
ARTICLE II, Sign Regulations [Adopted 2-3-2003 by Ord. No. 2003-01]

§ 607-5 Background; intent; purpose.

A. Background.

- (1) It is recognized that businesses compete with each other and try to "keep up with the competition." In doing so many try to put up signs bigger than those around them because they feel those they have are not visible enough. If someone puts up a bigger sign then eventually others will want to do the same. Clutter and confusion result, worsening the perceived lack of visibility. Such a proliferation of signs leads to visual pollution, creating significant traffic hazards for motorists and pedestrians. Drivers are distracted, visibility is impaired, access is impeded, and clear vision at intersections is prevented.
- (2) Appropriate sign regulations can indirectly spur economic development, while cluttered proliferation can hurt. High-quality developments with well-designed signs attract other high-quality developments. Sign clutter gives the impression that a community doesn't care about its appearance. There is a need to balance the public's right to know, a businesses' right to advertise, and a community's desire to limit the extent of visual pollution and resulting hazards from the proliferation of signs and sign clutter.
- (3) Signs which do nothing to help motorists or pedestrians identify a place or help them get to it are the ones which tend to most directly contribute to sign clutter. Therefore, in order to avoid sign clutter, signs messages should direct and confirm correct routes to a site; inform of a site's general organization, elements and layout; identify and name the site; and regulate on-site operations. Signs can use words, symbols, objects, or a combination of these to convey their message. These messages must be simple and direct. Verbiage must be minimized to be more easily and safely read by motorists and pedestrians.
- (4) Proportions of signs need not be uniform for all businesses. What is important is that signs do not dominate a site or building facade, but instead visually accent and appear to fit within the context and character of the building or site, and adjacent businesses.
- (5) The primary consideration for sign location is visibility. Signs need to be located so they aren't obstructed by other signs or architectural features. Poorly located signs can be obstacles and hazards. Signs need to be far enough away from rights-of-way but still close enough to them, and high enough off the ground but not too high off the ground, in

order to be seen while not visually dominating the area.

- (6) The primary function of signs is to index the environment; that is, to tell people where they can find what. Other subordinate purposes should be tolerated, but remain auxiliary and secondary to indexing. The amount, type, size, height, location, and illumination of signs need only be the minimum necessary to allow motorists to see them, recognize the activity they represent, and safely slow their vehicle in time to access the establishment, and/or to allow pedestrians to recognize the activity they represent.
- (7) It is further recognized that there are generally accepted and empirically derived standards for the type, size, spacing, area, and setback of signs based upon the speed limits and number of vehicular traffic lanes on the street that the activity fronts. These standards are generally intended to allow signs that can be recognized at a given distance by a motorist, allowing them to safely slow down, turn into and access the site for which the sign advertises.
- (8) However, these standards do not account for the peculiar characteristics of the City's business corridors. These characteristics include, but are not limited to, unusually narrow widths and shallow depths of commercial properties fronting on the City's major thoroughfares; the proximity of existing buildings and signs to each other and to property and rights-of-way; traffic flows and congestion levels; and the goals and objectives of the City's Master Plan and Chapter 770, Zoning.
- (9) The City of Royal Oak has thus determined that these peculiar characteristics warrant modifications to the generally accepted and empirically derived sign standards. The regulations and standards of this article represent these modifications and are considered the minimum amount of regulation necessary to achieve a substantial government interest for public safety, aesthetics, and protection of property values.

B. Intent and purpose.

- (1) The intent of these sign regulations is to create the legal framework for a comprehensive and balanced system of regulating signs and outdoor advertising. Such regulations are concerned with communication along sidewalks, streets, and highways, and deal with symbols and letters as they appear on signs, billboards, banners, storefronts, marquees, canopies, and all other stationary visual media whether located on or off the premises of the activity to which the message pertains.
- (2) The purposes of these sign regulations are:
 - (a) To encourage the effective use of signs as a means of communication in the City of Royal Oak;
 - (b) To maintain and enhance the aesthetic environment and quality of life within the

City;

- (c) To maintain and enhance the City's ability to attract sources of economic development and growth;
- (d) To avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community aesthetics and appearance;
- (e) To improve pedestrian and traffic safety;
- (f) To minimize the abundance and size of signs to reduce motorist distraction and the loss of safe sight distance;
- (g) To minimize the possible adverse effect of signs on nearby public and/or private property;
- (h) To preserve the value of property by assuring the compatibility of signs with surrounding land uses;
- (i) To support and complement land use objectives as set forth in the City's Master Plan and Chapter 770, Zoning;
- (j) To protect the public safety, health and welfare; and
- (k) To enable fair and consistent enforcement of these sign regulations.

§ 607-6 Title.

This article shall be known and may be cited as the Sign Ordinance, Ordinance No. 2003-01, an ordinance to regulate the construction, repair, alteration and maintenance of signs within the City of Royal Oak.

§ 607-7 Objectives.

- A. A sign may be erected, placed, established, painted, created or maintained in the City of Royal Oak only in conformance with the restrictions, procedures, standards, exemptions and requirements of this article.
- B. The objectives of this article are more specifically set forth herein as:
 - (1) To prevent the proliferation of signs which is unduly distracting to motorists and nonmotorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for

vehicular accidents.

- (2) To reduce visual pollution and physical obstructions caused by a proliferation of signs that could diminish the City's image, property values and quality of life.
- (3) To protect the general public from damage and injury caused by the distractions, hazards and obstructions generated and caused by the proliferation of signs.
- (4) To protect and enhance the aesthetic quality of the City of Royal Oak by encouraging signs which are compatible with conforming existing signs, have good viewing qualities with passing motorists, and are compatible with buildings and streets, through the establishment of specific standards for various areas in the City.
- (5) To reduce visual distractions and obstruction to motorists traveling along, entering or leaving streets.
- (6) To authorize the use of signs which are compatible with their surroundings, appropriate to the activity that displays them, expressive of the identity of individual activities and the community as a whole, and legible in the circumstances in which they are seen.
- (7) To keep signs within a reasonable scale with respect to the buildings to which they relate.
- (8) To prohibit all signs not specifically permitted by this article.
- (9) To provide for the enforcement of the provisions of this article.
- (10) To prevent signs that are potentially dangerous to the public due to structural deficiencies, disrepair or distraction to motorists.
- (11) To prevent the placement of signs in a manner which will conceal or obscure other signs, directional and/or warning signs, or signs of adjacent businesses.
- (12) To keep the number and size of signs at a level reasonably necessary to identify a business enabling the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.
- (13) To prevent hazards due to collapse, fire, collision, decay or abandonment of signage.
- (14) To establish a permit system to allow signage suitable for the sign area in which it is located that complies with the regulations and permit procedures contained herein.
- (15) To protect the public right to receive messages, especially noncommercial messages such as religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the United States Constitution.

§ 607-8 Definitions. [Amended 8-20-2007 by Ord. No. 2007-12]

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 FACADE -- 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."

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. [Added 9-8-2008 by Ord. No. 2008-13]

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.

§ 607-9 General sign regulations.

- A. All signs must contain a commercial message strictly related to and incidental to a lawful use of the lot on which the sign is located, unless otherwise specified herein.
- B. All signs shall be so placed as to not interfere with the visibility or effectiveness of any official traffic sign or signal, or with a driver's vision of any access point to a street or street intersection, or to otherwise constitute a visual obstruction to motorists traveling along, entering or leaving streets.
- C. Freestanding and monument sign height shall be measured from the existing grade level adjacent to a proposed sign to the upward-most extremity of the sign.
- D. No sign shall be erected, relocated or maintained so as to hinder ingress to or egress from any door, window or fire escape or prevent ventilation.
- E. Wall signs shall not extend beyond the horizontal or vertical ends of the wall surface on which they are affixed, nor project more than 12 inches from the building facade. No wall sign shall be attached to a building facade at a height of less than eight feet above a public sidewalk and at a height of less than 15 feet above public driveways, alleys and streets.
- F. In no case shall any sign exceed a level of illumination of 0.08 footcandle and a luminance brightness of 2,400 Lambert, when measured at the property line.
- G. Signs may be located upon awnings or canopies in lieu of either a wall sign or a window sign, but not both, in those sign areas that permit wall or window signs, under the same conditions and criteria imposed upon the wall or window sign. Awnings or canopies with signs located thereon may project further than 12 inches from the building facade; however, no such sign shall project from the surface of the awning or canopy, and must be an integral part of the awning or canopy; nor shall any sign be located upon the end panels of any awning or canopy. The area of an awning or canopy sign shall be determined using the same method utilized for a sign without a defined background.
- H. The area of a sign is computed as follows:
 - (1) For a sign having a defined background area, the size of the sign shall be measured as the total area of the defined background. For all shapes of defined background area other than square, rectangular, oval or circular, the size of the sign shall be measured as the area of the smallest square, rectangle, oval or circle which encloses the entire defined background.
 - (2) For a sign without a defined background area, such as individual letters or symbols mounted directly on a building wall or applied to an awning or canopy, the size of the

sign shall be measured as the area of the smallest square, rectangle, oval or circle which encloses the entire undefined background; e.g., the individual letters or symbols.

- (3) Where the elements of a single sign are located on two or more canopies or awnings, the size of the sign shall be the accumulative total of the area of each awning or canopy measured as if they were individual signs.

I. Sign Area Map.

- (1) The sign areas as provided in §§ 607-10 through 607-13 of this article are bounded and defined as shown on the map entitled "Sign Area Map of the City of Royal Oak." The Sign Area Map, along with all notations, references, and other explanatory information, shall accompany and be made a part of this article.^{EN(1)}
- (2) Regardless of the existence of purported copies of the Sign Area Map which may be published, a true and current copy of the Sign Area Map available for public inspection shall be located in and maintained by the office of the City Clerk. The Clerk's copy shall be the final authority as to the current status of any land in the City in regards to its designated sign area.
- (3) Where uncertainty exists with respect to the boundaries of any of the sign areas indicated on the Sign Area Map, the following rules shall apply:
 - (a) A boundary indicated as approximately following the center line of a highway, alley, or easement shall be construed as following such center line.
 - (b) A boundary indicated approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
 - (c) A boundary indicated as approximately following a municipal boundary line shall be construed as following such line.
 - (d) A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way.
 - (e) A distance not specifically indicated on the official Sign Area Map shall be determined by the scale of the map.
 - (f) Where an existing physical feature is at variance with that shown on the official Sign Area Map or any other circumstances not covered by Subsection I(3)(a) through (e), the Plan Commission shall interpret the location of the sign area boundary.
[Amended 8-20-2007 by Ord. No. 2007-12]

§ 607-10 Permitted signs in Sign Area 1.

In Sign Area 1, the following signs are permitted:

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

- (1) Each eligible advertiser is permitted one wall sign on each building facade.
- (2) The maximum area of all wall signs located upon each building facade shall not exceed 10% of the building facade area or 100 square feet, whichever is less.

B. Monument signs, provided the following conditions are met:

- (1) Each lot is permitted one monument sign. The sign may contain a commercial message for more than one eligible advertiser.
- (2) The maximum height of the monument sign shall be five feet, and the maximum area of the sign shall be 30 square feet for a single-face sign and 60 square feet for signs of two or more faces.
- (3) The monument sign shall be set back a minimum distance of 10 feet.
- (4) Where the lot frontage on a major street exceeds 300 feet, the number of monument signs may be increased by one for each additional 300 feet of frontage or portion thereof.
- (5) The maximum height of a monument sign may be increased by one foot and/or the maximum size by six square feet for a single-face sign or 12 square feet for signs of two or more faces if both the following conditions are met: [Amended 8-20-2007 by Ord. No. 2007-12]
 - (a) The sign is completely surrounded by a landscaped area, the plans for which have been prepared and sealed by a registered landscape architect, or architect.
 - (b) The sign consists of individual characters mounted on, or carved into, a background constructed of brick, stone, wood, or other natural material as may be approved by the Plan Commission.

C. Signs permitted pursuant to §§ 607-14 and 607-15 of this article.

§ 607-11 Permitted signs in Sign Area 2.

In Sign Area 2, the following signs are permitted:

- A. Wall signs, provided the following conditions are met:
 - (1) Each eligible advertiser is permitted one wall sign on each building facade.
 - (2) The maximum area of all wall signs located on each building facade shall not exceed 10% of the building facade area, or 100 square feet, whichever is less.
- B. Freestanding or monument signs, provided the following conditions are met:
 - (1) Each lot is permitted one freestanding or monument sign. The sign may contain a commercial message for more than one eligible advertiser.
 - (2) The maximum height of the freestanding or monument sign shall be 16 feet, and the maximum area of the sign shall be 42 square feet for a single-face sign and 84 square feet for signs of two or more faces.
 - (3) Where the lot frontage on a major street exceeds 300 feet, the number of freestanding or monument signs may be increased by one for each additional 300 feet of frontage or portion thereof; or the area of a single freestanding sign may be increased up to 84 square feet for a single-face sign and 168 square feet for signs of two or more faces, and the height increased up to 24 feet.
 - (4) Flashing or moving lights, moving parts, or animation may be incorporated into a freestanding or monument sign when approved as part of a Master Signage Plan by the Plan Commission for sites with frontage along Woodward Avenue, in recognition of Woodward Avenue's status as a Heritage Route and a National Scenic Byway.
- C. Window signs, provided the number of window signs shall not exceed one in each window, and the maximum area of each window sign shall not exceed 15% of each window area.
- D. Signs permitted pursuant to §§ 607-14 and 607-15 of this article.

§ 607-12 Permitted signs in Sign Area 3. [Amended 9-8-2008 by Ord. No. 2008-13]

In Sign Area 3, the following signs are permitted:

- A. Wall signs, provided the following conditions are met:
 - (1) Each eligible advertiser is permitted one wall sign on each building facade.
 - (2) The maximum area of all wall signs shall not exceed 10% of the building facade area, or 100 square feet, whichever is less.
- B. Projecting signs, in recognition of the pedestrian-oriented nature of the downtown, provided

the following conditions are met:

- (1) Each eligible advertiser with its own separate, direct entrance to a street, which entrance provides access solely to the eligible advertiser's business or activity, is permitted one projecting sign.
 - (2) Each projecting sign shall consist of a background area, which shall be affixed to a separate support arm(s), which shall be affixed to a building facade. The background area shall not be directly affixed to the building facade, but shall be affixed only to the support arm(s).
 - (3) The maximum background area of a projecting sign shall be four square feet.
 - (4) A projecting sign may have suspended therefrom a supplemental sign, which may announce that the eligible advertiser is "OPEN" for business. The supplemental sign shall not exceed 1/2 square foot in area.
 - (5) The bottom of the projecting sign, including any supplemental sign and support arm(s), shall be at least eight feet above the adjacent public right-of-way, and the top of the sign, including support arm, shall not be greater than 12 feet above the adjacent public right-of-way.
 - (6) A projecting sign including all support arms may not extend from a building facade more than 30 inches.
 - (7) A projecting sign must be located above the entrance to an eligible advertiser's business or immediately adjacent thereto.
 - (8) A projecting sign may not be internally illuminated.
 - (9) An eligible advertiser shall not display both a projecting sign and a sidewalk sign at the same location at the same time.
- C. Window signs, provided the number of window signs shall not exceed one in each window, and the maximum area of each window sign shall not exceed 10% of each window area.
- D. Sidewalk signs, as follows:
- (1) On private property, subject to compliance with specifications for sidewalk signs promulgated by the City.
 - (2) On public property, pursuant to a license agreement with the City (including compliance with specifications for sidewalk signs promulgated by the City).
 - (3) The City Manager or his designee is authorized to grant a variance from specifications

for sidewalk signs promulgated by the City where, due to unique characteristics of the property, the strict application of those specifications would result in practical difficulties to the advertiser; provided, however, that such relief would do substantial justice to all properties in the immediate area.

- (4) Sidewalk signs shall be exempt from the permit requirements of § 607-17.
- (5) An eligible advertiser shall not display both a projecting sign and a sidewalk sign at the same location at the same time.

E. Signs permitted pursuant to §§ 607-14 and 607-15 of this article.

§ 607-13 Permitted signs in Sign Area 4.

A. Permitted signage in Sign Area 4 shall comply with the following requirements:

- (1) All signs shall be designed so as to be compatible with and compliment the architectural and landscaping design and be appropriate to serve the intended use(s).
- (2) No freestanding signs shall be permitted, except in a multiple-use development where the sign is used to identify only the development.
- (3) A master signage plan shall be submitted with the site plan illustrating the location, size and typical design of the intended signs.

B. The intent of Sign Area 4 is to allow for a multitude of uses to occur in a proposed development. However, a single use may be permitted at the discretion of the Plan Commission. In such case, the permitted signage shall be determined by associating the permitted signage for all sign areas, excluding freestanding signs, that most closely resembles the characteristics of the proposed single use.

§ 607-14 Permitted signs at all locations.

Signs specified in this section are permitted at all locations throughout the City of Royal Oak, except as noted, but are subject to the conditions and limitations set forth in this section. Permits are not required unless otherwise indicated.

- A. Building or house address. Any sign which sets forth the house or building address, provided such signs shall be displayed and clearly visible from the street to which it has been assigned, and placed in accordance with the City's Property Maintenance Code.^{EN(2)}
- B. Building markers. A building marker shall not exceed an area of 30 square feet on each

building facade.

- C. Community event signs and banners. Signs advertising community events or public entertainment, when located within a public right-of-way.
 - (1) A community event sign shall not exceed 10 square feet in area for a single-face sign, and 20 square feet in area for signs of two or more faces. Placement and location must be approved by the enforcement official.
 - (2) Community event banners over or within public rights-of-way must be approved by the City Commission.
 - (3) All community event signs shall be removed within three days after the event.

- D. Garage sale signs.
 - (1) Each garage sale sign shall clearly state the address of the sale and the date and hours of the sale.
 - (2) Each property participating in a garage sale shall be permitted one garage sale sign per each frontage on a public street, which may be placed on public or private property along such frontage no more than two days before the sale, and shall be removed within one day after the sale.
 - (3) A garage sale sign shall not exceed six square feet for a single-face sign or 12 square feet for a sign of two or more faces. When placed on public property, a garage sale sign shall not exceed three square feet for a single-face sign or six square feet for a sign of two or more faces, and shall be placed as not to interfere with vehicular or pedestrian traffic.
 - (4) All garage sale signs shall be installed and placed on wire frames. A sign attached to a pole, taped in a window or any other method of installation shall be considered a violation of this section.
 - (5) All garage sale signs that do not comply with this article shall be subject to removal.

- E. Construction signs. Any sign announcing the names of architects, engineers, contractors, or other individuals or firms involved with the development, construction, alteration, or repair of a building or property, or announcing the character of the building enterprise or the purpose for which the building or property is intended, or to indicate the presence of underground public utility structures to avoid damage to structures by excavation.
 - (1) Such signs shall be confined to the site of the development, construction, alteration or repair and shall be removed within 21 days after completion of the work or expiration of

- the building permit, whichever occurs first.
- (2) Signs may be monument or wall-mounted.
 - (3) Signs may not emit direct illumination.
 - (4) Each lot shall be permitted one sign per frontage on a public street. A lot with more than 300 feet of frontage is permitted one additional sign for each 300 feet of additional frontage.
 - (5) A construction sign shall not exceed 12 square feet for a one-family or two-family dwelling; 50 square feet for multiple-family dwelling; or 100 square feet in all nonresidential uses. The above maximum sizes shall be for single-face signs; signs of two or more faces shall have a maximum area of twice the size recited above.
 - (6) A monument construction sign shall not exceed eight feet in height for residential uses or 12 feet in height in all nonresidential uses.
 - (7) A wall-mounted construction sign shall not extend beyond the top or ends of the wall surface on which it is mounted, nor shall a construction sign be located above the second floor of a multiple-story building.
 - (8) A permit is required for a construction sign.
- F. Flags. Flags, as defined herein, provided their size does not exceed the wind load capacity of the pole or other anchoring structure to which they are attached, as determined by the Building Official. Poles or other anchoring structures shall be constructed in accordance with the City's Building Code.
- G. Hours of operation. Signs, which advertise a business' hours of operation, provided that the individual characters of the sign do not exceed eight inches in height.
- H. Institutional bulletin boards. One per lot, but no such sign shall exceed a height of five feet nor an area of 25 square feet for a single-face sign, and 50 square feet for a sign of two or more faces. A permit is required for an institutional bulletin board.
- I. Institutional uses.
- (1) Wall signs for uses such as churches, schools, community centers, day care, health care and other permitted institutional uses shall be permitted, provided the following conditions are met:
 - (a) Each eligible advertiser is permitted one sign on each building facade fronting on a street.

- (b) The area of all permitted signs shall not exceed 20 square feet on each building facade fronting on a street.
 - (c) Wall signs for nonresidential developments shall not be internally illuminated unless the sign is located upon a building facade which faces a major street.
 - (d) A permit is required for a wall sign for an institutional use.
- (2) Monument signs for institutional uses, as defined above, shall be permitted, provided the following conditions are met:
- (a) Each lot is permitted to have one sign, provided it has frontage on a major street. Any monument sign so permitted shall be oriented toward the major street.
 - (b) The maximum height of the monument sign shall be five feet, and the maximum area of the sign shall be 25 square feet for a single-face sign and 50 square feet for signs of two or more faces.
 - (c) The monument sign shall be set back a minimum distance of 10 feet.
 - (d) Monument signs for nonresidential developments shall not be internally illuminated unless the sign is adjacent to a major street.
 - (e) A permit is required for a monument sign for an institutional use.

J. Multiple-family residential uses.

- (1) Wall signs for multiple-family residential redevelopments shall be permitted, provided the following conditions are met:
- (a) Each development with four or more dwelling units shall be permitted one wall sign per frontage on a major street, which sign shall be oriented toward the major street.
 - (b) The area of each permitted sign shall not exceed two square feet for each dwelling unit in the development to a maximum of 20 square feet.
 - (c) Wall signs for residential developments shall not be internally illuminated.
 - (d) A permit is required for a wall sign for a multiple-family residential use.
- (2) Monument signs for multiple-family residential developments shall be permitted, provided the following conditions are met:
- (a) Each development with 12 or more dwelling units shall be permitted one monument sign, provided it has frontage on a major street. Any monument sign so permitted shall be oriented toward the major street.

- (b) The maximum height of a monument sign shall be five feet, and the maximum area of the sign shall be 25 square feet for a single-face sign and 50 square feet for signs of two or more faces.
 - (c) The monument sign shall be set back a minimum distance of 10 feet.
 - (d) Monument signs for residential developments shall not be internally illuminated.
 - (e) A permit is required for a monument sign for a multiple-family residential use.
- K. Pennants, provided the following requirements are met:
- (1) Pennants must be securely affixed to a building facade. Pennants placed directly into the ground or upon light poles, etc., are prohibited.
 - (2) No part of a pennant shall be lower than a height of eight feet or greater than a height of 15 feet above a public sidewalk. No pennant shall project more than four feet into a public right-of-way used for sidewalk purposes. No pennant shall project over any part of a public right-of-way used for street or alley purposes.
 - (3) No pennant shall exceed a maximum size of nine square feet.
 - (4) For nonresidential uses of property, one pennant shall be permitted for each 10 feet of building facade fronting a major street, up to a maximum of six pennants per lot.
- L. Political campaign signs. Signs or posters announcing the candidates seeking public political office and/or political issues, and data pertinent thereto, up to a maximum area of 10 square feet for a single-face sign, or 20 square feet for a sign of two or more faces. These signs shall be confined to private property.
- M. Portable valet signs. Signs which designate that parking service is available, but do not advertise any establishment or business, as may be approved by the enforcement official, including their placement. Any sign shall be removed upon completion of the event. Such signs shall be in place for a period not to exceed 12 hours a day, and shall not exceed four square feet per side, and shall not be illuminated. No more than one such portable sign shall be permitted in front of any one establishment.
- N. Private traffic direction signs and other incidental signs. Signs directing traffic movement onto a lot or within a lot, when such signs are located on the lot, do not exceed five square feet in area for each sign, and, if freestanding, do not exceed three feet in total height. Such signs shall not contain a commercial message. Such signs are considered to include parking directions, exit or entrance signs, drive-up window signs, rest room signs, and the like. Horizontal directional signs flush with paved areas are exempt from these standards.
- O. Public signs. Signs of a public, noncommercial nature, to include safety signs, danger signs,

trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques, and the like, and all signs erected by or on order of a public officer in the performance of a public duty.

P. Real estate signs. Signs announcing the name of the owner, manager, realtor or other persons directly involved in the sale or rental of the property upon which the signs are placed or announcing the purpose for which it is being offered. Signs shall conform to the following standards:

- (1) Signs may be freestanding or wall mounted.
- (2) Real estate signs may not emit direct illumination and must be removed within 14 days after sale or rental of property.
- (3) Each lot shall be permitted one real estate sign per each frontage on a street. A development or lot with more than 300 feet of frontage is permitted one additional sign for each 300 feet of additional frontage, or increment thereof.
- (4) A real estate sign shall not exceed six square feet for one-family and two-family dwelling units for a single-face sign, and 12 square feet for a sign of two or more faces; 10 square feet multiple-family dwelling units for a single-face sign, and 20 square feet for a sign of two or more faces; and 32 square feet for a single-face sign, and 64 square feet for a sign of two or more faces for all nonresidential uses.
- (5) A freestanding real estate sign shall not exceed five feet in height for residential uses or 10 feet in height for nonresidential uses.
- (6) A freestanding real estate sign shall be located entirely upon the lot it is advertising for rent or sale, and shall have a minimum setback of 10 feet from the street curbline.
- (7) A wall-mounted real estate sign shall not extend beyond the top or ends of the wall surface on which it is mounted, nor shall a real estate sign be located above the third floor of a multiple-story building.

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 enforcement 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.
- R. Underground public utility warning signs. Standard types of warning signs marking the routes of underground public utility pipes, conduits and cables.
- S. Vehicle signs. Signs painted on or attached to vehicles which are licensed and used upon public streets for transportation of persons, goods or equipment are permitted, provided no person shall cause or allow any vehicle to be parked on a public street or on private property for the principal purpose of advertising any business or activity being conducted upon private property, by means of a sign or signs painted upon, supported by or attached to such vehicle.

§ 607-15 Special signage provisions.

In addition to other permitted signage, and in order to meet the special circumstances of some land uses, the following special provisions shall apply to each use as it is permitted and defined by Chapter 770, Zoning.

A. Filling stations.

- (1) Structures customarily erected to provide light and shelter to gasoline pump islands shall be permitted one wall sign, not exceeding eight square feet in area, to be located upon each structure fascia; provided, however, that the total accumulative area of all such signs shall be included as part of the maximum wall sign area permitted on the lot for

the building facades fronting on a major street.

(2) Product price signs may be provided under the following conditions:

- (a) Each lot is permitted one product price sign.
- (b) The maximum area of the product price sign shall not exceed 25 square feet per sign face. This is in addition to the maximum area permitted for any other signage.
- (c) A product price sign must be an integral part of another monument sign or be attached to a building facade.

(3) Customary lettering and data required by law shall be permitted on a gasoline pump. Product and business identification signage shall also be permitted, provided such signage does not exceed a maximum of three square feet per pump.

B. Drive-through restaurants (i.e., those where the ordering or pickup of food products occurs out-of-doors or from an automobile):

- (1) In addition to other permitted signage, outdoor menu board signs may be provided under the following conditions:
 - (a) Only one outdoor menu board shall be permitted per order window on a lot.
 - (b) The maximum area of each menu board sign(s) shall not exceed 20 square feet per sign face, and the maximum height shall not exceed six feet.

C. Time-and-temperature or stock market display signs.

- (1) No such sign shall exceed the height of the building to which it is accessory, nor an area of 40 square feet per sign face. Such signs shall be maintained in proper working order. Cycle time shall not be less than 10 seconds.

D. Theater-hotel marquee.

- (1) Provided that the commercial message is wholly contained within the basic marquee face.

E. Merchandise showcase signs.

- (1) Where outdoor showcase racks are permitted, such racks or showcases shall be limited to one sign not exceeding 10% of the largest visible face area and shall comply with the placement requirements set forth for monument signs.
- (2) Such signs must contain a commercial message relating only to the merchandise for sale on such rack or showcase.

- F. Vending machines and structures used for storage and sale of ice and/or beverages.
- (1) Each machine or structure is permitted three signs.
 - (2) The maximum area of such signs shall not exceed 18 square feet for each sign.
 - (3) All portions of such signs shall be located within the surface area of the structure.
 - (4) Such signs shall only advertise those products the structure makes available.
- G. Automobile sales agencies and showrooms. In addition to other permitted signage, the following shall apply to automobile sales agencies:
- (1) Such agencies shall be permitted a maximum of two additional monument signs to identify other services provided on the lot, such as used car/truck sales. Each additional sign shall not exceed 25 square feet in area and a height of five feet.
 - (2) Where an agency sells the new products of more than one manufacturer, one additional monument sign shall be permitted for each manufacturer. Each additional sign shall not exceed 42 square feet per sign face, and a height of six feet. One additional wall sign shall be permitted on each building facade for each additional manufacturer; provided, however, that the total maximum area for wall signs on each facade does not exceed 5% of the building face or 100 square feet.
- H. Large single-use buildings. A building with a single eligible advertiser, which has a gross floor area greater than 60,000 square feet, shall be permitted to increase the wall sign maximum square footage listed for the particular sign area in which it is located by a maximum of 50%.
- I. Shopping center sign. A freestanding sign depicting the name of a shopping center is permitted in Sign Area 2, provided the following conditions are met:
- (1) Election to erect signs authorized under this section precludes the erection of any other freestanding signs.
 - (2) The maximum area of a shopping center sign is 42 square feet for a single-face sign and 84 square feet for a sign of two or more faces.
 - (3) The maximum height of any shopping center sign is 16 feet.
 - (4) Where the lot frontage on a major street exceeds 300 feet, an additional freestanding sign may be permitted for each additional 300 feet of frontage or portion thereof; or the area of a single freestanding sign may be increased up to 84 square feet for a single-face sign and 168 square feet for signs of two or more faces, and the height increased up to

24 feet.

- (5) The sign may only identify the shopping center, and not individual eligible advertisers.
- (6) One shopping center sign is permitted per frontage on a major street that provides direct vehicular access to the shopping center.

J. Transit shelters.

- (1) Each shelter is permitted four signs.
- (2) The maximum area of such signs shall not exceed 18 square feet for each sign.
- (3) All portions of such signs shall be located within the surface area of the structure.

§ 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 § 607-14C.
- 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.
- Q. Any sign painted upon the wall of a building, fence or screening wall.
- R. Off-premises signs, other than those which may be permitted in Chapter 770, Zoning.
- S. Any sign which is attached to a tree, utility pole or other structure not intended to support a sign as defined in this article.
- T. Inflatable signs and tethered balloons.

§ 607-17 Permit requirements.

- A. Permits required.
 - (1) Except as otherwise provided in this article, it shall be unlawful for any person to erect,

alter or relocate within the City of Royal Oak any sign as defined therein, without first obtaining a permit therefor from the enforcement official, and making payment of any fee required by this article.

- (2) To erect, alter or relocate any sign requiring a permit, application shall be made upon forms provided by the enforcement official, which application shall contain the following information:
 - (a) Name, address and telephone number of the applicant, property owner and owner or person(s) entitled to possession of the sign.
 - (b) Location of building, structure, or lot on which the sign(s) are to be erected, altered or relocated.
 - (c) Position of the sign in relation to nearby buildings, structures and property lines.
 - (d) Two drawings of the plans and specifications and method of construction and attachment to the building or in the ground.
 - (e) Copy of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure.
 - (f) Name and address of the person, firm, corporation or association erecting the structure.
 - (g) Any electrical permit required and issued for said sign.
 - (h) A master signage plan as provided in § 607-18.
 - (i) Such other information as the enforcement official may require to show full compliance with this and all other applicable laws of the City of Royal Oak and State of Michigan.
- B. Permit fees. A fee shall be paid for the issuance of sign permits in accordance with a schedule of fees, which shall be adopted and amended from time to time by the City Commission. Such schedule of fees shall be designed to reimburse the City for all of its direct costs incurred in the inspection and regulations of signs and the issuance of permits. [Amended 8-20-2007 by Ord. No. 2007-12]
- C. Servicing and maintenance. The provisions of § 607-17 shall not apply to the ordinary servicing or repainting of existing signs, cleaning of a sign, or to the changing of advertising on a sign specifically designed for periodic change of message without change in sign structure, such as a time-and-temperature sign.

§ 607-18 Master signage plan.

- A. A master signage plan shall be submitted to the Planning Department whenever a building or structure shall be erected, converted to other use or structurally altered so as to require site plan review pursuant to Chapter 770, Zoning. The master signage plan shall be subject to the review and approval of the Plan Commission in the course of its site plan review process.
- B. The master signage plan shall show the size and location of all signs existing upon a lot at the time site plan review is requested, the removal of all signs not in compliance with this article, and the size and location of all new signs to be placed upon the lot. The Plan Commission shall approve a master signage plan in conformance with this article; however, in reviewing the master signage plan for compliance with this article, the Plan Commission may further restrict the location, number, or size of sign(s) if it finds such action necessary to prevent the placement of signs in a manner which will conceal or obscure other signs, directional and/or warning, or signs of adjacent businesses.

§ 607-19 Authorized sign erectors.

No person shall engage in the business of erecting, repairing or dismantling of signs for which sign erection permits are required by this article without first being licensed as an authorized sign erector.

- A. License fee. The City Commission shall by resolution from time to time establish fees for examinations, licenses, registrations, permits and inspections required by this article. Such fees shall not exceed the cost of processing, inspection, supervision, and other related costs of regulation. The fees shall be paid into the City Treasury. [Amended 8-20-2007 by Ord. No. 2007-12]
- B. Insurance. Permits may be issued to sign erectors only under the following conditions:
 - (1) Insurance certificates. The company making application shall provide the City with a certificate of liability insurance, with the form and amount of coverage subject to the prior approval of the City.
 - (2) Lapsing of insurance. If, at any time, the insurance of any sign erector is permitted to lapse, the right to obtain permits shall automatically be revoked.
 - (3) Notification of change. A sign erector shall notify the enforcement official of any change in address and, if a firm or corporation, any change in ownership or management if other than that indicated on the insurance certificates.

- C. Revocation of licenses. Sign erectors' licenses may be revoked by the City pursuant to Chapter 425, Article II, General Licensing, as amended.

§ 607-20 Material requirements, construction, loads and stresses.

Requirements concerning details of construction, materials, loads and stresses are governed by the provisions of the State of Michigan Construction Code, and every sign shall be erected and maintained in compliance with such provisions.

- A. Combustible materials. Any sign for which a permit is required shall be constructed of approved fire-retardant material, except that combustible structural trim may be used thereon.
- B. Fastenings. Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support safely the loads applied. All building fastenings must be of galvanized noncorrosive materials.
- C. Windloads. For the purpose of design, wind pressure shall be taken upon the gross area of the vertical projection of all signs and sign structures at not less than 25 pounds per square foot for those structures above ground. In calculating wind pressure on curved surfaces such as cylindrical or spherical signs or sign structures, this pressure shall be assumed to act on 6/10 of the projected area. In all open frame signs or sign structures, the area used in computing wind pressure shall be 1/2 times the net area of the framing members exposed to the wind.

§ 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.
 - (5) 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.
 - (6) 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.
 - (7) 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 (7) 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.

§ 607-22 Variances; Plan Commission. [Amended 8-20-2007 by Ord. No. 2007-12]

- A. Compliance. The Building Official or his or her designee may inspect any sign to determine whether it conforms to the provisions of this article. Any person who erects, constructs, builds or causes to be erected, built, or constructed a sign or who owns or leases property upon which a sign is located shall permit the Building Official or his or her designee access to inspect said sign to determine whether it complies with the provisions of this article.
- B. Violations. Failure to comply with any written notice from the Building Official or his or her designee shall be deemed a violation of this article.
- C. Appeals. Appeal from the decision of the Building Official shall be permitted to the Plan Commission in a manner and in conformance with the rules promulgated by the Plan Commission.
- D. Variances.
 - (1) Upon an appeal, the Plan Commission is authorized to grant a variance from the strict

provisions of this article, whereby extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this article.

- (2) In granting a variance, the Plan Commission may attach thereto such conditions regarding the location, character and other features of the proposed signs as it may deem reasonable in furtherance of the purpose of this article. Further, in granting a variance, the Plan Commission shall state the grounds upon which it justifies the granting of a variance as outlined below. When granting any variance, the Plan Commission must ensure that the spirit of this article is observed, public safety secured, and natural resources protected. The Plan Commission shall determine that the variance approval, either as proposed by the applicant or as otherwise determined by the Plan Commission based upon the record, is the minimum relief necessary in order to achieve substantial justice.
- (3) The applicant must present evidence to show that, if this article is applied strictly, unnecessary hardship and/or practical difficulties to the applicant will result, and that all eight of the following findings of fact are met:
 - (a) That the property could not reasonably accommodate a sign permitted at that specific location;
 - (b) That the appeal results from exceptional and unique circumstances peculiar to the property and not from general neighborhood or City-wide conditions, including unique architectural character of the building or innovative techniques that are determined not to be detrimental to the building or the character of the area;
 - (c) That the sign requested by the variance would not alter the essential character of the area;
 - (d) That the alleged hardships and practical difficulties, or both, which will result from a failure to grant the variance include substantially more than mere inconvenience or monetary concern;
 - (e) That the alleged hardship has not been created by the petitioner or any other person presently having an interest in the property;
 - (f) That the article's restrictions unreasonably prevent the owner from using the property for a permitted land use;
 - (g) That the variance would do substantial justice to the applicant as well as to other property owners in the immediate vicinity that would be affected by granting the

variance, considering the public benefits intended to be secured by this article, and the individual hardship that will be suffered by a failure of the Plan Commission to grant a variance; and

- (h) That a lesser relaxation than that requested would not give substantial relief to the owner of the property or be more consistent with justice to other property owners.
- (4) The above findings of fact shall be made by the Plan Commission, which is not empowered to grant a variance without an affirmative finding of fact on the categories above. Every finding of fact shall be supported in the record of the proceedings of the Plan Commission. Nothing contained herein shall be construed to empower the Plan Commission to change the terms of this article or to add to the signs permitted at any location.
- (5) Appeal procedure.
- (a) Appeals shall be commenced by a person filing a notice of appeal with the Building Official, on a form to be supplied by the Building Official. The notice of appeal shall specify the particular grounds upon which the appeal is based and shall be signed. It shall also specify the regulations from which a variance is sought and the nature and extent of such variance.
 - (b) The Plan Commission shall fix a reasonable time for hearing of appeals and shall give due notice thereof to all owners of record of real property adjacent to the premises in question, such notice to be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll.
 - (c) Any person shall be accorded the right to appear in person or be represented by a duly authorized agent.
 - (d) The Plan Commission shall prepare an official record for each appeal and shall base its decision on the record. The official record shall include the following:
 - [1] The relevant administrative records and the administrative orders issued thereon relating to the appeal.
 - [2] The notice of appeal.
 - [3] Such documents, exhibits, photographs or written reports as may be submitted to the Plan Commission for its consideration.
 - [4] The requisite written findings of fact, the conditions attached, and the decisions and orders by the Plan Commission in disposing of the appeal shall be entered onto the official record after they have been signed by Building Official and

after written notice of the disposition of the appeal has been served, either in person or by mail, upon the parties to the appeal, the Building Official and the City Clerk. The Building Official shall within 10 days after the date the Plan Commission reached its final decision on an appeal sign the necessary order to effectuate the decision of the Plan Commission.

- [5] A copy of the official record of an appeal shall be made available for the parties to the appeal upon request and after the payment of such fee therefor as may be provided by the rules and regulations of the Plan Commission.

§ 607-23 Enforcement; duties of enforcement official; notice of violation; removal of signs.

- A. The enforcement official is hereby authorized and directed to administer and enforce all the provisions of this article and to establish rules and regulations incidental thereto. Whenever necessary, the officials of other departments of the City shall give such assistance as is consistent with the usual duties of their respective departments. Upon presentation of proper credentials, the enforcement official or his duly authorized representative may enter at reasonable times any premises when necessary to perform any duty imposed upon him by this article.
- B. Notice.
- (1) Whenever it shall appear to the enforcement official that any sign has been constructed or erected, or is being maintained in violation of any of the terms of this article, or after a permit for a sign has been revoked or become void, or that a sign is unsafe or in such condition as to be a menace to the safety of the public, the enforcement official shall issue a notice in writing to the owner, agent or lessee registered with the City of the premises upon which the sign is erected or maintained. If no owner, agent or lessee has been registered, then the notice shall be directed to each owner of or party of interest in the building in whose name the property appears on the latest tax assessment records.
 - (2) Such notice shall be in writing and shall be served upon the person to whom it is directed personally, or in lieu of personal service may be mailed by certified mail, return receipt requested, addressed to such owner or party of interest at the address shown on the tax records, at least 10 days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served, in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or sign.
 - (3) Such notice shall inform such person of the violation and shall direct him to make such alteration, repair, or removal as necessary to secure compliance with this article, within

a reasonable time limit which shall not be less than 20 days nor more than 90 days.

- (4) Upon failure of the sign owner to comply with the terms of the notice of violation, the enforcement official is authorized and empowered to remove, alter, or repair the sign in question so as to make it conform to this article, and the expenses for such work shall be assessed against the premises in the manner provided in the City Charter.
 - (5) Except as otherwise provided, the enforcement official may remove or cause to be removed a sign immediately and without notice if, in his opinion, the condition of the sign is such as to present an immediate threat to the safety of the public. The City Commission finds that sidewalk signs in the public right-of-way that do not conform with the requirements of § 607-12D present an immediate threat to the safety of the public, and therefore may be removed without notice to the owner. [Amended 9-8-2008 by Ord. No. 2008-13]
- C. Pursuant to the provisions of § 607-21A(4), a sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business, which the sign advertises, is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the enforcement official shall notify the owner or lessee in writing and allow 15 days for removal. Upon failure of the owner or lessee to comply with the notice, the enforcement official may remove the sign at cost to the owner or lessee.
- D. Signs may be inspected periodically by the enforcement official for compliance with this article and with other ordinances of the City. All signs and their component parts are to be kept in good repair and in safe, sanitary condition.

§ 607-24 Violations and penalties.

It shall be unlawful for any person to erect, construct, maintain, enlarge, alter, move or convert any sign in the City of Royal Oak, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this article. Every day a violation exists shall constitute a separate offense.

- A. A person violating this article for the first time is responsible for civil infraction and is subject to a civil fine of not less than \$100, plus the cost of prosecution and any other costs permitted by law.
- B. A person violating this article for the second time is responsible for a civil infraction and is subject to a civil fine of not less than \$250, plus the cost of prosecution and any other costs permitted by law.
- C. A person violating this article for the third time is responsible for a civil infraction and is

subject to a civil fine of not less than \$500, plus the cost of prosecution and any other costs permitted by law.

- D. A person violating this article for the fourth or subsequent time is guilty of a misdemeanor, punishable by a fine of not more than \$500 and imprisonment for not more than 90 days, plus the cost of prosecution and any other costs permitted by law.

Endnotes

1 (Popup - Popup)

Editor's Note: The Sign Area Maps are located at the end of this chapter.

2 (Popup - Popup)

Editor's Note: See Ch. 556, Property Maintenance.