

Model Ordinance Language

REVISED OAAA SUGGESTED SIGN ORDINANCE, 2007

A SUGGESTED ORDINANCE FOR THE REGULATION OF OFF-PREMISE OUTDOOR ADVERTISING SIGNS

STATEMENT OF PURPOSE

WHEREAS (enter name of city, township, county and state) desires to protect and enhance the aesthetic appeal of the community; and

WHEREAS, (enter name of city, township, county and state) desires to ensure public safety along streets and highways; and

WHEREAS, (enter name of city, township, county and state) desires to protect and enhance the economic vitality of the city; and

WHEREAS, outdoor advertising is recognized as a traditional and legitimate advertising medium involving the lawful use of private property; and

WHEREAS, outdoor advertising is recognized as an effective medium to direct and inform the general public; and

WHEREAS, outdoor advertising provides local businesses, as well as, non-profit organizations an effective and cost-efficient medium to advertise their goods and services; and

WHEREAS, (enter name of city, township, county and state) desires to allow outdoor advertising signs limited in size, number and spacing in commercial and industrial areas of the city in order to provide ample avenues of communication to such businesses and non-profit organizations; and

WHEREAS, (enter name of city, township, county and state) desires to promote the safety, aesthetic appeal and general welfare of persons and their property in the vicinity of outdoor advertising structures, as well as, to protect the rights of property owners; now, therefore,

BE IT ORDAINED by the (enter name of city, township, county and state):

The following regulations shall be known as off-premise outdoor advertising regulations (enter name of city, township or county and state).

I. DEFINITIONS

A. Back-to-Back Sign: an off-premise sign consisting of two sign facings oriented in opposite directions with not more than two faces per sign facing.

B. Directional Sign: a sign erected for the convenience of the public, such as for directing traffic movement, parking, or identifying restrooms, public telephones, walkways and other similar features or facilities, and bearing no advertising message.

C. Double Faced Sign: an off-premise sign with two adjacent faces oriented in the same direction and not more than 10 feet apart at the nearest point between the two faces.

D. Facing: that portion of an off-premise sign upon which advertising is affixed or painted and visible in one direction at one time.

E. Freestanding Sign: an off-premise sign erected on a freestanding framework supported and affixed by one or more uprights or braces in or upon the ground.

F Multiple message sign: an off-premise sign capable of changing advertising or other messages, with each message being displayed for at least six (6) seconds continuously without movement; the duration of the change in messages not exceeding two (2) seconds.

G. Official Sign: a sign erected by a governmental agency or its designee, setting forth information pursuant to law.

H. Off-Premise Outdoor Advertising Sign: a sign, including the supporting sign structure, which is visible from a street or highway and advertises goods or services not usually located on the premises and/or property upon which the sign is located; also called a "billboard." The following shall not be considered an off-premise sign for the purposes of this ordinance:

1. Directional or Official Signs authorized by law

2. Real Estate Signs

3. On-Premise Signs

I. On-Premise Sign: a sign which advertises the primary goods or services sold or taking place upon the premises on which the sign is located.

J. Real Estate Sign: a sign which advertises the sale or lease of the property upon which the sign is located.

K. Roof Mounted Sign: an off-premise sign attached to the roof of a building.

L. V Type Sign: an off-premise sign structure which consists of multiple sign facings placed at angles to each other, oriented in different directions and not exceeding 10 feet apart at the nearest point to each other.

M. Wall Sign: an off-premise sign attached to the wall of a building or structure.

II. PERMITTED ZONES

A. Off-premise signs shall be permitted in the following zones:

1. Commercial (per local definitions)
2. Industrial (per local definitions)
3. Manufacturing (per local definitions)
4. Transitional zones, only if a commercial, industrial or manufacturing activity or intent has been permitted on the subject property
5. Any "Use" zone which is permitted for commercial, industrial or manufacturing activities.
6. Any zone in which a subject property has been issued a "Use Permit" for an activity or activities of a commercial, industrial or manufacturing nature

III. LEGAL NONCONFORMING SIGNS

A. Any off-premise sign lawfully erected and in existence on the effective date of this ordinance which does not meet the requirements of this ordinance may be maintained as a matter of right as a legal nonconforming sign and may be rebuilt or relocated on the same property, provided that the sign's face area, nor it's degree of nonconformity is not increased.

IV. GENERAL PROVISIONS

- A. No off-premise sign shall be constructed which resembles any official marker erected by a governmental entity, or which by reason of position, shape, or color would conflict with the proper functioning of any official traffic control device.
- B. Off-premise signs shall be constructed in accordance with local and state building and electrical codes. Stamped structural engineering plans shall accompany sign permit applications and shall be subject to wind speed requirements as set forth in the latest edition of the Uniform Building Code.
- C. Off-premise signs shall be regularly maintained in good and safe structural condition.
- D. No off-premise sign shall be located on a property without the consent of the property's owner or legal representative.
- E. The general area in the vicinity of any freestanding sign on undeveloped property shall be kept free and clear of sign materials, debris, trash and refuse.

V. SIZE OF SIGNS

- A. The maximum sign area for any one face of an off-premise sign shall not exceed 672 square feet, excluding the base or apron, trim supports, and other structural elements. Temporary embellishments shall not exceed 20% of the maximum sign area allowed.
- B. The sign area shall be measured by the smallest square, circle, rectangle, or combination thereof which will encompass the entire sign face.
- C. Signs may be back-to-back, double-faced, V-type, and multiple-faced with not more than two faces to each facing and such structure shall be considered as one off-premise sign.

VI. HEIGHT OF AN OFF-PREMISE SIGN

- A. An off-premise sign shall have a maximum height not to exceed fifty (50) feet above grade level of the roadway to the bottom of the sign face, as measured from the centerline of the roadway to which the sign is oriented.

VII. SPACING FOR OFF-PREMISE SIGNS

A. No off-premise sign may be established within 500 feet of any other off-premise sign, measured along the same side of the street or highway to which the sign is oriented.

B. The spacing between signs does not apply to structures separated by buildings or other obstructions in such a manner that only one sign located within the spacing distances is visible from the street at any one time.

C. Spacing from Directional and Official Signs, On-Premise signs, or any other sign which does not constitute an off-premise sign shall not be counted nor shall measurements be made from such signs for the purpose of determining compliance with these spacing requirements.

D. The minimum distance between off-premise signs shall be measured along the nearest edge of the pavement between points directly opposite the center of the signs along each side of the highway and shall apply to structures located on the same side of the same street or highway.

VIII. SETBACK REQUIREMENTS

A. Front: A minimum setback of 10' is required from front lot line for any off-premise sign, regardless of zone.

B. Side: A minimum setback of 5' is required from side lot line for any off-premise sign, regardless of zone.

C. Rear: A minimum setback of 5' is required from rear lot line for any off-premise sign, regardless of zone.

D. In no case shall any portion of an off-premise sign overhang into or be placed in the public right-of-way, unless allowed by the public entity. An off-premise sign may overhang into the property on which it exists up to the point of the public right-of-way or adjacent public or private property.

IX. LIGHTING

Off-premise signs may be illuminated subject to the following restrictions:

A. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited if such signs interfere with traffic safety. Reflective

surfaces or devices on sign faces, and multiple-faced signs, with illumination, are permitted, provided such signs do not interfere with traffic safety and comply with Subsections C and D of this Section.

B. Electronic variable message signs giving public information such as, but not limited to, time, date, temperature, weather, or other similar information, and commercial electric variable-message signs which function in the same manner as multiple message signs are permitted, provided such signs do not interfere with traffic safety and do not resemble or simulate traffic control or safety devices or signs.

C. No sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.

X. SIGN PERMITS

A. No off-premise sign shall be erected without securing a permit from (insert name of proper authority) and payment of the permit fee. Before such permit is issued, an inspection shall determine that the off-premise sign complies with the provisions of this ordinance.