

AGENDA

Monday, February 3, 2020

**Meetings of Standing Committees
Council Conference Room
6:45 P.M.**

**REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
7:00 P.M.**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Approval of the Minutes of the Previous Regular Meeting**

January 27, 2020

5. Petitions, Communications, Remonstrance and Memorials

Appeal No. 2020-01 Use Variance to allow a construction business in a new building addition on an existing house (Pending R-1 District) 4416 LWE

Petition No. 2020-01 Rezoning from C-1 Commercial to R-1 Residential for existing House and Contractors Business (Pending Appeal 2020-01) 4416 LWE

Petition No. 2020-02 Vacating Areas of N Wenger Ave. between LWE & Homewood - the East 63' of the East/West alley North of LWE - all alleys bounded by Homewood on the North Indiana on the West and Wenger on the East - Mishawaka High School

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2020-04 Amending the Design Review Development Plan

8. Resolutions

9. Ordinances on Second Reading

P.O. NO. 2020-02 Rezone from R-1 to R-2 Multi-Family 115 E. 9th St. (Assigned to Land Use Planning Committee)

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

12. New Business

13. Adjournment

At this time I know of no other business to come before the Council.
Deborah S. Block, IAMC, MMC, City Clerk

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements, contact Geoffrey Spiess, ADA Coordinator, at (574) 258-1615.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

JANUARY 27, 2020

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Monday, January 27, 2020 at 7:00PM. The meeting was called to order by President Gregg Hixenbaugh all were asked to stand for the Pledge of Allegiance.



Roll Call.

Present: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh.

Absent: Mr. Compton.

Others present; Mike Trippel, Council Attorney.

Minutes for the Regular meeting of January 6, 2020 were approved as received from the Clerk's Office.

Clerk Block read a letter from the City Plan Commission regarding recommendations from their January 14, 2020 meeting.

PETITION NO. 2019-18 A petition submitted by Judy Davis requesting to annex and zone property located at 54655 Fir Road to C-1 general commercial district.

The Commission, with a vote of 6-0, recommended approval.

PETITION NO. 2019-20 A petition submitted by Nicolas Southerland requesting to rezone property located at 115 E 9th St. from R-1 to R-2 two family district.

The Commission, with a vote of 6-2, recommended approval.

Clerk Block read a letter from the Controller regarding a presentation of outstanding and unpaid checks for a period of 2 years to be voided and receipted back into their original fund.

Clerk Block read the following proposed ordinance by title and assigned committee.

PROPOSED ORDINANCE 2020-01

AN ORDINANCE ANNEXING CONTINUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA PROVIDING ZONING CLASSIFICATION FOR ZONE C-1 54655 FIR RD

(Future expansion and additional parking in The Plaza at Day & Fir Rd)
(Assigned to Land Use Planning Committee)

Clerk Block read the following proposed ordinance by title and assigned committee.

PROPOSED ORDINANCE 2020-02

AN ORDINANCE AMENDING CHAPTER 137 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS “THE ZONING ORDINANCE OF 1966” OF THE CITY OF MISHAWAKA, INDIANA.

(Rezone from R-1 to R-2 Multi Family - 115 E. 9th St.)

(Assigned to Land Use Planning Committee)

Clerk Block read the following proposed ordinance and opened it for public hearing.

PROPOSED ORDINANCE 2020-03

AMENDING ORDINANCE NO. 5680

AN ORDINANCE AMENDING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT, MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2020.

(Request by Controller to suspend rules and hold second reading and public hearing)

Mr. Banicki made motion to suspend council rules and allow second reading on **PROPOSED ORDINANCE 2020-03**, upon a second by Mr. Emmons, a motion was carried.

Rebecca Miller, City Controller stated in processing salaries for city employees, there were two errors found in the original salary ordinance for council attorney and for the Health & Wellness statement for the Fire Department. She said both errors were corrected.

Question was called for at 7:06PM for **PROPOSED ORDINANCE 2020-03**,  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh. Thus, it becomes **ORDINANCE NO 5682**.

NEW BUSINESS

Clerk Block proposed a change for the Mayors State of the City to March 23, 2020 at 7:00PM at the Battell Center.

Mr. Mammolenti made a motion to suspend council rules to honor the request to change the Mayors State of the City, upon a seconded by Mr. Banicki motion carried by a voice vote.

Mr. Hixenbaugh announced he was discussing with Clerk Block revision of council rules.

Mr. Hixenbaugh thanked Mr. Ken Prince for his efforts to market Liberty Mutual. He also acknowledged he and Clerk Block's attendance at Mayor Beutter's funeral and thanked Mayor Wood for his comments made at the funeral.

ADJOURNMENT 7:10PM

Deborah S. Block /s/
Deborah S. Block, IAMC, MMC, City Clerk

Gregg A. Hixenbaugh /s/
Gregg A. Hixenbaugh, President

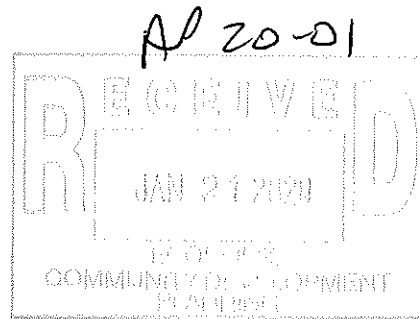
January 6th, 2020

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

RECEIVED
DEBORAH S. BLOCK, MMC

JAN 29 2020

CITY CLERK
MISHAWAKA, IN



The undersigned appellant respectfully shows the Board:

- We, James W. Jr. & Theresa Clardy, are the owners of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

Lots 189 and 190 of Oakland 2nd Addition including the south half of a vacated adjacent alley to the north. – 4416 Lincoln Way East, Mishawaka, IN 46544

- The above-described real estate presently has a zoning classification of C-1 General Commercial District pending a rezoning to the R-1 Single Family Residential District under the Zoning Ordinance of the City of Mishawaka.
- Appellant's tenants, Tiffany Gilbert and James Eichorst presently occupy the above-described property in the following manner: Single-family residential home.
- Appellant desires to utilize the land for continued use as a single-family residence, as existing, with the addition of a contractor's business (Michiana Contract Services) located in a new attached structure. The 30' X 60' structure will primarily be used for equipment storage. In conjunction with the use variance, a rezoning petition is also being filed to rezone the property to the R-1 Single Family Residential District. Rezoning the property will allow for continued use as a residence.
- The Zoning Ordinance of the City of Mishawaka only permits private garages, and customary home occupations, professional offices, or day nurseries conducted by the resident only, as permitted accessory uses (Section 137-165 (a)). The use variance will allow for a non-customary home occupation, being a contractor's business, to be located within a structure attached to the existing house. (Please note that no outside employees other than those living at the property will be permitted.)
- City Ordinance requires a typical accessory building to be no larger than 720sq.ft. Since our occupation operates with one large piece of heavy equipment, and several smaller trailers, trucks, plows, and other outside tools and equipment, we need a larger space than 720sq.ft. We risk theft and weather damage to our business's investments by not being able to store our equipment on our property, inside a safe and lockable structure. The unpredictability of weather requires access to our equipment (and access to be able to fix our equipment) all hours of the day, all days of the year, which is why we must store said equipment on our property, in a separate structure.

(1) Will approval be injurious to the public health, safety, morals or general welfare of the community? NO, because the structure will not interfere with any public areas, it won't block the visibility of traffic, and it won't be any different than having a large garage next to our residence.

(2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?

NO, because the property adjacent to the proposed structure is a transmission shop, not a residence. There's no reason a large attached garage would obstruct the use of that transmission shop or devalue it.

(3) Will strict application of the terms of this chapter result in practical difficulties in the use of the property?

. Yes. Once the property is rezoned to the R-1 Single Family Residential District, a contractor's business with equipment storage is not permitted in a new structure attached to the existing house.

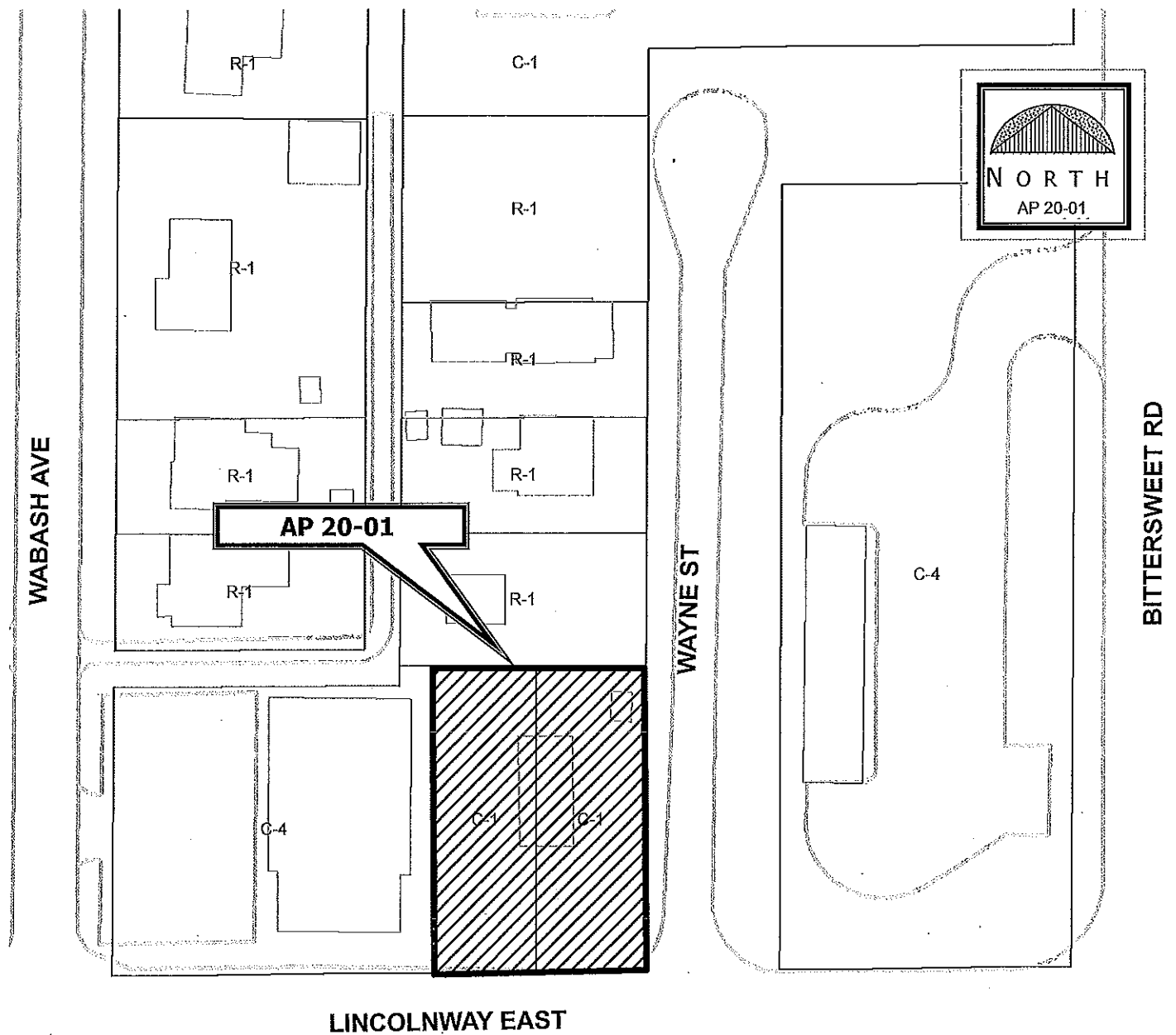
WHEREFORE, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.

James W. Clardy Jr. 1-18-20
James W. Clardy Jr.

Theresa Clardy 1-18-20
Theresa Clardy

CONTACT PERSON:

Tiffany J Gilbert
4416 Lincoln Way East
Mishawaka IN 46544
574-326-9571
michianacontractservicesllc@gmail.com



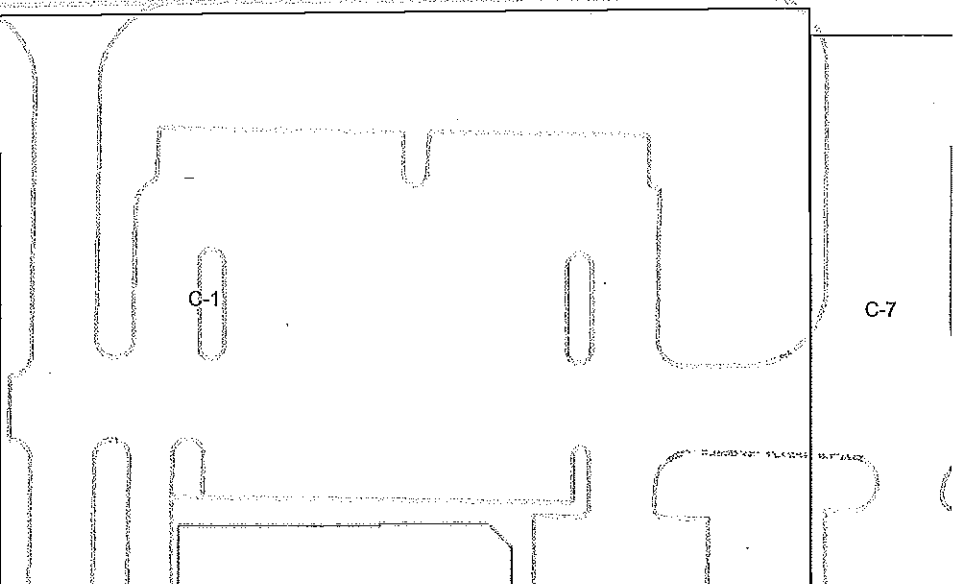
Location Map

APPEAL 20-01

JAMES W. JR. & THERESA CLARDY
(OWNERS)/MICHIANA CONTRACTING
SERVICES (TENANT)

4416 LINCOLN WAY EAST

USE VARIANCE TO ALLOW A
CONTRACTORS BUSINESS IN A NEW
BUILDING ADDITION ON AN EXISTING
HOUSE (PENDING R-1 DISTRICT)



RECEIVED
DEBORAH S. BLOCK, MMC

January 6th, 2020

JAN 29 2020

Honorable Members of the
Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

CITY CLERK
MISHAWAKA, IN

RE: PETITION TO REZONE

The undersigned, James W. Clardy, Jr. and Theresa Clardy respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

- Lots 189 and 190 of Oakland 2nd Addition including the south half of a vacated alley to the north—4416 Lincoln Way East, Mishawaka, IN 46544

The land carries a zoning classification of C-1 General Commercial. Said property is currently a single-family residential house occupied by Tiffany Gilbert and James Eichorst, renting. Tiffany Gilbert is the owner of Michiana Contract Services.

Petitioners desire said real estate to be rezoned to R-1 Single-Family Residential District. Petitioners and tenants further state that they intend to utilize the land for continued use as a single-family residence, as existing, with the addition of a contractor's business (Michiana Contract Services) located in a new attached structure. The 30'X60' sq.ft. structure will primarily be used for equipment storage.

Wherefore, the petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

Signature(s) of Property Owner(s)

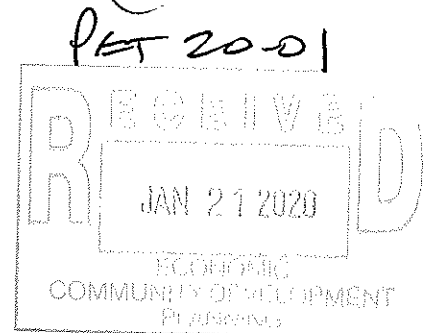
James W. Clardy 1-18-20
James W. Clardy

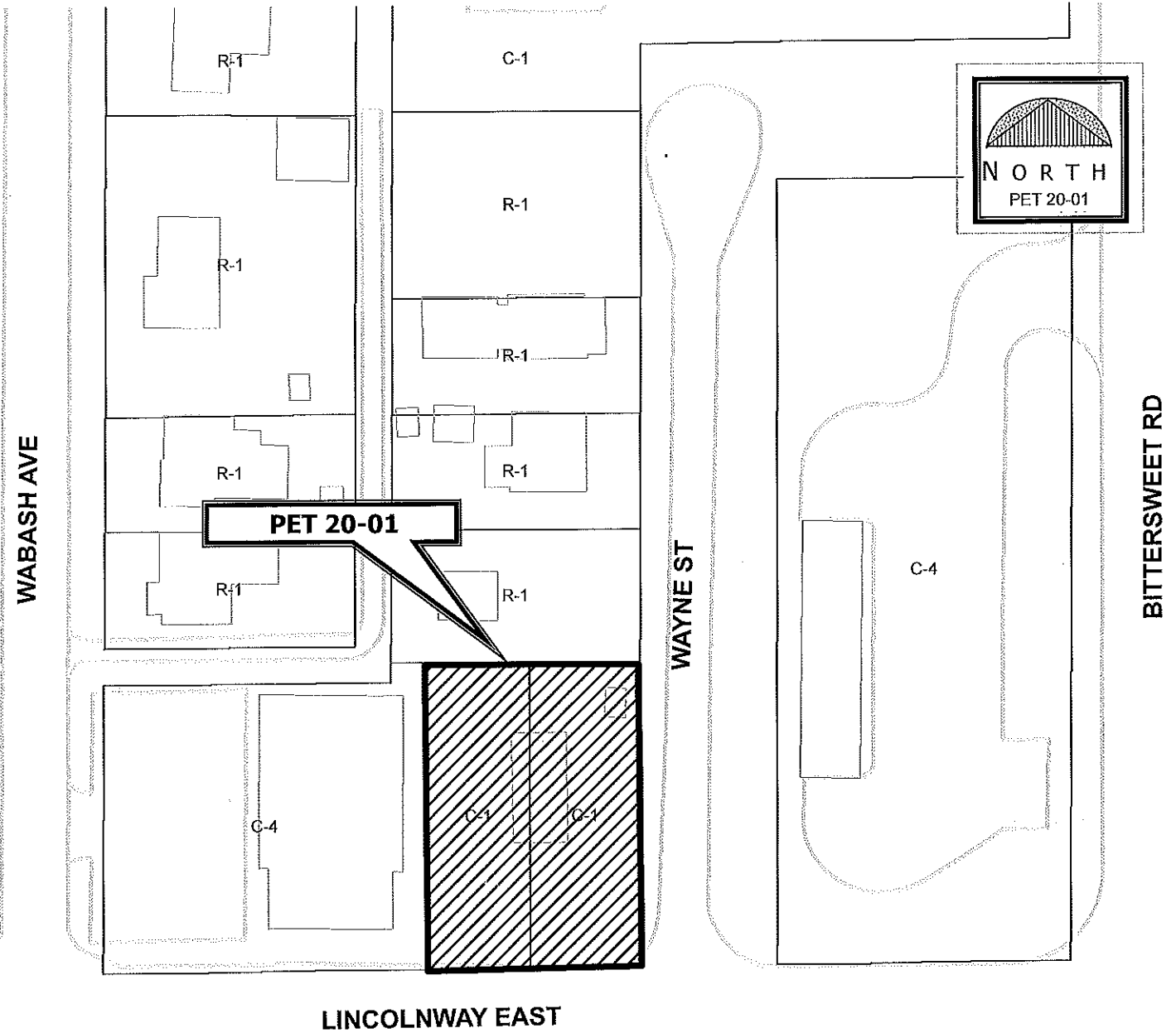
Signature(s) of Property Owner(s)

Theresa Clardy 1-18-20
Theresa Clardy

CONTACT PERSON:

TIFFANY J GILBERT
4416 LINCOLNWAY E
MISHAWAKA IN 46544
574-326-9571
MICHIANACONTRACTSERVICESLLC@GMAIL.COM



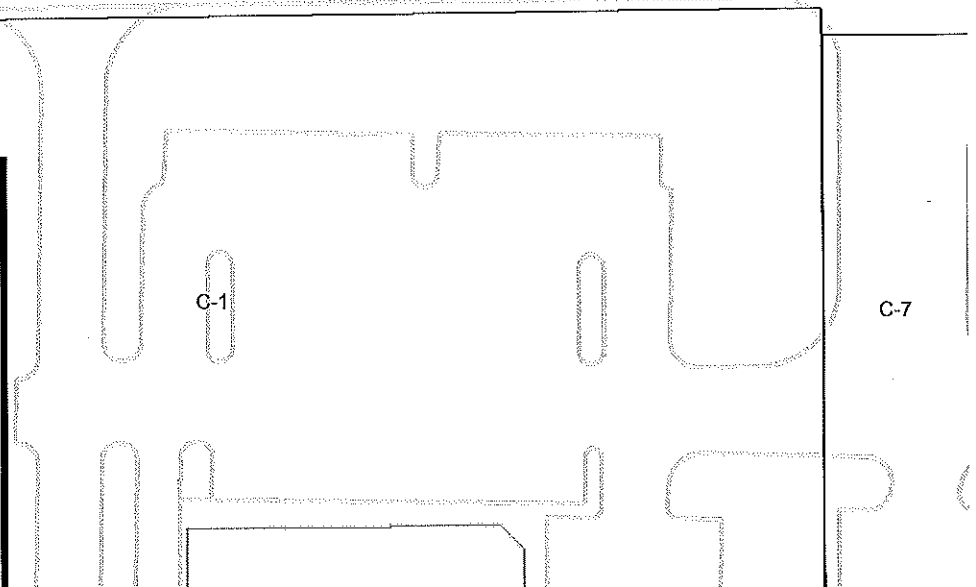


Location Map PET 20-01

JAMES W. JR. & THERESA CLARDY
(OWNERS)/MICHIANA CONTRACTING
SERVICES (TENANT)

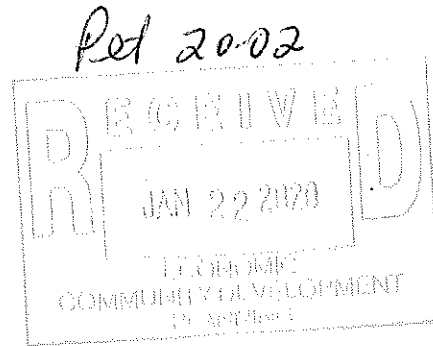
4416 LINCOLN WAY EAST

REZONING FROM C-1 GENERAL COMM.
TO R-1 SINGLE FAMILY RESIDENTIAL
FOR EXISTING HOUSE & CONTRACTORS
BUSINESS (PENDING AP 20-01)



January 22, 2020

To The Honorable Members of the
Common Council
City of Mishawaka, Indiana
And
Mishawaka City Plan Commission
City of Mishawaka, Indiana



Re: Petition for Vacation of Public Right of Way

The undersigned **School City of Mishawaka** respectfully request the Mishawaka Common Council and the Mishawaka City Plan Commission vacate the following described public right of way located in the City of Mishawaka, St. Joseph County, Indiana:

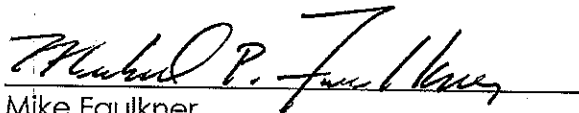
(Legal Description and Map Exhibits Attached).

Petitioners further state they are the owners of the property immediately adjacent to the above-described right of way.

Wherefore, the Petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted vacated the above described right of way located in the City of Mishawaka.



Alex M. Newman
Chief Financial Officer
School City of Mishawaka



Mike Faulkner
Director of Operations
School City of Mishawaka

CONTACT PERSON:

Mike Huber
Abonmarche Consultants
750 Lincolnway East
574.347.4610

RECEIVED
DEBORAH S. BLOCK, MMC

JAN 29 2020

CITY CLERK
MISHAWAKA, IN

EXHIBIT A

ALLEY VACATION

A 15 FOOT WIDE NORTH SOUTH ALLEY RUNNING BETWEEN THE EAST AND WEST ALLEY NORTH OF AND PARALLEL TO LINCOLN WAY EAST AND HOMEWOOD AVENUE, IN THE CITY OF MISHAWAKA, INDIANA, WHICH NORTH AND SOUTH ALLEY IS BETWEEN WENGER AVENUE AND INDIANA AVENUE, AND WHICH IS BOUNDED ON THE WEST BY LOTS 49 THROUGH 58 AND ON THE EAST BY LOTS 59 THROUGH 68 AS SAID LOTS ARE KNOWN AND DESIGNATED ON THE RECORDED PLAT OF J.J. ENGELDRUM'S FIRST ADDITION TO THE CITY OF MISHAWAKA, RECORDED IN PLAT BOOK 8 PAGE 74, ST. JOSEPH COUNTY RECORDER; AND, A 14 FOOT EAST WEST ALLEY RUNNING BETWEEN INDIANA AVENUE AND WENGER AVENUE AND LYING BETWEEN LOTS 51, 52, 65 AND 66 AS SAID LOTS ARE KNOWN AND DESIGNATED ON SAID PLAT, ALL LYING WITHIN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA INDIANA, AS DEPICTED ON THE ATTACHED PARCEL PLAT MARKED **EXHIBIT B**, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 56; THENCE NORTH 00° 05' 57" WEST ALONG THE EAST LINE OF SAID LOTS 58, 57, 56, 55, 54, 53, AND 52, A DISTANCE OF 309.44 FEET TO THE NORTHEAST CORNER OF SAID LOT 52; THENCE SOUTH 83° 35' 53" WEST ALONG THE NORTH LINE OF SAID LOT 52 A DISTANCE OF 119.33 FEET, TO THE NORTHWEST CORNER OF LOT 52; THENCE NORTH 00° 07' 20" WEST 14.08 FEET TO THE SOUTHWEST CORNER OF SAID LOT 51; THENCE NORTH 83° 35' 53" EAST ALONG THE SOUTH LINE OF SAID LOT 51 A DISTANCE OF 119.34 FEET TO THE SOUTHEAST CORNER OF LOT 51; THENCE NORTH 00° 01' 07" WEST ALONG THE EAST LINE OF SAID LOTS 51, 50, AND 49 A DISTANCE OF 135.52 FEET TO THE NORTHEAST CORNER OF LOT 49; THENCE NORTH 83° 45' 13" EAST 15.09 FEET TO THE NORTHWEST CORNER OF SAID LOT 68; THENCE SOUTH 00° 01' 07" EAST ALONG THE WEST LINES OF SAID LOTS 68 THROUGH 66 A DISTANCE OF 135.48 FEET TO THE SOUTHWEST CORNER OF LOT 66; THENCE NORTH 83° 35' 53" EAST ALONG THE SOUTH LINE OF SAID LOT 66 A DISTANCE OF 119.01 FEET TO THE SOUTHEAST CORNER OF LOT 66; THENCE SOUTH 00° 08' 00" EAST 14.08 FEET TO THE NORTHEAST CORNER OF SAID LOT 65; THENCE SOUTH 83° 35' 53" WEST ALONG THE NORTH LINE OF SAID LOT 65 A DISTANCE OF 119.02 FEET TO THE NORTHWEST CORNER OF LOT 65; THENCE SOUTH 00° 05' 57" EAST ALONG THE WEST LINES OF SAID LOTS 65, 64, 63, 62, 61, 60, AND 59 A DISTANCE OF 309.43 FEET TO THE SOUTHWEST CORNER OF LOT 59; THENCE SOUTH 83° 33' 07" WEST 15.09 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.23 ACRE MORE OR LESS AND SUBJECT TO ALL COVENANTS, RIGHTS-OF-WAY, AND EASEMENTS OF RECORD.

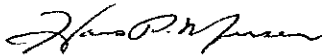
ALSO:

AN EASTERLY PORTION OF A 16.5 FOOT ALLEY RUNNING BETWEEN WENGER AVENUE AND INDIANA AVENUE LYING BETWEEN LOTS 58 AND 59 AND LOTS "D" THROUGH "I", AS SAID LOTS ARE KNOWN AND DESIGNATED ON THE RECORDED PLAT OF J.J. ENGELDRUM'S FIRST ADDITION TO THE CITY OF MISHAWAKA, RECORDED IN PLAT BOOK 8 PAGE 74, ST. JOSEPH COUNTY RECORDER, SAID EASTERLY PORTION BEING NORTH OF A PARCEL OF LAND CONVEYED TO ROBERT V. AND JENNIFER C. TASHIJAN, INSTRUMENT NUMBER 9235291, ST. JOSEPH COUNTY RECORDER, ALL LYING WITHIN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA INDIANA, AS DEPICTED ON THE ATTACHED PARCEL PLAT MARKED **EXHIBIT B**, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID TASHIJAN LAND; THENCE SOUTH 83° 33' 07" WEST ALONG THE NORTH LINE OF SAID LOTS "I" AND "H" A DISTANCE OF 62.09 FEET TO THE NORTHWEST CORNER OF SAID TASHIJAN LAND; THENCE NORTH 06° 26' 53" WEST A DISTANCE OF 16.50 FEET TO THE SOUTH LINE OF SAID LOT 59; THENCE NORTH 83° 33' 07" EAST ALONG SAID SOUTHERLY LINE 63.92 FEET TO THE SOUTHEAST CORNER OF SAID LOT 59; THENCE SOUTH 00° 08' 00" EAST 16.60 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.23 ACRE MORE OR LESS AND SUBJECT TO ALL COVENANTS, RIGHTS-OF-WAY, AND EASEMENTS OF RECORD.

THIS DOCUMENT WAS PREPARED FOR SCHOOL CITY OF MISHAWAKA BY HANS P. MUSSER, INDIANA REGISTERED LAND SURVEYOR, LICENSE NUMBER 29700002, ON JANUARY 21, 2020.



HANS P. MUSSER, PS

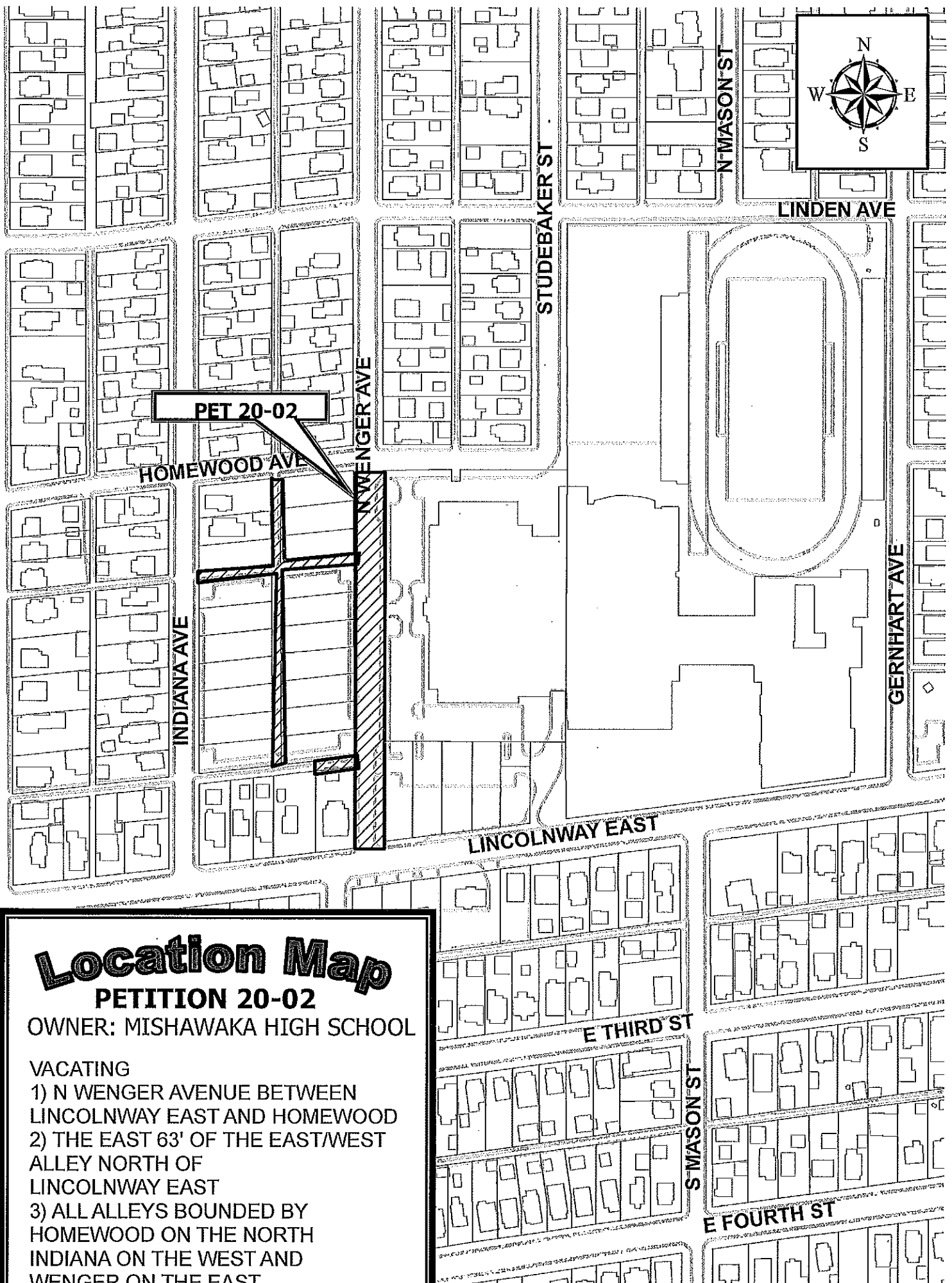
01/21/2020

DATE

JOB NO.: 19-0067

DATE: JAN. 21, 2020





Location Map

PETITION 20-02

OWNER: MISHAWAKA HIGH SCHOOL

VACATING

- 1) N WENGER AVENUE BETWEEN LINCOLNWAY EAST AND HOMEWOOD
- 2) THE EAST 63' OF THE EAST/WEST ALLEY NORTH OF LINCOLNWAY EAST
- 3) ALL ALLEYS BOUNDED BY HOMEWOOD ON THE NORTH INDIANA ON THE WEST AND WENGER ON THE EAST

1st Reading 2-03-2020
2nd Reading
Passed
Failed
Continued To

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2020-04

ORDINANCE NO. _____

Recd 20-03
RECEIVED
DEBORAH S. BLOCK, MMC

JAN 30 2020

CITY CLERK
MISHAWAKA, IN

AN ORDINANCE AMENDING CHAPTER 105, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS THE "DESIGN REVIEW DEVELOPMENT PLAN ORDINANCE" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, in 1999 the City of Mishawaka adopted the Design Review Development Plan Ordinance to establish construction and appearance standards within Downtown Mishawaka, and

WHEREAS, one of the areas regulated by this ordinance is signage, and

WHEREAS, when adopted the decision was made at the time to establish the maximum size and quantity of signs to reduce clutter, and

WHEREAS, the City Administration has been contacted multiple times regarding the significant limitations of the ordinance, and

WHEREAS, upon meeting with and or reviewing the concerns or requests that have been submitted by with multiple business owners, the Administration asked a national developer who encounters these types of restrictions on a regular basis to recommend changes to the ordinance that provided for increased flexibility while still maintaining the visual integrity of the historic downtown and the redevelopment area, and

WHEREAS, the City Planning Commission has granted multiple waivers of the Design Review ordinance for permanent signage since the ordinance's adoption, and

WHEREAS, a number of new businesses, restaurants, and bars have opened in the historic downtown in the past few years that have been limited in design flexibility based on the existing ordinance language, and

WHEREAS, the redevelopment area has seen significant new construction and the first commercial spaces are now being leased, and

WHEREAS, the proposed modifications are consistent with the established intent of the design review ordinance which included:

- o Providing sufficient direction to developers so as not to be arbitrary or capricious.
- o Promote design flexibility and creativity, enhance the quality, flavor and essence of the community.
- o Provide standards that reflect and/or complement notable quality existing developments, as well as appropriate regional or national design trends.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, that:

Proposed Ordinance No: 2020-04

Ordinance No: _____

Section 1. Chapter 105, of the Municipal Code of the City of Mishawaka, commonly known as the "Design Review Development Plan Ordinance", be, and the same is hereby amended as follows:

Delete the following:

- **Sec. 105-174. - Signage size limitations.**

The individual letter characters or symbols on any proposed sign shall not exceed 18 inches in height. The vertical size of any sign which exceeds six feet in height shall be discouraged. The horizontal size of any sign which exceeds 20 linear feet shall be discouraged. Wall-mounted letters or messages that extend beyond 20 linear feet along the horizontal face shall be discouraged.

- **Sec. 105-175. - Signage quantity.**

A maximum of one freestanding sign shall be permitted per street frontage, excluding directional signs. A maximum of one projecting or suspended sign shall be permitted per street frontage. A maximum of one wall sign, painted graphic, or building sign shall be permitted per building face, excluding window signs.

- **Sec. 105-176. - Signage clutter.**

To avoid clutter and confusion in viewing signage, a maximum of 40 characters per sign shall be encouraged, excluding window signs. Company symbols or logos need not be included as a character for determining the maximum number. The integration of company symbols or logos shall be encouraged; however, the logos shall be of a size and use materials/colors consistent with the requirements identified herein.

Replace with the following additions:

- **Sec. 105-174. - Signage size limitations.**

The maximum height of the first letter or logo of a sign shall not exceed 30 inches in height and 48 inches in length. The first letter or logo may not exceed 35 percent of the area of the overall sign area. Other individual letter characters or symbols on any proposed sign shall not exceed 18 inches in height. The vertical size of any sign which exceeds six feet in height shall be discouraged. The horizontal size of any sign which exceeds 20 linear feet shall be discouraged. Wall-mounted letters or messages that extend beyond 20 linear feet along the horizontal face shall be discouraged. No sign shall be any closer than 24" to the end of a storefront or the corner of a building.

- **Sec. 105-175. - Signage quantity.**

A maximum of one freestanding sign shall be permitted per individual business or leased storefront for each street frontage, excluding directional signs. A maximum of one

Proposed Ordinance No: 2020-04

Ordinance No: _____

projecting or suspended sign shall be permitted per street frontage per individual business or leased storefront. A maximum of one wall sign, painted graphic, or building sign shall be permitted per building face, excluding window signs, projecting signs, and awnings.

- **Sec. 105-176. - Signage clutter.**

To avoid clutter and confusion in viewing signage, a maximum of 40 characters per sign shall be encouraged, excluding window signs. Company symbols or logos need not be included as a character for determining the maximum number. The integration of company symbols or logos shall be encouraged; however, the logos shall be of a size and use materials/colors consistent with the requirements identified herein. Characters used as part of a directory to identify names of individuals or businesses who are practicing employed at an individual business, that are 3 inches in height or less shall not be counted as part of the maximum number of characters listed above.

Proposed Ordinance No: _____

Ordinance No: _____

Section 2. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2020, at _____ o'clock _____.M.

Gregg Hixenbaugh - President

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2020, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2020, at _____ o'clock _____.M.

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

1st Reading 1-27-2020 PETITION 19-20

JAN 15 2020

2nd Reading

CITY OF MISHAWAKA, INDIANA

Passed

PROPOSED ORDINANCE NO. 2020-02E

CITY CLERK
MISHAWAKA, IN

Failed

Continued To

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the reclassification of the zoning as herein set forth of the real estate hereinafter described.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, that:

Section 1. Chapter 137, of the Municipal Code of the City of Mishawaka, commonly known as "The Zoning Ordinance of 1966", be, and the same is hereby amended as follows:

The following described real estate in the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

Lot 24 Gaylor's First Addition

COMMON ADDRESS: 115 East Ninth Street

which real estate is now classified as R-1 Single Family Residential District shall hereafter be within and a part of that District known as R-2 Two-Family Residential District designated in "The Zoning Ordinance of 1966" as amended.

Section 2. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1. The neighborhood surrounding the property to the south, west, and east is residential and its historic use as a two-family dwelling would be not be incompatible to the area;
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, staff feels that the most desirable use for this property is its historical two-family use;
3. Because the parcel is located in an area of residential uses, the rezoning to Two-Family Residential is a desirable use for this property;

Proposed Ordinance No: 2020-02

Ordinance No: _____

4. Rezoning this property to its historic R-2 Two-Family Residential classification will not have an unfavorable and destabilizing impact on the neighborhood; and,
5. The City's Comprehensive Plan calls for low intensity residential use, and its historic use as a two-family home is compatible and consistent with the historic residential uses in the area.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2020, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2020, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2020, at _____ o'clock ____M.

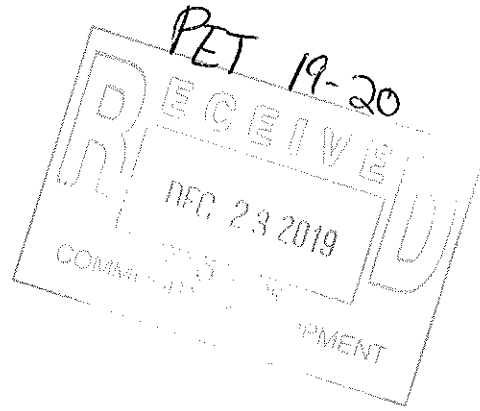
David A. Wood, Mayor

DATE: 12/17/2019

Honorable Members of the
Common Council
City of Mishawaka, Indiana

and

Mishawaka City Plan Commission
City of Mishawaka, Indiana



RE: PETITION TO REZONE

The undersigned **Nicholas John Sutherland** respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Legal Description: Lot 24, Gaylor's Plat St Joseph County, Indiana
Parcel Number: 71-09-16-480-004.000-023
Tax ID Number: 016-1146-5866
Common Address: 115 East 9th Street, Mishawaka IN 46544

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of District R-1. Said property is to be used as a multi-family unit building with 2 units to occupy and lease.

Petitioner desire said real estate to be rezoned to R-2 multi-family District. Petitioner further state that they intend to utilize said land for multi-family dwelling as a 2 unit building.

Wherefore, the petitioner pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

Thank you for your consideration

Nicholas Sutherland

CONTACT PERSON:

NAME	NICHOLAS SUTHERLAND
ADDRESS	115 E 9 TH ST, MISHAWAKA IN 46544
PHONE NUMBER	269-815-2187
EMAIL	NICHOLASSUTHERLAND0@GMAIL.COM

R-1 C-5

W EIGHTH ST

R-1
R-1
R-1

R-1
R-1

W NINTH ST

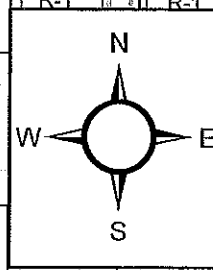
R-1
R-1

R-1
R-1

S MAIN ST

C-5 R-1 R-1 R-1 R-1 R-1 R-1 R-1 R-1 R-1

E EIGHTH ST



C-1 C-1 R-1 R-1 R-1 R-1 R-1 R-1 R-1 R-1 R-1 R-1

I-1 I-1 I-1 R-1 R-1 R-1 R-1 R-1 R-1 R-1

PET 19-20

E NINTH ST

R-1 R-1 R-1 R-1 R-1 R-1 R-1 R-1 R-1 R-2

SUMMIT LN

R-2

R-1 R-1 R-1 R-1 R-1 R-1 R-1 R-1 R-1 R-1

R-1

E TENTH ST

R-1 R-1 R-1 R-1 R-1 R-1 R-1 R-1 R-1

R-1

Location Map

PET 19-20

OWNER:
NICHOLAS JOHN SUTHERLAND

115 E NINTH ST

REZONE FROM R-1 SINGLE FAMILY
RESIDENTIAL TO R-2
TWO FAMILY RESIDENTIAL