

**VILLAGE OF ELBERTA
SIGN ORDINANCE**

THE VILLAGE OF ELBERTA, BENZIE COUNTY, ORDAINS:

SECTION 1. PURPOSE. The purpose of this Ordinance is to regulate commercial and non-commercial outdoor signs designed to be visible off the premises on which the sign is located, in a manner which does not significantly restrict the content thereof, while:

1. recognizing the mass communications needs of both businesses and other parties;
2. protecting property values and neighborhood character;
3. creating a more attractive business climate;
4. promoting pedestrian and traffic safety by reducing side distractions, obstructions and other hazards; and
5. promoting pleasing community environmental aesthetics.

SECTION 2. DEFINITIONS.

- A. Abandoned Sign: A sign which was erected on property in conjunction with a particular use which has been discontinued for a period of one hundred twenty (120) days or more, or a sign to the content of which pertains to a time, event, or purpose which no longer applies.
- B. Accessory Signs. A sign which is incidental to or found in connection with and located on the same lot as the principal sign and use to which it is related. Accessory signs may include wall mounted, temporary, interior, directional, address signs, and signs on accessory structures.
- C. Accessory Structures. A structure which is incidental to and customarily found in connection with the principal structure of a lot or parcel such as a shed, garage, cooler or gas pump. Accessory structures shall not include natural features, fences, lamps or lamp posts.
- D. Address Sign. A sign identifying a numerical designation commonly used to indicate the location of a building on a given street.
- E. Billboards. See "Off Premises Signs".
- F. Construction Sign. A temporary freestanding or wall sign erected on a site designated on a building permit issued by the Village as the site of construction of a new building or for renovation of an existing building, which advises the public of

- pertinent facts regarding the construction, management, and leasing of the new building.
- G. Directional Sign. A sign whose content tells the location of or route to a use or occupancy.
- H. Directory Sign. A sign whose content indicates the names and location of at least five (5) businesses, as well as the location of related customer convenience services and facilities.
- I. Electronic Message Sign. An electrical sign utilizing lights going on and off periodically for conveyance of information.
- J. Exterior Business Sign. A sign which is outside the walls of a building.
- K. Flashing Signs. Any lighted or electrical sign which emits light in sudden intermittent bursts. On/off time and temperature signs and non-commercial message signs are not considered flashing signs for the purpose of this Ordinance.
- L. Freestanding (Or Ground Signs). A sign supported by permanent uprights or braces in the ground.
- M. Fuel Price Sign. Signs indicating the price per unit of fuel.
- N. Ground Floor Wall Area. Shall be computed by multiplying the width of the wall times a ground floor height of fifteen feet.
- O. Height. The permitted height of signs shall be measured from the existing or finished grade.
- P. Illuminated Sign. Means any sign which is directly lighted by an electrical source, internal or external.
- Q. Internal Business Sign. A sign within the walls of a building utilizing and/or door display area for exterior viewing.
- R. Non-Conforming Signs. Any sign erected or displayed prior to the effective date of this Ordinance or subsequent amendments thereto which does not conform with the standards of this Ordinance.
- S. Off-Premise Sign. Any sign which is located on property and transmits a message pertaining to a product, use, occupancy, or function which is not located on the same property as the sign.
- T. Overhanging Sign. A sign which is affixed to any building or structure other than a marquee and any part of which extends beyond the building wall and the sign surface

is perpendicular to the building wall. Such signs are to be distinguished from projecting nameplates based upon restrictions as to permitted zoning districts, size, height, and location.

- U. Permanent Signs. Signs of a durable material anchored or secured to a building, accessory structure, or the ground.
- V. Political Sign. A temporary sign which refers only to a political candidate, political party, or the issues involved in an upcoming political election.
- W. Portable Sign. A sign not permanently affixed, anchored, or secured to the ground or a structure on the lot it occupies, including trailered signs, tripod, and sandwich board signs.
- X. Principal Sign. The nameplate, wall mounted, free-standing or overhanging sign for the premises which identifies the principal use of the premises.
- Y. Projecting Nameplate. A sign indicating only the name and/or logo of a resident or business and which is perpendicular to the building wall.
- Z. Roof Mounted Sign. A sign which is located upon or over the roof of a structure, or in the case of a building with a mansard roof, a sign which is above the deck line of the mansard roof.
- AA. Sign. A sign is a structure, including its base, foundation and erection supports upon which is displayed any words, letters, figures, emblems, symbols, designs, or trademarks by which any such message or image is afforded public visibility from out of doors, on behalf of and for the benefit of any product, place, activity, individual, firm, institution, profession, association, business, or organization.
- BB. Sign Area. The sign area shall be defined as the maximum height multiplied by the maximum width of the sign components including any frame or other material or color or open spaces forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. Both sides of a sign structure may be used for sign purposes, provided the notices have a one hundred and eighty (180) degrees back to back relationship. In the case of a broken sign (a sign with open spaces between the letters) the total surface area shall be measured by multiplying the height of the individual letters or combination of letters by the distance between the outer edges of two (2) furthestmost letters.
- CC. Temporary Sign. Any sign intended to be erected or displayed for a limited period of time.
- DD. Wall Mounted Sign. A display sign which is attached directly to a building wall and/or marquee and the sign surface is parallel to the building wall.

- EE. Window Area. The area of a window as measured by the perimeter of the window glass, including glass windows in doors.

SECTION 3. GENERAL PROVISIONS.

The following provisions shall apply to all signs in the Village.

- (1) Signs Over A Right-of-Way. Any sign which overhangs a dedicated public right-of-way shall require the approval of the governmental unit having jurisdiction over that right-of-way and shall comply with all local provisions as well.
- (2) Sign Maintenance. All signs shall be maintained in a clearly legible condition and shall be kept in good repair. Wall mounted signs, overhanging signs and projecting nameplates shall be thoroughly secured to the building by metal anchors, bolts, supports, rods, or braces. Any permanent sign which is determined structurally or electronically unsafe by the Building and/or Electrical Department shall be removed or repaired within ten (10) days of notification of hazard at owners expense subject to procedures as provided in Section 8. A temporary sign found by the Building Department to be in an unsafe condition must be removed by the owner within three (3) days after notice to do so. Signs which are an emergency hazard shall be removed immediately upon notification.
- (3) Abandoned Signs. Any business sign or sign structure now or hereafter existing which no longer advertises a bonafide business conducted or product sold, or an abandoned sign, shall be removed at the expense of the property owner within one hundred twenty (120) days after the cessation of business as provided in the permit provisions of Section 8.
- (4) Signs Constituting a Traffic Hazard. No sign shall be located so as to obstruct or impair driver vision at driveways and/or intersections. A sign shall not obstruct the view or effectiveness of any official traffic sign, traffic signal or traffic marking. Signs which by reason of their location, shape, size, or color can be confused with an official traffic sign, signal, or marking shall not be permitted where a traffic hazard is created by such signs. All such determinations shall be made by the Chief of Police.
- (5) Obstruction to Doors, Windows, Sidewalks, and Fire Escapes. No sign shall be erected, re-located or maintained so as to prevent free ingress or egress from any door, window, sidewalk, or fire escape.
- (6) Signs Constituting a Public Nuisance. Where a sign is determined to be a public nuisance as defined in Article VIII of the Village of Elberta Zoning Ordinance and the Village of Elberta Ordinance Code, such signs shall be abated in accordance with procedures provided in the Village of Elberta Nuisance Ordinance, Article VIII of the

Village of Elberta Zoning Ordinance.

SECTION 4. PERMITTED SIGNS.

The following signs are permitted in all districts except where restrictions are indicated, in accordance with provisions of this Section and shall not require permits for erection.

- (1) Signs of a branch of local, state, or federal government, including traffic or similar regulatory devices, or signs required to be maintained or posted by law or governmental order, rule, or regulation.
- (2) Flags or emblems of governmental, civic, philanthropic, educational, or religious organizations.
- (3) Memorial plaques, cornerstones, historical markers or tablets and the like.
- (4) Four (4) freestanding directional signs per lot, none of which shall exceed three square feet in surface area, displayed strictly for the direction, safety, or convenience of the public, including signs which identify restrooms, parking area entrances or exits, visitor parking, clearance, freight entrances or the like. The size may be increased to sixteen (16) square feet provided only two (2) such signs are permitted.
- (5) Permanent signs on accessory structures such as gas pumps, cooler, or storage sheds indicating only the name, contents, or service of such devices. The total sign area per each device may not exceed 20% of the mounting wall of the structure or device.
- (6) Warning signs such as "No Trespassing", "No Hunting", "Danger", "Beware of Dog", and "Private Parking", not exceeding four (4) square feet in area and no more than two (2) signs per one hundred (100) foot frontage.
- (7) Fuel Price Signs. A gasoline service station shall be permitted additional signs erected upon supports for existing freestanding signs, lightposts, and similar structures on the site. These permanent signs indicating the price of fuels or accessory products or services sold on the site must be set back at least eight (8) feet from any public street. Such signs may be double-faced with a maximum area of all fuel price signs not to exceed twenty-four (24) square feet and no individual sign shall exceed twelve (12) square feet in area.

SECTION 5. TEMPORARY SIGNS.

Non-illuminated exterior temporary signs may be erected in accordance with the regulations of this section and shall not require permits for erection.

- (1) Real estate signs used for advertising land or building for rent, lease and/or for sale shall be permitted on the land or building intended to be rented, leased and/or sold.

- (2) Construction signs with a total area of fifty (50) square feet may be permitted on a site currently being developed. Such signs pertaining to identification of a project and its owners, architects, engineers, contractors, development agencies, and financial institutions shall be removed within thirty (30) days following final inspection by the building department. Such signs shall have a maximum height of ten (10) feet.
- (3) Political signs may be erected no sooner than thirty (30) days prior to an election and shall be removed within ten (10) days following that election day.
- (4) Three banners may be displayed per organization for no more than ten (10) days for community "special events". Such advertisement, only over a Village or state right-of-way, shall be limited to non-profit organizations and service groups advertising functions occurring in the Village limits. The maximum width of banners are to be set by the Public Works Department and erection of these banners is subject to approval by the Village Clerk.
- (5) Garage sale (yard sale, estate sale, moving sale) signs are permitted for a period not to exceed seven (7) days in a given ninety (90) day period. Off-premise garage sale signs shall be removed by the sponsor of the sale within forty-eight (48) hours after end of sale.

SECTION 6. SIGNS REQUIRING A PERMIT.

The following signs may be erected, altered, or re-located in accordance with regulations of this Section and subject to permit requirements of Section 8.

- (1) R I and R II Districts. One (1) sign allowed for each dwelling unit comprising a maximum of nine (9) square feet each and a maximum height of fifteen (15) feet. Setback shall be at the property line.
- (2) Waterfront, Lakebluffs Developmental District DD and General Industrial District - "I". One (1) advertising sign allowed per business or use comprising a maximum of one hundred twenty-eight (128) square feet and maximum height determined by structure size in each Zoned District. Setback shall be at the property line.
- (3) Commercial Districts. Signs in these districts shall be governed by the following:
 - A. Projecting Signs Over Sidewalk. Maximum of five (5) feet projecting, twenty (20) square feet in area and minimum height of ten (10) feet.
 - B. Cornices. Maximum of three (3) feet projecting over sidewalk.
 - C. Overhangs. Maximum of eight (8) feet projecting over sidewalk and minimum height of ten (10) feet.

- D. Canopies. Same restrictions as overhangs with the exception of seasonal canopies which may have minimum height of eight (8) feet. Seasonal canopies must be removed between months of December through March.
 - E. The number of signs per business shall be limited to one (1) projecting and one (1) wall, either to be used for advertising or identification, plus two (2) informational signs at six (6) square feet each.
 - F. Signs setback to property line or rearward shall be to the property line.
 - G. Maximum sign height shall be according to structure height in that Zoned District.
- (4) Wall mounted signs shall be permitted in the Commercial, Waterfront, Lakebluffs Development District DD and General Industrial District - "I" with the total area of such signs not to exceed 25% of the ground floor wall area of the mounting wall. Such signs shall be mounted no higher than the height of the facade of the building upon which they are mounted.
 - (5) Off-premise or Billboard signs are subject to Village Council's approval and must meet all the requirements as specified in Section 8 and 9.

SECTION 7 NON-CONFORMING SIGNS.

Existing signs which do not comply with the provisions of this Ordinance shall be deemed non-conforming signs. Non-conforming signs may be maintained or repaired but shall not be enlarged, rebuilt, altered or remodeled unless:

- (1) they will become conforming because of such enlargement, rebuilding, alteration or remodeling; and
- (2) a permit to do so is obtained pursuant to Section 8 of this Ordinance.

All non-conforming signs shall either be removed or made to conform with this Ordinance by six months from the date this Ordinance is adopted. After the six month deadline has passed and the non-conforming sign has not been brought into compliance with this Ordinance, the Village shall then be able to enforce compliance with this Ordinance pursuant to Section 8.

SECTION 8. ADMINISTRATION AND ENFORCEMENT.

- (1) ADMINISTRATION AND ENFORCEMENT. The Zoning Administrator or his or her designee shall have the duty and authority to administer and enforce the provisions of this ordinance.
- (2) PERMITS AND PROCEDURES. No signs identified in Section 4 shall be erected, altered or relocated unless a permit for the sign is obtained from the Zoning Administrator in accordance with the following regulations:

- A. Off-premise signs identified in Section 6 shall require review and approval by the Village Council. Such review may accompany the site plan review where new development is proposed.

- B. Application for Sign Permit. An application for a sign permit shall contain the following information as indicated on the Application Form.
 - 1. Name, address and telephone number of the applicant and of the property owner.
 - 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 near-by buildings, structures, other on-site and property lines.
 - 4. Two drawings of the proposed sign(s) to be erected on the site shall be submitted upon application for review by the Zoning Administrator and in those cases where Village Council review is required, ten (10) days prior to scheduled site plan review.
 - a. Height of the sign above the ground and support structure(s).
 - b. Area and dimensions of sign surface.
 - c. Lettering of sign as it will appear on the erected sign need not be in the style of the finished sign, but must be printed in the size and weight approximating that of the final constructed sign.
 - 5. If deemed necessary by the Zoning Administrator, a copy of stress sheets and calculations showing the structure as designed for dead load and wind pressure in accordance with regulations adopted by the Village Council.
 - 6. Name and address of the person, firm, corporation or association erecting the structure.
 - 7. A certificate of insurance may be required for installation of freestanding or overhanging signs.
 - 8. Such other information as the Zoning Administrator or Village Council may require to show full compliance with this and all other applicable laws of the Village of Elberta and the State of Michigan.

9. At the discretion of the Zoning Administrator, when in his opinion the public safety requires it, the application containing the aforesaid material shall, in addition, bear the certificate or seal of a registered architect or engineer as a condition to the issuance of a permit.
- C. All other signs permitted in this ordinance which are not identified in Section 6 shall not require permits but shall be regulated as provided in this ordinance.
- D. No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for change of message of a sign designed for periodic message change without change of structure, including a bulletin board, but not including a sign to which a new permanent face may be attached.
- (3) PERMIT FEE. As established by the Village Council. All permits issued for the erection of a sign shall become invalid unless the work authorized by it shall have been commenced within six (6) months after its issuance.
- (4) INTERPRETATION AND CONFLICT. The standards and provisions of this ordinance shall be interpreted as being the minimum requirements necessary to uphold the purposes of this ordinance. Whenever this ordinance imposes a higher standard than required by other regulations, ordinances or rules, or by easements, covenants or agreements, the provisions of this ordinance shall govern. When the provisions of any other statutes impose higher standards, the provisions of such statutes shall govern.
- (5) VILLAGE COUNCIL'S APPROVAL. In cases where the Village Council is empowered to approve certain signs under provisions of this ordinance, the applicant shall furnish such surveys, plans, or other information as may be reasonably required by said Council for the proper consideration of the matter.
The Village Council shall investigate the circumstances of each case and shall notify such parties, who may in its opinion be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.
The Village Council may impose such conditions or limitations in granting approval as may in its judgment be necessary to fulfill the spirit and purpose of this ordinance.
- (6) STANDARDS FOR SIGN REVIEW. In reviewing signs as provided in Section 6, the Village Council shall consider the following standards as a basis for establishing setback, location, placement of signs:

- A. Visibility of vehicular and pedestrian traffic off-site and on the site.
 - B. Impact upon visibility of traffic signals, regulatory signs and other traffic safety or control devices.
 - C. Visibility and legibility of signs for drivers and or pedestrians.
 - D. Negative impact of signs upon adjacent properties and their signage.
 - E. Negative visual impact of lighting and appearance of signs upon nearby residential areas.
 - F. Particular site characteristics such as yard areas, landscaping, topography, and the like.
- (7) **CHANGES AND AMENDMENTS.** The Village Council may from time to time, on recommendation from the Zoning Administrator or on petition of the Council initiative, amend, supplement, or change the regulations herein.
- (8) **VIOLATIONS AND PENALTIES.** Whoever violates or fails to comply with any of the provisions of this Section is responsible for a civil infraction in accordance with the terms and conditions of Section 8 of the Village of Elberta Zoning Ordinance and shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

The Zoning Administrator and any other officers appointed by the Village Council are authorized to issue and serve civil infraction tickets with respect to any violation of this Section. Civil Infraction tickets shall be in such form as determined by the Village Clerk and shall be in conformity with all statutory requirements and all requirements set forth in Section 8 of the Village of Elberta Zoning Ordinance.

SECTION 9. APPEALS.

- (1) The Zoning Board of Appeals shall have the power to authorize, upon appeal, specific variances from the various requirements specified in this sign ordinance and to extend the term to continue non-conforming signs otherwise provided for herein.
- (2) Applications for Zoning Board of Appeals authorization as provided for herein shall be submitted to the Village Clerk or his or her designee on a form supplied for such purposes and shall be processed in the following manner:
 - A. The Village Clerk or his or her designee shall forward the application and

supporting data to the Village Zoning Board of Appeals.

- B. The Zoning Board of Appeals shall hold a public hearing or hearings on the subject application. The notice of a public hearing shall be posted not less than ten (10) days in advance, in writing, by first class mail to such property owners or occupants located within three hundred (300) feet of the property which is the subject of the application. After public hearing procedures, the Zoning Board of Appeals may grant approval of the application. Said approval shall be in writing with any conditions or reasons for rejection, if it be so, which authorization shall be sent promptly to the Village Clerk or his or her designee to the applicant.
- C. All of the following conditions in the judgment of the Zoning Board of Appeals shall exist before any authorization as provided for in this Chapter shall be granted. Any such authorization granted shall:
1. Not be contrary to the public interest or the general intent and purpose of this Chapter.
 2. Not cause substantial adverse effect to properties in the immediate vicinity or in the sign district where the authorized deviation is located.
- D. Special Findings. If all of the foregoing conditions can be satisfied, an authorization for a sign variance may be granted when the Zoning Board of Appeals determines that any one of the following special findings can be clearly demonstrated:
1. There are exceptional or extraordinary circumstances or conditions which apply to the property in question.
 2. That such deviation is necessary for the preservation of a substantial property right possessed by other properties within the same sign district.

Adopted: 12-20-01



Sharyn Bower, Village Clerk

Posted: 01-02-02