

ORDINANCE NO. _____

AN ORDINANCE TO DELETE SECTION 84-6 FENCES OF CHAPTER 84 PROPERTY MAINTENANCE CODE AND AMEND SECTIONS 134-4, 134-5, 134-6, 134-7 AND 134-9 OF CHAPTER 134 SIGNS OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO DELETE LANGUAGE RELATED TO FENCING THAT HAS SINCE BEEN MOVED TO THE ZONING ORDINANCE AND CLARIFY REGULATIONS RELATED TO SIGNS, REPEAL CONFLICTING OR INCONSISTENT ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

SECTION 1. Section 84-6 of Chapter 84 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Section 84-6—Fences

- a) ~~Nonconforming fences.~~ It shall be unlawful for any person to keep or maintain any fence to which this article applies that does not conform to the standards for fences set forth herein unless a variance is obtained.
- b) ~~Applicability.~~
 - (1) ~~Generally.~~ The standards for fences contained in subsection (c) below, shall apply to all fences installed or replaced in the city, subject only to those exceptions set forth in subsection (2), of this section.
 - (2) ~~Exceptions.~~ This article shall not apply to the following fences installed or replaced:
 - a. In accordance with a site plan approved under chapter 138 pertaining to zoning;
 - or
 - b. Swimming pool enclosures as specified in the state construction code.
- c) ~~Standards.~~ Only those fences that meet all of the following standards shall be allowed:
 - (1) ~~Location.~~ Fences shall be located entirely on the owner's property, except that fences owned in common by adjoining property owners may be located on the common property line.
 - (2) ~~Height.~~ Fences shall not exceed eight feet in height measured from the ground surface.
 - (3) ~~Materials.~~ Materials used shall be wood, metal, bricks, masonry or other solid natural or synthetic material that is all-weather resistant and designed for permanent and stationary fencing or screening. Fabric-type materials are not permitted.
 - (4) ~~Barbed wire.~~ Barbed wire may not be installed on fences, except that barbed wire may be installed above the top line of a six foot fence located in a nonresidential zoning district and enclosing a storage area. Barbs on a chainlink fence are not allowed on any exposed portion of the fence below six feet.

~~(5) *Proper installation and maintenance.* Fences shall be installed and maintained free from defects, safety hazards and collapse, and shall be kept in good repair. No sign, words, letters, images or illustrations, except for those signs required in subsection (c)(6), of this section, may be painted or otherwise affixed to fences.~~

~~(6) *Electrification.* Electrically charged fences are prohibited, except that the building department may approve electric fences for the purpose of retaining animals under the following circumstances:~~

~~a. *Nonhazardous.* Sufficient proof has been presented that the fence will not be hazardous to persons or animals;~~

~~b. *Power source.* The power source shall be obtained from a listed electric fence controller; and~~

~~c. *Signs.* Signs shall be conspicuously located on the fence warning that the fence is electrified.~~

~~(7) *Corner clearance.* The corner clearance requirements of chapter 138 shall be observed.~~

SECTION 2. Section 134-4 of Chapter 134 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Chapter 134 - SIGNS

Article II – General Standards

134-4. General Standards

(1) Sign Permits

- a. **Signs Not Requiring a Permit.** The following signs shall not require a permit:
- i. *Addressing numbers.* A sign as required by the City of Rochester Hills in Article VII, Chapter 18, Street Addresses, attached to any building wall or any freestanding sign
 - ii. *Flags.* Flags shall be attached to freestanding flagpoles. Placement of flagpoles shall not impede vehicular or pedestrian traffic. Flags may not project beyond the property lines, and flags shall not project into the existing or proposed right-of-way. All flags shall be maintained in good repair free of tearing, fraying or other deterioration.
 - iii. *Official signs.* Signs posted by duly constituted public authorities in pursuance of their public duties.
 - iv. *Decorative banners.* Decorative banners placed on street light poles by public agencies or private non-profit, community and civic organizations.
 - v. Temporary signs less than twelve (12) square feet.
- b. **Permit Required.** It shall be unlawful for any person to erect, re-erect, alter, relocate, display, or continue to display any sign, except for those signs exempted under section **134-4.A.1**, unless a permit shall have been first obtained from the building department and a permit fee paid in accordance with the schedule set forth in article VI of chapter 110.

- c. **Application for Permit.** Application for sign permits shall be made only by the premises owner or authorized representative or a registered sign erector on forms provided by the building department and shall contain at least the following information:
- i. *Name.* Name, address and telephone number of the applicant and the owner if different from the applicant.
 - ii. *Location.* Location of the building, structure, or lot on which the sign is to be attached or erected.
 - iii. *Consent to erect.* It is unlawful to erect or maintain any sign on any property, public or private, without the consent of the owner or occupant thereof.
 - iv. *Position of sign.* Position of the sign in relation to nearby buildings, structures, and property lines.
 - v. *Plans for sign.* Two copies of the plans, specifications and method of construction and attachment to the building or the ground.
 - vi. *Stress sheets.* Copy of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure in accordance with the regulations adopted by the city.
 - vii. *Sign erector.* The name and address of the sign erector.
 - viii. *Insurance.* The insurance policy as required in this article.
 - ix. *Other information.* Such other information as the building department may require to show full compliance with this chapter and other applicable sections of this Code and state laws.
 - x. *Certificate or seal.* When the public safety so requires, as determined by the building department, the application shall, in addition, bear the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.
 - xi. *Identification.* On any sign requiring a permit within the city it shall clearly identify the permit holder on the sign.
- d. **Granting and Issuance of Permit.** No sign for which a permit has been issued hereunder shall thereafter be moved to another location within the city nor shall it be structurally altered in any way without the approval of the official or board which granted the original permit. An additional fee shall be paid at the time of application for permission to move or alter each such sign.
- e. **Inspection.** All signs shall be inspected and approved by the building department. Failure to schedule an inspection and gain approval shall be considered a municipal civil infraction.

(2) – (4). [Unchanged.]

(5) **Illumination**

- a. – d. [Unchanged.]
- e. When permitted, electronic message signs shall comply with the following standards:
 - i. [Unchanged.]

- ii. Electronic display areas shall automatically dim. The brightness of such display areas shall be limited to 0.3 footcandles above ambient light conditions, as measured from the distances in the following table:

| Size of display area | Measuring distance |
|--|--------------------|
| 16 square feet or less | 40 feet |
| Between 16 and 32 square feet | 48 feet |
| 32 square feet or greater | 55 feet |
| 15 square feet or less | 40 feet |
| Greater than 15 and up to 30 square feet | 48 feet |
| Greater than 30 and up to 60 square feet | 66 feet |
| Greater than 60 and up to 90 square feet | 86 feet |
| Greater than 90 and up to 120 square feet | 102 feet |
| Greater than 120 and up to 150 square feet | 116 feet |
| Greater than 150 and up to 180 square feet | 128 feet |
| Greater than 180 square feet | 140 feet |

Illuminance shall be measured with the sign turned off and again with the electronic sign illumination displaying a white image for a full color capable electronic sign and a solid message for a single-color illuminated electronic sign. All measurements shall be taken perpendicular to the face of the sign at the distance determined by the total square footage of the illuminated sign as set forth in the above table.

- iii. – v. [Unchanged.]

SECTION 3. Section 134-5 of Chapter 134 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Article III –Sign Standards

Section 134-5. Monument Signs & Wall Signs.

- (1) **Monument Signs: Maximum Height & Area.** The following table provides for the maximum height and area for monument signs by use type:

| Use | Maximum Height in Feet | Maximum Area in Square Feet of all Monument Signs* | Setback/location requirements |
|--|------------------------|--|---|
| Residential Development | | | |
| Single family dwellings | Not permitted | Not permitted | N/A |
| Multi-family and subdivision complexes | Seven | 20 | One sign within 100 ft. of each entrance; signs shall be located outside of the road right-of-way, unless placed within an entrance island as permitted by the appropriate road agency. |
| Housing for elderly | Seven | 20 | 10 ft. setbacks |

| Recreational, church, institutional, public and quasi-public uses | | | |
|---|-------|---|--|
| Public & private recreation uses | Seven | 48 | 10 ft. setbacks |
| Municipal buildings and uses, including cemeteries | | | |
| Schools, child care facilities | | | |
| Places of worship, funeral homes | | | |
| Civic organizations | | | |
| Uses similar to the above | | | |
| Hospitals | Seven | 150 sf when placed in front of the hospital from which it is addressed; one additional sign with a maximum area of 20 sf is permitted per major road frontage | 10 ft. setbacks |
| Office, professional and research uses | | | |
| Medical offices | Seven | Total maximum size of 100 sf with no single sign exceeding 48 sf | One sign per vehicular entrance, separated by a minimum of 300 ft.; 10 ft. setbacks |
| Professional offices | | | |
| Research facilities | | | |
| Commercial, retail and industrial uses | | | |
| General commercial, retail, restaurant uses | Seven | 1 sf per each five ft. of linear street frontage, up to a maximum of 200 sf | 10 ft. front setback; side and rear setbacks as required for buildings* |
| Gasoline stations and other auto-related uses | Seven | 1 sf per each five ft. of linear street frontage, up to a maximum of 100 sf | One monument sign is permitted for each frontage abutting a major street; a second sign shall be allowed for each frontage more than 300 ft. with more than one entrance onto a road right-of-way |
| Industrial uses | Seven | | |
| * In the case of nonconforming buildings located within 15 ft. of the proposed right-of-way, signs may be placed up to five feet from the building, provided they are not in the existing right-of-way. The proposed right-of-way for Rochester Road is 150 ft. | | | |

(2) [Unchanged.]

SECTION 3. Section 134-6 of Chapter 134 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Section 134-6. Wall Signs.

(1) **Wall Signs: Maximum Area.** The following table provides for the maximum area for wall signs by use type:

| Use | Maximum Area in Square Feet of all Wall Signs |
|---|---|
| Residential Development | |
| Single family dwellings | Not Permitted |
| Multi-family and subdivision complexes | 20 |
| Housing for elderly | 20 |
| Recreational, church, institutional, public, and quasi-public uses | |
| Public & private recreation uses | 20 |
| Municipal buildings and uses, including cemeteries | |
| Schools, child care facilities | |
| Places of worship, funeral homes | |
| Civic organizations | |
| Uses similar to the above | |
| Hospitals | 100 sf per sign, up to 300 sf total sign area |
| Office, professional, and research uses | |
| Medical offices | 20 sf per tenant, up to a maximum of 100 sf per building; |
| Professional offices | Buildings with two major street frontages: one additional sign up to 20 sf. |
| Research offices | Buildings with freeway frontage; two additional sign areas are permitted, up to a maximum of 100 sf each. |
| Commercial, retail, and industrial uses | |
| General commercial, retail, restaurant uses | 10% of primary building or tenant façade up to <u>with no single sign being more than</u> 100 sf; For premises with a front setback of 250 ft. or more from the proposed right-of-way and having a usable floor area of 50,000 sf or more, the maximum area for one sign is 200 sf, provided such sign is placed on the elevation facing the proposed right-of-way from which the setback distance is taken. |
| Gasoline stations and other auto-related uses | 10% of primary building or tenant façade up to <u>with no single sign being more than</u> 100 sf |

| Use | Maximum Area in Square Feet of all Wall Signs |
|--------------------------|--|
| Freeway service business | 10% of primary building or tenant façade up to <u>with no single sign being more than</u> 100 sf |

(2) [Unchanged.]

SECTION 4. Section 134-7 of Chapter 134 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Section 134-7. Specific Standards for Other Sign Types

(1) Awning Signs.

- a. Signs shall comprise no more than 30% of the total exterior surface of an awning or canopy.
- b. Awnings or canopies with back-lit graphics or other kinds of interior illumination are prohibited.
- c. Two signs, not exceeding 20 square feet each, are permitted to be attached to or be a part of gasoline pump canopies.

(2) – (3). [Unchanged.]

SECTION 5. Section 134-9 of Chapter 134 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Section 134-9. Temporary Signs

(1) Temporary signs shall be permitted as follows:

| 134-9 A. Maximum size, maximum height, and permitted type of temporary signs | | | | |
|--|-----------------|-------------------------------------|-------------------------------------|-------------------------------|
| Use | Permitted Types | Maximum Area of All Temporary Signs | Maximum Area of Any Individual Sign | Maximum Height (Freestanding) |
| Single Family Residential | Freestanding | 10 square feet | 6 square feet | 4 7 feet |
| | Wall | 4 square feet | 2 square feet | |
| Multiple Family Residential | Freestanding | 32 square feet | 16 square feet | 6 7 feet |
| | Wall | 4 square feet | 2 square feet | |
| Non-Residential Uses in Residential districts | Freestanding | 40 square feet | 20 square feet | 6 7 feet |
| | Wall | 20 square feet | 20 square feet | |
| Non-Residential Uses in all other districts | Freestanding | 64 square feet | 20 square feet | 6 7 feet |
| | Wall | 64 square feet | 32 square feet | |
| Per Section 134-4.1.v. Signs under 12 sq. ft. do not require a permit. | | | | |

(2) ~~The maximum display time of freestanding temporary signs under 12 sq. ft. is 64 days unless additional time is granted under one of the following subsections. After this time expires, the sign shall be removed.~~ Temporary signs under 12 sq. ft. shall be limited to one per address. Temporary signs over 12 sq. ft. require a permit, and once the temporary sign is removed, there shall be a gap of at least thirty (30) days between display of the same temporary sign on the same zoning lot. The maximum

display time of temporary over 12 sq. ft. is 30 days up to maximum of four times per calendar year unless additional time is granted under one of the following subsections.

(3) [Unchanged.]

(4) In recognition that there is a need for additional expression of speech prior to a scheduled election, the following applies for a period of sixty (60) days prior to until three (3) days after a city-designated election day on which there is at least one ballot item: the maximum allowable area of temporary freestanding signs shall be increased to sixty-four (64) square feet in all districts. The maximum area of an individual sign remains as stated in the table above during this period.

(5) – (7). [Unchanged.]

SECTION 6. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

SECTION 7. Penalty. All violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefore shall be punishable by a civil fine of not more than \$500, or as otherwise prescribed herein.

SECTION 8. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on _____, 2018, following its publication in the *Oakland Press* on _____, 2018.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2018.

Bryan K. Barnett, Mayor

City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON _____, 2018.

Tina Barton, Clerk

City of Rochester Hills