



Legislation Text

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An Ordinance to Amend Chapter 61, Signs and Outdoor Advertising, to Allow Portable Exterior Business Signs (Ordinance No. ORD-10-06)

Approval of these amendments to Chapter 61, Signs and Outdoor Advertising, will allow the use of portable exterior business signs, subject to an annual permit and inspection. Such signs currently are not permitted.

Background

On October 5, 2009 City Council passed Resolution R-09-404 establishing a task force to develop regulations for “sandwich board” signs (a/k/a “portable signs”). Council charged the task force with reviewing the existing City policies associated with these signs placed in the public right-of-way, framing recommendations for more effective placement and size regulations, and identifying appropriate fees.

The Sandwich Board Sign Task Force, chaired by Councilmember Briere, met twice in November 2009 and provided the following recommendations:

- The task force agreed that the ordinance should apply to the City as a whole, not just those businesses in the Downtown Development Authority district.
- The task force agreed that the ordinance should apply to any business, not just those on the ground floor.
- The task force was unable to find a way to accommodate off-premises signs legally and simply.
- The task force agreed that any business that already paid for a sidewalk occupancy permit didn't need to pay additional fees for a sandwich board (i.e., portable) sign, as long as the sign fit within the area of their occupancy permit.
- The task force agreed that more than one business sign could occupy space in front of a building (in the situation where there are up- or down-stairs tenants) as long as the space reserved for the signs and/or occupancy remains legal.
- The task force agreed that the timing of the permit for a sandwich board sign should be the same as that of the sidewalk occupancy except during the first year (assuming the ordinance receives Council approval). In the first year, permits for signs would run from the first day such permits are available - or issued - through the 31st of April, 2011.
- The task force did not agree on the fee schedule. The statements of people present were that the fee for the permit should be fair and not prohibitively expensive. Members of the business community - entirely from the downtown areas - wanted the fees kept as low as possible. Suggestions ranged from a low of \$20 to a high of \$35.

Proposed Amendments

Based on the task force recommendations, staff developed draft amendments to Chapter 61, Signs

and Outdoor Advertising (attached).

These draft changes include 1) allowing on-premise portable exterior business signs throughout the City with an approved permit, 2) allowing the placement of signs in the right-of-way if no land is available in front of such businesses, 3) limiting the size of the sign, 4) requiring signs be moved indoors after business hours and when more than one inch of snow falls to allow time to clear sidewalks, and 5) provisions for a portable exterior business sign permit to be revoked by the Administrator upon a finding that the portable sign does not meet the standards of this Section, any other provisions of this Code or other applicable law.

Staff Comments

In drafting the amendments, staff has identified three issues that may arise as a result of the changes:

Applicability: The task force recommended that portable signs be allowed for any business in the City. Since portable signs are intended to be viewed primarily by pedestrians and slower moving vehicular traffic, staff recommends the amendments be revised to apply only to those businesses located within the D1 and D2 downtown districts. Portable signs located outside of the downtown area have the potential to create visual clutter and transportation hazards. As drafted, the amendments would allow multiple-tenant commercial buildings and shopping centers located along major transportation corridors to place one portable sign per business on-premises in front of each development. Since this effort was initiated to address downtown signs, the expansion to the rest of the City seems premature at this time.

Size: The proposed ordinance allows for portable signs of up to 4 feet in height occupying no more than 4 square feet. This will allow for a relatively tall sign. Staff recommends a maximum height of 3 feet.

Fee: The task force recommended an annual permit fee ranging between \$20-35. Staff estimates the cost of review, inspection and processing of an annual portable exterior business sign permit to be \$65. Staff recommends that the fee be set at \$65. If the proposed amendments are approved at first reading, staff will submit a resolution at second reading to revise the Planning and Development Services fees to include this new permit fee.

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ORDINANCE NO. ORD-10-06

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Approved: **DEFEATED**
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(SIGNS AND OUTDOOR ADVERTISING)

AN ORDINANCE TO AMEND SECTIONS 5:501, 5:502, AND 5:508 OF CHAPTER 61 (SIGNS AND OUTDOOR ADVERTISING) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR.

The City of Ann Arbor Ordains:

Section 1. That Section 5:501 of Chapter 61 of the Code of the City of Ann Arbor be amended to read as follows:

5:501. Definitions.

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

- (1) *Area* (or other reference to square measure) means the entire area within a circle, triangle or parallelogram enclosing the extreme limits of writing representation, emblem or any figure of similar character together with any frame or other material or other color forming an integral part of the display or used to differentiate it from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. Where a sign has 2 or more faces, the area of all faces shall be included in determining the area of the sign. Where a sign consists solely of lettering painted or mounted on a wall, any blank area which is more than 10 percent of the area of the sign as otherwise computed shall be disregarded.
- (2) *Billboard.* An off-premises sign with an area in excess of 200 square feet.
- (3) *Building.* A permanent structure for human occupation to which the sign relates.
- (4) *Business.* Any legal use of a building, other than for a religious institution, day care center, school, home occupation, or residence by a person, firm or corporation. Although contained in the same building as another business and owned by the same person, an activity may be treated as a separate business if it is physically separated from, uses different personnel than, and provides different products or services than such other related business.
- (5) *Business Center.* A group of 5 or more stores, offices, research facilities, or manufacturing facilities which collectively have a name different than the name of any of the individual establishments and which have common private parking and entrance facilities, or which is a plated business subdivision.
- (6) *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.
- (7) *Exterior Sign.* Any sign other than an interior sign.
- (8) *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.
- (9) *Interior Sign.* A sign within the walls of a building.
- (10) *Maximum heights* shall be measured from grade or sidewalk to the highest edge of the sign surface or its projecting structure.
- (11) *Message Unit.* Each of the following equals 1 message unit: a word, an abbreviation, a number, a symbol, a geometric shape, a person's or firm's initials, a web site, an electronic mail address. Letters or numbers 4 inches or smaller in height and punctuation marks are not counted in computing a number of message units. When a business has a sign with identical sign messages facing opposite directions, only the message units on 1 side of each such pair shall be counted in computing the permitted number of message units.
- (12) *Minimum height* shall be measured from grade or sidewalk to the lowest edge of the sign surface or its projecting structure.
- (13) *Off-Premises Sign.* A sign other than an on-premises sign.

- (14) *On-Premises Sign.* A sign which advertises only goods, services, facilities, events, or attractions on the premises where located.
- (15) *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.
- (16) *Portable Sign.* An exterior sign not permanently anchored or secured to either a building or the ground.
- ~~(1617)~~ *Premises.* The contiguous land in the same ownership or control which is not divided by a public street.
- ~~(1718)~~ *Public Right-of-Way or Right-of-Way.* For purposes of this Chapter 61 only, all public rights-of-way within the City which are used for streets, highways, sidewalks and alleys.
- ~~(1819)~~ *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 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 interior and exterior signs but not signs primarily directed at persons within the premises of the sign owners. The definition does not include goods displayed in a business window. The definition does not include religious symbols or paintings which do not display lettering and do not advertise a business, product or service.
- ~~(1920)~~ *Temporary Sign.* A sign intended for a limited period of display.

Section 2. That Section 5:502 of Chapter 61 of the Code of the City of Ann Arbor be amended to read as follows:

5:502. Exterior business signs.

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

(2) Placement.

(a) Signs attached to the building shall not extend more than 3 feet above the building or 4 feet from the wall of the building. The extension from the wall or roof shall be measured from the location of attachment.

(b) Ground Signs. Signs not structurally attached to the building shall be at least 15 feet from any street or from any lot line of the premises. Such signs shall have a maximum height starting at 3 feet in height at the right-of-way line, and increasing 1 additional foot for each 2 feet the sign is set back from the right-of-way line, provided that, if it is located within 20 feet of the building, it may have the same maximum height as could a sign located on the building, provided that the height of any such sign shall not exceed 25 feet.

(c) Marquee. Signs may be located on a building marquee or awning which is over a public sidewalk provided that such structures shall not extend more than 8 feet over the public right-of-way nor be closer than 3 feet to the curb line.

(d) Minimum Height. No portion of any sign which extends over the public right-of-way shall be lower than 8 feet.

(3) Area and Message Unit Exceptions. The following signs shall be exempt from the message unit and area limitations contained in this section, but shall be subject to the placement regulations of this section:

(a) *Gasoline Price Signs.* A gasoline service station shall be permitted signs on each pump island indicating the prices and types of gasoline and the type of service. The area of such signs shall not exceed 20 square feet per pump island.

(b) *Theater Signs.* Theaters shall be permitted 200 square feet of additional signs designed for periodic message change which indicate the entertainment at the theater.

(c) *Business Center.* A business center may have a sign identifying, by name only, the business center and the business 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. No such sign may be erected until after the City Attorney has reviewed the permit application to determine whether it meets the standards of this chapter.

(d) *Alley Signs.* A business with an entrance on an alley shall be permitted additional sign area of 1 square foot of sign for each linear foot of alley frontage and 10 additional message units solely for signs facing said alley.

(4) Message Unit Exceptions. The message unit restrictions of Section 5:502(1) have the following exceptions, provided that the area and placement provisions of that section are met.

(a) A business without ground floor frontage shall be permitted signs having 10 message units to advertise that business, provided that the total area of all exterior signs on any building shall not exceed the total sign area permitted for businesses in the building having ground floor frontage.

(b) A business with frontage on more than one street may be permitted 10 additional message units on each additional street side.

(c) Business Name. If the name of the proprietor of a business exceeds 10 message units, said name may be displayed on each street frontage provided no other message units are displayed by that business on said frontage.

(5) Portable Exterior Business Signs.

(a) Except as otherwise provided in this subsection, no person shall place a portable exterior business sign on the public right-of-way or on private property without first obtaining an annual portable exterior business sign permit. No such permit is required to place a portable exterior business sign within an area which the person uses for purposes other than placing a sign and for which a sidewalk occupancy permit has been issued under Chapter 47, Section 4:14 of this code. Portable exterior business signs permitted by a sidewalk occupancy permit shall be subject to the area, placement and maintenance standards of this subsection.

(b) Each ground floor and non-ground floor business may apply for an annual portable exterior business sign permit for no more than one (1) portable sign that is no more than four (4) feet high and that occupies no more than four (4) square feet. A portable business sign shall be located on-premises, subject to the placement standards of this section. If the premises lacks adequate area between the building and public right-of-way for the placement of a portable exterior business sign, the sign may be located in that portion of the public right-of-way adjacent to and contiguous with the premises, subject to the placement standards found in this subsection. A portable exterior business sign permit is required in addition to any permit required for other signs.

(c) Application for a portable exterior business sign permit shall be made on forms available from

the City, which require the applicant to provide information and materials that include, but are not limited to:

- (i) a detailed diagram of the proposed portable sign, including its dimensions and its support system;
- (ii) photographs of the front and side views of the portable sign;
- (iii) a diagram showing with reasonable precision the area on the sidewalk or private property that the proposed portable sign will be placed, which shall not reduce any sidewalk width to less than six (6) feet for the free and uninterrupted passage of the public along the sidewalk.
- (iv) for signs located in the public right-of-way, evidence of liability insurance in the same amount as prescribed for sidewalk occupancy permits in Section 4:14.
- (v) payment of a fee as shall be determined by Council resolution.

(d) A permit issued on or before April 30, 2009, is valid beginning on the date it is issued and expiring on April 30, 2010. Beginning May 1, 2010, all permits are valid beginning on the date of issuance and expiring on the next April 30th following the date of issuance.

- (e) No person shall maintain a portable exterior business sign:
 - (i) that is not constructed of durable, weather-proof materials, that has sharp edges, or that has any protrusions or features that could be hazardous to pedestrians.
 - (ii) that will not withstand wind without tipping over, rocking or sliding.
 - (iii) that has any moving parts or electrical devices, including lights.
 - (iv) that resembles any official traffic control device or uses any symbol associated with a traffic control device.
 - (v) in a location where it could interfere with the opening of vehicle doors in locations where a vehicle may legally stop, stand, or park or where the sign could obstruct a person exiting such a vehicle, including at ramps, cab stands, loading zones, bus stops, driveways, and parking lot aisles.
 - (vi) in a location where it obstructs the free and uninterrupted passage of the public along the sidewalk.
 - (vii) in a location where it reduces any sidewalk width to less than 6 feet.
 - (viii) in a location other than the location designated on the portable sign permit or on a sidewalk occupancy permit.
 - (ix) in a location where it obstructs access to parking meters, bicycle racks and other features legally in the right-of-way.
 - (x) that is attached to any stationary object, including but not limited to trees, parking meters, light poles and traffic control devices, or any other stationary object located in the public street or sidewalk.

(f) A portable exterior business sign shall be moved indoors when the business is closed.

(g) A portable exterior business sign located in the public right-of-way shall be moved indoors after the accumulation of one (1) inch or more of snow and shall not be put back until the entire sidewalk on the side of the street where the business is located is clear of snow and ice.

(h) A portable exterior business sign permit may be revoked by the Administrator upon a finding that the portable sign does not meet the standards of this Section, any other provisions of this Code or other applicable law or that the space is needed for other sidewalk purposes or as provided for the revocation of permits under Chapter 76. Upon a revocation because the space is needed for other sidewalk purposes, only, the fee paid for any period after the revocation of the permit shall be refunded.

Section 3. That Section 5:508 of Chapter 61 of the Code of the City of Ann Arbor be amended to read as follows:

5:508. Prohibited signs.

The following signs are prohibited, notwithstanding anything to the contrary in this Chapter.

- (1) Signs which incorporate in any manner or are illuminated by any flashing or moving lights other than for conveyance of noncommercial information which requires periodic change. This section does not prohibit barber poles which meet the other requirements of this Chapter.
- (2) Exterior banners, pennants, spinners and streamers, other than a banner or pennant used as a permitted sign under Section 5:502.
- (3) Exterior string lights used in connection with a commercial premises, other than holiday decorations.
- (4) Any sign which has any visible motion other than permitted flags or banners and other than for the conveyance of noncommercial information requiring periodic change.
- (5) Any sign which is structurally or electrically unsafe.
- (6) Any sign erected on a tree or utility pole except signs of any political subdivision of this state.
- (7) Any business sign or sign structure now or hereafter existing which no longer advertises a bona fide business conducted or a product sold.
- (8) ~~Portable Signs. Except signs, except as otherwise provided in Section 5:507(4), any freestanding exterior sign not permanently anchored or secured to either a building or the ground this Chapter.~~
- (9) Any sign on a motor vehicle or trailer which is parked in front of a business for the purpose of advertising a business or product or service of a business located on the premises where such vehicle is parked.
- (10) Any sign on a motor vehicle or trailer which projects more than 6 inches from the surface of such a vehicle when it is parked at a location visible from a public street.
- (11) Any sign structure or frame no longer containing a sign.
- (12) Any sign erected on the public right-of-way, except for signs of a political subdivision of this state, ~~and except for portable "open house" signs to the extent they are permitted by Section 5:507(4) and except for political signs to the extent they are permitted by Section 5:506 or for signs otherwise expressly permitted under other provisions of this Chapter to be in the right-of-way.~~ 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 or in violation of another provision of this Chapter that permits the sign to be located in the right-of-way.

Section 4. That this Ordinance shall take effect on the tenth day following legal publication.

