

ADOPTED BY THE
MAYOR AND COUNCIL

ORDINANCE NO. _____

RELATING TO PLANNING AND ZONING; AMENDING CERTAIN PORTIONS OF THE TUCSON CODE, CHAPTER 3, ARTICLE II, SECTION 3-11 DEFINITIONS; ARTICLE V, SIGN TYPES AND GENERAL REGULATIONS, SECTION 3-53; ADDING SECTION 3-70 (PREVIOUSLY RESERVED); AMENDING ARTICLE VI, SIGNS BY DISTRICT, SECTIONS 3-76, 3-77, 3-79, 3-81; ARTICLE VIII, NONCONFORMING SIGNS AND CHANGE OF USE, SECTION 3-96; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA AS FOLLOWS:

SECTION 1. Current Tucson Code, Chapter 3, Articles II, V, VI, and VIII are amended as follows. These amendments shall not affect any punishment or penalty incurred before the amendments take affect, nor any suit, prosecution or proceeding pending at the time of the amendments, for an offense committed under the amended code sections.

SECTION 2. The Tucson Code, Chapter 3, Article II, Definitions, is amended to read as follows:

Sec. 3-11. Definitions

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LL. *Obsolete Sign copy.* Any sign copy, excluding Historic Landmark Signs (HLS), that no longer correctly identifies or directs attention to an existing use or product available on the premises.

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SECTION 3. The Tucson Code, Chapter 3, Article V, Sign Types and General Regulations is hereby amended to read as follows:

Sec. 3-53. Prohibited signs enumerated.

A. Animated and intensely lighted signs:

1. No sign shall be permitted that is animated by any means, including flashing, scintillating, blinking, or traveling lights, or any other means not providing constant illumination, except as allowed as a Historic Landmark Sign (HLS) per Sec. 3-70.

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F. Moving signs.

1. No sign or any portion thereof shall be permitted that moves or assumes any other motion constituting a non-stationary or non-fixed condition, except as allowed as a Historic Landmark Sign (HLS) per Sec. 3-70.

G. Roof signs: Signs that are erected upon, against, or directly above a roof, or on top of or directly above the parapet of a building, except as allowed as a Historic Landmark Sign (HLS) per Sec. 3-70.

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Sec. 3-70. Historic Landmark Signs (HLS).

A. Definitions.

Historic Landmark Sign (HLS). A sign that has conditional or final designation as a Historic Landmark Sign. HLS are listed on the City of Tucson Historic Landmark Sign Registry. There are three types of HLS: Classic, Transitional, and Replica.

Classic HLS. A Historic Landmark Sign originally installed prior to 1961 at a location that is within the current Tucson city limits.

Transitional HLS. A Historic Landmark Sign originally installed between 1961 and 1974 inclusive at a location that is within the current Tucson city limits.

Replica HLS. An accurate reconstruction of an original sign that no longer exists. The sign to be replicated must have been originally installed prior to 1961 at a location that is within the current Tucson city limits.

Historic Landmark Sign (HLS) Character Defining Features. Physical features of an HLS such as materials, technologies, structure, colors, shapes, symbols, text, font/typography and/or art that have cultural and historical significance and are integral to overall sign design.

Historic Landmark Sign (HLS) Concentration. A minimum of three (3) *previously* designated HLS, or signs meeting the criteria for designation, within 2,640 linear feet (1/2 mile) as measured along the center line of a street, including turning in any direction at the intersection of a street to connect with another designated HLS or sign meeting the criteria for designation, together with an additional 440 feet (1/16 mile) beyond the terminus HLS. A Replica HLS cannot be used as part of the number of HLS in the calculation of a HLS Concentration.

Historic Landmark Sign (HLS) Registry. The official list of designated Historic Landmark Signs within the City of Tucson.

Historic Landmark Sign (HLS) Treatment Plan. A detailed description of an HLS including its character defining features, condition, location, and maintenance, and, as applicable, proposed restoration, adaptive reuse, relocation, and, replication. See Sec. 3-70.F.

B. Purpose.

1. The Historic Landmark Sign regulations are intended to provide for the preservation of the City of Tucson's unique character, history, and identity, as reflected in its historic and iconic signs, and
2. To restore the sense of place that existed within the central business district and in areas of the City with concentrations of surviving historic signs, and
3. To protect the community from inappropriate reuse of nonconforming and/or illegal signs.

C. Historic Landmark Sign (HLS) designation.

1. Requests for HLS designation shall be initiated by the sign owner and supported by an HLS Treatment Plan.

2. “As is” HLS designation. An existing sign which will not be restored/repared, adaptively reused, or relocated, and retains sufficient integrity and character-defining historic features, is in working order, and has an acceptable appearance, may obtain HLS designation “as is,” upon approval of the Treatment Plan.
3. Conditional HLS designation.
 - a. The decision to approve or deny an HLS Treatment Plan that meets each of the HLS Designation Guidelines is rendered per Sec. 3-70.G.9.a, (Administrative).
 - b. The decision to approve or deny an HLS Treatment Plan that does not meet each of the HLS Designation Guidelines is rendered per Sec. 3-70.G.9.b (Legislative).
 - c. Approval of an HLS Treatment Plan shall constitute conditional HLS designation.
4. Final HLS designation. Final HLS designation shall be contingent upon issuance of a sign permit in compliance with an approved HLS Treatment Plan, and final inspection of the sign within five years of conditional HLS designation. Issuance of a permit is not required for “as is” designation.
5. All signs designated (conditional or final) as Historic Landmark Signs shall be listed in the City of Tucson Historic Landmark Sign Registry.

D. HLS Designation Guidelines. Classic, Transitional, and Replica HLS shall be reviewed for compliance with the following guidelines.

1. Technical guidelines:
 - a. The sign shall include or have once included exposed integral incandescent lighting, or exposed neon lighting.
 - b. The sign shall use materials and technology representative of its period of construction.
 - c. The sign shall be non-rectangular or non-planar.
 - d. The sign shall be a detached, projecting, or roof sign.

- e. The sign is structurally safe or can be made safe without substantially altering its historical appearance.

2. Cultural/historical/design guidelines:

- a. The sign shall exemplify the cultural, economic, and historic heritage of Tucson.
- b. The sign shall exhibit extraordinary aesthetic quality, creativity, and innovation.
- c. The sign is unique; or was originally associated with a chain or franchise business that is either a local or regional chain or franchise only found in Tucson or the southwestern United States; or there is scholarly documentation to support its preservation; or it is a rare surviving example of a once common type.
- d. The sign shall retain the majority of its character defining features. If character-defining features have been altered or removed, the majority are potentially restorable to their historic function and appearance.

E. HLS Performance Requirements. Classic, Transitional, and Replica HLS shall comply with the following requirements as applicable.

1. Restoration/Repair.

- a. Restoration/Repair of a Classic HLS shall be consistent with a documented appearance that existed prior to 1961.
- b. Restoration/Repair of a Transitional HLS shall be consistent with a documented appearance that existed between 1961 and 1974 inclusive.
- c. Restoration/Repair of a Replica HLS shall be consistent with a documented appearance that existed prior to 1961.
- d. Restoration/Repair shall not add typographical or other elements which result in an increase in the size of the restored/repared sign.

2. Adaptive Reuse (change of copy).

- a. Adaptive reuse of a Replica HLS is prohibited.

- b. Text changes shall not result in changes to character defining text.
- c. Text changes shall match or be compatible with existing text in material(s), letter size, font/typography, and color.

3. Relocation.

- a. Relocation of a Classic or Transitional HLS shall be to a location within the original premises, or to a location within an HLS Concentration.
- b. Relocation of a Replica HLS shall be to a location within an HLS Concentration.
- c. When relocated, detached HLS shall be setback at least 20 feet from the back of curb (edge of pavement if there is no curb), no more than 40 feet from the future right-of-way line of the street, and a distance at least two times the height of the sign from any property with a non-commercial use.
- d. If relocated to another premise, the HLS shall display conspicuous text or a plaque, using a template provided by the City of Tucson, that indicates that the sign has been relocated, the date of relocation, and the original location.
- e. The scale and design of the sign to be relocated shall be compatible with existing HLS in the vicinity of the proposed location.

4. Replica HLS.

- a. A Replica HLS shall be consistent with a documented appearance that existed prior to 1961.
- b. A Replica HLS may only be installed on the premises where it originally existed.
- c. A Replica HLS shall display conspicuous text or a plaque, using a template provided by the City of Tucson, that indicates the sign is a contemporary reproduction, and the date of reproduction.

- d. A Replica HLS shall utilize historical materials and technologies, or visually matching contemporary materials and technologies.
 - e. A Replica HLS shall not replicate an existing sign.
5. The sign shall not be an off-site sign as defined in the Sign Code.
 6. The sign shall not have been previously, altered, removed and reinstalled or replaced pursuant to Sec. 3-96.C.1.

F. Content of HLS Treatment Plan. An HLS Treatment Plan shall include the following:

1. Completed application form.
2. Existing and proposed elevation of the proposed HLS showing height and area of the sign.
3. Description and age of construction materials and type of illumination.
4. GPS coordinates for the final location of the proposed HLS.
5. Dimensioned site plan, with the existing and proposed land use, graphically showing existing and proposed location and setbacks for the proposed HLS and any other existing or proposed signs on the premises, existing and proposed site improvements, and adjacent streets.
6. Photographs of the existing sign and photo-simulation(s) of the completed sign as viewed from the street and other significant vantage points as appropriate, together with photographs of the existing site conditions. Photographs must be sufficient to demonstrate the sign's dimensions, construction materials used including electrical and any types of illumination which is or was used.
7. Date of original construction and installation, and the address where the proposed HLS was first installed.
8. List of character defining features.
9. Documentation of the authenticity of the proposed HLS including approved permits, site plans, elevations, and dated photographs, and age of existing materials, as available.

10. A narrative describing compliance with each of the HLS Designation Guidelines and all applicable HLS Performance Requirements.
11. Maintenance program.
12. List of parts and materials to be replaced.
13. Mitigation measures to reduce the impact on non-commercial uses within 300 feet of the proposed HLS.

G. Review of HLS Treatment Plan. HLS Treatment Plans shall be submitted to the Planning & Development Services Department for review.

1. Pre-submittal conference. Prior to submitting an HLS Treatment Plan, an applicant may, but is not required to meet with City staff responsible for administration of the HLS program. Comments supplied by City staff during the conference are advisory and do not constitute approval of any proposed application.
2. Neighborhood meeting. A neighborhood meeting is encouraged for a proposed HLS relocation, or for a proposed construction of a HLS Replica sign.
3. Initial review. Initial review of an HLS Treatment Plan or revised Treatment Plan will be for completeness, compliance with HLS Designation Guidelines, and compliance with applicable HLS Performance Requirements. No later than ten days after submittal, the Sign Code Administrator will issue a determination as to whether the request meets each of the HLS Technical Designation Guidelines.
4. Where an applicant produces physical evidence or documentation sufficient to prove that a proposed HLS included intermittent lighting features (e.g. flashing, blinking, chasing or sequentially lit elements which create the appearance of movement) or moving parts, such sign elements may be repaired or restored conditioned upon a determination by Tucson Department of Transportation (TDOT) that no negative safety issues will result.
5. If the subject property is within a Historic Preservation Zone (HPZ), the Treatment Plan shall be forwarded to the HPZ Advisory Board for review and recommendation prior to

being forwarded to the Tucson-Pima County Historical Commission (T-PCHC) Plans Review Subcommittee.

6. Review of the Treatment Plan shall include an analysis of applicable policies of the Tucson General Plan.
 7. The Treatment Plan shall be forwarded to the T-PCHC Plans Review Subcommittee for review of the Treatment Plan for compliance with HLS Cultural/Historic/Design Designation Guidelines and applicable HLS Performance Requirements. Notice of the Treatment Plan and Subcommittee meeting shall also be provided to the registered neighborhood association in which the proposed sign would be located; to property owners immediately adjacent to the proposed location; and to any persons who have submitted a written request to the Director to be notified of HLS applications.
 8. The T-PCHC shall forward a recommended list of character defining features, including all character defining text, and a recommendation to approve or deny the Treatment Plan, to the Planning & Development Services Department.
 9. Decision.
 - a. Administrative: The Planning & Development Services Director will prepare a written decision to approve or deny the Treatment Plan within ten days of receiving the T-PCHC Plans Review Subcommittee recommendation.
 - b. Legislative: The Planning & Development Services Director will prepare a written recommendation to approve or deny the Treatment Plan within ten days of receiving the T-PCHC Plans Review Subcommittee recommendation and forward it to the Mayor and Council for a public hearing and decision at the earliest practical date. In granting approval, the Mayor and Council must find that preservation of the sign will contribute to Tucson's unique character, history, and identity.
- H. Review of permits for HLS. All permits for the installation, repair/restoration, adaptive reuse, relocation, or replication of HLS shall be consistent with an approved HLS Treatment Plan.**
- I. Maintenance. All maintenance activities relating to HLS shall be consistent with an approved HLS Treatment Plan.**

- J. **Demolition.** Demolition of HLS shall be consistent with an approved Treatment Plan for relocation or subject to a maximum 30 day waiting period to facilitate salvage of the sign. The sign owner shall allow reasonable access to the sign to facilitate documentation and salvage activities.

SECTION 4. The Tucson Code, Chapter 3, Article VI, Signs by District, is hereby amended to read as follows:

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Sec. 3-76. General Business District

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C. Permitted Signs

- 13. Historic Landmark Signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.

Sec. 3-77. Planned Area Development (PAD) District

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E. Permitted Signs

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- 11. Historic Landmark Signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.

Sec. 3-79. Industrial District

C. Permitted Signs

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- 13. Historic Landmark Signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.

Sec. 3-81. Pedestrian Business District

D. Permitted Signs

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12. Historic Landmark Signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.

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SECTION 5. The Tucson Code, Chapter 3, Article VIII, Nonconforming Signs and Change of Use, is hereby amended to read as follows:

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Sec. 3-96. Signs for legal nonconforming uses.

C. Except for reasonable repairs and alterations, no nonconforming sign shall be moved, altered, removed and reinstalled or replaced, unless it is brought into compliance with the requirements of this Sign Code, except under the following conditions:

1. If the freestanding or detached sign is a legally permitted on-site freestanding or detached sign, and there is no roof or projecting sign other than designated Historic Landmark Signs (HLS) existing on that business establishment, the sign may be moved, repaired, altered, removed and reinstalled or replaced, subject to the following conditions:

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3. If the sign is a roof and/or projecting sign, and nonconforming freestanding or freeway signs exist at this business establishment, all roof and projecting signs other than designated Historic Landmark Signs (HLS) must be removed, subject to the following conditions:

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SECTION 6. The provisions of this ordinance amending certain portions of the Tucson Code, Chapter 3, Article II, Section 3-11 Definitions; Article V, Sign Types And General Regulations, Section 3-53; Adding Section 3.70 (Previously Reserved); amending Article VI, Signs By District, Sections 3-76, 3-77, 3-79, 3-81; Article VIII, Nonconforming Signs And Change Of Use, Section 3-96, shall cease to become effective on December 31, 2013, unless extended by the Mayor and Council by a

separate ordinance. If not extended, the sections shall revert to the language as it existed prior to this amending ordinance. The purpose of this sunset clause is to give the City the opportunity to decide whether to continue to implement the amended and added requirements or to revert to those existing prior to this ordinance.

SECTION 7. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 8. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this ordinance become immediately effective, an emergency is hereby declared to exist, and this ordinance shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED, AND APPROVED by the Mayor and Council of the City of Tucson, Arizona,_____.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

REVIEWED BY:

CITY ATTORNEY

CITY MANAGER

TM/tl
6/23/11