

## **ORDINANCE NO. CLXXVIII (178)**

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW BUFFALO, MICHIGAN, THAT BEING APPENDIX A OF THE MUNICIPAL CODE OF THE CITY OF NEW BUFFALO, TO UPDATE REGULATIONS CONCERNING SIGNAGE.

THE CITY OF NEW BUFFALO ORDAINS:

### **SECTION I.**

Sections 16-1 through 16-11 are hereby repealed, and the following new sections are put in their respective places:

#### **SECTION 16-1 PURPOSE**

The sign regulations of this article are intended to protect and further the health, safety, and welfare of the residents of the City of New Buffalo; to maintain and improve the appearance of the City; to preserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs. It is further determined that to allow signs of excessive number and size in the City would unduly distract pedestrians and motorists, create a traffic hazard, and reduce the effectiveness of signs needed to direct the public. The regulations of this article are intended to provide reasonable identification for businesses and other uses within the community, but are not intended to serve as a means of advertising.

#### **SECTION 16-2 DEFINITIONS**

- A. Awning: A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.
- B. Balloon sign: A sign composed of a non-porous bag of material filled with air.
- C. Banner sign: A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.
- D. Billboard: Any structure, including the wall of any building, on which lettered, figured or pictorial matter is displayed for advertising a business, service, or entertainment which is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed or fabricated on such land.
- E. Business Center: Any two (2) or more businesses (other than within the CBD district) which:
  - 1. Are located on a single parcel of property; or
  - 2. Are connected by common walls, partitions, canopies, or other structural members to form a continuous building or group of buildings; or
  - 3. Share a common parking area; or
  - 4. Otherwise present the appearance of a single, contiguous business area.

- F. Business Center Sign: A freestanding sign identifying the name of a Business Center and/or one or more individual businesses within the center.
- G. Construction Sign: A temporary sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
- H. Directional Sign: A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.
- I. Freestanding Sign: A sign, not attached to a building or wall, supported on poles or supports with a minimum ground clearance of eight (8) feet.
- J. Government Sign: A temporary or permanent sign erected by the City of New Buffalo.
- K. Ground Sign: A sign, the bottom of which is no more than twenty-four (24) inches from the ground, which rests directly on the ground or is supported by short poles or a base, and is not attached to a building or wall.
- L. Highway Sign: A temporary or permanent sign erected within or adjacent to the road right-of-way by the City of New Buffalo, Berrien County, the State of Michigan, or federal government for the purpose of directing or controlling traffic on a public street, road, or highway.
- M. Institutional Bulletin Board: A ground sign upon which is displayed the name of a church, school, library, community center or similar public or quasi-public institution located on the property and which may contain a space for a reader board to announce its services, events, or activities.
- N. Marquee: A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
- O. Marquee Sign: A sign affixed flat against the surface of a marquee.
- P. Memorial Sign: A non-illuminated sign, tablet, or plaque commemorating a person, event, structure, or site.
- Q. Mural: A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.
- R. Off-premise Sign: A sign which relates to or advertises an establishment, product, merchandise, good, service or entertainment which is not located, sold, offered, produced, manufactured or furnished at the property on which the sign is located (including, but not limited to billboards).
- S. Placard: A sign not exceeding two (2) square feet which provides notices of a public nature, such as "No Trespassing", "No Hunting", "Closed", or "Open" signs.
- T. Political Sign: A temporary sign used in connection with an official local government, school district, county, state, or federal election or referendum.
- U. Projecting Sign: A double-faced sign attached to a building or wall that extends more than twelve (12) inches but not more than forty-eight (48) inches from the face of the building or wall.
- V. Reader Board: A portion of a sign on which copy is changed manually.
- W. Real Estate Sign: A non-illuminated, temporary sign pertaining to the sale, rent, or lease of the property

upon which the sign is located.

- X. Residential Subdivision Sign: A permanent ground sign identifying a recognized platted subdivision, site condominium project, multi-family development, or other residential development, which has been approved by the City.
- Y. Roof Line: The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
- Z. Roof Sign: A sign erected above the roof line of a building.
- AA. Sign: Any display, figure, painting, drawing, placard, poster or other device visible from the public way which is designed, intended or used to convey a message, advertise, inform or direct attention to a person, institution, organization, activity, place, object or product. It may be a structure or part thereof painted on or attached directly or indirectly to a structure.
- BB. Special Event Sign and Special Event Banner: Temporary signs containing public messages concerning special events sponsored by governmental agencies or non-profit organizations.
- CC. Temporary Sign: A display, informational sign, special event banner or other advertising device with or without a structural frame and intended for a limited period of display, including seasonal produce sales, and decorative displays for holidays, or public demonstrations.
- DD. Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of the wall to which it is attached.
- EE. Window Sign: A sign installed inside a window and intended to be viewed from the outside.

### **SECTION 16-3 GENERAL REQUIREMENTS**

- A. No sign shall be placed in, upon or over any public right-of-way, alley, or other public place, except for permitted highway and government signs and those signs permitted in the CBD district which may project from a building wall over a public way. Signs in a public right-of-way, except permitted projection, government, and highway signs, shall be removed by the City at the sign owner's expense.
- B. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.
- C. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
- D. No commercial vehicle, which in the opinion of the Zoning Administrator has the intended function of acting as a sign, shall be parked in any area abutting the street, unless no other parking area is available.
- E. No sign shall contain any moving or animated parts, nor have the appearance of having any moving or animated parts.
- F. All ground, freestanding, and wall signs may contain reader boards within the maximum size limits permitted for the sign.
- G. No wall sign shall extend beyond the edge of the wall to which it is affixed, and no wall sign shall

extend above the roof line of a building.

- H. All signs shall pertain only to the business or activity conducted on the premises, with the exception of billboards located adjacent to state or interstate highways, political signs, and special event signs.
- I. Real estate signs, non-illuminated, are permitted in any Zoning District, but shall be removed within thirty (30) days after completion of the sale or lease of the property.
- J. Construction signs are permitted within any District, subject to the following regulations:
  - 1. Such signs shall be no larger than thirty-two (32) square feet and shall be located not closer than ten (10) feet from the street right-of-way line and shall not be higher than ten (10) feet.
  - 2. In residential developments, any construction sign shall be removed at such time as a permanent subdivision sign is erected, final plat approval is obtained, or a certificate of occupancy is issued for any dwelling in the development; whichever comes first.
  - 3. In non-residential developments, any construction sign shall be removed upon issuance of a certificate of occupancy for the building.
- K. Special event signs are permitted in any zoning district, subject to the following restrictions:
  - 1. Such sign may be located either on or off the lot on which the special event is held.
  - 2. The display of the signs shall be limited to the ten (10) days immediately preceding the special event which is being advertised.
  - 3. The signs shall have a maximum size of thirty-two (32) square feet in area, and a maximum height above ground level of six (6) feet and shall be set back from any side or rear property line a minimum of fifteen (15) feet. The front setback shall be as required for signs in the zoning district in which the sign is to be located.
  - 4. The signs shall be removed within forty-eight (48) hours of the conclusion of the special event which is being advertised.
- L. Directional signs are permitted in any zoning district subject to the following restrictions:
  - 1. Such sign shall not exceed two (2) square feet in area or three (3) feet in height, and shall be set back at least five (5) feet from any lot line and edge of any driving lane.
  - 2. A directional sign may contain a commercial logo or trademark, not exceeding one-third of the sign size, but not a business name or commercial message.
- M. Freestanding signs shall have a clear space of at least eight (8) feet between the grade and the bottom of the sign to permit an unobstructed view for motorists and pedestrians.
- N. Temporary signs are permitted in any district subject to the following restrictions:
  - 1. A temporary sign shall only be displayed upon receipt of a permit issued by the Zoning Administrator.
  - 2. No temporary sign shall be displayed on any one (1) lot or parcel for more than thirty (30) consecutive days for any one permit period and no more than two (2) non-consecutive permits

shall be issued for any lot or parcel during any calendar year.

3. Upon expiration of the permit, the sign shall be removed by the permit holder.
  4. No temporary sign shall exceed thirty-two (32) square feet.
  5. Only one (1) temporary sign shall be permitted on a lot or parcel.
  6. No temporary sign shall be closer than five (5) feet from any property line fronting on a public street.
  7. All temporary signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area.
- O. All lighted signs shall be inspected by the Electrical Inspector for proper and adequate electrical connections. If deemed necessary by the Zoning Administrator, an electrical code permit will be required.

#### **SECTION 16-4 EXEMPT SIGNS**

The following signs shall not require a building permit, but shall be subject to all other applicable general requirements of this article:

- A. Government signs.
- B. Placards.
- C. Temporary signs of six (6) square feet in size or less.
- D. Window signs, provided the total area of all signs within one (1) foot of the window shall not obscure more than fifty (50) percent of the window area.
- E. Political signs.
- F. Historical markers.
- G. Memorial signs or tablets.
- H. Murals.
- I. Signs not visible from any street.
- J. Signs for essential services.
- K. Signs with address, owner, or occupant name, of up to one (1) square foot in area attached to a mailbox, light fixture or exterior wall.
- L. Flags or insignia of any nation, state, local government, community organization, or educational institution; and flags used to notify the public that an establishment is open.
- M. Special event banners.

## **SECTION 16-5 PROHIBITED SIGNS**

All signs not specifically allowed under this article (unless exempted from regulation herein) are prohibited in the City of New Buffalo. Further, the following types of signs are expressly prohibited:

- A. Balloons, balloon signs, strings of light bulbs, pennants, streamers, non-special event banners, or flags, except for those flags of a non-commercial nature not used for the purpose of commercial advertisement and specifically exempted.
- B. Any sign, including window signs, which have flashing, moving, or oscillating lights (excluding time and temperature signs, which are permitted).
- C. Roof signs.
- D. Off-premises signs (except for non-commercial signs, special event signs, and billboards).

## **SECTION 16-6 MEASUREMENT**

- 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 or 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 structure necessary to support the sign.
- B. The area of a freestanding, ground, or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) such faces are placed back-to-back, are of equal size, and are no more than two (2) feet apart at any point, the area of the two (2) back-to-back faces shall be counted as one face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the one (1) 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.
- D. For buildings with multiple tenants, the sign areas for wall signs, projecting signs and awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign requirements for that portion of the total wall.

## **SECTION 16-7 ILLUMINATION**

- A. In the Central Business District when signs are illuminated they shall only be illuminated externally, and the source of the light shall be directed to prevent light from shining directly onto traffic or neighboring property.
- B. In the General Commercial District signs may be illuminated internally or externally. When illuminated externally the source of the light shall be enclosed and directed to prevent light from shining directly onto traffic or neighboring property.
- C. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light, provided variable time-temperature signs may be permitted.

## **SECTION 16-8 MAINTENANCE**

- A. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility.
- B. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.

## **SECTION 16-9 SIGNS PERMITTED BY DISTRICT**

The following signs are permitted in combination (unless otherwise noted) in each district, subject to the requirements described in the tables and all other applicable regulations of this article.

In addition to the number of wall signs permitted, the surface area which contains any information on awnings shall contribute to the calculation of the total permitted size for wall signs.

<b>R-1, R-2, R-3, R-4 &amp; Residential PUD Districts</b>	
<b>RESIDENTIAL SUBDIVISION SIGNS</b>	
Number	One (1) per entrance road to the development, not exceeding two (2) such signs per development
Size	No greater than forty (40) square feet
Location	Minimum ten (10) feet from the street right-of-way line
Height	Not more than eight (8) feet above grade
<b>INSTITUTIONAL BULLETIN BOARD</b>	
Number	One (1) per lot or parcel
Size	No greater than thirty-two (32) square feet
Location	Minimum fifteen (15) feet from the street right-of-way line
Height	Not more than six (6) feet above grade
<b>SIGNS FOR HOME OCCUPATIONS</b>	
Number	One (1) per lot or parcel
Size	No greater than six (6) square feet and no higher than six (6) feet if freestanding
Location	Mounted flat against the wall and non-illuminated or freestanding in front yard
<b>WALL SIGNS FOR NON-RESIDENTIAL USES</b>	
Number	One (1) per street frontage
Size	For public and quasi-public facilities (such as schools, churches, and similar institutional uses) no sign shall be greater than five (5) percent of the wall area to which it is affixed, not to exceed fifty (50) square feet. For private offices no such sign shall be greater than six (6) square feet.
Location	Mounted flat against the wall facing the street.



<b>CBD, Central Business District</b>	
<b>WALL SIGN</b>	
Number	One (1) per business; provided that any business which has frontage on more than one (1) street shall be permitted to have one (1) wall sign per street frontage, subject to the following size restrictions.
Size	No greater than fifteen (15) percent of the ground floor wall area to which it is affixed on the front and no greater than ten (10) percent of the ground floor wall area on any side or rear face which abuts a street, not to exceed fifty (50) square feet per sign. Where two or more businesses occupy a single building, the ground floor wall area shall be limited to that portion of the building occupied by the respective business.
Location	Mounted flat against the wall facing the street
<b>GROUND SIGN</b>	
Number	One (1) per lot or parcel.
Size	No greater than forty-eight (48) square feet
Location	Minimum ten (10) feet from the street right-of-way line
Height	Not more than four (4) feet above grade
Illumination	Shall not be illuminated if property is adjacent to Residential District.
<b>PROJECTING SIGN, AWNING SIGN, OR MARQUEE SIGN</b>	
Number	One (1) per street frontage
Size	No greater than ten (10) square feet
Location	Projecting out from the building wall not more than four (4) feet and having a clearance of at least eight (8) feet between the sidewalk and the bottom of the sign.

<b>GCD, WM &amp; Commercial PUD Districts</b>	
<b>GROUND SIGN OR FREESTANDING SIGN</b>	
Number	One (1) per street frontage but not more than two (2) signs, provided that lots with two street frontages shall have a minimum width at each right-of-way line of at least fifty (50) feet in order to have a second sign. No freestanding sign shall be permitted for individual businesses within any business center.
Size	No greater than forty-eight (48) square feet for ground signs or sixty (60) square feet for freestanding signs; provided that in the GCD District the area of a freestanding sign may be increased to eighty (80) sq.ft.
Location	Minimum ten (10) feet from the street right-of-way line
Height	Not more than four (4) feet above grade for ground signs or twenty-five (25) feet for freestanding signs
<b>WALL SIGN</b>	
Number	One (1) per business; provided that any business which has frontage on more than one (1) street shall be permitted to have one (1) wall sign per street frontage, subject to the following size restrictions.
Size	No greater than ten (10) percent of the wall area to which it is affixed and which is occupied by the respective business, not to exceed one hundred (100) square feet
Location	Mounted flat against wall facing the street
<b>BUSINESS CENTER SIGN</b>	
Number	One (1) per street frontage but not more than two (2) signs, provided that lots with two street frontages shall have a minimum width at each right-of-way line of at least fifty (50) feet in order to have a second sign. No freestanding signs shall be permitted for individual businesses within any business center.
Size	No greater than eighty (80) square feet.
Location	Minimum ten (10) feet from the street right-of-way line
Height	Not more than twenty-five (25) feet
<b>BILLBOARD (within the C-4 District only, as a Special Exception Use)</b>	
No billboards shall be permitted, except in conformance with the Highway Advertising Act	

<b>I-1 &amp; Industrial PUD Districts</b>	
GROUND SIGN (no freestanding signs are permitted)	
Number	One (1) per lot or parcel
Size	No greater than forty-eight (48) square feet
Location	Minimum ten (10) feet from the street right-of-way line
Height	Not more than four (4) feet above grade
WALL SIGN	
Number	One (1) per street frontage
Size	No greater than five (5) percent of the wall area to which the sign is affixed, not to exceed one hundred (100) square feet
Location	Mounted flat on wall facing street
BILLBOARD (if approved as a Special Exception Use)	
No billboards shall be permitted, except in conformance with the Highway Advertising Act.	

## **SECTION 16-10 NONCONFORMING SIGNS**

- A. Every permanent sign which was erected legally and which lawfully exists at the time of the enactment of this article, but which does not conform to the height, size, area, or location requirements of this article as of the date of the adoption of these regulations, is hereby deemed to be nonconforming. This status shall not be granted to any temporary sign, banner, placard, or other non-permanent sign.
- B. Nonconforming signs may not be altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained and repaired so as to continue the useful life of the sign.
- C. For the purposes of this article, a nonconforming sign may be diminished in size or dimension without jeopardizing the privilege of nonconforming use. The copy of the sign may not be amended or changed, unless specifically designed to be changed periodically as in Reader Board, without bringing such sign into compliance with the requirements of this article.
- D. Any nonconforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty (50) percent of the value of the sign on the date of loss.
- E. Any sign which for a period of one (1) year or more no longer advertises a bona fide business conducted or product sold shall be removed by the owner of the building, structure, or property upon which such sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator.
- F. A sign accessory 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.

**SECTION 16-11 SIGN PERMITS**

No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a building permit, unless such sign is specifically exempted as provided in this article.

**SECTION II.**

THIS ORDINANCE WAS ADOPTED ON THE 16<sup>TH</sup> DAY OF SEPTEMBER, 2008, AND SHALL BECOME EFFECTIVE ON THE 14<sup>TH</sup> DAY OF OCTOBER, 2008, WHICH DATE IS TWENTY DAYS FOLLOWING PUBLICATION IN THE NEW BUFFALO TIMES, A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE CITY OF NEW BUFFALO.

CITY OF NEW BUFFALO, BERRIEN COUNTY, MICHIGAN