
MEMORANDUM

DATE: November 14, 2003

SUBJECT: A-Frame sign issue

FROM: Cindy Gust-Jenson and Janice Jardine

POTENTIAL OPTIONS AND MOTIONS:

1. ["I move that the Council"] Adopt an ordinance amending the Zoning Ordinance Sign Chapter relating to signage and sign standards for portable signs in certain zoning districts as recommended by the Planning Commission. (Exhibit A – limits hours and sets size at 3 feet by 4 feet)
2. ["I move that the Council"] Adopt an ordinance amending the Zoning Ordinance Sign Chapter relating to signage and sign standards for portable signs in certain zoning districts with changes recommended by the City Council (Exhibit B) including:
 - a. a sunset date of November 30, 2004 and reenactment of previous regulations on December 1, 2004
 - b. reducing the maximum size of the sign to 2 feet in width and 3 feet in height
3. ["I move that the Council"] Adopt an ordinance amending the Zoning Ordinance Sign Chapter relating to signage and sign standards for portable signs in certain zoning districts with changes recommended by the City Council (Exhibit C) including:
 - a. attended portable sign language
 - b. a sunset date of November 30, 2004 and reenactment of previous regulations on December 1, 2004
 - c. reducing the maximum size of the sign to 2 feet in width and 3 feet in height
 - d. remove hours that signs may be displayed
4. ["I move that the Council"] Not adopt an ordinance amending the Zoning Ordinance Sign Chapter relating to signage and sign standards for portable signs in certain zoning districts.
5. I move that the Council adopt a Legislative Intent encouraging the Administration to educate businesses regarding the proposed changes and to provide additional information and identify options for Council consideration regarding:
 - a. Additional criteria that would address potential proliferation of signs and enforcement.
 - b. Re-evaluate lower-scale, residential/neighborhood commercial zoning districts in which portable signs will be allowed and identify options to address potential unintended impacts on the surrounding area.
 - c. Alternative options to better address advertising opportunities and still accommodate the urban design concepts and policy direction established by the City.

The following information was provided previously. It is provided again for your reference.

The Administration has forwarded the Planning Commission's recommendation on the portable sign ordinance. The Council adopted a moratorium on enforcement and established a set of interim regulations which will expire on November 13, 2003. In order to minimize the amount of time between the expiration and formal consideration of the proposal, we have advertised a hearing for November 18. This hearing can be cancelled should the Council want to hold it at a later date.

As you will recall, allowing these signs in the public right-of-way and establishing the conditions was a complex legal matter due to free speech considerations. The City clearly has the authority to prohibit use of the public way for commercial purposes, but if the City does allow use of the public way for signage, the content cannot be regulated by the City.

The Administration's transmittal outlines the key issues raised at the Planning Commission, including the potential to create a cluttered streetscape and the free speech protections that limit the ability of the City to regulate the placement of portable political signs.

The ordinance allows portable signs to be displayed during the hours of 8 a.m. to 11 p.m. in certain zoning districts (see page 2 of the draft ordinance). The maximum size is four feet high and three feet wide. No illumination or attached decorations is allowed. Unobstructed sidewalk space must be at least four feet in all areas except the Central Business District where it must be at least six feet. The ordinance also indicates that a portable sign may not be placed in any location that would obstruct any ADA accessible feature. As with the temporary regulation, the draft ordinance does not require a permit, or proof of insurance.

While the Planning Commission recommended support of this ordinance, they also recommended that the Planning staff continue to work on provisions to augment the portable sign regulations, particularly the way-finding program and devices to provide identification for businesses and eliminate the potential for sign clutter. They directed staff to prepare recommendations for review by the Planning Commission by November 15, 2004.

One option to address the concerns that have been raised about this ordinance is the potential for the City to sponsor a 'way-finding' signage system that business owners could participate in. This approach would give the City the design control and additional opportunities to consider 'time, place and manner' regulations. An example of a way-finding program sponsored by a governmental entity and participated in by private business is the freeway signs designating specific restaurants and other services that are available at particular exits. Again, the City would control the design of any way-finding program it elected to establish.