MAYOR & COUNCIL COMMUNICATION

July 9, 2019

Subject: C8-19-03 Sign Code Sunset Date Extension (City Wide)

Issue – This item is to address the upcoming sunset date for Ordinance #11508 (see Attachment A) related to the City of Tucson Sign Code. On December 5, 2018, Mayor and Council adopted amendments to City of Tucson Sign Code, moved those regulations into the Unified Development Code (UDC), and set an effective date of February 1, 2018 with an 18 month sunset date. The addition of the sunset date of August 31, 2019 was included so that staff could review the efficacy of the amendments. After the August 31st sunset date, the amendments will not continue in effect unless the Mayor and Council remove the sunset provision from the ordinance or create a new sunset date.

City Manager's Office Recommendation – It is recommended Mayor and Council extend the sunset date on Ordinance #11508 related to the Sign Code Revision Project, for 12 months from August 31, 2019 to August 31, 2020.

Background – The June 2015 U.S. Supreme Court decision in the case *Reed v. Town of Gilbert* makes it necessary for all jurisdictions in the country desiring to avoid legal challenges to review and amend their sign codes to be content-neutral. Additionally, about the same time that the *Reed* decision was announced, members of the business community raised concerns that the City's Sign Code was out of date, overly restrictive, and difficult to use in comparison to other regional and Arizona jurisdictions. After a Mayor and Council Study Session in August 2016, several community stakeholders raised concerns that this revision project may weaken the existing Sign Code. To accommodate all of the concerns, Mayor and Council directed Planning and Development Services (PDSD) to initiate the Sign Code Revision project to create a document which addressed the legal implications of *Reed*, maintained signage rights roughly proportional to the existing Sign Code, and improved the sign review process.

From August 2016 through July 2017, PDSD conducted extensive public engagement to develop and review the proposed sign code revisions. A Citizen Sign Code Committee was established which held dozens of committee and subcommittee meetings, many held jointly with the Planning Commission. On July 12, 2017, the Citizen Sign Code Committee and the Planning Commission voted unanimously at a joint public hearing to favorably recommend the draft sign code with minor revisions.

On December 5, 2018, Mayor and Council adopted amendments to City of Tucson Sign Code, moved those regulations into the Unified Development Code (UDC), and set an effective date of February 1, 2018 with an 18 month sunset date on the ordinance. The addition of the sunset date of August 31, 2019 was included so that staff could review the efficacy of the amendments.

Present Consideration(s) – Staff recommends a 12 month extension of the sunset provision related to the Sign Code Revision Project that were adopted by Mayor and Council on December 5, 2017, and set to expire on August 31, 2019 (see Attachment A for Ordinance #11508). Initially, this was thought to be a sufficient amount of time to review the changes adopted, however, more time is needed to properly review its impact and what further changes may be needed. This is primarily due to the time needed to set up the Sign Design Review Committee, and the need for additional data to properly assess the ordinance.

Over the past year, PDSD has taken steps to implement the new Sign Code provisions. This included: appointing eight members, from broad backgrounds, to a new Sign Design Review Committee to review Sign Design Option applications, adjusting and creating a new fee structure, modification of PDSD's permitting system to account for new processes, and the creation of new applications and checklists. During this implementation period, initial feedback shows that the revisions adopted in 2018 appear to be achieving the intended goals. The Sign Design Option is being utilized successfully to provide applicants with unique sign needs a more appropriate design-based path, instead of requiring them to receive multiple variances through the Board-of-Adjustment. However, due to the time required to get the program up and running, and the need for a longer track record of cases to review from, staff is requesting an extension to the sunset date to provide time to conduct a thorough analysis of the adopted ordinance and for the necessary public outreach.

The following are some of items to be reviewed during the sunset date extension:

- Major and Minor Reviews – Additional analysis is needed to clarify which types of projects should require a full Sign Design Review Committee review and what projects may be more suited to a review by a Design Professional.
- Review of Sign Standard's Effectiveness – Staff will continue to monitor approvals of sign permits and the proposals using the Sign Design Option throughout the next year. From this data, staff will review to understand if we have appropriately met the goals of the Sign Code Review Project and what changes may be made to increase the efficacy of the Sign Code.
- Future Plan Tucson Update – In anticipation of the update to Plan Tucson in 2023, provide recommendations for revising Plan Tucson related sign policies so they address the key provisions stated in the Purpose Statement. This type of policy is very useful in showing a community-wide endorsement of a more comprehensive sign policy in the case that the Sign Code is legally challenged.

Prior to bringing the ordinance back to the Mayor and Council, staff will conduct a public outreach and review process that will include stakeholder and public meetings, review by the Sign Design Review Committee, and review by the Planning Commission.

Plan Tucson Consideration(s) – This item is consistent with the 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. takes into account prominent viewsheds.

Financial Considerations – N/A

Operating Cost and Maintenance Input – N/A

Legal Considerations – The City Attorney's Office has reviewed this Communication and approved same as to format, and has reviewed the Attached Ordinance.

Respectfully submitted,

Albert Elias, AICP
Assistant City Manager

SC/KM/DB
PLANNING AND DEVELOPMENT SERVICES

Attachments: A - Ordinance #11508
Ordinance

ADOPTED BY THE
MAYOR AND COUNCIL
December 5, 2017

ORDINANCE NO. 11508

RELATING TO SIGN REGULATION AND PLANNING AND ZONING; AMENDING THE TUCSON CODE CHAPTER 23B, UNIFIED DEVELOPMENT CODE (UDC), BY ADDING A NEW ARTICLE 7A, SIGN STANDARDS AND AMENDING UDC ARTICLE 2, REVIEW AUTHORITIES, ARTICLE 3, GENERAL PROCEDURES, ARTICLE 4, ZONES, ARTICLE 9, NON-CONFORMING USES, BUILDINGS, AND STRUCTURES, ARTICLE 10 ENFORCEMENT AND PENALTIES, AND ARTICLE 11 DEFINITIONS; REPEALING AND RESERVING TUCSON CODE CHAPTER 3, SIGN CODE IN ITS ENTIRETY; AMENDING TUCSON CODE CHAPTER TWO, ADMINISTRATION, *CROSS REFERENCES; TUCSON CODE CHAPTER 10A, COMMUNITY AFFAIRS, ARTICLE XIII; TUCSON CODE CHAPTER 11B, PLANNING AND DEVELOPMENT SERVICES DEPARTMENT, SEC. 11B-3 ; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the 2015 ruling by the United States Supreme Court in *Reed v. Town of Gilbert* required all sign regulation to be content neutral, and

WHEREAS, on August 9, 2016 the Mayor and Council directed City staff to revise the Sign Code to comply with the *Reed* decision by amending the Sign Code to be content-neutral, to modernize the Sign Code by improving quality of design, flexibility and process improvements, to ground those improvements in technical standards, and to achieve overall simplicity by integrating the Sign Code into the Unified Development Code (UDC), and

WHEREAS, the amendments to the Sign Code have been under various stages of public review and comment since August 9, 2016; including at least 29 duly noticed public study sessions, meetings and hearings comprised of 6 Citizen Sign Code Committee study sessions, 6 Planning Commission study sessions, 14 meetings of the joint-subcommittee for the Planning Commission

and Citizen Sign Code Committee, 2 joint meetings of the full Planning Commission and Citizen Sign Code Committee, and 1 duly noticed joint public hearings of the full Planning Commission and Citizen Sign Code Committee, and

WHEREAS, the City of Tucson acting through these public meetings, hearings and citizen participation and in conjunction with the Planning Commission, Citizen Sign Code Committee, joint subcommittee for the Planning Commission and Citizen Sign Code Committee, various stakeholders, and City staff have conducted a complete review of, and amendments to, the Sign Code over the period of more than a year, and

WHEREAS, the City seeks to comply with the *Reed* decision while also recognizing the legitimate needs of sign users, providing maximum wayfinding assistance to tourists, protecting its unique scenic beauty and night skies, and facilitating traffic safety and flow, and

WHEREAS, the City and sign users desire a more efficient and business friendly Sign Code, and

WHEREAS, it is desirable to provide for the delayed enactment of the sign standards as well as a date of repeal of Tucson Code, Chapter 3, Sign Code in order to allow sign users to adjust and accommodate their signage needs to the new code provisions:

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Sign Standards attached hereto as Exhibit A, are hereby adopted as Article 7A of Chapter 23B of the Tucson Code, Unified Development Code (UDC), effective February 1, 2018.

SECTION 2. The Sign Code, Chapter 3 of the Tucson code is hereby repealed and reserved, effective February 1, 2018.

SECTION 3. The Tucson Code, Chapter 23B, Unified Development Code, Article 4, Review Authorities and Powers, Section 2.2, Review and Decision-Making Bodies, is hereby amended, effective February 1, 2018, to include a new Section 2.2.12 to read as follows:

UNIFIED DEVELOPMENT CODE
ARTICLE 2. REVIEW AUTHORITIES AND POWERS
SECTION 2.2. REVIEW AND DECISION-MAKING BODIES

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2.2.12. SIGN DESIGN REVIEW COMMITTEE

A. Creation

A sign design review committee is hereby created to assist the Mayor and Council, the Planning Commission, and the Planning and Development Services Director by advising on sign standard text amendments and design option applications permitted by Section 7A.7 *Sign Design Options*.

B. Authority

The sign design review committee shall advise the Mayor and Council and the Planning Commission on sign standards text amendments. It shall also act as the design review committee for Section 7A.7 *Sign Design Options* and advise the Planning and Development Services Director on various design option applications.

C. Composition

The committee shall be composed of the following nine 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. The City Manager may appoint a professional or stakeholder with a similar background and/or experience to the above listed committee members.

D. Appointment and Terms

1. Appointment: The members shall be appointed by the City Manager.

2. Terms: City Manager 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.

3. City employees, elected officials excluded: No member of the committee may be a City employee or hold a City elective office.

E. Vacancies

Vacancies on the committee shall be filled by appointment in the same manner in which members are initially appointed.

F. Removal

Removal of the members shall be done by the City Manager.

G. Sign Standards Text Amendment Meeting

The committee shall have meetings as needed to discuss sign standard text amendments and make recommendations to the Planning Commission. Along with the Planning Commission recommendation, the committee's recommendation shall be forwarded to the Mayor and Council.

H. Design Review Meeting

1. The applicant may ask for a pre-application meeting with the committee to receive input on the proposal.

2. When the applicant requests a meeting on the application, the committee may continue a case one time.

3. The applicant will present the proposal. The committee will review the application in accordance with the applicable provisions of Section 7A.7 *Sign Design Options*.

4. The applicant may ask for additional continuances.

5. After reviewing the case, the committee shall make a recommendation of approval, approval with conditions or denial to the planning and development services director.

I. Quorum

A quorum for a meeting shall be five members. If for any reason the City Manager has not appointed the members of the committee or a quorum is not obtained for a particular application, the director may request that the Design Professional make a recommendation directly to the PDSD Director.

J. Administrative Procedures

1. City manager. The City Manager shall ensure that all City departments and persons under his authority shall cooperate in providing assistance and data to the sign design review committee.

2. Executive secretary. The zoning administrator or designee shall serve as executive secretary to the committee.

3. Chairperson and other officers. The committee shall elect a chairperson and vice- chairperson and such other officers as it may deem necessary from its members. The terms of chairperson, vice-chairperson and other officers shall be for one year subject to one additional term of one year.

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SECTION 4. The Tucson Code, Chapter 23B, Unified Development Code, Article 3, General Procedures, Section 3.5, Rezoning (Change of Zoning), Section 3.5.5, Planned Area Development (PAD) Zone is hereby amended, effective February 1, 2018, to read as follows:

UNIFIED DEVELOPMENT CODE
ARTICLE 3. GENERAL PROCEDURES
SECTION 3.5. REZONING (CHANGE OF ZONING)

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3.5.5. PLANNED AREA DEVELOPMENT (PAD) ZONE

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B. **Distinct Land Use Regulations Permitted**

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3. Signs shall be in compliance with Section 7A.11.4 *Planned Area Development (PAD) District.*

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SECTION 5. The Tucson Code, Chapter 23B, Unified Development Code, Article 4, Zones, Section 4.9, Use-Specific Standards, Section 4.9.4, Commercial Services Use Group is hereby amended, effective February 1, 2018, to read as follows:

UNIFIED DEVELOPMENT CODE
ARTICLE 4. ZONES
SECTION 4.9. USE-SPECIFIC STANDARDS

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4.9.4. COMMERCIAL SERVICES USE GROUP

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G. **Billboards**

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5. **Height**
The maximum permitted height shall be in accordance with Section 7A, *Sign Standards.*

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SECTION 6. The Tucson Code, Chapter 23B, Unified Development Code, Article 9, Non-Conforming Uses, Buildings and Structures, Section 9.1, General, Section 9.1.1, is hereby amended, effective February 1, 2018, to read as follows:

UNIFIED DEVELOPMENT CODE
ARTICLE 9. NON-CONFORMING USES, BUILDINGS AND STRUCTURES
SECTION 9.1. GENERAL

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9.1.1. INTRODUCTION

Uses, buildings, or structures that came into existence legally but that do not comply with one or more requirements of the Unified Development Code (UDC) may continue to operate or be used as provided below. A nonconforming use may be discontinued, resumed, expanded, or substituted with another nonconforming use, and nonconforming structures may be reconstructed or expanded as provided below, except for advertising and outdoor signs, which are regulated by Article 7A, *Sign Standards.*

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SECTION 7. The Tucson Code, Chapter 23B, Unified Development Code, Article 10, Enforcement and Penalties, Section 10.3, Violations is hereby amended, effective February 1, 2018, to add a new Section 10.3.7, Sign Violations, Enforcement, and Penalties, to read as follows:

UNIFIED DEVELOPMENT CODE
ARTICLE 10. ENFORCEMENT AND PENALTIES
SECTION 10.3. VIOLATIONS

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10.3.7 SIGN VIOLATIONS, ENFORCEMENT, PENALTIES

A. Violation a public nuisance

If any person erects, alters, relocates or maintains a sign in violation of the provisions of the sign standards, it is declared a public nuisance, and the City Attorney is authorized to bring an action in a court of competent jurisdiction to enjoin such person from continuing the violation.

B. Violation declared a civil infraction

It shall be a civil infraction for any person to violate any of the provisions of the sign standards.

C. Abandoned and discontinued signs; obsolete sign copy

1. Nonconforming signs: Any nonconforming sign or nonconforming sign structure that is either discontinued for a period of six months or abandoned shall be removed by the owner of the sign or owner of the premises.

2. Obsolete sign copy: Obsolete sign copy on either a nonconforming or conforming sign shall be removed by the owner of the sign or owner of the premises. Obsolete sign copy shall be removed by replacing the sign face with a blank face, replacing the obsolete sign copy with copy that is not obsolete, or removing the sign structure.

3. Determination of discontinuance: Recording of determination of discontinued nonconforming sign. The zoning administrator or designee may send notice by certified or registered mail or hand delivery to the record owner or occupier of the property to abate a violation of this section, directing abatement within thirty (30) days from the date the notice was mailed or delivered. In making a determination that a sign or sign structure is either abandoned or discontinued, or that sign copy is obsolete, the zoning administrator may consider:

a. Whether the property on which the sign is located is vacant or unoccupied;

b. The length of time the property is vacant or unoccupied;

c. The condition of the property;

d. The status of any business licenses, permits, or certificates of occupancy;

e. Utility records for the property;

f. Any acts taken by any person with respect to the property; and

g. Any other factor the zoning administrator considers relevant to this determination.

4. Temporary signs: Temporary signs shall be deemed discontinued when the time, event or purpose to which the sign pertains has passed or otherwise no longer applies, and shall be removed as directed in a written notification by the zoning administrator.

D. Illegal signs

Illegal signs are those that do not meet the requirements of the sign standards and that have not received nonconforming status.

E. Removal of abandoned, prohibited and illegal signs by the zoning administrator. The zoning administrator shall enforce the sign standards in accordance with one or more of the following procedures:

1. Administrative enforcement:

a. For an abandoned or discontinued sign, the zoning administrator or designee may send notice by certified or registered mail or hand delivery to the record owner or occupier of the property to abate the nuisance within thirty (30) days from the date the notice was mailed or delivered.

b. For a prohibited or illegal sign, the zoning administrator or designee may send notice by certified or registered mail or hand delivery to the record owner or occupier of the property to abate the nuisance within five days from the date the notice was mailed or delivered.

c. The zoning administrator shall specify in the notice the nature of the complaint and penalties and abatement remedies for the violation. Abatement remedies shall consist of one or both of the following remedies:

(1) Removal of the sign; or

(2) Obtaining the required permits and bringing the sign into compliance with the sign standards.

2. Summary abatement: The zoning administrator or designee may immediately remove any dangerous sign or sign that creates an imminent threat to public safety. The zoning administrator may immediately remove any prohibited sign or illegal sign that is located within the public right-of-way. Illegal signs located within the public right-of-way are hereby determined to create an imminent threat to public safety.

3. Civil citation: The zoning administrator or designee may issue or cause to be issued a civil citation or civil complaint to any person violating the provisions of the sign standards.

F. Administrative appeal: Review of decisions of the zoning administrator may be taken in the following ways:

1. Appeal of decisions of the zoning administrator relating to the sign standards and requests for variances shall be made pursuant to Unified Development Code.

2. Proceedings involving the removal of illegal, abandoned or prohibited signs shall be conducted pursuant to this article.

3. In all other cases and whenever a violation of any of the technical codes or this article is determined, whether during the construction or plan review stage, and the applicant wishes to appeal the decision of the staff because of code interpretations, unreasonable hardship or other acceptable reasons, an appeal may be made to the zoning administrator pursuant to the provisions of the applicable code.

G. Penalty

1. Any person found responsible for a violation of the sign standards shall be guilty of a civil infraction and punished in accordance with the provisions outlined in Chapter 8 of the Tucson Code (City Court). If there is any conflict between the procedures of this section and the general procedures of Chapter 8, this section is controlling.

2. Upon a finding of responsibility, the magistrate shall impose the penalties (fine and abatement) provided under the Chapter 8 of the Tucson Code (City Court – Penalties). Upon expiration of the abatement time, the magistrate shall order the City to abate the violation in accordance with the provisions set forth in section below.

3. Except where prohibited by law, each day the violation continues shall constitute a separate offense.

H. Abatement by the City after court order

1. Pursuant to the summary abatement provisions or after entry of a court order directing removal of an offending sign, the City or its agents may enter upon the property and cause the offending sign to be removed at the expense of the owner, tenant, lessee or occupant either jointly or severally.

2. A verified statement of the costs or expense shall be sent by certified or registered mail to the last known address of the record owner and to the lessee, tenant or occupant. The record

owner or the lessee shall be liable jointly or severally for the payment of said cost or expense.

3. The payment for costs or expenses shall be in addition to any civil penalty imposed pursuant to Chapter 8 of the Tucson Code (City Court).

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SECTION 8. The Tucson Code, Chapter 23B, Unified Development Code, Article 11, Definitions and Rules of Construction, Section 11.4, Other Terms Defined, Sections 11.4.1, 11.4.2, 11.4.3, 11.4.4, 11.4.5, 11.4.7, 11.4.8, 11.4.10, 11.4.13, 11.4.14, 11.4.15, 11.4.16, 11.4.17, 11.4.19, 11.4.20, 11.4.21, 11.4.22, 11.4.23, 11.4.24, are hereby amended, effective February 1, 2018, to read as follows:

UNIFIED DEVELOPMENT CODE
ARTICLE 10. DEFINITIONS AND RULES OF CONSTRUCTION
SECTION 10.3. OTHER TERMS DEFINED

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11.4.1 PURPOSE

This section provides definitions for terms that are not land uses and are not contained in Section 11.3 above. Definitions marked (7A) apply only to Article 7A, *Sign Standards*.

11.4.2 DEFINITIONS--A

A-frame sign (7A)

A type of portable sign.

Abandoned (7A)

A sign structure that has ceased to be used to display or support a sign and regarding which the owner has manifested an intention to permanently cease the use of the sign structure.

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Access Point Sign (7A)

An on-site sign located at or near the access point or other wayfinding location.

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Alter (7A)

To change, modify or vary an existing sign structure without constructing a totally new sign structure.

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Attached Canopy (7A)

A roof-like structure that provides shade and/or ornamentation, projecting from and attached to a building wall below the highest point of the top of parapet, and supported in whole or in part by the building.

Attached Sign (7A)

A sign that is fastened, connected or supported in whole or in part by a building or structure other than a sign structure that is supported wholly by the ground.

***

Awning (7A)

A durable or fabric structure, attached to and supported in part or in whole by a building, which provides shade to the entries, windows, and walls of the building.

Awning Sign (7A)

A sign constructed of cloth, plastic or metal and permanently affixed to a structure and intended to provide shade.

11.4.3 DEFINITIONS–B

Banners, Across the Street (7A)

See Section 7A.6.10 *Signs In or Over the Public Right of Way.*

Banners (7A)

A type of portable sign that is constructed of a piece of fabric or similar material attached to the ground or to a wall by one or more edges to a pole, rod or cord.

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Billboard (7A)

An off-site sign relating to a business, activity, use or service conducted off the site or to a product not sold on the site.

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11.4.4 DEFINITIONS–C

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Canopy Sign (7A)

A permanent sign on or affixed to the top or front of an attached canopy.

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Clearance (7A)

Clearance refers to the distance between grade and the bottom edge of a sign.

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11.4.5 DEFINITIONS–D

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Detached Sign (7A)

Any sign not supported in whole or in part by a building or structure other than a sign structure that is supported wholly by the ground.

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Digital Sign (7A)

A sign component whose informational content such as symbols, logos, graphics, and words can be changed or altered by electric, electro-mechanical or electronic means.

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Discontinued (7A)

A sign or sign structure is discontinued where it is not used for a consecutive period of six months or more, and where the period of non-use is attributable in whole or in part to the owner of the sign or premises, regardless of whether the owner intends to abandon the sign.

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Dwelling Unit Sign (7A)

A sign type located at a single family dwelling unit.

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11.4.7 DEFINITIONS–F

Façade (7A)

The side or face of a building.

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Feather Banner (7A)

A sign typically made of a flexible fabric attached vertically to a freestanding pole in the general shape of a feather, teardrop, or similar shape.

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Freestanding Sign (7A)

An on-site sign or three-dimensional representation of a figure or object, not attached to any building, supported by uprights or braces or some other approved support that is capable of withstanding the stress from weight and wind load. Includes the following sign types:

Freestanding - Monument type Sign (7A)

A sign that has been provided with a base of some type (a pole cover or architectural embellishment) or stands alone on its own foundation.

Freestanding - Low profile Sign (7A)

A sign that has been provided with a prepared base or support. In order to encourage design flexibility, the maximum height of the sign may be lowered in order to decrease the required setback from the

street.

Freestanding - Pole Sign (7A)

A sign that stands alone on its own foundation and must be provided with a pole cover or architectural embellishment. The sign may be higher than the other types of freestanding signs, must be setback further from the street, and is permitted only for larger premises or developments.

Freeway (7A)

A roadway designated as a freeway in the Major Streets and Routes Plan.

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Freeway Sign (7A)

A detached on-site sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same premises as those upon which the sign is located as provided in Section 7A.10.4 *Permanent Signs* – Additional Sign Type Standards- Freeway Sign Standards.

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11.4.8 DEFINITIONS–G

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Ground-mounted Sign (7A)

Signs affixed to the ground, placed on the ground, or attached to a perimeter wall or fence that face the street.

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11.4.10 DEFINITIONS–I

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Interior Sign (7A)

An on-site sign, emblem, or decal that is ground or wall-mounted providing information to the public such as wayfinding, facilities, services or prohibitions relating to the premises and which is inside a building, in a courtyard or hallway, or is within a premise's boundaries but is either not facing or is not readable from the right of way or is not designed nor

intended to be readable from the right-of-way, does not require zoning review but may require building code review.

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11.4.13 DEFINITIONS–L

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Logo (7A)

A graphic symbol or insignia that serves to identify a business, building or complex.

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11.4.14 DEFINITIONS–M

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Mural (7A)

A piece of artwork painted on, or applied directly to the exterior walls.

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11.4.15 DEFINITIONS–N

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Nonconforming Sign (7A)

A sign lawfully erected or altered in conformance with applicable regulations, including a sign lawfully existing in the county at the time of annexation, that no longer complies with the sign standards due to amendments to this sign code adopted subsequent to the approved permit for the sign or the annexation.

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11.4.16 DEFINITIONS–O

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Obsolete Sign Copy (7A)

Any sign copy, excluding historic landmark signs (HLS), that no longer correctly identifies or directs attention to an existing use or product available on the premises.

Occupancy (7A)

The purpose for which a building or part thereof is used or intended to be used.

Off-site Sign (7A)

A sign not located on the premises of the use identified or advertised by the sign.

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On-site Sign (7A)

A sign located on the same premises as the use identified or advertised by the sign.

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11.4.17 DEFINITIONS–P

Parapet (7A)

The portion of a wall that extends above the roofline.

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Premise (7A)

A premise is all contiguous land used and occupied by a use or business. All buildings, parking, storage and service areas, and private roads or driveways that are an integral part of the use or business are considered part of the premise. Commercial shopping centers, office complexes, commercial or industrial subdivisions, or similar developments are a premise to the extent such lands are identified as a single site that may contain one or multiple development plans or packages.

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Parking Lot Sign (7A)

A wall or freestanding sign used to identify a parking facility.

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Permanent Sign (7A)

A sign that is not a portable or temporary sign.

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Pictograph (7A)

A graphic, symbolic representation of a commonly recognized idea or item, excluding words or phrases. Example: a picture of a camera used to identify a photographic supply store.

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Pole Cover (7A)

A cover that encloses or decorates a pole or other structural sign support.

Political Election Sign (7A)

A sign not permanently installed in the ground or attached to a building relating to the election of a person to a public office, or to a political party, or to a matter to be voted upon at an election called by a public body. Does not include political headquarters signage.

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Portable Sign (7A)

A sign that is capable of being moved and not designed to be permanently attached to a building or permanently anchored to the ground that is constructed of paper, cloth, canvas, light fabric, cardboard, plywood, light plastic or other non-permanent similar materials.

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Projecting Sign (7A)

A sign, other than a wall sign, attached to a building or other structure and extending in whole or in part more than twelve inches beyond the surface of the portion of the building to which it is attached, beyond the building, or over the public right-of-way.

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11.4.19 DEFINITIONS–R

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Repair (7A)

To mend, renovate, or restore a sign structure to its original existing condition.

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Roof Signs (7A)

Signs that are erected upon, against, or directly above a roof, or on top of or directly above the parapet of a building.

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11.4.20 DEFINITIONS–S

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Sign (7A)

Every advertising message, announcement, declaration, display, illustration, insignia, surface or space erected or maintained in a location outside any building and visible to the public for identification, advertising or promotion of the interest of any person, entity, product or service.

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11.4.21 DEFINITIONS–T

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Temporary Sign (7A)

Any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, plastic or other light material and not rigidly and permanently installed in the ground or attached to a building. Political election signs are not included in this definition.

Tenant (7A)

The occupant of a portion of a site or structure with exclusive control over that portion, regardless of whether it is by individual ownership or lease.

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11.4.22 DEFINITIONS–U

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Unoccupied (7A)

A premises or structure:

That is not occupied, or

That is not being put to those uses authorized by the last business privilege license issued by the City of Tucson for that address and business, or

Where the public utilities are not in service.

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11.4.23 DEFINITIONS–V

Vacant (7A)

A premises or structure:

From which the fixtures utilized in conjunction with the business activities as authorized by the last business privilege license for that address issued by the City of Tucson have been removed, or

Where the public utilities are not in service.

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Vehicle Signs (7A)

Signs mounted upon, painted upon or otherwise erected on or affixed to trucks, cars, boats, trailers and other motorized vehicles or equipment.

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11.4.24 DEFINITIONS–W

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Wall (7A)

An exterior building surface 30 degrees or less from vertical including, signs affixed to the interior and the exterior of window and door surfaces.

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.

Window Sign (7A)

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

***

SECTION 9. The Tucson Code, Chapter 2, Administration, is hereby amended, effective February 1, 2018, to read as follows:

ADMINISTRATION

***

* **Cross References:** community affairs, ch. 10A; housing and community development, § 10B-1 et seq.; permit appeal board for transportation of hazardous materials, § 13-11; administrative hearing office, ch. 28.

***

SECTION 10. The Tucson Code, Chapter 10A, Community Affairs, Article XIII, Terms and Conditions of Membership on Boards, Committees and Commissions and Filing of Rules, Section 10A-134, Terms and removal, Section 10A-134(b) is hereby amended to read as follows:

COMMUNITY AFFAIRS

ARTICLE XIII. TERMS AND CONDITIONS OF MEMBERSHIP ON BOARDS, COMMITTEES AND COMMISSIONS AND FILING OF RULES

SECTION 10A-134. TERMS AND REMOVAL

***

10A-134. Terms and removal.

***

(b) Members of such bodies shall be eligible for reappointment; but in no event may any individual serve more than a total of eight (8) continuous years on the same body, except members of bodies whose terms are more than four (4) years may serve two (2) complete coterminous terms. Once a member has served eight (8) years on a body, he may not be reappointed to that body until he has had a break in service of at least one (1) continuous year. Whenever a body is dissolved and reconstituted, time previously spent in office shall count towards the eight (8) year limitation. The following committees are exempt from the eight (8) year service limitation: the Uniform Fire Code Committee, the Outdoor Lighting Code Committee, and the Tucson-Pima County Joint Consolidated Code Committee.

***

SECTION 11. The Tucson Code, Chapter 11B, Planning and Development Services Department, Section 11B-3, Department purposes and functions, Section 11B-3(d) is hereby amended to read as follows:

PLANNING AND DEVELOPMENT SERVICES
SECTION 11B-3. DEPARTMENT PURPOSES AND FUNCTIONS

***

11B-3. Department purposes and functions.

***

(d) Administration of the board of adjustment, the planning commission, sign design review committee and the design review board;

***

SECTION 12. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

SECTION 13. If any provisions of this Ordinance, or the application thereof to any person or circumstance is invalid, the invalidity shall not affect

other provisions or applications of this Ordinance which can be given effect without the invalid provision or circumstance, and to this end, the provisions of this Ordinance are severable.

SECTION 14. The repeal of Tucson Code Chapter 3, Sign Code, pursuant to Section 2 of this Ordinance, shall be effective on February 1, 2018, except that the same is continued in full force and effect as necessary for the interpretation or application of other ordinances, resolutions, agreements or other legal documents or as necessary to the final determination and disposition of, or the prosecution or litigation of any claim or complaint that has been made or may be made in the future alleging a violation of any prior provision of Tucson Code, Chapter 3 based upon acts occurring prior to the repeal of any such provision. The amendments to the Tucson Code and UDC, hereby adopted pursuant to Sections 1 through 9 of this Ordinance, shall become effective on February 1, 2018.

SECTION 15. The amendments to the Tucson Code and UDC, hereby adopted pursuant to Sections 1 through 11 of this Ordinance, shall expire and cease to be effective on August 31, 2019 unless extended by the Mayor and Council by separate ordinance. If not extended, the sections shall revert to the language as it existed prior to the adoption of this Ordinance. The purpose of this sunset clause is to give the City the opportunity to decide whether to continue to implement the amended and added requirements or to revert to those existing prior to this Ordinance.

SECTION 16. Fee adjustments relating to signage resulting from the adoption of these sign standards and code amendments shall take effect on February 1, 2018.

SECTION 17. This Ordinance becomes effective thirty (30) days after it is adopted by the Mayor and Council and is available from the City Clerk.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, December 5, 2017.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED BY:

CITY MANAGER

SS/tl
11/2/17

Exhibit A to Ordinance for 7A SIGN STANDARDS

7A.1. PURPOSE, INTENT, AND APPLICABILITY

7A.1.1. PURPOSE

The purpose of the sign standards is to:

A. **Accommodate the rights of individuals to freedom of speech, promote equity among businesses, and other typical sign users, and enable the fair and consistent enforcement of sign standards;**

B. **Recognize the legitimate signage needs of businesses and other interests to communicate messages, provide identification, and enable wayfinding throughout the City for tourists and residents;**

C. **Ensure that signage contributes to the maintenance of an aesthetically pleasing visual environment by exercising reasonable regulations over type, size, number, appearance, and location;**

D. **Respect Tucson's unique natural environment of surrounding mountain ranges and dark night skies by regulating sign illumination and height;**

E. **Protect property values by minimizing the possible adverse effect of signs on nearby public and private property;**

F. **Promote public safety by ensuring that signs are properly constructed and maintained to protect the general public from property damage and personal injury;**

G. **Facilitate traffic flow and safety of pedestrians, bicyclists, and motorists through enforcement of sight lines and other appropriate sign placement regulation; and,**

H. **Support retention of local businesses and further the economic development goals of the City.**

7A.1.2. Applicability

The regulations in this article are applicable to all signs in the City, except as noted in Section 7A.8.1 *Exemptions* unless otherwise stated. The City of Tucson shall follow its own sign **standards** and be in compliance with Section 1.07-6 of the City of Tucson Administrative Directives.

7A.2. INTERPRETATION, SEVERABILITY, AND NON-COMMERCIAL SPEECH SUBSTITUTION

7A.2.1. INTERPRETATION

The **zoning administrator** shall interpret and apply **the sign standards.** Where there is a conflict between provisions of the sign **standards** and other provisions of the **Unified Development** Code, the more restrictive provisions shall prevail.

7A.2.2. INTERPRETATION OF DISTRICT BOUNDARIES

A. Zones and special sign districts are determined by adopted maps. The pedestrian business district, **historic district and scenic corridor zone district are** specifically mapped districts that supersede the underlying zoning classifications for purpose of determining the sign regulations. **Please reference Section 7A.11 *Special Districts* for maps showing locations of special districts.** The scenic corridor zone district is determined based upon the mapped scenic corridors **of the Major Streets and Routes Plan**.

B. The effectuation of a change of zoning for a property will also effectuate a change in the sign **standards**.

C. Interpretation of **a special** sign district shall be made by the **zoning** administrator.

7A.2.3. APPLICATION OF PRIOR CODE SECTIONS

Chapter 3 of the Tucson Code as adopted and amended prior to the adoption of **the sign standards** is repealed except that the same is continued in full force and effect as necessary to the final determination and disposition of the prosecution or litigation of any claim or complaint that has been made or may be made in the future alleging a violation of any prior provision of **Chapter 3** based upon acts occurring prior to the repeal of any such provision.

7A.2.4. SEVERABILITY AND NON-COMMERCIAL SPEECH SUBSTITUTION.

Article 7A is subject to Section 1.8 *Severability*. Any provision of **the sign standards** that imposes a limitation on freedom of speech shall be construed in a manner that is viewpoint neutral and treats expressive speech either the same as or less restrictive than commercial speech. Any provision of **the** sign **standards** that is found to be an unconstitutional limitation on freedom of speech by any court shall be severed from **the** sign **standards** in a manner that preserves **the standards** and protects freedom of speech.

7A.3 DEFINITIONS

The terms used in **the** sign **standards** shall have the meanings as noted in **Article 11 *Definitions***, unless the context otherwise requires.

7A.4. PERMITS, INSPECTIONS, AND FEES

7A.4.1. PERMITS

A. All signs shall be erected, reinstalled, altered, repaired, relocated, permitted and inspected in compliance with Section 3.3 *Zoning Compliance Review*, Section 4 *Development Review Fee Schedule* of the Administrative Manual, and the most recently adopted Unified Building Codes, as well as other applicable City codes.

1. Signs attached to the interior wall of a shopping mall for identification, advertisement or promotion of the interest of any person, entity, product or service are required to obtain a

sign permit to ensure compliance with applicable building, fire, electrical, and technical codes but are not otherwise subject to **the sign standards. For purposes of the sign standards these signs are considered interior signs.**

2. It shall be a civil infraction for any person to erect, reinstall, alter, change the copy of, repair or relocate a sign, or cause the same to be done, without first obtaining a permit or permits from the **Planning and** Development Services Department, as required by **the sign standards**.

3. It shall be a civil infraction for any person to use, maintain, or otherwise allow the continued existence of any sign for which the required permit was not obtained, and each day such violation shall continue shall constitute a separate offense.

4. A permit shall be issued to the owner of the property or the agent for the owner. When a contractor is required to be licensed by the State of Arizona, the permit shall only be issued to a licensed contractor.

5. Compliance with technical codes. In addition to compliance with the sign standards, all signs shall comply with the appropriate detailed provisions of the adopted Building Code for the City of Tucson and all adopted technical codes relating to design, structural members, and connections, the applicable provisions of the Electrical and Fire Codes of the City of Tucson and the additional construction standards set forth in this jurisdiction.

F. Permission of Property Owner

1. No person shall erect, construct, or maintain any sign upon any property or building without the consent of the owner, person entitled to possession of the property or building, if any, or their authorized representative.

7A.4.2. ISSUANCE

A. Review and approval. The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the **Planning and** Development Services Department. Such plans may be reviewed by other departments of the City to verify compliance with any applicable laws under their jurisdiction. If the **Planning and** Development Services Department finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of the sign standards and other pertinent laws and ordinances, and that the fees specified in the **Administrative Manual** have been paid, a permit shall be issued to the applicant. When the **Planning and** Development Services Department issues the permit where plans are required, the plans and specifications shall be endorsed in writing or stamped "APPROVED." Such approved plans and specifications shall not be changed, modified or altered without authorization from the **Planning and** Development Services Department, and all work shall be done in accordance with the approved plans.

B. Retention of plans. One set of approved plans and specifications shall be returned to the applicant and shall be kept on the job site at all times during which the work authorized thereby is in progress. One set of approved plans, specifications and computations shall be retained by the **Planning and** Development Services Department.

C. Validity of permit. The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of **the sign standards** or of any other ordinance of this jurisdiction. No permit presuming to give authority to violate or cancel the provisions of these Codes shall be valid.

D. Expiration

1. Every permit issued by the **Planning and** Development Services Department under the provisions of **the sign standards** shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned for a period of 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned for a period of 180 days or more at any time after the work is commenced as evidenced by successive approved inspections. Before such work may be resumed, a new permit shall first be obtained, and the fee shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications of such work, and that suspension or abandonment has not exceeded one year. Where a permit has expired for more than one year, a new permit must be obtained at full fee.

2. Any permittee holding an unexpired permit may apply for an extension of time within which to commence work under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The **zoning** administrator may extend the time for action by the permittee for a period not exceeding180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. Prior to extending the permit, the **zoning** administrator may require the plans to be re-examined and/or on-site inspections to be made, the cost of which will be paid by the applicant requesting the extension of the permit. The **Planning and** Development Services Department director may condition an extension of a permit on compliance with any amendments to the sign standards adopted after issuance of the initial permit.

E. Suspension or revocation. The **Planning and** Development Services Department may, in writing, suspend or revoke a permit under the provisions of the Tucson Code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of the Tucson Code.

7A.4.3 EFFECT OF ISSUANCE

A. No permit issued for a sign shall be deemed to constitute permission or authorization to maintain a public or private nuisance, nor shall any permit issued constitute a defense in an action to abate a nuisance.

B. A fabricator may submit plans for a sign to the **zoning** administrator for approval and file as a standard. Thereafter, permits may be obtained for such signs without filing detailed structural plans. Such signs shall be given a standard number by the fabricator, and the standard number shall be shown on each permit application. Standard engineering (such as that currently used by members of the Arizona Sign Association) may be submitted to the **zoning** administrator for approval and filed as a standard. If such standards are submitted and approved for use by more than one contractor, a

list of all contractors authorized to use that standard must be submitted to the **zoning** administrator by the originator(s) of that standard.

7A.4.4 INSPECTIONS

A. General

1. All signs for which a permit is required shall be subject to inspection, and certain types of construction shall have continuous inspection by special inspectors.

2. A survey of the lot may be required by the **zoning** administrator to verify that the structure is located in accordance with approved plans. It shall be the duty of the permit applicant to cause the work to be accessible and exposed for inspection purposes. The City shall not be liable for expense entailed in the removal or replacement of any material required to allow inspection.

B. Inspection requests

It shall be the duty of the person doing the work authorized by a permit to notify the **Planning and** Development Services Department that such work is ready for inspection. The **zoning** administrator or chief building official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request must be through the inspection request line.

C. Approval required

No work shall be done on any part of the structure beyond the point indicated in each successive inspection without first obtaining the approval of the **zoning** administrator. Such approval shall be given only after an inspection shall have been made of each successive step in the construction as indicated by each of the inspections required.

D. Required inspections

1. A site review inspection is required on all permit applications, except for portable signs and for temporary signs for which a sign permit is required.

2. At the time of the required site inspection, the inspector will verify that the site complies with the information contained in the sign permit application. The inspector will inform the applicant of any discrepancy or violations found on the site. The requested permit shall not be issued until the site is brought into compliance with **the sign standards** or plans are modified to conform to the site. At the time of the required site review, billboard sites must be staked indicating property lines, required zoning setback, type and size of billboard, and where the leading edge of the billboard will be. Site address must be on billboard.

3. Footing inspections are required on all detached signs.

4. The **Planning and** Development Services Department, upon notification from the permit holder or his agent, shall make the required inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent wherein the same fails to comply with **the sign standards**.

E. Re-inspection

1. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. A re-inspection fee may be assessed when the permit card is not properly posted on the work site, when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the **zoning** administrator. This fee must be paid prior to the acceptance of any further re-inspection requests by the **Planning and** Development Services Department and is in addition to any fee due for a subsequent re-inspection.

2. The re-inspection fee shall be charged for the third and subsequent inspections.

3. To obtain a re-inspection, the applicant must pay the re-inspection fee in accordance **with Section 4-01 *Development Review Fee Schedule* of the Administrative Manual.**

4. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

F. Final inspection

The person erecting, altering or relocating a sign shall request a final inspection upon completion of the work for which permits have been issued. Final inspections on installed signs must be completed prior to the issuance of a certificate of occupancy.

7A.4.5. SPECIAL INSPECTOR REQUIRED

A. The following sign types shall be subject to continuous inspection by special inspectors as provided in Chapter 1 of the International Building Code.

B. All detached sign structures exceeding 100 square feet in area or 25 feet in overall height.

C. All signs attached to a building in excess of 30 feet from the bottom of the sign to grade, if, in the opinion of the plans examiner, the subject sign and/or the particular building structure and/or the method of attachment constitutes an unusual and/or dangerous structure and/or attachment.

D. A record of the special inspections shall be submitted to the **Planning and** Development Services Department by the applicant at or prior to final inspection and retained by the **Planning and** Development Services Department with the sign permit application.

7A.4.6. FEES

A. All sign permit fees are set forth **in Section 4-01 *Development Review Fee Schedule* of the Administrative Manual.**

7A.4.7. MAINTENANCE

A. Each sign shall be maintained in a safe, presentable and good condition, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for the

maintenance of said sign, without altering the basic copy, design or structure of the sign. Any painted sign that is painted out and repainted exactly as it previously existed is considered maintenance of a sign. The **zoning** administrator shall require compliance or removal of any sign determined by said official to be in violation of this section.

B. In addition to satisfying the requirements of subsection A, any sign that is constructed of paper, cloth, canvas, light fabric, cardboard, wallboard, plastic or other light material, and that is not rigidly and permanently installed in the ground or permanently attached to a building, must be removed or replaced within 100 days after it is installed or erected.

C. Dangerous or defective signs

No person shall maintain or permit to be maintained on any premise owned or controlled by him or her any sign that is in a dangerous or defective condition. Any such sign shall be promptly removed or repaired by the owner of the sign or the owner of the premises.

D. Removal of dangerous or defective signs

The **zoning** administrator shall remove or cause to be removed any dangerous or defective sign pursuant to the provisions for the unsafe structures and equipment in the International Building Code.

7A.5 VIOLATIONS, ENFORCEMENT, PENALTIES

Sign standards violations, enforcement and penalties provisions shall be in accordance with Article 10 *Enforcement* and the provisions below.

7A.5.1. INDEMNIFICATION OF CITY

As a condition to the issuance of a sign permit as required by **the sign standards**, all persons engaged in hanging of signs that involves, in whole or part, the erection, alteration, relocation, maintenance or other sign work in, over or immediately adjacent to a public right-of-way or public property so that a portion of the public right-of-way or public property is used or encroached upon by the sign hanger in the said sign work, shall agree to hold harmless and indemnify the City, its officers, agents and employees from any and all claims of negligence resulting from said erection, alteration, relocation, maintenance or other sign work.

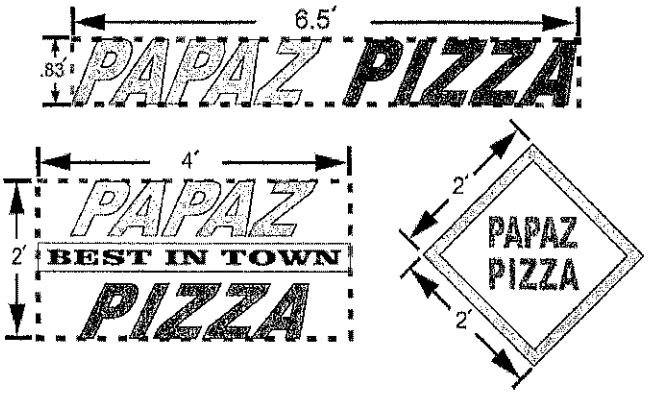
7A.5.2. LIABILITY INSURANCE REQUIRED

As a condition to the issuance of a sign permit as required by **the sign standards,** all sign hangers performing work shall obtain a public liability insurance policy in the minimum amounts of $230,000.00/500,000.00 for injury or death to any person in any one accident or for injury or death to two or more persons in any one accident; and $100,000.00 for destruction of property in any one accident. The sign hanger shall furnish the City with a certificate of insurance that shall name the City, its officers, agents, and employees as additional insured under the policy. The insurance shall provide that the City shall be notified of any cancellation of the insurance ten days prior to the date of cancellation.

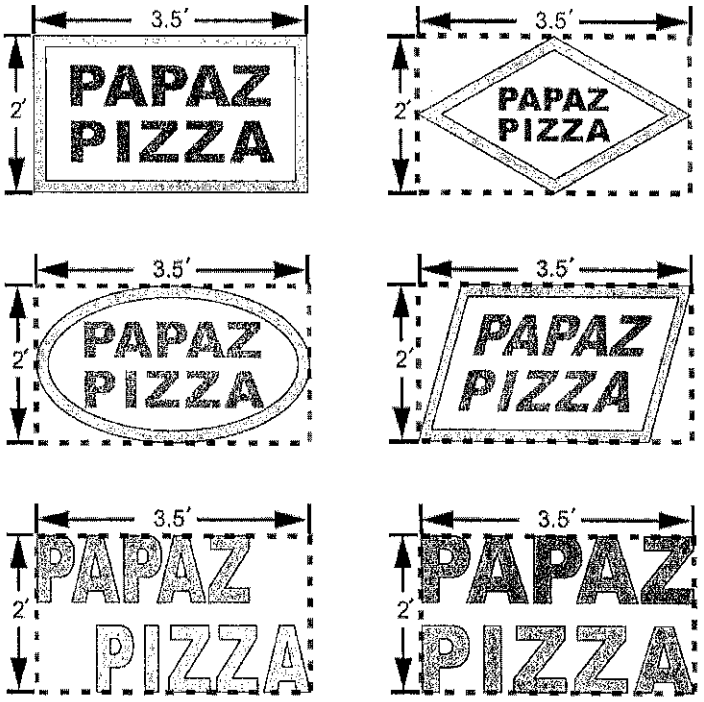
FIGURE 1.

THIS ILLUSTRATION SHOWS HOW WE CALCULATE THE AREA OF A SIGN.

A RECTANGLE OR SQUARE IS "DRAWN" AROUND EACH SIGN TO CALCULATE ITS AREA.



THIS SHOWS HOW SIX DIFFENTS SHAPED SIGNS HAVE THE SAME AREA



7A.6 MEASUREMENTS, LOCATION, AND GENERAL REQUIREMENTS

The sign **standards** shall be subject to the additional requirements, conditions and exceptions specified in this **section.**

7A.6.1. SIGN AREA The area of a sign shall be determined as follows (see Figure 1: Area of a Sign):

A. Single Face Sign

1. The entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface, or space of a similar nature, together with any frame or other material, color, or condition that forms an integral part of the display and is used to differentiate such sign from the wall against which it is placed, excluding the necessary supports or uprights on which such sign is placed. **In cases where non-useable space is within the measurement rectangle and the non-useable space is greater than fifty-**

percent of the area of the useable sign area, the measurement rectangles may enclose the useable sign area only.

2. Individual Letters. Where a sign consists only of individual letters, numerals, symbols or other similar components and is painted on or attached flat against the wall of a building, and where such individual components are without integrated background definition and are not within a circumscribed frame area, the total area of the sign shall be the area of the square or rectangle that circumscribes the entire message.

B. Two or More Faced Sign

Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that only one face of a double-faced sign shall be considered in determining the sign area when both faces are parallel and the farthest distance between faces does not exceed five feet, or when the interior angle of the sign faces does not exceed 45° if the boards are in a "V" configuration.

7A.6.2. MAXIMUM SIGN AREA

A. **Maximum sign area refers to total allowable sign area derived from a calculation of the length** of a **premise** fronting on a public or private street multiplied by the allowable sign area **ratio in the applicable zone category, special district, or additional standard. This is not applicable to Section 7A.11.1 *Historic Districts*.**

B. Maximum sign area for individual sign types is determined in accordance with **Section 7A.10.2.C *Permanent Signs Additional Sign Type Standards.***

C. The maximum sign area for **permanent signs on** a **premise includes all lots and tenants within the premise's boundaries unless the sign complies with the Section 7A.7 *Sign Design Option.***

D. In the case where a street frontage or portion of street frontage is within 250 feet of a freeway, the street frontage sign area calculation for a commercial, office or industrial use is four feet per lineal foot of the affected street frontage.

7A.6.3. CHANGE OF COPY

Refers to the situation where the message or design of an existing sign face is modified or changed, but the size, shape, framework or structure of the sign is not modified or changed. Billboards, marquees, electronic **sign copy,** and approved changeable copy signs are not subject to this definition. **Where a change of copy requires a permit, it may be required to be reviewed as a new sign structure with appropriate inspections.**

7A.6.4. SIGN COPY

A. "Item of information" is used as part of the Section 7A.7 *Sign Design Option* and refers to a word, logo, picture, symbol or a separate number or number combination. For example, 123 – 4000 equals two number combinations. Punctuation marks are not counted as an item of information.

B. Sign copy that is used as part of the Section 7A.7 *Sign Design Option* and is three inches or less in size is not part of the calculation of items of information.

C. A digital sign is permitted to have a rate of change of sign copy, graphic, or information not more than once every one minute. The digital sign copy shall not have any transitions or animations.

7A.6.5. SIGN HEIGHT MEASUREMENT

A. The sign height is measured as the vertical distance from the average finished grade beneath the sign to the topmost sign copy of the sign; except that if the sign location has an average finished grade lower than the adjoining grade of the road, the sign height is measured from the top of the curb (or highest point of the road nearest the property if no curb exists) to the highest point of the topmost sign copy on the sign. Average finished grade refers to the mean average elevation of ground after site preparation at the bottom of a sign structure, measured five feet from the bottom of the sign structure at five-foot intervals.

B. Freeway grade: For freeway signs and billboards, the freeway grade is the elevation of the outside edge of the freeway travel lane nearest to the freeway sign or billboard.

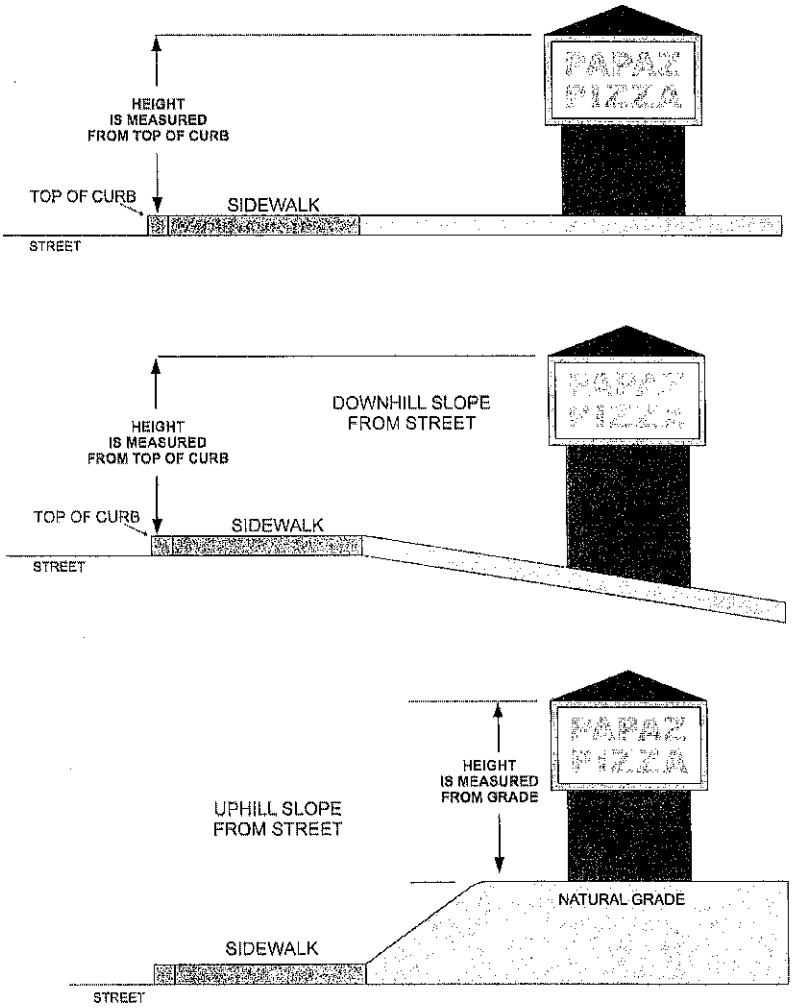


Figure 2: Sign Height Measurement

7A.6.6. CLEARANCE

See definition in Article 11 *Definitions*.

7A.6.7. SETBACK

The sign setback is measured from the leading edge of the sign to the face of curb or edge of the travel lane where no curb exists. The sign and structure must be installed on private property and set back at least 20 feet from the face of the curb, unless otherwise specified in **the sign standards**.

7A.6.8. SIGNS NEAR RESIDENCES

No off-site sign shall be permitted if such sign faces the front or side yard of any lot within any residential district and is located within 150 feet of such lot line.

7A.6.9. STREET AND BUILDING FRONTAGES

A. Street frontage is measured as the length of a **premise,** lot, or development fronting on a public or private street.

B. Building frontage is the measurement between two straight lines projecting from the outermost edges of a building or tenant space wall, that are perpendicular to a straight line running along the ground level or front of the measured wall.

C. Multiple Frontage Lots

On corner lots and other lots with more than one street frontage, the maximum allowable number and square footage of on-site signs are permitted for each street frontage. The maximum allowances are only transferable either in whole or in part from one street frontage to another if the Zoning Administrator determines the request will not negatively impact surrounding properties. The Zoning Administrator may send the request to the Sign Design Review Committee for review and recommendation.

D. Intersection Corner Sign

1. When a sign is erected at the street intersection corner of the lot and is placed in such a manner so as to be readable from both streets or both frontages, the sign shall not exceed the maximum area allowed for the longest street frontage;

2. The sign shall count as one sign for each street frontage; and,

3. The area of the sign shall be deducted from the allowable sign area for the longest street frontage.

E. Signs per Street Frontage

General rule: For **a** premise having more than one street frontage, the maximum **sign area and** number of **permitted** on-site **permanent** signs are permitted for each street frontage and are only transferable from one street frontage to another if the Zoning Administrator determines the request will not negatively impact surrounding properties. The Zoning Administrator may send the request to the Sign Design Review Committee for review and recommendation. **In the case of a** freestanding sign, the more **restrictive standard of the zone category** shall apply.

F. Access Regulated

No sign or its supporting members shall be erected, altered or relocated so as to interfere with or restrict access to a window or other opening in a building in such a manner as to unduly limit air circulation or obstruct or interfere with the free use of a fire escape, exit, standpipe, stairway, door, ventilator, window or similar opening, provided however that the **zoning** administrator may approve another form of sign or its attachment when, in his or her judgment, that sign will not restrict access to the openings.

7A.6.10. SIGNS IN OR OVER PUBLIC RIGHTS-OF-WAY

A. Except as provided below, a sign or sign structure shall not project over a public right-of-way or public property unless the mayor and council grant a special license. Signs licensed pursuant to this section may be displayed for up to 60 **days or over an alternate approved time frame.** The licensee **may require the removal of** the sign within 48 hours after the advertised event **or other temporary occurrence concludes.**

B. The City Manager may grant a special license for building and curbside banners and for across-the-street banners that project or extend over a public right-of-way or over public property. **Signs in the right-of-way may be reviewed and granted under the Department of Transportation's temporary revocable easement procedure.**

C. Permits shall be obtained through the Department of Transportation.

D. The Mayor and Council and/or City Manager may grant special license for signage such as on buses, bus benches, bus shelters, and street cars.

E. No sign shall be attached to electric wiring or be energized by electricity.

F. No sign shall be placed upon traffic signal posts or signs, and no sign shall obstruct a motorist's view of traffic signals.

G. Any application for a license for a sign attached to utility poles or lamp poles shall include the written approval of the Department of Transportation of the City and the authorized official of the public utility company owning the poles to which the devices would be attached as to the size and weight of the sign and the manner of attachment to the poles. Building and curbside banners shall comply with the applicable **requirements of Article 7A.** No sign shall be attached to any utility pole carrying primary circuits or to any wooden pole or public property.

H. Signs licensed pursuant to this section may be displayed for up to 60 days. The licensee shall remove the sign within 48 hours after the advertised event.

I. In no event may signs relating to more than one event be attached to any single pole.

J. The license shall state the location where the sign may be placed.

K. By accepting any license granted under this section, the licensee and its heirs, successors and assigns shall agree to indemnify the City and shall provide proof **to the City** of liability insurance~~.~~

H. The City Manager may impose such additional administrative requirements as may be necessary.

I. The time frame for a permanent sign and an A-Frame sign are regulated separately as part of the temporary revocable easement process.

7A.6.11. PREMISE

See definition in Article 11 *Definitions*.

7A.6.12. ILLUMINATION

Unless otherwise prohibited in **the sign standards**, all signs may be illuminated subject to the provisions of Tucson Code, Chapter 6, Article IV, Division 2, "Outdoor Lighting Code."

7A.7 SIGN DESIGN OPTIONS

7A.7.1. MASTER SIGN PROGRAM - PERMANENT SIGNS

A. Purpose: The purpose of this section is to respond to special permanent sign needs of a premise as well as provide flexibility, encourage development in accordance with adopted plans and policies, and promote superior sign design to implement the purpose of this article.

B. Applicability: The master sign program includes all exterior permanent signs at a premise and provides a process where the provisions of Article 7A may be varied subject to the standards and findings listed below. Billboard signs may not be proposed as part of the Master Sign Program.

C. A master sign program may be submitted before, after, or concurrently with a rezoning, special exception or site plan. Signs regulated by the program require individual permits prior to construction. A sign may be ground or wall mounted or designed into and constructed as part of an integrated architectural feature of a building. In a case where the sign has mixed elements of ground or wall mounted or architectural integration into the building, the zoning administrator will determine what are the most applicable standards.

D. Decision: The Sign Design Review Committee shall review design options and make a recommendation to the planning and development services director for a final decision. The director's decision may be to approve, approve with conditions, or deny the application. The director shall base the decision on compliance with the purpose statement, findings, and applicable design standards.

1. An applicant may appeal the director's decision first to the Board of Adjustment in accordance with Section 3.10.2 and may then appeal to the Mayor and Council in accordance with Section 3.9.2 (Mayor and Council Appeal Procedure).

E. Design Standards

1. All signs

a. Illumination shall reduce light trespass and offer protection to dark skies in compliance with the City's outdoor lighting standards.

b. A sign with lists of categories, tenants or organizations, or similar listed items within panels or separately mounted sign copy, shall have a unifying and proportional outlining background color behind the copy, i.e. words, names, numbers or symbols using a specific logo or federally registered trademark colors.

c. For a sign with lists, the sign panels and/or the separately mounted sign copy, i.e., sign copy mounted without panels on a structure or wall, shall be mounted or placed so as to be reasonably proportional in size.

2. Ground-mounted Signs

a. Sign Copy

(1) Signs shall contain legible sign copy. A sign intended to be seen from a right of way or private street shall contain no more than sixteen items of information. An equivalent alternative is an eight panel sign.

(2) Sign copy shall be applied to the sign structure in the following manner: Panels of the same size with a unifying background color as noted in Section 7A.7.1.E.1.b. Proportional letters, numbers or logos as noted in Section 7A.7.1.E.1.c. Up to fifty (50) percent of the panels may be larger than other panels or names.

b. Sign Height

(1) The sign height and sign structure setback for a freestanding sign should be at a height and distance from the right of way to be easily detectable and give a vehicle a reasonable time to adjust to traffic conditions.

(2) The sign height shall be compatible with the surrounding height profile of the buildings, freestanding signs, and structures on the property and in the surrounding area. The sign structure shall not obstruct significant scenic views from the right of way.

(3) The height of the sign copy shall be set so as not to be obstructed by landscaping or a parked vehicle.

c. Sign Design Elements

(1) Structural components

A freestanding sign should be comprised of a design such as two or more components unified by similar materials. A sign blending wall and ground mounted components may use Section 7A.7.1.F *Best Practice Option.*

The design of the components shall use the architectural style of the development being identified. Features to be used in designing the components include colors, materials, textures and shapes of the development's architecture. The bottom component shall be designed with a monument-style base or similar wide-base design.

(2) Wayfinding and Identification

Freestanding signs shall provide high quality wayfinding and identification with a common and unifying design theme.

Ground-mounted wayfinding signs that are 20 square feet or less in sign area are not required to have three components but are required to be coordinated in architectural style, colors, materials, and textures with the other larger signs.

(3) Visual Environment

In all cases, to protect the unique visual environment of Tucson, all flexible standards or use of design guidelines in Section 7A.7.1.F

Best Practice Option, must address a consistent and compatible treatment of the height profile of the buildings and signs in the surrounding area, preserving scenic vistas and vegetation, and dark skies compatible sign illumination.

(4) Landscaping

Ground-mounted signs shall be located within a landscaping area that is proportional to the affected sign area. The materials shall consist of non-obstructing live and/or inert landscaping materials.

d. Freeway Signs

A freeway sign that is part of the master sign program shall, in addition to the standards of the master sign program, be constructed in accordance with the Article 7A freeway sign standards and adhere to the items of information legibility standard noted in this section.

3. Wall-mounted Signs

a. Wall-mounted signs intended to be viewed from the right of way or that exceed twelve square feet in sign area shall be designed to be proportional to the building frontage of the tenant space.

b. If the sign is intended to provide wayfinding it shall be located at key identification points.

c. Sign copy may include the font, logo, symbol and color of the business but shall be constructed or mounted to be consistent with the master sign program.

d. For all wall-mounted signs, an organized, proportional appearance is required among the signs of a building or tenant space. Disorganized sizes and color arrangements in the signs' appearance on a specific building or tenant space are to be avoided.

4. Integrated Architecture Sign

a. Signs that are not classified as either wall or ground mounted shall be constructed in a manner to abide by the overall design context of the architecture of the building and be consistent with the design standards used to develop the master sign program.

F. Best Practice Option

1. A variation from the design standards must show a best practice is being used as an alternative. A best practice may be based on one of the following sources:

a. An already approved permanent sign, master sign program within the City;

b. An award-winning sign design from a national or state sign organization;

c. A document, book, or example endorsed by the American Planning Association, American Sign Association or American Institute of Architects or similar organizations, and approved by the PDSD Director;

d. A design guideline based in technical standards including, the Manual on Uniform Traffic Control Devices (MUTCD), the American Association of State Highway and Transportation Officials' Guide for the Development of Bicycle Facilities (AASHTO), the National Association of City Transportation Officials' Urban Bikeway Design Guide (NACTO), United States Sign Council Model On-Premise Sign Code, *Street Graphics and the Law*, the Scenic America recommended handbook for on-premise signs or a similar document recommended by the Design Professional and approved by the PDSD Director; and,

e. A master sign program, sign design, or document recommended by the Design Professional as being appropriate for the surrounding context of the affected City streetscape.

G. Findings

1. The decision shall show the sign program's compliance with the following findings applicable to the site:

a. Meets the purpose of Article 7A, Section 7A.7.A, the master sign program's purpose, and Section 7A.7.1.E, the master sign program's design standards;

b. Creates a clear connection with the shapes, textures, colors and materials used in the appearance of the buildings of the premise;

c. Creates proportional sizes of signs placed on or integrated into a building's architecture;

d. Improves the legibility of signs;

e. Enhances vehicle reaction time to the signs;

f. Creates an organized wayfinding and identification, or messaging program;

g. Protects significant scenic views;

h. Promotes a well-organized visual environment through appropriate sizes, number, setbacks, and spacing; and,

i. Represents a best practice of the design of dark sky sign illumination.

7A.7.2. MASTER SIGN PROGRAM – PORTABLE SIGNS

A. Purpose

1. The purpose is to respond to special portable sign needs of a business, organization or user that has either a special need or has historically required a larger amount of portable signage than permitted by Article 7A, Sign Standards.

2. In exchange for greater flexibility with dimensions and the amount of signs, the master sign program for portable signs must show that clutter management is achieved by ensuring a coordinated design appearance and using the least amount of signage needed to achieve message display, identification, and wayfinding objectives.

B. Applicability

1. The master sign program for portable signs allows a design option for all portable signs and applies to all portable signs intended to be viewed from the right of way. The program provides a process where the provisions of Article 7A may be varied subject to the standards and findings listed below. It applies to on-site signs that are intended to be viewed from the right of way. If off-site signs are used they must be approved and coordinated with the Department of Transportation.

C. Design Standards

1. The number of signs shall be located and spaced or grouped together to reduce a disorganized appearance at the front of a development.

2. Spacing, sign area, height and setback shall be adjusted to ensure a legible and well-organized appearance along the right of way. Grouping of signs of different sizes may be used if the visual impact is to improve the overall appearance of an affected street frontage.

3. Materials should be similar for all or most signs to reduce the likelihood of a disorganized appearance along the street frontage.

4. In no case may a sign exceed in sign area or sign height a sign that has been used in previous standards within the City.

5. The program may include signs with sign areas exceeding 32 square feet with multiple messages to reduce the overall number of portable signs along the public right of way.

6. Items of information per sign shall not exceed sixteen items of information or six equal size panels or similar arrangement.

D. The Decision, Findings, and Best Practices of the Master Sign Program for Permanent Signs applies to the Master Sign Program for Portable Signs.

E. Additional Findings Master Sign Program – Portable Signs

1. Promotes a well-organized visual environment through appropriate sizes, number, setbacks, and spacing;

2. Legibility is required of all signs; and,

3. Signs are coordinated in materials, color, and design.

7A.7.3. SINGULAR SIGN DESIGN OPTION

A. The purpose of this section is to implement Section 7A.7.1.A *Purpose*, by promoting a harmonious relationship between buildings, signs, and streetscapes through improved legibility and sight lines for moving vehicles and encouraging best design practices by reducing a disorganized and confusing visual environment along the City's streetscapes. Billboard signs may not be proposed as part of the Singular Sign Design Option.

B. The section applies to a new sign or modification or replacement of an existing sign.

C. The proposed design option for an individual ground-mounted or wall-mounted signs and signs integrated into the architecture of the building shall follow the decision making, review

process, design standards, findings for permanent signs in Section 7A.7.1 *Master Sign Program - Permanent Signs.*

D. A sign with lists of categories, tenants or organizations or similar listed items within panels or separately mounted sign copy, shall have a unifying and proportional outlining background color behind the copy, i.e. words, names, numbers or symbols using a specific logo or federally registered trademark colors.

E. For a sign with lists, the sign panels and/or the separately mounted sign copy, i.e., sign copy mounted without panels on a structure or wall, shall be mounted or placed so as to be reasonably proportional in size.

7A.7.4. NOTIFICATION

A. Notification for Sign Design Option shall be in accordance with PDSD departmental policy.

7A.8. EXEMPT AND PROHIBITED SIGNS

7A.8.1. EXEMPT SIGNS

A. The provisions of **the sign standards**, including the requirements for permits, shall not apply to the following specified signs, nor shall the area of such signs be included in the area of signs permitted for any parcel or use. **The following signs are permitted in all zones and special districts.**

1. **Non-commercial flags, emblems or insignias;**
2. **Permanent sign cut into the surface of a façade or building;**
3. **Non-commercial murals;**
4. **Commercial murals that are in pedestrian districts; and,**
5. **Manned hot air balloons.**

7A.8.2. PROHIBITED SIGNS

A. No person shall erect, alter, or relocate any sign of the type specified in this section, **unless it is regulated elsewhere such as, signs in the right-of-way or historic landmark signs.**

B. Animated and intensely lighted signs: No sign shall be permitted that is animated by any means, including flashing, scintillating, blinking, or traveling lights, or any other means not providing constant illumination, except as allowed as a historic landmark sign (HLS).

C. No sign shall be permitted that because of its intensity of light constitutes a nuisance or hazard to vehicular traffic, pedestrians or adjacent properties.

D. Miscellaneous - Commercial

Miscellaneous signs, posters and satellite disks: The tacking, painting, pasting or otherwise affixing of signs or posters of a miscellaneous character, visible from a public way, on the

walls of a building, barns or sheds, or on trees, poles, posts, fences or other structures, is prohibited. No signage of any type is permitted on satellite dishes or disks.

E. Moving Signs

No sign or any portion thereof shall be permitted that moves or assumes any other motion constituting a non-stationary or non-fixed condition, except as allowed as a historic landmark sign (HLS).

F. Roof Signs

1. See definition in Section 11.4.19

2. Signs placed upon the face of a parapet or architectural feature are considered a wall sign.

3. Roof Sign Exceptions

a. canopy sign **is not considered a roof sign.**

b. historic landmark sign (HLS) **in accordance with Section 7A.10.4.**

c. On a National Register of Historic Places (NRHP) listed or eligible to be listed building where the applicant can demonstrate both:

(1) that the only wall or building-mounted options available would damage the building's historic fabric or would have an adverse effect on qualities that make building eligible for listing in the NRHP, and

(2) that use of a roof sign would result in minimal damage to historic fabric and avoid adverse effects on qualities that make building eligible for listing in the NRHP.

d. Review of roof signs on a NRHP listed or eligible to be listed building and recommendation to the PDSD Director shall be provided by the Tucson-Pima County Historic Commission Plans Review Subcommittee (T-PCHC-PRS).

G. Sound, odor or visible matter: Any sign or device that emits audible sound, odor or visible matter.

7A.8.3. SIGNS CREATING TRAFFIC HAZARDS

No sign shall be permitted at the intersection of any street in such a manner as to obstruct free and clear vision of motor vehicle operators. No sign shall be located at any location where by reason of its position, shape, or color it may interfere with or be confused with any authorized traffic sign, signal or device. No sign may make use of a word, symbol, phrase, shape or color in such a manner as to interfere with, mislead, or confuse traffic.

7A.8.4. SIGNS IN PUBLIC AREAS

No sign shall be permitted on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property or over or across any street or public thoroughfare, except as expressly authorized by **the sign standards**.

7A.9. NONCONFORMING SIGNS AND CHANGE OF USE

7A.9.1. SIGNS FOR LEGAL NONCONFORMING USES

A. Subject to the provisions of this section, signs for a legal nonconforming use, as defined in the **Unified Development** Code, are allowed. Such signs shall be allowed only so long as the nonconforming use is allowed. A final determination by the zoning administrator that a nonconforming use has been discontinued or abandoned shall also be the final determination of the nonconforming status of the related sign.

B. A sign legally existing on the effective date of **the sign standards** but that does not comply with the regulations of **the sign standards** adopted after the sign was legally permitted shall be deemed to be a nonconforming sign and shall be subject to the provisions of this article.

C. Except for reasonable repairs and alterations, no nonconforming sign shall be moved, altered, removed and reinstalled, or replaced, unless it is brought into compliance with the requirements of **the sign standards**. **The updating of electrical components for a non-conforming sign may be considered an approved alteration. The alteration cannot change the sign copy from static sign copy to digital sign copy.**

7A.9.2. CHANGE OF USE

A. Any nonconforming sign may continue to be utilized as long as the occupancy of the use within the structure remains the same. When a use changes from one occupancy category–to another, all signs shall be brought into conformance with the provisions of this **article**.

B. Any use not mentioned specifically or about which there is any question shall be classified by the **zoning** administrator and included in the group which its use most nearly resembles.

C. Occupancy categories

1. Assembly uses such as theaters, churches, stadiums, review stands and amusement park structures.

2. Educational uses such as nurseries, child-care and other educational purposes.

3. Institutional uses such as hospitals, sanitariums, nursing homes, mental hospitals and sanitariums, jails, prisons and reformatories.

4. Manufacturing and industrial uses such as storage of materials, dry cleaning plants, paint shops, woodworking, printing plants, ice plants, power plants and creameries.

5. Service facilities such as repair garages, aircraft repair hangers, gasoline and service stations.

6. Wholesale uses.

7. Retail uses.

8. Office uses.

9. Restaurant, drinking and dining uses.

10. Government uses such as police and fire stations.

11. Multi-occupancy dwellings such as hotels, apartment houses, convents, monasteries and lodging houses.

12. Single-family dwellings.

13. Parking facilities such as parking garages.

7A.10. SIGN TYPES AND GENERAL STANDARDS

This **section** describes the basic sign types that are either permitted or prohibited. A sign type that is not permitted in a **zone**, is prohibited **unless otherwise designated by this article**. Any specific regulation of a sign type for a specific **zone** supersedes the general requirement for the sign type. **Standards in special districts supersede the regulations for the underlying zone or the general requirements for the sign type. All the above referenced districts, zones and provisions are superseded when the sign's area is regulated by Section 7A.7 *Sign Design Options.***

7A.10.1. GENERALLY PERMITTED SIGNS

The signs contained in this section **are permitted throughout the city**, regardless of **zone and** sign district, unless otherwise designated.

A. Emergency, warning, and governmental signs necessary for public safety or civil defense or other governmental use. Signs shall be easily readable and if necessary illuminated.

B. Interior Signs

1. See Article 11 *Definitions.*

2. 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. All signs intended to be readable from the right-of-way are counted as part of the applicable sign type's maximum sign area.

C. Vehicle signs

Signs mounted upon, painted upon, or otherwise erected on trucks, cars, boats, trailers, or other motorized vehicles or equipment are prohibited, except as specifically provided below. Vehicle signs are allowed only where all of the following conditions are met:

1. The primary purpose of such vehicle or equipment is not the display of signs;

2. Signs are painted upon or applied directly to an integral part of the vehicle or equipment, do not extend beyond the horizontal or vertical profile of the vehicle, and are not mounted on the truck bed;

3. Vehicle/equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of the business to which such signs relate;

4. Vehicles and equipment are not used primarily as static displays advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the public; and,

5. During periods of inactivity exceeding five days, such vehicle/equipment are not so parked or placed that the signs thereon are displayed to the public. Vehicles and equipment engaged in active construction projects and on-premises storage of equipment and vehicles leased or rented to the general public by a business engaged in vehicle leasing shall not be subject to this condition.

D. Wall signs, multipurpose facility

1. Notwithstanding any other limitations and restrictions set forth elsewhere in **the sign standards**, a multipurpose facility is permitted to include as part of its wall signage one (1) or more light emitting diode (LED) or other electronic banners and/or video displays that may include continuously moving words and images. These components shall be used in ticketing areas and other pedestrian gatherings where, in the opinion of the City engineer, such signage will not create a traffic hazard and will not be visible or will be only incidentally visible from public rights-of-way or adjacent properties.

2. For purposes of this section, the term "multipurpose facility" has the meaning set forth in the definition found at Arizona Revised Statutes section 48-4201.

E. Window signs are permitted wherever wall signs are permitted. **No more than thirty percent of the total window surface may be covered. No permit is required. Window coverage is also regulated by Section 7-411of the Tucson City Code.**

7A.10.2 PERMANENT SIGNS

A. Permanent Signs - Zone Category Standards

TABLE 1 - ZONES CATEGORIES AND PERMANENT SIGN TYPES

Sign types below may be permitted in the zone categories below with additional standards.

Individual zones within a zone category or another specified zone may prohibit a sign type or have more restrictive standards for that individual zone.

Permanent Signs	Residential Category IR, RH, SR, SH, RX-1, RX-2, R-1 MH-1zones	Multifamily Residential Category R-2, R-3 MH-2 zones	Non-residential Category O-1zone	General Business Category O-2, O-3, P, RV, NC RVC, C-1, -2, -3,	Industrial Category PI, I-1, I-2 zones

				OCR – 1, -2, MU, U zones	
Access Point	P,2	P,2		P	P
Awning	P,1	P		P	P
Billboards	5	5	5	P,4, 5	P,4, 5
Canopy				P	P
Dwelling Unit	P	P			
Freestanding Monument		P		P	P
Freestanding Monument low profile	P,3	P	P	P	P
Freestanding Pole				P	P
Freeway				P	P
Parking Lot	P	P	P	P	P
Projecting	P,6	P,6	P,6	P,6	P,6
Wall	P,3	P	P	P	P

P = Generally Permitted - See Section 7A.10.2.C for Additional Standards.

1. Restricted to home occupation use

2. Not permitted for home occupation use

3. Restricted to nonresidential and home occupation use

4. Restricted to C-2, C-3, I-1, I-2 zones

5. Prohibited locations: On property with the following zoning: Rural Residential zones, Urban Residential zones (all); Office zones (all); "RVC" Rural Village Center Zone, "NC" Neighborhood Commercial Zone, "C-1", Commercial Zone, "P" Parking Zone and "RV" Recreational Vehicle Zone, Commercial zones, Mixed Use Zones (all); "P-I" Park Industrial Zone of Division 7, Industrial Zones; Scenic Corridor Zone, Airport Environs Zone (unless

prior approval in writing by Federal Aviation Administration) and Historic Preservation Zone Overlay zones. 6. Signs shall be permitted only within a Historic or Pedestrian District in compliance with Section 7A.11.1.I and 2.D respectively.

B. Permanent Signs - Maximum Sign Area And Special Zone Standards Per Zone Category

MAXIMUM PERMANENT SIGN AREA PER ZONE CATEGORY AND SPECIAL ZONE STANDARDS		
TABLE 2 ZONE CATEGORIES	MAXIMUM SIGN AREA	SPECIAL ZONE STANDARDS
RESIDENTIAL (RX-1, RX-2, R-1 MH-1) AND RURAL ZONES (IR, RH, SR, SH)		
ALL PERMANENT SIGNS		1. On building having more than one street frontage, the maximum allowable number and square footage of on-site signs area permitted for each street frontage. The maximum allowance, however, is not transferable either in whole or in part from one street frontage to another.
Residential uses. Non-residential uses located on local streets.	20 Sq. Ft.	
Non-residential uses on arterial or collector streets.	100 Sq. Ft.	1. Permanent freestanding sign's sign area may not exceed 32 square feet
MULTI-FAMILY (R-2, R-3 AND MH-2 ZONES)		
ALL PERMANENT SIGNS		1. Historic landmark signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.
Residential uses. Non-residential uses located on local streets.	50 Sq. Ft	
Non-residential uses on arterial or collector streets.	100 Sq. Ft.	1. Permanent freestanding sign's sign area may not exceed 50 square feet

NON-RESIDENTIAL O-1 ZONE		
ALL PERMANENT SIGNS	20 Sq. Ft.	1. **Illumination and color:** Signs on arterial and collector streets shall be illuminated only by low pressure sodium lighting and shall not be illuminated between the hours of 10:00 p.m. and 7:00 a.m. Signs located on a local street frontage shall not be illuminated. Color schemes for all sign components, including copy, shall be compatible with surrounding residential areas.
GENERAL BUSINESS (O-2, O-3, P, RV, NC, RVC, C-1, C-2, C-3, OCR-1, OCR-2, MU AND U ZONES)		
ALL PERMANENT SIGNS	3 feet for every lineal foot of street frontage	1. If any portion of a parcel is within two hundred fifty (250) feet of a freeway: Four (4) square feet per foot of street frontage. If any portion of a parcel is within two hundred fifty (250) feet of a freeway: Four (4) square feet per foot of street frontage. **2. Design review:** Within effectuated Urban Overlay Districts (UOD) mapped per the Unified Development Code (i.e. with "U" zoning), any single sign 50 square feet in area or larger, or any site where the total sign area exceeds 50 square feet, shall be reviewed under the design review procedure established by the specific UOD. **3. Historic landmark signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.** **4. Property where an approved site plan, development plan, or plat provides for a multi-family dwelling as the principal use, shall follow the standards of the Multi-family Zone Category.**
INDUSTRIAL (P-I, I-1, I-2 ZONES)		
ALL PERMANENT SIGNS	4 feet for every lineal foot of street frontage	**1. Historic landmark signs** (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.

C. Permanent Signs - Additional Sign Type Standards

The sign types below apply to the sign types in all zones but may have more restrictive standards by individual zones or zone categories.

1. Sign Types A through E

a. Access Point Sign

An on-site sign **located at or near the access point or other wayfinding location. This sign type is permitted in the residential category for non-residential uses, in a multi-family residential or non-residential category for non-residential uses and multi-family uses and is not permitted in the historic district**.

b. Awning Signs

(1) General Standard. A sign **shall be** constructed of cloth, plastic, or metal and permanently affixed to a structure intended to provide shade.

(2) Zone Category Standard. **Residential Zone Category (RH, SR, SH, RX-1, RX-2, R-1, MH-1)** For nonresidential and home occupation uses only. **See Section 7A.10.2 Table 1 for additional standards.**

c. Billboards

(1) Permitted locations

On undeveloped property in the C-2, C-3, I-1, and I-2 zoned property and only within the general business **zone category** and the industrial **zone category.**

(2) Maximum area per face, including embellishments

Generally: Six feet by 12 feet.

Within 250 feet of a freeway: 378 square feet.

(3) Limitations

No more than two faces per sign.

Vertical or horizontal stacking is not permitted.

(4) Maximum height

Generally: 16 feet.

Within 250 feet of freeway: 35 feet from freeway grade to top of sign.

(5) Minimum clearance

4 feet from grade to bottom edge of sign.

(6) Minimum separation

Generally: The minimum distance between a billboard and an existing billboard shall be 660 feet, measured in all directions and regardless of jurisdiction.

Within 250 feet of a freeway: The minimum distance between a billboard located within 250 feet of a freeway and an existing billboard shall be 1,980 feet measured in all directions and regardless of jurisdiction.

(7) Minimum setback

No billboard or part of a billboard shall be located within 200 feet of a residential zone boundary line.

(8) Orientation

Billboard faces shall be oriented perpendicular to the road on which they are located.

(9) Prohibited locations: **See Section 7A.10.2 Table 1**

Any developed property. Billboards on undeveloped property may remain when there is new development as long as the entire site **fully conforms to the Section 4.9.4.G.**

Within 400 feet of the future right-of-way of Gateway Routes as designated in the Major Streets and Routes Plan.

(10) Prohibited sign copy display:

Notwithstanding any other provision of **the sign standards**, billboards may not change **sign** copy by any type of electronic process or by use of vertical or horizontal rotating panels having two or more sides whereby **sign** copy is changed by the rotation of one or more panels.

d. Canopy Sign

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

(2) Canopy signs are counted as a part of the sign allotment.

e. Dwelling Unit Sign

(1) Zone Category Standards

Residential, and Multi-family Residential Zone Categories – No more than one sign may be visible from the exterior the property. The sign shall not exceed one square foot in size.

O-1 Non-residential Zone Categories - No more than one (1) sign may be visible from the exterior of the property. The sign shall not exceed one (1) square foot in size. Freestanding signs may be the monument and low profile types only.

2. Sign Types F through O

a. Freestanding Signs

(1) General Standards

Monument type sign, general requirements:

Maximum faces: Four per sign.

Maximum area: 50 feet per face.

Maximum height: Ten feet from grade.

Minimum setback: 20 from curb to leading edge of sign.

Low profile type sign, general requirements:

Maximum faces: Two per sign.

Maximum area: 60 square feet per face.

Maximum height: Eight feet

Minimum setback from curb to leading edge of sign: **Two times the height of the sign.**

Minimum continuous base (clearance from grade to bottom of sign): Two feet.

Freestanding pole sign requirements:

Maximum faces: Two per sign.

Maximum area: 72 square feet per face.

Maximum height: 12 feet.

Minimum setback: 30 feet from curb to leading edge of sign.

(2) Freestanding signs, all types

One freestanding sign for each street frontage.

One additional freestanding sign on that street frontage for each additional 150 feet of street frontage in excess of the first 300 feet.

For each sign placed on the frontage of a local street, the total allowable number of freestanding signs for the arterial or collector street frontage shall be reduced by one.

(3) Zone Category Standards

Residential Zone Category (RX-1, RX-2, R-1, AND MH-1 ZONES)

Nonresidential uses may have a freestanding sign

monument and low profile only are permitted.

A sign that includes or consist of a three dimensional representation of a figure or object is prohibited.

Multi-family Zone Category (R-2, R-3, AND MH-2 ZONES)

Monument and low profile only.

Low profile maximum area is 50 square feet.

A sign that includes or consist of a three dimensional representation of a figure or object is prohibited.

Non-residential Zone Category (O-1 ZONE)

Monument and low profile only.

Maximum number: one per site or premise.

Location: On an arterial or collector street only.

Maximum faces: two per sign, back to back configuration only.

Maximum area: twelve square feet per face.

Maximum height: four feet.

Minimum setback: Twelve feet.

A sign that includes or consist of a three dimensional representation of a figure or object is prohibited.

Industrial Zone Category (P-I, I-1, AND I-2 ZONES)

Freestanding signs, all types.

One per street frontage; except, where a developed parcel has in excess of 300 feet of street frontage, one additional freestanding sign may be erected for each additional 150 feet of street frontage in excess of the first 300 feet of street frontage abutting the developed portion of said parcel.

Freestanding pole sign

Allowed only in the general business **zone category** and industrial **zone category**.

Minimum setback: 30 feet from curb to leading edge of sign.

Pole cover: The sign structure configuration must be equipped with pole covers or architectural embellishments that hide or conceal all structural components or braces (such as pipes, angles, iron, cables, internal back framing, bracing, etc.). Minimum requirement is 18 inches by six inches. The pole cover or architectural embellishment shall require a plan check for construction specifications in accordance with applicable technical codes.

When allowed: Allowed only when there is a minimum of 225 feet of street frontage, or 125 feet of street frontage and four or more business addresses.

Maximum number: Only one freestanding pole sign allowed per street frontage per premises.

b. Freeway Sign

(1) Permitted only in the general business **zone category and** the industrial **zone category**.

(2) Permitted locations: Must be within 250 feet of a freeway right-of-way.

(3) Maximum area: 360 square feet.

(4) Maximum height: 48 feet from freeway grade to top of sign.

(5) Minimum clearance: 14 feet from grade to bottom of sign.

(6) Maximum number: Within **a** PAD, one per 1,980 linear feet of freeway frontage measured along the freeway center line, not transferable from one freeway frontage to another. Within the general business **zone category** and the industrial **zone category**, one per premises.

3. Sign Types P through Z

a. Parking Lot Sign

(1) Sign types: A parking **lot** sign may be a wall or freestanding sign.

(2) Permitted locations: Parking **lot** signs are permitted wherever the sign type of which it is a part is permitted. **The sign should follow the best practices for parking lot sign design.**

b. Projecting Sign

(1) Signs shall be permitted only within a Historic or Pedestrian District and in compliance with Section 7A.11.1.I and 2.D respectively.

(2) Signs protruding in the right of way shall be approved by the Department of Transportation.

c. Wall Sign

(1) Residential Zone Category

Non-residential only. Not allowed for residential uses **except as allowed as home occupation.**

(2) General Business Zone Category

Maximum size:

Generally: No more than 30% of the area of each wall may be utilized for wall signs.

A wall sign within 250 feet of a freeway shall be no more than 40% of the area of each wall.

(3) Industrial Zone Category

Maximum size: no more than 40% of the area of each wall.

(4) Wall Sign General Standards

May not extend above the top of the facade, eaves, firewall or roofline of a building or structure.

25% additional area of each wall over and above the allowable sign area may be utilized if no other sign types are used or if nonconforming signs are voluntarily removed.

7A.10.3 PORTABLE SIGNS

A. Portable Signs - Maximum Sign Area Allotment

1. The following zones may have portable signs. Additional standards may apply to individual sign types.

Zones	Local Street	Collector Street	Arterial Street
IR, RH, SR, SH, RX-1, RX-2, R-1 MH-1 R-2, R-3 MH-2, O-1	16 sq. ft.	32 sq. ft.	64 sq. ft.
O-2, O-3, P, RV, NC RVC, C-1, -2, -3, OCR – 1, -2, MU, U, PI, I-1, I-2	32 sq. ft.	64 sq. ft.	128 sq. ft.

Table 4 – Portable Maximum Sign Area Allotment

B. Portable Signs - General Standards

1. Ground and Wall Mounted General Standards: These standards apply to ground mounted and wall-mounted portable signs for a premise. The signs may be attached by cords to posts and other supports and include posters, banners, A-frames, and other similar portable signs types. Ground-mounted includes affixed to the ground, placed on the ground, or attached to a perimeter wall or fence that faces the street.

2. No illumination is permitted.

3. Ground-mounted General Standards: Maximum area per sign in a residential zone is 16 square feet and in a non-residential zone 32 square feet unless otherwise regulated by another portable sign type standard.

a. Maximum Height: Ten feet

b. Minimum Setback: Ten feet

c. Maximum Number on a Street Frontage: No more than four signs shall be allowed for the first 300 feet of street frontage. An additional sign may be allowed for each additional 75 feet of a street frontage but not to exceed a total of eight signs for a street frontage.

d. Materials: A ground-mounted portable sign shall be made of similar materials such as non-pliable or taut materials. A sign shall not be a ground-mounted banner made of a pliable fabric such as cloth with multiple supports unless stated otherwise in Article 7A.

e. Spacing of ground-mounted portable signs at a premise shall consist of the following:

(1) Lots with a street frontage of 150 feet or greater may have up to four 32 square foot signs per each 150 feet with at least a minimum of a thirty foot distance between the individual signs. Two of the four signs whose sign areas combined do not exceed 32 square feet may have a distance between each other that is closer than 30 feet.

(2) Lots with a street frontage less than 150 feet but greater or equal to 75 feet may have up to two 32 square foot signs with a 30 foot distance between the signs. Two of the four signs whose combined sign areas does not exceed 32 square feet may be a distance between each other that is closer than 30 feet. An individual sign under 32 square feet in sign area and not grouped with another sign must be at a minimum a distance of 15 feet from another sign.

(3) Lots with a street frontage less than 75 feet may have one sign up to 32 square feet in sign area with a 30 foot distance between any other sign. Two of the four signs whose sign areas combined do not exceed 32 square feet may be a distance between each other that is closer than 30 feet. An individual sign under 32 square feet in sign area and not grouped with another sign must be at a minimum a distance of 15 feet from another sign.

4. Wall-mounted General Sign Standards: A wall-mounted portable sign may not exceed 32 square feet on an arterial street, 16 square feet on a collector street or eight square feet on a local street. Wall-mounted banners are not allowed on a dwelling unit.

C. Portable Sign - Additional Standards

1. **A-frame** Signs

a. An A-frame sign is an on-site non-illuminated sign temporarily authorized for one year used to advertise the location, goods or services offered on the premises. The A-frame sign must be made of a durable, rigid material such as, but not limited to, wood, plastic or metal.

b. A-Frame signs are prohibited from any form of illumination, animation, movement and miscellaneous attachments including, but not limited to, balloons, ribbons, speakers etc.

c. A-frame signs are not permitted in the public right-of-way except where a temporary revocable easement has been granted for their placement.

d. Maximum height and width: The A-frame sign when placed in an open position must not exceed a height of 30 inches from ground level to the top of the sign and be no more than 30 inches wide.

e. Maximum number: One per business. The A-frame sign must be removed from the street at the close of business.

f. Districts: A-frames signs are regulated by district: they are permitted in the **commercial and industrial zones,** planned area development district, pedestrian business district and historic district subject to subsection below. Subject to the other restrictions under this section, A-frames signs are allowed in all districts to advertise those businesses immediately adjacent to and affected by road or water construction.

g. Historic district: An A-frame sign may be permitted in a historic district after review and approval by the **planning and** development services director, the applicable historic district advisory board and the Tucson Pima County Historical Commission.

h. Decal required: A decal issued by the City for placement of any A-frame sign shall be displayed on the upper right hand corner of each visible advertising face. An A-frame sign authorized to be located in the City's public right-of-way shall display a decal of a different color than signs not authorized to be in the public right-of-way.

i. Permission required: The permission of the property owner for use of the sign is also required.

j. Sign maintenance: The A-frame shall be properly maintained.

k. Application process: By signing and submitting the application the applicant verifies the following:

(1) The property owner or management company is in compliance with their current lease agreement in regard to the permissibility of A-frame signs; and,

(2) The applicant is responsible to research and verify right-of-way information to ensure that the proposed location of the A-frame is on private property and is not located in the City's public right-of-way.

l. Site inspection: A site inspection is not required as part of the application and permit process for A-frame signs that are not located in the public right-of-way. For A-frame signs located in the public right-of-way, the zoning administrator may require site inspection or additional inspections of **the** sign **standards** to ensure proper placement.

m. Refunds: No refunds of application or annual permit fees will be given under any circumstance.

n. Placement: The A-frame sign must be located at least two feet back from the face of the curb. No A-frame sign shall be located in a median, driving lane, parking aisles or spaces. An A-frame sign is not permitted in the City's public right-of-way without a temporary revocable easement. An A-frame sign shall be placed so that a minimum four feet is left clear for pedestrian passage on all sidewalks and walkways. An A-

frame sign shall only be placed at grade level and shall not be placed on walls, boulders, planters, vehicles, other signs or any other type of structure.

o. Temporary revocable easement: A license to permit the placement of a temporary A-frame sign in the public right-of-way may be granted administratively by the zoning administrator upon the written terms and conditions as are required by the zoning administrator and contained in the written license agreement. The applicant will submit a written application upon a form to be supplied by the office of the zoning administrator. The zoning administrator will then approve or deny such application. A license to permit an A-frame sign in the public right-of-way shall not be granted until all other applicable permit requirements contained in this Code are met.

If at any time after a license is granted, any portion of the public right-of-way occupied and used by the licensee may be needed or required by the City or the licensee fails to maintain the permitted sign so as to block pedestrian traffic, site visibility, or as described by such specific terms and conditions set forth by the zoning administrator, any license granted pursuant to this section may be revoked by the City and all rights there under are terminated. The licensee shall and will promptly remove all property belonging to the licensee from the public right-of-way area upon receipt of written notice of revocation. If removal is not accomplished by the licensee within the time specified in the notice, the City will cause the sign to be removed and stored and the cost thereof shall be charged to the licensee. Notwithstanding the foregoing, any A-frame sign placed in violation of the provisions of this section is deemed to be a public nuisance and subject to removal by the City.

p. Removal of sign: In addition to the penalties described below, the ~~sign code~~ **zoning** administrator may remove any A-frame ~~or portable~~ sign that is placed in violation of **the sign standards**. The **zoning** administrator may immediately remove, without prior notice, any A-frame sign illegally placed in the right-of-way or site visibility triangle, or that for any reason presents an immediate hazard. For any A-frame sign otherwise illegally placed, the **zoning** administrator may remove the sign after providing reasonable notice to the responsible party

2. Commercial Flags, Feather Banners, and Banner Flags. In commercial and industrial zones, in lieu of the Portable Sign area allotment, an applicant may use four commercial flags, feather banners, or banner flags using two colors with one additional portable sign.

7A.10.4 TEMPORARY SIGNS

A. Temporary Signs. The following sign types are permitted for a limited period of time and are not calculated as part of the portable sign area allotment.

1. A Fixed balloon sign is permitted as a temporary sign under the following standards:

a. One balloon sign is permitted per establishment;

b. A fixed balloon sign is prohibited from having mechanical or electronic movement or animation of any kind;

c. A fixed balloon will be allowed only for a period of ten days;

d. A fixed balloon is allowed in commercial and industrial zones only.

2. Temporary Banner

a. A wall-mounted banner may be permitted under the following standards:

(1) Maximum number: One banner per street frontage.

(2) Permitted in a commercial and industrial zone only.

(3) A temporary wall-mounted banner is not calculated as part of the portable sign area allotment for a premise or building on a premise.

(4) All corners must be attached to the building wall or facade or a temporary construction structure during periods of remodeling or road construction.

(5) Permit: Issued in 45-day increments. This banner cannot be used for more than a cumulative total of 90 days in any calendar year, except that if banner is used to temporarily advertise business activities during the course of construction, permit may be renewed until construction has been completed.

(6) The temporary banner is subject to Section 7A.2 *Non-commercial Speech Substitution.*

(7) Removal: Upon completion of construction or as stated on the permit for installation of the banner.

3. Propellers, Hula Strips, and Pennants

a. Propellers, hula strips, and pennants may be permitted under the following standards:

(1) Permit: Issued in 45-day increments. The propellers, hula strips, and pennants cannot be used for more than a cumulative total of 90 days in any calendar year.

(2) Propellers, hula strips and pennants are subject to Section 7A.2 Non-commercial Speech Substitution.

4. Political election signs. Shall comply with Arizona Revised Statutes §16-1019

a. Maximum area: 32 square feet in commercial and industrial zones and 16 square feet in rural and residential zones.

7A.10.5 HISTORIC LANDMARK SIGNS (HLS).

A. Definitions

1. Historic landmark sign (HLS). A sign that has conditional or final designation as a historic landmark sign. HLS are listed on the City of Tucson Historic Landmark Sign Registry. There are three types of HLS: classic, transitional, and replica.

2. Classic HLS. A historic landmark sign originally installed prior to 1961 at a location that is within the current Tucson City limits.

3. Transitional HLS. A historic landmark sign originally installed between 1961 and 1974 inclusive at a location that is within the current Tucson City limits.

4. Replica HLS. An accurate reconstruction of an original sign that no longer exists. The sign to be replicated must have been originally installed prior to 1961 at a location that is within the current Tucson City limits.

5. Historic landmark sign (HLS) character defining features. Physical features of an HLS such as materials, technologies, structure, colors, shapes, symbols, text, font/typography and/or art that have cultural and historical significance and are integral to overall sign design.

6. Historic landmark sign (HLS) concentration. 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.

7. Historic landmark sign (HLS) registry. The official list of designated historic landmark signs within the City of Tucson.

8. Historic landmark sign (HLS) treatment plan. A detailed description of an HLS including its character defining features, condition, location, and maintenance, and, as applicable, proposed restoration, adaptive reuse, relocation, and, replication.

B. Purpose

1. The Historic Landmark Sign regulations are intended to provide for the preservation of the City of Tucson's unique character, history, and identity, as reflected in its historic and iconic signs, and

2. To restore the sense of place that existed within the central business district and in areas of the City with concentrations of surviving historic signs, and

3. To protect the community from inappropriate reuse of nonconforming and/or illegal signs.

C. Historic landmark sign (HLS) designation

1. Requests for HLS designation shall be initiated by the sign owner and supported by an HLS treatment plan.

2. "As is" HLS designation. An existing sign which will not be restored/repaired, adaptively reused, or relocated, and retains sufficient integrity and character-defining historic features, is in working order, and has an acceptable appearance, may obtain HLS designation "as is", upon approval of the treatment plan.

3. Conditional HLS designation

a. The decision to approve or deny an HLS treatment plan that meets each of the HLS designation guidelines is rendered per **the administrative process herein.**

b. The decision to approve or deny an HLS treatment plan that does not meet each of the HLS designation guidelines is rendered per **the legislative process herein.**

c. Approval of an HLS treatment plan shall constitute conditional HLS designation.

4. Final HLS designation. Final HLS designation shall be contingent upon issuance of a sign permit in compliance with an approved HLS treatment plan, and final inspection of the sign within five years of conditional HLS designation. Issuance of a permit is not required for "as is" designation.

5. All signs designated (conditional or final) as historic landmark signs shall be listed in the City of Tucson Historic Landmark Sign Registry.

D. **HLS designation guidelines:** Classic, transitional, and replica HLS shall be reviewed for compliance with the following guidelines:

1. Technical guidelines:

a. The sign shall include or have once included exposed integral incandescent lighting, or exposed neon lighting.

b. The sign shall use materials and technology representative of its period of construction.

c. The sign shall be non-rectangular or non-planar.

d. The sign shall be a permanent sign, including but not limited to a detached, projecting, **wall,** or roof sign.

e. The sign is structurally safe or can be made safe without substantially altering its historical appearance.

2. Cultural/historical/design guidelines:

a. The sign shall exemplify the cultural, economic, and historic heritage of Tucson.

b. The sign shall exhibit extraordinary aesthetic quality, creativity, and innovation.

c. The sign is unique; or was originally associated with a chain or franchise business that is either a local or regional chain or franchise only found in Tucson or the southwestern United States; or there is scholarly documentation to support its preservation; or it is a rare surviving example of a once common type.

d. The sign shall retain the majority of its character defining features. If character-defining features have been altered or removed, the majority are potentially restorable to their historic function and appearance.

E. **HLS performance requirements.** Classic, transitional, and replica HLS shall comply with the following requirements as applicable:

1. Restoration/repair

a. Restoration/repair of a classic HLS shall be consistent with a documented appearance that existed prior to 1961.

b. Restoration/repair of a transitional HLS shall be consistent with a documented appearance that existed between 1961 and 1974 inclusive.

c. Restoration/repair of a replica HLS shall be consistent with a documented appearance that existed prior to 1961.

d. Restoration/repair shall not add typographical or other elements which result in an increase in the size of the restored/repaired sign.

2. Adaptive reuse (change of copy)

a. Adaptive reuse of a replica HLS is prohibited.

b. Text changes shall not result in changes to character defining text.

c. Text changes shall match or be compatible with existing text in material(s), letter size, font/typography, and color.

3. Relocation

a. Relocation of a classic or transitional HLS shall be to a location within the original premises, or to a location within an HLS concentration.

b. Relocation of a replica HLS shall be to a location within an HLS concentration.

c. When relocated, detached HLS shall be setback at least 20 feet from the back of curb (edge of pavement if there is no curb), no more than 40 feet from the future right-of-way line of the street, and a distance at least two times the height of the sign from any property with a non-commercial use.

d. If relocated to another premise, the HLS shall display conspicuous text or a plaque, using a template provided by the City of Tucson, that indicates that the sign has been relocated, the date of relocation, and the original location.

e. The scale and design of the sign to be relocated shall be compatible with existing HLS in the vicinity of the proposed location.

4. Replica HLS

a. A replica HLS shall be consistent with a documented appearance that existed prior to 1961.

b. A replica HLS may only be installed on the premises where it originally existed.

c. A replica HLS shall display conspicuous text or a plaque, using a template provided by the City of Tucson, that indicates the sign is a contemporary reproduction, and the date of reproduction.

d. A replica HLS shall utilize historical materials and technologies, or visually matching contemporary materials and technologies.

e. A replica HLS shall not replicate an existing sign.

5. The sign shall not be an off-site sign as defined in the sign **standards**.

6. The sign shall not have been previously, altered, removed and reinstalled or replaced pursuant to **Section 7A.9 *Non-conforming Signs.***

F. Content of HLS treatment plan. An HLS treatment plan shall include the following:

1. Completed application form.

2. Existing and proposed elevation of the proposed HLS showing height and area of the sign.

3. Description and age of construction materials and type of illumination.

4. Dimensioned site plan, with the existing and proposed land use, graphically showing existing and proposed location and setbacks for the proposed HLS and any other existing or proposed signs on the premises, existing and proposed site improvements, and adjacent streets.

5. Photographs of the existing sign and photo simulation(s) of the completed sign as viewed from the street and other significant vantage points as appropriate, together with photographs of the existing site conditions. Photographs must be sufficient to demonstrate the sign's dimensions, construction materials used including electrical and any types of illumination which is or was used.

6. Date of original construction and installation, and the address where the proposed HLS was first installed.

7. List of character defining features.

8. Documentation of the authenticity of the proposed HLS including approved permits, site plans, elevations, and dated photographs, and age of existing materials, as available.

9. A narrative describing compliance with each of the HLS designation guidelines and all applicable HLS performance requirements.

10. Maintenance program.

11. List of parts and materials to be replaced.

12. Mitigation measures to reduce the impact on non-commercial uses within 300 feet of the proposed HLS.

G. Review of HLS treatment plan. HLS treatment plans shall be submitted to the **Planning and** Development Services Department for review.

1. Pre-submittal conference. Prior to submitting an HLS treatment plan, an applicant may, but is not required to meet with City staff responsible for administration of the HLS program. Comments supplied by City staff during the conference are advisory and do not constitute approval of any proposed application.

2. Neighborhood meeting. A neighborhood meeting is encouraged for a proposed HLS relocation, or for a proposed construction of a HLS replica sign.

3. Initial review. Initial review of an HLS treatment plan or revised treatment plan will be for completeness, compliance with HLS designation guidelines, and compliance with applicable HLS performance requirements. No later than ten days after submittal, the **zoning** administrator will issue a determination as to whether the request meets each of the HLS technical designation guidelines.

4. Where an applicant produces physical evidence or documentation sufficient to prove that a proposed HLS included intermittent lighting features (e.g. flashing, blinking, chasing or sequentially lit elements which create the appearance of movement) or moving parts, such sign elements may be repaired or restored conditioned upon a determination by Tucson Department of Transportation (TDOT) that no negative safety issues will result.

5. If the subject property is within a historic preservation zone (HPZ), the treatment plan shall be forwarded to the HPZ advisory board for review and recommendation prior to being

forwarded to the Tucson-Pima County Historical Commission (T-PCHC) Plans Review Subcommittee.

6. Review of the treatment plan shall include an analysis of applicable policies of the Tucson general plan.

7. The treatment plan shall be forwarded to the T-PCHC Plans Review Subcommittee for review of the treatment plan for compliance with HLS Cultural/ historic/design designation guidelines and applicable HLS performance requirements. Notice of the treatment plan and subcommittee meeting shall also be provided to the registered neighborhood association in which the proposed sign would be located; to property owners immediately adjacent to the proposed location; and to any persons who have submitted a written request to the director to be notified of HLS applications.

8. The T-PCHC shall forward a recommended list of character defining features, including all character defining text, and a recommendation to approve or deny the treatment plan, to the **Planning and** Development Services Department.

9. Decision

a. Administrative: The planning and development services director will prepare a written decision to approve or deny the treatment plan within ten days of receiving the T-PCHC Plans Review Subcommittee recommendation.

b. Legislative: The planning and development services director will prepare a written recommendation to approve or deny the treatment Plan within ten days of receiving the T-PCHC Plans Review Subcommittee recommendation and forward it to the mayor and council for a public hearing and decision at the earliest practical date. In granting approval, the mayor and council must find that preservation of the sign will contribute to Tucson's unique character, history, and identity.

H. Review of permits for HLS. All permits for the installation, repair/restoration, adaptive reuse, relocation, or replication of HLS shall be consistent with an approved HLS treatment plan.

I. Maintenance. All maintenance activities relating to HLS shall be consistent with an approved HLS treatment plan.

J. Demolition. Demolition of HLS shall be consistent with an approved treatment plan for relocation or subject to a maximum 30 day waiting period to facilitate salvage of the sign. The sign owner shall allow reasonable access to the sign to facilitate documentation and salvage activities.

7A.11. SPECIAL DISTRICTS

The sign standards in historic, pedestrian and scenic corridor districts take precedence over the sign standards listed above in Section 7A.10 *Sign Types and General Standards*. All the above referenced districts, zones and provisions are superseded when the sign's area is regulated by Section 7A.7 *Sign Design Options*.

7A.11.1. HISTORIC DISTRICT

A. Location: Historic districts include property established as historic preservation zones pursuant to Section **5.8 *Historic Preservation Zone*** and designated with the preface "H" which is added to the assigned residential, office, commercial, or industrial zone designation, i.e., R-1 becomes HR-1. For purposes of **the sign standards**, historic districts are treated as specific mapped districts and are not treated as overlay zones. **Note: historic preservation zone maps are located on the official City of Tucson's zoning maps.**

B. Total number of signs: One per street frontage per premise, except that businesses with frontage on more than two streets are permitted to have a total of no more than three signs.

C. Maximum area of any sign: Eight **square feet in a residential zone; 40** square feet **in** a **commercial zone. The sign shall be appropriately sized, result in minimal damage to historic fabric, and avoid adverse effects on qualities that make a building eligible for listing in the National Register of Historic Places.**

D. Historic district advisory board approval: All sign permit applications must be approved by the appropriate historic district advisory board.

E. No signs may extend above the top of the nearest facade, eaves or firewall of a building or structure.

F. Illumination: Signs within the historic district may be illuminated by remote light sources that are shielded from adjacent properties.

G. Prohibited features: Visible bulbs, neon tubing, luminous paints, and plastics are prohibited, except as provided in **Section 5.8.9 *HPZ Design Standards*** and approved in accordance with **Section 5.8.8 *Design Review Required***.

H. Permitted signs:

1. Signs generally permitted and sign types listed in **Section 7A.10**, except as modified by this subsection for this district, and signs exempt **under Section 7A.8 *Exempt and Prohibited Signs***.

2. Awning signs.

3. Banners, building and curbside.

4. Freestanding signs, monument and low profile only.

   a. Maximum number: One per premises.

   b. Freestanding signs that include or consist of a three-dimensional representation of a figure or object are prohibited.

5. Portable signs.

   a. May be permitted in this district only after review and approval by the **planning and** development services director, the applicable historic district advisory board and the Tucson Pima County Historical Commission.

   b. Use is subject to the provisions of Section 7A.10.3 *Sign Types and General Standards.*

6. Projecting signs.

a. Allowed use: Limited to commercial uses only.

b. Maximum height: **<u>20 feet</u>** from grade (pedestrian surface) to top of sign **<u>or two feet below the parapet, whichever is more restrictive</u>**.

c. Minimum clearance: Eight feet between grade and bottom of sign.

d. Maximum projection from building: Five feet.

7. Temporary signs.

8. Wall signs.

9. Canopy signs, limited to properties zoned HO-2, HO-3, HNC, HC-1, HC-2, HC-3, HOCR-1 and HOCR-2.

10. Historic landmark signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.

<u>7A.11.2.</u> PEDESTRIAN BUSINESS DISTRICT

<u>A.</u> Location: The pedestrian business district includes property as shown in Figure 1: Pedestrian Business District Downtown; Figure 2: Pedestrian Business District Fourth Avenue; Figure 3: Pedestrian Business District Park Avenue; and Figure 4: Pedestrian Business District Mercado.

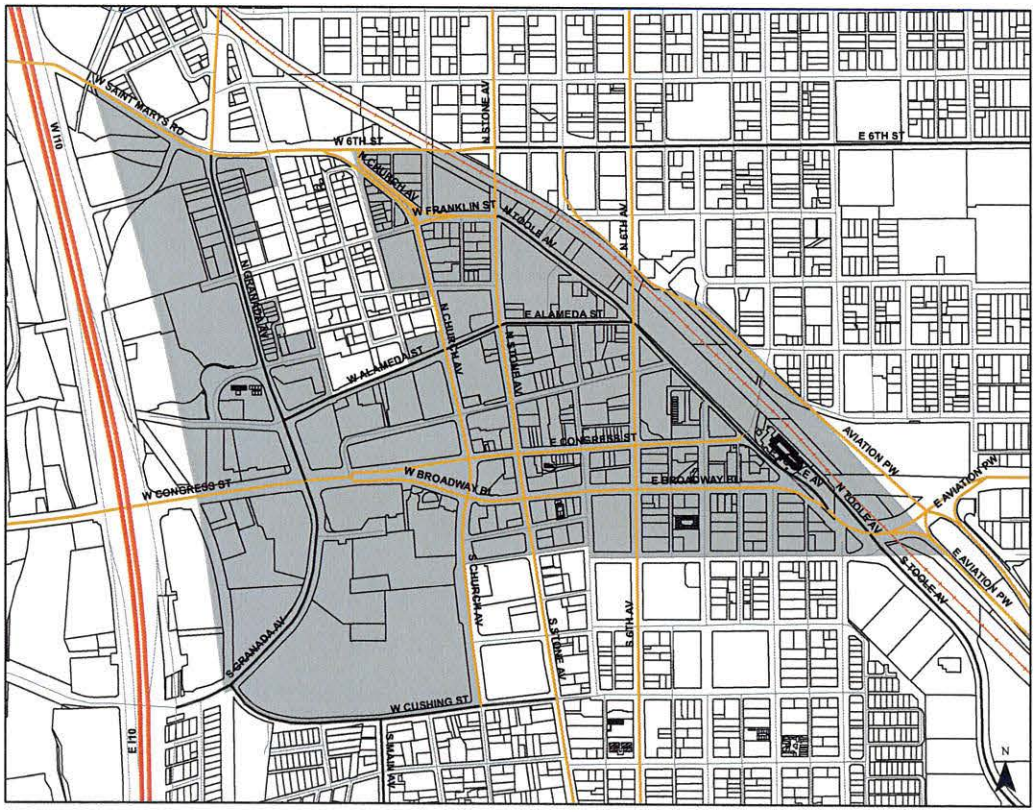


Figure 1: Pedestrian Business District Downtown

Figure 2: Pedestrian Business District Fourth Avenue

Figure 3: Pedestrian Business District Park Avenue

Figure 4: Pedestrian Business District Mercado

B. Intent: Signs in the pedestrian business district should provide clear and understandable identification for buildings, businesses, and parking. Signs on historic buildings should be carefully designed and located to respect the visual integrity of the historic architecture, including building scale, proportions, surface texture and decorative ornamentation.

C. Maximum total sign area: Three square feet per foot of street frontage.

D. Permitted signs.

1. Signs generally permitted and sign types listed in **Section 7A.10**, except as modified by this subsection for this district, and signs exempt under **Section 7A.8 *Exempt and Prohibited Signs.***

2. Awning signs.

3. Banners, building and curbside.

4. Freestanding signs, low profile and monument type only.

a. Maximum number: One per building per street frontage where a building facade is set back at least ten feet from a public right-of-way, or one per street frontage for a surface parking lot where parking is the primary use of the property.

b. Maximum area: 20 square feet per sign.

c. Parking lots: Where used to identify a commercial parking facility, each freestanding sign must display the standard Parking I.D. symbol.

d. Maximum height: 12 feet above grade.

5. Parking **lot** signs.

6. Projecting signs.

a. Allowed for commercial uses only.

b. Maximum area: 20 square feet.

c. Maximum height: **20 feet** from grade (pedestrian surface) to top of sign **or two feet below the parapet, whichever is more restrictive**.

d. Minimum clearance: Eight feet between grade and bottom of sign.

e. Maximum projection from building: Five feet.

7. Portable signs

8. Temporary signs.

9. Access point signs.

10. Wall signs. Maximum size: 30% of the area of each wall.

11. Historic landmark signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.

12. Canopy signs.

7A.11.3. SCENIC CORRIDOR ZONE (SCZ) DISTRICT

A. Location: The scenic corridor zone (SCZ) district includes any portion of property or parcels within 400 feet, measured in any direction, of the future right-of-way lines of a scenic route, as designated on the Major Streets and Routes (MS&R) Plan map. If any portion of a development is within the SCZ district, the entire development will be treated, for sign purposes only, as though it were entirely within the SCZ district.

B. Maximum total attached sign area:

1. For commercial or industrial uses: 1.25 square feet per foot of building frontage with a minimum allowance of not less than 25 square feet and a maximum of 250 square feet per tenant. Signs must be oriented toward a scenic route, arterial street, collector street, or the interior of the premises.

2. For multifamily complexes: 20 square feet per street frontage.

C. **Unified Development Code** compliance: All signs in this District shall comply with applicable provisions of the **Unified Development** Code and must be approved through the applicable review process.

D. Colors: All signs shall use colors that are predominant within the surrounding landscape, such as desert and earth tones, as required in the scenic corridor zone provisions of the **Unified Development** Code.

E. Permitted signs:

1. Signs generally permitted and sign types listed in **Section 7A.10,** except as modified by this subsection for this district, and signs exempt under **Section 7A.8 *Exempt and Prohibited Signs.***

2. Awning signs.

3. Freestanding signs, monument and low profile only.

a. Maximum number per premises:

(1) Scenic route: One for the first 450 feet of scenic route street frontage with one additional sign for every 400 feet of additional scenic route street frontage.

(2) Arterial street: One for the first 450 feet of arterial street frontage with one additional sign for every 250 feet of additional arterial street frontage.

(3) Collector Street: One for the first 450 feet of collector street frontage within the premises, with one additional sign for every 250 feet of additional collector street frontage.

b. Maximum area:

(1) Multifamily residential uses: 20 square feet per street frontage.

(2) Commercial or industrial uses: 35 square feet per sign if located within the SCZ buffer, 50 square feet per sign if located outside the SCZ buffer.

c. Maximum height: Ten feet.

d. Location:

(1) Scenic route: Maximum height signs shall be located no less than 7.5 feet behind the leading edge of the SCZ buffer and within 50 feet of the right-of-way line. Signs may be located one foot closer to the leading edge of the SCZ buffer for each foot (below the maximum) they are reduced in height.

(2) All other streets: Within 20 feet of the right-of-way line and at least 150 feet from the centerline of the scenic route.

e. Freestanding signs that include or consist of a three-dimensional representation of a figure or object are prohibited.

f. Lighting: Sign panels shall be opaque. Light shall be emitted through individual translucent letters and/or symbols only, or individual letters and/or symbols may be halo illuminated. Unused tenant panels shall be opaque and designed to match the rest of the sign.

g. Within SCZ buffer **digital sign copy** and exposed neon signs are prohibited.

4. Access point sign (medical uses)

a. Maximum area: Eight square feet.

b. Maximum height: Four feet to top of sign.

c. Permitted: Only if no frontage on collector or arterial street.

5. Portable signs

6. Access point sign

a. Within the scenic corridor 30 foot landscape buffer the following shall apply:

(1) Minimum site area: Ten acres.

(2) Maximum area: Three square feet; tenant identification or logo not to exceed one square foot.

(3) Maximum number: One per vehicular entrance.

(4) Location: Within 20 feet of the entrance.

7. Wall signs.

8. Canopy signs.

7A.11.4. PLANNED AREA DEVELOPMENT (PAD) DISTRICT.

A property owner within a PAD district shall use the sign standards of the zone upon which the PAD regulation is modeled or may submit a master sign program. Billboards are prohibited in a PAD district.

7A.12 APPEALS AND VARIANCES

All appeals and variances shall be heard in accordance with Section 3.10 *Board of Adjustment Appeals and Variances*. The applicant may appeal a Board of Adjustment decision to the Mayor and Council per Section 3.9.2 *Mayor and Council Appeals Procedure* or to the Superior Court.

7A.13 SIGN DESIGN REVIEW COMMITTEE

A **sign design review committee** is hereby created to assist the **planning commission** by reviewing and recommending amendments to the sign standards **and recommending design options in compliance with Section 7A.7 *Sign Design Options* to the planning and development services director. The committee's authority and organization shall be in accordance with Section 2.2.12 *Sign Design Review Committee*.**

ADOPTED BY THE
MAYOR AND COUNCIL

July 9, 2019

ORDINANCE NO. 11662

RELATING TO SIGN REGULATION AND PLANNING AND ZONING; EXTENDING THE SUNSET DATE CONTAINED IN CHAPTER 23B, UNIFIED DEVELOPMENT CODE (UDC), TO EXPIRE ON AUGUST 31, 2020; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the 2015 ruling by the United States Supreme Court in *Reed v. Town of Gilbert* required all sign regulation to be content neutral, and

WHEREAS, On December 5, 2017, an Ordinance was approved accepting amendments to the UDC Sign Code, which contained a sunset clause which states that the amendments to the Tucson Code and the UDC , shall expire and cease to be effective on August 31, 2019, unless extended by the Mayor and Council by separate ordinance; and

WHEREAS, it is desirable to extend the provisions of the Tucson Code and the UDC Sign Code until August 31, 2020.

WHEREAS, the purpose of this Ordinance is to serve as the "separate ordinance" described in the Tucson Code and the UDC Sign Code that causes an extension of the sunset date as provided in that Section.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The sunset date for the provisions of the Tucson Code and the UDC Sign Code is hereby extended to August 31, 2020. The Mayor and Council may further extend the sunset date by a separate ordinance, as provided in the UDC.

SECTION 2. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

SECTION 3. If any provisions of this Ordinance, or the application thereof to any person or circumstance is invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or circumstance, and to this end, the provisions of this Ordinance are severable.

SECTION 4. This Ordinance becomes effective thirty (30) days after it is adopted by the Mayor and Council and is available from the City Clerk.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, July 9, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED BY:

CITY MANAGER

JS/tl
6/13/19