

ZONING
The City of East Tawas, County of Iosco, State of Michigan

ORDAINS

Ordinance No.
Adopted:
Effective:

AN ORDINANCE TO amend Section 44-360 of Ordinance No. 313, adopted on July 5, 2005 Section 44-363 of Ordinance No.323, adopted on September 21, 2009; Section 44-364 of Ordinance No. 304, adopted on June 2, 2003; and amended by codification on June 10, 2013, as follows by replacing or deleting as indicated.

Section 44-360 Permitted signs in the WF, HSC, OSC, LI, I districts, (1) Wall Signs (replace item b.)

- b. Wall signs shall be limited to one wall sign per business on each wall abutting a public right-of-way or on a wall that does not abut a public right-of-way and has a public entrance and adjacent privately owned parking lot. The maximum size of any such sign shall not exceed ten percent of the building face area abutting a public right-of-way. No such sign shall exceed 100 square feet. (See figure 10-5.)

Sec. 44-363. Nonconforming Signs and Sign Structures. (replace)

It is the intent of this section to eliminate existing nonconforming signs in such a manner that avoids the invasion of vested rights of the owners of such nonconforming signs as well as the infliction of any unnecessary hardship. The provision of this section shall be construed to that end.

1. Normal Maintenance of Nonconforming Signs. Subject to the other provisions of this section, nonconforming signs may have normal maintenance performed.
2. Nonconforming signs shall be allowed to continue use unless otherwise specified as follows:
 - a. Nonconforming Signs shall remain unless the principal building on a site which a nonconforming sign is located is modified to the extent that site plan review and approval is required. In which case shall be removed at the owner's expense.
 - b. A building with a nonconforming sign shall remove the sign if the activity, business, or use to which it is related has been discontinued for more than 30 days.

- c. Nonconforming signs shall not be structurally altered or changed in shape, size, location or design, except to bring the sign into complete compliance with the requirements of Chapter 10, Signs.
 - d. Nonconforming signs shall be removed at the cost of the property owner, if declared unsafe by the Zoning Administrator because of the physical condition of the sign.
 - e. Nonconforming signs shall not be re-established after damage caused by accident, natural causes, or vandalism, if the damage is in excess of 50% of its cash value at the time damage occurs as determined by the City.
3. Modifications to a Nonconforming Signs. The owner of a nonconforming sign may update a nonconforming sign if the owner enters into an agreement with the City that complies with the following requirements. For the purposes of this subsection, modifying a nonconforming sign means to change the area of the sign that displays the name, identifications, description, illustration, business or solicitation.
- a. Removal of sign within five years. That states that in exchanged for the opportunity to change the sign, the entire nonconforming sign, which includes the face and structure, shall be removed within five years of entering into the agreement.
 - b. Owner(s) pay for removal. The owner of the sign and/or the owner of the land on which the sign is located will pay for removal of the sign.
 - c. No variance. The owner of the sign and the owner of the land on which the sign is located waives the right to request a variance from the Zoning Board of Appeals so that the sign can remain after five years.
 - d. Agreement runs with land. The agreement shall run with the land and become binding on any subsequent owners of the sign or owners of the land on which the sign is located.
 - e. Future signs comply with this Ordinance. Any future sign constructed to replace the sign (if it is appropriate), shall comply with the requirements of Chapter 10, Signs.
 - f. Recording. The agreement shall be recorded with the Register of Deeds by the owner of the sign within 30 days of the execution of the agreement, or the agreement shall be null and void.

Section 44-364- Maintenance of signs (delete below sentence from item c.)

, nonconforming signs and sign structures, which prohibits the replacement of a nonconforming sign, nor shall this subsection be construed to prevent the changing of the message of a sign.
(delete from item c.)

Bruce P. Bolen, Mayor

Julie J. Potts, Clerk/Treasurer