

## **Cold Spring Planning & Zoning January 12, 2011**

The regular meeting of the Cold Spring Planning and Zoning Commission was called to order by Vice-Chairman Vince Sticklen. Pledge to the flag was recited. The roll call showed the following present – Alan McCullough, Tom Ross, Donna Schmidt, Vince Sticklen, and Christopher Vaught, excused – Stephen Taylor and Tami Trunick. Also present were City Clerk Rita Seger, and NKAPC staff member Andrew Videkovich.

Vince Sticklen pointed out the exits from the building, per Fire Department regulations.

The December 8, 2010 regular meeting minutes were reviewed by all. Alan McCullough made a motion to approve the minutes and Donna Schmidt seconded motion. All were in favor. Motion carried.

There were no public hearings scheduled for tonight's meeting.

The next item on the agenda was continuing discussions on sign regulations and reader boards. Andy Videkovich, NKAPC stated that, as agreed upon at the December 8, 2010 meeting, the first ten pages of Attachment C were reviewed by Staff. These proposed changes include wording to be added or deleted along with Staff comments. Mr. Videkovich stated that the current definitions in the Cold Spring sign regulations need to be addressed, since technology and terminology have changed since they were last adopted years ago. Clear definitions provide clarity so that if two or more different people are reviewing permits or site plans, the regulations will be applied in the same way.

Andy Videkovich stated that they added a section for temporary signs in non-residential zones (page 5). This addresses things such as for sale signs, for lease signs, special events signs or banners, and also addresses temporary construction signs for non-residential zones. These were not in the original draft so it has been added. In general non-commercial and commercial speech should be treated equally. This has explicit wording so that you can have a temporary sign with a commercial message but you can also have a temporary sign with a non-commercial message.

Section 14.3 e (page 6), shows that there are certain signs that are going to be, or should be exempted for practicality reasons. It is not practical to regulate signs on the side of buses or trucks that go from jurisdiction to jurisdiction which do not fall under the purview of zoning, however, if someone calls some day and ask us if this is regulated, we have this clearly stated. Other signs should be exempted from a policy standpoint. It is impractical to regulate signs installed inside buildings that are clearly not intended to advertise to people in the right of way or from another property.

Vince Sticklen questioned a temporary sign on a vehicle parked in shopping center area with a big banner across it and if this should be addressed. Since we are looking at the sign regulations we should handle this right now within this ordinance. It advertises a restaurant, and even though they may move it every night, if all the other businesses want to do this, we will have a very ugly city. Andy Videkovich stated that the proposed sign regulations do address this issue. He stated it comes down to interpretation of the zoning administrator and by working with legal counsel, you can determine whether it is a vehicle for business purposes, or whether it is actually functioning as a sign. Christopher Vaught stated that the temporary sign section (page 4) appears to have this covered.

Mr. Videkovich referred to Section 14.3 G (page 7), which refers to signs allowed without a permit. This topic is from a practicality and policy standpoint. It is not good policy to regulate cultural displays. Any signs smaller than four square feet and containing no commercial message, like "enter, exit or no parking" would not be regulated by zoning. Cornerstones plaques and other symbols integrated into architecture of a building are not considered signs.

Section 14.3 H (page 8) refers to other actions allowed without a permit, such as changing the copy of a sign which is something that is currently allowed without a permit as long as you do not increase or decrease the dimension of the sign.

Section 14.4 A (page 8 and 9) refers to eight types of prohibited sign types, with the first one being most importantly new billboards and other types that display off-site commercial messages; portable signs, pennants, banners, streamers and balloons, and confusing signs that may look like a traffic device but are actually not. The standing sky-buster balloons like godzillas balloons and things like that would be prohibited.

Flashing signs, moving signs and changeable copy signs are referred to in Section 14.5 D (page 10). This topic is what started this entire review of our sign regulations. Under item 2 Mr. Videkovich pointed out that for automated changeable copy

signs for different zoning districts, it will have to specifically say automatic copy. If it does not say automatic copy, then only manual changeable copy signs are allowed. That is an important distinction. The technology in such signs should state that the message should not change more than every eight seconds, as suggested by the NKAPC consultant, who said that the sign industry would prefer less timing but some districts want more. The eight seconds was a good compromise, so we are not bombarded with constant messages that distract drivers from the road. No affects of movement such as flashing lights and additional affects such as fade in or fade out, is not something that these regulations encourage. Automatically reducing the light levels is very important when you are adjacent to residential zones. Some automatic LED signs can be extremely bright at night and can almost function as street lights. This technology should be regulated.

There was a comment at the December meeting regarding Section 14.5 D f page (page 10), and why the area of the electronic board says it should be less than 200 square feet. When the proposed regulations were researched, it was found that Cold Spring has only two instances in which a 200 square foot electronic sign would be permitted. That would be within a Highway Commercial zone with a huge wall of 400 feet or greater. Another area is within the Mixed Use Planned Development Zone. In this zone, all signs are to be approved on the development plan so it is conceivable that somebody could propose a sign of that size. In either case, it would be unlikely. Cold Spring has only a small amount of HC zoning and MUPD zoning on the AA Highway with nothing big enough to handle a 400 foot wall or building. Kroger and Home Depot are zoned as Mixed Use Planned Development, but they came through with a comprehensive sign packet. If the city is not comfortable with the 200 square foot regulation, this change would not affect the overall scope of the sign regulations and would still meet the objectives that these regulations are trying to address.

Section 14.5 D g, (page 11) specifically refers to electronic technology for message boards in residential zoning districts in subsections 1 and 2, but in subsection 3 (page 11) it refers to properties owned and used exclusively for single family uses. Mr. Videkovich explained that the difference lies in the intent of this provision to allow the use of the automatic changeable copy signs for institutional uses located in residential zones next residential properties. If you are in a commercial zone the sign has to be set back a certain distance from a residential zone regardless of the use of that residential zone. But for an institutional use within that residential zone it is assuming there are single family uses or residential uses all around that zone already so there are certain guidelines. The key is that this is primarily for institutional uses within a residential zone.

Tom Ross stated that he agrees with Mr. Sticklen's earlier concerns about the vehicle with the banner posted and parked in a shopping center lot, and questioned if our ordinance has to first specifically say that it is a sign before we can do something about it. In some areas, the vehicle is "wrapped" with wording and logos and it doesn't look bad, but when you take a 4 x 8 sheet of plastic or plywood to use as a banner and tape it on the side of vehicle it looks very bad. Vince Sticklen said that when you park such a vehicle in a shopping center area they have an advantage over everyone else, and if everyone else decides to do the same thing, you would have signs on vehicles all over the place.

Alan McCullough stated that if you put up a banner at a church, you would need a permit, but if you put one on a car they don't have to get a permit for it. Andy Videkovich stated it comes down to the zoning administrator to determine if this is a sign for a company vehicle that just parks there overnight or if it is actually functioning as a separate detached sign. If you have it well documented, and the regulations refer to a certain time frame for the vehicle to be parked, then that interpretation can be made. Our current regulations do not exclusively address this issue either.

Vince Sticklen questioned if there was a difference between a banner on a car versus a car that has been painted or wrapped with their logo. Mr. Videkovich stated that this is an important distinction. A logo painted on a truck is something that is meant to go with the truck to different places whereas the banner is more of a temporary sign, that can be moved or put onto any car, not just a company vehicle. The way the proposed sign regulations are written, if you look at the temporary sign section (page 4) it states that the sign or banners would have to be affixed to all four corners or to a wall or points of a building, or freestanding if supported by one or more posts to the ground. Even though there are temporary signs permitted, attaching a banner to a car would not meet those criteria. This might give some recourse if there is any such situation that needs to be addressed.

Vince Sticklen questioned automatic changing signs, LED signs in particular, and whether they come with special lighting requirements. Andy Videkovich stated that there are lighting regulations for the rest of the free-standing signs, but LED is a different technology so it is important to have those separate requirements. LED lights are much brighter by their very nature than just a detached sign. It is important to have automatic dimming levels to make sure that it is at least appropriate.

Vince Sticklen questioned if we should have a company that deals with LED lighting give us some input on the type of lighting that LED's put out so that we can figure out the restrictions and how they can be regulated. Andy Videkovich stated that when we talk about maximum brightness and things like that, this information was provided by the NKAPC consultant, who is familiar with this technology. These are not just arbitrary regulations. When the regulations say dimming at night, it will still be adequate for the sign to be seen while not glaring onto the road. Tom Ross questioned if this information is something that a developer / business would need to submit and spell out when they apply for the sign. Mr. Videkovich stated that it would be a condition and that information would be required up front.

Alan McCullough commented on the definition of window signs on page 4 which states that they are affixed to or installed inside the window and clearly legible to the people outside the building, and that signs that are installed behind windows but are legible from other private properties or from driving lanes would be subject to limitations. If that is the case, we have quite a few of those in the city. Andy Videkovich cited an example of such a sign in another city, which was neon and was clearly seen on the road, and as such was treated as a sign and had to meet all requirements.

Mr. Videkovich stated that as we move forward with this review, we can always come back to any of these issues. After some discussion, it was decided that at the February Planning & Zoning Commission, this board would review pages 11 thru 16 of the proposed sign regulations which will cover all of the residential zones.

Resident Ralph Anthony of Pooles Creek Road was in the audience and he stated that he has two signs on his property, which is zoned R-RE. One is 18" x 24" and says "health alert – no spraying". He also questioned ADT signs. He questioned how far these signs can be from the property line. Andy Videkovich stated that a sign of that size that is not legible from the a public right of way is not regulated. Unless someone has a problem with their placement, and as long as they are on your property and do not block any traffic views, they will not come in and measure them. Under current regulations those types of signs like no trespassing and signs of that nature are not even listed in our current regulations. ADT signs also fall into the category of signs that are not regulated. Mr. Videkovich stated that this is reviewed in the proposed sign regulations but that particular section has not come under Planning & Zoning review yet.

In December a nominating committee was appointed to elect new officers for 2011. Tom Ross stated that they have proposed the following 2011 P & Z appointments: Donna Schmidt as chairwoman, Christopher Vaught as vice-chairman, and Tom Ross as secretary / treasurer. Alan McCullough made a motion to accept these appointments, and Vince Sticklen seconded the motion. Roll call vote showed all were in favor. Motion carried. The responsibilities of secretary for the Planning & Zoning Commission were then delegated to the city clerk.

Per House Bill 55, continuing education credits of 8 hours were earned by Board members Tom Ross, and Donna Schmidt, 17 hours for Tami Trunick, and 7 hours for Christopher Vaught. Alan McCullough made a motion for approval, and Vince Sticklen seconded the motion. All were in favor. Motion carried.

Donna Schmidt made a motion to adjourn the January 12, 2011 meeting, and Christopher Vaught seconded the motion. All were in favor. Motion carried.

Respectfully submitted,

Rita Seger, City Clerk