

## Commissioner Chuck Martin's List Submitted on May 2, 2017

Staff has reviewed Commissioner Martin's list and can recommended many of the suggestions for inclusion in the final draft. Most are not substantial changes but are intended to clarify something within a section or among several sections. Other items on the list were questions to staff, or were preferences in wording by the Commissioner. The list submitted is handwritten and in a note format. Below staff has tried to express the notes as questions to help understand the issue and comment.

The proposed *Article 7A Sign Standards* is referred to as 'the draft' or 'sign standards' and the current Sign Code is called '*the Chapter Three Sign Code*' in reference to it being a separate chapter of the City Code.

We have attempted to accommodate most of the changes into the final draft that goes to public hearing on June 21, 2017.

### **7A.2 Interpretation, Severability, and Non-Commercial Speech Substitution**

*2.1 "these" vs "the" 'sign standards' – Should all references throughout the Sign standards use the same word?*

**Comment** – We don't believe there is any conflict using two words. We can change all reference by doing a document search to the phrase, "*the sign standards*"

*2.2 Use an Article 7A reference in referring to sign standard maps.*

**Comment** – We will add in 2.2 a reference to the maps from the subsequent Section 11 Special Districts.

### **7A.4 Permits, Inspections and Fees**

*4.3 Add the title "Standard Plans" to the section for clarification.*

**Comment** - We believe the phrase in question currently reads "*A fabricator may submit plans for a sign to the zoning administrator for approval and file as a standard.*" We will add the word '*plan*' after '*standard*' to clarify what is being submitted.

### **7A.6 Measurement, Location, and General Requirements**

*6.2 Move the section on 'premise' to proceed or follow the first mention of the term in Section 6.*

**Comment** – The term '*premise*' is in the current Chapter Three-Sign Code as part of the Measurement section. It actually is a definition. In earlier drafts staff continued to keep it in the Measurement section. Staff believes it is appropriate to locate the term in the *Unified Development Code's Article 11 Definitions*. The on-line version of the Unified Development Code (UDC) has hyperlinks and a color code for all definitions and by clicking on the word in any section, the word's definition appears in a box on the same page.

6.10 Does the section 'Signs in or over Public Right of Way' apply to permanent signs?

**Comment** – Section 7A.6.10 was intended to regulate temporary (now called portable) signs over the right of way. In reorganizing sections to respond to the *Reed* case, this section included signs in the right of way which are also portable.

In other sections of 7A, the temporary revocable easement (TRE) is required. These include A-frame signs that have their own time limits and permanent projecting signs that regularly receive TREs from the Department of Transportation. Section 7A.6.10 is limited to only the type of signs not regulated elsewhere in Article 7A.

Section 6.10.A states the City may allow for 60 days or allow a sign to be in the right of way for an alternative time frame. This provision may take care of A-frames and Permanent Signs when using a TRE. The alternative time frame can be stated in the TRE document. Another option is to add a section stating in an additional Section I (i.e., 7A.6.10.I) stating, "the time frame for a permanent sign and an A-frame sign are regulated separately as part of the temporary revocable easement process."

### 7A.7 Sign Design Options

7.1.E.3 - Should 'wall sign' be used instead of the word 'wall-mounted sign'?

**Comment** Wall-mounted is preferred because there are several signs that are on walls but are not defined as wall sign. Examples are awning, projecting, and canopy signs.

### 7A.10 Sign Types and General Standards

10.1 Why is the term 'Generally' used in the title, *Generally Permitted Signs*?

**Comment** – The term is from the Chapter Three-Sign Code. It referred then and now to signs that were 'permitted throughout the City.' Staff has no problem with an alternate term that does the same thing.

10.2.A Table 1 Note 4 and 5 Why should billboards be shown in the table categories if they are not allowed in a category?

**Comment** – During the Joint Subcommittee process, it was requested that whether a sign type is allowed or prohibited should all be gathered into the *Table 1 of Section 7A.10*. So Table 1's Note 5 shows all the zones where billboards are prohibited. This note is based on the existing language of the Chapter Three Sign Code and that language was transferred into *Article 7A's Table 1 Note* as requested by the Joint Subcommittee. It appears there was some concern to state clearly where billboards are permitted and prohibited.

10.2.B What does the note 'See Below' refer to in Table 2?

**Comment** – This note is intended to direct attention to the sign area standards immediately below the note.

10.2C.1.a Add *'Sign'* after *'Unit'*

**Comment** – The adjustment is to add a missing word 'sign' to the sign type Dwelling Unit Sign. There is also a numbering problem in this section. It should refer to 1.e. The change will be made.

10.2.C.2.a *Should the low profile freestanding sign just say 16-foot setback?*

**Comment** – The current language states, *'two times the height of the sign'*. Staff believes the current language is appropriate since it is a variable setback based on whatever the sign height is. Prior to this language, there was a long chart with minor adjusted setbacks listed. This language makes a cleaner statement on variable setbacks versus a long rather confusing list.

10.2.C.2.c *Should this section specify that pole signs are prohibited?*

**Comment** – The section states monument-style freestanding signs are permitted in rural and residential zones. It is not needed to state what is prohibited. A standard practice is anything not stated or that can be interpreted as not being included is prohibited.

10.2.C.2.c.5 *Should the term 'general business zone category' be removed from the standards in the Industrial Zone Category related to Freestanding pole signs?*

**Comment** – The sections involved in what zones various freestanding signs are permitted. In c.4, it states in the general business zone category that all types of freestanding signs are permitted.

In c.5 it states which freestanding signs are permitted in the industrial zone category. In one statement it mentions both general business zone and industrial zone categories allow freestanding pole signs. Note this is Chapter Three Sign Code original language. It is repetitious in that the general business zone category already allows freestanding pole signs. The general business zone category reference will be removed from section c.5.

10.2.C.3.b *Will permanent projecting signs be regulated by the time constraints in Section 6.10.H ( Signs in and over the Public Right of Way)?*

**Comment** - See the comments above for the question – *'6.10 Does the section 'Signs in or over Public Right of Way' apply to permanent signs?'*

## **7A.11 Special Districts**

11.1.E *Should a reference to a 'Protrusion Limitation' be removed as the title of a section referring to a height increase?*

**Comment** –The use of one version of the verb *to protrude* has been used in the Sign Standards to mean something that is projecting horizontally. However, in this case it means to extend above. *Protrude* means *'to extend beyond or above a surface.'* *Project* means *'to extend outward beyond something else or to protrude.'* It appears to be more of an issue of preference in wording choices versus a substantial

difference in meaning. Staff does not see a substantive issue here and defers to the Planning Commission if they want to change the wording. We recommend to drop the title of the Section, 'Protrusion Limitation' and leave the standard which is original Chapter Three Sign Code language as is.

*11.2.D.4 What does façade refer to in this provision on the maximum number of low profile monument signs.*

**Comment** - The issue appears to be that the building's façade is either the front of the building or it could be any side of the building. The dictionary definition of façade is "The face of a building, especially the principal front that looks onto a street or open space." The Chapter Three Sign Code's definition for façade is 'The side or face of a building.'"

The standard in D.4 states that you can have one monument sign per building street frontage where a building's façade is set back at least ten feet from a public right of way. This provision is in Chapter Three Sign Code and was transferred verbatim into the new UDC's Article 7A. Staff is not aware of a Sign Section issue with the current wording. If the Planning Commission wants to discuss this matter further, it can if a problem is seen with the existing wording.

*11.2.D.6.c How does the height reference in Sec 6.5 apply to projecting signs?*

**Comment** - The height standards in Sec. 6.5 have always applied to freestanding signs but not to various types of signs attached to walls like projecting signs. The proposed 6.5 is accompanied by illustrations of how to measure the height of a freestanding sign. Note in D6.c the proposed standard regarding 20 feet height for a projecting sign was added by the Joint Sign Committee to fix a problem with permitting projecting signs in the Pedestrian District in the Downtown area. Also the provision states its own sign height measurement standard for the projecting sign in this situation.

*11.4.2 How does a canopy sign differ from an awning sign?*

**Comment** - The dictionary definition of canopy and awning are similar. In the Chapter Three Sign Code the two terms are treated differently. An awning sign refers to a sign on a shade structure that is usually made of light fabrics. The awning shape can be curved or angular but it is a fairly light-weight structure attached to a building. Also the awning sign standards are simple and non-controversial.

A canopy sign refers to several types of structures. They can be a significant structure attached to a building wall that protrudes outward from the building and is held up by vertical posts. An attached canopy is defined in Article 11 Definitions coming from the Chapter Three Sign Code's definition section stating, "A roof-like structure that provides shade and/or ornamentation, projecting from and attached to a building wall below the highest point of the top of parapet, and supported in whole or in part by the building."

It can also be a simpler structure such as a curved beam that may or may not provide shade and is attached to a building that protrudes outward but in the same plane as the building (Taco Bell and Lottaburger buildings favor this version).

Canopy signs as contained in the Chapter Three Sign Code had very complex standards that caused confusion requiring interpretations and variances for otherwise fairly simple issues that were not controversial.

It stated that the amount of sign copy letter extension beyond their attachment such as a fascia board or a beam. Separate letters can be attached to stand up on a beam or hang down from it. The proposal is to simplify the standard to ensure that in no case may letters of a canopy sign protrude above the roof line. The Joint Subcommittee and the Citizens' Sign Code Committee voted to recommend this simpler approach.

*11.4.5 and .6 What is the difference between a detached and freestanding sign?*

**Comment** - A freestanding sign is a permanent on-site sign that stands on its own and is not attached to a building. It is an essential sign type in both the Chapter Three Sign Code and the proposed Article 7A Sign Standards.

A detached sign has a similar but more general definition. It refers to any sign thus it could be both portable and permanent and on-site or off-site. There may be a reason to delete detached sign. Staff recommends keeping it in the draft sign standards for this project. It is mentioned in Section 4 (*Permits, Inspections, And Fees*) regarding footing inspections and other minor inspection-related provisions. Deleting it may have an unintended consequence that is not apparent right now. During the time prior to the recommended 18-month sunset it can be monitored as to its relevance and removed if it is not needed.

*11.4.7 What is the purpose of having the terms façade, face, building wall, parapet?*

**Comment** - The term 'face' is used in various parts of the draft to address the face of the sign. Sec. 7A.6.1 goes into great detail on the standards for sign faces. There are no references in the draft about the 'face of a building' other than as part of the definition of a façade. It tends to mean the front of the building but façade can include a side of the building too. This wording is existing wording and has not been noted as a problem by PDS's Sign Section.

Façade has been discussed above and is defined as the side or face of a building.

Building wall has only been mentioned in the Sign Code and draft as a place for attachments. It is mentioned with how a canopy is attached and is again mentioned regarding how a temporary banner can be attached.

Parapet is defined in the Sign Standards as "The portion of a wall that extends above the roofline." It is not in the UDC other than as a new addition as part of this project. The term was part of a long discussion at the Joint Subcommittee about the

development practice of raising the parapet's height at the entrance of the building to display a sign and to place a parapet perpendicular to the front of the building to display a sign.

Both the Joint Subcommittee and the Citizens' Sign Code Committee recommended that these structures are part of the architecture of the building and should be counted as wall signs versus roof signs.

*11.4.7 Should the term 'side' be deleted in describing walls or should 'rear wall' be added or say 'all exterior walls'?*

**Comment** – The current definition of façade is *“The side or face of a building.”*

Façade is mentioned about four times in the Chapter Three Sign code and draft sign standards. It is not considered a problem term by Sign Section staff.

This group is a summary of the use of the term façade in the draft:

10.2 Wall signs - It states the sign may not extend above the facade etc.

10.3 C.3 It discusses temporary signs in the portable sign section and attachments to the façade.

11.1 It discusses projecting signs may not extend above the façade.

11.2.D It discusses the location of low profile monument sign in the Pedestrian District and allowing one per street frontage where a building façade is set back at least 10 feet.

Regarding where one can locate signs on the façade or wall of a building, that standard is derived from the maximum sign area calculated as a ratio of the lineal street frontage. For example, a commercial use may have three square feet of sign area for every lineal foot of street frontage.

The maximum sign area can be used for all permitted permanent sign types such as freestanding and wall signs that are viewable from the right of way. The draft has created an interior sign type that accounts for signs that are not seen (e.g. inside a mall) or are not viewable from the right of way (e.g. a suspended sign under a shaded walkway not intended to be read from the right of way).

## **Article 11 Definitions**

*11.4.16 What does 'occupancy' refer to?*

**Comment** – the term 'occupancy' is defined as *“The purpose for which a building or part thereof is used or intended to be used.”* It is a term more familiar to Building Codes than a zoning code but was included the Chapter Three Sign Code. The term has mostly been used to determine when a property owner moving a new use onto a site could use the site's non-conforming sign.

Staff is recommending that the current language of the Chapter Three Sign Code be used in the draft. It appeared from reviewing the Use Groups of the UDC that more uses would be permitted to use non-conforming signs. This change was not directed by Mayor and Council. The discussion with the Joint Subcommittee concluded to leave the language as is. If there is a desire to change from occupancy to UDC Use Groups and potentially allow more changes of a use to be permitted the use of a non-conforming sign, then it can be done in a later revision effort when the impact is better understood.

*11.4.2 Should attached sign definition and use of the term be deleted in favor of using only wall sign?*

**Comment** – The attached sign type is in the Chapter Three Sign Code and the current draft. It is defined as, “A sign that is fastened, connected or supported in whole or in part by a building or structure other than a sign structure that is supported wholly by the ground.” As a general rule, staff did not change existing language other than for a *Reed* issue, something connected to a stated process improvement or it was something pointed out during the Joint Subcommittee process. The term is rarely used but is mentioned in the Scenic Corridor District section referring to “Maximum total attached sign area.” It appears to refer to wall signs and other attached sign types.

Staff was especially reluctant to revise the Scenic Corridor standards since they were a fairly recent Sign Code revision that was recommended by the Citizens’ Sign Code Committee. Further, there are several types of attached signs including those with definitions, for example, wall, awning, window, projecting, and canopy signs. The attached sign term is more general than wall sign and allows for an interpretation for something unusual. If the Commission prefers wall sign, it can be changed but staff recommends keeping it as is for now.

*11.4.22 and 23 What are the purposes of the terms unoccupied and vacant?*

**Comment** - The terms unoccupied and vacant are defined in the Chapter Three Sign Code and the draft the same way. The terms are used together only once in the newly added sign section of the UDC’s *Article 10 Enforcement and Penalties* for sign violations. The terms are in the section called ‘Determination of discontinuance’. The terms use similar wording but emphasize a different feature of discontinuance. ‘Unoccupied’ emphasizes the structure is not occupied or being used in the way the current permit allows. ‘Vacant’ emphasizes that the fixtures related to a previous permitted use have been removed. There is no indication from the Sign Section staff that having both of these terms has been a problem for enforcement staff.