

**AGENDA**  
**BIRMINGHAM DESIGN REVIEW BOARD MEETING**  
**MUNICIPAL BUILDING-COMMISSION ROOM-151 MARTIN STREET**  
**WEDNESDAY – August 7<sup>th</sup>, 2019**  
**\*\*\*\*\* 7:15 PM\*\*\*\*\***

- 1) Roll Call**
- 2) [Approval of the DRB Minutes of April 17<sup>th</sup>, 2019](#)**
- 3) Public Hearing**
- 4) Design Review**
- 5) Sign Review**
- 6) Study Session**
  - A. [Electronic Message Centers](#)**
- 7) Miscellaneous Business and Communication**
  - A. Staff Reports**
    - 1. [Administrative Sign Approvals](#)**
    - 2. [Administrative Approvals](#)**
- 8) Adjournment**

*Notice:* Individuals requiring accommodations, such as interpreter services for effective participation in this meeting should contact the City Clerk's Office at [\(248\) 530-1880](tel:2485301880) at least on day in advance of the public meeting.

Las personas que requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al [\(248\) 530-1880](tel:2485301880) por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).

**A PERSON DESIGNATED WITH THE AUTHORITY TO MAKE DECISIONS**  
**MUST BE PRESENT AT THE MEETING.**

**DESIGN REVIEW BOARD**  
**MINUTES OF APRIL 17, 2019**  
Municipal Building Commission Room  
151 Martin, Birmingham, Michigan

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Minutes of the regular meeting of the Design Review Board ("DRB") held Wednesday, April 17, 2019. Chairman John Henke called the meeting to order at 7:21 p.m.

**1) ROLLCALL**

**Present:** Chairman John Henke, Vice-Chairman Keith Deyer; Board Member Joseph Mercurio; Alternate Board Member Alexander Jerome

**Absent:** Board Members Gigi Debbrecht, Natalia Dukas, Patricia Lang, Michael Willoughby; Alternate Board Member Dulce Fuller; Student Representative Klea Ahmet

**Administration:** Nicholas Dupuis, City Planner  
Laura Eichenhorn, Transcriptionist

**04-18-19**

**2) APPROVAL OF MINUTES**  
**DRB Minutes of March 20, 2019**

**Motion by Vice-Chairman Deyer**  
**Seconded by Mr. Jerome to approve the DRB Minutes of March 20, 2019 as presented.**

**Motion carried, 4-0.**

VOICE VOTE

Yeas: Deyer, Jerome, Mercurio, Henke

Nays: None

**04-18-19**

**3) PUBLIC HEARING**

None.

**04-19-19**

**4) DESIGN REVIEW**

None.

**04-20-19**

**5) SIGN REVIEW**

### **A. 2010 Cole – Braam's Custom Cabinets**

City Planner Dupuis reviewed the item.

Vice-Chairman Deyer said:

- He would like to know why this item went before the Planning Board, given that this was a design update with no increase in square footage.
- He would like to know why the Planning Board approved the plans for this item without defining or approving the sign band.
- The Planning Board should not have approved the awnings since they block the signage for the various tenants of the building.
- The signage for the additional tenants should be added to the sign band, and the part of the awning over the door blocking the sign band should be removed.
- This is a self-created difficulty on the part of the owner, not the petitioner, since the awnings were installed by the owner without consideration for sign band placement.

Chairman Henke noted the awnings are architectural, not functional. He said the DRB could recommend to the Board of Zoning Appeals (BZA) that this item either be approved or denied.

Vice-Chairman Deyer suggested the DRB could recommend approval as the sign is designed, with the requirement that the sign be located within the sign band.

Chairman Henke agreed, saying the sign should be in the sign band above the transom.

Vice-Chairman Deyer added that the recommendation should require compliance with the ordinance, which would require the removal of a portion of awning. He noted that the petitioner could then take the recommendation to the BZA and try to argue that the recommendation constitutes a hardship.

#### **Motion by Vice-Chairman Deyer**

**Seconded by Mr. Jerome to approve the sign design as submitted with the understanding that the sign must be placed in the sign band, which will require the removal of approximately six feet of awning.**

**Motion carried, 4-0.**

VOICE VOTE

Yeas: Deyer, Jerome, Mercurio, Henke

Nays: None

City Planner Dupuis said this item would be before the BZA on May 14, 2019.

**04-21-19**

### **6) STUDY SESSION**

None.

**04-22-19**

**7) MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

**A. Staff Reports**

**1. Administrative Approvals**

Vice-Chairman Deyer noted that it has been DRB practice not to approve sign bands with surplus descriptors of a store's contents or function. He suggested that more descriptive signs could generally be placed in the windows of a business should a business choose to do so. He noted that this was his personal interpretation of the DRB's practices and the opinions of other DRB members might differ.

City Planner Dupuis said he would bring signs of a similar nature before the DRB for their review in the future.

Chairman Henke suggested signs for Woodward businesses could possibly be accorded a bit more leeway with verbiage since drivers are passing the businesses at higher speeds than drivers do in other parts of Birmingham. He noted past DRB discussions regarding whether Woodward business signs should receive different treatment than other Birmingham business signs given different speed conditions.

**B. Communications (none)**

Regarding Historic District Committee business, Vice-Chairman Deyer told the members present that he had provided City Planner Dupuis with DVD documentation of all the homes that received Heritage Plaques in Birmingham, the Certified Local Government (CLG) survey which was intended to reveal Birmingham buildings with previously unknown historic significance, and another DVD providing an example of a different Michigan City conducting a similar CLG survey.

Vice-Chairman Deyer explained that Heritage Plaques are for any Birmingham homes, not historically designated, which are over 100 years old.

**04-23-18**

**ADJOURNMENT**

No further business being evident, the board motioned to adjourn the meeting at 7:37 p.m.

Nicholas Dupuis  
City Planner

**DATE:** August 7<sup>th</sup>, 2019

**TO:** Design Review Board

**FROM:** Nicholas Dupuis, City Planner

**SUBJECT:** Electronic Message Center Signs – Study Session

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## Introduction:

The International Sign Association defines an Electronic Message Center (EMC) as a sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means. Other definitions are as follows:

**Collierville, TN:** Any sign that displays still images, scrolling images or moving images, including video and animation, utilizing a series or grid of lights that may be changed through electrostatic means, including cathode ray, light emitting diode (LED) display, plasma screen, liquid crystal display (LCD), fiber optic or other electronic media or technology.

**Marquette, MI:** An electrically activated changeable sign whose variable message and/or graphic presentation capability is electronically programmable. Also known as a digital sign. EMCs typically use light emitting diodes (LEDs) as a lighting source, and liquid-crystal display (LCDs) for light modulation.

**Orion Township, MI:** A sign that electronically displays and utilizes computer-generated messages or some other means of changing copy.

**Woodbury, NJ:** An electronically activated changeable-copy sign whose variable message and/or graphic presentation capability can be electronically programmed by the computer from a remote location. EMC's typically use light emitting diodes (LEDs) as a lighting source.



**Issue:**

The City of Birmingham does not currently regulate or define EMC's, and EMC sign proposals are not easy or explicit to regulate under the existing ordinance. For example, Section 1.03(A), which outlines Illumination requirements seem to permit EMC signs so long as they are not flashing, blinking, oscillating, rotating, or confusing/obstructive to traffic.

EMC signs also do not fit into the definitions of Light Box Sign or Broadcast Media Device:

**Light Box Sign:** A permanent wall mounted sign with an exposed frame, a translucent face, and internal illumination.

**Broadcast Media Device:** An electronic display unit with a screen no larger than 1.5 square feet in size (such as a TV), that broadcasts audio and video designed for viewing by individual customers while purchasing goods and services.

Although the Design Review Board has the authority to review and approve or deny signs based on the requirements below, it could be advantageous to define and include EMC signs in the Sign Ordinance to make the application process more clear and reviews more streamlined:

Sign review approval shall be granted only upon determining the following:

1. The scale, color, texture and materials of the sign being used will identify the business succinctly, and will enhance the building on which it is located, as well as the immediate neighborhood.
2. The scale, color, texture and materials of the sign will be compatible with the style, color, texture and materials of the building on which it is located, as well as neighboring buildings.
3. The appearance of the building exterior with the signage will preserve or enhance, and not adversely impact, the property values in the immediate neighborhood.
4. The sign is neither confusing nor distracting, nor will it create a traffic hazard or otherwise adversely impact public safety.
5. The sign is consistent with the intent of the Master Plan, Urban Design Plan(s), and/or Downtown Birmingham 2016 Report, as applicable.
6. The sign otherwise meets all requirements of this Chapter.

The advantage of EMC signs are visibility and the ability to change the message to suit the business or property owner's needs. It is apparent from reading through ordinance language from other communities that if allowed, EMC signs would need to be heavily regulated to address illumination and brightness levels (including different day & night levels and automatic adjustments), light source, sign area, transitions and animations, location, color, and other important issues. Examples of different ordinance language regulating EMC signs from other communities is attached for your review. For your convenience, I have highlighted relevant EMC information in yellow.

EMC signs, to the best of our knowledge, do not exist or are extremely rare in the City of Birmingham with the exception of gas station price signs.



While addressing the issue of EMC signs, gas station price signs should be considered either through an added definition, or regulated as their own entity.

Attached are sample ordinance changes to reflect the above issues, which involve adding EMC signs to the list of prohibited signs, as well as adding a definition of both EMC signs and gas station price signs.

### **Suggested Action:**

To set a public hearing for September 4<sup>th</sup>, 2019 to consider amendments to the Birmingham Sign Ordinance to prohibit and define Electronic Message Center Signs.

CITY OF BIRMINGHAM

ORDINANCE NO. \_\_\_\_\_

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE SIGN ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 1, SECTION 1.03, SIGN REQUIREMENTS, TO AMEND THE PROHIBITED SIGN TYPES.

**1.03 Sign Requirements**

This Sign Requirements section applies to the following districts:

- A. Illumination. (*No changes*)
- B. Obscene Matter. (*No Changes*)
- C. Obstruction. (*No Changes*)
- D. Painted Signs. (*No Changes*)
- E. Prohibited Sign Types. Billboards, **Electronic Message Centers**, light box signs, pole signs, roof signs, parked vehicle signs and trailer signs are not permitted.
- F. Premises. (*No changes*)

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2019 to become effective upon publication.

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Patty Bordman, Mayor

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Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. \_\_\_\_\_

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE SIGN ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 3, SECTION 3.02, DEFINITIONS, TO AMEND THE LIST OF DEFINITIONS TO INCLUDE ELECTRONIC MESSAGE CENTERS AND GAS STATION PRICE SIGNS.

**3.02 Definitions**

**Electronic Message Centers:** A sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means. This does not include gas station price signs.

**Gas Station Price Signs:** An LED or manual sign that displays the price per gallon of gasoline. The numbers displayed on Gas Station Price Signs may be no larger than 12 inches in height and are limited to red or green in color.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2019 to become effective upon publication.

\_\_\_\_\_  
Patty Bordman, Mayor

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Cherilynn Mynsberge, City Clerk

**Exhibit A to  
Ordinance 2010-01: New Sign Regulations**

## ***SIGN REGULATIONS***

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### **§ 151.170 PURPOSE AND INTENT**

It is the purpose of this subchapter entitled “Sign Regulations” to promote the public health, safety, and general welfare through reasonable, consistent, and non-discriminatory sign standards. This subchapter is not intended to censor speech or to regulate viewpoints, but instead is intended to regulate, in a content-neutral manner, any secondary effects of speech that may adversely affect aesthetics and traffic and pedestrian safety. The purpose of this subchapter is to:

- (A) Encourage the effective use of signs as a means of communication in the Town;
- (B) Maintain and enhance the aesthetic environment and the Town’s ability to attract sources of economic development and growth;
- (C) Improve pedestrian and traffic safety;
- (D) Minimize the possible adverse effect of signs on nearby public and private property;
- (E) Foster the integration of signage with architectural and landscape designs;
- (F) Allow signs that are compatible with their surroundings and that aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- (G) Regulate signs in a manner so as to prevent the interference with, the obstruction of the vision of, and/or the distraction of motorists, bicyclists, and/or pedestrians;
- (H) Allow for traffic control devices to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and to notify road users of regulations and provide warning and guidance needed for the safe, uniform, and efficient operation of all elements of the traffic stream;
- (I) Protect property values by precluding sign types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- (J) Protect property values by ensuring that the types and numbers of signs are in harmony with buildings, neighborhoods, and conforming signs in the area;
- (K) Preserve and enhance the historic character of the Town; and
- (L) Enable the fair and consistent enforcement of these sign regulations.

### **§ 151.171 DEFINITIONS**

The words, terms and phrases set out below, when used in this subchapter, shall have the meaning ascribed to them in this subchapter, except where the context clearly indicates a different meaning.

#### **Artwork**

A two- or three-dimensional representation that is expressed in a form and manner as to provide aesthetic enjoyment for the viewer rather than to specifically convey the name of the business or a commercial message about the products or services offered on the property upon which the artwork is displayed. The exterior alteration of commercial buildings in the Historic District for purposes of restoring historic painted murals is not within the scope of this subchapter but is instead regulated under the subchapter pertaining to the Historic District.

**Balloon-Type Devices**

A stationary or mobile inflated device used to attract attention.

**Banner**

See “Sign, Banner”

**BMA**

The Town of Collierville Board of Mayor and Aldermen.

**BZA**

The Town of Collierville Board of Zoning Appeals.

**Building Façade**

See “Façade.”

**Building Wall**

The entire surface area, including windows and floors, of an exterior wall of a building.

**Codes Division**

The Town of Collierville Codes Enforcement Division of the Development Department.

**Commercial**

Any nonresidential use of land involving commerce or commercial activity such as wholesale or retail trade, or the provision of services.

**Conventional Area**

Portions of the town that are appropriate for, or characterized by, development that is typically segregated by use; is two stories or less in height; is primarily or exclusively automobile-oriented; has parking between the building and the street; and is served primarily by curvilinear streets as described in the Collierville Design Guidelines.

**Copy**

Words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign face.

**Copy Area**

The smallest geometric shape that encloses all graphics, letters, and logos of the sign face.

**Design Compatibility**

A condition occurring between two of the same or two different use types where the buildings harmonize together through the use of common scale, setbacks, heights, materials, design treatments, roof forms, orientation, or other features.

**DRC**

The Town of Collierville Design Review Commission

**Electronic Message Board**

Any sign that displays still images, scrolling images or moving images, including video and animation, utilizing a series or grid of lights that may be changed through electrostatic means, including cathode ray, light emitting diode (LED) display, plasma screen, liquid crystal display (LCD), fiber optic or other electronic media or technology.

**Elevation**

The front, side, or rear of a structure.

**Façade**

The exterior wall on the front, side, or rear elevation of the building regardless of whether the building side faces a street.

**Fence**

A structure used to delineate a boundary or act as a barrier or means of protection, confinement, or screening.

**Flag**

Bunting or fabric of distinctive color and design that is used as an emblem, standard, decoration, or symbol and that is hoisted on a permanent flagpole or otherwise displayed from a building.

**Glazing**

The portion of an exterior building surface occupied by glass or windows.

**HDC**

The Town of Collierville Historic District Commission

**Illumination**

The calling of attention to a sign or device by means of brightening or shining with light or a luminous substance.

**Menu Board**

A structure primarily designed for the display of menu items and prices for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive-through or curbside service.

**Multi-phase Development**

A development consisting of two or more distinct phases intended to occur in a sequential order.

**Multiple Franchise Business**

A business that, pursuant to franchise agreements, markets the goods or services of more than one company or manufacturer.

**Multiple Tenant Building**

A single building that contains two or more distinct occupants internally separated by firewalls or demising walls.

**Neon**

Lights, tubes, or other devices used to emit neon light.

**Nonconforming Sign**

See “Sign, Nonconforming”.

**Plastic**

The general and commonly used term for a wide range of synthetic or semi-synthetic organic amorphous solid materials including, but not limited to, acrylic, sentra and lexan.

**Public right-of-way**

Property dedicated for public use, usually for a public street, public infrastructure and/or waterway. For the purposes of this subchapter, such public rights-of-way shall be considered to extend a minimum of ten feet from the edge of the pavement, or to the dedicated right-of-way boundary, whichever is farther.

**Roof Line**

The apex, or highest point of the roof. In a series of roofs, the apex of the lowest roof will be considered.

**Scoreboard**

A structure that is located within an athletic field and that displays changing scores, related information, and additional content that may include, without limitation, the names and logos of sponsors.

**Sign**

Any device, fixture, placard, or structure that uses color, form, graphics, illumination, text, symbol, and/or writing to advertise, attract attention to, announce, identify, or identify the purpose of a person or entity, or to communicate information of any kind. The following shall not be considered signs subject to sign regulation: artwork; holiday lighting and decorations, including strips or strings of lights outlining property lines, sales areas, roof lines, doors, windows, wall edges, or other architectural features of a building, displayed between Thanksgiving Day and New Year's Day of each calendar year and fifteen (15) days prior to and after this time period; and memorial plaques, cornerstones, historical tables, and the like.

**Sign Area or Sign Face**

See sign face calculation in §151.178(B)(6).

**Sign, A-Frame (Also a Sandwich Board)**

A freestanding upright sign on a rigid supporting frame in the form of a triangle or an inverted V.

**Sign, Abandoned**

A sign that was lawfully erected on the property in conjunction with a particular use, that use having been subsequently discontinued for a period of 60 days or more; a sign that has been blank for 60 days or more; or a lawfully erected temporary sign for which the time period allowed for display of the sign has expired.

**Sign, Animated**

Any sign that moves or that appears to move by any means, including fluttering or rotating. Such signs shall also include, but not be limited to, pennants, ribbons, streamers or propellers.

**Sign, Attached**

A sign that is permanently affixed to or painted on a building, canopy, or wall and that has a permanent or changeable copy face.

**Sign, Awning**

A sign that is part of or attached to the face or valance of an awning and that is constructed in the same fabric or material as the awning.

**Sign, Banner**

A sign made of flexible material that advertises a business, an event, or a product for sale.

**Sign, Bench**

A sign affixed to or painted on a bench.

**Sign, Cabinet**

An internally illuminated sign structure consisting of a cabinet that holds a display. Cabinet sign also includes, but is not limited to, backlit displays and light boxes.

**Sign, Canopy**

A sign that is attached to a structure constructed of rigid materials that may be attached to and supported by a building and/or that is also supported by columns, poles, or braces extending to the ground.

**Sign, Changeable Copy (Manual)**

A sign on which copy is changed manually.

**Sign, Changeable Copy (Automatic)**

A sign that is electronically controlled.

**Sign, Convenience**

A sign displayed only for the direction, safety, and convenience of the public. Convenience signs may include, without limitation, address signs, address and name plaques, signs identifying rest rooms, parking area entrances and exits, gas station self-service or full-service pump islands, freight entrances and exits, and other facilities that may require directional signage.

**Sign, Development**

A sign located at the entrance to a residential development and constructed of masonry or natural materials, except for attached letters or logos.

**Sign, Development-in-Progress**

A temporary sign that may include, without limitation, the name of the project, the architect, the contractor, the developer, the engineer, the financing institution, or the materials supplier for the site, whose construction is active, or announcing the future development.

**Sign, Freestanding (also Ground Mounted)**

- (i) A sandwich board sign; or
- (ii) A sign supported by a sign structure that is secured in the ground and that is wholly independent of any building or object, other than the sign structure, for support.

**Sign, Government Imitation**

A sign that copies, imitates, or in any way approximates an official highway sign or carries the words “Stop” or “Danger.” Also, a sign that obscures a sign displayed by public authority for the purpose of giving traffic instruction or direction, or other public information, including any authorized traffic control sign, signal, or similar device.

**Sign, Hand Held**

A sign that is held by or otherwise mounted on a person.

**Sign, Hanging**

A sign mounted on beams, brackets, or poles projecting from a building.

**Sign, Home Occupation**

A sign erected for the purpose of identifying an allowed home occupation.

**Sign, Integral**

A sign or plaque carved into stone, concrete, or similar material, or made of bronze, aluminum or other permanent type metal materials, and made an integral part of the structure.

**Sign, Menu Board**

A structure primarily designed for the display of menu items and prices for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive-through or curbside service.

**Sign, Moving**

A sign or device that swings, undulates, or otherwise attracts attention through the movement of parts, or through the impression of movement, and includes flashing, fluttering, moving, pennant, revolving, rotating, streamer, windblown, or similar signs or devices.

**Sign, Nonconforming**

A sign lawfully constructed or erected prior to the effective date of any ordinance or amendment containing provisions with which the sign does not comply, or any sign that was lawfully erected in compliance with the sign regulations in effect at the time it was erected, but that is no longer in compliance.

**Sign, Obsolete**

See "Sign, Abandoned."

**Sign, Parked Vehicle**

Signs placed on or affixed to vehicles or trailers that are parked on a right-of-way or on public or private property so as to be visible from a public right-of-way. This term does not include signs that advertise the sale of the vehicles on which they are placed or that are placed on or affixed to vehicles but that are incidental to the primary use of the vehicle or trailer.

**Sign, Permanent**

A sign that is intended for other than temporary use or a limited period. A permanent sign is usually affixed or attached to the exterior of a building or to a pole or other structure by adhesive or mechanical means or is otherwise characterized by anchoring, construction materials, or a foundation indicative of an intent to display the sign for more than a limited period.

**Sign, Political**

A temporary sign erected on private property for the purpose of supporting a political candidate or stating a position regarding a political issue or similar purpose.

**Sign, Portable**

A temporary sign or device that is located on the ground, is easily movable, and is not permanently attached to the ground. Portable signs include, but are not limited to, counterbalance signs, trailer signs, and any variations thereof.

**Sign, Project**

A sign that displays solely numbers and/or letters and that is erected to display the identity of five or more occupants in a single building, business or office complex with a total of at least 10,000 square feet in the project; with or without individual street frontage; and with a common parking lot or private drive.

**Sign, Projecting**

See “Sign, Hanging.”

**Sign, Public**

A sign that is in the public interest and that is erected by, or on the order of, a governmental entity or agency. This term includes, without limitation, safety signs, danger signs, trespassing signs, traffic signs, signs of historical interest, wayfinding signs, signs pertaining to events sponsored or co-sponsored by the Town, and other similar signs.

**Sign, Real Estate**

A temporary sign pertaining to the sale, lease, or rental of property. This term includes, but is not limited to, real estate directional, open house, and open house directional signs.

**Sign, Roof**

An attached sign wholly or partially dependent upon the roof of any building for support. A roof does not include a mansard mounted on a parapet wall.

**Sign, Sandwich Board (Also an A-Frame Sign)**

A freestanding upright sign on a rigid supporting frame in the form of a triangle or an inverted V.

**Sign, Snipe**

Any sign other than a convenience sign that is affixed by any means to trees, utility poles, fences or other objects.

**Sign, Temporary**

A sign that is intended for temporary use and a limited period, as allowed by this ordinance. Temporary signs may include, but are not limited to: auction signs, banners, balloons, builder signs, development in progress signs, garage sale signs, grand opening signs, political signs, portable signs, real estate signs, and special event signs.

**Sign, Trailer**

A sign attached to or painted on a trailer and visible from the public right-of-way for more than 2 consecutive hours or more than 4 total hours between sunrise and sunset.

**Sign, Trash Receptacle**

A sign affixed to, or painted on, a trash receptacle and containing only the company name or logo of the trash-collecting firm.

**Sign, Wall**

A sign designating the name of the business, institution, or organization which is attached to, in a rigid manner, and parallel to a building wall or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not extend more than 12 inches from such building or structure.

**Sign, Window**

A sign placed within, affixed to, in contact with, or located within three feet of a window and intended to be seen from the exterior.

**Sign Depth**

On an attached sign, the distance from the face of the letters to the surface to which they are attached.

**Sign Face**

(See §151.178(B)(6) Sign Face Area.)

**Sign Surface Area**

(See §151.178(B)(6) Sign Face Area.)

**Sign Policy, Comprehensive**

A plan establishing parameters for the size, location and design of signs in a planned development.

**Street Frontage**

The distance that a lot line adjoins a public or private street from one lot line intersecting the street to the furthest lot line intersecting the same street.

**String Lighting**

Lighting used to outline a structure and to attract attention for commercial purposes.

**Traditional Area**

Portions of the town, including the historic district, that are appropriate for, or characterized by, development that typically includes mixed-uses, or residential and nonresidential uses in proximity to one another, buildings typically more than one story tall and built close to the street, a high level of architectural detailing on the primary building façades, the use of a modified street grid system, pedestrian oriented site design rather than exclusively or predominantly for the automobile, and off-street parking located to the side or rear of buildings as described in the Collierville Design Guidelines.

**§ 151.172 APPLICABILITY**

This ordinance shall apply within all zoning districts. However, if the Historic District Commission has formulated and the Board of Mayor and Aldermen has approved written sign guidelines for the Historic District that conflict with provisions in this subchapter, then those guidelines shall take precedence within the Historic District. In addition, if the Board of Mayor and Aldermen has approved a comprehensive sign policy as part of a planned development outline plan, then that sign policy shall take precedence within that approved planned development.

**§151.173 GENERAL VISUAL QUALITY**

Because these regulations can only establish the physical characteristics of signage and not enforce a level of visual quality in sign design, anyone planning a sign is strongly encouraged to consider:

(A) The character of the proposed sign, not only in and of itself, but also in terms of the effects a sign will have upon the character of the surrounding area;

(B) The way in which the sign will be read and whether its size, location, configuration, and character are appropriate to its intended audience or whether a more appropriate sign could better serve its intended purpose and, at the same time, be less visually disruptive; and

(C) The character of the sign structure, (the physical means of supporting the sign,) and whether that structure could be made an integral part of the sign rather than a separate and frequently distracting element.

#### **§151.174 SIGNS PROHIBITED IN ALL ZONING DISTRICTS**

The following signs shall be prohibited and may neither be erected nor maintained.

(A) Signs erected in a public right-of-way or on public property, with the exception of hand held signs that do not pose a traffic safety hazard and that do not block or otherwise interfere with pedestrian or vehicular traffic;

(B) Bench signs;

(C) Canopies or awnings with backlighting;

(D) Electronic message boards;

(E) Government-imitation signs;

(F) Inflatable animated characters, lighter than air devices, or similar balloon-type devices;

(G) LED electronic message center window signs;

(H) Moving signs;

(I) Flashing signs;

(J) Signs that are not securely affixed to the ground, or that are not otherwise affixed in a permanent manner to an approved supporting structure, including but not limited to, portable signs; provided however, that temporary signs specifically allowed under this subchapter shall be exempt from this prohibition;

(K) Noisy mechanical devices;

(L) Plastic-faced cabinet signs, with the exception of menu boards that are screened or not visible from the public right-of-way;

(M) Parked-vehicle signs;

(N) Roof signs, including signs painted on roofs or that extend above the highest point of a roof;

(O) Changeable copy signs (manual and automatic);

(P) Signs that contain reflective materials, except that the Development Director shall have the ability to approve decorative metals (e.g., brass, copper) on a case-by-case basis;

(Q) Searchlights;

(R) Strobe lights;

(S) Signs interfering with, or blocking the visibility of, directional, instructional, or warning signs;

(T) Signs on natural features such as trees, other living vegetation, and rocks;

(U) Trailer signs;

(V) Home occupation signs, with an exception for those required by State law;

(W) Snipe signs;

(X) Trash receptacle signs;

(Y) Signs that contain words suggestive of, or pictures depicting those acts or displays described in, § 130.046 NUDITY AND SEXUAL ACTIVITIES.

(Z) Animated signs;

(AA) Hand held signs displayed within the public right-of-way; and

(BB) Obsolete or abandoned signs that are not lawful nonconforming signs

### **§151.175 EXEMPTIONS**

These Sign Regulations do not pertain to the following:

(A) Public signs;

(B) Signs not visible from the public right-of-way, including drive-in restaurant menu boards;

(C) Signs internal to a building set back more than 10 feet from a window;

(D) Flags attached to residential structures in residential zones;

(E) Freestanding flag poles in residential zones per §151.006(D)(7);

(F) Scoreboards;

(G) Decals, numbers, names, addresses, hours, credit information and the like attached to doors or windows and all of which occupy a total area of one square foot or less;

(H) For service stations solely engaged in the retail distribution of petroleum and petroleum products the following signs are exempt:

(1) One non-illuminated permanent price sign per street frontage, the sign not to exceed 2 square feet in face area, and located upon the pump island nearest to the street or upon the face of the station building;

(2) Two non-illuminated self service or full service signs per pump island, the signs not to exceed 2 square feet in sign area nor to be located at a height more than 8 feet from the surrounding grade;

(3) Signs displaying the federal and state stamps, octane ratings, pump use direction, no smoking signs and other signs as required by federal, state and local authorities, provided that the accumulated square footage of same shall not exceed 2 square feet per pump island; and

(I) Other signs and stamps required by state and federal law, provided same are of a size no greater than the minimum requirements of the law and for design, size and lighting is approved by the Development Director.

### **§151.176 SIGN PERMIT APPLICATION AND ISSUANCE**

(A) *Applicability.*

(1) If any temporary or permanent sign is not otherwise exempted in Subsection 151.176(B), it shall be unlawful to construct, alter, or relocate such temporary or permanent sign without a valid sign permit approved by the Development Department and issued by its Construction Codes Division.

(2) A property owner, business occupant, or organization allowed more than one sign shall obtain a separate permit for each sign.

(3) In instances where a sign is proposed for construction, alteration, relocation, or demolition within the Historic District, no sign permit shall be issued by the Construction Codes Division until the project has been submitted to, and received a written Certificate of Appropriateness from, the Historic District Commission.

(4) For any sign with lighting, including ground lighting, the Town requires an electrical permit and inspections pursuant to the provisions of the Electrical Code, as adopted by the Town of Collierville. In cases where an electrical permit is required, it shall be obtained at the same time as the sign permit.

**(B) *Exemptions from Sign Permits.***

(1) The following signs may be constructed, altered, relocated, or demolished without a Sign Permit, but shall be subject to all applicable requirements in §§151.170 through 151.183:

- (a) Real estate signs;
- (b) Political signs;
- (c) Convenience signs;
- (d) Integral signs;
- (e) Attached ballfield fence signs;
- (f) Temporary signs permitted by this subchapter except for banners;
- (g) Horizontal directional signs on and flush with paved areas;
- (h) Signs posted in conjunction with door bells or mailboxes, not exceeding 36 square inches in surface area;
- (i) Address signs, not more than one for each street frontage of each principal use on a lot and none exceeding 72 square inches in area, showing only the numerical address designations of the premises upon which they are situated. All address signs shall be prominently displayed and written in contrasting colors to the color of the structure or background against which the signs are placed in order to facilitate emergency identification for public service employees; and
- (j) In buildings located in non-residential zones, signs that are placed greater than three (3) feet behind the interior surface of glass and that are legible from the public right-of-way.

(2) The following activities may be conducted without obtaining a sign permit.

- (a) Cleaning and other normal maintenance and repair of a sign or sign structure, or other customary maintenance performed periodically to a properly permitted sign unless a structural change is made.
- (b) Painting or repainting of a sign or sign structure located outside the Historic District.

**(C) *Procedure.*** All applications for signage shall be reviewed by the Development Director or his designee prior to the issuance of a sign permit.

(1) *Initiation.* An application for a sign permit shall be initiated by the property owner or other person having authority to file an application.

(2) *Application for a Sign Permit.* An application for a sign permit shall be made in accordance with application requirements established by the Development Department. For signs within the Historic District that must be approved by the Historic District Commission, the issuance of a Certificate of Appropriateness from the Historic District Commission is required prior to approval of the sign permit application.

(3) *Development Department Decision on Sign Permit.* Within thirty (30) days of receiving a complete sign permit application, the Development Department shall review said application and shall approve it, approve it with stated conditions, or reject it.

(D) *Approval Criteria.* The Development Department shall review an application for a sign permit based on the standards set forth in §§151.170 through 151.183.

(E) *Approval for Sign Construction, Alteration, Relocation, or Demolition.* Construction, alteration, relocation, or demolition of a sign or sign structure authorized by a sign permit shall be completed within a period of 180 days of the date of the sign permit approval. Upon written request, one extension of 180 days may be granted by the Development Department if the applicant can show good cause.

(F) *Nullification.* A sign permit shall become null and void if the sign varies in any respect from the approved design or location.

(G) *Fees.* The permit fee for each sign allowed under the requirements of this chapter shall be fixed from time to time by the Board of Mayor and Aldermen.

(H) *Review of Permitting Decisions.* Permit applicants may appeal unfavorable decisions or interpretations rendered pursuant to this subchapter to the Board of Zoning Appeals, as set forth in Section §151.182(B).

## **§151.177 RESERVED**

## **§151.178 REQUIREMENTS APPLICABLE TO ALL ZONING DISTRICTS**

(A) *Illumination.* Sign illumination shall only be achieved through the following standards. The Board of Zoning Appeals shall hear and decide any appeals of staff decisions related to the interpretation of this section.

(1) *General.* All illuminated signage shall be externally lit with the exception of signs containing or consisting of channel letters as allowed in §151.178(A)(3) below.

(2) *External Illumination.*

(a) Signs that are externally illuminated shall have the light source shielded from adjacent buildings and streets, and no sign or device shall produce glare or illumination so as to create a nuisance or a safety hazard to adjacent property owners or to the traveling public. Illumination shall be achieved via a steady, stationary white light of reasonable intensity that is directed solely at the sign. No sign shall have blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color.

(b) Electrical lights and fixtures shall not be attached to a sign unless they are installed in accordance with the current adopted National Electrical Code.

(3) *Internal Illumination.* Only those signs as set forth in § 151.179 may be illuminated internally by either, or both, of the following methods. No other form of internal illumination is permitted.

(a) Individual channel letters shall be permitted but only with the following physical characteristics.

(i) White, translucent plastic (e.g., acrylic, lexan, sentra) faces, aluminum returns, and a white internal light; and

(ii) Black dual color film on white plastic faces, aluminum returns, and a white internal light.

(b) Individual reverse-channel (also know as “halo-lit” or “reverse lit”) aluminum letters with opaque faces and returns of any color and white internal light.

(4) *Prohibited Forms of Illuminated Signage.*

(a) Exposed neon, or technologies such as LED that simulate neon, are prohibited for signs and shall not be incorporated into the design of a principal or accessory structure.

(b) Plastic-faced cabinet signs, whether internally or externally illuminated, with the exception of menu boards not visible from the public right-of-way.

(c) The internal illumination of any sign not expressly allowed pursuant to the provisions of §151.179.

(d) Any form or color of individual channel letters or reverse channel letters not expressly permitted by §151.178(A)(3).

### **(B) Sign Design; Calculation of Sign Area and Height**

(1) *Attached Letters and Graphics.* When separate letters or graphics are attached to, or painted on, a wall, then the sign area shall be determined by the smallest geometric shape that encloses all borders, graphics, and letters as a complete sign.

(2) *Clearance from Electrical Lines.* Signs shall maintain a minimum horizontal clearance of eight feet in addition to the fall radius and a vertical clearance of at least eight feet from electrical lines and in accordance with the provisions of the current adopted National Electrical Code, as revised.

(3) *Double-Faced Signs.* When two signs of the same shape and dimensions are mounted or displayed in a V shape, then all sign faces shall be included in calculating the aggregate sign area.

(4) *Freestanding/Ground Signs.* The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the sign face area. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases where the normal grade cannot be reasonably determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street.

(a) *Sign base.*

(i) All ground signs shall have a minimum base of two to three feet below the sign.

(ii) The sign base must be solid in appearance with no exposed poles.

(iii) The design and materials of the sign base shall coordinate with the architecture of the building with which it is associated.

(iv) Landscaping of the sign base with planters and/or shrubbery in all directions is required to soften the appearance of the sign and provide a transition to the ground.

(b) *Sign location.* Grounds signs shall be separated from adjacent ground signs by 100 feet, with the exception of project signs that shall be separated by 1,000 feet, when allowed.

(5) *Wall signs.*

(a) Wall signs shall not obstruct or crowd architectural elements and details that define the design of the building.

(b) The sign placement and architectural features of adjacent buildings shall be respected.

(c) Wall signs outside of the Historic District may be painted directly on the surface of masonry walls. Within the Historic District, wall signs shall not be painted directly on the surface of masonry walls if the wall has not been previously painted, unless a Certificate of Appropriateness for a new building has been approved by the Historic District Commission.

(6) *Sign Face Area.* The entire area of a sign face shall be measured by a square, rectangle, semicircle, or parallelogram comprising the entire sign inclusive of any border or trim and all of the elements of the matter displayed, but excluding architectural embellishment, the base, supports, and other structural members. In the case of three-dimensional letters or painted letters directly on the wall surface, the surface area shall be that area encompassing the individual letters themselves, including any trim or border and excluding the background that supports the three-dimensional letters.



**Figure 1:** Example of how a sign area is determined by drawing a polygon (indicated by the dashed line) around all type and markings associated with the sign.

(7) *Design of Sign Face.* The following provisions shall regulate sign compatibility and physical characteristics.

(a) With the exception of signs within the Historic District where such signs reflect the historic nature of the Downtown area, signs shall not be in the shape of a sponsor name or motif (e.g., soda bottles, hamburgers, boot, and so forth).

(b) Individual, plastic-faced channel letters shall have only white or black faces with aluminum returns of bronze, black or white. Otherwise, color is not regulated if the sign is designed per section 151.178(A) Illumination.

### ***(C) Building Standards for Permanent Signs***

#### ***(1) Quality and Impact.***

(a) Building materials for signs shall be durable, have low maintenance, be of the same or higher quality as the principal structure(s), and shall not adversely impact adjacent uses.

(b) Ground sign materials shall match the materials of the associated building.

(c) Signs shall be designed to be compatible with adjacent land uses and respect the signs of adjacent businesses. Special care is required when locating signage next to residential areas.

(2) *Appropriate Materials.* The following materials are considered to be appropriate for sign backgrounds, frames, supports, and ornamentation for permanent attached or freestanding/ground signs:

(a) Brick;

(b) Natural stone, including panels, or imitation stone;

(c) Stained, split-face block;

(d) Wood;

(e) Exterior insulation and finish systems (EIFS) or similar material in combination with brick, split-face block, or stone;

(f) Metal panels, when used in combination with brick, split-face block, or stone; and

(g) Plastic or other synthetic materials when used in combination with brick, split-face block, or stone. The Development Director or his designee may specify an acceptable alternative to brick, split-face block, or stone that is composed of quality synthetic materials approximating the look and dimensions of authentic brick, split-face block, or stone.

(3) *Prohibited Materials.* The following materials are prohibited for sign backgrounds, frames, supports, and ornamentation:

(a) Exposed metal poles, when not enclosed by a masonry veneer;

(b) Smooth-face concrete blocks, whether painted or unpainted;

(c) Metal panels, when used without brick, split-face block, or stone;

(d) Plastic, or other synthetic materials, when used without brick, split face block, or stone, or an acceptable alternative thereto as specified by the Development Director or his designee; and

(e) Reflective materials.

(4) *Structural Requirements.* All signs constructed or placed within the Town shall comply with all current Building Codes adopted by the Town. An electrical permit must be obtained for installation of any sign requiring electrical service or connection.

### ***(D) Premises and Sign Maintenance***

(1) *Premises Maintenance.* Signs and the premises surrounding them shall be maintained in a clean, sanitary, and inoffensive condition, free and clear of obnoxious substances, rubbish, and weeds.

(2) *Structure Maintenance.* Signs, together with their supports, braces, guys, and anchors, shall be kept in good, safe repair and shall be maintained in good and safe condition,

including the periodic application of paint or other weatherproofing materials to prevent rust or other decay.

(3) *Sign Area or Other Maintenance.* The sign shall not be allowed to deteriorate to a broken, torn, peeling, flaking, out of plumb or level, illegible, or otherwise decayed condition.

(4) *Maintenance of Banners and Flags.* Banners and flags shall not be allowed to deteriorate to a tattered, torn, or faded condition and shall be attached and secured properly at all times.

(5) *Removal of Attached Signs.* Upon removal of an attached sign, the wall or face of the building on which the sign was attached shall be repaired or resurfaced to restore the wall or face to its original condition prior to installation of the sign.

#### ***(E) Visibility***

(1) *No Obstruction.* Signs, including any means of supporting or staying the signs, shall not be placed or constructed so as to obstruct or interfere with any door, window, fire escape or other means of egress, light, or ventilation. Signs shall not be located so that they obscure the view of pedestrian or vehicular traffic in a manner so as to endanger safe movement, particularly at entrances, exits and intersections.

(2) *Protection of Vegetation and Trees.* No person may, for the purpose of increasing or enhancing the visibility of signs, damage, trim, destroy or remove any trees, shrubs, or other vegetation located as follows:

(a) Within public right-of-way, unless the work is done pursuant to the express written authorization of the Town or state, whichever is appropriate; or

(b) On property that is not under the ownership or control of the person conducting or responsible for the work, unless the work is done pursuant to the express authorization of the person owning the property on which the trees or shrubs are located; or

(c) In any area where trees or shrubs are required to remain under an approved development contract.

## §151.179 SIGN STANDARDS BY SIGN TYPE AND ZONING DISTRICT

**(A) Allowed Sign Standards Table.** The Table of Allowed Sign Standards sets out the minimum requirements for the physical characteristics of signs in the Town. Additional conditions for some sign types are found in §151.180.

Sign or Device	Zoning District	Maximum Number	Maximum Sign Area by Sign Type (in Sq Ft per Side, Total)	Maximum Height (in Ft)	Minimum Setback (in Ft)	Conditions	Included in Maximum Aggregate Sign Area	Internal Illumination Permitted
<b>ATTACHED</b>								
Ballfield Fence	All	N/A	N/A	Top of fence to which it's attached	N/A	§151.180(A)	No	No
Awning (Permit Required)	All Non-residential	1 per building side facing a street and/or at a main pedestrian entrance(s) to the building	See Conditions	Shall not project above or below awning or roofline; max 16 when located within 200 ft of a residential district	Shall not extend beyond 10 ft from building	§151.180(B)	Yes §151.179(B)	No
Canopy (Permit Required)	All Non-residential	1 per building side facing a street and/or at a main pedestrian entrance(s) to the building	See Conditions	Maximum 30"; shall not project below canopy, or above parapet or roofline; max 16 when located within 200 ft of a residential district;	NA	§151.180(C)	Yes §151.179(B)	No
Convenience	All Non-residential	NA	4.5	6	Outside right-of-way or 10 from back of curb or edge of pavement, whichever is farther	NA	No	Yes
Hanging (Permit Required)	All Non-residential	1 per building side facing a street and/or at a main pedestrian entrance(s) to the building	3, 6	Min 7 from ground; max roofline or 18, whichever is lower	Max 4 ft from building	§151.180(D)	Yes §151.179(B)	No
Window (Permit Required)	All Non-Residential	See Conditions	See Conditions	See Conditions	See Conditions	§151.180(E)	No	No

Sign or Device	Zoning District	Maximum Number	Maximum Sign Area by Sign Type (in Sq Ft per Side, Total)	Maximum Height (in Ft)	Minimum Setback (in Ft)	Conditions	Included in Maximum Aggregate Sign Area	Internal Illumination Permitted
Multiple Franchise Businesses <b>(Permit Required)</b>	All Non-Residential	See Conditions	See Conditions	NA	NA	§151.180 (F)	Yes See also §151.180 (O)	Yes
Wall and attached if not otherwise regulated <b>(Permit Required)</b>	All Non-residential	1 per building side facing a street and/or at a main pedestrian entrance(s) to the building	See §151.179(B)	Shall not project below canopy, or above parapet or roofline; max 16 when located within 200 ft of a residential district		§151.180(G)	Yes §151.179(B)	Yes
<b>FREESTANDING/GROUND</b>								
Development (Residential) <b>(Permit Required)</b>	Residential	2 per entrance	32, 64	6	Outside right-of-way or 10 from back of curb or edge of pavement, whichever is farther	§151.180(H)	Yes	No
Flag <b>(Permit Required)</b>	All Non-residential	3 per lot	¼ (in sq ft) of pole height (e.g. 40 ft pole = max 10 sq ft area)	40 pole height	Outside right-of-way or equal to the height of the pole, whichever is farther	NA	Yes §151.179(B)	No
Convenience	All Non-residential	1 per entrance/exit	4.5, 9	6	Outside right-of-way or 10 from back of curb or edge of pavement, whichever is farther	NA	No	Yes
Menu Board <b>(Permit Required)</b>	SCC, GC, MPO	1 for restaurants with drive-through but no curbside service/1 per bay for restaurants with curbside service	30 for restaurants with drive-through but no curbside service/6 per bay for restaurants with curbside service	6	Shall be contained within the buildable area of the site	§151.180(I)	No	Yes

Sign or Device	Zoning District	Maximum Number	Maximum Sign Area by Sign Type (in Sq Ft per Side, Total)	Maximum Height (in Ft)	Minimum Setback (in Ft)	Conditions	Included in Maximum Aggregate Sign Area	Internal Illumination Permitted
Project Sign (Multiple Tenant) <b>(Permit Required)</b>	All Non-Residential	1 per lot per street for lots w/1000 ft of frontage or less. For lots with > 1000 ft of frontage, one sign per 1000 ft or a portion thereof.	See Conditions	See §151.180(J)	20 from right-of-way	§151.180(J)	No	Yes, but for existing, legally nonconforming signs only
Multiple Franchise Businesses <b>(Permit Required)</b>	All Non-Residential	1	See Conditions	10	20 from right-of-way	§151.180(F)	Yes §151.180 (F)	Yes, but for existing, legally nonconforming signs only
Sandwich Board <b>(Permit Required)</b>	SCC, GC, MPO, CB, NC	1 per business, tenant or occupant	10, 20	4	Outside of required 48" pedestrian sidewalk clearance	§151.180(K)	No	No
Ground signs not otherwise regulated <b>(Permit Required)</b>	All Non-residential	1 per lot per street for lots w/1000 ft of frontage or less. For lots with > 1000 ft of frontage, one sign per 1000 ft or a portion thereof.	32, 64 for sign face area	6	Outside right-of-way or 10 from back of curb or edge of pavement, whichever is farther	§151.180(L)	Yes §151.179(B)	Yes
<b>TEMPORARY</b>								
Development -in-progress <b>(Permit Required)</b>	All	1 per entrance and 1 per phase or section	32, 64	6	No less than 30 from face of curb or edge of pavement	§151.180(M)	No	No
Window	All	See Conditions	See Conditions	See Conditions	See Conditions	§151.180(E)	No	No
Temporary in all residential zoning districts if not otherwise regulated	All Residential	2	6, 12	5	Outside right-of-way or 10 from back of curb or edge of pavement, whichever is farther	§151.180(N)	No	No

Sign or Device	Zoning District	Maximum Number	Maximum Sign Area by Sign Type (in Sq Ft per Side, Total)	Maximum Height (in Ft)	Minimum Setback (in Ft)	Conditions	Included in Maximum Aggregate Sign Area	Internal Illumination Permitted
Temporary in all non-residential zoning districts if not otherwise regulated <b>(For Permits Required See Conditions)</b>	All Non-residential	1	32, 64	6 Unless attached to a building or in a window	See Conditions	§151.180(O)	No	No

**(B) Aggregate Sign Area.**

(1) Except for multiple franchises or multiple tenant buildings, each nonresidential building is entitled to a maximum aggregate square footage of signage for each visible building side to be calculated as follows:

(a) For the first 100 linear feet of visible frontage, 1.5 square feet of signage for each linear foot; plus

(b) 0.45 square feet of signage for each additional linear foot of building frontage in excess of 100 linear feet.

(2) Notwithstanding the foregoing, the maximum aggregate square footage of signage per building, regardless of the number of visible building sides, shall be 300 square feet.

(3) Visible building side shall mean:

(a) The horizontal length measured from the side of a building on a public or private street frontage of the heated and enclosed structure upon a premises, not including out-buildings or appurtenant structures; or

(b) The horizontal length of a building on the side with a principal pedestrian entrance.

**(C) Civic/institutional uses permitted in residential districts or planned developments that cite uses in non-residential districts shall follow the sign regulations for non-residential districts.**

**§151.180 SIGN-SPECIFIC CONDITIONS**

The following conditions supplement the standards set forth in Table 151.179.

**(A) Attached Ballfield Fence Signs.** The following additional provisions shall apply to all signs attached to ballfield fences:

(1) Signs shall face into the ballfield; and

(2) All backs of ballfield fence signs in a given ballfield shall be the same color.

**(B) Attached Awning Signs.** The following additional provisions shall apply to all attached awning signs:

(1) Awnings with backlighting are prohibited;

(2) Awning signs shall be placed on the valance area only; and

(3) The minimum space between the edge of the letter and the top and bottom of the valance shall be 1.5 inches.

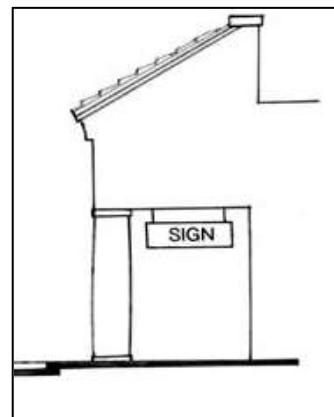
(C) **Attached Canopy Signs.** The following additional provisions shall apply to all attached canopy signs:

- (1) No illumination shall be allowed for attached canopy signs;
- (2) Maximum letter height shall be 30”;
- (3) Maximum width shall be 25 percent of canopy face;
- (4) Canopy signs shall be placed on the valance area only; and
- (5) The minimum space between the edge of the letter and the top and bottom of the valance shall be 1.5 inches.

(D) **Hanging Signs.** Hanging signs shall be displayed with a minimum distance of 7 feet from bottom of the sign to the ground.

(E) **Window Signs.** All window signage, whether temporary or permanent, shall comply with the following requirements:

- (1) Signs shall be located fully within the interior of the building and attached directly to or mounted within 3 feet of the inside of commercial-type businesses;
- (2) Except as provided in this section, window signage may be painted on the interior of the window with easily removable paint, constructed of vinyl, paper, cloth, or other like material;
- (3) Signs, whether temporary or permanent, shall not exceed 15 percent of the aggregate window and door area. A group of windows on a particular building elevation separated by a distinct architectural feature, other than the window frame, shall be considered a separate contiguous window area and the sign area within each contiguous window area shall not exceed 15 percent. Each building elevation shall be considered separately; and
- (4) LED, or similar technology, electronic message center window signs are prohibited.



**Figure 2:** Attached hanging signs are appropriate in pedestrian areas.

(F) **Multiple Franchise Businesses.** The following additional provisions shall apply to all multiple franchise business signs, if not otherwise regulated:

- (1) Businesses shall provide documentation demonstrating that they offer multiple franchises (e.g., “makes” of automobiles) and that there are signage requirements associated with specific franchise agreements.
- (2) The Development Director may approve signs for other types of businesses that contain multiple franchises under these provisions if the franchisee(s) demonstrate that:
  - (a) Its franchise agreement contains specific signage requirements; and
  - (b) Such requirements cannot otherwise be met unless these provisions are utilized.
- (3) One wall sign shall be allowed for the business name with a total of 1 square foot per linear foot of building (sales/showroom/office building only) per street frontage façade;

(4) One wall sign shall be allowed for each franchise with a maximum aggregate sign area not to exceed 200 square feet per building (sales/showroom/office building only) street frontage façade and/or at a main pedestrian entrance to the building;

(5) The aggregate sign area calculated for each building street frontage may be shared among the dealership, or other multiple franchise business, and each of its franchises on the building elevation facing the same street frontage;

(6) One freestanding/ground sign shall be shared by the dealership, or other multiple franchise business, regardless of the number of public streets the property fronts, with a total sign area of 1 square foot per 10 linear feet of street frontage along the property line including multiple street frontages. Maximum allowable sign area for this freestanding/ground sign shall not exceed 75 square feet;

(7) A freestanding ground signs outside of Traditional Areas shall have a 2 foot masonry base;

(8) The face of the freestanding/ground sign shall be rectangular in shape; and

(9) The base of the freestanding/ground sign shall be fully landscaped with planters and/or shrubbery in all directions not less than the dimensional width of the sign.

**(G) Wall Signs and Attached Signs, If Not Otherwise Regulated.** The following additional provisions shall apply to all attached signs, if not otherwise regulated:

(1) Signs shall not be located closer than two feet from any other business located on the ground floor of the same building; and

(2) Signs shall not be located closer than four feet in any direction from any other business sign.

**(H) Freestanding Residential Development Signs.** The following additional provisions shall apply to all freestanding residential development signage:

(1) Freestanding residential development signs shall be located within a common open space lot or a private lot with an easement dedicated to a property owners' association.

(2) One residential development sign shall be allowed if located within a central median at an entrance if within a common open space and not within the public right-of-way.

(3) Only one residential development sign shall be allowed on each side of an entrance.

(4) Residential development signs shall be constructed only of masonry or natural materials, except for attached letters or logo, and may include signs constructed within entrance walls; and

(5) With the exception of the Historic District where signs with pole bases are in keeping with historic signs, an encompassing finished masonry frame shall be required:

(a) The base shall not exceed twenty-five percent of the sign face area; and

(b) In no case shall this percentage change the permitted sign face area.

**(I) Menu Boards.**

(1) For menu boards used in conjunction with a restaurant providing drive-through or curbside services the structure shall be included on a site plan.

**(J) Project Signs.** The following additional provisions shall apply to all multi-tenant project signs, if not otherwise regulated:

(1) When 5 or more businesses, tenants or occupants are contained with or without individual street frontage with a common parking lot or private drive and a total of at least 10,000 square feet in the project, a project sign shall be installed rather than a ground sign. One parcel with less than 5 tenants that does not qualify for a project sign shall share a single ground sign per §151.180(L);

(2) For developments that qualify for more than one project sign, there shall be a minimum of 1,000 feet between project signs;

(3) The height of the project sign shall be determined as follows;

<b>Table 151.180(J)(3) Maximum Dimensions of Project Signs</b>		
<b>Building Square Footage</b>	<b>Maximum Project Sign Height (in feet)</b>	<b>Maximum Project Sign Width (in feet)</b>
15,000 or less	10	10
15,001 or greater	15	10

(4) Project signs shall be located a minimum of 20 feet from the right-of-way;

(5) The base of the sign shall be fully landscaped with planters and/or shrubbery in all directions not less than the dimensional width of the sign;

(6) The face of the project sign shall be rectangular in shape;

(7) Project signs shall be designed to match the architecture of the building or development;

(8) The base of all project signs shall be 2 feet in height and of masonry or stone construction; and

(9) The project sign shall be on the same parcel as the multiple tenant project.

**(K) Sandwich board-type signs.** The following additional provision shall apply to all sandwich board-type signs:

(1) Sandwich board-type signs shall be constructed of metal or wood;

(2) Wood signs shall be constructed of medium density overlay (MDO) or a similar quality material, not grained plywood;

(3) Edges shall be covered with molding; and

(4) Erasable slate chalk boards are allowed.

**(L) Freestanding/Ground Signs, If Not Otherwise Regulated.** The following additional provisions shall apply to all freestanding/ground signs, if not otherwise regulated, including a multiple tenant project sign for one parcel with less than 5 tenants that does not qualify for a project sign..

(1) Freestanding/ground signs shall have a minimum of 100 feet between signs on adjacent lots;

(2) Freestanding/ground signs shall be constructed only of masonry or natural materials, except for attached letters or logo, and may include signs constructed within entrance walls;

(3) The maximum overall area of a freestanding/ground sign, including the finished masonry frame, shall be 100 square feet;

(4) Freestanding/ground signs outside of Traditional Areas shall have a 2 foot masonry base; and

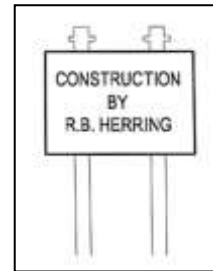
(5) The base of any freestanding/ground sign shall be fully landscaped with planters and/or shrubbery in all directions to soften the appearance of the sign and to provide a transition to the ground.

**(M) *Development-In-Progress Signs.*** The following additional provisions shall apply to all temporary development-in-progress signs:

(1) Signs in nonresidential projects shall be permitted only for sites with a Town-approved site plan or subdivision plat and only during the period for which there is an active building permit, or development agreement; and

(2) Signs in residential projects shall only be permitted with a Town approved site plan (for multifamily) or recorded subdivision plat under physical construction, or an active development agreement.

(3) A setback of less than 30 feet may be approved by the Development Director under circumstances where there are physical site constraints that would prevent compliance with this section.



**Figure 3:** Example of a development-in-progress sign

**(N) *Temporary in all residential zoning districts if not otherwise regulated.***

(1) Real estate signs shall be removed within 7 days of the closing of the sale, rental or leasing of the premises, or as determined by the Development Director in the case of multiple lease or rental spaces in a single project;

(2) The display of any single temporary sign, other than a real estate sign or a political sign, shall be limited to 60 days per calendar year.

**(O) *Temporary in all non-residential zoning districts if not otherwise regulated.*** The following additional provisions shall apply to all temporary signs in non-residential zoning districts, if not otherwise regulated:

(1) The minimum setback for temporary signs in all non-residential zoning districts shall be 30 feet from the back of curb for signs with a sign area between 20 and 32 square feet, 20 feet from the back of curb for signs with a sign area between 7 square feet and 19 square feet, and 10 feet from the back of curb or outside of the right of way, whichever is farther, for signs with a sign area of 6 square feet; and

(2) The display of any single temporary sign, other than a real estate sign or a political sign, shall be limited to 60 days per calendar year and shall require a permit.

## **§151.181 NONCONFORMING SIGNS.**

(A) The utilization of a nonconforming sign and/or sign structure, as defined herein, may continue subject to the conditions and requirements noted below. When the use of a property changes (including but not limited to the redevelopment of the site, a change in the use of the business(es), or a tenancy change requiring the demolition or reconstruction of the sign), the signs on that property must be brought into compliance with the provisions of this subchapter.

(B) The replacement of portions of the removable plastic face on a project sign shall be allowed for signs lawfully constructed prior to (effective date) provided that such new portion utilizes the same size, shape, color and material of the replaced portion.

(C) With the exception of minor repairs and maintenance and alterations allowed pursuant to state law, no alterations to a nonconforming sign/sign structure shall be allowed. Unless otherwise allowed by law, any structural or other substantial improvement to a nonconforming sign (except for those activities as specified in Section 151.176(B)(2)) shall be deemed an abandonment of the nonconforming status and shall result in the reclassification of such sign as a prohibited sign as set forth in Section 151.174.

## **§151.182 ADMINISTRATION AND PENALTIES.**

(A) **Enforcement.** The Department of Development Services, or other departments or officers of the Town designated from time to time by the Board of Mayor and Aldermen, is authorized and directed to enforce all of the provisions of this chapter. Upon presentation of proper credentials, the Development Director or his or her duly authorized representative may enter at reasonable times any building, structure or premises in the Town of Collierville to perform any duty imposed upon him or her by this subchapter. The Development Director shall be authorized to pursue all such remedies as are available under the law and shall not be limited to those remedies listed below.

(1) *Notice of Violation; Repair or Removal.* The Development Director, or his or her duly authorized representative, shall send a letter by certified mail to the owner, agent, and/or person having the beneficial interest in the building or the premises on which the subject sign is located, ordering that such sign be brought into conformance or removed within thirty (30) days of receipt of the letter or such other reasonable period of time as the Development Director may determine to be appropriate under the circumstances. If the sign is not brought into conformity or removed by the end of the thirty-day period, the Development Director may cause the same to be removed or repaired, as the case may be, at the expense of the owner of the sign and the owner of the premises on which the sign is located, each of whom shall be jointly and severally liable for such expense.

(2) *Signs in Public Right-of-Way.* Signs illegally placed in any public right-of-way shall be forfeited to the public and shall be immediately confiscated by the Department of Development Services.

(3) *Unsafe Signs.* The Development Director, or his or her duly authorized representative, may cause any sign or sign structure to be removed immediately upon written

notice at the expense of the owner of the sign and the owner of the premises on which the sign is located if the sign is an immediate hazard to persons or property by virtue of its construction.

**(B) *Appeals to Board of Zoning Appeals.*** As set forth in §151.308, the Board of Zoning Appeals shall hear and decide appeals from any order, requirement, decision or determination made by the Development Director or any other official charged with the responsibility of enforcing the provisions of this chapter.

**(C) *Penalties.*** Any person, firm or corporation violating any of the provisions of this subchapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than the maximum prescribed by Tennessee law. Each day's continuance of a violation shall be considered a separate offense. The owner of any sign, building or premises, or part thereof, where any matter in violation of this subchapter shall be placed or shall exist, and any person who may have knowingly assisted in the commission of any such violation shall be guilty of a separate offense.

### **§151.183 SEVERABILITY**

**(A) *Generally; severability where less speech results.*** If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this subchapter is declared or held to be invalid or unconstitutional by any court of competent jurisdiction, such declaration or holding shall not affect any other part, table, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this subchapter, even if such severability would result in less speech, whether by subjecting previously exempt signs to this subchapter's permitting requirements, or otherwise.

**(B) *Severability of provisions pertaining to prohibited signs and sign types.*** Without diminishing or limiting in any way the declaration of severability set forth above or elsewhere in this subchapter this Ordinance or in any adopting ordinance, if any part, table, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this subchapter or any other law is declared or held to be unconstitutional or invalid by any court of competent jurisdiction, such declaration or holding shall not affect any other part, table, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this subchapter that pertains to prohibited signs.

**(C)** If any court of competent jurisdiction invalidates the application of any provision of this ordinance to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.

**(D)** If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

**(E)** Whenever a condition or limitation is included in an administrative action authorizing regulatory activity, then it shall be conclusively presumed that the authorizing officer, commission, or board considered such condition or limitation necessary to carry out the spirit and intent of this ordinance, and that the officer, commission, or board would not have granted the authorization to which the condition or limitation pertained except in belief that the condition or limitation was lawful.

## CHAPTER 82 - SIGN

### ORDINANCE

82.1 Short Title. This ordinance shall be known and may be cited as the City of Marquette Sign Ordinance.

82.2 Intent. It is the intent of this ordinance to regulate signs in the City of Marquette so as to protect public health and safety and to promote the public welfare. This is accomplished by regulating the size, placement, relationships, construction, illumination, and other aspects of signs in the City. It is determined that such regulation is necessary for several reasons.

- (1) To enable the public to locate goods, services, and facilities without difficulty and confusion.
- (2) To prevent dangerous competition for attention between advertising signs and traffic control signs and signals.
- (3) To prevent signs which are potentially dangerous to the public due to structural deficiencies or disrepair.
- (4) To preserve the mental and physical well being of the public by preventing insistent and distracting demands for attention.
- (5) To assure the continued attractiveness of the community showing special concern for the value of its cultural and natural features.
- (6) To protect property values within the community.

It is further determined that signs which may lawfully be erected and maintained under the provisions hereof are consistent with customary usage and that signs which may not lawfully be erected or maintained under the provisions hereof are not consistent with customary usage, are an abuse thereof, and are an unwarranted invasion of legitimate business interests and of the public.

82.3 Definitions. For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; and the word "building" includes "structure," "dwelling" includes "residence;" the word "person" includes "corporation," "co-partnership," as well as an "individual;" the word "shall" is mandatory and the word "may" is permissive.

Terms not herein defined shall have the meaning customarily assigned to them; or as defined in the Building Code or City Zoning Ordinance.

**Alley:** Any dedicated public right-of-way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

**Animated Sign:** A sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this Code, include the following types:

- 1) Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
- 2) Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
- 3) Electrically Activated: Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
  - a) Flashing: Animated signs or animated portions of signs whose illumination is

characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if one cyclical period of on-off phases of illumination exceeds four (4) seconds.

- b) **Patterned Illusionary Movement:** Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

**Architectural Projection:** Any projection from a building that is decorative and/or functional and not intended for occupancy and that extends beyond the face of an exterior wall of a building but that does not include signs as defined herein. See also: Awning; Back-lit Awning; and Canopy, Attached and Freestanding.

**Awning:** An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

**Awning Sign:** A sign displayed on or attached flat against the surface or surfaces of an awning. See also: Wall or Fascia Sign. Only the sign or copy area displayed on an awning shall be used to determine the permitted sign area-the entire awning shall not be included in a Sign Area calculation.

**Banner:** A flexible substrate on which copy or graphics may be displayed.

**Banner Sign:** A sign utilizing a banner as its display surface.

**Billboard:** See Sign, Outdoor Advertising.

**Building Code:** The building code as currently enforced pursuant to the laws of the State of Michigan.

**Building Facade:** That portion of any exterior elevation of a building extending vertically from grade to the top of a parapet wall or eaves and horizontally across the entire width of the building elevation.

**Building Frontage:** The length of an exterior building wall or structure, of a single premise, along either a public street or path; parking lot or other property that it faces. Measured by the distance between two parallel lines, drawn perpendicular to the edge of the right-of-way, which intersect with any part of the building. Where the building is located upon a curve, the lines shall be drawn perpendicular to a tangent drawn through the nearest point of the right-of-way for a convex curve and the furthest point of the right-of-way for a concave curve.

**Candela:** The basic unit of measurement of light in SI (metric) units.

**Candela per square meter (cd/m<sup>2</sup>):** The SI (metric) unit used to describe the luminance of a light source or of an illuminated surface that reflects light. Also referred to as Nits.

**Candle or Candlepower:** Synonymous with Candela, but in English, not SI, terms.

**Canopy (Attached):** A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. Also called a Marquee.

**Canopy (Freestanding):** A multi-sided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

**Changeable Sign:** A sign with the capability of content change by means of manual or remote input, includes the following types:

- 1) **Manually Activated -** Changeable sign whose message copy or content can be changed manually on a display surface.
- 2) **Electrically Activated -** Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source

designed to reflect off the changeable component display. See also: Electronic Message Center.

**Cladding:** A non-structural covering designed to conceal the actual structural supports of a sign.

**Copy:** The graphic content or message of a sign.

**Display Time:** The amount of time a message and/or graphic is displayed on an Electronic Message Sign.

**Dissolve:** A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.

**Dynamic Frame Effect:** An Electronic Message Sign frame effect in which the illusion of motion and/or animation is used.

**Electrical Code:** The electrical code as currently enforced pursuant to the laws of the State of Michigan.

**Electronic Message Center (EMC) Sign:** An electrically activated changeable sign whose variable message and/or graphic presentation capability is electronically-programmable. Also known as a digital sign. EMCs typically use light emitting diodes (LEDs) as a lighting source, and liquid-crystal display (LCDs) for light modulation. (See also following terms principally associated with Electronic Message Centers: Display Time, Dissolve, Dynamic Frame Effect, Fade, Frame, Frame Effect, Scroll, Transition, Travel).

**Electric Sign:** Any sign activated or illuminated by means of electrical energy.

**Erected:** Includes built, constructed, altered, reconstructed, moved upon or any physical operations on the premise required for construction. Excavation fill, drainage, installation of utilities and the like, shall be considered a part of erection.

**Face:** The portion of a sign upon, against, or through which the message is displayed or illustrated.

**Fascia Sign:** See Wall Sign

**Flag:** A flexible piece of fabric or other material containing the official emblem of any unit or government.

**Flashing:** Sign illumination characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will be defined as occurring if one cyclical period of on-off phases of illumination is less than four (4) seconds.

**Flashing Sign:** See Animated Sign, Electrically Activated.

**Frontage:** A property line shall be said to be a property frontage whenever it is coterminous with the boundary of a public right-of-way. Where two or more frontages exist for the same parcel, one shall be selected by the property owner for the purpose of calculating permitted signage.

**Grade:** The average level of the finished surface of the ground adjacent to all exterior walls of a building or support structure more than five (5) feet from a right-of-way. For buildings closer than five feet to a right-of-way the grade is the curb elevation at the center of the building or support structure. If there is no curb, the City Engineer shall establish the grade.

**Historic Sign:** A sign that is attached to a building listed on the State and/or National Register of Historic Places, which was attached to the building at the time of said listing; or be at least 50 years old, not significantly altered from its historic appearance, and demonstrates value to the community.

**Illuminance:** The amount of light falling upon a real or imaginary surface, commonly called "light level" or "illumination". Measured in foot candles (lumens/square foot) in the English system, and lux (lumens/square meter) in the SI (metric) system.

**Illuminated Sign:** A sign characterized by the use of artificial light, either projecting through its surface(s) [Internally or trans-illuminated]; or reflecting off its surface(s) [Externally illuminated].

**Interior Sign:** Any sign placed within a building, but not including window signs as

defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this ordinance.

**Lot:** For purpose of this ordinance a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area to provide such yards and other open spaces as are herein required. Such a lot shall have its front line abutting a public street or a private street meeting the standards of an approved PUD and may consist of:

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

**Luminance:** The light that is emitted by or reflected from a surface. Measured in units of luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in English measurement units.) Expressed in SI units as  $\text{cd/m}^2$ , and in English units as foot lamberts. Sometimes also expressed as "nits", a colloquial reference to SI units. Can be measured by means of a luminance meter.

**Mansard Roof:** A roof, or structure on a building imitating a roof, which is at an angle of 60 degrees or greater from the horizontal.

**Marquee:** See canopy.

**Multiple-Faced Sign:** A sign containing three (3) or more faces.

**Mural:** An original painting applied to the surface of a wall. If the mural depicts products for sale, brand names, or services offered at the property, the mural will be considered a sign for purposes of this ordinance.

**Nit:** A photometric unit of measurement referring to luminance. One nit is equal to one  $\text{cd/m}^2$ .

**Pennant:** A flexible piece of fabric or other material designed to attract attention or convey information by means of lettering, logos, color, or movement.

**Plaque, Commemorative:** An inscribed tablet of brass or other non-corrosive metal or stone, identifying a place of historical or cultural significance.

**Residential Nameplate:** A sign identifying a multiple family residential structure or identifying the occupants of one and two family structures.

**Scroll:** A mode of message transition on an Electronic Message Sign in which the message appears to move vertically across the display surface.

**Shopping Center:** A shopping center shall mean a unified commercial development occupied by a group of five or more separate retail businesses occupying substantially separate divisions of a building or buildings fronting on a privately owned common mall or parking lot rather than a public street.

**SI (International System of Units):** The modern metric system of measurement; abbreviated SI for the French term "Le Systeme International d'Unites."

**Sign:** A name, identification, image, description, display, or illustration which is affixed to or located on, a piece of land, and which directs attention to an institution, organization, or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and material placed behind a store window are not signs or parts of signs.

**Sign Advertising:** Any sign which identifies a product, or service or brand name offered to the public.

**Sign, Area of:**

1. The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or use to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed.
2. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall

be taken as the area of one face if the two faces are of equal size, or as the area of the larger face if the two faces are of unequal size. The spacing between the parallel faces of a ground or pole sign may be increased to three feet where there are only two supports. In no case shall a support have a greater cross sectional width than 36 inches.

3. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel or background, any blank rectangular area which is more than ten percent of the area of the sign as otherwise computed shall be disregarded. All of the lettering and other sign elements printed or mounted upon a wall of a building without any distinguishing border, panel, or background and pertaining to the same enterprise shall be treated as a single sign for purposes of area computation.

**Sign, Directional:** Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrians, vehicle or boat operators.

**Sign, Directory:** A sign that identifies the names and locations of tenants in a multi-tenant building or in a development made up of a group of buildings.

**Sign, Flexible:** A sign made of fabric, plastic, or other flexible material, two-dimensional in nature.

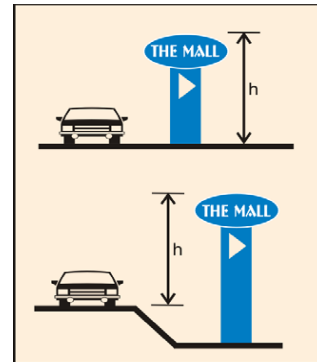
**Sign, Freestanding:** A sign principally supported by one or more columns, poles, or braces placed in or attached to the ground (e.g. cemented in a post hole or screwed to cement). May also be referenced as a Ground, Pole, Pylon, or Monument sign.

**Sign, Ground:** A sign supported by one or more uprights or a base, the entire display area of which is no more than eight (8) feet from the ground.

**Sign, Height:**

1. The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground to the highest point of the sign. A freestanding sign on a man-made base, including a graded earth mound, or that is located in a depression below the adjacent street grade, shall be measured from the grade of the nearest pavement to the highest point of the sign. See diagram at right (h=height).

2. Vertical clearance shall be measured as the smallest distance between the finished grade and the lowest point of the sign, including any framework or other embellishments.



**Sign, Identification:** Any sign which bears the name of the structure, business or proprietor, on the site on which it is located.

**Sign, Illuminated:** A sign that provides artificial light through transparent or translucent material or is illuminated by a light from an exterior source.

**Sign, Instructional:** A sign, placard, or text applied to stationary equipment, used to guide traffic on a site or inform travelers/patrons of pertinent information of a non-advertising nature.

**Sign, Off Premise:** A sign which advertises goods, services or attractions not available on the same site as the sign.

**Sign, On Premise:** A sign which advertises only goods, services, facilities, events, or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises. All other signs are off-premise signs.

**Sign, Outdoor Advertising:** A permanent sign erected, maintained or used in the outdoor environment for the purpose of display of commercial or non-commercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed. May also be referenced as an Off-premise Sign or Billboard.

**Sign, Permanent:** A sign of durable construction and durable materials designed to remain in one location and position either through attachment to a building element or mounting on a standard secured to a below grade footing.

**Sign, Pole:** A sign supported by one or more uprights or braces in or upon the ground.

**Sign, Political:** A temporary sign intended to advance a political statement, cause, or

candidate for public office.

**Sign, Portable:** Any sign not permanently attached to the ground and can be removed without the use of tools.

**Sign, Projecting:** A sign which is attached directly to the building wall, and which extends more than fifteen (15) inches from the face of the wall.

**Sign, Real Estate:** A temporary sign advertising the sale, lease, or rental of the property or premises upon which it is located.

**Sign, Roof:** A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs. This sign is prohibited.

**Sign, Sidewalk:** A portable sign of A-frame or swinging-style construction used during the hours a business is open and stored inside when not in use.

**Sign, Temporary:** A sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

**Sign, Wall:** A sign which is painted on or attached directly to a building wall with the face of the sign parallel to and extending not more than fifteen (15) inches from the face of the wall.

**Sign, Wayfinding:** A sign, frequently off-premise, specifically designed to provide directional or destination information.

**Sign, Window:** A sign affixed to, or located behind the surface of a window, with its message intended to be visible to the exterior environment.

**Site:** One or more lots under the same ownership or control which are proposed to the Zoning Administrator as a whole for the purpose of compliance with the requirements and regulations of the Zoning Ordinance.

**Streamer:** See pennant.

**Transition:** A visual effect used on an Electronic Message Sign to change from one message to another.

**Zoning Ordinance:** A chapter of the City Code of Marquette, Michigan adopted pursuant to the authority and procedure established by Act 207 of Public Acts of 1921 as amended.

82.4 Relationship to Other Laws. Whenever regulations or restrictions imposed by this ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule, or regulation, the regulations, rules or restrictions which are more restrictive or which impose higher standards or requirements shall govern. Regardless of any other provision of this ordinance, no sign shall be erected or maintained in violation of any state or federal law or regulation.

82.5 Severability. This ordinance and the various parts, sections, subsections, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid as applied to a particular property, or other structure, it is hereby provided that the application of such portion of the ordinance to other property, buildings, or structures shall not be affected thereby.

82.6 Application of this Ordinance. No sign or part thereof may be constructed, erected, placed, altered or maintained within the City of Marquette, except as specifically or by necessary implication, authorized by this ordinance.

82.7 Vested Rights. Nothing in this ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular sign and this ordinance is hereby declared to be subject to subsequent amendment, change or modification as may be necessary to preserve or protect the public health, safety, or welfare.

82.8 Effective Date and Repeal of Prior Sign Regulation. This ordinance shall take effect on July 24, 2008, said date being 10 days after adoption by the City Commission and publication. The Sign Ordinance adopted by the City Commission on the 12th day of March 1979 and all amendments thereto are hereby repealed as of the effective date of this ordinance. The repeal of the above ordinance does not affect or impair any act done, offense committed, or right occurring, accrued or acquired, or liability, penalty forfeiture or punishment incurred prior to the time enforces, prosecuted, or inflicted.

82.9 Permits Required:

1. It shall be unlawful for any person to erect, relocate, or structurally alter or repair, any sign or other advertising structure within the City of Marquette, as defined by this ordinance without first obtaining a certificate of compliance. All signs shall be subject to the Building Code, the City of Marquette Zoning Ordinance, and all illuminated signs shall be subject to the provisions of the State Electrical Code. (See Section 15, for maintenance exceptions which do not require a Certification of Compliance.)
2. A Certificate of Compliance shall be obtained from the Sign Official prior to the issuance of a building permit.
3. Application for a Certificate of Compliance shall be made upon forms provided by the Sign Official and shall contain or have attached the following information:
  - A. Name, address, telephone number, and signature of the applicant (person or firm erecting the sign).
  - B. Name, address, telephone number and signature of the owner of the land on which the sign is to be erected.
  - C. A scale drawing showing the position of the sign in relation to nearby buildings, signs, structures, and lot lines. All dimensions are to be included.
  - D. A copy of the plans, specifications and method of construction and attachment to the building or in the ground.
  - E. Upon demand of the Sign Official a copy of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other applicable laws and ordinances.
  - F. Such additional information as required by the Sign Official to show full compliance with this and all other laws and ordinances of the City.
5. The Sign Official shall review all applications for a Certificate of Compliance as expeditiously as possible. Reasons for any denial shall be set forth in writing and shall include any changes which would make the plan acceptable. The applicant may appeal any denial to the Board of Appeals. No more than ten days shall be required to review an application.

82.10 Exemptions. Certificates of Compliance shall not be required for the following signs provided that said signs meet all other requirements of this ordinance, including but not limited to those in Section 11. Approval of the property owner is required prior to the erection of a sign. It is the responsibility of the party erecting the sign to determine if a building permit is required.

1. No more than one real estate sign per site, not to exceed six (6) square feet in residential districts, thirty two (32) squared feet in all other districts, which advertise the sale, rental, lease of the premise upon which the sign is located. The sign shall be removed within five days of the sale or rental.
2. Political campaign signs may be erected up to forty five (45) days before an election.

There shall be no limit in the number of such signs on each site. Such signs shall be removed within 5 days after the election.

3. Residential nameplate not to exceed two (2) square feet in area.
4. Temporary signs identifying construction sites for which a building permit has been issued. One sign per premises shall be permitted not to exceed 10 square feet for single family and two family structures or 64 square feet for all other structures. The sign shall be removed within 5 days after the occupancy of the structure.
  - a. Temporary signs identifying home improvement activities for which no permit is required. One on premise sign per premises not to exceed four (4) square feet, which may be in place while the work is in progress. In no case shall such sign be in place for more than 14 days.
5. Special decorative displays used for holidays, public demonstrations or promotion of civic welfare or charitable purposes, on which there is no commercial advertising, providing the jurisdiction is held harmless for any damage resulting therefrom.
  - a. Special decorative displays may include temporary signs, banners, or balloons.
  - b. Length of use shall not extend more than five (5) days after the event has ended.
6. Any sign or notice required by state, federal or local laws.
7. On premise directional signs when based on the following table:

Site Area	Square Feet of Sign age Per 1000 Square Foot of Site Area	Maximum Size of Any One Sign
Under 50,000 square feet	.75 square feet/1000 square feet	4 square feet
50,000 to 100,000 square feet	.50 square feet/1000 square feet	8 square feet
100,000 to 200,000 square feet	.35 square feet/1000 square feet	16 square feet
Over 200,000 square feet	.15 square feet/1000 square feet	20 square feet

8. Any number of official governmental unit flags may be located on any site. Only one corporate flag or pennant may be displayed. Support structures shall meet the requirements of either pole or projecting signs.
9. Commemorative plaques which are firmly attached to a structure.
10. Portable signs may be permitted upon municipal multi-use paths and/or park property in relation to contracted commercial activity or permitted events within an adjacent park, or authorized commercial uses on property abutting the multi-use path system.
  - A. In municipal parks, one portable sign per event and/or one portable sign per contracted or authorized commercial activity are allowed in a location to be approved by the Zoning Administrator via a sign permit.
  - B. Portable signs located along a multi-use path shall be placed no closer than two (2) feet from the paved edge of the path, between the path and the center of the property; and shall in no case be placed between a paved path and a street.
  - C. For commercial uses adjacent to, and with a direct pedestrian connection to, a multi-use path, the sign placement shall be on the private property frontage.
  - D. Temporary portable signs may be no larger than sixteen (16) feet in area per side, and thirty-two (32) square feet in area on all outward-facing sides.
  - E. An approved portable sign may be displayed on municipal property only during hours and times of operation, for no longer than one-hundred and twenty (120) days per calendar year for contracted commercial activities; and during but no more than 5 days before or after a permitted event.

#### 82.11 Regulations applicable to all signs.

1. It shall be unlawful to place a sign or handbill on any property without the approval of the property owner. No signs or handbills shall be posted on any tree or utility pole.
2. No signs shall be located on any street or street corner which would obscure the vision of drivers using said streets, or conflict with traffic control signs or signals in any location. No sign shall obstruct the vision of drivers at any driveway, parking lot or other route providing access to any land use.

3. No sign shall be illuminated by other than natural, electrical, or electronic means. All flood or spot lighting for illumination of signs shall be directed away from and shall be shielded from any residential districts. Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaries that are fully shielded. Illumination is not to be greater than necessary to meet the needs of the business or use served, and sign lighting shall not be allowed to create hazardous or otherwise problematic glare.
4. No signs shall utilize flashing illumination, exposed bulbs or other illuminating devices which have a changing light intensity or brightness of color, with the exception of historic signs being used in a historical capacity, and electronic message center signs, which shall be permitted in accordance with Section 82.12.10 of this ordinance.
5. Prior to the erection of a sign overhanging a public right-of-way, the person erecting such sign shall receive the approval of the proper governmental agency (city, county, or state) having jurisdiction over such right-of-way.
6. No signs other than traffic control or directional signs erected by a unit of government shall be allowed on any right-of-way. Portable sidewalk signs shall be permitted when they meet the requirements of Section 82.12.6 and 7 except on State Highway right-of-ways, including the Business Routes on South Front Street and West Washington Street.
7. No sign shall be mounted on a roof; a mansard roof shall be considered a wall for the purpose of applying this regulation. (See Section 12 also.)
8. No signs in residential zoning districts may be closer to side or rear lot lines than specified in the minimum yard requirements of the Schedule of Regulations for the district in which they are located. (See City of Marquette Zoning Ordinance and Map.)
9. Swinging movements of signs shall be permitted only on under-canopy signs designed to a pedestrian scale and swinging-style sidewalk signs. The rotation of signs and any form of animation or moving device are prohibited.
10. Portable or moveable signs are prohibited, with the exception of portable/sidewalk signs as permitted in Sections 82.10.10, 82.11.13, and 82.12.6. All other signs must be permanently and securely attached to a below-ground footing.
11. Electric or electronic signs shall not mimic traffic control signals or emergency service vehicle lighting.
12. Any portion of a sign may be of the changeable copy type provided that all changeable characters are securely attached to the face of the sign.
13. Strings of Pennants are prohibited. (See also Section 10.8, Exemptions)
14. A portable, movable sign may be erected for a two week period at the opening of a new business or to identify a construction site. At no time may flashing lights be used on portable signs.

#### 82.12 Regulations Based Upon Sign Type.

1. Pole Signs:
  - A. It shall be unlawful to erect any portion of a pole sign to a height of greater than 30 feet above the level of the nearest street in the general business and industrial districts. The maximum height for all other districts shall be 20 feet above the height of the nearest street.
  - B. There shall be a minimum unobstructed distance of 10 feet between the bottom of any display area and the ground for any sign located at the right-of-way. For every 2.5 feet the sign is set back from the right-of-way, the base of the display area may be lowered by one foot.
  - C. Pole signs in any business, office, or industrial district that are within 100 feet of a residential district must be reduced in height 10% for each 10 feet less than 100 feet they are located from the residential district.
2. Ground Signs:
  - A. No ground sign shall be located closer than 25 feet to any intersection of a right-of-way with another right-of-way or with the pavement of any driveway or alley.
  - B. No sign shall be located closer to a side lot line than the distance specific for side

- yards in that district by the Zoning Ordinance.
- C. For every two square feet of sign, one square foot of planting or lawn must be provided and maintained, at the base of the sign.
  - D. No portion of a ground sign may exceed eight (8) feet in height.
  - E. For every additional ten feet that a sign is set back from the required front yard, the area of the ground sign may be increased by 10%. The required landscaping at the base of the sign must be provided for the increased sign area. This increase in sign size shall not apply to off premise signs.
  - F. Ground signs placed in any business, office or industrial district may not be located within 100 feet of a residential district, measured along right of way lines.
3. Wall Signs:
- A. No wall sign shall cover, wholly or partially, any wall opening nor shall any sign project beyond the ends or top of the wall to which it is attached.
  - B. A wall sign shall not project more than 15 inches from the wall.
4. Projecting Signs:
- A. No portion of a projecting sign shall be less than ten feet above grade.
  - B. The distance between a projecting sign and the wall to which it is attached may not be greater than two feet.
  - C. All projecting signs shall be designed, installed and erected in such a manner that there shall be no visible angle iron or wire support structures above the roof line or parapet.
  - D. A sign may project three inches for each linear foot of distance to the nearest side lot line, provided that in no instance may a sign project more than eight feet from any established curb.
  - E. No sign may project over an alley or private access lane.
  - F. No sign shall be located closer than 10 feet to any intersecting rights-of-ways.
  - G. A projecting sign may not extend above the top of the wall on which it is attached by more than 6 feet, but in no case shall more than 20% of the sign area be above the top of the wall.
5. Canopy and Marquee Signs:
- A. Canopy and marquis signs shall not be placed less than ten feet above the sidewalk and shall not be located closer than two feet, measured horizontally from an established curb.
  - B. Signs attached to the face of a marquee or canopy which are parallel to the flow of traffic shall meet the requirements of wall signs.
    - 1. The sign may not project more than six inches from the face of the canopy.
    - 2. The sign may not exceed three feet in height.
  - C. Signs attached to the sides of a marquee or canopy which are not parallel to the flow of traffic shall meet the requirements of projecting signs.
  - D. Where signs are suspended under canopies or marquees, the following conditions shall apply:
    - 1. Signs shall not be greater than six square feet.
    - 2. There shall not be more than one such sign per business or office.
    - 3. Signs shall be no less than nine feet above the sidewalk not located closer than two feet measures horizontally from any established curb.
    - 4. Signs may swing provided that the distance between the top of the sign and the under side of the canopy or marquee is not greater than four inches.
    - 5. Signs shall be perpendicular to the flow of pedestrians.
6. Sidewalk Signs.
- A. Sidewalk signs shall be permitted during the hours a business is open to the public, but in no instance may a sign be placed on the street earlier than 8:00 a.m. nor later than 9:00 p.m.
  - B. Sidewalk signs shall be of A-frame or swinging-style construction. The maximum height shall be four feet and the sign shall not occupy more than nine square feet of sidewalk. The sign shall be sturdy, stable, and of heavy enough construction on its own to withstand typical winds without flipping over or sliding.

- C. The surfaces of sidewalk signs shall be durable. Copy may be painted or printed on the surface. Loose paper faces shall not be permitted. Sidewalk signs shall not be illuminated by any means except natural light and existing street lights.
  - D. At all times of the year, sidewalk signs shall be placed directly in front of the business holding the permit for the sign, a minimum of two feet from the curb, and shall allow a minimum of five feet of unobstructed sidewalk for pedestrians. Sidewalk signs shall not be placed within 25 feet of an intersection, measured perpendicularly from the intersecting curb. During the winter months, the sidewalk shall be completely clear of snow prior to placement and sidewalk signs shall not be placed on snow banks.
  - E. Signs shall be spaced a minimum of 20 feet from one another. If signs fail to meet the minimum spacing requirements, all improperly placed signs will be considered to be in violation.
  - F. The owner of the sign and the owner of the site upon which it is located must sign a statement assuming all liability for damage and injury caused by the sign.
  - G. Sidewalk signs shall be exempt from the total sign area calculation.
  - H. There shall be one sidewalk sign allowed for each business provided that all of the requirements of this section are met.
7. Flexible Signs.
- A. Signs of fabric, thin plastic, or other flexible material may be erected as pole, ground, or wall signs provided that all requirements for those types of signs are met, and
  - B. The outer perimeter of the flexible sign shall be held taut. No ropes or guy wires may be fastened so as to cause a hazard.
  - C. Flexible signs shall be removed at the first evidence of wear or deterioration.
8. Window Signs:
- A. Permanent window signs shall not exceed twenty-five (25%) percent of the area of a window and the total area of all window signs, including both permanent and temporary, and shall not exceed fifty (50%) percent of the window area.
9. Directional Signs:
- A. Directional signs may be located on public property, including rights-of-way, only by public agencies with jurisdiction over the property where located.
10. Electronic Message Center Signs (EMCs):
- A. Electronic Message Centers, or digital signs, are permitted in the Industrial, General Business, and Gateway Corridor Mixed Use districts.
  - B. EMCs may not be permitted in areas codified and intended as primarily for residential use, and not permitted on any lot fronting Lakeshore Boulevard.
  - C. The face of the EMC may not exceed 15 square feet.
  - D. Copy may not change more than once every four (4) seconds, and no single electronic message is permitted to be repeated more than once every eight (8) seconds.
  - E. Changeable copy by non-electronic means may be utilized on any permitted sign.
  - F. Electronic copy may use amber and/or green colored lighting against a dark, non-illuminated background.
  - G. All EMC signs are required to have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night, either by photocell (hardwired) or via software settings.
  - H. The luminance level of an EMC shall be limited by appropriate means to not exceed seven hundred fifty (750) cd/m<sup>2</sup> or Nits at least one-half hour before Apparent Sunset as determined by the National Oceanic and Atmospheric Administration (NOAA) for the location of Marquette and date. All signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, as determined by NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions.
  - I. Only one (1) EMC sign is permitted on a lot for each street on which the development fronts.

J. Signs may not utilize audio devices to create sound.

K. In the General Business district and Industrial district, all EMC features are permitted with the exception of (a) flashing, and (b) full motion video or film display via an electronic file imported into the EMC software or streamed in real time into the EMC. Background effects of standard EMC software are not prohibited.

L. In the Gateway Corridor Mixed-Use District, transitions between messages may employ fade, dissolve, and or other transition effects; and the following EMC display functions or features are prohibited: continuous scrolling or traveling, flashing, spinning, rotating, and similar moving effects, and all dynamic frame effects or patterns of illusionary movement or simulating movement.

82.13 Signs Permitted by Zoning District. District designations shall be determined from the Official Zoning Map.

1. Residential Districts: (RG, RS, RM)

A. For each residential unit in a single family or general residential district, one name plate not exceeding two square feet shall be permitted.

B. For all conditional uses in the RS and RG districts except home occupations, group day care facilities, and duplexes and for all Class A, non-conforming uses which are not residential there shall be permitted one ground sign and/or one wall sign not to exceed a combined area of 50 square feet. Day care centers in any district shall be permitted to erect a four square foot nameplate.

C. Multiple Family Development: One sign not to exceed two (2) square feet for the purpose of identifying an office located on the site, plus:

1. One sign not exceeding two (2) square feet for each development containing four or fewer dwelling units.

2. For each development containing more than four (4) but fewer than 50 dwelling units, one sign not to exceed ten (10) square feet shall be permitted.

3. For each development containing fifty or more dwelling units, one sign not to exceed 20 square feet shall be permitted for each driveway providing access to the site. Said signs must be within 50 feet of the driveway and any not be within 100 feet of another such sign on the same site.

D. For each subdivision, signs advertising lots for sale may be erected and maintained until 80% of the lots are sold. The sign shall not be erected within 100 feet of an occupied residence.

1. One sign not exceeding 32 square feet in area shall be permitted for subdivisions with 20 or less lots.

2. One or two signs not to exceed 64 square feet total area shall be permitted for subdivisions with more than 20 lots.

E. There shall be no off-premise signs.

2. All Office, Industrial, and Business Districts.

A. Total sign area shall be calculated as follows for establishments located in the OS (Office), BC (Community Business), BG (General Business), CBD (Central Business), and I (Industrial) districts.

1. Where one establishment occupies a site, one square foot of sign area shall be allowed per foot of site frontage.

2. Where two or more establishments occupy the same site, each establishment shall be allocated one square foot of sign area per foot of adjusted site frontage. Adjusted site frontage is the ratio of the floor area occupied by the establishment to the total floor area on the site times the site frontage. In no case, including new establishments being added to previously developed sites, shall the total sign area exceed one square foot per foot of site frontage.

3. For all establishments there shall be permitted 1/100 of a square foot of additional sign area for each of the first 3,000 square feet of floor area and 1/1000 of a square foot of additional sign area for each remaining square foot of floor area.

B. Only on-premise signs shall be permitted in the OS (Office), BC (Community

Business), and CBD (Central Business) districts. Signs in the BG (General Business and I (Industrial) districts may be on-premise or off-premise but must meet all requirements of this ordinance.

- C. In no instance shall an establishment occupying all or part of the floor area of a site be restricted to less than 40 square feet of signage, except that no site occupied by more than one tenant be allowed more than 80 square feet or the total area of signage allowed for the site, whichever is greater.
- D. The following section only applies to the OS (Office), BC (Community Business), CBD(Central Business), and I (Industrial) zoning districts, with the exception of shopping centers or group of stores in the BG district (which is treated in 13.2.F). Signs allocated to tenants of a shopping center shall be restricted to businesses which have a separate entrance providing public access to their premises. The formula for such businesses shall be the same as found in Section 13.2.A. However, these businesses shall be restricted to wall signs and canopy signs. In addition to the signs permitted above, one free standing shopping center identification sign shall be permitted. The area of the sign shall be 1/1000th of a square foot of signage for each square foot of gross leasable floor area in the shopping center. This freestanding identification sign shall not exceed 30 feet in height and in no case shall the area exceed 300 square feet, nor shall the sign be restricted to less than 40 square feet.
- E. For each office structure containing more than one occupant office a directory sign containing the names of all offices may be located at each common public entrance to the structure. Said director signs shall not be larger than two square feet for each establishment, with maximum size of 20 square feet for each directory. Directory and restaurant menu signs not exceeding two (2) square feet shall be exempt from the total sign area calculation.
- F. The following section applies to the BG Zoning District only. In the case of a shopping center or a group of stores or other business uses on a lot held in single and separate ownership, the provisions of this section relating to the total area of signs permitted on a premise shall apply with respect to each building, separate store, separate storefront, or separate use. Only wall signs shall be permitted for individual establishments in a shopping center or on a property with more than one use, entity or business (multi-use or multi-tenant properties). Multi-use or multi-tenant properties may also have one (1) freestanding sign per street frontage).

#### 1. Freestanding Signs:

a) Freestanding signs shall be limited to one (1) per property held in single and separate ownership except for a property that has frontage on more than one (1) street, in which case one (1) such sign shall be permitted for each separate street frontage. If a property has frontage that exceeds five hundred (500) lineal feet on any given roadway one (1) additional such sign on such frontage shall be permitted. Unless otherwise regulated by specific reference herein, the area and height above grade of any freestanding sign shall not exceed the amounts specified in Table 82.13.A below.

b) Additional freestanding signs shall be permitted for each vehicular entrance to the property. Permitted sign area for these additional freestanding signs shall be sixty (60) percent of the sign area permitted for freestanding signs as established in 82.13.F.a., as shown in Table 82.13.A below.

Table 82.13.A - Sign Size Limits in BG Shopping Centers speed limit=miles per hour; area=square feet; height=feet				
Speed Limit	Area	Height	60% Area	60% Height
25	50	20	30	12
35	98	20	58.8	12
45	253	25	151.8	15
55	300	30	180	18

## 2. Wall Signs:

- a) The maximum sign area is established in relationship to the building or tenant frontage length. However, no wall sign shall have a length greater than eighty (80) percent of the length of the tenant space; or for single tenant buildings, the length of the building frontage.
- b) The maximum sign area is two (2) square feet of sign area per lineal foot of building/tenant frontage.
- c) Each tenant may have multiple wall signs as long as the total wall sign area does not exceed the allowances established for wall signs for that tenant space or use (not including building directories and menu boards as stated in 82.13.2.E).
- d) Additional wall sign area is permitted for a secondary frontage which shall be equal to one-hundred (100) percent of the primary sign area allowance.
- e) Ten (10) square feet of bonus area is permitted on each of the building's primary and secondary frontages for a building with two (2) or more floors. The bonus may be increased by five (5) square feet for each additional floor over two (2) floors. The bonus sign must be placed at the height for which the bonus has been granted.

## f) Building and Tenant Frontage Calculation

### 1. Determining Building Frontages and Frontage Lengths.

- a. The frontage of the tenant space on the first floor shall be the basis for determining the permissible sign area for wall signs. The "building unit" is equivalent to the tenant space.
- b. Primary and Secondary Frontage - The frontage of any building unit shall include the elevation(s) facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance(s) to the building or building units.
  - i. The primary frontage shall be considered the portion of any frontage containing the primary public entrance(s) to the building or building units.
  - ii. The secondary frontage shall include those frontages containing secondary public entrances to the building or building units, and all building walls facing a public street or primary parking area that are not designated as the primary building frontage by subsection "a" above.
- c. Length of Building Frontage.
  - i. The length of any primary or secondary building frontage shall be the sum of all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length determined by Zoning Staff as unrelated to the frontage criteria.
- d. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each such building frontage.
  - i. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

### 3. Special requirements for Office, Industrial and Business Districts:

#### A. OS and BC (Office and Community Business)

##### 1. Height and Area:

- a. Pole Signs - not to exceed 20 feet in height nor 40% of the permitted sign area for the site.
- b. Projecting Signs - not to exceed 24 square feet in area.
- c. Ground Signs - not to exceed 50 square feet
- d. Wall Signs - no size restriction except as established in Section 13.2.A.
- e. Sidewalk Signs - width shall not be greater than three feet, height shall not be greater than four feet and the sign shall not occupy more than nine square feet of sidewalk.

2. In no case shall the total area of all signs on a site exceed than permitted in Section.
  3. Number: Not more than one pole, ground, or projecting sign per site. A flexible fabric sign may be erected as a pole, ground, or wall sign.
- B. CBD (Central Business District)
1. Height and Area:
    - a. Pole Signs - not to exceed 20 feet in height nor 50% of the permitted sign area for the site.
    - b. Projecting Signs - not to exceed 24 square feet in area.
    - c. Ground Signs - not to exceed 75 square feet.
    - d. Wall Signs - no size restriction except as established in Section 13.2.A.
    - e. Sidewalk Signs - width shall not be greater than three feet, height shall not be greater than four feet and the sign shall not occupy more than nine square feet of sidewalk.
  2. In no case shall the total area of all signs on a site exceed than permitted in Section I.
  3. Number: Not more than one pole, ground, or projecting sign per site. A flexible fabric sign may be erected as a pole, ground, or wall sign.
- C. BG - In the general business district the size and number of allowed signs shall be as follows:
1. Height and area:
    - a. pole signs - not to exceed 30 feet in height or 300 square feet in area.
    - b. projecting signs - not to exceed 24 square feet in area.
    - c. ground signs - not to exceed 150 square feet in area.
    - d. wall signs - no size restrictions except as established in Section 13.2.A and 13.2.F.2.
  2. In no case shall the area of all signs on a site exceed that permitted in Section I.
  3. Number: Not more than one ground or pole sign per 300 feet of site frontage, not more than three projecting signs, and with no restrictions on the number of wall signs per site. A flexible sign may be erected as a pole, ground, or wall sign, except as described in 13.2.F, for shopping centers or a group of stores.
- D. I (Industrial District) In the industrial district the size and number of allowed signs shall be as follows:
1. Height and Area:
    - a. Pole Signs - not to exceed 30 feet in height or 300 square feet in area.
    - b. Projecting Signs - not to exceed 24 square feet in area.
    - c. Ground Signs - not to exceed 150 square feet in area.
    - d. Wall Signs - no size restrictions except as established in Section 13.2.A.
  2. In no case shall the total area of all on-premise signs on a site exceed that permitted in Section 13.2.A.
  3. Number: Not more than one pole or ground sign per 300 feet of site frontage with not more than three projecting signs, and with no restrictions on the number of wall signs per site.
  4. Standard outdoor advertising structures in addition to the above, which conform to the following regulations.
    - a. No standard outdoor advertising structure may be erected within 200 feet of any public park, recreation ground, lake, stream, school, church or residential lot located on the same side of the street.
    - b. No standard outdoor advertising structure shall be located within 100 feet of any intersection.
    - c. No standard outdoor advertising structure shall be closer than 300 feet to another off-premise sign measured along the right-of-way line.
    - d. Standard outdoor advertising structures may have one or two faces. Said faces may be placed back to back if not more than 36 inches apart, or may be placed in a "V" with a maximum angle of 30 degrees and a maximum separation

- of 30 inches at the vertex.
- e. No standard outdoor advertising structures shall exceed 300 square feet in area.
- f. Standard outdoor advertising structures shall not be placed between the shoreline of Lake Superior and the nearest street or highway pavement.
- g. A conditional sign permit shall be obtained from the City Planning Board using the guidelines of the Zoning Ordinance for determining the appropriateness of the requested location with respect to the residential or non-commercial use of an area and the introduction of signage into areas dominated by recreational/tourist/natural scenic qualities.
- 4. Conservation-Recreation and Deferred Development Districts (CR & DD):
  - A. Business uses in the CR and DD districts shall meet the following sign requirements.
    - 1. Height and area:
      - a. Pole Signs - not to exceed 30 feet in height or 150 square feet in area.
      - b. Projecting Signs - not to exceed 20 square feet in area.
      - c. Ground Signs - not to exceed 150 square feet in area.
      - d. Wall Signs - no size restrictions except as established in Section 13.2.A.
    - 2. In no case shall the area of all advertising signs on a site exceed that permitted in Section 13.2.A.
    - 3. Number: Not more than one pole, ground or projecting sign per site with no restrictions on the number of wall signs per site.
  - B. Signs for residential uses shall meet the requirements for signs in the residential district (See Section 13.1).
  - C. For all non-business and non-residential uses in this district, one of the following shall be permitted, per site:
    - 1. ground signs - not to exceed 20 square feet.
    - 2. pole signs - not to exceed 20 square feet.
    - 3. projecting signs - not to exceed 20 square feet.
    - 4. wall signs - not to exceed 40 square feet.
  - D. There shall be no off-premise signs.
- 5. Planned Unit Development District (PUD): Unless the approved site plan for the Planned Unit Development District specifies otherwise, the following regulations shall apply to each site:
  - A. One sign not to exceed twenty square feet shall be permitted for each street providing access to the site. These signs shall be for identification of the development and its components.
  - B. One residential nameplate not to exceed two square feet shall be permitted for each residential structure.
  - C. For each non-residential use, the sign design and size shall be as specified in the approved PUD Plan (see Section 80.30 of the Marquette City Zoning Ordinance).
- 6. Municipally Owned Outdoor Athletic Facilities in all districts.
  - A. An amateur athletic organization may erect advertising signs on the field where its games are played. Said signs are subject to the following conditions:
    - 1. Height and Area
      - a. Ground signs may not exceed eight (8) feet in height or thirty-six (36) square feet per sign.
      - b. Wall signs may not exceed eight (8) feet in height or thirty-six (36) square feet per sign.
      - c. Pole signs are not permitted.
      - d. Illuminated signs are not permitted.
    - 2. The number of signs may not exceed twenty (20) per field.
    - 3. Only the side of the sign facing the playing field may contain advertising. The other side must be painted a neutral color.
    - 4. Signs may be present only during the season of play of the organization erecting the sign.

## B. Exemptions

1. Lighted scoreboards which may be illuminated only during time of organized play. Said scoreboards may not exceed 200 square feet in size and may be no taller than 20 feet in height.
2. The BMX track located in the River Park Sports Complex may have 24 signs which meet the above requirements.

82.14 Non-conforming Signs and Abandoned Signs. Non-conforming signs are those which do not comply with size, placement, construction, or other provisions or regulations of this ordinance but which were lawfully established prior to the adoption of this ordinance. It is the intent of this ordinance to discourage the continuance of non-conforming signs and to encourage their removal by whatever lawful means available.

1. Non-conforming signs shall not be structurally altered or repaired so as to prolong the life of the sign or so as to change the shape or size of the sign.
  - A. Digital signs are exempt from this provision, due to the fragile nature of electronic components and the high cost of the initial investment in the sign, if the following circumstances apply to the sign(s) in question:
    1. The sign was permitted when it was initially installed.
    2. Digital signs that are located in zoning districts that don't allow for them will have to be brought into conformity with section 82.12.10.C.-J. Electronic Message Center Signs, and with other aspects of Chapter 82
    3. The sign will not employ technology including flashing, full motion video/film display, or background effects if those features are not specifically permitted in the zoning district where the sign is located.
    4. An application is submitted for intended structural alterations or repairs.
2. The display face of a non-conforming sign may be modified as necessary to renew or update the message.
  - A. Digital signs modified under section 82.14.1.A are exempt from this provision when the modification is done in conjunction with structural alterations or repairs that are approved by application.
3. Non-conforming signs requiring structural repair to make them safe shall be removed.
4. Abandoned signs shall be removed by the property owner within 30 days.
  - A. Any sign which pertains to an event, time or purpose which has not applied for 30 days shall be deemed to have been abandoned.
  - B. Any sign which is located on property which becomes vacant and unoccupied or is applicable to a business which has been temporarily suspended because of a change in ownership or management, shall not be deemed abandoned unless the property remains vacant or the business remains inactive for a period of six months.
5. Changes or additions shall not be made to any signs on a site so as to increase their total non-conformity.
6. This section does not apply to sidewalk signs due to their temporary nature.

82.15 Maintenance. Every sign shall be maintained in safe structural condition at all times, including the replacement of defective parts and peeling, faded, or broken display faces and structural members.

1. The repainting of any portion of a sign structure, or the periodic changing of a bulletin board or billboard panel or the renewing of copy which has been made unacceptable or unusable by ordinary wear shall be permitted on all signs. No permit shall be required.
2. The replacing or repairing of non-structural portions of a sign shall not require a permit.
3. Structural alteration, repair or replacement shall require a permit.

## 82.16 Sign Removal.

1. The Sign Official shall order the removal of any sign for which no Certificate of Compliance has been issued or signs erected in violation of this ordinance.

2. The Sign Official shall notify the property owner by first class mail describing the sign and specifying the violation involved.
3. The property owner shall remove said or initiate an appeal within 15 days of receipt of the letter. An appeal stays all proceedings unless the official from whom the appeal is taken certifies to the Board of Appeals that a stay would cause imminent peril to life or property.
4. If at the expiration of the time limit in said notice, the owner has not complied with the requirements thereof, or appealed the decision of the Sign Official, the Sign Official shall carry out the requirements of the notice. The costs of such abatement may be charged against the premises and the owner thereof in accordance with the provisions of Section 22.10 of the City Code.

82.17 Dangerous Signs. In the case of a sign which presents imminent danger to life or property the sign owner, or if he cannot be reached, a responsible city official, must take immediate action as is necessary to remove the danger.

82.18 Administration.

1. The City Manager shall appoint a Sign Official who shall be responsible for the administration of this ordinance. He shall have all administrative powers not specifically assigned to some other officer or body.
2. The Sign Official shall review all Certificate of Compliance applications and site plans for compliance with the provisions of this ordinance or any written order from the Board of Appeals or Planning Board. He shall have no power to vary or waive ordinance requirements.
3. The Sign Official shall keep records of all official actions, all of which shall be a public record.
4. The Sign Official shall have the power to make inspections of buildings and premises necessary to carry out his duties in the enforcement of this ordinance.
5. The Sign Official shall collect such permit and inspection fees as determined by the City Commission.
6. If the Sign Official shall find that any of the provisions of this ordinance are being violated he shall notify in writing the person responsible for such violation indicating the nature and location of the violation and ordering the action necessary to correct it. He shall order discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of the provisions of this ordinance.
7. The Sign Official shall forward an analysis of site factors and other information pertaining to any appeal or request to the appropriate body. The analysis may include a recommendation for action.

82.19 Appeals.

1. The Board of Appeals as provided in the Zoning Ordinance shall constitute the Board of Appeals to pass on matters pertaining to the terms of this ordinance. The term of office, quorum, meetings, records, and procedure shall be as specified in the Zoning Ordinance.
2. Any person aggrieved or the head of any agency of the municipality may take appeal to the Board of Appeals from any decision of the Sign Official.
3. Appeals to the Board of Appeals must be accompanied by such fees as established by resolution of the City Commission. No activity on an application or appeal shall commence until said fee has been paid.
4. Whenever any condition or limitation included in a variance, it shall be "conclusively presumed" that the authorizing Board of Appeals considered such condition or limitation necessary to carry out the spirit and purpose of this ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation

was lawful.

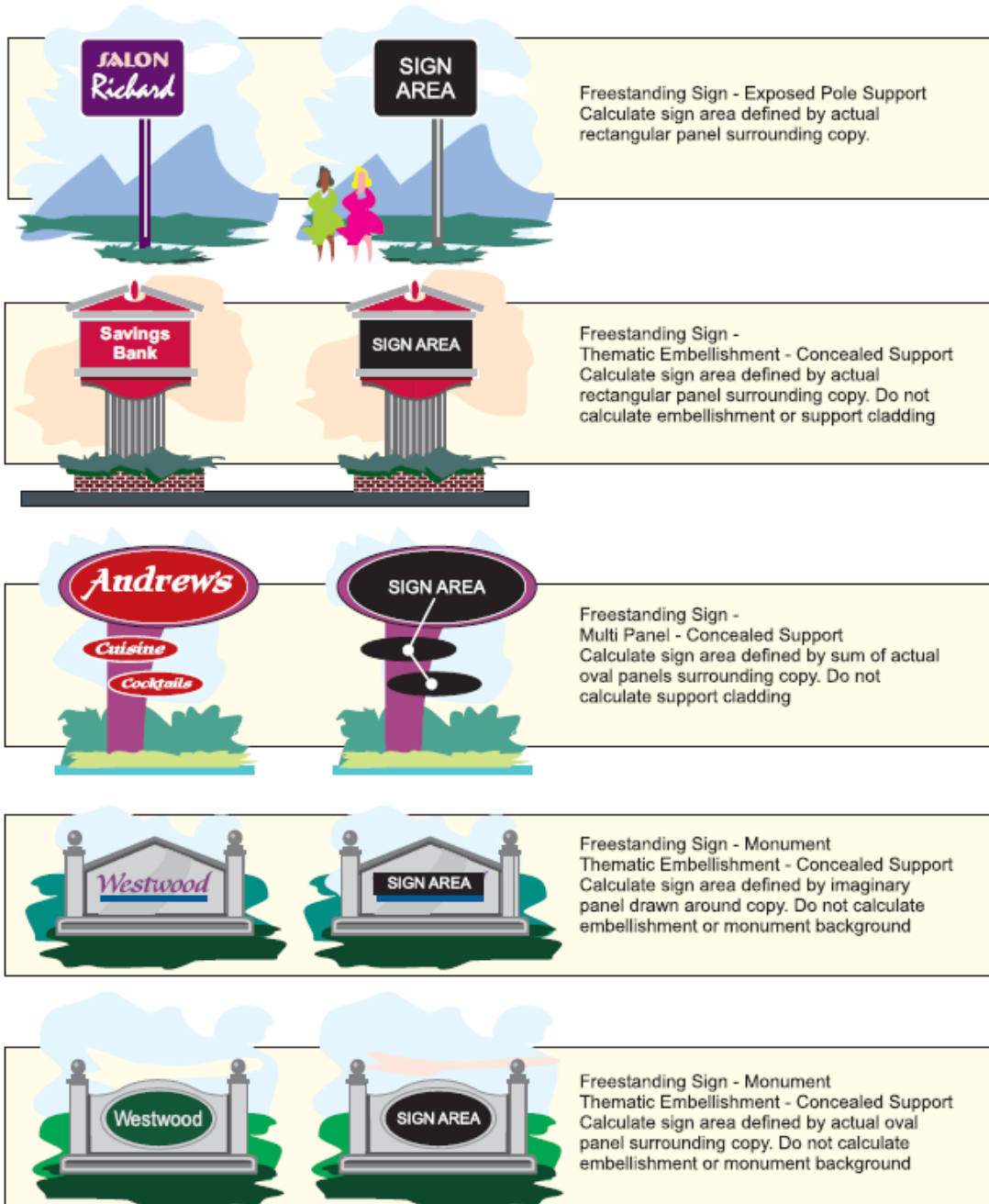
82.20 Enforcement.

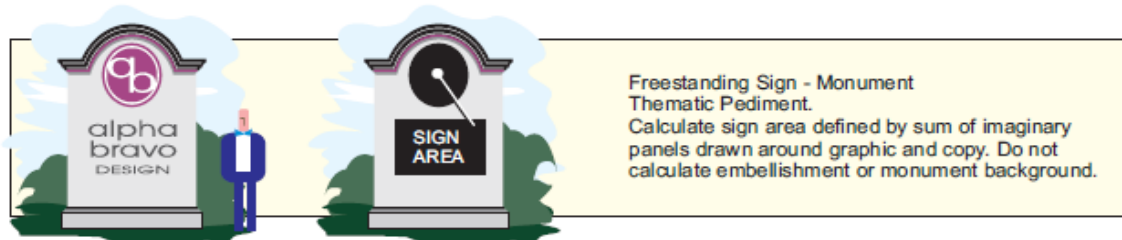
1. False statements. Any sign compliance statement based on any false statement in the application or supporting documents is absolutely void ab initio and shall be revoked. No sign compliance statement shall remain valid if the use or structure it authorizes becomes non-conforming. The Sign Official shall not refuse to issue a sign compliance statement when conditions imposed by this and other City Ordinances are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permits.
2. Violations and Penalties. Any person who violates any provision of this ordinance or any amendment thereto, or who fails to perform any act required hereunder or does any prohibited act, shall be guilty of a civil infraction. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Any violation of this ordinance is hereby declared to be a public nuisance per se.
3. Procedures for reporting violations. Apparent violations may be reported to the Sign Official by any citizen.

Appendix A: Typical On-Premise Sign Types

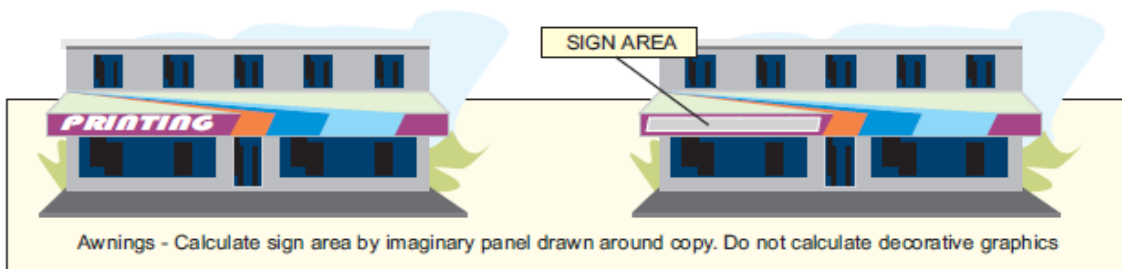
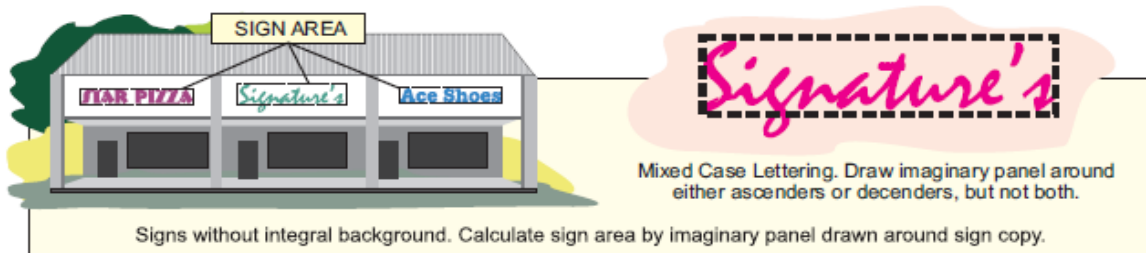


## Appendix B: Sign Area Computation Methodology





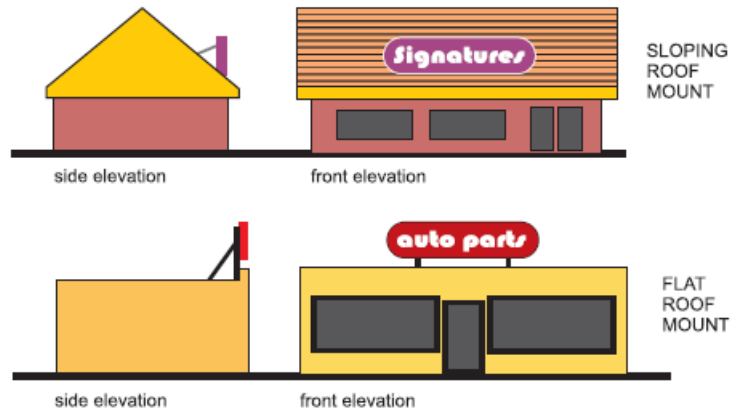
### Wall / Fascia Signs



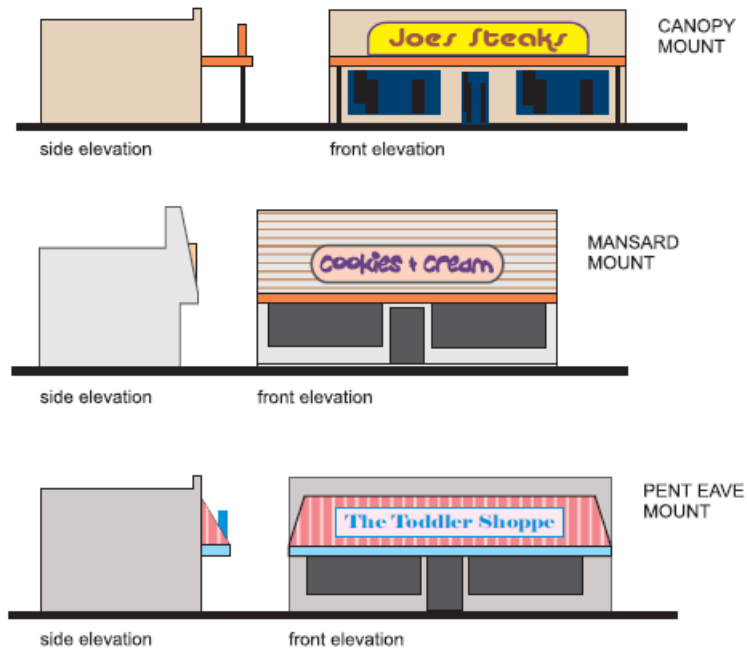
## Appendix C: Roof & Wall Sign Distinctions

1.) Roof signs are not permitted.

### ROOF SIGNS



### Fascia Signs on Roof-Like Projections NOT ROOF SIGNS



# **Charter Township of Orion**

## **Ordinance No. 153**

### **Sign Ordinance**

Adopted July 17, 2017

**AN ORDINANCE REGULATING THE SIZE, PLACEMENT, AND LOCATION OF SIGNS IN THE CHARTER TOWNSHIP OF ORION; PROVIDING THE PROCESS FOR APPLICATION, ISSUANCE OF AND FEES FOR SIGN PERMITS; PROVIDING FOR ENFORCEMENT OF THE PROVISIONS OF THIS ORDINANCE, INCLUDING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND PROVIDING FOR THE REPEAL OF ORDINANCE 138 AND ALL ORDINANCES OR PARTS OF ORDINANCES WHICH ARE INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE.**

### **Section 1 – Short Title**

This Ordinance shall be known and may be cited as the Charter Township of Orion “Sign Ordinance,” and it shall be deemed sufficient, in any action for enforcement of any of the provisions hereof, to refer to this Ordinance by this short title or by reference to the number hereof.

### **Section 2 – Intent and Purpose**

Pursuant to the authority granted to the Charter Township of Orion by law, including the Charter Township Act, PA359 of 1947, the Township Zoning Act, PA 184 of 1943, the Michigan Zoning Enabling Act, PA110 of 2006 and the Michigan Planning Enabling Act, PA33 of 2008, the Township hereby enacts the following regulations for the erection and maintenance of temporary and permanent signs in Orion Township.

The intent of this Ordinance is to regulate the location, size, construction, and manner of display of signs and outdoor advertising in order to minimize their harmful effects on the public health, safety and welfare. While this Ordinance recognizes that signs and outdoor advertising are necessary to promote commerce and public information, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the Township, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists.

Regulations are necessary to enhance visual quality of new and older business areas; to enhance and insure the compatibility between outdoor advertising signs and adjacent land uses; to limit the impact of the visual sign clutter and confusion, to ensure appropriate proportional scale with adjacent land uses and adjacent signs.

To achieve its intended purpose, this Ordinance has the following objectives:

- A. To prevent the placement of signs in a manner that will conceal or obscure other signs or adjacent businesses;
- B. To keep the number of signs and messages at the level reasonably necessary to identify a business and its products;
- C. To keep signs within a reasonable scale with respect to the buildings they identify;
- D. To reduce visual distraction and obstructions to motorists traveling along, entering or leaving streets;
- E. To promote a quality manner of display which enhances the character of the Township; and
- F. To prevent the proliferation of temporary signs which might promote visual blight.

### **Section 3 – Definitions**

The following definitions shall apply in the interpretation of this Ordinance:

**Ambient light** – refers to any source of light that is not explicitly supplied; a source of light already available naturally or artificial light already being used.

**Architectural Feature Sign** – A wall sign attached to a permanent architectural feature, including masonry or stone walls contained on a Planning Commission approved site plan, at the entrance of residential developments, commercial developments, or industrial parks.

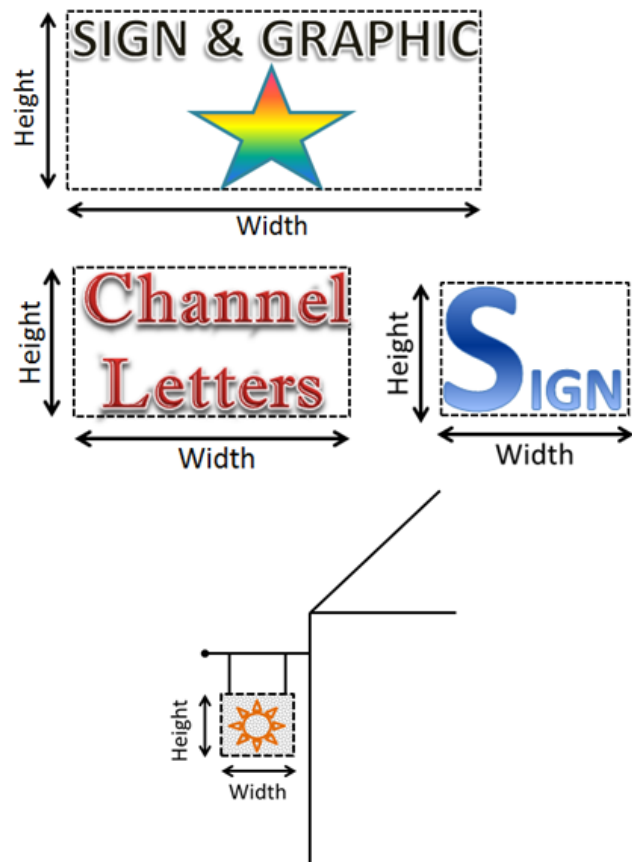
**Area of Sign** – The entire area within a circle, triangle, parallelogram, or other geometric configuration enclosing the extreme limits of writing, representation, emblem or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. However, where such a sign has more than one face, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back-to-back as a mirror image in size and shape and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or the area of the larger face if the two faces are of unequal area. For monument signs, the base of a monument sign shall be excluded from the calculation of sign area for a distance of thirty (30) inches above grade. The area of the sign is further calculated as shown:

### CALCULATING THE TOTAL AREA OF THE SIGN

FOR A SIGN ON A DEFINED BACKGROUND, such as a board or painted area with a defined edge, the size of the sign shall be measured as the area of the defined background if it is a rectangle, oval or circle. For all other shapes or defined background area, the size of the sign shall be measured as the area of the smallest rectangle, oval or circle which encloses the defined background.



FOR A SIGN WITHOUT A DEFINED BACKGROUND, such as individual letters, decoration or symbols mounted directly on the building wall or incorporated as a projecting sign the size of the sign shall be measured as the area of the smallest rectangle, oval or circle which encloses the letters decoration or symbols.



**Awning** – A shelter projecting from, and supported entirely by, the exterior wall of a building, constructed of non-rigid materials on a supporting framework.

**Awning Sign** – A sign painted on, or attached flat against and parallel to the surface of an awning. An awning sign is considered a wall sign and subject to wall sign regulations.

**Banner** – Any temporary sign printed or displayed upon cloth or other flexible materials, with or without frames.

**Billboard** – A free-standing permanent sign which is supported by uprights, braces, columns, or other anchor, and which is not attached to any building and is twelve (12) feet or taller measured from grade to the tallest point. Billboards represent a unique competition for the visual attention of drivers and thus, for the health and safety of the Township residents, and to avoid adversely impacting the peace and enjoyment of residential areas, billboards shall be regulated based on traffic levels and patterns within the Township, zoning districts, frequency, distance and location.

**Blade Sign** – A temporary sign with a support pole securely anchored into the ground, made of fabric, over the support pole.

**Building-Attached Sign** – A sign attached to the front of a building and parallel to the front face of the building.

**Building Official** – The Charter Township of Orion Building Official or his or her designee (as approved by Township Supervisor).

**Canopy (Building)** – A rigid multi-sided structure covered with opaque fabric, metal or other opaque material and supported by a building at one or more points or extremities. The building canopy may be illuminated by external sources.

**Canopy (Free-Standing)** – A rigid multi-sided structure covered with opaque fabric, metal or other opaque material and supported by columns or posts embedded in the ground. The canopy may be illuminated by external sources.

**Canopy Sign** – A sign affixed or applied flat against and parallel to the exterior facing surfaces of a building or freestanding canopy. A canopy sign, whether or not supported by a building, is a wall sign and subject to wall sign regulations if the canopy is illuminated or if it contains any print.

**Center Identification Sign** – A ground sign at the entry to a non-residential center containing more than one (1) business establishment, whether or not under single ownership or management.

**Collector Streets** – Those streets designated on the Thoroughfare Plan of the adopted Orion Township Master Plan as Collector Streets.

**Change of Copy** – The replacement of the face of the sign with another on a Sign. Change of copy shall not include modifications to the sign structure or frame, nor shall it include alterations of sign size.

**Developer Identification Sign** – As required in Zoning Ordinance 78, a temporary sign twenty-four (24) square feet listing the name and contact phone number of the developer.

**Directional Sign** – A sign indicating the safest route to facilities, services, or activities, which does not exceed two (2) square feet in area. Directional signs may be free-standing or Building-Attached Signs.

**Door Sign** – Any sign that is placed inside a door or upon the glass panes and is visible from the exterior of the door.

**Electronic Message Center (EMC)** – A sign that electronically displays and utilizes computer-generated messages or some other means of changing copy.

**Façade Area** – The wall space (of lease area) of a building measured from grade to the point where the wall and the roof meet. The façade area shall include all window and door areas contained within.

**Facing of Surface** – The areas of the sign upon, against, or through which the message is displaced or illuminated.

**Feather Sign** – See “blade sign.”

**Flashing, Animated or Moving Sign** – A sign that has intermittently reflecting lights, or signs which have movement of any illumination such as intermittent, flashing, scintillating or varying intensity, or a sign that has any visible portions in motion, either constantly or at intervals, whether caused by artificial or natural sources.

**Floodlight Illumination** – External lighting provided by a floodlight or spotlight.

**Foot-candle** – a common unit of illumination measurement (equal to 1 lumen per square foot) in the lighting industry used to calculate lighting levels.

**Frontage** – The length of the street right-of-way line on a zoning lot, which is the same as the front lot line or side street lot line as defined in the Zoning Ordinance No. 78.

**Ground Sign** – A free-standing, permanent sign or monument sign which is supported by uprights, braces, columns, or other ground anchor, and which is not attached to any building.

**Illuminance** – A measurement of the amount of light intercepting an object at a given distance from a light source and is measured in foot-candles or its metric equivalent, lux.

**Indirect Illumination** – A light source concealed or contained within the sign and which becomes visible in darkness through a translucent surface.

**Institutional Property** – A property occupied by an organization or foundation dedicated to public service (i.e. churches, schools, public buildings, etc.)

**Light Pole Signs** – Sign attached or affixed to a light pole.

**Major Thoroughfare** – Those streets designated on the Thoroughfare Plan of the adopted Orion Township Master Plan as Major Thoroughfares, Regional Thoroughfares, or State Trunklines.

**Marquee Sign** – A wall sign attached to or hung from a canopy or other covered structure projecting from, and supported by, a building.

**Memorial Sign** – A sign, not exceeding twenty-four (24) inches by twenty-four (24) inches in area, which is permanently affixed to the wall of a building and either carved into the masonry surface of the building wall or consisting of a plaque mounted flush with the wall and permanently affixed to the wall, identifying the date the building was erected, the name of the building, or the name of person in whose memory the building was named.

**Monument Sign** – A ground sign mounted on a base that is in contact with the ground.



**Monument Sign**

**Monument Sign Base** – The lower part of a monument (ground) sign, which may appear as a separate architectural feature, and serves as its ground support.

**Multi-Tenant Sign** – See Center Identification Sign

**Non-Residential Property** – Any property not listed as Residential (See Residential property) as identified in Zoning Ordinance #78

**Pixel Pitch** – The distance from the center of an LED cluster (or pixel) to the center of the next LED cluster/pixel, measured in millimeters.

**Planning Commission** – The Charter Township of Orion Planning Commission.

**Portable Sign** – A temporary sign; a free-standing sign not permanently anchored or secured to either a building or the ground.

**Projecting Sign** – A sign which extends beyond the building wall and is perpendicular or nearly perpendicular to the building surface. A projecting sign shall be considered a wall sign. Both sides of a projecting sign shall be counted towards total sign area.

**Pylon or Pole** – A type of support for a sign which has its base anchored in the ground and with a specified clear space between the bottom of the face of the sign and the established grade.

**Real Estate Sign** – A temporary sign placed on property advertising that particular property on which the sign is placed “for sale”, “for lease” or “for rent.”

**Residential Property** – Property zoned for single-family, multiple family use as identified in Zoning Ordinance No. 78.

**Roof Sign** – A sign which is erected constructed or maintained upon the roof or parapet of a building.

**Shopping Center Sign** – See “center identification sign.”

**Sign** – A structure which includes the name, identification, image, description, display or illustration which is affixed to, painted or represented directly upon a building, structure or parcel of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business, and which is visible from any street, right-of-way, sidewalk, alley, park or other public property. Customary displays or merchandise or objects and material without lettering placed behind a store window are not signs. This definition includes the base, frame and support members of a sign.

**Sign Setback** – Where it is specified that a sign must be located a minimum or other certain distance from property lines or public rights-of-way, such distance shall be measured from the portion of the sign structure nearest to such specified line. For the purpose of this measurement, the property lines and public rights-of-way extend vertically and perpendicularly from the ground to infinity.

**Temporary Sign** – Any sign, regardless of size and materials, which has not been approved by the Township as wall or ground sign, or billboard.

**Total Window and Door Area** – Includes the combined total window and door areas on the front façade of a building.

**Use** – The purpose for which land or buildings thereon are designed, arranged, or intended to be occupied or used, or for which they are occupied or maintained.

- (a) **Change of Use** – A discontinuance of an existing use and the substitution of a different kind of class of a use. This may include a change of use for commercial, office, industrial or residential categories or a change of commercial sub-groupings such as retail, office, or restaurant.

**Utility Pole** – Pole for purpose other than a light pole

**Wall Sign** – A sign attached to, or placed flush against, the exterior wall or surface of any building wherein no portion of which projects more than twelve (12) inches from the wall.

**Window Sign** – Any sign that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

**Zoning Board of Appeals** – The Zoning Board of Appeals of the Charter Township of Orion.

**Zoning Lot** – A single tract of land, located within a single block, which at the time of filing for a building or sign permit is designated by its owner or developer as a tract to be used, or built upon as a single unit, under single ownership or control. A zoning lot shall satisfy Zoning Ordinance requirements with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, need not coincide with a lot of record as filed with the County Register of Deeds, but may include one (1) or more lots of record.

## **Section 4 – Exempt Signs**

The following types of signs are exempt from the provisions of this Ordinance (unless otherwise specified):

- A. “No Hunting,” “No Trespassing,” and “No Soliciting” signs.
- B. Signs located in the interior of buildings, except as may otherwise be regulated by this Ordinance.
- C. Any residential identification or address sign affixed to a wall, mailbox, post, lamp post, or pillar in a Residential Area, which is not larger than two (2) square feet.
- D. Traffic control or other municipal signs, including, but not limited to, historic site designations, municipal facility directional signs, municipally owned or operated light pole signs, legal notices, railroad crossing signs, danger and other temporary emergency signs, developer identification signs.
- E. Non-Residential Street Address Signs (street numbers) not exceeding three (3) square feet in area.
- F. Memorial signs, as defined in this Ordinance.
- G. Flags bearing the official design of a nation, state or other municipality, educational institution, or philanthropic or other public or private corporation or entity; provided, however, that only one flag bearing the seal or trademark of a private organization may be displayed by an individual establishment. The height of a flagpole for a flag other than that bearing the official design of a nation, state or other municipality shall not exceed 1.5 times the allowed building height in the respective zoning district.
- H. For gasoline service stations, a sign which is deemed customary and necessary to their respective businesses: customary lettering or other insignia on a gasoline pump consisting of brand of gasoline sold, lead warning information, and any other data required by law and not exceeding a total of three (3) square feet on each pump.
- I. Real Estate signs no larger than three (3) square feet in residential zoned areas and no larger than sixteen (16) square feet in non-residential zoned areas.
- J. Directional signs, as defined in this Ordinance, two (2) square feet or less and up to thirty (30) inches in height, a maximum of four (4) per occupant in a single or multi-tenant building. Sites larger than ten (10) acres may request, in writing to the Building Official, additional directional signs. Directional signs may contain the logo or symbol of the business referenced therein.
- K. Customary holiday displays if displayed one month before the national holiday and removed within two (2) weeks after the holiday.
- L. Residential window and door signs.

## **Section 5 – Prohibited Signs**

The following types of signs are prohibited (unless otherwise allowed):

- A. Any sign not expressly permitted may only be allowed by review and approval by the Zoning Board of Appeals as per Section 12 – Variances and Appeals.
- B. Flashing, animated or moving signs shall be permitted only in districts zoned SP-1, and only if the flashing, animated or moving portion of the sign moves at intervals of ten (10) seconds or greater.
- C. Any sign which, by reason of its size, location, content, coloring, or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any traffic control device on public streets and roads. Signs which make use of words such as “STOP”, “LOOK”, “DANGER” or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead, or confuse traffic.
- D. Any sign or sign structure which:
  - 1. Is structurally unsafe.
  - 2. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment.
  - 3. Is not kept in good repair.
  - 4. Is capable of causing electric shocks to persons likely to come in contact with it.
  - 5. Has peeling paint on any surface.
  - 6. Has any parts broken, missing letters, or non-operational lights.
- E. Roof signs, as defined in this Ordinance.
- F. Any sign which obstructs free ingress or egress from a required door, window, fire escape, or other required exit way.
- G. Any sign or other structure containing or conveying any obscene, indecent or pornographic material.
- H. Any sign, from the effective date of this Ordinance, which is unlawfully installed, erected or maintained.
- I. Search lights, string lights, twirling signs, balloons or other gas-filled figures.
- J. Signs affixed to utility poles, trees, rocks, shrubs or similar natural features, and or non-municipally owned or operated light poles; provided, signs denoting a site of historical significance may be allowed.
- K. Temporary signs mounted upon trucks, vans, trailers, or other wheeled devices are prohibited. This provision does not apply to signs permanently affixed to door panels of commercial vehicles.
- L. Vehicles utilized for the purpose of being signage as set forth in the sign definition herein are prohibited, where **any** of the following conditions apply: the vehicle is not parked on the property where the business or service is located; the vehicle is not regularly used in the course of such business or service or is non-operational; the vehicle is not parked in a regulation parking space; and the vehicle is kept in the same location for more than 72 hours.

## **Section 6 – Temporary Signs (see Definitions)**

Temporary signs, whether requiring a permit or not, shall conform to the following requirements:

- A. The requirements on permitting, location number, and size of signs are based on the zoning of the property (residential or non-residential) and are per zoning lot.
- B. Temporary signs must be approved by the property owner. It shall be the property owner’s responsibility to coordinate with tenants the sharing of allowed temporary signage as far as number and frequency.
- C. If permission is given by the property owner to allow temporary signs on their property by a tenant or someone who does not own the property, that sign counts against the allowed number of signs for the zoning lot.

- D. Except as otherwise provided in this Ordinance, a temporary sign shall only be allowed to be placed on publicly-owned property, including road rights-of-way, when placed there by and for the benefit of the respective public agency or with the written permission of the public agency.
- E. No temporary sign shall obstruct the vision of drivers.
- F. Temporary signs placed upon property in the Township in violation of this Ordinance may be removed only by Township Ordinance Enforcement Officers, the owner of the sign, or the owner of the property where a sign has been placed, or their designees. Any action taken by the Township under this Paragraph F shall be noticed to the property owner of record. A temporary sign that has been removed by the Township will be kept for one (1) week, at which time the sign may be destroyed or disposed of by the Township.
- G. On-site pennants, search lights, string lights, twirling signs, balloons or other gas-filled fixtures shall require a permit from the Township and shall only be permitted for the opening of a new business in a commercial or industrial district, in residential districts, in conjunction with a new development or model home demonstration conducted by the developer, or to advertise a special event, including a sale, in a commercial district, for a period not to exceed fourteen (14) days. No more than two (2) renewals shall be granted in a calendar year, for a maximum of forty-two (42) days within a calendar year. No more than two (2) permits for on-site pennants, etc., shall be issued on the same parcel for the same time period.

**Temporary Signs  
In Residential Zoned Areas  
(SF, SE, SR, R-1, R-2, R-3, RM-1, RM-2, MHP, and  
BIZ Residential/Institutional in Use Group A)**

<p style="text-align: center;"><b>Temporary Signs</b></p> <p style="text-align: center;"><b><u>Individual Residential &amp; Institutional Parcels</u></b></p> <p style="text-align: center;">These requirements shall govern sign use, area, type, height, numbers, and setbacks, in addition to requirements elsewhere in this Ordinance.</p>					
<b>T E M P O R A R Y  S I G N S</b>	<b>Zoning District</b>	<b>SF, SE, SR, R-1, R-2, R-3, RM-1, RM-2, MHP, BIZ - Residential in Use Group A</b>			
	<b>Type of Sign</b>	<b>Portable</b>	<b>A-Frame</b>	<b>Banner</b>	<b>Blade</b>
	Maximum Height	2' from grade	4' from grade	4' from grade	N/A
	Sign Area	3 sq. ft. per side; maximum 6 sq. ft.	8 sq. ft. per side; maximum 16 sq. ft.	32 sq. ft.	N/A
	Duration of Display	No longer than 30 days in a calendar year			N/A
	Permit Necessary to Display	No			N/A
	Location Setback	2' inside the property line, and not less than 10' from road surface and outside of the road right-of-way			N/A
	Number of Signs Displayed	1 portable or 1 A-Frame or 1 Banner per zoning lot			N/A
	Footnotes	1	N/A	N/A	N/A

<sup>1</sup> During an election period an unlimited number of additional portable signs are permitted on a zoning lot. Signs must comply with the chart above. An election period begins thirty (30) days before and ends ten (10) days after any election authorized under federal or state law.

## Temporary Signs Approved Residential Developments

These requirements shall govern sign use, area, type, height, numbers, and setbacks, in addition to requirements elsewhere in this Ordinance.

T E M P O R A R Y  S I G N S	Zoning District	SF, SE, SR, R-1, R-2, R-3, RM-1, RM-2, MHP BIZ - Residential & Institutional in Use Group A			
	Type of Sign	Portable	A-Frame	Banner	Blade
	Maximum Height	2' from grade	4' from grade	4' from grade	10' from grade including the full length of the support pole
	Sign Area	3 sq. ft. per side; maximum 6 sq. ft.	8 sq. ft. per side; maximum 16 sq. ft.	32 sq. ft.	3.5' in width at the widest point
	Duration of Display	No longer than 30 days in a calendar year			
	Permit Necessary to Display	No			
	Location Setback	2' inside the property line, and not less than 10' from road surface and outside of the road right-of-way			
	Number of Signs Displayed	1 portable or 1 A-Frame or 1 Banner or 1 Blade per development entrance			
	Footnotes	1			

<sup>1</sup> During an election period an unlimited number of additional portable signs are permitted on a zoning lot. Signs must comply with the chart above. An election period begins thirty (30) days before and ends ten (10) days after any election authorized under federal or state law.

**Temporary Signs  
In Non-Residential Zoned Areas  
(RB, GB, OP, LI, IP, IC, RFY, SP-1, SP-2, REC-1, REC-2  
BIZ Use Groups A (Non-Residential), B, C, and D)**

Temporary Signs					
Non-Residential Zoned Areas					
These requirements shall govern sign use, area, type, height, numbers, and setbacks, in addition to requirements elsewhere in this Ordinance.					
T E M P O R A R Y  S I G N S	Zoning District	RB, GB, LI, IP, IC, RFY, SP-1, SP-2, REC-1, REC-2, BIZ - Use Groups A (Non-Residential), B, C, & D			
	Type of Sign	Portable	A-Frame	Banner	Blade
	Maximum Height	2' from grade	4' from grade	4' from grade	10' from grade & including the full length of the support pole.
	Sign Area	3 sq. ft. per side; maximum 6 sq. ft.	8 sq. ft. per side; maximum 16 sq. ft.	32 sq. ft.	3.5' in width at the widest point
	Duration of Display	No longer than 30 days in a calendar year	30 days plus two 30 day renewals		
	Permit Necessary to Display	Yes			
	Location Setback	2' inside the property line, and not less than 10' from road surface and outside of the road right-of-way			
	Number of Signs Displayed	2 Portable or 2 A-Frame or 2 Banner or 2 Blade (or a combination of) per zoning lot			
	Footnotes	1, 2	2	2	2

<sup>1</sup> During an election period an unlimited number of additional portable signs are permitted on a zoning lot. Signs must comply with the chart above. An election period begins thirty (30) days before and ends ten (10) days after any election authorized under federal or state law.

<sup>2</sup> The temporary sign permit application must be approved / signed by the site owner. If a site has more than one occupant who wishes to put up signs at the same time, the site owner must determine who may display the sign.

**Section 7 – Permitted Ground and Wall Signs by Use**

**Ground & Wall Signs  
In Residential Zoned Areas  
(SF, SE, SR, R-1, R-2, R-3, RM-1, RM-2, MHP, and  
BIZ Residential/Institutional in Use Group A)**

Residential Zoned Areas			
Ground Signs			
These requirements shall govern sign use, area, type, height, numbers, and setbacks, in addition to requirements elsewhere in this Ordinance.			
G R O U N D  S I G N S	Zoning District	SF, SE, SR, R-1, R-2, R-3, RM-1, RM-2, MHP, BIZ - Residential & Institutional in Use Group A	
	Number of Signs	1 per vehicular entrance to a Subdivision/Site Condominium, multiple-family complex or Mobile Home Park	1 per Institutional establishment (i.e. churches, schools, public buildings, etc.)
	Overall Height	6 ft.	
	Sign Area	35 sq. ft. per side; maximum 70 sq. ft.	
	Setback - shall be measured at existing ROW or as req'd by RCOC	20 ft. from ROW	
	Footnotes	3	

<sup>3</sup> The sign area may be increased by one (1) square foot per side for each two (2) feet by which the sign is set back beyond the minimum required setback, provided that the resulting sign area is not more than three (3) times the sign area permitted in the district and is not greater than one hundred and fifty (150) square feet.

## Residential Zoned Areas

## EMC Ground Signs

To protect the health, safety, peace and enjoyment of Township residents, EMC ground signs are prohibited in residential zoned areas, except for institutional uses (i.e. churches, schools, public buildings etc.), and shall comply with all the requirements and regulations of a non-EMC ground sign in addition to any other requirements set forth in this Ordinance. Further, a residentially zoned EMC ground sign shall also comply with the regulations governing sign use, area, type, height, numbers, and setbacks.

An EMC must be integrated into a ground sign as allowed within the zoning district.

G R O U N D  S I G N S	Zoning District	<b>SF, SE, SR, R-1, R-2, R-3, RM-1, RM-2, MHP, BIZ - Residential &amp; Institutional in Use Group A</b>
	Number of Signs	1 sign
	Height	The maximum height of an electronic message center shall conform to the maximum height regulations of signs allowed in each zoning district.
	Sign Area	The maximum area of an electronic message center shall not exceed more than 30% of the total sign area.
	Color	Multiple colors on a black background
	Movement Restrictions	Flashing, animated or moving signs are prohibited. The content of a digital display must transition by changing instantly, with no transitional graphics. Messages may change at intervals of 10 seconds or greater.
	Brightness	See Section 15 - Construction Requirements
	Resolution	Monochrome EMC signs shall have a pixel pitch of 35 mm or less resolution and multi-color EMC signs shall be a pixel pitch of 25mm or less.
	Restrictions	<p>All EMC signs are required to be shut off between the hours of 11 PM and 6 AM.</p> <p>Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above listed light levels, and that the intensity level is protected from end-user manipulation by password protected software or other method satisfactory to the Township.</p> <p>The sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.</p>

## Residential Zoned Areas Wall Signs

These requirements shall govern sign use, area, type, and numbers, in addition to requirements elsewhere in this Ordinance.

EMC signs are not permitted in wall signs.

<b>W A L L  S I G N S</b>	<b>Zoning District</b>	<b>SF, SE, SR, R-1, R-2, R-3, RM-1, RM-2, MHP, BIZ - Residential &amp; Institutional in Use Group A</b>
	Number of signs	1 wall sign per institutional establishment (i.e. churches, schools, public buildings, etc.) or 1 per vehicular entrance to a Subdivision/Site Condominium, multiple-family complex or Mobile Home Park
	Sign Area	40 sq. ft.
	Footnotes	4

<sup>4</sup> Wall Signs or Canopy Signs shall include all of the following and shall be further subject to the following regulations:

- a. The entire canopy shall be considered a wall sign when a translucent fabric canopy with signage is internally illuminated.
- b. A projecting sign shall be considered a wall sign. The measurement of such signs shall include both sides.
- c. Signage attached to a permanent architectural feature (as reflected on an approved site plan), including masonry or stone walls at the entrance of residential developments, commercial developments, or industrial parks, shall be measured as a wall sign and shall exclude the surface area of the background wall. See definition of "Sign Area" in Section 3.

**Ground & Wall Signs  
In Non-Residential Zoned Areas  
(RB, GB, OP, LI, IP, IC, RFY, BIZ Use Groups A (Non-  
Residential), B, C, & D, SP-1, SP-2, REC-1/REC-2)**

Non-Residential Zoned Areas											
Ground Signs											
These requirements shall govern sign use, area, type, height, numbers, and setbacks, in addition to requirements elsewhere in this Ordinance. Ground signs shall be subject to all the standards of either Alternate A or Alternate B.											
GROUND SIGNS	Zoning District	RB	GB	OP	LI	IP	IC	RFY	BIZ Use Groups A (Non-Residential), B, C, & D	SP-1 & SP-2	REC-1/ REC-2
	Number of signs	1 per zoning lot, 1 multi-tenant sign or 1 shopping center sign	1 per zoning lot, 1 multi-tenant sign or 1 shopping center sign	1 per zoning lot or 1 multi-tenant sign	1 per zoning lot or 1 multi-tenant sign	1 per zoning lot or 1 multi-tenant sign	1 per zoning lot or 1 multi-tenant sign	1 per zoning lot	1 per zoning lot, 1 multi-tenant sign or 1 shopping center sign	1 per zoning lot	1 per zoning lot
	Sign area <u>Alternate A</u> overall height up to 6 ft.	40 sq. ft. per side; maximum 80 sq. ft.	50 sq. ft. per side; maximum 100 sq. ft.	40 sq. ft. per side; maximum 80 sq. ft.	40 sq. ft. per side; maximum 80 sq. ft.	50 sq. ft. per side; maximum 100 sq. ft.	50 sq. ft. per side; maximum 100 sq. ft.	40 sq. ft. per side; maximum 80 sq. ft.	50 sq. ft. per side; maximum 100 sq. ft.	50 sq. ft. per side; maximum 100 sq. ft.	N/A
	Sign area <u>Alternate B</u> overall height over 6ft up to 8ft.	32 sq. ft. per side; maximum 64 sq. ft.	40 sq. ft. per side; maximum 80 sq. ft.	30 sq. ft. per side; maximum 60 sq. ft.	30 sq. ft. per side; maximum 60 sq. ft.	30 sq. ft. per side; maximum 60 sq. ft.	35 sq. ft. per side; maximum 70 sq. ft.	20 sq. ft. per side; maximum 40 sq. ft.	40 sq. ft. per side; maximum 80 sq. ft.	35 sq. ft. per side; maximum 70 sq. ft.	25 sq. ft. per side; maximum 50 sq. ft.
	Setback - shall be measured at existing ROW or as req'd by RCOC	20 ft. from ROW	30 ft. from ROW	20 ft. from ROW	20 ft. from ROW	20 ft. from ROW	20 ft. from ROW	20 ft. from ROW	30 ft. from ROW	30 ft. from ROW	20 ft. from ROW
Footnotes		3, 5	3, 5, 6	3, 5	3, 5	3, 5	3, 5, 7	3	3, 5, 6	3, 5	3, 5

<sup>3</sup> The sign area may be increased by one (1) square foot per side for each two (2) feet by which the sign is set back beyond the minimum required setback, provided that the resulting sign area is not more than three (3) times the sign area permitted in the district and is not greater than one hundred and fifty (150) square feet.

- <sup>5</sup> Additional ground signs may be permitted for each zoning lot if the following conditions apply:
- Two (2) ground signs may be permitted on a corner lot that has at least two hundred (200) feet of frontage on each of two (2) thoroughfares or collector streets, provided that only one (1) sign is oriented toward each thoroughfare or street.
  - Two (2) ground signs may be permitted where the zoning lot, not a corner lot, has frontage on two (2) thoroughfares or collector streets and has vehicular access via both such thoroughfares or streets, provided that only one (1) sign is oriented toward each thoroughfare or street.
  - Two (2) ground signs may be permitted on a zoning lot that has over six hundred and fifty (650) feet of frontage on a thoroughfare or collector street.
  - On a zoning lot with over three hundred (300) and less than six hundred and fifty (650) feet of frontage on a thoroughfare or collector street, a second ground sign equal in area to not more than seventy-five percent (75%) of the ground sign area allowed shall be permitted.

<sup>6</sup> The following additional ground signs may be permitted:

- Drive-in or drive-through restaurants may be permitted two ground signs in addition to the ground signs permitted, provided that the signs are located within twenty (20) feet from the first drive-through window.
- Gasoline service stations may be permitted one (1) additional ground sign indicating only the price of fuel. Such sign shall not exceed twenty-four (24) square feet per side; maximum forty-eight (48) square feet.

<sup>7</sup> For IC Alternate A only, one (1) additional ground sign is allowed per entrance from a major thoroughfare. The additional sign(s) may have an overall height of six (6) feet, twenty-five (25) square feet per side; maximum fifty (50) square feet and must be setback twenty (20) feet from the road right-of-way.

### EMC Ground Signs

#### Non-Residential Zoned Areas

To protect the health, safety, peace, and enjoyment of Township residents, EMC ground signs shall comply with all of the requirements and regulations of a non-EMC ground sign in addition to any other requirements set forth in this Ordinance.

Further an EMC ground sign shall also comply with the regulations governing sign use, are, type, height, numbers, and setbacks.

An EMC must be integrated into a ground sign as allowed within the zoning district.

G R O U N D  S I G N S	Zoning District	RB, GB, OP, LI, IP, IC, RFY, SP-1, SP-2, REC-1, REC-2, BIZ - Use Groups A (Non-Residential), B, C, & D
	Number of Signs	Only 1 unless located on a corner lot, see footnote 5a & 5b only.
	Height	The maximum height of an electronic message center shall conform to the height regulations for signs allowed in each zoning district.
	Sign Area	The maximum area of an electronic message center shall not exceed more than 30% of the total sign area.
	Color	Multiple colors on a black background
	Movement Restrictions	Flashing, animated or moving signs are prohibited. The content of a digital display must transition by changing instantly, with no transitional graphics. Messages may change at intervals of 10 seconds or greater.
	Brightness	See Section 15 - Construction Requirements
	Resolution	Monochrome EMC signs shall have a pixel pitch of 35 mm or less resolution and multi-color EMC signs shall be a pixel pitch of 25mm or less.
	Restrictions	Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above listed light levels, and that the intensity level is protected from end-user manipulation by password protected software or other method satisfactory to the Township.  The sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.

<sup>5</sup> Additional ground signs may be permitted for each zoning lot if the following conditions apply:

- a. Two (2) ground signs may be permitted on a corner lot that has at least two hundred (200) feet of frontage on each of two (2) thoroughfares or collector streets, provided that only one (1) sign is oriented toward each thoroughfare or street.
- b. Two (2) ground signs may be permitted where the zoning lot, not a corner lot, has frontage on two (2) thoroughfares or collector streets and has vehicular access via both such thoroughfares or streets, provided that only one (1) sign is oriented toward each thoroughfare or street.

## Non-Residential Zoned Areas Wall Signs

These requirements shall govern sign use, area, type, and numbers, in addition to requirements elsewhere in this Ordinance.

EMC signs are not permitted in wall signs.

W A L L  S I G N S	Zoning District	RB	GB	OP	LI	IP	IC	BIZ Use Groups A (Non-Residential), B, C, & D	SP-1/ SP-2	REC-1/ REC-2
	Number of signs	1 wall sign per establishment								
	Sign Area	10% of the façade area on which the sign is to be placed, or 200 sq. ft. per establishment whichever is less.								40 sq. ft.
	Footnotes	4, 8	4, 8	4, 8	4	4	4	4, 8	4	4

**\* Note Wall signs are not permitted in RFY**

- <sup>4</sup> Wall Signs or Canopy Signs shall include all of the following and shall be further subject to the following regulations:
- The entire canopy shall be considered a wall sign when a translucent fabric canopy with signage is internally illuminated.
  - A projecting sign shall be considered a wall sign. The measurement of such signs shall include both sides.
  - Signage attached to a permanent architectural feature (as reflected on an approved site plan), including masonry or stone walls at the entrance of residential developments, commercial developments, or industrial parks, shall be measured as a wall sign and shall exclude the surface area of the background wall. See definition of “Sign Area” in Section 3.

- <sup>8</sup> Buildings and shopping centers shall be permitted a wall sign on the front and rear façade when the architecture is mirrored on both facades and parking is only available at the rear of the building. The wall sign on the rear façade shall be 10% smaller than that which is allowed on the front façade. When abutting a residential zoned or used parcel, rear façade signs shall be turned off at 11:00 pm or close of business whichever is earlier.

## Section 8 – Billboard Signs

Billboard Signs		
<p>Billboards represent a unique competition for visual attention of drivers and thus, for health and safety of the Township residents, and to avoid adversely impacting the peace and enjoyment of residential areas, billboards shall be regulated based on traffic levels and patterns within the Township, zoning districts, frequency, distance and location.</p> <p>These requirements shall govern sign use, area, type, height, numbers, and setbacks, in addition to requirements elsewhere in this Ordinance.</p>		
<b>B I L L B O A R D  S I G N S</b>	<b>Billboards</b>	<b>All billboards shall adhere to the following:</b>
	Sign Area	600 sq. ft. per side; maximum 1,200 sq. ft.
	Height	A sign no less than 12 ft. and not to exceed 25 ft. in height, measured from grade to the highest point of the billboard.
	General Location	Billboards are prohibited in residential or recreationally zoned or used areas and shall not be located closer than 1,500 ft. to any property zoned or used for residential or recreation. The 1,500 ft. shall be measured from the closest part of the billboard to the nearest property line of the residential/recreational property.
	Distance between billboards	No billboard shall be closer than 2,640 ft. to any other billboard on either side of the right-of-way. Billboards shall be measured using the closest point of the other billboard.
	Distance from Intersection	A billboard must be located at least 1,000 ft. from a traffic controlled intersection.
	Setbacks from property lines	Billboards shall be setback at least 25 ft. from the front, side and rear property lines. For the purpose of determining the distance for setbacks, the distance shall be measured at ground level directly below the farthest protruding portion of the billboard to the subject property line.
	Setback from ROW	20 ft., shall be measured at the existing road right-of-way or as required by Road Commission of Oakland County
	Projections	No portion of the sign display shall project more than 18 inches from any point of the sign.
	Footnotes	9, 10

<sup>9</sup> The name, address identity, home and business telephone numbers, pager number and email addresses, if any and mobile phone number, if any, of the person to contact for maintenance and other notice purposes must be provided at the time of application. This information shall be kept current by immediate written notice of the Township of any changes.

<sup>10</sup> A maintenance bond shall be required to remove an abandoned and/or vacated billboard. A bond in the amount of \$2,500 shall be held by the Township to secure proper maintenance and removal if required.

<p style="text-align: center;"><b>EMC Billboards</b></p> <p>To protect the health, safety, peace and enjoyment of Township residents, EMC billboards shall comply with all of the requirements and regulations of a non-EMC billboard in addition to any other requirements set forth in this Ordinance. Further, an EMC billboard shall also comply with the regulations governing signs, use, area, type, height, numbers, and setbacks.</p>	
<b>EMC Billboards</b>	<b>EMC Billboards shall adhere to all Billboard Sign regulations in addition to the following:</b>
Color	Multiple colors on a black background
Movement Restrictions	Flashing, animated or moving signs are prohibited. The content of a digital display must transition by changing instantly, with no transitional graphics. Messages may change at intervals of 10 seconds or greater.
Brightness	See Section 15 - Construction Requirements
Resolution	Monochrome EMC signs shall have a pixel pitch of 35 mm or less resolution and multi-color EMC signs shall be a pixel pitch of 25mm or less.
Restrictions	<p>Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above listed light levels, and that the intensity level is protected from end-user manipulation by password protected software or other method satisfactory to the Township.</p> <p>The sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.</p>

**Section 9 – Permitted Interior Window and Door Signs**

Window and door signs shall be permitted in non-residential areas. Window and door signs shall not exceed twenty-five (25%) percent of the total window and door area on the front façade of the building. Regulations for window and door signs shall extend back twenty-four (24) inches from the inside of the window surface. A permit from the Building Department shall not be required for interior window and door signs.

**Section 10 – Procedure for Obtaining Sign Permits**

**Permit Application.** Permits are required, as provided for in this ordinance except where specifically exempted herein. Application shall be made on forms provided by the Building Department.

**A. Planning and Zoning Approval.****1. Permanent Signs.**

- a. Applications for planning and zoning approval for permanent signs shall be made to the Planning and Zoning Coordinator, and shall include the following information:
  - i. Name, address, and telephone number of the applicant and property owner, if different from the applicant. If the applicant is not the property owner, a signed statement from the property owner granting permission to pursue a sign on the latter's property must be included. In all cases, proof of ownership must be provided.
  - ii. A check for planning and zoning review fees per the Fee Schedule adopted by the Township Board.
  - iii. If the proposed permanent sign is a ground sign, the application shall be accompanied by a site plan drawn in accordance with the following requirements:
    - (a) The site plan shall be drawn to a scale no less than fifty (50) feet to the inch.
    - (b) The site plan shall show the location of existing and proposed structures or signs within two hundred (200) feet of the sign.
    - (c) The site plan shall also show the location of existing road rights-of-way, parking areas, entrances, and exits within two hundred (200) feet of the proposed sign.
  - iv. Two (2) color drawings of the proposed sign. If a variance is sought under Section 12(F), fourteen (14) color drawings will be required.
  - v. Drawings of the proposed sign to be erected on the site shall include all of the following detailed information:
    - (a) If a ground sign, the height of the sign above the ground.
    - (b) Surface of the sign (material, color, dimension, etc.).
    - (c) Total area of the sign surface, and total area of the base or support structure, along with the specific dimensions for each.
    - (d) Lettering of sign 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 weight of the sign, approximating that of the final constructed sign.
    - (e) Method and color of illumination, if any.
    - (f) Logos, emblems, or additional features.

- (g) Specifications and method of construction and attachment to the building or in the ground.
      - (h) If the proposed sign is a wall sign, measurements of the height and width of the building façade to which the sign will be attached.
    - vi. The name of the person, firm, corporation or association erecting the sign.
    - vii. Such other information as the Building Official or his or her designee shall require to demonstrate full compliance with this Ordinance.
  - b. Following planning and zoning approval, and upon receipt of a completed application for a permanent sign and payment of all required fees, the Building Official or his or her designee shall review the Permit Application and all relevant information within thirty (30) business days for compliance with this Ordinance and the laws of the State of Michigan. If the Building Official or his or her designee finds the Application to meet the requirements of the law, he shall approve the Permit Application.
    - i. The application shall include the following information:
      - (a) Stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this or any other Ordinance of the Charter Township of Orion and all laws of the State of Michigan shall be submitted whenever the Building Official or his or her designee deems it necessary.
      - (b) In all cases where wiring is to be used in connection with the sign, evidence that it will comply with the electrical code adopted by the Charter Township of Orion.
    - ii. Upon approval of the Permit Application, the Building Official or his or her designee shall issue a permit for the erection, alteration or relocation of a permanent sign within the Township.
    - iii. No permanent sign shall be erected, altered or relocated except in compliance with an approved Permit Application.
  - c. Exception – Planned Unit Development Signage.
    - i. From the date of adoption of this Ordinance, the permit and review provisions of this section, along with Section 11, shall not apply to signs proposed as part of a Planned Unit Development (“PUD”) under Section 30.03 of Ordinance No. 78. The Planning Commission shall review all PUD signage in accordance with the requirements of this Ordinance and Section 30.03 of Ordinance No. 78. However, the Zoning Board of Appeals shall retain jurisdiction to hear requests for variances from the strict application of this Ordinance, and shall have the authority to hear appeals from determinations of the Planning Commission with respect to determinations under this Ordinance.
2. Temporary Signs.
- a. Applications for temporary sign permits, if required, shall be made to the Building Department and shall indicate the following:
    - i. The number of temporary signs to be erected and approximate locations.
    - ii. The name, address, and telephone number of the person or group responsible for the sign or signs.
  - b. A permit for a temporary sign shall be issued within five (5) business days following the submission of a complete temporary sign permit application and payment of the required fees. The permit shall be effective for the period of time provided under this Ordinance as stated on the permit. The permit shall be applicable only to the number of temporary signs identified in the application.

- c. Approved temporary signs shall contain the permit number somewhere on the face or rear of the sign.
- d. A record of all current sign permits shall be kept in the Building Department.
- e. Any violations of this Ordinance shall be deemed sufficient cause to administratively revoke a temporary sign permit, to deny renewal, or deny approval of a subsequent temporary sign permit application submitted by the violating applicant, upon written notice to the applicant stating the reasons for such denial or revocation.

## **Section 11 – Fees**

- A. Fees for all signs shall be adopted by resolution of the Township Board and shall be sufficient to cover the cost of administration and the reasonable expenses incurred by and for inspection and review by the Township and its consultants.
- B. The fee schedule shall be posted in the Building Department.
- C. If an applicant does not have adequate funds to pay the fees required under this section, an affidavit of indigency may be filed with the application stating, under oath, that such person does not have and will not have adequate or available funds to pay the required fee.
- D. Whenever a sign is erected prior to obtaining a permit, the fee shall be twice the amount set forth in the fee schedule for the respective sign.

## **Section 12 – Variances and Appeals**

**Variances and Appeals.** Variances to the requirements of this Ordinance and appeals from decisions of the Building Official or his or her designee may be heard upon application to the Township Zoning Board of Appeals.

- A. The Township Zoning Board of Appeals shall be charged with the responsibility of interpreting and carrying out the provisions of this Ordinance.
- B. Hearings.
  - 1. Any person or entity aggrieved by a notice or order of the Building Official or his or her designee issued in connection with the approval or denial of a sign permit, an alleged violation of this Ordinance or any applicable rules and regulations pursuant to this Ordinance may file with the Zoning Board of Appeals an application setting forth reasons for contesting the approval, denial, notice or order.
  - 2. The application referenced in Subsection (1) shall be filed within thirty (30) days after the denial, notice or order is served on the petitioner, and shall be accompanied by the required fees for a Zoning Board of Appeals application.
  - 3. Within thirty (30) days, or at the first available meeting after receipt of a valid application, the Zoning Board of Appeals shall conduct a public hearing. The Building Official or his or her designee shall set the time and place of the hearing and, at least fifteen (15) days prior to the hearing date, shall serve the applicant and owners of property within three hundred (300) feet of the location of the sign with notice, pursuant to Subsection (G) below.
- C. Action of Zoning Board of Appeals.
  - 1. The Zoning Board of Appeals shall have the power to modify or reverse, wholly or partly, the denial, notice or order given under this Ordinance and may grant an extension of time for the performance of any act required of not more than three (3) additional months, where the Zoning Board of Appeals finds that there is a practical difficulty or undue hardship connected with the performance of this Ordinance and that such extension is in harmony with the general purpose of this Ordinance to secure the public health, safety and welfare.
  - 2. The concurring vote of a majority of the Zoning Board of Appeals shall be necessary to reverse, wholly or partly, or modify any order, requirement, decision, or determination of the Building Official, or Planning Commission in the

case of PUD signs, or to decide in favor of the applicant any matter upon which it is determined to pass or to effect any variation in this Ordinance.

3. No order or variance of the Zoning Board of Appeals permitting the erection or alteration of a sign, except for an interpretation made by the Zoning Board of Appeals, shall be valid for a period longer than six (6) months from the date of approval, unless a permit for such erection or alteration is obtained within such period and such erection and alteration is started and proceeds to completion in accordance with the terms of such permit.
4. A variance granted shall be valid only under a site plan or layout of the property which was considered by the Zoning Board of Appeals.
5. After a variance has been denied in whole or in part by the Zoning Board of Appeals, such application shall not be resubmitted for a period of one (1) year from the date of the last denial. However, a denied variance may be reconsidered by the Zoning Board of Appeals when, in the opinion of the Building Official or the Zoning Board of Appeals, newly discovered evidence or changed conditions warrant such reconsideration.

**D. Scope of Hearing.**

At the hearing held pursuant to this section, the applicant shall be given an opportunity to show cause why the denial, notice or order should be modified or withdrawn or why the period for compliance should be extended.

**E. Stay.**

An appeal made under this section shall stay all proceedings in furtherance of the action appealed from unless the Building Official certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with him, that because of the facts stated in the certificate an emergency exists, in which case the proceedings shall not be stayed, except by a restraining order or by the Circuit Court, following timely notice of application therefore, to the Building Official.

**F. Variances.**

1. A variance to the requirements of this Ordinance may be allowed by the Zoning Board of Appeals only in cases involving practical difficulties or unnecessary hardships, as the terms are understood under State of Michigan law, are not created by the applicant, tenant or owner, or their predecessor, and when the evidence in the official records of the appeal supports the following affirmative findings:
  - a. The alleged hardships or practical difficulties or both are exceptional and peculiar to the property of the applicant for the variance and result from conditions which do not exist generally in the Township.
  - b. The alleged hardships and practical difficulties, or both, which will result from a failure to grant the variance, include substantially more than mere inconvenience or mere inability to attain a higher financial return.
  - c. Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Ordinance, the individual hardships that will be suffered by a failure of the Zoning Board of Appeals to grant a variance, and the rights of others whose property would be affected by the allowance of the variance, and will not be contrary to the purpose and intent of this Ordinance.
2. The findings of fact in Subsection (1) of this section shall be made by the Zoning Board of Appeals, which is not empowered to grant a variance without an affirmative finding of fact in each of the categories listed in Subsection (1) of this section. Each finding of fact shall be supported in the record of the proceedings of the Zoning Board of Appeals.
3. Nothing contained in this section shall be construed to empower the Zoning Board of Appeals to substantially change the terms of this Ordinance or to significantly add to the types of signs permitted on any premises.

**G. Appeals.**

1. The Zoning Board of Appeals shall give written notice of all hearings on appeals under this Ordinance. The notice shall be given not less than fifteen (15) days before the hearing to all owners of record of real property within three hundred (300) feet of the premises in question. Such notice shall be delivered personally or by mail addressed to the respective owners at the addresses given in the last assessment roll.
2. Appeals shall proceed as set forth in Section 29.03 of Ordinance No. 78 and as required by the Township Zoning Act, PA 184 of 1943. The review by the Zoning Board of Appeals shall be a de novo review where the decision shall be made without reference to the previously determined legal conclusions or assumptions.

### **Section 13 – Inspections**

Any person erecting, altering, or relocating a permanent sign shall notify the Building Department upon completion of the work for which permits are required. All ground and billboard signs shall be subject to a footing inspection. All wall signs shall be subject to a building inspection. Signs in which electricity is used shall have a final inspection by the electrical inspector.

### **Section 14 – Requirements**

- A. **Registration.** A person shall not perform any work or service for any person or corporation on or in connection with the erection, alteration, or relocation of any sign in the Township, unless such person shall first have registered with the Building Department and paid the registration fees provided by the Township.
- B. **Contractor's Insurance.** Every sign contractor shall, before being registered, file with the Township a satisfactory certificate of insurance, with the Township listed as an "additional insured", to indemnify the Township against any form of liability to a minimum of Five Hundred Thousand Dollars (\$500,000) or shall be responsible through any agent or subcontractor. The insurance shall be maintained in full force and effect during the term of the business license and said insurance policy or certificate shall provide that the Township be notified of any cancellation of the insurance not less than thirty (30) days prior to the date of cancellation.
- C. **Installation without Owner's Consent.** A sign shall not be erected, constructed or maintained under this Ordinance without the written consent of the owner or their authorized representatives.

### **Section 15 – Construction Requirements**

- A. **General Construction and Notice Requirements.** All signs shall be designed, constructed and erected in accordance with the adopted Building Code and this Ordinance.
- B. **Obstruction to Ventilation.** A sign shall not be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that a sign may be erected in front of and may cover transom windows when not in violation of the provisions of the building and fire prevention codes.
- C. **Electric Signs.**
  1. All electric signs shall be approved and labeled as conforming to the standards of the Underwriters Laboratories, Inc., or other similar institutions of recognized standing. The full number of illuminating elements thereof shall be kept in satisfactory working condition or immediately repaired or replaced. Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated. All electric signs shall comply with the electrical code adopted by the Township.
  2. In no case shall any sign be illuminated by open spark or flame. Reflectors, lights, and other forms of illumination shall be permitted, but no sign or any part thereof shall move nor shall the illumination thereof be by anything other than a steady, continuously burning bulb or light. The flashing or turning on and off of the sign illumination or any bulb or component part thereof is prohibited.
- D. **Supports and Braces.** All supports and bracing systems shall be designed and constructed to transfer lateral forces to the foundation. For signs on buildings, all loads shall be transmitted throughout the structural frame of the building to the

ground in such a manner as to not overstress any of the elements thereof. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or the structural frame of the building.

- E. **Wind Loads.** All signs, except those enumerated in Section 4, and those signs which are attached flat against the wall of a building, shall be constructed to withstand wind loads of one hundred (100) miles per hour.
- F. **Protrusions.** No nails, tacks, or wire shall be permitted to protrude from the front of any sign. This shall exclude the use of lock letter electrical reflectors or other devices which may protrude from the front of the sign structure.
- G. **Setbacks from Utilities.** No sign, except for wall signs, may be erected so that any part of it, including cables, guy wires, etc., will be within four (4) feet of any electric light pole, street lamp, or other public utility or standard. The minimum clearance of a sign from public utility conductors shall be not less than four (4) feet from conductors carrying six hundred (600) volts or more. In all cases where a sign is proposed to be installed within ten (10) feet of an electrical conductor carrying a higher voltage than six hundred (600) volts, erection of the sign shall not commence until a representative of the public utility company shall have examined and approved the plans and site plan.
- H. **Clear Vision.** A temporary or permanent sign shall not be located or positioned at the intersection of any street in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape, color, lighting, or message, it may interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal or device.
- I. **Sight Distance.** A sign shall not be located or positioned in such a manner as to interfere with the necessary free and unobstructed view of vehicular or pedestrian traffic.
- J. **Movement.** A sign shall not be erected in such a manner as to permit swinging of the entire sign or any portion or part thereof.
- K. **Maintenance.** A sign shall not be allowed to corrode, rust, peel, break up, or otherwise reach a state of disrepair that creates an unsightly or dangerous condition. Any such sign shall be repaired or removed within ten (10) days after written notice thereof. If the sign is not removed, legal action may be initiated by the Township to compel removal or to obtain such other relief as the Township deems necessary to protect the public health, safety, and welfare.
- L. **Unsafe Signs.** When any sign becomes insecure, in danger of falling, or otherwise unsafe in the opinion of the Building Official or his or her designee, or if any sign shall be unlawfully installed, erected, or maintained in violation of any provision of this Ordinance, the owner thereof or the person or firm responsible for maintaining same, shall immediately repair the sign, make such sign conform to the provisions of this Ordinance, or shall remove it.
- M. **Sign Lighting.**
  - 1. Maximum sign illuminance shall not exceed three-tenths (0.3) foot-candle above the ambient light measurement (day or night) at the nearest residential property line and one (1.0) foot-candle at the nearest non-residential property line; including any internal and/or external sign lighting.

## **Section 16 – Limitations by Zoning District**

Signs shall be permitted only in accordance with the schedules contained in this Ordinance which provide for limitations for height, display area, number of signs.

## **Section 17 – Nonconforming Signs**

- A. Any sign existing on the date of adoption of this Ordinance, or any amendment thereto, which does not comply with all of the sections of this Ordinance, including any amendment, shall be considered nonconforming. Nonconforming signs shall be subject to the following:
  - 1. Any existing nonconforming sign shall not be structurally altered so as to change the shape, size, type or design of the sign.

2. A panel or wording on a sign within the same space on the sign may be changed periodically, except as provided in Subsection (4) below.
  3. An existing nonconforming sign shall not be reestablished and/or must be brought into compliance with the provisions of this Ordinance after damage or destruction, whether by forces of nature or any other cause including an accident.
  4. Nonconforming signs or sign structure shall be removed or brought into conformity with the provisions of this Ordinance when:
    - a. The responsible parties voluntarily change or relocate the nonconforming sign.
    - b. If a sign has been abandoned or vacated.
    - c. The nonconforming sign structure (including support and frame, but excluding panel) is determined by the Building Department to be dilapidated, unsafe or in violation of the Building Code.
- B. Nothing in this section shall relieve the owner or user of a nonconforming sign, or the owner of the property on which the nonconforming sign is located, from maintaining a sign in a safe condition.

## **Section 18 – Unlawful Signs**

A person shall not erect or maintain, or permit the erection or maintenance on any premises owned or controlled by them, any sign which does not comply with the provisions of this Ordinance.

## **Section 19 – Violations and Penalties**

- A. **Municipal Civil Infraction/Payment of Fine.** Any person, firm, or corporation violating a provision of this Ordinance, upon an admission or finding of responsibility for such violation, shall be deemed responsible for a municipal civil infraction, and shall pay a fine.
- B. **Costs.** The person, firm, or corporation ordered to pay a fine under Subsection (A) shall be ordered by the District Court Judge or Magistrate to pay costs of not less than Nine Dollars (\$9) or more than Five Hundred Dollars (\$500), which costs may include all expenses, direct and indirect, to which the Township has been put in connection with the violation of this Ordinance up to the entry of the Court's judgment or order to pay fines and costs.
- C. **Additional Writs and Orders.** A person who admits or is found responsible for violation of this Ordinance shall comply with any order, writ or judgment issued by the District Court to enforce this Ordinance.
- D. **Default on Payment of Fines and Costs.** A default in payment of a civil fine, costs, or damages or expenses ordered under Subsection (A) or (B) or an installment of the fine, costs, or damages as allowed by the Court, may be collected by the Township by a means authorized for the enforcement of a judgment.
- E. **Failure to Comply with Judgment or Order.** If a defendant fails to comply with an order or judgment pursuant to this section within the time prescribed by the Court, the Court may proceed under Subsection (G).
- F. **Failure to Appear in Court.** A defendant who fails to answer a citation or notice to appear in Court for a violation of this Ordinance is guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500) plus costs and/or imprisonment not to exceed ninety (90) days.
- G. **Civil Contempt.**
1. If a defendant defaults in the payment of a civil fine, or other damages or expenses, or an installment as ordered by the District Court, upon motion of the Township or upon its own motion, the Court may require the defendant to show cause why the defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.

2. If a corporation or an association is ordered to pay a civil fine, costs, or damages or expenses, the individuals authorized to make disbursements shall pay the fine, costs, damages or expenses, and their failure to do so shall be civil contempt unless they make the showing required in this subsection.
3. Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the Court or to a failure on their part to make a good faith effort to obtain the funds required for payment, the Court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.
4. If it appears that the default in the payment of a fine, costs, or damages or expenses does not constitute civil contempt, the Court may enter an order allowing the defendant additional time for payment, reducing the amount of each installment, or revoking the fine, costs, damages or expenses.
5. The term of imprisonment on civil contempt for nonpayment of a civil fine, costs, or damages or expenses shall be specified in the order of commitment and shall not exceed one day for each Thirty Dollars (\$30) due. A person committed for nonpayment of a civil fine, costs, or damages or expenses shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of Thirty Dollars (\$30) per day.
6. A defendant committed to imprisonment for civil contempt for nonpayment of a fine, costs, damages or expenses shall not be discharged until one of the following occurs:
  - a. Defendant is credited with an amount due pursuant to Subsection (G)(5) above.
  - b. The amount due is collected through execution of process or otherwise.
  - c. The amount due is satisfied pursuant to a combination of subdivisions G(6)(a) and (b) above.
7. The civil contempt shall be purged upon discharge of the defendant pursuant to Section G(6).

#### **H. Lien Against Land, Building, or Structure.**

If a defendant does not pay a civil fine or costs or installment ordered under Subsection (A) or (B) within thirty (30) days after the date upon which the payment is due for a violation of this Ordinance involving the use or occupation of land or a building or other structure, the Township may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order requiring payment of the fine and costs with the Oakland County Register of Deeds. The court order shall not be recorded unless a legal description of the property is incorporated in or attached to the court order.

1. The lien is effective immediately upon recording of the court order with the Register of Deeds.
2. The court order recorded with the Register of Deeds shall constitute the pendency of the lien. In addition, a written notice of the lien shall be sent by Orion Township by first class mail to the owner of record of the land, building, or structure at the owner's last known address.
3. The lien may be enforced and discharged by Orion Township in the manner prescribed by its Charter, by the General Property Tax Act, Act No. 206 of the Public Acts of 1893, being Section 211.1 *et seq.*, of the Michigan Compiled Laws, or by an ordinance duly passed by the Township. However, property is not subject to sale under Section 60 of Act No. 206 of the Public Acts of 1893, being Section 211.60 of the Michigan Compiled Laws, for non-payment of a civil fine or costs or an installment ordered under Subsection (A) or (B) unless the property is also subject to sale under Act No. 206 of the Public Acts of 1893 for delinquent property taxes.
4. A lien created under this section has priority over any other lien unless one or more of the following apply:
  - a. The other lien is a lien for taxes or special assessments.
  - b. The other lien is created before the effective date of the amended ordinance that added this section.
  - c. Federal law provides the other lien has priority.
  - d. The other lien is recorded before the lien under this section is recorded.

5. The Township may institute an action in a court of competent jurisdiction for the collection of the fines and costs imposed by a court order for a violation of this Ordinance. However, an attempt by the Township to collect the fines or costs does not invalidate or waived the lien upon the land, building, or structure.
6. A lien provided for by this subsection shall not continue for a period longer than five (5) years after a copy of the court order imposing a fine or cost is recorded unless within that time an action to enforce the lien is commenced.

### **Section 20 – Repeal**

Ordinance No. 138 of the Charter Township of Orion, and all other ordinances or parts of ordinances which are inconsistent or in conflict herewith, are hereby repealed to the extent of such inconsistency or conflict.

### **Section 21 – Severability**

The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

### **Section 22 – Effective Date**

This Ordinance shall be published in full in a newspaper of general circulation in the Charter Township of Orion, qualified under State law to publish legal notices, and shall become effective upon publication, as provided by law.

### **Section 23 – Adoption**

This Ordinance is hereby declared to have been adopted by the Board of Trustees of the Charter Township of Orion at a meeting thereof duly called and held on the 17<sup>th</sup> day of July, 2017, and ordered to be given publication in the manner prescribed by the Charter of the Township of Orion.

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## ORDINANCE #2155-12

### AN ORDINANCE AMENDING CHAPTER 202, ARTICLE XV, OF THE CODE OF THE CITY OF WOODBURY ENTITLED: SIGNS

**BE IT ORDAINED AND ENACTED** by the Mayor and Council of the City of Woodbury, County of Gloucester and State of New Jersey, as follows:

**SECTION I.**      **PURPOSE.** The Combined Planning/Zoning Board of the City of Woodbury having conducted a review of the City's Ordinance concerning signage in the City of Woodbury, specifically with respect to the increasingly more popular use of "Changeable Copy" signs and having passed Resolution No. 13-2012, on or about January 18, 2012, wherein they recommended to the Mayor and City Council certain changes to the sign Ordinance as contained in said resolution. After careful review of said recommended ordinance changes and after consultation with the City's professionals, the Mayor and City Council have decided the changes recommended by the Planning/Zoning Board should be made to the current Sign Ordinance to allow the use of this more current advertising technology, under provisions which control the location of such changeable copy signs, as well as, the technical aspects of the signs, all while continuing to protect the health, safety and welfare of the citizens of the City of Woodbury.

**SECTION II.**      **AMENDMENT.** The following amendments shall be made to Chapter 202, entitled "Signs":

Article XV. Signs

[Added 8-31-1993 by Ord. No. 1713-93 *Editor's Note: This ordinance also provided for the repeal of original Article XIV, Signs, as amended. ]*

§ 202-82. Purpose.

The purpose of this article is to encourage the effective use of signs as a means of communication, to maintain and enhance the aesthetic environment and the City's ability to attract economic development and growth, to improve pedestrian and vehicular safety, to minimize the possible adverse effects of signs on nearby public and private property and to enable the fair and consistent enforcement of the regulations of this article. This article is not designed to limit or prohibit speech, but to regulate the conduct of the message. The City of Woodbury's sign regulations are content-neutral.

§ 202-83. General regulations.

- A. Accessory uses. Signs shall be permitted as accessory uses in all zoning districts, provided that any sign hereafter erected in the City of Woodbury conforms to the provisions of this article and any other ordinance or regulation of the municipality or the state or federal government relating to the erection, alteration or maintenance of signs. In the event of conflicting regulations, the most restrictive shall apply.
- B. Sign permit. A permit shall be required for the installation of all signs, unless exempted from such requirements under Subsection M of this section. The structural safety requirements governing construction and erection of all signs and the issuance of permits therefore shall be controlled by Chapter 73, Construction Codes, Uniform, of the Code of the City of Woodbury, but this chapter shall supersede Chapter 73 with respect to areas wherein signs are erected, their location, size, design and illumination and all the characteristics which relate to the subject of zoning.
- C. Maintenance. All signs shall be kept in a proper state of repair, in accordance with the requirements of Article I of Chapter 144, Maintenance of Commercial Property; Chapter 73, Construction Codes, Uniform; or other property maintenance codes as may be promulgated by the City Council of the City of Woodbury, and other pertinent regulations. Signs which fall into such a state of disrepair as to become unsightly or to pose a threat to public safety may be removed by the City 30 days following notice by certified mail to the owner of record, and the City shall have the right to recover from said owner the full costs of the removal and disposal of such signs.
- D. Rights-of-way. No sign other than traffic control or similar official governmental signs shall be erected within or project over the right-of-way of any public street or sidewalk, except as hereinafter provided.
- E. Imitation of official signs. No sign shall be erected that is of such character, form, shape or color that it imitates or resembles any official traffic sign, signal or device or that has any characteristics which are likely to confuse or dangerously distract the attention of the operator of a motor vehicle on a public street.
- F. Sight triangles. No sign shall be erected at the intersection of any streets improved for vehicular traffic within the triangular area formed by the right of way lines and a line connecting them at points 30 feet from their intersection, unless the topmost portion of said sign is less than 2 1/2 feet high above the average existing grade within 10 feet surrounding the proposed sign location. In no case shall any sign be so erected that it dangerously impedes the vision of motorists or pedestrians, or otherwise endangers their Grand Opening, new ownership or management and going-out-of-business signs.
- G. Prohibited placement. No sign shall be placed on any tree, telegraph, electric light, public utility pole, fence or vacant building (excepting for sale or rent signs), or upon rocks or other natural features.
- H. Permitted uses. No sign shall be erected containing a message that states or implies that a property may be used for any purpose not permitted in the zoning district in which said sign is located under the provisions of this article.
- I. Public property. Any sign installed or placed on public property, except in conformance with the requirements of this article, shall be forfeited to the public and subject to confiscation. In addition to other remedies that may be imposed under this article, the

City shall have the right to recover from the owner or person placing such sign the full costs, including legal costs, of removal and disposal of such sign.

J. Illumination. Signs, exempt from permits in accordance with Subsection M of this section, shall not be illuminated, unless otherwise accepted. Any other sign may be illuminated, unless otherwise prohibited.

K. Computation of sign area. For the purposes of this article, "sign area" shall mean the area, expressed in square feet, within a rectangle enclosing the extreme limits of writing, symbols, logos, letters, figures, emblems or other representations, plus all material or color forming an integral part of the sign or used to differentiate the sign from the background against which it is placed, provided that:

- (1) In the event a sign is designed with more than one face, the area shall be computed by including only the maximum surface display area visible from any one point, provided that the message is the same on each face.
- (2) The supports, uprights or other structure on which any sign is attached shall not be included in the calculation of sign area unless such structure is designed in such a manner as to form an integral part of the sign's message or otherwise conveys meaning.
- (3) The area of lamps, neon tubing or other artificial illumination visible on a sign shall be counted as part of the total allowable sign area.

L. Prohibited signs. Any sign that is not permitted by the provisions of this article is hereby prohibited, with the following signs specifically prohibited:

- (1) Flashing, blinking, twinkling, animated, moving or projected signs of any type.
- (2) Banners, pennants, streamers or similar devices constructed of cloth, light fabric, cardboard or other like material; vehicle signs; mobile signs; umbrella signs, balloon signs or other inflated signs; and searchlights, displayed for the purpose of attracting the attention of pedestrians and motorists; unless otherwise excepted.
- (3) Any sign so erected, constructed or maintained as to obstruct any fire escape, window, door or other opening used as a means of ingress and egress.
- (4) Any message or advertisement which uses a series of two or more signs placed in a line parallel to a street, each of which contains part of such message or advertisement.
- (5) Any signs that emit smoke, vapor, vibration or noise.
- (6) Any sign which, when applying contemporary community standards, has a dominant theme or purpose which appeals to prurient interests.
- (7) Any sign attached to the roof of a building or a facade sign that projects above the lowest level of a roof or beyond the corner of a wall.
- (8) Off-premises signs.

M. Signs exempt from permits, including certificates of appropriateness. The following signs are exempt from the need to secure permits, except as specified in Subsection M(10)(e):

[Amended 7-29-1997 by Ord. No. 1823-97]

- (1) Official governmental signs. Such signs may be illuminated.

- (2) Historical markers. Building markers that may contain the building name, date of construction, restoration award, historical data or other pertinent information, provided that such marker does not exceed two square feet and is made of cast, cut or etched masonry, metal or similar durable material approved by the Historical Preservation Commission.
- (3) Trespassing. Signs that relate to the control of trespassing on property, provided that they do not exceed two square feet in area nor are spaced closer than 50 feet to each other.
- (4) Emergency. Emergency warning signs erected by a governmental agency, public utility, pipeline company or contractor doing such work authorized or permitted by such agency, utility or company. Such signs may be illuminated.
- (5) Public notice. Any public notice required by a valid and applicable federal, state or local law, regulation or ordinance.
- (6) Interior signs. Any sign within a building, not attached to a window or door, that is not legible from the lot line on which is located said building.
- (7) Incidental. Incidental signs shall be permitted, provided that they do not exceed two square feet in area.
- (8) Residential. Residential freestanding signs shall be permitted, provided that the size of the sign does not exceed four square feet in area or three feet in height and shall be set back a minimum of 15 feet from a curblin or edge of cartway.
- (9) Project development. Project development signs shall be permitted where final approval of a site plan or subdivision has been granted by a board of competent jurisdiction and which may indicate the name of the development, developer, financier or major contractor. Such signs shall not exceed 32 square feet in sign area or eight feet in height. No more than two such signs per project shall be permitted. All such signs shall be removed within 14 days of the issuance of a conditional certificate of occupancy that permits the occupation of a building, in the case of a nonresidential development, or when 75% of the dwelling units in a residential development have been issued certificate of occupancy.
- (10) Temporary signs. The following temporary signs only shall be permitted:

  - (a) Banners. Banners, provided that they are temporary in nature and erected by a governmental authority or have been approved by such authority for nonprofit or charitable organizations, except as provided in Subsection M(10)(e)(4) below. Banners may project over a right-of-way. A banner shall not be displayed for more than 10 consecutive days at any one time and for no more than a total of 30 days during the course of a year.

[Amended 12-14-2009 by Ord. No. 2110-09]

- (b) Election signs. Such signs may not exceed 32 square feet in area; may not be erected more than 45 days prior to the date of the election, referendum or other plebiscite; and shall be removed within seven days after such election, referendum or other plebiscite. No more than two signs per street frontage shall be permitted on any one property.
- (c) Real estate and contracting. Temporary real estate signs and signs of contractors, mechanics, painters, paperhangers and/or artisans, on the lot on

which the real estate for rent or sale is located, or the lot on which the contracting work is being performed, shall be permitted. Said signs shall not be larger than six square feet in area nor more than four feet high in residential zones and not larger than 16 square feet in area nor more than eight feet high in commercial, institutional and industrial areas. They shall be removed within seven days of the completion of the sale or rental of the premises or completion of the work to which the sign relates.

[Amended 12-14-2009 by Ord. No. 2110-09]

- (d) Window signs. The total area of all window signs shall not exceed 25% of the glass area of the window in which placed. No window sign with the same message shall be displayed for more than 30 days. Window signs must have the quality of a commercially or professionally prepared sign. Signs of a permanent nature in windows, such as gilded name or neon signs, shall be considered facade signs within the meaning of this article and shall require a sign permit.
- (e) Grand opening, new ownership or management and going-out-of-business signs. Businesses which depend on a high volume of customer activity, including retail sales and retail services [as included in Article XI, C-1 Commercial District, § 202-57, Use regulations, Subsection A(8) and (9)], may utilize temporary grand opening, new ownership or management and going-out-of-business signs in accordance with the following standards:
  - [1] Signs for grand openings for new or relocated businesses, new ownership or management signs, going-out-of-business signs and for sales during those periods may be displayed once for a maximum of 30 days.
  - [2] Signs for such occasions may be paper, cloth, cardboard or other lightweight material but must have the quality of a commercially or professionally prepared permanent sign. They must be securely attached to a structure and kept in good condition. Window signs as regulated by Subsection M(10)(d) may also be used for this purpose.
  - [3] Facade, freestanding and banner presentations may be used. Banners may not cross a street, alley or property line and may not be attached to trees, other landscaping or public property. All signs must be mounted in a way to avoid interfering with visibility needed by motorists or pedestrians.
  - [4] Signs permitted in accordance with this subsection may be as large as 150% of the sign standards for the zone within which they are located.
  - [5] Permits are required for the above-referenced signs.
    - [a] An application as required by the City, along with clear and legible drawings, shall be submitted to the Zoning Officer along with details satisfying the provisions of this section.
    - [b] An administrative fee of \$5 shall also be submitted with the application in conjunction with any other fee required by the City for such activity.
    - [c] The Zoning Officer must act on the application within 10 business days of receipt of a complete application. Failure to act will be considered an approval of the application.

- [d] Approved permits shall indicate the starting and ending dates for the grand opening or special event and must be displayed on the premises in a manner easily visible from the street and the location where the sign is installed.
- [e] All applications shall include the name, address and signature of the owner or an authorized representative of the owner granting permission for the installation of the subject sign.
- [f] Permits will only be issued following the presentation of a refundable security deposit of \$100 which will be forfeited should it be necessary for City officials to remove a sign in violation of these provisions.

N. Nonconforming signs.

- (1) All signs erected prior to the enactment of this article or subsequent amendments, which are not in conformity with the provisions thereof, shall be deemed nonconforming signs. Nonconforming signs may continue, provided that such signs comply with the maintenance standards of § 202-83C.
- (2) Any change in a nonconforming sign or a conforming sign installed prior to the enactment of this article shall be made in strict compliance with the provisions of said article.

O. Abandoned signs. No person shall maintain or permit to be maintained on any premises owned or controlled by him or her, a sign which has been abandoned. An abandoned sign for the purpose of this article is a sign located on and/or related to the use of a property which becomes vacant and unoccupied; any sign which was erected for an occupant or business unrelated to the present occupant or business; or any sign which related to a time, event or purpose which is past. Any such sign shall be abated by the owner or person controlling the property within 30 days of the date of abandonment as herein defined. Any sign identifying an abandoned use, as provided for by this article, shall itself be considered to be abandoned.

P. Changeable Copy Signs

- (1) Changeable copy signs shall be permitted where specifically indicated as a permitted sign type within the district as outlined in § 202-84 through § 202-87. A changeable copy sign for the purpose of this article is a sign with the capability of content change by means of manual or remote input and includes the following types:
  - (a) Manually activated – Changeable sign whose message copy or content can be changed manually on a display surface.
  - (b) Electronically activated – Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or may be from an external light source designed to reflect off the changeable component display such as an electronic message center (EMC) sign.

- (2) An electronic message center (EMC) sign for the purpose of this article is an electronically activated changeable-copy sign whose variable message and/or graphic presentation capability can be electronically programmed by the computer from a remote location. EMC's typically use light emitting diodes (LEDs) as a lighting source.
- (3) Where permitted, changeable copy or electronic message center (EMCs) sign areas shall be in accordance with the standards as noted in said district.
- (4) A changeable copy or electronic message center (EMC) sign may be a portion of the total permitted sign area.
- (5) A changeable copy sign shall not be used for any off-site advertising or messages, other than public service information approved by the City.
- (6) Changeable copy or electronic message signs, where permitted, shall not obstruct traffic visibility, become a distraction to drivers or traffic hazard.
- (7) Specific standards for electronic message center (EMC) signs.
  - (a) All EMC signs shall have automatic dimming controls, via photo cell or software settings that adjusts the light emitted by the sign during ambient low light conditions and night so that it is compliant with the "sign illumination standards" allowed herein.
  - (b) In residential and historic districts, where permitted, EMC signs shall have a minimum display time of twelve (12) seconds with a transition time between messages and/or message frames limited to one (1) second. All dynamic frame effects or patterns of illusionary movement or similar movement are prohibited.
  - (c) In professional office districts, where permitted, EMC signs shall have a minimum display time of eight (8) seconds with a transition time between messages and/or message frames limited to three (3) seconds. These transitions may use fade, dissolve and/or other transition effects except those listed as prohibited in this article.
  - (d) In commercial and industrial districts where permitted, EMC signs shall have a display time of eight (8) seconds with a transition time between messaged and/or message frames imited to three (3) seconds. These transitions may use fade, dissolve and/or other transition effects except those listed as prohibited in this article.
  - (e) All illuminated signs must comply with a maximum luminance level of seven hundred fifty (750) cd/m<sup>2</sup> or Nits at least one-half hour before apparent sunset as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce for

the City's Geographic location and date. All illuminated signs may resume luminance levels appropriate for daylight conditions at the apparent sunrise, as determined by the NOAA.

- (f) Prior to the issuance of a permit for a changeable copy sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified above.
- (g) The following EMC display features and functions are prohibited: continuous scrolling and/or traveling, flashing, spinning, rotating, and similar moving effects.
- (h) All electrical equipment on a newly constructed EMC sign shall be UL listed and labeled.
- (i) All power to an EMC shall be supplied via underground carrier, inside approved conduit and shall be installed in accordance with the electric code.
- (j) EMC signs shall be properly maintained so that inoperative or improperly lighted bulbs do not impair the appearance and legibility of the sign. When malfunctioning, all EMC signs must then be turned off or display a blank screen.

Q. Sign permit procedures. The following procedures shall apply to the issuance of sign permits:

- (1) Application for a sign permit shall be made to the administrative officer on the forms provided by the City.
- (2) The application shall be accompanied by an accurate plot plan of the lot, scaled not greater than one inch equals 10 feet nor less than one inch equals 50 feet, that indicates the location of buildings, parking lots, driveways, landscaped areas and other pertinent data. On the plot plan shall be drawn the location of each existing or proposed sign. A color photograph, not less than three inches by five inches nor larger than eight inches by ten inches, shall be submitted for each sign presently existing on the site. A drawing to scale of each proposed sign, including the dimensions, colors, materials and method of attachment, shall be submitted.
- (3) Signs within a Historic Preservation District or on a historic site not within a district shall require an application for and approval of a certificate of appropriateness from the Planning Board upon recommendation of the Historic Preservation Commission in accordance with this article and Article XIII of this chapter.
- (4) If the sign permit applied for complies with the requirements of this article and has received a certificate of appropriateness, if so required, the administrative officer shall issue such permit within 14 days of application.

§ 202-84. Residential districts.

[Amended 12-14-2009 by Ord. 2110-09]

In all residential districts, the following signs only shall be permitted.

A. Signs for residential and institutional uses.

- (1) One freestanding residential sign shall be permitted per premises provided that such sign does not exceed a total area of four square feet or three feet in height.
- (2) One freestanding sign identifying a multifamily housing development shall be permitted on each street frontage that provides direct access to the property, provided that such sign does not exceed a total sign area along any one street of 32 square feet. Multifamily housing developments which exceed 400 feet of frontage on one street may erect one additional freestanding sign along that frontage, not to exceed 32 square feet.
- (3) One freestanding sign identifying an institutional use shall be permitted on each street frontage that provides direct access to the property, provided that such sign does not exceed a total sign area along any one street of 32 square feet. The freestanding sign may contain a changeable-copy or electronic message center (EMC) sign not to exceed 12 square feet in area, provided that the total sign area does not exceed 32 square feet.

B. Signs in accordance with § 202-83M of this article, excepting window signs.

C. Signs for nonresidential uses. Nonresidential uses in residential districts, excepting institutional uses hereinabove, shall be permitted signs in accordance with § 202-84A of this article.

D. Signs within an historic district or on an historic site shall comply with the design standards of § 202-87B.

E. Changeable copy or EMC signs where permitted, shall be in accordance with § 202-83P.

§ 202-85. Professional office districts.

[Amended 12-14-2009 by Ord. No. 2110-09]

In addition to those signs otherwise allowed in residential districts, the following signs shall be permitted in professional districts:

- A. One sign of six square feet, either freestanding or wall mounted, that identifies the business, profession, occupation or street address, or multiple users therein, of the property within the PO-1 District. The freestanding sign shall be set back at least eight feet from the street line or 12 feet from the curblin, whichever is greater, and such sign shall be set back at least 25 feet from the side property lines and 75 feet from any residential district. If a structure is located on more than one street, one freestanding sign may be erected along each frontage, provided that each meets all requirements of this section.

- B. One sign of eight square feet, either freestanding or wall mounted, that identifies the business, profession, occupation or street address, or multiple users therein, of the property within the PO-2 District. The freestanding sign shall be set back at least eight feet from the street line or 12 feet from the curblane, whichever is greater, and such sign shall be set back at least 25 feet from the side property lines and 75 feet from any residential district. If a structure is located on more than one street, one freestanding sign may be erected along each frontage, provided that each meets all requirements of this section.
- C. One directory sign, not to exceed six square feet and mounted at an entrance to the building that identifies the principals or associates of the firm, provided that no letters exceed three inches in height.
- D. Signs within an historic or on an historic site shall comply with the design standards of § 202-87B.

§ 202-86. Commercial, industrial and medical-hospital districts.

[Amended 11-28-2005 by Ord. No. 2015-05]

In the commercial, industrial and medical-hospital districts not in a historic district or site the following signs only shall be permitted:

- A. Freestanding sign. One freestanding sign may be erected on each street frontage that contains a minimum of 100 feet of lot frontage and with direct vehicular access from that street. The permitted sign area shall be two square feet of sign area for each linear foot of building frontage, or a maximum of 100 square feet, whichever is less. No such freestanding sign shall exceed 15 feet in height. For retail centers with multiple tenants, such freestanding sign shall only identify the center and not the tenants occupying such center. The freestanding sign may contain a changeable copy or electronic message center sign not to exceed 50% of the total sign area, or a maximum of 50 s.f., whichever is less.
- B. Facade sign. One facade sign may be erected facing each street frontage with direct vehicular access from that street. The permitted sign area shall be two square feet of sign area for each linear foot of building frontage, or a maximum of 100 square feet, whichever is less. For retail centers with multiple tenants, each individual store shall be permitted one facade sign not to exceed two square feet of sign area per linear front foot of store or 20 square feet, whichever is less.
- C. Canopy signs. The fascia of canopies erected to shelter exterior equipment may contain up to two signs; each sign shall not exceed 20 square feet in area.
- D. Changeable copy or electronic message center (EMC) signs where permitted, shall be in accordance with § 202-83P and 202-84A(3).
- E. Directional signs shall be permitted, provided that each sign does not exceed three square feet in area.
- F. Directory signs. One directory sign not to exceed six square feet shall be permitted at a main entranceway.
- G. Signs in accordance with § 202-83M of this article.

H. Time-and-temperature signs. Time-and-temperature signs shall be permitted in any district in which commercial uses are permitted, provided that they do not encompass more than 20% of the allowable sign area for the type of sign upon which they are placed. Time and temperature signs shall be permitted in addition to any other allowable signage for the property. Time and temperature signs where permitted, shall be in accordance with § 202-83P.

I. Portable signs shall be permitted only for retail uses. A maximum of one portable sign may be erected in front of a retail business that has direct pedestrian access to a public sidewalk. Portable signs may be within a public right-of-way; however, in no case shall they be farther than one-half (1/2) foot from the front building wall. Said signs shall not exceed three feet in width and four feet in height. In no case shall a portable sign block or impede the free flow of pedestrian traffic on any public sidewalk. Portable signs shall not be internally or externally illuminated.

§ 202-87. Commercial districts within historic district.

In commercial districts in an historic district or on an historic site, the following signs only shall be permitted:

A. Freestanding sign. One freestanding sign may be erected in the front yard of a lot or parcel. No sign shall exceed 12 square feet in area or exceed four feet in height.

B. Facade sign. One facade sign may be erected facing each street frontage. The permitted sign area shall be two square feet of sign area for each linear foot of building frontage, or a maximum of 48 square feet, whichever is less.

C. Changeable copy except for electronic message center (EMC) signs shall be permitted only for institutional uses in accordance with § 202-83P and § 202-86A.

D. Directory signs. One directory sign not to exceed six square feet shall be permitted at a main entranceway, rear entranceway or stair access to upper floors.

E. Projecting signs. One projecting sign per establishment, perpendicular to the building frontage and oriented towards pedestrian traffic, may be erected. Such sign shall be at least eight feet above the sidewalk or front yard and shall not exceed six square feet in area. Projecting signs may overhang a right-of-way.

F. Menu signs. Restaurants or other eating establishments may erect one facade sign for the placement of a menu or other bill of fare, provided that the sign does not exceed four square feet in area.

[Amended 12-14-2009 by Ord. No. 2110-09]

G. Awning signs. Signs on awnings shall be considered facade signs for the purposes of this section. The following standards shall apply:

[Amended 12-14-2009 by Ord. No. 2110-09]

(1) Awnings shall extend no farther than possible as a self-supporting structure (no visible vertical support poles or columns), shall be compatible with the building window treatment and shall not dominate the building elevation where such structure is proposed. All awnings shall be coordinated and compatible with other existing or proposed awnings and canopies on the building. Signage is to be placed

on the front valance portion of the awning structure only; for non-fabric-type canopies, signage may be located along the upper edge of the front portion of the canopy in a manner that is compatible and complementary to the design and appearance of the building on which it is located.

(2) Awning signs shall not be internally illuminated.

(3) Awning signs shall be regularly cleaned and kept free of dust and visible defects.

H. Signs in accordance with § 202-83M of this article.

[Amended 12-14-2009 by Ord. No. 2110-09]

I. Portable signs shall be permitted only for retail uses. A maximum of one portable sign may be erected in front of a retail business that has direct pedestrian access to a public sidewalk. Portable signs may be within a public right-of-way; however, in no case shall they be farther than 1/2 foot from the front building wall. Said sign shall not exceed three feet in width and four feet in height. In no case shall a portable sign block or impede the free flow of pedestrian traffic on any public sidewalk. Portable signs shall not be internally or externally illuminated.

[Amended 12-14-2009 by Ord. No. 2110-09]

§ 202-88. Design guidelines; standards for historic districts.

[Amended 12-14-2009 by Ord. No. 2110-09]

Signs erected in any historic district or on an historic site not located within a district shall conform to the following design guidelines and standards. In this section, guidelines are overall principles to be used in the design of signs. Standards are to be followed in the placement and design of signs unless specifically waived by the Planning Board upon recommendation of the Historic Preservation Commission.

A. Design guidelines.

(1) Signs should strengthen the architectural diversify of the City's buildings. Signs which obscure or ignore a building's architecture should be avoided.

(2) Signs should be appropriate for the era in which the building was constructed.

(3) Signs should not alter the way in which a building functions. Signs should not block light into a building.

(4) Signage should be integrated with a building's architecture in terms of form, materials and size.

(5) Designers should strive for creativity in the form and variety of signage within the size limitations set forth herein.

(6) Designers should include symbols, images and other objects to convey the type of establishment using the sign.

(7) The typeface used to represent words should convey the character of the establishment.

B. Design standards.

(1) Facade sign locations. The following facade sign locations are recommended in the historic district.

(a) Single-story commercial buildings: the parapet wall above the glass storefront.

(b) Two- or more story commercial buildings: the wall above the glass storefront but below the window sills of the second floor. If there are projecting cornices or beltlines separating the first and second stories, the facade sign should be placed below them.

(c) Commercial buildings converted from residences: next to the first-floor doorway or window, below any porch or added mansard roof between the first and second floors.

(2) Freestanding sign location. Freestanding signs should be set back from the sidewalk five feet, or 10 feet from the curb line if there is no sidewalk.

(3) Projecting sign locations. Projecting signs for first-floor establishments should be just below the second-floor windows. Projecting signs for second floor establishments should be located above the second-story windows. Third-story establishments should place projecting signs in the same location as second-story establishments but separated horizontally by at least 15 feet.

(4) Contrast. The contrast of a sign's lettering and symbols with its background should be sharp to convey legibility.

(5) Sign complexity. Facade and freestanding signs oriented towards motorists should convey no more than seven items of information. More complex signage should be limited to projecting signs.

(6) Sign materials.

(a) Sign materials shall relate to the architectural style of the building. Where modern buildings are designed to evoke an earlier era, signage shall reflect that age. The following sign materials are recommended:

[1] Pre-World War I: painted or carved, smooth-surfaced wood; carved stone; cast brass; tinned and smithed metal; and gold-leafed lettering.

[2] World War I to 1940: any of the above, plus individual wood or metal letters on building facade.

[3] 1940 to 1960: any of the above, plus neon signs.

[4] 1960 to present: any of the above, plus internally illuminated individual letters and sandblasted wooden signs.

(b) Consideration will be given to other sign materials or to more modern signage materials for older buildings, provided that the purposes of the design guidelines are maintained.

(7) Illumination. In general, internally illuminated signs are discouraged. Illumination should be accomplished through external floodlights trained on the sign face.

(a) Facade and freestanding signs. Indirect lighting is required. Internally illuminated box signs and individual letter signs with translucent faces are prohibited. Internally illuminated reverse channel letter signs are permitted.

(b) Projecting signs. Internal illumination of a projecting sign is prohibited.

(c) General.

- [1] Any illuminated sign located on any building, which sign is adjacent to a residential use or zone, shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m.
- [2] Lighting for signage may be on a timer.
- [3] External light sources shall be directed and shielded to limit direct illumination of any object other than the sign.
- [4] Internally illuminated sign boxes or individual letter signs with translucent faces are prohibited. Internally illuminated reverse-channel-letter-type signs are permitted. The use of light-emitting diodes (LEDs) for such signs is encouraged.
- [5] Externally illuminated signs shall be lit only by downward-pointing shielded fixtures where 90% of the light emitted from such fixtures is shone directly on the face of the sign. Wall-mounted gooseneck-type lighting fixtures are encouraged.
- [6] No exposed sign illumination and no floodlighting of signs or storefronts shall be permitted.
- [7] All wiring associated with signs shall be installed and maintained so as not to be in view of the public. Wiring shall, under no circumstances, be installed within conduits attached to the face of any building.
- [8] Any light fixture used to illuminate a sign shall be compatible in design with the architecture of the principal building to which it is attached.
- [9] Upward lighting of signs and canopies or awnings is prohibited.
- [10] Exposed bulbs or tubing, including neon, are prohibited, unless it conforms with building architecture.
- [11] The light from an illuminated sign shall be steady in nature, not flashing, moving or changing in brilliance, character, color, degree, intensity, location and type of illumination, and shall be the minimum necessary to provide for the readability of the proposed sign without shedding further illumination on nearby buildings, especially residential buildings or units in the vicinity of the sign.
- [12] Light sources shall utilize energy-efficient fixtures to the greatest extent possible.
- [13] Burned out lamps, failing ballasts or other necessary electrical components shall be replaced within two weeks.

**PASSAGE.** This Ordinance shall become effective immediately upon passage and publication as required by law.

**THE FOREGOING** was introduced by the City Council of the City of Woodbury at its regular meeting held on February 27, 2012. This Ordinance will be considered for adoption at final reading and public hearing to be held on \_\_\_\_\_ at 7:30 P.M. or at such time as may be determined and announced, in City Hall, Council

Chambers, 2<sup>nd</sup> Floor, 33 Delaware Street, Woodbury, New Jersey, at which time and place all persons interested will be given the opportunity to be heard concerning said Ordinance. During the time prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the City Clerk's office to the members of the general public who may request same.

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**HEATHER S. TIERNEY**  
**President of Council**

**ATTEST**

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**ROY A. DUFFIELD**  
**Clerk**

**APPROVED**

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**HARRY R. RISKIE**  
**Mayor**

5

# Electronic Message Center (EMC) Signs

MCKENNA

## SIGNS

# Electronic Message Centers

**PROBLEM:** Many ordinance do not adequately address electronic message center (EMC) signs regarding brightness and message changes

## HOW TO ADDRESS:

- Consider permitting EMCs by district
- Frequency of message changes
  - ✓ Once per hour will effectively prohibit EMC's
  - ✓ Once per 8 seconds is permitted by the MHAA
- Message animation limits
- Limits on brightness
- Limits square footage



Add'l References:  
*Night-time Brightness Level Recommendations for On-Premise EMCs*, International Sign Assoc.  
<https://www.signs.org/EMCs>  
*Michigan Sign Guidebook*, Scenic Michigan

## SIGNS

# Electronic Message Centers

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### LOCATIONS TO CONSIDER PERMITTING:

- Commercial Zoning Districts (will they be prohibited in the central business district?)
- Commercial Corridors (will they be prohibited in historic/downtown areas?)
- Within automobile-oriented areas (e.g., expressways)
- Outside of a certain distance from residential districts
- On property owned by the municipality
- Proximity to other EMCs



## SIGNS

# Electronic Message Centers

## ILLUMINATION LIMITS TO CONSIDER

- **Nits vs. Footcandles** – ISA recommends measuring by footcandles

## FOOTCANDLES VS. NITS: WHICH MEASUREMENT IS BETTER?

This document recommends communities adopt illumination measurements in footcandles as compared to nits. Here are a few reasons why more than 200 localities and many state departments of transportation have adopted the footcandle measurement for EMCs:

### FOOTCANDLES

Measures illuminance

Accounts for ambient light conditions

Luxmeter measuring device \$100

“Twilight” measurement possible

Measures light impact and appearance

Works with roadway lighting standards

Easier to check and enforce

### NITS

Measures luminance

Measures only the amount of brightness emitted

Luminance spectrometer (nit gun) - \$1,000

Does not allow adjustment based on ambient light

Does not measure appearance

Difficult to measure accurately

Difficult to enforce

SIGNS

# Electronic Message Centers

## ILLUMINATION LIMITS TO CONSIDER (FOOTCANDLES)

- Michigan Highway Advertising Act limits digital billboards at **0.3 footcandles** over ambient light, measured at specific distances.
- ISA also recommends a limit **of 0.3 footcandles** over ambient light. ISA has a recommended formula for measuring footcandles over ambient light for signs less than 300 sq. ft.

Sign Area	Distance at Which to Measure Luminescence
300 sq. ft. or less	150 feet
301-378 sq. ft.	200 feet
379-671 sq. ft.	250 feet
672 sq. ft. or greater	350 feet

Source: Michigan Highway Advertising Act

## SIGNS

# Electronic Message Centers

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## ILLUMINATION LIMITS TO CONSIDER (NITS)

- Many communities limit daytime nits to ambient light levels, but some place a number (e.g., 10,000 nits)
- Nighttime levels can vary by community, but many are generally limited at 700 nits. Some communities adjust nit levels based on color (e.g., lower for red because of visibility)
- Regulating by nits requires the community to be knowledgeable of the technology and diligent about reviewing specifications at the time a sign permit is approved.



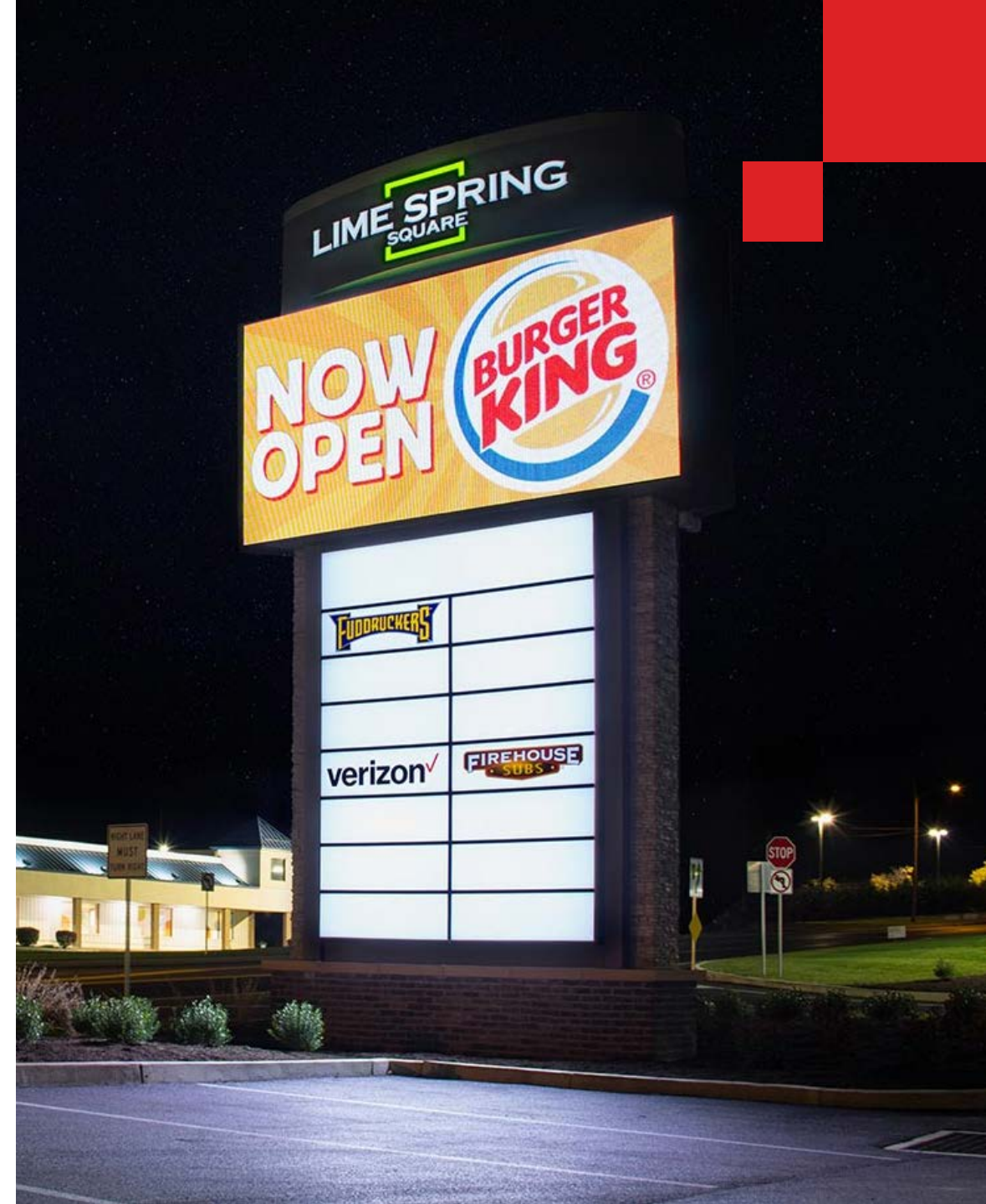
## SIGNS

# Electronic Message Centers

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## LAST THOUGHTS ON ILLUMINATION

- Require all EMC's to be equipped with a **sensor** or other device that automatically determines ambient illumination and programmed to **automatically dim** according to ambient light conditions or a footcandle/nit level.
- Automatic dimming is required by MHAA and recommended by ISA.



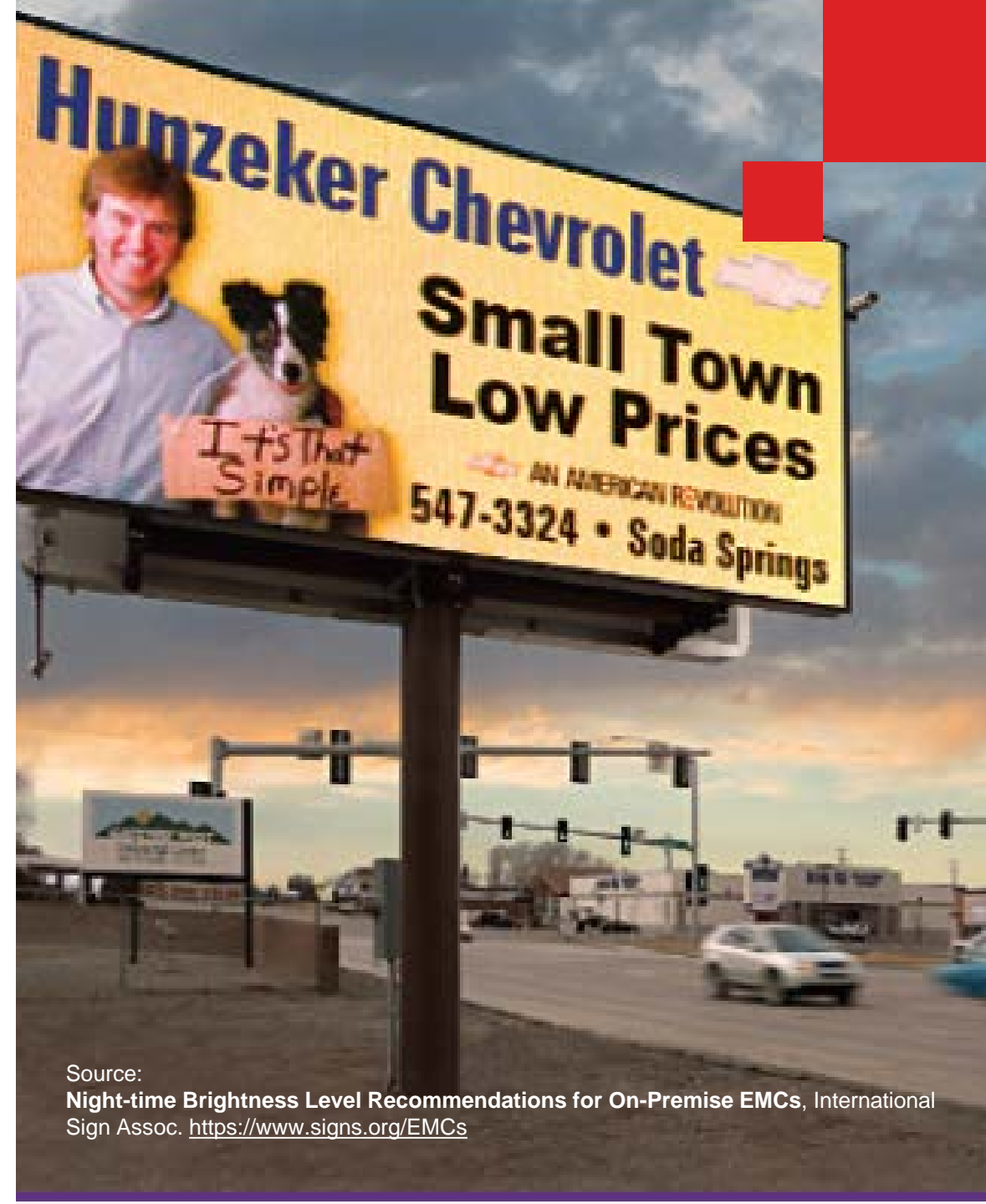
## SIGNS

# Electronic Message Centers

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## CONSIDERATIONS FOR MESSAGE CHANGES:

- Have a **limit on the message change frequency**.
- Michigan Highway Advertising Act allows 1 change per 8 seconds for billboards, with each change being complete in 1 second or less.
- Either require static, instantaneous message change **or** have regulations for flashing, scrolling, fading, dissolving, osculating, spinning, twirling, video display, and other motion.



Source:

Night-time Brightness Level Recommendations for On-Premise EMCs, International Sign Assoc. <https://www.signs.org/EMCs>

**SIGNS**

# Electronic Message Centers

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**FINAL THOUGHTS ON EMCS**

- Consider limiting to a certain number per lot (e.g., 1 EMC per lot)
- Consider limiting area of a sign to be EMC (e.g., Not more than 50% of a permanent sign may be EMC)
- Consider prohibiting EMCs on certain signs (e.g., EMC's shall be prohibited on wall signs)
- Consider limits on height
- Work with local stakeholders, including business owners, industry representatives, police department, DDA, etc.

# Regulating Electronic Message Centers Planning Webcast Series

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VITAL SIGNS, VIBRANT COMMUNITIES.

Mike Freeborg - Prismview

James Carpentier, AICP, International Sign Association (ISA)

July 22, 2016

# Common Questions

- What are electronics signs?
- How do we strike a balance between their use and community aesthetics?
- How do we allow them without:
  - Looking like Las Vegas?
  - Negatively impacting community safety?
- How do we regulate them in ways that are understandable and enforceable?
- Impact of EMCs and regulation on users?

# Key things to know:

- They can operate in a broad range of capabilities
- The software that controls the displays allows the end user to follow local sign codes easily...

# Key things to know:

- They can operate in a broad range of capabilities
- The software that controls the displays allows the end user to follow local sign codes easily...

# IF

**the sign codes are easy to  
understand**

# The “That One Sign” Problem

## “THAT ONE SIGN”.....

- is too bright
- is too animated
- is too \_\_\_\_\_.



# Resolving The “That One Sign” Problem



A. Dispel the biggest myths and concerns that drive regulatory decisions around these signs

- B. Understand and Address the Six Key Regulatory Distinctions:
1. **Brightness**
  2. Message hold times
  3. Transition method
  4. Transition duration
  5. Area / Square Footage
  6. Regulating EMCs post Reed vs Town of Gilbert

# Common Concern #1

“These signs will make our community  
look like Las Vegas.”

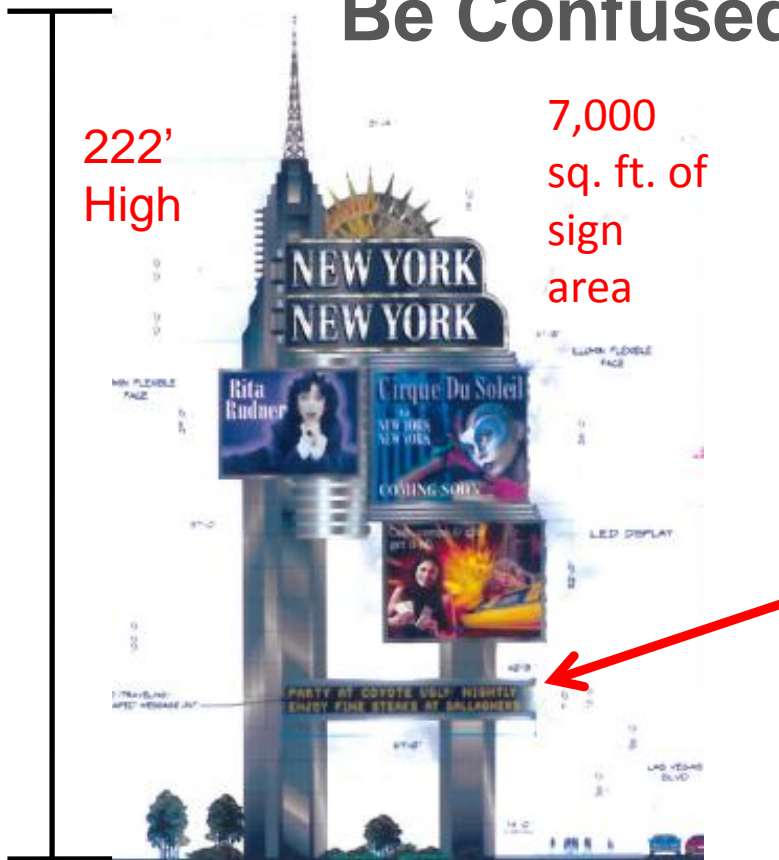
**There's no comparison.  
Let's take a closer look.**



INTERNATIONAL  
SIGN ASSOCIATION

[www.signs.org](http://www.signs.org)

# Trust Us: Your Community Will NEVER Be Confused with Las Vegas



New York, New York Pylon  
Las Vegas Strip



INTERNATIONAL  
SIGN ASSOCIATION

[www.signs.org](http://www.signs.org)

# Trust Us: Your Community Will NEVER Be Confused with Las Vegas

222'  
High

7,000  
sq. ft. of  
sign  
area



New York, New York Pylon  
Las Vegas Strip



Harmon: 18,300 sq ft



INTERNATIONAL  
SIGN ASSOCIATION

[www.signs.org](http://www.signs.org)

# Trust Us: Your Community Will NEVER Be Confused with Las Vegas



What's allowed in  
your community?

New York, New York Pylon  
Las Vegas Strip



INTERNATIONAL  
SIGN ASSOCIATION

[www.signs.org](http://www.signs.org)

## Common Concern #2

“The mere presence of these signs will distract drivers, and cause more accidents.”

### The Truth:

**Studies show there is NO causal relationship between these signs and accident rates.**

Distraction vs. Danger



INTERNATIONAL  
SIGN ASSOCIATION

[www.signs.org](http://www.signs.org)

# Statistical Analysis of the Relationship Between On-Premise Digital Signage and Traffic Safety

H. Gene Hawkins, Jr., Ph.D., P.E.

- Associate Professor and Research Engineer,  
Zachry Department of Civil Engineering,  
Texas A&M University

# Statistical Analysis of the Relationship Between On-Premise Digital Signage and Traffic Safety

## Background:

- Study examined data over a four-year period at 130 locations in four states.

## Key Finding:

- “We did not find a statistically significant impact.”

## Study Weblink:

- <http://www.signs.org/planners>

# VTTI Study: “Driving Performance and Digital Billboards” - 2007

## Key Facts:

- » Participants drove in instrumented vehicle on a 50 mile loop in Cleveland
- » Participants were not informed about true purpose of test
- » Special equipment measured eye glances toward digital billboards and other comparison targets
- » Goal: Measure duration of eye glances



# VTTI Study: “Driving Performance and Digital Billboards” - 2007

## Key Findings:

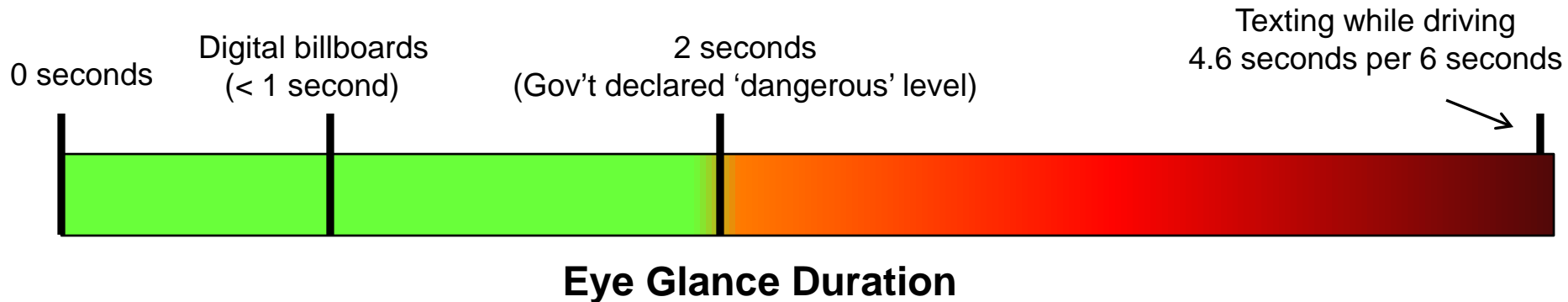
- » The mean glance duration towards digital billboards was less than one second, both day and night



# VTTI Study: “Driving Performance and Digital Billboards” - 2007

## Key Findings:

- » The mean glance duration towards digital billboards was less than one second, both day and night
- » In comparison: Texting = mean glance duration of 4.6 seconds during 6 second period.



# Recently Released FHWA Study

- Intent:
  - Measure possible affects of digital billboards on driver attention, distraction and safety
- Approach:
  - Approached research from a human factors perspective, much like Virginia Tech study
- Release Date:
  - December 27, 2013

# FHWA Study

- Key Findings
  - Mean eye glance far less than 1 second
  - “The presence of CEVMS did not appear to be related to a decrease in looking toward the road ahead.”
  - “The results did not provide evidence indicating that CEVMS, as deployed and tested in the two selected cities, were associated with unacceptably long glances away from the road.”

# Common Concern #3

“If we DO allow these signs, we should require long message **hold times** (> 1 min), because that is the only way our community will tolerate these signs”

## The Truth:

A community's negative emotional reaction is *almost always* more associated with improperly regulated ***brightness***.



# Effectiveness of Using Hold Time Examples

- Message hold times are one of the most difficult regulatory distinctions to discuss.
- Recommendation: Use visual examples like the following to demonstrate hold times

SIMULATION OF 30 SECOND  
HOLD TIME WITH A  
'DISSOLVE' TRANSITION

*Hometown  
Grocery*

Large  
Avacados  
5 \$5  
FOR



INTERNATIONAL  
SIGN ASSOCIATION

[www.signs.org](http://www.signs.org)

SIMULATION OF 10 SECOND  
HOLD TIME WITH A  
'DISSOLVE' TRANSITION

*Hometown  
Grocery*

**FLU SHOTS**

H1N1 shots now available

**\$15**



INTERNATIONAL  
SIGN ASSOCIATION

[www.signs.org](http://www.signs.org)

# Examples of Different Hold Times

Please visit: [www.signs.org/planners](http://www.signs.org/planners)  
for examples of 30, 10, 5 and 3 second hold times.

Use them for:

- Internal staff discussion
- Planning commission
- Council meetings
- They save time and agony when discussing this topic

Consider other factors like allowable sign size, setbacks, etc when discussing hold times.

# Common Concern #4

“EMCs are way too bright. They will shine in people’s living rooms, cause accidents, etc.”

## The Truth:

Only *improperly regulated or unregulated* EMCs are way too bright.

There are now well established brightness guidelines that address this issue. Adopt these guidelines and you will NOT have dancing lights in living rooms.



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SIGN ASSOCIATION

[www.signs.org](http://www.signs.org)



# Finding Common Ground

- On EMC and Digital Sign Issues

- *Planning and Zoning Considerations*



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# The Six Key Regulatory Issues

- **Brightness**
- Message Hold Time
  - How long a single message is visible
- Transition Method (a.k.a. the “Frame Effect”)
  - How the message changes to the next
- Transition Duration
  - How long that change takes
- Area or Square Footage of EMC
  - % of allowable sq. ft.
- Regulating EMC’s Post Reed vs. Town of Gilbert
  - Content neutrality

# Regulatory Issue #1 – **Brightness**

- Brightness
  - How bright the sign is
- Regulatory Considerations
  - It is all relative....



# Brightness

## Illuminance

- Measured in **footcandles**; meters are inexpensive (<\$100); easier to check and enforce

## Luminance

- Measured in **nits** or candelas per square meter, meters are very expensive (approx \$3,000); difficult to enforce.

# ISA's Recommended Brightness Guidelines



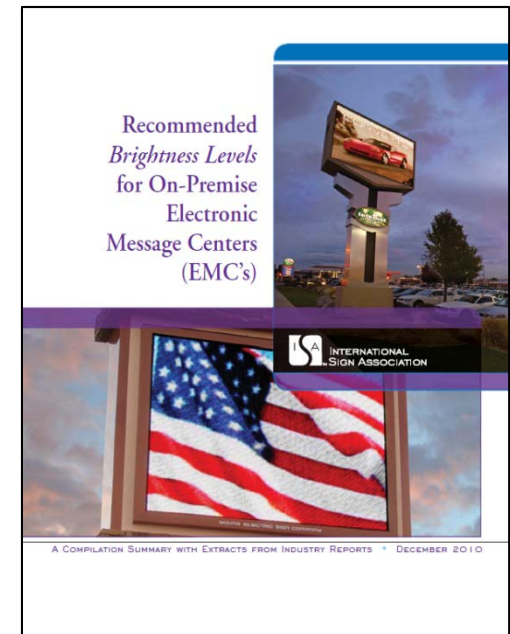
Developed by Dr. Ian Lewin, a renowned lighting expert with over 30 years experience in lighting science.

Developed solely for EMCs and are not applicable for traditional signs

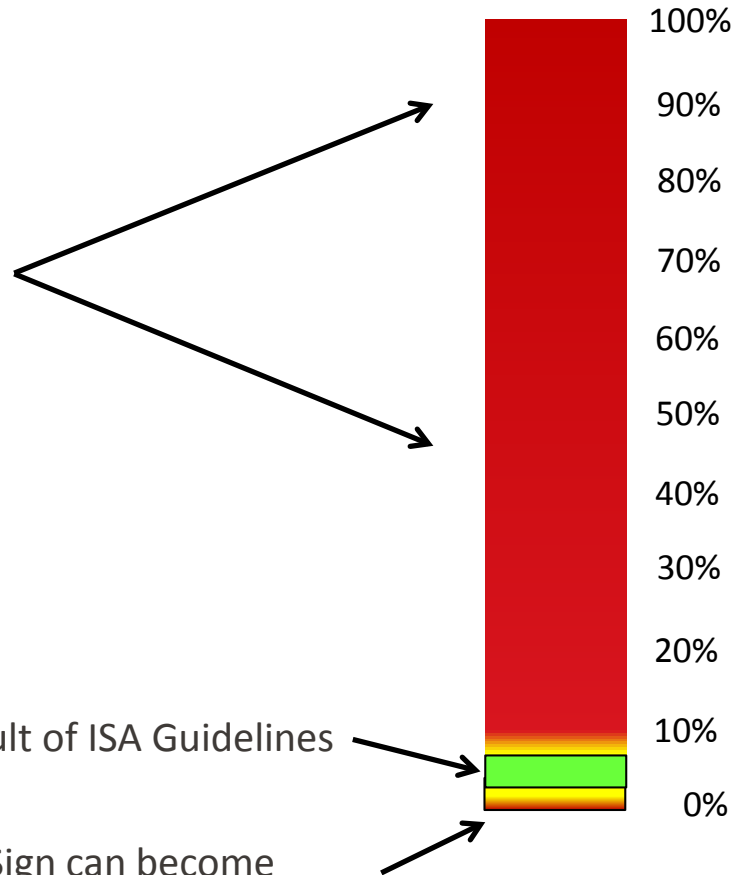
Over 170 jurisdictions (8 state DOT's) have adopted

# Brightness

- ***Regulatory Considerations***
  - Auto-dimming is a must:
    - “All EMCs shall be equipped with technology that automatically dims the electronic message center according to ambient light conditions.”
  - Primary Brightness Guideline:
    - “To ensure that EMCs are sufficiently visible but not overly bright, it is recommended that EMCs not exceed **0.3 footcandles** over ambient lighting conditions when **measured at the recommended distance, based on the EMC size.**”



# Nighttime Brightness



Result of ISA Guidelines

Sign can become difficult to read

# Daytime Brightness

- Some jurisdictions have adopted daytime brightness limitations that are not effective



Field testing in Pittsburg  
EMC is set at 2500 nits

We do not recommend  
daytime brightness  
controls

# Regulatory Issue #2 – Message Hold Time

- Message Hold Time
  - How long a message must remain fixed in place before it can transition to another message
- Business Impact:
  - The shorter the hold time, the more beneficial for the user/business
    - Allow businesses to ‘cast a wider net’
    - Provide the ability to communicate sequential messages (directions, event times, etc.)

# Regulatory Issue #2 – Message Hold Time

## Sequential Messages and Hold Times:



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[www.signs.org](http://www.signs.org)

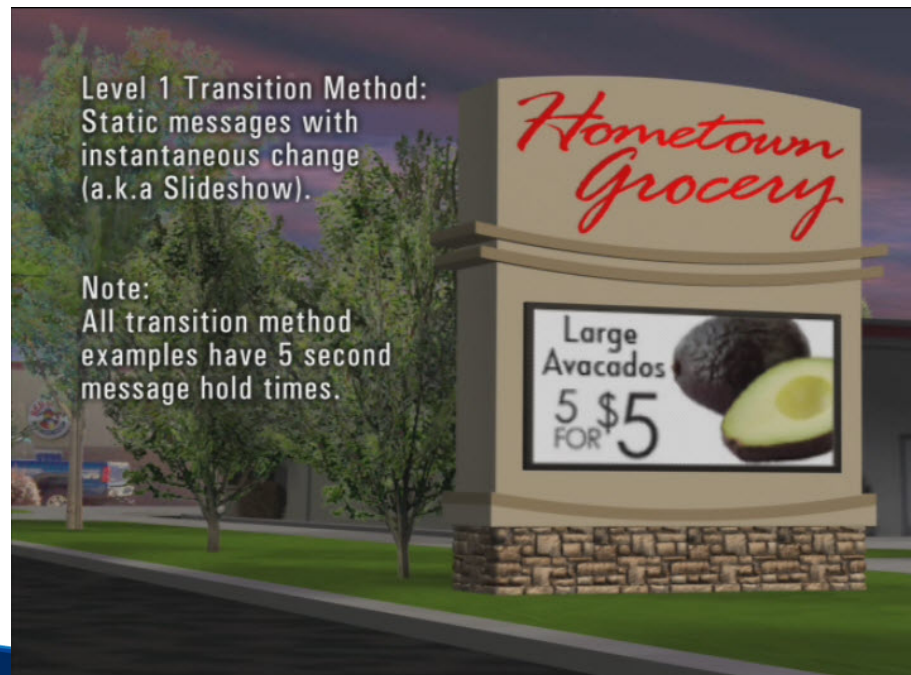
# Regulatory Issue #2 – Message Hold Time

- **Business Impact:**
  - Consider what problem you are trying to solve before regulating hold times
  - Retroactively regulating this area may create legal issues
- **Safety Concerns?**
  - Safety studies demonstrate EMC's do not create a safety problem
- **Provide examples...**

# Regulatory Issue #3 – Transition Method

- **Transition *Method***
  - How one message transitions to the next message (not a timing issue)

Static/instant  
transition:



Level 1 Transition Method:  
Static messages with  
instantaneous change  
(a.k.a Slideshow).

Note:  
All transition method  
examples have 5 second  
message hold times.



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Level 2 Transition Methods:  
"Fade" or "Dissolve"

Note:  
All transition method  
examples have 5 second  
message hold times.



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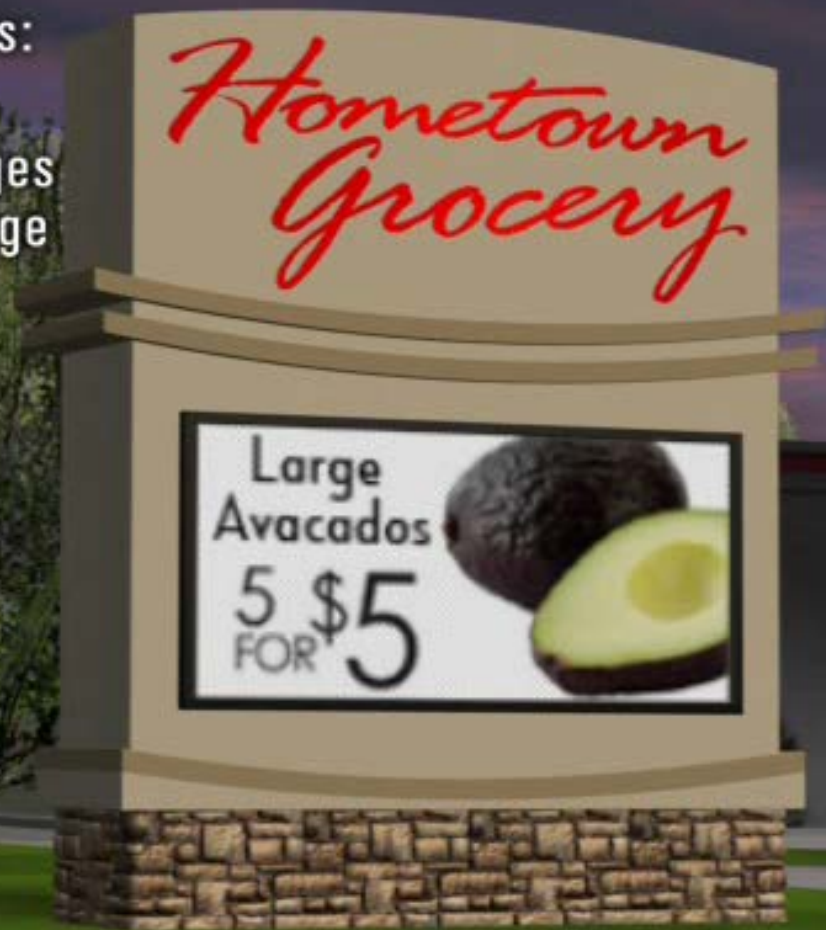
[www.signs.org](http://www.signs.org)

### Level 3 Transition Methods:

A display, normally with static images, with messages that appear to move, change in size, or are revealed sequentially.

#### Note:

All transition method examples have 5 second message hold times.



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Level 4 Transition Method:  
Full motion video or  
constant animation



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[www.signs.org](http://www.signs.org)

# Regulatory Issue #3 – Transition Method

- ***Regulatory Considerations***
  - After evaluating options, have a discussion about what works best for your community
  - Keep in mind that there may be distinctions in permitted transition methods based on zoning districts
    - Downtown Districts
    - General Commercial Districts
    - Highway Commercial Districts



# Regulatory Issue #3 – Transition Method

- ***Regulatory Considerations***

- Use definitions when describing permitted or prohibited transition methods

E. TRANSITION METHOD or FRAME EFFECT – a visual effect applied to a MESSAGE to transition from one MESSAGE to the next. TRANSITION METHODS include, but are not limited to the following:

(i) DISSOLVE – a Frame Effect accomplished by varying the light intensity or pattern, where the first Frame gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second Frame.

- Be careful to revise traditional language that may conflict with the proposed EMC sign provisions

# Regulatory Issue #4 – Transition Duration

- Transition Duration
  - How long it takes the transition method/frame effect to go from one message to the next.
- Regulatory Considerations
  - Keep transition to one second or less to minimize community complaints.

# Regulatory Issue # 5 - Area of EMC

- Some jurisdictions choose to limit the square footage of EMCs differently than static signs
- This is often a result of a 'That One Sign' concern

# Regulatory Issue # 5 - Area of EMC

## Considerations

- Same as static signs
- Vary the allowable square footage based on the zoning district
  - Neighborhood districts more restrictive
  - General Business less restrictive



# Regulatory Issue # 5 - Area of EMC



Usually at least 50% or more is needed to allow for logo, call to action & imagery.

# Regulatory Issue # 6 – Regulating EMC's post Reed vs. Town of Gilbert

- Content neutrality is essential now
  - Color limitations
  - Alphanumeric limitations
  - Sequential messaging



- Time, Place and Manner



# Another Key Consideration: *Where EMCs Are Allowed*

- Restrictions are almost always based on 'That One Sign' concerns
- Consider the zoning district:
  - What EMC regulation will change based on district (are they allowed at all, size, use)?
  - Will the sign be across from or adjacent to residential areas?
- If brightness is *properly* regulated, digital can be within a few hundred feet of residential with no 'dancing lights'

# Proximity to Residential Zones

- This example: 200' to nearest residential lot, 150' to adjacent lot



# General Considerations

- **The community must engage businesses and users as much as residents.**
- **Education and visualization is key for community education on EMCs.**
  - Utilize images and videos (good and bad)
  - Use local or regional examples as much as possible
  - Have information on the various studies on safety
  - Economic studies / impacts of regulation

# Initiating Change

- **A business may be the one to get the ball rolling**
- **Take a proactive approach**
  - Meet with businesses and sign representatives
  - Find out what are the issues (brightness, timing, appearance, etc.?)
  - Offer to facilitate an educational meeting with the elected and planning officials and/or the public
  - Important to engage a stakeholders group on sign changes

# Planning and Zoning Considerations

- **Education and illustration**
  - Easiest way to dispel most EMC misunderstandings and engage the public
  - Use videos and illustrations as much as possible
- **Understand the issues**
  - Focus on the sticking points for EMCs
  - Most likely related to the issues discussed today
- **Consider the zoning district:**
  - What EMC regulation will change based on district?
  - Context

# Planning and Zoning Considerations

- **Do not suggest copying legislation outright**
  - Every community is different – cannot copy and paste
- **Model regulations are available**
  - While a community should not copy outright, they are full of useful definitions and guidance for drafting new regulations
- **Recommend special administration options**
  - Prior to permit issuance signed affidavit



# Planning and Zoning Considerations

- **Avoid color-based or text-based regulations**
  - Could be 1<sup>st</sup> Amendment/Reed issues related to content neutrality
  - Lanham Act/Trademark infringement issues





# Finding Common Ground

- *Understanding the Impact on Digital Sign Users*

# Economic Impacts of LED Signs



## Understanding The Economic Value of On-Premise Signs

Presented at National Signage Research and Education  
Conference (NSREC) – October, 2012

# Economic Impacts of LED Signs



**Chuck Anderson**



- Car dealer outside of Kansas City
- Added EMC March, 2011
- Goals:
  - Increase auto sales, and increase service work
  - Enhance dealership's reputation in the community
- Signage strategy:
  - 70% advertising for new car sales and service
  - 30% civic event promotion
- Economic Impact:
  - 30% increase in auto sales
  - 80% increase in service work

# Impact on Multi-Tenant Retail



- Gives better visibility to *all* tenants.
- Makes sign easier to read
- Makes shopping center retail space more marketable.



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# The Impact of EMCs: City of Centennial, CO



The city of Centennial, CO began to allow digital signs in 2011.  
Learn of their experience in a video you can find at  
[www.signs.org/planners](http://www.signs.org/planners).

# Community-at-Large Benefits

- 1.They increase sales tax revenue.
- 2.They reduce blight by making businesses more viable.
- 3.They can reduce sign clutter.



# Community-at-Large Benefits



- 1.They increase sales tax revenue.
- 2.They reduce blight by making businesses more viable.
- 3.They can reduce sign clutter.
- 4.They make unreadable signs readable.
- 5.They almost always look better than static readerboards.

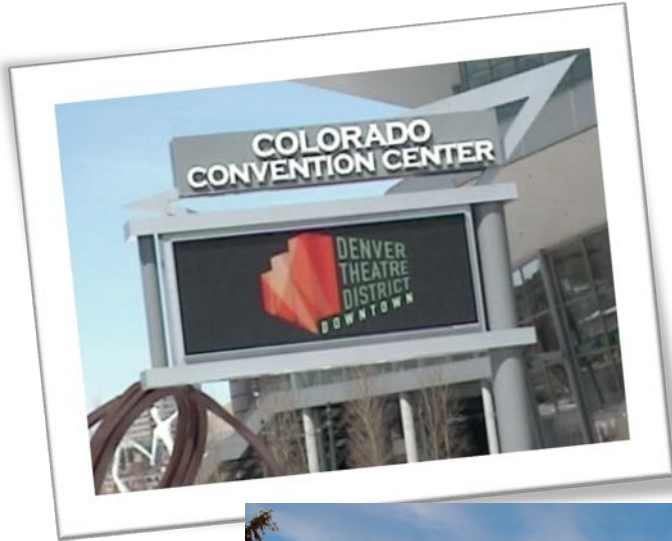


# Community-at-Large Benefits



- 1.They increase sales tax revenue.
- 2.They reduce blight by making businesses more viable.
- 3.They can reduce sign clutter.
- 4.They make unreadable signs readable.
- 5.They almost always look better than static readerboards.
- 6.They can communicate Public Service Announcements (PSA's).

# Community-at-Large Benefits



- 1.They increase sales tax revenue.
- 2.They reduce blight by making businesses more viable.
- 3.They can reduce sign clutter.
- 4.They make unreadable signs readable.
- 5.They almost always look better than static readerboards.
- 6.They can communicate Public Service Announcements (PSA's).
- 7.They can be a symbol of community vitality.

Questions?

Contact:

***Mike Freeborg***

Prismview

(303) 748-6712

[mfreeborg@prismview.com](mailto:mfreeborg@prismview.com)

***James Carpenter, AICP***

International Sign Association (ISA)

(480) 773-3756

[James.carpentier@signs.org](mailto:James.carpentier@signs.org)



## Administrative Sign Approval Application Planning Division

Form will not be processed until it is completely filled out

### 1. Applicant

Name: BALDWIN House  
Address: 200 Chester  
Bham, MI 48009  
Phone Number: 248-540-4555  
Fax Number: 248-540-4227  
Email: executive director@baldwinhousebham.com

### Property Owner

Name: Schwartz + Co  
Address: 3707 Maple  
Bloomfield Hills MI 48301  
Phone Number: 248-644-2761  
Fax Number: 248-644-6837  
Email: \_\_\_\_\_

### 2. Applicant's Attorney/Contact Person

Name: PAT LODISH  
Address: 200 Chester  
Bham MI 48009  
Phone Number: 248-540-4555  
Fax Number: 248-540-4227  
Email: Above

### Project Designer

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
Email: \_\_\_\_\_

### 3. Project Information

Address/Location of Property: \_\_\_\_\_  
Name of Development: \_\_\_\_\_  
Parcel ID #: \_\_\_\_\_  
Current Use: \_\_\_\_\_  
Area in Acres: \_\_\_\_\_  
Current Zoning: \_\_\_\_\_

Name of Historic District site is in, if any: \_\_\_\_\_  
Date of HDC Approval, if any: \_\_\_\_\_  
Date of Application for Preliminary Site Plan: \_\_\_\_\_  
Date of Preliminary Site Plan Approval: \_\_\_\_\_  
Date of Application for Final Site Plan: \_\_\_\_\_  
Date of Final Site Plan Approval: \_\_\_\_\_  
Date of Revised Final Site Plan Approval: \_\_\_\_\_

### 4. Attachments

- Two (2) folded paper copies of plans
- Authorization from Owner(s) (if applicant is not owner)
- Material Samples
- Digital Copy of plans

### 5. Details of the Request for Administrative Approval

Flag on A Small Pole (Temporary)

### 6. Location of Proposed Signs

\_\_\_\_\_

### 7. Type of Sign(s)

Wall: \_\_\_\_\_  
Ground: ☒ \_\_\_\_\_  
Projecting: \_\_\_\_\_

Canopy: \_\_\_\_\_  
Building Name: \_\_\_\_\_  
Post-mounted Projecting: \_\_\_\_\_

**8. If a wall sign, indicate wall to be used:**

Front: \_\_\_\_\_  
Left side: NA

Rear: \_\_\_\_\_  
Right side: \_\_\_\_\_

**9. Size of Sign**

Width: \_\_\_\_\_  
Depth: \_\_\_\_\_  
Height of lettering: \_\_\_\_\_

Height: \_\_\_\_\_  
Total square feet: \_\_\_\_\_

**10. Existing signs currently located on property**

Number: 1  
Square feet per sign: \_\_\_\_\_

Type(s): \_\_\_\_\_  
Total square feet: \_\_\_\_\_

**11. Materials/Style**

Metal: \_\_\_\_\_  
Plastic: \_\_\_\_\_  
Color 1 (including PMS color #): \_\_\_\_\_  
Additional colors (including PMS color #): \_\_\_\_\_

Wood: \_\_\_\_\_  
Glass: \_\_\_\_\_  
Color 2 (including PMS color #): \_\_\_\_\_

**12. Sign(s) Read(s):** Health Fair July 13: 10 - 4 pm

**13. Sign Lighting**

Type of lighting proposed: NA  
Size of light fixtures (LxWxH): \_\_\_\_\_

Number proposed: \_\_\_\_\_  
Height from grade: \_\_\_\_\_

Maximum wattage per fixture: \_\_\_\_\_  
Location: \_\_\_\_\_

Proposed wattage per fixture: \_\_\_\_\_  
Style (include specifications): \_\_\_\_\_

**14. Landscaping (Ground signs only)**

Location of landscape areas: \_\_\_\_\_

Proposed landscape material: \_\_\_\_\_

Front of Bldg.

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes to the approved site plan.

Signature of Applicant: Pat Lush

Date: 6-14-19

Office Use Only			
Application #:	<u>PAA19-0065</u>	Date Received:	<u>6/14/19</u>
Date of Approval:	<u>6/19/19</u>	Date of Denial:	<u>NA</u>
		Fee:	<u>\$100.00</u>
		Reviewed by:	<u>[Signature]</u>



--	--	--	--	--	--



### CONSENT OF PROPERTY OWNER

I, Birmingham LDHA LP, OF THE STATE OF Michigan AND COUNTY OF  
(Name of property owner)

Oakland STATE THE FOLLOWING:

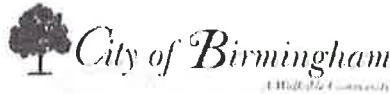
1. That I am the owner of real estate located at 200 Chester Street;  
(Address of affected property)
2. That I have read and examined the Application for Administrative Approval made to the City of Birmingham by:  
Baldwin House;  
(Name of applicant)
3. That I have no objections to, and consent to the request(s) described in the Application made to the City of Birmingham.

Dated: 6-17-19

Joseph E. Schwartz Authorized  
Owner's Name (Please Print) Representative

[Signature]  
Owner's Signature

**APPROVED**  
7/8/19  
PAA19-0119



## Administrative Sign Approval Application Planning Division

Form will not be processed until it is completely filled out

### 1. Applicant

Name: Trademark Building Company Inc-Tony McGuckin  
Address: 1949 Rochester Industrial Drive

Phone Number: 248.941.5178

Fax Number:

Email: mcg.props@gmail.com

### Property Owner

Name: Trademark Building Company Inc-Tony McGuckin  
Address: 1949 Rochester Industrial Drive

Phone Number: 248.941.5178

Fax Number:

Email: mcg.props@gmail.com

### 2. Applicant's Attorney/Contact Person

Name:  
Address:

Phone Number:

Fax Number:

Email:

### Project Designer

Name: MCE Signs  
Address: 13335 15 Mile Rd. #199  
Sterling Heights, MI 48312

Phone Number: 313.792.8580

Fax Number:

Email: general@mcesigns.com

### 3. Project Information

Address/Location of Property: 212 Bird Avenue  
Birmingham, MI 48009

Name of Development:

Parcel ID #: 1936456002

Current Use: Residential

Area in Acres: .12 acres

Current Zoning: 401-Residential, Improved

Name of Historic District site is in, if any:  
Date of HDC Approval, if any:  
Date of Application for Preliminary Site Plan: 02/19/2019  
Date of Preliminary Site Plan Approval: 04/01/2019  
Date of Application for Final Site Plan: 06/01/2019  
Date of Final Site Plan Approval: 06/01/2019  
Date of Revised Final Site Plan Approval: 06/01/2019

### 4. Attachments

- Two (2) folded paper copies of plans
- Authorization from Owner(s) (if applicant is not owner)
- Material Samples
- Digital Copy of plans

### 5. Details of the Request for Administrative Approval

New construction/real estate sign with contact information

### 6. Location of Proposed Signs

In front yard of home to be constructed

### 7. Type of Sign(s)

Wall:

Ground: ground sign

Projecting:

Canopy:

Building Name:

Post-mounted Projecting:

CITY OF BIRMINGHAM  
Date 07/08/2019 3:20:04 PM  
Ref 00160498  
Receipt 491824  
Amount \$100.00

**8. If a wall sign, indicate wall to be used:**

Front: \_\_\_\_\_  
Left side: \_\_\_\_\_

Rear: \_\_\_\_\_  
Right side: \_\_\_\_\_

**9. Size of Sign**

Width: 3 feet  
Depth: 1/2 inch  
Height of lettering: Varies

Height: 4 feet  
Total square feet: 12 square feet

**10. Existing signs currently located on property**

Number: \_\_\_\_\_  
Square feet per sign: \_\_\_\_\_

Type(s): \_\_\_\_\_  
Total square feet: 12 sq feet

**11. Materials/Style**

Metal: \_\_\_\_\_  
Plastic: \_\_\_\_\_  
Color 1 (including PMS color #): Black  
Additional colors (including PMS color #): Red Pantone 200

Wood: 1/2 inch MDO with vinyl laminated print mounted on one side only  
Glass: \_\_\_\_\_  
Color 2 (including PMS color #): white

**12. Sign(s) Read(s):** \_\_\_\_\_

**13. Sign Lighting**

Type of lighting proposed: n/a  
Size of light fixtures (LxWxH): \_\_\_\_\_

Number proposed: \_\_\_\_\_  
Height from grade: \_\_\_\_\_

Maximum wattage per fixture: \_\_\_\_\_  
Location: \_\_\_\_\_

Proposed wattage per fixture: \_\_\_\_\_  
Style (include specifications): \_\_\_\_\_

**14. Landscaping (Ground signs only)**

Location of landscape areas: n/a

Proposed landscape material: \_\_\_\_\_

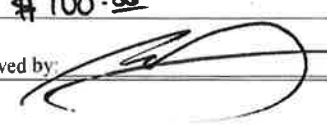
The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes to the approved site plan.

Signature of Applicant: \_\_\_\_\_

*Tony McGuckin, Trademark Building Co*

dotloop verified  
07/01/19 2:08 PM EDT  
0C2X-UAB1-YFM0-NIE7

Date: \_\_\_\_\_

Application #: <u>PAA19-0119</u>	Office Use Only Date Received: <u>7/2/19</u>	Fee: <u>\$100.00</u>
Date of Approval: <u>7/8/19</u>	Date of Denial: <u>N/A</u>	Reviewed by: 



# SIGN PROOF

3'



212Bird.com

- Unique modern Design
- 2,250 Square Feet
- 3 Bed | 2.5 Bath | 2 car garage
- Luxury finishes throughout
- Open Floor Plan
- 2<sup>nd</sup> Floor laundry

**kw. | DOMAIN**  
LUXURY HOMES INTERNATIONAL  
200 S. Old Woodward Suite 200 | Birmingham

CHRISTINA  
GENNARI  
248.550.4788

4'

2'

2'

Ground

APPROVED  
7/8/19  
RAA-0119

APPROVED

6/17/19  
PAA19-0067



City of Birmingham  
(Wallable Community)

## Administrative Sign Approval Application

### Planning Division

Form will not be processed until it is completely filled out

#### 1. Applicant

Name: INTERCITY NEON  
Address: PO BOX 3762  
CENTERLINE, MI 48015  
Phone Number: 586-754-6020  
Fax Number: 586-754-7436  
Email: donna@intercityneon.com

#### 2. Applicant's Attorney/Contact Person

Name: INTERCITY NEON  
Address: \_\_\_\_\_  
Phone Number: 586-754-6020  
Fax Number: \_\_\_\_\_  
Email: donna@intercityneon.com

#### 3. Project Information

Address/Location of Property: 260 E. BROWN  
Name of Development: \_\_\_\_\_  
Parcel ID #: \_\_\_\_\_  
Current Use: \_\_\_\_\_  
Area in Acres: \_\_\_\_\_  
Current Zoning: \_\_\_\_\_

#### 4. Attachments

- Two (2) folded paper copies of plans
- Authorization from Owner(s) (if applicant is not owner)
- Material Samples
- Digital Copy of plans

#### 5. Details of the Request for Administrative Approval

INSTALL NEW NON-ILL. WALL SIGN 11.97 SQUARE FEET  
(SITE OF OLD WUNDERLICH SIGN AGE)

#### 6. Location of Proposed Signs

FRONT WALL

#### 7. Type of Sign(s)

Wall: X  
Ground: \_\_\_\_\_  
Projecting: \_\_\_\_\_

#### Property Owner

Name: 260 EAST BROWN STREET ASSOCIATES LLC  
Address: 1528 WOODWARD STE 300  
DETROIT, MI 48226  
Phone Number: 313-765-1685  
Fax Number: 248-794-3732  
Email: STURTON@BRODERSACHSE.COM

#### Project Designer

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
Email: \_\_\_\_\_

Name of Historic District site is in, if any: \_\_\_\_\_  
Date of HDC Approval, if any: \_\_\_\_\_  
Date of Application for Preliminary Site Plan: \_\_\_\_\_  
Date of Preliminary Site Plan Approval: \_\_\_\_\_  
Date of Application for Final Site Plan: \_\_\_\_\_  
Date of Final Site Plan Approval: \_\_\_\_\_  
Date of Revised Final Site Plan Approval: \_\_\_\_\_

CITY OF BIRMINGHAM  
Date 06/17/2019 9:35:18 AM  
Ref 00159834  
Receipt 488698  
Amount \$100.00

**8. If a wall sign, indicate wall to be used:**

Front: X  
Left side: \_\_\_\_\_

Rear: \_\_\_\_\_  
Right side: \_\_\_\_\_

**9. Size of Sign**

Width: 7'-6 3/4"  
Depth: 1/4"  
Height of lettering: 19" & 15"

Height: 19"  
Total square feet: 11.97

**10. Existing signs currently located on property**

Number: 3  
Square feet per sign: \_\_\_\_\_

Type(s): WALL  
Total square feet: \_\_\_\_\_

**11. Materials/Style**

Metal: X BRONZE  
Plastic: \_\_\_\_\_  
Color 1 (including PMS color #): BRONZE  
Additional colors (including PMS color #): \_\_\_\_\_

Wood: \_\_\_\_\_  
Glass: \_\_\_\_\_  
Color 2 (including PMS color #): —

**12. Sign(s) Read(s):** VARNUM

**13. Sign Lighting**

Type of lighting proposed: NONE  
Size of light fixtures (LxWxH): \_\_\_\_\_

Number proposed: \_\_\_\_\_  
Height from grade: \_\_\_\_\_

Maximum wattage per fixture: \_\_\_\_\_  
Location: \_\_\_\_\_

Proposed wattage per fixture: \_\_\_\_\_  
Style (include specifications): \_\_\_\_\_


**14. Landscaping (Ground signs only)**

Location of landscape areas: N/A

Proposed landscape material: \_\_\_\_\_

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes to the approved site plan.

Signature of Applicant: Donna M Hoke Date: 6-12-19

Office Use Only		
Application #: <u>PAA19-0067</u>	Date Received: <u>6/18/19</u>	Fee: <u>\$100.00</u>
Date of Approval: <u>6/17/19</u>	Date of Denial: <u>N/A</u>	Reviewed by: 



## CONSENT OF PROPERTY OWNER

I, 260 East Brown Street Associates LLC OF THE STATE OF Michigan AND COUNTY OF

(Name of property owner)

Oakland STATE THE FOLLOWING:

1. That I am the owner of real estate located at 260 E. Brown Street / Birmingham MI  
(Address of affected property)
2. That I have read and examined the Application for Administrative Approval made to the City of Birmingham by:  
Intercity Neon  
(Name of applicant)
3. That I have no objections to, and consent to the request(s) described in the Application made to the City of Birmingham.

Dated: 10/10/2019

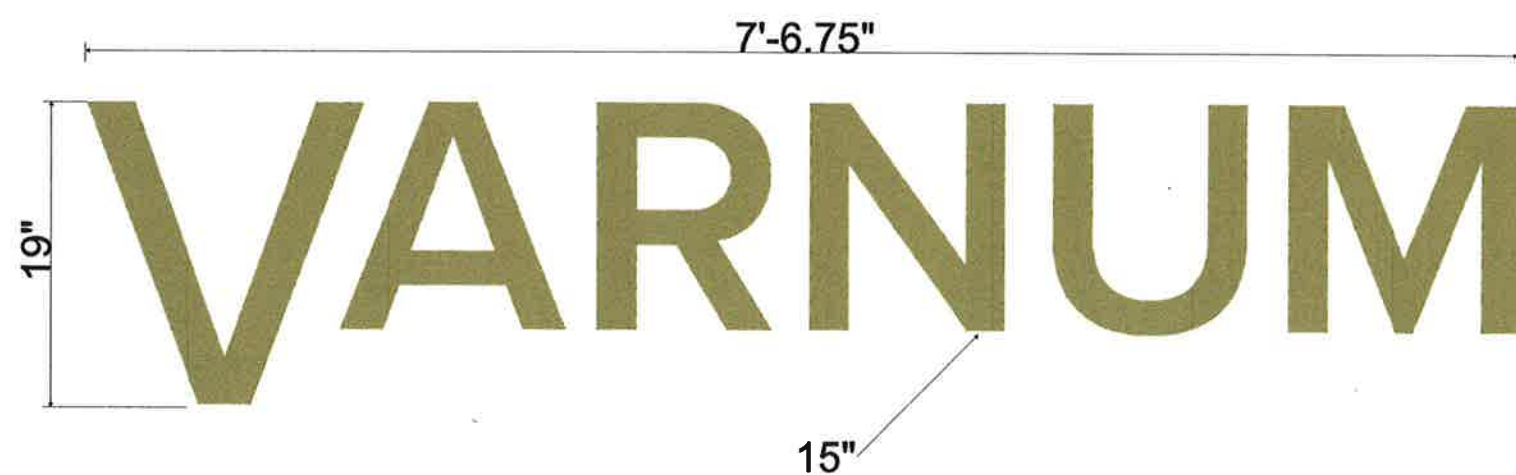
[Signature]  
Owner's Name (Please Print)

Richard Broder, Manager for property owner  
Owner's Signature

APPROVED  
6/17/19  
PAA-19-0067



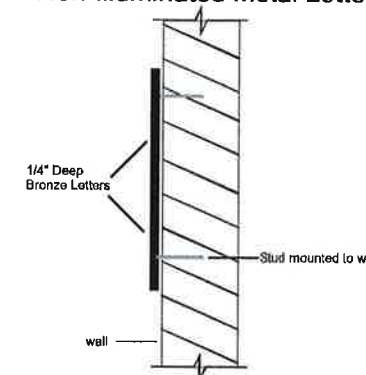
86'-0" -- Scale: 1/8" = 1'-0"



Scale: 1" = 1'-0"

260 E. Brown Street  
Birmingham, MI

Non Illuminated Metal Letters



Side Elevation - No Scale

Proposed New Sign  
All others existing



INTERCITY NEON  
P.O. Box 3762  
Centerline, MI 48015  
ph: 586-754-6020  
fax: 586-754-7436

[www.intercityneon.com](http://www.intercityneon.com)

6-7-19



CITY OF BIRMINGHAM  
Date 06/27/2019 12:03:01 PM  
Ref 00160253  
Receipt 490290  
Amount \$100.00

## Administrative Sign Approval Application Planning Division

Form will not be processed until it is completely filled out



### 1. Applicant

Name: Allen Chika  
Address: 3522 Woodward Ave.  
Birmingham  
Phone Number: 248-642-9911  
Fax Number: \_\_\_\_\_  
Email: \_\_\_\_\_

### Property Owner

Name: Chang Park  
Address: 894 S. Adams  
Phone Number: 248-644-2460  
Fax Number: \_\_\_\_\_  
Email: \_\_\_\_\_

### 2. Applicant's Attorney/Contact Person

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
Email: \_\_\_\_\_

### Project Designer

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
Email: \_\_\_\_\_

### 3. Project Information

Address/Location of Property: 894 S. Adams  
Name of Development: \_\_\_\_\_  
Parcel ID #: \_\_\_\_\_  
Current Use: \_\_\_\_\_  
Area in Acres: \_\_\_\_\_  
Current Zoning: \_\_\_\_\_

Name of Historic District site is in, if any: \_\_\_\_\_  
Date of HDC Approval, if any: \_\_\_\_\_  
Date of Application for Preliminary Site Plan: \_\_\_\_\_  
Date of Preliminary Site Plan Approval: \_\_\_\_\_  
Date of Application for Final Site Plan: \_\_\_\_\_  
Date of Final Site Plan Approval: \_\_\_\_\_  
Date of Revised Final Site Plan Approval: \_\_\_\_\_

### 4. Attachments

- Two (2) folded paper copies of plans
- Authorization from Owner(s) (if applicant is not owner)
- Material Samples
- Digital Copy of plans

### 5. Details of the Request for Administrative Approval

Wall Sign  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### 6. Location of Proposed Signs

Storefront

### 7. Type of Sign(s)

Wall: CI  
Ground: \_\_\_\_\_  
Projecting: \_\_\_\_\_

Canopy: \_\_\_\_\_  
Building Name: \_\_\_\_\_  
Post-mounted Projecting: \_\_\_\_\_

8. If a wall sign, indicate wall to be used:

Front: X  
Left side: \_\_\_\_\_

Rear: \_\_\_\_\_  
Right side: \_\_\_\_\_

9. Size of Sign

Width: 83" W  
Depth: \_\_\_\_\_  
Height of lettering: 14"

Height: 16"  
Total square feet: 9.2

10. Existing signs currently located on property

Number: \_\_\_\_\_  
Square feet per sign: \_\_\_\_\_

Type(s): \_\_\_\_\_  
Total square feet: \_\_\_\_\_

11. Materials/Style

Metal: X  
Plastic: \_\_\_\_\_  
Color 1 (including PMS color #): \_\_\_\_\_  
Additional colors (including PMS color #): \_\_\_\_\_

Wood: \_\_\_\_\_  
Glass: \_\_\_\_\_  
Color 2 (including PMS color #): \_\_\_\_\_

12. Sign(s) Read(s): PARKS

13. Sign Lighting

Type of lighting proposed: Led Intermg  
Size of light fixtures (LxWxH): \_\_\_\_\_

Number proposed: 2  
Height from grade: \_\_\_\_\_

Maximum wattage per fixture: \_\_\_\_\_  
Location: \_\_\_\_\_

Proposed wattage per fixture: \_\_\_\_\_  
Style (include specifications): \_\_\_\_\_

14. Landscaping (Ground signs only)

Location of landscape areas: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed landscape material: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes to the approved site plan.

Signature of Applicant: [Signature] Date: \_\_\_\_\_

Application #: <u>PAA19-0116</u>	Office Use Only Date Received: <u>6/27/19</u>	Fee: <u>\$ 100.00</u>
Date of Approval: <u>6/27/19</u>	Date of Denial: <u>N/A</u>	Reviewed by: <u>[Signature]</u>



## CONSENT OF PROPERTY OWNER

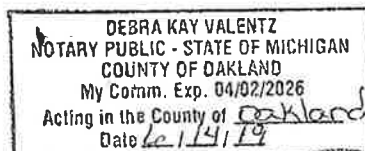
I, Chong Kyu Park, OF THE STATE OF Michigan AND COUNTY OF Oakland STATE THE FOLLOWING:

1. That I am the owner of real estate located at 894 S. Adams Rd; (Address of affected property)
2. That I have read and examined the Application for Administrative Approval made to the City of Birmingham by: \_\_\_\_\_; (Name of applicant)
3. That I have no objections to, and consent to the request(s) described in the Application made to the City of Birmingham.

Dated: 6-14-19

Chong Kyu Park  
Owner's Name (Please Print)

[Signature]  
Owner's Signature



**APPROVED**

6/27/19

PA+19-0116

Site Address  
894 S. Adams

**RECEIVED**  
JUN 27 2019  
CITY OF BIRMINGHAM  
COMMUNITY DEVELOPMENT DEPARTMENT

22' Building front

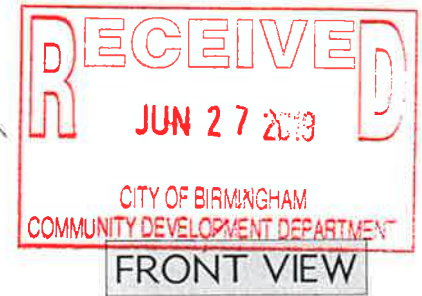
83"

16" **PARKS**

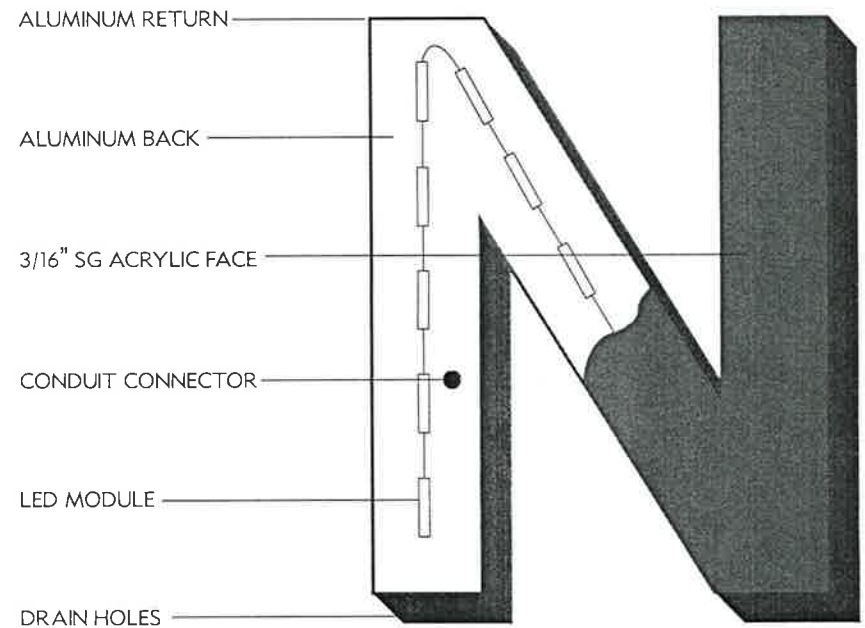
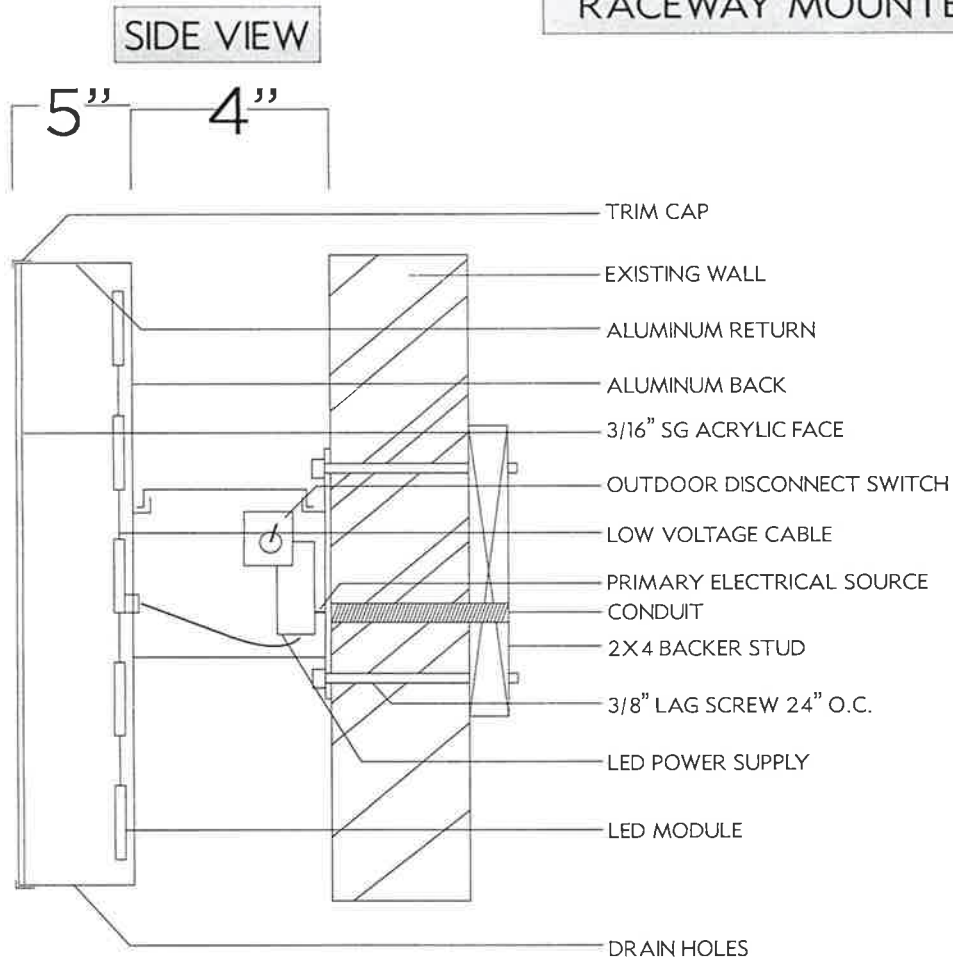
12' Clearance

20' Building height

Google



**RACEWAY MOUNTED CHANNEL LETTER**



**APPROVED**  
6/27/19  
PAA19-0116