

**City of Alma
Planning Commission Minutes
February 1, 2021**

Chairman Ayers called the regular meeting of the Alma Planning Commission to order at 6:00 PM on February 1st, 2021 on the Zoom video conferencing platform.

Present: Ayers, Mapes, Pitts, Schooley, Richter, Wheeler, and Therrien.
All members were present in Alma, MI.

Absent: None

Others Present: Aeric Ripley, City of Alma Zoning Administrator
Katherine Roslund, City Assessor
Frank Nerychel, Avalon & Tahoe
Dennis Maloney, Architect
Byron Clouse, Ace Hardware
David Fisher, Wolverine Engineers & Surveyors Inc.

A motion was offered at 6:01 PM by Mapes and supported by Therrien to approve the minutes of the Regular Planning Commission meeting held on January 4th, 2021.

Yes: Ayers, Mapes, Pitts, Schooley, Richter, Wheeler, and Therrien
No: None

Public Hearing for 1700 Wright Avenue - A Special Use Permit request has been received from Byron Clouse for the purposes of providing outdoor and propane sales and for the creation of indoor Mini-Storage for a proposed ACE Hardware store, located 1700 Wright Avenue (former Family Fair Market building). This location is further described by parcel number 29-51-274-832-20. The zoning for this parcel is B-2, General Business. B-2 zoning districts allow mini-storage and outdoor sales with the issuance of a special use permit.

The hearing was opened by Ayers and a presentation was given by Ripley. The application includes outdoor sales for the display of goods, including propane sales, and indoor mini storage utilizing about half of the existing structure. Outdoor sales will utilize 2,000 sq. ft. and include protective bollards surrounding the propane storage area. The existing building is approximately 26,000 sq. ft. in size with 11,000 sq. ft. dedicated to retail sales and 15,000 sq. ft. dedicated to mini storage.

Parking plan provides for 80 spaces after the area is removed for outdoor sales. Lighting is existing on site and meets requirements. Deliveries planned for mini storage will be in the rear of the building. Dumpster to be placed to the southeast portion of the building.

Ripley commented that indoor mini storage is not currently available within the community. The addition of this use will likely make the building more sustainable. Recent events have created discussion of future uses for existing commercial structures and this appears to be a positive addition to the building's use. The proposed outdoors sales area is a reasonable and necessary first step of bringing this property back to a productive use. The owner has applied for the

necessary sign permits, and the signage has been installed. The placement of outdoor sales and propane sales requires staff review to ensure proper driving areas remain for vehicles to safely maneuver the parking lot.

Mapes added that proper vehicle safety and driving room is important in regards to the outdoor sales and asked for clarification that all traffic related to the indoor storage use would be at the rear of the building.

Clouse confirmed that this would be the case. A 42-inch emergency exit will be installed at the front of the building but will only be used for emergency egress purposes.

Ayers inquired if Clouse was involved in the Ace Hardware located in Hemlock.

Clouse confirmed that he was and that the Alma store would be an improved layout four times larger in size.

Ayers commented that the Hemlock store was a nice facility.

Richter inquired if the property to the east of the building was residential.

Ripley confirmed that they are multi-family residential buildings with covered parking located in between the housing use and the commercial use.

Schooley inquired if there was existing curb or other structures currently located in the parking area designated for future outdoor sales.

Ripley confirmed that there was not.

Ayers commented that bollards will be important.

Clouse commented that professional bollards would be installed and that the state inspection process for propane sales is focused on traffic safety.

A motion was offered at 6:11 PM by Mapes and supported by Pitts to close the public hearing.

Yes: Ayers, Mapes, Pitts, Schooley, Richter, Wheeler and Therrien

No: None

A motion was offered at 6:12 PM by Pitts and supported by Wheeler to approve the outdoor sales and indoor mini storage special uses.

Yes: Ayers, Mapes, Pitts, Schooley, Richter, Wheeler and Therrien

No: None

Site Plan Review 903 Michigan Avenue – A request has been received from Avalon & Tahoe Manufacturing. Avalon plans to add a 4,800 sq. ft. material storage lean to on the west side of Production Building A and add another 26,000 sq. ft. Truck Loading Facility. The property is zoned LI, Limited Industrial, the proposed additions are permitted in the LI District and require a site plan approval by the planning commission.

Chairman Ayers thanked Avalon & Tahoe for their continued investment in the community.

A presentation was given by Ripley. Avalon & Tahoe Manufacturing is proposing to build two additions at their facility located at 903 Michigan Avenue. The first addition is a 4,800 sq. ft. (40' x 120') Lean-To Material Storage on the west side of Production Building A. The second addition is a 26,000 sq. ft. (100' x 260') Truck Loading Facility expanding on the west side of the existing loading structure.

A Site Plan has been received for the project. The zoning for this site is L-I, Limited Industrial District. The total of the two proposed additions is 30,800 sq. ft.

Front Setback: the dealer meeting room addition is 13' from the front property line. Variance was approved on March 25, 2019.

East Side Setback: Production Building A addition 90', 10' is required. Existing Production Building C is located on the property line, and has been grandfathered.

West Side Setback: New Truck Facility Expansion 200', 10' is required.

Rear Setback: Northern Loading Structure 125, 35' is required.

The lot size is 1,483,044 sq. ft. (34 acres - #29-51-343-504-00 & 29-51-343-521-00). The current buildings and proposed structures have a total lot coverage of 306,698 sq. ft. The resulting lot coverage would be 20% of the 40% allowed in the district.

A Building permit application will be submitted for the addition. Verification that no additional employee parking is needed. An Exterior Lighting Plan is needed for the new building. Review of drainage plan by for the new structure by the County Drain Commissioner Office is required. Review of water and sewer drawing/connections will be conducted by the Public Services Department if needed.

Mapes commented that the project looks great and it's good to see this business growing.

Nerychel commented that their business is producing 30 boats per day despite the current pandemic. The lean-to storage building is required for additional raw materials to feed into their production line. The truck loading building increases shipping capacity. The company's current goal is to increase production to 36 boats per day in the coming months. Nerychel expressed that he looks forward to working with the city on future projects.

Pitts commented that it is nice to see all of the cars parked in the expanded lot as each is a quality job within the community.

Schooley added that he is appreciative of Avalon's open discussions with the surrounding neighborhood to ensure that everyone's needs within the community are met as it will be helpful to their long term goals.

A motion was offered at 6:18 PM by Wheeler and supported by Richter to approve the site plan as presented.

Yes: Ayers, Mapes, Pitts, Schooley, Richter, Wheeler and Therrien

No: None

Site Plan Review 255 E Warwick – Prism Primary Care is proposing to construct a 5,123 sq. ft. medical office. The vacant parcel is located just north of MidMichigan Medical Center's facility. The property is zoned OS, Offices Services. The proposed use is a permitted use in the OS District and requires a site plan approval by the planning commission.

A presentation was given by Ripley. Prism Primary Care is proposing to build a new 5,123 sq. ft. medical office. The proposed site is located at 255 E Warwick Drive, just north of MidMichigan Medical Center. The zoning for this site is OS, Office Services. OS, Office Services Commercial District – The proposed use is a Permitted Use.

The current lot size is 28,532 sq. ft. (.655 acres). The minimum structure size in this district is 5,000 sq. ft. with the proposed building: being 5,123 sq. ft. The proposed lot coverage is 18% of the maximum 40% allowed. The front setback (South) is 80 feet of the 30 feet is required. Side setback (West) is 70 feet. 5 feet one side and a total of 15 feet is required. Side Setback (East) is 17 feet. 5 feet one side and a total of 15 feet is required. Rear Setback (East) is 20 feet and 20 feet is required.

The parking plan provides for 24 spaces, including 4 barrier-free spaces. Ordinance based on Medical Clinics: Exam Rooms 6 (12 spaces), Diagnostics Rooms 2 (2 spaces) Offices 8 (8 spaces) Required 22 Including 2 barrier free.

Dumpster space is provided at the north end of the parking lot and is enclosed. No Landscaping plan has been submitted. Site plan does show a fence along the north property line and rain garden to the south. The provided lighting plan includes 20 LED Recessed Soffit lights, 5 LED Wall Packs, and 4 LED 120v Bollard Lights.

No landscaping plan provided; once plan is complete it shall be submitted to staff and brought back to the Planning Commission for review. No Drainage plan provided; once plan is complete,

it shall be submitted to staff and brought back to Planning Commission if needed. The 12' asphalt path on the east side of the building maybe can be removed by owner. Any signage proposed must comply with the City Sign Ordinance, and a permit shall be obtained. Approval of this plan shall be based on Site Plan compliance with Public Works requirements for driveway, water, sewer, and storm connections. Permits must be obtained before construction.

Chairman Ayers inquired to why so many items were missing from the site plan submission and requested clarification if the plan could be approved as presented?

Ripley replied that it could be approved on the contingency that the missing items be brought back before the Planning Commission at the next regular meeting.

A motion was offered at 6:24 PM by Mapes and supported by Therrien to approve the site plan contingent on the approval of the items missing from the plan at the next scheduled meeting.

Yes: Ayers, Mapes, Pitts, Schooley, Richter, Wheeler and Therrien

No: None

Parcel Division Request 145 S Grover Avenue - The applicant Ms. Kelly Coin & Jeannette Browne are requesting a division of the Parent parcel #29-51-021-786-00, the home parcel, will be 2.33 acres, the Division Parcel 29-51-021-786-00, the vacant parcel, will be 17.52 acres. The Certificate of Survey and application were provided. Parcel Divisions require Planning Commission review and approval.

A presentation was given by Roslund. Coin has submitted a land division request to divide 17.52 acres off from her current parcel for sale to Joe Butcher. The resulting parcel would then be combined to Butcher's existing parcel to prevent the created parcel from being nonconforming under ordinance. The parcel owned by Butcher is adjacent to Coin's parcel.

Therrien inquired if any repercussions are possible if Butcher opts not to buy the created parcel?

Roslund confirmed that the parcel split request is contingent on the sale to Butcher and the parcel will not be split until the documents to purchase have been submitted by Butcher. The process would occur simultaneously.

Mapes inquired if a new parcel would be created in the process?

Roslund replied that the records would show the creation of new parcel, but it would immediately be combined with Butcher's parcel as the created parcel is nonconforming (land locked).

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A motion was offered at 6:28 PM by Wheeler and supported by Pitts to approve parcel division contingent on its sale to Butcher and combination with his existing adjacent parcel.

Yes: Ayers, Mapes, Pitts, Schooley, Richter, Wheeler and Therrien

No: None

Sign Ordinance Discussion - Sign Ordinance provided with sections redlined as a starting point to review and amend the ordinance. (see Attached Document A)

Schooley and Ayers commented that much of the ordinance was redlined due to conflicts with current case law.

Ripley commented that the main area of concern is what to do with residential areas and how to allow residents to express opinions regarding the election without permitting that volume of signage during other times of the year.

Ayers inquired if they could still be regulated as campaign signs?

Ripley replied that they could not specifically be covered in that way and we would need another method of regulating that signage without assessing the sign's content.

Hale commented that it may be possible to expand the number of signs allowed on a residential property for a certain period of time before and after a scheduled election without requiring that the additional signs be directly relate to the election. As we can regulate based on the time, place and manner of the sign.

Ripley commented that permitting a single sign on property might be acceptable for most of the year but not during an election cycle.

Wheeler inquired if the number of signs could be increased for specific months or time periods when elections tend to occur?

Hale commented that this would be possible.

Mapes added that elections happen at various time during the year and inquired if the period of increased signage could be tied to a window before and after the scheduled election?

Hale commented that he thought this would comply with the presented legal precedents.

Wheeler inquired as to how long and before an election should the allowance be expanded?

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Schooley commented that the existing timeframe listed in the ordinance referring to campaign signs could be utilized as a guideline for determining when to allow an increased number of signs displayed on a residential lot.

Wheeler commented that one sign would probably be adequate the rest of the year.

Mapes and Pitts commented that this may not necessarily be true for households with multiple children participating in sports or other school activities and that a sign of support for each child is the general community expectation.

Therrien commented that many businesses are popping up that involve the placement of signage to commemorate special events such as birthdays, anniversaries and graduations. Which would involve multiple temporary signs.

Ripley commented that we would reach out to counterparts in other communities to look at what number they are using. In addition, the current ordinance allows for flags, but we may want to look at how they are physically displayed.

Schooley commented that flags nailed directly to the side of a structure is probably not appropriate.

Ripley commented that we may want to require that flags be displayed on a pole mounted in the ground or attached to structure with a bracket.

It was decided that the next phase of this discussion would focus on the number of signs allowed in residential districts and flags as they will likely be the most discussed when it comes to public input.

Ayers inquired about possible future business.

Ripley replied that there was not at this time, but that all of the business for this meeting came in a short time before the meeting.

Schooley commented that it is important that we stress deadlines for the submission for future meetings as many of our items of business are now submitted with short notice.

Mapes commented that having staff work late into the night prior to the meeting is not appropriate.

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Schooley commented that a deadline 10-14 days prior to the scheduled meeting would be appropriate.

Ripley commented that it is important to move items along in a timely manner to meet developer schedules.

Mapes and Wheeler commended Ripley on his efforts as they receive consistent feedback that Alma is one of the best communities in MidMichigan to work with on development projects.

A motion was made by Wheeler and supported by Mapes to adjourn the meeting at 6:40 PM.

Yes: Ayers, Mapes, Pitts, Schooley, Richter, Wheeler and Therrien

No: None

Respectfully submitted,

A handwritten signature in cursive script that reads "Aaron K. Hale". The signature is written in dark ink and is positioned above the printed name and title.

Aaron K. Hale

Planning Commission Recording Secretary

Attached Document A: Redlined Sign Ordinance

ARTICLE IX. - SIGNS

FOOTNOTE(S):

--- (5) ---

State Law reference— Highway advertising act, MCL 252.301 et seq.

[\(Back\)](#) Sec. 60-235. - Purpose.

- (a) The purpose of this article is to regulate on-site signs and outdoor advertising so as to protect the health, safety, and general welfare, to protect property values, and to protect the character of the various neighborhoods and the city generally.
- (b) The principal features are ~~the restriction of advertising to the use of the premises on which the sign is located and~~ the restrictions of the total sign area permissible per site. Any sign placed on land or on a building ~~for the purpose of identification or for advertising, a use conducted on the premises~~ shall be deemed an accessory structure. ~~It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement.~~ With respect to signs ~~advertising business uses,~~ it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays. Outdoor ~~advertising~~ signs (billboards), ~~which advertise products or businesses not connected with the site or building on which they are located,~~ are deemed to constitute a principal use of a lot. (Ord. No. 691, § 1(32-143), 5-4-2005) Sec. 60-236. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Banners. Any sign of lightweight fabric or similar material that is attached to a building or other structure erected for a purpose other than holding or displaying the banner. The term "Banner" does not include feather flag signs.

Feather flag sign. A freestanding temporary sign typically constructed of a single plastic or metal shaft driven in the ground with an attached pennant that is vertically elongated and attached to the shaft.

Flag. A device generally made of flexible material, usually cloth, paper or plastic, ~~typically used as a symbol of a government, school, or religion, and not containing a commercial message.~~ The term "Flag" does not include feather flag signs.

Sign. A device which is affixed to or otherwise located or set upon a building, structure or parcel of land ~~which directs attention to an activity or business.~~ Signs are defined as follows:

- (1) ~~*Abandoned sign.* Any sign which no longer advertises a bona fide business or product sold shall be taken down and removed by the owner or the person having the beneficial use of the building, structure, or premises upon which the sign may be found, within ten days after written notice from the enforcing officer. In default of compliance with the enforcing officer's order, the~~

~~enforcing officer may remove the sign, and any expense incidental thereto shall be paid by the owner of the building, structure, or premises to which the sign was attached.~~

- (2) *Awning*. Any covered projection attached to the face of a building which is supported entirely by the building and projects beyond the building wall.
- (3) *Canopy*. Any covered structure attached to a building that projects beyond the building wall and is carried by a frame partially supported by the ground or sidewalk below it.
- (4) *Awning/canopy sign*. Any sign attached to or constructed within or on an awning or on a canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not an awning/canopy and a protective roof over gasoline filling station areas shall not be considered a canopy for purposes of this chapter.
- (5) *Billboard*. ~~A surface whereon advertising matter is set in view conspicuously and which does not apply to the premises or any use of the premises wherein it is displayed or posted,~~ and is regulated in accordance with regulations governed by the Highway Advertising Act, Public Act No. 106 of 1972 (MCL 252.301 et seq.), as amended.
- (6) ~~*Bulletin boards*. A sign related to a public school, parochial school, private school, clubs or organizations, public park or recreation facility, church or other religious institution which identifies activities or events to take place which involve the patrons of such specific use.~~
- (7) *Changeable copy sign*. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of a sign.
- (8) ~~*Directory sign*. A ground sign listing only the names of tenants or occupants of a building, group of buildings, and/or business district, their professions or business activities, and their direction or location (see figure 10).~~

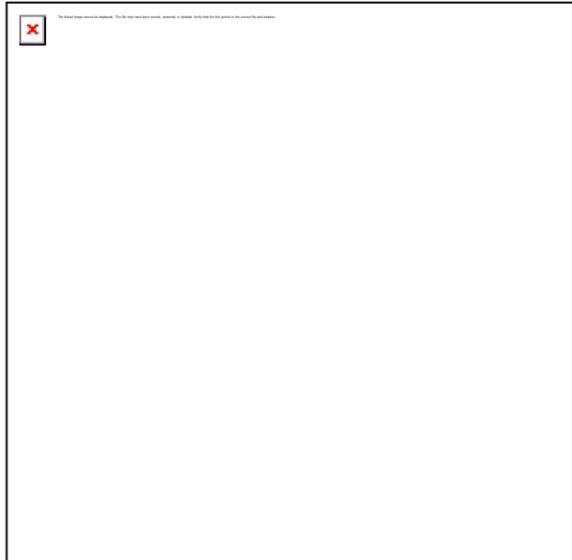
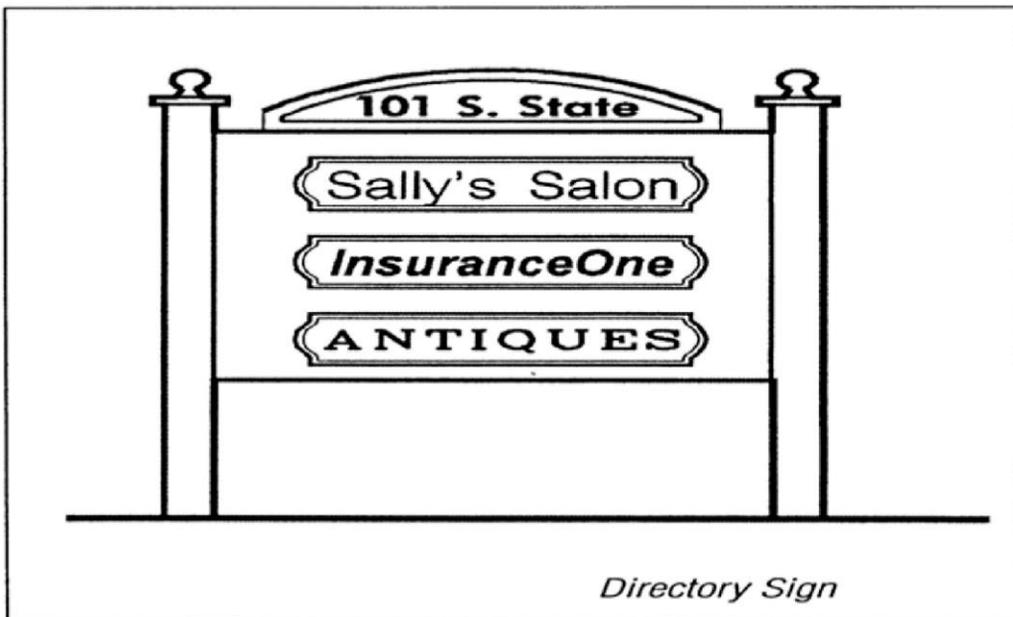
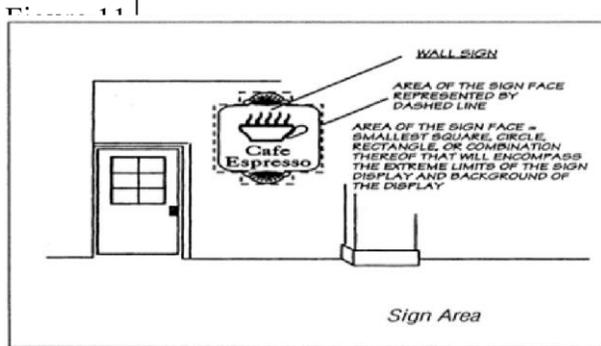
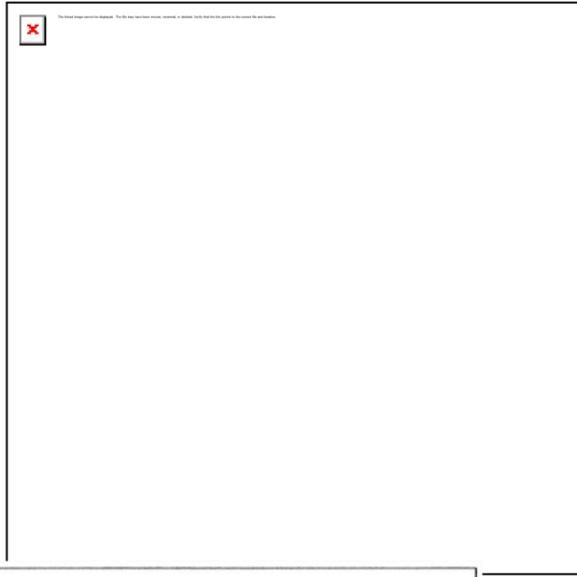


Figure 10



- (9) *Electronic message center.* A video terminal or electronic changeable copy sign in which the copy or animation consists of an array of lights activated and deactivated simultaneously with a frequency of message change of not less than two seconds. For purposes of this definition, "message" shall be defined as the written text or associated symbolism, excluding the background.
- (10) *Facade.* A continuous area on the front or back of the building which is free of windows and doors.
- (11) *Facing or surface.* The surface of a sign upon, against, or through which the message is displayed or illustrated on the sign.
- (12) *Ground sign.* Any sign supported by uprights or braces placed in, or anchored to, the ground and not attached to any building.
- (13) *Illuminated sign.* Any sign which has characters, letters, figures, designs, or outlines illuminated by an electric light or luminous tubes as a part of the sign proper.

- (14) *Marquee*. A permanent canopy, usually of metal and glass, brightly lighted ~~and displaying the title of an attraction~~ which projects over an entrance to a building, such as a theater or hotel.
- (15) *Portable sign*. A sign, usually of a temporary nature, not securely anchored to the ground or to the building or structure adjacent to it, and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character. A portable sign is not defined to include a sidewalk sign.
- (16) *Projecting sign*. Any sign which is attached to a building or other structure which extends more than eight inches beyond the face of the building or structure or eight inches beyond the surface of that portion of the building or structure to which it is attached, and is perpendicular or nearly perpendicular to the building surface and is permanently attached to the building or structure surface. A projecting sign shall not include or be a part of any canopy, awning or marquee sign.
- (17) *Real estate sign*. A temporary sign placed upon property ~~for the purpose of advertising to the public the sale or lease of said property.~~
- (18) *Roof sign*. A sign which is erected, constructed, and maintained above the roof of a building.
- (19) *Sidewalk sign*. A portable nonpermanent sign placed within the pedestrian public right-of-way of a public sidewalk during regular business hours; consisting of an "A" frame or "T" frame or other temporary style, typically with not more than two flat surfaces ~~containing messages~~, and is not permanently affixed to any structure or to the sidewalk itself.
- (20) *Sign*. Every sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, marquee, awning and canopy ~~which includes any announcement, declaration, demonstration, display, illustration, or insignia used to advertise or promote the interest of any person when the same is~~ placed out-of-doors in view of the general public.
- (21) *Sign area (measurement of)*. The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports on which such signs are placed but including any sign tower shall be included in measuring the area of the sign. Where a sign has two or more faces, the areas of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken at the area of one face if the two faces are of equal area, or at the area of the larger face if the two faces are of unequal area. In the case of a circle or sphere, the total area of the circle or sphere is divided by two for the purposes of determining the maximum permitted sign area (see figure 11).



(22) *Sign height.* The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or mounding or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoning lot, whichever is lower.

(23) *Temporary sign.* A sign or other ~~advertising~~ device constructed of light, temporary materials, with or without a structural frame, intended to be used for a limited time ~~for display, demonstration, or announcement.~~

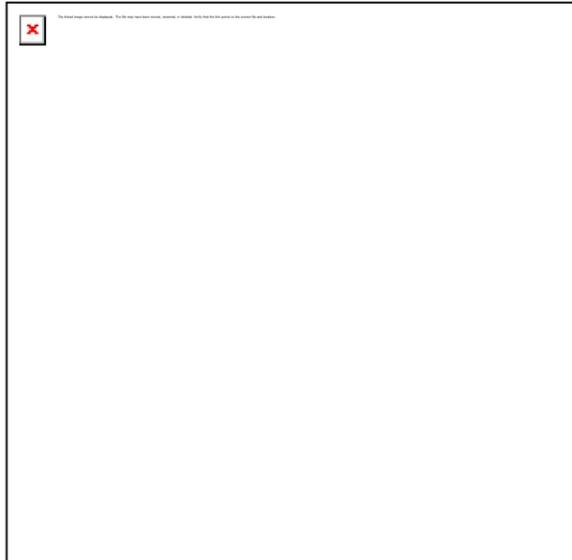


Figure 10



(24) *Wall sign.* All flat signs of solid face construction which are placed against a building or other structure and attached to the exterior front, rear, or side wall of any building or other structure.

(Ord. No. 691, § 1(32-144), 5-4-2005; Ord. No. 696, §§ 1, 2, 4-11-2006; Ord. No. 759, § 2, 2-11-2014)

Sec. 60-237. - Exempt signs.

The following signs are specifically exempt for the sign permit requirements but are subject to the following regulations and standards:

- (1) ~~*Business affiliation signs.* Signs not exceeding an aggregate total of three square feet per business indicating acceptance of credit cards or describing business affiliations and are attached to a permitted sign, exterior wall, building entrance or window.~~

- (2) ~~Construction signs. Provided that there shall be only one such sign per development project, with a maximum height of six feet and not exceeding 16 square feet in area for residential projects, a maximum height of six feet and not exceeding 32 square feet in area for nonresidential projects, setback a minimum ten feet from any property line or public street right of way, and that such signs shall be erected during the construction period only and shall be removed 14 days after an occupancy permit is issued.~~
- (3) ~~Flags. Insignia of any nation, state, community organization, college or university, or civic events.~~
- (4) ~~Garage sale signs. Provided that the signs comply with the following regulations:~~
 - a. ~~A garage sale sign will be allowed between the curb and sidewalk only in front of the dwelling where the sale is taking place.~~
 - b. ~~Garage sale signs may be allowed behind the sidewalk or property line with permission of the property owner.~~
 - c. ~~The sign shall not exceed eight square feet in area and shall in no way obstruct the vision of vehicle traffic.~~
 - d. ~~The signs shall not be attached to any tree or utility pole in the road right of way.~~
 - e. ~~All signs shall be removed immediately upon closing of garage sale.~~
 - f. ~~Any signs found in road right of way violation of any of the above will be removed without notice.~~
- (5) *Gas station pump island signs.* Located on the structural supports identifying "self-serve" and "full-serve" operations, provided that ~~there is no business identification or advertising copy on such signs,~~ that there are no more than two such signs per pump island, and that such signs do not exceed four square feet in area.
- (6) ~~Historical marker. Plaques or signs describing state or national designation as an historic site or structure and/or containing narrative, not exceeding 12 square feet in area and subject to height and setback requirements for the zoning district in which the sign is placed.~~
- (7) ~~Integral signs. Names of buildings, dates of erection, monumental citations, commemorative tablets when carved into stone, concrete or similar material or made of bronze, aluminum or other noncombustible material and made an integral part of the structure and not exceeding 25 square feet in area.~~
- (8) ~~Menu board. Up to two signs each no greater than 16 square feet which display menu items and contain a communication system for placing food orders at an approved drive through restaurant, provided such sign(s) is/are not in the front yard.~~
- (9) *Miscellaneous signs.* On vending machines, gas pumps, and ice ~~containers indicating the contents or announcing on-premise sales,~~ provided that the sign on each device does not exceed two square feet in area.
- (10) ~~Model signs. Temporary signs directing the public to a model home or unit, which do not exceed six square feet in area.~~
- (11) ~~Noncommercial signs. Signs containing noncommercial messages, such as those designating the location of public telephones, restrooms, restrictions on smoking and restrictions on building entrances, provided that such signs do not exceed two square feet in area.~~
- (12) *Owner/tenant signs.* ~~Address or occupant name and other~~ signs of up to two square feet in area mounted on the wall of a commercial building.

- (13) *Parking lot signs / directional sign.* ~~Indicating restrictions on parking, when~~ placed within a permitted parking lot, such signs are a maximum of six feet in height and do not exceed 16 square feet in area.
- (14) *Public signs.* Signs ~~of a noncommercial nature and in the interest of,~~ erected by, or on the order of a public officer or zoning official in the performance of public duty, ~~such as directional signs, regulatory signs, warning signs, and informational signs.~~
- (15) *Political signs.* ~~Temporary political campaign signs announcing candidates seeking public political office and other election issues pertinent thereto shall be permitted up to a total area of eight square feet for each sign in a residential zone and 32 square feet in a commercial or industrial zone. These signs shall be confined within private property and shall not encroach into the visibility triangle at street intersections. These signs may be displayed 60 days prior to and seven days after the election for which intended.~~
- (16) *Real estate signs.* ~~Real estate signs in residential districts, which are freestanding (such as lawn signs) or wall mounted signs offering an open house on the premises or offering the premises on which they are located "for sale" or "for rent," provided that there shall not be more than one such sign per parcel, except that on a corner parcel two signs, one facing each street, shall be permitted. Such signs in residential districts shall not exceed eight square feet in area, and no freestanding sign shall project higher than six feet above normal grade. Such signs shall be removed within 15 days after sale or rental of a property. Signage is not allowed in public right of way. Real estate signs in nonresidential districts, which are freestanding or wall mounted signs offering the premises on which they are located "for sale" or "for rent," provided that there shall not be more than one such sign per parcel, except that on a corner parcel two signs, one facing each street, shall be permitted. Such signs in nonresidential districts shall not exceed 32 square feet in area per side. No freestanding real estate sign shall project higher than eight feet above normal grade, and shall be setback a minimum of ten feet from the property line. No wall mounted real estate sign shall be higher than ten feet above average grade. Such signs shall be removed within 30 days after sale or lease of a property, or in the case of rental property, 30 days after final occupancy has been issued to the entire development.~~
- (17) *Regulatory, directional and street signs.* Erected by a public agency in compliance with state manual of uniform traffic control devices.
- (18) *Street address signs.* ~~Street numbers Signs~~ not exceeding two square feet in area on dwelling or mailbox only.
- (19) *Warning signs.* ~~No trespassing, warning of electrical currents or animals, provided that such signs do not exceed six square feet.~~

(Ord. No. 691, § 1(32-145), 5-4-2005) Sec.

60-238. - Residential sign exceptions.

All ground signs and wall signs shall be prohibited except the following:

- (1) ~~One sign for each public street frontage advertising a recorded subdivision or development, each sign not to exceed 18 square feet in area and six feet in height. Such sign shall be removed within one year after the sale of 90 percent of all lots or units within said subdivision or development.~~
- (2) ~~One sign for each public street frontage identifying a multifamily building, subdivision, or development not having commercial connotations; each sign shall not to exceed 18 square feet in area and six feet in height.~~

- (3) One sign for each granted special use of lawful nonconforming use, ~~provided that no ground sign may be erected unless such use is of a commercial nature.~~ No sign shall exceed 18 square feet in area, be higher than eight feet above grade if a ground sign, or extend above the first story of the buildings if a wall sign.
- (4) One wall sign for each lawful home occupation or bed and breakfast use which shall not exceed two square feet in area ~~and shall identify only the building's use.~~
- (5) Ground signs are not to exceed 32 square feet in area for the sign face with an additional 48 square feet allowed for a base consisting of brick or stone framework and not to exceed eight feet in height ~~which identifies a church, school, or hospital, including programs or special events within such facilities located upon a parcel with a primary use dedicated to a church, school or hospital.~~ One sign is permitted on each public street with a minimum frontage of 400 feet on each street but not to exceed two signs total for each site. Each sign shall be mounted perpendicular to the associated street frontage so as to advertise to that frontage. Such signs may be internally illuminated only between the hours of 7:00 a.m. and 11:00 p.m.
- (6) No sign permitted in a residential district, except for those specifically listed above, shall be internally illuminated. Ground mounted floodlamps which light only the sign shall be permitted.
- (7) One permanent sign per campus entry area which does not exceed 32 square feet in area for the sign face with an additional 48 square feet allowed for a base consisting of brick or stone framework and with a maximum height of eight feet.

(Ord. No. 691, § 1(32-146), 5-4-2005) Sec.

60-239. - Prohibited signs.

Unless otherwise permitted by this chapter, by variance or by legal nonconforming status as provided in this chapter, the following signs shall not be permitted.

- (1) ~~Signs that imitate an official traffic sign or signal or which contain the words "stop," "go slow," "caution," "danger," "warning," or similar words.~~
- (2) Signs which are of a size, location, movement, ~~content, coloring,~~ or manner of illumination which may be confused with or construed as a traffic-control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection.
- (3) Signs in any public right-of-way, except as allowed by the city commission, the county road commission, or the state department of transportation (MDOT).
- (4) ~~Obsolete signs that advertise an activity, business product, or service no longer produced or conducted on the premises upon which the sign is located. Where the owner or lesser of the premises is seeking a new tenant, such signs may remain in place for not more than 90 days from the date of vacancy.~~
- (5) Signs that are pasted or attached to utility poles or signs placed upon trees, fences, rocks or in an unauthorized manner to walls or other signs.
- (6) ~~Signs advertising activities that are illegal under federal, state or city laws or regulations.~~
- (7) Any sign displayed on an automobile, truck, or other motorized vehicle when that vehicle is used primarily for the purpose of such advertising display.
- (8) All portable or nonstructural signs except as allowed under other sections of this chapter. For purposes of this article, a sign shall be considered nonstructural if it has no permanently mounted, self-supporting structure or is not an integral part of a building to which it is accessory.

- (9) Flashing signs with moving or blinking lights, or signs with exposed incandescent light bulbs.
- (10) Any sign (except electronic message centers, ~~time/temperature/stock market~~, or other scrolling signs) which has any visible moving parts, visible revolving parts, visible mechanical movement of any description, or other apparent visible movement achieved by electrical, electronic, or mechanical means, including intermittent electrical pulsations of less than 30 seconds, or by action of normal wind current, except as otherwise provided for in this article.
- (11) String of lights or pennants ~~used for commercial purposes~~.
- (12) Street furniture signs with the exception of signage on table umbrellas used for outdoor cafe-style dining.
- (13) A rotating search light or similar device that emits beams of light.
- (14) Signs on public or private towers. Any type of signage, ~~including logos~~, shall not be permitted on a public or private radio, television, cellular phone, or water towers ~~with the exception of the name of the municipality~~, unless approved by the city zoning board of appeals.
- (15) Any sign or sign structure which is structurally unsafe, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, is not kept in good repair, or is capable of causing electrical shock to persons likely to come in contact with it.
- (16) Any sign that obstructs a window, door, or other opening that could be used for fire escape.
- (17) Any sign unlawfully installed, erected, or maintained.

(Ord. No. 691, § 1(32-147), 5-4-2005; Ord. No. 697, § 1, 4-11-2006) Sec.

60-240. - Roof signs; requirements; prohibitions.

- (a) All roof signs shall be constructed entirely of metal or other approved noncombustible material, except as allowed for ornamental features and sign facings as specifically addressed by the local building code.
- (b) There shall be a clear space of not less than six feet between the lowest part of the sign and the roof level, except for necessary structural supports.
- (c) No roof sign shall have a surface or facing exceeding 300 square feet or its highest point extend more than 20 feet above the roof level.
- (d) No roof sign shall be erected or maintained with a face thereof nearer than five feet to the outside wall toward which the sign faces.
- (e) Every roof sign shall be thoroughly secured to the building by iron or other metal anchors, bolts, supports, rods or braces. When erected upon buildings which are not constructed entirely of fireproof material, the bearing plates of the sign shall be supported or anchored to the wooden framework of a building.
- (f) Roof signage shall be included in the total percentage of coverage allowed with the prominent wall signage it faces.

(Ord. No. 691, § 1(32-148), 5-4-2005) Sec.

60-241. - General sign regulations.

It is unlawful for any person to erect or maintain within the city any sign without first having obtained a

permit from the zoning administrator or enforcing officer and making payment of the fee hereinafter provided. All illuminated signs are subject, in addition, to the provisions of the electrical code and any permit fees required hereunder.

- (1) *Application for permit, contents, requisites.* Application shall be provided by the zoning administrator or enforcing officer and shall contain the following information:
 - a. Name and address of the applicant;
 - b. Location of building, structure, or lot to which or upon which the sign is to be attached or erected;
 - c. Position of the sign in relation to nearby buildings or structures and to property lines;
 - d. One blueprint or ink drawing of the plans and specifications and method of construction or attachment to the building or on the ground;
 - e. If required by the zoning administrator or enforcing officer, copy of stress sheets and calculations showing the structure is designed for deadload and wind pressure in any direction in any amount required by this and all laws and ordinances of the city;
 - f. Names of persons erecting the structures;
 - g. Written consent of the owner of the building or structure to which or on which the sign is to be erected;
 - h. Any electrical permit required and issued for the sign;
 - i. If required by the zoning administrator or enforcing officer, an insurance policy statement attesting that adequate liability insurance is provided; and
 - j. Such other information as the zoning administrator or enforcing officer may require in order to show full compliance with this article.
- (2) *Issuance of permit.* If, upon examination of the submitted plans and other data, it appears that the proposed sign is in compliance with all the requirements of this article, then the zoning administrator or enforcing officer shall issue a permit. If the work authorized under the permit has not been completed within six months after date of issuance, the permit will be null and void.
- (3) *Permit fee.* Every applicant, before being granted a permit, shall pay to the city treasurer a permit fee as established by the city commission.
- (4) *Revocation of permit.* All rights and privileges acquired under the provisions of this article are mere licenses revocable at any time, and all such permits shall contain this provision.
- (5) *Inspection required.* Every sign may be subject to a periodic inspection by the zoning administrator or enforcing officer to ascertain whether the same is secure and whether it is in need of repair.
- (6) *Construction standards.*
 - a. All signs shall be designed and constructed in a safe and stable manner in accordance with the state construction code.
 - b. All signs shall be designed to comply with minimum wind pressure and other requirements set forth in the state construction code.

- c. All signs shall be designed so that the supporting framework, other than the supporting poles on a freestanding sign, is contained within or behind the face of the sign or within the building to which it is attached so as to be screened from view.

(7) *Illumination.*

- a. In all zoning districts, indirectly or internally illuminated signs are permitted providing such signs are so shielded as to prevent direct light rays from the source of light from being visible from the public right-of-way or any adjacent residential property.
- b. In no case shall any sign exceed a level of illumination of one-half footcandle when measured at the property line.

(8) *Clear vision sight triangle.* No fence, wall, hedge, screen, sign, or other structure or planting shall be higher than three feet, measured above the centerline of either street or pavement, on any corner lot in any residential or business district requiring front and side yards within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two street lines at points which are 30 feet distance from the point of intersection, measured along the street right-of-way line. Trees may be planted in this triangular area, provided that the lowest foliage is 12 feet or higher from the ground.

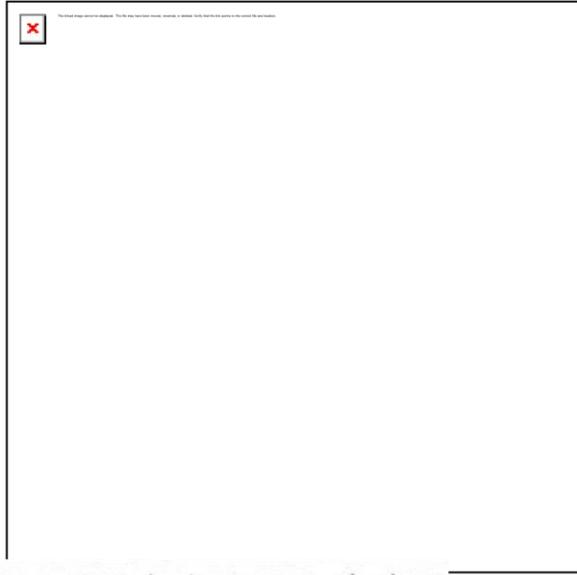
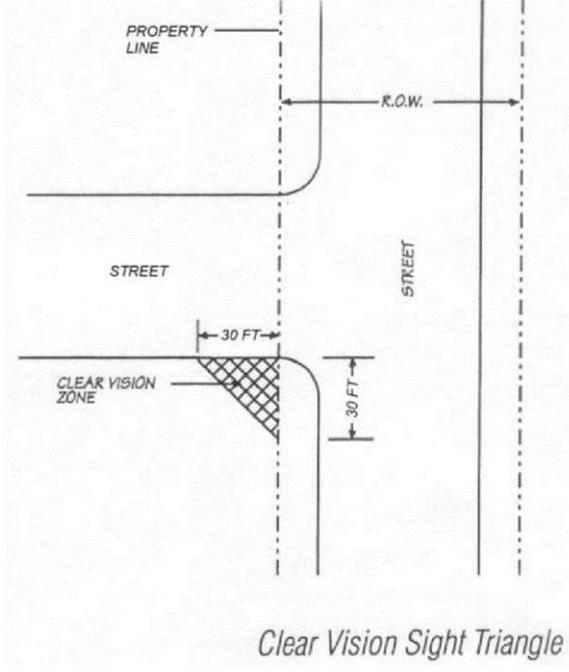


Figure 12



Clear Vision Sight Triangle

(9) *Location.*

- a. *Within a public right-of-way.* No sign shall be located within, project into or overhang a public right-of-way, except as otherwise permitted herein.
- b. *Compliance with setback requirements.* All signs shall comply with the setback requirements except as otherwise permitted herein.

(10) *Measurement.*

- a. Sign area (see definition).

(Ord. No. 691, § 1(32-149), 5-4-2005)

Sec. 60-242. - Permitted signs in nonresidential districts.

The following signs shall be permitted in districts zoned for nonresidential use including districts zoned SR, BMR, OS, ORT, WF, B-1, B-2, LI, GI:

- (1) *Wall signs.* Wall signs shall be permitted in nonresidential districts subject to the following regulations:
 - a. *Sign extension.* No wall sign shall project beyond the ends or top of the wall to which it is attached.
 - b. *Sign depth.* No wall sign shall extend more than eight inches beyond the building face and if above the sidewalk or other walking area, the sign shall not be attached to a wall at a height of less than eight feet, six inches.
 - c. *Secure attachment.* All wall signs shall be safely and securely attached to the building walls.
 - d. *Materials.* All one-piece wall signs exceeding 64 square feet in area or located above the first story of the building shall be of incombustible material.
 - e. *Size limitations.* Ten percent of the building facade may be allotted for wall signage. In no case shall a building be restricted to a wall sign of less than 30 square feet.
- (2) *Ground signs.* Ground signs shall be permitted in nonresidential districts subject to the following regulations:
 - a. *Number.* One ground sign shall be permitted per street or highway frontage on each parcel. Corner lots shall be allowed one ground sign per street frontage. Total square footage of both signs for a corner lot shall not exceed the square footage based upon one street frontage. In multitenant buildings or shopping centers the sign area may used to identify the name of the shopping center or multitenant building.
 - b. *Size.* The total area of the ground sign shall not exceed one square foot per lineal foot of lot frontage, but in no case shall the ground sign exceed 200 square feet in area. Shopping centers or multitenant complexes may be allowed one ground not exceeding 300 square feet.
 - c. *Ground signs in the B-1.* Ground signs in the B-1 or downtown zoning district shall be subject to the above regulations in this section except square footage shall not exceed one-half square feet per lineal foot of frontage. In no case shall a ground sign in the B-1 district exceed 100 square feet.
 - d. *Setback from the right-of-way.* Ground signs may be located in the required front yard, provided that no portion of any such sign shall be located closer than ten feet to the right-ofway line. Ground signs shall also be setback a minimum of ten feet from side property lines. If a parcel is served by a private road or service road, no portion of a ground sign shall be closer than ten feet to the edge of the road or private road easement/right-of-way.
 - e. *Setback from residential districts.* Ground signs shall be located no closer to any residential district than indicated in the following table:

Zoning district in which sign is located	Required setback from residential district (Feet)
SR, BMR, OS, ORT, WF, B-1	50

B-2, LI, GI	100
-------------	-----

- f. *Height.* The maximum allowable height from grade for ground signs in nonresidential zoning districts shall be regulated as follows (unless otherwise stipulated in ordinance):

Use/zoning district	Allowed height (Feet)
B-1	18
Shopping centers or multitenant uses	35
All other uses/districts	25

(3) *Projecting signs.*

- a. *B-1 zoning district.* Each business establishment within the B-1 zoning district may be allowed either one wall sign or one projecting sign. Projecting signs are subject to the following regulations:
1. Total signage area for a projecting sign shall not exceed 15 square feet (both sides) or a maximum of 7½ square feet per side.
 2. A projecting sign shall provide at least eight feet of clearance above the pedestrian public right-of-way of a public sidewalk or other pedestrian area. Also, the sign shall not be installed above a maximum mounting height of 14 feet and in no event above the highest area surface of the wall upon which the sign is attached. The distance between the wall upon which the sign is attached and the surface of the sign nearest the wall shall not exceed ten inches.
 3. No portion of a projecting sign, including the frame, shall extend more than four feet beyond the surface of the building or wall to which it is attached, and shall not project over a sidewalk, to a point which is less than two feet from the face of the curb or over vehicular areas.
 4. Any attaching bracket and the sign itself shall be constructed of metal or noncombustible materials and attached directly to the building surface or wall in accordance with all applicable building code requirements. Projecting signs shall not have more than two sign faces. A projecting sign shall be allowed a thickness or depth not to exceed six inches and such thickness or depth shall not be considered to be a sign face. ~~No advertising shall be allowed on such thickness or depth.~~
 5. Projecting signs shall only be externally lighted, provided that such lighting does not interfere with vehicular or pedestrian traffic.
 6. Brackets used to attached a projecting sign to a building surface ~~shall not be used as a message board and~~ shall be constructed to meet the minimum specification necessary to safely support the sign.

7. Business establishments having frontage on two public rights-of-way are deemed to have two building fronts and may have a projecting sign upon each such front. Alternatively, a single angular projecting sign may be located at the corner of the building fronts projecting toward the adjacent street corner. If a single angular projecting sign is used, no other projecting sign shall be permitted on either of the building fronts.
8. The area of a projecting sign shall be measured as the entire area within a single rectangle, oval, circle or square, enclosed the extreme limits of the writing, representation, or any figure of similar character, together with any sign frame, background, or other material, or color forming an integral part of the display used to articulate or enhance such sign. The measurement of sign area shall not include any attaching bracket.
9. Any supporting or attaching bracket shall be designed in accordance with all applicable building and construction codes and shall provide support for the sign as not to detract from the sign message or become a part of the sign design.
10. Every projecting sign shall be maintained so as not to deteriorate or fall into disrepair and shall be kept painted or protected with other approved coatings or materials. Any projecting sign not so maintained shall be removed within three days of notification by the zoning enforcement officer.
11. For shopping centers or multitenant buildings in the B-1 zoning district, each business shall be allowed one projecting sign subject to the above regulations. Establishments using a projecting sign shall not, however, be allowed a wall sign.

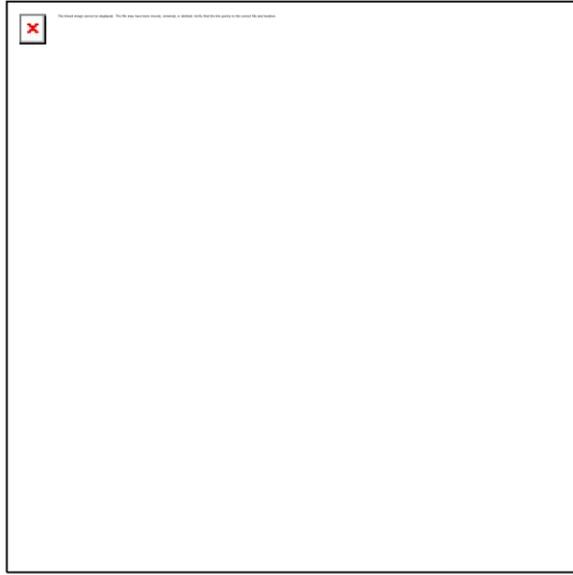
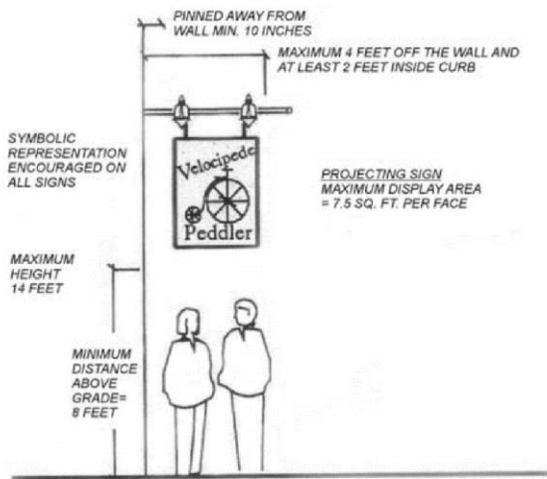


Figure 14



Projecting Sign

b. *Projecting signs prohibited.* Projecting signs are prohibited in all other districts.

(4) *Canopy and awning signs.*

- a. Canopies may be constructed of cloth or metal hood, provided that all frames and supports must be of metal.
- b. No canopy shall be supported by framework resting on public right-of-way.
- c. Awnings may be constructed of cloth or metal, provided, that all frames and supports must be of metal. The traditional wood frame construction may be used with awnings upon complying with the building code.
- d. All awnings shall be constructed or erected so that the lowest portion thereof is not less than eight feet above the level of the sidewalk or public thoroughfare, including valance. Canopies shall be erected so that the lowest portion thereof is not less than nine feet above the level of the sidewalk or public thoroughfare (see figure 15).

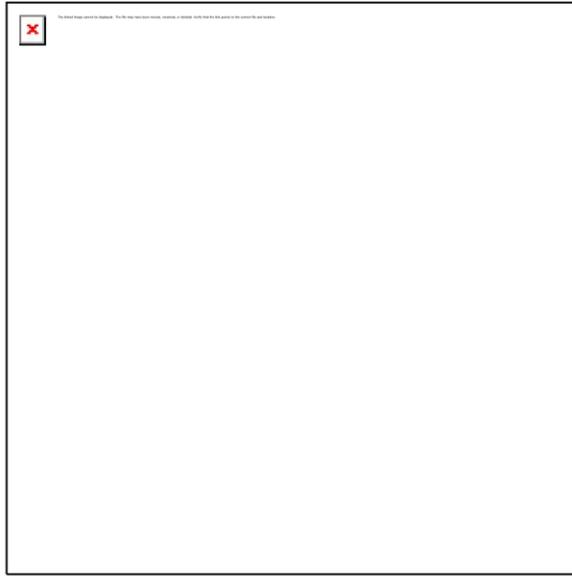
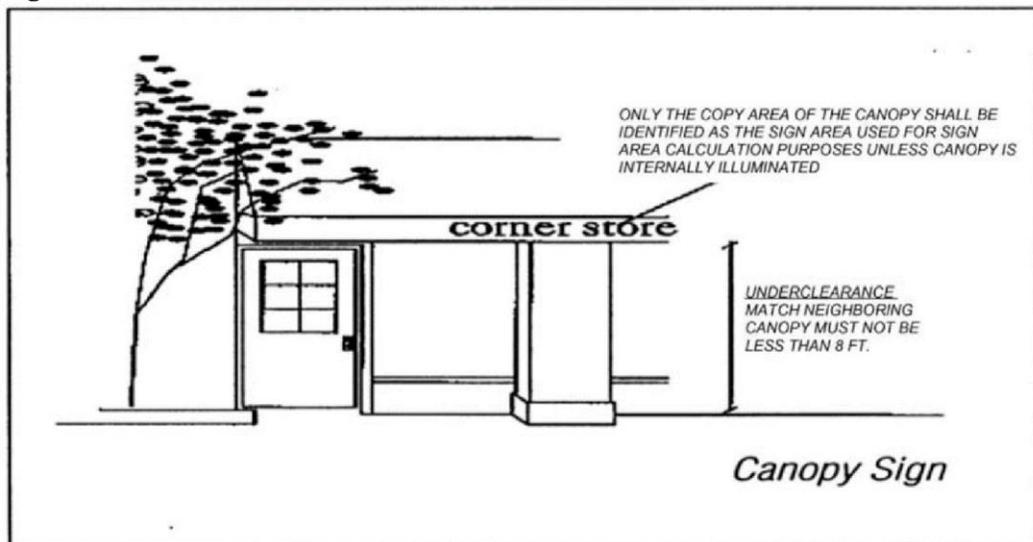


Figure 15



- e. No awning shall be permitted to extend beyond five feet over public sidewalk, or a point two feet inside the curblin, whichever is more restrictive.
 - f. Every awning shall be secured to and supported by the building. No posts or columns are permitted beyond the building line within the public right of way.
 - g. No canopy shall be supported by framework resting on public right-of-way.
 - h. ~~No advertising shall be placed on any awning or canopy except the name of the owner, business, industry or pursuit conducted within the premises, which may be painted or otherwise permanently placed flush on the awning or canopy, but only if the combination of all signs on the building front do not exceed the maximum allowable area for wall signs.~~
 - i. The entire square footage of a canopy or awning shall be considered to be a wall sign when a translucent fabric canopy with signage is internally illuminated.
- (5) *Portable signs.* All portable signs ~~and grand opening / promotional signs~~ are subject to the following regulations:
- a. No flashing lights, oscillating lights, flashing arrows, or other intermittent operation will be allowed.

- b. The portable sign may be used only twice a year (no longer than a 30-day period), and 30 days must elapse between the two periods.
 - c. Placement of a portable sign must be on commercially zoned property, not be in the right-of-way, and not interfere with any vision clearance, traffic flow, sidewalk, and such.
 - d. The portable sign must be removed on the date stated and cannot be stored on the property unless covered in the rear yard or in a building.
 - e. The electrical hook-up must be in conformity with the electrical code and approved by the electrical inspector with jurisdiction.
 - f. All portable signs shall be anchored or weighted to prevent overturning.
 - g. The portable sign shall not exceed 60 square feet.
- (6) *Electronic message centers/time/temperature/stock market signs/other scrolling signs.* Said signs shall be permitted in the B-1, B-2, OS, LI and GI zoning districts. Said signs shall be governed by all of the provisions of this chapter and shall also be subject to the following conditions:
- a. Within all of the above referenced zoning districts, the number of such signs permitted per site shall be limited to one.
 - b. Within the B-1 zoning district, such signs shall only be wall mounted and shall comply with the size requirements as set forth within this chapter, but in no case shall the size for any such sign exceed 40 square feet.
 - c. Within the B-1 zoning district, such signs shall cease operating between the hours of 10:00 p.m. and 6:00 a.m. Within the B-2, OS, LI and GI zoning districts, such signs shall cease operating between the hours of 10:00 p.m. and 6:00 a.m. if said sign is located directly adjacent to a residential use or a residential zoning district.
 - d. Such signs shall be used for the purpose of advertising on-site products and services. Community-based public service announcements shall also be a permitted use for these types of signs. The advertising of off-site private or commercial type products and services is prohibited.
- (7) *Sidewalk and projecting signs in the central business (B-1) district.* Within the B-1 district, each site shall be limited to the signage requirements in section 60-240, plus either one sidewalk or one projecting sign. However, in the case of no other wall or ground signage, a property owner may have both a sidewalk and projecting sign.
- (8) *Sidewalk signs.* Within the B-1 zoning district, one sidewalk sign may be placed at the public entrance to a business establishment, upon a private or public sidewalk, subject to the following restrictions and requirements:
- a. Sidewalk signs shall be displayed only during normal business hours but in no event later than 10:00 p.m. All permitted sidewalk signs shall be stored indoors at all other times.
 - b. Any permitted sidewalk sign shall be placed adjacent to the building to which it refers and shall not project more than 40 inches, including frame, from the nearest building surface. In no event shall such sign, including frame, exceed a height of more than 42 inches in height and 30 inches in width.

- c. Sidewalk sign faces may be of any shape. Each sign face shall be attached to a supporting frame constructed of sufficient strength to resist reasonable loads from sign faces and from impact loads caused by passing pedestrians or weather conditions.
- d. All sidewalk signs shall be constructed of weather resistant materials and shall be maintained in good repair, so that such signs do not become a hazard to either property or to the general public. Sidewalk signs shall be removed from the public right-of-way at any time that weather conditions render the presence of such signs a hazard (i.e., high wind conditions or snow and ice conditions).
- e. Sidewalk signs shall not be lit artificially or contain any moving parts or displays.
- f. Every sidewalk sign shall be maintained and shall be kept painted or protected with other approved coatings or materials such that such sign shall be at all times free of broken, loose, rotting, crumbling, missing or inadequately finished materials.

(Ord. No. 691, § 1(32-150), 5-4-2005; Ord. No. 698, § 1, 4-11-2006) Sec.

60-243. - Signs within the campus-institutional (CI) district.

Within the campus-institutional district, private educational facilities which are owned and operated by an educational institution or residential institution shall be subject to the following regulations:

- (1) Each institutional facility, building or site shall be allowed one ground sign or one wall sign.
- (2) The size of the ground sign or wall sign shall not exceed 32 square feet.
- (3) A ground sign shall be setback a minimum of ten feet from the right-of-way or side property lines.
- (4) The maximum height of a ground sign shall be eight feet.
- (5) ~~Entry signs announcing the limits of~~ a campus-institutional area shall be allowed one permanent sign per campus entry area, which does not exceed 32 square feet in area for the sign face with an additional 48 square feet allowed for a base consisting of brick or stone framework and not to exceed a maximum height of eight feet.

(Ord. No. 691, § 1(32-151), 5-4-2005; Ord. No. 744, § 4, 12-13-2011)

Editor's note—

Section 4 of Ord. No. 744, adopted Dec. 13. 2011, changed the title of § 60-243 from "Signs within the C district" to read as herein set out.

Sec. 60-244. - Billboards.

In addition to the stated purposes and intent of this article, the following regulations are intended to protect the public health, safety, and welfare by regulating the location, size, height, spacing and other aspects of billboards. These regulations are necessary because billboards can reduce traffic safety by diverting the attention of motorists from the road, and because billboards are often incompatible with other signs and land uses in surrounding areas and result in aesthetic deterioration. Where permitted, billboards shall be subject to the following restrictions as well as regulations established by the Michigan Highway Advertising Act, Public Act No. 106 of 1972 (MCL 252.301 et seq.), as amended:

- (1) *District.* Billboards shall be permitted in the B-2 general business district.

- (2) *Area.* The total sign area of any billboard shall not exceed 672 square feet per face.
- (3) *Setback.* Billboards shall be located not more than 100 feet from Business Route 27 (Superior Street/Wright Ave.) right-of-way. Also, no billboard shall be closer than 25 feet to a property line. No billboard shall project over public property.
- (4) *Distance from other signs.* Billboards shall be spaced no closer than 1,000 feet between signs on the same side of the right-of-way.
- (5) *Height.* The top of any billboard shall be no higher than 30 feet above normal grade.
- (6) *Illumination.* The light rays of a billboard with external illumination shall be cast directly upon the billboard and shall not be visible to motorists except as reflected from the billboard.
- (7) *Construction.* A billboard shall be self-supported and pole mounted.

(Ord. No. 691, § 1(32-152), 5-4-2005)

Sec. 60-245. - Temporary signs/banners and feather flag signs.

(a) *Temporary signs/banners.*

- (1) *Maximum size.* Temporary signs and banners of combustible construction shall not be more than ten feet in one dimension or more than 60 square feet in total area, unless otherwise regulated in this section.
- (2) *Location.* No temporary sign or banner shall be erected so as to extend over or into any street, alley, sidewalk, or other public thoroughfare unless a permit has been obtained from the city manager or his designee. No permit shall be granted if the proposed sign will in any way endanger persons or property or obstruct the view of any traffic signal. No temporary sign shall be erected so as to project over any wall opening or so as to prevent free ingress to or egress from any door, window, or fire escape.
- (3) *Supports.* Temporary signs and banners shall be constructed and fastened to supports which will withstand the design loads set forth in this section or in the state construction code.
- (4) *Erection.* Temporary signs and banners which are attached to or suspended from a building and which are constructed of cloth or other combustible material shall be securely supported. Such signs and banners shall be removed as soon as torn or damaged. All other temporary signage shall be authorized for a period of not exceeding 30 continuous days.
- (5) *Permits.* Temporary signs and banners, which are in compliance with this section, shall be exempt from any sign permit requirement, provided that not more than three such signs shall be in place at any one time on any parcel. Temporary signs and banners in place for a period of time greater than that permitted above, or greater in number than permitted herein, must meet all permanent wall sign requirements as set forth in this section, including the percent of total wall coverage allowed for wall signs.
- (6) *Maintenance.* Temporary signs and banners are subject to the maintenance requirements of subsection 60-247(c).

(b) *Feather flag signs.*

- (1) *Maximum size.* Each feather flag sign shall not exceed 32 square feet in total area.
- (2) *Location.* Feather flag signs must be located outside of the public right-of-way and any clear vision triangle. The number of feather flag signs is limited to one per every 40 linear feet of road frontage along the roadway where the primary business sign is installed.

- (3) *Permits.* No feather flag sign shall be erected or installed except pursuant to a permit issued by the zoning administrator.
- (4) *Maintenance.* Feather flag signs are subject to the maintenance requirements of subsection 60247(c).

(Ord. No. 691, § 1(32-153), 5-4-2005; Ord. No. 759, § 3, 2-11-2014)

Editor's note—

Section 3 of Ord. No. 759, adopted Feb. 11, 2014, changed the title of § 60-245 from "Temporary signs/banners" to read as herein set out.

Sec. 60-246. - Nonconforming signs and sign structures.

Nonconforming signs and sign structures may remain except as qualified below:

- (1) No nonconforming sign shall be reconstructed, relocated, or changed in size unless such action will make the sign conforming in all respects.
- (2) Nothing in this section shall be deemed to prevent keeping a nonconforming sign in good repair, including sign maintenance, repainting, change of copy, and replacement of broken or deteriorated parts of the sign itself. Supporting structures for nonconforming signs shall not be replaced, unless such replacement will make the sign and sign structure conforming in all respects.
- (3) A nonconforming sign or sign structure which is destroyed or damaged by any casualty may be restored within six months after such destruction or damage only after the owner has shown that the damage did not exceed 50 percent of its replacement cost.
- (4) A nonconforming sign or sign structure shall be removed within 30 days if the building containing the use is demolished or destroyed to an extent exceeding 50 percent of the building's appraised value.
- (5) Nonconforming signs shall not be reestablished after the activity, business, or use to which it relates has been discontinued for 30 days or longer.

(Ord. No. 691, § 1(32-154), 5-4-2005) Sec.

60-247. - Maintenance of signs.

- (a) All signs and sign components thereof, including, without limitation, supports, braces, and anchors, shall be kept in a state of good repair.
- (b) All ground signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary, and inoffensive condition, being free and clear of all noxious substances, rubbish, and weeds.
- (c) The owner of any sign shall have the sign and all supports properly painted at least once every two years, unless they are galvanized or otherwise treated to prevent rust. Any cracked, faded, torn, ripped, broken or otherwise damaged temporary sign, banner or feather flag sign shall be immediately removed from public view until repaired or replaced.
- (d) If the zoning administrator or enforcing officer shall find that any sign is unsafe or insecure, or is a menace to the public, written notice shall be given to the owner, agent, or person having the beneficial interest in the building or the premises on which such sign is located. Correction of the condition that caused the zoning administrator or enforcing officer to give such notice shall be

effected within ten days after receipt of the notice. If such condition is not corrected after the conclusion of such ten day period, the building department is hereby authorized to cause the sign to be removed forthwith at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located. Notwithstanding the foregoing provision, the zoning administrator or enforcing officer is authorized to cause any sign to be removed summarily and without notice, at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located, whenever he determines that such sign is an immediate peril to persons or property.

- (e) If the message portion of a sign is removed, leaving only the supporting "shell" of a sign, the owner of the property where the sign is located or other person having control over such sign shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to alter the effect of section 60-246, nonconforming signs and sign structures, which prohibits the replacement of a nonconforming sign, nor shall this subsection be construed to prevent the changing of the message of a sign.

(Ord. No. 691, § 1(32-155), 5-4-2005; Ord. No. 759, § 4, 2-11-2014) Sec.

60-248. - Appeals.

The zoning board of appeals may, in its discretion, vary or adapt the strict application of any of the requirements of this article in the case of exceptional conditions whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the applicant for such variance of the reasonable use of his land or building involved, but in no other case. In granting any variance, the zoning board of appeals shall prescribe any conditions that it deems necessary or desirable and prior to considering any application for such variance may require the applicant to submit such drawings, engineers' reports, or other data as shall be necessary or helpful to the zoning board of appeals in considering such application; however, no variance in the strict application of any provision of this article shall be granted by the zoning board of appeals unless it finds:

- (1) That there are special circumstances or conditions fully described in the findings applying to the land, buildings, or sign for which the variance is sought which are peculiar to such land, building, or sign and do not apply generally in the neighborhood and further, and that the strict application of the provisions of this article would deprive the applicant of the right to erect and maintain a reasonable sign upon his premises;
- (2) That the granting of such variance will constitute no unnecessary hazard to the safety or welfare of any person, persons, or public in general;
- (3) That the granting of the variance will be in harmony with the general purpose and intent of this article.

(Ord. No. 691, § 1(32-156), 5-4-2005) Sec.

60-249. - Enforcement.

The zoning administrator or enforcing officer is hereby charged with the enforcement of this article. He or she shall notify all persons violating any of the provisions of this article and shall, in the notice, give the violator reasonable time, but in no event longer than 30 days, in which to remedy the violation. If a person fails to remedy the violation within the specified time, he or she shall be responsible for a civil infraction and subject to the fines and penalties provided in chapter 30 of this Code, dealing with

establishing civil infraction actions and establishment of a municipal ordinance violations bureau. (Ord. No. 691, § 1(32-157), 5-4-2005) Secs. 60-250—60-276. - Reserved.