

Draft Sign Standards Issues Requiring Resolution – April 5, 2017

Section 7A.6 Measurement, Locations, and General Requirements

- Five-Minute Rate of Change for Digital Signs **(Page 9 in draft)**

Issue: Joint Committee to consider a different rate of change for digital signs than what is currently listed in the Sign Code. It has been suggested making a change from one-hour to either five-minutes or one-minute.

Subcommittee Comments: Subcommittee in general agreement with reducing the rate of change for digital signs from one-hour. Four members of the subcommittee suggested this be changed to five-minutes while one suggested it be changed to one-minute to allow for Time and Temperature signs.

Staff Discussion: Staff doesn't necessarily have an option related to this item. Staff believes a one-hour rate of change creates enforcement problems, but the difference between five-minutes and one-minute minimal. It should be noted that by accepting a five-minute rate of change, we would be effectively prohibiting Time and Temperature signs.

Potential Options or Changes: A digital sign is permitted to have a rate of change of sign copy, graphic, or information not more than once **(an hour -or- every five-minutes -or- every one-minute)**. The digital sign copy shall not have any transitions or animations.

- Premise Definition **(Page 12 and 65 in draft)**

Issue: For clarification, the definition of Premise was referenced in the definitions section of the updated draft. Additionally, MPA/Chamber/SABHA letter recommended allowing multiple development plans with access within a unified site premise to have their own sign.

Subcommittee Comment: Subcommittee in general agreement with keeping the definition of Premise as is currently in the draft.

Staff Discussion: Staff believes that the definition should remain as is currently in the draft, as it encourages a standard spacing of signs. The suggestions from the MPA/Chamber/SABHA letter needs greater review and may pose unintended spacing consequences.

Potential Options or Changes: No changes at this time.

Section 7A.7 Sign Design Option

- Design Options and prohibited signs **(Page 13 in draft)**

Issue: Joint Committee to consider a clear statement that prohibited signs are not allowed when using a Master Sign Program except for commercial flags in a Portable Sign Program.

Subcommittee Comment: Subcommittee voted four in favor and one against adding a clear statement that prohibited signs are not allowed when using a Master Sign Program except for commercial flags in a Portable Sign Program. The one dissenting vote was in favor of providing a clear statement regarding prohibited signs, but did not believe commercial flags should be exempt.

Staff Discussion: Staff believes a clear statement with an exemption for commercial flags for the portable sign design option is important because they are an integral portion for the real estate industry, who staff believes will be the primary user of this program.

Potential Options or Changes: No changes at this time.

- Dark Skies Illumination **(Page 13 in draft)**

Issue: Due to the complex nature of regulating the dark skies and the outdoor lighting code, it has been suggested to work with members of the astronomy community to develop a set of interim design guidelines for applicants using the Sign Design Option.

Subcommittee Comment: Subcommittee was in general agreement with creating a set of interim design guidelines to be used for the Sign Design Option.

Staff Discussion: Staff is currently working with the astronomy community to develop the guidelines for applicants.

Potential Options or Changes: No changes at this time.

- Uniform background color for listed tenants **(Page 14 in draft)**

Issue: Joint Committee to consider a requirement of uniform background colors for listed tenants when developing using the Sign Design Options.

Subcommittee Comment: Subcommittee voted 4-1 (Commissioner Cook dissenting) in regards to recommending as in current draft. The issue will be sent forward unresolved.

Staff Discussion: Staff believes the requirement for a uniform background color when developing under the Sign Design Options helps to achieve the purpose of the signs standards and increase legibility of signs overall.

Potential Options or Changes: No changes at this time.

- More prescriptive version of sign design option **(Pages 13-18 in draft)**

Issue: Joint Committee to consider more prescriptive requirements for the Sign Design Options. This may include additional dimensional caps or performance standards like what are used in Flagstaff.

Subcommittee Comment: Subcommittee voted three in favor of no change to the standards for the Sign Design Options and two in favor to include more prescriptive caps to the Sign Design Options and to forward this issue to the Joint Committee as unresolved. During the discussion, it was suggested staff look at Flagstaff and what is required in their Master Sign Programs.

Staff Discussion: Staff believes the signage needs of a smaller community like Flagstaff (approx. 70,000 people) are fundamentally different than those of a much larger community like Tucson (approx. 500,000 people). Due to the diversity of signage needs and situations in Tucson, it requires a design option that is more flexible and site specific. Additionally, the plan review is structured differently in a community such as Flagstaff, than what is being proposed by the Sign Design Options. In Flagstaff, reviews are done by administratively by Staff. The reviews for the proposed Sign Design Options, however, are done by a Design Review Committee. The review process being proposed is one modeled after that of existing successful design review committees such as the Infill Incentive District and the Main Gate Urban Overlay District, and one that provides more design orientated flexibility than a simple staff review.

Potential Options or Changes: No changes at this time.

- Notice options **(Page 18 in draft)**

Issue: Joint Committees to consider the level of notification to be required for the Sign Design Option. The option presented by staff, in the current draft, follows policy already in place for other similar Design Review Committees. It balances the needs to be open and transparent while addressing possible time constraints that may place an undue burden on an applicant trying to exercise 1st Amendment rights. It was suggested to the Subcommittee by Tucson Residents for Responsible Government (TRRG) that the Sign Design Option include notification similar to rezonings and special exceptions (notification to property owners within 300' for Master Sign Program or to property owners within 50' for Singular Sign Program).

Subcommittee Comment: Subcommittee not in agreement with the level of notification to be required of the Sign Design Option. Two subcommittee members were in favor of notification as currently written in the draft and three subcommittee members were in favor of additional mailed noticed, such as was suggested by TRRG.

Staff Discussion: As is, the current draft's proposal follows policy already in place for other similar Design Review Committees. It balances the needs to be open and transparent while addressing possible prior restraint concerns with placing an undue burden on an applicant trying to exercise 1st Amendment rights. To that end, the Sign Design Review Committee will have a local neighbor representative who can act as a liaison with the applicant and the neighborhood if there is an issue. There is also an at-large neighborhood representative involved in the application review.

Potential Options or Changes:

A. **Notification for Sign Design Option shall be in accordance with PSDS Departmental policy.**

- Or -

B. **Notification for the Master Sign Program – Permanent Signs shall be in accordance with Section 3.3.5 300' notice procedure.**

C. **Notification for the Singular Sign Program shall be in accordance with Section 3.3.4 50' notice procedure.**

Section 7A.8 Exempt and Prohibited Signs

- Allow or prohibit Feather Banners (**Page 19 or 36 in draft**)

Issue: Joint Committee to consider whether or not to prohibit feather banners in the sign standards.

Subcommittee Comment: Committee voted two in favor of allowing feather banners and three to prohibit feather banners. Issue will be sent forward as unresolved.

Staff Discussion: Staff will leave this up to the committee to decide if they would like to prohibit feather banners or if they would like to keep draft as is and allow four feather banners using two colors and allow one portable sign in commercial/industrial zones.

Potential Options or Changes:

H. Feather Banners Prohibited

-or-

2. Feather Banners. Four (4) signs permitted using two colors. One (1) additional portable sign permitted in commercial/industrial zones

Section 7A.9 Non-Conforming Signs and Change of Use

- Alteration of electronic components (**Page 20 in draft**)

Issue: Joint Committee to consider whether or not to allow for more flexibility in the upgrading of electrical components of a sign so long as a static sign cannot be made into a digital sign. This is codifying a recent interpretation.

Subcommittee Comment: Committee in general agreement with change and forwarding as resolved.

Staff Discussion: Alteration and updating electronic components was allowed through a recent interpretation. This change reflects that interpretation. To address concerns that static copy could become digital copy a phrase is added to clarify the limitations on the alteration.

Potential Options or Changes: No changes at this time.

Section 7A.10. Permitted Signs

- Interior Signs- Menu Board setbacks (**Page 21 in draft**)

Issue: Joint Committee to consider setback distance and mitigation options for two-way communication devices on menu boards. The joint subcommittee was given several options related to how to deal with this issue.

Subcommittee Comment: Subcommittee in general agreement to send forward with 30 foot setback with option for sound mitigation.

Staff Discussion: Staff believes the option chosen by the subcommittee is a reasonable regulation to help mitigate noise impact created by two-way communication devices used by menu board signs.

Potential Options or Changes:

C. Interior Sign Exception: A sign within a premise, that has a two-way communication mechanism must be set back at least thirty feet from a residence or residential zone or provide a wall or fence that properly mitigates sound. If applicant chooses mitigation through a wall or fence it is their responsibility to demonstrate their proposal properly mitigates the sound. A wall-mounted permanent or portable sign, that is within a premise's boundaries, outside a building or enclosed area, viewable from the right of way, and has a sign area greater than twelve square feet, is counted as part of the applicable sign type's maximum sign area.

-or-

C. Interior Sign Exception: A sign within a premise, that has a two-way communication mechanism must be set back at least thirty feet from a residence or residential zone. A wall-mounted permanent or portable sign, that is within a premise's boundaries, outside a building or enclosed area, viewable from the right of way, and has a sign area greater than twelve square feet, is counted as part of the applicable sign type's maximum sign area.

-or-

C. Interior Sign Exception: A wall-mounted permanent or portable sign, that is within a premise's boundaries, outside a building or enclosed area, viewable from the right of way, and has a sign area greater than twelve square feet, is counted as part of the applicable sign type's maximum sign area.

- Window Sign Standards (Page 23 and 69 in draft)

Issue: Joint Committee to consider the regulation of window signs and what is defined as a window sign.

Subcommittee Comment: Subcommittee voted three in favor of proceeding as recommended in the draft and two in favor of changing to include signs hung behind window from a given distance. Commissioner Harwell suggested 36 inches as an appropriate distance. The issue will be forwarded as unresolved.

Staff Discussion: Staff is in support of the definition remaining as “a sign affixed to the interior or exterior of a window surface.” Regulating the distance from a window or having to determine the intent would be very difficult to enforce.

Potential Options or Changes:

Window Sign (7A)

A sign affixed to the interior or exterior of window surface.

-or-

A sign affixed to the interior or exterior of window surface or within 36 inches of window and intended to be seen from exterior of window surface.

- Maximum Sign Area – increase non-residential uses on arterials to commercial use amounts (Page 25 in draft)

Issue: Joint Committee to consider an increase of non-residential uses on arterials in residential zones.

Subcommittee Comment: Committee was in general agreement with sending this forward as currently written.

Staff Discussion: Staff believes the regulation as written in the draft represents the proper balance between allowing more signage for non-residential uses in residential zones along arterials and collectors and still maintaining the aesthetic character intended for a residential zone.

Potential Options or Changes: No changes at this time.

- **Canopy Signs (Page 28 in draft)**

Issue: Joint Committee to consider changes to the Canopy Sign regulations. The current rule for Canopy Signs is difficult to enforce and creates too many variances. Per Subcommittee recommendation we have provided several options for simplification.

Subcommittee Comment: Subcommittee was not in agreement with this recommendation and will forward with options outlined in the edits matrix.

Staff Discussion: Staff believes the current rule for Canopy Signs is difficult to enforce and creates too many variances. It is our recommendation that Canopy Signs be counted as part of the wall sign allotment and that they not be allowed above the roofline.

Potential Options or Changes:

(1) Canopy signs are not allowed to extend above the roofline.

(2) Canopy signs are counted as a part of the wall sign allotment for these sign standards.

-or-

(1) Canopy signs are not allowed to extend above the roofline.

(2) Canopy signs may be no greater than 100 square feet in area and are counted as a part of the wall sign allotment for these sign standards.

-or-

(1) Canopy signs are not allowed to extend above the roofline.

(2) Canopy signs are counted as a part of the wall sign allotment for these sign standards.

(3) Maximum size: The vertical measure of the sign face shall not exceed twenty-four (24) inches except for individual letters with descenders that are proportionate to the remaining text but in no case larger than eight (8) inches. Logos may be thirty (30) inches in height.

(4) Maximum height: The top of the canopy sign shall be no more than two (2) feet above the top surface of the canopy directly below the canopy sign, and no more than fifteen (15) in height above the finished grade immediately below the canopy sign.

(5) Location: Within twenty (20) feet of the building wall that backs the canopy sign.

- Increase / decrease all portable sign areas and number of signs **(Page 32-33 in draft)**

Issue: Joint Committee to consider an overall increase or decrease of portable sign area allotment (SAA) and/or number of portable signs allowed.

Subcommittee Comment: Subcommittee voted one in favor of decreasing the number and SAA, one in favor of increasing the SAA, and 3 in favor of keeping as recommended in the draft. Issue will be sent forward as unresolved.

Staff Discussion: The SAA and the number of signs are based on case law (Arlington County Republican Committee v. Arlington County VA) and Arizona Revised Statutes (ARS) standard for political sign sizes and adjusted under Reed for all portable signs. Staff believes this helps to make a legal case for our regulation and ensures the code isn't arbitrary and capricious.

Potential Options or Changes: No change at this time.

- Extended Parapet Option **(Pages 19, 32, & 69 in draft)**

Issue: Joint Committee to consider how roof / wall signs using tall parapets are regulated. There has been a longstanding allowance to use a tall parapet (up to ten feet higher than the adjoining parapet) on a building as a grand entrance to the building. Past staff interpretation is that a parapet that is up to ten feet may have a sign as a type of wall sign.

Subcommittee Comment: Subcommittee voted one in favor of option one and four in favor of option two. The issue will be forwarded as unresolved. However, it was apparent from the discussion that both options didn't properly address the issue and staff stated they would revisit the suggested edits.

Staff Discussion: After further review, in place the original three options, Staff recommends adjusting the wall sign definition and roof sign regulation to address this issue as shown below.

Potential Options or Changes:

F. 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 canopy sign or a historic landmark sign (HLS). Signs placed upon the face of a parapet or architectural feature are considered a wall sign.

Wall Sign (7A)

Sign that is placed upon a building, its structure, parapet, or architectural feature, with the exposed face of the sign in a plane parallel to the plane of the affected wall, parapet, or architectural feature.

-or-

Extended Parapet Option. A sign may be allowed on a parapet that is no less than ten feet wide and no greater than ten feet higher than an adjoining parapet. The sign may be perpendicular to the front of the building. Any other type of extended wall sign must be approved through the Section 7A.7 Sign Design Options. All braces shall be concealed from streetview.

-or-

Extended Parapet Option. A sign that is no greater than ten feet high and no greater than 100 square feet may be allowed on a parapet. The sign may be perpendicular to the front of the building. Any other type of extended wall sign must be approved through the Section 7A.7 Sign Design Options. All braces shall be concealed from streetview.

-or-

Extended Parapet Option. A sign that is no greater than ten feet high and no more than 100 square feet may be allowed on a parapet perpendicular to the front of the building. Any other type of extended wall sign must be approved through the Section 7A.7 Sign Design Options. All braces shall be concealed from streetview.

Section 7A.11 Special Districts

- Scenic Route signs spacing **(Page 47 in draft)**

Issue: Joint Committee to consider reducing the sign spacing requirements for within the Scenic Route Corridors.

Subcommittee Comment: Subcommittee in general agreement with keeping existing spacing and forwarding as resolved.

Staff Discussion: Staff recommends leaving the Scenic Route Corridor sign spacing as is. This issue is beyond the scope of what Mayor and Council directed to do and was not part of the discussion by the Subcommittee.

Potential Options or Changes: No Changes at this time.

Section 2.2.12 Sign Design Review Committee

- Composition of committee (**Page 51 in draft**)

Issue: Joint Committee to consider the composition of the Sign Design Review Committee.

Subcommittee Comment: Subcommittee in general agreement sending forward with 9 people including a portable sign expert, as long as quorum number is expanded to 5.

Staff Discussion: Staff in agreement with Subcommittee on having 9 people including a portable sign expert on the Sign Design Review Committee.

Potential Options or Changes:

C. Composition. The committee shall be composed of the following **nine (9) members who shall serve without compensation. Members shall include an architect, an Outdoor Lighting Committee representative, a sign industry representative, a local business representative, a planner (architect, land use planner or landscape architect), **portable sign expert (e.g. commercial real estate broker)**, one at-large appointment by the City Manager, general neighborhood association representative, and an ad hoc representative appointed by a neighborhood association within 300 feet of the location of the subject property submitting the application.**

- M/C or City Manager version (**Page 52 in draft**)

Issue: Joint Committee to consider if the Sign Design Review Committee is appointed by Mayor and Council or the by the City Manager.

Subcommittee Comment: Majority of committee in favor of the City Manager option, but would like sent forward with both options.

Staff Discussion: Staff recommends the Sign Design Review Committee to be a City Manager appointed committee as it allows for more open discussion between the committee and the applicant so they can work on design issues.

Potential Options or Changes:

1. Appointment: The members shall be appointed by the **City Manager -or- Mayor and Council in conformance with Article XIII, Chapter 10A of the Tucson Code (Community Affairs – Terms and Conditions of Membership on Boards, Committees, and Commissions and Filing Rules).]**

2. Terms. **City Manager -or- Mayor and Council shall appoint a member for a four-year term. After two terms the member shall be replaced. A former member may return after a one-year hiatus from the committee.** The terms of members of the committee appointed by the mayor and council shall be in conformance with Article XIII, Chapter 10A of the Tucson Code.

- **Quorum (Page 53 in draft)**

Issue: Joint Committee to consider the required number of present members for a quorum.

Subcommittee Comment: With the addition of a portable sign expert, committee agreed to set the quorum number at five.

Staff Discussion: Staff is in agreement with the Subcommittee to set the quorum number at five.

Potential Options or Changes:

H. Quorum.

A quorum for a meeting shall be **five members.**