



CITY of NOVI CITY COUNCIL

Agenda Item E
May 12, 2008

SUBJECT: Approval of recommendation from Ordinance Review Committee for Sign Ordinance Text Amendment 08-100.37, to amend Chapter 28, "Signs" of the City of Novi Code, to update, clarify, and provide new substantive regulations concerning the placement of signs within and throughout the City. **Second Reading**

SUBMITTING DEPARTMENT: Community Development Department - Planning *Burb*

CITY MANAGER APPROVAL: *Clayton*

BACKGROUND INFORMATION:

The attached proposed text amendment would alter Chapter 28, "Signs," of the City Code. It includes several amendments recommended by staff, the City Attorney's office and the City Council's Ordinance Review Committee.

One modification is to the definition of "changeable copy" signs: the frequency with which the sign message changes is now suggested to be modified, allowing an increase in the change in message from four times per hour to 60 times per hour. Signs with messages that change less often than once per minute are considered "changeable copy" signs; those signs with messages that change more often than once per minute are considered "animated" signs. For "changeable copy" signs, the ordinance now clarifies that "the images and messages displayed electronically on the sign must be static, and the transition from one static display to another must be instantaneous without any special effects".

The only change to how the "changeable copy" signs are regulated, is found in Section 28-5 (5), providing clarification of the standards for signs with fuel pricing information. "Animated" signs remain prohibited from all districts, per Section 28-10. Several other modifications and clarifications can be found in the strike-through copy of the ordinance. This language has been prepared by the City Attorney's office and has been reviewed by the Community Development Department staff.

A public hearing was held by the Planning Commission on April 2nd, 2008 and the Planning Commission sent a recommendation of approval of the proposed text amendment to City Council.

The City Council approved the first reading on April 21st, and referred the matter to the Ordinance Review Committee to verify the recommendation for the frequency of the rate of text change that would be allowed (once per minute) and to discuss expanding use of changeable copy signs to additional uses, including multiple tenant signage. The Ordinance Review Committee met on May 2, 2008 and confirmed the message on changeable copy signs would change no more than once per minute, and recommended the uses permitted to have a changeable copy sign would remain the same as provided in the current ordinance language. Language further clarifying the frequency of change has now been added to indicate that changeable copy signs are those on which the message changes no more than one time per minute (*for a maximum of 60 times per hour*).

RECOMMENDED ACTION: Approval of recommendation from Ordinance Review Committee for Sign Ordinance Text Amendment 08-100.37, to amend Chapter 28, "Signs" of the City of Novi Code, to update, clarify, and provide new substantive regulations concerning the placement of signs within and throughout the City. **Second Reading**

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Capello				
Council Member Crawford				
Council Member Gatt				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

**ORDINANCE REVIEW COMMITTEE
PACKET FOR SIGN ORDINANCE CHANGES
MAY 2, 2008**

MEMORANDUM



TO: CLAY PEARSON, CITY MANAGER
FROM: BARBARA MCBETH, COMMUNITY DEVELOPMENT
SUBJECT: CHANGEABLE COPY SIGN ORDINANCE AMENDMENTS
DATE: APRIL 29, 2008

The City Council approved the first reading of the recent sign ordinance amendments, with a request to allow the matter to return to the Ordinance Review Committee to further study changeable copy signs for additional uses, and particularly for multi-tenant signs. The ordinance currently limits the use of changeable copy signs in any district to the following uses:

- Places of worship;
- Schools;
- Movie theaters and similar entertainment venues at which shows, performers or entertainers change on a regular basis;
- Restaurants;
- Recreational facilities at which events change on a regular basis; and
- Gas stations.

The ordinance further notes that the changeable copy signs shall be for business ground signs only, and not including a business center sign. A business center sign is defined as "a sign that identifies the name and/or logo of a group of 4 or more contiguous store or contiguous industrial businesses or an industrial subdivision developed as a planned complex, or of a multi-tenant, multi-story office or industrial building and that does not contain any additional information regarding individual stores, services, businesses, institutions, organizations or industries located within the planned complex of contiguous stores."

The following changeable copy signs are identified in the City of Novi: Rock Financial Showplace (entertainment venue), Paradise Park (entertainment venue), McDonald's on Haggerty Road (restaurant) and several gas stations, all of which were permitted under previous ordinance standards and would be allowed under the ordinance changes as proposed. Prior to the current ordinance, a previous version had allowed changeable copy signs for any use, but did prohibit flashing or moving lights. Flagstar Bank on Novi Road (bank use), and the Medical Arts Building on 14 Mile Road (office building) were two examples of changeable copy signs that were permitted under the previous ordinance. Miracle Software (office building) received approval from the Zoning Board of Appeals to allow changeable copy, a few months after the ordinance was changed previously.

We note that as the ordinance is currently written a message may not change more than 4 times per hour. The recent modifications would allow changes no more than one time per minute (60 times per hour). Additional clarification is now being added: "the images and messages displayed electronically on the sign must be static, and the transition from one static display to another must be instantaneous without any special effects."

Expansion to Additional Uses

The Community Development Department conducted some research on the use and criticism of changeable copy signs. We note that the City Council may wish to consider the following before further expanding the uses allowed in the ordinance to other types of businesses, including business center signs.

There could be an increased use of this type of signage throughout the community, and many business owners may want to modify signage to include changeable copy to compete with other businesses. The staff believes that the types of signs allowed in a community may have a direct impact on traffic safety, pedestrian safety, community aesthetics and property values.

Without some additional considerations regarding brightness of illumination, color of copy, distance of the changeable copy signs from residential districts and distance between signs, as well as standards for the readability of the copy, it is possible that the expanded use of changeable copy signage may affect the character of the community. Bloomington Minnesota limits the use of the colored lighting to amber (no red, green or blue) for consistency in certain districts to maintain a certain character, and limits the text of the sign to ten words to allow passing motorists to read the entire copy with minimal distraction.

Some research has revealed that the LED changeable copy messages are brighter than standard signs, especially at night, and this can cause a distraction to drivers and nearby residents. One report indicated that this type of signage may be able to be read from a greater distance, keeping the driver's eye on the sign for a longer period of time, which may detract from traffic safety.

Another report from Mounds View Minnesota indicated that it is important to regulate signs and displays on signs in order to reduce potential traffic safety hazards and visual blight:

A major study on electronic signs prepared by the Federal Highway Administration (FHA) found that "motion or the illusion of motion of lights or other display features, including animation, has "the greatest potential for motorist distraction as well as a dominant visual impact on the aesthetic environment." (FHA Report, Part VI, Section L.) The FHA study also found that control of the message interval and message cycle as well as appearance of flashing must be regulated to prevent contributing to traffic hazards. (FHA Report Part VI, Sections G-J.) Signs, including changing image signs, that display graphics that are animated, or portray motion, or display rapidly moving message may contribute to traffic safety hazards and/or have adverse aesthetic impacts on the visual environment."

Staff would recommend further study be conducted and traffic safety studies be reviewed before opening up the allowance for changeable copy signs to additional businesses, or allowing further decreases in the time between which the message changes.

We found five photographs of multi-tenant or shopping center signs with changeable copy in other cities (see attached). The changeable copy portion appears to add clutter to the sign board and detracts from the other text that is shown. Although the changeable copy attracts attention, some of the changeable copy signs are difficult to read.

Review of other local communities sign ordinances found the following:

- Farmington Hills: "Illuminated signs shall not be of the flashing or intermittent type"
- Southfield: "No moving or flashing parts or lights or devices shall be permitted"

- Canton: Animated signs are prohibited, measured as those signs that change more than eight times per day. However, Changeable Copy signs are permitted in all commercial districts (change copy less than eight times per day).
- Northville: "No flashing, animated or moving signs are permitted."

We also note that any standards contained in the ordinance need to be able to be verified in real world conditions by our Ordinance Officers, and so the usual care should be taken when crafting the standards to make sure that enforcement can be maintained.

We look forward to continuing the discussion at the next Ordinance Review Committee.

C Thomas R. Schultz, City Attorney
 Steve Rumble, Community Development Director
 Alan Amolsch, Code Compliance Officer
 Cindy Uglow, Neighborhood and Small Business Manager



BLOOMINGTON, MN

SEC. 19.108. GENERAL PROVISIONS, INCLUDING BASIC DESIGN ELEMENTS.

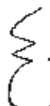
(a) Consent of Property Owner.

- (1) No person shall construct, erect, place, use or permit the use of any ~~(No)~~ permanent sign or sign structure ~~(shall be placed)~~ on private or public property without the express written consent of the property owner or his/ her representative.
- (2) No person shall construct, erect, place, use or permit the use of any ~~(No)~~ temporary sign or sign structure ~~(shall be placed)~~ on private or public property without the express written consent of the property owner or his/ her representative.

(h) Basic Design Elements for Specific ~~(Identification)~~ Signs.

- (4) Electronic Changeable Copy Sign. Electronic changeable copy signs must meet the following standards. When attached to walls, electronic changeable copy signs are classified as cabinet signs.
 - (A) Location. The sign must be located on the site of the use identified or advertised by the sign;
 - (B) District Limitations. The sign must not be located in a Conservation or Bluff Overlay (BP-1, BP-2) district;
 - (C) Setback from residential. The leading edge of the sign must be a minimum distance of 100 feet from an abutting residential district boundary;
 - (D) Setback from other electronic changeable copy, electronic graphic display or video display signs. Electronic changeable copy signs must be separated from other electronic changeable copy signs, electronic graphic display signs or video display signs by at least 35 feet;
 - (E) Orientation. When located within 150 feet of a residentially-used lot in a residential zone, all parts of the electronic changeable copy sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on that lot;
 - (F) Duration. In non-residential districts (B-1, B-2, B-3, B-4, C-1, C-2, C-3, C-4, C-5, CR-1, CB, CS-0.5, CS-1, CO-0.5, CO-1, CO-2, CX-2, HX-R, HX-2, I-1, I-2, I-3, IP, FD-1, FD-2) any portion of the message must have a minimum duration of eight seconds and must be a static display. In residential districts (R-1, R-1A, RS-1, R-4, RM-12, RM-24, RM-50, RO-24, RO-50) any portion of the message must have a minimum duration of one hour and must be a static display. In all districts, no portion of the message may flash, scroll, twirl, change color, fade in or out or in any manner imitate movement;
 - (G) Color. In residential districts (R-1, R-1A, RS-1, R-4, RM-12, RM-24, RM-50, RO-24, RO-50) any portion of the message must use an amber color;
 - (H) Limited Text. The text of the sign must be limited to ten words to allow passing motorists to read the entire copy with minimal distraction; and
 - (I) Audio or pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited in association with an electronic changeable copy sign.
- (5) Video Display Sign. Video display signs must meet the following standards. When attached to walls, video display signs are classified as cabinet signs.
 - (A) Location. The sign must be located on the site of the use identified or advertised by the sign;
 - (B) District Limitations. The sign must not be located in a Residential (R-1, R-1A, RS-1, R-4, RM-12, RM-24, RM-50, RO-24, RO-50), Conservation, or Bluff Overlay (BP-1, BP-2) district;
 - (C) Setback from residential. The leading edge of the sign must be a minimum distance of 100 feet from an abutting residential district boundary;
 - (D) Setback from other electronic graphic display, electronic changeable copy or video display signs. Video display signs must be separated from other electronic graphic display, electronic changeable copy signs or video display signs by at least 35 feet;
 - (E) Orientation. In all districts the video display sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on any residential lot; from any

AMBER
COLOR



**DRAFT CITY COUNCIL MINUTES
APRIL 21, 2008**

EXCERPT FROM DRAFT

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, APRIL 21, 2008 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

ROLL CALL: Mayor Landry, Mayor Pro Tem Capello, Council Members Crawford, Gatt, Margolis, Mutch, Staudt

5. Approval of recommendation from Ordinance Review Committee for Sign Ordinance Text Amendment 08-100.37, to amend Chapter 28, “Signs” of the City of Novi Code, to update, clarify, and provide new substantive regulations concerning the placement of signs within and throughout the City. First Reading

Mr. Pearson said this was a recommendation from the Ordinance Review Committee that specifically contained language for a changeable message board sign, which would allow them to change once a minute. They would rather that than what was done previously, which did not render the signs changeable because it was a fixed amount.

Member Gatt noted it said they were going to change it from four times per hour to 60 times per hour or once a minute. He asked if that was once a minute or could it change every 30 seconds for a half hour and then stay stable. He asked how it would be regulated.

Mr. Schultz said the intention was one time for 60 seconds, so it had to stay static for 60 seconds and then it could go. Member Gatt said maybe that could be clarified and Mr. Schultz agreed.

Member Gatt said he had talked with a couple businessmen who owned businesses in a strip mall. Member Gatt said they asked why they couldn't have a changeable sign in front of the mall so he asked whose name would be on the sign. Member Gatt said that would be between the store owner and the landlord, how often it changed or how often a company's name would be up there. Member Gatt asked if that was something Council could talk about. He said in the ordinance it only pertained to stand alone buildings; Mr. Schultz said he was correct. He said they felt it was not fair that a restaurant, being a stand alone building, could have one but a restaurant in a strip mall could not.

Member Margolis asked how they could accomplish that within the existing Sign Ordinance, and maybe this should also be reviewed by the Ordinance Review Committee. She didn't think it was something that could be done by Council between the First and Second Reading. She asked if she was correct.

Mayor Landry said one option would be to make a motion to approve the First Reading and send it back to Ordinance Review between First and Second Reading for their opinion. Mr. Schultz said that could be done.

CM-08-04-067 Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY: To approve recommendation from Ordinance Review Committee for Sign Ordinance Text Amendment 08-100.37, to amend Chapter 28, "Signs" of the City of Novi Code, to update, clarify, and provide new substantive regulations concerning the placement of signs within and throughout the City. Also, to send it back to Ordinance Review to weigh in on whether Council should expand the use of changeable copy signs to more than the current language of the ordinance.

DISCUSSION

Mayor Pro Tem Capello thought the one thing they needed at Ordinance Review were comments from the other Council members on whether a minute was good or not. He said it seemed to be the biggest area of discussion as a committee and they came up with a minute as a consensus. However, they would like to hear from Council members on what they thought.

Mayor Landry asked if anyone thought it should change more than once a minute.

Member Gatt thought the signs were designed to capture the drivers attention stopped at a traffic signal or as they approached the sign. He thought a minute was a long time and he wouldn't mind seeing it changed to once every thirty seconds but not faster than that.

Member Margolis said she would be interested as to whether there was any information on the impact of changeable signs on traffic safety. Mr. Pearson said when it came up there wasn't anything defined but they could look for that. He said they had to think about other locations, if they were going to widen it to multi tenant buildings. He said they would get a lot of mid blocks and wouldn't be stopped at a light, and then he thought they would be trying to grab people's attention to do it. He would see if there were any standards out there. Member Margolis said they were trying to let them have changeable signs without having cartoon characters running across the sign.

Member Crawford said if timing was the issue, she would feel more comfortable if they talked with a sign professional and get their input as far as what the average time would be and what was the best way to do it.

Mayor Pro Tem Capello believed that when the Rock Financial came to the ZBA they probably had some studies from the highway commission. It might make it easy to see their source and tie into that.

Mayor Landry said when they talked about this at Ordinance Review they started off with every 15 minutes. He said there was a difference between a copy sign and an animated sign. On the animated sign the words could scroll in, and cartoon characters could move. A changeable copy sign was a static sign but the message changed periodically. Mayor Landry said for him it was a matter of safety and image. Do they want the signs all over the City and do they want these Hollywood kinds of signs flashing, blinking and moving in our City. He asked Council if that was the image they wanted. He said some people thought they were tacky and others that they were very important to their businesses, especially restaurants. He said that was what they had struggled with on the committee. Mayor Landry said with respect to safety, one of the issues was if driving down the road and it changed often enough, it might distract a driver because a merchant would want to get as many messages out there as possible by the time the car drove by. He said Council had landed on a minute as sort of a reasonable point that it wouldn't change by the time a car drove by. However, it could change often enough to be beneficial as a marketing tool and not be a flashing, blinking Hollywood kind of sign. He was sure that there had to be data on this and thought Mr. Arroyo, Traffic Consultant, could supply it to Council. Mayor Landry said he would support the motion approving the first reading, and then send it back to Ordinance Review; they could look into it and ask Administration to gather some information for Council.

Mr. Pearson said the changeable message board sign was introduced with the last Sign Ordinance. It was once every 15 minutes and now they were looking at going to the minute. He asked that Council go slow incrementally because once it was out there they couldn't get it back. He said if they expand the number of these, they couldn't get it back either. He asked Council to do it rationally and slowly.

Roll call vote on CM-08-04-067 Yeas: Staudt, Landry, Capello, Crawford, Gatt, Margolis, Mutch. Nays: None