

CITY OF HILLSDALE



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

Planning Commission Agenda December 18, 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 10.16.2018 minutes – **Action**
- IV. **Old Business**

Chapter 26 Sign Ordinance – **Action**
- V. **New Business**
 - A. 2019 Meeting Schedule – **Action**
 - B. Sec. 36-436 Prohibition of Marihuana Establishments Ordinance – **Discussion**
- VI. **Zoning Ordinance Review**
- VII. **Zoning Administrator Report**
- VIII. **Commissioner's Comments**
- IX. **Adjournment**

Next meeting January 15, 2018 at 5:30 pm



PLANNING COMMISSION MINUTES

HILLSDALE CITY HALL,

97 N. Broad Street

October 16, 2018 at 5:30 PM

I. Call to Order 5:31 pm

- A. Members present: Chairwoman Amber, Yoder, Vice Chairman Samuel Nutter, Secretary, Kerry Laycock, Mayor Pro-tem, William Morrissey, and Commissioner Eric Swisher
- B. Others present: Alan Beeker, Josh Mann, Anthony McMillan, Rich Pewe and Jack McLain
- C. Members absent: Commissioners Eric Moore and Ron Scholl

II. Public Comment

Jack McClain had a question about the August Planning Commission meeting posting.

Jack McClain asked again about why the Planning Commission had questions about rental units in the proposed Hillsdale Commons project but not for the new condominiums at Hillsdale College. Commissioner Laycock reiterated that the projects are based on different design and usage concepts, that they are in different zoning districts and that they differ in scope (number of units). As such, the Planning Commission has different questions.

Jack McClain noted that the August Planning Commission minutes failed to note Mr. Beeker's presence. Jack McClain asked again about signage at Hillsdale College. Mr. Beeker explained that the signs in question were wayfinding signs and different from building signs. Mr. Beeker further reiterated that the College signage is under review.

III. Consent Items/Communications

Commissioner Morrissey asked for a correction of the spelling of his name on future Planning Commission documents.

Motion to approve the consent agenda offered by Commissioner Morrissey, seconded by Commissioner Nutter. All in favor.

IV. Preliminary Site Plan Review

Mr. Beeker reviewed the Staff Report and identified concerns. Mr. Beeker indicated that changes in response to staff findings had been made but were not yet updated on the drawings submitted to the Planning Commission.

Commissioner Nutter asked for clarification on sidewalk domes. Mr. Beeker indicated that the City has a uniform standard and the plans complied with this. Commissioner Laycock asked if the lots on the site plan were being joined. Mr. Beeker said that they were and that a new parcel ID would be issued.

Josh Mann from Progressive ae, was present to answer questions about the project. Commissioner Laycock asked if the large trees on the site could be saved. Mr. Mann indicated that the project will compact the soil and likely lead to the death of the trees. As such, the existing trees will be removed. Mr. Mann reviewed plans for replacement trees.

Jack McClain spoke out of order and questioned the fencing used for tree protection of trees that were to remain. Mr. Beeker explained the fencing was temporary and not subject to a permit.

Commissioner Nutter motioned for approval of the site plan pending final drawings, zoning and DPS approval. Commissioner Swisher seconded. All in favor.

V. Public Hearing

A. Chapter 26 – Sign Ordinance

Jack McClain asked how far the set-back from the right-of-way was required for signs in the College district. Mr. Beeker explained that there was no set-back requirement. Signs must simply be out of the right-of-way. Jack McClain asked again about multiple signs on College property.

There was a brief discussion of the placement of political (temporary yard) signs. Mr. Beeker explained they are allowed outside of the right-of-way.

B. Division 9 (I-1) Industrial District

Mr. Beeker noted the removal of the sentence regarding bulk shipment of raw materials.

There was no further discussion

Commissioner Swisher motioned to accept the revisions as presented and to forward to City Council with a recommendation for approval. Commissioner Morrissey seconded. All in favor.

VI. Old Business

None

VII. New Business

None

VIII. Zoning Ordinance Review

None

IX. Zoning Administrator's Report

Mr. Beeker noted that the developer will close on the Keefer House purchase this month. Mr. Beeker reviewed sessions attended at the Michigan Planning conference. In particular, he noted a session on how zoning ordinances can present barriers to good development. Mr. Beeker concluded that the Planning Commission is addressing the issues raised in the session and feels confident that the City is moving in the right direction.

X. Commissioner's Comments

Commissioner Laycock expressed his continuing concern regarding the loss of large older trees throughout the City. He noted he had had informal discussions with residents of Rippon Street and shared their dissatisfaction with the loss of mature trees on the street as a result of the street reconstruction project. Discussion was held on the reasons for tree removal. Commissioner Laycock asked if commissioners were interested in studying tree preservation ordinances that have been implemented in other Michigan municipalities. There was general agreement to study the issue and to include it in the Planning Commission's 2019 work plan.

XI. Adjournment

Commissioner Nutter moved to adjourn. Commissioner Swisher seconded. All in favor. Meeting adjourned at 6:54 pm.

Next meeting: November 20, 2018 at 5:30 pm.



TO: Planning Commission

FROM: Zoning Administrator

DATE: December 18, 2018

RE: Zoning Ordinance Amendments

Background: The Sign Ordinance was once again rejected by Council. Councilman Bell submitted a red-lined copy of the ordinance for Council to review. Council voted to send it back to the Commission to discuss Councilman Bell's proposed revisions. Mr. Beeker sent the red-lined copy to Mr. Thompson, City Attorney for his review and his comments are included. The Commission is being asked to review the ordinance with both Councilman Bell's and Mr. Thompson's comments and instruct the Zoning Administrator to revise with the revised copy going back to Council for possible adoption.

ORDINANCE #2018-008

AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF THE CITY OF HILLSDALE

THE CITY OF HILLSDALE ORDAINS THAT:

Chapter 26 of the Code of the City of Hillsdale should be and is hereby amended to read as follows:

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 projects 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, (including 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 or 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 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 a 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) means a folding-type sign displayed 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 for a limited duration and which is not attached/affixed in any permanent manner.

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Temporary yard sign means any sign used for a limited duration 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 types of signs listed in subsection 26-4(b) 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 that impair legibility.
- (d) Sign supports, braces, guys, and anchors shall be maintained in such a manner so as to not 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) Sandwich board/A-frame signs shall be allowed for temporary use only. One such sign is permitted per entrance. 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 interfere with the view of drivers at any intersection. The sign must be removed when the business is closed. This provision also applies to T-shaped or inverted "T" signs.
- (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.

Commented [TT1]: I'm not sure what the original language was supposed to convey, and I don't think the revision proposed by Matt really fixes the problem. From the original language it looked to me like this is perhaps what the "provided the following signs" language was intended to convey.

Commented [TT2]: There was inconsistency in the original version where some subsections had periods at the end and others didn't. Matt's proposed solution was to eliminate all of the periods. I think the better choice from the standpoint of typical ordinance/statute drafting style is to include a period after each section.

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Commented [TT3]: Matt has a comment where he changes "a" to "the" indicating that, "Don't want other states, or other municipalities, putting up signs." As a practical matter, it probably wouldn't be a problem, because why would Indiana, for example, ever put up a historical marker in a Michigan municipality. Nonetheless, such a restriction essentially suggesting that another state or local government couldn't do so would likely be found to be unconstitutional.

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Commented [TT4]: Matt deleted this subsection with the notation that it was covered by #3. It is not. #3 deals with historical markers, while this provision deals with signs indicating where a tourist attraction is located. An example would be the sign on US-12 as you head west into downtown Jonesville, indicating the location of the Munro House.

Commented [TT5]: Matches the phrasing in the definitions section.

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Commented [TT6]: The original term was "tenant," which Matt has changed to "entrance." It seems to me that tenant would be more appropriate, because you may have multiple business tenants in some buildings where there is only one entrance to the building on the side where potential patrons might enter. This is something that would be an issue for the planning commission to consider and make a recommendation on.

Commented [TT7]: I deleted Matt's addition of the word "unduly." The term is vague and undefined, and creates problems for enforceability.

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Commented [TT8]: The original language provided that the sign should be removed "no later than 10 PM." The potential problem with Matt's proposed change is that you might have some businesses open 24 hours or until 2 AM. [1]

- (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.

Commented [TT9]: Matt proposed adding the phrase, "unless approved by the zoning administrator." It should not be added, as it essentially conveys unfettered discretion to the zoning administrator to essentially ignore the terms of the ordinance. It would also create a potential nightmare for enforcement. For example, there is no requirement in Matt's proposed language that the approval of the zoning administrator must be in writing. I can envision people cited for violations attempting to claim when they get into court that they received verbal approval of the zoning administrator, which would then require me to put on testimony from the zoning administrator that he did not give such approval, which would leave it to the court to decide who is telling the truth. To the extent the zoning administrator's approval is required, the specific provisions where that is the case are already set forth in the ordinance. Hence, if there is a provision that permits a sign subject to the zoning administrator's approval, and he gives that approval, then the sign would be "expressly permitted," rendering the proposed additional language redundant.

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- (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 that 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 by the zoning administrator.
- (h) 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, 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) If a sign is determined to be a public nuisance, as defined in chapter 14 of the City of Hillside 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.* 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) *Schedule of restrictions on temporary signs.* 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

Commented [TT10]: Most of the provisions of this Section of the ordinance have a heading like this, so I added one to this section is well. It makes sense to have the headings, they just need to consistently appear in all portions of the Section. There is also inconsistency in the use of italics for the subsection headings. Matt's proposed solution to this was to remove the italics for the headings. Instead, I recommend making sure that all of the headings are italicized. This makes it clear they are headings and not actually part of the enforceable ordinance language itself. This can sometimes be an issue where a court is asked to interpret the meaning of ordinance language.

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I-1	8 feet	32 square feet
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- (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/A-frame signs.* Permitted only as provided in section 26-8 and subject to the requirements of Section 26-4(h) and other applicable provisions of this Chapter.

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Sec. 26-7. - Permitted permanent signs.

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

- (1) *Government signs.* Governmental signs of a branch of local, state, or federal government, including traffic or similar regulatory devices, or signs required to be maintained or posted by law or governmental order, rule, or regulation.
- (2) *Flags. Flags as defined in Section 26-2.*
- (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.

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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 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:

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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 the 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:

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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:

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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	outside right-of-way
B-1	6 ft. — monument 21 ft. — freestanding	32 sq. ft.	1 per lot/parcel	outside right-of-way
B-2	6 ft. — monument 12 ft. — freestanding	24 sq. ft.	1 per lot/parcel	outside right-of-way
B-3	6 ft. — monument 28 ft. — freestanding	100 sq. ft.	1 per 300 linear ft. of frontage	outside right-of-way
C-1	10 ft.	100 sq. ft.	1 per building	outside right-of-way
I-1	8 ft.	60 sq. ft.	1 per major entrance	outside right-of-way

(4) *Sandwich board/A-frame signs.* One "sandwich board" or "A-frame" sign per entrance shall be allowed for temporary purposes, subject to the following conditions:

- 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.

Commented [TT11]: Again, the planning commission should consider whether to recommend to use the term "per tenant" or "per entrance" as Matt has suggested. I have an overall comment about this subsection. It seems to me that much of the subsection (such as this introductory language and the language in items b through d) is just a repeat of the requirements listed in Section 26-4(h). It strikes me that it makes more sense to reference the requirements of Section 26-4(h), rather than repeat the restrictions here. Having things repeated in the ordinance makes a bigger headache for enforcement purposes, particularly if we have to deal with it in court.

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- b. The placement of such a sign shall not interfere with the free and unobstructed travel of pedestrians on sidewalks or walkways, nor interfere with the view of drivers at any intersection, nor impede maintenance and/or snow and ice removal.
- c. Signs must be removed and placed indoors when the business is closed. Sandwich board/A-frame signs that are left out after the designated time shall be in violation of this chapter.
- d. Signs shall not be placed 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 business entrance, regardless of type (A-frame, T-shaped, or inverted "T").

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Commented [TT12]: Same comment as I expressed with regard to Section 26-4(h).

Commented [TT13]: The original language stated, "Signs within the right of way," with no further explanation. Matt correctly commented that this orphaned phrase didn't really make sense and suggested it be deleted. I tried to guess at what the phrase may have been intended to convey and reinserted the revised language here, just as a placeholder so that the planning commission is reminded to consider it. It may be that the intent is to make certain that the sign is not placed in the City's right of way.

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Commented [TT14]: This is a little different than the language in the introductory sentence of this subsection and the language in section 26-4(h), which only allow one sign per entrance (if you use Matt's suggested language), not one sign per entrance per tenant.

Commented [TT15]: This is the original language. Matt had changed this language to "when approved." I have reinserted the original language, since it makes it clear that the approval of the zoning administrator is required *before* placing the sign. We want to make it clear that you don't get to put up the sign first, and *then* seek approval for it. As you know, many people do this in an attempt to bludgeon the municipality into approving the sign, complaining about the amount they have invested in the sign that will be lost if they have to remove it.

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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, subject to the rules, requirements, and regulations of the Michigan State Historic Preservation Office (SHPO) and other applicable laws and regulations,
- (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 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 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) In reviewing signs, the zoning administrator or the planning commission shall consider the following to determine compliance with applicable ordinance provisions as 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.

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Commented [TT16]: I deleted the introductory heading here, since none of the other subsections of this Section have headings.

- 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 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.

Commented [TT17]: Matt proposed deleting this as redundant. I have reinserted it because an illegal sign is not the same thing as a nonconforming sign under the law applicable to zoning/sign ordinances.

Commented [TT18]: Matt asked for a definition here. As you know, this refers to a non-conforming use of a property/structure under the zoning ordinance, and ties in a sign that is accessory to that use/structure, which is different than a non-conforming sign itself. For example, the sign might be in compliance with the requirements of the sign ordinance, but it might be associated with a non-conforming use of the property where it is situated, which would then render the sign effectively non-conforming.

Commented [TT19]: Matt raised a question as to whether signs can be "grandfathered." As you know, the answer is "yes." That is essentially the definition of a non-conforming sign.

Commented [TT20]: Matt questions whether "may" should be changed to "shall." Shall would require the owner to restore the sign. We don't want to require them to do it, just give them the option to, if they want to. If they don't do it within the six month timeframe, then they lose the right to restore the non-conforming sign.

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Commented [TT21]: Matt deleted this language with a notation, "question for council." Council has already passed on this when they adopted the original sign ordinance. These sections should not be removed as they dovetail with the requirements of the zoning ordinance with respect to the reconstruction of nonconforming structures that are damaged beyond 50 percent of their fair market value (see, for example, Section 36-746).

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- (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 (b) 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 30 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), (b), (c), and (d) 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.

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Commented [TT22]: The original time period was 14 days. I'm not quite sure why Matt proposed a change to 30 days. If you get to this stage, the owner of the sign would have already had 60 days to take care of the issue, or perhaps as much as 120 days if he had received an extension of time. This is how long they have to get the thing removed if they haven't already complied with the requirements of subsections (b) and (c).

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Commented [TT23]: Matt suggests deleting this because of the fact that it seems incomplete. My suggestion is to first consider what should be here and then adding the appropriate definition.

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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, 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 zoning administrator. Such appeal shall be taken within such time as shall be prescribed by the board of appeals, by general rule, by filing with the zoning administrator and with the board of appeals a notice of appeal, specifying the grounds thereof. The zoning administrator 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 zoning administrator certifies to the board of appeals after the notice of appeal has been

Commented [TT24]: Matt had a question about this section and section 26-14(c). As you know, this section means that you can be cited for a separate violation of the ordinance for each day you are in violation. This penalty provision is standard in code enforcement. Section 26-14(c), in turn, says that the *remedies* for enforcement are cumulative. This simply means that the City can pursue one or more of the types of remedies available to it, without having to choose one and then be precluded from later pursuing another (what is referred to in legal parlance as an "election of remedies"). This is particularly important in code enforcement where, for example, you may simply write a civil infraction citation for a violation, seeking fines and costs, just as a way to get a property owner to pay attention and work with the City to try to resolve the issue, while later seeking the issuance of an injunction to force compliance if the property owner is not cooperative.

Commented [TT25]: Matt had a question about this language. It is important to have the flexibility to pursue the occupant or tenant for a violation. Often times, the tenant is the offending party. If the tenant is the violator, it is not particularly fair to pursue an enforcement of the ordinance against the owner of the property.

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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 zoning administrator, and on due course shown.

Commented [TT26]: Matt has this underlined with a question mark. The first sentence references the zoning administrator certifying something to the board of appeals. The instrument by which he would do that is called a "certificate."

- (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) 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.

Commented [TT27]: Matt had deleted this language. It should be left in as the zoning board of appeals may have set a time limit for the variance when it was granted.

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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 allowed 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 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 zoning administrator 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	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 entrance
Size	No greater than 32 square feet
Location	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.	

Commented [T128]: The original language is "lot or parcel." The planning commission should review this for recommendation consistent with my earlier comments.

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	
(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 entrance
Size	No greater than 24 square feet
Location	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

Commented [TT29]: Again, the original language is "lot or parcel."

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 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, 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	
(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	

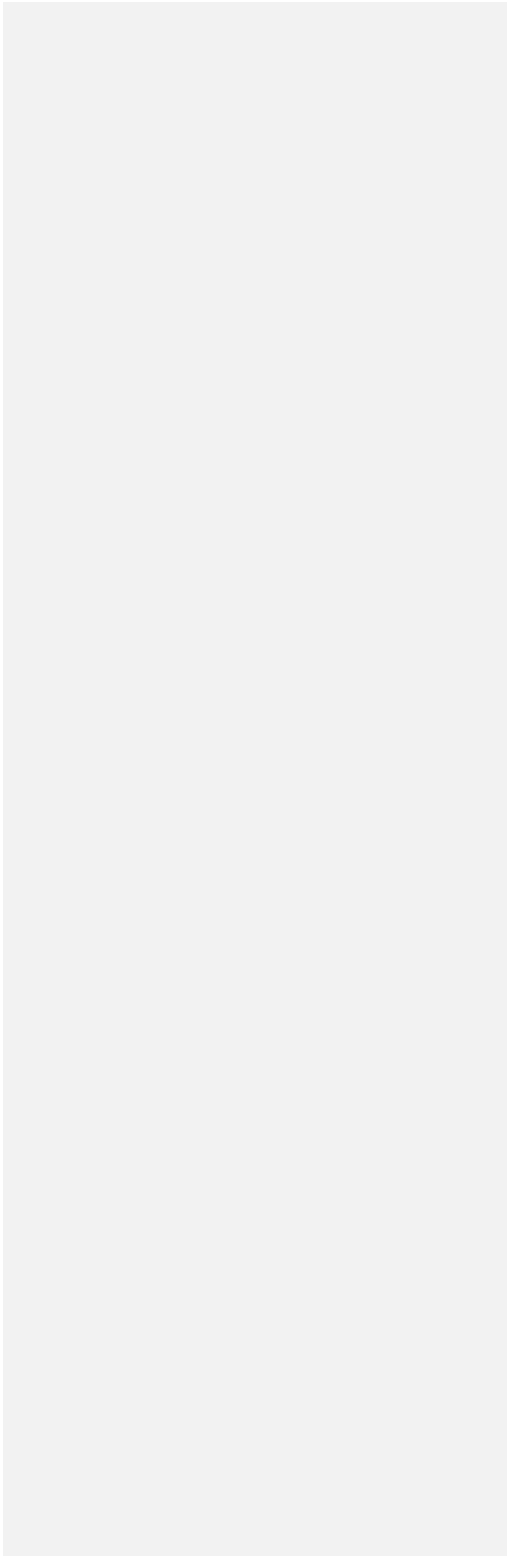
use. No illumination is to be allowed without planning commission approval.	
Number	Only 1 major identification sign at the main entrance to the campus. Building identification—1 per major entrance, unless there is more than 200 feet of frontage, in which case a secondary freestanding sign may be allowed.
Size	Entrance, no greater than 150 square feet
Location	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 5 feet from adjacent property, outside of the right-of-way
Height	No more than 8 feet
(e) Monument and freestanding signs. Signs allowed on college-owned property. No illumination allowed without planning commission approval. Changeable copy allowed.	
Number	1 per building
Size	No greater than 100 square feet
Location	outside the right-of-way
Height	No higher than 10 feet

CITY OF HILLSDALE

By _____
Adam Stockford – Mayor

By: _____
Katy Price – Interim City Clerk

Date Proposed: 2/1/2018
Date Published as Proposed: 10/16/2018
Date Passed: _____
Date Published as Passed: _____
Effective Date: _____



The original language provided that the sign should be removed “no later than 10 PM.” The potential problem with Matt’s proposed change is that you might have some businesses open 24 hours or until 2 AM (for example bars). The planning commission should consider this and make a recommendation based on whether it is preferable to have the flexibility Matt’s proposed change provides or the uniformity of the original language. A uniform time makes it much easier to enforce the ordinance.

I



ORDINANCE #2018-008

AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF THE CITY OF HILLSDALE

THE CITY OF HILLSDALE ORDAINS THAT:

Chapter 26 of the Code of the City of Hillsdale should be and is hereby amended to read as follows:

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 temporarily at a storefront.
 a folding sign

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 for a limited duration and which is not attached/affixed in any permanent manner.

italics
Temporary yard sign means any sign used for a limited duration 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 ^{the} 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/^{cap} address signs

~~(9) State of Michigan tourist oriented directional signs~~ ^{Covered by # 3}

(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.

^{that} (d) Sign supports, braces, guys, ^{comma} and anchors shall be maintained in such a manner ^{so} 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~~ ³ one such sign is permitted per ^{entrance} 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.

When the business is closed

unduly

interfere et al

[redundant]
[redundant]

Comma

(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.

Comma

(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.

Comma

(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.

- (1) 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.

Comments
+2

Sec. 26-5. - Signs prohibited.

- unless approved by the zoning administrator. (?)*
- (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.
 - that* (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 *by* the zoning administrator.
 - [redundant]* (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.
 - [redundant]* (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

No italics
x 2

- (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:

No italics
x 3

- (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.

Comma

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.

No italics

- (1) Projecting/Overhanging signs and Awnings. One overhanging sign per 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:

Comma

No italics

Zoning District	Number of signs	% of main	Maximum area in square feet	Location
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	allowed	facade		
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:

NO Ital.

Comma x2, remove Semicolon

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	outside right-of-way
B-1	6 ft. — monument 21 ft. — freestanding	32 sq. ft.	1 per lot/parcel	outside right-of-way
B-2	6 ft. — monument 12 ft. — freestanding	24 sq. ft.	1 per lot/parcel	outside right-of-way
B-3	6 ft. — monument 28 ft. — freestanding	100 sq. ft.	1 per 300 linear ft. of frontage	outside right-of-way
C-1	10 ft.	100 sq. ft.	1 per building	outside right-of-way

[4 is missing]

I-1	8 ft.	60 sq. ft.	1 per major entrance	outside right-of-way
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4

(5) *Sandwich boards.* One "sandwich board" or "A-frame" sign shall be allowed for ~~the~~ ^{per entrance} 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.~~ ^{unduly} ~~interfere at all~~
- 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.~~ ^{entrance} regardless of type (A-frame, T-shaped or inverted "T").

When the business is closed

? [doesn't seem to make sense]

Sec. 26-9. - Special condition signs.

The following signs may be permitted as special condition signs, ^{when approved} ~~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~~ ^{premise} 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~~ ^{condition} signs are as follows:
 - a. ~~Special~~ ^{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.

by then

[needs a space]

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:

*No italics
as*

- 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.

[redundant]

question: please define.

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

Are signs grandfathered?

** so no work to make it conforming w/o a permit?*

shall?

question
for
Council

~~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. *Comma*

- (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.

- Comma* (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.

- Timing Confusion* (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. *Council?* 30

- (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. ?

remove, doesn't have an explanation

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~~. *Zoning administrator*
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~~. *[Leave as is]* *Z.a.* *Z.a.*

- (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. *Za* *Za* *?*

- (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: *allowed*

- (1) Portable and temporary signs are prohibited, except as otherwise ~~provided for elsewhere~~ *allowed* 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 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~~ *building department* along with a landscaping plan.

Council political yard signs?

(?) proper zoning administrator

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. *

Commua

Doesn't make sense

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	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

Don't keep

Don't keep

Proper alignment in published final document would be nice

(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 <i>entrance</i>
Size	No greater than 32 square feet
Location	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	
(a) Wall or projecting signs	
Number	1 per tenant ^{Keep entrance} , 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 ^{entrance}
Size	No greater than 24 square feet
Location	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 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, 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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Is the College in violation, should these rules be perced?

Alan

(a) Entrance and building identification signs, monument and freestanding signs. These signs are allowed on college-owned property only and <u>must be located at least 50 feet from any residential use</u> . 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	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 5 feet from adjacent property, outside of the right-of-way
Height	No more than 8 feet
(e) Monument and freestanding signs. Signs allowed on college-owned property. No illumination allowed without planning commission approval. Changeable copy allowed.	
Number	1 per building
Size	No greater than 100 square feet
Location	outside the right-of-way
Height	No higher than 10 feet

By _____
Adam Stockford – Mayor

By: _____
Stephen M. French – City Clerk

Date Proposed: 2/1/2018
Date Published as Proposed: 10/16/2018
Date Passed: _____
Date Published as Passed: _____
Effective Date: _____

Planning Commission Meeting Dates
City Hall, 2nd Floor
Conference Room 5:30 p.m.

January 15, 2019
February 19, 2019
March 19, 2019
April 16, 2019
May 21, 2019
June 18, 2019

July 16, 2019
August 20, 2019
September 17, 2019
October 15, 2019
November 19, 2019
December 17, 2019



TO: Planning Commission

FROM: Zoning Administrator

DATE: December 18, 2018

RE: Zoning Ordinance Amendments

Background: At the December 17 Council meeting, Council voted to prohibit the use of recreational marihuana in public places and prohibit the licensing of businesses that sell marihuana or paraphernalia. The last piece of the puzzle is to add a section in the zoning ordinance that prohibits these types of establishments as well. The ordinance included in the packet is a draft ordinance that is currently being reviewed by the City Attorney and the Zoning Administrator is asking for the Commissions review.

ORDINANCE #2018-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES BY ADDING A NEW SECTION WHICH SHALL BE DESIGNATED AS SECTION 36-436 OF ARTICLE II OF CHAPTER 8 OF THE CODE OF THE CITY OF HILLSDALE

THE CITY OF HILLSDALE ORDAINS THAT:

Chapter 8, Article II of the Code of the City of Hillsdale should be and is hereby amended to read as follows:

SECTION 36-436 - PROHIBITION OF MARIHUANA ESTABLISHMENTS

1. Establishment Prohibition.

- A. Marihuana establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marihuana Act (the “Act”), are prohibited in all zoning districts, and shall not be permitted as home occupations under Section 36-433 of this Chapter 36.
- B. No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or any other type of marihuana related business authorized by the Act, that was engaged in prior to the enactment of this Ordinance, shall be deemed to have been a legally established use under the provisions of the City of Hillsdale Code of Ordinances; that use shall not be entitled to claim legal nonconforming status.
- C. Violations of this section are subject to the violations and penalties pursuant to Section __ of this Chapter[and [if provided for separately] may be abated as nuisances pursuant to Section__].
- D. This section does not supersede rights and obligations with respect to the transportation of marihuana by marihuana secure transporters through the City of Hillsdale to the extent provided by the Act.

All ordinances or parts of ordinances in conflict with this ordinance are repealed.

After its adoption, this ordinance or a summary thereof, as permitted by law, shall be published by the City of Hillsdale Clerk in a newspaper of general circulation in the City of Hillsdale.

CITY OF HILLSDALE

By _____
Adam Stockford – Mayor

By: _____
Katy Price – Interim City Clerk

Date Proposed: 11/19/2018
Date Passed: 12/03/2018
Date Published as Passed: _____
Effective Date: _____

DRAFT