

CITY COUNCIL AGENDA

Work Session

March 17, 2025 at 6:00 PM



1) CALL TO ORDER

2) ROLL CALL

A. CITY COUNCIL

B. PLANNING COMMISSION

3) PUBLIC COMMENT ON AGENDA ITEMS Persons addressing City Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of three (3) minutes. Comments shall address AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion (Item 10) of the meeting agenda. Non-Agenda items shall be addressed during the PUBLIC COMMENT-NON-AGENDA ITEMS (Item 14) portion of the meeting agenda.

4) DISCUSSION ITEMS

A. SIGN ORDINANCE

5) PUBLIC COMMENT ON NON-AGENDA ITEMS Persons addressing City Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of two (2) minutes. Comments shall address NON-AGENDA ITEM topics. Public Hearing items shall be addressed during the PUBLIC HEARING portion (Item 10) of the meeting agenda. Agenda items should be addressed during the PUBLIC COMMENT-AGENDA ITEMS (Item 6) portion of the meeting agenda.

6) ADJOURNMENT

MAYOR: Scott Wolfersberger CITY MANAGER: Derek N. Perry
COUNCIL MEMBERS: Theresa Chaney-Huggett, Jacob Gates, James Hackworth,
Andrew Scibbe, Ryan Traver, Ryan Underhill
Training Room, 323 W Michigan Ave, Marshall, MI 49068

CITY OF MARSHALL, MICHIGAN

ORDINANCE #2024-09

PREAMBLE

AN ORDINANCE TO AMEND CITY OF MARSHALL ZONING CODE, REPEAL OF CHAPTER 5.0 SITE STANDARDS, SECTION 5.1, SIGNS, THE ADDITION OF ARTICLE 9, SIGNS, TO REPEAL ANY ORDINANCES IN CONFLICT THEREOF, AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

THE CITY OF MARSHALL HEREBY ORDAINS:

Section 1. Title and Purpose. This Ordinance shall be titled as the “Sign Ordinance Revision.”

The purpose of this ordinance is to amend the City of Marshall Zoning Ordinance through a revision of the sign ordinance. The ordinance will result in the deletion of Section 5.1 and the addition of Article 9, Signs.

Section 2. Repeal Section 5.1- Signs. That **Chapter 5.0, Site Standards** of the Marshall City Zoning Code be amended as follows, Section 5.1, Signs is hereby repealed.

Section 3. Addition of Article 9- Signs. That Article 9.0, Signs be added to the Marshall City Zoning Code as follows:

9.01 Intent

These regulations establish rules and standards for the construction, location, maintenance and removal of privately-owned signs. Directional, emergency, or traffic-related signs owned by the city, county, state or federal government agencies are not regulated by this Section. The execution of these regulations recognizes that the purpose of this Chapter is to protect the interest of public health, safety and welfare and to ensure the maintenance of an attractive physical environment while satisfying the needs of sign users for adequate identification, communication and advertising. To achieve such purposes, the following objectives shall be applied for this Chapter and any future additions, deletions and amendments:

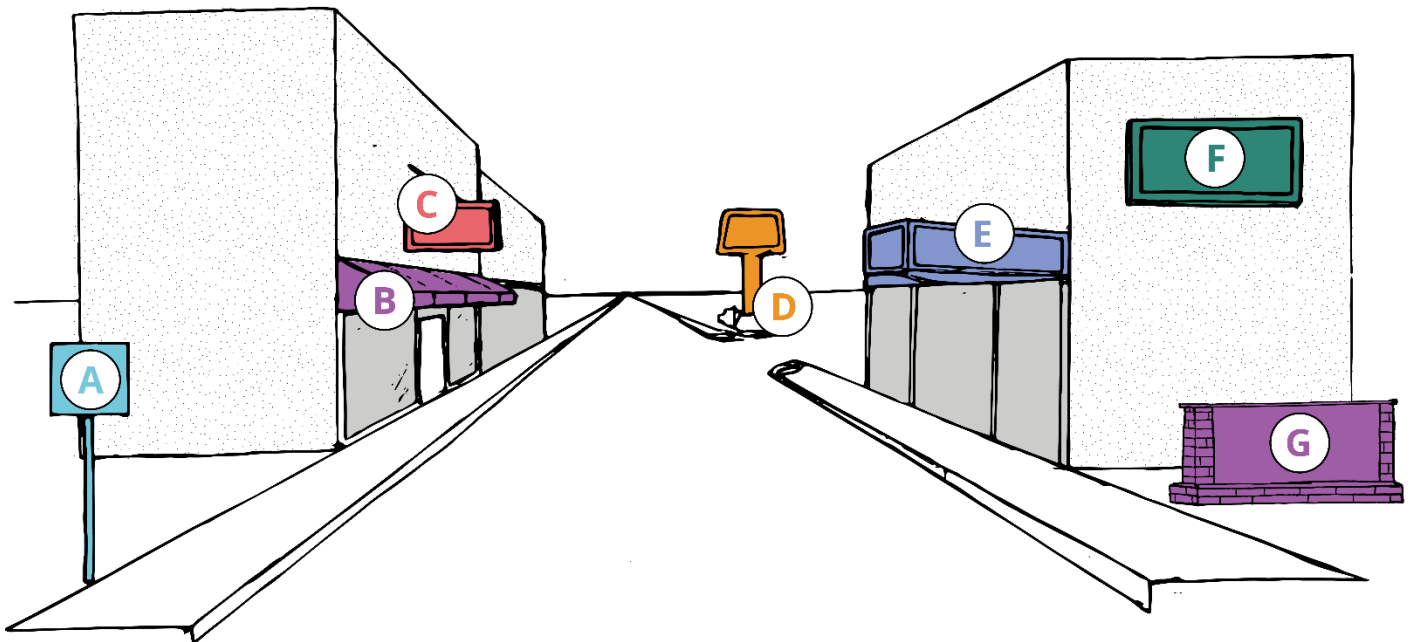
1. **General.** Ensure that signs are located, designed, constructed, installed and maintained in a way that protects life, health, morals, property and the public welfare.
2. **Public Safety.** Protect public safety by prohibiting signs that are structurally unsafe or poorly maintained; that cause unsafe traffic conditions through distraction of motorists, confusion with traffic signs, or hindrance of vision; and that impede safe movement of pedestrians or safe ingress and egress from buildings or sites.
3. **Protect Aesthetic Quality of Districts and Neighborhoods.** Prevent blight and protect aesthetic qualities by preventing visual clutter and protecting views, preventing

intrusion of commercial messages into non-commercial areas, and eliminating signs and sign structures on unused commercial properties. Also, to avoid glare, light trespass and skyglow through a selection of fixture type and location, lighting technology and control of light levels.

4. **Content.** Respect constitutional rights and to allow signs as a means of communication.
5. **Reduce Conflict.** Reduce conflict among signs and between public and private information systems.
6. **Business Identification.** Allow for adequate and effective signage for business identification and other commercial speech, non-commercial speech and dissemination of public information, including but not limited to, public safety information and notification as may be required by law.
7. **Foster Economic Development.** Ensure that signs are located in a manner that does not cause visual clutter, blight and distraction, but rather promotes identification and communication necessary for sustaining and expanding economic development in the City.
8. **Recognize Unique Areas.** Acknowledge the unique character of certain districts and establish special time, place and manner regulations that reflect the unique aesthetic, historical and/or cultural characteristics of these areas.

9.02 Definitions

Common Sign Types Illustration



- | | | | |
|---------------------------|--------------------------|-----------------------|----------------------|
| A Directional Sign | C Projecting Sign | E Marquee Sign | G Ground Sign |
| B Awning | D Pylon/Pole Sign | F Wall Sign | |

1. **Sign.** Any surface, device, letter, word, model, balloon, pennant, insignia, emblem, logo, icon, painting, placard, poster, flag or representation, illuminated or non-illuminated,

which is visible from a public place, including, but not limited to, highways, streets, alleys or publicly-owned property, or is located on private property and exposed to the public, which directs attention to a product, service, place, activity, person, institution, business or constitutes a solicitation. For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

2. **Abandoned Sign.** A permanent sign erected on a property in conjunction with a particular use which has been discontinued for a period of 180 days or longer or a sign with content pertaining to a time, event or purpose which no longer applies.
3. **Address Sign.** A sign depicting the street number of the property on which it is located.
4. **Animated Sign.** A changeable copy sign where the information conveyed changes more than once per minute.
5. **Awning.** A roof-like cover, typically constructed of canvas, vinyl or similar fabric stretched over a framework, that projects from the wall of the building for the purpose of shielding a doorway, a window or pedestrians from the elements.
6. **Awning Sign.** A permanent sign painted on, printed on or attached flat against the surface of an awning.
7. **Balloon Sign.** A type of portable sign filled with air or gas.
8. **Banner Sign.** A temporary sign constructed of cloth, fabric or other similar material with or without a structural frame. A national flag of the United State of America, the State of Michigan flag, the City of Marshall municipal flag, the official flag of any religious, institutional or business establishment, or displays for holidays or public events shall not be considered banner signs.
9. **Barber Pole Sign.** A permanent sign attached to the building in a vertical cylinder shape with moving and/or alternating colors.
10. **Billboard Sign.** A permanent sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located.
11. **Changeable Copy Sign.** A permanent sign, electrical or non-electrical, on which the copy changes automatically or is designed to allow the copy to be changed manually while the surface of the sign remains unchanged, such as electronic time and temperature units or reader boards with changeable letters. A sign on which the copy changes more than once per minute shall be considered an animated sign.
12. **Construction Sign.** A temporary sign located on a parcel with a current building permit on which construction is occurring.
13. **Directional Sign.** A temporary or permanent sign that displays a message related to a product, activity, event or service and commonly includes an arrow or other directional means to assist in determining a correct route to an entrance, event or parking area.
14. **Double Faced Sign.** Signs with two (2) parallel or nonparallel sign surfaces not more than twenty-four (24) inches apart at any point on the opposite face.
15. **Feather (or Flutter) Sign.** Any sign that is comprised of material that is suspended or attached in such a manner to a pole or stake as to attract attention by waving, moving or fluttering from natural wind currents. It also includes similar signs that do not move or flutter.
16. **First Floor Building Area.** On a single-story building, the area of an exterior building wall below the roof or eave line. On multi-story buildings, the area of an exterior

building wall below the first-floor cornice or window sill of the second-floor window if no cornice is present.

17. **Flag Sign.** A permanent or temporary sign made of a rectangular piece of fabric of distinctive design used as a symbol or signaling device that includes the official insignia or flag of the United State of America, the State of Michigan the City of Marshall or that of any religious, institutional or business establishment.
18. **Freestanding Sign.** A permanent sign attached to or supported by a post(s), pole(s), base or the like and not attached to a building. Freestanding signs include pylon and ground signs.
19. **Ground Sign.** A sign extending upward from grade that is attached to a permanent foundation for a distance of not less than fifty (50) percent of its length, and which may be attached or dependent for support from any pole, posts or similar uprights provided such supports are concealed within the sign structure.
20. **Historical Marker.** A sign, monument or marker designating a location or structure of historical significance, on a site approved by the city, state or federal government is exempt from regulation by this Chapter.
21. **Maintenance.** The cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.
22. **Marquee.** Any permanent roof like structure projecting from a building or extending along and projecting beyond the wall of the building generally designed and constructed to provide protection from weather.
23. **Marquee Sign.** A permanent sign attached to any part of a marquee other than the roof.
24. **Mural.** A permanent design or representation painted or drawn on a wall that does not advertise a business, product, service or activity.
25. **Nameplate Sign.** A permanent sign affixed to the wall of a building or incorporated into the façade of the building. Examples include, but are not limited to, the name of the building and date of construction or opening.
26. **Nonconforming Sign.** A temporary sign or permanent sign which lawfully existed at the effective date of this Chapter, or any amendment thereto, does not conform to all of the current requirements of this Chapter.
27. **On-Premises Sign.** A temporary sign or permanent sign which pertains to the use of the premises on which it is located.
28. **Pennant Sign.** A sign, with or without a printed design or text, made of flexible materials suspended from one (1) or two (2) corners, used in combination or on a cable or other similar support with other such signs to create the impression of a line.
29. **Permanent Sign.** Any sign of durable material permanently anchored or secured to a building, accessory structure or the ground.
30. **Portable Sign.** A temporary sign designed to be moved from place to place, whether or not it is attached to the ground or a structure.
31. **Projecting Architectural Feature.** Elements such as cornices, eaves and overhangs, canopies, porches, bay windows and chimneys that are attached to or project out from the main building walls below the roof.
32. **Projecting Sign.** A permanent sign attached to a building which extends from the building toward the street.

- 33. **Pylon (or Pole) Sign.** A sign supported by one (1) or more poles, posts, braces or pylons located in or upon the ground and not attached to a building.
- 34. **Roof Sign.** A temporary sign or permanent sign erected upon, against or directly above a roof or on top of or above the parapet of a building, or signs where any portion of the sign extends above the roof of the building where the sign is located. Projecting architectural features, as defined in this Chapter, shall not be considered part of the roof.
- 35. **Sandwich Board Sign.** A temporary sign containing two (2) separate faces which are attached to one another at the top by one (1) or more hinges or fasteners and which when placed upon the ground will stand upright without any additional support.
- 36. **Sign Copy.** Any written characters, emblems, logos, images or projections meant to promote, advertise, or otherwise call attention to a business, cause, location, organization or event.
- 37. **Snipe Sign.** An off-premises sign that is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or to other objects.
- 38. **Temporary Sign.** A sign erected for ninety (90) days or less for a specific purpose or event, which is not intended to be permanent, and is not otherwise defined in this Article.
- 39. **Wall Sign.** A permanent sign painted on, incorporated in or attached directly to a building wall, window or projecting architectural feature with the exposed face of the sign in a plane parallel to the building wall, window or projecting architectural feature. A mural shall not be considered a wall sign.
- 40. **Warning Sign.** See incidental sign.
- 41. **Water Tower Sign.** A permanent sign attached to a water tower.
- 42. **Window Sign.** A temporary sign or permanent sign; picture, symbol or combination thereof that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.
- 43. **Yard Sign.** A sign of relatively impermanent construction manually placed in a yard and typically intended to announce or advertise an infrequent event such as, but not limited to, a garage sale; or to support a political candidate or political position; or the sale or rental of real property.

9.03 General Sign Regulations

1. **General Requirements.** The following regulations shall apply, unless otherwise specifically stated in this Chapter, to all signs erected or located in any zoning district within the City.
 - A. All signs shall conform to all applicable codes and ordinances of the City, and where required, shall be approved by the Zoning Administrator or their designee according to the requirements of Section 9.15.
 - B. Signs not visible from any street, alley or publicly-owned property are exempt from the provisions of this Chapter and do not require a sign permit.
 - C. A sign shall not be placed in, upon or over any public street, public right-of-way, alley or other publicly-owned land, except as otherwise expressly permitted by this Chapter.
 - D. Only signs established and maintained by the City, county, state or federal governments or expressly permitted by this Chapter shall be permitted in a public street right-of-way, dedicated public easement or upon publicly-owned land.
 - E. No public or commercial pole, utility pole or other supporting member located in a public right-of-way shall be used for the placement of any sign unless specifically designed and approved for the use.
 - F. No sign shall be located on or attached to any tree or other natural feature.
 - G. A sign shall not be erected in any place where it may, by reason of its position, shape, color or other characteristic, interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device, obstruct the view of any intersection or entrance to any public street or alley, or constitute a public nuisance.
 - H. No sign shall employ animated or moving parts, except as otherwise permitted in this Section.
 - I. No sign shall employ any flashing, moving, oscillating, blinking or variable intensity light; except as otherwise provided for in this Chapter.
 - J. No sign shall exhibit statements, words or pictures of an obscene or pornographic nature.
 - K. No sign shall emit a sound, odor or visible matter such as smoke or vapor.
 - L. All signs with a sign height of greater than two (2) feet shall be set back the lesser of three (3) feet from a street right-of-way line or fifteen (15) feet from any front, side or rear property line unless attached to a building or permitted within the public street right-of-way.
 - M. Signs affixed to the ground shall not obstruct vision above a height of two (2) feet from the established street grades within a clear vision zone. A clear vision zone is the triangular area formed by the intersection of any street right-of-way lines and a point along each right-of-way line twenty-five (25) feet from the point of the intersection.
 - N. All signs, except directional signs, awning signs, wall signs and window signs, must be set back fifteen (15) feet from the intersection of the edge of an access drive and a street right-of-way line.

- O. Signs required by any federal, state or municipal statute or ordinance shall be exempt from the provisions of this Chapter and shall not be included when calculating sign area.
 - P. Abandoned signs shall be removed or put into service. Removal of such signs shall include removal of the poles and/or supports. If the property upon which the sign is located is vacant and the previous use is abandoned, the entire sign (including above-ground base, height, poles, size, wires, panels and any other element) shall be removed within thirty (30) days of the property becoming abandoned.
 - Q. A minimum ten (10) foot horizontal separation shall be maintained between any sign and any overhead utility. The nearest part of any sign, including support structures shall be at least four (4) feet from any electrical conductor, electric light pole, road lamp, traffic light or other public utility pole or standard.
2. **Substitution.** Any commercial message lawfully established on a sign may be replaced with a non-commercial message provided that the regulations of this Article are otherwise met.
 3. **Historic Painted Signs.** A historic business sign that was previously painted on the side(s) of a building prior to adoption of this ordinance shall be permitted to remain and to be maintained in its original design, colors and materials. A historic painted sign shall not be altered without the approval of the Zoning Administrator.

9.04 Signs Not Requiring a Permit

The following signs shall be permitted without a permit, pursuant to the applicable regulations in this Section:

1. **Address Signs.** Address signs shall comply with the requirements of Chapter 95 and shall be visible and legible from the right-of-way.
2. **Permanent directional signs.** Permanent directional signs are permitted in non-residential zoning districts.
 - A. The maximum height of an on-premises directional sign shall be six (6) feet.
 - B. The number of directional signs per parcel shall not exceed five (5).
 - C. Permanent directional signs shall not exceed four (4) square feet in area.
3. **Flag Signs.** Flag signs are permitted in all zoning districts.
 - A. Flag signs shall not exceed forty (40) square feet in residential districts.
 - B. Flag signs shall not exceed eighty (80) square feet in commercial or industrial zoning districts.
 - C. Flag signs shall be displayed in one (1) of two (2) ways:
 - i. Affixed to a permanent pole affixed to the ground. Pole shall not exceed twenty-five (25) feet in height.
 - ii. Affixed to a permanent or temporary pole that is attached to a mounting point on the ground floor exterior wall of a building. Where such a flag sign extends over a sidewalk, there shall be not less than eight (8) feet of clearance from the lowest part of the flag to the surface of the sidewalk.
 - iii. Flag signs shall be maintained in good condition.

- iv. Up to three (3) flag signs are permitted per parcel, provided that in no case shall the total area of all flag signs exceed 160 square feet.
- 4. **Murals.** Murals are permitted in the B-2, B-3, B-4 and POSD districts, as well as the River District overlay district.
- 5. **Nameplate Signs.** Nameplate signs are permitted in all districts.
 - A. Nameplate signs shall not exceed two (2) square feet in area.
 - B. Nameplate signs shall be mounted on the ground floor of the façade where the primary entryway is located.
- 6. **Sandwich Board Signs.** Sandwich board signs are permitted in the B-2, B-3, B-4 and HCHSD districts and do not require a sign permit. Sandwich board signs must meet the following standards:
 - A. One (1) sandwich board sign shall be permitted per business in a building, provided that the spacing standards below are met.
 - B. Sandwich board signs shall not exceed twelve (12) square feet in area per side.
 - C. The height of a sandwich board sign shall not exceed four (4) feet.
 - D. The width of a sandwich board sign shall not exceed three (3) feet.
 - E. Sandwich board signs shall not be illuminated.
 - F. Sandwich board signs shall be located a minimum of three (3) feet from the back of curb of the adjacent street or maneuvering lane.
 - G. Sandwich board signs shall not impede pedestrian access to buildings or interfere with pedestrian movement on a public sidewalk.
 - H. Sandwich board signs shall not be moored or anchored to any object but shall be designed or weighted to prevent instability or movement by wind or other natural forces.
 - I. Sandwich board signs shall be placed as near to the entryway of the promoted establishment as possible, and not further than ten (10) horizontal feet from the center of the entryway, as measured along the building façade.
 - J. Sandwich board signs shall be permitted only during operating business hours or from the hours of 8:00am to 10:00pm, whichever is less, and must be stored inside when the establishment is not open to the general public.
 - K. Sandwich board signs shall not include moving parts or attachments, including, but not limited to, balloons, pinwheels, streamers, pennants, flags or similar adornments.
 - L. Sandwich board signs must be professionally constructed of weather-proof, durable material and kept in good repair.
- 7. **Temporary Signs.** Temporary signs do not include banners, yard signs, construction signs, prohibited signs, or other sign types otherwise defined in this Article.
 - A. **Temporary Signs in Residential Districts.**
 - i. Temporary signs shall not exceed three (3) feet in height.
 - ii. Properties with a principal residential use may erect a single temporary sign not exceeding six (6) square feet in area.
 - iii. Properties with non-residential use may erect one (1) temporary sign per frontage. The total area of all temporary signs displayed concurrently on one (1) parcel shall not exceed twenty-four (24) square feet.

- iv. Temporary signs shall not be placed on the exterior wall of a residential structure or accessory structure.
- B. Temporary Signs in Non-Residential Districts.
 - i. Temporary signs shall not exceed six (6) feet in height.
 - ii. No temporary sign shall exceed six (6) square feet in area.
 - iv. The total area of all temporary signs displayed concurrently on one (1) parcel shall not exceed thirty-two (32) square feet. Temporary signs shall not be placed within the clear vision triangle.
- 8. **Water Tower Signs.** Water tower signs are permitted on any water tower.
- 9. **Window Signs.** Window signs are permitted in the B-2, B-3, B-4, POSD, FS, I-1, I-2 and HCHSD districts. Window signs must meet the following standards:
 - A. The total area of all window signs shall not exceed 25 percent of all ground floor window area or twenty-five (25) percent of the window to which the sign is affixed.
 - B. Window signs must be located in such a manner as to allow for clear visibility into the building and visibility of the checkout area of the building if the use is retail in nature.
 - C. The total area of all window signs shall not exceed the maximum wall sign area permitted on the building.
 - D. Window signs include all signage positioned near or applied to a window and visible from the public right-of-way or property line, including, but not limited to, signs painted directly onto the window pane, decals, static clings and posters placed in a window. Sign area shall be calculated to the fullest extent of the limits of sign copy, regardless of the opacity of the window sign.
- 10. **Yard Signs.** Yard signs are permitted in all zoning districts and do not require a sign permit. Yard signs must meet the following standards.
 - A. One (1) yard sign is permitted per frontage.
 - B. Additional yard signs are permitted during a time period of thirty (30) days prior to an election date to seven (7) days after the election date and during times of emergency to allow businesses the ability to adequately advertise business practices.
 - C. Yard signs shall not exceed four (4) square feet in area on residential property and eight (8) square feet in area on nonresidential property.
 - D. Yard signs shall be setback a minimum of two (2) feet from the property line where a sidewalk is present adjacent to the parcel or a minimum of fifteen (15) feet from the curb/road edge on parcels without an adjacent sidewalk.

9.05 Prohibited Signs

Any Sign not clearly permitted by this ordinance is prohibited. The following signs are specifically prohibited:

- 1. Balloon signs.
- 2. Portable signs, except as otherwise permitted in this ordinance.
- 3. Roof signs.
- 4. Snipe signs.

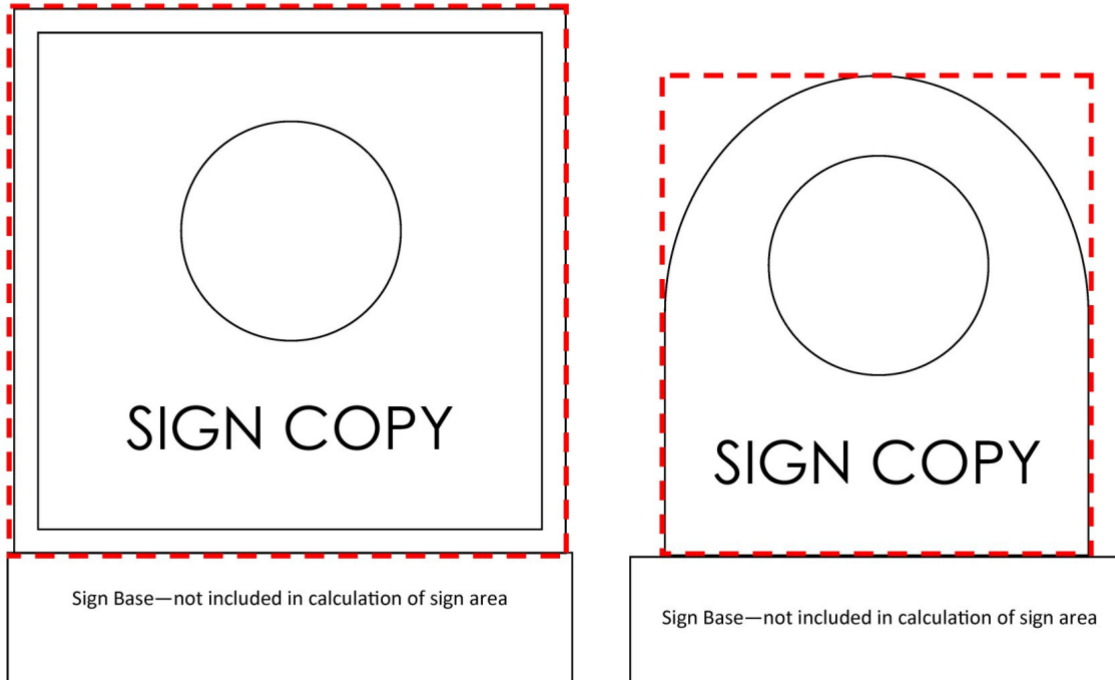
5. Pennant signs.
6. Feather and flutter signs.
7. Any sign which requires a permit and is erected without a permit.
8. Any sign or sign structure which obstructs the view of, or may be confused with, a traffic directional/safety sign.
9. Signs which simulate or imitate in size, color, lettering or design, of any traffic sign or signal or any sign which by design or location may in any manner interfere with, mislead or confuse the public with respect thereto or obstruct the public view thereof.
10. Any sign that advertises a business, event or use no longer located on the same site as the sign. When a use changes, the owner shall have thirty (30) days to replace a sign that is no longer applicable to the property on which it is located. The Planning Commission may extend this time limit upon demonstration by the property owner that extraordinary circumstances exist such that application of this provision would be inequitable.

9.06 Measuring Sign Area and Height

1. **Measuring Sign Area.** The sign area shall include the surface area which encloses the extreme limits of sign copy, together with the frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
 - A. A double-faced sign, as defined in this Chapter, shall be considered as having one (1) face and the area of the one (1) face shall be included in computing the sign area.

Measuring Sign Area: Ground Sign / Pylon Sign

Area outlined in dashed red is included in total sign area calculation; includes frame around the display area and the maximum extent of areas meant to distinguish the sign from its background.



2. **Measuring Sign Height.** Sign height shall be the vertical distance measured from the point of ground immediately beneath the sign to the highest point of the sign, including decorative embellishments. Where the ground elevation beneath a sign varies, the average grade of the ground within a five (5) foot radius of the sign structure shall be used. The average grade shall be the highest point within said radius plus the lowest point within said radius, divided by two (2). Any filling, berming, mounding or excavating solely for the purpose of locating the sign shall not be included in the calculation of average grade.

9.07 Illumination of Signs

1. Where illumination of Signs is permitted by this ordinance, three (3) methods of illumination are permitted:
 - A. Internal Illumination. Where a sign is internally illuminated, no portion of the surface of the sign shall be transparent.
 - B. External Illumination. Where a sign is externally illuminated, the source of illumination shall be directed downward and shielded from directing glare onto neighboring properties or into the public right-of-way.
 - C. Halo Illumination (Backlighting). Where a sign is backlit, forming a halo of light around the sign copy on the surface behind the sign, the source of illumination shall not be visible from neighboring properties or the public right-of-way.

9.08 Changeable Copy Signs

Changeable copy Signs are permitted as follows:

1. Any changeable copy area shall be part of a permanent ground or pylon sign, except in the B-3 district, where the Planning Commission may permit changeable copy areas on wall signs and marquee signs. Animated signs and electronic changeable copy signs are prohibited in the B-3 zoning district.
2. The changeable copy sign area of any sign shall not exceed two-thirds (2/3) or sixty-seven percent (67%) of the permitted sign area and must be integrated into the design of the overall sign.
3. The changeable copy sign area shall be counted as part of the total sign area allowed.
4. Light level and illumination requirements:
 - A. The illumination average of any electronic sign shall be no more than 2,000 nits during daylight hours and shall be reduced to no more than 250 nits from a half hour before sunset to a half hour after sunrise.
 - B. All electronic changeable message signs shall have installed ambient light monitors that automatically adjust the brightness level of the electronic sign based on ambient light conditions.
 - C. The display shall not, or shall not appear to, flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights; the display shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or simulate similar movements that could be disorienting or distracting to motorists or pedestrians.
5. Animated signs shall be subject to the following:
 - A. Animated signs shall be turned off from midnight to 5:00 a.m.; excluding businesses open during this time period. During this time, the sign message may be static.
 - B. In non-residential zoning districts, the rate of change for an animated sign shall not exceed once (1) per twelve (12) seconds where the speed limit is less than forty-five (45) miles per hour and once (1) per ten (10) seconds where the speed limit is forty-five (45) miles per hour or greater.
 - C. In residential zoning districts, the rate of change for an animated sign shall not exceed once (1) per twenty (20) seconds.
 - D. Animated signs are prohibited in a yard that directly abuts or is across the street from a residential property.
6. Electronic changeable message signs located within a residential zoning district, or having a sign face that is oriented toward a residential district, whether animated or not, shall be turned off between 9:00 p.m. and 6:00 a.m.
7. No electronic or animated signs are permitted on properties with a principal residential use.

9.09 Standards for Permanent Signs Requiring a Permit

The following table provides a summary of dimensional requirements for signs that require a permit and for which dimensional standards vary by zoning district. Additional standards for each sign type are contained in Section 9.10.

In the event of inconsistency between this table and the standards elsewhere in this Article, the standards elsewhere shall control.

9.09 Permanent Signs Requiring a Permit				
Sign Type	Max. Surface Display Area	Max. Height	Number	Additional Standards
R-1, R-2 and R-3 districts				
Ground	24 sq. ft.	4 feet	1	-
	Permitted for non-residential uses only, except that a ground sign may be permitted at a subdivision, condominium development or multiple family residential street entrance.			
MFRD, MHPD and POSD districts				
Awning (POSD only)	12 sq. ft.	N/A	1 per awning	-
Ground	32 sq. ft.	4 feet in MFRD and MHPD; 9 feet in POSD	1 per frontage on a major thoroughfare	-
Wall	Total 5% of first floor building elevation, up to 60 sq. ft.	Must be located on the first-floor building elevation	1 per frontage	9.10.6
B-3 district				
Awning	12 sq. ft.	N/A	1 per awning	-
Marquee	25% of first-floor building elevation, up to 60 sq. ft.; electronic signs are prohibited	Shall not project above the eave or roofline of the marquee	1 per street frontage	9.10.3

9.09 Permanent Signs Requiring a Permit				
Sign Type	Max. Surface Display Area	Max. Height	Number	Additional Standards
Projecting	12 sq. ft.	Shall not project above the first-floor building elevation	1 per building; 1 per tenant for multi-tenant buildings	9.10.4
Wall	10% of first-floor building elevation, up to 60 sq. ft.; electronic signs are prohibited	Shall not project above the first-floor building elevation	1 per frontage	9.10.6
B-2 and B-4 districts				
Awning	12 Square Feet	N/A	1 per awning	-
Marquee	25% of first-floor building elevation, up to 100 sq. ft.	Shall not project above the eave or roofline if the marquee	1 per street frontage	9.10.3
Ground	48 sq. ft.; 72 sq. ft. for multi-tenant centers, 72 total sq. ft. for multiple signs	9 feet	1 per frontage on a major thoroughfare	-
Projecting	12 sq. ft.	Shall not project above the first-floor building elevation	1 per building; 1 per tenant for multi-tenant buildings	9.10.4
Wall	25% of first-floor building elevation, up to 100 sq. ft.	Shall not project above the eave or roofline	1 per frontage	9.10.6
FS district				
Awning	12 sq. ft.	N/A	1 per awning	-

9.09 Permanent Signs Requiring a Permit				
Sign Type	Max. Surface Display Area	Max. Height	Number	Additional Standards
Ground	48 sq. ft.; 72 sq. ft. for multi-tenant centers, 72 total sq. ft. for multiple signs	9 feet	1 per frontage on a major thoroughfare	9.09.3 9.09.4
Pylon	100 sq. ft.	30 feet	1	9.09.7
Wall	Total of 25% of first-floor building elevation, up to 150 sq. ft.	Shall not project above the eave or roofline	1 per frontage	9.10.6
I-1 and I-2 districts				
Awning	12 sq. ft.	N/A	1 per awning	-
Billboard	200 sq. ft.; up to 25% changeable copy	20 feet	1 per 1,000 feet of right-of-way frontage	-
	A billboard sign shall be located at least 1,000 feet from any other billboard sign. Where a billboard sign includes a changeable copy area, such as panels for advertising fuel prices, the changeable copy area shall not exceed 25% of the total sign area.			
Marquee	25% of first-floor building elevation, up to 100 sq. ft.	Shall not project above the eave or roofline of the marquee	1 per frontage	9.10.3
Ground	48 sq. ft.; 72 sq. ft. for multi-tenant centers, 72 total sq. ft. for multiple signs	9 feet	1 per frontage on a major thoroughfare	-

9.09 Permanent Signs Requiring a Permit				
Sign Type	Max. Surface Display Area	Max. Height	Number	Additional Standards
Wall	Total of 25% of first-floor building elevation, up to 100 sq. ft.	Shall not project above the eave or roofline	1 per frontage	9.10.6
HCHSD district				
Awning	12 sq. ft.	N/A	1 per awning	-
Marquee	25% of marquee surface, up to 10 sq. ft.	Shall not project above the eave or roofline of the marquee	1 per frontage	9.10.3
Ground	250 sq. ft, total of all signs	11 feet	No limit: total sign area shall not exceed 250	-
Wall	Total of 5% of first-floor building elevation, up to 250 sq. ft.	Shall not project above the eave or roofline	No limit: total sign area shall not exceed 250 sq ft	9.10.6

9.10 Additional Regulations for Signs Requiring a Permit

1. **Banner Signs.** Banner signs are temporary signs permitted in commercial and industrial zoning districts following issuance of a sign permit. Banner signs must meet the following standards:
 - A. No more than five (5) such signs shall be displayed for any given event or purpose.
 - B. No more than one (1) such sign shall be displayed concurrently on any property or parcel.
 - C. The maximum area of a banner sign is thirty-two (32) square feet. Banner signs are not included in the computation of maximum permanent sign area for a site.
 - D. Where a banner sign is not attached to a building, the maximum height of the banner is six (6) feet.
 - E. Banner signs shall be removed within two (2) days of the conclusion of the advertised event.
 - F. In no event shall a banner sign remain posted for more than forty-two (42) days.

- G. No zoning lot shall display a banner sign for greater than 126 days in a calendar year.
2. **Construction Signs.** Construction signs are temporary signs permitted in all districts following the issuance of a sign permit. Construction signs must meet the following standards:
 - A. One (1) construction sign is permitted per site.
 - B. Construction signs shall have a maximum height of six (6) feet.
 - C. Construction signs shall not exceed thirty-two (32) square feet in size in non-residential districts or twelve (12) square feet in residential districts.
 - D. Construction signs shall not be erected until a building permit is obtained for the project, if required, or until construction begins, whichever is later.
 - E. Construction signs shall be removed when construction is complete.
 3. **Marquee Signs.** Marquee signs are permitted subject to the following:
 - A. A maximum of two (2) sides of a marquee may feature a sign.
 - B. Marquee signs shall not project more than twelve (12) inches from the mounting surface.
 - C. Marquee signs are permitted only for non-residential uses.
 4. **Projecting Signs.** Projecting signs are permitted in non-residential zoning districts, subject to the following:
 - A. Number allowed:
 - i. One (1) sign per building. A single sign may advertise multiple businesses or entities or communicate other messages.
 - B. Locations, size, lighting and height restrictions:
 - i. Projecting signs shall not project more than thirty-six (36) inches from the face of the building or wall.
 - ii. Signs shall maintain a minimum clearance of eight (8) feet from the sidewalk to the bottom of the sign.
 - iii. Projecting signs shall be mounted a minimum of four (4) feet from each building edge or lot line as defined by a common wall between the businesses.
 - iv. Projecting signs shall not be free swinging, so as to pose a danger to the public during high winds.
 - v. Projecting signs shall not be lighted, internally or externally.
 - vi. Where an establishment fronts on two (2) or more streets, a projecting sign shall only be permitted on the frontage where the main entryway is located.
 - C. Right-of-Way Encroachment
 - i. A projecting sign may extend over a public sidewalk or within a right-of-way with an additional right-of-way permit from the City of Marshall.
 5. **Pylon Signs.** Pylon signs are permitted in subject to the following:
 - A. No portion of the sign area shall be within nine (9) feet of the ground.
 - B. No portion of the ground support shall exceed a combined width of thirty-six (36) inches.
 - C. Sign area for a multi-tenant commercial development may be increased by following the Planned Sign Program requirements but shall not exceed two hundred (200) total square feet in area.
 6. **Wall Signs.** Wall signs are permitted subject to the following:

- A. Wall signs shall not project outward from the surface of the wall more than twelve (12) inches.
- B. Wall signs are not permitted for single-family residential uses.

9.10.6 Maximum Wall Sign Area						
	R1, R2, R3	MFRD, MHPD & POSD	B-3	B-2, B-4, FS	I-1, I-2	HCHSD
Maximum wall sign area	N/A	60 sq. ft.	60 sq. ft.	100 sq. ft.	100 sq. ft.	250 sq. ft.

9.11 District-Specific Regulations

1. **R1, R2, R-3, MFRD, MHPD, B-3.** Home occupations located in single family dwelling units shall be permitted a single nameplate sign, to be affixed on the ground floor of the street-facing façade. No other signs shall be permitted for any single-family dwelling unit. Home occupations located in attached or multi-family dwelling units are not permitted a sign.
2. **River District Overlay.** Live/work units shall be permitted a single nameplate sign.

9.12 Vintage Sign Design

1. **Purpose and Intent.** The purpose of allowing vintage sign designs is to support and reinforce the existing character of the City of Marshall's downtown business district. New signs that present as a vintage sign should contribute to the historic and architectural character of the property, block and business district.
2. **Sign Types.** Eligible vintage sign designs may apply to wall signs and projecting signs.
3. **Procedure.** The Planning Commission shall have the authority to waive sign size and placement requirements and may allow the use of exposed standard neon tubing for vintage signs, provided that the applicant fulfills the requirements of this Section.
 - A. **Eligibility.** Only commercial properties within the B3 zoning district may request a vintage sign design.
 - B. **Planning Commission Public Hearing.** The Planning Commission shall review the application for a vintage sign design at its regular meeting upon publishing a notice and notifying property owners pursuant to Section 103 (General Provisions) of the Michigan Zoning Enabling Act (P.A. 110 of 2006).
 - C. **Application.** Applications for a vintage sign design shall include, at a minimum, the following materials:
 - i. A narrative description indicating:
 - a. A statement demonstrating that the eligibility requirements are met.
 - b. The general design intent for proposed sign.
 - c. A description of how the sign is coordinated with building architecture and compatibility with the surrounding development context.

- d. A demonstration of how the requested vintage sign design fulfills the Standards for Approval.
 - ii. The proposed location, types, heights and size of the signs, indicated on scaled plans and/or building elevation drawings.
 - iii. Proposed materials, fabrication details and illumination proposed for sign structures and faces.
- D. Standards for Approval. The Planning Commission may approve a vintage sign design provided the following criteria are met:
 - i. The applicant has provided examples or likenesses of vintage signs that demonstrate a specified historical period, and the applicant has sufficiently described how the new proposed sign design should be regarded as having a “vintage” design.
 - ii. The proposed sign design is complementary to existing signage within the district and reinforces the historic context of downtown Marshall.
 - iii. The sign design does not confuse drivers, pedestrians or bicyclists as to the location of any businesses or uses.
 - iv. The placement of the sign will not conceal architectural details of the building, substantially block views of adjacent buildings or create a nuisance for upper-level users.
 - v. The proposed sign is compatible with adjacent uses and the existing or intended character of the surrounding neighborhood and will not have an adverse impact upon or interfere with development, use or enjoyment of adjacent properties.
- 4. **Conditions.** The Planning Commission may, in its consideration of a larger sign than would otherwise be permitted, require the removal of existing signage on a building, set a maximum total amount (square footage) of allowable signage for a site, and/or impose other conditions as necessary to ensure signage is cohesive with the district’s context.
- 5. **Approval.** Once approved, no other application for an additional vintage sign may be approved for the same property. The sign shall not be altered in any way except as may be necessary for necessary maintenance or in the instance of a renaming. If the message on the sign must be altered, the Zoning Administrator may approve such a change provided the shape, size and style of lettering is the same or smaller. If a vintage sign approved by the Planning Commission is removed, any subsequent sign shall meet the requirements of this Article.

9.13 Planned Sign Program

- 1. **Applicability.** The Planning Commission may review and approve a Planned Sign Program for signs in a commercial or industrial zoning district.
- 2. **Purpose.** The purpose of a Planned Sign Program is to allow a greater degree of flexibility in sign design and display in cases where strict compliance with the requirements of this Article may not be feasible. Further, a Planned Sign Program is intended to be used for multiple signs for large project development areas and integrated complexes to ensure that the requested signs function in a coordinated fashion to meet the general intent for signs in the zoning district.

3. **Intent.** This Section shall not be used to circumvent the variance process or to simply permit larger, more visible, or additional signs than may otherwise be permitted by this Article, without any consideration for unique sign design and display or other conditions.
4. **Procedures.** The Planning Commission shall have the authority to approve alternative requirements for sign design, number, type, size, height, location and lighting, provided that the applicant fulfills the requirements of this Section.
 - A. **Eligibility.** A Planned Sign Program may be approved only for project sites larger than one (1) acre in size.
 - B. **Planning Commission Public Hearing.** The Planning Commission shall review the application for a Planned Sign Program at its regular meeting upon publishing a notice and notifying property owners pursuant to Section 103 (General Provisions) of the Michigan Zoning Enabling Act (P.A. 110 of 2006).
 - C. **Application.** Applications for a Planned Sign Program shall include, at a minimum, the following materials.
 - i. A narrative description indicating:
 - a. A statement demonstrating that the eligibility requirements are met.
 - b. The general design intent for proposed signs.
 - c. A description of how the signs are coordinated with proposed building architecture and compatibility with the surrounding development context.
 - d. A demonstration of how the requested Planned Sign Program fulfills the Standards for Approval.
 - ii. The proposed locations, types, number, heights and sizes of all signs, indicated on scaled plans and/or building elevation drawings.
 - iii. Proposed materials, fabrication details and illumination proposed for sign structures and faces.
 - iv. A clear description of the Zoning Ordinance provisions for which a modification is requested.
 - D. **Standards for Approval.** The applicant shall demonstrate, and the Planning Commission shall find, that each of the following standards are met before a Planned Sign Program may be approved.
 - i. That the Planned Sign Program would result in a more attractive aesthetic setting, improved safety, provide more convenient identification for planned users, or other similar purposes that would not be achievable without deviations from the specific requirements of this Article;
 - ii. That the location and/or physical characteristics of the applicant's property or the needs for identification are unique when compared to other similarly situated parcels in the same zoning district and in the same vicinity;
 - iii. That the proposed Planned Sign Program substantially furthers the purposes and intent of this Section; and
 - iv. That approval of the Planned Sign Program would not create any adverse effects on one (1) or more properties in the vicinity.
5. **Amendments.**

- A. Minor modifications to a previously approved Planned Sign Program may be approved by the Zoning Administrator provided the general sign design, number of signs and dimensional requirements are maintained. Minor modifications include:
 - i. Changes in sign location of not more than five (5) feet;
 - ii. Changes to sign faces, provided that the face is no larger and materials are consistent with the approved sign; and
 - iii. Changes to landscaping and lighting.
- B. An amendment to an approved Planned Sign Program that does not qualify as a minor modification shall be reviewed by the Planning Commission using the same process as the original application.

9.14 Non-Conforming Signs

- 1. A sign lawfully erected prior to the adoption of this Article or any applicable amendment thereto which does not meet the standards of this Article may be continued as a legal non-conforming sign, except as hereinafter provided. A legal non-conforming sign shall:
 - A. Not be substantially altered in structure so as to change the shape, size, location, type or design of the sign; “substantially altered” does not refer to normal maintenance, such as painting or a change in message panels.
 - B. A non-conforming sign may remain as long as the sign is properly maintained and is not detrimental to health, safety and welfare. If damaged to an extent exceeding fifty (50) percent of its replacement cost, the sign shall not be repaired/replaced except in conformity with this Article.
- 2. If the owner of the premises on which a sign is located changes the location of a property line or sign so that a sign is rendered non-conforming, the sign must be removed or made to conform to the provisions of this Article.
- 3. If the activity, business or utilization of a non-conforming sign is communicating has been discontinued for one hundred eighty (180) days or longer, the Zoning Board of Appeals may declare the sign abandoned, following the standards in Section 7.7.6.B and require its removal or reconstruction to conform to the standards of this Article.
 - A. If a sign is declared abandoned, the owner shall have thirty (30) days to have the sign removed. If the sign is not removed within thirty (30) days, the Building Inspector may have the sign removed at the cost of the property owner.
- 4. A non-conforming sign may be replaced by another non-conforming sign of the same type and character so long as the new sign is reduced in total area by at least twenty-five (25) percent.

9.15 Administration and Enforcement

- 1. **Enforcement.**
 - A. The sign provisions of this ordinance shall be administered and enforced by Zoning Administrator(s) or their designee.
 - B. The Zoning Administrator(s) or their designee may enter at any reasonable time upon the premises where any sign is located. All sign violations shall be considered

civil infractions. No criminal penalty shall be attached for violations except where a police officer has actually observed a criminal violation being committed.

2. Permits.

- A. For signs requiring a permit, the Zoning Administrator must issue a zoning permit prior to receiving a building permit to construct a sign.
- B. The zoning permit shall confirm that the sign meets the requirements of this Article and any additional requirements of the Zoning Ordinance.
- C. No person shall erect, place, relocate, alter or add to any sign for which a zoning permit is required without obtaining a building permit from the City Building Inspector. The Building Inspector may determine that certain types of signs do not require a building permit.

3. Plans and Specifications. No person shall erect or alter any sign for which a permit is required, except in accordance with the plans and specifications approved by the Zoning Administrator and Building Inspector.

4. Application and Permit Fee. Application for sign zoning permits shall show the name and address of the owner of the sign and the person responsible therefore and the location, type, sign height and sign area of the sign and shall contain a drawing or other rendering of the proposed sign. The application and permit fee shall be filed with the Zoning Administrator for investigation. If the Zoning Administrator finds that the sign conforms to all provisions of this Article and other relevant Sections of the Zoning Ordinance, a permit shall be issued. The Zoning Administrator shall make a finding within ten (10) business days of filing the application.

5. Fees. The fee for sign permits shall be as adopted and amended from time to time by resolution of the City Council.

6. Inspection.

- A. After being erected, each sign for which a permit is required, shall be approved and inspected by the Zoning Administrator for zoning compliance.
- B. If, upon any inspection by the Building Inspector or Zoning Administrator, a sign is found to be unsafe or in a condition that does not comply with the provisions of this Ordinance, the Zoning Administrator shall give notice of the condition to the owner or the person responsible. Within thirty (30) days thereafter, the necessary repairs shall be made in order to bring the sign into compliance with this Chapter.

7. Unsafe Conditions. If a sign is found to be in such an unsafe condition that immediate repairs or the removal thereof are required, the Building Inspector shall take such precautions as may be necessary to protect the safety of the public in the use of the streets the cost of which shall be the responsibility of the owner.

8. Maintenance.

- A. Signs, including the face, framing and all supports thereof, shall be kept and maintained in a safe condition, shall be adequately protected against corrosion and shall conform to all the provisions of this Ordinance.
- B. Signs which are broken, torn, bent or whose supports are broken, bent or damaged and signs that are not reasonably level and plumb shall be repaired and installed in a manner prescribed by the Zoning Administrator and/or Building Inspector, but in

no case shall repair requirements exceed building code requirements and the original condition of the sign and/or its supports.

- C. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes and in conformance with this Ordinance. Failure to comply with this Section may result in action by the Zoning Administrator or Building Inspector to rescind the permit with subsequent removal of the entire structure.
 - D. Signs shall be free from disfigured, cracked, ripped or peeling paint, poster paper or other material.
 - E. A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than fifteen (15) degrees from vertical.
 - F. A sign shall not have weeds, trees, vines or other vegetation growing upon it, or obscuring the view of the sign from the public right-of-way from which it is to be viewed.
 - G. An internally illuminated sign shall not be allowed to stand with only partial illumination.
9. **Nuisance.** Any sign erected or displayed without a permit or any sign which does not comply with the provisions of this Chapter shall be deemed a hazard to the safety of the public and is declared to be a public nuisance and may be abated as permitted by law.
10. **Signs within Fire Limits.** No person shall erect a lighted or mechanical sign within the fire limits of the City unless the sign and supports therefore be entirely constructed of fire-resistant materials and complies with the provisions of the City's Fire Code.
11. **Obstruction Hazard.** No person shall erect, display or maintain any sign which obstructs any fire escape, building entrance or public passage, or at a horizontal distance of less than ten (10) feet from any fire hydrant or traffic light.
12. **Appeals.** The Zoning Board of Appeals is authorized to hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or determination made in connection with the enforcement of this Article. The Zoning Board of Appeals shall also have the power to authorize a variance from the strict application of this Section following the procedures contained in Section 7.8 of the Zoning Ordinance.

Section 4. Severability. It is the legislative intent of the City adopting this Ordinance that all provisions hereof shall be liberally construed to protect the public health, safety, and general welfare of the inhabitants of the City and all other persons affected by this Ordinance. Consequently, should any provision of this Ordinance be held to be unconstitutional, invalid or of no effect, such holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance or Zoning Code, it being the intent of the City Council that this Ordinance shall stand and remain in effect, notwithstanding the invalidity of any provision hereof.

Section 5. Savings Clause. Except as specifically amended herein, all other provisions of the Marshall Zoning Ordinance shall remain in full force and effect.

Section 6. Conflicting Ordinance and Code Provisions Repealed. Any Marshall Ordinance, parts of Ordinances, or any Marshall Code provision in conflict or inconsistent with any of the provisions of this Ordinance shall be and is hereby repealed.

Section 7. Publication. This Ordinance shall be published in a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.

Section 8. Effective. This Ordinance is declared to be effective seven (7) days after publication or as provided by law.

Section 9. Code Edits. The editors of the Marshall Code are hereby authorized, subject to approval of the City Manager, Clerk, or Council authorized designee, to update and revise Code section numbers to effectuate the provisions of this Ordinance.

Adopted and signed this _____ day of _____, 2024.

James Schwartz, MAYOR

Michelle Eubank, CITY CLERK

I, Michelle Eubank, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on _____, 2024, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

Michelle Eubank, CITY CLERK