

MEMO

DATE: May 26, 2017
TO: Plan Commission
FROM: Assistant City Attorney Nhu Tran
RE: Sign ordinance – edits

Dear Commissioners,

As you are aware, the process of amending a City ordinance requires constant revisions and re-evaluations, in the interest of passing a sign ordinance that is both fair and legally defensible. In light of this process, I would recommend the following changes, all of which has been incorporated into the second draft, which has been attached herein.

Sincerely,

Nhu Tran
Assistant City Attorney

SUMMARY OF PROPOSED CHANGES AS OF 5/10/17

Sec. 114-1. Rules of construction and definitions.

Amend the following definition:

From:

Identification sign means a sign that identifies the activity, business, building name, owner, or resident of the premise to which the sign relates and/or the street address of said premises and which sets forth no other advertisement.

To:

Identification sign means a sign that identifies only the activity, business, structure, building name, owner, or resident of the premise to which the sign relates and/or the street address of said premises.

Delete the following definitions:

Sign, advertising means a sign which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

Sign, business means a sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered upon, the premises where such sign is located or affixed. Public service information promoting noncommercial items of general interest to the community may be included on a business sign.

Sec. 114-673. Signs.

Delete the entire section.

Sec. 114-1026. Purpose, scope of article; compliance required.

In the first paragraph, delete the last part of the sentence, “including such signs and devices not contained within a building and such interior signs as may be regulated herein.”

At the end of the first paragraph, add the following, “The purpose of this sign ordinance is to allow adequate communication through signage while ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic properties, convenience to citizens and encouraging economic development. This article must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this Article is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.”

In subsection(a), after the words “unless otherwise permitted,” add the words “or regulated”.

Sec. 114-1027. Exceptions to article.

Under subsection (3), amend the following:

From:

(3) Flags made of any fabric or bunting, attached along only one edge to a pole or permanent structure, containing distinctive colors or patterns or logos and/or corporate masthead or official corporate title/name, and used solely as an identifier of a government or political subdivision, institution or business, with a maximum area of twenty-four square feet.

To:

(3) Flags made of any fabric or bunting with a maximum area of 60 square feet, which is attached along only one edge to a pole or permanent structure, and used solely as an identifier of a government or institution.

Section 114-1034. Authorized temporary signs.

Amend the entire section to state as follows:

Sec. 114-1034. - Authorized temporary signs.

(a) *Temporary signs generally.*

1. For purposes of this section, a temporary sign means any banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appear to be intended, or is determined by the city zoning administrator to be displayed, for a limited period of time.
2. A property owner may, at any time, place one sign with a sign face no larger than 12 square feet on the property in a residential zoning district or 32 square feet in a business or industrial zoning district. Such signs may not project higher than 6 feet above ground level in any zoning district.
3. A sign permitted under this section may not contain any electrical, mechanical or audio auxiliaries.
4. A sign permitted under this section may not be displayed in excess of 30 days within a 12 month period, unless otherwise allowed in this section. Obsolete signs must be removed within 72 hours after the cessation of the time, event or purpose to which such sign relates.
5. On corner lots or through lots where a temporary sign is permitted, a property owner may place multiple signs on the property with one facing each street or combine the total permitted square footage into one sign.
6. Any signs permitted under this section do not require a permit.

(b) *Other temporary signs permitted.*

1. One sign per .25 acre of land may be located on the owner's property for a period of 60 days prior to an election involving candidates for a federal, state or local office that represents the district in which the property is located or adjacent to, or involves an issue on the ballot of an election within the district where the property is located or adjacent to per issue and per candidate.
2. One sign may be located on the property during the time in which the owner consents and the property is being offered for sale through a licensed real estate agent or is being offered for sale by the owner through advertising in a publication of general circulation.
3. One sign may be located on the property during the time in which the owner consents and the property is being offered for rent by the owner.
4. One sign may be located on a residential district property during the time in which the property is under construction or undergoing work performed by a contractor, but must be removed no later than one day after work ceases.

5. One sign may be located on the owner's property on the day prior to and on a day when the property owner is opening the property to the public; provided, however, the owner may not use this type of sign in a residential district on more than 2 separate occasions in any one year period and may not use this type of sign in any non-residential district on more than 7 separate occasions in any one year period.
- (c) *Total number of temporary signs allowed.* A person exercising the right to place temporary signs on his or her property as described in this section must limit the total number of signs on the property at any one time to 3.
 - (d) For purposes of this section, a lessee of a property is considered the property owner, so long as the lessee holds the right to use exclusive of others or the sole right to occupy.
 - (e) Nothing in this section shall be construed to eliminate or otherwise affect other requirements of a specific district or zone in which the property is located.

Sec. 114-1037. Sandwich board type sign.

In subsection (7), change the word "advertising" to "surface".

Sec. 114-1038. Window signage.

In the last section of subsection(a)(3), change the word "advertising" to "off-premise".

Sec. 114-1040. Prohibited signs.

In subsection (2), after the word "streamers," add the word "balloons".

At the end of the last subsection, add a subsection:

"(6) Signs which are not expressly permitted by this Article."

Sec. 114-1046. Compliance with division required.

After last word in the sentence, replace the period with a comma and add "in addition to the general sign requirements under Division I of this Article."

Sec. 114-1057. Identification signs.

In both subsections (3) and (4), delete the words, "nameplate or."

Sec. 114-1062. Institutional or estate identification signs.

In the first sentence, delete the word "identification".

Sec. 114-1077. – Signs permitted in the B1 district.

In the first paragraph, change the word "business" to "on-premise".

Sec. 114-1078. – Signs permitted in the B2 district.

In the first paragraph, change the word "business" to "on-premise".

Sec. 114-1079. – Signs permitted in the B3 district.

In the first paragraph, change the word "business" to "on-premise".

Sec. 114-1080. – Signs permitted in the B4 district.

In the first paragraph, change the word "business" to "on-premise".

Sec. 114-1081. – Signs permitted in the B5 district.

In the first paragraph, change the word “business” to “on-premise”.

Sec. 114-1091. – Signs permitted in the I-1 district.

In the first paragraph, change the word “business” to “on-premise”.