

CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST. ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231) 627-8489 ■ FAX: (231) 627-3646

CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING
WEDNESDAY, FEBRUARY 5, 2020 AT 7:00 PM
ROOM 135 - COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

SCHEDULED PUBLIC HEARINGS

UNFINISHED BUSINESS

1. Continued discussion regarding proposed Amendment #155 relative to Nonconforming Buildings or Structures, Properties and Uses.

NEW BUSINESS

1. Discussion regarding proposed amendment relative to zoning standards for signs.

STAFF REPORT WITH UPDATE ON MASTER PLAN REVISION

PLANNING COMMISSION COMMENTS

PUBLIC COMMENTS

ADJOURNMENT



CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST., ROOM 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ TDD: (800)649-3777

CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, JANUARY 15, 2020 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

- PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana
ABSENT: None
STAFF: Mike Turisk
GUESTS: Eric Boyd, Bob Lyon, Cal Gouine, John Moore, Carl Muscott, Russell Crawford, Cheryl Crawford, Mike Peltier, C. Maziasz, John F. Brown, Jen Merk, Michael Peltier

The meeting was called to order by Chairperson Croft at 7:00pm.

PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to approve the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

The December 18, 2019 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Ms. Lyon, to approve the meeting minutes as presented. Motion carried unanimously.

PUBLIC HEARING AND ACTION ON REQUESTS

No agenda items scheduled.

UNFINISHED BUSINESS

Discussion Regarding Proposed Amended Zoning Ordinance Amendment #154 Relative To Home Occupations And Storage Buildings.

Mr. Turisk stated that proposed Amendment #154 was discussed at the December 18, 2019 meeting and the Planning Commission directed staff to delete references to limited commercial enterprise uses. Mr. Turisk stated that provisions have been maintained to allow limited bathroom facilities in private storage facilities. Mr. Turisk stated that the Planning Commission directed staff to consolidate private storage building, agricultural building and private storage building/workshop building definitions. Mr. Turisk stated that staff is proposing to delete the definition for private storage building and maintaining the definitions for agricultural building and private storage/workshop building. Mr. Turisk stated that staff has proposed minor edits to Section 17.21.3 codifying the occasional sale of incidental items associated with a home occupation.

Mr. Freese referred to Section 17.23 and stated that this section does not require the repositioning of a private storage building to allow for the future placement of a residence. Mr. Freese suggested replacing “Placement of the private storage building/workshop building on the property should support the future placement of a residence.” from Section 17.23 with “Placement of the private storage building/workshop building on the property shall be situated so as to allow placement of a future dwelling and well and septic field if required.” Mr. Kavanaugh agreed with Mr. Freese.

Ms. Johnson referred to the definition of Private Storage Building/Workshop Building and noted that the definition states that the building does not have permanent facilities for living, sleeping and/or cooking. Ms. Johnsons stated that she reads this as the property owner would not be allowed to put a dwelling on the property. Ms. Johnson stated the purchaser of the property can determine whether there is the room to do what they want on the property. Mr. Freese stated that people are buying lots on the lake and building a private storage building without a dwelling. Ms. Johnson stated that this issue can be addressed differently, but we shouldn’t restrict someone to only put a pole building on a lot. Mr. Freese stated that this isn’t what the

Planning Commission is doing. Mr. Freese stated that the Planning Commission would be requiring that the property owner place the building on the parcel so as to also allow room for the future placement of a dwelling. Mr. Delana stated that what will happen if the size of the parcel does not allow for the future placement of a dwelling. Mr. Delana asked if the property owner would not be allowed to build a storage building. Mr. Delana asked if the Planning Commission is saying that a dwelling is a better use and to be desired. Mr. Borowicz stated yes, if it is a lakefront lot. Mr. Kavanaugh agreed with Mr. Borowicz. Mr. Freese stated that this was originally a requirement in the Lake and Stream Protection Zoning District. Mr. Freese referred to Section 17.23.1 and stated that these standards would apply to parcels in the Residential Zoning District, Rural Character/Country Living Zoning District and Lake and Stream Protection Zoning District. Mr. Delana expressed his concerns over taking a standard that was intended for the Lake and Stream Protection Zoning District and applying it to two additional zoning districts. Mr. Delana stated that he believes this restricts property rights more broadly than was previously intended. Mr. Freese stated that these are the three most restrictive zoning districts. Mr. Freese stated the only change he is suggesting is to replace "should support the future placement of a residence." with "shall be situated so as to allow placement of a future dwelling, well and septic field if required." Mr. Delana asked what would happen if the lot is too small to support the future placement of a dwelling. Mr. Freese stated that they would have to apply for a variance. Mr. Delana asked if the property owner would be allowed to build a private storage building under the Ordinance as it is written today. Mr. Freese stated they would not be able to build without a variance. Mr. Delana asked if the Planning Commission is being more restrictive to the other three zoning districts than we already are today. Mr. Freese stated no. Ms. Johnson asked if this should be a restriction for the other zoning districts also. Mr. Kavanaugh and Ms. Lyon stated yes. Ms. Johnson stated she agrees with this restriction for the Lake and Stream Protection Zoning District and possibly the Residential Zoning District. Ms. Johnson stated she does not agree that this should be a restriction for the Rural Character Country Living Zoning District. Mr. Freese stated that the minimum lot size in the Rural Character Country Living Zoning District is 1 acre and placement of a dwelling, well and septic should not be on a problem on a parcel this size. Discussion was held. Ms. Croft asked if this has been reviewed by legal counsel. Mr. Turisk stated that based on legal counsel's previous reviews of this amendment, he doesn't believe they will have any issue with these changes. **Motion** by Mr. Freese, seconded by Mr. Borowicz, to schedule a public hearing for proposed Amendment #154 on February 19, 2020 at 7:00pm in the Commissioner's Room. Motion carried unanimously.

Discussion Regarding Proposed Amendment #155 Relative To Nonconforming Buildings Or Structures, Properties And Uses.

Mr. Turisk stated that proposed Amendment #155 is regarding non-conforming buildings, structures, properties and uses. Mr. Turisk stated that legal counsel has made changes to+ proposed Amendment #155 that was included in the Planning Commission packet. Mr. Turisk stated that Mr. Kavanaugh requested that language be included that would compel meeting Health Department requirements. Mr. Turisk stated that this language was added to Section 22.3.

Mr. Turisk stated that he reviewed with legal counsel changing "Class A" and "Class B" to "Minor" and "Major". Mr. Turisk stated that legal counsel did not embrace the terminology and suggested using different terms. Mr. Turisk stated that legal counsel suggested using the terms "Acceptable" and "Unacceptable". Mr. Turisk stated his concerns regarding the subjectivity of legal counsel's suggested terms. Mr. Delana asked what are Mr. Graham's concerns regarding the terms "Minor" and "Major". Mr. Turisk stated that he believes these are terms that are subjective. Discussion was held. Mr. Turisk stated the intent of the proposed amendment is to provide clarification and be property owner friendly.

Mr. Freese stated that the proposed amendment is confusing and not what the Planning Commission started out to do at all. Mr. Freese stated that it is shifting a great deal of the work from the Zoning Board of Appeals to the Planning Commission and the Zoning Director. Mr. Freese stated that he originally requested a rewrite of Section 22 as a result of problems that the Zoning Board of Appeals had with that section providing adequate guidance to the Zoning Board of Appeals with regards to variances pertaining to non-conformities. He further stated that he had requested this several times in the past, particularly with regards to the provision terminating a non-conformity solely due to passage of a specific period of time which is not legal. Mr. Freese stated that the way the proposed amendment is written results in variances actually being granted by the Planning Commission and the Planning Director. Mr. Freese stated that the guidance outlined in the proposed sections 22.4 and 22.5 should be refined and combined in order to provide the parameters that the Zoning Board of Appeals requested in regards to non-conformities and the creation of "Major" and "Minor" categories should be eliminated entirely.

NEW BUSINESS

Zoning Enforcement Report

Mr. Turisk referred to the Enforcement Report included in the Planning Commission packet, and stated that it covers September 1, 2019 through December 31, 2019. Mr. Turisk stated that he plans to provide a quarterly report to the Planning Commission. Mr. Turisk reviewed the different types of complaints and how many are classified as in progress and how many are classified as no violation, resolved and closed. Mr. Turisk noted that due to Mr. Peltier's diligence, we have had a

number of inoperable vehicles removed from properties over the past few months. Mr. Turisk stated there are outstanding violations regarding inoperable vehicles that are being worked on with the property owner and sometimes this is a process that takes many months. Mr. Turisk stated that there were 81 new complaints that resulted in identified violations. Mr. Turisk stated that out of the 81 new complaints there are 27 that are in progress and the remaining have been closed, resolved or no violation was identified. Mr. Freese asked if the term resolved means that the violation was corrected and no ticket was issued or no violation was found to exist. Mr. Turisk stated that it means that the violation was corrected. Discussion was held. Mr. Delana stated that there should be a total number of complaints for no violation, resolved and closed. Mr. Delana and Mr. Freese agreed that there should be more categories to be more descriptive.

Mr. Turisk thanked Mr. Kavanaugh for providing contact information for District Health Department #4. Mr. Turisk stated that this information was helpful.

Mr. Turisk stated that they started from February 2014 with the review of special use permits and site plan reviews because there is a 6 year statute of limitations. Mr. Turisk stated that there are 138 special use permits and site plan reviews, including amendments and one year extensions during this time period. Mr. Turisk stated that 79 of the approvals have expired. Mr. Turisk stated that these 79 approvals did not make substantial construction progress, pull permits or apply for a one year extension. Mr. Turisk stated that since this review began in November 2019, 17 have been closed or finalized. Mr. Turisk stated that 7 site plan reviews have been closed, 6 site plans reviews have been finalized and 4 special use permits have been finalized. Mr. Turisk stated that they started with 2014 and they will continue to work forward.

Mr. Turisk stated that it is hard to understand how much time this review will take given anticipated road blocks such as talking to the different agencies. Mr. Turisk stated that we are now making it incumbent upon the applicant to provide the documentation. Mr. Turisk stated that Mr. Peltier is complimenting this by reaching out to MDOT and DEQ. Mr. Turisk stated that some of the reviews have been comparatively easy given the conditions that were imposed by the Planning Commission. Mr. Turisk stated that some of the reviews have taken more leg work. Mr. Turisk explained that this is an effort that is being focused on in the cold weather season as Mr. Peltier is not in the field as much. Mr. Turisk stated that during spring, summer and fall, this is going to probably be put on the back burner due to time constraints and workload.

Mr. Freese referred to a conversation he had with legal counsel at a previous Planning Commission meeting and asked Mr. Turisk to confirm with legal counsel whether or not the six year statute of limitations has changed.

Mr. Kavanaugh stated that this is a good enforcement summary. Mr. Kavanaugh stated that the applicant will now be responsible to meet the conditions placed on the approval by the Planning Commission. Mr. Kavanaugh asked how the applicant will know that he is responsible to submit these documents. Mr. Turisk stated that they have reached out to the applicant and have directed him to submit documentation to confirm compliance. Mr. Turisk stated that this may need to be formalized in written form in the future. Mr. Kavanaugh stated that this should be formalized immediately. Mr. Kavanaugh stated that these problems came up because there was no staff to look into it. Mr. Kavanaugh stated this should be provided to the applicant after they are approved and they should have to sign a document agreeing to the conditions of the approval. Mr. Turisk stated that staff has drafted as an Acceptance of Conditions form for the applicant to review and sign. Mr. Turisk stated that staff has been drafting a procedures guide for enforcement. Mr. Turisk stated that this guide will clearly articulate the process when a violation is identified to ensure consistency. Discussion was held. Mr. Turisk stated that he can add language to the letter explicitly indicating that it is incumbent upon the applicant to provide the documentation.

Mr. Freese thanked Mr. Peltier for his work on this review. Mr. Freese stated that there is no comparison in the work that Mr. Peltier has done to what was done in the past. Mr. Freese stated it is infinitely better than what we have had. Mr. Turisk stated that Mr. Peltier has made a big dent into the stack of complaints and has done a remarkable job. **Motion** by Mr. Freese, seconded by Mr. Delana, that the Planning Commission provide a letter of commendation to Mr. Peltier. Motion carried unanimously.

2020 Planning Commission Meeting Calendar

Discussion was held. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to approve the schedule of meeting dates for the Planning Commission for 2020. Motion carried unanimously.

Annual Election Of Officers

Motion by Mr. Kavanaugh, seconded by Ms. Johnson, to maintain the existing officers. Motion carried unanimously.

STAFF REPORT WITH UPDATE ON MASTER PLAN REVISION

Mr. Turisk stated that he is trying to coordinate a training opportunity with Emmet County and City of Cheboygan to bring

Michigan Association of Planning to Northern Michigan to talk about risk management. Mr. Turisk stated that this may happen on a Tuesday in March. Mr. Turisk stated that he will update the Planning Commission as soon as possible when the details have been finalized. Discussion was held.

PLANNING COMMISSION COMMENTS

Mr. Freese stated that the Zoning Board of Appeals recently denied an application for a larger than permitted sign. Mr. Freese stated that the Zoning Ordinance allows 80sf and the applicant requested a 99.6sf sign. Mr. Freese stated that the Board of Commissioners Chairman attended the meeting and he was in favor of granting the variance. Mr. Freese stated that the Board of Commissioners Chairman believed it was a good looking sign and it was better than the existing sign. Mr. Freese stated that he attended the Board of Commissioners meeting on January 14, 2020 and they unanimously approved that the Planning Commission review the sign ordinance with a view toward relaxing the dimensional requirements on signs. Ms. Croft asked if the Zoning Board of Appeals had any applications similar to this size. Mr. Freese stated that the Zoning Board of Appeals has turned down several signs that were in excess of the 80sf. Mr. Kavanaugh asked if any signs similar in size had been approved by the Zoning Board of Appeals. Mr. Freese stated no. Mr. Freese reviewed variance requests for signs over 80sf that were denied by the Zoning Board of Appeals. Mr. Kavanaugh stated that if the Board of Commissioners would like to encompass a larger sign it will be easy to do so by reviewing previous requests that were denied by the Zoning Board of Appeals. Mr. Kavanaugh stated that the Zoning Board of Appeals was uniform in all of their decisions. Mr. Freese stated that if the Planning Commission changes this to 100sf it means that every business can put up 3 signs that are 100sf each. Mr. Turisk stated that this is something that the Planning Commission can review. Mr. Borowicz stated that they can be limited to 1 sign that is 100sf. Mr. Freese stated that there are no signs in the Indian River area that are this size. Mr. Kavanaugh stated that we get direction from the Board of Commissioners. Mr. Kavanaugh stated that this can be opened up and discussed. Discussion was held.

Discussion was held regarding Amendment #155, signs and statute of limitations being reviewed and discussed at the February 5, 2020 meeting.

PUBLIC COMMENTS

Mr. Muscott stated thanked Mr. Freese for taking the initiative on the sign amendment. Mr. Muscott stated that the applicant went to a dealer show and there were specials on signs. Mr. Muscott stated that the applicant has 300ft. of road frontage and the Ordinance allows 3 signs at 80sf each. Mr. Muscott stated that one large sign would look more aesthetically appealing than 3 signs at 80sf each. Mr. Muscott stated that he does not agree that there should not be variances on commercial signs because it is free speech. Mr. Muscott stated that this business has existed for 50 years and being told no on a sign is an affront to free speech rights. Mr. Muscott stated that the applicant must have proof of the installation of the sign to maintain his status as a platinum dealer. Mr. Muscott stated that the applicant has lost this status now. Mr. Muscott stated that it should be fairly simple to allow one larger sign. Mr. Muscott stated that 3 signs at 120sf each are allowed in General Industrial and Light Industrial.

Mr. Crawford asked Mr. Peltier for an update on an enforcement issue. Discussion was held.

Mr. Moore asked the Planning Commission to consider adding recreational marijuana, tiny homes and short term rentals to their 2020 work plan.

ADJOURN

Motion by Mr. Borowicz to adjourn. Motion carried. Meeting was adjourned at 8:44pm.

Charles Freese
Planning Commission Secretary



CHEBOYGAN COUNTY PLANNING AND ZONING DEPARTMENT

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PHONE: (231) 627-8489 ■ FAX: (231) 627-3646
www.cheboygancounty.net/planning/

MEMORANDUM

Date: January 29, 2020 for the February 5, 2020 Planning Commission Meeting

To: Planning Commissioners

From: Michael Turisk, Planning Director 

Re: Revised Draft of proposed Zoning Ordinance Amendment #155 – Non-conforming Buildings or Structures, Properties and Uses

Planning Commissioners,

Attached is the latest draft of proposed Zoning Ordinance Amendment #155 that regards Article 22, *Non-conforming Uses, Structures* that we will discuss in detail on Wednesday evening. As you are aware, the principal purpose of Amendment #155 is to ease current standards governing the continuance, discontinuance and expansion of nonconformities; this draft maintains that intent, but proposes doing so in a more concise manner than previously, largely by:

- Proposing to eliminate the previously discussed classification or distinction of nonconformities (e.g., “Categories A and B”; “Benign and Detrimental”; “Minor and Major”).

Also of note:

- Codifying language allowing owners of contiguous nonconforming lots a measure of flexibility in terms of conveyance or development of such lots.
- Providing oversight authority to the Zoning Board of Appeals (rather than the Planning Commission) for applications to replace a non-conforming use, building or structure with another non-conforming building or structure.

Feel free to contact me should you have questions prior to our meeting.

Enclosure:

“Clean” revised draft of proposed Zoning Ordinance Amendment #155

CHEBOYGAN COUNTY ZONING ORDINANCE
AMENDMENT #155

AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200 RELATIVE
TO NONCONFORMING BUILDINGS OR STRUCTURES, PROPERTIES AND USES

Section 1. Amendment of Article 22

Article 22 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

ARTICLE 22. – NONCONFORMING BUILDINGS OR STRUCTURES, PROPERTIES AND USES

SECTION 22.1 INTENT AND PURPOSE

Nonconformities are buildings or structures, lots, and land uses that do not conform to one or more of the requirements of this Ordinance or any subsequent amendment, which were lawfully established prior to the effective date of this Ordinance or any subsequent amendment. Such nonconformities are generally incompatible with the current or intended use of land in the district in which located. Accordingly, the purpose of this article is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, discontinuance and conditions under which nonconformities shall be permitted to continue.

Section 22.2 NONCONFORMING LAND USE PERMITTED: COMPLETION ALLOWED

- A. If the use of a building or structure or the use of the land was lawful at the time of enactment of this Ordinance or any subsequent amendment, then that use may be continued although the use does not conform to the provisions of this Ordinance or any subsequent amendment, under the terms and conditions of this Article.
- B. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of a building or structure on which substantial construction has been lawfully begun prior to the effective date of this Ordinance or any subsequent amendment.

SECTION 22.3 NONCONFORMITY REGULATIONS

The following regulations shall apply to all nonconforming uses, buildings and structures:

- A. Normal maintenance and incidental repairs, including repair or replacement of nonbearing walls, windows, fixtures, wiring, or plumbing, may be performed on any nonconforming building or structure or on any structure containing a nonconforming use.
- B. A nonconforming building or structure or a building or structure that contains a nonconforming use which is unsafe or unlawful due to a lack of repairs or maintenance, as determined by the County Building Official, may be restored to a safe, habitable condition.
- C. If a nonconforming building or structure (including a nonconforming sign) or a building or structure that contains a nonconforming use is damaged or destroyed by any means or is removed by the property owner, then such nonconforming building or structure may be restored, rebuilt, or repaired to no greater than its original configuration and on its original foundation or footprint.

- D. A nonconforming building or structure or a building or structure that contains a nonconforming use may be enlarged or altered in any way, provided such enlargement or alteration does not:
1. Create any nonconformity that did not exist prior to the enlargement or alteration.
 2. Increase the degree of new nonconformity (i.e., the enlargement or alteration is closer to the property line than the nonconforming building or structure prior to the enlargement or alteration).
 3. Increase the extent of nonconformity (i.e., a larger portion of the nonconforming building or structure is within the setback area than was present prior to the enlargement or alteration).
- E. If a nonconforming sign is damaged or destroyed by any means or is removed by the owner to the extent that the cost of necessary repairs will exceed fifty percent (50%) of the replacement cost of the sign, then such nonconforming sign shall only be repaired or reconstructed in complete conformity with the applicable provisions of this Ordinance.
- F. Except for repairs or maintenance, a nonconforming building or structure or a building or structure or portion of which that contains a nonconforming use shall not be enlarged or altered, unless in complete conformity with the applicable requirements of this Ordinance.
- G. A non-conforming use, building or structure shall not be replaced with another non-conforming building or structure unless approved by the Zoning Board of Appeals pursuant to the requirements of the subsection.
1. The owner of a nonconforming use, building or structure who desires to replace that nonconformity with another nonconforming use, building or structure shall file an application with the Zoning Administrator and shall provide all information necessary to show compliance with the standards contained in subsection 3, below.
 2. Upon receipt of a complete application, the Zoning Administrator shall schedule a public hearing following the requirements of Section 23.7.2 of this Ordinance.
 3. Following the public hearing the Zoning Board of Appeals shall approve the proposed new nonconforming use, building or structure if it finds that all of the following standards have been met:
 - a. The proposed new nonconforming use, building, or structure would not create any nonconformity that did not exist on the property prior to the requested replacement.
 - b. The proposed new nonconforming use, building, or structure would make the property more conforming to the zoning regulations that made the use, building, or structure nonconforming and/or to the zoning regulations applicable to the property.
 - c. The proposed new nonconforming use, building, or structure would improve the property and would not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.
- H. If a nonconforming use, building, or structure is replaced by another nonconforming use, building, or structure, then the replacement nonconforming use, building, or structure shall not revert to its original nonconforming status.

SECTION 22.4 NONCONFORMING LOT OF RECORD

The following regulations shall apply to all nonconforming lots of record:

- A. Normal maintenance and incidental repairs, including repair or replacement of nonbearing walls, windows, fixtures, wiring, or plumbing, may be performed on any nonconforming building or structure or on any structure containing a nonconforming use.
- B. If two (2) or more contiguous lots, parcels, or portions of lots or parcels are under the same ownership and do not individually meet the lot width, depth, and/or area requirements of this Ordinance, then the owner of those lots or parcels may hold, develop, and convey those lots or parcels under one of the following options:
 1. The owner may hold, develop, and convey those nonconforming lots or parcels as separate nonconforming lots of record. Under this option, each nonconforming lot or parcel may be individually sold and, except as provided herein, may be individually developed as a nonconforming lot of record under subsection A above. Each individual nonconforming lot or parcel shall comply with all applicable setback regulations. Provided, however, no dimensional variance shall be granted for such lot or parcel when the need for that dimensional variance would be eliminated by combining those contiguous lots, parcels, or portions of lots or parcels as an undivided lot or parcel for the purposes of this Ordinance under option 2 below.
 2. The owner may prepare and record in the Register of Deed's Office a deed restriction approved by the Zoning Administrator combining those nonconforming lots or parcels, or portions of lots or parcels, into an undivided lot or parcel for the purposes of this Ordinance. Under this option if combining the lots or parcels, or portions of lots or parcels results in a conforming lot, then that undivided lot may be developed as authorized by the zoning district in which it is located, and all applicable setbacks shall be measured from the exterior lot lines of the undivided lot without regard to any interior lot lines that existed prior to recording the deed restriction. If combining the lots or parcels, or portions of lots or parcels, does not result in a conforming lot, then that undivided lot may be developed as a nonconforming lot of record under subsection A above, including the right to seek any needed dimensional variances.

Section 2. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared unconstitutional or invalid.

Section 3. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the County.

CHEBOYGAN COUNTY

By:
John B. Wallace
Its: Chairperson

By:
Karen L. Brewster
Its: Clerk

DRAFT 020520



CHEBOYGAN COUNTY PLANNING AND ZONING DEPARTMENT

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MEMORANDUM

Date: January 29, 2020 for the February 5, 2020 Planning Commission Meeting

To: Planning Commissioners

From: Michael Turisk, Planning Director 

Re: **Proposed Zoning Ordinance Amendment – Section 17.19 (Signs)**

Planning Commissioners,

On January 14, 2020, the Board of Commissioners voted unanimously to direct the Planning Commission to work with staff on reviewing and possibly amending Section 17.19 of the Zoning Ordinance (*Signs*) to consider our adopted dimensional standards, particularly as they regard signage in Cheboygan County's Commercial Development (D-CM) zoning districts.

We will begin our review in earnest on Wednesday in an effort for staff to gain your initial insights and thoughts as we move forward with this directive. The attachments should prove useful in this effort and include Section 17.19 of the Zoning Ordinance and our most recent adopted amendments relevant to sign regulation.

As always, feel free to reach out should you have questions.

See you Wednesday.

Enclosures:

1. Section 17.19 of the Zoning Ordinance
2. Zoning Ordinance Amendments #125 (2015) and #142 (2018)
3. Chapter Two, Three and Five from the Michigan Sign Guidebook (2011)
4. Creative Signs, Zoning Practice, July 2018

ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

- 17.18.3. All plans for greenbelts, walls or fences must be approved by the Zoning Administrator for construction specifications and shall be designed and maintained to fulfill the primary function of protection and/or screening.
- 17.18.4. Wherever a greenbelt or planting is required in this ordinance, it shall be planted within eighteen (18) months from the date of issuance of a Zoning Permit and shall thereafter be maintained with permanent plant materials to provide a screen to abutting properties. Material equal to characteristics to the plant materials listed here with the spacing as required shall be provided.
- a. Plant materials shall not be closer than 4 feet from the fence line or property line.
 - b. Where planting materials are planted in two or more rows, planting shall be staggered in rows.
 - c. Evergreen trees shall be planted not more than 30 feet on centers.
 - d. Narrow evergreens shall be planted not more than 3 feet on centers.
 - e. Deciduous trees shall be planted not more than 30 feet on centers.
 - f. Tree like shrubs shall be planted not more than 10 feet on centers.
 - g. Large deciduous shrubs shall be planted not more than 4 feet on centers.
- 17.18.5. The following are suggested plant materials:

SUGGESTED PLANT MATERIALS (HEIGHT IN FEET)	MINIMUM
Evergreen Trees, Juniper, Red Cedar, White Cedar, Pines	5 feet
Narrow Evergreens, Irish Juniper, Pyramidal Arbor Vitea, Columnar Juniper	3 feet
Flowering Crabs, Russian Olives, Mountain Ash, Redbud, Rose of Sharon	4 feet
Large Deciduous Shrubs, Honeysuckle, Viburnum, Mock Orange, Forsythis, Lilacs, Ninebark	6 feet
Large Deciduous Trees, Oak, Birch, Beech, Hard Maples, Ash, Hackberry, Sycamore	8 feet

- 17.18.6. The Board of Appeals may waive or modify greenbelt, wall or fence requirement where in its determination no good or practical purpose would be served, including such reasons as large site area, natural isolation, land ownership patterns and natural barriers and screens.
- 17.18.7. On corner lots, no greenbelts, walls or fence shall be established or maintained which obstruct the view of vehicular traffic in any direction. All right-of way intersections shall be provided and maintained with a clear unobstructed vision corner extending not less than 20 feet from all right-of-way line intersections along said right-of-way line in the form of a triangle. **(Rev. 08/25/13, Amendment #119)**

SECTION 17.19. SIGNS

(Rev. 12/24/03, Amendment #25), (Rev. 02/25/15, Amendment #125)

The purpose of this section is to regulate the size, location, number, and types of signs that are constructed or reconstructed within the County. These regulations are intended to promote the health, safety and welfare of the general public, and protect the economic value of land within and the aesthetic quality and character of Cheboygan County. In addition, these sign regulations are intended to be a comprehensive system of reasonable, content-neutral, time, place, and manner restrictions for signs that are designed to accomplish all of the following:

- To allow for adequate and effective signage for business identification and other commercial speech.
- To provide for the dissemination of public information, including but not limited to public safety information and notification as required by law.
- To promote safety by providing that signs do not create a hazard from collapse, fire, collision, decay or abandonment, obstruction of police and fire services, and vehicular and pedestrian traffic impairments.
- To protect the public right to receive messages, especially non-commercial types such as religious, social, political, economic, and others protected by the 1st Amendment of the U.S. Constitution.

ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

17.19.1. SIGN DEFINITIONS

BANNER

Any sign of lightweight fabric or similar material that is mounted to a pole, building, or other structure. National, state, and municipal flags are not included.

CANOPY

Any sign that is part of or attached to an awning or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area, excluding marquees.

DOUBLE-FACED SIGN (Rev. 06/20/08, Amendment #76)

A sign having back-to-back sign surfaces.

ELECTRONIC SIGN SURFACE (Rev. 06/20/08, Amendment #76)

That portion of a sign surface capable of changing its message or image electronically.

FREESTANDING SIGN

Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

GOVERNMENTAL SIGN

A sign by Cheboygan County, the State of Michigan, the federal government, or other governmental agency for street direction, destination, hazardous condition, traffic control, or other similar purposes.

INCIDENTAL SIGN

A sign that is informational and non-commercial, such as "No Parking", "Entrance", "Telephone", etc.

MARQUEE SIGN

A permanent roof-like structure projecting over an entrance.

NEON SIGN (Rev. 09/28/11, Amendment #94)

A sign formed from neon lamps containing neon gas.

NON-CONFORMING SIGN

Any sign lawfully in existence that does not conform to the requirements of this ordinance.

PENNANT

Any lightweight plastic, fabric, or other material, with or without a message, which is suspended and designed to move in the wind.

PORTABLE SIGN

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported such as those transported by means of wheels, excluding such vehicles used in the day-to-day operations of the business.

PROJECTING SIGN

Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of the building or wall.

ROOF SIGN

Any sign erected and constructed wholly on and over the roof structure.

SIGN (Rev. 06/20/08, Amendment #76), (Rev. 02/25/15, Amendment #125)

A structure, including its base, foundation and erection supports upon which is displayed any words, letters, figures, emblems, symbols, designs, or trademarks by which any message or image is placed or displayed upon any structure, building, parcel of land, and afforded public visibility from out of doors on behalf of or for the benefit of any product, place, activity, individual, firm, corporation, institution, profession, association, business or organization.

ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

SIGN HEIGHT

The distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade is the existing grade prior to construction or the newly established grade after construction, not including any filling or mounding solely for the purpose of locating the sign.

SIGN SURFACE (Rev. 06/20/08, Amendment #76)

That portion of a sign excluding its base, foundation and erection supports on which information pertaining to an idea, belief, opinion, product, use, occupancy, function, service, or activity is displayed.

TEMPORARY SIGN

Any sign that is used temporarily and not permanently mounted.

V-TYPE SIGN (Rev. 06/20/08, Amendment #76)

A sign constructed in a "V" pattern but having only one sign surface visible from any one direction.

WALL SIGN

Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

WINDOW SIGN (Rev. 02/25/15, Amendment #125)

A sign affixed to, etched or painted onto, or placed in or immediately adjacent to a window of a building that is intended to be viewed from a street or from adjacent property.

ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

17.19.2. SIGNS NOT REQUIRING A ZONING PERMIT

(Rev. 02/25/15, Amendment #125) (Rev. 01/04/18, Amendment #142)

The following signs may be placed in any zoning district without a zoning permit, provided such signs are established in a lawful manner and do not create a nuisance or safety hazard:

- A. Incidental signs, not exceeding 3 square feet of sign surface area.
- B. Any temporary sign constructed using a wire, metal, wood or other support structure capable of being placed in the ground and removed from the ground by a single individual with relative ease subject to the following requirements:
 - 1. Each sign shall be removed no more than two (2) days after the subject matter of the sign has expired, except as otherwise provided by law.
 - 2. The total sign surface area of all signs shall be no more than forty (40) square feet on lots with a lot width up to one hundred (100) feet. An additional ten (10) square feet of sign surface shall be allowed for each additional one hundred (100) feet of lot width up to a maximum of eighty (80) square feet of sign surface area except as otherwise provided by law.
 - 3. All signs shall be limited to 4 feet in height unless otherwise provided by law.
- C. Governmental signs.
- D. One (1) dwelling owner or occupant name plate per use which is not illuminated and does not exceed an area of two (2) square feet of sign surface area, and may be in addition to any other permitted sign.
- E. Signs that have been approved in conjunction with a valid site plan or PUD.
- F. Any sign authorized pursuant to a written contract between the owner of the lot on which the sign will be located and any third party and placed on the lot for a specified period of time subject to the following requirements:
 - 1. Each sign shall be removed from the lot within thirty (30) days after the contract authorizing the sign matter of the sign has expired.
 - 2. Each sign shall be limited to thirty two (32) square feet of sign surface area.
 - 3. There shall be no more than one (1) sign per lot.
- G. Signs on motor vehicles not used primarily for advertising purposes.
- H. The use of any balloons, flags, pennants or pinwheels, individually, as a group, or connected to a sign intended to draw attention to a specific event at a specific location subject to the following requirements:
 - 1. Balloons, flags, pennants or pinwheels, shall not be placed on the lot more than fifteen (15) days before the specific event.
 - 2. Balloons flags, pennants or pinwheels shall be removed from the lot within two (2) days after the specific event is over.

17.19.3. PROHIBITED SIGNS

(Rev. 09/11/04, Amendment #35) (Rev. 01/04/18, Amendment #142)

The following signs are prohibited in all zoning districts.

- A. Signs with moving or revolving parts.
- B. Signs affixed to any governmental utility structure or public utility structure, except incidental signs.
- C. Signs located in the right-of-way of a public sidewalk or highway, unless the governmental body with jurisdiction over the public sidewalk or highway consents in writing to the placement of the sign and such sign otherwise meets the applicable sign regulations of this Ordinance.
- D. Signs utilizing vehicles, trucks, vans, trailers or other similar wheeled devices, including those where the wheels have been removed, excluding signs on vehicles that are used in the day to day operations of the business to which the sign pertains.
- E. Signs that interfere with traffic visibility or public services.
- F. Signs located as to constitute a safety hazard to vehicular traffic.

ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

17.19.4. ILLUMINATION (Rev. 06/20/08, Amendment #76)

- A. Except as permitted under Section 17.19.8.1 for electronic sign surfaces, no sign shall contain flashing, oscillating, moving, animated, or intermittent lights.
- B. All external lighting intended to illuminate the sign surface shall be white, shall be directed downward so as not to unnecessarily illuminate the night sky, and shall be shielded so as not to interfere with the vision of persons on adjacent streets or properties.
- C. For internally lighted signs, the sign background or field shall be opaque. Letters, numerals, logos and similar message elements may be of a transparent material to permit the internal lighting to reveal the message or image on the sign surface.
- D. Any light bulbs or other illumination devices used as part of a message or image within the sign surface shall automatically dim to a light level such that the surface of the illuminated sign reflects no greater than 186 foot candles at or before one-half hour following sunset and until one-half hour before sunrise.

17.19.5. VILLAGE CENTER INDIAN RIVER ZONING DISTRICT SIGN REQUIREMENTS (Rev. 09/28/11, Amendment #94 Rev. 01/04/18, Amendment #142)

In addition to requirements of section 17.19.8., signs in the Village Center Indian River zoning district shall comply with the following requirements:

- A. All signs shall be constructed of metal, masonry, wood, or a wood simulator such as molded plastic or routed foam.
- B. For lots which face more than one (1) street, sign requirements of Section 17.19.8 shall apply to each street front.
- C. Signs shall not extend or overhang into the public right of way (ROW), unless they are 11 ft. above the ROW (at their lowest point) and unless the governmental body with jurisdiction of the public sidewalk or right-of-way consents in writing to the placement of such sign.
- D. In addition to the maximum sign surface area, all lots shall be allowed a bonus of three (3) square feet of sign surface area for each additional use above one (1). This bonus applies to Projecting, Freestanding, and Wall signs only.

17.19.5.A VILLAGE CENTER TOPINABEE SIGN REQUIREMENTS (Rev. 01/13/12, Amendment #106) (Rev. 01/04/18, Amendment #142)

In addition to requirements of section 17.19.8., signs in the Village Center Topinabee zoning district shall comply with the following requirements:

- A. All signs shall be constructed of metal, masonry, wood, or a wood simulator such as molded plastic or routed foam.
- B. Lots with more than one (1) lot line abutting a public right-of-way may have one (1) permanent sign located on the lot along each public right-of-way, subject to the total size requirements under Section 17.19.8. Provided, however, this provision shall not apply to canopy signs.
- C. Signs shall not extend or overhang into the public right of way (ROW), unless they are 11 ft. above the ROW (at their lowest point) and unless the governmental body with jurisdiction of the public sidewalk or right-of-way consents in writing to the placement of such sign.

17.19.6. SIGNS IN EXISTENCE ON OR BEFORE SEPTEMBER 25, 2014 AND NONCONFORMING SIGNS (Rev. 02/25/15, Amendment #125)

- A. Purpose. It is often difficult to determine whether a sign that does not comply with the current zoning ordinance sign regulations was erected lawfully at the time and thus constitutes a lawful nonconforming sign or whether the sign was erected at the time in violation of the zoning ordinance sign regulations. In an effort to more effectively enforce sign regulations in the future the Zoning Administrator conducted an inventory of those signs that existed on or before September 25, 2014 which did not comply with the sign regulations in effect on that date. The purpose of this subsection

ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

is to classify those signs that existed on or before September 25, 2014 which do not comply with the zoning ordinance sign regulations in effect on that date as nonconforming signs regardless of whether those signs were lawful when first erected. It is further the purpose of this subsection to enforce zoning ordinance sign regulations against signs that were erected after September 25, 2014 in violation of the sign regulations in effect at the time the sign was erected.

- B. Nonconforming Sign Status. Any sign in existence on or before September 25, 2014 that did not comply with the zoning ordinance sign regulations in effect on that date shall be deemed a nonconforming sign for purposes of this section, regardless of whether that sign was lawful when first erected.
- C. Sign Conformity Requirement. Any sign erected after September 25, 2014 that did not comply with the zoning ordinance sign regulations in effect on that date shall be subject to enforcement action under Section 21.9 of this Ordinance.
- D. Nonconforming Sign Regulations.
 - 1. Any nonconforming sign may be altered or repaired and may be replaced by a different sign in the same location, provided that the sign nonconformity, including but not limited to sign surface area, sign height, or setback, is not increased.
 - 2. Any nonconforming sign that is moved to a new location and any nonconforming sign that is replaced with a different sign by the owner in a different location, either on the same lot or a different lot shall be considered a new sign and shall comply with all zoning ordinance sign regulations in effect at that time.

17.19.7. SIGN PERMITS

- A. Except for the signs allowed without a zoning permit under Section 17.19.2, a person who desires to erect or display a sign shall obtain a zoning permit for a sign. All sign permit applications shall be submitted to the Zoning Administrator on the appropriate form. **(Rev. 02/25/15, Amendment #125)**.
- B. Each application shall be accompanied by the applicable fees as established by the Cheboygan County Board of Commissioners.
- C. All applicable signs shall comply with the building and electrical requirements of the Construction Code Department.
- D. Billboards as defined by the Highway Advertising Act of 1972 (1972 PA 106), that border interstate highways, freeways, or primary highways, as defined in said Act, shall be regulated and controlled by the provisions of such Act, notwithstanding the provisions of this ordinance. **(Rev. 08/19/04, Amendment #34) (Rev. 01/04/18, Amendment #142)**
- E. A permit shall be required for any sign type not specifically covered in this Ordinance and will be reviewed on a case-by-case basis.

ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

17.19.8. SIGN REGULATIONS AND STANDARDS

(Rev. 06/20/08, Amendment #76) (Rev. 09/28/11, Amendment #94) (Rev 01/13/12, Amendment #106)
 (Rev. 02/25/15, Amendment #125)

RS	Residential	LI	Light Industrial	
D-RC	Rural Character/Country Living	GI	General Industrial	
CM	Commercial	AF	Forestry/Agriculture	P= Permitted, no zoning permit for sign required
VC	Village Center	LS	Lake & Stream Protection	S= Zoning permit for sign required
VC-IR	Village Center Indian River	P-RC	Resource Conservation	N= Not Permitted
VC-IR- O	Village Center Indian River	NRP	Natural Rivers Protection	NA= Not Applicable
VC-T	Overlay			
VC-T-O	Village Center Topinabee			
	Village Center Topinabee			
	Overlay			

	RS	D-RC	CM	VC ³	VC-IR	VC-IR-O	VC-T	VC-T-O	LI	GI	AF	LS	P-RC	NRP ⁴
Freestanding	S	S	S	S	S	N	S	N	S	S	S	S	S	S
Banner ¹	N	N	P	N	N	N	P	P	P	P	P	N	N	N
Canopy	S	S	P	P	P	P	P	P	P	P	S	S	S	S
Marquee	N	N	S	S	S	S	S	S	S	S	N	N	N	N
Portable	N	N	P	S	S	N	S	N	P	P	N	N	N	N
Projecting	S	S	P	S	S	S	S	S	P	P	S	S	S	S
Roof	N	N	S	N	N	N	N	N	S	S	N	N	N	N
Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Wall	S	S	P	P	S	S	S	S	P	P	S	S	S	S
Window	N	N	P	P	P	P	P	P	P	P	P	P	N	N

Freestanding Sign Requirements

	RS	D-RC	CM	VC ³	VC-IR	VC-IR-O	VC-T	VC-T-O	LI	GI	AF	LS	P-RC	NRP ⁴
Maximum Sign Surface Area (sq. ft.)	8	8	80	32	32	NA	32	NA	120	120	18	8	8	8
Maximum Height (ft.)	6	6	25	15	15	NA	15	NA	25	25	12	6	6	6
Minimum Setback ² (ft.)	4	4	0	0	0	NA	0	NA	0	0	5	4	5	5
Max. number per Parcel	1	1	3	1	1	NA	1	NA	3	3	1	1	1	1

Window Sign Requirements

Non-illuminated – No maximum number and no maximum sign surface area

Illuminated – Maximum of 2 per structure and maximum of 10 sq. ft. of sign surface area each.

ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

Building Sign Type Regulations (Rev. 08/19/04, Amendment #34), (Rev. 09/29/06, Amendment #62), (Rev. 06/20/08, Amendment #76) (Rev. 09/28/11, Amendment #94) (Rev. 01/13/12, Amendment #106), (Rev. 02/25/15, Amendment #125)

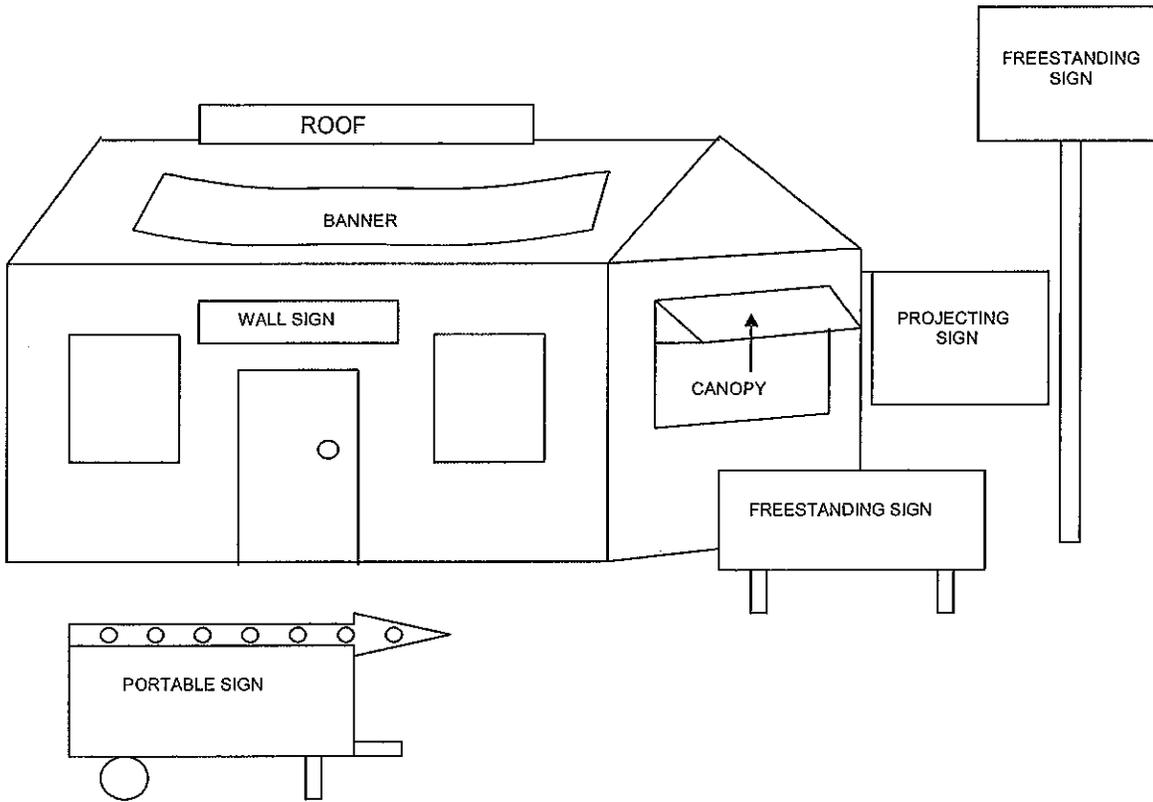
In addition to the Freestanding signs and Window signs as may be permitted, parcels may include signs from up to two (2) of the following categories, as permitted.

	Maximum Number Permitted ⁴		Maximum Sign Surface Area		
Banner ¹	2 per parcel	VC-T 3 per parcel VC-T-O 1 per parcel	18 sq. ft.	VC-T 36 sq. ft. VC-T-O 12 sq. ft.	
Canopy	2 per structure		NA		
Marquee	1 per parcel		40 sq. ft.		
Portable	1 per parcel		32 sq. ft.		
Projecting	1 per structure		18 sq. ft.		
Roof	1 per parcel		40 sq. ft.		
Temporary	1 per parcel		18 sq. ft.		
Wall	No Maximum		D-CM, D-LI, D-GI	VC-IR, VC-T, VC-IR-O VC-T-O	All other zoning districts
			2 per structure or one (1) per individual business up to 40 square feet each or 10% of structure wall area facing a public road or street, whichever is greater. The total aggregate area of wall signs shall not exceed three hundred (300) sq. ft.	18 sq.ft. for first 25 feet of street frontage ⁵	18 sq. ft.

¹ See Section 17.19.3.F, ² See Section 17.19.3.D., ³ See Section 17.19.5., ⁴ See Section 11.7,

⁵ Additional sign surface area according to the following: One (1) additional sq.ft. of sign surface area for each additional one (1) foot of street frontage above twenty five (25) with a maximum sign surface area of 32 sq. ft.

ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS



ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

17.19.8.1 ELECTRONIC SIGN SURFACE REQUIREMENTS (Rev. 06/20/08, Amendment #76)

Electronic sign surfaces shall comply with all of the following requirements:

- A. The electronic sign surface shall only be within a freestanding sign or a wall sign.
- B. The area of the electronic sign surface shall not exceed 75% of the total sign surface.
- C. The message or image shall be static during its display and shall not move or be animated in any way.
- D. The message or image displayed shall remain static for no less than three (3) seconds before changing.
- E. Any change of message or image shall be completed simultaneously throughout the entire electronic sign surface so that no portion of the new message or image is visible in the electronic sign surface at the same time as the old message or image.
- F. Any light emitting diodes (LED's), fiber optics, light bulbs, or other illumination devices used to display the message or image within the electronic sign surface shall automatically dim to a light level no greater than 2000 NITS (candelas per square meter) at or before one-half hour following sunset and until one-half hour before sunrise.

17.19.8.2 SIGN SURFACE AREA AND TOTAL SIGN AREA (Rev. 06/20/08, Amendment #76)

The following regulations shall apply to the calculation of sign area:

- A. The maximum sign surface area shall be computed around the perimeter of the frame or border of the sign surface where such exists or around the perimeter of the symbols or letters or other display elements where no border or frame exists. Where a sign surface is composed of letters or images attached directly to a façade, window, door, or marquee, and the letters or images are not enclosed by a border or trimming, the sign surface shall be the area within the smallest rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme external points of the letters or images.
- B. Double-faced signs and V-type signs shall be considered one sign with the area of the sign surface calculated on the larger of the sign surfaces.
- C. A structure containing multiple sign surfaces shall be considered one sign if all of the sign surfaces are included in the same border or frame of the sign. The maximum sign surface area for such a sign shall be computed around the perimeter of the frame or border of the sign surfaces. Otherwise, each sign surface shall constitute a separate sign.
- D. The area of a sign surface shall not include the area of its supporting structure or canopy if the supporting structure or canopy contains no message or image.
- E. For a sign surface that is in the form of a three-dimensional object, the area of the sign surface shall be determined by drawing a square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme external points or edges of the projected image of the object and multiplying that area by two (2). For purposes of this subsection, the "projected image" is that image created by tracing the largest possible two-dimensional outline of the object.
- F. The total sign area shall be determined by drawing a square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme external points or edges of the base, foundation and erection supports of the sign.
- G. The total sign area shall not exceed 120% of the sign surface area within the sign, if the sign surface is not in the form of a three-dimensional object. If the sign surface is in the form of a three-dimensional object, then the total sign area shall not exceed 60% of the sign surface area.

CHEBOYGAN COUNTY
Zoning Ordinance Amendment #125
AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY
ZONING ORDINANCE No. 200 TO PROVIDE DEFINITIONS, REGULATIONS AND
STANDARDS FOR SIGNS.

THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS

Section 1. Amendment of Purpose Statement under Section 17.19.

The Purpose Statement under Section 17.19. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

The purpose of this section is to regulate the size, location, number, and types of signs that are constructed or reconstructed within the County. These regulations are intended to promote the health, safety and welfare of the general public, and protect the economic value of land within and the aesthetic quality and character of Cheboygan County. In addition, these sign regulations are intended to be a comprehensive system of reasonable, content-neutral, time, place, and manner restrictions for signs that are designed to accomplish all of the following:

- To allow for adequate and effective signage for business identification and other commercial speech.
- To provide for the dissemination of public information, including but not limited to public safety information and notification as required by law.
- To promote safety by providing that signs do not create a hazard from collapse, fire, collision, decay or abandonment, obstruction of police and fire services, and vehicular and pedestrian traffic impairments.
- To protect the public right to receive messages, especially non-commercial types such as religious, social, political, economic, and others protected by the 1st Amendment of the U.S. Constitution.

Section 2. Amendment of Section 17.19.1.

The following definitions within Section 17.19.1 of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to read in its entirety as follows:

OFF-PREMISE SIGN

A sign which carries a message which is not exclusively related to an activity on the property on which the sign is displayed.

SIGN

A structure, including its base, foundation and erection supports upon which is displayed any words, letters, figures, emblems, symbols, designs, or trademarks by which any message or image is placed or displayed upon any structure, building, parcel of land, and afforded public visibility from out of doors on behalf of or for the benefit of any product, place, activity, individual, firm, corporation, institution, profession, association, business or organization.

Section 3. Amendment of Section 17.19.1.

Section 17.19.1. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add the following definitions in their proper alphabetical location which shall read in their entirety as follows:

NEIGHBORHOOD IDENTIFICATION SIGN

A sign which provides a display for apartment dwellings, subdivisions, property owner's associations, condominium dwellings, site condominium or similar developments. A neighborhood identification sign may display the name of property owners within such development on the sign.

WINDOW SIGN

A sign affixed to, etched or painted onto, or placed in or immediately adjacent to a window of a building that is intended to be viewed from a street or from adjacent property.

Section 4. Amendment of Section 17.19.2.

Section 17.19.1. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

17.19.2. SIGNS NOT REQUIRING A ZONING PERMIT

The following signs may be placed in any zoning district without a zoning permit, provided such signs are established in a lawful manner and do not create a nuisance or safety hazard.

A. Incidental signs not exceeding 3 square feet of sign surface area.

B. Temporary Signs that are located on a lot for no more than 30 days in a calendar year, do not exceed 8 square feet of sign surface area, and do not exceed 4 feet in height. Temporary signs relating to an event shall be removed within 5 days after such event.

C. Governmental Signs.

D. One (1) dwelling owner or occupant name plate per use which is not illuminated and does not exceed an area of two (2) square feet of sign surface area, and may be in addition to any other permitted sign.

E. One (1) Neighborhood Identification sign, not exceeding 18 square feet of sign surface area.

F. Signs that have been approved in conjunction with a valid site plan or PUD.

G. Real estate signs not exceeding 32 square feet of sign surface area.

H. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.

I. Signs on motor vehicles not used primarily for advertising purposes.

J. A sign not exceeding eight (8) square feet of sign surface area and not exceeding six (6) feet in height that contains a non-commercial message.

K. Political Signs not exceeding thirty two (32) square feet of sign surface area and not exceeding six (6) feet in height. Political Signs shall be removed within ten (10) days after the election.

Section 5. Amendment of Subsection 17.19.6.

Subsection 17.19.6. of the Cheboygan County Zoning Ordinance No 200 is hereby amended to read in its entirety as follows:

17.19.6 SIGNS IN EXISTENCE ON OR BEFORE SEPTEMBER 25, 2014 AND NONCONFORMING SIGNS

- A. Purpose. It is often difficult to determine whether a sign that does not comply with the current zoning ordinance sign regulations was erected lawfully at the time and thus constitutes a lawful nonconforming sign or whether the sign was erected at the time in violation of the zoning ordinance sign regulations. In an effort to more effectively enforce sign regulations in the future the Zoning Administrator conducted an inventory of those signs that existed on or before September 25, 2014 which did not comply with the sign regulations in effect on that date. The purpose of this subsection is to classify those signs that existed on or before September 25, 2014 which do not comply with the zoning ordinance sign regulations in effect on that date as nonconforming signs regardless of whether those signs were lawful when first erected. It is further the purpose of this subsection to enforce zoning ordinance sign regulations against signs that were erected after September 25, 2014 in violation of the sign regulations in effect at the time the sign was erected.
- B. Nonconforming Sign Status. Any sign in existence on or before September 25, 2014 that did not comply with the zoning ordinance sign regulations in effect on that date shall be deemed a nonconforming sign for purposes of this section, regardless of whether that sign was lawful when first erected.
- C. Sign Conformity Requirement. Any sign erected after September 25, 2014 that did not comply with the zoning ordinance sign regulations in effect on that date shall be subject to enforcement action under Section 21.9 of this Ordinance.
- D. Nonconforming Sign Regulations.
 - 1. Any nonconforming sign may be altered or repaired and may be replaced by a different sign in the same location, provided that the sign nonconformity, including but not limited to sign surface area, sign height, or setback, is not increased.
 - 2. Any nonconforming sign that is moved to a new location and any nonconforming sign that is replaced with a different sign by the owner in a different location, either on the same lot or a different lot shall be considered a new sign and shall comply with all zoning ordinance sign regulations in effect at that time.

Section 6. Amendment of Subsection 17.19.7.A.

Subsection 17.19.7.A. of the Cheboygan County Zoning Ordinance No 200 is hereby amended to read in its entirety as follows:

A. Except for the signs allowed without a zoning permit under Section 17.19.2, a person who desires to erect or display a sign shall obtain a zoning permit for a sign. All sign permit applications shall be submitted to the Zoning Administrator on the appropriate form.

Section 7. Amendment of Section 17.19.8

Section 17.19.8 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

17.19.8. SIGN REGULATIONS AND STANDARDS

RS	Residential	LI	Light Industrial	
D-RC	Rural Character/Country Living	GI	General Industrial	
CM	Commercial	AF	Forestry/Agriculture	P= Permitted, no zoning permit for sign required
VC	Village Center	LS	Lake & Stream Protection	S= Zoning permit for sign required
VC-IR	Village Center Indian River	P-RC	Resource Conservation	N= Not Permitted
VC-IR- O	Village Center Indian River Overlay	NRP	Natural Rivers Protection	NA= Not Applicable
VC-T	Village Center Topinabee			
VC-T-O	Village Center Topinabee Overlay			

	RS	D-RC	CM	VC ³	VC-IR	VC-IR-O	VC-T	VC-T-O	LI	GI	AF	LS	P-RC	NRP ⁴
Freestanding	S	S	S	S	S	N	S	N	S	S	S	S	S	S
Banner ¹	N	N	P	N	N	N	P	P	P	P	P	N	N	N
Canopy	S	S	P	P	P	P	P	P	P	P	S	S	S	S
Marquee	N	N	S	S	S	S	S	S	S	S	N	N	N	N
Portable	N	N	P	S	S	N	S	N	P	P	N	N	N	N
Projecting	S	S	P	S	S	S	S	S	P	P	S	S	S	S
Roof	N	N	S	N	N	N	N	N	S	S	N	N	N	N
Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Wall	S	S	P	P	S	S	S	S	P	P	S	S	S	S
Window	N	N	P	P	P	P	P	P	P	P	P	P	N	N

Freestanding Sign Requirements

	RS	D-RC	CM	VC ³	VC-IR	VC-IR-O	VC-T	VC-T-O	LI	GI	AF	LS	P-RC	NRP ⁴
Maximum Sign Surface Area (sq. ft.)	8	8	80	32	32	NA	32	NA	120	120	18	8	8	8
Maximum Height (ft.)	6	6	25	15	15	NA	15	NA	25	25	12	6	6	6
Minimum Setback ² (ft.)	4	4	0	0	0	NA	0	NA	0	0	5	4	5	5

Max. number per Parcel	1	1	3	1	1	NA	1	NA	3	3	1	1	1	1
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Window Sign Requirements

Non-illuminated – No maximum number and no maximum sign surface area

Illuminated – Maximum of 2 per structure and maximum of 10 sq. ft. of sign surface area each.

Building Sign Type Regulations

In addition to the Freestanding signs and Window signs as may be permitted, parcels may include signs from up to two (2) of the following categories, as permitted.

	Maximum Number Permitted ⁴		Maximum Sign Surface Area		
	Banner ¹	2 per parcel	VC-T 3 per parcel VC-T-O 1 per parcel	18 sq. ft.	VC-T 36 sq. ft. VC-T-O 12 sq. ft.
Canopy	2 per structure		NA		
Marquee	1 per parcel		40 sq. ft.		
Portable	1 per parcel		32 sq. ft.		
Projecting	1 per structure		18 sq. ft.		
Roof	1 per parcel		40 sq. ft.		
Temporary	1 per parcel		18 sq. ft.		
Wall	No Maximum		D-CM, D-LI, D-GI	VC-IR, VC-T, VC-IR-O VC-T-O	All other zoning districts
			2 per structure or one (1) per individual business up to 40 square feet each or 10% of structure wall area facing a public road or street, whichever is greater. The total aggregate area of wall signs shall not exceed three hundred (300) sq. ft.	18 sq.ft. for first 25 feet of street frontage ⁵	18 sq. ft.

¹ See Section 17.19.3.F, ² See Section 17.19.3.D., ³ See Section 17.19.5., ⁴ See Section 11.7,

⁵ Additional sign surface area according to the following: One (1) additional sq.ft. of sign surface area for each additional one (1) foot of street frontage above twenty five (25) with a maximum sign surface area of 32 sq. ft.

Section 8. Severability.

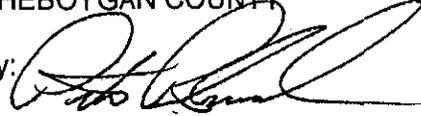
If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 9. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the County.

CHEBOYGAN COUNTY

By:



Peter Redmond
Its: Chairperson

By:



Mary Ellen Tryban
Its: Clerk

CHEBOYGAN COUNTY

Zoning Ordinance Amendment #142

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING ORDINANCE No. 200 TO PROVIDE DEFINITIONS, REGULATIONS AND STANDARDS FOR SIGNS.

THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS

Section 1. Repeal of Section 11.7.1

Section 11.7.1. is hereby repealed and reserved for future use.

Section 2. Amendment of Section 17.19.1.

The following definitions within Section 17.19.1 of the Cheboygan County Zoning Ordinance No. 200 are hereby repealed:

Neighborhood identification sign, Noncommercial sign, Off-premise sign, Political sign, and Real Estate Sign.

Section 3. Amendment of Section 17.19.2.

Section 17.19.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

17.19.2. SIGNS NOT REQUIRING A ZONING PERMIT

The following signs may be placed in any zoning district without a zoning permit, provided such signs are established in a lawful manner and do not create a nuisance or safety hazard:

- A. Incidental signs, not exceeding 3 square feet of sign surface area.
- B. Any temporary sign constructed using a wire, metal, wood or other support structure capable of being placed in the ground and removed from the ground by a single individual with relative ease subject to the following requirements:
 1. Each sign shall be removed no more than two (2) days after the subject matter of the sign has expired, except as otherwise provided by law.
 2. The total sign surface area of all signs shall be no more than forty (40) square feet on lots with a lot width up to one hundred (100) feet. An additional ten (10) square feet of sign surface shall be allowed for each additional one hundred (100) feet of lot width up to a maximum of eighty (80) square feet of sign surface area except as otherwise provided by law.
 3. All signs shall be limited to 4 feet in height unless otherwise provided by law.
- C. Governmental signs.
- D. One (1) dwelling owner or occupant name plate per use which is not illuminated and does not exceed an area of two (2) square feet of sign surface area, and may be in addition to any other permitted sign.
- E. Signs that have been approved in conjunction with a valid site plan or PUD.
- F. Any sign authorized pursuant to a written contract between the owner of the lot on which the sign will be located and any third party and placed on the lot for a specified period of time subject to the following requirements:
 1. Each sign shall be removed from the lot within thirty (30) days after the contract authorizing the sign matter of the sign has expired.
 2. Each sign shall be limited to thirty two (32) square feet of sign surface area.
 3. There shall be no more than one (1) sign per lot.
- G. Signs on motor vehicles not used primarily for advertising purposes.

H. The use of any balloons, flags, pennants or pinwheels, individually, as a group, or connected to a sign intended to draw attention to a specific event at a specific location subject to the following requirements:

1. Balloons, flags, pennants or pinwheels, shall not be placed on the lot more than fifteen (15) days before the specific event.
2. Balloons flags, pennants or pinwheels shall be removed from the lot within two (2) days after the specific event is over.

Section 4. Amendment of Section 17.19.3.

Subsection 17.19.3. of the Cheboygan County Zoning Ordinance No 200 is hereby amended to read in its entirety as follows:

17.19.3. PROHIBITED SIGNS

The following signs are prohibited in all zoning districts.

- A. Signs with moving or revolving parts.
- B. Signs affixed to any governmental utility structure or public utility structure, except incidental signs.
- C. Signs located in the right-of-way of a public sidewalk or highway, unless the governmental body with jurisdiction over the public sidewalk or highway consents in writing to the placement of the sign and such sign otherwise meets the applicable sign regulations of this Ordinance.
- D. Signs utilizing vehicles, trucks, vans, trailers or other similar wheeled devices, including those where the wheels have been removed, excluding signs on vehicles that are used in the day to day operations of the business to which the sign pertains.
- E. Signs that interfere with traffic visibility or public services.
- F. Signs located as to constitute a safety hazard to vehicular traffic.

Section 5. Amendment of Section 17.19.5.

Subsection 17.19.5. of the Cheboygan County Zoning Ordinance No 200 is hereby amended to read in its entirety as follows:

17.19.5. VILLAGE CENTER INDIAN RIVER ZONING DISTRICT SIGN REQUIREMENTS

In addition to requirements of section 17.19.8., signs in the Village Center Indian River zoning district shall comply with the following requirements:

- A. All signs shall be constructed of metal, masonry, wood, or a wood simulator such as molded plastic or routed foam.
- B. For lots which face more than one (1) street, sign requirements of Section 17.19.8 shall apply to each street front.
- C. Signs shall not extend or overhang into the public right of way (ROW), unless they are 11 ft. above the ROW (at their lowest point) and unless the governmental body with jurisdiction of the public sidewalk or right-of-way consents in writing to the placement of such sign.
- D. In addition to the maximum sign surface area, all lots shall be allowed a bonus of three (3) square feet of sign surface area for each additional use above one (1). This bonus applies to Projecting, Freestanding, and Wall signs only.

Section 6. Amendment of Section 17.19.5.A.

Subsection 17.19.5.A. of the Cheboygan County Zoning Ordinance No 200 is hereby amended to read in its entirety as follows:

17.19.5.A VILLAGE CENTER TOPINABEE ZONING DISTRICT SIGN REQUIREMENTS

In addition to requirements of section 17.19.8., signs in the Village Center Topinabee zoning district shall comply with the following requirements:

- A. All signs shall be constructed of metal, masonry, wood, or a wood simulator such as molded plastic or routed foam.
- B. Lots with more than one (1) lot line abutting a public right-of-way may have one (1) permanent sign located on the lot along each public right-of-way, subject to the total size requirements under Section 17.19.8. Provided, however, this provision shall not apply to canopy signs.
- C. Signs shall not extend or overhang into the public right of way (ROW), unless they are 11 ft. above the ROW (at their lowest point) and unless the governmental body with jurisdiction of the public sidewalk or right-of-way consents in writing to the placement of such sign.

Section 7. Amendment of Section 17.19.7.D.

Section 17.19.7.D. of the Cheboygan County Zoning Ordinance No 200 is hereby amended to read in its entirety as follows:

- D. Billboards as defined by the Highway Advertising Act of 1972 (1972 PA 106), that border interstate highways, freeways, or primary highways, as defined in said Act, shall be regulated and controlled by the provisions of such Act, notwithstanding the provisions of this ordinance.

Section 8. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

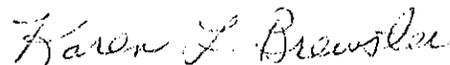
Section 9. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the County.

CHEBOYGAN COUNTY



By: John B. Wallace
Its: Chairperson



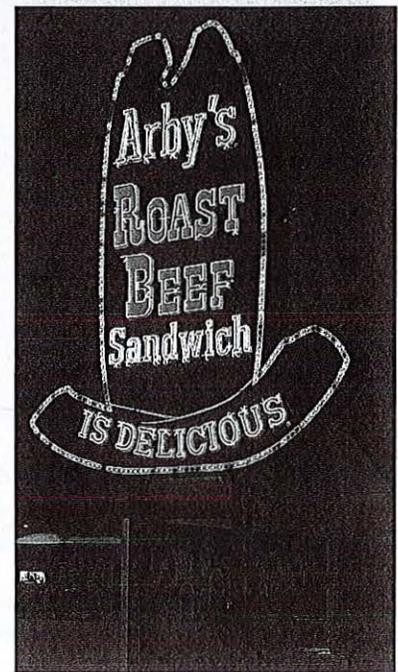
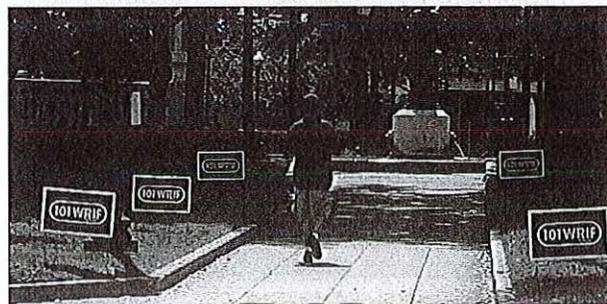
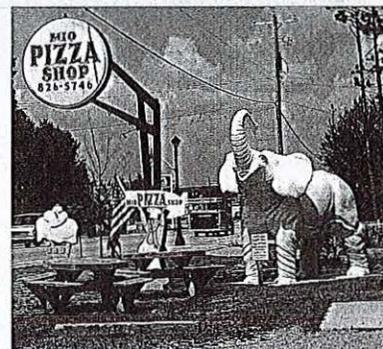
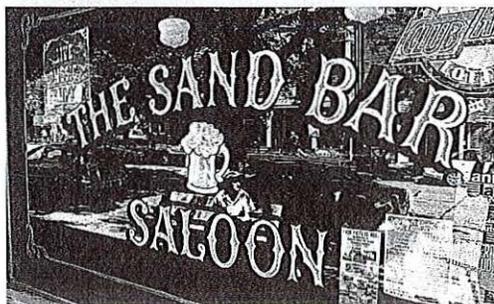
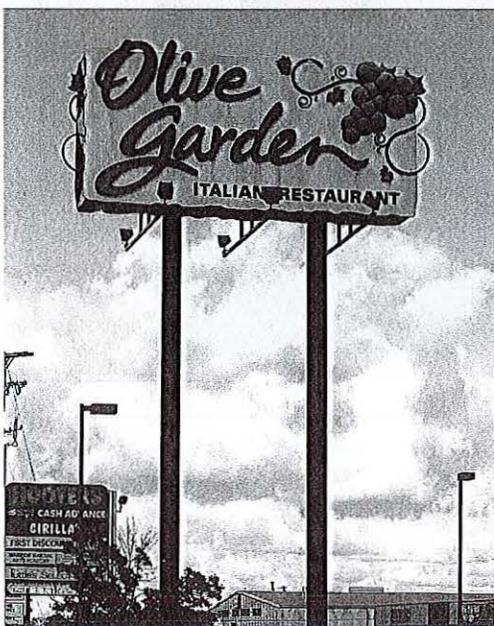
By: Karen L. Brewster
Its: Clerk

MICHIGAN SIGN GUIDEBOOK

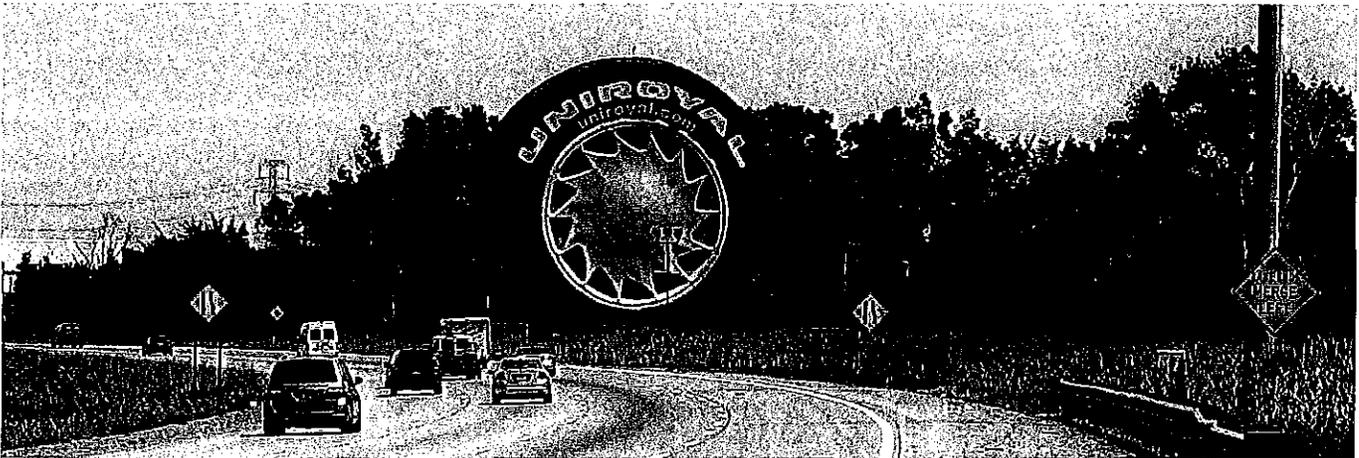
THE local planning and regulation of signs

December 2011

A GUIDEBOOK FOR LOCAL GOVERNMENT OFFICIALS, ATTORNEYS AND CITIZENS



CHAPTER TWO: DEFINING SIGNS



City of Allen Park, Wayne County.

Signs are a critical dimension of everyday life. We rely on them for wayfinding, instruction and for identification purposes. Whenever we travel someplace new—even within our own community—we rely on traffic and street signs to help us find our way. When we try to park we rely on signs to tell us where. When we are at our destination, a sign declares the street address, name of the building or business. These signs are essential for safe and efficient movement of people and goods from place to place. But signs perform other functions as well. Some advertise goods or services, special sales or events. Some of these signs are for target audiences, others are for private businesses, and others are for specific groups or the public at large.

One of the most basic questions that must guide local sign regulation is: *“What does the community want to regulate?”* There are many competing understandings about what objects in the built environment can be defined as signs, and which of those objects can be regulated as signs. This chapter provides a brief discussion of some basic definitional challenges and problems with signs, and discusses some of the more unique elements of the built environment that are frequently regulated alongside signs.

ORDINANCE DEFINITIONS OF “SIGN”

Definitions of signs in local ordinances vary, sometimes quite dramatically. Some ordinances provide very detailed definitions while many others do not even define the word *sign*, relying on common usage and understanding to enforce the regulations. Some examples of definitions of *sign* in Michigan ordinances are included below.

City of Cadillac Zoning Ordinance §46-4:

“[T]he use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known, such as are used to show an individual, firm, profession, or business, and are visible to the general public.”

Emmet County Ordinance § 2207:

“Any identification, description, illustration, display or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place,

activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard, or temporary sign designed to advertise, identify or convey information. For the purpose of removal, signs shall also include all sign poles and similar supporting structures. House or building numbers and tenant nameplates under one-square-foot in size on or next to a door or on a mailbox or post are not considered signs.”

Delta Charter Township Ordinance § 15-4:

“[E]very individual announcement, declaration, demonstration, display, illustration, insignia, surface or space when erected or maintained out-of-doors in view of the general public for identification, advertisement or promotion of the interests of any person. This definition shall include billboard signs and signs painted directly on walls of structures.”

City of Ann Arbor Ordinance § 5:501:

"A name, identification, description, display, light, balloon, banner, or illustration which is affixed to, or painted, or otherwise located or set upon or in a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, or business and which is visible from any public street, sidewalk, alley, park, or public property. The definition includes interior and exterior signs but not signs primarily directed at persons within the premises of the sign owners. The definition does not include goods displayed in a business window. The definition does not include religious symbols or paintings which do not display lettering and do not advertise a business, product or service."

Model ordinance authors have also crafted definitions of the word "sign." The **Street Graphics Model Ordinance** by Professor Daniel Mandelker defines a "street graphic" as:

"A lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify, announce, direct, or inform that is visible from a public right-of-way."¹

A Framework for On-Premise Sign Regulations by Professor Alan Weinstein defines a sign as:

"Any name, figure, character, outline, display, announcement, or device, or structure supporting the same, or any other device of similar nature designed to attract attention outdoors, and shall include all parts, portions, units, and material composing the same, together with the frame, background, and supports or anchoring thereof. A sign shall not include any architecture or landscape features that also attract attention."²

¹Daniel Mandelker with Andrew Bertucci and William Ewald, Planning Advisory Service Report No. 527, *Street Graphics and the Law 55* (American Planning Ass'n rev. ed. 2004).
²Alan C. Weinstein, Inc. and D.B. Hartt, Inc. *A Framework for On-Premise Sign Regulations 56* (March 2009), available at <http://www.thesignagefoundation.org/OnPremiseSignRegulations>.

Note that five of the six definitions above make it clear that the regulations only apply to signs visible to the public or from a public right-of-way. Otherwise, look at how each definition gives varying degrees of detail in its description of the object that constitutes the sign and the purpose of that object.

Court challenges to sign regulations and their enforcement have become common in recent decades. The definition of signs and signage in local regulations is especially important in these cases. An ordinance with a very broad or general definition—such as "any structure containing a message"—or one with no definition at all is probably unlikely to be upheld or enforced by a court.

The degree to which local government may exercise control over signage is also impacted by the definitions contained in the regulations. If the municipality wishes to have a greater degree of regulatory control over signs and similar devices, it must provide a detailed definition in the ordinance which covers all of the elements of the built environment being regulated. For example, a pet store in Arlington County, Virginia, challenged the enforcement of the zoning ordinance against its wall mural depicting a group of dogs. The ordinance defined a sign as "[a]ny word, numeral, figure, design, ... [or] display ... [which] is used to direct, identify, or inform the public while viewing the same from outdoors," and defined a commercial advertising sign as "[b]usiness signs identifying the products or services available on the premises or advertising a use conducted thereon."³ The judge found that the definitions were sufficiently clear so as to

³Wag More Dogs, LLC v. Artman, 795 F. Supp.2d 377 (E.D. Va, 2011).

If the municipality wishes to have a greater degree of regulatory control over signs and similar devices, it must provide a detailed definition in the ordinance which covers all of the elements of the built environment being regulated.

Signs vs. Billboards and Other Definitional Problems

Few types of signs cause as much furor as billboards. Most people know a billboard when they see one, but defining them can be a difficult exercise. Since billboards are regulated as signs under a local ordinance, it is important to understand this distinction.

Generally speaking, billboards are off-premises advertising signs. Off-premises means that the message contained on the sign does not relate in any meaningful way to the parcel of property on which the sign is located. Unlike on-premises signs, which may identify a business or residence on the same parcel as where the sign is placed, billboards advertise a product made or a service sold elsewhere, away from the sign. There is no size or height threshold for a sign to be considered a billboard, although many people associate billboards with tall and large signs.

Other types of off-premises signs exist, though, even though they may not be called billboards. Signs posted in a residential yard advertising political candidates, signs directing traffic to a property for sale, signs pointing people to a religious service, and signs denoting an upcoming farm stand are all examples of other forms of off-premises signage.

If the community wishes to regulate billboards in any specific manner, the term billboard should be carefully defined in the ordinance. As this guidebook discusses, particularly in Chapters 6 and 9, however, the ordinance need not contain the term billboard to effectively regulate off-premises signage. Many ordinances reject any discussion of the term billboard and instead rely on much simpler regulations—for example, allowing only one sign per parcel, and limiting the height and size of each sign—to limit billboards in the community. The City of Troy has used this approach for many years.

allow the county to enforce its ordinance and require the removal of the mural.

Local governments must ask two basic questions: “*what is the problem that needs to be remedied?*” and “*what are potential problems that could require regulation?*” Municipal regulators must determine what sign-like features in the community require regulation, and then set about writing the ordinance with clear and complete definitions so that those features can be regulated. Creating a short or limited definition of signs might mean that the municipality has less regulatory control over certain forms of signage, but creating a long and detailed definition may commit the local government to enforcing its ordinance against every possible device that could be construed as a sign. The proper balance and determination of what to regulate and how to regulate it is up to the community.



Frequent uses of temporary signs include advertising real estate, yard sales and farm stands, such as these signs in Banks Township, Antrim County.

Appendix A lists the terms that typically need to be defined in local sign regulations. The model ordinances referenced in Chapter 12 include sample definitions of these terms.

NON-STANDARD SIGNS

There are a variety of structures or devices used like signage to convey messages. Zoning and sign ordinances can regulate these elements, subject to the legal constraints discussed in the remainder of this guidebook. The most important element of regulating signs, both standard and non-standard, remains ensuring that the ordinance contains careful and complete definitions of the elements being regulated. If the ordinance fails to carefully define the feature being regulated, then the ordinance users—developers, property owners, residents, enforcement officers and courts—will not be able to follow the guidelines, and the ordinance will fail to have its intended effect. Some examples of non-standard signs and their associated problems are discussed below. Regulatory options for dealing with these types of signs are discussed in Chapter 9.

Temporary Signs

Temporary signs are features of the landscape used commonly for advertising political candidates, business promotions and community events. Temporary signs pose problems for many communities—they rarely fit the aesthetic character of the community, their limited structure cannot withstand foul weather, they may blow around and cause litter, and there may be too many temporary signs, causing visual blight or clutter.

Window and Interior Signs

Many businesses use their window spaces to advertise special promotions or products, display their hours of operation, advertise which credit cards they accept, or indicate when they are open for business. Window signs and interior displays can enhance the façades of buildings and add vibrance to the street frontages. However, too many window



Sign owners post signs in the right-of-way to display various types of messages, often on matters of local interest, like this sign in Ganges Township, Allegan County.

signs or window displays that are garish or unattractive can injure the community's appearance and the safety of nearby roadways. Regulating window signs and interior displays is difficult; the issue is setting reasonable limits without overregulation of building interiors.

Signs Posted in the Right-of-Way

People frequently post signs in the right-of-way, with messages covering everything from lost cats and dogs to advertising lawn care services and other businesses. These signs may be freestanding or may be “snipe” signs attached to utility poles or other fixtures. Many people have no idea that these signs are often prohibited, yet a proliferation of signs in the right-of-way can clutter the appearance of a community, and distract drivers.

Flags

Flags are common features on many properties, and may be used for both advertising and non-commercial purposes. While flags are often an interesting and inviting feature of a property, they become problematic when there are too many of them, they are too large, or are flown too high. These problems sometimes arise around holidays or when businesses have promotional events.

Banners

Banners are a popular form of signage used by both public and private entities to advertise events or activities, or to decorate for holidays. In addition to being an effective advertising tool, banners can also be an interesting visual feature in the built environment. Overuse of banners, however, can cause distraction and create visual blight. Because they are temporary and of light-grade construction, banners can blow around and litter a community if not well-maintained.

Inflatables

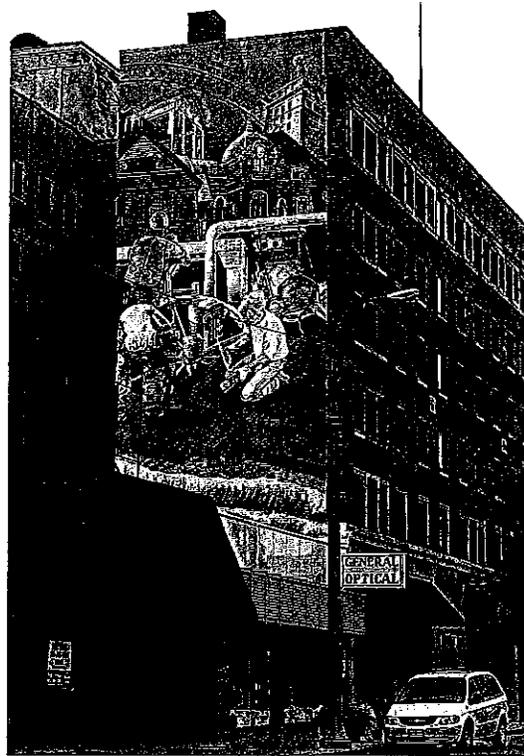
Inflatable devices have gained popularity as holiday decorations and for the advertisement of business events. While some inflatables may be small, others can be quite large and may cause significant driver distraction or visual blight, especially if left up a long time or if they become damaged.

Vehicle Signs

Vehicle signs are some of the most difficult to regulate, since they are usually located on parked cars, trucks or trailers that have the dual purpose of advertising a business or individual and providing transportation. Furthermore, they are not permanent fixtures on the property. A vehicle sign parked too close to a roadway can block other signage, cause driver confusion or distraction and vehicles parked long enough may become a nuisance to surrounding property owners.

Human Directional Signs

Also called “walking billboards,” human directional signs are those worn or held by employees of a business or other establishment, usually on a public sidewalk, advertising a sale or product. While human directional signs are a catchy and creative form of advertising, they pose problems for driver distraction and may detract from the aesthetic integrity of the community. Regulating these signs is difficult, though, because of free speech concerns.



Murals, such as this one in the City of Flint, Genesee County, can add a uniqueness and vibrancy to downtown business districts.

Searchlights and Other Light Features

Lights are often used to attract attention to a specific property or product. Searchlights that shine moving, high-density beams of light into the night sky are a popular form of light-advertising. Other businesses or residents use neon or other lights to stand out from other properties. While lights can create some degree of excitement or vibrancy, they also create light pollution, glare and can distract drivers. Sign regulations or separate lighting regulations can guide the lighting of signs and other uses of light, so long as the regulations are carefully crafted to include lighting.

Artwork

As the above-mentioned example from Arlington County, Virginia illustrates, sign ordinances can also regulate artwork, such as

wall murals or paintings hung in windows. Artwork often enhances business districts and neighborhoods, so communities do not want sign regulations that stifle community creativity. On the other hand, artwork can also be used as a subterfuge for commercial advertising or as a means to evade other sign regulations to give certain businesses and properties an advantage over others.

Landscaping

Although landscaping may not be regulated as a sign, some modern sign regulations include landscaping requirements to enhance the visual appearance of signage. Landscaping can be both a good and bad complement to signage; while low, attractive plantings can dramatically improve the plain or garish appearance of some signs, other landscaping can block signage and make wayfinding very difficult. Regulators are unlikely to want to dictate landscaping too strictly so as not to impose upon the creativity of business owners.

ARCHITECTURE AS SIGNAGE

In many cases, features of a building or structure itself may have the same information-presenting function as signs. Buildings may have engraved cornerstones or cornices

indicating the date of construction or name of the building or its developer. Colors or designs may extend beyond the actual wall sign area to decorate the building with a form of advertising. More frequently, chain stores and businesses are using architecture—in the form of uniform franchise or store design—as an additional form of on-premises advertising.

Local governments are able to regulate building design, but architectural regulation is usually beyond the scope of sign regulations. Therefore, this guidebook is limited in its coverage to those signage issues which are most commonly addressed in a sign ordinance.

SUMMARY

There is no perfect method of regulating any of the types of signage above. Furthermore, as technology advances, new forms of signage may arise that also require regulation. Various aspects of constitutional and statutory law bear heavily on the subjects that communities may and may not regulate. Chapter 9 discusses many of the above-described forms of signage and offers best practices and suggestions on how to control these issues to improve community appearance and safety.



Many national chains require special franchise design for their retailers, such as this car dealership in Bangor Township, Bay County.

CHAPTER THREE: CONTEMPORARY SIGN ISSUES



There is actually only one digital billboard in this location (i.e., top billboard). But all three images were being rotated when this photo was taken. Note how bright the images are compared to the surrounding outdoor advertising, the landscape and the highway. City of Ypsilanti, Washtenaw County.

Outdoor advertising is an important medium of communication for advertisers and sign owners because of its visibility along roadways and sidewalks. Technological innovations over the past twenty years have led to increased use of digital outdoor advertising to convey commercial and other messages. Outdoor advertising, and in particular, some of these digital innovations, have generated intense opposition from members of the public interested in preserving the aesthetic integrity of their communities. Regulators have thus been challenged to react to new technologies to ensure a proper balance between the communication of the advertisers' messages and maintaining community character.

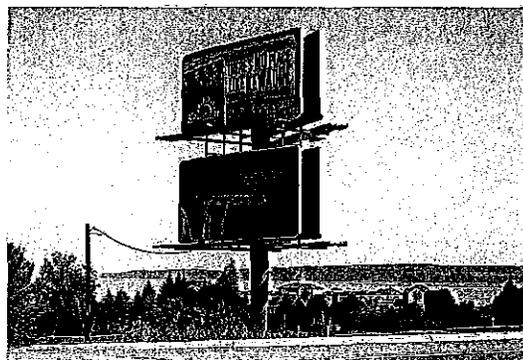
This chapter discusses some of the trends in outdoor advertising and recent technological changes, as well as methods employed by communities to deal with these developments.

BILLBOARDS AND OUTDOOR ADVERTISING

Billboards are a ubiquitous feature of the roadside environment in Michigan and most of the United States. There are approximately 400,000 billboards nationwide¹ and as of this writing, there were 13,722 billboards permitted along state highways in Michigan.² While definitions in local ordinances vary, the term billboard generally refers to large signs that advertise goods or services produced or provided away from the premises where the sign is located.

Billboards are a distinct and profitable medium for advertisers because they are clearly visible from the millions of vehicles that drive on Michigan's roadways each day. Nationally, the outdoor advertising industry achieved \$6.1 billion in revenue in 2010.³ A monthly lease of advertising space on a billboard can cost over \$2,500 per month in some markets. Despite some industry-wide setbacks during the recession that began in 2007, the billboard

industry is reviving at a fast pace, working to expand and to capture new markets.⁴



Billboards have become a common feature of the roadside environment in Michigan, such as this example from Resort Township, Emmet County.

Providing an important medium of communication for the traveling public, billboards offer information on traveler services. They are also used for public service announcements and advertising of places for tourism. More recently, billboard advertisements have been used to locate missing persons, catch criminal suspects and to advertise government programs and services. Growth in government, nonprofit and

1. Ken Leisner, *Digital billboards: bright or blight?*, St. Louis Post-Dispatch, Dec. 26, 2010 at D1.

2. Source: Michigan Department of Transportation, Real Estate Division, Jul. 20, 2010.

3. Outdoor Advertising Ass'n of America, *Out of Home Advertising Revenue up 4.1% in 2010*, <https://www.oaaa.org/press/pressreleases/news.aspx?NewsId=1200>.

4. Russell Grantham, *Sign of the times: Vacant billboards; Outdoor advertising firms see big drop-off during recession*, Atlanta Journal-Constitution, Sep. 13, 2009 at 1D.

political outdoor advertising outpaced most other sectors' outdoor advertising growth in 2010.⁵ Some billboards in Michigan have even been used to display artwork. Still, however, billboards remain a controversial feature of the visual environment. Long-standing concerns over billboards relate to their visual clutter and blight, blocking of scenic natural views and potential to create traffic hazards. These drawbacks to billboards have demanded regulation of billboards at all levels of government.

Four states—Alaska, Hawaii, Maine and Vermont—completely ban billboards, and an increasing number of cities—including Dallas, Houston, Little Rock, Jacksonville, Kansas City, Oakland and San Diego—are imposing bans on the construction of new billboards. As is discussed in later chapters of this guidebook, billboard bans are not regarded favorably by Michigan courts. Some Michigan communities have enacted bans on *new* billboards (such as the City of Holland) or have expressly capped the total number of billboards permitted in the community (including the City of Ann Arbor). In addition, since 2007, the Michigan Highway Advertising Act, 1972 PA 106 (discussed in detail in Chapter 7), caps the number of billboards along state highways. Many other places, including Grand Rapids, have trade-

off schemes to encourage the removal of older billboards and reduction of the total number of billboards in the community. See Chapters 9 and 11 for more information on methods to cap or remove billboards.

ELECTRONIC CHANGEABLE MESSAGE SIGNS

Whereas manual changeable copy signs—frequently used for gasoline price displays and school or church announcements—were once primary targets of regulators, the advent of digital signage has exacerbated the aesthetic and safety impacts of changeable message signs. Two types of electronic changeable message signs, LED billboards (and their tri-fold counterparts) and smaller on-premise digital signs, have caused significant concern in many Michigan communities. Regardless of whether they are billboards or not, electronic changeable message signs are often referred to as *electronic message centers* or *EMCs* by the sign industry. Regulatory options for electronic signage are further discussed in Chapter 9.

LED Signs and Billboards

Perhaps the most pressing contemporary sign issue is the one presented by digital or *light-emitting diode (LED)* signs. Advancements in digital technology have made it possible for an entire sign face to contain miniscule lights allowing the sign's message to change at any interval or display a moving or video message. This technology provides special benefits to advertisers and sign owners. Whereas outdoor

5. Outdoor Advertising Ass'n of America, 2010 January-December Outdoor Advertising Expenditures, <https://www.oaaa.org/UserFiles/file/Marketing/Revenue/Quarterly%20Charts/Q4%202010%20Charts.pdf>.



Digital signs are rapidly becoming commonplace. Rochester Hills, Oakland County.

In 2010, a single digital billboard used approximately 4,600 kWh of electricity per month, over five times the monthly energy consumption of a single-family home.

advertisers were once relegated to the display of a single advertisement for long periods of time, LED signs allow sign owners to lease space to multiple advertisers at one time since the message of the sign can change in intervals. Moreover, a driver passing an LED sign can see multiple

messages flash across the face, thereby multiplying the advertising value of the sign. Since LED signs are computer-operated, sign companies are no longer required to send employees out to change the signs' messages each time a new advertisement is displayed, which results in significant cost savings to the sign owner. And because LED signs contain diodes of light, they can have especially brilliant lighting to attract attention, sometimes from great distances.

In 2010, there were approximately 2,000 LED billboards nationwide, but billboard companies have been moving quickly to expand the stock of LED signs because of their revenue-generating benefits.⁶ While some places, such as New York City's Times Square, the Las Vegas Strip or London's Piccadilly Circus have become world-renowned tourist destinations in part because of their electronic signs, most other communities are loath to follow suit for obvious reasons.

Due to their particularly jarring impact on the landscape as a result of bright lighting and routinely changing messages, and because of their exceedingly fast proliferation, LED signs have become a target of regulators and the general public concerned about community aesthetics. Reports on driver distraction from digital billboards are divided. Reports from the sign industry show minimal impact on traffic safety⁷ while reports from planners

6. Ken Leisner, *Digital billboards: bright or blight?*, St. Louis Post-Dispatch, Dec. 26, 2010 at D1.

7. Andrew Bertucci and Richard B. Crawford, *Model Code for Regulation of On-Premise Signs* (U.S. Sign Council, The Science of Sign Zoning CD-ROM, 2011).

and other bodies show a high degree of driver distraction and traffic hazards.⁸ This problem is particularly acute at dawn and dusk, when the brightness of the signs may not be adequately controlled for the ambient lighting conditions. Concern has also erupted over digital signs' energy consumption. In 2010, a single digital billboard used approximately 4,600 kWh of electricity per month, over five times the monthly energy consumption of a single-family home.⁹

In a number of cities, as sign owners have used loopholes in local ordinances to erect LED signs where other signs are prohibited, and local business communities have fought against local councils and residents for ordinance amendments to allow LED signs, community strife has increased.¹⁰ In addition to LED billboards, tri-fold billboards—which use rotating vertical slats across the sign face to change their messages at routine intervals—pose similar problems and have caused similar battles.



Tri-fold billboards have vertical slats that rotate, such as this sign in Kentwood, Kent County, allowing the sign's message to change periodically.

8. Jerry Wachtel, *Digital Billboards, Distracted Drivers, Planning*, Mar. 2009. Note: as of this writing, the Federal Highway Administration was preparing a study on driver distraction from digital signage.

9. Rudolph Bush, *Advertising firms urge Dallas City Council to allow digital billboards*, Dallas Morning News, Oct. 2, 2010.

10. David Bauerlein, *New billboard battle; Jacksonville has an ordinance dealing with the roadside signs ... but now they're going digital*, Florida Times-Union, Feb. 20, 2011 at D1; David Burge, *El Paso City Council to debate billboard proposal*, El Paso Times, Jul. 12, 2009; Rudolph Bush, *Advertising firms urge Dallas City Council to allow digital billboards*, Dallas Morning News, Oct. 2, 2010; Carl Kieke, *Electronic sign rules questioned*, Abilene Reporter-News, Aug. 14, 2008.

Some municipalities, including the City of Boyne City, have chosen to ban digital signs entirely, a regulatory measure which has been found to be constitutional as a time, place and manner restriction on speech (see Chapter 6 on the legal considerations related to signage).¹¹ Other places, such as the City of East Tawas, have limited the face area of digital signs or limited digital signage to a certain percentage of the total sign area. Still other places have used billboard companies' desire to erect LED signs as a way to incentivize reductions in the total number of billboards; for example, the City of Kentwood designed a scheme that required the removal of four existing billboards if a billboard company wanted to construct a digital billboard, although many other places require a larger number of "trade-ins."¹²

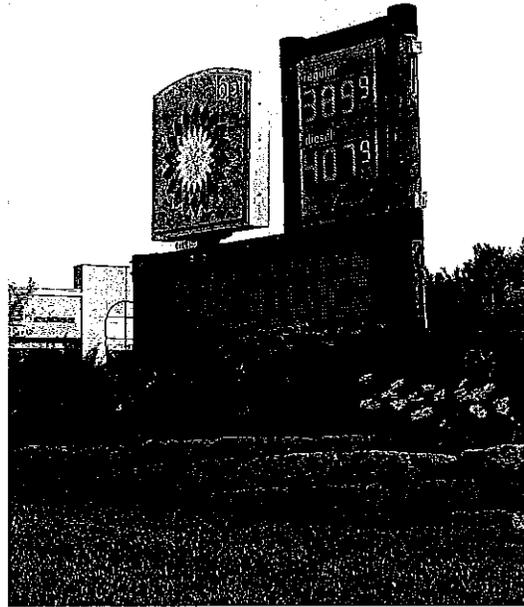
Other Digital Signs

While LED technology has become part of billboard advertising, businesses and institutions—especially schools and churches—have begun to use other types of digital signs to advertise events or promotions. They may be as simple as price or time displays that use older lighting technology akin to a digital clock, or they may contain small lights that produce lettering or images in a single color. These digital message boards are also becoming more frequently used for gasoline price displays or time and temperature readings; even government agencies have begun to use EMCs to alert drivers of heavy traffic or road hazards. These programmable message boards allow the display of multiple messages on one sign structure, with the message moving or changing at a defined time interval. These types of EMCs have steadily replaced manual changeable copy signs as digital technology has become more accessible and reliable for sign owners.

Digital message boards carry distinct benefits over older manual changeable copy signs; in particular, EMCs are often more aesthetically

11. *Naser Jewelers, Inc. v. City of Concord, N.H.*, 513 F3d 27 (CA 1, 2008).

12. The City of Kentwood's sign regulations were struck down by a federal court in 2010 on other grounds. See also approaches in Chapter 9.



EMCs are often used for price displays, such as at this fuel station in Bear Creek Township, Emmet County.

pleasing and can be changed via computer control, more quickly and at less cost in time and labor for sign owners. Furthermore, because EMCs can change messages at short intervals, they can display messages on a smaller sign than would otherwise be possible if the message were static.

As with LED billboards, some potential hazards are posed by digital message boards that are not present with manual changeable copy signs. In particular, EMCs that change messages at short intervals can pose a distraction to drivers, and EMCs may be particularly brightly lit, causing both a potential traffic hazard and aesthetic concerns.

Local regulators in many jurisdictions have taken steps to reduce negative impacts arising from changeable message signs. By restricting movement or scrolling of the message and establishing a minimum display interval for a single message, local ordinances ensure that the technology benefit from these signs is achieved while improving traffic safety.¹³ Furthermore, local regulations can limit the

13. Audio recording: Eric Damian Kelly, *Issues in Sign Regulation* (Meeting the Sign Regulation Challenge CD-ROM, American Planning Ass'n, 2006).

total area that may be used for changeable messages or restrict such messages to a specific percentage of the total sign area.¹⁴

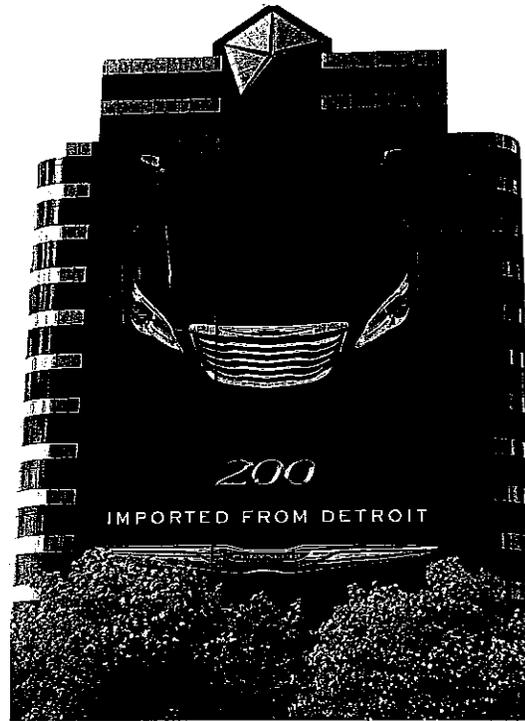
For more information and studies related to electronic signage and driver distraction, consult the following sources:

- Scenic America has information on digital billboards and driver safety on its website: <http://www.scenic.org/billboards/safety/>.
- The National Highway Traffic Safety Administration (NHTSA) conducted a study on driver distraction from diversion of attention to roadside elements, available at the following link: <http://www.scenic.org/pdfs/nhtsa.pdf>.
- The Federal Highway Administration is in the process of studying driver distraction from digital billboards. It has some information on driver distraction and digital billboards posted on its website: <http://www.fhwa.dot.gov/realstate/cevms.htm>.

SUPERGRAPHICS AND DIGITAL WRAPS

Supergraphics are large signs that can be attached or integrated into the walls of buildings, making the entire building appear as an advertisement from the outside while not restricting views out of the building from the inside. Furthermore, advancements in architecture and digital display technology now allow buildings to be “wrapped” with digital supergraphics, even though people inside the building can see outside through the display.¹⁵ At the time of this writing, a wall-sized LED display was proposed as part of the renovation of Detroit’s COBO Conference and Exhibition Center.¹⁶ Supergraphics are an

14. Alan C. Weinstein, Inc. and D.B. Hartt, Inc. *A Framework for On-Premise Sign Regulations* (March 2009), available at <http://www.thesignagefoundation.org/OnPremiseSignRegulations>.
 15. Tibby Rothman, *Digitally Ad-Wrapped Skyscrapers Coming to L.A.?*; Jan Perry opens a new front in the Los Angeles billboard wars, *L.A. Weekly*, Mar. 24, 2011.
 16. Charlie Crumm, *CoBo Announces Expansion, Renovation Plans*, Oakland Press, Mar. 2, 2011.



Supergraphics can make an entire building appear as an advertisement, such as this building covering at Chrysler headquarters in Auburn Hills, Oakland County.

innovative sign and advertising technology that can enhance the appearance of urban areas and business centers if applied properly, and, in some cases, can even accentuate the architecture of buildings that they are used on.

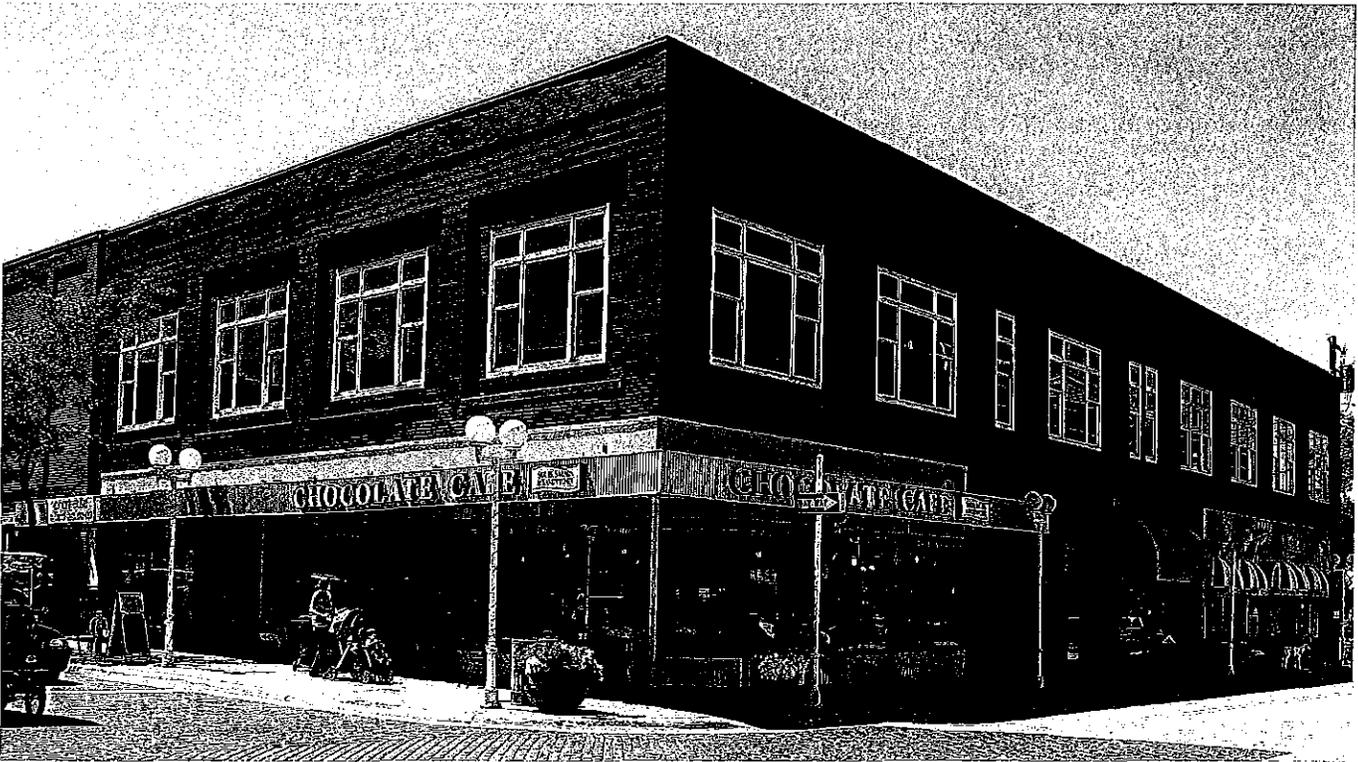
Because these signs are attached to or built into buildings, existing ordinances regulating wall signs may not be equipped to handle supergraphics or digital wraps. Local regulators need to balance supergraphics’ potential as an advertising instrument and mechanism for creating urban vibrancy with municipal interest in protecting the architectural integrity of business districts, reducing commercial advertising saturation and improving traffic safety through reduced driver distraction. Some cities, Los Angeles among them, have chosen to ban supergraphics entirely, but other regulatory options include limiting the size, the number of items of information contained on the sign and limiting supergraphics only to particular districts.

Suggestions for Practice

There are many options for dealing with some of these contemporary sign issues in your community. Here are some options to consider:

- **Dealing with Billboards:** Sign regulations can limit the proliferation of billboards in the community. Limiting the total size and height of signs is a legal means to control billboards. Large signs may be limited to industrial and some commercial districts along state highways. Limiting the number of signs permitted on undeveloped sites to one is permissible, as is limiting the total area of all signs permitted on other sites. Municipality-wide caps on the number of billboards are also an option.
- **Billboard Bans:** Outright bans on billboards are not permissible in Michigan municipalities. The Michigan courts have rejected billboard bans in home rule cities, and may not tolerate them in other entities. See Chapters 6 and 7 for more details.
- **Alternative Option:** Sign regulations do not need to make special provisions for billboards or off-premises advertising. In fact, this option reduces legal risk. If the community restricts the size, height and number of signs on each property to a sufficient degree, then there will be no opportunity for large size, tall billboards to be constructed in the first place.
- **Electronic Signage:** If the community allows EMCs of any type, work with sign companies to allow placement of EMCs upon removal of older nonconforming or other garish signage through negotiated cap and replace provisions. Develop a trade-off system that requires a sign company to remove, say 10 signs, for each electronic sign constructed. Place strict size and height restrictions on electronic signs, prohibit any movement or scrolling of the image, and restrict the image change interval.
- **Glare:** EMCs can be controlled for glare, and the community should always actively enforce the lighting standards. EMCs may also be restricted from areas near residences to limit the impact on nearby neighborhoods.
- **EMC Benefits and Drawbacks:** Permitting EMCs in place of manual changeable copy signs is a useful way to clean up a community's appearance. To avoid EMCs overrunning a community, however, limit EMCs' total size or percentage of the total sign area that may be used for an EMC.
- **Supergraphics:** Supergraphics can enhance the appearance of some places, particularly dense urban areas, but their use should be restricted only to buildings with particularly large facades. Digital wrap supergraphics may be appropriate in large cities but should be limited in the amount of movement and scrolling that is permitted on the sign, as well as the change interval. It is possible for sign regulations to restrict the number of items of information—words, images, etc.—on the supergraphic to reduce driver distraction and aesthetic impact, although this option may be legally risky. Communities can also consider controlling supergraphics for area, height, building façade coverage and other dimensional characteristics.

CHAPTER FIVE: PRINCIPLES OF GOOD SIGNAGE



St. Joseph, Berrien County.

Achieving good signage in a community requires balancing various community interests: the technical needs of sign readers, the economic needs of sign owners, and the community aesthetic needs of their neighbors. Authorities on sign regulation offer suggestions of basic goals for good signage.¹ Some of these principles include the following:

- Signage should express the identity of the business or organization displaying the sign in a creative manner that is appropriate for the type and character of the business being identified.
- Signage should be compatible with—and should enhance—the visual character of the community with appropriate size, lighting, color and materials.
- Signage should be legible in the context in which it is displayed.
- Sign height, size, font and content should be scaled appropriately to achieve vehicle and pedestrian traffic safety. Too much information or signage can distract drivers and the messages of individual signs can be lost, but too little information or signage gives insufficient information and could result in driver or pedestrian confusion.



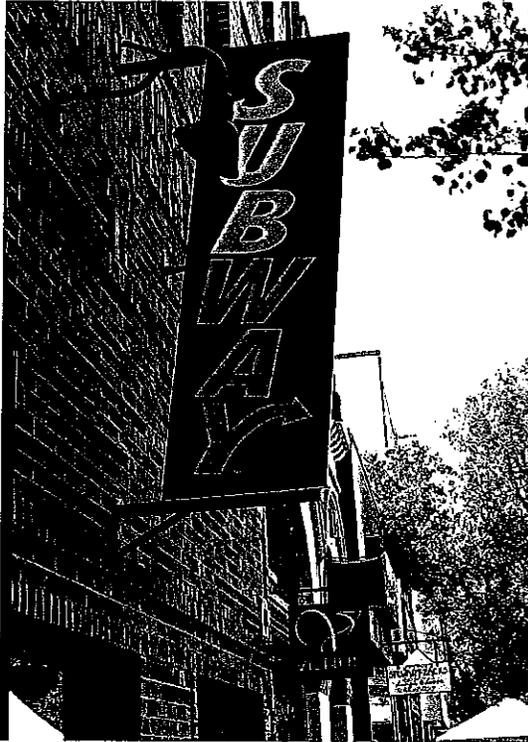
Too many signs means a less-effective message for passing drivers.

This chapter provides a quantitative and qualitative overview of some aspects of good signage.

As discussed in the preceding chapter, not every aspect of signage requires excessively strict regulation, as some aspects of signage are self-regulating. Business owners have an interest in ensuring that their messages are conveyed clearly, concisely and in an aesthetically pleasant manner, while homeowners displaying political or other yard signs have an interest in having a well-kept yard and maintaining property values. Sign regulations can balance broad community interests with those of private individuals and businesses by providing a set of baseline standards for good signage and leaving other aspects to self-regulate.

Additionally, sign regulations should balance the commercial interests of business owners—which parallel the economic interests of the entire community—with other community interests in safety and aesthetics. A safe and aesthetically-pleasing community is consistent with businesses' well-being. In drafting sign regulations, communities should review the needs and goals of businesses and residents to find the appropriate regulatory balance for all of these interests.

¹See, e.g., Daniel Mandelker, with Andrew Bantico and William Wald, Planning Advisory Service Report No. 527, *Street Graphics and the Law* (American Planning Association 2004); and Gilbert et al., *One-Brand Signs* (United States Sign Council Best Practices Standards: A Research-Based Approach to Sign Size, Sign Legibility, Sign Height) (U.S. Sign Council, Inc., The Science of Sign Zoning CD-ROM, 2011), also available at <http://ussc.org/foundation/>; U.S.S.C. guideline SignStandards.pdf.



A simple message is sometimes more effective than a detailed one, such as this Subway's logo-only sign in Traverse City, Grand Traverse County.

KEY SIGN ISSUES

Message and Information

A concise yet complete display of the sign message maximizes the effectiveness of the sign as well as community interests in traffic safety and aesthetics. Too much information on a sign reduces the sign's effectiveness—drivers and other sign readers disregard complex messages—and distracts drivers.² On the other hand, too little information can result in confusion and poor direction for drivers and pedestrians.

Municipal restrictions on sign size and copy area and limits on the number of items of information can protect against the presentation of too much information.³ Overly strict regulation, however, may result in an incomplete display of information.

2. Philip M. Garvey, *On Premise Commercial Signs and Driver Information Overload* (U.S. Sign Council, Inc., The Science of Sign Zoning CD-ROM, 2011).

3. Audio recording: Eric Damian Kelly, *Issues in Sign Regulation* (American Planning Ass'n, Meeting the Sign Regulation Challenge CD-ROM, 2006); Mandelker et al., *supra*, at 47-75.

Again, information on signage is partially self-regulating, since sign owners have an interest in ensuring that signs convey a clear and complete message. A municipality may find it best to let sign owners work with the sign industry to determine the best amount of information to place on a sign, while simply regulating baseline matters such as minimum or maximum area.

Number

Regulating the number of signs permitted on individual properties reduces visual clutter and improves the visibility of all signs. Municipalities may restrict the number of signs to an absolute number—usually one or two per property—or base the allowed number of signs on the property's street frontage or number of entrance driveways. Imposing an absolute number may have drawbacks, as it may prohibit property owners from displaying necessary additional signage on the property, and some numerical limitations may carry legal risk (see Chapter 6).

Other regulations can impact the number of signs on a property. Spacing and setback restrictions have such an effect. Some municipalities prefer to regulate the total area of all signs on each property without restricting the number of signs, while other municipalities offer sign area bonuses for adjacent businesses that combine signage or restrict the amount of signage on multi-tenant properties to minimize clutter.



Too many signs on one property in Flint, Genesee County, creates clutter and negatively impacts community appearance.



This Kalamazoo, Kalamazoo County, office complex combined multiple nameplates onto one sign, which helps to reduce the number of signs on the property.

Location and Placement

Signs should be located on individual properties where their location will maximize the effectiveness and functionality of the sign, while maintaining traffic safety and community appearance.

Municipal sign regulations routinely establish setback requirements for structures and signage. Requiring signs to be set back too far reduces their visibility and legibility, and may impede traffic safety if drivers are forced to look too far out of their cone of vision to read signs. On the other hand, requiring too little setback can lead to visual clutter and driver confusion. Setback requirements should be based on the character of the district and the travel characteristics of the roadways (e.g., road width, number of lanes, speed, whether there is on-street parking, etc.).

Signage spacing requirements are also recommended. Allowing signs to be too close together creates visual clutter and reduces the visibility and effectiveness of all signs. Furthermore, privately erected signs located too close together along a roadway obscure views of traffic control signs that are necessary for traffic safety. If used, spacing requirements also have the effect of reducing the total number of allowed signs. Spacing restrictions should be formulated based on the character of the district being regulated, the typical size and frontage lengths of properties in that district, and the speed of travel along the roadways.



Signs placed too close together in Kalamazoo, Kalamazoo County, block views of other signs for drivers and pedestrians.



Wall signs in a shopping strip in the City of Walker, Kent County, are set back far enough from the street to give drivers time to see and register their messages.

Higher-speed roadways require greater distances between signs to ensure that drivers have ample opportunity to read their messages.

Alignment of the sign face is also critical. Signs along roadways should be placed within 10 degrees of being perfectly perpendicular to the direction of travel on the roadway for maximum visibility by drivers.⁴ Wall signs parallel to the direction of travel give drivers much less opportunity to read them, especially at higher travel speeds and where setbacks are smaller.⁵ Wall signs remain important, however, to distinguish specific businesses in multi-tenant shopping centers or in traditional business districts. In pedestrian-oriented areas or areas where travel speeds are reduced, signs parallel to the right-of-way are appropriate. In some cases, signs that project over the right-of-way may also be permitted by the road authority, but refer to the discussion of this issue in Chapters 7 and 9.

Except for official traffic signs, signage should generally be prohibited from the right-of-way except where projecting or marquee signs are appropriate, such as in traditional business districts. In some circumstances, particularly

4. Philip M. Garvey, *On-Premises Signs: Determination of Parallel Sign Legibility and Letter Heights* (U.S. Sign Council, Inc., The Science of Sign Zoning CD-ROM, 2011).

5. Bertucci, *supra*.

in urban environments, government agencies may wish to sell advertising space in the right-of-way on transit stops or benches (see Chapter 9 for more information on public signs and public property).

Size

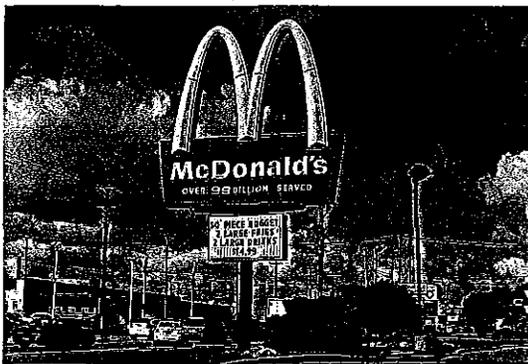
The appropriate sign size along a roadway is dictated by a number of quantitative factors, including: (1) speed of travel on the roadway, (2) viewer reaction time (a combination of the time it takes to detect the sign, scan the message, reorient to the view of the road, and to make a maneuver based on the sign's message), (3) the distance the viewer has to react, (4) the height and area of the lettering, and (5) the amount of copy area versus negative space on the sign.⁶ For example, studies demonstrate that a sign in a densely developed area would need to be six times larger than a sign in a rural area to have the same effect on a driver traveling at 25 miles per hour. As the speed of travel increases on the roadway, signs must be made larger and spaced further apart to give drivers the same opportunity to scan the message and safely react. See Table 5-1—Suggested Sign Area Based on Travel Speed and Driving Environment for a comparison of suggested sign areas at various

6. "Copy area" refers to the part of the sign with text or designs, while "negative space" refers to the blank portion of the sign. See Bertucci, *supra*.

Table 5-1: Suggested Sign Area Based on Travel Speed and Driving Environment

Roadway Speed of Travel	Suggested Sign Size Range	
	Rural (Most Simple) Driving Environment	Urban (Most Complex) Driving Environment
25 mph	12.5	78
40 mph	32	200
55 mph	60.5	378

All measurements in square feet. As travel speed doubles in a complex urban driving environment, the sign area required to convey a message increases almost five-fold. Table adapted from Andrew Bertucci, *On-Premise Signs: United States Sign Council Best Practices Standards: A Research-Based Approach to Sign Size, Sign Legibility, Sign Height* (U.S. Sign Council, Inc., The Science of Sign Zoning CD-ROM, 2011), available at <http://usscfoundation.org/USSCGuidelinesSignStandards.pdf>.



Signs that are too large block views of other signs and can create a garish aesthetic appearance for the property, such as this sign in Grand Rapids, Kent County.



This Bear Creek Township, Emmet County, McDonald's uses a smaller, lower sign to convey the same message, with the same effect.

travel speeds. In pedestrian-oriented areas where signage is catered toward slow-moving vehicular traffic or pedestrians, signage can be substantially smaller while having the same level of effectiveness. Qualitative factors, such as community aesthetic quality or the architectural character of the site, should also be taken into account in determining sign size restrictions.

Municipal sign size regulations may dictate maximum or minimum sign area or relate the maximum allowable sign area to blank building façade area, total building façade area, linear property frontage or total property size. Municipalities should choose the form of sign size regulation which is most fitting with the architectural and aesthetic character of the community, best suited to traffic safety and economic concerns, and which is most agreeable to community stakeholders.

The U.S. Sign Council (USSC) has done a variety of research studies to determine the appropriate sign size in various contexts. These studies or others should be consulted when drafting sign size regulations to ensure the best combination of safety, effectiveness and aesthetic quality. See the USSC's publications website: <http://www.ussc.org/publications.html#general>.

Height

Signs should be situated high enough so that the sign is not blocked by obstructions such as landscaping, parked cars, other vehicles traveling on the roadway or pedestrians. They should, however, not be placed so high as to create visual clutter, obstruct views, be out of a driver's or pedestrian's cone of vision, or undermine aesthetic character.⁷ USSC recommends a minimum sign height (measured from the ground to the bottom of the sign) of seven feet to avoid blocking of signs, although that may be inappropriate in some districts where lots are wide and monument signs are used. Furthermore, taller signs may be particularly inappropriate in historic or other special districts.

Ordinance provisions for sign height should be tailored to the particular district being regulated and the design goals of the community. Height restrictions may be an absolute number or may be related to the linear property frontage or the height of buildings located on the property. Many municipalities disallow signs that reach higher than any one building on the same parcel.

Lighting

Lighting of signs creates sky glow, light trespass, and glare, so regulations should be crafted to minimize these impacts on the community.⁸ Externally illuminated signs

⁷Bertucci, *supra*.

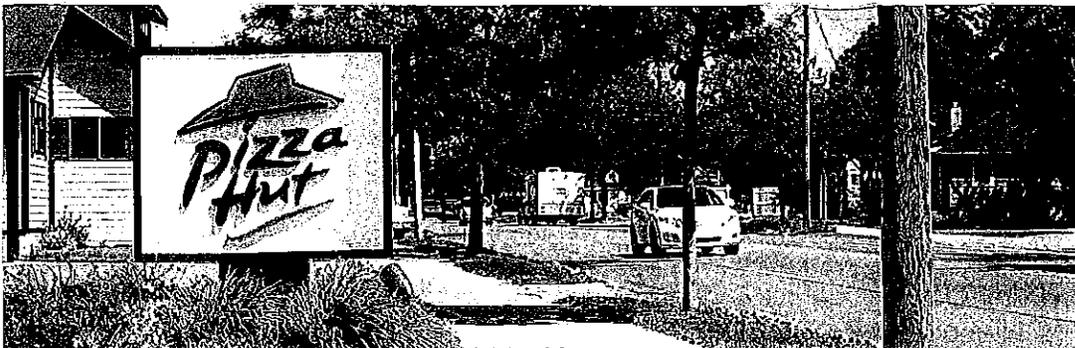
⁸"Sign glow" refers to ambient lighting of the sky from urban development, "light trespass" refers to light which escapes onto adjacent properties, and "glare" refers to brightness of the light source as perceived by the viewer. See Philip M. Garvey, *Environmental Impact of On-Premise Sign Lighting* (U.S. Sign Council, Inc., The Science of Sign Zoning CD-ROM, 2011).



Pole signs, such as this one in Midland, Midland County, abound near highway interchanges as a means of increasing the visibility of roadside businesses.

have the lowest luminance, while internally illuminated signs have the highest luminance, meaning that internally illuminated signs can be read from a greater distance than externally illuminated signs (sometimes up to twice the distance), although the difference varies by the colors of both the sign and lettering.⁹ See Table 5-2—Legibility and Reading Times Based on Sign Illumination Type for details on how

⁹Id.



This restaurant sign in the City of Charlevoix, Charlevoix County is visible to passing drivers, yet does not define the skyline.



Examples of externally illuminated and internally illuminated signs in the City of Ann Arbor, Washtenaw County.

illumination type—internal or external—impacts sign readability.

Internally illuminated signs are thus more effective along roadways with higher speeds, while externally illuminated signs may be more appropriate along roadways with lower speeds and in pedestrian-oriented areas. External lighting is generally more visually appealing than internal illumination, which makes it particularly appropriate in historic or special districts.¹⁰ All external illumination, however, should be shielded to prevent unnecessary illumination of the night sky. Some municipalities have begun to combine sign regulations with general lighting regulations to reduce nighttime glare and sky glow.

Lighting standards should be developed to fit the character of the district where the signage is being regulated, but should be respectful of the speed of the roadways along which the signage is located and the corresponding sign size and height restrictions (Chapter 9 discusses this matter—with some legal context—in greater detail).

Illumination is a particularly pressing problem with digital signs (also discussed in Chapter 9). EMCs should be controlled for excessive

¹⁰ Philip M. Garvey et al., *Relative Visibility of Internally and Externally Illuminated On-Premise Signs* (U.S. Sign Council, Inc., The Science of Sign Zoning CD-ROM, 2011).

Table 5-2: Legibility and Reading Times Based on Sign Illumination Type

Type of Illumination	Time of Day	Mean Legibility Distance (Feet)	Driver Reading Time Availability (Seconds, at 25 mph)
Internal	Day	282	7.69
	Night	258	7.04
External	Day	270	7.36
	Night	161	4.39

Mean legibility distance refers to the threshold distance at which the average sign reader can first make out the sign's message, while driver reading time is the amount of time it takes for a driver traveling at a specified speed to cover the legibility distance. Note that externally illuminated signs' legibility distance and reading time availability are significantly reduced at night. Table adapted from Philip M. Garvey et al., *Relative Visibility of Internally and Externally Illuminated On-Premise Signs* (U.S. Sign Council, Inc., The Science of Sign Zoning CD-ROM, 2011).

glare and light pollution along highways and near residential areas. One of the simplest means to reduce glare from EMCs is to require dark background colors with white or light-colored copy, but there may be First Amendment content-neutrality ramifications for these types of requirements (see Chapters 6 and 9). For example, an EMC with a white background and black copy viewed from 120 feet away has six times the illuminance level—which directly impacts driver distraction and highway safety—as a similar sign with a black background and white lettering. Illuminance levels increase as the viewer is closer to the



A ground sign in the City of Cheboygan, Cheboygan County, is made more pleasant by landscaping around its base.

EMCs should be controlled for excessive glare and light pollution along highways and near residential areas.

sign. **Table 5-3—Sample Illuminance Levels from Electronic Signs** shows the vast impact different color schemes can have on EMCs' brightness. The Illuminating Engineering Society of North America recommends that EMCs' illuminance not exceed 0.3 foot-candles

above the ambient (i.e., naturally illuminated environment) light measurement.

Please see the discussion of digital signage in Chapter 9 for an overview of the legal consequences of digital sign regulations, and options for regulating EMCs.

Landscaping

Landscaping requirements are an increasingly common component in sign regulations, primarily in areas with freestanding signs and large setbacks. Requiring low-growing plantings around the base of a freestanding sign can improve community and property aesthetics while helping to accent the message contained on the sign.¹¹ Furthermore, landscaping requirements protect against the possibility of overgrowth, where trees or shrubs block signs from view.

¹¹ Mandelker et al., *supra*, at 58.

Table 5-3: Sample Illuminance Levels from Electronic Signs

Background Color of Sign	Illuminance Levels from 30–120 Feet Away (Range in Foot-Candles, Varies Based on the Brightness of the Font Color and Distance from the Sign)
White	0.19–32.00
Yellow	0.13–26.67
Green	0.02–8.89
Red	0.02–8.89
Black	0.00–5.33

Table 5-3 illustrates that white-background signs can be six times as bright as a dark-background sign read from the same distance, which has a dramatic impact on driver distraction and traffic safety. Table adapted from Philip M. Garvey, *Environmental Impact of On-Premise Sign Lighting* (U.S. Sign Council, Inc., The Science of Sign Zoning CD-ROM, 2011).

Legibility

Sign legibility is a function of font type, size, color, background color and type of illumination.¹² USSC has developed a legibility index based on these factors.¹³ USSC also recommends that signs include uppercase and lowercase letters, as studies have shown that the use of all uppercase letters actually increases the amount of time a driver needs to read the sign message.

Legibility tends to be a self-regulating dimension of signage, since advertisers and sign owners have an interest in having legible signs. Furthermore, regulation of font type and size may carry legal risk, since these may be content-based regulations in violation of the First Amendment (see Chapter 6 for more discussion on content-neutrality).

Design

A sign's design is expressive of the owner's identity and creativity, but there are circumstances where communities may want to apply some constraints to sign design. Design regulations are best suited for areas of particular historic, architectural or scenic character and should focus on fonts, colors and materials used in the sign. Design regulations must be carefully drafted to provide clear and definite standards of review to avoid legal risk (see Chapter 6, discussing prior restraint, vagueness and procedural due process).

Design regulations should not be so restrictive as to impede on the functionality or usefulness of the sign, and design regulations cannot require changes to registered trademarks (see Chapter 7 on the Lanham Act and laws related to design review more generally).

¹² Mandelker et al., *supra*, at 16.

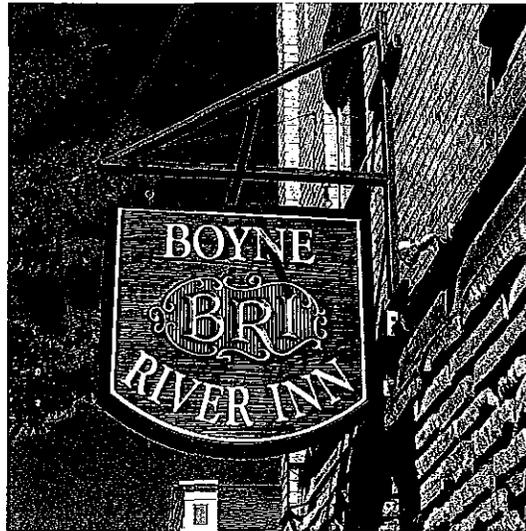
¹³ See Beverly Thompson Kahn et al., *Sign Legibility: Impact of Color and Illumination on Typical On-Premise Sign Font Legibility* (U.S. Sign Council, Inc., The Science of Sign Zoning CD-ROM, 2011).

In particular, design regulations should be avoided in residential areas and for temporary non-commercial signage, as design review for these signs may unconstitutionally restrict free speech. Most local ordinances also include provisions that prohibit privately constructed signs to carry messages or have designs that would be confusing to drivers or would mimic traffic control devices.

Comprehensive sign programs are another way to regulate sign design in multi-tenant or master-planned communities. See the section on comprehensive sign programs in Chapter 9.

Sign Industry Standards and Recommendations

The sign industry has done extensive research on best practices and methods for good signage. The following resources may be consulted in the process of developing sign regulations that incorporate many of these best practices:



Design requirements can be used to require certain materials for sign construction, such as the requirement in Boyne City, Charlevoix County, that all signs be constructed of natural materials.

- USSC research reports are available at <http://www.ussc.org/publications.html#general>.
- The Signage Foundation, Inc. research reports may be found at <http://www.thesignagefoundation.org/Research>.
- The Outdoor Advertising Association of America has a set of standards at <https://www.oaaa.org/>.

ALTERNATIVES TO SIGNAGE

While the focus of this guidebook is the regulation of outdoor signage (and signage visible from outdoors), regulators should be conscious of other elements of the built

or personal environment that, like signs, provide guidance and information and can even substitute for outdoor signage. For example, pavement markings may be a proper alternative to directional signs at driveway entrances or in parking lots. Furthermore, the advent of global positioning system (GPS) and smart phone technology allows drivers and pedestrians to locate and access businesses or services with electronically delivered directions, sometimes negating the need for large amounts of signage. Tourist-oriented directional signs that meet MDOT requirements can be placed in the right-of-way and provide an alternative to off-site directional signs (see Chapter 7).

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PRACTICE CREATIVE SIGNS



Sign Regulations That Encourage Creative Design

By James Carpenter, AICP

Most of us hadn't heard of the town of Gilbert, Arizona, until its sign ordinance made an appearance before the U.S. Supreme Court in 2015. The *Reed v. Town of Gilbert* decision struck down the sign code as being a content-based violation of the First Amendment. Gilbert has recently updated its code to comply with the U.S. Supreme Court decision. Many are still dealing with the ramifications of the *Reed* decision, as jurisdictions across the country scramble to update their sign regulations.

But there's more to Gilbert's sign code legacy than just content neutrality. Gilbert is also a community that uses its sign regulations to encourage creative sign design, contributing to a lively downtown Heritage District. While signs aren't the only factor behind Gilbert's new energy, the town's innovative sign code shows that it is entirely possible to have content-neutral sign regulations that still encourage creative and aesthetically pleasing sign designs.

This article will highlight the ways that local communities like Gilbert encourage the design of creative signs to promote community identity and commercial vitality.

CHALLENGES IN REGULATING SIGN DESIGN

Regulating sign design poses several distinct challenges relating to context and functionality, content neutrality, clarity, economic effects, and costs.

Context and Functionality

When regulating sign design, context is an important consideration. Design regulations need to be tailored to the district. The objective is to produce signs that are context sensitive, which involves stimulating creativity as much as it involves checking for compliance with the standard code requirements (Morris et al. 2001).

What works well in a downtown environment will not necessarily function well in a more suburban setting. Various districts have different needs regarding sign types. A downtown streetscape typically needs to accommodate signs for pedestrians and motorists. A suburban environment will have needs for different standards since the right-of-way, speed limits, increased setbacks, and other considerations will be different than a downtown location. A downtown may have a historic overlay district that includes several iconic sign types the community would like to encourage. In a historic overlay district certain sign types may not work well, such as electronic message centers. However, an entertainment district may be suitable for sign types such as neon or electronic message centers, which help create a lively streetscape.

Signs also need to be appropriately scaled for viewing distances and other factors, such as right-of-way width and speed limits. For a sign to effectively communicate

a message to a viewer, it must be visible, conspicuous, and legible.

Content Neutrality

In the June 2015 case *Reed v. Town of Gilbert*, the U.S. Supreme Court ruled that sign regulations that draw distinctions based on viewpoints, types of messages, topics, or subject matter are presumptively unconstitutional,

regardless of the local government's intent. Permanent signs should be regulated in a content-neutral manner with regulations distinguished not by type of use but by zoning districts (Weinstein 2016). Any sign regulations dealing with design should be content neutral and utilize time, place, and manner regulations to avoid any potential conflict with the *Reed* decision.

Clear Regulations

Regulations that are clear and easily understood by applicants are necessary not only for dimensional standards but also for sign design guidelines and regulations. Straightforward design guidelines that are easy to understand tend not to be long or complicated. Clarity and simplicity help jurisdictions achieve their regulatory goals.

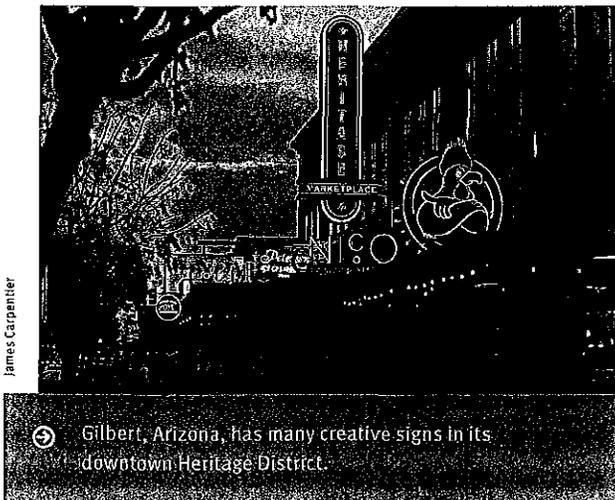
Sign regulations that are too vague can create issues as noted in the APA's *Street Graphics and the Law*, which notes that "as with all design guidelines, care must be taken that the criteria provided for design review of signs are detailed enough to withstand challenges that they are vague or overbroad. The vagueness problem is especially critical in design review ordinances that use aesthetic standards, which require subjective judgment in the review of a design" (Mandelker et al. 2015).

Economic Considerations

Economic considerations often are overlooked when sign regulations or policies are changed. The economic impact of regulations or policies needs to be part of the due diligence when sign codes are considered. "A well-constructed sign code can balance business and aesthetic interests in ways that protect the long-term economic prosperity of the community" (Connolly & Wycoff 2011).

Given the economic importance of signs, regulations should balance community design objectives and the impact of the regulation on businesses (Rexhausen 2012).

Signs have taken on greater importance for brick-and-mortar businesses, given increasing e-commerce competition. "Researchers predicted a 15 percent growth in U.S. sales and total value for online



James Carpenter

Gilbert, Arizona, has many creative signs in its downtown Heritage District.



Using a single rectangle sign area methodology (on right) translates to a 67 percent sign area penalty.

shopping between 2016 and 2017, while offline only saw a 4.5 percent increase” (Leadem 2017). It stands to reason that creative signs whose designs are outside the box will make local businesses stand out in this competitive market. Enhanced opportunities, such as a unique sign for a local business that does not have a recognizable logo, take on heightened importance.

Costs

Another factor to consider when crafting sign regulations that encourage creative design is the cost factor for the businesses that use signs. Requiring compliance with substantial design standards can be cost prohibitive for the businesses and other sign users. Some design standards can easily increase costs by 25 percent or more. Some minimum type of design standards that will fit and be acceptable to the community should be considered. Creative design alternatives or standards should be optional, so as to not be financially burdensome.

REGULATIONS CAN IMPEDE CREATIVE DESIGN

Some regulations can have the unintended consequence of stifling creative sign design. Here are a few ways that regulations can impede creative design in a community.

Measuring Area with the Smallest Rectangle

How sign area is measured can have unintended consequences when regulating signs. It is very common for a sign code to utilize the smallest rectangle when measuring sign area. This methodology of measuring sign area can drive signs to a rectangular shape. This is due to any irregular or creative shapes that are outside the box being penalized by measuring 50

percent or more “dead space” or non-sign area. Not only can the smallest rectangle methodology stifle creativity, it can make the message too small to be legible for the intended viewer.

When the smallest rectangle methodology is used, the end user tends to opt for a more simplified design that fits inside the box (Weinstein & Hart 2009). To encourage sign designs that are more creative, jurisdictions can measure sign area utilizing multiple standard geometric shapes.

Since many jurisdictions use the smallest rectangle when measuring sign area, consider also providing information for applicants so they understand that the methodology you are using includes multiple geometric shapes.

‘Match the Building’ Regulations

Some sign regulations require that a sign “match the building.” Signs are of a very different scale than a building, and often the design of a building cannot be easily transferred to the design of a sign. Regulating sign design needs to allow for some creativity rather than just matching the building. By simply using a word like “complement,” rather than “match,” combined with well-drafted design guidelines, will aid in the creation of creative signs.

Maximum Width-to-Height Ratios

Some sign regulations limit the maximum width-to-height ratio, such as 2:1. This can lead to signs that have a similar overall appearance since a ratio is stated. Simply not including this type of limitation on the appearance of signs will assist in creating additional variation in sign dimensions, appearance, and visual appeal.

Discretionary Approvals

Sometimes the approval process for a sign that is unique or using some design alternatives can take some additional time and may require approval from a design review board or similar body. A discretionary process such as design review can be a deterrent due to additional costs and the time needed to obtain approval. In addition, approval of sign designs by a design review board can be a challenge, since outcomes are at times unpredictable. For the regulation of signs, it may be better to use an administrative approach, since most signs are not as complex as the main structure (Morris et al. 2001). To encourage creative designs, some communities have opted to waive permit fees and approve applications administratively, as is done in Coral Springs, Florida, which will be discussed further in this article. Some sign regulations that encourage creative or landmark designs, such as freeway signs, may warrant additional review by a design review board due to the size and location.

Regulations Developed Without Stakeholder Participation

Whenever a jurisdiction updates any portion of the sign regulations, involvement from a wide spectrum of stakeholders is critical to the creation of effective regulations. The stakeholders should be involved from the outset of a sign code update and include developers, chambers of commerce, community groups and associations, business improvement districts, enforcement personnel, sign companies and associations, architects, planning commissioners, and design review boards, just to name a few. “Better relationships between stakeholders, who are sometimes of differing opinions, will

evolve out of planning processes that are inclusive and thoughtfully designed, ultimately leading to sign codes which embrace a well-designed urban landscape” (Jourdan et al. 2017). Although the public participation process may be time consuming and challenging, the end result will be more balanced regulations that will represent the desires of the community.

LOCAL EFFORTS TO ENCOURAGE CREATIVE SIGN DESIGN

The next section examines how several jurisdictions are utilizing different regulatory approaches to encourage creative signs.

Gilbert, Arizona

Gilbert’s sign code includes three regulatory mechanisms to encourage creative designs: a Comprehensive Sign Program (CSP), which is required for multitenant buildings, nonresidential complexes with multiple buildings, and large-scale mixed use developments; a Master Sign Plan (MSP) for applicants who wish to exceed existing code requirements; and a Heritage Sign Plan (HSP), which is used for single- or multiple-tenant commercial or office uses in the Heritage District.

The town requires a CSP for all multi-tenant and large-scale development projects not located within the Heritage Village Center Zoning District. A CSP requires design compatibility for all signs and architecturally integrated sign design (§4.405). If the CSP complies with the sign code, it may be approved by the planning manager.

For projects that include multiple tenants, office, or employment users that exceed 100,000 square feet, an MSP is an option. The MSP includes the following four evaluation criteria: placement shall ensure that signs are legible and visible; the number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and wayfinding for safety of the occupants of vehicles and pedestrians; the size of all signs shall be no larger than necessary for visibility and legibility, taking into account topography, volume and speed of traffic, viewing distances and angles, and proximity to adjacent uses; and placement of the display (§4.405 C.3.). The MSP allows deviations from the code by 25 percent in area for wall signs and 50 percent in height for

EXCERPT FROM GILBERT’S HERITAGE DISTRICT DESIGN GUIDELINES

The objectives of the signage guidelines are to provide signage that enhances the architectural design of buildings within downtown Gilbert and to encourage creative and innovative approaches to signage within an established framework.

- a. Signage should not obscure or overwhelm existing architectural details.
- b. Signs should be highly graphic in form, expressive and individualized in order to provide a distinctive character in the Heritage District.
- c. Signs should convey the product or service offered by the business in a bold, graphic form.
- d. Projecting signs supported by ornamental brackets and oriented to pedestrians are strongly encouraged (Gilbert 2010).

freestanding signs. MSP applications are approved by the design review board.

The Heritage District is the community’s original town site, representing the cultural and historical center of the community. In 1989, the Heritage District was designated as a Redevelopment Area, and in 2013, the area was also designated as an Entertainment District. Recently, the Heritage District has experienced a renaissance and contains a mix of retail, office, education, and housing uses (Gilbert 2010). Part of the vision for this plan is to create a unique, attractive, vibrant, yet peaceful gathering place. A portion of the Heritage District vision includes, “attracts a distinct mix of retail, restaurant, office, service and entertainment businesses that are a regional draw and is a unique, attractive, vibrant, yet peaceful gathering place” (Gilbert 2008). A Heritage Sign Plan is required for all signs in the Heritage District. The *Heritage District Design Guidelines* include a section on signs.

The guidelines are clearly written and provide for direction in keeping with the Heritage District goals and vision, for example: “Signs should be highly graphic in form, expressive, and individualized in order to provide a distinctive character in the Heritage District; and the continued use of exposed neon lighting is encouraged due to its visual quality at night (Gilbert 2010).” Applications for signs in the Heritage District may be administratively approved by the planning manager, if the standards and design guidelines are met.

The sign code includes the following in the Intent and Purpose section: “to emphasize small town historical character by promoting pedestrian oriented and appropriately scaled signage in the Heritage Village Center Zoning District (§4.401E.)” The sign

code allows for a variety of sign types in addition to neon in the Heritage District including projecting roof signs, suspended signs, and marquee signs.

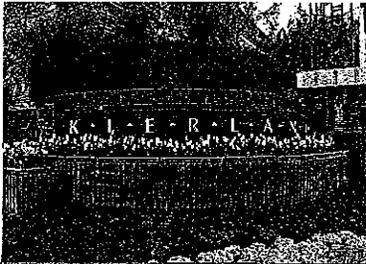
Gilbert’s approach has been comprehensive since it includes many different layers, such as the *Heritage District Design Guidelines*, *Heritage District Redevelopment Plan*, and the sign code. All of these policies and regulations have worked in concert to create a vibrant streetscape and creative signs.

Tucson, Arizona

Tucson decided to update its sign code in June 2016 with several goals. One was the creation of a code that was simplified, streamlined, and flexible. The city adopted the revised code in February 2018. It streamlined administrative processes by using existing boards to administer the sign code, which is now a part of the unified development code. The new code section that deals with design is termed “Sign Design Options.” The options include two types of applications, a MSP and Singular Sign Design Option. The purpose of the newly created MSP “is to respond to special permanent sign needs of a premise as well as provide flexibility, encourage development in accordance with adopted plans and policies and promote superior sign design to implement the purpose of this article” (§7A.7).

A unique part of the Tucson sign code is the “Best Practice Option.” This section allows for variations from the design standards when the design is based on award-winning sign designs or on a document or book published by the American Institute of Architects or the American Planning Association. Also, the “Best Practice Option” can include design guidelines that are influenced by one of the following

James Carpenter



⊕ The Kierland Commons project in Phoenix utilized the city's Comprehensive Sign Plan option.

standards: the *Manual on Uniform Traffic Control Devices*, the American Association of State Highway and Transportation Officials' *Guide for the Development of Bicycle Facilities*, the National Association of City Transportation Officials' *Urban Bikeway Design Guide*, or similar documents (§7A.7.1.F).

The criteria for approval includes the following findings: meets the MSP's design standards; creates a clear connection with the shapes, textures, colors, and materials used in the appearance of the buildings of the premise; creates proportional sizes of signs placed on or integrated into a building's architecture; improves the legibility of signs; enhances vehicle reaction time to the signs; creates an organized wayfinding

and identification or messaging program; protects significant scenic views; promotes a well-organized visual environment through appropriate sizes; and represents a best practice of the design of dark sky sign illumination (§7A7.1.G.1.).

Applications for the MSP or Singular Sign Option are reviewed by the Sign Design Review Committee, which makes a recommendation to the planning and development services director for a final decision.

Phoenix, Arizona

Phoenix uses various regulatory approaches to encourage creative designs, which are termed "Flexibility Provisions" (§705.E.).

The code includes the use of design review to consider additional height and area

for signs and comprehensive sign plans. In this context, design review is an administrative process that allows for additional height and area if design standards are met. They include consistency with the architecture and character of the site, use of materials or textures that are complementary, and colors that match or complement the building or project. Review is available in most zoning districts (§705 E.1.).

Phoenix's comprehensive sign plan (CSP) option allows signs that are not in strict compliance with district sign standards if they are appropriate for the character of development, provide adequate identification and information and a good visual environment, promote traffic safety, and are consistent with the purpose and intent of the sign code (§705E.2.).

The CSP is the most common sign code provision used in Phoenix. The city has approved more than 300 CSPs throughout its jurisdiction. The criteria for approval includes placement, quantity, size, material, illumination, and context (§705 E.2.b.). The CSP application process is done through a discretionary use permit and requires a public hearing. Minor amendments to the CSP can be approved administratively. The CSP process is used often, since most projects qualify and no limitations are placed on the project size or zoning.

EXCERPT FROM WEST HOLLYWOOD'S CREATIVE SIGN PROVISIONS

A. Purpose. This section establishes standards and procedures for the design, review, and approval of creative signs. The purposes of this creative sign program are to:

1. Encourage signs of unique design, and that exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit; and
2. Provide a process for the application of sign regulations in ways that will allow creatively designed signs that make a positive visual contribution to the overall image of the city, while mitigating the impacts of large or unusually designed signs.

B. Applicability. An applicant may request approval of a sign permit for a creative sign to authorize on-site signs that

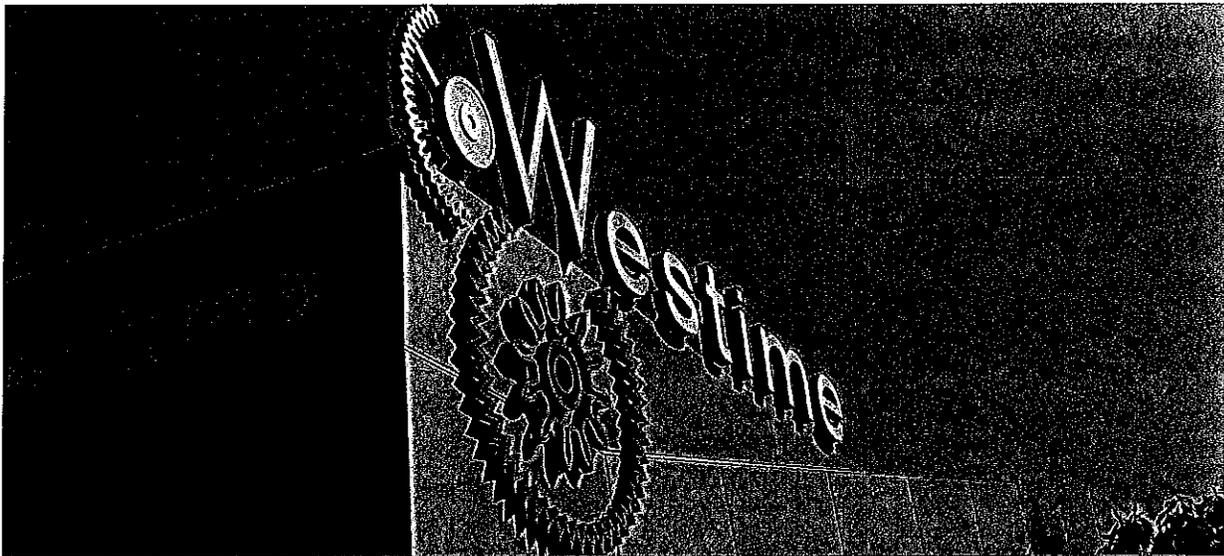
employ standards that differ from the other provisions of this chapter but comply with the provisions of this section.

C. Application Requirements. A sign permit application for a creative sign shall include all information and materials required by the department, and the filing fee set by the city's Fee Resolution.

D. Procedure. A sign permit application for a creative sign shall be subject to review and approval by the Director when the proposed sign is fifty square feet or less, and by the Commission when the sign is larger than fifty square feet. Notification for a sign permit for a creative sign shall be given in the same manner specified by this Zoning Ordinance for Director-approved development permits in Chapter 19.48.

E. Design Criteria. In approving an application for a creative sign, the review authority shall ensure that a proposed sign meets the following design criteria:

1. **Design Quality.** The sign shall:
 - a. Constitute a substantial aesthetic improvement to the site and shall have a positive visual impact on the surrounding area;
 - b. Be of unique design, and exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit;
 - c. Provide strong graphic character through the imaginative use of graphics, color, texture, quality materials, scale, and proportion (§19.34.060)



➤ An example of a creative sign in West Hollywood, California.

West Hollywood, California

A section of West Hollywood's sign code is called "Creative Signs" (§19.34.060). It establishes standards and procedures for the design, review, and approval of creative signs. The creative sign program encourages signs of unique design that exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit. Applications for smaller creative signs are administratively approved. The West Hollywood standards for

review include design, contextual, and architectural criteria.

The Creative Signs section of the West Hollywood code is straightforward, easy to understand, and has a streamlined process.

Coral Springs, Florida

Coral Springs' sign code authorizes up to 30 percent additional sign area for "designer signs," which are wall or monument signs designed in a creative or sculptural manner (§1802). To qualify,

a sign needs to include materials that are unique or different from typical signs. Designer signs must be creative, artistic, and distinctive, and can include three-dimensional sculptural elements of the letters, logos, or other elements and borders. These signs have no permit fees and are approved administratively, which includes review by the city's sign consultant (§1807(b)(14) & §1808(b)(11)).

Coral Springs has developed a "Business Sign Manual" that outlines the designer sign

process and several images of previously approved designer wall and monument signs (Coral Springs 2013). In this manual, the city encourages a preliminary meeting with staff to discuss design concepts, the submittal process, and what is required to obtain sign approval.

The city's sign code consultant indicates that the success of the designer sign program is due to "the staff at the city embracing the concept and the streamlined administration of the program" (Graboski 2018).

CONCLUSION

Regulating signs to encourage creative sign design requires some out-of-the-box thinking. A few factors stand out:

- Define the sign area using multiple geometric shapes to avoid penalizing creative designs.
- Simplicity and clarity in the guidelines or sign code language assists in facilitating administration and the desired outcomes.
- Design regulations or guidelines that are straightforward and clear are easier for applicants and staff to understand.
- Allow for a streamlined process by permitting administrative approval or a process that will not entail long timelines. Also, consider waiving or reducing permit fees.



➤ Examples of designer wall signs in Coral Springs, Florida.

CORAL SPRINGS' DEFINITION OF DESIGNER SIGNS

Designer signs are custom made wall or monument signs reviewed by the city manager or his designee and found to be of a higher creative, artistic, and three-dimensional, or sculptural nature than the standard types of signs typically used within the sign industry. Signs found to be designer signs may receive an increase in the size of the design up to thirty (30) percent larger than otherwise allowed under this Code (§1802).



City of Coral Springs

Example of a designer monument sign in Coral Springs, Florida.

- An incentive or some flexibility in the regulations for applicants that apply for a creative sign, such as a reasonable bonus in sign area or height.

A comprehensive approach has proven to work well in Gilbert's Heritage District, where signs have contributed to a vibrant nightlife scene. The communities of Tucson, Phoenix, West Hollywood, and Coral Springs have also discovered the benefits of encouraging creative sign design. The results of these sign design guidelines or regulations can be easily seen in the creative signs that these communities now enjoy.

ABOUT THE AUTHOR

James Carpentier, AICP, is director of state and local government affairs with the International Sign Association. He works with and educates local officials and planners throughout the country to create beneficial and effective sign codes. Prior to that, Carpentier was the principal of Carpentier Consulting, LLC, where he specialized in sign variances, entitlements, and sign legislation. He has over 25 years' experience as a certified planner in the public and private sectors

Cover: Photo by Carol M. Highsmith

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