



Date: April 12, 2016
CITY OF GREAT FALLS

PLANNING ADVISORY BOARD / ZONING COMMISSION AGENDA REPORT

- Item:** Public Hearing - Amendments to the City Sign Code and other Land Development Code Revisions Pertaining to Signs
- Applicant:** City of Great Falls, Planning and Community Development
- Presented By:** Craig Raymond, Planning and Community Development Director
- Action Requested:** Recommend the City Commission adopt the proposed Title 17, Chapter 20 Land Use, Title 17, Chapter 60 Sign Code Amendments

Public Hearing:

1. Chairman of the Board conducts public hearing, calling three times each for proponents and opponents.
2. Chairman of the Board closes public hearing and asks the will of the Board.

Suggested Motion:

1. Board Member moves:

“I move that the Zoning Commission recommend the City Commission adopt/deny the proposed Title 17, Chapter 20 Land Use and Title 17, Chapter 60 Sign Code Amendments.”

2. Board Member calls for a second, discussion, and calls for the vote.

Background: As directed by the City Commission, the Planning and Community Development Department has been reviewing the Sign Code and other related city codes pertaining to signs, and has written a DRAFT Sign Code Amendment package. Staff has conducted two public meetings, published a meeting notice in the Great Falls Tribune and sent notices out to stakeholders such as sign contractors, real estate agents, business organizations and interested business owners to solicit their input and comments on the current sign code and any proposed amendments they would like to discuss. The comments and public meeting notes have been reviewed and considered in the proposed draft that is now before you. The proposed amendments are edited with strike-through (~~strike-through~~) for the text being deleted and **BOLD** for the text being added.

We believe most of the content of the existing Sign Code is sound and believe these edits accomplish a lot to continue the vision of the original Sign Code adopted in 2003. These edits will bring many of the existing signs that are in our community into compliance, will allow business owners to install their own nonelectric signage. This makes the Sign Code manageable and enforceable.

The Planning Advisory Board/Zoning Commission conducted a public hearing on March 8, 2016 to receive testimony and consider the package of Sign Code amendments. After receiving testimony and discussing the various elements of the sign code proposal, the PAB asked city staff to make a few further amendments and clarifications in the proposal and come back for further consideration. The attached amendment package reflects those requested changes and clarifications.

Analysis: The intent and purpose of the Sign Code is to provide an aesthetically pleasing appearance to the community, and provide adequate business identification, advertising and communication to the general public. This improves the image of Great Falls by eliminating sign clutter, and encourages signage of a scale and character consistent with the buildings, the streetscapes and the existing neighborhoods. Good signage ensures protection of pedestrians and motorists from distractions and obstructions of improperly-placed signs. Lastly, the Sign Code provides effective and binding code implementation and enforcement measures that can be applied evenly throughout the business community.

The current Sign Code was adopted in 2003 after an extensive process which included numerous public meetings with stakeholders. By and large, the current Sign Code is a good document; it's designed to achieve certain goals.

Zoning map amendments in 2005 did create some unintended conflicts with signs, creating non-conforming signs throughout the city and limiting some business corridors to little signage for the existing businesses. Additionally, recent Supreme Court decisions indicate we need some changes to our code in order to keep all signage fair and equitable for the businesses in our community.

Current provisions of the Great Falls Sign Code in so far as height, area and other regulations for the different zoning districts are fairly consistent in comparison to other Montana jurisdictions. With the exception to the neighborhood commercial zoning district (C-1), central business periphery zoning district (C-5), mixed use zoning district (M-1), public lands and institutional zoning district (PLI) and parks and open space zoning district (POS), staff is not recommending significant amendments to height and area provisions.

At the public meetings that City staff conducted, we heard the full spectrum of comments on the existing sign code, and they include: (Attached to this report)

1. Making the sign code more restrictive
2. Making the sign code more lenient
3. Eliminating the sign code

Current code contains a provision which requires that all non-conforming signs shall come into compliance on or before December 31, 2015. Some businesses chose to comply, while other businesses chose to defer their sign modifications anticipating the City Commission might change the standards.

The implication of this provision is such that if certain signs were not in compliance by January 2016, and individual business owners continued to maintain signs which were not in compliance, the City would be forced to hire contractors to remove non-complying signs and charge liens against the property.

While staff has not established a database of non-conforming signs in the city, it is generally believed that the number of non-conforming signs is significant. Currently, city staff does not have the resources to build such a database and enforce this provision.

The recommended solution is to delete the December 31, 2015 compliance date for all non-conforming signs. Keep the provisions requiring overall compliance of the sign when structural modifications are made and/or when modifying an existing sign cabinet or installing a new cabinet on existing sign poles or structure.

Current code combines Neighborhood commercial, Central business periphery, Mixed use, Public lands and institutional and Parks and open space districts into the residential standards.

The recommended solution is to create a new section of code with specific standards for C-1, C-5, M-1, PLI and POS zoning districts that allows signage that parallels the M-2 standard. The new section provides some additional flexibility for these areas while still reflecting the commercial/residential transitional nature of the neighborhood.

Another provision creating considerable concern is 17.20.6.140(G) (1) which prohibits Type 1 Casino's from having any free-standing signs and restricts other forms of signage on the premises. One lesson learned from the recent Supreme Court Decision in Reed vs. Town of Gilbert is that the code needs to not discriminate based on the "message" of the sign. Signs such as ideological, political or even temporary event signs should be regulated consistently. The solution is to delete 17.20.6.140 (G) - allowing Type 1 Casinos to install or maintain free standing pole signs as well as other signage that is allowed for other commercial uses per the existing requirements in each respective zoning district, and to modify other code provisions to bring consistency with different types of signs whether they be ideological, political or other similar forms of communication and expression.

Additionally, the following amendments are included in the attached draft code document:

- Making the method of measurement for signage consistent within each zoning district.
- Allow illuminated signs in residential districts for schools and churches that are regulated with conditional use permits.
- Modifications to reflect current technology, eliminate obsolete language, and include changes to reflect current State Building Code and standards.
- Provide greater flexibility for property owners to erect their own non-electrical signs in keeping with other provisions allowing owners to perform construction on their own property.
- Eliminated redundant or outdated fees which were no longer in use, such as the:
 - Sign Electrician/Journeyman Certificate (\$15.00)
 - Increase initial Sign Electrician Certificate from \$100 to \$150
 - Added an electrical sign inspection fee (\$38.78)
 - Added a sign re-face permit fee (fixed fee \$65.90)

Other minor Sign Code changes, clarifications and new definitions are included in the package of proposed amendments.

Basis of decision:

The Zoning Commission/Planning Board shall conduct a public hearing, accept and consider public comment, review the proposed amendments and staff report on the proposal.

The Zoning Commission/Planning Board shall make a written recommendation to the City Commission to either: approve; approve with revisions; or deny the amendments.

The Planning Advisory Board/Zoning Commission's recommendation and the City Commission's decision shall at a minimum consider the following criteria:

1. The amendment is consistent with and furthers the intent of the City's Growth Policy;
2. The amendment is consistent with and furthers adopted neighborhood plans, if any;
3. The amendment is consistent with other planning documents adopted by the City Commission, including the river corridor plan, transportation plan, and sub-area plans;
4. The code with the amendment is internally consistent;
5. The amendment is the least restrictive approach to address issues of public health, safety, and welfare;
6. The City has or will have the financial and staffing capability to administer and enforce the amendment.

Public Notice Requirements

Consistent with statutory public notice requirements, notice of this public hearing was published in the Great Falls Tribune on Sunday February 21, 2016.

Recommendation:

The Zoning Commission recommends the City Commission adopt the proposed Title 17, Chapter 20 Land Use and Title 17, Chapter 60 Sign Code Amendments.

Next Steps:

The recommendation of the Zoning Commission will be forwarded to the City Commission. The City Commission will conduct an additional public hearing and will consider Ordinances related to these amendments to the Land Development Code (Title 17) and other associated amendments to City Code.

Attachments:

Draft edits of Title 17, Chapter 20 Land Use and Title 17, Chapter 60, Sign Code Amendments
Public Comment Summary
Copies of submitted written comments

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Sara Sexe, City Attorney
Patty Cadwell, Neighborhood Council Coordinator