



Planning Commission

Larry Fox, Chairperson	Joseph W. Colaianne, Trustee
Michael Mitchell, Vice-Chairperson	Keith Voight, Secretary
Michelle LaRose, Commissioner	Sue Grissim, Commissioner
	Tom Murphy, Commissioner

Planning Commission Meeting Agenda
Hartland Town Hall
Thursday, September 24, 2020
7:00 PM

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the Agenda
5. Call to Public
6. Public Hearing
 - a. Site Plan with Special Land Use Application #20-010 (Drive-through service for Biggby Coffee)
7. Old and New Business
8. Call to Public
9. Planner's Report
10. Committee Reports
- [Brief Recess]
11. Work Session
 - a. Digital Menu Boards
12. Adjournment

Hartland Township Planning Commission Meeting Agenda Memorandum

Submitted By: Troy Langer, Planning Director

Subject: Site Plan with Special Land Use Application #20-010 (Drive-through service for Biggby Coffee)

Date: September 17, 2020

Recommended Action

Move to recommend approval of Site Plan with Special Land Use Application #20-010, a request to establish a drive-through service (for Biggby Coffee), as a special land use, at 11325 Highland Road, in Hartland Pointe Plaza. The recommendation for approval is based on the following findings:

1. The proposed special land use, restaurant with drive-through service, meets the intent and purposes of the Ordinance as well as the specific Special Use standards outlined in Section 6.6 (Special Uses) and Section 4.28 (Fast Food and Drive-through Restaurants), as a restaurant with drive-in or drive-through service is permitted as a special land use in the GC-General Commercial zoning district.
2. The proposed use is compatible with the existing and future land uses in the vicinity and is consistent with the plans previously approved by the Township for Hartland Pointe Plaza.
3. The proposed use is compatible with the Hartland Township Comprehensive Plan, which designates this area as Commercial. The intent of this designation is to allow for both the sale of convenience goods and personal/business services for the day-to-day needs of the immediate neighborhood and provide for auto-oriented services.
4. The restaurant is located in an established development, the Hartland Pointe Plaza, which is currently served by public sanitary sewer and municipal water. The proposed use will be adequately served by existing essential facilities and public services, and the Fire Department has no objection.
5. The proposed use will not be detrimental, hazardous, or disturbing to the existing or future neighboring uses, persons, or the public welfare.
6. The proposed use will not create additional requirements at public cost for public facilities as the commercial building, where the proposed business is located, is currently served by public sanitary sewer and municipal water.

Approval is subject to the following conditions:

1. The proposed Special Land Use, restaurant with drive-through service, is subject to approval by the Township Board.
2. The applicant shall adequately address the outstanding items noted in the Planning Department's memorandum, dated September 17, 2020. Revised plans if necessary, shall be subject to an administrative review by the Planning staff prior to the issuance of a land use permit.
3. A land use permit is required for the proposed special land use.

4. Applicant complies with any requirements of the Department of Public Works Director, Township Engineering Consultant (HRC), Hartland Deerfield Fire Authority, and all other government agencies, as applicable.
5. (Any other conditions the Planning Commission deems necessary)

Discussion

Applicant: K2 Holding LLC

Site Description

The applicant intends to establish a drive-through service for the existing Biggby Coffee shop located at 11325 Highland Road, in the Hartland Pointe Plaza (Parcel ID #4708-22-300-048). The property is zoned GC-General Commercial. Biggby Coffee has occupied their tenant space since 2010, being the end unit on the west end of the multi-tenant building. The tenant space is approximately 2,050 square feet (gross floor area) in size. One (1) drive-through window is proposed on the west building elevation. A drive-through lane with stacking spaces is shown along the north (rear) side of the building, and wraps around the west side of the building, terminating at the proposed drive-through window. The ordering station /menu board is near the northwest corner of the building.

Adjoining properties to the north are zoned PDMDR-Planned Development Medium Density Residential, which is the Heritage Meadows of Hartland condominium residential development. Properties to the east and west are zoned GC-General Commercial. Properties south of Highland Road are zoned OS-Office Service.

The 2015 Future Land Use Map designates the subject site as Commercial.

Overview and Background Information

Following is a summary of the history of the property.

Site Plan Application #400 (Multi-tenant commercial building-Hartland Pointe Plaza)

On March 3, 2006 the Township Board approved Site Plan Application #400, a request to construct an approximate 14,000 square foot multi-tenant building, with approximately 5,000 square feet dedicated for a Sherwin Williams store and the remaining 9,000 square feet for other retail/commercial tenants. Per the approved site plan, 47 off-street parking spaces were required, and 58 spaces were provided. The building was constructed in 2006.

Site Plan Application #415 (Modification to plans approved under SP #400 regarding the bike path)

On May 26, 2006 the Township approved a site plan modification related to the bike path design (along Highland Road), which was previously approved under SP #400.

Site Plan Application #494 (Modification to SP #400-parking requirements)

In 2010 the Planning Commission reviewed a request to modify the numerical requirements for off-street parking, based on the tenant mix in the building at that time. The number of built parking spaces remained at 58 spaces. The Planning Commission approved SP #494 on December 2, 2010.

Proposed Use

The applicant is requesting to establish a drive-through service for Biggby Coffee, with the drive-through window on the west side of the multi-tenant building. Biggby Coffee occupies the end unit in the building, at the west end of the building. Per Section 3.1.14D.xiv., a restaurant with drive-in or drive-

through service is considered a special land use in the GC-General Commercial zoning district. Additional standards for fast-food and drive-through restaurants are provided in Section 4.28 of the Zoning Ordinance.

The proposed project also requires site plan approval thus there are two application elements: special land use and site plan approval for the proposed drive-through window for Biggby Coffee. Although there are technically two elements, all are incorporated into one combined site plan which will be reviewed and approved concurrently. Modifications to the site layout, parking, building façade, and landscaping are proposed and will be reviewed as part of the site plan review.

Per the Hartland Township Zoning Ordinance and the State Enabling Act, a public hearing is required for the special land use application. Given the requirements for publishing a notice for the special land use, the public hearing has been scheduled for the September 24, 2020 Planning Commission meeting.

Request

The applicant is requesting site plan with special land use approval to add drive-through service for an existing coffee shop, Biggby Coffee at 11325 Highland Road.

The applicant has stated on the proposed site plan that the coffee shop has less than six (6) tables or booths, which becomes relevant when reviewing parking requirements in Section 5.8.4.H. of the Zoning Ordinance.

The proposed plan indicates several modifications to the existing parking layout, vehicular circulation as related to the drive-through window, the addition of the service window on the west elevation of the building, and minor changes to the landscaping.

Currently fifty-nine (59) parking spaces are provided on-site, which includes four (4) barrier-free parking spaces; with two (2) barrier-free spaces are on the west side of the building and two (2) barrier-free parking spaces are on the south (front) side of the building. It appears one (1) additional parking space was installed at some point in time, in the northern row of parking, on the north side of the property. This is an increase of one (1) parking space from the plans previously approved under SP #400 and SP #494; thus, there are fifty-nine (59) parking spaces currently.

Per the proposed plan, the drive-through lane and stacking spaces are shown on the north (rear) and west sides of the building, which end at the drive-through window (near the southwest corner of the building). The ordering station and menu board are at the northwest corner of the building in a landscape area. Ten (10) stacking spaces are shown, with seven (7) stacking spaces shown before the ordering station. A bypass lane is provided adjacent to the drive-through lane and stacking spaces on the north side of the building.

Five (5) existing parking spaces on the west side of the building are to be eliminated in order to accommodate the proposed drive-through lane/stacking spaces associated with the drive-through service option. Additionally, the existing endcap/landscaped island at the southwest corner of the building is modified to accommodate the drive-through lane. As a result, one (1) existing canopy tree is to be relocated in a landscaped area on the west side of the parking lot.

Two (2) new barrier-free parking spaces and an eight (8) foot wide van accessible access aisle are shown in the row of parking along the south side of the front parking area. Staff should note that barrier-free parking spaces are required to be in a location that is most accessible to the building entrance, thus the

two (2) proposed barrier-free parking spaces and van-accessible aisle should be relocated to meet this requirement.

Based on the proposed plan, a total of fifty-three (53) parking spaces are provided and 50 parking spaces are required, for the existing and proposed use categories (retail plus carry-out restaurant with less than six (6) tables or booths). Parking calculations are reviewed in a separate section in this memorandum.

The drive-through service window will be installed on the west side of the building and elevations drawings are provided.

New exterior lighting on the building or elsewhere on the site is not proposed.

The hours of operation of Biggby Coffee are Monday through Friday, from 6:00 a.m. to 7:00 p.m.; and Saturday and Sunday from 7:00 a.m. to 7:00 p.m.

Approval Procedure

The proposed use, restaurant with drive-in or drive-through service, requires approval from the Township Board for the special land use. The Planning Commission will review the special land use and make a recommendation to the Township Board.

The project also requires the site plan to be reviewed by the Planning Commission who will make a final decision on the site plan. The plans will be reviewed using the development standards of the GC-General Commercial zoning district (Section 3.1.14.), standards associated with fast-food and drive-through restaurants (Section 4.28), and all applicable zoning standards in the Zoning Ordinance.

SPECIAL LAND USE REVIEW – General Standards

In accordance with Section 6.6, Special Uses, of the Hartland Township Zoning Ordinance, the following standards shall serve the Planning Commission and Township Board as the basis for decisions involving such uses. The standards are provided below, and the applicant has submitted a letter, as a separate attachment, which addresses the special use criteria.

- A. Be harmonious and in accordance with the objectives, intent, and purposes of this Ordinance.
- B. Be compatible with the natural environment and existing and future land uses in the vicinity.
- C. Be compatible with the Hartland Township Comprehensive Plan.
- D. Be served adequately by essential facilities and public services, such as highways, streets, police and fire protection, drainage ways and structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such service.
- E. Not be detrimental, hazardous, or disturbing to the existing or future neighboring uses, person, property, or the public welfare.
- F. Not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

The Planning Department believes the proposed use can and will meet the criteria listed above for the special land use request. The applicant has provided responses to the Special Land Use general standards as an attachment. The applicant will be responsible for all applicable approvals and permits from other agencies and departments for the proposed use.

SPECIAL LAND USE REVIEW – Applicable Site Standards

In addition to a finding by the Planning Commission and Township Board that the criteria above have been satisfied, the Use Standards of Section 4.28, Fast-food and Drive-through restaurants, apply. Those standards are listed below, followed by staff's findings on each standard.

Fast-food and Drive-through Restaurants (Section 4.28)

1. Minimum Frontage. The site shall have a minimum of two hundred (200) feet of frontage on a paved major thoroughfare unless accessed via a service drive or marginal access road.

The subject site complies with this standard, having approximately 332 feet of frontage on Highland Road.

2. Location of driveways. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets (measured from the nearest right-of-way line). The use of secondary access drives in accordance with Section 5.10.2 is required.

The subject site complies with this standard.

3. Control of Sound Level. Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.

The proposed ordering station is approximately 170 feet from the north property line of the subject site, and several lots within the Heritage Meadows of Hartland condominium residential development. A conifer and deciduous tree screen is in place along the north property line of the subject site which should provide buffering of the sound from the ordering station.

4. Stacking space and lanes shall be provided as specified in Section 5.8, Off-Street Parking Requirements. Additionally, the site design must allow for unimpeded circulation around the building outside of the drive-through lanes.

The proposed plan shows the required number of stacking spaces -10 stacking spaces are required, five (5) of which must be in advance of the ordering station. A by-pass lane is provided north of the stacking lane. The drive aisle width in the parking lot west of the stacking lane is adequate (24 feet wide), and circulation is not impeded around the building.

SITE PLAN REVIEW – Applicable Site Standards

The applicable site standards include those standards related to the proposed use, restaurant with drive-in or drive-through service, as outlined in Section 3.1.14 (GC-General Commercial); Section 4.28 of the Zoning Ordinance, as discussed above; and all applicable zoning standards in the Zoning Ordinance.

In this case the applicant intends to establish a drive-through service for an existing restaurant (Biggby Coffee), and the business occupies the end tenant space of Hartland Pointe Plaza. Site modifications to the parking lot are proposed to accommodate the drive-through service. The relocation of a canopy tree is also proposed. A complete review of the landscaping is not required at this time. Review of the GC standards is not applicable, but a review of the parking standards for the drive-through service and the subject site are provided.

Off-Street Parking (Sec. 5.8, parking standards for retail store; plus carry-out restaurant or delicatessen with less than six tables or booths, with drive-through window)

- Required –
Retail store: 1 space per 300 sq. ft. gross floor area

EQUATES TO: 40 spaces (Retail A: 5,000 sq. ft. + Retail B: 6,950 sq. ft. = 11,950 sq. ft; 11,950 sq. ft. ÷ 300= 40 parking spaces)

Carry-out restaurant (Biggby Coffee with less than 6 tables or booths): 6 spaces +1 space per employee at peak shift (4 employees); fast-food restaurant with drive-through window: 10 stacking spaces, 5 of which must be in advance of order station and which do not conflict with access to required parking spaces per order pick up station

EQUATES TO: 10 parking spaces + 10 stacking spaces

TOTAL PARKING REQUIRED = 50 parking spaces (40 spaces for retail; + 10 spaces for carry-out use) + 10 stacking spaces

- Proposed parking – 53 parking spaces + 10 stacking spaces; and includes 4 barrier- free parking spaces (2 spaces are van accessible)
- Meets Requirement? –Yes
- Comment – (none)

Barrier-Free Parking (Per ADA guidelines)

- Required – 4 barrier-free spaces in a location most accessible to the building entrance, with at least 1 space van-accessible
- Proposed – 4 spaces total, with 2 van-accessible, and 2 other barrier-free spaces; 2 spaces located near the entrance; 2 (proposed) van accessible spaces not located near the building entrance
- Meets Requirement? – No
- Comments – **All barrier-free parking spaces are required to be in a location that is most accessible to the building entrance. The site plan should be modified to meet this requirement, as part of the construction set of plans.**

Other Requirements-Zoning Ordinance Standards

Nothing additional at this time.

Hartland Township DPW Review

No comments at this time.

Hartland Township Engineer's Review (HRC)

The Township Engineer reviewed the project and has no concerns at this time.

Hartland Deerfield Fire Authority Review

The plans were reviewed by the Hartland Deerfield Fire Authority who has no concerns at this time.

Attachments:

1. Applicant's Letter dated September 16, 2020 – PDF version only
2. Proposed Site Plan dated July 17, 2020
3. Biggby Building Elevations dated September 2, 2020 – PDF version only
4. SP #494 Approved Site Plans dated November 17, 2010 (Hartland Pointe Plaza) – PDF version only

September 16, 2020

RE: Hartland Township Zoning Ordinance for Special Use Permit – Biggby Coffee

In response to your request for responses to the Special Land Use criteria (Section 6.6, under “5. Required Standards and Findings”) I provide the following:

- A) A drive-thru addition is harmonious and in accordance with the objectives, intent, and purposes of this Ordinance.
- B) A drive-thru addition is compatible with the natural environment and existing and future land uses in the vicinity. There are multiple drive-thru permits found within a half mile radius (KFC, Dunkin’, Mugg & Bopps, Culver’s and Tim Hortons just to list a few).
- C) A drive-thru addition is compatible with the Hartland Township Comprehensive Plan as they have clearly approved many previous to this request.
- D) The drive-thru addition will have no additional impact on essential public facilities and services.
- E) The drive-thru addition will as designed, not be detrimental, hazardous, or disturbing to the existing or future neighboring uses, person, property or the public welfare. The site has adequate area and traffic flow to safely add a drive-thru and requires no additional curb cuts, does not impact the walkability of the site or public ways.
- F) The drive-thru addition does not create additional requirements at public cost for public facilities and services. All modifications to allow for the drive-thru addition are on site and at the expense of the applicant/landowner.

Kent Kildea, Applicant

M-59 East of US-23
Hartland Twp. Michigan

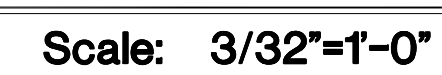
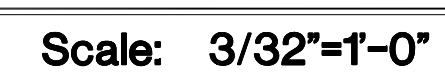
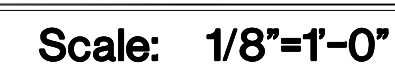


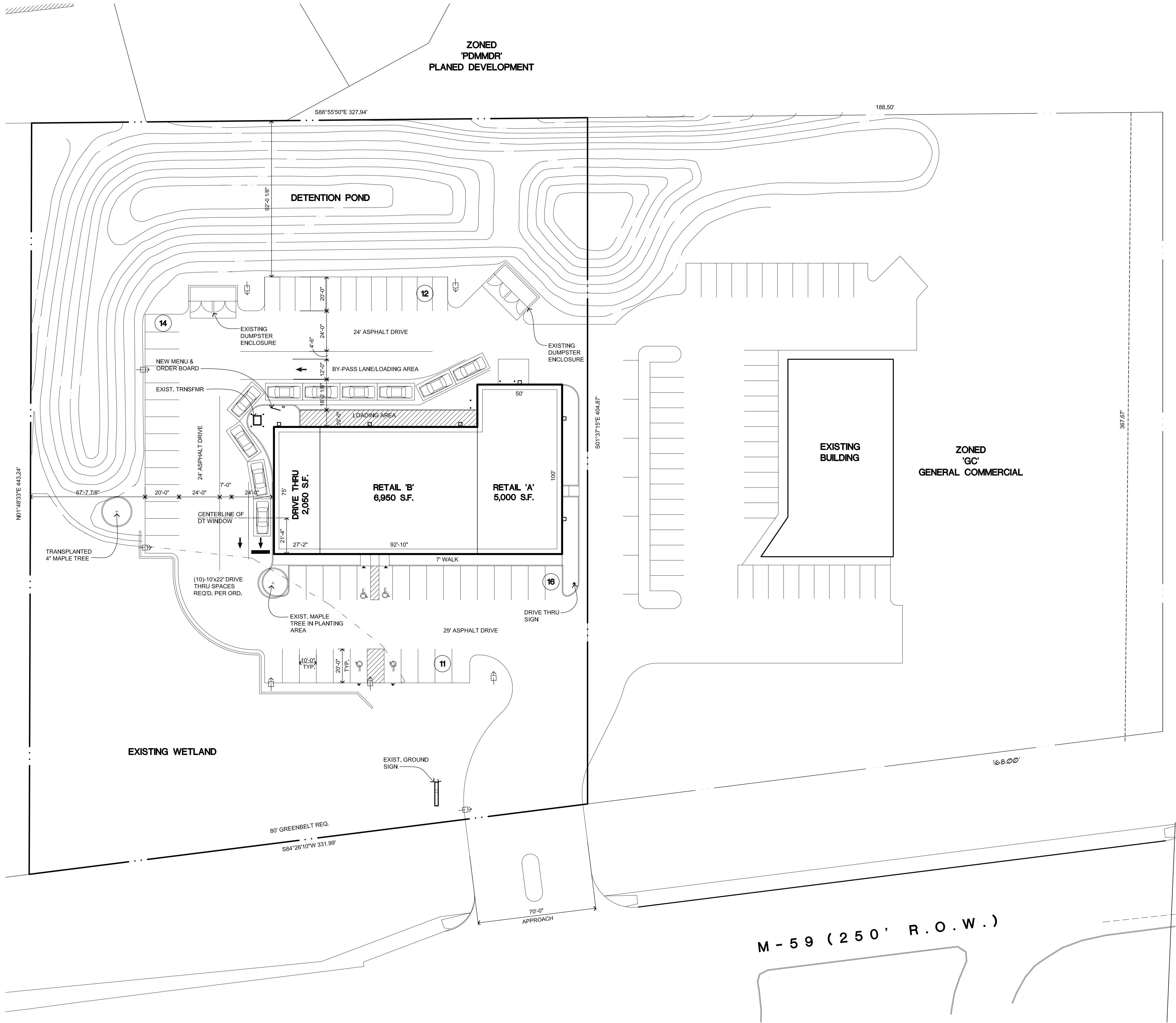
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file number: 04043

sheet:

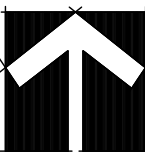
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LAND / BUILDING / PARKING DATA :

ZONING :	'GC' GENERAL COMMERCIAL
LAND AREA :	3.199 ACRES
BUILDING AREA :	
EXISTING COMMERCIAL CENTER :	14,000 S.F.
RETAIL 'A' :	5,000 S.F.
RETAIL 'B' :	6,950 S.F.
COFFEE DRIVE THRU :	2,050 S.F.
TOTAL BUILDING AREA:	14,000 S.F.
PARKING REQUIRED:	
RETAIL :	40 SPACES
1 SPACE / 300 GFA	
11,950 / 300 = 40 SPACES	
TAKE-OUT/DRIVE THRU:	10 SPACES
(MUST HAVE LESS THAN 6 TABLES AND/OR BOOTHS)	
6 SPACES + 1 / EMPLOYEE (4 EMPLOYEES)	
PLUS (10) 10'x22' DRIVE THRU SPACES	
TOTAL PARKING REQUIRED:	50 SPACES
TOTAL PARKING PROVIDED :	53 SPACES
(10) STACKING SPACES PROVIDED	(3.78 SPACES/1000 S.F.)



SITE PLAN

SCALE: 1"=30'-0"

issued for:

OWNER REVIEW: 23 APR. 2020
OWNER REVIEW: 27 APR. 2020
OWNER REVIEW: 07 JUL. 2020
OWNER REVIEW: 17 JUL. 2020

project:

Proposed Drive Thru
Hartland Pointe Plaza

M-59 East of US-23
Hartland Twp., Michigan



32500 TELEGRAPH ROAD
SUITE 250
BINGHAM FARMS, MICHIGAN
48025-2404

PH 248.540.7700 FX 248.540.2710
www.rogvoy.com

drawing:

Conceptual
Site Plan

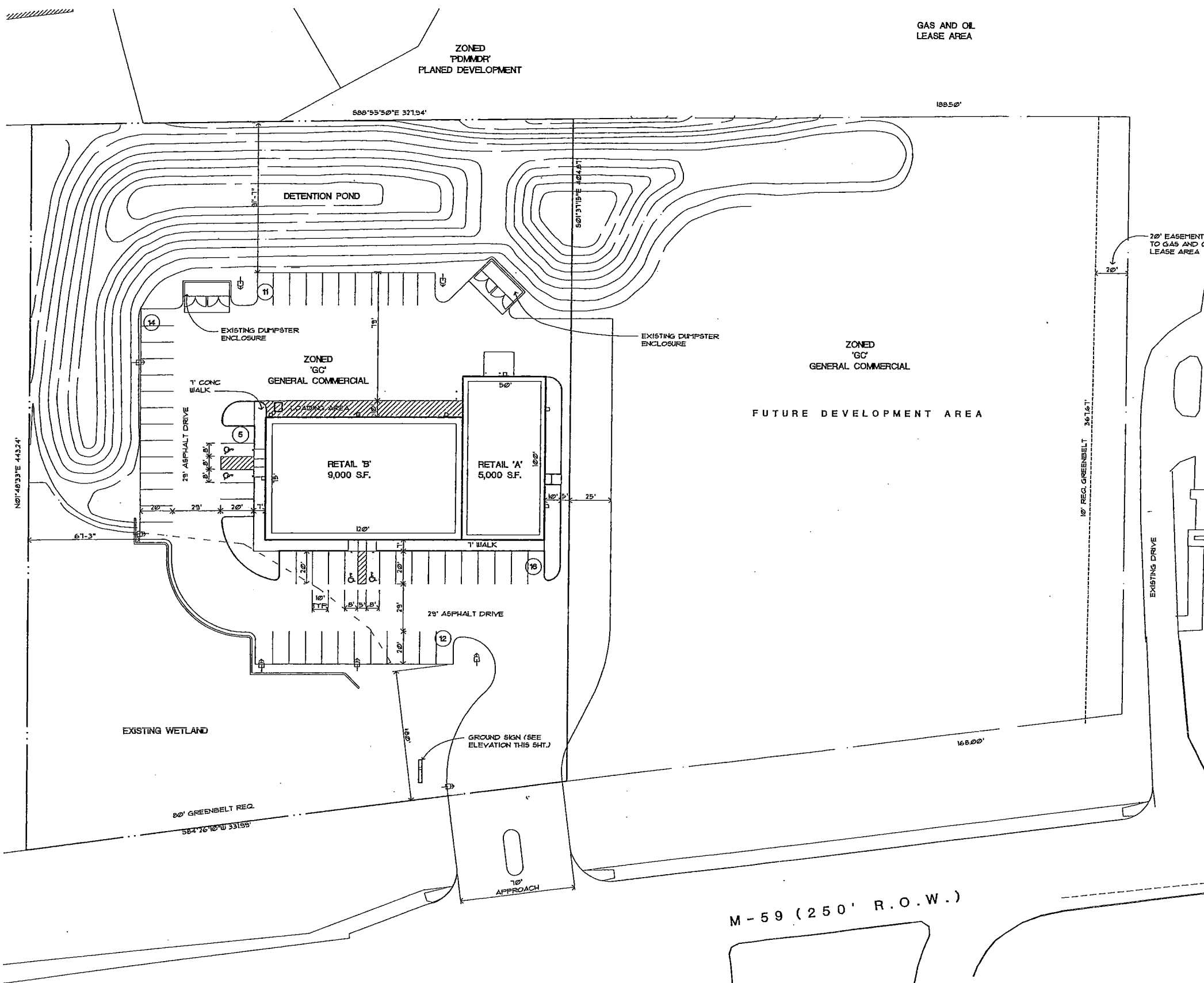
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issue date:
drawn: KL
checked: MD
approved: MD

file number: 04043

sheet:

SP-1



CONCEPTUAL
SITE PLAN

SCALE: 1" = 30'-0"

M-59 (250' R.O.W.)

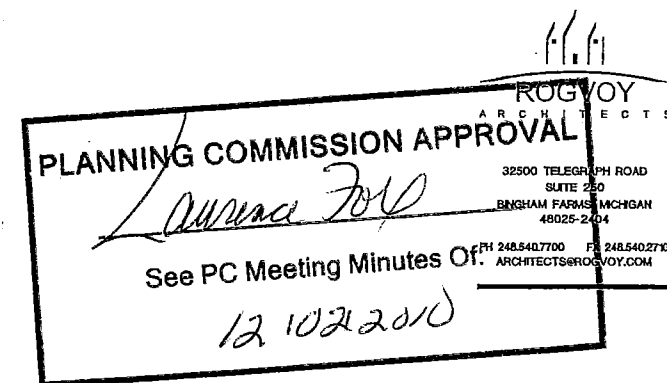
SP 494

issued for:

SPA RE-SUBMITTAL	17 APR. 08
GROUND SIGN REVISED	21 JUL. 08
GROUND SIGN REVISED	4 MAY. 09
GROUND SIGN REVISED	20 MAY. 09
11 NOV. 09	

project:

PROPOSED
Hartland Pointe Plaza
Hartland, MI



LAND / BUILDING / PARKING DATA:

LAND AREA :	3.199 ACRES
BUILDING AREA :	
RETAIL 'A' (PAINT STORE)	5,000 S.F.
RETAIL 'B'	9,000 S.F.
TOTAL BUILDING AREA:	14,000 S.F.
PARKING REQUIRED :	
RETAIL 'A' (PAINT STORE) (1 SPACE / 300 S.F. OF G.F.A.)	11 SPACES
RETAIL 'B' (1 SPACE / 300 S.F. OF G.F.A.)	30 SPACES
TOTAL PARKING REQUIRED:	41 SPACES
PARKING PROVIDED:	58 SPACES

drawing:

Conceptual
Site Plan &
Details

DO NOT SCALE DRAWING

Issue date: 21 Aug. 08
drawn: C.B.
checked: M.D.
approved: M.D.

file number: 04043

sheet

SPA-1.0
04043 SITE 10-117

Hartland Township Planning Commission Meeting Agenda Memorandum

Submitted By: Troy Langer, Planning Director

Subject: Digital Menu Boards

Date: September 16, 2020

Recommended Action

Move to initiate Ordinance Amendment to permit digital LED signs, as outlined in this memorandum.

Discussion

The Planning Department has been contacted by representatives of McDonald's restaurant regarding the use of outdoor digital menu boards in Hartland Township. Although the request is specifically for the McDonald's restaurant at 10600 Highland Road, the request to modify the ordinance is much broader and could potentially apply to all businesses that have a drive-through lane and menu board.

Various materials and informational brochures have been provided regarding outdoor digital menu boards for restaurants, and examples of ordinances from other jurisdictions that address digital menu boards.

The Site Plan Review Committee and Planning staff met with the McDonald's team in an informal meeting held in May 2019. At that meeting electronic signs were discussed in general as well as some of the specifics of the digital menu boards as proposed by McDonald's. Per the McDonald team, existing manual changeable copy menu boards for the McDonald's restaurants are becoming outdated and are challenging to repair or replace this type of sign. They further commented that the trend in the fast-food restaurant industry is to replace existing manual menu boards with digital menu boards that are easily maintained, typically are smaller in size, and provide a cleaner look.

The informational brochure provided photographs of existing manual changeable copy menu boards and the proposed digital menu boards at restaurants. Technical information was included in the brochure for existing and proposed menu boards regarding sign sizes, lighting, and maintenance.

Also, examples of ordinances from several jurisdictions that permit digital menu boards have been provided. Those municipalities recently amended their ordinances to provide standards for digital signs, including outdoor digital menu boards for restaurants with drive-through service.

The Site Plan Review Committee expressed interest in the proposed digital menu boards; however, the current sign standards in the Code of Ordinances (Section 5.26-Signs) prohibit electronic signs. Based on the information presented at the informal meeting, the proposed outdoor digital menu board would be considered an electronic sign, and thus not permitted at this time. The Committee further explained that an amendment to the zoning ordinance would be required to permit digital menu board signs.

The purpose of this memorandum is to present this information to the Planning Commission for their review, to see if there is an interest in initiating a zoning amendment to permit digital menu boards, specifically for restaurants with drive-through service. Staff has summarized some of the topics to be considered when drafting standards for a digital menu board.

Sign size

Per the sign examples provided by McDonalds, the digital menu board is approximately twenty (20) square feet for the display area.

As a point of reference, the current sign ordinance allows up to two (2) menu boards each no greater than thirty-two (32) square feet in total area, and seven (7) feet in height, for an approved drive-through service.

Sign Location

Some of the sample ordinances from other jurisdictions have placed restrictions on the location of a digital menu board, so that the sign is located at the rear of the building and thus is screened from the general public, or from the street. Additional screening could be considered as deemed necessary, to minimize impacts, such as where a site has frontage on two (2) streets and two (2) front yards.

Brightness of the sign

The lumen output in a digital sign can be adjusted from within the store per the information presented by McDonald's. Additionally, ambient light sensors adjust to daylight thus reducing glare and preventing excessive light output.

Frequency of menu display changes

Limitations could be provided on the number of times the menu changes on the digital menu board. In the case of McDonald's, the digital menu board changes three (3) times a day (breakfast, lunch, and dinner). Restrictions could also be provided to prohibit the display of animated messages, or messages that blink, scroll, flash, fade, or have any other effect that gives the appearance of movement.

Additional standards and/or concerns could be considered as part of the discussion on digital menu boards. At this time, the Planning Department is presenting the information received thus far and is looking for direction from the Planning Commission as how to proceed. A formal recommendation is not provided at this time.

Attachments

1. Letter from Michelle Freeman, dated August 27, 2019 with Sample Sign Ordinances -PDF version only
2. McDonald's Outdoor Digital Menu Board Informational Brochure-PDF version only
3. Fishers Indiana Ordinance-PDF version only
4. Glenview Illinois Ordinance-PDF version only
5. Highland Park Illinois Ordinance-PDF version only
6. Leawood Kansas Ordinance-PDF version only
7. Lincolnshire Illinois Ordinance-PDF version only
8. New Baltimore Michigan Ordinance-PDF version only
9. Draft Ordinance-PDF version only

T:\PLANNING DEPARTMENT\PLANNING COMMISSION\2020 Planning Commission Activity\Ordinance Amendments\Digital menu boards\Staff reports\Staff report to PC 09.16.2020.docx



August 27, 2019

Todd Langer, Planning Director
Hartland Township
2655 Clark Road
Hartland, MI 48353

RE: McDonald's Drive-thru Project – Digital Signage Ordinance Examples

Hi Todd,

I wanted to follow up with you regarding the McDonald's drive-thru sign project discussions previously held. As you know, the project scope is to replace existing "manual-changeable copy" menu boards with "electronic changeable copy" menu boards, in all McDonald's store drive-thru lanes.

Digital menu boards and pre-browse (pre-sales) are a growing trend in the fast food restaurant industry. They are more easily maintained and more attractive than traditional, manual change copy of three sided signs that do not handle the modern fast food menu well. In most cases, the signs being proposed are in the rear of the building and are fully screened from the general public. The old menu boards are being eliminated and owner/operator will soon not be able to replace them (in their entirety or order replacement parts, bulbs, etc).

I understand your township planning commission is considering a proposal for a code text amendment. I've included some examples of sign code language changes recently made by a few different municipalities. I've also included a presentation copy that provides additional details of the proposed signage.

If you have any questions, please feel free to contact me.

Thank you,

Michelle Freeman

Michelle Freeman
Senior Project Manager/Permit Specialist
O: 708.876.1249
C: 708.910.4895

- with a maximum size of the two signs combined being 10% of the tenant portion of either street facing façade, not both, or 80 square feet, whichever is smaller.
- iii. Where several tenants share a common entrance in a multi-tenant structure, only one (1) wall sign shall be permitted, with the total permitted sign area being allocated among the tenants.
2. *Ground / Monument Signs.*
 - i. If a lot or parcel has more than one tenant, one (1) ground sign to be shared by tenants shall be permitted in addition to one (1) wall sign per each tenant having an individual means of public access.
 - ii. A ten (10) percent increase in the maximum permitted monument sign area is permitted if extensive landscaping and a decorative brick base consistent with the materials of the principal building are provided.
 3. *Awnings and canopies.*
 - i. Awnings or canopies may project a maximum of six (6) feet into the public right-of-way. In no case shall the awning or canopy be less than three (3) feet from any street curb line.
 - ii. Any lettering or logos on the awning or canopy shall be included within the calculation of total permitted wall sign area.
 - iii. Awnings and canopies shall not be illuminated or backlit. However, building mounted lighting may illuminate the area above or below the awning or canopy.
 4. *Poster panel signs (i.e. sandwich signs, A-frame signs).* Poster panel signs, including sandwich signs and "A" frame signs, shall be permitted subject to the following:
 - i. The sign shall be located so that at least a five (5) foot wide sidewalk is maintained between the sign and the building wall for pedestrian traffic flow, safety and to maintain ADA compliance.
 - ii. The sign is permitted only during operating business hours and must be stored inside when the business is not open.
 - iii. The sign shall be kept neatly painted, printed, stained, sealed, protected or preserved including all metal parts and supports.
 - iv. All portable signs shall be constructed and maintained by the owner in such a manner and of such materials so that they withstand typical environmental conditions.
 5. *Projecting signs.* Projecting signs are permitted subject to the following:
 - i. Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign. Use of glaring undiffused lights or bulbs shall be prohibited.
 - ii. Projecting signs may project a maximum of four (4) feet into the public right-of-way. In no case, shall the projecting sign be less than three (3) feet from any street curb line.
 6. *Menu Board signs.*
 - i. Restaurants with drive-through service may have up to two (2) menu board signs for each drive-through lane.
 - ii. The maximum height for such signs shall be eight (8) feet and the total area allowed for each drive-through lane shall not exceed forty (40) square feet.
 - iii. Where such signs are not visible from a public street, they may include electronic changeable messages; however, such messages shall not blink, flash or contain videos or movements. Furthermore, the illumination of such signs shall be shaded, shielded, directed or screened such that the light intensity or brightness will not be objectionable to adjacent properties.
 - iv. A sign permit shall be required.

1480.07 LEGAL NONCONFORMING SIGNS.

MEMORANDUM



TO: Mayor and City Council
City Administrator

FROM: Sara Copeland, AICP, Community Development Director

DATE: January 2, 2019

RE: Sign Ordinance Amendments

The City's sign regulations are contained in Chapter 15.44 of the Municipal Code. Similar to the Zoning Ordinance, the sign ordinance divides the city into Sign Districts and establishes requirements for each sign type allowed in each sign district. The Sign Ordinance refers to the drive-thru menu board signage using the sign type "Reader Board," defined as "A sign designed in conjunction with drive-in services to give information relative to the business where it is located and which information may change frequently."

Staff has recently encountered some difficulties with the sign regulations related specifically to drive-thru signage, with franchise restaurants proposing signs that do not conform with our regulations. Franchise restaurants are constantly working to improve their operations and drive-through operations make up a significant portion of their revenue. Signage is an area in which the City's regulations are not keeping up with changes in sign technology and design.

Staff recently discussed possible amendments for reader board signs with the Planning Commission. Based on their feedback, the proposed amendments make changes to related to these issues:

- **Drive-Thru restaurants are requesting more reader board signs.** These businesses are increasingly interested in erecting "pre-order" signs to provide information to customers prior to their stop at the ordering point, where the main reader board sign is located. The existing regulations do not allow pre-order signs.
- **The cumulative 50 square feet does not provide much flexibility for corporate sign design.** Currently, McDonalds is the only location with a CUP for additional reader board square footage (something allowed only in the Armour Road sign district). Ordinance 8822, approved in 2015, allowed two reader board signs of 31.23 square feet each, a cumulative total of 62.46 square feet. Franchise establishments are often

provided with a corporate design with rigid specifications. If the City were to allow pre-order signs, the cumulative 50 square feet may become even more challenging to meet.

- **The 30 foot setback is challenging on narrow or irregularly shaped lots.** Burger King has submitted a site plan with reader boards as close as 21 feet to the property line. Due to the size and shape of their new location, they will be unable to meet this setback requirement.
- **Digital signage is proliferating.** Fast food restaurants are starting to install fully digital reader board signs. Fully digital screens don't comply with the existing limit on digital signs of only 25 percent of the sign area, and stores with more than one ordering point would conflict with the one digital sign per lot limitation.

The purpose of the sign ordinance is to preserve the character of the city, enhance the visual quality of the community, ensure safety, provide for effective communication by businesses, minimize adverse effects of signs, and limit sign clutter. Staff is concerned that our existing regulations are creating a barrier to effective communication by businesses without offsetting benefits for city character or visual quality. The Planning Commission felt making changes to address these issues was reasonable and so staff presents these amendments to the City Council for consideration.

The proposed amendments are located in two main portions of the Sign Ordinance. The amendments specific to Reader Board are proposed in each sign district allowing reader board signage: the Armour Road, Downtown Business, General Business, Manufacturing, South Burlington, and Redevelopment Area districts. Currently, the Armour Road sign district allows for sign area exceptions pursuant to a Conditional Use Permit. The proposed amendments remove this exception. The text below illustrates the proposed changes, with **additions in bold underline** and deletions in ~~strikethrough~~.

Sign Type	Allowances
Reader Board	<u>No more than 2</u> ± reader board signs <u>may be erected at</u> for each drive-in service location.
	Sign area shall not exceed more than 3250 square feet <u>per sign</u> cumulative among all signs. For parcels with more than one drive-in service location, exceptions to the maximum sign area may be approved through a Conditional Use Permit, approved pursuant to the procedural requirements of section 17.96.020 of the Zoning Ordinance. [Note: this exception is contained in the Armour Road sign district only.]
	<u>The sign area of each reader board sign may be 100 percent digital. Digital reader boards signs shall comply with all other requirements of Section 15.44.300.D.</u>
	No sign shall be more than 7 feet high.
	Free-standing reader board signs shall be set back at least 20 30 feet from any property line.
	Reader board signs mounted on a building shall follow any applicable building setback.

The ordinance also proposes amendments to Subsection 15.44.300.D, which contains regulations for all digital signs citywide. Amendments in this subsection are solely to allow for digital reader board signs in addition to one other sign that may not have more than 25 percent of its area as a digital sign. The text below illustrates the proposed changes, with **additions in bold underline** and ~~deletions in strikethrough~~.

15.44.300.D. Digital Signs

1. Digital signs are allowed in all sign districts except the residential sign district. In residential sign districts, digital signs are only allowed for permitted institutional uses (i.e., church or school).
2. No lot may have more than one digital sign **in addition to any digital reader board signs.**
3. Digital signs shall not exceed twenty-five (25) percent of the total sign area allowance for the selected sign type (i.e., twenty-five (25) percent of the total allowance for wall signs, or ground signs), ~~except that~~ **with the exception of** off-premise signs in the manufacturing sign district, ~~that~~ **may allocate up to six hundred seventy-two (672) square feet for digital signs, and reader board signs.**
4. Sign messages shall remain static for at least eight seconds and take no longer than two seconds to change to a new display.
5. Signs shall not include:
 - a. Audio messages, tones or music.
 - b. Display animated messages, including flashing, blinking, fading, scrolling, shading, dissolving, or any other effect that gives the appearance of movement.
 - c. Exception. Any digital sign less than twelve (12) square feet may be used for single color scrolling messages.
6. Brightness. Signs shall utilize automatic dimming technology to adjust the brightness of the sign relative to ambient light so that at no time shall a sign exceed a brightness level of three-tenths footcandle above ambient light, as measured using a footcandle (lux) meter. An ambient light measurement shall be taken using a footcandle meter at some point between the period of time between thirty (30) minutes past sunset and thirty (30) minutes before sunrise with the sign turned off to a black screen. An operating sign light measurement shall be taken with the sign turned on to full white copy. The difference between the ambient light measurement and the operating sign light measurement is three-tenths footcandle or less.
7. Default Mechanism. Signs shall contain a default mechanism that will cause the sign to turn off or display a black screen if the sign malfunctions.

AN ORDINANCE AMENDING CHAPTER 15.44, “SIGNS, BILLBOARDS, AWNINGS AND STREET CLOCKS” OF THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI REGARDING READER BOARD SIGNS.

WHEREAS, the City of North Kansas City, Missouri (the “City”) is a body corporate, a third class city and political subdivision of the State of Missouri, duly created, organized and validly existing under and by virtue of the Constitution and laws of the State of Missouri; and

WHEREAS, the City regulates signage for the purposes of preserving the unique character of the City, enhancing the visual quality of the community, promoting economic viability, providing for effective communication for businesses, protecting property values, and promoting civic beauty; and

WHEREAS, the City’s Sign Ordinance defines Reader Board/Drive-Through signs as a distinct sign type; and

WHEREAS, the City desires to amend its existing code to clarify regulations regarding Reader Board signs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH KANSAS CITY, MISSOURI, AS FOLLOWS:

Section 1. Section 15.44.210, “Armour Road District,” of THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI is hereby amended at Table 15-2, “Armour Road District Sign Allowances”, by amending subparts thereof entitled “Reader Board,” which subparts shall hereafter read as follows:

Sign Type	Allowances
Reader Board	No more than 2 reader board signs may be erected at each drive-in service location.
	Sign area shall not exceed more than 32 square feet per sign.
	The sign area of each reader board sign may be 100 percent digital. Digital reader boards signs shall comply with all other requirements of Section 15.44.300.D.
	No sign shall be more than 7 feet high.
	Free-standing reader board signs shall be set back at least 20 feet from any property line.
	Reader board signs mounted on a building shall follow any applicable building setback.

Other than as specifically set forth hereinabove, § 15.44.210 and Table 15-2, “Armour Road District Sign Allowances,” shall be unaffected by this amendment and shall remain in full force and effect.

Section 2. Section 15.44.220, “Downtown Business District,” of THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI is hereby amended at Table 15-3, “Downtown Business District Sign Allowances”, by amending subparts thereof entitled “Reader Board,” which subparts shall hereafter read as follows:

Sign Type	Allowances
Reader Board	No more than 2 reader board signs may be erected at each drive-in service location.
	Sign area shall not exceed more than 32 square feet per sign.
	The sign area of each reader board sign may be 100 percent digital. Digital reader boards signs shall comply with all other requirements of Section 15.44.300.D.
	No sign shall be more than 7 feet high.
	Free-standing reader board signs shall be set back at least 20 feet from any property line.
	Reader board signs mounted on a building shall follow any applicable building setback.

Other than as specifically set forth hereinabove, § 15.44.220 and Table 15-3, “Downtown Business District Sign Allowances,” shall be unaffected by this amendment and shall remain in full force and effect.

Section 3. Section 15.44.230, “General Business District,” of THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI is hereby amended at Table 15-4, “General Business District Sign Allowances”, by amending subparts thereof entitled “Reader Board,” which subparts shall hereafter read as follows:

Sign Type	Allowances
Reader Board	No more than 2 reader board signs may be erected at each drive-in service location.
	Sign area shall not exceed more than 32 square feet per sign.
	The sign area of each reader board sign may be 100 percent digital. Digital reader boards signs shall comply with all other requirements of Section 15.44.300.D.
	No sign shall be more than 7 feet high.
	Free-standing reader board signs shall be set back at least 20 feet from any property line.
	Reader board signs mounted on a building shall follow any applicable building setback.

Other than as specifically set forth hereinabove, § 15.44.230 and Table 15-4, “General Business District Sign Allowances,” shall be unaffected by this amendment and shall remain in full force and effect.

Section 4. Section 15.44.240, “Manufacturing District,” of THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI is hereby amended at Table 15-5, “Manufacturing District Sign Allowances”, by amending subparts thereof entitled “Reader Board,” which subparts shall hereafter read as follows:

Sign Type	Allowances
Reader Board	No more than 2 reader board signs may be erected at each drive-in service location.
	Sign area shall not exceed more than 32 square feet per sign.
	The sign area of each reader board sign may be 100 percent digital. Digital reader boards signs shall comply with all other requirements of Section 15.44.300.D.
	No sign shall be more than 7 feet high.
	Free-standing reader board signs shall be set back at least 20 feet from any property line.
	Reader board signs mounted on a building shall follow any applicable building setback.

Other than as specifically set forth hereinabove, § 15.44.240 and Table 15-5, “Manufacturing District Sign Allowances,” shall be unaffected by this amendment and shall remain in full force and effect.

Section 5. Section 15.44.250, “South Burlington Corridor District,” of THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI is hereby amended at Table 15-6, “South Burlington Corridor District Sign Allowances”, by amending subparts thereof entitled “Reader Board,” which subparts shall hereafter read as follows:

Sign Type	Allowances
Reader Board	No more than 2 reader board signs may be erected at each drive-in service location.
	Sign area shall not exceed more than 32 square feet per sign.
	The sign area of each reader board sign may be 100 percent digital. Digital reader boards signs shall comply with all other requirements of Section 15.44.300.D.
	No sign shall be more than 7 feet high.
	Free-standing reader board signs shall be set back at least 20 feet from any property line.
	Reader board signs mounted on a building shall follow any applicable building setback.

Other than as specifically set forth hereinabove, § 15.44.250 and Table 15-6, “South Burlington Corridor District Sign Allowances,” shall be unaffected by this amendment and shall remain in full force and effect.

Section 6. Section 15.44.257, “Redevelopment Area District,” of THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI is hereby amended at Table 15-8, “Redevelopment Area

District Sign Allowances”, by amending subparts thereof entitled “Reader Board,” which subparts shall hereafter read as follows:

Sign Type	Allowances
Reader Board	No more than 2 reader board signs may be erected at each drive-in service location.
	Sign area shall not exceed more than 32 square feet per sign.
	The sign area of each reader board sign may be 100 percent digital. Digital reader boards signs shall comply with all other requirements of Section 15.44.300.D.
	No sign shall be more than 7 feet high.
	Free-standing reader board signs shall be set back at least 20 feet from any property line.
	Reader board signs mounted on a building shall follow any applicable building setback.

Other than as specifically set forth hereinabove, § 15.44.257 and Table 15-8, “Redevelopment Area District Sign Allowances,” shall be unaffected by this amendment and shall remain in full force and effect.

Section 7. Subsection 15.44.300.D, “Digital Signs,” of THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI is hereby repealed in its entirety and enacted in lieu thereof is a new Subsection 15.44.300.D, “Digital Signs,” which shall hereafter read as follows:

15.44.300 Standards Applicable to All Signs

D. Digital Signs.

1. Digital signs are allowed in all sign districts except the residential sign district. In residential sign districts, digital signs are only allowed for permitted institutional uses (i.e., church or school).

2. No lot may have more than one digital sign in addition to any digital reader board signs.

3. Digital signs shall not exceed twenty-five (25) percent of the total sign area allowance for the selected sign type (i.e., twenty-five (25) percent of the total allowance for wall signs, or ground signs), with the exception of off-premise signs in the manufacturing sign district, that may allocate up to six hundred seventy-two (672) square feet for digital signs, and reader board signs.

4. Sign messages shall remain static for at least eight seconds and take no longer than two seconds to change to a new display.

5. Signs shall not include:

a. Audio messages, tones or music.

b. Display animated messages, including flashing, blinking, fading, scrolling, shading, dissolving, or any other effect that gives the appearance of movement.

c. Exception. Any digital sign less than twelve (12) square feet may be used for single color scrolling messages.

6. Brightness. Signs shall utilize automatic dimming technology to adjust the brightness of the sign relative to ambient light so that at no time shall a sign exceed a brightness level of three-tenths footcandle above ambient light, as measured using a footcandle (lux) meter. An ambient light measurement shall be taken using a footcandle meter at some point between the period of time between thirty (30) minutes past sunset and thirty (30) minutes before sunrise with the sign turned off to a black screen. An operating sign light measurement shall be taken with the sign turned on to full white copy. The difference between the ambient light measurement and the operating sign light measurement is three-tenths footcandle or less.

7. Default Mechanism. Signs shall contain a default mechanism that will cause the sign to turn off or display a black screen if the sign malfunctions.

Section 8. Severability. The sections, paragraphs, sentences, clauses and phrases of this ordinance shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds the valid portions of this ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 9. Governing Law. This ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

Section 10. Effective Date. This ordinance shall be in full force and effect from and after its passage by the City Council and approval by the Mayor.

PASSED this 2nd day of January, 2019.

Don Stielow, *Mayor*

ATTEST:

Crystal Doss, *City Clerk*

APPROVED this 2nd day of January, 2019.

Don Stielow, *Mayor*

APPROVED AS TO FORM:

Anthony Bologna, *City Attorney*

Thomas E. Barzee, Jr., *City Counselor*

DATE: June 13, 2019
TO: Plan Commission
FROM: Joel Strassman, Planning and Zoning Officer
SUBJECT: PUBLIC HEARING - Amendments to the Text of the Zoning Code
Chapter 4.4: Sign Regulations – Regarding Menu Signs
Michelle Freeman, Keyser Industries, applicant

Background and Summary of Proposed Amendments

A Public Hearing is scheduled for the June 19th Plan Commission meeting to review proposed amendments to the text of the Zoning Code. The Zoning Code prohibits use of Electronic Changeable Message Signs (ECMS) in the Historic District. Keyser Industries is seeking to amend Chapter 4.4: Sign Regulations to remove this prohibition of ECMS solely for Menu Signs. Keyser is proposing the amendments to benefit its client, McDonald's.

The attached email from the applicant lists the features of ECMS for menu signs. In addition to being better able to serve the drive-through restaurant industry, such signs can automatically dim in response to ambient light changes and use a dark-background screen at night. The attached email also provides responses to common questions regarding signage in a municipal regulation context.

Staff Analysis

McDonald's first approached the City regarding use of ECMS last year. Staff sought input from the Historic Preservation Commission (HPC) on this topic. The attached minutes of the April 9, 2018 HPC minutes establish the HPC's general acceptance of use of ECMS for Menu Signs. Staff notes that signs in the Historic District are not subject to Design Review. Signs in the Historic District require HPC approval of a Certificate of Appropriateness (COA) in which City Code compliant projects are reviewed for conformance to the [Historic Preservation Design Guidelines](#).

Staff feels that use of ECMS for Menu Signs can be compatible with the Historic District as described by the applicant, provided such signs are not readily visible from streets. In the case of McDonald's, its menu signs are over 130 feet from Houston Street and even further from Wilson Street. The building and signs' orientation will effectively screen the sign faces from Wilson Street. Sign distance and the presence of site landscaping along Houston Street limit the existing menu sign visibility. In instances where such signs would be located proximate to streets or residential uses, screening can be required, and such screening would be part of COA and building permit reviews and approvals.

To remove the Historic District prohibition of ECMS for Menu Signs, three (3) Sections of [Chapter 4.4: Sign Regulations](#) need to be amended. Below are Sections of this Chapter with needed additions shown in red and needed language removal shown with strike-through.

- Section 4.402.L.3 (pg 5)
 3. Electronic *Changeable Message Signs* are prohibited for use on Wall Signs and Tower Signs. In historic districts and on landmarked properties, all Electronic *Changeable Message Signs*, other than Fuel Facility Signs and Menu Signs are prohibited in historic districts and on landmarked properties.
- Section 4.407.B.2.g (pg 15)

Electronic *Changeable Message Signs*. Where permitted by this Chapter, the Plan Commission, through Design Review (or the Historic Preservation Commission through COA where applicable), may approve an electronic *Changeable Message Sign* and may establish operational restrictions. Operational restrictions include, but are not limited to, the frequency and type of message change and intensity of illumination. The Plan Commission (or the Historic Preservation Commission through a COA where applicable) shall consider the visual impacts of the sign on the uses surrounding the sign location, and traffic volume, movements and speed in the area of the sign.

- Section 4.407.B.2.i (pg 16) – New Subsection (5) in the Section specific to Menu Signs.
(5) Visibility. The Plan Commission through Design Review (or the Historic Preservation Commission through COA where applicable) may require screening be added to the site to minimize visibility of Electronic Changeable Message Signs from streets or adjacent residentially used or zoned properties.

Staff notes that the proposed changes to Section 4.402.L.3 would strengthen the Zoning Code's effective prohibition of ECMS for Wall Signs and Tower Signs; the Zoning Code includes specifications for ECMS (other than fuel signs) only for Monument Signs. There are no existing ECM wall or tower signs in the City. The last amendment includes a provision to add screening where needed; this Section already contains other specifications (number, size, materials) for Menu Signs.

As proposed, staff feels the above Zoning Code amendments to allow ECMS for Menu Signs would be compatible with goals and policies of the Comprehensive Plan that seek to balance effective commerce and aesthetics. As proposed, ECMS for Menu Signs could be used without adversely affecting the character of historic districts, landmarked properties, and adjacent residences. The proposed amendment extends the Plan Commission's ability to limit sign brightness and message change frequency through Design Review to the HPC through COA approval.

Staff Recommendation

Staff recommends the Commission open and conduct the public hearing. After all attendees wishing to speak have been heard and the Commission has enough information to make a recommendation to the City Council, the Commission must close the hearing.

Staff recommends the Commission recommend the City Council approve amendments to the Zoning Code to allow ECMS for Menu Signs as proposed above in this staff memorandum.

Attachment: Email from Michelle Freeman to Joel Strassman, dated June 4, 2019

c Mayor and City Council
Department Heads
Michelle Freeman, Keyser Industries
Media

Strassman, Joel

From: Michelle Freeman
Sent: Tuesday, June 04, 2019 9:49 AM
To: Strassman, Joel; Mary Thies
Subject: RE: McDonald's Drive-Thru Sign Replacement -- 125 W WILSON

[NOTICE: This message originated outside of the City of Batavia -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Joel,

Sorry for the delay. Below is some information to support the proposed drive-through sign changes. Let me know if you have any additional questions.

Digital menu boards and pre-browse (pre-sales) are a growing trend in the fast food restaurant industry. They are more easily maintained and more attractive than traditional, manual change copy of three sided signs that do not handle the modern fast food menu well. In most cases, the signs being proposed are in the rear of the building and are fully screened from the general public. The old menu boards are being eliminated and owner/operator will soon not be able to replace them (in their entirety or order replacement parts, bulbs, etc).

- New Menus Are:
 - An ordering device to help confirm orders
 - Smaller & Streamlined menus, simplified for our Customers
 - Static/Limited Motion - The main menu board remains static, with the exception of menu changes 3-4 times per day, can be controlled by restaurant.
 - Cleaner visuals, easier to read products, price and items
 - Dim automatically as the ambient light lessens, as well as switch to “night mode” controlled by an internal photocell. The “night mode” replaces the black font/white background with a white font/black background...similar to a cell phone or navigation screen.
 - Our New Menus Are NOT:
 - Not an advertising channel or billboard
 - Not full video or motion to distract drivers or slow down our drive thru
 - Not flashy, bright images or colors (i.e. Vegas-style)
 - No additional sound or speakers
1. Will the sign be harmonious and in accordance with the general objective or any specific objectives of the Master Plan?
 - a. The signs are geared toward the motoring public, rather than the pedestrian public. But they are fully screened from the public and do not increase clutter along the public right of way.
 2. Will the sign be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity?
 - a. The signs being proposed are an upgrade from the current three sided, rotatable sign and is certainly an upgrade overall in technology. These signs are becoming prevalent throughout the industry and are appropriate for the area and character of the property and surrounding properties.
 3. Will the sign be hazardous or disturbing to existing or future nearby uses?
 - a. The proposed sign should not disturb nearby residences and is not expected to be hazardous to surrounding businesses.
 4. Will the sign be an improvement in relation to the property in the immediate vicinity and to the community as a whole?
 - a. The signs as proposed are an upgrade from the existing three sided signage.

5. Will the sign be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed uses will provide adequately any such service or facility?
 - a. Yes.
6. Will the sign not create excessive additional public costs and will not be detrimental to the economic welfare of the community?
 - a. No additional public costs will occur because of this sign. The sign will not be detrimental to the economic welfare of the community.
7. Will the sign be consistent with the intent and purposes of the Zoning Ordinance?
 - a. The sign is consistent with the intent of the sign ordinance and purposes of the ordinance, to reduce visual clutter and blight, while still allowing appropriate signage any identification of businesses.

Michelle Freeman

Installation Project Manager

Permit Specialist

10200 S. Kedzie Ave | Evergreen Park, IL

O: 708.876.1249 | C: 708.910.4895 | F: 708.499.4620



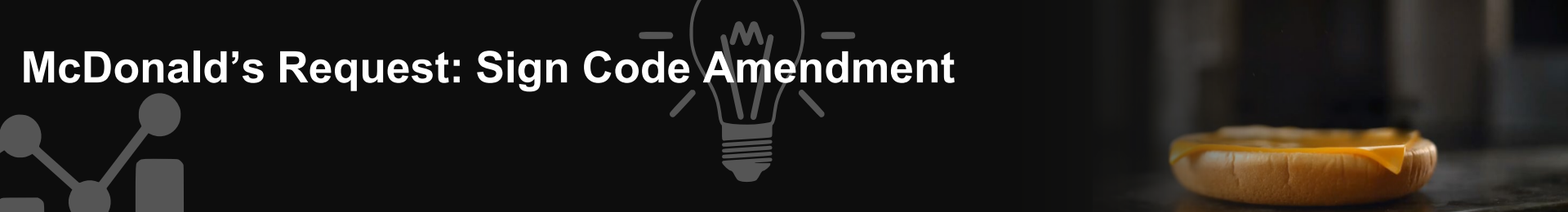
This message (including any attachments) is intended only for the use of the individual or entity to which it is addressed and may contain information that is non-public, proprietary, privileged, confidential, and exempt from disclosure under applicable law or may constitute as attorney work product. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, notify us immediately by telephone and (i) destroy this message if a facsimile or (ii) delete this message immediately if this is an electronic communication. Thank you.



McDonald's Outdoor Digital Menu Boards

Michelle Freeman, Project Manager
Keyser Industries, McDonald's ODMB Integrator

McDonald's Request: Sign Code Amendment



NSN	Store Address Line #2	Store City	ST
3414	10600 HIGHLAND RD	HARTLAND	MI

Request:

McDonald's ODMB (Outdoor Digital Menu Board) project is to replace the existing menu boards in the drive-thru with one (1) preview board and one (1) full menu board, per drive-thru **lane**.

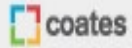
McDonald's Request: Sign Code Amendment

New Menus Are:

- An ordering device to help confirm orders
- Smaller & Streamlined menus, simplified for our Customers
- Static/Limited Motion - The main menu board remains static, with the exception of menu changes 3-4 times per day, can be controlled by restaurant.
- Cleaner visuals, easier to read products, price and items
- Dim automatically as the ambient light lessens, as well as switch to “night mode” controlled by an internal photocell. The “night mode” replaces the black font/white background with a white font/black background...similar to a cell phone or navigation screen.

Our New Menus Are NOT:

- An advertising channel or billboard
- Full video or motion to distract drivers or slow down our drive thru
- Flashy, bright images or colors (i.e. Vegas-style)
- Additional sound or speakers



SINGLE 55"

Modular Range

Hot-dipped galvanized frame

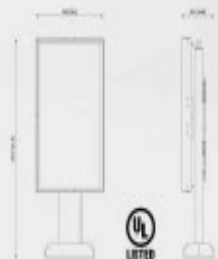
Aluminum panels

Modular Mounting Structure

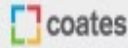
Allows for various screen sizes with panel/mount replacement

Option for cone in or manual 2 person assembly

Currently designed for the Samsung OTH panel but mounting hardware can be modified for alternate screen specifications in future



For enquiries and further information
on our range of products please visit
www.coatesgroup.com



DOUBLE 55"

Modular Range

Hot-dipped galvanized frame

Aluminum panels

Modular Mounting Structure

Allows for various screen sizes with panel/mount replacement

Option for cone in or manual 2 person assembly

Currently designed for the Samsung OTH panel but mounting hardware can be modified for alternate screen specifications in future

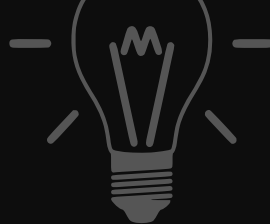


For enquiries and further information
on our range of products please visit
www.coatesgroup.com

- 55" Samsung TV's
- Inbuilt ambient light sensors
- Light sensors dim the brightness of the screen based on the light surrounding it
- Screens can dim from full brightness (2500 NIT), all the way down to 500 NIT to prevent excessive output (glare) in low light and night time environments
- Double unit **screen dimensions** 58" W x 47.7"H = 4.83' W x 3.98' H = 19ft²



Menu Board Designs



Menu Design & Content: Menu Design & Day-Parts

Our new menu boards support 3 Day-Parts shifts (Breakfast, Lunch & Dinner) to better support our menu items, user readability and time-of-day for our customers. Operators have the ability to pre-set and alter the Day-Part time shifts based off their business needs.



Menu Board: Breakfast, Lunch & Dinner.

Default Hours: Our Menu boards alter 3 times a day based off the Restaurant's hours of operation for Breakfast, Lunch & Dinner

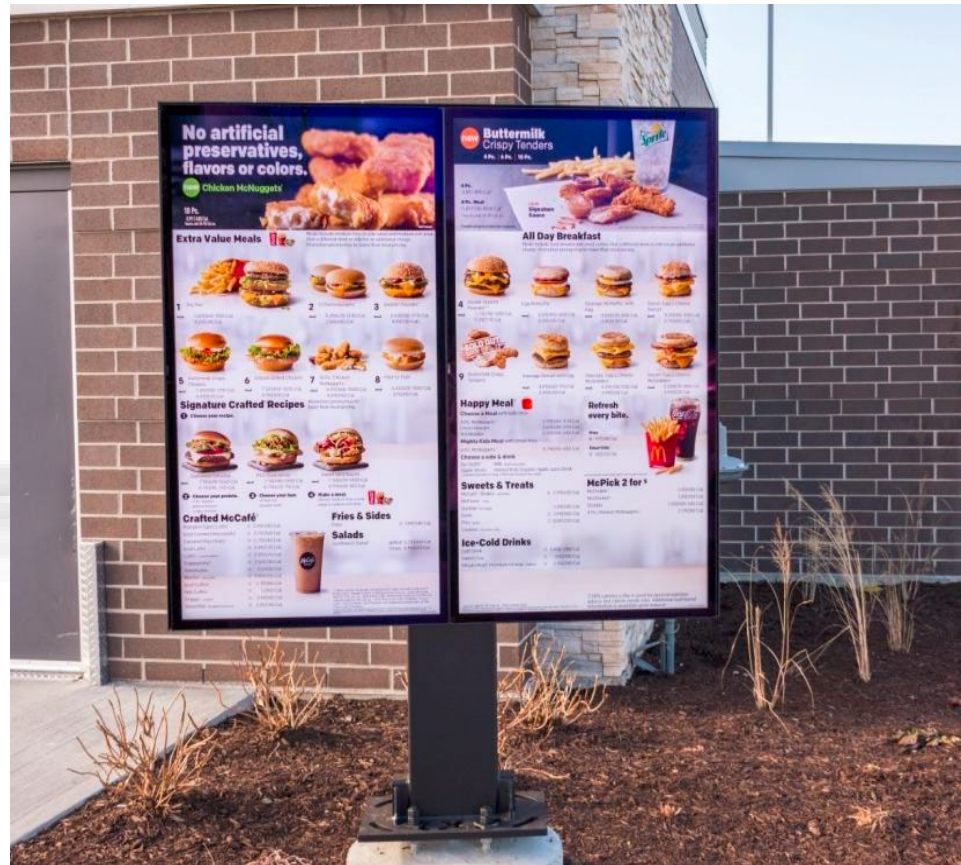
Movement: No video or continuous movement

Menu Board Comparison and Benefits



	<u>Pre-Existing Menu Boards</u>	<u>Proposed Digital Menu Boards</u>
Size:	<ul style="list-style-type: none"> • 42 ft² Menu Board • 11 ft² Pre Browse 	<ul style="list-style-type: none"> • 20ft² Menu Board – Display Area Only (27ft² including base/pole) • 10ft² Pre-Browse – Display Area Only (14 ft² including base/pole) • significantly smaller
Lighting:	<ul style="list-style-type: none"> • 56,850 Total Estimated Lumens • Not adjustable 	<ul style="list-style-type: none"> • From 8,565 Estimated Lumens to 32,910 Lumens (preset to 500 nits – 2,500 nits; can be adjusted from within store) • 42% decrease in maximum Lumens • Ambient light sensors adjust to daylight reducing glare and preventing excessive light output • Easier to read; providing faster service and reduced queue for cars in drive-thru lanes
Sustainability:	<ul style="list-style-type: none"> • Use of florescent light bulbs and ballasts, as well as, plastics and paper inserts 	<ul style="list-style-type: none"> • Reduction in the carbon footprint and raw materials going to the landfill
Upkeep/Maintenance:	<ul style="list-style-type: none"> • Boards are no longer made and parts are not available 	<ul style="list-style-type: none"> • New standard drive-thru menu board for McDonald's

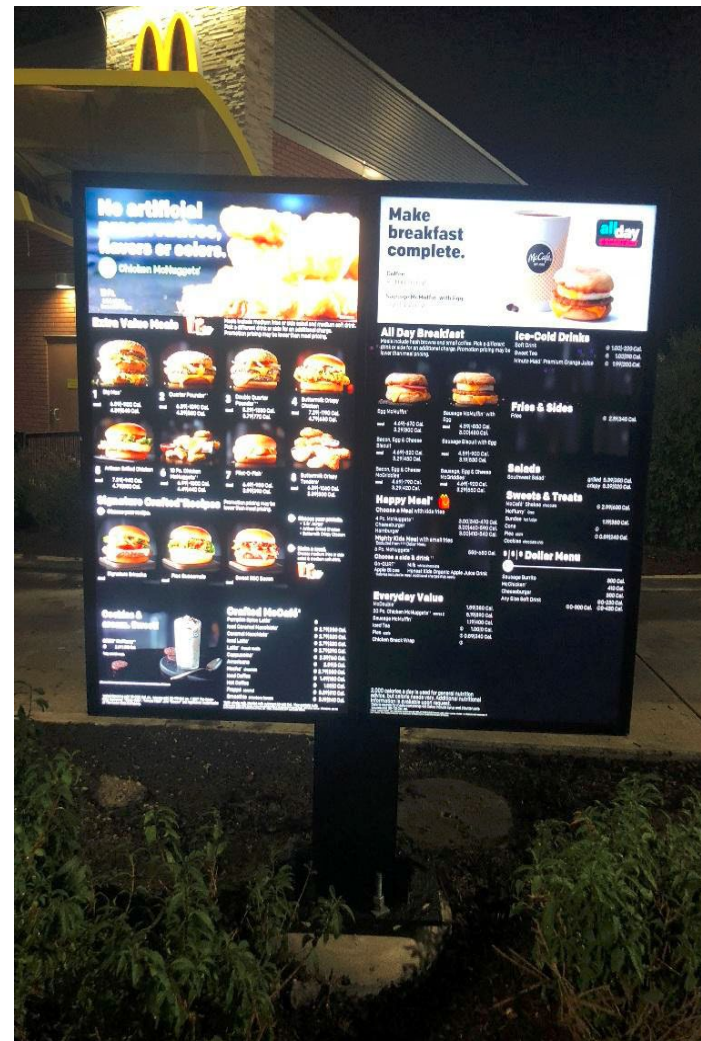
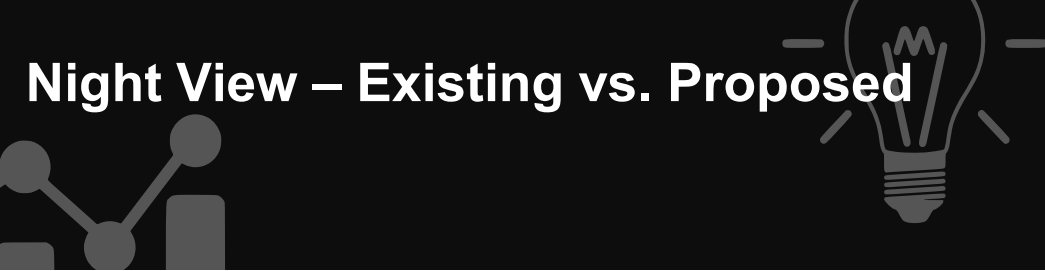
Menu Boards – Existing vs. Proposed (Example)



Pre-Browse Boards – Existing vs. Proposed

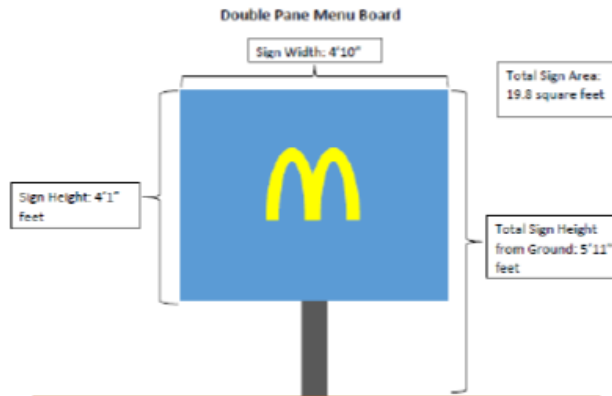


Night View – Existing vs. Proposed



Size Examples – Existing v Proposed

Proposed New Menu Sign
(approximately 28 square feet)



The diagram shows a blue square sign with a yellow McDonald's 'M' logo in the center. The sign is mounted on a black pole. Brackets and labels indicate the following dimensions and calculations:

- Sign Width:** 2'5" feet (indicated by a bracket at the top).
- Sign Height:** 4'1" (indicated by a bracket on the left).
- Total Sign Area:** 9.9 square feet (indicated by a bracket on the right).
- Total Sign Height from Ground:** 5'11" (indicated by a bracket on the right, including the pole).



NSN 3414 - 10600 HIGHLAND RD

Drive-Thru Photos

Existing vs. Proposed (Example)



Existing



Proposed (example)

NSN 3414 - 10600 HIGHLAND RD

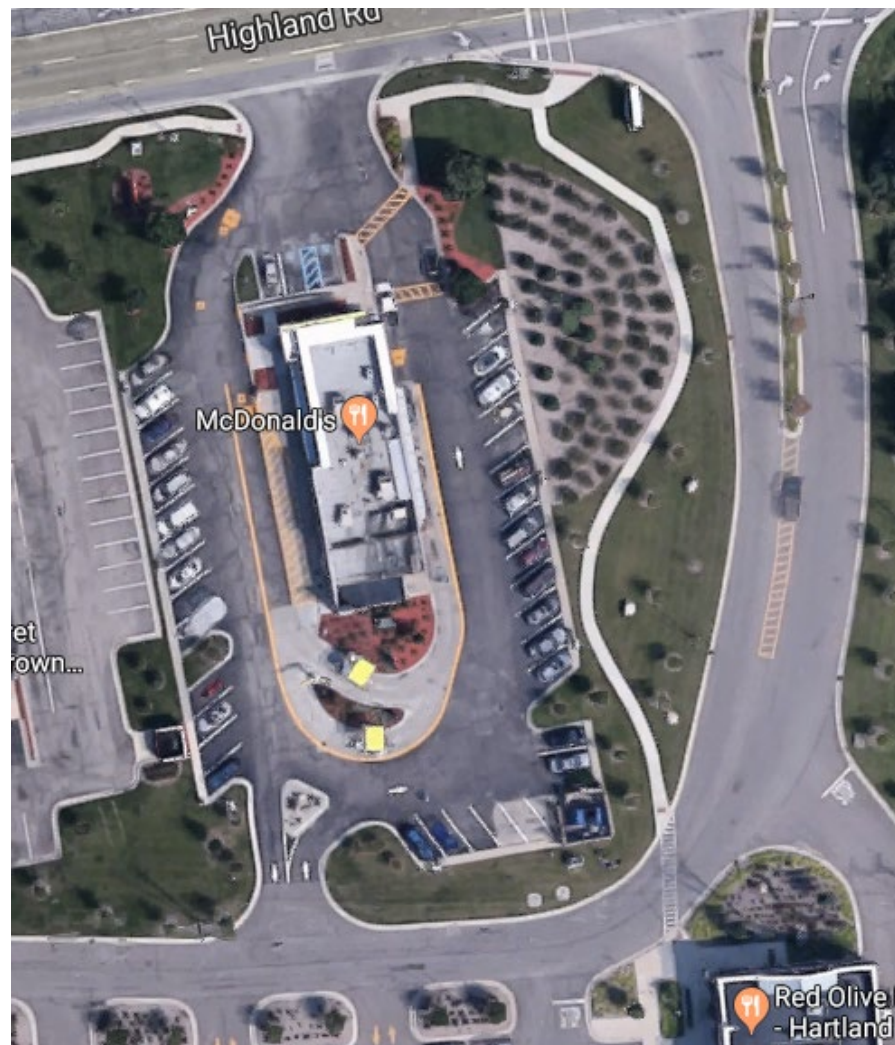
Aerial View – Existing Location



Not located on
main road

Not visible
from main road

Not in view of
residential area



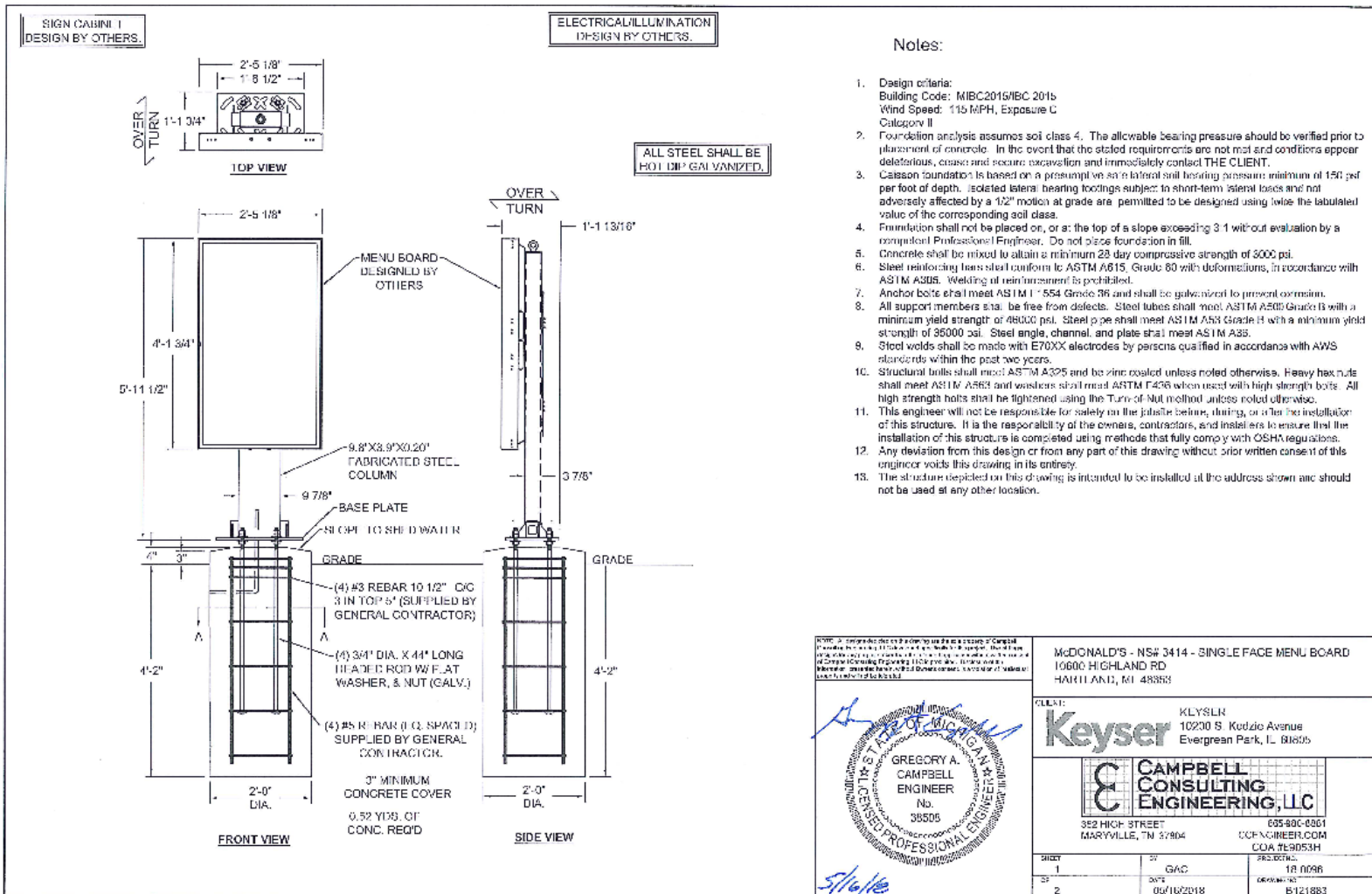
1988 1ST AVENUE
HIGHLAND PARK, ILLINOIS



41

12

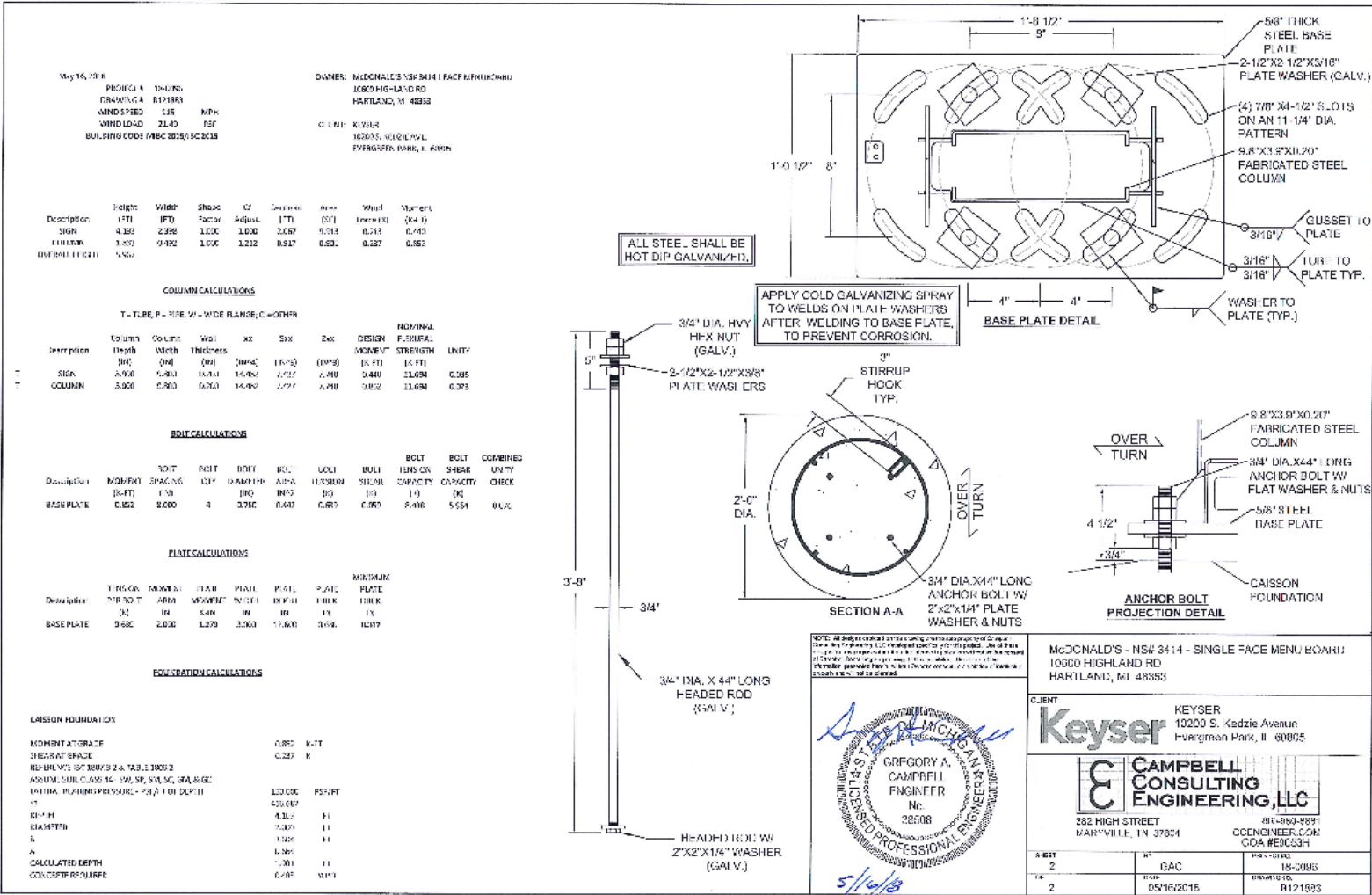




NSN 3414 - 10600 HIGHLAND RD

Stamped Engineered Drawing

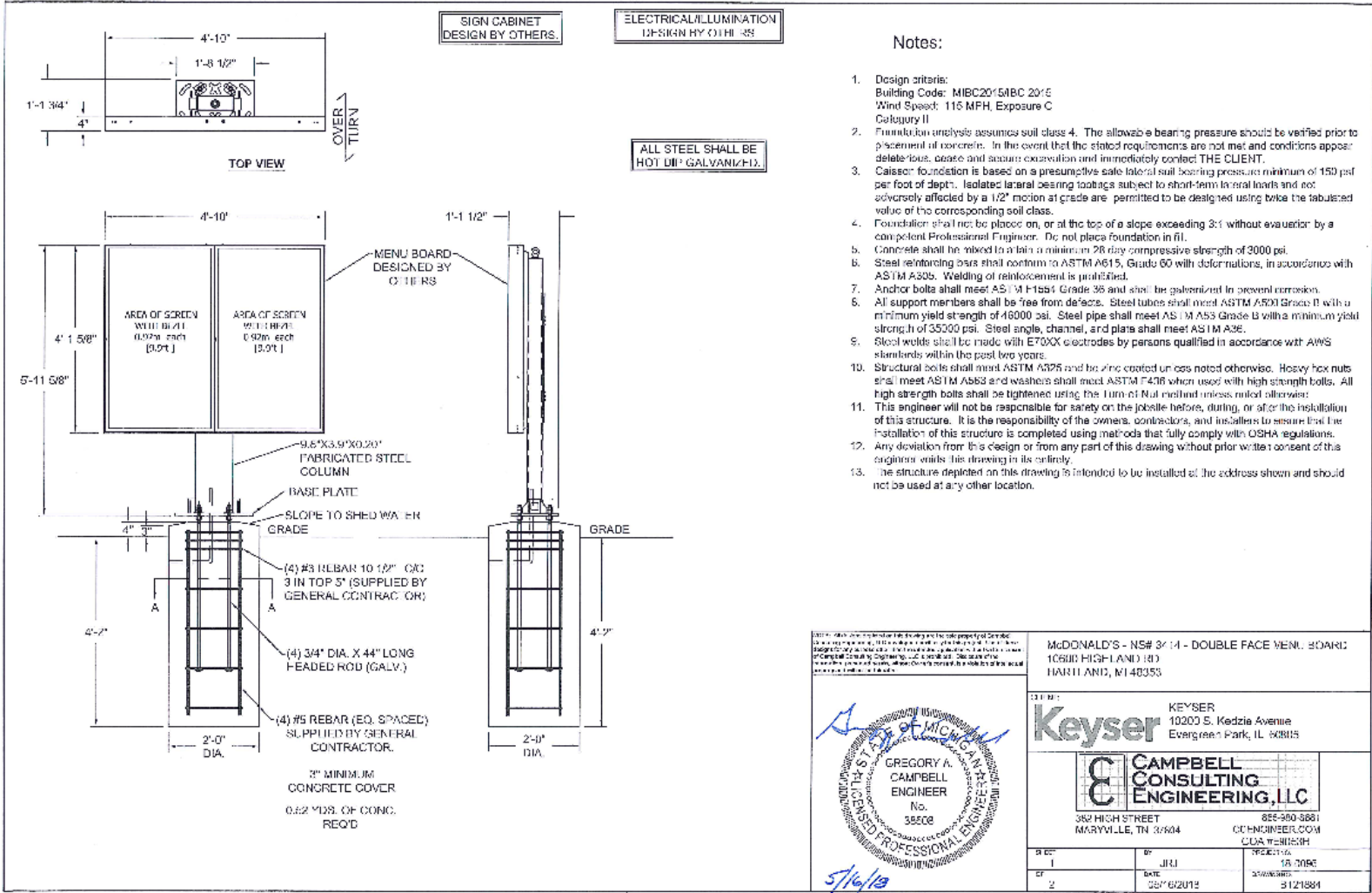
Drive-Thru Sign – Pre-Browse (Single Panel)



NSN 3414 - 10600 HIGHLAND RD

Stamped Engineered Drawing

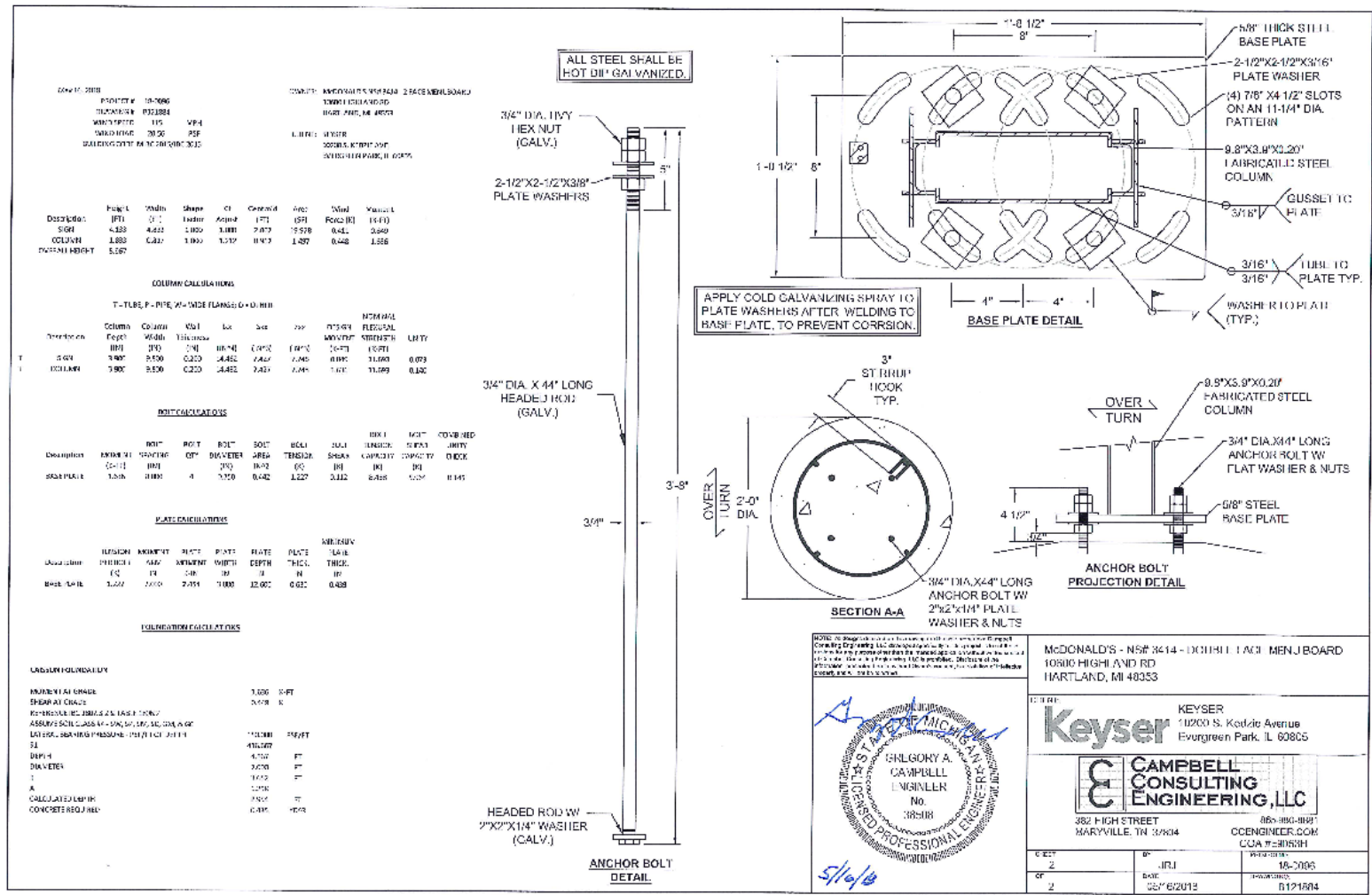
Drive-Thru Sign – Menu Board (Double Panel)



NSN 3414 - 10600 HIGHLAND RD

Stamped Engineering Drawing

Drive-Thru Sign – Menu Board (Double Panel)



Display specification

Lumen output

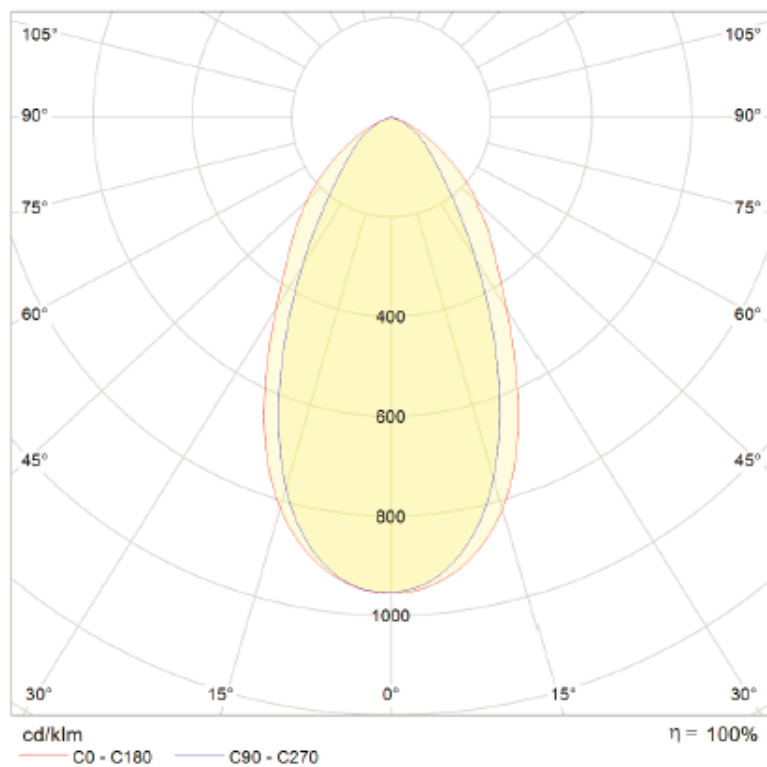


Fig 1.0

The attached is the max potential light output of the screen (see accompanying IES file)

The units have inbuilt ambient light sensors

These light sensors dim the brightness of the screen based on the light surrounding it

The screens can dim from full brightness 2500nit (Fig1.) all the way down to 500nit to prevent excessive output (glare) in low light and night time environments

Q & A

I apologize, I got my numbers mixed up. The required landscaping is equal to the area of the sign face, and at least 50% must be evergreen.

Andrew Magee
Planner I, Planning & Zoning
P 317.595.3131



Department of Planning & Zoning

From: Magee, Andrew
Sent: Tuesday, August 20, 2019 10:59 AM
To: Michelle Freeman <michelle.freeman@explorekeyser.com>
Cc: Mary Thies <mary.thies@explorekeyser.com>
Subject: RE: McDonald's Signage Discussion

It is a separate requirement, applicable to all types of ground signs.

Andrew Magee
Planner I, Planning & Zoning
P 317.595.3131
Department of Planning & Zoning

From: Michelle Freeman <michelle.freeman@explorekeyser.com>
Sent: Tuesday, August 20, 2019 10:58 AM
To: Magee, Andrew <mageea@fishers.in.us>
Cc: Mary Thies <mary.thies@explorekeyser.com>
Subject: Re: McDonald's Signage Discussion

Hi Andrew,

This is great news! We'll get working on these, but for clarification is the landscaping requirement separate from the masonry?

"Because landscaping is required around the base of the sign equal to 50% of the area of the sign face, this needs to either be shown on the site plan or on a separate landscaping plan."

I want to be sure we communicate our needs properly to the owners and contractors.

Thanks,
Michelle Freeman

----- Original message -----

From: "Magee, Andrew" <mageea@fishers.in.us>
Date: 8/20/19 9:34 AM (GMT-06:00)
To: Michelle Freeman <michelle.freeman@explorekeyser.com>
Cc: Mary Thies <mary.thies@explorekeyser.com>
Subject: RE: McDonald's Signage Discussion

Michelle,

City Council approved the changes to the signage standards to allow for the digital drive-thru boards.

For reference, here is the approved standard:

B. Signs for Food Operation with a Drive-Through Lane

In addition to other permitted signs, food operations with drive-thru services may also display one (1) primary sign and one (1) secondary sign per drive-thru lane with the following limitations:

1. Primary signs shall have a maximum height of six (6) feet with a maximum sign area of 40 square feet.
2. Secondary signs shall have a maximum height of six (6) feet with a maximum sign area of 14 square feet.
3. Both primary and secondary signs shall have a masonry base, or materials architecturally compatible with the property's primary use.
4. Both primary and secondary signs may utilize digital sign panels, provided that:
 - a. Changes of image shall not occur more than once per hour, except up to 25% of installed signage area may change more frequently than once per hour for the purpose of customer feedback.
 - b. Image shall be a static display with no flashing, animation, or intermittent illumination.
 - c. Signs shall use automatic illumination controls to reduce light levels during night and cloudy or other darkened conditions.
 - d. Signs shall have a maximum daytime brightness of two thousand five hundred (2,500) nits and a maximum nighttime (sunset-to-sunrise) brightness of five hundred (500) nits as measured at the sign face.

A Permanent Sign Permit will be required for each location, and may be submitted online here:

<https://fishersin.viewpointcloud.com/categories/1074/record-types/1006457>

Each permit application will require drawings of the signs with dimensions, a site plan indicating the location of the signs, and a letter of property owner consent. Because landscaping is required around the base of the sign equal to 50% of the area of the sign face, this needs to either be shown on the site plan or on a separate landscaping plan.

A current contractor registration is required for the primary contractor; if a registration is needed, one may be applied for online here: <https://fishersin.viewpointcloud.com/categories/1080/record-types/1006452>

Let me know if you have any questions during this process.

Thanks,

Andrew Magee

Planner I, Planning & Zoning

P 317.595.3131

Department of Planning & Zoning

Michelle Freeman

From: Michelle Freeman
Sent: Wednesday, April 24, 2019 1:31 PM
To: 'Michelle House '
Cc: Mary Thies
Subject: FW: Glenview Text Amendment Digital Signage
Attachments: 6235 amending Chapter 98 in regard to regulations governing digital chan....pdf

Hi Michelle,

I just left you a voicemail. I'm still working on preparing the Appearance Commission Application for the McDonald's at 530 S. WAUKEGAN RD for the drive-through menu board project.

When you and I were discussing this first site, you mentioned no permitting work had begun yet on 9815 N MILWAUKEE, and that it would be easier to run both through the same appearance meeting for approval. This site has been reassigned to Keyser for installation, so I will be handling the permitting. Can you confirm that this site would require the same appearance request, and that there are no other variances for this site?

I'm going to be asking McDonald's corporate to waive 1 of the pre-browse proposed, so our appearance would be for 2 menu boards and 1 pre-browse (which combined with the 1 monument sign would equal the 4 total signs allowed).

I look forward to your reply. Hoping I can get everything to you by 5/8 now, for the 5/29 meeting.

Thanks,

Michelle Freeman
Installation Project Manager
Permit Specialist
10200 S. Kedzie Ave | Evergreen Park, IL
O: 708.876.1249 | C: 708.910.4895 | F: 708.499.4620
michelle.freeman@explorekeyser.com

Keyser

From: Michelle Freeman
Sent: Thursday, 21 March 2019 5:15 PM
To: Michelle Freeman
Subject: FW: Glenview Text Amendment Digital Signage

Section E:

4 ground signs = monument M in front and 2 MB and 1 PB

Would likely not pass variance for 2nd PB, for hardship or uniqueness (they don't need it) we looked at Google street view together and placement would work best at beginning of center island in front.

Email McD for permit denial of 4th sign/2nd PB for exception to proceed with one PB

Try to get this back – reviewer said it would be easier to run both through appearance commission and approval.

1715	CHICAGO	CHICAGO-KEYSER	9815 N MILWAUKEE AVE	GLENVIEW	IL	60716	Y
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From: Michelle House [<mailto:mhouse@glenview.il.us>]
Sent: Thursday, 21 March 2019 4:38 PM
To: Michelle Freeman
Subject: Glenview Text Amendment Digital Signage

Michelle,

Please see attached.

Michelle House, AICP | Senior Planner
Village of Glenview | Community Development Dept.
2500 East Lake Avenue | Glenview, Illinois 60026-2600
☎: (847) 904-4307 | 📠: (847) 724-1752 | ✉: mhouse@glenview.il.us

[Click here](#) to sign up for our weekly e-Glenview newsletter.

ORDINANCE NO. 6235

**AN ORDINANCE AMENDING CHAPTER 98, ZONING, OF THE
VILLAGE OF GLENVIEW MUNICIPAL CODE**

WHEREAS, the Village of Glenview (the "Village") is a home rule municipality in accordance with the Constitution of the State of Illinois of 1970;

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs that protect the public health, safety and welfare of its citizens;

WHEREAS, in accordance with the requirements of the Glenview Municipal Code (the "Code"), on September 6, 2018, a notice of public hearing with respect to the question of amending the Chapter 98 (Zoning) of the Code, was duly published in the *Glenview Lantern*, a newspaper of general circulation in the Village;

WHEREAS, in accordance with the requirements of Chapter 98, Article II of the Code, the public hearing was continued from September 25, 2018 to October 9, 2018 to October 23, 2018 to November 13, 2018 whereon at the hour of 7:00 PM in the Glenview Village Hall, a public hearing was conducted by the Plan Commission pursuant to the provisions of the aforesaid published notice, and all persons who desired to be heard were heard and an opportunity was given to all persons who desired to make objections thereto; and

WHEREAS, the corporate authorities, having considered these matters, subsequent to said public hearing, find it in the public interest to so amend the Code.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Glenview, Cook County, Illinois, that the Code be amended as follows:

Section 1: That the facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2: Chapter 98, Article VII. Signs, Sec. 98-333(13) of the Code, is hereby repealed and replaced in its entirety by the following text:

Sec. 98-333. - General standards.

All signs painted, constructed, erected, remodeled, relocated, or expanded shall comply with the following standards:

(13) Electronic and manual changeable copy signs. Electronic and manual changeable copy signs are subject to the following regulations:

- a. *Lighting intensity.* The lighting intensity of any electronic or manual changeable copy sign displays collectively shall not exceed 1,750 lumens.
- b. *Signs accessory to automobile service stations.*
 - i. One pricing sign display shall be permitted per street frontage to depict up to four current fuel grade prices per sign face upon any ground sign otherwise permitted in accordance with Sec. 98-337 or Sec. 98-338.

- ii. Fuel/charge dispensers shall be permitted to include one unit price sign per fuel grade/charge option and up to two transaction signs displaying a transaction total counter and a transaction volume counter to customers at each fueling/charging position together comprised of up to 2.0 square feet per fueling/charging position but shall not include video, flashing images or effects, or other moving content other than transaction-related content.
 - iii. One refueling position availability sign display per queue, each comprised of up to 6.0 square feet in area depicting information regarding availability of refueling positions to patrons in queue shall be permitted.
 - iv. No outdoor video displays or similar advertising signage displays shall be permitted.
- c. *Signs accessory to parking garages.* One parking stall counter sign display per entrance shall be permitted to depict the available quantity of parking stalls either in aggregate or on a per-floor basis upon any wall sign or ground sign otherwise permitted in accordance with Sec. 98-335, Sec. 98-336, or Sec. 98-337.
- d. *Signs accessory to drive-thru banks, drugstores, pharmacies, and similar uses offering services to patrons in vehicles.*
 - i. One drive-thru lane indicator sign display comprised of up to 3.0 square feet in area depicting information regarding lane availability to patrons in queue shall be permitted per drive-thru lane.
 - ii. One interactive teller display comprised of up to 1.5 square feet shall be permitted per drive-thru lane.
 - iii. One automatic teller machine display comprised of up to 1.5 square feet shall be permitted per drive-thru lane. Such signage shall be permitted to cycle among transaction-oriented content but shall not include video, flashing images or effects, or moving content.
- e. *Signs accessory to drive-thru food and beverage establishments, car washes, and similar uses displaying order menus directly to patrons in vehicles.*
 - i. One drive-thru menu item preview sign display comprised of up to 10.0 square feet depicting promotional information shall be permitted per drive-thru lane upon any ground sign otherwise permitted in accordance with Sec. 98-337.
 - ii. One drive-thru menu display comprised of up to 80.0 square feet depicting product menu items and corresponding pricing information shall be permitted per drive-thru lane upon any ground sign otherwise permitted in accordance with Sec. 98-337. Content upon such signage shall be permitted to change once per meal service to correspond with changes in the availability over time of related categories of menu items but shall not include video, flashing images or effects, or moving content.
 - iii. One drive-thru order confirmation sign display comprised of up to 2.5 square feet depicting customer orders for review prior to purchase shall be permitted per drive-thru lane upon any ground sign otherwise permitted in accordance with Sec. 98-337. Such signage shall be permitted to cycle once per transaction between display of customer orders and a static image but shall not include video, flashing images or effects, or moving content.
 - iv. One drive-thru price confirmation sign display comprised of up to 1.0 square foot depicting the total price per transaction shall be permitted per drive-thru lane upon any wall sign otherwise permitted in accordance with Sec. 98-337.

- f. *Signs accessory to transit stations/shelters.* One sign display comprised of up to 5.0 square feet depicting transit related information shall be permitted per transit shelter but shall not include video, flashing images or effects, or moving content.

Section 3: Every section and provision of this Ordinance shall be separable, and the invalidity of any portion of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section 4: All ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5: This Ordinance shall be in full force and effect from and after its passage and approval according to law.

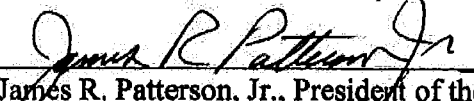
PASSED this 3rd day of January, 2019

AYES: Hinkamp Jenny Karton Patterson

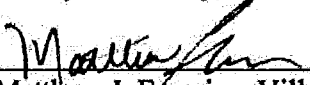
NAYS: None

ABSENT: Khoja White

APPROVED by me this 3rd day of January, 2019


James R. Patterson, Jr., President of the
Village of Glenview, Cook County, Illinois

ATTESTED and FILED in my office the
3rd day of January, 2019


Matthew J. Fornica, Village Clerk of the
Village of Glenview, Cook County, Illinois

CITY OF HIGHLAND PARK

ORDINANCE NO. _____

AN ORDINANCE GRANTING VARIANCES FROM
ARTICLE XX OF THE ZONING CODE FOR FOUR POLE SIGNS
(1988 First Street)

WHEREAS, McDonalds USA, LLC ("**Owner**") is the record title owner of that certain real property located in the B4-5 Commercial Service District ("**B4-5 District**"), commonly known as 1988 First Street, Highland Park, Illinois, and legally described in **Exhibit A**, attached hereto and, by this reference, made a part of this Ordinance ("**Property**"); and

WHEREAS, the Property is improved with a building and facilities used for a restaurant and drive-through facility; and

WHEREAS, the Owner desires to install two electronic LED menu board pole signs ("**Proposed Menu Board Signs**") and two electronic LED pre-browse pole signs ("**Proposed Pre-Browse Signs**") on the Property (collectively, the "**Proposed Signs**"); and

WHEREAS, pursuant to Section 150.2005(A) of the "City of Highland Park Zoning Ordinance of 1997," as amended ("**Zoning Code**"), the Proposed Pre-Browse Signs are not a permitted functional type of sign in the City; and

WHEREAS, pursuant to Section 150.2027(H) of the Zoning Code, pole signs are not permitted in the B4-5 District; and

WHEREAS, each of the Proposed Signs will be internally illuminated with lights that will flash and blink and change in intensity; and

WHEREAS, pursuant to Section 150.2007(A)(3) of the Zoning Code, internal illumination of the Proposed Menu Board Signs is permitted, but internal illumination of the Proposed Pre-Browse Signs is prohibited; and

WHEREAS, pursuant to Section 150.2007(D) of the Zoning Code, signs with flashing, blinking, or intermittent lights, or with illumination that has a change in light intensity, are prohibited; and

WHEREAS, in order to install and maintain the Proposed Signs, the Owner has filed an application seeking variances from Sections 150.2005(A), 150.2007(A)(3), 150.2007(D), and 150.2027(H) of the Zoning Code (collectively, the "**Requested Variances**"); and

WHEREAS, pursuant to Section 150.2031(C)(2) of the Zoning Code, the City Council is authorized to consider and grant the Requested Variances; and

WHEREAS, at its regularly-scheduled meeting on September 9, 2019, the City Council heard and considered the Owner's request for the Requested Variances; and

WHEREAS, the City Council has determined that the Requested Variances meet the required standards for variances from Article XX of the Zoning Code, as set forth in Section 150.2031(B) of the Zoning Code; and

WHEREAS, the City Council has determined that it will serve and be in the best interest of the City to grant the Requested Variances, subject to the conditions, restrictions, and provisions of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND PARK, LAKE COUNTY, ILLINOIS, as follows:

SECTION ONE: RECITALS. The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the City Council.

SECTION TWO: APPROVAL OF REQUESTED VARIANCES. Pursuant to Section 150.2031(C)(2) of the Zoning Code and the home rule powers of the City, and subject to, and contingent upon, the conditions, restrictions, and provisions set forth in Section Three of this Ordinance, the City Council hereby grants the following variances to the Owner for the Proposed Signs:

A. **Functional Sign Type.** A variance from Section 150.2005(A) of the Zoning Code to permit the installation of the Proposed Pre-Browse Signs.

B. **Pole Signs.** A variance from Section 150.2027(H) of the Zoning Code to permit the installation of the Proposed Signs as pole signs.

C. **Internal Illumination of Proposed Pre-Browse Signs.** A variance from Section 150.2007(A)(3) of the Zoning Code to permit the internal illumination of the Proposed Pre-Browse Signs.

D. **Use of Flashing and Blinking Lights.** A variance from Section 150.2007(D) of the Zoning Code to permit the use of lights for the Proposed Signs that will flash and blink and change in intensity.

SECTION THREE: CONDITIONS. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the Zoning Code, the variance, granted pursuant to Section Two of this Ordinance are hereby expressly subject to, and contingent upon, the development, use, and maintenance of the Proposed Signs and the Property in compliance with each and all of the following conditions:

A. **Compliance with Regulations.** The construction, development, use, operation, and maintenance of the Proposed Signs and the Property must comply with all applicable City ordinances, as the same have been or may be amended from time to time, except to the extent specifically provided otherwise in this Ordinance.

B. **Compliance with Sign Plan.** The development, use, operation, and maintenance of the Proposed Signs must comply with that certain plan prepared by GRC Engineering, Inc. consisting of five sheets, and with a latest

revision date of April 4, 2018, a copy of which is attached to and, by this reference, made a part of this Ordinance as **Exhibit B ("Sign Plan")**.

- C. **Performance Standards.** The Proposed Signs must comply with the following performance standards:
1. Each of the Proposed Signs must include an auto-dimming feature that reduces the brightness of the Signs from dusk until dawn; and
 2. The content of the Proposed Signs may not change more than once every 15 seconds.
- D. **Limitation of Variances.** The variances granted in Section Two of this Ordinance apply and are limited only to the Proposed Signs depicted and described in the Sign Plan. No future alterations or modifications may be made to the Proposed Signs causing them to be in further nonconformity with the requirements of Article XX of the Zoning Code without first obtaining City approval in accordance with the applicable provisions of the Zoning Code. All other signs, and portions of signs, on the Property must comply with Article XX of the Zoning Code and all other applicable provisions of the City's codes and ordinances.
- E. **Reimbursement of City Costs.** In addition to any other costs, payments, fees, charges, contributions, or dedications required under applicable City codes, ordinances, resolutions, rules, or regulations, the Owner must pay to the City, promptly upon presentation of a written demand or demands therefor, all legal fees, costs, and expenses incurred or accrued in connection with the review, negotiation, preparation, and consideration of this Ordinance. Payment of all such fees, costs, and expenses for which demand has been made must be made by a certified or cashier's check. Further, the Owner is liable for, and must pay upon demand, all costs incurred by the City for publications and recordings required in connection with the aforesaid matters.

SECTION FOUR: FAILURE TO COMPLY WITH CONDITIONS. Upon the failure or refusal of the Owner to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, as applicable, the variances granted pursuant to Section Two of this Ordinance may, at the sole discretion of the City Council, by ordinance duly adopted, be revoked and become null and void; provided, however, that the City Council may not so revoke the variances granted pursuant to Section Two of this Ordinance unless it first provides the Owner with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the City Council. In the event of revocation, the development and use of the Property will be governed solely by the applicable provisions of the B4-5 District and the applicable provisions of the Zoning Code, as the same may, from time to time, be amended. Further, in the event of such revocation, the City Manager and Corporation Counsel are hereby authorized and directed to bring such enforcement action as may be appropriate under the circumstances.

SECTION FIVE: RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded with the Lake County Recorder of Deeds. This Ordinance and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon, the Owner and each of its heirs, representatives, successors, and assigns.

SECTION SIX: AMENDMENTS. Any amendments to the variances granted in Section Two of this Ordinance that may be requested by the Owner after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the City Code.

SECTION SEVEN: EFFECTIVE DATE.

- A. This Ordinance will be effective only upon the occurrence of all of the following events:
1. Passage by the City Council in the manner required by law;
 2. Publication in pamphlet form in the manner required by law; and
 3. The filing by the Owner with the City Clerk of an Unconditional Agreement and Consent, in the form of **Exhibit C** attached to and, by this reference, made a part of this Ordinance, to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the City for any claims that may arise in connection with the approval of this Ordinance.
- B. In the event the Owner does not file fully executed copies of the Unconditional Agreement and Consent, as required by Section 7.A.3 of this Ordinance, within 30 days after the date of final passage of this Ordinance by the City Council, the City Council will have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

AYES:

NAYS:

ABSENT:

PASSED:

APPROVED:

ORDINANCE NO.

Nancy R. Roterling, Mayor

ATTEST:

Ghida S. Neukirch, City Clerk

#70042152_v2

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

The Property is legally described as follows: Lot 1 in McDonald's Resubdivision of Parts of Lots in the West Half of Section 23, Township 43 North, Range 12, East of the Third Principal Meridian, According to the Plat Thereof Recorded May 1, 1987 as Document No. 2562016, in Lake County, Illinois.

Commonly known as: 1988 First Street, Highland Park, Illinois.

P. I. N.: # 16- 23- 303- 017

EXHIBIT B

SIGN PLAN

EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The City of Highland Park, Illinois ("**City**"):

WHEREAS, McDonalds USA, LLC ("**Owner**") is the record title owner of that certain property commonly known as 1988 First Street in the City ("**Property**"); and

WHEREAS, Ordinance No. 063-2019, adopted by the City Council on September 26, 2019 ("**Ordinance**"), grants variances from the "City of Highland Park Zoning Ordinance of 1997," as amended, to the Owner to permit the installation of four pole signs on the Property; and

WHEREAS, Section Seven of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Owner has filed, within 30 days following the passage of the Ordinance, its unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Owner hereby agrees and covenants as follows:

1. The Owner hereby unconditionally agrees to, accepts, consents to, and will abide by, each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.

2. The Owner acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.

3. The Owner acknowledges and agrees that the City is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the City's granting of the variance for the Property or its adoption of the Ordinance, and that the City's approval of the variances does not, and will not, in any way, be deemed to insure the Owner against damage or injury of any kind and at any time.

4. The Owner hereby agrees to hold harmless and indemnify the City, the City's corporate authorities, and all City elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the City's adoption of the Ordinance granting the variances for the Property.

[SIGNATURE PAGE FOLLOWS]

Dated: _____, 2019

ATTEST:

MCDONALDS USA, LLC

By: _____
Its: _____

By: _____
Its: _____

EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The City of Highland Park, Illinois ("**City**");

WHEREAS, McDonalds USA, LLC ("**Owner**") is the record title owner of that certain property commonly known as 1988 First Street in the City ("**Property**"); and

WHEREAS, Ordinance No. 063-2019, adopted by the City Council on September 26, 2019 ("**Ordinance**"), grants variances from the "City of Highland Park Zoning Ordinance of 1997," as amended, to the Owner to permit the installation of four pole signs on the Property; and

WHEREAS, Section Seven of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Owner has filed, within 30 days following the passage of the Ordinance, its unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Owner hereby agrees and covenants as follows:

1. The Owner hereby unconditionally agrees to, accepts, consents to, and will abide by, each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.

2. The Owner acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.

3. The Owner acknowledges and agrees that the City is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the City's granting of the variance for the Property or its adoption of the Ordinance, and that the City's approval of the variances does not, and will not, in any way, be deemed to insure the Owner against damage or injury of any kind and at any time.

4. The Owner hereby agrees to hold harmless and indemnify the City, the City's corporate authorities, and all City elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the City's adoption of the Ordinance granting the variances for the Property.

[SIGNATURE PAGE FOLLOWS]

Dated: _____, 2019

ATTEST:

MCDONALDS USA, LLC

By: _____
Its: _____

By: _____
Its: _____

16-4-6.10 General Regulations

- A) Unless otherwise noted herein, all background colors used on signs shall match or be compatible with primary accent colors used on building elevations, and shall be approved by the City.
- B) Exterior neon signage and lighting that is visible from the public streets shall not be allowed without approval by the City.
- C) Signage and building addresses on the facades of buildings shall be individual cast letters that reflect the style of the building. Metal lettering is encouraged. Anchor tenants shall have signage heights reviewed on an individual basis. Signage for remaining tenants shall be limited to 18 inches in height and placed on a recessed surface of the building. Signage color will be limited to one color per building or building group. Covered pedestrian walkways shall be allowed additional signage suspended from the ceiling or by plaques recessed in walls. Signage at covered walkways shall be limited in size and consistent in color, size, and material per building or building group. Signage in windows shall be permanently affixed to the glass by painting, with the exception of non-illuminated open/closed signs, which may be removable.
- D) Monument signs shall comply with the following additional requirements, or as permitted in Table 16-4-6.13:
- 1) Dimensions -- 6' maximum in height (inclusive of base), 10' maximum in length, 18" minimum to 24" maximum in width.
 - 2) Base -- brick masonry, stone, or other solid base that is coordinated with the primary finish material used in the project building elevation. The base of the sign shall be a minimum of 12" in height.
 - 3) Graphics/Text -- signs may include the name or graphic identification of the project or development. Such graphic or text shall not exceed 18" in height.
 - 4) All signs shall be of sound structural quality, be maintained in good repair, and have a clean and neat appearance.
 - 5) Face of Sign shall be smooth. All signs or other advertising structures shall have a smooth surface and no nails, tacks or wires shall be permitted to protrude therefrom.
- E) Electronic/Digital Drive Thru Menu Boards shall comply with the following additional requirements, as permitted in Table 16-4-6.13:
- 1) With the exception of order confirmation, the screen of an electronic/digital display menu board shall be permitted to change a maximum of four times within a 24 hr. time period for the sole purpose of changing menu items. No additional transitions or animations displaying advertising, products or services shall be allowed in between or during the ordering process.
 - 2) Text or graphics shall not be animated, scrolling or have continuous movement.
 - 3) Video shall not be permitted.
 - 4) Electronic/digital display shall be limited to a maximum of 2,500 nits and no more than 500 nits at night, with the electronic sign equipped with a light sensor programmed to automatically adjust the brightness based on ambient light levels.

5) Area devoted to confirmation display shall be limited to a maximum of 42 **10sq.ft., per menu board.**

Such area shall not be limited to changing a maximum of 4 times per day, but shall meet all other requirements of this section.

E)F) Signs shall be setback a minimum of 5' from all property lines and sidewalks, and shall not be within traffic circles, or within sight triangles.

F)G) All signs shall comfortably fit within the signable area and shall have a maximum length of 90% of the signable area and maximum height of 85% of the signable area.

(Ord. 2846, 07-01-2017)

16-4-6.11 Abandoned or Unsafe Signs

- A) Except as otherwise provided in this Ordinance, any sign including its structure which is located on a building, structure or premises that becomes vacant and unoccupied for a period of 6 months or more, or any sign which pertains to time, event or purpose which no longer applies, shall be deemed to have been abandoned.
- B) An abandoned sign is prohibited and shall be removed by the owner of the sign or the owner of the premises. In addition, the facade or place where the sign was attached shall be restored to its normal appearance.
- C) If the sign has not been removed after the 6 month time period has elapsed, the City shall notify the property owner of record in writing that the sign shall be removed within 10 days after the date of the notice. If the sign has not been removed within the 10 days, the Designated Official may have the sign removed and shall have the costs of the removal be paid by the property owner.
- D) The Community Development Department shall mail a statement of removal costs of said sign to the last known address of the owner of the property, and if such costs are not paid within 10 days, the Designated Official shall take such further action as may be warranted to collect such sums.
- E) If the Designated Official finds that any sign or other advertising structure regulated is unsafe, insecure, or a menace to the public, written notice shall be provided to the permittee. If the aforementioned sign was installed without a permit, the owner of the property shall be notified. If the permittee or owner fails to remove or alter the structure so as to comply with the standards set forth, within 48 hours after such notice, such sign or advertising structure may be removed, altered, or otherwise brought into compliance by the Designated Official at the expense of the permittee or owner of the property on which it is located.

(Ord. 2846, 07-01-2017)

16-4-6.12 Unlawful Signs

- A) It is unlawful to place or maintain any sign in violation of the terms of this Ordinance.
- B) It is unlawful to willfully remove a sign belonging to any other person without the consent of the owner of the sign or the owner of the property upon which the sign is placed.
- C) Prosecution for Violation. If the Designated Official or his or her designee shall have reason to believe that any sign regulated herein is constructed, erected, or being maintained in violation of

Article 4	Supplemental Provisions
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	internally illuminated channel letters
Monument Sign (can be double faced)	
Allowable Type	Signs identifying a commercial development, or retail or service business
Maximum Number	None. In lieu of one wall or canopy sign, may be allowed by the Governing Body after recommendation by the Planning Commission
Maximum Area	50 sq. ft., including base
Lighting	Non-illuminated, externally-illuminated, halo-illuminated, or push-through acrylic letters
Directional Signs	
Maximum Number	2
Maximum Area	6 sq. ft.
Lighting	Non-illuminated
Directory Sign	
Minimum Number of Acres	Only permitted within developments with a minimum of 10 acres.
Maximum Number	The maximum number of directory signs within any single development shall be limited to one sign per 5 acres, but in no case shall exceed a total of 6 for the overall development.
Maximum Size	18 sq.ft. (Includes all components of the sign including supporting structures)
Maximum Height	6 ft. from grade. (Includes all supporting structures)
Sign Type	Wall, monument, or post and panel .
Lighting	Non-illuminated, externally illuminated, halo-illuminated, push-through acrylic letters, or internally illuminated.
Location	Shall be located outside of all structure setbacks and sight triangles.
Drive-Thru Menu Board	
Structural Type	Monument Pole Sign (unless the expectation is to have a masonry type base
Maximum Number of Signs	1 menu board and 1 auxiliary sign (pre-browse) per drive-thru lane, not to exceed 2 4 total (per establishment)
Maximum Area of Sign	52 sq.ft., including base for non-digital screens. 30 20 sq. ft., including excluding base for menu boards with digital screens; 10 sq. ft. for auxiliary signs
Maximum Height	7 ft.
Maximum Height of Lettering	6 in.
Lighting	Non-illuminated, halo-illuminated, push-through acrylic letters, or internally illuminated. Electronic/digital displays shall meet the additional requirements listed in Section 16-4-6.10(E)
Location	Shall be located adjacent to and oriented toward the drive-thru lane and shall be oriented away from adjacent areas that are used, zoned or master planned as residential.
Screening	The backs of menu boards shall be screened with either a masonry structure or evergreen landscaping of sufficient height to screen the back of the menu board.
Drive-Thru Order Confirmation Display	
Maximum Number	One per drive-thru lane, not to exceed 2 total (per establishment)
Maximum Area of Display	3.5 sq.ft., stand alone 10 sq. ft., if integrated into menu board.
Maximum Size of Support Structure	8 sq.ft. and 5 ft. in height for structures whose sole purpose is to house the order confirmation display, or as approved by the Governing Body if the order confirmation display is incorporated into another structure approved as part of the development plan for the drive-thru.
Menu Display	
Structure Type	Shall be placed inside a display case that shall be integrated into the façade of the building.

Article 4**Supplemental Provisions**

	along the same street frontage shall be separated a minimum of 400 ft.
Maximum Area	50 sq.ft., including base
Maximum Length	10 ft.
Maximum Height	6 ft. measured from grade to the tallest portion of the sign.
Maximum Height of Characters	1 character on the sign face may be a maximum of 24 in. in height., all other characters shall be a maximum of 18 in. in height.
Lighting	Non-illuminated, externally-illuminated, halo-illuminated, or push-through acrylic letters
Vehicular Directory/Monument Sign (6-1105, 6-1106, 6-14-30)	
Minimum Number of Acres	Only permitted within developments with a minimum of 25 acres.
Sign Type	Monument Sign
Location	Minimum of 100 ft. from all public right-of-way.
Maximum Number	1 per 5 acres, not to exceed 6 total for the development.
Maximum Area	28 sq. ft., including base
Maximum Length	4 ft.
Maximum Height	7 ft. measured from grade to tallest portion of the sign.
Maximum size of Characters	1 character on the sign face may be a maximum of 2 sq.ft., all other characters shall be a maximum of 6 in. in height.
Lighting	Non-illuminated, externally illuminated, halo-illuminated, or push-through acrylic letters
Directional Signs	
Sign Type	Monument or post and panel.
Maximum Number	2
Maximum Area	6 sq.ft., including base
Lighting	Non-illuminated
Pedestrian Directory Sign	
Minimum Number of Acres	Only permitted within developments with a minimum of 10 acres.
Sign Type	Wall, monument, or post and panel.
Location	Within or adjacent to pedestrian areas and a minimum distance of 100 ft. from all public rights of way.
Maximum Number	The maximum number of directory signs within any single development shall be limited to one sign per 5 acres, but in no case shall exceed a total of 6 for the overall development.
Maximum Area	18 sq.ft. (Includes all components of the sign including supporting structures)
Maximum Height	6 ft. measured from grade to the tallest part of the sign. (Includes all supporting structures)
Lighting	Non-illuminated, externally illuminated, halo-illuminated, push-through acrylic letters, or internally illuminated
Menu Display Board Signage	
Structure Type	Shall be placed inside a display case that shall be integrated into the façade of the building.
Maximum Number	1 per tenant entrance, not to exceed 2 total (per tenant)
Maximum Area	3 sq.ft.
Lighting	Non-illuminated or indirectly-illuminated
Location	At entrance
Drive-Thru Menu Board	
Structure Type	Monument
Maximum Number of Signs	1 per drive-thru lane, not to exceed 2 total (per establishment)

Michelle Freeman

From: Tonya Zozulya [tzozulya@lincolnshireil.gov]
Sent: Tuesday, November 19, 2019 4:08 PM
To: Michelle Freeman
Cc: Brian Hiestand; Mary Thies; Carol Lustig; Christopher Prucnal (chrisprucnal@gmail.com)
Subject: RE: McDonalds Sign Application

Hi Michelle,

Item 1 of the new Menu Board section states that they be designed of either a monument or double-post design (this means a base is required). We're very disappointed that you're proposing to change it after you've shown/spoken about the masonry base with the Village Board and ARB and ask you reconsider it.

Thanks,
Tonya

Menu Boards. One (1) menu board is permitted for each restaurant drive-through aisle where patrons may order and receive food or beverages at a drive through service aisle, subject to the following conditions:

Menu boards will be designed only as a monument sign or double post sign.

Menu boards will only be located adjacent to, and the sign face must aim toward, the drive through service aisle.

Each menu board will conform to the following regulations:

No more than forty (40) square feet in sign area.

No more than six (6) feet in height; and

No less than twenty (20) feet from any lot line.

Menu boards shall be landscaped at the base with evergreen plantings.

Menu boards may use an electronic sign, provided it complies with the following standards:

The menu board content may change only once per meal service (breakfast, lunch and dinner).

Electronic signs shall be turned off when the drive-through service aisle is closed to patrons.

Menu boards may not emit sound, except as part of the communication between the business and the patron.

The content displayed on the electronic sign, and the transition between messages or images, will not use any flashing, blinking or intermittent lights or other means not providing constant illumination, including strobe lights, spotlights or floodlights.

The content displayed on the electronic sign will use static images and will not use any animation.

The brightness level of the electronic sign will be limited to no more than 2,500 nits during the day and no more than 500 nits at night, with the electronic sign equipped with a light sensor programmed to automatically adjust the brightness based on ambient light levels.

The sign copy area shall have a light-colored background with contrasting letters during daytime display and a black background with contrasting letters during nighttime display.

NOV 13 2019

MOTION MADE BY: _____

53

MOTION SECONDED BY: _____

AN ORDINANCE TO AMEND THE CITY OF NEW BALTIMORE CODE OF ORDINANCES, CHAPTER 42 - SIGNS, REPEALING AND REPLACING SAID CHAPTER IN ITS ENTIRETY, TO PROVIDE FOR INTENT, APPLICABILITY, DEFINITIONS, APPEALS, PERMITTING, INCLUDING SUBMISSION AND PERMIT REQUIREMENTS, EXEMPT SIGNS, PROHIBITED SIGNS, APPLICATION PROCEDURES, APPLICATION AND APPROVAL PROCEDURES, ZONING DISTRICT REGULATIONS, GENERAL SIGN REGULATIONS, INCLUDING LOCATION, ILLUMINATION, MAINTENANCE, HEIGHT AND WIDTH, NONCONFORMITY, REMOVAL, SPECIFIC SIGN REGULATIONS, HISTORIC DISTRICT REGULATIONS, TO PROVIDE FOR SEVERABILITY, REPEALER AND EFFECTIVE DATE.

CITY OF NEW BALTIMORE
MACOMB COUNTY, MICHIGAN
ORDINANCE NO. _____

THE CITY OF NEW BALTIMORE ORDAINS:

Section 1. Preamble. WHEREAS, in order to preserve, promote and protect public health, safety and welfare, the City enacts the ordinance hereinafter.

Section 2. Chapter 42 - Signs of the City of New Baltimore Code of Ordinances is hereby repealed and replaced in its entirety as follows:

Chapter 42 - SIGNS

ARTICLE I. - IN GENERAL

Sec. 42-1. - Intent.

The following municipal interests are considered by the City to be compelling government interests. Each interest is intended to be achieved in a manner that represents the least restrictive means of accomplishing the stated interest, and in all events intended to promote an important government interest that would not be effectively achieved absent the regulation. Regulating the size and location of signage in the most narrowly tailored manner represents the least restrictive means of addressing the targeted government interests of avoiding nuisance-like conditions while maintaining and improving pedestrian and vehicular safety and efficiency; character and quality of life; economic development and property values; and property identification for emergency response and wayfinding purposes.

- (a) **Pedestrian and Vehicular Safety.** Maintaining pedestrian and vehicular safety are predominant and compelling government interests throughout the City, with particular emphasis on the safety of pedestrians.

- (b) **Character and Quality of Life.** Achieving and maintaining attractive, orderly, and desirable places to conduct business, celebrate civic events, entertain people, and provide for housing opportunities is directly related to the stability of property values needed to provide and finance quality public services and facilities within the City. This ordinance intends to allow signs that are of sufficient, but not excessive, size to perform their intended function as necessary to provide and maintain the City's character and support neighborhood stability. Also, the intent of this ordinance is that signs will reflect the character of unique districts as may be established by the City's Master Plan, other adopted plans or the zoning ordinance.
- (c) **Economic Development and Property Values.** It is found and determined that there is a clear relationship between the promotion of a set of specifications and restrictions for signage and the promotion of economic development, recognizing that unregulated and haphazard determinations concerning the size, location, and other characteristics of signs has a realistic tendency to result in an appearance that reduces economic development, and, in the long-term, property values. In addition, the establishment of the restrictions in this ordinance has a direct relationship to creating stability and predictability, allowing each private interest to secure reasonable exposure of signage, and thus promote business success.
- (d) **Avoidance of Nuisance-Like Conditions.** Due to the concentration of people and activities, there is a potential for, and it is a compelling interest to avoid, blight, physical clutter, and visual clutter in the City, recognizing that such conditions tend to create nuisance-like conditions contrary to the public welfare. The result of these conditions leads to diminished property values, reduced attractiveness of the community, and reduced quality of life within the districts. Minimum regulations that substantially relate to signage are compelling and important and are necessary for the maintenance and well-being of positive conditions, good character and quality of life in the City. Ultimately, these regulations are compelling and important for the protection of all police power values.
- (e) **Property Identification for Emergency Response and Wayfinding Purposes.** Locating a business or residence by emergency police, fire, and other emergency responders can be a matter of life and death, and thus it is a compelling interest to ensure that proper, understandable, unambiguous, and coordinated signage be permitted and required, and specifications for such purposes can be accomplished in a simple and narrow manner. Wayfinding for vehicular and pedestrian purposes is also a compelling interest to avoid confusion in public rights-of-way, and unnecessary intrusions on private property, and sign specifications for such wayfinding can be coordinated with property identification for emergency purposes.
- (f) **Protection of the Right to Receive and Convey Messages.** The important governmental interests contained herein are not intended to target the content of messages to be displayed on signs, but instead seek to achieve *non-speech* objectives. In no respect do the regulations of signage prohibit a property owner or occupant from an effective means of conveying the desired message. Nothing in this ordinance is intended to prohibit the right to convey and receive messages, specifically noncommercial messages such as religious, political, economic, social, philosophical or other types of speech protected by the First Amendment of the United States Constitution.

Sec. 42-2. - Applicability.

All signs within the City shall comply with the terms of this chapter.

Sec. 42-3. - Definitions.

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

Announcement sign and bulletin board mean a sign with changeable letters which is accessory to the principal use of the premises upon which the sign is placed.

Awning means a metal, wooden, fiberglass, canvas, or other fabric cover fastened to a building, which extends over a porch, patio, deck, balcony, window, door or open space.

Awning sign means a sign that is printed on or otherwise affixed to an awning.

Balloon sign means one or more balloons or any other air-filled or gas-filled object used as a sign or as a means of directing attention which is accessory to the principal use of the premises upon which the sign is placed.

Banner sign means a sign or display constructed of paper, plastic or fabric of any kind, intended to be hung, either with or without frames.

Canopy means a roof-like structure providing shelter to a public access area, which is either freestanding or is projecting from a building and is supported by structural members. A canopy may be constructed of metal, wood, or any approved fire-retardant material, such as cloth, canvas, fabric, plastic, or any light flexible material which is attached to or constructed on a frame or building.

Canopy sign means a sign that is printed on or otherwise affixed to a canopy.

Changeable Electronic Message Sign is a sign or a portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign, either manually or electronically.

Clear vision triangle means the triangle formed by the intersection of any road right-of-way and/or access drive at points 30 feet distant from the point of their intersection.

Directional sign means a sign used to direct vehicular or pedestrian traffic.

Freestanding sign means a sign attached to the ground by poles or braces and not attached to any building.

Identification sign and nameplate mean a sign which displays only the name of a person or firm.

Monument sign and ground sign mean a sign which is permanently fastened to the ground or supporting base and which is not attached to a building or structure. Any sign with less than two feet of clearance between the bottom of the sign and the established grade shall be a monument sign.

Pennant sign means a sign or display consisting of long, narrow, usually triangular flags.

Portable sign means a sign which is not permanently fastened to a building, to a structure, or to the ground. Such signs may be known as A-frames, sandwich or trailer signs as examples.

Projecting sign means a sign which is permanently fastened to the surface of a wall in such a way that the sign face is perpendicular to the surface of the wall. The sign face shall consist of two sides, mounted flush back to back.

Pylon sign means a sign which is permanently fastened to the ground by a pole, upright, brace or similar object and which is not attached to a building or structure and where the bottom plane of the sign is not within two feet above the ground or supporting base.

Sign means any use of words, numbers, figures, devices, designs, logos, trademarks, letters, characters, marks, points, planes, posters, pictorials, pictures, strokes, stripes, lines, reading matter, illuminating devices or paint visible to the general public and designed to inform or attract the attention of persons for the sale, exchange or use or promotion of products, goods or services or ideas or issues. This includes the structure upon which such words, numbers, figures, devices, designs, logos, trademarks, letters, characters, marks, points, planes, posters, pictorials, pictures, strokes, stripes, lines, reading matter, illuminating devices or paint are or may be printed or affixed.

Sign area measurement means sign area, unless otherwise noted in this definition, shall include the total area within any circle, triangle, rectangle, or other geometric shape or envelope enclosing the extreme limits of writing, representation, emblem, or any similar figure or element of the sign, together with any frame or other material forming an integral part of the display, if any, or used to differentiate such sign from the background against which it is placed.

- (a) For a wall sign in which there is no frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed, the envelope shall be around the letters, logos, emblems, figures, pictures, etc.
- (b) For an awning or canopy sign, where there is no design or envelope forming an integral part of the display which differentiates the sign from the background of the awning material or color, the envelope shall be around the letters, logos, emblems, figures, stripes, etc. For transparent or translucent awnings or canopies which have internal lighting, the entire surface of the awning or canopy shall be considered as the sign.
- (c) For a single-faced sign, the area shall be computed as the total exposed exterior surface in square feet.
- (d) The area of a double-faced sign shall be computed using only one face of the sign, provided that the outline and dimensions of both faces are identical and that the faces are back to back so that only one face is visible at any given location, unless otherwise provided for within this chapter.
- (e) For double-faced or multi-faced signs that are arranged so that the faces are greater than 24 inches from one another or signs with any two faces that form a "V" in plan, where the angle of the V is greater than 15 degrees, the area shall be computed by totaling the sign area of all faces of the sign. The area of a cylindrical sign shall be computed by measuring the total area of all signs located on the cylinder.

Subdivision sign shall depict the name of the subdivision located at the entrance to a subdivision.

Temporary sign means a sign that is intended to be erected for a limited period of time as regulated in the ordinance, including banners, pennants, or any other sign that is not permanently affixed to a building face or to a pole, pylon, or other support that is permanently anchored to the ground.

Vehicle business sign means a vehicle upon which a sign is painted or attached and which is parked upon a premises for the intent of advertising. Vehicle business signs do not include licensed commercial vehicles regularly used to transport persons or property for the operation of the business.

Wall sign means a sign permanently fastened to the wall of a building or structure or a sign painted on, attached to, or placed flat against the exterior wall surface of any building, no portion of which projects more than 12 inches from the wall.

Window sign means a sign which is affixed, attached, painted or otherwise placed on or adjacent to the interior of a window in such a manner as to be readily visible from the exterior of the building.

Sec. 42-4. - Appeals procedure; variances.

- (a) Any party who has been refused a sign permit by the building inspector may seek a variance of this chapter by filing an appeal application to the sign review board.
- (b) At the hearing for a variance, the sign review board may grant a variance from this chapter upon a finding of all of the following:

- (1) The particular physical surroundings, shape or topographical conditions of the property would render compliance with this chapter difficult and would likely result in a particular hardship on the owner, as distinguished from inconvenience of the requirements of this chapter or a desire to increase financial gain or avoid the financial expense of compliance.
 - (2) Strict enforcement of this chapter would serve no useful purpose.
 - (3) The type of sign structure and the location proposed would not pose a significant risk to the public health, safety and welfare.
 - (4) The benefit of the sign to the general public and/or applicant under the circumstances outweighs any risk to traffic safety and the City's desire to eliminate the accumulation of visual clutter in accordance with the stated purpose of this chapter.
 - (5) A variance would be in the interest of the City and not against the spirit and intent of this chapter.
- (c) The sign review board may consult with any City employee, consultant or other resource, if further information regarding the appeal is necessary. In issuing a variance from the strict letter of this chapter, the sign review board may grant a variance of any sign requirement or place reasonable conditions or restrictions upon issuance of a permit.

Sec. 42-5 -42-30. - Reserved

ARTICLE II. - PERMITTING

Sec. 42-31. - Submission and permit requirements.

No person shall alter, relocate, erect, re-erect or construct any sign, except those which are exempted in this chapter, unless a permit for a sign has been issued by the City pursuant to this article. Signs which are approved as part of an overall development site plan do not require a separate application and sign fees.

Sec. 42-32. - Exempt signs, signs with no permit required.

- (a) Any sign less than four (4) square feet.
- (b) Any sign erected by the City or a board/commission created by the City, school district signage and road/traffic control directional signage erected by the county, state or federal government shall be exempt from this chapter.
- (c) Flags of the United States, the state, any political subdivision of the state, other flags specifically approved by the City council, or flags or banners on residences used as decoration and not advertising homes or items for sale are exempt from this chapter, as long as the size or number of such flags or banners are not of such nature that it would be commonly understood that their display was intended to be a commercial advertisement to attract the attention of the general public.
- (d) City, county, state, or federal identification signs shall be exempt from this chapter.

Sec. 42-33. - Signs requiring permit and site plan.

The following signs require a permit and a site plan:

- (a) Monument signs.
- (b) Wall signs.
- (c) Projecting signs.

- (d) Off-site signs.
- (e) Subdivision entrance signs.
- (f) Announcement or bulletin reader boards.
- (g) Awning signs.
- (h) Changeable electronic message signs.

Sec. 42-34. - Prohibited signs.

Unless otherwise specifically permitted under this chapter or any other applicable law, the following signs shall not be permitted or erected in the City:

- (a) Balloon signs or displays, streamers, windblown devices, spinners, banners and pennants, unless otherwise permitted or exempted under this chapter.
- (b) Any sign that gives the appearance of motion, including moving, scrolling, animated, or flashing elements.
- (c) Bare-bulb-type signs or displays.
- (d) Signs affixed to or painted on street furniture, trees or utility poles. This shall not apply to plaques which are less than three inches by seven inches.
- (e) Rope light, string light or similar lighting attached to, surrounding or otherwise drawing attention to a sign.
- (f) Any sign that is not specifically permitted by this chapter is prohibited.

Sec. 42-35. - Application for permit.

- (a) Written application for a permit required by this article shall be made on forms provided by the City.
- (b) Such application shall be accompanied by a site plan, sign drawing and sign data presented in accordance with the following and showing the required information:
 - (1) The site plan shall be drawn to a scale (for example, one inch equals 50 feet or one inch equals ten feet).
 - (2) The site plan shall show the location of all existing and proposed signs on the site.
 - (3) The site plan shall show the location of existing and proposed streets, roadways, parking areas, entrances and exits within 100 feet of the proposed sign.
 - (4) Drawings of the proposed sign to be erected or installed on the site shall be submitted with the site plan and shall include all of the following detailed information:
 - a. Height of the sign above the ground.
 - b. Surface of the sign (material, color and dimensions).
 - c. Area of the sign surface.
 - d. Lettering of the sign drawn as it will appear on the erected sign. It need not be in the style of the finished sign, but must be neatly printed in the size and of a weight approximating that of the final constructed sign.
 - e. Method and color of illumination, if any.
 - f. Logos, emblems or additional features.

- g. Such additional information as deemed necessary and/or pertinent to the application by the reviewing agent at the City.
 - h. A drawing of the total building wall upon whose face the sign is to be displayed at a reasonable scale, preferably one-fourth inch equals one foot.
- (c) Copies of the application and all plans and supplemental statements of information required therewith shall be filed with the City clerk, together with the fee therefor as shall be established by resolution of the City council and which shall be sufficient to cover the cost of administration and the reasonable expenses incurred by and for inspection and review by the City and its consultants.

Sec. 42-36. - Granting and issuance of permit.

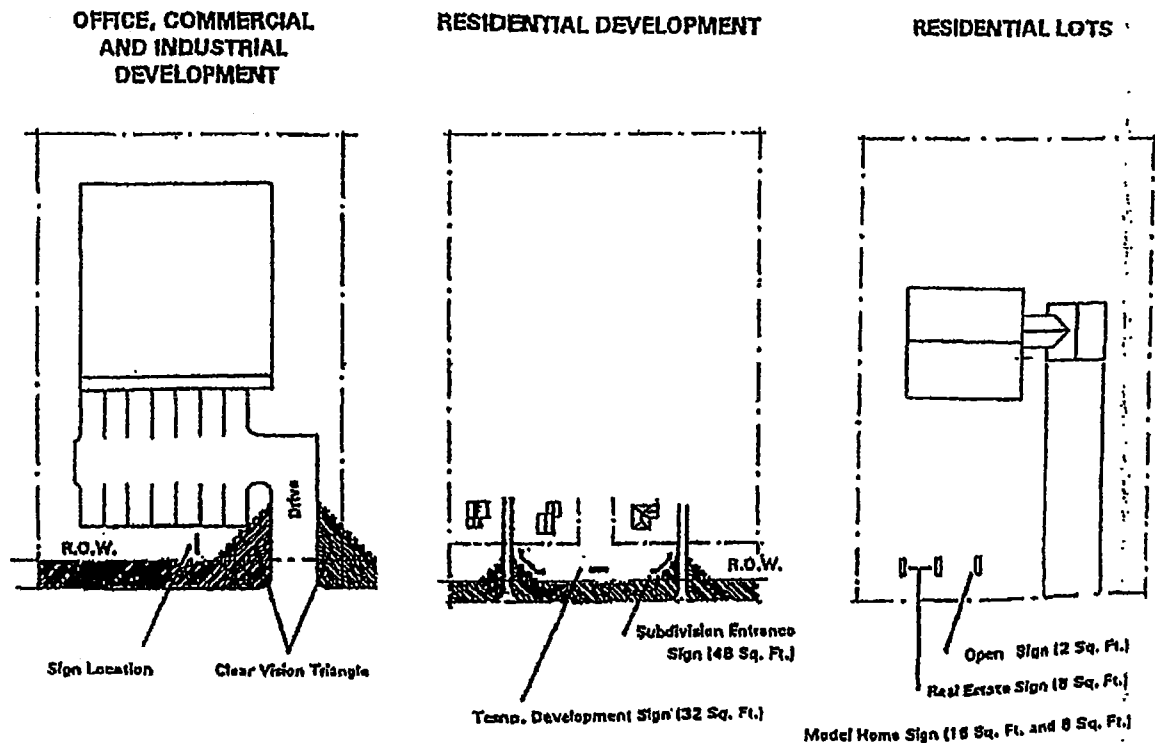
- (a) Resurfacing of existing signs or changes to wall signs shall be reviewed and approved by the building inspector, provided such meet all of the requirements of this chapter.
- (b) All new signs which require a permit shall be reviewed by the building official, unless otherwise indicated in this chapter. Signs may be and are encouraged to be reviewed and approved by the planning commission as part of the site plan review process. The building official, at his discretion, may order any sign to be reviewed by the planning commission. The following signs shall require planning commission review and approval:
 - (1) Monument or ground signs.
 - (2) Specialty lighting as regulated in subsection 42-98(b).
- (c) Upon receipt of all necessary submissions required by this article, the building inspector shall review the application for conformity with the requirements of the building code and this chapter. The building inspector and the City's consultants as necessary shall report their findings to the planning commission for those signs which the commission reviews. The planning commission shall either recommend approval or disapproval of the application to the City council within a reasonable time. Any approvals may be conditioned upon compliance with reasonable regulations or limitations, having regard to the character of the sign, the surroundings in which it is to be displayed, and the intent of this chapter. If the application conforms to City code requirements, the building inspector shall issue a permit.

Sec. 42-37. - Sign approval procedures.

All applications that require planning commission review shall be submitted 20 City business days prior to the regular meeting of the planning commission and shall be accompanied by a sign drawing and site plan illustrating the location of the sign on the site. Each application shall be submitted with the proper number of copies and the fees as established by the City. The following information must be provided as part of a sign submittal:

- (a) **All submittals.** Scaled drawings of the proposed sign, specifying the location, the height of the sign above the ground, the surface area and material of the sign, the lettering as it will appear on the sign, method of illumination, and any other information as the building inspector or planning commission deems necessary to the understanding of the application, shall be submitted.
- (b) **Wall signs.** A scaled plan showing the location of the sign on all facades of the structure shall be submitted. It shall be apparent on which facade the sign is to be located in relation to the street.
- (c) **Ground monument signs.** The location of the sign in relation to all existing and proposed streets and rights-of-way, buildings and structures, parking areas and site entrances within 100 feet shall be submitted.

TYPICAL EXAMPLES OF REAL ESTATE AND DEVELOPMENT SIGNS



Secs. 42-38—42-65. - Reserved.

ARTICLE III. - ZONING DISTRICT REGULATIONS

Sec. 42-66. - Definitions.

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

Site means all land in a development which is necessary or indicated as part of the development proposal to meet parking requirements, setback requirements, landscape requirements, drainage requirements (i.e., retention or detention basin), and lot coverage requirements.

Sec. 42-67. - Signs permitted for residential uses of land.

Signs permitted for all residential uses of land are regulated as follows:

- (a) For single and two-family residential uses, one wall sign is permitted for each site. It shall be no greater than two square feet and shall be mounted within six feet of a door providing pedestrian entrance to the building.
- (b) For subdivision entrances, one double-faced freestanding sign, parallel to the entrance road right-of-way, or two single-faced signs, which are perpendicular to or within a 45-degree angle of the entrance road right-of-way, may be permitted. In no case shall the total square footage of all signs exceed 48 square feet.
- (c) See section 42-145 for temporary sign regulations.

Sec. 42-68. - Business transitional zoning districts.

Signs permitted in business transitional (BT) zoning districts are as follows:

- (a) One identification wall sign is permitted for each dwelling unit or non-residential use. It shall be no greater than two square feet and shall be mounted within six feet of a door providing pedestrian entrance to the building.
- (b) One monument sign, not to exceed 16 square feet, shall be permitted for each site.
- (c) One wall sign or one projecting sign, not to exceed 16 square feet, shall be permitted for each tenant or occupant having an individual public entrance to a building. When multiple tenants share an entrance, one wall sign or one projecting sign, up to 16 square feet, shall be permitted to include all tenants.
- (d) In addition to a wall sign, one announcement or bulletin board sign is permitted for each approved institutional site. The total signage shall not exceed 16 square feet.
- (e) The sign area limitations for non-residential wall and monument signs in this subsection supersede the sign area permitted in Article V.

Sec. 42-69. - Signs permitted for non-residential uses of land.

Signs permitted for commercial, office, industrial, institutional or any other nonresidential use of land are as follows:

- (a) One freestanding monument sign shall be permitted for each site (Section 42-137).
- (b) One wall sign (Section 42-147) or one projecting sign (Section 42-142) shall be permitted for each tenant having an individual public entrance to a building. Where multiple tenants share an entrance, one wall sign or one projecting sign shall be permitted to be used by all tenants.
- (c) When a structure or planned group of structures is developed adjacent to more than one street or alley, one wall sign shall be permitted on each wall fronting such street or alley.
- (d) Retail establishments with over 50,000 square feet of gross floor area and over 250 feet of road frontage on a single thoroughfare shall be permitted two ground signs with 50 square feet of sign area each. The signs shall be evenly spaced along the frontage of the site and shall not, in any case, abut each other.
- (e) One announcement or bulletin board sign is permitted for each approved institutional site. The total signage shall not exceed 16 square feet.
- (f) Retail establishments with over 500 feet of road frontage on a single thoroughfare shall be permitted two matching ground signs. The signs shall be spaced a minimum of 100 feet from each other along the frontage of the site.
- (g) Vacant, undeveloped land that is located outside of all residential zoning districts, the Central Business Districts and the Business Transitional Districts, and that does not have established land use may be permitted one monument sign. The sign area shall not exceed 30 square feet.

Sec. 42-70. - Industrial zoning districts.

Signs permitted in industrial zoning districts are as follows:

- (1) One monument sign shall be permitted for each site (Section 42-137).
- (2) One wall sign shall be permitted for each business (Section 42-147).

- (3) For subdivision entrances, one double-faced subdivision entrance sign, parallel to the entrance road right-of-way, or two single-faced subdivision entrance signs, which are perpendicular to or within a 45-degree angle of the entrance road right-of-way, may be permitted. In no case shall the total square footage of all signs exceed 48 square feet.

Secs. 42-71—42-95. - Reserved.

ARTICLE IV. - GENERAL SIGN REGULATIONS

Sec. 42-96. - Applicability of article.

No sign may be erected, displayed or substantially altered or reconstructed, except in conformance with this chapter. The conditions in this article shall apply to all signs, regardless of use district, unless otherwise specified in this chapter.

Sec. 42-97. - Location requirements.

- (a) No sign, except as otherwise permitted in this chapter, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
- (b) No sign, except those established and maintained by the City, school district, county, state or federal government shall be located within the triangle formed by the intersection of any road right-of-way and/or access drive at points 30 feet distant from the point of their intersection.
- (c) No sign shall be located so as to impede pedestrian or vehicular traffic.

Sec. 42-98. - Illumination.

- (a) Illumination of signs shall be positioned and/or shielded so that the light shines away from adjoining properties and the eyes of motorists or pedestrians. The light source of such illumination shall be shielded from public view.
- (b) Specialty lighting, such as neon accent lighting or an "open" sign, may be permitted by the planning commission subject to City council approval on a finding that the proposal is in character with the use and not detrimental to other uses in the vicinity.
- (c) Changeable electronic message signs shall be subject to Section 42-134.

Sec. 42-99. - Width/length-to-height ratio.

In no case shall any sign exceed a maximum width/length-to-height ratio of eight to one, unless otherwise provided for within this chapter.

Sec. 42-100. - Maintenance.

If, upon inspection by the building inspector, a sign is found to be unsafe, insecure, corroded, subject to corrosion, or otherwise poorly maintained, the owner shall make the sign safe and secure by completing any necessary reconstruction, repairs, painting or other improvements in accordance with the following timetable, unless the sign is required to be removed by section 42-101 which pertains to nonconforming signs:

- (a) If the building inspector determines that the sign is an immediate threat to the safety of persons or property nearby, all required action to correct the defect shall be taken within 48 hours (two working days) from the time of notification in writing from the City, provided that the sign can be cordoned off or adequately secured during the intervening time so as to remove any immediate threat to safety. If such sign cannot be cordoned off or secured so as to eliminate any immediate threat to the safety of persons or property, all required action to correct the defect shall be made forthwith.

- (b) If the building inspector determines that the sign is not an immediate threat to the safety of persons or property, all required action to correct the defect shall be made within 30 days after notification in writing from the City. The building inspector may extend the 30-day timetable if temperatures below 25 degrees Fahrenheit prevent painting or if the defects involved are minor, not generally noticeable to the public, and not a hazard to public safety, such as replacement of burned out lightbulbs.
- (c) If defects are not corrected within the specified time limits, the City may remove or cause to be removed such sign at the expense of the sign owner or tenant to whom the sign applies. Such expenses shall be paid by the owner or tenant to whom the sign applies within 30 days after receiving notification of such expense from the City. Such notification shall be made by first class mail.

Sec. 42-101. - Nonconforming signs.

Any sign already established by the effective date of the ordinance from which this chapter is derived which is rendered nonconforming by this chapter and any sign which is rendered nonconforming as a result of subsequent amendments to this chapter shall be subject to the regulations concerning nonconforming signs as follows:

- (a) Any sign on a residentially used property which is a nonconforming sign shall be taken down and removed by the owner, agent, or person within 30 days after written notice from the City.
- (b) Any sign which advertises activity no longer being conducted or a product no longer being manufactured or sold on the property shall be considered nonconforming. Such signs shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or land within one month from the date of written notice from the City. However, where such a sign structure and frame are typically reused by the current occupant or business in leased or rented buildings, the building owner shall not be required to remove the sign structure and frame in the interim periods when the building is not occupied, provided that the sign structure and frame are maintained in accordance with this chapter and other relevant City ordinances and codes and provided, further, that the time period of nonuse does not exceed 90 days.
- (c) Any sign which is nonconforming as to size, projection, location, number of signs, position, material or construction shall be taken down, removed, repaired, rebuilt or replaced in such manner as to bring the sign into compliance by the owner, agent or person having the beneficial use of the building, structure or land whenever the site or any portion including any buildings or out buildings are remodeled, or whenever there is a change in ownership of the subject property, or a change in majority ownership within any entity that is the owner of the subject property. Each of the foregoing parties shall be jointly and severally responsible for compliance.

Sec. 42-102. - Removal.

Whenever a sign is removed or is required to be removed by this chapter or by order of the building inspector, the entire sign structure, including fastenings and anchorages, shall be removed. The City shall have the authority to remove the entire sign structure, including fastenings and anchorages, if the owner or person in possession of the sign fails to comply with the building inspector's order. The cost of removal shall then be charged to the landowner and/or person in possession of the sign.

Sec. 42-103. - Addresses.

Addresses shall be visible and legible from the public right-of-way. Addresses 12 inches or less in height in residential districts and 24 inches or less in height in non-residential districts shall not be included in the calculation of total sign area.

Sec. 42-104. - Substitution.

Noncommercial messages shall be permitted on any sign constructed or erected in compliance with this ordinance.

Sec. 42-105. - Severability.

If any word, sentence, section, chapter or any other provision or portion of this Code or rules adopted hereunder is invalidated by any court of competent jurisdiction, the remaining words, sentences, sections, chapters, provisions, or portions will not be affected and will continue in full force and effect.

Secs. 42-106—42-130. - Reserved.

ARTICLE V. - SPECIFIC SIGN REGULATIONS

Sec. 42-131. - Applicability of article.

In addition to the general regulations in article IV of this chapter, the specific sign regulations in this article shall apply.

Sec. 42-132. - Announcement signs.

Announcement signs, when permitted, shall be limited to the following:

- (a) An announcement sign shall not exceed 16 square feet in area.
- (b) An announcement sign shall not exceed four feet in height from grade.

Sec. 42-133. - Awning or canopy signs.

Awning or canopy signs, when permitted, shall be limited to the following:

- (a) An awning or canopy sign which is accessory to the principal use of the premises upon which the sign is placed shall be placed only on the principal front of the building.
- (b) An awning or canopy sign shall be permitted in lieu of a permitted wall sign.
- (c) An awning or canopy sign shall not exceed 20 square feet in display area.
- (d) A minimum vertical clearance of 14 feet shall be provided beneath any awning or canopy sign which projects over a parking area or driveway. In all other areas, a minimum vertical clearance of eight feet shall be provided beneath an awning or canopy.

Sec. 42-134. - Changeable Electronic Message Signs.

- (a) Changeable Electronic Message Signs are allowed in all Districts, except in residential and the DDA District. Government buildings and education facilities shall be exempt from the requirements of this section.
- (b) Changeable Electronic Message Signs shall only be permitted as no more than 25% of the allowable sign area, regardless of the type of sign.
- (c) Except for time and temperature displays, an electronic Changeable Electronic Message Sign shall be limited to the electronic display of a non-flashing or nonmoving message that shall remain unchanged for at least thirty (30) continuous seconds before it is replaced by another message.
- (d) Changeable Electronic Message Signs shall conform with the Sign Illumination standards in Sec. 42-179(f).

Sec. 42-135. - Directional signs.

Directional signs, when permitted, shall be limited to the following:

- (a) Above-grade directional signs shall not exceed two square feet in area and shall not exceed three feet in height. Not more than two per driveway shall be permitted.
- (b) At-grade directional signs painted on or adhered to the surface of paved areas are not regulated as to area.

Sec. 42-136. - Identification signs.

Identification signs, when permitted, shall be limited to the following:

- (a) One unlit wall-mounted sign shall be permitted.
- (b) An identification sign shall not exceed two square feet in display area. Wall-mounted signs shall not extend outward more than two inches from the surface of a wall on the subject structure. Freestanding identification signs shall not exceed three feet in height.

Sec. 42-137. - Monument signs.

Monument signs, when permitted, shall be limited to the following:

- (a) Monument signs shall not exceed 60 square feet in display area. If the planning commission determines that architectural features of the sign, such as wood, rock or brick framing, are in harmony with the surrounding area and the principal structure, the architectural features of the sign shall not count as part of the display area.
- (b) Monument signs, including the architectural features, shall not exceed six feet in height.
- (c) The City requires the erection of monument signs, rather than pylon signs which are prohibited under this chapter.

Sec. 42-138-139. - Reserved.

Sec. 42-140. - Portable signs.

Portable signs are hereby prohibited, regardless of form, size, character or placement, unless otherwise specifically permitted within this chapter.

Sec. 42-141. Reserved

Sec. 42-142. - Projecting signs.

Projecting signs, when permitted, shall be limited to the following:

- (a) The sign display area for a projecting sign shall not exceed 12 square feet. A bracket or mount for a projecting sign shall not extend further than 48 inches from the wall. The face of such sign shall not project more than 48 inches from the wall upon which the sign is mounted and 36 inches in height. In no case shall any part of such sign project above the roofline.
- (b) A minimum vertical clearance of 14 feet shall be provided beneath any projecting sign which projects over a parking area or driveway. In all other areas, an eight-foot minimum vertical clearance, measured from the ground to the bottom of the sign, shall be provided.
- (c) Projecting signs may be permitted to extend into the airspace of publicly owned rights-of-way, provided that such extension does not interfere with the use of such rights-of-way or adversely impact upon the health, safety or welfare of the public.

Sec. 42-143. - Pylon signs.

Pylon signs are hereby prohibited.

Sec. 42-144. - Subdivision Entrance Signs.

Subdivision entrance signs are permitted in accordance with the following:

- (a) A subdivision entrance sign shall not exceed 48 square feet in sign display area. This total shall include both sign faces. If the planning commission determines that architectural features of the sign are in harmony with the surrounding area and the principal structure, the architectural features of the sign shall not count as part of the display area.
- (b) A subdivision entrance sign shall not exceed a height of six feet. If the planning commission determines that architectural features of the sign, such as wood, rock, ornate columns, or brick framing, are in harmony with the surrounding area, the architectural features of the sign shall not count as part of the total height of the sign.
- (c) A subdivision entrance sign may be located in a traffic island at the entrance of a subdivision if the planning commission determines that the sign will not obstruct motorist vision.

Sec. 42-145. - Temporary signs.

(a) Temporary signs shall be permitted as follows:

TABLE 42-145 A: MAXIMUM AREA PER SIGN FACE, MAXIMUM HEIGHT, AND ALLOWED TYPE OF TEMPORARY SIGNS				
DISTRICT	PERMITTED TYPES	MAXIMUM AREA OF TEMPORARY SIGNS PER FACE	MAXIMUM AREA OF AN INDIVIDUAL SIGN	MAXIMUM HEIGHT (FREESTANDING)
(1) Residential	Freestanding	0.2 square feet (sf) of sign area per linear foot of street frontage, provided the maximum allowable total area shall not be less than 20 sf nor more than 48 sf	15 square feet	5 feet
	Wall ¹	3 square feet per building in single family residential districts; 12 square feet per building in multiple family residential districts.	3 square feet in single family districts; 12 square feet per building in multiple family residential districts	
(2) Non-Residential	Freestanding	0.6 square feet (sf) of sign area per linear foot of street frontage, provided the maximum allowable total area shall not be less than 32 sf nor more than 100 sf	32 square feet	6 feet
	Wall ¹	20 square feet	20 square feet	

¹The display period for temporary wall signs shall be limited to a total of twenty-eight (28) days per calendar year.

Such signs shall not be displayed for any continuous period greater than fourteen (14) days. After this time expires, the sign shall be removed.

- (b) Freestanding temporary signs shall be setback five feet from all property lines. The maximum display time of freestanding temporary signs is 65 days. After this time expires, the sign shall be removed. Once the temporary sign is removed, there shall be a gap of at least thirty (30) days between display of the same temporary sign on the same zoning lot.
- (c) Notwithstanding the above, 3 square feet of temporary freestanding or temporary wall sign area is allowed on each zoning lot at any time and without expiration of display time. The area of this sign is counted towards the area maximum in Table 42-145.A.
- (d) When all or a portion of a building or land area on a zoning lot is listed or advertised for sale or lease, the maximum display time for temporary signs shall be the duration the building, building unit or land is listed or advertised for sale or lease. Once a building unit is leased or sold, the sign shall be removed if it has been displayed for more than 65 days. In all cases, the sign area limits in the Table 42-145.A shall apply.
- (e) Temporary signs shall be constructed of durable, all-weather materials and designed to remain in place and in good repair so long as they remain on display; provided, however, that each zoning lot may have one temporary freestanding sign up to three square feet constructed of any non-illuminated material. All temporary freestanding signs larger than three square feet shall have a frame or rigid border.

Temporary signs shall be subject to the maintenance standards of this section.

Sec. 42-146. - Vehicle business signs.

Vehicle business signs are prohibited within the City.

Sec. 42-147. - Wall signs.

- (a) A wall sign shall not project more than 12 inches horizontally beyond the wall of a building.
- (b) A wall sign shall be used to display the name of the firm, the address or a symbol, or type of business.
- (c) Wall signs shall not project above the highest point used to measure the height of the building or structure.
- (d) Wall signs shall not exceed one square foot for each linear foot of storefront on which the sign is to be placed or 20 square feet, whichever is greater. In no case shall a wall sign exceed 60 square feet.
- (e) Uses with over 50,000 square feet of floor area may be permitted a wall sign area equal to one square foot for each linear foot of store frontage up to a maximum of 150 square feet.

Sec. 42-148. - Window signs.

Window signs shall be counted towards the total wall sign area which is permitted for any particular structure as noted in this article and shall be subject to the following.

- (a) Window signs in residential districts are permitted in ground floor and second floor windows. The total window sign area shall not exceed three square feet per dwelling unit.
- (b) Window signs in all other districts shall not exceed 25 percent of the total window area of any given façade.

Sec. 42-149. - Nonvisible signs.

Signs not visible beyond the boundaries of the lot or parcel upon which they are situated or from any public thoroughfare or right-of-way shall not be counted toward the maximum number of signs permitted on the subject lot or parcel. Such signs shall also be exempt from display area regulations. Such signs shall remain subject to sign approval, permit requirements, inspections, and height and setback requirements.

Sec. 42-150. - A-frame signs.

- (a) Each commercial business within the City may be permitted one A-frame sign.
- (b) The A-frame sign shall maintain a maximum size of four feet high and three feet wide.
- (c) A-frame signs must be placed adjacent to the business store front utilizing the A-frame sign. The A-frame sign shall not interfere with pedestrian or vehicular circulation. A minimum of five feet of unobstructed sidewalk shall be maintained along the entire frontage of any business that maintains an A-frame sign.
- (d) A-frame signs shall be constructed of durable materials. Changeable copy signs shall not be permitted as A-frame signs. Plastic shall not be considered a durable material for the purposes of this section.
- (e) A-frame signs shall only be permitted during the hours the business is open to the public and shall be removed at the end of business each day.
- (f) A-frame signs shall be secured from movement or falling by means determined acceptable by the building administrator or code enforcement officer.
- (g) Any business not in compliance with existing sign requirements shall not be permitted an A-frame sign.
- (h) A sign permit shall be required for an a-frame sign from the building department.

Secs. 42-151—42-175. - Reserved.

ARTICLE VI. - HISTORIC DISTRICT REGULATIONS

Sec. 42-176. - Applicability of article.

If the proposed sign is located within an historic district as created and adopted by the City council, this article shall apply.

Sec. 42-177. - Intent.

The intent of this article is to preserve and enhance the cultural, social, economic and architectural character of the duly established historic district of the City by ensuring that signs:

- (a) Are in scale with the building on the site and surrounding buildings.
- (b) Are in character with the architecture of the building and surrounding buildings and meet the established historic theme of the district.

Sec. 42-178. - Review of signs in the historic district.

- (a) **Application.** A completed sign application shall be submitted to the City clerk as required in section 42-36. The City clerk, or the clerk's designee, shall make a determination whether a proposed sign is situated within the historic district.

- (b) **Review by building department, planner.** If the proposed sign is situated in the historic district, the application shall be reviewed by the City building department and City planner, or the planner's designee, in order to determine whether the proposed sign complies with this chapter. Written confirmation of compliance or noncompliance shall be received from the building department and City planner.
- (c) **Review by historic district commission.** If the sign is compliant, ten copies of the complete submission shall be furnished to the historic district commission for its review.
- (d) **Written notice of decision.** The historic district commission shall approve or disapprove the proposed sign compliant with the applicable state statute, federal regulations and rules and procedures of the historic district commission. Written notice of its decision shall be furnished to the City clerk within five business days following its decision. In addition to its approval or disapproval, the historic district commission may also in writing advise the City clerk if it has determined that the proposed sign is outside of a historic district.
- (e) **Penalty.** Any violation of this section shall be a misdemeanor and, upon conviction thereof, punishable by a sentence of not more than 93 days or by a fine of not more than \$500.00, or both.

Sec. 42-179. - Design standards.

- (a) **Size of signs permitted.** The size of signs permitted in the historic district shall be in accordance with the following:
 - (1) The total sign area for any business shall not exceed 48 square feet.
 - (2) A bracket or mount for a projecting sign shall not extend further than 48 inches from the wall. The face of such sign shall not extend more than 48 inches from the wall upon which it is mounted and 36 inches in height.
 - (3) Window signs are permitted as provided in section 42-148.
 - (4) If a sign replicates an original historic sign or is a restored historic sign for that building and does not meet the requirements of this chapter, such sign may be permitted by the zoning board of appeals under section 42-4.
- (b) **Number of signs permitted.** No more than two signs shall be allowed for each business, and no more than one of the two permitted signs may be a projecting sign. For businesses that coexist in a building and share an access door, the planning commission may limit the number of projecting signs to one total. The sign may advertise each business.
- (c) **Maximum height of signs.** The minimum height from the ground to the bottom of a projecting sign shall not be less than seven feet, nor shall the highest point of the sign, sign bracket or sign mount exceed 20 feet in height from grade. In no case may any part of a sign project above the roofline.
- (d) **Materials and types of signs permitted.** Materials and types of signs permitted are as follows:
 - (1) Signs which are painted or engraved and painted on windows or boards are preferred; other materials may be acceptable, if the treatment is compatible with the historic district.
 - (2) Projecting signs shall be permitted in the historic district.
 - (3) Signs may be affixed to or painted on buildings, windows, awnings or canopies, if such sign is consistent with the architecture and design of the building and surrounding area.
 - (4) Monument signs with a substantial brick and/or stone base shall be permitted, subject to size restrictions of this section and this chapter, and subject to being compatible with the historic district provisions.

- (5) Pylon signs are prohibited in the historic district.
- (6) Signs shall not be painted on street furniture, such as but not limited to benches and trash receptacles.
- (e) **Style.** The style of lettering, choice of paints, and other aesthetic features are a matter of individual preference; however, they shall be consistent with the architecture and style of the building or structure. The guideline is for simplicity. Symbols or pictures or objects may be more appropriate than words.
- (f) **Illumination.** Illumination shall be in accordance with the following:
 - (1) Externally lit signs are preferred over internally lit signs.
 - (2) The source of illumination may be internal or external. The source of the light shall not be exposed except for lighting that is integral for the use of an electronic message sign, which is regulated herein.
 - (3) **Glare.** Glare control for sign lighting shall be achieved through the use of full cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement.
 - (4) **Luminaire Design.** Any luminaire with a lamp or lamps rated at a total that exceeds 1800 lumens shall be shielded to direct light to a sign and shall contain shields, baffles or other appropriate elements to prevent direct light from extending above a horizontal plane extending from the top of the light source. Any luminaire with a lamp or lamps rated at a total of 1800 lumens or less may be used without restriction to light distribution or mounting height provided all other requirements of this ordinance are met. No luminaire, regardless of lumen output, shall be aimed or directed such as to cause light from the luminaire to be directed toward residential buildings on adjacent or nearby land or public ways.
 - (5) **Mounting of External Sign Lights.** Lighting fixtures used to externally illuminate an outdoor sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of this ordinance. Bottom-mounted outdoor sign lighting shall not be used unless it complies with 1800 lumen maximum noted in (f)(4) above.
 - (6) Outdoor signs of the following types do not require shielding: 1) signs constructed of translucent materials and wholly illuminated from within, 2) signs with a halo-type design, where the lighting source is blocked by the opaque letters or other sign content. For signs with translucent panels, dark backgrounds with light lettering or symbols are preferred to minimize glare and excessive light output.
 - (7) All electric signs and outline lighting shall be installed in accordance with all applicable codes and laws adopted by the City. Every electric sign of any type, fixed or portable, shall be listed and installed in conformance with that listing, unless otherwise permitted by special permission.
 - (8) Regardless of any other requirement, all illuminated signs shall not project light that exceeds 0.10 of a foot candle above the ambient light at any property line bordering a residential district.
 - (9) **Electronic Message Signs.** Electronic message signs shall not emit more than 5,000 nits in full daylight and 100 nits between dusk and dawn. All electronic message signs shall have functioning ambient light monitors and automatic dimming equipment which shall at all times be set to automatically reduce the brightness level of the sign proportionally to any reduction in the ambient light. In order to verify compliance with City Code or other applicable law, the interface that programs an electronic message sign shall be made available to City staff for inspection upon request. If the interface is not or cannot be made available

upon the City's request, the sign shall cease operation until the City has been provided proof of compliance with City Code. Changeable copy shall not appear to flash, scroll, travel, undulate, pulse, blink, expand, contract, bounce, rotate, spin, twist, or otherwise move.

- (10) **Hours of Operation.** Sign illumination shall be extinguished after 10 p.m. or, if a business is open between 10 p.m. and dawn, then one hour after the close of business.
- (11) Temporary signs shall not be illuminated.
- (12) The historic district commission may approve signs with flashing, intermittent or moving lights or with moving or revolving parts or with internal lighting, if it is determined by the commission that such sign is:
 - a. Historically appropriate for the business it is intended to serve; and
 - b. Required to maintain the historic authenticity of the sign and business, either as a restored sign or an accurate reproduction.

Sec. 42-180. - Historical marker signs.

Historical markers, for the purpose of this chapter, shall be defined as plaques or signs describing state or national designation as a historic site or structure and/or containing narrative, not to exceed 12 square feet in display area. These signs shall not be included in the total sign area, nor shall they be included in the number of signs.

Section 3. Severability. If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining provisions, it being the intent of the city that this ordinance shall be fully severable.

Section 4. Repealer. All ordinances or parts of ordinances in conflict herewith are repealed only to the extent to give this ordinance full force and affect.

Section 5. Effective Date. This ordinance shall become effective twenty (20) days after publication.

THE CITY OF NEW BALTIMORE ORDAINS:

AYES _____

NAYS _____

ABSENT _____

ORDINANCE DECLARED ADOPTED.

John Dupray, Mayor

Attested:

Marcella Shinska, City Clerk

CERTIFICATION

I, Marcella Shinska, City Clerk for the City of New Baltimore, County of Macomb, State of Michigan, do hereby certify that Ordinance No. _____ was adopted by the City Council of New Baltimore, assembled in regular session on September _____, 2019. Said Ordinance was posted in the following places:

Notice of said posting was published in September _____, 2019.

Marcella Shinska, City Clerk

City Council Date: _____

Publication Date: _____

Hartland Township Digital LED Menu Boards

Existing Ordinance

Section 5.26.8.D.

Menu Board: For an approved drive-through business, up to two (2) signs each no greater than thirty-two (32) square feet in total area and seven (7) square feet in height shall be permitted. Such sign shall not be located in the front yard.

Proposed Ordinance.

Section 5.26.8.D Signs for Drive-Through Establishments

- i. Signs must be adjacent to the approved drive-through lane.
- ii. Signs must be for the purpose of placing an order, while patron is within their vehicle and maneuvering through the drive-through lane, and after placing such order, the patron will proceed to a window to pay for and receive their desired product.
- iii. Each business shall be permitted the amount of drive-through signs as outlined, per each approved drive-through lane.
- iv. Signs for drive-through establishments, the following sign regulations shall apply to the drive-through:
 - a. One sign shall be permitted for each permitted drive-through lane and in a location, as outlined in this Section.
 - b. The sign shall be permitted up to a maximum size of sixty-four (64) square feet in total area.
 - c. The sign shall not exceed seven (7) feet in height.
 - d. The sign shall not be located in the front yard of a public road or public street.
 - e. The sign may either internally illuminated or have lights that otherwise comply with the Zoning Ordinance. Signs shall not be light emitting diode (LED) changeable signs.
- v. For a restaurant or food service establishment business that were approved for a drive-through lane, a digital light emitting diode (LED) changeable sign may be permissible instead and in lieu of a sign as outlined in Section iv in this Section, drive-through restaurants or food service establishments, subject to the following provisions:
 - a. One sign shall be permitted for each permitted drive-through lane and in a location, as outlined in this Section.
 - b. The sign shall not exceed forty (40) square feet in area.
 - c. The sign shall not exceed six (6) feet in height.
 - d. Electronic changeable message signs are prohibited for use on wall signs, monument signs, or other signs, except for permitted drive-in or drive-through restaurants boards, as permitted in this Section.
 - e. Text or graphic shall not be animated, scrolling, or have continuous movement.
 - f. Sign content may only change once per meal service, such as breakfast, lunch, dinner), except the sign may also change to reflect and indicate the patrons order.
 - g. The sign shall not emit sound, audio messages, tones, or music, as outlined in Section 4.28.3. of the Zoning Ordinance.

- h. The sign shall not blink, flash, or have intermittent lights, or with illumination that has the change in light intensity.
- i. The sign shall have a maximum of 2,500 Nits during daylight hours and no more than 500 Nits at night.
- j. The sign shall include an auto dimming feature that reduces brightness at times when it is needed.
- k. The sign shall be turned off when the drive-in or drive-through service is closed to patrons.
- l. The sign will default to the off position when a malfunction in the sign is detected.
- m. The sign shall not be located in the front yard of a public road or public street.