

CITY COUNCIL  
BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES

December 3, 2015

The City Council Business and Community Affairs Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 4:05 p.m. in the Municipal Building Conference Room located at 201 West Gray on the 3rd day of December, 2015, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Allison, Lang, and Chairman Heiple
ABSENT:	Councilmember Castleberry
STAFF PRESENT:	Ms. Susan Connors, Director of Planning and Community Development Mr. Terry Floyd, Development Coordinator Ms. Sara Kaplan, Retail Marketing Coordinator Ms. Leah Messner, Assistant City Attorney Mr. Wayne Stenis, Planner II

Item 1, being:

CONTINUED DISCUSSION REGARDING THE INCLUSION OF “FEATHER/TEARDROP” BANNERS IN THE CITY OF NORMAN.

Ms. Susan Connors, Director of Planning and Community Development, said the Business and Community Affairs Committee (BACA), in its meeting of November 5, 2015, discussed the possibility of making changes to the City of Norman Sign Code to add “feather/teardrop banners.” She said today Staff is submitting Sign Code amendment options to the Committee.

Ms. Connors said the new definition for a feather/teardrop banner would be, “A feather flag is a free standing, sign typically constructed with a plastic or metal shaft driven in the ground and an attached pennant typically in the shape of a feather, teardrop, or rectangle that is vertically elongated and attached to the shaft.”

Ms. Connors said Staff needs to clarify if the Committee wants these signs to be permitted as temporary signs or winds signs and regulating duration, location, size, spacing, setback, illumination, and number. In the current Sign Code, signs are categorized by land use so language would need to be added to each land use category. She said questions Staff has for BACA include the following:

**Should feather signs be allowed in all zones or prohibited from certain zones?**

Ms. Connors said Staff suggests allowing feather signs in industrial, commercial and/or office zones, but prohibiting them in residential zones, which would include multi-family development.

Councilmember Lang said he does not want these signs everywhere because they would make the City look tacky. Councilmember Allison said cluttering could be avoided by addressing the spacing and number of signs allowed per property. Councilmember Lang said, worst case scenario, he can see competing, neighboring properties, such as restaurants, having several signs cluttering the front of their properties. Ms. Connors did not believe many restaurants would want to use them, but the City could set a minimum side yard setback so signs could not be closer than 15 feet. She said the City does not have any experience in regulating these signs because they are currently prohibited.

Chairman Heiple asked Ms. Sara Kaplan, Retail Marketing Coordinator, for input and she said the signs will be very popular especially to new businesses. She recommends restricting apartment complexes on the amount of time they could have the signs out for grand openings and believes a lot of restaurants would want them if they were allowed.

Item 1, continued:

**Should feather signs be allowed in all zones or prohibited from certain zones?, continued:**

Chairman Heiple agreed with Councilmember Lang that the one thing the City does not want to do is be littered with signs so they should be allowed, but limited to a certain number.

Councilmember Allison said if he owned an apartment complex, he would be a little upset if his neighbor, who may be a restaurant, can have feather signs but he could not. In his opinion, multi-family is commercial not residential because they are for profit. Ms. Connors said the signs can be allowed in multi-family, Staff is just seeking the Committee's opinion. Councilmember Allison said if a warehouse is zoned industrial and decided to have a warehouse sale then that is commercial activity. Councilmember Lang said he could approve a time limit of 30 days, but at the same time he is very sympathetic to small businesses. He asked who would regulate the signs and Ms. Connors said Code Enforcement. Councilmember Lang said Code Enforcement is stretched as it is, correct? Ms. Connors said there are times of the year when signs are an issue and times when they are not, but if these signs are allowed the City will have to regulate the signs differently than it does now. She said the City cannot say multi-family zoning can have the feather signs for a limited amount of time and commercial can have them more often, they have to be treated the same.

Councilmember Lang said if a business is new then a six month time period would be okay, but if he were a competitor he would want to know why one business would get the advantage of six months when another tax paying business could only have 30 days. He said this also makes regulating the signs very difficult for Code Enforcement.

Ms. Connors asked if there is consensus to allow feather signs in multi-family zoning and Councilmember Allison said yes and Councilmember Lang concurred.

**Should feather signs require a building permit?**

Ms. Connors said if the City does not require a permit or permit fees then the City cannot regulate the signs at all because there would be no way to know where the signs are located or how long they have been up. If the City permits them she recommended a \$25 permit fee. Councilmember Lang asked why \$25 dollars and Mr. Wayne Stenis, Planner II, said it is similar to the fee charged for pennants. Councilmember Allison asked if the permit could be renewed for another 30 days after the initial 30 days has expired and Mr. Stenis said no. Mr. Stenis said pennant language states that any sign permitted for less than ninety days has to be removed after that period for the same amount of time. Ms. Connors said the feather signs could be limited to a certain number of days four times a year and Councilmember Allison said in his research of other cities there is no conformity on the number of days allowed, number of signs allowed, etc. He personally does not like limiting the number of days for a grand opening because businesses are usually swamped during that time and he also thinks it costs more than \$25 to process a permit. Ms. Connors said that fee is pretty much the same across the board on sign permits so the City would have to look at sign fees overall as opposed to charging more for this type of sign permit over another type. Councilmember Allison agreed permit fees are something that needed to be looked at. Councilmember Lang also felt that \$25 was pretty low.

Chairman Heiple said he does not like the idea of limiting the number of days. If a business obtains a permit, it should be an annual permit, which he believes costs \$200. Councilmember Allison said this language is being presented as a temporary sign and if that is changed to annual, where will that be slotted in the Sign Code? Ms. Connors said the City currently has annual banner permits, but sometimes it is difficult to get the business to pay the renewal fee and Code Enforcement has to work the banners as a violation for non-payment. Chairman Heiple said he would like the feather sign permits to be annual permits.

Item 1, continued:

**Should feather signs require a building permit?, continued:**

Ms. Connors said there is language that states signs have to be maintained adequately and if they are left up all year and get shabby the City can remove them and the Committee said they had no problem with that language.

Councilmember Allison thought a six month permit would be more adequate because if the signs are left up year round they will have wear and tear. Ms. Connors agreed and said if feather signs are exposed to weather all the time it will be much more noticeable when they get torn and weathered. She said there can be somewhat of a subjective opinion as to whether or not they are shabby. Councilmember Allison said, in reality, neighbors will turn those signs in as a violation.

Councilmember Lang said the feather banner definition states “securely fastened,” but there are some feather signs that do not get stuck into the ground, they are on a stand. He said the recommendation for anchoring those are to use sand bags to hold them down and asked if that is the City’s idea of securely fastened and Ms. Connors said no, the definition states, “metal shaft driven in the ground” so they have to be a metal shaft driven in the ground. Mr. Stenis said that is equivalent to the City not allowing an a-frame sign as it is the same concept. Councilmember Lang said owners will be more likely to take better care of signs during a six month period versus one year. If the signs are only allowed for 30 days, the owner’s only goal will be to get the sign out there, not maintenance or securing of the sign.

Ms. Connors said banners/pennants have to be attached to a metal frame and she does not really know much about how feather signs work. Councilmember Allison said the fabric of the feather sign slips over a metal shaft so the flag fabric can be removed from the shaft to be taken in after-hours so they do not get torn or weathered. He said the metal shaft stays in the ground; however, cheaper versions can be obtained. He said small businesses will take care of their signs because the signs are not cheap.

Ms. Connors asked if the Committee wanted an annual permit or six months and if six months does that mean the sign is up for six months then down for six months. Councilmember Allison said he would like six months then allow them to renew. Chairman Heiple said if a business has to renew every six months that will be the economic incentive not to throw fifty signs out there 24/7 to avoid the clutter factor. Councilmember Allison asked the fee on the annual banner/pennant permit and Mr. Stenis said \$100 and Councilmember Allison asked if the feather sign permit could be \$100. Ms. Connors said, in that instance, each sign would cost \$100 and Chairman Heiple felt that was a little steep and he liked the \$25 fee for each.

Ms. Connors said if a business has an annual banner permit and wants a feather sign, can they still obtain the annual banner permit and Chairman Heiple said no.

**Should feather signs be considered temporary signs or wind signs?**

Chairman Heiple said they should be considered temporary signs.

**How should feather signs be spaced?**

Ms. Connors said Staff suggests feather signs be no closer than 15 feet to another feather flag and no more than four flags per tenant per street frontage in industrial and commercial zones. Staff also suggests a limit of two per street frontage that is adjacent to residential because one of the Sign Code’s goals is to minimize the office/commercial impacts on residential areas. She would also suggest the City allow fewer feather signs in office zoning. The Committee concurred to all.

Item 1, continued:

**Should the feather signs be allowed any place on the property or be restricted to the same setback as other signs?**

Ms. Connors said industrial zones do not have setback requirements. She said some commercial zones have no setback, while some have 25 foot setbacks. Office zones have a ten foot setback and residential zones have a 25 foot setback. The Sign Code already states that signs may not be placed in the sight triangles or the public rights-of-way.

Councilmember Lang asked 25 feet from where and Ms. Connors said the property line behind the sidewalk. Councilmember Lang asked if they are not behind the sidewalk are they illegal and Ms. Connors said yes and this would remain illegal in the proposed ordinance. Ms. Connors said there is not a lot of C-1 zoning in the City so it really is not worth worrying about. Councilmember Allison asked why C-1 is different than C-2, General Commercial District, and C-3, Intensive Commercial District, and Ms. Connors said C-1 zoning is generally for neighborhood oriented businesses.

Ms. Connors said Staff suggests treating feather signs the same as other signs in the same zoning district regarding setbacks. Committee members concurred and Councilmember Allison said having varying setbacks would make it difficult for the buyer of the permit. Ms. Connors said when a person obtains a permit, Staff walks them through the allowed setbacks and where signs can be located on the property.

**Should feather signs have a maximum height and/or size limit?**

Ms. Connors suggested a maximum height of 15 feet and a maximum size of 45 square feet. Chairman Heiple has seen 30 square feet to 32 square feet in size so 45 square feet would be a huge sign and Ms. Connors said that could be cut back to 35 square feet. Councilmember Allison felt 15 feet in height and 32 square feet in size was adequate and the Committee concurred.

**Should feather sign illumination be allowed?**

Ms. Connors said illumination could be a concern if not addressed and Staff suggests prohibiting illumination and Chairman Heiple agreed.

**Should there be a statement in the Sign Code regarding securing the sign so it does not blow away?**

Ms. Connors said Staff suggests a statement such as, "feather signs shall be securely fastened to the ground in accordance with the manufacturer's specifications." Councilmember Lang said he was happy with that as long as sand bags could not be used. Ms. Connors said "in accordance with the manufacturer's specifications" could be removed from the language to help with that and the Committee agreed.

Chairman Heiple said if the City found itself overwhelmed with feather banners, can the City change the rules and Ms. Connors said yes. Councilmember Allison said making businesses obtain a permit that includes a fee will deter some of the cluttering. Councilmember Lang said \$25 is not enough and Councilmember Allison said that is per flag so if someone wants four flags that would total \$100.

Ms. Connors asked if BACA wanted the amendment to go forward with a public hearing process and Chairman Heiple said yes, he would be in favor of a public hearing. Ms. Connors said the amendment will go before the Planning Commission prior to City Council, which will include a public input process.

Councilmember Allison asked the timeline for the item to be placed on Council's agenda and Ms. Connors said it will be reviewed by the Planning Commission in January 2016, so Council should see it on their agenda in February 2016.