

Date: _____

Application No.: _____

Fee Paid: _____



CITY OF NEW BALTIMORE

36535 GREEN STREET • NEW BALTIMORE, MI 48047 • (586) 725-2151 • FAX (586) 725-6927

APPLICATION FOR SIGN REVIEW

Business / Development Name: _____ Zoning District: _____

Site Address: _____

Contact Person: _____ Phone: _____ Fax: _____

Drawing Prepared By: _____

Address: _____ City: _____ Zip: _____

Contact Person: _____ Phone: _____ Fax: _____

Our Sign Ordinance requires no greater than 8 to 1 ratio, width to height.

STYLE: WALL GROUND / MONUMENT

LIGHTING: NONE INDIRECT INTERNAL

COLORS: BACKGROUND: _____ LETTERS: _____

DIMENSIONS: Height: _____ x Width: _____

Sign Area: _____ Height from ground: _____

Letter Size: _____ Setback from Road Centerline: _____

The undersigned authorizes any member of the Planning Commission or other representative of the City, to enter upon the described premises to visually inspect the proposed site, before and after any hearings scheduled for this application.

Applicant Signature

Legal Owner Signature, **REQUIRED** date

• **Sec. 42-38. - Sign approval procedures.**

All applications that require Planning Commission review shall be submitted 20 city business days prior to the regular meeting of the Planning Commission and shall be accompanied by a **sign drawing and site plan illustrating the location of the sign on the site**. Each application shall be submitted with the proper number of copies and the fees as established by the city. The following information must be provided as part of a sign submittal:

- (1) ***All submittals.*** Scaled drawings of the proposed sign, specifying the location, the height of the sign above the ground, the surface area and material of the sign, the lettering as it will appear on the sign, method of illumination, and any other information as the building inspector or planning commission deems necessary to the understanding of the application, shall be submitted.
- (2) ***Wall signs.*** A scaled plan showing the location of the sign on all facades of the structure shall be submitted. It shall be apparent on which facade the sign is to be located in relation to the street.
- (3) ***Ground monument signs.*** The location of the sign in relation to all existing and proposed streets and rights-of-way, buildings and structures, parking areas and site entrances within 100 feet shall be submitted. **(In order to determine if the proposed sign is outside the clear vision triangle. See diagram of examples.)**

(Ord. No. 100, 2-11-2002; Ord. No. 163, § 2, 5-11-2009)

Chapter 42 - SIGNS

FOOTNOTE(S):

--- (1) ---

Cross reference— Buildings and building regulations, ch. 10; land divisions and subdivisions, ch. 28; merchandising, advertising and signs in parks, § 34-193; streets, sidewalks and other public places, ch. 48; zoning, ch. 60.

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

ARTICLE I. - IN GENERAL

Sec. 42-1. - Intent.

The intent of this chapter is to create a comprehensive, balanced system of regulating signs and, thereby, to facilitate an easy and pleasant communication between people and their environment, to enhance the physical appearance of the city, to make the city a more enjoyable and pleasing community, and to create a more attractive economic and business climate. It is intended by this chapter to reduce signs and advertising distractions, to eliminate hazards caused by signs being too close to the public rights-of-way; to avoid the confusion of conflicting adjacent signs; to protect property values; and to eliminate obsolete, irrelevant, nonconforming and deteriorated signs. With these purposes in mind, it is the intention of this chapter to authorize the use of signs which are:

- (1) Compatible with their surroundings.
- (2) Appropriate to the type of activity to which they pertain.
- (3) Expressive of the identity of individual proprietors or of the development as a whole.
- (4) Legible in the circumstances in which they are seen.

(Ord. No. 100, § 1.00, 2-11-2002)

Sec. 42-2. - Applicability.

All signs within the city shall comply with the terms of this chapter.

(Ord. No. 100, § 2.00, 2-11-2002)

Sec. 42-3. - Definitions.

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

Accessory sign means a sign which is accessory to the principal use of the premises. A sign which relates to the business activity or service conducted on the premises upon which the sign is placed.

Announcement sign and *bulletin board* mean a sign with changeable letters, located on the property of a church or school or other institutional or nonprofit use.

Awning means a metal, wooden, fiberglass, canvas, or other fabric cover fastened to a building, which extends over a porch, patio, deck, balcony, window, door or open space.

Awning sign means a sign that is printed on or otherwise affixed to an awning.

Balloon sign means one or more balloons or any other air-filled or gas-filled object used as a sign or as a means of directing attention to any business or profession or to a commodity or service sold, offered or manufactured or to any entertainment.

Banner sign means a sign or display constructed of paper, plastic or fabric of any kind, intended to be hung, either with or without frames.

Billboard sign means an off-site or nonaccessory outdoor sign which advertises a business use or service not conducted on the premises upon which the sign is placed. Billboard structures are generally leased or rented and designed with changeable copy.

Canopy means a roof-like structure providing shelter to a public access area, which is either freestanding or is projecting from a building and is supported by structural members. A canopy may be constructed of metal, wood, or any approved fire-retardant material, such as cloth, canvas, fabric, plastic, or any light flexible material which is attached to or constructed on a frame or building.

Canopy sign means a sign that is printed on or otherwise affixed to a canopy.

Clear vision triangle means the triangle formed by the intersection of any road right-of-way and/or access drive at points 30 feet distant from the point of their intersection.

Development sign means a freestanding sign informing when a subdivision or other real estate development will commence construction or when it will be available for sale, use or occupancy. Such sign may include financing and lending institutions, contractors, builders, and similar information.

Directional sign means a sign not utilized for advertising purposes, but used only to direct vehicular or pedestrian traffic.

Family celebration sign means a sign which announces a graduation, reunion, or other family-orientated celebrations. Balloons, streamers, and the like are permitted, provided such does not create a safety hazard.

Freestanding sign means a sign attached to the ground by poles or braces and not attached to any building.

Home improvement sign means a sign which advertises a particular trade or improvement which is being performed at an existing individual residence.

Identification sign and nameplate mean a sign which displays only the name of a person or firm.

Model home sign means a sign which advertises new home sales within a residential development under construction. Model home signs must be erected on the same lot of the model homes/units.

Monument sign and ground sign mean a sign which is permanently fastened to the ground or supporting base and which is not attached to a building or structure. Any sign with less than two feet of clearance between the bottom of the sign and the established grade shall be a monument sign.

Off-site sign means a sign which is not accessory to the principal use of the premises. Any card, cloth, paper, metal, painted glass, wood, plastic, stone, or other object of any kind or character whatsoever, placed for nonaccessory advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever. The term "placed" as used in this definition includes erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or other fastening, affixing, or making visible in any manner whatsoever to the public.

Pennant sign means a sign or display consisting of long, narrow, usually triangular flags.

Political sign means a sign relating to the election of a person to public office, relating to a political party or a political issue, or relating to a matter to be voted upon at an election.

Portable sign means a sign which is not permanently fastened to a building, to a structure, or to the ground. Such signs may be known as A-frames, sandwich or trailer signs as examples.

Private sale sign means a temporary sign advertising private sales of personal property, such as vehicles for sale, garage sales, and the like.

Projecting sign means a sign which is permanently fastened to the surface of a wall in such a way that the sign face is perpendicular to the surface of the wall. The sign face shall consist of two sides, mounted flush back to back.

Pylon sign means a sign which is permanently fastened to the ground by a pole, upright, brace or similar object and which is not attached to a building or structure and where the bottom plane of the sign is not within two feet above the ground or supporting base.

Real estate sign means a sign which advertises the particular property upon which it is placed for sale, rent or lease.

Sign means any use of words, numbers, figures, devices, designs, logos, trademarks, letters, characters, marks, points, planes, posters, pictorials, pictures, strokes, stripes, lines, reading matter, illuminating devices or paint visible to the general public and designed to inform or attract the attention of persons for the sale, exchange or use or promotion of products, goods or services or ideas or issues. This includes the structure upon which such words, numbers, figures, devices, designs, logos, trademarks, letters, characters, marks, points, planes, posters, pictorials, pictures, strokes, stripes, lines, reading matter, illuminating devices or paint are or may be printed or affixed.

Sign area measurement. Sign area, unless otherwise noted in this definition, shall include the total area within any circle, triangle, rectangle, or other geometric shape or envelope enclosing the extreme limits of writing, representation, emblem, or any similar figure or element of the sign, together with any frame or other material forming an integral part of the display, if any, or used to differentiate such sign from the background against which it is placed.

- (1) For a wall sign in which there is no frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed, the envelope shall be around the letters, logos, emblems, figures, pictures, etc.

- (2)

For an awning or canopy sign, where there is no design or envelope forming an integral part of the display which differentiates the sign from the background of the awning material or color, the envelope shall be around the letters, logos, emblems, figures, stripes, etc. For transparent or translucent awnings or canopies which have internal lighting, the entire surface of the awning or canopy shall be considered as the sign.

- (3) For a single-faced sign, the area shall be computed as the total exposed exterior surface in square feet.
- (4) The area of a double-faced sign shall be computed using only one face of the sign, provided that the outline and dimensions of both faces are identical and that the faces are back to back so that only one face is visible at any given location, unless otherwise provided for within this chapter.
- (5) For double-faced or multifaced signs that are arranged so that the faces are greater than 24 inches from one another or signs with any two faces that form a "V" in plan, where the angle of the V is greater than 15 degrees, the area shall be computed by totaling the sign area of all faces of the sign. The area of a cylindrical sign shall be computed by measuring the total area of all signs located on the cylinder.

Subdivision sign and *apartment entrance sign* mean a sign depicting the name of a residential, office/service, commercial, industrial subdivision or manufactured housing community, and which sign is located at the entrance to the subdivision.

Temporary sign means a sign that is intended to be erected for only a few days or a few weeks, including banners, pennants, or any other sign that is not permanently affixed to a building face or to a pole, pylon, or other support that is permanently anchored to the ground.

Vehicle business sign means a vehicle upon which a sign is painted or attached and which is parked upon a premises for the intent of advertising. Vehicle business signs do not include licensed commercial vehicles regularly used to transport persons or property for the operation of the business.

Wall sign means a sign permanently fastened to the wall of a building or structure or a sign painted on, attached to, or placed flat against the exterior wall surface of any building, no portion of which projects more than 12 inches from the wall.

Window sign means a sign which is affixed, attached, painted or otherwise placed on or adjacent to the interior of a window in such a manner as to be readily visible from the exterior of the building.

(Ord. No. 100, § 8.00, 2-11-2002; Ord. No. 163, § 2, 5-11-2009)

Cross reference— Definitions generally, § 1-2.

Sec. 42-4. - Appeals procedure; variances.

- (a) Any party who has been refused a sign permit by the building inspector may seek a variance of this chapter by filing an appeal application to the sign review board.
- (b) At the hearing for a variance, the sign review board may grant a variance from this chapter upon a finding of all of the following:
 - (1)

The particular physical surroundings, shape or topographical conditions of the property would render compliance with this chapter difficult and would likely result in a particular hardship on the owner, as distinguished from inconvenience of the requirements of this chapter or a desire to increase financial gain or avoid the financial expense of compliance.

- (2) Strict enforcement of this chapter would serve no useful purpose.
 - (3) The type of sign structure and the location proposed would not pose a significant risk to the public health, safety and welfare.
 - (4) The benefit of the sign to the general public and/or applicant under the circumstances outweighs any risk to traffic safety and the city's desire to eliminate the accumulation of visual clutter in accordance with the stated purpose of this chapter.
 - (5) A variance would be in the interest of the city and not against the spirit and intent of this chapter.
- (c) The sign review board may consult with any city employee, consultant or other resource if further information regarding the appeal is necessary. In issuing a variance from the strict letter of this chapter, the sign review board may grant a variance of any sign requirement or place reasonable conditions or restrictions upon issuance of a permit.

(Ord. No. 100, § 9.00, 2-11-2002; Ord. No. 163, § 2, 5-11-2009)

Secs. 42-5—42-30. - Reserved.

Editor's note— Section 1 of Ord. No. 168, adopted Feb. 8, 2010, repealed § 42-5, which pertained to violations; municipal civil infractions; civil fine and sanctions; authorized city officials and derived from Ord. No. 100, adopted Feb. 11, 2002.

ARTICLE II. - PERMITTING

Sec. 42-31. - Submission and permit requirements.

No person shall alter, relocate, erect, reerect or construct any sign, except those which are exempted in this chapter, unless a permit for sign has been issued by the city pursuant to this article. Signs which are approved as part of an overall development site plan do not require a separate application and sign fees.

(Ord. No. 100, § 3.00, 2-11-2002)

Sec. 42-32. - Exempt signs, signs with no permit required.

- (a) The following signs are exempt from the site plan and building permit requirements of this chapter. The signs shall, however, conform to all applicable regulations specified within this chapter:
- (1) Home improvement signs.
 - (2) Family celebration signs.
 - (3) Disabled person signs.
 - (4) Historical marker signs.
 - (5) Identification signs or nameplates.
 - (6) Lost and found signs.
 - (7) No trespassing/keep out signs.
 - (8) Political signs.
 - (9) Real estate signs for existing homes and lots.

- (10) Warning signs and other nonadvertising signs.
- (11) Window signs.
- (12) A-frame signs.
- (b) Any sign erected by the city or a board/commission created by the city, school district signage and road/traffic control directional signage erected by the county, state or federal government shall be exempt from this chapter.
- (c) Flags of the United States, the state, any political subdivision of the state, other flags specifically approved by the city council, or flags or banners on residences used as decoration and not advertising homes or items for sale are exempt from this chapter, as long as the size or number of such flags or banners are not of such nature that it would be commonly understood that their display was intended to be a commercial advertisement to attract the attention of the general public.
- (d) City, county, state, or federal identification signs shall be exempt from this chapter.
(Ord. No. 100, § 3.01, 2-11-2002; Ord. No. 146, § 2, 9-10-2007; Ord. No. 163, § 2, 5-11-2009)

Sec. 42-33. - Signs requiring permit only.

Signs requiring only a permit are as follows:

- (1) Identification or nameplate signs for bed and breakfasts or home occupations approved or licensed by the city.
- (2) Temporary signs.
- (3) Model home signs.

(Ord. No. 100, § 3.02, 2-11-2002)

Sec. 42-34. - Signs requiring permit and site plan.

The following signs require a permit and a site plan:

- (1) Monument signs.
- (2) Wall signs.
- (3) Projecting signs.
- (4) Off-site signs.
- (5) Subdivision entrance signs.
- (6) Developer signs, except model home signs.
- (7) Announcement or bulletin reader boards.
- (8) Awning signs.

(Ord. No. 100, § 3.03, 2-11-2002)

Sec. 42-35. - Prohibited signs.

Unless otherwise specifically permitted under this chapter or any other applicable law, the following signs shall not be permitted or erected in the city:

- (1) Cloth signs, balloon signs or displays, streamers, windblown devices, spinners, banners and pennants, unless otherwise permitted or exempted under this chapter.
- (2) Flashing, animated, moving or bare-bulb-type signs or displays.

- (3) Signs affixed to or painted on street furniture. This shall not apply to memorial or donation plaques which are less than three inches by seven inches.

(Ord. No. 100, § 3.04, 2-11-2002)

Sec. 42-36. - Application for permit.

- (a) Written application for a permit required by this article shall be made on forms provided by the city.
- (b) Such application shall be accompanied by a site plan, sign drawing and sign data presented in accordance with the following and showing the required information:
 - (1) The site plan shall be drawn to a scale (for example, one inch equals 50 feet or one inch equals ten feet).
 - (2) The site plan shall show the location of all existing and proposed signs on the site.
 - (3) The site plan shall show the location of existing and proposed streets, roadways, parking areas, entrances and exits within 100 feet of the proposed sign.
 - (4) Drawings of the proposed sign to be erected or installed on the site shall be submitted with the site plan and shall include all of the following detailed information:
 - a. Height of the sign above the ground.
 - b. Surface of the sign (material, color and dimensions).
 - c. Area of the sign surface.
 - d. Lettering of the sign drawn as it will appear on the erected sign. It need not be in the style of the finished sign, but must be neatly printed in the size and of a weight approximating that of the final constructed sign.
 - e. Method and color of illumination, if any.
 - f. Logos, emblems or additional features.
 - g. Such additional information as deemed necessary and/or pertinent to the application by the reviewing agent at the city.
 - h. A drawing of the total building wall upon whose face the sign is to be displayed at a reasonable scale, preferably one-fourth inch equals one foot.
- (c) Copies of the application and all plans and supplemental statements of information required therewith shall be filed with the city clerk, together with the fee therefor as shall be established by resolution of the city council and which shall be sufficient to cover the cost of administration and the reasonable expenses incurred by and for inspection and review by the city and its consultants.

(Ord. No. 100, § 3.05, 2-11-2002; Ord. No. 163, § 2, 5-11-2009)

Sec. 42-37. - Granting and issuance of permit.

- (a) Resurfacing of existing signs or changes to wall signs shall be reviewed and approved by the building inspector, provided such meet all of the requirements of this chapter.
- (b) All new signs which are not exempt shall be reviewed by the building official, unless otherwise indicated in this chapter. Signs may be and are encourage to be reviewed and approved by the planning commission as part of the site plan review process. The building official, at his discretion, may order any sign to be reviewed by the planning commission. The following signs shall require planning commission review and approval:
 - (1) Monument or ground signs.

- (2) Specialty lighting as regulated in subsection 42-98(b).
- (3) A billboard sign as regulated by section 42-138.
- (c) Upon receipt of all necessary submissions required by this article, the building inspector shall review the application for conformity with the requirements of the building code and this chapter. The building inspector and the city's consultants as necessary shall report their findings to the planning commission for those signs which the commission reviews. The planning commission shall either recommend approval or disapproval of the application to the city council within a reasonable time. Any approvals may be conditioned upon compliance with reasonable regulations or limitations, having regard to the character of the sign, the surroundings in which it is to be displayed, and the intent of this chapter. If the application conforms to city code requirements, the building inspector shall issue a permit.

(Ord. No. 100, § 3.06, 2-11-2002; Ord. No. 163, § 2, 5-11-2009)

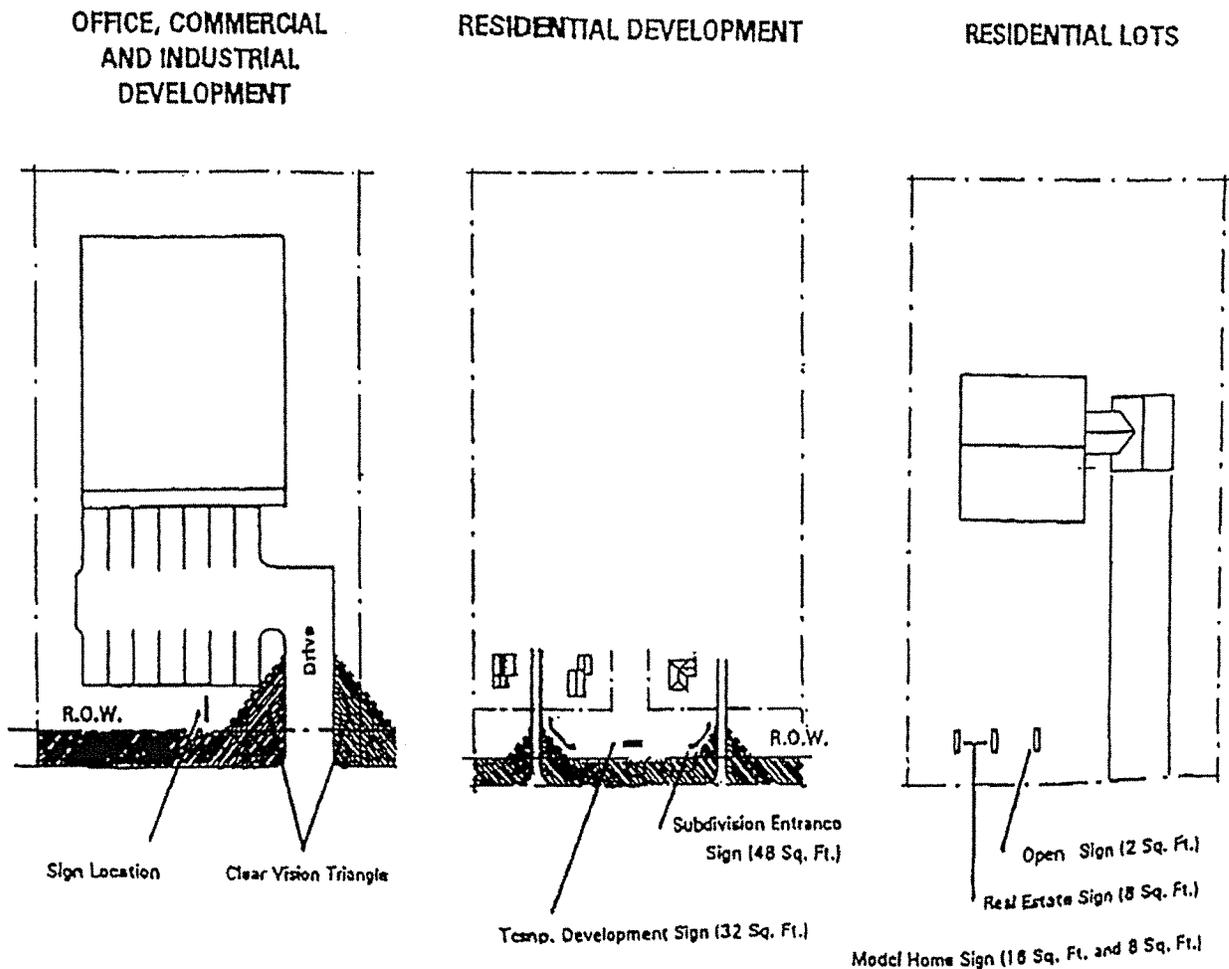
Sec. 42-38. - Sign approval procedures.

All applications that require planning commission review shall be submitted 20 city business days prior to the regular meeting of the planning commission and shall be accompanied by a sign drawing and site plan illustrating the location of the sign on the site. Each application shall be submitted with the proper number of copies and the fees as established by the city. The following information must be provided as part of a sign submittal:

- (1) *All submittals.* Scaled drawings of the proposed sign, specifying the location, the height of the sign above the ground, the surface area and material of the sign, the lettering as it will appear on the sign, method of illumination, and any other information as the building inspector or planning commission deems necessary to the understanding of the application, shall be submitted.
- (2) *Wall signs.* A scaled plan showing the location of the sign on all facades of the structure shall be submitted. It shall be apparent on which facade the sign is to be located in relation to the street.
- (3) *Ground monument signs.* The location of the sign in relation to all existing and proposed streets and rights-of-way, buildings and structures, parking areas and site entrances within 100 feet shall be submitted.

(Ord. No. 100, 2-11-2002; Ord. No. 163, § 2, 5-11-2009)

TYPICAL EXAMPLES OF REAL ESTATE AND DEVELOPMENT SIGNS



TYPICAL EXAMPLES OF REAL ESTATE AND DEVELOPMENT SIGNS

Secs. 42-39—42-65. - Reserved.

ARTICLE III. - ZONING DISTRICT REGULATIONS

FOOTNOTE(S):

--- (2) ---

Cross reference— Zoning, ch. 60.

Sec. 42-66. - 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:

Site means all land in a development which is necessary or indicated as part of the development proposal to meet parking requirements, setback requirements, landscape requirements, drainage requirements (i.e., retention or detention basin), and lot coverage requirements.

(Ord. No. 100, § 4.00, 2-11-2002; Ord. No. 163, § 2, 5-11-2009)

Cross reference— Definitions generally, § 1-2.

Sec. 42-67. - Signs permitted for residential uses of land.

Signs permitted for all residential uses of land are regulated as follows:

- (1) One identification sign or nameplate is permitted for each site approved as a permitted home occupation or bed and breakfast.
- (2) For subdivision entrances, one double-faced subdivision entrance sign, parallel to the entrance road right-of-way, or two single-faced signs, which are perpendicular to or within a 45-degree angle of the entrance road right-of-way, may be permitted. In no case shall the total square footage of all signs exceed 48 square feet.
- (3) Real estate signage may be permitted as provided in section 42-144.

(Ord. No. 100, § 4.01, 2-11-2002; Ord. No. 163, § 2, 5-11-2009)

Sec. 42-68. - Business transitional zoning districts.

Signs permitted in business transitional (BT) zoning districts are as follows:

- (1) One identification sign or nameplate is permitted for each dwelling unit with a permitted home occupation.
- (2) One monument sign, not to exceed 16 square feet, shall be permitted for each site.
- (3) One wall sign shall be permitted for each tenant having an individual public entrance to a building. When multiple tenants share an entrance, one wall sign or one projecting sign shall be permitted to include all tenants.
- (4) One announcement or bulletin board sign is permitted for each approved institutional, educational and religious building site. The total signage shall not exceed 16 square feet.

(Ord. No. 100, § 4.02, 2-11-2002)

Sec. 42-69. - Signs permitted for non-residential uses of land.

Signs permitted for commercial, office, industrial, institutional or any other nonresidential use of land are as follows:

- (1) One freestanding monument sign shall be permitted for each site.
- (2) One wall sign or one projecting sign shall be permitted for each tenant having an individual public entrance to a building. Where multiple tenants share an entrance, one wall sign or one projecting sign shall be permitted to include all tenants.
- (3) When a structure or planned group of structures is developed adjacent to more than one street or alley, one wall sign shall be permitted on each wall fronting such street or alley.
- (4) Retail establishments with over 50,000 square feet of gross floor area and over 250 feet of road frontage on a single thoroughfare shall be permitted two ground signs with 50 square feet of sign area each. The signs shall be evenly spaced along the frontage of the site and shall not, in any case, abut each other.
- (5) One announcement or bulletin board sign is permitted for each approved institutional, educational and religious building site. The total signage shall not exceed 16 square feet.
- (6)

Retail establishments with over 500 feet of road frontage on a single thoroughfare shall be permitted two matching ground signs. The signs shall be spaced a minimum of 100 feet from each other along the frontage of the site.

(Ord. No. 100, § 4.03, 2-11-2002; Ord. No. 163, § 2, 5-11-2009; Ord. No. 202, § 2, 3-23-2015)

Sec. 42-70. - Industrial zoning districts.

Signs permitted in industrial zoning districts are as follows:

- (1) One monument sign shall be permitted for each site.
- (2) One wall sign shall be permitted for each business.
- (3) For subdivision entrances, one double-faced subdivision entrance sign, parallel to the entrance road right-of-way, or two single-faced subdivision entrance signs, which are perpendicular to or within a 45-degree angle of the entrance road right-of-way, may be permitted. In no case shall the total square footage of all signs exceed 48 square feet.

(Ord. No. 100, § 4.04, 2-11-2002)

Secs. 42-71—42-95. - Reserved.

ARTICLE IV. - GENERAL SIGN REGULATIONS

Sec. 42-96. - Applicability of article.

No sign may be erected, displayed or substantially altered or reconstructed, except in conformance with this chapter. The conditions in this article shall apply to all signs, regardless of use district, unless otherwise specified in this chapter.

(Ord. No. 100, § 5.00, 2-11-2002)

Sec. 42-97. - Location requirements.

- (a) No sign, except as otherwise permitted in this chapter, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
- (b) No sign, except those established and maintained by the city, school district, county, state or federal government shall be located within the triangle formed by the intersection of any road right-of-way and/or access drive at points 30 feet distant from the point of their intersection.
- (c) No sign shall be located so as to impede pedestrian or vehicular traffic.

(Ord. No. 100, § 5.01, 2-11-2002)

Sec. 42-98. - Illumination.

- (a) Illumination of signs shall be positioned and/or shielded so that the light shines away from adjoining properties and the eyes of motorists or pedestrians. The light source of such illumination shall be shielded from public view.
- (b) Specialty lighting, such as neon accent lighting or an "open" sign, may be permitted by the planning commission subject to city council approval on a finding that the proposal is in character with the use and not detrimental to other uses in the vicinity.
- (c) A lighted display of time, temperature, or other public information shall be permitted as part of a sign, subject to approval by the city.

(Ord. No. 100, § 5.02, 2-11-2002; Ord. No. 163, § 2, 5-11-2009)

Sec. 42-99. - Width/length-to-height ratio.

In no case shall any sign exceed a maximum width/length-to-height ratio of eight feet in width/length to one foot in height, unless otherwise provided for within this chapter.

(Ord. No. 100, § 5.03, 2-11-2002; Ord. No. 163, § 2, 5-11-2009)

Sec. 42-100. - Maintenance.

If, upon inspection by the building inspector, a sign is found to be unsafe, insecure, corroded, subject to corrosion, or otherwise poorly maintained, the owner shall make the sign safe and secure by completing any necessary reconstruction, repairs, painting or other improvements in accordance with the following timetable, unless the sign is required to be removed by section 42-101 which pertains to nonconforming signs:

- (1) If the building inspector determines that the sign is an immediate threat to the safety of persons or property nearby, all required action to correct the defect shall be taken within 48 hours (two working days) from the time of notification in writing from the city, provided that the sign can be cordoned off or adequately secured during the intervening time so as to remove any immediate threat to safety. If such sign cannot be cordoned off or secured so as to eliminate any immediate threat to the safety of persons or property, all required action to correct the defect shall be made forthwith.
- (2) If the building inspector determines that the sign is not an immediate threat to the safety of persons or property, all required action to correct the defect shall be made within 30 days after notification in writing from the city. The building inspector may extend the 30-day timetable if temperatures below 25 degrees Fahrenheit prevent painting or if the defects involved are minor, not generally noticeable to the public, and not a hazard to public safety, such as replacement of burned out lightbulbs.
- (3) If defects are not corrected within the specified time limits, the city may remove or cause to be removed such sign at the expense of the sign owner or tenant to whom the sign applies. Such expenses shall be paid by the owner or tenant to whom the sign applies within 30 days after receiving notification of such expense from the city. Such notification shall be made by first class mail.

(Ord. No. 100, § 5.04, 2-11-2002)

Sec. 42-101. - Nonconforming signs.

Any sign already established by the effective date of the ordinance from which this chapter is derived which is rendered nonconforming by this chapter and any sign which is rendered nonconforming as a result of subsequent amendments to this chapter shall be subject to the regulations concerning nonconforming signs as follows:

- (1) Any sign on a residentially used property which is a nonconforming sign shall be taken down and removed by the owner, agent, or person within 30 days after written notice from the city.
- (2) Any sign which advertises a business or industry no longer being conducted or a product no longer being manufactured or sold on the property shall be considered nonconforming. Such signs shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or land within one month from the date of written notice from the city. However, where such a sign structure and frame are typically reused by the current occupant or business in leased or rented buildings, the building owner shall not be required to

remove the sign structure and frame in the interim periods when the building is not occupied, provided that the sign structure and frame are maintained in accordance with this chapter and other relevant city ordinances and codes and provided, further, that the time period of nonuse does not exceed 90 days.

- (3) Any sign which advertises a bonafide business or industry being conducted or a product being manufactured or sold on the property but which is nonconforming as to size, projection, location, number of signs, position, material or construction shall be taken down, removed, repaired, rebuilt or replaced in such manner as to bring the sign into compliance by the owner, agent or person having the beneficial use of the building, structure or land whenever the site or any portion including any buildings or out buildings are remodeled, or whenever there is a change in ownership of the subject property, or a change in majority ownership within any entity that is the owner of the subject property. Each of the foregoing parties shall be jointly and severally responsible for compliance.

(Ord. No. 100, § 5.05, 2-11-2002; Ord. No. 163, § 2, 5-11-2009; Ord. No. 166, § 2, 11-9-2009; Ord. No. 171, § 2, 12-27-2010)

Sec. 42-102. - Removal.

Whenever a sign is removed or is required to be removed by this chapter or by order of the building inspector, the entire sign structure, including fastenings and anchorages, shall be removed. The city shall have the authority to remove the entire sign structure, including fastenings and anchorages, if the owner or person in possession of the sign fails to comply with the building inspector's order. The cost of removal shall then be charged to the landowner and/or person in possession of the sign.

(Ord. No. 100, § 5.06, 2-11-2002)

Secs. 42-103—42-130. - Reserved.

ARTICLE V. - SPECIFIC SIGN REGULATIONS

Sec. 42-131. - Applicability of article.

In addition to the general regulations in article IV of this chapter, the specific sign regulations in this article shall apply.

(Ord. No. 100, § 6.00, 2-11-2002)

Sec. 42-132. - Announcement signs.

- (a) An announcement sign shall not exceed 16 square feet in area.
(b) An announcement sign shall not exceed four feet in height from grade.

(Ord. No. 100, § 6.01, 2-11-2002)

Sec. 42-133. - Awning or canopy signs.

- (a) An awning or canopy sign may be used to display the name of the firm, the address or a symbol, or type of business and shall be placed only on the principal front of the building.
(b) An awning or canopy sign shall be permitted in lieu of a permitted wall sign.
(c) An awning or canopy sign shall not exceed 20 square feet in display area.
(d)

A minimum vertical clearance of 14 feet shall be provided beneath any awning or canopy sign which projects over a parking area or driveway. In all other areas, a minimum vertical clearance of eight feet shall be provided beneath an awning or canopy.

(Ord. No. 100, § 6.02, 2-11-2002)

Sec. 42-134. - Home improvement signs.

- (a) A home improvement sign shall not exceed four square feet in size and must be placed on the parcel for which work is in progress or has been completed.
- (b) A home improvement sign shall be removed within seven days of the completion of the work performed.
- (c) No more than two home improvement signs may be placed on any one property at any time.

(Ord. No. 100, § 6.03, 2-11-2002)

Sec. 42-135. - Directional signs.

- (a) Above-grade directional signs shall not exceed two square feet in area and shall not exceed three feet in height. Not more than two per driveway shall be permitted.
- (b) At-grade directional signs painted on or adhered to the surface of paved areas are not regulated as to area.

(Ord. No. 100, § 6.04, 2-11-2002)

Sec. 42-136. - Identification signs.

Identification signs shall be limited to the following:

- (1) One unlit freestanding or wall-mounted sign shall be permitted for a permitted home occupation.
- (2) One unlit wall-mounted identification sign shall be permitted for each approved professional office.
- (3) An identification sign shall not exceed two square feet in display area. Wall-mounted signs shall not extend outward more than two inches from the surface of a wall on the subject structure. Freestanding identification signs shall not exceed three feet in height.

(Ord. No. 100, § 6.05, 2-11-2002)

Sec. 42-137. - Monument signs.

- (a) Monument signs shall not exceed 60 square feet in display area. If the planning commission determines that architectural features of the sign, such as wood, rock or brick framing, are in harmony with the surrounding area and the principal structure, the architectural features of the sign shall not count as part of the display area.
- (b) Monument signs, including the architectural features, shall not exceed six feet in height.
- (c) The city requires the erection of monument signs, rather than pylon signs which are prohibited under this chapter.

(Ord. No. 100, § 6.06, 2-11-2002)

Sec. 42-138. - Off-site signs, including billboards.

- (a) The maximum size of a billboard sign shall not exceed 150 square feet in display area. The height-to-width or width-to-height ratio of the sign display area shall not exceed 2:1.
- (b) The maximum height of a billboard sign shall not exceed 20 feet.

- (c) A billboard sign shall only be permitted on land located within the general commercial and industrial zoning districts, when any such district abuts a state highway.
- (d) A billboard shall not be located closer than 1,000 feet to any other billboard sign.
- (e) All other off-site signs shall be subject to a public hearing. Notification of such hearing shall be given no more than 15 days and no less than five days prior to the meeting date. All such off-site signs shall not exceed 32 square feet and shall be subject to the following seven general planning standards:
 - (1) The proposed use will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
 - (2) The use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements, routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access to off-street parking and provisions for pedestrian traffic, with particular attention to minimizing pedestrian-vehicle conflicts.
 - (3) The proposed use will be designed so that the location, size, intensity, site layout and periods of operation of the proposed use eliminate any possible nuisance emanating therefrom which might be objectionable to the occupants of any other nearby uses.
 - (4) The proposed use will be designed so that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
 - (5) The proposed use will relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the city.
 - (6) The proposed use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.
 - (7) The proposed use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.

(Ord. No. 100, § 6.07, 2-11-2002)

Sec. 42-139. - Political signs.

Political signs may be located in any district, provided that permission has been obtained from the property owner.

(Ord. No. 100, § 6.08, 2-11-2002)

Sec. 42-140. - Portable signs.

Portable signs are hereby prohibited, regardless of form, size, character or placement, unless otherwise specifically permitted within this chapter.

(Ord. No. 100, § 6.09, 2-11-2002)

Sec. 42-141. - Private sale signs.

Unless otherwise regulated by other sections of this Code or city ordinance, the following conditions shall apply to private sale signs:

- (1) The total sign area shall not exceed four square feet.
- (2) Private sale signs shall only be permitted at the principal residence of the owner of the sale items.
- (3) No sales shall take place within the road right-of-way.
- (4) Private sale signs shall be immediately removed upon final sale of all items.
- (5) Garage sale signs shall be subject to section 40-30.

(Ord. No. 100, § 6.10, 2-11-2002)

Sec. 42-142. - Projecting signs.

- (a) The sign display area for a projecting sign shall not exceed 12 square feet. A bracket or mount for a projecting sign shall not extend further than 48 inches from the wall. The face of such sign shall not project more than 48 inches from the wall upon which the sign is mounted and 36 inches in height. In no case shall any part of such sign project above the roofline.
- (b) A minimum vertical clearance of 14 feet shall be provided beneath any projecting sign which projects over a parking area or driveway. In all other areas, an eight-foot minimum vertical clearance, measured from the ground to the bottom of the sign, shall be provided.
- (c) Projecting signs may be permitted to extend into the airspace of publicly owned rights-of-way, provided that such extension does not interfere with the use of such rights-of-way or adversely impact upon the health, safety or welfare of the public.

(Ord. No. 100, § 6.11, 2-11-2002)

Sec. 42-143. - Pylon signs.

Pylon signs are hereby prohibited.

(Ord. No. 100, § 6.12, 2-11-2002)

Sec. 42-144. - Real estate signage.

- (a) *Real estate signs for existing homes and vacant lots.* Real estate signs for existing homes and vacant lots are permitted in accordance with the following:
 - (1) One unlit real estate sign shall be permitted which advertises the sale, rental, or lease of the premises or property upon which the sign is located.
 - (2) In residential districts, no such sign shall exceed eight square feet in display area and four feet in height, as measured from the established grade.
 - (3) One unlit sign, not exceeding two square feet, indicating that a building is "open" for inspection, shall be permitted while the salesperson is on site.
 - (4) Off-site real estate signs, not exceeding four square feet, may be permitted on Fridays, Saturdays and Sundays during the hours of the open house, provided such does not obstruct pedestrian movement or drivers' vision.
 - (5) In nonresidential zoning districts, such signs shall not exceed 32 square feet in display area.
 - (6) All such signs shall be removed within seven days after the property has been rented, leased or sold or the title is otherwise transferred, whichever event is first to occur.
- (b) *Development signs.* Development signs are permitted in accordance with the following:

- (1) One development sign shall be permitted for each development in which lots are still available. No such sign shall exceed 32 square feet in sign area and eight feet in height, as measured from the established grade.
 - (2) Such sign shall be removed within seven days after all of the units or lots on that site have been sold or leased for occupancy.
 - (3) A development sign shall not be allowed to occupy the property for more than two years, except when an extension is granted. Extensions up to one year may be granted by the city council.
- (c) *Subdivision or apartment entrance signs.* Subdivision or apartment entrance signs are permitted in accordance with the following:
- (1) A subdivision or apartment entrance sign shall not exceed 48 square feet in sign display area. This total shall include both sign faces. If the planning commission determines that architectural features of the sign are in harmony with the surrounding area and the principal structure, the architectural features of the sign shall not count as part of the display area.
 - (2) A subdivision or apartment entrance sign shall not exceed a height of six feet. If the planning commission determines that architectural features of the sign, such as wood, rock, ornate columns, or brick framing, are in harmony with the surrounding area, the architectural features of the sign shall not count as part of the total height of the sign.
 - (3) A subdivision or apartment entrance sign may be located in a traffic island at the entrance of a subdivision if the planning commission determines that the sign will not obstruct motorist vision.
- (d) *Model home signs.* Model home signs are permitted in accordance with the following:
- (1) One model home sign, not exceeding 16 square feet and four feet in height, as measured from the established grade, shall be permitted for each builder in a subdivision. This sign may be placed on the lot of any model unit. For each additional model unit, one real estate sign, not exceeding eight square feet in area and four feet in height as measured from the established grade, is permitted. If a model home sign is erected on a lot, a real estate sign is not permitted.
 - (2) One "open" sign, not exceeding two square feet, may be permitted on each lot for each model unit during the times that the model is open for business.
 - (3) The sign shall not be located within the road right-of-way, nor shall it encroach into the clear vision triangle.
 - (4) The sign shall not be internally or externally illuminated.
 - (5) All such signs shall be removed within seven days of the closing of the sale of the final lot for that model within that subdivision.
 - (6) Model home signs shall be approved by the building inspector for one year. If the sign is necessary for longer than one year, the approval for the sign may be extended by the building inspector for a maximum of two one-year extensions.

(Ord. No. 100, § 6.13, 2-11-2002)

Sec. 42-145. - Temporary signs.

- (a) A temporary sign shall not exceed 24 square feet in display area. Freestanding temporary signs shall not exceed six feet in height.
- (b)

The building inspector may issue a permit to a person or other legal entity having ownership or control over a location to display a temporary sign for a specific cause, function, or activity. A maximum of two temporary sign permits may be issued for any one location, including either any multi-occupant location or shopping center (notwithstanding the number of occupants, whether occupants have separate addresses, or whether occupants involve common walls or free standing sites for each such multi-occupant location or shopping center). The combined permitted display time for up to the two temporary sign permits shall not exceed 30 days. This section shall not apply to political signs. No more than one sign location and one cause, function or activity shall be permitted for each sign permit.

- (c) Banners, pennants, spinners, streamers, balloons and other windblown signs or displays are permitted only for nonprofit, institutional or community activities or events when specifically approved by the city council. These displays or signs are also permitted for new businesses for a period of time not to exceed 30 days. The displays or signs must be erected no sooner than 30 days prior to the opening of the business and removed no later than 30 days after the opening of the business.
- (d) No trespassing and keep out signs shall not exceed two square feet and shall be permitted in all districts.
- (e) Signs giving notice of pets that have been lost or found shall not exceed two square feet, shall be permitted in all districts, provided that permission has been obtained from the owner of the property on which the sign is posted, and such sign shall be removed not later than 30 days after posting by the individual posting such signs or the owner of the property.

(Ord. No. 100, § 6.14, 2-11-2002; Ord. No. 112, § 1, 3-10-2003)

Sec. 42-146. - Vehicle business signs.

Vehicle business signs are prohibited within the city.

(Ord. No. 100, § 6.15, 2-11-2002)

Sec. 42-147. - Wall signs.

- (a) A wall sign shall not project more than 12 inches horizontally beyond the wall of a building.
- (b) A wall sign shall be used to display the name of the firm, the address or a symbol, or type of business.
- (c) Wall signs shall not project above the highest point used to measure the height of the building or structure.
- (d) Wall signs shall not exceed one square foot for each linear foot of storefront on which the sign is to be placed or 20 square feet, whichever is greater. In no case shall a wall sign exceed 60 square feet.
- (e) Large, multidepartment stores and big box uses with over 50,000 square feet of floor area may be permitted a wall sign area equal to one square foot for each linear foot of store frontage up to a maximum of 150 square feet.

(Ord. No. 100, § 6.16, 2-11-2002)

Sec. 42-148. - Window signs.

Window signs shall be counted towards the total wall sign area which is permitted for any particular structure as noted in this article.

(Ord. No. 100, § 6.17, 2-11-2002)

Sec. 42-149. - Nonvisible signs.

Signs not visible beyond the boundaries of the lot or parcel upon which they are situated or from any public thoroughfare or right-of-way shall not be counted toward the maximum number of signs permitted on the subject lot or parcel. Such signs shall also be exempt from display area regulations. Such signs shall remain subject to sign approval, permit requirements, inspections, and height and setback requirements.

(Ord. No. 100, § 6.18, 2-11-2002)

Sec. 42-150. - A-frame signs.

- (a) Each commercial business within the city may be permitted one A-frame sign.
- (b) The A-frame sign shall maintain a maximum size of four feet high and three feet wide.
- (c) A-frame signs must be placed adjacent to the business store front utilizing the A-frame sign. The A-frame sign shall not interfere with pedestrian or vehicular circulation. A minimum of five feet of unobstructed sidewalk shall be maintained along the entire frontage of any business that maintains an A-frame sign.
- (d) A-frame signs shall be constructed of durable materials. Changeable copy signs shall not be permitted as A-frame signs. Plastic shall not be considered a durable material for the purposes of this section.
- (e) A-frame signs shall not be placed outside of the business between dusk and dawn.
- (f) A-frame signs shall be secured from movement or falling by means determined acceptable by the building administrator or code enforcement officer.
- (g) Any business not in compliance with existing sign requirements shall not be permitted an A-frame sign.
- (h) A sign permit shall be required for an a-frame sign from the building department.

(Ord. No. 146, § 2, 9-10-2007; Ord. No. 201, § 2, 3-23-2015)

Editor's note— Section 2 of Ord. No. 201, adopted March 23, 2015, changed the title of § 42-150 from "A-frame signs within central business district" to read as herein set out.

Secs. 42-151—42-175. - Reserved.

ARTICLE VI. - HISTORIC DISTRICT REGULATIONS

FOOTNOTE(S):

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Cross reference— Historic preservation, ch. 26.

Sec. 42-176. - Applicability of article.

If the proposed sign is located within an historic district as created and adopted by the city council, this article shall apply.

(Ord. No. 100, § 7.00, 2-11-2002)

Sec. 42-177. - Intent.

The intent of this article is to preserve and enhance the cultural, social, economic and architectural

character of the duly established historic district of the city by ensuring that signs:

- (1) Are in scale with the building on the site and surrounding buildings.
- (2) Are in character with the architecture of the building and surrounding buildings and meet the established historic theme of the district.

(Ord. No. 100, § 7.01, 2-11-2002)

Sec. 42-178. - Review of signs in the historic district.

- (a) *Application.* A completed sign application shall be submitted to the city clerk as required in section 42-36. The city clerk, or the clerk's designee, shall make a determination whether a proposed sign is situated within the historic district.
- (b) *Review by building department, planner.* If the proposed sign is situated in the historic district, the application shall be reviewed by the city building department and city planner, or the planner's designee, in order to determine whether the proposed sign complies with this chapter. Written confirmation of compliance or noncompliance shall be received from the building department and city planner.
- (c) *Review by historic district commission.* If the sign is compliant, ten copies of the complete submission shall be furnished to the historic district commission for its review.
- (d) *Written notice of decision.* The historic district commission shall approve or disapprove the proposed sign compliant with the applicable state statute, federal regulations and rules and procedures of the historic district commission. Written notice of its decision shall be furnished to the city clerk within five business days following its decision. In addition to its approval or disapproval, the historic district commission may also in writing advise the city clerk if it has determined that the proposed sign is outside of a historic district.
- (e) *Penalty.* Any violation of this section shall be a misdemeanor and, upon conviction thereof, punishable by a sentence of not more than 93 days or by a fine of not more than \$500.00, or both.

(Ord. No. 100, § 7.02, 2-11-2002; Ord. No. 112, §§ 2, 3, 3-10-2003)

Sec. 42-179. - Design standards.

- (a) *Size of signs permitted.* The size of signs permitted in the historic district shall be in accordance with the following:
 - (1) The total sign area for any business shall not exceed 48 square feet.
 - (2) A bracket or mount for a projecting sign shall not extend further than 48 inches from the wall. The face of such sign shall not extend more than 48 inches from the wall upon which it is mounted and 36 inches in height.
 - (3) Window signs are permitted in commercial buildings as provided in section 42-148.
 - (4) If a sign replicates an original historic sign or is a restored historic sign for that building and does not meet the requirements of this chapter, such sign may be permitted by the zoning board of appeals under section 42-4.
- (b) *Number of signs permitted.* No more than two signs shall be allowed for each business, and no more than one of the two permitted signs may be a projecting sign. For businesses that coexist in a building and share an access door, the planning commission may limit the number of projecting signs to one total. The sign may advertise each business.
- (c)

Maximum height of signs. The minimum height from the ground to the bottom of a projecting sign shall not be less than seven feet, nor shall the highest point of the sign, sign bracket or sign mount exceed 20 feet in height from grade. In no case may any part of a sign project above the roofline.

- (d) *Materials and types of signs permitted.* Materials and types of signs permitted are as follows:
- (1) Signs which are painted or engraved and painted on windows or boards are preferred; other materials may be acceptable, if the treatment is compatible with the historic district.
 - (2) Projecting signs shall be permitted in the historic district.
 - (3) Signs may be affixed to or painted on buildings, windows, awnings or canopies, if such sign is consistent with the architecture and design of the building and surrounding area.
 - (4) Monument signs with a substantial brick and/or stone base shall be permitted, subject to size restrictions of this section and this chapter, and subject to being compatible with the historic district provisions.
 - (5) Pylon signs are prohibited in the historic district.
 - (6) Signs which advertise businesses or business products or services shall not be painted on street furniture, such as but not limited to benches and trash receptacles.
- (e) *Style.* The style of lettering, choice of paints, and other aesthetic features are a matter of individual preference; however, they shall be consistent with the architecture and style of the building or structure. The guideline is for simplicity. Symbols or pictures or objects may be more appropriate than words.
- (f) *Illumination.* Illumination shall be in accordance with the following:
- (1) Externally lit signs are preferred over internally lit signs.
 - (2) The historic district commission may approve signs with flashing, intermittent or moving lights or with moving or revolving parts or with internal lighting, if it is determined by the commission that such sign is:
 - a. Historically appropriate for the business it is intended to serve; and
 - b. Required to maintain the historic authenticity of the sign and business, either as a restored sign or an accurate reproduction.

(Ord. No. 100, § 7.03, 2-11-2002; Ord. No. 163, § 2, 5-11-2009)

Sec. 42-180. - Historical marker signs.

Historical markers, for the purpose of this chapter, shall be defined as plaques or signs describing state or national designation as a historic site or structure and/or containing narrative, not to exceed 12 square feet in display area. These signs shall not be included in the total sign area, nor shall they be included in the number of signs.

(Ord. No. 100, § 7.04, 2-11-2002)