

GENERAL INFORMATION

Subject

Request	-	Text Amendment to Modify Temporary Signage Regulations
Applicant	-	Toledo City Plan Commission

STAFF ANALYSIS

The request is a Text Amendment to modify regulations for temporary signage. The definition in the Toledo Municipal Code (TMC) for temporary signage includes banners, pennants, flags (not intended to include flags of any nation), searchlights, twirling or sandwich type signs, sidewalk or curb signs and balloons or other air or gas-filled figures. This amendment focus primarily on feather flags, pennants and banners. The change was initiated in early 2017 after discussions with members of the public who were concerned about the proliferation of these types of signs throughout the City.

Most of this signage is already fairly restricted in the sign code, but additional changes could be made to improve and clarify the regulations. There are currently two main types of temporary signage allowed in the City: regulations for grand openings or special events (TMC 1393.08) and regulations for banners, pennants, and flags (TMC 1389.05). Temporary signage is allowed for grand opening (in any commercial or industrial zoning district), a new residential subdivision, or a special event. The permit is valid for fifteen days. Banners, pennants, and flags (excludes nation, state or corporate) used for advertising a business or event are permitted in the CR, IL, IG, and IP zoning districts when located on a major street for a maximum of six months. The regulations also include specific standards concerning size, quantity and location.

The only other section where temporary signage is covered is for exempt signage (TMC 1391.02). This type of signage is exempt from permits and contains provisions for election signage, real estate signs, special events at churches or schools, or incidental signage such as “open” signs. These types of sign regulations are problematic because of recent court decisions that have found it to be in violation of the first amendment because it provides special requirements based on the content or “speech” of the sign. However, addressing all of these items would require a full rewrite of the sign code and exceed the resources available to the Plan Commission.

This proposal offers the following changes to the sign code:

- Removes the provisions in TMC 1393.08 for grand openings or special events and prohibits most of the temporary signage listed. The provisions for special event signage in TMC 1391 will remain in place at this time.

STAFF ANALYSIS (cont'd)

- Adds a flag sub-category for “Feather Flags” in the definition section and prohibits this sign type in TMC 1393.08.
- Removes pennants from TMC 1389.05 and prohibits the sign type from use in the revised TMC 1393.08.
- Modifies the allowable time for flags and banners from six months to thirty consecutive days in a calendar year.

Additionally, this proposal also corrects a minor typo in the recently approved EMC language where an “or” was used in place of an “and.”

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of M-14-17, a Text Amendment to Modify Regulations for Temporary Signage, as outlined in Exhibit “A”, to Toledo City Council.

TEXT AMENDMENT
TOLEDO CITY PLANNING COMMISSION
REF: M-14-17
DATE: December 7, 2017
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF ZONING
AND PLANNING
DATE: January 10, 2018
TIME: 4:00 P.M.

JL
One (1) Exhibit follows

Exhibit "A"

(Additions in bold italics. Deletions in strikethrough.)

[1] MODIFY SIGN CODE REGULATIONS TO PROHIBIT PENNANTS AND DURATION OF FLAGS AND BANNERS

1383.09. Permit fees.

Application for permits, except for exempt signs as enumerated and defined in Section 1391.02, shall be filed with the Administrator together with a permit fee for each sign as specified herein; provided, however, that the minimum fee for a permit shall be twenty-five dollars (\$25.00). The maximum total fee for any single sign shall be two hundred fifty dollars (\$250.00) permit fee for each sign.

(a) On-premise signs.

All on-premise signs visible from a public right of way and/or public street, except flags, banners and pennants, shall be calculated at a base fee of thirty-five dollars (\$35.00), plus fifty cents (\$0.50) a square foot.

(1) The calculation on a free-standing pole, ground, monument or any similar or roof sign shall be based only on one face of the sign. That calculation shall be based on the largest face of the sign.

(2) Facia or wall signs: only the copy area as calculated in this Code shall be included in the above-mentioned fee.

(3) Fees on signs painted by hand, directly on building wall, shall be calculated at one-half the above rate.

(4) Flags, **and** banners ~~and strings of pennants~~ shall have a permit fee of twenty-five dollars (\$25.00) for each flag; **or** banner ~~or 200 feet of pennants or part thereof~~, which is displayed. The maximum fee for all flags on one site shall be eighty dollars (\$80.00) for a six-month period. The maximum total fee for all banners ~~and pennants~~ on one site shall be eighty dollars (\$80.00) for a six-month period. The maximum total fee per site, for sites which install flags, **and** banners ~~and string of pennants~~, shall be one hundred dollars (\$100.00) for a six-month period.

1389.05. Flags, **and** banners ~~and pennants~~.

(a) Flags, **and** banners ~~and pennants~~ shall be permitted in ~~C-3 CR Commercial and for conforming C-3 uses under the forty percent (40%) rule in IL, IG, and IP industrial zoning districts~~, as provided in this section.

(b) Minimum Clearance. Where a flag, **or** banner, ~~or string of pennants~~ is attached only to a free-standing sign the minimum clearance between the bottom of the flag, banner, or pennant and the ground shall be seven feet. All other installations of flags, **or** banners, ~~or pennants~~ shall have a minimum clearance of fourteen feet except for ~~pennants displayed in a maypole arrangement, banners or pennants displayed flat against a building and flags on top of a building.~~

Exhibit "A"

(Additions in bold italics. Deletions in strikethrough.)

[1] MODIFY SIGN CODE REGULATIONS TO PROHIBIT PENNANTS AND DURATION OF FLAGS AND BANNERS (CONT'D)

(c) Number, Size and Setback. Each business premises with one or more businesses, which has individual recorded lot frontage on arterial or major collector streets may display ~~either a~~ ***one*** banner not more than fifteen feet in length, and not more than one square foot in area for each three feet of frontage up to a maximum of thirty square feet in area. ~~or pennants which contain no written message or symbol, in the amount of one lineal foot of pennants for each foot of frontage. Individual pennants on a string shall be no wider than one foot at the base and no longer than two feet from base to tip. Business sites with ninety feet or more of such arterial street frontage may display both a banner and pennants as set out above. Sites with 200 feet or more frontage on an arterial street and which are two acres or more in area may display up to one additional 200 foot string of pennants provided the additional pennants shall not be displayed within ten feet of the right of way.~~

Banners ~~and pennants~~ may be displayed on a legal pole or sign or flat against a building, but not abutting a residential district within the setback required from such district, or in other locations which are not within the required side or rear yard. Such signs shall be not less than ten feet from the front lot line. ~~provided, however, a single line of pennants may be strung parallel to the lot line within the ten foot setback, if attached to light poles or signs in the setback which were installed prior to November 1, 1983, and one or more strings of pennants, running from a structure outside the setback, may also be attached to such poles or signs, but with not more than one such string to each pole or sign. Pennants may also be displayed in a maypole arrangement around a pole or sign in the ten foot setback area, provided no string of pennants extends more than ten feet from the pole and no other pennants are displayed on the site.~~

Flags may be displayed not more than one on a free standing pole or a pole attached to a building provided each flag may contain a written message. Flags shall not be displayed in required side or rear yards, or nearer than ten feet to a front lot line other than on top of an existing, main building, or when flown from a light pole or flag pole installed prior to November 1, 1983. Flags shall be no larger than twelve square feet in area, and shall not overhang the right of way. One such flag may be displayed, as set out above, for each fifteen feet of frontage on an arterial street, for up to six flags. Additional flags within the arterial street frontage requirement, may be approved by the Commissioner of Inspection, with the advice of the Arts Commission or the Plan Commission staff, which he finds enhance the site aesthetically and do not contribute to an overall sign clutter in the area.

Exhibit "A"

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[1] MODIFY SIGN CODE REGULATIONS TO PROHIBIT PENNANTS AND DURATION OF FLAGS AND BANNERS (CONT'D)

(d) No flag, **or** banner ~~or pennants~~ shall be maintained which interfere with traffic signals, regulatory signs, sight distance at a street or driveway intersection or otherwise conflicts with safe driving. All proposed installation of flags, **or** banners ~~or pennants~~ within the site distance triangle of an arterial street intersection or within ten feet of the right of way, shall be referred to the Commissioner of Transportation for review. The review shall consider traffic safety, sign clutter and design. Approval may be conditioned on modification of the location or arrangement of the proposed sign display. The site distance triangle, for the purposes of this section, is the triangle formed by the curb, or where there is no curb the edge of pavement, on each intersecting street, and a straight line connecting a point on each curb or edge of pavement line. The point shall be 200 feet distant from the intersection of the curb or pavement edges.

(e) Each permit issued for a flag, **or** banner ~~or a pennant~~ shall be considered temporary, and ***is valid for a maximum of thirty consecutive days*** ~~will expire in six months. Only one permit shall be issued per year per premise.~~

(f) All flags, banners or pennants shall be properly maintained so that they will not become torn, faded or otherwise mutilated and shall remain in good condition at all times or be subject to removal.

(Ord. 947-83. Passed 11-22-83; Ord. 104-94. Passed 3-14-94.)

[2] MODIFY 1393.08 TO PROHIBIT TYPES OF TEMPORARY SIGNAGE

1393 Prohibited Signs

1393.08. ~~Banners.~~ ***Temporary Signs***

(a) ~~Banners, flags, Pennants,~~ search lights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, ~~or air or~~ gas-filled figures ***or feather flags are prohibited.*** ~~shall not be used on a permanent basis. (See Figure 24 in Chapter 1387).~~

~~—(b)—Signs described in subsection (a) hereof shall be permitted at the opening of a new business in a commercial or industrial district for a total period not to exceed fifteen days. Banners, flags and pennants shall be allowed in residential districts in conjunction with a demonstration of model homes in a new subdivision conducted by a realtor for two days before the opening of such demonstration to two days after and not to exceed a total period of fifteen days in any calendar year.~~

~~—(c)—Signs described in subsection (a) hereof shall be permitted at special events of a civic or philanthropic nature upon application to and approval by the Administrator.~~

~~(1952 Code § 43-8-7)~~

Exhibit "A"

(Additions in bold italics. Deletions in strikethrough.)

[3] ADD SUB-DEFINITION FOR FEATHER FLAG AND UPDATE SPECIAL EVENT CROSS REFERENCES

1393.08. Definitions.

(42) "Flag" means a piece of cloth or other flexible material varying in size, shape, color and design, usually attached at one edge to a staff or cord and which may be imprinted with an advertising message or design, or be of bright colors to attract attention. Not included are those flags, emblems or insignia of any nation, political subdivision or corporation.

(a) "Feather flag" means a vertically elongated piece of cloth or other flexible material typically attached to a curved plastic or metal shaft and secured to the ground without a permanent foundation.

(Ord. 182-83. Passed 3-8-83.)

1393.09. Flags.

Flags other than those of any nation, state or political subdivision or corporate flag are prohibited ~~on a permanent basis and~~ except as set forth in Sections ~~1393.08(b) and~~ 1389.05.

(Ord. 182-83. Passed 3-8-83)

1393.11. "A" frame signs.

"A" frame or sandwich board, sidewalk or curb signs are prohibited except for temporary use as provided in Section **1389.07** ~~1393.08~~. (See Figure 26 in Chapter 1387).

(1952 Code § 43-8-10)

[4] CORRECT TYPO IN EMC REGULATIONS

1389.06.c.1 Electronic Message Centers (EMCs)

A. In any residential district, an EMC shall not exceed the maximum allowable height of 6 feet ~~or~~ **and** 50% of allowable sign area of TMC 1387.02 up to a maximum of 16SF. Sign area restriction is for EMC copy only.