

CITY OF
PORTAGE
A Place for Opportunities to Grow

ZONING BOARD OF APPEALS

**October 15, 2012
Special Meeting**

CITY OF PORTAGE ZONING BOARD OF APPEALS

**SPECIAL MEETING
AGENDA**

**October 15, 2012
(7:00 p.m.)**

Portage City Hall Conference Room No. 1

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES:

PUBLIC HEARINGS:

NEW BUSINESS:

- * 1. Business Sign Workshop
--- adjourn to Conference Room No. 1

OLD BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

Star (*) indicates printed material within the agenda packet.

TO: Zoning Board of Appeals **DATE:** October 5, 2012
FROM: Vicki Georgeau, ^{VA} Director of Community Development
SUBJECT: Business Sign Issues

Following the City Council retreat in December 2011, Council established a Sign Committee to review issues of potential concern with regard to signs in the City of Portage. The Sign Committee's official charge is to: review user/business friendly issues with regard to signs; clarify banner sign rules/regulations; and clarify protocols for temporary and window signs.

The Council Sign Committee has met and reviewed the above issues, and Committee discussions have touched upon a need to balance sign rules/regulations with business community needs, community aesthetics, and citizen views. At the September 25, 2012 Council meeting, the Sign Committee reported to Council a desire to garner community input on signs. Consequently, the Committee outlined a plan to seek input from the business community, sign industry representatives, the Planning Commission, Zoning Board of Appeals and other interested citizens.

As a first step in the process of obtaining community input, Council has requested that staff facilitate workshop meetings with the Planning Commission and the Zoning Board of Appeals. In this regard, the Planning Commission held a workshop meeting on October 4, 2012, and a special Zoning Board of Appeals workshop will be held on October 15, 2012 to discuss issues of potential concern or opportunity with regard to signs within the community.

As background information for the Zoning Board of Appeals, enclosed is a May 3, 2012 report provided to the Council Sign Committee that includes:

- ♦ a draft survey on business signs;
- ♦ a historical overview/background on sign regulations in the city;
- ♦ the intent of the adopted sign ordinance, and amendments to sign regulations over the years;
- ♦ a summary of current business sign regulations;
- ♦ trends with regard to sign permits issued and variance requests for signs; and
- ♦ educational efforts with regard to business signs.

With regard to the business sign survey, the Council Sign Committee has decided it is premature to proceed at this time. Rather, the Committee will review input received from the Planning Commission, Zoning Board of Appeals and other interested parties, and subsequently report to the full City Council with a recommendation for next steps or actions.

Attachment: May 3, 2012 communication to City Manager Evans, provided to the Council Sign Committee

S:\2012-2013 Department Files\Subject Files\S\Signs 2012\Sign Issues - to ZBA for 10.15.12 input.doc

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: May 3, 2012

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: City Council Ad Hoc Sign Committee – Public Forum and Business Sign Survey

During the Council Ad Hoc Sign Committee meeting on March 22nd, a number of issues pertaining to business signs were discussed, including: existing business signs, trends with regard to business sign variances, recent sign regulation amendments, and the manner in which business signs can influence community character and aesthetics. In addition, the Committee again expressed a desire to host a workshop/public forum to obtain additional public input on city sign regulations.

The need to accommodate a wide array of signage options for use by businesses is recognized, and as presented in the attached November 30, 2011 Zoning Code Signage Issues – City Council Retreat Information communication, the City of Portage has a long history of balancing a “business friendly” environment for sign advertising and identification purposes, while improving the overall appearance and quality of the community, particularly within commercial corridors. As indicated in the November 30, 2011 report, in 1986 the city conducted a comprehensive Sign Survey of Portage residents and businesses to obtain public input on signs within the community. The results of the survey provided Council with useful information and direction with regard to public opinion regarding existing business signs and business sign regulations in effect at the time.

With regard to the proposal to organize and host a workshop/public forum to obtain input regarding city sign regulations, it is recommended that the city first conduct a survey on business signs to better understand the issues of interest and concern with regard to this matter. The survey results can then be tabulated and summarized to assist with determining the next steps with regard to the activities of the Sign Committee, and in particular with regard to hosting a workshop/public forum.

Attached is a draft of Business Sign Survey instrument, which incorporates two types of questions:

- a series of questions are included with sign images. These questions comprise a “Visual Preference Survey” to gauge opinion on the effectiveness and appearance of various types of business signs. The visual preference questions ask respondents to rate the sign images on a scale of 1 to 5;
- a series of questions are also included to gauge opinion on regulations that permit various types of business signs. These questions are intended to gauge opinion as to whether the existing sign regulations are appropriate, or if amendments to the Zoning Code are necessary. These more general survey questions are essentially the same or very similar to those included in the 1986 Sign Survey.

With regard to the methodology of the survey, attached is a proposal from the Kercher Center for Social Research at Western Michigan University, which is summarized as follows:

- The scope of work is similar to other surveys completed by the Kercher Center for the city, and includes finalization of the survey instrument, preparing a random sample mailing, collecting the data and preparing a summary report of the data findings.
- The proposal would include a random sample mailing to 1,000 residents and 1,000 businesses in Portage. The residential mailing list would be compiled in the same manner as accomplished for prior surveys, while the business mailing list would be compiled from the list developed for the Business and the City of Portage Council Committee.
- Two budgets for the mail survey have been included in the proposal: Budget A, which includes the cost of a survey that includes several open-ended “Comment” questions, is \$7,931; Budget B includes a lower cost of \$7,094, provided the “Comment” questions are removed from the survey instrument. (Note: Based on the proposal, the open-ended “Comment” questions in the initial draft survey have been removed.)
- The Kercher Center recommends the survey be mailed in either early June or early September 2012, as response rates for surveys are lower during the summer months. If the Kercher Center proposal were approved by May 28th, Dr. VanValey indicates the survey could be conducted in early June 2012, with a report provided to the city by July 30th. If the proposal is approved after June 15th, the survey would be conducted after Labor Day, with a report provided to the city by November 5th.

As noted above, obtaining information from businesses and residents regarding business signs will help guide the future work of the Ad Hoc Committee and City Council in regard to this matter. Should the Ad Hoc Committee and Council decide to proceed with hosting a public workshop/forum, the survey results would be an important part of the presentation and discussion.

I am available to meet with you to further discuss this matter at your convenience.

Attachments: DRAFT Business Sign Survey;
Proposal for the City of Portage Signage Survey, 2012 from the Kercher Center for Social Research;
November 30, 2011 Zoning Code Signage Issues – City Council Retreat Information communication

c: Brian J. Bowling, Deputy City Manager;
Christopher Forth, Deputy Director

BUSINESS SIGN SURVEY

INTRODUCTION:

The City of Portage has prepared this survey to obtain input on business signs. In particular, this survey has been designed to determine community preferences regarding:

- the effectiveness of signs to identify to a place of business or convey a message;
- the appearance of different types of business signs; and
- the regulations that permit various types of business signs.

The survey includes a series of questions that comprise a “Visual Preference” survey, which are intended to gauge public opinion on the effectiveness and appearance of a variety of sign images. The survey also includes a series of questions intended to gauge public opinion with regard to signs permitted by current regulations, and whether or not changes to the city sign regulations are needed.

Your response to the following questions will provide useful input regarding this matter.

FREESTANDING SIGNS

1. **Freestanding Sign Size** – The following photos illustrate freestanding business signs that vary in size and height. Please rate the following signs on a scale from 1 to 5, with 1 being highly negative and 5 being highly positive with regard to the effectiveness and appearance of each sign.

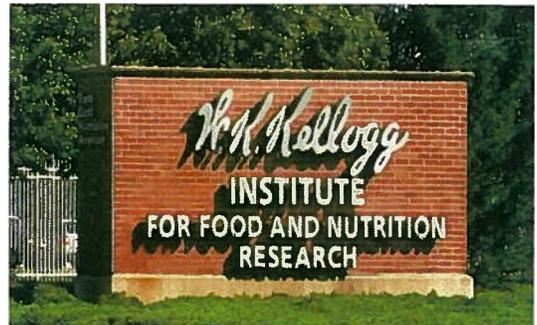
Sign 1



Sign 2



Sign 3



	1- Highly Negative	2-Somewhat Negative	3-Neutral	4-Somewhat Positive	5-Highly Positive
Sign 1	<input type="radio"/>				
Sign 2	<input type="radio"/>				
Sign 3	<input type="radio"/>				

WALL SIGNS

4. **Wall Sign Size** – The following photos illustrate business signs attached to the exterior wall of a building that vary in size and coverage of the wall facade. Please rate the following signs on a scale from 1 to 5, with 1 being highly negative and 5 being highly positive with regard to the effectiveness and appearance of the signs.

Sign 1



Sign 2



Sign 3



	1- Highly Negative	2-Somewhat Negative	3-Neutral	4-Somewhat Positive	5-Highly Positive
Sign 1	<input type="radio"/>				
Sign 2	<input type="radio"/>				
Sign 3	<input type="radio"/>				

5. **Wall Sign Types:** The following photos illustrate business wall signs that vary in style. In particular, the following images are of box signs, painted wall signs, and channel letter signs. Please rate the following signs on a scale from 1 to 5, with 1 being highly negative and 5 being highly positive with regard to the effectiveness and appearance of the signs.

Sign 1



Sign 2



Sign 3



	1- Highly Negative	2-Somewhat Negative	3-Neutral	4-Somewhat Positive	5-Highly Positive
Sign 1	<input type="radio"/>				
Sign 2	<input type="radio"/>				
Sign 3	<input type="radio"/>				

10. With regard to the size of business signs in the City of Portage, in general do you favor:

- Larger signs in business areas
- Smaller signs in business areas
- No change in the size of signs in business areas

SIGNS FOR TEMPORARY ADVERTISING

11. **Temporary Signs:** The following photos illustrate business signs that are used for temporary advertising. Please rate the following signs on a scale from 1 to 5, with 1 being highly negative and 5 being highly positive with regard to the effectiveness and appearance of the signs.

Sign 1



Sign 2



Sign 3



	1- Highly Negative	2-Somewhat Negative	3-Neutral	4-Somewhat Positive	5-Highly Positive
Sign 1	<input type="radio"/>				
Sign 2	<input type="radio"/>				
Sign 3	<input type="radio"/>				

12. Temporary business signs in the City of Portage are permitted for a period of 14 days for a grand opening, change of business, or going out of business. Temporary signs may be freestanding or wall sign banners, flags, streamers, pennants or inflatable signs, up to a combined total area of 40 square feet. Should the regulations pertaining to temporary signs be (select only one response):

- Modified to permit their use anytime
- Modified to increase the frequency of use than currently allowed
- Modified to prohibit their use
- Remain unchanged
- No opinion

STREETSCAPES

14. Streetscapes: The following photos illustrate business signs along a stretch of roadway or a “streetscape”. Please rate the following streetscape and the manner in which the signs impact the appearance of the streetscape on a scale from 1 to 5, with 1 being highly negative and 5 being highly positive with regard to the effectiveness and appearance of the signs.

Streetscape 1



Streetscape 2



Streetscape 3



	1- Highly Negative	2-Somewhat Negative	3-Neutral	4-Somewhat Positive	5-Highly Positive
Streetscape 1	<input type="radio"/>				
Streetscape 2	<input type="radio"/>				
Streetscape 3	<input type="radio"/>				

*Proposal for the City of Portage
Signage Survey, 2012*

Prepared By

Thomas L. Van Valey
Kercher Center for Social Research
Western Michigan University

May 1, 2012

Dr. Van Valey can be reached at 655-8081 or via email at vanvaley@wmich.edu

Proposal for the City of Portage Signage Survey

The Kercher Center for Social Research (KCSR) of Western Michigan University proposes to assist the City of Portage (referred to herein as “the City”) in a survey of residents and businesses to obtain their viewpoints on signage in the City. Results of the survey will provide the City with information needed to evaluate current ordinances and to plan for the future.

This proposal provides an efficient and cost-effective method for conducting a survey which will provide population estimates at a 95 percent confidence level with a level of precision of plus or minus four percent. The Kercher Center will carry out five major tasks, which are further divided into specific research activities. They are described in the following sections.

1. Review, pre-testing and finalizing the survey instrument.

The two major activities associated with this task are to: a) consult with the City to review the instrument, and b) finalize the survey instrument.

The KCSR will assist the City in preparing the research instrument. It is anticipated that the City will first prepare a working draft of the survey which will first be reviewed by the KCSR staff and then prepared for mail distribution. KCSR staff will ensure that the instrument meets the standards of generally accepted practice. That instrument will be presented to the City’s administration for further discussion and approval.

2. Sampling.

The major activity in this area consists of acquiring two random samples. Survey Sampling, Inc. provides randomly drawn samples of residents suitable for mail surveys. In the past, their samples have proven to be highly representative. The City has a data base of

approximately 1900 businesses. A second random sample can be drawn from that data base. The anticipated result of approximately 400 completed surveys should provide for the minimum 95% confidence level and precision within plus or minus 4%, as specified above.

3. Data Collection.

The activities associated with this task are to: a) prepare the survey instrument for distribution by mail, and b) collect the responses and enter the data into a computer readable format.

The staff of the KCSR will coordinate preparation of the instrument for distribution by mail and subsequent data entry. This involves printing an advance announcement, a cover letter, and the survey instrument, and then assembling and mailing the packages to the sample of residents. It is anticipated that two separate mailings will be required. The first would be an announcement of the survey, on city letterhead and over the signature(s) of city officials. In advance of this announcement to the potential respondents, it is expected that the City will also announce the survey to the general public through the newsletter, the website, and any other means that are practical (e.g., social networking media, perhaps a Gazette story). The survey package itself would contain a cover letter, again on city letterhead and over the signature(s) of the same city officials, the survey instrument itself, and a postage-paid return envelope (to the KCSR). The outgoing envelope would also be on city letterhead. The use of City envelopes, City letterhead, and the signatures of City officials marks the survey as legitimate and important to the recipients, and is an important factor in achieving the desired response rate.

As the completed responses are received by the KCSR, staff will enter the data into a computer file. It is likely that the response rate to the mail approach will be sufficient to generate

at least 400 completed responses over a period of 4-6 weeks. To receive 400+ returned surveys, we estimate sending out 2,000, with at least 85% deliverable.

4. Data Processing - Data cleaning and statistical analysis.

The three activities associated with this task are to: a) convert the data set into a file suitable for analysis via SPSS, b) clean the data prior to the analysis, and c) conduct the statistical analysis.

After the data are entered and verified, and translated into a file suitable for statistical analysis, staff of the KCSR will first check and verify proper data ranges for all variables in the data set. Statistical analysis will only be conducted on the checked and verified file. The descriptive statistical analysis will consist of frequencies and percentages for all questions. If requested, a limited number of crosstabulations can be provided. These, of course, would be specified in advance of data collection to enable efficient programming.

5. Report writing and communication of results.

The two activities associated with this task are to: a) prepare a written report, and b) if desired, make a presentation of the results at a meeting set by the City.

The KCSR will provide a final report of the project for the City. The report will include the frequency distributions and percentages for all questions (and such crosstabulations as requested). In all instances, tables will be fully labeled for ease of interpretation. The report will also consist of a brief summary and interpretation of the findings of the study. In addition, all of the responses to the open-ended items will be transcribed, edited, and included as an appendix to the final report. The survey itself, with the frequency results for each item, will also be provided

as another appendix. If desired, a copy of the data set and the SPSS program can be made available on a diskette. If desired, the project's Principal Investigator will make a verbal presentation of the results to the City Council at a later time and place set by the City.

Time Frame

If this proposal is approved by May 28, 2012, the final report will be provided to the City no later than Monday, July 30, 2011. If the proposal cannot be approved until after June 15, 2012, it would be better to carry out the data collection in the fall, with the process beginning the week after Labor Day. In that instance, the final report will be provided to the City no later than November 5, 2012. In either instance, invoicing for services rendered shall follow submission of the final report.

Review and revision of the survey instrument can begin as soon as the contract is approved by the City. As noted above, the data collection process could begin within three weeks of that date or in the fall. The initial frequency distributions will be run shortly after the completion of the data collection phase, and the final report will be completed within three weeks of the data entry. If necessary, changes in this schedule can be made, if agreeable to both the City and KCSR.

Project Personnel

The Principal Investigator will be Dr. Thomas L. Van Valey, Professor Emeritus of Sociology and former Director of the Kercher Center for Social Research. Experienced KCSR graduate assistants will be hired on a contract basis to assist in the project and to directly supervise the data collection and data entry. The KCSR has a pool of experienced and competent graduate students for all tasks.

Budget

Two budgets are provided below. The first (Budget A), takes into account the large number of open-ended items that are implicit in the early draft of the survey instrument. The second (Budget B), assumes that most of those open-ended items will be removed.

Proposed Budget A: - Portage Signage Survey, 2012

Questionnaire Design/Modification	
.5 days @ \$450/day	\$ 225
Sample of residents from Survey Sampling	
(N=1,000 with 2 sets of mailing labels)	500
Sample of businesses from the City	
(N=1,000 with 2 sets of mailing labels)	0
Printing	
Announcement (2,000 - 1,000 each, to be done by the City)	0
Outside envelope (4,000, to be done by the City)	0
Reply envelope (2,000 @ \$.05)	100
Cover letters (2,000 - 1,000 each, to be done by the City)	0
Survey (2,000 x 8 pages @ \$.03)	480
Mailing	
Announcement (2,000, to be done by the City)	0
Survey (2,000, to be done by the City)	0
Reply (400 @ \$.61)	244
Assembly	
Announcement (6 hours @ \$15/hr)	90
Main mailing (10 hours @ \$15/hr)	150
Data Entry and Verification (400 surveys @ \$15/hr)	750
Cleaning of open-ended items	
30 hours @ \$ 45.00/hour	1350
Training, Supervision and Quality Control	
40 hours @ \$15/hour	600
Tabulation of Results (programming)	
12 hours @ \$40/hour	480
Preparation and Presentation of Report	
2 days @ \$450/day	900
Administrative Services	
20 hours @ \$21.66/hour (includes 21.75% fringe)	527
Total Direct Costs	6,396
Indirect Costs for WMU @ 49%	3,134
<i>(savings for indirect rate of 24% on 6,396)</i>	<u><i>(1,599)**</i></u>
	1,535
Total Budget for the Project	\$7,931

** Proposed reduced indirect cost rate for community service related research.

Proposed Budget B: - Portage Signage Survey, 2012

Questionnaire Design/Modification	
1 day @ \$450/day	\$ 450
Sample of residents from Survey Sampling	
(N=1,000 with 2 sets of mailing labels)	500
Sample of businesses from the City	
(N=1,000 with 2 sets of mailing labels)	0
Printing	
Announcement (2,000 - 1,000 each, to be done by the City)	0
Outside envelope (4,000, to be done by the City)	0
Reply envelope (2,000 @ \$.05)	100
Cover letters (2,000 - 1,000 each, to be done by the City)	0
Survey (2,000 x 8 pages @ \$.03)	480
Mailing	
Announcement (2,000, to be done by the City)	0
Survey (2,000, to be done by the City)	0
Reply (400 @ \$.61)	244
Assembly	
Announcement (6 hours @ \$15/hr)	90
Main mailing (10 hours @ \$15/hr)	150
Data Entry and Verification (400 surveys @ \$15/hr)	750
Cleaning of open-ended items	
10 hours @ \$ 45.00/hour	450
Training, Supervision and Quality Control	
40 hours @ \$15/hour	600
Tabulation of Results (programming)	
12 hours @ \$40/hour	480
Preparation and Presentation of Report	
2 days @ \$450/day	900
Administrative Services	
20 hours @ \$21.66/hour (includes 21.75% fringe)	527
Total Direct Costs	5,721
Indirect Costs for WMU @ 49%	2,803
<i>(savings for indirect rate of 24% on 5,721)</i>	<u>(1,430)**</u>
	1,373
Total Budget for the Project	\$7,094

** Proposed reduced indirect cost rate for community service related research.

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: November 30, 2011

FROM: Vicki Georgeau,  Director of Community Development

SUBJECT: Zoning Code Signage Issues – City Council Retreat Information

As was communicated with the 2010 City Council retreat information, the following information is organized to assist the City Council and City Administration as this subject is discussed:

- A brief historical overview/background on sign regulations in the community
- Summary of the Zoning Code sign regulations applicable to businesses
- Review of 2005 – 2011 period and business sign permits
- Overview of 2005 – 2011 Zoning Board of Appeals variance applications
- Recent changes resulting from the City Council Sign Committee recommendations

A conclusion/summary is at the end of this communication.

Historical Overview/Background

From time-to-time, signage issues seem to come to the forefront. There are various factors that may generate this discussion that could include the declining economic situation/business environment, efforts by businesses to advertise, attract consumers and differentiate themselves, attempts to adapt new technology/techniques, among others. Notwithstanding these factors, regulations to address the use of advertising signs are common by municipalities across the country. In Michigan, sign regulations were the subject of Michigan Supreme Court decision as early as 1937 (Michigan Zoning and Planning, 3rd Edition, Clan Crawford, Jr., page 328). The intent of sign regulations is straightforward and the Portage Zoning Code intent and purpose section presents the overall objective of community sign regulations:

“...regulate the use, construction, reconstruction, placement and design of signs in order to protect the public health, safety, peace and general welfare. The regulations involve a recognition that the individual user’s right to convey a message must be balanced against the public’s right to be free of signs which unreasonably compete, distract drivers and pedestrians, and produce confusion.” (Section 42-540 A. and B.)

The Zoning Code identifies several reasons that sign regulations are desirable, which include in summary:

“...prevent traffic injuries and property damage...minimize risk of damage from signs that are dilapidated, wind blown, electric shock hazards...achieve uniformity...enhance aesthetics of the community...prevent blight...encourage equality among business and property...(and)...protect the public health, safety, peace and general welfare.” (Section 42-540 D.)

There is some history to sign regulations in the City of Portage. In the late 1970s, there was considerable concern about signage in the community and the City of Portage Environmental Board was instrumental in the development of the first, comprehensive sign regulations that were incorporated into the Zoning Code. As reflected in the March 17, 1976 Environmental Board meeting minutes, the board members were particularly concerned about the “...*design, size and position of signs as well as with blinking and portable signs which can distract one while driving.*” The Board also discussed the existing regulations and expressed concern that the 1976 sign code and zoning ordinance were “*incomprehensible*” (September 16, 1976 meeting minutes). The Planning Commission assisted the Environmental Board over the course of

several years, and culminating on August 14, 1979, City Council approved a comprehensive amendment to the Zoning Code establishing sign regulations with an effective date of September 7, 1979. Attached are several photos of business signage that were taken in the late 1970s within Portage business areas that help illustrate the concerns expressed by the Environmental Board and other community members.

The community discussion about the sign regulations continued for a number of years. Amendments to the sign regulations occurred during this period. In the effort to reach agreeable regulatory compromise, City Council formed ad hoc committees on several occasions in the early to mid 1980s to suggest amendments to the sign regulations. Of note, on December 20, 1983, City Council convened a work session on sign regulations and at the following regular meeting established a seven member Ad Hoc Sign Committee with business, citizen at-large, sign industry, City Administration and Environmental Board participants. The charge to the committee was to report back in February 1984 and: *"...to see what areas they can still improve the overall appearance of our city but still modify the present ordinance to be easier for the businesses to comply."* (December 20, 1983 Council meeting minutes, page 469). The results of this effort are summarized in January 31, 1984 correspondence from the committee chairperson that recommended changes to allow temporary signs (40 square foot sign, increased use/display days and for non-commercial public service events), changes to nonconforming signs (five-year non-conforming sign agreement), and changes to existing freestanding signs (allow changeable copy signage to be permanently attached to a sign).

In 1986, with continuing discussion of signage, a formal survey of residents and businesses was authorized by City Council that involved mailing of 2,142 surveys. All businesses in Portage received a survey and every 12th resident in the Property Tax Master File also received a survey. A very good response rate of 28% (605 returned surveys) resulted. While there were differences between the responses from businesses and the responses from residents about signage, the report to City Council indicated that, in general, respondents believed that the sign regulations in the Zoning Code were reasonable and appropriate. The report concluded that no modifications were recommended. The conclusion was also based, in part, on the concern that too-frequent code changes and modifications would create confusion, inequities and inconsistencies in administration with additional negative impacts on the community.

In December 2001, the Zoning Code was the subject of a comprehensive update that concluded with approval by City Council of the ordinance update on February 18, 2003. In this amendment, 29 substantive changes were recommended, which included sign regulation changes. Additional sign flexibility was incorporated for business wall signage, for example, as were changes to definitions, sign measurements, among others. A copy of the changes to the sign regulations that was summarized and provided to the City Council in January 2003 is attached.

In addition, the sign regulations in the Zoning Code have been the subject of regular review and, where appropriate, amended. The purposes for this review include incorporating emerging sign technology and techniques, clarification and correction of sign provisions and improved/uniform administration. Following is a summary of sign regulation changes since 2003, including an amendment to the Zoning Code in 2011 that was recommended by the City Council Sign Committee:

2006:

Section 42-552(E), Signs in the B-2/B-3 Zoning Districts -- Distance between two freestanding signs. Before the amendment, this section referred to "a developed B-2 parcel." Consistent with other sections of the Zoning Code, this section was amended to refer to zoning lot since there may be more than one parcel of land. This section also uniformly applies to signs in the B-3 district.

Section 42-553(C)(2), Billboard Sign Area -- When the Zoning Code was updated in 2003, the consultant inadvertently changed the maximum sign area: The maximum area was corrected and is 300 square feet as previously established.

2007:

Section 42-542(I), Electronic or Mechanical Sign Elements -- Electronic message display (EMD) signs added.

2009:

Section 42-545(C), Single-family Residential Subdivision Signs – Construction of a sign to identify a single-family residential subdivision in R-1A, R-1B R-1C R-1D, R-1E and R-1T residential districts has been permitted and now pertains to the PD, planned development district.

2010:

Section 42-545(B)(C), Signs Permitted in the Single-family and Attached Districts -- Increased the size of wall and freestanding signs for non-residential uses permitted in the R-1A through R-1T districts.

Section 42-546(D), Signs Permitted in the RM-1 and RM-2 Districts -- Increased the size of wall and freestanding signs for non-residential uses permitted in the RM-1 and RM-2 districts.

Section 42-550(A), Signs Permitted in the OS-1 and OTR districts; and Section 42-551(A), Signs Permitted in the B-1, local business District. Modifications to these two sections involved clarification of the statement "...with a minimum sign size of 32 square feet..." The changes to Sections 42-550(A) and 42-551(A) clarified that 1) a variance from the ZBA is not required if a smaller sign size is desired by a business owner and 2) the maximum sign size for a lot less than 80 feet in width is 32 square feet.

2011:

Sections 42-548, 42-551, 42-552 were amended to provide additional flexibility with regard to the use of freestanding banner signs, as well as expand the business districts where such signs are permitted, including the B-1, Local Business and PD, Planned Development zoning districts. In addition, new sign regulations were adopted for the City Centre Area–Mixed Use Floating (CCA) District to permit signs that better align with a more urban, mixed-use development pattern that is encouraged in the CCA district.

Current Zoning Code Sign Regulations Applicable to Businesses

In addition to the sign amendments adopted over the past several years and most recently in 2011, the attached "Summary Guide To Business Signs" was developed as recommended by the City Council Sign Committee. The four-page guide provides information regarding the intent and goal of community sign regulations, design considerations, Frequently Asked Questions, and a summary table of the sign regulations applicable to the business community. The recent sign amendments and summary guide were also highlighted in the September 2011 edition of the Portager. The summary guide is posted on the City of Portage web site.

As shown in the summary guide, freestanding, wall and other types of signage are permitted for all businesses. Signage is regulated by zoning lot and by business use to ensure fairness, consistency and uniformity with applicable law and judicial decisions. A variety of signage is permitted with significant flexibility to assist retail, office, service, specialty business uses that operate in differing situations (i.e., in individual buildings, in multi-use business centers, on small and large parcels, in ownership/lease tenancies, in new business development projects, redevelopment projects, and so forth). Additionally, "temporary" signage is specifically permitted for business purposes and can be standard signs, strings of flags, streamers, balloons, etc., electronic message signs, or other types. These various types of signs are allowed within the context of the applicable sign regulations and in: "... the recognition that the individual user's right to convey a message must be balanced against the public's right to be free of signs which unreasonably compete, distract drivers and pedestrians and produce confusion."

With specific regard to stationary/mobile electronic message signs for business use, these signs are permitted and can be permanent or temporary signs. Stationary/permanent electronic message display (EMD) sign examples include among others the new Sonic Restaurant sign, the Mulligan's Restaurant sign, the electronic elements on the Walgreens signs and, also, the Shoppes at Romence Village sign. For mobile/temporary sign examples, EMD signs can be/have been used as a 40 square foot grand opening, change/going out of business sign and, also, as a 64 square foot public noncommercial service event sign.

Finally, the sign regulations include other elements that provide “flexibility” in the interests of assisting businesses. First, legal, nonconforming signs are allowed to continue to exist and be used. It is intended that these signs conform to the regulations over time. Provisions that allow re-use and encourage eventual conformity have been incorporated into the regulations including allowing unlimited sign changes for a five year period after which the legal nonconforming sign must conform and the attachment of changeable copy signage to any sign to assist businesses with temporary sales, special event activities, and so forth. Also, the standards for variances involving re-use of legal nonconforming signs (i.e., reduction in the degree of nonconformity and replacement signs that are more in conformance with the code) assist the business community. Further, there are unregulated sign/messaging options available to businesses. These options include, among others, advertising on licensed motor vehicles, costumed/mascot advertising in the parking area or along a public street and interior window displays, which are commonly employed by businesses. Finally, the Zoning Code provides the Zoning Board of Appeals with the responsibility to hear appeals and to consider interpretations of code provisions, which can be helpful to businesses seeking clarification or the ability to use certain sign/messaging technologies/techniques.

FY2005 – 2011 Sign Permit and Zoning Board of Appeals Information

A brief analysis of sign permits that were issued and Zoning Board of Appeals (ZBA) sign variance/appeal applications that were acted on during the FY2005/06 to FY2010/11 period was accomplished. With regard to the issuance of permits, 942 sign permits were issued during this six-year period. These permits were for the following sign types:

<u>Permit Type</u>	<u>Number of Permits</u>
Freestanding sign	398
Wall Sign	408
Temporary Sign	136

On an annual basis, 157 sign permits were issued during this period. As for fees, a sign permit cost is as follows – Permanent freestanding or wall sign is \$110.00; Temporary sign is \$55.00. (The fees associated with sign permits have not been increased since January 2006.) For convenience, sign permits may be submitted by mail, or electronically, for review and approval.

The ZBA applications involving signs that were acted on during this six-year period were also reviewed. A total of 46 sign applications were considered (involving 35 properties), or an average of eight applications annually. Thirty-six (36) applications were approved by the ZBA (78%), while ten were not approved (22%). Specifically regarding signs for businesses that were considered by the ZBA over the six-year period, 31 applications were considered, with 23 applications (74%) approved. Fifteen applications involved freestanding signs and required sign area, setback or separation distance. Also, fifteen applications involved changes to nonconforming signs. The next category of business sign applications considered by the ZBA was wall sign area (five applications), where a larger wall sign(s) was requested. The remaining six applications involving businesses considered by the ZBA involved two appeals of a denied permit, one roof sign variance and three non-accessory (billboard) requests. In summary, during the past six years, an average of 157 sign permits were issued annually. During this same period, an average of eight ZBA sign applications were received annually.

Conclusion

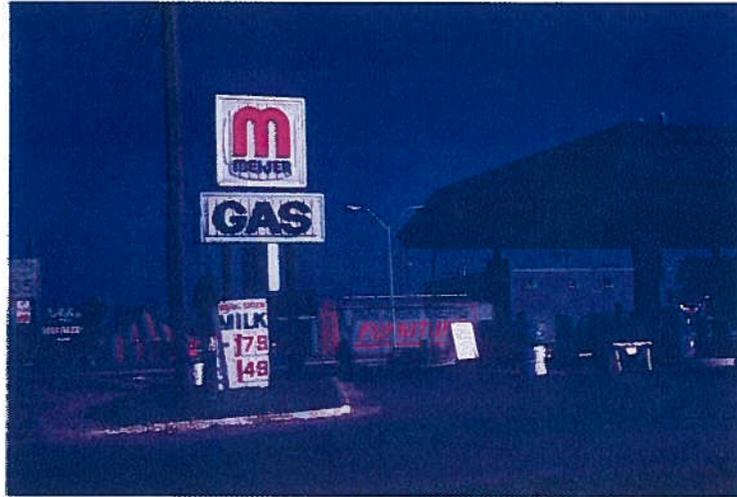
There exists considerable history regarding the subject of sign regulations in the community. A comprehensive sign ordinance amendment occurred in 1979 that more effectively regulated signs that could be erected in the city. Regular efforts have been made to ensure reasonable sign options for businesses by various advisory board, ad hoc committee and professional staff, with the most recent

comprehensive amendment approved in 2003. Ongoing review of signage including provisions that provide flexibility for business advertising purposes and to incorporate new technology and techniques is also evident. A significant number of sign permits, including business sign permits, have been issued on an annual basis over the past six fiscal years. Also, comparatively few applications for sign variances submitted by businesses have been considered by the ZBA over this same six-year period. Where the ZBA has considered sign variance applications, a majority of applications by businesses have been approved. The sign regulations appear to have achieved an effective balance between the need for business advertising while reducing clutter and motorist distractions to enhance community quality and traffic safety.

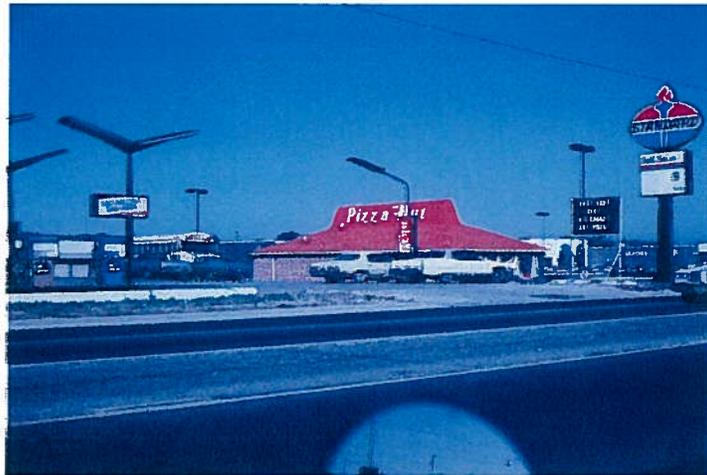
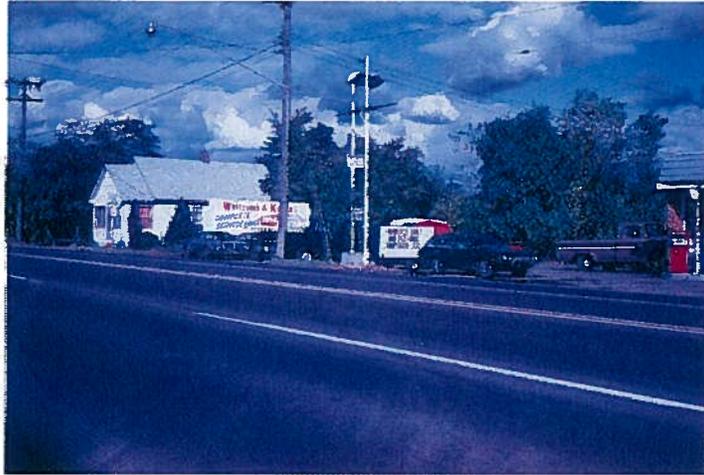
Attachments: Sign Photos from 1979-era City of Portage
2003 Zoning Code Update: Sign changes (#25 Signs)
Summary Guide To Business Signs

c: Brian J. Bowling, Deputy City Manager

Historical Business Sign Photos



Historical Business Sign Photos



2003 Zoning Code Update – Sign Changes

25. Signs (Division 6, Subdivision 2)

- a. The Intent and Purpose section has been added.
- b. Several definitions were added including sign face, awning/canopy sign, construction sign and identification sign.
- c. A section related to sign measurements has been added to eliminate confusion on how to calculate and locate signage.
- d. The erection of a one-family residential construction sign identifying the builder, contractor or subcontractor is now permitted. No permit is required.
- e. A 64 square foot maximum has been established for public event signs. The current code section did not specify a maximum square footage.
- f. A section has been added which requires removal of a nonconforming sign if a substantial improvement is made to the site or building that equals or exceeds 25% of the market value of the structure or site improvement.
- g. The R-1E, OTR and CPD zoning districts have been added.
- h. In response to court decisions and Zoning Board of Appeals (ZBA) decisions involving the size of wall signs, a section has been added that allows an increase in the size of wall signs based on the size of the wall and the setback distance from a public or private street. The proposed increases are consistent with recent ZBA variances granted to several retail establishments.
- i. The current sign regulations permit one additional freestanding sign if the property is within 200 feet of any US-131 or I-94 interchange. This section has been eliminated. Uses intended to attract the interest of freeway motorists are encouraged to use the Michigan Logo Signing Program. This program allows eligible businesses to display their business logos to motorists at interchanges along freeways. Elimination of this section will create several nonconforming signs at the South Westnedge and Portage Road interchange areas. An inventory of these signs has been completed.

Summary Guide To Business Signs

The City of Portage recognizes the importance of signs to local businesses and the economy. Standards have been adopted by Portage that promote the effective use of signs as a directional and communication tool, while protecting public safety and property values, and promoting community character. The intent and purpose of Portage sign regulations¹ is to:

- ◆ Balance the right to identify a business location and attract customers with the public right to be free of signs that unreasonably compete, distract drivers and pedestrians, and produce confusion.
- ◆ Provide businesses with equal opportunity to attract customers by achieving uniformity in the size, number and placement of signs.
- ◆ Protect public health and safety by regulating the construction of signs.
- ◆ Enhance the aesthetics of the community.

In addition to the specifications included in city sign regulations, businesses are encouraged to carefully consider the following design elements regarding signs²:

- ◆ Signs should use creative and dynamic design, yet be compatible with the surroundings.
- ◆ Signs should be designed and located in a manner that enhances sign legibility.
- ◆ Signs should be constructed and designed to avoid hazards and distractions.
- ◆ Signs should be located so they do not block pedestrian or motorist vision or line of sight.
- ◆ Signs should be constructed of durable, quality material, and should be kept in good repair.



¹ The Code of Ordinances is available on the city web site at: www.portagemi.gov. (See the Code of Ordinances, Land Development Regulations, Chapter 42 of the Code of Ordinances, Article 4, Zoning, and Article 11, Signs.)

² Photos of select award entries in the 2010 Sign Competition by the International Sign Association (Alexandria, VA)

Summary Of Sign Regulations Applicable To Businesses

Zoning District	Freestanding Signs ¹	Wall Signs ¹
OS-1, Office Service and OTR, Office, Technology Research and B-1, Local Business	<p><u>Sign(s) per business-zoned property (zoning lot):</u></p> <ul style="list-style-type: none"> ◆ One (with additional sign for a zoning lot with more than 300 ft. of street frontage) ◆ In an OTR district, 1 additional sign is permitted for each vehicular entrance <p><u>Sign Area:</u></p> <ul style="list-style-type: none"> ◆ 32 sq. ft. minimum to 50 sq. ft. maximum, with area based on street frontage ◆ May be increased up to 50% for multiple use zoning lots, or from 48 sq. ft. to 75 sq. ft. <p><u>Sign Setback / Height:</u> 10 ft. from all property lines, 15 ft. next to one-family residential / 15 ft. high</p>	<p><u>Sign(s) per business-zoned property (zoning lot):</u></p> <p>One or more wall signs permitted per business use</p> <p><u>Sign Area:</u></p> <ul style="list-style-type: none"> ◆ 15% of the wall area per street frontage, up to 100 sq. ft. ◆ If no freestanding sign, wall sign area may be increased by 33% per street frontage <p><u>Sign Setback / Height:</u> NA</p>
B-2, Community Business and B-3, General Business and CPD, Commercial Planned Development	<p><u>Sign(s) per business-zoned property (zoning lot):</u></p> <ul style="list-style-type: none"> ◆ One, with an additional sign for a: <ul style="list-style-type: none"> - zoning lot with more than 320 ft. of street frontage - zoning lot that is on a street corner, or - zoning lot with frontage on more than one street <p><u>Sign Area:</u></p> <ul style="list-style-type: none"> ◆ 50 sq. ft. minimum to 120 sq. ft. maximum, with area based on street frontage ◆ May be increased up to 50% for multiple use zoning lots, or from 75 sq. ft. to 180 sq. ft. ◆ For corner lot, if only one sign, area may be increased 100% up to a maximum of 120 sq. ft. <p><u>Sign Setback / Height:</u> 10 ft. from all property lines / 25 ft. high</p>	<p><u>Sign(s) per business-zoned property (zoning lot):</u></p> <p>One or more wall signs permitted per business use</p> <p><u>Sign Area:</u></p> <ul style="list-style-type: none"> ◆ 15% of the wall area per street frontage, up to 100 sq. ft. ◆ May be increased, up to an additional 125 sq. ft. for buildings with at least 200 ft. of lineal wall frontage ◆ Area may be further increased, up to an additional 125 sq. ft. for buildings with 200 ft. of lineal wall frontage and a building setback of 300 ft. or greater ◆ If no freestanding sign, wall sign area may be increased by 33% per street frontage <p><u>Sign Setback / Height:</u> NA</p>
PD, Planned Development	<p><u>Sign(s) per business-zone property (zoning lot):</u></p> <p>One (with additional sign for a zoning lot with more than 300 ft. of street frontage)</p> <p><u>Sign Area:</u></p> <ul style="list-style-type: none"> ◆ Up to 50 sq. ft. ◆ May be increased up to 50% for multiple use zoning lots, or up to 75 sq. ft. <p><u>Sign Setback / Height:</u> 10 ft. from all property lines, which increases based on sign area, when abutting one-family zones / 15 ft. high</p>	<p><u>Sign(s) per business-zoned property (zoning lot):</u></p> <p>One or more wall signs permitted per business use</p> <p><u>Sign Area:</u></p> <ul style="list-style-type: none"> ◆ 15% of the wall area per street frontage, up to 100 sq. ft. ◆ If no freestanding sign, wall sign area may be increased by 33% per street frontage <p><u>Sign Setback / Height:</u> NA</p>

¹ **Electronic Message Displays (EMD):** These signs may be stationary/permanent freestanding signs or wall signs (and electronically or mechanically changed), and are permitted in zoning districts per the provisions in the Zoning Code. For example, EMD sign messages must be static (limited motion / movement) and may change not more than once per four seconds. To protect neighborhoods, the EMD message may not change between 10 p.m. and 7 a.m. when the EMD sign is located 200 feet from a residential zoning district and use.