

**ARTICLE 22:  
SIGNS, FLAGS, AND BANNERS**

**DRAFT**

**Section 22.01 Intent**

*The City of the Village of Douglas finds that signs and outdoor advertising are necessary to the commerce, health, safety, and general welfare of the public. Further, it finds that failure to regulate the size, height, number, location, and construction of signs within the City of the Village of Douglas may lead to poor identification of individual - businesses, deterioration of the appearance of the City, a decline in property values, and may create safety hazards to the public. The purpose of this Article is to regulate signs and outdoor advertising in a manner which will minimize their harmful effects while permitting effective advertising and identification. It is further intended through the provisions contained herein to:*

- 1) *Give recognition to the legitimate needs of business, industry and other activities, in attaining their identification and informational objectives.*
- 2) *Reflect the primary purpose of signage as being the identification of a particular user or use on a property, but not necessarily every activity or service performed thereon.*
- 3) *Promote signs that are visible at eye level and can be readily seen from moving vehicles with the least amount of eye distraction.*
- 4) *Avoid excessive property and use signing in order to give each use optimum visibility to passer-by traffic and if possible, to prevent a sign from blocking the view of another sign.*
- 5) *Place and size signs in such a way that scenic views are respected and visual obstructions to the natural landscape are minimized.*
- 6) *Protect the character of the City by encouraging the design of institutional, business, and industrial signs that reflect the City's favorable environment as a permanent and seasonal home community.*
- 7) *Maintain and enhance economic stability by retaining aesthetic appeal to tourists and visitors and encouraging sign design practices that will complement the City's character and natural environment.*

**Section 22.02 Exempt Signs**

**Commented [AT1]:** These sign types seem to be exempt based on the fact that they are classified as government or political signs. Political signs can't be called political signs, but rather, temporary signs, and can be regulated by size and number. A simple statement relating to "any sign erected by a federal, state or local authority shall be exempt from permitting requirements."

- 1) Upon determination by the Planning and Zoning Administrator, signs may be exempted from the permit requirements of Section 16.26:
  - a) ~~First Amendment. Sign, banner, flag, or display of symbolic, political, or other protected "free speech" message unrelated to an upcoming election.~~
  - b) ~~Political Advertising. Temporary signs related to a political candidate, office, or proposition intended for public vote in a scheduled, upcoming election.~~
  - e) ~~Government Project. Temporary signs required by Federal, State, or municipal agencies in connection with publicly subsidized or grant funded projects and programs.~~
  - d) ~~Traffic Control. Signs approved and established by State or municipal units of government pursuant to the Michigan Manual of Uniform Traffic Control.~~
  - e) ~~Historic. Sign, placard, monument, or other marker officially sanctioned and sited by national, state, or local historic agencies.~~
  - f) ~~Integral. Non-commercial commemorative citation, name, or date made permanent in the construction and aesthetic of a building or structure facade.~~
  - g) ~~Wayfinding. Uniform community specific directional signs as approved, established, and maintained by municipal units of government for access to public facilities and amenities.~~
  - h) ~~Street Pole Banner. Uniform seasonal community banners attached to and/or between municipal streetlighting fixtures, utility poles, and/or facilities not available for commercial or private use, lease, or hire.~~
  - i) ~~Commemorative Signs. Exempt pursuant to Sec. 205d, MCL PA 218 of 2020.~~
- 2) ~~At their discretion, the Planning and Zoning Administrator may consult with the City Attorney concerning matters of determination and compliance under this Section. Upon complaint, petition, or Zoning Review Application, letters of determination shall be issued and maintained in a permanent file by the Planning and Zoning Administrator.~~
- 3) ~~Signs determined exempt from permit pursuant to this Section shall conform with all number, size, material, and placement limitations pursuant to Section 22.11.~~

**Commented [AT2]:** Removed for content neutrality

**Commented [AT3]:** This type of wayfinding sign (such as DOWNTOWN DOUGLAS -->) is considered a government sign. Other types of wayfinding is called "directional" as it relates to private, on-site traffic circulation.

**Commented [AT4]:** This is a given. It does not need to be a separate sub-section.

**Commented [AT5]:** We don't want to regulate government signs at all, so this should be removed.

**Section 22.03 Illumination of Signs:**

An Illuminated Sign shall be in accordance with the provisions of this Ordinance, as well as all applicable Building and Electrical Codes. An electric permit, to be issued by the Building Inspector, shall be required for any electrical installation in connection with illumination of any sign installation.

- 1) Internally-Illuminated Signs.

- a) *Emitted light shall shine only upon the sign or upon the property within the premises and shall not spill over the property line in any direction, except by indirect reflection.*
- 2) *Externally-Illuminated Signs.*
  - a) *An external source of light shall be of a warm, non-glare type.*
  - b) *Lighting fixtures shall be directional and mounted to the sign structure to shed light toward the ground.*
  - c) *The source of external illumination shall be shielded to prevent light from being directed upwards, into traffic, onto an adjacent street, and any adjoining property.*
- 3) *Illumination Waivers Allowed. Alternative or custom illumination design may be permissible by waiver as provided herein, subject to Planning Commission approval, pursuant to Article 24 and applicable Special Use Standards (Article 26).*
  - a) *Internal-illumination signs programmed or timed to alternate, move, or fluctuate may be permissible in commercial districts when determined to not constitute a hazard or nuisance.*
  - b) *External-illumination signs in commercial districts may incorporate neon or simulated neon (flexible LED/fiber optic), subject to all other standards herein.*
  - c) *Pursuant to this Section, signs in residential districts may be externally illuminated any hour between 7:00AM - 8:00PM, unless otherwise extended by waiver.*
- 4) *Prohibited Sign Illumination.*
  - a) *An illuminated sign shall not flash, blink, or pulsate intensity.*
  - b) *Dynamic Display or otherwise unfiltered LCD/LED display panels are prohibited in all districts.*

**Section 22.04 Signs in Residential Districts:**

A single on-premise sign shall be permitted on lots in Residential Districts as defined in the Douglas Zoning Ordinance, subject to the following following restrictions:

- a) Signs shall be permitted for any of the following purposes:
  1. ~~Sale or lease of personal property. However, such a sign shall be removed within seven (7) days of the consummation of said sale or lease or within six (6) months of the initial placement, whichever event occurs first. Such signs shall not obstruct traffic, or vision, or be hazardous to the public.~~
  2. ~~Identification of a use permitted by right (except for dwellings, see Section 22.05(d)), special use permit or a nonconforming nonresidential use~~

3. Identification of a temporary use [of thirty (30) days or less] except as provided for temporary real estate offices in subsection b. following.
- b) Signs advertising new subdivisions or major developments may be permitted by the Planning and Zoning Administrator for no more than one (1) year.
  - c) Public Institutions and churches permitted in residential districts shall comply with these same provisions.
  - d) Identification signs for residences and for home occupations:
    - 1. May be attached to the structure or in the front yard.
    - 2. Shall conform to all required setbacks from the rights of way and all property lines.
    - 6. The sign may announce only the name and occupation of a building occupant, or the buildings name.
  - e) One (1) sign per street frontage, each designating an apartment complex or building, or multiple family or group housing complex.
  - f) Exemptions from setback requirements in residential districts, may only be granted by the Planning and Zoning Administrator upon a written finding that compliance is impossible due to property and building configuration.

**Commented [AT6]:** These are content based

**Commented [AT7]:** This could fall under temporary signs, but cannot speak to the content of the advertising.

**Commented [AT8]:** These regulations are content based.

**Commented [AT9]:** The zoning administrator doesn't have the authority to reduce setbacks, this can only be done through the ZBA. If the regulation is simplified or reduced, then the need for a variance goes away.

**Section 22.05 Signs in the C-1 Village Center District:**

- 1) *Permanent, on-premises signs in the C-1 Commercial District are subject to Site Plan Approval Standards (Article 24), and applicable Special Use Standards (Article 26).*
  - a) *The total number, maximum sign area, and height shall comply with the standards set forth by sign type, pursuant to Section 22.11.*
  - b) *Sign faces on any portion of the structure of a building facade extending above a mansard, flat roof, or the eaves of a roof shall be considered a Roof Sign and part of the roof. No roof sign or sign structure may exceed the maximum allowable building height, total.*
  - c) *A Projecting Nameplate or Sign which is attached to a building or supported to overhang, encroach upon, are placed within, or extend into a dedicated public right-of-way shall be approved by the Planning Commission for recommendation to City Council, conditional to revocable license agreement.*
- 2) *Legal Temporary Signs. Sandwich board signs may be used in the C-1 Village Center District for periods consistent with hours of operation and shall be removed each day at close of business. A limit of one (1) two-sided (2-sided) sandwich board sign, sign face area not to exceed the standards set forth in Section 22.11, may be used per frontage and shall not require permit or revocable license agreement, so long as they do not result in violation, nuisance, or an obstruction of streets or sidewalks.*

**Commented [AT10]:** These should be grouped with temporary signs.

**Section 22.06 Signs in the C-2 General Commercial & L-1 Light Industrial Districts:**

- 1) Signs shall be permitted in Commercial and Industrial Districts as defined in the Douglas Zoning Ordinance subject to the following restrictions:
  - a) Signs shall pertain exclusively to the business carried on within the building or on the premises.
  - b) Signs shall be placed flat against the main building or parallel to the building on a canopy and may face only the public street or parking areas as part of the development. Signs shall not project above the roof line or cornice.
  - c) Signs painted or affixed to a building shall not exceed ten (10) percent of the surface area of the building face to which attached.
  - d) Ground Support or Pylon Signs shall:
    1. Not obstruct a clear view of traffic.
    2. Not exceed one (1) per property frontage, regardless of the number of businesses, except as provided in Section 22.06(3)(c).
  - e) Changeable Message Boards: Are permitted in place of an identification sign or a freestanding sign, but the total area allotted to signs shall remain the same whether a wall sign or a freestanding sign.
- 2) On-premises signs within all Commercial and Industrial zoned districts shall comply with the following requirements and restrictions:
  - a) Identity sign(s) may be allowed on any exposed side of a building.
  - b) ~~Where a building meets the required setbacks,~~ one (1) identity sign (either pylon or ground supported) may be permitted. When located in such a manner that no part extends beyond the property lines. When the use is located on, and has clearly defined entrances on two separate street frontages, each frontage is eligible for an identity sign as provided for in this section.
  - c) ~~Gasoline service stations, motels, public or service garages, new and used car lots, garden shops, eating establishments and other similar uses which may be defined as highway-oriented or outdoor merchandising enterprises, and are located adjacent to Blue Star Highway, are permitted~~ one (1)-identity sign (either pylon or ground supported) in addition to the allowed wall sign or building mounted sign. The pylon or ground signs provided for in this Section, however, shall not be allowed when the businesses mentioned in this Section are located in a defined "Business Center".

**Commented [AT11]:** Combine with other commercial district regs

**Commented [AT12]:** This is content based.

**Commented [AT13]:** Not content neutral

**Commented [AT14]:** What if it doesn't meet the required setbacks? This should not be a factor.

**Commented [AT15]:** These land uses do not need to be spelled out, but rather, the location where these non-residential uses are located can have specific allowances.

**Section 22.07 Signs Not to Constitute a Hazard:**

- 1) Fire Hazard: No sign shall be erected or maintained in a manner that prevents free ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.
- 2) Shear Hazard: No sign or sign structure shall be erected or maintained in unsafe manner, without compliance with applicable building code requirements. Applications for freestanding signs with faces larger than forty (40) square feet shall include wind load calculations stamped and signed by certified engineer stating that the sign can withstand winds up to 130 miles per hour, pursuant to International Building Code (IBC) Section 1609.1.
- 3) Traffic Hazard: No sign shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision pursuant to Section 16.31; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; ~~or which makes use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.~~

**Commented [AT16]:** This is a building code that will be enforced by the building official. Not all signs need a stamped engineered drawing.

**Commented [AT17]:** This is content

**3) Section 22.08 Temporary or Portable Signs:**

Any free-standing sign not permanently anchored or secured to either a building or the ground shall be considered a Temporary Sign and prohibited, unless specifically defined within Article 2 and otherwise regulated within this Section as a legal or exempt temporary sign type. Legal temporary or portable signs are permissible only in accordance with the following provisions:

**Commented [AT18]:** This is confusing

- 1) ~~Off-premises temporary or portable signs advertising private/household sales or public/private may be eligible for Sign Permit in all zoning districts.~~
- 2) Legal temporary or portable signs that are not otherwise exempted herein shall for be permitted for a period not to exceed thirty (30) days, and conform to the maximum number, area, and height, as well as the minimum setbacks from property boundaries and rights-of-way, as provided by sign type and district in Section 22.11.
- 3) No vehicles shall be parked or displayed in such a way to be used as a sign.
- 4) Temporary signs, ~~indicating commercial service, products, trade information or other information shall not be permissible.~~
- 5) ~~Douglas residents and licensed businesses/organizations shall be exempt from Section 22.08(1).~~

**Commented [AT19]:** This is content based.

**Commented [AT20]:** Content based

**Commented [AT21]:** This is confusing

**Commented [AT22]:** How would you know it is an off premise sign if you weren't reading the content of the sign?

**Commented [AT23R22]:** The City Attorney will need to weigh in on this. I believe there is a separate case that dealt specifically with "off-premise" signs and whether they can be considered "content neutral".

**Section 22.09 Off-Premise Sign**

Outdoor advertising structures and billboards other than those signs which exclusively advertise businesses on the premises on which they are located, are considered off-premises signs and may be permitted only by the Planning Commission following review according to the Special Use Permit process in Article 25 of the City of the Village of Douglas Zoning Ordinance.

- 1) Off-premises signs shall comply with the following requirements and restrictions:
  - a) Off-premises signs shall be prohibited, except on those parcels of property zoned for Commercial or Industrial use which lie directly adjacent to the Blue Star Highway between the South City limits and the North City Limits, or directly adjacent to the I-196 Expressway.
  - b) Off-premises signs shall not block any permitted on-premises sign.
  - c) Size and spacing requirements for off-premise signs along I-196 shall be not more than one (1) billboard or other off-premises sign shall be located per linear mile of I-196, regardless of the fact that such billboard may be located on different sides of the subject highway. Linear separation shall be limited to the boundaries of the City. V-type structures shall be considered as two billboards and a double-faced (back-to-back) structure shall be considered one (1) billboard. The required minimum distance between permitted off-premises signs shall be that distance measured on a direct line from sign to sign.
  - d) Off-premise signs shall be adequately maintained. Such maintenance shall include proper alignment of structure, continued readability of structure and preservation of structure with paint or other surface finishing material. If an off-premise sign is not maintained, written notice of any disrepair shall be issued by the Planning and Zoning Administrator to the owner of said structure. If the disrepair is not corrected within thirty (30) days, said structure shall be removed at the owner's expense.
  - e) The off-premise sign must be constructed in such a fashion that it will withstand all wind and vibration forces which normally can be expected to occur in the vicinity.

**Section 22.10 Flag Poles:**

Not more than three (3) flag poles may be erected on any lot. The maximum permitted height of any flag pole is thirty-five (35) feet.

**Section 22.11 Wayfinding and Municipal Directional Signs**

~~The City of the Village of Douglas may provide space, select the theme, provide, if available, lighting for, and maintain in good condition the base structure for wayfinding or municipal non-business directional signs.~~

Commented [AT24]: Content based

Commented [AT25]: This section could simply be called "directional signs". Government signs are not regulated under the "exempt" section, so this sentence is implied. More regulations (if desired by the city) could be added as it pertains to actual directional signs on private property if the intent is to regulate the number, size and location.

### **Section 22.12 Nonconforming Signs:**

It is the intent of this Section to permit the continuance of a lawful use of any sign or outdoor advertising structure that may not conform with the provisions herein. Nonconforming signs and sign structures shall not be enlarged, expanded or extended without review and waiver granted by the Planning Commission. Illegal nonconforming signs and sign structures shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction. The continuance of all nonconforming signs and outdoor advertising structures within the City of the Village of Douglas shall be subject to the following requirements:

- 1) Structural Changes: The faces, supports, or other parts of any nonconforming sign or outdoor advertising structure shall not be changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign or outdoor advertising structure conforms to the provision of this Section for the use it is intended, except as otherwise provided for.
- 2) If a nonconforming sign is destroyed it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this Section, and the remnants of the former sign structure shall be cleared from the land or building on which it was supported. For purposes of this section, a nonconforming sign is destroyed if damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value (tax value if listed for tax purposes) of the damaged sign.
- 3) The message of a nonconforming sign may be changed so long as this does not create any new nonconformities (for example, by creating an off- premise sign under circumstances where such a sign would not be allowed). However, if the name of the business or organization changes, the face of the sign may be changed only as provided in Section 22.10(1).
- 4) If a nonconforming sign, other than an off-premise sign- advertises a business, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign and its independent supporting structure shall be considered abandoned and shall be removed within thirty (30) days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having such control over such sign.
- 5) Any other provisions of this Ordinance notwithstanding, all signs which are erected or are in place on the effective date of the Ordinance, but which do not comply with the provisions of this Ordinance, and signs in nonconformance with the City of the Village of Douglas sign regulations, shall demonstrate compliance and conformance with these provisions upon application for Sign Permit resultant of any desired or necessary changes, alterations, substitution, repair, replacement, and other maintenance.

- 6) Alteration, Erection, or Placement of Signs: No person, firm, corporation, partnership, or other legal entity, shall alter, enlarge, or erect a sign except in accordance with the provisions of this Ordinance. Nonconforming signs, however, be repaired, repainted, or improved, however, they may not be enlarged beyond their existing size.
- 7) Any signs existing in the public right-of-way of the City of the Village of Douglas, which do not have a revocable license agreement with the City Council, are illegal nonconforming signs and are to be removed or relocated to come into compliance with the provisions of this Ordinance.
- 8) The owner of any signs existing in the public right-of-way of the City of the Village of Douglas, on the effective date of this Ordinance which do not have a revocable license agreement with the City Council shall within sixty (60) days of notice by the City provide the City Council with proof of liability insurance with sufficient policy limits, naming the City of the Village of Douglas as an additional named insured thereby indemnifying the City for any liability, loss, costs, damages or expenses that may be paid by the City to persons as a result of damage to persons or their property due to the placement of the sign in the right-of-way.
- 9) Failure to provide this insurance, or any lapse in the coverage provided therein, or failure to enter into a revocable license agreement may result in the City taking actions, as provided in this Ordinance and by any other lawful enforcement provisions, to abate said sign, including its immediate removal.
- 10) The City Council may, at its discretion, review any sign effected by this Section on a case-by-case basis to consider extenuating health, safety and public welfare factors which may cause the requirement for immediate compliance with the Ordinance to be extended.

**Sign Limitations:**

**[RESERVED FOR FUTURE USE - TABLE OF SIGN REGULATIONS]**