



# 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 the need to align the regulations with the new legal requirements resulting from the *Reed* decision. For this reason, the proposed Sign Ordinance amendment does include new regulations in these areas.

## 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 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.

## 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.
  - Signs of this type will still have to adhere to the following regulations:
    - “On-premises directional signs not exceeding four (4) square feet in sign area, and four (4) feet in height for freestanding directional signs. Directional signs shall be located at least three (3) feet from a street line or other property line, with no more than one (1) sign per one-way curb cut and two (2) directional signs per two-way curb cut.”



*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.
- **Uniform road 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**
  - **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 a sign display area may not exceed 25% of the area of the total window and glass door area. 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 of flags per lot and restrict the height of a flagpole depending on its zoning district. 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 (included in a section outside the Article on sign regulations):**
    - Flags, no more than three (3) per lot.
    - On a lot developed with a single-family dwelling or two-family dwelling, the height of a flagpole is limited to 30 feet. On a lot developed with a principal use other than a single-family dwelling or two-family dwelling, the height of a flagpole is limited to 60 feet.
    - Flagpoles, whether freestanding or attached to another structure, shall be located no closer than five feet from any front lot line or street line and are subject to the side and rear setback regulations for accessory structures.
    - The Town Council may approve an increase in flagpole height in accordance with special use permit process.

## GRAND OPENING EXEMPTION: ANIMATED SIGNS

### **New addition to the exempted sign type list for grand opening events:**

- Animated signs are prohibited based on the current and proposed zoning ordinance.
- Proposed to allow the following:
  - “Pennants, streamers, balloons, or other air or gas-filled devices (**including one (1) inflatable sign**) shall be permitted only for promotion of a new business within the RB, CB, GB, M-1, or M-2 districts, and shall be removed within 14 days after the opening of such business.
  - For an inflatable sign allowed during this time period, such sign shall be located within 15 feet of a building or designated site entrance that provides access to the use and in no case shall they be located within 15 feet of a street line or property line.

## 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.
- **Mannequin signs**
  - **Justification:** Traffic and pedestrian safety hazard that have the same issues that arise with portable signs, mentioned above.

## 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

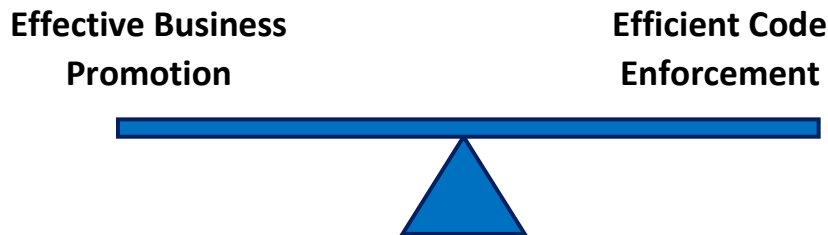
- Temporary signs do not require a sign permit as long as they meet the regulations in the ordinance section.
- No time limit on the signage as long as the regulations are being complied with by the property owner, business owner, or agent.
- Provisions are specific to certain activities, use types, 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 24 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 (except for feather signs).

**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 work with, 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.

Example of what a business (or other non-residential establishment) 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 (3 sq. ft. each)	6 sq. ft.
Wall-mounted banner sign (18 sq. ft.)	18 sq. ft.
A-frame sign (4 ft. height, 8 sq. ft.)	0 sq. ft.
<b>Total:</b>	<b>24 sq. ft.</b>

## TEMPORARY SIGNS ON A LOT DEVELOPED WITH A RESIDENTIAL USE

### Proposed Regulations:

- Temporary signs on any lot developed with a residential use cannot exceed 12 square feet in total area and a height of 4 feet.
  - Signs do not promote commercial products or services.
  - 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 signs shall comply with general sign regulations per Sec. 6-45.
- **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.

## 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.

## WINDOW SIGN REGULATIONS

### Proposed revisions:

- For non-residential uses where permitted, window and glass door signs are permitted as follows:
  - The total sign display area at a given establishment, including both permanent and temporary window signs, does not cover more than 25 percent of the total window and glass door area on the lot.
  - Temporary window and glass door signs are not included in the total permanent sign area calculation.
  - Window signs are prohibited on a floor above the first floor of a building unless the business advertised is only on the floor where the window sign is displayed.

## NEW PROPOSED SIGN TYPE: ROOFTOP SCREENING WALL SIGNS

- *Intent.* Allow for signs to be mounted onto rooftop screening walls of establishments in the CB Central Business District in a way that does not distract, confuse, mislead, obstruct vision or create traffic hazards or other hazards to the community.
- *Applicability.* This sign type shall only be allowed in the CB Central Business District. They shall be permitted by right as long as they meet the following general standards:
  - Only one (1) rooftop screening wall sign shall be allowed per lot;
  - Such sign shall be counted towards the maximum sign allotment allowed for the applicable use or premises;
  - The sign must be mounted flat against the wall, and no part of the sign can extend above or beyond the perimeter of the wall;
  - The sign cannot be installed more than eight (8) feet above the building roof supporting the screening wall measured from the top of the sign;
  - Such sign shall not be illuminated through any means.

## 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.

## NONCONFORMING SIGNS

### Critical word change: “any casualty”

- “Restoration or removal of damaged signs. Any nonconforming sign damaged to the extent that it represents a public hazard as determined by the building official or zoning administrator, or any nonconforming sign damaged **by any casualty** to an extent exceeding 50 percent of its replacement cost, shall be removed or made to conform to the provisions of this article. In the case of damage of 50 percent or less of the replacement cost of a nonconforming sign damaged **by any casualty**, such sign may be restored as before the damage, if such restoration is completed within six months of the damage.”
  - **Justification:** The current verbiage is restricted to unlikely events that would not allow for most reasonable circumstances in which the sign would be damaged in such a way as to lose its nonconforming status.

## OBSOLETE SIGNS.

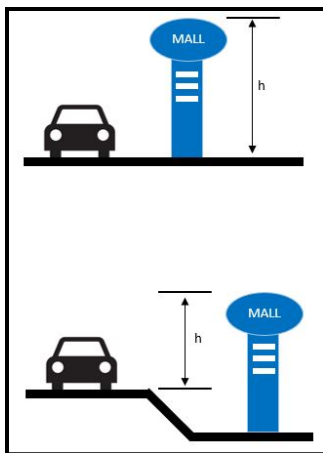
### Additions:

- The proposed adds a defined period of time for a use or an activity to be considered truly vacant or obsolete: two (2) years.
  - **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*



*Example of Maximum Temporary Sign Allotment for a Non-Residential Use*