

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of August 5, 2020

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 and related references.

STAFF RECOMMENDATION:

Staff recommends that the proposed **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. It is intended that these proposed amendments supersede the version previously considered by Planning Commission.

STAFF REPORT:

On May 19, 2020, Planning Commission discussed the proposed amendments presented in the draft at that time. Direction provided at this time was to align the requirements of extinguishing signs after business closure to align with proposed outdoor lighting ordinance concepts, and to reduce the available signage for multiple-family residential uses between three and six dwelling units. At the conclusion of the meeting, the following outstanding components of the ordinance were still in question, without clear resolution:

- The timing/duration of signage when a property is for sale or for lease.
- The area of temporary signage available to residential uses.
- The merits of inclusion of an unlimited duration temporary sign.

A few additional questions and/or proposed amendments are also addressed for Planning Commission discussion prior to recommendation.

Timing/duration of signage when a property is for sale or for lease

Under the draft proposed here, all temporary signage would be restricted to the provisions of the Temporary sign provisions:

- May be displayed for up to 65 continuous days, with at least a 30 day gap between any display period.
- This sign can currently be up to 12 sq. ft. (six ft. per side if two-sided) for residential properties, and 32 sq. ft. for non-residential properties.

The proposed draft reintroduces language that provides an exception from the duration restrictions when a building is for sale or lease.

Alternatively, the Planning Commission could consider striking the applicable section of the draft:

Building or Lot For Sale or Lease. ~~When all or a portion of a Building or Lot is listed for advertised for sale or lease, the maximum display period for Temporary Signs on that Building or Lot shall be the duration that the Building, Lot, or portion thereof, is listed or advertised for sale or lease. Once the Building, Lot, or portion thereof, is no longer listed or advertised for sale, all Temporary Signs that have been displayed for more than 65 days shall be removed.~~

If considered, staff would suggest reintroducing the following amendment to the unlimited sign provisions:

Such a Sign may contain a commercial message during the time that all or a portion of the Lot or a Building on the Lot is listed or advertised for sale or lease.

These changes would result in the ability for unlimited temporary signage of any nature (commercial or otherwise) to perpetually occur on a site while the property is for sale or lease. This signage however, would need to comply with a rotating 65 day duration/max 12 sq. feet and 30 day/max three sq. ft. display cycle.

The area of temporary signage available to residential uses

There has been significant discussion regarding the area allowed for temporary free-standing signage. Included in this discussion were the conventions of real estate signs, which are a frequent such temporary sign in the City. Staff recommends retaining the 12 sq. ft. maximum sign size for such purposes. While not an exhaustive search, here are some examples of such signs that appear to comply (and one that does not) with the proposed sign area specification:





4' Tall; 6.28 sq ft



4' Tall; 4 sq ft
One sided



12 sq ft



6' high
33.4 sq ft, 2-sided.

Several of these signs do exceed the maximum five foot height restriction. [See Additional Questions Section].

If a larger sign area was desired, the Planning Commission could recommend a larger sign area, with a restriction on the size of one maximum face, such as:

Maximum Sign Area: 20 square feet, with no single face larger than 10 square feet.

The merits of inclusion of an unlimited duration temporary sign

The proposed draft includes provisions for one Temporary Freestanding Sign with a non-commercial message up to three square feet in Sign Area. Staff recommends retention of this provision as it supports free expression. Here are some examples of signs that could meet this content definition:



25.5 sq ft; 58" tall



4.2 sq ft





Note that many of these signs exceed the three square foot area maximum, particularly when two sided [See Additional Questions].

Additional Questions/Amendments

- Should the sign ordinance provide for higher temporary signs? Current height limit is five feet, many community examples are up to five and one half, or six feet. (Proposed draft maintains five feet.)
- Should maximum area of Unlimited Signs be increased to six square feet? (Proposed draft provides this, previous versions limited to three square feet.)
- Provision and Definition added in proposed draft to accommodate use of flags with a non-commercial message.
- Proposed amendment to definition of Business Frontage to clarify frontage is calculated along face of business along a public right of way or facing a multi-tenant shared access drive or parking lot (included in draft).

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Attachment: 7/29/20 Draft Sign Ordinance

c: Chris Cheng, City Planner
City Attorney's Office