



Memo

To: Chairperson Brummette; Planning Commission

From: City Manager LaPere, MPAP

Date: January 28, 2022

Re: Memo on draft updates to sign regulations

Background

In 2015, the Planning Commission began work to review and update the sign ordinance in an effort to modernize the sign regulations and permit more creative signage opportunities for businesses located in the downtown district. Additionally, in 2014 a US Supreme Court decision (Reed v Gilbert) necessitated a review of sign ordinances to ensure regulations were “content-neutral” as the Court determined that regulations which were based on content would be subject to a higher level of scrutiny to protect certain freedom of expression rights within the Constitution.

In 2021, the draft was further revised and at the meeting held in January, Planning Commission was given a working copy to continue discussions on updates to the city’s sign regulations. Based on that discussion, revisions were made and a draft copy has been presented for further review and discussion.

Proposed Amendments

A table that outlines the significant changes from the current regulations is provided on page 2. In addition to these changes, the new regulations improved formatting and layout of the text in an effort to help users find the information more readily. Administration is asking for feedback and comment on the overall regulations, and there are a few areas where Planning Commission’s specific input is being sought.

First, temporary signage in residential zone districts has been changed to permit a temporary sign for not more than 60 consecutive days, four times per year. This is a change from the current regulations which allow longer/shorter times based on the sign’s content. For example, in the current regulations a for sale sign has differing display limits from a political sign. This is in violation of the Supreme Court decision which clearly prohibits regulations of signs based on the content. To be in compliance with the ruling, the signage must all be regulated based on something besides the content or message displayed. The Commission will want to decide whether that time frame make sense for temporary signage in residential areas.

Second, the regulations offer additional signage, e.g. number and size, for wall and ground/freestanding signs in certain circumstances. For example, where the building is set back in excess of 200 feet from the roadway, or where there is a certain length of street frontage. Planning Commission will want to consider whether the parameters as described are the situations where such additional signage is appropriate.

Finally, for existing non-conforming signage the regulations call for replacement with a conforming sign should damage occur that repairs will exceed 50% of the current sign’s replacement value. Planning Commission will want to consider whether that is the appropriate threshold to trigger conformity in the event a non-conforming sign were to be damaged.

| Zone District | Proposed Regulations |
|---|---|
| All Residential (R-1, R-2, R-T, RM-1, RM-2, and MH) | <ul style="list-style-type: none"> - Regulate all temporary signage in content-neutral manner - Eliminate option for freestanding sign at residential home occupation - Clarify regulations/exemption for holiday displays |
| Business/Office/Industrial (OS-1, MX-1, B-1, B-2, B-3, I-1, IRO, I-2) | <ul style="list-style-type: none"> - Permits Electronic Changeable Signs in some circumstances - All temporary signage regulations content-neutral |
| Central Business District (CBD) | <ul style="list-style-type: none"> - Expanded number and size regulations for all signage types - Permits Electronic Changeable Signs in some circumstances - All temporary signage regulations content-neutral |
| Planned Development (PDD) | <ul style="list-style-type: none"> - Comprehensive Sign Plan to be submitted with site plan approval process |
| Other Changes | <ul style="list-style-type: none"> - Prohibition on balloon/flutter flags/similar displays - Added Definitions to clearly define certain words/phrases - Formalize additional signage where circumstances dictate - Addition of “Historical Sign” designation by Planning Commission to permit the continuance of a sign which has historical or cultural significance - Addition of option for Comprehensive Sign Plan in any Zone District |

Next Steps

The proposed changes represent a Zoning Ordinance amendment and the MZEA requires certain procedures for approval. Once Planning Commission reaches a consensus on the draft language, a public hearing must be held before it can make a recommendation to Council. Adoption of a Zoning Ordinance also requires City Council to hold a first and second reading and public hearing before taking action. Procedurally, when the Commission is ready to move forward it can request City Council hold a first reading on the language after which Council can request Planning Commission hold their public hearing and provide a recommendation. After receiving the recommendation, Council will hold a second reading and public hearing at which time it may consider adoption. Any adopted changes would take effect after the required publication period.

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