

City Council Agenda Items
and
Contracts, Leases or Agreements

1/3/2013

City Council Meeting Date
Agenda Items Only

Jesse Fulcher

Submitted By

Planning

Division

Development Services

Department

Action Required:

ADM 12-4228: Administrative Item (UDC Amendment Chapter 151 and 174): Submitted by City Planning Staff. The proposal is to amend the Unified Development Code Chapter 151, Definitions and Chapter 174, Signs, to provide regulations for electronic message and video boards.

Cost of this request	\$ -	Category / Project Budget	Program Category / Project Name
Account Number	\$ -	Funds Used to Date	Program / Project Category Name
Project Number	\$ -	Remaining Balance	Fund Name

Budgeted Item

Budget Adjustment Attached

[Signature]
Department Director

12-14-2012
Date

Previous Ordinance or Resolution # _____

[Signature]
City Attorney

Dec 17, 2012
Date

Original Contract Date: _____

Original Contract Number: _____

[Signature]
Finance and Internal Services Director

12-18-2012
Date

Received in City Clerk's Office
12-14-12 P04:15 RCVD
[Signature]

[Signature]
Chief of Staff

12-18-12
Date

Received in Mayor's Office
ENTERED
12/18/12

[Signature]
Mayor

12/20/12
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director *JP*

From: Jesse Fulcher, Current Planner

Date: December 14, 2012

Subject: ADM 12-4288, UDC Chapters 151, Definitions and 174, Signs

RECOMMENDATION

Staff recommends approval of an ordinance clarifying and further regulating the use of electronic message boards and video boards in the City of Fayetteville.

BACKGROUND

Signs that flash or blink have been regulated in Fayetteville's sign ordinance since 1972. However, newer technologies emerging in cities within the region such as electronic message boards and video boards aren't specifically addressed in the Unified Development Code. Currently, both sign types are allowed, provided that the message or image is stationary. The one exception is along the I-540 corridor where these types of signs have been prohibited since 1994.

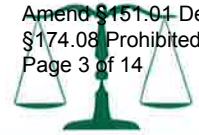
The proposed amendments to the sign ordinance are intended to provide clear regulatory guidelines for electronic message boards, such as where they are permitted and at what size. The changes also include a prohibition on electronic video boards, throughout the city.

DISCUSSION

None.

BUDGET IMPACT

None.



Departmental Correspondence

www.accessfayetteville.org

**LEGAL
DEPARTMENT**

**TO: Mayor Jordan
City Council**

**Kit Williams
City Attorney**

**CC: Jeremy Pate, Development Services Director
Andrew Garner, Senior Planner – Current Planning
Jesse Fulcher, Planner – Current Planning**

**Jason B. Kelley
Assistant City Attorney**

FROM: Kit Williams, City Attorney

A handwritten signature in blue ink, appearing to read 'Kit Williams', with a long horizontal line extending to the right.

DATE: December 17, 2012

**RE: New “super bright” video type screens
used for outdoor signs along I-540 and in neighboring cities**

I imagine that many of us have witnessed the new television type billboard signs on I-540 north of our city limits. These exceedingly bright (whether in daylight or at night) video screens are much more distracting than previous billboards even when those billboards are lighted. As such, this type of sign would be far more dangerously distracting signs related to traffic safety and far more degradating to Fayetteville’s prized aesthetics and beauty. What is fine for the Las Vegas Strip or New York Times Square is not appropriate in Fayetteville.

The City’s Sign Ordinance must keep up with the times and technology to maintain the aesthetic and traffic safety rationale for our Sign Ordinance. Failure to prohibit these super bright television screen signs would be unfair to all existing signs and force business competitors to purchase these super bright signs themselves. Fortunately, the first business which attempted to get such a sign approval from the Planning Commission was in the I-540 Overlay District that does not allow internally illuminated signs. For fairness’ sake, the City needs to promptly amend the Sign Ordinance to prohibit this type of sign so we can keep the sign competition playing field level and equitable for all businesses.

Planning Staff and I have worked on what would need to be amended in the Sign Ordinance to continue to allow the electronic message board signs (that are not jarringly or unfairly bright) that allow changes every three hours, but to prohibit the television screen type sign whose brightness and changeable visions are unfair competitors and extremely dangerous for traffic safety and hurtful for the treasured beauty and aesthetics of Fayetteville. I support Planning Staff’s recommended changes to the U.D.C. on this issue.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §151.01 DEFINITIONS AND §174.08 PROHIBITED SIGNS OF THE UNIFIED DEVELOPMENT CODE OF FAYETTEVILLE TO CLARIFY REGULATIONS CONCERNING ELECTRONIC MESSAGE BOARDS

WHEREAS, changing technology has created the need to clarify the type and illumination power of electronic message boards to continue to protect aesthetic and traffic safety concerns of our City while still permitting electronic message boards similar to those already installed by commercial business in Fayetteville to continue to operate and continue to be permitted in the future; and

WHEREAS, electronic graphic screen signs which have appeared along I-540 and elsewhere in neighboring cities are so bright and distracting that they create substantially increased traffic safety dangers, aesthetic degradations of the vicinity, and unfairly diminish the usefulness and visibility of neighboring signs.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends the definition of *Bulletin Board* of §151.01 of the Unified Development Code by adding the following sentence at the conclusion of the definition: "*A bulletin board is considered a manual reader board.*"

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby further amends §151.01 of the Unified Development Code by adopting the following definitions:

“Changeable reader board, electric. (Signs) A changeable copy sign that displays electronic, non-pictorial, text information in which alphanumeric characters and punctuation marks are defined by illumination devices, such as, but not limited to, light emitting diodes (LED), fiber optics, light bulbs, and liquid crystal display (LCD).

“Changeable reader board, manual. (Signs) A changeable copy sign that is arranged manually in the field through the utilization of alphanumeric characters and punctuation marks.

“Electronic graphic display screen. (Signs) A sign or portion of a sign that displays electronic images, graphics or pictures, defined by matrix elements using different combinations of light emitting diodes (LED), fiber optics, light bulbs, or other illumination devices. Electronic graphic displays include television screens, plasma screens, digital screens, flat screens, LED screens, LCD screens, video boards, holographic displays, or other technologies of a similar nature.

“Foot candle. A unit of measurement referring to illumination. One foot candle is equal to one lumen uniformly distributed over an area of one square foot.

“Illuminance. The photometric quantity most closely associated with the perception of brightness and a measurement of the intensity of light falling on a surface at a given distance from the light source.”

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby repeals §174.08(B) of the Unified Development Code and enacts a replacement shown as Exhibit “A” attached hereto and made a part hereof.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby amends §174.08(C) of the Unified Development Code by adding “*portable reader board*” as a type of temporary attraction sign board.

PASSED and APPROVED this 15th day of January, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT "A"

CHAPTER 174: SIGNS

174.08 Prohibited Signs

- (B) *Fluctuating illumination.* It shall be unlawful for any person to erect additional attraction devices or signs or to continue in operation an attraction device or sign which flashes, blinks, or is animated. Illumination of attraction devices or signs located in the city that fluctuates in light intensity shall be prohibited.
- (1) *Electronic message boards.* Electronic message boards may be permitted subject to the following conditions:
- (a) *District limitations.* Electronic message boards are prohibited in all residential districts, including Neighborhood Conservation. They are allowed only in institutional, office, industrial and commercial zoning districts, or mixed use districts with nonresidential uses, but in no case ever allowed in the Neighborhood Services or I-540 Districts.
 - (b) *Size.* The maximum sign area of the electronic portion of an electronic message board shall not exceed 32 square feet.
 - (c) *Display.* Messages shall be displayed on a black or unlit background.
 - (d) *Dimming and brightness.* Signs shall be equipped with dimming technology that automatically adjusts the display brightness based on ambient light conditions. The sign shall not exceed 0.3 foot candles illumination above ambient light level.
 - (e) *Copy.* Electronic message boards using flashing, intermittent or moving light or lights are prohibited. There shall be no appearance of visual dissolving, fading, movement, animated text, video, or flow of message.
 - (i) Electronic message boards may change their message every three hours without violating the prohibition of flashing or blinking. Transitions between messages shall be instantaneous.
- (2) *Electronic graphic display screens.* It shall be unlawful to erect any electronic graphic display screen.

MARK-UP COPY

CHAPTER 151 AND CHAPTER 174

Barrel roof. (DDOD) Like a covered wagon, or inverted ship; barrel vault is an arch of uniform cross-section.

Base density. (Tree Preservation and Protection) The number of trees an applicant must plant based upon the quality and number of the trees proposed to be removed per acre.

Base flood. (Stormwater Management, Drainage and Erosion Control) The flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the 100 year storm event.

Beacon. (Signs) A stationary or revolving light which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention; except, however, this term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Agency or similar agencies.

Bed and breakfast facility. (Zoning) A permanently owner occupied private home with a maximum of five guest rooms furnishing temporary lodging and breakfast to paying customers.

Block. A combination of building lots, the perimeter of which abuts streets.

Board of Adjustment. (Airport Zone) The Board of Adjustment established by Chapter 33.

Bona fide agricultural purpose. (Tree Preservation and Protection) The aim or goal of facilitating the ongoing commercial pursuit of farming, dairying, pasturage, horticulture, viticulture, or the keeping or raising of livestock or poultry, not otherwise prohibited by city ordinance.

Build-to line. A build-to line identifies the precise horizontal distance from a street right-of-way that the building shall be built to, in order to create a uniform line of buildings along the street.

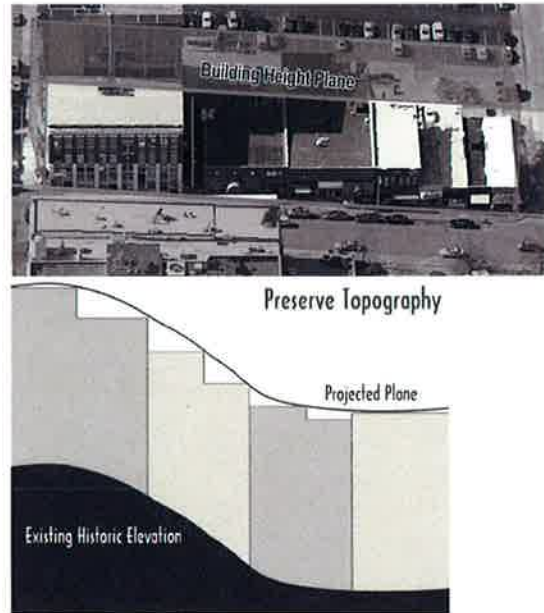
Build-to Zone. A build-to zone is a range of allowable distances from a street right-of-way that the building shall be built to in order to create a moderately uniform line of buildings along the street.

Buildable area. (Zoning) the portion of a lot remaining after required yards have been reserved.

Building frontage: The vertical side of a building which faces the primary space or street and is built to the Build-to line.

Building Height: Building height shall be measured vertically from the existing natural grade to any part of the structure, excluding spires, cupolas,

antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof and not intended for human occupancy. To verify whether the height of a proposed structure is below the maximum height allowed, project a parallel plane above the existing natural grade and across the entire parcel. If the structure is below the upper line, then the height limitation has been satisfied.



Building official. (Building Regulations) A city building inspector.

Building permit. (Manufactured Homes and Parks) (Manufactured Homes and Parks opened or expanded after 4-20-72) A written permit issued by the enforcement officer permitting construction, erection, alternation, remodeling, or repair of a manufactured home park.

Bulletin board. (Signs) Any sign erected by a charitable, educational or religious institution or public body, which is erected upon the same property as said institution, for purposes of announcing events which are held on the premises. **A bulletin board is considered a manual reader board.**

C

Caliper. (Parking and Loading) A measurement of general tree size taken at a point located six inches above natural ground or root ball surface.

Caliper. (Landscape Regulations) A measurement of general tree size taken at a point located six inches above natural ground or root ball surface.

Canopied Slopes. (Tree Preservation and Protection) Any land with a slope of 15% or greater

containing trees, woody shrubs and herbaceous plants that serve the function of sustaining the structural integrity of the soil, thus reducing the likelihood of erosion, slide or slump.

Canopy. (Tree Preservation and Protection) The combined crowns of all trees on a tract of land.

Carport. An automobile shelter having one or more sides open.

Center for collecting recyclable materials. (Zoning) A facility that is not a salvage yard and in which recoverable resources, such as paper products, glass, aluminum, metal cans, and other products are processed for recycling. Processing may include the preparation of materials for efficient shipment by such means as baling, compacting, flattening, grinding, crushing and mechanical sorting.

Changeable reader board, electronic. (Signs) A changeable copy sign that displays electronic, non-pictorial, text information in which alphanumeric characters and punctuation marks are defined by illumination devices, such as, but not limited to, light emitting diodes (LED), fiber optics, light bulbs, and liquid crystal display (LCD).

Changeable reader board, manual. (Signs) A changeable copy sign that is arranged manually in the field through the utilization of alphanumeric characters and punctuation marks.

Chief administrator. (Building Regulations) The mayor of the City of Fayetteville.

Chief appointing authority. (Building Regulations) The City Council.

Chief building official. (Building Regulations) Building Safety Division director.

Cistern. (Stormwater) Roof water management devices that provide retention storage volume in above or underground storage tanks. They are typically used for water supply. Cisterns are generally larger than rain barrels, with some underground cisterns having the capacity of 10,000 gallons. On-lot storage with later reuse of stormwater also provides an opportunity for water conservation and the possibility of reducing water utility costs.

City. (Stormwater Management, Drainage and Erosion Control) The City of Fayetteville, including staff and elected officials, or designee.

City Engineer. (Stormwater Drainage and Erosion Control) The city engineer or his appointed representatives, including assigned staff engineers, technicians and inspectors.

City of Fayetteville Landscape Manual. (Tree Preservation and Protection) A document having detailed instructions for preparing tree preservation plans and standards and specifications for tree protection, planting, maintenance and design.

City official. (Streets and Sidewalks) The mayor (or other official designated by the mayor, and authorized to issue the permits granted thereunder) of the city.

City Planning Commission. (Manufactured Homes and Parks) (Manufactured Homes and Parks opened or expanded after 4-20-72) That commission created for the city by Chapter 33.

Civic Building. Structure used primarily for public education, cultural performances, gatherings and displays administered by non-profit cultural, educational, governmental, and religious organizations.

Club or lodge. (Zoning) A building or portion of a building used by an association for the promotion of some common objective excepting clubs the chief activity of which is a service customarily carried on as a business.

Collector street. (Streets and Sidewalks) A street which in addition to serving abutting properties, intercepts minor streets, connects with community facilities and carries neighborhood traffic to the major arterial street system.

Co-location. (Wireless Telecommunications Facilities) Locating wireless communications equipment for more than one provider at a single communications facility, on a building, or on an alternative tower structure.

Colonnade. (DDOD) A roofed structure, extending over the sidewalk, open to the street except for supporting columns or piers.

Column. (DDOD) A supporting pillar usually consisting of a round shaft, a capital, and a base.

Commercial development. (Tree Preservation and Protection) Any development in an R-O, Commercial or Industrial Zone and any conditional use in any other zone which permits activities usually conducted within an R-O, Commercial or Industrial Zone.

Commercial driveway. (Streets and Sidewalks) An entrance on public property or exit from any commercial, business, or public establishment adjacent to a public street or highway.

Commercial tree pruner/service. (Tree Preservation or Protection) A person who performs work on trees for profit.

TITLE XV UNIFIED DEVELOPMENT CODE

a double-faced sign shall be considered in determining the display surface area.

District or zoning district. (Signs) A section or sections of the incorporated area of the city for which the then effective zoning ordinance governing the use of buildings and land are uniform for each class of use permitted therein. References to individual zoning districts contained herein shall refer to the zoning district established by the City Council in Chapter 160.

Disturb. (Physical Alteration of Land) To alter the natural state.

Domed roof. (DDOD) A vaulted roof having a circular, polygonal, or elliptical base and a generally hemispherical or semispherical shape.

Dormitory. (Zoning) A building or group of buildings designed or altered for the purpose of accommodating students or members of religious orders with sleeping quarters, with or without communal kitchen facilities, and administered by educational or religious institutions.

Drainage area. (Stormwater Management, Drainage and Erosion Control) The watershed area contributing surface and stormwater runoff to a stormwater management system.

Dripline. (Tree Preservation and Protection) An imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.

Drive-in/drive-through restaurant (Zoning) Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

Dwelling, live/work. A dwelling unit within which an at-home business is encouraged. Businesses are limited to a maximum of two employees that do not dwell in the principal or accessory dwelling unit.

Dwelling, manufactured home. (Zoning) A detached residential dwelling unit designated for transportation on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundation, connection to utilities, and the like. A travel trailer is not to be considered as a manufactured home.

Dwelling, multi-family. (Zoning) A residential building designed for or occupied by three or more

families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, single-family attached / townhouse. (Zoning) Two or more dwelling units located on individual lots but joined along a single lot line. All such dwellings must be totally separated from other dwellings by a fire-resistant common wall.

Dwelling, single-family. (Zoning) A detached residential dwelling unit other than a manufactured home, designed for and occupied by one family only.

Dwelling, two-family / duplex. (Zoning) A detached residential building containing two dwelling units, designed for occupancy by not more than two families and located on one lot of record.

Dwelling unit. (Zoning) One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

E

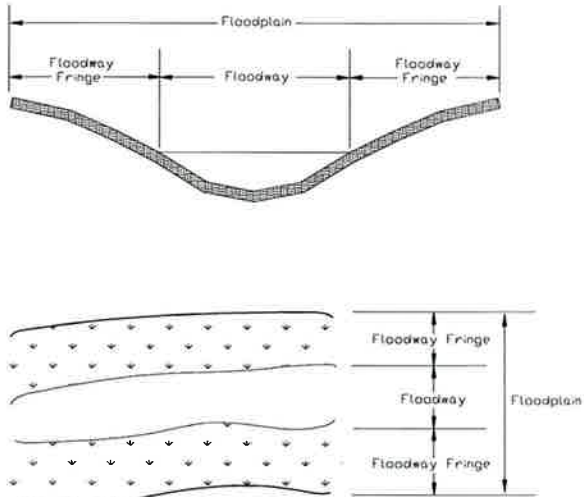
Easement. (Development) A grant by the property owner to the public, a corporation or persons, for the use of a strip of land for specific purposes.

EIFS. (Exterior Insulating and Finish Systems). (DDOD) A cement based synthetic material used as an alternative to natural stucco.

Electronic graphic display screen. (Signs) A sign, or portion of a sign that displays electronic images, graphics or pictures, defined by matrix elements using different combinations of light emitting diodes (LED), fiber optics, light bulbs, or other illumination devices. Electronic graphic displays include television screens, plasma screens, digital screens, flat screens, LED screens, LCD screens, video boards, holographic displays, or other technologies of a similar nature.

Enforcement officer. (Manufactured Homes and Parks) (Manufactured Homes and Parks opened or expanded, 4-20-72) The chief building inspector of the city, or his/her duly authorized representative.

Engineer. (Stormwater Management, Drainage and Erosion Control) A professional engineer registered in Arkansas, or other person exempted pursuant to the provisions of the Arkansas Code Annotated, who is competent in the fields of hydrology and stormwater management.



Floodplain management. (Flood Damage Prevention) The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations. (Flood Damage Prevention) Development code, building codes, health regulations, special purpose ordinances (i.e., grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood-proofing. (Flood Damage Prevention) Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway. (Flood Damage Prevention) The channel of a river, or other watercourse, and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory floodway."

Floodway. (Stormwater Management, Drainage and Erosion Control) The channel of a stream, plus any adjacent floodplain areas that must be kept free to encroachment so that the 100-year flood discharge can be conveyed without increases of more than specified amount in base elevations, either zero or one foot depending on specific location. This is an area of significant depths and velocities and therefore due consideration should be given to the effects of fill and loss of cross-sectional flow area is increased water surface elevations.

Floor. (DDOD) A story within a building.

Forestation. (Tree Preservation and Protection) The act of planting trees.

Foot candle. A unit of measurement referring to illumination. One foot candle is equal to one lumen uniformly distributed over an area of one square foot.

Fraternity or sorority house. (Zoning) A building owned or leased by a general or local chapter of some regularly organized college fraternity or sorority, or by or on its behalf by a building corporation or association composed of members or alumni thereof, and occupied by the local chapter of such fraternity or sorority as a place of residence.

Freestanding sign. (Signs) A sign which is attached to or a part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure whether portable or stationary.

Frontage Line. The property line or lines of a lot which coincide with a right-of-way or other public open space.

Front Yard Area. Front yard area shall mean the area between the plane of the front elevation of the principal façade(s) of the principal structure extending to the side property lines and the front property line abutting the street, including the driveway. A front shall be any plane of a building which abuts to a public street right-of-way.

Functionally dependent use. (Flood Damage Prevention) A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

G

Gable. (DDOD) The vertical triangular end of a building from cornice or eaves to ridge.

Gabled roof. (DDOD) A double sloping roof that forms a gable at each end.

Gambrel roof. (DDOD) A roof where each side has two slopes; a steeper lower slope and a flatter upper one; a 'barn roof'.

Garage sales. (Zoning) An occasional sales activity, not to include activities described elsewhere as home occupations, but including activities generally referred to as garage sales, yard sales, rummage sales, white elephant sales, cleaning sales, or moving sales, where used goods are displayed or offered for sale to the general public in a residential area on the resident's premises.

expanded, 4-20-72) The legally designated health authority of the city or his authorized representative.

Height. (Airport Zone) Sea level elevation, unless otherwise specified.

Height. (Hillside/Hilltop Overlay District) Building height shall be measured from the lowest point of the structure at the historic grade, prior to development, to the highest point of the structure. If the structure is located on a graded pad then the height of the building is measured from the historic grade.

Height. (Wireless Telecommunications Facilities) The vertical distance measured from the mean elevation of the finished grade to the highest point on the tower or other structure, even if said highest point is an antenna or antenna array.

Highest adjacent grade. (Flood Damage Prevention) The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Hillside/Hilltop Development Manual. (Zoning) The best management practices document that supplements the Hillside/Hilltop Overlay District and illustrates desirable Hillside/Hilltop development practices.

Hillside/Hilltop Overlay District. (Zoning) Lands located within the City that generally have slopes in excess of 15 %. The Hillside/Hilltop Overlay District is shown on the City's official zoning map. The development regulations in the Hillside/Hilltop Overlay District supercede the underlying zoning district.

Hilltop. Hillside/Hilltop Overlay District) Land located above the Hilltop line which contains less than 15% slope and is completely surrounded by Hillside/Hilltop < 15% slope.

Hipped roof. (DDOD) A roof with slopes on all four sides. The "hips" are the lines formed when the slopes meet at the corners.

Historic discharge or volume. (Stormwater Management, Drainage and Erosion Control) The peak rate or volume at which stormwater runoff leaves a parcel of land in an undisturbed/natural site condition either by gravity or by the legally allowable discharge at the time of permit approval.

Historic grade. (Zoning) The natural grade of the land prior to any development.

Historic Structure. (Flood Damage Prevention) Any structure that is:

- (A) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily

determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- (B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

- (C) Individually listed on a state inventory of historic places which has been approved by the Secretary of the Interior.

Home occupation. (Zoning) An occupation, profession or avocation conducted in a dwelling unit on a part-time or full-time basis for which financial compensation is received and which generates motor vehicle traffic to the dwelling unit by patrons or clients of the occupation, profession or avocation conducted therein. A nontraffic generating occupation, profession or avocation conducted in a dwelling unit by one or more members of the family occupying the premises shall be considered a residential use and not a commercial use. The term home occupation shall include a child care facility handling not more than six children at one time.

Horizontal surface. (Airport Zone) A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plane coincides with the perimeter of the horizontal zone.

Horsepower. (Building Regulations) The equivalent to 745 watts.

Housing Board. (Manufactured Homes and Parks) (Manufactured Homes and Parks opened or expanded, 4-20-72) The Housing Board established by the city.

House, lodging or rooming. (Zoning) A dwelling or building where lodging is provided for two or more persons for compensation, pursuant to previous arrangements, but which is not available to transients and with which no table board is furnished.

Hydroseed. (Physical Alteration of Land) A machine blown mixture of mulch, see and sometimes fertilizer.

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***Illuminance.* The photometric quantity most closely associated with the perception of brightness and a measurement of the intensity of light falling on a surface at a given distance from the light source.**

Illuminated sign. (Signs) Any sign which has characters, letters, figures, designs or outline

recorder or a lot or parcel described by metes bounds, the description of which has been so recorded.

Lowest floor. (Flood Damage Prevention) The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such an enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

Lumen. A unit of luminous flux. One foot candle is one lumen per square foot.

Luminaire or Fixture (Outdoor Lighting) means a complete lighting unit including the lamps or bulbs, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

M

Major developments. (Development) A suburban or urban major development shall be a large scale development or subdivision that satisfies either of the following conditions:

- (A) It contains 40 acres or more.
- (B) It contains 100 housing units or more.

Whether or not it is planned in one or more phases, the total possible development shall be considered when its first stage, phase, or parcel is presented for review.

Mall. (Signs) Any concentration of retail stores and/or service establishments which share customer parking areas and are located within an enclosure having public walkways whereby a customer in one store or establishment may walk to another store or establishment without leaving the enclosure.

Mansard roof. (DDOD) A roof type with two slopes on each of the four sides, the lower slope being steeper than the other; capped off with a cupola, typically Victorian.

Manufactured home. (Flood Damage Prevention) A factory-built, single-family structure that meets the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. § 5401), commonly known as the HUD (U.S. Housing and Urban Development) code. For floodplain management purposes the term also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term

"manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured home. (Manufactured Homes and Parks) A home built entirely in the factory under a federal building code, administered by the U.S. Department of Housing and Urban Development (HUD), which went into effect June 15, 1976.

Manufactured home. (Manufactured Homes and Parks opened or expanded after 4-20-72) A detached structure designed as a complete residential dwelling unit with a permanent chassis and capable of being transported on its own wheels, or on a trailer, and constructed to be ready for use upon being placed on a temporary or permanent foundation.

Manufactured home lot. (Manufactured Homes and Parks opened or expanded after 4-20-72) A plot of ground or a lot in a manufactured home park designed for the location for only one manufactured home.

Manufactured home pad. (Manufactured Homes and Parks opened or expanded after 4-20-72) That part of an individual manufactured home lot which has been reserved for the placement of a manufactured home.

Manufactured home park. (Manufactured Homes and Parks) Any plot of ground of at least one acre in size upon which two or more manufactured homes, occupied for dwelling or sleeping purposes, are located.

Manufactured home park. (Manufactured Homes and Parks opened or expanded after 4-20-72) Any park, court, site, parcel or tract of land designed, maintained intended or used for the purpose of supplying a location or accommodations for two or more manufactured homes and shall include all buildings used or intended for use as part of the equipment thereof; whether or not a charge is made for the use of the court and its facilities.

Manufactured home park or subdivision. (Flood Damage Prevention) A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

Manufactured home space. (Manufactured Homes and Parks) A plot of ground within a manufactured home park, designed for the accommodation of one manufactured home.

Manufactured homes and trailer sales lot. (Manufactured Homes and Parks opened or expanded after 4-20-72) A lot on which unoccupied trailers are parked for purposes of inspection and sale.

CHAPTER 174: SIGNS**174.08 Prohibited Signs**

- (A) *Spot lights and beacons.* It shall be unlawful for any person to continue in operation or erect any attraction device or sign which contains a beacon of any type and/or contains a spot light providing direct illumination to the public.
- (B) *Fluctuating illumination.* It shall be unlawful for any person to erect additional attraction devices or signs or to continue in operation an attraction device or sign which flashes, blinks, or is animated. Illumination of attraction devices or signs located in the city that fluctuates in light intensity shall be prohibited.
- (1) *Electronic message boards.* Electronic message boards may be permitted subject to the following conditions:
- (a) *District limitations.* Electronic message boards are prohibited in all residential districts, including Neighborhood Conservation. They are allowed only in institutional, office, industrial and commercial zoning districts, or mixed use districts with nonresidential uses, but in no case ever allowed in the Neighborhood Services or I-540 Districts.
 - (b) *Size.* The maximum sign area of the electronic portion of an electronic message board shall not exceed 32 square feet.
 - (c) *Display.* Messages shall be displayed on a black or unlit background.
 - (d) *Dimming and brightness.* Signs shall be equipped with dimming technology that automatically adjusts the display brightness based on ambient light conditions. The sign shall not exceed 0.3 foot candles illumination above ambient light level.
 - (e) *Copy.* Electronic message boards using flashing, intermittent or moving light or lights are prohibited, ~~provided, however, that electronic message boards displaying only time and/or temperature for periods of not less than 30 seconds are permitted.~~ There shall be no appearance of visual dissolving, fading, movement, animated text, video, or flow of message. ~~Electronic message boards displaying only time and/or temperature for periods of not less than 30 seconds are permitted.~~
- (i) Electronic message boards may change their message every three hours without violating the prohibition of flashing or blinking. **Transitions between messages shall be instantaneous.**
- (2) *Electronic graphic display screens.* It shall be unlawful to erect any electronic graphic display screen.
- (C) *Portable swinger or temporary attraction sign boards.* It shall be unlawful for any person to continue to display or erect any **portable reader board**, portable swinger, "A" frame, sandwich, or temporary attraction sign board in the city, except under the following conditions:
- (1) One (1) freestanding, "A" frame sandwich / menu board for a single permitted eating establishment may be permitted on a commercially zoned lot or on the adjacent public or private sidewalk in front of the respective business for the duration of the business' hours of operation. The temporary sign shall be removed and placed inside after business hours.
 - (2) The sign shall be placed such that the sidewalk remains ADA compliant, and for signs located on the public sidewalk there shall be a minimum of five feet of the total sidewalk width free and clear, to provide adequate and unobstructed pedestrian movement.
 - (3) The permitted sign shall only advertise for the adjacent eating establishment, and is to be utilized for display of menu items or advertised specials. The sign may not be utilized for product placement or to advertise for other commercial or business establishments.
 - (4) The size of the sign shall be limited to 36" tall by 24" wide.
 - (5) No sign may be displayed or erected that swings, rotates, flashes, fluctuates, or is illuminated, or in any other manner that would violate the provisions of §174.08.