

12/11/2009

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS 134-1, 134-7, 134-109, 134-146, 134-148, 134-177, 134-178, 134-179 AND 134-181 OF CHAPTER 134, SIGNS, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO DEFINE TERMS; CLARIFY LOCATION REQUIREMENTS; AUTHORIZE AND REGULATE TEMPORARY ADVERTISING BANNER FLAGS AND MODIFY REGULATIONS FOR TEMPORARY WALL AND FREESTANDING SIGNS; MODIFY ELECTRONIC MESSAGE SIGN REGULATIONS; MODIFY STANDARDS FOR AREA, SETBACK, HEIGHT AND NUMBER OF SIGNS; REPEAL CONFLICTING ORDINANCES AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 134-1 of Chapter 134 of the Code of Ordinances shall be amended to add a definition for “Facade,” as follows:

Facade. The front of the building or tenant space measured from ~~end-to-end~~side to side and from grade to top of wall.

Section 2. Section 134-1 of Chapter 134 of the Code of Ordinances shall be amended to modify the definition of “Monument sign,” as follows:

Monument sign. A freestanding sign of not greater than seven feet in height attached to a permanent foundation or decorative base located on the ground either horizontally or on a plane parallel to the horizon which supports the sign and is not attached to or dependent on freestanding vertical support from any building, exposed pole, or ~~similar~~ uprights ~~with no exposed poles or posts~~ for support. The base of the sign shall not be less than seventy-five percent (75%) of the width of the sign panel.

Section 3. Section 134-7 of Chapter 134 of the Code of Ordinances shall be amended, as follows:

Sec. 134-7. Exemptions.

The following signs shall not require a permit:

(1) *Addressing numbers.* Numbers attached to any building wall or any freestanding sign for purposes of address location.

(2) *Certain premises signs; for sale and help wanted signs.* Signs having an area of not more than six square feet each, the message of which is limited to warning of any danger, prohibition or regulation of the use of property or traffic or parking thereon, or advertising the premises for sale or rent or for help wanted.

(3) *Community activity/event sign.* Community activity/event signs erected with permission on private property to advertise community activities or events sponsored by

non-profit community service organizations, provided that the organization sponsoring the activity shall provide written notification to the building department of the dates of the activity or event at least 14 days prior to the event. Signs may be erected ten days prior to the date of the activity or event and shall be removed within two days after the activity or event. One sign not larger than 16 square feet and a maximum height of seven feet may be placed where the activity is taking place. Additional signs no larger than six square feet in size and four feet in height shall be allowed. These signs shall be limited to one sign per lot frontage and further limited to no more than 25 signs per activity or event. This exemption shall be restricted to two activities or events per calendar year for each non-profit community service organization.

(4) *Flags.* The flag of any civic organization, municipal, state or nation respectfully displayed including one flag, not exceeding 24 square feet, bearing the official design insignia, name or logo of the on-premises business subject to the following conditions: 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.

(5) *Garage sale signs.* Garage sales signs advertising a garage sale at a residence may be erected on or off the premises where the sale occurs, provided that all signs are erected on private property. A sign erected off the premises shall be on private property with the approval of the owner of the property. Garage sale signs shall not be located within public road rights-of-way or on other publicly owned property. Each garage sale shall be limited to one sign located on the premises and one sign located off of the premises, with each sign not to exceed six square feet in area and four feet in height. Signs advertising a garage sale shall not be erected for more than 12 days in any calendar year per garage sale location. This subsection shall also apply to yard sales, basement sales, rummage sales, moving sales, estate sales or other similar sales when conducted at a residence.

(6) *Gasoline pump signs.* Gasoline pump-mounted signs of no more than three square feet per pump and projecting no higher than two feet above top of pump.

(7) *Historic signs.* Historic marker signs indicating only the date of erection of a building and having an area not exceeding six square feet.

(8) *Holiday lights.* Holiday lights and decorations.

(9) *Identifying signs.* Labels identifying the source, brand name or manufacturer of merchandise exhibited for sale, none of which exceed two square feet.

(10) *Model Signs.* One sign per building model not to exceed six square feet or maximum height of five feet.

(11) *Official signs.* Signs posted by duly constituted public authorities in pursuance of their public duties.

(12) *Open house sign.* One off-premises sign for each roadway leading from a major thoroughfare into the location or subdivision where the property being advertised is located. Sign(s) are limited to six square feet with a maximum height of five feet and may

be displayed only between the hours of 11:00 a.m. to 5:00 p.m. These signs may not be located in the public right-of-way.

(13) *Political signs.* Political, ideological or expressive signs advocating or opposing a candidate for public office, an ideology or a position on an issue. On election day, political signs must be located at least 100 feet from and not more than 200 feet from any entrance to a building in which a polling place is located.

(14) *Premises identifying signs.* Signs having an area of not more than two square feet, the message of which is limited to conveying the name of the premises, the name of the owner of the premises and the name of the occupant of the premises.

(15) *Premises signs with limited visibility.* Signs which are visible only from the premises on which they are located.

(16) *Real estate signs (one-family residential).* One on-premises real estate sign per one-family residential frontage advertising the premises for sale, rent or lease; no greater than six square feet and a maximum height of five feet.

(17) *Roadside stands and Christmas tree sales signs.* On-premises signs for roadside stands and Christmas tree sales, which are otherwise under permit issued by the city, with a maximum of one sign per road frontage, and no larger than 12 square feet in area or greater than seven feet in height.

(18) *Service station price signs.* Signs no more than 12 square feet in area which display only the price of motor vehicle fuel and type of fuel and further limited to one per road frontage and located on the same sign structure as the premises identification sign. Service station price signs shall comply with the height and setback limitations in the table in section 134-181.

(19) *Truck signs.* Signs located on the rolling stock of common carriers or on motor vehicles or trailers bearing current license plates and in operable condition which are traveling or lawfully parked upon public highways or lawfully parked upon any premises they are servicing or based at, where the primary purpose of such parking is not the display of any sign and where the number of vehicles bearing a sign of any one advertiser does not exceed one plus one more for each 25,000 square feet of area of the premises.

(20) *Window signs.* Window signs, where permitted, that encompass not more than 20 percent of the area of the window shall be exempt. The area of any window signs exceeding 20 percent of the total window area shall be deducted from the allowable sign area of the premises.

(21) *Decorative banners.* Decorative banners placed on street light poles by public agencies or private non-profit, community and civic organizations.

Section 4. Section 134-109 of Chapter 134 of the Code of Ordinances shall be amended, as follows:

Sec. 134-109. Location.

(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.

(b) *Signs in public rights-of-way.* It shall be unlawful for any person to post or place any sign within any public right-of-way within the city, except signs authorized by the county road commission, the state department of transportation ~~commission~~ 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.

(c) *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.

Section 5. Section 134-146 of Chapter 134 of the Code of Ordinances shall be amended, as follows:

Sec. 134-146. Real estate development signs.

The building department may permit a real estate development sign during development of a subdivision or other premises for a period not exceeding two years with one-year subsequent renewals, stating the name of the subdivision or other property, developer, contractors and subcontractors, engineers, architects, brokers, and financial institutions involved, and advertising the development, having an area not exceeding ~~3649~~ square feet in area and a height not exceeding seven feet. Permits for real estate development signs shall be obtained only by the developers of the premises or their agent. In no case shall the sign continue to be displayed once 80 percent of the development has received a certificate of occupancy.

Section 6. Section 134-148 of Chapter 134 of the Code of Ordinances shall be amended, as follows:

Sec. 134-148. Temporary signs: banners, pennants, strings of flags or streamers, freestanding and hand-held ~~portable~~ signs and sandwich boards.

Temporary signs may be authorized by permit by the building department on the basis that the proposed sign is necessary for the direction of the public, will not create an obstruction or a traffic hazard or be incompatible with the general area where it is to be located, and will not be contrary to the spirit and purpose of this chapter. The building department may consider the following in determining whether to authorize a permit for a temporary sign: the presence of other existing temporary signs, absence of permanent signs, change of use of the premises,

change in basic service provided by the occupant, and special events. Temporary signs shall be in compliance with all of the following provisions. Further, this sign area shall not be charged against the allowable square footage for the building or tenant.

~~Temporary wall or freestanding portable sign: Temporary wall and freestanding signs may be erected on any business establishment for a maximum period of 14 consecutive days with the maximum number of four temporary signs in any 12-month period.~~

~~Temporary grand opening signs: Temporary wall or freestanding grand opening signs for new business establishments may be erected for one-time only for a maximum period of 30 consecutive days.~~

~~Area and height: Temporary wall signs may not exceed 50 percent of the allowable sign area or maximum single sign area for the tenant or premises with a maximum of 100 square feet, whichever is less. Temporary wall signs shall not exceed the height limitations in table 134-181. Freestanding portable signs shall not exceed 16 square feet in area and six feet in height to the top of the sign.~~

~~Temporary freestanding signs, banners, or flags: Freestanding signs, banners, and flags may be erected on any business premises by permit. Temporary freestanding signs, banners, and flags may be erected for a period not to exceed 30 consecutive days by permit and no more than four permits in any twelve-month period. Freestanding signs or banners are limited to one per property and shall not exceed 32 square feet and seven feet in overall height to the top of the sign. Freestanding flags are limited to two per property and shall not exceed 32 square feet and twelve feet in overall height to the top of the flag.~~

~~Temporary Grand Opening Signs: Temporary wall grand opening signs or banners may be erected by permit for newly established businesses. Grand opening signs may be erected for one-time only for no more than 30 consecutive days. Grand opening wall signs are limited to no more than 10% of the business facade area but not to exceed 100 square feet. Grand opening wall-mounted signs may be erected **up to the top of the wall but shall not project** above the parapet line of the building. Grand Opening freestanding signs may not exceed 32 square feet in area or seven feet in overall height to the top of the sign.~~

~~Temporary wall signs: Temporary wall signs or banners for any other purpose than described above may be issued by permit. Temporary walls signs may be erected for a period of not to exceed 30 consecutive days by permit and not more than four permits in any twelve-month period. These temporary signs may not exceed 10% of the facade to a maximum of 100 square feet in area. Temporary wall signs may be erected **up to the top of the wall but shall not project** above the parapet line of the building.~~

Removal: All temporary signs, whether freestanding or wall, shall be removed within 24 hours of the expiration of the permit.

Damaged or unsafe: Any temporary freestanding or wall sign found by the building department to be in a deteriorated, damaged, unusable or unsafe condition must be

repaired or removed by the sign contractor or owner within 48 hours following notice from the building department.

Section 7. Section 134-177 of Chapter 134 of the Code of Ordinances shall be amended, as follows:

Sec. 134-177. Signs permitted on recreational, church, institutional, public, and quasipublic premises.

This section shall apply to premises with public and private recreation; municipal buildings and uses; public, private, and parochial schools; cemeteries; nursery schools, day nurseries, and child care facilities; funeral homes; colleges; civic organizations; housing for the elderly; churches and places of worship; and other similar uses. The following signs shall be permitted:

- (1) One monument sign limited to a maximum of 20 square feet and a maximum height of seven feet.
- (2) One wall sign limited to 20 square feet in area and a maximum height of ~~20 feet from gradetop of wall.~~
- (3) Temporary signs.
- (4) One changeable or electronic message sign of 32 square feet when placed on the same sign structure as the monument sign permitted in this section. Electronic message signs ~~shall have the letters and images of uniform color on a black background~~ may display multi-colored messages where the words, letters or pictures are not in motion and are not changed more often ~~that than~~ every ten seconds.

Section 8. Section 134-178 of Chapter 134 of the Code of Ordinances shall be amended, as follows:

Sec. 134-178. Signs permitted on office, professional and research premises.

The following signs shall not be permitted on office, professional and research premises:

- (1) One monument sign per vehicle entrance (but no more than two ~~(2)~~ signs per premises) identifying or advertising the ~~office, professional or research~~ tenant(s) or premises, which sign shall have an area not exceeding twenty (20) square feet and a height not exceeding seven ~~(7)~~ feet. In addition, ~~when the premises is known by a name different than any occupant, each occupant shall be permitted one for multi-tenant buildings, additional~~ identification sign area not exceeding eight square feet ~~and per tenant may be~~ located on the same sign structure ~~not exceeding seven feet in height~~. The total sign area of each such ~~identification~~ monument signs shall not exceed ~~80~~ 100 square feet for the premises. Such monument signs shall be exempt from the setback requirements of the zoning ordinance in chapter 138 and the table in section 134-181, if applicable, but shall not be located in the proposed or existing right-of-way and required corner clearance. A monument ~~or wall~~ sign shall be located on frontage facing a major street, unless there is no frontage on a major street.

(2) Temporary signs.

~~(3) One wall sign of 20 square feet with a height not to project above the roof or parapet of the building elevation on which it is mounted. Buildings in excess of one story shall be permitted an additional 20 square feet per story to a maximum of 100 square feet in single wall sign area, and no more than two wall signs. When the property has a common boundary line with a freeway, excluding service drives, and the sign is mounted on a building elevation that is oriented towards the freeway, the wall sign may not project above the roof or parapet of the building elevation on which it is mounted. One wall sign with a sign area not exceeding twenty (20) square feet per tenant and a height that does not project above the roof or parapet. For buildings in excess of one story, each tenant shall be permitted additional wall sign area of twenty (20) square feet per story occupied, with no single sign exceeding 100 square feet in area. Wall signs shall be located on frontage facing a major street unless there is no frontage on a major street.~~

When the property has a common boundary line with a freeway, and the wall sign(s) are mounted on a building elevation facing the freeway, the total wall sign area may be increased to an area not to exceed 10% of the elevation to maximum of 200 square feet. This area may be used to identify the premises or tenants. No single sign on this elevation may exceed 100 square feet in area.

(4) When a single story/single tenant building abuts two major streets, one sign of 20 square feet shall be permitted per elevation facing a major street.

(5) No wall sign shall be placed on an elevation facing a residential district unless it is separated by a major street, unless there is not frontage to a major street

(6) One changeable or electronic message sign of 32 square feet when placed on the same sign structure as the monument sign permitted in this section. Electronic message signs may display multi-colored messages where the words, letters or pictures are not in motion and are not changed more often than every ten seconds.

Section 9. Section 134-179 of Chapter 134 of the Code of Ordinances shall be amended, as follows:

Sec. 134-179. Signs permitted on general commercial, retail, gasoline stations and industrial premises.

The following signs shall be permitted on general commercial, retail, gasoline stations and industrial premises:

(1) Window signs on general commercial, ~~and~~ retail and industrial premises greater than 20 percent of window area shall require permits and be charged to the allowable sign area as provided in table 134-181.

~~(2) Premises signs on industrial premises in accordance with subsection 134-178(1), except that industrial premises shall be permitted one monument sign pursuant to table 134-181.~~

(32) Temporary signs.

(43) Monument signs and wall signs in accordance with the table in section 134-181.

Section 10. Section 134-181 of Chapter 134 of the Code of Ordinances shall be amended, as follows:

Sec. 134-181. Standards.

The following table establishes standards for area, setbacks, height and number of signs permitted:

Table 134-180

	General Commercial/ <u>Retail</u> Premises	Gasoline Stations and Automotive Service Premises	Industrial Premises	Freeway Service Business
Allowable sign area per site (a) (c)	X=6 Y=60 <u>10% of Building or Tenant Facade</u>			
Additional Monument sign area per site (eb)	Z=2	0 Z=2	0 Z=2	0 Z=2
Maximum additional monument sign area per site (eb)	200 sq. ft.	0 100	0 100	0 100
Minimum monument setback from proposed right-of-way	10' (ba), (ig), (jh)	10' (ba), (ig), (jh)	10' (d), (ig), (jh)	10'
Maximum wall sign height	20 Top of Wall	20 (ge) Top of Wall	(e) Top of Wall	(e) Top of Wall
Maximum monument sign height	7'	7'	7'	7' (pm)
Maximum single sign area	100 sq. ft. (ki), (lj), (mk)	100 sq. ft. (ki)	100 sq. ft. (ki)	100 sq. ft. (p)
Maximum number of monument signs per frontage (hf)	1 (fd), (nl), (ok)	1 (l)	1 (l)	1 (nl)

NOTES TO TABLE:

~~(a) Allowable square footage of sign area shall be based on the larger of one of the following calculations: (i) "X" times every ten feet or fraction thereof of street frontage; or (ii) "Y" times every acre or fraction thereof. The area of the premises, which may be used, shall include the property between the existing right of way and the proposed right-of-way. When any premises has more than one street frontage, only one street frontage shall be considered in computing allowable sign area. At no time shall frontage be considered in computing allowable sign area where there is no access to the premises from such frontage or where the proposed right-of-way abutting the frontage is less than 86 feet in width. When any premises has two or more occupants, permitted area shall be divided among them in the same proportion as they occupy building floor space. The premises owner shall obtain planning commission approval for any apportionment of sign area on a disproportional basis.~~

~~(ba)~~ In the case of nonconforming buildings located within 15 feet of the proposed right-of-way, signs may project up to five feet beyond the face of the building, but in no case shall a sign extend into an existing right-of-way. Other setbacks, than front yard setbacks, shall be the same as for other structures in the district in which the premises is located.

~~(eb) When any premises has more than one occupant, as in the case of a shopping center, additional monument sign area as allowed in the table shall be permitted. This additional sign area shall only be used to identify the name of the premises and occupants. The additional monument sign area shall not be used for tenant or premises wall signs. The additional monument sign area shall be calculated by multiplying "Z" equals 2 times every ten feet or fraction thereof of street frontage, but not to exceed the maximum additional monument sign area.~~

~~(dc)~~ When a building is located within or at the required setback, 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.

~~(e) Wall signs shall not exceed 20 feet in height except when the property which has a common boundary line with a freeway, excluding service drives, and the sign is mounted on a building elevation that is oriented towards the freeway. In such a case, the wall sign may not project above the roof or parapet of the building elevation on which it is mounted~~

~~(fd)~~ One monument sign shall be permitted for each frontage abutting a major street, provided however that a second sign shall be allowed for each frontage in excess of 300 feet having more than one entranceway onto a road right-of-way.

~~(ge) Signs are not~~ Two signs, not exceeding 20 square feet each, are permitted to be attached to or be a part of gasoline pump canopies.

~~(hf)~~ Monument signs shall not be permitted to be placed along frontages of thoroughfares with a proposed right-of-way of less than 86 feet in width as designated within the city transportation plan except as provided in this chapter.

(ig) When a nonconforming sign is replaced by a sign conforming to this chapter, the building department director may reduce the minimum setback to the extent the director, in the director's sole judgment, determines necessary to achieve reasonable visibility of the replacement sign and to avert or alleviate a potential traffic hazard, but in no case shall the replacement sign be located in the existing public right-of-way.

(jh) Along Rochester Road, a 75 feet proposed right-of-way, extending from both sides of the centerline, shall be used for the purpose of measuring the minimum sign setback.

(ki) In no case shall a sign be placed on an elevation facing residential district unless separated by a major thoroughfare.

~~(l) Area of building mounted sign may be increased beyond the limitations of the table in section 134-181 if the sign is setback from the proposed right-of-way at least 50 feet or more. To determine the maximum area permitted for a wall sign setback from the proposed right-of-way 50 feet or more calculate the total maximum sign area permitted by the table in section 134-181. The permitted wall sign area of any single sign may be increased by the applicable factor in Table 134-182 provided that the actual physical size of the sign shall not exceed 100 square feet.~~

(mj) General commercial premises meeting or exceeding a setback distance of 250 feet or more from the proposed road right of way and having a usable floor area of 50,000 square feet or more, may increase the area of one single sign to a maximum of 200 square feet to identify the name of the business only. The sign must be placed on the elevation facing the proposed road right of way from which the setback distance is taken. This sign area will be charged against the total allowable sign area for that business.

(nk) Automobile and truck agency sales and showrooms shall be permitted the following monument signs: Each development may have one monument sign identifying the main dealership of the development. A second monument sign identifying used cars and truck sales may be permitted. A third monument sign identifying additional automotive product manufacturers, other than that provided for on the other main development sign may be permitted.

(ol) ~~One~~ Changeable or electronic message sign of 32 square feet when ~~mounted~~ placed on the same ~~monument sign~~ structure as the ~~premises identification monument~~ sign ~~and further limited to one per premises~~. Electronic message signs ~~shall have the letters and images of uniform color on a black background~~ may display multi-colored messages where the words, letters or pictures are not in motion and are not changed more often than ~~ten~~ every ten seconds.

(pm) For freeway service businesses a greater height and area may be permitted than allowed in the table if the sign board of appeals determines a greater height or area is necessary to assure reasonable visibility of the sign to motorists on the adjacent limited access freeway.

Section 11. 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 12. 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.

Section 13. 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 _____, 2009, following its publication in the *Rochester Post* on _____, 2009.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2009.

Bryan K. Barnett, Mayor
City of Rochester Hills

CERTIFICATE

I hereby certify the foregoing ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof on _____, 2009.

Jane Leslie, Clerk
City of Rochester Hills