

# CITY OF HILLSDALE



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

## **Planning Commission Agenda** **August 21, 2018**

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

Any Commission related item – 3 min. limit
- III. Consent Items/Communications**
  - A. Approval of agenda – **Action**
  - B. Approval of Planning Commission 07.17.2018 minutes – **Action**
- IV. Old Business**

Bylaw revisions – **Action**
- V. New Business**
- VI. Zoning Ordinance Review**
  - A. Chapter 26 – Sign Ordinance
  - B. Division 9 (I-1) Industrial District
- VII. Zoning Administrator Report**
- VIII. Commissioner’s Comments**
- IX. Adjournment**

**Next meeting September 18, 2018 at 5:30 pm**



**PLANNING COMMISSION MINUTES**

**HILLSDALE CITY HALL,**

**97 N. Broad Street**

**July 17, 2018 at 5:30 PM**

**I. Call to Order 5:38 pm**

- A. Members present: Mayor Pro-tem William Morrissey, Commissioners Kerry Laycock, Eric Moore, Ron Scholl and Eric Swisher
- B. Others present: Jack McLain
- C. Members absent: Chairwoman Amber Yoder and Vice Chairman Samuel Nutter,
- D. In the absence of the Chairwoman, Commissioner Moore Chaired the meeting

**II. Public Comment**

None

**III. Consent Items/Communications**

Motion to approve the consent agenda offered by Commissioner Scholl, seconded by Commissioner Swisher. All in favor.

**IV. Preliminary Site Plan Review**

There was discussion of the project. Topics included storm-water management, road design, project plan and timing of phases, public space and walkability, native trees and landscaping, price point and market analysis, master deed restrictions and review process, parking, and design of duplex units. The Planning Commission indicated that it is favorable to the initial concept for the Hillsdale Commons project.

The Planning Commission has some concerns related to the project that are best addressed early in the approval process. They are:

1. Can there be modifications made to the plan that would provide public greenspace and improved walkability?
2. Can there be an inventory of native hardwood trees on the site and a plan to retain as many of these trees as is feasible?
3. What is being proposed for road construction in terms of quality standards and durability?
4. The Planning Commission would prefer to see the plans and elevations of the dwellings in the initial site-plan review.
5. The Planning Commission would like to see a draft of the master deed. The Planning Commission would like to see a deed restriction that places a limit on the length of time a unit may be rented (versus owner occupied).
6. What is the plan for cul-de-sac modifications to improve maneuverability of public safety equipment?

The Planning Commission stated that it welcomes face-to-face dialogue on these issues and, as always, encourages developers to attend Commission meetings. Developer attendance at Planning Commission meetings can facilitate early resolution of questions and help assure a timely approval process.

**V. Old Business**

None

**VI. New Business**

None

**VII. Zoning Ordinance Review**

City Council has returned the Sign Ordinance (Chapter 26) for additional review by the Planning Commission. Council seeks to streamline the ordinance. The Planning Commission will take up the sign ordinance at its August meeting.

**A. 36-6 Definitions**

Definition: The Planning Commission accepted the definition of short-term rental as written.

**B. Secs. 36-436 thru 36-437 Short Term Rentals**

Commissioner Scholl sought clarification of kitchen and dining activities related to short-term rentals. These are allowable in the business district and a bed-and-breakfast within that district might be allowed to operate a dining business, but the requirements are covered elsewhere. A bed and breakfast within a residential district would not be allowed to operate a catering or dining business.

**C. Division 9 (I-1) Industrial District**

Discussion was held regarding child care within the industrial district. It is understood to be related to child care for employees.

The Planning Commission requested that the Zoning Administrator seek to define categories of permissible industrial activity and not try to list specific manufacturing processes that may be outdated and exclude desirable new manufacturing processes.

**VIII. Commissioner's Comments**

None

**IX. Zoning Administrator's Report**

The Zoning Administrator updated the Planning Commission on the Dawn Theatre and Kiefer House projects.

**X. Adjournment**

Commissioner Laycock moved to adjourn. Commissioner Scholl seconded. All in favor. Meeting adjourned at 7:14 pm.

**Next meeting: August 21, 2018 at 5:30 pm.**



**TO: Planning Commission**

**FROM: Zoning Administrator**

**DATE: August 21, 2018**

**RE: Planning Commission Bylaw Revisions**

**Background:** With the majority of the ordinances reviewed and approved or pending, it is time to get back to finalizing the bylaws. The revision included reflects all of the changes from the last review. The hope is to be able to finalize and adopt before the end of the calendar year.

**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 a City Ordinance or Charter provision, the applicable Ordinance or Charter provision will control.**
6. **If there is a conflict between the bylaws and the Planning Act, the Planning Act will control.**

## **II. Membership**

### **A. Liaisons**

The Commission may name “liaisons” to the Commission as provided in Section 2-233 of the Hillsdale City Code. 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. Planning 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 in the member’s first year which shall constitute the whole of training requirements for the member’s first term on the Commission.** 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, Michigan Municipal League, and continuing education programs of Michigan State University, University of Michigan, Northern Michigan University, Central Michigan University, or Wayne State University.

### **III. 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 *any of* 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 disinterested planning commission members.
3. Upon the determination of a conflict of interest, all of the following steps shall be taken:
  - a. The determination of the conflict of interest shall be declared on the record by the Commission, together with a statement of the underlying facts upon which the determination is based.
  - b. The affected member shall immediately cease any and all participation in the Commission's deliberations, review, and determination of the applicable 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 review, deliberation, and determination of the 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 pursuant to applicable law, 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. **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 the 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.

**IV. 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. Assure proper 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. Review and approve an agenda for Commission meetings pursuant to Section V of these Bylaws.
7. Perform such other duties as may be ordered by the Commission.

## **V. 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 edition of

Roberts Rules of Order 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 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.

**VI. 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.

Adopted: November 19, 2013

Effective: November 19, 2013



**TO: Planning Commission**

**FROM: Zoning Administrator**

**DATE: August 21, 2018**

**RE: Zoning Ordinance Amendments**

**Background:** Zoning Ordinance Chapter 26 - Signs and Division 9 – Industrial District are included for further discussion and approval of the Commission prior to scheduling a public hearing.

## 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 but relates to an owner or occupant that has not owned or occupied the premises where the sign is displayed for a period of at least 90 consecutive calendar days.

*Abandoned non-conforming sign* means a sign that does not conform to current ordinances and that relates to an owner or occupant that has not owned or occupied the premises where the sign is displayed for a period of at least 90 consecutive 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 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-premises sign that conveys a message not related to the owner or occupant of the lot on which the sign is located.

*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.

*Conforming sign* means a sign that conforms to current ordinances.

*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.

*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.

*Fixed-message area* means that portion of a permitted sign that is used for a permanent message.

*Flag* means a message, emblem or design 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 that has been granted historical status according to the guidelines set forth by the Michigan State Historic Preservation Office (SHPO).

*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.

*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 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.

*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.

*Non-conforming sign* means a sign related to the owner/tenant of the property that does not conform to current ordinances.

*Off-premises sign* means any sign located on property that displays a message or other information related to an owner/occupant 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 an owner/occupant of 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.

*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.

*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* 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 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.

*Signage 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 signage area.

*Site Clearance Triangle* means the area formed at the corner intersection of two public rights-of-way or a public right-of-way and a driveway. Two sides of the triangle area being ten feet in length measured along the right-of-way lines and/or access drive line and the third side being a line connecting these two sides. For the purpose of plantings located in the lawn extension/terrace, the site clearance triangle extends beyond the right-of-way line to the curb/edge of pavement at an angle perpendicular to both of those lines.

*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.

*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.



*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.

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) Flags.
  - (2) Government signs
  - (3) Historical markers erected by a federal, state, or local government.
  - (4) Decorative signs.
  - (5) Interior signs, signs not visible from any street.
  - (6) Memorial/Commemorative signs
  - (7) Murals
  - (8) Name/address signs
  - (9) State of Michigan tourist oriented directional signs.
  - (10) Window signs not to exceed 50 percent of window and glass area.
  - (11) Freestanding yard signs; so long as they are not placed within the public 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) Portable signs commonly referred to as "sandwich board" or "A-frame" shall be allowed for temporary use only. Only one such sign is permitted per tenant. These signs shall not exceed two feet in width and four feet in 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 no later than 10 pm and placed indoors. Sandwich board/A-frame signs that are left out beyond this time shall be in violation of this chapter. This provision shall also apply to T-shaped or inverted "T" signs, which shall be subject to the same restrictions.
- (i) 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.

- (j) 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.
- (k) 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.
- (l) No signs, including, but not limited to, banners and placards or other publicly displayed structures carrying lettering or designs 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 structures carrying lettering or designs in, upon, or over the 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) Vehicles, which are not used for any other 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 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.
- (g) No roof sign shall be erected above the roof line of a building without review and approval the zoning administrator.
- (h) 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.
- (i) 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.
- (j) 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 temporary yard signs may not be placed in the public right-of-way.
- (2) Wall-mounted temporary signs. One wall-mounted 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) Temporary window signs. One temporary window sign shall be permitted in lieu of a freestanding or wall-mounted temporary sign subject to the same restrictions. In addition, the sign shall not exceed 50 percent of the window area.
- (4) 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, RD-1	6 feet	6 square feet
B-2	6 feet	6 square feet

B-1, RM-1, C-1	6 feet	16 square feet
B-3	6 feet	24 square feet
I-1	8 feet	32 square feet

- (5) *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.
- (6) *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) *Flag.*
- (3) *Permanent window signs.* 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, RD-1, RM-1 (Nonresidential special use group)	1 per street front	5%	Not to exceed 24 sq. ft.	Wall of building
B-1	1 per street front	5%	Not to exceed 48 sq. ft.	Wall of building
B-2	1 per tenant		No aggregate may exceed 48 sq. ft. per lot	Wall of building facing street, alley or parking lot
B-3	1 per tenant	8%	No aggregate may exceed 8% of main face	Wall of building facing street
C-1	1 per building		2 square feet for each lineal foot of building front up to an aggregate of 150 square feet of sign area	On wall of building, facing the street
I-1	1 per street front	5%		Wall of building facing street

(3) *Freestanding signs.* On-premises, freestanding 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, RD-1, RM-1 (Nonresidential special use group)	6 ft.	24 sq. ft.	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	10 ft.	100 sq. ft.	1 per building	Min. 8 ft. outside right-of-way
I-1	8 ft.	60 sq. ft.	1 per major	Min. 8 ft.

			entrance	outside right-of-way
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- (5) *Sandwich boards.* One "sandwich board" or "A-frame" sign shall be allowed for the temporary purposes, 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 no later than 10 pm. Sandwich board/A-frame signs that are left out after the designated time shall be in violation of this chapter.
  - d. Signs within the public right-of-way.
  - e. This provision shall also apply to T-shaped or inverted "T" signs and shall be subject to the same restrictions with each tenant allowed only one such sign per tenant, regardless of type (A-frame, T-shaped or inverted "T").

Sec. 26-9. - Special condition signs.

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

- (1) Historic signs. Contact the Michigan State Historic Preservation Office (SHPO) for more information.
- (2) Wall-mounted signs above the first floor of a multiple-story building related to one or more of the tenants housed within the building. Refer to chart in section 26-8.
- (3) 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.
- (4) Murals shall be permitted in the B-2, B-3, C-1, PRD, PRF, PUD and I-1 districts only.
- (5) 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.
- (6) 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.
- (7) *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. Distance from buildings;
    - 2. Distance from property lines;
    - 3. Distance from right-of-way.
  - b. Sign size:
    - 1. Height and width;
    - 2. Building location;
    - 3. Height above grade or finish floor line;
    - 4. Location of sign from side to side of wall;
    - 5. Percentage of wall used for signage.
  - c. Awning:
    - 1. Size;
    - 2. Distance above grade or finish floor line;
    - 3. Signage measurement relative to awning edges;
    - 4. Signage height and width.
  - d. Sign characteristics:
    - 1. Shape of sign;
    - 2. Sign materials.
  - e. Mural:
    - 1. Height and width;
    - 2. Building location;
    - 3. Distance above grade or finish floor line;
    - 4. 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. 26-10. - 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. 26-11. - 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 public right-of-way in violation of this ordinance 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 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 non-conforming signs altered over 50 percent.



Sec. 26-12. - Permit and fee schedule.

Refer to the City of Hillsdale Fee Schedule for permit fees.

Sec. 26-13. - Violations.

- (a) Violation of any provision of this chapter shall constitute a municipal civil infraction, punishable as provided in Article II of Chapter 20 of the 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. 26-14. - Enforcement and remedies.

- (a) A municipal civil infraction citation shall be issued for any violation of this chapter, 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 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 law to have the sign 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 applicable law
- (c) All remedies provided herein shall, to the extent allowed by law, be cumulative for each violation to which they apply.

Sec. 26-15. - Penalties.

- (a) Violation of any provision of this chapter shall be punishable as provided in Article II, Chapter 20 of the Code of Ordinances of the City of Hillsdale, Michigan.
- (b) The owner and if applicable, the tenant or other occupant 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. 26-16. - Appeal procedure.

- (a) An appeal may be taken to the board of appeals by any person, firm or corporation, or any officer, department, board or bureau affected by a decision of the building inspector. Such appeal shall be taken within such time as shall be prescribed by the board of appeals, by general rule, by filing with the building inspector and with the board of appeals a notice of appeal, specifying the grounds thereof. The building inspector shall forthwith transmit to the board of appeals all of the papers constituting the record upon which the action appealed from was taken.
- (b) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the building inspector certifies to the board of appeals after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property; in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by the board of appeals or by a court of record on application, on notice to the building inspector, and on due course shown.
- (c) The board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.
- (d) A fee as currently established or as hereafter adopted by resolution of the city council from time to time shall be paid to the secretary of the board of appeals at the time that notice of appeal is filed, which the secretary shall forthwith pay over to the city treasurer to the credit of the general fund of the city.
- (e) 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.

Sec. 26-17. - 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 are determined to be 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. 26-18—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, except as otherwise provided for elsewhere in this chapter.
- (2) All signs shall be set back at least eight feet from the property line in all zoning districts, unless otherwise provided for elsewhere in this chapter.
- (3) All signs shall be prohibited from the sight clearance triangle.
- (4) 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 - Residential districts.

Sign regulations in residential districts shall be as follows:

R-1, RD-1, and RM-1 Zoning Districts—Permitted Signs	
(a) Monument and freestanding signs, for residential subdivisions, manufactured home parks, multiple-family complexes, schools and churches. 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*	
Number	1 per lot or parcel
Size	No greater than 4 square feet
Location	On wall of building facing street
(c) Wall signs*	
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) Temporary yard signs	
Size	No greater than 6 square feet
Location	outside of right-of-way
Height	No higher than 6 feet
* Total aggregate of 28 square feet in area per lot.	

Sec. 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, C-1 College 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) Temporary Yard Signs	
Size	No greater than 16 square feet
Location	outside of the right-of-way
Height	No higher than 6 feet
* Total aggregate of 48 square feet in area per lot.	

Sec. 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
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(a) Wall or projecting signs	
Number	1 per 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) 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
(c) Marquee, suspended and awning signs	
Number	1 per tenant
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. 26-35 - 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	
Number	1 per 300 feet of lineal road frontage, only one monument, freestanding sign per 300 feet of lineal road frontage
Size	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
(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
(c) Temporary yard signs	
Size	No greater than 6 square feet
Location	outside of the right-of-way
Height	No higher than 6 feet

Sec. 26-36 - I-1 Industrial district.

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

I-1 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) Temporary yard signs	
Height	No more than 6 feet
Size	No greater than 12 square feet
Location	outside of the right-of-way

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

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

C-1 College District—Permitted Signs	
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(a) 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 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	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	
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 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.	
Location	Internal area, may not be visible from property perimeter
(d) 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 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) Monument and freestanding signs. Signs allowed on college-owned property and must be located at least 50 feet from any residential use. No illumination allowed without planning commission approval. Changeable copy 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

## DIVISION 9. - I-1 INDUSTRIAL DISTRICT

### Sec. 36-311. - Generally.

The I-1 Industrial District is designed so as to primarily accommodate wholesale and warehouse activities, and industrial operations whose external physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The I-1 district is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of raw, finished or semi-finished products from previously prepared material. It is the intent of this division that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted.

### Sec. 36-312. - Principal uses permitted.

In an I-1 industrial district, no land or building shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) ~~Any of the following~~ **All** uses **as described in Sec. 36-311** when **shall be** conducted wholly within a completely enclosed building, or within a designated area enclosed on all sides except the front with a six-foot obscuring fence or solid wall. The fence or wall shall be completely obscuring on those sides where abutting or adjacent to districts zoned for residential use.
  - ~~a. Warehousing and wholesale establishments, and trucking facilities.~~
  - ~~b. The manufacture, compounding, processing, packaging, or treatment of products such as but not limited to bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products (excluding the slaughtering of animals), hardware and cutlery; tool, die, gauge, and machine shops, and the manufacturing, compounding, processing or treatment of light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.~~
  - ~~c. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials, such as but not limited to bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, paper, plastics, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood, yarns, and leather.~~
  - ~~d. The manufacture of property and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.~~
  - ~~e. Any of the following production or manufacturing uses, not including storage of finished products; provided that they are located not less than 500 feet distant from any residential district and not less than 200 feet distant from any other district:~~
    - ~~1. Electric Arc furnace, blooming or rolling mill;~~
    - ~~2. Manufacture of corrosive acid or alkali, cement, lime, gypsum, or plaster of Paris;~~
    - ~~3. Smelting of copper, iron, or zinc ore;~~



- ~~4. Slaughterhouses when conducted within a completely enclosed building.~~
- ~~f. Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other small molded rubber products.~~
  - ~~g. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.~~
  - ~~h. Laboratories, experimental or film, or testing.~~
  - ~~i. Warehouse, storage and transfer and electric and gas service buildings and yards; water supply and sewage disposal plants; water and gas tank holders; railroad transfer and storage tracks; heating and electric power generating plants, and all necessary uses; railroad rights of way; freight terminals.~~
  - ~~j. Storage facilities for building materials, sand, gravel, stone, lumber, open storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all residential, office, or business districts, and on any front yard abutting a public thoroughfare. In any I-1 district, the extent of such fence or wall may be determined by the board of appeals on the basis of usage. Such fence or wall shall not be less than six feet in height, and may, depending on land usage, be required to be eight feet in height.~~
  - ~~k. Junkyards, provided such are entirely enclosed within a building or within an eight-foot obscuring wall. There shall be no burning on the site and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.~~
- (2) All public utilities, including buildings, necessary structures, storage yards and other related uses including:
    - ~~a. Offices;~~
    - ~~b. Telephone exchange buildings;~~
    - ~~c. Electrical transformer stations or substations;~~
    - ~~d. Gas regulator stations or gas tank holders; and~~
    - ~~e. Water supply plants, water tank holders, wells or pumping stations.~~
  - (3) Accessory buildings and uses customarily incidental to any of the above permitted uses.
  - (4) Other uses of a similar character subject to such conditions, requirements, and safeguards as set forth in sections 36-314 and 36-315.

Sec. 36-313. - Uses subject to special conditions.

The following uses shall be permitted in an I-1 industrial district, after review and approval of the site plan by the planning commission or zoning administrator, whichever is indicated, subject to the conditions imposed in this section for each use:

- (1) Restaurants, or other places serving food or beverage or other businesses ~~except those having the character of a drive in so called, automobile filling stations, newsstands and tobacco shops, which in the opinion of the planning commission are intended to serve~~

the convenience needs of persons working in the industrial district subject to the regulations applicable to such uses.

- ~~(2) Auto repair station and undercoating shops when completely enclosed. Dismantling of unlicensed vehicles and/or the sale of dismantled parts of vehicles is expressly prohibited.~~
- ~~(3) Lumber and Planing Mills when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the I-1 district.~~
- ~~(4) Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.~~
- ~~(5) Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.~~
- ~~(6) Other uses which in the determination of the board of appeals, after requesting and receiving a recommendation from the planning commission, are of a similar character to the above uses, and subject to the requirements set forth in sections 36-314 and 36-315.~~
- ~~(7) Family day care home, as defined in section 36-6, the in-home care of one to six or fewer minor children subject to the following conditions:
  - ~~a. No dormitory facilities shall be provided or permitted.~~
  - ~~b. A designated outdoor play area shall be required which complies with state licensing rules. The outdoor play area must be located in the rear yard, as defined in section 36-6, and be enclosed by a fence of at least 4½ feet in height.~~
  - ~~c. Signs, as defined in section 26-2, shall be allowed in accordance with the regulations applicable to zone district in which the property is located.~~
  - ~~d. No family day care home may commence operations until and unless the zoning administrator first approves of occupancy, which approval shall be subject to the applicant providing him or her proof of compliance with all of the following:
    - ~~1. Registration of said operation with the city as a family day care home;~~
    - ~~2. Licensure by the state for the operation of a family day care home;~~
    - ~~3. Submission to and compliance with other requirements and restrictions established in this division and other applicable inspections required under the property maintenance code adopted by the city;~~
    - ~~4. Compliance with all other requirements and restrictions established in this division and other applicable provisions of this chapter.~~~~~~
- ~~(8) Group day care home, as defined in section 36-6, the in-home care of seven to 12 minor children subject to the following conditions and restrictions:
  - ~~a. No dormitory facilities shall be provided or permitted.~~
  - ~~b. A designated outdoor play area shall be required which complies with state licensing rules. The outdoor play area must be located in the rear yard, as defined in section 36-6, and be enclosed by a fence at least 4½ feet in height.~~~~

- ~~e. Signs, as defined in section 26-2, shall be allowed in accordance with the regulations applicable to the zone district in which the property is located.~~
  - ~~d. No group day care home may commence operations until and unless the zoning administrator first approves of occupancy, which approval shall be subject to the applicant providing him or her proof of compliance with all of the following:
    - ~~1. Registration of said operation with the city as a group day care home;~~
    - ~~2. Licensure by the state for the operation of a group day care home;~~
    - ~~3. Submission to and compliance with other requirements and restrictions established in this division and other applicable inspections required under the property maintenance code adopted by the city;~~
    - ~~4. Compliance with all other requirements and restrictions established in this division and other applicable provisions of this chapter.~~~~
- (9) Child care facility, as defined in section 36-6, for the care of one or more minor children in other than a private home, subject to the following conditions and restrictions:
- ~~a. All conditions and restrictions as are applicable to a group day care home pursuant to subsection (8) of this section.~~
  - ~~b. A designated outdoor play area shall be required which complies with state licensing rules. The outdoor play area must be located in the rear yard, as defined in section 36-6, and be enclosed by a fence at least 4½ feet in height.~~
  - ~~e. Signs, as defined in section 26-2, shall be allowed in accordance with the regulations applicable to zone district in which the property is located.~~
- (10) An educational facility which is a trade or vocational school ~~shall be permitted in the I-1 industrial district.~~
- (11) An animal hospital ~~shall be permitted in the I-1 industrial district~~, kennels located on the lot must meet all conditions in this section.
- (12) A kennel which meets all of the following conditions: ~~shall be permitted in the I-1 industrial district:~~
- a. If the lot on which the kennel is located abuts a Residential District, any structure shall be not less than 50 feet from each abutting residential lot line.
  - b. Each kennel which has an outside exercise run or treatment area shall have a lot size of not less than ten acres.
  - c. If a kennel has an open exercise run or treatment area, the open exercise run or treatment area shall be located not less than 400 feet from any lot line.
- (13) The use of a lot for the sale or lease of new or used automobiles, trailers, boats, farm machinery or equipment, recreational vehicles, lawn furniture, playground equipment or garden supplies, which meets all of the following conditions: ~~shall be permitted in the I-1 industrial district:~~
- a. Each point of vehicular ingress and egress to the lot shall be not less than 60 feet from the intersection of any two streets.

- b. Any repair or refinishing which is done on the lot shall be done within the confines of an enclosed structure.
  - c. Lighting shall be confined within and directed onto the sales, lease or parking area only.
  - d. The portion of the lot on which the items described in this subsection are located shall have a buffer zone of at least eight feet from all lot lines adjacent to the public right-of-way, excluding approved driveways, and any residentially zoned property.
- (14) A motor vehicle repair station which meets all of the following conditions shall be permitted in ~~the I-1 industrial district~~:
- a. All activities shall be conducted within an enclosed structure.
  - b. Any vehicle stored on the lot shall be stored in an enclosed structure or within a completely fenced area.
- (15) A clinic shall be permitted in the I-1 industrial district, if the lot on which the clinic is located has not less than one lot line abutting a principal or minor street. Each point of ingress or egress shall be directly onto a principal or minor street.
- ~~(16) A structure which is used by a governmental entity may be permitted in the I-1 industrial district.~~
- (17) A residential use which meets the lot area and parking requirements of the residential zoning district ~~may be permitted in the I-1 industrial district.~~

Sec. 36-314. - Required conditions.

Any use established in the I-1 district after the effective date of the ordinance codified in this chapter shall be operated so as to comply with the performance standards set forth in article VII of this chapter.

Sec. 36-315. - Area and bulk requirements.

See division 16 of this article limiting the height and bulk of buildings and the minimum size of lot by permitted land use in the I-1 industrial district.

Secs. 36-316—36-330. - Reserved.