

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS 134-3, 134-4, 134-5(1), 134-6, and 134-9 OF ARTICLE I OF CHAPTER 134 – SIGNS, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO DEFINE AND PROHIBIT “OFF PREMISES SIGNS,” AND PROVIDE CLARIFICATIONS ON MEASURING SIGN AREA OF ILLUMINATED SIGNS, LIMITATIONS ON ELECTRONIC MESSAGE COMPONENT SIGNS, CLARIFICATIONS ON MEASURING MULTIPLE FAMILY AND SUBDIVISION COMPLEX SIGNS, SIZE ALLOWANCES FOR OFFICE SIGNS, SIZE ALLOWANCES FOR SECOND FLOOR TENANT SPACES FOR MULTIPLE STORY BUILDINGS, AND CLARIFICATIONS ON THE TOTAL NUMBER AND SIZE OF TEMPORARY SIGNS, AND PRESCRIBE A PENALTY FOR VIOLATIONS, AND REPEAL CONFLICTING ORDINANCES.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 134-3 of Chapter 134 of the Code of Ordinances of the City of Rochester Hills shall be amended to add a definition for “Off Premises Sign,” as follows:

Off Premises Sign. A sign that displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution, or other commercial message that is generally conducted, sold, manufactured, produced, offered, or occurs elsewhere than on the premises where the sign is located. A sign located within an access easement or drive that provides ingress to the business, service or premises to which the sign relates is not considered to be an off-premises sign.

Section 2. Section 134-4 of Chapter 134 of the Code of Ordinances of the City of Rochester Hills shall be amended, as follows:

Sec. 134-4. – General standards.

General sign standards as follows:

(1) *Sign permits.*

a. *Signs not requiring a permit.* The following signs shall not require a permit:

1. *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
2. *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.

3. *Official signs.* Signs posted by duly constituted public authorities in pursuance of their public duties.
4. *Decorative banners.* Decorative banners placed on street light poles by public agencies or private non-profit, community and civic organizations.
5. Temporary signs less than 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 subsection 134-4(1)a., 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:
 1. *Name.* Name, address and telephone number of the applicant and the owner if different from the applicant.
 2. *Location.* Location of the building, structure, or lot on which the sign is to be attached or erected.
 3. *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.
 4. *Position of sign.* Position of the sign in relation to nearby buildings, structures, and property lines.
 5. *Plans for sign.* Two copies of the plans, specifications and method of construction and attachment to the building or the ground.
 6. *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.
 7. *Sign erector.* The name and address of the sign erector.
 8. *Insurance.* The insurance policy as required in this article.
 9. *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.
 10. *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.
 11. *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) *Prohibited signs.*

- a. Roof signs.
- b. Signs that confuse traffic. Signs that simulate or imitate the size, color, lettering, or design of any traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic are prohibited.
- c. Animated and moving signs.
 - 1. Signs that move or have any moving or animated parts or image, whether movement is caused by machinery, electronics, wind or otherwise.
 - 2. Signs where a light source moves or is not of constant intensity and color or where any light bulb can shine directly into the eyes of any occupant of any vehicle traveling upon any highway, driveway or parking area or into any window of any residence within 200 feet or where the illumination interferes with the visibility or readability of any traffic sign or device.
- d. Open flames. In no case shall any open spark or flame be used for display purposes unless specifically approved by the building department.
- e. Signs in public rights-of-way. Signs shall not be placed within any public right-of-way within the city, except signs authorized by the county road commission, the state department of transportation or the city with jurisdiction over the right-of-way. The mayor is authorized to cause the removal of any signs posted or placed in any public right-of-way, provided any such signs are kept available for a period of ten days for pickup by any person who might claim them.
- f. **Off-premises signs.**
- fg. Any sign not expressly permitted by this chapter shall be prohibited.

(3) *Locational requirements.*

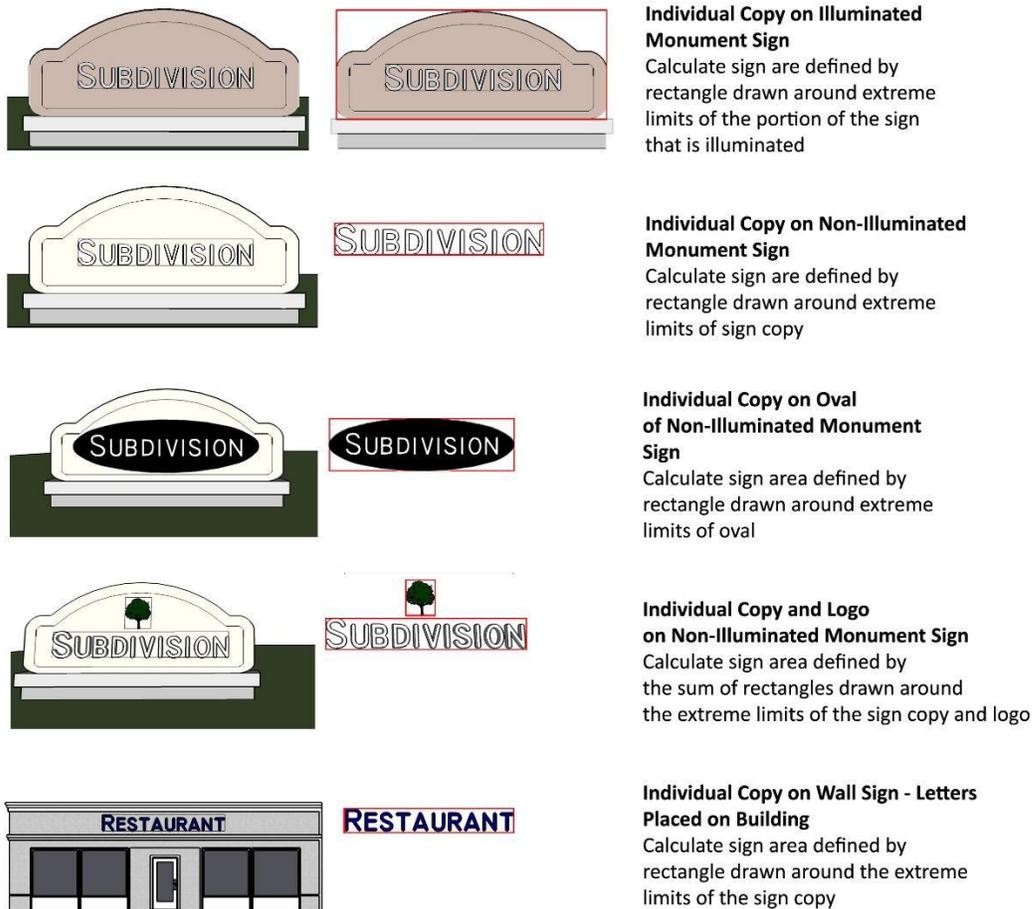
- a. *Corner clearance.* No sign shall be placed within the triangular area at the corner of the intersection of two street right-of-way lines for a distance along each line of 25 feet from their point of intersection as designated by the city's master right-of-way plan. Also, no sign shall be placed within the triangular area at the corner of the intersection of a street right-of-way line and the edge of a private driveway for a distance along each line of 15 feet from their point of intersection.

Compliance with engineering standards adopted by the City of Rochester Hills is also required.

- b. *Proximity to electrical conductors.* No sign shall be erected so that any part, including cables, guys, etc., will be within six feet of any electrical conductor, electric light pole, streetlamp, traffic light, or other public utility pole or standard.

(4) *Measurement of sign area and height.*

Figure 134-4: Sign Area and Height



Sign Area Calculation Guidelines

Note: graphic replaced to indicate that sign area for individual copy on illuminated monument signs is measured around the portion of the sign that is illuminated.

- a. Sign height shall be the vertical distance measured from the point of ground immediately beneath the sign to the highest point of the sign, including decorative embellishments, supporting structures, and backgrounds. Where the ground elevation beneath a sign varies, the average grade of the ground within a five-foot

radius of the sign structure shall be used. The average grade shall be the highest point within said radius plus the lowest point within said radius, divided by two. Any filling, berming, mounding or excavating primarily for the purpose of locating the sign shall not be included in the calculation of average grade.

- b. 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 three 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 as the area of the larger face if the two faces are of unequal area.

(5) *Illumination.*

- a. Illuminated signs shall not be of the flashing or intermittent type.
- b. The source of illumination may be internal or external. The source of the light shall not be exposed.
- c. External sources of illumination shall be shielded and directed to prevent glare onto public right-of-way or neighboring properties.
- d. Direct light sources shall not be visible from any street or adjacent residential property unless the direct source is obscured or softened in appearance by use of a diffusing material.
- e. The use of exposed neon, or similar gas, tubing in conjunction with other types of materials within a sign is permitted; however, strip lighting or any other use of neon, similar gas, or LED outline tubing around windows and buildings is prohibited.
- f. When permitted, electronic message signs shall comply with the following standards:
 - 1. Multi-colored messages may be used where the words, letters or pictures are not in motion.
 - 2. 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
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.

- 3. Signs shall be programmed to go dark in the event of a malfunction.
- 4. The content of the electronic display area shall not feature motion or animation. Any and all portions of the message shall remain static for a minimum of 30 seconds. The change from message to message shall be instantaneous.
- 5. Electronic displays shall not mimic traffic controls.
- 6. Only freestanding signs may include electronic message components.
- (6) *Design standards.* Signs should be professionally constructed using high-quality materials such as metal, stone, hard wood, and brass. Exterior materials, finishes, and colors should be the same or similar to those used on the principal building.
- (7) *Substitution clause.* Nothing in this chapter shall be construed to prohibit non-commercial messages on signs that are otherwise allowed herein.

Section 3. Section 134-5 (1) of Chapter 134 of the Code of Ordinances of the City of Rochester Hills shall be amended, as follows:

Multi-family and subdivision complexes: The maximum sign area is 20 sf per each sign.

Section 4. Section 134-6 of Chapter 134 of the Code of Ordinances of the City of Rochester Hills shall be amended, as follows:

Sec. 134-6. Wall signs.

Wall sign standards as follows:

- (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
<i>Residential Development</i>	
Single-family dwellings	Not Permitted
Multi-family and subdivision complexes	20
Housing for elderly	20
<i>Recreational, church, institutional, public, and quasi-public uses</i>	
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
<i>Office, professional, and research uses</i>	
Medical offices	20 sf per tenant, up to a maximum of 100 sf per building;
Professional offices	Buildings with 2 major street frontages: 1 additional sign up to 20 sf.
Research offices	Buildings with freeway frontage; 2 additional sign areas are permitted, up to a maximum of 100 sf each.
<i>Commercial, retail, and industrial uses</i>	
General commercial, retail, <u>office and</u> restaurant uses	10% of primary building or tenant façade with no single sign being more than 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 1 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 with no single sign being more than 100 sf
Freeway service business	10% of primary building or tenant façade with no single sign being more than 100 sf

Specific standards—Wall signs.

- a. Wall signs shall not project beyond the roof or parapet of any building.
- b. Wall signs shall not face a residential district unless separated by a major street, except that in the BD Brooklands district, a wall sign up to ten square feet may be placed within five feet of a rear customer entry. Such sign shall not be illuminated.
- c. When a building is located at the property line, a wall sign may project up to 12 inches beyond the building, but in no case shall a wall sign extend into the existing right-of-way.
- d. For general commercial, retail, office and restaurant uses, wall signs shall be located on the upper portion of the storefront, and shall not exceed the 80 percent of the width of the storefront bay.
- e. Wall signs shall be placed in a clear signable area, which is an architecturally continuous area uninterrupted by doors, windows, or architectural details such as grillework, piers, pilasters, or other ornamental features.
- f. Multiple story buildings. Non-illuminated secondary signage for second floor tenants is permitted below the eave line of a two-story building and below the bottom of the 3rd floor window line, up to 20 square feet in area. ~~Signs are permitted at the storefront level only, below the expression line separating the ground floor from upper floors.~~
- g. Additional area provisions based on building setback. The maximum sign area may be increased based on the following table:

Building Setback in Feet from the Proposed Right-of-Way	Factor
100—249 ft.	1.5
250 ft. or more	2.00

Section 5. Section 134-9 of Chapter 134 of the Code of Ordinances of the City of Rochester Hills shall be amended, as follows:

Sec. 134-9. Temporary signs.

(a) Temporary signs shall be permitted as follows:

Table 134-9 A. Maximum Size, Maximum Height, and Permitted Type of Temporary Signs					
Use	Permitted Types	Maximum Area of _____ All Temporary Signs	<u>Maximum Number of all Temporary Signs</u>	Maximum Area of Any Individual Sign	Maximum Height (Freestanding)
Single-Family Residential	Freestanding	10 square feet	<u>2</u>	6 square feet	7 feet
	Wall	4 square feet	<u>1</u>	2 square feet	
Multiple Family Residential	Freestanding	32 square feet	<u>2</u>	16 square feet	7 feet
	Wall	4 square feet	<u>1</u>	2 square feet	
Non-Residential Uses in Residential districts	Freestanding	40 square feet	<u>1</u>	20 square feet	7 feet
	Wall	20 square feet	<u>1</u>	20 square feet	
Non-Residential Uses in all other districts	Freestanding	64 square feet	<u>3</u>	20 square feet	7 feet
	Wall	64 square feet	<u>1</u>	32 square feet	
Per subsection 134-4(1)a.5, signs under 12 square feet do not require a permit.					

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. Except as otherwise provided therein, 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 \$500.

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 _____, 2022 following its publication in the *Oakland Press* on _____, 2022.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2022.

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 _____, 2022.

Leanne Scott, Clerk
City of Rochester Hills