

**The following is a summary of comments received regarding the 1<sup>st</sup> draft of the proposed sign code, specific to the topics of discussion scheduled for the July 6, 2017 Planning Commission meeting:**

- Section 113-07.D.1.a Unframed Signs: Considerable discussion regarding the limitations imposed by the single-rectangle method for measuring sign area.
  - ✓ Staff is amenable to utilizing a methodology that will allow for greater creativity. This may include a "multiple-rectangle" or "multiple-geometry" methodology, provided said methodology does not adversely affect permit review times due to complicated calculation regimes. Other methodologies might include provisions for "ascenders" and "descenders" that do not contribute to the overall sign copy area, and bonuses for texture and relief as opposed to flat-surface signage.
  
- Section 113-08.B.1 Building Wall Signs:
  - Concerns that said section does not allow for multi-tenant single-story applications.
    - ✓ Staff is amenable to removing the two-story limitation for multi-tenant buildings.
  - Concerns that said section does not allow for adequate signage for multiple users under a single roof e.g. tax service or coffee vendor located in a supermarket.
    - ✓ The current language relating to wall signs allows 1 square foot of sign area per 1 linear foot of primary elevation, with a provision for an additional 0.5 square foot of wall sign area per linear foot of secondary elevation. The proposed language provides for 1.5 square feet of wall sign area per linear foot of elevation, regardless of which elevation or the elevation's orientation to the street or parking lot (provided that wall signs in proximity of residential are not illuminated after 10:00 PM). This is a considerable increase in the amount of allowed signage and it would be the responsibility of the building owner to allocate signage to meet their business needs.
  - Concerns over whether there is a compelling governmental interest in regulating wall signs.
    - ✓ It is common for jurisdiction to regulate building signage. To not regulate building signage would create an environment where any wall sign would be permitted regardless of size, location or type. Staff believes that since the proposed code does not attempt to regulate other than time, place and manner, the City has not exceeded its authority. Further, the proposed language provides for a reasonable amount of building signage and includes allowances for additional wall signage in certain circumstances such as buildings in excess of five stories or that are more than 600 feet from the street.

- Section 113-08.B.6 Hanging Signs: Concerns that propose language would inadvertently restrict overhead clearance signs associated with drive-through facilities such as car washes and fast food restaurants.
  - ✓ Staff is amenable to including language to clarify that vehicular overhead safety clearance signs would be exempt provided the sign included no advertising copy. This could include a new definition for such signs together with language in this section to clarify the exemption.
  
- Section 113-08.B.7 Window Signs: Question as to whether there is a compelling governmental interest in regulating window signs especially if windows may be completely covered by sun screen.
  - ✓ The current sign code language distinguishes between temporary window signs and permanent window signs, and allows that temporary window signs may occupy not more than 25% of the window area, while permanent window signs may occupy not more than 15% of the window area. Staff's intent with the new language was to remove the distinction between permanent and temporary window signs and to combine the sign area allowed at 40%. Staff believes there is a compelling government interest in regulating these types of signs on the basis of community aesthetics. Further, the principles of Crime Prevention Through Environmental Design (CPTED) suggest that window signs impede the ability of law enforcement being able to see into a building; however, this may seem counter-intuitive given there is no requirement to provide windows in commercial buildings and the fact that in a hot environment, sun screens are common.
  
- Section 113-08.C.1 Class I and Class II Monument Signs: Two comments received:
  - Section 113-08.C.1.c limits the sign area to 24 square feet, which according to the International Sign Association is too small. The ISA recommends not less than 32 square feet, but prefers 40 square feet.
    - ✓ Staff will explore this option in greater detail.
  
  - One comment expressing concerns over the audibility of menu boards in proximity to residential uses.
    - ✓ Section 113-08.C.1.d requires that a Class I Monument Sign not be audible from any residential use, hotel, or patient room overnight medical facility; however, staff will explore alternatives to a greater extent.

- Section 113-08.C.3 Class IV Monument Signs:
  - An observation that this type of sign may serve as a surrogate to the temporary A-Frame signs that many businesses rely upon to generate business.
    - ✓ Staff agrees with this observation.
  - Concerns over whether or not there is a compelling government interest in regulating directional signs.
    - ✓ Sign codes commonly and historically address directional signs; however, jurisdictions may no longer regulate based on content. The proposed code language provides an opportunity for directional signage through the use of a Class IV Monument Sign. Staff believes that since the proposed code does not attempt to regulate other than time, place and manner, the City has not exceeded its authority.
- Section 113-08.C.4 Class V Monument Signs: Four specific concerns/comments were raised with regard to this type of sign.
  - Allow for placement of this type of sign in the PUE if the applicant signs a waiver acknowledging their responsibility to resolve utility conflicts;
    - ✓ Staff is willing to explore this option provided a minimum distance from the back of walk is maintained for CPTED purposes.
  - Allow for additional sign height for architectural embellishments if no sign copy included in the additional height;
    - ✓ Staff is willing to explore this option.
  - Omit the minimum width requirement of the sign to encourage more architectural interest.
    - ✓ Staff is willing to explore this option.
  - Require that vegetation be trimmed up so that the sign is visible;
    - ✓ Staff is amenable to including a provision requiring shrubs and ground covers in proximity of the sign to be trimmed up in order to ensure the sign area and address are visible.
- Section 113-08.C.5 Class VI Monument Signs: In addition to the three issues identified with Class V Monument Signs, three other concerns were raised with regard to this sign type:

- If the locations are tied to driveways only, an unintended consequence could be for additional sign clutter;
  - ✓ Staff agrees with this observation. One alternative might be to tie the location to a specific separation distance from other Class V signs.
- If the sign is too tall, the street tree canopy may block the view of the sign from the street;
  - ✓ Staff agrees with this observation; however, this condition will be difficult to mitigate in that if the maximum sign height is reduced, less sign area will be available for advertising. Further, to remove the tree canopy runs against the city's stated desire to create walkable streets, in which a tree canopy plays a significant role. One possible mitigation methodology might be to establish sight visibility lines, provided that the tree canopy is maintained.
- Include an allowance for monument signs adjacent to freeways if tied to the height of the freeway paving surface;
  - ✓ This is essentially a Freeway Monument Sign. As currently proposed, this type of sign would not be allowed except as already approved through an existing Comprehensive Sign Program. Further, since Freeway Monument Signs were not included in the list of prohibitions, an applicant could file for a Comprehensive Sign Program where the situation warranted. An alternative might be to include specific language in the draft code that would articulate where and how such signs might be erected.
- Section 113-08.C.6 Roadway Arch Signs: Several comments that this type of sign is an interesting addition.
  - ✓ No changes proposed.
  - ✓ If this section remains, staff will ensure that "abandoned" is clearly defined. This may include clarifications on words such as "occupied" and "vacant".
- In Section 113-15.B.1.b, a concern was raised with respect to the 10-year requirement to remove a nonconforming sign in that while 10-years may be ample time to amortize the initial investment, signs also provide business recognition, which may be inhibited with the erection of a new sign.
  - ✓ While the 10-year timeframe may seem short, the intent of including such language is to remedy nonconforming uses including signs. Further, there are very few instances where a currently existing sign would need to be removed 10 years after the adoption of this Code. In addition, this section, as proposed, provides for an appeal process in which the timeframe may be extended.

- One person expressed an opinion that Section 113-15.B should either be deleted in its entirety or modified to more closely reflect the language pertaining to nonconforming uses in the SUDC.
  - ✓ Staff is willing to explore this option.
- Section 113-16 Enforcement: Several issues were raised with respect to enforcement:
  - Concern that in Section 113-16.A, the possibility of being charged criminally for a sign violation seemed overbearing.
    - ✓ This provision was included in order to allow Code Enforcement staff the ability to seek criminal charges for egregious violations.
  - Concerns that proposed code language does not afford opportunity for appeal of sign violations.
    - ✓ In the event of an alleged sign code or zoning code violation, City's Code Enforcement staff will seek voluntary compliance. This may be done through a conversation with the alleged offender and followed up with the issuance of a Notice of Violation. The entity receiving the Notice of Violation is given an opportunity to correct the violation; however, if the violation is not remedied, staff will issue an Order to Comply. If the alleged offender believes the notice and/or order to be issued in error, that entity has the right to challenge the matter in city court.
  - Concerns that automatic discarding of signs after 5 business days may constitute a taking.
    - ✓ The proposed enforcement language allows the City to remove temporary signs in certain circumstances. The intent of the 5-day provision is to allow the owner of the sign a reasonable opportunity in which to retrieve said sign.
- General comments:
  - Concerns that the economic benefit of signs are not being taken into consideration with the proposed code language.
    - ✓ Staff recognizes the economic benefit of signs and has attempted to write the proposed language in a manner that allows a reasonable level of signage while addressing issues regarding community aesthetics.
  - Concerns that the proposed code does not address sign walkers.

- ✓ Sign walkers are address in Section 113-08.A.9 of the proposed code. State statute limits the authority local jurisdictions have over sign walkers and there has been a considerable case law on the subject. The propose language is consistent with the limitations placed on jurisdictions by state statute and applicable case law.
- Concerns that the proposed code does not address political signs.
  - ✓ State statute limits the amount of authority local jurisdictions have over political signage. Shortly after the Reed decision was rendered, the City Council approved a Text Amendment removing all references to political signs from the existing code. The proposed code is also silent with respect to political signage.
- A provision for a minimum allowance for sign area.
  - ✓ Staff is willing to explore this option.