



**TO: Honorable Mayor and City Council**

**FROM: Catherine Lorbeer, Planning and Redevelopment Director  
Aaron Baker, Associate Planner**

**DATE: September 21, 2009**

**RE: Summary of feedback raised about sign code during the August 25, 2009 City Council Work Session.**

### **Recommendation**

Discuss the summary and provide direction about possible code or policy changes.

### **Background**

On August 25, 2009, Council conducted a work session to hear feedback from the community about the sign code. Various parties shared issues and ideas to address four general areas of sign regulation: permit fees; interpretation of the code; review and approval of signs; and specific sign standards. Staff believes that several of the suggestions could be acted upon immediately (☺), and some may be addressed in parts (☺). Still other suggestions lower community standards and would not be recommended by staff (☹). This memo summarizes the comments and how they might be addressed.

The Council has expressed a desire to improve the business climate while preserving the beauty of Mesquite. Please bear in mind that whatever changes or compromises have been made in the past or in the future, sign regulation is oftentimes plagued with unending pressures to make signs bigger, taller, brighter, and more plentiful. Despite good or bad economic times, changes to the sign code will not likely result in an end to the debate about signs. Community standards must balance the needs of city residents for a clean and well-maintained community with the advertising needs of local business.

Particularly when considering changes that lower or relax existing standards, staff recommends a very conservative approach for several reasons:

1. Managing the proliferation of signs is an important community value;
2. The existing sign standards have been recently evaluated to be legally and technically defensible. The standards were also compared with other jurisdictions;
3. "Why" the standard should be lowered must be answered;
4. Lower standards may have unintended consequences when responding to a single issue; and

5. If it is lowered, how does the community decide what number to lower it to and should the Council exercise discretion over how far to lower or relax a standard, such as using a conditional use permit?

## Summary

A summary of feedback raised during the August 25, 2009 work session follows with staff response codes:

- ☺ = recommend,
- ☹ = recommend in part,
- ⊗ = do not recommend.

### Feedback about Permit Fees

☺ *Eliminate fee for temporary promotional signs* – Council is currently waiving the \$40 fee, but a sign permit is required. It may also be helpful for the City to issue of special sticker to be mounted on all signs that have a permit. The sticker would demonstrate that the sign has a permit and who owns or is responsible for the sign.

☹ *Cost for variance application too high* – variance application fee is \$350 and public hearing notice fee is a minimum of \$300; fees cover time and costs associated with reviewing hardship request and drafting a report to city council; staff suspects the fees are outdated and too low to cover costs.

### Feedback about Interpretation of the Code

☺ *Add text to definition section clarifying whether a sign is prohibited or not* – Language can be added to the definition section to clarify that certain signs require a permit, are allowed without a permit, or are prohibited. The only caution is that repeating text, such as stating a sign is prohibited in more than one section of the code, may lead to internal inconsistency.

☺ *Make handicap parking moveable within complex; inspect parking lots before signing off on project* – As long as space complies with ADA standards for slope and loading aisles, staff does not see a problem with this approach. An alternative is to designate a unit-specific parking space for residents who need close access to parking. Staff does inspect parking and handicap signs before certificates of completion are issued.

☺ *Provide training and education about sign code and updates; document is cumbersome* – Providing more education is a positive goal for the City, because sign codes are technical documents. In some cases, it may be appropriate for a business to seek professional assistance from a sign company before starting the permitting process. Staff will perform more outreach, such as a website link to the sign code and creation of a mailing list for code updates.

☺ *Allow window signs to be mounted inside or outside, remove permit requirement, and allow more than 50 percent of window to be covered* – A window that is fully obscured with signs no longer function as a window. The code does not require a permit if less than 50 percent of a ground floor window is covered. Window signs are typically used for promotions, which frequently change. Whether the sign is mounted inside or outside of the window can be left to the business owner’s discretion. Permanent window signs, bigger than 50 percent, do require a permit and count towards the overall sign area allowed (15 percent of front façade).

#### Feedback about Review and Approval of Signs

☺ *Ladder sign (MSI) is blocked by vegetation or in the wrong spot* – MSI is examining the inventory for broken and blocked signs, and will correct situation as directed by staff.

☺ *Give Council discretion through Conditional Use Permit process; Code should be flexible based on location and topography* – Numerous sections in the sign code give Council discretionary decision-making authority, to respond to location and topographic issues that may require taller or bigger signs. Decisions must relate to required findings under Section 9-10-4 F.

☺ *Need more stringent and equal enforcement of sign code* – Fair and consistent code enforcement is a fundamental goal of the City. Businesses that ignore code requirements negatively impact businesses that follow the code.

☺ *Permit process works fine* – The sign companies have expressed comfort with the current system.

☺ *Submit applications and pay fees online* – Convenience fees and technology constraints are two issues associated with paying fees and filling out applications online. Credit cards are currently used at the Recreation Center and will be tested at the Municipal Court. Staff will continue to address issues.

☺ *Remove Architectural Review Committee review of signs, or shorten review time performed by committee* – The Architectural Review Committee has not yet had the opportunity to comment on this idea, but staff could independently perform the review, and appeals would be made to Council. Time savings would be realized if the committee did not have to convene.

#### Feedback about Specific Sign Standards

☺ *Allow more than one marquee sign per business* – As long as the signs are subject to the sign area limitations (15 percent of building façade), one or more signs could be allowed.

☺ *Allow backlit signs in the downtown* – Box sign cabinets do not complement established design standards, but some types of illumination may be appropriate. The draft design-based code for the downtown does add more sign types and illumination options to the downtown district.

☺ *Limit the number of directional signs allowed* – Service or directional signs such as “Entrance”, “Parking”, and “Delivery” do not require a sign permit and a number limitation is not specified. Temporary directional subdivision signs do require a permit and are currently limited to 3 signs. Code provisions for temporary directional subdivision signs will expire December 31, 2009.

☺ *Increase maximum area allowed for a monument sign* – Increasing the size from 20 square feet to 32 square feet would match the size of a sheet of plywood. PUD handbooks would continue to have their own standards.

☺ *Allow more than one monument sign per business* – The code already permits one or more monument signs per parcel. Some PUD design handbooks, such as Falcon Ridge, limit the number of monument signs, so the PUD would need to request an amendment to their handbook.

☺ *Increase the size of a banner allowed* – The code currently permits two banners and each banner may be 40 square feet in size.

☺ *Create standard engineering drawing for signs* – A standard drawing would work well for a typical 4 foot x 8 foot sign. Nevertheless, signs vary greatly such that it would not be possible to standardize for every possible shape or size.

| ☺ *Reduce setbacks for signs from right-of-ways* – Setbacks strive to create a consistent look and feel for signs along a roadway, to keep signs from blocking vision of on-coming cars, and to keep pole signs from hanging over the street. A reduced setback number may be workable with these factors in mind.

☺ *Remove differences in what hotel casinos can put up for signs versus what other businesses are allowed to do* – The technical and legal review of the code advises the City to implement regulations by zoning district and discourages regulation by use, in part, because of the risk of basing a decision on preferences rather than defensible criteria. Therefore, the sign code was re-organized to reflect regulation by zone. There currently are some differences in what a hotel casino can place for signs: sometimes more signs, sometimes less signs.

☺ *Each business type has different needs, so code should address these differences* – Again, the technical and legal review of the code advises the City to implement regulations by zoning district and discourages regulation by use, in part, because of the risk of basing a decision on preferences rather than defensible criteria. Numerous

locations in the sign code give Council discretionary decision-making authority, to respond to location and topographic issues that may require taller or bigger signs. Decisions must relate to required findings under Section 9-10-4 F.

⊗ *Allow banners in multi-family zoning districts* – Multi family is a residential use, which means people live there rather than shop there. Marketing units for rent does not change the use to commercial. Other sign types besides banners are allowed for marketing a property.

⊗ *Reader signs, increase the percentage in various zones* – Current standard is 25 percent of a sign can be a reader sign, except in HT, which allows 50 percent of a sign. Electronic reader signs are significant light sources, and their size and brightness are typically specified and limited by sign codes.

⊗ *Remove 8-second requirement for reader signs* – The definition of reader signs refers to a static display for a period of not less than 8 seconds. Otherwise it is considered an animated sign. The code limits animation to the HT zone. Recent draft code language about LED signs and their placement was placed on hold in response to citizen feedback.

⊗ *Increase the height of freestanding (pole) signs and reader signs to 40 feet and allow taller signs near the freeway* – Location and topographic circumstances that warrant taller or bigger signs are already addressed by the code through the conditional use permit and variance provisions. Given the distribution of commercial uses along Mesquite, Sandhill, Pioneer and Falcon Ridge Boulevards, every business within a 1,000 foot radius of the freeway could likely argue they need a sign that can be seen from the freeway, so allowing some but not others would be perceived as unfair. Increasing sign heights would have a negative, visual impact to the community. Council recently denied a 50 foot tall pole sign on the basis it was not compatible with the existing building height and did not preserve the character and integrity of adjacent development. In that instance, the taller sign was consider a visual nuisance to the City's skyline.

⊗ *Require pylon covers to decorate pole signs* – If a business wants to enhance the design of their sign with a pylon cover, they are free to spend the extra money to do so. It does not necessarily need to be dictated by code.

⊗ *Relate freestanding (pole) sign to the size of a parcel* – Staff believes this is already the case, because the sign area is a function of the amount of parcel frontage. It is more constructive to manage the sign area by considering the pole sign's relationship to the street (frontage) rather than whether it's a large or small parcel.

⊗ *Guarantee a minimum size for a freestanding sign* – As part of the October 2008 code update, freestanding and building-mounted signs were un-bundled, meaning they are now measured independent of each other. Depending on the zoning district, and the amount of frontage, each business is already guaranteed a specific sign area amount, but the amount is a ratio rather than a fixed number.

⊗ *Increase the amount (ratio) of freestanding (pole) sign area allowed in various zones* – The current ratio adopted in the code for sign area reflects the amounts displayed on existing pole signs. Because freestanding and building-mounted signs were un-bundled, meaning they are now measured independent of each other, the ratio changed but the amount remained consistent with past practice.

⊗ *Increase the number of open house signs allowed* – The City Council previously considered this matter, along with alternatives presented by the real estate group. The adopted standard is three (3) signs.

⊗ *Increase the size of for lease, sale and rent signs* – The code currently sets a fixed size, which relates to the size of the parcel being marketed for lease, sale or rent.

⊗ *Allow A-frame or sandwich board type signs* – Because of the high winds in Mesquite, movable or portable temporary signs and signs not permanently installed in the ground are not allowed.

⊗ *Allow for temporary promotional signs to remain up longer* – The longer a promotional sign is displayed, the less temporary it becomes. Promotional signs are prone to weather damage because they are made for short exposure. Current code allows a business to display 4 months every year, or 25 percent of the year.

### **Previous Council Action**

On August 25, 2009, Council conducted a work session to hear feedback from the community about the sign code.

On June 9, 2009, the Council passed a motion to waive or abate all enforcement of temporary signs including waiving of fees, and any non-compliance that may be in the process and do so until such a time the sign ordinance is resolved.

On April 28, 2009, the Council received a report from staff about sign code implementation. The Council also decided not to introduce Bill No. 425, which proposed standards for Electronic Reader Signs.

On October 28, 2008, the City Council adopted Bill No. 412, which replaced in its entirety Chapter 9-10 Signs.



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