

## **ARTICLE 19 -SIGNS**

### **Section 19.1 - Description and Purpose.**

The purpose of this Article is to promote the public health, safety and welfare by establishing standards and criteria for the construction, installation, maintenance, and operation of signs in the Village of Pellston, which are subject to the provisions of this Article. It is the further purpose to provide for the removal of those signs that do not comply with these regulations. More specifically, this Article is intended to:

- (1) Protect and further the health, safety and welfare of the Village residents, property owners and visitors.
- (2) Conserve and enhance community character.
- (3) Protect property values.
- (4) Promote and maintain visually attractive, high value residential, retail, commercial and industrial districts.
- (5) Promote the economic well being of the community by creating a favorable physical image.
- (6) Ensure that signs are located and designed to:
  - (a) Provide an effective means of way-finding in the community.
  - (b) Reduce sign clutter and the distractions and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment.
  - (c) Minimize the disruption of the scenic views which when maintained protect important community values.
  - (d) Prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract or confuse drivers, or are improperly secured or constructed.
  - (e) Balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the desires of businesses and non-business uses to communicate by means of signs.
- (7) Afford the community an equal and fair way to advertise and promote its products and services.
- (8) Afford businesses, individuals and institutions a reasonable opportunity to Use signs as an effective means of communication.

- (9) Provide review procedures that assure that signs are consistent with the Municipality's objectives and within the Village's capacity to efficiently administer the regulations.
- (10) To promote uniformity in the size, number or placement of signs within Districts.
- (11) Prohibit all signs not expressly permitted by this Article. No sign shall be erected, altered, placed, established, painted, created, or maintained in the Village except in compliance with the standards, procedures, and requirements of this Article.

The standards in this Article are determined to be the minimum necessary to achieve the above stated purposes.

Compliance with this Section does not relieve the applicant for sign approval from the responsibility for compliance with other local, state or federal sign regulations, nor does the issuance of a Sign Permit grant permission to the applicant to place signs on any property, including road rights-of-way, other than property owned or otherwise legally under the control of the applicant. The issuance of a Sign Permit only assures the applicant that the sign meets the requirements of the Pellston Zoning Ordinance.

### **Section 19.2- Application of this Article**

- (1) The regulations contained in this Article shall apply to signs outside of the public right-of-way and on the property to which the standard or regulation refers, except when specifically stated otherwise. A sign may only be erected, established, painted, created or maintained in conformance with the standards, criteria, procedures, and other applicable requirements of this Article.
- (2) Unless otherwise stated in this Article, all determinations, findings, and interpretations shall be made by the Zoning Administrator or other appropriate municipal officials called upon or designated by the Zoning Administrator.

### **Section 19.3- Signs Prohibited.**

All signs not expressly allowed under this Article are prohibited in the Village. Further, the following types of signs are expressly prohibited:

- (1) Balloons, balloon signs, strings of light bulbs, pennants, streamers, banners, or flags, except for those items of a non-commercial nature not used for the purpose of commercial advertisement or those used for short term commercial advertisement of less than 30 days.
- (2) Portable signs, except as allowed by this Article.
- (3) Any sign, including window signs, which have flashing, moving, oscillating or blinking lights (excluding time and temperature signs and barber pole signs, which are permitted).

- (4) Signs affixed to trees, rocks, shrubs, fences, utility poles or other similar features.
- (5) Signs that are insecurely fixed, unclear, in need of repair, or signs which imitate official traffic signals or traffic directional signs or devices.
- (6) Signs, and sign structures, which advertise a business or service use that no longer occupies the premises, and has not occupied the premises for 12 consecutive months.
- (7) Roof signs.
- (8) Pole signs.
- (9) Off-premises signs (except for non-commercial signs and community special event signs).

#### **Section 19.4 - Signs Not Needing A Permit.**

The following signs shall not require a permit, but shall be subject to all other applicable regulations of this ordinance:

- (1) Governmental signs.
- (2) Memorial signs.
- (3) Signs for essential services which are two (2) square feet or less.
- (4) Community service group signs two (2) square feet or less.
- (5) Nameplate signs.
  - (a) One (1) per address of two (2) square feet or less.
  - (b) PUD and Central Business Districts- Are allowed one (1) additional rear door sign of two (2) square feet or less.
- (6) Non-commercial signs.
- (7) Directional signs. Directional signs are permitted in any zoning district subject to the following restrictions:
  - (a) A directional sign shall not contain a commercial message.
  - (b) Such sign shall not exceed two (2) square feet in area or three (3) feet in height, and shall be set back at least five (5) feet from any lot line and edge of any driving lane.

- (8) Construction signs six (6) square feet or less.
- (9) Signs for residential yard sales and residential garage sales.
- (10) Window Signs. Window signs attached or applied to the surface of any exterior window will be limited to a coverage of ten (10) percent of the total window space. The area of such signs shall not be deducted from the total area of signs allowed but the total of all window signs shall not exceed the total allowed sign area for the use.
- (11) Flags. Flag pole heights shall not exceed thirty (30) feet. The total number of flagpoles allowed per site shall be limited to three (3). Non-governmental flags are deemed to be signs and shall be subject to the provisions of this article except that no such flag shall exceed thirty-two (32) square feet per face. Governmental flags must be displayed in a dignified, non-commercial manner and shall be governed by the standard rules of national protocol.
- (12) Real estate signs.
  - (a) Residential Use. Real estate signs shall be limited to one (1) sign per parcel, shall not exceed six (6) square feet in area and shall be set a minimum of ten (10) feet from all lot lines unless otherwise unfeasible
  - (b) Real estate signs are permitted in any Zoning District, but shall be removed within thirty (30) days after completion of the sale or lease of the property.
- (13) Community special event signs. Community special event signs are permitted in any zoning district, subject to the following restrictions:
  - (a) A community special event sign may be located either on or off the lot on which the special event is held.
  - (b) The display of the signs shall be limited to the four-teen (14) days immediately preceding the special event which is being advertised.
  - (c) The signs shall have a maximum size of thirty-two (32) square feet in area, and a maximum height above ground level of twelve (12) feet (unless it is an over the highway banner) and shall be set back from any side or rear property line a minimum of eighteen (18) feet. The front setback shall be as required for signs in the zoning district in which the sign is to be located.
  - (d) The signs shall be removed within forty-eight (48) hours of the conclusion of the special event which is being advertised.

## **Section 19.5 - Sign Permits and Application.**

- (1) **Permits Required.** No sign requiring a permit as provided by this Article shall be erected, used, constructed or altered until a permit has first been obtained under this Section. A sign permit shall not be issued for a sign unless the sign fully complies with the requirements of this Article. The property owner shall at all times maintain in force a valid sign permit for any sign requiring a permit.
- (2) **Application.** Application for a sign permit shall be made to the Zoning Administrator, along with a fee in the amount established by resolution of the Village Council. The permit application shall be reviewed in accordance with the following procedures:
  - (a) **Sign Plan.** An application for construction, creation, or installation of a new sign or for alteration of an existing sign shall be accompanied by detailed drawings and accompanying narrative statements to show and describe the dimensions, design, structure, and location of each particular sign. A single application and permit may include multiple signs on the same lot.
  - (b) **Completeness.** After receiving an application for a sign permit, the Village shall review it for completeness. If the Village determines that it is complete, the application shall then be processed. If the application is determined to be incomplete, the Village shall send to the applicant a written notice specifying how the application is deficient.
  - (c) **Issuance or Rejection.** After the submission of a complete application for a sign permit, the Village shall either: (1) issue the sign permit, if the sign that is the subject of the application conforms in every respect with the requirements of this Article; or (2) reject the sign permit if the sign that is the subject of the application fails in any way to conform with the requirements of this Article.
  - (d) **Sign permits shall be denied, approved, or approved with conditions within 45 days after submission of the complete application. If a decision on the application has not been made within 45 days, the application shall be deemed approved. No provision of this Section shall be construed to prevent an applicant from seeking prompt judicial review of a decision on an application.**
- (3) **Electrical Signs.** All signs requiring electrical service shall be reviewed for compliance with the County's electrical code. Approval of electrical signs shall be noted on or attached to the sign permit.
- (4) **Sign Plan Changes.** The sign plan for any premises may be changed or amended in response to demonstrated need, by a majority approval vote of the Planning Commission members attending any public meeting. In questionable cases, the Planning Commission may require that an advertised Public Hearing

be held and/or that written testimony of affected property owners adjoining or in the immediate vicinity be present.

### **Section 19.6- Design, Construction and Location Standards.**

- (1) All signs shall at all times be properly maintained in good structural condition in compliance with the requirements of this Article and shall not be permitted to become unsightly through disrepair or as a result of the effects of the weather. Under no circumstances shall the design, construction, support, or location of a sign constitute in any way a hazard to the health, safety or welfare of the public or to adjacent property.
- (2) Illumination of Permanent and Temporary Signs. Permanent and temporary signs shall be permitted to be illuminated in compliance with the following:
  - (a) Signs shall not include animated, flashing, moving or intermittent illumination excluding barber poles and except that the messages may change no more frequently than the rates specified in Section 19.7(5)(a)
  - (b) Temporary signs shall not be internally illuminated. Any external illumination of these signs shall be permitted only in commercial and industrial zones.
  - (c) All internally illuminated building signs or free-standing signs shall comply with the following:
    - (i) Except as provided in (iii). of this subsection below, the sign shall be constructed with either: an opaque background and translucent letters and symbols; or, a translucent darker colored background with a lighter contrasting color for the letters and symbols. Registered trademarks and logos are exempt from this provision.
    - (ii) No internal lighting shall include exposed incandescent or fluorescent bulbs.
    - (iii) A changeable copy sign with dark colored letters or symbols on a lighter contrasting translucent background may be internally illuminated if the internally illuminated area of the sign does not exceed twenty (20) square feet. Further,
    - (iv) The display shall not, or shall not appear to, flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights; the display shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or otherwise portray movement or animation as it comes onto, is displayed on, or leaves the sign board.

Maximum brightness levels for electronic signs in commercial/industrial zones shall not exceed five thousand (5,000) nits when measured from the sign's face at its maximum brightness, during daylight hours and five hundred (500) nits when measured from the sign's face at its maximum brightness between dusk and dawn. (nit = A unit of illuminative brightness equal to one candle per square meter, measured perpendicular to the rays of the source.)

- (d) Signs less than or equal to twelve (12) feet in height may be either internally or externally illuminated.
- (e) The external illumination of freestanding signs shall comply with the following:
  - (i) Any external lighting of signs that have a height of between eight (8) feet and twelve (12) feet must be from the top of the sign and directed downward;
  - (ii) The lighting of signs that have a height of eight (8) feet or less may be illuminated from the top of the sign or from the ground. Indirect light sources must be shielded from the view of persons viewing the sign and be further shielded and directed so that the light shines only on the sign and that illumination beyond the sign face is minimized.
- (f) Externally illuminated building signs may only be illuminated from the top of the sign.
- (g) Light sources for externally illuminated signs must be shielded and directed so that the light shines on the sign and that illumination beyond the sign face is minimized.
- (h) Freestanding signs accessory to a single-family dwelling, two-family, or townhome use in a Residential district shall not be illuminated.
- (i) Signs on a building or parcel in a residential district that has multi-family uses shall not be internally illuminated.
- (j) For signs on permitted non-residential uses in residential districts the illumination may be from external sources or by internal illumination of the letters and logos only; internal illumination of the background portion of the sign is prohibited.
- (k) If a registered trademark or logo is not in compliance with the Illumination requirements of this Section, then such area of non-compliance shall be limited to a maximum of thirty (30) percent of the sign area.

- (3) Signs shall not be placed in, upon or over any public right-of-way, alley, or other place, except as may be otherwise permitted by the Emmet County Road Commission or Michigan Department of Transportation. Any sign installed or placed in the public right-of-way or otherwise on public property, except in compliance with the provisions of this Article, shall be forfeited to the public and subject to confiscation and may be immediately removed by the Village. In addition to other available remedies, the Village shall have the right to recover from the owner or person placing an unauthorized sign the full costs of removal and disposal of the sign.
- (4) A sign shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance.
- (5) Except as otherwise expressly allowed by this Article, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure. The sign support and construction for all signs requiring permanent attachment shall be able to withstand a minimum of thirty (30) pounds of horizontal pressure per square foot of the area of the sign.
- (6) A sign and its supporting mechanism shall not extend beyond any lot lines of the property on which it is located.

### **Section 19.7 - Sign Regulations Applicable to All Districts.**

The following regulations are applicable to signs in all zoning districts:

- (1) All signs shall be stationary and, except for non-commercial signs and community special event signs, shall pertain only to the business or activity conducted on the premises (i.e., shall be on-premises signs).
- (2) Supplemental Standards for Freestanding Signs:
  - (a) Lots (parcels) with less than 300 lineal feet of frontage may have only one (1) freestanding sign per frontage.
  - (b) Lots with 300 or more lineal feet of frontage may have two (2) freestanding signs per frontage.
  - (c) For parcels which have frontage on more than 1 street, 1 additional free standing sign per street frontage may be allowed subject to the following:
    - (i) The permitted additional sign(s) shall not be placed along the same frontage which contains another freestanding sign.



- (ii) A minimum of forty (40) feet of road frontage is required for the placement of an additional sign(s).
- (d) No more than two (2) freestanding signs are allowed along any one frontage.
- (3) Additional Building Signs for Multiple Story Buildings: One (1) additional sign is permitted on each of the building's primary and secondary frontages according to the following. For a building with two floors the additional permitted sign area is forty (40) square feet for an eligible building wall. This additional sign area maybe increased by ten (10) square feet for each additional floor in the building provided that the sign is placed at the floor height for which the bonus is given.
- (4) Projecting Signs shall be limited to occupants that have a minimum of ten (10) feet of occupant building frontage provided that:
  - (a) All projecting signs shall have a maximum height of fourteen (14) feet and a minimum clearance of eight (8) feet from the ground to the bottom of the sign. A projecting sign may be a minimum of six (6) feet from the ground when it is located above a landscaped area or other area that does not permit pedestrian traffic beneath the sign.
  - (b) Projecting signs shall be placed on the building so that the signs are intended to be viewed by the pedestrians on the abutting street or pedestrian way.
- (5) Changeable Copy Sign. Changeable message sign shall be permanently affixed to, and be parallel with the wall of the main building or designed into the freestanding sign as an integral part of the freestanding sign structure. Such changeable message signs shall have no moving parts. The background shall be uniformly dark, with light lettering of all one color. Freestanding signs may have up to thirty percent (30%) of the permitted sign area devoted to changeable copy.
  - (a) The changeable copy shall not change more than one time per five (5) second period.
  - (b) Changeable copy may be changed electronically, mechanically or manually.
  - (c) Electronic changeable message signs may not be illuminated between the hours of 10:00 P.M. and 6:00 A.M., except that if the premises are open for business after 10:00 P.M., the lighting shall be turned off at the close of business.
- (6) Non-commercial signs are permitted in all zoning districts.

- (7) All signs located in the Village shall be erected, altered, and maintained at the risk of the owner of the sign, who shall assume full responsibility for consequences of any damage caused by the sign.
- (8) A sign shall be removed by the owner within twenty-four (24) hours of receipt of notice from the Village stating that the sign is unsafe or not properly maintained or otherwise does not comply with the requirements of this Article by reason of its size, height, design, condition or location. The notice shall state that if the owner does not remove the sign, or correct the unsafe or improper condition, within that time period, the sign may be removed by the Village. Upon failure to remove or correct the unsafe or improper condition within twenty-four (24) hours of receipt of notice, the Village may take whatever action is necessary to have the sign removed or to otherwise abate the unsafe or improper condition, and in addition to other available remedies, the Village shall have the right to recover from the owner of the sign the full costs of removing and disposing of the sign or abating the unsafe or improper condition.

### **Section 19.8- Measurement of Signs.**

- (1) The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame of other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the pedestal, poles or other structure necessary to support the sign.
- (2) The area of all signs shall be measured by adding the total area of all visible faces, notwithstanding the number of faces on each sign, or the relationship of each face to another for each sign.
- (3) For a sign comprised of individual letters, figures or elements on a wall or similar surface of a building or structure, or an irregular shaped freestanding sign, the area of the sign shall be the area of not more than three (3) regular geometric shapes that encompasses the perimeter of all the elements in the display.
  - (a) When separate elements are organized to form a single sign, but the elements are separated by open space, the area of the sign shall include all the display areas, including the space between the elements.
  - (b) Up to five (5) percent of the permitted sign area may be considered minor protrusions, and extend outside of the maximum limitation of three (3) geometric shapes and are, therefore, exempted from being included as part of the sign area.

- (4) For freestanding and projecting signs the sign area shall be computed by the measurement of one (1) of the faces when two (2) display faces are joined, are parallel, or are within thirty (30) degrees of being parallel to each other and are part of the same sign structure. For any sign that has two display surfaces that do not comply with the above regulation, or has more than two display surfaces then each surface shall be included when determining the area of the sign.

In determining the area of freestanding signs the following shall be exempted from being considered as part of the maximum permitted area:

- (a) One half square foot of sign area shall be exempted for each digit of the street number, up to a maximum of three (3) square feet.



- (b) The portion of a solid sign base or other sign support, up to a maximum height of four (4) feet that:
- (i) Is at least fifty (50) percent screened by landscaping at the time of installation; or

- (ii) Complies with the requirements of Subsection (c) below.
- (c) The air space under a freestanding sign between supporting posts, other air space between a projecting sign and the wall to which it is attached.
- (d) Additional base area, framing or structural supports or other portions of the sign when such areas are determined to be:
  - (i) Constructed and designed with materials which are similar to, or compatible with, the architecture of the building or other site features;
  - (ii) Not intended or designed to include messages; and
  - (iii) Exclusive of colors, trademarks, or any other decorative Design features that are primarily intended to attract attention, rather than be unobtrusive or compatible with the architecture of the building or other site features.

All other exemptions to the area of a sign may only be approved by the Planning Commission

- (5) The height of a sign shall be measured as the vertical distance from the highest point of the sign to the finished grade of the ground immediately beneath the sign excluding any artificially constructed earthen berms.

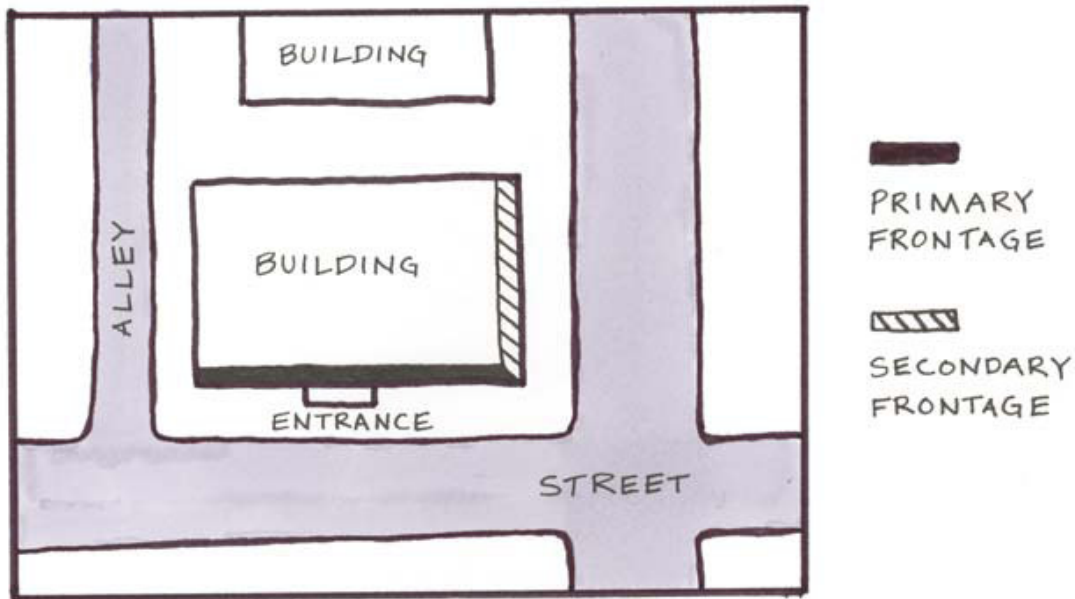
### **Section 19.9- Determining Building Frontage and Building Units.**



For the purposes of this Article and for determining allowable wall sign area, the building frontage shall include the building walls that: face a public street, face a parking lot which serves the use, or that contains a public entrance to the uses therein. For the purposes of these regulations, a public alley is not considered a public street.

- (1) The building frontage shall be measured along such building wall between the exterior faces of the exterior sidewalls.
- (2) In the case of an irregular wall surface, a single straight line approximating such wall surface shall be used to measure the wall's length.
- (3) For multi-occupant buildings, the portion of a building that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

Figure 2:



- (4) The primary frontage shall be the portion of a frontage that serves as the main access point to a building or building unit. (See Figure 2)
- (5) The secondary frontage shall be all other frontages. (See Figure 2)
- (6) Determining Public Street Frontage. For the purposes of this Article and for determining allowable freestanding sign area, public street frontage is the length of the public street, which is contiguous to the adjacent private parcel for which the sign is being considered. For the purposes of these regulations a public alley is not considered a public street. For the purposes of this Article standards, which are based on a minimum length of the public street frontage, shall also apply to "any portion thereof" unless the specific section states otherwise.
- (7) Determining Sign Setbacks. The required setbacks for the sign shall apply to all elements of the sign including its frame and base.

## Section 19.10 Permitted Signs

The following signs are permitted and shall require an approved permit prior to construction:

- (1) Scenic Resource, Village Residential, Suburban Residential and Multi-Family Districts. For permitted nonresidential uses in a dwelling.
  - (a) Wall and Freestanding Signs. Either one (1) wall mounted sign or one freestanding sign per parcel.
    - (i) Wall signs- Shall not exceed two (2) square feet.
    - (ii) Freestanding Signs- Shall not exceed six (6) square feet nor four (4) feet in height and shall be set back a minimum of ten (10) feet from all lot lines.
  - (b) Residential Subdivision Signs - One sign identifying a platted subdivision, site condominium or other residential development (the "development") is allowed at each entrance road to the development, except that not more than two (2) such identification signs shall be allowed per development. The sign shall not exceed twenty-four (24) square feet in area and shall be located at least ten (10) feet from the street right-of-way line. The top of any sign shall not be more than five (5) feet above grade if freestanding. All signs must be included on the development's site plan and comply with the requirements associated with that development.
  - (c) Residential Subdivision Layout Signs- One sign displaying the lots of the platted subdivision, site condominium or other residential development (the "development") is allowed at each entrance road to the development. Any such sign shall be removed when at least seventy-five percent (75%) of the lots or units in the development have been sold or when seventy-five (75%) of the buildings have been constructed. All signs must be included on the development's site plan and comply with the requirements associated with that development.
- (2) Highway Commercial District.
  - (a) Wall Signs. Signs mounted on and parallel with the wall of the main building shall not exceed a total area of fifteen percent (15%) of the surface area of the mounting wall and computed on the ground level story only. For the purpose of measuring in this Ordinance, the ground level story height may not exceed twelve (12) feet. A second wall mounted sign may be permitted on buildings located on a corner lot with frontage on a County Primary or State Trunk line, provided the same calculation is used to determine the area of the sign. The second wall mounted sign may be in addition to the other permitted signs.

- (b) Freestanding Signs. Freestanding signs shall not exceed a height of twelve (12) feet measured from the average grade at the base of the sign to the top of the sign. The total sign area of all freestanding signs shall not exceed an area of forty-eight (48) square feet, and no such sign shall be longer than four times its width.
  - (c) Size - The total square footage of signs permitted by this Section shall not exceed 180 square feet in aggregate per parcel and no single sign shall exceed 120 square feet, nor more than four (4) times its height in width.
  - (d) Vehicle Service Station and Gasoline/Convenience Store Signs - Establishments which provide repair services and/or gasoline for vehicles either as a principal or accessory use may display directional signs over individual doors or bays. The size of the signs shall not exceed 3 square feet. Customary lettering, insignias or symbols which are a permanent or structural part of the gasoline pump are allowed.
  - (e) Non-Residential uses. Real estate signs in Highway Commercial, PUD and Central Business Districts shall be limited to one (1) sign per parcel, shall not exceed thirty-two (32) square feet in area, nor exceed ten (10) feet in height and shall be set back a minimum of ten (10) feet from all lot lines unless otherwise unfeasible.
- (3) Central Business Districts. Signs may be permitted at the rate of two (2) per business or industrial premises, except that at least one sign shall be affixed to or be within two (2) feet of and be parallel with the wall of the main building. One (1) sign may be a freestanding sign
- (a) Wall/Building Sign. Signs mounted on and parallel with the wall of the main building shall not exceed a total area of fifteen percent (15%) of the surface area of the mounting wall and computed on the ground level story only. For the purpose of measuring in this Ordinance, the ground level story height may not exceed twelve (12) feet. A second wall mounted sign may be permitted on buildings located on a corner lot with frontage on a County Primary or State Trunk line, provided the same calculation is used to determine the area of the sign. The second wall mounted sign may be in addition to the other permitted signs.
  - (b) Freestanding Sign -
    - (i) Freestanding signs shall not exceed a height of twelve (12) feet measured from the average grade at the base of the sign to the top of the sign. The total sign area of all freestanding signs shall not exceed an area of forty-eight (48) square feet, and no such sign shall be longer than four times its width.
    - (ii) Signs shall be setback a minimum of 10 feet from all lot lines. Signs located in a road right-of-way shall not exceed an area of thirty-two

(32) square feet or a height of eight (8) feet. Signs in a right-of-way are subject to any further rules, provisions, or prohibitions as determined by the governmental unit or agency having jurisdiction.

- (c) Real Estate Signs -Non-Residential uses. Real estate signs in Highway Commercial, PUD and Central Business Districts shall be limited to one (1) sign per parcel, shall not exceed thirty-two (32) square feet in area, nor exceed ten (10) feet in height and shall be set back a minimum of ten (10) feet from all lot lines unless otherwise unfeasible.

### **Section 19.11 - Modification of Requirements for Signs in All PUD Districts and Those Requiring Special Land Uses.**

- (1) Except as provided in Section 19.11(2), all signs approved in connection with a special land use or a Planned Unit Development shall meet the requirements of this Article for signs as applicable to the zoning district in which the special land use or PUD is located.
- (2) In cases where extenuating or extraordinary circumstances create practical difficulties in complying with the requirements of this Article and where a modification of the requirements may still result in achieving the objectives of the zoning district in which the sign is to be located, the size, placement, number and height requirements for signs may be modified as provided by this Section. If the sign is part of a PUD in any PUD district, the Planning Commission may recommend to the Village Council, and the Council may, in its discretion, modify the size, placement, number and height requirements for signs in the PUD. If the sign is part of a Special Land Use request, the Planning Commission alone may, in its discretion, modify the size, placement, number and height requirements for any signs proposed. In determining whether to approve a proposed modification, the Planning Commission and the Village Council must each find, based upon the facts presented by the applicant, that the following criteria have been met:
  - (a) The modification of requirements is justified due to the nature, size, density, location or design of the proposed PUD, or Special Land Use, including the design or placement of proposed signs;
  - (b) The modification of requirements will not result in traffic or other safety hazards, will not be injurious to the use or enjoyment of nearby property, will not result in visual blight, distraction, or clutter, and will not otherwise result in a detriment to the public health, safety or general welfare; and
  - (c) The modification will still achieve the intended purpose of the PUD district or the zoning district if it is a Special Land Use, in which the sign is to be located.



- (3) Non-Residential uses. Real estate signs in Highway Commercial, PUD and Central Business Districts shall be limited to one (1) sign per parcel, shall not exceed thirty (32) square feet in area, nor exceed ten (10) feet in height and shall be set back a minimum of ten (10) feet from all lot lines unless otherwise unfeasible.

**Section 19.12 - Nonconforming Signs, and Signs Accessory to Nonconforming Uses.**

- (1) Continuance. Notwithstanding any other provision of this Article to the contrary, a permanent sign which was erected legally and which lawfully exists at the time of the enactment of this Article, but which does not conform to the height, size, area or location requirements of this Article, is deemed to be nonconforming and may continue to be used subsequent to that time, as provided by this section.
- (2) Alteration/Repair. Nonconforming signs may not be altered expanded, enlarged, extended, or repaired, without being brought into full compliance with all applicable regulations under this Article, except as expressly provided by this subsection.
  - (a) A nonconforming sign may be diminished in size or dimension without jeopardizing the privilege of nonconforming use. As with conforming signs, a change solely in the wording of the copy of a nonconforming sign shall not constitute a alteration for purposes of this Article, unless the result of the change would cause the sign to be reclassified to a type of sign subject to different or more restrictive regulation.
  - (b) Routine repair to maintain a nonconforming sign in a safe and aesthetic condition exactly as it existed at the time of the enactment of this Article and so as to continue the useful life of the sign shall not constitute an alteration for purposes of this Article, unless the estimated cost of repair exceeds 50% of the appraised replacement cost of the entire sign prior to the repair, as determined by the Village. If the estimated cost of repair exceeds 50% of that appraised replacement cost, the right to continue using the nonconforming sign shall thereupon terminate and the sign shall be brought into full compliance with all applicable provisions and requirements of this Article prior to further use.
  - (c) In no event shall the alteration of a nonconforming sign result in an increase in the nature or degree of any aspect of the sign's nonconformity.
- (3) Signs Accessory to Nonconforming Uses. A sign related to a nonconforming use may be erected in the Village in accordance with the sign regulations for the zoning district in which the property is located.

- (4) **Damage or Destruction.** If a nonconforming sign is damaged or destroyed by fire, explosion, flood, wind or other calamity, the sign may be restored to the condition exactly as it existed immediately prior to the damage or destruction, unless the estimated cost of restoration or replacement exceeds fifty percent (50%) of the appraised replacement cost of the entire sign prior to the loss, as determined by the Village. If the estimated cost of restoration or replacement exceeds fifty percent (50%) of that appraised replacement cost, the right to continue using the nonconforming sign shall thereupon terminate and the sign shall be brought into full compliance with all applicable provisions and requirements of this Article prior to further use.

### **Section 19.13 - Abandoned Signs.**

Any sign which the Village determines to be abandoned shall be removed by the owner. If the owner does not remove the sign, or if no owner can be found, the Village may remove the sign. If the sign is removed by the Village and the owner is known, the Village shall have the right to recover from the owner of the sign the full costs of removing and disposing of the sign.

### **Section 19.14 - Violations.**

- (1) It is a violation of this Article to install, create, erect, or maintain any sign that does not fully comply with the requirements of this Article, including, but not limited to, any of the following:
  - (a) To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing the sign or the lot on which the sign is located;
  - (b) To install, create, erect, or maintain any sign requiring a permit without a permit;
  - (c) To fail to remove any sign that is installed, created, erected, or maintained in violation of this Article; or
  - (d) To continue any violation of this Article.
- (2) Each sign installed, created, erected, or maintained in violation of this Article is considered a separate violation when applying the penalty portions of this ordinance.