CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

APPROVAL OF THE AGENDA:

NEW BUSINESS:
1. Summer tax and newsletter mailing proposals.
2. Request to add the Lake Tyrone weed control and aeration special assessments to the summer tax bills.
3. Update for prior activities discussed during the last joint meeting.
4. Update for current activities and pending amendments to be forwarded to the Township Board.
5. Review of items on the PC Action List.
6. Open Space amendment recommendations.
7. Pending sign ordinance updates.
8. Medical Marijuana amendments to accommodate the latest Public Act.
9. 74 acre parcel discussion.
10. LK1 accessory structure discussion.
11. Annual joint meeting schedule.
12. Discussion on additional Planning Commission meetings.

ADJOURNMENT:
NEW BUSINESS #1
<table>
<thead>
<tr>
<th>Item</th>
<th>KCI</th>
<th>Allied Media</th>
<th>BIG PDQ</th>
</tr>
</thead>
<tbody>
<tr>
<td>Printing the Newsletter 11x17</td>
<td>$820.01</td>
<td>$762.93</td>
<td>$1,027.12</td>
</tr>
<tr>
<td>Blank Perforated Pink Paper</td>
<td>$13.36</td>
<td>$78.46</td>
<td>$20.20</td>
</tr>
<tr>
<td>Set up Processing Fees</td>
<td>$95.00</td>
<td>$355.17</td>
<td></td>
</tr>
<tr>
<td>Message on envelope</td>
<td>$78.75</td>
<td>$189.47</td>
<td>$319.84</td>
</tr>
<tr>
<td>Prepress Newsletter</td>
<td>$157.50</td>
<td>$808.72</td>
<td></td>
</tr>
<tr>
<td>Process &amp; Mail Bills</td>
<td>$455.00</td>
<td>$379.74</td>
<td>$252.76</td>
</tr>
<tr>
<td><strong>Total Set up Cost</strong></td>
<td>$1,619.62</td>
<td>$1,765.77</td>
<td>$2,428.64</td>
</tr>
<tr>
<td>Estimated Postage</td>
<td>$0.41</td>
<td>$0.45</td>
<td></td>
</tr>
<tr>
<td><strong>Total for Printing:</strong></td>
<td>$2,946.12</td>
<td>$3,200.77</td>
<td>$4,014.14</td>
</tr>
</tbody>
</table>

*Note: Differences: $254.65, $1068.02*
Project
Summer 2017 Tax Bills
Newsletter: (800 Extra) 11x17 Print 4/4 on 80# White Gloss Text, Trim & Fold;
Tax Bills - Laser Print 1/0 (black ink) on 20# Pink Perf Stock, Fold, Insert x2 (Bill & Newsletter) into Double Window Env, Inkjet Message (TAX DOCUMENT ENCLOSED) on Env, Seal, Sort & Mail First Class Presort

** 850 Sheets - 20# Pink Perf Stock & 800 Extra Newsletters to be sent to customer by 6/28**

(PDF Supplied) Mail 6/30

Components
Tax Bill, Env. #10 Db. Window, Tax Bill - Blank Stock, Newsletter - 11x17

<table>
<thead>
<tr>
<th>Quantity of</th>
<th>3,500</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Services</th>
<th>Quantity</th>
<th>Setup</th>
<th>Minimum</th>
<th>Rate</th>
<th>per</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Printing - Newsletter - 11x17</strong></td>
<td>4,300</td>
<td></td>
<td>$190.70</td>
<td>/m</td>
<td></td>
<td>$820.01</td>
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<tr>
<td>Tax Bill - Blank Stock (pink)</td>
<td>850</td>
<td></td>
<td>$15.72</td>
<td>/m</td>
<td></td>
<td>$13.36</td>
</tr>
<tr>
<td>Statement Set-up PDF</td>
<td>1</td>
<td>$95.00</td>
<td></td>
<td>ea</td>
<td></td>
<td>$95.00</td>
</tr>
<tr>
<td>Inkjet Only- message</td>
<td>3,500</td>
<td>$60.00</td>
<td>$2.26</td>
<td>/c</td>
<td></td>
<td>$78.75</td>
</tr>
<tr>
<td>Pre-Press - Newsletter</td>
<td>4</td>
<td>$31.50</td>
<td>$31.50</td>
<td>ea</td>
<td></td>
<td>$157.50</td>
</tr>
<tr>
<td>Process &amp; Mail Tax Bills</td>
<td>3,500</td>
<td>$360.00</td>
<td>$130.00</td>
<td>/m</td>
<td></td>
<td>$455.00</td>
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Total Cost for Services $1,619.62

<table>
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<tr>
<th>Estimated Postage</th>
<th>Pieces</th>
<th>Rate</th>
<th>Postage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Class/5-Digit</td>
<td>2,800</td>
<td>0.3730</td>
<td>$1,044.4000</td>
</tr>
<tr>
<td>1st Class/AADD</td>
<td>700</td>
<td>0.4030</td>
<td>$282.1000</td>
</tr>
</tbody>
</table>

Total Estimated Postage $1,326.500

Total Estimated Project Cost 3,500 Unit Price: $0.84 $2,946.12

Postage must be paid in advance or on deposit with the Post Office.

Thank you for the opportunity to quote on this project.

Autumn Hoffman
Tyrone Township
Joanne Milarch
810-629-8631 ext.
joanne@tyronetownship.us Customer
PO:

Tax Bills
Final Size: 8.5 x 11.0 Printing Activity: iGen Printing Side 1 Colors: Digital Black Side 2 Colors: None
Stock Information: Springhill Offset Basis Weight: 60.0 Color: Canary
Additional Operations: Folding - Large Folder, Mail Variable/List Work, Cutting,

Pricing:

<table>
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<tr>
<th>Quantity</th>
<th>3,400</th>
<th>3,500</th>
<th>3,600</th>
</tr>
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<tbody>
<tr>
<td>Final Price</td>
<td>$371.88</td>
<td>$379.74</td>
<td>$383.76</td>
</tr>
<tr>
<td>Unit Cost</td>
<td>$0.1094</td>
<td>$0.1085</td>
<td>$0.1066</td>
</tr>
</tbody>
</table>

Tax Bill/Newsletter mailing
Final Size: 9.5 x 4.125 Side 1 Colors: None Side 2 Colors: None
Stock Information: Basis Weight: none Color: none
Additional Operations: Mailing Eagle, Inserter - Regular,

Pricing:

<table>
<thead>
<tr>
<th>Quantity</th>
<th>3,400</th>
<th>3,500</th>
<th>3,600</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Price</td>
<td>$350.00</td>
<td>$355.17</td>
<td>$358.08</td>
</tr>
<tr>
<td>Unit Cost</td>
<td>$0.1029</td>
<td>$0.1015</td>
<td>$0.0995</td>
</tr>
</tbody>
</table>

#10W Envelopes
Final Size: 9.5 x 4.125 Printing Activity: Envelope Press Side 1 Colors: Black, Side 2 Colors: none Work and Turn: No
Stock Information: Envelope #10 Window Basis Weight: 24.0 Color: white
Additional Operations: none

Pricing:
### 4 Page Newsletter

**Final Size:** 11.0 x 17.0  
**Printing Activity:** 4 Color MO  
**Side 1 Colors:** Process Cyan, Process Magenta, Process Yellow, Black  
**Side 2 Colors:** Process Cyan, Process Magenta, Process Yellow, Black  
**Work and Turn:** Yes  
**Stock Information:** Endurance Gloss Text Basis Weight: 80.0  
**Color:** White  
**Additional Operations:** Cutting, Folding - Large Folder,

#### Pricing:

<table>
<thead>
<tr>
<th>Quantity</th>
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<th>3,500</th>
<th>3,600</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Price</td>
<td>$184.90</td>
<td>$189.47</td>
<td>$192.03</td>
</tr>
<tr>
<td>Unit Cost</td>
<td>$0.0544</td>
<td>$0.0541</td>
<td>$0.0533</td>
</tr>
</tbody>
</table>

### Perforated Blank Paper

**Final Size:** 8.5 x 11.0  
**Side 1 Colors:** None  
**Side 2 Colors:** None  
**Stock Information:** Springhill Offset Basis Weight: 60.0  
**Color:** Canary  
**Additional Operations:** Graphic Whizard, Cutting,

#### Pricing:

<table>
<thead>
<tr>
<th>Quantity</th>
<th>850</th>
<th>850</th>
<th>850</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Price</td>
<td>$78.46</td>
<td>$78.46</td>
<td>$78.46</td>
</tr>
<tr>
<td>Unit Cost</td>
<td>$0.0923</td>
<td>$0.0923</td>
<td>$0.0923</td>
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</table>

### Estimate Totals:

<table>
<thead>
<tr>
<th>Quantity</th>
<th>VARIES</th>
<th>VARIES</th>
<th>VARIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>$1,739.51</td>
<td>$1,765.77</td>
<td>$1,760.99</td>
</tr>
</tbody>
</table>

> Estimates are valid for 30 days.  
> Design time is additional unless noted in the estimate, and will be invoiced at an hourly rate, if required.  
> All political jobs are Cash On Delivery.  
> Postage is not included in mailing estimates, unless noted. Postage is due at the time the job is approved. Postage checks to be made payable to U.S.P.S.
<table>
<thead>
<tr>
<th>QUANTITY</th>
<th>DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>3,550</td>
<td>Envelopes, 3.875 x 8.875 white 24# Accord Tinted Window #9, printed 1 color front in black ink</td>
<td>319.84</td>
</tr>
<tr>
<td>3,500</td>
<td>Tax Bills, 8.5 x 1' canary 20# Bond - Hammermill Fore text, copied on 1 side</td>
<td>171.78</td>
</tr>
<tr>
<td></td>
<td>4,350  One perforation (pering done with tax bills)</td>
<td>60.98</td>
</tr>
<tr>
<td>850</td>
<td>Blank Tax Bill Stock, 8.5 x 11 canary 20# Bond - Hammermill Fore text</td>
<td>20.20</td>
</tr>
<tr>
<td></td>
<td>850    One perforation (pering done with tax bills)</td>
<td></td>
</tr>
<tr>
<td>4,300</td>
<td>Full Color Summer Newsletters, 11 x 17 white 100# Gloss text, copied on 2 sides</td>
<td>1,027.12</td>
</tr>
<tr>
<td>1</td>
<td>Fold and insert mail pieces. Sort by zip, tray and deliver to PO</td>
<td>808.72</td>
</tr>
<tr>
<td>3,500</td>
<td>Presort First Class Postage - 45.3$ each and must be paid by check to the Postmaster (approx $1,585.50)</td>
<td>2,428.64</td>
</tr>
</tbody>
</table>

Sales Rep: Kirt
Taken by: Kirt
Account Type: COD

Sales Rep: Kirt
File Originals
Ship Via: Wanted:

| SUBTOTAL | 2,428.64 |
| TAX      |          |
| TOTAL    | 2,428.64 |
| AMOUNT DUE | 2,428.64 |
NEW BUSINESS #2
More Info for SAD in summer

Hi again Marna/Mike,

I just talked to Sue Bostwick and she said all that is needed from you is a list of what is levied on the summer tax roll. So, a simple communication from Tyrone Township to County Equalization that shows the roll numbers and total $ amount should suffice. I confirmed again that these assessments are to be included in the Drain Office total 2017 Special Assessments submission in September (for the Annual Apportionment Report) ... only reported once a year for both summer and winter.

Aaron

Accounting Supervisor
Livingston County Drain Commissioner’s Office
2300 E. Grand River, Suite 105
Howell, MI 48843
Ph: (517) 546-0040
Fax: (517) 546-9658
Email: aeeverest@livgov.com

Marna/Mike,

The authority to levy the special assessment(s) for this lake improvement project lies entirely with the Lake Tyrone Improvement Board (per Inland Lake Improvement statute). I’ve attached the authorizing resolution to move the assessments to the summer levy approved by said board. Also, I have previously communicated with Sue Bostwick, and she indicated that she will need the totals for this summer levy, but ultimately all 2017 Drain Commissioner special assessments (including these Lake Tyrone Improvement assessments) will be reported to Equalization in September to be included in the 2017 Annual Apportionment Report that goes before the County Board of Commissioners. My understanding is that you will still settle up with the County Treasurer in March.

Hopefully this helps?
Aaron Everest  
Accounting Supervisor  
Livingston County Drain Commissioner’s Office  
2300 E. Grand River, Suite 105  
Howell, MI 48843  
Ph: (517) 546-0040  
Fax: (517) 545-9658  
Email: aeverest@livgov.com

From: Marna Bunting-Smith [mailto:msmith@tyronetownship.us]  
Sent: Monday, May 15, 2017 11:15 AM  
To: Aaron Everest; Supervisor Department; Clerk's Department  
Cc: Treasury Department; Bruce Little  
Subject: RE: Summer 2017 Drain Special Assessments (Lake Tyrone Improvement Project - Summer Levy)

Aaron,

Thanks for confirming that this was changed to summer collections. We will need a letter from Drain Commissioner indicated this was approved at the county level to submit to our board for approval so we can issue Special Assessment collection totals to County Equalization department.

Just need to make sure all our numbers are matching at both levels (Twp & Cty)

Thanks,

Please Note our Regular Office Hours are:  
Mon. - Thurs. 9AM to 5PM, Closed Friday's

Marna Smith  
Treasurer  
Tyrone Township  
msmith@tyronetownship.us  
810-629-8631  
810-629-0047 fax  
Regular Office Hours Mon-Thurs. 9AM - 5 PM
Notice: This email, including any attachments, is covered by Electronic Communication Privacy Act, 18 U.S.C. 2510-2521, is confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, distribution or copying of this communication is strictly prohibited. Please reply to the sender if you have received this message in error and destroy all copies of the original message.

From: Aaron Everest [mailto:AEverest@livgov.com]
Sent: Monday, May 15, 2017 10:54 AM
To: Supervisor Department <SUPERVISOR@tyronetownship.us>; Clerk's Department <CLERK@tyronetownship.us>
Cc: Treasury Department <treasurer@tyronetownship.us>; Bruce Little <bittle@tyronetownship.us>
Subject: Summer 2017 Drain Special Assessments (Lake Tyrone Improvement Project - Summer Levy)

Good morning,

Attached are the summer 2017 Drain Special Assessment rolls and summary for Tyrone Township. Please import the file into your BS&A program and check for any changes or splits. If there are any, please provide me with the updated information.

Thank you,

Aaron

Aaron Everest
Accounting Supervisor
Livingston County Drain Commissioner’s Office
2300 E. Grand River, Suite 105
Howell, MI 48843
Ph: (517) 546-0040
Fax: (517) 545-9658
Email: aeverest@livgov.com
RESOLUTION TO MOVE THE COLLECTION OF THE SPECIAL ASSESSMENT ROLL
FOR THE LAKE TYRONE AERATION PROJECT

At a meeting of the Lake Tyrone Improvement Board held at Hartland Township Hall on the 30th
day of August, 2016 at 9:00 a.m., local time.

Lake Tyrone Board Members: Brian Jonckheere, Dave Dornas, Mike Cunningham, Robert West, Bill
McDunnough

PRESENT:

ABSENT:

The following resolution was offered by member, Cunningham, and supported by member, West.

WHEREAS, the Lake Improvement Board previously approved a Special Assessment Roll for the
Lake Tyrone Aeration project on March 23, 2015, for collection on the winter tax roll; and

WHEREAS, the Aeration Special Assessment Roll was confirmed to be payable in five (5) annual
installments of $66,293.80, with the first installment due on December 1, 2015; and

WHEREAS, the Lake Improvement Board previously approved a Special Assessment Roll for the
Lake Tyrone Weed Control project on June 6, 2016, for collection on the summer tax roll; and

WHEREAS, the Lake Improvement Board desires to align the collection of the Aeration assessment
with the Weed Control assessment by delaying the due date for the second installment of the
Aeration assessment from winter 2016 to summer 2017, with subsequent installments due each
summer thereafter.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The remaining four (4) installments of the Aeration Special Assessment Roll shall be moved
to the summer tax roll, with the first installment of $66,293.80 to be due on July 1, 2017,
and payable without penalty through September 1, 2017. Subsequent annual installments
of $66,293.80 shall be due on or before the 1st day of the same month of each year
thereafter and are payable without penalty through the 1st day of the same month of each
year thereafter.

2. The assessments made in said Special Assessment Roll are hereby ordered and directed to
be collected, and the Township Clerks of Hartland and Tyrone Townships shall deliver said
Special Assessment Roll to the Township Treasurer, with his/her warrant attached,
commanding the treasurer to collect the assessments therein in accordance with the
directions of the Lake Improvement Board, and the treasurer is directed to collect the
amounts assessed as the same become due.

ADOPTED: AYES:
NAYS:
ABSENT:

RESOLUTION DECLARED ADOPTED.
STATE OF MICHIGAN            
                               )
                               ) ss
COUNTY OF LIVINGSTON           )

I, Robert West, secretary of said Lake Tyrone Improvement Board, do hereby certify that this is a true and correct copy of a resolution adopted by the lake improvement board at a meeting held on the 30th day of August, 2016. Public notice of said meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan 1976, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand, this 30th day of August, 2016.

[Signature]

Robert West, Secretary
Lake Improvement Board
NEW BUSINESS #3
Updates to Items Discussed During the Prior Joint Meeting

During our last meeting (4/21/15) we discussed:

1. Noise Ordinance

2. Blight Ordinance
   a. On 1/13/15 the Planning Commission provided Blight Ordinance recommendations to the Township Board.

3. Medical Marijuana Ordinance
   a. Adopted 4/21/15: Section 21.55 Medical Marijuana amended to include provisions for outdoor growing as a result of the amended MMMA.

4. Land Divisions
   a. Adopted 7/21/15: Section 20.02.N Footnotes to Schedule of Regulations amended to allow Land Divisions with > 4:1 depth to width ratios under special conditions consistent with the Land Division Act.

5. Outdoor Furnace
   a. Adopted 4/19/16: Article 21 Amendments to include the regulation of Outdoor Furnaces.

6. Accessory Structures

7. Open Space
   a. Topic will be further discussed tonight.

8. Referencing and Index of Zoning Ordinance.
   a. Identified mechanism to consolidate the entire Zoning Ordinance into a single document, thereby allowing searches from within.
Recent Amendments

Adopted 10/19/16

✓ Amendments for the Keeping and Display of Exotic Animals and Wild Animals: Sections 2.01 – Definitions, Section 4.03 - Special Land Uses in the FR District, Section 21.49 – Keeping of Pets, and Section 21.58 (new) – Keeping and Display of Exotic Animals and Wild Animals.

Adopted 5/3/16

✓ Rezoning of Select Parcels along Old US-23 from B-2, FR, and M-1 to PCI.

Adopted 4/19/16

✓ Amendments to Article 13A – Planned Commercial Industrial, to include building location regulations;
✓ Amendments to fully incorporate PCI – Planned Commercial Industrial zoning district, into the Tyrone Township Zoning Ordinance: Article 3 – Section 3 District Designations; Article 20 - Schedule of Regulations; Article 21 Section 21.42 - State Licensed Child and Adult Care Facilities; Article 21A Landscaping and Screening; Article 23 Site Plan Review and Impact Assessment and Section 23.18 Architectural Standards; Article 27 – Outdoor Advertising and Sign Regulations;
✓ Article 21 Amendments to include the regulation of Outdoor Furnaces

Adopted 7/21/15

✓ Section 20.02.N Footnotes to Schedule of Regulations amended to allow Land Divisions with > 4:1 depth to width ratios under special conditions consistent with the Land Division Act.
✓ Section 21.16 Noise amended to define subjective excessive noise.

Adopted 4/21/15:

✓ Section 21.55 Medical Marijuana amended to include provisions for outdoor growing as a result of the amended MMMA.
PENDING AMENDMENTS

- Registered Designer/Engineer Requirements – Electronic Seal Acceptance and Requirement Clarification
- Zoning Map Update
- Sign Ordinance review per SCOTUS decision – content neutral regardless of topic or location
- Sight Line and Building Height requirement clarifications

NEXT TO ADDRESS (from PC Action List)

- Open Space Requirements – consolidate, clarify, graphics, table (12/10/13)
- Site Condominium updates? Subdivision control ordinance – references to 1967, verify valid and enforceable. (Article 8 – CDO)
- Medical Marijuana Updates due to State Law Changes
- Ron Gordon – request to amend PUD agreement for permanent use – trailer sales
- Wireless regulations – double check for recent regulatory changes
- Multifamily Residential Sprinkler requirement
- Planned Office text to support the Master Plan
- Residential Wind Generators
- Autonomous Vehicle Regulations
- Solar Farms
- Master Plan 5 Year Review
NEW BUSINESS #5
TYRONE TOWNSHIP PLANNING COMMISSION ACTION LIST AND SCHEDULE

1.

NEXT TO ADDRESS

- Correlation of Zoning District boundaries, locations, and uses (so they match the Master Plan)
- Open Space calculation – consolidate, clarify, graphics, table (12/10/13) IP
- Ron Gordon – request to amend PUD agreement for permanent use – trailer sales IP
- Open space – amend 22.02.I to include PCI and others? (4/2014) IP
- Wireless regulations – double check for recent regulatory changes
- Sign Ordinance review per SCOTUS decision – content neutral regardless of topic or location IP

5. Outdoor wood burning heat sources
6. Planned Office text to support the Master Plan
8. Residential Wind Generators (6/10)
9. Derelict, dangerous, or abandoned buildings 6/10) (regulatory?) covered by Blight Ordinance?
10. Tree preservation language (5/10/05) (9/13/05) (6/26/07) Discussed, not desired at this time.

New Items

- Site Condominium updates? Subdivision control ordinance – references to 1967, verify valid and enforceable.
- Tree houses
  - Develop index for ZO – may be OK with searchable complete ordinance in PDF form
  - Cluster Development (state mandated) – open space statutory requirements
  - Consolidation and clarification of boat dock and boat docking regulations
- Exotic Animal Keeping
- Items 11, 12, 19 below. Due to location restrictions needs some zoning language, regulatory content TBD. Needs update to current enforceable adult based business statutes. PIRO C is special land use location.
- Items 16, 17 below. Review ordinance provisions for generic compliance with County standards, consider dedicated section.
- Registered Designer/Engineer Requirements (Pending Approval)
- Sight Line and Building Height requirement clarifications IP
- Medical Marijuana Updates due to State Law Changes
- Multifamily Residential Sprinkler requirement
- Autonomous Vehicle Regulations
- Master Plan 5 Year Review

Future Public Hearings – TBD

- Planned Office text to support the Master Plan
- Residential Wind Generators (6/10)

INVESTIGATE FOR NEED (items from prior list that may have been addressed, or may not be needed)

11. Addition of adult entertainment requirements to the PCS or Special Land Use Ordinance (1/27/09)
12. Zoning Ordinance language to regulate adult entertainment (1/27/09)
13. Residential Development criteria
14. Review of the zoning district requirements for Parshallville (preliminary review completed)
15. Review of the density requirements for apartments, condos and high density residential; (9/13/05)
16. Amend Article 23.00 and 21.43 to reference compliance with the County Community Septic System Regulations for private septic systems and the most recent Storm Water Management requirements in the site plan, and site condominium sections (23.00, 21.25, 21.43) (9/13/05);
17. Review of additions to Section 21.25 Residential design standards referencing LCHD perk requirements and LCRC sight distance, together with road, open space, and sight distance maintenance agreements as conditions of Land Use Permit approval (4/13/04).
18. Review of the Township's litter/dumping ordinances (12/09/08) (review regulatory Blight Ordinance and make recommendation to Township Board)
19. Revision of the Cabaret regulatory ordinance to reference sexually oriented businesses (SOBs) (9/13/05)

Revised 5/11/2017
Prior Agenda Log

**November 12, 2013**
1. Proposed Commercial Industrial Zoning District (PCI) text to support the Master Plan

**December 10, 2013**
- Land division – Spencer
- Boundary realignment – Willis
- Boundary realignment – Enbridge

**January 28, 2014**
2. Revision of the two story dwelling unit minimum first floor footage requirements (10/9/07)
3. Country Store text to support the Master Plan
7. Fireworks use (proposed, limit use to one week before and after display, time of day/night) (noise limits)
   - PCI, PCS, PIRO locations and uses consolidation
   - Revise definition for Regulated Façade to include PCI, PCS, and PIRO (11/12/13)
   - Revise definition for Satellite Dish Antenna (dimensions) (11/12/13)
   - Fix easement vs private road (24.03.P and 24.06.D are swapped?) (12/10/13)
   - Clarify easement width requirements for shared driveways, etc. (11/27/13)

**February 11, 2014**
4. Correlation of Zoning District boundaries and locations (so they match the Master Plan)
7. Fireworks use (proposed, limit use to one week before and after display, time of day/night) (noise limits)
   - PCI, PCS, PIRO locations and uses consolidation

**February 25, 2014**
- Land Division/Boundary Realignment
- Correlation of Zoning District boundaries and locations (so they match the Master Plan)
7. Fireworks use (proposed, limit use to one week before and after display, time of day/night) (noise limits)
   - PCI, PCS, PIRO locations and uses consolidation

**March 11, 2014**
7. Fireworks use (proposed, limit use to one week before and after display, time of day/night) (noise limits)
   - PCI, PCS, PIRO locations and uses consolidation

**March 27, 2014**
- Open Space calculation – consolidate, clarify, graphics, table (12/10/13)
7. Noise and Fireworks use (proposed, limit use to one week before and after display, time of day/night) (noise limits)

**April 8, 2014**
- Lockwood Land Division
- Fay Boundary Realignment
7. Noise and Retail Sales of Fireworks, temporary sales

**May 13, 2014**
- PCI/PCS/PIRO locations and uses chart
7. Noise and Retail Sales of Fireworks, temporary sales

**June 10, 2014**
7. Retail Sales of Fireworks, temporary sales
   - PCI/PCS/PIRO locations and uses chart
   - Open Space calculation – consolidate, clarify, graphics, table (12/10/13)
3. Country Store text to support the Master Plan
   - Sewer system and sewage treatment language in PCS, PCI, and PIRO

Revised 5/11/2017
July 8, 2014

Regular Meeting

- Incorporating uses from the new use chart into the appropriate zoning districts (PCI, PIRO, PCS, PO)
- Recommendation to County and Township Board

Public Hearing

- Revise the definitions of “setback” and “yard” (1/27/09)
- Definition of “outlot” (6/9/09) (determined this is not needed)
- Shared driveway installation standards or requirements relative to Land Use Permits (21.25)
- Revision of Zoning Ordinance Section 30.05.B to reference shared driveway, private road, drainage, and open space requirements for issuance of land use permits;
- Proposed Commercial Industrial Zoning District (PCI) text to support the Master Plan
- Country Store text to support the Master Plan (2/2013)
- Correlation of Zoning District boundaries, locations, and uses (so they match the Master Plan)
- Noise Regulations and Fireworks use (noise limits)
- Temporary sales, including retail sales of fireworks
- Revised definition for 2.00.1 to address properties across US-23
- Revise definition for Regulated Façade to include PCI, PCS, and PIRO (11/12/13)
- Revise definition for Satellite Dish Antenna (dimensions) (11/12/13)
- Fix easement vs private road (24.03.P and 24.06.D are swapped) (12/10/13)
- Clarify easement width requirements for shared driveways, etc. (11/27/13)
- Sewer system and sewage treatment language in PCS, PCI, and PIRO

August 12, 2014

- Land division and shared driveway request for Hoffman on Linden Rd
- Land division request for Ridenour at Center Rd and Linden Rd
- Site plan review for Consumer Energy building on Mabley Hill Rd
- Use Chart
- PCS and PIRO changes to comply with the Use Chart
- Schedule public hearing
- Ron Gordon request to amend PUD agreement for permanent trailer sales (discussion)

September 9, 2014

- Review changes to PCS and PIRO districts in support of the revised Use Chart
- Request to place accessory structure in open space at 9383 McMullen Circle.
- Special Use Permit application for Valerie Johnson for barn weddings/events at 11009 Old US 23.
- Discussion and recommendations to the Township Board for zoning amendments.
- Schedule Special Meeting for September 23rd

September 23, 2014

- Land division request by Ridenour located at Center Rd and Linden Rd.
- Strategy discussion regarding Special Use Permit application for Valerie Johnson for barn weddings and events at 11009 Old US 23.
- Township Board initiated rezoning request for the parcel zoned M-1 to RE located at 11009 Old US 23.
- Schedule Public Hearing for the Township Board initiated rezoning request.
- Review changes to PCS and PIRO districts in support of the revised Use Chart.
- Review proposed Beautification and Noise regulatory ordinances and provide comment to the Township Board.

Revised 5/11/2017
TYRONE TOWNSHIP PLANNING COMMISSION ACTION LIST AND SCHEDULE

October 14, 2014
Regular Meeting
✓ Review changes to PCS and PIRO districts in support of the revised Use Chart.
✓ Review proposed Beautification and Noise regulatory ordinances and provide comment to the Township Board.
✓ Recommendation re: rezoning request located at 11009 Old US 23.
✓ Recommendation re: PCS and PIRO amendments.

Public Hearing
✓ Rezoning request located at 11009 Old US 23 from M-1 to RE
✓ Section 2.01 Definitions - Adding definitions for outdoor display and storage and major and minor vehicle repair.
✓ Section 23.02 Site Plan Review - Requiring open spaces to be shown on a site plan.
✓ Section 20.03 Table of Land Uses - Updating commercial and industrial uses incorporating recently adopted zoning districts.
✓ Article 12A Planned Commercial Services - Incorporating changes from the use chart.
✓ Article 16A Planned Industrial, Research, Office - Incorporating changes from the use chart.

October 28, 2014
✓ Noise ordinance language restructuring
✓ Review proposed Beautification and Noise regulatory ordinances and provide comment to the Township Board.
✓ MMMA Outdoor Grow Facility Application Development

November 11, 2014
Regular Meeting
✓ Wendell Open Space Relocation Request (reference 9-9-14 meeting minutes)
✓ Site Plan Review and Public Hearing Comments for a Special Land Use Permit regarding the Val Royal application by Valerie Johnson for barn weddings and similar events to be located at 11009 Old US 23.
✓ Bechtel Land Division

Public Hearing
✓ Special Land Use Permit regarding the Val Royal application by Valerie Johnson for barn weddings and similar events to be located at 11009 Old US 23.

December 11, 2014
✓ MMMA Amendments to Address Outdoor Grow Sites
✓ Regulation of Outdoor Furnaces

January 13, 2015
✓ Regulation of Outdoor Furnaces – continued development
✓ MMMA Amendments to Address Outdoor Grow Sites
✓ Blight Ordinance recommendations to Township Board
✓ Noise Ordinance recommendations to Township Board
✓ Zoning Map Updates
✓ Request for budgeted funds to update the township’s zoning map
✓ 4:1 ratio requirement – 20.02.N – amend?

February 10, 2015
✓ Regulation of Outdoor Furnaces – continued development
✓ Old Truck Road land division discussion with Applewood Estates
✓ 4:1 ratio requirement – 20.02.N & Land Division Ordinance amendments
✓ Schedule Public Hearing for MMMA amendments

Revised 5/11/2017
March 10, 2015

Regular Meeting
✔ Cohoon Land Division
✔ 4:1 ratio requirement – 20.02.N & Land Division Ordinance amendments
✔ Recommendation regarding MMMA amendments
✔ Schedule Joint Meeting with Township Board
✔ Regulation of Outdoor Furnaces – continued development

Public Hearing
✔ MMMA amendments to address outdoor growing (PA 512 of 2012)

April 14, 2015

✔ Regulation of Outdoor Furnaces – continued development
✔ County review of proposed MMMA amendments
✔ Joint Meeting preparation
✔ Tree House Regulations – Accessory Structures

May 12, 2015

✔ Regulation of Outdoor Furnaces – continued development
✔ Fraski (West) Trust Land Division Discussion
✔ Recommendation re: > 4:1 proposed amendments
✔ Approach for Ron Gordon: PUD amendment or rezoning?
✔ Urban Farming - Review for needed amendments
✔ Tree Houses - Review for needed amendments

May 26, 2015

✔ Romine Special Land Use and Site Plan Review
✔ Noise Amendments (subjectively too loud)

June 9, 2015

Regular Meeting
✔ Val Royal Special Land Use and Site Plan Review
✔ Romine Special Land Use and Site Plan Review
✔ Fraski (West) Trust Land Division
✔ Recommendation for 4:1 Amendments
✔ Recommendation for Noise Amendments

Public Hearing
✔ 4:1 Depth to Width and Noise Amendments

July 14, 2015

✔ Truck Road Land Division
✔ Whiting Land Division
✔ Hartland Township Master Plan Amendment Review and Comment
✔ PC Annual Report
✔ PC Action List Review

August 11, 2015

✔ Truck Road Land Division
✔ Peabody Boundary Realignment
✔ Mattila Boundary Realignment

Revised 5/11/2017
TYRONE TOWNSHIP PLANNING COMMISSION ACTION LIST AND SCHEDULE

September 8, 2015
✓ Truck Road Land Division
✓ Bove Home Occupation
✓ PC Action list review

October 13, 2015
✓ Section 21.32: Wireless Regulations – Review for compliance with recent regulatory changes
✓ Section 21.31: Temporary Structures and Uses – Review and clarify regulations
✓ Section 21.52.D.10: Supplementary Shoreland Regulations - Review and clarify regulations
✓ Article 27: Signs - Review for compliance with SCOTUS decision – Content neutral requirement

October 27, 2015
✓ LaGuire Temporary Structure Preliminary Review
✓ Section 21.52.D.10: Supplementary Shoreland Regulations - Review and clarify regulations
✓ Rezoning of select parcels along Old US-23 in Section 20 to PCI

November 10, 2015
✓ Section 21.52.D.10: Supplementary Shoreland Regulations - Review and clarify regulations
✓ Article 27: Signs - Review for compliance with SCOTUS decision – Content neutral requirement
✓ Outdoor Furnaces

December 8, 2015
✓ Outdoor Furnaces
✓ Open discussion regarding Township’s intent to rezone certain properties along Old US-23 to PCI consistent with the Master Plan
✓ Rustic Ridge Land Division
✓ Appointment of Officers
✓ Article 20 discussion (PCI content needed)

January 12, 2016
Regular Meeting
✓ Sign Regulations
✓ Amendments to Article 13A – Planned Commercial Industrial, to include building location regulations;
✓ Amendments to fully incorporate PCI – Planned Commercial Industrial zoning district, into the Tyrone Township Zoning Ordinance: Article 3 – Section 3 District Designations; Article 20 - Schedule of Regulations; Article 21 Section 21.42 - State Licensed Child and Adult Care Facilities; Article 21A Landscaping and Screening; Article 23 Site Plan Review and Impact Assessment and Section 23.18 Architectural Standards; Article 27 – Outdoor Advertising and Sign Regulations; Article 20 discussion
✓ Consideration of Public Hearing Comments Related to PCI Amendments
✓ Consideration of Public Hearing Comments Related to Outdoor Furnace Regulations
✓ Recommendations to Livingston County Planning and the Tyrone Township Board

Public Hearing
✓ Amendments to Article 13A – Planned Commercial Industrial, to include building location regulations;
✓ Amendments to fully incorporate PCI – Planned Commercial Industrial zoning district, into the Tyrone Township Zoning Ordinance: Article 3 – Section 3 District Designations; Article 20 - Schedule of Regulations; Article 21 Section 21.42 - State Licensed Child and Adult Care Facilities; Article 21A Landscaping and Screening; Article 23 Site Plan Review and Impact Assessment and Section 23.18 Architectural Standards; Article 27 – Outdoor Advertising and Sign Regulations;
✓ Proposed Article 21 Amendments to include the regulation of Outdoor Furnaces.

Revised 5/11/2017
TYRONE TOWNSHIP PLANNING COMMISSION ACTION LIST AND SCHEDULE

February 9, 2016
Regular Meeting
➤ Open Space Requirements and Calculation

February 23, 2016
Regular Meeting
➤ Sign Regulations
✓ Recommendation to Township Board regarding rezoning certain properties along Old US-23 to PCI
Public Hearing
✓ Township’s intent to rezone certain properties along Old US-23 to PCI consistent with the Master Plan

March 15, 2016
Regular Meeting
➤ Open Space Requirements and Calculation
➤ Exotic Animal Ordinance

April 12, 2016
Regular Meeting
✓ Val Johnson Barn Permit Discussion
➤ Open Space Requirements and Calculation Method
➤ Exotic Animal Ordinance
➤ Mikat Boundary Realignment
✓ County Feedback Regarding Outdoor Furnace Regulations

April 26, 2016
Special Meeting
➤ Open Space Requirements and Calculation Method
➤ Exotic Animal Ordinance
➤ Supplementary Shoreland Regulations
✓ Vale Royal Special Land Use Site Plan Amendment

May 10, 2016
Regular Meeting & Public Hearing
➤ Open Space Requirements and Calculation Method
➤ Nutt Home Occupation
Public Hearing
✓ Exotic Animal Ordinance
✓ Supplementary Shoreland Regulations
✓ Nutt Home Occupation

June 14, 2016
Regular Meeting & Public Hearing
➤ Klavon Request for a 1200 sq. ft. Accessory Structure in R-1
➤ Will Request for a 1200 sq. ft. Accessory Structure in R-1
✓ Schroeder Request for a 1200 sq. ft. Accessory Structure in R-1
➤ Nutt Home Occupation Application
➤ Mikatt Boundary Realignment
➤ Anthanisiou/Hoffman Land Division

Revised 5/11/2017
TYRONE TOWNSHIP PLANNING COMMISSION ACTION LIST AND SCHEDULE

Public Hearing
✓ Klavon Request for a 1200 sq. ft. Accessory Structure in R-1
✓ Will Request for a 1200 sq. ft. Accessory Structure in R-1
✓ Schroeder Request for a 1200 sq. ft. Accessory Structure in R-1

June 28, 2016
Special Meeting
✓ Klavon Request for a 1200 sq. ft. Accessory Structure in R-1
✓ Will Request for a 1200 sq. ft. Accessory Structure in R-1
✓ Anthanisiou/Hoffman Land Division – Review submitted materials to satisfy approval conditions
✓ Mikat Boundary Realignment - Review submitted materials to satisfy approval conditions
➢ Open Space Requirements and Calculation Method
➢ Final Text Changes to Proposed Exotic Animal and Supplemental Shoreland Regulations
✓ Planning Commission Annual Report to Township Board

July 12, 2016
Regular Meeting (Meeting adjourned early due to power outage and weather)
✓ Final Text Changes to Proposed Exotic Animal and Supplemental Shoreland Regulations
✓ Recommendations to Livingston County Planning and the Tyrone Township Board

August 9, 2016
Regular Meeting & Public Hearing
✓ Hoffman Shared Private Driveway Review
✓ Livingston County Planning Survey Request
➢ Scott Weickel Land Division on Gordon Rd. (4704-28-100-001)
✓ John Donnay Request for Increased Detached Accessory Structure Area (1090 ft²) in LK-1 located at 10043 Walnut Shores Dr. (4704-09-401-043)
✓ Dave De Carteret Request for a Temporary Dwelling during Construction at 8440 O‘Connell Rd.
✓ Stando Shared Private Driveway off Ledgewood Drive
✓ Discussion regarding recent decisions for the expansion of detached accessory structures from 800 to 1200 square feet maximum

Public Hearing
✓ John Donnay Request for Increased Detached Accessory Structure Area (1090 ft²) in LK-1 located at 10043 Walnut Shores Dr. (4704-09-401-043)
✓ Stando Shared Private Driveway off Ledgewood Drive

September 13, 2016
Regular Meeting & Public Hearing
➢ Open Space Requirements and Calculation Method
✓ Weickel Land Division and Shared Private Driveway Application (4704-28-100-001)
✓ Completion of the Livingston County Planning Survey Request
✓ Update on Recent Detached Accessory Structure Applications
➢ Article 27: Signs - Review for compliance with SCOTUS decision – Content neutral requirement

Public Hearing
✓ Weickel Land Division and Shared Private Driveway Application (4704-28-100-001)

September 29, 2016
Special Meeting
➢ Article 27: Signs - Review for compliance with SCOTUS decision – Content neutral requirement

Revised 5/11/2017
October 11, 2016
Regular Meeting
- Article 27: Signs - Review for compliance with SCOTUS decision – Content neutral requirement
- Severns Boundary Realignment Application (10479 & 10487 Runyan Lake Point)

November 3, 2016
Regular Meeting
- Article 27: Signs - Review for compliance with SCOTUS decision – Content neutral requirement
- Severns Boundary Realignment Application (10479 & 10487 Runyan Lake Point)

December 8, 2016
Regular Meeting
- Article 27: Signs - Review for compliance with SCOTUS decision – Content neutral requirement
- Spinnewerber Boundary Realignment Application
- Registered Designer Regulations Review and Amendment

January 9, 2017
Regular Meeting
- Article 27: Signs - Review for compliance with SCOTUS decision – Content neutral requirement
- Registered Designer Regulations Review and Amendment
- Nutt Home Occupation Request – Action needed on Tabled Application

February 14, 2017
Regular Meeting
- Article 27: Signs - Review for compliance with SCOTUS decision – Content neutral requirement
- Sight lines and building height clarifications
- Hicks Boundary Realignment – Parcel IDs 4704-10-301-15 & 4704-10-301-029

March 14, 2017
Regular Meeting
- Supe’s Exotic Jungle Site Plan Review and Special Land Use Permit
- Edward’s Site Condominium Site Plan Review and Private Road Permit
- Varcoe Boundary Realignment
- Krzeminski Land Division
Public Hearing
- Supe’s Exotic Jungle Site Plan Review and Special Land Use Permit
- Edward’s Site Condominium Private Road Permit

April 11, 2017
Regular Meeting
- Article 27: Signs - Review for compliance with SCOTUS decision – Content neutral requirement
- Marinco Accessory Structure Size Increase Application Review, set Public Hearing
- Updated Zoning Map Review and Recommendation
- Open Space
- Joint Meeting Date

May 16, 2017
Regular Meeting
- Article 27: Signs - Review for compliance with SCOTUS decision – Content neutral requirement
- Marinco Accessory Structure Size Increase Application Review
- Updated Zoning Map Review and Recommendation
- Open Space – R-1 Lot Size Reconsideration
- Hicks Land Division
- Dunk Land Division

Revised 5/11/2017
Public Hearing
- Edward’s Site Condominium Private Road Permit
- Hicks Land Division
- Marinco Accessory Structure Size Increase

Revised 5/11/2017
Recent Amendments

Adopted 10/19/16
✓ Amendments for the Keeping and Display of Exotic Animals and Wild Animals: Sections 2.01 – Definitions, Section 4.03 - Special Land Uses in the FR District, Section 21.49 – Keeping of Pets, and Section 21.58 (new) – Keeping and Display of Exotic Animals and Wild Animals.

Adopted 5/3/16
✓ Rezoning of Select Parcels along Old US-23 from B-2, FR, and M-1 to PCI.

Adopted 4/19/16
✓ Amendments to Article 13A – Planned Commercial Industrial, to include building location regulations;
✓ Amendments to fully incorporate PCI – Planned Commercial Industrial zoning district, into the Tyrone Township Zoning Ordinance: Article 3 – Section 3 District Designations; Article 20 - Schedule of Regulations; Article 21 Section 21.42 - State Licensed Child and Adult Care Facilities; Article 21A Landscaping and Screening; Article 23 Site Plan Review and Impact Assessment and Section 23.18 Architectural Standards; Article 27 – Outdoor Advertising and Sign Regulations;
✓ Article 21 Amendments to include the regulation of Outdoor Furnaces

Adopted 7/21/15
✓ Section 20.02.N Footnotes to Schedule of Regulations amended to allow Land Divisions with > 4:1 depth to width ratios under special conditions consistent with the Land Division Act.
✓ Section 21.16 Noise amended to define subjective excessive noise.

Adopted 4/21/15:
✓ Section 21.55 Medical Marijuana amended to include provisions for outdoor growing as a result of the amended MMMA.

Adopted 1/6/15:
✓ Section 2.01 Definitions - Adding definitions for outdoor display and storage and major and minor vehicle repair.
✓ Section 23.02 Site Plan Review - Requiring open spaces to be shown on a site plan.
✓ Section 20.03 Table of Land Uses - Updating commercial and industrial uses incorporating recently adopted zoning districts.
✓ Article 12A Planned Commercial Services - Incorporating changes from the use chart.
✓ Article 16A Planned Industrial, Research, Office - Incorporating changes from the use chart.

Adopted 9/16/14:
✓ Revise the definitions of “setback” and “yard” (1/27/09)
✓ Shared driveway installation standards or requirements relative to Land Use Permits (21.25)
✓ Revision of Zoning Ordinance Section 30.05.B to reference shared driveway, private road, drainage, and open space requirements for issuance of land use permits;
✓ Proposed Commercial Industrial Zoning District (PCI) text to support the Master Plan
✓ Country Store text to support the Master Plan (2/2013)
✓ Correlation of Zoning District boundaries, locations, and uses (so they match the Master Plan)
✓ Noise Regulations and Fireworks use (noise limits)
✓ Temporary sales, including retail sales of fireworks
✓ Revised definition for 2.00.1 to address properties across US-23 (“adjacent to” and abutting)
✓ Revise definition for Regulated Façade to include PCI, PCS, and PIRO (11/12/13)
✓ Revise definition for Satellite Dish Antenna (dimensions) (11/12/13)

Revised 5/11/2017
TYRONE TOWNSHIP PLANNING COMMISSION ACTION LIST AND SCHEDULE

✓ Fix easement vs private road (24.03.P and 24.06.D are swapped) (12/10/13)
✓ Clarify easement width requirements for shared driveways, etc. (11/27/13)
✓ Sewer system and sewage treatment language in PCS, PCI, and PIRO

Adopted 10/15/13:
✓ Accessory buildings/structures consolidation, clarification, residence destruction conditions, etc.; Clarify the definition of front yard as it applies to accessory structure locations (9/11/12 – encountered during an application)
✓ Amend antenna standards to comply with the Telecommunications Act of 1996, as amended
✓ Cemetery standards inconsistencies (Article 4 and Article 20 both state cemeteries are permitted in both the FR and RE districts, Section 22.05.C.1 is in error as it is inconsistent with Articles 4 and 20)
✓ Medical Marijuana – Ordinance drafted per Township Board direction
✓ Clarification of non-conforming building expansions when the setbacks are non-conforming (5/10/05)
✓ Wireless Communications updates to comply with PA 110 of 2006 amendments – Adopted 9/18/12
✓ Dog/Kennel Ordinance Revisions (2/4/04) (9/13/05) – Adopted 10/16/12
✓ Master Plan Revisions – Adopted 2/19/13
✓ Proposed Industrial, Research, Office Zoning District (PIRO) text to support the Master Plan - Adopted 1/15/13

Revised 5/11/2017
ORDINANCE REGULATING
THE OPERATION AND MAINTENANCE OF
SOLAR ENERGY FACILITIES
IN
WAYNE COUNTY NC.

ADOPTED November 5, 2014
AMENDED January 19, 2016
WHEREAS, this Board desires to enact the following ordinance regulating the operation or maintenance of solar energy facilities in the unincorporated areas of Wayne County.

NOW, THEREFORE, BE IT ORDAINED by the Wayne County Board of Commissioners, as follows:

SECTION ONE. TITLE

This ordinance may be known and may be cited as "Ordinance Regulating the Operation and Maintenance of Solar Energy Facilities in Wayne County, N C."

SECTION TWO. PURPOSES AND OBJECTIVES

The purposes and objectives for which this ordinance is passed are as follows:

A. To preserve the dignity and aesthetic quality of the environment in Wayne County.

B. To preserve the physical integrity of land in close proximity to residential areas.

C. To protect and enhance the economic viability and interests of the citizens and residents of Wayne County who have made substantial financial investments in homes, businesses, and industry in Wayne County.

D. To facilitate the construction, installation, and operation of Solar Energy Facilities (SEFs) in the County of Wayne in a manner that minimizes the adverse impacts to forestry, agricultural, commercial and residential lands. This ordinance is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

SECTION THREE. DEFINITIONS

For the purpose of this ordinance, certain terms and words are hereby defined; words used in the present tense shall include the future; words used in the singular number shall include the plural number; and the plural the singular; and the word "shall" is mandatory and not discretionary.

Abandonment: to give up, discontinue, withdraw from. Any solar energy facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned.

Building: Any structure having a roof supported by columns or walls, and designated or intended for the shelter, support, enclosure or protection of persons, animals or chattels.

Decommissioning plan: A document that details the planned shut down or removal of a solar energy facility from operation or usage.

Fence: A continuous barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point, constructed of dirt, wood, stone, steel, or other metal, or any substance of a similar nature and strength.

Gate: A door or other device attached to a fence which, when opened, provides a means of ingress and egress of persons and things for which it was intended, and which, when closed, forms a continuous barrier as a part of the fence to which it is attached.

Improved Area: Area containing solar panels, electrical inverters, storage buildings and access roads.
Opaque Fence: A continuous opaque, unperforated barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point, constructed of dirt, wood, stone, steel, or other metal, or any substance of a similar nature and strength which will hide the solar energy facility.

Public Road: Any road or highway which is now or hereafter designated and maintained by the North Carolina Department of Transportation as part of the State Highway System, whether primary or secondary, hard-surfaced or other dependable roads which provide access to residential areas. Setbacks for improved areas shall be measured from the road right of way.

Residence: A building used as a dwelling for one or more families or persons.

Residential Area: Any area within one quarter 1/4th mile of a solar energy facility having twenty five or more dwellings.

Solar Energy Facility: An energy facility, an area of land, or a structural rooftop principally used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems. This definition shall only include those facilities that sell electricity to be used off site.

SECTION FOUR. PROHIBITIONS

It shall be unlawful after the effective date of this Ordinance for any person, firm, or corporation, or other legal entity to operate, maintain or establish in any unincorporated area of Wayne County a solar energy facility which the site plan has not been approved by the Wayne County Planning Board. Modifications to an existing solar energy facility that increases the area by more than 20% of the original footprint or changes the solar panel type shall be subject to this ordinance.

SECTION FIVE. LOCATION

A. All solar energy facilities must comply with the requirements established in the Wayne County Zoning Ordinance.

B. All solar energy facilities shall be considered a special use in all areas of the county covered by the Seymour Johnson AFB Airspace Control Surfaces as defined in the 2011 Air Installation Compatible Use Zone (AICUZ) report or subsequent reports. Approval as a special use must be from the Wayne County Board of Adjustment.

C. All improved areas, including disposal areas, shall be at least 60 feet from a public road and 25 feet from a fence line. In the event that an opaque fence is installed the setback may be reduced to 20 feet.

D. Improved areas shall be at least 100 feet from any residence or church, measured from the principal building in a non-residential area. Improved areas shall be 50 feet from a residence or church, measured from the property line in a residential area.

E. All access roads and storage areas shall be established on a 30’ minimum easement to a public right of way.

F. All solar energy facilities located in a residential area shall have a minimum landscape buffer of 25 feet. The buffer shall contain evergreen trees or bushes planted no more than 8 feet apart and at least 4’ tall at time of planting. The buffer shall obtain a height of 10 feet within 3 growing seasons. The trees or bushes may be trimmed but no lower than a height of 10 feet. A buffer area will not be required between a solar energy facility and an industrial, agriculture, timber or commercial use. A planted buffer will not be required if an opaque fence is installed.
SECTION SIX. SECURITY

A. Solar energy facilities shall be fenced completely as defined in Section Three above. The perimeter fence shall be designed to restrict unauthorized access. If a wire fence is used, vegetation above must be planted along the sides and adjoining a public road.

B. Each owner, operator or maintainer of a solar energy facility to which this Ordinance applies, and who chooses to use vegetation as defined in Section Three above with wire fence, shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. Plants or grasses not part of landscaping shall be maintained by the facility operator not to exceed twelve inches in height.

SECTION SEVEN. SUPPLEMENTAL REGULATIONS

A. The manufacturers or installer’s identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner.

B. On site power lines between solar panels and inverters shall be placed underground.

C. The design of solar energy facilities buffers shall use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment.

D. If the solar energy facility consists of batteries or storage of batteries, adequate design must be provided to ensure all local, state and federal requirements regulating outdoor battery storage have been met.

E. The applicant must obtain from NC Department of Transportation a driveway permit.

F. The design and construction of solar energy facilities shall not produce light emissions, either direct or indirect (reflective), that would interfere with pilot vision and/or traffic control operations as stated in section 3.2.2 of the 2011 AICUZ report.

G. The design and construction of solar energy facilities shall not produce electrical emissions that would interfere with aircraft communications systems or navigation equipment as stated in Section 3.2.2 of the 2011 AICUZ report.

H. A copy of the application to the utility company that will be purchasing electricity from the proposed site shall be provided to the County.

I. An affidavit or evidence of an agreement between the lot owner and the facility’s owner or operator confirming the owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the solar energy facility.

J. Any other relevant studies, reports, certificates and approval as may be reasonably required by Wayne County.

K. A description of the proposed technology to include type of solar panel and system, fixed mounted versus solar tracking, number of panels, and angles of orientation.

L. An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator.
SECTION EIGHT. SITE PLAN REQUIRED

A. Owners or operators of solar energy facilities established after the effective date of this Ordinance shall present three copies of a site plan which conform to the standards of this Ordinance to the Wayne County Planning Board. The site plan shall include setbacks, panel sizes, and location of property lines, buildings and road right of ways.

B. The Planning Board shall review the site plan to insure conformity with the requirements of this Ordinance. No new solar energy facility shall be operated until the site plan has been approved by the Wayne County Planning Board; provided, however, that if the Planning Board has not taken action within ninety (90) days after the first Planning Board meeting after the submission of the site plan, said site plan will be deemed to be approved.

C. The Planning Board may grant a variance to these requirements based upon good cause shown. Applications for such variance shall be made to the Wayne County Planning Director.

D. Prior to final inspection proof that a permit issued by the State in accordance with applicable provisions of the General Statutes has been issued.

E. Appeals of a Planning Board decision shall be to the Wayne County Board of Commissioners.

F. After initial departmental review, fifteen copies of the site plan in 18” x 24” format must be provided for the Planning Board meeting.

SECTION NINE: ABANDONMENT AND DECOMMISSIONING PLAN

A. Abandonment:

A SEF that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SEF provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Planning Director or his designee of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the Parcel to its condition prior to development of the SEF.

1. Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible they must remove the SEF and restore the site to its condition prior to development of the SEF within three hundred and sixty (360) days of notice by the Planning Director or his designee.

2. If the responsible party (or parties) fails to comply, the Planning Director or his designee may remove the SEF, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the SEF and restore the site to a non-hazardous pre-development condition.

B. Decommissioning:

a. A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted prior to the issuance of the development permit.
   i. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, abandonment etc.)
   ii. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations.
   iii. Restoration of property to condition prior to development of the SEF.
   iv. The timeframe for completion of decommissioning activities.
   v. Description of any agreement (e.g. lease) with landowner regarding decommissioning.
   vi. The party currently responsible for decommissioning.
   vii. Plans for updating this decommissioning plan.
SECTION TEN: AVIATION NOTIFICATION

A. For consideration of potential impacts to Seymour Johnson AFB flying operations, notification of intent to construct an SEF shall be sent to the Seymour Johnson Base Commander or designated official 30 days before the regularly scheduled Planning Board meeting. Notification shall include location of SEF (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application.

B. For consideration of potential impacts to civilian flight paths for airport operations located within five (5) nautical miles from an airport listed in the National Plan of Integrated Airport Systems, notification of intent to construct an SEF shall be sent to the airport manager or designated official and the Federal Aviation Administration’s (FAA) Airport District office (ADO) with oversight of North Carolina. Notification shall include location of SEF (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given 30 days for review.

C. For consideration of potential impacts to civilian flight paths for airport operations located within five (5) nautical miles from an airport not listed in the National Plan of Integrated Airport Systems, except military airports, notification of intent to construct an SEF shall be sent to the airport manager or designated official. Notification shall include location of SEF (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given 30 days for review.

D. After receiving notification of intent to construct an SEF as described in Section Ten, subsection B and C; if requested, the proponent of the SEF shall use the latest version of the Solar Glare Hazard Analysis Tool (SGHAT), per its user’s manual to evaluate the solar glare aviation hazard, as indicated in D (i) and D (ii). The full report for each flight path and observation point, as well as the contact information for the zoning administrator, shall be sent to the authority indicated below at least 30 days prior to site plan approval. Proof of delivery of notification and date of delivery shall be submitted with permit application.
   i. Airport operations at an airport in the National Plan of Integrated Airport Systems (NPIAS) within 5 nautical miles of the center of a proposed SEF: provide required SGHAT analysis information to the airport manager or designated official and the Federal Aviation Administration’s (FAA) Airport District office (ADO) with oversight of North Carolina.
   ii. Airport operations at airport not in the NPIAS, except military airports, as defined in Section Ten, subsection C, within 5 nautical miles of the center of proposed SEF: provide required SGHAT analysis information to the management of the airport for non-military airports.

E. Proposed SEFs within the Seymour Johnson AFB Airspace Control Surfaces Area as defined in the 2011 Air Installation Compatible Use Zones (AICUZ) or subsequent AICUZ reports will be evaluated for potential impacts to Seymour Johnson AFB flying operations as described below.
   i. After receiving notification of intent to construct as SEF as described in Section Ten, subsection D. (to include all SGHAT PV parameters), the Seymour Johnson Base Commander or designated official will notify the designated Wayne County official if the SGHAT needs to be utilized by the SEF proponent or not.
   ii. If the SGHAT does not need to be utilized, the Seymour Johnson Base Commander or designated official will respond to the designated Wayne County official.
   iii. If the SGHAT does need to be utilized, the SEF proponent shall contact the Seymour Johnson Base Commander or designated official to receive the military data needed for the SGHAT (e.g., locations, increments, and elevations of observation points, as well as air traffic control tower information). The SGHAT shall be used per its user manual and reports must be run over the entire calendar year (each time zone). Upon receiving the
SGHAT reports, the Seymour Johnson Base Commander or designated official will respond to the designated Wayne County official.

F. Any applicable SEF design changes (e.g. module tilt, module reflectivity, etc.) after initial submittal shall be rerun in the SGHAT tool and the new full report shall be sent without undue delay to the contact specified in sections D.i, D.ii and E above for accurate records of the as-built system.

SECTION ELEVEN. VIOLATION SHALL BE A MISDEMEANOR

Any person, firm, corporation, or other entity who maintains or operates or who controls the maintenance of a solar energy facility in violation of this Ordinance shall be guilty of a misdemeanor and subject to prosecution, and if convicted, shall be punished by a fine not to exceed $50.00 or by imprisonment not to exceed thirty (30) days, or both, in the discretion of the Court. Each day that said solar energy facility shall be maintained or operated in violation of this Ordinance shall constitute a separate and distinct offense.

SECTION TWELVE. ENFORCEMENT

A. The enforcement officer shall be the Wayne County Planning Director or designee. The enforcement officer shall review site plans submitted under Section Seven and make appropriate recommendations to the Planning Board. The enforcement officer shall also visit the facilities by this ordinance at least once per year and if the facility does not conform to said ordinance shall discuss with the owner and/or operator the steps needed to bring the facility into compliance. If these steps are not taken, the enforcement officer shall notify the owner in writing of the steps that must be taken to bring the facility into compliance. If the owner or operator still fails to bring the facility into compliance with this Ordinance, the enforcement officer, after consultation with the County Manager, shall institute the necessary steps to enforce this ordinance in accordance with the provisions of subsection B of this Section. The enforcement officer shall also assist owners or operators of any solar energy facility in making plans to comply with this Ordinance.

B. This Ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. It may be enforced by injunction and order of abatement. The County may apply for a mandatory or prohibitory injunction and order of abatement commanding the violator to correct any unlawful condition upon or cease the unlawful use of property. The County may request an order of abatement as part of a judgment in the cause any may request the court to close, demolish or remove buildings or other structures or take any other action that is necessary to bring the solar energy facility into compliance with this Ordinance.

This Ordinance may be enforced by any one or more of the remedies authorized herein.

SECTION THIRTEEN. SEVERABILITY

If any section or part of this Ordinance should be held invalid for any reason, such determination shall not affect the remaining sections or parts, and to that end the provisions of this Ordinance are severable.

SECTION FOURTEEN. EFFECTIVE DATE

This Ordinance shall become effective upon its adoption.

Adopted this the 5th day of November 2014

WAYNE COUNTY BOARD OF COMMISSIONERS

BY: ______________________________

George Wayne Aycock, Chairman

ATTEST:
Marcia R. Wilson
Clerk to the Board
NEW BUSINESS #7
Supreme Court Ruling Questions Answered

1. The U.S. Supreme Court’s unanimous decision in Reed v. Gilbert impacts almost every sign ordinance in the U.S. Specifically, forms of noncommercial speech cannot be regulated differently based on the content of the sign’s message.

2. The Supreme Court said: “In other words, an innocuous justification cannot transform a facially content-based law into one that is content-neutral.” Communities must review their sign regulations immediately and identify “innocuous justifications” that favor certain types of signs. Because many types of signs are noncontroversial and/or exempt from permitting requirements, they are often ignored when evaluating the sign ordinance. While amendments may be necessary, communities can craft content-neutral standards while still achieving the purpose of their sign regulations.

3. Looking ahead, emerging LED technology has allowed better control of brightness and frequency of message changes. While many communities prohibit illuminated signs and changeable message signs based on fears and negative experiences, communities should study the latest technology and best practices to determine if there are suitable regulations it can implement while still maintaining their character.

RESOURCES
(Future editions may be published after Reed v. Gilbert)
Michigan Sign Guidebook, Scenic Michigan, December 2011
International Sign Association (ISA) “Resources for Local Officials” website, with examples of sign regulations including nighttime brightness levels for Electronic Message Centers (EMCs): www.signs.org/GovernmentRelations/ResourcesforLocalOfficials.aspx
Model On-Premise Sign Code, United States Sign Council (USSC), 2011: www.uscouncil.org/USSC/ModelOn-PremiseSignCode.pdf
Drafting and Enforcing Sign Codes after Reed v Town of Gilbert

The U.S. Supreme Court’s decision in Reed v Town of Gilbert on June 18, 2015 is, undoubtedly, the most definitive and far-reaching statement that the Court has ever made regarding day-to-day regulation of signs. While the sign code provisions challenged in Reed involved only the regulation of temporary non-commercial signs, the Court’s 6-3 majority decision, authored by Justice Clarence Thomas, applies to the regulation of all signs: permanent signs as well as temporary signs, business signs as well as residential signs, and to both commercial and non-commercial signs. If you’re wondering “what about onsite vs. offsite signs?” - more on that later.

The rules that Justice Thomas announced in Reed could not be more straightforward. A sign regulation that “on its face” considers the message on a sign to determine how it will be regulated is content-based. Justice Thomas emphasized that if a sign regulation is content-based “on its face” it does not matter that government did not intend to restrict speech or to favor some category of speech for benign reasons. He wrote: “In other words, an innocuous justification cannot transform a facially content-based law into one that is content-neutral.” Further, a sign regulation that is facially content-neutral, if justified by – or that has a purpose related to – the message on a sign, is also a content-based regulation. For example, a code provision that allowed more lawn signs between mid-August and mid-November would be facially content-neutral but might be challenged as being justified by or have a purpose related to allowing “election campaign” messages.

Whether content-based “on its face” or content-neutral but justified in relation to content, Justice Thomas specified that the regulation is presumed to be unconstitutional and will be invalidated unless government can prove that the regulation is narrowly tailored to serve a compelling governmental interest. This is known as the “strict scrutiny” test and few, if any, regulations survive strict scrutiny. This may be particularly true in regards to sign regulations given that a number of federal courts have previously ruled that aesthetics and traffic safety, the “normal” governmental interests supporting sign regulations, are not “compelling interests.”

Every Sign Code Should Be Scrutinized

Justice Thomas’s opinion calls into question almost every sign code in this country: few, if any, codes have no content-based provisions under the rules announced in Reed. For example, almost all codes contain content-based exemptions from permit requirements for house nameplates, real estate signs, political and/or election signs, garage sale signs, “holiday displays,” etc. Almost all codes also categorize temporary signs by content, and then regulate them differently; for example, a “real estate” sign can be bigger and remain longer than a “garage sale” sign, or the code allows the display of more “election” signs than “ideological” or “personal” signs but the “election” signs must be removed “x” days after the election while the “personal” or “ideological” signs can remain indefinitely.

Many sign codes also have content-based provisions for permanent signs. Because the Reed rules consider “speaker-based” provisions to be content-based, differing treatment of signs for “Educational Uses” vs. “Institutional Uses” vs. “Religious Institutions” would be subject to strict scrutiny. The strict
scrutiny test would also apply for differing treatment of signs for “gas stations” vs. “banks” vs. “movie theaters.”

*Reed* does not, however, cast doubt on the content-neutral “time, place, or manner” regulations that are the mainstay of almost all sign codes, provided they are not justified by or have a purpose related to the message on the sign. Justice Thomas acknowledged that point, noting that the code at issue in *Reed* “regulates many aspects of signs that have nothing to do with a sign’s message: size, building materials, lighting, moving parts and portability.” Justice Alito’s concurring opinion, joined by Justices Kennedy and Sotomayor, went further.

While disclaiming he was providing “anything like a comprehensive list,” Justice Alito noted “some rules that would not be content based.” These included rules regulating the size and location of signs, including distinguishing between building and free-standing signs; “distinguishing between lighted and unlighted signs;” “distinguishing between signs with fixed messages and electronic signs with messages that change;” distinguishing “between the placement of signs on private and public property” and “between the placement of signs on commercial and residential property;” and rules “restricting the total number of signs allowed per mile of roadway.”

But Justice Alito also approved of two rules that seem at odds with Justice Thomas’s “on its face” language. Alito claimed that rules “distinguishing between on-premises and off-premises signs” and rules “imposing time restrictions on signs advertising a one-time event” would be content-neutral. But rules regarding “signs advertising a one-time event” clearly are facially content-based, as Justice Kagan noted in her opinion concurring in the judgment, and the same claim could be made regarding the onsite/offsite distinction. Further, neither Justice Thomas nor Justice Alito discussed how courts should treat codes that distinguish between commercial and non-commercial signs, a point raised by Justice Breyer in his concurring opinion. Thus, it seems clear that the lower federal courts will soon face claims that codes that differentiate between commercial and non-commercial signs or that regulate on-site and off-site signs differently are content based and subject to strict scrutiny. Stay-tuned!

Keep in mind, however, that even content-neutral “time, place or manner” sign regulations are subject to intermediate judicial scrutiny rather than the deferential “rational basis” scrutiny applied to regulations that do not implicate constitutional rights such as freedom of expression or religion. Intermediate scrutiny requires that government demonstrate that a sign regulation is narrowly tailored to serve a substantial government interest and leave “ample alternative avenues of communication.” Because intermediate scrutiny requires only a “substantial,” rather than a “compelling,” government interest, courts are more likely to find that aesthetics and traffic safety meet that standard. That said, courts have struck down a number of content-neutral sign code provisions because the regulations were not “narrowly tailored” to achieve their claimed aesthetic or safety goals.

**Cities Must Respond**

So…what’s a city to do after *Reed*? Some cities are enacting moratoria on sign regulation while they try to figure that out. A court would likely view with disfavor a total moratorium on issuing any sign permits (or, worse yet, displaying any new signs) as an unconstitutional prior restraint on speech. In
contrast, a moratorium of short duration – certainly no more than 30 days – targeted at permits issued under code provisions that are questionable after Reed is far more likely to be upheld. Cities are also well-advised to suspend enforcement of code provisions – particularly regulation of temporary signs – that are questionable after Reed. Obviously, however, all sign code structural provisions directly related to public safety should continue to be enforced.

As we all know, drafting a fair and effective sign code that appropriately balances a community’s interests in allowing both residents and businesses to use signs to meet their communication needs while achieving the community’s interests in maintaining property values and achieving aesthetics and traffic safety goals is no easy task. Trying to do that during a short moratorium is even harder. But it is certainly not impossible.

**Opportunities to Improve Your Sign Code Post-Reed**

1. **Remove from the sign code all references to the content of a sign other than the few examples directly related to public safety noted in Justice Thomas’s opinion.** Most of these content-based provisions likely will relate to temporary signs. Rather than referring to “real estate” or “political” or “garage sale” signs, your code should treat these all as “yard” signs or “residential district” signs. You then regulate their number, size, location, construction and amount of time they may be displayed, keeping in mind how your residents want to use such signs. You would use the same approach for temporary signs in business districts: replace references to “Grand Opening” or “Special Sale” signs with “temporary business sign” and regulate their number, size, location, construction and amount of time they may be displayed based on business needs for such signs.

2. **All the provisions in your code that refer to number, area, structure, location and lighting of permanent signs are content-neutral and unaffected by Reed.** If your code does have some content-based provisions for permanent signs, either by specifying content that must (or must not) be on a sign or because you distinguish among uses (e.g., “gas-station signs”), those provisions will be subject to strict scrutiny if challenged. None of these content-based provisions should be retained unless public safety would be so threatened by removal that the provision would survive strict scrutiny. Permanent signs should be regulated in a content-neutral manner with regulations distinguished not by type of use (because that would be “speaker-based”) but by either zoning districts or “character” districts or by reference to street characteristics such as number of lanes or speed-limit. The International Sign Association has a number of resources that can help your community revise your sign code based on the latest research, sign industry expertise, and sign-user perspectives.

3. **If your sign code does not have a severability clause and a substitution clause they should be added.** A severability clause provides that if any specific language or provision in the code is found to be unconstitutional, it is the intent of the city council that the rest of the code remain valid. For example: “If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this code is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the code.” A substitution clause allows a non-commercial message to be displayed on any sign. While Reed did not discuss the commercial/non-commercial distinction, prior U.S. Supreme Court cases established that commercial speech should not be favored over non-commercial speech. A
substitution clause thus can safeguard you against liability that could result from mistakenly doing just that by prohibiting the display of a non-commercial message or citing it as a code violation. For example: “Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.”

4. Understand that Reed has left several questions unanswered. As previously noted, treatment of the onsite/offsite and commercial/non-commercial distinctions remains uncertain. Reed also failed to provide an answer to how we provide for the public’s desire for more signage during election campaigns in a wholly content-neutral manner. We also don’t know what, if any, content-based regulations might survive strict scrutiny. In light of these uncertainties, arguably the best course for cities is to err on the side of allowing for less restrictive, rather than more restrictive, sign regulations until the courts provide more guidance on the above questions and others that are certain to be raised.

Professor Alan Weinstein holds a joint faculty appointment at Cleveland State University’s Cleveland-Marshall College of Law and Maxine Goodman Levin College of Urban Affairs and also serves as Director of the Colleges’ Law & Public Policy Program. Professor Weinstein is a nationally-recognized expert on planning law who lectures frequently at planning and law conferences and has over eighty publications, including books, book-chapters, treatise revisions and law journal articles. Professor Weinstein has extensive practice and research experience with First Amendment issues, particularly in the land use context. He has served as Chair of the Sub-committee on Land Use & the First Amendment in the American Bar Association’s (ABA) Section of State & Local Government Law and has extensive scholarly and practice experience with land-use regulation that raise First Amendment issues due to their effect on religious institutions, adult entertainment businesses, and signs, billboards, or newsracks.
Model Code For Regulation Of On-Premise Signs

Andrew D. Bertucci
Richard B. Crawford, Esq.

Offered as a model of suggested means that may be found appropriate for local regulation of on-premise signs. No expressed or implied warranty is made that any of the provisions of this model will withstand the scrutiny of a constitutional challenge, and/or be in conformance with prevailing or future requirements imposed by local, state, or national law.
Since 1996, the United States Sign Council, through its research arm, the United States Sign Council Foundation, has published fourteen major academic studies covering the full range of on-premise sign legibility, placement, illumination, community impact, and traffic safety issues.

This work, by university research teams specializing in human factors and traffic engineering disciplines, has enabled the United States Sign Council to develop guideline standards and models designed to facilitate development of performance oriented community sign systems based on empirical scientific research.

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Foreword

Since the beginning of recorded history, signs have served to provide mankind with one of its most important and easily understood means of communication.

Today, as our environments become increasingly more complex, the need for direction, guidance, and information by means of adequate sign systems has never been more critical. In the built environment, on-premise signs, such as those depicted here, serve those critical functions.

It is the intent of this model to advance the ability of such signs to provide their communicative function within an orderly landscape consistent with community aesthetic and safety standards.
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Overview…

It is the intent of this Model Sign Code to provide municipalities with a means to both understand and regulate the use of on-premise signs within their jurisdictions. To this end, the Model has been designed to provide regulatory schemes for on-premise signs only, and does not include schemes for the regulation of off-premise outdoor advertising signs, frequently referenced as billboards. Unless otherwise noted, the word “sign” when used in this Model refers to an on-premise sign.

Science Based Regulation:

The Model is based on numerous university level scientific studies conducted by the United States Sign Council (USSC) and its research arm, The United States Sign Council Foundation, aimed at quantifying various aspects of on-premise sign functionality, including viewer detection and legibility, viewer response and comprehension, traffic safety issues under varying roadside conditions, and optimum lighting levels. Table A (see Page 5) provides a detailed enumeration of this research effort to date.

Because of this research, it is now possible to craft sign regulation that is both objective and in concert with observable human factors performance criteria. Both the Model, and the performance data and numerical quantities within it, are based on the objective observations and measurements that are the result of this research effort into the form and function of on-premise signs as a principal means of roadside communication and situational awareness for motorists.

In addition to the obvious benefits of the application of verifiable scientific observation and evidence to the creation of any land-use code, such as a sign ordinance, the Model offers the added benefit of providing reasonable assurance that when questions concerning the constitutional integrity of its provisions arise, the use of quantifiable objective measurements and other performance criteria can be a firm buttress to guard against attack on the Code based on apparent subjectivity or lack of sustainable performance evidence.

This is particularly relevant in regard to any sign code or ordinance, because of the clear protection afforded on-premise signs particularly, as a form of protected speech. In essence, on-premise signs are visual communication devices, and in both their form in the landscape, and their function as a means of communication, provide an essential transfer of vital information not dissimilar to any other constitutionally protected media source. Additional information on the constitutional issues involving on-premise sign speech is provided as a convenient reference source below in Current Legal Considerations in On-Premise Sign Regulation (see Page 6).
Science Based Standards:

1) Size, Location, and Height Standards for Perpendicular and Parallel Sign Orientation

Based upon its research conclusions, USSC has developed on-premise sign size, location, height, and illumination guideline standards designed to integrate the research data into a tangible performance metric for the optimization of on-premise sign usage, particularly in motorist oriented environments.

These standards are the basis for the provision of the time, place, and manner requisites of the Model, and provide the empirical framework upon which it is built. Numerical values within the Model reflect the observational and empirical test values obtained through the research. As such, they clearly represent the most objective means of providing for time, place, and manner regulation consistent with motorist situational awareness and environmental orientation as well as the traffic safety mandate of any sign code.

These Standards for on-premise sign size, location, and height also reflect the informational transfer and communication aspects that are unique to the on-premise sign medium, which in both form and function serves a variety of community needs. Essentially, an on-premise sign performs at least three major functions, which are:

a) Provision of situational awareness or indexing of places within the environment

b) Provision of wayfinding or directional information

c) Provision of basic communication regarding activities on the site, products or services available on the site, or other types of information regarding observer interest in the site.

On-premise signs communicate information through graphic presentation, using a combination of words, pictures, and thematic design to convey their place-based messages to people who pass within their view. It is this place-based orientation that gives on-premise signs their unique character, but which also acts to limit their communicative ability to a relatively short span of time during which they can be seen by any given viewer. It is, in fact, this time frame, known as Viewer Reaction Time (or VRT) that is the determining factor in the computation of the optimum size and placement of an on-premise sign in any motorist oriented environment.

The Model clearly recognizes this factor, and uses speed of travel as the primary determinant of sign size and height. Although the Model can be applied to a form-based zoning transect zone concept, it should be noted that the overriding distinction between transect zones for on-premise signs is not their specific placement in the landscape, but their specific placement in a given traffic speed environment.
2) Illumination Standards:

The functions of on-premise signs are no less critical after dark as they are during daylight hours. It may, in fact, be hypothesized that their functional value after dark is even more critical to the safety and awareness implications for older drivers, whose visual acuity has been shown to deteriorate markedly at night.

Extensive sign illumination research conducted under both controlled and real world conditions has shown a marked difference in legibility and attendant viewer reaction time between internally illuminated signs and their externally illuminated counterparts. This difference has been calculated to provide as much as a 70% advantage in legibility favoring internal over external sign illumination. Since it is the intent of the Model to promote traffic safety as one of its prime objectives, the use of internally illuminated signs is neither prohibited nor curtailed in any zone or district.

In addition, initiatives involving energy savings achieved through any reduction of sign luminance from optimum levels are likewise not considered appropriate to the Model, because of the potential that such reductions may compromise traffic safety. Unlike other sources of outdoor light in the nighttime landscape, on-premise signs are specifically designed to provide vital wayfinding and situational awareness information to motorists, and to this end, must be permitted to maintain illumination levels consistent with optimum legibility and viewer reaction time parameters. The minimum luminance values of the Model are structured to provide for these parameters.

Five distinct research studies investigating varied aspects of on-premise sign illumination in the built environment have now been completed by Transportation Institute research teams at the Pennsylvania State University. The five studies on sign illumination listed in Table A (see Page 5) have focused on optimum illumination parameters, legibility and potential safety differences between internally and externally illuminated signs; issues involving glare, light trespass, and sky glow when applicable; light measurement parameters; and differences in outcomes between controlled laboratory tests and tests under actual real world conditions. As a result, the data regarding the applicability of these issues to on-premise sign illumination is conclusive, and, as with size and height parameters, is used as a scientifically credible basis for the illumination requisites of the Model.

**Luminance as Measurement Standard:**

The USSC Standard for the measurement of on-premise sign illumination is Luminance. Luminance measures light output at its source, does not vary with ambient light conditions, and further can be objectively measured during both the sign fabrication process and after installation in the field to ensure adherence to the illumination requirements of the Model.

The Model imposes a delimiting luminance value for on-premise signs after dark which has been found to provide optimum legibility and its consequent traffic safety implications without any significant impact on environmental light trespass, glare, or
sky glow. The Model does not delimit luminance during daylight operation, but EMC
signs and other dynamic message signs which, because of their LED powered
display surfaces require daylight illumination of sufficient luminance to maintain
legibility under bright ambient light, are required to adjust their light output after dark
to meet the luminance level for all signs imposed by the Model.

**General Provisions:**

The design of the Model follows the generally accepted practice of dividing the
document into manageable sections, each related to a specific area of information or
regulatory coverage. The regulatory sections of the Model are likewise divided into
zones, as is also common practice. The Model is designed to be performance
oriented, with regulation based on documented research involving the interaction
between the speed and density of traffic, and attendant viewer visibility and legibility
requirements.

In response to evolving case law relating to the issue of content neutrality, the Model
has been structured to avoid content-based regulation, particularly in the more
restricted residential and professional zones in which a relatively limited amount of
sign space is allocated by the Model for the display of either commercial or non-
commercial speech. In the few instances in which sign content may be used to
define the manner of regulation, such as delineated in the Model for directional
signs, the regulation is based on the concept that these signs fulfill a substantial
governmental interest in augmenting traffic flow and safety, which could be inhibited
if such signs were not specifically identified by use or content.

Throughout the Model, author’s clarification notes are provided in proximity to Code
sections or Code elements to which they relate. Although these notes are not part of
the Code verbiage itself, they are intended to provide relevant background
information to assist implementation of the Code through a further understanding of
the research and/or empirical observation behind the specific elements of the Code
which they address. In this context, users of the Model may wish to retain them as a
means of assisting zoning and building officials particularly in interpreting and
administering the specific provisions of the Model.
**Table A – USSC on-premise sign research studies & publications**

1. **SIGN VISIBILITY, Research and Traffic Safety Overview** (89p).
   Pennsylvania Transportation Institute, Pennsylvania State University, 1996.

2. **SIGN LEGIBILITY, The Impact of Color and Illumination** (80p).
   Pennsylvania Transportation Institute, Pennsylvania State University, 1998.

   Pennsylvania Transportation Institute, Pennsylvania State University, 2002.

4. **SIGN VISIBILITY, Effects of Traffic Characteristics and Mounting Height** (64p).
   Pennsylvania Transportation Institute, Pennsylvania State University 2003.

5. **TRAFFIC SAFETY STUDY, An Examination of the Relationship between Signs and Traffic Safety** (80p).

6. **ENVIRONMENTAL IMPACT OF ON-PREMISE SIGN LIGHTING, With Respect to Potential Light Trespass, Sky Glow, and Glare.** (26p).

7. **RELATIVE VISIBILITY OF INTERNALLY AND EXTERNALLY ILLUMINATED ON-PREMISE SIGNS** (24p).

8. **DRIVER INFORMATION LOAD** (4p).
   Pennsylvania Transportation Institute, Pennsylvania State University, 2003.

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10. **ON-PREMISE SIGNS, The Impact of Zoning Regulation on Site Performance** (36p).
    Pennsylvania State University, 2005.

11. **ON-PREMISE SIGNS, Determination of Parallel Sign Legibility and Letter Heights** (20p).
    Pennsylvania Transportation Institute, Pennsylvania State University, 2006.

    Pennsylvania Transportation Institute, Pennsylvania State University, 2009.

13. **INTERNAL vs. EXTERNAL ON-PREMISE SIGN LIGHTING, Visibility and Safety in the Real World** (26p).
    Pennsylvania Transportation Institute, Pennsylvania State University, 2009.

14. **ON-PREMISE SIGN LIGHTING, Terms, Definitions, Measurement** (27p).
    Visual Communication Research Institute, 2010.
Current Legal Considerations in On-Premise Sign Regulation

The following section covering on-premise sign regulation and the law is included in order to provide municipalities with up-to-date information on a variety of topics of particular interest to local planners and legislators. At the outset it must be noted that this particular review will not include a long list of case citations and legal jargon. There are already existing sources of this type of legal information, related to on-premise signs, and if a municipality is contemplating a Sign Code review or revision, it is strongly recommended that an attorney assist in this process, from the beginning, so that any new Sign Code can pass legal muster and/or challenge. For the purposes of this section, if a statement is made, then there is a basis in statutory or case law for that statement, and/or scientific research related to the subject of on-premise signs that supports said statement.

**On-premise Signs and First Amendment Protections**

The Model is intended to provide guidance to municipalities when regulations are being created pertaining to on-premise signs. The term “on-premise signs” encompasses a wide variety of sign applications: political signs, religious communication, residential signs, identification of governmental facilities, and commercial speech - to name a few – and is defined in the Model Code itself.

While the Model addresses regulations for all types of on-premise signs, and their concomitant speech, the main focus of the Model is on the proper regulation of non-residential on-premise signs. It is in this area where difficult issues arise between the desire of municipalities to regulate signs and the communication needs of both on-premise sign owners and on-premise sign users (motorists in most situations). To that end, the Model has been carefully crafted to comply with the law as it relates to on-premise signs.

Even a cursory examination of First Amendment case law related to the regulation of on-premise signs shows that while there are consistent principles that guide court decisions, there is also substantial variation in specific outcomes, as well as variation between cases heard in a state court setting versus cases coming before any level of the federal court system.

There have been some significant changes in the interpretation of the law as it relates to on-premise signs and the First Amendment in recent years. Many professionals may not even be aware of these legal developments. The subject area is specific enough that one would not expect municipalities to have a thorough understanding of what types of regulations are permissible, and what are not, until the issues arise in a specific context or legal challenge.

In order to assure that sign regulations comply with the First Amendment, municipalities should strive to create “content-neutral” regulations. A content-neutral sign regulation does not apply to or affect the sign message or communication on the sign in any way: it does not pertain to the lettering, the graphics, the speech, the artwork, and the colors nor prohibit or control the use of any of these items. These
types of regulations are typically termed reasonable “time, place and manner” sign regulations. Time, place and manner regulations do no more than govern the dimensions of the sign, the sign placement, the number of signs on a property, issues of sign construction and so forth.

In fact, there is a consistent line of authority holding that on-premise sign regulations must be “content neutral”, meaning that a sign code may not regulate on the basis of content or favor the display of one message over another. See, e.g., Boos v. Berry, 485 U.S. 312 (1988); Metromedia, Inc. v. City of San Diego, 453 U.S. 490 (1981). Content-based restrictions are subject to strict scrutiny by the courts. See, 44 Liquormart, Inc. v. Rhode Island, 517 U.S. 484 (1996).

It follows that municipalities should strive to avoid creating “content-based” sign regulations. A sign ordinance provision that regulates on-premise signs based on the content of the message displayed, or actively prohibits or regulates actual messages or colors or methods of expressing protected speech would be considered content-based. Examples include: a sign that can only state the legal name of a business - signs that advertise the sale of specific goods or services are prohibited; the color blue is prohibited; a sign can only have 3 colors; a sign can only display three words; a sign cannot display a telephone number; a dining establishment may only identify itself as a “restaurant” and the word “diner” is prohibited.

Courts use various tests to examine sign code provisions that are challenged on First Amendment grounds. For content-based regulations, the issues are generally more clear and easy to define. Some may say that content-based sign regulations are “per se” unconstitutional. This is not entirely accurate, but there is a presumption that a content-based sign regulation is unconstitutional.

When a municipality creates regulations based on the content of the sign (the regulated “speech”), courts will apply a stringent analysis known as “strict scrutiny.” To paraphrase, the strict scrutiny test requires that a content-based regulation of speech be justified by a compelling governmental interest and be narrowly tailored to further that interest.

The burden of justifying a content-based sign code scheme is on the municipality, rather than on the sign owner; in other words, the municipality carries the “burden of proof” in justifying the regulation. For instance, a system of permit approval that relies on any analysis of content is presumed to be an unconstitutional prior restraint under the First Amendment. See, North Olmstead Chamber of Commerce v. City of North Olmstead, 86 F.Supp. 2d 755 (N. D. Ohio 2000). The U.S. Supreme Court has consistently ruled against local restrictions on sign content, where the information to be displayed is truthful and not misleading. See, e.g., Lorillard Tobacco Co. v. Reilly, 121 S. Ct. 2404 (2001).

Content-neutral sign regulations (typical time, place and manner regulations) enjoy a lesser standard of review known as “intermediate scrutiny” or the intermediate scrutiny test. What is the “intermediate scrutiny” test for commercial speech? One
can find various statements and restatements of this test, all stemming from the landmark case: *Central Hudson Gas & Elec. Corp. v. Public Service Comm’n*, 447 U.S. 557 (1980). In *Central Hudson*, a four-part test was announced to determine when content-neutral government regulation of commercial speech is valid (test components are paraphrased):

1. First, a court must ask whether the commercial speech at issue concerns a "lawful activity" and is not "misleading";
2. If the answer to the first question is affirmative, then the court must ask if the government interest served by the regulation is substantial;
3. If the answer to both of the first two questions is affirmative, the court “must determine whether the regulation directly advances the governmental interest asserted”, and ……
4. "whether it is not more extensive than necessary to serve that interest”;

In summary, the Model attempts to avoid content-based regulations, and to suggest content-neutral time, place and manner sign regulations that are based on objective research and practical experience.

Final thoughts for consideration of on-premise signs, First Amendment protections and both content-based and content-neutral on-premise sign regulations:

Does a municipality have a legitimate governmental interest in making on-premise signs more difficult (for motorists) to see and read?

Is there a legitimate balancing test between sign regulations based on traffic safety vs. sign regulations based on aesthetics; that is, can aesthetic controls ever take precedence or supersede regulations intended to insure traffic safety?

**Design Review**

This Model Sign Code does not contain specific provisions for establishing a mechanism for Design Review of on-premise signs, which is typically conducted through a local Board or Committee. This omission is intentional. Suggested language for Design Review is not included here primarily because Design Review cannot be researched or quantified in an objective manner. Design Review is an inherently subjective process related to aesthetics, and municipalities often place themselves in an awkward legal position in regard to Design Review implementation.

While some communities in the US have enacted Design Review schemes for on-premise signs, experience has shown that any Design Review tends to present serious legal and constitutional challenges. Certain state courts have gone so far as to give approbation to Sign Design Review, based on aesthetics. At the same time, it appears that these Design Review arrangements have not been vigorously tested in the Federal Court system, where the balance between First Amendment issues and local aesthetic zoning controls may tilt in the opposite direction. Above all else, care should be taken in creating any type of Design Review for on-premise signs.
Traditionally, Design Review has been established in corridors of certain municipalities that possess a particular historic profile or special interest. Boards have been established to govern architectural and aesthetic features of these districts, which include on-premise signs, but also include the physical features of the buildings and landscaping itself: the shutters, the windows, the paint colors and so forth. Sign Design Review approval has become part of the sign permit process in certain jurisdictions, and a sign cannot be installed in areas governed by Design Review without a Design Review approval. Typical names for the Design Review entity are: Historic and Architectural Review Board (HARB); Design Review Board; Architectural Review Board.

Is Design Review Constitutional? If the local Design Review merely implements constitutionally permissible content-neutral “time, place and manner” sign regulations, then the answer may be affirmative. It has the potential, however, to migrate into areas of content-based regulation.

Items that Design Review may properly review under the First Amendment:

- style or type of illumination
- sign height
- sign size
- number of signs
- sign placement
- materials, based on written criteria

Items that Design Review should strive to avoid:

- is the sign harmonious with the building or property on which it is located?
- specific fonts and lettering styles
- so-called “items of information”
- colors
- sign copy (the messages or the content)
- vague and ambiguous language, or language clearly open to interpretation

For example, is the control of color on a sign a matter of “content control”, and therefore per se unconstitutional under the First Amendment? Since color is inextricably intertwined with the speech and message that a sign user is attempting to communicate, a strong case can be made for the affirmative. Colors, in fact, can be included in a trademark registration, thereby binding the color to the message or logo. Public and private organizations often spend considerable resources in developing unique branding identification, which includes color. Under the First Amendment, can local Design Review based on general aesthetics supersede these choices and this speech? This is the landscape of the Design Review dilemma.

The inherent tension between the communication rights of sign users and local Design Review control is magnified when Design Review is implemented for all on-premise signs, regardless of where they are located. In this situation, not only does the local Design Review Board regulate the appearance of architecture and signs in
“historic” areas or pedestrian “village” areas or areas of special interest, the Design Review Board attempts to regulate on-premise signs in commercial, industrial and institutional corridors, using the very same criteria. Sign characteristics that are typically desired in historic areas are then required in the other districts. These characteristics, unfortunately, may be inappropriate and unsafe in commercial and industrial districts, where the speed and density of traffic dictates a different approach in order to insure proper sign visibility and legibility, in the interests of traffic safety.

Does Design Review constitute an impermissible “prior restraint” of protected speech? An unconstitutional “prior restraint” occurs whenever the right to freedom of expression is conditioned on the prior approval of a governmental official. In order to create a sign permit system that is constitutional, a municipality must show that the permitting scheme is subject to clearly defined standards that limit the discretion of local officials, and meets stringent procedural safeguards i.e. there is a defined and short time limit for the permitting review. The conundrum with Design Review and Prior Restraint is this: a municipality cannot give to a committee powers that a municipal building or zoning department could not exercise. Adding additional time and expense for Design Review applications and hearings, and making Design Review a prerequisite for the display of constitutionally protected communication, may create conditions where a court could find unconstitutional Prior Restraint, in addition to content control. Because courts have not given municipalities a clear guideline in this area to date, this Model Code suggests that Design Review be used in a prudent and limited manner.

**Lanham Act issues**

Application of the Lanham Act to on-premise signs represents a new and developing area of the law. The Lanham Act is a federal statute passed by the US Congress in 1946. The law provided for a national system of trademark registration and protected the owner of a valid trademark against the use of similar marks if any confusion might result. The Bill defined a trademark as "any word, name, symbol, device or any combination thereof adopted by a manufacturer or merchant to identify his goods and distinguish them from those manufactured or sold by others."

In 1982, the Lanham Act was amended to include the following language, which clearly applies to on-premise signs that display or consist of a “registered” mark. The relevant language of the amendment is clear on its face.

**United States Code Annotated**  
**Title 15. Commerce and Trade**

§ 1121. Jurisdiction of Federal courts; State and local requirements that registered trademarks be altered or displayed differently; prohibition.....

(b) No State or other jurisdiction of the United States or any political subdivision or any agency thereof may require alteration of a registered mark, or require that additional trademarks, service marks, trade names, or corporate names that may be associated with or incorporated into the registered mark be displayed in the mark in a manner differing from the display of such additional trademarks, service marks, trade
names, or corporate names contemplated by the registered mark as exhibited in the certificate of registration issued by the United States Patent and Trademark Office.

There have been several cases involving signs and the Lanham Act since 1982. No case has made its way to the US Supreme Court. Federal district courts have taken differing approaches to signs and the Lanham Act.

On the one hand, the 2nd Circuit Federal Appellate Court of New York rejected a Lanham Act challenge to a local sign code that required a business owner to change the color or some other element of a federally registered trademark: Lisa’s Party City, Inc. v. Town of Henrietta, 2 F.Supp.2d 378, 1999 (2d Circuit).

And on the other, two cases have come out of the 9th Circuit in Arizona upholding a challenge to local sign content and color controls: Blockbuster Videos, Inc. v. City of Tempe, 141 F.3d 1295, C.A.9 (Ariz.),1998 (9th Circuit) and Desert Subway, Inc. v. City of Tempe, 322 F.Supp.2d 1036, D.Ariz.,2003 (9th Circuit).

In the most recent case, two local Subway franchisees in Tempe, Arizona, challenged sign color restrictions imposed by the City. The City denied Subway the use of their standard yellow and white colors. Subway et. al. filed suit in federal court pursuant to Lanham Act protections and on First Amendment grounds (control of a business’s colors = control of the content of the business’s sign). In layman’s terms, the City said that it could control and/or dictate the business’s sign colors, even if these colors did not follow the registered trademark. In the end, the federal court agreed with Subway: the Lanham Act protected their sign and their colors, the court required the City to allow Subway to use its trademarked yellow and white colors.

Some commentators have reviewed these cases and stated that there is just an unfortunate split between the circuits. A careful reading of the Party City case, however, reveals that there are substantial weaknesses in the court’s decision, and that municipalities should therefore take particular care when attempting to regulate in the area of trademarked names, logos and graphics, particularly since the language of the Lanham Act is clear and unambiguous on its face. A resource for information and analysis of the Party City case can be found in a September 1998 Southern California Law Review article titled: “Regulating Trademarks on Exterior Signs: Should Local Law Trump the Lanham Act and the Constitution” by Professor Roberta Rosenthal Kwall.

Regulation of Electronic Message Centers (EMCs)

The Model deals with the subject of Electronic Message Center signs (also referred to as digital signs or computer-controlled electronic signs) on a zoning district-by-district basis. Electronic Message Center control and code enforcement issues have become a matter of great interest at the municipal level across the United States. This interest has been spurred primarily by the availability of EMC technology, its increasing quality, and the interest of sign owners in utilizing the technology.
Further information on Electronic Message Centers (EMCs) can be found in the Model Code itself – in the definitional section and Section 20 on EMC regulation.

Municipalities typically govern EMC signs by creating valid time, place and manner regulations. From a legal and practical standpoint, experience indicates that regulation of EMC signs is preferred over an outright ban. Some communities have attempted to implement a prohibition on EMC signs (see the New Hampshire case *Naser Jewelers, Inc. v. City of Concord*) but it should be noted that there has been a heavy cost associated with these types of bans: legal and administrative costs to the municipality to defend such a ban; acrimony created within the community by the denial of this new communication technology without a scientific or traffic safety research basis; loss of the benefits created by enhanced EMC communication. In addition, a substantial percentage of EMC signs are installed at churches, municipal buildings, libraries, fire and rescue facilities, hospitals and out-patient medical offices. Therefore, it would seem that a more prudent and balanced approach to EMC regulation based on sound scientific principles could serve all stakeholders involved in these decisions, both in the long and short terms.

In regard to traffic safety issues and EMC signs, a municipality can rely on this statement to be true: *up to this time, research has shown no correlation between EMC signs and traffic accidents, and EMC signs have not been found to be a distraction having impact on the driving task or to cause unsafe driving behavior that causes an accident.*

Some researchers and regulators have offered opinions and theories about EMC signs and so-called distractions, but there has been no direct scientific research or proof of these distractions and EMC signs. The term “distraction” in and of itself is a pejorative term, suggesting a negative outcome or result. What research on motorist behavior has shown is that drivers engage in a wide variety of activities while operating a motor vehicle, and some for 2 seconds or longer. Some activities that drivers engage in have a positive effect on motorist performance, even though the driver’s eyes are away from the road. Examples of this would be checking the rear view mirror, checking the side mirrors, or checking the speedometer. Other activities that drivers engage in have a demonstrated negative effect on motorist performance – most notably cell phone use and texting while driving. Finally, other activities appear to have no effect either way – positive or negative – on driver performance, and EMC signs fall into this category. Drivers look at EMC signs but their driving performance is not affected, and that is why accident and driver distraction research fails to show any correlation with EMC signs.

Others have argued that municipalities have a legal basis under the First Amendment to ban or severely restrict EMC technology based on aesthetic concerns alone. Here too some caution should be employed by any municipality considering such action. Several questions should be thoroughly explored at the outset: (1) can a benefit to the community be substantiated or quantified in an objective fashion, without reliance on subjective or individual opinions? (2) if one municipality can ban EMC signs based on aesthetic considerations under the First Amendment, then all municipalities across the United States can implement such a
ban. Therefore it follows that all sign users can be denied what is essentially more modern sign technology, and the entire EMC sign industry can be extinguished, if a ban can be implemented under the First Amendment, based on aesthetics. These and other questions should be given appropriate consideration.

Another area where municipal regulation could create unforeseen legal challenge is in regard to the frequency that an EMC sign can change its message. A local Code provision that limits the ability of an EMC to change its message to once every 24 hours, or even once every hour, is essentially a *de facto* ban on EMC technology. Given the significant investment that a sign owner must make in acquiring an EMC sign, severe restrictions on the ability of the sign owner to utilize said EMC will serve as a substantial deterrent to the acquisition of the technology. The very purpose of the EMC technology is to allow a sign owner the ability to communicate information and different messages in a shorter period of time, and if that ability is severely restricted, the utility of the sign is substantially diminished.

The bottom line for municipalities is that there are a wide variety of tools available in creating equitable time, place and manner EMC regulations, and these regulations can be custom-tailored for each municipality or specific zoning district.

**Sign Regulations by Zone**

The following Model Code contains provisions that are categorized by zoning district. Traditional zoning district nomenclature is used. Individual municipalities may have more zones, finer distinctions between zoning districts, and/or different terminology. It is the intent of the Model to provide general zoning classifications and allow municipalities to then adapt the code language to fit local conditions and the format of each local zoning ordinance overall.
USSC Model On-Premise Sign Code

Section 1: Short Title

The On-Premise Sign Code of the Authority Having Jurisdiction (hereinafter referred to as AHJ).

Section 2: Purpose

These regulations balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication and advertising. The regulations for signs have the following specific objectives:

A. To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare;

B. To allow and promote positive conditions for sign communication;

C. To reflect and support the desired ambience and development patterns of the various zones, overlay zones, and plan districts and promote an attractive environment;

D. To allow for adequate and effective signs whose dimensional characteristics further the interests of public safety and the needs of the motorist, where signs are viewed from a street or roadway.

E. To ensure that the constitutionally guaranteed right of free expression is protected.

Section 3: Scope (Where These Regulations Apply)

A. General. The requirements of this Code apply to all signs, sign structures, awnings, and other types of sign devices located within the AHJ, except as specified in Subsection B, below.

B. Signs and sign structures located in the AHJ that cannot be seen from a public roadway are not subject to the size, height, location and number regulations listed herein. These signs must however comply with safety and construction Building Code provisions in the AHJ.

Author's clarification notes:

Examples: signs inside a private property complex not seen from a public roadway; interior signs not seen from the outside of a building; signs in a shopping center which cannot be seen from a roadway.
Section 4: Hierarchy of Regulations.

A. Where there is a conflict between specific sign regulations and the base or general sign regulations of this Code, the specific sign regulations supersede the base sign regulations.

B. Other conflicts. Where there is a conflict between a land use regulation and a structural regulation, or other conflicts not otherwise addressed by this section, the most restrictive applies.

Section 5: Severability

If any word, sentence, section, chapter or any other provision or portion of this Code or rules adopted hereunder is invalidated by any court of competent jurisdiction, the remaining words, sentences, sections, chapters, provisions, or portions will not be affected and will continue in full force and effect.

Section 6: Authority

A. Responsibility. This Code will be administered and enforced by the AHJ Code Officer as designated by the AHJ.

B. Administration. The AHJ Code Officer will administer the Code as set forth herein. The Code Officer may implement procedures, forms, and written policies for administering the provisions of this Code.

Section 7: Definitions

Abandoned Sign - A sign that no longer identifies or advertises an ongoing business, product, location, service, idea, or activity conducted on the premises on which the sign is located. Whether a sign has been abandoned or not shall be determined by the intent of the owner of the sign and shall be governed by applicable State Case Law and Statutory Law on abandoned structures.

Alteration – A change in the size or shape of an existing sign. Copy or color change of an existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration.

Animated Sign - A sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this Code, include the following types:

1) Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
2) Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

3) Electrically Activated: Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

   a) Flashing: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four (4) seconds.

   b) Patterned Illusionary Movement: Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

**Architectural Projection** - Any projection from a building that is decorative and/or functional and not intended for occupancy, and that extends beyond the face of an exterior wall of a building but that does not include signs as defined herein. See also: Awning; Back-lit Awning; and Canopy, Attached and Freestanding.

**Awning** - An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

**Awning Sign** - A sign displayed on or attached flat against the surface or surfaces of an awning. See also: Wall or Fascia Sign. An awning that contains a “sign” section or copy area shall comply with the applicable sign area requirements for parallel signs (see Table 3, Page 39) contained in this Code. Only the sign or copy area displayed on an awning shall be used to determine the permitted sign area – the entire awning shall not be included in a Sign Area calculation. Refer also to Section 8 (see Page 25) for visual reference example.

**Back-lit Awning** - An awning comprised of covering material exhibiting the characteristic of luminosity obtained by means of a source of illumination contained within its framework.

**Banner** - A flexible substrate on which copy or graphics may be displayed.

**Banner Sign** - A sign utilizing a banner as its display surface.

**Bench Sign** – A sign applied or affixed to the seat or back of a bench.
**Billboard** - See: Off-Premise Sign and Commercial Outdoor Advertising Sign.

**Building Facade** - That portion of any exterior elevation of a building extending vertically from grade to the top of a parapet wall or eaves and horizontally across the entire width of the building elevation.

**Building Sign** – A sign that is applied or affixed to a building.

**Candela** – The basic unit of measurement of light in SI (metric) units.

**Candela per square meter (cd/m²)** – The SI (metric) unit used to describe the luminance of a light source or of an illuminated surface that reflects light. Also referred to as Nits.

**Candle or Candlepower** - Synonymous with Candela, but in English, not SI, terms.

**Canopy (Attached)** - A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. Similar to a Marquee.

**Canopy (Freestanding)** - A multi-sided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

**Canopy Sign** - A sign affixed to the visible surface(s) of an attached or freestanding canopy. May be internally or externally illuminated. Similar to a Marquee Sign. Refer also to Section 8 (see Page 25) herein for visual reference example.

**Changeable Sign** - A sign with the capability of content change by means of manual or remote input, includes the following types:

1) Manually Activated - Changeable sign whose message copy or content can be changed manually on a display surface.

2) Electrically Activated - Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also: Electronic Message Center.

**Channel Letter (open faced)** – A dimensional letter with a back and sides but no face at the front of the letter. Open Faced Channel Letters may be non-lit, externally illuminated, or illuminated by a light source contained inside the open channel of the letter itself, such as a neon tube.
**Channel Letter (internally illuminated)** – A dimensional letter with a back, sides and a translucent front face capable of transmitting light from an internal light source within the letter.

**Channel Letter (reverse)** – A dimensional letter with a face and sides but no back, opposite to an Open Faced Channel Letter. A Reverse Channel Letter has an open channel facing the wall or building to which it is affixed. A Reverse Channel Letter may contain a source of illumination designed to project lighting against the surface behind the letter, commonly referred to as a Backlit Channel Letter; also referenced as a halo or silhouette lighted channel letter. The face of a Reverse Channel Letter does not illuminate.

**Cladding** – A non-structural covering designed to conceal the actual structural supports of a sign. See also pole or pylon cover.

**Commercial Outdoor Advertising Sign** - A permanent off-premise sign erected, maintained or used in the outdoor environment for the purpose of providing copy area for commercial or noncommercial messages.

**Conforming Sign** – A sign that is legally installed in conformance with all prevailing jurisdictional laws and ordinances.

**Copy** - The graphic content or message of a sign.

**Copy Area of Sign** - The actual area of the sign copy as applied to any background. Copy area on any individual background may be expressed as the sum of the geometrically computed shape or shapes encompassing separate individual letters, words, or graphic elements on the background. See Section 9 (see Page 26) for computational methodology.

**Dimensional Letter, Symbol, or Graphic** – A letter, symbol, or graphic that is three dimensional in character, containing height, width, and depth.

**Directional Sign** - Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

**Display Time** – The amount of time a message and/or graphic is displayed on an Electronic Message Sign.

**Dissolve** – A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.

**Double-faced Sign** - A sign with two faces, back to back.

**Dynamic Frame Effect** – An Electronic Message Sign frame effect in which the illusion of motion and/or animation is used.
Electric Sign - Any sign activated or illuminated by means of electrical energy.

Electronic Message Center or Sign (EMC) - An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as an EMC. EMCs typically use light emitting diodes (LEDs) as a lighting source. (See also following terms principally associated with Electronic Message Centers: Display Time, Dissolve, Dynamic Frame Effect, Fade, Frame, Frame Effect, Scroll, Transition, Travel)

Externally Illuminated Sign – See Illuminated Sign.

Exterior Sign - Any sign placed outside a building.

Facade - See Building Facade.

Fade – A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Fascia Sign - See Wall Sign

Flashing Sign - See Animated Sign, Electrically Activated.

Font – A set of letters, numerals, symbols, or shapes conforming to a specific set of design criteria.

Foot Candle – An English unit of measurement of the amount of light falling upon a surface (illuminance). One foot candle is equal to one lumen per square foot. Can be measured by means of an illuminance meter.

Foot Lambert – An English unit of measurement of the amount of light emitted by or reflecting off a surface (luminance) equivalent to 3.4262591 candelas per square meter.

Frame – A complete, static display screen on an Electronic Message Sign.

Frame Effect – A visual effect on an Electronic Message Sign applied to a single frame. See also Dynamic Frame Effect.

Freestanding Sign - A sign principally supported by one or more columns, poles, or braces placed in or upon the ground. May also be referenced as a Ground or Monument Sign. Refer also to Section 8 for visual reference examples.

Frontage (Property) - The length of the property line(s) of any single premise along either a public way or other properties on which it borders.
**Frontage (Building)** - The length of an exterior building wall or structure of a single premise along either a public way or other properties that it faces.

**Ground Sign** - See Freestanding Sign

**Illuminance** – The amount of light falling upon a real or imaginary surface, commonly called “light level” or “illumination”. Measured in foot candles (lumens/square foot) in the English system, and lux (lumens/square meter) in the SI (metric) system.

**Illuminated Sign** - A sign characterized by the use of artificial light, either projecting through its surface(s) [Internally or trans-illuminated]; or reflecting off its surface(s) [Externally illuminated].

**Internally Illuminated Sign** – See Illuminated Sign.

**Interior Sign** - Any sign placed within a building, but not including window signs as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this ordinance.

**Listed Sign** – A sign manufactured and labeled in accordance with specifications promulgated by a recognized testing laboratory designed to assure compliance with applicable American National Standards (ANSI) and/or the National Electric Code (NEC).

**Luminance** – The light that is emitted by or reflected from a surface. Measured in units of luminous intensity (candels) per unit area (square meters in SI measurement units or square feet in English measurement units.) Expressed in SI units as cd/m², and in English units as foot lamberts. Sometimes also expressed as “nits”, a colloquial reference to SI units. Can be measured by means of a luminance meter.

**Lux** – The SI (metric) unit for illuminance. One lux equals 0.093 foot candles.

**Mansard** - A roof-like facade comparable to an exterior building wall. See Section 9 (see Page 26) for visual reference

**Marquee** - See Canopy (Attached).

**Marquee Sign** - See Canopy Sign.

**Multiple-Faced Sign** - A sign containing three (3) or more faces.

**Nit** – A photometric unit of measurement referring to luminance. One nit is equal to one cd/m².

**Non-Conforming Sign** - A sign that was legally installed by permit in conformance with all municipal sign regulations and ordinances in effect at the time of its
installation, but which may no longer comply with subsequently enacted laws and ordinances having jurisdiction relative to the sign.

**Non-Conforming Use** – A continued and lawful use of property, including a sign or signs lawfully installed in accordance with laws or ordinances prevailing at the time of installation.

**Off-Premise Sign** – See Outdoor Advertising Sign. See also, Wayfinding Sign.

**On-Premise Sign** - A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

**Outdoor Advertising Sign** - A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed. May also be referenced as an Off-Premise Sign, Billboard, or Commercial Outdoor Advertising Sign.

**Parallel Sign** – See Wall Sign

**Parapet** - The extension of a building facade above the line of the structural roof.

**Perpendicular Sign** – See also Freestanding Sign; see also Projecting sign;

**Pole Cover or Pylon Cover** – An enclosure designed to conceal poles and/or other structural supports of a sign. See also Cladding.

**Pole Sign** - See Freestanding Sign.

**Political Sign** - A temporary sign intended to advance a political statement, cause, or candidate for office.

**Portable Sign** - Any cord-connected sign not permanently attached to the ground and can be removed without the use of tools.

**Projecting Sign** - A sign other than a Wall Sign that is attached to or projects more than eighteen (18) inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign. Refer also to Section 8 (see Page 25) for visual reference example.

**Pylon Sign** – See Freestanding Sign.

**Real Estate Sign** - A temporary sign advertising the sale, lease, or rental of the property or premises upon which it is located.

**Revolving Sign** - A sign that has the capability to revolve three hundred and sixty degrees (360°) about an axis. See also: Animated Sign, Mechanically Activated.
**Roof Line** - The uppermost line of the roof of a building or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

**Roof Sign** - A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs. Refer also to Section 9 (see Page 26) for visual reference example of roof signs, and comparison of differences between roof and fascia signs.

**Scroll** – A mode of message transition on an Electronic Message Sign in which the message appears to move vertically across the display surface.

**SI (International System of Units)** – The modern metric system of measurement; abbreviated SI for the French term “Le Systeme International d’Unites.”

**Sign** - Any device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any other flags displayed from flagpoles or staffs will not be considered to be signs.

**Sign Copy** – The physical sign message including any words, letters, numbers, pictures, and symbols.

**Sign Structure** - Any structure designed for the support of a sign.

**Sign Area** - The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or “V” shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as fifty (50) percent of the sum of the area of all faces of the sign. See Section 9 (see Page 26) for computational methodology for various sign area configurations.

**Sign Copy** - The letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

**Sign Face** - The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural thematic or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border. Refer to Section 9 (see Page 26) for sign face computational illustrations.

1. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign
copy is displayed or illustrated, but not open space between separate panels or cabinets.

2. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.

3. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

Site – The ground area legally designated as a zoning lot, which may be categorized as a permanent parcel (a lot of record), multiple lots of record, or a portion of a lot of record.

Special Event Sign – A temporary sign pertaining to any civic, patriotic, or special event of general public interest.

Temporary Sign - A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

Trans-Illuminated Sign – See Internally Illuminated Sign

Transition – A visual effect used on an Electronic Message Sign to change from one message to another.

Travel – A mode of message transition on an Electronic Message Sign in which the message appears to move horizontally across the display surface.

Under Canopy Sign or Under Marquee Sign - A sign attached to the underside of a canopy or marquee.

V Sign - A sign containing two faces of equal size, positioned at an interior angle subtending less than one hundred seventy-nine degrees (179°) at the point of juncture of the individual faces.

Wall or Fascia Sign - A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than eighteen (18) inches from the building or structure wall. Also includes signs affixed to architectural projections that project from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural
projection to which it is affixed. Refer also to Section 9 (see Page 26) for visual reference examples, and comparison examples of differences between wall or fascia signs and roof signs.

**Wayfinding Sign** – A sign, frequently off-premise, specifically designed to provide directional or destination information. See also, Off-Premise Sign.

**Window Sign** - A sign affixed to the surface of a window with its message intended to be visible to the exterior environment.
Section 8: Typical On-Premise Sign Types

FREESTANDING SIGNS
usually perpendicular to viewer’s line-of-sight. May be double or multi faced and contain thematic embellishment and integral covers or cladding to conceal structural supports.

PYLON
POLE WITH CLADDING
MULTI PANEL PYLON
POLE

MONUMENT
CANOPY
MONOLITH

BUILDING SIGNS

AWNING
ROOF
PROJECTING
WALL / FASCIA
Section 9: Sign Area Computational Methodology / Ground Signs

Freestanding Sign - Exposed Pole Support
Calculate sign area defined by actual rectangular panel surrounding copy.

Freestanding Sign - Thematic Embellishment - Concealed Support
Calculate sign area defined by actual rectangular panel surrounding copy. Do not calculate embellishment or support cladding.

Freestanding Sign - Multi Panel - Concealed Support
Calculate sign area defined by sum of actual oval panels surrounding copy. Do not calculate support cladding.

Freestanding Sign - Monument Thematic Embellishment - Concealed Support
Calculate sign area defined by imaginary panel drawn around copy. Do not calculate embellishment or monument background.

Freestanding Sign - Monument Thematic Embellishment - Concealed Support
Calculate sign area defined by actual oval panel surrounding copy. Do not calculate embellishment or monument background.
Section 9: Sign Area Computational Methodology / Ground Signs

Freestanding Sign - Monument
Thematic Pediment.
Calculate sign area defined by sum of imaginary panels drawn around graphic and copy. Do not calculate embellishment or monument background.

Freestanding Canopy Sign
Calculate sign area by imaginary panel drawn around copy. Do not calculate decorative graphics. Calculation similar for attached canopy and/or marquee.

Wall / Fascia Signs

Mixed Case Lettering. Draw imaginary panel around either ascenders or descenders, but not both.

Signs without integral background. Calculate sign area by imaginary panel drawn around sign copy.

Signs with integral background panel. Calculate sign area by area of actual background panel surrounding sign copy.

Awnings - Calculate sign area by imaginary panel drawn around copy. Do not calculate decorative graphics.
Section 9: Comparison: Roof and Wall Sign Distinctions
Section 10: Exemptions

The following are exempt from the regulations of this Code, but may be subject to other Codes enacted by the AHJ where applicable:

A. Signs which are not visible from a public roadway; however, these signs must comply with any building and construction provisions enacted by the AHJ;

B. Signs inside a building.

C. Signs carved into a building or raised in integral relief on a building.

Author's clarification notes:

Signs or letters that are raised must be a physical part of the building façade to qualify under this provision; they must be a part of the physical construction of the building materials comprising the façade; letters or signs that are merely attached to the exterior façade of the building do not qualify, even if the same finish or color;

D. Signs required by federal or state law.

E. Flags & individual pennants (not on a string);

F. Signs required by municipal authority

G. Painted and/or applied wall accents and decorations;

H. Illuminated building accents and decorations;

I. Public Art, including Permitted Original Art Murals

J. Name and Address – Up to two (2) signs indicating address, number and/or name of occupants of the premises, that do not exceed two (2) square feet in area per side, and do not include any commercial advertising or other identification.

K. Decals - Decals and/or logos affixed to windows or door glass panels, such as those indicating membership in a business group or identifying credit cards accepted at the establishment.

L. Handicapped Parking Space - Signs not exceeding two (2) square feet in area reserving parking for handicapped individuals.

M. Private Drive Signs - On-premise private drive signs are limited to one (1) per driveway entrance, not exceeding two (2) square feet in area.
**N. Public Signs** - Signs erected by government agencies or utilities, including traffic, utility, safety, railroad crossing and identification signs for public facilities and any signs erected by the AHJ.

**O. Security and Warning Signs** - On-premise signs regulating the use of the premises, such as “no trespassing”, “no hunting” and “no soliciting” signs that do not exceed one (1) sign two (2) square feet in area in residential areas and one (1) sign five (5) square feet in area in commercial and industrial zones. These limitations shall not apply to the posting of conventional “no trespassing” signs in accordance with state law.

**Author's clarification notes:**

In order to be constitutionally sound, a Code should keep the list of “exempted” signs to an absolute minimum if the exemptions are based on:

- differentiating between uses and/or who is speaking, as this would represent a control of content based on the status of the “speaker”;

- or if there can be some perceived discrimination between certain types of signs that are exempt from the Code, and others that fall within the parameters of the Code. A properly drafted Sign Code will avoid, as often as possible, making distinctions between uses and/or speakers.

### Section 11: Prohibitions

The following signs are prohibited:

**A.** Signs containing strobe lights;

**B.** Abandoned sign structures, as defined by this code;

**C.** Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by the Code; Prohibited is any sign displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle is to advertise a product, service business, or other activity. This regulation shall permit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.

**D.** Signs that imitate or resemble official traffic lights, signs or signals or signs that interfere with the effectiveness of any official traffic light, sign or signal.

**E.** Mechanically Moving Signs – An environmentally activated sign or other display with actual mechanical motion powered by natural, manual, mechanical, electrical or other means, including but not limited to pennant strings, streamers, spinners, propellers, and search lights.
F. Flashing Signs – See Definitions. For the purposes of this Code, a sign that has a change rate or dwell time of four (4) seconds or longer does not fit within the prohibition noted herein.

G. Inflatable Signs and Other Permanent Objects - Signs and other objects which are inflated, including, but not limited to, balloons. Balloons may be permitted in temporary non-commercial situations; for instance: they are permitted for special occasions at a residence.

H. Posters and Handbills - Any signs affixed to any structures, trees or other natural vegetation, rocks or poles.

J. Roof Signs - Roof signs, except for those permitted by special exception in commercial and industrial zones. See Section 18.B.3

K. Simulated Traffic Signs and Obstructions - Any sign which may be confused with, or obstruct the view of, any authorized traffic sign or signal, obstruct the sight-distance triangle at any road intersection or extend into the public right-of-way.

L. A-frame/Wheeled Signs – Any portable “A” frame or similar portable sign is prohibited except as described under Temporary signs below.

M. Signs Adversely Affecting Safety. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a stand-pipe or fire escape.

N. Sign Emissions- No sign which emits smoke, visible vapors, particles, sound or odor shall be permitted. Open flames used to attract public attention to a place of business or to an advertising sign shall not be permitted.

O. Mirrors. No mirror device shall be used as part of a sign.

Author’s clarification notes:

This Model Code recommends that AHJs include language that makes “Prohibited” signs general in nature; All AHJs/municipalities have different regulatory and community needs in regard to available signs types. “Regulation” over “Prohibition” is always preferred, from a legal and constitutional perspective.

This commentary to the USSC Model Sign Code merely suggests that the above noted sign types are often included by AHJs in their Sign Code “Prohibitions” section.
Section 12: General Rules For Reading and Applying the Code Language.

A. Reading and applying the code. Literal readings of the code language will be used. Regulations are no more or less strict than as stated. Application of the regulations that are consistent with the rules of this Code are non-discretionary actions of the Code Officer to implement the code. The action of the Code Officer is final.

B. Situations where the code is silent. Where the Code is silent, or where the rules of this Code do not provide a basis for concluding that a sign is allowed, said sign is therefore prohibited.

Section 13: Terms

A. Defining words: Words used in the Code have their dictionary meaning unless they are listed and described otherwise. Definitions: Words listed in the Definitions chapter have the specific meaning stated, unless the context clearly indicates another meaning. The word “sign” in this Code always refers to an “on-premise” sign.

B. Tenses and usage

1. Words used in the singular include the plural. The reverse is also true.

2. Words used in the present tense include the future tense. The reverse is also true.

3. The words “shall”, "must," "will," and "may not" are mandatory.

4. "May" is permissive.

5. When used with numbers, "Up to x," "Not more than x" and "a maximum of x" all include x.

C. Conjunctions. Unless the context clearly indicates otherwise, the following conjunctions have the following meanings:

1. "And" indicates that all connected items or provisions apply;

2. "Or" indicates that the connected items or provisions may apply singly or in combination;

3. "Either...or" indicates that the connected items or provisions apply singly, but not in combination.
D. Lists. Lists of items that state "including the following," "such as," or similar language are not limited to just those items. The lists are intended to provide examples, but not to be exhaustive of all possibilities.

Section 14: Sign Face Area

A. Sign cabinets. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet.

B. Double sided signs. Only one (1) side of a double sided sign is counted in determining the area of sign faces. Where the two (2) sides are not of equal size, the larger of the two (2) sides is used for the determination of sign area. The area of multiple-faced signs in which the interior angle formed by the faces is greater than ninety-one degrees (91°) shall be expressed as the sum of the areas of all the faces, except for multiple-faced signs containing faces that are configured back to back, in which case the area of the faces configured back to back will be calculated according to the rule for double-faced signs.

C. Round, Oval & Irregularly shaped signs. To be measured based on the appropriate mathematical formula to obtain the sign area for a circle, an oval or irregularly shaped sign.

D. Calculating Sign Area

1. Signs containing integral background areas: The area of a sign containing a clearly defined background area shall be calculated based on the area of the smallest standard geometric shape or combination of geometric shapes capable of encompassing the perimeter of the background area of the sign. In the case of signs in which multiple background areas are separated by open space, sign area shall be calculated based on the sum of the areas of all separate background areas, calculated as referenced above, but without regard for any open space between the separate background areas.

2. Signs without integral background areas: In instances in which a sign consists of individual elements such as letters, symbols, or other graphic objects or representations that are painted, attached to, or otherwise affixed to a surface such as a wall, window, canopy, awning, architectural projection, or to any surface not specifically designed to serve as a sign background, the sign area shall be based on the sum of the individual areas of the smallest geometric shape or combination of geometric shapes capable of encompassing the perimeters of the individual elements comprising the sign.

E. Awnings and marquees. When graphics or sign copy is incorporated into an awning, the sign area is determined by computing the area of a standard imaginary geometric shape or combination of shapes drawn around the sign.
copy area or graphics. When the ends of awnings or marquees are parallel and contain graphics or sign copy, only one side is counted in addition to the sign face area on the front.

Section 15: Height of Signs

A. The overall height of a freestanding sign or sign structure is measured from the lowest point of the ground directly below the sign to the highest point of the freestanding sign or sign structure.

B. Exception: Where a freestanding sign or sign structure is mounted along a roadway that has a higher grade level as compared to the grade level directly below the freestanding sign or sign structure, then the freestanding sign or structure’s height will be measured from the roadway grade level to the highest point of the freestanding sign or sign structure. See Figure A.

Figure A

Author’s clarification notes:

The intent of this section is to describe how freestanding sign height is determined: by measuring from the grade level directly beneath the freestanding sign to the top of the sign. An exception is included in order to assist adopting jurisdictions in conserving resources and to avoid unnecessary Zoning Appeals, as illustrated below.

If a freestanding sign is installed along a roadway that is elevated as compared to grade level around the freestanding sign, then there is the potential that the freestanding sign will sit too low as compared to motorists on the roadway, and sign visibility and legibility will be compromised. The exception is a reasonable adjustment to address this type of situation administratively via the routine sign permit application, and will allow jurisdictions to avoid the bureaucratic time and expense involved in hearing Zoning Appeals filed to address the height disparity.
Section 16: Standards in Residential Zones

A. General standards: standards for permanent on-premise signs in the Residential, Apartment, Multi-family, Agricultural and Sub-Division Development Zones are described below and on Table 1 (see Page 36).

B. Residential properties – all single family residential properties that are located in Residential Zoning Districts are permitted signs not to exceed eight (8) square feet in total sign area per road frontage. Corner lots and lots with frontage on more than one street are entitled to eight (8) square feet per frontage. This sign area allowance covers but is not limited to: address signs, home occupation signs, lawn signs, real estate signs, contractor signs, and political signs. Signs may be freestanding, mounted to a permanent building structure or displayed in a window. Trees, rocks or other naturally occurring landscape features may not be used to support a residential sign.

C. Subdivisions, apartment, multi-family dwellings and condominium complexes are permitted a freestanding sign not to exceed sixty-four (64) square feet, and further provided that one (1) such sign shall be permitted for each separate street and/or separate building frontage occupied by the subdivision, apartment, or condominium complex and/or for each means of entrance to or exit from the subdivision, apartment, or condominium complex. Wall signs are also permitted not to exceed five (5) percent of the area of the façade in elevation view upon which they are placed.

D. For properties located in a Residential Zone as described in subsection C above, other directional, incidental and/or accessory signs are also permitted, to be located within the subdivision, complex or multi-family residential development. Such directional, incidental and/or accessory signs shall not exceed six (6) square feet in sign area and eight (8) feet in height (if freestanding).

E. Other permitted non-residential uses in a Residential Zone are permitted a freestanding sign not to exceed forty-eight (48) square feet, and further provided that one (1) such sign shall be permitted for each separate street and/or separate building frontage occupied by the permitted use, and for each
means of entrance to or exit from the permitted use. Wall signs are also permitted not to exceed five (5) percent of the area of the façade in elevation view upon which they are placed.

G. Electronic Message Centers: EMC’s are allowed, by Special Exception only, on properties with permitted non-residential uses in a Residential Zone. They are prohibited on residential properties and on subdivision, apartment, multi-family dwellings and condominium properties.

H. Animated signs: as defined by this Code, animated signs are prohibited in Residential Zones.

I. Roof Signs: as defined by this Code, Roof signs are prohibited in Residential Zones.

### Table 1 - Signs in Residential Districts

<table>
<thead>
<tr>
<th>Types of Signs Allowed</th>
<th>Number of Signs Allowed</th>
<th>Permitted Sign Area</th>
<th>Maximum Height (if applicable)</th>
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<tbody>
<tr>
<td>Residential Properties including single family detached, semi-detached, town homes</td>
<td>Freestanding or Wall</td>
<td>Any number so long as the total SF of all signs does not exceed 8 SF per frontage</td>
<td>8 SF</td>
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<tr>
<td>Residential Subdivisions, apartment complexes, multi-family dwellings, condominiums</td>
<td>Freestanding Wall</td>
<td>One per frontage</td>
<td>64 SF</td>
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<tr>
<td></td>
<td>Incidental or Directional</td>
<td>One per facade</td>
<td>5% of façade</td>
</tr>
<tr>
<td>Permitted non-residential uses in residential zones</td>
<td>Freestanding Wall</td>
<td>One per frontage</td>
<td>48 SF</td>
</tr>
<tr>
<td></td>
<td>Incidental or Directional</td>
<td>One per facade</td>
<td>5% of façade</td>
</tr>
</tbody>
</table>

**Note:** Electronic Message Centers are allowed by Special Exception on properties where permitted non-residential uses in a residential zone are located.

### Section 17: Standards in Office and Professional Zones

A. Any signs permitted in a Residential Zone that relate to a use permitted in the Office and Professional Zones are permitted.

B. Signs for an office, office development or professional building, including a directory of tenants engaged in professional and/or commercial activity on the premises. The area of any such sign shall not exceed sixty-four (64) square feet and not more than two (2) such signs shall be permitted on premises held in single and separate ownership unless such premises fronts on more than one (1) street in which case two (2) such signs shall be permitted on each separate street frontage, and further provided that one (1) sign, the area of which shall not exceed sixty-four (64) square feet, shall be permitted for each means of entrance to or exit from the premises.
C. Signs for permitted uses within the zone other than an office or professional building provided that the area of any such sign shall not exceed forty-eight (48) square feet and further provided that not more than two (2) such signs shall be permitted for each separate street and/or separate building frontage occupied by the permitted use.

D. Unless otherwise regulated by specific reference herein, freestanding signs shall be limited to a height above the grade level on which they are placed of twelve (12) feet to the top of the sign.

E. Electronic Message Centers: EMC’s are permitted in Office and Professional Zones.

F. Animated signs are prohibited in Office and Professional Zones.

G. Roof signs are prohibited in Office and Professional Zones.

Section 18: Standards in Commercial and Industrial Zones

General standards and sign features: The standards for permanent signs in Commercial and Industrial Zones are as follows. All such signs must conform to the regulations of this Section.

A. Any signs permitted in a Residential Zone or Office and Professional Zones are permitted in Commercial and Industrial Zones.

B. Signs on Commercial and Industrial properties as regulated by reference to types noted below.

(1) Freestanding Signs:

a. Freestanding signs shall be limited to one (1) per property held in single and separate ownership except for a property that has frontage on more than one (1) street, in which case one (1) such sign shall be permitted for each separate street frontage. If a property has frontage that exceeds three hundred (300) lineal feet on any given roadway, one (1) additional such sign on such frontage shall be permitted; and for each multiple of three hundred (300) lineal feet of frontage thereafter, one (1) additional such sign shall be permitted for each separate street frontage.

Unless otherwise regulated by specific reference herein, the area and height above grade of any freestanding sign shall not exceed the amounts specified in Table 2 below.

b. In the case of a property designated as a shopping center or planned industrial park, additional freestanding signs shall be permitted for each vehicular entrance to the property. Permitted sign area for
these additional freestanding signs shall be sixty (60) percent of the sign area permitted by Table 2 for Signs in Commercial and Industrial Zones. Sign height shall be in conformance with Table 2.

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<td>86</td>
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</table>

(2) Building Signs:

a. Building signs include wall or fascia signs, roof signs, and signs otherwise permanently applied to walls or other building surfaces.

b. The total area of all parallel wall signs applied to any given facade shall not exceed the area computed as a percentage of the building facade in elevation view, including window and door areas and cornices to which they are affixed or applied in accordance with Table 3 for Parallel Signs in Commercial and Industrial zones.

c. In the case of a shopping center or a group of stores or other business uses on a lot held in single and separate ownership, the provisions of this section relating to the total area of signs permitted on a premises shall apply with respect to each building, separate store, separate storefront, or separate use. Only wall signs shall be permitted for individual establishments in a Shopping Center or on a property
with more than one use, entity or business (multi-use or multi-tenant properties; these properties may also have one (1) freestanding sign per street frontage).

Table 3 - Parallel Signs

<table>
<thead>
<tr>
<th>Distance of sign from road or adjacent commercial or industrial zone.</th>
<th>Percentage of building elevation facade permitted for sign area</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 100 feet</td>
<td>Fifteen (15%)</td>
</tr>
<tr>
<td>101 to 300 feet</td>
<td>Twenty (20%)</td>
</tr>
<tr>
<td>Over 301 feet</td>
<td>Twenty-Five (25%)</td>
</tr>
</tbody>
</table>

Author’s clarification notes:

Tables #2 and #3 above are included in order to provide the local AHJ with specific dimensional values for sign area, sign size and sign height, all based on existing scientific research related to on-premise signs. The intent of this Code is to provide guidelines for the regulation of on-premise sign dimensions that are based on scientific principles, and thereby assist the local AHJ in crafting a Sign Code that is fact-based, and to eliminate subjective or individual preferences, which can vary greatly.

These standards are objective in nature. They have their basis in furthering the interests of traffic safety. They will insure that on-premise signs in the Commercial and Industrial zones have adequate visibility and legibility for motorists, again in the interests of public safety.

The primary goal of these standards is to insure that all on-premise signs have sufficient area and height to provide a motorist with adequate time and travel distance to detect a sign, read and understand its contents, and then execute an appropriate driving maneuver. Factors that would impede this process (making the sign smaller, lowering its height) would be at odds with traffic safety principles, and should be avoided by a local AHJ, assuming that the goal of public and motorist safety is paramount.

(3) Roof Signs, Special Considerations:

a. Roof signs are permitted by Special Exception in the Commercial and Industrial Zones and are in lieu of a building or wall sign. For permitted roof sign area, see Table 3 above for parallel signs in Commercial and Industrial Zones. The height of any roof sign above the highest architectural point of the building to which it is mounted shall not exceed the percentage of the vertical dimension of the building facade parallel to the sign in accord with sections (1) and (2) below. Measurements shall be computed from the highest building point to the top of the sign.

2. Industrial Zones - Forty (40) percent.

b. The area calculation for any roof sign whose orientation on a roof may be other than parallel to an individual building facade shall be computed with reference to the building facade that most closely parallels the orientation of such sign.

(4) Canopy Signs (Also Marquee Signs and Signs on Architectural Projections): Special Considerations

a. Canopy Signs, Marquee Signs and Signs on Architectural Projections are signs that are mounted to either structures that project off the face of the building more than eighteen (18) inches or signs that are mounted to a freestanding structure not attached to a building that creates a canopy or covering over an area below.

Author’s clarification notes:

Canopy signs, marquee signs and signs on architectural projections are special sign applications. Although they are unique, they should be provided for in a comprehensive sign code. An example of a canopy sign would be lettering installed on a canopy over a series of gas pumps at a service station - it is neither a true wall sign nor freestanding sign. An example of a marquee sign would be lettering and graphics displayed on the front and sides of a theater marquee that projects out over a portion of a downtown sidewalk. An example of a sign on an architectural projection would be letters installed on a decorative masonry feature that projects off a building face.

b. Signs affixed or applied in an essentially flat plane to the face of a building or freestanding canopy, marquee, or architectural projection provided that the copy area of any such sign, as defined herein, does not exceed an area equal to forty (40) percent of the product of the height and length of the face area of the canopy, marquee, or architectural projection to which such sign is affixed or applied, or fifteen (15) percent of the building façade to which it is attached, whichever is greater.

c. Graphic treatment in the form of striping or patterns shall be permitted on the face of any building or freestanding canopy, marquee, or architectural projection without restriction, and the area of any such graphic treatment shall not be calculated as a component of permitted copy area.
(5) Awning Signs

a. Graphics affixed or applied to the face or side surfaces of an awning or backlit awning are permitted provided that the copy area of any such sign copy or graphic, as defined herein, does not exceed an area in accordance with Table 3 for parallel signs, to which the awning is attached.

b. Graphic treatment and/or embellishment in the form of striping, patterns, or valances shall be permitted on the face or side surfaces of any awning or backlit awning without restriction, and the area of any such graphic treatment and/or embellishment shall not be calculated as a component of permitted copy area.

(6) Projecting Signs: permitted in Commercial Zones only

a. Projecting signs shall be limited to one (1) per building facade on which any such sign is mounted except for a use that fronts on more than one (1) street, in which case, one (1) such sign shall be permitted per facade for each separate street frontage. In the case of a building in which any individual facade exceeds two hundred (200) lineal feet, one (1) such sign shall be permitted for each two hundred (200) lineal feet of such facade or multiple thereof on each separate street on which such facade fronts.

b. The area of any projecting sign shall not exceed one (1) square foot per every two (2) lineal feet of the building facade on which such sign is mounted, except that no such sign shall be larger in area than one hundred (100) square feet.

c. No projecting sign shall extend in a vertical dimension above the highest architectural point of the facade to which it is mounted in excess of twenty-five (25) percent of the vertical dimension of the facade itself.

d. Projecting signs extending over a public sidewalk shall be limited to a projection distance not to exceed two-thirds (2/3) of the width of the sidewalk.

e. Projecting signs shall not be permitted in addition to any permitted freestanding signs on any given property frontage, except that, in the case in which a premises is permitted either freestanding or projecting signs on any one frontage, projecting signs may be substituted for any of the permitted freestanding signs on such frontage, provided that the requirements herein specifically relating to size, height, and extension of projecting signs are met.
Section 19: Additional Standards in All Zones.

A. Where these regulations apply. These regulations apply to all signs regulated by this Code.

B. Sign placement. All signs and sign structures must be erected and attached totally on or within the site or property to which they refer, behind any applicable legal right of way.

C. Signs extending into the right-of-way. Exceptions:

(1) Projecting signs: in a Downtown or Central Business District, projecting over a public sidewalk.

(2) Awnings and marquees: in a Downtown or Central Business District, projecting over a public sidewalk.

(3) A-frame signs. A-frame signs may be used in a Downtown or Central Business District if they meet the following standards:

   a. The sign is entirely outside the street or roadway;

   b. The sign is no larger than ten (10) square feet;

   c. The sign does not obstruct a continuous through pedestrian zone of at least six (6) feet in width.

   d. The sign does not obstruct pedestrian and wheelchair access from the sidewalk to any of the following:

      i. transit stop areas;
      ii. designated disabled parking spaces;
      iii. disabled access ramps; or
      iv. building exits including fire escapes.

Author’s clarification notes:

The above exceptions for projecting signs, awnings and marquees and A-frame signs are included for municipalities where an area of special interest or a central town district has been created with features such as sidewalks, buildings located close to the street or roadway, no front lawns or landscaped areas, substantial pedestrian traffic in addition to vehicular traffic.

D. Removal of signs. The AHJ Engineer may require signs extending into the right-of-way to be modified or moved if streets are widened, or other improvements made in the right-of-way, which result in the creation of unsafe conditions. The modification or moving will be at the owner’s expense. If a
nonconforming sign is moved under this requirement, it may be re-erected on
the site without being brought into conformance.

F. Freestanding Signs

(1) Freestanding signs may not extend into the right-of-way.

G. Fascia or Wall Signs

(1) Vertical extensions: Fascia or wall signs may not extend above the
top of the building wall upon which they are mounted.

(2) Horizontal extensions: Fascia or wall signs may not extend more
than eighteen (18) inches out from the wall or structure to which they
are attached.

H. Pitched Roof Signs

(1) Vertical extensions: A pitched roof sign may not extend above the
roofline.

(2) Placement and angle. Pitched roof signs must be parallel to the
building face. They may not extend beyond the building wall. See
illustrations in Section 9 (see Page 28).

(3) Support structures: Support structures must be designed so that
there is no visible support structure above the sign.

I. Projecting Signs

(1) Placement: Projecting signs are not allowed on rooftops or on
pitched roofs. Projecting signs may not extend over a right-of-way
unless they are located in a Downtown or Central Business District.

J. Directional Signs

(1) General standards: Directional signs that meet the standards of this
subsection are allowed in all zones and are not counted in the total
square footage of permanent signage allowed on any property or site.

(2) Size: Freestanding directional signs may be up to six (6) square
feet in area and ninety-six (96) inches in height. Fascia directional
signs may be up to sixteen (16) square feet in area.

(3) Directional signs in any zone may have internal or external
illumination.
K. Permanent Banners

(1) General: Banners used as permanent signs are allowed in all Commercial and Industrial Zones and will be included in the total square footage of permanent signage allowed on the site. Temporary banners are regulated under Subsection L, below.

(2) Standards: Permanent banners are subject to the standards for either fascia signs or projecting signs depending on how the banner is supported or anchored.

L. Temporary Signs

(1) Signs that meet the standards of this subsection are exempt from the standards for permanent signs and are not counted in the total square footage of signage allowed on any particular property or site. Signs that do not meet the standards of this subsection are subject to the standards for permanent signs.

(2) Temporary signs may have external or internal illumination.

(3) Temporary banners: Temporary banners are subject to the following regulations:

   a. In all Residential Zones, temporary banners are not permitted on sites with houses, duplexes, and attached houses. Exception: banners for holidays, religious commemoration, and special family events.

   b. In the Office, Professional, Commercial and Industrial Zones, one banner no larger than thirty-two (32) square feet in size is permitted per property or, on a multi-use property, per storefront. Only one (1) of these banners may be hung on each building wall or on each separate structure. Any additional banners, or banners larger than thirty-two (32) square feet in size, must meet the following standards for permanent signs in this Code.

      i. In no case may a site or storefront have more than two (2) temporary banners.

      ii. In no case shall a temporary banner be larger than fifty (50) square feet in size.

      iii. A temporary banner may be displayed no longer than ninety (90) days per calendar year.
iv. Banners that do not meet the regulations of this subparagraph, must meet the standards for permanent signs.

(4) Temporary Wall or Fascia Signs. One (1) temporary wall sign is allowed per street frontage in the Commercial and Industrial Zones. Temporary wall signs may be up to thirty-two (32) square feet in area. Temporary wall signs may not extend above roof lines. Extensions into the right-of-way are prohibited. A temporary wall sign may be displayed no longer than ninety (90) days per calendar year.

(5) Temporary Freestanding or Portable Signs. One (1) temporary freestanding sign is allowed per property in the Commercial Zones and is not counted in the total square footage of permanent signage allowed on the site. Temporary freestanding signs may be up to thirty-two (32) square feet in area. Extensions into the right-of-way are prohibited. A temporary freestanding sign may be displayed no longer than ninety (90) days per calendar year.

Section 20: Electronic Message Centers

A. In the Office, Professional, Commercial and Industrial Zones, Electronic Message Centers (EMCs) are permitted in accordance with the sign areas noted in Table 2 (see Page 38) or Table 3 (see Page 39) respectively.

B. Additional general EMC regulations:

(1) An EMC sign may be a portion of a building sign or freestanding sign, or may comprise the entire sign area.

(2) All EMC signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the EMC lighting level at night into compliance with Section 21 of this Code “Sign Illumination Standards”.

C. EMC regulations by Zone

(1) In Residential Zones, EMC signs are permitted only in certain circumstances by Special Exception in accordance with Section 16 (G) of this Code. They are otherwise prohibited in Residential Zones.

(2) In Residential Zones, where permitted, EMC signs shall have a minimum display time of twelve (12) seconds. The transition time between messages and/or message frames is limited to one (1) second.

(3) In Residential Zones, where permitted, the following EMC display features and functions are prohibited: scrolling, traveling, flashing,
spinning, rotating, fade, dissolve, any other moving effects, and all
dynamic frame effects or patterns of illusionary movement or
simulated movement.

(4) In Office and Professional Zones, EMC signs shall have a minimum
display time of eight (8) seconds. The transition time between
messages and/or message frames is limited to three (3) seconds and
these transitions may employ fade, dissolve, and or other transition
effects.

(5) In Office and Professional Zones, the following EMC display
features and functions are prohibited: continuous scrolling and/or
traveling, flashing, spinning, rotating, and similar moving effects, and
all dynamic frame effects or patterns of illusionary movement or
simulating movement.

(6) In Commercial and Industrial Zones, all EMC display features and
functions are permitted, with the exception of (a) flashing, which is
prohibited, and (b) full motion video or film display via an electronic file
imported into the EMC software or streamed in real time into the
EMC. Full motion video as described shall be permitted by special
exception only.

Author's clarification notes:

1. Electronic Message Center control and code enforcement issues have become a matter
   of great interest at the municipal level across the United States. This interest has been
   spurred primarily by the availability of EMC technology, its increasing quality, and the
   interest of sign owners / end users in utilizing the technology.

2. Most EMC signs installed today are illuminated via LEDs, or light emitting diodes. LEDs
   are the current industry standard for the illumination of EMC signs, and it is likely that
   this will remain so for the near future, until another technology is perfected that is both
tolerant to outdoor environmental conditions, sufficiently bright, and cost effective.
   There may be other sources of illumination in the near future, so the term EMC is
   intended to refer to any on-premise sign that can display messages and change them at
   regular intervals via a computer-controlled interface.

3. From a legal and practical standpoint, experience indicates that local control of EMC
   signs is preferred over an outright ban. Some communities have attempted to
   implement a prohibition on EMC signs, but it should be noted that there has been a heavy
cost associated with these types of bans - legal and administrative costs to the AHJ to
defend such a ban; acrimony created within the community by the denial of this new
communication technology without a scientific or traffic safety research basis; loss of the
benefits created by enhanced EMC communication. In addition, a substantial percentage
of EMC signs are installed at churches, municipal buildings, libraries, fire and rescue
facilities, hospitals and out-patient medical offices. Therefore, a more prudent and
balanced approach to EMC regulation based on sound scientific principles may serve the
local AHJ in both the long and short terms.
4. In regard to traffic safety issues and EMC signs, a local AHJ can rely on this statement to be true: up to this time, research has shown no correlation between EMC signs and traffic accidents, and EMC signs have not been found to be a distraction having impact on the driving task or to cause unsafe driving behavior that causes an accident in driver distraction studies. Some have offered opinions and theories about EMC signs and so-called distractions, but there has been no direct scientific research on these distractions and EMC signs. The term “distraction” in and of itself is a pejorative term, suggesting a negative outcome or result. What research on motorist behavior has shown is that drivers engage in a wide variety of activities while operating a motor vehicle, and some for two (2) seconds or longer. Some activities that drivers engage in have a positive effect on motorist performance, even though the driver’s eyes are away from the road. Examples of this would be checking the rear view mirror, checking the side mirrors, or checking the speedometer. Other activities that drivers engage in have a demonstrated negative effect on motorist performance – most notably cell phone use and texting while driving. Finally, other activities appear to have no effect either way - positive or negative - on driver performance, and EMC signs fall into this category. Drivers look at EMC signs but their driving performance is not affected, and that is why accident and driver distraction research fails to show any correlation with EMC signs.

5. All stakeholders agree that EMC lighting levels must be adjusted at night. In order for an EMC to be visible and legible during the day, the EMC sign must be energized or illuminated - it must have sufficient brightness to be seen while the sun is present. At night, however, EMC brightness must be adjusted to a much lower level, so that the sign is not over-bright and/or create glare so that a motorist cannot read the sign. Most EMC manufacturers have technology built into their products to accomplish this lighting level adjustment, typically using photocells and/or software timing controls. Section 20 coordinates with the general lighting standards of this Code contained in Section 21 Sign Illumination Standards to insure that all EMCs have an appropriate lighting level at night, based on the needs of the motorist and traffic safety. This standard is a “Luminance” standard, or an objective measurement and control of the actual brightness of the EMC sign, based on on-premise sign research.

6. Section 20 provides regulations for “display time” on an EMC sign. Display time is sometimes also referred to as a “change rate”, and is intended to describe the rate at which a message can be changed on the EMC display panel.

7. EMC signs are capable of a wide range of dynamic message and image presentations as well as visual effects including simple scrolling or moving message effects to full video display. Since no negative correlation between on-premise EMC signs and traffic safety has been demonstrated by current research, any restriction on the various operational capabilities of EMC signs are necessarily imposed for aesthetic purposes only.

In placing operational restrictions on EMC sign use in Residential and Professional Zones as an aesthetic consideration, this Model accepts the premise that these zones are not normally commercially active, and do not require the more visually dynamic forms of on-premise communication necessary for the rapid transfer of commercial speech in Commercial and/or Industrial Zones.

Since neither an aesthetic nor traffic safety justification can be advanced for placing similar restrictions on the dynamic operational capabilities of EMC signs in Commercial
and/or Industrial Zones, the Model – except for prohibition of flashing and provision that video display be subject to special exception – places no specific prohibitions on EMC operational usage in those zones. The AHJ, however, in assessing local conditions involving community aesthetic considerations, may place specific usage restrictions as it determines to be appropriate, or, as the Model suggests regarding video usage, make certain operational usage features of EMC signs within its jurisdiction are subject to special exception.

The prohibition on EMC video display is intended to cover the display of videos, films, motion video clips, and streaming video images that are not a part of the standard EMC software. It is not intended to prohibit the use of standard effects that are a part of the EMC software capabilities, which sometimes can be confused with actual video. These permitted effects are generally shown in the background of a message (flag waving, leaves falling, clouds passing) and are not the primary EMC content or message, but merely a design element intended to compliment the primary communication.

Each AHJ may make a determination in regard to zones where EMC video capabilities enhance the character of the zone, and where they may be prohibited, based on local conditions.

Section 21: Sign Illumination Standards

Signs may be illuminated consistent with the following standards:

A. A sign in any district may be illuminated at night. Signs that are illuminated at night may not exceed a maximum luminance level of seven hundred fifty (750) cd/m² or Nits, regardless of the method of illumination.

B. Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaires that are fully shielded.

C. All illuminated signs must comply with the maximum luminance level of seven hundred fifty (750) cd/m² or Nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.

D. On-premise signs do not constitute a form of outdoor lighting at night, and are exempt from any other outdoor lighting regulations that the AHJ has adopted, or will adopt in the future.
Author’s clarification notes:

The intent of these Sign Illumination provisions is to set a clear and uniform lighting level for illuminated on-premise signs at night based upon research, the needs of the motorist, and traffic safety. This lighting level standard is simple and easy to understand.

Experience has shown that outdoor lighting and illumination regulations can often become very complicated and use concepts and terms that even professionals do not fully understand. The goal of this Model Code is to help create enforceable standards that require a minimum of administrative resources, yet can be applied uniformly.

The lighting standard provided controls the actual brightness of the sign, or luminance of the sign - of the sign face, the sign letters, the sign panel etc. This standard is based on existing on-premise sign research. The correct lighting level at night for an on-premise sign has been confirmed, both in a test track setting and in real world environments. The maximum luminance level noted by the Model will insure that signs have sufficient brightness at night so that they can be detected and read by motorists at night in the interests of traffic safety.

The luminance standard also provides flexibility to both manufacturers and AHJs. The luminance of a sign can be determined at the place of manufacture prior to installation or in the field after the sign is installed. If multiple signs of the same design and manufacture are installed, then only one (1) sign needs to be measured as the representative sample, thereby conserving resources.

This Model Code strongly recommends that other light measurement methods be avoided in regard to on-premise signs (for instance, an illuminance standard, or including ambient lighting conditions as a part of a complicated formula), because these methods do not account for true sign brightness which, in regard to traffic safety, is the primary determinant as to whether a sign is visible and legible to the motorist.

It should also be noted that research has shown that on-premise signs are not a factor in creating so-called light trespass or light spillage conditions. Regulators often confuse the fact that an on-premise sign can be seen from a distance at night with light trespass. Instead, on-premise signs can be detected from a distance because they have proper sign brightness or luminance at night, and not because they project a great deal of unnecessary lighting to surrounding areas. This Model Code suggests that a light trespass measurement method, aimed at sign illuminance, may result in a more confusing and complicated regulatory scheme and may compromise public safety.

Section 22: Additional Sign Standards for Historic or Overlay Zones

Author’s clarification notes:

This Model Code does not provide suggested Code language for areas of special interest within an AHJ or Historic Zones. These types of regulations must be individually tailored to the needs of each AHJ, applicable state and federal law, and therefore it would be virtually impossible to craft a set of general guideline regulations that could apply in all 50 states.
If the local AHJ has bona fide historic areas or districts, or Areas of Special Interest, these standards should be inserted here. The Additional Standards address the following:

- the specific districts or zones where the additional sign standards apply should be clearly delineated;
- the standards should be as objective and uniform as possible;
- the standards should not give a local AHJ committee or Board unbridled discretion in reviewing, controlling or censoring sign content or sign colors or sign design; this could simply invite a constitutional challenge; while the courts in some states have allowed broad sign design review procedures, a local AHJ should be cautioned that these procedures have generally not been tested in the Federal Court system, and a local AHJ or state cannot summarily preempt constitutional guarantees related to speech.
- Terms to be avoided in drafting Additional Sign Standards: the words: may, should, encourage, discourage, architecturally complimentary or compatible, and/or any other phrase that vests subjective discretion over speech in a local official or volunteer.

Section 23: Nonconforming Signs

Author's clarification notes:

The purpose of regulations related to nonconforming signs is to insure that existing signs installed by valid permit that are made nonconforming by adoption of any new Sign Code may continue and that the new sign regulations will not cause unnecessary burdens. The owner of a sign with a valid permit has a legitimate expectation that the sign can be used for the period of its useful life.

The extinguishment of nonconforming signs is sometimes a goal at the local AHJ level, under the theory that these signs are “regulatory nuisances”. A favorable outcome for all stakeholders in regard to the treatment of nonconforming signs is most often achieved when all the interested parties are included in the process.

The intent of these regulations is not to force all signs to be immediately brought into conformance with current regulations; instead, the intent is to gradually bring existing signs into conformance. Most sign codes contain provisions for nonconforming signs. The degree to which a sign code can extinguish nonconforming signs is also controlled by individual state law, and particular attention should be given to these rules.

A. Nonconforming permanent signs may continue to exist after passage of this Code. Nonconforming signs will be removed and changed in accordance with the provisions of this Code.

B. Permanent signs and sign structures that are moved, removed, replaced, or structurally altered must be brought into conformance with the sign regulations. However, nonconforming signs required to be moved because of public right-of-way improvements may be re-established. Removable faces or sign panel inserts in a cabinet style sign may also be changed by right, and
such change does not constitute a structural alteration nor trigger loss of nonconforming status.

C. Nonconforming temporary signs must be removed within two (2) months of the passage of this Code.

D. Ownership. The status of a nonconforming sign is not affected by changes in ownership.

E. Once a sign is altered to conform or is replaced with a conforming sign, the nonconforming rights for that sign are lost and a nonconforming sign may not be re-established.

F. Loss of nonconforming sign status.

   (1). Discontinuance. See definition of Abandoned Sign.

   (2) Destruction. When a sign or sign structure is removed or intentionally destroyed, replacement signs and sign structures must comply with the current standards. However:

      a. Repair and maintenance. A nonconforming sign or sign structure may be removed temporarily to perform sign maintenance or sign repair.

      b. Unintentional destruction. When a sign or sign structure that has nonconforming elements is partially or totally damaged by fire or other causes beyond the control of the owner, the sign and sign structure may be rebuilt to the same size and height using the same materials.

Section 24: Electrical Regulations Applying to all Permanent and Temporary On-Premise signs

A. All on-premise electric signs, outline lighting systems and skeleton neon lighting systems shall be manufactured and installed in compliance with NFPA 70, the National Electric Code (NEC).

B. The Listing label number for all signs shall be provided on the Sign Permit Application, or, if the sign has not been manufactured yet, through Nationally Recognized Testing Laboratory (NRTL) validation: A NRTL file number from the sign manufacturer shall be provided for all electric signs on the Sign Permit Application.
Author's clarification notes:

Sign manufacturers may not pre-assign labels before manufacture. Labels are serialized and would require the municipality to call the listing company and verify it with the NRTL. If the manufacturer's NRTL is on file, the municipality can generally access the most current information on-line, or require follow-up from the sign manufacturer.

The primary purpose of this Section is to insure that sign manufacturers build, list and label their electrical signs to comply with national electrical and fire safety codes in the interest of public safety.

C. The Code Officer shall have the authority to immediately remove any sign that is not in conformance with this section, or to have said sign removed, at the owner's expense.

Section 25: Construction and Structural Requirements

A. Structural Standards

(1) Signs, sign structures, sign foundations and methods to attach and anchor signs must be designed and constructed in accordance with applicable provisions of the Building Code adopted by the AHJ. All signs and their foundations and attachments must be designed for the appropriate dead, wind and snow loads for the geographic area in question.

(2) The supports and foundations used in construction for all signs and sign structures must be located outside of any rights-of-way.

(3) Welds of sign structures & sections of sign structures must be welded in accordance with the Building Code.

B. Engineering Standards

(1) Signs, sign structures, sign foundations and anchorages to a building must be individually designed in accordance with the Building Code and the provisions of this Sign Code.

(2) When the Building Code of the AHJ, or any Building Code enacted after passage of this Sign Code, calls for sealed sign design construction plans to be submitted as a part of any sign permit application, this requirement is not compulsory as it relates to on-premise signs regulated under this Sign Code.

The instances when sealed plans by a licensed engineer are required and when they are not required will be determined by specific criteria.
Author's clarification notes:

Some state and local jurisdictions have interpreted certain language in the International Code Council’s International Building Code (IBC) in regard to construction documents and construction permit applications to require so-called “sealed” sign designs or plans as a part of the routine sign permit application process. This reading is not entirely accurate, and has caused confusion and inefficiencies, without increasing public safety or increasing the quality of sign construction.

In general, enforcement of local building code regulations and sign code electrical regulations will insure that standard on-premise signs are properly installed and that public safety is protected. Requirement of a sealed plan for a simple wall sign or low-mounted monument sign or for types of sign projects that are repetitively installed using the same installation system does not add to the value of the sign nor change how the signs will be mounted nor automatically increase public safety. The sign installer is generally the expert in these areas, and will install the sign in the appropriate manner based on already established methods and industry accepted procedures.

There will be sign projects, however, that are of such size and scope that AHJs may want to require the services of a licensed engineer in order to confirm that the sign installation details are correct for site and geographic conditions. The criteria to determine when sealed plans are required will vary from locality to locality, and the AHJ therefore will create its own set of rules for engineering requirements.

The intent of this section on Engineering Standards is to create a mechanism to determine when sealed sign plans are required and when they are not. The requirement for sealed plans will be triggered when the sign project achieves such scope as determined by the AHJ that the services of an engineer or architect will insure the AHJ that proper engineering principles are being applied.

C. Clearances

(1). Vision clearance areas: Vision clearance areas are triangular-shaped areas located at the intersection of any combination of rights-of-way, alleys or driveways. The sides of the triangle extend thirty (30) feet from the intersection of the right-of-way, alley or driveway in either/each direction. No sign may be installed within this clear sight triangle.

(2) Vehicle area clearances: In areas outside of rights-of-way, when a sign or awning extends over an area in which vehicles travel or are parked, the bottom of the structure must be at least fourteen (14) feet above the ground. Vehicle areas include driveways, alleys, parking areas, and loading and maneuvering areas.

(3) Pedestrian area clearances. When a sign or awning extends more than twelve (12) inches over a sidewalk, walkway, or other space used
by pedestrians, the bottom of the structure must be at least eight (8) feet above the ground.

(4) Clearances from fire escapes, means of egress or standpipes. Signs, sign structures and awnings are prohibited from being erected in any manner that interferes in any way with the free use of any fire escape, means of egress or standpipe. Attaching signs, sign structures or awnings to a fire escape is prohibited.

(5) Obstruction of windows and ventilation. Signs, sign structures and awnings are prohibited from being installed in any way that obstructs any building openings to such an extent that light, ventilation or exhaust are reduced to a level below that required by either the Building Code, Plumbing Regulations, Heating and Ventilating Regulations or Housing and Maintenance Regulations.

Section 26: Maintenance Requirements.

A. Signs, sign structures and awnings, together with their supports, braces, guys, anchors and electrical components must be maintained in a proper state of repair. The Code Officer may order the removal of any sign, sign structure or awning that is not maintained in accordance to this Code.

B. Dangerous Structures and Equipment

(1) Signs, sign structures or awnings that are dangerous must be taken down and removed or made safe as the Code Officer or Building Official deems necessary. Signs may be deemed dangerous for one or more of the following reasons:

a. Whenever a sign structure or its foundation, a sign’s attachments to a building, or a building to which a sign is attached is damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability is materially less than it was before the catastrophe and is less than the minimum requirements of the Building Code;

b. Whenever any portion or member of a sign, sign structure or awning is likely to fail, or become detached or dislodged, or to collapse and thereby injure persons or property;

c. Whenever any portion or member of a sign, sign structure or awning is likely to partially or completely collapse as a result of any cause, including, dilapidation, deterioration, or decay; faulty construction or wiring; or removal, movement or instability of any portion of the ground or building necessary for supporting such structure;
d. Whenever a sign, sign structure or awning is structurally or electrically unsafe or otherwise hazardous to human life or safety by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment;

(2) All signs, sign structures and awnings determined after inspection by the Code Officer to be dangerous must be abated by repair, rehabilitation, demolition or removal;

*Author's clarification notes:*

*This Model Code includes a listing of supplementary sections, intended as a general reference, that appear in most sign codes. These regulations are procedural in nature. Most AHJs include these provisions, and they should be crafted to local standards and in accordance with State Law in the applicable jurisdiction. They are included here as a convenience to the local AHJ.*

Section 27: Permits and Registration

Permit or Registration Required
Application Requirements
Review of Applications and Issuance of Permits
Life of Permit and Registration Limited
Suspension or Revocation

Section 28: Inspection

General
Inspections
Refusal of Entry

Section 29: Enforcement

Violations
Civil Penalties and Fees
Citations
Stop Work Orders
Review by the Director

Section 30: Fees

General
Sign Permit Fees
Fee Refunds
Appendix A...

Grayscale Images:

Section 8: Typical On-Premise Sign Types

Section 9: Sign Area Computational Methodology
Section 8: Typical On-Premise Sign Types

FREESTANDING SIGNS

usually perpendicular to viewer’s line-of-sight. May be double or multi faced and contain thematic embellishment and integral covers or cladding to conceal structural supports.

PYLON
POLE WITH CLADDING
MULTI PANEL PYLON
POLE

MONUMENT
CANOPY
MONOLITH

BUILDING SIGNS

AWNING
ROOF
WALL / FASCIA
PROJECTING

STAR PIZZA  Jewel House  Ace Shoes
Section 9: Sign Area Computational Methodology / Ground Signs

Freestanding Sign - Exposed Pole Support
Calculate sign area defined by actual rectangular panel surrounding copy.

Freestanding Sign - Thematic Embellishment - Concealed Support
Calculate sign area defined by actual rectangular panel surrounding copy. Do not calculate embellishment or support cladding.

Freestanding Sign - Multi Panel - Concealed Support
Calculate sign area defined by sum of actual oval panels surrounding copy. Do not calculate support cladding.

Freestanding Sign - Monument
Thematic Embellishment - Concealed Support
Calculate sign area defined by imaginary panel drawn around copy. Do not calculate embellishment or monument background.
Section 9: Sign Area Computational Methodology / Ground Signs

Freestanding Sign - Monument Thematic Pediment. Calculate sign area defined by sum of imaginary panels drawn around graphic and copy. Do not calculate embellishment or monument background.

Freestanding Canopy Sign Calculate sign area by imaginary panel drawn around copy. Do not calculate decorative graphics. Calculation similar for attached canopy and/or marquee.

Wall / Fascia Signs

Mixed Case Lettering. Draw imaginary panel around either ascenders or decenders, but not both.

Signs without integral background. Calculate sign area by imaginary panel drawn around sign copy.

Signs with integral background panel. Calculate sign area by area of actual background panel surrounding sign copy.

Awnings - Calculate sign area by imaginary panel drawn around copy. Do not calculate decorative graphics.
Section 9: Comparison: Roof and Wall Sign Distinctions

ROOF SIGNS

SLOPING ROOF MOUNT

FLAT ROOF MOUNT

Fascia Signs on Roof-Like Projections

NOT ROOF SIGNS

CANOPY MOUNT

MANSARD MOUNT

PENT EAVE MOUNT
APPENDIX B

FORMULAE: COMMON GEOMETRIC SHAPES

Even the most complex sign backgrounds are simply combinations of various geometric shapes. Included here are useful formulae to assist in the computation of the areas of common shapes. Some of these formulae utilize the Greek letter pi, designated as the symbol $\pi$. The approximate numerical value of $\pi$ is 3.1416.

**CIRCLE**
The area of a circle is found by multiplying the square of its radius (radius is the distance from the center to the outer edge or circumference) by $\pi$ ($3.1416$). $\text{Area} = \pi r^2$

**SQUARE, RECTANGLE, PARALLELOGRAM**
The area of a square, rectangle, or parallelogram (all four-sided figures with two pairs of parallel sides) is found by multiplying the length by the width. $\text{Area} = \text{LxW}$

**TRIANGLE**
The area of a triangle (three-sided figure) is found by multiplying one-half of the base times the height. $\text{Area} = \frac{1}{2} (\text{b} \times \text{h})$

**ELLIPSE**
The area of an ellipse is found by multiplying half the length of the major axis by half the length of the minor axis, then multiplying the result by $\pi$ ($3.1416$). $\text{Area} = \pi (\text{axb})$

**TRAPEZOID**
A four-sided figure with only one pair of parallel sides. The area equals one-half the product of its altitude (a) multiplied by the sum of its bases (the bases are the two parallel sides - b and c). $\text{Area} = \frac{1}{2} a (b+c)$

**REGULAR POLYGONS**
Polygons are figures bounded by straight lines called sides. The area of a polygon equals the number of triangles within it times the area of each triangle. See formula for triangle. $\text{Area} = \frac{1}{2} (\text{b} \times \text{h}) \times \text{number of triangles}$.
NEW BUSINESS #8
Medical Marijuana Legislation Changes (PA 281 of 2016, effective 12/15/2017)

New facilities which **MAY** be permitted by a municipality – municipality **MUST** opt in for it to be considered by the State, requires ordinance language to be present allowing the specific facility type.
Under our current ordinance, none of these facilities are permitted.

**Class A, B, or C Grower**—“A licensee that is a commercial entity located in this State that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.”
Class A: 500 plants -- Class B: 1,000 plants -- Class C: 1,500 plants

**Processor**—“A licensee that is a commercial entity located in this State that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana infused product for sale and transfer in packaged form to a provisioning center.”

**Provisioning Center**—“A licensee that is a commercial entity located in this State that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through their registered primary caregivers. The term includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the marihuana registration process of the Department of Licensing and Regulation in accordance with the Michigan Medical Marihuana Act will not be a provisioning center for purposes of the Licensing Act.”

**Secure Transporter**—“A licensee that is a commercial entity located in this State that stores marihuana and transports it between marihuana facilities for a fee.”

**Safety Compliance Facility**—“A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol (THC) and other cannabinoids, returns the test results, and may return the marihuana to the facility.”