

ORDINANCE NO. 149

AN ORDINANCE CLASSIFYING AND REGULATING THE LOCATION, SIZE, TYPE AND NUMBER OF SIGNS.

The City of Detroit ordains as follows:

- Section 1 Purpose
- Section 2 Definitions
- Section 3 Design, Construction and Maintenance
- Section 4 Non-Conforming Signs
- Section 5 Signs Generally Permitted
- Section 6 Prohibited Signs
- Section 7 Signs in Non-Commercial Zones
- Section 8 Signs in Commercial and Industrial Zones
- Section 9 Conditional Use Permits - signs
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Section 1 PURPOSE The purpose of these sign regulations is to provide equitable signage rights, reduce signage conflicts, promote traffic and pedestrian safety, increase the aesthetic value and economic viability of the city, all by classifying and regulating the location, size, type and number of signs and related matters, in a content-neutral manner.

Section 2 DEFINITIONS For the purposes of this Ordinance, the following definitions shall apply:

Alteration or Altered: Any change in the size, shape, method of illumination, position, location, construction, or supporting structure of a sign. A change in sign copy or sign face alone shall not be considered an alteration.

Area: The area of a sign shall be the entire area within any type of perimeter of border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet, the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or a triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including only one-half the total area of all sign faces.

Awning: A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework.

Billboard: A sign or structure subject to the provisions of the Oregon Motorist Information Act of 1971 and erected for the purpose of leasing advertising space to promote an interest other than that of an individual, business, product or service available on the premises the billboard is located on.

Building Face: The single wall surface of a building facing a given direction.

Building Frontage: The portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot when so defined, as allowed in this chapter. A gasoline service station may use the overhanging canopy as a substitute for building frontage when computing the allowable sign area. The longest side of the canopy shall be used to compute the allowable sign area.

Canopy Sign: A sign hanging from a canopy or eave, at any angle relative to the adjacent wall, the lowest portion of which is at least eight (8) feet above the underlying grade.

Construct: Build, erect, attach, hang, place, suspend, paint in new or different word, affix, or otherwise bring into being.

Finish Ground Level: The average elevation of the ground (excluding mounds or berms, etc. located only in the immediate area of the sign) adjoining the structure or building upon which the sign is erected, or the curb height of the closest street, which ever is the lowest.

Flashing Sign: A sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use.

Free Standing Sign: A sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign.

Incidental Signs: A sign which is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed.

Indirect Illumination: A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign.

Internal Illumination: A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign.

Internal Illumination: A source of illumination from within a sign.

Joint Use Sign: When two or more businesses combine part or all of their total allowed sign area into free-standing sign for each common frontage of such business.

Message Sign: A sign which can change its message electronically and is designed to display various messages, including but not limited to signs displaying time and temperature.

Multi-faced Sign: A sign which has two (2) or more identical sign faces, contained in a single sign structure.

Mural: An illustration (with or without words or numbers) which is painted or otherwise applied (without projections) to an outside wall of a structure.

Nonconforming Sign: Any sign which lawfully exists prior to the effective date of this chapter but, which due to the requirements adopted herein, no longer complies with the height, area and placement regulations or other provisions of these regulations.

Owner: As used in these regulations "owner" means owner or lessee of the sign. If the owner or lessee of the sign cannot be determined, the "owner" means owner or purchaser of the land on which the sign is placed.

Portable Sign: Any sign that is not originally designed to be permanently affixed to a building, structure, or the ground. A sign originally designed, regardless of its current modification, to be moved from place to place. These signs primarily include, but are not limited to, A-frame or sandwich board signs, signs attached to wood or metal frames and designed to be self supporting and movable, and also including trailer reader boards. Portable signs are not to be considered temporary signs as defined and used in this chapter.

Projecting Signs: A sign the face of which is not parallel to the wall on which it is mounted, projecting more than 12 inches from a structure.

Real Estate Sign: A sign for the purpose of rent, lease, sale, etc. of real property, building opportunities, or building space.

Roof Line: Either the eaves of the roof or the top of the parapet, at the exterior wall. (A "mansard roof" is below the top of a parapet and is considered a wall for sign purposes.)

Roof Sign: A sign or any portion of which is displayed above the highest point of the roof, whether or not such sign also is a wall sign.

Rotating/Revolving Sign: A sign, all or a portion of which, moves in some manner.

Sign: Any writing, including letter, word, or numeral; pictorial presentation, including mural, illustration or decoration; emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way.

Sign Face: Surface of a sign containing the message. The sign face shall be measured as set forth in the definition for "Sign Area."

Sign Height: The distance from the finish ground level, to the top of the sign or the highest portion of the sign structure or frame, whichever is greater.

Temporary Sign: A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support.

Wall Sign: A sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall and not projecting more than 12 inches. A sign painted on an awning in which the face of the sign is approximately parallel to and within 3.5 feet of the wall shall also be considered a wall sign.

Section 3 DESIGN, CONSTRUCTION AND MAINTENANCE All signs shall be designed, constructed, and maintained according to the following standards:

- (A) All signs shall comply with the applicable provisions of the Uniform Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations.

- (B) Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure.
- (C) All Signs shall be maintained in a good structural condition and readable at all times.
- (D) The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or Ordinances regulating signs.

Section 4 NON-CONFORMING SIGNS

- (A) Alteration of Nonconforming Sign Faces. Alteration or replacement of non-conforming signs are subject to the provisions of Section 3.090 of the Detroit Zoning Ordinance.
- (B) Abandoned Signs. All signs for a business shall be removed within thirty days after that business ceases to operate on a regular basis, and the entire sign structure or structures shall be removed within 12 months of such cessation of operation.

Section 5 SIGNS GENERALLY PERMITTED The following signs and sign work are permitted in all zones. These signs shall not be included when determining compliance with total allowed area:

- (A) Painting, change of sign face or copy and maintenance of signs legally existing on the effective date of this Ordinance. If structural changes are made, the sign shall conform in all respects with these regulations.
- (B) Temporary signs that do not exceed 16 square feet in area. No lot may display temporary signs for more than 90 days in any 365 day period. Only one temporary sign per lot may be displayed at a time.
- (C) Real estate signs not exceeding 32 square feet which advertise the sale, rental or lease of premises upon which the sign is located. Real estate signs may be used up to two years without a permit.
- (D) Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency and signs related to public services or safety.

- (E) One sign not over 32 square feet for a residential development or subdivision, and located at each street entrance to the development.
- (F) Incidental signs that do not exceed 6 square feet.
- (G) Flags on permanent flag poles which are designed to allow raising and lowering of the flags.
- (H) Signs within a building.
- (I) In the C zone, signs painted or hung on the inside of windows.

Section 6 PROHIBITED SIGNS The following signs are prohibited:

- (A) Billboards
- (B) Balloons or similar types of tethered objects.
- (C) Roof signs.
- (D) Signs that emit odor, visible matter, or sound, however an intercom system for customers remaining in their vehicles, such as used in banks and "drive thru" restaurants, shall be allowed.
- (E) Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress.
- (F) Signs closer than 24 inches horizontally or vertically from any overhead power line or public utility guy wire.
- (G) No vehicle or trailer shall be parked on a public right-of-way or public property, or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby premises. This provision applies where the primary purpose of a vehicle is for advertising purposes and is not intended to prohibit any form of vehicular sign, such as a sign attached to a motor vehicle which is primarily used for business purposes, other than advertising.
- (H) Rotating/revolving signs, except by conditional use permit, and except as allowed in Section 5.

- (I) Flashing signs, except by conditional use permit, and except as allowed in Section 5.
- (J) Private signs that project into or over driveways and public right-of-ways, except signs under a canopy that projects over a public sidewalk and the sign is not less than 8 feet above the sidewalk.
- (K) Signs that obstruct required vision clearance area or obstruct a vehicle driver's view of official traffic control signs and approaching or merging traffic, or which present a traffic hazard.
- (L) Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appears to direct traffic, such as a beacon light.
- (M) Signs attached to any pole, post, utility pole or placed on its own stake and placed into the ground in the public right-of-way.
- (N) Message Signs, except by conditional use permit.
- (O) Projecting Signs.
- (P) Any sign on unimproved property, unless allowed as a temporary sign.

Section 7 SIGNS IN NON-COMMERCIAL ZONES The following regulations apply to signs in the R and P zones:

- (A) Sign types The following sign types are allowed:
 1. Wall, canopy and window signs subject to the limitations in Section 3.
 2. Free-standing signs subject to the limitations in Section 3.
 3. Temporary displays consisting of any sign type for a period not to exceed twenty-one (21) days in any 365 day period, however the owners or responsible parties of such displays shall be responsible for any public or private nuisance.
- (B) Maximum number. Any combination of wall, canopy or free-standing signs not exceeding the sign area and height limitations of this Section; plus signs allowed in Section 5.

(C) Maximum total sign area for property on which the building or buildings are located:

1. Single-family and two-family (duplex) dwelling - 6 square feet provided total sign area on a free-standing sign shall be limited to a maximum of 4 square feet.
2. Multiple family dwelling - 32 square feet provided total sign area on a free-standing sign shall be limited to a maximum of 24 square feet.
3. Public and semi-public - 64 square feet provided total sign area on a free-standing sign shall be limited to a maximum of 48 square feet.
4. The sign area for a free-standing sign may be increased up to the maximum total sign area permitted in sections (a), (b), and (c) above, with a conditional use permit consistent with the decision criteria in Section 9.

(D) Maximum sign height:

1. Wall, canopy or window sign - 8 feet.
2. Free-standing sign - 6 feet.

(E) Location:

1. Wall, canopy or window sign - shall be set back from the property lines of the lot on which it is located, the same distance as the building containing the permitted use; provided that wall signs may project into the required setback space up to 1.5 feet.
2. Free-standing sign - where fences are allowed.

(F) Illumination. Signs may only be indirectly illuminated by a concealed light source, shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m., (except by conditional use permit) and shall not flash, blink, fluctuate or produce glare.

Section 8 SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES

(A) The following regulations apply to signs in the C and M zone.

1. Total allowed area. One and one-half square feet of total allowed sign area for each lineal foot of building frontage, up to a maximum total allowed area of 150 square feet.
2. Type, maximum number and size of signs. Within the total allowed area, one (1) free standing sign per street frontage, and a total of no more than two (2) wall or canopy signs. Regardless of total allowed area, each free-standing sign shall be limited to a maximum of 100 square feet in area.
3. Maximum sign height:
 - a. Wall and canopy signs - shall not project above the parapet or roof eaves.
 - b. Free-standing signs - maximum total height of 20 feet.
4. Location:
 - a. Wall signs - may project up to 1.5 feet from the building.
 - b. Free-standing sign - no limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.

(B) Additional signs. Within the limitations of this subsection, the signs below do not require a permit and are not included in calculating allowed area and number of signs:

1. When a business has two public entrances, each on a separate building wall, there is permitted on additional wall sign not to exceed 10 square feet in area for the wall where the entrance is not the primary entrance.
2. Directional signs, such as "Exit" or "Entrance", are allowed either as wall or freestanding signs. Such signs shall be limited to 3 square feet in area and 2 per driveway. Free standing directional signs shall be limited to a height of 6 feet.

3. Order signs describing products and/or order instructions to a customer, such as menu boards on the exterior of a drive-thru restaurant are allowed as follows: One (1) per business limited to 40 square feet in area and a maximum height of eight (8) feet. Any order sign greater than 10 square feet in area and/or six (6) feet in height must be screened from adjacent streets by a sight obscuring fence, wall or hedge.
- (C) Signs for temporary businesses. Temporary businesses may display temporary or portable signs, other than trailer mounted reader boards or any sign that includes flashing or rotating lights or moving parts. The cumulative size of all such signs may not exceed 32 square feet. All temporary signs must be placed within 10 feet of the structure or vehicle used for the temporary business and may not be placed within any public right-of-way.

Section 9 **CONDITIONAL USE PERMITS - SIGNS.** Applications for conditional use permits for residential free standing signs, flashing signs, rotating/revolving signs, or message signs shall be processed according to the procedure set forth in Section 9 of this Ordinance. The criteria to be reviewed and applied in conditional use permit proceedings are set forth in this Section.

- (A) The following criteria shall be used to review and decide conditional use permit applications for flashing, rotating/revolving, and message signs:
1. The proposed sign is located in the C zone.
 2. The proposed sign, when conditioned, will not significantly increase or lead to street level sign clutter, or to signs adversely dominating the visual image of the area.
 3. The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree.
 4. The proposed sign will not present a traffic or safety hazard.
 5. If the application is for a flashing and/or message sign, no rotary beacon lights, zip lights, strobe lights, or similar devices shall be allowed. No chaser effect or other flashing effect consisting of external lights, lamps, bulbs or neon tubes are allowed. Only flashing effects by way of internal illumination are allowed.
 6. If the application is for a rotating/revolving sign, such sign cannot flash or be illuminated by intermittent light. Rotating/revolving signs shall revolve at a speed no greater than 5 revolutions per minute.

7. The total allowed sign area for a business shall be reduced by 25% if the business has a flashing, rotating/revolving, or message sign.
 8. The proposed sign will comply with all other regulations, including, but not limited to height and placement restrictions.
- (B) The following criteria shall be used to review and decide conditional use permit applications for residential freestanding signs:
1. The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree.
 2. The proposed sign will not present a traffic or safety hazard.
 3. The proposed sign will comply with all other regulations, including, but not limited to height and placement restrictions.
 4. The proposed sign is incidental to the permitted or valid non-conforming use of the property.

Section 10 VARIANCES - SIGNS Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. Variances to Section 7 to Section 8 will be processed according to the procedures in Section 8.020 of the Detroit Zoning Ordinance. However, the criteria in Section 8.030 of the Detroit Zoning Ordinance shall not be used, but instead the following criteria shall be used to review and decide sign variance applications:

- (A) There are unique circumstances of conditions of the lot, building or traffic pattern such that the existing sign regulations create an undue hardship.
- (B) The requested variance is consistent with the purpose of the chapter as stated in Section 10.
- (C) The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any other business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this ordinance.
- (D) The granting of the variance shall not decrease traffic safety nor detrimentally affect any other identified items or public welfare.

- (E) The variance will not result in a special advertising advantage in relation to neighboring businesses or businesses of similar nature. The desire to match standard sign sizes (for example, chain store signs) shall not be listed or considered as a reason for a variance.
- (F) The variance request shall not be the result of a self-imposed condition or hardship.

Section 11 SERVERABILITY Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause or phrase; and if this ordinance or any portion thereof should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which the ordinance or such portion thereof was enacted.

Passed by the Council this 11th day of March, 1997.

Approved by the Mayor this 11th day of March, 1997.

Effective Date: March 11, 1997

Approved

Mike LaMont
Mike LaMont/Mayor

Attested:

Susan Crowder
Susan Crowder/City Recorder