

# Planning & Zoning Minutes

July 19, 2007

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CITY OF  
**REXBURG**  
America's Family Community

## Commissioners Attending:

Winston Dyer – Chairman  
Ted Hill            Mary Ann Mounts  
Mike Ricks        Thaine Robinson  
Josh Garner

## City Staff and Others:

Gary Leikness – P&Z Administrator  
Stephen Zollinger – City Attorney  
Emily Abe – Secretary

**Chairman Dyer** opened the meeting at 7:02 pm.

## **Roll Call of Planning and Zoning Commissioners**

Ted Hill, Mike Ricks, Winston Dyer, Thaine Robinson, Josh Garner

**Charles Anderson, Mary Haley, and David Stein** were excused.

**Public Hearings:** None

**Unfinished/Old Business:** None

**Mary Ann Mounts** arrived at 7:06 pm.

## **New Business:**

Sign Ordinance Public Input

**Chairman Dyer** said the City Council and Planning & Zoning Commission always accept and encourage public dialog and public involvement. He presented background on Planning & Zoning, the Sign Ordinance, and the recent concerns. The Planning & Zoning Commissioners are appointed, and are charged with comprehensive planning, assisting in developing and carrying out land use planning ordinances and policies. The Planning Commission is strictly an advisory group who provides recommendations to City Council. The outcome of our discussion tonight will go to City Council for final decision. The Commissioners are volunteers and are not paid. We meet twice a month to consider new applications, look at the impacts of new proposed developments, look at comprehensive planning, and develop recommendations for land use policies and ordinances. Input is always welcome, either in the meetings, or in writing. Staff assists the Planning & Zoning Commission in their duties. The overall concept of Planning & Zoning is to help balance the right of the individual property owner and the rights and needs of the community as a whole.

We have nearly always had a sign ordinance. The new sign ordinance, Ordinance 908 was adopted about four (4) years ago. Shortly after the announcement of the creation of a 4-year university, we recognized that there would be an immediate demand for growth and development here in Rexburg. There was an obvious need to take what was then a fairly general and laid back set of planning & zoning ordinances and rebuild them to make them more worthy

of facing this onslaught of development. There was a massive effort by the Planning & Zoning Commission including many meetings and countless hours to update the Comprehensive Plan, update the Preferred Land Use Map, and re-write the ordinances so they would become the tools we would need. This was done in an effort to protect the community from an “anything goes” type of mentality for development. In order to establish what the community vision, goals, and values were, we conducted an extensive public involvement effort. This included one-on-one interviews, mail out surveys, neighborhood meetings, news articles, pamphlets, etc. Input received was tremendous and well appreciated. The information was processed to decipher what the important things were to the citizens of the community. Among the top issues that were mentioned was the issue of signage. The citizens indicated a concern about uniformity, aesthetics, reasonable constraints, community appearance, etc. The Commission saw a need to improve Rexburg’s sign ordinance. They spent a considerable amount of time debating what kinds of changes would be appropriate to help the sign ordinance reflect the vision of the community. We drafted ordinance 908, and the Council held public hearings and then implemented the ordinance.

One of the concerns identified during the public scoping process was the appearance of temporary and banner signs and the potential negative impact on community attractiveness. The number of temporary and banner signs has grown with the growth of the city. Over the last year or so, the Planning & Zoning Commissioners and the Compliance office have approached individual businesses where there were concerns of a drifting away from the intents of the sign ordinance. We acknowledge and appreciate the willingness of these businesses to come into compliance with the ordinance. We began to get some input from the citizens, particularly those who had been asked to do better. Their immediate concern was those in the Community who were also not in compliance.

Members of the Commission have received input and concerns from individual citizens of the community about the proliferation of the temporary signs and the potential negative impact on the attractiveness of the community. The Commission took a windshield survey of the business corridors of the town and made a list of areas where the temporary and banner signs were in question. This information was submitted to the compliance office with the request to determine whether or not the proper permits had been obtained. It was to be an information gathering to determine the extent of the problem. Unfortunately it somehow devolved from simple information gathering to a letter that went out notifying those that were on the list that there was a concern about compliance. It was not intended to go to enforcement at that point. It was simply a fact-finding mission. At some point in time we would have been looking toward enforcement if it were the appropriate course of action.

We have now been looking more closely at the sign ordinance, and City Council has determined that we ought to re-examine the ordinance and solicit public input to see where it might be improved.

The Planning & Zoning Commissioners have been asked to review the ordinance and discuss any areas that may need improvement. While we are accepting any input, we would like to emphasize temporary and banner signs tonight.

**Chairman Dyer** asked for any questions about the sign ordinance from the public.

Questions from the public:

1. Was input gathered from businesses in regards to the changes to the sign ordinance during the input gathering process? There would have been some responses earlier to this issue. People in the business community didn’t have a clue about what had happened with the sign ordinance, and that they were not in compliance. What can we do to remedy this in the future? Businesses need to be notified in some way that a change is coming their way, so they are able to give input.

**Chairman Dyer** said it was the assumption that the citizens they gathered input from were also the business owners. The point is well taken that businesses should be more carefully considered while taking input in the future.

2. What is the proper channel to obtain a temporary sign permit? We need a more streamlined process.  
**Chairman Dyer** said although the ordinance states that the Planning & Zoning Administrator has authority over sign permits, the permits have been issued through the Compliance Officer.
3. Thank you for the opportunity to give my opinion. Who decides what is right and what is wrong? Who will interpret if the signs are legal or not? There are issues that need to be addressed before the ordinance can

be addressed or enforced. Pulling people off the highway increases our tax revenue. We need to consider the long range costs of our sign regulations.

The Commissioners discussed this issue.

4. Are there fees for a temporary sign permit? The permit application should state that the permit is free.

**Chairman Dyer** clarified that temporary signs permits are free.

5. Is the 60 day time limit for each sign or for the entire property for all signs every year?

**Chairman Dyer** said the 60 day time limit is for each sign individually. If another sign was put up, it would have a separate permit.

**Chairman Dyer** asked for input from the Commissioners on the sign ordinance.

**Thaine Robinson** said the Commission is not opposed to temporary signs, we just want to make sure they are permitted and temporary. If the signs are supposed to be there for 2 or 3 years, people should put up a nicer sign.

**Mike Ricks** said sometimes the temporary signs don't look the best. Nothing makes a nice new building ugly like hanging a temporary sign on it. He thinks the mobile billboards are not a good thing, when people paint advertisements on their vehicles and leave them parked on the street.

**Mary Ann Mounts** said she is concerned with the temporary signs on the student housing complexes. People have not wanted to move here because of all these signs. She is concerned that someone could put up a different sign and have it up all the time. Student housing complexes are along residential streets. Maybe we should look at types of signs in different zones, or different business types.

**Chairman Dyer** said the ordinance is written to give the Planning & Zoning Administrator the authority, and in actuality, signs are approved through the compliance office. We need to develop method of appeal. We might look at some type of package approval for legitimate multiple or repetitive uses. We need to simplify the permitting process. Maybe we should address holiday displays, and specifically exempting them if they do not have specific advertisements.

**Thaine Robinson** said maybe we should address the square footage requirement of the temporary signs.

**Chairman Dyer** said we might want to look at flags or banners that do not specifically contain advertisements.

**Mike Ricks** said he has a problem with signs on the intersections that distract drivers. He is concerned with the air-filled sign that move about. These can create traffic hazards.

**Chairman Dyer** opened the meeting to public input.

Input from the public:

1. Signs pull people off the freeway. Rexburg is becoming a haven for low income jobs. As the City grows, we will want to attract business that pay better than what we currently have. In order for them to do that, they are going to have to have the revenue and customer base. A lot of that is determined by signage. The problem may not be the number of signs, but the quality of the signs.
2. There is a need for an ordinance in the city, because there needs to be some control over signage. There have been comments on how much we need to control it, and who is in control. Three suggested changes:
  - a. Definition of a temporary sign: either define it or make it general enough to leave it for interpretation. It either doesn't go far enough or it goes too far. Delete the second sentence under the definition of temporary signs. Add sign "or device" to the first sentence.
  - b. With the responsibility given to the P&Z administrator, this is too much responsibility for one man. No criteria are given to determine whether a particular temporary sign is permitted or not. It becomes a subjective decision, and there is no appeal procedure for someone who feels they have

been wronged by that decision. Suggestion: delete all references to approval by the P&Z administrator in the ordinance, specifically in regards to temporary signs. Create a checklist on the permit that will tell the applicant what is appropriate for a temporary sign. (No vulgar language, must be professionally done, no tattered signs, etc.)

- c. There seems to be some contradiction in the language of the ordinance. In one section it says that the intent of the temporary sign ordinance is to be reserved for limited activities important to the citizens of Rexburg. Further down in the ordinance, it talks about big events such as the dance festival, the Rush Triathlon, and then goes on to include things like closeout sales, going out of business sales, etc. There is contradiction in terms there. Is a closeout sale important to the citizens of Rexburg or not? It seems the City can exceed size limitations if it is for a particular event that the city is promoting, but the businesses cannot. Suggestion: delete the first sentence of the third paragraph under temporary signs. "In general temporary signs are reserved for limited activities important to the citizens of the City of Rexburg." Also, delete all the examples of temporary signs in paragraph four. Delete references to the folk dance festival.
3. There is opportunity in place for multiple banners at businesses during different times of year, all throughout the year. Requiring businesses to apply for new permits every 60 days is not efficient. If we need to apply for permits once a year, great. But if it doesn't cost anything, why even apply? Set the standards, send the standards out to the businesses, and then if the compliance officer needs to come around to those not adhering to the standards, then we need to deal with it. There is a whole lot of red tape for not a whole lot of benefit. Hopefully the sign height issue will be addressed at some time. If we shut this town down to advertising, we will lose to Idaho Falls. Businesses need to be able to promote their businesses in a professional manner. We need to try to cut down on all the red tape that we can.
4. The sign ordinance is pretty good. If a temporary sign permit application has to go through each person in the city, it is too hard. People should be able to take their application to City Hall or the Building Department and get a permit. We need to decide who has the authority to issue permits. Temporary signs should be temporary, and we as merchants should be our own police agency. If our sign gets blown in the wind and starts tearing, we should take it down.
5. The City has instilled design standards for buildings. These do help with the aesthetics of the community. We should put design standards onto signs. Banners should be attractive. Also, there is not a one-size fits all for sign requirements. If every sign in Rexburg is the same size, it would be boring. Adding a few design standards for signs would help signs not take away from the community.
6. This is all about the zones. When someone builds a nice home in a residential area, they don't want to see the signs. When someone builds a nice commercial building in a commercial zone, they want people to know that they are there and they have products to offer. Zones have a great deal to do about the sign ordinance. People in commercial zones should have the freedom to advertise permanently or temporarily. Some small businesses cannot afford expensive signs, but are entitled to do business and advertise. The Commission should look at the zones for criteria on what types of signs are allowed.
7. We have talked a lot about temporary signs for businesses. One thing that has not been addressed is signs along roads like campaign signs, foreclosure signs, etc. These can create blight in our community. These should be looked at as well.
8. Some businesses have signs that may be up for longer than 60 days, but are not necessarily permanent. It would be beneficial to them to have a category of signs to be up for longer than 60 days that are not necessarily permanent.

#### Written Input:

Letter from the Chamber of Commerce with the following statement:

*Our chamber supports a business friendly environment. We want to invite people into the community and into our local businesses. We want our businesses to thrive and be profitable. We don't want to be a bedroom community to Idaho Falls. We want a good look and feel to our community with a tasteful display of signs and banners while at the same time having all our businesses follow some regulation. Business people do not have a lot of time to worry about regulations and red tape. They want to spend their time running their business. Let's help them, not hinder them.*

*We encourage a new Temporary Banner permitting process done on an annual basis (if at all). Defined allowable guidelines need to be listed. We want better definitions for 1) temporary signs, 2) permanently affixed signs, etc. But most importantly, we want our city to be “business friendly”. We want prospective business owners and developers to feel welcome. They should be able to leave saying “Rexburg was and is a wonderful place to do business.”*

Letter from Les Schwab Tires with the following suggestions about the Temporary Signs:

1. *Businesses should only be allowed to promote on their property items that they sell.*
2. *Signs randomly placed around town and in empty lots along roads such as “We Buy Junk Cars”, “We Buy Houses”, etc. should not be allowed under any ordinance.*
3. *Signs or promotional objects that are air or gas filled and secured to the ground. Such as giant air filled objects, and tube shaped objects that fluctuate with air movement. These types of signs can obstruct the view of drivers. This is a safety issue and should not be allowed under any ordinance.*
4. *Flags attached to light poles or other permanent fixtures should be allowed, no permit required.*
5. *Pennants on building, light poles, etc. should be allowed, no permit required.*
6. *Banners attached to a building or existing sign must be securely fastened. Being attached by string, bungee cords, etc. is not acceptable. Signs should remain immobile so they do not distract drivers.*
7. *Banners that are free standing in front of a business must have a secure permanent frame, no permit required. Example: The city banner/sign at the north end of Main Street by the Christmas tree. It looks good and is very versatile. Fence posts driven into the ground or frames made of PVC pipe are not acceptable.*
8. *Sales that last for up to a week and involve balloons etc., attached to sale items should be allowed, no permit required. Large balloons and blimps that are tethered to the ground must be high enough to not obscure the vision of drivers. These should be allowed with no permit required.*

**Chairman Dyer** asked for questions of clarification from the Commissioners on any of the input given.

**Chairman Dyer** asked what the time limit would be if it is not 60 days. The suggestion was made for quarterly signs. Someone asked why there needs to be a time period. We should be able to put up our banners and rotate them as we need to. We need to be in compliance with the size, the structure, the way they look, etc. But why have a time period? Have a process where you have regulations for the banner, but time is not an issue. Quality is the issue. Someone else said residential zones should have time periods. Maybe time frames should be regulated by zones.

Stephen Zollinger said businesses can count their temporary signs against their allotted permanent signage on their lot if they wish to do so.

**Chairman Dyer** said the Commissioners may need some time to consider the input and come back for discussion. **Mary Ann Mounts** agreed.

**Mike Ricks** said he would like a few days to think about the ideas.

**Mary Ann Mounts** motioned to table the temporary sign ordinance issue until August 16. **Josh Garner** seconded the motion.

None opposed. **Motion carried.**

### Minutes:

A. Planning and Zoning meeting – July 5, 2007

**Thaine Robinson** motioned to approve the Planning & Zoning minutes for July 5, 2007. **Mike Ricks** seconded the motion.

**Mary Ann Mounts** and **Josh Garner** abstained for having not been present.  
None opposed. **Motion carried.**

**Compliance:** None

**Non controversial Items Added to the Agenda:** None

**Report on Projects:** None

**Tabled requests:** None

**Building Permit Application Report:** None

**Heads Up:**

1. Conditional Use Permit – 366 W 3<sup>rd</sup> S & 276 Steiner – Dormitory Housing (Thornburg)
2. Conditional Use Permit – 12<sup>th</sup> W & 7<sup>th</sup> S – Madison High & Burton Elementary Schools
3. Conditional Use Permit – 575 W 7<sup>th</sup> S – Madison Middle School Modular Classrooms
4. Planned Unit Development – Founder’s Square

**Chairman Dyer** adjourned the meeting at 8:38 pm.