

## MEMORANDUM

**To:** The City of the Village of Douglas Planning Commission  
**Date:** July 5, 2023  
**From:** Tricia Anderson, AICP  
**RE:** **Sign Ordinance Legal Review and Recommended Changes to Draft**

At the May 11, 2023 meeting, the Planning Commission reviewed and discussed the final draft of the sign ordinance and made a favorable recommendation to the City Council for the adoption of the ordinance. One of the conditions in that recommendation was that the draft shall undergo legal review prior to being placed on the City Council's agenda for the first reading of the final draft.

One of the City's Attorneys, Mr. Charles Bogren, of Plunkett & Cooney, provided a comprehensive report on his review of the sign ordinance draft from a legal perspective that the Planning Commission recommended to council for approval, along with the minor changes recommended at that meeting. Because of the nature of the recommended changes to the draft in response to the legal review, Mr. Bogren recommended that the draft be reviewed one last time by the Planning Commission with the incorporation of the recommended changes, and that it be noticed as a public hearing, thus the Planning Commission will hold a public hearing at the upcoming July 13, 2023 meeting.

Mr. Bogren's legal perspective is valuable with regard to known case law where specific characteristics of sign ordinances were viewed by courts to be unconstitutional. In applying that knowledge and perspective to the review of the draft of the sign ordinance, he identified a few areas that may be questionable as it pertains to some of the case law surrounding definitions, vagueness, aesthetics as a purpose to limit signage and permit issuance conditions. The areas highlighted in Mr. Bogren's review specifically relate to the following:

1. Billboards and the lack of a definition of "life of the billboard". He indicates that it's ok to prohibit any new billboards, but we need to be more specific in terms of what life of the billboard means. Changes were made in the draft to reflect this recommendation to be more specific and define that phrase. It is highlighted in the draft.
2. Temporary wire-framed signs – the draft of the sign ordinance limited each parcel within the City to 2 wire-framed temporary signs. Mr. Bogren indicated that an additional allowance should be considered, as well as allowing parcels with more frontage the opportunity for additional wire-framed signs. The changes would allow for up to four wire-framed temporary signs for each 50 feet of frontage on a public or private road. The changes are highlighted in the draft.
3. Temporary manual reader board sign zoning permit issuance process – the ordinance must have some language that provides the circumstances under which a zoning permit can be issued. We have added some language that makes it more specific here. The changes are highlighted in the draft.

4. Human signs – The draft language for this prohibited sign type was vague in terms of when a human could hold a sign. The phrase, “or other events” was recommended to be expressly spelled out to indicate what those “other events” would be. We made the recommended change to “events” with “City-sanctioned events” to satisfy the recommendation. This change is highlighted in the draft.

Outside of the above-noted recommended changes, Mr. Bogren applauded the Planning Commission’s efforts and noted that the ordinance is well written to avoid all the major pitfalls a sign ordinance could contain in its language to withstand a lawsuit.

Please feel free to reach out to us with any questions.



**MEMORANDUM**

TO: Richard LaBombard

FROM: Charles Bogren  
(616) 752-4606  
cbogren@plunkettcooney.com

DATE: June 15, 2023

RE: Proposed Sign Ordinance

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You had asked for a legal review of the proposed new sign ordinance for the City of the Village of Douglas.

**Legal Standards Concerning Signage**

According to the United States Supreme Court, an ordinance (1) must contain adequate standards to guide the official's decision, (2) must not be based on the content of the message, (3) must be narrowly tailored to serve a significant government interest, and (4) must leave open ample alternatives for communication. *Thomas v. Chicago Park District*, 534 U.S. 316, 323 & n. 3, 122 S.Ct. 775 (2002).

The First Amendment, applicable to states through the Fourteenth Amendment, protects freedom of speech from laws that would abridge it. "A prior restraint is any law 'forbidding certain communications when issued in advance of the time that such communications are to occur.'" *McGlone v. Bell*, 681 F.3d 718, 733 (6th Cir. 2012) (quoting *Alexander v. United States*, 509 U.S. 544, 550, 113 S.Ct. 2766 (1993)). "Prior restraints are presumptively invalid because of the risk of censorship associated with the vesting of unbridled discretion in government officials and the risk of indefinitely suppressing permissible speech when a licensing law fails to provide for the prompt issuance of a license." *Bronco's Ent., Ltd. v. Charter Twp. of Van Buren*, 421 F.3d 440, 444 (6th Cir. 2005).

To be constitutional, a prior restraint must be content-neutral, narrowly tailored to serve a significant governmental interest, and leave open ample alternatives for communication. *Forsyth Cty. v. Nationalist Movement*, 505 U.S. 123, 130, 112 S.Ct. 2395 (1992). It must also not delegate overly broad licensing discretion to official decision-makers: "[i]f the permit scheme involves appraisal of facts, the exercise of judgment, and the formation of an opinion by the licensing authority, the danger of censorship and of abridgment of our precious First

Amendment freedoms is too great to be permitted.” *Id.* at 131, 112 S.Ct. 2395. Furthermore, the “decision whether or not to grant” a permit “must be made within a specified, brief period, and the status quo must be preserved pending a final judicial determination on the merits.” *Deja Vu of Nashville, Inc. v. Metro. Gov't of Nashville*, 274 F.3d 377, 400 (6th Cir. 2001). A municipal government vested with state authority, such as Douglas, “has no power to restrict expression because of its message, its ideas, its subject matter, or its content.” *Reed v. Town of Gilbert*, 576 U.S. 155, 163, 135 S.Ct. 2218 (2015).

### **The Ordinance Generally**

Upon review, the proposed ordinance is drafted in such a way as to avoid major pitfalls that would clearly expose Douglas to potential litigation or liability. There are three particular areas that are addressed separately below that should be considered, but generally the Ordinance meets and exceeds the standards set out by courts.

The Supreme Court held in *Thomas v. Chicago Park District*, 534 U.S. 316, 323 & n. 3, 122 S.Ct. 775 (2002), that an ordinance (1) must contain adequate standards to guide the official's decision, (2) must not be based on the content of the message, (3) must be narrowly tailored to serve a significant government interest, and (4) must leave open ample alternatives for communication. Douglas' proposed sign ordinances in question satisfy all four of these factors.

First, the sign ordinances contain narrow, objective, and definite nondiscretionary criteria. The ordinances contain very particular requirements for signs, including limitations on size, height, location, area, and setback conditions. On their face, the sign ordinances contain enough specificity to render the decision of whether to grant or deny an application virtually ministerial. This satisfies the first *Thomas* element.

Second, nothing in the text of the sign ordinances indicates that content is a factor in the approval process. This is often the most contested issue in suits over sign ordinances, but this set satisfies the second element.

Third, goals such as aesthetics and safety are legitimate governmental interests. Business signs hold the potential to distract or impede the view of drivers. Excessive signage can also diminish the beauty of the surrounding area. A sign's size and structure can also affect the safety of its construction. The sign ordinances in question reflect Douglas' justified concern over these interests and therefore satisfy the third element.

Finally, the ordinances permit the erection of signs that meet the City's stated criteria for height, size, and other factors. Individuals, be they businesses or otherwise, are also free to use any of the myriad other forms of available communication such as print, television, or the internet to advertise. The ordinances therefore satisfy the fourth *Thomas* element.

### **Billboards**

Banning billboards for aesthetic purposes while still allowing other commercial signage is acceptable and not impermissibly broad. *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490



(1981). However, the language that is being used in the proposed ordinance may lead to other legal issues.

A large swath of litigation stemming from sign ordinances have been filed by billboard companies. That is not to say that there is any inherent legal reason not to prohibit the building of billboards, but the language offered in the proposed ordinance could use some additional information to offer Douglas more protection and property owners more guidance.

In Section 22.10, the proposed language adds that:

New billboards shall not be erected within the City Limits after the effective date of this ordinance. Any existing billboards shall be permitted to continue for the life of the billboard.

The rest of the section is then deleted from the proposed final ordinance. Billboards are helpfully defined in Section 22.03 – Definitions section, but there is no specific language that defines the “life of the billboard.” The life could refer to the amortization of the billboard, or it could refer to its structural integrity, etc. With this vague language there are potential grounds for a suit under the “impermissibly vague” constitutional suit. It also could allow for owners of current billboards to continue to alter their agreements or otherwise upgrade the structures to keep extending the billboard’s “life.”

Some kind of language both defining life and limiting its parameters would likely be a benefit to the City and potentially forestall legal challenges.

### Temporary Signs

Generally, the Temporary Sign section of the ordinance, 22.05.15, is laudable and does not having issues that would raise an immediate concern for a legal challenge. Not having a temporal aspect alleviates the concern that it could be limiting protected speech, particularly related to political campaigns and organizations that may want their signs up even after an election or well in advance.

However, it is worth noting that there could be owners of larger parcels that are upset they are limited to the same number of temporary signs as their neighbors with significantly smaller lots. Because the language is neutral as far as content is concerned this is not likely to be a successful suit as Douglas can still articulate a reason as to why the restriction on total number was enacted. But the aesthetic argument is blunted when someone with four times as much road frontage as their neighbor is limited to the same number of signs.

The application process for a temporary sign permit for manual reader boards and temporary banner signs contemplated in 22.05.15(e)(v) may be somewhat vague. The Supreme Court held that the ordinances must contain “adequate standards to guide the [licensing] official's discretion and render it subject to effective judicial review.” *Thomas v. Chicago Park District*, 534 U.S. 316, 122 S.Ct. 775 (2002). The process described in that subsection of what must be submitted is detailed and provides good information, but it does

not explain what the Zoning Administrator would be looking for in making his decision. If the awarding of a permit is intended to be ministerial, meaning that so long as the applicant provides the 3 pieces of information then his permit *must* be granted, then that should be made explicit. If it is meant to be a discretionary decision based on standards enumerated elsewhere in the ordinance, then a cross reference should be given. And if there is an as-yet undisclosed set of criteria that would be used then those should be disclosed as well.

### **Human Signs**

In Section 22.06 various prohibitions are laid out, including “human signs” (which are also defined in Section 22.03. There is an allowance for these kinds of signs to be used “as part of a protest, parade, or other types of events.” The language presumably intends to foreclose the use of signs for advertising purposes while allowing political signs to be used. However, the inclusion of “other types of events” creates several potential avenues for a would-be human sign user.

Events is not a defined term within the ordinance, and without any specificity it is not difficult to imagine a creative interpretation of the definition. A “going out of business” sale or “liquidation” sale could be an event that would regularly see a sign-holding human on the side of a road. Without delving into all the possibilities, the language as written provides a concerning amount of leeway in its interpretation. Language to be considered could include “except as part of a protest, parade, or other *City-sanctioned events*.” This would help limit the use to things that Douglas has not only permitted but is aware will be ongoing.

### **Conclusion**

The proposed ordinance is well-drafted and should provide guidance to those living and doing business in Douglas. There are a few areas that should be addressed, but they are not major overhauls, but instead call for slightly more detailed information to provide more guidance for both the Douglas and the sign owners.

Please do not hesitate to contact me to discuss any questions you may have or how best to approach the next steps.

## ARTICLE 22: SIGNS

### **Section 22.01 Applicability**

This article applies to all persons, firms, partnerships, associations, and corporations owning, occupying, or having control or management of any premises located within the City of the Village of Douglas.

### **Section 22.02 Intent**

The intent of this article is to provide regulatory parameters for the location and method of display of signs in the City in a manner consistent with the following purposes:

- A. To protect and further the health, safety, and welfare of the City's residents, property owners, and visitors.
- B. To prevent traffic hazards and pedestrian accidents caused by signs that obstruct vision, distract or confuse drivers, or are improperly secured or constructed.
- C. To conserve and enhance community character.
- D. To promote uniformity in the size, number, or placement of signs within districts.
- E. To promote the economic viability of commercial areas by minimizing visual clutter and allowing for proper placement of signs to safely direct motorists to their destination.
- F. To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the rights of businesses and other non-business uses to communicate.
- G. To allow for the reasonable continuance of the use of nonconforming signs.
- H. It is further recognized that special circumstances or events may create a need for portable signage for a limited and reasonable period of time.
- I. The purpose of this article does not include the regulation of the content or any information included on the sign.
- J. The regulations and standards of this chapter are considered the minimum amount of regulation necessary to achieve a substantial government interest for public safety, aesthetics, and protection of property values.

### **Section 22.03 Definitions**

For purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. **Abandoned sign.** A sign for which no legal owner can be found; or a sign that is dilapidated, has fallen into disrepair or otherwise exhibits characteristics of abandonment in the opinion of the Zoning Administrator.
2. **Architectural Feature.** An integral element of a building that does not contain any discernable commercial message.
3. **Ancillary Sign.** A sign separate from and subordinate in area to the principal sign, identifying generic services, goods, menus, hours of operation, but not including the identification of brand names

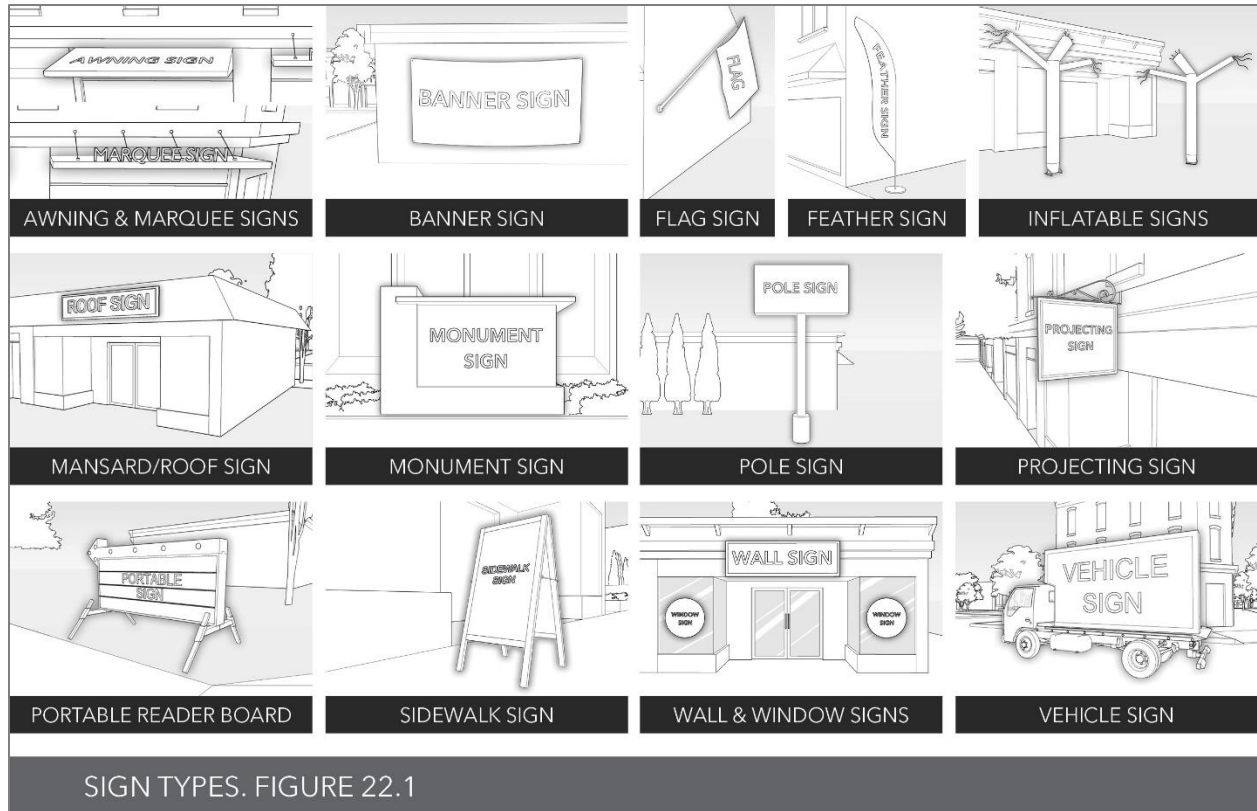
4. **Artwork.** Any decorative element that is not integral to a building and does not contain an immediately discernable commercial message or representation.
5. **Awning.** A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building. An awning is the same as a canopy.
6. **Awning sign.** A sign painted on, printed on, or attached flat against the surface of an awning or canopy.
7. **Balloon Sign.** See *inflatable sign*.
8. **Banner Sign.** A sign made from fabric, plastic, vinyl, or other non-rigid material. A banner sign will be defined as one of the following:
  - a. **Banner Sign, Temporary.** A temporary sign made from fabric, plastic, vinyl, or other non-rigid material without an enclosing structural framework attached to or hung from a pole, rope or to a building or structure.
  - b. **Banner Sign, Permanent.** Wall signs made exclusively from plastic, vinyl, or other non-rigid materials that are permanently affixed to the wall of a building with fasteners. Permanent banner signs may or may not have a frame surrounding the sign area..
9. **Billboard.** A sign separate from an on-premise sign erected for the purpose of displaying messages or images, located on private property which abuts an interstate right-of-way and contains over 200 square feet of sign copy area.
10. **Building Frontage.** The area in square feet of a building façade facing a street as viewed from the exterior. In the case of a multi-tenant building, the building frontage shall consist of the area of the frontage of the exterior space occupied by the tenant/occupant.
11. **Digital Sign.** An internally lit sign that contains changing digital images or messages.
12. **Electronic Message Center.** The use of changing lights or video screen(s) to form a sign message or messages in text display form wherein the messages and the rate of change can be modified by an electronic process.
13. **Essential Service.** Uses that are deemed essential such as public schools, public utility companies, and government agencies.
14. **Exempt sign.** A sign that is exempt from either a sign permit or from the provisions of this entire article, as described in Section 22.03.B



15. **External Illumination.** Lights designed to illuminate a sign that are not located within the sign itself.
16. **Feather Sign.** A portable lightweight piece of cloth, fabric, or other similar material in the shape of a feather that is supported by a slender rod or pole driven into the ground.
17. **Festoons.** A string of ribbons, tinsel, flags, pennants, or pinwheels that contains messages or sign copy.
18. **Flag.** A lightweight piece of cloth, fabric, or other similar material that is attached either to a ground-mounted pole used exclusively for the purpose of flag display or attached to a permanent building using a flag pole bracket.
19. **Flashing sign.** A sign that contains a rapidly intermittent or changing light source.
20. **Footcandles.** A unit of illumination on a surface equal to one lumen per square foot, which is used to measure the brightness of a sign containing internal or external illumination or digital signs displayed on a screen.
21. **Freestanding sign.** A sign not attached to a building or wall that is supported by one or more poles or braces, or that rests on the ground or on a foundation resting on the ground.
22. **Government sign.** A sign that is erected or required to be erected by the City of the Village of Douglas, Allegan County, or the state or federal government.
23. **Human sign.** A sign that is held by a person and displayed on or off-site to attract the attention of passing pedestrians and vehicular traffic.
24. **Illegal sign.** A sign that does not meet the requirements of this chapter and that has not received legal nonconforming status.
25. **Inflatable sign.** Any three-dimensional object, including a tethered balloon, capable of being filled with air or gas depicting a character, figure, product, or product trademark, whether or not such object contains a message or lettering, that may or may not have some form of movement.
26. **Integral signs.** Any sign that is integral to site circulation and wayfinding, such as above entrances.
27. **Internal Illumination.** Lights designed to illuminate a sign from the interior of the sign itself.
28. **Mansard Roof.** A sloped roof or roof-like façade that is architecturally comparable to a building wall.

29. **Marquee.** A permanent structure constructed of rigid materials that project from the exterior wall of a building.
30. **Marquee sign.** A sign affixed to the surface of a marquee.
31. **Monument sign.** A freestanding sign supported by a base that rests directly on the ground, or by other supports which elevate the sign, where the width of the supporting mechanism is at least 50 percent of the width of the sign copy area.
32. **Non-conforming sign.** Any permanent sign that has been erected prior to the adoption of this Article that does not comply with the provisions of this Article with regard to form, size, quantity, location, illumination, etc. as contained herein.
33. **Painted wall sign.** A sign that is applied with paint or a similar substance on the face of a wall or the roof of a building.
34. **Pole sign.** A free-standing sign that is supported by a single structure, pole, or brace that is less than 50 percent of the width of the sign.
35. **Pennant.** A flag or cloth that tapers to a point.
36. **Projecting sign.** A sign attached to a building or wall that extends perpendicularly more than 12 inches but not more than 48 inches from the face of the building or wall.
37. **Reader board sign.** One of the following:
  - a. **Manual reader board.** A sign on which the letters or pictorials are changed manually or;
  - b. **Electronic reader board.** A sign with a fixed or changing display or message composed of a series of internal lights or digital images and text that may be changed through electronic means.
  - c. **Portable reader board.** A sign where, by its nature may be or is intended to be easily moved from one location to another, typically a sign supported on a metal chassis and may include copy that can be changed manually through the use of attachable characters, but not including sidewalk signs, banners, etc.
38. **Multi-vision sign.** Any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image or images.
39. **Roofline.** The top of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
40. **Roof sign.** A sign that is attached to or is placed on the roof of a building.

41. **Rotating sign.** A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of the changeable copy.
42. **Sidewalk sign.** An A-frame sign that is portable and designed to be placed on the sidewalk in front of the use it advertises. Also commonly called a “**sandwich board sign.**”
43. **Sign.** A device, structure, fixture, figure, or placard that may or may not use graphics, symbols, emblems, numbers, lights and/or written copy to communicate information of any kind to the public. House numbers, addresses, and name plates not exceeding two square feet shall not be considered signs.
44. **Permanent sign.** A sign installed on a support structure, not intended to be moved or removed, but to remain for an indefinite period of time.
45. **Temporary sign.** A sign installed for a limited period of time intended to be removed within a time period as specified herein. Examples of temporary signs include, but are not limited to, wire-framed signs, banners, feather flags, balloon signs/air dancers and signs with wooden or metal supports that are placed into the ground, without a permanent foundation. Temporary signs are not designed to withstand wind and snow loads as prescribed by the Michigan Building Code.
46. **Snipe sign.** A sign that is attached to a utility pole, tree, fence, or to any object located or situated on public property, or private property without permission.
47. **Streamers.** A long, narrow strip of material used as a decoration or symbol.
48. **Wall sign.** A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than 12 inches from the exterior face of a wall to which it is attached.
49. **Window sign.** A sign installed on or inside a window and intended to be viewed from the outside.
50. **Vehicle sign.** A sign painted on, incorporated in, or attached directly to any mode of transportation, including but not limited to automobiles, trucks, buses, boats, trailers, semi-trailers or airplanes.
51. **Wireframe sign.** A temporary sign made of corrugated plastic, vinyl, cardboard, poster board or similar material that is supported by or attached to a metal frame.



### **Section 22.04 Sign Permit Procedures**

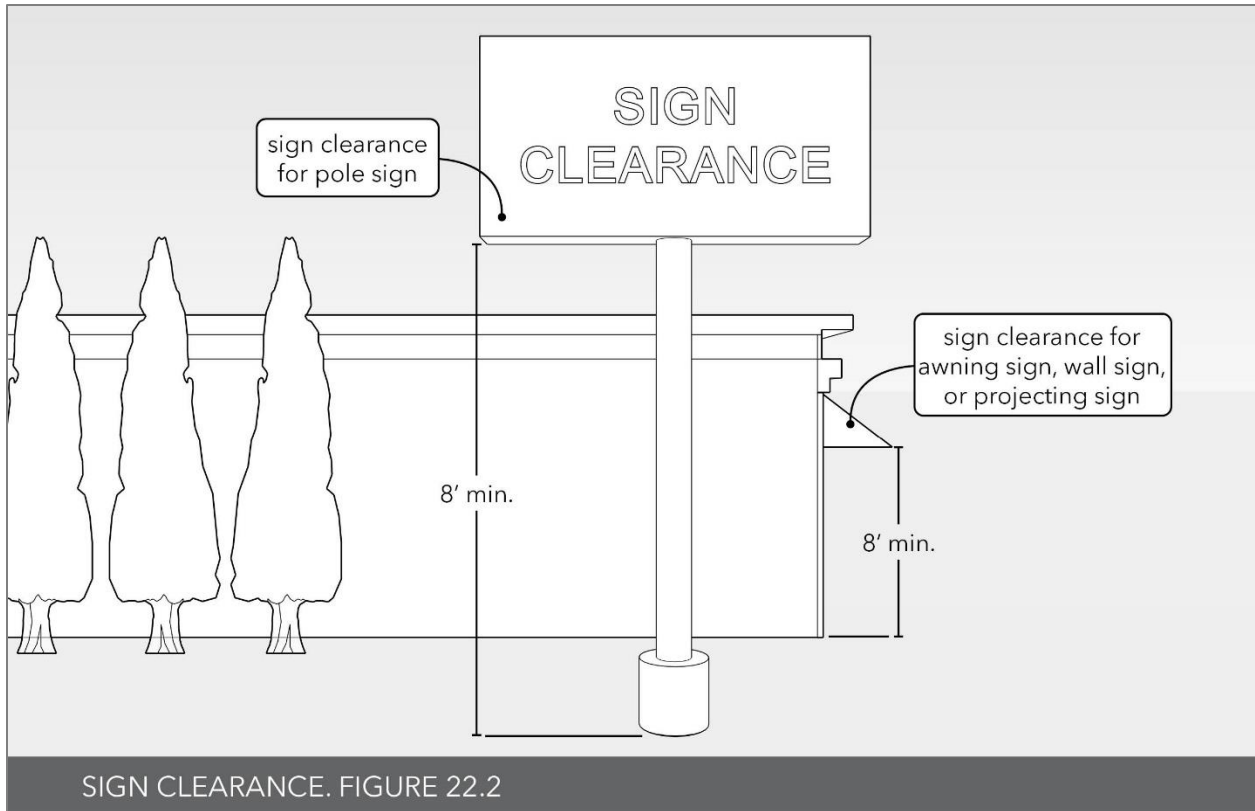
- A. Permit Required.** Prior to the commencement of the erection, alteration or structural change to a sign or other advertising structure, with the exception of the signs listed in Section 22.04.B and identified as “exempt”, a zoning permit must be obtained in accordance with the process set forth in Section 23.03, Permit Procedures and Regulations.
- B. Exempt Signs.** The following signs shall not require a permit but shall be subject to all other applicable regulations of this article.
1. Government signs, including wayfinding, identification, traffic control and light pole banner signs.
  2. Signs with an area of less than two square foot.
  3. Traffic control signs approved and established by state, county or local units of government.
  4. Internal site traffic circulation and wayfinding signs on private property.
  5. Window signs, provided no flashing lights are used in conjunction with the window sign.
  6. Flags and flagpoles, provided no more than 3 flag poles are erected at a height not to exceed 35’.
  7. Wire-framed Temporary signs as regulated in 22.05.15.



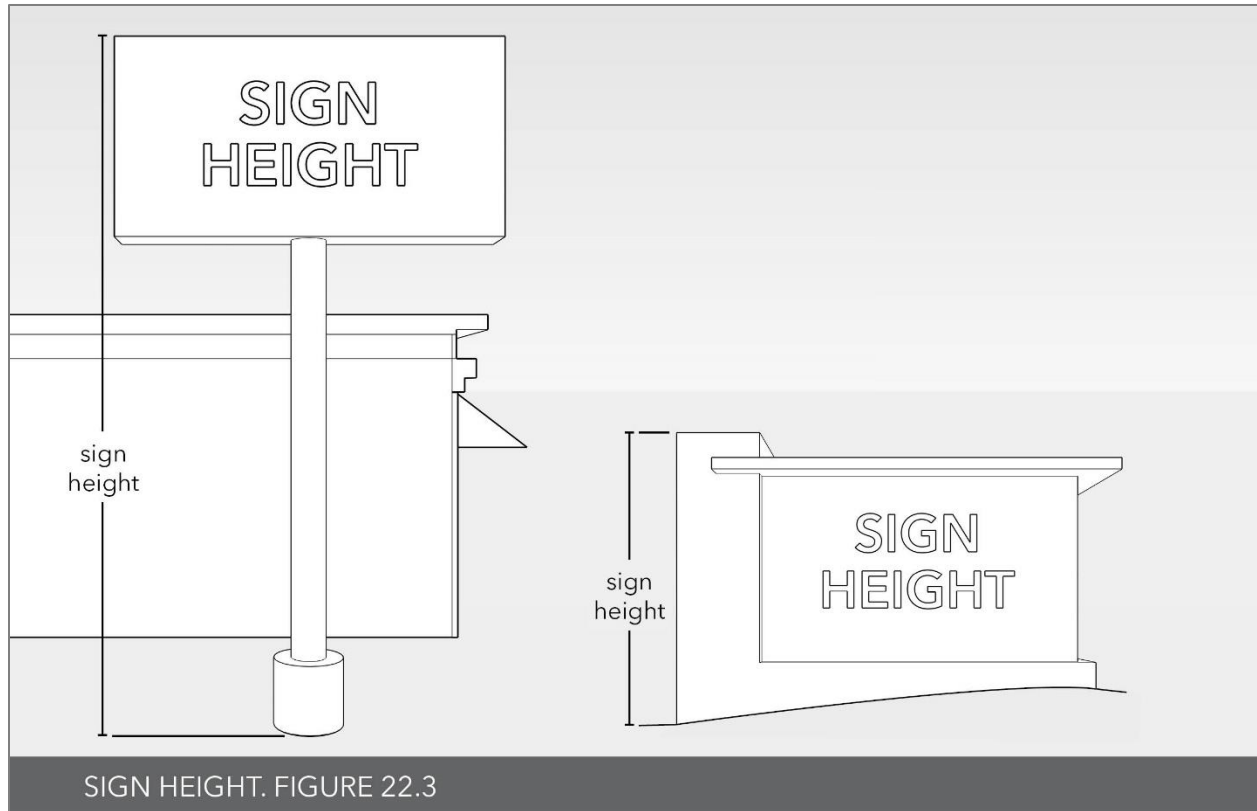
### **Section 22.05 General Provisions for Signs in All Districts**

The following regulations are applicable to signs in all zoning districts:

1. **Vertical Clearance.** Any pole sign, awning sign, marquee sign, and projecting sign shall maintain a minimum vertical clearance of eight feet from the bottom of the sign to the ground directly beneath the sign.

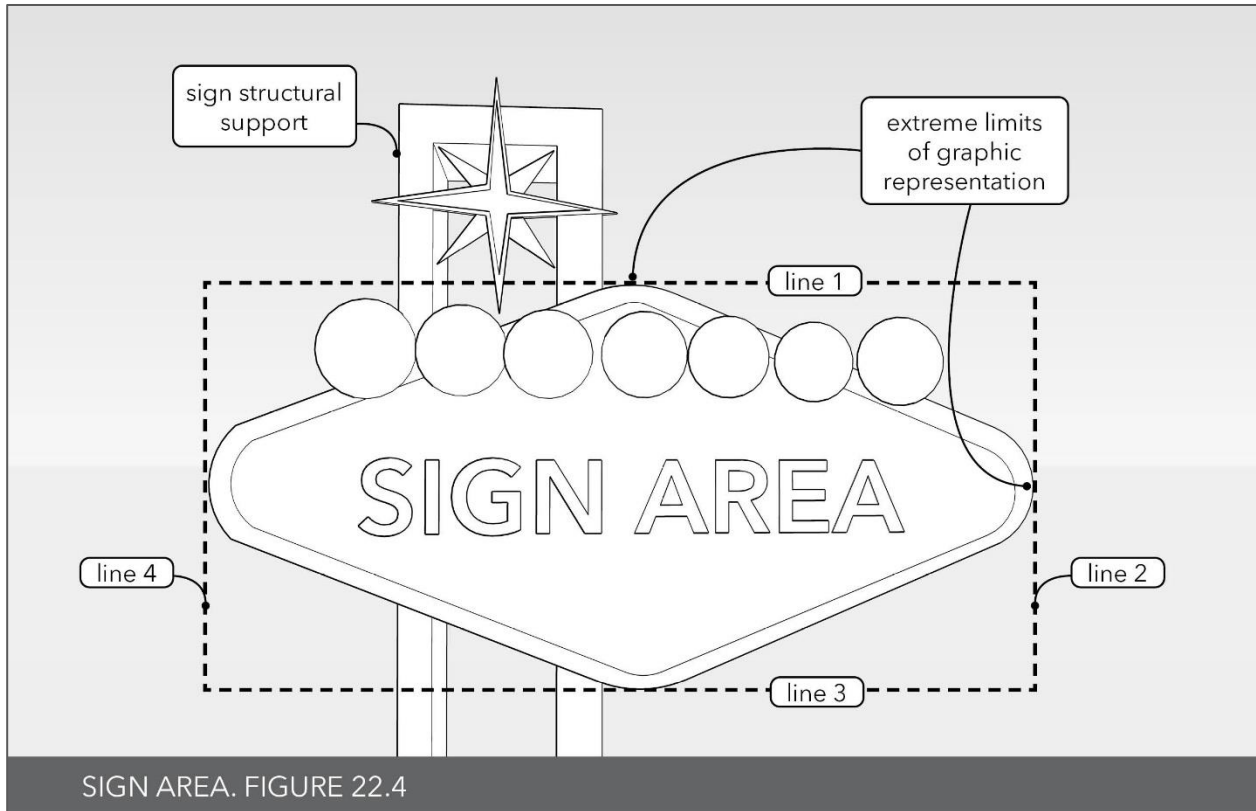


2. **Vehicle Signs.** Vehicles that bear signs (see Figure 22.1) may be parked on-site provided they are located in such a manner that they do not function as signs as prohibited by Section 22.06 of this Article.
3. **Sign Measurement.** Except where otherwise expressly provided for in this article, sign copy area and heights of signs shall be measured in accordance with the requirements below, and per the illustration shown in Figure 22.3:
  - a. The height of a freestanding sign shall be measured as the vertical distance from the highest point on the sign to the grade of the surface on which the sign is erected. The height measurement for a ground-mounted monument sign includes the height of the base or support structure on which it is fixed.



SIGN HEIGHT. FIGURE 22.3

- b. The sign copy area shall be measured as the area within a single, continuous perimeter composed of four straight lines which enclose the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame, architectural feature or other material or color-forming part of the display or used to differentiate the sign from the background against which it is placed. See Figure 22.4.
- c. The area of a freestanding sign that has two or more faces shall be measured by including the area of all sign faces. However, if two such faces are placed back-to-back and are no more than two feet apart at any point, the area of the two back-to-back faces shall be counted as one face with the larger of the two sign faces to be counted as the relevant sign face for sign area measurement purposes.



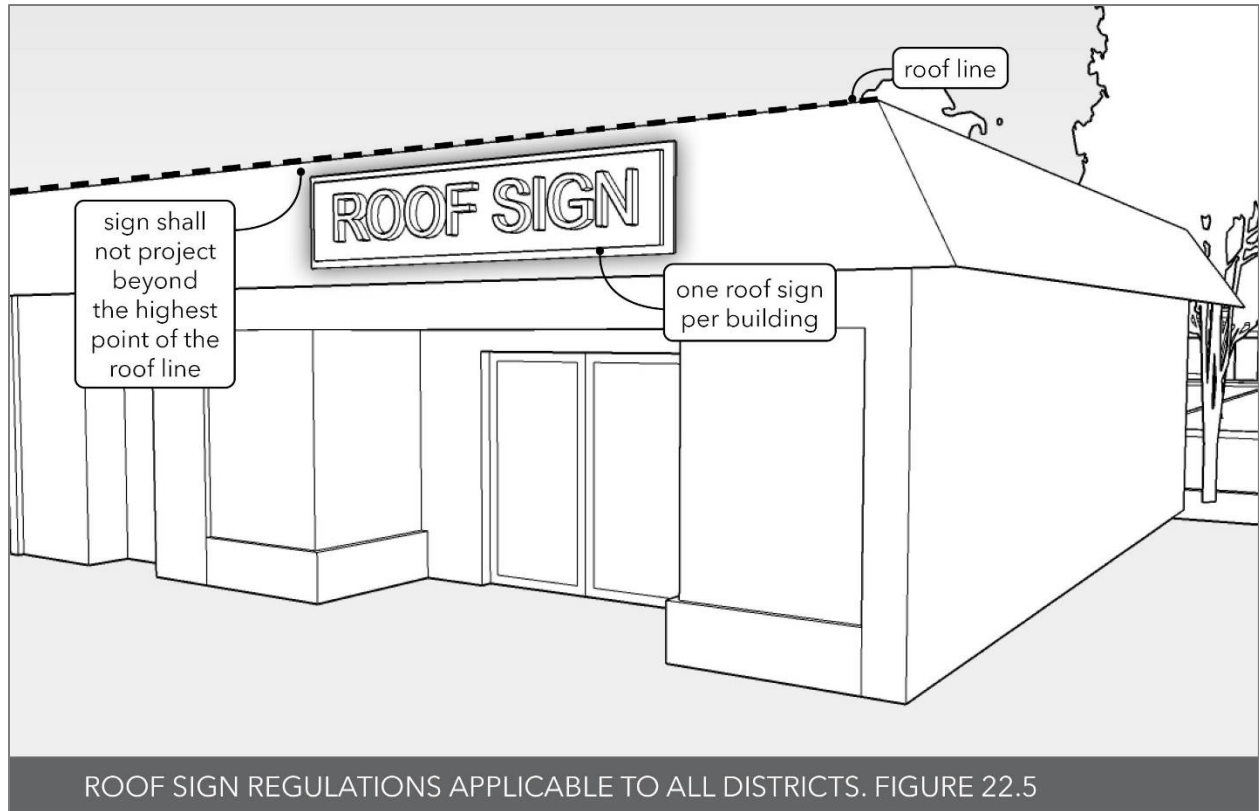
SIGN AREA. FIGURE 22.4

4. **Removal or Repair of Signs; Notice.** Any sign and appurtenant structure shall be removed or repaired by the owner within thirty (30) days of receipt of notice from the Zoning Administrator or their designee, stating that the sign is unsafe, not properly maintained, or otherwise does not comply with the requirements of this chapter (excluding properly maintained signs that lawfully retain associated nonconforming rights).
5. **Structural Requirements.** Signs shall be constructed to withstand all wind and vibration forces that normally can be expected to occur in the vicinity, per the applicable building codes.
6. **Sign Illumination.** Signs may be internally or externally illuminated where permitted. The following provisions apply to illuminated signage in the City of Douglas.
  - a. **Glare and Distractions.** All illuminated signs shall not create glare or light trespass onto adjacent properties. Any sign illumination that may cause or otherwise create traffic hazards is prohibited.
  - b. **Electrical Wiring.** All electrical wiring shall be located underground and any associated electrical conduit or piping shall not be exposed to view above ground.
  - c. **External Illumination.** For externally illuminated signs, the lighting fixture shall be mounted above the sign only and the light fixture shielded such that light is directed downward and directly at the sign face only (below the horizontal plane).

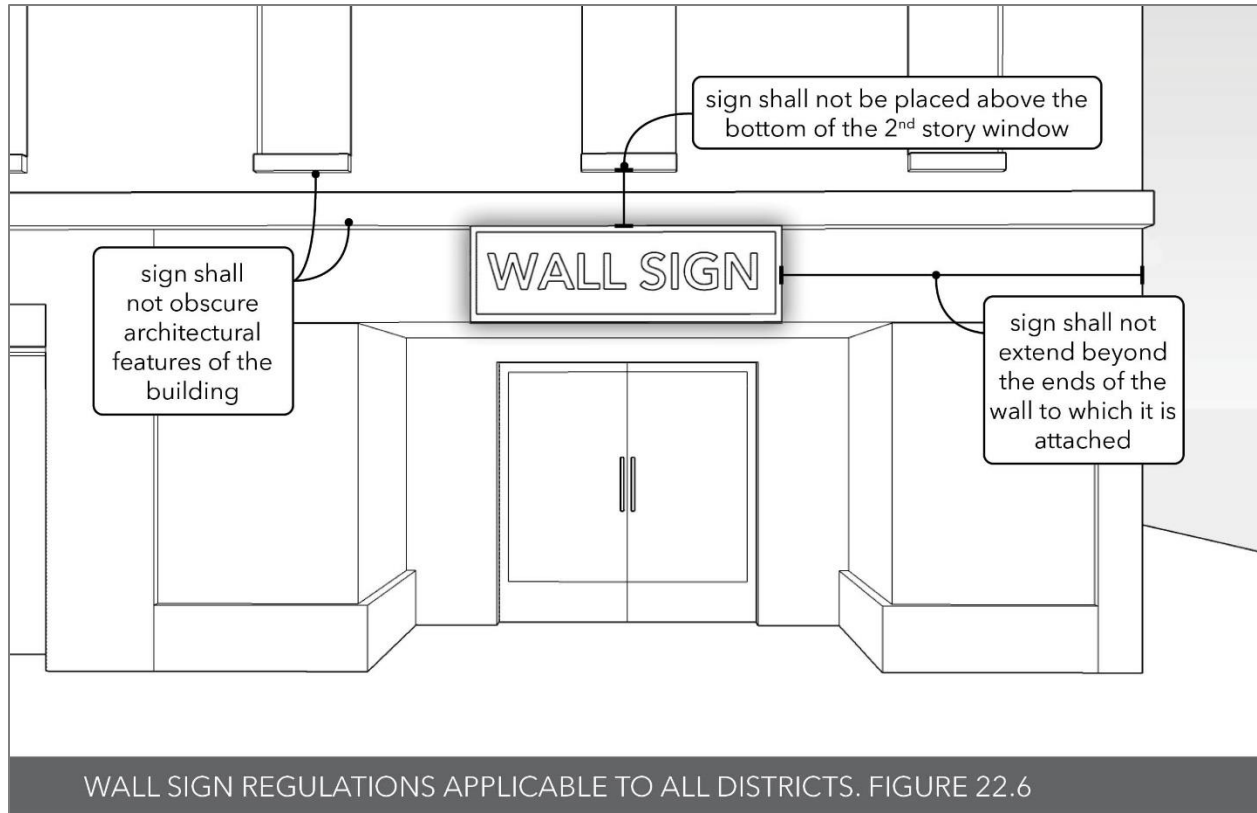
Externally illuminated signs shall not be directly aimed at adjacent streets, roads, or other properties, and shall meet all other applicable standards of this zoning ordinance.

- d. **Internal Illumination.** Internally illuminated signs shall adhere to the following parameters:
  - i. The sign shall not be illuminated after 11:00 PM or no more than 30 minutes after the close of business, whichever is later.
  - ii. No sign shall be illuminated prior to 6:00 AM or 30 minutes before the opening of business, whichever is earlier.
  - iii. No internally illuminated sign shall bear a digital image or message unless it is a sign used by an essential service or public entity.
7. **Projection.** A sign and its supporting mechanism shall not extend beyond any lot lines of the property on which it is located except that in the C-1, Village Center district, projecting signs may project over the public sidewalk.
8. **Roof Signs.**
  - a. A roof sign shall not project or extend beyond or above the highest point of the roof line.
  - b. Only one roof sign shall be permitted per building.
  - c. The size of a roof sign shall not exceed ten percent of the building frontage area or the area occupied by an individual business within a multi-tenant building.
  - d. Lighting for roof signs shall comply with Section 22.04.6.
  - e. A roof sign may consist of painting on the surface of a roof or a sign that is composed of roofing materials or other materials affixed parallel to the roof surface.



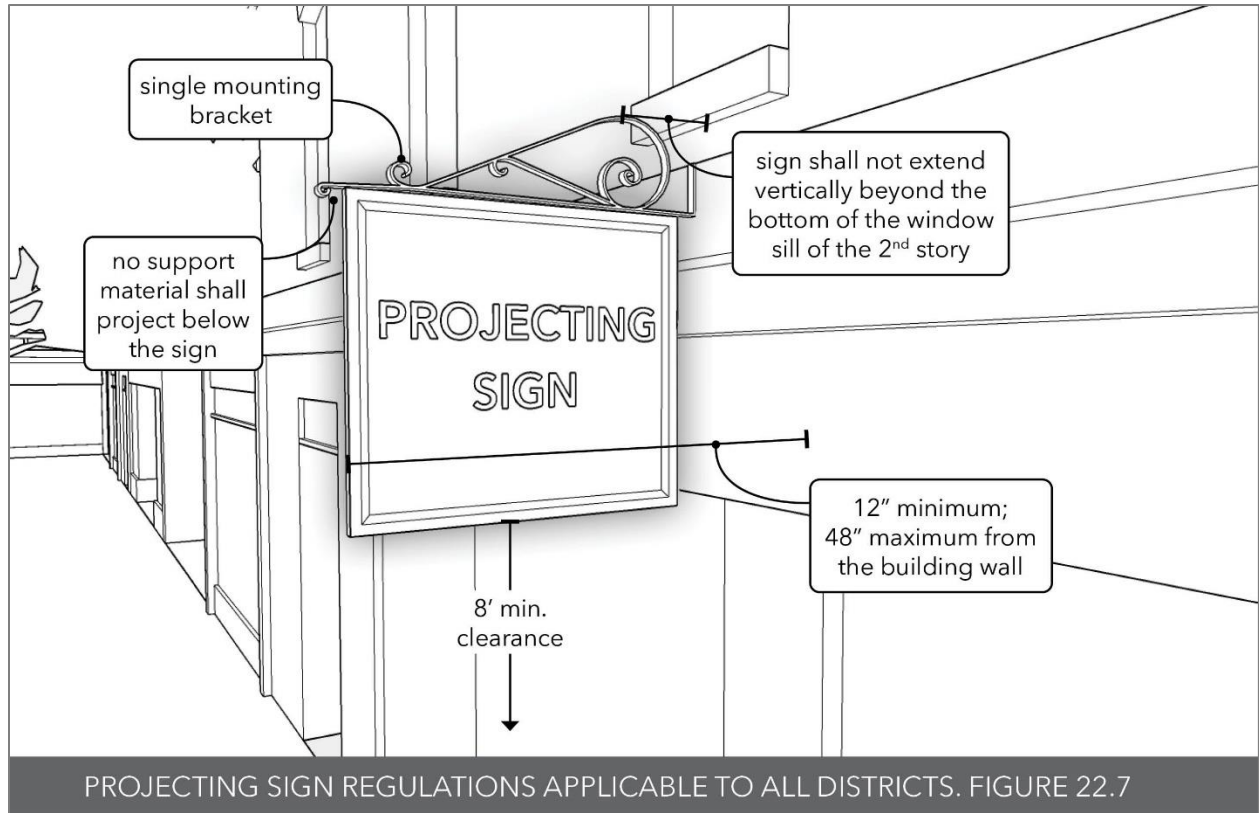


9. **Reader Boards.** Wall and freestanding signs may include manual reader boards subject to the following regulations:
  - a. The reader board portion of the sign shall not consist of more than 50% of the total permitted sign copy area.
  - b. Electronic or digital reader boards are prohibited in all districts and in all sign forms, with the exception of allowances for essential services and public entities.
  - c. Temporary manual reader boards are permitted in accordance with Section 22.15.e. and are permitted subject to the issuance of a zoning compliance permit.
10. **Wall Signs:**
  - a. Wall signs shall not obscure architectural features of the building including, but not limited to windows, arches, sills, moldings, cornices, and transoms.
  - b. Wall signs shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.
  - c. A wall sign shall not be placed above nor shall any part of the sign extend above the bottom of the second-story window of a multi-story building.



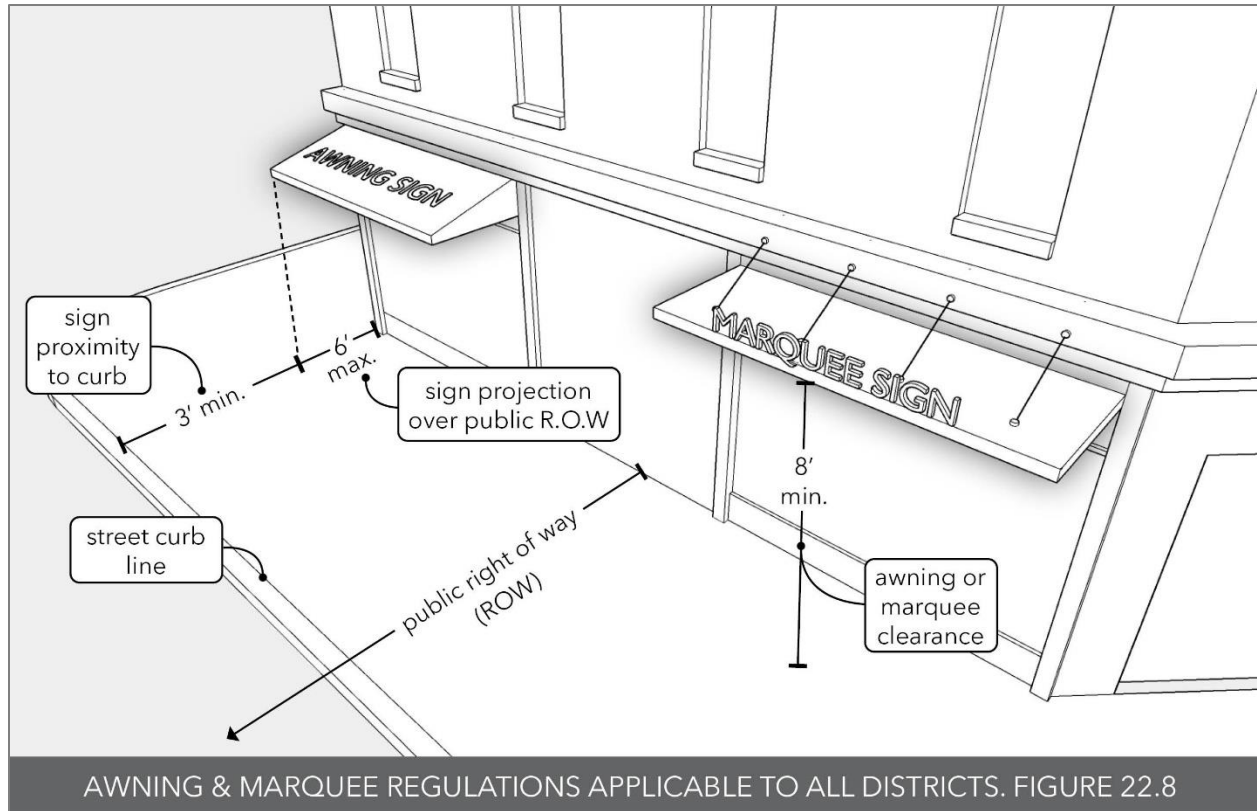
11. **Projecting Signs:**

- b. Projecting signs shall not extend vertically beyond the bottom of the window sill of the second story.
- c. The sign shall maintain a minimum clearance from the ground of eight (8) feet.
- d. The sign shall be mounted to the building by a single mounting bracket (support chains shall be prohibited) and no support material shall project below the sign.
- e. Projecting signs shall not be internally lit. External illumination is permitted but the source of illumination shall not cause glare and shall comply with Section 22.05.6.



12. **Awning and Marquee Signs:**

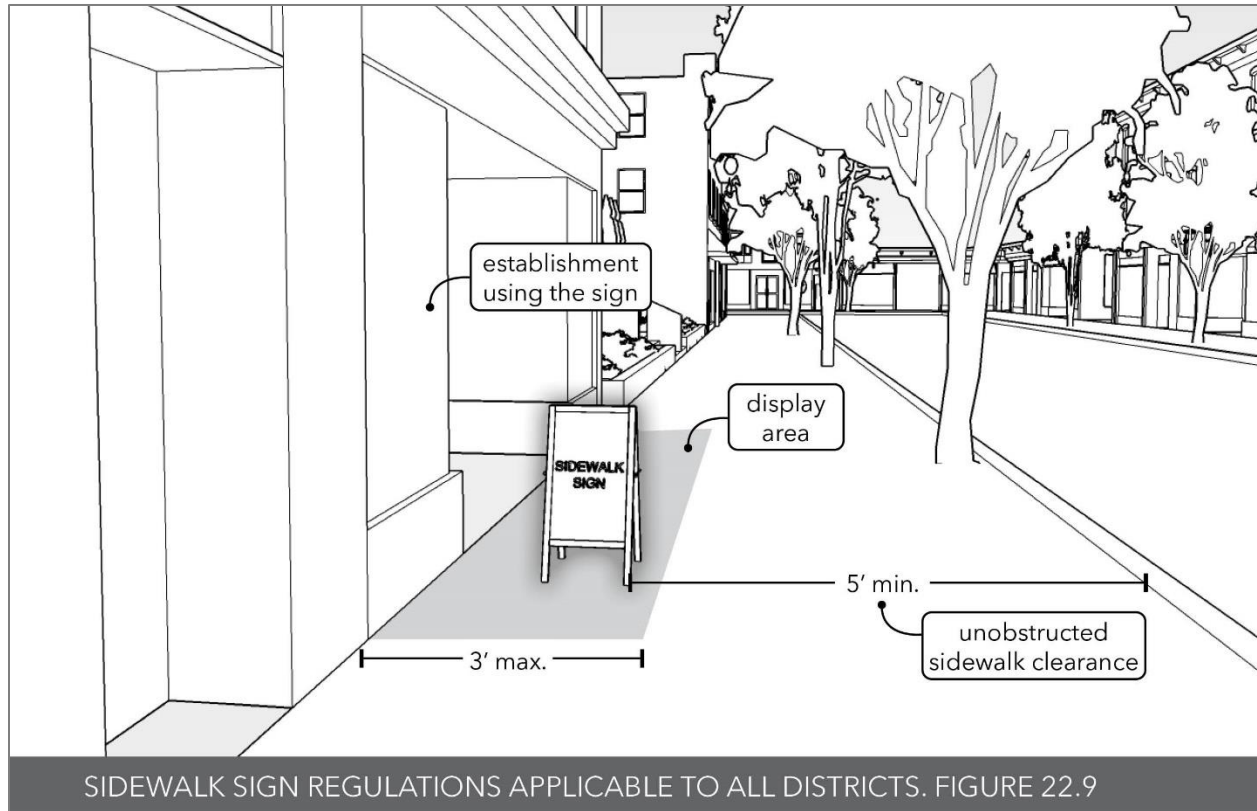
- a. Such signs shall not project more than six (6) feet into the public right-of-way, nor be closer than three (3) feet to any street curb line.
- b. The awning or marquee to which the sign is attached shall maintain a minimum clearance from the ground of eight (8) feet.



### 13. Sidewalk Signs:

- a. Sidewalk signs shall only be permitted on property zoned C-1, Village Center, C-2 General Commercial, or PUD, Planned Unit Development if the PUD-zoned property is located within the boundaries of the DDA.
- b. The sign shall be placed in front of the establishment that is using the sign.
- c. A minimum of five feet of unobstructed sidewalk clearance must remain on the sidewalk at all times.
- d. A display area adjacent to and not extending further than 36 inches from the front wall of the building may contain a sidewalk sign. However, five (5) feet of unobstructed sidewalk clearance must be maintained between the sign and the edge of the street or roadway.
- e. The sign shall not be placed in a way that obstructs pedestrian circulation, interferes with the opening of doors of parked vehicles, or snow removal operations.
- f. Such signs shall be properly maintained and not allowed to become unsightly.
- g. Such signs shall only be in place during hours of operation of the establishment.





#### 14. Pole Signs.

- a. Pole signs are permitted exclusively on lots that have frontage on Blue Star Highway.
- b. For developments containing multi-tenant buildings or business parks, one pole sign representing individual businesses with Blue Star Highway frontage may be increased by 25% of the sign copy area permitted in that zoning district.
- c. The height of a pole sign shall not exceed 25 feet in height in any district, measured in accordance with Figure 22.3.

#### 15. Temporary Signs. Temporary signs as defined in Section 22.03 are permitted in all zoning districts, subject to the following restrictions:

- a. Sidewalk signs shall not be deemed temporary signs
- b. All temporary signs shall be subject to the prohibitions outlined in Section 22.06.
- c. Wire-framed signs:
  - i. Up to four (4) wire-framed temporary signs are permitted for every fifty (50) linear feet of frontage a subject parcel has on a public or private street.
  - ii. Parcels with fifty (50) feet of frontage or less on a public or private road shall be permitted to have a total of four (4) wire-framed temporary signs.
  - iii. Wire-framed temporary signs shall not be subject to the requirements of Section 23.03, Permit Procedures and Regulations.

- d. Up to two (2) feather signs are permitted on parcels within the C-2 and L-I zoning districts, and are not subject to the requirements of Section 23.03, Permit Procedures and Regulations.
- e. The following regulations shall apply to temporary manual reader boards and temporary banner signs:
  - i. Temporary banners and manual reader boards are not permitted in residential districts.
  - ii. One (1) temporary banner sign shall be permitted on non-residential parcels within the C-1, C-2 and L-I, and PUD zoning districts, or on parcels in residential districts when associated with a non-residential use.
  - iii. One (1) temporary manual reader board shall be permitted on non-residential parcels within the C-2, PUD, and L-I zoning districts, or on parcels in residential districts when associated with a non-residential use.
  - iv. A parcel located in the C-2, PUD, or L-I zoning districts shall not have both a temporary banner sign and a temporary manual reader board during the same period of time.
  - v. A temporary sign permit is required for any proposed temporary banner sign or temporary manual reader board signs. An application for a temporary sign permit shall be submitted to the Zoning Administrator that contains, at minimum, the following information, and is subject to the following procedures:
    - 1. A site plan that contains the proposed location of the temporary manual reader board or temporary banner.
    - 2. A stated period of time that the temporary manual reader board or temporary banner sign is proposed to be erected, not to exceed 14 days total.
    - 3. The applicant shall submit a deposit in the amount of \$50, to be reimbursed after the temporary manual reader board is removed in accordance with the dates indicated on the application.
    - 4. The zoning administrator shall issue the zoning permit for the temporary banner or temporary manual reader board upon receipt of the required application information noted above and upon determining that the proposed temporary banner or temporary manual reader board is in compliance with the provisions of this ordinance.
    - 5. The \$50 deposit shall be forfeited if the sign has not been removed by the 15<sup>th</sup> day.

### **Section 22.06 Prohibitions**

The following forms, conditions, and actions are prohibited as it pertains to signs in the City of Douglas.

1. **Inflatable Signs.** Inflatable or balloon signs (“air dancers”) are not permitted in any district at any time.

2. **Unsafe Signs.** Any sign which is structurally or electrically unsafe, consistent with the City's adopted codes. The procedure outlined in section 22.05.4 shall be followed in notifying a property owner of their responsibility to repair or remove an unsafe sign.
3. **Consent Required.** Any sign erected on any property, public or private, without the consent of the property owner, shall be prohibited.
4. **Human Signs.** Signs held by a person shall not be permitted at any time in any district, except as part of a protest, parade, or other types of City-sanctioned events. In no case shall a human sign be used for a business special event such as a sale or closing of business.
5. **Motion.** A sign shall not contain parts or display images that flash or blink, nor shall any sign contain moving parts.
6. **Prohibition in Right of Way.** Signs shall not be placed in, upon or over any public right-of-way, private road easement, alley, or other place, except as may be otherwise permitted by this ordinance.
7. **Prohibition on Utility Poles.** A utility pole, light pole or other similar supporting member shall not be used for the placement of any sign unless specifically designed and approved for such use.
8. **Obstructions Prohibited.** A sign shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se. Additionally, no sign shall obstruct the 20' clear vision zone at intersections as illustrated in Sections 18.1 through 18.4.
9. **Sparks and Flames.** No sign shall incorporate any type of spark or flame.
10. **Blighted Signs Prohibited.** Any sign which, in the opinion of the Zoning Administrator, has deteriorated due to structural damage, unshielded lights, exposed electrical wiring, cracked or broken sign cabinet, significant rust or other deterioration of materials, and peeling or flaking paint. The procedure outlined in section 22.05.4 shall be followed in notifying a property owner of their responsibility to repair or remove an unsafe sign.
11. **Vehicle Signs.** Stationery or moving vehicle signs, which contain a fixed display that is either digital or static, used for the purpose of on or off-premise display of messages, shall be prohibited in all zoning districts.

#### **Section 22.07 Signs in Residential Districts:**

In addition to other regulations provided herein, signs associated with residential and non-residential uses in residential zoning districts, and residential uses in non-residential districts are subject to the following:

<b>A. Signs Permitted in Residential Districts, R-1, R-2, R-3, R-4, R-5, R-6, or other districts that contain a residential or mixed-use (with the exception of PUD districts):</b>						
<b>Form</b>		<b>Maximum Number</b>	<b>Maximum Area (per sign)</b>	<b>Maximum Height (per sign)</b>	<b>Illumination Permitted</b>	<b>Minimum Setback</b>
<b>Monument</b>	<b>Residential Development/ Subdivision</b>	1	48 sq. ft.	6'	Yes (external only)	15' from any property line
	<b>Short-Term Rental</b>	1	6 sq. ft.	4'	no	5' from any property line
	<b>Non-Residential Uses</b>	1	48 sq. ft.	6'	Yes	15' from any property line
<b>Wall</b>	<b>Home Occupations</b>	1	2 sq. ft.	N/A	No	N/A
	<b>Short-term Rental Use</b>	1	4 sq. ft.	N/A	No	N/A
	<b>Non-Residential Use</b>	1 per street frontage	Not to exceed 10% of the wall face to which it is affixed	N/A	Yes (external only)	N/A
<b>Temporary Signs</b>		Permitted in accordance with Section 22.05.15				
<b>Electronic Reader Boards (monument signs only)</b>		Permitted for essential services and public entities	Not more than 50% of sign copy area	6	Yes	15' from any property line
<b>Projecting Signs</b>	<b>Short-term Rental Use</b>	1	4 sq. ft.	N/A	No	N/A
	<b>Non-Residential Use</b>	1	8 sq. ft.	N/A	No	N/A
	<b>Home Occupations</b>	1	2 sq. ft.	N/A	No	N/A

## B. Additional requirements for monument signs in Residential Districts:

1. Monument signs shall be constructed primarily with carved wood, brick, stone, wrought iron, terra cotta, glazed tile, or similar decorative material in order to reflect and enhance the character of the area.
2. Temporary banner and reader board signs as outlined in Section 22.05.15.e shall be permitted only on lots containing a non-residential use in a residential zoning district. For the purposes of this ordinance, the following uses shall be considered residential:
  - i. A short-term rental shall be considered a residential use.
  - ii. A family day care home as defined in Article 2, Definitions, shall be considered a residential use.
  - iii. Home occupations, major and minor, as defined in Article 2, Definitions, shall be considered a residential use.
3. Short-term rentals and home occupations shall be allowed one wall sign OR one projecting sign.

**Section 22.08 Signs in the C-1 Village Center District:** In addition to other regulations provided herein, the following shall apply to signs associated with non-residential uses within the C-1, Village Center district:

<b>A. Signs Permitted in the C-1, Village Center District</b>					
<b>Form Permitted</b>	<b>Maximum Number</b>	<b>Illumination Permitted</b>	<b>Minimum Setback</b>	<b>Maximum Area</b>	<b>Maximum Height</b>
<b>Monument</b>	1 per parcel	Yes	None	48 sq. ft.	6'
<b>Temporary Signs</b>	Permitted in accordance with Section 22.05.15				
<b>Projecting</b>	1 per commercial establishment	Yes	N/A	10 sq. ft.	N/A
<b>Sidewalk</b>	1 per commercial establishment	No	Must maintain 5' of clearance on sidewalk	8 sq. ft.	6'
<b>Awning, Marquee, Roof, OR Wall</b>	1 per commercial establishment, and each street frontage	Yes	N/A	Not to exceed 10% of wall face of building or tenant space	N/A

<b>Electronic Message Center</b>	1 per essential service or public entity	Yes	None	Not to exceed 50% of total sign copy area within a monument sign only	6'
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B. Additional requirements for signs in the C-1, Village Center District:

1. Pole signs are not permitted in the C-1, Village Center District.
2. Way-finding signage and integral signage shall not require a permit, provided way-finding signs are not located in the right of way.

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**Section 22.09 Signs in the C-2, General Commercial & L-1, Light Industrial Districts:**

In addition to other regulations provided herein, the following shall apply to signs in the C-2 and L-1 zoning districts:

<b>A. Signs Permitted in the C-2, General Commercial and L-1, Light Industrial Districts.</b>					
<b>Form Permitted</b>	<b>Maximum Number</b>	<b>Illumination Permitted</b>	<b>Minimum Setback</b>	<b>Maximum Area</b>	<b>Maximum Height</b>
<b>Monument Sign</b>	1 per parcel	Yes	15' from any property line	48 sq. ft.	6'
<b>Temporary Signs</b>	Permitted in accordance with Section 22.05.15				
<b>Projecting</b>	1 per establishment	No	N/A	10 sq. ft.	N/A
<b>Awning, Marquee, roof, OR Wall Sign</b>	1 per commercial establishment and each street frontage	Yes	N/A	Not to exceed 10% of wall face of building or tenant space	N/A
<b>Pole Sign</b>	1 per parcel with frontage on Blue Star Highway	Yes	45' to the center line of Blue Star Highway. 5' from any other property line	48 sq. ft. for single establishment 60 sq. ft. for lots with more than one establishment	25'
<b>Billboards</b>	Permitted in accordance with Section 22.10				
<b>Sidewalk Sign</b>	1 per establishment	No	Must maintain 5' of clearance on sidewalk	8 square feet	6'

B. Additional requirements for signs in the C-2 and Industrial districts:

- Way-finding signage and integral signage shall not require a permit, provided way-finding signs are not located in the right of way.

### **Section 22.10 Billboards.**

New billboards shall not be erected within the City limits after the effective date of this ordinance. Existing billboards shall adhere to the following provisions:

#### **A. Permitted Activity:**

1. Any existing billboards shall not be expanded or enlarged, with the exception of routine maintenance or repairs.
2. Existing billboards within the City are permitted to lawfully remain for the life of the billboard.
3. The life of the billboard shall be defined as the period within which the structural integrity of the billboard supports meets current building code standards for wind loads and weight loads, as determined by a structural engineer.
4. Billboards that are visibly in disrepair may be required to be inspected by a structural engineer to determine whether the supports are structurally sound in accordance with number 3 above.

#### **B. Activity Permitted Upon Issuance of a Zoning Permit**

1. The sign copy area may be refaced or replaced within the life of the billboard, so long as the supports remain structurally sound and the sign copy area is not expanded, enlarged, or upgraded to any other format (such as digital or tri-vision), and shall remain static.
2. Any changes to the sign copy area shall require the issuance of a zoning permit. The application for a zoning permit shall contain a clear description of the proposed scope of work for the reface or replacement of the sign copy area.
3. The zoning administrator may require an inspection of the billboard structure by a structural engineer to determine whether the supports are in structurally sound condition to support changes to the sign copy area, prior to the issuance of a zoning permit for the reface or replacement of the sign copy area.

### **Section 22.11 Nonconforming Signs:**

It is the intent of this Section to permit the continuance of the lawful use of any sign that does not conform with the provisions of this ordinance with regard to size, number, height, form, illumination or location. All lawful nonconforming signs shall be subject to the following regulations:

1. **Nonconforming Status:** All signs which have been lawfully erected or are lawfully in place on the effective date of this Article, but which do not comply with the provisions of this Article shall be deemed nonconforming.
2. **Structural Changes:** Structural supports, framing mechanisms, or other parts of any nonconforming sign shall not be changed, altered, substituted, or enlarged unless the result of the structural change conforms with the provisions of this article. Removal of the structural support mechanisms will result in loss of nonconforming rights associated with the sign.
3. **Repairs and Refacing:** Nonconforming signs may undergo repairs and alterations resulting in the change of the sign copy areas that do not alter the sign by way of structural

changes as described in part 1 of this section. Repairs may include, but are not limited to:

- a. Refacing that is typically associated with rebranding, change in ownership or replacement of sign copy area due to damage.
  - b. Painting.
  - c. Resurfacing.
  - d. Upgrading of electrical wiring or illuminating mechanisms.
  - e. Addition of an electronic message center, not exceeding 50% of the sign copy area, as permitted for essential services and public entity uses only.
  - f. Routine maintenance.
  - g. Any other repair or upgrade determined by the Zoning Administrator not to be a structural change.
4. **Replacement.** If a nonconforming sign is damaged to the point of needing structural repairs, it may not be reconstructed, or replaced except with a sign that conforms to with all the provisions of this Article.
5. **Revocable Sign License Agreements.** Existing nonconforming signs which are lawfully located within the right of way (within the area measuring 33' from the center of Blue Star Highway toward the subject property), shall enter into a revocable sign license agreement with the City and pay associated annual fee.