

Village of Otisville Sign Ordinance No. 215

Ordinance Repealing No. 181

An Ordinance to secure the public health, safety and welfare of the residents, property owners and businesses of the Village of Otisville, Genesee County, Michigan, by the regulation and control of signs within said Village; and to provide for the enforcement of this Ordinance.

The Village of Otisville, Genesee County, Michigan, Ordains:

Section 1: Name

This Ordinance shall be known and cited as the Village of Otisville Sign Ordinance

Section 2: Definitions

As used in this ordinance, the following words shall have the meaning set forth below:

Village Council: The Village Council of the Village of Otisville, Genesee County, Michigan

Digital Display: The portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

District: Each part, or parts, of the Village for which specific zoning regulations are prescribed.

Electronic Reader Board (ERB): ERB's are defined as a changeable message sign and further include dynamic message signs (DMS), electronic billboards (EBB), light emitting diode (LED) displays, and other similar signs.

Electronic Reader Board (ERB), Electronic Message Center (EMC), or Changeable Message Sign (CMS): Portion of a Sign on which copy is changed manually or electronically.

Flag: A piece of cloth or bunting attached to a pole attached to and perpendicular to the ground, bearing the official design of any unit of government, education, institution, fraternal benefit societies, order or organization, or any organization operated exclusively for religious, charitable, scientific, literary, or educational purposes, except when displayed in connection with commercial promotion.

Frontage: The lands and distance thereof of any lot fronting on one (1) side of a street between intersecting streets, or between a street and another right-of-way, waterway, end of a dead-end street or Village boundary measured along the street line.

Height of a Sign: The vertical distance measured from the ground immediately beneath the sign to the highest point or its structure.

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Home Occupation: An occupation conducted in a dwelling unit.

Lot: For purposes of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other spaces as herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A. A single lot of record
- B. A portion of a lot record
- C. A combination of contiguous lots of record, or contiguous portions of lots of record
- D. A parcel of land described by metes and bounds

Marquee Sign: A display on a marquee or extending above or below a marquee, or canopy awning.

Master Plan: The master plan for the Village of Otisville. Genesee County, Michigan.

Nonconforming Sign: Any sign which does not conform with the provisions of the ordinance but which was lawfully existing and maintained within the village prior to and at the time this ordinance became effective, or was lawfully in existence and in use on the property inside the village on the date this Ordinance went into effect.

Projecting Sign: Any sign attached to a building which extends more than fifteen (15) inches beyond any vertical surface of the building which supports it.

Roof Sign: Any sign which is attached to a building and any part of which extends above either the top of the building silhouette or any portion of the roof surface.

Setback: Distance from the right -of- way lines of street to the building line for the purpose of defining limits within which no building or structure; or any part thereof, shall be erected or permanently maintained.

Sign: Any device designed to inform or attract the attention of persons not on the premises on which the sign is located; excepting, however, the following which shall not be included within this definition:

- A. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations

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- B. Legal notices; identification, informational, or directional signs erected or required by governmental bodies
- C. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights
- D. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter

Sign Area: The area of a sign consisting of the entire surface of any regular geometric form, including words, letters and symbols, or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter display. Frames and structural members not bearing advertising matter shall not be included in computation of such area.

Sign, On Site: A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, service, or activities on the premises

Sign, Off Site: A sign other than an on-site sign

Village Manager: The chief administrative official of the village appointed by the village council.

Wall Sign: A sign which is attached directly to, or otherwise inscribed upon, a building wall or the exterior of any building window

Window Sign: Any sign which is permanently or temporarily applied, affixed, or attached to the interior of any building window.

Zoning Administrator: That person or persons duly charged by the appropriate appointing authority with the responsibility for executing and administering the zoning provision of the Village of Otisville Code of Ordinance, or authorized by the Zoning Administrator to act on their behalf.

Section 3 Permits

No person shall erect, place, structurally alter, paint, or add to any sign nor attach any sign to an existing sign, which shall either increase the area thereof or constitute a structural alteration thereof or an addition thereto, without first obtaining a permit to do so in the manner hereinafter provided.

- A. Application for Sign Erection Permits

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Application for such permit shall be filed upon forms provided by the Village Manager and shall contain the following information:

1. Name, address and telephone number of the applicant
 2. Location of building, structure or lot to which the sign is to be attached or erected
 3. Position of the sign in relation to nearby buildings, structures, and property lines
 4. A drawing of the plans and specifications and method of construction and attachment to the building or in the ground
 5. Copy of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure in accordance with regulations adopted by the Building Official
 6. Name and address of the person, firm, corporation, or association erecting the structure
 7. Such other information as may require to show full compliance with this and all other applicable laws of the Village of Otisville and the State of Michigan
- B. Permit Fee
The fee for permits shall be set by resolution of the Village Council
- C. The Zoning Administrator shall approve the application and provide the applicant with a sign permit if:
1. The applicant has paid the required sign permit fees
 2. The applicant has submitted a complete application
 3. The application meets all of the requirements of this ordinance
- D. If the Zoning Administrator denies an application for a sign permit, the applicant may appeal the decision to the Planning Commission. Such appeal must be filed with the Village within 30 days of the date of the notice of denial. The Planning Commission shall hear the appeal within 35 days of a complete application being filed. The Planning Commission shall decide the appeal within 14 calendar days of the meeting at which the appeal was reviewed.
- E. No permit shall be required for ordinary servicing, repainting of existing sign message (but not changing the message), or cleaning of a sign. No permit is required for change of message of a sign without change of structure, including a bulletin board or billboard, but not including a sign to which a new permanent face may be attached

Section 4 Signs Not Requiring Permits

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A. Signs in Residential Districts

On site signs may be permitted in residential districts without a permit as follow:

1. One professional sign or name plate sign for a permitted home occupation not more than one hundred forty-four (144) square inches in area which shall be non-illuminated
2. One non-illuminated temporary sign pertaining to the lease or sale of the premises upon which it is placed, not exceeding eight (8) square feet in total area, provided that it shall be removed within seven (7) days after the consummation of a lease or sale transaction
3. One (1) non-illuminated temporary sign having a maximum area of twelve (12) square feet indicating the name of the architect, developer, and/or construction company responsible for the construction of a building while construction is in progress
4. Signs permitted in the residential districts shall not be erected closer to any adjacent street right-of-way line than one-half (1/2) the setback required for said lot, provided that a nameplate sign not more than seventy-two (72) square inches in area, as regulated above, may be placed anywhere within the front yard.

B. Flags

Flags shall be permitted in any district providing all of the following requirements are met

1. The top of the flagpole shall be no higher than thirty-five feet (35') above grade.
2. The height of the flagpole shall be at least eight feet (8') higher than the length of the longest side of the flag, measured from the lowest point of the flag (at relaxed position) to grade

Section 5 Sign Requiring Permits

A. Permanent Signs in Commercial, and Manufacturing Districts

On-site signs may be permitted in the commercial, office and manufacturing districts as follows:

1. No on-site sign shall be permitted which is not accessory to the business conducted on the property
2. All lights used for illumination of business structures or areas surrounding them, or for the illumination or display of merchandise or products of

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business establishments shall be completely shielded from the view of vehicular traffic using the road or roads abutting such business properties.

Floodlights used for the illumination of said premises, or any sign thereon, whether or not such floodlights are attached to or separate from the structure on which such signs is attached, shall not be directed in such a manner such as to adversely affect adjoining or nearby properties, or traffic.

3. No on-site sign, as permitted, shall extend or project above the highest elevation of the wall to which it is attached, provided, however, signs may project above said wall when they are an integral part of such wall.
4. Wall signs may only be erected on an exterior wall providing all of the following requirements are met;
 - a. A business establishment may have up to ten (10) percent sign coverage on the face of any wall. The area of the face of the wall shall include the area of any windows located on the building face.

Any signs in the window meeting the definition of a wall sign shall be included in the wall sign calculations.

- b. All such signs shall be flat signs, attached and parallel to the face of any building all complying with the following sign shall be included in the wall sign calculations.
 1. No such sign shall extend farther than fifteen (15) inches from the face of the building upon which it is attached, provided, however, that where a sign extends more than three (3) inches from the face of said wall, the bottom of said sign shall not be closer than ten (10) feet from the ground level below said sign.
 2. The maximum height of any single on-site sign shall not exceed five (5) feet and the maximum width shall not exceed ninety (90) percent of the width of the wall to which said sign is attached.
5. Awning/Canopy Signs;
 - a. Awning/canopy signs are permitted in that area defined in the Village of Otisville Master Plan as the (Central Business) District. Awning/canopy signs shall be subject to the approval of the Zoning Administrator, who shall insure that the location, size and type of such sign shall be uniform

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as related to other similar signs. The total area of signs shall be permitted on canopies shall be included as part of the total number and area of wall signs permitted for each business establishment. Business owners are permitted to attach one (1) marquee sign to the underside of the awning/canopy sign perpendicular to the building face provided that the area of such sign does not exceed one (1) square foot in area.

- b. Awning/canopy signs, including marquee signs attached to the underside of the awning/canopy signs, must be located at least nine (9) feet above the sidewalk
 - c. Awning/canopy signs are permitted in commercial or office districts that are not located in the Central Business District; however, they shall not be permitted above the public domain.
6. Roof Signs:
Roof signs shall not be permitted
 7. Projecting Signs
Signs projecting more than fifteen inches (15") from a wall shall not be permitted
 8. Freestanding Signs
 - a. All freestanding signs are to have a maximum of two (2) sign faces
One freestanding or pylon sign shall be permitted per business use or shopping center as hereinafter defined, advertising the name of said business use including any special company or brand name, insignia or emblem and special announcement of services. Each freestanding sign shall have one (1) square foot of area per sign face per lineal foot of frontage with a maximum size of 75 square feet per sign face for monument signs and 48 square feet for pole mounted signs.

Business uses with more than 60 feet of street property frontage the sign shall have a maximum overall height of 25 feet.

For business uses with less than 60 feet of street property frontage, the sign shall have a maximum overall height of 20 feet.

- b. Public Domain
In all cases such signs shall be located on the same property upon which said business use is located and shall be located in such a manner so that no part of said sign extends over the public domain and shall comply

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with the Clear Vision Zone requirements of Section 3.09 of the Village Zoning Ordinance.

c. Traffic directional signs

Portions of the freestanding or pylon sign devoted to traffic-directional purposes including but not limited to those indicating “one way” shall not be included in the above specified area, it being the intent hereof that the limitation hereby imposed shall relate to advertising content. The nature, style and size of traffic directional signs shall be approved by the administrative official charged with enforcement of this ordinance shall be as uniform in design and style solely containing such traffic directional information shall not be included in the freestanding or pylon sign count provided that greater than seventy (70) percent of each sign face is used for traffic directional purposes.

d. Shared Freestanding Signs

“Business use” is hereby defined, for the purposes of this subsection, as a single parcel or piece of land (or a platted lot or combination of platted lots used as a single entity) which is zoned and used for a business purpose. In the event such parcel (or platted lot or combination or platted lots used as a single entity) shall be divide, by sale or lease, into distinct segments (each of which is individually capable, pursuant to this ordinance of being used, separate and distinct from other business uses) each such business use thereby created shall be entitled to its own freestanding pylon sign. It is the intent of this definition to preclude the erection of separate freestanding pylon signs for each business use if a business use shares parking areas or driveways or building entrances or malls in common with at least one other business use, in which case such group or business uses which are shared common facilities shall be deemed a “shopping center” and only one such freestanding pylon sign shall be permitted for the entire shopping center. In the case of shopping centers, said freestanding pylon sign shall have one square foot of area per foot of frontage, with a maximum size of one hundred eighty (180) square feet per sign face and twenty-five (25) feet in height irrespective of frontage. With respect to the computation of the gross area of the sign for a shopping center, frontage need not be frontage upon a street but may be computed on the basis of the dimensions of

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the store front or building frontage irrespective of the length of street frontage.

e. Gasoline Pump Signs

Customary lettering or other insignia which are a structural part of a gasoline pump, consisting only of the brand name of gasoline sold, lead warning sign, a price indicator, and any other sign required by law, and not exceeding a total of three (3) square feet on each pump; and if illuminated, such signs shall not in any manner constitute a traffic hazard with respect with respect to adjacent streets or intersections

f. Off-Site Signs

Off-site signs, that is signs advertising any business or activity, except on the property where such business or activity is located, are not permitted

g. Signs associated with Vacant Business establishments

As of the effective date of this ordinance, all sign messages associated with a business establishment which has been vacant for a period of sixty (60) days shall be removed. This provision is not intended to require the removal of a permanent sign structure as long as the sign message can be removed by painting over the sign or by removing message boards

9. Digital/Displays/LED/Electronic signs

A. Electronic Reader Boards (ERB), Electronic Message Centers (EMC), and Changeable Message Signs (CMS).

B. Such signs are permitted only in non-residential zoned areas.

C. Only one (1) is permitted per business.

D. A digital sign shall not occupy more than 75% of the maximum permitted sign area.

E. No message occurrence shall be less than ten (10) seconds in duration.

F. Such signs shall not be programmed with any animated, scrolling, or flashing messages, symbols, logos, or other graphics. Only static text and static logos are permissible.

G. Gasoline price signs may be permitted as part of a ground sign, but the total area shall not exceed twenty (20) square feet.

H. Changeable message signs may not exceed 32 square feet in area.

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- I. ERB's, EMC's, and CMS's shall be maintained in good repair at all times. If any part of the message display is not functioning properly, the use of the sign be discontinued until sufficient repairs are made.
 - J. ERB's, EMC's, and CMS's must comply within in the following thresholds for maximum luminescence levels may not be more than 0.3 foot-candles over ambient light levels measured from: 150 feet away from a sign of less than 300 square feet; 200 feet away from a sign 300-378 square feet; 250 feet away from a sign 378-672 square feet; and 350 feet away from signs larger than 672 square feet. The day/night transition shall occur within one-half hour of the official sunrise/sunset. All ERB's and EMC's are required to have automatic dimming capability that adjust the brightness to the ambient light at all times of the day and night. Certification must be provided to the Village demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the Village in its reasonable discretion, at the permittee's expense, to ensure that the specified brightness levels are maintained at all times.
- B. Permanent Signs in Residential District
1. Uses other than individual single-family residential homes may be allowed a wall or freestanding sign, not to exceed 32 square feet per sign face. In approving the sign as part of site plan approval, the Planning Commission may limit the size, lighting and location to ensure its compatibility with surrounding residents. In determining its compatibility It will consider the following:
 - a. Setback of the sign from adjacent lots and from the nearest residence
 - b. Surrounding land uses
 - c. Type and intensity of light of sign
 - d. Landscaping of sign
- C. Permanent Signs in PUD's
- The size and location of a sign within a PUD shall be determined by the Planning Commission as part of PUD approval. The maximum permitted sign size for commercial. Office and industrial uses shall be the sizes permitted in Section 5A of this ordinance
- D. Temporary Signs
1. Temporary/Portable Signs Requiring a Permit

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- a. The Zoning Administrator may approve an application for erection of a temporary sign in any district, and shall issue a permit for erection of the temporary sign for a time period not to exceed 1 year, provided a permanent sign for the site has been approved and the temporary sign complies with the requirements of the permanent sign
- b. Governmental institutions shall be exempt from all provisions of this ordinance
2. Temporary Signs in Residential Districts Requiring Temporary Sign Permit
One temporary sign having a maximum area of thirty-two (32) square feet is permitted in residential districts to announce the sale of lots or structures in any one subdivision, for a maximum period of one (1) year
3. Temporary/Portable Signs not Requiring a Permit
 - a. Election or political signs are permitted in residential districts provided they have a maximum area of 4 square feet per sign face, and are permitted in commercial and industrial districts provided they have maximum area of 8 square feet per sign face. Such signs shall not be erected closer to any adjacent street right of way line than $\frac{1}{2}$ the setback required for said lot, and they must be removed within ten (10) day following the balloting for election or issue which the sign was referencing
 - b. Balloons, streamer or pennants may be permitted in commercial districts provided they must be removed when they become deteriorated or the day following the sale or event they were put up to highlight

Section 6 Signs Not Permitted

The following signs are prohibited

- A. Permanent signs (known as: Animated signs) depicting action, motion, or light or color changes through electrical or mechanical means.
- B. Signs erected without the permission of the property owner, with the exception of those authorized or required by local, state, or federal government.
- C. Any sign not listed in this Ordinance.

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Section 7 Maintenance

- A. All signs for which a permit is required and all supports thereof shall:
 - 1. Be kept in compliance with the plans and specifications filed and approved for insurance of the sign permit
 - 2. Be kept and in maintained in a safe condition
 - 3. At all times conform to all provisions of this ordinance
- B. The Zoning Administrator has the authority to inspect any sign requiring a permit at any given time to ensure compliance with the requirements of this ordinance
- C. The Zoning Administrator may require the repair or removal of a sign requiring a permit within seven (7) days upon the finding that any requirements of this ordinance
 - 1. The sign is found to be unsafe
 - 2. The sign is in a condition that does not comply with this ordinance
 - 3. The sign was established as an accessory use for a principal use which has ceased to exist for a period of six (6) months

Section 8 Nonconforming Signs

- A. A nonconforming sign shall not be repaired, altered, reconstructed, relocated, or expanded in any manner unless or until the sign is made to conform with the provisions of the Ordinance. Ordinary maintenance and minor repairs which will which will not increase the normal life of the sign which are required for safety purposes will be permitted. Structural alterations to a nonconforming sign are prohibited.
- B. Not with standing any other provision contained in this ordinance, in the event a change in the ownership or name of the business identified or advertised by a nonconforming sign necessitates the replacement of a sign face, the nonconforming sign may be altered by either repainting of sign face, the one or more removable panels on the sign without first making the entire sign conforms with the provisions of this ordinance. Nothing contained herein shall extend or alter the applicable period of the time within which the nonconforming sign must be made to conform to the provisions of this ordinance

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- C. If the use of a nonconforming sign is discontinued for more than six (6) months, it shall be made to conform with the provisions of this ordinance or shall be removed
- D. All nonconforming signs shall be brought into conformance within a ten (10) year grace period from the effective date of this ordinance
- E. An inventory of nonconforming signs shall be prepared within six (6) months of adoption of this ordinance. Owners of property on which nonconforming signs are located shall be notified by certified mail within nine (9) months of adoption of this ordinance stating the time they shall have to bring their signs into conformance

Section 9 Variances

- A. A proposed sign that does not conform to be the requirements of this ordinance, or an existing nonconforming sign may be approved by issuance of a variance. The Village Planning Commission shall be responsible for hearing any requests for variances. The planning Commission shall only grant a variance as a result of a finding of practical difficulty in complying with the requirements of this ordinance

Section 10 Penalty

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards required as conditions for the grants of variances or appeals, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction hereof, be fined not more than one hundred (\$100.00) dollars or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case.

- A. Each day such violations continue shall be considered a separate offense
- B. The owner or tenant of any building, structure premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided
- C. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation

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Section 11 Sign Substitution

Any sign that can be displayed under the provisions of this ordinance may contain a non-commercial message.

Section 12 Severance Clause

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence or word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than that part or portion thereof

Section 13 Repeal

Upon the adoption of this ordinance, all other sign ordinances legally adopted by the Village of Otisville are hereby repealed

Section 14 Effective Date

We the undersigned President and Clerk of the Village of Otisville hereby certify that the above ordinance was approved by the Village Council of the Village of Otisville on the 15th day October, 2018

This ordinance shall take effect upon publication.

Jeff Lutze, Village President

Lisa Adolph