ORDINANCE NO. 1607

AN ORDINANCE TO AMEND TITLE VIII, BUILDING REGULATIONS, OF CHAPTER 99, SIGNS, OF THE CODE OF THE CITY OF SOUTHFIELD BY DELETING CHAPTER 99 AND INSERTING IN LIEU THEREOF A NEW CHAPTER 99, SIGNS.

THE CITY OF SOUTHFIELD ORDAINS:

SECTION 1.

THE CODE OF THE CITY OF SOUTHFIELD IS HEREBY AMENDED BY DELETING CHAPTER 99, ENTITLED "SIGNS", OF TITLE VII, ENTITLED "BUILDING REGULATIONS", AND INSERTING IN LIEU THEREOF A NEW CHAPTER 99, ENTITLED "SIGNS", WHICH SHALL BE AS FOLLOWS:

CHAPTER 99 SIGNS

ARTICLE I. TITLE; PURPOSE

Section 8.31. Short Title

This Chapter may be cited as the City of Southfield 2013 Sign Ordinance.

Section 8.32. Findings and Purpose

It is hereby determined that proliferation of signs in the City is unduly distracting to motorists and pedestrians, creates a traffic hazard, and reduces the effectiveness of signs needed to direct and warn the public. It is also determined that the appearance of the City is marred by proliferation of signs. It is also determined that proliferation of signs restricts light and air. It is also determined that proliferation of signs negatively affects property values. It is also determined that proliferation of signs results in an inappropriate use of land. The purpose of this Ordinance is to control the occurrence and size of signs in order to reduce the aforementioned negative effects. It is also determined that the regulations contained in this Ordinance are the minimum amount of regulation necessary to achieve its purposes. It is also determined that restrictions in this Ordinance on the size of signs, their height and placement on real estate, are the minimum amount necessary to achieve its purposes.

ARTICLE II. DEFINITIONS

Section 8.33. Definitions

(1) Abandoned Sign: A sign which no longer identifies or advertises a valid business, service, lessor, owner, product or activity.

(2) Area of a Sign: The surface area of a sign shall be measured and defined by the area of common geometric shapes which enclose the extreme limits of individual letters, words, symbols or message of the sign 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. Combinations of common geometric shapes shall be limited to five (5) per sign. In those cases where signs are composed of other than common geometric shapes, the area shall be determined by straight lines drawn closest to the extremities encompassing the message. When a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back and at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area.

(3) Awning Sign: A shelter projecting from and supported by an exterior wall of a building, covered with fabric or vinyl on supporting framework, upon which a sign is directly applied.

(4) Banner Sign: A sign made of fabric or any nonrigid material with no enclosing framework.

(5) Building Official: Director of the department of building and safety engineering.

(6) Bulletin Board: A sign which displays the name of an institution, school, library, community center, fraternal lodge, golf course, religious institution, country club, park or other recreational facility, and which displays announcements.

(7) Changeable Copy Sign: Lettering, wording or symbols which may be altered manually to draw attention to any one (1) or more services, prices or products of the site on which the sign is located.

(8) Development: A development shall be considered one or more uses within a building or buildings using common parking facilities.

(9) Directional Sign: A sign, the sole purpose of which is to expedite the flow of vehicular and pedestrian traffic to, from and within a development site.

(10) Electrical Sign Inspection Tag: A tag obtained from the City of Southfield Building Department which displays the date and approval of an electrical inspection.

(11) Electronic Changeable Copy Sign: A sign whose alphabetic, pictographic or symbolic information can be changed or altered on a fixed display surface composed of electronically illuminated or mechanically driven changeable segments.

(12) Festoon Sign: A string of pennants, ribbons, streamers, pinwheels or any other similar material which is hung or strung for the purpose of drawing attention to a site or items on display.

(13) Flashing Sign: A sign that is intermittently illuminated or reflects light intermittently from either an artificial source or from the sun.

(14) Frontage: The side of the building or tenant space with the main entrance which is no more than thirty (30) degrees askew from parallel to the public right of way. For a parcel, the portion of the parcel boundary between the front building line and the public right of way.

(15) Garden Ground Sign: A sign mounted directly to the ground with no exposed columns, uprights or braces and where the top of the sign measured from grade does not exceed a height of five (5) feet. Such sign shall be placed in the required landscaped area and located so as not to restrict the vision of pedestrians or vehicular traffic to, from or within the development.

(16) Ground Support Sign: A free standing sign supported by one (1) or more columns, uprights or braces, placed permanently in, or upon, the ground and not attached to any building and where the top of the sign measured from grade does not exceed a height of fifteen feet (15') unless expressly provided otherwise within this chapter. Said columns, uprights or braces must be enclosed within a covering which is a minimum of 50% of the width of the sign and must be made of a durable material such as masonry, metal or other material consistent with materials utilized in the façade of the building approved by the building department. Such sign shall be placed within a landscaped area approved by the planning department.

(17) Height (sign): The height of a sign shall be measured from the average ground level within (5) feet of the base of the sign to the highest point of the sign.

(18) High Rise Building: A Building having occupied floors located more than fifty five (55) feet above the lowest level of fire department vehicle access. This definition does not apply to communication or water towers or other accessory type structures customarily incidental to the primary use.

(19) Major Thoroughfare: Any street with an existing or proposed right-of-way greater than sixty six (66) feet (20.1168 meters).

(20) Master Sign Plan: A master plan of signage used in a development indicating the maximum square footage and locations of all wall signs, ground support signs, garden ground signs, and all other signs within the development.

(21) Moving Sign: A sign that has motion either constantly or at intervals, or that gives the impression of motion, characteristics of running, blinking, scintillating, or expanding and contracting light patterns, whether or not such illumination is reflected from an artificial source or from the sun.

(22) Nonconforming Sign: Any sign which was lawfully erected and maintained prior to the effective date of this Chapter and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this Chapter, or a sign for which a variance was granted that does not comply with the provisions of this Chapter.

(23) Parapet wall: the section of a wall at the edge of a roof and extending beyond the height of the roof.

(24) Parasitic Sign: A sign that is attached and subordinate to a lawful sign or sign structure.

(25) Plaza: A development of three (3) or more uses sharing one (1) parking lot and having common ingress and egress.

(26) Political Sign: A sign relating to the election of a person to public office or relating to a matter to be voted upon at an election called by a public body.

(27) Portable Signs: A sign calling attention to special events, sales, services or new attractions through the use of a portable sign which may be internally lit, and/or have changeable copy and/or a bulletin board surface. These signs may be portable by virtue of being part of a trailer, attached to wheels, or of a lightweight nature being easily transportable. Such signs shall also include inflatable advertising balloons typically tethered to a building or to the ground and are kept inflated by mechanical means.

(28) Product price sign. A sign designed to advertise fuel prices for gasoline stations. A Product Price Sign may be mechanically or remotely operated if all of the following conditions are met:

a) If illuminated, the Product Price Sign shall not be illuminated with exposed or a visible lighting source;
b) Any mechanical parts shall be hidden from view behind opaque or translucent panels;
c) The numerical digits shall not consist of an exposed light source;
d) Changes in the numerical digits must be complete within ten (10) seconds and no more than two (2) changes shall occur in an hour;
e) A Product Price Sign shall be attached to a Ground Support Sign only.
f) Notwithstanding anything provided in this subsection (25) A) through E), a product price sign may be mechanically or remotely operated utilizing l.e.d. lighting if all of the following conditions are met:

i) Changes must appear instantaneous as perceived by the human eye without any special effects and no more than one change per minute.

ii) No such sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (lux) meter at a preset distance depending on sign area. The measurement distance shall be calculated with the following formula: the square root of the product of the sign area and one-hundred.

example using a 12 square foot sign:

measurement distance = $\sqrt{(12 \text{ sq. ft.} \times 100)} = 34.6$

Light measurement shall be taken with the meter aimed directly at the sign message face, or the area of the sign emitting the brightest light.

iii) No such sign shall be operated unless a mechanism able to automatically adjust the display's illuminative brightness according to ambient light conditions by means of a light detector/photo cell by which the sign's brightness shall be dimmed.

iv) No such sign shall be operated unless a written certification from a sign manufacture or other approved testing agency that the light intensity has been preset to conform to the brightness and display standards established herein and that the preset levels are protected from end user manipulation by password protected software or other method. An annual inspection shall be performed by the sign inspector and certificate of compliance shall be issued.

v) Said sign shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.

vi) Said sign shall be equipped with a non-glare panel covering the l.e.d. display or other equivalent method approved by the city to substantially reduce glare.

(29) Public Sign: A sign, noncommercial in nature and erected in the public interest by, or on the order of, a public officer duly authorized by the City in the performance of his public duty such as official or legal notices, safety signs, traffic signs, memorial plaques, signs of historical interest and other signs similar in character to the above and without regard to permits or zoning district.

(30) Real Estate Sign: A temporary sign, the intent of which is to make known that the lot or development upon which the sign is located is for sale, rent or lease.

(31) Roof Sign: Any sign erected or mounted on the roof or supported by the roof and extending above the height of the building.

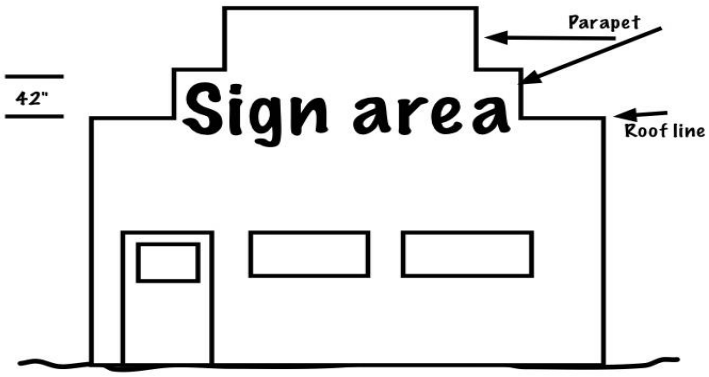
(32) Setback (sign): Setback of a sign shall be the shortest distance measured from the public right of way to any portion of the sign or its supporting structure. All signs shall have a minimum setback of two (2) feet from the property line, and shall conform to the requirements of Section 8.36.

(33) Sign: The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as to show an individual, firm, profession, business, product or message and visible to the general public.

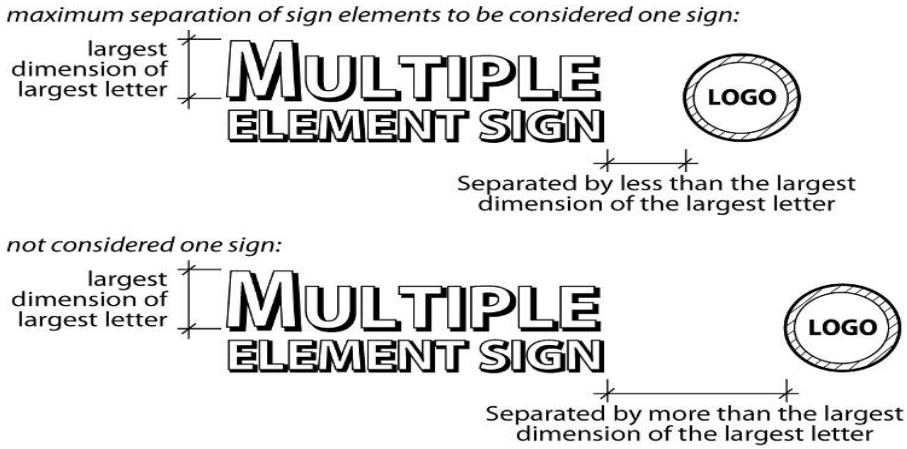
(34) Temporary Sign: A sign designed to announce a coming attraction, a new building or structure under construction, community and/or civic projects or other special events of a temporary nature.

(35) Temporary Sign Tag: A tag obtained from the City of Southfield Building Department which clearly indicates the duration of time for which the sign permit is valid.

(36) Wall Sign: A sign affixed directly to an exterior wall, provided that such sign does not extend more than fifteen (15) inches from the wall upon which it is placed and which does not project above the roof or parapet wall. Wall signs located on a parapet wall shall not extend higher than forty two (42) inches above the building roofline.



(37) Wall sign elements: wall sign elements shall not be separated by more than the largest dimension of the largest letter or will be considered multiple wall signs.



(38) Wall/Window Sign (Painted): Any sign which is applied with paint, film or similar substance which simulates paint on the exterior surface of a wall or interior or exterior surface of a window or glazing surface.

(39) Window Sign: Any sign which is visible to the general public either on or against the interior or exterior surface or within (36) thirty six inches of a window or glazing surface.

ARTICLE III. GENERAL PROVISIONS

Section 8.34. Appeals

The zoning board of appeals for the City, operating under its established rules of procedure, shall be considered the appeal board in connection with all appeals taken from the requirements of this Chapter and with respect to administrative acts on the part of those charged with the enforcement of this Chapter. The appeal board shall have the power to waive, alter or interpret the provisions of this Chapter when the following conditions exist:

(1) Due to extraordinary or exceptional conditions of the property on which the sign is proposed, and the strict application of the regulations would result in practical difficulties to, or undue hardship upon, the owner of such property, provided, such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Chapter; and

(2) That the proposed sign is consistent with the spirit and intent of this chapter and the regulations which apply to the zoning district; and

(3) That the proposed sign is in keeping with the character of the surrounding area and would not have an adverse or detrimental effect upon adjacent or surrounding properties; and

(4) That the proposed sign will not interfere with, or be objectionable from, the standpoint of traffic safety.

In granting a variance to the provisions of this Chapter, the board of appeals may attach thereto such conditions regarding the location, character and other features of the proposal as it may deem reasonable in the furtherance of the purpose of this Chapter. In granting a variance, the board of appeals shall state the grounds upon which it justifies the granting of a variance.

Section 8.35. Conflicts with Other Code Provisions

Whenever any requirement of this Chapter conflicts with any other Code provision in effect in the City, the provisions of this Chapter shall apply.

Section 8.36. Corner Clearance

In order to promote safe corner clearance for pedestrian and vehicular traffic no sign obstructing vision above a height of three (3) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any two street right-of-way lines,(existing or proposed) or at any driveway street intersection by a straight line drawn between such right-of-way lines or driveway at a distance along each line or driveway of twenty-five (25) feet from their point of intersection, unless visual under clearance can be assured.

Section 8.37. Enforcing Officers

The provisions of this Chapter shall be administered and enforced by the Building Official or an authorized representative.

Section 8.38. Exemptions from Requirements

This Chapter shall not apply to any legal address, official court or public notices, nor the flag, emblem or insignia of a government or governmental agency when displayed for official purposes, or corporate flag for the primary use of the property.

Section 8.39. Fees

The City Council may, from time to time, prescribe a reasonable schedule of fees to be charged for the review of sign permits.

Section 8.40. Inspection of Installation of Signage

If it is found that any sign does not conform to the provisions of this chapter and the said rules and regulations, the person installing or responsible for installing said sign shall be notified in writing of such defect, misuse or violation and all such violations, defects or misuses of said sign shall be corrected within a reasonable length of time not to exceed ten (10) days. When such corrections have been made, that person shall notify the department in writing at least twenty-four (24) hours prior to the time reinspection is desired. Any persons failing to make correction of a violation within the time specified

herein shall be denied the right to receive any further permits to do sign work within the City until such corrections are made, and shall be subject to the penalties provided in Section 8.41 Penalty.

Section 8.41. Penalty

Any firm, corporation or person who violates any of the provisions of this Chapter is responsible for a municipal civil infraction, and shall be subject to such penalties as are provided in Chapter 15, Section 1.703 of the Southfield City Code. Nothing in this Section 8.41 shall be construed to limit the remedies available to the City in the event of a violation by a firm, corporation or person of this Chapter.

Section 8.42. Illuminations.

All lighting shall be subject to the following conditions:

(1) Any sign that makes use of electricity shall, in addition to a sign permit require an electrical permit, and electrical inspection prior to the installation of said sign regardless of size.

(2) Illumination must be constant (not flashing or intermittent) and shall be shielded from adjacent properties and not create a hazard to vehicular traffic.

(3) Illumination devices designed to illuminate the exterior of a building shall be permitted in any zoning district; provided, however, there shall be no spillage of illumination or glare onto public or private roads and shall be so shielded or aimed that glare is prevented from spilling onto adjacent properties.

(4) Electrical signs must be identified and listed by an approved listing agency or must be identified with a City of Southfield electrical sign inspection tag.

Section 8.43. Michigan Building Code

The Michigan Building Code as adopted in Chapter 102 of this Code, shall govern the construction standards of all signs and outdoor display structures.

Section 8.44. Permit Required

Signs authorized by the provisions of this Chapter shall be regulated by a sign permit issued by the Building Official or an authorized agent.

Exceptions: The following signs shall be permitted in all zoning districts without regard to permits, provided they meet the following restrictions, and the restrictions of the applicable zoning district.

(1) Temporary and or real estate signs, placed in the ground or upon a building and not being portable in nature, six (6) square feet or less in area which pertain to the sale, rental or lease of the property upon which such sign is located. Such signs shall be limited to one (1) per major thoroughfare frontage.

(2) Political signs shall not be placed in any public right-of-way and shall not exceed thirty-two (32) square feet in area. Political signs shall not be subject to the restrictions for permitted signs in each zoning district, unless a part of a wall sign, ground support sign, or garden ground sign permitted by this chapter. However, they shall not be installed more than sixty (60) days prior to the election and shall be removed within thirty (30) days after completion of the election.

When a primary and general election cycle is separated by not more than a 90 day period successful candidate's signs are permitted to remain in place during such 90 day period, provided that such signs are removed thirty (30) days after the completion of the general election as stated herein.

(3) Signs containing exclusively noncommercial messages which do not exceed six (6) square feet in area. No parcel of land shall have more than two (2) such signs.

(4) Directional signs less than six (6) square feet in area containing noncommercial messages. Such signs shall include handicapped signs, parking/exit/entrance signs, signs designed to expedite the flow of vehicular and pedestrian traffic to, from, and within a development and other signs of a similar nature, which may contain the name or logo of the establishment provided such name or logo does not exceed one (1) square foot in area.

(5) Address numbers, hours of operation, open/closed indication, not less than three (3) inches and not more than twenty four (24) inches in height and in such position as to be plainly visible from the street in accordance with Chapter 116, Fire Prevention Regulations, of this Code.

(6) Public signs as defined in Article II Section 8.33. (29).

Section 8.45. Permit Expiration

A sign permit shall become null and void if the work for which the permit was issued is not completed within ninety (90) days of the date of issuance.

Section 8.46. Prohibited Sign Types

The following signs shall be prohibited in all zoning districts:

(1) Abandoned Sign.

(2) Festoon signs.

(3) Flashing signs.

(4) Moving signs.

(5) Wall/Window (painted) Sign.

(6) Parasitic signs.

(7) Portable signs.

(8) Roof signs.

(9) A sign which makes use of words such as "stop", "look", "danger", simulated traffic signals, or any other words, phrases, symbols, lights or characters in such manner as to interfere with, mislead or confuse drivers of vehicles traveling upon any highway, driveway or parking area.

(10) The parking of a vehicle or trailer on a public right-of-way or on public or private property so as to be visible from a public right-of-way, if such vehicle has attached thereto or located thereon any sign or advertising device unless, the parking of the vehicle or trailer is incident to the loading, unloading or conveyance of persons, commodities, goods, or the provision of services.

Section 8.47. Sign Continuance

Any sign conforming to Ordinance 1533 on the date of enactment of this amendatory ordinance shall be deemed a lawful nonconforming sign and may be continued provided such sign:

(1) Shall be maintained in good condition.

(2) Shall not be replaced by another nonconforming sign.

(3) Shall not be structurally altered in any manner that will prolong the life of such sign.

(4) Shall not be expanded, modified, or relocated.

(5) Shall not be re-established after damage or destruction if the estimated expense of reconstruction exceeds 50% of the estimated replacement cost.

Section 8.48. Sign Maintenance

Every sign shall be maintained in good structural condition at all times, so as not to subject persons or property to any risk of personal injury or property damage. All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports. Any sign which is illuminated must be maintained in proper working order and

shall be fully illuminated when energized. Any sign that is not so maintained in good structural condition at all times shall be subject to the sanctions provided in Section 8.41.

Section 8.49. Sign Elimination

The Building Official may order the removal of any sign and supporting structures:

(1) Maintained in violation of this Chapter. Such order shall be in writing to the owner of the sign; or to the owner of the building, structure or premises on which the sign is located; or to the owner or operator of the business to which the sign pertains; and shall allow seven (7) days for the removal of the sign or to ensure that it is brought into conformance with the terms of this Chapter.

(2) Existing at the time of, or erected after, the adoption of this Chapter if either by its location or structural characteristics it is deemed to be immediately hazardous to the safety of the general public.

Section 8.50 Street Encroachments

No sign, except those established by the City, the county, the state or the federal government, shall be located in, project onto or overhang a public right-of-way, except as provided in Section 9.382(f), Chapter 122, of this Code. The City shall have the right to remove and dispose of any such sign.

Section 8.50A Electronic Changeable Copy

Findings and Purpose

Documented studies show that there is a correlation between electronic changeable copy signage and the distraction of drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Additionally, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Despite these public safety concerns, there is merit to allowing new technologies to easily update messages. Except as may be prohibited by state or federal law, sign owners should have the opportunity to use these technologies with certain restrictions. The restrictions are intended to minimize potential driver distraction and to minimize negative impact to residential districts where signs can adversely impact the residential character of the area. The City finds that electronic changeable copy signage should be allowed on garden ground and ground support signs permitted in a particular zoning district but with reasonable controls to minimize their proliferation and their potential threats to public safety.

(1) One (1) Electronic Changeable Copy sign per development is permitted in all zoning districts permitting ground signage provided said sign meets the following requirements:

(a) No other ground support or garden group signage exists at the development;

(b) No product price sign exists at the development;

(c) No window signage exists at the development;

(d) Such sign must be of a Single L.E.D. Color (otherwise referred to as Monochrome); provided, however, in residential districts ONLY AMBER color monochrome L.E.D. shall be permitted;

(e) Such sign must be an integral part of a ground support or garden ground sign in all zoning districts permitting ground signage other than residential districts. in residential zoning districts such sign must be an integral part of a garden ground sign only;

(f) The electronic changeable copy portion of the sign shall be a maximum of Seventy five percent (75%) of the total sign area in zoning districts other than residential, and a maximum of sixty percent (60%) electronic changeable copy of the total sign area for signs located in residential districts. the remainder of the area of the sign must be the name of the business and/or address only;

(g) In non residential zoning districts a ground support or garden ground sign utilizing an electronic changeable copy shall not exceed an area of one (1) square foot per two (2) square feet of lot frontage to a maximum square feet in area as permitted by the applicable zoning district within which the sign is situated. In residential zoning districts a garden ground sign utilizing an electronic changeable copy shall not exceed thirty five (35) square feet in total area;

(h) Such sign shall have a minimum setback of five (5) feet from any property line for a sign which does not exceed five (5) feet in height; provided further that one additional foot in height (not to exceed a total maximum sign height of fifteen feet) may be permitted for each additional two feet of setback beyond the minimum five foot setback set forth herein;

(i) All Electronic Changeable Copy signs shall be separated by a minimum distance of one thousand (1,000) feet. Provided, however, the one thousand (1000) foot minimum separation shall not apply between signs separated by a freeway or other type of roadway divided by a median. The one thousand (1,000) feet shall be measured from the center of the sign's structure, as located on the ground, to the center of any other sign's structure, as located on the ground;

(j) Such sign shall not be located within 250 feet of the top 50 intersections as defined by Semcog High Frequency Crash Locations data for the most recent 5 year period by Oakland County ranking;

(k) Such sign shall not be located within fifty (50) feet of the driving surface of a signalized intersection. The fifty (50) feet shall be measured in a straight line from the nearest point on a sign to the nearest point of the driving surface of the signalized intersection;

(l) Such sign if located within any residential district must be a minimum of 100 feet from any residential structure and must be placed on a major thoroughfare or highest speed limit road available;

(m) The electronic changeable copy portion of the sign shall be turned off or have a static (non-changing) display between the hours of 11:00 p.m. to 6:00 a.m. in all zoning districts other than residential; provided, however, in the event the sign is attendant to a business or use which remains open to the public between the hours of 11:00 p.m. to 6:00 a.m. the electronic changeable copy portion of the sign may continue to operate during such hours as the business or use remains open to the public. In residential districts the electronic changeable copy portion of the sign shall be turned off so as to display a completely black screen between the hours of 9:30 p.m. and 6:00 a.m.;

(n) No electronic changeable copy message shall be displayed for a period of time less than fifteen (15) seconds;

(o) The transition or change sequence of any image or display of an electronic changeable copy sign shall appear instantaneous as perceived by the human eye without any special effects. Such sign shall not exhibit any characteristics of a moving or flashing sign as defined herein;

(p) Each electronic changeable copy message shall be complete in itself and shall not continue on a subsequent message;

(q) No such sign shall resemble or simulate any warning or danger signal, or any official traffic control device, sign, signal or light or have the brilliance or intensity that will interfere with any official traffic sign, device or signal;

(r) No such sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (lux) meter at a preset distance depending on sign area. The measurement distance shall be calculated with the following formula: the square root of the product of the sign area and one-hundred.

example using a 12 square foot sign:

measurement distance = $\sqrt{(12 \text{ sq. ft.} \times 100)} = 34.6$

Light measurement shall be taken with the meter aimed directly at the sign message face, or the area of the sign emitting the brightest light.

(s) No such electronic changeable copy sign shall display an illuminative brightness of such intensity or brilliance that it impairs the vision or endangers the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle;

(t) Such sign shall not include any audio message;

(u) No such electronic changeable copy sign shall be permitted to operate unless it is equipped with:

i. a default mechanism that will cause the sign to revert immediately to a black screen if the sign or any component thereof malfunctions.

ii. a non-glare panel covering the electronic changeable copy display or other equivalent method approved by the city to substantially reduce glare.

iii. A mechanism able to automatically adjust the display's illuminative brightness according to ambient light conditions by means of a light detector/photo cell by which the sign's brightness shall be dimmed.

iv. A written certification from a sign manufacture or other approved testing agency that the light intensity has been preset to conform to the brightness and display standards established herein and that the preset levels are protected from end user manipulation by password protected software or other method; and

(v) The owner or controller of said electronic changeable copy sign must adjust the sign to meet these brightness standards in accordance with this chapter. The adjustment must be made immediately upon notice of non-compliance from the City.

Section 8.50B Wall signage identifying tenants on High Rise Buildings

(1) The following requirements replace wall signage allowances for purposes of identifying tenants within high rise buildings in any zoning district contained in this chapter; provided, however, the following allowances do not apply to residential developments or uses within any zoning district.

(2) The total area of all wall signs identifying tenants in a high rise building shall not exceed ten (10) percent of one (1) building frontage where the primary entrance exists. Wall signs within the ten (10) percent allowance as set forth herein may be placed on any side(s) of the high rise building.

ARTICLE IV. TEMPORARY AND REAL ESTATE SIGNS

Section 8.51 General Provisions

Unless otherwise provided for in this Chapter, temporary and real estate signs in excess of six (6) square feet shall be permitted subject to the following conditions:

(1) Temporary and real estate signs shall be permitted only upon presentation of a One Hundred Fifty (150.00) Dollar cash deposit and a right to enter the property agreement, (an agreement between the City and the owner of said property which permits the City, it's agents, employees and contractors to enter into and upon the premises of the owner

which are the subject of said permit to enforce the terms of the permit and to do the actions necessary to insure the faithful performance of all the terms, conditions and requirements of the permit) expiring ninety (90) days after expiration of the temporary permit for the purpose of holding the City harmless and to ensure removal of the sign upon expiration of the permit's duration. The One Hundred Fifty (150.00) Dollar cash deposit shall be refunded upon the removal of said sign. Failure to remove said sign upon expiration will cause the removal of said sign by the City with costs incurred in the removal being deducted from the cash deposit, if the deposit is not sufficient any remaining balance shall be invoiced to the permit holder.

(2) Temporary and real estate signs may be permitted for a time period not to exceed twelve (12) months from date of permit. An extension period of equal time may be granted by the building official when the sign is demonstrated to be safe and well-maintained. All temporary and real estate signs shall be identified with a temporary sign tag permanently affixed to said sign.

(3) Any temporary or real estate sign shall be attached to the building to which it pertains or shall have a setback equal to, or greater than, the height of the sign.

(4) No temporary or real estate sign shall exceed one (1) square foot in area per fifteen hundred (1500) square feet of land, with a maximum of two hundred (200) square feet, whichever is less. In addition, no parcel of land shall have more than one (1) temporary or real estate sign per street frontage.

ARTICLE V. BANNER SIGNS FOR SPECIAL EVENTS

Section 8.52 General Provisions.

Banner signs used to identify special events such as grand openings, anniversary sales or special promotions shall be permitted subject to the following conditions.

(1) Banner signs shall be permitted only upon the presentation of a Two Hundred and fifty (250.00) Dollar cash deposit, a right to enter the property agreement and the issuance of a permit for a period not to exceed fourteen (14) days. The Two Hundred and Fifty (250.00) Dollar cash deposit shall be refunded upon the removal of said sign. Failure to remove said sign upon expiration will cause the removal of said sign by the City with costs incurred in the removal being deducted from the cash deposit, if the deposit is not sufficient any remaining balance shall be invoiced to the permit holder.

(2) Banner signs may be permitted for a time period of not more than fourteen (14) days every six (6) months.

(3) Banner signs shall be securely attached to the building to which it pertains so as to prevent the sign from being damaged or dislodged from its mounting surface by wind or vandalism. Such Banner signs shall be removed as soon as torn or damaged.

(4) No Banner sign shall exceed thirty six (36) square feet and shall be limited to one (1) per event.

ARTICLE VI. SINGLE FAMILY RESIDENTIAL (R-A - R-E) DISTRICT

Section 8.53 Permitted Signs

In the Single-Family Residential (R-A - R-E) districts, the following signs are permitted:

(1) Temporary sign announcing a housing development containing ten (10) or more units or other permitted developments provided the following conditions are met:

(a) Each development shall have one (1) temporary sign while the project is under construction, for a maximum of two (2) years.

(b) The temporary sign shall not exceed a height of ten (10) feet or an area of thirty-two (32) square feet.

(2) Real estate signs shall not exceed six (6) square feet in area, and shall conform to Section 8.44 (1) of this chapter.

(3) Subdivision entrance or complex entrance signs; provided the following conditions are met:

(a) Subdivision entrance or complex entrance signs; on private property which comply with the corner clearance provisions contained in Section 8.36 shall not exceed twenty-five (25) square feet in area;

(b) Subdivision entrance or complex entrance signs proposed to be located on City or county right-of-way shall require the approval of the City council and/or the county road commission and shall not exceed twenty-five (25) square feet in area.

(4) The following signs may be permitted on property whose primary use is considered a special exception under the terms of Chapter 45, Zoning,

(a) One (1) bulletin board per development with a maximum height of five (5) feet and thirty-five (35) square feet in area and shall be placed no closer than five (5) feet from the front property line

(b) One (1) wall sign per development not exceeding thirty-two (32) square feet in area.

(5) General Provisions:

(a) No combination of signs (excluding real estate) permitted or special use may exceed fifty-two (52) square feet;

(b) No signs shall be placed closer than five (5) feet from any property line or driveway;

(c) No sign shall be allowed that constitutes a hazard to traffic or that will be injurious to the surrounding neighborhood or that is contrary to the spirit and purpose of this Chapter and is in keeping with the nature of the development.

ARTICLE VII.
ATTACHED SINGLE-FAMILY RESIDENTIAL (R-T), MULTIPLE-FAMILY RESIDENTIAL-LOW RISE (RM), MULTIPLE-FAMILY RESIDENTIAL MEDIUM RISE (RMM), MULTIPLE-FAMILY RESIDENTIAL-HIGH RISE (RMU) DISTRICTS

Section 8.54 Permitted Signs

In the Attached Single-Family (R-T) and Multiple-Family Residential (RM,RMM,RMU) districts the following signs are permitted:

(1) Temporary signs announcing a housing development containing ten (10) or more units or other permitted developments provided the following conditions are met:

(a) Each development shall have one (1) temporary sign while the project is under construction, for a maximum of two (2) years.

(b) The temporary sign shall not exceed a height of ten (10) feet or an area of thirty-two (32) square feet.

(2) Wall signs, provided the following conditions are met:

(a) Each development may have only one (1) wall sign per major thoroughfare frontage.

(b) The total area of such sign shall not exceed thirty-two (32) square feet

(3) Garden ground signs, provided the following conditions are met:

(a) Each development may have only one (1) garden ground sign per major thoroughfare frontage.

(b) The sign shall not exceed five (5) feet in height and twenty-five (25) square feet in area.

(4) Real estate signs, provided the following conditions are met:

(a) Real estate signs shall not exceed six (6) square feet in area and shall conform to Section 8.44 (1) of this chapter.

ARTICLE VIII.
OFFICE-SERVICE (O-S) DISTRICT

Section 8.55. Permitted Signs

In the Office-Service (O-S) district, the following signs are permitted:

(1) Wall signs, provided the following conditions are met:

(a) Each development may have only one (1) wall sign per major thoroughfare frontage.

(b) The total area of such sign shall not exceed ten (10) percent of the building facade or two hundred (200) square feet, whichever is less.

(2) Garden ground signs, provided the following conditions are met:

(a) Each development may have only one (1) garden ground sign per major thoroughfare frontage.

(b) The maximum height of such sign shall not exceed five (5) feet and an area of thirty-five (35) square feet.

ARTICLE IX.
EDUCATION-RESEARCH-OFFICE (ERO),
EDUCATION-RESEARCH-OFFICE-LIMITED (ERO-M),
TECHNICAL-EDUCATION RESEARCH (TR)
TELEVISION-RADIO-OFFICE-STUDIO (TV-R) DISTRICTS

Section 8.56. Permitted Signs

The following signs shall be permitted in the Education-Research-Office (ERO-M, ERO), Technical-Education-Research (TR) and Television-Radio-Office-Studio (TV-R) districts:

(1) Wall signs, provided the following conditions are met:

(a) Each development may have only one (1) wall sign per major thoroughfare frontage.

(b) The total area of such sign shall not exceed one (1) square foot per linear foot of building frontage or two hundred (200) square feet, whichever is less.

(2) Garden ground signs, provided the following conditions are met:

(a) Each development may have only one (1) garden ground sign per major thoroughfare frontage.

(b) The maximum height of such sign shall not exceed five (5) feet and an area of fifty (50) square feet

(3) Ground support signs, may replace garden ground signs provided the following conditions are met:

(a) Each development may have only one (1) ground support sign per major thoroughfare frontage.

(b) The ground support sign shall have a minimum setback of fifteen (15) feet and shall not exceed an area of sixty (60) square feet.

ARTICLE X.
NEIGHBORHOOD BUSINESS (B-l) DISTRICT

Section 8.57. Permitted Signs

In the Neighborhood Business (B-l) district, the following signs are permitted:

(1) Wall signs, provided the following conditions are met:

(a) Wall signs shall be limited to one (1) per tenant.

(b) The total area of such sign shall not exceed one (1) square foot per linear foot of tenant frontage or one hundred (100) square feet, whichever is less.

ARTICLE XI.
NEIGHBORHOOD SHOPPING (NS)
PLANNED BUSINESS (B-2) DISTRICTS

Section 8.58. Permitted Signs

In the Neighborhood Shopping (NS) district and the Planned Business (B-2) district the following signs are permitted, provided that prior to sign permits being issued, a master sign plan shall be submitted to the Building Official stating the size and location of all wall signs, ground support signs, garden ground signs, and any other requested sign:

(1) Ground support signs, provided the following conditions are met:

(a) Each development may have only one (1) ground support sign per major thoroughfare frontage.

(b) The ground support sign shall not exceed an area of eighty (80) square feet.

(c) The total sign area of all permitted ground support signs shall not exceed eighty (80) square feet.

(d) If a ground support sign identifies tenants of the development, it shall not identify more than three (3) tenants.

(2) Garden ground signs may replace ground support signs provided the following conditions are met:

(a) Each development may have only one (1) garden ground sign per major thoroughfare frontage.

(b) The garden ground sign shall not exceed a height of five (5) feet and an area of one hundred (100) square feet.

(c) The total sign area of all permitted garden ground signs shall not exceed one hundred (100) square feet.

(d) If a garden ground sign identifies tenants of the development, it shall not identify more than three (3) tenants.

(3) Wall signs, provided the following conditions are met:

(a) Wall signs shall be limited to one (1) per tenant.

(b) The total area of such signs shall not exceed two (2) square feet per linear foot of tenant frontage or two hundred (200) square feet, which ever is less.

ARTICLE XII.
GENERAL BUSINESS (B-3) DISTRICT

Section 8.59. Permitted Signs

In the General Business (B-3) district, the following signs are permitted:

(1) Wall signs, provided the following conditions are met:

(a) Wall signs, except for Plazas, may only be placed on a building facade fronting a major thoroughfare. Provided, that with respect to a Plaza, wall signs may also be placed on individual tenant building space which faces the parking lot.

(b) Wall signs shall be limited to one (1) per tenant.

(c) The total area of such sign shall not exceed two (2) square feet per linear foot of tenant frontage or two hundred (200) square feet, whichever is less.

(2) Ground support signs, provided the following conditions are met:

(a) Each development may have only one (1) ground support sign per major thoroughfare frontage.

(b) The ground support sign shall not exceed an area of one (1) square foot per two (2) feet of lot frontage, or eighty (80) square feet, whichever is less.

(c) The total sign area of all permitted ground support signs shall not exceed eighty (80) square feet.

(d) If a ground support sign identifies tenants of the development, it shall not identify more than three tenants.

(3) Garden Ground signs may replace ground support signs provided the following conditions are met:

(a) Each development may have only one (1) garden ground sign per major thoroughfare frontage.

(b) The garden ground sign shall not exceed a height of five (5) feet and an area of one and one-half (1-1/2) square feet per two (2) feet of lot frontage, or one hundred (100) square feet, whichever is less.

(c) The total sign area of all permitted garden ground signs shall not exceed one hundred (100) square feet.

(d) If a garden ground sign identifies tenants of the development, it shall not identify more than three (3) tenants.

Section 8.60. Signage for Special Uses in B-3

In the General Business (B-3) district all uses which are considered to be a use requiring special approval under the terms of Chapter 45, Zoning, Section 5.169, shall be permitted signage as set forth in Section 8.60; with the exception of gas stations, drive-in and/or fast food restaurants and automobile and truck agency sales and showrooms as outlined below:

(1) Gas stations (as defined in Chapter 45) shall be permitted the following signs:

(a) Wall signs, including those signs attached to the service buildings or to the canopy fascia, provided the following conditions are met:

(i) Each development may have only one (1) wall sign per major thoroughfare frontage.

(ii) The area of such sign shall not exceed two (2) square feet per linear foot of building frontage or one hundred (100) square feet, whichever is less.

(b) Ground support or garden ground signs provided the following conditions are met:

(i) Each development may have only one (1) ground support or garden ground sign.

(ii) The ground support or garden ground sign shall not exceed an area of fifty (50) square feet.

(c) Product price sign, provided the following conditions are met:

(i) Each development may have only one (1) product price sign.

(ii) The total area of the product price sign shall not exceed fifteen (15) square feet for two (2) product prices, or twenty (20) square feet for three or more product prices.

(iii) Such sign must be an integral part of the ground support sign or garden ground sign and have an under clearance of eight (8) feet, or be attached to the building or canopy fascia.

(iv) Customary lettering or data required by law may be permitted on a gasoline pump provided such lettering or data does not exceed a total area of three (3) square feet.

(2) Drive-in restaurants and fast food restaurants (as defined in Chapter 45) shall be permitted the following signs:

(a) Wall signs provided the following conditions are met:

(i) Each development may have only one (1) wall sign per major thoroughfare frontage.

(ii) The total area of such sign shall not exceed one (1) square foot per linear foot of building frontage or one hundred (100) square feet, whichever is less.

(b) Ground support sign provided the following conditions are met:

(i) Each development may have only one (1) ground support sign.

(ii) The ground support sign shall not exceed an area of fifty (50) square feet.

(c) A garden ground sign shall be permitted in place of the ground support sign provided the following conditions are met:

(i) Each development may have only one (1) garden ground sign.

(ii) The garden ground sign shall not exceed a height of five (5) feet and an area of eighty (80) square feet.

(d) An auxiliary sign may be permitted for restaurants with drive-through service, provided the following conditions are met:

(i) No "drive-through" restaurant shall have more than one (1) auxiliary sign.

(ii) The auxiliary sign shall not exceed a height of five (5) feet and an area of thirty-five (35) square feet.

(iii) No auxiliary sign shall be visible from a public street.

(3) Automobile and truck agency sales and showrooms (as defined in Chapter 45) shall be permitted the following signs:

(a) Wall signs provided the following conditions are met:

(i) Each building within the development shall be limited to one wall sign per major thoroughfare frontage and with respect to buildings with no direct thoroughfare frontage, those buildings may be permitted a wall sign facing the common area in order to expedite vehicular traffic within the development.

(ii) The area of such sign shall not exceed one (1) square foot per linear foot of building frontage or two hundred (200) square feet, whichever is less.

(b) Ground support signs provided the following conditions are met:

(i) Each development may have one (1) ground support sign identifying the main dealership of the development and shall not exceed an area of one hundred (100) square feet.

(ii) A second ground support sign identifying used car/truck sales may be permitted provided it does not exceed an area of thirty six (36) square feet.

(iii) A third ground support sign identifying up to three (3) additional automotive product manufacturers, other than provided for in paragraph (b),(i) of this section, and typically referred to as a multi-dealership, may be permitted provided that each automotive product identity shall not exceed an area of thirty-six (36) square feet for a total combined area not exceeding one-hundred and eight (108) square.

ARTICLE XIII.
INDUSTRIAL (I-L & I-l) DISTRICTS

Section 8.61. Permitted Signs

In the Industrial (I-L & I-l) districts the following signs are permitted:

1. Wall signs, provided that the following conditions are met:

(a) Each tenant of a development may have only one (1) wall sign per major thoroughfare frontage.

(b) The total area of the sign shall not exceed one (1) square foot per linear foot of tenant frontage or exceed an area of one hundred (100) square feet, whichever is less.

2. Ground support sign or garden ground sign providing that the following conditions are met:

(a) Each development may have only one (1) ground support sign or one (1) garden ground sign per major thoroughfare frontage except as provided in paragraph (3) below.

(b) The maximum height of the ground support sign or garden ground sign shall not exceed five (5) feet and shall have a minimum setback of five (5) feet from any property line, provided further that one (1) additional foot of height may be permitted for each additional two (2) feet of setback beyond the prescribed

setback with a maximum height of fifteen (15) feet and a maximum area of sixty (60) square feet.

(c) The total sign area of all permitted ground support or garden ground signs shall not exceed sixty (60) square feet.

3. One (1) additional ground support sign may be permitted per parcel of land provided that the following conditions are met:

(a) Such sign is set back a minimum of two hundred (200) feet from any street right-of-way.

(b) Such sign does not exceed three hundred (300) square feet in area.

(c) such sign is located at least one thousand (1,000) feet from any other sign three hundred (300) square feet, or more, in area.

Section 8.62. Non-Industrial Uses - Transfer of Requirements

Where any structure or use is permitted in a zoning district other than an industrial zoning district, the sign controls for that structure or use shall be subject to the requirements and regulations as set forth in this Chapter in the district in which the structure or use is first permitted based on the following hierarchy of zoning districts:

1.	RA-RE	Single Family Residential
2.	RMH	Mobil Home Park
3.	R-T	Attached Single-Family
4.	RM	Multiple Family-Low Rise
5.	RMM	Multiple Family-Mid Rise
6.	RMU	Multiple Family-High Rise
7.	P	Parking
8.	O-S	Office Service
9.	B-l	Neighborhood Business
10.	TV-R	Television-Radio-Office-Studio
11.	TR	Technical Research
12.	ERO-M	Education, Research, Office-Limited
13.	ERO	Education, Research, Office
14.	NS	Neighborhood Shopping
15.	B-2	Planned Business
16.	B-3	General Business
17.	RS	Regional Shopping
18.	RC	Regional Center
19.	I-L	Light Industrial
20.	I-l	Industrial

ARTICLE XIV.
REGIONAL SHOPPING (RS) DISTRICT

Section 8.63. Permitted Signs

In the Regional Shopping (RS) District the following signs are permitted provided that prior to sign permits being issued, a master sign plan shall be submitted to the Building Official stating the size and location of all wall signs, ground support signs and any other requested sign:

1. Wall signs, provided the following conditions are met:

   (a) The total area of all wall signs shall not exceed two (2) square feet per linear foot of building frontage.

   (b) The cumulative area of the wall signs of the individual tenants/occupants may not exceed the square footage permitted in paragraph (a) above.

2. Ground support signs provided the following conditions are met:

   (a) Each development may have only one (1) ground support sign per major thoroughfare frontage.

   (b) The ground support signs shall not exceed an area of two hundred (200) square feet.

   (c) If a ground support sign identifies tenants of the Regional Shopping Center it shall not identify more than three (3).

ARTICLE XV.
REGIONAL CENTER (RC) DISTRICT

Section 8.64. Permitted Signs

In the Regional Center (RC) District the following signs are permitted provided that prior to sign permits being issued, a master sign plan shall be submitted to the Building Official stating the size and location of all wall signs, ground support signs, garden ground signs and any other requested sign:

1. Wall signs, provided the following conditions are met:

   (a) Each building of a development may have only one (1) wall sign per major thoroughfare frontage.

(b) The total area of such sign shall not exceed two (2) square feet in area per linear foot of building frontage or exceed an area of two hundred (200) square feet, whichever is less.

(c) Secondary retail businesses or service establishments servicing the development and having direct exterior frontage and access from the common parking shall be permitted one (1) wall sign not to exceed one (1) square foot in area per linear foot of tenant frontage or exceed an area of fifty (50) square feet, whichever is less.

2. Ground support signs, provided the following conditions are met:

(a) Each development may have only one (1) ground support sign per major thoroughfare frontage.

(b) Ground support signs shall have at least a fifteen (15) foot setback from the property line and shall not exceed an area of one hundred (100) square feet.

3. A garden ground sign may replace a ground support sign provided the following conditions are met:

(a) Each development shall have only one (1) garden ground sign per major thoroughfare frontage.

(b) The garden ground sign shall not exceed a height of five (5) feet and an area of one hundred twenty (120) square feet.

(c) The garden ground sign shall have a minimum setback of ten (10) feet from all property lines.

ARTICLE XVI.
VEHICULAR PARKING (P) DISTRICT

Section 8.65. Permitted Signs

In the Vehicular Parking (P) District ground support signs may be permitted at each entrance to the parking lot provided each such sign shall not exceed ten (10) square feet in area, and shall not exceed three (3) feet in height.

BRENDA L. LAWRENCE, Mayor

NANCY L. M. BANKS, City Clerk

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