

# PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

## TUESDAY, JUNE 13, 2023

### CHAPTER 11 SIGNS

#### Signs

##### Applicability

Signs may be erected or maintained in the City only as permitted by this chapter. The Sign regulations of this Code are intended to ensure that Signs are located, designed, sized, constructed, installed, and maintained in a way that protects and promotes safety, health, aesthetics, and the public welfare while allowing adequate communication. The Sign regulations of this Code are not intended to and do not apply to Signs required by law or a government entity. If any portion of the Sign regulations of this Code is determined to be a violation of law, that portion shall be severed from the remainder of the Sign regulations and shall be revised to reflect the least possible change that avoids the violation of law; and the remainder of the Sign regulations shall remain in effect and be interpreted as closely as possible to the original intent without violating state or federal law.

##### Intent

The City intends the Sign regulations of this Code to achieve compelling, substantial, and important government interests in a manner that represents the least restrictive means of accomplishing those interests and to promote important and substantial government interests that would not be effectively achieved absent the regulations. Regulating the size and location of Signs in the most narrowly tailored manner represents the least restrictive means of addressing the targeted government interests of avoiding nuisance-like conditions while maintaining and improving pedestrian and vehicular safety and efficiency; character and quality of life; economic development and property values; and wayfinding and property identification for emergency response purposes. Nothing in the Sign regulations of this Code is intended to prohibit the right to convey and receive messages, specifically noncommercial messages such as religious, political, economic, social, philosophical or other types of speech protected by the First Amendment of the United States Constitution. The following subsections describe some, but not necessarily all, of the compelling, substantial, and important government interests that the City intends to achieve through the sign regulations of this Code:

##### **Pedestrian and Vehicular Safety**

The City finds that pedestrian and vehicular safety and efficiency are compelling, substantial, and important government interests. Public rights-of-way and private streets in the City are used concurrently by a variety of vehicles of varying speeds, sizes, and vulnerability, including trucks, buses, trains, cars, motorcycles, mopeds, bicycles, and scooters, all of which may travel in close proximity. Interactions among vehicles and between vehicles and pedestrians create compelling, substantial, and important safety concerns. Most signage is visible to vehicle and pedestrian traffic and at least partly intended or designed to attract the attention of vehicle operators or pedestrians, thereby creating distractions that diminish traffic and pedestrian safety.

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The City finds that a mix of traffic types, including vehicles and pedestrians, is beneficial to the general welfare of the City, including allowing density sufficient to sustain a healthy economic base, meeting the different transportation needs of a wide variety of residents and nonresidents, and ensuring adequate access to employment, entertainment, retail, business, housing, and services.

In order to promote pedestrian and vehicular safety, the purposes of the Sign regulations of this Code include the following:

1. To reduce distractions to vehicle operators and pedestrians and thereby reduce the risk for crashes, property damage, injuries, and fatalities.
2. To permit Signs that provide adequate information or direction to both pedestrians and vehicle operators without conflicting with other signs, structures, or improvements.
3. To prevent sign proliferation which makes the reading and understanding of any sign difficult, time consuming, and therefore dangerous.
4. To maintain clear lines of sight along Public Rights-of-Way and at intersections, Driveways, and other points of interaction among vehicles and pedestrians.

### **Character, Aesthetics and Quality of Life**

The City finds that achieving and maintaining attractive, orderly, and desirable places to live, conduct business, celebrate civic events, entertain people, and provide for housing opportunities are directly related to the stability of property values needed to provide and finance quality public services and facilities within the City, and therefore are compelling, substantial, and important government interests. To protect the unique character of the environment and quality of life of the City, the purposes of the Sign regulations of this Code include the following:

- To permit Signs that are of sufficient, but not excessive, size to perform their intended function.
- To prohibit Signs that may cause conflicts between vehicular- and pedestrian-targeted messages, hinder sight distances, or detract from a safe and pleasant pedestrian experience.
- To regulate Signs by zoning district or other geographic area, including those established by the City's Master Plan or other laws, regulations, or plans.

### **Economic and Development and Property Values**

The City finds that there is a clear relationship between the promotion of a set of specifications and restrictions for signs and the promotion of economic development and property values, which are compelling, substantial, and important government interests. Unregulated or haphazard sizes, locations, or other characteristics of signs have a realistic tendency to result in

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an appearance that reduces economic development and property values. The sign regulations of this Code are intended to create stability and predictability, allowing each private interest reasonable exposure through signs for purposes including expression and the promotion of business. The application of the sign regulations of this Code is intended to allow businesses and other persons to reasonably command attention to their messages in a manner that promotes economic development and preserves property values.

### **Avoidance of Nuisance-Like Conditions**

The City finds that, due to the concentration of people and activities within the City, there is a potential for blight, physical clutter, excess light and noise, and visual clutter, which tend to create nuisance-like conditions that are adverse to the public welfare. Such nuisance-like conditions lead to diminished property values, reduced attractiveness of the community, and reduced quality of life within the City. The City finds that it is a compelling, substantial, and important government interest to avoid such nuisance-like conditions. Therefore the purposes of the Sign regulations of this Code include the following:

To prohibit an excessive number of signs in proximity to one another and to establish setbacks from property lines.

To establish maximum sizes and regulate the locations of signs.

To establish construction and maintenance specifications for signs to protect public safety and minimize the potential for deteriorated signs to contribute to blight.

To regulate signs and sign lighting to prevent excessive glare, light trespass, and skyglow.

### **Property Identification and Wayfinding for Emergency Response**

The City finds that avoiding confusion in public Rights-of-way, minimizing unnecessary intrusions onto private property, and ensuring the ability for emergency responders to promptly and efficiently navigate to and identify emergency locations are compelling, substantial, and important government interests. Therefore, the purposes of the Sign regulations of this Code include regulations intended to ensure understandable, unambiguous, uncluttered, and coordinated wayfinding for vehicular and pedestrian purposes, including the regulation of location addresses and the limitation of signs in the public right-of-way.

### **Prohibited Signs**

The following signs are prohibited:

Signs not specifically permitted by this Code.

Signs that move, pulse, scroll, blink, flash, sparkle, or give the appearance thereof, other than flags.

Exterior pennants, spinners, inflatables and streamers.

Signs that are structurally or electrically unsafe.

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Signs placed on a tree or utility pole.

Signs on a motor vehicle that is parked on-site but outside of an approved parking space per the site's site plan approval.

Rope lights, string lights or similar lighting attached to, surrounding or otherwise drawing attention to a Sign.

Signs erected on or projecting into a public right-of-way, unless approved by the City council.

Signs that imitate a traffic control device.

Signs that emit smoke, visible vapor, particulate matter, sound, or odor.

Sign Structures that no longer contain a sign.

Exterior neon signs.

Signs erected without a permit.

### **General Provisions**

#### **Calculating Sign Area**

Sign area is the area of a rectangle enclosing the extreme limits of the sign including the framing of the sign. Sign support poles are not included in the sign area calculation. For monument signs the sign base up to two feet in height shall not be included in the sign area calculation.

#### **Measuring Sign Height**

##### **Maximum Height.**

Maximum heights for signs are measured as the distance from the ground or pavement at the midpoint of the sign directly beneath the Sign to the highest edge of the Sign.

##### **Minimum Height.**

Minimum heights for Signs are measured as the distance from the highest point of the ground or pavement (whichever is higher) beneath the Sign to the lowest edge of the sign.

##### **Sign Structures.**

Height requirements standards for signs include all supporting Sign Structures.

#### **Changeable Copy and Electronic Message Signs**

Changeable copy or electronic message signs may not exceed 60% of the total sign area of a freestanding sign.

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Changeable copy or electronic message signs may be mounted independently as part of building signage.

Changeable Copy and Electronic Message Signs shall not change more than once per six seconds.

### **Sign Illumination**

#### **General**

A Permanent Sign may be illuminated by internal or external light sources. A temporary sign shall not be illuminated unless required for public safety.

A light source that illuminates a sign shall have a constant color and intensity, except that it may dim or brighten in response to changes in ambient light as permitted in this Code.

A light source that illuminates a sign shall be installed and maintained in a manner to prevent glare as required by this Code, including using fully shielded fixtures, shields, baffles, mounting height, appropriate luminosity, aiming angle, and placement.

In all cases, Sign illumination shall not project light that exceeds 0.1 foot candles above the ambient light at a Lot Line bordering a Residential Zoning District.

#### **Mounting and Shielding**

An external light source illuminating an exterior sign shall be mounted above the sign and shielded so that the light is only illuminating the sign.

#### **Exceptions**

The following types of Light Sources are exempt from the mounting and shielding requirements in this subsection:

A light source wholly within a sign or sign structure constructed with translucent (but not transparent) material, such as an internally illuminated box sign.

A light source placed behind opaque lettering or other component of the sign and visible only through reflection off a wall or other surface, such as a halo, back-lit, or reverse channel sign.

A Neon Sign.

An Electronic Message Sign.

#### **Electronic Message Sign Illumination**

An electronic message sign shall not emit more than 5,000 nits in full daylight and 100 Nits at night (between astronomical dusk and dawn).

An Electronic Message Sign shall have a functioning ambient light monitor and automatic dimming equipment which shall at all times be set to automatically reduce the brightness level

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of the Sign proportionally to any reduction in the ambient light. An electronic message sign shall not exceed 0.3 footcandles over ambient lighting conditions.

When an Electronic Message Sign changes, the change shall be instantaneous, without any additional effect, such as fade, blinking, or dissolve. An Electronic Message Sign shall default to an unlit black screen when more than 50% of its Light Sources fail or if its Light Sources otherwise are not displaying properly.

### **Additional Standards**

#### **Addresses**

Address identification shall be legible and placed in a position to be visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numerals or alphabetical letters. Numbers shall not be spelled out. Each character shall be a minimum of 4 inches in height with a minimum stroke width of 0.5 inch. Where required by the fire code official address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.

#### **Projections into Public Right-of-Way**

A permanent sign, sign structure, awning, or canopy shall not be located in, project into, or overhang a public right-of-way or public easement except upon the prior review and formal approval by the City Council.

#### **Sightlines, Interference with Street Signs**

Signs and sign structures shall not interfere with applicable clear vision requirements and standards, including City standards for driveways and intersections contained in the zoning Ordinance.

Signs and sign structures shall not obscure or interfere with an official street sign or signal, including by position, shape, or color.

#### **Awning Signs and Canopy Signs**

Signs on awnings or canopies must be printed on the awning or canopy surface. No signs shall be hung from awnings or canopies. Signs on awning or canopies shall not exceed 25% of the awning or canopy surface.

#### **Flags**

In addition to the Signs permitted under this Code, in all zoning districts each lot is permitted up to three Flags with noncommercial messages that have a combined total area of up to 90 square feet. Flags are not included in the calculation of the maximum sign area.

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### **Safety and Maintenance**

Every sign and sign structure shall be maintained in a safe condition, in compliance with all applicable building and electrical codes and this Code, including adequate protection against corrosion. If at any time the Building Official determines that a sign or sign structure constitutes a dangerous structure, the Building Official may require immediate action to mitigate the danger, including demolition of the sign or sign structure.

A sign or sign structure that is broken, torn, bent, has a broken, bent, or damaged support, or is not reasonably level and plumb shall be repaired or reinstalled in a manner prescribed by the Building Official.

A sign or sign structure shall not have more than 20% of its area covered with disfigured, cracked, rippled, or peeling material or paint for a period of more than 30 consecutive days.

A sign or sign structure shall not have bent or broken sign facing, a broken support, loose appendage or strut, or lean more than 15 degrees from vertical, unless designed to do so, for a period of more than 30 successive days.

A sign shall not have weeds, vines, or other vegetation growing upon it in a manner that obstructs the view of the sign for a period of more than 30 consecutive days.

An illuminated sign shall not remain partially illuminated with a failed light source for a period of more than 30 consecutive days.

Sign panels on a freestanding sign which identify a business which is permanently closed must be removed and replaced with blank sign panels within 90 days of the business closing.

### **Permanent Signs**

Permanent signs will be regulated based on the type of sign and the zoning district in which they are located. Permanent signs shall be in two categories: freestanding signs and building signs.

Freestanding signs shall include pole signs and monument signs. And building signs shall include: wall, projecting, hanging, blade, marquee, window, awning and canopy signs.

### **Freestanding Signs.**

**Monument Signs.** Monument signs shall be permitted in all zoning districts (with the exception of single-family districts) in accordance with the following regulations.

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**General Requirements**

**Maximum Area, Height, and Width**

Property Frontage (feet)	Area (square feet)	Height (feet)	Width (feet)
Less than 100	40	6	10
100-299	60	8	10
300 or more	80	10	10

Notes:

1. The maximum area shown is for each face of a sign.
2. The maximum height shown includes the height of the base.
3. The maximum width shown does not include any support structure.

**Monument Base.** Monument signs shall maintain a solid base at least eighteen (18) inches in height.

**Number of Monument Signs.** Only one monument sign shall be permitted per business or multi-tenant facility unless such business or center has 600 or more feet of frontage in which case 2 monument signs shall be permitted.

**Special Size Allowance-Monument Signs.** Maximum sign area for multi-lot subdivisions and multi-tenant developments shall be permitted in accordance with the following table.

Single-Family Subdivision Entry Signs	80 s.f.
Mobile Home Park, Apartment or Condominium Complex Entry Signs	80 s.f.
Multi-Tenant Office Center (5 or more units)	100 s.f.
Multi-Tenant Retail Center (5 or more units)	150 s.f.
Industrial Park Entry Signs	200 s.f.



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**Pole Signs.** Pole signs shall be permitted in each zoning district in accordance with the following table.

**Maximum Area, Height, and Width**

Property Frontage (feet)	Area (square feet)	Height (feet)	Width (feet)
Public Open Space (POS)	40	6	10
Public-Institutional (P-I)	NP	NP	NP
Single-Family-Mobile (RSF_MH)	6	5	4
Single-Family-Small Lot (RSF-50)	6	5	4
Single-Family (RSF-70)	6	5	4
Single-Family (RSF-100)	6	5	4
Mobile Home Park (RMHP)	NP	NP	NP
Single-Family-Attached (RSF-A)	6	5	4
Multiple-Family (RMF)	NP	NP	NP
Office-Service (C-OS)	40	10	8
Downtown Core (C-DTC)	NP	NP	NP
Downtown (C-DT)	40	16	8
Tourism Village (C-TV)	60	20	10
General Commercial (C-G)	60	18	10
Industrial (Ind)	60	18	10
Airport	50	16	10
Medical-Office Park (C-OP)	60	18	10
Mixed-Use PUD (MPUD)			
Up to 299 feet in lot width	60	18	10
300 of lot width or more	80	18	10

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**Special Size Allowance-Pole Signs.** Maximum sign area for multi-tenant developments shall be permitted in accordance with the following table.

Single-Family Subdivision Entry Signs	NP
Moibile Home Park, Apartment, or Condominium Complex	NP
Multi-Tenant Office Center (5 or more units)	100 s.f.
Multi-Tenant Retail Center (5 or more units)	150 s.f
Industrial Park Entry Signs	200 s.f.

**Building Signs**

The following building sign regulations will be applicable to permanent building signs in the following zoning districts: C-OS, C-N, C-DTC, C-DT, C-T, C-G, C-OP, P-I, MPUD, IND, P-A.

**Placement:**

**Wall Signs.** Wall signs must be within the sign band. If there is no sign band the sign should be placed on the first story and cannot cover any windows, windowsills, doors, pilasters, or other architectural features nor fill spaces architecturally designed for windows.

**Projecting or Blade Signs.** Projecting signs or blade signs may be mounted in the sign band area or any other area of wall space that does not cover any windows, windowsills, doors, pilasters, or other architectural features. Projecting signs or blade signs must not extend outward from the building more than 4 feet and when they are mounted on the first story of a building, they must have a clearance distance of 7 feet from the sidewalk grade to the bottom of the sign. The height of blade signs must fall within one story of a building.

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**Hanging Signs.** Hanging signs may be mounted to the underside of a permanent building canopy or balcony and must have a clearance distance of 7 feet from the sidewalk to the bottom edge of the sign.

**Marquee Signs.** Marquee signs may be placed in the sign band area of the first story and occupy up to the full height of the second story if they do not cover any windows, windowsills, pilasters, or other architectural features.

### **Size:**

**Wall Signs and Marquee Signs.** For one business buildings wall and marquee signs shall not exceed 15 percent of the first story wall area (including parapet wall if present). For multi-business or tenant buildings wall and marquee signs shall not exceed 15 percent of the first story wall area (including parapet wall if present) of each individually leased space.

### **Projecting Signs.**

First story maximum size: 6 square feet

Above first story maximum size: 20 square feet

### **Blade Signs.**

First story maximum size 6 square feet.

Above first story maximum size: 30 square feet.

**Awning and Canopy Signs.** Sign copy to be placed on awnings or canopies shall not occupy more than 25% of the total awning or canopy area.

**Window Signs.** Window signs shall not exceed more than 40% of the window size for the window on which they are located. The background for all letters on window signs must be clear or translucent.

### **Number of Building Signs:**

Each business entity shall be allowed one wall sign and one projecting, blade, or hanging sign for each building wall which has a public entrance to their business. Each business entity will be allowed one additional wall sign for each building wall which does not have a public entrance to their business.

Buildings which have a unique identity or project name shall be allowed 2 additional wall signs.

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The following building sign regulations will be applicable to permanent building signs in the following zoning districts: RSF-MH, RSF-50, RSF-70, RSF-100, RMHP, RSF-A, and RMF Districts:

Permanent building signs for single-family, duplex, and row house dwelling units shall be limited to one wall sign not to exceed 2 square feet in size. Permanent building signs for multiple-family buildings shall be limited to 6 square feet per building.

**Temporary Use Signs.**

Temporary use signs not otherwise prohibited by this chapter are permitted, provided they comply with all the requirements of this section and Schedule D.

Schedule D – Temporary Use Signs

	Residential Zoning Districts	All Other Districts
Maximum Number of Signs Per Parcel <sup>1</sup>	6 <sup>2</sup>	2 <sup>2</sup>
Maximum Area Per Sign	4 sq. ft.	32 sq. ft.
Sign Height Maximum for a Pole/Yard Sign	6 ft.	6 ft.
Sign Height Maximum for a Wall Sign	6 ft.	15 ft.
Minimum Setback/Distance from Right of Way	2 ft.	2 ft.
Minimum Spacing from any Other Sign	10 ft.	10 ft.
Maximum Duration After Conclusion of Event if Sign Pertained to an Event <sup>3</sup>	7 days	7 days
Permit Required	No	Yes
Lighting or Illumination Allowed	No	No
Movement Allowed	No	No

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Allowed on Public Sidewalk or Right of Way	No	No <sup>4</sup>
Permission of Owner Required	Yes	Yes

1. Excludes window signs and other interior signs visible from the street. Maximum of two sides per sign.
2. In single-family residential zoning districts, each single-family residential use with at least one principal structure may place up to 2 off-site temporary signs on private property for the purpose of directing the public to a residential activity for a commercial purpose (e.g., real estate open house, garage/yard sale, estate sale). Said signs may only be displayed during the days that the single-family residence is open for public inspection or having a sale and may not exceed 6 sq. ft. in area per sign.
3. For single-family subdivisions under development, signs shall be removed within the year after sale of 90 percent of all lots.
4. Except for one sandwich board sign of six square feet or less in the Downtown Development Authority District.

In addition to the restrictions in Schedule D, temporary use signs shall comply with the following:

Signs shall not conflict with traffic control signs and devices or pre-existing signs, nor impact the safe and efficient circulation of pedestrians and motorists. Signs shall not be placed in clear vision zones as required by the City or Michigan Department of Transportation.

Signs shall not impact the ability of people to enter and exit parked vehicles safely and efficiently.

Signs shall be designed and located such that they are harmonious with the character of the surrounding area.

Signs shall be constructed of durable, all-weather materials and designed to remain in place and in good repair so long as they remain on display.

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