

ORDINANCE NO. 23 1037

AN AMENDMENT TO THE CITY OF SOUTHGATE ZONING ORDINANCE TO REVISE SECTION 1298.18 (SIGNS) AND PROMOTE THE EFFECTIVE REGULATION OF SAID SECTION.

Preamble

The City of Southgate City Council approved at their regular meeting of September 20, 2023 an ordinance to amend 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.

The City of Southgate ordains:

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, including feather flag banners.
- (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.



Building marker Sign



Canopy or Awning Sign

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



*Free-Standing
Monument Sign*

(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.

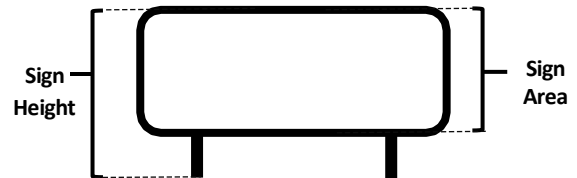
(31) “Streamer.” A long, narrow strip with attached flags, pennants or banners

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.

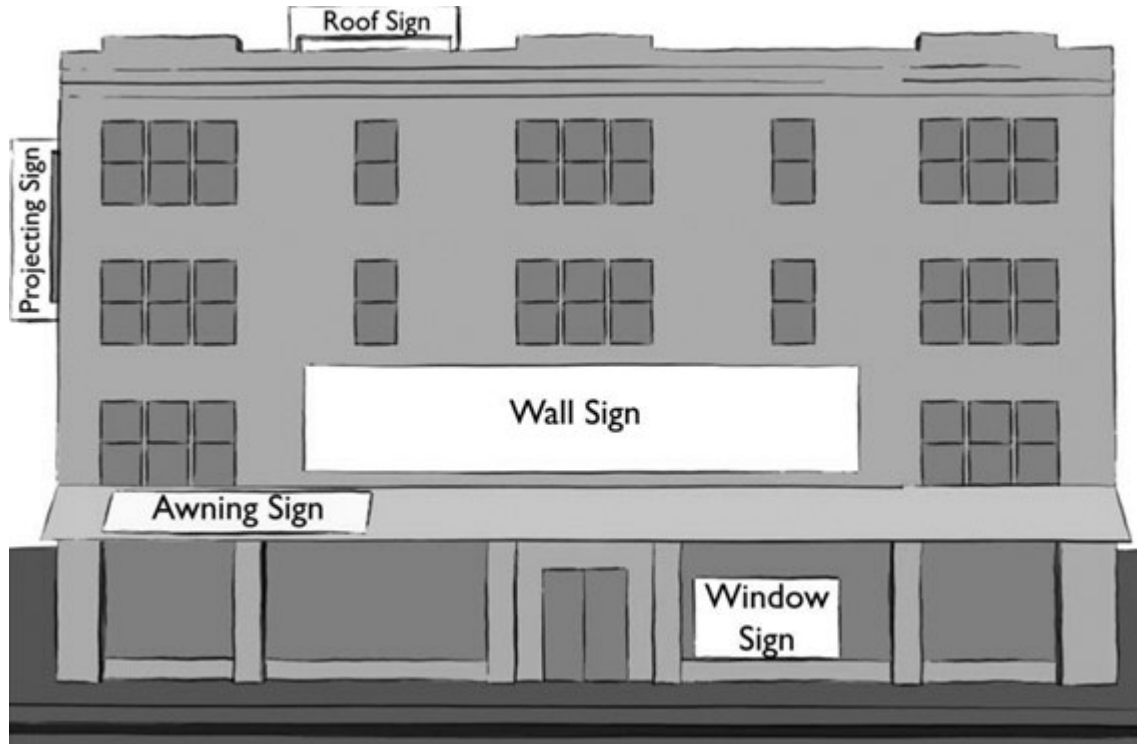


- (6) No freestanding sign shall be constructed at any location where, by reason of its position, shape or color may interfere with, obstruct the view of, or be confused with

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, device 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.
- G. The intensity of the display on any variable electronic message sign shall not exceed the levels specified in Table 1:

TABLE 1:

Color	Daytime Sunrise to sunset	Nighttime Sunset to sunrise
Red Only	3,150	1,125
Green Only	6,300	2,250
Amber Only	4,690	1,675
Full Color	7,000	2,500

(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 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.

(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.
- 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.



Portable Sign

- (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.
- 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

Authentication

This is to certify that the undersigned do hereby authenticate the foregoing record of the ordinance herein set forth.

Joseph G. Kuspa
Mayor
Adopted September 20, 2023

Janice M. Ferencz
City Clerk
Published by Posting: October 5, 2023