

Item #4 C8-16-09

Sign Code Revision Project

Proposal to amend the City of Tucson Sign Code to Comply with Reed v. Town of Gilbert; Simplify by integrating into Unified Development Code, and make practical changes that modernize the Code, improve the quality of design and flexibility of the overall code, and ground it in technical standards

Planning Commission

Study Session

August 17, 2016

12/07/2016

1

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Mayor and Council Direction

August 9, 2016

- Initiate a Sign Code revision process
- Comply with the 2015 U.S. Supreme Court decision on Reed v. Town of Gilbert,
- Simplify the Sign Code by integrating it into the Unified Development Code, and
- Make practical changes that modernize the Code, improve the quality of design and flexibility of the overall code, and ground it in technical standards.
- Have the Citizens Sign Code Committee and the Planning Commission hold joint study sessions and public hearings on the proposed changes
- Have staff return to the Mayor and Council with a recommendation no later than January 2017.
- Note several councilmembers stated that Mayor and Council may consider a longer period of time at a study session if needed



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Sign Code Project Key Areas

- Reed vs. Town of Gilbert – content neutrality and First Amendment compliance
- Simplification - incorporate into the Unified Development Code (UDC)
- Design and Process Improvements -



Subcommittee Meetings to Review Sign Code Revisions

- Group has met six times since October
- Meet on Monday afternoons from 2PM – 5PM
- Meetings are organized to encourage feedback on revisions from public



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Organization of Meetings

- Call to Order / Roll Call
- Approval of Previous Meeting's Minutes / Legal Action Reports
- 1st Call to the Audience
- Presentation of Supporting Information Regarding Process and Requested Clarifications
- Review of Previous Meeting Discussion and Suggested Modifications to Language
- Review and Discussion by Subcommittee of Sections of Preliminary Sign Code Revisions
- 2nd Call to the Audience



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Steps Between Meetings

- Wednesday prior to next scheduled meeting
 - Post upcoming agenda to website
 - Email to subcommittee and notification group
- Friday prior to next scheduled meeting
 - Post matrix of suggested edits based on comments of subcommittee to website
 - Post Legal Action Report / Minutes to website
 - Email to subcommittee and notification group



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Sections Reviewed by the Subcommittee

- Section 7A.1 – Purpose and Applicability
- Section 7A.2 – Interpretation and Substitution Clause
- Section 7A.3 – Definitions
- Section 7A.4 – Permits, Inspections, Fees
- Section 7A.5 – Violations, Location, and General Requirements
- Section 7A.6 – Measurement, Location, and General Requirements (partial review – postponed to a later date)
- Section 7A.13 – Citizen Sign Code Committee
- Section 7A.7 – Sign Design Option (partial review)



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Sections Yet to be Reviewed by the Subcommittee

- Section 7A.6 – Measurement, Location, and General Requirements (partial review completed)
- Section 7A.7 – Sign Design Option (partial review completed)
- Section 7A.8 – Prohibited and Exempt Signs
- Section 7A.9 – Non-conforming Signs
- Section 7A.10 – Sign Types and General Standards
- Section 7A.11 – Special Districts
- Section 7A.12 – Appeals and Variances



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Revisions Matrix of Subcommittee Comments

SUGGESTED MODIFICATIONS (OR EDITS) TO PRELIMINARY DRAFT OF SIGN CODE REVISIONS

Basis: Member discussion at meeting of the Joint Subcommittee of the Planning Commission / Citizen Sign Code Committee

Prepared by: City of Tucson Planning and Development Services (PDS) Department. Contact Daniel Bursuck (Daniel.bursuck@tucsonaz.gov)

Note 1: Under the Redline Edits, within a "quote", black plain text is from the September 20, 2016 draft, and red underline & ~~strikethrough~~ text is the proposed edits for a recommendation to the larger Planning Commission and Citizen Sign Code Committee.

Note 2: A/R/M used for responses to comments A = Comment accepted A/M = Comment accepted with modifications R = Comment rejected M = Comment modified

Suggestion	Section	Subcommittee Suggestions	Redline Edits	City Staff Comments	Edits related to:			
					Reed	Fairness	Process Improvement	A/R/M
1.	7A.1.1 (Page 1)	<p>October 17, 2016, Subcommittee Meeting: "promote equity between businesses and other sign users" - in the revised version, 1st line. Comment: Don't think this belongs in the purpose statement.</p> <p>October 24, 2016, Subcommittee Meeting: The Code purposely restricts certain types of signs and not everybody should be treated equitably.</p> <p>November 7, 2016, Subcommittee Meeting: No consensus was reached regarding the use of the word "business." There are commissioners who believe it should remain and others who don't think it belongs.</p>	<p>Accommodate the rights of individuals to freedom of speech, promote equity between businesses and other typical among all sign users and, enable the fair and consistent enforcement of these sign standards;</p>	<p>Ultimately Reed v. Town of Gilbert mandates that we regulate all signs without regard to content. This addresses this issue and provides a basis for the code that follows.</p> <p>It is important to note that the court will apply strict scrutiny analysis to non-commercial speech regulations, but commercial speech is protected and regulations relating to commercial speech will be analyzed using intermediate scrutiny, an only slightly lower standard. Further, any one commercial message must be treated the same as any other commercial message.</p> <p>Staff recommends adding "business," or similar wording back into suggested edit #2. In order to provide a more complete and accurate portrayal of sign use and regulation, it should acknowledge the role businesses have. Staff suggests the Subcommittee explore ways to bring this language back that would be acceptable to the group as a whole. This would help to strengthen the Sign Code's purpose statement, and be beneficial should the City receive a Reed-based legal challenge to the Sign Code.</p>	X			M

Updated 12/02/16 1 of 9



12/07/2016

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