

AGENDA REPORT

TO: Mayor & City Commission

FROM: Ken Hibl, City Manager

DATE: July 14, 2010

RE: Adoption of Ordinance 2010-002: Amend Chapter 52 (Zoning), Section 52-279 of the Ordinance Codes of the City of Clare

For the Agenda of July 19, 2010

Background. The Clare Main Street Board recommended that the downtown design guidelines of the Zoning Codes of the City be amended to change the criteria for window and door signs in commercial businesses. The City of Clare Planning Commission considered the proposed amendment; held a duly noticed public hearing regarding the proposed amendment; and subsequently unanimously recommended that the City Commission adopt the proposed ordinance amendment.

The City Commission conducted a public hearing and a first reading of the proposed ordinance amendment at its scheduled meeting of July 6, 2010. No public comment was received.

In order to complete the process to adopt the proposed ordinance (Ordinance 2010-002 – *copy att'd*), the City Commission is required to direct a second reading (all first and second readings of ordinance amendments are Consent Agenda items of the Clare City Commission unless properly removed from the Consent Agenda). Thereafter, the City Commission may adopt the proposed ordinance.

Issues & Questions Specified. Should the City Commission direct a second reading of the proposed ordinance and thereafter take formal action to adopt the ordinance?

Alternatives.

1. Direct a second reading and adopt the new ordinance.
2. Direct the second reading but do not adopt the ordinance.
3. Do not direct the second reading, thereby disapproving the ordinance in its current form.
4. Set aside decision regarding this matter to a later date.

Financial Impact. There is no direct fiscal impact to the City other than the administrative costs of publishing the public notice.

Recommendation. I recommend that the City Commission approve the proposed ordinance by adoption of Resolution 2010-075 (*copy att'd*).

Attachments.

1. Ordinance 2010-002.
2. Resolution 2010-075.

ORDINANCE NUMBER 2010-002

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CLARE.

Chapter 52, Article III, Division 8, Section 52-279 of the Code of Ordinances, City of Clare, Michigan, is hereby amended to read as follows:

SIGN ORDINANCE AMENDMENT

Sec. 52-279 Sign Review Standards.

Sign review and approval is required by the City of Clare for all users in Downtown Clare in accordance with the City of Clare Zoning Ordinance Article IX Signs. For projecting signs, suspended signs and wall signs, sign review and approval shall be reviewed and approved by the city of Clare in accordance with the Zoning Ordinance and the additional requirements below. In the event that there is a conflict between the Article IX Sign Regulations and the standards noted herein, these Downtown Sign Review Standards shall govern. Signs erected within Downtown Clare shall comply with the following.

A. Permit.

No sign shall be erected within said district without first securing a permit from the City Official.

B. Drawing Submittal.

Upon request for a permit to erect a sign within said district, the applicant shall provide a drawing indicating the location on the building to which the sign is intended to be attached. If the sign is intended to be unattached, the applicant shall provide a drawing indicating the location of the sign in relation to the building and street right-of-way or curb.

C. Prohibited Signs.

Prohibited signs as indicated in Sections 52-440 of Article IX are those that:

1. Contain or are an imitation of an official traffic sign or signal or contain words such as "stop", "go slow", "caution", "danger", "detour", "warning", or similar words or any other words, phrases, symbols or characters, in such a manner as may interfere with, mislead or confuse traffic.
2. Are of a size, location, movement, content, coloring or manner of illumination, including but not limited to flashing lights, which may

be confused with or construed as a traffic control device or which hide from view any street sign or signal.

3. Advertise an activity, business product or service once conducted or available on the premises upon which the sign is located, but which is no longer conducted or available on such premises. The owner of such premises shall have signs removed within thirty days after termination of the activity, business, product or service which the sign advertises.
4. Are applied graffiti with the intent to deface the building. Graffiti shall be removed immediately in a manner that does not destroy the integrity of the existing building materials.

D. Location.

1. The erection of poles in the public rights-of-way of the Downtown DDA District is prohibited except that such prohibition shall not apply to:
 - a. Public utilities that require the erection of poles to provide services rendered by them.
 - b. The erection of poles for installation of traffic control signs or devices.
 - c. A public or private entity has been granted permission by the governing body with jurisdiction over the roadway.
2. No sign shall be erected which shall be less than eight (8) feet from ground level measured vertically from the bottom of said sign to ground level.
3. Business signs shall not be located on the second story façade of the building.
4. No sign shall be erected within a distance of ten (10) feet measured horizontally from any fire hydrant, traffic light or street lighting poles, nor shall any sign be erected in any location where, by reason of traffic conditions, fire or explosion hazards, it would imperil public safety or interfere with the function of the fire department.
5. Signs shall be prohibited from extending, in any manner, into or over public rights-of-way traveled, or intended for use by motorized vehicles. However, projecting or canopy signs shall not extend more than four feet over the public right-of-way in the Downtown DDA District not intended for use by motorized vehicles.

6. Signs shall be located either in the panel situated above the awning or transom windows, on the canvas awning, on the window or door glass, on the transom window area or on a small projecting sign.
7. No wall, canopy or projecting sign shall extend above the roof or parapet of the structure to which it is attached by more than one foot.

See Illustration 52-279(D).

E. Sign Size.

1. The total surface area of all wall signs shall not exceed one and one-half (1 1/2) square feet per lineal foot of building frontage, not to exceed one-hundred (100) square feet. The sign size shall fit the existing features of the building and shall not cover up architectural details.
2. The total area of freestanding ground signs shall not exceed one-half (1/2) of a square foot per lineal foot of lot frontage, not to exceed twenty-five (25) square feet for a single face sign, fifty (50) square feet for a double face sign, or a total of fifty (50) square feet of surface for any other sign configuration.
3. If a façade is shared by more than one premise, the total sign area available to the façade under the terms of these standards shall be allocated so that the sign area available to each premise bears the same proportion that the façade area bears to the total façade area.

F. Projecting Signs.

Individual projecting signs to be mounted perpendicular to building façade shall be permitted subject to the following:

1. The signboard shall not exceed eight (8) square feet.
2. No signs shall be mounted above the first floor of the building.
3. The distance from the ground to the lower edge of the signboard shall be eight (8) feet minimum.
4. The distance from the building wall to the signboard shall not exceed six (6) inches.
5. The width of the signboard shall not exceed three (3) feet.

6. The height of the lettering, numbers or graphics shall not exceed eight (8) inches.
7. The projecting signs shall be limited to one (1) sign per business. Projecting signs are not permitted in conjunction with wall-mounted, freestanding or applied letter signs.
8. The outside edge of a projecting sign shall not extend more than four (4) feet from the face of the building that it is attached to or 1/3 of the sidewalk width whichever is less.

See Illustration 52-279(F).

G. Lettering.

Applied letters may substitute for wall-mounted signs, if constructed of painted wood, painted cast metal, bronze, brass or black anodized aluminum. Applied plastic letters shall not be permitted. The height of applied letters shall not exceed eight (8) inches.

H. Wall-Mounted Signs.

Wall-mounted signs shall be permitted subject to the following:

1. The sign shall be affixed to the front façade of the building, and shall project outward from the wall to which it is attached no more than six (6) inches.
2. The area of the signboard shall not exceed five (5%) percent of the ground floor building façade area, or twenty-four (24) square feet, whichever is less.
3. The maximum permitted height is fifteen (15) feet above the front sidewalk elevation, and shall not extend above the base of the second floor windowsill, parapet, eave or building façade.
4. The height of the lettering, numbers or graphics shall not exceed eight (8) inches.
5. The sign shall be granted to commercial uses occupying buildings facing on public streets only and shall not be allocable to other uses.
6. Wall-mounted signs shall be limited to one (1) sign per business.

See Illustration 52-279(H).

I. Painted Window or Door Signs.

Painted window or door signs shall be permitted, provided the following standards are met:

1. The sign shall not exceed twenty (20%) percent of the window or door area, or four (4) square feet, whichever is less.
2. The sign shall be silk-screened, hand painted, or may be of vinyl materials.
3. The painted window door signs shall be limited to one (1) sign per business, painted on either the window or the door, but not on both.
4. The painted window or door signs may be in addition to only one of the following: a wall-mounted sign, a free standing sign, an applied letter sign, a projecting sign or a valance awning sign.
5. Painted or vinyl signs shall be professional in appearance.

See Illustration 52-279(I).

J. Awning Signs.

Awnings or canopies used to advertise a business shall be made of cloth or materials resembling cloth. Awning signs shall be permitted for ground floor uses only provided the following standards are met:

1. If acting as the main business sign, it shall not exceed ten (10) square feet in area, and the height of the lettering, numbers or graphics shall not exceed eight (8) inches.
2. If acting as an auxiliary business sign, it shall be located on the valance only, shall not exceed four (4) square feet in area, and the height of the lettering, numbers or graphics shall not exceed four (4) inches. No awning sign shall extend vertically or horizontally beyond the limits of the awning.
3. Limited to two (2) such signs per business, on the valance.
4. If acting as the main business sign, it shall not be in addition to a wall-mounted sign.
5. Internally illuminated awning signs are prohibited. Indirect awning lighting is permitted after review and approval by the City of Clare.

See Illustration 52-279(I).

K. Free Standing Signs.

One (1) free-standing sign may be provided, subject to the following conditions:

1. The building where the business to which the sign refers to shall be set back a minimum of ten (10) feet from the street line.
2. The area of the signboard shall not exceed three (3) square feet.
3. The height of the lettering, numbers or graphics shall not exceed four (4) inches.
4. The height of the top of the signboard, or of any posts, brackets or other supporting elements shall not exceed six (6) feet from the ground.
5. The signboard shall be constructed of wood, with wood or cast iron brackets, and shall be architecturally compatible with the style, composition, materials, colors and details of the building.
6. The sign shall be located within four (4) feet of the main entrance to the business and its location shall not interfere with pedestrian or vehicular circulation.
7. Free-standing signs shall be limited to one (1) sign per building and shall not be in addition to wall-mounted, applied letters or projecting signs.

L. Corner Business Signage.

Businesses located in corner buildings are permitted one sign for each street frontage.

M. Service Entry Signage.

Businesses with service entrances may identify these with one (1) sign not exceeding (2) square feet.

N. Directional Signage.

One (1) directional sign, facing a rear parking lot, may be erected. This sign may be either wall-mounted on the rear façade, projecting or free standing, but shall be limited to four (4) square feet in area.

O. Restaurant and Café Signage.

In addition to other signage, restaurants and cafes shall be permitted the following, limited to one (1) sign per business:

1. A wall-mounted display featuring the actual menu as used at the dining table, to be contained within a shallow wood or metal case, and clearly visible through a glass front. The display case shall be attached to the building wall, next to the main entrance, at a height of approximately five (5) feet, shall not exceed a total area of two (2) square feet, and may be lighted.
2. A sandwich board sign, as follows:
 - a. The area of the signboard, single-sided, shall not exceed five (5) square feet. The height shall not exceed five (5) feet and the width shall not exceed three (3) feet.
 - b. The signboard shall be professionally constructed of durable, weather-resistant materials such as wood, chalkboard or finished metal.
 - c. Letters must be professionally painted or hand written.
 - d. The sign shall be located within four (4) feet of the main entrance to the business and its location shall not interfere with pedestrian or vehicular circulation.
 - e. The information displayed shall be limited to daily specials and hours of operation.
 - f. The sign shall be removed at the end of the business day.
 - g. The sign shall not be erected within twenty (20) feet of another sandwich board.

P. Address Signage.

Each business shall identify the number of its address within the signboard. One (1) sign facing each street or parking lot shall be permitted.

Q. Sign Design Standards.

1. Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors and details of

the building, as well as with other signs used on the building or its vicinity.

2. Signs shall fit within the existing façade features, shall be confined to signable areas, and shall not interfere with door and window openings, conceal architectural details or obscure the composition of the façade where they are located. Signs shall be placed on a façade only in a manner historically appropriate to the style of the building.
3. Whenever possible, signs located on buildings within the same block-face shall be placed at the same height, in order to create a unified sign band.
4. Wood and painted metal are the preferred materials for signs. Flat signs shall be framed with raised edges. Signs using wood shall use only high-quality exterior grade wood with suitable grade finishes. Sign materials shall be durable in nature.
5. Sign colors shall be compatible with the colors of the building façade. A dull or matte finish is recommended, for it reduces glare and enhances legibility.
6. Signs shall be spot-lighted (indirect lighting such as gooseneck light fixtures) with a diffused light source. Spot-lighting shall require complete shielding of all light sources; light shall be contained within the sign frame and shall not significantly spill over to other portions of the building, or site. Warm fluorescent bulbs may be used to illuminate the interior of display cases. Neon signs are not allowed.
7. Signs shall be mounted so that the method of installation is concealed. Signs applied to masonry surfaces shall be mechanically fastened to mortar joints only and not directly into brick or stone. Drilling to provide electrical service shall also follow the same rule.
8. Signage quantity shall be kept to a minimum and temporary signage shall be removed when in disrepair.

Effective Date

This Ordinance shall take effect thirty (30) days following date of publication as required by law. All Ordinances or part Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Adopted by the City Commission of the City of Clare this _____ day of
_____, 2010.

Diane Schmidt, Clerk

2010-075

A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING AN AMENDMENT TO CHAPTER 52 (ZONING) OF THE ORDINANCE CODES OF THE CITY OF CLARE.

WHEREAS, the City Commission held a public hearing to consider comment related to said Ordinance and receiving none, approved the first reading of said proposed Ordinance, and

WHEREAS, the City Commission approved a second reading of said proposed Ordinance at a scheduled meeting and subsequently considered said Ordinance and determined that adoption served the best interests of the City of Clare and its citizens.

THEREFORE IT IS HEREBY RESOLVED by the Clare City Commission that Ordinance 2010-002, an Ordinance amending the zoning ordinances of the City of Clare, is hereby adopted, the effective date of said Ordinance being fifteen days from this date.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INsofar AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.

The Resolution was introduced by Commissioner _____ and supported by Commissioner _____. The Resolution declared adopted by the following roll call vote:

YEAS:

NAYS:

ABSENT:

Resolution approved for adoption on this 19th day of July 2010.

Diane Schmidt
City Clerk