

AN ORDINANCE TO AMEND THE CITY OF NEW BALTIMORE CODE OF ORDINANCES, CHAPTER 42 - SIGNS, REPEALING AND REPLACING SAID CHAPTER IN ITS ENTIRETY, TO PROVIDE FOR INTENT, APPLICABILITY, DEFINITIONS, APPEALS, PERMITTING, INCLUDING SUBMISSION AND PERMIT REQUIREMENTS, EXEMPT SIGNS, PROHIBITED SIGNS, APPLICATION PROCEDURES, APPLICATION AND APPROVAL PROCEDURES, ZONING DISTRICT REGULATIONS, GENERAL SIGN REGULATIONS, INCLUDING LOCATION, ILLUMINATION, MAINTENANCE, HEIGHT AND WIDTH, NONCONFORMITY, REMOVAL, SPECIFIC SIGN REGULATIONS, HISTORIC DISTRICT REGULATIONS, TO PROVIDE FOR SEVERABILITY, REPEALER AND EFFECTIVE DATE.

**CITY OF NEW BALTIMORE
MACOMB COUNTY, MICHIGAN
ORDINANCE NO. 229**

THE CITY OF NEW BALTIMORE ORDAINS:

Section 1. Preamble. WHEREAS, in order to preserve, promote and protect public health, safety and welfare, the City enacts the ordinance hereinafter.

Section 2. Chapter 42 - Signs of the City of New Baltimore Code of Ordinances is hereby repealed and replaced in its entirety as follows:

Chapter 42 - SIGNS

ARTICLE I. - IN GENERAL

Sec. 42-1. - Intent.

The following municipal interests are considered by the City to be compelling government interests. Each interest is intended to be achieved in a manner that represents the least restrictive means of accomplishing the stated interest, and in all events intended to promote an important government interest that would not be effectively achieved absent the regulation. Regulating the size and location of signage in the most narrowly tailored manner represents the least restrictive means of addressing the targeted government interests of avoiding nuisance-like conditions while maintaining and improving pedestrian and vehicular safety and efficiency; character and quality of life; economic development and property values; and property identification for emergency response and wayfinding purposes.

- (a) **Pedestrian and Vehicular Safety.** Maintaining pedestrian and vehicular safety are predominant and compelling government interests throughout the City, with particular emphasis on the safety of pedestrians.

- (b) **Character and Quality of Life.** Achieving and maintaining attractive, orderly, and desirable places to conduct business, celebrate civic events, entertain people, and provide for housing opportunities is directly related to the stability of property values needed to provide and finance quality public services and facilities within the City. This ordinance

intends to allow signs that are of sufficient, but not excessive, size to perform their intended function as necessary to provide and maintain the City's character and support neighborhood stability. Also, the intent of this ordinance is that signs will reflect the character of unique districts as may be established by the City's Master Plan, other adopted plans or the zoning ordinance.

- (c) **Economic Development and Property Values.** It is found and determined that there is a clear relationship between the promotion of a set of specifications and restrictions for signage and the promotion of economic development, recognizing that unregulated and haphazard determinations concerning the size, location, and other characteristics of signs has a realistic tendency to result in an appearance that reduces economic development, and, in the long-term, property values. In addition, the establishment of the restrictions in this ordinance has a direct relationship to creating stability and predictability, allowing each private interest to secure reasonable exposure of signage, and thus promote business success.
- (d) **Avoidance of Nuisance-Like Conditions.** Due to the concentration of people and activities, there is a potential for, and it is a compelling interest to avoid, blight, physical clutter, and visual clutter in the City, recognizing that such conditions tend to create nuisance-like conditions contrary to the public welfare. The result of these conditions leads to diminished property values, reduced attractiveness of the community, and reduced quality of life within the districts. Minimum regulations that substantially relate to signage are compelling and important and are necessary for the maintenance and well-being of positive conditions, good character and quality of life in the City. Ultimately, these regulations are compelling and important for the protection of all police power values.
- (e) **Property Identification for Emergency Response and Wayfinding Purposes.** Locating a business or residence by emergency police, fire, and other emergency responders can be a matter of life and death, and thus it is a compelling interest to ensure that proper, understandable, unambiguous, and coordinated signage be permitted and required, and specifications for such purposes can be accomplished in a simple and narrow manner. Wayfinding for vehicular and pedestrian purposes is also a compelling interest to avoid confusion in public rights-of-way, and unnecessary intrusions on private property, and sign specifications for such wayfinding can be coordinated with property identification for emergency purposes.
- (f) **Protection of the Right to Receive and Convey Messages.** The important governmental interests contained herein are not intended to target the content of messages to be displayed on signs, but instead seek to achieve *non-speech* objectives. In no respect do the regulations of signage prohibit a property owner or occupant from an effective means of conveying the desired message. Nothing in this ordinance is intended to prohibit the right to convey and receive messages, specifically noncommercial messages such as religious, political, economic, social, philosophical or other types of speech protected by the First Amendment of the United States Constitution.

Sec. 42-2. - Applicability.

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

Sec. 42-3. - Definitions.

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

Announcement sign and bulletin board mean a sign with changeable letters which is accessory to the principal use of the premises upon which the sign is placed.

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

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

Balloon sign means one or more balloons or any other air-filled or gas-filled object used as a sign or as a means of directing attention which is accessory to the principal use of the premises upon which the sign is placed.

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

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

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

Changeable Electronic Message Sign is a sign or a portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign, either manually or electronically.

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

Directional sign means a sign used to direct vehicular or pedestrian traffic.

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

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

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

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

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

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

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

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

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

- (a) For a wall sign in which there is no frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed, the envelope shall be around the letters, logos, emblems, figures, pictures, etc.
- (b) For an awning or canopy sign, where there is no design or envelope forming an integral part of the display which differentiates the sign from the background of the awning material or color, the envelope shall be around the letters, logos, emblems, figures, stripes, etc. For transparent or translucent awnings or canopies which have internal lighting, the entire surface of the awning or canopy shall be considered as the sign.
- (c) For a single-faced sign, the area shall be computed as the total exposed exterior surface in square feet.
- (d) The area of a double-faced sign shall be computed using only one face of the sign, provided that the outline and dimensions of both faces are identical and that the faces are back to back so that only one face is visible at any given location, unless otherwise provided for within this chapter.
- (e) For double-faced or multi-faced signs that are arranged so that the faces are greater than 24 inches from one another or signs with any two faces that form a "V" in plan, where the angle of the V is greater than 15 degrees, the area shall be computed by totaling the sign area of all faces of the sign. The area of a cylindrical sign shall be computed by measuring the total area of all signs located on the cylinder.

Subdivision sign shall depict the name of the subdivision located at the entrance to a subdivision.

Temporary sign means a sign that is intended to be erected for a limited period of time as regulated in the ordinance, including banners, pennants, or any other sign that is not permanently affixed to a building face or to a pole, pylon, or other support that is permanently anchored to the ground.

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

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

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

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

- (a) Any party who has been refused a sign permit by the building inspector may seek a variance of this chapter by filing an appeal application to the sign review board.
- (b) At the hearing for a variance, the sign review board may grant a variance from this chapter upon a finding of all of the following:
 - (1) The particular physical surroundings, shape or topographical conditions of the property would render compliance with this chapter difficult and would likely result in a particular hardship on the owner, as distinguished from inconvenience of the requirements of this chapter or a desire to increase financial gain or avoid the financial expense of compliance.

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

Sec. 42-5 –42-30. - Reserved

ARTICLE II. – PERMITTING

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

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

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

- (a) Any sign less than four (4) square feet.
- (b) Any sign erected by the City or a board/commission created by the City, school district signage and road/traffic control directional signage erected by the county, state or federal government shall be exempt from this chapter.
- (c) Flags of the United States, the state, any political subdivision of the state, other flags specifically approved by the City council, or flags or banners on residences used as decoration and not advertising homes or items for sale are exempt from this chapter, as long as the size or number of such flags or banners are not of such nature that it would be commonly understood that their display was intended to be a commercial advertisement to attract the attention of the general public.
- (d) City, county, state, or federal identification signs shall be exempt from this chapter.

Sec. 42-33. - Signs requiring permit and site plan.

The following signs require a permit and a site plan:

- (a) Monument signs.
- (b) Wall signs.
- (c) Projecting signs.
- (d) Off-site signs.
- (e) Subdivision entrance signs.
- (f) Announcement or bulletin reader boards.

- (g) Awning signs.
- (h) Changeable electronic message signs.

Sec. 42-34. - Prohibited signs.

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

- (a) Balloon signs or displays, streamers, windblown devices, spinners, banners and pennants, unless otherwise permitted or exempted under this chapter.
- (b) Any sign that gives the appearance of motion, including moving, scrolling, animated, or flashing elements.
- (c) Bare-bulb-type signs or displays.
- (d) Signs affixed to or painted on street furniture, trees or utility poles. This shall not apply to plaques which are less than three inches by seven inches.
- (e) Rope light, string light or similar lighting attached to, surrounding or otherwise drawing attention to a sign.
- (f) Any sign that is not specifically permitted by this chapter is prohibited.

Sec. 42-35. - Application for permit.

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

- (c) Copies of the application and all plans and supplemental statements of information required therewith shall be filed with the City clerk, together with the fee therefor as shall be established by resolution of the City council and which shall be sufficient to cover the cost of administration and the reasonable expenses incurred by and for inspection and review by the City and its consultants.

Sec. 42-36. - Granting and issuance of permit.

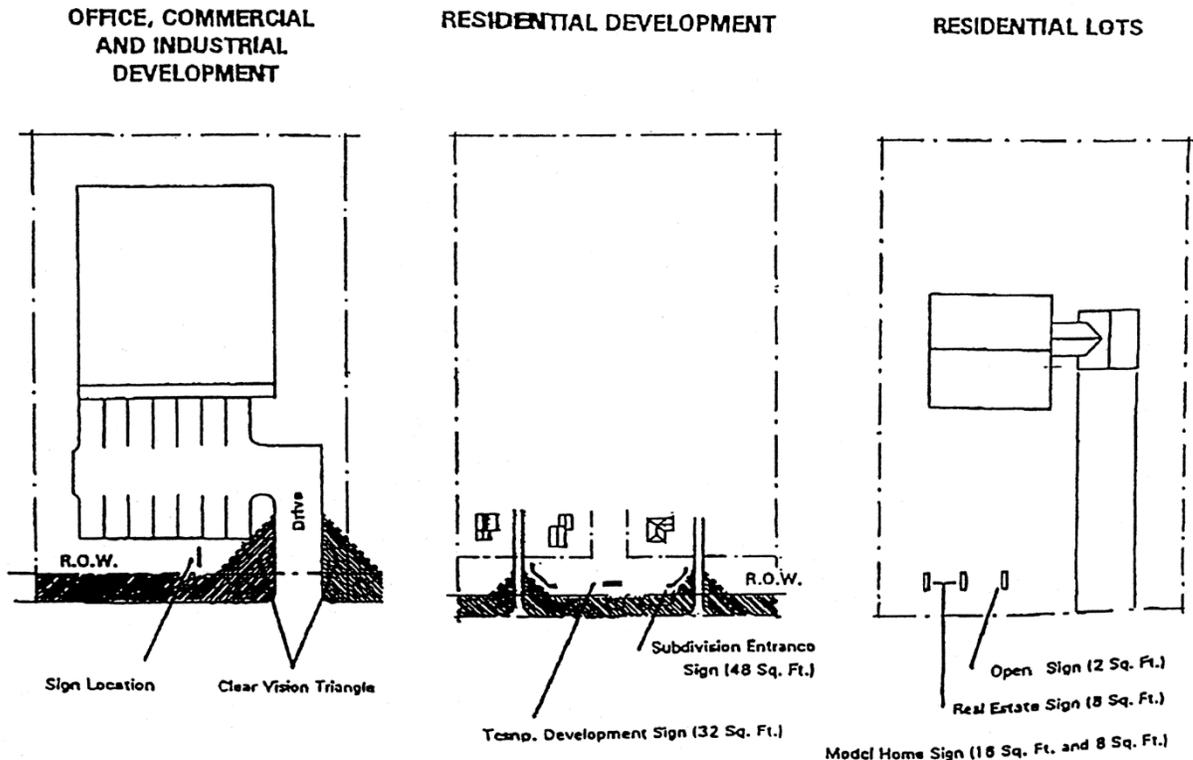
- (a) Resurfacing of existing signs or changes to wall signs shall be reviewed and approved by the building inspector, provided such meet all of the requirements of this chapter.
- (b) All new signs which require a permit shall be reviewed by the building official, unless otherwise indicated in this chapter. Signs may be and are encouraged to be reviewed and approved by the planning commission as part of the site plan review process. The building official, at his discretion, may order any sign to be reviewed by the planning commission. The following signs shall require planning commission review and approval:
 - (1) Monument or ground signs.
 - (2) Specialty lighting as regulated in subsection 42-98(b).
- (c) Upon receipt of all necessary submissions required by this article, the building inspector shall review the application for conformity with the requirements of the building code and this chapter. The building inspector and the City's consultants as necessary shall report their findings to the planning commission for those signs which the commission reviews. The planning commission shall either recommend approval or disapproval of the application to the City council within a reasonable time. Any approvals may be conditioned upon compliance with reasonable regulations or limitations, having regard to the character of the sign, the surroundings in which it is to be displayed, and the intent of this chapter. If the application conforms to City code requirements, the building inspector shall issue a permit.

Sec. 42-37. - Sign approval procedures.

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

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

TYPICAL EXAMPLES OF REAL ESTATE AND DEVELOPMENT SIGNS



Secs. 42-38—42-65. - Reserved.

ARTICLE III. - ZONING DISTRICT REGULATIONS

Sec. 42-66. - Definitions.

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

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

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

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

- (a) For single and two-family residential uses, one wall sign is permitted for each site. It shall be no greater than two square feet and shall be mounted within six feet of a door providing pedestrian entrance to the building.
- (b) For subdivision entrances, one double-faced freestanding sign, parallel to the entrance road right-of-way, or two single-faced signs, which are perpendicular to or within a 45-degree angle of the entrance road right-of-way, may be permitted. In no case shall the total square footage of all signs exceed 48 square feet.
- (c) See section 42-145 for temporary sign regulations.

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

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

- (a) One identification wall sign is permitted for each dwelling unit or non-residential use. It shall be no greater than two square feet and shall be mounted within six feet of a door providing pedestrian entrance to the building.
- (b) One monument sign, not to exceed 16 square feet, shall be permitted for each site.
- (c) One wall sign or one projecting sign, not to exceed 16 square feet, shall be permitted for each tenant or occupant having an individual public entrance to a building. When multiple tenants share an entrance, one wall sign or one projecting sign, up to 16 square feet, shall be permitted to include all tenants.
- (d) In addition to a wall sign, one announcement or bulletin board sign is permitted for each approved institutional site. The total signage shall not exceed 16 square feet.
- (e) The sign area limitations for non-residential wall and monument signs in this subsection supersede the sign area permitted in Article V.

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

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

- (a) One freestanding monument sign shall be permitted for each site (Section 42-137).
- (b) One wall sign (Section 42-147) or one projecting sign (Section 42-142) shall be permitted for each tenant having an individual public entrance to a building. Where multiple tenants share an entrance, one wall sign or one projecting sign shall be permitted to be used by all tenants.
- (c) When a structure or planned group of structures is developed adjacent to more than one street or alley, one wall sign shall be permitted on each wall fronting such street or alley.
- (d) Retail establishments with over 50,000 square feet of gross floor area and over 250 feet of road frontage on a single thoroughfare shall be permitted two ground signs with 50 square feet of sign area each. The signs shall be evenly spaced along the frontage of the site and shall not, in any case, abut each other.
- (e) One announcement or bulletin board sign is permitted for each approved institutional site. The total signage shall not exceed 16 square feet.
- (f) Retail establishments with over 500 feet of road frontage on a single thoroughfare shall be permitted two matching ground signs. The signs shall be spaced a minimum of 100 feet from each other along the frontage of the site.
- (g) Vacant, undeveloped land that is located outside of all residential zoning districts, the Central Business Districts and the Business Transitional Districts, and that does not have established land use may be permitted one monument sign. The sign area shall not exceed 30 square feet.

Sec. 42-70. - Industrial zoning districts.

Signs permitted in industrial zoning districts are as follows:

- (1) One monument sign shall be permitted for each site (Section 42-137).
- (2) One wall sign shall be permitted for each business (Section 42-147).
- (3) For subdivision entrances, one double-faced subdivision entrance sign, parallel to the entrance road right-of-way, or two single-faced subdivision entrance signs, which are

perpendicular to or within a 45-degree angle of the entrance road right-of-way, may be permitted. In no case shall the total square footage of all signs exceed 48 square feet.

Secs. 42-71—42-95. - Reserved.

ARTICLE IV. - GENERAL SIGN REGULATIONS

Sec. 42-96. - Applicability of article.

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

Sec. 42-97. - Location requirements.

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

Sec. 42-98. - Illumination.

- (a) Illumination of signs shall be positioned and/or shielded so that the light shines away from adjoining properties and the eyes of motorists or pedestrians. The light source of such illumination shall be shielded from public view.
- (b) Specialty lighting, such as neon accent lighting or an "open" sign, may be permitted by the planning commission subject to City council approval on a finding that the proposal is in character with the use and not detrimental to other uses in the vicinity.
- (c) Changeable electronic message signs shall be subject to Section 42-134.

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

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

Sec. 42-100. - Maintenance.

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

- (a) If the building inspector determines that the sign is an immediate threat to the safety of persons or property nearby, all required action to correct the defect shall be taken within 48 hours (two working days) from the time of notification in writing from the City, provided that the sign can be cordoned off or adequately secured during the intervening time so as to remove any immediate threat to safety. If such sign cannot be cordoned off or secured so as to eliminate any immediate threat to the safety of persons or property, all required action to correct the defect shall be made forthwith.
- (b) If the building inspector determines that the sign is not an immediate threat to the safety of persons or property, all required action to correct the defect shall be made within 30 days after notification in writing from the City. The building inspector may extend the 30-day

timetable if temperatures below 25 degrees Fahrenheit prevent painting or if the defects involved are minor, not generally noticeable to the public, and not a hazard to public safety, such as replacement of burned out lightbulbs.

- (c) If defects are not corrected within the specified time limits, the City may remove or cause to be removed such sign at the expense of the sign owner or tenant to whom the sign applies. Such expenses shall be paid by the owner or tenant to whom the sign applies within 30 days after receiving notification of such expense from the City. Such notification shall be made by first class mail.

Sec. 42-101. - Nonconforming signs.

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

- (a) Any sign on a residentially used property which is a nonconforming sign shall be taken down and removed by the owner, agent, or person within 30 days after written notice from the City.
- (b) Any sign which advertises activity no longer being conducted or a product no longer being manufactured or sold on the property shall be considered nonconforming. Such signs shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or land within one month from the date of written notice from the City. However, where such a sign structure and frame are typically reused by the current occupant or business in leased or rented buildings, the building owner shall not be required to remove the sign structure and frame in the interim periods when the building is not occupied, provided that the sign structure and frame are maintained in accordance with this chapter and other relevant City ordinances and codes and provided, further, that the time period of nonuse does not exceed 90 days.
- (c) Any sign which is nonconforming as to size, projection, location, number of signs, position, material or construction shall be taken down, removed, repaired, rebuilt or replaced in such manner as to bring the sign into compliance by the owner, agent or person having the beneficial use of the building, structure or land whenever the site or any portion including any buildings or out buildings are remodeled, or whenever there is a change in ownership of the subject property, or a change in majority ownership within any entity that is the owner of the subject property. Each of the foregoing parties shall be jointly and severally responsible for compliance.

Sec. 42-102. - Removal.

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

Sec. 42-103. - Addresses.

Addresses shall be visible and legible from the public right-of-way. Addresses 12 inches or less in height in residential districts and 24 inches or less in height in non-residential districts shall not be included in the calculation of total sign area.

Sec. 42-104. - Substitution.

Noncommercial messages shall be permitted on any sign constructed or erected in compliance with this ordinance.

Sec. 42-105. - Severability.

If any word, sentence, section, chapter or any other provision or portion of this Code or rules adopted hereunder is invalidated by any court of competent jurisdiction, the remaining words, sentences, sections, chapters, provisions, or portions will not be affected and will continue in full force and effect.

Secs. 42-106—42-130. - Reserved.

ARTICLE V. - SPECIFIC SIGN REGULATIONS

Sec. 42-131. - Applicability of article.

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

Sec. 42-132. - Announcement signs.

Announcement signs, when permitted, shall be limited to the following:

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

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

Awning or canopy signs, when permitted, shall be limited to the following:

- (a) An awning or canopy sign which is accessory to the principal use of the premises upon which the sign is placed shall be placed only on the principal front of the building.
- (b) An awning or canopy sign shall be permitted in lieu of a permitted wall sign.
- (c) An awning or canopy sign shall not exceed 20 square feet in display area.
- (d) A minimum vertical clearance of 14 feet shall be provided beneath any awning or canopy sign which projects over a parking area or driveway. In all other areas, a minimum vertical clearance of eight feet shall be provided beneath an awning or canopy.

Sec. 42-134. - Changeable Electronic Message Signs.

- (a) Changeable Electronic Message Signs are allowed in all Districts, except in residential and the DDA District. Government buildings and education facilities shall be exempt from the requirements of this section.
- (b) Changeable Electronic Message Signs shall only be permitted as no more than 25% of the allowable sign area, regardless of the type of sign.
- (c) Except for time and temperature displays, an electronic Changeable Electronic Message Sign shall be limited to the electronic display of a non-flashing or nonmoving message that shall remain unchanged for at least thirty (30) continuous seconds before it is replaced by another message.
- (d) Changeable Electronic Message Signs shall conform with the Sign Illumination standards in Sec. 42-179(f).

Sec. 42-135. - Directional signs.

Directional signs, when permitted, shall be limited to the following:

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

Sec. 42-136. - Identification signs.

Identification signs, when permitted, shall be limited to the following:

- (a) One unlit wall-mounted sign shall be permitted.
- (b) An identification sign shall not exceed two square feet in display area. Wall-mounted signs shall not extend outward more than two inches from the surface of a wall on the subject structure. Freestanding identification signs shall not exceed three feet in height.

Sec. 42-137. - Monument signs.

Monument signs, when permitted, shall be limited to the following:

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

Sec. 42-138-139. - Reserved.

Sec. 42-140. - Portable signs.

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

Sec. 42-141. Reserved

Sec. 42-142. - Projecting signs.

Projecting signs, when permitted, shall be limited to the following:

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

Sec. 42-143. - Pylon signs.

Pylon signs are hereby prohibited.

Sec. 42-144. - Subdivision Entrance Signs.

Subdivision entrance signs are permitted in accordance with the following:

- (a) A subdivision entrance sign shall not exceed 48 square feet in sign display area. This total shall include both sign faces. If the planning commission determines that architectural features of the sign are in harmony with the surrounding area and the principal structure, the architectural features of the sign shall not count as part of the display area.
- (b) A subdivision entrance sign shall not exceed a height of six feet. If the planning commission determines that architectural features of the sign, such as wood, rock, ornate columns, or brick framing, are in harmony with the surrounding area, the architectural features of the sign shall not count as part of the total height of the sign.
- (c) A subdivision entrance sign may be located in a traffic island at the entrance of a subdivision if the planning commission determines that the sign will not obstruct motorist vision.

Sec. 42-145. - Temporary signs.

(a) Temporary signs shall be permitted as follows:

TABLE 42-145 A. MAXIMUM AREA PER SIGN FACE, MAXIMUM HEIGHT, AND ALLOWED TYPE OF TEMPORARY SIGNS				
DISTRICT	PERMITTED TYPES	MAXIMUM AREA OF ALL TEMPORARY SIGNS BY TYPE	MAXIMUM AREA OF ANY INDIVIDUAL SIGN	MAXIMUM HEIGHT (FREESTANDING)
(1) Residential	Freestanding	0.2 square feet (sf) of sign area per linear foot of street frontage, provided the maximum allowable total area shall not be less than 20 sf nor more than 48 sf	15 square feet	5 feet
	Wall ¹	3 square feet per building in single family residential districts; 12 square feet per building in multiple family residential districts.	3 square feet in single family districts; 12 square feet per building in multiple family residential districts	
(2) Non-Residential	Freestanding	0.6 square feet (sf) of sign area per linear foot of street frontage, provided the maximum allowable total area shall not be less than 32 sf nor more than 100 sf	32 square feet	6 feet
	Wall ¹	20 square feet	20 square feet	

¹The display period for temporary wall signs shall be limited to a total of twenty-eight (28) days per calendar year. Such signs shall not be displayed for any continuous period greater than fourteen (14) days. After this time expires, the sign shall be removed.

- (b) Freestanding temporary signs shall be setback five feet from all property lines. The maximum display time of freestanding temporary signs is 65 days. After this time expires, the sign shall be removed. Once the temporary sign is removed, there shall be a gap of at least thirty (30) days between display of the same temporary sign on the same zoning lot.
- (c) Notwithstanding the above, 3 square feet of temporary freestanding or temporary wall sign area is allowed on each zoning lot at any time and without expiration of display time. The area of this sign is counted towards the area maximum in Table 42-145.A.
- (d) When all or a portion of a building or land area on a zoning lot is listed or advertised for sale or lease, the maximum display time for temporary signs shall be the duration the building, building unit or land is listed or advertised for sale or lease. Once a building unit is leased or sold, the sign shall be removed if it has been displayed for more than 65 days. In all cases, the sign area limits in the Table 42-145.A shall apply.
- (e) Temporary signs shall be constructed of durable, all-weather materials and designed to remain in place and in good repair so long as they remain on display; provided, however, that each zoning lot may have one temporary freestanding sign up to three square feet constructed of any non-illuminated material. All temporary freestanding signs larger than three square feet shall have a frame or rigid border.

Temporary signs shall be subject to the maintenance standards of this section.

Sec. 42-146. - Vehicle business signs.

Vehicle business signs are prohibited within the City.

Sec. 42-147. - Wall signs.

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

Sec. 42-148. - Window signs.

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

- (a) Window signs in residential districts are permitted in ground floor and second floor windows. The total window sign area shall not exceed three square feet per dwelling unit.
- (b) Window signs in all other districts shall not exceed 25 percent of the total window area of any given façade.

Sec. 42-149. - Nonvisible signs.

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

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

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

Secs. 42-151—42-175. - Reserved.

ARTICLE VI. - HISTORIC DISTRICT REGULATIONS

Sec. 42-176. - Applicability of article.

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

Sec. 42-177. - Intent.

The intent of this article is to preserve and enhance the cultural, social, economic and architectural character of the duly established historic district of the City by ensuring that signs:

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

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

- (a) **Application.** A completed sign application shall be submitted to the City clerk as required in section 42-36. The City clerk, or the clerk's designee, shall make a determination whether a proposed sign is situated within the historic district.

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

Sec. 42-179. - Design standards.

- (a) **Size of signs permitted.** The size of signs permitted in the historic district shall be in accordance with the following:
 - (1) The total sign area for any business shall not exceed 48 square feet.
 - (2) A bracket or mount for a projecting sign shall not extend further than 48 inches from the wall. The face of such sign shall not extend more than 48 inches from the wall upon which it is mounted and 36 inches in height.
 - (3) Window signs are permitted as provided in section 42-148.
 - (4) If a sign replicates an original historic sign or is a restored historic sign for that building and does not meet the requirements of this chapter, such sign may be permitted by the zoning board of appeals under section 42-4.
- (b) **Number of signs permitted.** No more than two signs shall be allowed for each business, and no more than one of the two permitted signs may be a projecting sign. For businesses that coexist in a building and share an access door, the planning commission may limit the number of projecting signs to one total. The sign may advertise each business.
- (c) **Maximum height of signs.** The minimum height from the ground to the bottom of a projecting sign shall not be less than seven feet, nor shall the highest point of the sign, sign bracket or sign mount exceed 20 feet in height from grade. In no case may any part of a sign project above the roofline.
- (d) **Materials and types of signs permitted.** Materials and types of signs permitted are as follows:
 - (1) Signs which are painted or engraved and painted on windows or boards are preferred; other materials may be acceptable, if the treatment is compatible with the historic district.
 - (2) Projecting signs shall be permitted in the historic district.
 - (3) Signs may be affixed to or painted on buildings, windows, awnings or canopies, if such sign is consistent with the architecture and design of the building and surrounding area.
 - (4) Monument signs with a substantial brick and/or stone base shall be permitted, subject to size restrictions of this section and this chapter, and subject to being compatible with the historic district provisions.

- (5) Pylon signs are prohibited in the historic district.
 - (6) Signs shall not be painted on street furniture, such as but not limited to benches and trash receptacles.
- (e) **Style.** The style of lettering, choice of paints, and other aesthetic features are a matter of individual preference; however, they shall be consistent with the architecture and style of the building or structure. The guideline is for simplicity. Symbols or pictures or objects may be more appropriate than words.
- (f) **Illumination.** Illumination shall be in accordance with the following:
- (1) Externally lit signs are preferred over internally lit signs.
 - (2) The source of illumination may be internal or external. The source of the light shall not be exposed except for lighting that is integral for the use of an electronic message sign, which is regulated herein.
 - (3) **Glare.** Glare control for sign lighting shall be achieved through the use of full cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement.
 - (4) **Luminaire Design.** Any luminaire with a lamp or lamps rated at a total that exceeds 1800 lumens shall be shielded to direct light to a sign and shall contain shields, baffles or other appropriate elements to prevent direct light from extending above a horizontal plane extending from the top of the light source. Any luminaire with a lamp or lamps rated at a total of 1800 lumens or less may be used without restriction to light distribution or mounting height provided all other requirements of this ordinance are met. No luminaire, regardless of lumen output, shall be aimed or directed such as to cause light from the luminaire to be directed toward residential buildings on adjacent or nearby land or public ways.
 - (5) **Mounting of External Sign Lights.** Lighting fixtures used to externally illuminate an outdoor sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of this ordinance. Bottom-mounted outdoor sign lighting shall not be used unless it complies with 1800 lumen maximum noted in (f)(4) above.
 - (6) Outdoor signs of the following types do not require shielding: 1) signs constructed of translucent materials and wholly illuminated from within, 2) signs with a halo-type design, where the lighting source is blocked by the opaque letters or other sign content. For signs with translucent panels, dark backgrounds with light lettering or symbols are preferred to minimize glare and excessive light output.
 - (7) All electric signs and outline lighting shall be installed in accordance with all applicable codes and laws adopted by the City. Every electric sign of any type, fixed or portable, shall be listed and installed in conformance with that listing, unless otherwise permitted by special permission.
 - (8) Regardless of any other requirement, all illuminated signs shall not project light that exceeds 0.10 of a foot candle above the ambient light at any property line bordering a residential district.
 - (9) **Electronic Message Signs.** Electronic message signs shall not emit more than 5,000 nits in full daylight and 100 nits between dusk and dawn. All electronic message signs shall have functioning ambient light monitors and automatic dimming equipment which shall at all times be set to automatically reduce the brightness level of the sign proportionally to any reduction in the ambient light. In order to verify compliance with City Code or other applicable law, the interface that programs an electronic message sign shall be made available to City staff for inspection upon request. If the interface is not or cannot be made available

upon the City's request, the sign shall cease operation until the City has been provided proof of compliance with City Code. Changeable copy shall not appear to flash, scroll, travel, undulate, pulse, blink, expand, contract, bounce, rotate, spin, twist, or otherwise move.

- (10) **Hours of Operation.** Sign Illumination shall be extinguished after 10 p.m. or, if a business is open between 10 p.m. and dawn, then one hour after the close of business.
- (11) Temporary signs shall not be illuminated.
- (12) The historic district commission may approve signs with flashing, intermittent or moving lights or with moving or revolving parts or with internal lighting, if it is determined by the commission that such sign is:
 - a. Historically appropriate for the business it is intended to serve; and
 - b. Required to maintain the historic authenticity of the sign and business, either as a restored sign or an accurate reproduction.

Sec. 42-180. - Historical marker signs.

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

Section 3. Severability. If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining provisions, it being the intent of the city that this ordinance shall be fully severable.

Section 4. Repealer. All ordinances or parts of ordinances in conflict herewith are repealed only to the extent to give this ordinance full force and affect.

Section 5. Effective Date. This ordinance shall become effective twenty (20) days after publication.

THE CITY OF NEW BALTIMORE ORDAINS:

AYES: Duffy, Weinreich, Covert, Dittrich, Hayman, Szymanski

NAYS: None

ABSENT: None

ORDINANCE DECLARED ADOPTED.

Notice of said posting was published in *The Voice Newspaper*, December 4, 2019.