



MEMORANDUM

DATE: August 27, 2020

TO: Tucson/Pima County Historical
Commission -Plans Review Subcommittee

FROM: Daniel Bursuck
Principal Planner, PDSB

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

Issue – The following item is for the Tucson/Pima County Historical Commission – Plans Review Subcommittee (PRS) to review and discuss proposed amendments to the sign standards within the Unified Development Code (UDC), related to historic provisions, in advance of the August 31, 2021 sign code sunset date.

Recommendation – Staff recommends that the PRS recommend approval to the Planning Commission on the proposed amendments, related to historic provisions, to the sign standards.

Background – From August 2016 through July 2017, Planning and Development Services (PDSB) 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 PDSB, Mayor and Council extended the sunset date to August 31, 2020 to allow for additional analysis of the newly adopted sign code. On June 23, 2020, in light of the suspension of public meetings due to COVID-19, Mayor and Council voted 7-0 to extend the sunset date to August 31, 2021 to allow for additional time to complete the public review of the amendments.

Planning and Development Services conducted that 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. Additionally, PDSB staff reviewed the potential text changes with the Sign Design Review Committee (SDRC). 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.

Throughout the process, 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

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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 (PRS). It was recommended by historic preservation staff, to review these proposed changes with the PRS.

On February 13, 2020, staff provided information to the Plans Review Subcommittee (PRS) in connection with those 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.

On March 20, 2020, at the suggestion of PRS, Staff met with stakeholders who were involved with the development of the HLS program, including Jude Cook, Demion Clinco, and Carlos Lozano. The following is an overview of that discussion:

- There was general agreement with allowing the relocation of HLS signs from outside of Tucson city limits into Tucson;
- There was general agreement with the name change from Historic Landmark Signs to Heritage Landmark Signs; and
- The question was brought up about if the HLS Concentration requirement is working as intended?

On April 30, 2020 staff presented to PRS related to the proposed changes to historic sign provisions along with an overview of the conversation about the HLS Concentration requirement. Please see Attachment A for the Legal Action Report from that meeting. At that meeting, PRS requested staff reach out to those who helped draft the HLS Concentration provision to provide more information related to its intent. Staff has since reached out to Brent Davis and Kathy McLaughlin, both former members of the Citizen Sign Code Committee for additional information. The reason they provided for the inclusion of the HLS Concentration was to protect against a proliferation of taller and larger signs through the HLS program.

Present Considerations – Based on the feedback from the PRS meeting on February 13, 2020, and the feedback from the stakeholders at the March 20, 2020 meeting, we are proposing the following amendments to the sign code related to its historic provisions:

1. Clarify regulations by moving all historic related language from 7A (*Sign Code*) to 5.8.9.M (*Signs in Historic Districts*).
2. Clarify that signs in commercial zone may be up to 40 sq ft and signs in residential zone may be up to 8 sq ft, with approval of PRS.
3. Clarify that an applicant in an HPZ may use Sign Design Options under 7A.7.
4. Amend to allow for Classic, Transitional and Replica signs from outside of Tucson city limits to be relocated into Tucson.
5. Change Historic Landmark Signs name to Heritage Landmark Signs.

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Additionally, there is currently a requirement in the HLS ordinance that any replica HLS sign or any relocated HLS sign be located within what it calls an HLS Concentration. This is defined as:

“A minimum of three 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 linear 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.”

As noted in the background section, this provision’s removal was suggested by the stakeholders who had helped draft the HLS ordinance. On April 30, 2020, PRS requested staff to go back and speak with some of those people who helped draft the original HLS ordinance to better understand what the intent of the HLS Concentration provision was. Between that meeting and now, staff reached out to Brent Davis and Kathy McLaughlin, both former members of the Citizen Sign Code Committee for additional information. The reason they provided for the inclusion of the HLS Concentration was to protect against a proliferation of taller and larger signs through the HLS program.

Staff would like PRS to provide a recommendation on the five changes listed above, in addition to if the HLS Concentration provision should be removed.