

A SUGGESTED ORDINANCE FOR THE REGULATION OF OFF-PREMISE DIGITAL OUTDOOR ADVERTISING SIGNS (2011)

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) authorizes the use of changeable message sign faces for the efficient dissemination of commercial and noncommercial messages, including community crime and emergency alerts and other information of value to the community; 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. Changeable Message: any combination of static images, text, pictures, and/or messages displayed on a changeable message sign face.

C. Changeable Message Sign Face: a sign face installed on an off-premise outdoor advertising sign that can change messages by electronic or mechanical means.

D. Changeable Message Duration: the duration that a changeable message remains static.

E. Changeable Message Transition Duration: the time elapsed during the transition of one changeable message to the next.

F. Changeable Message Transition Method: the means by which a changeable message transitions from one message to the next.

G. 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.

H. Static: a complete changeable message that has no motion, flashing, animation, or video, or any simulation of the foregoing.

I. 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.

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

K. Fade: a changeable message transition method whereby the intensity of the preceding changeable message is steadily reduced and the intensity subsequent changeable message is steadily increased.

L. Flashing: A changeable message transition method that utilizes a pattern of sudden and repeated light illumination that alternates between a fully illuminated changeable message and a non-illuminated message for the purpose of attracting attention. Flashing includes scintillation, light bursts, sparkling, and twinkling.

M. Foot Candle: the English unit of measurement for illuminance, which is equal to one lumen, incident upon an area of one foot.

N. 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.

O. Illuminance: the photometric quantity most closely associated with the perception of brightness. Illuminance is measured in foot candles.

P. Intermittent Light: a light that has repeated, equal periods of light and darkness. A changeable message sign face operating in conformance with this ordinance shall not be construed as intermittent light.

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

R. 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

S. 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.

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

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

V. 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.

W. 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 and/or retrofitted with a changeable message sign face, provided that the sign's face areas 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. CHANGEABLE MESSAGE SIGN FACE OPERATING RESTRICTIONS.

Changeable message sign faces are subject to the following restrictions:

A. Changeable message duration shall be eight seconds.

B. Changeable message transition duration shall be two seconds or less.

C. Changeable message transition method shall either be instantaneous or fade. Flashing is prohibited.

X. 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. Reflective surfaces or devices on sign faces, and multiple-faced signs, with illumination, are permitted..

B. A changeable message sign face that utilizes lighting technologies (such as light emitting diodes) to create changeable messages shall be equipped with a light sensor that automatically adjusts the illuminance of the changeable message sign face as ambient lighting changes. In no event shall a changeable message sign face increase nighttime ambient illumination by more than 0.3 footcandles when measured perpendicular to the changeable message sign face at a distance based on the changeable message sign face size in accordance with the following formula:

Option 1

Changeable message sign face size (in square feet)	Measurement Distance (in feet)
0-100	100
101-350	150
651-1000	250
Greater than 1000	350

Option 2

Measurement distance, in feet = area of changeable message sign face, in square feet x 100.

Option 3

Measurement distance, in feet, is equal to the square root of the product of the changeable message sign face area in square feet and 100.

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.