



# Town of Vinton Planning and Zoning

## *Proposed Sign Ordinance Revisions*



### Main Goals of the Revisions:

- Amend regulations related to temporary signs to align with changes made by the US Supreme Court ruling in *Reed v. Town of Gilbert*, and promote a greater balance between effective business marketing and efficient enforcement strategies.
- Develop new methods of measuring sign area to facilitate the permitting process, while preserving the major tenets set out in the purpose section of the signage ordinance.
- Promote contemporary sign types that allow for proactive business promotion and economic growth, while restricting current and new sign types that affect public safety and welfare.
- Develop a user-friendly ordinance with tables, graphics, and organized sections that will facilitate the permitting process both for the applicant and Town staff.

### Majors changes to highlight:

- Expanded definition lists
- New exemptions and prohibitions of certain sign types
- Temporary Sign Regulations
- New measuring methodology
- Illuminated Signs
- Obsolete sign removal
- Efficient organization and the use of graphics

## INTRODUCTION TO THE PROPOSED SIGN ORDINANCE

Although almost every section of the current Sign Ordinance has revisions, much of the previous regulations – types of permitted signs, sizes, etc. – were carried forward. However, there were some topical areas for which this approach was not possible due to lack of clarity in the previous provisions, such as those related to temporary signs, or lack of any regulation at all prior to the *Reed* decision, such as the case with noncommercial speech signs. For this reason, the proposed Sign Ordinance amendment does include new regulations in these areas.

## SECTION 5-41 - PURPOSE, APPLICABILITY, AND DEFINITIONS

### PURPOSE

#### **Addition:**

(9) These regulations are not intended to and do not restrict, limit or control the content of any sign message.

**Justification:** The primary results of the recent U.S. Supreme Court ruling in the *Reed* case are that local sign regulations must be content-neutral and that a sign code will be subject to “strict scrutiny” judicial review if it applies different standards based on a sign’s content, purpose, or who installs the sign. Given these changes, it is important to keep this overarching goal at the forefront of the Town’s main purposes in regulating signage.

### DEFINITIONS

#### **Additions and Revisions:**

Numerous new definitions of a sign, the various types of signs, and factors to be included in the method of measuring the area of signs.

**Justification:** Numerous definitions were added for the first time to further define both current and new sign types. Also, the actual methodology of measuring the area of signs was moved to its own individual section (Sec. 5-46) to improve the ordinance’s navigability and provide greater details on the different forms of measurement. Definitions were also added to assist in clarifying the specific types of signs that are either exempted or prohibited by the sign ordinance.

## SECTION 5-43.2 - EXEMPTED SIGNS, DISPLAYS AND DEVICES

#### **Additions to the exempted sign list include:**

- **On-premises Direction signs**
  - **Justification:** The main purpose of these signs are more for functionality than advertising. Given this, the recommendations allow for these signs to be installed without a sign permit as long as they follow the stated regulations. The definition section above also allows for the name of the establishment or its commercial logo to be added to the sign face in addition to directional language.



*On-premises Direction Sign Example*

- **Routine sign maintenance and the substitution of messages or parts of the signs designed to be regularly changed.**
  - **Justification:** The addition of this provision falls in line with ensuring that these regulations are content-neutral and for long-term maintenance to proceed without disruptions. Any non-commercial message can be substituted with another non-commercial message, and like-wise, any on-site commercial message may be substituted for any other on-site commercial message.
- **Uniform Signage (Manual of Uniform Traffic Control Devices (MUTCD))**
  - **Justification:** These signs are necessary and required for traffic control during roadwork, utility work, etc.
- **Wall graphics of an artistic nature**
  - **Justification:** Murals and artwork fall into the realm of freedom of speech and expression. Many localities across the nation are using murals and art installations to attract greater commercial and social activity to their downtown areas.



- **Window Covers**
  - **Justification:** This provision needed to be included due to the presiding rule that no more than 25% of a window or door be covered with signage. This recognizes the need for the interior of buildings that are vacant or being developed to be shielded from public view for a temporary period of time.
- **“Open” and “Closed” Signs**
  - **Justification:** This provision allows organizations and businesses to use “open” or “closed” signs up to four (4) square feet in size that can be either illuminated or non-illuminated.
- **Flags**
  - **Justification:** Flags have always been an exempted category, however these new provisions assign a maximum number and size for each flag. These provisions remain content-neutral while ensuring that a situation isn’t created which could distract, confuse, mislead, obstruct vision or create traffic hazards or other hazards to the community.
  - **Proposed regulations:**
    - Flags, no more than three (3) per lot. The flag shall not exceed twenty-four (24) square feet in size.

## SECTION 5-43.3 - PROHIBITED SIGNS

### **New additions to the prohibited sign list includes:**

- **Portable sign, as defined:**
  - Any sign designed and intended to be transported or movable. Such signs are not attached to a building or anchored within the ground and are capable of being moved easily from one location to another on its own chassis or by other means. Portable signs may not be illuminated or include audio equipment. No portable sign may be converted to a permanent sign.
  - Examples of common features include, but not limited to:
    - Signs with wheels or with wheels removed.
    - Signs with chassis or support constructed without wheels.
    - Signs designed to be transported by trailer, wheels or motorized vehicle.
    - Signs mounted on a motor vehicle for advertising purposes parked off the public right-of-way, except when the motor vehicle is being used in the normal, routine operations of the business.
  - A-frame signs and freestanding temporary signs are **not** included in this category of prohibition.



*Example of A-Frame Sign*



*Example of a Freestanding Temporary Sign*

- **Justification:** Portable signs, as described above, have been shown to be more distracting and hazardous to pedestrian and traffic safety, and are incompatible with the surrounding commercial uses and graphic utilized in the Town of Vinton. Of the nine (9) statements of purpose for these regulations, portable signs directly conflict with five (5) of them. The design and build of these signs are typically of lower quality, which is not cohesive with the current stock of high quality businesses in the town. Continued use of these signs will degrade property values overtime and not emphasize the assets of community appearance and high environmental quality in promoting businesses, industry, and economic development.



*Examples of Portable Signs*

- **Signs on vacant lots (except for lots that are for sale or lease)**
  - **Justification:** Placing a sign conflicts with the very definition of sign in the ordinance. Vacant lots should have no product, activity, service, or business to promote and off-premises signs are prohibited in the town, so there is no purpose for signs on such properties.
- **Commercial signs held or carried to attract attention**
  - **Justification:** This activity is not only hazardous to traffic safety, but also to the individuals who are typically located close to the public right-of-way.
- **Mannequin signs**
  - **Justification:** Traffic and pedestrian safety hazard that have the same issues that arise with portable signs, mentioned above.

## SECTION 5-44. - TEMPORARY SIGNS

### NON-RESIDENTIAL TEMPORARY SIGN REGULATIONS

#### Current regulations and procedure:

- All temporary signs require a sign permit from the Planning & Zoning office.
- No sign shall be displayed for a period exceeding 21 days, nor shall the sign be displayed on the lot more frequently than six (6) times per year. Customers must get a new permit each time they are going to display a sign at the end of the 21 day cycle.
- The maximum square footage is based on the building frontage.
- The current language does not include a variety of sign types.

#### Proposed regulations and procedure

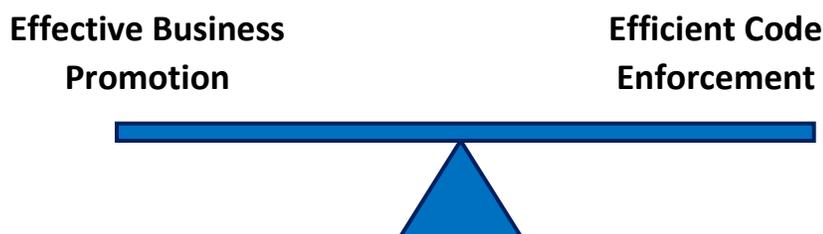
- Temporary signs do not require a sign permit as long as they meet the regulations in the ordinance section.
- No time limit on the signage as long as the regulations are being complied with by the property owner, business owner, or agent.
- Provisions are specific to certain activities, use types, and sign types.
- Active enforcement is required to ensure businesses are meeting the regulations.
- A-frame signs and window signs that meet the regulations are not included in the square footage allowance for each property.

#### Proposed maximum square footage and number:

- For non-residential uses located on a lot with frontage on a public right-of-way, building-mounted and freestanding temporary signs are allowed, not to exceed 32 square feet in total sign area per lot. If freestanding, no more than 2 such signs are allowed per lot with a maximum height of 4 feet.

#### Justification:

The current trend for many localities in the realm of sign regulations is to develop an appropriate balance of effective business promotion and code enforcement. With temporary signs being and continuing to be an effective form of advertising for many businesses, localities must strive to permit this activity in a safe, effective, and transparent format. The current temporary sign permitting process does not allow for either effective business promotion or efficient code enforcement.



By giving businesses a clear set of guidelines governing the rules regarding temporary signs, it will allow them to develop a marketing strategy that involves temporary signs on an annual basis. The maximum square footage, maximum number, and sign types will give them plenty of room to white space to work from, while keeping the commercial corridors safe for travelers and aesthetically pleasing. This will foster greater economic growth and define the image of Vinton for both residents and visitors. Also, having a maximum of two (2) freestanding signs allowed per lot will allow for illegal bandit or snipe signs to be more easily enforced. This will allow for our licensed and legitimate businesses in the Town to not have to compete for advertising “space” for companies that do not follow the sign regulations.

The regulations governing residential properties allows for content neutrality and protects the freedom of speech of our residents. As long as the messages as noncommercial in nature and meet the square footage an height, our residents will be able to place temporary signs on their residential properties.

Example of what a business owner could have on their property at one time and remain complaint:

Temporary Sign Type	Count towards Sq. Ft. Allowance
4 Window signs (< 25% of window area)	0 sq. ft.
2 freestanding signs (6 sq. ft. each)	12 sq. ft.
Wall-mounted banner sign (20 sq. ft.)	20 sq. ft.
A-frame sign (4 ft. height, 8 sq. ft.)	0 sq. ft.
<b>Total:</b>	<b>32 sq. ft.</b>

**RESIDENTIAL NON-COMMERCIAL SPEECH SIGNAGE**

**Proposed Regulations:**

- Noncommercial speech signs on any lot developed with a residential use cannot exceed 12 square feet in total area and a height of 4 feet.
  - Noncommercial speech signs do not promote commercial products or services.
  - Noncommercial speech signs that do not comply with the requirements of this section shall be subject to the permit requirements, sign area, setback and other provisions of this chapter. All noncommercial speech signs shall comply with general sign regulations per Sec. 5-43.
- **Justification:** These provisions allow the Town to make the necessary revisions to comply with the changes to nationwide sign regulations caused by the recent Supreme Court ruling. The square footage requirements and height requirements promotes governmental interests related to public health and safety, while allowing residents to express their views and beliefs through this medium.

## SECTION 5-46 - SIGN MEASUREMENT RULES.

### Current methodology for defining sign area:

- “The area of the smallest individual rectangle, triangle or circle or combination of not more than two contiguous rectangles, triangles or circles which will encompass all elements of the sign which form an integral part of the display, including background, borders and structural trim.”

### Proposed methodology for defining sign area:

- “Sign area is the area within a single continuous rectilinear perimeter of not more than eight (8) straight lines intersecting at right angles, which encloses the outer limits of all words, representations, symbols, and/or pictorial elements, together with all material, color and/or lighting forming an integral part of the display or used to differentiate the sign form the background against which it placed.”



*Example of Measuring Process*

### Justification:

The transition from measuring signs with simple geometric shapes to a single continuous rectilinear perimeter will give contractors and businesses greater flexibility in designing their signage by having a precise means of determining square footage. The precision of measuring will also ensure that businesses and other organizations are able to maximize their square footage allowances based on their zoning district. The change will also allow the permitting process to be facilitated as permit applicants are given more precise parameters to work within when irregular shapes and logos are included in their sign designs and artwork. The new methodology will benefit both staff and applicants through its straightforward and versatile processes.

## SECTION 5-47 - ILLUMINATED SIGNS.

### Additions:

- No receptacle or device housing a permitted light source which is attached to the sign itself shall protrude more than 15 inches from the face of the sign or building to which it is attached (no more than 60 inches for outdoor advertising signs). If ground lighting is used to illuminate a sign, the receptacle or device should not protrude more than 12 inches.

- In no event shall the illumination of any sign resulting from any internal or external artificial light source exceed 100 lumens
  - **Justification:** These distances and maximum lumen amount promote public safety and reduce light pollution by ensuring that signs are not illuminated in a way that residual glares go onto an adjoining piece of property or right of way. With the recent changes to the noise ordinance, the possibility of nuisances caused by light are equally as important to regulate.

## SECTION 5-49 - OBSOLETE SIGNS.

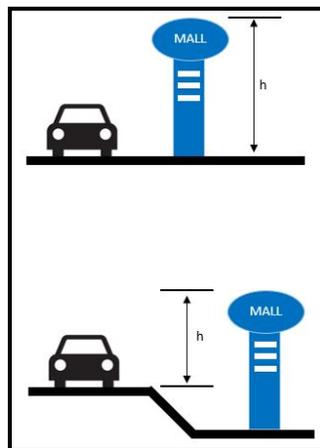
### Additions:

- The proposed adds a defined period of time for a use or an activity to be considered truly vacant or obsolete: 6 months.
  - Justification: The procedure for painting out or removing sign faces for uses or activities that no longer exist on a property are preserved, but an actual time limit on what constitutes “cessation” will allow the Town to enforce this provision more effectively.

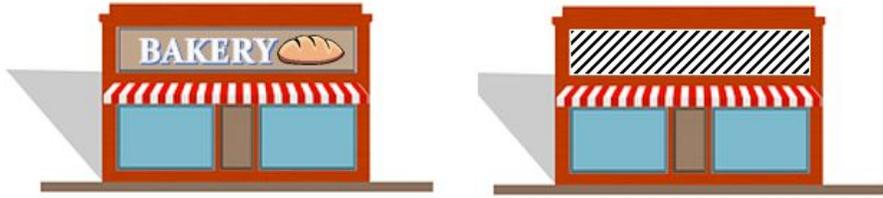
## ORGANIZATION AND GRAPHICAL REPRESENTATIONS

The entire sign ordinance will be reorganized in order to have the section ordered in such a way that promote efficiency based on the user. A few sections were added or changed during the revision process based on new rules and regulations.

The revised sign ordinance will include graphics and pictures for the public and applicants to utilize when reviewing these provisions. Having visual aids will assist all parties involved in the sign permitting process in determining the means of measuring sign height, sign area, and distinguishing various sign types. Examples are included below:



*Example of Sign Height Measurement*



Signs with integral background panel. Calculate sign area by area of actual background panel surrounding sign copy.



Signs without integral background panel. Calculate sign area by imaginary panel around sign copy.



Canopy/Awning/Marquee Sign: Calculate sign area by imaginary panel drawn around copy. Do not calculate decorative graphics

*Example of Sign Face Area*