



CITY MANAGER

Elaine Leven

CITY CLERK

Cynthia Greenia

City of Fraser

CENTENNIAL COMMUNITY

MAYOR

Michael Carnegie

MAYOR PRO-TEM

Patrice M. Schornak

COUNCIL

Amy Baranski

Kathy Blanke

Suzanne Kalka

Patrick O'Dell

Dana Sutherland

Fraser Planning Commission Agenda

City Council Chambers

33000 Garfield, Fraser, MI 48026

Wednesday, October 4, 2023 @ 7:00 p.m.

1. Call Meeting to Order/Pledge of Allegiance
2. Roll Call
3. Approval of Agenda – October 4, 2023
4. Chairperson's Opening Remarks
5. Approval of Minutes – September 6, 2023
6. New Business
 - a. Public Notices:
7. Unfinished Business:
 - a. Review, Discussion and Possible Modification of Site Plan Approval for Fraser Hockeyland/Big Boy Restaurant; 34400 Utica Road
 - b. Sign Ordinance Discussion
 - c. Training Date Discussion
8. Public Communication on Non-Agenda Items
9. Monthly Report
 - a. September 2023
10. Zoning Board of Appeals Member Liaison Report
11. Commissioners' Comments and Items of Interest/Concern
12. Adjournment
POSTED: September 28, 2023



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DRAFT

**CITY OF FRASER PLANNING COMMISSION MINUTES
CITY COUNCIL CHAMBERS
33000 GARFIELD, FRASER, MI 48026
WEDNESDAY, SEPTEMBER 6, 2023 @ 7:00 P.M.**

1. CALL MEETING TO ORDER

The meeting was called to order at 7:00 p.m. by Chair Czarnecki

Chair Czarnecki led the pledge of Allegiance.

2. ROLL CALL:

PRESENT: Czarnecki, Farina, Keil, Meyer, Perry, Warunek
ABSENT: Barr

Motion by Farina supported by Warunek to excuse Commissioner Barr from the September 6, 2023 City of Fraser Planning Commission.

AYES: Czarnecki, Farina, Keil, Meyer, Perry, Warunek
NAYS: None Motion Carried

Others Present: City Attorney Ericson, City Planner Sayre, City Clerk Greenia

3. APPROVAL OF AGENDA

Chair Czarnecki added Item 6bi to be Site Plan Review Popeye's Chicken and moved the current Item 6bi to 6bii Site Plan Review 23-03

Motion by Keil supported by Meyer to approve the agenda of the September 6, 2023 City of Fraser Planning Commission Meeting as revised.

AYES: Czarnecki, Farina, Keil, Meyer, Perry, Warunek
NAYS: None Motion Carried

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4. CHAIR'S OPENING REMARKS

Chair Czarnecki read the formal statement relative to the powers of the Planning Commission and the facts and conditions for granting site plan approval as well as the process for public hearings and Special Land uses.

5. APPROVAL OF MINUTES – AUGUST 2, 2023

Commission Meyer had the following corrections to the August 2, 2023 Planning Commission minutes:

Page 2 under New Business Public Hearings SLU 23-01

First paragraph under discussion should read:

Planner Sayre presented the planners report for 31000 Groesbeck, Auto Repair Special Land Use (add the L to Land).

Page 3 under same discussion paragraph seven (7) should refer to a commissioner noting that no outside storage would be allowed at this property.

There were no other corrections.

Motion by Farina supported by Perry to approve the minutes of the August 2, 2023 City of Fraser Planning Commission as revised.

AYES: Czarnecki, Farina, Keil, Meyer, Perry, Warunek

NAYS: None

Motion Carried

6. NEW BUSINESS

a. Public Notices:

- i. SP Class A Land Use – 31401 Groesbeck, Popeye's Chicken, Non-Conforming Status Which Allows the Use, Alteration or Enlargement Of a Non-Conforming Use, Structure or Land.**

City Planner Lauren Sayre went over her review of the application with the Planning Commission. Public notice had been published in the paper as well as Notices mailed out to the required properties.

She addressed the four considerations that needed to be addressed in order for This property to meet with the Special Land Use Class A designation. Planner Sayre recommended approval of this application.

At this time City Attorney Ericson advised the Planning Commission that changing the non-conforming status to allow use, alteration or enlargement of the site is the appropriate mechanism should the Board want to place any conditions on approval of the

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site plan application, noting such conditions might relate to the parking, screening and lighting standards

Planning Commission discussed what appropriate screening would be.

Phil Ruggeri was present on behalf of the applicant. He reviewed that he and his partners had purchased this property a couple of years ago. It needed substantial improvements. When the site was first approved it was in complete compliance with the zoning and standards that was in effect at that time. He added that this would be a pick-up only, no eating on site restaurant. Commission discussed some of their thoughts regarding screening at this site with the applicant.

The Public Hearing was opened at 7:29 p.m.

There was no public comment heard at this time.

Chair Czarnecki closed the Public Hearing at 7:29 p.m..

Motion by Farina supported by Perry to approve Site Plan Class A Land Use Status for Popeye's Chicken, 31401 Groesbeck Highway, Fraser, Michigan with the following conditions:

- The current parking of 17 spots be allowed if it is determined by the applicant that 18 is not a possible fit for this site and will be approved by the Building Department and McKenna and Associates;
- a. The landscape screening is updated or changed to a more appealing screening and will be approved by the Building Department and McKenna and Associates.
- b. The lighting will be updated to be in compliance with current Lighting Standards as required by the City of Fraser Zoning Ordinance and will be approved by the Building Department and McKenna and Associates and;
- c. The current ingress and egress will be acceptable as it currently is.

Discussion on the motion on the floor.

Chair Czarnecki indicated the screening referenced in the Resolution is not a masonry wall but rather landscape screening or an update to the chain link fence screening.

Vote on the motion on the floor.

AYES: Czarnecki, Farina, Keil, Meyer, Perry, Warunek

NAYS: None

Motion Carried

b. Site Plan and Other Review

i. Site Plan 23-02 31401 Groesbeck, Popeye's Chicken, Fraser, Michigan

Planner Sayre went over her review with the Planning Commission. She indicated that they recommended approval of the site plan.

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Mr. Ruggeria approached Planning Commission to review the Site Plan. Chair Czarnecki indicated that there was not a full Commission tonight and asked the applicant if he still wished to proceed with this review. He stated he did.

Chair Czarnecki asked the applicant to confirm that all planting notations are designated on the landscape plan.

Motion by Farina supported by Keil to approve Site Plan #23-02 Popeye's Chicken, 31401 Groesbeck, Fraser, Michigan noting that conditions regarding parking spaces, landscape screening, lighting plan, and ingress and egress were approved as part of the Special Land Use Class A designation for this property:

AYES: Czarnecki, Farina, Keil, Meyer, Perry, Warunek

NAYS: None

Motion Carried

**ii. Site Plan Review # 23-03 32660 Utica Road, Fraser, Michigan
Proposal to demolish existing car wash on site and replace
it with a new three (3) unit strip mall.**

Planner Sayre went over her review with Planning Commission. She indicated that they recommended tabling this Site Plan at this time. A brief discussion was had regarding the planting at the site.

Sam Thomas, architect, was present on behalf of the applicant. He reviewed that due to the nature of the lot size they were very limited to space. Additional discussion was had regarding building materials being used, landscape screening, the location of the loading space, one parking space that is required to meet parking requirements and directional notations on the site plan. Commissioner Meyer questioned as to whether or not the Planning Commission could ask the applicant to do the loading and unloading during "off hours". Attorney Ericson stated she would check into this.

Chair Czarnecki noted that a dimensional parking setback variance is required prior to consideration of site plan approval. She also asked the applicant to provide a bike rack on the site.

There was no public comment on this matter.

Motion by Keil supported by Farina to postpone a decision on Site Plan #23-03 32660 Utica Road, Fraser, Michigan with the condition that the applicant obtain any and all required variances prior to consideration of approval being granted.

AYES: Czarnecki, Farina, Keil, Meyer, Perry, Warunek

NAYS: None

Motion Carried

7. UNFINISHED BUSINESS

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- a. SLU/SP Review #23-01 31000 Groesbeck
To obtain a Special Land Use Approval to Allow an Auto Repair and Service Center in a “CG Commercial General” Zoning District. Public Hearing was held on 8/2/2023 on the Special Land Use.**

Chair Czarnecki noted there had been a public hearing on this Special Land Use on August 2, 2023 and there was no public comment on the matter.

Commissioner Farina exited the meeting at 7:59 p.m. and returned at 8:01 p.m.

Planner Lauren Sayre went over her review of this site plan application. She indicated that they were not planning on changing the building size.

Commissioner Warunek stated that the building was an auto repair shop for thirty (30) years prior to the current use. In his opinion the applicant has addressed all concerns that were discussed at the August 2, 2023 meeting.

Planning Commission felt this business was a good use for this site. Further discussion was had on the City Engineer review of the plan relating to an accessible route from the public sidewalk to the building entrance and concerns with maneuverability of the parking spaces as shown on the plan.

Commissioner Warunek suggested angling the parking spaces might alleviate concerns of maneuverability.

Chair Czarnecki asked if the applicant would like to proceed with action on the site plan as there was not a full Planning Commission. The applicant stated that they would like to proceed.

Motion by Warunek supported by Farina to approve SLU/SP #23-01, 31000 Groesbeck, Fraser, Michigan to allow an auto repair facility at that location with the following condition:

1. Provide an accessible route from the public sidewalk to the building entrance.

AYES: Czarnecki, Farina, Keil, Meyer, Perry, Warunek

NAYS: None

Motion Carried

b. Hockeyland Parking Discussion

Randi Hermiz, General Counsel for Big Boy Properties was present on behalf of Hockeyland. He reviewed the history of the site at Hockeyland as well as Big Boy. It had been an ongoing project and the Planning Commission had agreed to let them begin work on it prior to getting all the required parking. The applicant had agreed to get in recordable fashion shared parking agreements with some other businesses in the City.

They were getting anxious to open the Big Boy Restaurant but due to the parking agreements not being ready yet this building was not going to get a Certificate of Occupancy and could not open.

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The parking agreements were to be made for occasions of “Extreme Events” at Hockeyland. Prior to any of these type of events the applicant would have to approach the City for permission to hold them. They were frustrated that they could not move along with the project due to the parking agreements not being completed at this time.

The applicant reviewed the parking agreements and improvements they had made since they came before the Planning Commission originally. They had made an agreement with the school district which would offer them many parking spots. They had not come to an agreement with Total Soccer yet and Meijer was now out of the question as it had filled their parking area up already. He felt the issue of the parking agreements should be separate from granting a Certificate of Occupancy to Big Boy.

Planning Commission and the applicant(s) including Mr. Hermiz, Bud Kowalski and Tom Jablonski discussed the best way to move forward with this situation. It was suggested that the applicant meet with the City’s Attorney and the Building Department to try to come to an agreement that would satisfy the requirements for parking. It was determined that 905 spaces were required in total.

Discussion was had on when the Site Plan approval would expire. Attorney Ericson stated she would check into this.

No public comment was heard on this item.

c. Sign Provisions

Attorney Ericson had presented all members of the Planning Commission with a document prepared by Attorney Don DeNault regarding the beginning work on the update to the Sign Ordinance. The document was a chart of about 20 pages mostly consisting of a chart with three (3) columns, the first was reviewing sign provisions that Mr. DeNault had drafted for other municipalities, the second column pointed out whether or not the City of Fraser had anything comparable in their ordinance and the third column there were notes and comments on the first two (2) columns. Commission would be discussing this at the October meeting.

8. PUBLIC COMMUNICATION ON NON-AGENDA ITEMS

There was no public comment at this time.

9. MONTHLY REPORT FROM McKENNA FOR AUGUST 2023

Chair Czarnecki said the monthly report provided by McKenna is an opportunity for Board members and the administration to address any questions and/or updates on development matters.

Commissioner Farina said the excavation on Utica Road near the Meijer store is now filled. Ms. Sayre stated at this time she is not aware of any proposed development at this site.

10. ZONING BOARD OF APPEALS MEMBER LIAISON REPORT

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Commissioner Farina noted they had two (2) applications on their August meeting agenda. One was for Popeye's Chicken and the other was for a home on Anita. There was no meeting in September.

11. COMMISSIONER'S COMMENTS ON ITEMS OF INTEREST/CONCERN

Commissioner Farina brought up the possible joint meeting for training purposes. He added that he would like to see these training meetings done annually. Planner Sayre was going to see if McKenna would be ready for a Fall Training.

12. ADJOURNMENT

Motion by Keil supported by Meyer to adjourn the meeting at 9:22 p.m.

AYES: Czarnecki, Farina, Keil, Meyer, Perry, Warunek

NAYS: None

Motion Carried

Respectfully Submitted:

Cindi Greenia, Clerk
City of Fraser



Memorandum

TO: Fraser Planning Commission
FROM: Lauren Sayre, City Planner
Don DeNault, City Attorney
SUBJECT: **October Sign Ordinance Discussion**
DATE: September 26, 2023

The City Planning Department and City Attorney are working closely with each other and the Planning Commission to create an updated Sign Ordinance for the City of Fraser. This update will address long-standing concerns from the Planning Commission as well as bring the Ordinance up to compliance with Reed v. Town of Gilbert.

The process for the update will follow the schedule outline by the City Attorney distributed at the September 6, 2023 Planning Commission Meeting.

October 4 – Discussion of general regulations, signs allowed in all zoning Districts and signs that are always prohibited in all zoning districts (pages 2-11 of the chart)

November 1 – Discussion of sign illumination, lights on or around signage, and electronic message boards (pages 11-15 of the chart)

December 6 – Discussion of enforcement and discussion of standards for permanent freestanding signs and wall signage (pages 15 to 19, of the chart and pages 22 to 23, and 28 to 29)

January 2024 – Discussion of nonconforming signage (pages 19 to 20 of the chart)

February 2024 -Discussion of billboards, real estate development signage, and residential subdivision identification signs (pages 21 and 24 to 25)

March 2024 – Discussion of temporary signs (pages 25 to 28)

April 2024 – Discussion of Purpose, Intent, Definitions, and Miscellaneous items (page 1 of the chart)

May/June – Potential City Council Adoption

Planning staff will distribute a memo in each meeting packet to outline the discussion. During the meeting Planning staff and the City Attorney will lead a discussion on the scheduled topic and present a draft of the sections from the previous month's discussion.

This will continue until the update is complete in Spring 2024.



OCTOBER 4, 2023 DISCUSSION OUTLINE

1. Review of schedule and overview of how to use the memo distributed September 6, 2023 (attached to the memo).
2. General Regulations
3. Signs permitted in every Zoning District
4. Prohibited Signs

MEMORANDUM

TO: Fraser Planning Commission

FROM: Don DeNault

RE: Sign Ordinance Chart

DATE: September 6, 2023

Attached is a “City of Fraser Sign Ordinance Chart.” The chart is designed to achieve the following:

1. In the first column, the chart provides examples of sign ordinance provisions that I have drafted for one or more other communities. These are simply examples; they are not intended to be the only choices, nor are any of them mandatory. They are offered for consideration and to spur conversation about the best policy choices for Fraser.
2. In the second column, the chart explains whether the existing ordinance has anything comparable.
3. In the third column, the chart offers some initial notes, comments, and explanatory material.
4. Most of the rows have space for your own notes.
5. The various bolded sections of the chart will be broken down and taken piecemeal (as much as possible) at future Planning Commission meetings.

The anticipated discussion/drafting schedule (subject to flexibility, of course) is:

September 6th: Quick overview of the chart.

October 4th: Discussion of signs allowed in all zoning districts and signs that are always prohibited in all zoning districts (pages 2 to 11 of the chart).

November 1st: Discussion of sign illumination, lights on or around signage, and electronic message boards (pages 11 to 15 of the chart).

December 6th: Discussion of enforcement and discussion of standards for permanent freestanding signs (monuments, poles, decorative bases, etc.) and wall signage (pages 15 to 19, 22 to 23, and 28 to 29 of the chart).

January meeting: Discussion of nonconforming signage (pages 19 to 20 of the chart).

February meeting: Discussion of billboards, real estate development signage, and residential subdivision identification signs (pages 21 and 24 to 25 of the chart).

March meeting: Discussion of temporary signs (pages 25 to 28 of the chart).

April meeting: Discussion of definitions, miscellaneous topics not yet covered, and a solid draft of a new sign ordinance (pages 1, 21, 24, 29 to 31, and additional material).

May/June: Potential City Council adoption of a new sign ordinance.

For your meeting on September 6th, I recommend only a brief discussion of this memorandum, the chart, the schedule, and any other ideas or questions anyone may wish to raise for future consideration as the process begins to unfold.

In October, conceptual drafting and discussion can begin. Drafts covering the monthly topic(s) will include City Attorney and City Planner recommendations/ideas and will be presented for discussion at each Planning Commission meeting.

CITY OF FRASER SIGN ORDINANCE CHART

Ideas	Existing Provision	Initial Comments
Findings. Include findings and policy considerations, such as signage use, affects on others, impact on travelers, aesthetic considerations, impact on economics, distractions, nuisances, etc.	The existing ordinance does not include any findings to support the rationales behind the various provisions in the ordinance.	The City Attorney and City Planner both recommend and support inclusion of findings and purposes.
Purposes. Include purposes behind the regulations, including promotion of safety and welfare, aesthetics, pedestrian and motorist safety, economic viability, property values, natural views, economic development, reasonable expression, etc.	The existing ordinance does not identify its public purposes.	The City Attorney and City Planner both recommend and support inclusion of findings and purposes.
Intent. Similar to public purposes, the ordinance can include an expression of intent, i.e., balance regulations against preservation of aesthetics, enhancement of the City, preserve natural beauty, make the City more enjoyable, enhance the business climate, reduce distractions, eliminate hazards, and minimize confusion.	The existing ordinance does not identify the intent behind it.	The City Attorney and City Planner both recommend and support inclusion of expressions of the intentions behind the ordinance.
Definitions: Very important for interpretational reasons; will be built into the sign ordinance; to be determined at the end. However, a useful definition for “sign” is the use of any words, numerals, figures, devices, inflatable moving advertising products, designs, logos, or trademarks which direct attention to a product, place, activity, person, institution, message, or business, or by which anything is made known to the general public, and which is visible and discernible off the lot or from any public right-of-way.	Definitions exist, but are not built into the sign ordinance (just in the general Zoning Ordinance definitions). “Sign” is defined as the use of any word, numeral, figure, object, device, letter, symbol, insignia, illustration, design, trademark, or combination of these, by which anything is made known to the general public, or which is commonly understood to be used to attract the attention of the general public, irrespective of whether it is visible from off the site or lot. Customary displays of merchandise or objects and material, without lettering, placed behind a store window are not signs or parts of signs, nor shall the customary, non-communicative architecture of buildings be considered as a sign or part of a sign.	The City Planner’s conceptual draft would exempt murals from sign area requirements if, in the opinion of the “Zoning Administrator,” they do not meet the definition of a sign.

General regulations applicable to all signs in every zoning district (recommendations are numbered 1 through 15 below).	The existing ordinance does not have a “general regulations” section. Instead, it creates regulations for office, commercial, and industrial districts (and special land uses), then creates regulations for specific zoning districts: residential, office and neighborhood commercial, community business, general commercial, and industrial.	
1. All signs must comply with all ordinances and regulations of the City, including zoning, regulatory, and specialized codes (for example, the Property Maintenance Code).	The existing ordinance does not have a similar provision.	The Planner also recommends compliance with the state construction code.
2. Signs shall not be placed in, project into, or overhang any public right-of-way or dedicated public easement, existing or proposed, unless placed or approved for placement by the city or applicable governmental entity or agency.	“e. No sign, except those established and maintained by the city, county, state or federal government shall be located in, project into, or overhang a public right-of-way or dedicated public easement, except as provided in section 32-85(2)1.4.” Note: this provision only applies in the office, commercial, and industrial districts, or for special land uses. Note: the cross-reference is not accurate and does not exist.	
3. Signs shall not be placed on city property unless placed or approved for placement by the city.	The existing ordinance does not have a similar provision.	
4. Signs shall not be placed on utility poles, utility boxes, traffic control devices, telecommunications towers, sidewalks, lamp posts, hydrants, bridges, public property, public ways, easements, or trees unless placed or approved for placement by a governmental entity as public signs or warning signs.	The existing ordinance does not have a similar provision.	

5. Permanent signs shall not be placed in a required side yard setback or within 12 feet of a public right-of-way.	The existing ordinance has a variety of similar rules: “3. For community facility uses...a twenty (20) square foot identification sign may be placed in the rear half of the required front yard setback.” “1. All residential, office and/or research districts shall observe three-quarter (3/4) the front yard setback, except as provided elsewhere in this chapter.” “2. The commercial and industrial districts shall observe the following setbacks from the road centerline, as designated in the city’s master plan: major and secondary – seventy (70) feet; collector – fifty-three (53) feet; local – forty (40) feet; cul-de-sac – seventy (70) feet; and on private roads, a setback of ten (10) feet shall be measured from the road’s easement or common usage line abutting the subject parcel or site.”	
6. Signs shall not be placed in a manner that obstructs or diminishes sight lines for vehicular travel, obstructs driver vision, or creates potential hazards to pedestrian safety. All signs shall comply with the corner clearance requirements set forth in _____. Note: The City Planner’s conceptual draft includes a similar provision.	“iii. In addition, signs shall be placed so as not to create any sight distance issue and in all cases at least fifteen (15) feet from the intersection of any driveway or street crossing any sidewalks.” Note: applies only to noncommercial signs in the office, commercial, and industrial districts, or for special land uses.	The City’s current ordinances do not seem to have a clear vision sight triangle requirement, other than for certain signs (see the column on the left) and for snow deposits. Therefore, a new provision (to allow for the blank cross-reference) would be needed.
7. Signs must have a minimum clearance of eight feet six inches above a non-public sidewalk and provide appropriate emergency vehicle clearance above driveways and maneuvering lanes.	“o. All accessory freestanding signs ... shall be at least ten (10) feet at their lowest point above the sidewalk level or less than four (4) feet in height at the highest point.” Note: applies only to noncommercial signs in the office, commercial, and industrial districts, or for special land uses.	

8. Applications for approval of a sign permit will not be processed or placed on an agenda for any public hearing, nor will a sign permit be issued, on properties with outstanding and unresolved code violations without a code compliance agreement.	The existing ordinance does not have a similar provision.	The City Attorney recommends this type of provision for a wide variety of requests – variances, special land use approvals, signage, etc. It is a “clean hands” requirement for applicants to have the property in good order before asking for a public benefit, courtesy, or permit.
9. Signs shall not have more than two sides.	The existing ordinance does not have a similar provision.	Some ordinances contemplate more than two sides (faces): 
10. No sign shall be painted directly onto the wall of a building.	The existing ordinance does not have a similar provision.	A very recent innovation has been for a city to buy a “license” from privately-owned businesses for purposes of painting a mural on a wall of the building on the site. This concept achieves two goals: control over the message, and elimination of blight or walls not pleasing to the neighboring sites. 

11. Signs shall not be equipped with audio capabilities and sound shall not be projected from any sign, except that menu boards approved as part of a drive through facility or signage designed for purposes of complying with laws enacted for the protection of persons with disabilities shall not be restricted by this provision.	The existing ordinance does not have a similar provision.	
12. Signs may not project images beyond the face of the sign and may not emit any odors or visible matter such as smoke or steam. 	The existing ordinance does not have a similar provision.	The purpose of this type of provision is to protect against “special effects” being emitted – holograms, visual projections, smoke, steam, etc.
13. No person, entity, owner, business, or tenant shall allow an obsolete sign to be maintained on a property for more than 30 days after same has become obsolete because of discontinuance of the business, service, or activity which the sign advertises, relocation to another site, or for any other reason. The fact that the obsolete sign is nonconforming shall not be construed as modifying any of the requirements of this section.	The existing ordinance does not have a similar provision.	Obsolete sign prohibitions are very helpful for vacant business sites, election signage, event advertisements, and other signage that no longer conveys any meaningful information about the site or activity. The City Planner’s conceptual draft includes provisions relating to obsolescence, abandonment, and removal within 30 days of vacating.

14. Every sign, including the sign structure, shall be maintained in a safe structural condition and in a neat, clean, secure, and attractive condition, with upright, secure supports. All sign materials shall be kept free of defective or missing parts, peeling, corrosion, or other surface or support deterioration, and in compliance with the current provisions of the International Property Maintenance Code, with local amendments as adopted by the city. All sign copy shall be maintained intact, free of defacement, and free of missing characters. If the sign is illuminated, all lighting fixtures and sources of illumination shall be maintained in a manner that renders them safe and in proper working order.	The existing ordinance does not have a similar provision.	Arguably, the Property Maintenance Code will suffice, but additional clarity never hurts.
15. For all signs other than a sign within a public right-of-way, the sign setback shall be measured from the property line or, in the case of an access easement, from the edge of the easement to the closest point of the sign.	The existing ordinance does not have a similar provision, only the setback provisions noted above.	
Signs authorized in every zoning district (Recommendations are numbered 1 through 6 below).	The existing ordinance does not have a similar provision. Instead, it prohibits ALL signs except as otherwise allowed in specific zoning districts.	
1. Public signs. Note: Defined as a sign installed or required by any governmental entity to provide information to the public.	The existing ordinance does not have a similar provision, other than “All directional signs required for the purpose of orientation, when established by the city, county, state or federal government, shall be permitted in all use districts.”	
2. Traffic control devices on private or public property, installed and maintained to comply with the Michigan Manual on Uniform Traffic Control Devices and, if not covered, with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration.	The existing ordinance does not have a similar provision.	The City Planner’s conceptual draft includes a similar recommendation for parking lot areas.

3. Numerals that identify the address of the property in accordance with applicable laws, codes, and regulations, so that public safety responders can easily identify the address from the public street (include rules re: display on building facade, freestanding signs, tenant spaces, rear entrances, height of numerals, color/contrast).	“s. Shopping centers, office buildings, multi-tenant industrial buildings and other than those noted in parentheses above ... may also include address numbers, except that, at the option of the planning commission, shopping centers, office buildings and multi-tenant industrial buildings may be permitted to place a directory of tenants on their principal freestanding sign. If a directory of tenants sign is permitted by the planning commission, it shall be designed as an integral feature of the freestanding sign and the directory portion of the sign shall have a uniform facing material in terms of appearance and color; the letters shall, in the judgment of the planning commission, be clearly complementary to other tenant businesses in size and character; further, the nameplate for each tenant shall display only the tenant's or establishment's name and a one- or two-word description of the principal permitted activity.”	The City Planner’s conceptual draft allows for address numbers and a nameplate, which are for the purpose of site identification for emergency responders. It also would create regulations for building directory signs.
4. Required government signs that warn of a danger or prohibit access to the property either generally or specifically. Note: The term “government signs” may be a bit ambiguous; intent should be clarified.	The existing ordinance does not have a similar provision.	
5. Signs installed by MISS DIG, utility companies, lawn treatment companies, and similar signs intended to warn of a danger or alert the reader to a potentially dangerous condition or the existence of utility pipes or lines on the property. Note: The term “similar signs” may capture too much, for example, “Dangerous Dog” or “No Trespassing” signs.	The existing ordinance does not have a similar provision.	The City Planner’s conceptual draft would allow one “No Trespassing” sign for every 150 feet of lot frontage (limited to 2 square feet).

6. In addition to one United States flag and one official flag of the State of Michigan displayed on a permitted flag pole or on a flag staff affixed to the house on a single-family residential property, up to two additional flags may be displayed on a permitted flag pole or on a staff affixed to the house without being counted against the individual sign limitations or the total square footage allowed under this section for temporary signage.	The existing ordinance does not have a similar provision.	Flags can be a challenging concept for any sign ordinance.
Prohibited signs (Recommendations are numbered 1 through 5 below).	The existing ordinance does not have a similar provision. Instead, it prohibits ALL signs except as otherwise allowed in specific zoning districts.	The City Planner's conceptual draft includes a provision that signs not expressly permitted are prohibited.
1. Signs that violate any federal, state, or local law, code, or regulation.	The existing ordinance does not have a similar provision.	
2. Signs that violate zoning regulations governing home occupations as an accessory use.	The existing ordinance does not have a similar provision.	
3. Festoon signs. Note: Defined as light bulbs, ribbons, streamers, or pinwheels, or light strips, banners, pennants, balloons, search lights, or similar objects and features, which are not an integral physical part of the building or structure they are intended to serve and which are hung or strung for the purpose of drawing attention.	The existing ordinance does not have a similar provision. However, "festoon sign" is defined as a sign where incandescent light bulbs, banners or pennants, or other such features are hung or strung overhead and are not an integral physical part of the building or structure they are intended to serve.	Addressing the <i>style</i> of signs is content-neutral and an effective way of controlling for aesthetics. The City Planner's conceptual draft also includes provisions prohibiting banners, pennants, pinwheels, ribbons, streamers, strings of light bulbs other than holiday decorations, and similar devices (but Planning Commission may approve modifications during site plan review).

4. Projecting signs. Note: Defined as a sign which is affixed to or supported by any building or structure, or part thereof, which extends beyond the plane of the building wall, or part thereof, or structure, by more than 12 inches.	“e. No sign, except those established and maintained by the city, county, state or federal government shall be located in, project into, or overhang a public right-of-way or dedicated public easement, except as provided in section 32-85(2)1.4.” Note: this provision only applies in the office, commercial, and industrial districts, or for special land uses. Note: the cross-reference is not accurate and does not exist. “Projecting sign” is defined as a sign which is affixed to any building or part thereof, or structure which extends beyond the building wall, or parts thereof, or structure by more than twelve (12) inches. A projecting sign shall not include a ground sign as herein defined.	The City Planner’s conceptual draft would allow projecting signs limited to 20 square feet per sign face, with a minimum vertical clearance of 8 feet from sign to sidewalk (and never above a second-floor window).
5. Signs whose construction, design, location, or other physical characteristics are determined by any code official or law enforcement official to create a safety hazard or to be anathema to the general welfare, including but not limited to:	The existing ordinance does not have a similar provision.	The City Planner’s conceptual draft also includes suggestions for regulating confusing or misleading signs.
a. Signs of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as, or which may conflict with, a traffic control device, or which hide from view any traffic or street sign or signal.	The existing ordinance does not have a similar provision.	The City Planner’s conceptual draft also includes suggestions relating to signs that may create traffic hazards.
b. Signs consisting of moored balloons or other type of tethered floating signs unless approved by the City Planner in conjunction with an approved temporary use and if tethered to the ground.	The existing ordinance does not have a similar provision.	

c. Banners, posters, pennants, ribbons, streamers, LED lights, strings of light bulbs, spinners, or other similarly moving devices or signs which may move or swing as a result of wind pressure or other power source, unless approved by the City Planner in conjunction with approval of a temporary use for a special event of limited duration, permitted as holiday decorations, or otherwise permitted elsewhere in this section.	“7. Banners and other appropriate displays are permitted only for commercial and institutional activities approved by the city manager (section 32-250).” Note: Section 32-250 refers to temporary uses that may be approved by the city manager and the restrictions that apply to such uses.	The City Planner’s conceptual draft would classify seasonal decorations as “not signage” if they do not convey a commercial message or promote a commercial activity.
d. Signs which have blinking, flashing, or fluttering lights or other illuminating devices which exhibit movement.	“b. Flashing, oscillating or intermittent type of illuminated signs or displays and electronic signs with any of these or the following characteristics are hereby prohibited. Also, there shall be no mechanical movement in the sign or changeable message other than provided in subsection (1)r. of this section.” Note: this provision only applies in the office, commercial, and industrial districts, or for special land uses.	The City Planner’s conceptual draft also prohibits mechanical movement, moving parts, etc.
e. Roof signs. Note: Defined as a sign located on or above the roof of any building and which projects above or beyond the eave, roof, or parapet, or which is attached to a mansard type roof.	The existing ordinance does not have a similar provision. However, “roof sign” is defined as a sign which is erected, constructed, or maintained upon the roof or parapet of a building but does not project above or beyond the roof or parapet. (A sign projecting beyond or above the roof or parapet shall be known as an “above-the-roof” sign.)	The City Planner’s conceptual draft would prohibit roof signs in every district except IR or IC.
f. Signs that consist of or include a searchlight, beacon, strobe light, or similar form of illumination.	The existing ordinance does not have a similar provision.	
g. Signs that contain or consist of strings of light bulbs.	The existing ordinance does not have a similar provision.	

h. Portable signs kept in a stationary location and visible from a public way. Note: “Portable sign” is defined as a sign without a permanent foundation and not permanently attached to a fixed location which can be carried, towed, hauled, or driven and is primarily designed or installed to be mobile rather than be limited to a fixed location regardless of modifications that limit its mobility, such as, but not limited to, vehicles, trailers, “A” frame, “T”-shaped, or inverted “T”-shaped sign structures.	The existing ordinance does not have a similar provision. However, “portable sign” is defined as a freestanding sign not permanently anchored or secured to either a building or the ground, such as, but not limited to: trailers, “A” frame, “T” shaped, or inverted “T” shaped sign structures.	The City Planner’s conceptual draft would prohibit portable signs unless a specific exception applies. A-Frame signs would be permitted, with a permit, with restrictions (i.e., 4 feet in height, 28 inches wide, no more than 2 feet between sign faces, limited hours, design restrictions).
1. Exception: Operable vehicles that are properly licensed and plated and which are adorned or embedded with permanent graphics, information, and/or messages that are visible to passersby shall only be parked on a property owned or operated by the vehicle owner or pertaining to an activity underway on the property where it is parked and shall be kept in a lawful vehicular parking or storage location a minimum of 30 feet from any public right-of-way.	The existing ordinance does not have a similar provision.	
Illumination (Recommendations are numbered 1 through 6 below).		
1. No sign shall include or use flashing or intermittent illumination.	“b. Flashing, oscillating or intermittent type of illuminated signs or displays and electronic signs with any of these or the following characteristics are hereby prohibited. Also, there shall be no mechanical movement in the sign or changeable message other than provided in subsection (1)r. of this section.” Note: this provision only applies in the office, commercial, and industrial districts, or for special land uses.	

2. Flashing, animated, and/or moving signs are prohibited.	“b. Flashing, oscillating or intermittent type of illuminated signs or displays and electronic signs with any of these or the following characteristics are hereby prohibited. Also, there shall be no mechanical movement in the sign or changeable message other than provided in subsection (1)r. of this section.” Note: this provision only applies in the office, commercial, and industrial districts, or for special land uses.	The City Planner’s conceptual draft would also prohibit these types of signs (will be presented during the drafting phase).
3. Illumination of signs shall be directed or shaded so as not to interfere with the vision of persons on the adjacent roadway or with adjacent property owners.	“1. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on adjacent streets or property.” Note: this provision only applies in the office, commercial, and industrial districts, or for special land uses.	The City Planner’s conceptual draft includes similar recommendations for external and internal illumination (will be presented during the drafting phase).
4. No illuminated sign shall be installed if it creates a distracting or hazardous condition to a motorist, pedestrian, or the general public, or which adversely impacts neighboring or nearby properties or uses.	“(c) Signs may be either non-illuminated or externally or internally illuminated.” Note: this provision only applies in the general commercial district. “3. Wherever the industrial district abuts a state-numbered highway, outdoor advertising signs may be permitted, subject to the following restrictions: (a) Sign illumination shall be employed in such manner so as to prevent intense or brilliant beams or rays of light from being directed at any portion of the main travelled way of the highway or adjacent properties. (b) No sign shall have any movement in any of its parts and shall not contain changing illumination.” Note: this provision only applies in the industrial districts.	

5. No exposed reflective type bulb, par spot, or incandescent lamp which exceeds 25 watts shall be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.	“3. Lighted signs shall be permitted in the office and neighborhood commercial areas, provided the illumination is direct or low intensity internal. The source of direct illumination shall be completely shielded from public view and no illumination shall be cast upon adjacent residential districts.” “4. The lighting of any community business district sign shall only be with uniform white light, and such illumination shall be indirect, not internal.”	
6. Internally illuminated signs are not permitted on properties utilized for residential purposes, with the exception of internal illumination for the address of the property if the address is affixed to a home, garage, or mailbox on the property.	The existing ordinance does not have a similar provision.	
Electronic Message Boards – defined as freestanding signs that use light emitting diodes (LED) to electronically change the image or message displayed on the message board. (Recommendations are numbered 1 through 11 below).	The existing ordinance does not define electronic message boards. Rather, it lumps them in with changeable copy signs, which are allowed in districts other than residential.	The inclusion of facts and public policy considerations is recommended.
1. Display only static messages and/or images that remain constant in illumination intensity and do not have movement or the appearance or optical illusion of movement.	“e. The sign shall not contain moving text.”	
2. The image or message of the sign does not flash or scroll (vertically or horizontally).	“f. The text of the sign shall not flash or scroll repeatedly or constantly (vertically or horizontally).	The City Planner’s conceptual draft would also prohibit flashing and scrolling.

3. Not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of 150 feet.	“h. The LED of the electronic message board shall not be illuminated beyond the default settings of the sign manufacturer’s brightness/dimming controls. All light emitted from such sign shall meet any city lighting ordinance provisions and/or codes.”	
4. Be equipped with a fully operational light sensor that automatically adjusts the intensity of the electronic message board according to the amount of ambient light.	The existing ordinance does not have a similar provision.	
5. Change from one message to another message no more frequently than once every ten seconds and the actual change process is accomplished instantly with no effects.	“d. The image or message on the electronic bulletin board shall not change more frequently than once every thirty (30) seconds.”	The City Planner’s conceptual draft suggests messages may only change once per hour.
6. Electronic message boards may operate only when the nonresidential use to which they belong is open or between the hours of 6:00 a.m. and 10:00 p.m., whichever time period is shorter, if installed on a property located adjacent to a residential property use, except that noncommercial uses may also operate an approved electronic message board until and during an event that is open to the public and held after 10:00 p.m.	“g. The electronic message board shall operate only between the hours of 6:00 a.m. and 12:00 a.m.”	The City Planner’s conceptual draft would allow for noncommercial copy in place of commercial copy on any lawful sign.
7. Be designed to either display a full black screen or turn off in the event of a malfunction.	The existing ordinance does not have a similar provision.	
8. Not be authorized until the Building Official is provided evidence that best industry practices for eliminating or reducing uplight and light trespass were considered and built into the electronic message board.	The existing ordinance does not have a similar provision.	
9. The area of an electronic message board may not exceed 1/3 of the entire area of the freestanding sign.	“b. The area of the changeable copy sign shall not exceed fifty (50) percent of the entire sign area.”	The City Planner’s conceptual draft would limit the area to 40 square feet.

10. The owner of an electronic message board shall allow the city to use the electronic message board to communicate emergency public service information approved by the City. The operational restrictions on electronic message boards set forth in this subsection shall not apply during any time that the electronic message board is used to communicate authorized emergency public service information for the city.	The existing ordinance contains an identical provision.	
11. The owner agrees to (i) update with an approved emergency public service information communication, or (ii) discontinue the emergency public service message as soon as possible after receiving a request from the City Community Relations Director. The owner shall file and keep current at all times with the City the name, email address, phone number, cell phone number, pager and other available emergency contact information of the employee(s) or representative(s) of the owner who has been authorized and designated by the owner to communicate the approved emergency public service message using the electronic message board.	The existing ordinance contains a nearly identical provision.	
Enforcement (Recommendations are numbered 1 through 9 below).		
1. The city may remove any non-temporary sign which violates any provisions of this section if the owner upon whose property the sign is located fails to make the sign conform to the provisions of this section within 48 hours of issuance of written notice of violation.	The existing ordinance does not have enforcement provisions. Technically, any violation is a misdemeanor, but no penalties are set forth in the Zoning Ordinance (so by default, Chapter 1 of the City Code controls).	The City Planner's conceptual draft allows for removal of signs by the City in a variety of instances.

2. With respect to temporary or portable signs, in the absence of prior permission having been granted by the property owner for the immediate removal of signs in violation, the city may remove any such sign which violates any provisions of this section if the owner upon whose property the sign is located fails to make the sign conform to the provisions of this ordinance within four hours of personal notice as defined below, or within 48 hours of issuance of notice as defined below. City officials may mark offending signs in a manner reasonably required for future identification. In the event that a marked sign is moved to another location, and such move does not cure the violation, the city shall not be required to give any additional notice before impounding the sign as a nuisance pursuant to the terms of this article.	The existing ordinance does not have enforcement provisions. Technically, any violation is a misdemeanor, but no penalties are set forth in the Zoning Ordinance (so by default, Chapter 1 of the City Code controls).	“Marking” a sign may not be a permitted option in light of relatively recent case law involving “chalking” of tires.
3. In the case of any sign which is located in, projects into, or overhangs a public right-of-way or public easement in violation of this section, the city may remove said sign without notice.	The existing ordinance does not have enforcement provisions. Technically, any violation is a misdemeanor, but no penalties are set forth in the Zoning Ordinance (so by default, Chapter 1 of the City Code controls).	
4. Signs impounded under this subsection will be logged and stored by the city for retrieval by their owner. Before any removed sign is returned to its owner, a fee as determined by the city shall be paid for the removal, storage, and reclamation. Any sign which is removed in accordance with this section shall be deemed abandoned if its owner or the person responsible for the sign does not reclaim it within ten days of the date of its removal, after which the city may dispose of the sign without any further notice.	The existing ordinance does not have enforcement provisions. Technically, any violation is a misdemeanor, but no penalties are set forth in the Zoning Ordinance (so by default, Chapter 1 of the City Code controls).	

5. For purposes of this subsection, “issuance of notice” is defined to include any of the following: a. Facsimile, electronic mail, or first class mail transmission of notice of a violation to either a person or committee mentioned on the sign or to the person responsible for placing the sign or to the property owner; b. Posting of notice of a violation on or reasonably near the sign which is in violation, so long as the posting is conspicuous from the distance at which the sign is generally readable; c. Posting of notice of a violation on or reasonably near one or more entrances of a habitable building on the same property as the sign, so long as the posting is conspicuous; d. Transmission of a telephonic message which indicates that a violation exists, and which offers a brief explanation of the nature of the violation, recorded on an answering system of either a person or committee mentioned on the sign or to the person responsible for placing the sign or to the property owner.	The existing ordinance does not have enforcement provisions. Technically, any violation is a misdemeanor, but no penalties are set forth in the Zoning Ordinance (so by default, Chapter 1 of the City Code controls).	
6. For purposes of this subsection, "personal notice" means personal contact by a Code Enforcement Officer, or other duly authorized agent of the city, with either a person mentioned on the sign, the person responsible for placing the sign, the property owner, or the property owner's authorized representative or resident agent. "Personal contact" means that the officer or agent initiated a person-to-person conversation, or some other real-time communication via electronic means, whereby the officer or agent communicated the existence of the violation and a brief explanation of its nature.	The existing ordinance does not have enforcement provisions. Technically, any violation is a misdemeanor, but no penalties are set forth in the Zoning Ordinance (so by default, Chapter 1 of the City Code controls).	

7. For purposes of this subsection, the phrase "person responsible" for a temporary sign is the person who places the sign, unless the person first notifies the City Clerk's office in writing of another person who is responsible. Persons responsible for political campaign signs also include the candidate for the political office advertised on the sign, unless the candidate first notifies the City Clerk's office in writing of another person who is responsible, and the property owner. In a campaign regarding a ballot measure, the president or chair of the committee supporting or opposing the ballot measure, as well as the property owner, shall be deemed the responsible person, unless the City Clerk's office is notified in writing of another person who is responsible. The person who places the sign, the candidate or the president as applicable must provide the name, address, telephone number, and signed consent of the other responsible person. Persons residing or located outside of Michigan may not be designated as responsible persons. The person placing the sign, or in the case of political campaign signs, the candidate, or in the case of a ballot measure, the committee president or chair, or in each of these cases the other responsible person if so designated, shall be liable to pay any fees or costs incurred for the removal and storage of illegal signs upon retrieval. This subsection shall not be construed to place responsibility upon responsible persons for civil infraction or misdemeanor violations of the City Code.	The existing ordinance does not have enforcement provisions. Technically, any violation is a misdemeanor, but no penalties are set forth in the Zoning Ordinance (so by default, Chapter 1 of the City Code controls).	
8. Any company or individual which files a false affidavit or application for any reason relating to signage under this section shall be guilty of a misdemeanor punishable in accordance with the penalties applicable to misdemeanors set forth in chapter one of the city code.	The existing ordinance does not have enforcement provisions. Technically, any violation is a misdemeanor, but no penalties are set forth in the Zoning Ordinance (so by default, Chapter 1 of the City Code controls).	

9. Owners, lessors, and lessees may all be held equally responsible for violations of this section.	The existing ordinance does not have enforcement provisions. Technically, any violation is a misdemeanor, but no penalties are set forth in the Zoning Ordinance (so by default, Chapter 1 of the City Code controls).	The City Planner's conceptual draft includes violation and remedy provisions, including notice of the violation and City actions to remedy a violating sign.
Nonconformity and modification (Recommendations are numbered 1 through 7 below).	The existing ordinance does not have any similar provisions.	
1. Notwithstanding any other provisions of this ordinance, signs lawfully in existence on the date the provisions of the ordinance enacting this section were first advertised, which do not conform to the provisions of this section, but which were in compliance with the applicable regulations at the time they were constructed, erected, installed, affixed, or maintained, shall be regarded as nonconforming. However, a sign installed during the period of time following the day on which the United States Supreme Court released its opinion in <i>Reed v Town of Gilbert</i> (June 18, 2015) and the date the provisions of this section were first advertised for adoption shall not be considered a nonconforming sign unless it conformed to the regulations in effect on the day immediately preceding the release of the decision in <i>Reed v Town of Gilbert</i> .	The existing ordinance does not have any similar provisions.	The City Planner's conceptual draft would allow nonconforming signs to continue until removed or altered, provided they meet certain requirements for maintenance, expiration, replacement, size, and location changes.
2. A nonconforming sign shall not be enlarged or extended.	The existing ordinance does not have any similar provisions.	
3. A nonconforming sign shall not be moved to another location on the same lot or to any other lot.	The existing ordinance does not have any similar provisions.	

4. A nonconforming sign that is destroyed or damaged as a result of factors beyond the control of the owner of the sign and the owner of the premises on which the sign is located, to an extent the destruction or damage exceeds 50% of its appraised value, shall not be replaced or restored unless it complies with this section.	The existing ordinance does not have any similar provisions.	
5. A nonconforming sign that is destroyed or damaged as a result of factors beyond the control of the owner of the sign and the owner of the premises on which the sign is located, to an extent the destruction or damage is 50% or less of the appraised value, may be replaced or restored provided that the replacement or restoration is completed within six months after the date of the destruction or damage, and the sign is not enlarged or extended. The time for replacement or restoration may be extended for one additional six month period if the Building Department verifies that the replacement and/or restoration process is underway, is being pursued in good faith, and delays in the process are reasonably related to insurance or other financing delays beyond the control of the owner of the sign.	The existing ordinance does not have any similar provisions.	
6. A nonconforming sign declared to be unsafe by a code official because of the physical condition of the sign, including an unsafe physical condition arising from the failure of the sign to be maintained, shall be removed.	The existing ordinance does not have any similar provisions.	
7. The owner of any premises on which there is installed a nonconforming sign shall, upon notice from the City Planner, submit verification within 60 days that the sign was lawfully in existence at the time of adoption of these sign regulations. The City Planner shall maintain a registry of such nonconforming signs.	The existing ordinance does not have any similar provisions.	
Additional Requirements: See pages that follow.		

Additional recommendations for signage to be covered by the ordinance:

1. Temporary Agricultural Sales Signs (the existing ordinance is silent)

Temporary agricultural sales signs shall be permitted only on parcels at which the City Planner has verified the existence of lawful agricultural sales activity. Permanent agricultural signs are only permitted in nonresidential zones, except that permanent agricultural signs will be permitted in nonresidential zones for properties that do not have a residential use as their principal use if the City Planner has verified the principal use of the property as agricultural.

2. Billboards (the existing ordinance is silent)

1. Billboards are freestanding off-premises signs.

2. The City Council has determined that signs and billboards located on premises to which they do not specifically relate, and which are designed to capture the attention of motorists and others utilizing public ways, create a danger to public safety by distracting the attention of drivers from the roadway, who in some instances may focus on the message being conveyed, the anticipated message to follow, and/or other function of a billboard visible while operating a motor vehicle. A number of national and international studies during the period 2013 to 2021 have observed that "driving irrelevant" material may make it difficult to extract information that is necessary for safe driving; advertising signs affect driver attention to the extent that road safety is compromised; clear evidence of impaired driving performance became evident as drivers passed billboards at higher speeds; and drivers glance more at the time of a switch to a new message display than when a billboard is simply visible and stable.

3. Further, the United States Supreme Court has recognized that it is not speculative to recognize that billboards, by their very nature, wherever located and however constructed, can be perceived as an aesthetic harm. An unmarred landscape promotes tourism and levels the playing field between local businesses and national chains.

4. At least four states have completely banned billboards, and at least two other states have banned the construction of any new billboards.

5. Therefore, because billboards are only one form of expression for messages that can be communicated in many other reasonable and alternative ways, billboards are not permitted in the City of Fraser, except as may be permitted by any governmental entity not subject to city regulation or control, in which instances all city regulations not otherwise preempted shall still apply, and if not preempted such billboards shall not exceed 25 feet in height or 150 square feet in area and shall be subject to the city's sign permitting process.

6. Nonconforming billboards in existence on the date this subsection was adopted may be maintained and repaired so as to continue the useful life of the sign. However, no features or characteristics of nonconforming billboards may be expanded, enlarged, or extended, and all of the regulations in this section and in other sections of the City Code and applicable technical codes shall apply to nonconforming and exempt billboards in order to minimize their negative secondary effects, preserve the character and repose of adjacent areas, protect property values, and reduce traffic and similar hazards caused by undue distractions.

3. Directional Signs

Directional sign regulations and distinctions were recognized by *Reed v Gilbert* (2015) as protecting vehicular and pedestrian safety, and therefore they serve a compelling governmental interest.

1. Directional signs shall be considered incidental, shall be limited to one sign at each entrance, and shall not exceed four square feet and four feet in height. Directional signs set at an entrance point may be located within a required yard subject to the sight line and clearance distance restrictions set forth in this section.

2. Directional, informational, and traffic control signs placed by government entities are permitted in all zoning districts and shall be installed, to the extent applicable, in accordance with the Manual on Uniform Traffic Control Devices.

Existing ordinance provisions:

f. All directional signs required for the purpose of orientation, when established by the city, county, state or federal government, shall be permitted in all use districts.

v. Directional signs for off-street parking areas, open or enclosed, are permitted, providing they do not exceed two (2) square feet in area, are not higher than three (3) feet above curb level, do not obstruct the view of vehicular or pedestrian traffic, and shall not contain advertising. (This provision only applies in the office and commercial and industrial districts, or for special land uses.)

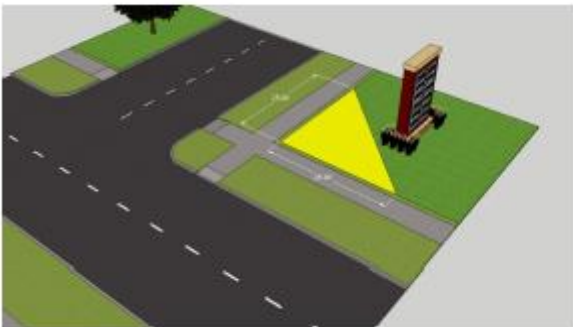
The City Planner's conceptual draft would allow directional signs for orientation of the general public when erected by a public agency. The draft also allows on-site directional signs for the safe and efficient movement of traffic through a site (limited to 40 square feet of sign face, with no single sign exceeding 10 square feet of sign area). Entry and exit signs of 1 square foot each would also be allowed.

4. Freestanding Signs

1. In all developments that require site plan approval pursuant to the City's site plan approval requirements, one permanent freestanding sign shall be permitted, except as otherwise provided herein.

2. Permanent freestanding signs shall not exceed 15 feet in height as measured from the approved grade.

3. No sign shall be installed within the required corner clearance area established in this ordinance nor within the corner clearance area created by the two lines of the existing or proposed (whichever is greater) right-of-way lines of exterior streets and the curb line of a nonresidential entranceway, and the straight line connecting them at points ten feet distant from where the right-of-way lines intersect.



a. Exception: The sight distance triangle may be extended by the city to conform to minimum Michigan Department of Transportation sight distance standards or in situations when the City Planner determines that an extension is required for public safety due to topography, road alignment, or other physical conditions of the area.

4. Freestanding signs shall be designed to be compatible with the architecture and approved masonry materials used on the principal building. All permanent freestanding signs shall be monument style with a brick and/or decorative stone base with no exposed poles which is a minimum of two feet or 20% of the total height of the sign and base, whichever is greater. The height of the base for permanent freestanding signs shall not exceed 1½ times the width of the sign.

5. Up to 1/3 of a permitted freestanding sign may consist of an electronic message board or changeable copy area.

6. For developments having more than one frontage on a major or secondary thoroughfare having a right-of-way of at least 86 feet or greater, one freestanding sign shall be permitted to be located on each frontage, provided the distance between the two signs is not less than 500 feet measured along the abutting right-of-way line.

7. Permanent freestanding signs are not permitted on single-family residential properties, with the exception of residential subdivision identification signs as permitted in this section.

8. Off-premises signs are prohibited. Freestanding signs on nonresidential properties must relate to the business, activity, or service conducted on the premises upon which the sign is placed.

Exception:

a. Freestanding off-premises signs for business tenants, if part of a unified development where separate parcels exist, so long as no other freestanding sign already exists on the parcel where the freestanding off-premises sign is proposed.

b. Public signs, warning signs, and permitted directional signs.

9. The maximum size of a freestanding monument sign may be increased by 20% up to a maximum of 16 square feet provided the owner of the property agrees in a recorded document to irrevocably dedicate that additional dedicated square footage of the monument sign to solely advertise that space is available for rent, lease, occupancy, or sale.

10. Permanent freestanding signs may be located in the required front yard if they are at least 12 feet from the existing or planned public right-of-way (whichever is greater) as shown in the Master Road Plan or at least five feet back from the curb or pavement of any private street. Permanent freestanding signs shall not be located in a required side yard or required rear yard. Temporary freestanding signs may be located in the required front yard if they are at least five feet from the public right-of-way as shown on the Master Road Plan or at least five feet back from the curb or pavement of any private street.

11. A permanent freestanding sign shall not be closer than 100 feet from any adjacent single or two family zoning district or 50 feet from any off-site sign.

12. The maximum size of a freestanding sign in (list the districts here) Districts (and on properties used for purposes that are only permitted in those districts) shall not exceed one square foot for each two linear feet of street frontage to which that sign is oriented. In no instance shall the frontage of two or more streets be combined in computing the maximum size permitted. The maximum size of any freestanding sign shall be 150 square feet. A freestanding sign may include an electronic message board provided the requirements set forth in this section for electronic message boards are met.

Note: The existing ordinance only mentions that accessory, freestanding signs shall not be located closer than 100 feet to any property line of any adjacent residential district, and all accessory freestanding signs shall not encroach on the front 10 feet of the front yard requirement or as provided in section 32-85(3)b. (which addresses minimum distances for freestanding and ground signs), whichever is greater, and must be at least 10 feet at their lowest point above the sidewalk level or less than 4 feet in height at the highest point. In addition, no freestanding sign shall be constructed in a manner as to impair observations of pedestrians and vehicles. Also, the ordinance has specific requirements for individual businesses or industries that occupy their own individual site or lot, and for shopping centers, office buildings, and multi-tenant industrial buildings, and for permitted wholesale or industrial sites. In residential, one accessory freestanding sign is permitted during a residential project development by a project builder as a temporary use. All freestanding accessory signs must comply with the Schedule of Ground and Pylon Sign Regulations.

The City Planner's conceptual draft would require all ground signs to be low-level monument style. Pole signs would be prohibited. An exception may be permitted if the ground sign is supported by two decorative posts on each side, with certain vertical distance and height requirements. Only one ground sign would be permitted per lot or parcel, unless the lot has more than 100 feet of frontage on each of 2 or more public streets (one sign for each street frontage).

5. Identification Signs

An identification (nameplate) sign shall be considered incidental, and one sign, not exceeding six square feet, may be installed by each tenant. In addition to the identification signs for occupants, the rental and/or management office of the development may have one identification sign not to exceed four square feet in size.

Note: The existing ordinance allows for one identification or nameplate wall sign for each individual tenant business in shopping centers, office buildings, and multi-tenant industrial buildings. The Planning Commission evaluates the style. In addition, a 20 square foot identification sign is permitted for community facility uses (in the rear half of the required front yard setback). The ordinance also addresses residential entrance identification signs.

6. Real Estate Development Signage

1. One two-sided sign or two one-sided signs shall be permitted to be located at each entrance to the development which is located on a major or secondary thoroughfare as identified upon the Master Road Plan. In addition, one two-sided sign shall be permitted to be located upon a boulevard median of a collector, local, or private street leading directly into the development.

2. Signs permitted under this subsection may not exceed a maximum size of 25 square feet.

3. All other provisions of this section not in conflict with this subsection shall apply.

Note: The existing ordinance allows the building official to approve one off-site real estate sign directing the public to the real estate during the construction of a building or buildings or the offering for sale of real estate, limited to 9 square feet and honoring setback requirements. In addition, an accessory freestanding ground sign to be used during a residential project development by a project builder may be permitted as a temporary use.

7. Residential Subdivision Identification Signs

1. Shall not exceed a maximum size of 25 square feet per sign.

2. Shall be permitted to be located either upon masonry walls along the perimeter of the development meeting the requirements of this ordinance or upon a masonry entranceway structure meeting the requirements of this ordinance.

3. One two-sided sign or two one-sided signs shall be permitted to be located at each entrance to the development which is located on a major or secondary thoroughfare as identified upon the Master Road Plan. In addition, one two-sided sign shall be permitted to be located upon a boulevard median of a collector, local, or private street leading directly into the development.

4. The residential subdivision identification sign structure shall be in scale with any adjoining landscape treatment.

5. No entranceway sign structure permitted under this subsection shall be constructed of exposed concrete block, cinder block, precast concrete panels, or poured concrete.

6. Any permitted residential subdivision identification sign shall be located in either a common area of the development or upon property for which a private easement has been granted to a subdivision association (or similar entity) which shall have the responsibility for maintaining the sign and any appurtenant structures. An agreement providing for the maintenance of the sign(s) or structure(s) in recordable form satisfactory to the city shall be furnished to the city prior to installation of the sign(s) or structure(s).

Note: The existing ordinance allows no more than two signs associated with entrance identification. They are restricted to identification of the project or subdivision name only, and the sign or lettering may not exceed 24

square feet per sign. No more than one sign may be placed on each side of an entranceway or in an entrance road median.

The City Planner's conceptual draft would allow one entrance sign per entrance into a residential subdivision or non-residential use in the RL, RM, RH, and OS districts.

8. Temporary Signs

1. Shall be maintained free of rust, corrosion, peeling, breakage, graffiti, obfuscation, and all other damage or defacement.

2. All temporary signs shall be aesthetically pleasing and designed and constructed of durable materials installed in conformance with the current provisions of the Michigan Building Code, as amended, and maintained in accordance with the provisions of the International Property Maintenance Code, with local amendments, as adopted by the city.

3. Shall not be installed in such a manner that it interferes with, or might reasonably be expected to interfere with, vehicular or pedestrian traffic.

4. Shall not be installed within any dedicated right-of-way.

5. Shall only be located on property with the approval of the person or entity with authority to approve it.

6. Must be placed a minimum of five feet from any side property line.

7. All temporary signs shall be removed within seven days after they are no longer necessary for, or capable of, fulfilling their intended purpose.

8. For long-term temporary signs, all ground-mounted support posts shall be constructed of four-inch by four-inch pressure-treated posts with decorative post caps. All support posts and decorative post caps, and other supporting framework, shall be painted a uniform color.

9. A temporary sign that is not permanently affixed to the ground or to a permanent structure, or a sign that is mobile and can be moved to another location, shall be stabilized so as not to pose a danger to public safety. Prior to the sign being installed, the Building Department shall approve the method of stabilization.

10. On properties utilized as single-family residential:

- a. Short-term temporary signs shall not exceed three square feet.
- b. Long-term temporary signs shall not exceed six square feet.
- c. Total square footage for all temporary signage shall not exceed nine square feet.
- d. The length shall not exceed the width of the sign by more than a three-to-one ratio.
- e. The height shall not exceed five feet from top to ground.

11. On properties that are not utilized as single-family residential:

a. Because non-residential uses are afforded a variety of unique options for expression of commercial and site-usage messages based on the inherent distinctions between residential and non-residential property uses, including but not limited to freestanding signage, wall signage, window signage, and identification signage, the city deems the societal interests in limiting the proliferation of blight and reducing driver distraction and vision obstructions to be paramount over the ability to communicate additional commercial messages through signage.

Therefore, temporary signs relating to the commercial use of the property are not permitted unless approved as an integral but incidental part of a temporary use permit, the process for which is set forth elsewhere in the city's zoning ordinance. The term "commercial use of the property" means any activity on the site that is related to, or which promotes, the use(s) for which a certificate of occupancy has been granted by the city, or for which any use variance or special approval land use has been approved.

b. For all temporary signage not relating to the commercial use of the property:

- (1) Short-term temporary signs shall not exceed 12 square feet.
- (2) Long-term temporary signs shall not exceed 16 square feet.
- (3) Total square footage for all temporary signage shall not exceed 40 square feet.
- (4) The length shall not exceed the width of the sign by more than a six-to-one ratio.
- (5) The height shall not exceed five feet from top to ground.

(6) No temporary signs are permitted until unused space on any building or monument sign is filled, unless an administrative modification is granted by the Administrative Review Board, or a variance is approved by the Zoning Board of Appeals. If a temporary sign is placed and thereafter 16 or more square feet of unused space on the existing monument sign becomes available, the temporary sign shall be removed within 60 days.

(7) Standards for an administrative modification from the Administrative Review Board:

(a) The property owner has less than 16 square feet of unused space on the existing monument sign available; or

(b) The property owner has less than 16 square feet of usable contiguous space on the existing monument sign available, even if there is more than 16 square feet of unused space on the existing monument sign.

(8) Standards for a variance requested from the Zoning Board of Appeals:

(a) The property owner demonstrates an unfair or undue hardship or practical difficulty in complying with one or more of the provisions of this subsection relating to temporary signs.

(b) The Zoning Board of Appeals may consider the additional factors set forth elsewhere in the zoning ordinance for granting a variance, but may relax or waive those considerations due to the temporary nature of the variance, which shall expire as prescribed by the Zoning Board of Appeals.

(c) The Zoning Board of Appeals may impose conditions deemed reasonable under the circumstances underlying the variance request in order to protect the character of the surrounding area, honor the spirit and intent of the zoning ordinance and the regulations governing signage, and do substantial justice to the applicant and nearby property owners.

(9) A property owner aggrieved by a decision of the Administrative Review Board may appeal that decision to the Zoning Board of Appeals, which shall determine whether there is competent, substantial, and material evidence to support the decision of the Administrative Review Board. The Zoning Board of Appeals may affirm, modify, or reverse the decision of the Administrative Review Board. The Zoning Board of Appeals may impose new conditions if it modifies the decision of the Administrative Review Board or grants approval of the property owner's request for relief.

12. A cold air balloon may be permitted in conjunction with a temporary use permit for a period not exceeding five days in any calendar year, provided that it is safely secured to the ground as determined by the Building Department.

13. Registration requirements. Every temporary sign in a non-residential zoning district or installed on any vacant parcel within the city shall be registered prior to installation. A permit is not required.

- a. Any sign still installed after the expiration of its registration shall be subject to removal by the city.
- b. Registration may be submitted through an online portal on the city's website or by using a form provided by the City Clerk.
- c. The registration shall include the following information in order for the registration to be deemed effective:
 - (1) The address of the location for the temporary sign.
 - (2) A description of the sign (or image) with the sign's dimensions;
 - (3) The first and last name of the registrant;
 - (4) Whether the sign is a short-term or long-term temporary sign;
 - (5) If the registrant is not the owner or a person with authority over the use of the location, the name, telephone number or e-mail address for the individual who provided permission for installation of the sign;
 - (6) A mailing address, telephone number, and e-mail address for the registrant to which the City Clerk will provide confirmation of the registration or any deficiencies in the registration information; and
 - (7) A certification that the registrant has permission or authority from the property owner or person with authority over the property for installation of the sign.
- d. If the registrant does not specify a start date for the sign to be displayed, registration of the sign shall be effective upon written confirmation by the city that all information required by this subsection has been accurately provided.
- e. No fee shall be charged for registering any temporary signs.
- f. Registration of a short-term temporary sign is valid for 90 days. Registration of any long-term temporary sign is valid for one year. One renewal for an additional 90 days for short-term temporary signs and for an additional one year for long-term temporary signs shall be granted administratively upon written request so long as the sign remains in compliance with all other requirements of this section. No additional registrations for the same location shall be accepted by the city during any 12-month period, and if the sign pertains to an event, occurrence, or activity, no registration shall be accepted by the city more than 90 calendar days prior to said event, occurrence, or activity.
- g. When such signs exceed the quantity or size limitations on any parcel, those with a registration that became effective first in time shall have priority to remain in place.
- h. A property owner may revoke, in writing, any sign registration for the owner's property at any time. Revocation shall be effective immediately upon verification by the city of the veracity of the written revocation. The city may immediately remove any signs for which revocation of a registration has become effective under this subsection.
- i. These registration requirements do not apply to temporary signs authorized by the city in conjunction with a temporary use permit.
- j. Registration of a temporary sign that is not otherwise permitted does not validate the installation of the sign and will not be deemed a defense to any removal or enforcement by the city.

14. Temporary signage not exceeding 100 square feet to be used in conjunction with a municipality-sponsored event shall not require review, registration, or permit.

15. All temporary signs shall be subject to removal by the city if the signs are placed within any right-of-way or have become dilapidated, damaged, dangerous, faded, or an attractive nuisance.

16. Signs removed by the city shall be held for ten days before disposal, and may be retrieved during that time by the owner or individual responsible for the sign upon payment of any administrative processing fee established by the city's annual appropriations ordinance.

a. Alternatively, the owner or individual responsible for the sign may appeal the city's determination regarding the improper condition of the sign to the Administrative Review Board. In such instance, the city shall retain the sign until the appeal is concluded, but need not retain the sign for any future appeal efforts if the appeal is denied by the Administrative Review Board. If the Administrative Review Board grants the appeal and deems the sign to be satisfactory, the administrative processing fee shall be waived and the sign shall be returned to the applicant within one business day, and may not be removed by the city again for a minimum of 14 days or for such other period of time deemed appropriate by the Administrative Review Board.

The "Administrative Review Board" is a board comprised of three City officials to hear requests for administrative modification or administrative appeals permitted by this section.

Note: The existing ordinance does not include much direction regarding temporary signage. It allows for a limited number of project signs of temporary duration in office, commercial, and industrial districts. It also allows temporary noncommercial signs in residential (up to a total of 6 square feet). In the CBD district, temporary window signs are permitted if they do not exceed 15% of the area of the window in which they are displayed (limited to 30 days and subject matter of a truly temporary nature).

The City Planner's conceptual draft includes allowances for some temporary noncommercial signs in all districts without a permit, with a 24-square-foot limit and a maximum height of 6 feet. Written permission from the property owner would be required. The draft also includes regulations for temporary on-premises commercial signs (limited to one with a total sign area of 10 square feet to 24 square feet, depending on the zoning district and/or parcel size). The maximum height would be 6 feet. The draft also would limit the number of other temporary signs to 1 per street frontage and 1 per public entrance to the building. In residential, height would be limited to 6 feet, area would be limited to 16 square feet, and building mounted temporary signs would not be allowed to exceed 10% of the signable area of the building space occupied by the use associated with the sign. In nonresidential, the draft would limit ground mounted temporary signs to 8 feet in height and 36 square feet in area (with the same 10% rule for building mounted temporary signs). Banner signs would be allowed up to 100 square feet. The draft also includes the possibility of requiring a removal agreement or security bond to guarantee removal (signs must be removed upon expiration of the sign permit). Display periods would be specified on the permit, with a total display period for temporary signs on a single lot or for a single use not to exceed 60 days per calendar year.

9. Wall Signs

For uses other than residential in residential zoning districts (i.e. farming, agricultural, schools, churches, cemeteries, nursing homes, private clubs, fraternal organizations), there shall be allowed one wall sign with a maximum area of 32 square feet or one freestanding sign with a maximum area of 32 square feet and not exceeding seven feet in height.

The maximum size of wall signage in (list the districts here) Districts (and on properties used for purposes that are only permitted in those districts) for buildings and for individual tenant spaces shall not exceed 10% of the total area of the structure frontage, including the area of all fenestration, and in no instance shall the sign area of all wall signage exceed 200 square feet. A wall sign may be located on the front, rear, or side facade of the building. Wall signs shall not extend above the top of a parapet wall or an eave line at the wall, whichever is higher.

1. A wall sign shall be installed only on the wall of the tenant space to which the sign pertains and shall be aesthetically and thematically compatible with the building, other wall signs, the overall development of the parcel, and nearby properties.

2. The structure frontage for calculating the permitted wall signage is the overall horizontal length of the outside structure wall of the establishment that fronts a public or private roadway and is then multiplied by the overall height of the walls of such structure. If the structure has more than one wall plane which runs parallel to the frontage road, the sum of all such wall planes may be calculated in determining overall structure frontage.

3. An identification sign shall be considered incidental, and one sign, not exceeding six square feet, may be installed by each tenant.

4. One additional wall sign relating to the commercial use of the property is permitted on those facades of a building that are not visible from a public way, subject to a maximum size limitation of 10% of the tenant space facade for each tenant, or 10% of the building facade, on which the wall sign is located.

Note: The existing ordinance indicates that all signs, other than freestanding signs, must be displayed flat against the wall of the building or parallel to the wall of the building. They may not project or overhang the wall or any permanent architectural feature by more than one foot and may not project above or beyond the highest point of the roof or parapet (except in the CBD district). Internally lighted canopies and canopies with signage are treated as wall signs. In general, wall signs and behind-the-window signs with lettering or symbols of 3 inches or less may be permitted. For businesses occupying their own individual site or lot, a second permitted sign is a front wall sign, which may be used for advertising. Identification or nameplate wall signs are also permitted for shopping centers, office buildings, and multi-tenant industrial buildings. In office and neighborhood commercial districts, a wall sign may not exceed 32 square feet for each occupant (Planning Commission can allow an increase for multiple unit occupancies). In the CBD district, one wall sign is allowed per establishment (up to 32 square feet), but a projecting sign may be used in place of the wall sign and may overhang the public right-of-way (up to 20 square feet on each side, no further than 5 feet from the building wall), or a combination of both may be used (up to a total surface of 32 square feet), and corner locations may have two such wall signs. In general commercial areas, businesses on individual lots may have wall signs covering up to 50% of their front wall signable area (up to 48 square feet). In industrial districts, only one freestanding or wall sign is permitted, and the wall sign may not exceed 20% of the building's front wall signable area (up to 100 square feet).

The City Planner's conceptual draft would prohibit projection of wall signs by more than 1 foot.

10. Window Signs

Window signage is permitted but the maximum size of a window sign shall not exceed 25% of the total glass area of the facade it is located on, and in no instance shall a window sign exceed 150 square feet in area.

Note: The existing ordinance allows temporary window signs occupying not more than 25% of the window space. In addition, one gasoline price sign is permitted, no larger than 20 square feet, for each establishment selling gasoline or diesel fuel as part of its principal permitted use.

The City Planner's conceptual draft would allow window signs, but only for products or services provided on the premises, and for not-for-profit and civic functions (could be a content-based issue to consider further). Light emitting elements would be prohibited.

11. Permits

The City Planner's conceptual draft includes the possibility of requiring permits for all signs unless an exception applies. The draft includes informational requirements and authorizes the "Zoning Administrator" to determine whether a permit may be issued.

The existing ordinance requires a building permit for any sign in the office, commercial, and industrial districts, or for special land uses. Applications appear to go to the Planning Commission unless it delegates its review authority to the Building Official.

12. Sign Area

The City Planner's conceptual draft includes criteria for measuring the actual "sign area" of a sign structure.

The existing ordinance does not explain how "sign area" will be measured.

13. Construction and Maintenance

The City Planner's conceptual draft includes a requirement that signs withstand all wind and vibration forces that can normally be expected to occur. Construction in a safe, sturdy, and durable manner with proper bracing, anchorage, and foundation would also be required. Similarly, all signage and materials would need to be maintained in good repair and working order, with painting required to prevent corrosion of non-galvanized or corrosion-resistant materials.

The existing ordinance does not have any similar provisions. However, the Property Maintenance Code would likely control when it comes to maintenance obligations.

14. Obstruction

The City Planner's conceptual draft includes a prohibition on signs obstructing fire escapes, exits, windows, or door opening used as a means of passage or as access for firefighting purposes.

The existing ordinance does not have a similar provision. However, the Fire Code would likely control.

15. Obscenity

The City Planner's conceptual draft would prohibit obscene material, as well as indecent or immoral material.

The existing ordinance does not have a similar provision. However, although obscenity is generally not well-protected by the First Amendment, indecent and immoral material may be difficult to regulate. In addition, to the extent possible, regulation of content should be very narrowly tailored and serve a very strong public purpose.

16. Historic Places

The City Planner's conceptual draft would allow historic place signage.

17. Incidental Signs

The City Planner's conceptual draft would allow "incidental signs" not larger than 3 square feet and not legible from off-site.

18. Sign Tables

The City Planner's conceptual draft includes a table indicating the types of signs permitted by zoning district, subject to the approval of a building permit. The draft includes a second table indicating the quantity and area requirements for certain signs by zoning district.

19. Maximum Sign Area

The City Planner's conceptual draft would identify the maximum sign area in industrial districts and in the OR district.

20. Design Standards

The City Planner's conceptual draft would identify district-specific requirements for building-mounted signs (square footage, wall signage, projecting signs, awning signs, roof signs). The standards would also address materials, installation, and multi-tenant signage.

21. Ground Signs

The City Planner's conceptual draft would create a table for ground sign dimensions and setback requirements, based on zoning district. Natural materials would be "preferred." Low level landscaping would be required around the base.

22. Drive-Through Signs

The City Planner's conceptual draft would allow for signs related to the drive-through facility to allow for the safe and efficient movement of traffic through a drive-through site (up to 6 feet in height, max 32 square feet, monument style).



CITY MANAGER

Elaine Leven

CITY CLERK

Cynthia Greenia

City of Fraser

CENTENNIAL COMMUNITY

MAYOR

Michael Carnegie

MAYOR PRO-TEM

Patrice M. Schornak

COUNCIL

Amy Baranski

Kathy Blanke

Suzanne Kalka

Patrick O'Dell

Dana Sutherland

To: Planning Commission Members

Date: 09/28/23

From: City Clerk Greenia

Re: Joint Training Date with ZBA

The following members of the Planning Commission and Zoning Board of Appeals have expressed interest in a joint training presented by our attorney and planner in the Fall of this year:

Mark Burley
Kathy Czarnecki
Frank Farina
Matt Goodell
John Keil
Michael Lesich
Rosanne Menendez
Renee Meyer

I am asking for suggested dates for this training. There will be a Zoning Board of Appeals Meeting tomorrow night. I will be putting this on their agenda as well.

OCTOBER 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
6	7	8	9	10 Columbus Day	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31 Halloween	1	2

2023 NOVEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		



Monthly Planning & Zoning Report

For September 2023

McKenna provides day-to-day assistance to the City, applicants, and the public regarding zoning, planning and economic development matters.

PLANNING, ZONING, DESIGN & ECONOMIC DEVELOPMENT ACTIVITY

As part of our services to the City, McKenna reviews Planning Commission applications and provides recommendations on long range planning, land use, zoning, and design. The following is a summary of active developments; **yellow highlighting indicates new updates for the month.**

PROJECT # / ADDRESS	SCOPE	STATUS / NEXT STEPS
#SP21-08 34400 Utica Hockeyland Outlot	Site plan approval with conditions granted on August 4, 2021.	Site plan approval extended for 12 months, August 2, 2023, subject to site plan amendment approval. Approved to apply for foundation permits. Revised site plan approved at September PC meeting. CofO contingent on satisfaction of all PC conditions of approval. Lot split application approved in October 2022. Approved to move forward with the process without finalized parking agreement. Construction underway. Discussion at September 6, 2023 Planning Commission. Applicant has indicated they would like Planning Commission to reconsider the conditions of the site plan approval.
#SP22-01 / SLU22-01 34360 Utica Shooter's Bar & Grill	Special Land Use and Site Plan application to install an outdoor patio at 33460 Utica (Shooter's).	Patio construction begun without permit and contrary to approved site plan – stop work order issues. Pending fulfillment of site plan approval conditions. Applied for a larger than approved patio building permit – denied. Still awaiting for conditions to be met before applicant can move forward with construction. Patio has been removed. Unaware if patio will be replaced at this time.
#SP22-03 33180 Groesbeck Retail	Site plan application to renovate the façade and improve the site of the 33180 Groesbeck Retail Center	Variance for non-site obscuring, ornamental four-foot fence forward of the front building line approved at November ZBA meeting.



PROJECT # / ADDRESS	SCOPE	STATUS / NEXT STEPS
		Pending revised site plan submission and City receipt of cross-access agreements. Final site plan approval granted at June 7th, 2023 Planning Commission meeting with condition of the elimination of the cross-access agreement.
#SP22-04 <i>Fairway Packing</i>	Site plan application to build a new 31,000 SF industrial building on 15 Mile for potential tenant Fairway Packing.	Approved at October PC meeting. Building permit application applied for.
SP22-08 <i>31475 Utica Road</i> <i>Devon Storage</i>	Site plan application to convert existing building into climate-controlled storage space with 7 smaller drive-up storage spaces.	Site plan was tabled at the February 2023 PC meeting for applicant to receive variances from ZBA for setback of building requirements. Final site plan approval received at June 7th, 2023 Planning Commission Meeting.
SP23-01 <i>33060 Groesbeck Hwy (Vacant DQ property)</i> WITHDRAWN	Site plan application submission to convert vacant DQ building to a Commercial Office Space.	Site plan to be seen at June Planning Commission meeting. ZBA granted approval of three parking spaces April 2, 2015. Site plan approval was granted Jun 1, 2015 by PC. Site plan approval expired because construction was never started. Applicant to come back to Planning Commission if necessary for new site plan approval. Application withdrawn 7/28/2023.
SP23-02 <i>31401 Groesbeck Hwy, Popeyes</i>	Site plan amendment applied for new drive-thru window, lighting, signage, and dumpster enclosure relocation. Also includes addition to building.	Postponed at August 2, 2023 Planning Commission meeting until September 6, 2023 meeting for applicant to apply for a Class A Nonconforming designation. Public Hearing to be held for Class A designation on September 6, 2023. Class A designation approved. Final site plan administratively approved with Planning Commission conditions met.
SLU23-01 <i>31000 Groesbeck Hwy</i>	Special Land Use application to operate an auto repair shop in the CG district.	Postponed at August 2, 2023 Planning Commission meeting until September 6, 2023 for applicant to submit full site plans. Site plan and SLU approved on September 6, 2023. Pending final site plans.



PROJECT # / ADDRESS	SCOPE	STATUS / NEXT STEPS
ZBA22-01 <i>Like Nu Carpet Cleaning</i>	Variance request at 34155 Kelly Road to place a ground sign closer to the road centerline than allowed, and to place an additional (wall) sign on the building. Two variances were granted on March 3, 2022.	Sign permit process initiated by applicant, awaiting revised drawings for compliance with Ordinance and variance granted. Applied for wall sign permit approved at ZBA. Ground sign still not applied for.
ZBA22-04 <i>33180 Groesbeck Retail</i>	Variance request to erect a structure meeting the definition of a fence between the front building line and the property line.	Variance granted at the November ZBA meeting, pending PC approval of the fence design.
ZBA22-05 <i>16841 E 14 Mile Road Smokey Joe's</i>	Variance request to erect an additional wall sign and keep existing 59.5 square foot wall sign.	Variance request was postponed giving the applicant the opportunity to revise plans and come back to the May 18, 2023 ZBA meeting. Variance denied at May 18, 2023 ZBA meeting.
ZBA23-01 <i>31475 Utica Road Devon Storage</i>	Variance request for relief of side yard setback requirement from an adjacent residential district.	Variance granted with conditions at May 18, 2023 ZBA meeting. Planning Commission to grant final approval.
ZBA23-02 <i>34835 Utica Road Meijer</i>	Variance request for 2 (two) additional wall signs at Meijer and 1 (one) additional wall sign at Meijer Gas station.	Variance request to be seen at a ZBA special meeting, June 20, 2023. Variance for extra signage approved at June 20th, 2023 meeting.
ZBA23-03 <i>17157 Anita</i>	Application for residential variance for rear and side yard setbacks for attaching detached garage to primary residence.	Application to be seen at July 20, 2023 Zoning Board of Appeals meeting. Postponed until August 3, 2023 Zoning Board of Appeals meeting. Application denied at August 3, 2023 meeting.
SP23-03 / ZBA23-04 <i>32660 Utica Road Strip Mall</i>	Site plan to convert a coin-operated car wash into a 3-unit commercial strip mall. Variance request to reduce the front setback from 70 ft to 35 ft.	Preliminary site plans reviewed. Applicant contacted for revised site plans. Postponed until October 4, 2023 Planning Commission Meeting. Variance request scheduled for October 5, 2023 ZBA.

LOOKING FORWARD



- Draft Sign Ordinance underway. Sign Ordinance will be an item on Planning Commission agendas to update sections at a time, starting in September 2023.

CONTACT US

Should you have any questions on the above projects or would like additional information, please contact your City of Fraser team at:

- Lauren Sayre (lsayre@mcka.com)
- Alicia Warren (awarren@mcka.com) – Out of Office until December