

# CITY OF HILLSDALE



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

## Planning Commission Agenda May 15, 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 Joint Planning Commission 04.23.2018 minutes – **Action**
  - C. Approval of Planning Commission 04.17.2018 minutes – **Action**
- IV. **New Business**
  - A. Secretary Election - **Action**
- V. **Zoning Ordinance Review**
  - A. Chapter 26 – Signs – **Discussion**
  - B. Sec. 36-6 – Short term rental definition – **Discussion**
  - C. Sec. 36-436 Bed and Breakfast – **Discussion**
  - D. Sec. 36-411 Schedule of Regulations – **Discussion**
  - E. Sec. 36-142 Zoning Districts – **Discussion**
  - F. Sec. 36-413 – Average sized lots – **Discussion**
  - G. Sec. 36-414 – Permitted and special conditional uses – **Discussion**
  - H. Division 2 (R-1) One-Family Residential Districts – **Discussion**
  - I. Division 9 (I) Industrial District – **Discussion**
- VI. **Zoning Administrator Report**
- VII. **Commissioner’s Comments**
- VIII. **Adjournment**

**Next meeting June 19, 2018 at 5:30 pm**

# CITY OF HILLSDALE



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

## PLANNING COMMISSION MINUTES HILLSDALE CITY HALL, 97 N. Broad Street April 17, 2018 at 5:30 PM

### **I. Call to Order 5:30 pm**

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

### **II. Public Comment**

Jack McLain – Still opposed to the new time limit. Still opposed to some of the sections in the bylaws. Feels that some of the sign ordinance still needs to be addressed.

Mary Wolfram – Sec. 36-414, she is encouraging the update. Since it is impossible to anticipate every use, she encourages the Commission to add language referencing similar uses.

### **III. Consent Items/Communications**

- A. Agenda – Sam Nutter wishes to add a discussion regarding an appointment of Mary Wolfram as a liaison of TIFA to the Commission. Mr. Swisher moved to approve the amended Agenda as presented, Mr. Scholl seconded, motion passed.
- B. March meeting minutes – Mr. Nutter moved to accept minutes as presented, Mr. Morrissey seconded. Motion passed.

### **IV. Site Plan Review**

- A. 190 Uran St. – Dow Automotive – Mr. Beeker presented the project submitted by Dow Automotive. The project includes a new metal sided pole building which will measure 40'W x 48'L x 14' eave height for storage during construction of the addition. The project would also include an addition of 6255 s.f. of floor area to the southwest end of the existing building. The landscape plans will be reviewed within the 90 day review period as per the ordinance. Kerry Laycock approved the plans with the landscape plan approval by the Zoning Administrator within the 90 day requirement. Eric Swisher seconded, motion passed.

### **V. Old Business**

- A. Planning Commission Bylaws – Mr. Beeker gave a brief update to the process. The submitted marked up bylaws contain the City Attorney comments. The Commission reviewed the bylaws and cited the following items that they wish to amend:
  - 1. Training – reword to require the MSUE Citizen Planner course to be completed in the first term of a commissioner's appointment. Annual training will consist of topics of relevance as determined by the Planning Commission. The Commission shall establish an annual continuing education requirement during the annual priorities planning meeting.

2. There are still understanding questions regarding the section about voting twice.
3. The Attorney stated that the Commission would need to elect Secretary and designate a staff member as the Recording Secretary. The Commission will elect a Secretary at May meeting.
4. Strike the last sentence in Sec. 8A.
5. Take out the reference of 10 business days prior to a meeting to include correspondence.
6. Eliminate Section 16 altogether.

## **VI. New Business**

- A. Region 2 Planning Commission Report – Mr. Beeker presented a brief overview of the monthly R2PC meeting.
- B. Liaison discussion – Sam Nutter would like to have Mary Wolfram be a liaison between TIFA and the Commission. Will Morrissey cited that the bylaws currently allow departments only to offer liaison. Ms. Wolfram could not be appointed because she is not part of a department. Jack McLain suggested creating a committee with Ms. Wolfram and others that could answer questions for the Commission on various topics. Ron Scholl suggested this be one of the priorities set annually. The committee could be to keep the Commission informed about economic development and what is happening in the City. The matter would be discussed again in the future.

## **VII. Zoning Ordinance Review**

- A. Chapter 26 Sign Ordinance – Mr. Beeker would like the Commission to consider placing it back in Chapter 36. Fix the requirements to the C-1 section of the chart. Mr. Beeker will include the sign ordinance and the other ordinances that have been recently reviewed in the May packet. All of the ordinances will be checked one last time and a public hearing meeting date set during the May regular meeting.

## **VIII. Zoning Administrator Report**

Mr. Beeker will not be able to attend the May meeting as he will be out of town. He will still create the packet but will need someone on the Commission to take minutes during the meeting.

Mr. Beeker gave a brief update regarding the progress of the West Street conversion from one-way back to two-way traffic.

- IX. Adjournment at 7:06 pm** – Mr. Morrissey moved to adjourn, Mr. Scholl seconded, motion passed. Meeting adjourned.

**Next meeting: May 15, 2018 at 5:30 pm.**



# CITY OF HILLSDALE

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

## JOINT RECREATION ADVISORY COMMITTEE MINUTES,

97 North Broad Street

April 23, 2018 at 6:00 PM

### **I. Call to Order 6:00 pm**

- A. City PC Members present: Ron Scholl, Eric Swisher, Kerry Laycock, Chair Amber Yoder, Councilman William Morrissey
- B. Twp. PC Members present: Chuck Keefer, Tim Wilcox, Steve Wood, Rose Zemaiduk, Joe Sanford
- C. Others present: Alan Beeker (Zoning Administrator), Michelle Loren (Recreation Director)
- D. City PC Members absent: Eric Moore (excused), Samuel Nutter (excused)
- E. Township PC Members absent: Ann Fike (excused), Margaret Braman (excused), Paul Karlovich, Kevin Shannon

### **II. Public Comment**

No Public Comment

### **III. Consent Items/Communications**

- A. Hillsdale City Planning member, Kerry Laycock moved to approve the agenda as presented, Will Morrissey seconded, motion passed.

### **IV. Public Hearing**

- A. Joint Recreation Plan Amendment
  - o Amber Yoder opened the Public Hearing at 6:05 pm
    - Michelle Loren informed the Committee that Perennial Park would like to add a section to the Plan. Ms. Loren asked if the Committee would allow her to add the Park's information to the plan.
    - Joe Sanford suggested it as an amendment.
    - Kerry Laycock asked about more specifics. The Perennial Park Executive Director Terry Vear was supposed to attend so she could speak about it and submit a narrative. Ms. Loren stated that it was directed toward senior wellness.
    - Mr. Laycock suggested that it be part of Senior Health and Wellness in the current plan.
    - Eric Swisher was also in favor of the amendment.
    - Mr. Laycock volunteered to help Ms. Loren with the amendment.
  - o Amber Yoder closed the public hearing at 6:11 pm.
- The Joint Advisory Committee moved to approve the plan requesting an amendment addressing health and wellness with an emphasis on seniors to be presented to the respective governing bodies for final adoption. Ron Scholl seconded. Motion passed.

### **V. Adjournment at 6:15 pm – Will moved to adjourn, Kerry seconded, motion passed. Meeting adjourned.**



**TO: Planning Commission**

**FROM: Zoning Administrator**

**DATE: May 7, 2018**

**RE: Secretary Elections**

**Background:** According to the Michigan Zoning Enabling Act of 2008:

**125.3817 Chairperson, secretary, and other offices; election; terms; appointment of advisory committees.**

Sec. 17. (1) A planning commission shall elect a chairperson and secretary from its members and create and fill other offices as it considers advisable. An ex officio member of the planning commission is not eligible to serve as chairperson. The term of each officer shall be 1 year, with opportunity for reelection as specified in bylaws adopted under section 19.

(2) A planning commission may appoint advisory committees whose members are not members of the planning commission.

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

Please elect a Secretary to meet the MZEA guidelines. I will continue to act as the Recording Secretary and all agendas and packets will be approved by the Chair and Secretary moving forward.



**TO: Planning Commission**

**FROM: Zoning Administrator**

**DATE: May 2, 2018**

**RE: Ordinance Amendments**

**Background:** Over the course of the last several months, several of the city zoning ordinances have required amendments. Some of the amendments were a result of the city-wide rezoning that was adopted in the fall of 2017. Others required amending as they had not been addressed since the late seventies or before. The sign ordinance required a major rewrite after the US Supreme Court ruling of Reed v. Town of Gilbert. The ordinances listed here have been reviewed and discussed by the Commission in prior meetings. The Zoning District Sections for RD-1, RM-1, B-1, B-2 & B-3 are not included as the only thing that is being amended is the reference of the new Bed & Breakfast Ordinance. The following are being submitted one last time as a refresh and opportunity for a final review prior to holding a public hearing.

Residential Single District R-1  
Industrial District I-1  
Sec. 36-411 Schedule of Regulations  
Sec. 36-436 thru 437 Short term rental  
Sec. 36-6 Short term rental definition  
Sec. 36-142 Zoning Districts  
Sec. 36-413 Average sized lots  
Sec. 36-414 Permitted and special uses

## 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 **and related to the owner/occupant of the property** that ~~pertains to a business, service, product, or activity~~ that has not been available on 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 that **relates to the owner/occupant of the property** ~~pertains to a business, service, product, or activity~~ that has not been available on 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 ~~non-commercial~~ sign that is hand-held or carried by a person such as a placard, picket, or poster.

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

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

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

*Billboard* means an off-premises sign that **conveys a message not related to the owner/occupant of** ~~advertises an establishment, product, service, or activity not available on the lot on which the sign is located.~~

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

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

*Changeable copy or message area* means a sign or portion of a sign that displays characters, letters, or illustrations that can be changed or rearranged physically without altering the face or surface of the sign. If designed as changeable copy or message area, it shall be in a subordinate location to the fixed-message area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Non-conforming sign* means a sign related to the owner/occupant of the property pertaining to a business, service, product, or activity that does not conform to current ordinances.

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

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

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

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

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

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

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

- (1) ~~Promotional event sign, off premises means a non-commercial, off premises sign that is temporarily implanted in a yard or curb lawn area for a community event and regulated by section 26-6;~~
- (2) ~~Promotional event sign, on premises means a temporary sign advertising short-term sales, promotions or special events on private property, including banners, and regulated by section 26-10.~~

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

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

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

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

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

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

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

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

~~**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.~~

~~Special events sign means temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or nonprofit organizations,~~

~~and/or those special events for profit organizations as determined by established policy and the zoning administrator.~~

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

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

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

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

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

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

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

Sec. 26-4. - General sign provisions.

- (a) No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a city sign permit and a county building permit, if necessary, provided the following signs shall not require a zoning and/or building permit.
- (b) The following signs shall be allowed within all districts without permit, but subject to the provisions of section 26-5.
  - (1) ~~Directional signs of six square feet in size or less.~~
  - (2) ~~Flags or insignia of any nation, state, city, community organization, or educational institution.~~
  - (3) ~~Garage or residential—Event signs (six square feet or less).~~
  - (4) ~~Government signs—Twenty square feet in size or less.~~
  - (5) Historical markers erected by a federal, state, or local government.
  - (6) ~~Holiday ***Decorative signs***.~~
  - (7) Interior signs, signs not visible from any street.
  - (8) ~~Memorial/Commemorative signs or tablets not exceeding 20 square feet.~~
  - (9) ~~Murals with approval by zoning administrator.~~
  - (10) ~~Name/address signs (four square feet or less).~~
  - (11) ~~Political signs—Twenty square feet or less.~~
  - (12) ~~Real estate signs—Subject to compliance within district.~~
  - (13) ~~Signs for essential services.~~
  - (14) State of Michigan tourist oriented directional signs.
  - (15) ~~Warning signs of two square feet or less.~~
  - (16) Window signs/lettering; not to exceed 50 percent of window and glass area.
  - (17) **Freestanding yard signs; so long as they are not placed within the public right-of-way**

- (c) All signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other conditions which impair legibility.
- (d) Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard. All signs must be installed in accordance with the single state construction code.
- (e) Signs may be internally illuminated or, if externally illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining onto traffic, up into the night sky, or onto any residential district or property.
- (f) No sign shall be permitted in the right-of-way unless otherwise noted.
- (g) All ground, wall, freestanding, and pylon signs may include changeable display/reader boards.
- (h) ~~Political signs shall be removed within ten days after the official election or referendum to which such sign pertains.~~
- (i) Portable signs commonly referred to as "sandwich board" or "A-frame" ~~shall be limited to commercial businesses only, and shall be allowed to have one for the purpose of temporary advertising~~ **use only. Only one such sign is permitted per occupant.** 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** ~~at the end of each business day~~ 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** ~~and shall be subject to the same restrictions with each business allowed only one such sign per business, regardless of Type (A frame, T shaped or inverted "T").~~
- (j) Awnings, suspended signs, canopies and marquees are permissible within the right-of-way with the approval of the zoning administrator as to compliance with the single state construction code. Awnings may not project over eight feet into the public right-of-way, and must have a minimum clearance of eight feet from grade
- (k) One address sign shall be placed at the main entrance to each principal structure on any property such that same is plainly legible and visible from the street fronting the property, to assist ambulance, police and fire-protection response. Wall-mounted address signs shall not exceed four square feet in surface area, and shall be visible from the street for which the address applies. Address signs identifying a business shall have a minimum height of six inches.
  - (1) Freestanding address signs may be provided at single-family residences, not to exceed two square feet in area and five feet in height. Commercial, industrial, institutional, and multi-family uses are encouraged to include an address sign or signs on any freestanding sign on the lot as well.
  - (2) At properties that have three or more principal buildings such as apartment complexes and mixed-use commercial developments, an address-directory sign may be required by the city. The size, height, location and illumination (if any) of the address-directory sign shall be reviewed and approved by the zoning administrator.
- (l) Sign measurement:
  - (1) The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo or graphic, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign

from the background against which it is placed, excluding only the structure necessary to support the sign.

- (2) The area of a freestanding, projecting or monument sign that has two or more faces shall be measured by including the area of all faces, unless the two faces are placed back to back and are of equal size, in which case the area of the two back to back faces shall be counted as one face.
  - (3) The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street, or the average grade of the ground immediately beneath the sign.
  - (4) For buildings with multiple tenants, the sign areas for wall signs, projecting signs and awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign requirements for that portion of the entire wall.
  - (5) Awning signs will be calculated by the area encompassing the lettering and graphic. Calculations will not include the material or fabric of the awning itself.
- (m) No signs, including, but not limited to, banners and placards or other publicly displayed structures carrying lettering or designs ~~intended to advertise a business, product or event~~, shall be placed in, upon, or over any street, public right-of-way, alley or other public place under the jurisdiction and control of the City of Hillsdale, provided, however, that the placement of signs, including but not limited to banners and placards or other publicly displayed structures carrying lettering or designs ~~intended to advertise a business, product or event~~, in, upon, or over the Highway M-99 right-of-way shall be exempt from this provision, but shall be subject to compliance with all applicable state statutes, rules, regulations and requirements.

Sec. 26-5. - Signs prohibited.

- (a) A sign not expressly permitted by this chapter is prohibited.
- (b) No sign shall be placed in, upon or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this chapter or other ordinance of the city.
- (c) No light pole, utility pole, tree within a public right-of-way, or other supporting member shall be used for the placement of any sign unless specifically designed for and otherwise approved by the city for such use.
- (d) No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
- (e) Commercial Vehicles, which are not used for any other ~~commercial~~ purpose and have the intended function of acting as a sign, shall not be parked in any area visible from the right-of-way.
- (f) ~~No sign shall employ light that flashes, moves, oscillates, blinks, or uses variable intensity, excepting signs described in subsections (1) and (2) below:~~
  - (1) ~~Time/temperature signs.~~
  - (2) ~~Signs having changeable copy in a digitized format.~~
- (g) ~~No sign shall contain any moving or animated parts nor appear to have animated or moving parts except barber poles.~~

- (h) No wall sign shall extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roof line of a building, without review and approval by the zoning administrator.
- (i) No roof sign shall be erected above the roof line of a building without review and approval the zoning administrator.
- (j) Obstructions to any door, window, sidewalk, or fire escape. No sign shall be erected, relocated, or maintained so as to prevent ingress or egress from any door, window, sidewalk, or fire escape.
- (k) Abandoned signs shall be removed in accordance with their status as to conformity. Where such signs are non-conforming in size, or height, or other features, messages and the sign structure shall be removed within 90 calendar days. Where the sign is conforming but abandoned, messages must be removed within 90 calendar days. The structure of the sign shall be removed after one year if non-conforming. Any abandoned conforming sign or non-conforming sign or sign structure may be removed by the city at the expense of the property owner.
- (l) Sign constituting a public nuisance. If a sign is determined to be a public nuisance, as defined in chapter 14 of the City of Hillsdale Code of Ordinances, it shall be abated in accordance with the procedures provided.

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

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

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

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

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

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

Construction signs shall be restricted according to the following schedule:

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

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

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

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

- ~~(9) *Promotional/special event sign.* A temporary sign advertising short term sales, promotions or special events on private property and regulated by section 26-10. Promotional/special events signs shall be restricted according to the following schedule:~~

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

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

Sec. 26-7. - Permitted permanent signs.

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

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

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

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

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

- a. Clearance height and area of projected/overhanging signs or awnings are restricted according to the following:

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

- b. No main sign or combination of signs, whether projecting, awning or wall mount may exceed 24 square feet per main street storefront; no allowed secondary sign or combination of secondary signs may exceed 24 square feet, or 40 percent of marquee face
- c. Such signs shall be located on structures properly mounted, or suspended from plane in compliance with the single state construction code.

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

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

- ~~a. Monument and freestanding signs, for residential subdivisions, manufactured home parks, multiple family complexes, schools, churches and other nonresidential uses as allowed. No illumination is to be allowed inside residential districts, except churches.~~
- ~~b. Such signs shall be mounted so that no part of the sign is higher than the height of the facade of the building upon which it is mounted.~~
- ~~c. The total area of all wall-mounted signs in commercial districts shall be restricted according to the following schedule:~~
- ~~1. No more than two such signs shall be allowed per parcel/lot.~~

- ~~2. A secondary sign may be placed facing a side street, alley or parking area.~~
- ~~3. No main sign or combination of signs, whether projecting, awning or wall mount, may exceed 24 square feet per main street storefront; no allowed secondary sign or combination of secondary signs may exceed 24 square feet or 40 percent of marquee face. Total aggregate sign area may not exceed 48 square feet.~~
- ~~4. One per tenant; additional signs will be allowed providing the aggregate amount of signage does not exceed eight percent of the main face of the building.~~

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

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

- a. Total aggregate sign area may not exceed 32 square feet per lot.
- ~~(4) Directional signs. Directional signs are permitted subject to the following restrictions:~~
  - ~~a. Directional signs may be placed only on premises.~~
  - ~~b. Directional signs may contain a company logo and/or a company name.~~
  - ~~c. Directional signs may not contain any advertising copy.~~
  - ~~d. Directional signs may not exceed six feet in height as the sign stands, or six square feet in area unless located in an industrial district, which allows 12 square feet.~~
  - ~~e. Directional signs shall be limited to vehicular traffic control functions only.~~

- (5) *Sandwich boards.* One "sandwich board" or "A-frame" sign shall be allowed for the purpose of temporary advertising purposes, subject to the following conditions:
- a. Such signs shall not exceed two feet width and four feet length to a flat side and will be allowed to have changeable text, but no electronic or dynamic display.
  - b. The placement of such a sign shall not interfere with the free and unobstructed travel of pedestrians on sidewalks or walkways, nor with the view of drivers at any intersection, or impede maintenance and/or snow and ice removal.
  - c. Signs must be removed and placed indoors no later than 10 pm at the end of each business day. 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 ~~must register annually.~~
  - e. This provision shall also apply to T-shaped or inverted "T" signs and shall be subject to the same restrictions with each business occupant allowed only one such sign per business occupant, regardless of type (A-frame, T-shaped or inverted "T").

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

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

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

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

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

Sec. 26-11. - Special condition signs.

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

- (1) ~~Community service signs with particular consideration given for shared individual signs identifying more than one service club or civic organization.~~
- (2) ~~Off premises, directional signs six square feet, or less, in size placed on private or public property (with written approval of property owner) to promote or advertise a community event sponsored or presented by a public service institution, such as a hospital, church, school, charity, or other non-profit strictly for the duration of the event.~~
- (3) ~~Directory sign: A sign that lists the names of each business located on the premises where the sign is located that does not exceed the maximum restrictions by type of sign for wall-mounted or freestanding signs in the district.~~
- (4) Historic signs. ***Contact the Michigan State Historic Preservation Office (SHPO) for more information.*** Review may be sought, without fee, by application and request therefore directed to the planning commission, or zoning administrator, and shall be granted upon factual proof presented by the applicant and found to be satisfactory and credible, that one or more of the following criteria apply:
  - a. ~~The sign is associated with historic figures, events or places.~~
  - b. ~~The sign is significant as evidence of the history of the product, business or service advertised.~~
  - c. ~~The sign is significant as reflecting the history of the building or the development of a historic district. The sign is characteristic of a specific history period, such as gold leaf, neon or stainless steel lettering. The sign is integral to the building's design or physical fabric, or if the removal will cause significant harm to the integrity of the building.~~
  - d. ~~The sign, by reason of craftsmanship, materials or design, is an outstanding example of sign maker art.~~
  - e. ~~The sign is a local landmark, recognized as a popular focal point in the community.~~
  - f. ~~The sign contains elements important in defining a district, such as marquees in a theater district.~~
- (5) Wall-mounted signs above the first floor of a multiple-story building related to one or more of the businesses ***occupants*** housed within the building. Refer to chart in section 26-8.
- (6) Unique signs whose total area is within the applicable district size allowance established in article II of chapter 26 of Hillsdale's Code of Ordinances that are determined by the planning commission to require additional height or width due to unique design or obscuring sight lines shall be allowed additional height and width allowance as needed, provided, however that they neither exceed the additional height or width, nor the area within them exceed the allowances otherwise provided by more than ten percent.
- (7) ***Murals shall be permitted in the B-2, B-3, C-1, PRD, PRF, PUD and I-1 districts only.*** The size, location, and/or placement of murals shall be permitted subject to review by the zoning administrator and planning commission and the following restrictions:

- ~~a. Murals may not contain promotions or depictions of illegal or violent behavior, including but not limited to promotions or depictions of sexually explicit behavior or materials; the use of alcohol or drugs; or the use of firearms.~~
- ~~b. Images may be relevant to existing businesses in the building on which the mural is applied without the use of company names or logos.~~
- ~~c. Images may be of an artistic, historic, or cultural nature unrelated to business.~~
- (8) Off premises or billboard signs shall be permitted in the general business (B-3) district. Billboards may not exceed 200 square feet in area, or 20 feet in height. Billboards must be setback a minimum of 30 feet from all property lines and shall be located a minimum of 1,000 feet from all other billboards on the same street. When abutting a residential district, no portion of the billboard shall be located closer than 200 feet from the property line. All permit applications for billboards must be submitted to the planning/zoning department along with a landscaping plan.
- (9) Procedures and considerations for special-condition signs are as follows:
  - a. Special-condition signs shall be reviewed as to size, location, placement, etc. subject to regulations of this chapter.
  - b. The planning commission, or zoning administrator, may impose conditions necessary to protect the public health, safety, and welfare of the community.
  - c. Public notice of the time, date, and place of an appeal of a sign review decision made by the planning commission, or zoning administrator, shall be provided in advance of the meeting during which the appeal will be considered.
- (10) *Standards for sign review.* In reviewing signs, the zoning administrator or the planning commission shall consider the following to determine compliance with applicable ordinance provisions a basis for approving or denying a sign permit and establishing setback, location, and placement of signs:
  - a. Site location:
    - 1. ~~Dimension~~ Distance Dimensions from buildings;
    - 2. ~~Dimension~~ Distance Dimensions from property lines;
    - 3. ~~Dimension~~ Distance Dimensions from right-of-way.
  - b. Sign size:
    - 1. ~~Dimension~~ Height and width;
    - 2. Building location;
    - 3. ~~Dimension~~ Height above grade or finish floor line;
    - 4. ~~Dimension~~ Location of sign from side to side of wall;
    - 5. Percentage of wall used for signage.
  - c. Awning:
    - 1. ~~Dimension~~ awning Size;
    - 2. ~~Dimension~~ awning height Distance above grade or finish floor line;
    - 3. Dimension signage relative to awning edges;
    - 4. ~~Dimension~~ Signage height and width.
  - d. Sign characteristics:
    - 1. Shape of sign;
    - 2. ~~Sign~~ content;
    - 3. Sign materials.
  - e. Mural:
    - 1. ~~Dimension~~ height and width;

2. Building location;
3. ~~Dimension height~~ Distance above grade or finish floor line;
4. ~~Dimension~~ Location of sign from side to side of wall.

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

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

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

- (1) No non-conforming sign shall be reconstructed, structurally altered, remodeled, relocated, or replaced unless a permit is issued allowing such action and the reconstructed or replaced sign and sign structure renders the sign and sign structure conforming in all respects.
- (2) The owner of a non-conforming sign shall maintain it in good repair by, among other things, repainting it and replacing broken or deteriorated parts.
- (3) A non-conforming sign or sign structure which is destroyed or damaged by any casualty may be restored within six months after such destruction or damage only after the owner has shown that the damage did not exceed 50 percent of the appraised value of the sign immediately prior to its loss or damage. If such sign or sign structure is destroyed or damaged to an extent exceeding 50 percent of its appraised value, it shall be removed and shall not be reconstructed or replaced unless a permit is issued allowing such action and the reconstructed or replaced sign and sign structure renders the sign and sign structure conforming in all respects.
- (4) A non-conforming sign or sign structure shall be removed within 60 days if the building containing the use to which the sign is accessory is demolished or destroyed to an extent exceeding 50 percent of the building's appraised value.

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

- (a) In the event a conforming sign is abandoned for a period of 30 calendar days the sign owner and/or property owner shall immediately remove any commercial message identifying the business announced thereby. The zoning administrator may grant an extension upon good cause shown.
- (b) In the event a sign, whether conforming or non-conforming, is abandoned for a period of 60 calendar days, the sign owner and/or property owner shall immediately remove the sign and sign structure. Once removed, no sign may be replaced on the premises except in compliance with all applicable provisions of this article. For good cause shown in writing by the sign owner and/or the property owner filed prior to the expiration of the 60-day period, the zoning administrator may grant an extension not exceeding 60-days.
- (c) Any sign that is not constructed, painted, installed or maintained as required in this chapter; is constructed, painted, or maintained without a proper and valid permit; or is a non-conforming sign for which the time period set forth in subsection (c) has expired shall be forthwith removed.
- (d) In the event a sign subject to removal pursuant to the preceding subsection is not removed as provided therein, the zoning administrator shall forthwith notify the sign owner and/or the

property owner in writing to remove said sign within 14 calendar days of the date of said notice.

- (e) Should the sign owner and/or property owner fail to remove or cause the removal of the sign within the time established pursuant to subsections (a) and (b) of this section, the zoning administrator is authorized to remove or cause the removal of said sign. Any expense incidental to the removal of the sign shall be charged to the owner of the property on which the sign is located and shall constitute a lien on said property collectible in the same manner as taxes.
- (f) Any sign placed within the 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 ~~commercial~~ messages. In the case of painted wall signs, such words shall also include painting over the original sign face in its entirety so as to completely cover it.
  - (2) For abandoned ~~or~~ non-conforming signs altered over 50 percent ~~non-conforming signs~~, the removal of all ~~commercial~~ messages and the demolition, destruction, removal and disposal of the sign and sign structure.

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

~~Fees for sign permits to the City of Hillsdale Fee Schedule.~~ Refer to the City of Hillsdale Fee Schedule for permit fees.

Sec. 26-15. - 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. 26-16. - Enforcement and remedies.

- (a) A municipal civil infraction citation shall be issued for any violation of this chapter ~~and~~, in addition, any violation or attempted violation of this chapter or of any condition or requirement adopted pursuant hereto may also be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceeding pursuant to this Code of Ordinances

and applicable state law. The remedies of the city shall include, but are not limited to, one or more of the following:

- (1) Issuance of a stop work order for any and all work on any signs;
  - (2) Issuance of a municipal civil infraction citation;
  - (3) Bringing an action for an injunction or other order of restraint, abatement, or relief that requires, among other things, the removal of the sign or the elimination of the violation.
  - (4) Imposing any sanctions that can be imposed by the city under this Code of Ordinances.
  - (5) In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the city under the applicable provisions of this Code of Ordinances, the single state construction code, and other applicable state law to have it 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 state applicable law ~~for the violation of the zoning ordinance.~~
- (c) All remedies provided herein shall, to the extent allowed by law, be cumulative for each violation to which they apply.

Sec. 26-17. - Penalties.

- (a) Violation of any provision of this chapter shall be punishable as provided in 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. 26-18. - ~~Appeals and variances.~~ Appeal procedure.

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

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

- (1) ~~The variance would not be contrary to the public interest or general purpose and intent of this chapter;~~
  - (a) ~~The variance does not adversely affect properties in the immediate area of the proposed sign.~~
  - (b) ~~The petitioner has a hardship or practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property.~~
  - (c) ~~The variance sought is one for an historic sign which, if not related to the business currently conducted on the property on which it is located, shall not be included as part of the aggregate sign area.~~

- a. An appeal may be taken to the board of appeals by any person, firm or corporation, or any officer, department, board or bureau affected by a decision of the building inspector. Such appeal shall be taken within such time as shall be prescribed by the

board of appeals, by general rule, by filing with the building inspector and with the board of appeals a notice of appeal, specifying the grounds thereof. The building inspector shall forthwith transmit to the board of appeals all of the papers constituting the record upon which the action appealed from was taken.

- b. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the building inspector certifies to the board of appeals after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property; in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by the board of appeals or by a court of record on application, on notice to the building inspector, and on due course shown.
- c. The board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.
- d. A fee as currently established or as hereafter adopted by resolution of the city council from time to time shall be paid to the secretary of the board of appeals at the time that notice of appeal is filed, which the secretary shall forthwith pay over to the city treasurer to the credit of the general fund of the city.
- e. Duration of variances. All sign variances shall terminate upon alteration or reconstruction of more than 50 percent of the sign, or at a date set by the zoning board of appeals. ~~Historic variances may be subject to review.~~

Sec. 26-19. - Authority.

- (a) As a condition precedent to acting on a request to the zoning administrator or planning commission for approval of the installation, creation, erection, or maintenance of any sign under the provisions of this article, the applicant shall furnish such surveys, plans, or other information as may be reasonably required by the zoning administrator or planning commission for the proper consideration and investigation of the matter.
- (b) The zoning administrator or the planning commission may, after completion of his or its consideration or investigation deny approval, grant approval, or grant approval subject to such conditions and limitations as 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. 26-20—26-30. - Reserved.

## ARTICLE II. - DISTRICT REGULATIONS

Sec. 26-31. - All zoning districts.

The following sign regulations are applicable to all zoning districts:

- (1) Portable and temporary signs are prohibited, ~~unless~~ except as otherwise provided for elsewhere in this chapter.
- (2) ~~Political signs shall be removed within two days after the official election or referendum to which the sign pertains.~~

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

Sec. 26-32. — O-1 office district.

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

O-1 Office District — Permitted Signs	
(a) Monument and freestanding signs*	
—Number	1 per lot or parcel

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

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

Sign regulations in residential districts shall be as follows:

R-1, <del>R-2</del> , <del>R-3</del> , RD-1, and RM-1 Zoning Districts—Permitted Signs	
(a) Monument and freestanding signs, for residential subdivisions, manufactured home parks, multiple-family complexes, schools <u>and</u> churches <del>and other nonresidential uses allowed</del> . No illumination is to be allowed inside residential districts, except churches.*	
Number	1 per major entrance
Size	No greater than 24 square feet
Location	Minimum of 8 feet outside of right-of-way
Height	No higher than 6 feet

(b) Wall signs <del>for home occupations</del> *	
Number	1 per lot or parcel
Size	No greater than 4 square feet
Location	On wall of building facing street
(c) Wall signs <del>for nonresidential uses</del> *	
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) <del>Political and real estate signs</del> <b><u>Temporary yard signs</u></b>	
Number	<del>1 per issue or candidate</del> , 1 per lot or parcel
Size	No greater than 6 square feet
Location	Minimum of 8 feet outside of right-of-way
Height	No higher than 6 feet
* Total aggregate of 28 square feet in area per lot.	

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

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

B-1 Local Business District—Permitted Signs	
(a) Monument and freestanding signs*	
Number	Only 1 freestanding, or monument sign per lot or parcel
Size	No greater than 32 square feet
Location	Minimum of 8 feet outside of right-of-way
Height	No higher than 6 feet for monuments, 21 feet for freestanding
(b) Wall signs*	
Number	1 per street front, maximum of 2
Size	No greater than 5 percent of the wall to which the sign is affixed, not to exceed 48

	square feet
Location	On wall of building facing the street
<del>(c) Political Signs</del>	
Number	1 per candidate or issue
Size	No greater than 6 square feet
Location	Minimum of 8 feet outside of right of way
<del>(d) Real estate signs</del> <b><u>Temporary Yard Signs</u></b>	
Number	1 per lot or parcel
Size	No greater than 16 square feet
Location	Minimum of 8 feet outside of the right-of-way
Height	No higher than 6 feet
* Total aggregate of 48 square feet in area per lot.	

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

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

B-2 Central Business District—Permitted Signs	
(a) Wall or projecting signs	
Number	1 per business <u>tenant</u> , 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
<del>(b) Real estate and political signs</del>	
Number	1 per lot or parcel, 1 per issue or candidate
Size	No greater than 6 square feet
Location	<del>Minimum of 5 feet from adjacent property, minimum of 8 feet outside of the right of way, unless placed on the wall of the building</del>

Height	No higher than 6 feet
(c) Freestanding and monument signs	
Number	Only one freestanding, or monument sign per lot or parcel
Size	No greater than 24 square feet
Location	Minimum of 8 feet outside of the right-of-way
Height	No higher than 6 feet for monuments, 21 feet for freestanding
(d) Marquee, suspended and awning signs	
Number	1 per business <i>tenant</i>
Size	No greater than 24 square feet per storefront, on awning face, or 40 percent of marquee face
Location	On face of awning or marquee, or suspended from plane
Height and overhang	Minimum clearance of 8 feet from bottom of sign, maximum overhang of 8 feet into the right-of-way

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

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

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

<del>(c) Political and real estate signs</del> <b><u>Temporary yard signs</u></b>	
Number	1 per issue or candidate, 1 per lot or parcel
Size	No greater than 6 square feet
Location	Minimum of 5 feet from adjacent property, and 8 feet outside of the right-of-way
Height	No higher than 6 feet

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

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

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

Location	of-way
—Height	No more than 6 feet

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

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

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

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

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

<b>C-1 College District—Permitted Signs</b>	
---	--

<del>(a) Campus</del> 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 <del>campus</del> 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	<del>Campus</del> Entrance, no greater than 150 square feet
Location	Minimum of 15 feet outside of the right-of-way
Height	No more than 15 feet
<del>(b) Wall signs for street side of campus area</del>	
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
<del>(c) Internal campus area</del> signs which are meant to direct and inform and are primarily designed to serve a pedestrian-oriented community shall be exempt from the permit requirements of this section. This includes building identification signs, temporary signs, traffic, parking, and pedestrian directional signs.	
Location	Internal <del>campus</del> area, may not be visible from property perimeter
<del>(d) Campus</del> 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 <del>campus</del> area. No illumination allowed without planning commission approval.	
Number	1 per lot or parcel
Size	No greater than 10 square feet
Location	Minimum of 8 feet outside of the right-of-way and a minimum of 50 feet away from any residential use
Height	No more than 8 feet
<del>(e) Sports complex/activity center signs,</del> Monument and freestanding signs. These Signs are allowed on college-owned property and must be located at least 50 feet from any residential use. No illumination is to be allowed without planning commission approval. Changeable copy is allowed.	
Number	1 per building
Size	No greater than 100 square feet

Location	Minimum of 8 feet outside the right-of-way
Height	No higher than 10 feet

## 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 and related to the owner/tenant of the property that has not been available on 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 that relates to the owner/tenant of the property that has not been available on 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/tenant 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/tenant that is not located on the same property as the sign.

*On-premises sign* means a sign that displays a message or other information that relates to a related to the owner/tenant of the same premises.

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

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

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

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

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

*Sandwich-board/A-frame sign* also known as a "tent" sign, that is displayed ~~seasonally and~~ temporarily at a storefront.

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

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

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

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

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

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

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

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

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

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

Sec. 26-4. - General sign provisions.

- (a) No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a city sign permit and a county building permit, if necessary, provided the following signs shall not require a zoning and/or building permit.
- (b) The following signs shall be allowed within all districts without permit, but subject to the provisions of section 26-5.
  - (1) Flags.
  - (2) Government signs
  - (3) Historical markers erected by a federal, state, or local government.
  - (4) Decorative signs.
  - (5) Interior signs, signs not visible from any street.
  - (6) Memorial/Commemorative signs
  - (7) Murals
  - (8) Name/address signs
  - (9) State of Michigan tourist oriented directional signs.
  - (10) Window signs not to exceed 50 percent of window and glass area.
  - (11) Freestanding yard signs; so long as they are not placed within the public right-of-way
- (c) All signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other conditions which impair legibility.
- (d) Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard. All signs must be installed in accordance with the single state construction code.
- (e) Signs may be internally illuminated or, if externally illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining onto traffic, up into the night sky, or onto any residential district or property.
- (f) No sign shall be permitted in the right-of-way unless otherwise noted.
- (g) All ground, wall, freestanding, and pylon signs may include changeable display/reader boards.
- (h) Portable signs commonly referred to as "sandwich board" or "A-frame" shall be allowed for temporary use only. Only one such sign is permitted per tenant. These signs shall not exceed two feet in width and four feet in length to a flat side and will be allowed to have changeable text. The placement of such a sign shall not interfere with the free and unobstructed travel of pedestrians on sidewalks or walkways, nor with the view of drivers at any intersection. The sign must be removed no later than 10 pm and placed indoors. Sandwich board/A-frame signs that are left out beyond this time shall be in violation of this chapter. This provision shall also apply to T-shaped or inverted "T" signs, which shall be subject to the same restrictions.
- (i) Awnings, suspended signs, canopies and marquees are permissible within the right-of-way with the approval of the zoning administrator as to compliance with the single state construction code. Awnings may not project over eight feet into the public right-of-way, and must have a minimum clearance of eight feet from grade.

- (j) One address sign shall be placed at the main entrance to each principal structure on any property such that same is plainly legible and visible from the street fronting the property, to assist ambulance, police and fire-protection response. Wall-mounted address signs shall not exceed four square feet in surface area, and shall be visible from the street for which the address applies. Address signs identifying a business shall have a minimum height of six inches.
  - (1) Freestanding address signs may be provided at single-family residences, not to exceed two square feet in area and five feet in height. Commercial, industrial, institutional, and multi-family uses are encouraged to include an address sign or signs on any freestanding sign on the lot as well.
  - (2) At properties that have three or more principal buildings such as apartment complexes and mixed-use commercial developments, an address-directory sign may be required by the city. The size, height, location and illumination (if any) of the address-directory sign shall be reviewed and approved by the zoning administrator.
- (k) Sign measurement:
  - (1) The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo or graphic, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
  - (2) The area of a freestanding, projecting or monument sign that has two or more faces shall be measured by including the area of all faces, unless the two faces are placed back to back and are of equal size, in which case the area of the two back to back faces shall be counted as one face.
  - (3) The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street, or the average grade of the ground immediately beneath the sign.
  - (4) For buildings with multiple tenants, the sign areas for wall signs, projecting signs and awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign requirements for that portion of the entire wall.
  - (5) Awning signs will be calculated by the area encompassing the lettering and graphic. Calculations will not include the material or fabric of the awning itself.
- (l) No signs, including, but not limited to, banners and placards or other publicly displayed structures carrying lettering or designs shall be placed in, upon, or over any street, public right-of-way, alley or other public place under the jurisdiction and control of the City of Hillsdale, provided, however, that the placement of signs, including but not limited to banners and placards or other publicly displayed structures carrying lettering or designs in, upon, or over the Highway M-99 right-of-way shall be exempt from this provision, but shall be subject to compliance with all applicable state statutes, rules, regulations and requirements.

Sec. 26-5. - Signs prohibited.

- (a) A sign not expressly permitted by this chapter is prohibited.

- (b) No sign shall be placed in, upon or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this chapter or other ordinance of the city.
- (c) No light pole, utility pole, tree within a public right-of-way, or other supporting member shall be used for the placement of any sign unless specifically designed for and otherwise approved by the city for such use.
- (d) No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
- (e) Commercial Vehicles, which are not used for any other purpose and have the intended function of acting as a sign, shall not be parked in any area visible from the right-of-way.
- (f) No wall sign shall extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roof line of a building, without review and approval by the zoning administrator.
- (g) No roof sign shall be erected above the roof line of a building without review and approval the zoning administrator.
- (h) Obstructions to any door, window, sidewalk, or fire escape. No sign shall be erected, relocated, or maintained so as to prevent ingress or egress from any door, window, sidewalk, or fire escape.
- (i) Abandoned signs shall be removed in accordance with their status as to conformity. Where such signs are non-conforming in size, or height, or other features, messages and the sign structure shall be removed within 90 calendar days. Where the sign is conforming but abandoned, messages must be removed within 90 calendar days. The structure of the sign shall be removed after one year if non-conforming. Any abandoned conforming sign or non-conforming sign or sign structure may be removed by the city at the expense of the property owner.
- (j) Sign constituting a public nuisance. If a sign is determined to be a public nuisance, as defined in chapter 14 of the City of Hillsdale Code of Ordinances, it shall be abated in accordance with the procedures provided.

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

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

- (1) Freestanding temporary yard signs may not be placed in the public right-of-way.
- (2) Wall-mounted temporary signs. One wall-mounted temporary sign shall be permitted in lieu of a freestanding temporary sign subject to the same restrictions set forth in the schedule. The sign shall be restricted to the ground floor wall of a building.
- (3) Temporary window signs. One temporary window sign shall be permitted in lieu of a freestanding or wall-mounted temporary sign subject to the same restrictions. In addition, the sign shall not exceed 50 percent of the window area.
- (4) Temporary signs shall be restricted according to the following schedule:

Zoning District	Maximum Height of Freestanding Sign	Maximum Sign Area in Square Feet
Residential R-1, RD-1	6 feet	6 square feet
B-2	6 feet	6 square feet

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

- (5) *Pennants, spinners, streamers and balloons.* Pennants, spinners, streamers, balloons and similar temporary display devices, attached directly to the principal building on a site are permitted, provided they do not exceed the building height.
- (6) *Sandwich board signs.* Permitted only as required in section 26-8.

Sec. 26-7. - Permitted permanent signs.

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

- (1) *Government signs.* Governmental signs of a branch of local, state, or federal government, including traffic or similar regulatory devices, or signs required to be maintained or posted by law or governmental order, rule or regulation.
- (2) *Flag.*
- (3) *Permanent window signs.* Permitted interior signs (including neon) that occupy not more than 50 percent of the total window area of each window of the first floor level.

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

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

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

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

- b. No main sign or combination of signs, whether projecting, awning or wall mount may exceed 24 square feet per main street storefront; no allowed secondary sign or combination of secondary signs may exceed 24 square feet, or 40 percent of marquee face
  - c. Such signs shall be located on structures properly mounted, or suspended from plane in compliance with the single state construction code.
- (2) *Wall-mounted signs.* Wall-mounted signs shall be permitted subject to the following restrictions:

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

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

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

Zoning District	Maximum height in feet	Maximum sign area in sq. ft.	Number	Location
R-1, RD-1, RM-1 (Nonresidential special use group)	6 ft.	24 sq. ft.	1 per major entrance	Min. 8 ft. outside right-of-way
B-1	6 ft. — monument 21 ft. — freestanding	32 sq. ft.	1 per lot/parcel	Min. 8 ft. outside right-of-way
B-2	6 ft. — monument 12 ft. — freestanding	24 sq. ft.	1 per lot/parcel	Min. 8 ft. outside right-of-way
B-3	6 ft. — monument 28 ft. — freestanding	100 sq. ft.	1 per 300 linear ft. of frontage	Min. 8 ft. outside right-of-way
C-1	10 ft.	100 sq. ft.	1 per building	Min. 8 ft. outside right-of-way
I-1	8 ft.	60 sq. ft.	1 per major	Min. 8 ft.

			entrance	outside right-of-way
--	--	--	----------	----------------------

- (5) *Sandwich boards.* One "sandwich board" or "A-frame" sign shall be allowed for ~~the~~ temporary purposes, subject to the following conditions:
- a. Such signs shall not exceed two feet width and four feet length to a flat side and will be allowed to have changeable text, but no electronic or dynamic display.
  - b. The placement of such a sign shall not interfere with the free and unobstructed travel of pedestrians on sidewalks or walkways, nor with the view of drivers at any intersection, or impede maintenance and/or snow and ice removal.
  - c. Signs must be removed and placed indoors no later than 10 pm. Sandwich board/A-frame signs that are left out after the designated time shall be in violation of this chapter.
  - d. Signs within the public right-of-way.
  - e. This provision shall also apply to T-shaped or inverted "T" signs and shall be subject to the same restrictions with each tenant allowed only one such sign per tenant, regardless of type (A-frame, T-shaped or inverted "T").

Sec. 26-9. - Special condition signs.

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

- (1) Historic signs. Contact the Michigan State Historic Preservation Office (SHPO) for more information.
- (2) Wall-mounted signs above the first floor of a multiple-story building related to one or more of the tenants housed within the building. Refer to chart in section 26-8.
- (3) Unique signs whose total area is within the applicable district size allowance established in article II of chapter 26 of Hillsdale's Code of Ordinances that are determined by the planning commission to require additional height or width due to unique design or obscuring sight lines shall be allowed additional height and width allowance as needed, provided, however that they neither exceed the additional height or width, nor the area within them exceed the allowances otherwise provided by more than ten percent.
- (4) Murals shall be permitted in the B-2, B-3, C-1, PRD, PRF, PUD and I-1 districts only.
- (5) Off premises or billboard signs shall be permitted in the general business (B-3) district. Billboards may not exceed 200 square feet in area, or 20 feet in height. Billboards must be setback a minimum of 30 feet from all property lines and shall be located a minimum of 1,000 feet from all other billboards on the same street. When abutting a residential district, no portion of the billboard shall be located closer than 200 feet from the property line. All permit applications for billboards must be submitted to the planning/zoning department along with a landscaping plan.
- (6) Procedures and considerations for special-condition signs are as follows:
  - a. Special-condition signs shall be reviewed as to size, location, placement, etc. subject to regulations of this chapter.
  - b. The planning commission, or zoning administrator, may impose conditions necessary to protect the public health, safety, and welfare of the community.

- c. Public notice of the time, date, and place of an appeal of a sign review decision made by the planning commission, or zoning administrator, shall be provided in advance of the meeting during which the appeal will be considered.
- (7) *Standards for sign review.* In reviewing signs, the zoning administrator or the planning commission shall consider the following to determine compliance with applicable ordinance provisions a basis for approving or denying a sign permit and establishing setback, location, and placement of signs:
  - a. Site location:
    - 1. Distance from buildings;
    - 2. Distance from property lines;
    - 3. Distance from right-of-way.
  - b. Sign size:
    - 1. Height and width;
    - 2. Building location;
    - 3. Height above grade or finish floor line;
    - 4. Location of sign from side to side of wall;
    - 5. Percentage of wall used for signage.
  - c. Awning:
    - 1. Size;
    - 2. Distance above grade or finish floor line;
    - 3. Signage measurement relative to awning edges;
    - 4. Signage height and width.
  - d. Sign characteristics:
    - 1. Shape of sign;
    - 2. Sign materials.
  - e. Mural:
    - 1. Height and width;
    - 2. Building location;
    - 3. Distance above grade or finish floor line;
    - 4. Location of sign from side to side of wall.

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

**Sec. 26-10. - Non-conforming signs, illegal signs, and signs accessory to non-conforming uses.**

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

- (1) No non-conforming sign shall be reconstructed, structurally altered, remodeled, relocated, or replaced unless a permit is issued allowing such action and the reconstructed or replaced sign and sign structure renders the sign and sign structure conforming in all respects.
- (2) The owner of a non-conforming sign shall maintain it in good repair by, among other things, repainting it and replacing broken or deteriorated parts.
- (3) A non-conforming sign or sign structure which is destroyed or damaged by any casualty may be restored within six months after such destruction or damage only after the

owner has shown that the damage did not exceed 50 percent of the appraised value of the sign immediately prior to its loss or damage. If such sign or sign structure is destroyed or damaged to an extent exceeding 50 percent of its appraised value, it shall be removed and shall not be reconstructed or replaced unless a permit is issued allowing such action and the reconstructed or replaced sign and sign structure renders the sign and sign structure conforming in all respects.

- (4) A non-conforming sign or sign structure shall be removed within 60 days if the building containing the use to which the sign is accessory is demolished or destroyed to an extent exceeding 50 percent of the building's appraised value.

Sec. 26-11. - Removal of certain signs.

- (a) In the event a conforming sign is abandoned for a period of 30 calendar days the sign owner and/or property owner shall immediately remove any commercial message identifying the business announced thereby. The zoning administrator may grant an extension upon good cause shown.
- (b) In the event a sign, whether conforming or non-conforming, is abandoned for a period of 60 calendar days, the sign owner and/or property owner shall immediately remove the sign and sign structure. Once removed, no sign may be replaced on the premises except in compliance with all applicable provisions of this article. For good cause shown in writing by the sign owner and/or the property owner filed prior to the expiration of the 60-day period, the zoning administrator may grant an extension not exceeding 60-days.
- (c) Any sign that is not constructed, painted, installed or maintained as required in this chapter; is constructed, painted, or maintained without a proper and valid permit; or is a non-conforming sign for which the time period set forth in subsection (c) has expired shall be forthwith removed.
- (d) In the event a sign subject to removal pursuant to the preceding subsection is not removed as provided therein, the zoning administrator shall forthwith notify the sign owner and/or the property owner in writing to remove said sign within 14 calendar days of the date of said notice.
- (e) Should the sign owner and/or property owner fail to remove or cause the removal of the sign within the time established pursuant to subsections (a) and (b) of this section, the zoning administrator is authorized to remove or cause the removal of said sign. Any expense incidental to the removal of the sign shall be charged to the owner of the property on which the sign is located and shall constitute a lien on said property collectible in the same manner as taxes.
- (f) Any sign placed within the public right-of-way in violation of this ordinance shall be forfeited to the public and subject to immediate confiscation and removal by the city at the sign owner's sole expense.
- (g) The words "remove," "removal" and "removed" as used in this section and its subsections shall mean:
  - (1) For abandoned conforming signs, the removal of all messages. In the case of painted wall signs, such words shall also include painting over the original sign face in its entirety so as to completely cover it.
  - (2) For abandoned non-conforming signs altered over 50 percent.

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

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

Sec. 26-13. - Violations.

- (a) Violation of any provision of this chapter shall constitute a municipal civil infraction, punishable as provided in Article II of Chapter 20 of the Code of Ordinances of the City of Hillsdale, Michigan.
- (b) Any of the following shall be a violation of this chapter and shall be subject to the enforcement remedies and penalties provided by this chapter and by state law:
  - (1) To install, create, erect, or maintain any sign in violation of any provision of this chapter.
  - (2) To install, create, erect, or maintain any sign in a manner that is inconsistent or not in conformity with any approved plan or permit governing such sign or the property on which it is located.
  - (3) To install, create, erect or maintain any sign requiring a permit without such permit.
  - (4) To fail to remove any sign that is installed, created, erected or maintained in violation of this chapter or for which the sign permit has lapsed.
- (c) Each day that a violation exists shall constitute a separate violation.

Sec. 26-14. - Enforcement and remedies.

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

Sec. 26-15. - Penalties.

- (a) Violation of any provision of this chapter shall be punishable as provided in Article II, Chapter 20 of the Code of Ordinances of the City of Hillsdale, Michigan.
- (b) The owner and if applicable, the tenant or other tenant of any building, structure, premises, or part thereof who commits, participates in, or maintains such violation may be found responsible for a separate offense and subject to the penalties herein provided.

- (c) Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 26-16. - Appeal procedure.

- (a) An appeal may be taken to the board of appeals by any person, firm or corporation, or any officer, department, board or bureau affected by a decision of the building inspector. Such appeal shall be taken within such time as shall be prescribed by the board of appeals, by general rule, by filing with the building inspector and with the board of appeals a notice of appeal, specifying the grounds thereof. The building inspector shall forthwith transmit to the board of appeals all of the papers constituting the record upon which the action appealed from was taken.
- (b) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the building inspector certifies to the board of appeals after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property; in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by the board of appeals or by a court of record on application, on notice to the building inspector, and on due course shown.
- (c) The board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.
- (d) A fee as currently established or as hereafter adopted by resolution of the city council from time to time shall be paid to the secretary of the board of appeals at the time that notice of appeal is filed, which the secretary shall forthwith pay over to the city treasurer to the credit of the general fund of the city.
- (e) Duration of variances. All sign variances shall terminate upon alteration or reconstruction of more than 50 percent of the sign, or at a date set by the zoning board of appeals.

Sec. 26-17. - Authority.

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

Secs. 26-18—26-30. - Reserved.

ARTICLE II. - DISTRICT REGULATIONS

Sec. 26-31. - All zoning districts.

The following sign regulations are applicable to all zoning districts:

- (1) Portable and temporary signs are prohibited, except as otherwise provided for elsewhere in this chapter.
- (2) All signs shall be set back at least eight feet from the property line in all zoning districts, unless otherwise provided for elsewhere in this chapter.
- (3) All signs shall be prohibited from the sight clearance triangle.
- (4) Billboards shall be prohibited from all districts, except the general business (B-3) district. Billboards may not exceed 200 square feet in area, or 20 feet in height. Billboards must be set back a minimum of 30 feet from all property lines and shall be located a minimum of 1,000 feet from all other billboards on the same street. When abutting a residential district, no portion of the billboard shall be located closer than 200 feet from the property line. All permit applications for billboards must be submitted to the building department along with a landscaping plan.

Sec. 26-32 - Residential districts.

Sign regulations in residential districts shall be as follows:

R-1, RD-1, and RM-1 Zoning Districts—Permitted Signs	
(a) Monument and freestanding signs, for residential subdivisions, manufactured home parks, multiple-family complexes, schools and churches. No illumination is to be allowed inside residential districts, except churches.*	
Number	1 per major entrance
Size	No greater than 24 square feet
Location	Minimum of 8 feet outside of right-of-way
Height	No higher than 6 feet
(b) Wall signs*	
Number	1 per lot or parcel
Size	No greater than 4 square feet
Location	On wall of building facing street
(c) Wall signs*	
Number	1 per street front
Size	No greater than 5 percent of the wall area to which it is affixed, not to exceed 28 square feet
Location	On wall of building, facing the street

(d) Temporary yard signs	
Number	1 per lot or parcel
Size	No greater than 6 square feet
Location	Minimum of 8 feet outside of right-of-way
Height	No higher than 6 feet
* Total aggregate of 28 square feet in area per lot.	

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

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

B-1 Local Business District, C-1 College District—Permitted Signs	
(a) Monument and freestanding signs *	
Number	Only 1 freestanding, or monument sign per lot or parcel
Size	No greater than 32 square feet
Location	Minimum of 8 feet outside of right-of-way
Height	No higher than 6 feet for monuments, 21 feet for freestanding
(b) Wall signs *	
Number	1 per street front, maximum of 2
Size	No greater than 5 percent of the wall to which the sign is affixed, not to exceed 48 square feet
Location	On wall of building facing the street
(c) Temporary Yard Signs	
Number	1 per lot or parcel
Size	No greater than 16 square feet
Location	Minimum of 8 feet outside of the right-of-way
Height	No higher than 6 feet
* Total aggregate of 48 square feet in area per lot.	

Sec. 26-34 - 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 lot or parcel
Size	No greater than 24 square feet
Location	Minimum of 8 feet outside of the right-of-way
Height	No higher than 6 feet for monuments, 21 feet for freestanding
(c) Marquee, suspended and awning signs	
Number	1 per tenant
Size	No greater than 24 square feet per storefront, on awning face, or 40 percent of marquee face
Location	On face of awning or marquee, or suspended from plane
Height and overhang	Minimum clearance of 8 feet from bottom of sign, maximum overhang of 8 feet into the right-of-way

Sec. 26-35 - B-3 general business district.

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

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

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

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

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

I-1 Industrial District—Permitted Signs	
(a) Monument and freestanding signs	
Number	1 per lot or parcel major entrance
Size	No greater than 60 square feet
Location	Minimum of 5 feet from adjacent property, minimum of 8 feet outside of the right-of-way
Height	No more than 8 feet
(b) Wall signs	
Number	1 per street front
Size	No greater than 5 percent of the wall area to which the sign is affixed
Location	On wall of building, facing the street
(c) Temporary yard signs	
Height	No more than 6 feet
Size	No greater than 12 square feet
	Minimum of 5 feet from adjacent property, minimum of 8 feet outside of the right-

Location	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	Minimum of 15 feet outside of the right-of-way
Height	No more than 15 feet
(b) Wall signs	
Number	1 per building
Size	2 square feet for each lineal foot of building front up to an aggregate of 150 square feet of sign area
Location	On wall of building, facing the street
(c) Internal signs which are meant to direct and inform and are primarily designed to serve a pedestrian-oriented community shall be exempt from the permit requirements of this section.	
Location	Internal area, may not be visible from property perimeter
(d) Perimeter signs must be located on college-owned property and are designed to inform and direct pedestrian and vehicle traffic. These signs are primarily for parking areas located on the perimeter of the internal area. No illumination allowed without planning commission approval.	
Number	1 per lot or parcel
Size	No greater than 10 square feet
Location	Minimum of 8 feet outside of the right-of-way and a minimum of 50 feet away from any residential use
Height	No more than 8 feet
(e) Monument and freestanding signs. Signs allowed on college-owned property and must be located at least 50 feet from any residential use. No illumination allowed without planning	

commission approval. Changeable copy allowed.	
Number	1 per building
Size	No greater than 100 square feet
Location	Minimum of 8 feet outside the right-of-way
Height	No higher than 10 feet

#### Additional Definitions for 36-6

*Short- Term Rental* means the rental or subletting of any dwelling for a term of 27 days or less, but the definition does not include the use of campgrounds, hotel rooms, transitional housing operated by a non- profit entity, group homes such as nursing homes and adult foster care homes, hospitals, or housing provided by a substance- abuse rehabilitation clinic, mental- health facility, or other health-care related clinic.

## **Chapter 36, Article IV- Supplemental Regulation**

**Sec. 36-436 Bed and Breakfast Operations** as defined in Sec. 36-6 are permitted subject to the following:

1. The bed and breakfast operation shall be conducted entirely within the dwelling unit on the premises, which dwelling unit shall comply with the International Property Maintenance Code (IPMC) bedroom and living room requirements as adopted by the City, and which dwelling unit shall be located on a private lot. The dwelling unit shall not be physically altered for the primary purpose of increasing the space available for the bed and breakfast operation.
2. A bathroom shall be provided on each floor where bed and breakfast sleeping rooms are provided and there shall be at least one bathroom for every four bed and breakfast sleeping rooms.
3. There shall be provided a minimum of one parking space for the dwelling unit plus one additional parking space for each bed and breakfast room within the dwelling unit.
4. There may be one unanimated, non-illuminated sign attached to the dwelling unit according to allowances within Chapter 26 of the sign ordinance.
5. During such times as the bed and breakfast operation is being conducted, the premises shall not be used for any other permitted use or use subject to special conditions, other than as a single-family dwelling unit. The facilities provided on the premises shall be exclusively for the use of bed and breakfast guests and residents of the dwelling unit.
6. If the Owner is not on-site at the time of rental, the Owner must provide a contact person. This contact person must be available to accept telephone calls at all times that the dwelling is rented. The contact person must have a key to the dwelling and be capable of being physically present at the dwelling within two hours to address issues within the same time frame.

**Sec. 36-437 Short Term Rentals** as defined in Sec. 36-6 are permitted subject to the following:

1. Occupants shall not encroach on neighboring properties.
2. Campfires shall be maintained in designated fire pits and comply with Hillsdale Municipal Code, Sec. 16-46.
3. Owners shall provide sufficient waste receptacles which shall be screened from view. Premises shall be free of visible debris. Garbage shall be disposed of on not less than a weekly basis.
4. Room Area: shall comply with International Property Maintenance Code (IPMC) bedroom and living room requirements as adopted by the City.
5. Occupants shall not create a nuisance. For purposes of this subsection, a nuisance includes but is not limited to the following:
  - a. An activity that violates the city noise regulations found in the Hillsdale Municipal Code, Chapter 14, Article III; and
  - b. Any activity that violates the city firework regulations found in the Hillsdale Municipal Code, Sec. 22-234.
6. If the owner of the Premises does not reside in the dwelling unit, the owner must provide him or herself, or provide a contact person. This contact person must be available to accept telephone calls at all times that the dwelling is rented. The contact person must have a key to the dwelling and be capable of being physically present at the dwelling within two hours to address issues within the same time frame.

**Secs. 36-438—36-460. - Reserved.**

Sec. 36-411. - Limitations on height, bulk, density and area by land use.

Districts	Minimum Size Lot Per Unit		Maximum Height of Structures		Minimum Yard Setback (Per Lot in Feet)			Minimum Floor Area Per Unit (Square Feet)	Maximum Percentage of Lot Area Covered by All Buildings
	Area in Square Feet	Width in Feet	In Stories	In Feet	Front	Each Side	Rear		
R-1 one-family residential	(a) 8,400	(a) 70	2½	<del>25</del> <u>35</u>	25	(b) 8	<del>35</del> <u>15</u>	1,000	30%
<del>R-2 one-family residential</del>	<del>(a)</del> 9,600	<del>(a)</del> 80	2½	25	25	(b) 8	35	1,100	30%
<del>R-3 one-family residential</del>	15,000	100	2½	25	30	(b) 10	35	1,300	30%
RD-1 one-family residential	(a) 6,500	(a) 60	2½	25	25	(b) 8	10	1,000	30%
RD-1 two-family residential	(a) 8,400	(a) 70	2½	25	25	(b) 8	10	1,000	35%
RM-1 multiple-family residential	(e) <u>(b)</u>	—	2½	40	25 (d) <u>(c)</u>	8 (d) <u>(c)</u>	10 (d) <u>(c)</u>	1,000 (e)	35% (e) <u>(b)</u>
O-1 office	—	—	2½	35	(i) <del>25</del>	(f, n)	(g, m)	none	(h)

B-1 local business	—	—	2½	35	(i) 25	(f, n)	(g, n)	none	(h)
B-2 central business	—	—	(j)	(j)	(i)	(f, n)	(g, n)	none	(h)
B-3 general business	—	—	2½	(m) 35	(i) 40	(f, n)	(g, n)	none	(h)
I-1 light industrial	—	—	—	(m) 50	50	(k, l, n, o) 10	(k, n, p)	none	(h)
<del>I-2 heavy industrial</del>	—	—	—	<del>(m) 75</del>	50	<del>(k, l, n, o) 10</del>	<del>(k, n, p)</del>	none	<del>(h)</del>
P-1 vehicular	—	—	(j)	(j)	§ 36-354(a), <del>(b)</del>		—	—	(h)
PRF parks and recreational facilities district	—	—	(j)	(j)	25 (i)	10	(g, n)	—	30%
<del>C-1 college district, residential</del>	<del>(e)</del>	—	2½	30	<del>(d)</del>	<del>(d)</del>	<del>(d)</del>	<del>(e)</del>	<del>(e)</del>
C-1 college district	<del>(e)</del> <u>(b)</u>	<del>(e)</del> <u>(b)</u>	4	50	(i) 40	10	(g, n)	<del>(e)</del> <u>(b)</u>	30%

Notes:

- (a) In those instances where public sewers are not provided, all lot areas per dwelling unit shall equal at least 12,000 square feet. See sections 36-402 and 36-403 regarding exceptions as to lot area and density controls.

~~(b)~~ The side yard abutting upon a street shall not be less than ten feet when there is a common rear relationship in the block and a common side yard relationship with the block directly across the common separating street. In the case of a rear yard abutting a side yard of an adjacent lot, or when the side yard abuts on frontages across a common street, the side yard abutting a street shall not be less than the required front yard of the district.

~~(b)~~~~(e)~~ In an RM-1 multiple-family residential district, the total number of rooms as defined in section 36-6, in buildings consisting of more than four dwelling units shall not be more than the area of the parcel in square feet divided by 900. All units shall meet the International Property Maintenance Code (IPMC) occupancy area requirements. ~~have at least one living room and one bedroom, except that ten percent of units may be of an efficiency apartment type. For the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:~~

=====

Bedroom	=2 rooms	Plans presented showing 1, 2, or 3 bedroom units and including a den, library, or other extra room shall count such extra room as a bedroom for the purpose of computing density.
Two Bedroom	=3 rooms	
Three Bedroom	=4 rooms	
Four Bedroom	=5 rooms	

-

=====

The area used for computing density shall be the total site area exclusive of any dedicated public right of way of either interior or bounding roads.

~~(c)~~ ~~(d)~~ Every lot on which a main building consisting of more than four dwelling units is erected shall be provided with a 40-foot setback on each exterior side of such lot. Each setback shall be increased by one foot for each ten feet or part thereof by which the length of the structure exceeds 40 feet in overall dimension along the adjoining lot line.

In all RM-1 multiple-family residential districts, the minimum distance between any two buildings shall not be less than the allowable distance as designated by the State of Michigan Single Construction Code. Parking shall not cover more than 30 percent of the area of any required yard, or any minimum distance between buildings. Properties must

follow the landscape requirements as listed in chapter 36, sections 36-148 through 36-152.

- (e) See definitions under section 36-6. All row houses, terraces and other such multiple-type structures shall comply with the floor area requirements under apartments.
- (f) No side yards are required along the interior side lot lines, except as otherwise specified in the single state construction code. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than ten feet on the side or residential street. If walls of structures facing such interior side lot lines contain windows or other openings, side yards of not less than ten feet shall be provided.
- (g) Loading space shall be provided in the rear yard in the ratio of at least ten square feet per front foot of building and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of the alley.
- (h) The maximum percentage of coverage shall be determined by the use and the provisions of required off-street parking, loading and unloading, and required yards.
- (i) Parking shall be permitted in the front yard after approval of the parking plan layout and points of access by the planning commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines, whichever is greater.
- (j) The maximum height of a structure in the B-2 district shall not exceed 12 feet above the property immediately adjacent. Any proposed structure over 50 feet tall shall require approval of the city planning commission.
- (k) No building shall be closer than 50 feet to the outer perimeter (property line) of such district when the property line abuts any residential district.
- (l) Side yards abutting upon a street and across from other industrial I districts shall be provided with a setback of at least 20 feet.
- (m) Planned developments involving five acres or more under one ownership shall be subject to the approval of the board of appeals, after public hearing, regarding modifications with respect to height regulations. In approving an increase in structure height, the board of appeals shall require that all yards shall at least equal in their depth the height of the structure.
- (n) A four-foot-six-inch obscuring wall or fence shall be provided on those sides of the property abutting land zoned for residential use.
- (o) Parking shall be permitted on the side yard after approval of the parking plan layout and points of access by the planning commission.
- (p) All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence not less than six feet high, or with a chain-link type fence and a greenbelt planting so as to obscure all view from any adjacent district or public street.

(Code 1979, § 17.28.010; Ord. No. 2005-14, 11-21-2005; Ord. No. 2014-6, 7-21-2014; Ord. No. 2016-005, 6-6-2016)

Sec. 36-411. - Limitations on height, bulk, density and area by land use.

Districts	Minimum Size Lot Per Unit		Maximum Height of Structures		Minimum Yard Setback (Per Lot in Feet)			Minimum Floor Area Per Unit (Square Feet)	Maximum Percentage of Lot Area Covered by All Buildings
	Area in Square Feet	Width in Feet	In Stories	In Feet	Front	Each Side	Rear		
R-1 one-family residential	(a) 8,400	(a) 70	2½	35	25	8	15	1,000	30%
RD-1 one-family residential	(a) 6,500	(a) 60	2½	25	25	8	10	1,000	30%
RD-1 two-family residential	(a) 8,400	(a) 70	2½	25	25	8	10	1,000	35%
RM-1 multiple-family residential	(b)	—	2½	40	25 (c)	8 (c)	10 (c)	1,000 (e)	35% (b)
B-1 local business	—	—	2½	35	(h) 25	(e, m)	(f, m)	none	(g)
B-2 central business	—	—	(i)	(i)	(h)	(e, m)	(f, m)	none	(g)
B-3 general business	—	—	2½	(l) 35	(h) 40	(e, m)	(f, m)	none	(g)

I-1 light industrial	—	—	—	(l) 50	50	(j, k, m, n) 10	(j, m, o)	none	(h)
P-1 vehicular	—	—	(j)	(j)	§ 36-354(a)			—	(h)
PRF parks and recreational facilities district	—	—	(i)	(i)	25 (h)	10	(f, m)	—	30%
C-1 college district	(b)	(b)	4	50	(h) 40	10	(f, m)	(b)	30%

*Notes:*

- (a) In those instances where public sewers are not provided, all lot areas per dwelling unit shall equal at least 12,000 square feet. See sections 36-402 and 36-403 regarding exceptions as to lot area and density controls.
- (b) In an RM-1 multiple-family residential district, the total number of rooms as defined in section 36-6, in buildings consisting of more than four dwelling units shall not be more than the area of the parcel in square feet divided by 900. All units shall meet the International Property Maintenance Code (IPMC) occupancy area requirements.
- (c) Every lot on which a main building consisting of more than four dwelling units is erected shall be provided with a 40-foot setback on each exterior side of such lot. Each setback shall be increased by one foot for each ten feet or part thereof by which the length of the structure exceeds 40 feet in overall dimension along the adjoining lot line.

In all RM-1 multiple-family residential districts, the minimum distance between any two buildings shall not be less than the allowable distance as designated by the State of Michigan Single Construction Code. Parking shall not cover more than 30 percent of the area of any required yard, or any minimum distance between buildings. Properties must follow the landscape requirements as listed in chapter 36, sections 36-148 through 36-152.

- (d) See definitions under section 36-6. All row houses, terraces and other such multiple-type structures shall comply with the floor area requirements under apartments.
- (e) No side yards are required along the interior side lot lines, except as otherwise specified in the single state construction code. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than ten feet on the side

or residential street. If walls of structures facing such interior side lot lines contain windows or other openings, side yards of not less than ten feet shall be provided.

- (f) Loading space shall be provided in the rear yard in the ratio of at least ten square feet per front foot of building and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of the alley.
- (g) The maximum percentage of coverage shall be determined by the use and the provisions of required off-street parking, loading and unloading, and required yards.
- (h) Parking shall be permitted in the front yard after approval of the parking plan layout and points of access by the planning commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines, whichever is greater.
- (i) The maximum height of a structure in the B-2 district shall not exceed 12 feet above the property immediately adjacent. Any proposed structure over 50 feet tall shall require approval of the city planning commission.
- (j) No building shall be closer than 50 feet to the outer perimeter (property line) of such district when the property line abuts any residential district.
- (k) Side yards abutting upon a street and across from other industrial I districts shall be provided with a setback of at least 20 feet.
- (l) Planned developments involving five acres or more under one ownership shall be subject to the approval of the board of appeals, after public hearing, regarding modifications with respect to height regulations. In approving an increase in structure height, the board of appeals shall require that all yards shall at least equal in their depth the height of the structure.
- (m) A four-foot-six-inch obscuring wall or fence shall be provided on those sides of the property abutting land zoned for residential use.
- (n) Parking shall be permitted on the side yard after approval of the parking plan layout and points of access by the planning commission.
- (o) All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence not less than six feet high, or with a chain-link type fence and a greenbelt planting so as to obscure all view from any adjacent district or public street.

**Sec. 36-142. - Zoning districts.**

For the purpose of this chapter, the city is divided into the following zoning districts:

R-1	One-Family Residential District
<del>R-2</del>	<del>One-Family Residential District</del>
<del>R-3</del>	<del>One-Family Residential District</del>
RD-1	One-Family and Two-Family Residential District
RM-1	Multiple-Family Residential District
<del>O-1</del>	<del>Office District</del>
B-1	Local Business District
B-2	Central Business District
B-3	General Business District
I-1	<del>Light</del> Industrial District
<del>I-2</del>	<del>Heavy Industrial District</del>
<del>P-1</del>	<del>Vehicular Parking District</del>
PRF	Park and Recreational Facilities District
<u>C-1</u>	<u>College District</u>
<u>PRD</u>	<u>Planned Redevelopment District</u>

**Sec. 36-142. - Zoning districts.**

For the purpose of this chapter, the city is divided into the following zoning districts:

R-1	One-Family Residential District
RD-1	One-Family and Two-Family Residential District
RM-1	Multiple-Family Residential District
B-1	Local Business District
B-2	Central Business District
B-3	General Business District
I-1	<del>Light</del> Industrial District
PRF	Park and Recreational Facilities District
C-1	College District
PRD	Planned Redevelopment District

**Sec. 36-413. - Averaged lot sizes.**

The intent of this section is to permit the sub-divider or developer to vary the lot sizes and lot widths so as to at least average the minimum size of lot per unit as required in section 36-401 for each one-family and two-family residential district. If this option is selected the following conditions shall be met:

- (1) In meeting the average minimum lot size the subdivision shall be so designed as not to create lots of widths less than ~~55~~ **66** feet for ~~RD-1 one family lot,~~ ~~65 feet for RD-1 two-family and R-1 one-family lots.~~ ~~75 feet for R-2 one-family and 90 feet in an R-3 one-family district.~~
- (2) The technique of averaging minimum lot size shall be acceptable only in those instances wherein the entire preliminary plat, which has received the approval of the city, is carried through to a final plat and is then recorded in its totality. Recording of portions of a preliminary plat shall not be acceptable under this option.
- (3) All computations showing lot area and the average area resulting through this technique shall be indicated on the print of the preliminary plat.
- (4) The combining of features of section ~~36-402~~ **36-401** and this section may be carried out. The planning commission shall determine in their review of the preliminary plat that the full intent of section ~~36-402~~ **36-401** and this section has been met.

**Sec. 36-413. - Averaged lot sizes.**

The intent of this section is to permit the sub-divider or developer to vary the lot sizes and lot widths so as to at least average the minimum size of lot per unit as required in section 36-401 for each one-family and two-family residential district. If this option is selected the following conditions shall be met:

- (1) In meeting the average minimum lot size the subdivision shall be so designed as not to create lots of widths less than 66 feet
- (2) The technique of averaging minimum lot size shall be acceptable only in those instances wherein the entire preliminary plat, which has received the approval of the city, is carried through to a final plat and is then recorded in its totality. Recording of portions of a preliminary plat shall not be acceptable under this option.
- (3) All computations showing lot area and the average area resulting through this technique shall be indicated on the print of the preliminary plat.
- (4) The combining of features of section 36-401 and this section may be carried out. The planning commission shall determine in their review of the preliminary plat that the full intent of section 36-401 and this section has been met.

**Sec. 36-414. - Permitted and special conditional uses.**

The following uses are permitted (P), or subject to special conditions (S) within the zoning districts. Conditional uses require approval by the planning commission to the procedures of sections 36-61 through 36-65:

**Permitted and Conditional Uses**

	B-1	B-2	B-3	C-1	I-1	PRF	PRD	PUD	R-1	RD-1	RM-1
Adult Bookstores, Adult Motion Picture Theaters, Cabarets, And Massage Parlors			S				S	P			
Amphitheaters, Band Shells or Stages						S					
Animal Hospital					S						
Assembly and Meeting Halls	P	P	P				P	P			
Auto Repair Station			S		S			S			
Automobile Wash			P		S			P			
Banks	P	P	P				P	P			
Barber Shops and Beauty Salons	P	P	P	S				P			
Bed and Breakfast Operations, Short-term Rentals	S	S	S	S	S			P			S
Bowling Alleys			P				S	P			
Bulk storage					P						
Bus Passenger Stations			P				S	P			

Campgrounds, Public Canoe Liveries, Public Docks												
Cemeteries								P	S			
Child Care Facility	S	P	P	P	S		P	P	P	P	P	P
Churches		S	P					P	S			
Civic Uses	S	P	P		P		P	P				
Clubs, Dance Halls, Lodges			P				S	P				
Colleges, Universities and other such Institutions of Higher Learning					S		S	P	S			
Convalescent Homes								P				S
Educational		P	P	P	S	S	P	P	P	P	P	P
Electric Arc Furnace, Steel Furnace, Blooming, Rolling Mill					P							
Facilities for Snow Skiing, Tobogganing and/or Sledding						S						
Family Day Care Home	S	S	S	P	S			P	S	S	S	S
Farms									S			
Fine Arts		P	P	P		S		P				
Garbage Processing, Recycling					S							
Gasoline Stations	S		S		P			P				

General Hospitals							S	P			S
Golf Courses with Associated Residential Dwellings, Driving Ranges, Shooting Ranges, Restaurant/Banquet Or Food Service						S					
Governmental Office Buildings	P	P	P		P		P	P			
Greenhouses, Nurseries and Garden Centers			S					P			
Grocery and Pharmacy	P	P	P				P	P			
Group Day Care Home	S	S	S	P	S			P		S	S
Health and Fitness Facilities	P	P	P	P			P	S			
High Technology	P	P	P				P	P			
Hotel/Motel		S	S				S	P			
Housing for the Elderly				P				P			S
Incineration of Garbage or Refuse					S						
Institutional Recreation Centers	P	P					S	P	S		
Junkyards and Vehicle Storage					P						
Kennels					S						
Laboratories				P	P						

Libraries		P	P	P			S	P	P	P	P
Lumber and Planning Mills					S						
Lumber Yards			S					P			
Manufacture Ceramic Products					P		S				
Manufacture of Corrosive Acid, Alkali, Cement, Lime, Gypsum, Plaster of Paris					P						
Manufacture of Musical Instruments, Toys, Novelties and Metal or Rubber Stamps, Small Molded Rubber Products					P						
Manufacture or Assembly of Electrical Appliances, Electronic Instruments and Devices, Radios, Phonographs					P		S				
Manufacture, Compounding, Assembling, Treatment from Previously Prepared Materials					P		S				
Manufacture, Compounding, Processing, Packaging, Treatment of Products such as but not limited to Bakery Goods, Candy, Cosmetics, Pharmaceuticals, Toiletries, Food Products, Hardware and Cutlery; Tool, Die, Gauge, and Machine Shops					P		S				

Media services	P	P	P				P	P			
Medical/Clinical/General Practitioner Offices	P	P	P	P	S		P	P			S
Metal Plating, Buffing and Polishing					S						
Miniature Golf Courses			S			S		P			
Mixed-use	P	P	P				P	P			
Mortuaries and Funeral Homes			P					P			
Multiple-family Dwellings		P	S	P	S		P	P			P
Municipal/public works	S	P	P		P		P	P	S		
New Automobile Sales or Showroom			P		P		S	P			
Newspaper Offices And Printing Plants		P	P				S	P			
Nursery Schools, Day Nurseries		P	S	P				P			S
Nursing homes			P					P			
One-family Detached Dwelling		P	S	P	S		P	P	P	P	P
Outdoor cafes		P	P		S		P	P			
Outdoor Sales Space for the Exclusive Sale of Non-Consignment Items, Excluding Livestock			S		S	S		P			

Outdoor Sales Space for the Exclusive Sale of Secondhand Automobiles or House Trailers			S		S		S	P			
Parks				P		P	P	P	P	P	P
Parkways				P		P	P	P	P	P	P
Personal Service Establishment	P	P	P				P	P			
Petroleum, Other Inflammable Liquids, Production, Refining, Storage					S						
Pool or Billiard Parlor or Club			P				S	P			
Post office	P	P	P				P	P			
Power Generating Plants		S			P						
Private stable									S		
Professional offices	P	P	P	P	P		P	P			S
Public utilities	S	S	S		P			P	S		
Recreational facilities	P	P	P	P		P	P	P	S		
Restaurants and Taverns		P	P	P	S		P	P			
Retail	P	P	P	P			P	P			
Schools (public, parochial, private)	P	P	P	P			P	P	P	P	P
Self-Service Laundry and/or Dry Cleaning Establishment	P	P	P				P	P			

Slaughterhouses											
Smelting of Copper, Iron, Zinc Ore					S						
Stadiums				P		S	S				
State-licensed Residential Facility		P		P	S		P	P	P	P	P
Studios for Professional Work or Teaching of Fine Arts, Interior Decorating, Photography, Music, Drama or Dancing.		P	P	P			P				
Theaters		P	P				S				
Two-family Dwellings		P	S	P	S		P	P		P	P
Warehouse and Storage Facilities		P	P		P		P	P			
Water Supply Plants, Water Tank Holders, Wells, and Pumping Stations					P						

Refer to Secs. 36-17, 36-173, 36-192, 36-193, 36-212, 36-213, 36-252, 36-254, 36-272, 36-273, 36-292, 36-293, 36-312, 36-313, 36-373, 36-374, 36-388, 36-396, 36-404, 36-405

## DIVISION 2. - R-1—~~R-3~~ ONE-FAMILY RESIDENTIAL DISTRICTS

Sec. 36-171. - Generally.

The R-1 ~~through R-3~~ one-family residential districts are designed to be composed of low density residential home development. The regulations in this division are intended to stabilize, protect and encourage the residential character of the district and prohibit activities not compatible within such districts. Development in the R-1 ~~through R-3~~ one-family residential district is limited to single-family dwellings plus such other uses as schools, parks, churches and certain public facilities which serve residents of such districts.

Sec. 36-172. - Principal uses permitted.

In one-family residential districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) One-family detached dwellings;
- (2) A state-licensed residential facility when required by section 36 of Public Act No. 207 of 1921 (MCL 125.583b);
- (3) Publicly owned and operated libraries, parks, parkways and recreational facilities;
- (4) Public, parochial and private schools offering courses in general education and not operated for profit;
- (5) Accessory buildings and uses customarily incidental to any of the above permitted uses.

Sec. 36-173. - Uses subject to special conditions.

The following uses shall be permitted in all one-family residential districts after review and approval of the site plan by the planning commission (or zoning administrator, whichever is indicated), subject to the conditions imposed in this section for each use:

- (1) Utility and public service buildings and uses, without storage yards, when operating requirements necessitate the locating of the facilities within the district in order to serve the immediate vicinity. Further, no building and/or structure shall be located in any required front or side yard.
- (2) Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, all subject to the following conditions:
  - a. The proposed site shall have frontage on an existing street having a right-of-way of at least 66 feet in width. All ingress and egress to and from the site shall be directly from and onto the 66-foot wide street.
  - b. No building other than a structure for residential purposes shall be closer than ~~75~~ **30** feet to any property line.

- (3) Churches, cemeteries, public, private and parochial intermediate and/or secondary schools offering courses in general education, not operated for profit and other facilities normally incidental thereto, subject to the following conditions:
- a. The proposed site shall have frontage on an existing street having a right-of-way of at least 66 feet in width. All ingress and egress to and from the site shall be directly from and onto the 66-foot wide street.
  - b. The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than 30 feet.
  - c. Buildings of greater than the maximum height allowed in division ~~13~~ **16** of this article may be allowed provided front, side and rear yards are increased above the minimum requirements by one foot for each foot of building that exceeds the maximum height allowed.
  - d. Wherever the off-street parking area is adjacent to land zoned for residential purposes, a continuous and obscuring wall four feet six inches in height shall be provided along the sides of the parking area adjacent to the residentially zoned land. The wall shall be further subject to the provisions of ~~sections 36-2 and 36-3, and articles IV through XI of this chapter~~ **Article IX of this chapter.**
- (4) Institutional recreation centers, not operated for profit, and nonprofit swimming pool clubs, subject to the following conditions:
- a. As a condition to the original granting of such permit and the operation of such nonprofit swimming pool club as a part of the application, the applicant shall obtain from 100 percent of the freeholders residing or owning property within a 150-foot radius immediately adjoining any property line of the site herein proposed for development a written statement of waiver addressed to the city council recommending that such approval be granted. Also, approval from 51 percent of the homeowners within 1,000 feet shall be received in writing.
  - b. In those instances where the proposed site is not to be situated on a lot or lots of record, the proposed site shall have one property line abutting a major thoroughfare, and the site shall be so planned as to provide ingress and egress directly onto the thoroughfare.
  - c. Front, side and rear yards shall be at least ~~75~~ **50** feet wide, except on those sides adjacent to nonresidential districts, and shall be landscaped in trees, shrubs, grass and terrace areas. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except for required entrance drives and those walls or fences used to obscure the use from abutting residential districts.
  - d. Buildings of greater than the maximum height shall be allowed, provided front, side and rear yards are increased above the minimum requirements by one foot for each foot of building that exceeds the maximum height allowed.
  - e. Whenever a swimming pool is constructed under this chapter, the pool area shall be provided with a protective fence, six feet in height, and entry shall be provided by means of a controlled gate or turnstile.

- f. Off-street parking shall be provided so as to accommodate at least one-fourth of the member families and/or individual members. Bylaws of the organization shall be provided to the planning commission in order to establish the membership involved in computing parking requirements.
  - g. All storm and sanitary sewer plans shall be provided, and shall be reviewed and approved by the city engineer prior to the issuance of a building permit.
  - h. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission, who may impose any reasonable restrictions or requirements so as to ensure that contiguous residential areas will be adequately protected.
- (5) Private stable, for not more than one horse on a lot where the lot is not less than two acres in area; and provided further, that for each additional horse stabled thereon, one acre of land shall be provided. In no instance shall a horse be confined nearer than 75 feet to any adjacent property line, and all confinement areas or stables shall in all instances be located in the rear yard. No horse shall be allowed to run at large.
- (6) Accessory buildings and uses customarily incident to any of the above permitted uses.
- (7) Farms. The keeping of horses, donkeys, mules, ponies, cattle, sheep, poultry and other domestic animals or birds other than house pets, shall be permitted in connection with the farm use as an accessory use of a one-family and two-family residence established and existing on the premises where such animals, poultry, or birds are to be kept subject to the following conditions:
- a. A minimum area of two full acres, exclusive of required setback from lot lines, shall be provided for not more than one such animal kept on the premises; and provided further, that for each additional animal kept thereon, one additional adjoining acre of land shall be provided.
  - b. An accessory building to be used as a private stable, barn, chicken coop, or similar type building shall be no less than 75 feet from any lot line and no less than ~~150~~ 85 feet from any dwelling located on an adjoining lot.
  - c. The animals, poultry or birds shall be confined in a suitable fenced area, paddock or suitable building, in such a manner that they may not approach any closer than ~~100~~ 75 feet from any lot line and no closer than ~~150~~ 85 feet from any dwelling, including residences on abutting parcels or lots.
  - d. Stables, barns and other similar accessory buildings shall be kept clean and manure shall be treated and handled in such a manner as to control odor and flies and shall be screened from view.
  - e. All confinement areas, stables, barns and other similar accessory buildings shall, in all instances, be located in the rear yard.
  - f. Premises having a greater density of animals per acre than permitted under this subsection (7) shall be considered nonconforming uses and shall be allowed to continue; provided, however, that such nonconforming use shall be subject to article XI of this chapter and the applicable sections of such article.

- (8) Family day care home, as defined in section 36-6, the in-home care of one to six or fewer minor children subject to the following conditions:
- a. No dormitory facilities shall be provided or permitted.
  - b. There shall be no drop-off or pick-up of children between the hours of 12:30 a.m. and 4:30 a.m. in the R-1, ~~R-2, and R-3~~ district.
  - c. A designated outdoor play area shall be required which complies with state licensing rules. The outdoor play area must be located in the rear yard, as defined in section 36-6.
  - d. Absolutely no signs, as defined in section 26-2, shall be allowed except to the extent they are otherwise specifically allowed in this residential district.
  - e. No family day care home may commence operations until and unless the zoning administrator first approves of occupancy, which approval shall be subject to the applicant providing him or her proof of compliance with all of the following:
    1. Registration of said operation with the city as a family day care home,
    2. Licensure by the state for the operation of a family day care home,
    3. Submission to and compliance with other requirements and restrictions established in this division and other applicable inspections required under the property maintenance code adopted by the city,
    4. Compliance with all other requirements and restrictions established in this division and other applicable provisions of this chapter.

**(9) *Bed and Breakfast and Short Term Rentals according to the requirements of Secs. 36-436 and 36-437.***

Sec. 36-174. - Area and bulk requirements.

See division ~~13~~ **16** of this article limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted in one-family residential districts.

Secs. 36-175—36-190. - Reserved.

## DIVISION 2. - R-1 ONE-FAMILY RESIDENTIAL DISTRICTS

### Sec. 36-171. - Generally.

The R-1 one-family residential districts are designed to be composed of low density residential home development. The regulations in this division are intended to stabilize, protect and encourage the residential character of the district and prohibit activities not compatible within such districts. Development in the R-1 one-family residential district is limited to single-family dwellings plus such other uses as schools, parks, churches and certain public facilities which serve residents of such districts.

### Sec. 36-172. - Principal uses permitted.

In one-family residential districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) One-family detached dwellings;
- (2) A state-licensed residential facility when required by section 36 of Public Act No. 207 of 1921 (MCL 125.583b);
- (3) Publicly owned and operated libraries, parks, parkways and recreational facilities;
- (4) Public, parochial and private schools offering courses in general education and not operated for profit;
- (5) Accessory buildings and uses customarily incidental to any of the above permitted uses.

### Sec. 36-173. - Uses subject to special conditions.

The following uses shall be permitted in all one-family residential districts after review and approval of the site plan by the planning commission (or zoning administrator, whichever is indicated), subject to the conditions imposed in this section for each use:

- (1) Utility and public service buildings and uses, without storage yards, when operating requirements necessitate the locating of the facilities within the district in order to serve the immediate vicinity. Further, no building and/or structure shall be located in any required front or side yard.
- (2) Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, all subject to the following conditions:
  - a. The proposed site shall have frontage on an existing street having a right-of-way of at least 66 feet in width. All ingress and egress to and from the site shall be directly from and onto the 66-foot wide street.
  - b. No building other than a structure for residential purposes shall be closer than 30 feet to any property line.

- (3) Churches, cemeteries, public, private and parochial intermediate and/or secondary schools offering courses in general education, not operated for profit and other facilities normally incidental thereto, subject to the following conditions:
  - a. The proposed site shall have frontage on an existing street having a right-of-way of at least 66 feet in width. All ingress and egress to and from the site shall be directly from and onto the 66-foot wide street.
  - b. The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than 30 feet.
  - c. Buildings of greater than the maximum height allowed in division 16 of this article may be allowed provided front, side and rear yards are increased above the minimum requirements by one foot for each foot of building that exceeds the maximum height allowed.
  - d. Wherever the off-street parking area is adjacent to land zoned for residential purposes, a continuous and obscuring wall four feet six inches in height shall be provided along the sides of the parking area adjacent to the residentially zoned land. The wall shall be further subject to the provisions of Article IX of this chapter.
- (4) Institutional recreation centers, not operated for profit, and nonprofit swimming pool clubs, subject to the following conditions:
  - a. As a condition to the original granting of such permit and the operation of such nonprofit swimming pool club as a part of the application, the applicant shall obtain from 100 percent of the freeholders residing or owning property within a 150-foot radius immediately adjoining any property line of the site herein proposed for development a written statement of waiver addressed to the city council recommending that such approval be granted. Also, approval from 51 percent of the homeowners within 1,000 feet shall be received in writing.
  - b. In those instances where the proposed site is not to be situated on a lot or lots of record, the proposed site shall have one property line abutting a major thoroughfare, and the site shall be so planned as to provide ingress and egress directly onto the thoroughfare.
  - c. Front, side and rear yards shall be at least 50 feet wide, except on those sides adjacent to nonresidential districts, and shall be landscaped in trees, shrubs, grass and terrace areas. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except for required entrance drives and those walls or fences used to obscure the use from abutting residential districts.
  - d. Buildings of greater than the maximum height shall be allowed, provided front, side and rear yards are increased above the minimum requirements by one foot for each foot of building that exceeds the maximum height allowed.
  - e. Whenever a swimming pool is constructed under this chapter, the pool area shall be provided with a protective fence, six feet in height, and entry shall be provided by means of a controlled gate or turnstile.

- f. Off-street parking shall be provided so as to accommodate at least one-fourth of the member families and/or individual members. Bylaws of the organization shall be provided to the planning commission in order to establish the membership involved in computing parking requirements.
  - g. All storm and sanitary sewer plans shall be provided, and shall be reviewed and approved by the city engineer prior to the issuance of a building permit.
  - h. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission, who may impose any reasonable restrictions or requirements so as to ensure that contiguous residential areas will be adequately protected.
- (5) Private stable, for not more than one horse on a lot where the lot is not less than two acres in area; and provided further, that for each additional horse stabled thereon, one acre of land shall be provided. In no instance shall a horse be confined nearer than 75 feet to any adjacent property line, and all confinement areas or stables shall in all instances be located in the rear yard. No horse shall be allowed to run at large.
- (6) Accessory buildings and uses customarily incident to any of the above permitted uses.
- (7) Farms. The keeping of horses, donkeys, mules, ponies, cattle, sheep, poultry and other domestic animals or birds other than house pets, shall be permitted in connection with the farm use as an accessory use of a one-family and two-family residence established and existing on the premises where such animals, poultry, or birds are to be kept subject to the following conditions:
- a. A minimum area of two full acres, exclusive of required setback from lot lines, shall be provided for not more than one such animal kept on the premises; and provided further, that for each additional animal kept thereon, one additional adjoining acre of land shall be provided.
  - b. An accessory building to be used as a private stable, barn, chicken coop, or similar type building shall be no less than 75 feet from any lot line and no less than 85 feet from any dwelling located on an adjoining lot.
  - c. The animals, poultry or birds shall be confined in a suitable fenced area, paddock or suitable building, in such a manner that they may not approach any closer than 75 feet from any lot line and no closer than 85 feet from any dwelling, including residences on abutting parcels or lots.
  - d. Stables, barns and other similar accessory buildings shall be kept clean and manure shall be treated and handled in such a manner as to control odor and flies and shall be screened from view.
  - e. All confinement areas, stables, barns and other similar accessory buildings shall, in all instances, be located in the rear yard.
  - f. Premises having a greater density of animals per acre than permitted under this subsection (7) shall be considered nonconforming uses and shall be allowed to continue; provided, however, that such nonconforming use shall be subject to article XI of this chapter and the applicable sections of such article.

- (8) Family day care home, as defined in section 36-6, the in-home care of one to six or fewer minor children subject to the following conditions:
- a. No dormitory facilities shall be provided or permitted.
  - b. There shall be no drop-off or pick-up of children between the hours of 12:30 a.m. and 4:30 a.m. in the R-1 district.
  - c. A designated outdoor play area shall be required which complies with state licensing rules. The outdoor play area must be located in the rear yard, as defined in section 36-6.
  - d. Absolutely no signs, as defined in section 26-2, shall be allowed except to the extent they are otherwise specifically allowed in this residential district.
  - e. No family day care home may commence operations until and unless the zoning administrator first approves of occupancy, which approval shall be subject to the applicant providing him or her proof of compliance with all of the following:
    1. Registration of said operation with the city as a family day care home,
    2. Licensure by the state for the operation of a family day care home,
    3. Submission to and compliance with other requirements and restrictions established in this division and other applicable inspections required under the property maintenance code adopted by the city,
    4. Compliance with all other requirements and restrictions established in this division and other applicable provisions of this chapter.
- (9) Bed and Breakfast and Short Term Rentals according to the requirements of Secs. 36-436 and 36-437.

Sec. 36-174. - Area and bulk requirements.

See division 16 of this article limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted in one-family residential districts.

Secs. 36-175—36-190. - Reserved.

## DIVISION 9. - I-1 INDUSTRIAL DISTRICT

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

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

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

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

- (1) Any of the following uses when conducted wholly within a completely enclosed building, or within a designated area enclosed on all sides except the front with a six-foot obscuring fence or solid wall. The fence or wall shall be completely obscuring on those sides where abutting or adjacent to districts zoned for residential use:
  - a. Warehousing and wholesale establishments, and trucking facilities.
  - b. The manufacture, compounding, processing, packaging, or treatment of products such as but not limited to bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products (excluding the slaughtering of animals), hardware and cutlery; tool, die, gauge, and machine shops, and the manufacturing, compounding, processing or treatment of light sheet metal products, **including heating and ventilating equipment, cornices, eaves and the like.**
  - c. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials, such as but not limited to bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, paper, plastics, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood, yarns, and leather.
  - d. The manufacture of property and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
  - e. **Any of the following production or manufacturing uses, not including storage of finished products; provided that they are located not less than 500 feet distant from any residential district and not less than 200 feet distant from any other district:**
    1. **Electric Arc furnace, blooming or rolling mill;**
    2. **Manufacture of corrosive acid or alkali, cement, lime, gypsum, or plaster of Paris;**
    3. **Smelting of copper, iron, or zinc ore;**
    4. **Slaughterhouses when conducted within a completely enclosed building.**
  - f. Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other small molded rubber products.
  - g. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
  - h. Laboratories, experimental or film, or testing.
  - i. Warehouse, storage and transfer and electric and gas service buildings and yards; water supply and sewage disposal plants; water and gas tank holders; railroad transfer and storage tracks; heating and electric power generating plants, and all necessary uses; railroad rights-of-way; freight terminals.
  - j. Storage facilities for building materials, sand, gravel, stone, lumber, open storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or

fence on those sides abutting all residential, office, or business districts, and on any front yard abutting a public thoroughfare. In any I-1 district, the extent of such fence or wall may be determined by the board of appeals on the basis of usage. Such fence or wall shall not be less than six feet in height, and may, depending on land usage, be required to be eight feet in height.

**k. Junkyards, provided such are entirely enclosed within a building or within an eight-foot obscuring wall. There shall be no burning on the site and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.**

- (2) All public utilities, including buildings, necessary structures, storage yards and other related uses including:
  - a. **Offices;**
  - b. **Telephone exchange buildings;**
  - c. **Electrical transformer stations or substations;**
  - d. **Gas regulator stations or gas tank holders; and**
  - e. **Water supply plants, water tank holders, wells or pumping stations.**
- (3) Accessory buildings and uses customarily incidental to any of the above permitted uses.
- (4) Other uses of a similar character subject to such conditions, requirements, and safeguards as set forth in sections 36-314 and 36-315.

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

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

- (1) Restaurants or other places serving food or beverage except those having the character of a drive-in so called, automobile filling stations, newsstands and tobacco shops, which in the opinion of the planning commission are intended to serve the convenience needs of persons working in the industrial district subject to the regulations applicable to such uses.
- (2) Auto repair station and undercoating shops when completely enclosed. Dismantling of unlicensed vehicles and/or the sale of dismantled parts of vehicles is expressly prohibited.
- (3) Lumber and Planing Mills when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the I-1 district.
- (4) Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
- (5) Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
- (6) Other uses which in the determination of the board of appeals, after requesting and receiving a recommendation from the planning commission, are of a similar character to the above uses, and subject to the requirements set forth in sections 36-314 and 36-315.
- (7) Family day care home, as defined in section 36-6, the in-home care of one to six or fewer minor children subject to the following conditions:
  - a. No dormitory facilities shall be provided or permitted.
  - b. A designated outdoor play area shall be required which complies with state licensing rules. The outdoor play area must be located in the rear yard, as defined in section 36-6, and be enclosed by a fence of at least 4½ feet in height.
  - c. Signs, as defined in section 26-2, shall be allowed in accordance with the regulations applicable to zone district in which the property is located.

- d. No family day care home may commence operations until and unless the zoning administrator first approves of occupancy, which approval shall be subject to the applicant providing him or her proof of compliance with all of the following:
    1. Registration of said operation with the city as a family day care home;
    2. Licensure by the state for the operation of a family day care home;
    3. Submission to and compliance with other requirements and restrictions established in this division and other applicable inspections required under the property maintenance code adopted by the city;
    4. Compliance with all other requirements and restrictions established in this division and other applicable provisions of this chapter.
- (8) Group day care home, as defined in section 36-6, the in-home care of seven to 12 minor children subject to the following conditions and restrictions:
- a. No dormitory facilities shall be provided or permitted.
  - b. A designated outdoor play area shall be required which complies with state licensing rules. The outdoor play area must be located in the rear yard, as defined in section 36-6, and be enclosed by a fence at least 4½ feet in height.
  - c. Signs, as defined in section 26-2, shall be allowed in accordance with the regulations applicable to the zone district in which the property is located.
  - d. No group day care home may commence operations until and unless the zoning administrator first approves of occupancy, which approval shall be subject to the applicant providing him or her proof of compliance with all of the following:
    1. Registration of said operation with the city as a group day care home;
    2. Licensure by the state for the operation of a group day care home;
    3. Submission to and compliance with other requirements and restrictions established in this division and other applicable inspections required under the property maintenance code adopted by the city;
    4. Compliance with all other requirements and restrictions established in this division and other applicable provisions of this chapter.
- (9) Child care facility, as defined in section 36-6, for the care of one or more minor children in other than a private home, subject to the following conditions and restrictions:
- a. All conditions and restrictions as are applicable to a group day care home pursuant to subsection (8) of this section.
  - b. A designated outdoor play area shall be required which complies with state licensing rules. The outdoor play area must be located in the rear yard, as defined in section 36-6, and be enclosed by a fence at least 4½ feet in height.
  - c. Signs, as defined in section 26-2, shall be allowed in accordance with the regulations applicable to zone district in which the property is located.
- (10) **An educational facility which is a trade or vocational school shall be permitted in the I-1 industrial district.**
- (11) **An animal hospital shall be permitted in the I-1 industrial district, kennels located on the lot must meet all conditions in this section.**
- (12) **A kennel which meets all of the following conditions shall be permitted in the I-1 industrial district:**
- a. **If the lot on which the kennel is located abuts a Residential District, any structure shall be not less than 50 feet from each abutting residential lot line.**

- b. Each kennel which has an outside exercise run or treatment area shall have a lot size of not less than ten acres.
  - c. If a kennel has an open exercise run or treatment area, the open exercise run or treatment area shall be located not less than 400 feet from any lot line.
- (13) The use of a lot for the sale or lease of new or used automobiles, trailers, boats, farm machinery or equipment, recreational vehicles, lawn furniture, playground equipment or garden supplies, which meets all of the following conditions, shall be permitted in the I-1 industrial district:
- a. Each point of vehicular ingress and egress to the lot shall be not less than 60 feet from the intersection of any two streets.
  - b. Any repair or refinishing which is done on the lot shall be done within the confines of an enclosed structure.
  - c. Lighting shall be confined within and directed onto the sales, lease or parking area only.
  - d. The portion of the lot on which the items described in this subsection are located shall have a buffer zone of at least eight feet from all lot lines adjacent to the public right-of-way, excluding approved driveways, and any residentially zoned property.
- (14) A motor vehicle repair station which meets all of the following conditions shall be permitted in the I-1 industrial district:
- a. All activities shall be conducted within an enclosed structure.
  - b. Any vehicle stored on the lot shall be stored in an enclosed structure or within a completely fenced area.
- (15) A clinic shall be permitted in the I-1 industrial district, if the lot on which the clinic is located has not less than one lot line abutting a principal or minor street. Each point of ingress or egress shall be directly onto a principal or minor street.
- (16) A structure which is used by a governmental entity may be permitted in the I-1 industrial district.
- (17) A residential use which meets the lot area and parking requirements of the residential zoning district may be permitted in the I-1 industrial district.

Sec. 36-314. - Required conditions.

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

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

See division 13 of this article limiting the height and bulk of buildings and the minimum size of lot by permitted land use in the I-1 industrial district.

Secs. 36-316—36-330. - Reserved.

## ~~DIVISION 10. I 2 HEAVY INDUSTRIAL DISTRICT~~

### ~~Sec. 36-331. Generally.~~

~~The I 2 heavy industrial district is designed primarily for manufacturing, assembling and fabrication activities, including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The I 2 district is so structured as to permit the manufacturing, processing, and compounding of semi finished or finished products from raw materials.~~

### ~~Sec. 36-332. Principal uses permitted.~~

~~In an I 2 heavy industrial district, no land or building shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:~~

- ~~(1) Any principal use first permitted in an I 1 district.~~
- ~~(2) Heating and electric power generating plants, and all necessary uses.~~
- ~~(3) Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods, or products which shall conform with the performance standards set forth in article VII of this chapter, except such uses as specifically excluded from the city by ordinance.~~
- ~~(4) Junkyards, provided such are entirely enclosed within a building or within an eight foot obscuring wall, and provided further, that one property line abuts a railroad right of way. There shall be no burning on the site and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.~~
- ~~(5) Incineration of garage or refuse when conducted within an approved and enclosed incinerator plant.~~
- ~~(6) Any of the following production or manufacturing uses, not including storage of finished products; provided that they are located not less than 500 feet distant from any residential district and not less than 200 feet distant from any other district:
  - ~~a. Blast furnace, steel furnace, blooming or rolling mill;~~
  - ~~b. Manufacture of corrosive acid or alkali, cement, lime, gypsum, or plaster of Paris;~~
  - ~~c. Petroleum or other inflammable liquids, production, refining, or storage;~~
  - ~~d. Smelting of copper, iron, or zinc ore;~~
  - ~~e. Slaughterhouses when conducted within a completely enclosed building.~~~~
- ~~(7) Any other use which shall be determined by the board of appeals, after recommendation from the planning commission, to be the same general character as the above permitted uses in this section. The board of appeals may impose any required setback and/or performance standards so as to ensure public health, safety, and general welfare.~~
- ~~(8) Accessory buildings and uses customarily incidental to any of the above permitted uses.~~

### ~~Sec. 36-333. Area, bulk and yard setback requirements.~~

~~See division 13 of this article limiting the height and bulk of buildings, the minimum size of lot by permitted land use in the I 2 heavy industrial district.~~

### ~~Secs. 36-334—36-350. Reserved.~~

## DIVISION 9. - I-1 INDUSTRIAL DISTRICT

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

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

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

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

- (1) Any of the following uses when conducted wholly within a completely enclosed building, or within a designated area enclosed on all sides except the front with a six-foot obscuring fence or solid wall. The fence or wall shall be completely obscuring on those sides where abutting or adjacent to districts zoned for residential use:
  - a. Warehousing and wholesale establishments, and trucking facilities.
  - b. The manufacture, compounding, processing, packaging, or treatment of products such as but not limited to bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products (excluding the slaughtering of animals), hardware and cutlery; tool, die, gauge, and machine shops, and the manufacturing, compounding, processing or treatment of light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
  - c. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials, such as but not limited to bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, paper, plastics, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood, yarns, and leather.
  - d. The manufacture of property and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
  - e. Any of the following production or manufacturing uses, not including storage of finished products; provided that they are located not less than 500 feet distant from any residential district and not less than 200 feet distant from any other district:
    1. Electric Arc furnace, blooming or rolling mill;
    2. Manufacture of corrosive acid or alkali, cement, lime, gypsum, or plaster of Paris;
    3. Smelting of copper, iron, or zinc ore;
    4. Slaughterhouses when conducted within a completely enclosed building.
  - f. Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other small molded rubber products.
  - g. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
  - h. Laboratories, experimental or film, or testing.
  - i. Warehouse, storage and transfer and electric and gas service buildings and yards; water supply and sewage disposal plants; water and gas tank holders; railroad transfer and storage tracks; heating and electric power generating plants, and all necessary uses; railroad rights-of-way; freight terminals.
  - j. Storage facilities for building materials, sand, gravel, stone, lumber, open storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or

fence on those sides abutting all residential, office, or business districts, and on any front yard abutting a public thoroughfare. In any I-1 district, the extent of such fence or wall may be determined by the board of appeals on the basis of usage. Such fence or wall shall not be less than six feet in height, and may, depending on land usage, be required to be eight feet in height.

- k. Junkyards, provided such are entirely enclosed within a building or within an eight-foot obscuring wall. There shall be no burning on the site and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
- (2) All public utilities, including buildings, necessary structures, storage yards and other related uses including:
    - a. Offices;
    - b. Telephone exchange buildings;
    - c. Electrical transformer stations or substations;
    - d. Gas regulator stations or gas tank holders; and
    - e. Water supply plants, water tank holders, wells or pumping stations.
  - (3) Accessory buildings and uses customarily incidental to any of the above permitted uses.
  - (4) Other uses of a similar character subject to such conditions, requirements, and safeguards as set forth in sections 36-314 and 36-315.

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

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

- (1) Restaurants or other places serving food or beverage except those having the character of a drive-in so called, automobile filling stations, newsstands and tobacco shops, which in the opinion of the planning commission are intended to serve the convenience needs of persons working in the industrial district subject to the regulations applicable to such uses.
- (2) Auto repair station and undercoating shops when completely enclosed. Dismantling of unlicensed vehicles and/or the sale of dismantled parts of vehicles is expressly prohibited.
- (3) Lumber and Planing Mills when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the I-1 district.
- (4) Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
- (5) Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
- (6) Other uses which in the determination of the board of appeals, after requesting and receiving a recommendation from the planning commission, are of a similar character to the above uses, and subject to the requirements set forth in sections 36-314 and 36-315.
- (7) Family day care home, as defined in section 36-6, the in-home care of one to six or fewer minor children subject to the following conditions:
  - a. No dormitory facilities shall be provided or permitted.
  - b. A designated outdoor play area shall be required which complies with state licensing rules. The outdoor play area must be located in the rear yard, as defined in section 36-6, and be enclosed by a fence of at least 4½ feet in height.
  - c. Signs, as defined in section 26-2, shall be allowed in accordance with the regulations applicable to zone district in which the property is located.

- d. No family day care home may commence operations until and unless the zoning administrator first approves of occupancy, which approval shall be subject to the applicant providing him or her proof of compliance with all of the following:
    1. Registration of said operation with the city as a family day care home;
    2. Licensure by the state for the operation of a family day care home;
    3. Submission to and compliance with other requirements and restrictions established in this division and other applicable inspections required under the property maintenance code adopted by the city;
    4. Compliance with all other requirements and restrictions established in this division and other applicable provisions of this chapter.
- (8) Group day care home, as defined in section 36-6, the in-home care of seven to 12 minor children subject to the following conditions and restrictions:
- a. No dormitory facilities shall be provided or permitted.
  - b. A designated outdoor play area shall be required which complies with state licensing rules. The outdoor play area must be located in the rear yard, as defined in section 36-6, and be enclosed by a fence at least 4½ feet in height.
  - c. Signs, as defined in section 26-2, shall be allowed in accordance with the regulations applicable to the zone district in which the property is located.
  - d. No group day care home may commence operations until and unless the zoning administrator first approves of occupancy, which approval shall be subject to the applicant providing him or her proof of compliance with all of the following:
    1. Registration of said operation with the city as a group day care home;
    2. Licensure by the state for the operation of a group day care home;
    3. Submission to and compliance with other requirements and restrictions established in this division and other applicable inspections required under the property maintenance code adopted by the city;
    4. Compliance with all other requirements and restrictions established in this division and other applicable provisions of this chapter.
- (9) Child care facility, as defined in section 36-6, for the care of one or more minor children in other than a private home, subject to the following conditions and restrictions:
- a. All conditions and restrictions as are applicable to a group day care home pursuant to subsection (8) of this section.
  - b. A designated outdoor play area shall be required which complies with state licensing rules. The outdoor play area must be located in the rear yard, as defined in section 36-6, and be enclosed by a fence at least 4½ feet in height.
  - c. Signs, as defined in section 26-2, shall be allowed in accordance with the regulations applicable to zone district in which the property is located.
- (10) An educational facility which is a trade or vocational school shall be permitted in the I-1 industrial district.
- (11) An animal hospital shall be permitted in the I-1 industrial district, kennels located on the lot must meet all conditions in this section.
- (12) A kennel which meets all of the following conditions shall be permitted in the I-1 industrial district:
- a. If the lot on which the kennel is located abuts a Residential District, any structure shall be not less than 50 feet from each abutting residential lot line.

- b. Each kennel which has an outside exercise run or treatment area shall have a lot size of not less than ten acres.
  - c. If a kennel has an open exercise run or treatment area, the open exercise run or treatment area shall be located not less than 400 feet from any lot line.
- (13) The use of a lot for the sale or lease of new or used automobiles, trailers, boats, farm machinery or equipment, recreational vehicles, lawn furniture, playground equipment or garden supplies, which meets all of the following conditions, shall be permitted in the I-1 industrial district:
- a. Each point of vehicular ingress and egress to the lot shall be not less than 60 feet from the intersection of any two streets.
  - b. Any repair or refinishing which is done on the lot shall be done within the confines of an enclosed structure.
  - c. Lighting shall be confined within and directed onto the sales, lease or parking area only.
  - d. The portion of the lot on which the items described in this subsection are located shall have a buffer zone of at least eight feet from all lot lines adjacent to the public right-of-way, excluding approved driveways, and any residentially zoned property.
- (14) A motor vehicle repair station which meets all of the following conditions shall be permitted in the I-1 industrial district:
- a. All activities shall be conducted within an enclosed structure.
  - b. Any vehicle stored on the lot shall be stored in an enclosed structure or within a completely fenced area.
- (15) A clinic shall be permitted in the I-1 industrial district, if the lot on which the clinic is located has not less than one lot line abutting a principal or minor street. Each point of ingress or egress shall be directly onto a principal or minor street.
- (16) A structure which is used by a governmental entity may be permitted in the I-1 industrial district.
- (17) A residential use which meets the lot area and parking requirements of the residential zoning district may be permitted in the I-1 industrial district.

**Sec. 36-314. - Required conditions.**

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

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

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

**Secs. 36-316—36-330. - Reserved.**