

First Reading: January 9, 2014
Second Reading: February 13, 2014
Publication Dates: February 19th & 20th, 2014
Effective Date: February 24, 2014

**AMENDMENT TO CODIFIED ORDINANCES OF
THE CITY OF NEGAUNEE, CHAPTER 1286 SUPPLEMENTARY REGULATIONS**

The City of Negaunee ORDAINS:

That Chapter 1286 of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended as follows:

REPEALER

Any ordinance, resolution, order or parts thereof in conflict with the provisions of this Amendment is, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following Amendment.

SIGNS

1286.08 SIGNS, BANNERS, CANOPIES AND FLAGS.

No sign or part thereof may be constructed, erected, placed, altered or maintained within the City of Negaunee, except as specifically or by necessary implication, authorized by this ordinance.

A. Definitions.

1. Mansard Roof. A roof, or structure on a building imitating a roof, which is at an angle of 60 degrees or greater from the horizontal.
2. Plaque, Commemorative. An inscribed tablet of brass or other non-corrosive metal or stone, identifying a place of historical or cultural significance.
3. Residential Nameplate. A sign identifying a multiple family residential structure or identifying the occupants of one and two family structures.

Nothing in this ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular sign and this ordinance is hereby declared to be subject to subsequent amendment, change or modification as may be necessary to preserve or protect the public health, safety or welfare.

It shall be unlawful for any person to erect, relocate, or structurally alter or repair, any sign or other advertising structure within the City of Negaunee, as defined by this ordinance without first obtaining a zoning permit. All signs shall be subject to the Building Code, the City of Negaunee Zoning Ordinance, and all illuminated signs shall be subject to the provisions of the State Electrical Code. (See Section H for maintenance exceptions which do not require a zoning permit).

B. Permits Required.

1. A zoning permit shall be obtained from the Zoning Administrator prior to the issuance of a building permit.
2. Application for a zoning permit shall be made upon forms provided by the Zoning Administrator and shall contain or have attached the following information:
 - a) Name, address, telephone number and signature of the applicant (person or firm erecting the sign).
 - b) Name, address, telephone number and signature of the owner of the land on which the sign is to be erected.
 - c) A scale drawing showing the position of the sign in relation to nearby buildings, signs, structure, and lot lines. All dimensions are to be included.
 - d) A copy of the plans, specifications and method of construction and attachment to the building or in the ground.
 - e) Upon demand of the Zoning Administrator a copy of calculations showing the structure is designed for dead load and wind pressure as required by Michigan Building Code.
3. Such additional information as required by the Zoning Administrator to show full compliance with this and all other laws and ordinances of the City, including stamped drawings.
4. The Zoning Administrator shall review all applications for a zoning permit. No more than ten working days shall be required to review an application. Reasons for any denial shall be set forth in writing and shall include any changes which would make the plan acceptable. The applicant may appeal any denial to the Planning Commission, then Board of Appeals.

C. Exemptions.

Zoning permits shall not be required for the following signs provided that said signs meet all other requirements of this ordinance, including but not limited to those in Section F. Approval of the property owner is required prior to the erection of a sign. It is the responsibility of the party erecting the sign to determine if a building permit is required.

1. No more than one real estate sign per site, not to exceed an area of six (6) square feet in residential districts, thirty-two (32) square feet in all other districts, which advertise the sale, rental, lease of the premise upon which the sign is located. The sign shall be removed within five days of the sale or rental.
2. Political campaign signs may be erected up to forty-five (45) days before an election. There shall be no limit in the number of such signs on each site. Such signs shall be removed within 5 days after the election.

3. Residential nameplate not to exceed two (2) square feet in area.
4. Temporary signs identifying construction sites for which a building permit has been issued. One sign per premises shall be permitted not to exceed ten (10) square feet for single family and two family structures or sixty-four (64) square feet for all other structures. The sign shall be removed within 5 days after the occupancy of the structure. Temporary signs identifying home improvement activities for which no permit is required. One on premise sign per premises not to exceed six (6) square feet, which may be in place while the work is in progress. In no case shall such a sign be in place for more than 14 days.
5. Special decorative displays used for holidays, public demonstrations or promotion of civic welfare or charitable purposes, on which there is no commercial advertising.
6. Any sign or notice required by state or federal or local laws.
7. On premise signs of a non-advertising, non-identification nature designed exclusively to control access or use, to warn or to direct traffic or pedestrians shall be a maximum of 20 square feet.
8. Any number of official governmental unit flags may be located on any site. Only one corporate flag or pennant may be displayed. Support structures shall meet the requirements of either pole or projecting signs.
9. Commemorative plaques which are firmly attached to a structure.

D. Regulations applicable to all signs.

1. It shall be unlawful to place a sign or handbill on any property without the approval of the property owner. No signs or handbills shall be posted on any tree or utility pole.
2. No signs shall be located on any street or street corner which would obscure the vision of drivers using said streets, or conflict with traffic control signs or signals in any location. NO sign shall obstruct the vision of drivers at any driveway, parking lot or other route providing access to any land use.
3. No sign shall be illuminated by other than electrical means. All flood or spot lighting for illumination of signs shall be directed away from and shall be shielded from any residence. Illumination shall be so arranged as to not adversely affect driver visibility on adjacent thoroughfares.
4. No signs shall have blinking, fluttering lights, exposed bulbs or other illuminating devices which have a changing light intensity or brightness of color and will conform to MDOT and Federal Highway regulation.
5. Prior to the erection of a sign overhanging a public right-of-way, the person erecting such sign shall receive the approval of the proper governmental agency (city, county or state) having jurisdiction over such right-of-way.

6. No signs other than traffic control or directional signs erected by a unit of government shall be allowed on any right-of-way. Portable sidewalk signs shall be permitted when they meet the requirements of Section E.7 and 8 except on State Highway right-of-ways, including the Business Routes.

7. Any sign mounted on a roof shall be included within the overall height limitations; a mansard roof shall be considered a wall for the purpose of applying this regulation (See Section E also).

8. No signs in residential zoning districts may be closer to side or rear lot lines than specified in the minimum set-back requirements of the district in which they are located (See City of Negaunee Zoning Ordinances and Map)

9. Any portion of a sign may be of the changeable copy type provided that all changeable characters are securely attached to the face of the sign.

E. Regulations Based Upon Sign Type.

1. Pole Signs.

- a. It shall be unlawful to erect any portion of a pole sign to a height of greater than 30 feet above the level of the nearest street in the business districts. The maximum height for all other districts shall be 20 feet above the height of the nearest street.
- b. There shall be a minimum unobstructed distance of 10 feet between the bottom of any display area and the ground for any sign located at the right-of-way. For every 2.5 feet the sign is set back from the right-of-way, the base of the display area may be lowered by one foot.
- c. Pole signs in any business district that are within 100 feet of a residential district must be no greater than 20 feet above the height of the nearest street.

2. Ground Signs:

- a. No sign shall be located closer to a side lot line than the distance specific for side yards in that district by the Zoning Ordinance.
- b. No portion of a ground sign may exceed eight (8) feet in height.
- c. For every additional ten feet that a sign is set back from the required front yard, the height/width of the ground sign may be increased by 10%. This increase in sign size shall not apply to off premise signs.

4. Wall Signs.

- a. A wall sign shall not project more than 15 inches from the wall.

5. Projecting Signs.

- a. No portion of a projecting sign shall be less than eight feet above grade.
- b. The clear distance between a projecting sign and the wall to which it is attached may not be greater than two feet.

All projecting signs shall be designed, installed and erected in such a manner that there shall be no visible angle iron or wire support structures above the roof line or parapet.

- c. No sign may project over an alley or private driveway.
- d. No sign shall be located closer than 10 feet to any intersecting rights-of-ways.
- e. A projecting sign may not extend above the top of the wall on which it is attached by more than 6 feet, but in no case shall more than 20% of the sign area be above the top of the wall.

6. Canopy and Marquee Signs.

- a. Canopy and marquee signs shall be placed at least ten feet above the sidewalk and shall be at least two feet, measured horizontally from an established curb.
- b. Signs attached to the face of a marquee or canopy which are parallel to the flow of traffic shall meet the requirements of wall signs. Additionally, the sign may not project more than six inches from the face of the canopy and the sign may not exceed three feet in height.
- c. Signs attached to the sides of a marquee or canopy which are not parallel to the flow of traffic shall meet the requirements of projecting signs.
- d. Where signs are suspended under canopies or marquees, the following conditions shall apply:
 - I. Signs shall not be greater than six square feet.
 - II. There shall not be more than one such sign per business or office.
 - III. Signs shall be at least eight feet above the sidewalk and at least two feet measured horizontally from any established curb.

7. Sidewalk Signs.

- a. Sidewalk signs shall be permitted during the hours a business is open to the public and may only be placed on the street from dawn until dusk.
- b. The maximum height shall be four feet and the sign shall not occupy more than nine square feet of sidewalk. The sign shall be sturdy, stable and of heavy enough construction on its own to withstand typical winds without flipping over or sliding.

- c. Sidewalk signs shall not be illuminated by any means except natural light, building lights and existing street lights.
- d. At all times of the year, sidewalk signs shall be placed directly in front of the business and shall allow a minimum of 4 feet of unobstructed sidewalk for pedestrians. Sidewalk signs shall not be placed within 25 feet of an intersection, measured perpendicularly from the intersecting curb. During the winter months, the sidewalk shall be completely clear of snow prior to placement and sidewalk signs shall not be placed on snow banks.
- e. The owner of the sign and the owner of the site upon which it is located must assume all liability for damage and injury caused by the sign.
- f. Sidewalk signs shall be exempt from the total sign area calculation.
- g. There shall be one sidewalk sign allowed for each business.

8. Flexible Signs.

- a. Signs of fabric, thin plastic or other flexible material may be erected as pole, ground or wall signs provided that all requirements for those types of signs are met. No ropes or guy wires may be fastened so as to cause a hazard.
- b. Flexible signs shall be removed at the first evidence of wear or deterioration.

9. Standard Outdoor Advertising (Billboards)

Standard outdoor advertising structures are allowed only in areas zoned B2 and must conform to the following regulations:

- a. No standard outdoor advertising structure may be erected within 200 feet of any public park, recreation facility, lake, stream, school, church or residential lot located on the same side of the street.
- b. No standard outdoor advertising structure shall be located within 10 feet of any intersection.
- c. No standard outdoor advertising structure shall be closer than 300 feet to another off-premises sign.
- d. Standard outdoor advertising structures may have one or two faces. Said faces may be placed back to back if not more than 36 inches apart, or may be placed in a “V” with a maximum angle of 30 degrees and a maximum separation of 30 inches at the vertex.
- e. No standard outdoor advertising structures shall exceed 300 square feet in area or 30 feet in height.

F. Signs Permitted by Zoning District.

District designations shall be determined from the Official Zoning Map

1. Residential Districts:

- a. For each residential unit in a single family or general residential district, one name plate not exceeding two square feet shall be permitted.
- b. For all conditional uses in the R1, R2, and RR districts, except home occupations, group day care facilities, and non-conforming uses which are not residential there shall be permitted one ground sign and/or one wall sign not to exceed a combined area of 32 square feet. Day care centers in any district shall be permitted to erect a four square foot nameplate.
- c. Multiple Family Development: One sign not to exceed six (6) square feet for the purpose of identifying an office located on the site, plus:
 - I. One sign not exceeding two (2) square feet for each development containing four or fewer dwelling units.
 - II. For each development containing more than four (4) but fewer than 50 dwelling units, one sign not to exceed ten (10) square feet shall be permitted.
 - III. For each development containing fifty or more dwelling units, one sign not to exceed 20 square feet shall be permitted for each driveway providing access to the site. Said signs must be within 50 feet of the driveway and not be within 100 feet of another such sign on the same site.
- d. For each subdivision, signs advertising lots for sale may be erected and maintained until the lots are sold. The sign shall not be erected within 100 feet of an occupied residence.
 - I. One sign not exceeding 32 square feet in area shall be permitted for subdivisions with 20 or less lots.
 - II. One or two signs not to exceed 64 square feet total area shall be permitted for subdivisions with more than 20 lots.
- e. There shall be no off-premise signs.

2. Industrial and Business Districts.

- a. For establishments located in the Business and Industrial Districts, one square foot of sign shall be allowed per liner foot of site frontage.
- b. Only on-premise signs shall be permitted in the B1 districts. Signs in the B2 and Industrial districts may be on-premise or off-premise, but must meet all requirements of this ordinance.

- c. For each office structure containing more than one occupant office a directory sign containing the names of all offices may be located at each common public entrance to the structure. Said directory signs shall not be larger than two square feet for each establishment, with maximum size of 20 square feet for each directory.
- d. Not more than one pole or ground sign per 300 feet of site frontage with not more than three projecting signs and with no restrictions on the number of wall signs per site.

3. Natural Resources.

- a. Business uses in the Natural Resources districts shall meet the following sign requirements.
 - I. Height and area:
Pole signs – not to exceed 30 feet in height of 150 square feet in area.
Projecting signs – not to exceed 20 square feet in area.
Ground signs – not to exceed 150 square feet in area.
Wall signs – no size restrictions except as established in Section 13.2.A
 - II. In no case shall the area of all advertising signs on a site exceed one square foot of sign for each linear foot of site frontage.
 - III. Number: Not more than one pole, ground or projecting sign per site with no restrictions on the number of wall signs per site.
- b. Signs for residential uses shall meet the requirements for signs in the residential district (see Section F.1)
- c. For all non-business and non-residential uses in this district, the following shall be permitted per site:
 - I. Ground signs – not to exceed 20 square feet.
 - II. Pole signs – not to exceed 20 square feet.
 - III. Projecting signs - not to exceed 20 square feet.
 - IV. Wall signs – not to exceed 40 square feet.
- d. There shall be no off-premise signs.

4. Outdoor Athletic Facilities in all districts.

- a. Signs placed on the field or the facility where games are played are subject the following conditions.
 - I. Height and Area
 - i. Ground signs may not exceed eight (8) feet in height or thirty-six (36) square feet per sign.

- ii. Wall signs may not exceed eight (8) feet in height or thirty-six (36) square feet per sign.
 - iii. Pole signs are not permitted.
 - iv. Illuminated signs are not permitted.
- II. Only the side of the sign facing the playing field may contain advertising. The other side must be painted.

b. Scoreboards.

- I. Lighted scoreboards may be illuminated only during time of organized play. Said scoreboards may not exceed 200 square feet in size and may be no taller than 20 feet in height.

G. Non-conforming Signs and Abandoned Signs.

Non-conforming signs are those which do not comply with size, placement, construction, or other provisions or regulations of this ordinance which were lawfully established prior to the adoption of this ordinance.

1. The display face of a non-conforming sign may be modified as necessary to renew or update the message.
2. Non-conforming signs shall not be structurally altered so as to change the shape or size of the sign.
3. Abandoned, non-conforming signs shall be removed by the property owner within 30 days.
 - a. Any sign which pertains to an event, time or purpose which has occurred shall be deemed to have been abandoned 30 days after the event.
 - b. Any sign which is located on property which becomes vacant and unoccupied or is applicable to a business which has been temporarily suspended because of a change in ownership or management shall not be deemed abandoned unless the property remains vacant or the business remains inactive for a period of twelve months.
4. Changes or additions shall not be made to any signs on a site so as to increase their total non-conformity.

H. Maintenance.

Every sign shall be maintained in a safe structural condition at all times, including the replacement of defective parts and peeling, faded, or broken display faces and structural members.

I. Sign Removal.

1. The Zoning Administrator shall notify the property owner by first class mail describing the sign and specifying the violation involved.
2. The property owner shall remove said sign or request the issue to be heard by the Planning Commission within 15 days of mailing of the letter. An appeal stays all proceedings unless the official from whom the appeal is taken certifies to the Planning Commission that a stay would cause imminent peril to life or property.
3. If at the expiration of the time limit in said notice, the owner has not complied with the requirements thereof, or appealed the decision of the Zoning Administrator, the Zoning Administrator shall carry out the requirements of the notice. The costs of such abatement may be charged against the premises and the owner thereof in accordance with the provisions of Section 674.07 and 647.08 of the City Code.

J. Dangerous Signs.

In the case of a sign which presents imminent danger to life or property the sign owner, or if he cannot be reached, a responsible city official, may take immediate action as is necessary to remove the danger with the cost being borne by the owner.

K. Appeals.

The Board of Appeals as provided in the Zoning Ordinance shall constitute the Board of Appeals to pass on matters pertaining to the terms of this ordinance. The term of office, quorum, meetings, records and procedures shall be as specified in the Zoning Ordinance.

Council Members Present: Mayor LaCosse, Council Members Kangas, Haines, Menhennick, VanStraten, Schuhknecht and Visser

Council Member Absent: None

WHEREUPON, This Ordinance is declared passed and adopted on this 13th day of February 2014.

CITY OF NEGAUNEE

By: Keith LaCosse, Its Mayor

By: Judith Iwanski, Its Clerk