



PLANNING COMMISSION

5051 South 1900 West; Roy, Utah 84067

(801) 774-1040 | Fax: (801) 774-1030

Web-site: www.royutah.org

• Chair – Gennie Kirch • Vice Chair – Lindsey Ohlin Members: • Bob Dandoy • Laland Karras • Joe Paul • Tom Stonehacker

**Joint Work Session
Planning Commission and City Council**

**Hope Center
5051 South 2000 West, Roy**

April 28, 2015

6:00 p.m.

Pledge of Allegiance, appointed by the Chair.

Agenda Items

1. Presentation given by the Utah Sign Association
Topics to be presented: (order may change)
 - a. Signs 101
 - b. Legal Consideration
 - c. Regulations that encourage Great Design / Considerations when mandating Monument Signs
 - d. 10 Considerations when updating you Sign Code
 - e. Economic Consideration
 - f. Regulating Electronic Message Centers
2. Discussion of Sign Ordinance
3. Adjourn

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY MEETINGS

If you need special accommodation to participate in this meeting, please contact Roy City Community Development Department at 24 or more hours in advance of the meeting and we will try to provide whatever assistance may be required. The phone number is (801)-774-1040.

JOINT WORK SESSION
ROY CITY PLANNING COMMISSION AND CITY COUNCIL

April 28, 2015

Minutes of the a Joint Work Session for the Roy City Planning Commission Meeting and City Council held in the Hope Center on April 28, 2015, at 6:00 p.m.

The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was posted.

The following Planning Commission members were in attendance:

Gennie Kirch, Chairman
Bob Dandoy
Leland Karras
Lindsey Ohlin

Steve Parkinson, Planner
Michelle Drago, Secretary

The following City Council members were in attendance:

Mayor Willard Cragun
Councilwoman Marge Becraft
Councilman John Cordova
Councilman Brad Hilton
Councilwoman Karlene Yeoman

City Manager Andy Blackburn

Excused: Councilman Dave Tafoya, Joe Paul, and Tom Stonehocker

Others present were: Cathy Spencer, Management Services Director; James Carpentier, International Sign Association; Jeffrey Young, Young Electric Sign Company; Vincent Coley; Greg Sagen, and Jim Gentry, Planner from Weber County.

Pledge of Allegiance: Gennie Kirch

1. PRESENTATION BY THE UTAH SIGN ASSOCIATION

Steve Parkinson introduced James Carpentier, Jeffrey Young, and Vincent Coley from the Utah Sign Association. Currently the City's sign regulations were located in two different places in the City code. Part of it was in the Building Code. Another part was in the Zoning Ordinance. The Planning Commission had started discussing changes to the City's Sign Ordinance and what they would like the City to look like. Chairman Kirch felt the Planning Commission needed to be better informed and asked the Utah Sign Association to make a presentation to the City.

Chairman Kirch said she made initial contact with the Utah Sign Association because the Planning Commission was considering eliminating pole signs.

Signs 101

James Carpentier stated that he was from the International Sign Association, which was devoted to supporting, promoting, and improving the on-premise sign industry through government advocacy, education and training programs, technical resources, stakeholder outreach and industry networking events.

Mr. Carpentier said that sign regulations were one of the more vexing tasks that a local government faced. When regulating signs, the challenge was to balance a myriad of legal issues, traffic safety, aesthetics/policies, economics, business and institutional needs, and neighborhood groups. Many sign options for business owners created vibrancy.

Mr. Carpentier suggested that the City consider all signs types. He reviewed types of on-premise signs; types of off-premise signs; illumination options; sign regulations by the National Electric Code, Building Code, and municipal ordinances. He proposed that the City consider allowing multiple geometric shapes to measure sign area. Some sign codes measured sign area by the largest rectangle around the copy, which penalized creative and irregular signs.

There was a brief discussion regarding who had jurisdiction over the I-15 corridor. Mr. Carpentier said the U.S. Highway Beautification Act would cover the areas not controlled by local jurisdictions. Jeffrey Young, YESCO, stated that billboard were off-premise signs state and federal regulations. The state would not issue a permit for a new billboard unless a city licensed it. Cities could define what happened along the I-15 corridor. James Carpentier said states did not regulate on-premise signs. Jeffrey Young said billboards were governed by federal and state regulations. Everything else was under the City's jurisdiction.

Jeffrey Young said the City needed to make sure its sign regulations were clear and manageable. Sign ordinances were not cookie cutter ordinances. Each jurisdiction was different.

James Carpentier suggested surveying the community to find out what the residents wanted the City to look like. It would take work, but the more open and transparent the City was in writing sign regulations the better.

Legal Consideration

James Carpentier said the overarching principle was advertising one's business is a property right. He reviewed ten regulatory principles:

1. If you cannot enforce a section to not adopt it.
2. A sign ordinance should contain a substitution clause.
3. A sign ordinance should contain a severability clause.
4. Special standards for overlay districts (historic or entertainment).
5. A sign ordinance should state its purpose/rationale in detail at the start of the code.
6. Ensure as much content-neutrality as possible.
7. Clearly define all critical words and phrases.
8. "One size fits all" approach does not work
9. Include all stakeholders in the process.
10. Refer to applicable comprehensive plan/community character policies.

He suggested that the City Attorney be involved early on in drafting the sign regulations. The City needed to always consider its risk of legal exposure. It should only regulate signs to the extent that the community is willing and has the capacity to enforce the regulations.

Mr. Carpentier discussed temporary signs. He said the ISA's position on illegal signs was: *"Because the vast majority of illegal signs are not erected by licensed sign companies, we believe the enacting more stringent sign codes represents an inappropriate response to this problem."* The key to temporary signs was enforcement.

A substitution clause prevents inadvertent preferential treatment of commercial speech over non-commercial speech. A good example was Lakeview, Minnesota's ordinance: *"Signs containing non-commercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs."*

A severability clause allowed a section of the sign code to be removed without invalidating the entire code.

Always clearly articulate the purpose and rationale for the sign regulations in detail at the start of the regulations. A sign code purpose from Spokane, Washington: *"To ensure that the constitutionally guaranteed right of free speech is protected."*

Ensure that the ordinance is as content-neutral as possible, while accepting that, if the regulations are not 100% content-neutral, there will be some legal risk that otherwise could be avoided. A content neutral temporary sign definition: *"A sign bearing a message which is displayed before, during and after an event, to which the sign relates, and which is scheduled to take place at a specific time and place." Collier County, Florida.*

Clearly define all words and phrases that are critical to consistent understanding and application of the sign regulations. Consider using multiple shapes rather than a rectangle to encourage creativity.

A 'one size fits all' approach does not work for effective sign regulations – different sign types lend themselves to different forms of regulations. Don't copy language from other cities. Consider right-of-way widths; speed limit; neighborhood characteristics; review studies that take into account right-of-way width, number of lanes, and speed limits; and context.

The stakeholders were the City, community, and business owners.

Often there weren't specific policies related to signs in a city's comprehensive plan. Those policies should be developed along with the sign code.

Regulations that encouraged great design/Considerations when mandating monument signs

Mr. Carpentier stated that when the City was considering pole signs versus monument signs it should consider the following facts. Monument signs were typically restricted to a height of eight to ten feet. The height restriction could create safety concerns due to the lack of a motorist's ability to read and detect the message. The Manual for Uniform Traffic Control Devices (MUTCD) requires the bottom of pole signs to be five feet from the ground in rural areas and seven feet in urban areas. The American Planning Association's sign graphics and law concurred: *"The simple presence of other vehicles on the road...can potentially prevent a driver from detecting a sign. If a sign is situated at or below five feet above grade, other vehicles may block the driver's view and the sign copy will not be legible."* The City could consider incentives for monument signs versus a ban on pole signs, such as area or height bonuses. If aesthetics were a concern, the City could consider a pole wrap versus banning pole signs. Some sites might lend themselves to pole signs due to physical limitations.

Mr. Carpentier proposed that the City consider performance standards or bonuses for outstanding design. Spokane, Washington's sign regulations was a good example. Other good examples were: Enumclaw, Washington's height and area bonus; Marble Falls, Texas's area bonus; Jefferson Parish, Louisiana's increase in wall signage; and Sioux Falls, South Dakota's increase in area.

The City needed to consider the overall streetscape. For instance, portions of 1900 West had power poles, which competed with the signs.

He recommended that the City consider simplifying the sign approval process. The City should avoid mandating that a sign match the exterior of a building. The ordinance needed to give designers flexibility to create great designs. He cautioned the City about specific design standards, such requiring every monument sign to have a masonry base.

Economic Considerations

Mr. Carpentier said the City needed to consider the economic impact sign regulations would have on the City's budget and the business community. Businesses viewed signs as a cost-effective way to reach their customers.

The San Diego Study determined the effect of signage on annual sales revenue, annual number of transactions conducted, and average dollars spent per transaction.

Addition of one wall (wall or ground) sign:
Annual sales increased by 4.75%
Number of transactions increased by 3.93%
Increase in spending –
 36 sq ft sign = \$0.06
 144 sq ft sign = \$0.78

A 2013 University of Cincinnati Study (surveyed 225 companies representing 60,000 retailers and found):

Getting more visible signage boosted business
Increase sales, transactions, profits, and hiring
Businesses view their signage as effective way to stand out, reach customers, and brand

Mr. Carpentier said the City needed to consider the possible economic impacts that the proposed sign ordinance would have. Would they be positive, neutral, or negative?

Chairman Kirch stated that there was a variety of signs on 1900 West. She asked if Mr. Carpentier had any examples or suggestions of ways to make it look cleaner. Mr. Carpentier said the first thing the City needed to do was come up with standards for temporary signs and then enforce them. He felt that would have a visual impact on the City.

Regulating Electronic Message Centers

Jeffrey Young stated that his part of the presentation was meant to help City officials understand where the business community and Chamber of Commerce were coming from regarding electronic message signs. An electronic message center was a sign that was capable of displaying words, symbols, figures, and images that can be electronically changed by remote or automatic means. They could operate in a broad range of capabilities. The software that controlled the displays allowed the end user to follow local sign codes easily IF the sign codes were easy to understand. He asked that the City include a brightness standard in its EMC regulations of 0.3 foot candles above ambient light, and that the ordinance address scintillation (flashing images). He also suggested that the City use a light meter versus a luminance meter (nit gun) to measure foot candles.

Mr. Young said EMC signs allowed a business owner to advertise at the point of purchase; cost-effectively advertise specials, events or other time-sensitive promotions; and rapidly adjust to market conditions. EMC signs gave better visibility to *all* tenants, reduced sign clutter, and made shopping center retail space more marketable. EMC signs benefitted the community at large by: increasing sales tax revenue; reducing blight by making businesses more viable; reducing sign clutter; making unreadable signs readable; almost always look better than static reader boards; communicated public service announcements; and were a symbol of community vitality.

Some argued that EMC signs distracted drivers and caused more accidents. Mr. Young said studies showed there was NO causal relationship between EMC signs and accident rates. Digital billboards are 'safety neutral.' The mean glance duration toward digital billboards was less than one second day or night.

Chairman Kirch asked if there was a minimum size for an EMC sign to be effective. Mr. Young said the effectiveness of the sign depended upon the speed limit and the sign's height.

Chairman Kirch said there were older businesses along 1900 West with older signs. How could the City encourage them to upgrade their signs? Mr. Young stated that if a sign was classified non-conforming the City's sign regulations could include a special provision to allow older signs to be maintained and upgraded as necessary. The more flexible the City's regulations were the more likely businesses would be to spend money to improve their signs.

James Carpentier said there were options to help businesses reduce the number of non-conforming signs.

2. DISCUSSION OF SIGN ORDINANCE

Steve Parkinson wanted to discuss two types of signs. Electronic message center signs were currently only allowed in certain locations. He would like the City to consider lifting that restriction and allow EMC in all zones with a brightness restriction as suggested by Mr. Young. Removing the current restriction would allow smaller businesses to have EMC's.

Commissioner Karras was inclined to be flexible with business owns; especially if the sign could be dimmed.

Andy Blackburn stated that the City's regulations needed to include a reason why the City was limiting something.

Councilwoman Yeoman stated that when the EMC regulations were initially adopted, the technology was new, and the City wasn't sure what impact it would have. The City now understood it could offer businesses different options.

Councilman Hilton felt the City needed to do everything it could to keep businesses in Roy. The City needed to be flexible and gentler. Businesses had been through some rough years.

Commissioner Dandoy felt businesses were important. What would residents bring to the issue? He felt it would be in the best interest of the City and businesses to find out if residents had an issue with EMC's. The City needed to listen to voices from both the business and residential sides. It was validating for City government to listen to the residents and meet the needs of businesses.

Mayor Cragun stated that as the City moved forward with adopting new sign regulations it needed to make sure that the business community and residents were aware of the hearing dates; especially residents close to the business area. When the City first allowed EMC's, it required that they be dimmed at night. He hadn't heard any complaints from residents.

Steve Parkinson suggested that the City hold an open house and invite residents to attend.

Councilwoman Yeoman stated that the Beautification Committee wanted to meet with the business owners to explain the City's beautification plans. The City could discuss signs at the same time.

Chairman Kirch stated that the Planning Commission's initial discussion was to move away from pole signs. After listening to the presentation from the Utah Sign Association, she had learned that it was okay to have a sign ordinance with a lot of flexibility

Jeffrey Young stated that West Valley City went to monument signs and now had a lot of empty buildings because it could not attract customers. The City needed to give businesses CPR, not bleed them out.

Steve Parkinson stated that after listening to the presentation he was learning toward ways to make pole signs more attractive.

Commissioner Dandoy felt businesses would join in the effort to make signs more attractive if they felt the City was willing to step up and help them.

Andy Blackburn stated that there might be funds to do something in the Redevelopment Agency areas. Funds for other areas would be tight.

Chairman Kirch was concerned about the vacancy rate at Harmon's/Marketplace Plaza. The Plaza used to have an electronic sign and advertised for all of the businesses there. She felt the City had received a key to revitalize the City. Upgraded signage could impact the businesses.

Steve Parkinson stated that the City's current regulations for temporary signs said a business could have a temporary sign if it was a new business or it was going out of business. The City had a problem with enforcement of temporary signs. He understood the importance of temporary signs. He was proposing new regulations that would allow businesses to have a temporary sign for each holiday and another three weeks throughout the year.

Commissioner Karras asked if businesses were aware that their temporary signs were in violation.

Councilman Cordova felt it was important for businesses to understand that the City was trying to help them not ham string them.

Chairman Kirch suggested that the City present data about the effectiveness of temporary signs. James Carpentier said there were studies about the best practices for temporary signage. He would forward them to Steve Parkinson.

Chairman Kirch stated that the City needed to help businesses understand that the sign regulations would be good for them not hurt them. It was an educational matter. Councilman Hilton felt this was a good opportunity to get businesses together. It would be a great opportunity to let them know about the City's plan to include business links on its website.

James Carpentier suggested that the City present a picture of 1900 West with all of the illegal signs 'photo shopped' out. It had been done in other cities. The difference was dramatic.

Chairman Kirch felt having a vision of what the City could be would have a positive effective. The businesses needed to have a vision.

Mayor Cragun stated that the City was spending a lot of time and effort to do a beautification project and work on economic development. The sales tax base was important in Roy. Since the electronic message at Marketplace Plaza went away, the vacancies had increased. The Council and administration would have to discuss the pros and cons of the finances.

Andy Blackburn stated that Utah League of Cities and Towns had put out a sign ordinance. The City could look at it. The City's sign regulations needed to be updated. The City needed to get new regulations in place. One option might be some type of appeal board. He personally liked electronic signs.

Commissioner Karras stated that his opinion about EMC's had changed after Iasis put in the EMC for the Davis Emergency Center. The City needed to do something about temporary signs.

Councilwoman Becraft asked when the beautification meeting would be held. Councilwoman Yeoman hoped to hold it during the summer. Steve Parkinson wanted to move faster than that.

Chairman Kirch felt the City should have the new sign regulations in place before businesses were brought in. Then the City could give them examples. The City could give them a list of different sign types allowed and the new EMC regulations. She felt the EMC lettering height needed to be visible for the speed limit.

Steve Parkinson summed up the discussion. Both bodies felt there should be fewer restrictions for EMC signs, except for foot candles, and that there needed to be regulation and enforcement of temporary signs.

3. ADJOURN

Chairman Kirch adjourned the meeting at 8:52 p.m.


Gennie Kirch
Chairman

Attest:


Michelle Drago
Secretary

dc:papr2815