

FORMAL SESSION

TUESDAY, MAY 23, 2023

Law Department

Benson, Proposed ordinance to amend Chapter 4 of the 2019 Detroit City Code, *Advertising and Signs*, by amending Article IV, Regulation of *Business and Advertising Signs*, Division 1, Generally, Section 44-17, *Sign erection or alteration to require new permit; sign operation or maintenance to require license*, and Division 7, *Temporary Signs*, Section 4-4-181, *In general*, and Section 4-4-182, *Limitations on number, area, and term*, renumbering and amending Section 4-4-183, *Additional temporary sign allowances*, Section 4-4-184, *Temporary sign copy*, and Section 4-4-183, *Additional temporary sign allowances*, Section 4-4-184, *Temporary sign copy*, and Section 4-4-185, *General temporary sign standards*, Section 4-4-186, *Removal of temporary signs*, all to generally revise the standards for temporary signs, including to allow additional temporary signage in association with permitted special events. **(INTRODUCE.)**

Benson, resolution setting a public hearing on foregoing ordinance amendment.

1 BY COUNCIL MEMBER Benson _____:

2 AN ORDINANCE to amend Chapter 4 of the 2019 Detroit City Code, *Advertising and*
3 *Signs*, by amending Article IV, *Regulation of Business and Advertising Signs*, Division 1,
4 *Generally*, Section 4-4-17, *Sign erection or alteration to require new permit; sign operation or*
5 *maintenance to require license*, and Division 7, *Temporary Signs*, Section 4-4-181, *In general*,
6 and Section 4-4-182, *Limitations on number, area, and term*, renumbering and amending Section
7 4-4-183, *Additional temporary sign allowances*, Section 4-4-184, *Temporary sign copy*, and
8 Section 4-4-185, *General temporary sign standards*, Section 4-4-186, *Removal of temporary signs*,
9 all to generally revise the standards for temporary signs, including to allow additional temporary
10 signage in association with permitted special events.

11 IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT
12 THAT:

13 Section 1. Chapter 4 of the 2019 Detroit City Code, *Advertising and Signs*, be amended by
14 amending Sections 4-4-17, 4-4-18, 4-4-181 through 4-4-182, and by amending and renumbering
15 Sections 4-4-183 through 4-4-185, to read as follows:

16 CHAPTER 4. ADVERTISING AND SIGNS

17 Article IV. REGULATION OF BUSINESS AND ADVERTISING SIGNS

18 DIVISION 1. GENERALLY

19 Sec. 4-4-17. **Sign erection or alteration to require new permit; sign operation or maintenance**
20 **to require license.**

21 (a) It shall be unlawful to post, construct, erect, or otherwise display a sign without
22 having been issued a permit for such sign.

1 (b) It shall be unlawful to perform any sign alteration without having been issued a
2 permit for such sign. Any sign alteration of an existing permitted sign shall require a new permit.

3 (c) A permit may be applied for under this section by submission of a form acceptable
4 to the Department in accordance with Subsection (b) of this section.

5 (d) It shall be unlawful to operate or maintain a sign without having been issued a
6 license for such operation. The term of any such license shall not exceed two years. The
7 Department may require that a sign shall be subject to inspection as a precondition to issuance of
8 any such license. A license may be applied for under this section by submission of a form
9 acceptable to the Department.

10 (e) Notwithstanding Subsections (a) through (d) of this section, the following signs, if
11 in compliance with applicable dimensional and operations standards of this article, are not subject
12 to the requirements of this section:

13 (1) Portable temporary signs ~~that are erected and displayed in accordance with Section~~
14 ~~4-4-183(a)(3) of this Code; and~~

15 (2) Temporary signs that are not illuminated, are constructed with no rigid structural
16 elements, such as a sign that is painted or printed on vinyl or other fabric, and that
17 are less than 12 square feet; and

18 (3) Window signage on any premises that has cumulative window signage totaling less
19 than ~~ten~~ 12 square feet.

1 **DIVISION 7. TEMPORARY SIGNS**

2 **Sec. 4-4-181. In general.**

3 The regulations set forth in this division are applicable to any temporary sign that may be
4 constructed, erected, posted, or otherwise placed in any location, including within a premises or
5 the right-of-way.

6 **Sec. 4-4-182. General limitations on number, area, and term.**

7 (a) Not more than one temporary sign may be permitted on any one ~~premises~~ façade at
8 any one time, except that, for a multi-tenant building or structure, ~~one, but~~ not more than one;
9 temporary sign may additionally be permitted for ~~any one each~~ ground floor tenant at any one
10 time.

11 (b) No premises, or ground floor tenant space in a multi-tenant building or structure,
12 may be issued more than two permits for a temporary sign within any calendar year.

13 (c) On ~~properties~~ premises located in a low-density residential sign district, the area of
14 any temporary sign shall not exceed six square feet. On ~~properties~~ premises located in a high-
15 density residential/mixed use sign district or a recreation/open space sign district, the area of a
16 temporary sign shall not exceed one square foot per linear foot of building frontage, but in no case
17 may be less than 6 six square feet and no or greater than 12 32 square feet. On properties in a low-
18 density commercial/industrial sign district or a high-density commercial/industrial sign district,
19 the area of any temporary sign shall not exceed one square feet per linear foot of building frontage,
20 but in no case may be less than 12 square feet and no greater than 32 square feet.

21 (d) Any temporary sign may be permitted only until the conclusion of the occasion to
22 which it is intended to direct attention, upon which date the permit shall automatically expire. No
23 temporary sign may be permitted for a period of time exceeding 90 days.

1 ~~(e) Adjustment or waiver under Section 4-4-22 of this Code of the dimensional~~
2 ~~standards set forth in sections 4-4-103 through 4-4-107 of this Code is limited to 25% of such~~
3 ~~standards.~~

4 **Sec. ~~4-4-185~~ 4-4-183. General temporary sign placement and construction standards.**

5 Any temporary sign that is permissible under this division is subject to the following
6 standards:

7 (1) *Placement.* Any temporary sign shall be located so as to avoid obstruction of or
8 interference with the safe and efficient flow of pedestrian and vehicular traffic, or
9 impact the accessibility of ingress or egress of any building or structure.

10 Notwithstanding the prohibitions set forth in Section 4-4-7 of this Code, a
11 temporary sign may substantially cover or conceal architectural features of a
12 building and may be supported by a fence or screening wall. A temporary sign
13 located in the public right-of-way is further subject to approval by the Department
14 of Public Works, or other public agency with jurisdiction over the right-of-way in
15 which the sign is to be located.

16 (2) *Material.* Temporary signs shall be constructed of durable material and
17 construction, and shall be adequately secured so as to ~~be reasonably able to~~
18 withstand deterioration, damage, or destruction due to inclement weather, the
19 forces of wind, rain, and snow, and other impacts. A temporary sign covering a
20 window or other transparent glazing must be constructed of semi-transparent mesh
21 fabric or other material.

22 (3) *Good repair.* Any temporary sign shall be maintained in good repair in accordance
23 with Section 4-4-9 of this Code.

1 (4) ~~Illumination.~~ Any temporary sign may be externally illuminated, but shall not be
2 internally illuminated.

3 (5) ~~Dynamic.~~ A temporary sign may be dynamic only where an identical permanent
4 sign of the same construction, location, and other physical parameters may be
5 dynamic, but under no circumstances may a temporary sign be animated.

6 (4) Additional standards. ~~Any temporary sign is further~~ Temporary signs are subject
7 to all applicable general sign standards set forth in Division 2 of this article, ~~based~~
8 ~~on the type of construction or operation of the temporary sign, unless comparable~~
9 ~~standards set forth in this division are more restrictive~~ and business sign standards
10 set forth in Division 3 of this article, except that if any regulation set forth in this
11 division is in conflict with any other applicable regulation set forth elsewhere in
12 this article, the regulation of this division shall control.

13 **Sec. ~~4-4-183~~ 4-4-184. Additional temporary sign allowances.**

14 (a) ~~Notwithstanding the limitations set forth in Section 4-4-182 of this Code, additional~~
15 ~~temporary signage may be permitted for any premises, or ground floor tenant space of a multi-~~
16 ~~tenant building, under each of the following circumstances:~~

17 (1) ~~Premises listed as being for sale or lease.~~ For any premises, ~~or ground floor tenant~~
18 ~~space within a multi-tenant building, or portion thereof~~ that is unoccupied and being
19 actively marketed for sale or lease, one additional temporary sign for each building
20 frontage, ~~and for each ground floor tenant space within a multi-tenant building,~~ is
21 permissible. Any such sign may be permitted only for the period during which the
22 premises or portion thereof is unoccupied and being actively marketed for sale or
23 lease. On ~~properties~~ premises located in a low-density residential sign district or

1 recreation/open space sign district, the area of any such sign must not exceed six
2 square feet. On ~~properties~~ premises located in a high-density residential/mixed use
3 sign district, low-density commercial/institutional sign district, or high-density
4 commercial/industrial sign district, the area of any such sign must not exceed 32
5 square feet or, if such sign is located on a ground floor window, the area of such
6 window.

7 (2) *Premises with Open Building or Construction Permit.* For any premises, ~~or ground~~
8 ~~floor tenant space within a multi-tenant building,~~ or portion thereof that is
9 unoccupied and is validly permitted under Chapter 8 of this Code, *Building*
10 *Construction and Property Maintenance*, or undergoing preconstruction activities
11 associated with such permitting, for construction of a new building or structure or
12 complete renovation or redevelopment of an existing building, structure, or ground
13 floor tenant space, additional temporary signage for each building frontage, and for
14 each ground floor tenant space within a multi-tenant building, is permissible. Such
15 signage may be permitted only for the period during which the permit associated
16 with the preconstruction, construction, renovation, or redevelopment activities
17 remains valid, and shall automatically expire upon issuance of a certificate of
18 occupancy, whether temporary or final, for the premises or tenant space. The
19 aggregate area of all such signage on any premises is subject to the maximum
20 aggregate sign area for the premises, as determined under Section 4-4-62 of this
21 Code. Such signage may be located on a screening fence that is erected to cordon
22 off the construction, renovation, or redevelopment site, notwithstanding the
23 prohibition set forth in Section 4-4-7(5) of this Code or, if located on a ground floor

1 tenant space, may be located in a window, notwithstanding the standard for window
2 signs set forth in Section 4-4-46(c) of this Code.

3 (3) Premises subject to special event permitting. For any premises or public right-of
4 way that is within the area subject to a special event permit, as approved by the
5 Detroit City Council, additional temporary signage for purposes of such special
6 event is permissible. The area of such temporary signage must not exceed 30
7 percent of the area of the façade of the building or structure to which it is affixed.
8 The height of such temporary signage must not exceed the height of the roof line
9 or parapet of the façade to which the sign is affixed. Such signage may be permitted
10 in advance of, and conditioned upon, the issuance of the special event permit. The
11 duration of any permit for such temporary signage must not exceed the duration of
12 the special event.

13 (4) Portable temporary signs. For any premises located in a low-density residential
14 sign district or high-density residential/mixed use sign district that is currently
15 occupied, whether wholly or partially, for residential purposes, portable temporary
16 signs, in any number but not exceeding six square feet in area for any single sign
17 or 18 square feet in aggregate area for all signs, are permissible. Such signage is
18 permissible only during the period commencing 30 days prior to the date of any
19 federal, state, or local primary election and concluding seven days after the date of
20 the subsequent general election. Any such sign must be set back from the front of
21 the premises not less than five feet.

22 ~~(b) Adjustments and waiver under Section 4-4-22 of this Code of the dimensional~~
23 ~~standards set forth in the section is prohibited.~~

1 **Sec. 4-4-184 4-4-185. Temporary sign copy.**

2 ~~(a) No temporary sign may be permitted for changeable copy. The copy of any~~
3 ~~permitted temporary sign shall remain constant and shall not change at any time during the term~~
4 ~~of the permit.~~

5 (a) Nothing in ~~Subsection (a) of this section~~ this division may be construed as
6 regulating the copy of a temporary sign in any way or as any other form of content-based
7 regulation, but ~~may~~ rather shall be construed as solely regulating the ~~ability to change such copy~~
8 ~~during the term of the temporary sign permit~~ duration, placement, and manner of temporary
9 signage in association with various occasions, special events, and other specific activities.

10 (b) Nothing in ~~Subsection (a) of this section~~ this division may be construed as
11 prohibiting any maintenance, repair, or replacement of a temporary sign, or any of its components,
12 as may be necessary to keep such sign in good repair in accordance with Section 4-4-9 of this
13 Code, including the replacement of a damaged sign face with a new sign face containing the same
14 copy.

15 **Sec. 4-4-186. Removal of temporary signs.**

16 (a) Responsibility for the removal of any temporary sign shall be, jointly and severally,
17 with the owner of the premises on which the temporary sign is located and the permittee for the
18 temporary sign.

19 (b) Any temporary sign, along with ~~its~~ any frame and supporting structure, shall be
20 removed by the owner of the premises on which such sign is located, or its agent, within 24 hours
21 after expiration of its permit.

22 (c) Any temporary sign, along with its frame and supporting structure, that is not
23 maintained in good repair shall be removed by the owner of the premises on which such sign is

1 located, or its agent, within 24 hours after receiving a correction notice to remove such sign, in
2 accordance with Section 4-4-9 of this Code.

3 (d) Any temporary sign, along with its frame and supporting structure that becomes
4 obsolete shall be removed by the owner of the premises on which such sign is located, or its agent,
5 within 24 hours after becoming obsolete, in accordance with Section 4-4-10 of this Code. A
6 temporary sign becomes obsolete immediately upon the conclusion of the occasion to which such
7 sign is intended to draw attention.

8 (e) The Department shall issue a blight violation under any of the following
9 circumstances:

10 (1) If the owner or permittee fails to cure the violation within the applicable cure period
11 after service of a correction notice;

12 (2) When the owner or permittee disputes a violation identified on a correction notice;
13 and or

14 (3) When, in the Department's exercise of judgment and discretion pursuant to rules
15 adopted by the Department, the violation is of such a nature as to be substantially
16 serious, chronic, and/or willful.


17 **Section 2.** This ordinance is hereby declared necessary to preserve the public peace, health,
18 safety, and welfare of the People of the City of Detroit.

19 **Section 3.** All ordinances or parts of ordinances that conflict with this ordinance are
20 repealed.

21 **Section 4.** In the event this ordinance is passed by two-thirds (2/3) majority of City Council
22 Members serving, it shall be given immediate effect and become effective upon publication in
23 accordance with Section 4-118 of the 2012 Detroit City Charter. Where this ordinance is passed

- 1 by less than a two-thirds (2/3) majority of City Council Members serving, it shall become effective
- 2 on the thirtieth (30) day after enactment in accordance with Section 4-118 of the 2012 Detroit City
- 3 Charter.

Approved as to form:



Conrad B. Mallet
Corporation Counsel

RESOLUTION SETTING HEARING

By Council Member **Benson**:

Resolved, That a public hearing will be held by this body on _____ for the purpose of considering the advisability of adopting the foregoing Proposed ordinance to amend Chapter 4 of the 2019 Detroit City Code, *Advertising and Signs*, by amending Article IV, Regulation of *Business and Advertising Signs*, Division 1, Generally, Section 44-17, *Sign erection or alteration to require new permit; sign operation or maintenance to require license*, and Division 7, *Temporary Signs*, Section 4-4-181, *In general*, and Section 4-4-182, *Limitations on number, area, and term*, renumbering and amending Section 4-4-183, *Additional temporary sign allowances*, Section 4-4-184, *Temporary sign copy*, and Section 4-4-183, *Additional temporary sign allowances*, Section 4-4-184, *Temporary sign copy*, and Section 4-4-185, *General temporary sign standards*, Section 4-4-186, *Removal of temporary signs*, all to generally revise the standards for temporary signs, including to allow additional temporary signage in association with permitted special events..

Pursuant to the Michigan Open Meetings Act as amended, which authorizes the continued use of hybrid electronic meetings to provide virtual public participation in accordance with the requirements of MCL 15.263a(2), and in consideration of the ongoing and continuing pandemic, the Detroit City Council will be meeting **in person** at the **City Council Committee of the Whole Room, 13th Floor, Coleman A. Young Municipal Center** for the **Planning and Economic Development Standing Committee** and will provide opportunity for virtual attendance.

Please see the attached link of the Calendar & Documents:

<https://pub-detroitmi.escribemeetings.com/Meeting.aspx?Id=3ce0118f-6509-4ab4-96eb-9ec038ecba95&Agenda=Agenda&lang=English>

Virtual public attendance is strongly encouraged as the meeting room will be subject to space limitations, pursuant to public health guidelines. For the safety of attendees and participants, the public is strongly encouraged to participate by means of one of the methods listed below:

The Standing Committee may be viewed in the following manner

1. Watch via television
 - Comcast: Channel 10
 - ATT: From Channel 99, click Detroit, then Channel 10
2. Watch online by using <https://detroitmi.gov/government/city-council> and clicking on Channel 10.
3. To attend by phone only, call one of these numbers:

+1-929-436-2866, +1-312-626-6799, +1-669-900-6833, +1-253-215-8782, +1-301-715
8592, or +1-346-248-7799 Enter Meeting ID: 85846903626#

4. To attend online: <https://Detroitmi.gov/Online-CC-Meeting>

Public Comment:

To participate at the time of Public Comment, please raise your hand within the zoom application.

1. Telephone participants: Raise your hand by pressing *9
2. Web participants: Raise your hand by clicking **raise hand** in the application or pressing
 - a. Windows computer = [ALT] + [Y]
 - b. Apple computers = [OPTION] + [Y]

To be consistent with how Public Comment has been handled for in-person meetings:

- You will be called on in the order in which your hand is raised
- All time limits set by the meeting Chair will still be enforced
- Any hands raised after the Chair ends submission of public comments, will not be able to speak at the meeting

All interested persons are invited to be present and be heard as to their views. Persons making oral presentations are encouraged to submit written copies to the City Clerk's Office CityClerkHelpDesk@detroitmi.gov via e-mail, for the record.

*With advance notice of seven calendar days, the City of Detroit will provide interpreter services at public meetings, including American Sign Language, language translation and reasonable ADA accommodations. Please contact the **Civil Rights, Inclusion and Opportunity Department** at (313) 224-4950, through the TTY number 711, or email crio@detroitmi.gov to schedule these services.*