

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of August 7, 2019

SUBJECT: Amendment to Chapter 55 (Unified Development Code) regarding Sign Ordinance Amendments

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to Chapter 55 Unified Development Code, Section 5.24.

STAFF RECOMMENDATION:

Staff recommends that the **amendments** to the Unified Development Code be approved because the proposed changes follow best practices in the sign industry and is based on sign and speech related case law.

STAFF REPORT:

This petition was postponed to at the May 21, 2019 City Planning Commission Meeting to allow staff and the consultant to address sign issues raised by the City Planning Commission.

These issues include illumination, sign non-conformities and historic signs. See the attached memo and draft sign ordinance on how these items were addressed.

Prepared by Chris Cheng
Reviewed by Brett Lenart
8/1/19

Attachment: 8/1/19 Giffels/Webster Memo
8/1/19 2019 Draft Sign Ordinance

c: City Attorney's Office

memorandum



DATE: August 1, 2019

TO: Brett Lenart, Planning Manager
Chris Cheng, City Planner

FROM: Rod Arroyo, Partner, Giffels Webster
Jill Bahm, Partner, Giffels Webster

COPY TO: Carol Rosati and Steve Joppich, Rosati Schultz Joppich & Amtsbuechler

SUBJECT: Updated Final Draft Sign Ordinance Summary

Based on the May 2019 Planning Commission meeting, we propose the following changes, aimed at minimizing the impact of lighting. Provisions for historic signs are also included in this draft.

Section 5.B. Illumination:

- No changes are proposed to the luminaire design section (subsections 4 and 5). Some of the more current “dark skies” ordinances are incorporating the lighting of signs into standards for total outdoor light output. We recommend the city continue to explore lighting generally, although we have included some definitions that we think are helpful.
- Electronic message signs (subsection 9). The area within a sign that may include electronic copy has been reduced from 50% to 25% along with a reduction of change duration from once per 15 minutes to once per minute. This will permit time/temperature displays and treat such content neutrally. In addition, we have included a clarification for dusk/dawn as well as a provision that the screen shall go blank (unlit) if there is a malfunction.
- Subsection 10 clarifies that all signs shall be turned off after 10 p.m. or the close of business, whichever is later. This will apply to electronic message signs as well.

Sections 9-10:

- Section 9 – Nonconforming signs contains a cross-reference to the new historic sign section.
- Section 10 – a new section with standards for historic signs. This section includes an intent and standards to allow the continuation/restoration of historic signs with HDC review and approval.

Section 16. Definitions: New definitions related to illumination have been added, including full cut-off, glare, light trespass and skyglow. The term historic sign has also been added.

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1. Applicability

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, including, but not limited to, standards relating to the city's designated historic districts. 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.

(Ord. No. 55-74, 6-9-75; Ord. No. 33-82, 8-2-82; Ord. No. 13-04, § 1, 6-17-13)

2. Intent

The following municipal interests are considered by the city to be compelling government interests. Each interest is intended to be achieved in a manner that represents the least restrictive means of accomplishing the stated interest, and in all events intended to promote an important government interest that would not be effectively achieved absent the regulation. Regulating the size and location of signage in the most narrowly tailored manner represents the least restrictive means of addressing the targeted government interests of avoiding nuisance-like conditions while maintaining and improving pedestrian and vehicular safety and efficiency; character and quality of life; economic development and property values; and property identification for emergency response and wayfinding purposes.

- A. **Pedestrian and Vehicular Safety.** Maintaining pedestrian and vehicular safety are predominant and compelling government interests throughout the city, with particular emphasis on the safety of pedestrians. The sidewalk network provides facilities for pedestrians throughout the city, even in automobile-oriented commercial areas. The city recognizes that pedestrian traffic in the commercial areas leads to retail sales and it serves a variety of business, entertainment, government, and residential uses in the districts. In addition, the city also accommodates automobile-oriented businesses and other land uses that generate motor vehicle trips.

Since most signage is intended and designed to attract the attention of operators of motor vehicles, thereby creating distractions from vigilance for traffic and pedestrian safety, this ordinance is intended to regulate signs such as to reduce such distractions and, in turn, reduce the risk for crashes, property damage, injuries, and fatalities, particularly considering the rate of speed at which the vehicles are traveling in these districts.

1. The city encourages signage that will inform pedestrians regarding their desired locations without conflicting with other structures and improvements in these districts, while concurrently allowing effective signage for motorists. These interests are legitimately supported by limiting the maximum size of signage, providing setbacks where relevant, and specifying minimum-sized characters for efficient perception by motorists and pedestrians, while minimizing distractions that could put pedestrians at risk.

2. In some circumstances, adjusting the size, setback, and other regulations applicable to signage may be important to avoid confusion and promote clarity where vehicular speeds vary on commercial/business thoroughfares.
 3. In multi-tenant buildings and centers, it is compelling and important to provide distinct treatment with a gradation of regulation for individual identification depending on base sign size, amount of road frontage, and the like, all intending to provide clarity to alleviate confusion and thus additional traffic maneuvers, provide a minimum size of characters to allow identification, and maintain maximum-sized overall signage to prevent line-of-sight issues.
 4. Maximum size and minimum setback of signage is compelling and important to maintain clear views for both traffic and pedestrian purposes.
- B. Character and Quality of Life.** Achieving and maintaining attractive, orderly, and desirable places to conduct business, celebrate civic events, entertain people, and provide for housing opportunities is directly related to the stability of property values needed to provide and finance quality public services and facilities within the city. This ordinance intends to allow signs that are of sufficient, but not excessive, size to perform their intended function as necessary to provide and maintain the city's character and support neighborhood stability. Signs that promote the potential conflict between vehicular and pedestrian targeted messages, hinder sight distance, and distract from the pedestrian experience will be prohibited in efforts to preserve the character and unique experience within the city. Also, the intent of this ordinance is that signs will reflect the character of unique districts as may be established by the city's Master Plan, other adopted plans or the zoning ordinance.
- C. Economic Development and Property Values.** It is found and determined that there is a clear relationship between the promotion of a set of specifications and restrictions for signage and the promotion of economic development, recognizing that unregulated and haphazard determinations concerning the size, location, and other characteristics of signs has a realistic tendency to result in an appearance that reduces economic development, and, in the long-term, property values. In addition, the establishment of the restrictions in this ordinance has a direct relationship to creating stability and predictability, allowing each private interest to secure reasonable exposure of signage, and thus promote business success. The application of the restrictions in this ordinance allows businesses to reasonably command attention to the content and substance of their messages while concurrently allowing the promotion of other visuals, including types of business, landscaping, and architecture, all promoting economic development and property value enhancement.
- D. Avoidance of Nuisance-Like Conditions.** Due to the concentration of people and activities, there is a potential for, and it is a compelling interest to avoid, blight, physical clutter, and visual clutter in the city, recognizing that such conditions tend to create nuisance-like conditions contrary to the public welfare. The result of these conditions leads to diminished property values, reduced attractiveness of the community, and reduced quality of life within the districts. Minimum regulations that substantially relate to signage are compelling and important and are necessary for the maintenance and well-being of positive conditions, good character and quality of life in the city. Ultimately, these regulations are compelling and important for the protection of all police power values.
1. An excessive number of signs in one location creates visual blight and clutter, as well as confusion of the public. Thus, limiting the number of signs on properties, and establishing

- setbacks from property lines is a compelling interest that can be directed with minimum regulation.
2. Signs that are too large and not properly spaced can lead to confusion, undermine the purposes of the signs, and ultimately lead to physical and visual clutter. Establishing maximum sizes and locations can be the subject of clear and effective regulations that address this compelling and important interest.
 3. Requiring minimum construction and maintenance specifications for signs can minimize the creation of blight and clutter due to the deterioration of signs that are not durable or otherwise well-constructed, and such regulations would be consistent with construction codes for other structures. These requirements can be enforced with efficient and low discretion application and review.
 4. The sign ordinance is designed to prevent blight and protect aesthetic qualities by preventing visual clutter and protecting views. There is a compelling governmental interest that signs avoid glare, light trespass, safety, and skyglow. A framework that enables the selection of proper fixture type(s) and location, use of supportive lighting technology, and control of light levels in a reasonable fashion is consistent with regulations that are narrowly tailored to achieve the city's interests.
- E. Property Identification for Emergency Response and Wayfinding Purposes.** Locating a business or residence by emergency police, fire, and other emergency responders can be a matter of life and death, and thus it is a compelling interest to ensure that proper, understandable, unambiguous, and coordinated signage be permitted and required, and specifications for such purposes can be accomplished in a simple and narrow manner. Wayfinding for vehicular and pedestrian purposes is also a compelling interest to avoid confusion in public rights-of-way, and unnecessary intrusions on private property, and sign specifications for such wayfinding can be coordinated with property identification for emergency purposes.
- F. Protection of the Right to Receive and Convey Messages.** The important governmental interests contained herein are not intended to target the content of messages to be displayed on signs, but instead seek to achieve *non-speech* objectives. In no respect do the regulations of signage prohibit a property owner or occupant from an effective means of conveying the desired message. Nothing in this ordinance is intended to prohibit the right to convey and receive messages, specifically noncommercial messages such as religious, political, economic, social, philosophical or other types of speech protected by the First Amendment of the United States Constitution.

3. Prohibited signs

The following signs are prohibited:

- A. Any sign that is not specifically permitted by this chapter is prohibited.

- B. Any sign that gives the appearance of motion, including moving, scrolling, animated, or flashing elements. This includes changes of illumination levels and color, except as approved by special event permit. See Section 5.B.7 for standards relating to changing electronic message signs.
- C. Exterior pennants, spinners, inflatables, feather signs, and streamers-
- D. Any sign which is structurally or electrically unsafe.
- E. Any sign erected on a tree or utility pole.
- F. Any sign on a motor vehicle or trailer which is parked so as to be visible from a public right-of-way outside of business hours for the primary purpose of advertising a business or product or service of a business located on the premises where such vehicle is parked.
- G. Rope light, string light or similar lighting attached to, surrounding or otherwise drawing attention to a sign.
- H. Any sign erected on or projecting into the public right-of-way, except for portable business signs as permitted by Chapter 47, section 4:14 and other signs expressly permitted in the right-of-way in this ordinance. 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.
- I. Signs that imitate a traffic control device.

4. Construction of Language

- A. General Rules for Reading and Applying the ordinance Language.
 - 1. 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 ordinance are nondiscretionary actions of the Code Officer to implement the code. The action of the Ordinance Officer is final.
 - 2. 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.
- B. Defining words: Words used in the ordinance have their dictionary meaning unless they are listed and described otherwise.
- C. 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.
- D. 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.

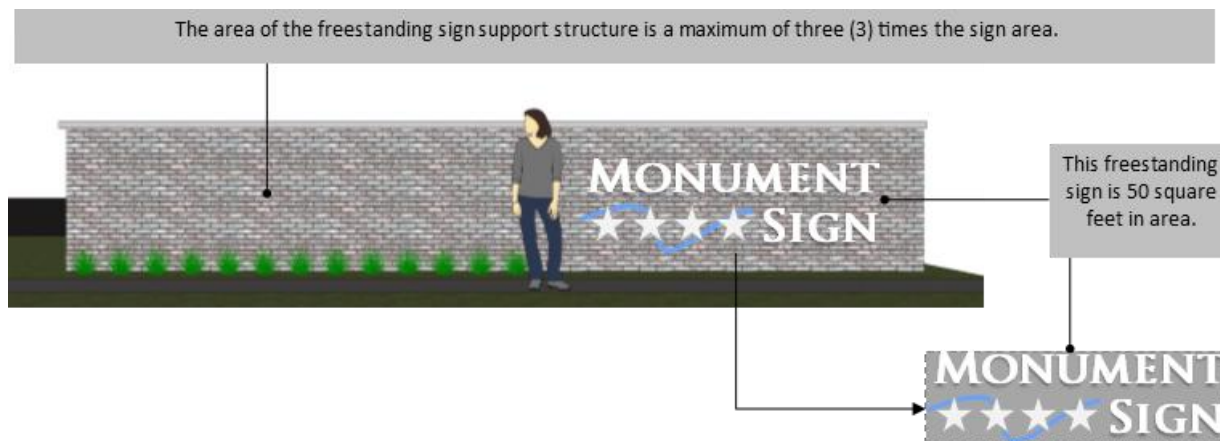
- E. Lists. Lists of items that state "including the following," "such as," or similar language are not limited to just those items. The lists are intended to provide examples, but not to be exhaustive of all possibilities.

5. General Provisions

A. Sign area

1. For permanent signs, except projecting and hanging signs, sign area shall constitute the entire area within a rectangle or the sum of rectangles enclosing the extreme limits of writing, representation, emblem or any figure of similar character, regardless of opacity or missing space within the "extreme limits." Any single row of text shall be grouped into one continuous rectangle.
2. When an internally illuminated sign has a non-reflective, matte black background, the area that is outside the "extreme limits" described in Section 5.A.1. above shall not count towards sign area (See Section 6. for limits of freestanding signs). Otherwise, the entire illuminated background shall be included in the sign area calculation.
3. For temporary signs and all projecting, window and hanging signs, the extreme limits of the sign including all background elements, regardless of opacity, are included in the calculation of sign area.
4. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign.
5. The necessary uprights, backgrounds or structures used to support or serve as a design feature of a freestanding sign shall be excluded from the calculation of sign area, provided that the surface is not, by definition, a sign and provided further that the area of the support structure / design feature is not more than three times the area of the sign being supported. If the background and support structures are illuminated and are not black in color, the area of background and support structures shall be counted towards the total sign area.

Fig. 5.5. Example showing freestanding sign support and background cannot exceed three times the sign area



Sign Area Calculation

Figure 1

Sign Type Example

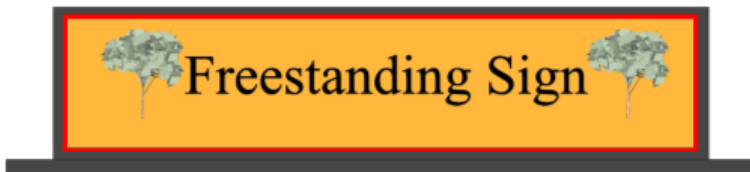
Sign Area
(Measured)



Internally Illuminated Sign with Black Background



Internally Illuminated Sign with Non-Black Background



Internally Illuminated Sign with Non-Black Background
and Additional Sign Elements



Sign Not Illuminated
(No Internal or External Illumination)



Figure 2

Sign Area Calculation

Sign Type Example

Sign Area
(Measured)



Wall Sign



Temporary Sign



The extreme limits of a temporary sign panel are included within the rectangle that delineates sign area



Wall Sign

B. Sign illumination

1. See Section 3A for regulations that prohibit certain types of illuminated signs.
2. The source of illumination may be internal or external. The source of the light shall not be exposed except for lighting that is integral for the use of an electronic message sign, which is regulated herein.
3. Glare. Glare control for sign lighting shall be achieved through the use of full cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement.
4. Luminaire Design. Any luminaire with a lamp or lamps rated at a total that exceeds 1800 lumens shall be shielded to direct light to a sign and shall contain shields, baffles or other appropriate elements to prevent direct light from extending above a horizontal plane extending from the top of the light source. Any luminaire with a lamp or lamps rated at a total of 1800 lumens or less may be used without restriction to light distribution or mounting height provided all other requirements of this ordinance are met. No luminaire, regardless of lumen output, shall be aimed or directed such as to cause light from the luminaire to be directed toward residential buildings on adjacent or nearby land or public ways.
5. Mounting of External Sign Lights. Lighting fixtures used to externally illuminate an outdoor sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of this ordinance. Bottom-mounted outdoor sign lighting shall not be used unless the luminaire is rated at 1800 lumens or less.
6. Outdoor signs of the following types do not require shielding: 1) signs constructed of translucent materials and wholly illuminated from within, 2) signs with a halo-type design, where the lighting source is blocked by the opaque letters or other sign content. For signs with translucent panels, dark backgrounds with light lettering or symbols are preferred to minimize glare and excessive light output.
7. All electric signs and outline lighting shall be installed in accordance with all applicable codes and laws adopted by the city. 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.
8. Regardless of any other requirement, all illuminated signs shall not project light that exceeds 0.10 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. (Ord. No. 55-74, 6-9-75; Ord. No. 33-82, 8-2-82; Ord. No. 32-94, § 3, 4-4-94; Ord. No. 29-98, § 3, 7-20-98; Ord. No. 13-04, § 7, 6-17-13)
9. Electronic Message Signs.
 - a. An electronic message sign may serve as one component of a permanent freestanding sign and is permitted up to a maximum of twenty-five (25) percent of the total permanent sign area per sign face.

- b. Electronic message signs shall not emit more than 5,000 nits in full daylight and 100 nits during night hours, which commence no later than one hour after sunset and extend through no earlier than sunrise. The displays shall transition smoothly at a consistent rate from the permitted daytime brightness to the permitted nighttime brightness levels. All electronic message 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 message 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.
 - c. Changeable copy.
 - i. Changeable copy shall not change more than once per one (1) minute.
 - ii. Changeable copy shall not and shall not appear to flash, scroll, travel, undulate, pulse, blink, expand, contract, bounce, rotate, spin, twist, or otherwise move.
 - d. All electronic message signs shall default to an unlit black screen when more than fifty (50) percent of the light source fails or if the light source otherwise is not displaying properly.
10. Hours of Operation. All sign illumination shall be extinguished after 10 p.m. or one hour after the close of business, whichever is later.
11. Temporary signs shall not be illuminated.
- C. General location standards
- 1. No sign shall be located in, project into or overhang a public right-of-way or dedicated public easement unless otherwise expressly permitted herein.
 - 2. All signs established by governmental units shall be permitted in all use districts.
 - 3. No sign shall interfere with the clear vision sight triangle at driveways and intersections, as established under Sight Distance in Division II of the City of Ann Arbor Public Services Department Standard Specifications Manual and other applicable laws and regulations.
 - 4. All signs shall be affixed to a building or to the ground.
- D. Safety/maintenance
- 1. Signs, including the face, framing and all supports thereof, shall be kept and maintained in a safe condition, shall be adequately protected against corrosion and shall conform to all the provisions of this chapter.
 - 2. Signs which are broken, torn, bent or whose supports are broken, bent or damaged, and signs that are not reasonably level and plumb shall be repaired and reinstalled in a manner prescribed by the Building Official or his/her designee.

3. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Code. Failure to comply with this section may result in action by the Building Official or his/her designee.
4. A sign shall have no more than 20 percent of its surface area covered with disfigured, cracked, rippled or peeling paint, poster paper or other material for a period of more than 30 successive days.
5. A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than 15 degrees from vertical for a period of more than 30 successive days, unless determined by the Building Official or his/her designee to pose a safety hazard, in which case immediate action may be required.
6. A sign shall not have weeds, vines, or other vegetation growing upon it, for a period of more than 30 successive days.
7. An internally illuminated sign shall not be allowed to stand with only partial illumination for a period of more than 30 successive days.
8. Any sign erected or displayed without a permit, unless expressly exempt from a permit by City Code, or any sign which does not comply with the provisions of this chapter may be deemed a hazard to the safety of the public and declared to be a public nuisance per se.
9. Any sign structure now or hereafter existing which no longer conveys a message or contains a sign shall be removed.

E. Addresses

Addresses shall be visible and legible from the public right-of-way. Addresses 12 inches or less in height in residential districts and 24 inches or less in height in non-residential districts shall not be included in the calculation of total sign area.

F. Substitution

Noncommercial messages shall be permitted on any sign constructed or erected in compliance with this ordinance.

G. 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.

6. Permanent Signs

A. Permanent signs tables. Permanent signs shall be regulated as follows. The total maximum permitted sign area for all signs shall not exceed the maximum sign area permitted for wall signs:

TABLE 6.A. SIGNS BY DISTRICT – DOWNTOWN DISTRICT: D1, D2 AND CIA/R				
SIGN TYPE	MAXIMUM SIGN AREA IN SQUARE FEET (SF)	HEIGHT	PLACEMENT	MAXIMUM NUMBER OF SIGNS
(1) Projecting and hanging signs	See Maximum Number of Signs	Projecting and hanging signs Minimum 8 ft above grade; Projecting signs: maximum 30 ft above grade but not above the top of the building’s highest wall plate.	Projecting signs: The outside edge of the sign shall not project more than 4 ft from a wall of a building. Hanging signs: under a first floor canopy, or awning or other similar projection above an entryway	1 per business façade, provided that the total sign area does not exceed the total permitted area for wall signs.
(2) Wall signs	2.0 sf/linear foot of ground floor frontage up to 200 sf	Minimum 8 ft above grade if projecting into the right-of-way more than 2 inches	No more than 3 ft above or 4 ft from wall of a building.*	No maximum number per business, provided the total of all signs does not exceed the maximum sign area for wall signs.
(3) Alley signs	1 sf/linear foot of alley frontage up to 100 sf	Minimum 8 ft above grade if projecting into the right-of-way more than 2 inches	No more than 3 ft above or 4 ft from wall of a building	
(4) Marquee signs	200 sf	Not to exceed the tallest portion of building	Minimum 8 ft above grade; Shall extend from façade to not more than 5 ft from back of road curb or, if no curb is present, from edge of street, aisle or drive.	1 per building, provided the total of all signs does not exceed the maximum sign area for wall signs. The primary building tenant shall be a place of assembly
(5) Awning and Canopy Signs	No more than 25% of the awning or canopy area.	No higher than the top of awning. For canopies and other building projections that located are above building entryways, no higher than top of projection, provided	Awnings: on the awning surface. Placement on drip edge is preferred. Canopies and other building projections located above building entryways: on face of canopy or projection. Individual metal letters,	1 per business façade, provided that the total sign area does not exceed the total permitted

		<p>that individual metal letters, numbers, and similar content, up to 12 inches high, may be placed above the top of the projection or canopy.</p>	<p>numbers, and similar content, up to 12 inches high, may be placed above the edge of the projection.</p>	<p>area for wall signs.</p>
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*Wall signs shall placed as follows: One- story building: Between the top of the ground floor windows and the bottom of the cornice or other element that defines the top of the building. Two- story building: Between the top of the ground floor windows and the bottom sill of the second-floor windows. Three stories or more: Same as two- story building or, alternatively, shall be placed above or alongside the upper floor windows below the bottom of the cornice or other element that defines the top of the building.



Example of Letters Above Projection (12" max.)

TABLE 6.B SIGNS BY DISTRICT – NON-RESIDENTIAL DISTRICTS OUTSIDE OF DOWNTOWN DISTRICT				
SIGN TYPE	MAXIMUM SIGN AREA	MAXIMUM HEIGHT	PLACEMENT	MAXIMUM NUMBER OF SIGNS
(1) Projecting and hanging signs	See Maximum Number of Signs	Projecting and hanging signs Minimum 8 ft above grade. Projecting signs: maximum 30 ft above grade but not above the top of the building's highest wall plate.	Projecting signs: The outside edge of the sign shall not project more than 4 ft from a wall of a building. Hanging signs: under a first floor canopy, awning or other similar projection above an entryway	1 per business façade, provided that the total sign area does not exceed the total permitted area for wall signs.
(2) Freestanding signs	2 sf/linear foot of ground floor frontage up to 200 sf	1 ft for each foot the sign is setback from the nearest property line up to 25 ft.	Five ft from all property lines	1 per street frontage, provided there is 200 ft diagonal spacing between freestanding signs.
(3) Wall signs	2 sf/linear foot of ground floor frontage up to 200 sf		No more than 3 ft above or 4 ft from wall of a building*	No maximum number per business, provided the total of all signs does not exceed the maximum sign area for wall signs.
(4) Alley signs	1 sf/linear foot of alley frontage	Minimum 8 ft above grade if projecting into the right-of-way more than 2 inches	No more than 3 ft above or 4 ft from wall of a building	
(5) Marquee signs	200 sf	Not to exceed the tallest portion of building	Minimum 8 ft above grade. Shall extend from façade to not more than 5 ft from back of road curb or, if no curb is present, from edge of street, aisle or drive.	1 per building, provided the total of all signs does not exceed the maximum sign area for wall signs.. The primary building tenant shall be a place of assembly
(6) Awning and Canopy Signs	No more than 25% of the awning or canopy area.	No higher than the top of awning. For canopies and other building projections that	Awnings: on the awning surface. Placement on drip edge is preferred. Canopies and other	1 per business façade, provided that the total sign area does not exceed the total

		located are above building entryways, no higher than top of projection, provided that individual metal letters, numbers, and similar content, up to 12 inches high, may be placed above the top of the projection or canopy.	building projections located above building entryways: on face of canopy or projection. Individual metal letters, numbers, and similar content, up to 12 inches high, may be placed above the edge of the projection.	permitted area for wall signs.
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*Wall signs shall placed as follows: One- story building: Between the top of the ground floor windows and the bottom of the cornice or other element that defines the top of the building. Two- story building: Between the top of the ground floor windows and the bottom sill of the second-floor windows. Three stories or more: Same as two- story building or, alternatively, shall be placed above or alongside the upper floor windows below the bottom of the cornice or other element that defines the top of the building.

TABLE 6.C. SIGNS BY DISTRICT – RESIDENTIAL DISTRICTS				
SIGN TYPE	MAXIMUM SIGN AREA	HEIGHT	PLACEMENT	MAXIMUM NUMBER OF SIGNS
(1) Wall signs - Single and Two Family Dwellings	3 sf	Shall be below the eave line for the ground floor*	Entire sign within four feet of the front door **	One per dwelling
(2) Wall signs - Multiple Family Dwellings (three or more units)	12 sf per building	Shall below the eave line for the ground floor*	**	One per building
(3) Wall signs for permitted non-residential uses	50 sf	Shall be below eave line for the ground floor*	**	One per building
(4) Freestanding signs - Multiple Family Dwellings and permitted non-residential uses	50 sf per parcel containing five or more dwelling units	8 ft maximum	Five ft from all - property lines	One per parcel
(5) Awning and Canopy Signs for Non-Residential Uses	No more than 25% of the awning or canopy area.	No higher than the top of awning. For canopies and other building projections that located are above building entryways, no higher than top of projection, provided that individual metal letters, numbers, and similar content, up to 12 inches high, may be placed above the top of the projection or canopy.	Awnings: on the awning surface. Placement on drip edge is preferred. Canopies and other building projections located above building entryways: on face of canopy or projection. Individual metal letters, numbers, and similar content, up to 12 inches high, may be placed above the edge of the projection.	1 per business façade, provided that the total sign area does not exceed the total permitted area for wall signs.

* For multistory buildings, signs shall no higher than the top of the first floor.

**Wall signs shall placed as follows: One- story building: Between the top of the ground floor windows and the bottom of the cornice or other element that defines the top of the building. Two- story building: Between the top of the ground floor windows and the bottom sill of the second-floor windows. Three stories or more (where permitted): Same as two- story building or, alternatively, shall be placed above or alongside the upper floor windows below the bottom of the cornice or other element that defines the top of the building.

- B. Additional Permanent Sign Regulations. Permanent signs shall be regulated by the following additional requirements:
 - 1. All projections into right-of-way and sidewalk areas from wall, hanging, marquee, awning or projecting signs shall have 8 ft. min. clearance to the sidewalk or similar surface below.
 - 2. The changeable copy portion of a sign shall not exceed 50% of the total sign area.

7. Interior Signs: Temporary and Permanent Window Signs (modified existing language)

- A. Window signs in residential districts are permitted in ground floor and second floor windows. The total window sign area shall not exceed three square feet per dwelling unit.
- B. Window signs in all other districts shall not exceed 25 percent of the total window area of any given façade.
- C. Applied lettering or designs that are within the lower eight inches of any ground floor window shall be permitted and shall not be considered part of the total area of window or wall signs provided that they do not exceed eighty (80) percent of the width of any ground floor window to or on which they are placed. Additionally, the total area of applied lettering shall not exceed 0.5 square feet per lineal foot of building frontage.
- D. Window signs may be illuminated subject to Section 5.B. and shall contain a static message and shall not flash, scroll or otherwise give the appearance of movement or intermittent change.

8. Temporary Signs (new)

- A. Temporary signs shall be permitted as follows:

TABLE 8.A. MAXIMUM AREA PER SIGN FACE, MAXIMUM HEIGHT, AND ALLOWED TYPE OF TEMPORARY SIGNS

DISTRICT	PERMITTED TYPES	MAXIMUM AREA OF ALL TEMPORARY SIGNS BY TYPE	MAXIMUM AREA OF ANY INDIVIDUAL SIGN	MAXIMUM HEIGHT (FREESTANDING)
(1) Residential	Freestanding	0.2 square feet (sf) of sign area per linear foot of street frontage, provided the maximum allowable total area shall not be less than 15 sf nor more than 48 sf	12 square feet	5 feet
	Wall ¹	3 square feet per building in single family residential districts; 12 square feet per building in multiple family residential districts.	3 square feet in single family districts; 12 square feet per building in multiple family residential districts	
(2) Non-Residential	Freestanding	0.6 square feet (sf) of sign area per linear foot of street frontage, provided the maximum allowable total area shall not be less than 32 sf nor more than 100 sf	32 square feet	6 feet
	Wall ¹	20 square feet	20 square feet	

¹The display period for temporary wall signs shall be limited to a total of twenty-eight (28) days per calendar year. Such signs shall not be displayed for any continuous period greater than fourteen (14) days. After this time expires, the sign shall be removed. See Section 10 for permit requirements.

- B. Freestanding temporary signs shall be setback five feet from all property lines. The maximum display time of freestanding temporary signs is 65 days. After this time expires, the sign shall be removed. Once the temporary sign is removed, there shall be a gap of at least thirty (30) days between display of the same temporary sign on the same zoning lot.
- C. Notwithstanding the above, 3 square feet of temporary freestanding or temporary wall sign area is allowed on each zoning lot at any time and without expiration of display time. The area of this sign is counted towards the area maximum in Table 8.A.

- D. When all or a portion of a building or land area on a zoning lot is listed or advertised for sale or lease, the maximum display time for temporary signs shall be the duration the building, building unit or land is listed or advertised for sale or lease. Once a building unit is leased or sold, the sign shall be removed if it has been displayed for more than 65 days. In all cases, the sign area limits in the Table 8.A. shall apply.
- E. Temporary signs shall be constructed of durable, all-weather materials and designed to remain in place and in good repair so long as they remain on display; provided, however, that each zoning lot may have one temporary freestanding sign up to three square feet constructed of any non-illuminated material. All temporary freestanding signs larger than three square feet shall have a frame or rigid border.
- F. Temporary signs shall be subject to the maintenance standards of this section.

9. Non-Conforming Signs

- A. Unless otherwise provided in this chapter or other applicable law, nonconforming signs may be used, maintained, or repaired in the same form and type as they existed at the time they became nonconforming. Provisions for historic signs are found in subsection 10, below.
- B. No nonconforming sign:
 - 1. Shall be changed to another nonconforming sign;
 - 2. 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;
 - 3. Shall have any change made in the structure, shape, size, type, 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;
 - 4. Shall be reestablished or maintained after the activity, business or usage to which it relates has been discontinued for 90 days or longer;
 - 5. 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;
 - 6. 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;
 - 7. Shall have any change made to add mechanical or electronic features, except ambient light monitors to regulate brightness in accordance with this Code.
- C. 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.
- D. Billboards lawfully existing as of _____, 2019 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 _____, 2019. However, such billboards may not be expanded, enlarged, or extended and may not be

altered to add illumination, changeable copy, or other features, including but not limited to electronic messages or videos, that were not lawfully present as of _____, 2019. Billboards lawfully existing as of _____, 2019 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.

10. Historic Signs

Historic signs give continuity to public spaces in the City of Ann Arbor and sometimes become landmarks in their own right due to their historic significance or design. Keeping a historic sign is encouraged, even if the business or product promoted is no longer on site. Retaining the sign can build upon the recognition value of the old name and play upon the public's fondness for the old sign, especially when the sign is a community landmark. Historic signs within the city may be utilized if they do not comply with provisions of this ordinance including height, size, illumination and motion. The erection, re-erection, or re-location of such nonconforming historic sign shall require a permit and shall count toward the number of signs permitted on a lot or per street frontage as the case may be. To qualify as a historic sign, the applicant must demonstrate in writing that the sign is historic through application to the Historic District Commission (HDC). The following criteria shall be considered in the HDC determination:

- A. The sign is of exemplary technology, craftsmanship or design of the period in which it was constructed; uses historic sign materials (wood, metal or paint directly applied to buildings) and means of illumination (neon or incandescent fixtures); and is not significantly altered from its historic period. If the sign has been altered, it must be restorable to its historic function and appearance.
- B. The sign is integrated into the architecture of the building. Such signs shall include, but not be limited to, sign pylons on buildings in the Moderne style.
- C. A sign that doesn't meet criteria "A" or "B" above may be considered for inclusion in the inventory (and thereafter be considered historic) if it demonstrates extraordinary aesthetic quality, creativity, innovation, and findings to that effect are made by the HDC.

11. Permits

All signs regulated by this ordinance, except temporary signs in residential districts, window signs, and freestanding temporary signs in non-residential districts, that are erected, altered, relocated or maintained are subject to a permit from the city in accordance with the following regulations:

- A. Application for sign permit. Application for sign permits shall be made upon forms provided for by the city and shall contain or have attached thereto the following information:
 1. Name, address and telephone number of the applicant.
 2. Location of building, structure, or lot to which the sign is to be attached or erected.
 3. Position of the sign in relation to nearby buildings, structures and property lines.

4. Two drawings of the plans and specifications and method of construction and attachment to the building or in the ground.
 5. 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.
 6. Name and address of the person, firm, corporation or association erecting the structure.
 7. Insurance policy or bond as required herein.
 8. Such other information as the city may require showing full compliance with this and all other applicable laws of the City of Ann Arbor and the State of Michigan.
 9. When 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 as determined by Building Department requirements.
 10. Permit applications for illuminated electronic signs shall include a copy of the manufacturer's specifications for luminance.
- B. Permit fee. The fees for sign permits shall be established by resolution of the City Council upon the recommendations of the City Administrator.
- C. 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 a sign designed for periodic message change without change of structure, including a bulletin board or billboard.
(Ord. No. 55-74, 6-9-75; Ord. No. 33-82, 8-2-82; Ord. No. 41-92, § 1, 6-15-92; Ord. No. 32-94, § 3, 4-4-94; Ord. No. 13-04, § 9, 6-17-13)

12. Liability Insurance

Liability insurance. If any wall, projecting, pole or roof sign is suspended over a public street or property or if the vertical distance of such sign above the street is greater than the horizontal distance from the sign to the street property line or parapet wall and so located as to be able to fall or be pushed onto public property, then the owner of such sign shall keep in force a Commercial General Liability Insurance policy in the amount of \$1,000,000.00. The Commercial General Liability Insurance policy shall include an endorsement, or policy language, naming the City of Ann Arbor as an additional insured.

13. Authorized Sign Erectors

Every person, before engaging or continuing in the business of erecting or repairing signs in the City of Ann Arbor, shall obtain an annual sign erector's license. To obtain said license he shall first furnish the city a Commercial General Liability insurance policy in the amount of \$1,000,000.00. The Commercial General Liability Insurance policy shall include an endorsement, or policy language, naming the City of Ann Arbor as an additional insured. Said license shall automatically terminate upon the expiration of the insurance policy unless evidence of renewal is filed with the City Clerk. The license may be suspended or revoked in the manner provided by Chapter 76 (Licenses) of this Code. All persons erecting, installing, repairing, replacing or otherwise engaging in such activities with respect to an electric sign or outline lighting must also be appropriately licensed as required by the Michigan Electrical Administrative Act 217 of 1956, as amended.

14. Appeals and Variances

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 Planning Manager, or any other administrative official, in connection with the enforcement of this chapter. The Zoning Board of Appeals shall have power to authorize a variance from the strict application of this chapter where such application will result in practical difficulties 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 previously determined that a proposed sign is necessary and integral to the historic character of the building or property. The appeal procedures, and standards for review, for the Zoning Board of Appeals in Chapter 55 shall be applicable to appeals under this chapter.

(Ord. No. 55-74, 6-9-75; Ord. No. 33-82, 8-2-82; Ord. No. 42-91, § 2, 6-15-92; Ord. No. 32-94, § 3, 4-4-94; Ord. No. 10-01, § 7, 3-19-01; Ord. No. 43-04, § 26, 1-3-05; Ord. No. 12-32, § 1, 11-8-12; Ord. No. 13-04, § 12, 6-17-13)

15. Penalties and Enforcement

- A. 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.
- B. 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. A violation of any of the provisions of this chapter shall be a civil infraction punishable with a fine of not more than \$500.00 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, without notice, at the expense of the owner of the sign and assessed under the provisions of section 1:292 of this Code. In addition, except for those signs which may be removed and destroyed or otherwise disposed of by the city in accordance with this ordinance, any unlawfully erected; altered or maintained may be removed by the city 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 city and has refused to do so without providing justification for so refusing at a hearing to be held by the Planning Manager. 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.

(Ord. No. 55-74, 6-9-75; Ord. No. 33-82, 8-2-82; Ord. No. 32-94, § 3, 4-4-94; Ord. No. 28-98, § 2, 7-20-98; Ord. No. 25-04, § 6, 8-2-04; Ord. No. 13-04, § 13, 6-17-13)

16. Definitions

Billboard

An off-premises sign with an area in excess of 200 square feet.

Building

A permanent structure for human occupation.

Business

Any legal use of a building, other than for a 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.

Canopy

A roof structure, free of enclosing walls, that is freestanding or extends from a building for the purpose of providing shelter over an entryway.

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.

Direct Light

Light emitted directly from a light source.

Electronic Message Sign

A sign with a fixed or changeable display or message composed of a series of lights that may be changed through electronic means.

Exterior sign

Any sign other than an interior sign.

Fixture

The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Freestanding sign

Any and every sign erected on or affixed to the land and any and every exterior sign that is not attached to a building.

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.

Full cutoff

A fixture that meets the standards of the Illuminating Engineering Society of North America (IESNA), which means that the luminous intensity (in candelas) at or above an angle of 90° above nadir is zero, and the luminous intensity (in candelas) at or above a vertical angle of 80° above nadir does not numerically exceed 10% of the luminous flux (in lumens) of the lamp or lamps in the luminaire.

Glare

Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see and, in extreme cases, causing momentary blindness.

Hanging sign

A sign that hangs perpendicular to a building wall and is supported by or attached to the underside of a structure canopy, structure arcade, covered entrance, awning or marquee.

Historic sign

A sign that, by its construction materials, unusual age, prominent location, unique design or craftsmanship from another period, makes a contribution to the cultural, historic or aesthetic quality of the city's streetscape. Historic signs are typically of such an age that they are no longer economically viable to produce or manufacture.

Illuminated or illumination

Lighting of a sign by any type of artificial light, whether by emission or reflection.

Interior sign

A sign within the walls of a building.

Lamp

The component of a luminaire that produces light.

Light trespass

Light falling over property lines that illuminates adjacent grounds or buildings.

Luminaire

This is a complete lighting system, which includes a lamp or lamps and a fixture.

Marquee

Any permanent roof-like structure projecting above the entrance to a place of assembly, attached to and supported by the building and projecting beyond the wall of the building.

Marquee Sign

Any sign attached to a marquee.

Maximum height

The distance from grade to the highest edge of the sign surface or its projecting structure.

Minimum height

The distance from grade to the lowest edge of the sign surface or its projecting structure.

Nit

A measure of luminance equal to one candela per square meter

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.

Off-premises sign

A sign other than an on-premises sign.

On-premises sign

A sign which advertises only goods, services, facilities, events, or attractions on the premises where located.

Premises

The contiguous land in the same ownership or control which is not divided by a public street.

Projecting sign

A sign other than a wall sign, which is perpendicularly attached to, and projects from a structure or building wall not specifically designed to support the sign.

Public right-of-way or right-of-way.

For purposes of this chapter only, all public streets, highways, sidewalks and alleys.

Sandwich board sign (“A” frame sign).

A temporary sign regulated per Section 4.14 of the city code.

Sign

Any display or object which is primarily used to identify or display information about or direct or attract attention to a person, institution, organization, business, product, event, location or otherwise, or any religious, political, social, ideological or other message, by any means which is visible from any public street, sidewalk, alley, park, or public property and is otherwise located or set upon or in a building, structure or piece of land. The definition does not include goods displayed in a window.

Skyglow

Light from a luminaire that is emitted above the horizontal plane that passes through the lowest part of the luminaire.

Temporary sign

Temporary sign means a display sign, banner or other advertising device constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display that is not permanently anchored to the ground or building.

Wall Plate

A structural element, usually horizontal, situated along the top of a wall at the level of the eaves for bearing the ends of joists of a ceiling or rafters or trusses of a roof. Plate height is the distance, measured vertically plumb, between the highest point on the top of the uppermost wall plate of the exterior wall that bears the building’s highest roof structure and the existing grade directly below that point.

Wall Sign

A display which is painted on or attached directly to the building wall or door.

Window sign

A sign that is applied, painted, posted, displayed, or etched onto a glazed surface, regardless of opacity or perforation, including those placed or posted inside and located within twenty (20) feet of the window that are visible and legible from the exterior as determined by the Planning Director or authorized designee.

Lot, zoning

A single tract of land, located within a single block, which at the time of filing for a sign permit is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control.