

Chapter 1476

Signs

This sign ordinance is adopted pursuant to MCL 117.4i of the Home Rule Cities Act to preserve the public health, safety and welfare of the citizens of the City of Traverse City.

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1476.01 TITLE.

This chapter shall be known and cited as the Sign Ordinance.
(Ord. 632. Passed 4-19-04.)

1476.02 PURPOSE.

The purpose of this Chapter is to:

- (a) Protect property values by improving the City’s image,
- (b) Acknowledge that signs help locate goods, services and facilities,
- (c) Promote safe travel by minimizing sign hazards, obstructions and driver distractions,
- (d) Recognize the contribution business signs make to sales, job opportunities and the City’s tax base,
- (e) Recognize that well-designed signs create attractive business districts,
- (f) Further visibility and effectiveness of all signs by instituting reasonable standards,
- (g) Protect scenic views, landscapes, architecture and the night sky,
- (h) Provide flexible regulations for diverse needs,
- (i) Preserve public health, safety and welfare.
- (j) Provide time, place and manner regulations for signs; the provisions of this ordinance are intended to have neither the purpose nor the effect of imposing regulations on the content of signs.

(Ord. 632. Passed 4-19-04. Ord. 798. Passed 6-16-08.)

1476.03 APPLICATION OF CHAPTER; CONFLICT OF LAWS.

This chapter shall apply to the display, construction, erection, alteration, use, location and maintenance of all signs in the City. No person shall display, construct, enlarge, erect, alter, use or maintain any sign, except in conformity with this chapter. Furthermore, if any of the provisions of this chapter are inconsistent with the provisions of any other law presently existing or enacted in the future, the more restrictive requirement will apply. If any of the provisions of

any other chapter of these Codified Ordinances is clearly in conflict with this chapter, this chapter shall apply.

(Ord. 632. Passed 4-19-04.)

1476.04 DEFINITIONS.

As used in this chapter:

Awning means a retractable or fixed shelter constructed of materials on a supporting framework that projects from the exterior wall of a building. An awning sign is considered a “wall sign”.

Banner means a sign made of vinyl, cloth, plastic or other flexible material.

Building means any structure designed or built for the enclosure, shelter or protection of persons, animals, chattels or property of any kind.

Canopy means a permanently roofed shelter projecting over a sidewalk, driveway, entry, window or similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground including gas pump shelters.

Commercial use means a use for the sale of products or services.

Freestanding sign means a sign principally supported independent of any building.

Frontage, street. "Street frontage" means that side of a parcel which is adjacent to a street.

Grade means:

- A. For buildings having walls within 25 feet of a street: The average elevation of the sidewalks, curbs or centerlines of streets, whichever is closest to the building walls adjoining the streets.
- B. For buildings more than 20 feet from the street: The average of the lowest and highest ground surface elevations in an area within six feet of the foundation line of a building or structure.

Height means the vertical distance measured from the grade.

Illumination, indirect. "Indirect illumination" means lighting a sign by means of a light source which is directed at its front surface, or a light source which is primarily designed to illuminate the entire building facade upon which a sign is displayed. "Indirect illumination" does not include lighting which is primarily used for purposes other than sign illumination, e.g. parking lot lights, or lights inside a building which may silhouette a window sign but which are primarily installed to serve as inside illumination.

Illumination, internal. "Internal illumination" means lighting by means of a light source which is within a sign having an opaque background or silhouetting opaque letters or designs, or within letters or designs which are themselves made of a translucent material.

Industrial use means a use for the manufacture of products.

Institutional use means a school, church, hospital or any other public or quasi-public use.

Joint identification sign means a sign which serves as a common or collective identification for two or more commercial or industrial uses on the same parcel. Such sign may contain a directory to such uses as an integral part thereof, or may serve as general identification only for such developments as shopping centers, industrial parks and the like.

Landmark means an older sign designated by the Historic Districts Commission that by virtue of its age, rarity, historical significance, special design qualities, and characteristics of an earlier era, merits special regulatory treatment under this ordinance.

Light source means any artificial illumination and any reflecting surface which, by reason of its construction and/or placement, becomes, in effect, the light source.

Marquee sign means a sign depicted upon, attached to or supported by a marquee a permanently roofed structure attached to and supported by a building and projecting from the building.

Parcel means a portion of land under one ownership or one tax parcel identification number, whether or not part of a platted subdivision, occupied or intended to be occupied by a building or use.

Parcel width means the width of the parcel at the front building line.

Person means a corporation, association, partnership, trust, firm or similar activity as well as an individual.

Portable sign means a sign of A-frame or similar construction which can be easily removed on a daily basis.

Projecting sign means a sign which is attached directly to the building wall, and which extends more than fifteen inches from the face of the wall.

Recreational use means a use designed for activities such as picnicking, sports, swimming, biking, etc.

Residential use means a use primarily designed for non-commercial dwellings.

Roof sign means a sign erected, constructed or maintained upon, or which projects above, the roof surface of a building.

Sign means any writing, letter, word, symbol, pictorial representation, form light or structure which, by reason of its shape, bulk, color, message, wording, symbol, design, illustration, motion or otherwise, attracts or is designed to attract attention or to communicate a visual message, including any back lighted translucent, roof, wall, canopy or other architectural element.

Sign area means the total surface area of a sign that can be seen from one vantage point exclusive of supports and masonry encasing.

Sign face means the surface of a sign where the message is displayed or illustrated.

Sign structure means any supports, uprights or internal framework and bracing of a sign.

Sign, temporary means a sign intended to be displayed for a limited period and associated with a temporary event and one which is without permanent foundations or attached to the exterior of a building.

Structure means anything constructed or erected with a fixed location on the ground above grade, but not including poles, lines, cables or other transmission or distribution facilities of public utilities.

Suspended sign means a sign attached to and hanging below the ceiling of an eave, arcade, marquee or canopy.

Traffic directional sign (private) means a sign erected on private property for the purpose of guiding vehicular and pedestrian traffic only.

Trailer-mounted sign means a sign designed to be easily relocated to a different site to draw attention.

Wall, building means a side of a building lying in an uninterrupted plane.

Wall sign means a sign which is painted on or attached directly to a building wall with the face of the sign parallel to and extending not more than fifteen inches from the face of the wall.

Wall signs include awning signs.

Wind sign means a sign consisting of one or more pennants, ribbons, spinners, streamers, captive balloons, air pressure stabilized bags, or other objects or materials fastened or supported in such a manner as to provide movement when subjected to wind.

Window sign means a sign which is applied, affixed or attached to the interior of any building window.

Zoning Administrator means the Traverse City Zoning Administrator or other person charged with the administration of this chapter, or that person's duly authorized deputy.

(Ord. 632. Passed 4-19-04.) (Ord. 697. Passed 3-20-06. Ord. 869. Passed 7-6-10.)

1476.05 PROHIBITED SIGNS.

No person shall display, erect, use or maintain a sign for which a permit is required and has not been issued, or a:

- (a) **Electronic message sign** capable of changing any message or graphic and which does so more than once an hour.
- (b) **Imitation traffic sign** which, by reason of its shape, color, use of lighting, or other factor, is similar in both size and appearance to any official traffic signal or traffic sign or railroad sign or signal in a way that may, in the judgment of the Zoning Administrator, interfere with traffic movement or safety.
- (c) **Internally illuminated sign** in a predominately residential area.
- (d) **Motor vehicle with a sign** which is parked in a position visible to traffic on a public road or parking area for the primary purpose of displaying the sign to the public.
- (e) **Obsolete sign.** Any sign that does not meet the provisions of this Code, together with its supporting structure which is still standing 180 days or more after the premises have been vacated. This provision shall not apply to permanent signs accessory to businesses which are open only on a seasonal basis, provided there is a clear intent to continue operation of the business.
- (f) **Portable sign** along Front Street between Union Street and Boardman Avenue except for governmental directional signs.
- (g) **Revolving sign or sign with movable parts** or which give the illusion of movement by means of illumination or otherwise, are not permitted, except barber poles less than eight feet in height are allowed.
- (h) **Roof sign.**
- (i) **Searchlights, lasers or other high intensity lights sources** to light the night sky.
- (j) **Sign on public property**, without the public property owner's approval.
- (k) **Trailer-mounted or similar portable sign**, such as a wheeled device.
- (l) **Unsafe sign.** Any sign or structure which is structurally unsafe, constitutes a hazard to the public health, welfare and safety or is not kept in a state of good repair, or any sign which obstructs free access to or egress from a required door, window or fire escape or other required exit way.
- (m) **Wind sign** as defined in section 1476.04.

(Ord. 632. Passed 4-19-04. Ord. 869. Passed 7-6-10. Ord. 1031. Passed 3-21-16)

1476.06 SIGNS AUTHORIZED WITHOUT A SIGN PERMIT.

Subject to any other applicable requirements and permits, the following are authorized without a sign permit:

- (a) **Banners within the public right-of-way** with the public property owner's permission.

- (b) **Copy changes** to bulletin boards, display cases or marquees, or maintenance where no structural changes are made, or copy changes on signs using interchangeable letters.
- (c) **Cornerstones and commemorative tablets** identifying a building or building complex that are an integral part of the building.
- (d) **Directional signs**, two entrance/exit directional signs per driveway, each four square feet or less, and limited to 42 inches in height. These signs may be illuminated.
- (e) **Flag Signs** not exceeding 15 square feet in area with no dimension greater than 5 feet. Flag signs are limited to one per business front or parcel. Flag signs shall be installed in a manner that will not impede pedestrian traffic.
- (f) **Inconspicuous signs** which are not readable beyond the boundaries of the parcel upon which they are located or from any public or private street or alley.
- (g) **Landmarks and historical site signs** at least 50 years old which may no longer advertise an existing business activity, but are designated “Landmark Signs” by the Traverse City Historic Districts Commission because of their historical significance and ongoing value to the community. The owner of any sign 50 years or older may submit a written request for designation as a “Landmark Sign” to the Historic Districts Commission and a list of “Landmark Signs” shall be maintained by the Zoning Administrator.
- (h) **Neighborhood identification signs** which identify a commercial district or recognized residential neighborhood when located on public land or within a public right of way with the public property owner’s approval.
- (i) **Official governmental notices and notices** posted by governmental officers in the performance of their duties; governmental-owned directional signs, signs to control traffic, identify municipal boundaries, or for other regulatory purposes, to identify streets or to warn of danger; however, identification or bulletin board signs accessory to governmental buildings or other governmental facilities are not exempt from the requirements of this chapter.
- (j) **Small signs, one wall or projecting sign per one or two-family residential parcel.** The sign shall not be illuminated, shall not exceed two square feet in area and shall not exceed a height of eight feet above ground level.
- (k) **Temporary signs** such as those associated with construction projects, real estate sales or leases and other such temporary signs in connection with:
 - (1) Commercial, industrial, multiple family, recreational and institutional uses. These signs shall not be illuminated, are limited to two per parcel and limited to a maximum area of 32 square feet and eight feet high each. These signs shall be set back ten feet from the front property line. These signs shall be removed within 14 days after the conclusion of the project, sale or event.
 - (2) One and two-family residential uses. These signs shall not be illuminated, are limited to a maximum area of six square feet each and 42 inches in height. These signs shall be located on private property. These signs shall be removed shall be removed within 14 days after the conclusion of the project, sale or event.
 - (3) Temporary signs shall not be arranged to create a sign with a single message exceeding the size and area requirement of this section.
 - (4) Temporary signs shall be adequately secured and must be taut or made of a rigid material.

- (l) **Vehicle mounted signs** with a permanent message displayed on trucks, buses, trailers or other vehicles which are being operated or stored in the normal course of a business, such as a sign indicating the name of the owner or business, which sign is located on a moving van, delivery truck, rental truck, trailer or the like, provided that the primary purpose of such vehicle is not for the display of signs, and provided, further, that such vehicle is parked or stored in an area appropriate to its use as a work vehicle;
- (m) **Warning signs** exclusively devoted to warning the public of dangerous conditions and unusual hazards.
- (n) **Window signs** for commercial, industrial, institutional and recreational uses, not exceeding 25% of each window area.

(Ord. 632. Passed 4-19-04. Ord. 797. Passed 06-02-08. Ord. 869. Passed 7-6-10.)

1476.07 SIGNS AUTHORIZED WITH A PERMIT.

- (a) **Permit required.** Except as otherwise provided in this chapter, no person shall display, erect, relocate or alter, excluding maintenance, any sign or allow the same to occur on his or her property without first obtaining a sign permit. A sign permit is required before the following types of signs may be displayed, erected, relocated or altered:

- (1) Freestanding signs.
- (2) Wall signs, including awning signs.
- (3) Canopy signs.
- (4) Projecting signs.
- (5) Suspended signs.

If all requirements of this Chapter and all other laws are met, the Zoning Administrator shall issue a sign permit.

- (b) **Applications.** The owner or tenant of the property on which the sign is to be located, Or his or her authorized agent, shall complete and sign an application for a sign permit on forms furnished by the City. The application shall be accompanied by a Master Sign Plan according to Section 1476.09. The Zoning Administrator shall, within ten working days of the date of the application, either approve or deny the application or, if sufficient information has not been furnished, refer the application back to the applicant.
- (c) **Fees.** Each sign permit application shall be accompanied by a non-refundable permit fee, in an amount determined by resolution of the City Commission. This fee shall be in addition to any electrical permit fee or building permit fee. Where any sign is displayed without the required sign permit, the fee for the sign permit shall be doubled. When any permit has been revoked, permit fees shall not be refunded.
- (d) **Display.** Each sign requiring a sign permit shall contain a clearly legible identification plate, no larger than 15 square inches in area, stating the name of the person responsible for its construction and erection, along with the installation date and permit number.
- (e) **Modifications.** When a sign permit has been issued by the Zoning Administrator, no person shall change, modify, alter or otherwise deviate from the terms or conditions of such permit without the prior written approval of the Zoning Administrator.
- (f) **Expiration.**

- (1) If actual work is not commenced under a sign permit issued within one year from the date of such permit or if substantial building operations under any permit issued under this chapter are suspended for 180 consecutive days, the permit shall automatically become null and void.
- (2) Upon written request stating the reasons therefore, the Zoning Administrator may extend the permit for one additional year upon good cause shown. All requests for extensions and approval thereof shall be in writing.

(Ord. 632. Passed 4-19-04.)

1476.08 SPECIFIC SIGN REGULATIONS.

- (a) **Applicability.** The regulations contained in this section apply specifically to signs authorized with a permit.
- (b) **Schedule of regulations.** Freestanding, wall, canopy, awning, projecting, suspended, window signs, and portable signs must comply with the place, area, height, number and location requirements in the Schedule of Regulations contained in this section. In addition to any other regulations contained in this Code, the following specific regulations apply:

(1) Freestanding and wall signs.

- (A) Freestanding signs area computations are computed as shown in Appendix A.
- (B) Freestanding signs shall be set back in conformity with clear vision triangle standards if located near intersections and driveways. See Appendix B.
- (C) Freestanding signs are not allowed in the downtown area, described on Appendix C.
- (D) A multiple family residential use in a predominately one or two family residential area shall be limited to one wall or projecting sign per parcel, shall not be illuminated, shall not exceed two square feet in area and shall not exceed a height of 8 feet above ground level.
- (E) A commercial, industrial, or institutional use utilizing a freestanding or wall sign located in a predominately one or two family residential area shall be limited to the following:
 - 1. No freestanding sign shall exceed 6 feet in height
 - 2. No sign shall exceed 24 square feet in area.
 - 3. No sign shall be internally illuminated.
- (F) In no case shall the area of a wall sign or signs exceed 15% of the area of the wall upon which the sign or signs are displayed.

(2) Projecting and suspended signs:

- (A) Shall not project over a building's roofline.
- (B) May project over public property only with the public property owner's permission.
- (C) May be accepted from the maximum sign area requirements by the Zoning Administrator for theater marquees in cases where necessary copy and standard changeable letter sizes clearly necessitate such an exception.
- (D) The owner of a sign projecting over City property shall provide

comprehensive general liability insurance in an amount determined by the City Clerk. Proof of such insurance shall be submitted upon application for a sign permit, shall name the City as an additional insured, and shall provide no less than 30 day advance notification of cancellation to the City.

(E) Shall not be internally illuminated, except for signs made of metal with individual routed letters or logos.

(3) **Portable signs:** Portable signs during hours of operation only.

(c) **Sign bonuses.** Bonuses in height and area for freestanding and wall signs may be granted by the Zoning Administrator for the following:

(1) **Freestanding signs.** The base area for freestanding signs may be increased up to a maximum total sign area of 40 square feet for the following:

(A) **Height.** A sign 8 feet or less in height: an additional 10 square feet in sign area is allowed.

(B) **Background.** A sign having a dark or opaque sign face of at least 60%: an additional 10 square feet is allowed. (See Appendix D)

(2) **Wall signs.** The base area or height for wall signs may be increased up to a maximum total sign area of 65 square feet for the following:

(A) **Background.** A sign having a dark or opaque sign face of at 60%: an additional 15 square feet is allowed.

(B) **No freestanding sign.** If there is no freestanding sign on the premises, an additional 15 square feet is allowed.

(C) **Single individual letters or logos** that appear integral to the architecture and made of metal or masonry may exceed the maximum height requirement provided the letters meet the area requirements as outlined in the Schedule of Regulations. The letters and logos shall not be internally lit.

(3) **Canopy signs.** For a commercial, industrial, institutional or recreational use, an additional sign is allowed on a canopy if there is no freestanding sign on the parcel or if the freestanding sign on the parcel is less than 24 square feet in area and no taller than 8 feet in height. The sign on the canopy shall be no larger than 12 square feet and on a canopy no taller than 18 feet. Two such signs per parcel are allowed on the canopy.

(d) **Time-Temperature-Date Devices.** Clocks and thermometers may be incorporated into any sign provided such device does not exceed nine square feet.

(Ord. 696. Passed 3-20-06. Ord. 869. Passed 7-6-10. Ord. 984. Passed 11-4-13)

SCHEDULE OF REGULATIONS

Sign	Place	Size		Height ¹	Number	Location
		Base area	Area bonus ¹			
Freestanding ²	Commercial, industrial, institutional, recreational (Except not allowed in the “downtown” area shown on Appendix C)	20 square feet	For a lower sign: 10 additional square feet. For a dark or opaque background: 10 additional square feet.	15 feet or the height of the principal building, whichever is less	Street frontage per parcel : 0' - 200': 1 sign 201' -399': 2 signs 400' or more: 3 signs per parcel	Set back minimum of 10 feet from any property line (Not allowed in the “downtown” area shown on Appendix C)
	Multiple family residential	12 square feet	N/A	6 feet	1 per street frontage per parcel	
Wall and awning ²	Commercial, industrial, institutional, recreational	Business front width feet x 1.5 feet or 35 square feet, whichever is less but not more than 15% of wall area	For a dark or opaque background: 15 additional square feet If no freestanding sign: an additional 15 square feet	18 feet or one foot below the second floor window trim, except as in Section 1476.08(c)(2), <i>Specific Sign Regulations</i>	N/A	First floor of building wall, except as provided in 1476.08(c)(2), <i>Specific Sign Regulations</i>
	Multiple family residential	12 square feet ¹	N/A	18 feet or one foot below the second floor window trim, except as in Section 1476.08(c)(2), <i>Specific Sign Regulations</i>	1 sign per parcel	First floor of building wall, except as provided in 1476.08(c)(2), <i>Special Sign Regulations</i>
Canopy ²	Commercial, industrial, institutional, recreational	6 square feet	For a dark or opaque background: an additional 6 square feet	18' maximum	2 per canopy ²	See Section 1476.08(c)(3) for conditions
Projecting/ Suspended ²	Commercial, industrial, institutional and recreational	12 square feet, except theater marquees may be excepted (see 1476.08(b)(2))	N/A	Minimum 8' Maximum 15'	1 sign per business front	1. Projecting - not more than 4 feet from the face of the building 2. Suspended - not beyond the outside limits of the arcade, marque or eave to which it is attached.

Window	Commercial, industrial, institutional and recreational	Twenty-five percent of each window area is authorized <i>without</i> a sign permit. See Section 1476.06(l).				
Portable	Commercial, industrial, institutional and recreational	6 square feet with no dimension greater than 3 feet	N/A	Maximum 4'	1. One sign per business front 2. If no business front, one per parcel.	1. On private property within 10 feet of building face. 2. If no building face, 10 feet from any property line.

¹ For commercial, industrial, multiple family dwellings, recreational or institutional users in a predominantly residential block, see Section 1476.08.

² See Section 1476.08 for conditions.

(Ord. 632. Passed 4-19-04. Ord. 641. Passed 5-17-04.)(Ord. 696. Passed 3-20-06. Ord. 869. Passed 7-6-10.)

1476.09 SIGNS IN PLANNED AREAS.

Any sign located in a planned unit development, a zoning district requiring a Master Site and Facilities Plan, or a Planned Redevelopment district shall conform to the requirements of this chapter unless specifically exempted therefrom in the approved Master Signage Plan as a part of a Master Site and Facilities Plan, an order granting the planned unit development or as part of a formal project approval by the Grand Traverse Commons Redevelopment Corporation.

A sign located on the Grand Traverse Commons Planned Redevelopment District shall conform to the guidelines of the site graphics section of the Grand Traverse Commons District Plan, pages 141-143. No signs shall be erected or displayed in this Planned Redevelopment District without a sign permit and no sign permit shall be issued until the design, illumination and location of the proposed sign is approved by the Planning Director.
(Ord. 632. Passed 4-19-04.)

1476.10 MASTER SIGN PLAN.

- (a) **Plan Required.** No permit shall be issued for an individual sign unless a Master Sign Plan for the site upon which the sign is to be erected has been submitted to and approved by the Zoning Administrator as conforming with this ordinance. No sign shall be erected on any site unless it is shown on an approved Master Sign Plan.
- (b) **Submittal Requirements.** A Master Sign Plan submitted for approval shall include the following:
 - (1) An accurate site plan, drawn to scale, showing the proposed location of each freestanding sign and the location of all buildings and driveways on the parcel.
 - (2) An accurate elevation of each building wall intended to accommodate a sign, including window signs, showing the location, dimensions, and height of each sign above grade level.
 - (3) A computation of the area of each sign on the parcel.
 - (4) An illustration depicting each proposed sign, its size and proportions, color scheme, construction material and type of illumination.
- (c) **Amendment.** A Master Sign Plan may be amended by filing a new plan which conforms to all of the requirements of the Sign Ordinance.
- (d) **Binding Effect.** Upon approval of a Master Sign Plan, no sign shall be erected, placed, painted, attached or maintained, except as shown on such plan and a violation of the approved plan may be enforced in the same manner as any provision of this ordinance. In the case of a conflict between the provisions of the Master Sign Plan and any other provision of the Sign Ordinance, the ordinance shall control.

(Ord. 632. Passed 4-19-04.)

1476.11 SIGN ILLUMINATION REGULATIONS.

Illuminated signs shall be designed, constructed, and installed to comply with the following standards in order to reduce glare and the general overwash of light to public rights-of-way and residential uses and to promote the protection of the dark sky.

- (a) Flashing, rotating and intermittent lighting is prohibited except for marquee signs on buildings used solely for theaters for the general public subject to the following conditions:
 - (1) Only permitted in area shown in Appendix E.

- (2) The marquee shall be designed as to not be dangerous or confusing to motorists on the public right-of-way by its color, wording, design, location, or illumination that would resemble or conflict with any official traffic-control device or which impedes the safe and efficient flow of traffic.
 - (3) The marquee lights shall be lit only during times the theater is in operation.
 - (b) Back-lighted individual opaque channel letterforms shall be softly silhouetted against their background.
 - (c) Internally illuminated channel letters and logos with translucent faces, shall contain soft, diffused light sources inside each letter or logo.
 - (d) With the exception of directional and “no vacancy” signs, no sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless the premises are open for business.
 - (e) Externally lit signs associated with multiple family residential uses are allowed.
 - (f) Electronic message signs shall not exceed a light intensity of 10 percent of the day time use between dusk and dawn.
- (Ord. 632. Passed 4-19-04. Ord. 797. Passed 6-02-08. Ord. 1032. Passed 3-21-16)

1476.12 SIGN STRUCTURES.

The following requirements apply to all signs requiring a permit:

- (a) **General Design.** Signs and sign structures shall be designed and constructed to meet any requirements of the Michigan State Construction Code, as amended, and with all applicable regulations adopted thereunder.
- (b) **Maintenance.** Every sign, including those specifically exempt from this chapter with respect to permits and permit fees, shall be maintained in good repair and sound structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or constructed of rust resistant metals.
- (c) **Safety.** All signs must remain safe and secure during the period of use. All parts of the signs, including bolts and cables, shall remain painted and free from corrosion. The Zoning Administrator shall inspect and may order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

(Ord. 632. Passed 4-19-04.)

1476.13 NONCONFORMING SIGNS.

- (a) **Description.** A legal nonconforming sign is any sign which was lawfully erected and maintained prior to the enactment of this chapter, and any amendments thereto, and which does not conform to all the applicable regulations and restrictions of this chapter and any amendment thereto.
- (b) **Continuation.**
 - (1) A legal nonconforming sign may be continued and shall be maintained in good condition, but it shall not be:
 - (A) Converted to another nonconforming sign by changing the sign face.
 - (B) Expanded or altered so as to increase the degree of nonconformity of the sign.
 - (C) Re-established after damage or destruction, ordinary wear or obsolescence, if the estimated cost of the reconstruction or renovation

exceeds fifty percent of the replacement sign cost as determined by the Zoning Administrator.

- (D) Continued in use following construction of a new building, reconstruction, substantial addition to or improvement of an existing building when the value of such construction exceeds \$50,000 in a twelve-month period.
 - (2) If there are multiple nonconforming signs on a parcel and only the face of any one of the signs is changed, only the changed sign or signs must be brought into compliance with this Code.
 - (3) Any legal nonconforming sign designed for changing the sign's message on a regular basis (such as a bulletin or message board, joint identification sign, or gasoline pricing sign where individual letters, numerals or name panels are readily interchangeable) may be changed without having to be brought into compliance with this Code.
 - (c) **New additional signs.** On parcels where a sign or signs is a legal nonconforming sign, no new additional sign shall be erected until all such nonconforming sign or signs on the parcel are brought into compliance with this chapter.
- (Ord. 632. Passed 4-19-04. Ord. 642. Passed 5-15-04.)

1476.14 VIOLATIONS.

- (a) **Notice.** If the Zoning Administrator finds that a sign violates this chapter, he or she shall give written notice to the owner of the sign or to the owner of the property where the sign is located and an order ordering that the violation be corrected.
 - (b) **Order.** The order shall specify those sections of this chapter violated, and shall state the amount of time from the date of the order in which to either correct the alleged violation or appeal the order to the Board of Zoning Appeals.
 - (c) **Compliance.** If such person fails to bring the sign into compliance within the time given in the notice, the Zoning Administrator may, in addition to the other remedies provided in this Code, cause such sign to be brought into compliance at the expense of the owner or the owner of the property where the sign is located and cause the permit to be revoked.
 - (d) **Dangerous signs.** If the Zoning Administrator finds that a sign endangers public or private property or public safety, the Zoning Administrator may, after notice given to the owner of the sign and of the property where the sign is located, immediately remove or alter such sign at the expense of the sign owner or property owner.
 - (e) **Forfeiture of Fees.** When any permit has been revoked, permit fees shall not be refunded.
- (Ord. 632. Passed 4-19-04.)

1476.15 APPEALS.

- (a) **Board.** The Board of Zoning Appeals shall serve as the appeals board for the purposes of this Chapter.
- (b) **Powers.** Nothing contained herein shall be construed to empower the Board of Appeals to substantially change the terms of this Chapter, or to significantly add to the types of signs permitted on any premises. Upon an affirmative vote of the majority of the members present, the appeals board shall have the power to:

- (1) **Modify or reverse**, wholly or partly, the notice or order of the Zoning Administrator.
- (2) **Grant an extension of time** for the performance of any act required of not more than three (3) additional months, where the appeals board finds that there is practical difficulty or undue hardship connected with the performance of this Chapter or by applicable rules or regulations issued pursuant thereto, and that such extension is in harmony with the general purpose of this Chapter to secure the public health, safety and welfare.
- (3) **Grant exceptions** only in cases involving unique circumstances when the evidence in the official record of the appeal supports all of the following affirmative findings:
 - (A) That the alleged circumstances are exceptional and peculiar to the property of the person requesting the exception, and result from conditions which do not exist generally throughout the City.
 - (B) That the alleged consequences resulting from a failure to grant the exception include substantially more than mere inconvenience, or mere inability to attain a higher financial return.
 - (C) That allowing the exception will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by a failure of the Board to grant an exception, and the rights of others whose property would be affected by the allowance of the exception, and will not be contrary to the public purpose and general intent and purpose of this Chapter.
 - (D) The above findings of fact shall be made by the Board of Appeals, which is not empowered to grant an exception without an affirmative finding of fact in each of the categories above. Every finding of fact shall be supported in the record of the proceedings of the Board.
- (4) **Interpret** this chapter in such a way as to carry out its intent and purpose.
- (c) **Initiating Appeals.** Appeals shall be filed with the Zoning Administrator on an application form determined by the Zoning Administrator and shall be accompanied by a fee established by the City Commission. Appeals shall be filed within forty-five (45) days after written notice is given of the action being appealed. An appeal must be submitted at least twenty-one (21) days before the Board meeting at which it will be considered.
- (d) **Application.** The application form shall be signed by the owner or someone acting upon written consent of the owner, which written consent must be submitted with the application. Applications shall be accompanied by a Master Sign Plan and any other information the Zoning Administrator deems pertinent. All previous appeals involving the property noted on the application as to the subject, date and outcome of the appeal.
- (e) **Notices.** The Zoning Administrator shall give notice of a hearing on an appeal to all owners of record of real property within 300 feet of the parcel on which the sign is located. Such notice shall be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll at least fifteen days prior to the hearing.
- (f) **Advertisements.** One advertisement in a local newspaper of general circulation indicating the nature of the appeal and the date of the hearing will be placed between

seven and 20 days before the hearing. A minor deviation in the notice published in the newspaper or in the time of appearance of such notice in the newspaper shall not affect the validity of the proceedings of the Board unless there is a clear demonstration of prejudice as a result of such minor deviation.

- (g) **Representation at Hearing.** The applicant or the applicant's authorized agent must be present at the public hearing to properly answer questions concerning the appeal. If the applicant or agent is not present, the appeal may be deferred until the next meeting or dismissed, at the discretion of the Board.
- (h) **Reconsideration.** An applicant may re-appeal a decision after twelve months from the decision of the Board. The Board will not reconsider any appeal within twelve months from the date of the decision unless it can be shown by the applicant that there has been substantially changed circumstances affecting the appeal, which circumstances were not known to the Board at the previous hearing. The substantial change in circumstances shall be described, in writing, by the applicant at the time of the application. Before rehearing the matter, the Board shall decide whether there is a substantial change in circumstances allowing the rehearing.

(Ord. 632. Passed 4-19-04.)

1476.16 ENFORCEMENT.

The Zoning Administrator or his or her designee shall enforce this chapter. He or she shall appear for and on behalf of the City in all matters regarding the interpretation and application of this chapter and shall resist and oppose any deviations from this chapter.

The Zoning Administrator and his or her designees, or such other officials as are designated by the City Manager, are hereby authorized to issue and serve appearance tickets with respect to any violation of this chapter pursuant to Section 1.f Act 147 of the Public Acts of 1968, as amended (MCLA 764.9(2)). Appearance tickets shall be in such form as determined by the City Attorney and shall be in conformity with all statutory requirements.

The Zoning Administrator or his or her authorized representative may enter at reasonable times any land, building, structure or premises in the City to perform any duty imposed upon the Zoning Administrator by this chapter.

(Ord. 632. Passed 4-19-04.)

1476.17 TRANSITION.

The intent of this chapter is to make the Sign Ordinance fully effective as soon as possible, but to allow for the continuation of all sign permits. All sign permits which have been previously issued, but which have not been acted upon by the permit holder by starting substantial construction, are hereby revoked. Other such permits may be continued if construction is diligently pursued and timely completed.

(Ord. 632. Passed 4-19-04.)

1476.99 PENALTY.

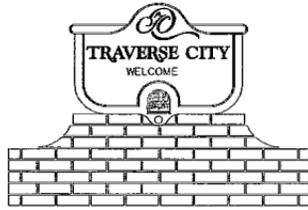
Whoever violates or fails to comply with any of the provisions of this chapter is subject to the civil infraction sanctions according to Traverse City Code Section 202.99, injunctive relief, nuisance abatement, surcharges and equitable remedies as provided in the Traverse City Code

SIGNS

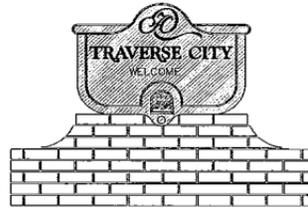
of Ordinances or as otherwise available under the law, as well as any damages resulting from such violation. A separate offense is deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Ord. 632. Passed 4-19-04.)

APPENDIX A



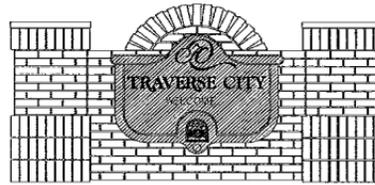
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SIGN AREA



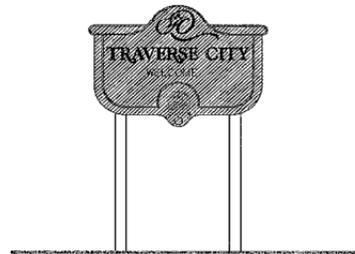
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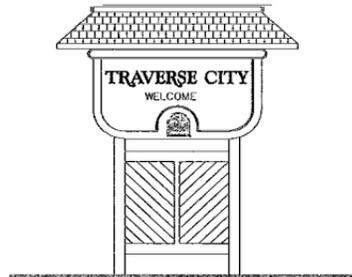
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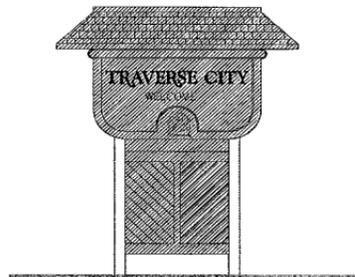
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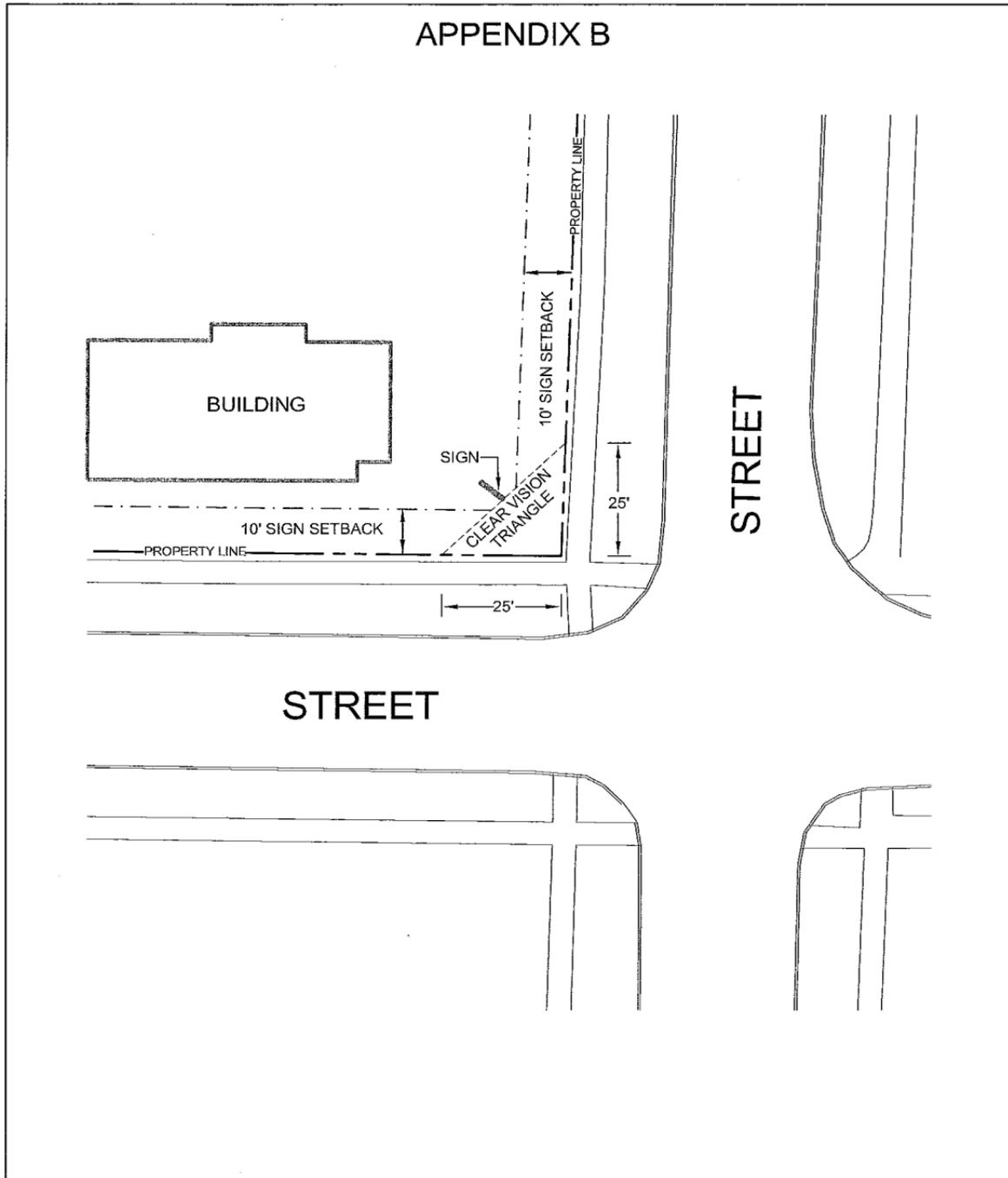
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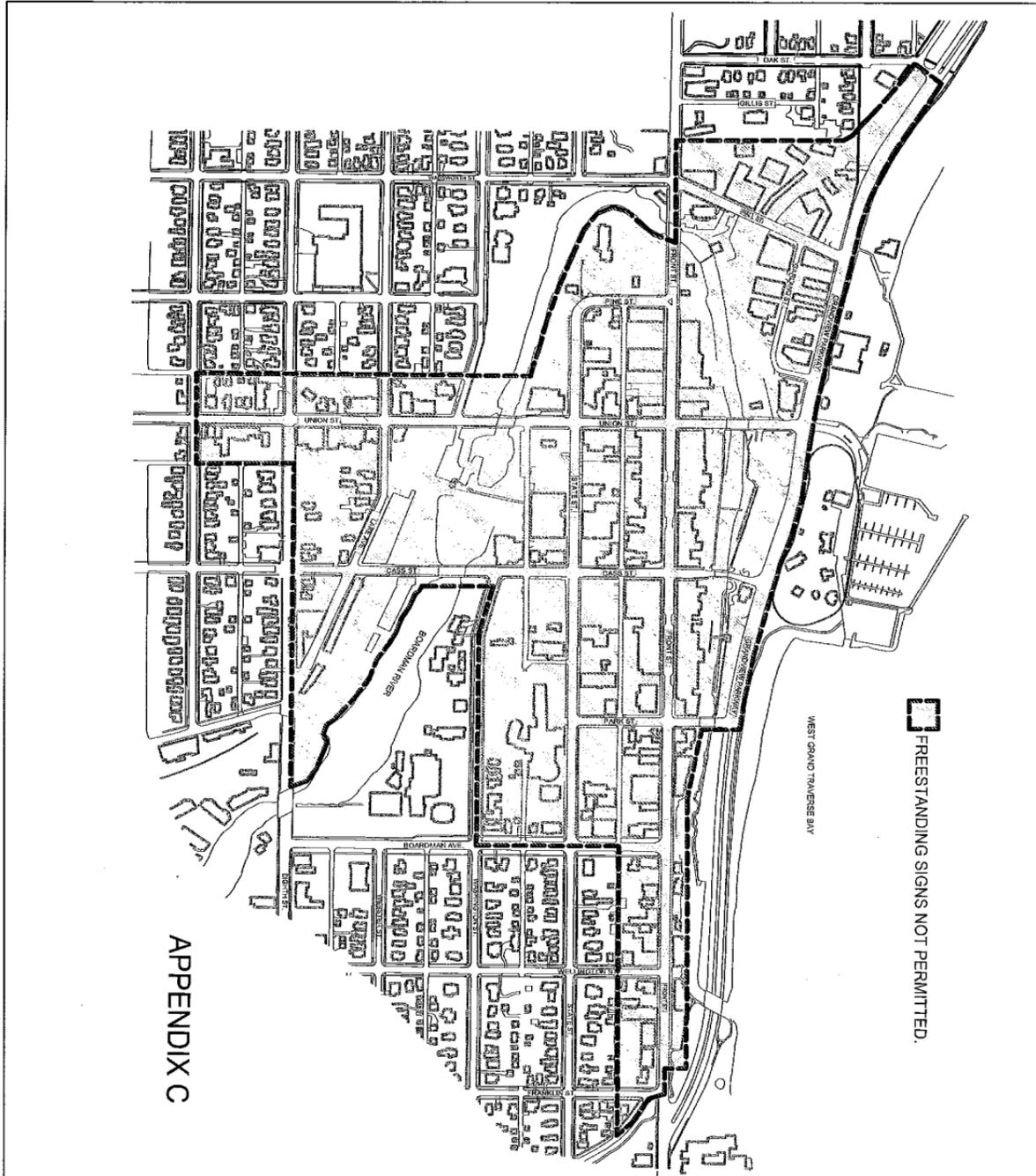


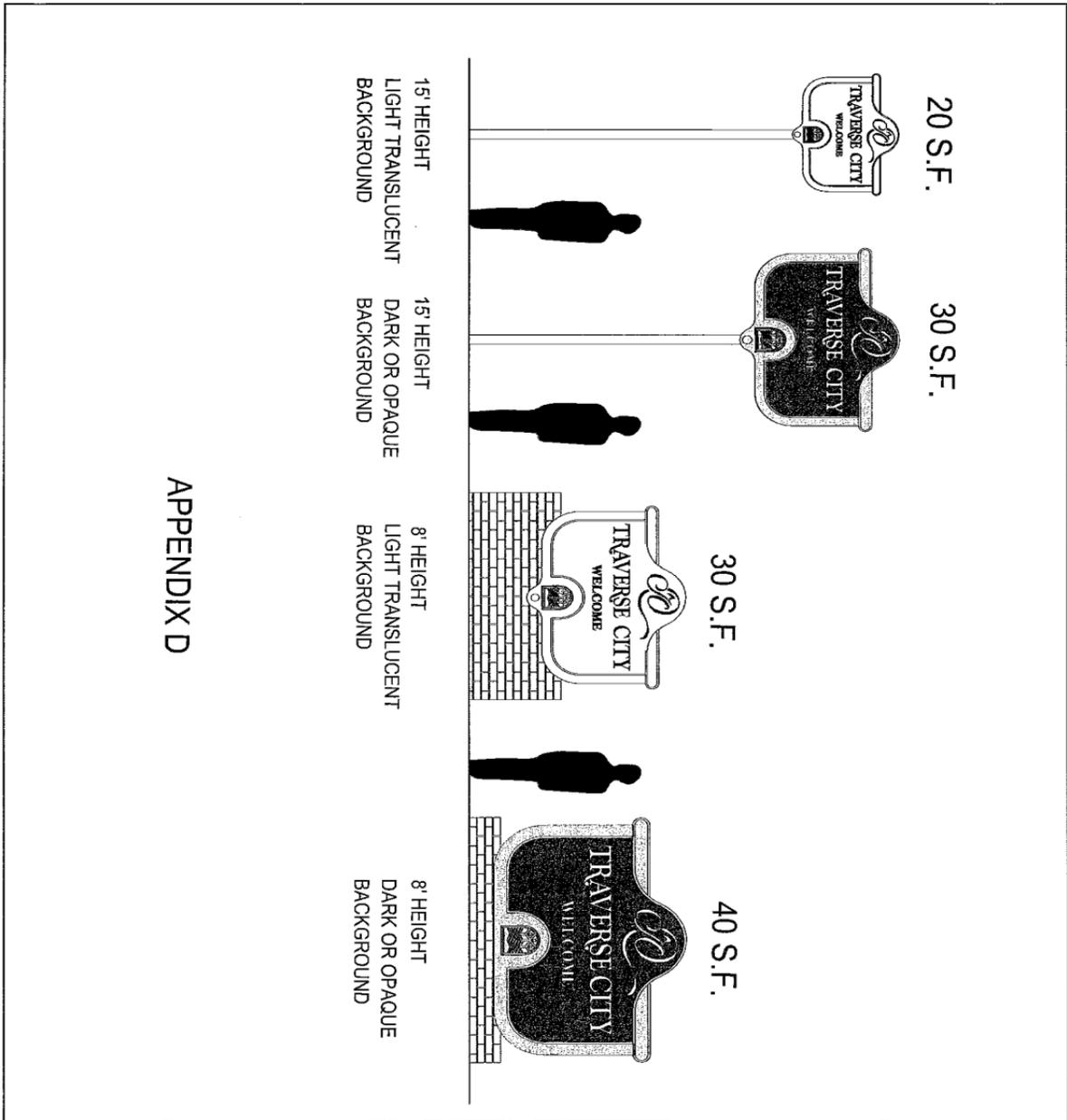
PROPOSED SIGN



SIGN AREA







APPENDIX "E"



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Traverse City Department of Public Services Asset Management

2-29-2016
JPT

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