

ORDINANCE NO. ORD-13-04

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Public Hearing: April 1, 2013 Effective:

AN ORDINANCE TO AMEND SECTIONS 5:500, 5:501, 5:502, 5:507, 5:508, 5:509, 5:510, 5:511, 5:515, 5:516, 5:517, 5:518 AND ADD A NEW SECTION, WHICH NEW SECTION SHALL BE DESIGNATED AS SECTION 5:510.1

The City of Ann Arbor Ordains:

Section 1. That Section 5:500 of Chapter 61 of Title V of the Code of the City of Ann Arbor be amended to read as follows:

5:500. - Application of chapter.

Signs may be erected or maintained in the City of Ann Arbor only as permitted by this chapter and subject to other restrictions contained in this Code. The sign regulations of this chapter are intended to ensure that signs are located, designed, sized, constructed, installed, and maintained in a way that protects and promotes safety, health, aesthetics, and the public welfare while allowing adequate communication. If any portion of this chapter is determined to be a violation of law, that portion shall be severed from the remainder of the chapter and shall be revised to reflect the least possible change that avoids the violation of law; and the remainder of this chapter shall remain in effect and be interpreted as closely as possible to the original intent of this chapter without violating state or federal law. It is the specific intent of the City that if any portion of this chapter is determined to be an impermissible content-based regulation, such a determination shall not result in the invalidation of any other portion of this chapter. Regardless of any other provision in this chapter, noncommercial messages may be placed or substituted on any lawfully permitted sign.

Section 2. That Section 5:501 of Chapter 61 of Title V of the Code of the City of Ann Arbor be amended to read as follows:

5:501. - Definitions.

The following words and phrases shall have the meanings set forth in this section when they are used in this ~~C~~chapter:

- (1) Area (or other reference to square measure) means the entire area within a circle, triangle or parallelogram enclosing the extreme limits of writing representation, emblem or any figure of similar character together with any frame or other material or other color forming an integral part of the display or used to differentiate it from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. Where a sign

has 2 or more faces, the area of all faces shall be included in determining the area of the sign. Where a sign consists solely of lettering painted or mounted on a wall, any blank area which is more than 10 percent of the area of the sign as otherwise computed shall be disregarded.

- (2) *Billboard*. An off-premises sign with an area in excess of 200 square feet.
- (3) *Building*. A permanent structure for human occupation ~~to which the sign relates~~.
- (4) *Business*. Any legal use of a building, other than for a ~~religious institution, day care center, school,~~ home occupation, or residence by a person, firm or corporation. Although contained in the same building as another business and owned by the same person, an activity may be treated as a separate business if it is physically separated from, uses different personnel than, and provides different products or services than such other related business.
- (5) *Business Center*. A group of 5 or more ~~businesses stores, offices, research facilities, or manufacturing facilities~~ which collectively have a name different than the name of any of the individual establishments and which have common private parking and entrance facilities, or which is a platted business subdivision.
- (6) *Changeable Copy*. That portion of a sign that is designed or used to display characters, letters, words, or illustrations that can be readily changed or rearranged by manual, mechanical, or electronic means without altering the face of the sign.
- (67) *Distance from a building to a sign* shall be measured from the nearest wall of the building, or, in the case of a gasoline service station, the nearest gasoline pump, to the furthest portion of the sign or its supporting structure.
- (78) *Exterior Sign*. Any sign other than an interior sign.
- (89) *Frontage*. The length of the portion of a building occupied by a single business facing a street adjacent to the premises on which the business is located.
- (910) *Interior Sign*. A sign within the walls of a building.
- (1011) *Maximum heights* shall be measured from grade ~~or sidewalk~~ to the highest edge of the sign surface or its projecting structure.
- (1112) *Message Unit*. Each of the following equals 1 message unit: a word, an abbreviation, a number, a symbol, a geometric shape, a person's or firm's initials, a web site, an electronic mail address. Letters or numbers 4 inches or smaller in height and punctuation marks are not counted in computing a number of message units. When a business has a sign with identical sign messages facing opposite directions, only the message units on 1 side of each such pair shall be counted in computing the permitted number of message units.
- (1213) *Minimum height* shall be measured from grade ~~or sidewalk~~ to the lowest edge of the sign surface or its projecting structure.
- (14) *Nit means a measure of luminance equal to one candela per square meter.*

(15) Nonconforming sign. A sign that was lawfully permitted at the time it was erected, but is not permitted under current law. This does not include any temporary sign, banner, or placard, including signs affixed to the interior or exterior of windows.

(4316) *Off-Premises Sign.* A sign other than an on-premises sign.

(4417) *On-Premises Sign.* A sign which advertises only goods, services, facilities, events, or attractions on the premises where located.

(4518) *Political Sign.* A sign whose message relates to a candidate for political office, or to a political party, or to a political issue or an ideological opinion.

(4619) *Premises.* The contiguous land in the same ownership or control which is not divided by a public street.

(4720) *Public Right-of-Way or Right-of-Way.* For purposes of this ~~chapter~~Chapter 64 only, all public ~~rights-of-way within the City which are used for~~ streets, highways, sidewalks and alleys.

(4821) *Sign.* A name, identification, description, display, light, balloon, banner, or illustration which is affixed to, or painted, or otherwise located or set upon or in a building, structure or piece of land and which communicates information or directs attention to an object, product, place, activity, person, institution, organization, or business and which is visible from any public street, sidewalk, alley, park, or public property. The definition includes any support structure, lighting, or other accessory features. The definition includes interior and exterior signs but not signs primarily directed at persons within the premises of the sign owners. The definition does not include goods displayed in a ~~business~~ window. The definition does not include religious symbols or paintings which do not display lettering and do not advertise a business, product or service.

(4922) *Temporary Sign.* A sign intended for a limited period of display.

Section 3. That Section 5:502 of Chapter 61 of Title V of the Code of the City of Ann Arbor be amended to read as follows:

5:502. - Exterior business signs.

(1) Each ground floor business is permitted exterior on-premises ~~and noncommercial~~ signs having an area totaling 2 square feet per linear feet of ground floor frontage. The total area of such signs may not exceed 200 square feet. Such signs may contain a total of 10 message units and shall meet the placement standards contained in this section. ~~If all the signs of a business do not exceed a maximum height of 15 feet, such business shall be permitted sign area and message units of 20 percent more than would otherwise be permitted by this Chapter.~~

(2) Placement.

- (a) Signs attached to ~~the a~~ building shall not extend more than 3 feet above the building or 4 feet from the wall of the building. The extension from the wall or roof shall be measured from the location of attachment.
 - (b) Ground Signs. Signs not structurally attached to ~~the a~~ building shall be at least 5 feet from all property lines~~15 feet from any street or from any lot line of the premises~~. Such signs shall have be permitted a maximum height starting at 3 feet in height at the right-of-way line, and increasing of 1 additional foot for each 2 feet the sign is set back from the nearest property line~~the right-of-way line, provided that, if it is located within 20 feet of the building, it may have the same maximum height as could a sign located on the building~~, provided that the height of any such sign shall not exceed 25 feet.
 - (c) Marquee. Signs may be located on a building marquee or awning which is over a public sidewalk provided that such structures shall not extend more than 8 feet over the public right-of-way nor be closer than 3 feet to the curb line.
 - (d) Minimum Height. No portion of any sign which extends over the public right-of-way shall be lower less than 8 feet above the public right-of-way.
- (3) Area and Message Unit Exceptions. The following signs shall be exempt from the message unit and area limitations contained in this section, but shall be subject to the placement regulations of this section:
- (a) *Gasoline Price Signs*. A gasoline service station shall be permitted signs on each pump island indicating the prices and types of gasoline and the type of service. The area of such signs shall not exceed 20 square feet per pump island.
 - (b) *Theater Signs*. Theaters shall be permitted 200 square feet of additional signs designed for periodic message change which indicate the entertainment at the theater.
 - (c) *Business Center*. A business center may have a sign identifying, by name only, the business center and the businesses contained therein. Such a sign may have an area of 2 square feet for each 1 linear foot of building frontage, but not more than 200 square feet of total area. The changeable copy portion of such a sign shall not exceed 50% of the area of the sign and shall not exceed 30 square feet per sign and 15 square feet per sign face. No such sign may be erected until after the City Attorney has reviewed the permit application to determine whether it meets the standards of this chapter.
 - (d) *Alley Signs*. A business with an entrance on an alley shall be permitted additional sign area of 1 square foot of sign for each linear foot of alley frontage and 10 additional message units solely for signs facing said alley.
- (4) Message Unit Exceptions. The message unit restrictions of Section 5:502(1) have the following exceptions, provided that the area and placement provisions of that section are met.
- (a) A business without ground floor frontage shall be permitted signs having 10 message units to advertise that business, provided that the total area of all

exterior signs on any building shall not exceed the total sign area permitted for businesses in the building having ground floor frontage.

- (b) A business with frontage on more than one street may be permitted 10 additional message units on each additional street side.
- (c) Business Name. If the name of the proprietor of a business exceeds 10 message units, said name may be displayed on each street frontage provided no other message units are displayed by that business on said frontage.

Section 4. That Section 5:507 of Chapter 61 of Title V of the Code of the City of Ann Arbor be amended to read as follows:

5:507. - Permitted signs.

The following signs are permitted, notwithstanding any prohibition contained in this Chapter other than prohibitions contained in Section 5:508, [Section 5:510](#), and [Section 5:510.1](#).

- (1) Address numbers with a numeral height not greater than 12 inches for residences and 24 inches for businesses.
- (2) Names of building occupants painted on or attached to the building with a letter height not greater than 2 inches.
- (3) Exterior signs having a total area of not more than 3 square feet on [merchandise goods](#) displayed within 6 feet of the front of the building.
- (4) Portable real estate "open house" signs with an area not greater than 6 square feet. One such sign may be located on the premises being sold. No more than two additional such signs are permitted and may be placed in the public right-of-way, notwithstanding the prohibition in Section 5:508(12) provided, however, that a property owner shall have the right to remove and destroy or otherwise dispose of without notice to any person, signs which are placed without his or her permission on his or her property, including signs placed in that portion of the public right-of-way which is an easement across the property. All of the signs permitted by ~~this~~ Section 5:507(4) and pertaining to a single property may be displayed only for 6 hours during 1 day in any 7-day period. All such signs shall be located so as not to interfere with the free passage of vehicular and pedestrian traffic upon the public right-of-way, and so as not to constitute a hazard to public safety.
- (5) Paper notice placed on bulletin boards or on kiosks [that have an area of no more than 10 square feet](#).
- (6) Authorized signs of the state or a political subdivision of state.
- (7) Signs of a religious institution, school, museum, community recreational facility or library indicating the name, current displays or activities and having an area not greater than 50 square feet.

- (8) Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface of a building or when constructed of bronze or other incombustible material affixed to a building.
- (9) Flags bearing the official design of a nation, state, municipality, educational institution or noncommercial organization, provided that the flag pole is set back from ~~the all~~ property lines a minimum distance of 1 foot for every 1 foot of pole height.
- (10) Special event signs, banners or search lights approved by the City Council or City Administrator.
- (11) Permanent signs on vending machines, gas pumps or ice containers indicating only the contents of such devices provided that such devices must be located within 10 feet of the building. The sign area of each such device may not exceed 6 square feet.
- (12) Signs not exceeding 6 square feet each which contain only noncommercial messages including designation of restrooms, telephone location, restrictions on smoking, door openings and private traffic control and parking signs.
- (13) One sign per parking lot not exceeding 3 square feet per sign face and 6 feet in height identifying the business and providing driving and parking information.
- (14) Interior signs up to 4 square feet indicating property is for sale or for rent.
- (15) Plaques or signs not exceeding 2 square feet designating a building as a historical structure.
- (16) Business signs not exceeding 2 square feet per sign face containing information on credit cards and business affiliations.
- (17) Temporary signs as provided for in Section 5:505
- (18) Political Signs as defined in Section 5:501(15) and as provided for in Section 5:506

Section 5. That Section 5:508 of Chapter 61 of Title V of the Code of the City of Ann Arbor be amended to read as follows:

5:508. - Prohibited signs.

Any sign that is not specifically permitted by this chapter is prohibited. The following signs are prohibited: ~~notwithstanding anything to the contrary in this Chapter.~~

- (1) Signs which incorporate in any manner or are illuminated by any flashing, intermittent, or moving lights ~~other than for conveyance of noncommercial information which requires periodic change.~~ This section does not prohibit barber poles which meet the other requirements of this Cchapter.

- (2) Exterior banners, pennants, spinners and streamers, other than a banner or pennant used as a permitted sign under Section 5:502, or a special event banner under 5:507(10).
- (3) Exterior string lights used in connection with a commercial premises, other than holiday decorations.
- (4) Any sign which has any visible motion other than permitted flags or banners ~~and other than for the conveyance of noncommercial information requiring periodic change.~~
- (5) Any sign which is structurally or electrically unsafe.
- (6) Any sign erected on a tree or utility pole except signs of any political subdivision of this state.
- (7) Any business sign or sign structure now or hereafter existing which no longer advertises a bona fide business conducted or a product sold.
- (8) ~~Portable Signs.~~ Except as provided in Section 5:507(4) and Chapter 47, Section 4:14, any freestanding exterior sign not permanently anchored or secured to either a building or the ground.
- (9) Any sign on a motor vehicle or trailer which is parked in front of a business for the purpose of advertising a business or product or service of a business located on the premises where such vehicle is parked.
- (10) Any sign on a motor vehicle or trailer which projects more than 6 inches from the surface of such a vehicle when it is parked at a location visible from a public street.
- (11) Any sign structure or frame no longer containing a sign.
- (12) Any sign erected on the public right-of-way, except for signs of a political subdivision of this state, and except for portable "open house" signs to the extent they are permitted by Section 5:507(4) and except for political signs to the extent they are permitted by Section 5:506. The City may remove and destroy or otherwise dispose of, without notice to any person, any sign which is erected on the public right-of-way in violation of this subsection.

(13) Billboards.

Section 6. That Section 5:509 of Chapter 61 of Title V of the Code of the City of Ann Arbor be amended to read as follows:

5:509. - Off-premises signs.

Off-premises signs are permitted only in accordance with the following regulations and any other applicable provision of this Code:

- (1) No such sign shall have a total area ~~of all faces~~ in excess of 200700 square feet ~~or 350 square feet per sign face.~~ For each contiguous parcel of land, the

maximum permitted area for on-premises signs for all businesses on that parcel shall be reduced 1 square foot for each square foot of off-premises signs on that parcel.

- (2) It shall have a maximum height not greater than 25 feet.
- (3) It shall not be closer than 300 feet to any other off-premises sign.
- (4) It shall have a maximum height of 1 foot for each 2 feet it is set back from the nearest public right-of-way line any street and must not be closer than 50 feet to any on-premises sign and 500 feet to any playground, school, residential dwelling, church or park.
- ~~(5) No billboard shall be erected at any time when there are 30 or more billboard faces in the city.~~

Section 7. That Section 5:510 of Chapter 61 of Title V of the Code of the City of Ann Arbor be amended to read as follows:

5:510. - Illumination.

- (1) Signs permitted by sections 5:502, 5:503, 5:504 and subsections (1), (2), (7), (11) and (12) of sections 5:507 and 5:509 may be illuminated by artificial light. Signs permitted by section 5:504 and subsections (1) and (7) of section 5:507 may be illuminated only by white light.
- (2) All electric signs and outline lighting shall be installed in accordance with the Electrical Code adopted by the City as referenced in Chapter 98100 of this Code. Every electric sign of any type, fixed or portable, shall be listed and installed in conformance with that listing, unless otherwise permitted by special permission.
- (3) In order to prevent glare, illuminated signs shall not emit more than 5,000 nits in full daylight and 100 nits between dusk and dawn. All electronic signs shall have functioning ambient light monitors and automatic dimming equipment which shall at all times be set to automatically reduce the brightness level of the sign proportionally to any reduction in the ambient light. In order to verify compliance with City Code or other applicable law, the interface that programs an electronic sign shall be made available to City staff for inspection upon request. If the interface is not or cannot be made available upon the City's request, the sign shall cease operation until the City has been provided proof of compliance with City Code
- (4) Regardless of any other requirement, illuminated signs shall not project light that exceeds 1/10 of a foot candle above the ambient light at any property line bordering any R1, R2, R3, R4, or R6 zoning district, as defined in Title V of Ann Arbor City Code.

Section 8. That Chapter 61 of Title V of the Code of the City of Ann Arbor be amended to add a new section, designated as Section 5:510.1, to read as follows:

5:510.1 - Changeable Copy Signs.

- (1) The changeable copy portion of a sign shall not exceed 50% of the area of the sign and shall not exceed 30 square feet per sign and 15 square feet per sign face.
- (2) Scrolling or traveling of a message on changeable copy is prohibited.
- (3) Changeable copy shall not change more than once every 15 minutes.
- (4) Changeable copy shall not and shall not appear to flash, undulate, pulse, blink, expand, contract, bounce, rotate, spin, twist, or otherwise move.

Section 9. That Section 5:511 of Chapter 61 of Title V of the Code of the City of Ann Arbor be amended to read as follows:

5:511. - Permits.

No sign regulated by sections 5:502, 5:505 or 5:509 shall be erected, altered, relocated or maintained unless a permit for it is obtained from the City in accordance with the following regulations:

- (1) *Application for erection permit.* Application for erection permits shall be made upon forms provided for by the city and shall contain or have attached thereto the following information:
 - (a) Name, address and telephone number of the applicant.
 - (b) Location of building, structure, or lot to which the sign is to be attached or erected.
 - (c) Position of the sign in relation to nearby buildings, structures and property lines.
 - (d) 2 drawings of the plans and specifications and method of construction and attachment to the building or in the ground.
 - (e) Copy of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure in accordance with regulations adopted by the City.
 - (f) Name and address of the person, firm, corporation or association erecting the structure.
 - (g) Insurance policy or bond as required herein.
 - (h) Such other information as the city may require to show full compliance with this and all other applicable laws of the City of Ann Arbor and the State of Michigan.
 - (i) In the discretion of the city, when the public safety requires it, the application containing the aforesaid material shall, in addition, bear the

certificate or seal of registered architect or engineer as a condition to the issuance of a permit.

(j) Permit applications for electronic signs shall include a copy of the manufacturer's specifications for luminance.

- (2) *Permit fee.* The fees for sign permits shall be established by resolution of the eCity eCouncil upon the recommendations of the eCity aAdministrator.
- (3) No permit shall be required for ordinary servicing, repainting of existing sign message or cleaning of a sign. No permit is required for change of message of sign designed for periodic message change without change of structure, including a bulletin board or billboard, but not including a sign to which a new permanent face may be attached.
- (4) No permit shall be issued pursuant to section 5:502 ~~or 5:503~~ unless the applicant displays on the premises the street address number in digits having a height of at least 3 inches which also meet the requirements of Chapter 2 of this Code.

Section 10. That Section 5:515 of Chapter 61 of Title V of the Code of the City of Ann Arbor be amended to read as follows:

5:515. - Inspections.

A person who owns or controls a sign and a person who owns or controls the property where a sign is located shall make the sign available for City staff to inspect for compliance with City Code or other applicable law upon the City's request. Any sign of the type specified by section 5:512 may be routinely inspected once every calendar year. A fee of \$10.00 per sign shall be charged the owner or occupant of each sign so inspected, provided that such fee shall not be imposed more than once in any 3 calendar years unless violations necessitate additional inspections.

Section 11. That Section 5:516 of Chapter 61 of Title V of the Code of the City of Ann Arbor be amended to read as follows:

5:516. - Nonconforming signs.

- (1) Unless otherwise provided in this chapter or other applicable law, nonconforming Ssigns lawfully erected prior to May 1, 1975, which do not meet the standards of this chapter may be used, maintained, or repaired in the same form and type as they existed at the time they became nonconformingexcept as hereafter provided.
- (2) No nonconforming sign:
 - (a) Shall be changed to another nonconforming sign;

- (b) Shall have any change made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic change of message;
- (c) Shall have any change made in the structure, be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design, or mechanical or electrical equipment of the sign unless the change brings the sign into compliance with this chapter; however the Building Official may order repair of a nonconforming sign for safety;
- (d) ~~Shall have the face or faces changed when such sign is a type of construction to permit such a complete change of face;~~
- (e) Shall be re-established or maintained after the activity, business or usage to which it relates has been discontinued for 90 days or longer;
- (f) Shall be repaired or erected after being damaged if the repair or erection of the sign would cost more than 50% of the cost of an identical new sign;:-
- (g) Shall have any change made that would result in different type of or greater illumination of the sign or change a non-luminescent sign to a luminescent sign;
- (h) Shall have any change made to add mechanical or electronic features, except ambient light monitors to regulate brightness in accordance with this Code.

~~(3) A sign erected prior to May 1, 1975 which was permitted by previous regulations contained in this chapter and Chapter 61A of this Code, shall not, for purposes of this section, be considered a nonconforming sign.~~

~~(4) No person shall be required to remove a sign which was erected in compliance with this chapter if said sign becomes nonconforming due to a change occurring after May 1, 1975, in the location of buildings, streets or other signs which change is beyond the control of the owner of the sign and the premises on which it is located.~~

~~(5) If the owner of a sign or the premises on which a sign is located changes the location of a building, property line, or sign, or changes the use of a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this chapter.~~

~~(6) Notwithstanding the foregoing, signs which violate subsections (5), (6), (7), (8), (9) or (10) of section 5:508 shall not be maintained in existence after September 1, 1975.~~

~~(5) Billboards lawfully existing as of April 10, 2013 may be maintained or repaired in the same form and type so as to continue the use of the billboard in the same manner as its use as of April 10, 2013, however such billboards may not be expanded, enlarged, or extended and may not be altered to add illumination, changeable copy, or other features that were not lawfully present as of April 10, 2013. Billboards lawfully existing as of April 10, 2013 may be removed for maintenance or repair purposes in accordance with this section upon obtaining a permit from the City, however if the billboard is not reinstalled within 90 days of removal, the~~

nonconforming use shall be deemed abandoned and the billboard may not be reinstalled.

Section 12. That Section 5:517 of Chapter 61 of Title V of the Code of the City of Ann Arbor be amended to read as follows:

5:517. - Appeals.

The Zoning Board of Appeals shall have power to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or determination made by the ~~Administrator~~Planning Manager, or any other administrative official, in connection with the enforcement of this ~~C~~chapter. The Zoning Board of Appeals shall have power to authorize a variance from the strict application of this ~~C~~chapter where such application will result in practical difficulties or unnecessary hardships to the person owning or having the beneficial use of the property or sign for which a variance is sought. For a building or property that is designated as historic by Federal, State or local government, the Zoning Board of Appeals may consider it to be a hardship or practical difficulty and may grant a variance, if the Historic District Commission has made a determination that a proposed sign is necessary and integral to the historic character of the building or property. The appeal procedures for the Zoning Board of Appeals in Chapter 55 shall be applicable to appeals under this chapter.

Section 13. That Section 5:518 of Chapter 61 of Title V of the Code of the City of Ann Arbor be amended to read as follows:

5:518. - Penalties and enforcement.

It shall be unlawful for any person to erect, construct, maintain, enlarge, alter, move or convert any sign in the City of Ann Arbor, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter. ~~Any person~~ violationng of any of the provisions of this chapter shall be ~~guilty of a misdemeanor civil infraction~~ and, upon conviction of any such violation shall be punishable with a fine of not more than \$~~5,000~~0.00 and not less than \$100.00 plus costs and all other appropriate remedies. Each day that a violation continues shall be deemed a separate violation. Any sign constituting an immediate hazard to health and safety shall be deemed a nuisance and may be removed by the ~~City~~administrator at the expense of the owner of the sign and assessed under the provisions of section 1:292 of this Code; and provided, further, that except for those signs which may be removed and destroyed or otherwise disposed of by the ~~C~~city in accordance with section 5:508(12), any sign unlawfully erected, altered or maintained may be removed by the ~~City~~administrator at the expense of the sign owner and assessed under the provisions of section 1:292 of this Code after said sign owner has been ordered in writing to remove said sign by the ~~administrator~~City and has refused to do so without providing justification for so refusing at a hearing to be held by

| the [Planning Manager](#)administrator. The City Attorney may apply to a court of appropriate jurisdiction for an order requiring the removal of a sign in violation of this chapter.