

MEMORANDUM

TO: Planning Commissioners

FROM: Denise Blakeslee 
Administrative Assistant - Community Development Department

DATE: April 15, 2005

RE: April 21, 2005 Worksession

The April Planning Commission Worksession will be held on Thursday, April 21, 2005 at **6:00 p.m.** in the Middle School Library.

Jay has sent a draft of Article 21 Signs and Article 22 Site Plan Review.

We have mailed a copy of Article 21 Signs and invited the Local Sign Companies to attend the worksession. I spoke to representatives on the phone prior to mailing the information and told them that we have set aside 6:00 p.m. to 7:00 p.m. for their input on Signs.

We hope that by giving them time to review the ordinance prior to the meeting and setting a time for their input the Planning Commission will have enough time for our review of Article 21 and Article 22.

If you are unable to attend **please call** me at 723-2558.

:djb

cc: Mitch Deisch, City Manager
City Council
Lee Trucks
David Carlson

**ARTICLE TWENTY-ONE
SIGNS**

**Draft
4/13/05**

SECTION 2100 PURPOSE

Regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the City of Manistee, to improve pedestrian and vehicular safety, and to promote and preserve the general attractiveness of the community. Accordingly, it is the intention of this Ordinance to establish regulations governing the display of signs that will:

- A. Encourage and protect the public health, safety, welfare and convenience;
- B. Enhance the economy and the business and industry of the City by promoting the reasonable, orderly, and effective display of signs, and thereby encourage increased communication with the public;
- C. Restrict signs and lights which overload the public's capacity to receive information, which increase the probability of traffic congestion and accidents by distracting attention or obstructing vision, and which are deemed to detract from the aesthetics of the community; and
- D. Reduce conflict between signs and their illumination and public and private land uses.

SECTION 2101 PROCEDURES

- A. Sign Permit Application. The Planning Commission or the Zoning Administrator may approve sign permit applications. Where signs are proposed as part of a broader Site Plan, the Planning Commission shall review the entire Site Plan, including signage, per Article 22. Where proposed signage is not an element of a broader proposed use requiring site plan approval, the Zoning Administrator may waive the submission of certain materials outlined in Article 22, if such materials are determined not to be applicable to the proposed sign permit application or relevant to the consideration of the Zoning Administrator for the proposed or modified sign; in which case, materials submitted with a sign permit application, at a minimum, shall include:
 - 1. Common street address, property identification number, and official name of business (if a non-residential property) relating to the parcel on which the sign is proposed.
 - 2. A fee, as determined by resolution of the City Council, which may be re-established from time to time.
 - 3. A plan, at a scale determined by the Administrator to be reasonable, illustrating the following elements of the proposed or modified signage:
 - a. Sign type, per the definitions in Section 220;

- b. Dimensional characteristics, such as height, width, vertical clearances, and area;
 - c. Colors, materials, appearance, and lighting of the signage;
 - d. Relationship with buildings or structures;
 - e. Setbacks from buildings, landscaping, driveways, and rights-of-way; and,
 - f. Locations of any existing signage in the subject development or on the subject parcel. The site plan shall also include proposed and existing signage not requiring a permit.
4. Within ten (10) business days of receiving an application, the Administrator shall review the application for completeness. If the application is complete, it shall be processed. If the application is incomplete, the Administrator shall advise the applicant of additional elements required for submission to the City.
 5. Within ten (10) business days of receiving a complete application, the Administrator shall review the application for compliance with this Ordinance. If the application is compliant, the Administrator shall issue a sign permit to the applicant. If the application is not in compliance, the Administrator shall advise the applicant and reference the applicant to sections of this Ordinance that need to be addressed.
 6. The Administrator shall retain the right to forward any sign permit applications to the Planning Commission for their review and approval.
 7. The Historic District Commission and City Council may approve exceptions to this Article 21 for historically significant signage or community events, respectively.
- B. Inspection and Compliance. The Administrator shall inspect each new or modified sign for which a permit is issued. If the sign is in full compliance with this Ordinance, and if applicable building and electrical inspections have been successfully completed and documented by the inspection agency, the Administrator shall issue a Certificate of Compliance. If the construction is not in full compliance with this Ordinance and applicable codes, the Administrator shall give the applicant notice of the deficiencies and order corrective action. If the deficiencies have been corrected upon re-inspection, the Administrator shall issue a certificate of compliance. If the deficiencies are not corrected within thirty (30) days, the permit shall be revoked and the sign shall be removed at the expense of the applicant.
- C. Permit Lapse. A sign permit shall lapse if the business activity on the premises is discontinued for a period of six (6) months, unless the business is a seasonal activity, in which case, the sign permit shall lapse if the business activity is discontinued through one (1) normal business season. A sign whose permit has lapsed shall be removed by the owner within thirty (30) days of receipt of notice to remove from the City. If the event the owner fails to remove a sign in accord with such an order, the sign may be removed by the City, at the owner's expense, without notice or action from the City. The City shall reserve the right to place a lien on the property on which the sign exists to recover any expense associated with sign removal.

D. Permit Assignment. A sign permit shall be assignable to the successor of a business on the same parcel, except where the proposed sign is materially or substantially different in any way to the sign which was permitted. The Administrator shall make this determination.

SECTION 2102 GENERAL STANDARDS

A. Computations. The following standards shall be met when calculating the area and height of a sign.

1. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets Ordinance regulations and is clearly incidental to the sign display itself.
2. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) sign faces are placed back-to-back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than twenty-four (24) inches apart at any point, the sign area shall be computed by the measurements of one (1) of the faces.
3. The height of a sign shall be computed as the distance from the grade of the site to the top of the highest attached component of the sign. The Planning Commission may require a professional survey to make this determination.
4. Where a projecting sign, awning, canopy, marquee, suspended sign, or similar element projects or protrudes over any public or private sidewalk or walkway, the bottommost point of the sign shall be at least eight (8) feet from said walkway, so as to provide adequate space for average height adults to walk underneath the projection or protrusion.
5. The allowed area of all signs on a parcel shall be determined in accord with the standards of this Article.
6. Where a proposed sign appears to meet the definition of more than one (1) sign, the most restrictive requirements and limitations of the defined sign types shall apply.

B. Lighting. No sign shall be lighted externally or internally, except in accordance with the terms of this Article. No sign shall be equipped with lighting that provides illumination in excess of that necessary to render the sign visible and readable, in the judgment of the Zoning Administrator.

1. Internally lit signs shall be continuously maintained to provide neither more or less than the designed degree of illumination and the translucent surface shall be maintained to fully cover all light sources and to present a complete and readable message.

2. All light sources for externally lit signs shall be directed and equipped with lenses, shields or other devices to screen the light source from view from any vantage point located off or above the subject property.
 3. For the purposes of this Article, neon signs shall be considered internally lit signs, unless the context specifically states otherwise.
- C. Signs for Accessory Uses. Signs advertising accessory uses as regulated by Section 516 of this Zoning Ordinance, shall meet all requirements of this Article.
- D. Off-Premise Signs. Except as provided in Section 1810 of this Ordinance, off-premise signs as defined herein, shall be prohibited in all districts.
- E. Continuation of Legal Nonconforming Signs. A legal nonconforming sign may be continued and shall be maintained in good condition, but it shall not be:
1. Converted to another nonconforming sign, or replaced by another nonconforming sign;
 2. Expanded or altered so as to increase the degree of nonconformity of the sign;
 3. Changed or altered with respect to its message, unless the sign, at time of permit approval, was meant for a periodic change of its message;
 4. Structurally altered to prolong the life of the sign or to change the size, shape, or type of the sign;
 5. Re-established after its discontinuance for six (6) months, or more;
 6. Continued in use after cessation or change of the business or activity to which the sign pertains; or
 7. Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty percent (50%) of the appraised replacement cost, as determined by the Zoning Administrator.
- F. Erection of New Signs Where Legal Nonconforming Signs Exist.
1. On lots where an existing on-premises sign exceeds the sign area allowed by this Article, and in that respect is a legal nonconforming sign, no new on-premises sign shall be erected until such existing legal nonconforming on-premises sign is brought into compliance with this Article.
 2. When a use or parcel including a nonconforming sign is subject to the requirements of Site Plan Review under Article 22, all signs and sign structures shall be brought into compliance with this Article 21 as a condition of the approval of such site plan.
- G. Sign Area on Corner Lots. Where the sign area permitted in Table 2100-1 is a function of street frontage, on corner lots the frontage shall be the sum of all abutting street frontage.
- H. Billboards. Refer to Section 1810.

SECTION 2103 EXEMPT SIGNS

The following signs shall be exempt from regulations in this Article.

- A. Any public notice, traffic control or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
- B. Any sign wholly located within a building and not visible from outside the building. This does not include window signs.
- C. Holiday lights and decorations with no commercial message.
- D. Works of art that do not contain a commercial message.
- E. Traffic control signs on private properties that do not contain a commercial message, including Stop, Yield, One Way, and similar signs.
- F. Governmental historical designation signs.
- G. Flags up to twenty-four (24) square feet in area.
- H. For sale and for rent signs on real property, provided such signs do not exceed six (6) square feet in the R-1, R-2, R-3, R-4, and C-2 districts or sixteen (16) square feet in the C-1, C-3, WF, LI or GI districts.
- I. One sign attached to a building or fence not to exceed two (2) square feet in area displaying such messages as "No Trespassing," "Beware of Dog," etc.
- J. Political election signs with a maximum area of eight (8) square feet, provided such signs shall be temporarily erected not more than four (4) months prior to an election and such signs shall be removed not more than seven (7) days following an election.
- K. Temporary signs advertising yard sales, items for sale or similar temporary activities, provided such signs are not illuminated and temporarily erected with a total surface area not to exceed eight (8) square feet and are removed within seven (7) days of installation.

SECTION 2104 PROHIBITED SIGNS

The following signs shall not be allowed in any district.

- A. Signs which are obsolete, that do not relate to existing business or products.
- B. Signs which are illegal under State laws or regulations and applicable local ordinances or regulations, and which are not consistent with the standards in this Ordinance.
- C. Signs that are not clean and in good repair, and signs that are out of compliance with applicable building and electrical codes.
- D. Signs not securely affixed to a supporting structure.

- E. Signs that are not official traffic signs that appear to or attempt to regulate, warn, or direct the movement of traffic, which interfere with or resemble any official traffic sign, signal, or device, and which may obstruct a motorist's vision.
- F. Signs located in, projecting into or overhanging within a public right-of-way or dedicated public easement, except the following:
 - 1. Official traffic signs posted by a governmental agency;
 - 2. Public transit signs, including bus stop signs and routing signs, erected by a public transit company;
 - 3. Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
 - 4. Projecting, marquee, and suspended signs projecting over a public right-of-way as permitted and regulated in the C-2 and C-3 districts.
 - 5. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the right-of-way.
 - 6. Banners that have been approved by the City Council.
 - 7. "A-frame" signs, as permitted and regulated in Section 2113.
- G. Signs that project above the maximum height limitation of the zoning district and signs that extend above the highest point of any building upon which they are affixed.
- H. Beacons.
- I. Signs that include flashing or moving lights or parts and animated signs located such that they may distract drivers.

SECTION 2105 USE TYPES AND SIGN STANDARDS

For the purposes of this Article, the uses permitted by right and as special uses are classified by type as set forth in Table 2100-1. Table 2100-1 provides standards for the regulation of sign type, the number of signs permitted, the cumulative area of signs permitted, the nature of illumination (if any) and any conditions that may apply, by type of use and by zoning district. In the event that other provisions of this ordinance including the Standards of Article 5 regarding General Provisions or Article 18 regarding Special Uses, conflict with the requirements of Table 2100-1, the most restrictive standard shall apply. Provided, that the classification of various land uses by type for the purposes of Table 2100-1 shall not override the use requirements and standards set forth for each zoning district. In the use of Table 2100-1, the Zoning Administrator, Planning Commission and applicants shall first determine the type of use under consideration and then apply the appropriate sign standards for the district in which it will be located.

TABLE 2100-1 USE TYPES AND SIGN STANDARDS

Section 2106 Use Type 1, Low Intensity and Residential

Description Uses of this type include dwelling units and associated uses.

Examples of Uses Dwelling - Single Unit, Dwelling - Multiple Unit, Duplex, Manufactured Housing Community, Home Based Business, Major Home Occupation, and similar uses in the judgment of the Zoning Administrator

Zoning Districts	Permitted Sign Types	Nº. Signs Permitted	Cumulative Sign Area	Lighting	Conditions
R-1	Wall, Ground	1	4 Sq. Ft.	None	
R-2	Wall, Ground	1	4 Sq. Ft.	None	A multiple unit project or complex shall be permitted one, externally lit 16 square foot sign
R-3	Wall, Ground	1	4 Sq. Ft.	External	A multiple unit project or complex shall be permitted one, externally lit 32 square foot sign
R-4	Wall, Ground	2	4 Sq. Ft.	Either	A multiple unit project or complex or manufactured housing community shall be permitted two, externally or internally lit 32 square foot signs
C-1	Wall, Ground, Pole, Projecting	1	16 Sq. Ft.	External	A multiple unit project or complex shall be permitted one, externally or internally lit 32 square foot sign
C-2	Wall, Ground, Pole, Projecting	1	16 Sq. Ft.	External	A multiple unit project or complex shall be permitted one, externally lit 16 square foot sign
C-3 & WF	Wall, Ground, Pole, Projecting	1	16 Sq. Ft.	External	A multiple unit project or complex shall be permitted one, externally lit 16 square foot sign

TABLE 2100-1 USE TYPES AND SIGN STANDARDS

Section 2107 Use Type 2, Residential and Recreational Commercial

Description Uses of this type include care facilities and small scale accommodations as well as outdoor recreation facilities.

Examples of Uses Adult Foster Care, Bed & Breakfast, Golf Course, Nursing and Convalescent Home, Outdoor Recreation and Park Facilities, and similar uses in the judgment of the Zoning Administrator

Zoning Districts	Permitted Sign Types	Nº. Signs Permitted	Cumulative Sign Area	Lighting	Conditions
R-1 & R-2	Wall, Ground	1	4 Sq. Ft.	External	
R-3	Wall, Ground	1	4 Sq. Ft.	External	
R-4	Wall, Ground	1	4 Sq. Ft.	External	
C-1	Wall, Ground, Pole, Window	2	64 Sq. Ft.	Either	Cumulative sign area for uses on parcels with more than 150 feet of frontage, may be increased up to 120 sq. ft. of total sign area
C-2	Wall, Ground, Pole, Projecting, Window	2	32 Sq. Ft.	Either	Cumulative sign area for uses on parcels with more than 150 feet of frontage, may be increased up to 64 sq. ft. of total sign area
C-3 & WF	Wall, Ground, Pole, Projecting, Window	2	32 Sq. Ft.	Either	

TABLE 2100-1 USE TYPES AND SIGN STANDARDS

Section 2108 Use Type 3, Low Intensity Commercial and Office

Description Uses of this type include retailing, various personal and professional services, accommodations.

Examples of Uses Animal Grooming, Convenience Stores w/o fuel pumps, Group Day Care, Financial Institutions, Galleries and Museums, Hotels, Laundry and Dry Cleaners, Marinas, Medical and Dental Offices, Mortuaries, Personal Service Establishments, Professional Offices, Professional Service Establishments, Sports and Recreation Clubs, Studios for Performing and Graphic Arts, Veterinary Clinics, and similar uses in the judgment of the Zoning Administrator

Zoning Districts	Permitted Sign Types	Nº. Signs Permitted	Cumulative Sign Area	Lighting	Conditions
R-1 & R-2	Wall, Ground	1	16 Sq. Ft.	None	
R-3	Wall, Ground, Window, Marquee	1	16 Sq. Ft.	External	
R-4	Wall, Ground	1	16 Sq. Ft.	External	
C-1	Wall, Ground, Pole, Window, Marquee	2	64 Sq. Ft.	Either	Cumulative sign area for uses on parcels with >150 feet of frontage, may be increased up to 120 sq. ft. of total sign area
C-2	Wall, Ground, Pole, Projecting, Window, Marquee	2	32 Sq. Ft.	Either	Cumulative sign area for uses on parcels with >150 feet of frontage, may be increased up to 64 sq. ft. of total sign area
C-3 & WF	Wall, Ground, Pole, Projecting, Window, Marquee	2	32 Sq. Ft.	Either	
LI & GI	Wall, Ground, Pole, Window	2	32 Sq. Ft.	Either	Cumulative sign area for uses on parcels with >150 feet of frontage may be increased up to 64 sq. ft. of total sign area

TABLE 2100-1 USE TYPES AND SIGN STANDARDS

Section 2109 Use Type 4, Commercial

Description Uses of this type include high-traffic retail and service facilities.

Examples of Uses Auto Repair Facility, Car Wash, Convenience Store with fuel pumps, Commercial Day Care, Eating and Drinking Establishments, Gasoline Stations, Greenhouses and Nurseries, Mini/Self-storage, Motels, Outdoor Sales Facility, Public Parking Facility, Retail Businesses, Theaters, Wholesale Facilities and similar uses in the judgment of the Zoning Administrator

Zoning Districts	Permitted Sign Types	Nº. Signs Permitted	Cumulative Sign Area	Lighting	Conditions
R-1	Uses of this type are normally not permitted in the R-1 District				
R-2	Wall, Window	1	16 Sq. Ft.	Internal	
R-3	Wall, Ground, Window	1	16 Sq. Ft.	External	
R-4	Wall, Ground	1	16 Sq. Ft.	External	
C-1	Wall, Ground, Pole, Window, Marquee	2	64 Sq. Ft.	Either	Cumulative sign area for uses on parcels with >150 but < 300 feet of frontage, may be increased up to 120 sq. ft. of sign area and up to 3 signs may be permitted. Cumulative sign area for uses on parcels with >300 feet of frontage, may be increased up to 250 sq. ft. of total sign area and up to 4 signs may be permitted.
C-2	Wall, Ground, Pole, Projecting, Window, Marquee	2	32 Sq. Ft.	Either	Cumulative sign area for uses on parcels with >150 feet of frontage, may be increased up to 64 sq. ft. of total sign area
C-3 & WF	Wall, Ground, Projecting, Window, Marquee	2	32 Sq. Ft.	Either	

TABLE 2100-1 USE TYPES AND SIGN STANDARDS

Section 2110 Use Type 5, Institutional

Description Uses of this type include public and quasi-public facilities with varying traffic demand.

Examples of Uses Cemetery, Education Facility, Places of Public Assembly, and similar uses in the judgment of the Zoning Administrator

Zoning Districts	Permitted Sign Types	Nº. Signs Permitted	Cumulative Sign Area	Lighting	Conditions
R-1 & R-2	Wall, Window, Ground	1	16 Sq. Ft.	Either	Cumulative sign area for uses on parcels with >300 feet of frontage, or with frontage on two or more rights-of-way may be increased up to 64 sq. ft. of sign area, and one sign for each frontage may be permitted
R-3	Wall, Window, Ground, Marquee	1	32 Sq. Ft.	Either	Cumulative sign area for uses on parcels with >300 feet of frontage, or with frontage on two or more rights-of-way may be increased up to 64 sq. ft. of total sign area, and one sign for each frontage may be permitted
R-4	Uses of this type are normally not permitted in the R-4 District				
C-1	Wall, Window, Ground, Pole, Marquee	1	64 Sq. Ft.	Either	Cumulative sign area for uses on parcels with >300 feet of frontage, or with frontage on two or more rights-of-way may be increased up to 120 sq. ft. of total sign area, and one sign for each frontage may be permitted
C-2, C-3 & WF	Wall, Window, Ground, Marquee	1	32 Sq. Ft.	Either	Cumulative sign area for uses on parcels with >300 feet of frontage, or with frontage on two or more rights-of-way may be increased up to 64 sq. ft. of sign area, and one sign for each frontage may be permitted
LI, & GI	Wall, Window, Ground, Pole, Marquee	1	64 Sq. Ft.	Either	Cumulative sign area for uses on parcels with >300 feet of frontage, or with frontage on two or more rights-of-way may be increased up to 120 sq. ft. of sign area, and one sign for each frontage may be permitted

TABLE 2100-1 USE TYPES AND SIGN STANDARDS

Section 2111 Use Type 6, Industrial
 Description Uses of this type include manufacturing, processing, shipping and transportation facilities.
 Examples of Uses Contractor's Facility, Mining and Mineral Processing, Processing and Manufacturing, Research, Testing and Laboratories, Public Warehouses, and similar uses in the judgment of the Zoning Administrator

Zoning Districts	Permitted Sign Types	Nº. Signs Permitted	Cumulative Sign Area	Lighting	Conditions
R-1 & R-2	Uses of this type are normally not permitted in the R-1 or R-2 Districts				
R-3	Wall, Ground, Window	1	16 Sq. Ft.	External	
R-4	Uses of this type are normally not permitted in the R-4 District				
C-1	Wall, Ground	1	64 Sq. Ft.	Either	Cumulative sign area for uses on parcels with >300 feet of frontage, or with frontage on two or more rights-of-way may be increased up to 120 sq. ft. of total sign area, and one sign for each frontage may be permitted
C-2 & C-3	Uses of this type are normally not permitted in the C-2 or C-3 Districts				
WF, LI, GI	Wall, Window, Ground, Pole, Marquee	2	64 Sq. Ft.	Either	Cumulative sign area for uses on parcels with >300 feet of frontage, or with frontage on two or more rights-of-way may be increased up to 120 sq. ft. of total sign area, and one sign for each frontage may be permitted

SECTION 2112 UNCLASSIFIED USES, MIXED USES AND COMBINATIONS OF USES

A. The Zoning Administrator shall be authorized to classify uses not specifically listed in Table 2100-1. In the event of Unclassified Uses, the provisions of Section 530 shall apply.

- B. Combinations of Uses. Signs for combinations of land uses, such as an adaptive re-use project, mixed-use development, planned unit development, subdivisions or similar development form shall be regulated by the following standards.
1. Parcels with not more than 20,000 of gross land area shall be entitled to one (1) wall, marquee or ground sign, not to exceed 32 square feet in surface area, for each road frontage, or more than one wall, marquee or ground sign, provided the cumulative sign surface area of all signs does not exceed 32 square feet for each road frontage. In the R-1 and R-2 Districts if such signs are illuminated, they shall be externally lit. In all other districts such signs may be either internally or externally lit.
 2. Parcels with more than 20,000 square feet but less than two (2) acres in gross land area shall be entitled to one (1) wall, marquee or ground sign, not to exceed 48 square feet in surface area, for each road frontage, or more than one wall, marquee or ground sign, provided the cumulative sign surface area of all signs does not exceed 48 square feet for each road frontage. Such signs may be either internally or externally lit.
 3. Parcels with more than two (2) acres in gross land area shall be entitled to one (1) wall, marquee or ground sign, not to exceed 64 square feet in surface area, for each road frontage, or more than one wall, marquee or ground sign, provided the cumulative sign surface area of all signs does not exceed 64 square feet for each road frontage. Such signs may be either internally or externally lit.

SECTION 2113 TEMPORARY PORTABLE SIGNS

The Zoning Administrator shall be authorized to permit temporary and portable signs within any district of the City, under the following standards.

- A. No temporary or portable sign shall be placed within a public or private right-of-way and shall be placed no closer to the right-of-way than ten (10) feet if located facing US-31 or a major or arterial street and no closer than five (5) feet to any other right of way. Provided, that the Zoning Administrator shall be authorized to require a greater distance to assure visibility for motorists and pedestrians and to assure compatibility with the surround land uses. Provided further, that "A-frame" signs shall be permitted on a sidewalk in the C-2 and C-3 districts subject to a determination by the Zoning Administrator that said placement will not impact safety or visibility for motorists and pedestrians.
- B. The lights of an internally lit temporary or portable sign proposed to be located in the R-1, R-2, R-3, R-4 and C-2 districts shall be turned off after 9:00 PM.
- C. The maximum surface area of a temporary or portable sign shall not exceed thirty-two (32) square feet.
- D. A temporary or portable sign shall not remain in place for more than fourteen (14) days and not more than three (3) temporary or portable sign permits shall be issued for any parcel of land in any given twelve (12) month period.

- E. An application for a temporary or portable sign permit shall be filed with the Zoning Administrator on forms to be provided by the Zoning Administrator and shall include the following information:
1. The name and address of the applicant and the owner of the property on which the proposed sign will be located. The name, address and phone number of the owner of the temporary sign, if different from the property owner.
 2. The purpose of the sign, such as temporary sale, celebration, community announcement, etc.
 3. A description of the proposed sign including its dimensions and illumination as well as any anchoring mechanism proposed to prevent damage in high winds.
 4. A sketch plan of the parcel on which the sign will be located, including the proposed location of the sign with dimensions to rights-of-way lines and existing buildings.
 5. The proposed dates the sign will be displayed.
 6. A temporary or portable sign permit fee as established from time-to-time by the City Council.
- F. Upon receipt of a complete application, the Zoning Administrator shall inspect the proposed location for the temporary or portable sign as well as the proposed sign, if available. If the Zoning Administrator finds that the requirements of this section will be met, a temporary or portable sign permit shall be issued.

Draft

DRAFT SIGN DEFINITIONS

SIGN: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combinations thereof, by which anything is made known such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or a product which are visible from any public way and used as an outdoor display to advertise, identify, promote, direct, display, or attract attention.

Specific sign types and terms relating to signage content are defined as follows:

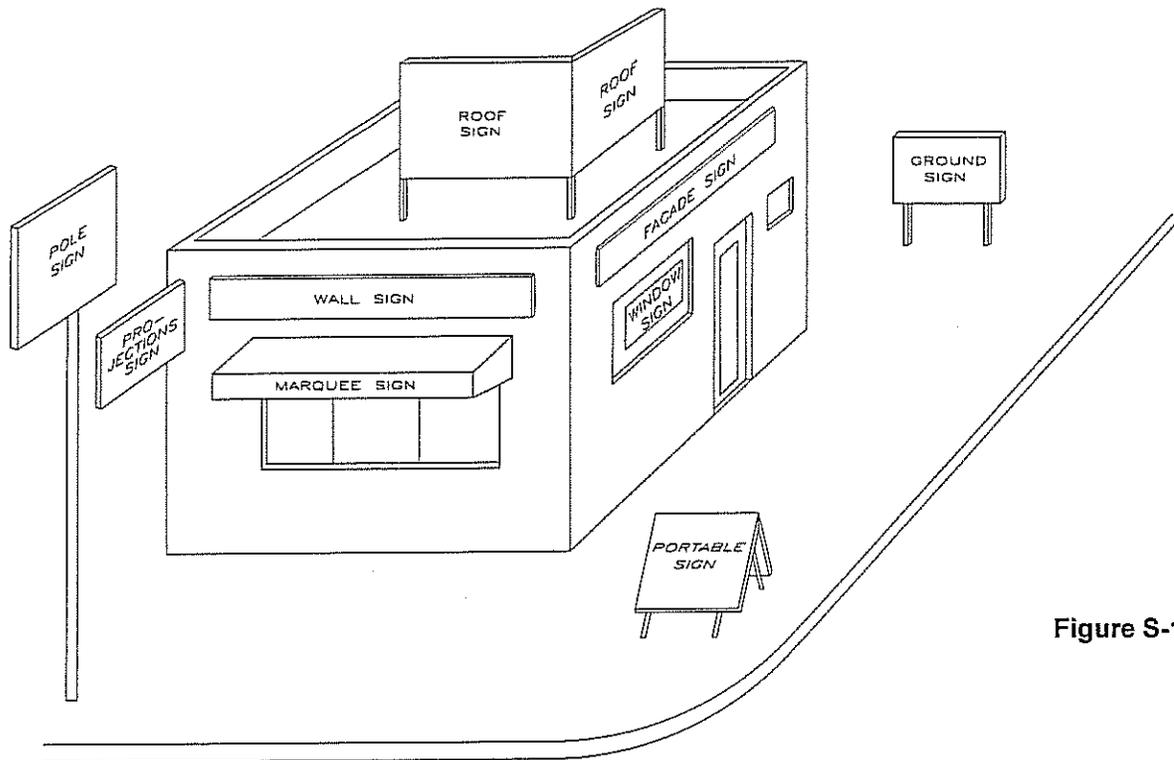


Figure S-1

SIGN TYPES

- A. **SIGN, ANIMATED:** Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.
- B. **BANNER:** Any sign of lightweight fabric or similar material that is mounted to a pole or on a building.
- C. **BEACON:** Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points, including any light with one (1) or more beams which rotate or move.
- D. **COMMERCIAL MESSAGE:** Wording, logos, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, person, or any commercial activity.

- E. FLAG: Any fabric, bunting, or banner which contains distinctive colors, patterns, or symbols representing a unit of government (including a local political subdivision, state government, or national government) or non-profit organization.
- F. SIGN, FREESTANDING: Any non-movable sign not affixed to a building.
- G. SIGN, GROUND: Any freestanding sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.
- H. SIGN, IDENTIFICATION: A sign, containing no commercial message, giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.
- I. SIGN, INCIDENTAL: Any sign indicating a directional message, principally for pedestrian or vehicular traffic, such as, "Telephone," "One-Way," "Entrance," and "Exit;" provided, that the sign does not contain a commercial message other than a logo or emblem of the proprietor.
- J. SIGN, MARQUEE: Any sign that is mounted, painted, attached to, or in any manner made a part of, an awning, canopy, or marquee that is otherwise permitted by Ordinance. For the purposes of this definition, an awning, canopy, or marquee shall include any fabric, plastic, or structural protective cover over a door, window, entrance, or outdoor service area, including "roofs" over gas station islands.
- K. SIGN, NONCONFORMING: Any sign that does not conform to the requirements and standards of this Ordinance.
- L. PENNANT: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a pole, rope, wire, or string, usually in a series, designed to move in the wind.
- M. SIGN, POLE: Any sign that is mounted on a freestanding pole or other support so that the bottommost edge of the sign is six (6) feet or more above grade.
- N. SIGN, POLITICAL: A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.
- O. SIGN, PORTABLE: Any sign that is not permanent, affixed to a building, structure, or the ground, usually intended to be transported easily.
- P. SIGN, PROJECTING: Any sign that is wholly or partly dependent upon a building for support, that is attached perpendicularly to said building, and that projects more than six (6) feet from such building.
- Q. SIGN, SUSPENDED: Any sign hanging down from a marquee, awning, canopy, porch, or a horizontal plane surface necessary for the structural soundness of the building out of which it projects that would exist without the sign, that does not project above or beyond said marquee, awning, canopy, porch, or horizontal plane surface.

- R. SIGN, TEMPORARY: Any sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time and for one (1) specific event, such as a yard sale.
- S. SIGN, WALL: Any sign fastened parallel to or painted on the wall of a building or structure that displays one (1) sign surface or face in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve (12) inches from such building or structure.

WINDOW SIGN: Any sign that is painted on, etched on, or bonded to the window glass and is visible from the exterior of the window. Merchandise normally offered for sale on the parcel and Temporary Signs shall not constitute Window Signs.

SPECIAL LAND USE STANDARDS FOR BILLBOARDS

SECTION 1810 BILLBOARD

- A. Definition. An outdoor sign advertising services or products, activities, persons, or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located.
- B. Regulations and Conditions.
 - 1. A Billboard shall be considered a principal structure on a parcel of land.
 - 2. Not more than two (2) billboards may be located per one-quarter linear mile of highway/roadway regardless that such billboards may be located on different sides of the highway. The one-quarter linear mile measurement shall not be limited to the boundaries of the City of Manistee where the road extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures showing only one face visible to traffic proceeding from any given direction on a highway shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face, including billboard structures with tandem (side-by-side) or stacked (one above the other) billboard faces, shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subparagraph c below.
 - 3. No billboard shall be located within six hundred sixty (660) feet of another billboard abutting either side of the same highway.
 - 4. No billboard shall be located closer than the required front yard setback from the street right-of-way or a side yard setback from any interior boundary lines of the premises on which the billboard is located.
 - 5. A site plan shall be submitted illustrating distances and spacing of existing billboards, residential districts and uses, and setbacks.

6. The surface display area (sign face) of any side of a billboard may not exceed one hundred (100) square feet and shall be continually maintained in good condition.
7. The height of a billboard shall not exceed twenty (20) feet above the natural grade of the ground on which the billboard is established.
8. No billboard shall be placed on top of, cantilevered or otherwise suspended above the roof of any building.
9. A billboard may be illuminated, provided such illumination is confined to the surface of the sign and is so located as to avoid glare, upward light or reflection onto any portion of an adjacent street or highway, property, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
10. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
11. A billboard established within a business, commercial, or industrial area, as defined in the "Highway Advertising Act of 1972" (PA 106 of 1972, as amended) bordering interstate highway, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.
12. No person, firm or corporation shall erect a billboard within the City of Manistee without first obtaining a Zoning Compliance Permit from the Zoning Administrator, which permit shall be granted upon a showing of compliance with the provisions of this Ordinance and payment of a fee. As with other fees, the amount of the billboard permit fee required shall be established by resolution of the City of Manistee City Council and shall bear a reasonable relationship to the cost and expense of administering this permit.

ARTICLE TWENTY-TWO SITE PLAN REVIEW

SECTION 2200 PURPOSE

The intent of this section is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may accomplish his/her objectives in the utilization of land within the regulations of the Ordinance, with minimal adverse effect on the land, shores, roadways, natural features, infrastructure, and on existing and future uses of property in the immediate vicinity, and to insure that a proposed land use or activity is in compliance with this Ordinance. In this connection, a site plan includes the documents and drawings required by the Zoning Ordinance to insure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

SECTION 2201 SCOPE

Every application for a zoning permit shall include a site plan. A zoning permit shall not be issued or otherwise authorized until a site plan, submitted in accordance with this Article 22, shall have been reviewed and approved, and any required securities have been received, based on the following submittal requirements:

- A. Basic Site Plan shall be required for new dwellings, additions to dwellings, or construction of accessory structures, the site plan shall be subject to Zoning Administrator review. Site plans shall comply with Section 2203 C.
- B. Detailed Site Plan shall be required for any permitted use (with the exception of new dwellings, addition to a dwelling or construction of an accessory structure) or special use, the site plan shall be subject to Planning Commission review. Detailed site plans shall comply with Section 2203 D and shall be designed and prepared by a registered professional architect, landscape architect, engineer, land surveyor, or planner.

SECTION 2202 OPTIONAL SKETCH PLAN REVIEW

Preliminary sketches of proposed site and development plans may be submitted for review to the Zoning Administrator and/or the Planning Commission or a committee of the Planning Commission, prior to official review and approval. The purpose of such procedure is to allow discussion between an applicant and the Zoning Administrator and/or Planning Commission, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such sketch plans shall, at a minimum, include the following:

- A. The name and address of the applicant or developer, including names and addresses of any officers of a corporation or partners of a partnership, together with telephone numbers.
- B. Legal description, property parcel number, and street address of the subject parcel of land.

- C. Sketch plans showing tentative site and development plans, produced on a scaled drawing illustrating existing and proposed structures, parcel boundaries, natural features, and all improvements, easements, streets, and sidewalks.
- D. The Planning Commission shall not be bound by any comments or observations made pertaining to a sketch plan.

SECTION 2203 APPLICATION PROCEDURE

Request for site plan review shall be made by filing with the Zoning Administrator the required filing fee and escrow, the application form and either a basic or detailed site plan, together with any special studies required. The Zoning Administrator may waive any site plan submittal requirement upon a finding that the required information is not applicable to the site. The following describes the required submittals.

- A. A application fee and review escrow as determined by resolution of the City Council.
- B. One copy of the completed application form for site plan review which shall contain as a minimum the following information (a narrative attachment is recommended in addition to the application form to sufficiently address all of the following items):
 - 1. Name, address and signature of applicant and property owner
 - 2. Legal description, property parcel number and street address of the subject parcel of property.
 - 3. Area of the subject parcel of property stated in acres, or if less than one (1) acre, in square feet.
 - 4. Present zoning classification on parcel.
 - 5. Present and proposed land use.
 - 6. Applicant's statement of the expected effect on emergency service requirements, schools, storm water systems, automobile and truck circulation patterns and local traffic volume.
 - 7. A description of the proposed development and the land use proposed.
- C. Basic Site Plan. A basis site plan shall be required for new single family dwellings, additions to dwellings and new accessory buildings for any principal use. Basic site plans shall include and illustrate at a minimum the following information:
 - 1. A scale drawing of the site and proposed development thereon, including the date, name and address of the preparer, parcel lines and parcel area.
 - 2. The scale of the drawing and north arrow.
 - 3. Existing man-made features, including dwellings, fences, landscaping and screening, accessory structures, and similar features; and the heights and floor area of such structures and other important features.

4. Proposed man-made features, including location of dwelling addition and/or accessory structures, fences, landscaping and screening, as applicable; and heights and floor area of such structures and other important features.
 5. Setback lines and their dimensions.
 6. Location of existing and proposed driveways and curb cuts, if any.
 7. Location of existing public and private rights-of-way and easements contiguous to and on the property.
 8. Natural features, including trees with a diameter at breast height of three inches or more, water bodies and wetlands, high-risk erosion areas, beach, sand dunes, slopes in excess of 25%, drainage and similar features.
 9. Any other information as may be required by the Zoning Administrator to aid in the review of the Site Plan.
- D. Detailed Site Plan. A detailed site plan shall be required for all uses other than those that may submit a basic site plan. Detailed site plan shall be prepared by an Engineer, Architect, Landscape Architect or Planner licensed to work in Michigan and shall include and illustrate at a minimum the following information:
1. A scale drawing of the site and proposed development thereon, including the date, name, address and professional seal of the preparer. In no instance shall the scale of the drawing be greater than one inch equals 20 feet nor less than one inch equals 200 feet.
 2. The scale of the drawing and north arrow.
 3. A vicinity map illustrating the property in relation to the surrounding street system.
 4. Topography of the site and its relationship to adjoining land.
 5. Existing man-made features, including buildings, fences, landscaping, parking, screening and the locations, heights and footprint of each.
 6. Illustration of all proposed improvements and buildings, fences, landscaping, parking and screening, including location, height, footprint of each.
 7. Setback lines and their dimensions.
 8. Percentage of land covered by buildings and that reserved for open space.
 9. Dwelling unit density where pertinent; including a density schedule demonstrating number of each dwelling type, if applicable.
 10. Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.
 11. Curb-cuts, driving lanes, parking and loading areas, including the number of parking spaces and parking calculations; vehicular circulation patterns and features, location and size of all parking spaces and the identification of service lanes and parking.

12. Curb-cuts and driveways on adjacent properties.
13. Location and type of drainage, sanitary sewers, storm sewers and other facilities, including surface and subsurface drainage for all impermeable surfaces on the site and all drainage calculations.
14. Existing and proposed water main, sanitary and storm sewer, natural gas, electric, telephone, cable television and other utilities, the proposed location of connections to existing utilities and any proposed extensions thereof.
15. Proposed changes to the topography of the site illustrated at no greater than two (2) foot contours.
16. Natural features, including trees with a diameter at breast height of three inches or more, water bodies, slopes in excess of 25%, wetlands, high-risk erosion areas, beach, sand dunes, drainage and similar features.
17. Generalized soil data, which may include information prepared by the Manistee County Soil Conservation District, Manistee County Planning Department, or more detailed soil data regarding the soils and their adaptability to the use.
18. Soil erosion and sediment control measures which shall include preventative soil erosion devices or measures, both during and after any site work related to the development.
19. Detail on proposed signage including an illustration of all proposed signs, their surface area, height and nature of illumination, in accordance with Article 21.
20. A lighting plan in conformance with Section 525.
21. A written and illustrated landscape plan prepared in accord with Section 531 of this Zoning Ordinance.
22. If the parcel is a result of a parcel division undertaken after the adoption of this Ordinance, the site plan shall illustrate all structures and buildings, drawn to scale located on the previously undivided property.
23. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Zoning Administrator or the Planning Commission.
24. Any required approvals, permits, changes or modifications required by any applicable regulatory agency.
25. Special Groundwater Protection. Site Plans for facilities which use or generate hazardous substances in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less; or store greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less; shall be subject to the following additional site plan submittal requirements:

- a. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.
 - b. Location of all underground and aboveground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated stormwater or wash water, and all similar uses.
 - c. Location of exterior and interior drains, on-site sewage systems, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
 - d. Location of all water wells on the site and within one hundred fifty (150) feet surrounding the parcel's property boundaries.
 - e. Delineation of areas on the parcel which are known or suspected to be contaminated, together with a report on the status of site cleanup.
 - f. Submission of the "Hazardous Substances Reporting Form for Site Plan Review."
 - g. Submission of the "State/County Environmental Permits Checklist."
 - h. If the area covered by the site plan includes territory within a Wellhead Protection Overlay Zone, submit a site plan review report prepared by a Manistee County Groundwater Staff Review Group (c/o Manistee County Planning Department). The site plan review report shall be a written document reporting on a county review of the same site plan prepared for this section. If the area covered by the site plan does not include territory within a Wellhead Protection Overlay Zone, a site plan review report prepared by the Manistee County Groundwater Staff Review Group may be submitted at the option of the applicant or may be required at the option of the Planning Commission or Zoning Administrator.
- E. Special Studies or Research. For complex site plans and/or for land uses that may generate significant impacts on surrounding land uses or public facilities, the Zoning Administrator or Planning Commission may require any or all of the following reports or studies as a part of a complete site plan.
- 1. Environmental Assessment, shall be a summary review of the environmental impacts of a project in accordance with the following standards:
 - a. The purpose of the Environmental Assessment shall be
 - 1) to provide relevant information to the Planning Commission on the potential environmental impact of applications for special land use permits for substantial projects that may have an impact on the natural, social and economic environment of the City;
 - 2) to inject into the developer's planning process consideration of the characteristics of the land and the interests of the community at large, and

- 3) to facilitate participation of the citizens of the community in the review of substantial developments.
- b. Guidelines. When required by the Planning Commission or the Zoning Administrator pursuant to this Section, an applicant for a special use permit shall prepare an Environmental Assessment in accordance with these guidelines. An Environmental Assessment is not an Environmental Impact Statement, but rather a summary review of the site in question considering the past and present land uses and the proposed development. The analysis is intended to determine how the proposed development will meet the goals of the community as they are expressed in the Master Plan. The complexity of the Environmental Assessment will depend on the scope of the project and the magnitude of the potential impact. In preparing the Environmental Assessment, judgment should be exercised to keep the form and extent of responses in proportion to the scope of the project. Each answer is to be as brief as practicable, although the Planning Commission may request further elaboration. The Planning Commission or Zoning Administrator may waive elements of these guidelines as either not applicable or previously addressed in other submittals, on a case-by-case basis. All information must be submitted in the following format and shall not merely reference a study or report completed previously, rather whenever possible, the Environmental Assessment report shall incorporate a summary of the findings of such study or report in addition to such cross-references. In addition, any cross-referenced study or report shall be submitted with the Environmental Assessment.
- c. Content. The following material shall be included and/or addressed in the Environmental Assessment, unless specifically waived by the Zoning Administrator or Planning Commission as not applicable:
 - 1) A description of the site in its current condition. This shall indicate any buildings to be preserved and those to be removed along with an indication of what will be done with the demolition debris. This must also include information on:
 - a) Flora and fauna (be sure to list any endangered species on-site)
 - b) General topography and drainage patterns including any regulated features such as wetlands, high risk erosion areas or other features
 - c) Adjacent waterways
 - d) Existing wells, approximate depth and use
 - 2) A description of any asbestos abatement proposed for the site. If applicable, this shall include a description of the method to be sure this material does not get into the surrounding area.
 - 3) A description of any existing contamination on-site. This should include a description of the nature of the contamination on-site and what will be done on this project to mitigate or contain it, including the proposed methodology and any state or federal regulatory agency reviews that may apply. If the project includes work that may disturb or displace existing contaminated soils or water, this should

include a description of proposed methods to contain and/or dispose of the generated waste.

- 4) If the proposed project will impact any coastal areas or floodplain or involve riparian work along adjacent waterways, a description of the proposed work and the methodology proposed to protect waterways shall be provided.
- 5) A description of the existing soils on-site and as to the suitability of these soils for the proposed use.
- 6) A description of any historical or archeological significance associated with the site. If any such areas are present, this shall include a description of methods to protect and preserve any historic or archeological resources.
- 7) A description of any emissions from the proposed development as it relates to air quality. If any emissions are proposed, this shall include a description of each constituent and the effects of each constituent to nature and human life.
- 8) A description of any hazardous materials or waste to be stored on-site. This shall include a description of proposed methods to contain such materials and prevent any migration into adjoining soils or groundwater or into the atmosphere.
- 9) A description of any storm water or process water discharges from the site. This shall include a characterization of such discharge in terms of the quantity, quality and chemical constituents and temperature and a description of the possible effects this discharge may have on the receiving waters.
- 10) If a Federal, State, or local regulatory authority has conducted an Environmental Assessment, Environmental Impact Statement, or a preliminary assessment/site inspection or environmental survey of the site, a brief description of the findings and provide a copy of the report or results.
- 11) A description of the anticipated noise levels to be generated at all property lines of the proposed use. This shall include a description of measures proposed to mitigate noise.
- 12) A description of the anticipated traffic to be generated by the proposed use.
- 13) A description of plans for site restoration after construction.
- 14) A description of methods to handle sanitary waste for the project both during construction and after completion.
- 15) A description of how potable water will be provided to the site. If any on-site wells are proposed or any lake-draw systems are proposed for the project, this shall include a description of the type of well or lake draw system, any regulatory requirements that may apply and the status of such regulatory approval.
- 16) A description of any additional items as needed to relay the potential environmental impacts of the proposed project.

- d. The individual preparing the Environmental Assessment must sign and seal (if prepared by a registered engineer, land surveyor, community planner or landscape architect) the submitted document.
2. Traffic Impact Study. The Zoning Administrator or Planning Commission may require that a traffic impact study completed by qualified professional be prepared as an attachment to a site plan submitted for any development in the City meeting the requirements of this section. The purpose of this section is to set forth the standards to be used by the Zoning Administrator or Planning Commission in requiring the submission of such a traffic impact study, the required minimum content of such a study and the standards and procedures for the review of its findings.
 - a. Description. A traffic impact study shall include an analysis of the existing traffic conditions on the roadway network in the vicinity of a proposed project, including any accident history, average speeds, average daily and peak hour traffic volumes and levels of service of all key roadway segments and intersections. The study shall further indicate the effect of a proposed development on adjacent roadways and intersections and indicate the anticipated points of origin, direction and volume of traffic flow to and from the proposed development. The study shall be prepared by either a registered professional engineer (P.E.) or transportation planner with at least five (5) years of experience preparing traffic impact studies in Michigan. The study shall include a summary of the qualifications and documented experience of the author and specifically describing experience in preparing traffic impact studies in Michigan. If the traffic impact study involves geometric design recommendations, the study shall be prepared or supervised by a registered engineer with a strong background in traffic engineering.
 - b. Criteria for Requiring a Traffic Impact Study. The Zoning Administrator or Planning Commission may require that a traffic impact study be prepared as an attachment to a site plan for any proposed commercial, industrial, residential or mixed use development which has the potential to significantly increase traffic volumes on the surrounding roadway network. In determining the level of potential impact, the Zoning Administrator or Planning Commission shall consult appropriate planning and engineering texts including, but not limited to, *Trip Generation*, published by the Institute of Transportation Engineers and may seek the counsel of other professionals with experience with developments similar to that proposed. A traffic impact study may be required under this section when, in the judgment of the Zoning Administrator or Planning Commission, the proposed development will result in an increase of either the average daily traffic or the peak hour traffic equal to or greater than ten percent (10%) of the current traffic volume on the adjoining roadway.
 - c. Required Study Content. In general, a required traffic impact study shall document existing conditions on the existing roadway network including all intersections within one (1) mile of the proposed development including average daily traffic and peak hour volumes in all directions, existing turning movements, levels of service, average traffic speeds and accident history. Existing pedestrian and non-motorized traffic volumes

shall also be estimated. The traffic impact study shall project the impact of the proposed development on the roadway network including all intersections within one (1) mile of the proposed development including projected average daily traffic and peak hour volumes in all directions, anticipated turning movements and anticipated levels of service. Anticipated impacts on pedestrian and non-motorized traffic volumes shall also be projected. The following specific elements shall be addressed in a required traffic impact study, unless specifically waived by the Zoning Administrator or Planning Commission:

- 1) A narrative summary at the beginning of the report, including, but not limited to:
 - a) The applicant and project name.
 - b) A location map.
 - c) The size and type of development.
 - d) Generated traffic volumes based on type and size of land use which are compatible with those listed in the Institute of Transportation Engineers - publication, Trip Generation (current edition).
- 2) Project phasing identifying the year of development activities per phase and proposed access plan for each phase.
- 3) A transportation system inventory, which describes the physical, functional and operational characteristics of the study area highway system and, where appropriate, locate transit services. The description should provide, where pertinent, data on:
 - a) peak-hour volumes (existing and projected)
 - b) number of lanes
 - c) cross-section
 - d) intersection traffic signals and configuration
 - e) traffic signal progression
 - f) percentage of heavy trucks
 - g) adjacent access point locations
 - h) jurisdiction
 - i) grades
- 4) Plan showing proposed roadway per phase for each access. Driveway design and roadway improvements shall meet Michigan Department of Transportation (MDOT) or City of Manistee standards and guides.
- 5) Capacity analysis shall be performed at each access point. The City's preference is the use of Highway Capacity Software, (HCS 2000), or a later version thereof. Default values shall not be used when actual values are reasonably available or obtainable. The interaction of conflicting traffic movements shall be addressed in

the traffic impact study. Any proposed signalized access within one (1) mile of an existing signalized intersection shall be analyzed in coordination with the existing signal timing. A time-space diagram should also be included.

- 6) A traffic impact study shall include an analysis of conditions with and without the proposed development on the existing system, and with the proposed development for both existing and projected traffic volumes. The traffic volumes for the development shall assume a total build out. The completed analysis shall be summarized in a table showing all the Measures of Effectiveness (MOE) for all of the above conditions.
 - 7) Required operational changes shall be part of the site plan review and any access permit approval process.
 - d. Evaluation and Criteria. As a general criteria, the existing roadway network and all access points to a proposed development shall be demonstrated to be fully capable of accommodating the increased average and peak hour traffic anticipated. In the event the anticipated level of service on any roadway segment or intersection is shown to decline, the traffic impact study shall present alternative approaches proposed to manage anticipated traffic without such decline.
 - e. The Zoning Administrator may be provided to the City Engineer, Planner and/or an independent traffic engineer or transportation planner to review and comment on any traffic impact study prepared pursuant to this Section. The cost of any such review shall be borne by the applicant.
3. Market Study. For unique development proposals, projects that may entail some financial expense or risk on the part of the City and/or projects that may, in the judgment of the Planning Commission, fundamentally alter the character of the community, the Planning Commission may require a market study to demonstrate a reasonable expectation that a market exists for a proposed development. Such a study shall be prepared in accord with this Section.
- a. Description. A market study shall be a detailed and documented analysis of the existing and projected economic conditions in the community that may impact both the proposed demand for the products or services to be generated on a site and the impact on other potentially competing businesses and services in the community that may result from the proposed development.
 - b. Content. Unless specifically waived by the Zoning Administrator or Planning Commission, a market study shall include the following elements:
 - 1) An executive summary which outlines the key findings of the study.
 - 2) The background for the study including both project background and the methodology and approach used.
 - 3) An overview of the market area including area demographic information and a description of the transportation and service infrastructure that would serve the proposed development.

- 4) A trade area delineation describing the likely geographic area that may be influenced by the proposed development along with detail on the methodology used in defining the trade area.
 - 5) A market feasibility analysis that defines the supply of competing facilities existing and planned in the marketplace, the inventory of alternative sources of supply or services that may compete with the proposed development and the demand for the products and services to be provided by the proposed development. This shall include a supply/demand gap analysis and a description of the ways in which the proposed development may address the gap defined.
 - 6) The credentials of the author(s) of the market study.
- c. Evaluation. The Zoning Administrator and Planning Commission shall review the market study to be satisfied that there is a reasonable expectation that the proposed development will meet with economic success without creating excessive dislocations within the existing marketplace.

SECTION 2204 ACTION ON APPLICATION AND SITE PLANS

- A. Upon receipt of a submitted application and site plan, the Zoning Administrator shall review the plan to determine its completeness. If the submittal is incomplete, the Zoning Administrator shall provide the applicant with a list of items needed to make the submittal complete. If the submittal is complete, the Zoning Administrator shall record the date of receipt and transmit seven (7) copies thereof to each of the Planning Commissioners; one (1) copy to the Fire Department when necessary; one (1) copy to other area review agencies, such as the City Engineer, County Health Department, Michigan Department of Transportation, retaining at least one (1) copy in the Zoning Administrator's office.
- B. A meeting shall be scheduled by the Chair of the Planning Commission for a review of the application, plans, and of the recommendation of the Zoning Administrator with regard thereto. Members of the Planning Commission shall be delivered copies of the same prior to the meeting for their preliminary information and study. The meeting shall be held within forty-five (45) days of the date of the receipt of the plans and completed application.
- C. ~~The applicant and adjoining property owners~~ to the subject property shall be notified of the date, time and place of the meeting on the application not less than three (3) days prior to such date.
- D. After conducting a review of the site plan, the Planning Commission shall approve, approve conditionally or reject the site plan, as it pertains to requirements and standards contained in the Zoning Ordinance. Any conditions required by the Planning Commission shall be stated in writing and shown on the site plan, together with the reasons for such conditions, and delivered to the applicant. Decisions by the Planning Commission shall be made within one hundred (100) days of the receipt of the completed application. Any conditions imposed on the application and site plan shall:

1. Be designed to protect natural resources; the health, safety, welfare, and social and economic well being of users of the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity; and the community as a whole.
 2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 3. Be necessary to meet the intent and purpose of the Zoning Ordinance, and be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- E. A site plan approved or conditionally approved by the Planning Commission which includes a landscape plan submitted under Section 531, shall require a performance guarantee pursuant to subparagraph G hereof of this Section.
- F. Two copies of the approved site plan, with any conditions shall be maintained as part of the City records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed by the applicant and the Chair of the Planning Commission and dated with the date of approval for identification of the approved plans. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the City records as a part of the site plan and delivered to the applicant for information and direction.
- G. To insure compliance with the site plan, Zoning Ordinance, and any conditions, limitations or requirements imposed on the applicant, the Zoning Administrator, upon recommendation and consent of the Planning Commission, may require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond in an amount and under conditions permitted by law. Such security shall be deposited with the City Treasurer at the time of permit issuance authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the Zoning Administrator may authorize a return of a portion of the deposit in reasonable proportion to the completion of the required improvements. Such security shall not exceed the estimated cost to fulfill the required conditions, limitations established for the site plan.

SECTION 2205 REVIEW CRITERIA

In the process of reviewing a site plan, the Planning Commission shall consider:

- A. That there is a proper relationship between the existing streets and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exit driveways, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conform to any street or access plan adopted by the City or the Michigan Department of Transportation.
- B. That the buildings, structures, and entrances thereto proposed to be located upon the premises are so situated and so designed as to minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood.

- C. That as many natural features of the landscape shall be retained as possible, particularly, where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
- D. That any adverse effect of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or walls, or landscaping.
- E. That all provisions of this Ordinance are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.
- F. That all buildings and structures are accessible to emergency vehicles.
- G. That a plan for erosion control and storm water discharge has been approved by the appropriate public agency.
- H. The relationship to shore and river preservation principles where appropriate.
- I. That the plan as approved is consistent with the intent and purpose of zoning to promote public health, safety and general welfare; to encourage the use of lands in accordance with their character and adaptability; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties; to preserve property values and natural resources; and to give reasonable consideration to character of a particular area, its peculiar suitability for particular uses and the general appropriate trend and character of land, building, and population development.
- J. That all utility services shall be provided on site in a manner least harmful to surrounding properties, and that all utilities are located underground, as applicable, unless specifically waived by the Zoning Administrator, Planning Commission, or Zoning Board of Appeals.
- K. That all applicable local, regional, state and federal statutes are complied with.
- L. Projects proposed within three (300) feet of Lake Michigan, Manistee Lake and/or the Manistee River Channel shall be arranged to preserve the maximum possible view corridor from public activity areas to said bodies of water. For the purpose of this Section public activity centers shall include pedestrian walkways, outdoor recreation areas, outdoor eating/drinking facilities, outdoor attractions or amenities (such as fountains, statues, monuments, public benches/seating, and other similar features) which are designed to attract and promote the gathering of the general public on-site.

Needed?

SECTION 2206 CONFORMITY TO APPROVED SITE PLANS

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the Planning

Commission. If construction and development does not conform with such approved plans, the approval shall be revoked by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the applicant at the last known address. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation. However, the Planning Commission may, upon proper application, approve an amendment to the site plan pursuant to Section 2208.

SECTION 2207 TERM OF APPROVAL OF THE SITE PLAN

Approval of the site plan shall be valid for a period of one (1) year after the date of approval. The Planning Commission may grant extensions if applied for and granted in writing. The reasons for extensions may be the inability to complete the requirements, financial constraints, regulatory approvals or other proven hardship. If a zoning permit has not been obtained and the on-site development actually commenced within said one (1) year, the site plan approval shall become null and void and a site plan approval application shall be required and approved before any construction or earth change is commenced upon the site.

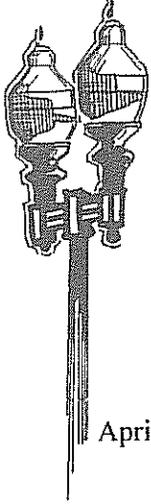
SECTION 2208 AMENDMENT TO THE SITE PLAN

No changes shall be made to an approved site plan prior to or during construction except upon application to the Zoning Administrator according to the following procedures:

- A. The Zoning Administrator may approve minor changes to an approved site plan involving slight changes in the location of buildings and structures, adjustment of utilities, walkways, trafficways, parking areas, and similar minor changes.
- B. Major changes or amendments to an approved site plan involving change in the number and location of accesses to public streets and alleys, a reduction in the number of parking spaces, a major relocation of a building, increase in the gross floor area or heights of buildings, a reduction in open space, and similar major changes, shall require the approval of the Planning Commission, in the same manner as the original application was submitted, reviewed, and approved.

SECTION 2209 APPEALS

With regard to site plan approval decisions, an appeal may be taken to the Zoning Board of Appeals in the manner as other administration decisions. The concurring vote of a majority of the members of said Board shall be necessary to reverse any decision by the Planning Commission, or to decide in favor of the applicant. The appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the City or State. The Zoning Board of Appeals shall state the grounds of each determination.



**DOWNTOWN
DEVELOPMENT AUTHORITY**
CITY OF MANISTEE
The Historic Victorian Port City

11 Cypress Street
Manistee, MI 49660
TEL: 231.723.4325
FAX: 231.723.1515
E-Mail: edo@manistee.com

April 11, 2005

City of Manistee
P. O. Box 358
Manistee, MI 49660

Subject: Proposed Change in Zoning
Ordinance - Section on Parking
Restrictions

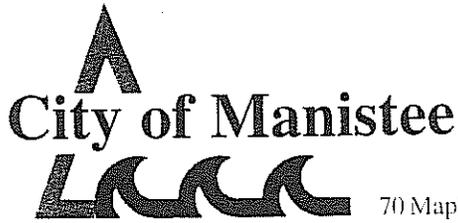
At the Manistee Downtown Development Authority's regular meeting on Wednesday, April 6, 2005, the proposed revision of the zoning ordinance section regarding parking restrictions was discussed.

The DDA Board respectfully requests the Manistee City Council to consider removing the Central Business District from the proposed revision, as it is felt the parking restrictions would severely impact residential housing in the Downtown District.

Thanking you for your consideration,

David S. Carlson
David Carlson, Vice Chairman
Manistee Downtown Development Authority

DC:sw



70 Maple Street • P. O. Box 358 • Manistee, Michigan 49660

231-723-2558
FAX 231-723-1546

April 15, 2005

Amor Sign Studios, Inc.
443 Water Street
Manistee, MI 49660

RE: Sign Ordinance

Dear Mr. Amor:

The City of Manistee hired Jay Kilpatrick, Williams and Works as our consultant to assist the Planning Commission with the Zoning Ordinance Re-write. The Planning Commission has been working with Mr. Kilpatrick since the Citizen Information and Input Session held in August 2004.

The local Sign Companies were invited to the Citizen Information and Input Session held last August. One request from the Sign Companies were to have the opportunity to review changes to the Zoning Ordinance as it relates to signs.

Mr. Kilpatrick has completed a Draft of Article 21 Signs, Sign Definitions and Section 1810 Billboard (Special Land Use Standards). We have enclosed these copies for you to review and invite you to attend the **Planning Commission Worksession on Thursday, April 21, 2005, 6:00 p.m. to 7:00 p.m., in the Middle School Library, 550 Maple Street, Manistee, Michigan.**

We hope that you will be able to attend. If you have any questions, please call me at 723-2558.

Sincerely,

CITY OF MANISTEE

Jon R. Rose
Community Development Director

JRR:djb



70 Maple Street • P. O. Box 358 • Manistee, Michigan 49660

231-723-2558
FAX 231-723-1546

April 15, 2005

Tye's Signs Inc.
3390 Grant Hwy.
Manistee, MI 49660

RE: Sign Ordinance

Dear Mr. Tye:

The City of Manistee hired Jay Kilpatrick, Williams and Works as our consultant to assist the Planning Commission with the Zoning Ordinance Re-write. The Planning Commission has been working with Mr. Kilpatrick since the Citizen Information and Input Session held in August 2004.

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Sincerely,

CITY OF MANISTEE

Jon R. Rose
Community Development Director

JRR:djb



70 Maple Street • P. O. Box 358 • Manistee, Michigan 49660

231-723-2558
FAX 231-723-1546

April 15, 2005

Tom Warman
Heller Signs
6645 Orchard Hwy.
Manistee, MI 49660

RE: Sign Ordinance

Dear Mr. Warman:

The City of Manistee hired Jay Kilpatrick, Williams and Works as our consultant to assist the Planning Commission with the Zoning Ordinance Re-write. The Planning Commission has been working with Mr. Kilpatrick since the Citizen Information and Input Session held in August 2004.

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Sincerely,

CITY OF MANISTEE

Jon R. Rose
Community Development Director

JRR:djb



70 Maple Street • P. O. Box 358 • Manistee, Michigan 49660

231-723-2558
FAX 231-723-1546

April 15, 2005

Lamar
Ron Kibler
P.O. Box 152
Traverse City, MI 49685

RE: Sign Ordinance

Dear Mr. Kibler:

The City of Manistee hired Jay Kilpatrick, Williams and Works as our consultant to assist the Planning Commission with the Zoning Ordinance Re-write. The Planning Commission has been working with Mr. Kilpatrick since the Citizen Information and Input Session held in August 2004.

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Sincerely,

CITY OF MANISTEE

Jon R. Rose
Community Development Director

JRR:djb



70 Maple Street • P. O. Box 358 • Manistee, Michigan 49660

231-723-2558
FAX 231-723-1546

April 15, 2005

Miller Signs
3830 Milarch Road
Manistee, MI 49660

RE: Sign Ordinance

Dear Mr. Miller:

The City of Manistee hired Jay Kilpatrick, Williams and Works as our consultant to assist the Planning Commission with the Zoning Ordinance Re-write. The Planning Commission has been working with Mr. Kilpatrick since the Citizen Information and Input Session held in August 2004.

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We hope that you will be able to attend. If you have any questions, please call me at 723-2558.

Sincerely,

CITY OF MANISTEE

Jon R. Rose
Community Development Director

JRR:djb