



**City of Boyne City**  
Founded 1856

319 N. Lake Street

Boyne City, Michigan 49712  
[www.boynecity.com](http://www.boynecity.com)

Phone 231-582-6597  
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**AGENDA**  
**BOYNE CITY PLANNING COMMISSION**  
Monday, May 18, 2015, 5:00 p.m.  
Boyne City Hall



Scan QR code or go to  
[www.cityofboyne.com](http://www.cityofboyne.com)  
click on Boards & Commissions for complete  
agenda packets & minutes for each board

1. Call to Order
2. Roll Call - Excused Absences
3. Consent Agenda

*The purpose of the consent agenda is to expedite business by grouping non-controversial items together to be acted upon by one Commission motion without discussion. Any member of the Commission, staff, or the public may ask that any item(s) on the consent agenda be removed to be addressed immediately following action on the remaining consent agenda items. Such requests will be respected.*

Approval of minutes from April 20, 2015 Boyne City Planning Commission meeting.

4. Hearing Citizens Present (*Non-Agenda Items*)
5. Reports of Officers, Boards, Standing Committees
6. Unfinished Business
7. New Business
  - A. Planning Commission Reappointment Recommendation for George Ellwanger and Chris Frasz.
  - B. Review Boyne City Sign Ordinance
8. Staff Report
9. Good of the Order
10. Adjournment – Next Meeting June 15, 2015

*Individuals with disabilities requiring auxiliary aids or services in order to participate in municipal meetings may contact Boyne City Hall for assistance: Cindy Grice, City Clerk/Treasurer, 319 North Lake Street, Boyne City, MI 49712; phone (231) 582-0334*

**Meeting of  
April 20, 2015**

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday, April 20, 2015 at 5:00 pm.

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**Call to Order**

Chair MacKenzie called the meeting to order at 5:00 p.m.

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**Roll Call**

Present: Jason Biskner, Jim Kozlowski, Jane MacKenzie, Tom Neidhamer, Aaron Place and Joe St. Dennis  
Absent: George Ellwanger and Chris Frasz  
Vacancy: One

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**Excused Absence(s)  
\*\*MOTION**

**2015-4-20-02**  
**St. Dennis moved, Place seconded, PASSED UNANIMOUSLY**, a motion to excuse the absence of George Ellwanger and Chris Frasz

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**Meeting Attendance**

City Officials/Staff: Planning Director Scott McPherson, Main Street Director Lori Meeder and Recording Secretary Pat Haver  
Public Present: Six including Consultant Mary Campbell from MC Planning & Design

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**Consent Agenda  
\*\*MOTION**

**2015-4-20-03**  
**Neidhamer moved, St. Dennis seconded, PASSED UNANIMOUSLY**, a motion to approve the consent agenda; approval of the Planning Commission minutes from March 9, 2015 as presented.

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**Citizen comments on  
Non-Agenda Items**

None

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**Reports of Officers, Boards  
and Standing Committees**

The Placeplan committee has met, and will be holding a public forum on Tuesday, May 19<sup>th</sup> at the Boyne City High School, unsure of the time; it is either 5:30 or 6:00 pm.

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**Unfinished Business**

None

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**New Business**

Planning Director McPherson turned the meeting over to Glen Catt for an update on his project.

**Glen Catt project update**

**Glen Catt** – There have been a couple of setbacks that have forced them into changing the plans. When the soil boring tests came back, they indicated that there is peat moss under the current structure and it isn't stable enough in order to support the proposed (3) story structure; a possible solution would be the use of pile systems that would need to go down several feet and are quite expensive. The old bus garage quonset hut roof must remain and is making it difficult as the trusses are not only old but are rotting out. Because this building is a registered historic building, they needed to petition for a variance in the truss structure and were denied. The major concern is the snow load that could potentially build up on the roof and the "wall" of the residential structure. The construction costs are closer to \$18.00 per square foot, and the top floor residential rate would not bear what it would take to recoup the investment. Some of the changes that are being made are: elimination of the 3<sup>rd</sup> floor, and the drive thru and interior parking so there will not be a bank on the south end to anchor the project; however, there is someone who is interested in a store front on the back side of the garage. They will be doing away with the green roof, again due to the extra weight; however, will still have the roof

top deck. Because of the changes, they have shaved off 2.9 million of the overall construction costs.

**McPherson** – What is your time line? **Catt** – We will now be utilizing the existing Lakefront Mall building so there will not be any demolition of the structure just gutting the interior, start of the project looks to be after Labor Day. I will be down talking to the architect and engineers tomorrow so could have plans to the commission in May or June. The board had questions if the outside of the building has changed in color or materials due to the elimination of the 3<sup>rd</sup> floor.

**Lori Meeder: Main Street Director** – The Main Street board is very supportive of the project, and the life that it will bring to that part of town. He will be accessing Community Development Block Grants from the MEDC for securing additional employment and blight elimination (community rehab projects), National Historic Trust, and MiSHDA through affordable housing. The local investment is the city is working on an amendment to the TIF plan that will allow reimbursement of eligible expenses such as façade, barrier free handicapped access, and fire suppression of the project. Requirements of the grants are each project must generate income and the amendment will allow reimbursement only up the cost of the eligible expenses. Once reimbursements of those expenses have been taken care of, all of the tax money will go to the local community. This is a great public/private partnership. There will be a public hearing on the TIF amendment set for May 26<sup>th</sup> at the City Commission meeting.

**Review Master Plan  
Draft**

Mary Campbell from MC Planning & Design facilitated discussions on the information in the agenda packet. The board liked the direction the plan was going, and had comments on the font used in Chapter 2; they would like it changed as it is difficult to read. On the Future Land Use Map the board asked about different ways to present the map, so that it was easier to decipher; possibly an overlay, no parcel lines, changing colors of the districts, and changing colors of the labels. Suggested changes will be made, and a full version will be presented at the May meeting.

**Staff Report**

The interviews for the Assistant Planner position will be held on Monday, April 27<sup>th</sup>. They have chosen 5 to interview, and hopefully make a selection next week. Safe Routes to school we have the conditional commitment and expect the engineering process to begin next week, hope to begin construction in 2016.

**Good of the Order**

- Citizens for a Better Boyne are working diligently to get the word out about the city facilities and their condition. They are encouraging everyone to attend one of the open houses that have been set and to get out and vote on May 5<sup>th</sup>.
- Business Expo will be Thursday, April 23<sup>rd</sup> from 3:00 to 7:00 pm at the old Carters Building.

**Adjournment  
\*\*MOTION**

The next regular meeting of the Boyne City Planning Commission is scheduled for Monday, May 18, 2015 at 5:00 pm in the Auditorium.

**2015-4-20-10**

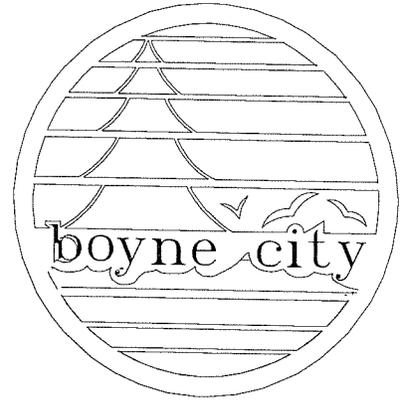
**St. Dennis moved, Place seconded, PASSED UNANIMOUSLY** a motion to adjourn the April 20, 2015 meeting at 6:09 p.m.

Chair Jane MacKenzie

Pat Haver, Recording Secretary

**CITY OF BOYNE CITY**

**To:** Chair Jane MacKenzie and fellow Planning Commissioners  
**From:** Scott McPherson, Planning Director  
**Date:** May 18, 2015  
**Subject:** Planning Commission Reappointments



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**Background Information**

On May 31, 2015 the terms for Planning Commissioners George Ellwanger and Chris Frasz will expire.

**Process**

The procedures for the appointments to the planning commission are regulated by Ordinance A - 21. The ordinance stipulates that planning commissioners are appointed by the Mayor subject to the majority vote of the City Commission. In accordance with past practice the Planning Commission makes recommendations on planning commission appointments prior to submission to the City Commission

**Recommendation**

Recommend reappointment of George Ellwanger and Chris Frasz to the planning commission for a 3 year term expiring May 31, 2018.

**AN ORDINANCE TO REPEAL AND REPLACE Ord. No. A-72 of THE CITY  
OF BOYNE CITY CODE, TITLED “SIGN ORDINANCE.”**

The City of Boyne City Commission ordains:

Ord. No. A-72, titled “Sign Ordinance,” of the City of Boyne City Code (the “Code”) is hereby repealed and replaced and shall be codified as a Chapter within the Code with the following:

**ARTICLE I.**

**INTENT AND PURPOSES**

**Sec. 1.1 Intent.**

An Ordinance to regulate and control the size, location, number, and types of signs within the City of Boyne City, and to provide penalties for violation of such regulations. This Ordinance shall be known as the “Boyne City Sign Ordinance.”

The City of Boyne City ordains:

The regulations set forth herein shall apply and govern signs in all parts of Boyne City. No signs shall hereafter be erected, moved, or substantially altered unless it is in conformity with the provisions of this Ordinance and unless a permit is obtained for such sign prior to being erected, moved, or substantially altered.

**Sec. 1.2 Purposes.**

The City Commission enacts this Sign Ordinance for the following purposes:

- 1) To encourage placement of signs that is consistent with the community’s cultural, historical, and natural features;
- 2) To promote signs that enhance the landscape quality of the community;
- 3) To protect property values by preventing structures that have a blighting effect on the existing aesthetic character of the City;
- 4) To promote the community’s principal economic base as a resort tourism destination;
- 5) To maintain signs within a reasonable scale and character relative to the buildings to which they relate;
- 6) To protect neighboring properties and residential areas from lighting trespass, to reduce and direct lighting to maintain the visibility of the Northern Michigan night sky, and to avoid encroachment of commercial visual character into residential neighborhoods;
- 7) To control the number of signs reasonably necessary to identify a business and its products and/or services;
- 8) To prevent aesthetic nuisances and visual blight;
- 9) To further the objectives of the City’s Master Plan;
- 10) To prevent visual and physical hazards, obstructions, and distractions to motorists and pedestrians for purposes of public safety;
- 11) To prevent placement of signs that will conceal or obscure adjacent businesses or the signs of adjacent

businesses where possible;

- 12) To regulate erection and maintenance of signs that are potentially dangerous to the public due to structural deficiencies, disrepair, decay, or abandonment.

## **ARTICLE II.**

### **DEFINITIONS**

#### **Sec. 2.1 Definitions.**

For purposes of this Ordinance, the following words shall have the meanings respectively ascribed to them, except where the context clearly indicates a different meaning:

- 1) Abandoned Conforming Sign. A sign pertaining to a business, lessor, owner, product, or activity that has not been available upon the premises where such sign is displayed for a period of one year or longer.
- 2) Abandoned Nonconforming Sign. A sign pertaining to a business, lessor, owner, product, or activity that has not been available upon the premises where such sign is displayed for a period of 90 days or longer.
- 3) Address Sign. A sign identifying a numerical designation commonly used to indicate the location of a building on a street or right-of-way.
- 4) Attended Sign. A non-commercial sign that is hand-held or carried by a person such as a placard, picket, or poster.
- 5) Awning. A fabric-covered, rigid framework shelter attached to a building. Awnings may be fixed or retractable. Marquee awnings are those that are supported by ground posts and extend over the entrance to a building.
- 6) Awning Sign. A sign that is part of or attached to the surface of an awning.
- 7) Banner. A sign printed or displayed upon cloth or other flexible material, excepting flags as defined by this Ordinance.
- 8) Billboard. An off-premise sign.
- 9) Canopy. A horizontal, roof-like shelter or structure, usually attached to a building that may be suspended, cantilevered, or pole-supported.
- 10) Canopy Sign. A sign that is part of or attached to the surface of a canopy.
- 11) Changeable-message Area. That portion of a sign that displays characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign.
- 12) Commercial Sign. Any sign that identifies, advertises, or directs attention to a business or is intended to induce the purchase of goods, property, or services.
- 13) Community Banner. A temporary banner erected with approval by the City, identifying an event sponsored by a non-profit association or corporation for a charitable, educational, or public purpose.
- 14) Community Event. A charitable, educational, or public event.
- 15) Community Event Sign. A temporary, noncommercial, on-premise or off-premise sign for a Community Event

- 16) Community-service Sign. A sign that identifies non-profit associations or corporations, including service clubs.
- 17) Construction Sign. A temporary, free-standing or wall sign erected on property to advise the public of the design, construction, location, management, financing, and/or leasing of a building or buildings under construction or renovation.
- 18) Directional Sign. A sign that directs the location of or route to a use or occupancy.
- 19) Directory Sign. A sign that displays the names and locations of multiple businesses, as well as the locations of related customer-convenience services and facilities.
- 20) Electronic-message Sign. An electrical sign displaying changeable information (such as time-temperature, etc.) by use of electronic or mechanical indication.
- 21) Exterior-business Sign. A sign located outside a building.
- 22) Externally illuminated Sign. A sign that is illuminated by a light source that is outside the face of the sign.
- 23) Fixed-message Area. That portion of a permitted sign that is used for a permanent message, such as the name of a business or organization, or its principal service or product.
- 24) Flag. An official flag or emblem of governmental, civic, philanthropic, educational, or religious organizations displayed on fabric or other material generally mounted to a pole. Flags as defined by this ordinance are not regulated as signs.
- 25) Flashing Sign. Any lighted or electrical sign which gives out light or varying intensities of light in sudden intermittent bursts. Noncommercial, electronic-message signs, such as time-and-temperature signs, are not considered flashing signs for the purpose of this Ordinance.
- 26) Free-standing or Ground Sign. A non-portable sign supported by permanent uprights or supports on or in the ground and not attached to any building or structure.
- 27) Frontage. The length of the property line or the width of any one building along the public right of way on which it borders.
- 28) Graphics. Including, but not limited to, any mosaic, mural, painting, or graphic-art technique constructed, molded, painted, etched, or otherwise placed onto a building or structure.
- 29) Ground-floor Wall Area. For purposes of this Ordinance, the ground-floor wall area is the width of the wall multiplied by an assumed standard ground-floor height of twelve (12) feet.
- 30) Historic Sign. A sign located on a building or site that is determined by the City's Planning Commission to be of historic merit and significance and is an integral element to the historic character of the building or site.
- 31) Illuminated Sign. Any sign that has characters, letters, figures, or designs, illuminated by electric lights or luminous tubes as part of the sign.
- 32) Internally-illuminated Sign. A sign that is lighted by a source inside the sign face, behind the sign face, or otherwise back-lighting the sign face or message. The definition includes individual internally-illuminated letters, commonly known as channel signs, as halo lighting, and as dimensional lettering.
- 33) LED Sign. A sign that is illuminated with light emitting diodes.
- 34) Maintenance. The ordinary preventative maintenance of a lawfully existing sign which does not involve a

change of placement, size, lighting, color, or height.

- 35) Mansard. A roof having two (2) slopes with the lower slope much steeper than the upper slope. The lower slope is oriented on a vertical axis and therefore is visible as a part of the building facade. The mansard cap is a version of this roof that often is applied to only one facade on the building, particularly one-story commercial structures. Fascia roofs and Parapet walls shall be regulated as a mansard for purposes of this Ordinance.
- 36) Marquee. A specialized, permanent canopy projecting over the entrance of a movie theater.
- 37) Marquee Sign. Any sign attached to or made a part of a marquee.
- 38) Monument Sign. Sign placed on a solid base that is placed or attached to the ground and not attached to a pole or supports.
- 39) Motor Vehicle Sign. A sign that is on a motor vehicle or trailer.
- 40) Moving Sign. A sign that physically moves or has the appearance of moving.
- 41) Mural. A work of decorative art applied on or attached to an exterior wall within public view that does not include graphics or text that can be interpreted as commercial advertising. Embellishments to or decoration of architectural elements are not considered a mural.
- 42) Neon Sign. A sign constructed of thin, visible, molded tubes containing a gas for illumination.
- 43) Noncommercial Sign. A sign that is not related to or connected with trade or commerce in general.
- 44) Nonconforming Sign. Any sign that does not conform to the requirements of this Ordinance.
- 45) Off-premise Sign. Any sign located on property that displays a message pertaining to a business, service, good, or activity that is not located on the same property as the sign.
- 46) On-premise Sign. A sign with a message that relates to a business, service, good, activity, or profession lawfully being conducted, sold, or offered on the same premises.
- 47) Opaque. Material coloring which permits no light to pass through.
- 48) Open banner. A flag or banner not exceeding fifteen (15) square feet placed on the exterior of the building or on the property on which the business or use is located.
- 49) Open sign. A sign not exceeding three (3) square feet that only indicates a business is open.
- 50) Overhanging Sign. A fixed-message sign that is affixed to any part of a building (but not as a marquee), where the sign surface is perpendicular to the building wall, and the sign is oriented toward viewing by vehicular traffic.
- 51) Pennants, Spinners, and Streamers. Material mounted to a building or suspended from a rope, wire, or string and designed to move with the wind in a free-flying manner.
- 52) Permanent Sign. A sign of a durable material anchored or secured to a building, accessory structure, or the ground, that is not temporary.
- 53) Political-event Sign. A temporary, unattended sign pertaining to an official city, school district, county, state, or federal election or referendum, or other sign as defined by law.
- 54) Portable Sign. A sign not permanently affixed, anchored, or secured to the ground or to a structure,

including trailered signs, tripods, menu and sandwich-board signs.

- 55) Real Estate Sign. A temporary sign placed upon property advertising that the particular property is for sale, lease, or rent.
- 56) Residential-event Sign. A non-commercial sign located in a district zoned for residential uses, identifying a permissible event at a residence, such as a garage sale, yard sale, etc.
- 57) Roof Sign. A sign that is located upon, above, or over the roof of a structure, or in the case of a building with a mansard roof, a sign that is above the deck line of the mansard roof.
- 58) Sandwich-Board Sign. A professionally-designed, custom-constructed portable sign, also known as a "tent" sign.
- 59) Shopping Center. A retail/service complex, containing more than one business, where buildings are physically connected and the businesses share private access drives and parking.
- 60) Sign. Any fabricated sign or outdoor display structure, including its structure, consisting of any letter, figure, character, mark, point, plane, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminating device, which sign is constructed, attached, erected, fastened or manufactured in any manner whatsoever so that the same is used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, and which is displayed in any manner on a window or out of doors for recognized advertising purposes.
- 61) Sign Area. The sign area is the maximum height multiplied by the maximum width of the sign components including any frame or other material or color or open spaces or voids forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. Two sides of a sign structure are not added together to calculate sign area provided the sides have a one hundred and eighty (180) degree, back-to-back relationship. In the case of a broken sign (a sign with letters individually mounted to a wall), the total surface area shall be measured by multiplying the horizontal distance between the outer edges of the two (2) furthest letters by the maximum vertical height of any letters in the sign.
- 62) Sign Height. The vertical distance of a sign from the average finished grade level to the top of the sign structure, including any frame work.
- 63) Signable Area. The permitted sign area for a particular sign type calculated in accordance with the standards and formulas of this Ordinance.
- 64) Sign Face. The portion of a sign upon, against, or through which the message is displayed.
- 65) Sign Supports or Uprights. A non-illuminated structure that is used to brace, support, or hold a free-standing sign.
- 66) Spill light. Light that is not contained to the area intended to be illuminated.
- 67) Subdivision. A planned residential development consisting of eight (8) or more single-family homes.
- 68) Temporary Sign. A sign intended to be displayed for a limited period of time.
- 69) Tent Sign. See sandwich-board sign.
- 70) Trailered Sign. A sign mounted on a trailer or other wheeled device.
- 71) Wall Sign. A sign that is attached to a building wall with the sign face parallel to the building wall.

72) Warning Sign. Any sign that alerts persons to safety hazards or potential violations.

73) Window Sign. A commercial sign that uses window and/or door display area for exterior viewing.

**Sec. 2.2 Zoning References.**

For purposes of this Ordinance, "lot," "lot line," "front yard," and similar words shall be as defined the Zoning Ordinance of the City of Boyne City.

**Sec. 2.3 Illustrations.**

The illustrations contained herein are for convenience purposes only. In the event that a conflict arises between the meaning of any text and its corresponding illustration, the text shall control.

**ARTICLE III.**

**GENERAL PROVISIONS**

**Sec. 3.1 Provisions Applicable to All Districts.**

The following provisions shall apply to all districts within the City:

- 1) Pre-existing Non-conforming Signs. Any sign that conformed with a sign ordinance in effect at the time said sign was displayed, may be maintained, subject to the provisions herein contained.
- 2) Sign Construction and Assembly. Overhanging signs and free-standing signs shall have a sign face that is an integrally-framed structure and shall not have multiple, attached separate sign units on the face of the sign supports. The entire sign shall be made of materials that maintain this integral character, rather than an assemblage of different sign types and materials.
- 3) Sign Installation. No sign shall be placed, displayed, or installed upon property without the consent of the property owner. Wall-mounted signs and overhanging signs shall be thoroughly secured to a building by metal anchors, bolts, supports, rods, or braces and shall comply with building code requirements for wind loads, snow loads, and dead loads. Independently-mounted letters, figures, or similar message elements shall be safely and securely attached to the sign face and building wall.
- 4) Sign Maintenance. Signs shall be maintained at all times in a clearly legible and safe condition and shall be kept in good repair. Lighting for a sign shall be maintained in working order.
- 5) Obstructions to any Door, Window, Sidewalk, or Fire Escape. No sign shall be erected, re-located, or maintained so as to prevent ingress or egress from any door, window, sidewalk, or fire escape.
- 6) Sign Constituting a Traffic Hazard. No sign shall be placed, displayed, or illuminated so as to obstruct or impair driver vision. A sign shall not obstruct the view of any official traffic sign, traffic signal, or traffic marking. Signs that, by reason of their location, shape, size, or color, can be confused with an official traffic sign, signal, or marking, shall not be permitted. Signs which use beacons, spotlights, or searchlights visible from public rights-of-way are prohibited.
- 7) Abandoned Sign. Abandoned signs shall be removed in accordance with their status as to conformity. Where such signs are non-conforming in size, or height, or other features, they shall be removed within 90 days. Where the sign is conforming but abandoned they shall be removed after one year. Any abandoned conforming sign or abandoned non-conforming sign or sign structure may be removed by the City at the expense of the property owner.
- 8) Historic signs may be maintained, restored, or renovated subject to review of the sign and historic designation.

## ARTICLE IV.

### PROHIBITED SIGNS

#### Sec. 4.1 Signs Prohibited.

The following exterior signs are prohibited in all districts, except as otherwise provided in this Ordinance:

- 1) Signs which incorporate in any manner any flashing or moving lights.
- 2) Commercial electronic message signs.
- 3) Phosphorescent or luminescent signs.
- 4) Any sign which has any visible moving parts, visible revolving parts, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, including intermittent electrical pulsations by action of normal wind current or by any other means. This section does apply to signs designated as historic signs.
- 5) Signs that are placed upon or attached to a trailer or other wheeled device for display.
- 6) Roof-mounted signs.
- 7) Signs painted, posted, or mounted on trees, rocks, or other natural features, fences, fence posts, light poles, benches, flower boxes, and perimeter or privacy walls, and telephone or utility poles.
- 8) Any sign or sign structure that the City determines is structurally unsafe.
- 9) Signs such as balloons, pennants, streamers, pinwheels, searchlights or other devices with similar characteristics.

## ARTICLE V.

### PERMITTED SIGNS

#### Sec. 5.1 Signs Permitted in All Districts.

The following signs are permitted in all districts without a permit in accordance with the specific requirements and standards

- 1) Real Estate Signs. One (1) real estate sign per road frontage shall be permitted on the property intended to be rented, leased, and/or sold, provided that the sign is removed within fifteen (15) days after the sale, lease, or rental of the property, and shall not be displayed, placed, or mounted in public right-of-way or on public property. Real estate signs shall be built and installed in accordance with the following schedule:

|                                 |         |            |
|---------------------------------|---------|------------|
| TRD, RED, WRD,<br>MFRD, MHPD    | 6 feet  | 8 sq. ft.  |
| CBD, TCD, POD,<br>GCD, CSD, WMD | 8 feet  | 8 sq. ft.  |
| RC/IND, PID                     | 10 feet | 24 sq. ft. |

- 2) Real estate open house signs. Two (2) off premise real estate directional signs may be displayed on private property during the period of the open house. Signs may not be larger than three (3) square feet with a maximum height of four (4) feet. Signs may not be placed in the City right of way.
- 3) Construction Signs. A construction sign for each development project shall be permitted on a construction site. Construction signs may not be placed in the public right-of-way. Such a sign shall be removed by the owner or lessee of the property within fifteen (15) days of occupancy or completion of the project. Construction signs shall be built and installed in accordance with the following schedule:

| <b>Zoning District</b>          | <b>Maximum Height</b> | <b>Maximum Sign Area</b> |
|---------------------------------|-----------------------|--------------------------|
| TRD, RED, WRD,<br>MFRD, MHPD    | 6 feet                | 8 sq. ft.                |
| CBD, TCD, POD,<br>GCD, CSD, WMD | 8 feet                | 8 sq. ft.                |
| RC/IND, PID                     | 10 feet               | 24 sq. ft.               |

- 4) Residential-Event Signs. For publicizing a single event such as a garage sale, yard sale, estate sale, or moving sale, residential-event signs are permitted for a period not to exceed seven (7) days in a ninety (90) day period. Off-premise residential-event signs shall not be displayed, placed, or mounted on public property.
- 5) Political-event Signs. Political-event signs are permitted on private property only and shall not exceed eight (8) square feet in area and four (4) feet in height. Political-event signs shall be removed within seven (7) days following the political event to which the sign pertains.
- 6) Attended, Noncommercial Signs. Attended, non-commercial signs such as hand-held political placards and demonstration pickets shall be permitted, subject to all applicable local, state, and federal laws.
- 7) Motor Vehicle Signs. Motor vehicle signs that have advertising for a business, product, or service are permitted if the vehicle or trailer is parked for a period no longer than seven (7) days in a ninety (90) day period.
- 8) Governmental Signs. Governmental signs of a branch of local, state, or federal government, including traffic or similar regulatory devices, or signs required to be maintained or posted by law or governmental order, rule, or regulation.
- 9) Commemorative Signs. Commemorative signs such as cornerstones, historical markers, memorial plaques or tablets, and the like.
- 10) Warning Signs. Warning signs such as “No Trespassing,” “No Hunting,” “Danger,” and “Beware of Dog”.
- 11) Window Signs. A business may display interior signs (in addition to an allowed open sign) that occupy not more than fifty percent (50%) of the total window area of each floor level of said business in the commercial and industrial districts.
- 12) Open Signs and Banners. One illuminated open sign of not more three (3) square feet or an open banner not exceeding fifteen (15) square feet during business hours. Open signs or banners must be on the building or on the property on which the business is located. Illuminated open signs may not flash or blink.
- 13) Address Sign. Address signs shall consist of numerals only, and shall have a maximum height of six (6) inches.
- 14) Community-Event Signs. A temporary sign or banner that provides information regarding a community

event in the City that is sponsored by a unit of government or a non-profit organization. The number of signs, sign area, sign location and duration shall be approved by the City Manager, or his or her designee, prior to installation. Community-event signs shall be removed within 48 hours after the event that they identify.

**ARTICLE VI.**

**SIGNS REQUIRING A PERMIT**

**Sec. 6.1 Signs Requiring a Permit.**

The following on-premise signs may be erected, altered, or relocated in accordance with the regulations of this section and subject to the permit requirements of Article IX.

- 1) Banners. Banners not exceeding sixteen (16) square feet may be displayed on a building wall for not more than fourteen (14) days in any ninety (90) day period.
- 2) Directional Signs. Directional signs, each not exceeding three (3) square feet in surface area and no more than four signs per lot, displayed strictly for the direction, safety, or convenience of the public, including signs that identify restrooms, parking-area entrances or exits, visitor parking, restricted parking, clearance, freight entrances or the like. Any additional directional sign, not exceeding three (3) square feet in surface area, may be permitted subject to the approval of the Sign Committee upon showing sufficient need. The maximum height of entrance and exit signs for driveways and/or parking areas shall be five (5) feet.
- 3) Dwelling-unit structures with home occupations may have one sign not exceeding three (3) square feet. The sign must be attached flat against the wall of the dwelling unit that is being used for the home occupation.
- 4) Wall-Mounted Signs. Permanent Wall-Mounted signs subject to the following restrictions:
  - a) The sign shall be mounted such that no part of the sign is higher than the height first floor façade of the building upon which it is mounted.
  - b) Mansards may have only one sign per business, not exceeding twenty five percent (25%) of the total wall-mounted, signable area and permitted only on the front of the building mansard.
  - c) The wall-mounted sign area for non-profit institutional uses located in residential zones not exceeding twenty five (25) square feet for each street the building has frontage. Institutional uses may have a maximum of one six (6) square foot, changeable-message-area sign. Changeable-message-area signs are permitted only on those facades that front directly on a public right-of-way or parking area or may be included as part of free standing sign.
  - d) The total area and number of all wall-mounted signs in commercial districts shall be restricted according to the following schedule:

| <b>Zoning District</b> | <b>Area of Wall Signage Allowed</b>  |
|------------------------|--|
| POD, WMD               | One half (½) square foot sign area per each linear foot of frontage up to 16 square feet |
| CBD, TCD               | One (1) square foot sign area per each linear foot of frontage up to 50 square feet      |
| GCD, RC/IND, PID       | One (1) square foot sign area per each linear foot of frontage up to 100 square feet     |

- 5) In the CBD, TCD and POD Zoning Districts, buildings are permitted a maximum of one six (6) square foot, changeable-message-area sign per building entrance to provide upper floor directories, restaurant menus, and the like. Changeable-message-area signs are permitted only on those facades that front directly on a

public right-of-way or parking area. Changeable-message signs shall not exceed the maximum height of windows or doors on the first-floor facade.

- 6) Institutional uses in residential districts may have a maximum of one six (6) square foot, changeable-message-area sign. Changeable-message-area signs are permitted only on those facades that front directly on a public right-of-way or parking area or may be included as part of free standing sign.

**ARTICLE VII.**

**SIGNS REQUIRING REVIEW**

**Sec. 7.1 Signs Requiring Review.**

The following on-premise signs may be erected, altered, or relocated if approved by the Boyne City Planning Commission, or its designated Sign Committee, subject to the permit and review requirements of Article IX.

- 1) On-premise, commercial free-standing signs, where the building has a front-yard setback of at least ten (10) feet, shall be limited to one such sign per lot in the front-yard area of the lot. The area and height of free-standing signs identifying a business or service are restricted according to the following schedule:

| <b>Zoning District</b> | <b>Maximum Height in Feet</b> | <b>Maximum Sign Area in Square Feet</b> |
|------------------------|-------------------------------|---|
| CBD, TCD               | 6                             | 12                                      |
| GCD                    | 10                            | 50                                      |
| RC/IND, PID            | 10                            | 50                                      |

- 2) Gasoline price signs. A gasoline service station shall be permitted one additional sign indicating only the prices of gasoline. Such sign may be double faced with a maximum area of 8 square feet. LED signs are not permitted to be used as gasoline price signs.
- 3) Free-standing signs identifying a multi-family residential complex or sub-division in any district shall be restricted to a maximum area of twelve (12) square feet and a maximum height of six (6) feet.
- 4) A free standing sign for non-profit institutional uses located in residential zones shall not exceed a height of eight (8) feet or an area of twenty five (25) square feet.
- 5) Illuminated signs. One illuminated sign in addition to an illuminated open sign may be approved in accordance with the following standards.
  - a) Exterior lighting shall be provided from a downward external light source attached to the sign and directed only to the face of the sign. Sign light sources shall not exceed 1,750 lumens per sign face and shall be shielded in order to prevent visible glare to passing motorists, and spill light, and shall not be directed so as to trespass or encroach in or upon neighboring properties.
  - b) Interior illumination is only permitted for individual letters, logos or lettering on a sign. Backgrounds shall be opaque. All illumination shall be steady and stationary in source and intensity.
- 6) Sandwich Boards. Sandwich-board signs are allowed in the Central Business District (CBD), on private or public property, subject to the following conditions:
  - a) One sandwich board sign may be permitted per each ground-floor business. All such signs shall be subject to review and approval by the Planning Commission, or its designated Sign Committee, prior to placement, in accordance with these standards.
  - b) A business with at least two-hundred (200) square feet of net floor area, may display a sandwich-

board sign during the business hours of the business displaying the sign.

- c) Sandwich-board signs shall not exceed six (6) square feet in area and three (3) feet in height.
  - d) Sandwich-board signs on private property shall not obstruct doorways.
  - e) Sandwich-board signs on a public right-of-way/sidewalk shall be kept within thirty-six (36) inches of the building face and within six (6) feet of the building entrance for the business to which the sign pertains and shall not obstruct pedestrian traffic or impede maintenance and/or snow and ice removal.
  - f) Sandwich board signs located in the Main Street District shall meet the Main Street Design Guidelines.
- 7) Wall-mounted signs above the first floor of a multiple-story building.
- 8) Marquee, canopy, and awning signs.
- 9) Overhanging Signs. One Overhanging Sign per commercial building shall only be permitted in the commercial districts where a lot does not have a free-standing sign. Height, area and placement of overhanging signs must meet the following requirements:
- a) Overhanging signs must have a minimum clearance of ten (10) feet above the sidewalk.
  - b) No part of an overhanging sign shall exceed the height of the building facade or extend more than forty-eight (48) inches in width.
  - c) Sign area may not exceed sixteen (16) square feet.

**7.2 Signs for preexisting nonconforming commercial uses in the TRD and RED**

Preexisting legal nonconforming commercial uses located in the TRD may have total signage not to exceed 12 square feet in area. Signage may consist of wall signs, free standing signs or a combination. Free standing signs shall only be permitted if the building has a front-yard setback of at least ten (10) feet. Free standing signs in the TRD shall not to exceed a maximum height of 6 feet. (Signs may be illuminated in accordance with the provisions of section 7.1(5))

Preexisting legal nonconforming commercial uses located in the RED may have total signage not to exceed 8 square feet in area. Signage may consist of wall signs, free standing signs or a combination. Free standing signs shall only be permitted if the building has a front-yard setback of at least ten (10) feet. Free standing signs in the TRD shall not to exceed a maximum height of 4 feet. (Signs may be illuminated in accordance with the provisions of section 7.1(5))

**7.3 Procedures for Signs Requiring Review.**

Signs shall be reviewed in accordance with the procedures as set forth in Article IX.

**ARTICLE VIII.**

**NONCONFORMING SIGNS**

**Sec. 8.1 Restrictions for Nonconforming Signs.**

Nonconforming signs shall be restricted as follows:

- 1) Expansion, Enlargement, and Alteration. Nonconforming signs shall not be structurally altered so as to

prolong the life of the sign, such as to change the shape, size, type, design, or face of the sign. Non-conformities shall not be enlarged, expanded, or extended.

- 2) Re-establishment. A nonconforming sign shall not be re-established or displayed after the activity, business, or usage to which it relates has been discontinued for ninety (90) days or longer.
- 3) Reconstruction. Should any nonconforming sign or any portion thereof be destroyed by any means, to the extent of 60 percent or more, it shall be reconstructed only in conformity with the provisions of this Ordinance.
- 4) Relocation. Should any sign be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- 5) Maintenance. Nonconforming signs may be maintained in their present shape, size, and materials with ordinary repairs so as to remain in a safe condition and to avoid unsightly deterioration.
- 6) Relocation of On-site Elements. If the owner of a sign or the premises on which a sign is located changes the location of a building, property line, or sign, or changes the use of a building such that any sign on the premises is rendered nonconforming, such sign shall be made to conform to this Ordinance.
- 7) Relocation of Off-Site Elements. No person shall be required to remove a sign that was erected in compliance with this Ordinance if said sign becomes nonconforming due to a change occurring after the effective date of this Ordinance in the location of buildings or streets where such change is beyond the control of the owner of the sign and the premises on which the sign is located.
- 8) Temporary Sign Change - Conformity. The following types of signs shall be removed or altered to conform to this Ordinance within thirty (30) days from the effective date of this Ordinance:
  - a) Tripod, sandwich-board, and portable signs; and
  - b) Temporary signs that do not conform to all the provisions of this Ordinance.
- 9) Condemnation. Upon approval of City Commission, pursuant to applicable law, the City may acquire by condemnation an interest in privately-owned nonconforming signs for the purpose of removal of such nonconforming signs to promote the public health, safety, and welfare of the City and its inhabitants. Just compensation, as defined by applicable law, shall be paid any owners for residual value of a nonconforming sign that is condemned pursuant to this section.

## **ARTICLE IX.**

### **ADMINISTRATION AND ENFORCEMENT**

#### **Sec. 9.1 Administration and Enforcement.**

- 1) Authority for Administration and Enforcement. The City Manager, or the City Manager's designee, shall administer and enforce the provisions of this Ordinance.
- 2) Any sign erected, altered, or relocated shall meet all the provisions of this Ordinance.
- 3) Permits Required. Signs identified in Articles VI and VII must obtain a permit prior to installation.
- 4) Signs Requiring Review. All signs subject to review shall be reviewed by the Planning Commission, or its designated Sign Committee, except as otherwise required by this Ordinance.
- 5) Servicing and Repair. No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for periodic message changes for changeable-message

signs, but not including changes to a sign which requires a new permanent face.

- 6) Application for Sign Permit. A completed application for a sign permit shall contain or be accompanied by the following:
  - a) Sign-Location Drawing. Distance measured in feet and inches from the sign in relation to nearby buildings, sidewalks, street curbs, structures, other on-site signs, and property lines shall be shown.
  - b) Sign-Elevation Drawing.
  - c) Height of the sign, including support structures, above the ground.
  - d) Area and dimensions of sign surface.
  - e) Lettering of the sign shall be graphically shown to scale as it will appear on the erected sign, shall be in the style of the finished sign, and shall be illustrated to approximate the size and weight of the lettering of the final constructed sign.
  - f) Materials and colors to be used on the sign face and support structures shall be labeled.
  - g) Method of illumination, if any, shall be shown. In the case of internally-illuminated signs, the drawing shall identify which part of the sign is translucent and which part is opaque.
  - h) Copies of Drawings. For a permit without review, three (3) copies of, and for Sign Committee review ten (10) copies of, drawings, illustrating proposed sign(s) to be erected on the site, shall be submitted with an application for review by the City. In those cases where Planning Commission review is required, such material shall be submitted, in compliance with requirements of the Commission's bylaws.
  - i) Load Calculations. If deemed necessary by the City Manager, or the City Manager's designee, structural calculations must certify that a sign is designed to withstand snow load, dead load, and wind load in accordance with applicable City, State, and Federal regulations.
  - j) Registered Seal. At the discretion of the City Manager, or the City Manager's designee, for public-safety concerns, the application shall bear the certificate or seal of a registered architect or engineer as a condition precedent to the issuance of the permit.
  - k) Certificate of Insurance. The City Manager, or the City Manager's designee, may require an applicant to obtain a certificate of insurance for installation of free-standing or overhanging signs.
  - l) Location Staking. With two stakes erected to designate the vertical height and located at the horizontal limits of the sign structure, the proposed location of free-standing signs shall be identified by an applicant prior to review by the City.
  - m) Graphic Illustration. The Planning Commission, or its designated Sign Committee, may require photographs, markings on buildings, mockups, spec sheets, catalogs, or other necessary illustrations in order to evaluate a proposed sign and its impacts.
  - n) Other Information. The City may require additional information to show full compliance with this and all other applicable laws.
- 7) Permit Fee. A fee must be paid for signs requiring permits, in accordance with the City's schedule of fees.
- 8) Expiration of Permit. All permits issued for the erection of a sign shall expire, unless authorized work commenced within six (6) months after issuance of the permit.

## **9.2 Planning Commission Authority.**

- 1) Where the City Planning Commission, or its designated Sign Committee, is empowered to approve certain signs under the provisions of this Ordinance, the applicant shall furnish such surveys, plans, or other information as may be reasonably required by said Commission for the proper consideration and investigation of the matter.
- 2) The Planning Commission, or its designated Sign Committee, may impose such conditions or limitations in granting approval as may in its judgment be necessary to fulfill the intent and purposes of this Ordinance.
- 3) The Planning Commission may delegate decisions in accordance with this Ordinance to a committee, herein called the Sign Committee, consisting of no fewer than three (3) members, of which at least one (1) shall be a Planning Commission member. A quorum shall be two (2) members of the Committee.
- 4) Standards for Sign Review. In reviewing signs, the Planning Commission, or its designated Sign Committee, shall consider the following standards as a basis for approving a sign and establishing setback, location, and placement of signs:
  - a) Relationship of the sign to surrounding properties and rights-of-way.
  - b) Compatibility with adjacent land uses and signs.
  - c) Visibility of neighboring signs or buildings.
  - d) Visibility and legibility of the sign for pedestrian and vehicular traffic.
  - e) Lighting trespass impacts.
  - f) Suitability of the sign and its location relative to particular site characteristics such as yard areas, vegetation, topography, and the like.
  - g) Compatibility of the sign with the size, location, and character of the principal building(s) on-site.
  - h) Impact of the sign upon on-site vehicular and pedestrian circulation.
  - i) Impact of the sign upon the Boyne City streetscape.
  - j) Impact of the sign upon scenic views.
  - k) Impact of the sign upon parks and public spaces.
  - l) Impact of the sign upon historic buildings or properties.
  - m) Appearance and character of the sign. Sign-Evaluation Guidelines prepared by the Sign Committee as adopted and amended by the Planning Commission shall be used to evaluate sign appearance and character.
  - n) Impacts of the sign upon public safety.
  - o) Visibility of traffic-safety devices.
  - p) Visibility of pedestrians and vehicles entering or exiting the site or on adjacent rights-of-way.
  - q) Impacts of sign lighting upon vehicular traffic.

- r) Consistency with the intent and purposes of this Ordinance.
- 5) The Planning Commission, or its designated Sign Committee, may impose conditions necessary to protect the public health, safety, and welfare of the community.
- 6) The Planning Commission or its designated Sign Committee may allow an increase in sign area up to twenty five percent (25%) for free standing signs that are constructed as monument signs that incorporate architectural design elements such as stonework and landscaping.
- 7) Where deemed necessary, the Planning Commission, or its designated Sign Committee, may require a petitioner to install a mock-up of a proposed sign to assist with evaluation of the proposed height or area exception.
- 8) The Planning Commission may permit greater sign height or area in individual cases where it determines that unique site conditions such as unusual site or building size, shape or topography, deep building setbacks, building facades obscured from the street, a non-conforming use, building facade limitations, etc. warrant such an exception.

**9.3 Interpretation and Conflict.**

The standards and provisions of this Ordinance shall be interpreted as being the minimum requirements necessary to uphold the purposes of this Ordinance. Whenever this Ordinance imposes a higher standard than required by other regulations, ordinances or rules, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern. When the provision of any other statute imposes higher standards, the provisions of such statutes shall govern.

Where it is alleged by a petitioner that there is an error in interpretation of this Ordinance by the City Manager, or the City Manager's designee, or the Sign Committee, then the Planning Commission shall review such an appeal. The concurring vote of six (6) members of the Planning Commission shall be necessary to reverse any interpretation of the ordinance by the City Manager, or the City Manager's designee, or a decision by the Sign Committee. Public notice of the time, date, and place of an appeal of a sign review decision made by the Planning Commission, or its designated Sign Committee, shall be provided (15) days in advance of the meeting during which the appeal will be considered.

**9.4 Municipal Civil Infractions.**

A violation of any provision in this Ordinance constitutes a municipal civil infraction. Each day on which a violation occurs constitutes a separate violation.

**9.5 Public Nuisance and Health Hazard.**

Any sign constituting an immediate hazard to health and safety shall be deemed a nuisance and may be removed by the City at the sign owner's expense.

**9.6 Impoundment of Illegal Temporary Signs.**

Illegal temporary signs that are on display at any time more than twenty-four (24) hours after notice to the property owner may be impounded by the City, pursuant to the impoundment policy established by the City Manager.

**ARTICLE X.**

**SEVERANCE CLAUSE**

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by a court of competent jurisdiction to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

## **ARTICLE XII**

### **VESTED RIGHT**

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular sign or signs, and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protections of public health, safety and welfare.

This Ordinance shall take effect fourteen (14) days following its enactment and shall be published once within seven (7) days after its enactment as provided by Charter.

Adopted, enacted and ordained by the City of Boyne City City Commission