

City of Southgate

PLANNING COMMISSION AGENDA

Monday, May 8th, 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, Clark, Codrington, Crawford, Gawlik, Godbout, Nemeth. Orman, Yoos,

C. Minutes

1) Minutes of Informal Planning Commission Meeting dated April 10th, 2023

2) Minutes of Planning Commission Meeting dated April 10th, 2023

D. Administrative Reports

E. Public Hearings

1) Case PC-02-2023 - Taystee Burger – Conditional Use, Site Plan Review

F. New Business

1) Case PC-01-2023 - Oasis Senior Living – Planned Development (PD) Site Plan Review

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

3) Section 1298.18, Sign Ordinance

G. Old Business

None.

H. Announcements

I. Adjournment

Next Meeting: 6/12/2023

City of Southgate

Planning Commission Informal Meeting

April 10, 2023

This meeting of the Planning Commission was held in the Municipal Caucus Room, 14400 Dix-Toledo Highway, Southgate, Michigan on Monday, April 10, 2023 and called to order by Chairperson Ed Gawlik, at 6:30 p.m.

PRESENT: Ed Gawlik, Linda Clark, Chad Godbout, James Yoos, Eric Codrington, Patricia Anderson, Leticia Crawford, Jerry Orman, Mark Nemeth

ALSO PRESENT: Plan Consultant Alissa Starling, City Attorney Ed Zelenek, Building Official Tim Leach, City Administrator Dan Marsh, Council Member Ayers-Reiss

Chairperson Gawlik welcomed two new members to the Planning Commission – Mr. Eric Codrington and Mr. Mark Nemeth.

City Administrator Marsh gave an update on the old PNC Bank Project stating it is moving along and an announcement on details of this project should be in early May.

Discussion will be held on the City's Sign Ordinance changes, Section 4, including Exempt, Prohibited, and Temporary Signs, Non-Conforming signs, Performance Standards and Substitution Clause. A final Clean copy will be reviewed at the next meeting.

The election of Secretary will be held for the year 2023.

The meeting ended at 6:59 p.m.

City of Southgate
Planning Commission Meeting
April 10, 2023

This meeting of the Planning Commission was held in the Municipal Council Chambers, 14400 Dix-Toledo Highway, Southgate, Michigan on Monday, April 10, 2023 and called to order by Chairperson Ed Gawlik, at 7:00 p.m.

PRESENT: Ed Gawlik, Linda Clark, Chad Godbout, James Yoos, Eric Codrington, Mark Nemeth, Patricia Anderson, Leticia Crawford, Jerry Orman

ALSO PRESENT: Plan Consultant Alissa Starling, City Attorney Ed Zelenek, Building Official Tim Leach, City Administrator Dan Marsh, Council Member Ayers-Reiss

Chairperson Gawlik welcomed two new members to the Planning Commission – Mr. Eric Codrington and Mr. Mark Nemeth.

Minutes:

The first order of business is approval of the minutes from the February 13, 2023 Planning Commission meeting.

Moved by Anderson, supported by Clark, that the minutes of the Planning Commission Meeting dated February 13, 2023 be approved. MOTION APPROVED UNANIMOUSLY.

Administrative Reports:

City Administrator Marsh stated work is moving along on the development of old PNC Bank Project. An announcement with more details on this project should be in early May.

Public Hearings:

None.

New Business:

1. Section 1298.18 Sign Ordinance, Section 4 – Exempt, Prohibited and Temporary Signs. Non-Conforming Signs, Performance Standards and Substitution Clause.

Planner Starling distributed copies of the ordinance that has been completed, including the Exempt, Prohibited and Temporary Signs, Non-Conforming Signs, Performance Standards and Substitution Clause. A clean copy will be distributed at the next meeting for final approval.

2. Appointment of New Secretary.

Moved by Crawford, supported by Anderson, to nominate Linda Clark, to serve as Secretary of the Planning Commission for the year 2023, and having no other nominations for Secretary, Linda Clark is hereby elected to serve as Secretary of the Planning Commission for the year 2023. MOTION APPROVED UNANIMOUSLY.

Old Business:

None.

Announcements:

None.

Adjournment:

Moved by Yoos, supported by Orman, that this meeting of the Planning Commission be adjourned at 7:10 p.m. MOTION APPROVED UNANIMOUSLY.

Ed Gawlik
Chairperson, Planning Commission
as

CITY OF SOUTHGATE

PLANNING COMMISSION RESOLUTION

At a meeting of the Southgate Planning Commission called to order by Ed Gawlik on April 10, 2023 at 7:00 p.m. the following resolution was offered:

Moved by Crawford, supported by Anderson, to nominate Linda Clark, to serve as Secretary of the Planning Commission for the year 2023, and having no other nominations for Secretary, Linda Clark is hereby elected to serve as Secretary of the Planning Commission for the year 2023. MOTION APPROVED UNANIMOUSLY.

I, Ed Gawlik, Chairperson of the Southgate Planning Commission, do hereby certify that the foregoing is a true, correct, and complete copy of a resolution adopted by the Southgate Planning Commission at a meeting held on April 10, 2023.

Chairperson

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

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:

11555 Allen Rd

Owner/Applicant

Agent

Name TAMIR KHAN

Name _____

OASIS SENIOR LIVING

Address 2575 MCLEOD DR

Address _____

SARASOT MI 48604
(City) (State) (Zip)

(City) (State) (Zip)

Telephone 989-992-4587

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.: _____

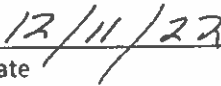
Receipt No.: _____

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 Rost Trust

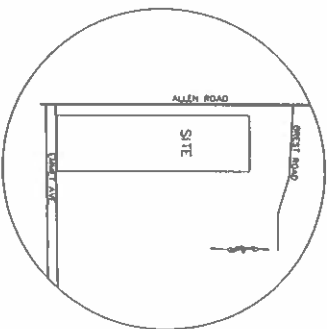

Date



1. CONTRACTING UNIT (CU) WORKS TO BE STARTED BY CONTRACTOR (C) ON 17/11/2000
2. PRELIMINARY MATERIALS AND EQUIPMENT DELIVERED
3. CONTRACTOR IS RESPONSIBLE FOR THE DELIVERY OF ALL CONTRACTED MATERIALS TO THE PROJECT SITE
4. DELIVERY OF MATERIALS MUST BE BY 8.00 AM
5. DELIVERY OF MATERIALS MUST BE BY 8.00 AM
6. DELIVERY OF MATERIALS MUST BE BY 8.00 AM
7. DELIVERY OF MATERIALS MUST BE BY 8.00 AM

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②
MAINTAIN COAST
REGULAR SANDPARK
THICKENED EDGE SANDPARK
4.5M POLE
EXTRINSIC CONCRETE SURFACE



REVISIONS	
DATE	DESCRIPTION
11/14/22	FOR PRELIMINARY REVIEW
11/29/22	FOR PRELIMINARY REVIEW
01/19/23	FOR RE-ENGINEERING APPROVAL

PRELIMINARY SITE PLAN
FOR
OASIS SENIOR LIVING OF SOUTHQATE
ALLEN STREET
SOUTHQATE, MICHIGAN

PREPARED BY PRACTICAL ENGINEERS, INC. 9099 WILCH WALK DRIVE LITTLE ROCK, AR 72205 PHONE (501) 275-5584 TELE (501) 275-5585 FACSIMILE (501) 275-5586	PREPARED FOR CHASSI SENIOR LIVING 2375 WALDEN DRIVE NORTH SADDLERIDGE, CO 80404	PROJECT NO. 101.516 SHEET NO. C2.0	PL DRAWN BY DATE CHECKED BY DATE	SCALE SIZE DATE
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2375 WALDO DRIVE NORTH
SAVANNAH, GA 39604

PL	DATE: 01-10-2024	PROJECT NO.
DEPOSIT BY	SKR	101.516
DRAWN BY	SKR	
CHECKED BY	SKR	SHEET NO.
DATE: 01-10-24		C2.0



Date: April 10, 2023

To: City of Southgate Building Department

From: Sarah K. Ross, P.E.

Re: Oasis of Southgate, Senior Living Facility
Allen Road, Southgate

The site plans for Oasis of Southgate have been prepared based on the City of Southgate Zoning Ordinance. Each of the following items is present on the plans:

- (1) All sheets. All site plan drawings shall contain the following information:
 - A. Name of the proposed development;
 - B. Name, address, telephone and facsimile number of:
 1. The developer;
 2. The legal owner; and
 3. Site plan design firm(s); and
 - C. Scale of drawing.
- (2) Existing conditions drawing. An existing conditions drawing shall be prepared at an engineer scale of not less than one inch equals fifty feet, and shall include the following information:
 - A. The north point;
 - B. The designer's registration number and seal;
 - C. A complete legal description of the premises, including:
 1. Gross number of acres; and
 2. Net usable acres.
 - D. A vicinity sketch showing the location of the site and its surrounding area. This drawing need not be drawn to scale.
 - E. All buildings, structures or ruins existing on the site;
 - F. All underground and above-ground public utility easements and what they are;
 - G. Private easements;
 - H. Topography at two-foot intervals;
 - I. Trees over six inches in diameter measured six inches above the ground at the base of the tree. In the case of a grove or timber of trees, an outline of the tree cover will suffice.
 - J. The outline of any wetland areas; and
 - K. All peripheral site dimensions.
- (3) Plan View Drawing. A plan view drawing shall be drawn to an engineer scale of not less than one inch equals fifty feet, and shall include the following information:
 - A. The north point;
 - B. The designer's registration number and seal;
 - C. A vicinity sketch, if not provided on the existing conditions drawing;
 - D. The location and width of all proposed in-ground and above-ground public and private utility easements;
 - E. The existing zoning classification of the site;
 - F. The existing zoning classification of abutting properties;
 - G. The existing land use of abutting properties;
 - H. All existing buildings and structures within 100 feet of the development site;
 - I. The location of proposed buildings and structures to be erected on the development site;
 - J. The heights of all proposed buildings and structures. This information may be provided on the exterior building wall elevation drawings.
 - K. The location of all off-street parking spaces, including required handicapped parking spaces, vehicle maneuvering lanes and service drives;
 - L. The location of loading and unloading facilities;

M. 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;

N. The locations of all drives, driveways and intersections across abutting streets and alleys from the development site;

O. The names of all abutting streets and freeways, along with their pavement widths, center lines and projected right-of way lines;

P. The location of all sidewalks; and

Q. Critical site dimensions:

1. Along property lines;
2. Between buildings and between buildings and structures and between structures;
3. Between buildings or structures and property lines;
4. Between off-street parking and buildings and structures;
5. Between off-street parking and property lines;
6. Off-street parking bay length and width;
7. Vehicle maneuvering lane/service drive widths;
8. Curb radius at entrances;
9. Between buildings, structures or parking spaces and storm water detention or retention ponds or basins;
10. The location of any outdoor storage area(s);
11. The location of any trash receptacle(s);
12. The location of all peripheral screen walls or earth berm screens, including trash receptacle screen walls;
13. The location of any free-standing ground or pylon signs; and
14. The location of all exterior lighting fixtures, including information regarding the height of the fixture, the type of luminary to be used and its wattage.

(4) Site engineering drawings.

A. Site plans that do not require review by the Planning Commission shall be prepared in accordance with the City's Plan Review and Site Plan Design Standards for New Construction and Site Alteration Manual.

B. Site plans requiring review by the Planning Commission shall include preliminary site engineering drawings in accordance with the following requirements and, upon site plan approval by the Planning Commission, final site engineering drawings prepared in conformance with the City's Plan Review and Site Plan Design Standards for New Construction and Site Alteration Manual shall be submitted to the Building Department:

1. Plans shall be submitted on twenty-four inch by thirty-six inch white prints, having blue or black lines. Only engineering scales may be used on site engineering plans, and shall be prepared at a scale of not less than one inch equals fifty feet.
2. Should the size of the site prohibit the entire site from being shown on a single sheet, a one inch equals 100 feet or one inch equals 200 feet general plan is to be provided. The general plan should show the streets and their names, pavements, all building units, all utilities and site dimensions.
3. All existing and proposed water mains, sanitary sewers and storm sewers shall be shown. The size of the existing utilities shall also be noted on the plan.
4. The location of all proposed fire hydrants, catch basins, inlets and manholes shall be shown on the plan.
5. All proposed pavements and buildings and existing pavements and buildings which are to remain in place, are to be shown.
6. Drainage arrows indicating the drainage patterns and grading shall be shown.
7. The plan is to contain a minimal amount of proposed elevations to indicate the general grading of the site and the compatibility with existing and adjoining grading.
8. If on-site detention is required, it shall be noted on the plan. If detention is to be provided by a basin, the location and approximate size of the basin shall be shown. If fencing of the basin is required in accordance with the City's ordinance, it shall be shown on the plan. If detention is to be provided by any other means than a basin, then the means and method of providing the same shall be noted on the plan.

(5) Landscape design plan. A landscape design plan shall be prepared at an engineer scale of not less than one inch equals fifty feet, and shall include the following information:

- A. All existing landscape features (trees, shrubs, lawn area, ponds, etc.) existing on the site at the time of development that are to be retained;
- B. All new landscape planting materials proposed for the site;
- C. The name of all new plant materials (common and botanical), their size (height and diameter or caliper for trees, and height and spread for shrubs), and, in the instance of a landscape screen wall as may be permitted in this Zoning Code, the on center distance between planting screen materials; and
- D. A statement as to how all plant materials are to be watered and maintained, i.e., by an in-ground irrigation system or other means. The placement of landscaping materials shall observe the clear corner vision restrictions set forth in Section

1298.12.

(6) Floor plans. Floor plans shall be prepared at an architect's scale of not less than one-eighth of an inch equals one foot,

and shall include the following information:

- A. Floor plans for all levels of the building, including basements.
- B. The gross floor area and the net usable floor area of each building (total and by individual floor levels). For the purpose of determining usable floor area, the term as defined in Section 1260.07 of this Zoning Ordinance shall apply.

(7) Exterior building wall elevation drawings. Exterior building wall elevation drawings shall be prepared at an architect's scale of not less than one-eighth of an inch equals one foot, and shall include the following information. Exterior building wall elevation drawings shall be prepared for all exterior walls of the building or buildings proposed for the site, and for all accessory buildings.

- A. Dimensions showing the height of buildings. Building height dimensions shall depict building heights as defined in Section 1260.07 of this Zoning Code.
- B. The type and color of all exterior building wall materials to be used on each wall.
- C. The location of all wall signs. The display area of each wall sign shall be provided on the drawing in square feet.
- D. The location, type and wattage of all wall-mounted exterior lighting fixtures.

(8) Detail cross-section drawings. Detail cross-section drawings shall be prepared at an appropriate engineer or architectural scale and shall include detail cross-sections of:

- A. All earth berm treatments involved in the landscape design layout, including information identifying angle (steepness) of side slopes, width of base, beam height and width of berm crest.
- B. All screen walls, including footings, type of materials to be used in the screen walls and dimensioned height.
- C. All free-standing signs, including the height of the sign and the total amount of display area in square feet for each sign.
- D. Wall signs, including the total amount of display area in square feet for each sign.
- E. Exterior free-standing light fixtures, including its total dimensioned height.



Date: April 13, 2023

To: City of Southgate, Planning Department

From: Sarah K. Ross, P.E.

Re: Statement of Planned Development
Oasis of Southgate, Senior Living Facility
Allen Road, Southgate, MI

The following checklist is provided under the Planned Development section 1288.03. The items in regular text are the requirements, the plan sheet where the information is provided are noted immediately after each item in italics in red.

(a) An application for development under the standards of this District shall be made as permitted under Section 503 of Act 110 of the Public Acts of 2006, as amended, and in accordance with the procedures and requirements of this chapter and as follows:

(1) Submittal of an application for development under the PD District shall first be made to the Planning Commission for its review and recommendation to Council. The application must be complete before review may commence.

(2) It is further the intent of the PD District that once a parcel of land has been granted site plan approval and thereby rezoned to a PD District by Council, no development shall take place thereon and no use shall be made of any part thereof, except in strict accordance with the approved application and plans, or in accordance with an approved amendment thereto.

(b) The contents of an application submittal shall include:

(1) A mapped property area survey of the exact area being requested for rezoning;
A full topo/boundary survey has been provided.

(2) A proof of ownership of the land or an option to purchase land being requested for rezoning, with notarized documentation from the landowner approving of the rezoning request; *A certificate of verification has been provided to the City approving Oasis Senior Living as the applicant.*

(3) A written report containing an assessment of the impact that the rezoning and accompanying development will have on the site. The report shall consist of at least the following: *The following document is the written report.*

A. The general character and substance; *The proposed project is an assisted living facility including independent and assisted living, as well as memory care.*

B. Objectives and purposes to be served; *The purpose is to provide a comfortable, beautiful facility for experienced and seasoned community members who are looking for their next level of life experiences and care.*

C. Compliance with all applicable City ordinances, regulations, and standards; *This project is in compliance with the required ordinances, regulations and standards. The original zoning is C-2, which allows a variety of intense commercial uses. This proposed re-zoning and use is of a residential nature and blends well with the housing developments to the north and the southeast of this parcel.*

D. Scale and scope of development proposed; *The proposed building is a 60,612 square foot (interior) facility on 4.72 acres of land.*

E. Development schedules; *If approvals allow, the projected schedule is to start the project in the summer of 2023 and to finish the project in the summer/fall of 2024.*

F. Compliance with the adopted Master Plan and any other applicable plan of the City; *This project is in compliance with the Master Plan and the identification that the senior population is growing. Specifically, the following excerpt:*

RESIDENTIAL NEEDS

Residential land uses, including single-family and multiple-family units, comprise 55.3 percent of the total acreage in the City of Southgate. A variety of factors weigh in on current housing trends. Typically in American communities, households are getting smaller. Today's families are not having as many children and the senior population is rising as the baby boomer generation is approaching retirement age. The combination of these factors will impact the demand for housing throughout society, and the City of Southgate is no exception. 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.

G. A statement that the applicant is aware of the general soil conditions of the site and of the surrounding area; *The applicant is aware of the general soils conditions in this area. They are heavy, Class C/D soils. There is a new residential development immediately north of this property, and research was done into the soils conditions encountered during their construction.*

H. A statement as to the general vegetation characteristics of the site, in terms of type, coverage and quality. A detailed survey of these conditions is not required, but an outline of the tree coverage shall be provided on the site plan. The statement may be prepared, and the tree outline drawn, from information taken from recent aerial photographs and field observations; *The general vegetation on the site is formerly farm fields and now broken field grass, medium coverage. The site is relatively flat and there are no structures currently in existence.*

I. A statement explaining in detail the full intent of the applicant, indicating the specifics of the type of development proposed for the site and if the proposed

development will have a residential or a nonresidential orientation; *The intent of the applicant is to construct a 60,613 square foot assisted living facility on 4.72 acres. This facility will include independent, assisted and memory care options for the residents. This development is only residential in nature.*

J. A statement as to how the intended use of the property would affect the nature of the land on which it is to be located, and the effect that the district requested and its intended land use development will have on adjacent properties, particularly with respect to drainage patterns; and *The intended use of the property would affect the nature of the land in a positive manner. The property currently contains soils that have a low infiltration capacity. The drainage on this site impacts the properties to the northeast and east. The development of the site will detain all storm water run-off from the developed areas and will release it into the storm-sewer system in a controlled, reduced rate than the current conditions.*

K. A statement as to the potential social and economic impact the rezoning and proposed land use will have on the area in terms of the number of people who could be expected to live or work on the site; the number of school age children, if applicable, that can be expected; the need for public facilities, such as parks, schools, utilities, roads and public safety; the anticipated potential floor space to be used for shopping or working areas; the market potential for the proposed uses; and the potential vehicular traffic generation of the use and its impact on the existing road network with respect to traffic flow, current road conditions and road capacities. *This facility will employ between 8 and 15 people per shift. Most patrons will probably be from this area, so they will frequent the same businesses, parks, etc. as they did previously. Any new residents will have access to transports to local businesses and outdoor areas as requested. Most patrons do not own a car or drive, so there will be minimal impact on the existing road network. This type of facility does not have a negative impact on schools or public safety.*

(4) A preliminary site plan of the entire area in question, carried out in such detail as to comply with the site plan review requirements set forth in Section [1298.07](#). In addition to these requirements, the site plan shall contain a detailed statement with respect to each of the following: *A preliminary site plan was presented during the rezoning process. The final site plans have been submitted.*

A. A statement with respect to the general topography of the site as well as the adjoining lands surrounding the site, including any significant natural or man-made features; *The current topography is flat and is similar in elevation to the properties on all four sides. There are no significant man-made features except the roads bordering the west and south sides of the site, and the existence of public sanitary sewer, public water and public storm sewer.*

B. A statement concerning the relationship of one building to another, both on-site and in the surrounding area, relative to entrances, service areas and mechanical appurtenances; *There is only one building proposed. There are no current entrances to the site. The local fire department was consulted regarding the location of new*

entrances for the proposed facilities. They concluded that the entrances should be off of Allen Road.

C. A statement concerning general rooftop appearances, particularly those rooftops which will lie below finished street grades or as may be viewed from the windows of higher adjacent existing or proposed buildings; *There are no rooftops proposed below finished grade, and the roof materials proposed are asphalt shingles.*

D. A statement relative to the extent and general makeup of landscaping, off-street parking areas and adjoining service drives on surrounding lands; *The site plans show the details of the off-street parking areas and the landscaping. The parking is located south of the building, and all four sides of the building will have landscaping.*

E. A statement as to the general layout of the site conforming to any street, road or other public conveyance, and public utility layouts, including drainage courses, that are any part of a previously approved plat or plan; *See above statements.*

F. A statement as to the general architecture of the proposed building, including overall design and types of facade materials to be used and how the proposed architectural design and facade materials will be complimentary to existing or proposed uses within the site and on surrounding lands; *The proposed architecture is in accordance with the city requirements of a minimum of 8 feet of brick. The proposed facility has 9 feet of brick with the roof areas having an off-setting color in accordance with similar new construction in the area.*

G. A clear designation on each building depicted on the site plan as to its specific use, i.e. residential, retail, commercial, service commercial, office, etc. In those instances where the actual occupant of the use is known, the name of the proposed occupant shall be included; and *The building is shown on the plans.*

H. A definitive project phasing plan showing the boundaries of each phase and estimated timing schedule by phase to completion in accordance with Section [1288.04](#)(b). *There is only one phase of this project.*

(5) A written analysis which demonstrates that the applicant has the financial capacity to complete the project. *The applicant has several existing, successful facilities in place and has the financial capacity to complete the project.*



Carlisle | Wortman
ASSOCIATES, INC.

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

Date: April 24, 2023

Combined Site Plan Review

City of Southgate, Michigan

APPLICANT: Tahir Khan
ADDRESS: 11555 Allen Road
PARCEL ID: 53-004-01-0036-001
CURRENT ZONING: PD, Planned Development

ACTION REQUESTED: Preliminary Site Plan Review approval

SITE DESCRIPTION

An application was received to develop a senior living facility Planned Development (PD) on a vacant parcel, located off Allen Road between Brest Road and Elm Avenue. For Planned Developments, a public hearing and rezoning of the proposed property was required and held on February 13, 2023. The applicant is now requesting a recommendation of approval of the proposed site plan from the Planning Commission. The Planning Commission is the recommending body for the City Council, per Section 1288.04.

Per Section 1288.04(C):

- 1. Upon review of the preliminary site plan by the Planning Commission, the Commission shall forward its findings and recommendations, along with all plans and supporting documents, to Council for its review.*
- 2. Council shall review the preliminary site plan with regard to the Commission's recommendations and the review requirements and conditions set forth in Section 1288.04.*

City Council approved the petition on March 1, 2023 and the property was rezoned from C-2, General Commercial to PD, Planned Development.

The property is 4.72 acres and will contain seventy-nine (79) units with eighty-two (82) beds, including three (3) double-bed units. The site plan shows a 60,613-square-foot building with two (2)

courtyards inside and two (2) outdoor areas on the east and west sides of the building. Access is provided directly off Allen Road via a 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 a parking lot on the south end of the property and exits from a curb cut back onto Allen Road.

The parking lot is positioned perpendicular to Allen Road, with a safety path in between, on the south side of the development and includes thirty-five (35) spaces, with four (4) handicapped spaces, on the south side of the lot, directly adjacent to the building. A detention basin is also shown south of the parking lot, encompassing a quarter of the property. The other half will remain as a grass lawn.

This report identifies information required for the final site plan review or necessary changes. Other reviews have been or will be provided by the City Engineer, City Attorney, and Fire Chief.

SITE DESCRIPTION

Aerial images, showing the general area and a close-up view of the subject site, are shown in Figures 1 and 2 below.

Figure 1. Aerial View of Property



Source: NearMap

Figure 2. Close View, Aerial Image of Property



Source: NearMap

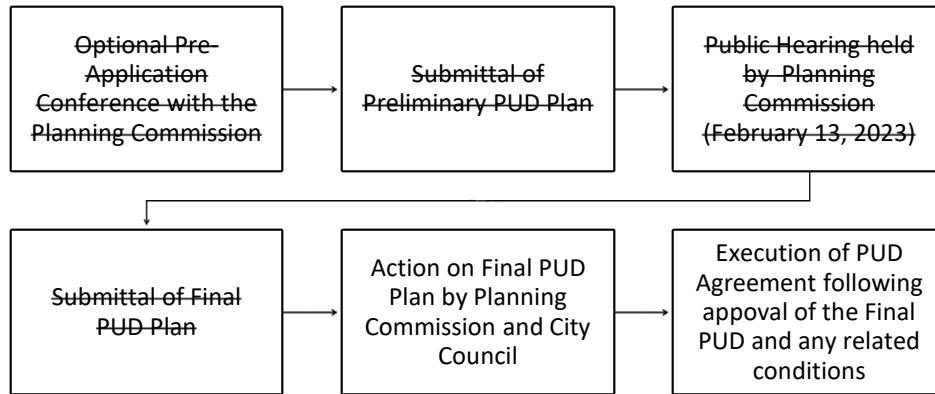
The table below outlines general site and zoning data for the subject site.

General Site Data.

Lot Area	4.72 Acres
Frontage	840 Linear Feet (Allen Road)
Current Use	Vacant
Current Zoning	PD, Planned Development Planned Development (PD) Districts are intended to provide an alternative means of regulating land use development within a given area, other than by conventional zoning district controls. This alternative approach to land development is designed to provide further development flexibility, thereby encouraging higher dedication to land use and site design quality. 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.
Future Land Use	Commercial The Master Plan Future Land Use Map designates the subject parcel as C-2, General Business District. This land use category includes the area occupied by uses providing retail and service facilities that accommodate general shopping rather than 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.

PLANNED DEVELOPMENT PROCESS

Article 14 defines the requirements for all Planned Development (PD) proposals. The chart following page summarizes the procedures for review and approval. Completed objectives have been crossed out.



Per Section 1288.08, “In a PD Planned Development District, no building or land shall be used, and no building shall be erected except for one or more of the following specified uses:

- (a) Single-family dwellings subject to the conditions set forth in Section 1288.09(b)(3).
- (b) Multiple-family dwellings are subject to the standards set forth in Section 1288.09(b)(4).
- (c) Planned commercial centers as defined in Section 1260.07(102).
- (d) Offices and office-related uses permitted in the RO District.
- (e) Office-research facilities, including experimental and testing laboratories, provided that no product shall be manufactured, warehoused, or otherwise stored on site for sale or distribution.
- (f) Convention or conference centers, including motels, motor hotels, auditoriums, theaters, assembly halls, concert halls or similar places of assembly, and related accessory uses when made an integral part of the center.
- (g) Banquet halls, sit-down, and fast-food restaurants, except drive-in or drive-through establishments.
- (h) Mixed uses, including any of the permitted uses set forth in subsections (a) to (g) hereof, as well as select commercial uses when deemed acceptable by the Planning Commission and Council and when they are made an integral part of a larger planned multi-use complex.”

The proposed use of a senior living facility falls under the category of multiple-family housing. Thus, the proposed use is permitted in the PD District.

Items to Address: None.

ADJACENT ZONING, LAND USE, AND MASTER PLAN

Surrounding zoning, existing land uses, and Future Land Use designated by the Master Plan are summarized in the table below.

	Existing Land Use	Surrounding Zoning	Future Land Use
Site	Vacant	PD, Planned Development	C-2, General Business
North	Residential	C-2, General Business	C-2, General Business

East	Residential PD, Planned Development	PD, Planned Development	PD, Planned Development
West	Vacant/Woodlands	City of Taylor	Low Density Residential
South	Residential/Vacant	C-2, General Business/ Hotel Overlay District	C-2, General Business

As stated above, during the February 13, 2023 Planning Commission meeting, the applicant was granted a recommendation of approval to City Council for rezoning the property from C-2, General Business to PD, Planned Development. On March 1, 2023, City Council approved the applicant's petition to rezone the property from C-2, General Commercial to PD, Planned Development.

The applicant's request to rezone the property to PD was approved as it aligned with the intent and goals outlined in the City's Master Plan. This rezoning will ensure that current and prospective residents have housing choices within the City, favorable to their changing economic status and situation. Specifically, developing a senior living facility will provide a place for aging residents to move to as they require more assistance later in life. The location is close to many commercial establishments and will provide easy access to any retail or general commercial needs residents might have without traveling far.

BULK REGULATIONS

The table below outlines the bulk regulations for the proposed development. Due to the nature of the project, bulk regulations are not set in stone and therefore, only proposed dimensions were provided.

Bulk Area and Dimensions.

	Provided
Lot Area (Gross)	4.72 ac
Lot Width	840'
Setbacks	
Front	15' (Allen Rd)
Side	40' (Emmet Ave)
Rear	30'
Lot Coverage	Not Provided
Building Height (Feet)	16' 1"
Building Height (Stories)	1

Items to Address: None.

NATURAL RESOURCES

Topography: Subject site has little (in some areas) to no elevation, maximum grade change of three (3) feet. Overall, there is a one (1) foot grade change from north to south.

Wetlands: None.

Woodlands: No woodlands are located on site.

Soil: The subject site contains a mix of Class C and D Soils. Class C soils are sandy clay loam. They have low infiltration rates when thoroughly wetted and consist chiefly of soils with a layer that impedes downward movement of water and soils with moderately fine to fine structure. Group D soils are clay loam, silty clay loam, sandy clay, silty clay or clay. This HSG has the highest runoff potential. They have very low infiltration rates when thoroughly wetted and consist chiefly of clay soils with a high swelling potential, soils with a permanent high-water table, soils with a claypan or clay layer at or near the surface and shallow soils over nearly impervious material.

Applicant notes they are aware of the soil conditions and history; site was previously used as a farm and is now primarily field grass.

Items to be Addressed: None.

PARKING AND CIRCULATION

All information pertaining to parking is shown on Sheet 2.0. All parking is reviewed against the criteria in Section 1292 of the Zoning Ordinance.

Parking:

Requirement	Proposed
For a nursing or convalescent home, one (1) space must be provided for every three (3) beds in the facility $\frac{82 \text{ proposed bed}}{3 \text{ spaces}} = 27.3$	Thirty-five (35) spaces, including four (4) handicap accessible spaces. Two (2) of which are van-accessible.

Section 1292.02 (d)(3) states for a nursing or convalescent home **one (1) space** is required **for every three (3) beds** provided.

The American Disability Association requires one (1) handicap accessible space for every twenty—five (25) spaces proposed in [public places. Of the handicap accessible spaces provided, at least one (1) of every six (6) must be van accessible. However, outpatient centers serving patients with mobility-related issues must meet a minimum of twenty percent (20%) handicap accessible parking be provided. Due to the intended demographic, we ask the applicant increase the proposed handicap spaces from four (4) spaces to seven (7) spaces.

Circulation

Access is provided directly off Allen Road via a 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 thirty-five (35) spaces, with four (4) handicapped spaces, on the north side of the lot, directly adjacent to the building with a

covered entryway.

Maneuvering lanes are shown to be fifteen (15) feet for one-way traffic and twenty-six for two-way traffic. In addition, parking space dimensions are shown at twenty (20) feet by ten (10) feet. **Both the parking spaces and maneuvering lane dimensions comply with the ordinance standards**

A safety path (manually measured to be approximately five (5) - six (6) feet, exact dimensions were not provided) is shown running the length of the property along Allen Road.

Allen Road is in the jurisdiction of Wayne County. The applicant must get the necessary approvals from Wayne County for construction of access points to the proposed project. We defer further comment to the Wayne County Road Commission.

Items to be Addressed: 1. We ask the applicant to consider increasing accessible parking to meet recommended 20%. 2. Obtain approval from Wayne County for road construction on Allen Road.

GRADING AND STORMWATER MANAGEMENT

Applicant has provided a grading and stormwater plan and calculation on Sheet C3.0. We defer comment to the City Engineer.

Items to be Addressed: We defer further comment to the City Engineer.

LANDSCAPING

The proposed site plan shows abundant, attractive landscaping throughout the site and parking lot. A schedule has been provided on Sheet L1.0 with the number of plantings and species proposed. In summary, forty-one (41) tree, five-hundred eleven (511) shrubs, and one hundred eighty-three (183) perennials will be planted.

Parking Lot Landscaping: Four (4) trees will be planted in an island in the south parking lot.

Greenbelt: Five (5) eastern redbud shrubs and one (1) large oak tree will be planted along Allen Road in an approximately twenty (20) foot wide greenbelt

Refuse Container: Refuse containers are shown in the southeast corner of the building, adjacent to the parking lot. No details were provided.

The majority of the proposed shrubs and landscaping surround the building, the detention basin, and in the parking lot island. We find this to be an appropriate location, mix, and amount of landscaping for the site.

Items to be Addressed: Submit refuse container details.

SIGNS

A monument sign is shown on the south side of the building. The sign will be sitting on a masonry, stone base and measure approximately five (5) feet in height with an area of about fifty-five (55) square feet. We find the proposed design is compatible with the architectural elements of the structure.

Items to Address: *None.*

PD STANDARDS FOR PRELIMINARY SITE PLAN REVIEW

Per the rezoning hearing on February 13, 2023, the applicant meets all preliminary approval requirements. For the Commission's reference when reviewing this site plan, the standards for preliminary approval are all follows:

1. The request to rezone is being made with the full intent of developing the land in strict accordance with the requirements of the PD District.
2. The uses proposed for development in accordance with the submitted site plan are compatible with existing uses on adjacent lands.
3. The area being requested for rezoning is either fully served by public utilities and services such as but not limited to streets, police, and fire protection, drainage, water, water and sanitary sewer, refuse disposal, and sidewalks; or will be fully served through the extension of such public utilities and services to the site at the time of development.
4. The preliminary site plan is in compliance with the review criteria set forth in this chapter and this Zoning Code.
5. The preliminary site plan is consistent with the City's Master Plan.
6. Each phase of the proposed planned development contains adequate infrastructure, open-space, recreational facilities, landscaping, and any other necessary conditions so that a failure to proceed with subsequent phases of the development will have no adverse impact on the completed phases(s) or surrounding property.
7. The preliminary site plan meets all the requirements of Section 1298.07 for preliminary site plans.
8. The plan satisfies the intent of this section with respect to the use of land and principal and accessory use relationships within the site, as well as with uses on adjacent sites.
9. All existing or proposed streets, roads, utilities and marginal access service drives, as may be required, are correctly located on the site plan.
10. The plan meets all applicable standards of this Zoning Code and this chapter, relative to building height, bulk, area requirements, dwelling unit density, building setbacks, off-street parking, and preliminary site engineering requirements.
11. There exists a reasonably harmonious relationship between the placement of buildings on the site and buildings on lands in the surrounding area, and there is functional compatibility between all structures on the site and structures within the surrounding area to ensure proper relationships between:
 - A. The topography of the adjoining lands as well as that of the site itself, including any significant natural or man-made features;

- B. One building and another, whether on-site or on adjacent land, i.e. entrances, service areas and mechanical appurtenances; and
- C. Street, road and public utility layouts approved for the area.

PD STANDARDS FOR FINAL SITE PLAN REVIEW

Final site plan review. The final site plan, along with all supporting documentation, shall accompany the Planning Commission's recommendation for final review by Council. Council, in reviewing the final site plan. the final site plan shall:

Standard	CWA Findings
General Site Plan	
1. Contain all the requirements set forth in Section 1298.07 and 1288.04;	As written in the previous section, the applicant meets all requirements of preliminary site plan approval.
Required Information	
2. Include plans and drawings illustrating, in detail, all physical layouts as indicated on the approved preliminary site plan, as well as building elevations of all building walls, including a legend detailing facade material, landscaping plans and other physical plan details, such as lighting, signs, etc., being proposed. Supporting documentation in the form of building plans and schedules of construction may also be requested.	All required plans have been provided, including: existing conditions (Sheet 2), site plan and signage details (Sheet C2.1), grading and stormwater detention (Sheet C3.0), floor plans, photometric plans (supplementary documents not included in site plan), and elevations (Sheets A1-A3.1), and landscape plan (Sheets L1.0-L3.3). In the additional information submitted, the supplicant projected a timeline for construction to begin in summer of 2023 and conclude in the second half of 2024.
Harmony	
3. The Commission, in making its review of the building wall elevations and building facade materials, shall, to the best of its ability, be satisfied that there exists a reasonably harmonious relationship between the location of buildings on the site and the surrounding area, and that there is reasonable architectural compatibility between all structures on the site and structures within the surrounding area to ensure proper relationships between:	
i. The rooftops of buildings that may be below street levels or that may be seen from windows of higher adjacent buildings;	The proposed structure is a one (1) story building with a maximum height of sixteen (16) feet and one (1) inch. This is lower than other residential structures in the surrounding area. This measurement is including the cupola shown on the exterior elevations.
ii. Landscape plantings, off-street parking areas and	The applicant has met all landscaping

service drives on adjacent lands; and	requirements set forth in Section 1298.09.
iii. The architecture of the proposed buildings, including overall design and facade material used. Architectural design and facade material should be complimentary to existing or proposed buildings within the site and the surrounding area. It is not intended herein that proper design contrasts in architectural design and in use of facade materials is to be discouraged, only that care shall be taken to ensure that any such contrasts will not be so out of character with existing building design and facade materials as to conflict instead of contrast with other buildings or to create an adverse effect on the stability and value of the surrounding buildings.	The elevations on Sheets A3 and A3.1 show a structure with a residential façade. The exterior includes brick exterior walls with a rowlock sills that runs along the entire linear face of the building, a asphalt shingled roof, board and batten vinyl siding accents, and a covered entry. In addition, the roof will have a cupola and dormer windows that will have metal roof panel accents. We find all of the proposed architectural features convey a residential character, thereby conserving the harmonious relationship with the surrounding area.
Preliminary Site Plan	
4. The final site plan is in conformity with the preliminary site plan and meets the conditions as set forth in subsection (e) hereof.	See above answer.
Open Space or Dedication of Public Right-of-Way	
5. The dedication of public rights of way or planned public open spaces, where proposed on the site plan or as may be otherwise required, shall have been made.	No Open Space or dedication of a public right-of-way is shown. We ask the applicant to demonstrate to the Commission how they intend to meet this requirement.
6. In residential use areas, any prorated open space has been irrevocably dedicated and retained as open space for park, recreation and related uses, and all such lands meet the requirements of the City.	As stated above, no Open Space area was shown on the site plan or discussed in the supplementary material provided. We ask the applicant to demonstrate how they intend to meet this standard.

The granting of final site plan approval shall constitute rezoning of the land contained within the approved final site plan to the PD District. Rezoning under the PD District shall rely upon the plan submitted and all supporting documentation. The plan, therefore, is basic to the rezoning. Adoption by Council of the zoning ordinance amendment, the final approved site plan and all supporting documents shall be made an integral part of the zoning amendment to the PD District.

The Planning Commission may, as a condition of final site plan approval, require the proprietor to enter into a development agreement with the City. Such agreement shall set forth and define the responsibilities of the proprietor and the City.

Items to be Addressed: None.

ADDITIONAL REQUIREMENTS

Per Section 1288.03 Applications for Development; Contents “In addition to the requirements listed in the body of this report, the site plan shall contain a detailed statement with respect to each of the following:

- A. A statement with respect to the general topography of the site as well as the adjoining lands surrounding the site, including any significant natural or man-made features;
- B. A statement concerning the relationship of one building to another, both on-site and in the surrounding area, relative to entrances, service areas and mechanical appurtenances;
- C. A statement concerning general rooftop appearances, particularly those rooftops which will lie below finished street grades or as may be viewed from the windows of higher adjacent existing or proposed buildings;
- D. A statement relative to the extent and general makeup of landscaping, off-street parking areas and adjoining service drives on surrounding lands;
- E. A statement as to the general layout of the site conforming to any street, road or other public conveyance, and public utility layouts, including drainage courses, which are any part of a previously approved plat or plan;
- F. A statement as to the general architecture of the proposed building, including overall design and types of facade materials to be used and how the proposed architectural design and facade materials will be complimentary to existing or proposed uses within the site and on surrounding lands;
- G. A clear designation on each building depicted on the site plan as to its specific use, i.e. residential, retail, commercial, service commercial, office, etc. In those instances where the actual occupant of the use is known, the name of the proposed occupant shall be included; and
- H. A definitive project phasing plan showing the boundaries of each phase and estimated timing schedule by phase to completion in accordance with Section 1288.04(b).
- I. A written analysis which demonstrates that the applicant has the financial capacity to complete the project.

A response to the above information was submitted by the applicant in the supplementary material provided.

RECOMMENDATION

We recommend approval of the proposed PD, subject to the following conditions being addressed to the satisfaction of the Planning Commission:

- 1. Consider increasing accessible parking to meet recommended 20%.*
- 2. Obtain approval from Wayne County for road construction on Allen Road.*
- 3. Demonstrate compliance with Open Space or Dedication of Public Right-of-Way standard*

for a Planned development to the Planning Commission.

4. *Submit refuse container details.*



CARLISLE WORTMAN ASSOCIATES, INC.
John L. Enos, AICP
Vice President



Carlisle Wortman Associates, Inc.
Alissa Starling
Planner

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 Dix Toledo</u>	Address _____
<u>Southgate MI 48195</u>	_____
(City) (State) (Zip)	(City) (State) (Zip)
Telephone <u>313 671 9805</u>	Telephone _____

Information regarding the site:

Street Address: 12923 Dix Toledo Southgate MI 48195

Major Cross Streets: Northline

Parcel / Lot No.: 53-008-03-0360-000

Acreage: 1.5 Acres 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 Carry out. 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

Date: 3/1/2022

Conditional Use/Site Plan Review
for
City of Southgate, Michigan

Applicant: Ali Jawad
Project Name: Taystee Burger
Location: East side of Dix Toledo, Between Eureka and Fort Street
Parcel Number: 53-008-03-036-0000 & 53-008-03-036-2000
Current Zoning: C-2, General Business
Plan Date: March 31, 2023
Action Requested: Conditional Use Site Plan Approval

PROJECT AND SITE DESCRIPTION

An application was received to develop a restaurant and gas station with an attached retail space on two (2) parcels at 12961 Dix Toledo in the C-2, General Commercial district. The sites have been previously developed and there are three (3) structures existing, including a Quik Mart and an auto shop. The submitted site plan indicates a ice-cream shop and Taystee's Burger franchise will be located in the previously occupied auto shop and the gas station will remain. The total combined gross area of both sites is 0.561 acres and the The site is located at the southwest corner of Northline and Dix Toledo, south of Callendar Street.

The proposed restaurant is a permitted use in the C-2, General Business District, subject to special conditions. The Planning Commission is the decision-making authority, and a public hearing is required, scheduled for May 8th. Fast-food and drive through establishments are permitted uses in the General Business District, per conditions as outlined in the Zoning Ordinance. Adjacent uses are within close proximity to subject site. Directly west of the subject site, across Dix-Toledo Road is a Happy's Pizza and Jimmy Johns. The parcel has street frontage on both Dix-Toledo Road (via three (3) points of access) and Northline Road (one (1) access point).

Richard K. Carlisle, *President* Douglas J. Lewan, *Executive Vice President* John L. Enos, *Principal*
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*

Figure 1. Aerial Image of Subject Site



Figure 2. Existing Conditions.



MASTER PLAN

The City of Southgate Master Plan has designated the subject site for both present and future uses as General Commercial. 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. (See table below for existing and future land use as outlined in the Master Plan.) A fast-food establishment is permitted in this district under two conditions:

- Shall be located at least 500 feet from any public or parochial school or public library.
- Shall front directly upon and have direct access to a major thoroughfare as designated in the City's Master Plan.

The proposed development meets both criteria. The closest school facility is the Southgate Community Schools office at approximately 800 feet to the southeast. Additionally, there is direct access to Dix-Toledo Road via two (2) curb cuts and one (1) off Northline.

Table 1. Future Land Use and Existing Land Use

Direction	Future Land Use	Zoning	Existing Use
Subject Site:	General Commercial	C-2, General Business	Gas Station/Auto Shop
North	Single Family Attached	R-1B, Single-Family Residential	Residential
South	General Commercial	C-2, General Business	Tim Hortons/Bank
East	General Commercial	C-1, Community Business	Dollar Tree
West	General Commercial	C-2, General Business	Jimmy Johns/Happy's Pizza

Figure 3. Future Land Use Map



Items to be Addressed: None.

AREA, WIDTH, HEIGHT, SETBACKS

Bulk regulations submitted in site plan are outlined below as shown on Sheet PSP-1, in accordance with Section 1298.01:

	Required	Provided	Complies with Zoning Code
Lot Area (Gross)	Based on Parking Requirements and Setbacks	0.561 ac	Complies
Lot Width	Based on Parking Requirements and Setbacks	168.45 feet	Complies
Setbacks			
Front	30 feet	30 feet	Complies
Side	10 feet	Varies	Complies
Rear	20 feet	30 feet	Complies
Lot Coverage	Based on Parking Requirements and Setbacks	--	--
Building Height (Feet)	40 feet	35 feet	Complies
Building Height (Stories)	2	1	Complies

The proposed development will be re-occupying an existing structure.

Items to be Addressed: None.

NATURAL RESOURCES

The site is completely flat as it is currently paved and developed from a previous occupant. It lacks any natural resources or green space. The site is located in a developed area and not within any environmentally sensitive areas.

Items to be Addressed: None.

BUILDING LOCATION AND SITE ARRANGEMENT

The proposed development is split into two separate uses. The north building will be used as a fast food establishment and the south building will remain as a gas station.

Items to be Addressed: None.

SITE ACCESS AND CIRCULATION

Site Access: Proposed development will be accessed from Dix-Toledo Road via two existing curb cuts and off Northline via one (1) curb cut. Both Dix Toledo and Northline Road are major thoroughfares in the City of Southgate. Manual calculations show them at approximately twenty-four (24) feet.

Circulation: Access Lane widths and maneuvering lane widths were not provided. We ask the applicant to submit this information. There are no arrows or directional signs shown on the site plan. We ask the applicant to demonstrate planned circulation for the subject site to the Planning Commission.

Because this is an automobile-oriented use, circulation is of utmost consideration. The building location and site arrangement should be designed to allow for safe and convenient auto circulation. While site circulation appears to be adequate for automobile traffic, we ask all lane widths to be clearly labeled for verification.

Sidewalks: Per section 1248.08, "Sidewalks of not less than five feet in width and four inches in thickness, located one foot from a right-of-way line, shall be constructed on both sides of a street and on all side and cross streets, in full conformity with the current specifications of the City Engineer. Sidewalks of not less than six feet in width shall be constructed in front of all business frontage." The subject site has an existing sidewalk that appears to be in fair condition.

Items to be Addressed: Provide access point and maneuvering lane widths.

PARKING & LOADING

Parking: Parking is indicated as occupying the east side of the site. Calculations have been provided on sheet C-1.0.

Based on a 2,768 square foot building drive-through restaurant with seating and a 2,600 square foot retail space, Section 1292.02 of the Zoning Ordinance requires the following:

All information pertaining to parking is shown on Sheet 2.0. All parking is reviewed against the criteria in Section 1292 of the Zoning Ordinance.

Requirement	Proposed
Fast Food Establishments One (1) space for every 75 feet of food prep area $\frac{1,045 \text{ square feet}}{75} = 14 \text{ spaces}$	14 spaces
Gasoline Station with Convenience Store: One and one-half spaces for each fuel nozzle, plus one space for each 250 square feet of usable floor area 8 fuel nozzles $\times$ 1.5 = 12 spaces	14 spaces
Total = 26 spaces	28 provided

Maneuvering lanes widths were not provided.

Parking calculations are based upon total number of spaces for both individual uses (Taystee/Ice Cream Shop and Gas Station/Convenience Store).

All standard parking spaces are indicated as having a width of nine (9) feet by twenty (20) feet.

Loading: Section 1292.04(b) requires that a loading area be provided in the rear yard at a ratio of ten (10) square feet for each front foot of building. A loading space is shown in the alley between the two structures.

Items to be Addressed: None.

LANDSCAPING

Section 1298.09 outlines landscaping requirements. Landscaping is shown on sheet L101, and details are shown on sheet L102. Extensive landscaping is shown to screen between the double drive-through lanes, on west boundary (rear), and between the parking lot and adjacent residential district.

Landscaping: A ten (10) foot landscape setback between the north parking lot and abutting residential district are proposed. Applicant has met this requirement.

Screening: No screening is shown on the submitted site plan. Per Section 1298.13, there shall be a wall or earth berm provided and maintained between any nonresidential and Residential District. In the C-2 district, screening must be at least five (5) feet high.

Refuse Containers: No details provided for refuse container. Location is shown between structures, adjacent to the loading area however, no additional details were provided.

Items to be Addressed: 1. Provide five (5) foot screening between residential neighborhood to the north.
2. Submit refuse details.

LIGHTING

No lighting details or photometric plan was submitted.

Per section 1298.10: (b) Outdoor lighting poles or standards shall not exceed the maximum height limitation of the district in which they are located, except that no lighting pole or standard shall exceed twenty feet in height when located on land adjacent to a Residential District. This development is south of a residential district. Light fixture height must be reduced to twenty (20) feet to comply with the requirements of ordinance.

Outdoor lighting in any district shall be directed toward and confined to the ground areas of laws or parking lots. No cut sheets of lighting were provided to verify down shielding of proposed exterior lighting.

Items to be Addressed: Provide photometric plan, including cut sheet of proposed lighting.

SIGNS

A sign is shown on the elevation however, no details for review were submitted. Approval for signage can be obtained after site plan approval.

Items to be Addressed: Obtain approval for sign from City of Southgate Building Department.

UTILITIES/STORMWATER MANAGEMENT

No information pertaining to stormwater management or grading was submitted. We defer further comment to the City Engineer.

Items to be Addressed: We defer comment to the City Engineer.

EXTERIOR ELEVATIONS/FLOOR PLANS

Elevations and exterior façade are shown in the architectural plans provided. Exterior elevations are shown at a maximum of thirty-four (34) feet on sheet A5.0. Floor plans were not submitted.

Exterior façade is shown on Sheets A-201 and D-201. The site plan shows a combination of brick, vinyl cladding, and asphalt roofing. The bay doors and other architectural elements existing will remain. Per section 1298.57 “To ensure that proper and effective attention will be given to the visual appearance of both residential and nonresidential buildings, whenever in this Zoning Code reference is made to this section or to Section 1268.04(a), all exterior building walls of all new principal buildings shall consist of the same uniform exterior building wall finish materials as the front wall of the principal building(s). All such materials used shall be recognized by the Building Department as finish materials.”

We find the proposed development is harmonious with the surrounding character. The brick and asphalt roofing are typical in residential structures and will appear harmonious. The proposed exterior facade complies with the ordinance requirements.

Items to be Addressed: None.

CONDITIONAL LAND USE STANDARDS

The following standards are noted in the body of this report, however, have been provided to serve as a point of reference for the Planning Commission when reviewing the included information.

The following conditions, where applicable, shall apply to all uses permitted under this chapter:

(a) All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on the premises.

(b) All business, servicing or processing, except for off-street parking or loading/unloading, shall be conducted within a completely enclosed building. No building or use shall exceed 10,000 square feet of gross floor area.

(c) See Section 1298.01 for limitations on the height and bulk of buildings, the minimum size of lots by permitted land use, the maximum dwelling unit density permitted, building setbacks and development options.

(d) See Chapters 1292 and 1298 for provisions regarding:

- (1) Accessory uses
- (2) Off-street parking and loading
- (3) Site plan review
- (4) Improvement guarantees
- (5) Landscape planting standards
- (6) Exterior lighting

- (7) Corner clearance
- (8) Screen walls and earth berms
- (9) Frontage on a public street
- (10) Access to major thoroughfares
- (11) Exterior building wall facades
- (12) Signs

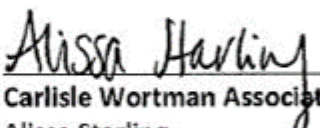
RECOMMENDATIONS

We recommend approval of the proposed restaurant, subject to the following conditions being addressed to the satisfaction of the Planning Commission:

1. *Provide all maneuvering land and access point dimensions.*
2. *Obtain approval for sign from City of Southgate Building Department.*
3. *We defer comment on stormwater and grading to City Engineer.*
4. *Provide photometric plan, including cut sheet of proposed lighting.*



CARLISLE WORTMAN ASSOCIATES, INC.
John L. Enos, AICP
Vice President



Carlisle Wortman Associates, Inc.
Alissa Starling
Planner



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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, City Planner
DATE: May 3, 2023
RE: Sign Ordinance Update, Final

Background

The City of Southgate has been updating its sign ordinance for the past 6+ months to bring it into compliance with the Supreme Court Decision (Reed V Gilbert in 2018) which changed how courts evaluate sign regulations. The court ruled against content-based regulations, which differentiate between signs based on their content, and are subject to strict scrutiny under the First Amendment. This means that the government must have a compelling interest in the regulation and the regulation must be narrowly tailored to achieve that interest.

As a result of the Reed v. Gilbert decision, many sign ordinances that previously differentiated between signs based on their content were found to be unconstitutional. This required local governments to review and update their sign regulations to ensure they were content-neutral, meaning they applied the same regulations to all signs regardless of their message or content.

In addition, the decision also emphasized the importance of allowing signs that convey non-commercial messages, such as political or ideological speech, to be treated the same as signs that convey commercial messages. This means that sign regulations must be carefully crafted to avoid discriminating against certain speech or messages.

It's important to note that not all content-based sign regulations are unconstitutional. However, after the Reed v. Gilbert Supreme Court decision, local governments must demonstrate that any content-based sign regulations they enact serve a compelling government interest and are narrowly tailored to achieve that interest.

Existing Ordinance

The current sign ordinance has been in place for several years, and during that time, there have been changes in the community that have prompted the need for an update. The proposed changes to the ordinance are intended to address some of the concerns raised by residents, business owners, and other stakeholders in the community.

The update to the sign ordinance is a collaborative effort that involves input from city staff, planning commission members, and other community members. The proposed changes consider best practices and experiences from other communities, as well as our city's unique needs and characteristics.

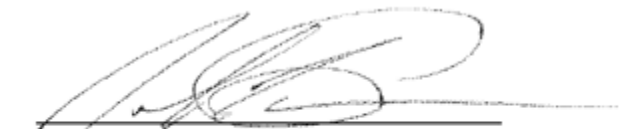
The proposed changes to the sign ordinance aim to balance the needs of businesses to promote their products and services while maintaining the community's character and aesthetics. The updated ordinance seeks to achieve this by providing more clarity and specificity in the regulations for City residents to understand better, while also simplifying and streamlining the permitting process for sign installation and maintenance. When comparing the two ordinances approximately 30% of the text has been changed, and 21% had only minor revisions.

Major Revisions

The following is a brief overview of the revisions made:

1. Revised Intent and Purpose to add more detailed information and explicitly state interest in the regulation of signs;
2. Definitions added/revised for alteration, banner, canopy or awning sign, construction sign, commercial message, directional sign, entranceway sign, electronic message sign, government sign, monument sign, murals, portable signs, real estate signs, reader board, roof sign, sign display area, sign, vehicle sign, and wall sign;
3. More detailed protections were provided for the City, such as requiring stricter developer requirements and certifications;
4. Mural section was added;
5. Electronic message signs were added, including detailed regulations;
6. Removal of all content-based regulation without correlating expressed interest in the intent and purpose;
7. Substitution clause added.

We look forward to discussing the proposed changes with you and answering any questions you may have. Please let me know if you have any concerns or suggestions.



CARLISLE WORTMAN ASSOCIATES, INC.
John L. Enos, AICP
Vice President



Carlisle Wortman Associates, Inc.
Alissa Starling
Planner

City of Southgate

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

1298.18 SIGNS.

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

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

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

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

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

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

- (c) Economic Development and Property Values. The establishment of the restrictions in this section has a direct relationship to creating stability and predictability, allowing each private interest to secure reasonable exposure of signage, and thus promoting business success. The application of the restrictions in this article allows businesses to reasonably command attention to the content and substance of their messages while concurrently allowing the promotion of other visual assets, including (without limitation) landscaping and architecture, all of which contribute to economic development and property value enhancement.
- (d) Avoidance of Nuisance-Like Conditions. Due to the concentration of people and activities, there is a potential for, and it is a compelling interest to avoid, blight, physical clutter, and visual clutter in the City. The result of these conditions leads to diminished property values, reduced attractiveness of the community, and reduced quality of life within the districts. Minimum regulations that substantially relate to signage are important and necessary for the maintenance and well-being of positive conditions, good character, and quality of life in the City. Ultimately, these regulations are compelling and important for the protection of all police power values.
- (e) Property Identification for Emergency Response and Wayfinding Purposes. Locating a business or residence by police, fire, and other emergency responders can be a matter of life and death, and thus it is a compelling interest to ensure that proper, understandable, unambiguous, and coordinated signage be permitted and required, and specifications for such purposes can be accomplished in a simple and narrow manner. Wayfinding for vehicular and pedestrian purposes is also a compelling interest to avoid confusion in public rights-of-way, and unnecessary intrusions on private property. Sign specifications for such wayfinding can be coordinated with property identification for such emergency and other purposes.
- (f) Protection of the Right to Receive and Convey Messages. The important governmental interests and regulations contained in this article are not intended to target the content of messages to be displayed on signs, but instead seek to achieve non-speech objectives. In no respect do the regulations of signage prohibit a property owner or occupant from an effective means of conveying the desired message. Nothing in this article is intended to prohibit the right to convey and receive messages protected by the First Amendment of the United States Constitution.

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

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

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

- (2) “Alteration.” A change of the size, shape, area, height, material, illumination, material, or any other dimensional parameter of an existing sign. A change to or replacement of the copy of the display or sign face of an existing sign is not a sign alteration.

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

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

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

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

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

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

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

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

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



(11) "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.

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

(123) "Compatible." To be harmonious, consistent, or in keeping with the character of the

surrounding environs.

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

~~(135) "Directional sign." A sign, commonly informational which does not contain advertising, that directs movement, provides instructions or is secondary to the use of the lot. Generally signs of this type indicate the entrance/exit, drive-through location, "no parking" areas, etc. A permanent sign devoted to identifying points of ingress or egress on the property, orienting pedestrians and vehicles within the property, or directing the flow of pedestrian or vehicular traffic throughout the property.~~

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



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

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

(15) "Electronic Message sign." Refers to any sign that displays its message via a lighted digital face with the capability to change the sign's message by computer control.

(16) "Entranceway sign." A monument sign that is located at or near the entranceway to a residential, industrial, or commercial subdivision, apartment complex, condominium development, or other integrated or coordinated multi-parcel development or permitted institution, from a public right-of-way.

~~(159) "Flag." Cloth containing distinctive colors, patterns, or symbols used to distinguish a government, political subdivision, or other political entity.~~

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~~(1620) "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.~~

~~(1721) "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.

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

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

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

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

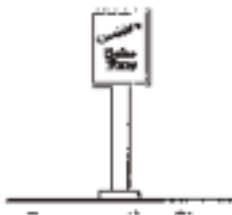
Type one: A design or representation which does not contain promotional or commercial advertising painted or drawn on a wall.

Type two: An original, one-of-a-kind unique design or representation which contains limited references to the establishment, product, or service provided on the site which is painted or drawn on a wall on that site.

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

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

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



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

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

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

(26~~32~~) "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.

(27~~33~~) "Roof sign." Any sign erected or constructed wholly on and over the roof of a building, supported by the roof structure.

(28~~34~~) "Roof sign, integral." Any sign erected or constructed as an integral part of a normal roof structure such that no part of the sign extends vertically above the highest portion of the roof and such that no portion of the sign is separated from the rest of the roof by a space of more than six inches.

(29~~35~~) "Sign." Any device, fixture, placard, or structure, visible from a public right-of way, that uses any color, form, graphic, illumination, symbol, or writing to promote a service, ~~advertise~~, announce the purpose of, or identify the purpose of an occupant ~~person~~, entity, or to communicate convey information of any kind to the public.

(30~~6~~) "Sign display area." That part of the sign upon, against, or through which the content ~~message~~ is presented or illustrated.

(31~~7~~) "Streamer." A long, narrow strip with attached flags, pennants or banners resembling or suggesting "streaming" or "floating" in the wind.

(32~~8~~) "Temporary sign." Any sign that is used only temporarily and is not permanently mounted; this shall include painted window signs.

(33~~9~~) "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.

(40) "Vehicle ~~business~~-sign." A sign erected on or affixed to a vehicle where the principal purpose of the vehicle is to serve as a sign or sign structure. ~~Signs attached to or painted on stationary or abandoned vehicles parked and visible from the public road that are not used in the day-to-day operation of a business.~~



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

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

(b) General Provisions.

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

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

~~(3) No portable, permanent, or any other type of sign shall be allowed in any part of the public right-of-way, except otherwise permitted herein.~~

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

~~(4) Any sign allowed by this section for advertising shall only advertise the business within that building or the goods produced or offered for sale within said premises. No sign shall advertise any other business or product not sold or offered within said building.~~

(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, device 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

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

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

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

(110) 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.

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

(132) No sign shall project into a public right-of-way, except that awnings and canopies may project not more than four feet into a public right-of-way with the approval of the governmental jurisdiction in control of the right-of-way. All requests to erect an awning or canopy shall include a drawing, drawn to scale, detailing the proposed awning or canopy and a cut sheet of the proposed color(s). Material colors must be "earth tone" in nature. If the awning or canopy will contain a sign, the sign shall appear on the drawing along with a notation of the amount of sign display area in square feet, and the proposed text. The application and accompanying drawing shall be submitted to the Building Department and to any other governmental jurisdiction in control of the public right-of-way, for review and approval.

(143) 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.

(154) Signs, which have not been in use for a period of more than six months, including any and all previously approved variances for such signs, shall be considered abandoned signs and subject to removal proceedings. Abandoned signs shall have all lettering or reference to the former business removed. Custom signs, which are only relevant to the

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defunct business that it served, shall be removed completely from the site. Written notice shall be given by the Building Official and action must be taken by the property owner or proprietor within 30 days of said notice.

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

alter the effect of Section 1298.20, which regulates nonconforming signs.

(c) Permitted Signs.

(1) Awning, canopy, and marquee signs.

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

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

(2) Directional Signs.

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

(3) Free-Standing Signs.

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

(4) Wall-Mounted Signs.

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

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

(C) Additional accessory wall signs (excluding directional signs) may be attached

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

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

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

(5) Electronic Message Sign.

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

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

(6) Murals.

(A) Type one and type two murals are allowed only in the following zoning districts, subject to the restrictions set forth in this section:

(B) (*Permitted districts per PC discretion and will be decided after discussion at 10/10/2022 meeting)

(C) Murals may not be placed on the primary façade of the structure. In instances in which the structure has two primary façades (at the

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intersection of two public streets), murals would not be placed on either façade.

(D) Murals may only be placed directly on unimproved concrete, concrete block or brick façades. However, should the applicant desire to have a mural constructed off-site in moveable panels to be installed on said façade, the attachment of said panels must comply with applicable building codes, subject to required permits and inspection; must not cover window or door openings unless properly sealed in compliance with applicable building codes, the attachment devices must not compromise the structural integrity of the surface to which the panels are attached, and said panels must be

securely attached to prevent failure due to weather conditions, vandalism or age.

(E) Murals shall be maintained in good repair, free from peeling paint or damage due to age, weather, vandalism or the like. Failure to maintain a mural in good repair may result in notification by Ordinance Enforcement and, if necessary, appropriate enforcement action by the city, including recovery of related expenses for enforcement.

(F) Prior to installation of a mural, the property owner or tenant (with written permission of the property owner) shall apply for a determination of whether the proposed design or representation is a sign, a type one mural or a type two mural and, if the proposed design or representation is a type two mural, whether it complies with the requirements of this section. The application with fee, as determined by City Council, shall be forwarded to the City Administration who shall conduct an administrative review of the application and design for compliance with this section.

(G) Murals shall not contain words (in any language), symbols or representations that are obscene, offensive, of a political nature or are derogatory.

(H) The Mayor may designate a three person review committee to review sign and mural design for compliance with this section. The committee, at its discretion, may refer the mural design to the Planning Commission for further review.

(I) Following determination:

(a) If the proposed design or representation is determined to be a sign, the applicant shall comply with all further review and requirements of § 1298.18 before creating or installing the sign.

(b) If the proposed design or representation is determined to be a type one mural, no further review or action is necessary before creating or installing the mural.

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(c) If the proposed design or representation is determined to be a type two mural, the applicant shall obtain a determination of whether the type two mural complies with all requirements of this section before creating or installing the mural.

(J) Type two murals may be allowed if:

(a) The graphics, words, and/or symbols referencing the establishment, product, or service are limited in scope and dominance, and not readily construed as commercial advertising. References must be subtle and integrated into the overall mural design.

(b) The references to an establishment, product, or service are not to be in the form of traditional building signage. Traditional signs on the same wall will be reviewed separately under applicable sign requirements.

(c) Where numbers of signs or maximum square footages apply to a particular location, a mural shall not count as a sign nor figure into the allowable sign area.

(K) An aggrieved applicant may file an appeal to the Zoning Board of Appeals for review of a decision relating to a mural. The Zoning Board of Appeals shall review the decision based on the criteria in § 1264.06.

~~(187) All signs shall not be placed in the public right-of-way unless otherwise provided for by law.~~

(c) Prohibited Signs.

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

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

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

(4) Roof signs and integral roof signs.

~~(5) Murals are prohibited unless utilized only for aesthetic and architectural purposes and approved by City Council.~~

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

(7) Billboard ~~or off-premise~~ signs.

(8) Vehicle business signs.

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

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

(10) Any notice, placard, bill, card, poster, sticker, sign, advertising or other device calculated to attract the attention of the public which any person posts, prints, sticks, stamps,

tacks or otherwise affixes, or causes the same to be done to or upon any street, right-of-way, public sidewalk, crosswalk, curb, hydrant, tree, telephone pole, or upon any fixture of the police or fire alarm system of the City is prohibited.

(d) Exempt Signs.

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

~~(2) Legal notices, identification, information, or directional sign erected, or required by a government agency. Highway and street signs erected by a state, county or municipal road agency identifying highways, giving direction to streets or places of interest or establishing restrictions or conditions of use for streets and highways. This exemption shall further include all such signs authorized by a road agency in conjunction with infrastructure improvements.~~

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

(4) Essential service signs.

(5) Placards not exceeding two square feet.

(6) Building marker not exceeding two square feet.

(7) Flags.

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

(e) Signs Exempt from Permits.

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

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

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

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

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

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

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

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

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

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

(f) Signs in a Residential District.

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

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

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

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

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

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

D. Freestanding signs and wall signs may be illuminated.

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

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

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

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

~~(2) Additional accessory wall signs (excluding directional signs) may be attached to any wall at the discretion of the applicant up to a maximum total square feet of display area for all~~

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

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

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

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

(j) Temporary Signs.

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

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

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

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

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

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

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

prior to installation.

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

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

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

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

(k) Temporary Window Signs.

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

(l) Freestanding Message Board Signs.

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

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

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

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

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

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

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

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

(m) (m) Substitution Clause.

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

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

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

1298.19 PERFORMANCE STANDARDS.

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

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~~(Ord. 458. Passed 1-4-89.)~~

1298.20 NONCONFORMING SIGNS.

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

~~(Ord. 531. Passed 6-30-93.)~~

(b) A nonconforming sign:

(1) Shall not be altered in any fashion so as to prolong the life of the sign or to change the

shape, size, type or design of the sign;

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

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

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

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

~~Mural and Sign Committee.~~

City of Southgate

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

The following definitions and standards will be amended as follows.

1298.18 SIGNS.

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

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

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

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

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

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

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

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

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

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

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



Building marker Sign



Canopy or Awning Sign

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



*Free-Standing
Monument Sign*

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

- (20) “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.

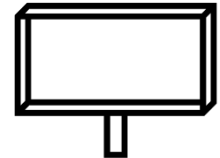
- (21) “Placard.” A sign that provides notices of a public nature, such as “No Trespassing” or “No Hunting” signs.



Placard Sign

- (22) “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.

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



Pole Sign

- (24) “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.

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



Reader board

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

- (27) “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.

- (28) “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.

- (29) "Sign area." That part of the sign upon, against, or through which the content is presented or illustrated; including the entire perimeter of a sign which encloses visually communicative copy such as letters, symbols, or logos, including the advertising surface and any framing, trim, or molding but not including the supporting structure.
- (30) "Streamer." A long, narrow strip with attached flags, pennants or banners resembling or suggesting "streaming" or "floating" in the wind.
- (31) "Temporary sign." Any sign that is used only temporarily and is not permanently mounted; this shall include painted window signs.
- (32) "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.
- (33) "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.
- (34) "Window sign." Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window located on a wall or door or upon the window panes or glass and is visible from the exterior of the structure.

(b) General Provisions.

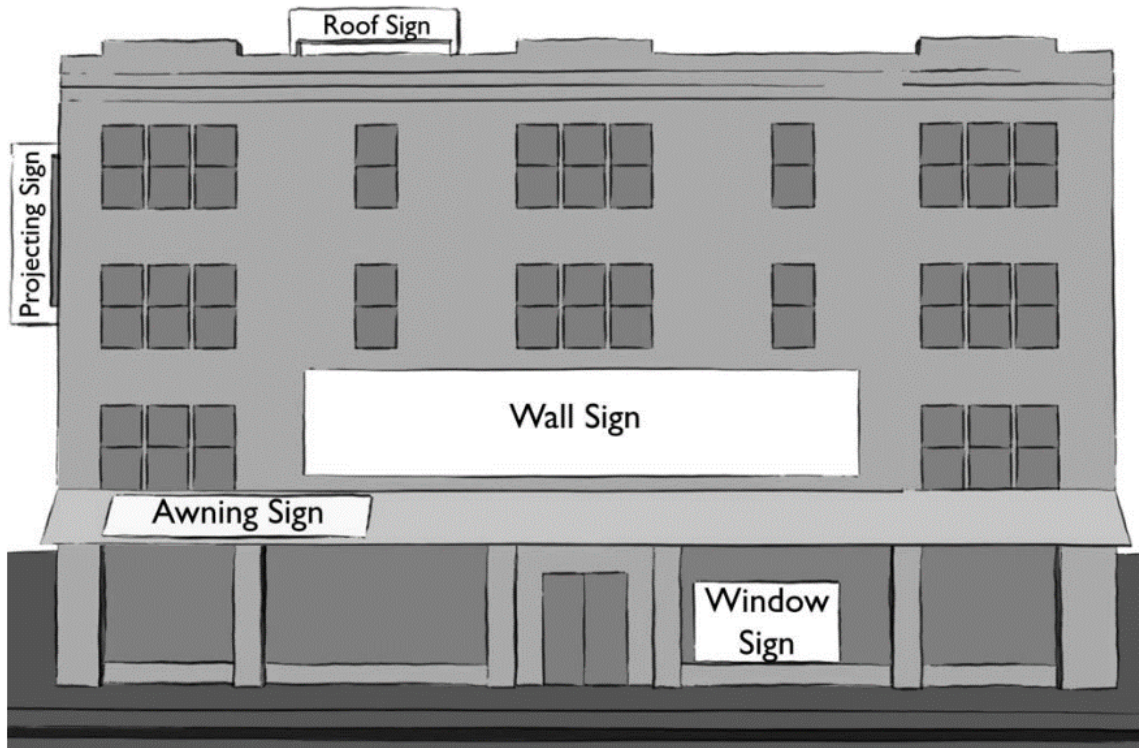
- (1) No signs shall be installed in any district unless a sign permit is secured. Permits must be secured by licensed builders or registered sign companies.
- (2) The fee schedule for signs shall be according to the fee schedule approved by Council.
- (3) No sign shall be allowed in any part of the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



an authorized traffic sign, signal or device. No sign shall make use of the words "Stop," "Danger," or any other traffic "caution" word, phrase, symbol, or character in such a manner as to interfere with, mislead or confuse traffic. No sign, signal, marking, device or blinking, oscillating or rotating light shall be erected adjacent to any public right-of-way so as to create a traffic hazard.

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

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

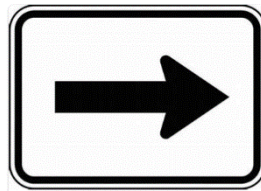


(c) Permitted Signs.

(1) Awning, canopy, and marquee signs.

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

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



Directional Signs



(3) Free-Standing Signs.

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

(4) Wall-Mounted Signs.

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

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

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

(5) Electronic Message Sign.

- A. Animated and reader board signs are permitted provided the message content display-area does not change more than one time per every three second period. Any reader board sign that changes its content message more frequently than once every three seconds shall be considered a flashing sign.
- B. Background display areas may have continuous movement, for example a digital waving flag, provided that the display area is not flashing or blinking.
- C. The maximum area of an electronic message board sign shall not exceed 65 square feet.
- D. All animated or internally illuminated signs must bear the emblem of a nationally recognized testing laboratory.

(6) Murals.

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

- F. Expansions or modifications of an existing mural must go through the application and review process, as outlined in this section, prior to mural installation.
- G. Murals are prohibited on non-conforming uses.
- H. Mural dimensions shall be submitted with the application in a square or rectangular format.
- I. Applicants must provide a colored rendering as part of the application and the color(s) used must represent the actual color(s) of the full-scale mural.
- J. Once the Building Department has reviewed an application for compliance with this section and granted administrative approval, the Planning Commission shall review mural design for final approval.
- K. A denied applicant may file an appeal to the Board of Zoning Appeals for review within 14 days of a formal decision made by the Planning Commission. The Board of Zoning Appeals shall review the decision based on the criteria set forth herein.

(d) Prohibited Signs.

- (1) Any sign in which a proprietor has not received a sign permit, unless specifically exempt.
- (2) Strings of light bulbs, pennants, balloons, streamers, banners, beacons, or other portable signs are prohibited, except as allowed in subsection (h) hereof.
- (3) Signs that employ any flashing, moving, oscillating, blinking, or variable intensity of light, and are not either an animated or reader board sign.
- (4) Roof signs and integral roof signs.
- (5) Billboard signs.
- (6) Vehicle signs. Vehicles with signs are permitted if used in the day-to-day operation of the business. At the close of the business, the vehicle must either be removed from the property or parked within the loading/unloading zone. If no loading zone exists, the vehicle must be parked at a point on the site not readily visible from the public rights-of-way when not in use. The vehicle must be currently licensed and in operable condition.
- (7) Temporary window signs that exceed 25% of the area of the window and door on which such signs are located.
- (8) Any notice, placard, bill, card, poster, sticker, sign, advertising or other device calculated to attract the attention of the public which any person posts, prints, sticks, stamps, tacks or otherwise affixes, or causes the same to be done to or upon any

street, right-of-way, public sidewalk, crosswalk, curb, hydrant, tree, telephone pole, or upon any fixture of the police or fire alarm system of the City is prohibited.

(e) Exempt Signs.

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

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

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

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

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

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



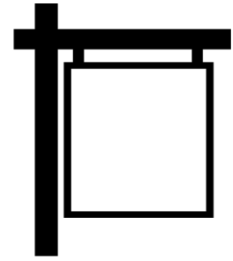
- (1) 1 freestanding sign with a maximum display area per side of 60 square feet and a maximum height of 6 feet, measured from the base of the sign on the ground to the highest point of the sign structure, shall be permitted.
- (2) 1 wall sign per street frontage shall be permitted. Such sign *Entranceway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

(g) *Temporary Signs.*

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

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

- A. 8 individual permits may be requested throughout the calendar year. Each permit shall be for a period of 7 consecutive days. These permits may be spread out throughout the calendar year or requested in larger increments. For example, if a 2 week display is needed; 2 permits will be required.
- B. A permit must be secured from the Building Department and the appropriate fee paid prior to installation.
- C. All portable signs must comply with this section.
- D. All portable signs shall be located on the property accessory to and cannot interfere with the vision of pedestrians or traffic.
- E. If a portable sign is to be illuminated, the temporary connection shall meet the requirements of the National Electrical Code. Each portable, illuminated sign shall be protected by a ground fault circuit interrupter. Temporary cord connections to buildings or other means must be approved by the Electrical Inspector prior to energizing the sign. All temporary cords must be a minimum of No. 14 gauge wire.



Portable Sign

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

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

- A. No other temporary signs (including but not limited to portable; banners; pennants; streamers; signs transported by means of wheels; additional A- or T-frames; additional menu and sandwich boards; balloons; or umbrellas used for advertising; and signs attached to or painted on vehicles) shall be requested or utilized by the establishment.
- B. Total height of the sign shall not exceed 4 feet and the total sign display area shall not exceed 24 inches by 36 inches.
- C. The message board sign shall only be displayed during regular business hours and must be removed and appropriately stored within the business at the close of the business each day.



*Message Board Sign,
A-Frame*

- D. The message board sign shall be located on the property accessory to and shall not impede pedestrian or vehicular traffic. At no time shall the message board be allowed within required parking spaces or public rights-of-way, which includes public sidewalks.
 - E. The message board sign shall be properly anchored to the ground to avoid movement and ensure the public health, safety, and welfare.
 - F. The message board shall meet all the general provisions of this section as outlined in subsection (b) hereof.
 - G. A plot plan of the site indicating where the temporary message board sign will be placed shall be submitted to the Building Department as part of the permitting process. The location of the message board sign will be approved by the Building Department and shall be always adhered to by the applicant.
- (h) Any sign not expressly permitted in this section is hereby prohibited.*
- (i) Substitution.* Notwithstanding any provision of this Section to the contrary, to the extent that this Section allows a sign containing a commercial copy, it shall allow a non-commercial sign to the same extent. The noncommercial message may occupy the entire sign area or any portion thereof and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from 1 noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited, and the sign continues to comply with all requirements of this Section.

1298.19 PERFORMANCE STANDARDS.

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

1298.20 NONCONFORMING SIGNS.

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

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

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

DRAFT

APPENDIX A:

Issues in the Regulation of Commercial Electronic Variable Message Signage (CEVMS): Excerpts from the Federal Highway Administration Report *Safety and Environmental Design Considerations in the Use of Commercial Electronic Variable-Message Signage* (FHWA/RD-80-051)

Application of Highway Investment Costs to CEVMS

Editor's Note: The following passages appear on page 68 of the FHWA Report.

The trouble is that self-restraint in marketing CEVMS is likely to prove every bit as difficult as in marketing other types of electronic signs. . . .

The risk to the public highway investment from outdoor advertising therefore is, as it always has been, in the lack of market incentives or industry self-regulation to prevent excessive and poorly designed or constructed signing, and in the risks that accompany sign maintenance activities. . . . And this is what continues to be the risk that must be faced in any authorization for increased use of CEVMS, either in the present authority for on-premise usage, or in any possible proposal for extended use at off-premise location in the future.

Generally local planning and land-use controls have not been equal to dealing with the pressures to develop land in the major urban and suburban corridors. Strip commercial development, often with lavish use of on-premise signs, is common in these corridors. The growing use of CEVMS, as discussed in this section, may do little to improve this overall situation.

APPLICATION OF CURRENT TECHNICAL KNOWLEDGE TO DEVELOPMENT OF STANDARDS

Editor's note: The following passages are a continuous excerpt from pages 68 to 84 of the FHWA Report.

When consideration is given to the development of standards governing roadside display of commercial electronic variable-message signing, it is suggested that standards should address at least those aspects of signing that are listed below. In this list no attempt has been made to indicate priorities or rankings of importance that these aspects should have in any set of standards. Nor does the discussion of these aspects indicate all of the situations in which they are interrelated. These are matters that will enter into the design of standards in accordance with policy decisions regarding scope, purpose, and other factors.

A. **Longitudinal Location.** This refers to the location of signs along the highway in their relation to the major geometric design features of the highway. Such features include intersections, interchange entry and exit points, channelization features, traffic control devices (including official route markings and directional signing), highway structures (bridges, viaducts, overpasses), and design features which require a high level of attention to the driving task (sharp curves, lane drops, "weaving" areas, areas of reduced sight distance).

B. **Spacing and Density.** This refers to the number of signs that are located within a specified linear distance in roadside areas in their relation to highway traffic safety and effective delivery of informational messages to motorists on the adjacent highway.

C. **Lateral Location.** This refers to the distance that signs are set back from the highway, measured in distance from the edge of the main traveled way. Lateral location standards may also consider the angle of a sign on which the messages are displayed relative to the line of sight of motorists on the adjacent highway.

D. **Interaction with Traffic Signs.** This refers to both the location and design of signs as these factors may affect the operational effectiveness of official traffic control devices.

E. **Duration of Message On-Time.** This refers to the length of time that the full text of a message is visible to view on a variable-message sign panel.

F. **Duration of Message Off-Time.** This refers to the length of time that the message panel of a variable-message sign displays no part of any message.

G. **Duration of Message Change Interval.** This refers to the length of time between display of the full text of one message and the display of the full text of the next message in a series of messages programmed for a variable-message sign. It includes, but can be longer than the message "off" time, and might be equivalent to a visual "dissolve" in which one image fades from view while another appears. Thus, some visual portions of two sequential messages might be displayed simultaneously.

H. Total Length of Information Cycle. This refers to the length of time required to display all elements of a pre-programmed sequential message or a message series. Pre-programming may be in the form of a manually activated remote control device.

I. Rate of Intensity or Contrast Change. This refers to variable-message signs in which the illumination or contrast does not change instantaneously, but increases to a maximum level and then decreases to a minimum in the course of changing messages. The rate of this change is the interval of time between the moment of maximum illumination intensity or contrast for the message that follows it.

J. Flashing Signs and Lights. This refers to a cycle of intermittent illumination in which the phases are arranged so that the changes in illumination or contrast appear to be displayed in sudden bursts of light. The flashing character of a sign is determined by reference to the interval of time between its maximum and minimum illumination in the cycle of change for the messages displayed. Flashing signs may include those that present repetitive displays of the same message or a series of different messages displayed on sequence.

K. Brightness and Contrast. This refers to the degree of intensity and contrast between a sign's message and its background, and is a factor affecting the legibility of sign messages. Optimum correlation of intensity and contrast maximizes legibility. Poorly correlated intensity and contrast may reduce legibility either by too little illumination and contrast or excessive brilliance (glare).

L. Animation and Message Flow. This refers to the sequential display of the elements of a message so as to give the appearance of their movement on or across the message panel of a sign.

M. Size of Sign and Lettering. This refers to the size of the cabinet and message panel of a variable-message sign, and the size of letters, numbers of other elements of messages displayed thereon. Size of lettering includes spacing any number of characters or lines, but does not include any style of characters.

N. Primacy of Information. This refers to the priority accorded to the various types of messages displayed in roadside areas. Priorities are determined by correlation of motorist information needs, motorist-driving tasks, and other information stimuli present in the roadside environment.

O. Maintenance Requirements. This refers to the services that must be performed to maintain an electronic variable-message sign in optimum operational condition. It includes routine servicing and repair of mechanical, electrical, or electronic parts, but does not include major replacement or reconstruction of portions of the sign.

In developing standards for the foregoing design, structural, and operational aspects of electronic variable-message signing, the summary presented in Table 4 indicates the general relationship of these aspects to the public interests involved. Each of these 15 aspects of electronic variable-message signing is discussed in greater detail below.

TABLE 4. IMPACTS OF CEVMS ON TRAFFIC SAFETY AND VISUAL ENVIRONMENT

Design, structural, or operational aspect	Operationally Unique to EVM Signs	Impact on traffic safety	Impact on visual environment
A. Longitudinal density	No	High	Medium
B. Spacing and density	No	High	High
C. Lateral location	No	High	High
D. Interaction with traffic signs	No	High	Medium
E. Duration of message on-time	Yes	High	Medium
F. Duration of message off-time	Yes	Low	Low
G. Duration of message change interval	Yes	High	High
H. Total length of information cycle	Yes	High	Medium
I. Rate of intensity or contrast change	Yes	High	Medium
J. Flashing signs and lights	No	High	High
K. Brightness and contrast	Yes	High	Medium
L. Animation and message flow	Yes	High	High
M. Size of sign and lettering	No	High	High
N. Primacy of information	No	High	Low
O. Maintenance requirements	Yes	Medium	High

A. Longitudinal Location. A critical safety consideration in selecting the longitudinal location of CEVMS is the preservation of motorist sight distance in the vicinity of intersections or other highway features and in traffic situations demanding specific attention to driving tasks. A second consideration, relating both to safety and effectiveness of communication, concerns the impact of commercial signing in roadside areas upon the time-sharing capability of motorists when they must deal with the concurrent display of commercial advertising messages, traffic information and control messages, and directional information.

Empirical evidence from accident studies indicates that the presence of advertising signs is, in some circumstances, associated with traffic accident locations. Also, the bulk of the experimental and accident study evidence indicates that, notwithstanding a substantial capability for time sharing in reading and comprehending a series of messages, conditions can arise where this capability is overloaded. Elimination of messages having a low priority for safe micro performance of driving tasks (commercial advertising) facilitates concentration on messages with high operational priority (traffic control signing, route guidance, directional signing).

Because of the novelty and attention-commanding characteristics of conspicuous, high-contrast signs, a conservative criterion for estimating sight distance requirements should be employed when locating such signs. . . .

B. Spacing and Density. Notwithstanding the recognized ability of motorists to selectively filter out messages or other sensory stimuli that are extraneous to their immediate driving tasks and related directional information needs, human factors research indicates that the capability for processing information is finite, and under some circumstances may become overloaded. In such instances the result is distraction or failure to comprehend certain messages, and increased difficulty in maintaining information processing priorities according to the driving task needs. Spacing and the risk of overloading the driver's information processing capability, and the principle of "spreading" has been recommended in order to better relate the location of roadside signs to the information needs of driving tasks.

Evaluations of the impact of CEVMS on motorists' information processing capability under varying conditions also must take into account the exceptional readability, size, and variability in mounting heights of CEVM signs. It would appear to be possible to arrange two or more of these signs in such a manner that all would be visible and readable by a motorist simultaneously, where conventional signs or standardized billboards arranged in the same manner would not.

Applied to the matter of locating on-premise CEVMS in rural and other roadside areas where land development is not intense, the problem is subject to the same considerations that govern longitudinal location. In areas of roadside strip commercial development, or in other areas of concentrated development such as shopping malls with storefronts facing and visible from an adjacent highway, space for "spreading" is not generally available. CEVMS technology and design options, however, offer opportunities for accommodating several advertisers by sequential displays on a single sign panel. Sign manufacturers have cited this capability in connection with the possibility of reducing the density of separate signs in roadside areas having high commercial development, and it would seem to be appropriate for use in standards for CEVMS in areas where other forms of on-premise signing are or may be utilized.

C. Lateral Location. Considerations of traffic safety make it necessary to prevent the placement of physical obstructions or fixtures that may constitute collision hazards immediately adjacent to the main traveled way of a highway. These areas, called "clear zones," typically extend to 30 feet (9.14 m) for conventional highways. Normally it is to be expected that the location of electronic variable-message signs will not involve conflict with established clear zones, since in practice all will be located outside of the right-of-way. Instances may occur in the densely developed urban environments, however, where recommended clear zones may extend beyond the right-of-way line. In such cases the need to reduce potential collision hazards indicates that standards for lateral location of on-premise electronic variable-message signs should apply the clear zone principle.

In addition to reducing the risk of roadside collision hazards, standards for lateral location should reduce the time that the drivers' attention is diverted from road and traffic conditions. Generally this suggests that signs should be located and angled so as

to reduce the need for a driver to turn his head to read them as he approaches and passes them.

Lateral location of CEVMS must give priority to maintaining clear zones that may be necessary for the existing terrain and highway geometric design. Selection of lateral locations beyond these clear zones should relate sight distance to the total length of a sign's information cycle, permitting the viewer to see the entire cycle by a series of glances. Necessary sight distance for lateral locations should not be provided by trimming, destroying, or removing trees or shrubbery from the right-of-way.

D. Interaction with Traffic Signs. Safety considerations require that traffic control devices and official directional signing have priority in the competition for motorists' attention while driving. One occurs where the design of commercial advertising signs in roadside areas makes it difficult to quickly identify and select out official signs from others near them.

These situations were recognized in the Regional Standards for regulating outdoor advertising signs adjacent to the Interstate System, promulgated in 1960 under the Bonus law (23 FR 8793, Nov. 13, 1958, as amended). The pertinent excerpts from these standards are as follows:

Section 20.8(a) No sign may be permitted which attempts or appears to attempt to direct the movement of traffic or which interferes with, imitates, or resembles any official traffic sign, signal, or device.

Section 20.8(b) No sign may be permitted which prevents the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.

These general provisions, applicable to both on-premise and off-premise outdoor advertising signs, are as necessary in the regulation of CEVMS as for conventional advertising signs. In determining when the design of advertising signs is similar to official signs, authoritative standards and specifications are furnished by the *Manual of Uniform Traffic Control Devices*. Determination of when the view of an official sign is obstructed or interfered with is an engineering judgment based on the circumstances of each situation.

E. Duration of Message On-Time. The length of time that the full text of a message is visible to view is directly related to the ease with which a motorist can comprehend it without interfering with his driving task. The longer a message is displayed, the more opportunity a motorist has to choose the moment when he can best divert his attention from driving to read a roadside commercial sign.

Selection of a reasonable minimum standard for the duration of message "on-time" should be correlated with the length of the message or message element. Experience of state highway agencies using electronic variable message signs for road and weather information on Interstate System highways indicates that comprehension of a message displayed on a panel of three lines having a maximum of 20 characters per line is best when the on-time is 15 seconds. In contrast, the customary practice of signing which merely displays time and temperature is to have shorter on-times of 3 to 4 seconds.

F. Duration of Message Off-Time. The interval of time between sequential displays of messages or message elements directly affects the ease with which a motorist-viewer can comprehend a series of messages or message elements. As this interval of "off-time" is lengthened, the difficulty of maintaining the continuity of attention and comprehension is increased. In prescribing an operational standard, an interval should be selected which provides optimum conditions for comprehension without creating time-sharing demands that jeopardize the priority of attention to driving tasks.

G. Duration of Message Change Interval. This issue is closely related to several others discussed in this chapter, including: rate of intensity or contrast change (which is incorporated herein); flashing signs and lights; and animation and message flow. It should be the intent of any regulations to bar those uses of CEVMS that may distract or overload the driver, while not prohibiting the changing of messages on such signs at reasonable intervals.

For purposes of this discussion, the "message change interval" is that portion of the complete information cycle commencing when message "one" falls below the threshold of legibility and ending when message "two" in a sequence first reaches the threshold of legibility.

Present technology makes it possible for a displayed message to be removed from the sign face and a new message displayed in its place (with a blank period of predetermined length between the two) in such a brief overall time that the entire operation is barely perceptible by the human observer, particularly a driver in a moving vehicle. On the other hand, the same technology can be employed so that the time taken to present or remove a message can be extended. This can be achieved in several ways. For example, a multiword message can be "written on" or "erased from" the display face one character or word at a time rather than all at once. Second, on a sign capable of displaying message movement or animation, the first message can be moving across the sign while a new message is also moving in to take its place. Third, the illumination and/or contrast of the message can be varied so that one message appears to fade or dissolve into the subsequent one.

Control of the message change interval should be regulated to ensure that this interval is not obtrusive regardless of the technique utilized to effect the change. In other words, if the message change is accomplished by a change in illumination intensity, this change must be accomplished in the shortest possible time permitted by the system hardware and software, with the further restriction that no discrete messages will ever overlap on the display, nor would one message ever appear to gradually fade or dissolve into the next. Likewise, regulations should ensure that no message would appear to be written on or erased from the display piecemeal, i.e., less than the entire message at once. If such a partial image-change technique is required by a particular control system technology, a maximum time limit should be set for the complete message change such that the passing motorist is unable to read (and is not "compelled" to try to read) the message during the change. It is suggested that the figure commonly used as a measure of average glance duration, 0.3 second, be used here as a maximum permissible message change time limit. . . .

H. Total Length of Information Cycle. The goal being sought in the regulation of the information cycle length is that of allowing the passing motorist to comfortably read the entire message without an excessive added burden to his information processing workload; and of minimizing the sense of anticipation felt by the motorist while waiting to see what the next display will be, which could compel the driver to fix his attention on the variable message sign at the expense of his other tasks.

Information cycle length can be a function of the type of sign used and the nature of the information being transmitted, as well as the actual amount of material to be communicated. At one extreme is the unchanging, fixed message sign. In this case there is no information cycle per se, so the driver may read the sign when it is most convenient for him, provided his transit time is long enough for the text length. The simplest sign that may be regarded as having a measurable information cycle is that of the two-message alternating display. The most common form of this is the time and temperature sign. . . .

Clearly, this type of sign can have its information cycle length extended by the addition of a third message (e.g. the name of the business providing the sign), or by increasing the complexity of the present message (perhaps by displaying temperature in both degrees Fahrenheit and centigrade). Adding to the message complexity requires a longer time commitment by the driver to read and interpret the sign. Adding an additional message not only increases this time commitment, but increases the compelling characteristic of the sign as well. This situation is exacerbated with the type of sign in which several sequential displays are required to form one thought. Here, the motorist's compulsion to attend to the sign is greatly increased due to the psychological difficulty of leaving a task when it is incomplete. (This phenomenon is well documented in the psychological literature and is known as the Zeigarnik effect.) The famous "Burma Shave" signs were early examples of the commercially successful use of this concept. . . .

A different problem arises in the case of a sign where many independent messages are displayed sequentially. This might commonly occur in a regional shopping center, where the management erects an electronic, variable message sign and grants each member business "equal time." . . . When many merchants are involved, it is impossible to display every message in the short time that the sign is readable to the passing motorist. In order to minimize the compelling nature of the display caused by the driver's desire to read every message, and to prevent the motorist from committing potentially unsafe driving acts (drastic speed reduction, lane change, etc.) in a (possibly) futile attempt to do so, it becomes necessary to extend the total information cycle by con-

straining the message change interval at the low end. Specifically, it should be required that each message be held on display long enough for the sign to appear to be unchanging to any given motorist. While there is a high likelihood that a message change will occur within a particular motorist's field of view, the compelling qualities of the display will be minimized due to the long message "on-time" coupled with the fact that any one motorist will see at most one such message during a particular trip.

A worst-case condition occurs with a running message sign, in which the display is capable of continuous movement, and cannot be said to have a finite length. . . . As discussed in section K of this chapter, it is recommended that such signs be prohibited in those areas controlled under the Highway Beautification Act, as amended.

It should be noted that certain types of signs might possess information cycles even though their actual messages do not change. . . . The preprogrammed changes of color, pattern, and sequence of their lamps, however, effectively create information cycles. In the case of the Uniroyal sign, this information cycle lasts four hours. Clearly, any signs that have an information cycle but do not change messages should not be permitted on the roadside.

In summary, signs that are capable of displaying motion or animation, and signs that display information cycles without changing the texts of their messages, should be prohibited under the Highway Beautification Act amendments. Those signs on which many independent messages are displayed sequentially should maintain a minimum "on-time" for each message calculated to be such that a motorist traveling the affected road at the 85th percentile speed would be able to read not more than one complete or two partial messages in the time required to approach and pass the sign. In no case, however, should this on-time be less than four seconds. Since the average glance duration is generally accepted to be 0.3 second, a display time per message of four seconds would require less than 10 percent of the driver's available visual search time. A shorter display time could be too demanding when there are more competing needs for the motorist's attention.

In the case of signs on which a complete message requires several sequential partial presentations the situation is more complex, but formulae can readily be derived to compute acceptable ranges of total information cycle lengths for different highway/traffic/signing conditions. For any chosen vehicle speed, sign size, and distance from the road, a total information cycle time (taking into account message "on," "off," and "change" time) could be derived from knowledge of the number of display changes required, and the number of words and lines per display. Since the display details will obviously change over time, the regulation should be based upon a hypothetical worst case, and should incorporate such stipulations into its text. Any formula to be developed for this type of sign would have as its criterion the capability for a motorist, driving at the 85th percentile speed, to read the sign's entire message (within certain limits) without any undue increase in his processing workload. This goal would have to be met no matter where in the display cycle the motorist was first able to read the sign.

It is believed that, if the driver is given sufficient time to read the complete message, and can be reassured that he has, in fact, seen the entire display, he will be less compelled to continue looking at the sign with a possible adverse impact on his driving performance. By extension, when the series of sequential messages is too long for a passing motorist to read, the potential compulsion should be minimized by greatly extending the display change cycle as discussed above. And, in those cases where the display changes without a change of message, or where a message has the capability of continuous motion, the compulsion should be avoided by banning the signs from the roadside.

I. Rate of Intensity or Contrast Change. Refer to **Duration of Message Change Interval**.

J. Flashing Signs and Lights. The critical parameters for a sign or light to be designated as flashing concern the relative durations of the "on" and "off" phases of the signal, the pattern of these phases, the rise and decay time required for the signal to achieve maximum and minimum intensity, respectively, and the relative brightness of the "on" and "off" signal phases. In fact, a sign or lamp need not be completely extinguished between "on" phases to be designated as flashing. A perceptible change of brightness between the "on" and "off" phases is sufficient. The issues of signal brightness and contrast will be dealt with in another section. For the purpose of defining the operational use of the term "flashing" it does not matter whether the sign displays the

same message repeatedly or if the message changes periodically or with each cycle. The main factor of concern is the attention-getting nature of the signal, as governed by its flashing characteristic, which, intentionally or not, can capture and hold the motorist's attention even before he can read the message.

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The objective of any regulation governing flashing signs or lights for roadside commercial use should be to minimize the likelihood of potentially hazardous attention-getting or distracting properties, while permitting signs which present messages which can change over time. The safety goal is to permit the messages to be changed in an unobtrusive manner, so as to avoid introducing a novel or distracting visual element into the driver's perceptible environment.

To this end it is suggested that any commercial sign visible from the highway be specifically prohibited from flashing (as defined below) if it displays a message of unchanging text. The illumination of or within such a sign should be regulated to permit a maximum of two "on" and "off" phases within any 24-hour period, unless such illumination is controlled by a device that senses the outdoor, ambient illumination in the immediate vicinity of the sign. Such signs should be permitted to cycle on and off as the ambient illumination under natural conditions changes about a level as yet undefined. These two proposals may seem somewhat arbitrary, but they have been based upon analysis that considered daylight versus night conditions; weather; periods of rush-hour traffic; and business operating hours.

For all roadside commercial signs subject to regulation which present messages whose text changes over time, the safety goal of unobtrusive message changes can be met by optimizing two parameters: a) maximization of the length of the signal "on-time" as a percentage of the total cycle; and b) minimization of the flash rate or number of periods per unit time in which the signal is on. For example, a signal that is "on" 50 percent of the time (a 50 percent duty cycle) and has a flash rate of 10 cycles per minute would yield a display that is on for 3 seconds, off for 3 seconds, etc. Obviously, the goal of a near steady-state (non-flashing) signal can be achieved by maximizing the duty cycle to nearly 100 percent and minimizing the flash rate, possibly to a value of 3 per minute or less. A sign displaying a message requiring sequential displays, however, needs a flash rate high enough for the entire sequence to be read by the passing motorist without demanding an undue degree of the driver's attentional capacity. The duty cycle issue can be resolved easily (the "off-time" figure required to be as brief as the actual time required to replace one message with another by the system hardware and software in conjunction with minimum performance standards), but an acceptable flash rate must be based upon research through which the tradeoff between the motorist's ability to read the entire message and a flash-rate low enough to avoid excessive attentional attraction can be optimized empirically. The resolution of this issue will also have to take into account the maximum message length (total informational cycle) that the motorist is expected to read, and his compulsion to read the entire text.

An initial approach to this problem might proceed as follows. Assume that the goal is that the "average motorist" (one traveling at the 85th percentile speed, perhaps) be able to read a sign's complete message during a fixed percentage (perhaps 30 percent) of the time it will take him to travel from the point at which the sign's message is first legible until he passes it. Then the flash rate would be determined to be that subdivision of the total information cycle length that allows the entire message to be seen once in that time period. For further discussion of this issue refer to **H. Total Length of the Informational Cycle**.

K. Brightness and Contrast. Like the issue of letter and sign size discussed in a later section, the major parameters affecting sign legibility due to brightness and contrast are well documented in the human factors literature. . . . Under daytime conditions it is usually irrelevant to talk about a sign that is too bright or contains too much contrast. At night, however, this is not the case. Here, the range of brightness acceptable for sign legibility depends largely on ambient lighting conditions. Brightly lit urban areas, the glare of oncoming headlights, or competition from nearby illuminated signs can all interfere with the driver's ability to read the message on a particular sign. Worse, a commercial sign of brightness and/or contrast that is too high for the particular circumstances of its placement can lead to the driver's inability to read nearby official signs or can temporarily destroy his night vision (of importance for hazard detecting and seeing roadway delineation) under otherwise low illumination nighttime conditions. Thus, it is crucial that upper limits on

sign brightness and contrast be established for CEVMS in nighttime use. The advertiser should not be restricted on the low end of brightness or contrast under the reasonable assumption that he will take care to design a sign that meets at least the standards of good human factors practice for ease and comfort of reading.

...

Lighting engineers and designers speak of two phenomena which may be caused by excessive illumination, and which are closely related. These are disability glare (the more severe), and discomfort glare. The former often results in a reduction in contrast of the visual stimulus. . . ., and may adversely affect the driver's ability to read a sign; the latter, as its name implies, makes the sign reading task less pleasant, and may affect the effort which the driver will make to read a sign. Glare sources, some of which were mentioned above, will additionally impair seeing at night since they can change the eye's pupil size and its degree of dark adaptation. Obviously, a bright illuminated sign, or simply a sign of high luminance, may affect sign reading comfort or ability not only of its own message, but those of nearby signs and road markings as well. When it is remembered that a brightly lit advertising sign could act as a glare source, conceivably affecting the driver's ease of reading official signs and markings, it becomes clear why regulations establishing upper limits on CEVMS nighttime luminance must be set so as to avoid possible discomfort glare. Such limits are not easily defined, and should be subject to empirical validation.

L. Animation and Message Flow. The one characteristic of a sign or light bank, which has perhaps the greatest potential for motorist distraction as well as a dominant impact on the aesthetic environment, is motion or the illusion of motion of lights or other display features. Signs possessing such capabilities have been variously referred to as animated, chasing, scintillating, or traveling, among others. The unifying feature among them is the appearance of movement, either of lights themselves, or of letters, numbers, characters, or graphics that are often comprised of many individual light bulbs. The electronic, remote control of the displayed image which is a hallmark of the type of signs addressed in this report, coupled with the programmable features of the state-of-the-art display technology being discussed, permit such signs to offer animation and message flow quite readily. Such signs can be visually captivating, and their traditional use on movie theatres, the Las Vegas and Times Square commercial strips, and, increasingly, on major sports stadium scoreboards emphasizes this point. Clearly, however, they have no place on or alongside our Nation's highways, where their very advantages can cause a serious problem of distraction of attention from the driver's task. It is recommended that signs that convey an appearance of movement or animation in any form should not be permitted in those areas controlled by the Highway Beautification Act, as amended.

Specifically excluded from this section, and addressed in other sections of this chapter, are signs in which the message may be changed, electronically or mechanically, by the appearance of complete substitution or replacement of one display by another, but in which the appearance of movement during message display, or of messages appearing to move across the display face, is not present. The distinction being made is that of a changeable message display, in which a message being presented is visually removed and then replaced with another, versus an animated, moving, or dissolving display in which part or all of a message displayed on the sign appears to move during the time it is intended to be read.

M. Size of Sign and Lettering. It is not the function of this report to prescribe to the advertising industry the optimum human factors display characteristics for their products. Yet, with regard to choice of character size, spacing, and typeface used on CEVMS visible from the highway, the goals of the highway safety specialist are closely aligned with those of the advertiser. The reason for this is straightforward. In order for the advertiser's message to be conveyed to the motorist quickly, clearly, and unambiguously, the display should be designed with full understanding of the constraints imposed by vehicle speed and vibration, diverse lighting and weather conditions, and the need for driver time-sharing among simultaneous, competing tasks. As the readability of a particular display is degraded, the likelihood of the message being completely and accurately read and understood diminishes. This is because the motorist will require more of his already limited time to read the sign because he begins to read it later than he otherwise would, or because he chooses to ignore it rather than struggle to read it.

Accordingly, commercial sign display characteristics relating to sign size and to character size, spacing, and typeface should be chosen with the guidance of one of the many excellent human factors design guidelines available for this purpose—with careful attention paid to environmental constraints under which signs will often have to be read.

Of course, it is entirely possible to erect a sign of a size and with characters so large that readability is no problem. On the other hand, such a sign would be likely to create potential for motorist distraction, and would probably be judged as more deleterious to the aesthetic environment as well. Thus, where existing regulations do not apply it will be necessary to develop guidelines for maximum limitations on sign and character size for commercial electronic variable message signs.

N. Primacy of Information. Traffic safety and human factors research indicate that priorities must be maintained in providing information to motorists while they are driving. In regulating display of information in roadside areas, primacy must be given to messages that relate directly to driving tasks and coping with traffic situations. This principle has been referred to earlier in the recommended regulation of longitudinal location of CEVMS in order to reduce the risk of driver distraction in the vicinity of interchanges, intersections, and other major driving decision points, and in the recommended location of such signs so as to avoid interference with the easy identification and recognition of traffic control devices.

Application of the principle of primacy to the problem of assuring the necessary functional balance of information displayed in roadside areas involves regulating the message content of signage. Traditionally, on-premise signage has been used for a wide variety of purposes, including identification of a business site, advertising goods or services for sale, entertaining viewers or providing public service information, and giving directions into and about the business site.

Electronic variable-message signs are capable of all of these uses. The necessity for primacy of information responsive to motorist's information and direction-finding needs suggests that their use should concentrate on messages that identify business sites, give directions into the site and its facilities (parking and loading areas, internal circulation pattern), goods or services available, and other information necessary to use the site (e.g., hours of operation).

The principle of primacy of information is recognized in the Highway Beautification Act's provisions for assuring that adequate directional signing and travel information are available to motorists. It is also applied in Federal Regulations regarding priorities for removal of nonconforming signs, and in standards that prohibit in certain locations the display of information not related to motorist needs or traffic operations. But while relevant legislation and court decisions appear to be broad enough to permit promulgation of standards requiring CEVMS to give primacy to certain types of information, the problem of enforcing such standards is formidable. The ease with which CEVMS information displays can be changed, in some cases almost instantaneously, means that compliance with primacy standards must rely almost entirely on the self-restraint of individual sign owners and operators. While a sign operator's record of responsibility in this matter might be considered a relevant factor in determining fitness for a license to display a CEVMS, the day-to-day detection and correction of failures to observe information primacy principles is clearly a difficult administrative aspect of this matter.

O. Maintenance Requirements. Since the communication function of CEVMS requires that mechanical, electrical, and electronic elements be maintained in proper operating condition, it is essential that standards for such signage include a requirement that they shall be maintained in good repair at all times.

Where light bulbs comprising part of a message display are not working, they can present an unintelligible pattern that frustrates the viewer's expectations and holds his attention for longer than normal recognition and comprehension time. For motorist viewers this may be a particular safety hazard under certain traffic conditions. Similar risks may result where the message display panel uses mechanical devices or is controlled by electronic means and these elements malfunction.

The CEVMS cabinet should receive regular maintenance, and repair or replacement when needed, since this housing may affect both the operational and aesthetic aspects of the sign. Cabinets that are not weather proof obviously increase the risk that mechanical, electrical, and electronic elements of the sign will be exposed to damage or deterioration. Also, when the exterior appearance of a cabinet is allowed to deteriorate it

becomes an unattractive feature of the roadside environment, reflecting an unfavorable impression of both the sign site and its advertiser.

Standards may reasonably require that signs shall be kept in good operating condition and external appearance, and such standards are not invalid due to vagueness merely because they fail to specify the particular maintenance or repair measures that must be taken by sign owners. Moreover, such standards may also reasonably provide that failure to keep signs in good operating condition or external appearance will be a basis for forfeiture of permission for operation of such a sign.

NEEDED RESEARCH

A series of three research studies is recommended in order to obtain definitive answers to those safety and environmental questions raised in the body of the report, which, after prolonged debate in the research literature, still are not settled. The three questions, which correspond to the three research studies to be described below, can be broadly summarized as follows:

1. Is there a demonstrable relationship between the presence of roadside commercial advertising signs in general and CEVMS in particular, and driver distraction, information processing ability, or workload?
2. If the answer to question 1 is yes, can those features and other characteristics of signs . . . which are thought to contribute to this established relationship can be empirically identified, and can the critical parameters of each contributing feature be specified?
3. Through empirical testing, can a relationship be demonstrated between roadside commercial advertising signs, and specifically CEVMS, and the aesthetic impact of the roadside environment upon highway travelers and adjacent property users?

ISSUES IN THE REGULATION OF COMMERCIAL ELECTRONIC VARIABLE-MESSAGE SIGNAGE (CEVMS)

By Jerry Wachtel

The Federal-Aid Highway Beautification Act of 1965 prohibited signs that used flashing, intermittent or moving lights, or animated or moving parts. In November 1978, the U.S. Congress amended the Act to allow on-premise signs, displays, and devices "including those which may be changed at reasonable intervals by electronic process or remote control, and which provide public service information or advertise activities conducted on the property on which they are located."

Following the 1978 amendment, the Federal Highway Administration (FHWA) undertook a study about the safety and aesthetic impact of these signs, which came to be known as Commercial Electronic Variable-Message Signage (CEVMS). FHWA requested the study because Congress had left it to the agencies administering the law to conduct research that would refine the general criteria and specifications that Congress had set out for CEVMS use.

With regard to human factors and highway safety considerations, the report reached two principal conclusions, which are summarized below:

1. While some accident studies have reported a positive relationship between accidents, high driving-task demands, and the presence of roadside advertising, others have reached opposite conclusions. Because of the limitations of accident studies, the available evidence that can be drawn from them remains statistically insufficient to support or refute such a relationship. Some investigators, both prior and subsequent to the publication of the FHWA report, suggested that drivers are capable of exercising appropriate primacy by ignoring visual or other stimuli that are not essential to the driving task, such as CEVMS. Other research, however, including recent studies of driver distraction, indicates that drivers do not always engage in appropriate primacy behavior.



2. The substantial flexibility of display possessed by CEVMS makes it possible to use such signs in ways that can attract drivers' attention at greater distances, hold their attention longer, and deliver a wider variety of information and image stimuli than is possible by the use of conventional advertising signs. Use of this potential by advertisers seeking to reach an audience of highway users may increase the risk of overloading a driver's capacity to process important safety information and, consequently, increase the likelihood of driver error, particularly under road and traffic conditions in which drivers may already be stressed. Although the nature of these risks has been recognized in the research literature, the authors of the FHWA study suggested that further research was needed to quantify and categorize it. Those studies have never been conducted to the best of our knowledge.

Proponents of CEVMS hold that such technology can be operated in a manner that is quite different from traditional flashing, animated, scintillating, or moving message signs. Indeed, the adoption of such technology for use in official highway signs supports this view. The fact remains, however, that CEVMS uses technology that *can* be operated in a manner that is distracting. Therefore, issues of sign operation, location, and use, rather than the existence of the technology per se needs to be addressed by the highway safety community.

Issues in regulating CEVMS are complex. The best information available at this juncture is in Appendix A to this PAS Report, which takes excerpts directly from the 1980 FHWA report. These excerpts define the issues that local government needs to examine before regulating CEVMS. Table 4 from that report, included in Appendix A, will be especially helpful in addressing issues related to traffic safety and the visual environment for CEVMS.