

**CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN**

ORDINANCE NO. O-19-692

AN ORDINANCE TO AMEND ARTICLE II, DEFINITIONS, SECTION 204, ARTICLE XVIII, SIGNS, APPENDIX A, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN.

THE CITY OF OAK PARK, MICHIGAN ORDAINS:

SECTION 1. Article XVIII, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to replace Article XVIII with the following:

Article XVIII. – Signs

Sec. 1800. – Findings and Purpose.

- A. The purpose of this Article is to permit and regulate signs within the City so as to protect public safety, health and welfare; minimize abundance and size of signs to reduce visual clutter, motorist distraction, and loss of sight distance; promote public convenience; preserve property values; support and complement land use objectives as set forth in the City of Oak Park Master Plan and Zoning Ordinance; and enhance the aesthetic appearance and quality of life within the City. The standards contained herein are intended to be content neutral. This Article must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this Article is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this article which can be given effect without the invalid provision.
- B. It is hereby determined that proliferation of signs in the City is unduly distracting to motorists and pedestrians, creates a traffic hazard, and reduces the effectiveness of signs needed to direct and warn the public. Too many signs can overwhelm the senses, impair sightlines and vistas, create feelings of anxiety and dismay, affect the tranquility of residential areas, impair aesthetics and degrade the quality of a community.
- C. It is also determined that the appearance of the City is marred by proliferation of signs.
- D. It is also determined that proliferation of signs negatively affects property values. This Ordinance promotes safe, well-maintained, vibrant and attractive residential and business

neighborhoods while accommodating the need for signs to function for the purposes for which they are intended.

- E. It is also determined that the individual user's rights to convey a message must be balanced against the public's right to be free of signs which unreasonably compete with one another, distract drivers and pedestrians, and create safety concerns and confusion. This Ordinance is intended to balance the individual user's desire to attract attention with the citizens' right to be free of unreasonable distractions.
- F. It is also determined that proliferation of signs results in an inappropriate use of land. The purpose of this Ordinance is to control the occurrence and size of signs in order to reduce the aforementioned negative effects.
- G. It is further determined that off-premise signs are unduly distracting to motorists and residents because of the periodic changing of the message on such signs and because such signs are generally larger and are predominantly located along busy highways where several businesses are located in close proximity to each other, thereby posing a greater risk to the City's interest in traffic safety and aesthetics. Additionally, off-premises signs can also deter the redevelopment of a parcel or limit the redevelopment potential of a site due to extended lease periods for off-premises signs.
- H. It is further determined a proliferation of off-premise signs creates confusion and the perception of visual clutter in conflict with one of the goals and themes of this ordinance.
- I. These objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the City to:
 - 1. Recognize that the proliferation of signs is unduly distracting to motorists and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.
 - 2. Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
 - 3. Reduce visual pollution and physical obstructions caused by a proliferation of signs which would diminish the City's image, property values and quality of life.

4. Assist the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.
5. Prevent placement of signs which will conceal or obscure signs of adjacent uses.
6. Prevent off-premise signs from conflicting with other allowed land uses.
7. Maintain and improve the image of the City by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings. This includes preventing light trespass onto adjacent properties.
8. Prohibit portable signs in recognition of their significant negative impact on traffic safety and aesthetics.
9. Preserve and enhance the image of the City.

Sec. 1801. – Sign definitions.

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

Animated Sign: A sign which uses lights, moving parts, or other means to depict movement, motion, action, the impression or appearance thereof, or create an image of a living creature or person.

Awning Sign: A non-rigid fabric marquee or awning-type structure, which is attached to the building by supporting framework.

Blade Sign: A sign which is oriented perpendicular to the building facade and which is suspended under a bracket, armature, or other mounting device.

Business Center: A grouping of two (2) or more business establishments on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses. A business center shall be considered one (1) use for the purposes of determining the maximum number of freestanding signs. An automobile or vehicle dealership shall be considered a business center regardless of the number or type of models or makes available, however, used vehicle sales

shall be considered a separate use in determining the maximum number of signs, provided that the used vehicle sales section of the lot includes at least twenty-five percent (25%) of the available sales area.

Canopy Sign: A structure other than an awning affixed to a building and carried by a frame which is supported by the ground.

Device Sign: Permanent signs on vending machines, gas pumps, ice containers and similar items indicating only the contents of such devices.

Directional Sign: A sign which assists motorists in determining or confirming a correct route such as, enter, exit and parking signs.

Electronic messaging sign: A sign, or portion thereof, that displays electronic, static images, static graphics or static pictures, with or without textual information. Such a sign can be changed or altered by electronic means on a fixed display screen composed of a series of lights including light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the display area where the message is displayed. Electronic messaging signs include computer programmable microprocessor controlled electronic or digital displays, and shall not include animated images or graphics, audio components, scrolling messages, or video moving images similar to television images.

Entranceway Sign: A sign which marks the entrance to an apartment complex, condominium development, senior housing complexes, manufactured housing communities, office and industrial parks and similar uses.

Flashing Sign: A sign which contains an intermittent or sequential flashing light source including color and intensity.

Freestanding Sign: A sign supported by one or more uprights, poles or braces placed in the ground surface and not attached to any building or other structure. Freestanding signs may include monument, pylon, and pole-type signs.

Government Sign: A government sign is a sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or

maintained by the federal, state or local government either directly or to enforce a property owner's rights.

Human sign: A sign held by or attached to a human for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service or product. This can also include a person dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service or product.

Illegal Sign: A sign which does not meet the requirements of this Article and does not have legal non- conforming status.

Incidental Sign: A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, and signs providing information on credit cards and business affiliations.

Mansard: A sloped roof or roof-like facade. Signs mounted on the face of a mansard roof shall be considered wall signs.

Marquee: A permanent roof-like structure or canopy, supported by and extending from the face of the building.

Memorial Sign or Tablet: A sign having the name of the building and/or the date of erection and cut, cast or engraved into a masonry or metal surface and made an integral part of the structure.

Moving Sign: A sign, in which the sign itself or any portion of the sign moves or revolves. "Rotating signs" and "feather signs" are types of moving signs. This definition does not include "electronic message or animated signs."

Mural (art): is a design or representation which does not contain promotional or commercial advertising painted or drawn on a wall.

Mural (limited reference art mural): is 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.

Nameplate: A non-electric, on premise identification sign.

Non-conforming Sign: A sign that does not comply with the size, placement, construction or other standards or regulations of this Article, but were lawfully established prior to its adoption. Signs for which the Zoning Board of Appeals has granted a variance are exempt and shall not be defined as non- conforming.

Obsolete Sign: A sign for a business or use that has closed.

Off-Premise Sign: A sign which identifies a use, directs travelers, provides a message or advertises products and services not available on the site or parcel on which the sign is located.

Portable Sign: A sign designed to be moved from place to place, whether or not it is permanently attached to the ground or structure. This includes hot-air and gas-filled balloons, pennants, streamers, festoons, ribbons, tinsel, pinwheels, non-government flags, and searchlights and signs mounted on a portable structure including those with wheels.

Regulatory Sign: A sign installed by a public agency to direct traffic flow, regulate traffic operations and provide information in conformance with the Michigan Manual of Uniform Traffic Control Devices.

Roof Sign: Any sign that extends above the roofline or is erected over the surface of the roof.

Sandwich Board Sign: Also known as a poster panel or "A" frame sign. A moveable nonpermanent sign placed within the pedestrian public right-of-way of a public sidewalk during regular business hours consisting of an "A" frame or "inverted T" frame or other temporary style, with not more than two flat surfaces containing messages, and not permanently affixed to any structure or to the sidewalk itself.

Sign: Any device, structure, fixture, figure, symbol, banner, pennant, flag, balloon, logo, or placard consisting of written copy, symbols, logos and/or graphics, designed for the purpose of conveying, bringing attention to, identifying or advertising an establishment, product, goods, services, or other message to the general public. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs which are visible from any public

street, sidewalk, alley, park, or public property, but not signs which are primarily visible to and directed at persons within the premises upon which the sign is located.

Snipe Sign: A snipe sign is a sign made on any material and attached to any object and having no application to the premises where located.

Temporary Sign: A sign not constructed or intended for long-term or permanent use. A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the City to be displayed for a limited time.

Vehicle Sign: Signs affixed to a parked vehicle or truck trailer which is being used principally for displaying a message, rather than for transportation purposes.

Wall Sign: A sign attached parallel to and extending not more than twelve (12) inches from the wall of a building. Painted signs, signs which consist of individual letters, cabinet signs, and signs on the face of a mansard roof, awning or canopy shall be considered wall signs. Permanent signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside shall also be considered wall signs.

Window display: Shall include any window area designated to permit customers outside the building to view merchandise inside a store or that displays store merchandise in a specially designed area immediately inside the window glass, whether or not the rest of the store interior is visible. Window displays are not considered signs.

Window Graphics: A type of window sign that is attached to a window and does not block visibility from inside the window but displays an image outside the window.

Window Sign: A sign located in or on a window which is intended to be viewed from the outside. Permanent window signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside shall be considered wall signs.

Sec. 1802. - Sign permit required.

Except as expressly provided in Section 1805, it shall be unlawful for any person to erect, alter, relocate, construct, display, install, change or cause to be constructed, displayed, installed, or changed, any sign or other structure designed to display a message within the city without first obtaining a sign permit from the city and payment of a fee provided for in this section.

Sec. 1803. - Permits and Application Procedure.

A. Application. Applications for permits to erect, construct, maintain, use, display, alter, convert, repair a sign shall be made upon forms provided for by the City. The applicant must provide sufficient information to determine if the proposed sign is allowed under this code and other applicable laws, regulations and ordinances. An application shall contain or have attached thereto the following information:

1. Name and telephone number of the applicant, property owner(s), and if applicable, the tenant(s) and occupant(s);
2. Location of building, structure, or lot to which the sign is to be attached or erected;
3. Three (3) drawings of the plans and specifications and method of construction and attachment to the building or in the ground;
4. Name and address of the person erecting the structure and any applicable licenses;
5. Any electrical permit required and issued for such sign;
6. Such other information as the Building Official, or his or her designee, may require showing full compliance with this and all other applicable laws of the City and the State.

B. Fees. A non-refundable application, permit, review and inspection fee shall be paid to the City for each permit and each temporary permit required by this Article as shall be set by resolution of the council from time to time.

C. Timing. The Building Official or designee shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within 21 days after receipt. If the application is rejected, the Building Official shall provide a list of the reasons for the rejection in writing.

Sec. 1804. - Applicability of state construction code.

- A. Except as otherwise indicated in this Article, the regulations of the state construction code as adopted by the city shall apply to signs. Where the provisions of this Article are more restrictive in respect to location, setback, use, size or height of signs, the limitations of this Article shall take precedence over the regulations of the state construction code.

Sec. 1805. – Exemptions to permitting.

- A. The following signs shall not require a permit provided such signs are outside of the public street right-of- way, are located to ensure adequate sight distance, and meet the requirements of Section 1805 of this ordinance:

1. Address signs. In all single-family zoning districts, such sign shall not exceed two (2) square feet in area. In all other zoning districts, such signs shall not exceed six (6) square feet in area.
2. Signs erected, maintained or otherwise posted, owned or leased by the federal government, State of Michigan or the City of Oak Park.
3. Construction signs meeting the size requirements for Temporary Signs under Section 1806 c.
4. Directory signs. A building with business occupants on the upper floors or the interior space on the first floor of a building may have a directory sign plaque not to exceed ten (10) square feet in area at the street entryway.
5. Essential service signs denoting utility lines, hazards and precautions or other similar information.
6. Flags:
 - a. Not to exceed three (3) per business premise; and
 - b. Not to exceed four (4) feet by six (6) feet.

- B. Historic markers.

- C. Incidental and device signs shall not exceed a total of two (2) square feet, a total of two (2) signs per business indicating acceptance of credit cards, the location of public telephones, restrooms, restrictions on smoking and restrictions on building entrances or

describing business affiliations and are attached to a permitted sign, exterior wall, building entrance, or window.

- D. Interior signs, including any sign which is located completely within an enclosed building, and which is not visible from outside the building or which is primarily directed at persons within the premises upon which the sign is located.
- E. Memorial signs or tablets not exceeding four (4) square feet in area, having the name of the building and/or the date of erection and cut, cast or engraved into a masonry or metal surface and made an integral part of the structure.
- F. Nameplates.
- G. Real estate signs and real estate open house signs meeting the requirements of Section 1806 (b).
- H. Real estate development signs meeting the requirements of Section 1806 (b), conditioned upon removal when the building or development is completed.
- I. Regulatory signs including traffic control and street identification signs.
- J. Vehicle signs.
- K. Warning signs that are publicly authorized, such as no trespassing, warning of electrical currents or animals provided such signs do not exceed two (2) square feet in area.

Sec. 1806. – General standards for permitted signs.

A. Sign Setbacks.

- 1. All signs, unless otherwise provided for in this Article, shall be set back a minimum of five (5) feet from any public or private street right-of-way line, access drive, in all zoning districts. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way, access drive, or sidewalk.
- 2. All nonresidential signs shall be set back at least one hundred (100) feet from any Residential District.

B. Design and Construction. Signs, as permitted in the various zoning districts, shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein.

C. Illumination.

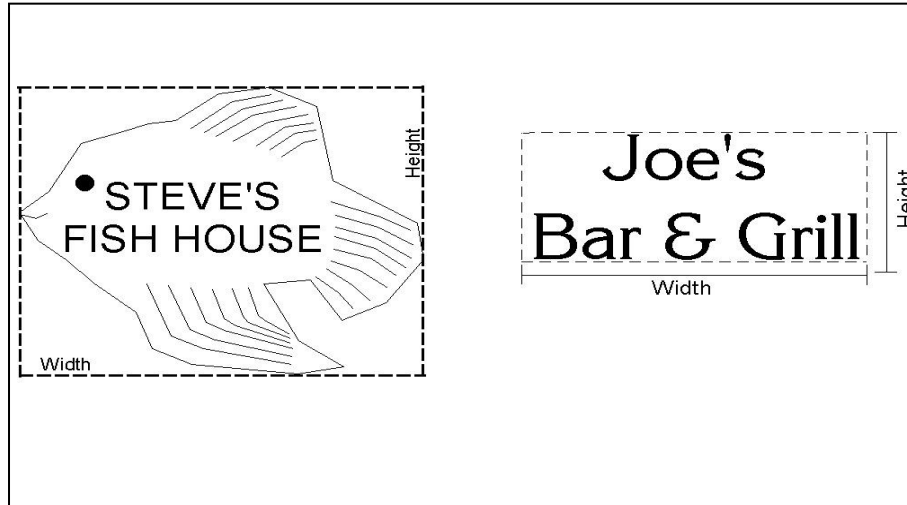
1. Signs may be illuminated, but only by steady, stationary, shielded light sources directed solely at the sign or internal to it.
2. Use of glaring undiffused lights, including bare bulbs, neon, or flames, is prohibited.
3. Lighting shall be shielded and/or pointed downward so as not to project onto adjoining properties or thoroughfares.

D. Maintenance and Construction. Every sign shall always be constructed and maintained in a manner consistent with the building code provisions and maintained in good structural condition. All signs shall be kept neatly painted, stained, sealed or preserved including all metal, wood or other materials used for parts and supports.

E. All signs, including any cables, guy wires, or supports shall have a minimum clearance of four (4) feet from any electric fixture, street light, or other public utility pole or standard.

F. Sign Area. Measurement of allowable sign area is as follows:

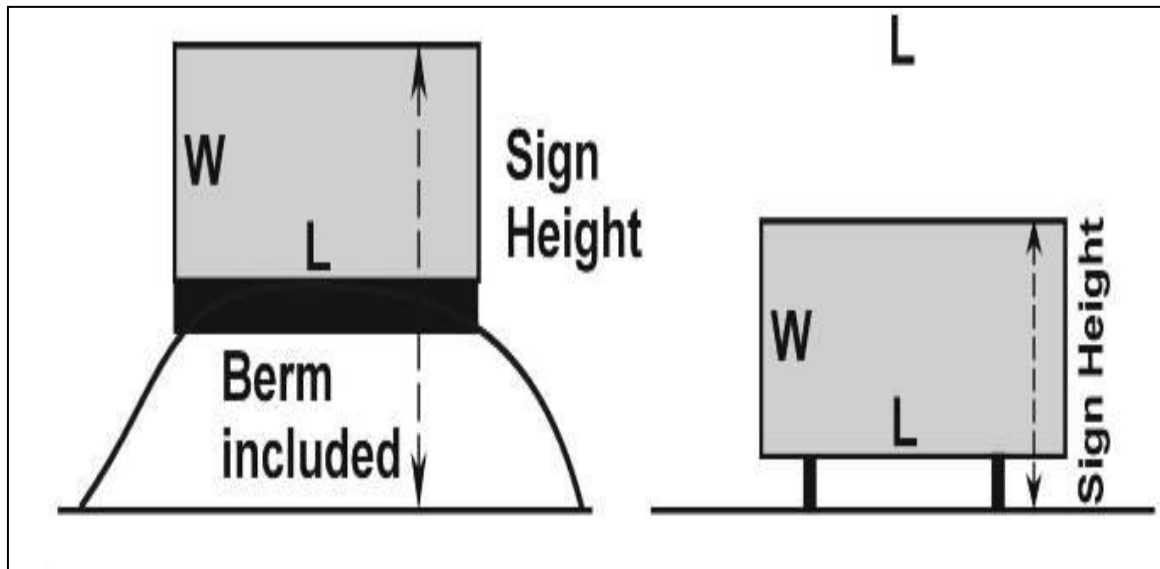
1. The allowable area for signs shall be measured by calculating the square footage of the sign face and any frame or base of other material or color forming an integral part of the display or used to differentiate it from the background against which it is placed as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle.
2. When a sign has two (2) or more faces, the area of all faces shall be included in calculating the area of the sign except that where two (2) such faces are placed back to back, only larger face shall be considered, provided that both faces are part of the same structure and are separated by no more than two (2) feet.



3. For purposes of calculating sign area allowed as a wall sign, the wall sign square footage shall be determined by measuring a parallelogram (box) which includes the portion of the awning or canopy which contains a message, symbol and/or logo.
4. When a sign consists solely of lettering or other sign elements printed, painted or mounted on a wall of a building without any distinguishing border, panel or background, the calculation for sign area shall be measured by enclosing the most protruding edges of the sign elements within a parallelogram or rectangle.

G. Sign Height.

1. The permitted height of all signs supported by the ground shall be measured from the average ground level within two feet of the base of the sign.
2. Sign height shall not be measured from an area of the ground that has been built-up or constructed in a manner that would have the effect of allowing a higher sign height than permitted by these regulations (e.g. the height of signs erected on a berm shall be measured from the average ground level within two feet of the base of the sign).



H. Replacement signs. When a sign is to be replaced, it shall thereafter conform to all requirements of this zoning ordinance. This shall not prevent the lawful continuance of nonconforming signs that were legally established prior to the current requirements of the zoning ordinance. The following provisions shall apply to replacement of panels and signs intended to update nonconforming signs:

1. The owner of a nonconforming sign may replace a panel or face of the sign in order to update the nonconforming sign or identify a new tenant or occupant from the same use category provided the sign is not enlarged or otherwise made more nonconforming. Approval of replacement panels may be granted by the building official.
2. The replacement of a nonconforming sign or signs with a sign that conforms to the current requirements of the zoning ordinance may be approved by the building official.

Sec. 1807. - Specific sign standards.

A. The number, display area, and height of signs within the various zoning districts are provided in the Sign Dimensional Standards and Regulations Table and its accompanying footnotes. Additional standards for specific types of signs are given below.

Sign Dimensional Standards and Regulations							
	WALL, CANOPY, OR AWNING		FREESTANDING SIGN			TEMPORARY SIGNS (c)	
DISTRICT	Number	Maximum Size Per Sign	Number	Maximum Size Per Sign	Maximum Height	Maximum Size Per Sign	Maximum Height
R-1, R-2	1	15% of front façade, a maximum of 120 s.f. for all uses other than single family residential units, duplexes, and attached condominiums	1	Maximum of 30 s.f. for all uses other than single family residential units, duplexes, and attached condominiums	6 Feet	Maximum of 30 s.f. for all uses other than single family residential units, duplexes, and attached condominiums	Freestanding Sign Maximum Height is 6 feet
RM-1, RM-2, PMF	1	15% of front façade, a maximum of 120 s.f.	1	30 s.f.	6 feet	30 s.f.	Freestanding Sign Maximum Height is 6 feet
B-1, B-2, LI, O, PTRED, PCD, PUD, MX-1	1 per businesses (1)	15% of front façade, a maximum of 120 s.f. (2)	1 sign (3)	30 square feet for businesses fronting roadway of 35 m.p.h. or less (2), (4), (5)	6 feet (4)	30 s.f.	Freestanding Sign Maximum Height is 6 feet

Footnotes to the Sign Dimensional Standards and Regulations Table:

- (1) Businesses located on a corner lot shall be allowed up to one additional wall sign on the second front façade with an area not to exceed 30 square feet.
- (2) Businesses fronting roadways in excess of 35 m.p.h., the maximum allowable size is increased to 40 square feet.

- (3) For a commercial structure containing one (1) use or business establishment the size of the wall sign may be increased up to the maximum square footage as follows:

TABLE OF MAXIMUM ALLOWABLE WALL SIGN AREA, IN SQUARE FEET*			
Allowed in B-1, B-2, PTRED, PCD, PUD, O, L1, MX-1			
	Store Size In Square Feet		
Building Front Setback	Less than 10,000	10,001 to 50,000	Over 50,001
Over 200 feet	180	240	300
101—200 feet	150	180	240
0—100 feet	120	120	180
* In no instance shall the above table cause any wall sign to exceed 15 percent of the building front wall surface area.			

- (4) Freestanding Signs in Business Centers:

Business centers with frontage along 2 or more rights-of-way	Sign area shall be allowed along 2 frontages
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- (5) For business centers freestanding signs shall be permitted in accordance with the follow table:

TABLE OF MAXIMUM ALLOWABLE FREESTANDING SIGN AREA PER BUSINESS CENTER	Less than 10,000 square feet	10,001 to 50,000 square feet	Over 50,001 square feet
Maximum Height	15 Feet	22 Feet	24 Feet
Maximum Size	40 Square Feet	150 Square Feet	200 Square Feet

B. Temporary Signs

1. All temporary signs must comply with the sign size and height standards as specified in the Sign Dimensional Standards and Regulations Table.
2. Location of temporary signs shall comply with the following:
 - i. Temporary signs shall not be attached to any utility pole, tree, fence, or be located within any public right-of-way.
 - ii. Temporary signs shall not be erected in such a manner than they will or may reasonably be expected to interfere with, obstruct, confuse or mislead traffic.
 - iii. Temporary signs cannot be placed or constructed to create a hazard of any kind.
 - iv. Temporary signs may not be posted on private property without first obtaining the permission of the property owner.
 - v. Signs shall not be located within any clear vision triangle, as described in Section 1701.
 - vi. Each temporary commercial sign requires a permit. Not more than two temporary commercial sign permits may be issued to a business in a calendar year. Each temporary commercial sign permit is valid for no more than 60 days.
 - vii. Notwithstanding any other provision of this article, each parcel of property shall be allowed, without a permit, temporary non-commercial signage, not to exceed four signs at any one time, for a period not to exceed ninety days per calendar year.
- C. Window Signs. Window signs shall be permitted not to exceed 25% of the window area of the façade, including window graphics
- D. No wall sign shall extend above the roof or parapet of the structure to which it is attached.

Sec. 1808. - Additional sign standards.

- A. Directional Signs. No more than one (1) directional sign shall be permitted for each approved driveway, with a maximum sign area of four (4) square feet per sign, and a maximum height of four (4) feet. Any directional sign which includes a business name,

symbol or logo shall be calculated as part of the allowable wall or freestanding sign square footage, as specified in the Sign Dimensional Standards and Regulations Table.

B. Awning and Canopy Signs. Awnings and canopy signs may be used as an alternative to wall signs listed in the Sign Dimensional Standards and Regulations Table, if they meet the following standards:

1. Any sign area on awnings and canopy signs shall be included in calculations of maximum wall sign square footage.
2. Awnings and canopy signs in the B-1, Central Business District shall be set back at least two (2) feet from any street curb line, shall not extend more than six (6) feet over the public right-of-way, and shall leave a minimum clearance of eight (8) feet above the ground.
3. Awning and canopy signs, other than those in the B-1 District, shall have a minimum ground clearance of ten (10) feet, shall be set back at least six (6) feet from any public right-of-way, nor project over an alley or private access lane. A sign shall not extend for more than two (2) feet from the building to which it is attached.
4. No awning or canopy sign shall extend above the roof or parapet of the structure to which it is attached.
5. Wood posts or supporting arms shall not be used in conjunction with any awning or canopy sign, unless it is decorative in nature and part of the character of the sign.
6. Canopy signs shall not be internally illuminated and must be blackened out on the underside.

C. Blade sign: One non-illuminated blade sign oriented perpendicular to the building, no greater than four (4) square feet in size, extending no more than four (4) feet from the façade of the building and no lower than eight (8) feet above ground level. Blade signs shall be placed below the roofline of a single-story building or below the second floor of a multi-story building.

D. Entranceway signs. One (1) permanent sign per vehicular entrance identifying uses such as subdivisions, apartment complexes, condominium communities, senior housing complexes, manufactured housing communities, office and industrial parks and similar

uses, provided that the sign is set back a minimum of fifteen (15) feet from any property line or public right-of-way is permitted.

E. Electronic messaging signs. Electronic messaging signs shall meet the following standards:

1. An electronic messaging sign shall be permitted only as a portion of a freestanding sign. Electronic messaging signs are prohibited as wall, window and temporary signs.
2. The area of the electronic messaging display shall not exceed 20 square feet of the total sign face of a freestanding sign.
3. Messages on electronic messaging signs shall be displayed for a minimum of eight (8) seconds before changing.
4. The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and other electronic graphic or video display shall not blink, flash, rotate, scroll, change in illumination intensity, or otherwise change in outward appearance except when the electronic message or display is changed to another message or display. When an electronic message changes, the prior message shall disappear simultaneously with the appearance of the new message. Electronic displays with white backgrounds are prohibited.
5. An electronic messaging sign shall be equipped with an automatic dimmer control capable of providing a distinct illumination change from a higher illumination level to a lower illumination level. The illumination level of the sign shall be reduced during the time period from one-half hour before sunset to one-half hour after sunrise.
6. Audio speakers are not permitted on any electronic messaging sign.
7. A malfunctioning electronic messaging sign shall be turned off or shall display a blank screen until repaired.
8. No electronic messaging sign shall be allowed within 100 feet of a residential zone from which it is visible. An electronic messaging sign which is visible from a residential district may operate only between the hours of 6:00 a.m. and 10:00 p.m.

F. Sandwich Board Signs. Sandwich board or portable A-frame signs are permitted in the B-1, B-2, PCD and MX-1 Districts at the customer building entrances to businesses subject to the following requirements:

1. One (1) sign per customer entrance shall be permitted regardless of the number of tenants on the premises.
2. The sign is permitted only during operating business hours and must be stored inside when the establishment is not open to the general public.
3. Each sign shall not exceed an overall height of forty-two (42) inches and an overall width of twenty-four (24) inches.
4. The sign must be located adjacent to the building; no more than ten (10) feet from the customer entrance to the business, be a minimum of two (2) feet from the edge of the curb, and be located so that at least a five (5) foot wide sidewalk is maintained.
5. No sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.
6. All signs must be constructed of weather-proof, durable material and kept in good repair.
7. The sign shall not be illuminated in any manner.
8. Sandwich board signs within the public right-of-way may be moved/removed by the city for municipal purposes (i.e. code enforcement, snow removal, traffic issues, maintenance, etc.)

Sec.1809. – Prohibited signs.

A. The following signs are prohibited in all districts:

1. Signs which obstruct free access or egress from any building, including those that obstruct any fire escape, required exit way, window, or door opening or that prevent free access to the roof by firefighters.
2. Any sign within the Clear Vision Area as specified in Section 1701.
3. Moving Signs.
4. Animated signs.
5. Pennants, strings of flags, spinners, streamers, balloons, and inflatable signs.

6. Human signs.
7. Signs which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals; there shall be no flashing, oscillating or intermittent, or red, yellow, or green illumination on any sign located in the same line of vision as a traffic control system, nor interference with vision clearance along any highway, street, or road or at any intersection of two (2) or more streets.
8. Signs which obstruct or impair the vision of motorists or non-motorized travelers on any roadway or at any intersection, driveway, within a parking lot or loading area.
9. Snipe signs, including non-regulatory signs placed in any public right-of-way, as well as those attached to a utility pole, affixed to a tree, street furniture, fences, or waste receptacle.
10. Roof signs.
11. Portable signs.
12. Obsolete signs and any sign or sign structure which is structurally or electrically unsafe.
13. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment.
14. Is not kept in good repair, such that it has broken parts, missing letters, or non-operational lights.
15. Flashing Signs which incorporate in any manner or are illuminated by any flashing or moving lights.
16. Any sign which makes use of the words "Stop", "Look", or "Danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.
17. Exterior string lights used in connection with a commercial premise, other than holiday decorations associated with a nationally recognized holiday.
18. Any sign not expressly permitted.

Sec. 1810. - Non-conforming signs.

A. It is the intent of this Article to bring about, in an expeditious and timely manner, the eventual elimination of signs and their supporting structures that are not in conformity with the provisions of this Article. Nonconforming signs are those signs that do not comply with the size, placement, construction or other standards or regulations of this Article, but were lawfully established prior to its adoption. Signs for which the Zoning Board of Appeals has granted a variance are exempt and shall not be defined as nonconforming. The following provisions apply to nonconforming signs, including the replacement of nonconforming signs with less nonconforming signs to encourage a quicker upgrade. A nonconforming sign may be continued and shall be maintained in good condition as described elsewhere in this Article, however, the following alterations are regulated:

1. A nonconforming sign shall not be structurally altered so as to prolong the life of the sign or to change the shape, size, type or design of the sign unless the change shall make the sign conforming.
2. A nonconforming sign shall not be replaced by another nonconforming sign.
3. A nonconforming sign shall not be re-established after damage or destruction if the estimated expense of reconstruction exceeds fifty percent (50%) percent of the appraised replacement cost as determined by the Building Official or if fifty percent (50%) or more of the face of the sign is damaged or destroyed.
4. A nonconforming sign shall not be re-established after the activity, business or usage to which it relates has been discontinued for a period of 90 days or longer as defined in Section 1810, Dangerous, Unsafe, Abandoned, and Illegally Erected Signs.

Sec. 1811. – Dangerous, unsafe, abandoned, and illegally erected signs.

- A. Dangerous Signs. Any sign constituting an immediate hazard to health or safety shall be deemed a nuisance per se and may be immediately removed by the City without notice and the cost thereof charged against the owner of the property on which it was installed.
- B. Unsafe Signs. Any sign that becomes insecure, in danger of falling, or otherwise unsafe but not considered an immediate danger by the Building Official to the health or safety of

the public shall be removed or repaired within thirty (30) days after written notice from the City Building Official.

- C. Abandoned Signs. Permanent signs applicable to a business suspended by a change in ownership or management shall not be deemed abandoned unless the structure remains vacant for at least six (6) months. An abandoned sign shall be removed by the owner or lessee of the premises within ten (10) days after written notice from the City Building Official
- D. Illegally Erected Signs: Any sign erected or displayed illegally in violation of this Section shall be removed or made to comply with this Section within ten (10) days after written notice from the City Building Official.

Sec. – 1812. License and Insurance

Every person who engages in the business of erecting, altering or dismantling signs in the City shall first submit proof of appropriate licenses and a liability insurance policy that indemnifies the City and its prior, present and future officials, representatives and employees from all damage suits or actions of every nature brought or claimed against the erector for injuries or damages to persons or property sustained by any person or persons through any act of omission or negligence of said erector, his servants, agents or employees. Said policy shall contain a clause whereby it cannot be canceled or changed until after written notice has been filed with the City Building Department at least thirty (30) days prior to the date of cancellation. The Building Official shall issue a permit for the sign upon determining that the proposed sign meets the provisions, standards and regulations of this Division and any other applicable City Ordinance and after payment of the prescribed fees and deposit.

Sec. 1813. – Administration, enforcement, violations, and penalties.

- A. Generally. The regulations of this Article shall be administered and enforced by the building official.
- B. Violations. It shall be unlawful for any person to erect, construct, maintain, use, display, enlarge, alter, convert, repair, or move, any sign in the City, or cause or permit the same

to be done, contrary to or in violation of any of the provisions, standards and regulations of this Article.

Each act of violation, and on each day upon which any such violation shall occur, shall constitute a separate offense.

- C. Public Nuisance Per Se. Any sign erected, constructed, maintained, used, displayed, enlarged, altered, converted, repaired, or moved in violation of any of the provisions, standards, and regulations of this Article, including the failure to remove a sign when directed under the authority of this Article, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction,
- D. Municipal Civil Infraction. Any person, firm or corporation determined to have violated or been in violation of the provisions, standards or regulations of this Article shall be responsible for a municipal civil infraction and subject to the penalties and provisions contained in the City's Code of Ordinances.
- E. Other Relief.
 - 1. In addition to the remedies otherwise provided for, the City may remove and dispose of an unlawful sign on public property.
 - 2. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the Judge or Magistrate shall be authorized to issue any judgment, writ or order necessary to enforce or enjoin violation of this Article.
 - 3. In addition to any remedies provided for by the Code of Ordinances, any equitable or other remedies available may be sought and granted.

Sec. 1814. – Variances.

- A. Appeals. Appeal from the ruling of any officer, department, board or bureau of the City, including the Building Official, concerning the enforcement of the provisions, standards and regulations of this Article may be made by any aggrieved party within thirty (30)

days of the ruling to the Zoning Board of Appeals, sitting as an administrative appeal board under this Article.

- B. Variances. Apart from requests for variances for multi-tenant ground signs as contemplated in Section 470, which shall be considered by the Planning Commission, the Zoning Board of Appeals shall have the authority to grant variances from the requirements of this Article according to the criteria in Section 1814(c). In deciding on whether a practical difficulty exists, the Board may also consider the following for sign variance requests.
- C. In determining whether a variance is appropriate, the Zoning Board of Appeals shall study the sign proposal, consider conformity with the provisions of this Article, including its purpose as set forth in Section 1800, and considering any extraordinary circumstances, such as those listed below, that would cause practical difficulty in complying with the sign standards.
- D. In granting a variance the Zoning Board of Appeals may attach such conditions regarding the location, character, and other features of the proposed sign as it may deem reasonable. In granting or denying a variance, the Zoning Board of Appeals shall state the grounds and findings upon which it justifies granting or denying the variance based on the following criteria.
- E. Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course.
- F. Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.

Sec. 1815. – Substitution clause.

Notwithstanding any provision, standard, or regulation in this Article to the contrary, a noncommercial message may be substituted, in whole or in part, for any commercial message on any sign permitted pursuant to this Article. If a noncommercial message is substituted, the sign must still comply with the provisions, standards, and regulations of this Article applicable to the original sign prior to any substitution. The purpose of this provision is to prevent any

inadvertent favoring of commercial speech or messages over noncommercial speech or messages.

Sec. 1816. – Severability clause.

If any provision, standard, or regulation of this Article, or the application thereof to any person or circumstance, shall be found invalid by a Court, such invalidity shall not affect the remaining portion or application, or validity of the remaining provisions, standards, or regulations of this Article as a whole, provided such remaining portions are not determined by the Court to be invalid. It is hereby declared to be the legislative intent that this Article would have been adopted, had such invalid provision not been included.

SECTION 2. Article II, Definitions, Section 204, Signs, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to delete the definition Signs.

SECTION 3. Conflicting Provisions Repealed

All ordinances in conflict with the provisions of this ordinance are repealed only to the extent necessary to give this ordinance full force and effect; provided that all other provisions of the Oak Park Code of Ordinances as heretofore amended shall remain in full force and effect.

SECTION 4. Severability

No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park, Michigan shall be affected by this ordinance except as to the above sections, and in the event any portion, section or subsection of this ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Oak Park, Michigan.

SECTION 5. Effective Date

This ordinance shall be published as required by the Charter of the City of Oak Park and shall become effective ten (10) days from the date of its passage or upon the expiration of seven (7) days after its publication, whichever is later.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park, on this 2nd day of December, 2019.

T. EDWIN NORRIS
City Clerk

MARIAN McCLELLAN
Mayor

I, T. EDWIN NORRIS, the duly authorized Clerk of the City of Oak Park, Michigan, do hereby certify that the foregoing ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on December 2, 2019.

T. EDWIN NORRIS, City Clerk

First Reading:	October 18, 2019
Second Reading:	December 2, 2019
Adopted:	December 2, 2019
Published	December 8, 2019