



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council Date: March 8, 2016
From: Lori Lamson, Assistant Town Manager Item No: 9
Subject: DISCUSSION ON DIGITAL SIGNS
T.M. Approval: _____ Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

That the Town Council receive and file the report and provide direction to staff as appropriate.

SUMMARY:

On February 9, 2016, Mayor Pro Tem Nassif requested to agendaize digital signs for further discussion. Specifically, he asked for a comparison of old versus new regulations, and how to calculate permissible digital sign area. It was further requested that staff provide visual aids for clarification purposes.

History of Digital Signs

Prior to January 14, 2014, digital signs were given the same consideration as any other non digital sign; however, digital signs were subject to the following definition and provision:

"Changeable Copy Sign. A sign designed to allow the changing of copy through manual, mechanical, or electrical means, including time and temperature. The changeable copy of a "Changeable Copy Sign" shall not change at a frequency in excess of one alteration per five (5) seconds, shall not use scrolling or animated characterization nor be located within the direct line-of-sight of any existing residential unit within 150 feet of said sign."

On January 14, 2014, the Council adopted Ordinance 456, which was a comprehensive update to the Town's sign ordinance which included the following design standards for digital signs:

"Digital Advertising Displays

1. Permitted in all commercial districts subject to Planning Commission review and approval of a Development Permit.
2. Digital advertising displays are accessory to, and must be architecturally integrated with non-digital, permanent free-standing or wall signs and may only occupy up to fifty (50) percent of the sign area, except that this provision does not apply to billboards adjacent to the freeway.
3. Signs visible from the public right-of-way shall not change at a frequency in excess of one alteration per five (5) seconds.
4. Transition between slides shall not exceed one (1) second.
5. Each slide shall contain one (1) complete message; messages shall not be truncated between slides.
6. Scrolling or animated characterization is not permitted, except as expressly set forth below.
7. All signs must comply with the illumination provisions of this Section.
8. Signs may not be located within the direct line-of-sight of any existing residential unit within 150 feet of said sign.
9. Signs located along pedestrian mall areas, not visible from a public right-of-way, may use scrolling and animated characterization."

Staff recommended the fifty (50) percent ratio to ensure quality sign structures instead of designs that were previously approved based upon the old standards. The Commission was comfortable that it would have the opportunity to review digital signs on a case-by-case basis. Staff was later notified by the Town Attorney that, case-by-case review of any sign can be construed as unbridled discretion, which is in violation of the law; therefore, digital signs were again revisited.

At the July 28, 2015, Town Council meeting, the Council provided direction to the Planning Commission to consider the following:

1. Standards to allow digital signs within the General Commercial or Regional Commercial zones;
2. Locations should be limited to Major Roads within commercial corridors;
3. Consider standards that make the overall digital sign area dependent upon lot area and/or lot frontage;
4. Consider a minimum lot width (100 feet was considered reasonable by Council.);
5. Consider digital lighting standards based upon time of day and/or business hours;
6. Separation from residential uses and zones;
7. Uniformity relating to permitted height of the digital display; and
8. Consider a maximum size that would be allowed for the digital portion of a sign with the understanding that the digital sign is counted towards the total sign area permitted for the site.

On October 27, 2015, the Council adopted Ordinance 472, which included the following detailed regulations governing digital signs:

"Digital Advertising Displays (Digital Signs)

1. Permitted Locations

- a.** Digital advertising displays are only permitted within the Regional Commercial (C-R); General Commercial (C-G); and Village Commercial (C-V) zoning designations.
- b.** Project site must have a minimum lot frontage of 100 feet.
- c.** Digital advertising displays may only be installed on developed property with frontage along I-15; Major Divided Arterial, Major Divided Parkway or Major Road as identified within the Town's Circulation Element of the General Plan.
- d.** Single tenant buildings and sites may be permitted one (1) digital sign.
- e.** Digital advertising displays may not be located within 150 feet of any residential unit or district, as measured from the sign.

2. Design Standards

- a.** Digital advertising displays are accessory to, and must be architecturally integrated with non-digital, permanent free-standing or wall signs.
- b.** The digital portion of any sign may only occupy up to twenty-five (25) percent of the sign area, or thirty (30) square feet, whichever is less. This provision does not apply to billboards adjacent to the freeway.
- c.** The digital portion of any freestanding sign shall not exceed eight (8) feet in height as measured from the top of the sign to the ground, except that this provision does not apply to signs fronting the I-15. Nothing in this section shall be construed to imply that any sign may exceed its permitted height based upon its digital component.
- d.** Digital wall signs, visible from the public right-of-way, are limited to text only reader boards.
- e.** Text only reader boards are limited to one (1) single color.
- f.** Digital advertising displays may not be added to legal, nonconforming signs.

3. Operating Standards

- a.** Signs visible from the public right-of-way shall not change at a frequency in excess of one alteration per five (5) seconds.
- b.** Transition between slides shall not exceed one (1) second.
- c.** Each slide shall contain one (1) complete message; messages shall not be truncated between slides.
- d.** Scrolling or animated characterization is not permitted.
- e.** All digital advertising displays shall be equipped with a light meter to automatically adjust the display brightness to ambient light conditions.
- f.** All digital advertising displays must comply with the illumination provisions of this Section.

- g.** Digital advertising displays located along pedestrian mall areas, not visible from a public right-of-way, may use scrolling and animated characterization.
- h.** Digital advertising displays may advertise off-site businesses.”

Any applicant meeting the above standards will be permitted a digital sign. As with all permanent signs, once a sign is permitted, it is allowed to remain in perpetuity, regardless of future modifications to the Development Code.

Calculation of Sign Area

Sign area means the entire area within the outside border of the sign. When a sign has no border, such as channel lettering, sign area is calculated using a maximum of eight (8) straight lines drawn around the subject graphic. The sign area does not include the necessary supports or uprights on which the sign is placed.

Freestanding Signs - Allowable sign area is calculated based upon lot frontage at a ratio of two (2) square feet of signage for every ten (10) feet of street frontage that the sign is located on. Lot frontages cannot be combined to achieve a larger sign area; however, signs facing out from a corner have the opportunity to decide which street frontage will be used to determine sign area. Multiple signs may be permitted as long as the cumulative area is not exceeded and that the minimum separation distance of 200 feet is maintained.

Wall Signs - Allowable sign area is calculated based upon the building frontage that the sign will be located on at a ratio of one (1) square foot of signage for every lineal foot of building frontage. Multiple signs are permitted as long as the above ratio is not exceeded. No sign can occupy over seventy-five (75) percent of the facade on which it is located. Building frontages may not be combined to achieve a larger sign area.

Wall signs and freestanding signs are always calculated independently. The Code does not contain any provisions that would allow sign area for any single sign to be based upon the cumulative sign area for a project site. Sign area is never based upon lot size; however, maximum sign height for a multi-tenant project may be adjusted based upon lot size and location.

FISCAL IMPACT:

Not Applicable