

City of Southgate

PLANNING COMMISSION AGENDA

Monday, February 13th, 2023

6:30 p.m. – Informal Planning Commission/Work Study Meeting

7:00 p.m. – Regular Planning Commission Meeting

A. Call to Order

B. Roll Call

Anderson, Biskner, Clark, Crawford, Gawlik, Godbout, Orman, Ayres-Reiss, Yoos

C. Minutes

1) Minutes of Informal Planning Commission Meeting dated December 12, 2022

2) Minutes of Planning Commission Meeting dated December 12, 2022

D. Administrative Reports

E. Public Hearings

1) Case PC-01-2023 – Oasis Senior Living – Rezoning

2) Case PC-02-2023 – Taystee Burger, Preliminary Site Plan Review

F. New Business

1) Case PC-01-2023 – Oasis Senior Living - Rezoning

2) Case PC-02-2023 – Taystee Burger, Preliminary Site Plan Review

3) Section 1298.18, Sign Ordinance, Section 3 - Permitted Signs

4) Elections

G. Old Business

H. Announcements

I. Adjournment

Next Meeting: 3/13/2023

City of Southgate
Planning Commission Informal Meeting

December 12, 2022

This meeting of the Planning Commission was held in the Municipal Council Chambers, 14400 Dix-Toledo Highway, Southgate, Michigan on Monday, December 12, 2022 and called to order by Chairperson Ed Gawlik, at 6:37 p.m.

PRESENT: Ed Gawlik, Linda Clark, Leticia Crawford, James Yoos, Priscilla Ayers-Reiss, Jerry Orman, Patricia Anderson, Barbara Biskner

ABSENT: Chad Godbout (excused)

ALSO PRESENT: Plan Consultant John Enos and Alissa Starling, City Attorney Ed Zelenek, Building Official Tim Leach, City Administrator Dan Marsh, Council Member George, Council Member Colovos

City Planner Starling stated a public hearing will be held for a rezoning of a 0.10 acre parcel, located at 13870 Fort Street, from R-1B One Family Residential to P-1, Vehicular Parking. The application seeks to convert the existing vacant parcel to a commercial parking area for the adjacent business, Pool Time.

We recommend approval of this request.

There will be a Carlisle Wortman Training Presentation at the conclusion of the Planning Commission Meeting tonight, for Planning Commission and BZA.

The meeting ended at 6:49 p.m.

City of Southgate
Planning Commission Meeting
December 12, 2022

This meeting of the Planning Commission was held in the Municipal Council Chambers, 14400 Dix-Toledo Highway, Southgate, Michigan on Monday, December 12, 2022 and called to order by Chairperson Ed Gawlik, at 7:00 p.m.

PRESENT: Ed Gawlik, Linda Clark, Leticia Crawford, James Yoos, Priscilla Ayers-Reiss, Jerry Orman, Patricia Anderson, Barbara Biskner

ABSENT: Chad Godbout (excused)

ALSO PRESENT: Plan Consultant John Enos and Alissa Starling, City Attorney Ed Zelenek, Building Official Tim Leach, City Administrator Dan Marsh, Council Member George, Council Member Colovos

Minutes:

The first order of business is approval of the minutes from the November 14, 2022 Planning Commission meeting.

Moved by Clark, supported by Ayers-Reiss, that the minutes of the Planning Commission Meeting dated November 14, 2022 be approved. MOTION APPROVED UNANIMOUSLY.

Public Hearings:

A. Applicant Dianne Burnett at 13870 Fort Street is requesting the rezoning of a 0.10 acre parcel from R-1B One Family Residential to P-1 Vehicular Parking.

A PUBLIC HEARING WAS HELD FOR DIANNE BURNETT, 13870 FORT STREET, REQUESTING A REZONING OF A 0.10 ACRE PARCEL FROM R-1B ONE FAMILY RESIDENTIAL TO P-1 VEHICULAR PARKING. PC 06-2022.

Notices were sent out.

Moved by Anderson, supported by Ayers-Reiss, to open this Public Hearing.

Plan Consultant Starling, stated the applicant is requesting a rezoning of a 0.10 acre parcel, located at 13870 Fort Street, from R-1B One Family Residential to P-1, Vehicular Parking. The application seeks to convert the existing vacant parcel to a commercial parking area for the adjacent business, Pool Time.

A resident at 12744 Superior was present with concerns regarding this rezoning. Plan Consultant Enos explained the details of this request; the applicant was satisfied with the details.

Two letters were received from residents, at 12744 Superior and 12771 Superior, opposing this rezoning.

Moved by Ayers-Reiss, supported by Anderson, to close this Public Hearing.

Moved by Anderson supported by Orman, to recommend City Council approve the request by Dianne Burnett, to rezone property at 13870 Fort Street, from R-1B One Family Residential to P-1 Vehicular Parking. PC 06-2022. Motion Carried Unanimously.

Old Business:

None.

Administrative Reports:

None.

Correspondence:

Chairperson Gawlik, informed the Board that Ms. Biskner will be resigning from the Planning Commission; we Thank her for her time and dedication.

Adjournment:

Moved by Yoos, supported by Crawford, that this meeting of the Planning Commission be adjourned at 7:15 p.m. MOTION APPROVED UNANIMOUSLY.

Ed Gawlik
Chairperson, Planning Commission
as

RETURN TO:
Clerk's Office
City of Southgate
14400 Dix-Toledo
Southgate, MI 48195

Form No. 01

Case No. PC 01-2023

Date Received 11-30-2022

CITY OF SOUTHGATE APPLICATION FOR PLANNING COMMISSION REVIEW

Concerning a request to be heard before the Southgate Planning Commission on the following:

TO BE COMPLETED BY THE APPLICANT:

Owner/Applicant	Agent
Name <u>TAMIR KHAN</u> <u>OASIS SENIOR LIVING</u>	Name _____
Address <u>2575 McLEOD DR</u>	Address _____
<u>SARINAE</u> <u>MI</u> <u>48604</u> (City) (State) (Zip)	(City) (State) (Zip)
Telephone <u>989-992-4587</u>	Telephone _____

Information regarding the site:

Street Address: 840' NORTH OF EMMET AVE
Major Cross Streets: Allen Road
Parcel / Lot No.: 26-46 55-75
Acreage: 4.72 Dimensions of Parcel / Lot: _____ Frontage: _____
Current Zoning (please circle): RE R-1 R-1A R-1B RM RO C-1 C-2 C-3 M-1 MH PD P-1
Current Use: Vacant

Requested action:

☒ Rezoning

Requested District: PD

☐ Conditional Use Approval

Requested Use: Assisted

☒ Site Plan Review

☐ Plat Review

☐ Other
Please Specify _____

53.004-01-0036-001

Information regarding request:

I hereby request a hearing before this body to:

(Please supply detailed information. For example, why you are requesting the proposed action, a complete description of the project, how the request is compatible with adjacent land uses and zoning districts, how the request is in compliance with the goals, policies, and future land use plan of the City of Southgate Master Plan, any information you feel is pertinent to your application, etc. Feel free to attach additional documents to this application if it will help describe your project or if you need more room than is provided below.)

See attached

A SKETCH CLEARLY DEPICTING THE REQUEST MUST BE ATTACHED TO THIS APPLICATION FOR IT TO BE VALID. FOR SITE PLAN REVIEW, A SITE PLAN MEETING THE REQUIREMENTS OF SECTION 1298.07 MUST BE ATTACHED.

The Applicant / Agent must appear before the Planning Commission on _____
(Date)

THE OWNER OF THE PROPERTY DESCRIBED ON THIS APPLICATION AND THAT ALL STATEMENTS HEREIN AND IN THE DOCUMENTS SUBMITTED ARE TRUE.

Signature - Owner / Agent: Tahir Chu Date: 12-1-2022

To review your application properly, Planning Commission members may need access to the property in question. Please initial if permission is given for property access. INITIALS _____

Fees must be paid at the same time this application is submitted to the City.

OFFICE USE:

Date Received: 12-1-22

Received By: Debbie Mannino
(Staff's Name)

Fee Charged: _____

Check No.: _____

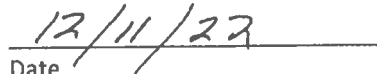
Receipt No.: _____

Authorization Letter

RE: Southgate Oasis Senior Living Project (4.72 acres Allen Road)

This letter will serve as acknowledgement and permission for Oasis Senior Living to proceed with approval for rezoning to PD-Planned Development for a senior project on Allen Road in Southgate Michigan.


for Joseph Vost, Jr. Trust


Date



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

Date: January 25, 2023

**REZONING ANALYSIS
FOR
THE CITY OF SOUTHGATE**

APPLICANT INFORMATION

APPLICANT: Tahir Khan
ADDRESS: Vacant Parcel
PARCEL ID: 53-004-01-0036-001
CURRENT ZONING: C-1, General Business
ACTION REQUESTED: Rezoning approval to PD, Planned Development

REZONING REQUEST

The City of Southgate received a petition to rezone a vacant parcel in the C-1, General Business District, located off Allen Road between Brest Road and Elm Avenue. The property is 4.72 acres or 205,797.16 square feet. The application seeks to convert the existing vacant parcel to an assisted senior living home PUD. A detailed final site plan will be required once zoning change is approved.

The site plan shows a 60,613 square foot building with two (2) courtyards inside and two outdoor areas on the east and west side of the building. Access is provided directly off Allen Road via curb cut on the north side of the property, leading to a one-way interior access road. The access road leads behind and around the building to the parking lot and exits from a curb cut on the south end of the property, back onto Allen Road. The parking lot is positioned perpendicular to Allen Road on the south side of the development and includes forty-seven (47) spaces, with four (4) handicap spaces, on the north side of the lot, directly adjacent to the building. There is also a detention basin shown south of the parking lot encompassing approximately a quarter of the lot. The other half will remain as a grass lawn. Access will be provided off Superior Street via a curb cut that leads to an alley behind the commercial businesses. The curb cut will serve as both an ingress and egress.

Richard K. Carlisle, *President* Douglas J. Lewan, *Executive Vice President* John L. Enos, *Vice President*
David Scurto, *Principal* Benjamin R. Carlisle, *Principal* Sally M. Elmiger, *Principal* Craig Strong, *Principal* R. Donald Wortman, *Principal*
Laura K. Kreps, *Senior Associate* Paul Montagno, *Senior Associate* Megan Masson-Minock, *Senior Associate*

ADJACENT ZONING, LAND USE AND MASTER PLAN

Adjacent zoning, and uses, and Master Plan Future Land Use designations are summarized in the table below.

Table 1. Zoning and Land Use

	Existing Land Use	Zoning	Master Plan Future Land Use
Subject Site	Vacant	C-1, General Business	General Commercial
North	Residential	C-1, General Business	C-1, General Business
East	Residential Planned Unit Development	PD, Planned Development	PD, Planned Development
West	Vacant/Woodlands	City of Taylor	Low Density Residential
South	Residential/Vacant	C-1, General Business, Hotel Overlay District	C-1, General Business

The Master Plan Future Land Use Map designates the subject parcel as C-1, General Business District. This land use category includes the land area occupied by uses providing retail and service facilities that accommodate general shopping needs, as opposed to day-to-day convenience needs. Also included in this category are multiple-tenant shopping centers and strip malls. Typical general commercial establishments in Southgate include grocery stores, restaurants, specialty stores in strip malls, and large big box retailers

Goal 3 of the City of Southgate Master Plan is to *“Promote Southgate as a community for life-long living”* and an objective *“Encourage development of residential types which provide services and amenities for an aging or disabled population including independent, assisted, and convalescent living options.”*

Further, page 59 in the Market Assessment on page 59 the Master Plan reads *“The goal of the future land use plan, with respect to housing, is to promote a diversity of lot sizes, housing types and housing prices. This will ensure that current and prospective residents have home choices within the City favorable to their changing economic status and situation.”*

The rezoning of the property to PD would be in line with the above goal and the intent for Future Land Use. It would provide a place for the aging residents of the city to move as they require more assistance later in life. In addition, it is close to many commercial establishments and would provide easy access to retail or general commercial needs residents might have without having to travel far.

Summary of Findings: *The subject parcel is currently zoned as C-2, General Commercial. The City of Southgate’s Master Plan designates the future land use of this parcel as the same zoning however, he proposed rezoning and subsequent use of the property is in line with the long-term vision for the city.*

ANALYSIS OF EXISTING ZONING

The intent of the current and proposed zoning district, per Chapter 1276 and 1288 of the City of Southgate Zoning Ordinance, are provided below:

C-2 General Business District: C-2 General Business Districts are designed to provide sites for more intense, thoroughfare-oriented business types which would often be incompatible with the more restricted retail commercial uses in the C-1 Community Business District.

Planned Development District: Designed to provide regulation for innovation uses outside conventional zoning district controls.

- (a) This alternative approach to land development is designed to give greater development flexibility, thereby encouraging higher dedication to quality of land use and site design. It is further the intent

of this development approach that the alternative land use development patterns permitted in the PD District will be designed and laid out with particular attention to creating a desirable human experience by establishing harmonious relationships between land use types relative to uses of land, the location of uses on the land and the architectural and functional compatibility between them.

- (b) A planned development project is viewed as an integrated development concept. To that end, the provisions of this chapter are not intended to be used as a device for avoiding the zoning requirements that would otherwise apply, but rather to encourage the use, redevelopment, and improvement of existing sites where current ordinances do not provide adequate protection and safeguards for the site or its surrounding areas; encourage flexibility and mixture of uses; and to improve the design, character, and quality of new development. The use of a planned development to permit variations from other requirements of this chapter shall only be approved when such approval results in improvements to the public health, safety, and welfare in the area affected, and in accordance with the intent of this chapter.

Summary of Findings: *Although the site is currently zoned C-1 to allow for a commercial establishment that provides for a transitional use between the higher intensity of the adjacent interstate, we find the proposed use of a Planned Development would be suitable fit and provide diversity to the current offered housing stock. In addition, the close proximity to an interstate will provide an ease of access to and from the facility for both visitors and emergency services as well as a transitional use as intended.*

REZONING CONSIDERATIONS

The Planning Commission, after holding a public hearing and considering the conditions voluntarily offered by the applicant, may recommend approval, offer recommended changes, or denial of the rezoning; provided, however, that any recommended changes offered by the Planning Commission must then be voluntarily offered by the property owner in writing back to the Planning Commission for further review.

In reviewing an application for a rezoning of land, the Planning Commission shall consider the following:

- A. Whether the rezoning is consistent with the policies and uses proposed in the City of Southgate Master Plan;

CWA Findings: *We find the proposed rezoning is consistent with the policies and uses proposed in the Master Plan. While the property's future land use differs from the proposed use, we find it is compatible with the future direction and intended land use of the City of Southgate.*

- B. Whether all of the uses offered as part of the conditions to the rezoning, or if no specific uses are indicated, all of the uses allowed under the proposed zoning district would be compatible with other zones and uses in the surrounding area;

CWA Findings: *Due to the vast opportunity for development and ability to integrate commercial uses within presented by a PD, we find this use is compatible within the C-1, General Business Zoning District.*

- C. Whether any public services and facilities would be adversely impacted by a development or use allowed under the requested rezoning; and

CWA Findings: *This information was not provided.*

- D. Whether the uses allowed under the proposed rezoning or offered under the conditional

rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

CWA Findings: *As stated above, the current zoning of the land is for a commercial establishments; however, the property is in a convenient location for a Planned Development and will provide an alternative housing option in a desirable area for the City's aging residents. While it is possible to develop more commercial units on this property, we find the property is well suited for an assisted living facility.*

RECOMMENDATION

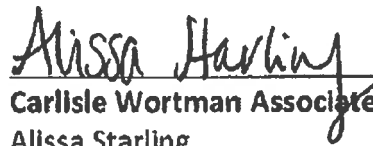
We recommend approval of the requested rezoning.



Carlisle Wortman Associates, Inc.

John Enos, AICP

Principal



Carlisle Wortman Associates, Inc.

Alissa Starling

Planner



SHEET NO. C20	PROJECT NO. 101.516	PRELIMINARY SITE PLAN FOR OASIS BENCH LIVING OF SOUTHGATE ALLEN STREET SOUTHGATE, MICHIGAN	REVISIONS	
			DATE	DESCRIPTION
			11/14/22	FOR PRELIMINARY REVIEW
			11/28/22	FOR PRELIMINARY REVIEW
			02/21/23	FOR THE BOARD APPROVAL

RETURN TO:
Clerk's Office
City of Southgate
14400 Dix-Toledo
Southgate, MI 48195

Form No. 01

Case No. PC 07-2022

Date Received 12-9-22

CITY OF SOUTHGATE APPLICATION FOR PLANNING COMMISSION REVIEW

Concerning a request to be heard before the Southgate Planning Commission on the following:

TO BE COMPLETED BY THE APPLICANT:

Owner/Applicant	Agent
Name <u>Ali Jawad</u>	Name <u>Same</u>
Address <u>12961 Dixtoledo</u> <u>Southgate MI 48195</u> (City) (State) (Zip)	Address _____ (City) (State) (Zip)
Telephone <u>313 671 9805</u>	Telephone _____

Information regarding the site:

Street Address: 12923 Dixtoledo Southgate MI 48195
Major Cross Streets: Northline
Parcel / Lot No.: 53-008-03-0360-000
Acreage: 1.5 Acre Dimensions of Parcel / Lot: See survey Frontage: _____
Current Zoning (please circle): RE R-1 R-1A R-1B RM RO C-1 C-2 C-3 M-1 MH PD P-1
Current Use: _____

Requested action:

☐ Rezoning

Requested District: _____

☒ Conditional Use Approval

Requested Use: _____

☐ Site Plan Review

☐ Plat Review

☐ Other
Please Specify _____

Email address: HLEQUIT@hotmail.com

Information regarding request:

I hereby request a hearing before this body to:

(Please supply detailed information. For example, why you are requesting the proposed action, a complete description of the project, how the request is compatible with adjacent land uses and zoning districts, how the request is in compliance with the goals, policies, and future land use plan of the City of Southgate Master Plan, any information you feel is pertinent to your application, etc. Feel free to attach additional documents to this application if it will help describe your project or if you need more room than is provided below.)

Front exterior upgrade and Interior.
Remodelling for Carryout. Tasty Burger

see Attached Document.

A SKETCH CLEARLY DEPICTING THE REQUEST MUST BE ATTACHED TO THIS APPLICATION FOR IT TO BE VALID. FOR SITE PLAN REVIEW, A SITE PLAN MEETING THE REQUIREMENTS OF SECTION 1298.07 MUST BE ATTACHED.

The Applicant / Agent must appear before the Planning Commission on _____
(Date)

THE OWNER OF THE PROPERTY DESCRIBED ON THIS APPLICATION AND THAT ALL STATEMENTS HEREIN AND IN THE DOCUMENTS SUBMITTED ARE TRUE.

Signature – Owner / Agent: Ali Jawad Date: 12-9-2022

To review your application properly, Planning Commission members may need access to the property in question. Please initial if permission is given for property access. INITIALS AJ

Fees must be paid at the same time this application is submitted to the City.

OFFICE USE:

Date Received: 12-9-22

Received By: Debbie Mannino
(Staff's Name)

Fee Charged: _____

Check No.: _____

Receipt No.: _____



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

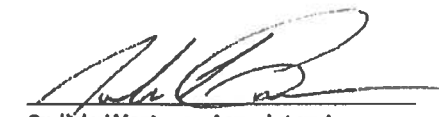
TO: Taystee Burger of Southgate
FROM: John Enos, AICP & Alissa Starling
DATE: January 22nd, 2023
RE: Taystee Burger Site Plan, Southgate

The submitted concept plan for a proposed Taystee Burger development looks to be an exciting use to an otherwise vacant property. The proposed restaurant is in the C-2, General Business District and is a permitted use, subject to special conditions. Subsequently, it must go in front of the Planning Commission for review and will require a public hearing. Prior to issuing a recommendation, we note a completed site plan must be received, including the necessary elements listed below:

1. Existing land use, including landscaping and topography;
2. All existing buildings and structures within 100 feet of the development site;
3. Clear indication of the planned building to be developed into the proposed restaurant;
4. Current and adjacent zoning of the subject site;
5. Planned landscaping;
6. Off-street parking calculations;
7. Circulation plan. Including but not limited to The location of all driveways, drives, turning lanes, acceleration and deceleration lanes, as well as marginal access service drives if needed. Any site located adjacent to a county or state road right-of-way and accessing same, shall be required to submit a geometric review approval from the appropriated agency;
8. The names of all abutting streets and freeways, along with their pavement widths, center lines and projected right-of-way lines;
9. Usable floor space calculations;
10. Loading area;
11. Grading details;
12. Planned area for refuse disposal and container details;
13. Signage;
14. Lighting plan and location of fixtures;
15. Elevation renderings for the completed project and materials to be used, including dimensions.

The above list is one that we generated by looking through the provided concept plan however, please refer to Section 1298.07 of the City of Southgate Zoning Ordinance for a complete list of the required elements for site plan review.

We look forward to helping you as best we can through the development process. Please do not hesitate to reach out with any further questions.


Carlisle Wortman Associates, Inc.
John Enos, AICP
Principal


Carlisle Wortman Associates, Inc.
Alissa Starling
Planner



Carlisle | Wortman
ASSOCIATES, INC.

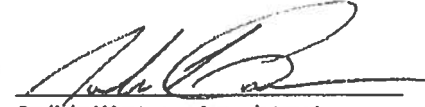
117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

TO: City of Southgate Planning Commission
FROM: John Enos, AICP & Alissa Starling
DATE: February 7, 2023
RE: Sign Ordinance

Over the past few months, the City of Southgate Planning Commission has been actively rewriting the City's sign ordinance. The purpose of this memo is to summarize the work accomplished so far and to provide an overview of the remaining timeline. As part of the accompanied ordinance, you will find all work completed to date, including the Intent and Purpose, Definitions, and Permitted Signage, including new additions, e.g. Murals and Electronic Message Boards.

Following the February 13th meeting, the outstanding language will be divided into two additional sections, including Prohibited Signs, Exempt Signs, Signs in Residential Districts, Temporary Signs, Performance Standards, and Non-Conforming Signs. As part of the final read-through, updated illustrations will also be provided for your review. We are committed to continue to work diligently with the Building Department and Planning Commission to ensure that City of Southgate has a quality, vetted ordinance.

Thank you,



Carlisle Wortman Associates, Inc.
John Enos, AICP
Principal

Carlisle Wortman Associates, Inc.
Alissa Starling
Planner

SECTION 1

City of Southgate

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

1298.18 SIGNS.

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

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

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

- (a) **Public Safety.** Maintaining pedestrian and vehicular safety are predominant and compelling government interests throughout the City, with particular emphasis on the safety of pedestrians, reducing distraction of motorists, and requiring proper maintenance and/or structurally unsafe signs to be repaired or removed.
- (b) **Character, Aesthetic, and Quality of Life.** Achieving and maintaining aesthetically attractive, orderly, and desirable places to conduct business, celebrate civic events, entertain people, and provide for housing opportunities is directly related to the stability of property values needed to provide and finance quality public services and facilities within the City. This article intends to allow signs that are of sufficient, but not excessive, size to perform their intended function as necessary to provide and maintain the City's character and support neighborhood stability.
- (c) **Economic Development and Property Values.** The establishment of the restrictions in this section has a direct relationship to creating stability and predictability, allowing each private interest to secure reasonable exposure of signage, and thus promoting business success. The application of the restrictions in this article allows businesses to reasonably command attention to the content and

substance of their messages while concurrently allowing the promotion of other visual assets, including (without limitation) landscaping and architecture, all of which contribute to economic development and property value enhancement.

- (d) **Avoidance of Nuisance-Like Conditions.** Due to the concentration of people and activities, there is a potential for, and it is a compelling interest to avoid, blight, physical clutter, and visual clutter in the City. The result of these conditions leads to diminished property values, reduced attractiveness of the community, and reduced quality of life within the districts. Minimum regulations that substantially relate to signage are important and necessary for the maintenance and well-being of positive conditions, good character, and quality of life in the City. Ultimately, these regulations are compelling and important for the protection of all police power values.
- (e) **Property Identification for Emergency Response and Wayfinding Purposes.** Locating a business or residence by police, fire, and other emergency responders can be a matter of life and death, and thus it is a compelling interest to ensure that proper, understandable, unambiguous, and coordinated signage be permitted and required, and specifications for such purposes can be accomplished in a simple and narrow manner. Wayfinding for vehicular and pedestrian purposes is also a compelling interest to avoid confusion in public rights-of-way, and unnecessary intrusions on private property. Sign specifications for such wayfinding can be coordinated with property identification for such emergency and other purposes.
- (f) **Protection of the Right to Receive and Convey Messages.** The important governmental interests and regulations contained in this article are not intended to target the content of messages to be displayed on signs, but instead seek to achieve non-speech objectives. In no respect do the regulations of signage prohibit a property owner or occupant from an effective means of conveying the desired message. Nothing in this article is intended to prohibit the right to convey and receive messages protected by the First Amendment of the United States Constitution.

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

- (a) **Definitions.** The following words, terms, phrases, shall have the following meaning when used in this section:
 - (1) “Abandoned sign.” Any sign used in conjunction with a business that has not been in operation for a period of at least six months.
 - (2) “Animated sign.” Any sign that uses movement or change of lighting to depict action or create a special effect or scene.
 - (3) “Area, Sign.” The surface area of a sign shall be measured and defined by the area which encloses the extreme limits of individual letters, words, symbols or message of the sign together with any frame. Where 2 sign faces with identical sign areas are placed back-to-back within 2 feet of one another, then the sign area shall equal the area of 1 face. Example shown in illustration below.

Southgate Sign Ordinance, Sections 1- 3

- (4) "Awning." Refer to "canopy or awnings" below.
- (5) "Balloon." A flexible, nonporous container that can be of various shapes which is filled with a gas causing it to inflate. Often the gas is lighter than air to allow the balloon to rise and float in the atmosphere.
- (6) "Banner." Any lightweight fabric or similar material that is mounted to a pole or a building by a permanent frame at one or more edges.
- (7) "Beacon." Any light with one or more beams directed into the atmosphere or directed at one or more points not in the same zoning lot as the light source; also, any light with one or more beams that rotate or move.
- (8) "Billboard" or "off-premise sign." Any sign which contains a message or advertises an establishment, product, service, space or activity not available on the lot on which the sign is located.
- (9) "Broken sign." A sign that is composed of individual letters fastened to a building surface or other support structure.
- (10) "Building marker." Any sign indicating the name of a building, date of construction, and any incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.
- (11) "Canopy or awning." A retractable or fixed shelter constructed of materials on a supporting framework that projects from the exterior wall of a building. A canopy or awning is placed over a door, window, entrance, outdoor service area or entire building.
- (12) "Canopy or awning sign." Any sign that is an integral and permanent part of an awning, canopy or other fabric, plastic or structural protective cover.
- (13) "Compatible." To be harmonious, consistent, or in keeping with the character of the surrounding environs.
- (14) "Directional sign." A sign that gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs. A directional sign is any structure erected adjacent to a street that identifies, points toward and gives the distance to any public or semi-public building, off-street parking area, recreation space, club, lodge, church, institution, business, service, entertainment, activity or event.
- (15) "Directory sign." A sign, which indicates the tenants and their suite locations within a multi-tenant building.
- (16) "Flag." Cloth containing distinctive colors, patterns, or symbols used to distinguish a government, political subdivision, or other political entity.

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- (17) "Flashing sign." A sign that employs lighting that flashes, blinks, moves, oscillates or varies in intensity more frequently than once every three seconds and is not an animated sign or a reader board sign.
- (18) "Freestanding sign." Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. Freestanding signs include pole and monument signs.
- (19) "Height, Sign." Sign height is measured from the finished grade to the highest point of the sign. Example shown in illustration below.
- (20) "Message board sign." A freestanding temporary sign typically designed as an A-frame, T-frame, menu, or sandwich board.
- (21) "Monument sign." A freestanding sign generally having a low profile where the base of the sign structure is on the ground independent of the building, wall, or fence but does not include a pole sign.
- (22) "Mural." A design or representation painted on or drawn on a wall which does not contain any promotional or commercial advertising.
- (23) "Pennant." Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.
- (24) "Placard." A sign that provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.
- (25) "Permanent signs." Any sign, which has a permanent location on the ground or which is attached to a structure having a permanent location and which meets the structural requirements for signs as established in this section and in the Current Michigan Building Code.
- (26) "Pole sign." A freestanding sign, which is supported by one or more poles that are attached to the ground in a permanent location and is separated from the ground.
- (27) "Portable sign." Any sign not permanently attached to the ground or other permanent structure, as a sign designed to be transported, including but not limited to signs transported by means of wheels; including but not limited to A- or T-frames, menu and sandwich boards, and balloons, banners, or umbrellas.
- (28) "Reader board." A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Also includes electronic reader board signs that can be changed or rearranged without altering the face of the surface of the sign.
- (29) "Roof sign." Any sign erected or constructed wholly on and over the roof of a building, supported by the roof structure.

- (30) "Roof sign, integral." Any sign erected or constructed as an integral part of a normal roof structure such that no part of the sign extends vertically above the highest portion of the roof and such that no portion of the sign is separated from the rest of the roof by a space of more than six inches.
- (31) "Sign." Any device, fixture, placard, or structure, visible from a public right-of-way, that uses any color, form, graphic, illumination, symbol, or writing to promote a service,, announce the purpose of, or identify the purpose of an occupant, entity, or to convey information of any kind to the public.
- (32) "Streamer." A long, narrow strip with attached flags, pennants or banners resembling or suggesting "streaming" or "floating" in the wind.
- (33) "Temporary sign." Any sign that is used only temporarily and is not permanently mounted; this shall include painted window signs.
- (34) "Valance." That portion of a canopy/awning that hangs parallel to the building facade and is not larger than twenty-five percent (25%) of the total area of the structure and is used as a decorative heading.
- (35) "Wall sign." Any single faced sign that is attached directly parallel to a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or structure, this shall include permanent window signs.
- (36) "Window sign." Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window located on a wall or door or upon the window panes or glass and is visible from the exterior of the structure.

END OF SECTION 1

SECTION 2

(a) *General Provisions.*

- (1) No signs shall be installed in any district unless a sign permit is secured. Permits must be secured by licensed builders or registered sign companies.
- (2) The fee schedule for signs shall be according to the fee schedule approved by Council.
- (3) No sign shall be allowed in any part of the public right-of-way, except otherwise permitted herein.

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- (4) Any sign allowed by this section for advertising shall not advertise any other for profit business or product not sold or offered within the premise in which it is associated with.
- (5) No freestanding sign shall be constructed at any location where, by reason of its position, shape or color may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device. No sign shall make use of the words "Stop," "Danger," or any other traffic "caution" word, phrase, symbol, or character in such a manner as to interfere with, mislead or confuse traffic. No sign, signal, marking, devise or blinking, oscillating or rotating light shall be erected adjacent to any public right-of-way so as to create a traffic hazard.
- (6) No freestanding sign shall be erected at an intersection of any streets in such a manner as to obstruct free and clear vision. No sign shall be located within eight feet of the ground surface in the triangle formed by the property lines paralleling the streets and extending for a distance of 25 feet each way from the intersection of the right-of-way lines of a corner lot.
- (7) No person, business or entity shall display upon any sign or structure obscene or indecent matter.
- (8) Signs, except as otherwise prohibited in this section, may be internally or externally illuminated. If externally illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property. All spotlights shall be diffused or shielded so as not to shine on adjacent properties.
 - A. All illuminated signs must bear the emblem of a nationally recognized testing laboratory.
- (9) No sign shall be erected, relocated or maintained so as to prevent the free ingress and egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.
- (10) Awnings, canopies, and marquee signs must maintain a minimum 7-foot clear space distance from the bottom of the structure to the grade.
- (11) No sign shall project into a public right-of-way, except that awnings and canopies may project not more than 4 feet into a public right-of-way with the approval of the governmental jurisdiction in control of the right-of-way. All requests to erect an awning or canopy shall include a drawing, drawn to scale, detailing the proposed awning or canopy and a cut sheet of the proposed color(s). Material colors must be "earth tone" in nature. If the awning or canopy will contain a sign, the sign shall appear on the drawing along with a notation of the amount of sign display area in square feet, and the proposed text. The application and accompanying drawing shall be submitted to the Building Department and to any other governmental jurisdiction in control of the public right-of-way, for review and approval.

- (12) All signs shall be constructed of durable material and in conformance with the requirements and specifications of the current Michigan Building Code, where not in conflict with this section.
- (13) Signs, which have not been in use for a period of more than six months, including any and all previously approved variances for such signs, shall be considered abandoned signs and subject to removal proceedings. Written notice shall be given by the Building Official and action must be taken by the property owner or proprietor within 30 days of said notice.
- (14) All signs shall be kept in workable order, with all plastic faces intact and all metal on the sign kept free of rust and painted with a rustproof paint. The Building Department shall make periodic inspections of all signs, and if any sign is found to be in a deteriorating condition, the owner shall be notified, by letter, to correct the same within 30 days of such notice. If such condition is not corrected within the time allotted, the Building Department is authorized to cause the sign to be removed at the expense of the property owner, agent or person having interest in the building or property. This subsection shall not be construed to alter the effect of Section 1298.20, which regulates nonconforming signs.

END OF SECTION 2

SECTION 3

(c) Permitted Signs.

(1) Awning, canopy, and marquee signs.

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

(2) Directional Signs.

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

(3) Free-Standing Signs.

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

(4) Wall-Mounted Signs.

- A. One principal wall sign shall be permitted for each wall containing an entrance designed and intended for public (customer) access. A principal wall sign shall not exceed 100 square feet in total display area, except that the display area of a principal wall sign may be increased 1 square foot for every 3 feet or fraction thereof that the wall to which the sign is to be attached sets back behind the minimum setback requirement of the district, up to a maximum of 250 square feet, or up to a maximum display area of 10% of the total area of the wall to which the sign is to be attached, including all doors and windows in the wall, whichever shall result in the lesser amount.
- B. Additional accessory wall signs (excluding directional signs) may be attached to any wall at the discretion of the applicant. Display area for all such signs shall be a maximum of 100 total square feet.
 - 1. The total square feet of display area may be increased by 1 square foot for every 5 feet or fraction thereof that the wall or walls to which these signs are to be attached sets back behind the minimum setback requirement of the district, up to a maximum of 150 square feet, or up to a maximum display area of 5% of the total area of the wall to which a sign or signs are to be attached, including all doors and windows in the wall, whichever shall result in the lesser amount.
- C. No wall sign shall extend above the roof line of the building to which is it attached.
- D. No sign that is mounted along the face of the building on the premises shall project or overhang the wall or any permanent architectural feature.

(5) Electronic Message Sign.

- A. Animated and reader board signs are permitted provided the message content display-area does not change more than one time per every three second

period. Any reader board sign that changes its content message more frequently than once every three seconds shall be considered a flashing sign.

- B. Background display areas may have continuous movement, for example a digital waving flag, provided that the display area is not flashing or blinking.
- C. All animated or internally illuminated signs must bear the emblem of a nationally recognized testing laboratory.

(6) Murals.

- A. Murals may not be placed on the primary façade or side of a building facing a major roadway or on the same wall as a commercial sign.
- B. Murals shall be maintained in good repair, free from damaged conditions such as peeling paint or damage due to age, weather, vandalism or the like. Maintenance of mural must conform to the original design and size. Murals in need of repair may also be removed entirely or painted over.
- C. Prior to installation of a mural, the property owner (or tenant with written permission of the property owner) shall apply for a mural permit. The completed application shall be forwarded to the Building Department, who shall conduct an administrative review of the application and design for compliance with this section.
- D. Murals shall not contain words (in any language), symbols or representations that are obscene, offensive, derogatory, and/or of a political nature.
- E. Only 1 mural per wall will be permitted.
- F. Expansions or modifications of an existing mural must go through the application and review process, as outlined in this section, prior to mural installation.
- G. Murals are prohibited on non-conforming uses.
- H. Mural dimensions shall be submitted with the application in a square or rectangular format.
- I. Applicants must provide a colored rendering as part of the application and the color(s) used must represent the actual color(s) of the full-scale mural.
- J. Once the Building Department has reviewed an application for compliance with this section and granted administrative approval, the Planning Commission shall review mural design for final approval.

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- K. A denied applicant may file an appeal to the Board of Zoning Appeals for review within 14 days of a formal decision made by the Planning Commission. The Board of Zoning Appeals shall review the decision based on the criteria set forth herein.

END OF SECTION 3

SECTION 1

City of Southgate

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

1298.18 SIGNS.

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

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

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

- (a) **Public Safety.** Maintaining pedestrian and vehicular safety are predominant and compelling government interests throughout the City, with particular emphasis on the safety of pedestrians, reducing distraction of motorists, and requiring proper maintenance and/or structurally unsafe signs to be repaired or removed.
- (b) **Character, Aesthetic, and Quality of Life.** Achieving and maintaining aesthetically attractive, orderly, and desirable places to conduct business, celebrate civic events, entertain people, and provide for housing opportunities is directly related to the stability of property values needed to provide and finance quality public services and facilities within the City. This article intends to allow signs that are of sufficient, but not excessive, size to perform their intended function as necessary to provide and maintain the City's character and support neighborhood stability.
- (c) **Economic Development and Property Values.** The establishment of the restrictions in this section has a direct relationship to creating stability and predictability, allowing each private interest to secure reasonable exposure of signage, and thus promoting business success. The application of the restrictions in

this article allows businesses to reasonably command attention to the content and substance of their messages while concurrently allowing the promotion of other visual assets, including (without limitation) landscaping and architecture, all of which contribute to economic development and property value enhancement.

- (d) **Avoidance of Nuisance-Like Conditions.** Due to the concentration of people and activities, there is a potential for, and it is a compelling interest to avoid, blight, physical clutter, and visual clutter in the City. The result of these conditions leads to diminished property values, reduced attractiveness of the community, and reduced quality of life within the districts. Minimum regulations that substantially relate to signage are important and necessary for the maintenance and well-being of positive conditions, good character, and quality of life in the City. Ultimately, these regulations are compelling and important for the protection of all police power values.
- (e) **Property Identification for Emergency Response and Wayfinding Purposes.** Locating a business or residence by police, fire, and other emergency responders can be a matter of life and death, and thus it is a compelling interest to ensure that proper, understandable, unambiguous, and coordinated signage be permitted and required, and specifications for such purposes can be accomplished in a simple and narrow manner. Wayfinding for vehicular and pedestrian purposes is also a compelling interest to avoid confusion in public rights-of-way, and unnecessary intrusions on private property. Sign specifications for such wayfinding can be coordinated with property identification for such emergency and other purposes.
- (f) **Protection of the Right to Receive and Convey Messages.** The important governmental interests and regulations contained in this article are not intended to target the content of messages to be displayed on signs, but instead seek to achieve non-speech objectives. In no respect do the regulations of signage prohibit a property owner or occupant from an effective means of conveying the desired message. Nothing in this article is intended to prohibit the right to convey and receive messages protected by the First Amendment of the United States Constitution.

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

- (a) **Definitions.** The following words, terms, phrases, shall have the following meaning when used in this section:
 - (1) “Abandoned sign.” Any sign used in conjunction with a business that has not been in operation for a period of at least six months.
 - (2) “Animated sign.” Any sign that uses movement or change of lighting to depict action or create a special effect or scene.
 - (3) “Area, Sign.” The surface area of a sign shall be measured and defined by the area which encloses the extreme limits of individual letters, words, symbols or message of the sign together with any frame. Where 2 sign faces with identical sign areas are placed back-to-back within 2 feet of one another, then the sign area shall equal the area of 1 face.

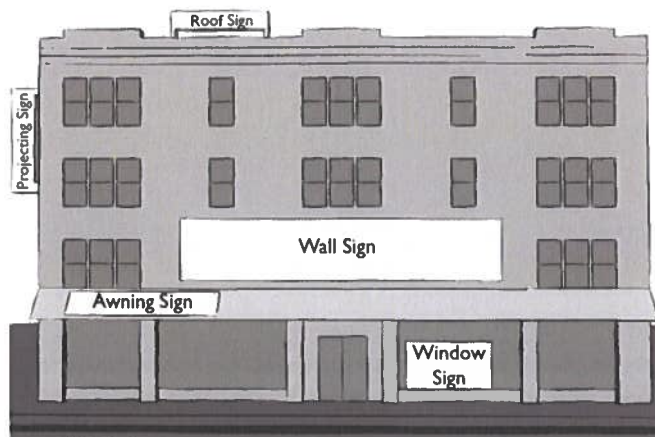
- (4) "Awning." Refer to "canopy or awnings".
- (5) "Balloon." A flexible, nonporous container that can be of various shapes which is filled with a gas causing it to inflate. Often the gas is lighter than air to allow the balloon to rise and float in the atmosphere.
- (6) "Banner." Any lightweight fabric or similar material that is mounted to a pole or a building by a permanent frame at one or more edges.
- (7) "Beacon." Any light with one or more beams directed into the atmosphere or directed at one or more points not in the same zoning lot as the light source; also, any light with one or more beams that rotate or move.
- (8) "Billboard" or "off-premise sign." Any sign which contains a message or advertises an establishment, product, service, space or activity not available on the lot on which the sign is located.
- (9) "Broken sign." A sign that is composed of individual letters fastened to a building surface or other support structure.
- (10) "Building marker." Any sign indicating the name of a building, date of construction, and any incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.
- (11) "Canopy or awning." A retractable or fixed shelter constructed of materials on a supporting framework that projects from the exterior wall of a building. A canopy or awning is placed over a door, window, entrance, outdoor service area or entire building.
- (12) "Canopy or awning sign." Any sign that is an integral and permanent part of an awning, canopy or other fabric, plastic or structural protective cover.
- (13) "Compatible." To be harmonious, consistent, or in keeping with the character of the surrounding environs.
- (14) "Directional sign." A sign that gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs. A directional sign is any structure erected adjacent to a street that identifies, points toward and gives the distance to any public or semi-public building, off-street parking area, recreation space, club, lodge, church, institution, business, service, entertainment, activity or event.
- (15) "Directory sign." A sign, which indicates the tenants and their suite locations within a multi-tenant building.
- (16) "Flag." Cloth containing distinctive colors, patterns, or symbols used to distinguish a government, political subdivision, or other political entity.

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- (17) "Flashing sign." A sign that employs lighting that flashes, blinks, moves, oscillates or varies in intensity more frequently than once every three seconds and is not an animated sign or a reader board sign.
- (18) "Freestanding sign." Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. Freestanding signs include pole and monument signs.
- (19) "Height, Sign." Sign height is measured from the finished grade to the highest point of the sign.
- (20) "Message board sign." A freestanding temporary sign typically designed as an A-frame, T-frame, menu, or sandwich board.
- (21) "Monument sign." A freestanding sign generally having a low profile where the base of the sign structure is on the ground independent of the building, wall, or fence but does not include a pole sign.
- (22) "Mural." A design or representation painted on or drawn on a wall which does not contain any promotional or commercial advertising.
- (23) "Pennant." Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.
- (24) "Placard." A sign that provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.
- (25) "Permanent signs." Any sign, which has a permanent location on the ground or which is attached to a structure having a permanent location and which meets the structural requirements for signs as established in this section and in the Current Michigan Building Code.
- (26) "Pole sign." A freestanding sign, which is supported by one or more poles that are attached to the ground in a permanent location and is separated from the ground.
- (27) "Portable sign." Any sign not permanently attached to the ground or other permanent structure, as a sign designed to be transported, including but not limited to signs transported by means of wheels; including but not limited to A- or T-frames, menu and sandwich boards, and balloons, banners, or umbrellas.
- (28) "Reader board." A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Also includes electronic reader board signs that can be changed or rearranged without altering the face of the surface of the sign.
- (29) "Roof sign." Any sign erected or constructed wholly on and over the roof of a building, supported by the roof structure.

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- (30) "Roof sign, integral." Any sign erected or constructed as an integral part of a normal roof structure such that no part of the sign extends vertically above the highest portion of the roof and such that no portion of the sign is separated from the rest of the roof by a space of more than six inches.
- (31) "Sign." Any device, fixture, placard, or structure, visible from a public right-of-way, that uses any color, form, graphic, illumination, symbol, or writing to promote a service,, announce the purpose of, or identify the purpose of an occupant, entity, or to convey information of any kind to the public.
- (32) "Streamer." A long, narrow strip with attached flags, pennants or banners resembling or suggesting "streaming" or "floating" in the wind.
- (33) "Temporary sign." Any sign that is used only temporarily and is not permanently mounted; this shall include painted window signs.
- (34) "Valance." That portion of a canopy/awning that hangs parallel to the building facade and is not larger than twenty-five percent (25%) of the total area of the structure and is used as a decorative heading.
- (35) "Wall sign." Any single faced sign that is attached directly parallel to a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or structure, this shall include permanent window signs.
- (36) "Window sign." Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window located on a wall or door or upon the window panes or glass and is visible from the exterior of the structure.



SECTION 2

(b) General Provisions.

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- (1) No signs shall be installed in any district unless a sign permit is secured. Permits must be secured by licensed builders or registered sign companies.
- (2) The fee schedule for signs shall be according to the fee schedule approved by Council.
- (3) No sign shall be allowed in any part of the public right-of-way, except otherwise permitted herein.
- (4) Any sign allowed by this section for advertising shall not advertise any other for profit business or product not sold or offered within the premise in which it is associated with.
- (5) No freestanding sign shall be constructed at any location where, by reason of its position, shape or color may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device. No sign shall make use of the words "Stop," "Danger," or any other traffic "caution" word, phrase, symbol, or character in such a manner as to interfere with, mislead or confuse traffic. No sign, signal, marking, devise or blinking, oscillating or rotating light shall be erected adjacent to any public right-of-way so as to create a traffic hazard.
- (6) No freestanding sign shall be erected at an intersection of any streets in such a manner as to obstruct free and clear vision. No sign shall be located within eight feet of the ground surface in the triangle formed by the property lines paralleling the streets and extending for a distance of 25 feet each way from the intersection of the right-of-way lines of a corner lot.
- ~~(7) All signs shall meet the minimum yard requirements for the district where located, as set forth herein. In addition, all ground signs shall be located a minimum of 5 feet from any private driveway on or adjacent to the property containing the ground sign, and 15 feet from any right-of-way or property line.~~
- ~~(8)~~(7) No person, business or entity shall display upon any sign or structure obscene or indecent matter.
- ~~(9)~~(8) Signs, except as otherwise prohibited in this section, may be internally or externally illuminated. If externally illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property. All spotlights shall be diffused or shielded so as not to shine on adjacent properties.
 - A. All illuminated signs must bear the emblem of a nationally recognized testing laboratory.
- ~~(10)~~(9) No sign shall be erected, relocated or maintained so as to prevent the free ingress and egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.
- ~~(11)~~(10) Awnings, canopies, and marquees must maintain a minimum 7-foot clear space distance from the bottom of the structure to the grade.

~~(12)~~(11) No sign shall project into a public right-of-way, except that awnings and canopies may project not more than 4 four feet into a public right-of-way with the approval of the governmental jurisdiction in control of the right-of-way. All requests to erect an awning or canopy shall include a drawing, drawn to scale, detailing the proposed awning or canopy and a cut sheet of the proposed color(s).

- a. If the awning or canopy will contain a sign, the sign shall appear on the drawing along with a notation of the amount of sign display area in square feet, and the proposed text. The application and accompanying drawing shall be submitted to the Building Department and to any other governmental jurisdiction in control of the public right-of-way, for review and approval.

~~(13)~~(12) Material colors must be "earth tone" in nature.

~~(14)~~(13) All signs shall be constructed of durable material and in conformance with the requirements and specifications of the current Michigan Building Code, where not in conflict with this section.

~~(15)~~(14) Signs, which have not been in use for a period of more than ~~6~~ six months, including any and all previously approved variances for such signs, shall be considered abandoned signs and subject to removal proceedings. Written notice shall be given by the Building Official and action must be taken by the property owner or proprietor within 30 days of said notice.

~~(16)~~(15) All signs shall be kept in workable order, with all plastic faces intact and all metal on the sign kept free of rust and painted with a rustproof paint. The Building Department shall make periodic inspections of all signs, and if any sign is found to be in a deteriorating condition, the owner shall be notified, by letter, to correct the same within 30 days of such notice. If such condition is not corrected within the time allotted, the Building Department is authorized to cause the sign to be removed at the expense of the property owner, agent or person having interest in the building or property. This subsection shall not be construed to alter the effect of Section 1298.20, which regulates nonconforming signs.

END OF SECTION 2

SECTION 3

(c) Permitted Signs.

(1) Awning, canopy, and marquee signs.

- A. Permitted to display the building occupant, business, or industry conducted within the premises; may be painted or otherwise permanently placed flush

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on the awning or canopy, but only if the combination of all signs on the building front do not exceed the maximum allowable area for wall signs.

- B. Shall maintain a minimum 7-foot clear space distance from the bottom of the structure to the grade.

(2) Directional Signs.

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

(3) Free-Standing Signs.

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

(4) Wall-Mounted Signs.

~~A. Wall mounted signs shall comply with the following standards:~~

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

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- 1.** The total square feet of display area may be increased by 1 square foot for every 5 feet or fraction thereof that the wall or walls to which these signs are to be attached sets back behind the minimum setback requirement of the district, up to a maximum of 150 square feet, or up to a maximum display area of 5% of the total area of the wall to which a sign or signs are to be attached, including all doors and windows in the wall, whichever shall result in the lesser amount.

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

(5) Electronic Message Sign.

- A. Animated and reader board signs are permitted provided the message content display-area does not change more than one time per every three second period. Any reader board sign that changes its content message more frequently than once every three seconds shall be considered a flashing sign.
- B. Background display areas may have continuous movement, for example a digital waving flag, provided that the display area is not flashing or blinking.
- C. All animated or internally illuminated signs must bear the emblem of a nationally recognized testing laboratory.

(6) Murals.

- A. Murals may not be placed on the primary façade or side of a building facing a major roadway or on the same wall as a commercial sign.
- B. Murals shall be maintained in good repair, free from damaged conditions such as peeling paint or damage due to age, weather, vandalism or the like. Maintenance of mural must conform to the original design and size. Murals in need of repair may also be removed entirely or painted over.
- C. Prior to installation of a mural, the property owner (or tenant with written permission of the property owner) shall apply for a mural permit. The completed application shall be forwarded to the Building Department, who shall conduct an administrative review of the application and design for compliance with this section.
- D. Murals shall not contain words (in any language), symbols or representations that are obscene, offensive, **derogatory**, and/or of a political nature ~~or are derogatory~~.
- E. Only ~~one~~ **1** mural per wall will be permitted.
- F. Expansions or modifications of an existing mural must go through the application and review process, as outlined in this section, prior to mural installation.

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- G. Murals are prohibited on ~~business uses that are "existing non-conforming"~~ **non-conforming uses**.
- H. Mural dimensions shall be submitted with the application in a square or rectangular format ~~and must be clearly delineated from any signage. Approved signage shall not be incorporated into the overall wall dimensions of a mural.~~
- I. Applicants must provide a colored rendering as part of the application and the color(s) used must represent the actual color(s) of the full-scale mural.
- J. **Once administrative approval has reviewed for compliance with this section by the Building Department,** ~~The~~ Planning Commission shall review mural design for final approval.
- K. A denied applicant may file an appeal to the Board of Zoning Appeals for review within ~~14~~ **fourteen** days of a formal decision made by the Planning Commission. The Board of Zoning Appeals shall review the decision based on the criteria set forth herein.

END OF SECTION 3
