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8/8/2018 Note: Changes from the previous draft appear as bold underlined text.

1. Applicability (existing)

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.

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

2. Intent (new)

The following municipal interests are considered by the city to be “compelling” and “important” 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. **Traffic and Pedestrian Safety.** Maintaining traffic and pedestrian 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 with regard to 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. ~~Protection and promotion of the character and corresponding economic value in the city is a compelling priority of land use regulation in the United States.~~

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. 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. ~~The City Council finds that,~~ 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. A lack of uniformity of treatment of signage among property owners can lead to disputes, a failure to conform to applicable regulations, and a breakdown in motivation to serve the community in positive respects. Consistent and uniform regulation within city can be accomplished in a simple and narrowly tailored manner.~~
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 in order 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 in 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. Exemptions

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. ~~Marquee signs. Places of assembly shall be permitted 200 square feet of additional signs designed for periodic message change.~~
- 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.~~

3. Prohibited signs – (modified existing language)

Any sign that is not specifically permitted by this chapter is prohibited. The following signs are prohibited:

- A. Signs which incorporate in any manner or are illuminated by any **scrolling, animated,** flashing, intermittent, or moving lights.
- B. Exterior pennants, spinners, **inflatables** and streamers, ~~other than a banner or pennant used as a permitted sign under section 5:502, or a special event banner under subsection 5:507(10).~~
- C. ~~Exterior string lights used in connection with a commercial premises, other than holiday decorations.~~ (note: it is recommended that string lights be regulated in another ordinance)
- D. Any sign which has any visible motion other than **permitted flags or banners approved by special event.**
- E. Any sign which is structurally or electrically unsafe.
- F. Any sign erected on a tree or utility pole except signs of any political subdivision of this state.
- G. Any business sign or sign structure now or hereafter existing which no longer ~~advertises a bona fide business conducted or a product sold~~ **conveys a message or contains a sign.**
- H. ~~Except as provided in subsection 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.~~

- I. Any sign on a motor vehicle or trailer which is parked in front of a business outside of business hours for the purpose of advertising a business or product or service of a business located on the premises where such vehicle is parked.
- ~~J. 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.~~
- ~~K. Any sign structure or frame no longer containing a sign.~~
- L. Any sign erected on or projecting into the public right-of-way, except for signs of a political subdivision of this state, ~~portable "open house" signs as permitted by subsection 5:507(4), political signs as permitted by section 5:506,~~ portable business signs as permitted by Chapter 47, section 4:14, and other signs expressly permitted in the right-of-way in this ordinance. ~~and signs affixed to a freestanding bicycle station as permitted by subsection 5:507(19).~~ 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.
- M. Signs that imitate a traffic control device.
- ~~N. Billboards.~~

4. Construction of Language (new)

- 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 non-discretionary 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. Definitions: Words listed in the Definitions chapter have the specific meaning stated, unless the context clearly indicates another meaning.
- 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 (new)

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."** ~~or of any internally illuminated area.~~ Any single row of text shall be grouped into one continuous rectangle.
2. **When an** internally illuminated sign **has** a black background, **the area that is** outside the "extreme limits" described above shall not count towards sign area (See Section ___ 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 and hanging signs, the extreme limits of the sign including all background elements 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.**

B. Sign illumination (new and existing)

1. Illuminated signs shall not be of the flashing, **scrolling**, animated, digital, or intermittent type
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 sign, which is regulated herein.
3. External sources of illumination shall be shielded and directed to prevent glare onto public right-of-way or neighboring properties.
4. ~~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.~~
5. All electric signs and outline lighting shall be installed in accordance with the electrical code adopted by the city as referenced in Chapter 100 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.
6. **In order to prevent glare and excessive lighting that can impact traffic safety, illuminated sign areas shall be limited to 0.3 footcandles above ambient light conditions, as measured from the distances in the following table:**

Sign Example



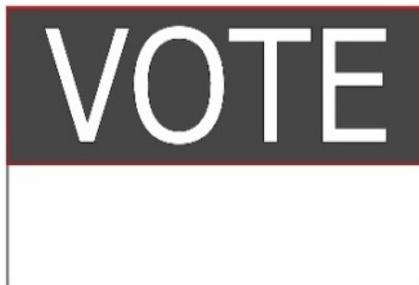
Sign Area Measurement



Sign Area Calculation



Ascenders and descenders for lower case letters that extend up to 25 percent of the average letter height beyond the sign area rectangle do not count toward the total sign area calculation.



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

Table 5.B. Distance for Measurement of Illumination	
Size of display area	Measuring distance
15 square feet or less	39 feet
Between 15.1 and 30 square feet	48 feet
Between 30.1 and 60 square feet	66 feet
Between 60.1 and 90 square feet	86 feet
Between 90.1 and 120 square feet	102 feet
Between 120.1 and 150 square feet	116 feet
Between 150.1 and 180 square feet	128 feet
Greater than 180 square feet	140 feet

Illuminance shall be measured with the sign illumination off, and again with the sign illumination displaying a white image for a full color capable electronic sign, a solid message for a single-color illuminated electronic sign or the fixed message for all other illuminated sign types. All measurements shall be taken perpendicular to the face of the sign at the distance determined by the total square footage of the illuminated sign as set forth in the above table.

7. 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.
(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)
8. ~~illuminated signs shall not emit more than 5,000 nits in full daylight and 100 nits between dusk and dawn.~~ All illuminated 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.

C. General location standards (new)

1. No sign, except those established and maintained by governmental units, shall be located in, project into or overhang a public right-of-way or dedicated public easement unless otherwise expressly permitted herein.
2. All directional signs required for the purpose of orientation, when 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.

D. Safety/maintenance (new)

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 re-installed 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 to rescind the permit with subsequent removal of the entire structure.
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, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign from the public right-of-way from which it is to be viewed, 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 shall be deemed a hazard to the safety of the public and is declared to be a public nuisance per se and may be abated by removal without notice.

E. Addresses (modified)

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 count towards sign area.**

F. Substitution (modified)

~~Nothing in this ordinance shall be construed to prohibit non-commercial messages on signs that are otherwise allowed herein~~ Noncommercial messages shall be permitted on any sign constructed or erected in compliance with this ordinance.

G. Severability (new)

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 (format new – most sign size/areas existing)

Permanent signs shall be regulated as follows:

Table 6.A. Signs by District – Downtown District: D1, D2 and CIA/R					
Sign Type	Maximum Sign Area in square feet (sf)	Maximum Height	Maximum Number of Message Units	Placement	Maximum Number of Signs per Business
Projecting and hanging signs	12 sf total <u>on up to two sides</u>	Minimum 8 ft above grade; maximum 30 ft above grade. <u>If a projecting sign projects more than 6 ft., it shall have a minimum height of 1.5 ft from the bottom of the sign</u>	Two (2)	<u>No more than 3 ft above or 4 ft from wall of a building</u>	<u>1 per business façade, provided that the total sign area does not exceed the total permitted area for wall signs.</u>
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 <u>more than 2 inches</u>	Ten (10)	No more than 3 ft above or 4 ft from wall of a building	1 per business façade <u>No maximum number, provided the total of all signs does not exceed the maximum sign area for wall signs.</u>
Alley signs	1 sf/linear foot of alley frontage <u>up to 100 sf</u>	Minimum 8 ft above grade if projecting into the right-of-way <u>more than 2 inches</u>	Ten (10)	No more than 3 ft above or 4 ft from wall of a building	
Marquee signs*					

Table 6.B Signs By District – Non-Residential Districts Outside of Downtown District

Sign Type	Maximum Sign Area	Maximum Height	Maximum Number of Message Units	Placement	Maximum Number of Signs per Business
Projecting and hanging signs	12 sf total on up to two sides	Minimum 8 ft above grade; maximum 30 ft above grade. <u>If a projecting sign projects more than 6 ft., it shall have a minimum height of 1.5 ft from the bottom of the sign</u>	Two (2)	<u>Shall not project farther than 5 feet from back of curb or, if no curb is present, from edge of street, aisle or drive.</u>	1 per business façade 1 per business façade, provided that the total sign area does not exceed the total permitted area for wall signs.
Ground 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.	Ten (10)	Five ft from all property lines	1 per business façade 1 per road frontage, provided there is 200 ft diagonal spacing between ground signs.
Wall signs	2 sf/linear foot of ground floor frontage up to 200 sf		Ten (10)	No more than 3 ft above or 4 ft from wall of a building	No maximum number, provided the total of all signs does not exceed the maximum sign area

					<u>for wall signs.</u>
Alley signs	1 sf/linear foot of alley frontage	Minimum 8 ft above grade if projecting into the right-of-way <u>more than 2 inches</u>	Ten (10)	No more than 3 ft above or 4 ft from wall of a building	
Marquee signs*					

Table 6.C. Signs By District – Residential Districts					
Sign Type	Maximum Sign Area	Maximum Height	Maximum Number of Message Units	Placement	Maximum Number of Signs
Wall signs - Single and Two Family Dwellings	3 sf	Below the eave line for the ground floor	One	<u>Entire sign within four feet of the front door</u>	One
Wall signs - Multiple Family Dwellings (more than three units)	12 sf per building	<u>Below the eave line for the ground floor</u>	Three		One per building
Ground signs - Multiple Family Dwellings	50 sf per parcel containing five or more dwelling units	8 ft	Three	Five ft from all property lines	One per parcel
Marquee Signs*					

* Marquee Signs: Places of assembly shall be permitted 200 square feet of additional signs designed for periodic message change.

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

- A. Window signs are permitted in ground floor windows in all districts.
- B. The total area of all window signs, including both temporary and permanent signs, shall not exceed 25 percent of the total window glazed area of any given façade **and no more than 50% of any one window pane** for non-residential uses and a total of three square feet per dwelling unit for residential dwelling units.
- C. Etched or 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 etched or applied lettering shall not exceed 0.5 square feet per lineal foot of building frontage.

- D. Window signs 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:

Use	Permitted Types	Maximum Area of All Temporary Signs <u>by Type</u>	Maximum Area of Any Individual Sign	Maximum Height (Freestanding)
Single Family Residential	Freestanding	18 square feet	12 square feet	4 feet
	Wall	3 square feet	3 square feet	
Multiple Family Residential	Freestanding	32 square feet	16 square feet	6 feet
Non-Residential Uses in Residential districts	Freestanding	40 square feet	40 square feet	8 feet
	Wall	20 square feet	20 square feet	
Non-Residential Uses in all other districts	Freestanding	64 square feet	50 square feet	10 feet
	Wall	64 square feet	32 square feet	

B. The maximum display time of freestanding temporary signs is 64 days ~~unless additional time is granted under subsection H. below.~~ 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. In recognition that there is a need for additional expression of speech prior to a scheduled election, the following applies for a period of sixty (60) days prior to until three (3) days after a city designated election day on which there is at least one ballot item: the maximum allowable area of temporary signs shall be increased to sixty four (64) square feet in all districts. The maximum area of an individual sign remains as stated in the table above during this period.~~

C. Display of temporary banners and temporary signs mounted on building walls (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.**

D. **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.**

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.

F. Temporary signs shall be subject to the maintenance standards of this section.

- G. When all or a portion of a building or land area on a zoning lot is listed for sale or lease, the maximum display time for temporary signs shall be the duration the building, building unit or land is listed for sale or lease. In all cases, the sign area limits in the Table 8.A. shall apply.

9. Non-Conforming Signs (existing)

- 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.
- 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. 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.
- E. 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, including but not limited to electronic messages or videos, 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.

10. Permits (existing)

No sign regulated by this ordinance shall be erected, altered, relocated or maintained unless a permit for it is obtained from the city in accordance with the following regulations:

- A. 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:
 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 to show full compliance with this and all other applicable laws of the City of Ann Arbor and the State of Michigan.
 9. ~~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 **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 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.~~
- D. No permit shall be issued pursuant to section 5:502 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.

(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)

11. Liability Insurance (existing)

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 \$50,000.00 for injury to 1 person, \$100,000.00 for injury to more than 1 person and \$25,000.00 for damage to property. The Commercial General Liability Insurance policy shall include an endorsement, or policy language, naming the City of Ann Arbor as an additional insured. ~~In lieu of an insurance policy as required herein, an owner may present proof satisfactory to the City Attorney that said owner is financially capable of self insurance in the above amounts~~

12. Authorized Sign Erectors (existing)

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 ~~public liability~~ insurance policy in the amount of \$50,000.00 for injury to 1 person, \$1,000,000.00 for injury to more than 1 person and \$25,000.00 for damage to property. The Commercial General Liability Insurance policy shall include an endorsement, or policy language, naming the City of Ann Arbor as an additional insured. ~~In lieu of an insurance policy as herein required, an erector may present proof satisfactory to the City Attorney that the said erector is financially capable of self insurance in the above amounts.~~ Said license shall 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.

13. Appeals and Variances (existing)

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 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.

(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)

14. Penalties and Enforcement (existing)

- 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 \$5,000.00 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 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 city in accordance with this ordinance, any sign 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)

15. Definitions- (existing)

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.

~~**Business center.** A group of 5 or more businesses 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.~~

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.

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.

Exterior sign. Any sign other than an interior sign.

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.

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.

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.

Marquee. A permanent structure, other than a roof, awning or canopy, that is attached to, supported by, projecting from, and located over the entrance to a 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.

Message unit. Each of the following equals 1 message unit: a word, an abbreviation, a number, a symbol, logo, 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.

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

~~Nit means 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.

~~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.~~

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

Public right-of-way or right-of-way. For purposes of this chapter only, all public streets, highways, sidewalks and alleys.

Sign means 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.

~~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 window. The definition does not include religious symbols or paintings which do not display lettering and do not advertise a business, product or service.~~

Temporary sign. A sign intended for a limited period of display.

(Ord. No. 55-74, 6-9-75; Ord. No. 33-82, 8-2-82; Ord. No. 11-86, 4-10-86; Ord. No. 32-94, § 1, 4-4-94; Ord. No. 10-01, 1, 3-19-01; Ord. No. 13-04, § 2, 6-17-13)