



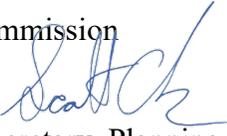
PLANNING COMMISSION

Planning & Development Services Department • 201 N. Stone Ave. • Tucson, AZ 85701

Date: September 16, 2020

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To: Planning Commission

From: Scott Clark 
Executive Secretary, Planning and Development Services

Subject: C8-19-03 Sign Code Revisions (City Wide)

Issue – This public hearing is to review and discuss proposed amendments to the Unified Development Code (UDC) sections related to sign standards in advance of the August 31, 2021 sign code sunset date. Staff has proposed a number of amendments, cleanups and clarifications to the sign code based on this review. The majority of these amendments are cleanups and clarifications.

In December 2017, Mayor and Council adopted sign standards under Ordinance No. 11508, with a sunset date of August 31, 2019. Planning and Development Services provided Mayor and Council with an update on the sunset date for the sign standards in July 2019. At that time, the sunset date was extended one year to August 31, 2020, to allow for staff to conduct a thorough analysis of the efficacy of the sign code and for the necessary public outreach. The majority of this review had been completed, and the proposed amendments had been presented to Planning Commission at a study session when board and commission meetings were suspended due to the COVID-19 pandemic in March of this year. In July 2020 staff requested an additional one-year extension of the sunset date from Mayor and Council. The request was granted, and the sunset date was extended to August 31, 2021.

Recommendation – Staff recommends that the Planning Commission recommend the approval of the proposed text amendments to the Unified Development Code (UDC) sections related to sign standards and removal of the sign code sunset date.

Background – From August 2016 through July 2017, Planning and Development Services (PDS) conducted extensive public outreach to develop and review proposed sign code revisions, following the June 2015 U.S. Supreme Court decision in the case of *Reed v. Town of Gilbert*, which made it necessary for all jurisdictions in the country to review and amend their sign code to be content-neutral to avoid legal challenges. On December 5, 2017, Mayor and Council adopted the current sign code with a sunset date of August 31, 2019. Key revisions implemented under the adopted sign code include, moving sign standards from the City Code to the Tucson zoning code, establishing the master sign program and creating the Sign Design Review Committee. In July 2019, at the request of PDS, Mayor and Council extended the sunset date to August 31, 2020 to allow for additional analysis of the newly adopted sign code.

Planning and Development Services conducted additional analysis of the adopted sign code and public outreach from August 2019 through February 2020. During this review and analysis internal meetings with sign review staff were held, sign permit data was reviewed, and complaints submitted to code enforcement related to signs were reviewed. The analysis indicated that the sign code is working well. The majority of potential changes that were identified involve clarifications or clean-ups to the portions of the

Year	Number of Complaints
2014	1088
2015	1458
2016	188
2017	143
2018*	205*
2019	100

* Revisions became effective in Feb 2018

Unified Development Code (UDC) that were translated inaccurately or missed during the transition from Chapter 3 of the Tucson Code to the UDC. Some potential minor changes to the UDC were also identified. Additionally, a few text changes are proposed to facilitate the adoption of new permitting software being implemented by PDS and other City departments.

PDS staff reviewed the potential text changes with the Sign Design Review Committee (SDRC). Under the previously adopted sign standards, the SDRC was tasked with assisting Mayor and Council, the Planning Commission, and the PDS Director by advising on sign standard text amendments. Beginning in November 2019, the SDRC held regular public meetings to discuss potential amendments to the sign standards. A total of six meetings were held to review the sign standards. At these meetings, PDS staff presented potential text changes to the committee and the SDRC discussed the recommended changes. During this series of meetings, the SDRC provided feedback on the recommended text changes and this feedback was incorporated into the proposed changes. See Attachment A for a table of proposed text changes reviewed by the SDRC and Attachment B for a revisions matrix, showing staff suggestion with comments from SDRC and final proposed text change.

Historic preservation staff were consulted regarding potential changes to portions of the sign code relating to Historic Landmark Signs (HLS) and signs in Historic Preservation Zones (HPZ). Internal meetings were held with historic preservation to review text changes, including, changing the name of the HLS program and whether the reviewing body for HLS should be the SDRC or the Plans Review Subcommittee. See Attachment C for a more detailed summary of the internal meetings.

Additionally, staff conducted public outreach that included two public meetings during which proposed text changes to the sign standards were reviewed. Some of the feedback at these meetings was related to:

- Enforcement of sign standards for portable and temporary signs;
- Education and outreach for businesses and public about what the sign code allows;
- Reviewing sign code for neighboring jurisdictions;
- Whether murals can be regulated;

- The importance of sign design adhering to the outdoor lighting code; and
- The need for an Outdoor Lighting Committee Representative to be appointed for the Sign Design Review Committee.

See Attachment D for a more detailed overview of those meetings.

After the public meetings, staff went back to the SDRC to review the feedback from the public with the committee. The SDRC recommended approval of the proposed text changes to the sign standards as presented on February 6, 2020 and to remove the sunset date. See Attachment E for the Legal Action Report for the February 6, 2020 SDRC Meeting.

Further, at three different Plans Review Subcommittee (PRS) meetings, staff provided information in connection with those proposed text changes that relate to signs in HPZ and the HLS program. PRS provided feedback related to changing the name of the HLS program, to differentiate this program from Historic Landmarks designated through a formal nomination process, and removing language in the HLS program that requires signs designated under this program to have been installed in a location within current Tucson city limits, and whether the SDRC should continue to be the reviewing body for HLS. At the second meeting with PRS, staff was requested to consult with stakeholders involved in the creation of the HLS concentration requirement to better understand the reason behind the requirement. Staff provided information to PRS on this request on August 27, 2020. At that meeting, PRS voted 6-0 to recommend approval of the sign standards related to historic provisions as presented in the staff memorandum dated August 27, 2020 and removal of the HLS concentration requirement. See Attachment F for the Staff Memorandum to PRS and draft Legal Action Report from the August 27, 2020 meeting.

On March 4, 2020, the Planning Commission held a study session to review the Sign Code Revisions UDC text amendment. Staff presented the proposal and the Commission asked questions related to the scope of the proposal, the extent of the changes proposed and requested review of the language proposed in 7A.10.2.B-Table 2 relating to signs for multi-tenant complexes. At that meeting, the Planning Commission voted 7-0 to set the Sign Code Sunset Date revisions for a public hearing on April 15, 2020. Shortly thereafter, the Mayor of Tucson issued a proclamation suspending all board, commission and committee meetings due to the COVID-19 pandemic, therefore the public hearing was not held. On July 9, during a Mayor and Council study session, staff requested that the sign code sunset date be extended one year to allow time to complete the amendment process. Mayor and Council voted unanimously to extend the sunset date to August 31, 2021.

Present Considerations – Based on the staff analysis, public meetings, and our review with the SDRC and PRS, it appears the adopted sign standards are working well. However, there are some minor changes and several clarifications or cleanups that need to be implemented prior to the sunset date. The amendments staff are proposing consist of forty-four (45) text changes classified as clarifications/clean-ups, thirteen (13) text changes classified as minor

changes and three (3) text changes related to process improvements. See Attachment A for the table of proposed text changes and Attachment G for the UDC Redline.

Clarifications/clean-ups - Clarifications or clean-ups are those changes which staff has determined merely clarify language or existing policy that was not made clear during the initial adoption of the sign standards. Additionally, this category of text changes includes changes of references previously missed when bringing the sign standards from Chapter 3 of the Tucson Code into Article 7A of the Unified Development Code. Below are a few examples of text changes in this category:

- Clarifying that footing inspections are only required for detached signs that require an engineering plan. (Section 7A.4.4.D.3)
- Clarifying that signs in historic preservation zones are regulated by the Historic Preservation regulations found in Article 5.8.9.M of the UDC. (Sections 7A.11.1.B-H)
- Replacing an incorrect reference to Chapter 3 of the Tucson Code with a reference to Article 7A of the UDC (Section 5.5.4.A)

Minor Changes - Minor changes are text changes based on sign staff or Sign Design Review Committee (SDRC) input which required a more in-depth review prior to recommendation. These text changes are proposed within various topics of the UDC, including, sign design options, sign types, review authorities and definitions. Below are the recommended minor changes:

- Aligning the process used to measure sign height for signs within Tucson with the sign industry's usual method of measurement. (Section 7A.6.5.A)
- Amending landscaping requirements under the sign design option to allow signs to be incorporated into existing or proposed site landscaping rather than require the landscaping to be designed around the proposed sign's location. (Section 7A.7.1.E.2.c.(4))
- Amending regulations for access point, awning, canopy and freestanding monument signs to conform with PDS policy. (Section 7A.10.2.A-Table 1)
- Clarifying the allotment of signs for multi-tenant complexes and allowing current and future technology advances in relation to low lighting. (Section 7A.10.B – Table 2)
- Correcting the regulation regarding size and height of access point signs and allowing for additional size and height for access point signs based on parcel area or linear street frontage. (Section 7A.10.2.C.1.a.(1)-(3))

- Restoring sign standards previously allowed under Chapter 3 of the Tucson Code relating to awning signs within specific zones. (Section 7A.10.2.C.1.b.(2))
- Establishing a distinction between fixed balloons and small fixed balloons. (Section 7A.10.4.A.1.a)
- Allowing signs that are not within the current jurisdictional boundary to be considered for designation as a Historic Landmark Sign. (Section 7A.10.5.A.2.4)
- Aligning the process for appealing a Director's decision for the Historic Landmark Signs treatment plan with the currently adopted Mayor and Council appeal procedure under the UDC. (Section 7A.10.5.G.9.b)
- Establishing a quorum of the Sign Design Review Committee at 50% of seated members. (Section 2.2.12.I)
- Defining fixed balloon signs and distinguishing small fixed balloons from those larger than two feet in diameter. (Section 11.4.7)
- Amending the name of the Historic Landmark Sign designation to Heritage Landmark Sign (HLS). (Section 7A.10.5)
- Removing the Heritage Landmark Sign (HLS) concentration requirement. (Section 7A.10.5.A.6)

Process improvements - The third category of text changes are those text changes required to support PDS's implementation of a new permit database. These amendments are necessary due to technical requirements of the software being used, specifically related to the expiration date of permits issued for the same sign type. These text changes will standardize the time period for the expiration of permits issued for temporary signs while preserving current sign standards for these sign types.

Plan Tucson Consideration(s) – This item is related to the Plan Tucson Elements of (1) Historic Preservation and (2) Land Use, Transportation, & Urban Design. Specifically, this item is supported by the following policies:

- *HP-4 – Identify historic streetscapes and preserve their most significant character defining features.*
- *LT-4 – Ensure urban design that: a. is sensitive to the surrounding scale and intensities of existing development; b. integrates alternative transportation choices, creates safe gathering places, and fosters social interaction; c. provides multi-modal*

connections between and within building blocks; d. includes ample, usable public space and green infrastructure; e. take into account prominent viewsheds.

Attachments:

- A – Table of Proposed Changes
- B – Revisions Matrix
- C – Meeting Summary for Historic Preservation
- D – Meeting Summary for Public Meetings
- E – Legal Action Report, February 6, 2020 Meeting, Sign Design Review Committee
- F – Staff Memorandum to Plans Review Subcommittee, dated August 27, 2020 and Draft Legal Action Report, August 27, 2020 Meeting, Plans Review Subcommittee
- G – Unified Development Code Redline dated August 27, 2020