Brief for Respondents 22. In the Town’s view, a sign regulation that “does not censor or favor particular viewpoints or ideas” cannot be content based. *Ibid.* The Sign Code allegedly passes this test because its treatment of temporary directional signs does not raise any concerns that the government is “endorsing or suppressing ‘ideas or viewpoints,’” *id.*, at 27, and the provisions for political signs and ideological signs “are neutral as to particular ideas or viewpoints” within those categories. *Id.*, at 37.

This analysis conflates two distinct but related limitations that the First Amendment places on government regulation of speech. Government discrimination among viewpoints—or the regulation of speech based on “the specific motivating ideology or the opinion or perspective of the speaker”—is a “more blatant” and “egregious form of

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content discrimination.” *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829 (1995). But it is well established that “[t]he First Amendment’s hostility to content-based regulation extends not only to restrictions on particular viewpoints, but also to prohibition of public discussion of an entire topic.” *Consolidated Edison Co. of N. Y. v. Public Serv. Comm’n of N. Y.*, 447 U. S. 530, 537 (1980).

Thus, a speech regulation targeted at specific subject matter is content based even if it does not discriminate among viewpoints within that subject matter. *Ibid.* For example, a law banning the use of sound trucks for political speech—and only political speech—would be a content-based regulation, even if it imposed no limits on the political viewpoints that could be expressed. See *Discovery Network, supra*, at 428. The Town’s Sign Code likewise singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter. Ideological messages are given more favorable treatment than messages concerning a political candidate, which are themselves given more favorable treatment than messages announcing an assembly of like-minded individuals. That is a paradigmatic example of content-based discrimination.

3

Finally, the Court of Appeals characterized the Sign Code’s distinctions as turning on “the content-neutral elements of who is speaking through the sign and whether and when an event is occurring.” 707 F. 3d, at 1069. That analysis is mistaken on both factual and legal grounds.

To start, the Sign Code’s distinctions are not speaker based. The restrictions for political, ideological, and temporary event signs apply equally no matter who sponsors them. If a local business, for example, sought to put up

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signs advertising the Church’s meetings, those signs would be subject to the same limitations as such signs placed by the Church. And if Reed had decided to display signs in support of a particular candidate, he could have made those signs far larger—and kept them up for far longer—than signs inviting people to attend his church services. If the Code’s distinctions were truly speaker based, both types of signs would receive the same treatment.

In any case, the fact that a distinction is speaker based does not, as the Court of Appeals seemed to believe, automatically render the distinction content neutral. Because “[s]peech restrictions based on the identity of the speaker are all too often simply a means to control content,” *Citizens United v. Federal Election Comm’n*, 558 U. S. 310, 340 (2010), we have insisted that “laws favoring some speakers over others demand strict scrutiny when the legislature’s speaker preference reflects a content preference,” *Turner*, 512 U. S., at 658. Thus, a law limiting the content of newspapers, but only newspapers, could not evade strict scrutiny simply because it could be characterized as speaker based. Likewise, a content-based law that restricted the political speech of all corporations would not become content neutral just because it singled out corporations as a class of speakers. See *Citizens United*, *supra*, at 340–341. Characterizing a distinction as speaker based is only the beginning—not the end—of the inquiry.

Nor do the Sign Code’s distinctions hinge on “whether and when an event is occurring.” The Code does not permit citizens to post signs on any topic whatsoever within a set period leading up to an election, for example. Instead, come election time, it requires Town officials to determine whether a sign is “designed to influence the outcome of an election” (and thus “political”) or merely “communicating a message or ideas for noncommercial purposes” (and thus “ideological”). Glossary 24. That obvious content-based

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inquiry does not evade strict scrutiny review simply because an event (*i.e.*, an election) is involved.

And, just as with speaker-based laws, the fact that a distinction is event based does not render it content neutral. The Court of Appeals cited no precedent from this Court supporting its novel theory of an exception from the content-neutrality requirement for event-based laws. As we have explained, a speech regulation is content based if the law applies to particular speech because of the topic discussed or the idea or message expressed. *Supra*, at 6. A regulation that targets a sign because it conveys an idea about a specific event is no less content based than a regulation that targets a sign because it conveys some other idea. Here, the Code singles out signs bearing a particular message: the time and location of a specific event. This type of ordinance may seem like a perfectly rational way to regulate signs, but a clear and firm rule governing content neutrality is an essential means of protecting the freedom of speech, even if laws that might seem “entirely reasonable” will sometimes be “struck down because of their content-based nature.” *City of Ladue v. Gilleo*, 512 U. S. 43, 60 (1994) (O’Connor, J., concurring).

III

Because the Town’s Sign Code imposes content-based restrictions on speech, those provisions can stand only if they survive strict scrutiny, “which requires the Government to prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest,” *Arizona Free Enterprise Club’s Freedom Club PAC v. Bennett*, 564 U. S. ___, ___ (2011) (slip op., at 8) (quoting *Citizens United*, 558 U. S., at 340). Thus, it is the Town’s burden to demonstrate that the Code’s differentiation between temporary directional signs and other types of signs, such as political signs and ideological signs, furthers a compelling governmental interest and is narrowly tai-

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lored to that end. See *ibid.*

The Town cannot do so. It has offered only two governmental interests in support of the distinctions the Sign Code draws: preserving the Town's aesthetic appeal and traffic safety. Assuming for the sake of argument that those are compelling governmental interests, the Code's distinctions fail as hopelessly underinclusive.

Starting with the preservation of aesthetics, temporary directional signs are "no greater an eyesore," *Discovery Network*, 507 U. S., at 425, than ideological or political ones. Yet the Code allows unlimited proliferation of larger ideological signs while strictly limiting the number, size, and duration of smaller directional ones. The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town while at the same time allowing unlimited numbers of other types of signs that create the same problem.

The Town similarly has not shown that limiting temporary directional signs is necessary to eliminate threats to traffic safety, but that limiting other types of signs is not. The Town has offered no reason to believe that directional signs pose a greater threat to safety than do ideological or political signs. If anything, a sharply worded ideological sign seems more likely to distract a driver than a sign directing the public to a nearby church meeting.

In light of this underinclusiveness, the Town has not met its burden to prove that its Sign Code is narrowly tailored to further a compelling government interest. Because a "law cannot be regarded as protecting an interest of the highest order, and thus as justifying a restriction on truthful speech, when it leaves appreciable damage to that supposedly vital interest unprohibited," *Republican Party of Minn. v. White*, 536 U. S. 765, 780 (2002), the Sign Code fails strict scrutiny.

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IV

Our decision today will not prevent governments from enacting effective sign laws. The Town asserts that an “absolutist” content-neutrality rule would render “virtually all distinctions in sign laws . . . subject to strict scrutiny,” Brief for Respondents 34–35, but that is not the case. Not “all distinctions” are subject to strict scrutiny, only *content-based* ones are. Laws that are *content neutral* are instead subject to lesser scrutiny. See *Clark*, 468 U. S., at 295.

The Town has ample content-neutral options available to resolve problems with safety and aesthetics. For example, its current Code regulates many aspects of signs that have nothing to do with a sign’s message: size, building materials, lighting, moving parts, and portability. See, e.g., §4.402(R). And on public property, the Town may go a long way toward entirely forbidding the posting of signs, so long as it does so in an evenhanded, content-neutral manner. See *Taxpayers for Vincent*, 466 U. S., at 817 (upholding content-neutral ban against posting signs on public property). Indeed, some lower courts have long held that similar content-based sign laws receive strict scrutiny, but there is no evidence that towns in those jurisdictions have suffered catastrophic effects. See, e.g., *Solantic, LLC v. Neptune Beach*, 410 F.3d 1250, 1264–1269 (CA11 2005) (sign categories similar to the town of Gilbert’s were content based and subject to strict scrutiny); *Matthews v. Needham*, 764 F.2d 58, 59–60 (CA1 1985) (law banning political signs but not commercial signs was content based and subject to strict scrutiny).

We acknowledge that a city might reasonably view the general regulation of signs as necessary because signs “take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation.” *City of Ladue*, 512 U. S., at 48. At the same time, the presence of certain

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signs may be essential, both for vehicles and pedestrians, to guide traffic or to identify hazards and ensure safety. A sign ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—such as warning signs marking hazards on private property, signs directing traffic, or street numbers associated with private houses—well might survive strict scrutiny. The signs at issue in this case, including political and ideological signs and signs for events, are far removed from those purposes. As discussed above, they are facially content based and are neither justified by traditional safety concerns nor narrowly tailored.

* * *

We reverse the judgment of the Court of Appeals and remand the case for proceedings consistent with this opinion.

It is so ordered.

ALITO, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 13–502

CLYDE REED, ET AL., PETITIONERS *v.* TOWN OF
GILBERT, ARIZONA, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

[June 18, 2015]

JUSTICE ALITO, with whom JUSTICE KENNEDY and
JUSTICE SOTOMAYOR join, concurring.

I join the opinion of the Court but add a few words of
further explanation.

As the Court holds, what we have termed “content-
based” laws must satisfy strict scrutiny. Content-based
laws merit this protection because they present, albeit
sometimes in a subtler form, the same dangers as laws
that regulate speech based on viewpoint. Limiting speech
based on its “topic” or “subject” favors those who do not
want to disturb the status quo. Such regulations may
interfere with democratic self-government and the search
for truth. See *Consolidated Edison Co. of N. Y. v. Public
Serv. Comm’n of N. Y.*, 447 U. S. 530, 537 (1980).

As the Court shows, the regulations at issue in this case
are replete with content-based distinctions, and as a result
they must satisfy strict scrutiny. This does not mean,
however, that municipalities are powerless to enact and
enforce reasonable sign regulations. I will not attempt to
provide anything like a comprehensive list, but here are
some rules that would not be content based:

Rules regulating the size of signs. These rules may
distinguish among signs based on any content-neutral
criteria, including any relevant criteria listed below.

Rules regulating the locations in which signs may be

ALITO, J., concurring

placed. These rules may distinguish between free-standing signs and those attached to buildings.

Rules distinguishing between lighted and unlighted signs.

Rules distinguishing between signs with fixed messages and electronic signs with messages that change.

Rules that distinguish between the placement of signs on private and public property.

Rules distinguishing between the placement of signs on commercial and residential property.

Rules distinguishing between on-premises and off-premises signs.

Rules restricting the total number of signs allowed per mile of roadway.

Rules imposing time restrictions on signs advertising a one-time event. Rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed.*

In addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech. See *Pleasant Grove City v. Summum*, 555 U. S. 460, 467–469 (2009). They may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots.

Properly understood, today’s decision will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate esthetic objectives.

*Of course, content-neutral restrictions on speech are not necessarily consistent with the First Amendment. Time, place, and manner restrictions “must be narrowly tailored to serve the government’s legitimate, content-neutral interests.” *Ward v. Rock Against Racism*, 491 U. S. 781, 798 (1989). But they need not meet the high standard imposed on viewpoint- and content-based restrictions.

BREYER, J., concurring in judgment

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JUSTICE BREYER, concurring in the judgment.

I join JUSTICE KAGAN’s separate opinion. Like JUSTICE KAGAN I believe that categories alone cannot satisfactorily resolve the legal problem before us. The First Amendment requires greater judicial sensitivity both to the Amendment’s expressive objectives and to the public’s legitimate need for regulation than a simple recitation of categories, such as “content discrimination” and “strict scrutiny,” would permit. In my view, the category “content discrimination” is better considered in many contexts, including here, as a rule of thumb, rather than as an automatic “strict scrutiny” trigger, leading to almost certain legal condemnation.

To use content discrimination to trigger strict scrutiny sometimes makes perfect sense. There are cases in which the Court has found content discrimination an unconstitutional method for suppressing a viewpoint. *E.g.*, *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 828–829 (1995); see also *Boos v. Barry*, 485 U. S. 312, 318–319 (1988) (plurality opinion) (applying strict scrutiny where the line between subject matter and viewpoint was not obvious). And there are cases where the Court has found content discrimination to reveal that rules governing a traditional public forum are, in fact, not a neutral way of fairly managing the forum in the interest of all

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speakers. *Police Dept. of Chicago v. Mosley*, 408 U. S. 92, 96 (1972) (“Once a forum is opened up to assembly or speaking by some groups, government may not prohibit others from assembling or speaking on the basis of what they intend to say”). In these types of cases, strict scrutiny is often appropriate, and content discrimination has thus served a useful purpose.

But content discrimination, while helping courts to identify unconstitutional suppression of expression, cannot and should not *always* trigger strict scrutiny. To say that it is not an automatic “strict scrutiny” trigger is not to argue against that concept’s use. I readily concede, for example, that content discrimination, as a conceptual tool, can sometimes reveal weaknesses in the government’s rationale for a rule that limits speech. If, for example, a city looks to litter prevention as the rationale for a prohibition against placing newsracks dispensing free advertisements on public property, why does it exempt other newsracks causing similar litter? Cf. *Cincinnati v. Discovery Network, Inc.*, 507 U. S. 410 (1993). I also concede that, whenever government disfavors one kind of speech, it places that speech at a disadvantage, potentially interfering with the free marketplace of ideas and with an individual’s ability to express thoughts and ideas that can help that individual determine the kind of society in which he wishes to live, help shape that society, and help define his place within it.

Nonetheless, in these latter instances to use the presence of content discrimination automatically to trigger strict scrutiny and thereby call into play a strong presumption against constitutionality goes too far. That is because virtually all government activities involve speech, many of which involve the regulation of speech. Regulatory programs almost always require content discrimination. And to hold that such content discrimination triggers strict scrutiny is to write a recipe for judicial management

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of ordinary government regulatory activity.

Consider a few examples of speech regulated by government that inevitably involve content discrimination, but where a strong presumption against constitutionality has no place. Consider governmental regulation of securities, *e.g.*, 15 U. S. C. §78l (requirements for content that must be included in a registration statement); of energy conservation labeling-practices, *e.g.*, 42 U. S. C. §6294 (requirements for content that must be included on labels of certain consumer electronics); of prescription drugs, *e.g.*, 21 U. S. C. §353(b)(4)(A) (requiring a prescription drug label to bear the symbol “Rx only”); of doctor-patient confidentiality, *e.g.*, 38 U. S. C. §7332 (requiring confidentiality of certain medical records, but allowing a physician to disclose that the patient has HIV to the patient’s spouse or sexual partner); of income tax statements, *e.g.*, 26 U. S. C. §6039F (requiring taxpayers to furnish information about foreign gifts received if the aggregate amount exceeds \$10,000); of commercial airplane briefings, *e.g.*, 14 CFR §136.7 (2015) (requiring pilots to ensure that each passenger has been briefed on flight procedures, such as seatbelt fastening); of signs at petting zoos, *e.g.*, N. Y. Gen. Bus. Law Ann. §399–ff(3) (West Cum. Supp. 2015) (requiring petting zoos to post a sign at every exit “‘strongly recommend[ing] that persons wash their hands upon exiting the petting zoo area’”); and so on.

Nor can the majority avoid the application of strict scrutiny to all sorts of justifiable governmental regulations by relying on this Court’s many subcategories and exceptions to the rule. The Court has said, for example, that we should apply less strict standards to “commercial speech.” *Central Hudson Gas & Elec. Corp. v. Public Service Comm’n of N. Y.*, 447 U. S. 557, 562–563 (1980). But I have great concern that many justifiable instances of “content-based” regulation are noncommercial. And, worse than that, the Court has applied the heightened

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“strict scrutiny” standard even in cases where the less stringent “commercial speech” standard was appropriate. See *Sorrell v. IMS Health Inc.*, 564 U. S. ___, ___ (2011) (BREYER, J., dissenting) (slip op., at ___). The Court has also said that “government speech” escapes First Amendment strictures. See *Rust v. Sullivan*, 500 U. S. 173, 193–194 (1991). But regulated speech is typically private speech, not government speech. Further, the Court has said that, “[w]hen the basis for the content discrimination consists entirely of the very reason the entire class of speech at issue is proscribable, no significant danger of idea or viewpoint discrimination exists.” *R. A. V. v. St. Paul*, 505 U. S. 377, 388 (1992). But this exception accounts for only a few of the instances in which content discrimination is readily justifiable.

I recognize that the Court could escape the problem by watering down the force of the presumption against constitutionality that “strict scrutiny” normally carries with it. But, in my view, doing so will weaken the First Amendment’s protection in instances where “strict scrutiny” should apply in full force.

The better approach is to generally treat content discrimination as a strong reason weighing against the constitutionality of a rule where a traditional public forum, or where viewpoint discrimination, is threatened, but elsewhere treat it as a rule of thumb, finding it a helpful, but not determinative legal tool, in an appropriate case, to determine the strength of a justification. I would use content discrimination as a supplement to a more basic analysis, which, tracking most of our First Amendment cases, asks whether the regulation at issue works harm to First Amendment interests that is disproportionate in light of the relevant regulatory objectives. Answering this question requires examining the seriousness of the harm to speech, the importance of the countervailing objectives, the extent to which the law will achieve those objectives,

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and whether there are other, less restrictive ways of doing so. See, e.g., *United States v. Alvarez*, 567 U. S. ___, ___–___ (2012) (BREYER, J., concurring in judgment) (slip op., at 1–3); *Nixon v. Shrink Missouri Government PAC*, 528 U. S. 377, 400–403 (2000) (BREYER, J., concurring). Admittedly, this approach does not have the simplicity of a mechanical use of categories. But it does permit the government to regulate speech in numerous instances where the voters have authorized the government to regulate and where courts should hesitate to substitute judicial judgment for that of administrators.

Here, regulation of signage along the roadside, for purposes of safety and beautification is at issue. There is no traditional public forum nor do I find any general effort to censor a particular viewpoint. Consequently, the specific regulation at issue does not warrant “strict scrutiny.” Nonetheless, for the reasons that JUSTICE KAGAN sets forth, I believe that the Town of Gilbert’s regulatory rules violate the First Amendment. I consequently concur in the Court’s judgment only.

KAGAN, J., concurring in judgment

SUPREME COURT OF THE UNITED STATES

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[June 18, 2015]

JUSTICE KAGAN, with whom JUSTICE GINSBURG and JUSTICE BREYER join, concurring in the judgment.

Countless cities and towns across America have adopted ordinances regulating the posting of signs, while exempting certain categories of signs based on their subject matter. For example, some municipalities generally prohibit illuminated signs in residential neighborhoods, but lift that ban for signs that identify the address of a home or the name of its owner or occupant. See, *e.g.*, City of Truth or Consequences, N. M., Code of Ordinances, ch. 16, Art. XIII, §§11–13–2.3, 11–13–2.9(H)(4) (2014). In other municipalities, safety signs such as “Blind Pedestrian Crossing” and “Hidden Driveway” can be posted without a permit, even as other permanent signs require one. See, *e.g.*, Code of Athens-Clarke County, Ga., Pt. III, §7–4–7(1) (1993). Elsewhere, historic site markers—for example, “George Washington Slept Here”—are also exempt from general regulations. See, *e.g.*, Dover, Del., Code of Ordinances, Pt. II, App. B, Art. 5, §4.5(F) (2012). And similarly, the federal Highway Beautification Act limits signs along interstate highways unless, for instance, they direct travelers to “scenic and historical attractions” or advertise free coffee. See 23 U. S. C. §§131(b), (c)(1), (c)(5).

Given the Court’s analysis, many sign ordinances of that kind are now in jeopardy. See *ante*, at 14 (acknowledging

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that “entirely reasonable” sign laws “will sometimes be struck down” under its approach (internal quotation marks omitted). Says the majority: When laws “single[] out specific subject matter,” they are “facially content based”; and when they are facially content based, they are automatically subject to strict scrutiny. *Ante*, at 12, 16–17. And although the majority holds out hope that some sign laws with subject-matter exemptions “might survive” that stringent review, *ante*, at 17, the likelihood is that most will be struck down. After all, it is the “rare case[] in which a speech restriction withstands strict scrutiny.” *Williams-Yulee v. Florida Bar*, 575 U. S. ___, ___ (2015) (slip op., at 9). To clear that high bar, the government must show that a content-based distinction “is necessary to serve a compelling state interest and is narrowly drawn to achieve that end.” *Arkansas Writers’ Project, Inc. v. Ragland*, 481 U. S. 221, 231 (1987). So on the majority’s view, courts would have to determine that a town has a compelling interest in informing passersby where George Washington slept. And likewise, courts would have to find that a town has no other way to prevent hidden-driveway mishaps than by specially treating hidden-driveway signs. (Well-placed speed bumps? Lower speed limits? Or how about just a ban on hidden driveways?) The consequence—unless courts water down strict scrutiny to something unrecognizable—is that our communities will find themselves in an unenviable bind: They will have to either repeal the exemptions that allow for helpful signs on streets and sidewalks, or else lift their sign restrictions altogether and resign themselves to the resulting clutter.*

*Even in trying (commendably) to limit today’s decision, JUSTICE ALITO’s concurrence highlights its far-reaching effects. According to JUSTICE ALITO, the majority does not subject to strict scrutiny regulations of “signs advertising a one-time event.” *Ante*, at 2 (ALITO, J., concurring). But of course it does. On the majority’s view, a law with an exception for such signs “singles out specific subject matter for

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Although the majority insists that applying strict scrutiny to all such ordinances is “essential” to protecting First Amendment freedoms, *ante*, at 14, I find it challenging to understand why that is so. This Court’s decisions articulate two important and related reasons for subjecting content-based speech regulations to the most exacting standard of review. The first is “to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail.” *McCullen v. Coakley*, 573 U. S. ___, ___–___ (2014) (slip op., at 8–9) (internal quotation marks omitted). The second is to ensure that the government has not regulated speech “based on hostility—or favoritism—towards the underlying message expressed.” *R. A. V. v. St. Paul*, 505 U. S. 377, 386 (1992). Yet the subject-matter exemptions included in many sign ordinances do not implicate those concerns. Allowing residents, say, to install a light bulb over “name and address” signs but no others does not distort the marketplace of ideas. Nor does that different treatment give rise to an inference of impermissible government motive.

We apply strict scrutiny to facially content-based regulations of speech, in keeping with the rationales just described, when there is any “realistic possibility that official suppression of ideas is afoot.” *Davenport v. Washington Ed. Assn.*, 551 U. S. 177, 189 (2007) (quoting *R. A. V.*, 505 U. S., at 390). That is always the case when the regulation facially differentiates on the basis of viewpoint. See *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829 (1995). It is also the case (except in non-public or limited public forums) when a law restricts “discussion of an entire topic” in public debate. *Consolidated*

differential treatment” and “defin[es] regulated speech by particular subject matter.” *Ante*, at 6, 12 (majority opinion). Indeed, the precise reason the majority applies strict scrutiny here is that “the Code singles out signs bearing a particular message: the time and location of a specific event.” *Ante*, at 14.

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Edison Co. of N. Y. v. Public Serv. Comm'n of N. Y., 447 U. S. 530, 537, 539–540 (1980) (invalidating a limitation on speech about nuclear power). We have stated that “[i]f the marketplace of ideas is to remain free and open, governments must not be allowed to choose ‘which issues are worth discussing or debating.’” *Id.*, at 537–538 (quoting *Police Dept. of Chicago v. Mosley*, 408 U. S. 92, 96 (1972)). And we have recognized that such subject-matter restrictions, even though viewpoint-neutral on their face, may “suggest[] an attempt to give one side of a debatable public question an advantage in expressing its views to the people.” *First Nat. Bank of Boston v. Bellotti*, 435 U. S. 765, 785 (1978); accord, *ante*, at 1 (ALITO, J., concurring) (limiting all speech on one topic “favors those who do not want to disturb the status quo”). Subject-matter regulation, in other words, may have the intent or effect of favoring some ideas over others. When that is realistically possible—when the restriction “raises the specter that the Government may effectively drive certain ideas or viewpoints from the marketplace”—we insist that the law pass the most demanding constitutional test. *R. A. V.*, 505 U. S., at 387 (quoting *Simon & Schuster, Inc. v. Members of N. Y. State Crime Victims Bd.*, 502 U. S. 105, 116 (1991)).

But when that is not realistically possible, we may do well to relax our guard so that “entirely reasonable” laws imperiled by strict scrutiny can survive. *Ante*, at 14. This point is by no means new. Our concern with content-based regulation arises from the fear that the government will skew the public’s debate of ideas—so when “that risk is inconsequential, . . . strict scrutiny is unwarranted.” *Davenport*, 551 U. S., at 188; see *R. A. V.*, 505 U. S., at 388 (approving certain content-based distinctions when there is “no significant danger of idea or viewpoint discrimination”). To do its intended work, of course, the category of content-based regulation triggering strict scrutiny must

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sweep more broadly than the actual harm; that category exists to create a buffer zone guaranteeing that the government cannot favor or disfavor certain viewpoints. But that buffer zone need not extend forever. We can administer our content-regulation doctrine with a dose of common sense, so as to leave standing laws that in no way implicate its intended function.

And indeed we have done just that: Our cases have been far less rigid than the majority admits in applying strict scrutiny to facially content-based laws—including in cases just like this one. See *Davenport*, 551 U. S., at 188 (noting that “we have identified numerous situations in which [the] risk” attached to content-based laws is “attenuated”). In *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U. S. 789 (1984), the Court declined to apply strict scrutiny to a municipal ordinance that exempted address numbers and markers commemorating “historical, cultural, or artistic event[s]” from a generally applicable limit on sidewalk signs. *Id.*, at 792, n. 1 (listing exemptions); see *id.*, at 804–810 (upholding ordinance under intermediate scrutiny). After all, we explained, the law’s enactment and enforcement revealed “not even a hint of bias or censorship.” *Id.*, at 804; see also *Renton v. Playtime Theatres, Inc.*, 475 U. S. 41, 48 (1986) (applying intermediate scrutiny to a zoning law that facially distinguished among movie theaters based on content because it was “designed to prevent crime, protect the city’s retail trade, [and] maintain property values . . . , not to suppress the expression of unpopular views”). And another decision involving a similar law provides an alternative model. In *City of Ladue v. Gilleo*, 512 U. S. 43 (1994), the Court assumed *arguendo* that a sign ordinance’s exceptions for address signs, safety signs, and for-sale signs in residential areas did not trigger strict scrutiny. See *id.*, at 46–47, and n. 6 (listing exemptions); *id.*, at 53 (noting this assumption). We did not need to, and so did not, decide the

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level-of-scrutiny question because the law’s breadth made it unconstitutional under any standard.

The majority could easily have taken *Ladue*’s tack here. The Town of Gilbert’s defense of its sign ordinance—most notably, the law’s distinctions between directional signs and others—does not pass strict scrutiny, or intermediate scrutiny, or even the laugh test. See *ante*, at 14–15 (discussing those distinctions). The Town, for example, provides no reason at all for prohibiting more than four directional signs on a property while placing no limits on the number of other types of signs. See Gilbert, Ariz., Land Development Code, ch. I, §§4.402(J), (P)(2) (2014). Similarly, the Town offers no coherent justification for restricting the size of directional signs to 6 square feet while allowing other signs to reach 20 square feet. See §§4.402(J), (P)(1). The best the Town could come up with at oral argument was that directional signs “need to be smaller because they need to guide travelers along a route.” Tr. of Oral Arg. 40. Why exactly a smaller sign better helps travelers get to where they are going is left a mystery. The absence of any sensible basis for these and other distinctions dooms the Town’s ordinance under even the intermediate scrutiny that the Court typically applies to “time, place, or manner” speech regulations. Accordingly, there is no need to decide in this case whether strict scrutiny applies to every sign ordinance in every town across this country containing a subject-matter exemption.

I suspect this Court and others will regret the majority’s insistence today on answering that question in the affirmative. As the years go by, courts will discover that thousands of towns have such ordinances, many of them “entirely reasonable.” *Ante*, at 14. And as the challenges to them mount, courts will have to invalidate one after the other. (This Court may soon find itself a veritable Supreme Board of Sign Review.) And courts will strike down those democratically enacted local laws even though no

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one—certainly not the majority—has ever explained why the vindication of First Amendment values requires that result. Because I see no reason why such an easy case calls for us to cast a constitutional pall on reasonable regulations quite unlike the law before us, I concur only in the judgment.

Chapter 26 - SIGNS

ARTICLE I. - IN GENERAL

Sec. 26-1. - Purpose.

The purposes of this chapter are to encourage the effective uses of signs as a means of communication in the city, to maintain and enhance the aesthetic environment, to augment historical preservation and the city's ability to attract sources of economic development and growth, to improve pedestrian and traffic safety and public health, to minimize the possible adverse effect of signs on nearby public and private property, to keep signs within a reasonable scale with respect to the buildings and the property to which they relate, and to enable the fair and consistent enforcement of these sign restrictions.

Sec. 26-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned conforming sign means a sign that conforms to current ordinances that pertains to a business, service, product, or activity that has not been available on the premises where the sign is displayed for 90 calendar days.

Abandoned non-conforming sign means a sign that does not conform to current ordinances that pertains to a business, service, product, or activity that has not been available on the premises where the sign is displayed for 90 calendar days.

Address sign means a sign utilizing a numerical or other designation to indicate the location of a building on a street or right-of-way.

Aggregate square footage means the sum of the square footage of all signs and their areas per parcel.

Animated sign means a sign, sign structure or component, that rotates, revolves, moves, emits flashes of light, blinking lights or images, changes or appears to change, or displays, depicts or creates the impression or appearance of movement or change by mechanical, electronic or other means or methods.

Attended sign means a non-commercial sign that is hand-held or carried by a person such as a placard, picket, or poster.

Awning means a retractable or fixed shelter constructed of rigid or non-rigid materials on a supporting framework that project from the exterior wall of a building.

Awning sign means a sign applied to the surface of an awning.

Banner sign means a temporary sign, constructed of canvas, paper, vinyl, or other similar materials that is not permanently affixed to any wall or sign structure and is intended for a limited period of display.

Billboard means an off-premise sign that advertises an establishment, product, service, or activity not available on the lot on which the sign is located.

~~*Business/shopping center sign* means a freestanding or monument identification sign for a group of establishments on a single parcel or that shares a common parking area.~~

Canopy means a permanent roof-like shelter extending over a public access or service area, (intended to include gasoline station canopies).

Changeable copy or message area means a sign or portion of a sign that displays characters, letters, or illustrations that can be changed or rearranged physically without altering the face or

surface of the sign. If designed as changeable copy or message area, it shall be in a subordinate location to the fixed-message area.

~~*Commercial message/sign* means any sign wording, logo or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.~~

~~*Community banner* means a temporary banner erected over/within a city right of way with review identifying an event sponsored by a non-profit association or corporation for a charitable, educational, or public purpose.~~

~~*Community event* means a charitable, educational, or public event.~~

~~*Community service sign* means a temporary sign that identifies non-profit associations or corporations, including service clubs.~~

Conforming sign means a sign that pertaining to a business, service, product, or activity that conforms to current ordinances.

~~*Construction/contractor/site sign* means a sign that identifies the owners, financiers, contractors, architects, and/or engineers of a project under construction.~~

Digital sign means a sign or sign structure that utilizes an electronic means to display a series of messages that are changed by electronic means. Digital sign does not include an electronic message sign.

~~*Directional/informational sign* means a sign that gives directions, instructions or facility information for use on the lot on which the sign is located, such as parking or exit and entrance signs.~~

Electronic-message sign means a sign that only displays static messages containing text or numbers that are directly associated with the current advertiser. An electronic message sign does not include a digital sign device that displays graphics other than messages containing text or numbers.

~~*Essential services* means those services that are provided for and pertain to the health, safety, and welfare of the general public.~~

Fixed-message area means that portion of a permitted sign that is used for a permanent message, such as the name of a business or organization, or its principal service or product.

Flag means an official governmental emblem displayed on fabric or other material generally mounted to a pole.

Freestanding/pylon sign means a sign supported on poles, not attached to a wall or building.

Government sign means a temporary or permanent sign erected by the city, the county, townships, or the state or federal government.

Ground-pole or ground-mounted sign means a sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building.

Historical sign means a sign for which criteria have been established or which have been granted historical status/approval.

Illuminated sign means a sign that utilizes artificial light directly or through any transparent or translucent material from a source of light within such sign, or a sign illuminated by a light so shielded that no direct rays from it are visible from or shine upon any public right-of-way or abutting property.

~~*Interior parcel sign* means a sign that does not exceed 32 square feet and is not visible from the public right of way which is for the purpose of informing patrons of products and services offered on the parcel on which the sign is located.~~

~~*Mall area* means those areas of multitenant developments that are designed exclusively for the public promenade of pedestrians.~~

Mansard means a roof having two slopes, with the lower slope much steeper than the upper slope. The lower slope is oriented on a vertical axis and therefore is visible as a part of the building facade. The mansard cap is a version of this roof that often is applied to only one facade on the building, particularly one-story commercial structures. Fascia roofs and parapet walls shall be regulated as a mansard for purposes of this article.

Marquee means a permanent structure that projects from the exterior wall of a building.

Marquee sign means a sign affixed flat against the surface of the marquee.

Memorial/commemorative sign means a sign to commemorate a historical event, to honor the memory of a personage, etc.

Monument/ground sign means a sign supported by a solid base with zero ground clearance, not attached to a wall or building.

Mural means an artistic design or representation painted or drawn flat on a building wall or surface.

~~*Noncommercial sign* means a sign that is not related to or connected with trade or commerce in general.~~

Non-conforming sign means a sign pertaining to a business, service, product, or activity that does not conform to current ordinances.

Off-premises sign means any sign located on property that displays a message or other information pertaining to a business, service, good, or activity that is not located on the same property as the sign.

On-premises sign means a sign that displays a message or other information that relates to a business, service, good, activity, or profession lawfully being conducted, sold, or offered on the same premises.

Pennants, spinners, and streamers means an article of material mounted to a building or suspended from a rope, wire, or string designed to move with the wind in a free-flying manner.

Permitted special non-residential uses means permitted special non-residential uses are those allowed in section 36-173, section 36-193, and section 36-213, as applicable, after review and approval of the site plan by the planning commission or zoning administrator, subject to the conditions contained therein.

~~*Political sign* means a temporary sign used in connection with or opposition of an official city, school district, township, county, state, or federal election or referendum or in connection with any candidate for public office, public interest issue, or political event.~~

Portable sign means a sign designed to be moved easily and not permanently affixed to the ground, a structure or building, including signs attached to or painted on vehicles parked and visible from the public right-of-way, for the purposes of advertisement.

Projecting sign means a sign that is attached perpendicular to a building or wall and extends more than 12 inches from the face of the building or wall.

~~*Promotional/special event signs* means promotional event signs that provide directions to a community event in the city sponsored by a unit of government or a non-profit organization:~~

- ~~(1) Promotional event sign, off premises means a non-commercial, off premises sign that is temporarily implanted in a yard or curb lawn area for a community event and regulated by section 26-6;~~

(2) ~~Promotional event sign, on premises means a temporary sign advertising short term sales, promotions or special events on private property, including banners, and regulated by section 26-10.~~

~~Real estate sign means a sign advertising the real estate upon which the sign is located as being for sale, rent or lease.~~

~~Residential event sign means a non commercial sign located in a district zoned for residential uses, identifying a permissible event at a residence, such as a garage sale, yard sale, etc.~~

Roof sign means a sign erected above the roofline of a building.

Roofline means the top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or any minor projections.

Sandwich-board/A-frame sign means a professionally designed, custom-constructed portable sign, also known as a "tent" sign, that is displayed seasonally and temporarily at a storefront.

Sign means any writing, pictorial representation, illustration, decoration, emblem, symbol, design, trademark, or figure that is a structure or a part of a structure or is written, printed, painted, projected, constructed, illuminated, or otherwise placed or displayed upon any structure, building, parcel of land, or within three feet of a window interior that attracts attention to the subject thereof or is used as a means of identification, advertisement, announcement, expression, or decoration and that is visible from a street, right-of-way, sidewalk, alley, park, or other public property.

Sign area means the sign area is the maximum height multiplied by the maximum width of the sign components including any frame or other material or color or open spaces or voids forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. Both sides of a sign structure may be used for sign purposes, provided the sides have an 180-degree, back-to-back relationship. In the case of a sign with letters individually mounted to a wall the total surface area shall be measured by outlining the outer edges of the letters including the wall surface beneath.

Signable area means the permitted sign area for a particular sign type calculated in accordance with the standards and formulas of this article e.g. ground floor wall area x (%) of wall permitted as signage = permitted signable area.

Special condition sign means any sign that does not otherwise meet the condition or definition of a sign within the article. Special condition signs shall still meet the zoning district allowances set forth in section 26-8.

~~*Special events sign* means temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or nonprofit organizations, and/or those special events for profit organizations as determined by established policy and the zoning administrator.~~

Storefront means the predominant frontage occupied by a singular tenant, incremental in lengths of 20 feet, and an additional percentage thereof.

Temporary sign means any sign used only temporarily and which is not attached/affixed in any permanent manner.

Temporary yard sign means any sign used only temporarily and which may be staked or otherwise placed in a yard but not in the right-of-way.

Wall sign means a sign that is attached directly to or painted upon a building wall and does not extend more than 12 inches therefrom, with the exposed face of the sign in a plane parallel to the building wall.

~~*Warning sign* means a sign not exceeding two square feet in area that is placed on a parcel or building to inform the public and others of a potential hazard, i.e. beware of dog or high voltage.~~

Window sign means a sign installed flat on the outside or inside of a window with the message or other information it contains being viewable only from a street, right-of-way, sidewalk, alley, park, or other public property.

~~The illustrations contained herein are for convenience purposes only. In the event that a conflict arises between the meaning of any text and its corresponding illustration, the text shall control.~~

Sec. 26-4. - General sign provisions.

- (a) No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a city sign permit and a county building permit, if necessary, provided the following signs shall not require a zoning and/or building permit.
- (b) The following signs shall be allowed within all districts without permit, but subject to the provisions of section 26-5.
 - (1) ~~Directional signs of six square feet in size or less.~~
 - (2) Flags or insignia of any nation, state, city, community organization, or educational institution.
 - (3) ~~Garage or residential—Event signs (six square feet or less).~~
 - (4) ~~Government signs—Twenty square feet in size or less.~~
 - (5) Historical markers erected by a federal, state, or local government.
 - (6) Holiday decorations.
 - (7) Interior signs, signs not visible from any street.
 - (8) Memorial/Commemorative signs or tablets ~~not exceeding 20 square feet.~~
 - (9) ~~Murals with approval by zoning administrator.~~
 - (10) ~~Name/address signs (four square feet or less).~~
 - (11) ~~Political signs—Twenty square feet or less.~~
 - (12) ~~Real estate signs—Subject to compliance within district.~~
 - (13) ~~Signs for essential services.~~
 - (14) State of Michigan tourist oriented directional signs.
 - (15) ~~Warning signs of two square feet or less.~~
 - (16) Window signs ~~lettering~~; not to exceed 50 percent of window and glass area.
 - (17) **Freestanding yard signs; not be placed in the right-of-way**
- (c) All signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other conditions which impair legibility.
- (d) Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard. All signs must be installed in accordance with the single state construction code.
- (e) Signs may be internally illuminated or, if externally illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining onto traffic, up into the night sky, or onto any residential district or property.
- (f) No sign shall be permitted in the right-of-way unless otherwise noted.

- (g) All ground, wall, freestanding, and pylon signs may include changeable display/reader boards.
- (h) ~~Political signs shall be removed within ten days after the official election or referendum to which such sign pertains.~~
- (i) Portable signs commonly referred to as "sandwich board" or "A-frame" shall be limited to commercial businesses only, and shall be allowed to have one for the purpose of temporary advertising. These signs shall not exceed two feet width and four feet length to a flat side and will be allowed to have changeable text. The placement of such a sign shall not interfere with the free and unobstructed travel of pedestrians on sidewalks or walkways, nor with the view of drivers at any intersection. The sign must be removed at the end of each business day and placed indoors. Sandwich board/A-frame signs that are left out shall be in violation of this chapter. This provision shall also apply to T-shaped or inverted "T" signs and shall be subject to the same restrictions with each business allowed only one such sign per business, regardless of Type (A-frame, T-shaped or inverted "T").
- (j) Awnings, suspended signs, canopies and marquees are permissible within the right-of-way with the approval of the zoning administrator as to compliance with the single state construction code. Awnings may not project over eight feet into the public right-of-way, and must have a minimum clearance of eight feet from grade
- (k) One address sign shall be placed at the main entrance to each principal structure on any property such that same is plainly legible and visible from the street fronting the property, to assist ambulance, police and fire-protection response. Wall-mounted address signs shall not exceed four square feet in surface area, and shall be visible from the street for which the address applies. Address signs identifying a business shall have a minimum height of six inches.
 - (1) Freestanding address signs may be provided at single-family residences, not to exceed two square feet in area and five feet in height. Commercial, industrial, institutional, and multi-family uses are encouraged to include an address sign or signs on any freestanding sign on the lot as well.
 - (2) At properties that have three or more principal buildings such as apartment complexes and mixed-use commercial developments, an address-directory sign may be required by the city. The size, height, location and illumination (if any) of the address-directory sign shall be reviewed and approved by the zoning administrator.
- (l) Sign measurement:
 - (1) The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo or graphic, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
 - (2) The area of a freestanding, projecting or monument sign that has two or more faces shall be measured by including the area of all faces, unless the two faces are placed back to back and are of equal size, in which case the area of the two back to back faces shall be counted as one face.
 - (3) The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street, or the average grade of the ground immediately beneath the sign.

- (4) For buildings with multiple tenants, the sign areas for wall signs, projecting signs and awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign requirements for that portion of the entire wall.
- (5) Awning signs will be calculated by the area encompassing the lettering and graphic. Calculations will not include the material or fabric of the awning itself.
- (m) No signs, including but not limited to banners and placards or other publicly displayed structure carrying lettering or designs intended to advertise a business, product or event, shall be placed in, upon, or over any street, public right-of-way, alley or other public place under the jurisdiction and control of the City of Hillsdale, provided, however, that the placement of signs, including but not limited to banners and placards or other publicly displayed structure carrying lettering or designs intended to advertise a business, product or event, in, upon, or over Highway M-99 right-of-way shall be exempt from this provision, but shall be subject to compliance with all applicable state statutes, rules, regulations and requirements.

Sec. 26-5. - Signs prohibited.

- (a) A sign not expressly permitted by this chapter is prohibited.
- (b) No sign shall be placed in, upon or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this chapter or other ordinance of the city.
- (c) No light pole, utility pole, tree within a public right-of-way, or other supporting member shall be used for the placement of any sign unless specifically designed for and otherwise approved by the city for such use.
- (d) No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
- (e) Commercial vehicles, which are not used for any other commercial purpose and have the intended function of acting as a sign, shall not be parked in any area visible from the right-of-way.
- (f) ~~No sign shall employ light that flashes, moves, oscillates, blinks, or uses variable intensity, excepting signs described in subsections (1) and (2) below:~~
 - ~~(1) Time/temperature signs.~~
 - ~~(2) Signs having changeable copy in a digitized format.~~
- (g) ~~No sign shall contain any moving or animated parts nor appear to have animated or moving parts except barber poles.~~
- (h) No wall sign shall extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roof line of a building, without review and approval by the zoning administrator.
- (i) No roof sign shall be erected above the roof line of a building without review and approval the zoning administrator.
- (j) Obstructions to any door, window, sidewalk, or fire escape. No sign shall be erected, relocated, or maintained so as to prevent ingress or egress from any door, window, sidewalk, or fire escape.
- (k) Abandoned signs shall be removed in accordance with their status as to conformity. Where such signs are non-conforming in size, or height, or other features, messages and the sign structure shall be removed within 90 calendar days. Where the sign is conforming but

abandoned, messages must be removed within 90 calendar days. The structure of the sign shall be removed after one year if non-conforming. Any abandoned conforming sign or non-conforming sign or sign structure may be removed by the city at the expense of the property owner.

- (1) Sign constituting a public nuisance. If a sign is determined to be a public nuisance, as defined in chapter 14 of the City of Hillsdale Code of Ordinances, it shall be abated in accordance with the procedures provided.

Sec. 26-6. - Permitted temporary signs in all districts.

The following non-illuminated, temporary signs are permitted in all districts without a permit or prior approval, except as otherwise hereinafter provided:

- (1) ~~Freestanding real estate signs. One freestanding real estate sign shall be permitted on the property intended to be rented, leased, and/or sold subject to the height and size restrictions set forth in the schedule. The sign shall be removed within 30 days after the sale, lease, or rental of the property.~~ **Freestanding temporary yard signs may not be placed in the right-of-way.**
- (2) ~~Wall-mounted real estate~~ **temporary** signs. One wall-mounted real estate **temporary** sign shall be permitted in lieu of a freestanding **temporary** sign subject to the same restrictions set forth in the schedule. The sign shall be restricted to the ground floor wall of a building.
- (3) ~~Real estate window~~ **temporary** signs. One **temporary** window sign shall be permitted in lieu of a freestanding or wall-mounted real estate **temporary** sign subject to the same restrictions set forth in the schedule. In addition, the sign shall not exceed 50 percent of the window area.
- (4) ~~Open house signs. One sign advertising an open house showing of the property is permitted on the property being offered for rent, lease, and/or sale, and not more than two such signs are permitted off premises; provided that:~~
 - a. ~~No such signs are permitted except during the hours of the open house.~~
 - b. ~~No such signs shall be placed or displayed in a public right of way or on public property.~~
 - c. ~~Any such signs as are placed on property other than the property being offered for rent, lease, and/or sale shall require the signed written consent of the owner of the property upon which such signs are placed or displayed as a condition precedent to their allowance.~~
 - d. ~~Signs subject to height and size restrictions set forth in the schedule.~~

Real estate **Temporary** signs shall be restricted according to the following schedule:

Zoning District	Maximum Height of Freestanding Sign	Maximum Sign Area in Square Feet
Residential R-1, R-2, R-3, RD-1	6 feet	6 square feet
O-1, B-2	6 feet	6 square feet
B-1, RM-1	6 feet	16 square feet
B-3	6 feet	24 square feet
I-1, I-2	8 feet	32 square feet

~~(5) *Construction signs.* One construction sign per construction site shall be permitted per construction project subject to the height and size set forth in the schedule. The sign shall be removed by the owner or lessee of the property immediately upon the issuance of an occupancy permit for the building or structure which is the subject of the construction sign, or completion of service.~~

~~Construction signs shall be restricted according to the following schedule:~~

Zoning District	Maximum Height of Freestanding Sign	Maximum Sign Area in Square Feet
Residential R-1, R-2, R-3, RD-1	6 feet	6 square feet
O-1, B-2	6 feet	6 square feet
B-1, RM-1	6 feet	16 square feet
B-3	6 feet	24 square feet
I-1, I-2	8 feet	32 square feet

~~(6) *Residential event signs.* For publicizing a single event such as a garage sale, yard sale, estate sale, or moving sale, residential event signs are permitted for a period not to exceed a total of three days in a 90 day period. Off premises residential event signs shall not be displayed, placed, or mounted on public property or within the public right-of-way.~~

~~(7) *Political signs.* Political signs are permitted on private property only and shall not exceed six square feet in area and six feet in height.~~

~~(8) *Promotional/special event signs, directional.* Special event signs shall be permitted for a period not to exceed seven days. Signs for events such as art fairs, circuses, festivals, etc., shall be permitted, not to exceed the height and size set forth in the schedule. The number of signs, sign area, and sign location shall be approved by the city prior to installation. Promotional event signs shall be removed within 48 hours after the event that they identify.~~

~~(9) *Promotional/special event sign.* A temporary sign advertising short term sales, promotions or special events on private property and regulated by section 26-10.~~

~~Promotional/special events signs shall be restricted according to the following schedule:~~

Zoning District	Maximum Height of Freestanding Sign	Maximum Aggregate Sign Area in Square Feet
Residential R-1, R-2, R-3, RD-1	6 feet	6 square feet
O-1, B-2	6 feet	6 square feet
B-1, RM-1	6 feet	16 square feet
B-3	6 feet	24 square feet
I-1, I-2	8 feet	32 square feet

- (10) ~~Window signs. Temporary window signs that occupy no more than 50 percent of a total window's area and do not exceed the total allowable area within the structure's zoning district are permitted.~~
- (11) *Pennants, spinners, streamers and balloons.* Pennants, spinners, streamers, balloons and similar temporary display devices, attached directly to the principal building on a site are permitted, provided they do not exceed the building height.
- (12) *Sandwich board signs.* Permitted only as required in section 26-8.

Sec. 26-7. - Permitted permanent signs.

Permanent signs shall be permitted in all districts subject to the restrictions herein contained:

- (1) *Government signs.* Governmental signs of a branch of local, state, or federal government, including traffic or similar regulatory devices, or signs required to be maintained or posted by law or governmental order, rule or regulation.
- (2) *Flags or emblems.* Flags or emblems of governmental, civic, philanthropic, educational, or religious organizations.
- (3) *Commemorative signs.* Commemorative signs such as cornerstones, historical markers, memorial plaques or tablets, and the like.
- (4) ~~*Accessory signs.* Signs on accessory structures greater than 100 square feet in floor area such as storage sheds, outbuildings, and warehouses shall not exceed ten percent of the mounting wall, and may not exceed the aggregate amount of allowed sign area per tenant/parcel.~~
- (5) ~~*Warning signs.* Warning signs such as "no trespassing," "no hunting," "danger," and "beware of dog," not to exceed two square feet in area and no more than one sign per 100 feet of property frontage.~~
- (6) *Permanent window signs.* ~~A business shall be~~ Permitted interior signs (including neon) that occupy not more than 50 percent of the total window area of each window of the first floor level.

Sec. 26-8. - On-premises signs.

On-premises signs shall be permitted to be erected, altered, or relocated in accordance with the regulations of this section.

- (1) *Projecting/Overhanging signs and Awnings.* One overhanging sign per ~~commercial~~ storefront shall be permitted in the B-2 district; a secondary sign may be allowed at the rear entrance or, on a secondary street front provided all aggregate sign area does not exceed 48 square feet.
 - a. Clearance height and area of projected/overhanging signs or awnings are restricted according to the following:

Zoning District	Maximum overhang in feet	Maximum clearance from grade in feet
B-2	8 feet	8 feet

- b. No main sign or combination of signs, whether projecting, awning or wall mount may exceed 24 square feet per main street storefront; no allowed secondary sign or combination of secondary signs may exceed 24 square feet, or 40 percent of marquee face

c. Such signs shall be located on structures properly mounted, or suspended from plane in compliance with the single state construction code.

(2) *Wall-mounted signs.* Wall-mounted signs shall be permitted subject to the following restrictions:

Zoning District	Number of signs allowed	% of main facade	Maximum area in square feet	Location
R-1, R-2, R-3 , RD-1, RM-1, (Nonresidential special use group)	1 per street front	5%	Not to exceed 24 sq. ft.	Wall of building
O-1 , B-1	1 per street front (a)	5%	Not to exceed 48 sq. ft.	Wall of building
B-2	1 per business (d, e)		No aggregate may exceed 48 sq. ft. per lot (e)	Wall of building facing street, alley or parking lot
B-3	1 per tenant (f)	8%	No aggregate may exceed 8% of main face	Wall of building facing street
C-1				
I-1, I-2	1 per street front	5%		Wall of building facing street

~~a. Monument and freestanding signs, for residential subdivisions, manufactured home parks, multiple family complexes, schools, churches and other nonresidential uses as allowed. No illumination is to be allowed inside residential districts, except churches.~~

~~b. Such signs shall be mounted so that no part of the sign is higher than the height of the facade of the building upon which it is mounted.~~

~~c. The total area of all wall mounted signs in commercial districts shall be restricted according to the following schedule:~~

~~1. No more than two such signs shall be allowed per parcel/lot.~~

~~2. A secondary sign may be placed facing a side street, alley or parking area.~~

~~3. No main sign or combination of signs, whether projecting, awning or wall mount, may exceed 24 square feet per main street storefront; no allowed secondary sign or combination of secondary signs may exceed 24 square feet or 40 percent of marquee face. Total aggregate sign area may not exceed 48 square feet.~~

~~4. One per tenant; additional signs will be allowed providing the aggregate amount of signage does not exceed eight percent of the main face of the building.~~

(3) *Freestanding signs.* On-premises, freestanding, ~~business center~~ or monument signs shall be limited in placement; area and height according to the following schedule:

Zoning District	Maximum height in feet	Maximum sign area in sq. ft.	Number	Location
R-1, R-2, R-3 , RD-1, RM-1, Θ-1 (Nonresidential special use group)	6 ft.	24 sq. ft. (6)	1 per major entrance	Min. 8 ft. outside right-of-way
B-1	6 ft. — monument 21 ft. — freestanding	32 sq. ft.	1 per lot/parcel	Min. 8 ft. outside right-of-way
B-2	6 ft. — monument 12 ft. — freestanding	24 sq. ft.	1 per lot/parcel	Min. 8 ft. outside right-of-way
B-3	6 ft. — monument 28 ft. — freestanding	100 sq. ft.	1 per 300 linear ft. of frontage	Min. 8 ft. outside right-of-way
C-1				
I-1, I-2	8 ft.	60 sq. ft.	1 per major entrance	Min. 8 ft. outside right-of-way

- a. Total aggregate sign area may not exceed 32 square feet per lot.
- (4) ~~Directional signs. Directional signs are permitted subject to the following restrictions:~~
- ~~a. Directional signs may be placed only on premises.~~
 - ~~b. Directional signs may contain a company logo and/or a company name.~~
 - ~~c. Directional signs may not contain any advertising copy.~~
 - ~~d. Directional signs may not exceed six feet in height as the sign stands, or six square feet in area unless located in an industrial district, which allows 12 square feet.~~
 - ~~e. Directional signs shall be limited to vehicular traffic control functions only.~~
- (5) *Sandwich boards.* One "sandwich board" or "A-frame" sign shall be allowed for the purpose of temporary advertising, subject to the following conditions:
- a. Such signs shall not exceed two feet width and four feet length to a flat side and will be allowed to have changeable text, but no electronic or dynamic display.
 - b. The placement of such a sign shall not interfere with the free and unobstructed travel of pedestrians on sidewalks or walkways, nor with the view of drivers at any intersection, or impede maintenance and/or snow and ice removal.
 - c. Signs must be removed and placed indoors at the end of each business day. Sandwich board/A-frame signs that are left out shall be in violation of this chapter.
 - d. Signs within the public right-of-way ~~must register annually.~~

- e. This provision shall also apply to T-shaped or inverted "T" signs and shall be subject to the same restrictions with each ~~business~~ **tenant** allowed only one such sign per ~~business~~ **tenant**, regardless of type (A-frame, T-shaped or inverted "T").

Sec. 26-9. - Permit fee; insurance.

Permits for signs identified in section 26-8(5) shall be issued on an annual basis at a rate subject to the City of Hillsdale Fee Schedule. As a prerequisite to the issuance of a new or renewal of a permit, the business owner shall provide proof satisfactory to the city of liability insurance coverage in which the city is a named insured and which provides limits of liability in an amount that is not less than a minimum amount as is currently or hereafter established.

~~Sec. 26-10. - Promotional/special event signs.~~

~~Signs for advertising short term sales, promotions or special events, are allowed on private property within the City of Hillsdale only under the following conditions:~~

- ~~(1) One, on-premises promotional/special event sign per tenant, temporary banners, or portables may be displayed by annual permit provided:
 - a. It does not exceed 24 square feet in area.
 - b. It is properly maintained.
 - c. Commercial message changes once every 60 days.
 - d. No sign shall be permitted in the public right of way.
 - e. Complies with all other provisions of this chapter.~~
- ~~(2) Additional on-premises special event/promotional signs, including A frames, may be allowed by permit subject to the following conditions:
 - a. May not exceed 32 square feet or five feet in height in all districts except B-2, where they shall not exceed 24 square feet.
 - b. Shall be limited to 28 days previous to the event and 48 hours after the event.
 - c. Shall comply with district setback requirements.
 - d. Display may not exceed 180 days per year
 - e. No more than two such signs shall be displayed on any property or parcel at one time and shall not be placed within the vision clearance area.
 - f. Promotional event signs of governmental or non profit organizations such as museums, churches and public service organizations may be permitted by permit without fee, but must comply with all other provisions of this chapter. Off-premises promotional/special event signs are subject to the requirements of section 26-6.
 - g. No sign shall be permitted in the public right of way.~~

Sec. 26-11. - Special condition signs.

The following signs may be permitted as special condition signs, subject to and after approval by the zoning administrator.

- ~~(1) Community service signs with particular consideration given for shared individual signs identifying more than one service club or civic organization.~~
- ~~(2) Off premises, directional signs six square feet, or less, in size placed on private or public property (with written approval of property owner) to promote or advertise a community event sponsored or presented by a public service institution, such as a hospital, church, school, charity, or other non profit strictly for the duration of the event.~~

- ~~(3) Directory sign: A sign that lists the names of each business located on the premises where the sign is located that does not exceed the maximum restrictions by type of sign for wall-mounted or freestanding signs in the district.~~
- (4) Historic signs review may be sought, without fee, by application and request therefore directed to the planning commission, or zoning administrator, and shall be granted upon factual proof presented by the applicant and found to be satisfactory and credible, that one or more of the following criteria apply:
 - a. The sign is associated with historic figures, events or places.
 - b. The sign is significant as evidence of the history of the product, business or service advertised.
 - c. The sign is significant as reflecting the history of the building or the development of a historic district. The sign is characteristic of a specific history period, such as gold leaf, neon or stainless steel lettering. The sign is integral to the building's design or physical fabric, or if the removal will cause significant harm to the integrity of the building.
 - d. The sign, by reason of craftsmanship, materials or design, is an outstanding example of sign maker art.
 - e. The sign is a local landmark, recognized as a popular focal point in the community.
 - f. The sign contains elements important in defining a district, such as marquees in a theater district.
- (5) Wall-mounted signs above the first floor of a multiple-story building related to one or more of the ~~businesses~~ tenants housed within the building. Refer to chart in section 26-8.
- (6) Unique signs whose total area is within the applicable district size allowance established in article II of chapter 26 of Hillsdale's Code of Ordinances that are determined by the planning commission to require additional height or width due to unique design or obscuring sight lines shall be allowed additional height and width allowance as needed, provided, however that they neither exceed the additional height or width, nor the area within them exceed the allowances otherwise provided by more than ten percent.
- (7) The size, location, and/or placement of murals shall be permitted **subject to review by the zoning administrator and planning commission** ~~and the following restrictions:~~
 - ~~a. Murals may not contain promotions or depictions of illegal or violent behavior, including but not limited to promotions or depictions of sexually explicit behavior or materials; the use of alcohol or drugs; or the use of firearms.~~
 - ~~b. Images may be relevant to existing businesses in the building on which the mural is applied without the use of company names or logos.~~
 - ~~c. Images may be of an artistic, historic, or cultural nature unrelated to business.~~
- (8) Off premises or billboard signs shall be permitted in the general business (B-3) district. Billboards may not exceed 200 square feet in area, or 20 feet in height. Billboards must be setback a minimum of 30 feet from all property lines and shall be located a minimum of 1,000 feet from all other billboards on the same street. When abutting a residential district, no portion of the billboard shall be located closer than 200 feet from the property line. All permit applications for billboards must be submitted to the planning/zoning department along with a landscaping plan.
- (9) Procedures and considerations for special-condition signs are as follows:

- a. Special-condition signs shall be reviewed as to size, location, placement, etc. subject to regulations of this chapter.
 - b. The planning commission, or zoning administrator, may impose conditions necessary to protect the public health, safety, and welfare of the community.
 - c. Public notice of the time, date, and place of an appeal of a sign review decision made by the planning commission, or zoning administrator, shall be provided in advance of the meeting during which the appeal will be considered.
- (10) *Standards for sign review.* In reviewing signs, the zoning administrator or the planning commission shall consider the following to determine compliance with applicable ordinance provisions a basis for approving or denying a sign permit and establishing setback, location, and placement of signs:
- a. Site location:
 - 1. Dimensions from buildings;
 - 2. Dimensions from property lines;
 - 3. Dimensions from right-of-way.
 - b. Sign size:
 - 1. Dimension height and width;
 - 2. Building location;
 - 3. Dimension height above grade or finish floor line;
 - 4. Dimension location of sign from side to side of wall;
 - 5. Percentage of wall used for signage.
 - c. Awning:
 - 1. Dimension awning size;
 - 2. Dimension awning height above grade or finish floor line;
 - 3. Dimension signage relative to awning edges;
 - 4. Dimension height and width.
 - d. Sign characteristics:
 - 1. Shape of sign;
 - 2. ~~Sign content;~~
 - 3. Sign materials.
 - e. Mural:
 - 1. Dimension height and width;
 - 2. Building location;
 - 3. Dimension height above grade or finish floor line;
 - 4. Dimension location of sign from side to side of wall.

A drawing of the sign with all of the information from the list above will be required upon application submittal.

Sec. 26-12. - Non-conforming signs, illegal signs, and signs accessory to non-conforming uses.

It is the intent of this article to protect the health, safety, and welfare of the public by requiring elimination of signs within a reasonable period of time that are currently non-conforming or, as a result of the adoption of this or subsequent amendments to this article, become non-conforming.

- (1) No non-conforming sign shall be reconstructed, structurally altered, remodeled, relocated, or replaced unless a permit is issued allowing such action and the

reconstructed or replaced sign and sign structure renders the sign and sign structure conforming in all respects.

- (2) The owner of a non-conforming sign shall maintain it in good repair by, among other things, repainting it and replacing broken or deteriorated parts.
- (3) A non-conforming sign or sign structure which is destroyed or damaged by any casualty may be restored within six months after such destruction or damage only after the owner has shown that the damage did not exceed 50 percent of the appraised value of the sign immediately prior to its loss or damage. If such sign or sign structure is destroyed or damaged to an extent exceeding 50 percent of its appraised value, it shall be removed and shall not be reconstructed or replaced unless a permit is issued allowing such action and the reconstructed or replaced sign and sign structure renders the sign and sign structure conforming in all respects.
- (4) A non-conforming sign or sign structure shall be removed within 60 days if the building containing the use to which the sign is accessory is demolished or destroyed to an extent exceeding 50 percent of the building's appraised value.

Sec. 26-13. - Removal of certain signs.

- (a) In the event a conforming sign is abandoned for a period of 30 calendar days the sign owner and/or property owner shall immediately remove any commercial message identifying the business announced thereby. The zoning administrator may grant an extension upon good cause shown.
- (b) In the event a sign, whether conforming or non-conforming, is abandoned for a period of 60 calendar days, the sign owner and/or property owner shall immediately remove the sign and sign structure. Once removed, no sign may be replaced on the premises except in compliance with all applicable provisions of this article. For good cause shown in writing by the sign owner and/or the property owner filed prior to the expiration of the 60-day period, the zoning administrator may grant an extension not exceeding 60-days.
- (c) Any sign that is not constructed, painted, installed or maintained as required in this chapter; is constructed, painted, or maintained without a proper and valid permit; or is a non-conforming sign for which the time period set forth in subsection (c) has expired shall be forthwith removed.
- (d) In the event a sign subject to removal pursuant to the preceding subsection is not removed as provided therein, the zoning administrator shall forthwith notify the sign owner and/or the property owner in writing to remove said sign within 14 calendar days of the date of said notice.
- (e) Should the sign owner and/or property owner fail to remove or cause the removal of the sign within the time established pursuant to subsections (a) and (b) of this section, the zoning administrator is authorized to remove or cause the removal of said sign. Any expense incidental to the removal of the sign shall be charged to the owner of the property on which the sign is located and shall constitute a lien on said property collectible in the same manner as taxes.
- (f) Any sign placed within the right-of-way shall be forfeited to the public and subject to immediate confiscation and removal by the city at the sign owner's sole expense.
- (g) The words "remove," "removal" and "removed" as used in this section and its subsections shall mean:

- (1) For abandoned conforming signs, the removal of all commercial messages. In the case of painted wall signs, such words shall also include painting over the original sign face in its entirety so as to completely cover it.
- (2) For abandoned or altered over 50 percent non-conforming signs, the removal of all commercial messages and the demolition, destruction, removal and disposal of the sign and sign structure.

Sec. 26-14. - Permit and fee schedule.

Fees for sign permits to the City of Hillsdale Fee Schedule.

Sec. 26-15. - Violations.

- (a) Violation of any provision of this chapter shall constitute a municipal civil infraction, punishable as provided in Code of Ordinances of the City of Hillsdale, Michigan.
- (b) Any of the following shall be a violation of this chapter and shall be subject to the enforcement remedies and penalties provided by this chapter and by state law:
 - (1) To install, create, erect, or maintain any sign in violation of any provision of this chapter.
 - (2) To install, create, erect, or maintain any sign in a manner that is inconsistent or not in conformity with any approved plan or permit governing such sign or the property on which it is located.
 - (3) To install, create, erect or maintain any sign requiring a permit without such permit.
 - (4) To fail to remove any sign that is installed, created, erected or maintained in violation of this chapter or for which the sign permit has lapsed.
- (c) Each day that a violation exists shall constitute a separate violation.

Sec. 26-16. - Enforcement and remedies.

- (a) A municipal civil infraction citation shall be issued for any violation of this chapter and, in addition, any violation or attempted violation of this chapter or of any condition or requirement adopted pursuant hereto may also be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceeding pursuant to this Code of Ordinances and applicable state law. The remedies of the city shall include, but are not limited to, one or more of the following:
 - (1) Issuance of a stop work order for any and all work on any signs;
 - (2) Issuance of a municipal civil infraction citation;
 - (3) Bringing an action for an injunction or other order of restraint, abatement, or relief that requires, among other things, the removal of the sign or the elimination of the violation.
 - (4) Imposing any sanctions that can be imposed by the city under this Code of Ordinances.
 - (5) In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the city under the applicable provisions of this Code of Ordinances, the single state construction code, and other applicable state law to have it declared a public hazard or nuisance and obtain its abatement and removal.
- (b) The city shall have such other remedies as are and as may from time to time be provided for or allowed by this Code of Ordinances and state law for the violation of the zoning ordinance.
- (c) All remedies provided herein shall, to the extent allowed by law, be cumulative for each violation to which they apply.

Sec. 26-17. - Penalties.

- (a) Violation of any provision of this chapter shall be punishable as provided in Code of Ordinances of the City of Hillsdale, Michigan.
- (b) The owner and if applicable, the tenant of any building, structure, premises, or part thereof who commits, participates in, or maintains such violation may be found responsible for a separate offense and subject to the penalties herein provided.
- (c) Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 26-18. - Appeals and variances.

Any person aggrieved by a decision of the zoning administrator relative to the placement, area, height or construction of a sign may appeal such decision to the zoning board of appeals. The zoning board of appeals may grant a variance from the requirements of this chapter after a public hearing as follows:

On a factual proof presented by the applicant for such variance that is found to be satisfactory and credible by the zoning board of appeals that:

- (1) The variance would not be contrary to the public interest or general purpose and intent of this chapter;
 - (a) The variance does not adversely affect properties in the immediate area of the proposed sign.
 - (b) The petitioner has a hardship or practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property.
 - (c) The variance sought is one for an historic sign which, if not related to the business currently conducted on the property on which it is located, shall not be included as part of the aggregate sign area.
- (2) Duration of variances. All sign variances shall terminate upon alteration or reconstruction of more than 50 percent of the sign, or at a date set by the zoning board of appeals. Historic variances may be subject to review.

Sec. 26-19. - Authority.

- (a) As a condition precedent to acting on a request to the zoning administrator or planning commission for approval of the installation, creation, erection, or maintenance of any sign under the provisions of this article, the applicant shall furnish such surveys, plans, or other information as may be reasonably required by the zoning administrator or planning commission for the proper consideration and investigation of the matter.
- (b) The zoning administrator or the planning commission may, after completion of his or its consideration or investigation deny approval, grant approval, or grant approval subject to such conditions and limitations as determined necessary to fulfill the intent and purposes of this article; provided, however, that the factual reasons for the decision reached shall be stated in writing.

Secs. 26-20—26-30. - Reserved.

ARTICLE II. - DISTRICT REGULATIONS

Sec. 26-31. - All zoning districts.

The following sign regulations are applicable to all zoning districts:

- (1) Portable and temporary signs are prohibited, unless provided for elsewhere in this chapter.
- (2) ~~Political signs shall be removed within two days after the official election or referendum to which the sign pertains.~~
- (3) ~~Real estate signs shall be removed within ten days after the completion of the sale or lease of the property.~~
- (4) ~~Construction signs are permitted within any zoning district, if they do not exceed 32 square feet in area. Construction signs may not exceed eight feet in height, or be erected until a proper building permit for the construction has been approved. Construction signs must be removed upon an occupancy permit being issued.~~
- (5) ~~Special events signs for governmental and nonprofit organizations, including banners, are permitted within any zoning district; provided, that no more than five such signs shall be allowed per event. Special events signs shall be limited to 21 days previous to the event and 48 hours after the event. Special events signs may not exceed 32 square feet or five feet in height, and shall comply with district setback requirements.~~
- (6) ~~Directional signs are permitted subject to compliance with the following conditions:~~
 - (a) ~~Directional signs may be placed only on premises;~~
 - (b) ~~Directional signs may contain either a company logo or company name but not both;~~
 - (c) ~~Directional signs may not contain any advertising copy;~~
 - (d) ~~Directional signs may not exceed six square feet or six feet in height as the sign stands;~~
 - (e) ~~Directional signs shall be limited to vehicular traffic control functions only;~~
 - (f) ~~Temporary directional signs shall be allowed for not to exceed 30 calendar days at which time they shall either be permanently removed or removed and replaced with a permanent sign fixture that is constructed and affixed in a permanent manner and in accordance with all applicable statutes, ordinances, rules, regulations and other applicable law.~~
- (7) ~~Garage and occasional sale signs are allowed. Only one sign on premises per lot on which the sale is being conducted is allowed. Garage and occasional sale signs may not exceed six square feet in area. The sign may be erected one day prior to and removed one day after the sale.~~
- (8) All signs shall be set back at least eight feet from the property line in all zoning districts, unless provided for elsewhere in this chapter.
- (9) ~~P-1 vehicular parking districts shall allow directional signage only.~~
- (10) All signs shall be prohibited from the sight clearance triangle.
- (11) Billboards shall be prohibited from all districts, except the general business (B-3) district. Billboards may not exceed 200 square feet in area, or 20 feet in height. Billboards must be set back a minimum of 30 feet from all property lines and shall be located a minimum of 1,000 feet from all other billboards on the same street. When abutting a residential district, no portion of the billboard shall be located closer than 200 feet from the property line. All permit applications for billboards must be submitted to the building department along with a landscaping plan.

Sec. 26-32. ~~O-1 office district.~~

Sign regulations in the ~~O-1 office district~~ shall be as follows:

O-1 Office District—Permitted Signs	
(a) Monument and freestanding signs*	
—Number	1 per lot or parcel
—Size	No greater than 24 square feet
—Location	Minimum of 8 feet outside of right-of-way
—Height	No higher than 6 feet
(b) Wall signs*	
—Number	1 per street front
—Size	No greater than 5 percent of wall area to which the sign is affixed
—Location	On wall of building facing the street
(c) Political signs	
—Number	1 per issue or candidate
—Size	No greater than 6 square feet
—Location	Minimum of 8 feet outside of right-of-way
—Height	No higher than 6 feet
(d) Real estate signs	
—Number	1 per lot or parcel
—Size	No greater than 6 square feet
—Location	Minimum of 8 feet outside of right-of-way
—Height	No higher than 6 feet
* Total aggregate of 28 square feet in area per lot.	

Sec. 26-33. **26-32** - Residential districts.

Sign regulations in residential districts shall be as follows:

R-1, R-2, R-3 , RD-1, and RM-1 Zoning Districts—Permitted Signs	
(a) Monument and freestanding signs, for residential subdivisions, manufactured home parks, multiple-family complexes, schools, churches and other nonresidential uses allowed. No	

illumination is to be allowed inside residential districts, except churches.*	
Number	1 per major entrance
Size	No greater than 24 square feet
Location	Minimum of 8 feet outside of right-of-way
Height	No higher than 6 feet
(b) Wall signs for home occupations*	
Number	1 per lot or parcel
Size	No greater than 4 square feet
Location	On wall of building facing street
(c) Wall signs for nonresidential uses*	
Number	1 per street front
Size	No greater than 5 percent of the wall area to which it is affixed, not to exceed 28 square feet
Location	On wall of building, facing the street
(d) Political and real estate signs <u>Temporary yard signs</u>	
Number	1 per issue or candidate , 1 per lot or parcel
Size	No greater than 6 square feet
Location	Minimum of 8 feet outside of right-of-way
Height	No higher than 6 feet
* Total aggregate of 28 square feet in area per lot.	

Sec. 26-34. 26-33 - B-1 local business district.

Sign regulations in the B-1 local business district shall be as follows:

B-1 Local Business District—Permitted Signs	
(a) Monument and freestanding signs*	
Number	Only 1 freestanding, or monument sign per lot or parcel
Size	No greater than 32 square feet
Location	Minimum of 8 feet outside of right-of-way

Height	No higher than 6 feet for monuments, 21 feet for freestanding
(b) Wall signs*	
Number	1 per street front, maximum of 2
Size	No greater than 5 percent of the wall to which the sign is affixed, not to exceed 48 square feet
Location	On wall of building facing the street
(c) Political Signs	
Number	1 per candidate or issue
Size	No greater than 6 square feet
Location	Minimum of 8 feet outside of right-of-way
(d) Real estate signs	
Number	1 per lot or parcel
Size	No greater than 16 square feet
Location	Minimum of 8 feet outside of the right-of-way
Height	No higher than 6 feet
* Total aggregate of 48 square feet in area per lot.	

Sec. ~~26-35~~. **26-34** - B-2 central business district.

Sign regulations in the B-2 central business district shall be as follows:

B-2 Central Business District—Permitted Signs	
(a) Wall or projecting signs	
Number	1 per business tenant , plus 1 secondary sign facing a parking area side street or alley
Size	No sign or combination of signs may exceed 24 square feet per storefront; no allowed secondary sign or combination of signs may exceed 24 square feet
Location	On wall of building facing street, alley, or parking area

(b) Real estate and political signs	
Number	1 per lot or parcel, 1 per issue or candidate
Size	No greater than 6 square feet
Location	Minimum of 5 feet from adjacent property, minimum of 8 feet outside of the right-of-way, unless placed on the wall of the building
Height	No higher than 6 feet
(c) Freestanding and monument signs	
Number	Only one freestanding, or monument sign per lot or parcel
Size	No greater than 24 square feet
Location	Minimum of 8 feet outside of the right-of-way
Height	No higher than 6 feet for monuments, 21 feet for freestanding
(d) Marquee, suspended and awning signs	
Number	1 per business
Size	No greater than 24 square feet per storefront, on awning face, or 40 percent of marquee face
Location	On face of awning or marquee, or suspended from plane
Height and overhang	Minimum clearance of 8 feet from bottom of sign, maximum overhang of 8 feet into the right-of-way

Sec. ~~26-36~~. **26-35** - B-3 general business district.

Sign regulations in the B-3 general business district shall be as follows:

B-3 General Business District—Permitted Signs	
(a) Monument and freestanding signs and business center	
Number	1 per 300 feet of lineal road frontage, only one monument, freestanding, or business center sign per 300 feet of lineal road frontage
Size	Business center identification , freestanding and monument signs not to exceed 100 square feet
Location	Minimum of 5 feet from adjacent property, and, 4 feet outside of the right-of-way
Height	No higher than 6 feet for monument, 28 feet for freestanding or business center
(b) Wall signs	

Number	1 per tenant; a secondary sign will be allowed providing the aggregate amount of signage does not exceed 8 percent of the main face of the building
Size	No greater than 8 percent of the main face of the building
Location	On wall of building facing the street
(e) Political and real estate signs <u>Temporary yard signs</u>	
Number	1 per issue or candidate, 1 per lot or parcel
Size	No greater than 6 square feet
Location	Minimum of 5 feet from adjacent property, and 8 feet outside of the right-of-way
Height	No higher than 6 feet

Sec. ~~26-37~~. **26-36** - I-1 light industrial district.

Sign regulations in the I-1 light industrial district shall be as follows:

I-1 Light Industrial District—Permitted Signs	
(a) Monument and freestanding signs	
Number	1 per lot or parcel major entrance
Size	No greater than 60 square feet
Location	Minimum of 5 feet from adjacent property, minimum of 8 feet outside of the right-of-way
Height	No more than 8 feet
(b) Wall signs	
Number	1 per street front
Size	No greater than 5 percent of the wall area to which the sign is affixed
Location	On wall of building, facing the street
(c) Directional signs <u>Temporary yard signs</u>	
Height	No more than 6 feet
Size	No greater than 12 square feet (permit not required for less than 6 square feet)
Location	Minimum of 5 feet from adjacent property, minimum of 8 feet outside of the right-of-way

(d) Real estate and political signs	
—Number	1 per lot or parcel, 1 per issue or candidate
—Size	No greater than 6 square feet
Location	Minimum of 5 feet from adjacent property, minimum of 8 feet outside of the right-of way
—Height	No more than 6 feet

Sec. 26-38. I-2 heavy industrial district.

Sign regulations in the I-2 heavy industrial district shall be as follows:

I-2 Heavy Industrial District—Permitted Signs	
(a) Monument sign and freestanding	
—Number	1 per lot or parcel major entrance
—Size	No greater than 60 square feet
Location	Minimum of 5 feet from adjacent property, minimum of 8 feet outside of the right-of way
—Height	No more than 8 feet
(b) Wall signs	
—Number	1 per street front
—Size	No greater than 5 percent of the wall area to which the sign is affixed
Location	On wall of building, facing the street
(c) Directional signs	
—Height	No more than 6 feet
—Size	No greater than 12 square feet (permit not required for less than 6 square feet)
Location	Minimum of 5 feet from adjacent property, minimum of 8 feet outside of the right-of way
(d) Political and real estate signs	
—Number	1 per issue or candidate, 1 per lot or parcel
—Size	No greater than 6 square feet
	Minimum of 5 feet from adjacent property, minimum of 8 feet outside of the right-

Location	of-way
—Height	No more than 6 feet

Sec. ~~26-39~~. 26-37 - C-1, college district.

Sign regulations in the C-1 college district shall be as follows:

C-1 College District—Permitted Signs	
(a) Campus entrance and building identification signs, monument and freestanding signs. These signs are allowed on college-owned property only and must be located at least 50 feet from any residential use. No illumination is to be allowed without planning commission approval.	
Number	Only 1 major campus identification sign at the main entrance to the campus. Building identification—1 per major entrance, unless there is more than 200 feet of frontage, in which case a secondary freestanding sign may be allowed.
Size	Campus entrance, no greater than 150 square feet
Location	Minimum of 15 feet outside of the right-of-way
Height	No more than 15 feet
(b) Wall signs for street side of campus area	
Number	1 per building
Size	2 square feet for each lineal foot of building front up to an aggregate of 150 square feet of sign area
Location	On wall of building, facing the street
(c) Internal campus area signs which are meant to direct and inform and are primarily designed to serve a pedestrian-oriented community shall be exempt from the permit requirements of this section. This includes building identification signs, temporary signs, traffic, parking, and pedestrian directional signs.	
Location	Internal campus area, may not be visible from property perimeter
(d) Campus Perimeter signs must be located on college-owned property and are designed to inform and direct pedestrian and vehicle traffic. These signs are primarily for parking areas located on the perimeter of the internal campus area. No illumination allowed without planning commission approval.	
Number	1 per lot or parcel
Size	No greater than 10 square feet
Location	Minimum of 8 feet outside of the right-of-way and a minimum of 50 feet away from any residential use
Height	No more than 8 feet

(e) ~~Sports complex/activity center signs~~, Monument and freestanding signs. These Signs are allowed on college-owned property and must be located at least 50 feet from any residential use. No illumination ~~is to be~~ allowed without planning commission approval. Changeable copy is allowed.

Number	1 per building
Size	No greater than 100 square feet
Location	Minimum of 8 feet outside the right-of-way
Height	No higher than 10 feet