

ARTICLE VII. - SIGNS

Sec. 78-621. - Short title.

This chapter shall be known as the "Village of Middleville Sign Ordinance."

Sec. 78-622. - Purpose.

This article is intended to apply reasonable regulations concerning the use of signs and outdoor advertising structures, in order to achieve the following objectives:

- (1) Prevent excessive visual clutter and degradation of the visual environment in the village, which is likely to occur in the absence of reasonable regulations regarding the use of signs.
- (2) Provide adequate opportunity for various types of land uses to identify their location, the nature of the use and manage the use of signs as a means of communication to the general public.
- (3) To ensure that the size, design, type and placement of signs does not conflict with safe and efficient movement of vehicular traffic in the village.
- (4) To ensure that signs and sign structures are designed, constructed, installed and operated and maintained so as not to constitute a safety hazard.
- (5) To protect and promote the health, safety and general welfare of the village and its residents.

Sec. 78-623. - Authority.

This article is enacted pursuant to the Michigan Zoning Enabling Act (MCL 125.3101 et. seq.) and the General Law Village Act (MCL 61.1 et seq.).

Sec. 78-624. - Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings hereinafter defined:

Abandoned sign means a sign serving a premises vacant or unoccupied for more than 180 days.

Animated sign means a sign which uses moving parts or change of lighting to depict action or create a special effect or scene. This definition includes rotating signs.

Awning/canopy sign shall mean a sign which is part of or located on a canopy or awning which is attached to and projects from a building wall.

Balloon sign shall mean a tethered sign consisting of an envelope inflated with pressurized or heated air, or a lighter-than-air gas, and displayed for the purpose of advertising or attracting attention.

Banners shall mean a temporary sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners for the purpose of this article.

Bench sign shall mean a sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

Billboard sign shall mean a sign which advertises an establishment, service, merchandise, use, entertainment, activity, product or message which is not conducted, sold, produced, manufactured, or furnished upon the parcel or lot on which the sign is located, and additionally shall include those signs as regulated by the state pursuant to Act No. 106 of the Public Acts of Michigan of 1972 (MCL 252.301 et seq.), as amended.

Business center shall mean a single building containing two or more business establishments. Lodging uses with on-premises restaurants shall be included within this definition.

Business complex shall mean a land parcel containing two or more buildings, each containing one or more individual business establishments.

Business establishment shall mean a business operating independently of any other business on the same parcel or in the same building, separated from other businesses by walls, and with one or more doors which provide exclusive ingress and egress to that business.

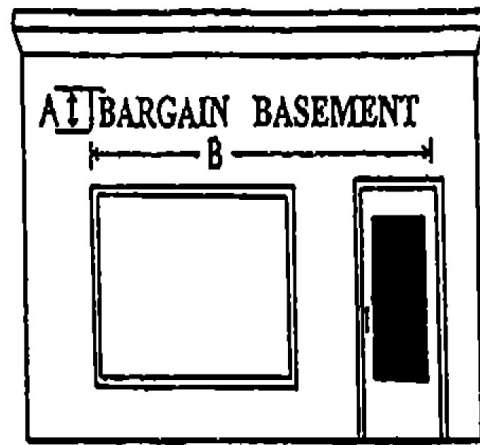
Changeable copy ground sign shall mean a sign that consists of a text message that can be changed periodically, whether manually or by automatic or digital means.

Construction sign shall mean a sign containing identifying information concerning construction activity in progress on the premises on which the sign is located, such as the name of the future occupant or business, development name, type of development, name of developer, and names of architects, engineers, contractors and lenders involved in the construction activity.

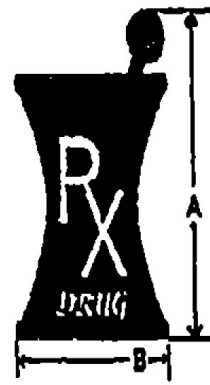
Corner locations shall mean those properties with frontage on two or more public streets.

Directional sign, on premises shall mean a sign whose primary purpose is to direct the movement or parking of vehicles within the premises. Examples of signs which are included in this definition include directional signs at driveway entries from the public road, signs directing the movement of traffic within a parking area or driveway, signs identifying barrier-free parking spaces, signs identifying rear access doors in a multibusiness establishment, signs prohibiting parking in loading areas or signs identifying loading dock names at a product distribution facility.

Display area shall mean the entire area within a circle, triangle or parallelogram enclosing the extreme limits or writing, lighting, representation, emblem or any figure of similar character, together with any frame or other material forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign; except that where two such faces are placed back to back and are at no point more than three feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.



*Display Area of Sign =
Height "A" x Length "B"*



*Display Area = area of
Rectangle enclosing all
Elements of the display
= "A" x "B"*



*Display Area = area of circle
Enclosing all elements
of the sign = 3.14 x (D/2) x (D/2)*

Display Area

- (1) *Exception 1.* The display area of the signs painted directly on building wall surfaces shall be that area within the circle, triangle or parallelogram enclosing the extreme limits of writing, letters or numbers.
- (2) *Exception 2.* Time and temperature displays including clock facings shall not

herein be defined as sign display area.

- (3) *Exception 3.* The area of an awning/canopy sign shall be measured as provided in the main body of this definition, and the sign shall be treated as if it were a wall sign attached to the same wall to which the awning or canopy is attached, for purposes of determining maximum allowed sign area.

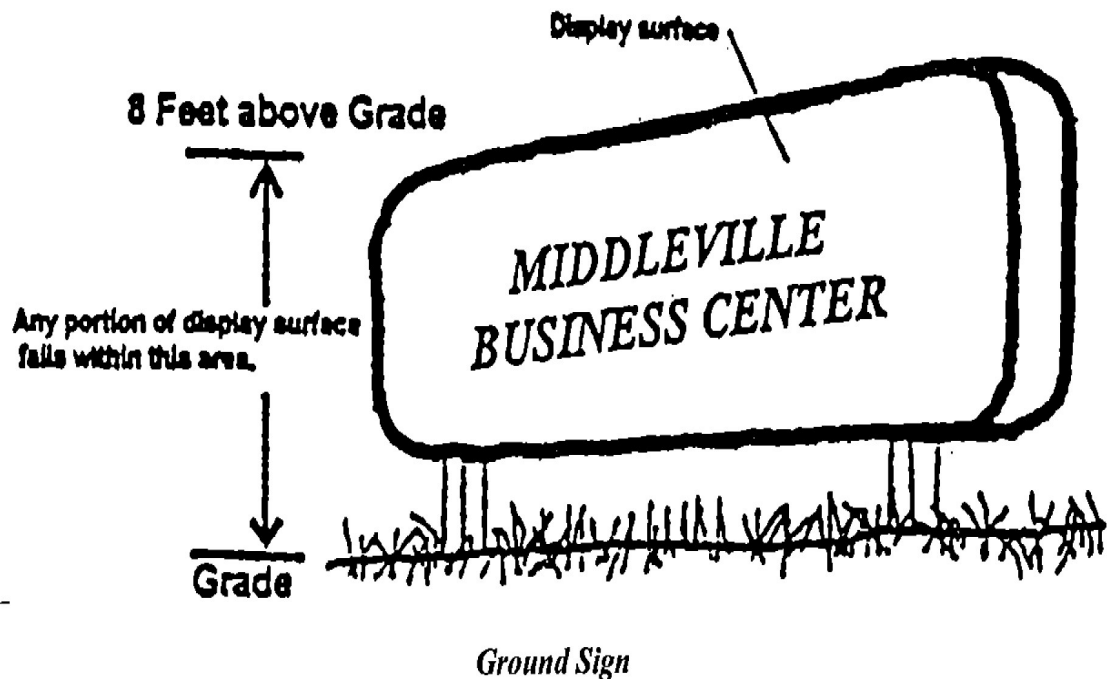
Encroaching sign shall mean a sign that projects beyond the private property line into and over public right-of-way.

Expressway business shall mean a motel, hotel, service station or restaurant that lies 2,000 feet or less from an expressway on-ramp or off-ramp.

Front wall shall mean the wall of a commercial business facing a private parking lot. If said business occupies a corner lot, the wall facing thoroughfare shall also be defined as a front wall.

Frontage shall mean the side of the property facing a thoroughfare.

Ground sign shall mean a sign which is supported by one or more uprights in or upon the ground, where any part of the display surface is less than eight feet above average grade within ten feet of the base of the sign.



Height of sign shall mean the maximum vertical distance from the uppermost extremity of a sign or sign support to the average ground level at the base of the sign.

Home occupation sign shall mean any sign used for the purpose of advertising services in conjunction with a lawful home occupation.

Human sign shall mean a sign which is held by or attached to a human for the purpose of advertising any goods, services, functions or specific business locations.

Identification sign shall mean a sign that identifies the name of the property owner, resident, or business on the property, with or without the street address.

Industrial park shall mean a grouping of several industrial businesses on contiguous parcels, accessed by the same public or private street and sharing a common location identity.

Institutional sign shall mean a sign containing a surface area upon which is displayed the name of a church, school, library, museum, day care center, cemetery, community center and similar institutions and the announcement of its services or activities.

Marquee sign shall mean a sign that is attached to the underside of a marquee, or other covered structure and projecting at a right angle from and supported by a building or marquee and does not project horizontally beyond the marquee or covered structure.

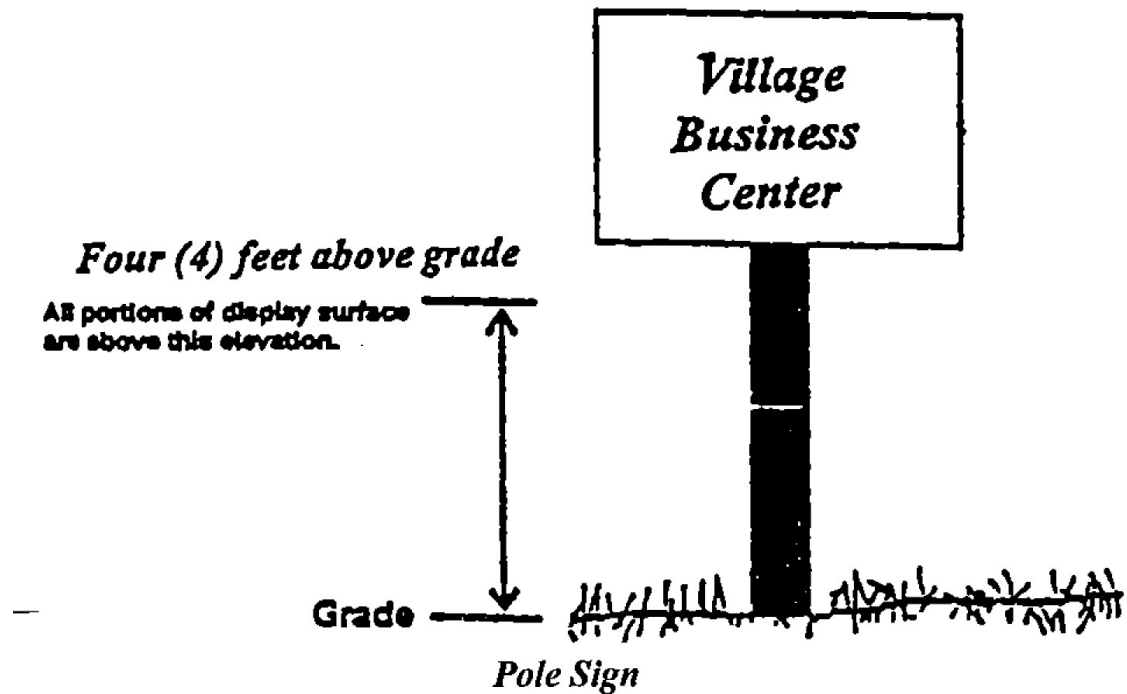
Mobile sign shall mean a sign supported on a mobile chassis other than a motor vehicle.

Nonconforming sign shall mean any sign that does not conform to the requirements of this chapter.

Off-premises sign shall mean a sign located on a different property or premises than where the business, product, service, event, person or subject is being advertised.

Pennant sign is any geometric shaped cloth, fabric or other lightweight material normally fastened to a stringer and which is secured or tethered so as to allow movement of the sign caused by movement of the atmosphere.

Pole sign shall mean a sign having a sign face that is elevated above the ground by one or more uprights or poles, with all parts of the display surface of the sign four feet or more above the grade at the base of the sign.



Political sign shall mean a temporary sign used in connection with a local state, or federal election, political topic or opinion or referendum.

Projecting sign shall mean a sign attached to and projecting perpendicularly from a building wall, excluding awning/canopy signs, as defined herein. One face only shall be used for computation of the display area of a projecting sign.

Real estate sign shall mean a sign announcing or advertising the availability of an improved or unimproved lot, parcel or building, or portion thereof, for sale, lease or rent.

Roof sign shall mean a sign that is erected, constructed and maintained upon or above the roof of a building, or parapet wall and that is wholly or partially supported by such building.

Exception. For the purpose of this definition of roof sign, a sign that is mounted on a mansard roof, roof overhang, parapet wall, above a marquee, or on a wall with a roof below, shall not be considered as a roof sign but shall instead be considered as a wall sign for that side of the building, provided that no part of such sign extends above the uppermost building line not including chimneys, flagpoles, electrical, mechanical equipment, TV antennas and other similar equipment and extensions.

Setback, required shall mean the minimum required horizontal separation distance between a public or private road right-of-way to any part of a sign, including any above-ground portions of a sign which project beyond the point of attachment of the sign to the ground.

Signs shall mean and include every individual announcement, declaration, demonstration, display, illustration, insignia, surface or space when erected or maintained out of doors in view of the general public for identification, advertisement or promotion of the interests of any person. This definition shall include billboard signs and signs painted directly on walls of structures.

Supports and uprights shall mean those members necessary for the structural support of the sign. Decorative trim applied to such members for aesthetic purposes shall be considered as a part of the supports and uprights provided such trim does not extend more than three inches in any direction beyond such support.

Temporary sign shall mean a sign intended to be displayed for a limited period of time, and which is not permanently attached to a building wall or to the ground.

Unified business development shall mean a commercial development planned as a coordinated project in accordance with an approved signage plan.

Uppermost building line shall mean uppermost horizontal line of a building formed by a roof, wall or parapet wall.

Wall sign shall mean a sign that is attached directly to a wall, mansard roof, roof overhang, parapet wall, or above a marquee of a building with the exposed face of the sign in a plane parallel to the building wall or to the surface on which it is mounted, and which projects not more than 18 inches from the building or structure wall, and which does not have any part of such signs or sign supports extending above the uppermost building line not including chimneys, flagpoles, electrical or mechanical equipment, TV antennas or any other similar equipment or extensions. This definition shall include writing, letters or numbers placed or painted directly on a building wall surface.

Window sign shall mean a sign attached to the inside or outside surface of a window on a building wall or door, or placed within six inches of the inside face of a window, and intended to be viewed from outside the building.

(Ord. No. 2086, § 24, 7-12-2016)

Sec. 78-625. - Permitted signs.

- (a) Signs shall be permitted only in accordance with the provisions of this article and other applicable provisions of this chapter.
- (b) Signs shall be placed, constructed and erected in accordance with good construction practices and shall be maintained in good condition and repair.

- (c) Illuminated signs shall be constructed and operated in compliance with the electrical code in effect within the village.
- (d) Signs shall be placed only on private property except for lawful signs of governmental bodies or agencies.
- (e) No permanent signs except residential or governmental signs or those exempt from the provisions of this article shall be placed, constructed or erected unless a zoning compliance permit has been issued by the village zoning administrator, and a building permit has been issued by the proper county agency.
- (f) No sign or sign structure shall be placed, constructed or erected in any location or manner where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. No rotating light or flashing illumination resembling a police or emergency light shall be used on or in connection with any sign.
- (g) Signs may be illuminated only in accordance with this article. Any externally illuminated sign shall be shielded in such a manner as to direct the light toward the sign. Any externally illuminated sign shall not be of such intensity as to illuminate any adjacent residential property.
- (h) Temporary signs shall be permitted on a parcel of land zoned C-1 central business, C-2 highway commercial, I-1 light industrial and I-2 heavy industrial, as follows:
 - (1) Up to four temporary signs may be permitted for each separate commercial establishment (that is, each separate store, market, office or other permitted use) located on a parcel of land. Total square footage for all temporary signs shall not exceed the square footage permitted, which is calculated by taking the linear feet of storefront (the area located at the front door of the business) and multiplying it by one.
 - (2) A temporary sign shall be displayed for not more than 30 days provided, however, that after the removal of a temporary sign, the sign may be re-displayed during the calendar year following any interval of time, so long as the cumulative total number of days of display during the calendar year does not exceed a maximum of 120 days. This shall include the number of days for all temporary signs. By way of example, if four temporary signs are posted at one time, they shall not be on display for more than 30 days in the calendar year (four signs × 30 days = 120 days).
 - (3) A temporary sign shall not be larger than 24 square feet. A temporary sign shall not be illuminated.

- (4) A zoning compliance permit for a temporary sign shall be required. There shall be no application fee, and an application for the permit shall include the following:
 - a. An accurate sketch, indicating the exact dimensions of the sign, its height, the structure upon which it will be placed, its location in relation to buildings, property lines, driveways and off-street parking areas, and such other information as may be required by the zoning inspector in order to assure that the sign shall comply with the applicable requirements of this chapter.
 - b. A statement, signed by the applicant, listing specifically the days, or the span of consecutive days, during which the sign will be displayed, and also the date or dates on which the sign shall be removed and, if applicable, the subsequent date or dates on which the sign shall be re-installed and again removed, during the calendar year.
 - c. A listing and description of the other temporary signs, if any, located on the property at the time of the application.
- (5) A temporary sign shall include any other or subsequent temporary sign of generally similar appearance, nature and purpose, as compared to the temporary sign initially permitted under the terms of this section. Accordingly, an applicant shall not seek to extend the time limitation on the display of a temporary sign by the attempted display of a different, though similar, temporary sign following the maximum permitted period of display of a permitted temporary sign.
- (6) An air-filled or gas-filled balloon sign may be permitted on a lot in lieu of a temporary sign, subject to the provisions above, provided that one is permitted per lot at any given time, and provided that, notwithstanding the provisions of subsection (2) above, an air-filled or gas-filled balloon sign shall not be displayed for more than seven consecutive days and not more than four times in any calendar year.
 - (i) A sign which has lettering or other material on both sides of the same surface shall nevertheless be deemed to be a single sign for all purposes under this article.
 - (j) The following signs are exempt from the provisions of this article:
 - (1) Governmental signs.
 - (2) Traffic and highway signs placed or erected by a governmental body or agency.
 - (3)

Directional signs in or for private off-street parking areas, but any such sign shall not exceed four square feet in area and shall be only for the purpose of traffic control.

- (4) Essential services signs denoting utility lines, railroads, hazards and the like.
- (5) Signs in the AG agricultural district which only identify the name of a farm or farm owner or crops or livestock on a farm.
- (6) One temporary, unlighted sign advertising the sale or lease of the lands on which it is located.
 - a. Such sign shall not exceed nine square feet in area and five feet in height.
 - b. As to lands which abut more than one street, there may be one such sign for each street which the lands abut.
- (7) One construction sign per project, but such signs shall not exceed 32 square feet in area. Any such sign shall be promptly removed after construction has been completed.
- (8) Decorative signs or displays used temporarily for holidays, patriotic occasions or public, governmental or charitable purposes or events.
- (9) Signs identifying buildings or sites designated as historic landmarks or centennial farms by state or federal agencies.
- (10) Signs or placards posted to control or prohibit hunting or trespassing.
- (11) Memorial signs, tablets or markers.
- (12) Notwithstanding the provisions of this section and its parts, all signs advertising yard or garage sales are subject to the provisions of chapter 50 of this Code.
- (k) Unless otherwise stated, no sign shall be located closer than one foot to a public street right-of-way or property line. Except for projecting signs, no sign shall overhang a public street right-of-way unless otherwise noted. All signs shall have a minimum ground clearance of eight feet above a sidewalk or walkway.

(Ord. No. 2086, § 25, 7-12-2016)

Sec. 78-626. - Prohibited signs.

The following types of signs are prohibited in all zoning districts:

- (1) Abandoned signs.
- (2) Air-filled or gas-filled balloon signs, except as permitted in subsection 78-625(h) 6.

- (3) Animated signs.
- (4) Banners and pennants, except as expressly permitted by this chapter.
- (5) Festoons.
- (6) Portable signs, except as expressly permitted in this chapter.
- (7) Rotating signs.
- (8) Signs imitating or resembling official traffic or government signs or signals.
- (9) Snipe signs.
- (10) Vehicle signs not used during the normal course of business which are parked or located for the primary purpose of displaying the advertising copy.
- (11) Roof signs.
- (12) Temporary signs, except as expressly permitted by the Ordinance.
- (13) Sexually graphic signs.
- (14) Billboards.
- (15) Pole mounted signs.
- (16) Flashing or blinking sign.
- (17) Any sign placed in a public street right-of-way.
- (18) Changeable copy wall sign.

(Ord. No. 2086, § 26, 7-12-2016)

Sec. 78-627. - Signs in the AG, RE, R-1, R-2, R-3, R-4 and NR districts.

Signs in the AG agricultural, the RE residential estate single-family, the R-1 low density single-family, the R-2 medium density single-family, the R-3 multiple-family residential, the R-4 mobile home residential and the NR natural river districts shall be permitted only in accordance with this section and other applicable provisions of this chapter.

- (1) Signs for the purpose of identifying churches, schools, parks and playgrounds, governmental and community buildings, libraries, museums, other permitted non-residential uses, residential and residential subdivisions or site condominiums, multiple-family dwellings, nursing homes, housing for the elderly and similar group housing, and state-licensed mobile home parks may have an area not exceeding 32 square feet for all such signs located on a lot or parcel of land, unless a greater area is approved by the planning commission as a special use under article IV of this chapter. Such signs may be attached flat against a

building or may be freestanding. Any freestanding sign, shall be a ground sign and shall be located at a minimum setback of 15 feet from the nearest street right-of-way line.

- (2) Signs authorized in this section shall not exceed a height of six feet above grade.
- (3) Each lot, parcel, subdivision or site condominium shall not be permitted more than one sign.

Sec. 78-628. - Signs in the C-1 central business district.

Signs in the C-1 central business district shall be permitted only in accordance with this section and other applicable provisions of this chapter.

- (1) Projecting, wall mounted signs per storefront facing a public street or publicly owned parking lot may be permitted subject to the following requirements:
 - a. A projecting sign shall not extend more than 48 inches outward from the wall to which it or support frame is attached.
 - b. A projecting sign shall not exceed 12 square feet in area.
 - c. From the bottom of a projecting sign there shall be at least nine feet but not more than 12 feet of vertical clearance from the ground or sidewalk surface.
 - d. A projecting sign must be affixed to the vertical wall and not on a roof.
 - e. One wall mounted signs shall be permitted and shall not exceed 24 square feet in area.
 - f. Existing freestanding sign shall be permitted when the building in which a business is located is at least ten feet from a public street right-of-way, when such signs have been approved prior to the effective date of xxx. Such signs shall not exceed 12 square feet in area per sign face and shall be located at least five feet from a street right-of-way line. Sign height shall not exceed four feet.
 - g. Awnings are permitted on store front walls and may include a sign or logo. Such sign or logo shall not exceed an area of 15 percent of the awning surface area.
 - h. A certificate of insurance documenting public liability shall be filed with the sign permit application for all projecting signs permitted by this section that project over a publicly owned sidewalk or right-of-way.

- (2) Sandwich-board signs are permitted if they do not exceed two feet in width and four feet in height, do not obstruct pedestrian movement on the sidewalk, are removed when the business is not open and are placed no closer than two feet from the curb line.
- (3) Letter signs on storefront window glass facing a public street, public right-of-way or public parking lot are permitted so long as 85 percent of the entire window glass area remains clear and free from signage.

(Ord. No. 2086, § 27, 7-12-2016)

Sec. 78-629. - Signs in the C-2 highway commercial zoning district.

Signs in the C-2 highway commercial district shall be permitted only in accordance with this section and other applicable provisions of this chapter.

- (1) Each sign shall not exceed the area permitted in tables 78-629a and 78-629b in square feet in area and shall not exceed 96 square feet in total area of all signs per lot or parcel of land, except directional signs.
- (2) Height of signs in the C-2 highway commercial district shall not exceed a height limits shown in table 78-629a.
- (3) Dimensions:
 - a. One freestanding ground mounted sign per lot or parcel of land shall be permitted, unless a greater number is approved by the planning commission as a special use under article IV of this chapter. Any freestanding ground sign may be located as follows:

Table 78-629a

Setback (feet)	Ground Sign Area (square feet)	Height (feet)
5	24	4
10	30	5
15	40	5.5

20	50	6
25+	60	7

- b. Signs may be attached flat against a building. One wall sign per lot or parcel of land shall be permitted, unless a greater number is approved by the planning commission as a special use under article IV of this chapter. Any wall sign may be located as follows:

Table 78-629b

Building Setback (feet)	Wall Sign Area ¹ (square feet)
5	24
10	30
15	40
20	50
25+	60

¹ Or remainder of square footage available on lot or parcel of land after all signage has been calculated into total allotted square footage per section 78-629 (1).

- (4) Business centers.
 - a. Each business center occupying one or more acres of land shall be permitted one on-premises freestanding sign, internally illuminated, when such business center has at least 200 feet of major street frontage.
 - (i) The sign shall be no more than 12 feet in height.

- (ii) The sign may be double-faced and shall not exceed 96 square feet in surface display area per face.
 - (iii) The sign shall be setback at least 15 feet from the edge of right-of-way.
 - (iv) The placement of a business center sign shall not result in the reduction in the number of permitted signs or sign area allowed for individual businesses within the center, but shall result in the prohibition of all other freestanding signs within the business center.
 - (v) Each individual business in the strip center shall be allowed a sign area of one square foot for each linear foot of street front wall width, not to exceed ten percent of wall area or 40 square feet, whichever is less.
 - (vi) For an individual business located within the strip center that has a wall that faces more than one right-of-way, said business may have a sign on each wall facing right-of-way.
 - (vii) Individual signs within the larger "business center" sign shall be simple and easy to read.
- (5) Letter signs on storefront window glass facing a public street, public right-of-way or public parking lot are permitted so long as 85% of the entire window glass area remains clear and free from signage.

(Ord. No. 2086, § 28, 7-12-2016)

Sec. 78-630. - Purpose and intentions of business center signs.

- (a) Business center signs are meant primarily to inform the motoring public of the existence of the center, not to advertise particular products, sales, or detailed descriptions of goods or services offered.
- (b) All signage within a business center shall be unified as to design. Wall signs in the center shall be letter graphic.
- (c) All signs shall be internally illuminated, if illuminated.

Sec. 78-631. - Signs in the I-1 and I-2 zoning districts.

Signs in the I-1 light industrial district and the I-2 heavy industrial district shall be permitted only in accordance with this section and other applicable provisions of this chapter.

- (1) All signs shall be ground mounted or wall signs.
- (2) Such signs shall not exceed 64 square feet in area per sign and shall not exceed 200 square feet in total area of all signs per lot or parcel of land.
- (3) Such signs in the I-1 district shall not exceed a height of eight feet, except that a sign attached flat against a building may be placed at a height not exceeding that of the roofline of the building. Such signs in the I-2 district shall not exceed a height of eight feet, except that signs attached flat against a building may be placed at a height not exceeding that of the roofline of the building.
- (4) Signs may be attached flat against a building. One freestanding ground mounted sign per lot or parcel of land shall be permitted, unless a greater number is approved by the planning commission as a special use under article IV of this chapter.

Sec. 78-632. - Signs in PUD zoning district.

Signs in the planned unit development district shall be permitted only in accordance with this article and other applicable provisions of the chapter. Signs in any PUD shall be located and designed within the PUD site plan. Changes in signage shall require an amendment to the PUD in accordance with section 78-477 of this Code.

Sec. 78-633. - Signs for special land use.

Signs in and for special land uses shall be permitted only in accordance with this section and other applicable provisions of this chapter.

- (1) Signs in and for special land uses in the AG, RE, R-1, R-2, R-3, R-4 and NR districts shall comply with section 78-627, but subsection (4) of this section shall also apply.
- (2) Signs in and for special land uses in the C-1 and C-2 districts shall comply with section 78-628 and section 78- 629, but subsection (4) of this section shall also apply.
- (3) Signs in and for special land uses in the I-1 and I-2 districts shall comply with section 78-631, but subsection (4) of this section shall also apply.
- (4) For signs in or for special land uses specified for approval by the planning commission, the planning commission may approve a modification of the other applicable requirements provided in this chapter regarding the maximum area

of a sign, the maximum total area of signs per lot or parcel of land, the maximum height of freestanding signs and the placement of signs in relation to the street right-of-way, if the applicant satisfactorily demonstrates the following:

- a. That the modification of such requirements is justified as a result of the nature, size, density, location or design of the special land use, including the design or placement of proposed signs; and
- b. That the modification of such 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 or distraction and will not otherwise result in a detriment to the public health, safety or general welfare.

(Ord. No. 2086, § 29, 7-12-2016)

Sec. 78-634. - Changeable copy ground signs.

All or a portion of a ground sign, except a sign that identifies a residential neighborhood or development, may be a changeable copy ground sign in compliance with all of the following requirements:

- (1) A changeable copy ground sign shall be permitted in the following districts as follows:
 - a. AG, RE, R-1, R-2, R-3, R-4, and NR districts: Permitted for church, community facilities, and/or school only.
 - b. C-2 District: Permitted for any use, provided however, there shall be a minimum distance of 100 feet between changeable copy ground signs from the proposed location to the location of the next closest changeable copy ground sign.
- (2) The area of a changeable copy ground sign shall be included in the maximum sign area limitation. LED changeable copy ground signs shall be constructed to greatly reduce the amount of light cast above the horizontal plane of the top of the LED portion of the sign. The area of a changeable copy ground sign shall not exceed 50 percent of the maximum permitted sign area. Only one changeable copy ground sign shall be permitted per parcel. The changeable copy ground sign shall be equipped with an ambient light sensor to automatically regulate sign brightness.
- (3)

A changeable copy ground sign shall not change its text message with such frequency as to be a flashing or oscillating sign, whether in whole or in part. For purposes of this section, a flashing or oscillating sign shall include not only a sign having a message or image that changes with high rapidity, but shall also include a sign having a message or image that changes with a frequency such as to serve as a means of attracting attention to the sign or the land use, rather than for the purpose of providing identification or information. The text message of a changeable copy sign shall change no more frequently than two seconds and each change shall occur in one second or less.

- (4) The text message of a changeable copy ground sign shall, when changing, appear only in its entirety. The text message shall not appear to flash, move from the center of the sign outward, move from the corners of the sign inward or demonstrate any other unusual movement, oscillation or method of appearance.
- (5) A changeable copy ground sign shall not display full white copy between sunset and sunrise and otherwise shall not feature a brightness level deemed to be a distraction or injurious to the vision of motorists, as determined by the zoning administrator.

(Ord. No. 2089, § 5, 11-22-2016)

Editor's note— Ord. No. 2089, § 5, adopted Nov. 22, 2016, repealed the former § 78-634 and enacted a new § 78-634 as set out herein. The former § 78-634 pertained to changeable copy signs and derived from this Code as originally published and Ord. No. 2086, § 30, adopted July 12, 2016.

Sec. 78-635. - Nonconformance.

- (a) *Intent.* It is the intent of this section to encourage eventual elimination of signs that as a result of the adoption of this chapter become nonconforming, to administer this chapter to realize the eventual removal of illegal nonconforming signs, to avoid any unreasonable invasion of established private property rights and to adopt regulations on the limited alteration or provisional relocation of certain nonconforming signs, in particular circumstances. This section includes specific, detailed provisions regarding nonconforming signs, and accordingly, in the event of a conflict between the provisions of this section and other portions of this chapter, the provisions of this section shall control.
- (b)

Lawful existing signs. A sign lawfully existing at the time of the adoption of these provisions which does not fully comply with the provisions of this chapter or other relevant provisions of this chapter shall be deemed a lawful nonconforming sign and may be permitted to remain if the sign is properly maintained and if it has no serious adverse effects on the public health, safety and general welfare, except as otherwise stated in this section.

(c) *Continuance of nonconforming signs other than billboards.* This subsection (c) regulates only nonconforming signs that are not billboards, and accordingly, references in this subsection to signs do not include billboards.

- (1) A nonconforming sign shall not be enlarged or expanded in area, increased in height or changed to another nonconforming sign, in whole or in part.
- (2) A nonconforming sign shall not be removed, in whole or in part, from its current location and then relocated, re-erected or re-installed at another location, whether on the same parcel of land or on another parcel of land.
- (3) A nonconforming sign shall not be structurally rebuilt or reconstructed to such extent as will prolong the useful life of the sign; or so as to change the shape, size, type, placement or design of the structural elements of the sign; or in order to add illumination, whether by the addition of additional sources of light or by the increase in the intensity of existing light sources.
- (4) A nonconforming sign shall not be repaired, re-erected or re-installed after being damaged as a result of casualty, if the repair, re-erection or re-installation of the sign, within any 12-month period, would cost more than 60 percent of the cost of an identical new sign. In evaluating evidence presented as to the cost of an identical new sign, the village may require the submission of cost estimates from multiple suppliers or contractors or other reliable proof of such cost.
- (5) A nonconforming sign shall not be altered or revised, provided, however, that the following actions with respect to a nonconforming sign shall be permitted: normal and usual maintenance; the changing of the sign surface area to a lesser or equal area, but a static display face of a nonconforming sign shall not be changed to a changeable copy display face, in whole or in part; the replacement of landscaping below the base of the sign; or the changing of the sign's, background, letters, figures, graphics or other characters.
- (6) A nonconforming sign shall not be changed, altered, revised or reconstructed so as to be or constitute a changeable sign, in whole or in part.

(d)

Continuance of nonconforming billboards. This subsection (d) regulates only nonconforming billboards. Nonconforming signs that are not billboards are regulated by subsection (c) above.

- (1) A nonconforming billboard shall not be enlarged or expanded in area or increased in height, in whole or in part.
- (2) A nonconforming billboard shall not be changed to another nonconforming billboard or another nonconforming sign.
- (3) A nonconforming billboard shall not be removed, in whole or in part, from its current location and then relocated, re-erected or re-installed at another location, on the same parcel of land or relocated, re-erected or re-installed on a different parcel of land.
- (4) A nonconforming billboard shall not be repaired, re-erected or re-installed after being damaged as a result of casualty, if the repair, re-erection or re-installation of the billboard, within any 12-month period, would cost more than 60 percent of the cost of an identical new billboard. In evaluating evidence presented as to the cost of an identical new billboard, the village may require the submission of cost estimates from multiple suppliers or contractors or other reliable proof of such cost.
- (5) A nonconforming billboard shall not be altered or revised; provided, however, that the following actions with respect to a nonconforming billboard shall be permitted: normal and usual maintenance; the changing of the billboard surface-area to a lesser or equal area (but changing the billboard surface-area from a static surface-area to a changeable copy sign, in whole or in part, shall not be permitted); the replacement of landscaping below the base of the billboard; or the changing of the billboard's background, letters, figures, graphics or other characters (but such alterations shall not cause the background, letters, figures, graphics or other characters to become a changeable sign configuration).
- (6) A nonconforming billboard shall not be changed, altered, revised or reconstructed so as to be or constitute a changeable copy ground sign, in whole or in part.
- (7) A nonconforming billboard shall not be altered or revised so as to extend the useful life of such billboard.

(Ord. No. 2086, § 31, 7-12-2016)

Secs. 78-636—78-660. - Reserved.

