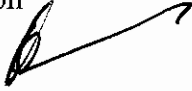


AGENDA REPORT

TO: Mayor & City Commission
FROM: Ken Hibl, City Manager 
DATE: October 28, 2009
RE: Adoption of Ordinance 2009-004 (Zoning – Downtown Design Guidelines)

For the Agenda of November 2, 2009

Background. The Main Street Board and the City Planning Commission have recommended changes to City's current downtown design guidelines related to building paint colors and projecting signs: the first being that any paint color change to a downtown building must be approved by the Main Street Board prior to the commencement of painting; the latter being the allowance of and stipulation of the dimensions of second floor projecting signs.

Our City Attorney has drafted proposed changes to the current zoning ordinance (*copy att'd*).

The City Commission conducted a public hearing and a first reading of the proposed ordinance amendment at the scheduled meeting of October 19, 2009. No public comment was received.

In order to complete the process to adopt the proposed ordinance (Ordinance 2009-004), 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 property 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 2009-109 (*copy att'd*).

Attachments.

1. Ordinance 2008-004.
2. Resolution 2009-109.

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

Chapter 52, Division 8, Section 52-277 of the Code of Ordinances, City of Clare, Michigan, is hereby amended to read as follows:

Sec. 52-277. Conflicts between standards.

(4) *Front facade design.* All building facades that face a street shall conform to the following design criteria:

h. *Building colors:* Exterior colors shall be compatible with the colors on adjacent buildings and are subject to prior review and approval by the city. Proposed colors shall be specified on the plans. Historic paint colors are encouraged and typically no more than three colors shall be used without permission from the city. Gaudy or fluorescent colors are prohibited. The painting of brick or stone of existing unpainted buildings or proposed building construction shall generally not be allowed. The city may approve the painting of unpainted existing buildings or proposed building construction where the building painting is in keeping with the historic and architectural character of the city. The removal of paint on building surfaces shall be performed in such a way that the original masonry and mortar is not damaged.

(5) *Side and rear facade design.* Whenever a side or rear facade is visible from a public street, or if parking is located at the side or rear of the building, the facade shall be designed to create a pleasing appearance, in accordance with the following design criteria:

d. *Building colors:* Exterior colors shall be compatible with the colors on adjacent buildings and are subject to prior review and approval by the city. Proposed colors shall be specified on the plans. Historic paint colors are encouraged and typically no more than three colors shall be used without permission from the city. Gaudy or fluorescent colors are prohibited. The painting of brick or stone of existing unpainted buildings or proposed building construction shall generally not be allowed. The city may approve the painting of unpainted existing buildings or proposed building construction where the building painting is in keeping with the historic and architectural character of the city. The removal of paint on building surfaces shall be performed in such a way that the original masonry and mortar is not damaged.

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

Sec. 52-279. Sign review standards.

(4) *Location.*

- a. 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:
 1. Public utilities that require the erection of poles to provide services rendered by them.
 2. The erection of poles for installation of traffic control signs or devices.
 3. A public or private entity has been granted permission by the governing body with jurisdiction over the roadway.
- b. No sign shall be erected which shall be less than eight feet from ground level measured vertically from the bottom of said sign to ground level.
- c. Business signs ~~shall not be located~~ may be allowed on the second story facade of the building subject to approval of the city.
- d. No sign shall be erected within a distance of ten 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.
- e. 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.
- f. 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.
- g. 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).
GRAPHIC LINK

(6) Projecting signs. Individual projecting signs to be mounted perpendicular to building façade shall be permitted subject to the following:

- a. The signboard shall not exceed ~~eight~~ forty square feet.
- b. ~~No signs shall~~ may be mounted above the first floor of the building subject to approval of the city.
- c. The distance from the ground to the lower edge of the signboard shall be eight feet minimum.
- d. The distance from the building wall to the signboard shall not exceed six inches.
- e. The width of the signboard shall not exceed three feet.
- f. The height of the lettering, numbers or graphics shall not exceed eight inches.
- g. The projecting signs shall be limited to one sign per business. Projecting signs are not permitted in conjunction with wall-mounted, freestanding or applied letter signs.
- h. The outside edge of a projecting sign shall not extend more than four feet from the face of the building that it is attached to or one-third of the sidewalk width whichever is less. See Illustration 52.279(f).

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 _____, 2009.

DIANE SCHMIDT , Clerk

RESOLUTION 2009-109

**A RESOLUTION OF THE CLARE CITY COMMISSION ADOPTING
ORDINANCE 2009-004.**

WHEREAS, Consumer's Energy has historically provided the service of designating house numbers for new residential and commercial addresses; and

WHEREAS, said entity intends to terminate said service at year-end; and

WHEREAS, Clare County has drafted an ordinance stipulating that the County would commence providing house number and road naming services for all Clare County residences and businesses upon termination of said services by Consumer's Energy and that all residents and businesses would be required to comply with the provisions outlined within said new ordinance; and

WHEREAS, the Clare County Ordinance provides that villages and cities within Clare County may assume the responsibilities and prepotency for said service for property within their respective jurisdictions; and

WHEREAS, the City Commission has determined that providing said services and assuming said responsibilities for said services is in the best interests of the City and its residents and businesses; and

WHEREAS, the City Staff has prepared a House Numbering and Road Naming Ordinance to provide said services; and

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 property owners.

THEREFORE IT IS HEREBY RESOLVED by the Clare City Commission that Ordinance 2009-003, a House Numbering and Road Naming Ordinance, is hereby adopted, the effective date of said Ordinance being fifteen days from this date.

BE IT FURTHER RESOLVED by the Clare City Commission that even though the effective date is fifteen days from this date, the City shall not commence providing said services until such time that Consumer's Energy ceases to provide said services and the Clare County House Numbering and Road Naming Ordinance becomes effective.

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 Tom Koch and supported by Commissioner John Koch. The Resolution declared adopted by the following roll call vote:

YEAS: Jean McConnell, Bill Horwood, Tom Koch, John Koch, and Pat Humphrey

NAYS: None

ABSENT: None

Resolution approved for adoption on this 5th day of October 2009.

DIANE SCHMIDT
City Clerk