

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
September 3, 2015

Regular Blue Sky: 7:00 p.m.: Review of Agenda Items for this evening's meeting

REGULAR SESSION - 7:30 P.M.

1. Call to order
2. Pledge of Allegiance
3. Roll Call
4. Consider approval of the Agenda
5. Approval of [minutes: Regular Meeting](#) and Closed Session of [August 20, 2015](#)
6. City Manager's Recognition Presentation for the City Water Utility Employees for the recent 50-year Community Fluoridation Award
7. City Manager's Recognition Presentation for Deputy Community Development/Planning Director Lauri French's retirement
8. Call to the Public

Consent Agenda

9. Approval of a staff-recommended [civic event application for SELCRA's Family Fun & Fit Series Tridge Trek](#)

Policy Development & Customer Communications' action items

10. Receive presentation from the Michigan Municipal League's (MML) executive recruitment staff on a proposal to conduct a City Manager recruitment process, and then consider action to approve the proposal or give alternative direction to staff
11. Consider approval of a recommended [intergovernmental contract with Livingston County for interim Planning services](#)
12. Consider approval of a recommended [contract amendment with Tetra Tech for non-building and non-public infrastructure related approved site plan inspections](#)
13. Receive updated Springhill-related inspection report from the City Engineer and then consider actions as may be recommended by the City Attorney regarding Springhill
14. Conduct [public hearing for the second reading and adoption of amendments to Chapter 66 Signs, Article I](#). In General, Sec. 66-2 Definitions, Chapter 66 Signs, Article IV. Regulations, Sec. 66-91 All zoning districts, (14) Prohibited signs (a) animated and intensely lighted signs, Chapter 66 Signs, Article IV. Regulations, Sec. 66-94. Community shopping center zone, add (12) Drive-in/drive through restaurant menu boards and (13) changeable message signs or digital/electronic signs, Chapter 66 Signs, Article IV. Regulations, Sec. 66-95. General business and limited intensity business/office zones, add (13) Drive-in/drive through restaurant menu boards and (14) changeable message signs or digital/electronic signs, Chapter 66 Signs, Article IV. Regulations, Sec. 66-96. Limited business zone. Add (12) changeable message signs or digital/electronic signs, Chapter 66 Signs, Article IV. Regulations, Sec. 66-100. Downtown business district. Add (15) changeable message signs or digital/electronic signs as recommended by Planning Commission. Consider a motion to approve the amendments following the public hearing.
15. Conduct [public hearing for the second reading and adoption of amendments to Chapter 98 Zoning, Article. VI. A-1](#) Districts, Sec. 98-152. Use regulations (3), Chapter 98 Zoning, Article. VII. A-2 Districts, Sec. 98-177. Use regulations (2), Chapter 98 Zoning, Article. VIII. R-1 Districts, Sec. 202. Use regulations (3) as recommended by Planning Commission. Consider a motion to approve the amendments following the public hearing.

16. Conduct [public hearing for the second reading and adoption of amendments to Chapter 66 Signs, Article IV. Regulations, Sec. 66-100. Downtown business district. \(13\) sidewalk/sandwich board signs \(b\)\(d\) add \(e\) as recommended by Planning Commission. Consider a motion to approve the amendments following the public hearing.](#)
17. Consider scheduling the dates for the annual Fall Goal-Setting Retreat related Special Meeting

Other Business

18. Information for City Customers including reports on responses to Citizens Inquiries to City Council received since the last Council Meeting
19. Receive updates from Council Member Liaisons to other Boards and Commissions
20. Call to the Public
21. Adjournment

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON AUGUST 20, 2015 AT THE BRIGHTON CITY HALL
200 N. 1ST STREET, BRIGHTON, MICHIGAN

BLUE SKY SESSION

The Council conducted a Blue Sky Session at 7:00 p.m. Present were Mayor Muzzin, Councilmembers Bandkau, Willis, Pipoly, Tobbe, Bohn and Gardner. The Council reviewed the agenda items.

REGULAR SESSION

Mayor Muzzin called the regular meeting to order at 7:31 p.m. Following the Pledge of Allegiance, the roll was called. Present were Mayor Muzzin, Councilmembers Pipoly, Bandkau, Bohn, Tobbe, Willis and Gardner. Also in attendance were Attorney Paul Burns, Engineer Gary Markstrom, Staff members Dana Foster, Diana Lowe, Kelly Hanna, Dave Blackmar, Tom Wightman and an audience of 1. Press and media included Tom Tolen from WHMI.

AGENDA APPROVAL

It was moved by Councilmember Bandkau seconded by Willis to approve the agenda as amended. Change item #13 to "Read a communication from the City Manager". Motion passed 7-0.

MINUTE APPROVAL

It was moved by Mayor Pro-Tem Pipoly, seconded by Tobbe to approve the Special Meeting minutes of August 20, 2015 as presented. Motion passed 6-0-1, with Councilmember Willis abstaining.

It was moved by Councilmember Tobbe, seconded by Pipoly to approve the Closed Session minutes of August 20, 2015 as amended. Change "Pending Litigation" to "City Manager to invoke his right to have his Annual Evaluation in Closed Session" and change the starting time from "1:10 p.m." to "8:10 p.m.". Motion passed 6-0-1, with Councilmember Willis abstaining.

It was moved by Councilmember Gardner, seconded by Bandkau to approve the Regular Meeting minutes of August 20, 2015 as presented. Motion passed 6-0-1, with Councilmember Willis abstaining.

CALL TO THE PUBLIC

Mayor Muzzin opened the Call to the Public at 7:34 p.m. Hearing no comment

CONSENT AGENDA

It was moved by Councilmember Tobbe, seconded by Willis to approve the Consent Agenda as presented. A roll call vote was taken. Yes: Willis, Bohn, Pipoly, Muzzin, Bandkau, Tobbe, Gardner. No: none. Motion passed 7-0.

The following items were approved:

1. Approved Resolution 15-13, Authorizing the Mayor and City Manager to sign the Contract between the City of Brighton and MDOT, Contract No. 15-5402, Control Section EDA 47522, Job Number 127446A.
2. Approved the Quarterly Investment Report.

POSSIBLE SPRINGHILL ACTIONS

City Attorney, Paul Burns suggested to discuss Springhill in Closed Session.

LINDBOM SCHOOL PROPERTY

City Manager, Dana Foster stated an inquiry was received regarding the permitted use of the former Lindbom school property.

City Attorney, Paul Burns suggested the City Manager write a letter stating that a school is a permitted use.

PLANNING, ZONING AND DEVELOPMENT SERVICES STAFFING

It was moved by Councilmember Tobbe, seconded by Pipoly to direct the City Manager to obtain a related proposed intergovernmental services' contract for Planning, Zoning and Development Services from Livingston County and the City Engineer to submit to the City Attorney for review. Motion passed 7-0.

PROPOSED SIDEWALK REPAIR PROGRAM

It was the consensus of Council not to pursue a sidewalk repair program as referenced in the City Ordinance.

READ A COMMUNICATION FROM THE CITY MANAGER

Mayor Muzzin read a letter from the City Manager regarding his formal notice of resignation effective December 18, 2015 and this letter is not a retirement letter, as he will not receive retirement benefits. He offered his assistance to the City for a smooth transition.

City Manager, Dana Foster stated he will be giving a similar letter to the department directors. He discussed the hard work and dedication that all City employees at all levels maintain. He thanked the Council and Staff for their patience of his schedule with his family taking on the responsibility of being Foster parents to three young children.

It was moved by Councilmember Bandkau, seconded by Bohn to accept Dana Foster's formal resignation effective December 18, 2015. Motion passed 7-0.

It was moved by Mayor Pro-Tem Pipoly, seconded by Gardner to engage the Michigan Municipal League to quote for services for a City Manager search and a recommendation for an interim candidate and to give a presentation at the next City Council meeting. Motion passed 7-0.

CITY CUSTOMER INFORMATION

City Manager, Dana Foster stated September 26th is the resealing date of the Imagination Station. He also stated DTE informed the City they will be doing upgrades to their system to improve reliability of their service and help minimize power outages.

Mayor Pro-Tem Pipoly gave a DDA update.

Councilmember Gardner gave a SELCRA update.

Mayor Muzzin added to the DDA update and gave a Brighton Area Fire Authority update. He read a letter from Congressman, Mike Bishop congratulating the City of Brighton on the 2014 Community Water Fluoridation Award.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 8:50 p.m. Hearing no comment, the Call to the Public was closed.

CLOSED SESSION

It was moved by Mayor Pro-Tem Pipoly, seconded by Willis to go into Closed Session at 8:52 p.m. to discuss Attorney/Client written communication and pending litigation. A roll call vote was taken. Yes: Willis, Bohn, Pipoly, Muzzin, Bandkau, Tobbe, Gardner. No: none. Motion passed 7-0.

The Council convened into Closed Session at 8:53 p.m.

The Council reconvened the Regular Meeting at 9:23 p.m.

It was moved by Councilmember Bohn, seconded by Gardner to direct the Engineer do a final inspection on the Springhill development. Motion passed 6-0-1, with Councilmember Pipoly abstaining.

ADJOURNMENT

It was moved by Councilmember Tobbe, seconded by Bandkau to adjourn the meeting at 9:25 p.m. Motion passed 7-0.

Diana Lowe, City Clerk

Jim Muzzin, Mayor

POLICY REPORT
DEPARTMENT OF PUBLIC WORKS
Civic Event Application Approval
SELCRA Family Fun & Fit Series – Tridge Trek

Prepared by:

Reviewed by:

Patty Thomas
Asst. DPW Director

Dana W. Foster
City Manager

ISSUE: To approve the Civic Event Application submitted by SELCRA for Family Fun & Fit Series – Tridge Trek to be held on Saturday, October 3, 2015 from 10 am to 12 pm.

STAFF RECOMMENDATION: The City of Brighton Civic Event Staff Committee recommends approval of this Civic Event.

BACKGROUND: The City of Brighton Civic Event Staff Review Committee has reviewed this application and is recommending approval. The walkers will not cross over any streets. It will begin at the Millpond Gazebo, then walkers will travel down the Tridge to Dairy Queen, and then along Grand River, Main Street, and back to the gazebo.

BUDGET IMPACT: Support staff necessary for this event will be determined based on past history, nature of the event, and specific requests of event sponsors on an as-needed basis.

RELATIONSHIP TO 2014/2015 GOALS: Continued allowance of various Civic Events under managed conditions to promote the Downtown City of Brighton area.

COUNCIL ACTION: Approval of the SELCRA Family Fun & Fit Series – Tridge Trek Civic Event Application.

ATTACHMENTS: Civic Event Application.



Civic Event Application

City of Brighton

200 N. First Street
Brighton, Michigan 48116
(810) 227-1911

OFFICE USE ONLY
8-25-15
Date Received
(PK)
By

**** APPLICATIONS MUST BE FILLED OUT COMPLETELY BEFORE THEY WILL BE CONSIDERED FOR REVIEW ****

08/25/2015	SELGRA	Cheryl Royster		
Application Date	Name of Organization	Name of Applicant		
125 S. Church St	Brighton	MI	48116	
Street Address	City	State	Zip	
810-355-6587		810-299-4140		
Cell Phone	Home Phone	Work Phone	Fax	
Email Address <u>croyster@selcra.com</u>				

Family Fun & Fit Series - Tridge Trek
Event Title
Around the Iridge to the Dairy Queen and back along Grand River to Main St and back to the Tridge.
Event Location

EVENT DAYS / TIMES (Please stipulate the following information for each date of event)

DATE	Day of Week	Beginning Time	Ending Time
Sept 26th Oct 3	Saturday	10am	12pm
_____	_____	_____	_____
_____	_____	_____	_____

9am	1pm	none
Set up Time/Day	Tear down Time / Day*	Rain Date (if applicable)

* Tear down time will be strictly enforced. It is the applicant's responsibility to ensure the teardown of all materials with their on-site vendors, sponsors, etc. is complete by the teardown time given above.

ORGANIZATION / APPLICANT INFORMATION

Applications for Civic Events in the City of Brighton shall NOT be approved for applicants in default to the City. Therefore, each Application for Civic Events shall be routed to the Finance Department for a determination of any defaults to the City. In the event a default to the City exists, the Application shall be disapproved by the Finance Department, with the nature of the default described as the reason of the disapproval.

TAX IDENTIFICATION NUMBER: 45-0519209

BRIEF DESCRIPTION OF ORGANIZATION'S PURPOSE AND/OR FUNCTION:

Recreation provider for the Southeastern Livingston County area.

IS THE ORGANIZATION NON-PROFIT? YES NO

If yes, attach a copy of the organizations Sales Tax Exempt Certificate.

DOES YOUR GROUP PRESENTLY HAVE LIABILITY INSURANCE? YES NO

GENERAL LIABILITY INSURANCE IS REQUIRED NAMING THE CITY OF BRIGHTON AS ADDITIONAL INSURED. IF FOOD IS BEING SERVED, PRODUCT LIABILITY MUST BE INCLUDED. LIMITS OF LIABILITY SHOULD BE NO LESS THAN \$1,000,000 COMBINED SINGLE LIMIT FOR BODILY INJURY AND PROPERTY DAMAGE.

PLEASE GIVE A DESCRIPTION OF THE PROPOSED CIVIC EVENT. (Attach additional pages if necessary)

Offering a 1.6 mile fitness walk around the area for a health and wellness program.

ANNUAL EVENT: Is this event expected to occur next year? YES NO

If Yes, you can reserve a date for next year with this application). To reserve dates for next year, please provide the following information:

Normal Event Schedule (e.g., third weekend in July): _____

or

Next year's specific date(s): _____

PROCEEDS OF THIS EVENT WILL BE USED FOR:

No charge

IF THE PROPOSED CIVIC EVENT IS A PARADE OR RUN/WALK EVENT, PLEASE LIST THE POINT OF ORIGIN, PATH, TERMINATION POINT, NUMBER OF ENTRIES AND TRAFFIC CONTROL PLAN AS NECESSARY. (Use attached map to clarify the route)

Enter the tridge at the Gazebo entrance, proceed along the tridge to the Dairy Queen and head out to Grand River sidewalk then back around to Main st. and head back to the gazebo.

ARE YOU PLANNING TO CHARGE AN ADMISSION FEE? YES NO

IF YES, WHAT KIND AND HOW MUCH?

DO YOU PLAN ON UTILIZING VENDORS AND/OR EXHIBITORS FOR SALES OF ANY KIND?
 YES NO

IF YES, COMPLETELY FILL OUT THE ATTACHED VENDOR CONTACT INFORMATION SHEET(S).

WHAT IS THE FEE CHARGED FOR EACH VENDOR? _____

DO YOU PLAN TO CONTRIBUTE REVENUES RECEIVED FROM THIS EVENT TO LOCAL ORGANIZATIONS AND/OR COMMUNITY GROUPS? YES NO

IF YES, TO WHOM AND HOW MUCH?

WHAT IS THE EXPECTED ATTENDANCE FOR THIS EVENT? 100

DO YOU PLAN ON SUPPLYING ADDITIONAL RESTROOM FACILITIES? YES NO

NUMBER OF VOLUNTEERS / STAFF? 3

HOW WILL THIS EVENT BENEFIT THE RESIDENTS AND/OR IMPROVE THE QUALITY OF LIFE IN THE CITY OF BRIGHTON?

Families will get the benefit of being together for a walk along the beautiful tridge and along downtown Brighton. Purpose is to boost endurance for longer walks later in the fall season.

ELECTRICAL SERVICES REQUIRED (Please Be as Accurate as Possible)

no

OTHER UTILITIES REQUIRED (Please Be as Accurate as Possible)

no

CITY FACILITIES REQUESTED (Please Be as Accurate as Possible)

no

DO YOU PLAN TO UTILIZE OFF-SITE PARKING FACILITIES YES NO

IF SO, WHAT LOCATION IS PLANNED? _____

WHAT IS YOUR PLAN FOR TRANSPORTATION FROM THE PARKING AREA TO THE EVENT LOCATION?

SIGNAGE REQUESTED (Detail sign locations on the attached map and provide sign renderings)

Number of Signs 6

Types of Signs Directional Arrows

Locations of Signs at corners of route

Date Signs Posted 9/26

Date Signs Removed 9/26

EQUIPMENT

PLEASE ATTACH LIST OF EQUIPMENT; STAGE, TENTS, VEHICLES, ETC., THAT YOU PROPOSE TO USE IN THE EVENT OR BRING ONTO CITY PROPERTY, STREETS OR PARK AREAS - (ALL SUBJECT TO APPROVAL).

IF YOU ARE PROPOSING TO HAVE A TENT OR TENTS AT YOUR EVENT, PLEASE READ THE ATTACHED "TENT EVENT FIRE CODE PERMIT REQUIREMENTS" COMPLETELY AND **FILL OUT ONE "TENT PERMIT APPLICATION" FOR EACH TENT BEING PROPOSED.**

STREET CLOSURE

ARE YOU REQUESTING A STREET CLOSURE FOR YOUR EVENT? YES NO
If yes, detail the street(s) you would like closed, and the location of the closure(s) on the attached map.

ALCOHOL

DO YOU WANT TO SELL AND/OR SERVE ALCOHOL? YES NO

IF YES, PLEASE SEE THE ATTACHED SHEET TITLED "ALCOHOL" AND FILL IN THE QUESTIONS COMPLETELY AND IN DETAIL.

SECURITY

If the event requires the overnight setup or storage of goods, equipment, etc. security is the responsibility of the event applicant.

IF YOUR EVENT REQUIRES OVERNIGHT SECURITY, PLEASE PROVIDE THE FOLLOWING DETAILS OF YOUR SECURITY PLAN:

ON SITE REPRESENTATIVES NAMES AND CONTACT NUMBRs:

<u>Name</u>	<u>Contact number</u>
_____	_____
_____	_____
_____	_____

OWNER(S) AFFIDAVIT *

I, SELCRA, have authorized Cheryl Royster as My
(company or organization owner) (Civic Event Applicant)

Representative for the purpose of obtaining a Civic Event permit(s) from the City of Brighton Public
Services Department for my organization located at 125 S. Church St, Brighton
(company or organization address)


Owners Signature

08/25/2015
Date

INDEMNIFICATION AGREEMENT

The SEL CRA
(business/organization) agree(s) to defend, indemnify, and hold harmless the City of

Brighton, Michigan, from any claim, demand, suit, loss, cost of expense, or any damage that may be asserted, claimed or recovered against or from the SEL CRA
(business/organization) and/or the City of

Brighton, by reason of any damage to property, personal injury or bodily injury, including death, sustained by any person whomsoever and which damage, injury or death arises out of or is incident to or in any way connected with the performance of this contract, and regardless of which claim, demand, damage, loss, cost of expense is caused in whole or in part by the negligence of the City of Brighton or by third parties, or by the agents, servants, employees or factors of any of them.

Signature Cheryl Ruyter Date 8/25/2015

Witness _____ Date _____

Memorandum

To: Livingston County Board of Commissioners
From: Kathleen Kline-Hudson, Director
Date: August 24, 2014
Re: Planning Services Agreement With The City of Brighton

The Brighton City Council has requested that the Livingston County Department of Planning provide professional planning services such as review of site plans, rezoning applications, zoning and planning text amendments, land use permits and Zoning Board of Appeals cases.

The City of Brighton is currently undergoing some transition in their planning staff and County Planning services would assist them during this time period. The contract would be month to month until termination of agreement by either party as stipulated in the provisions of the agreement.

In the provision of these professional planning services, County Planning would be working in collaboration with City of Brighton staff to ensure that professional planning services are in compliance with all applicable federal, state and local laws, ordinances, rules and regulations pursuant to our planning services agreement.

I recommend that the County Board of Commissioners approve this opportunity to advance coordinated planning in Livingston County.

If you have any questions regarding this matter please contact me.

RESOLUTION

NO:

LIVINGSTON COUNTY

DATE:

RESOLUTION AUTHORIZING A PLANNING SERVICES AGREEMENT BETWEEN LIVINGSTON COUNTY DEPARTMENT OF PLANNING AND THE CITY OF BRIGHTON – Planning Department / Public Safety and Infrastructure and Development Subcommittee / Finance Committee

WHEREAS, the City of Brighton, Michigan desires professional planning services such as review of site plans, rezoning applications, zoning and planning text amendments, land use permits and Zoning Board of Appeals cases; and

WHEREAS, the Livingston County Department of Planning staff is qualified to provide the requested professional planning services; and

WHEREAS, the City of Brighton shall compensate Livingston County for all time spent by Department of Planning personnel in performing said services under this agreement, in accordance with Planning Department hourly wages; and

WHEREAS, this Resolution has been recommended for approval by the Public Safety and Infrastructure and Development Subcommittee.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby authorizes entering into a month-by-month planning services agreement with the City of Brighton in accordance with Planning Department hourly wages as set forth in Exhibit “A” of this agreement, until termination of agreement by either party as stipulated in the provisions of this agreement.

BE IT FURTHER RESOLVED that the Chairman of the Board of Commissioners be authorized to sign the above-referenced contract upon preparation or approval as to form by Civil Counsel.

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MOVED:
SECONDED:
CARRIED:



August 13, 2015

Mr. Dana Foster, City Manager
City of Brighton
200 North First Street
Brighton, MI 48116

**Re: Site Plan Compliance Inspections
Construction Phase Engineering Proposal
Amendment No. 344**

Dear Mr. Foster:

At the City's request, Tetra Tech has prepared the following proposal and amendment to assist the City in performing site inspections for site plan compliance for developments within the City of Brighton. This additional inspection is intended to be performed during construction to ensure compliance with the approved site plan drawings. This is in addition to the normal inspections we perform for public utilities and public streets. Items such as grading, retaining walls, landscaping, soil erosion and sedimentation control, and general site construction cleanliness and working hours will be included in the inspections. Our services will be as-needed and performed at the request of the City staff. Filed reports will be prepared for each site visit listing items that were under construction and if there were any items observed to be in conflict with the approved site plan.

COMPENSATION

Since the exact scope is dependent upon the number of developments under construction, we have provided several assumptions as a basis for the proposed fee. Our current retainer agreement specifies an hourly rate of \$105 for time above the retainer hours, and for consistency we propose the same hourly rate for the site inspections. We propose the following assumptions for the scope of work:

- 1 development per month
- 8-month construction season
- 4 site visits per development
- 2 hours per site visit (1 hour field plus 1 hour office)
- Total hours 64 @ \$105/hr = \$6,720 Budget

We propose the site inspection process to be an annual contract with a July 1, 2015, to June 30, 2016 duration.

Mr. Dana Foster
Site Plan Compliance Inspections
August 13, 2015
Page 2

Please review the enclosed Contract Amendment No. 344. If it is acceptable, please sign both copies and return one for our files.

We look forward to assisting the City with monitoring and ensuring the provisions of the site plan approval are carried out in the field. If you have any questions, please call.

Sincerely,



Gary J. Markstrom, P.E.
Vice President

Attachment

**CONTRACT AMENDMENT NO. 344
TO OCTOBER 1, 1995 CONTRACT
BETWEEN
THE CITY OF BRIGHTON, MICHIGAN
AND
TETRA TECH**

This amendment listed below is for providing and Construction Phase Services for site plan compliance inspections. Any subsequent work will be included in future contract amendments.

Amend Section 1 - Basic Services of Engineer

Add the following paragraph to Section 1.6 and 1.7.

Under Amendment No. 344, perform the services as described in our proposal letter dated August 13, 2015.

Amend Section 5 - Payment to Engineer

Add the following paragraph to Section 5.1.1.4.

Under Amendment No. 344, Engineering Services under Section 1.6, Construction Phase and Section 1.7, Resident Service during Construction will be invoiced based on Engineer's billing rate of \$105 per hour. The budgeted cost of services under Amendment No. 344 shall be \$6,720.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed on this _____ day of _____, 2015.

ATTEST:

CITY OF BRIGHTON

200 N. First Street
Brighton, MI 48116

Witness: _____

By: _____
Dana W. Foster, City Manager

Witness: 

TETRA TECH

401 S. Washington Square, Suite 100
Lansing, MI 48933
(517) 316-3930

By: 
Gary J. Markstrom, P.E.
Unit Vice President

**POLICY REPORT: CHANGEABLE MESSAGE SIGNS OR
DIGITAL/ELECTRONIC SIGNS AND DRIVE-IN/DRIVE THROUGH
RESTAURANT MENU BOARDS RELATED ORDINANCE
AMENDMENTS**

August 6, 2015

Prepared by:

Reviewed by:

Amy Cyphert
Planning & Zoning Director

Dana Foster
City Manager

ISSUE:

To consider the First Reading and setting of a public hearing for the proposed amendment to Chapter 66 Signs, Article I. In General, Sec. 66-2 Definitions, Chapter 66 Signs, Article IV. Regulations, Sec. 66-91 All zoning districts, (14) Prohibited signs (a) animated and intensely lighted signs, Chapter 66 Signs, Article IV. Regulations, Sec. 66-94. Community shopping center zone, add (12) Drive-in/drive through restaurant menu boards and (13) changeable message signs or digital/electronic signs, Chapter 66 Signs, Article IV. Regulations, Sec. 66-95. General business and limited intensity business/office zones, add (13) Drive-in/drive through restaurant menu boards and (14) changeable message signs or digital/electronic signs, Chapter 66 Signs, Article IV. Regulations, Sec. 66-96. Limited business zone. Add (12) changeable message signs or digital/electronic signs, Chapter 66 Signs, Article IV. Regulations, Sec. 66-100. Downtown business district. Add (15) changeable message signs or digital/electronic signs

BACKGROUND:

Attached are proposed amendments to the sign regulations of the ordinance. The amendments provide updated regulations on digital/electronic signs. The updated information includes updates/new definitions, ordinance regulations for electronic/digital signs within the C1, C2, C3, C4 and DBD. The ordinance amendments also include regulations for drive through menu boards.

Please find the attached Planning Commission meeting minutes for additional information.

The City Attorneys reviewed the proposed amendments and their revised draft is attached.

BUDGET IMPACT: N/A

RELATIONSHIP TO 2014/2015 GOALS: N/A

COUNCIL ACTION:

Introduce the proposed amendments to Chapter 66 Signs, Article I. In General, Sec. 66-2 Definitions, Chapter 66 Signs, Article IV. Regulations, Sec. 66-91 All zoning districts, (14) Prohibited signs (a) animated and intensely lighted signs, Chapter 66 Signs, Article IV. Regulations, Sec. 66-94. Community shopping center zone, add (12) Drive-in/drive through restaurant menu boards and (13) changeable message signs or digital/electronic signs, Chapter 66 Signs, Article IV. Regulations, Sec. 66-95. General business and limited intensity business/office zones, add (13) Drive-in/drive through restaurant menu boards and (14) changeable message signs or digital/electronic signs, Chapter 66 Signs, Article IV. Regulations, Sec. 66-96. Limited

business zone. Add (12) changeable message signs or digital/electronic signs, Chapter 66 Signs, Article IV. Regulations, Sec. 66-100. Downtown business district. Add (15) changeable message signs or digital/electronic signs and set a public hearing date for September 3, 2015.

Attachments:

1. Proposed amendments to Chapter 66 Signs, Article I. In General, Sec. 66-2 Definitions, Chapter 66 Signs, Article IV. Regulations, Sec. 66-91 All zoning districts, (14) Prohibited signs (a) animated and intensely lighted signs, Chapter 66 Signs, Article IV. Regulations, Sec. 66-94. Community shopping center zone, add (12) Drive-in/drive through restaurant menu boards and (13) changeable message signs or digital/electronic signs, Chapter 66 Signs, Article IV. Regulations, Sec. 66-95. General business and limited intensity business/office zones, add (13) Drive-in/drive through restaurant menu boards and (14) changeable message signs or digital/electronic signs, Chapter 66 Signs, Article IV. Regulations, Sec. 66-96. Limited business zone. Add (12) changeable message signs or digital/electronic signs, Chapter 66 Signs, Article IV. Regulations, Sec. 66-100. Downtown business district. Add (15) changeable message signs or digital/electronic signs
2. PC Minutes

Sec. 66-2. Definitions.

New Definitions:

Animated sign means a sign using lights, moving parts, or other means to depict action or create any image, special effect or scene.

Drive-in/drive through restaurant menu board means a sign displaying restaurant menu items that is located at the order point for the drive-in/drive through lane.

Changeable message sign (manual or electronic/digital) means a sign that includes a message area that can be changed manually in the field, i.e., reader boards with changeable letters, or through electronic means.

City public service sign means any sign installed by the City to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, news, traffic control, etc. A city public service sign may be electronic.

Digital sign (see Electronic sign).

Electronic sign means a sign with a fixed or changeable display or message composed of a series of lights that may be changed through electronic means.

Flashing sign means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally-mounted intermittent light source.

Luminance means the unit which relates to the perceived brightness of a given object.

Moving sign means a sign which moves or revolves. A 'rotating sign' is a type of moving sign.

Public service sign means a sign that includes the time, temperature and date only. A public service sign may be electronic.

Existing Definitions to be removed:

~~*Animated sign* means any sign which includes action or motion. For purposes of this chapter, this term does not refer to changing, flashing, or indexing, all of which are separately defined.~~

~~*Changing sign (automatic)* means a sign such as an electronically controlled public service time, temperature and date sign, message center or readerboard, where different copy changes are shown on the same lamp bank.~~

~~*Flashing sign* means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally-mounted intermittent light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are classed as changing signs not flashing signs.~~

~~*Multiprism sign* means signs made with a series of triangular vertical sections that turn and stop, or index, to show three pictures or messages in the same area.~~

~~*Public service sign* means any sign intended primarily to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, news, traffic control, etc.~~

~~*Rotating sign* means any sign or portion of a sign which moves in a revolving or similar manner, but not including multiprism indexing signs.~~

~~Electronic message centers (per ZBA 4-9-15) means an electronic sign that does not flash, is not scintillating, does not blink, have travelling lights and only changes once per day after normal business hours.~~

Sec. 66-91. All zoning districts.

(14) Prohibited signs. The following types of signs are expressly prohibited in all districts, except as otherwise provided by this chapter:

- a. ~~*Animated and intensely lighted signs.* No sign shall be permitted which is animated by means of **animated**, flashing, scintillating, blinking, travelling lights, **intermittent or moving lights**, or any other means not providing constant illumination (unless specifically permitted in special sign districts). Public service information signs and other electronic message centers classified as changing signs are permitted.~~

Sec. 66-94. Community shopping center zone.

All signs permitted in the community shopping center zone (C-1) shall meet the following special requirements:

- (1) *Pole signs.* A pole sign may stand no more than 20 feet above the level of the street upon which the sign faces. A pole sign may extend to the nearest edge of a public right-of-way, provided the lower edge thereof is eight feet or more above the ground level. No freestanding

sign shall have a single surface area exceeding 150 square feet for a single face sign and 300 square feet for signs of two or more faces. It shall be located on the same parcel of property as the building or use to which it is accessory.

(2) *Ground signs.* A ground sign may stand no more than six feet clear of ground level. A ground sign shall not extend closer than two feet to any part of the public right-of-way. No ground sign shall have a single surface area exceeding 60 square feet for a single face sign or 120 square feet for signs of two or more faces. It should be located on the same parcel of property as the building or use to which it is accessory.

(3) *Number of pole or ground signs.* Not more than one pole or ground sign may be erected accessory to any single building, structure, or shopping center regardless of the number of parties, tenants or uses contained therein; provided however, when a single building, structure or shopping center is located on a parcel of land that abuts on three or more streets or one street and a limited access highway or has 200 feet of property abutting on one such street, it may have two pole or ground signs.

(4) *Wall signs.* Wall signs shall be permitted as follows:

a. *Multitenant buildings, internal stores.* Each occupant, tenant or user of space whose principal entrance is inside the building such as a store within a mall shall be permitted one wall sign not exceeding 32 square feet in total surface area. This sign may be placed on the main, public or primary entrance to the building. In addition, if a wall of the building which does not have a public entranceway is adjacent to a public right-of-way, one wall sign not exceeding 16 square feet in total surface area shall be permitted.

b. *Multitenant buildings, external stores.* Each occupant, tenant or user of space whose principal entrance is such that a public entrance is provided directly from the outside into the store shall be permitted one wall sign not exceeding 32 square feet in area at that primary entrance or within the plane of the wall where the public entrance is located. Businesses which have in excess of 50 lineal feet of building frontage on a public street, alleyway or parking area, to which there is a public or primary entrance, the wall sign area may be increased by one square foot for each one lineal foot of frontage between 50 and 150 feet not to exceed a total of 132 square feet. In addition, if a wall of the building which does not have a public entranceway or is a secondary entrance, is adjacent to a public right-of-way, one wall sign not exceeding 50 percent of the total surface area of the above primary wall sign shall be permitted.

c. *Single tenant building.* The provisions of subsection (4)b. of this section shall apply to single tenant buildings.

d. *Limitation on placement.* No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.

e. *Projection and height.* No wall sign shall have a thickness greater than 18 inches measured from the wall to which it is attached to the outer surface and shall not be attached to a wall at a height of less than eight feet above any sidewalk, and at a minimum of 15 feet above any driveways, alleys and thoroughfares.

f. *Projection into right-of-way.* No wall sign shall project into any public right-of-way more than the thickness permitted as provided in subsection (4)e. of this section.

- g. *Vertical dimensions or height.* The vertical dimension of a wall sign shall not be in excess of six feet.
 - h. *Vertical projection.* No wall sign shall project vertically more than three feet above the roof of the building immediately adjacent to such wall.
- (5) *Roof signs.* No roof signs shall be permitted.
- (6) *Projecting signs.* No projecting signs shall be permitted.
- (7) *Marquee and/or canopy signs.* Marquee and/or canopy signs are permitted with the same restrictions as apply to wall signs. However, wall signs and marquee or canopy signs shall not be permitted on the face of the same building.
- (8) *Under marquee or canopy signs.* Under marquee or canopy signs shall be permitted as follows:
- a. No under marquee or under canopy sign may extend into a public right-of-way.
 - b. Only one such sign may be installed and only within 15 feet of the entrance to the user which it identifies.
 - c. These signs may not unreasonably obstruct the view of any neighboring sign.
 - d. The total sign surface area shall not exceed 15 square feet.
 - e. Exceed two feet in height.
 - f. The sign shall maintain a ground clearance of at least eight feet.
 - g. *Bracing, anchorage and supports.* Every under marquee or under canopy sign shall be thoroughly secured to the building by a single concealed mounting method.
- (9) *Temporary signs.* Temporary signs are permitted as follows:
- a. *Permits required.* Permits are required to erect any temporary sign having more than four square feet of copy area.
 - b. *Display area.* Banners, pennants, A-frame signs, portable signs, sandwich board signs, sidewalk or curb signs shall be erected for a period not to exceed two weeks in a three-month period.
 - c. *Projection into right-of-way.* No temporary sign shall be strung across any public right-of-way nor shall any temporary sign project beyond the property line.
 - d. *Area and height.* No temporary banner sign may have a single face greater than ten square feet in area nor have a greater height than ten feet above the ground; provided, however, that the lower edge of such sign shall be a height of not less than eight feet above ground level. No temporary ground sign shall exceed six feet in height.
 - e. *Removal.* Temporary signs shall be removed promptly at the end of the display period provided above.
 - f. *Unsafe signs.* Any temporary sign found by the administrator to be in an unsafe condition must be removed by the owner within three days after his receipt of notice to do so by the administrator.
 - g. *Limitation on placement.* Temporary signs shall be limited to private property only, unless otherwise permitted by this chapter.

h. *Temporary sign permit.* All temporary signs shall require a temporary sign permit application as required by chapter 66, signs, article II “permit,” and upon approval of the administrator the applicant shall pay a temporary sign permit fee as specified by the city council.

(10) *Window signs.* Window signs (temporary or permanent) will be permitted but may not exceed 25 percent of the glass area on which they are displayed.

(11) *Awning signs.* Awning signs are permitted, however, the sum of the areas of the awning sign and the wall sign on a building may not exceed the total area allowed for a wall sign in subsection (4) of this section.

(12) *Drive-in/drive through restaurant menu boards.* Menu board signs for drive in and drive up window restaurants are permitted subject to the following standards:

- a. One sign per drive thru shall be permitted with a maximum area of 35 square feet per sign.
- b. The menu boards shall be positioned so as not to be directly visible from the public right of way.
- c. Signs shall not interfere with the vision of pedestrians, cyclists, motorists, or adjacent property owners, and shall not be detrimental to environmental aesthetics by creating visual clutter or obstructing views of significant architectural or natural features.
- d. A changeable message sign or digital/electronic sign for the display of order information may be permitted exclusively for the display of order information and advertisements.

(13) Changeable message signs or digital/electronic signs may be permitted under the following circumstances:

- a. Area of changeable message sign or digital/electronic sign shall not exceed 50% of the total allowable area of the ground sign or menu board sign.
- b. That a digital/electronic sign can only be considered as part of a conforming ground sign or menu board sign, and located below the main sign.
- c. Illumination shall be concentrated within the face of the sign to prevent glare on adjoining properties and shall be of a steady, stationary, shielded light source.
- d. The digital/electronic messages shall be displayed for at least 1 hour and changes shall take less than 5 seconds. Signs complying with this section shall not be considered to be in violation of Section 8, above, or 15(a), below.
- e. Any voids or burned out bulbs must be replaced.
- f. If the sign malfunctions (becomes animated, illegible, etc.) it must be turned off until it can be repaired.
- g. Signs shall not interfere with the vision of pedestrians, cyclists, motorists, or adjacent property owners.

Sec. 66-95. General business and limited intensity business/office zones.

All signs permitted in the general business (C-2) and limited intensity business/office (C-4) districts shall meet the following special requirements:

(1) *Pole signs.* A pole sign may stand no higher than the building it represents or 20 feet above the level of the street upon which the sign faces, whichever is less. A pole sign may extend to the nearest edge of a public right-of-way, provided the lower edge thereof is eight feet or more above the ground level. No freestanding sign shall have a single surface area exceeding 50 square feet for a single face sign and 100 square feet for signs of two or more faces. It shall be located on the same parcel of property as the building or use to which it is accessory.

(2) *Ground signs.* A ground sign may stand no more than six feet clear of ground level. A ground sign shall not extend closer than two feet to any part of the public right-of-way. No ground sign shall have a single surface area exceeding 40 square feet for a single face sign or 80 square feet for signs of two or more faces. It shall be located on the same parcel of property as the building or use to which it is accessory.

(3) *Number of pole or ground signs.* Not more than one pole or ground sign may be erected accessory to any single building, structure, or shopping center regardless of the number of separate parties, tenants or uses contained therein; provided however, when a single building, structure or shopping center is located on a parcel of land that abuts on three or more streets or one street and a limited access highway and has 200 feet of property abutting on one such street, it may have two pole or ground signs.

(4) *Wall signs.* Wall signs shall be permitted as follows:

a. *Multitenant buildings, internal stores.* Each occupant, tenant or user of space whose principal entrance is inside the building such as a store within a mall shall be permitted one wall sign not exceeding 24 square feet in total surface area. This sign may be placed on the main public or primary entrance to the building. In addition, if a wall of the building which does not have a public entranceway is adjacent to a public right-of-way, one wall sign not exceeding 12 square feet in total surface area shall be permitted.

b. *Multitenant buildings, external stores.* Each occupant, tenant or user of space whose principal entrance is such that a public entrance is provided directly from the outside into the store shall be permitted one wall sign not exceeding 50 square feet in area at that primary entrance or within the plane of the wall where the public entrance is located. Businesses which have in excess of 50 lineal feet of building frontage on a public street, alleyway or parking area, to which there is a public or primary entrance, the wall sign area may be increased by one square foot for each one lineal foot of frontage between 50 and 100 feet not to exceed a total of 100 square feet. In addition, if a wall of the building which does not have a public entranceway or is a secondary entrance, is adjacent to a public right of way, one wall sign not exceeding 50 percent of the total surface area of the above primary wall sign shall be permitted.

c. *Single tenant building.* The provisions of subsection (4)b. of this section shall apply to single tenant buildings.

d. *Limitation on placement.* No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.

e. *Projection and height.* No wall sign shall have a thickness greater than 18 inches measured from the wall to which it is attached to the outer surface and shall not be attached to a wall at a height of less than eight feet above any sidewalk, and at a minimum of 15 feet above any driveways, alleys and thoroughfares.

- f. *Projection into right-of-way.* No wall sign shall project into any public right-of-way more than the thickness permitted as provided in subsection (4)e. of this section.
 - g. *Vertical dimensions or height.* The vertical dimension of a wall sign shall not be in excess of six feet.
 - h. *Vertical projection.* No wall sign shall project vertically more than three feet above the roof of the building immediately adjacent to such wall.
- (5) *Roof signs.* No roof signs shall be permitted.
- (6) *Projecting signs.* A single projecting sign shall be permitted not exceeding 20 square feet provided no other sign exists on the same building.
- a. *Movable parts to be secured.* Any moving part of a projecting sign, such as a cover of a service opening, shall be securely fastened by chains or hinges.
 - b. *Thickness limitation.* The distance measured between the principal faces of any projecting sign shall not exceed an average of 12 inches.
 - c. *Projection to public property.* No projecting sign may project a distance closer than 12 inches to the public right-of-way.
 - d. *Bracing, anchorage and supports.* Projecting signs shall not be attached to nor supported by frame buildings nor the wooden framework of a building. All projecting signs shall be thoroughly secured to the building by a single concealed fastening method.
 - e. *Height limitations.* A projecting sign in the case of a flat or sloping roof shall not extend above the height of that portion of the roof covering more than 50 percent of the ground area of the building. A projecting sign in the case of a gable, hip or curved roof shall not extend more than three feet above the eave line. A projecting sign shall not be attached to a wall at a height of less than eight feet.
 - f. *Distance limitations.* No projecting sign shall be erected within 20 feet from any other projecting sign. This provision, however, shall not deny any place of business at least one projecting sign.
- (7) *Marquee or canopy signs.* Marquee or canopy signs shall be permitted as follows:
- a. Marquee or canopy signs not extending into the public right-of-way may have a total surface area of one square foot for each lineal foot of building frontage, not to exceed 20 square feet. The sign may not exceed three feet in height. In the case of a flat or sloping roof, the roof shall not extend above the height of that portion of the roof covering more than 50 percent of the ground area of the building. In the case of a gable, hip, or curved building roof, the sign shall not extend more than three feet above the eave line. In no event shall a marquee or canopy sign extend above the peak of the roof of the building to which it is affixed.
 - b. Marquee or canopy signs may extend into the right of way if the sign does not exceed two feet in height and is affixed to a flat sloping mansard building roof. It shall not extend above the height of that portion of the roof covering more than 50 percent of the ground area of the building. All other provisions of subsection (7)a. of this section shall apply.
- (8) *Under marquee or canopy signs.* Under marquee or under canopy signs may encroach into the public right-of-way as hereinafter provided in such instances where public or private

canopies, awnings, walk covers or structural projections extend into a public right-of-way in such a way as to obstruct, block from view or otherwise hinder the reasonable observance of a complying wall sign. It shall be possible to erect a single under-marquee or under-canopy sign as hereinafter provided:

- a. The sign may not unreasonably obstruct the view of any neighboring sign.
- b. The sign may have a total surface area not exceeding one square foot for each lineal foot of building frontage not to exceed 15 square feet.
- c. The sign may not exceed two feet in height.
- d. The sign shall maintain a ground clearance of at least eight feet.
- e. The sign shall be thoroughly secured to the building by a single concealed mounting method.

(9) *Temporary signs.* Temporary signs are permitted as follows:

- a. *Permits required.* Permits are required to erect any temporary sign having more than four square feet of copy area.
- b. *Display area.* Banners, pennants, A-frame signs, portable signs, sandwich board signs, sidewalk or curb signs shall be erected for a period not to exceed two weeks in a three-month period.
- c. *Projection into right-of-way.* No temporary signs shall be strung across any public right-of-way nor shall any temporary sign project beyond the property line.
- d. *Area and height.* No temporary banner sign may have a single face greater than ten square feet in area nor have a greater height than ten feet above the ground; provided, however, that the lower edge of such sign shall be a height of not less than eight feet above ground level. No temporary ground sign shall exceed six feet in height.
- e. *Removal.* Temporary signs shall be removed promptly at the end of the display period provided above.
- f. *Unsafe signs.* Any temporary sign found by the administrator to be in an unsafe condition must be removed by the owner within three days after his receipt of notice to do so by the administrator.
- g. *Limitation on placement.* Temporary signs shall be limited to private property only, unless otherwise permitted by this chapter.
- h. *Temporary sign permit.* All temporary signs shall require a temporary sign permit application as required by chapter 66, signs, article II “permit,” and upon approval of the administrator the applicant shall pay a temporary sign permit fee as specified by the city council.

(10) *Window signs.* Window signs (temporary or permanent) will be permitted but may not exceed 25 percent of the glass area on which they are displayed.

(11) *Awning signs.* Awning signs are permitted, however, the sum of the areas of the awning sign and the wall sign on a building may not exceed the total area allowed for a wall sign in subsection (4) of this section.

(12) *Combination area limitations.* Combinations of wall and marquee signs placed on a building shall be subject to the following:

- a. The total surface area of all combinations of signs erected on the front of a building which do not extend into the public right-of-way and wall signs erected on the front of a building shall not exceed two square feet for each lineal foot of building frontage.
- b. The total surface area of all combinations of signs erected on other than the front of a building which do not extend into the public right-of-way and wall signs erected on other than the front of a building shall not exceed 50 square feet.

(13) Drive-in/drive through restaurant menu boards. Menu board signs for drive in and drive up window restaurants are permitted subject to the following standards:

- a. One sign per drive thru shall be permitted with a maximum area of 35 square feet per sign.
- b. The menu boards shall be positioned so as not to be directly visible from the public right of way.
- c. Signs shall not interfere with the vision of pedestrians, cyclists, motorists, or adjacent property owners, and shall not be detrimental to environmental aesthetics by creating visual clutter or obstructing views of significant architectural or natural features.
- d. A changeable message sign or digital/electronic sign for the display of order information may be permitted exclusively for the display of order information and advertisements.

(14) Changeable message signs or digital/electronic signs may be permitted under the following circumstances:

- a. Area of changeable message sign or digital/electronic sign shall not exceed 50% of the total allowable area of the ground sign or menu board sign.
- b. That a digital/electronic sign can only be considered as part of a conforming ground sign or menu board sign, and located below the main sign.
- c. Illumination shall be concentrated within the face of the sign to prevent glare on adjoining properties and shall be of a steady, stationary, shielded light source.
- d. The digital/electronic messages shall be displayed for at least 1 hour and changes shall take less than 5 seconds. Signs complying with this section shall not be considered to be in violation of Section 8, above, or 15(a), below.
- e. Any voids or burned out bulbs must be replaced.
- f. If the sign malfunctions (becomes animated, illegible, etc.) it must be turned off until it can be repaired.
- g. Signs shall not interfere with the vision of pedestrians, cyclists, motorists, or adjacent property owners.

Sec. 66-96. Limited business zone.

All signs permitted in the limited business (C-3) district shall meet the following special requirements:

- (1) *Nameplate signs.* For each family home or duplex house, apartment unit or office or business place, one nameplate not exceeding a combined area of two square feet for each occupancy. Such nameplate shall not be subject to the permit requirements of this chapter.

- (2) *Height of wall signs.* Signs placed flat against the wall of a building shall not exceed the height of that wall.
- (3) *Off-premises signs.* No off-premises signs shall be permitted.
- (4) *Traffic and parking control signs.* Traffic and parking control signs not exceeding two square feet are permitted in appropriate private traffic areas. Such signs are not subject to the permit requirements of the city.
- (5) *Sign restrictions.* No signs other than those described in this section may be erected or maintained in this district.
- (6) *Ground signs.* A single ground sign is permitted subject to the following:
- a. The total surface area may not exceed 24 square feet.
 - b. The sign may not exceed six feet in height.
 - c. The sign may not be located closer than two feet to the nearest edge of a public right-of-way.
 - d. A ground sign is not permitted if a wall sign is accessory to the subject property.
- (7) *Wall signs.* A single wall sign is permitted subject to the following:
- a. The total surface area may not exceed 24 square feet.
 - b. The sign shall not cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.
 - c. No wall sign shall have a greater thickness than 12 inches measured from the wall to which it is attached to the outer surface and shall not be attached to a wall at a height of less than eight feet above any sidewalk and at a minimum of 15 feet above any driveways, alleys and thoroughfares.
 - d. No wall sign shall project into any public right-of-way.
 - e. The vertical dimension of a wall sign shall not be in excess of four feet.
 - f. No wall sign may project above or into the eave or roof line of the building on which it is placed.
 - g. No wall sign shall project vertically more than three feet above the roof of the building immediately adjacent to such wall.
- (8) *Roof signs.* Roof signs are not permitted.
- (9) *Projecting signs.* Projecting signs are not permitted.
- (10) *Marquee or canopy signs.* Marquee or canopy signs are not permitted.
- (11) *Temporary signs.* Temporary signs are permitted as follows:
- a. *Permits required.* Permits are required to erect any temporary sign in excess of four square feet.
 - b. *Display area.* Banners, pennants, A-frame signs, portable signs, sandwich board signs, sidewalk or curb signs shall be erected for a period not to exceed two weeks in a three-month period.
 - c. *Projection into right-of-way.* No temporary sign shall be strung across any public right-of-way nor shall any temporary sign project beyond the property line.

- d. *Area and height.* No temporary banner sign may have a single face greater than ten square feet in area nor have a greater height than ten feet above the ground; provided, however, that the lower edge of such sign shall be a height of not less than eight feet above ground level. No temporary ground sign shall exceed six feet in height.
- e. *Removal.* Temporary signs shall be removed promptly at the end of the display period provided above.
- f. *Unsafe signs.* Any temporary sign found by the city to be in an unsafe condition must be removed by the owner within three days after his receipt of notice to do so from the administrator.
- g. *Limitation on placement.* Temporary signs shall be limited to private property only, unless otherwise permitted by this chapter.
- h. *Temporary sign permit.* All temporary signs shall require a temporary sign permit application as required by chapter 66, signs, article II “permit,” and upon approval of the administrator the applicant shall pay a temporary sign permit fee as specified by the city council.

(12) Changeable message signs or digital/electronic signs may be permitted under the following circumstances:

- a. Area of changeable message sign or digital/electronic sign shall not exceed 50% of the total allowable area of the ground sign or menu board sign.
- b. That a digital/electronic sign can only be considered as part of a conforming ground sign or menu board sign, and located below the main sign.
- c. Illumination shall be concentrated within the face of the sign to prevent glare on adjoining properties and shall be of a steady, stationary, shielded light source.
- d. The digital/electronic messages shall be displayed for at least 1 hour and changes shall take less than 5 seconds. Signs complying with this section shall not be considered to be in violation of Section 8, above, or 15(a), below.
- e. Any voids or burned out bulbs must be replaced.
- f. If the sign malfunctions (becomes animated, illegible, etc.) it must be turned off until it can be repaired.
- g. Signs shall not interfere with the vision of pedestrians, cyclists, motorists, or adjacent property owners.

Sec. 66-100. Downtown business district.

All signs permitted in the downtown business district (DBD) shall meet the following special requirements:

- (1) *Nonconforming signs.* Signs lawfully erected under section 66-95 of this code or other previous ordinance, prior to the effective date of the ordinance codified in this section, which do not meet standards of this chapter may be maintained except as hereinafter provided.
 - a. No nonconforming sign shall be changed to another nonconforming sign.

- b. No nonconforming sign shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic changes of message.
- c. No nonconforming sign shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size, or type or design of the sign.
- d. No nonconforming sign shall have the face or faces changed when such sign is a type of construction so as to permit such a complete change of face.
- e. No nonconforming sign shall be reestablished or maintained after the activity, business or usage to which it relates has been discontinued for 90 days or longer.
- f. No nonconforming sign shall be repaired or erected after being damaged if the repair or erection of the sign would cost more than 50 percent of the cost of an identical new sign as determined by the city building inspector and assessor.

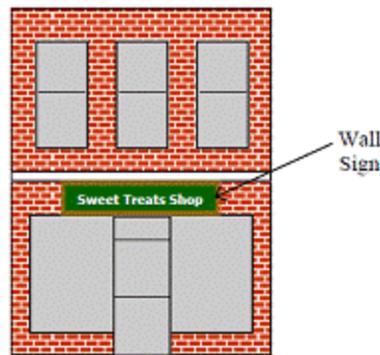
(2) *Pole signs.* No pole signs shall be permitted.

(3) *Ground signs.* Ground signs shall be permitted as follows:



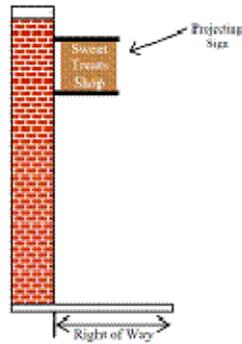
- a. Not more than one ground sign may be erected accessory to any single building, structure, or shopping center regardless of the number of separate parties, tenants or uses contained therein.
- b. The top of a ground sign may be no more than six feet above ground level.
- c. A ground sign shall not extend closer than two feet to any part of the public right-of-way.
- d. No ground sign shall have a single surface area exceeding 40 square feet for a single face sign or 80 square feet for signs of two or more faces.
- e. A ground sign shall be located on the same parcel of property as the building or use to which it is accessory.

(4) *Wall signs.* Wall signs shall be permitted as follows:



- a. *Multitenant buildings, internal stores.* Each occupant, tenant or user of space whose principal entrance is shared with other tenants and does not allow direct access into the tenant space shall be permitted one wall sign not exceeding 24 square feet in total surface area. This sign may be placed on the main public or primary entrance to the building. In addition, if a wall of the building which does not have a public entranceway is adjacent to a public right-of-way, one wall sign not exceeding 12 square feet in total surface area shall be permitted.
 - b. *Multitenant buildings, external stores.* Each occupant, tenant or user of space whose principal entrance is such that a public entrance is provided directly from the outside into the store shall be permitted one wall sign not exceeding 50 square feet in area at that primary entrance or within the plane of the wall where the public entrance is located. Businesses which have in excess of 50 lineal feet of building frontage on a public street, alleyway or parking area, to which there is a public or primary entrance, the wall sign area may be increased by one square foot for each one lineal foot of frontage between 50 and 100 feet not to exceed a total of 100 square feet. In addition, if a wall of the building which does not have a public entranceway or is a secondary entrance, is adjacent to a public right-of-way, one wall sign not exceeding 50 percent of the total surface area of the above primary wall sign shall be permitted.
 - c. *Single tenant building.* The provisions of subsection (4)(b) of this section shall apply to single tenant buildings.
 - d. *Limitation on placement.* No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.
 - e. *Projection and height.* No wall sign shall have a thickness greater than 18 inches measured from the wall to which it is attached to the outer surface and shall not be attached to a wall at a height of less than eight feet above any sidewalk.
 - f. *Projection into right-of-way.* No wall sign shall project into any public right-of-way more than the thickness permitted as provided in subsection (4)(e) of this section.
 - g. *Vertical dimensions or height.* The vertical dimension of a wall sign shall not be in excess of six feet.
- (5) *Roof signs.* No roof signs shall be permitted.

(6) *Projecting signs.* Projecting signs shall be permitted as follows:



a. The surface area of a projecting sign shall not exceed 20 square feet on each side or a total of 40 square feet, provided, however, that the combined area of any and all wall signs, projecting signs and canopy signs for the business shall not exceed the total amount permitted for wall signs for the relevant district as set forth in subsection (4) of this section.

b. The bottom of the projecting sign shall be a minimum of eight feet above the surface of the sidewalk or ground area, or otherwise be located so as not to interfere with pedestrian traffic.

c. A projecting sign shall not project greater than 48 inches beyond the property line. In measuring the sign's projection, the measurement shall be taken from the building from which it protrudes, including any open area between the wall face and the sign face.

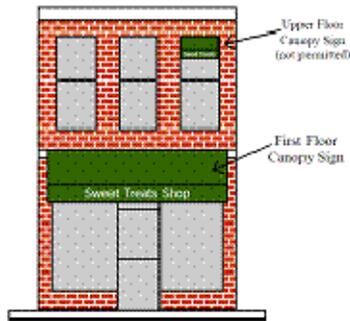
d. A projecting sign shall not project over a public street. For purposes of this section, a public sidewalk is not considered to be a public street.

e. No projecting/blade/pedestrian/hanging sign shall project into an alley or truck service driveway more than two feet.

f. If any projecting sign is suspended over a public property, sidewalk or alley, the owner shall at all times carry liability insurance in such amounts as are satisfactory to the city, and issued by companies acceptable to the city, licensed in the state of Michigan naming the city as an additional insured on any such policy. The owner will file with the city certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the city shall be given 30 days' written notice before a cancellation in coverage may occur.

g. If at any time the insurance policy obtained pursuant to subsection (6)(f) of this section is canceled, the projecting sign shall be immediately removed. In the event the sign is not so removed, the City of Brighton shall have the right to remove the sign and repair the façade at the expense of the property owner.

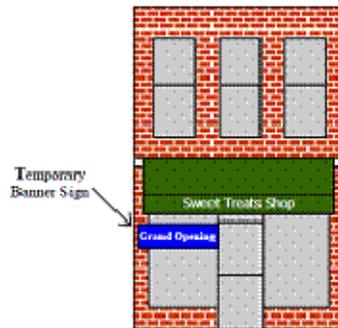
(7) *Canopy signs.* Canopy signs shall be permitted as follows:



- a. There is no maximum permitted size for a canopy sign, provided, however, that the combined area of any and all wall signs, projecting signs and canopy signs for the business shall not exceed the total amount permitted for wall signs for the relevant district as set forth in subsection (4) of this section.
 - b. The canopy shall be constructed of durable material, maintained to continue its original appearance and provide proper safety to the persons and the property it may affect.
 - c. Canopies shall be compatible with the architectural integrity of the building to which it is attached.
 - d. Canopy signs located on the second floor or higher on a building shall not be permitted.
 - e. Canopies may not extend from the wall at a height of less than eight feet, six inches above the public right-of-way.
 - f. A canopy shall not project over a public street. For purposes of this section, a public sidewalk is not considered to be a public street.
 - g. If any canopy sign is suspended over a public property, sidewalk or alley, the owner shall at all times carry liability insurance in such amounts as are satisfactory to the city, and issued by companies acceptable to the city, licensed in the state of Michigan naming the city as an additional insured on any such policy. The owner will file with the city certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the city shall be given 30 days' written notice before a cancellation in coverage may occur.
 - h. If at any time the insurance policy obtained pursuant to subsection (7)(g) is canceled, the canopy shall be immediately removed. In the event the canopy is not so removed, the City of Brighton shall have the right to remove the sign and repair the façade at the expense of the property owner.
- (8) *Under-canopy signs.* Under-canopy signs may encroach into the public right-of-way as hereinafter provided in such instances where public or private canopies or structural projections extend into a public right-of-way in such a way as to obstruct, block from view or otherwise hinder the reasonable observance of a complying wall sign. It shall be possible to erect a single under-canopy sign as hereinafter provided:
- a. The sign may not unreasonably obstruct the view of any neighboring sign.

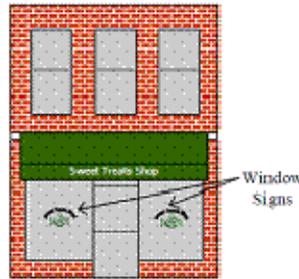
- b. The sign may have a total surface area not exceeding one square foot for each lineal foot of building frontage not to exceed 15 square feet.
- c. The sign may not exceed two feet in height.
- d. The sign shall maintain a ground clearance of at least eight feet, six inches.
- e. The sign shall be thoroughly secured to the building by a single concealed mounting method.
- f. The sign shall not be located over a public street.

(9) *Temporary banner signs.* Temporary banner signs are permitted as follows:



- a. Temporary banner signs shall require a temporary banner sign permit application and upon approval of the administrator the applicant shall pay a temporary banner sign permit fee as specified by the city council.
- b. Each business shall be permitted no more than one temporary banner at any time. A business shall not have any banner or banners erected for a period of more than two weeks during any three-month period.
- c. No temporary banner shall be strung across any public right-of-way nor shall any temporary banner project beyond the property line.
- d. No temporary banner sign may have a single face greater than 20 square feet in area.
- e. Temporary banner signs shall be removed promptly at the end of the display period provided above, unless torn or damaged at which time the sign shall be removed immediately.
- f. Temporary banner signs shall not obstruct any door, window, fire escape, or ventilation opening.
- g. Any temporary banner sign found by the administrator to be in an unsafe condition must be removed by the owner within three days after his or her receipt of notice to do so by the administrator.

(10) *Window signs.* Window signs (temporary or permanent) will be permitted but may not exceed 25 percent of the glass area on which they are displayed. Window signage includes signage, other than product or decorative display, affixed to the interior or the exterior of the windows and/or doors or located within three feet of the window and/or doors.



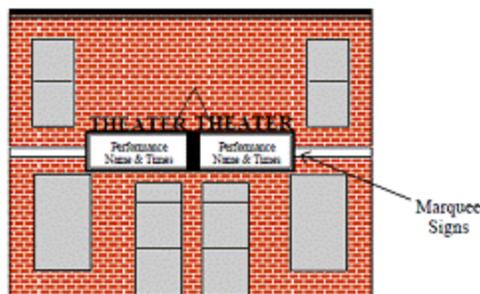
- (11) *Indoor illuminated open signs.* Indoor illuminated open signs are permitted as follows:
 - a. No permit required for “open” signs.
 - b. Indoor illuminated open signs shall only be located on the interior of the building window.
 - c. Illumination.
 - i. Only illuminated while the business is open to the public and shall be nonilluminated when the business is closed;
 - ii. The signs shall not flash, blink, oscillate, rotate, intermittently turn on and off, or otherwise vary in illumination, color or intensity.
- (12) *Rear entry signs.* Rear entry signs are permitted as follows:
 - a. Rear entry signs are defined as a wall sign which is located near the rear entry door on a building.
 - b. Each occupant, tenant or user of space is permitted one rear entry sign not exceeding six square feet in area at the rear entry door.
- (13) *Sidewalk/sandwich board signs.* Sidewalk/sandwich board signs are permitted as follows:
 - a. A sidewalk/sandwich board sign must be of A-frame construction with a minimum base spread of two feet and a maximum height of four feet. A sidewalk/sandwich board sign may not exceed eight square feet per side.



- b. Sidewalk/sandwich board signs shall be a quality design that is heavy enough to withstand normal wind and weather conditions. It shall be a writing surface that allows the business to write a message in wet or dry erasable markers or chalk. No plastic changeable lettering or permanent messages are permitted on sidewalk/sandwich board signs.

- c. One sidewalk/sandwich board sign may be permitted per each ground-floor business and shall require an annual sidewalk/sandwich board sign permit application and upon approval of the administrator the applicant shall pay a permit fee as set forth in the annual fee scheduled set by the city council.
- d. Sidewalk/sandwich board signs on a public right-of-way/sidewalk shall be kept against the building face and within six feet of the building entrance for the business to which the sign pertains and shall not obstruct pedestrian traffic or impede maintenance and/or snow and ice removal.
- e. A sidewalk/sandwich board sign may not be illuminated by any means and may not have any moving parts.
- f. A sidewalk/sandwich board sign must be properly maintained and must not be allowed to become unsightly.
- g. A sidewalk/sandwich board sign may only be in place during the commercial establishment's business hours.
- h. The owner of a sidewalk/sandwich board sign shall at all times carry liability insurance in such amounts as are satisfactory to the city, and issued by companies acceptable to the city, licensed in the state of Michigan naming the city as an additional insured on any such policy. The owner will file with the city certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the city shall be given 30 days' written notice before a cancellation in coverage may occur.
- i. If at any time the insurance policy obtained pursuant to subsection (13)(h) is canceled, the sidewalk/sandwich board sign shall be immediately removed. In the event the sign is not so removed, the City of Brighton shall have the right to remove the sign at the expense of the property owner.

(14) *Marquee signs.* Marquee signs are permitted for theaters as follows:



- a. The bottom of the marquee sign shall be a minimum of eight feet, six inches above the surface of the sidewalk or ground area, or otherwise be located so as not to interfere with pedestrian traffic.
- b. A marquee shall not project over a public street. For purposes of this section, a public sidewalk is not considered to be a public street.

- c. A marquee sign shall not project greater than 48 inches beyond the property line. In measuring the sign's projection, the measurement shall be taken from the building from which it protrudes, including any open area between the wall face and the sign face.
- d. One marquee shall be permitted per street frontage.
- e. The total size of a marquee sign shall not exceed one and one-half square feet per lineal foot of building frontage. The total square feet of a marquee sign shall be subtracted from the total allowable wall signage square footage for the district.
- f. No marquee sign shall project into an alley or truck service driveway more than two feet.
- g. If any marquee sign is suspended over a public property, public street, sidewalk or alley, the owner shall at all times carry liability insurance in such amounts as are satisfactory to the city, and issued by companies acceptable to the city, licensed in the state of Michigan naming the city as an additional insured on any such policy. The owner will file with the city certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the city shall be given 30 days' written notice before a cancellation in coverage may occur.
- h. If at any time the insurance policy obtained to subsection (14)(g) is canceled, the marquee shall be immediately removed. In the event the marquee is not so removed, the City of Brighton shall have the right to remove the sign and repair the façade at the expense of the property owner.

(15) Changeable message signs or digital/electronic signs may be permitted under the following circumstances:

- a. Area of changeable message sign or digital/electronic sign shall not exceed 50% of the total allowable area of the ground sign or menu board sign.
- b. That a digital/electronic sign can only be considered as part of a conforming ground sign or menu board sign, and located below the main sign.
- c. Illumination shall be concentrated within the face of the sign to prevent glare on adjoining properties and shall be of a steady, stationary, shielded light source.
- d. The digital/electronic messages shall be displayed for at least 1 hour and changes shall take less than 5 seconds. Signs complying with this section shall not be considered to be in violation of Section 8, above, or 15(a), below.
- e. Any voids or burned out bulbs must be replaced.
- f. If the sign malfunctions (becomes animated, illegible, etc.) it must be turned off until it can be repaired.
- g. Signs shall not interfere with the vision of pedestrians, cyclists, motorists, or adjacent property owners.

**City of Brighton
Planning Commission
Meeting Minutes
July 20, 2015**

1. Call to Order/Roll Call

Chairperson Monet called the meeting to order at 7:30 p.m.

The following were present:

Jim Bohn	Matt Smith
William Bryan	Robert Pawlowski
David McLane	Susan Gardner
Steve Monet	Michael Schutz
Dave Petrak	

Also present was Amy Cyphert and Lauri French from Staff and an audience of 8.

2. Approval of the June 15, 2015 Regular Meeting Minutes

Motion by Mr. Petrak, supported by Mr. Pawlowski, to approve the June 15, 2015 regular meeting minutes as presented. **The motion carried 7-0-2, with Commission Members Schutz and McLane abstaining.**

3. Approval of the July 21, 2015 Agenda

As discussed in Blue Sky, it was suggested to move items 10 and 11 before items 8 and 9.

Motion by Mr. Smith, supported by Ms. Gardner, to approve the agenda as amended. **The motion carried 9-0.**

4. Call to the Public

The call to the public was made at 7:32 p.m. Janet Joseph, owner of Joseph Properties on Advance St., stated that their two properties are contiguous to the Whitney St. property. She handed out a list of concerns to the Planning Commission members and read the five items concerning the 800 Whitney St. site plan into the record. Jerry Joseph, owner of Joseph Properties on Advance St., read the four Back Lot Amendment items of concern into the record. The referenced handout is attached to these minutes. Hearing no further comments, call to the public was closed at 7:43 p.m.

Public Hearings

5. Conduct a Public Hearing and Possible Action amendment to the following:

- Chapter 66 Signs, Article I. In General, Sec. 66-2 Definitions
- Chapter 66 Signs, Article IV. Regulations, Sec. 66-91 All zoning districts, (14) Prohibited signs (a) animated and intensely lighted signs
- Chapter 66 Signs, Article IV. Regulations, Sec. 66-94. Community shopping center zone, add (12) Drive-in/drive through restaurant menu boards and (13) changeable message signs or digital/electronic signs
- Chapter 66 Signs, Article IV. Regulations, Sec. 66-95. General business and limited intensity business/office zones, add (13) Drive-in/drive through restaurant menu boards and (14) changeable message signs or digital/electronic signs
- Chapter 66 Signs, Article IV. Regulations, Sec. 66-96. Limited business zone. Add (12) changeable message signs or digital/electronic signs
- Chapter 66 Signs, Article IV. Regulations, Sec. 66-100. Downtown business district. Add (15) changeable message signs or digital/electronic signs

Chairperson Monet closed the regular meeting and opened the public hearing at 7:43 p.m. Hearing no response, the public hearing was closed and the regular meeting was reopened at 7:44 p.m.

Motion by Mr. Smith, supported by Mr. Schutz, to recommend approval of the amendments to Chapter 66 and to forward them to City Council approval. **The motion carried 9-0.**

6. Conduct a Public Hearing and Possible Action to the following:
 - Chapter 98 Zoning, Article. VI. A-1 Districts, Sec. 98-152. Use regulations (3)
 - Chapter 98 Zoning, Article. VII. A-2 Districts, Sec. 98-177. Use regulations (2)
 - Chapter 98 Zoning, Article. VIII. R-1 Districts, Sec. 98-202. Use regulations (3)

Chairperson Monet closed the regular meeting and opened the public hearing at 7:45 p.m. Hearing no response, the public hearing was closed and the regular meeting was reopened at 7:45 p.m.

Motion by Ms. Gardner, supported by Mr. Pawlowski, to recommend approval of the amendments to Chapter 98 and to forward them to City Council for approval. **The motion carried 9-0.**

7. Conduct a Public Hearing and Possible Action to the following:
 - Chapter 66 Signs, Article IV. Regulations, Sec. 66-100. Downtown business district. (13) sidewalk/sandwich board signs (b)(d) add (e)

Chairperson Monet closed the regular meeting and opened the public hearing at 7:46 p.m. Hearing no response, the public hearing was closed and the regular meeting was reopened at 7:46 p.m.

Motion by Mr. Smith, supported by Ms. Gardner, to recommend approval of the amendment to Chapter 66 regarding sandwich board signs and to forward it to City Council for approval. **The motion carried 9-0.**

Unfinished Business

New Business

10. Site Plan – Domino’s Pizza at 222 W. Grand River #15-018

As noted in Blue Sky, Ms. Cyphert indicated that site plan approval is required whenever there is a change of use and that the additional parking requirement for a restaurant requires Planning Commission’s approval. The former tenants were a florist shop and a retail shop.

Motion by Mr. Petrak, supported by Mr. Bryan, to recommend conditional site plan approval for Domino’s Pizza at 222 W. Grand River #15-007 as depicted on plans prepared by Desine, Inc., project #71208, sheet SP, last dated 6-16-15 subject to the following:

1. That all signage comply with applicable ordinances or variances obtained.

The motion carried 9-0.

11. Site Plan – Big Apple Bagel at 9864 E. Grand River Suite 120 #15-019

As noted in Blue Sky, Ms. Cyphert indicated that site plan approval is required whenever there is a change of use and that the additional parking requirement for restaurants requires Planning Commission’s approval. The former tenant was a shoe store.

Motion by Mr. McLane, supported by Ms. Gardner, to recommend conditional site plan approval for Big Apple Bagel at 9864 E. Grand River Suite 120 #15-019 as depicted on plans prepared by Nudell Architects, project #2015-062.02, sheet A100, last dated 7-15-15 subject to the following:

The motion carried 7-0-2.

11. Site Plan – 212 E. Grand River Transitional Parking Lot #15-013

As discussed in Blue Sky, Mr. Smith requested that a condition be added to provide a “No left turn” sign to prevent left turns onto Grand River out of this transitional parking lot due to its proximity to the light and the volume of traffic on Grand River.

Motion by Mr. Smith, supported by Ms. Gardner to recommend conditional site plan approval for 212 E. Grand River Transitional Parking Lot #15-013 as depicted on plans prepared by Lindhout Associates, last dated 5-6-2015, project #1525, sheets C2.1 & C2.0 subject to the following:

1. That the approval is limited to a three (3) year period of time with the ability to obtain additional extensions for three (3) years per extension, when owner is able to demonstrate significant attempts to transition the property to a legally permitted use.
2. That property owner shall be responsible for cleanup of any gravel from the parking lot that is found within the street, including, but not limited to, any cost of street-sweeping
3. Property owner shall hold and comply with the terms of a maintenance agreement with the City.
4. That “No Left Turn” signage is provided at the exit to the parking lot.

The motion carried 7-0-2.

12. Site Plan – 131 Hyne Street Transitional Parking Lot #15-014

The proposed site plan was reviewed. **Motion** by Mr. Petrak, supported by Ms. Gardner, to recommend conditional site plan approval for 131 Hyne Street Transitional Parking Lot #15-014 as depicted on plans prepared by Lindhout Associates, last dated 6-3-2015, project #0044, sheets C1.0 subject to the following:

1. That the approval is limited to a three (3) year period of time with the ability to obtain additional extensions for three (3) years per extension, when owner is able to demonstrate significant attempts to transition the property to a legally permitted use.
2. That property owner shall be responsible for cleanup of any gravel from the parking lot that is found within the street, including, but not limited to, any cost of street-sweeping
3. Property owner shall hold and comply with the terms of a maintenance agreement with the City.

The motion carried 7-0-2.

Unfinished Business

8. Discussion on zoning ordinance amendments pertaining to electronic/digital signs and possibly set a public hearing date

Ms. Cyphert noted that the ordinance amendment in the packet was reviewed with the City Attorney and contains his recommended changes. Mr. Maynes stated that the changes he made were due to organizational or structural issues. He suggested putting the signs and menu boards in districts where you want them, so these were added to various sections, as applicable. The other change was to allow a portion of the menu boards to be electronic. Ms. Cyphert added appropriate language regarding electronic signs and message boards to appropriate sections of the ordinance and noted that they fall into the commercial zones, primarily on Grand River.

Ms. Cyphert also noted she had contacted several sign companies about the nits issue discussed at last month’s meeting and reported that none of them had a good definition. She also noted that communities she contacted are not sure how they enforce this in their ordinances. Mr. Maynes stated that nits are not an official measurement. Ms. Cyphert reviewed pictures of examples of the distances at which various

numbers of pixels can be seen. She also reported that changing the background color to white or a light color makes the sign brighter. There was discussion about whether subjective measures could be added to the ordinance and Mr. Maynes said the language under (c) and (d) would deal with that under electronic signs. There was also discussion about whether to exempt churches or buildings such as Lindbom school, and there was consensus that Planning Commission does not want electronic signs in residential areas.

Motion by Mr. Petrak, supported by Mr. Smith, to schedule a public hearing at the July 20 Planning Commission meeting to hear comments about proposed zoning ordinance amendments pertaining to electronic/digital signs. **The motion carried 7-0-2.**

9. Discussion on zoning ordinance amendments pertaining to A1, A2 and R1 accessory structure size maximum and possibly set a public hearing date

Ms. Cyphert reviewed the Farmington Hills ordinance which limits on total square footage and a percentage of the main dwelling. When amending ordinances, she and Mr. Maynes try to not create language that will create an increased number of variance applications. There was discussion about whether the ordinance amendment should include the number of motor vehicles allowed and whether the maximum square footage should be increased to 1,000 square feet in Option 1. Ms. Cyphert also noted the additional amendment option pertaining to having the primary exterior materials of the accessory structure match the primary exterior materials of the principal structure. The consensus was to increase the maximum square footage to 1,000, reword paragraph (3) in Option 1 to remove the three motor vehicle reference, leave the number of allowable commercial vehicles and to change the language for primary exterior materials similar to that in the DBD to incorporate elements of the principal residence. Ms. Cyphert will make the requested changes prior to the July 20 Planning Commission meeting.

Motion by Mr. Smith, supported by Mr. Bohn, to schedule a public hearing at the July 20 Planning Commission meeting to hear comments about proposed zoning ordinance amendments pertaining to A1, A2 and R1 accessory structure size maximum. **The motion carried 7-0-2.**

New Business

13. Discussion on zoning ordinance amendments pertaining to sandwich board signs within the DBD zoning district and possibly set a public hearing date

Ms. Cyphert explained that she received requests from downtown business owners to alter the language in the sidewalk sandwich board sign section within the DBD district. These signs are allowed now with a permit. The proposed changes would eliminate the requirement for a writeable surface and to locate the sidewalk/sandwich board signs closer to the street if there is not adjacent on street parking.

Motion by Ms. Gardner, supported by Mr. Pawlowski, to schedule a public hearing at the July 20 Planning Commission meeting to hear comments about the proposed zoning ordinance amendments pertaining to sandwich board signs within the DBD zoning district. **The motion carried 7-0-2.**

Other Business

14. Staff Updates – There will be a Planning Commission meeting on July 20.
15. Commissioner Concerns – Mr. Smith noted that the walls at the pocket park at the corner of St. Paul and Grand River are in really bad shape due to damage caused by skateboarders. Ms. French noted the DDA is aware of the condition of the wall and are taking steps to fix it. Chairperson Monet asked about the status of the Big Boy restaurant. Ms. Cyphert stated that it will still be a Big Boy restaurant and that the sign was taken down due to a consent judgment. Ms. Gardner asked about the light being down at Sixth Street and Ms. Cyphert noted this question would have to be directed to our DPW. Mr. Smith noted there is a light on the corner of the Miller School building that shines in your eyes and wondered if there have been any

6. Scheduling of a Special Land Use Public Hearing for a Transitional Parking Lot at 212 E. Grand River at the June 15th Planning Commission Meeting.

Motion by Mr. Bryan, supported by Mr. McLane, to schedule the Special Land Use Public Hearing for a Transitional Parking Lot at 212 E. Grand River at the June 15th Planning Commission Meeting. **The motion carried 8-0-1.**

7. Scheduling of a Special Land Use Public Hearing for a Transitional Parking Lot at 131 Hyne Street at the June 15th Planning Commission Meeting.

Motion by Mr. Petrak, supported by Ms. Gardner, to schedule the Special Land Use Public Hearing for a Transitional Parking Lot at 131 Hyne Street at the June 15th Planning Commission Meeting. **The motion carried 8-0-1.**

8. Discussion on zoning ordinance amendments pertaining to electronic/digital signs

Ms. Cyphert stated that the City Attorney preferred to instead begin working on ordinance amendment language immediately versus requesting a moratorium. Ms. Cyphert presented three options that she has developed for Planning Commission's consideration based on research of other communities. She will take the option that Planning Commission prefers back to the City Attorney to finalize the language and bring it back at the June Planning Commission meeting. She noted that existing electronic/digital signs that no longer meet the new requirements would be considered non-conforming and would not be grandfathered.

Option 1 would prohibit all forms of digital signs including fuel signs. Option 2 would allow electronic/digital fuel price signs and drive-thru menu signs (i.e., McDonald's) but would prohibit all other electronic/digital signs. Option 3 would allow electronic/digital signs when conditions were met. She reviewed pictures of examples electronic/digital signs. There was discussion about the three options and Planning Commission members chose Option 3 as the most viable alternative. Commission Member Bohn asked Ms. Cyphert to check on brightness levels allowed in other communities such as Ann Arbor and Grand Blanc, and Ms. Cyphert will check with sign contractors for examples. Chairperson Monet does not want to see an increase in the allowable size of a sign and noted that the digital portion has to fit within the total square footage allowed.

Planning Commission reviewed Option 3 and agreed that Section 66-91 (b)(14) could be combined with (15). Section (16) language was discussed with agreement that the digital portion of a sign should be limited to 50% of the total sign surface area and limited to ground signs. Language regarding brightness of digital signs will be added to this section. Ms. Cyphert also reviewed the New Definitions and it was suggested that a definition be added for "nits". She will review the changes with the City Attorney and make any other changes he feels is necessary and bring the revised ordinance amendment to the June Planning Commission meeting for review.

9. Discussion on zoning ordinance amendments pertaining to A1, A2 and R1 accessory structure size

Ms. Cyphert explained why the proposed changes are necessary. She is receiving calls from residents who want to build accessory structures such as pole barns and excessively large garages. She reviewed the original ordinance language and two options for potential ordinance amendments. Option 1 would limit the accessory structure size to a percentage of rear lot coverage and a not to exceed square footage and Option 2 would limit it to a percentage of full lot coverage and a not to exceed square footage. There was discussion about whether an accessory structure size should be based on a percentage of the size of the primary structure and whether that could be incorporated into Option 2 along with the percentage of the lot area and 900 square foot limit for the maximum size of the accessory structure. Ms. Cyphert will bring back revised language to the June Planning Commission meeting.

POLICY REPORT: CHAPTER 98 ZONING, ARTICLE. VI. A-1 DISTRICTS, SEC. 98-152. USE REGULATIONS (3), CHAPTER 98 ZONING, ARTICLE. VII. A-2 DISTRICTS, SEC. 98-177. USE REGULATIONS (2) AND CHAPTER 98 ZONING, ARTICLE. VIII. R-1 DISTRICTS, SEC. 98-202. USE REGULATIONS (3)

August 6, 2015

Prepared by:

Reviewed by:

Amy Cyphert
Planning & Zoning Director

Dana Foster
City Manager

ISSUE:

To consider the First Reading and setting of a public hearing for the proposed amendment to Chapter 98 Zoning, Article. VI. A-1 Districts, Sec. 98-152. Use regulations (3), Chapter 98 Zoning, Article. VII. A-2 Districts, Sec. 98-177. Use regulations (2) and Chapter 98 Zoning, Article. VIII. R-1 Districts, Sec. 98-202. Use regulations (3)

BACKGROUND:

Attached are proposed amendments to the existing use regulations sections of the single family zoning districts in the zoning ordinance.

The proposed amendments clarify how large of a garage is permitted in the single family residential zoning districts. Please find the attached Planning Commission meeting minutes for additional information.

The City Attorneys reviewed the proposed amendments and their revised draft is attached.

BUDGET IMPACT: N/A

RELATIONSHIP TO 2014/2015 GOALS: N/A

COUNCIL ACTION:

Introduce the proposed amendments to Chapter 98 Zoning, Article. VI. A-1 Districts, Sec. 98-152. Use regulations (3), Chapter 98 Zoning, Article. VII. A-2 Districts, Sec. 98-177. Use regulations (2) and Chapter 98 Zoning, Article. VIII. R-1 Districts, Sec. 98-202. Use regulations (3) and set a public hearing date for September 3, 2015.

Attachments:

1. Proposed amendments to Chapter 98 Zoning, Article. VI. A-1 Districts, Sec. 98-152. Use regulations (3), Chapter 98 Zoning, Article. VII. A-2 Districts, Sec. 98-177. Use regulations (2) and Chapter 98 Zoning, Article. VIII. R-1 Districts, Sec. 98-202. Use regulations (3)
2. PC Minutes

Sec. 98-152. Use regulations.

A building or premises in an A-1 district shall be used only for the following purposes:

- (1) Single-family dwellings.
- (2) Home occupations provided the name plate used in connection with such use does not exceed one square foot in area.
- (3) Accessory buildings or uses customarily incidental to any of the above permitted uses, when located on the same ~~parcel or adjoining lot~~ and not involving any business, profession, trade or occupation. One private garage for each residential ~~parcel lot~~ in which there ~~may be is~~ housed ~~not more than three~~ motor vehicles, not more than one of which may be a commercial vehicle not exceeding three-quarters ton capacity, shall be considered a legal accessory use. ~~provided, however, any such commercial vehicle shall not exceed three-quarters ton capacity. The private garage may not exceed a 91000 square foot footprint in addition to the applicable requirements of Section 98-36 and Section 98-49 and be constructed from exterior building materials that are harmonious with the exterior building materials of the principal structure.~~

(Code 1981, § 51.82; Ord. No. 455, 2-6-03, Ord. No. ###, #-#-2015)

Sec. 98-177. Use regulations.

A building or premises in an A-2 district shall be used only for the following purposes:

- (1) Single-family dwellings.
- (2) Home occupations provided the name plate used in connection with such use does not exceed one square foot in area.
- ~~(23)~~ Accessory buildings or uses customarily incidental to any of the above permitted uses, when located on the same ~~or adjoining lot~~parcel and not involving any business, profession, trade or occupation. One private garage for each residential ~~parcel lot~~ in which there ~~may be is~~ housed ~~not more than three~~ motor vehicles, not more than one of which may be a commercial vehicle not exceeding three-quarters ton capacity, shall be considered a legal accessory use. ~~provided, however, any such commercial vehicle shall not exceed three-quarters ton capacity. The private garage may not exceed a 1000 square foot footprint in addition to the applicable requirements of Section 98-36 and Section 98-49 and be constructed from exterior building materials that are harmonious with the exterior building materials of the principal structure.~~

(Code 1981, § 51.90; Ord. No. 455, 2-6-03, Ord. No. ###, #-#-2015)

Sec. 98-202. Use regulations.

A building or premises in an R-1 district shall be used only for the following purposes:

- (1) Single-family dwellings.
- (2) Home occupations provided the name plate used in connection with such use does not exceed one square foot in area.
- ~~(3)~~ Accessory buildings or uses customarily incidental to any of the above permitted uses, when located on the same ~~or adjoining lot~~[parcel](#) and not involving any business, profession, trade or occupation. One private garage for each residential ~~lot~~[parcel](#) in which there ~~is~~[may be](#) housed ~~not more than three~~ motor vehicles, not more than one of which may be a commercial vehicle ~~not exceeding three-quarters ton capacity~~, shall be considered a legal accessory use, ~~provided, however, any such commercial vehicle shall not exceed three-quarters ton capacity. The private garage may not exceed a 1000 square foot footprint in addition to the applicable requirements of Section 98-36 and Section 98-49 and be constructed from exterior building materials that are harmonious with the exterior building materials of the principal structure.~~

(Code 1981, § 51.99; Ord. No. 455, 2-6-03, Ord. No. ###, #-#-2015)

Chairperson Monet closed the regular meeting and opened the public hearing at 7:43 p.m. Hearing no response, the public hearing was closed and the regular meeting was reopened at 7:44 p.m.

Motion by Mr. Smith, supported by Mr. Schutz, to recommend approval of the amendments to Chapter 66 and to forward them to City Council approval. **The motion carried 9-0.**

6. Conduct a Public Hearing and Possible Action to the following:
 - Chapter 98 Zoning, Article. VI. A-1 Districts, Sec. 98-152. Use regulations (3)
 - Chapter 98 Zoning, Article. VII. A-2 Districts, Sec. 98-177. Use regulations (2)
 - Chapter 98 Zoning, Article. VIII. R-1 Districts, Sec. 98-202. Use regulations (3)

Chairperson Monet closed the regular meeting and opened the public hearing at 7:45 p.m. Hearing no response, the public hearing was closed and the regular meeting was reopened at 7:45 p.m.

Motion by Ms. Gardner, supported by Mr. Pawlowski, to recommend approval of the amendments to Chapter 98 and to forward them to City Council for approval. **The motion carried 9-0.**

7. Conduct a Public Hearing and Possible Action to the following:
 - Chapter 66 Signs, Article IV. Regulations, Sec. 66-100. Downtown business district. (13) sidewalk/sandwich board signs (b)(d) add (e)

Chairperson Monet closed the regular meeting and opened the public hearing at 7:46 p.m. Hearing no response, the public hearing was closed and the regular meeting was reopened at 7:46 p.m.

Motion by Mr. Smith, supported by Ms. Gardner, to recommend approval of the amendment to Chapter 66 regarding sandwich board signs and to forward it to City Council for approval. **The motion carried 9-0.**

Unfinished Business

New Business

10. Site Plan – Domino’s Pizza at 222 W. Grand River #15-018

As noted in Blue Sky, Ms. Cyphert indicated that site plan approval is required whenever there is a change of use and that the additional parking requirement for a restaurant requires Planning Commission’s approval. The former tenants were a florist shop and a retail shop.

Motion by Mr. Petrak, supported by Mr. Bryan, to recommend conditional site plan approval for Domino’s Pizza at 222 W. Grand River #15-007 as depicted on plans prepared by Desine, Inc., project #71208, sheet SP, last dated 6-16-15 subject to the following:

1. That all signage comply with applicable ordinances or variances obtained.

The motion carried 9-0.

11. Site Plan – Big Apple Bagel at 9864 E. Grand River Suite 120 #15-019

As noted in Blue Sky, Ms. Cyphert indicated that site plan approval is required whenever there is a change of use and that the additional parking requirement for restaurants requires Planning Commission’s approval. The former tenant was a shoe store.

Motion by Mr. McLane, supported by Ms. Gardner, to recommend conditional site plan approval for Big Apple Bagel at 9864 E. Grand River Suite 120 #15-019 as depicted on plans prepared by Nudell Architects, project #2015-062.02, sheet A100, last dated 7-15-15 subject to the following:

numbers of pixels can be seen. She also reported that changing the background color to white or a light color makes the sign brighter. There was discussion about whether subjective measures could be added to the ordinance and Mr. Maynes said the language under (c) and (d) would deal with that under electronic signs. There was also discussion about whether to exempt churches or buildings such as Lindbom school, and there was consensus that Planning Commission does not want electronic signs in residential areas.

Motion by Mr. Petrak, supported by Mr. Smith, to schedule a public hearing at the July 20 Planning Commission meeting to hear comments about proposed zoning ordinance amendments pertaining to electronic/digital signs. **The motion carried 7-0-2.**

9. Discussion on zoning ordinance amendments pertaining to A1, A2 and R1 accessory structure size maximum and possibly set a public hearing date

Ms. Cyphert reviewed the Farmington Hills ordinance which limits on total square footage and a percentage of the main dwelling. When amending ordinances, she and Mr. Maynes try to not create language that will create an increased number of variance applications. There was discussion about whether the ordinance amendment should include the number of motor vehicles allowed and whether the maximum square footage should be increased to 1,000 square feet in Option 1. Ms. Cyphert also noted the additional amendment option pertaining to having the primary exterior materials of the accessory structure match the primary exterior materials of the principal structure. The consensus was to increase the maximum square footage to 1,000, reword paragraph (3) in Option 1 to remove the three motor vehicle reference, leave the number of allowable commercial vehicles and to change the language for primary exterior materials similar to that in the DBD to incorporate elements of the principal residence. Ms. Cyphert will make the requested changes prior to the July 20 Planning Commission meeting.

Motion by Mr. Smith, supported by Mr. Bohn, to schedule a public hearing at the July 20 Planning Commission meeting to hear comments about proposed zoning ordinance amendments pertaining to A1, A2 and R1 accessory structure size maximum. **The motion carried 7-0-2.**

New Business

13. Discussion on zoning ordinance amendments pertaining to sandwich board signs within the DBD zoning district and possibly set a public hearing date

Ms. Cyphert explained that she received requests from downtown business owners to alter the language in the sidewalk sandwich board sign section within the DBD district. These signs are allowed now with a permit. The proposed changes would eliminate the requirement for a writeable surface and to locate the sidewalk/sandwich board signs closer to the street if there is not adjacent on street parking.

Motion by Ms. Gardner, supported by Mr. Pawlowski, to schedule a public hearing at the July 20 Planning Commission meeting to hear comments about the proposed zoning ordinance amendments pertaining to sandwich board signs within the DBD zoning district. **The motion carried 7-0-2.**

Other Business

14. Staff Updates – There will be a Planning Commission meeting on July 20.
15. Commissioner Concerns – Mr. Smith noted that the walls at the pocket park at the corner of St. Paul and Grand River are in really bad shape due to damage caused by skateboarders. Ms. French noted the DDA is aware of the condition of the wall and are taking steps to fix it. Chairperson Monet asked about the status of the Big Boy restaurant. Ms. Cyphert stated that it will still be a Big Boy restaurant and that the sign was taken down due to a consent judgment. Ms. Gardner asked about the light being down at Sixth Street and Ms. Cyphert noted this question would have to be directed to our DPW. Mr. Smith noted there is a light on the corner of the Miller School building that shines in your eyes and wondered if there have been any

6. Scheduling of a Special Land Use Public Hearing for a Transitional Parking Lot at 212 E. Grand River at the June 15th Planning Commission Meeting.

Motion by Mr. Bryan, supported by Mr. McLane, to schedule the Special Land Use Public Hearing for a Transitional Parking Lot at 212 E. Grand River at the June 15th Planning Commission Meeting. **The motion carried 8-0-1.**

7. Scheduling of a Special Land Use Public Hearing for a Transitional Parking Lot at 131 Hyne Street at the June 15th Planning Commission Meeting.

Motion by Mr. Petrak, supported by Ms. Gardner, to schedule the Special Land Use Public Hearing for a Transitional Parking Lot at 131 Hyne Street at the June 15th Planning Commission Meeting. **The motion carried 8-0-1.**

8. Discussion on zoning ordinance amendments pertaining to electronic/digital signs

Ms. Cyphert stated that the City Attorney preferred to instead begin working on ordinance amendment language immediately versus requesting a moratorium. Ms. Cyphert presented three options that she has developed for Planning Commission's consideration based on research of other communities. She will take the option that Planning Commission prefers back to the City Attorney to finalize the language and bring it back at the June Planning Commission meeting. She noted that existing electronic/digital signs that no longer meet the new requirements would be considered non-conforming and would not be grandfathered.

Option 1 would prohibit all forms of digital signs including fuel signs. Option 2 would allow electronic/digital fuel price signs and drive-thru menu signs (i.e., McDonald's) but would prohibit all other electronic/digital signs. Option 3 would allow electronic/digital signs when conditions were met. She reviewed pictures of examples electronic/digital signs. There was discussion about the three options and Planning Commission members chose Option 3 as the most viable alternative. Commission Member Bohn asked Ms. Cyphert to check on brightness levels allowed in other communities such as Ann Arbor and Grand Blanc, and Ms. Cyphert will check with sign contractors for examples. Chairperson Monet does not want to see an increase in the allowable size of a sign and noted that the digital portion has to fit within the total square footage allowed.

Planning Commission reviewed Option 3 and agreed that Section 66-91 (b)(14) could be combined with (15). Section (16) language was discussed with agreement that the digital portion of a sign should be limited to 50% of the total sign surface area and limited to ground signs. Language regarding brightness of digital signs will be added to this section. Ms. Cyphert also reviewed the New Definitions and it was suggested that a definition be added for "nits". She will review the changes with the City Attorney and make any other changes he feels is necessary and bring the revised ordinance amendment to the June Planning Commission meeting for review.

9. Discussion on zoning ordinance amendments pertaining to A1, A2 and R1 accessory structure size

Ms. Cyphert explained why the proposed changes are necessary. She is receiving calls from residents who want to build accessory structures such as pole barns and excessively large garages. She reviewed the original ordinance language and two options for potential ordinance amendments. Option 1 would limit the accessory structure size to a percentage of rear lot coverage and a not to exceed square footage and Option 2 would limit it to a percentage of full lot coverage and a not to exceed square footage. There was discussion about whether an accessory structure size should be based on a percentage of the size of the primary structure and whether that could be incorporated into Option 2 along with the percentage of the lot area and 900 square foot limit for the maximum size of the accessory structure. Ms. Cyphert will bring back revised language to the June Planning Commission meeting.

**POLICY REPORT: CHAPTER 66 SIGNS, ARTICLE IV. REGULATIONS,
SEC. 66-100. DOWNTOWN BUSINESS DISTRICT. (13)
SIDEWALK/SANDWICH BOARD SIGNS (B)(D) ADD (E)**

August 6, 2015

Prepared by:

Reviewed by:

Amy Cyphert
Planning & Zoning Director

Dana Foster
City Manager

ISSUE:

To consider the First Reading and setting of a public hearing for the proposed amendment to Chapter 66 Signs, Article IV. Regulations, Sec. 66-100. Downtown business district. (13) sidewalk/sandwich board signs (b)(d) add (e)

BACKGROUND:

Attached are proposed amendments to the existing sidewalk/sandwich board sign regulations for the DBD, Downtown Business District.

The proposed amendments change the surface requirements for the sandwich board signs and the allowable location. Please find the attached Planning Commission meeting minutes for additional information.

The City Attorneys reviewed the proposed amendments and their revised draft is attached.

BUDGET IMPACT: N/A

RELATIONSHIP TO 2014/2015 GOALS: N/A

COUNCIL ACTION:

Introduce the proposed amendments to Chapter 66 Signs, Article IV. Regulations, Sec. 66-100. Downtown business district. (13) sidewalk/sandwich board signs (b)(d) add (e) and set a public hearing date for September 3, 2015.

Attachments:

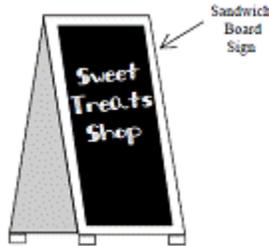
1. Proposed amendments to Chapter 66 Signs, Article IV. Regulations, Sec. 66-100. Downtown business district. (13) sidewalk/sandwich board signs (b)(d) add (e)
2. PC Minutes

Potential Sign Ordinance Amendments Related to Sidewalk Signs:

Amendments:

(13) *Sidewalk/sandwich board signs.* Sidewalk/sandwich board signs are permitted as follows:

- a. A sidewalk/sandwich board sign must be of A-frame construction with a minimum base spread of two feet and a maximum height of four feet. A sidewalk/sandwich board sign may not exceed eight square feet per side.



- b. Sidewalk/sandwich board signs shall be a quality design that is heavy enough to withstand normal wind and weather conditions. ~~It shall be a writing surface that allows the business to write a message in wet or dry erasable markers or chalk. No plastic changeable lettering or permanent messages are permitted on sidewalk/sandwich board signs.~~

- c. One sidewalk/sandwich board sign may be permitted per each ground-floor business and shall require an annual sidewalk/sandwich board sign permit application and upon approval of the administrator the applicant shall pay a permit fee as set forth in the annual fee scheduled set by the city council.

- d. ~~Sidewalk/sandwich board signs on a public right of way/sidewalk shall be kept against the building face and within six feet of the building entrance for the business to which the sign pertains and shall not obstruct pedestrian traffic or impede maintenance and/or snow and ice removal.~~

Sidewalk/sandwich board signs placed on a public right of way/sidewalk with adjacent on street parking must be kept against the building face for the business to which the sign pertains and shall not obstruct pedestrian traffic or impede maintenance and/or snow and ice removal.

- e. Sidewalk/sandwich board signs placed on a public right of way/sidewalk without adjacent on street parking may be placed curbside in front of the business to which the sign pertains and shall not obstruct pedestrian traffic or impede maintenance and/or snow and ice removal.

- ~~e-f~~ A sidewalk/sandwich board sign may not be illuminated by any means and may not have any moving parts.

- ~~f-g~~ A sidewalk/sandwich board sign must be properly maintained and must not be allowed to become unsightly.

- ~~g-h~~ A sidewalk/sandwich board sign may only be in place during the commercial establishment's business hours.

Potential Sign Ordinance Amendments Related to Sidewalk Signs:

h.i The owner of a sidewalk/sandwich board sign shall at all times carry liability insurance in such amounts as are satisfactory to the city, and issued by companies acceptable to the city, licensed in the state of Michigan naming the city as an additional insured on any such policy. The owner will file with the city certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the city shall be given 30 days' written notice before a cancellation in coverage may occur.

h.j If at any time the insurance policy obtained pursuant to subsection (13)(h) is canceled, the sidewalk/sandwich board sign shall be immediately removed. In the event the sign is not so removed, the City of Brighton shall have the right to remove the sign at the expense of the property owner.

Chairperson Monet closed the regular meeting and opened the public hearing at 7:43 p.m. Hearing no response, the public hearing was closed and the regular meeting was reopened at 7:44 p.m.

Motion by Mr. Smith, supported by Mr. Schutz, to recommend approval of the amendments to Chapter 66 and to forward them to City Council approval. **The motion carried 9-0.**

6. Conduct a Public Hearing and Possible Action to the following:
 - Chapter 98 Zoning, Article. VI. A-1 Districts, Sec. 98-152. Use regulations (3)
 - Chapter 98 Zoning, Article. VII. A-2 Districts, Sec. 98-177. Use regulations (2)
 - Chapter 98 Zoning, Article. VIII. R-1 Districts, Sec. 98-202. Use regulations (3)

Chairperson Monet closed the regular meeting and opened the public hearing at 7:45 p.m. Hearing no response, the public hearing was closed and the regular meeting was reopened at 7:45 p.m.

Motion by Ms. Gardner, supported by Mr. Pawlowski, to recommend approval of the amendments to Chapter 98 and to forward them to City Council for approval. **The motion carried 9-0.**

7. Conduct a Public Hearing and Possible Action to the following:
 - Chapter 66 Signs, Article IV. Regulations, Sec. 66-100. Downtown business district. (13) sidewalk/sandwich board signs (b)(d) add (e)

Chairperson Monet closed the regular meeting and opened the public hearing at 7:46 p.m. Hearing no response, the public hearing was closed and the regular meeting was reopened at 7:46 p.m.

Motion by Mr. Smith, supported by Ms. Gardner, to recommend approval of the amendment to Chapter 66 regarding sandwich board signs and to forward it to City Council for approval. **The motion carried 9-0.**

Unfinished Business

New Business

10. Site Plan – Domino's Pizza at 222 W. Grand River #15-018

As noted in Blue Sky, Ms. Cyphert indicated that site plan approval is required whenever there is a change of use and that the additional parking requirement for a restaurant requires Planning Commission's approval. The former tenants were a florist shop and a retail shop.

Motion by Mr. Petrak, supported by Mr. Bryan, to recommend conditional site plan approval for Domino's Pizza at 222 W. Grand River #15-007 as depicted on plans prepared by Desine, Inc., project #71208, sheet SP, last dated 6-16-15 subject to the following:

1. That all signage comply with applicable ordinances or variances obtained.

The motion carried 9-0.

11. Site Plan – Big Apple Bagel at 9864 E. Grand River Suite 120 #15-019

As noted in Blue Sky, Ms. Cyphert indicated that site plan approval is required whenever there is a change of use and that the additional parking requirement for restaurants requires Planning Commission's approval. The former tenant was a shoe store.

Motion by Mr. McLane, supported by Ms. Gardner, to recommend conditional site plan approval for Big Apple Bagel at 9864 E. Grand River Suite 120 #15-019 as depicted on plans prepared by Nudell Architects, project #2015-062.02, sheet A100, last dated 7-15-15 subject to the following:

numbers of pixels can be seen. She also reported that changing the background color to white or a light color makes the sign brighter. There was discussion about whether subjective measures could be added to the ordinance and Mr. Maynes said the language under (c) and (d) would deal with that under electronic signs. There was also discussion about whether to exempt churches or buildings such as Lindbom school, and there was consensus that Planning Commission does not want electronic signs in residential areas.

Motion by Mr. Petrak, supported by Mr. Smith, to schedule a public hearing at the July 20 Planning Commission meeting to hear comments about proposed zoning ordinance amendments pertaining to electronic/digital signs. **The motion carried 7-0-2.**

9. Discussion on zoning ordinance amendments pertaining to A1, A2 and R1 accessory structure size maximum and possibly set a public hearing date

Ms. Cyphert reviewed the Farmington Hills ordinance which limits on total square footage and a percentage of the main dwelling. When amending ordinances, she and Mr. Maynes try to not create language that will create an increased number of variance applications. There was discussion about whether the ordinance amendment should include the number of motor vehicles allowed and whether the maximum square footage should be increased to 1,000 square feet in Option 1. Ms. Cyphert also noted the additional amendment option pertaining to having the primary exterior materials of the accessory structure match the primary exterior materials of the principal structure. The consensus was to increase the maximum square footage to 1,000, reword paragraph (3) in Option 1 to remove the three motor vehicle reference, leave the number of allowable commercial vehicles and to change the language for primary exterior materials similar to that in the DBD to incorporate elements of the principal residence. Ms. Cyphert will make the requested changes prior to the July 20 Planning Commission meeting.

Motion by Mr. Smith, supported by Mr. Bohn, to schedule a public hearing at the July 20 Planning Commission meeting to hear comments about proposed zoning ordinance amendments pertaining to A1, A2 and R1 accessory structure size maximum. **The motion carried 7-0-2.**

New Business

13. Discussion on zoning ordinance amendments pertaining to sandwich board signs within the DBD zoning district and possibly set a public hearing date

Ms. Cyphert explained that she received requests from downtown business owners to alter the language in the sidewalk sandwich board sign section within the DBD district. These signs are allowed now with a permit. The proposed changes would eliminate the requirement for a writeable surface and to locate the sidewalk/sandwich board signs closer to the street if there is not adjacent on street parking.

Motion by Ms. Gardner, supported by Mr. Pawlowski, to schedule a public hearing at the July 20 Planning Commission meeting to hear comments about the proposed zoning ordinance amendments pertaining to sandwich board signs within the DBD zoning district. **The motion carried 7-0-2.**

Other Business

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15. Commissioner Concerns – Mr. Smith noted that the walls at the pocket park at the corner of St. Paul and Grand River are in really bad shape due to damage caused by skateboarders. Ms. French noted the DDA is aware of the condition of the wall and are taking steps to fix it. Chairperson Monet asked about the status of the Big Boy restaurant. Ms. Cyphert stated that it will still be a Big Boy restaurant and that the sign was taken down due to a consent judgment. Ms. Gardner asked about the light being down at Sixth Street and Ms. Cyphert noted this question would have to be directed to our DPW. Mr. Smith noted there is a light on the corner of the Miller School building that shines in your eyes and wondered if there have been any