

Commission Letter #: 174-10  
Commission Meeting: 6/21/2010  
RE: **2010 Sign Ordinance Amendments**

June 14, 2010

The Honorable Mayor  
And  
Members of City Commission

There are two significant changes proposed to the current Sign Ordinance. The first will reduce the amount of time a sign can remain up after a business closes. Abandoned signs should be removed in a reasonable amount of time and this amendment will assist us in accomplishing that task. The second proposed amendment will allow for temporary signage within the city. The current Sign Ordinance prohibits banners, temporary signs, and inflatable signs. This ordinance amendment will provide businesses in the City of Royal Oak with an opportunity to utilize these forms of temporary signage. This signage will be regulated for size, location and duration.

The following resolution is recommended for approval:

**Be It Resolved that the City Commission** hereby approves the 2010 Sign Ordinance Amendments on first reading.

Respectfully submitted,



Jason Craig  
Building Official

Approved,



Donald E. Johnson  
City Manager

ORDINANCE NO. 2010 - \_\_\_\_

AN ORDINANCE TO AMEND THE ROYAL OAK CITY CODE AT CHAPTER 607, "SIGNS", ARTICLE II, "SIGN REGULATIONS", TO PROVIDE FOR TEMPORARY SIGNAGE AND TO REDUCE THE LENGTH OF TIME THAT SIGNAGE RELATED AN ACTIVITY THAT HAS BEEN DISCONTINUED MAY REMAIN IN PLACE

THE CITY OF ROYAL OAK ORDAINS:

SECTION 1. SHORT TITLE. This Ordinance shall be known as and may be cited as the "2010 Sign Ordinance Amendments."

SECTION 2. STATEMENT OF PURPOSE. This is an ordinance to amend the City Code at Chapter 607, "Signs", Article II, "Sign Regulations", to provide for temporary signage and to reduce the length of time that signage related to an activity that has been discontinued may remain in place.

SECTION 3. AMENDMENT AT SECTION 607-8. The Royal Oak City Code, Chapter 607, "Signs", Article II, "Sign Regulations", is hereby amended at Section 607-8, "Definitions", which shall now read as follows:

**"§ 607-8. Definitions.**

Words and phrases used in this article shall have the meaning(s) set forth in this section. Words and phrases not defined in this section but defined in other City of Royal Oak ordinances shall be given the meanings set forth in such ordinance(s). All other words and phrases shall be given common, ordinary meaning, unless the context clearly requires otherwise.

ABANDONED SIGN -- A sign which, by reason of neglect, damage or deterioration requires repair and for which the owner or other party responsible for maintenance thereof, fails to undertake and complete such repairs within 30 days after having received written notice to do so from the City.

ABANDONED SIGN STRUCTURE -- A sign structure which, by reason of neglect, damage or deterioration requires repair and for which the owner, or other party responsible for maintenance thereof, fails to undertake and complete such repairs within 30 days after written notice to do so from the City.

ANIMATED SIGN -- A sign with action, motion or the appearance of action or motion, such as flashing lights, color changes, moving parts or reflective materials. This definition does not include revolving signs or time-and-temperature displays.

AWNING -- An ornamental overhanging structure or frame covered with cloth or metal or other material, designed to provide shelter from sunlight or the elements, and which structure or frame is affixed to an exterior wall of a building in such a manner that the structure or frame may be raised or retracted to a position against the building or retracted so as to be within a container or device for storage.

**BACKGROUND AREA** -- The area of a sign face upon which copy could be placed.

**BALLOON** -- Any device capable of being inflated with air, helium, or other gas and mounted, tied or tethered in such a manner as to hold such balloon from being carried away by the wind.

**BANNER** -- A sign containing a commercial message produced on lightweight flexible fabric, such as canvas, cloth, paper or similar material, ~~that is mounted to a pole or a building at one or more edges, and which is more or less subject to movement by the wind.~~ National, state, or municipal or educational institution flags should not be considered banners.

**BEACON** -- Any stationary or revolving light which flashes, projects or directs one or more beams of single or multiple-colored light, in any manner which, intended or not, attracts or diverts attention.

**BUILDING FAÇADE** -- That portion of the front, side or rear exterior wall(s), or any portion thereof, of a building which are exposed to view, including areas of fenestration.

**BUILDING MARKER** -- Any sign intended as a commemorative message which may provide the name of a building, date of construction, or other incidental information about its construction, and which sign is cut into a masonry surface or made of bronze or other permanent material, which is constructed, affixed or otherwise made an integral part of the building.

**CANOPY** -- A permanent ornamental overhanging structure or frame, covered with canvas, cloth or other material, affixed to and extending from the exterior wall of a building, designed to provide shelter from sunlight or the elements.

**CHANGEABLE-COPY PANEL** -- A sign, or portion thereof, which is characterized by changeable copy regardless of method of attachment, without altering the face or the surface of the sign. A sign on which the message changes more than five times per day shall be considered an "animated sign"; a sign on which the only copy that changes is an electronic or mechanical indication of time and temperature shall be considered a "time-and-temperature sign." Neither animated nor time-and-temperature signs shall be considered a changeable-copy sign for purposes of this article.

**COMMERCIAL MESSAGE** -- Any wording, symbol, image, shape, picture or combination thereof, or other representation that, directly or indirectly, names, advertises, promotes, or calls attention to a business, goods, service, institution, person, activity, location or idea.

**COPY AREA** -- The actual area occupied by a commercial message, whether or not applied to any background. Copy area is computed by straight lines drawn closest to copy extremities by the appropriate method identified in § [607-9H](#) herein.

**DILAPIDATED SIGN** -- Any sign which, by reason of neglect, damage, exposure to the elements or other causes, has deteriorated so that the intended message is no longer clearly discernible, or the sign poses a hazard to the public health, safety and general welfare, as determined by the enforcement official.

**DIRECTIONAL SIGN** -- Incidental on-premises sign, the sole purpose of which is to guide pedestrians or vehicular traffic. A directional sign shall not contain a commercial message.

**ELIGIBLE ADVERTISER** -- Any person legally entitled to occupy a lot.

**ENFORCEMENT OFFICIAL** -- The City of Royal Oak Building Official or his or her designated alternate.

**EXISTING SIGN** -- Any sign which is legally displayed on or before the effective date of this article.

**FESTOON SIGN** -- A sign consisting of a wreath or garland of flowers, leaves, paper or other material hanging in a loop or curve.

**FLAG** -- Lightweight flexible fabric, such as canvas, cloth, or similar material, that is mounted to a pole or a building at one or more edges, which is more or less subject to movement by the wind and which is used as a symbol of a national, state or municipal government, political subdivision, educational institution, other noncommercial entity, or noncommercial idea.

**FLASHING SIGN** -- An illuminated sign which does not have the source of light, be it artificial or natural, maintained stationary or constant in intensity and color at all times when in use.

**FREESTANDING SIGN** -- A sign not attached to a building or other improvement but instead permanently erected upon or standing in the ground and usually supported from the ground by one or more poles, columns, uprights, braces or cement anchors. Freestanding signs include monument signs but do not include portable signs.

**GASOLINE PRICE SIGN** -- A changeable-copy sign which is used to advertise the price of gasoline or other fuels. In the event that brand identification material is used or is a part of the sign advertising price, such shall be considered the gasoline price sign.

**GRAFFITI** -- An inscription or drawing made on a public surface.

**ILLUMINATED SIGN** -- A sign in which an artificial source of light is employed in order to light the sign or make the message readable. This definition includes internally and externally lighted signs.

**INCIDENTAL SIGN** -- A sign, generally informational, that has a purpose secondary to the transmission of a commercial message for the lot on which it is located, such as "No Parking," "Entrance," "Loading Only," "Telephone," or other

similar directives. No sign with a commercial message shall be considered an "incidental sign."

INFLATABLE SIGN – A temporary or permanent sign consisting of a non-porous bag, balloon, or other object inflated by any means and designed to draw attention to a commercial business, whether it does or does not contain a commercial display, commercial graphics identity, or lettering. Inflatable seasonal display items sold retail to the general public and intended primarily for private home display are not considered inflatable signs.

INSTITUTIONAL BULLETIN BOARD -- A sign upon which is displayed only the name and/or address of a religious institution, school, library, community center, eleemosynary organization or similar institution which occupies the lot, and announcements concerning its services or activities.

LOT -- A parcel of land occupied or to be occupied by a building or buildings and any accessory buildings or any other single activity, and which is under single ownership. A lot may consist of a lot of record, a portion of a lot of record, a combination of complete lots of record, a combination of complete lots of record and portions of lots of record, or a parcel described by metes and bounds.

MAJOR STREET -- Any street with an existing or proposed right-of-way greater than 66 feet.

MARQUEE -- A permanent roof-like structure attached to a building and projecting over an outer entrance door to a building, and which projects over public property.

MARQUEE SIGN -- A sign attached to or constructed on the face of a marquee.

MASTER SIGN PLAN -- A master plan of signage used in a development indicating the maximum square footage and locations of all signs, of any type, for each eligible advertiser on a lot.

MONUMENT SIGN -- A freestanding sign permanently supported from the ground by one or more poles, columns, uprights, braces or cement anchors or a freestanding sign permanently erected to rest on the ground level or monument base designed as an architectural unit with the sign.

MURAL -- A design or representation painted, drawn or sculpted on the exterior surface of a building or other structure which, absent all other signs, does not identify an occupant of a premises or relate solely to the use, business, establishment, or profession conducted, or to a principal product or service sold, offered, provided, or produced.

NONCONFORMING SIGN -- Any sign existing after the effective date of this article which does not comply with one or more of the provisions for signs as contained in this article.

OFF-PREMISES SIGN -- A sign which contains a commercial message unrelated to any business, activity, service or product actually carried or sold upon the lot upon which the sign is located.

ON-PREMISES SIGN -- A sign, which contains a commercial message strictly related to and incidental to a lawful use of the lot on which it is located.

OUTDOOR MENU BOARD -- An outdoor sign associated with restaurants, which gives a detailed list of foods, drink or services that are available at the restaurant.

PENNANT -- A sign produced on lightweight flexible fabric such as canvas, cloth or similar material that is mounted to a pole or a building at one or more edges and which is more or less subject to movement by the wind. A pennant is distinguished from a banner in that a pennant does not contain a commercial message and is intended primarily for decorative purposes. A pennant is distinguished from a flag in that it is not used as a symbol of a national, state or municipal government, political subdivision, educational institution, or other noncommercial entity.

PERSON -- An individual person, association of persons, firm, company, corporation, partnership or organization of any kind.

PLAN COMMISSION -- The Plan Commission, with the power, procedures, and duties as described in § [607-22](#) hereof.

PLAZA -- See "shopping center sign."

POLITICAL SIGN -- A sign announcing the candidacy of a person or persons running for public office or issues to be voted upon at an election.

PORTABLE SIGN -- A sign not permanently mounted or affixed to the ground, building or structure, which is designed to be transported or moved, and which may have its commercial message changed, or which may be used by different eligible advertisers, including, but not limited to, the following: signs attached to a support structure with wheels; trailer signs; a-frame or t-frame signs; signs mounted on a vehicle for advertising purposes, parked and visible from a right-of-way, except signs identifying the related business or activity when the vehicle is being used in normal day-to-day operations; menu and sandwich boards; beacon and searchlight stands; and balloons or inflatable caricatures.

PRINCIPAL BUILDING -- The building in which is conducted the principal use of the lot on which it is located. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garage and other clearly accessory uses or structures shall not be considered principal buildings.

PROJECTING SIGN -- A sign which is supported by a building wall, and which has its copy area oriented perpendicular to the building wall supporting it; or secondly, a sign, any part of which extends more than 12 inches from the building wall.

REAL ESTATE SIGN -- A temporary sign placed upon a lot for the purpose of advertising to the public the sale or lease of said lot.

REVOLVING SIGN -- A sign or sign structure that rotates or gives the appearance or optical effect of rotating.

ROOF SIGN -- A sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by said building.

SETBACK -- The distance from a lot line to the nearest part of the applicable building, structure or sign measured perpendicularly to the lot line.

SHOPPING CENTER SIGN -- A sign which identifies a group of three or more contiguous stores, offices or shops, whether or not under single management, which is served by a common off-street parking facility located on a private lot.

SIDEWALK SIGN -- A sign placed on the ground that is not permanently mounted or affixed, which is not designed to be transported or moved while on display, and which is intended to be used periodically by a single eligible advertiser.

SIGN -- Any structure, material, display, sculpture, flag, banner, pennant, string of lights, image, object or device which advertises or publicizes a business, goods, services, institution, person, activity, location or idea, or is intended to do so, by a word, symbol, image, color, shape, picture, or combination thereof, and which is visible from any public street, right-of-way, sidewalk, alley or other public property.

SIGN FACE -- The background and copy area of a sign which can be seen when viewed from a direction perpendicular to the background and copy area.

SIGN STRUCTURE -- A structure used or intended to be used to support a sign, with or without a sign thereon; provided, however, this definition shall not include a building facade or boundary fence or wall.

STOCK MARKET DISPLAY -- A sign which displays current stock prices, and which displays no commercial message other than the name of the business occupying the lot.

STREET -- The entire width between lot lines of every way publicly maintained when any part thereof is open, or may be opened, to the use of the public for purposes of vehicular travel or as a principal means of access to abutting property.

TEMPORARY SIGN -- A sign not permanently mounted or affixed to the ground, building or structure, and which is intended to be used only periodically by a single eligible advertiser, and which is not intended or designed to have the commercial message changed.

TIME-AND-TEMPERATURE DISPLAY -- A sign which displays the current time or outdoor temperature, or both, and which displays no commercial message other than the name of the business occupying the lot.

TRAILER SIGN -- A sign with a copy area supported on a mobile chassis, other than a motor vehicle.

UNDER MARQUEE SIGN -- A lighted or unlighted sign attached to the underside of a marquee.

WALL SIGN -- A sign which is affixed to a building facade and which does not extend beyond any horizontal or vertical end of the wall surface on which it is affixed, nor projects more than 12 inches from the building facade, and which has its copy area located so as to be parallel to the wall upon which it is affixed.

WINDOW AREA -- The actual total window square footage, calculated from the summation of individual window panels, taken from all facades of any building or other site improvement.

WINDOW SIGN -- Any sign within a building placed within 12 inches of a window or upon a window pane and that is visible from the exterior of the building.”

SECTION 4. AMENDMENT AT SECTION 607-9. The Royal Oak City Code, Chapter 607, “Signs”, Article II, “Sign Regulations”, is hereby amended at Section 607-9, “General sign regulations”, to include Section 607-9(J), which new section shall read as follows:

“J. A sign shall be removed after the business, product, service, event, or other activity to which it relates has been discontinued for 30 days.”

SECTION 5. AMENDMENT AT SECTION 607-14. The Royal Oak City Code, Chapter 607, “Signs”, Article II, “Sign Regulations”, Section 607-14, “Permitted signs at all locations”, is hereby amended at Section 607-14(Q), which shall now read as follows:

~~“Q. Special event signs. A sign which advertises a grand opening, special event, or similar message, provided the following conditions are met:~~

~~(1) Special event signs are permitted for all nonresidential uses. Within the above referenced zones, special event signs are permitted only upon lots which are used for nonresidential purposes: e.g., churches, schools, community centers, golf courses, and other permitted nonresidential uses.~~

~~(2) A permit is required for a special event sign.~~

~~(3) A permit for a special event shall not be issued more than two times within any twelve-month period per eligible advertiser. A permit for a special event sign shall not be issued for a period longer than seven consecutive days.~~

~~(4) A special event sign shall be located only on the premises of the lot upon which the special event is conducted.~~

- ~~(5) A special event sign shall not be located within, or project into or overhang, any public right-of-way.~~
- ~~(6) The location of a special event sign shall not impede on-site or off-site vehicular or pedestrian traffic.~~
- ~~(7) A special event sign shall not be permanently fastened to a building or structure; however, it shall be securely installed to the satisfaction of the building official.~~
- ~~(8) The maximum area of a special event sign is 32 square feet.~~
- ~~(9) The maximum height of a special event sign is eight feet.~~
- ~~(10) A special event sign shall be removed from the premises conducting the special event not later than 24 hours after expiration of the sign permit.~~

Temporary signage. Banners, inflatable signs, and other temporary signs, provided the following conditions are met:

- (1) A permit is required for a temporary sign.
- (2) Permits for temporary signage shall be limited to eight (8) per calendar year per eligible advertiser for a duration not to exceed fifteen (15) consecutive days per sign.
- (3) A temporary sign shall be located only on the premises of the eligible advertiser, shall not be located within or project into or overhang any public right-of-way, and shall not impede on-site or off-site vehicular or pedestrian traffic.
- (4) A temporary sign shall be securely installed to the satisfaction of the enforcement official.
- (5) A temporary sign shall be removed from the premises not later than 24 hours after expiration of the sign permit.
- (6) Banners and other temporary signs shall be wall-mounted, shall not extend beyond the top or ends of the wall surface upon which they are mounted, and shall not exceed thirty two (32) square feet.
- (7) Placement and location of inflatable signs shall be approved by the enforcement official.”

SECTION 6. AMENDMENT AT SECTION 607-16. The Royal Oak City Code, Chapter 607, “Signs”, Article II, “Sign Regulations”, is hereby amended at Section 607-16, “Prohibited signs”, which shall now read as follows:

**“§ 607-16. Prohibited signs.**

The following signs shall not be permitted, erected or maintained at any location within the City, notwithstanding any other provision of this article:

- A. A sign not expressly permitted is prohibited.
- B. Signs which incorporate, in any manner, flashing or moving lights, except as otherwise permitted in this article.
- C. Banners, spinners, and streamers except as permitted in § 607-14(C) and § 607-14(Q).
- D. String lights used in connection with or to promote a commercial purpose, but specifically excluding seasonal decorative displays.
- E. Any sign which has any visible moving part, visible revolving parts or visible mechanical movement of any description, or other apparent visible movement, including intermittent electrical pulsations, or by action of normal wind currents, but automatic change-of-message with cycle time of not less than 30 seconds is permissible, except as otherwise permitted in this article.
- F. Roof signs.
- G. Beacons, except as may be authorized by a special event permit.
- H. Signs projecting over or located in the public right-of-way, other than as may be permitted in Sign Area 3.
- I. Portable signs, except as otherwise permitted in this article.
- J. Any sign or sign structure which:
  - (1) Is structurally unsafe; or
  - (2) Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment; or
  - (3) Is not kept in good repair; or
  - (4) Is capable of causing electrical shocks to persons likely to come in contact with it.
- K. Any sign which, by reason of its size, location, color, or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any traffic sign or control device on public streets.

- L. Any sign which obstructs free ingress to or egress from a door, window, fire escape or other exitway.
- M. Signs which make use of words such as "STOP," "LOOK," "DANGER," or any characters or shapes generally used as public safety symbols; or other words, phrases, symbols or characters used in such a manner as to interfere with, mislead or confuse traffic.
- N. Any sign or other advertising structure containing any obscene or indecent commercial message, pursuant to state statute.
- O. Any sign unlawfully installed, erected or maintained.
- P. ~~Any nonconforming sign used or allowed to remain in place after the business, product, service, event or other activity to which it relates has been discontinued for 90 days.~~  
Any sign painted upon the wall of a building, fence or screening wall.
- Q. Off-premises signs, other than those which may be permitted in Chapter [770](#), Zoning.
- R. Any sign which is attached to a tree, utility pole or other structure not intended to support a sign as defined in this article.
- S. Inflatable signs and tethered balloons, except as permitted in § 607-14(C) and § 607-14 (Q)."

SECTION 7. AMENDMENT AT SECTION 607-21. The Royal Oak City Code, Chapter 607, "Signs", Article II, "Sign Regulations", is hereby amended at Section 607-21, "Nonconforming signs", which shall now read as follows:

**"§ 607-21. Nonconforming signs.**

It is the legislative intent to recognize that the eventual elimination of existing signs that are not in conformity with the provisions of this article is a valid objective of the police power, but it is also the legislative intent that such elimination of nonconforming signs shall be brought about over a period of time and in such manner as to avoid the invasion of vested rights of owners of nonconforming signs and the infliction of unnecessary hardship. The provisions of this Section shall be construed to that end.

- A. Maintenance of nonconforming signs. Signs rendered nonconforming by the provisions of this article shall be maintained in a condition of good repair until removed pursuant to the provisions of this article, but no such nonconforming sign shall:
  - (1) Be changed to another nonconforming sign.

- (2) Have its commercial message changed so as to name, advertise, or call attention to a business, product, service, event or other commercial activity not existing upon the lot on which the nonconforming sign(s) is located at the time of enactment of this article.
- (3) Be structurally altered or changed in shape, size, type or design.
- (4) ~~Continue to be used or allowed to remain in place after the business, product, service, event, or other activity to which it relates has been discontinued for 90 days or longer.~~

Be repaired or replaced after damage or destruction if the expense of repair exceeds 50% of the cost of replacing or duplicating the existing sign.

- (5) Continue to be used or allowed to remain in place following any activity that requires site plan review by the Plan Commission, according to Chapter [770](#), Zoning.
- (6) Continue to be used or allowed to remain in place following any application for a sign permit on the same premises following the effective date of this article.

B. Due to their demonstrated historical significance and considering their integral nature to the building on which they are attached, the provisions of § [607-21A\(4\)](#) through [\(6\)](#) shall not apply to any of the following signs which may have become nonconforming with the adoption of this article:

- (1) Building markers.
- (2) Marquee signs for theaters.”

SECTION 8. SEVERABILITY. If any Section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 9. SAVINGS. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

SECTION 10. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 11. EFFECTIVE DATE. This ordinance shall take effect ten (10) days after the final passage thereof.