

**TO:** Planning Commissioners  
**FROM:** Toby Stauffer, AICP, Senior Planner  
**THROUGH:** Rebecca Bessey, AICP, Planning and Community Development Director  
**DATE:** December 7, 2022  
**RE:** Sign Code Clean up

On December 22, 2022, Planning Commission will make a recommendation to City Council on a CDC Text Amendment regarding clean up of the Sign Code, PL20220467. The purpose of this memo is to introduce the proposed text amendment, answer questions, and receive feedback in advance of the hearing on December 22, 2022.

## Background

In 2021 the City adopted a new sign code, a code that hadn't been updated for about 10 years. In 2022, after using the code for a year we adopted an amendment to respond to feedback from the development community and to clean up a few errors. This amendment will clean up a few errors introduced into the code after the 2022 amendment.

## Summary of Proposed Changes

### Amend limitations to and approval criteria for the Sign Plan process:

- After working through the first sign plan application we discovered that one of the limitations and one of the approval criteria were conflicting. We propose to remove one limitation, remove one approval criterion, and amend the language in a second limitation. See attachment.

### Amend termination of a legal non-conforming signs:

- The code requires permits and conformance with standards when there is an alteration to a sign, as defined:
  - **Alteration.** Any change to the sign area, ~~copy~~, materials, structure, size, location, or lighting of an existing sign.

#### Anything that is not "alteration" is "maintenance" as defined:

- **Sign Maintenance.** The routine upkeep of a sign to ensure the components are safe, neat, and orderly in condition and appearance and to prevent deterioration caused by weather, age, or other conditions. Maintenance includes cleaning, painting, repair, or replacement of defective parts of a sign. Maintenance does not include any changes to the sign area, copy, materials, structure, size, location, or lighting.
- The definition of alteration changed in the last amendment: we removed the term "copy" from the definition. This was based on feedback received from the sign community. Before the 2021 update a "face change" had not required a permit or process and face changes are quite common.
- Two sections of the code that use the term "copy" are impacted by the change to "Alteration": 502.C- Termination of nonconforming signs, and the definition of "Maintenance".
- With a content neutral code, in most cases it doesn't matter what the sign says, so keeping a face change or change of copy as nonregulated process is consistent with the goal of being content neutral.

- With adoption of the new sign code, we intended to have strong language for termination of nonconforming signs because 1) the language was unclear previously and 2) because we were not implementing amortization so there was no pressure for any nonconforming sign to change and therefore, we would not ever reach the broader goals of the sign code in the community.
- These two intents in the sign code are in conflict:
  - the intention to be content neutral and respond to the sign community to keep face changes (and by default changes of use or tenant) as not regulated, and
  - the intention to bring nonconforming signs into compliance at change of use or tenant (a good time to bring signs into compliance)
- This amendment will remove termination language in the code, putting us further from community sign goals, but the remaining language will uphold the intent to be content neutral

#### Amend total Display Sign area per Use:

- The 2022 amendment increased the number of allowed Vehicle Oriented Display Signs per nonresidential use from 2 to 4. A Vehicle Oriented Display Sign is typically a menu board in a drive thru (Starbucks, McDonald's, Hypnotic Chicken)
- Though the number of signs was increased the total sign area was not, this was an error and is being corrected with this text amendment

#### Amend internal illumination, Freestanding Sign, SFR Context Area:

- The sign code currently allows changeable message freestanding signs in the SFR (Single-Family Residential) context area for Nonresidential uses. Schools and churches are often in the SFR context area and are the types of Nonresidential uses that might need signage with a Changeable message component.
- Changeable message signs are often internally illuminated. This feature would likely be needed for changeable message signs in the SFR context, and the code does not currently allow any signs in the SFR context to be internally illuminated.
- This amendment will allow the changeable message portion of a nonresidential freestanding sign in the SFR context to be internally illuminated. Staff believes that this was an oversight in the new sign code language and that this is a minor change.

## Attachment

Attachment A: Proposed Text Amendment