

ZONING

An ordinance to amend Chapter 62, Zoning; Article IV, Supplemental Regulations; Division 2, Sign Regulations, of the Village of Brooklyn, Michigan, municipal code to replace existing sign regulations in its entirety.

THE VILLAGE OF BROOKLYN, JACKSON COUNTY, MICHIGAN (THE “VILLAGE”) ORDAINS:

CHAPTER 62, ZONING.

Chapter 62, Zoning; Article IV, Supplemental Regulations; Division 2, Sign Regulations, of the Village of Brooklyn Code of Ordinances is amended in its entirety with the following:

DIVISION 2. - SIGN REGULATIONS

Sec. 62-221. - Intent and objectives of division.

Consistent with the First Amendment principle of freedom of speech from the U.S. Constitution and in consideration of the 2015 U.S. Supreme Court decision in Reed v. Town of Gilbert, Arizona, pertaining to sign content, the intent of this division is to regulate the location, size, number, construction and manner of display of signs and outdoor advertising to minimize the potential for harmful effects on the public health, safety and welfare. Regulations of this division recognize signs and outdoor advertising are necessary to promote commerce and public information. However, failure to regulate signs may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the village, conflicts between different types of land use and potential safety issues for pedestrians and motorists. To achieve its intended purpose, this division has the following objectives:

- (1) Prevent the placement of signs in a manner that will conceal or obscure other signs or adjacent businesses;
- (2) Keep the number of signs at the level reasonably necessary to identify a business and its products or services;
- (3) Keep signs within a scale proportionate to the height of the buildings they identify and the setbacks from public street rights-of-way;
- (4) Reduce visual distraction and obstructions to motorists traveling along, entering or leaving streets;
- (5) Promote a manner of display which enhances village aesthetics and appearances; and
- (6) Prevent the proliferation of temporary signs which might promote visual blight.

(Code 1990, ch. 3, § 5.1; Ord. No. 98.3.1, § 5.1, 3-23-1998)

Sec. 62-222. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building frontage means the portion of a building which faces a public street right-of-way.

Business site means the property owned by a business proprietor upon which the business is situated or land owned by the management entity of a commercial center or arcade, including any accessory buildings.

Change of copy means the replacement of the name of a tenant with another on a sign listing tenants in professional offices or buildings, industrial parks or commercial centers.

Nuisance means whatever injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway or stream; or in any way renders the public insecure in life and property (See Sec. 38-62 and Sec. 62-232(b)).

Outdoor advertising means the public display of graphical information, other than official traffic and informational signs, that call public attention to commercial products, businesses or services (both public and private).

Sign means a name, identification, description, display, light, balloon, banner, air dancer, feather flag, flag (excluding the U.S., Michigan, U.S. military or municipal flags), illustration, or similar device which is affixed to, painted on, or otherwise located or set upon or in a building, structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business, and which is visible from any public streets, sidewalk, alley, park or public property. The definition includes interior and exterior signs but not signs primarily directed at persons within the premises of the sign owners. The definition does not include goods displayed in a business window. The definition does not include religious symbols, paintings or murals (See Division 24. – Mural Regulations.) which do not display lettering and do not advertise a business, product or service (See diagram.).

- (1) *Banner sign.* A temporary sign typically comprised of fabric, plastic or similar materials attached by means of temporary fastening to a structure or object.
- (2) *Feather flag sign.* A portable, freestanding sign placed in a single receiver or staked into the earth that consists of fabric.
- (3) *Freestanding sign.* A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed on or below the ground surface and not attached to any building or any other structure, whether portable or stationary.
- (4) *Marquee (bracket) sign.* A sign attached to a marquee, canopy or projection extending from and supported by a building, including “blade signs.” An awning is a marquee sign if it has a sign affixed to or printed on it.
- (5) *Portable temporary sign.* A single or double surface painted, poster panel type sign, magnetic sign or some variation thereof, which is temporary in nature, easily movable and not permanently attached to the ground.
- (6) *Real estate sign.* A temporary sign placed upon property to advertise to the public the sale or lease of such property.

- (7) *Roof sign.* Any sign wholly erected to, constructed or maintained on the roof structure of any building (prohibited in all districts by Sec. 62-224(e)(1)).
- (8) *Wall sign.* Any sign that shall be affixed parallel to the wall or painted on the wall of any building; provided, however, that such wall sign shall not project above the top of the wall or extend within one (1) foot of the end of the building. For this division, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.
- (9) *Sandwich board sign.* A self-supporting, A-shaped, freestanding, temporary sign with only two visible sides that are situated adjacent to a business, typically on or behind a sidewalk (Sidewalk placement requires a permit and is limited to C-1 parcels with no setback.), that contains commercial speech.
- (10) *Sign surface* means that part of the sign upon, against or through which the message is displayed or illustrated.
- (11) *Total surface area of the sign* means the sum total of all exterior surfaces of the sign, computed in square feet. In the case of a broken sign (a sign with open spaces between the letters, figures, numbers or symbols) the total surface area shall be measured by multiplying the height of the individual letters or combination of letters by the distance between the outer edges of the two furthestmost letters. If an internally lighted awning is translucent or transparent, the entire awning area shall be included in the calculations of total sign surface area (See diagram.).

(Code 1990, ch. 3, § 5.1.1; Ord. No. 98.3.1, § 5.1.1, 3-23-1998; Ord. No. 2008.03.01, 3-28-2008)

Cross reference— Definitions generally, § 1-2.

Sec. 62-223. - Administration of division.

- (a) *Administrator.* This division shall be administered by the zoning administrator or designee. When a sign permit has been issued by the zoning administrator, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of such permit without prior approval of the zoning administrator.
- (b) *Permits.*
 - (1) *Required.* It shall be unlawful to display, erect, relocate or alter any sign other than a temporary window sign, a real estate sign, a garage sale sign or a political sign, without obtaining a sign permit. A change of copy for an existing permanent sign with reuse of an existing sign structure (i.e.: no dimensional change) requires a permit, however, the permit fee is waived (See also Sec. 62-222 - Definitions.).
 - (2) *Record of approval.* A written record of such approval shall be entered upon the original permit application and maintained on file with the village. Application approval from the zoning administrator does not relieve the petitioner from the responsibility of also making application with the Michigan Department of Transportation if the business site abuts a state highway.
 - (3) *Application.* The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, their authorized agent, or a sign contractor (all with the written approval of the owner). Such applications shall be

made in writing on forms furnished by the zoning administrator and shall be signed by the applicant and property owner and follow the procedures described in subsection (b)(4) of this section.

- (4) *Plans and additional information.* The application for a sign permit shall be in a form provided by the village and requiring payment of a permit fee as established and periodically amended by majority approval of village council.

(Code 1990, ch. 3, § 5.1.2; Ord. No. 98.3.1, § 5.1.2, 3-23-1998)

Sec. 62-224. - General conditions.

(a) *Location.*

- (1) All signs must advertise a business or service on the sites upon which the sign is located and to which the sign is accessory, unless otherwise specified in this division.
- (2) All signs shall be so placed as to not interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
- (3) No sign shall be erected, relocated or maintained to prevent free ingress to or egress from any door, window or fire escape or to prevent ventilation.
- (4) No sign or associated landscaping shall be erected, placed or allowed to grow on corner lots to impede the vision between a height of 2½ feet and ten (10) feet above the centerline elevation of the intersecting streets within an area bounded by the right-of-way lines and a line joining such right-of-way lines 25 feet from their point of intersection (See diagram.).
- (5) Setbacks shall be measured from the street right-of-way to the nearest surface or point of the sign to the right-of-way.
- (6) Upon the recommendation of the Corridor Improvement Authority board, approval of the Michigan Department of Transportation (MDOT) and approval of village council, off-site, collective signage (including wayfinding signs) with a uniform format may be placed adjacent to state trunk lines to advertise village businesses in a district and/or along any side street. These signs are intended for businesses that do not have frontage on Main Street (M-50) or Wamplers Lake Road (M-124) and may not be installed for individual businesses.

(b) *Illumination.*

- (1) No sign shall be illuminated by other than electrical means and all wiring shall satisfy village electrical codes.
- (2) The light from illuminated signs shall be shielded at its source in a manner that will not shine light on adjacent properties or onto abutting public streets.
- (3) Signs with flashing, rotating, or moving lights shall be prohibited, except time and temperature signs and those displaying pricing at gas stations provided such signs do not exceed 16 square feet per side. Additionally, "open" signs may flash or move providing they do not exceed two square feet in area, that the color of the

tubing/message board is not fluorescent in color, and that it is not located such that it is, or will be, deemed to be a nuisance, or as determined by the zoning administrator or DPW superintendent, pertaining to those traveling on the adjacent roadway.

- (4) No portion of the sign shall have a luminance greater than one foot-candle measured at four feet perpendicular to any surface for fluorescent, incandescent and halogen lighting. Digital and LED electronic signs, when approved through a Conditional Use Permit process, shall have nighttime luminance levels programmed to automatically reduce the level not to exceed 1/3 that of daytime luminance, measured in nits, subject to the approval of the Michigan Department of Transportation (when appropriate) and village council.

(c) *Safety.*

- (1) All signs shall be erected and maintained in compliance with all applicable building codes and other applicable ordinances governing construction within the village. In the event of conflict between this division and other laws, the most restrictive shall govern.
- (2) All signs shall be designed, located, erected and maintained in a manner which shall:
 - a. Avoid hazard due to collapse, fire, collision, decay or abandonment;
 - b. Not obstruct firefighting or police surveillance;
 - c. Avoid traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles or other vehicles, or to read street signs.

(d) *Landscape quality and preservation.* In the application of this division, it is the intent to protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:

- (1) Do not interfere with scenic views.
- (2) Are not detrimental to land or property values.
- (3) Contribute to the special character and historical significance of areas or districts in the village.
- (4) Do not constitute a safety issue to persons using the public right-of-way.
- (5) Do not constitute a nuisance to occupancy of adjacent property by their brightness, size, height or movement.

(e) *Signs prohibited in all districts.* Signs or similar devices that are not specifically listed are prohibited. Examples of such signs include, but are not limited to, the following:

- (1) Roof signs.
- (2) Signs containing flashing, intermittent or moving lights or with moving or revolving parts. This subsection is not intended to exclude those signs which

give the time and temperature or "open" signs in compliance with Sec. 62-224, provided that no other animated messages are displayed.

- (3) Signs affixed to trees, rocks, shrubs or similar natural features, provided that signs denoting a site of historic significance may be allowed.
 - (4) Signs which imitate traffic signals, traffic direction signs or similar traffic control devices, or which make use of words such as "stop," "look," "danger" or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead or confuse traffic.
 - (5) Signs in the public right-of-way or on public property, unless specifically approved by the village council.
 - (6) Any sign or sign structure which:
 - a. Is structurally unsafe, inadequately maintained or dilapidated;
 - b. Remains on the premises 30 days after a business ceases to operate or moves from the location;
 - c. Is not kept in good repair; or
 - d. Signs in violation of the state electrical code.
 - (7) Any sign or other advertising structure containing any obscene, indecent or immoral matter.
- (f) *Signs permitted in all districts.*
- (1) Signs permanently painted or otherwise permanently displayed, including magnetic signs, upon a vehicle, licensed and operating on the public streets and highways, identifying the owner's occupation or livelihood, shall be permitted.
 - (2) Nameplates and house numbers not exceeding two square feet in size; memorial signs or tablets may be up to six square feet in size. Historical markers and cemetery stones shall be excluded from the square foot requirement.
 - (3) Political signs advocating or opposing candidates for public office or issue to be determined by election may be erected 45 days prior to an election. Such signs shall be erected on private property only and no less than 100 feet from any entrance to a building in which a polling place is located. All such signs shall be removed five days following election day.
 - (4) Directional signs which indicate the direction of traffic flow. Directional signs shall not exceed two square feet in size, shall contain no advertising and may be illuminated.
 - (5) Tourist-oriented direction signs provided that such signs are permitted by the Michigan Department of Transportation and permitted by village council pursuant to 1996 Public Act 299. "Tourist-oriented direction sign" means a sign used to provide motorists with advance notice of a lawful cultural, historical, recreational, educational, or commercial activity that is annually attended by 2,000 or more people and for which a major portion of the activity's income or visitors are derived during the normal business season for motorists not residing in the immediate area of the activity.

- (6) Signs which promote a village theme or brand, such as “blade signs” (See Sec. 62-227), installed perpendicular to a business’ wall facing a public right-of-way and of a uniform size for all businesses displaying such a sign as determined by the Corridor Improvement Authority and approved by village council.
- (g) *Number of signs permitted.*
 - (1) Only one sign of any type, excluding political, real estate or yard sale signs, may be permitted on any one premises in any residential district, including suburban (RS-1), urban (RU-1) and multiple-family (RM-1) residential zoning districts.
 - (2) Except as indicated, businesses located in the central business (C-1), general commercial (C-2), highway services commercial (C-3), office (O-1) and light industrial (I-1) zoning districts may display signs as follows when in compliance with all other sign regulations:
 - a. One freestanding sign per premises or commercial center (See Sec. 62-225, paragraph (1) a.).
 - b. One wall sign or marquee sign per business location.
 - c. One sandwich board sign.
 - d. One feather flag sign per 80 feet of frontage on a public right-of-way.
 - e. One temporary banner sign.
 - f. One “blade sign” if recommended by the Corridor Improvement Authority and approved by village council.

(Code 1990, ch. 3, § 5.1.3; Ord. No. 98.3.1, § 5.1.3, 3-23-1998; Ord. No. 2001.8.1, 8-13-2001; Ord. No. 2006.11.01, 12-5-2006; Ord. No. 11-01, § 1, 5-9-2011)

Sec. 62-225. - Permitted freestanding signs.

The following freestanding signs shall be permitted in the following districts in accordance with the regulations of this section. Freestanding signs located on property fronting on Main Street (M-50) or Wamplers Lake Road (M-124) are further subject to Michigan Department of Transportation regulations.

- (1) Freestanding signs are permitted within all zoning districts in compliance with the following specific district requirement:
 - a. Only one freestanding sign shall be erected on any business premises, including those within a common structure (known as a commercial center or arcade) housing two or more businesses.
- (2) Permitted freestanding signs within the C-1 (central business district) (see diagram) are as follows:
 - a. A freestanding sign may be located at the property line but may not project into or over the public right-of-way.

- b. A freestanding sign shall not exceed six (6) feet in height when located at the property line.
 - c. A freestanding sign shall not exceed 24 square feet per side in area, not to exceed a total area of 48 square feet.
- (3) Permitted freestanding signs within the general commercial (C-2), highway service commercial (C-3), office (O-1) and the industrial (I-1) districts are as follows:
- a. A freestanding sign may be located no closer than ten (10) feet from the property line.
 - b. A freestanding sign shall not exceed 12 feet in height when located ten (10) feet inside the property line. An additional height of one foot for each four feet of additional setback from the property line is permitted. However, in no case shall the height of a freestanding sign exceed the lesser of 18 feet or the height of the building as defined in this chapter.
 - c. A freestanding sign shall not exceed 24 square feet per side in area when located ten (10) feet inside the property line. An additional three (3) square feet in area per side for each additional four (4) feet in setback from the property line is permitted. However, in no case shall the area of a freestanding sign exceed 36 square feet per side in area unless approved through the Conditional Use Permit process.
- (4) Permitted freestanding signs for the following conditional uses: churches; public buildings; cemeteries; parks; private and public schools; child care centers; swimming pool clubs; private recreation areas and institutional or community recreation centers; golf courses; colleges, universities and other institutions of higher learning; hospitals; convalescent and/or nursing homes; and village limit signs are as follows:
- a. A freestanding sign may be located no closer than ten (10) feet from the property line.
 - b. A freestanding sign shall not exceed six (6) feet in height when located at the ten (10) foot setback.
 - c. A freestanding sign shall not exceed 20 square feet per side in area, not to exceed a total area of 40 square feet.
- (5) Permitted freestanding signs for single-family residential subdivision developments, manufactured home parks, planned residential unit developments, multiple-family developments and housing for the elderly are as follows:
- a. Only one freestanding sign shall be erected on any developed area or project.
 - b. A freestanding sign may be located no closer than ten (10) feet from the property line.
 - c. A freestanding sign shall not exceed six (6) feet in height when located at the ten (10) foot setback.

- d. A freestanding sign shall not exceed eight (8) square feet per side in area, not to exceed a total area of 16 square feet.

(Code 1990, ch. 3, § 5.1.4; Ord. No. 98.3.1, § 5.1.4, 3-23-1998)

Sec. 62-226. - Permitted wall signs.

The following wall signs shall be permitted in the following districts in accordance with the regulations of this section:

- (1) Special requirements for all wall signs are as follows:
 - a. The total area of all tenants within a business site shall not exceed two square feet of sign for each lineal foot of building width. Wall signs shall be set back a minimum of one foot from each edge of the building.
 - b. No wall sign shall be erected to extend above the top of the wall to which it is attached.
 - c. Signs erected on the vertical portion of the mansard roof are wall signs.
 - d. All wall signs shall be safely and securely attached to the building by means of metal anchors, bolts or expansion screws. In no case shall any wall sign be secured with wire, strips of wood or nails.
 - e. Businesses which have frontage on more than one public right-of-way shall be allowed one sign facing each right-of-way, with a maximum of 30 square feet per sign.

- (2) Permitted wall signs within all commercial districts:
 - a. Each tenant within a business site (commercial center) may have one wall sign displayed on the exterior wall of that building which faces the public right-of-way.
 - b. Only a tenant within a business site that faces two public right-of-ways may have one wall sign with a maximum of 30 square feet in area displayed on each of those two walls of that building which face each right-of-way.
 - c. A single 12 square foot wall sign may be placed on any other exposed building surface that does not front upon a public street, but is visible from a public street or right-of-way.

- (3) Permitted wall signs within the central business (C-1), general commercial (C-2), highway service commercial (C-3), office (O-1) and light industrial (I-1) zoning districts are as follows:
 - a. Each tenant within a business site may have one wall sign displayed on the exterior wall of that building.
 - b. No single wall sign may exceed 30 square feet in area.
 - c. A common signage theme shall be required for each common business site or industrial park.

- (4) Permitted wall signs for home occupations and the following conditional uses: churches; public buildings; cemeteries; parks; private and public schools; swimming pool clubs; private recreation areas and institutional or community recreation centers; golf courses; colleges, universities and other institutions of higher learning; hospitals; and convalescent and/or nursing homes are as follows:
 - a. Each tenant within a business site may have one wall sign displayed on the exterior wall of that building.
 - b. No single wall sign may exceed 30 square feet in area.
 - c. One nonilluminated sign not exceeding eight (8) square feet shall be permitted for a home occupation.

- (5) Permitted wall signs for multiple-family developments and housing for the elderly are as follows:
 - a. There shall be no more than one wall sign permitted for each project, except projects which have frontage on two or more public rights-of-way may have one wall sign on each frontage.
 - b. The surface area of a wall sign or combination of wall signs shall not exceed a total of 30 square feet per each street frontage.

(Code 1990, ch. 3, § 5.1.5; Ord. No. 98.3.1, § 5.1.5, 3-23-1998)

Sec. 62-227. - Permitted marquee/bracket signs.

Marquee/bracket signs may be substituted, in whole or part, for permitted wall signs based on a maximum size not to exceed 30 square feet per business in combination with a wall sign. The total number and surface area of marquee signs or combination of marquee and wall signs shall comply with the requirements set forth in section 62-226. No business shall display more than one marquee or bracket sign, including those of a uniform size and portraying a village theme or brand.

(Code 1990, ch. 3, § 5.1.6; Ord. No. 98.3.1, § 5.1.6, 3-23-1998)

Sec. 62-228. - Indoor Window signs.

Indoor Window signs shall be permitted in the central business (C-1), general commercial (C-2), and highway service commercial (C-3) zoning districts. Indoor Window signs permitted on each floor level shall not exceed 50 percent of the window area on each floor level.

(Code 1990, ch. 3, § 5.1.7; Ord. No. 98.3.1, § 5.1.7, 3-23-1998)

Sec. 62-229. - Permitted temporary signs.

The following temporary signs shall be permitted in accordance with the regulations enumerated in this section as follows:

(1) *Permitted real estate signs.*

- a. Permitted real estate signs may be displayed provided such signs are located on the property intended to be rented, leased or sold for a period not to exceed six consecutive months per permit. Said permit may be renewed one time within a 12 consecutive month period.
- b. One nonilluminated sign used for advertising land or buildings for rent, lease or sale shall be permitted in any district. Such signs shall not exceed an area of six (6) square feet and a height of four (4) feet in all single-family residential districts and an area of eight (8) square feet per side and a height of six (6) feet in all other districts.
- c. One nonilluminated freestanding sign listing persons or firms connected with construction work being performed in a residential or commercial subdivision under development. Such signs shall not exceed eight (8) square feet in area and a height of six (6) feet.
- d. Freestanding signs connected with construction work being performed in a residential or commercial subdivision under development shall be removed when 50% of the development space, including vacant lots, has been sold or occupied.
- e. All signage pertaining to contractors performing work in or on individual residential or commercial premises within any residential or commercial district shall be removed within 30 calendar days from the date the signs are erected.

(2) *Permitted portable, temporary signs.*

- a. One portable, temporary sign shall be permitted in the central business (C-1), general commercial (C-2) and highway service commercial (C-3) zoning districts.
- b. Only one portable, temporary sign shall be permitted per premises at any given time when located adjacent to the street right-of-way. Only parcels within the central business district (C-1) may display a portable, temporary sign within the street right-of-way. However, each business shall be permitted to display a temporary sign attached to their building provided it complies with the requirements of this section.
- c. A portable, temporary sign shall not exceed four (4) feet in height when located adjacent to the street right-of-way.
- d. A portable, temporary sign shall not exceed eight (8) square feet per side in area when located adjacent to the street right-of-way. When located a minimum of ten (10) feet from the street right-of-way, the area may increase to 16 feet per side. However, when attached to a building, the size shall be commensurate with the frontage of the building. Specifically, for every two lineal feet of building frontage (excluding windows) the temporary sign area may be one square foot.
- e. Portable, temporary signs may be permitted for up to a 35-day period within a single calendar year with one extension permitted not to exceed a total of 60 days. All such signs may be periodically changed, without submitting a

new permit application, provided the combined duration does not exceed the previously noted number of days. The number of days shall apply to any signs located on the building wall or adjacent to the road right-of-way and shall be calculated on a per business basis

- f. The placement of a portable, temporary sign located adjacent to the road right-of-way shall be approved by the zoning administrator or designated representative to ensure safe and efficient pedestrian and vehicular traffic movement.
- g. A sign permit is required prior to the installation of the temporary sign. Permits are valid for one calendar year beginning January 1 and ending December 31 and are nontransferable
- h. The permit application shall be approved and signed by the zoning administrator or designee before the sign may be displayed. An application fee is waived when the permit application is submitted according to requirements of this division. Permit applications may be approved or denied by the zoning administrator or designee within 48 business hours of submission. Applications requiring a conditional use permit must be submitted a minimum of 45 days prior to display of the sign to enable review by the Planning Commission and the decision of Village Council.

(3) *Permitted feather flag signs.*

- a. A sign permit is required for all feather flags, feather banners, teardrop banners or similar signs which are permitted in all commercial districts. A permit application fee shall be waived when all other requirements of this division have been met.
- b. Feather flags are limited to 24” in width and 96” in height in all districts.
- c. Only one feather flag sign per business with frontage on a public right-of-way of up to 80 lineal feet shall be permitted in addition to other permitted permanent and temporary signage. Such permit is not transferrable.
- d. Feather flag signs shall only be displayed during business operating hours.
- e. Feather flag signs shall be maintained in good repair free of tears, frayed edges and grime and shall be replaced when colors have faded.
- f. With the approval of the Michigan Department of Transportation and the zoning administrator, a feather flag sign may be placed in the public right-of-way where indicated by the village department of public works.
- g. Feather flag signs shall be removed from public sidewalks, where permitted, if there is snow accumulation of 2” or more and shall not be returned until the snow is removed, except those located on private property.
- h. Feather flag signs placed in violation of this subsection will result in immediate removal of the sign.
- i. Feather flag signs placed within the public right-of-way may be removed by the village for municipal purposes. (i.e. code enforcement, snow removal, traffic issues, maintenance, etc.).
- j. When recommended by the Corridor Improvement Authority board, at its sole discretion, village council may allow temporary placement of a

business' feather flag sign on the Village Square on a schedule that is equitable to all interested businesses for a duration to be determined by the village.

- (4) *Permitted garage sale signs.*
 - a. Garage sale signs or similar sale signs do not require a permit or payment of a permit fee.
 - b. Garage sale signs shall not exceed four square feet in size.
 - c. Garage sale signs shall not be placed in any manner on public property. They may only be placed on private property with the consent of the property owner and shall not be placed on any property located more than 1,000 feet from the place of the sale.
 - d. No garage sale signs may be put up more than one day prior to the date of the sale and must be taken down within one day following the sale.
 - e. A garage sale sign may be permitted for up to a five consecutive day period, not to exceed three times per year. All starting and ending dates of the sale and address of the sale shall be posted on the sign.
 - f. Garage sale signs must be commercially purchased or composed of poster board or similar materials so as not to create visual blight.

- (5) *Removal of temporary signs.* Temporary signs that do not conform to the provisions of this section or other sections of this division shall be immediately removed by the village and shall be destroyed if not claimed within 30 days.

- (6) *Permitted sandwich board signs.*
 - a. An annual sign permit is required prior to the installation of a sandwich board sign, however, a permit fee is not required.
 - b. Only one sandwich board sign per business shall be permitted in addition to other permitted signage and such permit is not transferrable.
 - c. Signs shall only be displayed during business operating hours.
 - d. The maximum area shall be eight (8) square feet per side of sign with the maximum height being 48 inches. Up to 16 square feet is permitted for sandwich board signs in all commercial districts.
 - e. Acceptable primary sandwich board sign materials include the following: steel, iron, metal, and wood. Acceptable primary material colors include: black, white, and green. Synthetic materials such as chalkboard and whiteboard are acceptable.
 - f. Sandwich board signs shall not be placed more than six feet from the front primary entrance of the business unless being used as a portable, temporary sign and in compliance with all other sections of this division, except when approved by the zoning administrator in consideration of unusual circumstances.
 - g. Sandwich board signs shall not be placed so as to cause the width of any sidewalk to be reduced to less than four (4) feet in width, nor shall they be

erected or maintained in a manner that prevents free ingress or egress from any door, window, fire escape or parking space.

- h. Permits for temporary sandwich board signs are valid for one calendar year beginning January 1 and ending December 31. If the sign is permitted to be located within the public right-of-way, business owners shall sign a disclaimer that indemnifies the village of any liability for use of said public right-of-way.
- i. Sandwich board signs shall not be illuminated, nor shall they contain moving parts or have balloons, streamers, pennants, or similar adornment attached to them.
- j. Attaching sandwich board signs to structures, poles, objects, signs, etc. by means of chains, cords, rope, wire, cable, etc. is prohibited.
- k. Sandwich board signs, except those located on private property, shall be removed from public sidewalks if there is any snow accumulation and shall not be returned until the snow has been removed.
- l. Sandwich board signs placed in violation of this subsection will result in immediate removal of the sign.
- m. Sandwich board signs are permitted within any of the commercial districts; however, only those within the Central Business (C-1) district may be placed within the public right-of-way with an approved permit.

(Code 1990, ch. 3, § 5.1.8; Ord. No. 98.3.1, § 5.1.8, 3-23-1998; Ord. No. 2008.03.01, 3-28-2008; Ord. No. 2009.06.01, 6-8-2009; Ord. No. 11-02, § 1, 6-13-2011)

Sec. 62-230. – Conditional Use Permit

A Conditional Use Permit application may be submitted to the village in the following situations. All Conditional Use Permit applications will be reviewed by the zoning administrator and planning commission which may recommend approval to village council with certain conditions delineated. Conditional Use Permits pertaining to Sign Regulations may only be approved by village council. Submission of a Conditional Use Permit application does not guarantee approval of said application or of all requested conditions.

- (a) Upon receipt of a Conditional Use Permit, freestanding signs in the general commercial (C-2), highway service commercial (C-3), office (O-1) and light industrial (I-1) zoning districts may exceed 18 feet in height and/or 36 square feet in area given the following conditions:
 - i. The structure that is subject to a freestanding sign has a setback greater than 35 feet from a public right-of-way; and
 - ii. Private parking areas are located between the principle structure and the public right-of-way.
 - iii. The proposed sign height and area shall be proportional to the additional setback.
- (b) Upon receipt of a Conditional Use Permit, a freestanding sign may be erected for a

business that does not have frontage on a public right-of-way and/or is blocked from view by a building, landscaping, an existing sign or a natural feature given the following circumstances:

- i. The subject business is located behind another business with access to the property from a public street via a private drive or easement; and
 - ii. Written approval of the property owner whereon the freestanding sign is to be located has been obtained; and
 - iii. All other means of advertising said business, such as receipt of a Conditional Use Permit to exceed the height of a freestanding sign or exceed the size of a wall sign, are not feasible or have been denied and there is no existing freestanding sign which may accommodate the new business' sign.
 - iv. The proposed sign height and area shall be proportional to the setback from the public right-of-way.
- (c) Upon receipt of a Conditional Use Permit, wall signs in the general commercial (C-2), highway service commercial (C-3), office (O-1) and light industrial (I-1) zoning districts may exceed 30 square feet in area given the following conditions:
- i. The structure that is subject to a freestanding sign has a setback greater than 35 feet from a public right-of-way; and
 - ii. Private parking areas are located between the principle structure and the public right-of-way.
 - iii. The proposed sign area shall be proportional to the additional setback from the public right-of-way.
- (d) Upon receipt of a Conditional Use Permit, wall signs for a multi-unit commercial development (a commercial center with multiple businesses located within a single structure) may exceed 30 square feet in area for one or more business given the following conditions:
- i. The width of one or more business locations in a commercial center facing a public right-of-way exceeds 35 feet; and
 - ii. The proposed signage area of each business located in the commercial center shall be proportionate to each business' frontage of the total building width which faces the public right-of-way; and
 - iii. The combined signage area of all businesses located in the commercial center shall not exceed the total building frontage divided by 35 feet multiplied by 30 square feet when the structure has a setback of 35 feet from the public right-of-way.
 - iv. If the commercial center meets conditions i and ii in paragraph (c) above, the combined area of signage for all businesses may exceed the formula in iii, above, but shall be proportionate to the increased setback from the public right-of-way.
- (e) Upon receipt of a Conditional Use Permit, digital electronic signs may be approved for the central business (C-1), general business (C-2), highway services

commercial (C-3), office (O-1) and light industrial (I-1) zoning districts when in compliance with all relevant Sign Regulations.

- i. The frequency of message changes for all digital electronic signs shall be such to avoid visual distraction to adjacent street traffic. Message changes shall transition without exhibiting a flashing or strobe effect.
- ii. All digital electronic signs shall require automatic reduction in luminance during nighttime display not to exceed that of 1/3 the luminance of daytime display.
- iii. The size of digital signs shall be commensurate with regulations pertaining to freestanding or wall signs within this division.

Sec. 62-231. - Nonconforming signs.

- (a) Signs lawfully erected and for which a sign permit application has previously been approved prior to the effective date of adoption, or amendment, of the ordinance from which this chapter was derived, which do not meet the standards of this division may be maintained, except as provided hereafter.
- (b) No nonconforming sign shall:
 - (1) Be changed to another nonconforming sign;
 - (2) Be modified so as to change the shape, size or design of the sign, including a change of copy;
 - (3) Be reestablished after the activity, business or usage to which it relates has been discontinued for more than 90 days; or
 - (4) Be repaired or re-erected after sustaining damage valued at more than 50 percent of the costs of an identical new sign.
- (c) If the owner of a sign or the property on which a sign is located changes the location of a building, property line or sign, or changes the use of a building so that any sign on the property is made nonconforming, such sign must be removed or made to conform to this division.

(Code 1990, ch. 3, § 5.1.9; Ord. No. 98.3.1, § 5.1.9, 3-23-1998)

Sec. 62-232. - Enforcement of division.

- (a) *Violations.* Any person violating any of the provisions of this division shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than \$500.00 and the costs of prosecution or, in default of the payment, shall be punished by imprisonment in the county jail for a period not to exceed 90 days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

- (b) *Public nuisance per se.* Any sign which is erected, altered or converted, and in violation of any of the provisions of this division, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.
- (b) *Notice.* If the zoning administrator shall find that any sign is maintained in violation of the provisions of this division, they shall give written notice to the person owning or having the beneficial use of the sign or the property where the sign is located. If such person fails to alter or remove the sign so as to comply with this division within 30 days after such notice, the zoning administrator may cause such sign to be removed at the expense of the owner or persons having the beneficial use of the property or sign. The zoning administrator may cause any sign which is an immediate peril to persons or persons' property to be removed forthwith. These procedures are supplemental to other legal remedies as available for the enforcement of this division.
- (c) *Fines; imprisonment.* The owner of any building, structure or premises or part thereof, where any condition in violation of this division shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and, upon conviction, shall be liable to the fines and imprisonment herein provided in this section.
- (d) *Separate offense.* A separate offense shall be deemed committed upon each day during or when a violation occurs or is continued.
- (e) *Rights and remedies cumulative.* The rights and remedies provided in this section are cumulative and in addition to any other remedies provided by law.
- (f) *Conformance deadline.* All signage in the village shall conform to this division within five years of adoption or be granted variances as provided by article VI, Board of Appeals, of this chapter.

(Code 1990, ch. 3, § 5.1.10; Ord. No. 98.3.1, § 5.1.10, 3-23-1998)

Sec. 62-233. - Appeals.

Appeals shall be heard before the village council in accordance with provisions set forth in article VI, Board of Appeals, of this chapter.

(Code 1990, ch. 3, § 5.1.11; Ord. No. 98.3.1, § 5.1.11, 3-23-1998)

Secs. 62-234—62-250. - Reserved.

Effective Date.

This ordinance amendment shall take immediate effect, a summary of which shall be published once in a newspaper of general circulation in the Village as required.

CERTIFICATION

On a motion by Village Council member Lutz, seconded by Village Council member Bliven, the Village of Brooklyn, County of Jackson, State of Michigan, by a majority vote of the Village Council, hereby approves the above amendment to the Code of Ordinances.

YEAS: Roberts, Bliven, Lorenz-Goings, Lutz, DeJeu

NAYS: Jenson

ABSENT/ABSTAIN: Krauss

Ordinance declared adopted on May 13, 2019.

John Bernard DeJeu, Village President
Village of Brooklyn

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Mick Linderman, the Clerk of the Village of Brooklyn certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Village Council of the Village of Brooklyn on May 13, 2019, and a summary of which shall be published in the Brooklyn Exponent, a newspaper of general circulation in the Village of Brooklyn.

Mick Linderman, Village Clerk
Village of Brooklyn