



HISTORIC DISTRICT COMMISSION

March 19, 2018, 6:00 p.m.
Second Floor Training Room
Mason City Hall

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT**
- 4. APPROVAL OF MINUTES** (January 11, 2018)
- 5. UNFINISHED BUSINESS**
 - A. Development Updates
 - B. Revised Meeting Schedule
- 6. NEW BUSINESS**
 - A. Draft Sign Ordinance - Discussion
 - B. Art and Placemaking in the Historic District - Discussion
- 7. LIAISON REPORT**
- 8. ADJOURN**

**CITY OF MASON
HISTORIC DISTRICT COMMISSION MEETING
MINUTES OF JANUARY 11, 2018**

Clinton called the meeting to order at 7:02 pm in the Second Floor Training Room at 201 West Ash Street, Mason MI.

Commissioner(s) present: Clinton, Cummings, Shattuck, Vogel
Commissioner(s) absent: Jewett, Linsley, Schulien
Also present: Elizabeth Hude, Community Development Director

PUBLIC COMMENT

None.

APPROVAL OF MINUTES

Cummings made a motion, seconded by Shattuck, to accept the meeting minutes from the September 25, 2017 meeting.

Yes (4)
No (0)
Absent (3)

MOTION APPROVED

UNFINISHED BUSINESS

None.

NEW BUSINESS

A. Elect Chair and Vice Chair

Cummings made a motion, seconded by Vogel, to elect Clinton as Chair of the HDC.

Vogel made a motion, seconded by Cummings, to elect Jewett as Vice Chair of the HDC.

Yes (4)
No (0)
Absent (3)

MOTION APPROVED

B. Motion: Approval of Renovation to 160 East Ash Façade

After discussion among HDC members, Vogel made a motion, seconded by Cummings, to approve the renovation to the 160 East Ash Façade.

Yes (4)
No (0)
Absent (3)

MOTION APPROVED

- C. Commission members discussed moving Historic District Commission meetings to the Third Monday of every month, beginning at 6 pm. Hude will check to see what the process is for this type of request and report back to the Commission.
- D. Cummings voiced concerns about the safety of people using the trail on Howell. There are dead trees that need to be taken care of along the creek.

LIAISON REPORT

Vogel gave an update on City business.

ADJOURN

Meeting adjourned at 7:34 pm.



City of Mason
Community Development Office
Memo

TO: Historic District Commission

FROM: Elizabeth A. Hude, AICP - Community Development Director

SUBJECT: New meeting dates and times

DATE: March 16, 2018

At your regular meeting on January 11, 2018, members voted to change the date and times of meetings to avoid conflict with City Council meetings. Below is the revised schedule for your review.

They will meet the third Monday of every month at 6 p.m. in the 2nd Floor Training Room –

Mar 19
Apr 16
May 21
June 18
July 16
Aug 20
Sept 17
Oct 15
Nov 19
Dec 17

Date: February 28, 2018
To: Elizabeth Hude, AICP, City of Mason Community Development Director
From: Mark A. Eidelson, AICP
Re: *Revised Chapter 58 of City Code – Signs*

Attached is a fully redrafted Chapter 58 of the City Code, addressing signs. There were several primary goals in the development of this redrafted Chapter 58:

- Improve user-friendliness including the use of tables where practical, incorporating term and phrase definitions within the body of Chapter 58 rather than in Chapter 1 of the City Code, and presenting standards in a manner that is less subject to variable interpretation.
- Address a number of sign issues about which the current Chapter 58 is silent such as more expanded provisions addressing the measurement of sign setbacks, measurement of sign areas, maintenance requirements, and illumination restrictions.
- Incorporate new sign standards to replace existing standards that may not be in the best interest of the City due to issues pertaining to administration and enforcement, design, and general community character issues, or otherwise highlight provisions that officials may want to consider for further revision.
- Address the implications of *Reed v Gilbert* (Supreme Court, 2015), which strongly discourages content-based sign regulations and as further elaborated in my previous November 11, 2017 review of the current sign regulations.

To the greatest extent practical, I have tried to carry forward into the draft Chapter 58 the same section numbers/section topics as in the current Chapter 58.

The next several pages strive to highlight the substantive differences between the current Chapter 58 and this draft Chapter 58. A clear and comprehensive comparison to the current Chapter 58 is challenging due to differing terminology in instances, lack of clarity in instances, and overall formatting and organization of requirements and standards. Still, I believe this summary reasonably captures the principle differences between the two sets of provisions.

It is very reasonable to assume that whatever version of a new Chapter 58 is eventually adopted, with or without minor or major revisions to the version presented within, the City's sign regulations will have to be updated periodically as more case law evolves following Reed v Gilbert. Consultation with legal counsel is advised as well.

I am available to meet with you to discuss these draft provisions or discuss them over the phone. Please do not hesitate to contact me if you have any questions.

The following summarizes the substantive differences between the current Chapter 58 and the draft Chapter 58.

1. **Draft Sec. 58-1, purpose**, presents the purpose statement for the Chapter. The draft purpose statement is generally similar in substance to the current Sec. 58-1 except that it is more descriptive in character and expressly references the Article's intention of supporting free speech rights under the Constitution, within a balanced framework, while also recognizing that certain temporary uses necessitate more tailored regulations but which still support free speech.
2. **Draft Sec. 58-2, applicability of the chapter**, is more descriptive than the current Sec. 58-2.
3. **Draft Sec. 58-3, nonregulated signs**, is significantly narrower in scope than the current Sec. 58-3. The narrower scope is largely due to the deletion of the content-based elements of the current list, although some of the draft provisions do include content-based signage. The draft provisions focus principally on signs within public right-of-ways and spaces, or other signs about which it could be reasonably argued that they are directly related to public health, safety and welfare matters, or are otherwise linked to official state operations such as in the case of an historical marker issued by the state historic preservation office.

Please also note that draft Sec. 58-3(6) exempts from regulation all signs no greater than 2 sq. ft. in area. This provision extends the current Sec. 58-3(9) exception for directional signs and applies the exception across the board irrespective of the sign's content. This change is intended to minimize administrative burdens and focus regulations on those signs that are more visually evident. This is a substantive change that officials may welcome or prefer to delete.

4. **Draft Section 58-4** address a new matter – signs that are subject to chapter 58 but which do not require a permit. The purpose of this section is to minimize administrative burdens for all parties in the case of comparatively minor signage while still mandating that such signage comply with all relevant standards of the Chapter (area, height, setbacks, etc.). The current Chapter 58 does not have a similar element. To clarify, draft Sec. 58-3 (above) lists signs that are not subject to Chapter 58 while draft Sec. 58-4 lists signs that are subject to the Chapter but which are not required to go through the permitting process.
5. **Draft Section 58-5, definitions**, presents important terms and phrases and corresponding definitions. As we previously discussed, the intent is to remove sign-related definitions from Chapter 1 of the City Code of Ordinances and insert sign definitions directly into the updated Chapter 58 to improve the ease of use of the Chapter. Please note the following:
 - a) The draft definitions generally coincide in substance with the applicable existing definitions of Chapter 1 of the Code of Ordinances, but all of the definitions have undergone review with the intent to clarify ambiguous wording or otherwise provide expanded definitions that offer the reader greater clarification of the defined term.
 - b) Some of the existing definitions in Chapter 1 were not carried over into draft Sec. 58-5 because they do not appear to be used in Chapter 58 or elsewhere in the code, such as in the case of “*banner sign*” and “*marquee sign*.”
 - c) Unlike the current definitions in Chapter 1, draft Sec. 98-5 does not present separate definitions for “portable sign” and “temporary sign.” Under the draft definitions and the regulations of this new draft Chapter 58, both sign classifications are treated as one – “temporary signs.”
 - d) Unlike the current Chapter 1 definition of sign that states that a sign must be viewable from a public place (road, park, etc.) to be a sign, the draft definition does not include this restriction and clarifies that a sign is a sign if it is viewable from any property.

- e) The draft definitions include terms/phrases that are not currently addressed in the current Chapter 1 such as electronic message sign, business center, and storefront tenant.
6. **Draft Sections 58-86 to 58-92, sign board of appeals (SBA)**. While the intent of these draft sections are the same as the current Chapter 58, the draft provisions are substantively different in the following principal ways:
- As we discussed, the draft provisions provide for the zoning board of appeals to serve as the sign board of appeals.
 - Like the recently prepared zoning ordinance amendments addressing the ZBA, the draft SBA provisions present clearer step-by-step procedures for the three available appeals – variances, interpretations and administrative reviews. The provisions are modeled after the ZBA amendments in this regard.
 - The draft standards of approval for variances are more specific to the issue of signage as compared to the more generic standards of the current Chapter 58.
7. **Draft Section 58-126, prohibited signs**, generally corresponds to the current Sec. 58-126, except for the deletion of content-based prohibited signs such as in the case of signs that no longer advertise a product available on the lot, and hand-painted signs “*not of a commercial quality*,” the latter being subject to excessive discretion and free speech issues.
8. **Draft Section 58-127, permanent signs**, generally corresponds to Sec. 58-127 of the current Chapter 58. Where practical, standards for each district have been incorporated into a table (Table 58-127.1) though there is a list of “Special Provisions” that follow the table and are more difficult and/or less practical to put in tabular format. The provisions of this draft section carry forward the standards and restrictions of the current Sec. 58-127 except as provided or clarified below:
- Whereas Sec. 58-127 of the current Chapter 58 limits the number of wall signs to one in all or nearly all districts, draft Table 58-127.1 does not place limitations on the number of signs. Instead, the Table places restrictions on the percentage of a building’s face that may be occupied by such signs. This is a common approach, one that affords the property owner an added degree of flexibility, and one that recognizes common practice by store owners. For example, many of the downtown storefronts in Mason have two or more wall signs displayed.
- The percentage standards in the Table are 10% in all districts, with a maximum of 300 sq. ft., except agricultural and residential districts where the standard is 5% with a maximum 200 sq. ft. The current Chapter 58 places no restrictions on maximum wall sign area in agricultural and residential districts, and limits wall signs to 30 sq. ft. in non-residential districts – a comparably very stringent standard.
- As a point of reference, the wall signage on the front of the following randomly selected storefronts occupies the following approximate percentage of the building’s face (storefront story only): Family Farm and Home-3%; Vault Delicatessen-4%; Darb’s-5%; Advanced Auto Parts-7%; Auto Zone-8%, Kean’s-9%, Bestsellers-10%, and D&G Equipment-10%.
- Unlike Sec. 58-127 of the current Chapter 58, the draft Table requires increased side and rear yard setbacks for freestanding signs where the adjacent yard is in an agricultural or residential district. This is intended to minimize negative impacts but, at the same time, adds restrictions that may not be supported. Aside from this issue, the setback standards for freestanding signs come from Sec. 58-128(4) of the current Chapter 58. Officials may want to consider increasing the 10’ setback for signs in excess of 10’ in height, in agricultural and residential districts, in the interest in minimizing negative impacts.
 - In the interest of consistency, the maximum freestanding sign height in the manufacturing districts was decreased from 24’ to 20’, to match those of the commercial/office districts.

- d) The current Chapter 58 prohibits **roof signs** except in the C-2 District and this has been carried over to the draft Table. However, unlike the current Chapter 58, which establishes no maximum size limits other than the 1.5 sq. ft. per 1' of building length, the draft Table establishes a maximum area of 200 sq. ft. but not to exceed 25% of the building's length. This change is suggested in the interest of encouraging signage of appropriate scale.
- e) The Special Provisions following the Table address additional signage permitted in association with **"business centers"** in subsection (3), something the current Chapter 58 does not appear to address. Please refer to the definition of *"business center"* in draft Sec. 58-5.
- f) The Special Provisions following the Table address signs in association with dwellings and directional signs (subsection (4) and (5)). The provisions are intended to address a variety of circumstances without being content-based including dwelling/address identification and signs at entrances to buildings within a multiple family development, and signs at entrances into parking lots. *You may want to contact your legal counsel to get an opinion if exempting all "purely" directional signs (not content-neutral), with appropriate area and height standards, is an option for the city as such an approach may simplify these aspects of the chapter or otherwise permit some of the content to be deleted.*
- g) The Special Provisions following the Table address signs in association with **drive-through facilities** (subsection (6)), something the current Chapter 58 does not appear to address.
- h) The Special Provisions following the Table address the **display of flags** (subsection (7)). Under Sec. 58-3(3) of the current Chapter 58, flags are exempt from regulation based on the content of the flag. Such an approach will likely not survive a legal challenge. The draft flag provisions are intended to be content neutral.
- i) The Special Provisions following the Table address **"off-premises" signs** (subsection (7)) without specifically using the "off-premises" sign phrase so as to remain content-neutral. The draft provisions carry forward the substance of Sec. 58-129 of the current Chapter 58 except for the deletion of provisions addressing clear vision areas and illumination, which are addressed under draft Sec. 58-129.

I recommend officials reconsider its regulations regarding this matter, according to the following minimum issues:

- A designated "off-premises sign" district (C-2, M-1, etc.) may be more than a ¼-mile from a US-127 interchange and yet any lot within the district is permitted the additional signage. This does not seem, on the surface, to be logical given that this type of signage is typically intended to be viewed from the highway. Perhaps I do not understand the basis for the current off-premises sign regulations.
- The height and area standards for these signs does not appear to support interests in enhancing the visual character of the Cedar Street corridor (most particularly), such as in the case of the permissible 25' heights and 300 sq. ft. areas.
- Officials may want to consider whether allowing the additional signage permitted by Sec. 58-129 of the current Chapter 58 is something officials want to continue to carry forward, or perhaps establishing greater limitations on where such additional signage is permitted.

Please note that in the interest of being content-neutral, the draft provisions of Sections 58-127 (permanent signs) and 58-128 (temporary signs) do not prohibit such authorized signs from being used as off-premises signs. For example, if McDonald's prefers to use its one freestanding sign for the purpose of advertising Los Tres Amigos, it is free to do so. Chapter 58 does not differentiate between on-premises and off-premises signs.

9. **Draft Section 58-128, temporary/portable signs**, generally corresponds to Sec. 58-130 of the current Chapter 58. Where practical, standards for each district have been incorporated into a table (Table 58-128.1) though there is a list of “Special Provisions” that follow the table and are more difficult and/or less practical to put in tabular format. Please note the following:

- a) Table 58-128.1 presents temporary sign provisions that are **not specific to a particular temporary activity** (unlike garage sales, construction signs, etc.). The signs permitted by the Table can be used by the respective lot owner/tenant however he/she deems appropriate including to advertise a merchandise sale, make a political statement, express support for the Mason Bulldogs, or for any other purpose. The current Chapter 58 appears to prohibit these options, which raises free speech issues. The number and size of such signs are more restricted in the agricultural and residential districts and more lenient in the commercial, industrial and office districts. I suspect many (perhaps most) property owners/tenants already post such signs and the Table expressly authorizes such signage with restrictions.

As I understand the current Chapter 58, these draft provisions are a substantive addition to Chapter 58 and do not relate to any provisions of the current Section 58-130 except for the maximum 40 sq. ft. temporary signs permitted in non-residential districts, which has been carried forward into the draft Table. A 40 sq. ft. temporary sign is comparatively large and officials may want to consider reducing the permissible area and/or height (10’), particularly if this upper limit size is not normally exercised by members of the community.

- b) The **setback standards** for temporary freestanding signs come from Sec. 58-128(4) of the current Chapter 58. Unlike Sec. 58-128 of the current Chapter 58, the draft Table requires increased side and rear yard setbacks for freestanding signs where the adjacent yard is in an agricultural or residential district. This is intended to minimize negative impacts but, at the same time, adds restrictions that may not be supported. Officials may want to consider increasing the 10’ setback for signs in excess of 10’ in height, in agricultural and residential districts, in the interest in minimizing negative impacts.
- c) Much of the current Sec. 58-130 addresses temporary signage associated with specific temporary activities, and the draft Sec. 58-128 addresses these matters in the **“Special Provisions”** that follow Table 58-128.1. The standards presented in the Special Provisions generally correspond to the current Sec. 58-130 in this regard.

10. **Draft Section 58-129, design and placement standards**, most closely corresponds to Sec. 58-128 of the current Chapter 58 but it has been expanded considerably in scope. The expanded scope of provisions address various issues including construction materials, maintenance, dimension ratios, lighting, and measuring sign area and height. All of the substance of the current Sec. 58-128 has been carried over into the draft Sec. 58-129 except for the deletion of Sec. 58-128(6) that prohibits an on-premise and off-premise sign on the same lot – a content-based restriction. The setback standards of the current Sec. 58-128(4) are addressed in draft Sec. 58-127 as previously discussed.

Please also note the following:

- a) The current Sec. 58-130(7) requires that a **sidewalk sign** be located a minimum of 4’ from the building, and this provision has been carried forward into draft Sec. 58-129(4). However, I recommend officials reconsider this requirement as many storeowners prefer (based on my experience) to have their sidewalk sign much closer to the wall and allowing lesser distances may minimize interruptions in the normal flow of pedestrian traffic.
- b) Draft Sec. 58-129(5) carries forward the provisions of the current Sec. 58-130(8) regarding **electronic message signs** except for the deletion of the provision that exempts such signs from permit/fee requirements. Given that electronic message signs can be as large as or larger than many other freestanding and/or wall signs, I question why the City would want to exempt all such signs across the board.

c) The draft provisions also address matters about which the current Sec. 58-130(8) is silent. Specifically:

- Any change or transition in display on an image shall not exceed one second in duration.
- Such signs in an Agricultural or Residential District shall not have any message changes during the hours from 5:00 p.m. to 8:00 a.m.
- Such signs shall be equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions. The formula presented in the draft is the commonly accepted manner for measuring brightness.

Officials may find these additions beneficial or may prefer to delete one or more of them.

11. **Draft Section 58-130, nonconforming signs**, corresponds to the substance of Sec. 58-131 of the current Chapter 58, except for the insertion of an additional key restriction – a nonconforming sign shall not be enlarged, expanded or extended, so as to increase its nonconformity.
12. **CURRENT Section 58-132, removal of discontinued/abandoned signs**. The substance of this section was not carried over into this draft Chapter 58. These restrictions are content-based. However, draft Sec. 58-129(2) addresses required maintenance of signs including “abandoned” signs.

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CITY OF MASON
CHAPTER 58 – SIGNS
Draft: February 28, 2018

ARTICLE 1. INTENT AND PURPOSE

The purpose of this chapter is to provide a framework for the display of signs to accommodate the legitimate identification, advertising and informational needs of all persons, entities land uses and to ensure free speech rights guaranteed by the First Amendment to the U.S. Constitution, including the expression of personal, religious, political and ideological views. It is the purpose of this chapter to provide such signage needs and opportunities in a manner that is balanced with the desired stability and enhancement of residential and non-residential areas including property values, the safety of the City's road corridors, and the City's prevailing desired visual character. It is recognized that unrestricted or unregulated signage does not support the desired character of the City nor benefit either private enterprise or the community-at-large. Unrestricted signage encourages traffic safety hazards, visual clutter, confusion for vehicle drivers, visual blight, and decreased property values, and undermines the desired visual character of the City including its business centers and residential neighborhoods, and its economic development initiatives. This chapter recognizes that certain activities and uses of land are temporary in nature and though temporary, have reasonable signage needs, and this chapter is intended to permit temporary signage consistent with the regulatory framework described above.

This chapter shall apply to all persons, firms, partnerships, associations, and corporations owning, occupying or having control or management of any lot, parcel or any premises or portion thereof, located within the city. This Ordinance shall apply to all signs associated with existing and proposed land uses and improvements to property, irrespective of whether such land uses and improvements are subject to approvals under other chapters of the city code including zoning provisions addressing site plan and special land use application approvals.

The following signs are not regulated by this chapter:

- (1) Signs of governmental agencies and public utilities required in rendering essential services.
- (2) Signs erected in a public right-of-way, public park, or other public space where authorized by the zoning official according to administrative rules adopted by the city council, including in the case of signs in association with parades, holiday sales by civic groups, merchant sidewalk sales and similar temporary events.
- (3) Municipal signs required by law or otherwise determined necessary for public health, safety and welfare purposes including traffic control signs, directional signs, legal notices, railroad crossing signs, and "danger" and other emergency signs.
- (4) Municipal signs erected for way finding purposes including to minimize confusion and resulting hazards among pedestrians, motorists and other persons.
- (5) Historical and other markers issued and approved by the state, such as in the case of the State Historic Preservation Office, provided such markers do not exceed 18 square feet in area and 6 feet in height.
- (6) Signs that do not exceed two square feet in area except as follows:
 - a. Where multiple signs are displayed that are each no greater than two square feet in area but exceed two square feet in total cumulative area and are intended to be read or viewed together as a single or unified message or purpose, such multiple signs shall be considered a single regulated sign according to the requirements and standards of this chapter including Tables 58-127.1 and 58-128.1.
 - b. Where such a sign is erected within 20 feet of a public street or alley and intended to be viewed from the street or alley, such sign shall be considered a regulated sign according to the requirements and standards of this chapter including Tables 58-127.1 and 58-128.1, unless such sign is located within 10 feet of an intersection between a public street or alley and a driveway providing ingress

from such street or alley, such as an access way to a parking lot or drive-through facility, and no more than two such signs are erected at such intersection.

The following signs are exempt from the necessity for a sign permit prior to erection but such signs shall conform to all other regulations and standards of this chapter including area, height, and setbacks.

- (1) Signs erected by a governmental entity.
- (2) Indoor signs affixed to a window.
- (3) Temporary signs no greater than 10 square feet in area.
- (4) Permanent signs no greater than 4 square feet in area.
- (5) Alterations to an existing sign where the alterations pertain to the displayed information and/or message only and do not affect the sign's area, height, location, shape, setback or structural features.

As used in this Chapter, the following words and phrases shall have the following meanings.

(a) *Building Face*. The façade of a building, measured from building corner to building corner. Where a wall of the facade is oriented to a public street or other public space and setback more than twenty (20) feet from the nearest wall generally oriented in the same manner, such recessed building wall shall not be construed as the same building face as the balance of the façade, for the purposes of measuring available wall area for signage.

(b) *Business Center*. A grouping of two or more businesses on one (1) or more lots and in one (1) or more buildings, which may share parking and access and are linked architecturally or otherwise developed as a unified grouping of businesses.

(c) *Electronic Message Sign*. A sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. An electronic message sign may be a free-standing sign or wall sign as defined herein.

(d) *Freestanding Sign*. A sign supported by uprights, braces, poles, columns or similar supports, or a base, placed and anchored into the ground and not attached to any building or other structure.

(e) *Illumination/Illuminate*. The act of highlighting the visual presence and/or impact of a sign by the use of artificially created light, such as through electrical devices.

- (1) "Internal illumination" refers to the incorporation of the light source behind the sign face intended to be highlighted and enclosed within the framing of the sign. For the purpose of this Article, an EMC sign shall be construed to be an internally illuminated sign.
- (2) "External illumination" refers to the placement of the light source in front, above, below and/or to the side of the sign face intended to be highlighted. External illumination is not enclosed within the framing of the sign but may be attached to the sign.

(f) *Permanent Sign*. A sign designed and/or intended to last indefinitely in the same location, structurally attached to the ground, or a wall or other structure, in such manner that the sign cannot be easily removed and/or relocated. A permanent sign shall be construed to be the same permanent sign despite modifications to the sign copy of such sign.

(g) *Projecting Sign*. A sign, other than a wall sign, that projects more than eighteen (18) inches from the building face upon which it is mounted or otherwise suspended from an overhang connected to such building face, irrespective of the direction from which the sign is intended to be viewed.

(h) *Roof Sign*. A sign that is located above, or projects above, the lowest point of the eave of a roof, the roof line on a gable end wall, or parapet wall of any building, marquee, canopy or portico, or which is painted on or fastened to a roof or onto any architectural feature intended to look like a roof.

(i) *Sign*. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, banner, flag, pennant, trade names or marks, or other representation, or combination thereof, designed for the purpose of directing or attracting attention to, advertising, identifying, expressing or making known something.

Unless otherwise indicated, the definition of "sign" includes interior and exterior signs that are visible from any public street, sidewalk, alley, park, or public or private property.

(j) *Storefront tenant.* A tenant of a building that occupies a space on the ground floor of such building, where such space is a principal operational area of the tenant. A ground floor space used principally for access to an upper floor shall not be construed as a storefront tenant.

(k) *Temporary Sign.* A sign designed to be moved periodically or displayed for a limited and comparatively short period of time only, without a foundation, footing or similar permanent underground, wall or structural anchoring system, and may be constructed of non-structural and/or structural materials including cloth, canvas, fabric, wood, and/or metal, and may include signs mounted on wheeled trailers and/or other portable-like support systems designed to be moved from one location to another, as well as hot-air and gas filled balloons, banners, pennants, streamers, and devices commonly referred to as "A-frame", "T-frame", and inverted "T-frame" signs. A temporary sign shall be construed to be the same temporary sign despite modifications to the location of or image on such sign during the period the sign is displayed.

(l) *Wall Sign:* A sign that is attached directly to a building wall that is flat against or generally parallel to the building wall and not extending more than eighteen (18) inches from the face of the wall, including signs painted on a building wall and including signs on a marquee, canopy or awning-type structure. A wall sign shall not be construed to include a "roof sign" or "projecting sign" as defined herein.

(m) *Window Sign:* A sign placed inside a window or upon the window panes or glass, or within five feet of such window surface, and is intended to be viewed from the exterior of the window. Merchandise that is included in a window display, unattached to the window surface, shall not be considered as part of the area of a window sign.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERAL

Sec. 58-35. Permit Required.

Unless provided otherwise by this chapter, it shall be unlawful to erect a sign prior to the issuance of a permit for such sign according to this chapter.

Sec. 58-36. Service of notices, orders.

Unless noted otherwise, the service of all notices and orders pursuant to this chapter shall be by first class mail addressed to the last known place of residence of the addressee. If any person to whom a notice or order is addressed cannot be found after diligent effort to do so, service may be had upon such person by posting a copy of the notice or order in or about the premises described in the notice or order, or by causing such notice or order to be published in a newspaper of general circulation in the city for three consecutive days.

Sec. 58-37. Failure to comply with chapter, notice, correction period.

(a) Whenever the zoning official determines that any premises or sign thereon fails to comply with the requirements set forth in this chapter or in applicable rules and regulations issued pursuant thereto, the zoning official shall issue a written notice setting forth the alleged failures and ordering that such failures to be corrected. The notice shall:

- (1) Set forth the alleged violations.
- (2) Describe the premises where the violations are alleged to exist or to have been committed.
- (3) Provide a reasonable time, not to exceed fifteen (15) days, for the correction of any violation alleged, provided that the zoning official may grant an extension of time such as may be necessary for good cause shown.
- (4) State that non-compliance with the order may result in the imposition of civil and/or criminal penalties provided by law.

(b) It is unlawful for any person given notice pursuant to this chapter to fail to either correct the noncompliance or appeal to the sign board of appeals within the time prescribed by this chapter. If appealed to the board of appeals, the violation must be corrected within 30 days of a denial of an appeal.

Sec. 58-38. Abatement of prohibited signs.

If any person fails to comply with an order issued pursuant to Sec. 58-37, the zoning official may cause removal of the sign in noncompliance at the expense of the property owner or person having the beneficial use of the property or sign and the cost of abating such nuisance may be assessed against the property in the manner provided by §11.9 of the city charter. These procedures are optional and shall not preclude exercising other legal remedies for enforcement of this chapter.

Sec. 58-39. Civil remedies.

Any sign or sign structure erected, used or maintained in violation of this chapter or in disobedience to any order validly issued by the zoning official pursuant to this chapter is declared to be a nuisance per se, and the person owning or maintaining such sign shall be responsible for a municipal civil infraction punishable as set forth in chapter 1 of this code.

**DIVISION 2.
PERMITS**

Sec. 58-61. Permit required.

Except as provided in section 58-3 and 58-4, it shall be unlawful for any person to erect, alter, relocate or replace within the city any sign without first obtaining a permit from the zoning official, and making payment of the fee as provided for in this division.

Sec. 58-62. Permit application.

(a) Applications for permits required under this division shall be made upon forms provided by the zoning official.

(b) Applications submitted under this division shall contain or have attached to the required application form the following minimum information:

- (1) Name, address and telephone number of the applicant in addition to, as available, a facsimile number and email address.
- (2) Location of the building, structure, or lot to which the sign is to be attached or erected.
- (3) Position of the sign in relation to nearby buildings, structures, parking lots, roads and access drives, and property lines.
- (4) Two sets of drawings comprising a site plan and presenting sign information and specifications including dimensions, materials, and height; ground clearance; total display area and calculations confirming the sign's area complies with the area standards of this chapter; method of attachment to the wall or ground; location of the sign on the building and, in the case of a ground sign, its location on the lot and in relation to nearby buildings, structures, and property lines; setbacks from lot lines, right-of-ways, and access drives; and in the case of an EMC sign, the manufacturer's sign brightness specifications according to nit level.
- (5) Certification by the manufacturer, or a licensed civil or structural engineer, that the sign complies with the Michigan Construction Code.
- (6) Name and address of the person, firm, corporation or association erecting the sign.
- (7) Evidence of liability insurance as required by section 58-63.
- (8) If the applicant is not the property owner, the signed letter by the property owner authorizing the applicant's submittal.

- (9) Such other information as the zoning official may determine necessary to demonstrate compliance with this chapter and other city code and state requirements.

Sec. 58-63. Liability Insurance.

Before a permit is issued for any sign, the applicant shall file with the zoning official satisfactory evidence that a policy of general liability insurance with a combined single limit of not less than \$1,000,000.00 per occurrence has been obtained to cover the permitted work. This liability insurance requirement shall not apply in the case of signs less than six feet in height above the ground surface below and less than 16 square feet in sign area.

Sec. 58-64. Permit Fees.

A permit fee shall be paid to the city treasurer for each permit required by this division according to the rate schedule established by city council resolution and which may be revised periodically as determined appropriate by the city council.

Sec. 58-65 – 58-85. Reserved.

**DIVISION 3.
SIGN BOARD of APPEALS (SBA)**

Sec. 58-86. Purpose.

The purpose of this division is to establish a Sign Board of Appeals (SBA) to ensure that the objectives of this Chapter are fully and equitably achieved.

Sec. 58-87. Creation, membership, organization and general procedures.

The zoning board of appeals established by section 94-361 shall serve as the sign board of appeals (SBA) for the purpose of this chapter. Except as otherwise regulated by this chapter, membership, terms of office, organization and general procedures shall be as provided by article XI of chapter 94 including rules of procedure and officers, meetings and quorums, minutes, records, legal counsel, decisions and effective dates, and deferment of decisions.

Sec. 58-88. Affirmation of previous decisions.

The decisions of the SBA in place prior to this amended chapter 58, providing for the zoning board of appeals established by section 94-361 to serve as the SBA, are unchanged and reaffirmed and shall continue in full effect.

Sec. 58-89. Jurisdiction.

The SBA shall act upon questions as they arise in the administration of this Chapter and take other actions as specified in this Chapter. The SBA shall not have the power to alter or change the terms or intent of this Chapter, but shall have the power to act on those matters so specified in this Chapter including interpretations of its provisions, the approval of variances from the requirements of this Chapter, and the review of an order, requirement, decision, or determination made by an administrative official or body charged with the administration or enforcement of this Chapter.

Sec. 58-90. Appeals for Administrative Reviews

(a) *Authority:* The SBA shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, or decision by the zoning official or by any other body or official in administering or enforcing the provisions of this Chapter. Within this capacity the SBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of such body or official.

(b) *Standards:* The SBA shall reverse or otherwise modify the decision of such body or official from whom the appeal is taken only if it finds that the action or decision appealed meets one (1) or more of the following:

- (1) Was arbitrary or capricious.
- (2) Was based upon an erroneous finding of a material fact.
- (3) Constituted an abuse of discretion.
- (4) Was based upon erroneous interpretation of this Chapter or other portion of the city code.
- (5) Did not follow required procedures.

(c) *Procedures:*

(1) *Application Requirements:*

a. *Processing:* A written application for an administrative review shall be filed with the Community Development Director on a form established for such purpose, along with a fee as established by resolution of the city council. The application shall be submitted within twenty-one (21) days after the date of the meeting during which the meeting minutes addressing the decision being appealed was approved. The Director shall determine, pursuant to this Chapter, if the application is sufficiently complete including the required data and fee. If the application is determined to be incomplete, the Director shall return the application and fee to the applicant within seven days of receipt of the application, along with a written explanation of the application's deficiency. The Director shall forward complete applications to the SBA.

b. *Content and Copies:* Application for an administrative review shall specify, at a minimum, the name, address, and phone number of the applicant; the decision being appealed; the basis for the appeal; and any additional information as may be required on the application form. A minimum of ten copies of the application shall be submitted unless the Community Development Director approves a lesser number.

(2) *Stay:* An appeal of an administrative decision shall stay all proceedings in furtherance of the action appealed unless the officer or body from whom the appeal is taken certifies to the SBA, after the notice of appeal is filed, that by reason of facts stated in the certification, a stay would, in the opinion of the officer or body, cause imminent peril to life or property. If such a certification is filed, the proceedings shall only be stayed by a restraining order. A restraining order may be granted by the SBA or by the circuit court, on application, on satisfactory demonstration of due cause.

(3) *Record of Facts / Transmission of Record:* Upon receipt of an application for administrative review, the Community Development Director shall transmit to the SBA all papers constituting the record associated with the decision being appealed. In hearing and deciding administrative appeals, the SBA's review shall be based upon the record of the administrative decision being appealed.

a. The SBA shall not consider new information which had not been presented to the administrative

official or body that made the decision subject to the appeal except where the SBA first remands the matter back to the body that made the original administrative decision with an order to consider the new information and affirm or modify its original decision.

(4) *Hearing:* Upon receipt of an application, the chairperson of the SBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the SBA to review the application prior to such hearing. Notice of the hearing shall comply with Sec. 94-101. Upon the hearing, any party may appear in person or by agent or attorney. See subsection (5) regarding participation at the hearing by a member of the SBA who is also a member of the Planning Commission or the City Council.

(5) *Decision:* The SBA shall render a decision in the form of a motion containing a full record of the findings and determination of the SBA and basis for such determination, and shall be made part of the meeting minutes. The concurring vote of a majority of the members of the SBA shall be necessary to reverse or otherwise modify the action subject to the appeal. A member of the SBA who is also a member of the body that participated in the decision subject to the appeal shall not participate in the SBA's public hearing, deliberation, or vote, on the decision being appealed. However, the member may consider and vote on other unrelated matters involving the same sign application.

Sec. 58-91. Interpretations

(a) *Authority:* The SBA shall hear and decide upon requests to interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning, including the application of a sign standard pertaining to height, area, setback and related standards, to a specific proposed sign.

(b) *Standards:* In deciding on an interpretation, the SBA shall be guided by the following:

(1) All interpretations shall take into account any relevant interpretations previously issued by the SBA and any relevant past administration practices.

(2) Prior to deciding a request for an interpretation, the SBA may confer with City staff and consultants to gain insight into the provision subject to interpretation and any consequences that may result from differing decisions.

(3) An interpretation shall be consistent with the intent and purpose of section 58-1 and the specific article in which the language in question is contained.

(4) An interpretation shall apply to the specific provision for which the interpretation is requested, and shall not extend to matters beyond such specific provision.

(c) *Procedures:*

(1) *Application Requirements:*

a. *Processing:* A written application for an interpretation shall be filed with the Community Development Director on a form established for such purpose, along with a fee as established by resolution of the city council. The Director shall determine, pursuant to this Article, if the application is sufficiently complete including the required data and fee. If the application is determined to be incomplete, the Director shall return the application and fee to the applicant within seven days of receipt of the application, along with a written explanation of the application's deficiency. The Director shall forward complete applications to the SBA.

b. *Content and Copies:* Application for an interpretation shall specify, at a minimum, the name, address, and phone number of the applicant; the standard, regulation or provision requiring an interpretation; a plot plan, site plan, or similar drawing illustrating the application or relevance of such interpretation; and any additional information as may be required on the application form. A minimum of ten copies of the application shall be submitted unless the Community Development Director approves a lesser number.

(2) *Hearing:* Upon receipt of an application, the chairperson of the SBA shall fix a reasonable time and

date for a hearing, taking into account adequate time for members of the SBA to review the application prior to such hearing. Notice of the hearing shall comply with Sec. 94-101. Upon the hearing, any party may appear in person or by agent or attorney.

(3) *Decision:* The SBA shall render a decision in the form of a motion containing a full record of the findings and determination of the SBA, and basis for such determination, and shall be made part of the meeting minutes. The concurring vote of a majority of the members of the SBA shall be necessary to make an interpretation. A decision on an interpretation may be accompanied by a recommendation to the Community Development Director for consideration of an amendment of the Chapter to address what the SBA may find is a problematic aspect of the Chapter.

Sec. 58-92. Variances

(a) *Authority:* The SBA shall have the power to authorize specific variances from specific standards and requirements of this Chapter, such as sign area, sign height, sign type, number of permitted signs and modifications to nonconforming signs.

(b) *Standards:* The SBA shall have the power to authorize variances from specific standards and requirements provided that all of the standards listed below are met and the record of proceedings of the SBA contains evidence supporting each conclusion.

(1) That there are practical difficulties that prevent carrying out the strict letter of this Chapter due to unique circumstances specific to the property such as conditions impacting the visibility of proposed signage and conditions interfering with reasonable alterations and/or replacement of nonconforming signs, that do not generally apply to other property or signage subject to the same standards and requirements, and shall not be recurrent in nature. These difficulties shall not be deemed economic, but shall be evaluated in terms of the legitimate identification, advertising and informational needs of the property in question.

(2) That the practical difficulty or special circumstance is not a result of the actions of the applicant.

(3) That the variance will relate only to property described in the variance application.

(4) That the variance will be in harmony with the purpose of Chapter 58, including the balancing of signage needs with community interests in traffic safety, minimizing visual clutter and blight, and decreased property values that can result from excess signage.

(5) That the variance will not cause a substantial adverse effect upon surrounding property including property values and the development, use and enjoyment of surrounding property.

(6) That strict compliance with the requirement in question would unreasonably prevent the owner from realizing legitimate signage needs.

(7) That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.

(c) Procedures

(1) Application Requirements:

a. *Processing:* A written application for a variance shall be filed with the Community Development Director on a form established for such purpose, along with a fee as established by resolution of the city council. The Director shall determine, pursuant to this Article, if the application is sufficiently complete including the required data and fee. If the application is determined to be incomplete, the Director shall return the application and fee to the applicant within seven days of receipt of the application, along with a written explanation of the application's deficiency. The Director shall forward complete applications to the SBA.

b. *Content and Copies:* Application for a variance shall specify, at a minimum, the name, address, and phone number of the applicant; the legal description for the lot subject to the variance; a specification of the Ordinance's standards for which a variance is sought and the specific variance being requested; and a plot plan, site plan, elevation drawing or similar drawing prepared by a

registered land surveyor or registered engineer that clearly illustrates property lines, property line bearings and dimensions, existing buildings and structures; the proposed sign or sign modifications for which the variance is requested; and any additional information as may be required on the application form. A minimum of ten copies of the application shall be submitted unless the Community Development Director approves a lesser number.

c. *Applicant's Responsibility:* It shall be the responsibility of the applicant to provide any information the applicant may find beneficial in demonstrating conformance with the standards of Sec. 58-92(b).

(2) *Hearing:* Upon receipt of an application, the chairperson of the SBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the SBA to review the application prior to such hearing. Notice of the hearing shall comply with Sec. 94-101. Upon the hearing, any party may appear in person or by agent or attorney.

(3) *Decision:* The SBA shall render a decision in the form of a motion containing a full record of the findings and determination of the SBA, and basis for such determination, and shall be made part of the meeting minutes. The concurring vote of a majority of the members of the SBA shall be necessary to grant a variance.

a. *Conditions:* In granting a variance, the SBA may prescribe appropriate conditions to ensure compatibility with adjacent signage or uses of land, ensure public health, safety, and welfare, or otherwise support the intent and purpose of Chapter 58. All conditions shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the SBA and the applicant. The SBA shall maintain a record of conditions that are changed. Conditions imposed shall meet all of the following requirements:

b. *Performance Guarantee:* The SBA may require that a performance guarantee be furnished as a condition of approval in granting a variance, in accordance with section 94-100.

(d) *Time Restriction/Voidance:* A variance shall become null and void unless the construction authorized by such variance has been commenced within one-hundred eighty (180) days after the granting of the variance, and there is a continuous good faith intention to continue construction to completion. The SBA may extend this time limit upon its finding that no substantial changes have occurred to the standards and requirements of Chapter 58, abutting properties, or other conditions that undermine the basis for the original issuance of the variance.

(e) *Resubmittal:* No application for a variance that has been acted upon shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of newly-discovered evidence or proof of changed conditions having bearing on the basis for the original denial, in the discretion of the SBA.

Section 58-93 – 58-125. Reserved.

ARTICLE III. STANDARDS AND OTHER REQUIREMENTS

Sec. 58–126. Signs prohibited.

The following signs are prohibited, whether temporary or permanent, except where expressly authorized elsewhere in this Chapter.

- (1) Signs that are not structurally safe and or inadequately anchored or stabilized to prohibit collapse or becoming airborne or otherwise constituting a hazard to safety or health including the potential for electrical shock.
- (2) Signs that obstruct free and clear vision of approaching, intersecting or merging traffic.
- (3) Signs that obstruct ingress or egress from a required door, window or other required point of ingress or egress.

- (4) Signs affixed to a parked vehicle, trailer or item designed for tow, with a cumulative sign area greater than 20 square feet on any one side of such vehicle, trailer or item designed for tow, that is being used principally for advertising purposes due to its regularly parked or stored location rather than its regular use for transportation purposes.
- (5) Signs placed in, upon, or over any public right-of-way, street, alley, sidewalk or other public place, except upon approval of the governmental entity having jurisdiction over such public place.
- (6) Signs that have any moving or flashing lights, signs that revolve or have any visible moving parts, revolving parts or visible mechanical movement of any type, or signs that have other apparent visible movement or sound irrespective of the cause of the movement or sound.
 - a. Signs comprised of banners, pennants, festoons, spinners, and/or streamers, and similar devices, that move due to wind or mechanical devices are prohibited except as otherwise expressly authorized in association with a temporary sign according to section 58-128. This limitation shall not be construed to prohibit electronic message signs that rely on light-emitting diodes (LEDs) provided such signs are in compliance with Section 58-128(6).
- (7) Any sign depicting or describing sexual intercourse, specified anatomical areas, or specified sexual activities as defined in section 94-173(h) of this code.
- (8) All other signs not expressly authorized by this chapter and/or otherwise unlawfully erected or maintained.

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Sec. 58-127. Permanent signs permitted by district.

(a) Table 58-127.1 identifies authorized permanent signs in each district according to the limitations specified in the Table regarding sign type, number, area, height and setbacks. The signs authorized by this section are permitted in addition to other signs authorized by this chapter, and the signs permitted by this section shall not be applied toward the permissible sign areas authorized by other sections of this chapter. See Sec. 58-128 regarding temporary signs.

Table 58-127.1

FS = Free-Standing Sign **WS** = Wall Sign **PS** = Projecting Sign **WS** = Window Sign

Districts	Authorized Signs and Number	Maximum Area of Signs	Maximum Sign Height	Minimum Freestanding Sign Lot Line Setback
AG, RS-1, RS-2, RS-3, MH, R2F, and RM	<p>FS: 1.</p> <p>WS: No number restriction.</p> <p>See “Special Provisions” for signs for dwellings.</p>	<p>FS: 34 sq. ft.</p> <p>WS: Not to exceed 5% of area of the building’s face on which the signage is attached, but not to exceed 200 sq. ft.</p>	<p>FS: 8 ft.</p> <p>WS: Top of wall, but no higher than the roof eave or 20 ft., whichever is less.</p>	1 ft. from front lot line and 5 ft. from side and rear lot lines, except 15 ft. from a lot in an AG or Residential District.
C-1, C-2, C-3, O-1 and O-2	<p>FS: 1.</p> <p>WS: No number restriction.</p> <p>PS: 1, permitted in C-1 District only.</p> <p>RS: 1, permitted in C-2 District only.</p>	<p>FS: 30 sq. ft.</p> <p>WS: Not to exceed 10% of area of the building’s face on which the signage is attached, but not to exceed 300 sq. ft.</p> <p>PS: 6 sq. ft.</p> <p>RS: 200 sq. ft., but not to exceed in length 25% of the length of the roof.</p>	<p>FS: 20 ft., except 10 ft. in C-1.</p> <p>WS: Top of wall, but no higher than the roof eave.</p> <p>PS: 14 ft., and no less than 8 ft.</p> <p>RS: 20 ft.</p>	1 ft. from front lot line and 5 ft. from side and rear lot lines, except 10 ft. from all lot lines if sign exceeds 20 ft. in height, and 15 ft. from a lot in an AG or Residential District.
M-1 and M-2	<p>FS: 1.</p> <p>WS: No number restriction.</p>	<p>FS: 42 sq. ft., except 24 sq. ft. if 10 ft. or greater in height.</p> <p>WS: Not to exceed 10% of area of the building’s face on which the signage is attached, but not to exceed 300 sq. ft.</p>	<p>FS: 20 ft.</p> <p>WS: Top of wall, but no higher than the roof eave.</p>	1 ft. from front lot line and 5 ft. from side and rear lot lines, except 10 ft. from all lot lines if sign exceeds 20 ft. in height, and 15 ft. from a lot in an AG or Residential District.
PUD	In the case of a PUD District, the sign standards applicable to each use shall comply with the district standards of this Table that the zoning official finds most similar to each of the respective uses contained in the PUD.			

See “Table 58-127.1 Special Provisions.”.

Table 58-127.1 –Special Provisions

(1) *Freestanding Signs on Double Frontage Lots.* In the case of a corner lot or through lot, one freestanding sign is permitted along each frontage provided the respective frontage meets a minimum of fifty percent of the District's required lot width dimension or otherwise provides public access into the lot by way of a driveway or similar means of access.

(2) *Signs for a Multiple-Tenant Building.*

a. Wall Signs.

1. In the case of a multiple-tenant building, the permissible sign area on that portion of a building wall housing a storefront tenant shall be ten percent of the area of that portion of the building wall.

2. In the case of a multiple-tenant building, the cumulative total signage upon a building face shall not exceed ten percent of the area of such building face, except as follows:

a. In the case of tenant spaces that are not storefronts, an additional three square feet of signage is permitted within 18 inches of an exterior entrance to such tenant space.

b. One sign, in addition to the signage permitted to occupy up to ten percent of the area of such building face, such as in the case of a development identification sign, shall be permitted provided such sign shall not exceed five percent of the area of the building face.

b. Other Signs. All other signs in association with a multiple-tenant building shall comply with Table 58-127.1. See also sign provisions for business centers in (3).

(3) *Signs for a Business Center.*

a. Freestanding signs.

1. A business center shall be permitted one free-standing sign according to the height, area and setback standards of Table 58-127.1. In the case of a business center that exceeds three hundred (300) linear feet of building length along a single street, one additional such sign is permitted.

2. In addition to the signage permitted by subsection (a), where the business center is comprised of multiple buildings and served by an internal road network, one freestanding sign shall be permitted for each building provided each sign is located in the immediate proximity of the building to which it pertains, does not exceed five feet in height and 20 square feet in area, and complies with the setback standards of Table 58-127.1.

b. Other Signs. All other signs in association with a business center shall comply with Table 58-127.1 except as may be provided in the case of a multiple-tenant building according to subsection (3).

(4) *Dwelling signs.* Permanent signs on a lot on which the principal use is one or more dwelling units shall comply with the following:

a. One wall sign and one freestanding sign may be erected for each dwelling unit on a lot where such lot is used for single-family or two-family dwelling purposes. A wall sign shall not exceed four square feet in area and eight feet in height. A freestanding sign shall not exceed three square feet in area, shall not exceed three feet in height, and shall be setback a minimum distance of five feet from all lot lines.

b. One sign may be erected within 10 feet of a building entrance within a multiple family dwelling development. Such sign shall not exceed six feet in height and six square feet in area, and shall comply with the setback standards of Table 58-127.1.

c. The limitations of subsections (a) and (b) shall not prohibit the display of an additional non-illuminated address identification sign, part of a mailbox or mailbox support, to facilitate identification of the property for postal and emergency vehicles. Such sign shall not exceed one square foot in area.

(5) *Driveway/entrance signs.* The following permanent signs are permitted, excluding on lots used for single and two-family dwelling purposes, which are regulated under subsection (4).

a. One sign is permitted at the intersection area of a public street and an access drive to a parking lot. Such

sign shall not exceed four square feet in area and four feet in height and shall be located within 10 feet of the edge of the driveway and street right-of-way.

b. One sign is permitted at an entrance to a residential or non-residential development consisting of a platted subdivision, condominium subdivision, multiple family development, manufactured housing community, or other unified development consisting of at least five dwelling units or at least three buildings used for commercial, industrial or other purposes. Such sign shall not exceed 40 square feet in area and six feet in height, and shall comply with the setback standards of Table 58-127.1. A second sign shall be permitted in the case where both signs are single sided provided the combined area of both signs shall not exceed 40 square feet

c. One sign is permitted at an exterior door of a building. Such sign shall have a maximum height of six feet and shall not exceed six square feet in area. The sign shall not be farther than ten feet from such door and shall comply with the setback standards of Table 58-127.1.

(6) *Drive-in/drive-through signs.* One sign, with a maximum height of eight feet and a maximum area of 32 square feet, is permitted per drive-through lane and/or drive-in station and shall be oriented to drivers within such lane or station. Such sign shall comply with the setback standards of Table 58-127.1 except that no such sign shall be located within 30 feet of a street right-of-way. If such sign is legible from a street right-of-way, the area of such sign shall be included in the computation of total permanent wall or freestanding sign area for the lot, as applicable.

(7) *Flags.*

a. In Agricultural and Residential Districts, no more than one flag shall be erected on a lot. Such flag shall not exceed 20 square feet in area and 20 feet in height, and shall be set back from all lot lines a minimum of 20 feet.

b. In districts other than Agricultural and Residential Districts, no more than one flag shall be erected on a lot. Such flag shall not exceed 35 square feet in area and 25 feet in height and shall be set back from all lot lines a minimum of 25 feet.

(8) *US-127 Signs.* Additional signage shall be permitted on lots in the C-2 General Commercial, M-1 Light Manufacturing and M-2 General Manufacturing zoning districts, subject to the following limitations.

a. Off-premise signs located within 900 feet of a US-127 interchange shall comply with the following:

1. Number. Not more than one addition sign shall be permitted on a lot, provided each such sign shall be spaced a minimum distance of 600 feet from another such sign on the same side of a street and shall be spaced a minimum distance of 300 feet from another such sign on the opposite side of a street. Sign spacing shall be measured along a line parallel to the right-of-way of said street.

2. Height and area. Such sign shall not exceed 25 feet in height and 300 square feet in area.

3. Placement. Such sign shall be setback at least 35 feet from a public or private street right-of-way and shall not be closer than 500 feet from the property line of a residentially zoned or used property.

b. Off-premise signs located more than 900 feet from a US-127 interchange shall comply with the following:

1. Number. Not more than one addition sign shall be permitted on a lot.

2. Height and area. Such sign shall not exceed 10 feet in height and 40 square feet in area.

3. Placement. Such sign shall be setback from lot lines as provided by section 58-127.

c. For the purpose of this section, distance to a US-127 interchange shall be measured by a straight line drawn from the nearest point of an on or off ramp right-of-way of such interchange to the farthest point of the sign.

d. Nothing contained in this section shall permit a sign or sign structure that is otherwise prohibited by the State Highway Advertising Act of 1972, 1972 PA 106, or shall require or cause the removal of lawfully erected signs or sign structures permitted under said act.

Sec. 58–128. Temporary signs permitted by district.

(a) In addition to all other signs authorized by this chapter, temporary signs are permitted according to the requirements and limitations of this section. Signs permitted by this section shall not be applied toward the permissible number and area of signs authorized by other sections of this chapter unless otherwise provided.

(b) Temporary signs shall comply with the standards of Table 58-128.1 regarding sign type, number, area, height and setbacks. The following additional limitations shall apply:

(1) *Duration.* There are no time restrictions on the display of temporary signs except where otherwise provided in this chapter.

(2) *Illumination.* A temporary sign shall not be illuminated within an Agricultural or Residential District, and shall not be illuminated from 11:00 p.m. to 6:00 a.m. in all other districts unless otherwise provided in this section.

(c) *Districts Not Referenced.* In the case where Table 58-128.1 does not address a district established under this Ordinance, the unaddressed district shall be subject to the same standards to which it is most similar based on the stated purpose of the district and/or the scope of permitted uses.

Table 58-128.1

See “Special Provisions” on following page.

Districts	Maximum Permitted Number of Temporary Signs, Corresponding Maximum Sign Area, and Display Duration	Maximum Sign Height	Minimum Sign Setback from Lot Lines
AG, RS-1, RS-2, RS-3, MH, R2F, and RM	1 sign not to exceed 3 sq. ft. 1 sign not to exceed 4 sq. ft. Except in the case of a single-family or two-family dwelling, 1 sign not to exceed 24 sq. ft. provided such sign is not displayed for more than 2 periods per calendar year and not exceeding 15 days in each period. In the AG District only, 1 additional sign when in or at the edge of a field under cultivation, with each sign not to exceed 6 sq. ft. and spaced a minimum of 60 ft. from any other such sign.	3 ft. 4 ft. 8 ft. 4 ft.	10 ft. 10 ft. 15 ft. 1 ft.
C-1, C-2, C-3, O-1 and O-2	1 sign not to exceed 6 sq. ft. 1 sign not to exceed 10 sq. ft. 1 sign not to exceed 40 sq. ft. provided such sign is not displayed for more than 2 periods per calendar year and not exceeding 30 days in each period.	5 ft. 6 ft. 10 ft.	For all signs, 10 ft. from all lot lines except 20' if the adjacent yard is in a district other than a commercial, office, or industrial district.
O-1 and O-2	2 signs not to exceed 6 sq. ft. 1 sign not to exceed 40 sq. ft. provided such sign is not displayed for more than 2 periods per calendar year and not exceeding 30 days in each period.	5 ft. 10 ft.	For all signs, 10 ft. from all lot lines except 20' if the adjacent yard is in a district other than a commercial, office, or industrial district.
M-1 and M-2	2 signs not to exceed 6 sq. ft. 1 sign not to exceed 40 sq. ft. provided such sign is not displayed for more than 2 periods per calendar year and not exceeding 30 days in each period.	5 ft. 10 ft.	For all signs, 10 ft. from all lot lines except 20' if the adjacent yard is in a district other than a commercial, office, or industrial district.
PUD	In the case of a PUD District, the sign standards applicable to each use shall comply with the district standards of this Table that the zoning official finds most similar to each of the respective uses and/or lots contained in the PUD.		

Table 58-128.1 Special Provisions

- (a) In addition to the temporary signs authorized by Table 58-128.1, in the case of a lot that is occupied by two or more dwelling units or two or more tenant spaces, one sign may be displayed by each dwelling or tenant provided such sign shall not exceed a height of three feet and an area of three square feet. Such temporary signs shall be set back from all lot lines a minimum distance of five feet.
- (b) In addition to the temporary signs authorized by Table 58-128.1 and these Special Provisions, additional temporary signs shall be permitted under the following conditions.
- (1) *Construction Sites.* Temporary signs are permitted on lots on which a building is being erected or altered and for which all necessary building permits have been granted, provided such signs do not exceed two (2) per road frontage, do not exceed a cumulative total of 48 square feet in area per road frontage, and do not exceed a maximum six feet in height. Such signs shall be erected no earlier than thirty (30) days prior to the commencement of construction and shall be removed no later than 30 days after a certificate of occupancy is issued or eighteen months, whichever occurs first.
- a) In the case of a sign in association with the construction of a single-family or two-family dwelling, no more than 20 square feet of signage is permitted per road frontage and no individual sign shall exceed four feet in height and six square feet in area.
- (2) *Public Vote.* Temporary signs may be displayed during the 60-day period prior to and the 15-day period after a public vote. The cumulative area of all such signs on a lot shall not exceed 72 square feet and no single sign shall exceed six feet in height and 12 square feet in area.
- (3) *Real Estate.*
- a) In the case of the sale or lease of a lot, building, building space, or residence, one temporary sign shall be permitted for each 300 feet of continuous road frontage or portion thereof. No sign shall exceed a height of six feet and an area of six square feet. Such sign shall be removed within five days of the sale or lease.
- b) A platted subdivision, site condominium, multiple family development, manufactured housing community, or other unified residential or non-residential development consisting of at least five dwelling units or tenant spaces, or at least three buildings used for commercial, industrial or institutional purposes, is permitted one temporary sign not exceeding six feet in height and 32 square feet in area. Such sign shall be removed after two years after initial erection or after the sale and/or lease of ninety percent (90%) of all lots, units, tenant spaces or buildings within said development, whichever occurs first.
- (c) In the case of the proposed use of a lot for other than a one-family or two-family dwelling purposes, and prior to the erection of a permanent sign, a temporary sign may be erected for a period not exceeding 60 days and shall be removed within 10 days after the use becomes operational, whichever occurs first. Such sign shall comply with the standards of Table 58-127.1, as if the temporary sign is a permanent sign.
- (d) In addition to the temporary signs authorized by Table 58-128.1 and these Special Provisions, wind-blown devices and inflatable devices are permitted subject to the following conditions.
- (1) *Wind-blown devices.* Wind-blown devices *such as pennants, spinners, streamers, and flags* shall be permitted in the C-1, C-2 and C-3 Districts only, for a period not to exceed seven days during any 30 consecutive day period.
- (2) *Balloons, and inflatable devices.* Balloons and other inflatable devices shall be permitted in the C-1, C-2 and C-3 Districts only, for a period not to exceed 14 days during any 90 consecutive day period.

Sec. 58–129. Design and placement standards.

Signs shall comply with the design and placement requirements of this section unless otherwise exempted in this chapter.

- (1) *Address numbers.* The street address number of the parcel shall be placed on the sign face or sign structure. The individual numbers indicating the address shall be uniform in style and size and shall be a minimum of three inches in height. The overall area of the street address number shall not count against the maximum allowable area of the sign, provided the street address number does not exceed two square feet.
- (2) *Materials, construction and maintenance.*
 - a. Signs shall be constructed and maintained in a manner consistent with building code provisions and maintained in good structural condition at all times, free of hazards to the general public. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose. Signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports. Signs shall be maintained free of peeling material, fading, rust, rot, insect infestation or other conditions reflective of a state of disrepair.
 - b. A sign shall be integrally designed so that its elements are of a unified character and shall not be comprised of an assemblage of different sign types and materials. Opposing sign faces of differing shapes and/or sizes, resulting in the back of one face not being fully obscured by the opposing face of the sign, are prohibited. No pole, column or similar support shall be used to accommodate more than one (1) sign serving the same business, tenant or occupant of a lot.
 - c. Permanent signs shall be designed so that the supporting framework, other than the supports for a freestanding sign, are contained within or behind the face of the sign or within the building to which it is attached so as to be totally screened from view.
 - d. Permanent freestanding sign with a height of ten feet or less shall also comply with the following standards:
 1. Support for the sign face shall be provided by a structure consisting of either a continuous base with a width equal to or greater than that of the sign face, or by two supports placed closer to the ends than the middle of the sign face. The use of a single pole to support the sign shall not be permitted.
 2. The overall width of the sign structure, as measured between the outermost extremes of the sign structure, shall not exceed the width of the sign face by more than 50 percent.
- (3) *Wall signs.* Wall signs shall comply with the following.
 - a. Depth and height. A wall sign shall not extend from a wall in excess of eighteen inches.
 - b. Vertical dimension. The maximum vertical dimension of a wall sign shall not exceed one third (1/3) of the building height.
 - c. Horizontal Dimension. The maximum horizontal dimension of any wall sign shall not exceed three-fourths (3/4) of the width of the building.
- (4) *Sidewalk signs.* Signs may be placed on a public sidewalk, referred to as sidewalk sign, subject to the following:
 - a. A sidewalk sign shall be of A-frame construction with a minimum base spread of two feet and a maximum height of four feet. A sidewalk sign may not exceed eight square feet per side.
 - b. One sidewalk sign is permitted per storefront tenant.
 - c. A sidewalk sign shall be placed in front of the storefront tenant to which the sign pertains.
 - d. A minimum of four feet of unobstructed sidewalk shall remain between the sidewalk sign and the building.
 - e. A sidewalk sign shall not be placed in any manner that obstructs pedestrian circulation, interferes with the opening of doors of parked vehicles, or interferes with snow removal operations.

- f. A sidewalk sign shall not be illuminated and shall not have any moving parts.
- g. A sidewalk sign shall only be in place during the business hours of the storefront tenant to which the sign pertains.
- h. The entity responsible for the sidewalk sign shall sign a document that indemnifies and holds the city harmless from any accidents, damages, or personal injuries involving the sign.

(5) Electronic message signs shall comply with both of the following:

- a. The sign shall not utilize any scrolling or moving text or images.
- b. A message or image shown on the sign shall remain fixed for a period of not less than 15 seconds.
- c. Any change or transition in the display of a message or image shall not exceed one second in duration.
- d. The sign shall not have any message or image changes during the hours from 6:00 p.m. to 7:00 a.m. when located in an Agricultural or Residential District.
- e. The sign shall be equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions. The sign shall not exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle meter at a distance determined by the square root of the sign's square foot area multiplied by 100. An example of such a determination in the case of a 12 square feet sign is:

$$\sqrt{(12 \times 100)} = 34.6 \text{ feet measuring distance}$$

(6) *Lighting.*

- a. Authorized Lighting. Signs may be illuminated unless specified otherwise, and may be internally or externally illuminated unless specified otherwise.
- b. Moving Illumination. No sign shall include flashing, blinking, intermittent, moving or variable intensity illumination except as authorized in association with an electronic message center (EMC) sign.
- c. Exterior Illumination. Exterior illumination of a sign shall not result in reflected light that exceeds a brightness level of 0.3 foot candles above ambient light as measured according to the same specifications for electronic message signs. Use of glaring undiffused lights or bulbs is prohibited. Sign illumination shall not distract motorists or otherwise create a traffic hazard.
- d. Source and projection of illumination. The source of sign illumination shall be shielded from traffic and adjacent properties and shall not be visible beyond the property line of the lot on which the sign is located. All externally lit signs shall be illuminated by lights affixed to the sign and directed downward on the sign face only. This subsection shall not apply to neon lights and exposed bulbs, including marques signs, provided such lights and bulbs shall not exceed fifteen watts.

(7) *Clear vision area.* Freestanding signs shall comply with the clear vision area described in section 94-172(d)(3) of this code and figure 100-103 in chapter 100 of this code.

(8) *Measurements.*

- a. Sign area measurements. The area of a sign shall be computed by calculating the square footage of a sign face as measured by enclosing the most protruding points or edges of all sign faces of the sign within a parallelogram, rectangle, triangle, circle, cylinder, cone or combination thereof, including any framing.
 - 1. Where a sign has two or more similarly shaped faces placed back-to-back, and at no point are less than 18 inches apart from one another, the area of the sign shall be the area of one face. Where a sign has two or more similarly shaped faces placed back-to-back, and are greater than 18 inches apart from one another at any point, the area of the sign shall be the combined area of each face.
 - 2. In the case of a sign with three or more faces, the area of the sign shall be the area of all faces combined.

b. Sign setback measurements.

1. The distance between two signs shall be measured along a straight horizontal line that represents the shortest distance between the nearest parts of the two signs as viewed from above in plan or bird's eye view.
2. The distance between a sign and a property line, parking lot or building, shall be measured along a straight horizontal line that represents the shortest distance between the property line or outer edge of the parking lot or building, and the leading edge of the sign as viewed from above in plan or bird's eye view.

c. Sign height measurements. The height of a sign shall be measured from the highest point of the sign, including all frame and structural members of the sign, to the ground elevation directly below the sign face. The height of a sign placed upon a berm shall be measured from the base elevation of the berm.

Sec. 58-130. Nonconforming signs.

This ordinance is intended to encourage the eventual elimination over time of signs that do not comply with this chapter while avoiding any unreasonable invasion of established property rights. Where a lawful sign exists on the effective date of this chapter, or an amendment thereof, that is made no longer permissible under the requirements of this chapter, such sign may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) The sign shall be maintained according to section 58-129(2).
- (2) A nonconforming sign shall not be enlarged, expanded or extended, so as to increase its nonconformity.
- (3) The sign shall not be replaced by another nonconforming sign or be structurally altered so as to prolong the life of the sign, but such sign may be structurally altered to remove its nonconforming status.
- (4) Should the sign be damaged by any means to an extent equivalent to more than 50 percent of the replacement cost at the time of damage, as determined by the zoning official, said sign shall be reconstructed only in conformance with the provisions of this chapter.



Administrator's Report: March 12, 2018 City Council Meeting

ACTIVE PRIVATE PROJECTS STATUS UPDATES

Project Name	Status
132 S. Cedar (former Felpausch)	Building permit active and under construction for new addition, occupant to be determined; interior alterations in vacant portion of existing building to be Lansing Urgent Care
318 W. Kipp - Klavon's 228 W. Kipp - Klavon's	Building permit active for construction of new restaurant Demo permit under review; Anticipate Special Use Permit in the future for parking associated with restaurant
108 W. Maple Maple Street Mall	Building permit active for façade work; on-going as weather permits
246 W. Maple Benedict Auto	Building permit active for construction of new addition
402 S. Jefferson (former Baja Grill)	MEDC issued letter of intent for CDBG funding as gap financing; City Council action will be required to facilitate grant program; staff issuing RFP for Administrative Consultant
702 Temple – Gill Veterinary Clinic	Building permit active for construction of new building
201 W. Ash – City Hall	City reviewing proposal from T-Mobile to co-locate on radio tower behind City Hall. Sprint building permit active for upgrades to existing equipment.
661 N Cedar	Preliminary and Final Site Plan to construct 1,673 square foot building addition; mixed-use property currently consisting of Biggby Coffee Shop with drive through window and banking without lobby

OPERATIONS AND COMMUNITY RELATIONS

- Police collected over 100 pounds of drugs from the Take Back Meds drug collection box in City Hall. These are unused non-controlled prescription drugs and over-the-counter medications that are prescribed to treat medical conditions such as high blood pressure, diabetes, and bacterial infections. Disposing of medicines in this way ensures they will not be stolen from the garbage, will not enter our environment, and the potential for abuse and overdoses at home will be eliminated.
- DPW Cemetery Parks and Forestry has begun the yearly tree removal and trimming operations and is beginning spring cleanup in the Cemetery and City parks. Sewer cleaning is scheduled to start this month, and pothole patching continues.

Staffing Updates:

- New Hires: WWTP Operator – offer has been made and accepted; Code Enforcement Officer – offer has been made and accepted; Police Chief – offer has been made and accepted
- Open Positions: Police Officers – applications are under review; Administrative Assistant to Chief of Police – applications are under review; Seasonal Employment and Crossing Guard postings are still active.
- Teresa Bell will be retiring as a Bookkeeper after 11 years of service to the City.

LARGE PUBLIC PROJECTS STATUS UPDATES

Project	Project Name/Description	CURRENT STATUS 1.23.18
FY 2017-2018		
2017-S1	N. Jefferson- Howell to Royce	Complete
2017-S2	N. Jefferson- Columbia to Royce	Complete
2017-S3	E. Elm- Jefferson to Steele	Complete
2017-S3	Columbia Sidewalks	Complete
2017-U1	E. Elm- Jefferson to Steel (Utilities)	Complete
2017-U2	Boiler/ Heat Exchange at POTW	Complete
2017-U3	Planning/Design WWTP and DPW	Project scope change to an evaluation of the treatment options. City Council considering bid award this meeting.
2017-U4	Main POTW Roof Replacement	Complete
2017-U5	Well 8 Rebuild	Complete
2017-U6	Abandon 2 Wells by Airport	Delayed to 2018-19: project was lowered in priority
2017-U7	Replace Fire Hydrant by McDonalds	To be completed in spring
2017-U8	Replace Controllers	Delayed: Other higher priority repairs were addressed
2017-MVP1	1/2 Ton Truck(40)	In Service
2017-MVP2	Mowers (69)	In Service
2017-MVP3	Police Cars (5 & 83)	In Service
2017-MVP4	3/4 Ton Pick-ups (11)	In Service
2017-MVP5	Large Items (39)	In Service
2017-P1	Roof on Cemetery Pole Barn	Complete
2017-P2	Mausoleum and Stone Wall Repairs	City Council considering bid award
2017-P3	Parks Facility Design/ Rec Plan	Delayed to Future Year: Funding shifted to Laylin Park Dredging
2017-P4	Bond Park Immediate Needs	Partially complete, Drinking Fountain still pending
2017-P5	Hayes Park Immediate Needs	Complete (Roof, Seal coat)
2017-P7	Rayner Immediate Needs	Partially complete, Drinking Fountain still pending
2017-P8	Laylin Park Improvements	Delayed to Future Year: Funding shifted to Laylin Park Dredging
2017-P9	Laylin Park Dredging Ponds	Work to begin as soon as weather allows
2017-B1	Library- Facility Evaluation	RFQP to be released in March, Council will award contract
2017-B2	Election Equipment	Complete
2017-B3	In-Car Recording /Portable Radios	In-car cameras complete, radio delayed to future year
None	City Hall Buildout	Finalizing Design, Council will award contract
FY 2018-19		
Multiple	Streets and Utility Work	City Council considering bid award this meeting.

ATTACHMENTS

- Laylin Dredging Notice
- Monthly Water Billing FAQ
- Citizen Comment on Flooding Response