

**CITY OF MT. MORRIS
PLANNING COMMISSION
AGENDA
June 19, 2017
6:30 p.m.**

1. **MEETING CALLED TO ORDER:** Chairman Marc Middleton.
2. **ROLL CALL**
3. **APPROVAL OF MINUTES:** Approval of May 15, 2017 meeting minutes.
4. **COMMUNICATIONS:**
5. **PUBLIC COMMENT:**
6. **OLD BUSINESS:**
 - a. None.
7. **NEW BUSINESS:**
 - a. Discussion on Sign Ordinance.
8. **PUBLIC COMMENT:**
9. **UPDATES:**
10. **PLANNING COMMISSION COMMENTS:**
11. **ADJOURNMENT:**

**PLEASE BE COURTEOUS TO OTHERS
TURN OFF ALL CELL PHONES AND ELECTRONIC DEVICES PRIOR TO THE MEETING.**

**CITY OF MT MORRIS
PLANNING COMMISSION
May 15, 2017**

At **6:30 p.m.**, Chairman Marc Middleton called the Planning Commission Meeting to Order.

PRESENT: Marc Middleton, Marc Gauze, Dan Davis, Lillian Bigelow, Mike Clark, Mark Middleton, Interim City Manager/Treasurer Vicki Fishell, and Mayor Duane Dunckel.

ABSENT: Stephanie Sain.

ROLL CALL:

A motion was made by Lillian Bigelow seconded by Duane Dunckel to approve the absence of Stephanie Sain.

All Ayes.

Motion Carried.

OTHERS: City Clerk Kristina Somers.

APPROVAL OF MINUTES:

A motion was made by Mark Middleton, seconded by Duane Dunckel to approve the minutes of the regular meeting held on April 17, 2017.

All ayes.

Motion carried.

COMMUNICATIONS:

Council member Marc Middleton discussed information, and documentation from LARA on Medical Marihuana regulations.

PUBLIC COMMENT:

Thomas Joubran – 6093 Davison Rd. – Discussed Medical Marihuana, and that he is for the City of Mt. Morris writing an ordinance to allow Medical Marihuana facilities.

OLD BUSINESS:

City Clerk Kristina Somers updated Planning Commission on Conditional Use permit for Walter Street, no response from company on a new location.

NEW BUSINESS:

a. Discussion on Medical Marihuana.

After discussion a motion was made by Duane Dunckel, seconded by Lillian Bigelow to *not* write a Medical Marihuana Ordinance at this time.

Roll call: ___7___ Ayes

 ___1___ Nays
 (D. Davis)

 ___1___ Absent
 (Stephanie Sain)

Motion carried.

Dan Davis asked if this was a decision of the Planning Commission's or would this need to go to Council first.

Mayor Duane Dunckel let Dan Davis know that the topic will be placed on the next City Council meeting agenda for discussion.

Sec. 48-1. Title.

This chapter shall be known and cited as the City of Mt. Morris Sign Ordinance. (Ord. of 12-8-97, § 1; Ord. of 11-13-00(1), § 1)

Sec. 48-2. Definitions.

As used in this chapter, the following words shall have the meaning set forth below:

City council means the City Council of the City of Mt. Morris, Genesee County, Michigan.

District means each part, or parts, of the city for which specific zoning regulations are prescribed.

Flag means a piece of cloth or bunting attached to a pole attached to and perpendicular to the ground, bearing the official design of any unit of government, education institution, fraternal benefit societies, order or organization, or any organization operated exclusively for religious, charitable, scientific, literary, or educational purposes, except when displayed in connection with commercial promotion.

Frontage means the lands and distance thereof of any lot fronting on one side of a street between intersecting or intercepting streets, or between a street and another right-of-way, waterway, end of a dead end street or city boundary measured along the street line.

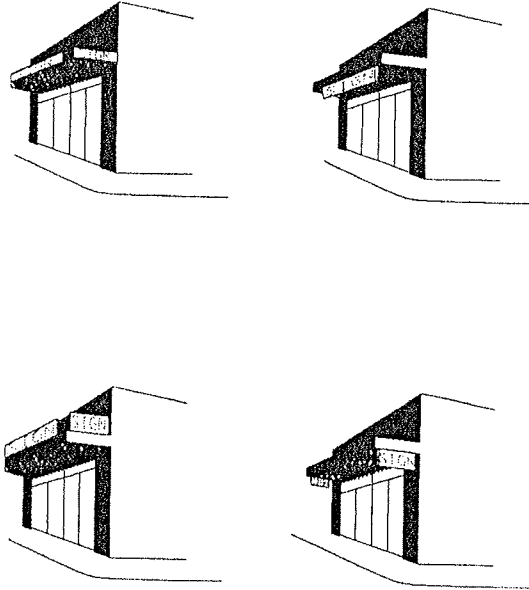
Height of a sign means the vertical distance measured from the ground immediately beneath the sign to the highest point of its structure.

Home occupation means an occupation conducted in a dwelling unit.

Lot means, for purposes of this chapter, a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) A combination of contiguous lots of record, or contiguous portions of lots of record;
- (4) A parcel of land described by metes and bounds.

Marquee sign means a display on a marquee or extending above or below a marquee, awning or canopy.



Master plan means the Comprehensive Development Plan for the City of Mt. Morris, Genesee County, Michigan.

Nonconforming sign means any sign which does not conform with the provisions of this chapter but which was lawfully existing and maintained within the city prior to and at the time this chapter became effective, or was lawfully in existence and in use on the property inside the township on the date this chapter went into effect.

Projecting sign means any sign attached to a building which extends more than 15 inches beyond any vertical surface of the building which supports it.

Roof sign means any sign which is attached to a building and any part of which extends above either the top of the building silhouette or any portion of the roof surface.

Setback means distance from the centerline or right-of-way lines of streets to the building line for the purpose of defining limits within which no building or structure; or any part thereof, shall be erected or permanently maintained.

Sign means any device designed to inform or attract the attention of persons not on the premises on which the sign is located; excepting, however, the following which shall not be included within this definition:

- (1) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;

- (2) Legal notices; identification, informational, or directional signs erected or required by governmental bodies;
- (3) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- (4) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Sign area means the area of a sign consisting of the entire surface of any regular geometric form, including words, letters and symbols, or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of such area.

Sign, on-site means a sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

Sign, off-site means a sign other than an on-site sign.

Wall sign means a sign which is attached directly to, or otherwise inscribed upon, a building wall or the exterior of a window.

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

Zoning administrator means that person or persons duly charged by the appropriate appointing authority with the responsibility for executing and administering the zoning provisions of the City of Mt Morris Code of Ordinances, or authorized by the zoning administrator to act on their behalf.

(Ord. of 12-8-97, § 2; Ord. of 11-13-00(1), § 2)

Sec. 48-3. Permits.

No person shall erect, place, structurally alter, paint, or add to any sign nor attach any sign to an existing sign, which shall either increase the area thereof or constitute a structural alteration thereof or an addition thereto, without first obtaining a permit to do so in the manner hereinafter provided.

- (1) *Application for sign erection permits.* Application for such permit shall be filed upon forms provided by the zoning administrator and shall contain the following information:
 - a. Name, address, and telephone number of the applicant.
 - b. Location of building, structure or lot to which the sign is to be attached or erected.
 - c. Position of the sign in relation to nearby buildings, structures, and property lines.
 - d. A drawing of the plans and specifications and method of construction and attachment to the building or in the ground.

- e. Copy of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure in accordance with regulations adopted by the building official.
 - f. Name and address of the person, firm, corporation, or association erecting the structure.
 - g. Such other information as may require to show full compliance with this and all other applicable laws of the City of Mt. Morris and the State of Michigan.
- (2) *Permit fee.* The fee for permits shall be set by resolution of the city council.
- (3) *Approval.* The zoning administrator shall approve the application and provide the applicant with a sign permit if:
- a. The applicant has paid the required sign permit fees.
 - b. The applicant has submitted a complete application.
 - c. The application meets all of the requirements of this chapter.
- (4) *Denial.* If the zoning administrator denies an application for a sign permit, the applicant may appeal the decision to the planning commission. Such appeal must be filed with the city within 30 days of the date of the notice of denial. The planning commission shall hear the appeal within 35 days of a complete application being filed. The planning commission shall decide the appeal within 14 calendar days of the meeting at which the appeal was reviewed.
- (5) *No permit required.* No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for change of message of a sign without change of structure, including a bulletin board or billboard, but not including a sign to which a new permanent face may be attached.
- (Ord. of 12-8-97, § 3; Ord. of 11-13-00(1), § 3)

Sec. 48-4. Signs not requiring permits.

(a) *Signs in residential districts.* On-site signs may be permitted in residential districts as follows:

- (1) One professional sign or name plate sign for a permitted home occupation not more than 144 square inches in area which shall be non-illuminated.
- (2) One non-illuminated temporary sign pertaining to the lease or sale of the premises upon which it is placed, not exceeding eight square feet in total area, provided that it shall be removed within seven days after the consummation of a lease or sale transaction.
- (3) Signs permitted in the residential districts shall not be erected closer to any adjacent street right-of-way line than one-half the setback required for the lot, provided that a nameplate sign not more than 72 square inches in area, as regulated above, may be placed anywhere within the front yard.

- (4) One non-illuminated temporary sign having a maximum area of 12 square feet indicating the name of the architect, developer, and/or construction company responsible for the construction of a building while construction is in progress.
- (5) One non-illuminated sign shall be allowed at a residential address. Such sign shall not be located on vacant lots or at addresses where the residence is unoccupied. No such sign may be placed on public property or within the public right-of-way. All such signs must meet the location requirement set forth in subsection (3) and shall not be more than three square feet in area and shall not contain obscenity or profanity. The period during which said signs shall be displayed shall not exceed the time frame of the event, activity or season.

(b) *Flags.* Flags shall be permitted in any district providing all of the following requirements are met:

- (1) The top of the flagpole shall be no higher than 35 feet above grade.
- (2) The height of the flagpole shall be at least eight feet higher than the length of the longest side of the flag, measured from the lowest point of the flag (at relaxed position) to grade.

(Ord. of 12-8-97, § 4; Ord. of 11-13-00(1), § 4; Ord. No. 11-02, 4-11-11)

Sec. 48-5. Signs requiring permits.

(a) *Permanent signs in commercial, office and manufacturing districts (C-R, C, O and I districts).* On-site signs may be permitted in the commercial, office and manufacturing districts as follows:

- (1) No on-site sign shall be permitted which is not accessory to the business conducted on the property.
- (2) No such sign shall be lighted by means of flashing or intermittent illumination. All lights used for the illumination of business structures or areas surrounding them, or for the illumination or display of merchandise or products of business establishments shall be completely shielded from the view of vehicular traffic using the road or roads abutting such business properties.

Floodlights used for the illumination of said premises, or any sign thereon, whether or not such floodlights are attached to or separate from the structure on which such sign is attached, shall not be directed in such a manner as to adversely affect adjoining or nearby properties, or traffic.

- (3) No on-site sign, as permitted, shall extend or project above the highest elevation of the wall to which it is attached, provided, however, signs may project above said wall when they are an integral part of such wall.

- (4) Wall signs may only be erected on an exterior wall providing all of the following requirements are met:
 - a. A business establishment may have up to 20 percent sign coverage on the face of any wall. The area of the face of the wall shall include the area of any windows located on the building face.
 - b. All such signs shall be flat signs, attached and parallel to the face of any building all complying with the following requirements:
 1. No such sign shall extend farther than 15 inches from the face of the building upon which it is attached, provided, however, that where a sign extends more than three inches from the face of said wall, the bottom of said sign shall not be closer than ten feet from the ground level below said sign.
 2. The maximum height of any single on-site sign shall not exceed five feet and the maximum width shall not exceed 90 percent of the width of the wall to which said sign is attached.
- (5) Awning/canopy signs.
 - a. Awning/canopy signs are permitted in that area defined in the City of Mt. Morris Master Plan as the (central business) district. Awning/canopy signs shall be subject to the approval of the zoning administrator, who shall insure that the location, size and type of such signs shall be uniform as related to other similar signs. The total area of signs permitted on canopies shall be included as part of the total number and area of wall signs permitted for each business establishment. Business owners are permitted to attach one marquee sign to the underside of the awning/canopy sign perpendicular to the building face provided that the area of such sign does not exceed one square foot in area.
 - b. Awning/canopy signs, including marquee signs attached to the underside of the awning/canopy signs, must be located at least nine feet above the sidewalk.
 - c. Awning/canopy signs are permitted in commercial or office districts that are not located in the central business district; however they shall not be permitted above the public domain.
- (6) Window signs. On-site window signs shall be permitted on any building face and shall be included in the calculation of approved wall signage.
- (7) Roof signs. Roof signs shall not be permitted.
- (8) Projecting signs. Signs projecting more than 15 inches from a wall shall not be permitted.
- (9) Freestanding signs.
 - a. All freestanding signs are to have a maximum of two sign faces.

One freestanding or pylon sign shall be permitted per business use or shopping center as hereinafter defined, advertising the name of said business use including any special company or brand name, insignia or emblem and special announce-

ment of services. Each freestanding sign shall have one square foot of area per sign face per lineal foot of frontage with a maximum size of 75 square feet per sign face, 32 square feet in the office district.

Business uses with more than 60 feet of street property frontage, the sign shall have a maximum overall height of 25 feet.

For business uses with less than 60 feet of street property frontage, the sign shall have a maximum overall height of not more than 20 feet.

- b. Public domain. In all cases such signs shall be located on the same property upon which said business use is located and shall be located in such a manner so that no part of said sign extends over the public domain (and shall not be located or constructed such as to obscure essential vision of motorists and contribute to hazardous conditions.)
- c. Traffic directional signs. Portions of the freestanding or pylon sign devoted to traffic-directional purposes including but not limited to those indicating "one way" shall not be included in the above specified area, it being the intent hereof that the limitation hereby imposed shall relate to advertising content. The nature, style and size of traffic directional signs shall be approved by the administrative official charged with enforcement of this chapter shall be as uniform in design and style as possible under the circumstances. Freestanding or pylon signs solely containing such traffic directional information shall not be included in the freestanding or pylon sign count provided that greater than 70 percent of each sign face is used for traffic directional purposes.
- d. Shared freestanding signs. "Business use" is hereby defined, for the purposes of this subsection, as a single parcel or piece of land (or a platted lot or combination of platted lots used as a single entity) which is zoned and used for a business purpose. In the event such parcel (or platted lot or combination or platted lots used as a single entity) shall be divided, by sale or lease, into distinct segments (each of which is individually capable, pursuant to this chapter of being used, separate and distinct from other business uses) each such business use thereby created shall be entitled to its own freestanding pylon sign. It is the intent of this definition to preclude the erection of separate freestanding pylon signs for each business use if a business use shares parking areas or driveways or building entrances or malls in common with at least one other business use, in which case such group or business uses which share common facilities shall be deemed a "shopping center" and only one such freestanding pylon sign shall be permitted for the entire shopping center. In the case of shopping centers, said freestanding pylon sign shall have one square foot of area per foot of frontage, with a maximum size of 180 square feet per sign face irrespective of frontage. With respect to the computation of the gross area of the sign for a shopping center, frontage need not be frontage upon a street but may be computed on the basis of the dimensions of the store front or building frontage irrespective of the length of street frontage.

- e. Gasoline pump signs. Customary lettering or other insignia which are a structural part of a gasoline pump, consisting only of the brand name of gasoline sold, lead warning sign, a price indicator, and any other sign required by law, and not exceeding a total of three square feet on each pump; and if illuminated, such signs shall not be the flashing or intermittent type and shall not in any manner constitute a traffic hazard with respect to adjacent streets or intersections.
 - f. Off-site signs. Off-site signs, that are signs advertising any business or activity, except on the property where such business or activity is located, are not permitted.
 - g. Signs associated with vacant business establishments. As of the effective date of the ordinance from which this chapter is derived, all sign messages associated with a business establishment which has been vacant for a period of 60 days shall be removed. This provision is not intended to require the removal of a permanent sign structure as long as the sign message can be removed by painting over the sign or by removing message boards.
- (b) *Permanent signs in residential districts (R-1, R-2, RB, R-C districts).*
- (1) Uses permitted by conditional use permit in residential districts may be allowed a wall or freestanding sign, not to exceed 32 square feet per sign face. In approving the sign as part of the conditional use permit, the planning commission may limit the size, lighting and location to ensure its compatibility with surrounding residences. In determining its compatibility it will consider the following:
 - a. Setback of the sign from adjacent lots and from the nearest residence.
 - b. Surrounding land uses.
 - c. Type and intensity of light of sign.
 - d. Landscaping of sign.
 - (2) In the RB and R-C districts a free standing or wall sign is permitted to identify a residential development such as a mobile home park or an apartment complex. Such signs are subject to the same review standards as signs for uses permitted by conditional use permit as noted above.
- (c) *Permanent signs in PUDs.* The size and location of a sign within a PUD shall be determined by the planning commission as part of PUD approval. The maximum permitted sign size for commercial, office and industrial uses shall be the sizes permitted in section 48-5(a).
- (d) *Temporary/portable signs.*
- (1) *Temporary/portable signs requiring a permit.*
 - a. The zoning administrator may approve an application for erection of a temporary/portable sign in any district, other than the R-1 and R-2 Districts, and shall issue

a permit for erection of the temporary sign for a time period not to exceed 14 consecutive days and each business shall only be permitted one temporary sign per calendar year if all of the following conditions are met:

1. The sign shall not exceed 24 square feet in total area per face, shall have no more than two faces and shall not project higher than six feet above curb level.
 2. The sign shall contain no visible moving, revolving or mechanical parts or movement, or other apparent visible movement achieved by electrical, electronic or mechanical means, including intermittent electrical pulsations, or by action of normal wind current.
 3. The sign shall contain no self-illumination and will not be otherwise illuminated.
 4. The sign location, design, structure, materials and support will not constitute a hazard to safety, health or welfare of the general public during the period of its erection.
 5. The sign shall not be attached to a tree, fence, utility pole, standpipe, gutter, drain or fire escape or impair access to a roof or ingress or egress of any structure.
 6. The sign shall not be located on any public property, right-of-way or sidewalk, or near any parking area entrance where the sign would obstruct the vision of the vehicles.
 7. The applicant shall submit the permit fee for a temporary sign which shall be established by resolution of the council.
 8. The sign must be located on the property of the applicant.
 9. Churches and educational institutions located in the R-1 and R-2 districts shall be permitted to have a temporary/portable sign if said sign meets all the above conditions and said sign is located on its property. Churches and educational institutions shall be permitted up to six temporary signs per premises per year provided all of the above conditions are met.
- b. If the zoning administrator denies a request for a temporary sign permit, the applicant may appeal the decision to the planning commission.
 - c. A temporary sign erected in violation of any provision of this section shall be impounded by the department of public works and may be destroyed or disposed of if not claimed within five business days by the occupant of the property where the sign was erected.
 - d. Governmental institutions shall be exempt from all provisions of this chapter.
 - e. Banners, flags, pennants, ribbons, streamers, balloons and other temporary signs are permitted only as temporary signs as provided for in this section.

- (2) *Temporary signs in residential districts requiring temporary sign permit.* One temporary sign having a maximum area of 32 square feet is permitted in residential districts to announce the sale of lots or structures in any one subdivision, for a maximum period of one year.
- (3) *Temporary/portable signs not requiring a permit.* Election or political signs are permitted in residential districts provided they have a maximum area of four square feet per sign face, and are permitted in commercial and industrial districts provided they have a maximum area of 8 square feet per sign face. Such signs shall not be erected closer to any adjacent street right-of-way line than ½ the setback required for said lot, there shall be no more than two such signs per lot, and they must be removed within ten days following the balloting for the election or issue which the sign was referencing.

(Ord. of 12-8-97, § 5; Ord. of 11-13-00(1), § 5; Ord. No. 07-03, § 1, 4-9-07)

Sec. 48-6. Signs not permitted; signs with flashing lights.

(a) *Signs and devices which are not permitted.* Permanent signs with any visible, moving, revolving or mechanical parts or movements, or other apparent visible movement achieved by electrical, electronic or mechanical means, including intermittent electrical pulsations, or by action of normal wind current shall not be permitted.

(b) *Electronic message boards.* Electronic message boards or signs are permitted only as hereinafter set forth:

- (1) Monument message board signs shall be set back a minimum of 25 feet from the public right-of-way.
- (2) No such sign shall be higher than as otherwise permitted by this chapter or other provisions of the City Code.
- (3) No such sign shall exceed eight square feet in size.
- (4) The lighted portion of the sign shall not be red in color.
- (5) The programmed message shall remain on the screen for a minimum of two seconds; "scrolling" is not permitted.
- (6) The use of the "flash" option on electronic message board signs is prohibited.
- (7) All such signs shall be reduced in intensity to ½ of their daytime intensity at sunset and shall remain at this level of intensity until sunrise.

(Ord. of 12-8-97, § 6; Ord. of 11-13-00(1), § 6; Ord. No. 07-03, § 2, 4-9-07)

Sec. 48-7. Signs announcing that a business is open.

"Open" signs. Businesses shall be permitted to display one sign with the word "open" and the size of such sign shall not be included in computation of the percentage requirement set forth in section 48-5 hereof. Such signs shall not flash or vary in intensity unless they meet the requirements hereinabove set forth in section 48-6.

(Ord. No. 07-03, § 3, 4-9-07)

Editor's note—Ord. No. 07-03, § 3, adopted April 9, 2007, renumbered the former §§ 48-7—48-9 as §§ 48-8—48-10 and enacted a new § 48-7 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 48-8. Variances.

(a) *Generally.* These variance procedures are instituted to provide an opportunity for the relaxation of the terms of this chapter where it would not be contrary to the public interest and where, owing to the conditions peculiar to the sign request and not the result of the action of the applicant, literal enforcement of this chapter would result in an unnecessary and undue hardship.

(b) *Procedures.*

- (1) An applicant for a variance shall file a written request, together with the applicable fee, with the city zoning administrator setting forth the specific variance requested and the reasons for the variance.
- (2) The city zoning administrator shall prepare a report on the request and have it placed on the agenda of the city council.
- (3) Notices of the hearing before the city council will be mailed out to all residents and property owners within 300 feet of the subject property and shall be published in a paper of general circulation at least 15 days before the city council meeting.
- (4) At the hearing the applicant and any members of the public shall be given an opportunity to comment on the request.
- (5) The city council shall grant the variance if they find that all of the following conditions have been met:
 - a. Strict enforcement of the Code would cause unnecessary hardship and deprive the applicant of rights enjoyed by similarly situated city residents or businesses.
 - b. The conditions and circumstances of the applicant are unique and not applicable to other city residents or businesses.
 - c. The conditions and circumstances were not created by the applicant.
 - d. The requested variance will not confer special privileges that are denied other similarly situated residents or businesses.

e. The requested variance is not contrary to the spirit and intent of this chapter.
(Ord. No. 08-01, § 1, 1-28-08)

Editor's note—Ord. No. 08-01, §§ 1 and 2, adopted Jan. 28, 2008, renumbered the former §§ 48-8—48-10 as 48-9—48-11 and enacted a new § 48-8 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 48-9. Maintenance.

- (a) All signs for which a permit is required and all supports thereof shall:
 - (1) Be kept in compliance with the plans and specifications filed and approved for issuance of the sign permit.
 - (2) Be kept and maintained in a safe condition.
 - (3) At all times conform to all provisions of this chapter.
- (b) The zoning administrator has the authority to inspect any sign requiring a permit at any given time to ensure compliance with the requirements of this chapter.
- (c) The zoning administrator may require the repair or removal of a sign requiring a permit within seven days upon the finding that any of the following conditions exist:
 - (1) The sign is found to be unsafe.
 - (2) The sign is in a condition that does not comply with this chapter.
 - (3) The sign was established as an accessory use for a principal use which has ceased to exist for a period of six months.

(Ord. of 12-8-97, § 7; Ord. of 11-13-00(1), § 7; Ord. No. 07-03, § 3, 4-9-07; Ord. No. 08-01, § 2, 1-28-08)

Note—See the editor's notes to §§ 48-7 and 48-8.

Sec. 48-10. Nonconforming signs.

(a) A nonconforming sign shall not be repaired, altered, reconstructed, relocated, or expanded in any manner unless or until the sign is made to conform with the provisions of this chapter. Ordinary maintenance and minor repairs which will not increase the normal life of the sign which are required for safety purposes will be permitted. Structural alterations to a nonconforming sign are prohibited.

(b) Notwithstanding any other provision contained in this chapter, in the event a change in the ownership or name of the business identified or advertised by a nonconforming sign necessitates the replacement of a sign face, the nonconforming sign may be altered by either repainting the sign face or replacing one or more removable panels on the sign without first making the entire sign conform with the provisions of this chapter. Nothing contained herein shall extend or alter the applicable period of time within which the nonconforming sign must be made to conform to the provisions of this chapter.

(c) If the use of a nonconforming sign is discontinued for more than six months, it shall be made to conform with the provisions of this chapter or shall be removed.

(d) All nonconforming signs shall be brought into conformance within a ten-year grace period from the effective date of the ordinance from which this chapter is derived.

(e) An inventory of nonconforming signs shall be prepared within six months of adoption of this chapter. Owners of property on which nonconforming signs are located shall be notified by certified mail within nine months of adoption of this chapter stating the time they shall have to bring their signs into conformance.

(Ord. of 12-8-97, § 8; Ord. of 11-13-00(1), § 8; Ord. No. 07-03, § 3, 4-9-07; Ord. No. 08-01, § 2, 1-28-08)

Note—See the editor's notes to §§ 48-7 and 48-8.

Sec. 48-11. Penalty.

Any person who violates any of the provisions of this chapter shall be deemed guilty of a municipal civil infraction, as established by the Code of Ordinances of the City of Mt. Morris, municipal civil infractions section 1-14. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

(Ord. of 12-8-97, § 9; Ord. of 11-13-00(1), § 9; Ord. No. 07-03, § 3, 4-9-07; Ord. No. 08-01, § 2, 1-28-08)

Note—See the editor's notes to §§ 48-7 and 48-8.

CITY OF MT. MORRIS

ORDINANCE 14-01

An Ordinance to Amend the Code of Ordinances, City of Mount Morris Michigan by amending and restating the provision of Chapter 48 of the City Code entitled "Signs Requiring Permits", specifically the Sub Section identified as 48-5 (d) Temporary/Portable Signs. Said amendment and restatement deals with the period during which temporary portable signs may be erected and covers those signs not requiring a permit, specifically election or political signs and sets forth the size and other requirements with respect thereto.

THE CITY OF MT. MORRIS ORDAINS:

SECTION 1.

Sub Section (d) of Section 48.5 entitled "Signs Requiring Permits" of the Sign Ordinance to wit; Chapter 48 of the City Code is hereby Amended and Restated as follows:

(d) Temporary / Portable Signs

(1) Requiring a permit.


- a. The zoning administrator may approve an application for erection of a temporary/portable sign in any district, other than the R-1 and R-2 districts, and shall issue a permit for erection of the temporary sign for a period not to exceed thirty (30) consecutive days and each business shall be permitted six (6) temporary sign permits per calendar year with two (2) signs per permit if all of the following conditions are met. The fee for the permit shall be set by the City Council.
 - i. The sign shall contain no visible moving, revolving or mechanical parts or movement, or other apparent visible movement achieved by electrical, electronic, or mechanical means, including intermittent electrical pulsations, or by the action of normal wind current.
 - ii. The sign shall contain no self-illumination, other than LED (light emitting diode) illumination, and must conform with paragraph vi.
 - iii. The sign location, design, structure, materials, and support will not constitute a hazard to safety, health, or welfare, of the general public during the period of its erection.
 - iv. The sign shall not be attached to a tree, fence, utility pole, standpipe, gutter, drain or fire escape or impair access to a roof or ingress or egress of any structure.
 - v. The sign shall not be located on any public property, right of way, or sidewalk, or near any parking area entrance where the sign would obstruct the vision of vehicle drivers.
 - vi. The sign must be located on the property of the applicant.


- vii. Vehicle sales lots shall be allowed to have up to ten unpermitted items that qualify as temporary signs under this ordinance at any given time.
 - viii. The applicant shall submit the permit fee for a temporary sign which shall be established by a resolution of the city council.
 - ix. A temporary sign erected by or for any governmental or any organization that is considered to be a tax exempt organization by the Internal Revenue Service, shall not require a permit as long as the following conditions are met:
 - 1. Only one sign shall be erected at any time.
 - 2. The sign shall not be erected for more than ninety days during any calendar year.
 - 3. The sign shall not conflict with i – vii above.
- b. If the zoning administrator denies a request for a temporary sign permit, the applicant may appeal the decision to the city manager.
 - c. A temporary sign erected in violation of any provision of this section shall be impounded by the code enforcement officer and may be destroyed or disposed of if not claimed within five business days by the occupant of the property where the sign was erected.
 - d. Banners, flags (other than one American flag), pennants, ribbons, streamers, and balloons, are permitted only on property with at least 100 feet of frontage, and limited to one item for every 20 feet of frontage. These items must be kept in reasonably good condition.
- (2) *Temporary signs in residential districts requiring temporary sign permit.* One temporary sign having a maximum area of 32 square feet is permitted in residential districts to announce the sale of lots or structures in any one subdivision, for a maximum period of one year.
- (3) *Temporary/portable signs not requiring a permit.* Election or political signs are permitted in residential districts provided they have a maximum of four square feet per sign face. In commercial and industrial districts one such sign with a maximum area of eight (8) square feet per sign face is allowed per candidate or issue; provided, however, that commercial and industrial properties shall be allowed to have one sixteen (16) square foot election/political sign if multiple candidates are on one (1) sign. There shall be no more than one (1) sign per lot in all districts per candidate or issue and all such signs must be removed within ten (10) days following the balloting for the election or issue which the sign was referencing. Signs shall not be allowed on public property or right of way.
- (4) All temporary signs must be removed from any business that is no longer operating as a business.

SECTION 2.

All other Sections of the Code remain unchanged.

We the undersigned Mayor and Clerk of the City of Mt. Morris, do hereby certify that the above ordinance was adopted by the City Council at a regular meeting on the 22nd day of September 2014.


Daniel J. Lavelle, Mayor


Tema J. Lucero, City Clerk

APPROVED AS TO FORM
AND LEGALITY

Charles A. Forrest, Jr.

ADOPTED: SEPT 22, 14
PUBLISHED: SEPT 24, 14
EFFECTIVE: SEPT 25, 14