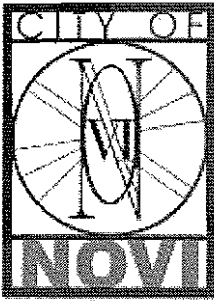


MEMORANDUM



cityofnovi.org

TO: Members of the Planning Commission
FROM: Barbara ^{Bub}McBeth, AICP, Community Development
SUBJECT: Text Amendments for Sign Ordinance
DATE: March 10, 2008

The attached strike-through version of the Sign Ordinance provides several amendments recommended by staff, the City Attorney's office and the City Council's Ordinance Review Committee. The attached letter from the City Attorney's office indicates that there are changes related to changeable copy signs, with other modifications and clarifications provided throughout the ordinance.

This language has been prepared by the City Attorney's office and has been reviewed by the Community Development Department staff. The Planning Division respectfully requests that this matter be scheduled for a public hearing for the April 2, 2008 Planning Commission meeting. At that time, the Planning Commission will be asked to forward a recommendation to the City Council on the proposed ordinance changes.

If there are any questions about these text amendments, please contact the Community Development Department.

March 10, 2008

30903 Northwestern Highway
P.O. Box 3040
Farmington Hills, MI 48333-
3040
Tel: 248-851-9500
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www.secretwardle.com

Thomas R. Schultz
Direct: 248-539-2847
tschultz@secretwardle.com

Planning Commission Chairperson Cassis
Planning Commission Members
City of Novi
45175 W. Ten Mile Road
Novi, MI 48375

Re: **2008 Amendments to Sign Ordinance**
Our File No. 55142 NOV

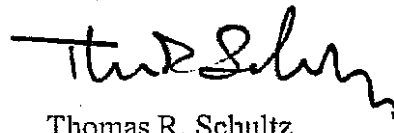
Dear Chairperson Cassis and Planning Commission Members:

The Ordinance Review Committee of the City Council met recently to discuss some minor amendments to the sign ordinance. Primarily, the impetus for the meeting was to update the provisions relating to changeable copy signs, and more specifically the frequency with which the copy may be changed. There are some other minor amendments in the nature of "clean ups" as well.

As has been the Council's practice recently, the sign ordinance amendments are sent to the Planning Commission for its comments. The intention would be for this matter to be placed on a City Council agenda some time in April, 2008.

If you have any questions, please do not hesitate to call.

Very truly yours,



Thomas R. Schultz

TRS/jes

cc: Maryanne Cornelius, City Clerk
Steve Rumpel, Community Development Director
Barb McBeth, Community Development
Pam Antil, Assistant City Manager

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STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 08-_____

**AN ORDINANCE TO AMEND CHAPTER 28, "SIGNS," OF
THE CITY OF NOVI CODE TO UPDATE, CLARIFY, AND
PROVIDE NEW SUBSTANTIVE REGULATIONS
CONCERNING THE PLACEMENT OF SIGNS WITHIN
AND THROUGHOUT THE CITY.**

THE CITY OF NOVI ORDAINS:

PART I

That Chapter 28, "Signs," shall be amended to read in its entirety as follows:

Sec. 28-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Area of sign means the entire area within the smallest circle, triangle, parallelogram, or other geometric shape that encloses the extreme limits of any writing, picture, logo, representation, emblem, or figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area.

Community special event means a charitable, educational, or public event occurring within the City of Novi.

District means a zoning district as established in Appendix A, "Zoning Ordinance", as amended.

Gasoline filling station means a space, structure, or building or part of a building for the retail sale or supply of motor fuels, lubricants, air, water, and other customary facilities and service for the installation of such commodities in or on such motor vehicle, but not including special facilities for the painting, repair, or similar servicing thereof.

Height of ground sign means the vertical distance measured from the natural surface grade of the land, without including any berm, landscaping, grading, or other artificially or unnaturally constructed or raised portion of land beneath the midpoint of the face of the sign, to the highest point of the sign or supporting structure. Where setback regulations require a ground sign to be behind or on top of a landscaped berm mandated by the City of Novi Zoning Ordinance, the building department, upon review with the city's planning consultant, may permit a variance to the height measurement, but only to the extent necessary to prevent the sign from being obscured by the landscaped berm.

Lineal feet, when used in determining the area of sign, means the length of the first floor business frontage of the business premises on which the sign is located.

Noncommercial means not related to or connected with trade and traffic or commerce in general.

Parcel of land means a unit of contiguous real property under common ownership. Where property is divided into condominium units, such units shall not be treated as separate parcels of land for purposes of this chapter, except for individual units that have been the subject of separate approved site plans complying in all respects with the city zoning ordinance.

Required setback means the minimum setback required for the respective district as specified in Appendix A, "Zoning Ordinance", as amended. However, setback, when used in determining sign area, shall be the distance the sign is from the nearest street centerline measured along a perpendicular line to that street line.

Sign means a name, identification, description, display, device, illustration, design, banner, flag, pennant, logo, or trademark that is affixed to, painted on, or otherwise represented, placed, located, or set directly or indirectly upon a parcel of land, including a building or structure, in a manner so as to be visible from any public street, sidewalk, alley, park, or other property, and that advertises, publicizes, or directs attention to a service, product, activity, person, institution, organization, or business. Types of signs are as follows:

(1) *Animated sign* means a sign, other than a changeable copy sign, whereby the sign itself or the information conveyed incorporates or involves action, motion, or the appearance of action or motion, such as flashing lights, color changes, moving parts, reflective materials, scrolling messages, or video-like features.

(2) *Business center sign* means a sign that identifies the name and/or logo of a group of four (4) or more contiguous stores or contiguous industrial businesses or an industrial subdivision developed as a planned complex, or of a multi-tenant, multi-story office or industrial building, and that does not contain any additional information regarding individual stores,

services, businesses, institutions, organizations or industries located within the planned complex or contiguous stores.

(3) *Business sign* means a sign that directs attention to a business or profession conducted, or to a product, service, or activity sold or offered upon, the premises where such sign is located and that references only the name of the business at the premises, the profession conducted, and the product, service, or activity sold or provided at the premises.

(4) *Canopy sign* means an identification or business sign painted on, or attached flat against the surface of a canopy or awning projection from the building.

(5) *Changeable copy sign* means a sign designed so the copy can be changed either manually or electronically, while the surface of the sign remains unchanged. The images and messages displayed electronically on the sign must be static, and the transition from one static display to another must be instantaneous without any special effects. A sign on which the message changes more than one time per minute (60 times per hour) shall be considered an animated sign. Time and temperature displays and fuel price displays shall be considered changeable copy signs rather than animated signs regardless of the number of changes per day.

Deleted: four (4) times per hour

Deleted: .

(6) *Directory sign* means a wall or window sign located at the pedestrian entry of a building listing occupants and tenants inside a building. (7) *Entranceway sign* means a ground sign that designates the street entranceway to a residential, industrial, or commercial subdivision, apartment complex, condominium development, or other integrated or coordinated multi-parcel development or permitted institution, from a public right-of-way.

(7) *Entranceway sign* means a ground identification sign that designates the street entranceway to a residential, industrial, or commercial subdivision, apartment complex, condominium development, or other integrated or coordinated multi-parcel development or permitted institution, from a public right-of-way.

(8) *Flashing sign* means any sign that contains or is illuminated by a light source that produces a brilliant flash and darkness on an alternating basis resulting in a pulsating effect designed to attract attention, or that contains an intermittent or sequential light source, or that emits light in sudden transmission.

(9) *Grand opening sign*. A sign intended to promote or advertise the initial opening of a commercial business.

(10) *Ground sign* means a sign, not attached to any building, supported by a monument placed in the ground surface such that the entire bottom of the sign is affixed to the ground and is not supported by poles, columns, or uprights..

(11) *Groundpole sign* means a sign attached to a pole or poles temporarily driven into the ground, the sole purpose of which pole or poles is to hold the sign.

(12) *Help wanted sign* means a sign soliciting employees for the place of business where posted and that does not contain any information other than that relating to the solicitation of employees.

(13) *Identification sign* means a sign containing the name of the person or entity occupying the premises where located, the type of business, owner, or resident, and/or the street address or building number, and which sets forth no other advertisement display.

(14) *Illuminated sign* means a sign that provides artificial light by either emission or reflection.

(15) *Kiosk pedestal sign* means a freestanding sign on a sidewalk or other public or private open space providing directory information of tenant names and locations. A kiosk sign shall not contain any logos, designs, trademarks, or any other form of advertisement.

(16) *Off-premises advertising sign* means a sign that contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where such sign is located.

(17) *On-premises advertising sign* means a sign that contains a message related to a business or profession conducted or to a commodity, service, or activity, sold or offered upon the premises where such sign is located.

(18) *Noncommercial message sign* means a sign that is not related to or connected with trade and traffic or commerce in general and includes an election sign or a sign expressing an opinion or other point of view.

(19) *Portable sign* means a freestanding sign not permanently anchored or secured to either a building or the ground.

(20) *Projecting sign* means a double sided sign with an identical message on both sides which is affixed to any building or structure, whose height is equal to or greater than its width, and projects in such a way that the sign on which the message is placed perpendicular to the wall to which it is attached.

(21) *Temporary sign* means a display sign, banner, or advertising device, with or without a structural frame, intended for a limited period of display, including displays for holidays or public demonstrations.

(22) *Temporary promotional sign* means a sign that is specifically authorized by resolution of the City Council in connection with an event or promotion and that is subject to any limitations as to size, duration, and purpose as are established in such resolution.

(23) *Wall sign* means a sign which is attached directly to or painted upon a building wall which does not project more than eighteen (18) inches therefrom. The exposed face of the

sign must be in a plane parallel to the wall of the building. The sign must not extend above the height of the wall.

(24) *Motor vehicle sign*: A sign measuring more than two (2) square feet in size that is mounted, placed, written, or painted on a vehicle or trailer, whether motor-driven or not.

Thoroughfare means a major thoroughfare or thoroughfare as established in the master plan adopted by the city pursuant to Act No. 285 of the Public Acts of Michigan of 1931 (MCL 125.31 et seq., MSA 5.2991 et seq.), as amended. A major thoroughfare includes a major arterial, arterial or minor arterial on said master plan.

Vending machine means a currency operated machine for selling small articles or services.

Sec. 28-1.5. Preamble; purpose.

The purpose of this chapter is to establish standards for the time, place, and manner of the erection and use of signs, symbols, markings, and advertising devices within the city. The standards are designed to promote the health, public safety, and welfare of persons within the community, including the promotion of traffic safety and aesthetics, and to aid in development and promotion of business and industry by providing sign regulations that encourage creativity, effectiveness, and flexibility in design and use of such devices without creating detriment to the general public.

It is further the intent of this chapter to:

(a) Encourage good design in the context of the overall image and visual environment of the city, and prescribe sound practices with respect to size, spacing, illumination, type and placement of signs for the purpose of safeguarding and enhancing properties in each of the various types of zoning districts.

(b) Enhance the appearance of the business community, taking into account the nature of the use, and thus stimulate as well as protect the economic vitality of the city and the orderly growth and development of business and industry in the city.

(c) Provide for signage that is adequate but not excessive and that displays a message through use of pictures, symbols and logos for rapid comprehension by the public.

(d) Prohibit the erection of signs in such numbers, sizes, designs and locations as may create a hazard or distraction to pedestrians and motorists and thus promote safety upon the streets and highways in the city.

(e) Avoid excessive competition for large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion.

(f) Prevent sign overload and excessively large signs which creates a visually chaotic and competitive situation within the business community.

(g) Protect public investment in public structures, open spaces and thoroughfares.

(h) Minimize the adverse effects of signs on nearby public and private property.

(i) Enhance the effectiveness of necessary directional and warning signs.

(j) Preserve property values.

(k) Recognize that advertising signs are a legitimate advertising medium in the locations which neither lessen the visual attributes of the city through the placement of such signs, nor cause confusion, safety problems or lessen the ability to identify local businesses through visual clutter.

(l) Regulate advertising signs within the city in the interests of economic prosperity, civic pride, quality of life and general welfare of the people who reside in, are visiting, are employed in or conduct business in the city.

Sec. 28-2. Rules and regulations to interpret and implement chapter.

The city manager shall have the power as may be necessary in the interest of the public safety, health, and general welfare to adopt and promulgate rules and regulations to interpret and implement provisions of this chapter and to secure the intent thereof. Such rules and regulations shall become effective after filing with the council.

Sec. 28-3. Permits.

(a) *Required.* Except as expressly provided in Sections 28-7, relating to temporary signs, and Section 28-8, relating to signs allowed in all districts, it shall be unlawful for any person to erect, alter, relocate, or maintain any sign or other advertising structure without first obtaining a permit therefor from the city and payment of a fee provided for in this section.

(b) *Application.* Application for erection permits shall be made upon forms provided for by the city, and shall contain or have attached thereto the following information:

- (1) Name, address and telephone number of the applicant;
- (2) Location of building, structure, or lot to which the sign is to be attached or erected;
- (3) Position of the sign in relation to nearby buildings, structures, and property lines;
- (4) Two (2) drawings of the plans and specifications and method of construction and attachment to the building or in the ground;
- (5) Copy of stress sheets and calculations, if deemed necessary by the building official, showing the structure as designed for dead load and wind pressure in accordance with regulations adopted by the building official;
- (6) Name and address of the person erecting the structure;
- (7) Any electrical permit required and issued for such sign;
- (8) Insurance policy or bond as required by this chapter;
- (9) Such other information as the city manager or his or her designee may require to show full compliance with this and all other applicable laws of the city and the state;
- (10) In the discretion of the city manager or his or her designee when in his or her opinion the public safety requires it, the application containing the material required by this section shall, in addition, bear the certificate or

seal of a registered architect or engineer as a condition to the issuance of a permit;

- (11) In all applications for entranceway signs, the city manager or his or her designee shall require that appropriate provisions have been made to ensure continued maintenance of the sign.

(c) *Fee.* A permit fee shall be paid to the city for each permanent permit and each temporary permit required by this chapter as shall be set by resolution of the council from time to time.

(d) *Ordinary maintenance.* No permit is required for the ordinary servicing or repainting of an existing sign message, the cleaning of a sign, the changing of information on a directory sign, or the changing of advertising on a permitted sign specifically designed for regular change of message without change in structure..

Sec. 28-4. Liability insurance for signs on public property.

If any wall, projecting pole, or roof sign is suspended over a public street or public property, or if the vertical distance of such sign above the street or property is greater than the horizontal distance from the sign to the public property line or parapet wall and is so located as to be able to fall or to be pushed onto the public street or property, then the owner of such sign shall provide at the time of obtaining a permit and keep in force a public liability insurance policy, approved by the city attorney, in the amounts set by resolution of the council or other formal city action. The policy shall indemnify the owner and the city from all damage suits or actions of every nature brought or claimed against the owner and the city for or on account of injuries or damages to persons or property received or sustained by any person through any act of omission or negligence of the owner, his servants, agents or employees regarding such sign. In lieu of an insurance policy an owner may present proof satisfactory to the city attorney that the owner is financially capable of self-insurance in the amounts required by resolution of the council.

Sec. 28-5. Permitted according to district.

The following types of signs, illuminated or unilluminated, shall be permitted in the following districts and in limited number, in accordance with the following regulations:

(1) *Types of signs permitted in each district:*

- a. In any residential district (RA, R1, R2, R3, R4, RT, RM1, RM2, MH):
 1. Entranceway signs for residential subdivisions, apartment complexes, condominiums, and other integrated or coordinated multi-parcel residential developments;
 2. Identification signs on schools and permitted non-residential institutions, and on barns, identifying farm name and ownership (only a ground sign or wall sign shall be permitted);
 3. Business signs on churches and other religious uses;

4. Business sign for permitted businesses within RA districts (only a ground sign or wall sign shall be permitted);
 5. Temporary signs as noted in section 28-6; and
 6. Signs as noted in section 28-7.
- b. In any office district (OS-1, OS-2, OSC, OST) on-premises advertising signs as follows:
1. Business sign: Ground sign, wall sign or canopy sign;
 2. Business center sign: Ground sign only;
 3. Entranceway sign;
 4. Temporary signs as noted in section 28-6;
 5. Signs as noted in section 28-7.
- c. In any industrial district (I-1, I-2) on-premises advertising signs as follows:
1. Business sign: Ground sign, wall sign or canopy sign;
 2. Business center sign: Ground sign only;
 3. Entranceway sign;
 4. Temporary signs as noted in section 28-6;
 5. Signs as noted in section 28-7.
- d. In B-1, B-2, B-3, FS, RC, NCC, C, EXPO, and EXO, on-premises advertising signs as follows:
1. Business sign: Ground sign, wall sign, or canopy sign;
 2. Business center sign: Ground sign only, and in the RC district only may also contain up to two (2) tenant names and logos;;
 3. Temporary signs as noted in section 28-6;
 4. Signs as noted in section 28-7;
- e. In any TC, TC-1, or GE district on-premises advertising signs as follows:
1. Business sign: ground sign, wall sign;
 2. Business center sign: ground sign only, and may also contain up to two (2) tenant names and logos;
 3. Directory signs as permitted in subsection (2)b.1(b)iii herein;
 4. Kiosk signs in accordance with (2)c.4 herein;
 5. Signs in TC-1 and GE shall meet the standards set forth in Section 4 herein;
 6. Temporary signs as noted in Section 28.6;
 7. Signs as noted in Section 28-7.
- f. In any parking district (P1):

1. Temporary signs as noted in section 28-6;
2. Signs as noted in section 28-7.

(2) *Area height and placement regulations:*

a. *Ground sign:*

1. *Area:*

- i. Except as provided below, ground signs shall not exceed a maximum thirty (30) square feet or one (1) square foot of sign area for each two (2) feet of setback from the nearest street center line as required herein, whichever is greater, with a maximum area of one hundred (100) square feet.
- ii. Where the business is a gasoline filling station, the maximum area of the sign shall be thirty (30) square feet. Fuel pricing information is permitted only on the following percentages of the area of the sign:

If the gasoline filling station is on a corner lot situated on two (2) or more thoroughfares, then fifty (50) percent may be allotted for fuel pricing information;

All other gasoline filling stations are allotted twenty-five (25) percent.

2. *Height:* A ground sign shall not be greater than as follows:

- i. Business center signs in the TC, TC-1, GE, and RC districts shall not exceed a height of fifteen (15) feet; See measurement method, section 28-1.
- ii. All other ground signs shall not exceed a height of six (6) feet; See measurement method, section 28-1.

3. *Placement:* Ground signs shall not be placed less than three (3) feet from the the future (planned) right-of-way line. The sign shall be placed no closer than fifty (50) feet from any residential district.

b. *Wall sign:*

1. *Area:*

(a) All zoning districts except TC-1 and GE:

- (i) Single story building(s):

- a. *Multiple businesses:* A business having a first floor pedestrian entrance shall be allowed one and one-fourth (1 1/4) square feet of signage per linear foot of contiguous public or private street frontage up to a maximum of sixty-five (65) square feet
- b. *Single business:* A wall sign displayed on a building occupied by one (1) business shall not exceed one (1) square foot of signage for each three (3) feet of setback from the centerline of the nearest adjacent thoroughfare or collector street as defined in the master plan adopted by the city, as amended, but not greater than fifteen (15) percent of the frontage surface of the building and not greater than two hundred fifty (250) square feet, unless a ground sign is also permitted under this ordinance for the building, in which case the wall sign shall not exceed sixty-five (65) square feet.

In those instances where the wall sign is adjacent to a private roadway or drive within a development, the calculation required above shall be made based upon the distance to the centerline of that roadway or drive. If the wall sign area would be greater if calculated under the standard set forth in subsection (a)(i)a. above, then said standard shall be used.

- (ii) Two (2) or more story buildings:
 - a. *Multiple businesses:* A wall sign displayed on a building occupied by two (2) or more businesses shall not exceed sixty-five (65) square feet. If more than one wall sign for the building is permitted under this ordinance, the total area of all signs shall not exceed sixty-five (65) square feet.
 - b. *Single business:* A wall sign displayed on a building occupied by one (1) business shall not exceed one (1) square foot of signage for each three (3) feet of setback from the

centerline of the nearest adjacent thoroughfare or collector street as defined in the master plan adopted by the city, as amended, but not greater than fifteen (15) percent of the frontage surface of the building and not greater than two hundred fifty (250) square feet, unless a ground sign is also permitted under this ordinance for the building, in which case the wall sign shall not exceed sixty-five (65) square feet.

In those instances where the wall sign is adjacent to a private roadway or drive within a development, the calculation required above shall be made based upon the distance to the centerline of that roadway or drive. If the wall sign area would be greater if calculated under the standard set forth in subsection (a)(ii)a. above, then said standard shall be used.

(b) *TC-1 and GE Districts:*

- (i) A business having a first floor pedestrian entrance shall be allowed one and one-fourth (1 1/4) square feet of signage per linear foot of contiguous public or private street frontage up to a maximum of sixty-five (65) square feet. Where a building has public or private street frontage on more than one street, no single sign shall exceed one and one-fourth (1 1/4) square feet per lineal foot of the frontage on the immediately contiguous street. Live/work units (i.e., buildings with commercial/office use on first floor, with residential use on the upper floor[s]), shall be allowed signage of no greater than twelve (12) square feet, not to exceed six (6) feet in length, that may include the name of the business; the profession, service, or goods provided; and a logo.
- (ii) A business having a first floor pedestrian entrance on a public or private street qualifying for a wall sign under subsection (b)(i) above, which also has a direct separate first floor pedestrian entrance in the rear of the building is allowed a second wall sign located in the rear of the building subject to: (1) the area of the sign shall not exceed one (1) square foot

of signage for every two (2) lineal feet of rear wall to a maximum of twenty-four (24) square feet and (2) shall reflect a design consistent with the front signage decision.

- (iii) A building with business occupants on the upper floors or the interior space on the first floor of a building may have a directory sign plaque not to exceed ten (10) square feet in area at the street entryway.
 - (iv) Where a business has no contiguous public or private street frontage and the majority of its off-street parking is adjacent to an outside wall of the business, the business is permitted twenty-four (24) square feet of identification or business signage.
 - (v) Where a business has contiguous public or private street frontage, but no separate first floor exterior entrance, the business is permitted twenty-four (24) square feet of identification or business signage.
2. *Height:* Not to exceed the height of the wall on which the sign is located. A wall sign permitted under subsection (2)b.1.(b)(i), (ii) and (iv) shall be located at least eight and one-half (8.5) feet above the surface of the surrounding grade and shall not exceed the height of the building wall. A directory sign permitted under subsection (2)b.1.(b)(iii), shall not exceed ten (10) feet in height above the surrounding grade level.
3. *Placement:* A wall sign shall be placed as provided in the definition of "wall sign," section 28-1. A directory sign shall be at least one hundred twenty-five (125) feet from any other directory sign. Further, where more than one separately owned and operated business occupies a building or parcel of land, those wall signs permitted for individual businesses shall be located on the same side of the building as the exterior wall abutting the business space, and within the lineal frontage of the respective business. Provided further, that where such a building is oriented so that the front entrances to the business do not face the adjacent thoroughfare, a business occupying that portion of the building nearest the thoroughfare which is entitled to a sign under subsection (3)f., may place its sole wall sign upon that wall facing the thoroughfare. Where wall signs are permitted on a wall which does not front a public or private street, the signs shall be placed within the boundaries of the business' wall. Wall signs permitted within the

TC-1 district, because the business has an outside wall adjacent to a parking lot where the majority of its off-street parking occurs or where there is a private or public street shall be located no closer than thirty (30) feet on center from any other similar sign, and shall be located adjacent to such parking lot or street, as applicable.

c. Canopy sign:

1. *Area:* Maximum twenty-four (24) square feet on either or both sides of the canopy.
2. *Placement:* Shall be attached to and contained within the perimeter of the face or valance of a canopy, the top of which shall not exceed 12 feet measured from grade or sidewalk.

d. Entranceway sign:

1. *Area:* Maximum of twenty-four (24) square feet.
2. *Height:* Maximum of five (5) feet.
3. *Placement:* Not less than ten (10) feet from any street right-of-way and only in yards adjacent to streets at the entrance to the subdivision, apartment complex, condominium development or permitted institution. Notwithstanding the above, an entranceway sign may be located within the median of a boulevard street when a license for such is granted by the city council.

e. Kiosk pedestal sign:

1. *Area:* The sum total of all faces of the sign shall not exceed sixty-five (65) square feet.
2. *Height:* Ten (10) feet.
3. *Placement:* Setback on sidewalk or public place must allow a minimum five-foot clearance for handicapped access shall not be located within a corner clearance area and shall not otherwise obstruct vehicular sight distance. Kiosk signs shall be located no closer than two hundred (200) feet from any other kiosk sign. Distance shall be measured along the building perimeter, where applicable.
4. Placement and number of kiosk signs shall only be permitted in the TC, TC-1, and GE districts, and are subject to the standards of the Sign Design and Review Manual for Novi TC-1 and GE districts, subsection (4).

- f. Projecting sign, subject to the requirements of the Sign Design Review Manual, and provided that any other permitted sign shall be reduced by the area of the projecting sign:
1. Pedestrian level projecting sign: In a TC-1 and GE zoning districts, a business having a first floor pedestrian entrance in a single or multiple story building shall be entitled, in addition to any other sign, to one (1) pedestrian level projecting identification sign. Each business shall be entitled to only one (1) projecting sign.
 - (a) *Area:* A pedestrian level projecting sign shall not exceed three (3) square feet in area or three (3) feet in width. The area of such sign shall be in addition to any permitted sign provided for herein.
 - (b) *Placement:* Pedestrian level projecting signs shall only be located on private or public streets. They shall be located within the store frontage of the business being identified. No pedestrian level projecting sign shall be located closer than twenty (20) feet from any other pedestrian level projecting sign. The bottom of such sign shall be at least eight and one-half (8.5) feet above the surrounding grade and shall not exceed twelve (12) feet in height. No sign shall be greater than three feet in width.
 - (c) If a projecting sign is utilized, any other permitted sign shall be reduced by the area of the projecting sign.
 2. Upper level projecting sign: In a TC-1 or GE zoning district, a business located on the upper level of a multiple-story building may utilize, in lieu of a permitted wall sign, an upper level projecting identification or business sign. Each sign shall identify only one (1) business.
 - (a) *Area:* An upper level projecting sign shall not exceed fifteen (15) square feet in area or three (3) feet in width.
 - (b) *Height:* The bottom of such sign shall be at least twelve (12) feet above the surrounding grade and shall not extend above the height of the wall.
 - (c) *Placement:* An upper level projecting sign shall be located on the exterior wall as close to the center of the occupied space as possible.

- (3) *Number of on-premises advertising signs permitted:* No building or parcel of land shall be allowed more than one (1) sign permitted under this section, except as follows:
- a. Additional rear-entry wall signs, (2)b.1(b)(ii); directory signs, (2)b.1(b)(iii); parking adjacent to outside wall, (2)b.1(b)(iv); contiguous frontage/no pedestrian entrance, (2)b.1(b)(iv); kiosk signs (2)e; and projecting signs, (2)f, shall be as regulated in such sections.
 - b. In those instances where the majority of the off-street parking for a business located outside of the TC-1 or GE district is adjacent to the direct separate rear or side entrance, and that entrance serves as the primary entrance for customers, the business is permitted one (1) square foot of identification wall signage for every two (2) lineal feet of the business' wall which has the entrance to a maximum of twenty-four (24) square feet.
 - c. One (1) identification wall sign not greater than two (2) square feet in area is permitted at the rear entrance to a business establishment. This provision shall not apply to a business allowed an additional sign under section (3)b above.
 - d. Where four (4) or more separately owned and operated businesses with an exterior pedestrian access to each business occupy a one-story building on a single parcel of land, the parcel is permitted one (1) business center ground sign.
 - e. A multi-story, multi-tenant office or industrial building is permitted a business center ground sign, provided that there is no other ground sign for such building.
 - f. Where two (2) or more separately owned and operated businesses occupy a building on a single parcel of land, each having a separate exterior entrance, each business is entitled to a single identification wall sign if not otherwise entitled to a wall sign under this Chapter.
 - g. Each business in the TC-1 or GE district is allowed a single identification wall sign if it:
 - 1. Has a direct separate exterior first floor pedestrian entrance; or
 - 2. Has frontage on a public or private street; or
 - 3. Has an outside wall adjacent to a parking lot where the majority of its off-street parking occurs.

- h. Except in the TC-1 and GE districts, where a corner lot or parcel occupied by a single business and situated on two (2) or more thoroughfares, wall signs may be permitted on each thoroughfare in accord with this chapter, except that if a ground sign is selected and placed on the premises, only the ground sign shall be permitted. At those locations where projecting signs are permitted, no more than one projecting sign shall be permitted at a corner lot or parcel. Each wall sign permitted under this subpart shall be reduced by the area of the projecting sign.
- i. Within the OS-1, OS-2, and OST districts,, an additional wall sign, or an additional ground sign if no other ground sign exists on the parcel, shall be permitted if the building is no less than forty thousand (40,000) square feet in size.
- j. Where a building within the FS, OS-1, OS-2, OST, TC, I-1 or I-2 districts on property which abuts the I-96 freeways or the M-5 limited access corridor, a single additional wall sign may be utilized oriented toward the freeway or corridor, provided that no additional sign has been permitted under subsection (3)i., and provided that further said sign shall be of no larger size than the wall sign permitted on the front of the building.
- k. An entranceway sign is permitted at each entranceway to a residential subdivision or condominium development. With respect to such entranceway signs, two (2) sign faces greater than two (2) feet apart are permitted. If a residential subdivision or condominium development has a boulevard entrance, one, single-face entranceway sign is permitted on each side of the boulevard. The total area of the faces shall be computed as if they were back to back. See definition for area of sign.
- l. A freestanding building in which a restaurant use is the sole principal use shall be permitted both one ground sign and one wall sign for the building; provided, however, that this provision shall not apply to allow more than two signs for any such building without ZBA approval of additional nonconforming signs.

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(4) *Design of signs in the TC-1 and GE zoning districts:*

- a. Where separately owned businesses occupying a single building or a single parcel of land utilize individual identification wall signs, all such signs on the building or within the center shall be of a common style i.e., individual freestanding letters shall be utilized with other signs composed of individual freestanding letters. Where premises have lawfully developed with signs not of a common style, future signs shall be of a

Deleted: , box signs (framed wall signs) shall be utilized with other box signs

style common to a majority of signs within the development. If the parcel of land or buildings is divided into condominium units for purposes of the separate ownership of business premises, and the individual units are designed and constructed with varied architectural styles so as to distinguish separate units, wall signs shall not be required to be of a common style.

- b. All signs in a TC-1 district, except those permitted in section 28-7 of this Code, shall be reviewed pursuant to the Sign Design and Review Manual for Novi TC-1 district.
- c. All provisions of the Novi Design Review Manual, as revised and attached hereto, are hereby adopted, enacted and made a part of this ordinance. The provisions of the design review manual shall provide standards and criteria upon which the decision for approving or denying a sign shall be based.

(5) Changeable copy signs: Changeable copy signs, as defined in this ordinance, are permitted, subject to the following limitations:

- a. Such sign shall be a business ground sign only, not including a business center sign, and shall be subject to the area, height, and placement requirements for a business ground sign in such location as otherwise permitted under this ordinance.
- b. Such sign shall be permitted only for places of worship; schools; movie theatres and similar entertainment venues at which shows, performers, or entertainers change on a regular basis; ~~restaurants; recreational facilities at which events change on a regular basis; and gas stations,~~ subject to any other applicable requirements for such uses in this ordinance. Deleted: gas stations
- c. The changeable copy portion of such sign shall not exceed 2/3 of the sign area, and the remainder of the sign shall be of a permanent character as otherwise required under this ordinance; provided, however, that this provision shall not alter or amend in any way the limitations on fuel pricing information set forth in Section 28-5(2).a.1. which shall remain in full force and effect. Deleted: ;
- d. In addition to the general requirements for sign maintenance, all changeable copy signs shall bear a legible message, other suitable display or be left blank. Electronic devices when not in use may be left blank and unlighted. Any lighted or electronic changeable copy sign in which the electrical or lighting components are operating in an erratic, broken or damaged fashion shall be turned off or removed.

Sec. 28-6. Temporary signs.

Temporary signs may be erected in accordance with the use, area, height, and placement regulations of this section. Unless specifically exempted, permits for such signs shall be required and shall specify a maximum length of time such sign may be used.

TABLE INSET:

| Use, Area, Height and Placement Regulations for Temporary Signs | | | | | | |
|---|----------|--------------------|--------------|--|--|-----------------|
| Sign Function | District | Type of Structure | Area Sq. Ft. | Height, Placement and No. of Signs | Max Permit Duration or Exemption | Permit Required |
| (1) Construction identification sign which identifies the name of the project developers, contractors, engineers, architects, lenders, or sales brokers on a site being developed. Permitted only for projects other than subdivisions or site condominiums that require site plan approval under Appendix A, "Zoning Ordinance." | All | Groundpole or wall | 64 | Not less than required setback nor higher than fifteen (15) feet. One (1) sign. | Not to be issued prior to the first starting permit and is valid until issuance of first certificate of occupancy. | Yes |
| (2) Subdivision (or site condominium) business sign which | All | Groundpole | 64 | Not less than required setback nor higher than fifteen (15) feet. One (1) sign at each | Not to be issued prior to a first starting permit and is | Yes |

| | | | | | | |
|---|------------|--------------------------------|----------|---|---|-----------|
| <p>advertises residential or commercial or industrial subdivision under development and the name of developer, architects, builders, lenders, or sales brokers.</p> | | | | <p>entranceway from a public street. When a subdivision or site condominium does not have an entranceway from a major arterial, arterial or minor arterial (as designated in the City of Novi Master Plan), placement may be at an off-premises location which is an access point to the nearest major arterial, arterial or minor arterial, provided permission is obtained from the owner of such property.</p> | <p>valid until 80% of the lots in the subdivision (or in the case of a phased development, in the final phase of the subdivision) are issued certificates of occupancy.</p> | |
| <p>(3) Sale, rental or lease sign which identifies the sale, rental, or lease of the residential property (other than multiple-family apartment complexes) upon which the sign is located or the model name of the building for sale, but not including signs on vacant unplatted property.</p> | <p>All</p> | <p>Groundpole or portable.</p> | <p>6</p> | <p>Not less than one-half the distance between the principal building and adjacent street and not higher than five (5) feet. One (1) sign.</p> | <p>Until and thirty (30) days after sale or lease of property</p> | <p>No</p> |

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| | | | | | | |
| (4) Sale, rental or lease sign which identifies the sale, rental, or lease of the non-residential property or multiple-family apartment complexes upon which the sign is located, but not including signs on vacant unplatted property. | All | Groundpole or portable. | 16 | Not less than one-half the distance between the principal building and adjacent street and not higher than ten (10) feet. One (1) sign. | Until and thirty (30) days after sale or lease of property | No |
| (5) Sale, rental, or lease sign which identifies the sale, rental or lease of vacant unplatted property upon which the sign is located. | All | Groundpole or portable. | 16 | Not less than fifteen (15) feet from the right-of-way and not higher than ten (10) feet. One (1) sign. | Until and thirty (30) days after sale or lease of property. | No. |
| (6) One (1) sign advertising a temporary use permitted pursuant to Subsection 3004.1 of Appendix A, "Zoning Ordinance." | All | Groundpole or portable | 16 | No greater than five (5) feet in height. Not less than 15 feet from the right-of-way lines | Until expiration of the temporary use permit granted pursuant to sub-section 3004.1 of Appendix A, "Zoning Ordinance." | No. |

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| | | | | | | |
|--|--------------------|------------------------------------|----------|---|--|------------|
| <p>(7) Open house signs to advertise showing of a single-family residential dwelling, including attached or detached condominium units, to potential purchasers.</p> | <p>Residential</p> | <p>Groundpole or portable sign</p> | <p>4</p> | <p>Not higher than five (5) feet. One (1) sign at the residence for sale, not less than one-half the distance between the principal building and the adjacent street. No more than five (5) additional signs may be placed at the entranceways to the subdivisions within which the open house is being conducted and at intersections within that subdivision to provide directions to the house for sale, provided such signs are at least ten feet from the traveled portion of the street or road, provided further that if there is a sidewalk and curb at such location, the sign shall be located between the sidewalk and curb.</p> | <p>Between the hours of 10:00 a.m. and 6:00 p.m., prevailing time; solely during duration of open house.</p> | <p>No.</p> |
| <p>(8) Garage or yard sale signs to advertise the sale of items to potential purchasers.</p> | <p>Residential</p> | <p>Groundpole or portable.</p> | <p>4</p> | <p>Not higher than five (5) feet. One (1) sign at the residence conducting the garage and/or yard sale. Additional signs, only one (1) per location, may be placed at each entranceway to the subdivision within which the garage and/or yard sales is being conducted and</p> | <p>For those at subdivision entranceways, no more than five (5) days prior to the garage or yard sale; all others, only on the day of the garage or yard sale.</p> | <p>No.</p> |

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|--|-------------|--------------------------|-------------------------|--|--|------|
| | | | | at intersections within that subdivision to provide directions to the garage and/or yard sale, provided such signs are located outside any public right-of-way and are at least ten (10) feet from the traveled portion of the street or road. | | |
| (9) Residential subdivision event sign | Residential | Ground pole or portable | 4 | One at every entrance to subdivision | Not more than 10 days before the event. Removed after event. | No. |
| (10) Temporary promotional signs | All | Ground pole or portable. | As approved by Council. | Permitted only by resolution of City Council, and subject to conditions as to type, size, duration, and purpose as set forth in such resolution. Application must be made to the City, on a form provided by the city, which shall include an acknowledgement and permission for the city to enter upon the property to remove the sign if it is not removed by the applicant within the time specified in the resolution. | As approved by Council. | Yes. |
| (11) Non-commercial | All | See Sec. 28-7(a)(11) and | See Sec. | See Sec. 28-7(a)(11) and Sec. 28-9. | See Sec. 28-7(a)(11) and | No. |

| | | | | | | |
|-----------------------------------|-----|---|--|--|--|------|
| message signs | | Sec. 28-9. | 28-7(a)(1) and Sec. 28-9. | | Sec. 28-9. | |
| (12)Community Special event signs | All | As approved by City Manager | As approved by City Manager | As approved by City Manager | As approved by City Manager | Yes. |
| (13)Grand Opening Signs | All | Wall, groundpole or portable. | 10 | One (1) sign on or immediately adjacent to the premises of the business. Not higher than ten (10) feet for groundpole signs, five (5) feet for portable signs. | Within sixty (60) days after the initial opening, for a period not to exceed thirty (30) days. | Yes. |
| (14)Help wanted signs | All | Wall signs or window signs complying with Sec. 28-7(10), except that for businesses permitted under Zoning Ordinance Section 1902, 1903-1, 1903-2, 1903-5, 1903-8, 1903-10, 1903-11, 2001-2, 2001-3, 2001-4, 2001-5, 2001-7, 2001-8, 2001-9 and 2001-10, a ground pole sign is permitted. | Two (2) square feet, except that for uses permitted under Zoning Ordinance Section 1902, 1903-1, 1903-2, 1903-5, 1903-8, | Ten (10) feet for groundpole signs. No more than one sign per business. | Only at times when employees are being actively sought. | No. |

| | | | | | | |
|--|-----|----------------------|---|----------------------|----------------------|----------------------|
| | | | 1903-10, 1903-11, 2001-2, 2001-3, 2001-4, 2001-5, 2001-7, 2001-8, 2001-9 and 2001-10, six (6) square feet | | | |
| (15) Business signs displayed through glass, including "Open/closed" signs | All | See Sec. 28-7(a)(10) | See Sec. 28-7(a)(10) | See Sec. 28-7(a)(10) | See Sec. 28-7(a)(10) | See Sec. 28-7(a)(10) |

Sec. 28-7. Allowed in all districts.

The following types of signs shall be allowed in all districts where the principal use to which they are related is permitted by Appendix A, "Zoning Ordinance," as amended:

(a) *No permit required*

- (1) Addresses and nameplates identifying the occupant or address of a parcel of land and not exceeding four (4) square feet in area.
- (2) Cornerstone markers, including date of erection, when cut into any masonry surface or when constructed of bronze or other noncombustible material permanently attached to building, no greater than four (4) square feet.

- (3) Historic marker signs, as regulated and approved by local, state, or federal government agencies.
- (4) Motor vehicle signs (signs greater than 2 square feet) subject to 28(10)(b)(12).
- (5) Flags shall be permitted as follows:
 - a. Flags bearing the official designation of the United States of America shall be excluded from the requirements of subpart b., except as set forth below. Flags bearing the official designation of the United States of America shall be respectfully displayed, shall be maintained as provided in subsection (4)b.5, and shall not exceed the following size restrictions:

TABLE INSET:

| Flag Pole Height (feet) | Maximum Flag Size (width = 2/3 length) (in square feet) |
|-------------------------|---|
| 60--65 | 135 |
| 50--59 | 96 |
| 40--49 | 72 |
| 30--39 | 50 |
| 20--29 | 30 |
| Under 20 | 15 |

The height and placement of poles bearing a flag permitted under subsection (5) shall be governed by this Code and Appendix A, Zoning Ordinance. Specifically, a flag pole will require a permit under subsection 3003.4 of the Zoning Ordinance and must comply with Section 2903, Height Limit, and Subsection 2503.2.B., Accessory Structures, of the Zoning Ordinance; and

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- b. Except as otherwise provided in the zoning ordinance, flags bearing the official design of a nation, state, municipality, educational institution or commercial or noncommercial organization, may be displayed as follows, provided that no more than two (2) commercial flags be displayed on any parcel of land:
 - 1. Each parcel of land may display not more than two (2) flags not exceeding twenty-four (24) square feet when displayed on a flagpole, except as may be permitted under subsections (5)b.2. and (5)b.3.

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2. In the TC, or TC-1, or zoning districts, each parcel of land may display not more than six (6) additional flags, except as may be permitted under subsection (5)b.3., not exceeding twenty-four (24) square feet, when displayed on a flagpole or streetlight pole, and when they are an integral part of a plan of streetscaping and landscaping amenities approved under the zoning ordinance, which incorporates decorative streetlights, brick paving, benches, decorative waste receptacles, decorative planter boxes and landscaping. The approved streetscape and landscape plan, including the utilization of such flags, shall be consistent with the design of such amenities throughout the district.
3. Buildings within the TC and TC-1 zoning districts may display additional flags on building walls and/or streetscape abutting a public road, based upon the length of such building walls. Building walls of one hundred (100) to two hundred (200) feet in length may display up to two (2) additional flags, not exceeding twenty-four (24) square feet. Building walls greater than two hundred (200) feet and up to three hundred (300) feet in length may display up to three (3) additional flags. Building walls greater than three hundred (300) feet in length may display up to four (4) additional flags. Building wall length shall be based upon the overall width/length measurements, depicted in the building's approved site plan.
4. The above limitations on the number of flags shall not apply to any single-family residence or to any apartment dwelling when the flags are located within an area leased to a resident and not within any common area.
5. All flags shall be maintained in good repair so as to prevent tearing, fraying or other deterioration. The failure to replace or repair a deteriorated flag within thirty (30) days notice of such condition shall constitute a violation of this Code.

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(6) Traffic or other municipal signs such as legal notices, railroad crossing, danger, and other emergency signs as may be approved by the council or the city manager.

(7) Gasoline filling stations only may display the following special signs which are deemed customary and necessary to their respective businesses:

- a. Customary lettering or other insignia, on a gasoline pump consisting of the brand of gasoline sold, lead warning sign, and any other sign required by law and not exceeding a total of three (3) square feet on each pump. No permit shall be required.
- b. A single non-illuminated double-faced sign per gasoline pump island, each of which shall not exceed four (4) square feet in area, may be placed on a gasoline pump island. Such sign may extend a maximum of two (2) feet above the pumps.

(8) Where exterior racks or showcases are permitted, signs on racks or showcases may be displayed on the exterior of business establishments in reasonable quantities. Each such rack or showcase may contain a single sign not exceeding ten (10) percent of the largest visible face area and shall meet the placement requirements set forth for ground pole signs. Such signs must contain a message relating only to the merchandise for sale on such rack or showcase.

(9) Signs not exceeding two (2) square feet which contain only noncommercial messages including designation of rest rooms, telephone location, and direction of door openings.

(10) Vending machines on the exterior of business establishments, where permitted, shall be permitted two (2) signs. The total area of such signs shall not exceed ten (10) percent of the wall surface area of the side of the vending machine on which such signs are located, but not to exceed a maximum area of ten (10) square feet for all such signs. All portions of such signs shall be located within the face of the vending machine.

(11) Business signs displayed through building glass area, where such sign:

- a. Covers not more than twenty-five (25) percent of all the glass area of the frontage of the building premises displaying the sign;
- b. Contains a message referring to current, temporary merchandising or promotional activities such as a sale; and
- c. Is removed from the glass area not more than five (5) days after its first display. The same sign may not be displayed for a period of thirty (30) days from the date of such removal.
- d. Open/closed signs, whose sole function is to indicate whether or not the business establishment is open or closed, may be displayed through building glass, one per each side of the building, and are not subject to subsections a-c above, but shall not exceed three and

one-half (3) square feet in area and each thirty-six (36) inches in any dimension.

Signs displayed through building glass area shall not be illuminated unless located at least fifteen (15) feet from any window, except that an open/closed sign may be illuminated.

(12) Noncommercial message signs. As defined in section 28-1, noncommercial message signs shall be permitted in all districts as follows:

- a. Pursuant to and as provided in section 28-9, noncommercial messages shall be allowed on any sign otherwise permitted under this chapter as an on-premises advertising sign or an off-premises advertising sign.
- b. In addition, noncommercial message signs shall be permitted in connection with any lot or parcel subject to the following limitations:
 1. Noncommercial message signs may be placed on private property (property not owned or controlled by the City of Novi and not right-of-way under the city's jurisdiction, except as set forth below), without a permit, provided that such signs:
 - (a) shall not exceed six (6) square feet in area, unless adjacent to a major thoroughfare, in which case the sign may not exceed sixteen (16) square feet in area;
 - (b) shall not exceed a height of five (5) feet;
 - (c) shall not be placed within a side yard setback area as required under the zoning ordinance in the district in which the property is situated; and
 - (d) shall not be placed in the public right-of-way unless there is no area available on the private property to place the sign. In such event, the sign shall be placed no less than ten (10) feet from the traveled portion of any public street or road. For purposes of this regulation the traveled portion of the road includes any road shoulder. The building official shall permit a sign closer than ten (10) feet to the traveled portion of the road where all of the following conditions are satisfied:
 - (i) There is less than ten (10) feet of space between the traveled portion of the street or road and any principal or accessory building on the property so

that it is not possible to place a sign in conformance with the ten (10) foot limit;

- (ii) The sign shall be located as far away as possible from the traveled portion of the street or road while remaining visible;
- (iii) The sign does not obstruct the vision of drivers; and
- (iv) The sign does not obstruct or detract from the visibility of any traffic sign or traffic control device.

After affording the proponent of the sign an opportunity to be heard, the building official may revoke the permission for a sign closer than ten (10) feet if, based upon accepted traffic safety principles, it is concluded that the closer sign placement causes a traffic hazard.

- 2. Except as permitted under section 28-10, there shall be only one noncommercial message sign not pertaining to a specific event allowed per lot or parcel. Noncommercial message signs that pertain to a specific event shall be removed no later than ten (10) days after the date of the pertinent event.

- c. Notwithstanding anything to the contrary in the foregoing, noncommercial message signs not exceeding six (6) square feet in total area are permitted as window signs; i.e., as signs placed on the inside of windows of a structure so as to be visible from outside the structure.

(12)

(b) Permit required

- (1) Private traffic-control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices, published in accord with Section 608 of Act No. 300 of the Public Acts of Michigan of 1949 (MCL 257.608), as amended.
- (2) Private parking lot and drive identification signs based upon the following standards: One (1) ground pole sign per entrance not to exceed three (3) square feet in area and six (6) feet in height may be located within the minimum setback area. Information naming or describing the business, as distinguished from parking and driving information, shall occupy no more than thirty (30) percent of the sign area and shall consist of letters,

numbers, and symbols no larger or more conspicuous than those used for parking or driving information.

Sec. 28-8. Off-premises advertising signs permitted according to district.

The following types of off-premises advertising signs, illuminated or unilluminated, shall be permitted in the following districts in accordance with the following regulations:

- (1) Ground pole signs and wall signs only shall be permitted in an I-2 district only.
- (2) Area, height and placement regulations:

TABLE INSET:

| Structure Type | Area | Height | Placement |
|----------------|--------------------------------------|---|---|
| Groundpole | Max. three hundred (300) square feet | Fifteen (15) feet (See measurement method, section 28-1.) | Not less than the required yard setback, and not closer than fifty (50) feet from any residential property. |
| Wall Sign | Max. three hundred (300) square feet | As controlled by area not to exceed height of wall. | See definition. |

- (3) In no event shall any off-premises advertising sign be closer than one thousand two hundred (1,200) feet from another off-premises advertising sign, measured on a direct line from sign to sign.

Sec. 28-9. Noncommercial message permitted.

Anything in this chapter to the contrary notwithstanding, a sign permitted in this chapter as an on-premises advertising sign or an off-premises advertising sign may contain a lawful non-commercial message, except for traffic signs, railroad crossing signs, danger or other emergency signs, and directional signs.

Sec. 28-10. Prohibited signs.

- (a) A sign not expressly permitted is prohibited.
- (b) The following signs shall not be permitted, erected, or maintained in any district, anything in this chapter to the contrary notwithstanding:
 - (1) Flashing signs.

- (2) Banners, pennants, spinners, and streamers.
- (3) String lights used in connection with commercial premises for commercial purposes, other than holiday decorations. All holiday decorations shall be permitted for a period not to exceed seventy-five (75) days.
- (4) Animated signs.
- (5) Any sign or sign structure that:
 - a. Is structurally unsafe;
 - b. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;
 - c. Is not kept in good repair;
 - d. Is capable of causing electrical shocks to persons likely to come in contact with it;
 - e. Has peeling paint on any surface;
 - f. Has any parts broken, missing letters, or nonoperational lights.
- (6) Any sign which, by reason of its size, location, content, coloring, or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, or by obstructing, or detracting from the visibility of any traffic sign or control device on public streets and roads. Signs which make use of the words such as "Stop," "Look," "Danger," or any other word, phrase, symbol, or character, in such a manner as to interfere with, mislead, or confuse traffic.
- (7) Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exitway.
- (8) Any sign unlawfully installed, erected, or maintained.
- (9) Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold.
- (10) Portable signs except where expressly permitted in this chapter.
- (11) *Unlawful Motor Vehicle Signs.* It shall be unlawful to park, place or store a vehicle or trailer on which there is a motor vehicle sign on private or public property for the purpose of advertising a business or products or for the purpose of directing people to a business or business activity.
 - (a) *Presumption.* There shall be a presumption of violation if the motor vehicle sign is visible from a street and one or more of the following circumstances exists:

1. the motor vehicle sign is attached to a vehicle or trailer that is unregistered or not operable;
2. the motor vehicle sign is larger in any dimension than or extends beyond any surface of the vehicle or trailer to which it is attached;
3. the motor vehicle sign is attached to a vehicle or trailer that is parked or stored in a public right-of-way or an area not designed, designated, or commonly used for parking;
4. the motor vehicle sign is attached to a vehicle or trailer that is regularly parked or stored in a "front yard" or "side yard," as such terms are defined in the zoning ordinance, Appendix B of this code, that abuts a street, when there are other areas of the property designed, designated, or available for the parking or storage of the vehicle or trailer that are not visible from the street or do not abut streets; or
5. the motor vehicle sign is attached to a vehicle or trailer that is regularly parked or stored within fifty (50') feet of a street, when there are other areas of the property designed, designated, or available for the parking or storage of the vehicle or trailer that are more distant from the street or not visible from the street.

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(b) *Rebuttal of Presumption.* The presumption set forth in subsection (b), above, may be rebutted by evidence showing all of the following:

1. The vehicle is temporarily parked in a particular location in the course of conducting personal activities or business activities that involve the loading or unloading of goods for customers, providing services to off-site customers, conducting off-site business, or engaging in work breaks;
2. The activities in subsection 1, above, are being actively undertaken during the period of such parking;
3. The activities in subsection 1, above, require the presence of the vehicle for purposes of transporting equipment, people, supplies and/or goods necessary for carrying out such activities; and
4. The activities in subsection 1, above, are not, other than incidentally, related to advertising, identifying, displaying, directing, or attracting attention to an object, person, institution, organization, business, product, service, event or location.

Sec. 28-13. Construction materials.

- (a) *Generally.* Materials of construction for signs and sign structures shall be of the quality and grade as specified for structures in the state construction code.

- (b) *Combustible materials.* All signs and sign structures erected shall conform to the state construction code relating to combustibility.
- (c) *Nonstructural trim.* Nonstructural trim may be of wood, metal, approved plastics, or any combination thereof.
- (d) *Fastenings.* Signs erected to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support safely the loads applied. All building fastenings must be of noncorrosive materials. Lightweight sign letters may be attached by means of an approved adhesive.
- (e) *Illumination.* Signs may be illuminated internally or externally unless expressly prohibited in this Chapter. All sign lighting shall be either enclosed or directed away from roadways, traffic areas and adjacent residential properties. Sign lighting shall be focused on the sign to avoid stray lighting, and shall not be arranged to shine into the night sky. These provisions shall not apply to flags permitted by 28-7a(5).

Sec. 28-14. Windloads.

For the purpose of design, wind pressure shall be taken upon the gross area of the vertical projection of all signs and sign structures at not less than fifteen (15) pounds per square foot for those portions above the ground. In calculating wind pressure on curved surfaces such as cylindrical or spherical signs or sign structures, this pressure shall be assumed to act on six-tenths of the projected area. In all open frame signs or sign structures, the area used in computing wind pressure shall be one-half times the net area of the framing members exposed to the wind.

Sec. 28-15. Nonconforming and abandoned or obsolete signs.

- (a) The lawful use of a sign exactly as the sign existed on the date 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 eventual elimination, as expeditiously as is reasonable, of such lawful nonconforming signs.
- (b) A nonconforming sign:
 - (1) Shall not be structurally altered so as to prolong the life of the sign or to change the shape, size, type, or design of the sign, or in any way that would increase the degree or extent of non-conformity of such sign;
 - (2) Shall not be expanded or relocated;
 - (3) Shall not be reestablished after damage or destruction, if the estimated expense of reconstruction exceeds fifty (50) percent of the appraised replacement cost as determined by the building official;

- (c) A sign that advertises a product that is no longer made or that advertises a business that has closed or ceased operations or ceased conducting business shall be deemed to be abandoned or obsolete. Abandonment or obsolescence of a non-conforming sign shall terminate immediately the right to maintain such a sign, subject to the following requirements:
 - (1) An abandoned or obsolete sign and its supporting structure shall be removed by the property owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises within ten (10) days after written notice from the City Manager or his or her designee.
 - (2) A sign that is in conformity with the other provisions of these regulations may remain in place if such sign is obscured by the use of a blank panel attached within the frame of the sign and shall be permitted to remain for a period not to exceed one hundred and twenty (120) days.
 - (3) Where a successor to an inactive business agrees, within thirty days of the date of written notice by the neighborhood services director or his or her designee, to maintain the sign as provided for by these regulations, this removal requirement shall not apply, but only if and to the extent that the existing sign and structure conforms to all current sign requirements.
- (d) Any illegal non-conforming signs that exist on the effective date of this amendment shall be removed immediately upon the effective date of this amendment shall be replaced by signs that conform to these regulations.

Sec. 28-16. Appeals.

- (a) Appeal from the ruling of any officer, department, board or bureau of the city concerning the enforcement of the provisions of this chapter may be made by any aggrieved party within thirty (30) days of the ruling to the zoning board of appeals, sitting as an administrative appeal board under this ordinance.
- (b) The Zoning Board of Appeals shall have the authority to:
 - (1) Correct errors in the application of this chapter by administrative officials;
 - (2) Interpret the provisions of this chapter; and
 - (3) Grant variance relief from the provisions of this chapter. Variance relief may be granted by the Zoning Board of Appeals upon the following affirmative findings of practical difficulty:
 - A. That the request is based upon circumstances or features that are exceptional and unique to the property and do not result from conditions that exist generally in the City or that are self-created;

- B. That the failure to grant relief will unreasonably prevent or limit the use of the property and will result in substantially more than mere inconvenience or inability to attain a higher economic or financial return; and
 - C. That the grant of relief will not result in a use or structure that is incompatible with or unreasonably interferes with adjacent or surrounding properties, will result in substantial justice being done to both the applicant and adjacent or surrounding properties, and is not inconsistent with the spirit and intent of this chapter.
- (c) The zoning board of appeals may revoke any grant of a variance for violation of such grant upon the giving of thirty (30) days' notice of such violation to the owner of the premises and a hearing held thereon.
 - (d) Upon receipt of an application for an appeal, interpretation, or variance, one notice that a request has been received shall be published in a newspaper of general circulation in the City and shall be sent by mail or personal delivery to the owners of the property for which the request is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. Such notice shall be given not less than 15 days before the date of the hearing. If the name of an occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post a notice at the primary entrance to the structure. The notice shall:
 - (1) Describe the nature of the variance or appeal
 - (2) Indicate the property which is the subject of the request;
 - (3) State when and where the request will be considered;
 - (4) Indicate when and where written comments will be received concerning the request.

Sec. 28-17. Violations; signs in violation declared public nuisance.

- (a) It shall be unlawful for any person to erect, construct, maintain, enlarge, alter, move, or convert any sign in the city, or cause or permit the same to be done on his property contrary to or in violation of any of the provisions of this chapter.
- (b) Any sign which is erected, constructed, maintained, enlarged, altered, moved, or converted in violation of any of the provisions of this chapter is hereby declared

to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

- (c) In addition to the remedies otherwise provided, the city may remove and dispose of an unlawful sign on public property.
- (d) Any person, firm or corporation determined to have been in violation of the provisions of this chapter shall be responsible for a municipal civil infraction and subject to the provisions of section 1-11 of this Code.

PART II

Savings Clause. That the amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART III

Severability. That should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART IV

Repealer. All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V

Effective Date: Publication. That the provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

CERTIFICATION

It is hereby certified that the foregoing Ordinance was adopted by the Novi City Council, Oakland County, Michigan, at a meeting of the Council duly called and held on the ____ day of _____, 2008.

CITY OF NOVI

By: _____
Maryanne Cornelius, City Clerk

ADOPTED:

EFFECTIVE:

PUBLISHED:

1033804

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