

# Southgate City Council Agenda

Council Chambers

14400 Dix-Toledo Rd., Southgate, Michigan 48195

Wednesday September 6, 2023

6:30pm

## Work Study Session

1. Public Safety Presentation
2. Officials Reports
3. Discussion of Agenda Items

7:00 pm

## Regular Meeting

### *Pledge of Allegiance*

#### **Roll Call:**

Ayres-Reiss, Colovos, George, Graziani, Kowalsky, Kuspa, Rauch

#### **Minutes:**

1. Work Study Session Minutes dated August 16, 2023
2. Regular City Council Meeting Minutes dated August 16, 2023

#### **Scheduled Persons in the Audience:**

1. Robert Pawlowski

#### **Consideration of Bids:**

#### **Scheduled Hearings:**

#### **Communications "A"**

- |   |         |
|---|---------|
| 1. Letter from Mayor; Re: Purchase of Fuel Management Software Upgrade <b>(Waiver of Bid)</b> | Page 5  |
| 2. Letter from Mayor; Re: Purchase of Network Infrastructure Upgrade <b>(Waiver of Bid)</b>   | Page 9  |
| 3. Memo from Administrator; Re: MI Community Centers Grant – YMCA Support Letter              | Page 14 |

#### **Communications "B" – (Receive and File):**

#### **Ordinances:**

- |  |         |
|--|---------|
| 1. Memo from Administrator; Re: 1 <sup>st</sup> Reading of Proposed Section 1298.18 Sign Ordinance | Page 16 |
|--|---------|

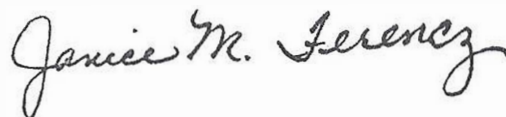
#### **Old Business:**

#### **New Business:**

#### **Unscheduled Persons in the Audience:**

#### **Claims & Accounts: Warrant #1480 \$16,506,939.29**

#### **Adjournment:**



Janice M. Ferencz, City Clerk

City Council

## Work Study Session

August 16, 2023

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An Informal Meeting of the Council of the City of Southgate was held on August 16, 2023 at 6:30 P.M. and called to order by Council President Zoey Kuspa.

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Present: Priscilla Ayres-Reiss, Bill Colovos, Christian Graziani, Greg Kowalsky, Zoey Kuspa, Phil Rauch

Absent: Karen George

Also Present: Mayor Joseph G. Kuspa, City Attorney Ed Zelenak, City Administrator Dan Marsh, City Treasurer Chris Rollet, City Engineer John Hennessey, Public Safety Director Joe Marsh, Fire Chief Justin Graves, Police Chief Mark Mycllarz, DPS Director Kevin Anderson & Building Inspections Director Tim Leach

*Discussed the following agenda items:*

- Bid Award for Janitorial Services-City Hall
- Bid Award for Unimproved Superior Ave. Right-of-Way Sidewalk Extension
- Bid Award for Schools and Parks Signage and Striping Improvements
- Waiver Bid-Purchase of Automated External Defibrillator (AED) Batteries and Supplies

This meeting ended at 6:40 pm.

# City of Southgate

## Regular City Council Meeting

### August 16, 2023

A Regular Meeting of the Council of the City of Southgate was held on Wednesday, August 16, 2023 in the Southgate City Hall Council Chambers and was called to order at 7:00 PM by Council President Zoey Kuspa.

**This meeting began with the Pledge of Allegiance.**

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Present: Priscilla Ayres-Reiss, Bill Colovos, Christian Graziani, Greg Kowalsky, Zoey Kuspa, Phil Rauch  
Absent: Karen George  
Also Present: Mayor Joseph G. Kuspa, City Attorney Ed Zelenak, City Administrator Dan Marsh, City Engineer John Hennessey, City Treasurer Chris Rollet, Public Safety Director Joe Marsh, Fire Chief Justin Graves, Police Chief Mark Mydlarz, OPS Director Kevin Anderson & Building Inspections Director Tim Leach

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#### **Minutes:**

Moved by Rauch, supported Colovos, RESOLVED, that the minutes of the City Council Work Study Session dated August 2, 2023 be approved as presented. Carried unanimously.

Moved by Ayres-Reiss, supported by Kowalsky, RESOLVED, that the minutes of the Regular City Council Meeting dated August 2, 2023 be approved as presented. Carried unanimously.

#### **Consideration of Bids:**

1. Letter from Mayor; Re: Janitorial Services-City Hall moved by Kowalsky, supported by Rauch, RESOLVED THAT the Southgate City Council award the bid to Services to Enhance Potential-STEP (2941 S. Gully Rd., Dearborn, MI 48124) for City Hall janitorial services for a period of one (1) year at the rate of \$1,320.00 per month. Motion carried unanimously.
2. Letter from Mayor; Re: Unimproved Superior Avenue Right-of-Way Sidewalk Extension moved by Ayres-Reiss, supported by Rauch, RESOLVED THAT the Southgate City Council award the bid to Great Lakes Contracting Solutions, LLC (2300 Edinburgh Rd, Waterford, MI 48328) for the Unimproved Superior Avenue Right-of-Way Sidewalk Extension in the amount of \$171,752.50, plus 10% contingency of \$17,175.25, for a total bid award of \$188,927.75. Motion carried unanimously.
3. Letter from Mayor; Re: Schools and Parks Signage & Striping Improvements moved by Rauch, supported by Kowalsky, RESOLVED THAT the Southgate City Council award the bid to J. Ranck Electric, Inc. (1993 Gover Parkway, Mt. Pleasant, MI 48858) for the Schools and Parks Signage & Striping Improvements in the amount of \$199,285.00, plus 10% contingency of \$19,928.50, for a total bid award of \$219,213.50.

#### **Communications "A":**

1. Letter from Mayor; Re: Purchase of Automated External Defibrillator (AED) Batteries and Supplies moved by Ayres-Reiss, supported by Rauch, RESOLVED THAT the Southgate City Council waive the bid process and approve the purchase of replacement batteries and supplies for the automated external defibrillators (AEDs) to AED USA (311 University Drive, STE 103, Fort Worth, TX 76107) in the amount of \$4,102.00. Motion carried unanimously.

#### **Claims and Accounts:**

Moved by Graziani, supported by Rauch, RESOLVED, that Claims and Accounts be paid as outlined on Warrant #1479 for \$5,050,675.36. Motion carried unanimously.

#### **Adjournment:**

Regular City Council Meeting  
August 16, 2023

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Moved by Colovos, supported by Rauch, RESOLVED THAT this Regular Meeting of the Southgate City Council be adjourned at 7:13 P.M. Carried unanimously.

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Zoey Kuspa  
Council President

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Janice M. Ferencz  
City Clerk

JOSEPH G. KUSPA  
*Mayor*

JANICE M. FERENCZ  
*City Clerk*

CHRISTOPHER P. ROLLET  
*Treasurer*



## City of Southgate

- CITY COUNCIL -

ZOEY KUSPA  
*Council President*

CHRISTIAN GRAZIANI

BILL COLOVOS

KAREN E. GEORGE

PHILLIP J. RAUCH

PRISCILLA AYRES-REISS

GREG KOWALSKY

August 31, 2023

To the Honorable  
City Council  
Southgate, Michigan 48195

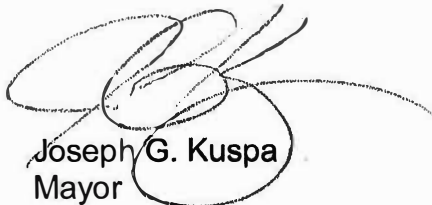
Re: Recommendation to Approve Purchase of Fuel Management Software  
**(Waiver of Bid)**

Ladies and Gentlemen:

I have reviewed the above and concur with the Public Service Director's recommendation to waive the bid procedure and award the purchase of Gasboy Fuel Management System upgrade to R.W. Mercer Co., Jackson, Michigan, in the amount of \$14,356.00. The purchase results from recent storms which caused power surges and damaged the current system, the lead time for the new software is 4-6 weeks, and current filling of City vehicles is being done manually. The R. W. Mercer Co. is providing the Sourcewell Member Pricing for parts with a 4-6 week lead time. Therefore, I feel it is in the best interest of the City and would appreciate your concurrence on this purchase.

Funds are available in the Fiscal Year 2023/24 Major Streets Fund Budget.

Sincerely,

  
Joseph G. Kuspa  
Mayor

JGK/law



JOSEPH G. KUSPA  
*Mayor*

JANICE M. FERENCZ  
*City Clerk*

CHRISTOPHER P. ROLLET  
*Treasurer*



## City of Southgate

- CITY COUNCIL -

ZOEY KUSPA  
*Council President*

CHRISTIAN GRAZIANI

BILL COLOVOS

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PHILLIP J. RAUCH

PRISCILLA AYRES-REISS

GREG KOWALSKY

### MEMORANDUM

**TO:** Honorable Mayor and City Council

**FROM:** Douglas Drysdale, Assistant City Administrator / Finance Director *DWD*

**DATE:** August 31, 2023

**RE:** Recommendation to Approve Purchase of Fuel Management Software Upgrade **(WAIVER OF BID)**

I have reviewed the above with the Public Services Director and concur with his recommendation to waive the bidding process and approve the purchase of the Gasboy Fuel Management System upgrade to R.W. Mercer Co. (Jackson MI) in the amount of \$14,356.00.

This purchase results from the recent storms which caused power surges and damaged the current system. The lead time for the new software is 4-6 weeks, and current fueling is being done manually to fill city vehicles.

Funds have been appropriate in the Fiscal Year 2023/24 Major Streets Fund budget.

#### **Proposed Motion**

Waive the bidding process and approve the purchase of the Gasboy Fuel Management System upgrade to R.W. Mercer Co. in the amount of \$14,356.00.



# City of Southgate

DEPARTMENT OF PUBLIC SERVICES

14719 Schafer Court • Southgate, Michigan 48195  
Ph: (734) 258-3079 • Fax: (734) 246-1333

## **Memorandum**

To: The Honorable Mayor and Members of City Council

From: Kevin Anderson, DPS Director

Date: August 31, 2023

Re: Request to Purchase Fuel Management System

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Due to the recent electrical storms, the DPS fuel pump management system was damaged beyond repair.

I am recommending R. W. Mercer Co. for the installation of a new Gasboy Islander Prime System in the amount of \$14,356. The Gasboy system works with all of our current key FOBs and the recent software upgrades.

I recommend a waiver of bid because R. W. Mercer Co. is providing the Sourcewell Member Pricing for parts within a 4-6 week lead time. The City has worked with R. W. Mercer in the past and they have provided fast and reliable service.

In addition, the Department has contacted other vendors in the area and Oscar Larson Co. was the only other company to provide an estimate. That estimate was between \$16,000 and \$18,000 for a different fuel management system that would require the additional purchase of new key FOBs and software.

Therefore, I believe it is the best interest of the City to waive the bid and award the purchase and installation to R. W. Mercer.

If you have any questions, please contact me. I would appreciate your favorable consideration of this request.

Kevin Anderson  
DPS Director

2322 Brooklyn Rd. Jackson, MI 49203 (517) 787-2960 ph. (517) 787-8111 fax	4585 Executive Drive Portage, MI 49002 (269) 321-2280 ph. (269) 321-2285 fax	3366 Three Mile Rd., NW Walker, MI 49544 (616) 453-7444 ph. (616) 453-7813 fax	12870 Inkster Rd Redford, MI 48239 (313) 286-3300 ph. (313) 766-4850 fax	3124 Commerce Center Dr. Saginaw, MI 48601 (989) 753-4016 ph. (989) 753-9360 fax	2801 Dickerson Rd. Gaylord, MI 49734 (989) 732-2971 ph. (989) 732-5329 fax	4022 Merchant Rd. Ft. Wayne, IN 46818 (260) 489-3566 ph. (260) 489-0738 fax
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Legal Company Name

**City of Southgate**

Proposal Submitted to <b>John Iannucci</b>	Phone <b>734-216-5639</b>	Fax	Date <b>8/29/2023</b>
Street Address <b>14719 Schafer Ct.</b>	Site Name <b>Department of Public Services</b>	Job #	Site Phone
City, State, Zip Code <b>Southgate, MI 48195</b>	Site Location - Address <b>Same</b>		
Contact Email jiannucci@ci.southgate.mi.us	Job Description Replace Gasboy Fuel Management	Proposal Submitted By: <b>Jason R. Foster</b>	

We appreciate the opportunity to submit the following proposal.

**Please review the following Scope of Work:**

- A. **FUEL MANAGEMENT SYSTEM:**  
Furnish and install one (1) Gasboy Islander PRIME card reader, in place of existing Islander Plus. Reconnect to new Prime card reader utilizing existing conduits and power wiring, and communication wiring.
- B. **ELECTRICAL:**  
Disconnect existing wiring from existing Islander to remove/dispose. Reconnect to new and Gasboy Prime.
- C. **SERVICE:**  
Provide labor for installation of equipment, startup, and training.

NOTE:

- Due to the significant increases/volatility of pricing for steel, copper and PVC, that are being assessed by certain vendors, R.W. Mercer Co. shall not be responsible for any price increase it may receive from manufacturers or suppliers that are made without notice prior to shipment. Such unanticipated increases in price shall be applied directly to the Contract Sum and paid by Owner including applicable mark-up and taxes
- Quotes figured as TAX EXEMPT.
- Quote assumes existing Islander Plus has CAT5 communications in good working order.

**Prices stated are firm for 15 days from the date of this proposal.**

We propose to furnish the above, in accordance with the specifications as referenced below, for the **TOTAL SUM** of:  
**Fourteen Thousand, Three Hundred Fifty Six Dollars and NO/100.....\$ 14,356.00**

**Shipment from Vendor; Balances Due Net 30.**

**Acceptance:** Customer hereby accepts the Terms and Conditions set forth on the reverse side of this contract. Customer is responsible for all sales, use and other governmental taxes and charges, which are not included in the price unless expressly stated. R.W. Mercer Co. is authorized to perform the work as specified. This Proposal/Contract is subject to credit approval and may be revoked before acceptance.

**Note: Once this proposal is approved, you will receive a contract electronically for signature**



JOSEPH G. KUSPA  
*Mayor*

JANICE M. FERENCZ  
*City Clerk*

CHRISTOPHER P. ROLLET  
*Treasurer*



## City of Southgate

- CITY COUNCIL -

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*Council President*

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PHILLIP J. RAUCH

PRISCILLA AYRES-REISS

GREG KOWALSKY

August 31, 2023

To the Honorable  
City Council  
Southgate, Michigan 48195

Re: Recommendation to Approve Purchase of Network Infrastructure Upgrades  
(**Waiver of Bid**)

Ladies and Gentlemen:

I have reviewed the above and concur with the IT Director's recommendation to waive the bid procedure and award the purchase of Network Infrastructure Upgrades to NewEgg Business, in the amount of \$7,814.91.

The formal bidding process was not performed however, quotes were obtained from three vendors and NewEgg Business was the lowest quote.

Your concurrence on this purchase would be greatly appreciated.

Funds are available in the Fiscal Year 2023/24 General Fund Budget for these funds.

Sincerely,

Joseph G. Kuspa  
Mayor

JGK/law

JOSEPH G. KUSPA  
*Mayor*

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## City of Southgate

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GREG KOWALSKY

### MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Douglas Drysdale, Assistant City Administrator / Finance Director *DWD*

DATE: August 31, 2023

RE: Recommendation to Approve Purchase of Network Infrastructure Upgrades **(WAIVER OF BID)**

I have reviewed the above with the IT Director and concur with his recommendation to waive the bidding process and approve the purchase of network infrastructure upgrades from NewEgg Business in the amount of \$7,814.91.

Although formal bidding was not performed, the IT Director obtained quotes from three vendors, with NewEgg Business being the lowest quote.

Funds have been appropriate in the Fiscal Year 2023/24 General Fund budget.

#### **Proposed Motion**

Waive the bidding process and approve the purchase of network infrastructure upgrades from NewEgg Business in the amount of \$7,814.91.

## City of Southgate MI

### Network Infrastructure Upgrades

#### Summary of Cost Proposals

Vendor	Price Quote
NewEgg Business	\$ 7,814.91
CDW-G	\$ 8,533.50
Electronic Tech Solutions	\$ 8,550.00

Description of items quoted:

Purchase of network infrastructure (switches)



# City Of Southgate

## Department of Information Technology

14710 Reaume Parkway  
Southgate, MI 48195  
734.284.3800



### Director of Information Technology

Jason Rucker

To: Mayor Kuspa, City Administrator Dan Marsh, and Finance Director Doug Drysdale

From: Director Jason Rucker, Information Technology Department

Date: August 31<sup>st</sup>, 2023

Subject: Network Upgrade Project

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Greetings,

I am writing to request the use of approved fiscal budget funds to undertake a pivotal project aimed at modernizing the city's network infrastructure. At present, our network equipment has exceeded its warranty period and is susceptible to potential operational vulnerabilities, with an uncertain trajectory for sustained hardware performance.

In light of this, I am requesting to waive the bidding process, and recommend that we proceed with the acquisition of advanced network replacement components, amounting to a total investment of \$7,814.91 from NewEgg Business. This strategic initiative will ensure the deployment of state-of-the-art network equipment across all city buildings, thereby fortifying our technological backbone and enhancing operational efficiency.

To provide further insight, I have attached the quotation obtained from CDW-G and Electronic Tech Solutions, as well as from NewEgg Business. I requested tax exemption with NewEgg therefore, the quote will show the final total value of \$468.89 difference. The true final total will be \$7,814.91 after NewEgg removes tax from the order.

The rationale behind refraining from procuring an alternative brand stems from the potentiality of encountering communication issues in subsequent periods related to inter-device programming, the convenience of executing updates, and various technological advantages attributed to the strategic adherence to uniform equipment branding. Previously we deployed Cisco brand equipment, 80% of the city is now on Ubiquiti, for internal network operations and communications.

Thank you for your consideration of this proposal. Your support in this endeavor will undoubtedly contribute to the sustained progress and resilience of our city's digital infrastructure.

Thank you,

Jason Rucker

Director of Information Technology

## Quote Details

### Active

Below is the sales quote you have requested.

Quote #: 266612 [Print this page](#)  
 Quote Date: Aug 31, 2023  
 Special Note:  
 Account Executive: NESO

Quote Request: 178709568470  
 Quote Request Date: Aug 31, 2023  
 Phone #:  
 Customer ID: 98295796

### SHIP TO

Jason Rucker  
 City Of Southgate  
 14400 Dix Toledo Rd  
 Southgate, MI 48195-2598  
 (734) 258-3010

### BILL TO

[Update Payment](#)

Jason Rucker  
 City Of Southgate  
 14400 Dix Toledo Rd  
 Southgate, MI 48195-2598

### PURCHASING REFERENCE (OPTIONAL)



P.O./Reference Number:

Purchasing Notes: (0/100)

Notes will appear on invoice(s) for customer's own use. NeweggBusiness will not pay attention to the information entered.

### REFERENCE

\* All information contained within this price quote is valid until Sep 07, 2023

	<u>Ubiquiti USW-PRO-48-POE Managed UniFi Switch PRO 48 PoE</u> Qty: 4	\$4,279.96 (\$1,069.99 ea.)
	<u>Ubiquiti Networks USW-PRO-24-POE UniFi 24 Port Gigabit PoE Switch</u> Qty: 5	\$3,534.95 (\$706.99 ea.)
		Subtotal: \$7,814.91
		Tax: \$468.89
		Shipping: \$0.00
		ETA: 09/06 - 09/08
		Total: \$8,283.80



JOSEPH G. KUSPA  
*Mayor*

JANICE M. FERENCZ  
*City Clerk*

CHRISTOPHER P. ROLLET  
*Treasurer*



## City of Southgate

- CITY COUNCIL -

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GREG KOWALSKY

### Memorandum

To: Honorable City Council Members

From: Dan Marsh, City Administrator

Date: August 31, 2023

Re: MI Community Centers Grant – YMCA Support Letter

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The Downriver Family YMCA is applying for the MI Community Centers Grant for funding to repurpose the now defunct Splash Park into pickle ball courts. The proposed project has three phases for a combined cost of \$2.8 Million. Phase I consists of the infilling of the existing pool and the construction of sport surfaces to accommodate 10-12 pickle ball courts. Phase II consists of the construction of a Clearspan Enclosure over the entire surface. Phase III consists of the addition of HVAC to the structure making it suitable for use throughout the year.

Included in your packet is a recommended resolution supporting the application.

If you have any questions please contact me.

Your favorable consideration is appreciated.

## PROPOSED RESOLUTION

**WHEREAS**, the City of Southgate supports the YMCA of Metropolitan Detroit's submission of an application titled, "Downriver Family YMCA Pickleball Court Project" to the MI Community Center grant program for the conversion of a shuttered outdoor pool into Pickleball Courts, creating a sustainable, fun, physical activity resource for the Southgate Community at the Downriver Family YMCA, 16777 Northline Rd. Southgate, MI 48195; and,

**WHEREAS**, the location of the proposed project is within the jurisdiction of City of Southgate and,

**WHEREAS**, the proposed project, if completed, will be a benefit to the community by repurposing a currently inoperable pool into a new recreation amenity; and,

**WHEREAS**, the proposed project, is in alignment with the City of Southgate's Recreation Master Plan.

**NOW THEREFORE, BE IT RESOLVED** that the City of Southgate hereby supports submission of a MI Community Center Grant Application for the Downriver Family YMCA Pickleball Court Project.

AYES:

NAYES:

ABSENT:

MOTION APPROVED.

I HEREBY CERTIFY, that the foregoing is a Resolution duly made and passed by \_\_\_\_\_ of \_\_\_\_\_ at their regular meeting held on \_\_\_\_\_ 20\_\_, at \_\_\_\_\_ p.m. in \_\_\_\_\_, with a quorum present.

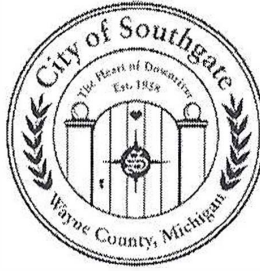
Clerk \_\_\_\_\_

Dated: \_\_\_\_\_

JOSEPH G. KUSPA  
*Mayor*

JANICE M. FERENCZ  
*City Clerk*

CHRISTOPHER P. ROLLET  
*Treasurer*



## City of Southgate

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PRISCILLA AYRES-REISS

GREG KOWALSKY

### Memorandum

To: Honorable City Council Members

From: Dan Marsh, City Administrator

Date: August 29, 2023

Re: 1<sup>st</sup> Reading of Proposed Section 1298.18 Sign Ordinance

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At the August 14, 2023 Planning Commission Meeting, the Planning Commission made a resolution to refer changes made to Section 1298.18 Sign Ordinance to the City Council for approval. Section 1298.18 has been included in your packets for review.

As this is the first reading no motion is required.

**City of Southgate**  
***Planning Commission Meeting***  
August 14, 2023

This meeting of the Planning Commission was held in the Municipal Caucus Room, 14400 Dix-Toledo Highway, Southgate, Michigan on Monday, August 14, 2023 and called to order by Vice-Chairperson Patricia Anderson, at 6:55 p.m.

PRESENT: James Yoos, Patricia Anderson, Leticia Crawford, Mark Nemeth, Eric Codrington, Chad Godbout

ABSENT: Jerry Orman, Linda Clark, Ed Gawlik (all excused)

ALSO PRESENT: City Planners John Enos, Joe Pezzotti, City Attorney Ed Zelenek, Building Official Tim Leach, City Administrator Dan Marsh, Council Member Ayers-Reiss

**Minutes:**

The first order of business is approval of the minutes from the June 12, 2023 Planning Commission meeting.

**Moved by Crawford, supported by Codrington, that the minutes of the Planning Commission Meeting dated June 12, 2023 be approved. MOTION APPROVED UNANIMOUSLY.**

**Administrative Reports:**

None.

**New Business:**

1. Master Plan Update.

City Planner Enos stated they will be starting the process of updating the Master Plan. In the fall, joint meetings will be set up with all departments and Board members to get input on any issues.

**Old Business:**

1. Section 1298.18 Sign Ordinance.

Discussion was held on all changes made to the Sign Ordinance.

**Moved by Mr. Nemeth, supported by Mr. Yoos, to refer to City Council to approve Section 1298.18 Sign Ordinance. MOTION APPROVED UNANIMOUSLY.**

**Announcements:**

The Michigan Association of Planning (MAP) Conference will be held in the fall at the Grand Traverse Resort if anyone is interested.

**Adjournment:**

**Moved by Yoos, supported by Nemeth, that this meeting of the Planning Commission be adjourned at 6:59 p.m. MOTION APPROVED UNANIMOUSLY.**

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Patricia Anderson  
Vice-Chairperson, Planning Commission  
as



# CITY OF SOUTHGATE

## PLANNING COMMISSION RESOLUTION

At a meeting of the Southgate Planning Commission called to order by Patricia Anderson on August 14, 2023 at 6:55 p.m. the following resolution was offered:

**Moved by Mr. Nemeth, supported by Mr. Yoos, to refer to City Council to approve Section 1298.18 Sign Ordinance. MOTION APPROVED UNANIMOUSLY.**

I, Patricia Anderson, Vice-Chairperson of the Southgate Planning Commission, do hereby certify that the foregoing is a true, correct, and complete copy of a resolution adopted by the Southgate Planning Commission at a meeting held on August 14, 2023.

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Chairperson

cc: Plan Consultant, City Administrator, Building Department, City Council, Clerk, File, Attorneys

## City of Southgate

An amendment to the City of Southgate Zoning Ordinance to revise Section 1298.18 (Signs) and promote the effective regulation of said section.

The following definitions and standards will be amended as follows.

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### 1298.18 SIGNS.

The intent of this article is to regulate the location, size, construction, and manner of display of signs in order to minimize their harmful effects on the public health, safety and welfare. While this article recognizes that signs are necessary to satisfy the needs of sign users for adequate identification and communication, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the City, conflicts between different types of land use, reduction in traffic safety to pedestrians and motorists, and other impacts that are contrary to the purposes, intent, and interests identified in this section.

The following municipal interests are considered by the City to be compelling government interests. Each interest is intended to be achieved in a manner that represents the least restrictive means of accomplishing the stated interest, and in all events is intended to promote an important government interest that would not be effectively achieved absent the regulations in this Section.

**Public Safety.** Maintaining pedestrian and vehicular safety are predominant and compelling government interests throughout the City, with particular emphasis on the safety of pedestrians, reducing distraction of motorists, and requiring proper maintenance and/or structurally unsafe signs to be repaired or removed.

**Character, Aesthetic, and Quality of Life.** Achieving and maintaining aesthetically attractive, orderly, and desirable places to conduct business, celebrate civic events, entertain people, and provide for housing opportunities is directly related to the stability of property values needed to provide and finance quality public services and facilities within the City. This article intends to allow signs that are of sufficient, but not excessive, size to perform their intended function as necessary to provide and maintain the City's character and support neighborhood stability.

**Economic Development and Property Values.** The establishment of the restrictions in this section has a direct relationship to creating stability and predictability, allowing each private interest to secure reasonable exposure of signage, and thus promoting business success. The application of the restrictions in this article allows businesses to reasonably command attention to the content and substance of their messages while concurrently allowing the promotion of other visual assets, including (without limitation) landscaping and architecture, all of which contribute to economic development and property value enhancement.

**Avoidance of Nuisance-Like Conditions.** Due to the concentration of people and activities, there is a potential for, and it is a compelling interest to avoid, blight, physical clutter, and visual clutter in the City. The result of these conditions leads to diminished property values, reduced attractiveness of the community, and reduced quality of life within the districts. Minimum regulations that substantially relate to signage are important and necessary for the maintenance and well-being of positive conditions, good character, and quality of life in the City. Ultimately, these regulations are compelling and important for the protection of all police power values.

**Property Identification for Emergency Response and Wayfinding Purposes.** Locating a business or residence by police, fire, and other emergency responders can be a matter of life and death, and thus it is a compelling interest to ensure that proper, understandable, unambiguous, and coordinated signage be permitted and required, and specifications for such purposes can be accomplished in a simple and narrow manner. Wayfinding for vehicular and pedestrian purposes is also a compelling interest to avoid confusion in public rights-of-way, and unnecessary intrusions on private property. Sign specifications for such wayfinding can be coordinated with property identification for such emergency and other purposes.

**Protection of the Right to Receive and Convey Messages.** The important governmental interests and regulations contained in this article are not intended to target the content of messages to be displayed on signs, but instead seek to achieve non-speech objectives. In no respect do the regulations of signage prohibit a property owner or occupant from an effective means of conveying the desired message. Nothing in this article is intended to prohibit the right to convey and receive messages protected by the First Amendment of the United States Constitution.

The following regulations shall apply to all signs in the City of Southgate:

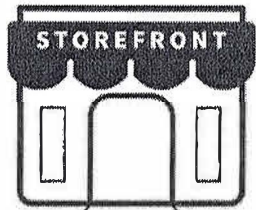
- (a) Definitions. The following words, terms, phrases, shall have the following meaning when used in this section:
- (1) “Abandoned sign.” Any sign used in conjunction with a business that has not been in operation for a period of at least six months.
  - (2) “Animated sign.” Any sign that uses movement or change of lighting to depict action or create a special effect or scene.
  - (3) “Awning.” Refer to “canopy or awnings” below.
  - (4) “Balloon.” A flexible, nonporous container that can be of various shapes which is filled with a gas causing it to inflate. Often the gas is lighter than air to allow the balloon to rise and float in the atmosphere.
  - (5) “Banner.” Any lightweight fabric or similar material that is mounted to a pole or a building by a permanent frame at one or more edges.
  - (6) “Beacon.” Any light with one or more beams directed into the atmosphere or directed at one or more points not in the same zoning lot as the light source; also, any light with one or more beams that rotate or move.



- (7) "Billboard" or "off-premise sign." Any sign which contains a message or advertises an establishment, product, service, space or activity not available on the lot on which the sign is located.
- (8) "Broken sign." A sign that is composed of individual letters fastened to a building surface or other support structure.
- (9) "Building marker." Any sign indicating the name of a building, date of construction, and any incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.
- (10) "Canopy or awning." A retractable or fixed shelter constructed of materials on a supporting framework that projects from the exterior wall of a building. A canopy or awning is placed over a door, window, entrance, outdoor service area or entire building.
- (11) "Compatible." To be harmonious, consistent, or in keeping with the character of the surrounding environment.
- (12) "Directional sign." A sign that gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs. A directional sign is any structure erected adjacent to a street that identifies, points toward and gives the distance to any public or semi-public building, off-street parking area, recreation space, club, lodge, church, institution, business, service, entertainment, activity or event.
- (13) "Directory sign." A sign, which indicates the tenants and their suite locations within a multi-tenant building.
- (14) "Flag." Cloth or similar material containing distinctive colors, patterns, or symbols used to distinguish a government, political subdivision, or other political entity.
- (15) "Flashing sign." A sign that employs lighting that flashes, blinks, moves, oscillates or varies in intensity more frequently than once every three seconds and is not an animated sign or a reader board sign.
- (16) "Freestanding sign." Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. Freestanding signs include pole and monument signs.
- (17) "Marquee sign." A sign placed over an entrance to a theater, museum, art gallery, hotel, motel, convention center or hall, exhibition hall or other similar use, that includes a changeable sign area that relates to the principal use on the premises and does not project horizontally beyond the marquee.
- (18) "Message board sign." A freestanding temporary sign typically designed as an A-frame, T-frame, menu, or sandwich board.

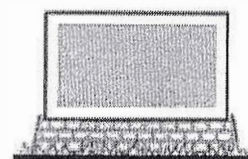


*Building marker Sign*



*Canopy or Awning Sign*

- (19) "Monument sign." A freestanding sign generally having a low profile where the base of the sign structure is on the ground independent of the building, wall, or fence but does not include a pole sign.



*Free-Standing  
Monument Sign*

- (20) "Mural." A design or representation painted on or drawn on a wall which does not contain any promotional or commercial advertising.

- (21) "Pennant." Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

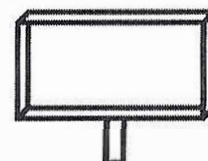
- (22) "Placard." A sign that provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.



*Placard Sign*

- (23) "Permanent signs." Any sign, which has a permanent location on the ground or which is attached to a structure having a permanent location and which meets the structural requirements for signs as established in this section and in the current Michigan Building Code.

- (24) "Pole sign." A freestanding sign, which is supported by one or more poles that are attached to the ground in a permanent location and is separated from the ground.



*Pole Sign*

- (25) "Portable sign." Any sign not permanently attached to the ground or other permanent structure, as a sign designed to be transported, including but not limited to signs transported by means of wheels; including but not limited to A- or T-frames, menu and sandwich boards, and balloons, banners, or umbrellas.

- (26) "Reader board." A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Also includes electronic reader board signs that can be changed or rearranged without altering the face of the surface of the sign.



*Reader board*

- (27) "Roof sign." Any sign erected or constructed wholly on and over the roof of a building, supported by the roof structure.

- (28) "Roof sign, integral." Any sign erected or constructed as an integral part of a normal roof structure such that no part of the sign extends vertically above the highest portion of the roof and such that no portion of the sign is separated from the rest of the roof by a space of more than six inches.

- (29) "Sign." Any device, fixture, placard, or structure, visible from a public right-of-way, that uses any color, form, graphic, illumination, symbol, or writing to promote

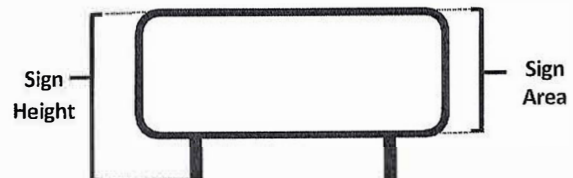


a service,, announce the purpose of, or identify the purpose of an occupant, entity, or to convey information of any kind to the public.

- (30) "Sign area." That part of the sign upon, against, or through which the content is presented or illustrated; including the entire perimeter of a sign which encloses visually communicative copy such as letters, symbols, or logos, including the advertising surface and any framing, trim, or molding but not including the supporting structure.
- (31) "Streamer." A long, narrow strip with attached flags, pennants or banners resembling or suggesting "streaming" or "floating" in the wind.
- (32) "Temporary sign." Any sign that is used only temporarily and is not permanently mounted; this shall include painted window signs.
- (33) "Valance." That portion of a canopy/awning that hangs parallel to the building facade and is not larger than twenty-five percent (25%) of the total area of the structure and is used as a decorative heading.
- (34) "Wall sign." Any single faced sign that is attached directly parallel to a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or structure, this shall include permanent window signs.
- (35) "Window sign." Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window located on a wall or door or upon the window panes or glass and is visible from the exterior of the structure.

*(b) General Provisions.*

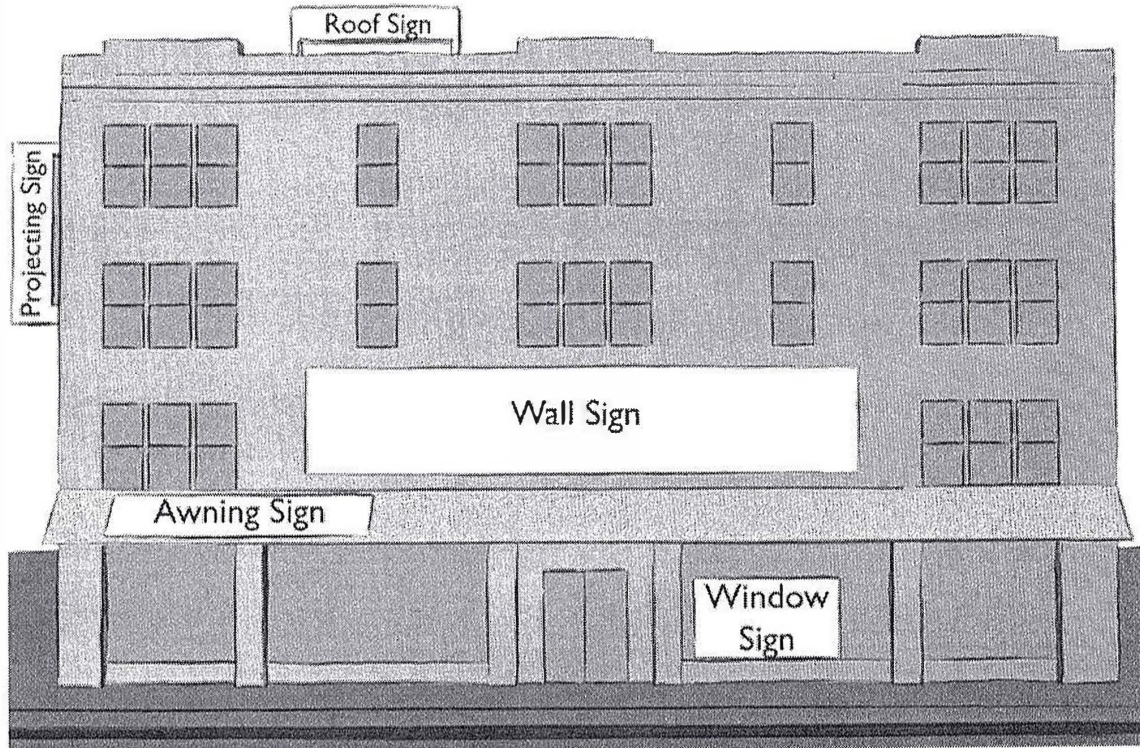
- (1) No signs shall be installed in any district unless a sign permit is secured. Permits must be secured by licensed builders or registered sign companies.
- (2) The fee schedule for signs shall be according to the fee schedule approved by Council.
- (3) No sign shall be allowed in any part of the public right-of-way, except otherwise permitted herein.
- (4) Any sign allowed by this section for advertising shall not advertise any other for profit business or product not sold or offered within the premise in which it is associated with.
- (5) Sign height shall be measured by the vertical distance from the top edge of the sign area or structure, whichever is higher, from the adjacent street grade.
- (6) No freestanding sign shall be constructed at any location where, by reason of its position, shape or color may interfere with, obstruct the view of, or be confused with



- an authorized traffic sign, signal or device. No sign shall make use of the words "Stop," "Danger," or any other traffic "caution" word, phrase, symbol, or character in such a manner as to interfere with, mislead or confuse traffic. No sign, signal, marking, devise or blinking, oscillating or rotating light shall be erected adjacent to any public right-of-way so as to create a traffic hazard.
- (7) No freestanding sign shall be erected at an intersection of any streets in such a manner as to obstruct free and clear vision. No sign shall be located within eight feet of the ground surface in the triangle formed by the property lines paralleling the streets and extending for a distance of 25 feet each way from the intersection of the right-of-way lines of a corner lot.
- (8) No person, business or entity shall display upon any sign or structure obscene or indecent matter.
- (9) Signs, except as otherwise prohibited in this section, may be internally or externally illuminated. If externally illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property. All spotlights shall be diffused or shielded so as not to shine on adjacent properties.
- (10) No sign shall be erected, relocated, or maintained to prevent the free ingress and egress from any door, window, or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.
- (11) Awnings, canopies, and marquee signs must maintain a minimum 7-foot clear space distance from the bottom of the structure to the grade.
- (12) No sign shall project into a public right-of-way, except that awnings and canopies may project not more than 4 feet into a public right-of-way with the approval of the governmental jurisdiction in control of the right-of-way. All requests to erect an awning or canopy shall include a drawing, drawn to scale, detailing the proposed awning or canopy and a cut sheet of the proposed color(s). Material colors must be "earth tone" in nature. If the awning or canopy will contain a sign, the sign shall appear on the drawing along with a notation of the amount of sign display area in square feet, and the proposed text. The application and accompanying drawing shall be submitted to the Building Department and to any other governmental jurisdiction in control of the public right-of-way, for review and approval.
- (13) All signs shall be constructed of durable material and in conformance with the requirements and specifications of the current Michigan Building Code, where not in conflict with this section.
- (14) Signs, which have not been in use for a period of more than six months, including any and all previously approved variances for such signs, shall be considered abandoned signs and subject to removal proceedings. Written notice shall be given by the Building Official and action must be taken by the property owner or proprietor within 30 days of said notice.



- (15) All signs shall be kept in workable order, with all plastic faces intact and all metal on the sign kept free of rust and painted with a rustproof paint. The Building Department shall make periodic inspections of all signs, and if any sign is found to be in a deteriorating condition, the owner shall be notified, by certified mail, to correct the same within 30 days of such notice. If such condition is not corrected within the time allotted, the Building Department is authorized to cause the sign to be removed at the expense of the property owner, agent or person having interest in the building or property. This subsection shall not be construed to alter the effect of Section 1298.20, which regulates nonconforming signs.

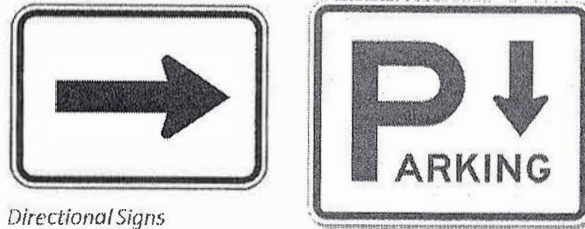


*(c) Permitted Signs.*

*(1) Awning, canopy, and marquee signs.*

- A. Permitted to display the building occupant, business, or industry conducted within the premises; may be painted or otherwise permanently placed flush on the awning or canopy, but only if the combination of all signs on the building front do not exceed the maximum allowable area for wall signs.
- B. Shall maintain a minimum 7-foot clear space distance from the bottom of the structure to the grade.

- (2) Directional Signs. Directional signs are allowed provided they are limited to the identification of functions such as traffic control, loading areas, etc., on the lot and do not advertise the use of the lot. Directional signs shall not exceed 2 feet in height or 2 square feet in area for a single surface area or 4 square feet for signs of 2 or more faces.



*Directional Signs*

(3) Free-Standing Signs.

- A. Free-standing pole signs in any Commercial or Industrial District shall be not more than 20 feet in height nor more than 100 square feet in area on each side. The bottom of such sign shall be a minimum of 8 feet above the ground level.
- B. A free-standing monument sign, not more than 10 feet in height, may be a maximum of 150 square feet on each side, provided such sign is erected so as not to obscure pedestrian traffic at driveways and approaches. Where more than one establishment is connected together (as in a shopping center) only 1 free-standing sign will be allowed.
- C. The developer shall make arrangements during construction to provide a central location for a free-standing sign, with a minimum of three-fourths inch galvanized conduit from each establishment to the proposed sign footing base.

(4) Wall-Mounted Signs.

- A. One principal wall sign shall be permitted for each wall containing an entrance designed and intended for public (customer) access. A principal wall sign shall not exceed 100 square feet in total display area, except that the display area of a principal wall sign may be increased 1 square foot for every 3 feet or fraction thereof that the wall to which the sign is to be attached sets back behind the minimum setback requirement of the district, up to a maximum of 250 square feet, or up to a maximum display area of 10% of the total area of the wall to which the sign is to be attached, including all doors and windows in the wall, whichever shall result in the lesser amount.
- B. Additional accessory wall signs (excluding directional signs) may be attached to any wall at the discretion of the applicant. The display area for all such signs shall be a maximum of 100 total square feet. The total square feet of display area may be increased by 1 square foot for every 5 feet or fraction thereof that the wall or walls to which these signs are to be attached sets back behind the minimum setback requirement of the district, up to a maximum of 150 square feet, or up to a maximum display area of 5% of the total area of the wall to



which a sign or signs are to be attached, including all doors and windows in the wall, whichever shall result in the lesser amount.

- C. No wall sign shall extend above the roof line of the building to which it is attached.
- D. No sign that is mounted along the face of the building on the premises shall project or overhang the wall or any permanent architectural feature.

(5) Electronic Message Sign.

- A. Animated and reader board signs are permitted provided the message content display-area does not change more than one time per every three second period. Any reader board sign that changes its content message more frequently than once every three seconds shall be considered a flashing sign.
- B. Background display areas may have continuous movement, for example a digital waving flag, provided that the display area is not flashing or blinking.
- C. The maximum area of an electronic message board sign shall not exceed 65 square feet.
- D. All animated or internally illuminated signs must bear the emblem of a nationally recognized testing laboratory.
- E. Digital Display area size shall not exceed 30 square feet in area, for each sign face of such sign, unless the sign is located more than 50 feet behind the property line, then said sign may be increased by five additional square feet for each additional ten feet of setback, but in no event shall such sign exceed 50 square feet in area for each sign face of such sign.
- F. Electronic changeable messages shall be part of the total square footage of display area permitted for the sign even if the message is contained in a separate cabinet, except the face of the message shall not consume more than 60% of the total permitted display are of the sign.

(6) Murals.

- A. Murals may not be placed on the primary façade or side of a building facing a major roadway or on the same wall as a commercial sign.
- B. Murals shall be maintained in good repair, free from damaged conditions such as peeling paint or damage due to age, weather, vandalism or the like. Maintenance of mural must conform to the original design and size. Murals in need of repair may also be removed entirely or painted over.
- C. Prior to installation of a mural, the property owner (or tenant with written permission of the property owner) shall apply for a mural permit. The completed application shall be forwarded to the Building Department, who shall conduct an administrative review of the application and design for



compliance with this section.

- D. Murals shall not contain words (in any language), symbols or representations that are obscene, offensive, derogatory, and/or of a political nature.
- E. Only 1 mural per wall will be permitted.
- F. Expansions or modifications of an existing mural must go through the application and review process, as outlined in this section, prior to mural installation.
- G. Murals are prohibited on non-conforming uses.
- H. Mural dimensions shall be submitted with the application in a square or rectangular format.
- I. Applicants must provide a colored rendering as part of the application and the color(s) used must represent the actual color(s) of the full-scale mural.
- J. Once the Building Department has reviewed an application for compliance with this section and granted administrative approval, the Planning Commission shall review mural design for final approval.
- K. A denied applicant may file an appeal to the Board of Zoning Appeals for review within 14 days of a formal decision made by the Planning Commission. The Board of Zoning Appeals shall review the decision based on the criteria set forth herein.

*(d) Prohibited Signs.*

- (1) Any sign in which a proprietor has not received a sign permit, unless specifically exempt.
- (2) Strings of light bulbs, pennants, balloons, streamers, banners, beacons, or other portable signs are prohibited, except as allowed in subsection (h) hereof.
- (3) Signs that employ any flashing, moving, oscillating, blinking, or variable intensity of light, and are not either an animated or reader board sign.
- (4) Roof signs and integral roof signs.
- (5) Billboard signs.
- (6) Signs affixed to a vehicle. Vehicles with signs attached are permitted if used in the day-to-day operation of the business. At the close of the business, the vehicle must either be removed from the property or parked within the loading/unloading zone. If no loading zone exists, the vehicle must be parked at a point on the site not readily visible from the public rights-of-way when not in use. The vehicle must be currently licensed and in operable condition.

- (7) Temporary window signs that exceed 25% of the area of the window and door on which such signs are located.

Any notice, placard, bill, card, poster, sticker, sign, advertising or other device calculated to attract the attention of the public which any person posts, prints, sticks, stamps, tacks or otherwise affixes, or causes the same to be done to or upon any street, right-of-way, public sidewalk, crosswalk, curb, hydrant, tree, telephone pole, or upon any fixture of the police or fire alarm system of the City is prohibited.

*(e) Exempt Signs.*

- (1) The following signs are exempt from the regulations of this section, including sign permits, but shall comply in all other respects with the regulations set forth herein:

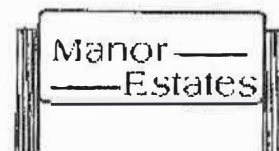
- A. Legal notices, identification, information, or directional sign erected, or required by a government agency.
- B. Historic markers placed under the authority of the local, state, or federal government.
- C. Essential service signs.
- D. Placards not exceeding 2 square feet.
- E. Building marker not exceeding 2 square feet.
- F. Flags.
- G. Decorative, seasonal, or temporary signs displayed by the City of Southgate. Such displays shall be only in commemoration of a national holiday or varied civic purpose of public interest.
- H. Signs erected by a government agency.

- (2) Prior to a scheduled election, the following applies for a period of 90 days prior to and 30 days after a designated election day on which there is at least 1 ballot item: the maximum allowable area of temporary signs shall be 64 square feet per premise in all districts. The maximum area of an individual sign remains.

- (3) In residential areas, signs identifying properties for sale, lease, or rent provided the sign does not exceed 6 square feet in area for a single surface area or 12 square feet for signs of 2 or more faces or a height of 4 feet nor shall there be more than 2 signs on any 1 lot.

- A. In all other districts, a sign identifying properties for sale, lease, or rent shall not have a surface area greater than 32 square feet for a single surface area or 64 square feet for signs of 2 or more faces. Only signs for industrial properties are permitted within 500 feet of a freeway, provided that such signs are used during the construction of a building or the offering for sale or rental of real estate, and provided, further, that they are not larger than 10 square feet in area. Such signs shall be removed within 10 days following the sale, lease, or rent of the property.

- (f) *Signs in a Residential District.* Freestanding and wall signs shall only be permitted in the R-1, R-1A, R-1B or RM Districts for uses such as, but not limited to, entranceway signs, schools, churches, cemeteries, golf courses, hospitals, elderly housing, convalescent care, and nursing homes. Such signs are subject to the following conditions:



- (1) 1 freestanding sign with a maximum display area per side of 60 square feet and a maximum height of 6 feet, measured from the base of the sign on the ground to the highest point of the sign structure, shall be permitted.
  - (2) 1 wall sign per street frontage shall be permitted. Such sign *Entranceway Sign* 5 square feet in total display area per sign and shall be affixed flat against a wall or engraved into a wall or portico of a building.
  - (3) Additional directional or identification type name plate signs, affixed flat against a wall or door, shall be permitted. Such signs shall not exceed a total of 12 square feet of display area per sign, nor exceed 6 inches in height.
  - (4) Freestanding signs and wall signs may be illuminated
- (g) *Temporary Signs.*

- (1) 1 temporary sign is provided the sign is no larger than 32 square feet for a single surface area or 64 square feet for signs of 2 or more faces and is displayed for no more than 2 weeks prior to the event or activity and that it be removed within 24 hours of the conclusion of the event or activity.
- (2) Temporary event signs are allowed for residential properties provided they are not placed in the public right-of-way and do not exceed 6 square feet for a single surface area or 12 square feet for signs of 2 or more faces. Garage and yard-sale signs shall be removed within 24 hours of the conclusion of the event or activity.
- (3) Temporary promotional signs typically associated with uses where at least 51% of inventory is designed for the outdoor display and sale of merchandise on a year-round basis shall be exempt. This exemption shall only apply to promotional signs and/or devices that relate to the sale of the merchandise which is located on the lot. This exemption shall not be interpreted to include large scale inflatable devices (such as inflatable rooftop balloons or characters), strobes, spotlights, beacons, or signs that display any flashing or moving lights, or painted signs. Temporary promotional signs for these specific uses shall comply with all applicable general provisions of this section.



- (4) Portable signs, not larger than 48 square feet and the temporary display of banners or pennants events may be installed in any C-1, C-2 or C-3 District, and shall meet the following criteria:

A. 8 individual permits may be requested throughout the calendar year. Each permit shall be for a period of 7 consecutive days. These permits may be spread out throughout the calendar year or requested in larger increments. For example, if a 2 week display is needed; 2 permits will be required.



*Portable Sign*

B. A permit must be secured from the Building Department and the appropriate fee paid prior to installation.

C. All portable signs must comply with this section.

D. All portable signs shall be located on the property accessory to and cannot interfere with the vision of pedestrians or traffic.

E. If a portable sign is to be illuminated, the temporary connection shall meet the requirements of the National Electrical Code. Each portable, illuminated sign shall be protected by a ground fault circuit interrupter. Temporary cord connections to buildings or other means must be approved by the Electrical Inspector prior to energizing the sign. All temporary cords must be a minimum of No. 14 gauge wire.

- (5) Temporary Window Signs. Each business establishment shall be permitted temporary window signs, provided that such signs do not exceed 25% of the area of any single window or of adjoining windows on the same frontage. This provision is not intended to restrict signs utilized as part of a window display of merchandise when such signs are incorporated within such display.

- (6) Freestanding Message Board Signs. 1 message board sign which display daily specials or promotions of the associated business may be utilized throughout the calendar year provided the following conditions are met:

A. No other temporary signs (including but not limited to portable; banners; pennants; streamers; signs transported by means of wheels; additional A- or T-frames; additional menu and sandwich boards; balloons; or umbrellas used for advertising; and signs attached to or painted on vehicles) shall be requested or utilized by the establishment.



*Message Board Sign,  
A-Frame*

B. Total height of the sign shall not exceed 4 feet and the total sign display area shall not exceed 24 inches by 36 inches.

C. The message board sign shall only be displayed during regular business hours and must be removed and appropriately stored within the business at the close of the business each day.

- D. The message board sign shall be located on the property accessory to and shall not impede pedestrian or vehicular traffic. At no time shall the message board be allowed within required parking spaces or public rights-of-way, which includes public sidewalks.
- E. The message board sign shall be properly anchored to the ground to avoid movement and ensure the public health, safety, and welfare.
- F. The message board shall meet all the general provisions of this section as outlined in subsection (b) hereof.
- G. A plot plan of the site indicating where the temporary message board sign will be placed shall be submitted to the Building Department as part of the permitting process. The location of the message board sign will be approved by the Building Department and shall be always adhered to by the applicant.

*(h) Any sign not expressly permitted in this section is hereby prohibited.*

*(i) Substitution.* Notwithstanding any provision of this Section to the contrary, to the extent that this Section allows a sign containing a commercial copy, it shall allow a non-commercial sign to the same extent. The noncommercial message may occupy the entire sign area or any portion thereof and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from 1 noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited, and the sign continues to comply with all requirements of this Section.

#### 1298.19 PERFORMANCE STANDARDS.

No use otherwise allowed shall be permitted within any district set forth in this Zoning Code, which use does not conform to applicable performance standards pertaining to the limitation of smoke, dust, dirt, fly ash, chemical propellants, glare, radioactivity, fire, explosive hazards, noise, vibration, odors and wastes as set forth and regulated by County, State or Federal laws.

#### 1298.20 NONCONFORMING SIGNS.

The lawful use of a sign exactly as the sign existed on the date of adoption of this amendment, may be continued, except as otherwise provided in this chapter, although that sign does not conform with this chapter. It is the intent of this chapter, however, to recognize the prompt elimination, as expeditiously as is reasonable, of such lawful nonconforming signs. A non conforming sign:

- (a)* Shall not be altered in any fashion to prolong the life of the sign or to change the shape, size, type, or design of the sign.
- (b)* Shall not be re-established after the activity, business, or usage to which it relates has been discontinued, closed, or sold.



- (c) Shall not be re-established after having been damaged or destroyed if the estimated expense of reconstruction exceeds 50% of the replacement cost as determined by the Building Official.
- (d) Shall not have any changes to the content displayed on the sign unless the sign is a changeable message board sign or substantially similar type of sign designed for periodic change of the sign message.

## City of Southgate

### **An amendment to the City of Southgate Zoning Ordinance to revise Section 1298.18 (Signs) and promote the effective regulation of said section.**

#### 1298.18 SIGNS.

Amendment of Section 1298.18 is hereby amended to add the following intent and purpose:

~~The provisions of this section are to encourage the effective use of signs as a means of communication for a particular user or use of property in the City. It is intended to protect the public health, safety, and welfare while recognizing the legitimate need of business, industry, and other activities in attaining their identification and information objectives. Finally, the section is designed to promote the economic development and aesthetic character of the City of Southgate by regulating the construction, alteration, repair, maintenance, size, location, and number of signs. All outdoor advertising structures, awnings, billboard signs, and other notices which advertise a business, commercial venture or name of a person shall be regulated as follows:~~

The intent of this article is to regulate the location, size, construction, and manner of display of signs in order to minimize their harmful effects on the public health, safety and welfare. While this article recognizes that signs are necessary to satisfy the needs of sign users for adequate identification and communication, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the City, conflicts between different types of land use, reduction in traffic safety to pedestrians and motorists, and other impacts that are contrary to the purposes, intent, and interests identified in this section.

The following municipal interests are considered by the City to be compelling government interests. Each interest is intended to be achieved in a manner that represents the least restrictive means of accomplishing the stated interest, and in all events is intended to promote an important government interest that would not be effectively achieved absent the regulations in this Section.

- (a) Public Safety. Maintaining pedestrian and vehicular safety are predominant and compelling government interests throughout the City, with particular emphasis on the safety of pedestrians, reducing distraction of motorists, and requiring proper maintenance and/or structurally unsafe signs to be repaired or removed.
- (b) Character and Quality of Life. Achieving and maintaining attractive, orderly, and desirable places to conduct business, celebrate civic events, entertain people, and provide for housing opportunities is directly related to the stability of property values needed to provide and finance quality public services and facilities within the City. This article intends to allow signs that are of sufficient, but not excessive, size to

perform their intended function as necessary to provide and maintain the City's aesthetic character and support neighborhood stability.

(c) Economic Development and Property Values. The establishment of the restrictions in this section has a direct relationship to creating stability and predictability, allowing each private interest to secure reasonable exposure of signage, and thus promoting business success. The application of the restrictions in this article allows businesses to reasonably command attention to the content and substance of their messages while concurrently allowing the promotion of other visual assets, including (without limitation) landscaping and architecture, all of which contribute to economic development and property value enhancement.

(d) Avoidance of Nuisance-Like Conditions. Due to the concentration of people and activities, there is a potential for, and it is a compelling interest to avoid, blight, physical clutter, and visual clutter in the City. The result of these conditions leads to diminished property values, reduced attractiveness of the community, and reduced quality of life within the districts. Minimum regulations that substantially relate to signage are important and necessary for the maintenance and well-being of positive conditions, good character, and quality of life in the City. Ultimately, these regulations are compelling and important for the protection of all police power values.

(e) Property Identification for Emergency Response and Wayfinding Purposes. Locating a business or residence by police, fire, and other emergency responders can be a matter of life and death, and thus it is a compelling interest to ensure that proper, understandable, unambiguous, and coordinated signage be permitted and required, and specifications for such purposes can be accomplished in a simple and narrow manner. Wayfinding for vehicular and pedestrian purposes is also a compelling interest to avoid confusion in public rights-of-way, and unnecessary intrusions on private property. Sign specifications for such wayfinding can be coordinated with property identification for such emergency and other purposes.

(f) Protection of the Right to Receive and Convey Messages. The important governmental interests and regulations contained in this article are not intended to target the content of messages to be displayed on signs, but instead seek to achieve non-speech objectives. In no respect do the regulations of signage prohibit a property owner or occupant from an effective means of conveying the desired message. Nothing in this article is intended to prohibit the right to convey and receive messages protected by the First Amendment of the United States Constitution.

The following regulations shall apply to all signs in the City of Southgate:

(a) *Definitions.* The following words, terms, phrases, shall have the following meaning when used in this section:

(1) (1) “Abandoned sign.” Any sign used in conjunction with a business that has not been in operation for a period of at least six months.

(2) “Animated sign.” Any sign that uses movement or change of lighting to depict action or create a special effect or scene.



(3) "Awning." Refer to "canopy or awnings" below.

(4) "Balloon." A flexible, nonporous container that can be of various shapes which is filled with a gas causing it to inflate. Often the gas is lighter than air to allow the balloon to rise and float in the atmosphere.

(5) "Banner." Any lightweight fabric or similar material that is mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered a banner sign.

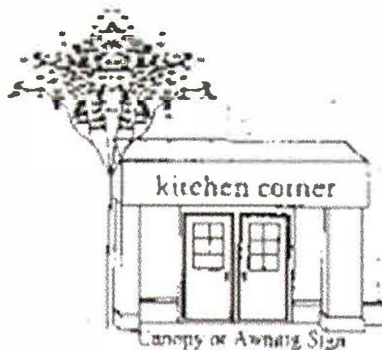
(6) "Beacon." Any light with one or more beams directed into the atmosphere or directed at one or more points not in the same zoning lot as the light source; also, any light with one or more beams that rotate or move.

(7) "Billboard" or "off-premise sign." Any sign which contains a message or advertises an establishment, product, service, space or activity not available on the lot on which the sign is located.

(8) "Broken sign." A sign that is composed of individual letters fastened to a building surface or other support structure.

(9) "Building marker." Any sign indicating the name of a building, date of construction, and any incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

(10) "Canopy or awning." A retractable or fixed shelter constructed of materials on a supporting framework that projects from the exterior wall of a building. A canopy or awning is placed over a door, window, entrance, outdoor service area or entire building.



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~~(12) "Commercial message." Any sign wording, logo, or other representation that directly or indirectly names, advertises, or calls attention to a business, product, service, or other commercial activity.~~

(12<sup>3</sup>) "Compatible." To be harmonious, consistent, or in keeping with the character of the surrounding environs.

(14) "Construction sign." Any sign which identifies the owners, financiers, contractors, architects, engineers or tenants of a project under construction.

(13<sup>5</sup>) "Directional sign." ~~A sign, commonly informational which does not contain~~

~~advertising, that directs movement, provides instructions or is secondary to the use of the lot. Generally signs of this type indicate the entrance/exit, drive-through location, “no parking” areas, etc. A permanent sign devoted to identifying points of ingress or egress on the property, orienting pedestrians and vehicles within the property, or directing the flow of pedestrian or vehicular traffic throughout the property.~~

(146) “Directory sign.” A sign, which indicates the tenants and their suite locations within a multi-tenant building.



~~(17) “Entranceway sign.” A sign that identifies the name of a residential subdivision or development and is located at the major entranceways to the subdivision or development.~~

~~(18) “Essential service sign.” Any sign indicating services that are reasonably necessary for the furnishing of public utilities, municipal departments or commissions, or the public health, safety, and welfare of City residents.~~

(149) “Flag.” Cloth containing distinctive colors, patterns, or symbols used to distinguish a government, political subdivision, or other political entity.

(1520) “Flashing sign.” A sign that employs lighting that flashes, blinks, moves, oscillates or varies in intensity more frequently than once every three seconds and is not an animated sign or a reader board sign.

(1621) “Freestanding sign.” Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. Freestanding signs include pole and monument signs.

(17) “Marquee sign.” A sign placed over an entrance to a theater, museum, art gallery, hotel, motel, convention center or hall, exhibition hall or other similar use, that includes a changeable sign area that relates to the principal use on the premises and does not project horizontally beyond the marquee

~~(22) “Government sign.” Any sign posted by a unit of government for the health, safety, and welfare of the general public.~~

(1823) “Message board sign.” A freestanding temporary sign typically designed as an A frame, T-frame, menu, or sandwich board, ~~that displays daily specials or promotions of the associated business.~~

(1924) “Monument sign.” A freestanding sign, supported by a foundation other than support poles, which the entire bottom of said sign is in contact with the ground in a permanent location.



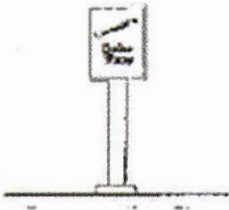
(205) "Mural." A design or representation painted on or drawn directly on a wall. ~~which does not contain any promotional or commercial advertising.~~

Type one: A design or representation which does not contain promotional or commercial advertising painted or drawn on a wall.

(216) "Pennant." Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

(227) "Placard." A sign that provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.

(238) "Permanent signs." Any sign, which has a permanent location on the ground or which is attached to a structure having a permanent location and which meets the structural requirements for signs as established in this section and in the Current Michigan Building Code.



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(249) "Pole sign." A freestanding sign, which is supported by one or more poles that are attached to the ground in a permanent location and is separated from the ground.

(3250) "Portable sign." Any sign not permanently attached to the ground or other permanent structure, as a sign designed to be transported, including but not limited to signs transported by means of wheels; A- or T-frames; menu and sandwich boards; and, balloons, banners or umbrellas. used for advertising.

~~(31) "Real estate sign." A sign advertising the sale, rent or lease of the real estate upon which the sign is located.~~

(2632) "Reader board." A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Also includes electronic reader board signs that can be changed or rearranged without altering the face of the surface of the sign.

(2733) "Roof sign." Any sign erected or constructed wholly on and over the roof of a building, supported by the roof structure.

(2834) "Roof sign, integral." Any sign erected or constructed as an integral part of a normal roof structure such that no part of the sign extends vertically above the highest portion of the roof and such that no portion of the sign is separated from the rest of the roof by a space of more than six inches.

(2935) "Sign." Any device, fixture, placard, or structure, visible from a public right-of way, that uses any color, form, graphic, illumination, symbol, or writing to promote a service, advertise, announce the purpose of, or identify the purpose of an occupant person, entity, or to communicate convey information of any kind to the public.

(306) "Sign area." That part of the sign upon, against, or through which the content message is presented or illustrated, including the entire perimeter of a sign which encloses visually communicative copy such as letters, symbols, or logos, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

(317) "Streamer." A long, narrow strip with attached flags, pennants or banners resembling or suggesting "streaming" or "floating" in the wind.

(328) "Temporary sign." Any sign that is used only temporarily and is not permanently mounted; this shall include painted window signs.

(339) "Valance." That portion of a canopy/awning that hangs parallel to the building facade and is not larger than twenty-five percent (25%) of the total area of the structure and is used as a decorative heading.

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(3441) "Wall sign." Any single faced sign that is attached directly parallel to a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or structure, this shall include permanent window signs.

(3542) "Window sign." Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window located on a wall or door or upon the window panes or glass and is visible from the exterior of the structure.

*(b) General Provisions.*

(1) (1) No signs portable, permanent, or any other type of sign unless specifically exempt from having a permit shall be installed in any district unless a sign permit is secured. Permits must be secured by licensed builders or registered sign companies.

(2) The fee schedule for signs shall be according to the fee schedule approved by Council.

~~(32)~~ No ~~portable, permanent, or any other type of~~ sign shall be allowed in any part of the public right-of-way, except otherwise permitted herein.

~~(3) The fee schedule for signs shall be according to the fee schedule approved by Council.~~

(4) Any sign allowed by this section for advertising shall not advertise any other for profit business or product not sold or offered within the premise in which it is associated with.

(5) Sign height shall be measured by the vertical distance from the top edge of the sign area or structure, whichever is higher, from the adjacent street grade.

(6) No freestanding sign shall be constructed at any location where, by reason of its position, shape or color may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device. No sign shall make use of the words "Stop," "Danger," or any other traffic "caution" word, phrase, symbol, or character in such a manner as to interfere with, mislead or confuse traffic. No sign, signal, marking, devise or blinking, oscillating or rotating light shall be erected adjacent to any public right-of-way so as to create a traffic hazard.

(7) No freestanding sign shall be erected at an intersection of any streets in such a manner as to obstruct free and clear vision. No sign shall be located within eight feet of the ground surface in the triangle formed by the property lines paralleling the streets and extending for a distance of 25 feet each way from the intersection of the right-of-way lines of a corner lot.

~~(87)~~ No person, business or entity shall display upon any sign or ~~other advertising~~ structure ~~any~~ obscene or indecent matter.

~~(98)~~ Signs, except as otherwise prohibited in this section, may be internally or externally illuminated. If externally illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property. All spotlights shall be diffused or shielded so as not to shine on other adjacent properties.

~~(109) Electronic animated and reader board signs are permitted provided the message content display area does not change more than one time per three second period. Background display areas may have continuous movement, for example a digital waving flag, provided that the display area is not flashing or blinking. Any reader board sign that changes its content message more frequently than once every three seconds shall be considered a flashing sign.~~

~~(100)~~ No sign shall be erected, relocated or maintained so as to prevent the free ingress and egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

~~(111)~~ Awnings, canopies, and marquees must maintain a minimum 7 seven-foot clear space distance from the bottom of the structure to the grade.

~~(122)~~ No sign shall project into a public right-of-way, except that awnings and canopies may project not more than four feet into a public right-of-way with the approval of the governmental jurisdiction in control of the right-of-way. All requests to erect an awning or canopy shall include a drawing, drawn to scale, detailing the proposed awning or canopy and a cut sheet of the proposed color(s). Material colors must be "earth tone" in nature. If the awning or canopy will contain a sign, the sign shall appear on the drawing along with a



notation of the amount of sign display area in square feet, and the proposed text. The application and accompanying drawing shall be submitted to the Building Department and to any other governmental jurisdiction in control of the public right-of-way, for review and approval.

(13) All signs shall be constructed of durable material and in conformance with the requirements and specifications of the current Michigan Building Code, where not in conflict with this section.

(14) Signs, which have not been in use for a period of more than six months, including any and all previously approved variances for such signs, shall be considered abandoned signs ~~and subject to removal proceedings. Abandoned signs shall have all lettering or reference to the former business removed. Custom signs, which are only relevant to the defunct business that it served, shall be removed completely from the site.~~ Written notice shall be given by the Building Official and action must be taken by the property owner or proprietor within 30 days of said notice.

(15) All signs shall be kept in workable order, with all plastic faces intact and all metal on the sign kept free of rust and painted with a rustproof paint. The Building Department shall make periodic inspections of all signs, and if any sign is found to be in a deteriorating condition, the owner shall be notified, by letter, to correct the same within 30 days of such notice. If such condition is not corrected within the time allotted, the Building Department is authorized to cause the sign to be removed at the expense of the property owner, agent or person having interest in the building or property. This subsection shall not be construed to alter the effect of Section 1298.20, which regulates nonconforming signs.

(c) Permitted Signs.

(1) Awning, canopy, and marquee signs.

(A) Permitted to display the building occupant, business, or industry conducted within the premises; may be painted or otherwise permanently placed flush on the awning or canopy, but only if the combination of all signs on the building front do not exceed the maximum allowable area for wall signs.

(B) Shall maintain a minimum seven-foot clear space distance from the bottom of the structure to the grade.

(2) Directional Signs.

(A) Directional signs are allowed provided they are limited to the identification of functions such as traffic control, loading areas, etc., on the lot and do not advertise the use of the lot. Directional signs shall not exceed two feet in height or two square feet in area for a single surface area or four square feet for signs of two or more faces.

(3) Free-Standing Signs.

(A) Free-standing signs in any Commercial or Industrial District shall be not more than 20 feet in height nor more than 100 square feet in area on each side. The bottom of such sign shall be a minimum of eight feet above the ground level. A monument sign, not more than ten feet in height, may be a maximum of 150.

square feet on each side, provided such sign is erected so as not to obscure pedestrian traffic at driveways and approaches. Where more than one establishment is connected together (as in a shopping center) only one free standing sign will be allowed. The developer shall make arrangements during construction to provide a central location for a free-standing sign, with a minimum of three-fourths inch galvanized conduit from each establishment to the proposed sign footing base.

(4) Wall-Mounted Signs.

(A) Wall mounted signs shall comply with the following standards:

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(B) One principal wall sign shall be permitted for each wall containing an entrance designed and intended for public (customer) access. A principal wall sign shall not exceed 100 square feet in total display area, except that the display area of a principal wall sign may be increased one square foot for every three feet or fraction thereof that the wall to which the sign is to be attached sets back behind the minimum setback requirement of the district, up to a maximum of 250 square feet, or up to a maximum display area of ten percent (10%) of the total area of the wall to which the sign is to be attached, including all doors and windows in the wall, whichever shall result in the lesser amount.

(C) Additional accessory wall signs (excluding directional signs) may be attached to any wall at the discretion of the applicant up to a maximum total square feet of display area for all such signs of not more than 100 square feet, except that the total square feet of display area may be increased by one square foot for every five feet or fraction thereof that the wall or walls to which these signs are to be attached sets back behind the minimum setback requirement of the district, up to a maximum of 150 square feet, or up to a maximum display area of five percent (5%) of the total area of the wall to which a sign or signs are to be attached, including all doors and windows in the wall, whichever shall result in the lesser amount.

(D) No wall sign shall extend above the roof line of the building to which it is attached.

(E) No sign that is mounted along the face of the building on the premises shall project or overhang the wall or any permanent architectural feature.

(5) Electronic Message Sign.

(A) Animated and reader board signs are permitted provided the message content display-area does not change more than one time per three second period. Background display areas may have continuous movement, for example a digital waving flag, provided that the display area is not flashing or blinking. Any reader board sign that changes its content message more frequently than once every three seconds shall be considered a flashing sign.

(B) (176) All animated or internally illuminated signs must bear the emblem of a nationally recognized testing laboratory.



(6) Murals.

- (A) Murals may not be placed on the primary façade or side of a building facing a major roadway or on the same wall as a commercial sign.
- (B) Murals shall be maintained in good repair, free from peeling paint or damage due to age, weather, vandalism or the like. Failure to maintain a mural in good repair may result in notification by Ordinance Enforcement and, if necessary, appropriate enforcement action by the city, including recovery of related expenses for enforcement.
- (C) Prior to installation of a mural, the property owner or tenant (with written permission of the property owner) shall apply for a determination of whether the proposed design or representation is a sign, a type one mural or a type two mural and, if the proposed design or representation is a type two mural, whether it complies with the requirements of this section. The application with fee, as determined by City Council, shall be forwarded to the City Administration who shall conduct an administrative review of the application and design for compliance with this section.
- (D) Murals shall not contain words (in any language), symbols or representations that are obscene, offensive, of a political nature or are derogatory.
- (E) Only 1 mural per wall will be permitted
- (F) Expansions or modifications of an existing mural must go through the application and review process, as outlined in this section, prior to mural installation.
- (G) Mural are prohibited on non-conforming uses
- H. Mural dimensions shall be submitted with the application in a square or rectangular format.
- I. Applicants must provide a colored rendering as part of the application and the color(s) used must represent the actual color(s) of the full-scale mural.
- J. Once the Building Department has reviewed an application for compliance with this section and granted administrative approval, the Planning Commission shall review mural design for final approval.
- K. A denied applicant may file an appeal to the Board of Zoning Appeals for review within 14 days of a formal decision made by the Planning Commission. The Board of Zoning Appeals shall review the decision based on the criteria set forth herein.

*(c) Prohibited Signs.*

(1) Any sign in which a proprietor has not received a sign permit, unless specifically exempt.

(2) Strings of light bulbs, pennants, balloons, streamers, banners, beacons or other portable signs are prohibited, except as allowed in subsection (j) hereof.

(3) Signs that employ any flashing, moving, oscillating, blinking or variable intensity of light and are not either an animated or reader board sign.

(4) Roof signs and integral roof signs.

~~(6) Painted signs on exterior walls.~~

(5) Billboard or off-premise signs.

(6) Signs affixed to a vehicle. Vehicles with signs attached are permitted if used in the day-to-day operation of the business. At the close of the business, the vehicle must either be removed from the property or parked within the loading/unloading zone. If no loading zone exists, the vehicle must be parked at a point on the site not readily visible from the public rights-of-way when not in use. The vehicle must be currently licensed and in operable condition

(9) Temporary window signs that exceed ~~twenty-five percent (25%)~~ of the area of the window and door on which such signs are located.

(10) Any notice, placard, bill, card, poster, sticker, sign, advertising or other device calculated to attract the attention of the public which any person posts, prints, sticks, stamps, tacks or otherwise affixes, or causes the same to be done to or upon any street, right-of-way, public sidewalk, crosswalk, curb, hydrant, tree, telephone pole, or upon any fixture of the police or fire alarm system of the City is prohibited.

*(d) Exempt Signs.*

(1) The following signs are exempt from the regulations of this section, including sign permits:

~~(21) Legal notices, identification, information, or directional sign erected, or required by a government agency. Highway and street signs erected by a state, county or municipal road agency identifying highways, giving direction to streets or places of interest or establishing restrictions or conditions of use for streets and highways. This exemption shall further include all such signs authorized by a road agency in conjunction with infrastructure improvements.~~

~~(32)~~ Historic markers placed under the authority of the local, state, or federal government.

~~(43)~~ Essential service signs.

~~(54)~~ Placards not exceeding two square feet.

~~(65)~~ Building marker not exceeding two square feet.



(76) Flags.

(87) Decorative, seasonal or temporary signs displayed by the City of Southgate. Such displays shall be only in commemoration of a national holiday or some other civic purpose of general public interest.

*~~(e) Signs Exempt from Permits.~~*

~~(1) The following signs shall not require a sign permit but shall comply in all other respects with the regulations set forth herein:~~

~~(2) (1) Government signs. Signs erected by a government agency.~~

~~(2) Real estate signs are allowed in any residential zoning district provided that they shall not have a surface area greater than six square feet for a single surface area or 12 square feet for signs of two or more faces or a height of four feet nor shall there be more than two signs on any one lot. Real estate signs are permitted in any non-residential zoning district provided that they shall not have a surface area greater than 32 square feet for a single surface area or 64 square feet for signs of two or more faces. Real estate signs must be removed within ten days of the sale, rent or lease of the property. Only signs advertising industrial real estate for sale or rental are permitted within 500 feet of a freeway, provided that such real estate advertising signs are used during the construction of a building or the offering for sale or rental of real estate, and provided, further, that they are not larger than ten square feet in area.~~

~~(3) Construction signs are allowed within any zoning district provided a building permit has been issued for the project. Construction signs shall not exceed 32 square feet in area for a single surface area or 64 square feet for signs of two or more faces or six feet in height. Construction signs must be removed from the property within five days of receipt of certificate of occupancy.~~

~~(4) One temporary sign is allowed for the promotion of a special event or activity of a church, non-profit or educational institution provided the sign is no larger than 32 square feet for a single surface area or 64 square feet for signs of two or more faces and is displayed for no more than two weeks prior to the event or activity and that it be removed within 24 hours of the conclusion of the event or activity.~~

~~(5) Temporary garage or yard sale signs, graduation, birthday parties, open houses, etc. are allowed for residential properties provided they are not placed in the public right-of-way and do not exceed six square feet for a single surface area or 12 square feet for signs of two or more faces. Garage and yard sale signs shall be removed within 24 hours of the conclusion of the event or activity.~~

~~(6) Temporary promotional signs typically associated with uses where at least fifty-one percent (51%) of inventory is designed for the outdoor display and sale of merchandise on a year-round basis shall be exempt. This exemption shall only apply to promotional signs and/or devices that relate to the sale of the merchandise which is located on the lot. This exemption shall not be interpreted to include large scale inflatable devices (such as inflatable rooftop balloons or characters), strobes, spotlights, beacons, or signs that display any flashing or moving lights, or painted signs. Temporary promotional signs for these specific uses shall comply with all applicable general provisions of this section.~~

~~(3) In recognition that there is a need for additional expression of speech prior to a scheduled election, the following applies for a period of 90 days prior to and three (3) days after a designated election day on which there is at least one ballot item: the maximum allowable area of temporary signs shall be increased to sixty-four (64) square feet per premise in all districts. The maximum area of an individual sign remains~~

~~(4)-(6) In residential areas, signs identifying properties for sale, lease, or rent provided the sign does not exceed 6 square feet in area for a single surface area or 12 square feet for signs of two or more faces or a height of four feet nor shall there be more than~~

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~~two signs on any one lot. In all other districts, a sign shall not have a surface area greater than 32 square feet for a single surface area or 64 square feet for signs of two or more faces. Only signs for industrial properties are permitted within 500 feet of a freeway, provided that such signs are used during the construction of a building or the offering for sale or rental of real estate, and provided, further, that they are not larger than 10 square feet in area. Such signs shall be removed within 10 days following the sale, lease, or rent of the property.~~

(F) Signs in a residential district. Freestanding and wall signs shall only be permitted in the R-1, R-1A, R-1B or RM Districts for uses such as, but not limited to, entranceway signs, schools, churches, cemeteries, golf courses, hospitals, elderly housing, convalescent care, and nursing homes. Such signs are subject to the following conditions:

~~(1) No signs shall be permitted in the R-1, R-1A, R-1B or RM Districts, except for the following:~~

~~(21) Subdivision entrance signs; Entranceway signs;~~

~~(32) Freestanding accessory signs and accessory wall signs for schools, churches, cemeteries, golf courses, hospitals, elderly housing, or convalescent care and nursing homes, subject to the following conditions: Signs for a permitted use other than residential are subject to the following conditions:~~

A. One freestanding sign with a maximum display area per side of 60 square feet and a maximum height of ~~6~~six feet, measured from the base of the sign on the ground to the highest point of the sign structure, shall be permitted.

B. One wall sign per street frontage shall be permitted. Such signs shall not exceed 25 square feet in total display area per sign and shall be affixed flat against a wall or engraved into a wall or portico of a building.

C. Additional directional or identification type name plate signs, affixed flat against a wall or door, shall be permitted. Such signs shall not exceed a total of 144 square inches of display area per sign, nor exceed six inches in height.

D. Freestanding signs and wall signs may be illuminated.

~~(g) Free-Standing Signs. Free-standing signs in any Commercial or Industrial District shall be not more than 20 feet in height nor more than 100 square feet in area on each side. The bottom of such sign shall be a minimum of eight feet above the ground level. A monument~~



~~sign, not more than ten feet in height, may be a maximum of 150 square feet on each side, provided such sign is erected so as not to obscure pedestrian traffic at driveways and approaches. Where more than one establishment is connected together (as in a shopping center) only one free-standing sign will be allowed. The developer shall make arrangements during construction to provide a central location for a free-standing sign, with a minimum of three-fourths inch galvanized conduit from each establishment to the proposed sign footing base.~~

~~(h) Directional Signs. Directional signs are allowed provided they are limited to the identification of functions such as traffic control, loading areas, etc., on the lot and do not advertise the use of the lot. Directional signs shall not exceed two feet in height or two square feet in area for a single surface area or four square feet for signs of two or more faces.~~

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~~(i) Wall Mounted Signs. Wall mounted signs shall comply with the following standards:~~

~~(1) One principal wall sign shall be permitted for each wall containing an entrance designed and intended for public (customer) access. A principal wall sign shall not exceed 100 square feet in total display area, except that the display area of a principal wall sign may be increased one square foot for every three feet or fraction thereof that the wall to which the sign is to be attached sets back behind the minimum setback requirement of the district, up to a maximum of 250 square feet, or up to a maximum display area of ten percent (10%) of the total area of the wall to which the sign is to be attached, including all doors and windows in the wall, whichever shall result in the lesser amount.~~

~~(2) Additional accessory wall signs (excluding directional signs) may be attached to any wall at the discretion of the applicant up to a maximum total square feet of display area for all such signs of not more than 100 square feet, except that the total square feet of display area may be increased by one square foot for every five feet or fraction thereof that the wall or walls to which these signs are to be attached sets back behind the minimum setback requirement of the district, up to a maximum of 150 square feet, or up to a maximum display area of five percent (5%) of the total area of the wall to which a sign or signs are to be attached, including all doors and windows in the wall, whichever shall result in the lesser amount.~~

~~(3) No advertising shall be placed on any awning or canopy except the name of the owner, business or industry conducted within the premises; it may be painted or otherwise permanently placed flush on the awning or canopy, but only if the combination of all signs on the building front do not exceed the maximum allowable area for wall signs.~~

~~(4) No wall sign shall extend above the roof line of the building to which is it attached.~~

~~(5) No sign that is mounted along the face of the building on the premises shall project or overhang the wall or any permanent architectural feature.~~

#### *(j) Temporary Signs.*

(1) One temporary sign is provided the sign is no larger than 32 square feet for a single surface area or 64 square feet for signs of two or more faces and is displayed for no more than two weeks prior to the event or activity and that it be removed within 24 hours of the

conclusion of the event or activity.

(2) Temporary event signs are allowed for residential properties provided they are not placed in the public right-of-way and do not exceed 6 square feet for a single surface area or 12 square feet for signs of two or more faces. Garage and yard-sale signs shall be removed within 24 hours of the conclusion of the event or activity.

(3) Temporary promotional signs typically associated with uses where at least 51% of inventory is designed for the outdoor display and sale of merchandise on a year-round basis shall be exempt. This exemption shall only apply to promotional signs and/or devices that relate to the sale of the merchandise which is located on the lot. This exemption shall not be interpreted to include large scale inflatable devices (such as inflatable rooftop balloons or characters), strobes, spotlights, beacons, or signs that display any flashing or moving lights,

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or painted signs. Temporary promotional signs for these specific uses shall comply with all applicable general provisions of this section.

(4) Portable signs, not larger than 48 square feet and the temporary display of banners or pennants ~~relating to special promotional~~ events may be installed in any C-1, C-2 or C-3 District, and shall meet the following criteria:

(A1) Eight individual permits may be requested throughout the calendar year. Each permit shall be for a period of seven consecutive days. These permits may be spread out throughout the calendar year or requested in larger increments. For example, if a two-week display is needed; two permits will be required.

(B2) A permit must be secured from the Building Department and the appropriate fee paid prior to installation.

(C3) All portable signs must comply with this section.

(D4) All portable signs shall be located on the property accessory to ~~must be on private property~~ and cannot interfere with the vision of pedestrians or traffic.

(E5) If a portable sign is to be illuminated, the temporary connection shall meet the requirements of the National Electrical Code. Each portable, illuminated sign shall be protected by a ground fault circuit interrupter. Temporary cord connections to buildings or other means must be approved by the Electrical Inspector prior to energizing the sign. All temporary cords must be a minimum of No. 14 gauge wire.

~~(6) This paragraph shall not apply to City displays.~~

(k) Temporary Window Signs.

(1) Each business establishment shall be permitted temporary window signs, provided that such signs do not exceed ~~twenty-five percent (25%)~~ of the area of any single window or of adjoining windows on the same frontage. This provision is not intended to restrict signs utilized as part of a window display of merchandise when such signs are incorporated within such display.

(l) Freestanding Message Board Signs.



(1) One message board sign which display daily specials or promotions of the associated business may be utilized throughout the calendar year provided the following conditions are met:

(1) No other temporary signs (including but not limited to portable; banners; pennants; streamers; signs transported by means of wheels; additional A- or T-frames; additional menu and sandwich boards; balloons; or umbrellas used for advertising; and signs attached to or painted on vehicles) shall be requested or utilized by the establishment.

(2) Total height of the sign shall not exceed ~~4~~<sup>four</sup> feet and the total sign display area shall not exceed 24 inches by 36 inches.

(3) The message board sign shall only be displayed during regular business hours and must be removed and appropriately stored within the business at the close of the business each day.

(4) The message board sign shall be located on ~~private~~ the property accessory to and shall not impede pedestrian or vehicular traffic. At no time shall the message board be allowed within required parking spaces or public rights-of-way, which includes public sidewalks.

(5) The message board sign shall be properly anchored to the ground to avoid movement and ensure the public health, safety, and welfare.

(6) The message board shall meet all the general provisions of this section as outlined in subsection (b) hereof.

(7) A plot plan of the site indicating where the temporary message board sign will placed shall be submitted to the Building Department as part of the permitting process. The location of the message board sign will be approved by the Building Department and shall be adhered to at all times by the applicant.

(m) (m) Substitution Clause.

(1) Notwithstanding any provision of this Section to the contrary, to the extent that this Section allows a sign containing commercial copy, it shall allow a non-commercial sign to the same extent. The noncommercial message may occupy the entire sign area or any portion thereof and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited, and the sign continues to comply with all requirements of this Section.

(n) Any sign not expressly permitted in this section is hereby prohibited.

~~(Ord. 458. Passed 1-4-89; Ord. 476. Passed 3-29-90; Ord. 480. Passed 7-18-90; Ord. 486. Passed 11-7-90; Ord. 489. Passed 1-30-91; Ord. 542. Passed 1-12-94; Ord. 606. Passed 3-5-97; Ord. 649. Passed 11-12-97; Ord. 658. Passed 6-24-98; Ord. 666. Passed 7-22-98; Ord. 781. Passed 6-18-03; Ord. 832. Passed 10-4-06; Ord. 835. Passed 11-15-06; Ord. 844. Passed 2-21-07; Ord. 858. Passed 2-20-08; Ord. 859. Passed 2-20-08; Ord. 860. Passed 2-20-08; Ord. 893. Passed 12-16-09; Ord. 895. Passed 1-6-10; Ord. 913. Passed 8-4-10; Ord. 957. Passed 12-19-12; Ord. 963. Passed 7-3-13.)~~

## 1298.19 PERFORMANCE STANDARDS.

No use otherwise allowed shall be permitted within any district set forth in this Zoning Code, which use does not conform to applicable performance standards pertaining to the limitation of smoke, dust, dirt, fly ash, chemical propellants, glare, radioactivity, fire, explosive hazards, noise, vibration, odors and wastes as set forth and regulated by County, State or Federal laws.

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~~{Ord. 458. Passed 1-4-89.}~~

## 1298.20 NONCONFORMING SIGNS.

(a) The lawful use of a sign exactly as the sign existed on the date of adoption of this amendment, may be continued, except as otherwise provided in this chapter, although that sign does not conform with this chapter. It is the intent of this chapter, however, to recognize the prompt elimination, as expeditiously as is reasonable, of such lawful nonconforming signs.

~~{Ord. 531. Passed 6-30-93.}~~

(b) A nonconforming sign:

(1) Shall not be altered in any fashion so as to prolong the life of the sign or to change the shape, size, type or design of the sign;

(2) Shall not be re-established after the activity, business or usage to which it relates has been discontinued, closed or sold;

(3) Shall not be re-established after having been damaged or destroyed if the estimated expense of reconstruction exceeds fifty percent of the replacement cost as determined by the Building Official; and

(4) Shall not have any changes ~~to the content made in the words or symbols used or the message~~ displayed on the sign unless the sign is a ~~bulletin board~~ changeable message board sign or substantially similar type of sign designed for periodic change of the sign message.

~~{Ord. 652. Passed 11-26-97.}~~

~~Mural and Sign Committee.~~