

# MANISTEE CITY PLANNING COMMISSION

Meeting of Thursday July 7, 2005  
7:00 p.m. - Manistee Middle School - Library, 550 Maple Street

## AGENDA

- I Roll Call
- II Public Hearing
  - None
- III Approval of Minutes
  - Planning Commission Meeting (6/2/05)
- IV New Business
  - 1. Reschedule Public Presentation/Review of Draft Zoning Ordinance
- V Unfinished Business
  - 1. Jane A. Tughan - Special Use Permit
- VI Other Communications
  - 1. Peninsula Plan Presentation
  - 2.
  - 3.
- VII Citizen Questions, Concerns and Consideration  
(Public Comment Procedures on the Reverse Side)
- VIII Work/Study Session
  - 1.
  - 2.
- IX. Adjournment

## Public Comment Procedures

The City of Manistee Planning Commission welcomes public comment in support of its decision-making process. To assure an orderly, fair and balanced process, the Planning Commission asks that participants at all public hearings and during the Public Comment portion of the meeting observe the following rule of procedure:

1. The Chairperson will recognize each speaker. When a speaker has the floor, he/she is not to be interrupted unless time has expired. Persons speaking without being recognized shall be out of order.
2. Each speaker shall state their name and address for the record and may present written comments for the record.
3. Speakers shall address all comments and questions to the Planning Commission.
4. Unless waived by the Planning Commission for a specific meeting or a specific speaker, public comment shall be limited to five (5) minutes per speaker, one time only. If a group of people wish to be heard on one subject, a spokesperson may be designated who may request that more than five (5) minutes be permitted for the collective comments of the group as presented by that speaker.
5. The Chairperson may request that repetitive comments be limited or abbreviated in the interest of saving time and allowing others to speak.
6. The Chairperson may establish additional rules of procedure for particular hearings as he/she determines appropriate.
7. Normal civil discourse and decorum is expected at all times. Applause, shouting, outbursts, demonstrations, name-calling or other provocative speech or behavior is not helpful to the decision-making process and may result in removal from the hearing or an adjournment.

Thank you for your interest in the work of the City of Manistee Planning Commission and for your cooperation with these rules of procedure.

# MEMORANDUM

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**TO:** Planning Commissioners

**FROM:** Denise Blakeslee   
Administrative Assistant - Community Development Department

**DATE:** June 30, 2005

**RE:** July 7, 2005 Meeting

The July Planning Commission Meeting will be held on Thursday, July 7, 2005 at 7:00 p.m. in the Middle School Library. We have the following items on the agenda:

1. Reschedule Public Presentation /Review of Draft Zoning Ordinance. Plans are to move back into City Hall the last week of July. This conflicts with the date that we scheduled the Public Presentation for the review of the Draft Zoning Ordinance. We have spoke with Jay Kilpatrick and alternate dates have been chosen in August. The possible dates are:
  - Thursday, August 11, 2005 at 6:00 p.m.
  - Monday August 22, 2005 at 6:00 p.m.
  - Wednesday, August 24, 2005 at 6:00 p.m.

Planning Commissioners will be polled and a new date will be scheduled.

2. Jane A. Tughan - Special Use Permit (Bed and Breakfast). Deliberation on a request from Jane A. Tughan for a Bed and Breakfast (Four Rooms) at 355 Second Street was postponed until the July Meeting. Ms. Tughan was to prepare site plan including the surrounding properties and respond to the concerns expressed by the neighbors at the June Meeting. Enclosed is the documentation that Ms. Tughan brought in for the members of the Planning Commission to review.

*At this time Planning Commission can take action to:*

*Approve a request from Jane A. Tughan for a Special Use Permit to allow a Four Room Bed and Breakfast at 355 Second Street.*

**OR**

*Deny the request from Jane A. Tughan for a Special Use Permit to allow a Four Room Bed and Breakfast at 355 Second Street.*

**OR**

*Approve a request from Jane A. Tughan for a Special Use Permit to allow a Four Room Bed and Breakfast at 355 Second Street with the following conditions:*

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3. Peninsula Plan Presentation. Jon Rose will be making a presentation to the Planning Commission about the exciting development plans for the Peninsula on the East end of River Street.

Chairman Yoder will be unable to give the Annual Report on the activities of the Planning Commission to City Council on July 5<sup>th</sup>. Vice-Chair Fortier will be giving the report that evening. I am sure that Ray would appreciate the support of any Planning Commissioners who are able to attend.

We want to wish everyone a safe and happy Fourth of July. Enjoy the events at the festival and the beautiful summer weather!

**PLEASE NOTE \*\*\* As of mailing time I have two Commissioners who will be unable to attend the July Meeting due to work commitments. If you are unable to attend the Meeting please call me at 723-2558.**

:djb

cc: Mitch Deisch, City Manager  
City Council

June 20, 2005

Manistee City Planning Commission  
550 Maple Street  
Manistee, Michigan 49660  
Subject: Jane A. Tughan - Special Use Permit (Bed and  
Breakfast)

Dear Members:

The following is a response to the concerns presented by a few neighbors submitted at the June 2, 2005 meeting. I will address each paragraph submitted.

"This letter is to express our concern regarding a proposed business on our street. Let it be known that we are against this prospect. We chose our neighborhood because it was close to the shopping and commercial district, not because it was IN it. The proposed Bed and Breakfast encroaches on our most basic concerns for our family and privacy. We feel there are many reasons that this is inappropriate for our neighborhood."

The Manistee City Zoning Ordinance indicates that a Bed and Breakfast has to be a "family dwelling" and therefore is NOT an extension of the commercial district.

"1. The house is situated on a very narrow lot giving the "guests" no place to meander except our front stoops."

A majority of the homes on our block are on narrow lots. In fact, on our block there is only one actual driveway that accesses that particular property. Most off street parking is accessed by the alley behind our homes. My home is no different than any other home on the street. In addition, I have an enclosed front porch and an enclosed back deck, not to mention two common areas within my home for guests to relax and plan their day. I honestly do not believe that guests will be interested in meandering on neighbor's front stoops but rather they will seek out points of

interest in town.

"2. The proposed and necessary parking will overlook our newly landscaped back yards. The traffic caused by this business will change the privacy of our property forever."

As you can see by the photo submitted, my property can handle three parked cars at the back of my home (with room to spare). The other off street parked cars required by the special permit have a place at the corner in the church parking lot (please refer to the letter of permission from the church). In addition, if I had moved into this five bedroom home with a family to fill it, the parking and activity would be much more than what will occur with having a Bed and Breakfast.

"3. Our neighborhood is teeming with young children. All of who are already threatened by the speeding cars on Second Street. We will be asking for more traffic and more encounters with strangers if we welcome this business."

The issue of speeding cars has nothing to do with visitors to Manistee. It is unbelievable to think that a visitor to Manistee is speeding up and down streets that they are unfamiliar with. This issue is a problem with local residents and should be addressed elsewhere. In addition, my response to the concern about "strangers around our children" is that if a predator of children was out to do harm, they would not be staying at a Bed and Breakfast because the environment is much too personal.

"4. We feel potentially the "guests" will complain due to the noise of the children and dogs. It is much different to live and work with a neighbor than it is the general public. The idea of a Bed and Breakfast should be relaxing and peaceful...our neighborhood is lively and the kids and dogs are plentiful. We do not want confrontations with our "neighbor" because she has "guests to please". We want to continue to allow our kids and dogs to be free and play."

In the city of Manistee, there are many laws regarding the care and safety of our children. There are also ordinances in place

regarding the responsibility of owners and their dogs (and other animals). This ordinance addresses issues including, licensing, animals running at large, being dangerous or vicious, barking and howling dogs and the like. If each parent and/or dog owner follow these "laws" there would be no need for complaints.

"5. We are concerned with parking. If the "lot" is approved for the back yard we will be invaded by traffic and people out back. If the business is allowed to use the street we will suffer when "alternate" parking is in effect. If a privacy fence is constructed out back it would be a startling change to the landscape."

Again, you will notice (per picture) that three cars will be parked in the last two thirds of my yard. My plan is to black top the last two thirds of my lot and have flower gardens in the first third next to the enclosed deck. During the winter months when alternate parking is in effect, there is historically very little activity at a Bed and Breakfast. Meantime, I will maintain my parking area for my personal use so that I do not have to be on the street during winter months.

"6. We feel vacationing guests/and or/ the general public are impossible to predict. We feel it is risky to invite guests into our neighborhood. We have had to deal with revolving renters in the adjacent house who party, smoke and publicly drink alcohol on our street. The house has finally "cleaned up". We do not want to invite this behavior by offering vacationing strangers a place to do the same."

Where do I begin?! What does "revolving renters" have to do with a Bed and Breakfast? Individuals who seek out a bed and breakfast are those who seek a friendlier, more personal atmosphere, rather than a hotel or motel. They are interested in a home setting (i.e. a Bed and Breakfast) where they can meet local people and share in a family environment.

"7. If the B&B has a Non Smoking Policy the guests will be forced outside to smoke. There is nothing attractive about a bunch of people standing outside of a business smoking. This too would add

to the nuisance of having a business next door.”

Although I am not a smoker and my home IS a non-smoking home, I do not anticipate many smoking guests. Smokers usually like to stay were they are allowed to smoke freely. Even so, if it is a guest, a friend, or a family member staying with me, there is an enclosed deck on the back of the house if they feel a need to smoke. Neighbors have NO Right to make demands as to who smokes or who does not smoke at my home, nor do I have the right to do the same to them.

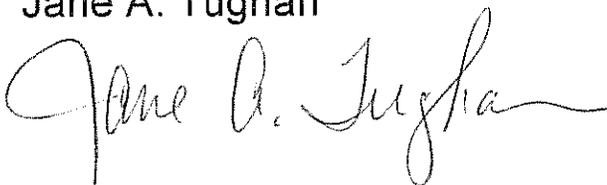
“I have no doubt that our neighbor has good intentions. I can understand the desire to own and operate a business such as this, but I cannot agree with the chosen location. This property is very inappropriate for the proposed business. It is situated too close to adjacent houses and offers no “grounds” for guests to enjoy...this leaves them to encroach on us. Please consider all of these points to be issues with many of our immediate neighbors.”

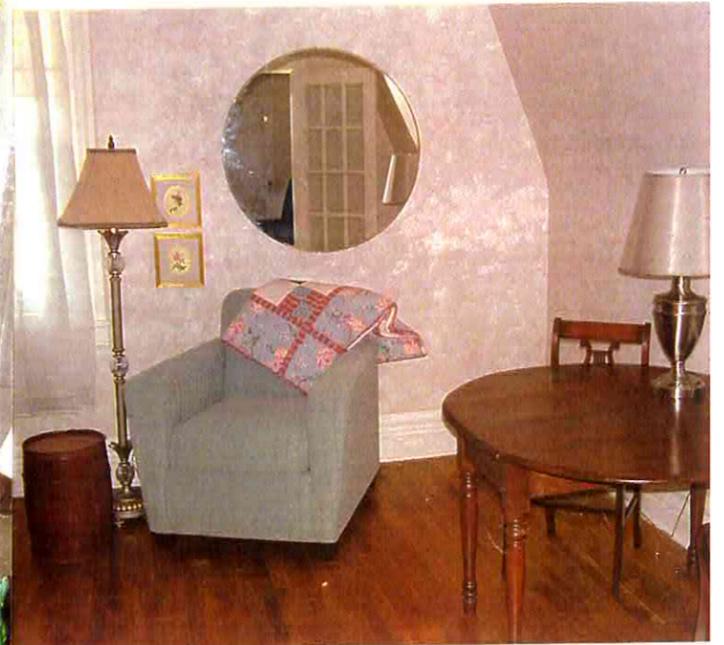
My home is the IDEAL home and IDEAL location for a Bed and Breakfast. It is located walking distance to our downtown area and many wonderful historical buildings in town. The Ramsdell Theatre is at the end of the block. My home is a beautiful, charming home with lots of “personality”. You can be sure that the property will be kept attractive to appeal to those who love Bed and Breakfasts.

In conclusion, I have complied with all the requirements needed for a special permit for a Bed and Breakfast. When I had applied for this special permit, 94 letters were mailed out of which 8 or 9 families responded with “concerns”. Meantime, I have had many other neighbors who have stopped by to support my intention (with enthusiasm). They welcome a Bed and Breakfast in our neighborhood. I look forward to the approval of my request for this special permit so that I may open this Bed and Breakfast.

Sincerely,

Jane A. Tughan

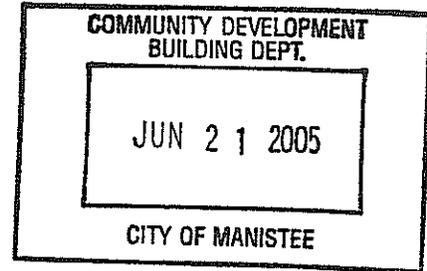
A handwritten signature in cursive script that reads "Jane A. Tughan". The signature is written in black ink and is positioned below the typed name.



ECONOMIC DEVELOPMENT  
DIVISION

June 20, 2005

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



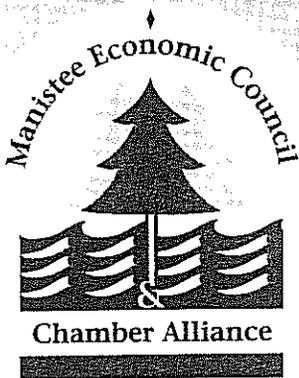
Dear Commissioners:

On June 17, I had a meeting with Jane Tugham, who is considering starting a bed and breakfast out of her home at 355 Second St. in Manistee.

It is my belief that, provided that this project complies with all local, state, and federal regulations, this proposal will be beneficial to the economy of both the City of Manistee and of Manistee County. Ms. Tugham will be a full time resident at the property (as is required in section 1609 B. of the Bed and Breakfast Special Use Standards of the Manistee City Zoning Ordinance), and is thus likely to spend a high percentage of her income in the local area. The guests who come to stay at the bed and breakfast will also likely spend money at other local businesses, thus there will be a ripple effect of benefit to businesses such as restaurants and others that currently attract, or have the potential to attract, tourists.

Of course, it is also in the best interests of both the City of Manistee and of Manistee County to ensure that this project fits into the neighborhood in which it is proposed. The unique quality of life that we enjoy in Manistee is one of our strongest economic selling points, and we must ensure that each development proposal preserves this, and if possible, enhances it.

It is my understanding that the proposed project meets all current zoning regulations both for residential properties as well as the Bed and Breakfast Special Use Standards outlined in section 1609 of the Manistee City Zoning Ordinance. In particular I would like to point out section 1609 C., which requires that "the activities of the bed and breakfast shall be operated in such a manner that other residents of the area, under normal circumstances, would not be aware of the existence of the bed and breakfast" and also section 1609 E. requires that "the permit holder shall secure and maintain all required permits, which include, but not limited to, those issued by the health department". Section 1609 D. also ensures that "there shall be a minimum of one parking space per sleeping unit", thus guests will not be required to utilize on-street parking spaces which are often in limited supply within the City. So long as these sections are enforced by the City of Manistee, I do not foresee any problems with Ms. Tugham's business fitting in well with the character of the neighborhood or of the City.



11 Cypress Street  
Manistee, MI 49660  
T: (231) 723-4325  
F: (231) 723-1515  
[www.ManisteeCounty.com](http://www.ManisteeCounty.com)

**MARALEE COOK**

4090 RICH DRIVE, WATERFORD, MI 48329-1130  
373 SECOND STREET, MANISTEE, MI 49660

July 5, 2005

City of Manistee  
70 Maple St.  
Manistee, MI 49660

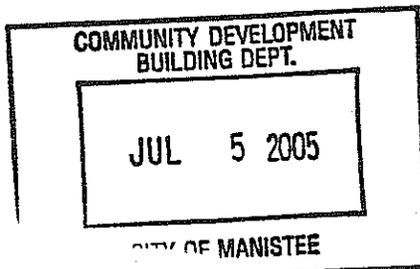
By Fax to Denise or Jon Rose  
231-723-1546

To Whom It May Concern.

I am in favor of Jane A. Tughan using her property at 355 Second Street as a Bed and Breakfast.

Sincerely,

Maralee Cook



July 3, 2005

Jon Rose  
Community Development, Zoning & Planning

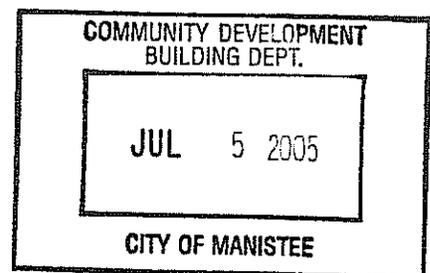
Re: Jane Tughan, Second St. Bed and Breakfast

I have been a resident of 346 Third Street for 47 years and my wife for the last 18 years. Third Street is a narrower street than second and carries a lot more traffic. Vehicles are going to and from A & W Restaurant, the Movie Gallery, County Health Department, Community Mental Health, Maple Street Clinic as well as the Manistee County Court House. This is not a serious problem.

I believe a Bed and Breakfast on second street would be a good addition to the community. Jane Tughan, the owner, would keep her property looking very good in order to attract business. People who stay at a Bed and Breakfast range from young professionals to retirees. They are looking for a place to stay that is more attractive and homey than a hotel or motel room. They would be interested in seeing the local sights such as the historical buildings, go to the beaches, shop in our downtown, eat in our restaurants and perhaps take in a play at the Ramsdell. The city is promoting tourism in order to gain "outside capital". We hope you will approve this venture.

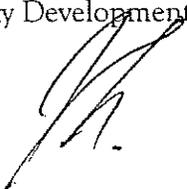
Sincerely,

*Robert Knudstrup*  
*Barbara Knudstrup*  
Robert and Barbara Knudstrup



MEMORANDUM

TO: Jon Rose, Community Development Director  
City of Manistee

FROM: Jay Kilpatrick, AICP 

DATE: July 1, 2005

RE: Revised Article 21

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As we discussed, enclosed is a revised version of the Sign Article 21. This draft includes the few changes you suggested. I also have renumbered Article 18, so the cross-reference for the special land use standards on billboards is also revised.

I understand that you will revisit this with the Planning Commission at the July meeting to discuss the extent of non-conformities it might create, especially in the C-1 District.

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## ARTICLE TWENTY-ONE

### SIGNS

#### 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 improved 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. Names and addresses of the owner, applicant and installation contractor (if any).
  2. 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.
  3. A fee, as determined by resolution of the City Council, which may be re-established from time to time.
  4. 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.
5. 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.
  6. 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.
  7. The Administrator shall retain the right to forward any sign permit applications to the Planning Commission for their review and approval.
  8. 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.

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**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. 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.
- E. 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.
- F. 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.
- G. Billboards. Refer to **Section 1814**.

## **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.
- L. One construction sign identifying a building project including the names of the developer, financier, and the various professionals and contractors involved. Such sign shall be allowed only during the time in which the development is actually under construction and shall not exceed thirty-two (32) square feet in sign face. Such sign shall not be placed closer than fifteen (15) feet from the edge of the right-of-way and shall not exceed ten (10) feet in height.

## **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. Off-Premise Signs. Except as provided in Section 1814 of this Ordinance, off-premise signs as defined herein, shall be prohibited in all districts.
- E. Signs not securely affixed to a supporting structure.
- F. 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.
- G. 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.
- H. 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.
- I. Beacons.
- J. Signs that include flashing or moving lights or parts and animated signs located such that they may distract drivers. Provided, however, that Electronic Message Boards as defined herein shall not be considered an animated sign.

## **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 &amp; Breakfast, Golf Course, Nursing and Convalescent Home, 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, Outdoor Recreation and Park Facilities, 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 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, Marquee	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, 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 more than 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 more than 150 but less than 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 more than 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 more than 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	

<b>TABLE 2100-1 USE TYPES AND SIGN STANDARDS</b>					
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 more than 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 more than 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 more than 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 more than 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 more than 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

<b>TABLE 2100-1 USE TYPES AND SIGN STANDARDS</b>					
<b>Section 2111</b>		<b>Use Type 6, Industrial</b>			
<b>Description</b>		Uses of this type include manufacturing, processing, shipping and transportation facilities.			
<b>Examples of Uses</b>		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			
<b>Zoning Districts</b>	<b>Permitted Sign Types</b>	<b>Nº. Signs Permitted</b>	<b>Cumulative Sign Area</b>	<b>Lighting</b>	<b>Conditions</b>
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 more than 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 more than 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 square feet 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 key street segment as defined herein, 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 surrounding 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 and 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.