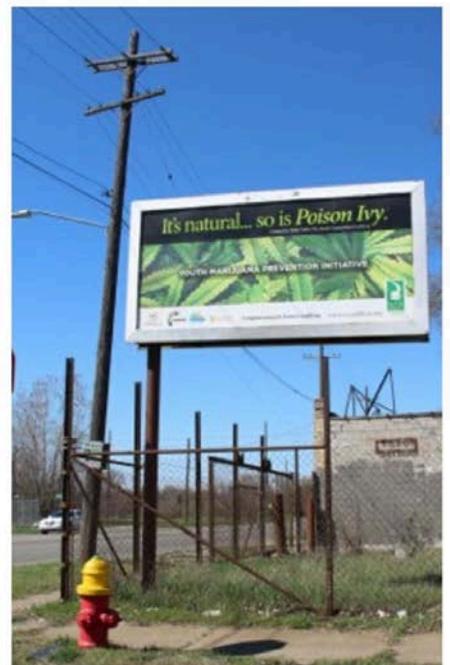


# Detroit Residents Deserve Better: Analysis and Suggested Revisions to Detroit's Draft Sign Ordinance, Chapter 4, *Advertising and Signs*

*March 1, 2020*



# Detroit Sign Ordinance

## Scenic Michigan’s Interest



Our mission is to protect, preserve and enhance Michigan’s scenic resources.

Signage is essential part of every community and, if done well, can contribute to a healthy economy. However, overly permissive signage regulations can result in visual blight and result in poor community outcomes. Our cover pictures taken in Detroit in 2018 exemplify this point quite well. We’re interested in helping local communities develop ordinances that enhance community aesthetics, support a healthy economy, and protect the health, safety, and welfare of residents.

Please contact Erica Briggs, Executive Director, of Scenic Michigan at [erica@scenicmichigan.org](mailto:erica@scenicmichigan.org) if you have any questions about this report.

### Contents

<b>The Case for Limiting Digital Signs .....</b>	<b>3</b>
<b>Light Pollution &amp; Energy Consumption .....</b>	<b>4</b>
<b>Traffic Safety .....</b>	<b>5</b>
<b>Problems and Solutions .....</b>	<b>6</b>
<b>Next Steps .....</b>	<b>8</b>
<b>Reducing Sign Blight and Light Pollution.....</b>	<b>8</b>
<b>Better Utilizing the Legal Framework .....</b>	<b>9</b>
<b>Appendices .....</b>	<b>10</b>
<b>Appendix A: Summary of Rules on Business Signs.....</b>	<b>11</b>
<b>Appendix B: Summary for Entertainment District .....</b>	<b>13</b>
<b>Appendix C: Summary of Provisions for Advertising Signs.....</b>	<b>15</b>
<b>Appendix D: Limits on Outdoor Advertising Across the US .....</b>	<b>16</b>

# The Case for Limiting Digital Signs

Technological innovations over the past twenty years have led to increased use of digital outdoor advertising to convey commercial and other messages. Small digital message boards carry distinct benefits over older manual changeable copy signs; in particular, Electronic Message Centers (EMCs) can be changed via computer control, more quickly and at less cost in time and labor for sign owners. Furthermore, because EMCs can change messages at short intervals, they can display messages on a smaller sign than would otherwise be possible if the message were static. This can be incredibly useful for displaying messages like time, temperature, and messages which need to change frequently (e.g. gas station prices).

However, larger EMCs (what Detroit’s draft ordinance calls “dynamic” signs) that change messages at short intervals can pose some hazards that are not present with manual changeable copy signs. In particular, they may present traffic hazards, detract from community beautification efforts, impact the quality of life of nearby residents, and present a host of environmental concerns. This section will address some of these challenges and offer solutions for addressing outstanding issues.

---

*Cyber security poses a new issue for digital sign owners. The hacking of the digital billboard along I-75 in the fall of 2019 was a local example of the vulnerability of these signs.*

---



## Light Pollution & Energy Consumption

According to the International Dark Sky Association (IDA), electronic billboards can be up to ten times brighter at night than traditionally lit billboards and can be harmful to the nighttime environment. LED lights from EMCs cannot be shielded, so the light emitted is flooded into the night sky, which wastes energy and contributes to light pollution. Light from EMCs can cause glare and be a dangerous distraction to drivers. In some cases, EMC lighting can be visible from long distances and may affect breeding, foraging and orientation behaviors in nocturnal wildlife. **One digital billboard uses the same amount of energy in a day as 15 US homes.**

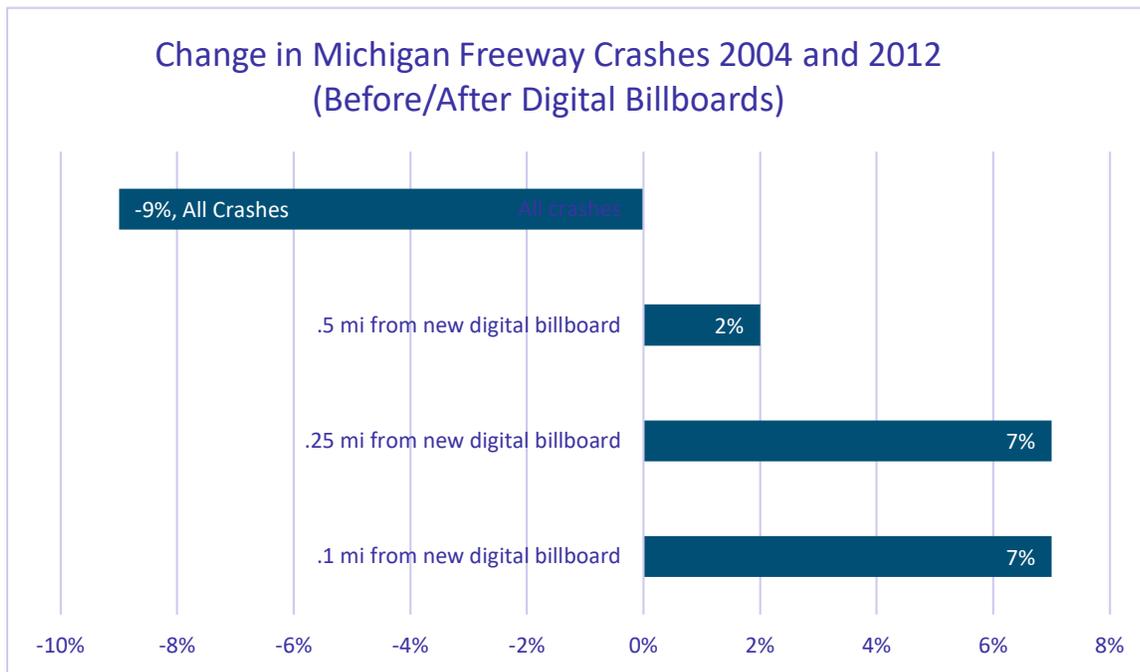
One particularly troublesome issue with EMCs is that the light they emit cannot be effectively shielded. Unlike traditional signs that use external lights directed at the sign to illuminate the message, digital signs illuminate internally and as noted by the IDA, much more brightly.



In 2019, the Sterling Heights Planning Department measured how far the light from the pictured 400 square foot digital billboard traveled. **At dusk or during night time hours, the distance this digital billboard could be viewed was 3,600 feet as measured by the Sterling Height's GIS system.** For this reason, many cities craft sign ordinances that protect residents from the excessive light pollution these large signs emit. **Detroit's proposed ordinance allows digital billboards to be placed 125 feet from a residence outside the Central Business District (CBD) and doesn't require any spacing for other digital signs.** Inside the CBD, the city is proposing digital signs as large as 5,000 square feet be allowed within the Entertainment District. These signs would also be permitted to be video signs.

## Traffic Safety

Digital signs pose two distinct threats to drivers. First, they are designed to distract drivers and, second, the bright white light some emit produces glare which is particularly problematic for older drivers. There is a growing body of evidence that suggests digital signs are real traffic hazard. Indeed, a 2015 study conducted by Dr. Nadia Fink at Albion College, found evidence that digital billboards may pose a threat to Michigan drivers. In a before and after study, there was a statically significant increase in crashes along freeways where digital billboards were added. In the same period, crash rates fell everywhere else in the state. A more robust study by Michigan Department of Transportation (MDOT) is warranted, but the Michigan legislature has prohibited MDOT from the studying the safety of billboards on roadway users. It should be noted this is the only safety issue MDOT is prohibited from studying despite the risk glare and distraction pose to drivers.



Source: Dr. Nadia Fink

Detroit's past lax regulations have resulted in a city and freeway network littered with billboards and signs. Efforts should be taken to reduce this safety risk to Detroit residents and visitors, not open the doors to new dynamic signs.

## Problems and Solutions

Detroit’s sign ordinance is moving in the right direction, but substantial problems remain if the city is committed to reducing sign blight and preventing light pollution. We have identified key issues and offered sensible solutions to resolve them.

Draft Ordinance Elements in Need of Improvement	Problem	Proposed Solution
<p>Outside CBD, only 25% of sign area can be “dynamic” signs (EMCs).</p>	<p>Sign area is calculated on building frontage, so large buildings could get up 500 square feet in sign area. That means a 125 sq foot dynamic sign could be erected in all commercial areas, even those adjacent to residences.</p>	<p>Place an upward cap on how much sign area can be used for digital signs. Also, consider further reducing the types of business signs that can be “dynamic” or animated (video).</p>
<p>The draft states dynamic signs must be <i>“equipped to effectively mitigate unreasonable nightglow, illumination spillover and other forms of excessive illumination.”</i></p>	<p>This language is admirable, but there are no standards by which to judge or enforce.</p>	<p>It is very challenging to mitigate nightglow and illuminations spillover from larger dynamic signs. Digital billboards should not be permitted, nor should large dynamic wall signs (or other types of signs). Reduce allowable nighttime nits to 40 in low-density commercial districts, 80 nits in high-density commercial and CBD, and 160 only in the core of the Entertainment District.</p>
<p>“Dynamic” signs are broken into two categories: Dynamic and Animated. The definition of dynamic states it can <i>“change the sign copy at any frequency”</i> and animated signs are a type of dynamic sign in which copy changes “ more frequently than once every eight seconds.”</p>	<p>Dynamic lacks a definition of frequency, ostensibly the frequency is intended to be eight seconds or greater. Allowing signs to play video is highly problematic. Although animated signs are restricted to the CBD, they will pose a real threat to drivers and a real threat to the aesthetics of city streetscape.</p>	<p>Define frequency of dynamic signs. The temptation will be to make it eight seconds, we propose every 30 seconds.</p> <p>Don’t allow animated signs.</p>

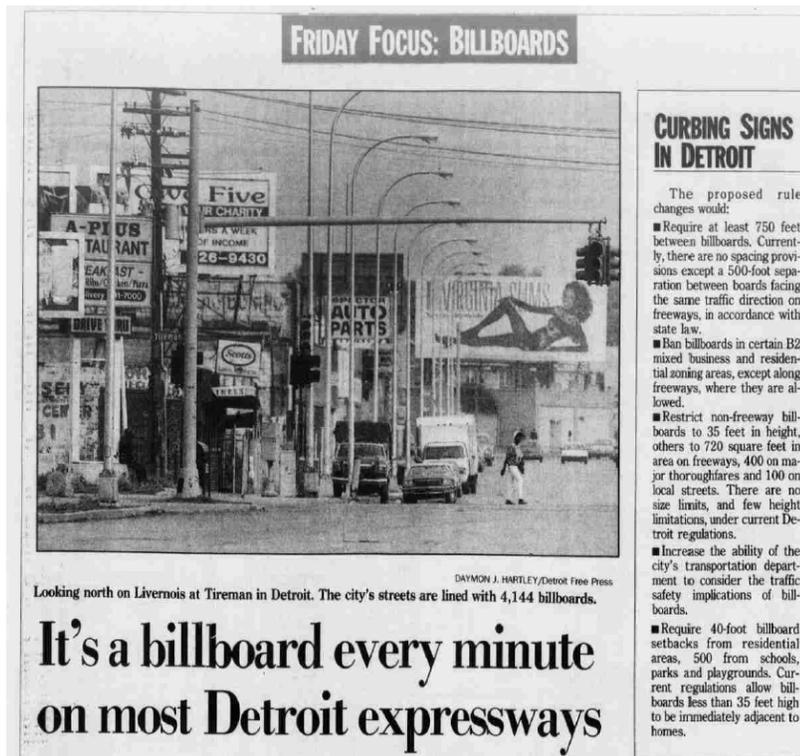
Draft Ordinance Elements in Need of Improvement	Problem	Proposed Solution
Hours of Operation: The draft states that between hours of 2am and 6am, dynamic signs may only operate as “static, internally illuminated signs.”	This is not a real curfew. It only prevents dynamic signs from changing messages or playing video during these hours.	Revise definition to state dynamic advertising signs must be extinguished between 2am-6am. And dynamic business signs must be turned off at “11pm or the end of normal business hours, whichever is later, and remain off until one (1) hour before sunrise.” This is not an onerous requirement since dynamic signs are programmable.
Dynamic signs are permitted to have a luminance of between 2,500-3,500 nits during the day.	Large dynamic and animated signs use vast amounts of energy to produce screens that are readable on bright, sunny days. Permitting these types of energy hogs is in direct conflict with Detroit’s sustainability goals.	Limit dynamic signs to small sign areas to reduce unnecessary energy consumption and meet climate action goals.
In the section 4-4-7 Prohibited signs, dynamic signs affixed to motor vehicles are prohibited. Additionally, signs that are illuminated with strobe or flashing lights are prohibited.	These prohibitions are good, but miss key elements often incorporated into other sign ordinances. In 2/7/20 draft, new language incorporated which allows for waivers.	Extend the prohibition to dynamic signs on boats. “Moving, flashing, or scrolling” text should also be prohibited. Remove 4-4-7(b)—waiver provision
Dynamic and animated wall signs are allowed in every district besides low-density residential	Dynamic wall signs do not currently require the same type of traffic safety review as billboards, are allowed to be much larger (up to 5000 sq feet in the Entertainment District), and are permitted even in Recreational/Open Space Districts.	Prohibit dynamic wall signs in recreational/open space districts where there is a strong desire to limit light pollution. Treat dynamic wall signs like billboards when they are of similar size. Don’t allow oversized dynamic and animated wall signs in the Entertainment District; treat it like the CBD.
Beyond the maximum area standards, there is “no limit on size or number of dynamic signs” in the Entertainment District. In fact the ordinance states they are encouraged.	Outside a few spots in the world (i.e. Times Square), signs are not the main attraction. Detroit will not be well-served in the long-run by a proliferation of signs.	Place limits, even in the Entertainment District on the number and size. Make the buffer zone a real buffer.

# Next Steps

## Reducing Sign Blight and Light Pollution

The last substantive revision to Detroit's sign ordinance was in 1989. Detroit City Council called for an inventory of signs and their content. Planning staff found that there were 31 billboards/square mile and that ½ of them were hawking alcohol and tobacco. Lower income neighborhoods were particularly targeted with sign blight. City Council revised the sign code to place limitations on the placement of billboards,

increase spacing from neighborhoods, and require spacing between billboards.



In 2020, City Council is presented with another opportunity to update its sign ordinance. An update is necessary to ensure the content neutrality required in the landmark 2015 Supreme Court ruling *Reed v. Town of Gilbert*. However, it also presents Council with the opportunity to align the sign ordinance with other City goals and policies.

Detroit's sign ordinance should complement the Streetscape Program, advance the Sustainability Action Agenda, respect historic buildings, and seek to further the objectives of community partnerships such as Great Lakes Safe Passage.

**In addition to Scenic Michigan, Midtown Inc, Detroit Tech Town, Detroit Audubon, Safe Passage Great Lakes, and Michigan Dark Skies, as well as the sign industry have all expressed concerns with elements of Detroit's proposed Sign Ordinance. This latest draft should be commended for its progress, but more work is needed.**

## Better Utilizing the Legal Framework

Detroit's proposed sign ordinance substantially shifts the legal framework under which signs are regulated. The amendments would move sign regulation outside of the zoning code and into a stand alone sign ordinance. Moving sign regulation outside of zoning offers numerous potential benefits (e.g. amoritization and/or cap and replace), but also introduces substantial challenges since zoning is a well-known regulatory tool with clearly defined and understood land use categories.

Detroit's proposed sign ordinance condenses the entire city, outside the CBD, into five general sign zones. See Appendix 1 for more details. One of the challenges this presents is that a sign that may be appropriate for one zoning category is less ideal for another. The signage that is generally viewed as appropriate in an intensive industrial district may be quite different than what's appropriate for a major commercial corridor, but this ordinance treats them identically. **If these five sign districts are to remain, we recommend erroring on the side of more restrictive sign regulations, since relief can be achieved through an appeals process if there is a true hardship.**

One of the benefits of moving sign ordinances outside of zoning is the gained ability to amoritize signs that no longer conform with new the ordinance. Amoritization is not permitted under the Michigan Zoning Enabling Act. Amoritization refers to the process of assigning a time period within which a property owner must bring a land use into conformance with local regulations. **Under the proposed ordinance, sign owners will have ten years to brings signs into compliance with the new ordiance or remove them. As such, it's worth taking the time to get this ordinance right to ensure the advertising and business signs permitted in the new ordiance conform with the desired aesthetic for Detroit in 2030,** as articulated by the City's master plan and Council priorities.

Another benefit of developing a stand alone sign ordiance is the abilty to experiment with billboard cap and replace programs (e.g. a billboard owner must remove ten static billboards to install one digital billboard). **We recommend exploring cap and replace approaches if dynamic billboards are going to continue to be permitted within the city.**

# Appendices

The current draft ordinance is 137 pages long. The tables in the appendices offer a summary of key provisions, we have copied some text from the draft code to provide greater familiarity with sign districts and key definitions.

If an error is found in one of the summary tables, please contact Scenic Michigan so we can make the appropriate revisions to these summary tables.

# Appendix A: Summary of Rules on Business Signs

## Sign Districts Definitions:

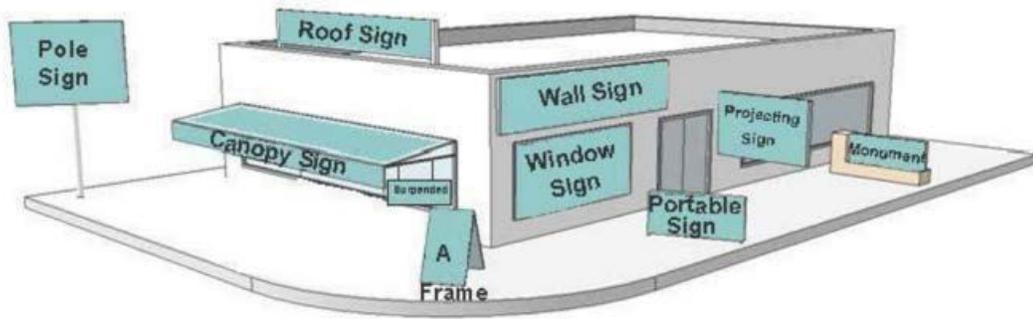
*High-density commercial/industrial sign district* means the portions of the City that are designated in the Master Plan of Policies as major commercial (CM), special commercial (CS), light industrial (IL), general industrial (IG), distribution/port industrial (IDP), or airport (AP); as well as the entire portion of the City located within the Central Business District regardless of Master Plan of Policies designation therein.

*High-density residential/mixed use sign district* means the portions of the City that are located outside of the Central Business District, and are designated in the Master Plan of Policies as medium-density residential (RM), high-density residential (RH), neighborhood commercial (CN), or mixed residential-commercial (MRC).

*Low-density commercial/institutional sign district* means the portions of the City that are located outside the Central Business District and are designated in the Master Plan of Policies as mixed-town centers (MTC), institutional (INST), thoroughfare commercial (CT), retail centers (CRC), or mixed residential-industrial (MRI).

*Low-density residential sign district* means the portions of the City that are located outside of the Central Business District and are designated in the Master Plan of Policies as low-density residential (RL) or low/medium-density residential (RLM).

*Recreation/open space sign district* means the portions of the City that are located outside of the Central Business District and are designated in the Master Plan of Policies as regional parks (PR), recreation (PRC), private marinas (PMR), or cemetery (CEM).



**Yellow= Digital Electronic Sign (Dynamic)**

**Green= Video Sign (Animated)**

	Low-density residential	High-density residential	Low-density commercial	High-density commercial	Rec Open Space	Central Business District
Arcade	N	Y	Y	Y	N	Y
Awning	N	Y	Y	Y	Y	Y
Marquee	N	N	Y	Y	N	Y
Mechanical (new type)	N	N	Y	Y	N	Y
Monument	N	Y	Y	Y	Y	Y
Pole	N	N	Y	Y	N	Y
Portable	Y	Y	Y	Y	Y	Y
Projecting	N	Y	Y	Y	Y	Y
Raceway	N	Y	Y	Y	Y	Y
Roof	N	N	Y	Y	N	Y
Wall	Y – 10% of facade	Y – 40% of facade	Y – 60% of facade	Y – 60% of facade	Y – 10% of facade	Y – 25% animated
Window	Y	Y	Y	Y	Y	Y
Temporary	Y	Y	Y	Y	Y	Y

## Appendix B: Summary for Entertainment District

The following text is taken directly from the draft ordinance.

### *Definition:*

The Entertainment District consists of the area within the boundary beginning at the intersection of the South Fisher Freeway Service Drive and Woodward Avenue and continuing to Sproat Street, then to Clifford Avenue, then to the South Fisher Freeway Service Drive, then to Woodward Avenue, then to the North Fisher Freeway Service Drive, then along the westerly line of the parcel known as 28 W Montcalm, then along the westerly line of the parcel known as 2211 Woodward Avenue, then along the westerly line of the parcel known as 2125 Woodward Avenue, then along the westerly line of the parcel known as 54 W. Elizabeth to W. Elizabeth Street, then along the east-west alley parallel to and south of W. Elizabeth Street to the easterly line of Witherell Street, then to Broadway Street, then to Gratiot Avenue, then to Brush Street, then to Beacon Street, then to St. Antoine Street, then along the northern line of the parcel known as 1900 St. Antoine Street, then along the easterly line of the parcel known as 2000 St. Antoine, then to Montcalm Street to the easterly line of the parcel known as 2354 Brush Street, then to the North Fisher Freeway Service Drive to Woodward Avenue, excluding the church located at 50 E Fisher, to the point of beginning.

*The Entertainment District comprises four unique zones, each described as follows:*

**Zone 1:** Entertainment Core. The entertainment core consists of the premises, or frontages thereof, that abut Witherell Street between Adams Avenue and Montcalm Street, Montcalm Street between Witherell Street and Brush Street, Brush Street between Montcalm Street and Beacon Street, and Adams Avenue between Montcalm Street and Brush Street.

**Zone 2:** Theater District. The theater district consists of the premises, or frontages thereof, that abut Montcalm Street, Columbia Street, and Elizabeth Street, each between the western boundary of the Entertainment District and Witherell Street, Broadway Street between Witherell Street and John R Street, Madison Street between Witherell Street and Brush Street, Brush Street between Mechanic Street and Beacon Street, and Henry Street between Park Avenue and Clifford Avenue.

**Zone 3:** Woodward North Corridor. The Woodward north corridor consists of Woodward Avenue between the North Fisher Freeway Service Drive and Sproat Street.

**Zone 4:** Entertainment Buffer. The entertainment buffer consists of the premises, or frontages thereof, within the Entertainment District that are not included in the entertainment core, the theater district, or the Woodward north corridor.

**Yellow= Digital Electronic Sign (Dynamic)**

**Green= Video Sign (Animated)**

**Proposed Text in Code:**

The purpose of the Entertainment District is to leverage the display of vivid and dynamic signage to foster a vibrant and exciting entertainment-based area within the City. Signage regulation in the Entertainment District is intended to be less restrictive than in surrounding areas, to allow for signs that are larger, higher, more brightly illuminated, and more dynamic than what is permissible elsewhere. The entertainment core is intended to provide a maximally vibrant and energetic and well contained space through high-intensity signage. Oversized, intense, and dynamic signs, including animated signs, are encouraged.

	<b>Entertainment Zone 1 (Core)</b>	<b>Entertainment Zone 2 (Theater District)</b>	<b>Entertainment Zone 3 (Woodward North)</b>	<b>Entertainment Zone 4 (Buffer)</b>
<b>Maximum Area</b>	15 square feet/linear foot of building frontage	6 square feet/linear foot of building frontage	3 square feet/linear foot of building frontage	4.5 square feet/linear foot of building frontage
<b>Limits</b>	No limit on size or number of dynamic signs	No limit on size or number of dynamic signs	No limit on size or number of dynamic signs	No limit on size or number of dynamic signs
<b>Placement</b>	Signs can cover architectural features	Signs can cover architectural features	Signs can cover architectural features	
<b>Curfew</b>	None	Between 2am-6am, dynamic and video signs may not change images but may remain lit	Between 2am-6am, dynamic and video signs may not change images but may remain lit	Between 2am-6am, dynamic and video signs may not change images but may remain lit
<b>Illuminance</b>	3,500 nits during the day 160 nits at night (twice as bright as the rest of CBD)	3,500 nits during the day 160 nits at night (twice as bright as the rest of CBD)	3,500 nits during the day 160 nits at night (twice as bright as the rest of CBD)	3,500 nits during the day 160 nits at night (twice as bright as the rest of CBD)

## Appendix C: Summary of Provisions for Advertising Signs (Billboards and Wall Signs)

Yellow= Digital Electronic Sign (Dynamic)

Green= Video Sign (Animated)

Location		Sign Area	Height	Limits	Spacing from Residents	Permitted	Sign Type
Outside CBD	Freeway Oriented	672 sq ft	60 ft	1000 ft from static billboard; 1750 ft from digital billboard; 500 ft from school, park, or historic district; 200 ft from the Detroit River; 25 ft from freeway. May not be placed in low-density or open space sign district.	125 ft	indefinite	Billboard or Wall Sign
	Roads >80 ft width	378 sq ft	35 ft		125 ft	indefinite	Billboard or Wall Sign
	Roads <80 ft		35 ft		125 ft	indefinite	Billboard or Wall Sign
Inside CBD	"Local"	80% of wall façade, 700 sq. ft if wall; 875 if painted	60 ft.	Cap: 25 in the CBD		9 years (increased from 5 in first draft). Renewal permitted (prohibited in previous drafts)	Wall Externally illuminated in CBD, except in Entertainment District may be animated or dynamic
	"Super"	80% of façade; Between 700-5,000 sq feet if wall; 700-6,250 sq feet if painted	Roof Line	Cap: 45 in the CBD (increased from 35 in 1/21/20 draft)		9 years (increased from 5 in first draft). Renewal permitted (prohibited in previous drafts)	Wall Externally illuminated in CBD, except in Entertainment District may be animated or dynamic

## Appendix D: Limits on Outdoor Advertising Across the US

Four states (Alaska, Hawaii, Vermont, and Maine) enacted bans on outdoor advertising to protect the visual beauty of their states. Michigan has gone the other direction. Only Florida surpasses us in the number of billboards. We now have 14,000+ billboards.

Examples of Michigan cities that prohibit outdoor advertising (billboards/wall signs)

- Ann Arbor
- East Lansing
- Troy
- Grand Rapids (Billboard exchange)

Examples of Large US cities that prohibit or place substantial limits on outdoor advertising:

- Seattle, WA (no new billboards since 1970s)
- Indianapolis, WA (no digital, increased limits on conventional billboards in 2019)
- Austin, TX (no new billboards)
- Tampa, FL (replacement – trade 10 traditional billboard for one digital)
- Tacoma, WA (replacement- trade 15 traditional billboards for one digital)

Final thoughts: Your decisions will affect how these spaces look in ten years. Will they benefit from large outdoor advertising signs, more roof signs, advertising in the public ROW, digital wall signs, or mobile billboards?

