

Draft Sign Standards Issues

Citizen Sign Code Committee (CSCC) Meeting

April 19, 2017

Below is a list of issues reviewed and voted on by both the Joint Subcommittee of the Planning Commission and Citizens Sign Code Committee and by the Citizens Sign Code Committee separately. Note 'the draft' noted below refers to the 3-30-17 draft.

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

Five-Minute Rate of Change for Digital Signs (Sec. 7A.6.4 - Page 9 in draft)

Citizen Sign Code Committee – Voted to recommend a five-minute change rate (5-3 approval – three votes for one minute).

Joint Subcommittee (JSC) – Voted to recommend a five-minute change rate (4-1 approval – one vote for one minute).

Background – There is general consensus to reduce the change rate from the current Sign Code's one hour. The members supporting the five-minute rate offered greater flexibility than the one-hour rate. Further, a five-minute change rate digital sign would not be viewed as a distraction to drivers. Members supporting one-minute felt that, because of the *Reed* decision, time and temperature signs will not be allowed. The one-minute change rate, they contend, would not be a distraction to drivers in that time and temperature signs are not considered a distraction.

An approved change rate of digital signs will apply to permanent non-governmental signs. Further, digital signs are typically a component of freestanding and wall signs. A clarification can be made that the digital sign copy shall not have any transitions or animations.

Premise Definition (Sec. 7A.6.11 - Page 12 and 65 in draft)

Citizen Sign Code Committee – Voted unanimously to recommend keeping current definition as is.

Joint Subcommittee – Voted unanimously to recommend keeping current definition as is.

Background- Premise refers to the unified site upon which signs are permitted. For clarification, the definition of *Premise* was referenced in the definitions section of the updated draft.

Previously, an MPA/Chamber/SABHA letter recommended allowing multiple development plans with separate access within a unified site to have their own freestanding sign.

Both of the above committees recommended not to change the draft sign standard for *Premise*. The current draft which is similar to the current Sign Code relies on a spacing requirement applied to street frontages to control the number of freestanding signs along a street frontage.

This issue can be monitored after the initial action by Mayor and Council in the next few months. There will be in the current draft a recommended 18 –month period to monitor and consider the revised standards. During or at the end of that period, the Mayor and Council can decide to sunset, re-adopt, or amend the Sign Standards.

Section 7A.7 Sign Design Option

Design Option - Not Allowing Prohibited Signs (Sec. 7A.7.1.B - Page 13 in draft)

Citizens Sign Code Committee – Voted to recommend not including mentioning prohibited signs as part of a master sign program (7-1 approval).

Joint Subcommittee – Voted to recommend to not allow Prohibited Signs as part of a Master Sign Program but exempted commercial flags. (4-1 approval).

Background – The original vote of the JSC focused on master portable sign programs being allowed to use commercial flags as part of their design. They felt other prohibited signs should not be allowed.

In the CSCC discussion, it was mentioned that a historical building with a historic roof sign would be prohibited to replace it for a new business to keep the historic designation and historical credibility in its setting. The CSCC decided that there may be other situations where a prohibited signs may be acceptable in that situation and that the Sign Design Review Committee (SDRC) considering its composition of design professionals as well as neighborhood and business stakeholders would be able to discern where a prohibited sign has a case to be considered appropriate and where a proposal is not appropriate.

Ultimately, the Planning and Development Services Department (PDSD) Director will decide and can also consult with the City’s Design Professional on any SDRC recommendation.

Design Option - Dark Skies Illumination Interim Design Guideline (Sec. 7A.7.1.E.1 - Page 13 in draft)

Citizens Sign Code Committee – Voted unanimously to recommend creating an interim design guideline for sign illumination.

Joint Subcommittee – Voted unanimously to recommend creating an interim design guideline for sign illumination.

Background - Due to the complex nature of regulating illumination of individual signs, it has been suggested that members of the astronomy community work with PSDS to develop a set of interim design guidelines for applicants using the Sign Design Option. PSDS intends to work with astronomy and Outdoor Lighting Code stakeholders to develop an interim guideline. The guideline would be available to design option

applicants on the PDS website. Through practical use the guideline can evolve into an eventual standard that most appropriately would be placed in the City's Outdoor Lighting Code.

Design Option - Uniform Background Color for Listed Tenants (Sec. 7A.7.1.E.2 - Page 14 in draft)

Citizens Sign Code Committee – Voted to recommend keeping the current draft standard as is (6-2 approval).

Joint Subcommittee - Voted to recommend keeping the draft standard as is (4-1 approval).

Background - The requirement for a uniform background color when developing under the Sign Design Options is intended to achieve the purpose of the Signs Standards by improving aesthetics and overall legibility of signs. This requirement does not limit a logo's colors or logo lettering of a business. The general standards of the current Sign Code and the draft still allow a sign to have tenants listed with multi-colored background panels. The Design Option encourages best practices of design, having uniform background colors on the list of sign panels reflects a best practice of sign design.

Design Option – Use More Prescriptive Standards (dimensional caps) on Sign Dimensions (Sec. 7A.7.1.E.2.c – Page 15)

Citizens Sign Code Committee – Voted to recommend no caps be applied in reviewing design option applications (6-2 approval).

Joint Subcommittee - Voted to recommend the draft standard that required freestanding signs to have caps of 20 feet sign structure height and 100 square feet sign area (3-2 approval).

Background – Staff stated to the CSCC that in reviewing this issue it became clearer that, if there are caps, someone who cannot meet the caps for various reasons is forced to go to the Board of Adjustment to

resolve the matter with a variance.

The proposed design review process is modeled after existing successful design review committees of the Infill Incentive District and the Main Gate Urban Overlay District.

The SDRC, staff stated, is the most appropriate group to review sign design issues and not the Board of Adjustment. A given situation may require a larger sign that fits within its context and setting and is apparent to a design reviewer looking at the facts of the application. To send such an applicant to the Board of Adjustment causes the applicant and staff to switch review criteria from design considerations to the standards of a variance where having a unique hardship becomes the key standard. During the 18-month period prior to the ordinance sunseting or being readopted, the caps issue can be monitored.

As noted above with the composition of the SDRC, the ability of the PDSD Director to consult with the City's Design Professional, having a set of design standards connected to the Purpose Statement, and having an appeal to the Board of Adjustment and Mayor and Council, it becomes difficult for a sign representing an intrusive or inappropriate design to be approved.

Some JSC members voting in the minority favored a more cap-oriented process with some type of incentives. Those preferring caps pointed to Flagstaff and Phoenix's use of caps in their review processes. In the case of Flagstaff, greater areas could be obtained for greater amounts of compliance with specific incentivized design criteria.

Design Option – Public Notice of Application for Design Review (Sec. 7A.7.4 - Page 19 in draft)

Citizens Sign Code Committee – Voted to recommend the current draft standard using the PDSD Notice Policy (6 approval - 2 abstentions).

Joint Subcommittee - Voted to recommend the draft standard using PDSD notice policy focusing on email to neighborhood associations and a

PDSO email lists (3 -2 approval). The minority preferred the sending of first class mail to property owners within either 50 or 300 feet of the subject property depending on the size of the project.

Background – The current draft language follows a policy already in place for other similar City design review committees. It attempts to balance the need to be open and transparent while avoiding special time constraints that may be interpreted as an undue burden on the timing of the review of an application and inhibiting the applicant from exercising his/her First Amendment rights (the legal term is *prior restraint*). In addition, the SDRC will have a local neighborhood 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.

The Tucson Residents for Responsible Government (TRRG) has recommended 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).

Section 7A.8 Exempt and Prohibited Signs

Roof Signs Remain Prohibited (Sec. 7A.8.2.F – Page 20)

Citizens Sign Code Committee – Voted unanimously to recommend keeping roof signs as prohibited.

Joint Subcommittee – Voted unanimously to recommend keeping roof signs as prohibited.

Background –In an earlier draft to address certain types of extended parapets, roof signs were moved to the Permitted Sign section of the draft standards. This issue is resolved as noted below with changes to the definitions of roof and wall signs. The edits to the definitions allow architectural features of buildings to have signs placed on them.

Prohibiting or Allowing Feather Banners (Sec. 7A.8 Prohibited Signs Sec.7A.10.3.C.2 - Page 19 or 37 in draft)

Citizens Sign Code Committee – Had a tie vote on whether to recommend allowing four feather banners (two color limit) and one portable sign in a residential/commercial area in lieu of the limit of four signs and sign area allotment for portable signs (4-4 no recommendation).

Joint Subcommittee - Voted to recommend prohibiting feather banners (3-2 approval).

Background – During the review by the JSC and CSCC, there was discussion to consider allowing four feather banners (limited to two colors) and a portable sign as a substitute for the standards on a sign area allotment plus a number limit of four portable signs. The other consideration was to place feather banners in the Sec.7A.8 - Prohibited Sign Section.

The supporters of prohibiting them said that they can be unsightly and are a common feature of sign clutter along City streets. The supporters for allowing feather banners said they are likely to occur whether they are allowed or prohibited and having a standard would help to control their display.

Staff said that non-commercial flags like national flags are exempt in the current Sign Code and the draft. There are national flags, however, that are composed of two simple bands of color that someone could use for commercial wayfinding reasons and be in compliance (e.g. Poland's flag has one red and one white stripe). It is worth considering having a regulation that focuses sign users on a controlled amount of display. On the point of someone using a non-commercial flag in a commercial setting, it is likely to be unpopular having a regulation that limits the display of a non-commercial flag like the American flag.

It was mentioned that apartment complexes are common users of these banners and that they are similar to commercial flags that are already

prohibited by the current Sign Code. There have been staff interpretations stating feather banners are commercial flags thus prohibited and, on the other hand, that the current Sign Code inadvertently allows them through the wording of the definition for banner.

The outcome of the Sign Code Project is to clarify the status of feather banners to be either regulated with standards or prohibit them and control them through enforcement.

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

Alteration Of Electronic Components On Non-Conforming Signs (Sec. 7A.9.1.C - Page 21 in draft)

Citizens Sign Code Committee – Voted unanimously to recommend keeping the standard as is.

Joint Subcommittee - Voted unanimously to recommend keeping the standard as is.

Background – The issue involved a recent interpretation regarding whether the upgrading of electrical components of a nonconforming sign was a reasonable repair. The standard states you can update the electronic components of the non-conforming sign as long as the alteration does not make a static sign into a digital sign.

Section 7A.10 Permitted Signs

Interior Signs - Menu Board Setbacks (Sec. 7A.10.1.C - Page 21 in draft)

Citizens Sign Code Committee – Voted unanimously to recommend allowing menu boards with a voice-activated feature to be set back either 30 feet from residential property or have a sound mitigation wall in place.

Joint Subcommittee - Voted unanimously to recommend the same as noted above.

Background – A menu board is a type of interior sign located at a drive through restaurant. The two committees considered a setback distance and mitigation options for two-way communication devices on menu boards. Both agreed to send it forward with the 30- foot setback or the use of an option for a sound mitigation wall.

Window Sign Standards (Sec. 7A.10.1.F - Page 23 and 69 in draft)

Citizens Sign Code Committee – Voted to recommend keeping the current draft standard (7-1 approval).

Joint Subcommittee - Voted to recommend keeping the draft standard (3-2 approval).

Background – The current draft’s window standards state that 30% of a window surface may be covered by interior and exterior attached signs. The current Sign Code would allow 100% coverage. Most jurisdictions have a coverage limit. There appears to be consensus on a coverage limit. No permit is required because the temporary nature of the signs is too difficult to cover through on-going records. However, the total coverage may be enforced if reported to the City.

The new standard is also, coordinated with the Tucson Code’s provision for police views through late night businesses’ windows. The minority vote recommended that besides attached signs the window coverage percentage should include hung signs within three feet of the interior window surface. The members not in favor of the hung signs agreed that the difficulty of enforcement is a reason not to include hung signs in the coverage limit.

Increase Maximum Sign Area in Residential Zones for Non-residential Uses on Arterials and Collectors (Sec. 7A. 10.2.B -Table 2 - Page 25 in draft)

Citizens Sign Code Committee – Voted unanimously to recommend keeping the draft standard.

Joint Subcommittee - Voted unanimously to recommend keeping the draft standard.

Background – It is very common for churches to require variances to the maximum sign area because they are located in residential zones but are also on arterial and collector streets.

Residential zones have a very restrictive maximum sign area allotment of 20 square feet that causes frequent sign problems for institutional uses like churches. The draft standard allows 100 square feet of area and represents a more balanced amount of sign area for such land uses while still maintaining a controlled amount of signage as intended for a residential zone.

The maximum sign area for non-residential uses along local streets remains at 20 square feet which is the same as the current Sign Code.

Canopy Sign Standards (Sec. 7A.10.2.C.1 - Page 28 in draft)

Citizens Sign Code Committee – Voted unanimously to recommend keeping the draft language that simplifies the current Sign Code provision.

Joint Subcommittee – Did not make a specific recommendation. They suggested the issue continue to be reviewed.

Background –The CSCC voted to simplify the canopy sign standards to prohibit the sign type to be above a roof line. Additionally, it is to be part of the sign area allotment for wall signs.

The current standard is very complicated for both staff and applicants to use and has often created the need for variances and interpretations. Earlier discussion considered size limits on the sign copy lettering and whether the letters could exceed the sides of the background panel or the beam upon which it was attached. The CSCC recommendation does not address the attachment issues but rather looks at the sign as a subtype of a wall sign.

Increase / Decrease All Portable Sign Area Allotment (SAA) And Number Of Signs (Sec. 7A.10.3.A - Page 33 in draft)

Citizens Sign Code Committee – Voted to recommend keeping the current draft standards related to the number and sign area allotment (6-1 approval with one abstention).

Joint Subcommittee - Voted to recommend keeping the current draft standards (3-2 approval with one vote to increase and one to decrease the SAA).

Background – The draft portable sign standards attempt to address First Amendment and sign clutter management issues together.

The SAA and the number of signs are based on sign case law (*Arlington County Republican Committee v. Arlington County VA*), Arizona Revised Statutes (ARS) political sign provisions, the allowance under *Reed* to classify signs by their construction materials, and the basic spacing requirement for freestanding signs in the current Sign Code.

By addressing these issues, it becomes much more difficult to challenge the standards as being arbitrary and capricious. The CSCC decided that the current standards represent an acceptable legal strategy. Further, special sign needs, for example, used by the real estate industry can be addressed as part of the master portable sign program in the Design Option.

Roof Sign, Wall Sign and the Extended Parapet Option (Sec. 7A.8.2.F - Pages 20, Sec. 11.4.24 – Page 70, Sec. 7A.10.2.C.3 – Page 33 in draft)

Citizens Sign Code Committee – Voted unanimously to recommend revising the definitions of roof sign and wall sign so that architectural features of the building would not be interpreted to be roof signs.

Joint Subcommittee - Voted 4-1 approval on two extended parapet options dealing with the size of the sign and parapet. The *JSC* ultimately asked Commissioner Cook to recommend an alternative.

Background – There was consensus among the CSCC members on Commissioner Cook’s recommendation.

Over the years, there have been several staff interpretations on what is a roof or wall sign. The extended parapet option was the first attempt to resolve the interpretation issue in the draft.

The *JSC* asked Commissioner Jude Cook to recommend an alternative so that signs on the actual building features that represent the architecture of the building would not be considered roof signs. A roof sign has to be a separate structure from the building and is attached to the building in a way to be above the roof line. A wall sign is a sign placed against a wall or various incorporated integrated feature of the building’s architecture. The sign must be in the same plane as the wall or building feature.

See the recommended definitions below:

Roof Sign: A sign that is 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): A 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.

Section 7A.11 Special Districts

Scenic Route Signs Spacing (Sec. 7A.11.3 - Page 48 - 49 in draft)

Citizens Sign Code Committee – Voted unanimously to recommend keeping the standards as is.

Joint Subcommittee - Voted unanimously to recommend keeping the standards as is.

Background – There was a recommendation in an MPA/Chamber of Commerce/SAHBA letter to consider reducing the sign spacing requirements for Scenic Route Corridors. Both committees decided that this issue is beyond the scope of Mayor and Council direction and should be monitored as something to consider after the 18-month review period prior to a vote by Mayor and Council on whether to sunset, re-adopt or amend the Sign Standards.

Section 2.2.12 Sign Design Review Committee

Composition of Sign Design Review Subcommittee (Sec. 2.2.12.C - Page 53 in draft)

Citizens Sign Code Committee – Voted unanimously to recommend keeping the current composition in the draft.

Joint Subcommittee - Voted unanimously to recommend keeping the current composition in the draft.

Background – This issue was mostly a consensus item. There may be future discussion on making the commercial real estate representative a real estate representative for commercial or residential property.

The SDRC is composed of nine members. They are an architect, an Outdoor Lighting Committee member, a sign industry representative, a local business representative, a planner, who could be one of the following, (architect, land use planner or landscape architect), a real estate representative, who could have a commercial or residential

background, one at-large appointment by the City Manager, a general neighborhood association representative, and an ad hoc neighborhood representative from a neighborhood association within 300 feet of the application property.

Mayor and Council or City Manager Appointment of SDRC (Sec. 2.2.12.D - Page 53 in draft)

Citizens Sign Code Committee – Voted unanimously to recommend the City Manager appoints the Sign Design Review Committee.

Joint Subcommittee - Voted to recommend the City Manager appoints the Sign Design Review Committee (4-1 approval).

Background – It was discussed that the City Manager version creates two four-year terms and then requires a year hiatus before a person can be reappointed. The members ultimately advise the PDS Director. It also allows members to have more open discussion with the applicant on design issues. There appears to be consensus on this issue.

Sign Design Review Committee Quorum (Sec. 2.2.12.H - Page 53 in draft)

Citizens Sign Code Committee – Voted unanimously to recommend having the quorum at five members.

Joint Subcommittee - Voted unanimously to recommend having the quorum at five members.

Background –This issue is a consensus item. Considering the size of the SDRC the five-member quorum seems appropriate. Staff noted that an effort would be made to have alternates for all the members.

Citizen Sign Code Committee voted unanimously to recommend forwarding the recommendations above to the joint meeting with the Planning Commission.