



MEMO

TO: Planning and Zoning Commission

FROM: Doni Wilbanks
Planning Specialist

DATE: September 21, 2015

SUBJECT: **Unified Development Code Amendment; Section 154-05**
Sign Code Amendments-Electronic Message Centers

P15-012

Background

On April 4, 2013 the Town Council approved the amendment to the Unified Development Code Signage section, creating Electronic Message Center (EMC) provisions. This type of signage has become more commonplace throughout the country. The standards allowed for businesses to adequately and appropriately identify their business, location, and information as well as protect the community from excessive or distracting signage. It also addressed viewshed and tried to preclude EMCs from obscuring buildings, trees, or the natural beauty of the Town. Working within the current standards for a couple of years, and after receiving applications and inquiries for EMCs, staff suggests the commission consider amendments to more effectively address the possibilities EMCs can provide businesses/applicants.

Analysis

The Town's EMC provisions are still in their infancy. Two years after adoption, staff has evaluated EMC provisions and suggests some minor changes. The proposed changes would clarify and clean up two main provisions; the allowable copy area and the approval process.

First, the signage area allotted for the EMC portion of the sign currently is limited to 50% of the allowable sign area. 100% of the allowable copy area would be more practical as it would allow the business to display whatever message they chose, and any future change in business could still use the sign in its entirety. Using 100% of the allowable copy area would encourage older styles of signs to be replaced with signage that could provide for better representation of the businesses within. For example, a shopping center with multiple tenants and a sign that displays all of the tenants on the one sign at one time is limited to the size and spaces to fit all of those tenants. This makes it difficult to then find any of the business easily, being too small and too many to search through. A sign that can electronically change its displays/business names allows each business within a shopping center to gain better exposure by being easier to read and find.

Secondly, in order to protect residences from possible distracting signs in a neighborhood, EMCs are currently allowed for non-residential uses on residential property if the EMC has been approved as part of a Conditional Use Permit application AND the EMC is not within 300 feet of the boundary of a property zoned for or used for residential purposes. An EMC is also not allowed to face an adjacent residential use.

The purpose of a Conditional Use Permit is to allow certain uses in appropriate zoning districts that can be designed and developed in a manner to assure maximum compatibility with adjoining uses. For situations where a particular land use already exists, a CUP application can be burdensome and costly for the applicant and/or not entirely necessary for a sign application. The administrative relief process outlined in section § 154-08-008 of the Unified Development Code requires noticing of adjacent and potentially affected properties similar to the CUP process. It also requires an intensive review by Community Development. The application will only be authorized if it will not be detrimental to the property requesting relief, any adjacent property owner or the town. Both processes provide for any potentially concerned and/or affected neighbors the opportunity to voice their concerns which is the main intent of the current EMC standard requiring a CUP. However, a public hearing and the extensive cost and process of the CUP application may be unnecessary and burdensome in certain cases.

The 300 feet distance from and not facing residences provisions were created to also ensure residences were protected from distracting signs. The arbitrary distance of 300 feet is possibly too great; if a certain distance would be ideal for a specific case, then it can be determined as a condition of the CUP or Administrative Relief process. The current provisions § 154-05-05(D)1-3 and 7 of the EMC sign standards protect residences from possible distracting signs where transition methods, brightness levels, message hold time, and view protection standards are established. The CUP and/or the administrative relief review process combined with the current provisions of the EMC standards addressing possible distracting sign features ensure compatibility of EMCs within residential areas.

Proposed Amendments to Electronic Message Centers:

§ 154-05-05 PERMITTED SIGNS

(D) Electronic message center signage/EMCs. EMCs may be utilized as a component of signs allowed by divisions (A) or (B) of this section subject to the following regulations:

4. Area of Sign Allowable as Electronic Message Center

a. No EMC shall exceed ~~50%~~ 100% of the legal maximum allowable area of a sign.

The legal maximum allowable area of a sign shall be determined as of the date of the EMC installation.

6. Residential districts (This section applies to uses that are permitted or conditional in R-1, R-2, or R-3, exclusive of home occupations. For home occupation sign standards see Home Occupation Signs Section (E) below.

a. EMC's may be utilized on properties in residentially zoned districts if the EMC has been approved as part of a Conditional Use Permit application for the property upon which it is located ~~and the EMC is not within 300 feet of the boundary of a property zoned for or used for residential purposes.~~ Or subsequent review following the notification and hearing guidelines for administrative relief.

- b. ~~An EMC located on property adjacent to residentially zoned property or property used for residential purposes shall not face the residential use.~~

Staff Recommendation:

Staff finds the proposed changes could help promote economic development while still maintaining Payson's cool mountain town feel while allowing businesses expanded signage options. The amended EMC provisions could be compatible with areas in which they are located. Therefore staff recommends the Planning and Zoning Commission recommend to the Town Council approval of the amendment as drafted.

Motion

If the Commission supports the proposed revisions, an acceptable motion could be:

“I move the Planning and Zoning Commission recommend to the Town Council approval of P15-012, an amendment to the Unified Development Code provisions governing Electronic Message Centers as outlined in the staff report.”