City of Hart, Michigan

PLANNING COMMISSION

October 3, 2019

AGENDA

City Hall, 407 State Street, Hart, MI 49420

4:00 PM

1. Call to order / roll call: Cunningham, LaPorte, Martin, Root, Splane, Wittman
2. Approval of agenda
3. Approval of minutes of May 16, 2019 Commission meeting
4. Public comments
5. Public Hearing
    a. Repeal Registered Primary Caregiver
6. Action Items:
    a. Consider recommending to Council Ordinance to Repeal Registered Primary Caregiver Regulations Section 1243.27
    b. Consider recommending to Council City of Hart Marketing and Branding Strategy
7. Discussion Item
    a. Consider adding language to draft sign ordinance language to allow window signs in the Business and Commercial Districts
8. Other business and communications from Commission members
9. Adjourn – next regular meeting November ???, 2019

With advance notice of seven calendar days, the City will provide interpreter services at all public meetings, including language translation and signage for the hearing impaired. Call 231-873-2488. La Ciudad proporcionará servicio de intérprete para esta reunión pública si se pide con siete días de anticipación, lo cual incluye la traducción de idioma y letreros para los con una discapacidad auditiva. Llame al 231-873-2488.

City of Hart

407 S. State St.
Hart, MI 49420
Planning Commission
Thursday, May 16, 2019
Minutes

MEMBERS PRESENT: Betty Root, Jim Cunningham, Diane LaPorte, Rob Splane, Peggy Wittman, and Al Martin.
ABSENT: NONE
OTHERS PRESENT: David Jirousek (Horizon Community), Steve Bruck, Gale Goldberg, George Sadler, Karla Swihart (Dep. Clerk)

Chairman B. Root called the meeting to order at 4 pm.

A motion was made by D. LaPorte to approve the agenda and supported by J. Cunningham. All ayes motion carried.

A Motion to adopt the minutes from April meeting as presented by A. Martin and supported by R. Splane. Ayes 5 Nays 1 Absent 0 the motion carried.

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:

- Public Hearing – Proposed Amendment to Zoning Ordinance Chapter 1259 Signs.
    - The Public hearing was opened at 4:05 pm by Chairman B. Root
    - G. Sadler & S. Bruck asked questions for amendment clarifications these will be addressed again at the next meeting.

A motion was made by A. Martin to close the public hearing and supported by R. Splane. All ayes

A motion to consider a recommendation to council sign ordinance amendments all but the 1st sentence of (I) made by A. Martin and supported by J. Cunningham Ayes 5 Nays 1 Absent 0 Motion carried.

OTHER BUSINESS: NONE

A motion was made by D. Laporte to adjourn the meeting and supported by R. Splane. All ayes motion was carried, and the meeting was adjourned at 4:26 pm

The next scheduled meeting is a Public Hearing June 6th, 2019, at 4 pm.

CITY OF HART

COUNTY OF OCEANA, MICHIGAN

At a regular meeting of the City Council of the City of Hart, held at the City Hall, 407 State Street, within the City, on the ____ day of _____, 2019, at ____ p.m.

PRESENT: Members: _____

ABSENT: Members: _____

The following preamble and ordinance were offered by Member _____ and supported by Member _____:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF HART PART 12 – TITLE IV THE ZONING ORDINANCE, TO DELETE SECTION 1243.27 REGISTERED PRIMARY CAREGIVER PURSUANT TO THE MICHIGAN MEDICAL MARIHUANA ACT

THE CITY OF HART ORDAINS:

Section 1. **Repeal of Section 1243.27 Registered Primary Caregiver Pursuant to the Michigan Medical Marihuana Act.** Section 1243.27, governing registered primary caregivers pursuant to the Michigan Medical Marihuana Act, is hereby repealed in its entirety.

Section 2. **Publication; Effective Date.** This ordinance shall become effective ten (10) days after its publication or ten (10) days after publication of a summary of its provisions in a local newspaper of general circulation in the City of Hart.

ORDINANCE DECLARED ADOPTED.

_____
Ron LaPorte, Mayor

Dated: _____, 2019.

_____
Cheryl Rabe, City Clerk
City of Hart

CERTIFICATION

I, the undersigned duly appointed City Clerk of the City of Hart, Oceana County, Michigan, do hereby certify that the above ordinance, or a summary thereof, was published in the *Oceana's Herald-Journal*, a newspaper of general circulation in the City, on _____, 2019, and that such ordinance was entered with the Ordinance Book of the City on _____, 2019.

Dated: _____, 2019.

_____
Cheryl Rabe, City Clerk
City of Hart

CITY OF HART, OCEANA COUNTY, MICHIGAN

Councilmember _____, supported by Councilmember _____, moved the adoption of the ordinance.

Ayes: ____ Nays: ____ Absent: ____

First reading: _____, 2019

Second reading: _____, 2019

Ordinance becomes effective: _____, 2019

City of Hart

Memo

To: Planning Commissioners

From: Lynne Ladner

cc:

Date: 9/27/19

Re: Sign ordinance

Ladies and Gentlemen,

It is my sincere hope that this is the final time that the Planning Commission will be discussing any changes to the sign ordinance language for the foreseeable future.

Attached for your review is the report and highlighted and red-lined version of the City of Hart Sign Ordinance that was drafted and has been reviewed and recommended for approval to the City Council by the Planning Commission. These updates which have been held up from consideration due entirely to my mistakes has as yet to be properly and officially reviewed and adopted by the City.

I truly apologize for my mistakes and the related waste of the Planning Commissions time on this issue and I humbly request that as the Planning Commission must unfortunately decide from this point to move forward with making the recommendation to once again hold a public hearing on the changes and consider for recommendation to the council that one last potential small change in language be considered.

The City of Hart sign ordinance as adopted and in force prior to the November 2018 election states in Section 1259.02 DEFINITIONS (s) "Window sign" means copy or emblems that are painted or otherwise attached to the window surface. However, despite the definition Window Signs are not listed in any zoning district as a permitted sign.

Memorandum

To:	**City of Hart Planning Commission**
Date:	**January 31, 2019 (February 7 meeting)**
From:	**David M. Jirousek, AICP – Horizon Community Planning**
RE:	**Hart Sign Ordinance- Reed v. the Town of Gilbert Arizona**

The City of Hart's sign code (Chapter 1259) is not consistent with the 2015 U.S. Supreme Court decision of Reed v. the Town of Gilbert (AZ). Sign regulations cannot make distinctions between sign types based on content. In Reed, Justice Thomas found that the temporary sign distinctions in Gilbert were "...plainly content-based and thus subject to strict scrutiny. The distinctions- between political signs, temporary directional signs, and ideological signs- depended entirely on the communicative content of the sign." Content-based distinctions similar to Gilbert's code exist in Chapter 1259.

Without delving too deeply into the details of the decision, the key point is that content-based regulation of speech is determined to be unconstitutional, especially for non-commercial signs. In general, the decision embraced content-neutral ordinances, which limit sign articles to reasonably regulate time, place, and manner of signs, including but not limited to: size, number, building materials, illumination, spacing, electronic displays, moving parts, and portability. Distinctions between temporary non-commercial signs are subject to the greatest potential for a legal challenge based on the Reed case.

A simple fix to address the Reed case is to "standardize" temporary yard sign regulation, meaning that signs related to elections, real estate, and construction should be regulated in the same manner. Content-based definitions and regulation should also be deleted or revised.

The attached document includes proposed amendments that specifically relate to content-neutrality and the Reed case. Also, the voter-initiated changes have been incorporated.

1. Deleted/revised content-based definitions (1259.02).
2. Deleted/revised content-based regulation throughout Chapter 1259.
3. Added sandwich board sign regulation per voter-initiated effort (1259.03 h).
4. Added a proposed framework for "standardized" temporary yard sign regulation (1259.03 i).
5. Added electronic display regulation per voter-initiated effort (1259.05 i).

CHAPTER 1259
Signs

1259.01 Purpose.
1259.02 Definitions.
1259.03 Signs permitted in all districts.
1259.04 Residential districts.
1259.05 Commercial districts.
1259.06 Industrial districts.
1259.07 Design, construction and location standards.
1259.08 Portable or movable signs.
1259.09 Measurement of signs.
1259.10 Nonconforming signs and signs accessory to nonconforming signs.
1259.11 Sign permits.

1259.01 PURPOSE.

The purpose of this chapter is to provide a framework within which the identification and informational needs of business and industry can be harmonized with the desires and aesthetic standards of the general public. It is intended through the provisions contained in this chapter to give recognition to the legitimate needs of business, industry, and other activities in attaining their identification and informational objectives. Unrestricted signage does not benefit either the private sector or the community at large.
(Ord. 182. Passed 5-12-98.)

1259.02 DEFINITIONS.

The following words shall have the meanings as set forth below.

~~(a) "Advertising sign" means any sign intended to direct the attention of passersby to a business, profession, commodity, service, or entertainment.~~

~~(1) "On premises" means an advertising sign whose message relates to activities conducted on the same premises.~~

~~(2) "Off premises" means an advertising sign whose message relates to activities conducted on premises other than that upon which the sign is located.~~

(a) "Banner" means a piece of cloth, plastic, or similar material ~~used as a symbol, standard, signal, or emblem for attracting attention to a business~~, generally of a long rectangular shape affixed at both ends.

(b) "Community special event sign" means a portable sign which is erected for a limited time ~~to call attention to special events of interest to the general public which are~~ that is sponsored by governmental agencies, schools or other groups which are non-profit and whose purpose is charitable, philanthropic, religious or benevolent.

~~(c) "Election campaign sign" means a sign advertising candidates or soliciting votes for any proposition or issue at an election.~~

(c) "Flag" means a piece of cloth or bunting ~~used as a symbol, standard, signal, or emblem generally~~ of a square or short rectangular shape affixed at one end.

~~"Advertising" means a flag bearing copy or design, such as a business logo or emblem or the words "Open" or "Welcome", intended to attract attention towards a business.~~

(d) "Free standing sign" means a sign which is not attached to any other structure

(e) "Ground sign" means a type of freestanding sign in which the entire bottom is in contact with the ground or is very close to the ground, such as on a constructed foundation or a brick or block base.

(f) "Governmental flag" means a flag bearing the official design of a nation, state, municipality, nonprofit institution, or nonprofit organization.

~~(h) "Identification sign" means a sign that identifies the business, owner, resident, or street address which sets forth no advertisement.~~

(g) "Illuminated sign" means a sign that provides artificial light directly or indirectly from a source of light.

(h) "Institutional bulletin board" means a bulletin board ~~sign containing a surface area upon which is displayed the name of an institution and the announcement of it's services or activities~~ established by a non-profit agency, church, public agency, city, township, county, state, or federal government.
(i) "Marquee sign" means a sign ~~an identification device~~ attached to a marquee, canopy, or awning projecting from and supported by a building, above sidewalk level.
(j) "Monument sign." See "ground sign."
(k) "Pole sign" is a type of free standing sign mounted on or more poles, posts or pylons, other than a constructed foundation or base, so that the bottom edge of the sign face is elevated above the average grade.
(l) "Portable sign" means a free standing structure not permanently anchored or secured to either a building or the ground, capable of being moved from place to place.
(m) "Projecting sign" means a structure which extends out from and is secured to a building.
~~(p) "Real estate sign" means a non-illuminated, on premise sign advertising the sale, rent, or lease of land or buildings, including buildings under construction.~~
(n) "Sandwich board sign" means a temporary sign structure placed on the ground that consists of two (2) back-to-back sign faces that are hinged together at the top and separated at the base a sufficient distance to solidly support the structure in an upright position.

(o) "Temporary yard sign" means a sign that is not permanently affixed to the ground and is of design and construction that is not intended to be of a permanent nature. ~~means an informational device intended for display periods not to exceed ninety days, including seasonal produce sales, decorative holiday displays, or public demonstration or businesses which by their nature are limited in duration.~~
(p) "Wall sign" means a sign attached directly to or painted upon a building parallel to the building wall.
(q) "Window sign" means copy or emblems that are painted or otherwise attached to the window surface.
(r) "Electronic display sign" means a sign or portion of a sign with a fixed or changing display composed of a series of lights that may be changed in color or intensity through electronic means.
(Ord. 182. Passed 5-12-98; Ord. 2012-03. Passed 7-24-12; Ord. 2013-06. Passed 11-26-13.)

1259.03 SIGNS PERMITTED IN ALL DISTRICTS.

The following signs shall be permitted in all districts without requiring a building or sign permit, subject to the requirements stated below.
(a) ~~House numbers and on premise nameplates identifying the occupant or address,~~ Wall signs on homes and buildings not exceeding four square feet in surface display area.
~~(b) On premise memorial signs or tablets affixed to a building such as those containing the building name and construction dates, not exceeding four square feet in surface display area.~~
~~(c) For sale signs attached to vehicles, not exceeding four square feet in surface display area.~~
(b) ~~Standard and~~ Governmental flags.
(c) Traffic or other municipal signs and notices. Private traffic control signs which conform to the Michigan Manual of Uniform Traffic Control Devices.
(d) ~~On premise~~ Institutional bulletin boards not exceeding thirty-two square feet in surface display area.
(e) Park, playground, and other governmental signs.
~~(h) Election signs which shall not be erected more than thirty days prior to the election to which it pertains and shall be removed within two days following the election, shall not be placed closer than 100 feet from any polling place entrance, shall not exceed thirty- two square feet in surface display area and shall not be placed within any public rights-of-way.~~
~~(i) One on-premise temporary real estate sign per parcel not exceeding sixteen square feet in surface display area.~~
~~(j) On-premise construction signs where the total surface display area does not exceed thirty-two square feet, height shall not exceed eight feet, placement shall be wholly within the property boundaries to which the sign pertains, shall not be erected prior to the issuance of a building permit for the proposed construction, and shall be removed immediately upon the completion of construction.~~
(f) Community special event signs are permitted in any district, subject to the following restrictions:
(1) One community special event sign located on the lot on which the special event is held. Up to two such

signs however may be located off the premises.

(2) The display of such signs shall be limited to the fourteen days immediately preceding the special event which is being advertised.

(3) Such signs shall have a maximum size of thirty-two square feet in area, and a maximum height above ground level of six feet and shall be set back from any side or rear property line a minimum of fifteen feet. The front setback shall be as required for signs in the district in which the sign is to be located.

(4) Such signs shall be removed within forty-eight hours of the conclusion of the special event which is being advertised.

(g) One ~~on-premise~~ subdivision sign, not exceeding thirty-two square feet in surface display area, ~~per development advertising the sale of lots or homes~~ which shall be removed upon the sale of ninety percent of the development.

(h) Sandwich board signs: Placement and size to be determined as to not impede traffic, right of way, or vision of traffic

(i) Temporary yard signs.

(1) Maximum number. Two per lot or parcel. However, within a timeframe from thirty days prior to an election to three days after, there is no restriction on the number and height of temporary yard signs. During this timeframe, the maximum size of temporary yard signs is thirty-two square feet. Signs related to election are prohibited within one-hundred feet of an entrance to a polling place

(2) Maximum size. Twelve square feet total for all signs.

(3) Maximum Height. Four feet.

(4) Minimum Setback. Ten feet.

(5) Illumination. Not permitted.

(6) Per Section 1259.07 (c), temporary yard signs are prohibited in public right-of-way.

(Ord. 182. Passed 5-12-98.)

1259.04 RESIDENTIAL DISTRICTS.

Any sign not expressly permitted is prohibited.

(a) One non-illuminated~~, on-premise~~ wall sign identifying a home occupation not exceeding four square feet in surface display area.

(b) One permanent development entry sign, not exceeding thirty-two square feet in surface display area, limited to the name of the development or developer, providing the sign is harmonious in appearance with the existing and intended character of the general vicinity and within the community as a whole.

(c) One ~~identification,~~ wall sign placed on the main building of the apartment development. Such sign shall not exceed thirty-two square feet in surface display area and may be illuminated.

(d) For permitted uses other than dwellings, one ground sign per parcel not exceeding thirty-two square feet and eight feet in height. Such sign shall be setback at least five feet from the edge of the right-of-way line.

(Ord. 182. Passed 5-12-98.)

1259.05 COMMERCIAL DISTRICTS.

Any sign not expressly permitted is prohibited.

(a) One ~~on-premise~~ free standing sign per parcel, unless otherwise stated, subject to the following standards:

(1) Pole sign not exceeding 64 square feet in sign face surface display area shall be located in the front yard. The leading edge of the sign may be placed at the right of way line. The bottom of such signs shall be at least eight feet from the average grade with the top of the sign no higher than 20 feet. This sign may be illuminated.

(2) Ground sign not exceeding 48 square feet in sign face surface display area shall be located in the front yard. The sign and base setback is ten feet from any lot line. The top of the sign shall be no higher than six feet above the average grade. This sign may be illuminated. A second ground sign subject to the same standards is allowed on corner lots, but signs shall be located on separate road frontages. Along Polk Road, ground signs are limited to 90 square feet in sign face surface area and a height no higher than ten feet above the average grade.

(b) ~~On-premise~~ Wall signs shall not exceed twenty percent of the building face to which it is attached. Such signs shall not extend more than six inches from the building surface and shall not extend above the cornice or

roof line. Wall signs shall be placed only upon the principal building and shall face public streets or parking areas which are on the same premises. These signs may be illuminated.

(c) One temporary~~, on-premise~~ banner per building not exceeding sixteen square feet in surface display area.

(d) One, ~~on-premise advertising~~ flag per lot not to exceed thirty square feet in surface display area. When displayed, such flags shall be affixed to a building or placed in the ground in a permanent mounting. ~~Advertising~~ Flags shall be located in a manner that does not interfere with the safe use and operation of motor vehicles or in pedestrian use of public areas, nor create a nuisance to the general public in any way. Advertising flags under this section do not require a sign permit.

(e) One~~, on-premise~~ marquee sign per marquee not exceeding twenty percent of the marquee surface to which it is attached. These signs may be illuminated.

(f) One~~, on-premise~~ projecting sign per building with the surface display area not exceeding one and one-half square feet for each lineal foot of building frontage up to a maximum of sixty-four square feet. Projecting signs shall be attached directly to a building by means of building mounts or from a mast arm. Projecting signs must project at a ninety degree angle to the building surface to which it is attached and shall not project above the cornice or roof line. The lowest point of a projecting sign, including guy wires and metal framework shall not be less than ten feet above the ground level. Projecting signs shall not extend beyond the minimum required setback line or into and over a public right-of-way, except for projecting signs in the B-2 Zone.

(g) A gasoline service station may, in addition to the above, have one, two-sided, on- premise sign indicating price and grade of fuel not exceeding thirty-two square feet in surface display area. Directional signs over individual doors or bays not exceeding three square feet per sign are also permitted. Customary lettering, insignias or symbols which are a permanent or structural part of the gasoline pump shall also be allowed.

(h) One~~, on-premise~~ parking lot directional sign at each point of ingress or egress ~~which may bear the owner's advertisement, name, or trademark,~~ for the enterprise it is intended to serve ~~and directions of movement~~. Each sign shall not exceed four square feet in surface display area.

~~(i) One off-premise sign per parcel subject to the following restrictions:~~

~~(1) The maximum size shall not exceed four square feet and the maximum height shall not exceed four feet above the average grade beneath the sign.~~

~~(2) The sign shall be setback at least five feet from the right-of-way line and shall be located so it does not obstruct the vision of drivers, pedestrians or bicyclists.~~

~~(3) The sign shall not be located within the road right-of-way.~~

~~(4) The sign shall only contain wording which pertains to the name of the off-premise business or establishment and/or directional information.~~

(i) One, double or single sided, on premise electronic display sign in all business and commercial areas. ~~One, on-premise electronic display sign in CCO Commercial Corridor Overlay District subject to the following restrictions:~~

~~(1) An electronic display sign may be located only on a freestanding sign meeting the requirements of this section. No more than fifty percent of the area of the sign may be dedicated to an electronic display. The remainder of the sign shall consist of permanent graphics and script.~~

~~(2) The entire face of the electronic display shall display no more than one message at a time.~~

~~(3) Each message on an electronic display shall be static and shall not move, flash or otherwise be animated. Each message shall be displayed for a period no less than seven seconds.~~

~~(4) Transitions from one message to the next shall be instantaneous and shall not scroll, fade or otherwise be animated.~~

~~(5) An electronic display sign shall be equipped with automatic dimming technology to adjust the brightness of the sign relative to ambient light conditions.~~

~~(6) No electronic display sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area. The measurement distance shall be the square root of the sign area times one hundred. Example using a twelve square-foot sign: measurement distance = (12 X 100) = 34.6 feet.~~

~~(7) Notwithstanding the provisions of Section 1259.10(c), a nonconforming freestanding sign may not be altered to include an electronic display sign unless it is first made conforming to all requirement of this chapter.~~

(Ord. 182. Passed 5-12-98; Ord. 2012-03. Passed 7-24-12; Ord. 2013-06. Passed 11-26-13.)

1259.06 INDUSTRIAL DISTRICTS.

Any sign not expressly permitted is prohibited.

(a) Signs in the D-1 Zone shall be subject to the following regulations:

(1) One ~~on-premise~~ free standing sign per parcel, unless otherwise stated, subject to the following standards:

A. Pole sign not exceeding 200 square feet in sign face surface display area. Such signs shall be located in the front yard with the leading edge of the sign at least 20 feet back of the right of way line. The bottom of such sign shall not be any lower than two feet nor any higher than ten feet from ground level. This sign may be illuminated.

B. Ground sign not exceeding 48 square feet in sign face surface display area shall be located in the front yard. The sign and base setback is ten feet from any lot line. The top of the sign shall be no higher than six feet above the average grade. This sign may be illuminated. A second ground sign subject to the same standards is allowed on corner lots, but signs shall be located on separate frontages.

(2) One~~, on-premise~~ wall sign per building face, not exceeding two per building, with the surface display area not exceeding twenty percent of the building face to which it is attached. Such signs shall not extend more than six inches from the building surface and shall not extend above the cornice or roof line. Wall signs shall be placed only upon the main building and may only face public streets or parking areas which are on the same premises. These signs may be illuminated.

(3) One ~~on-premise~~ marquee sign per marquee not exceeding twenty percent of the marquee surface to which it is attached. These signs may be illuminated.

(4) One directional parking lot sign at each point of ingress or egress shall be permitted ~~which may bear the owner's advertisement, name, or trademark,~~ for the enterprise it is intended to serve~~ and directions of movement~~. Surface display area, per sign, shall not exceed four square feet.

(5) One free standing sign identifying the development near the entrance to an industrial complex. Such signs shall not exceed 200 square feet in surface display area. The bottom of these signs shall not be any higher than two feet nor any higher than ten feet from ground level and shall be a minimum of twenty feet from any street right-of-way.

(b) Signs in the D-2 Zone shall be subject to the following regulations:

(1) Freestanding signs shall be setback a minimum of fifteen feet from the front lot line and shall not exceed thirty square feet in area or four feet in height.

(2) Signs attached to the building shall be attached flat to the building and shall not exceed 100 square feet in area.

(Ord. 182. Passed 5-12-98; Ord. 2013-06. Passed 11-26-13.)

1259.07 DESIGN, CONSTRUCTION AND LOCATION STANDARDS.

(a) All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or as a result of the effects of the weather.

(b) Signs may be internally or externally illuminated. The source of the light shall be enclosed and directed to prevent the source of light from shining directly or indirectly onto traffic or adjacent or nearby properties.

(c) 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 City or Michigan Department of Transportation.

(d) 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.

(e) A sign shall not contain any moving ~~or animated~~ parts except for ~~time and temperature signs and~~ barber poles~~ signs~~.

(f) A sign and its supporting mechanism shall not extend beyond any lot lines of the property on which it is located.

(g) Corner clearance and visibility.

(1) Signs shall not be erected, established or maintained on a corner lot that will obstruct the view of a driver in a vehicle approaching the intersection.

(2) At a street intersection, an unobstructed corner shall mean the triangle formed by a line connecting two points, located on the intersecting right-of-way lines, measured 25 feet from their point of intersection.

(3) At a driveway/street intersection, a sign shall not be erected, established or maintained where it will obstruct vision between a height of three and ten feet within a triangle formed by the intersection of the right-of-way line and a driveway. This triangle is defined by a line connecting two points, one located on the right-of-way line and the other on the edge of the driveway. The two points shall be located 15 feet from the intersection point of the right-of-way line and the edge of the driveway.

(Ord. 182. Passed 5-12-98; Ord. 2013-06. Passed 11-26-13.)

1259.08 PORTABLE OR MOVABLE SIGNS.

Any sign, excluding those specifically provided for, not permanently anchored or secured to either a building or the ground, including but not limited to "A" frame, "T" frame, inverted "T" frame, or those mounted on wheeled trailers shall be prohibited.

(Ord. 182. Passed 5-12-98.)

1259.09 MEASUREMENT OF SIGNS.

(a) 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.

(b) The area of a freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, and are no more than two feet apart at any point the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.

(c) 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.

(Ord. 182. Passed 5-12-98.)

1259.10 NONCONFORMING SIGNS AND SIGNS ACCESSORY TO NONCONFORMING USES.

(a) Every legal permanent sign which does not conform to the height, size, area or location requirements of this chapter as of the date of the adoption of this chapter, is hereby deemed to be nonconforming.

(b) Nonconforming signs may not be altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained, repaired and restored so as to continue the useful life of the sign.

(c) For the purposes of this chapter, a nonconforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of nonconforming uses.

~~(d) A sign related to a nonconforming use may be erected in the City in accordance with the sign regulations for the district in which the property is located.~~

(d) 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 of the appraised replacement cost of the entire sign prior to the loss, as determined by the City. If the estimated cost of restoration or replacement exceeds fifty percent 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 chapter prior to further use.

(Ord. 182. Passed 5-12-98.)

1259.11 SIGN PERMITS.

(a) No sign shall be erected, replaced, altered, enlarged, illuminated, changed in purpose, or relocated without first obtaining a sign permit. Permits shall not be required for signs specifically exempted, banners, or the copy of changeable letter signs. Signs exceeding thirty-two square feet in surface display area shall require a building permit prior to erection. An electrical permit shall be required for any sign utilizing electricity.

(b) An application for a sign permit shall be made through the City Clerk by submission of a form provided by the City. The application can be made by the owner of the property or by any other interested party with the owner's consent.

(c) The Zoning Administrator shall review all sign permit applications and issue permits only for those applications fully meeting ordinance requirements. The Zoning Administrator shall, absent extenuating circumstances, render a decision within five full working days of receipt of a completed application submittal. (Ord. 182. Passed 5-12-98.)