



MEMORANDUM

DATE: December 5, 2019

TO: City of Tucson
Sign Design Review Committee

FROM: Daniel Bursuck
Principal Planner
Planning and Development
Services

SUBJECT: C8-19-03 Sign Code Sunset Date Review (City Wide)

Issue - This item is to review the efficacy of the changes made to the City of Tucson Sign Code through the adoption of Ordinance #11508 (see Attachment A) in light of its upcoming sunset date. 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. On July 9, 2019, Mayor and Council extended the sunset date 12 months to August 31, 2020, in order to provide time to conduct a thorough analysis of the adopted ordinance and for the necessary public outreach (see Attachment B for the Mayor and Council materials).

During this initial review and analysis of the previously adopted changes, we have held internal meetings with our sign review staff, reviewed permit data, and reviewed complaints submitted to code enforcement related to signs. In this review, we have identified a handful of minor clarifications and changes to help with the effectiveness of the administration of the code. Those changes generally fall into the following two categories:

- Clarifications – these are text amendments for non-substantive items that were either missed in the translation of the sign code from Chapter 3 to Section 7A of the Unified Development Code, or no longer needed due to duplication created during that effort.
- Minor Changes – These are minor changes related to either the codification of previous Zoning Administrator Determinations, clean-up of the administration of the code, or potential changes to the review process for the Sign Design Option.

Additionally, we are currently in the middle of a process to change our permitting system at the City of Tucson. Due to certain limitations of the new permitting system and the need for the streamlining of processes, there are a handful of additional proposed amendments that have come out of this effort. For a list of all the proposed amendments, please see Attachment C.

Finally, we have reviewed the number of code compliance complaints received related to signs for the past five years (2014-2019) to get a better understanding if there are any glaring issues with the changes made. This table shows the total complaints received for those dates. It appears that there was a slight increase in complaints in 2018 when Section 7A became effective. However, there appears to be

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

* Revisions became effective in Feb 2018

TO: Sign Design Review Committee
SUBJECT: C8-19-03 Sign Code Sunset Date Review (City Wide)
Page 2

a slight decrease in 2019. The increase could be due to an adjustment period for sign users that were learning the new regulations in 2018. Overall, the complaints were primarily related to portable signs, such as for lease signs, signs in the right-of-way, political signs, or signs advertising alcohol. Staff plans to work with Code Enforcement as we move forward to better educate and enforce portable signs.

Background Information – 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.

On July 9, 2019 Mayor and Council extended the sunset date on Ordinance #11508 related to the Sign Code Revision Project, for 12 months from August 31, 2019 to August 31, 2020. This was to provide time to conduct a thorough analysis of the adopted ordinance and for the necessary public outreach.

Attachments

- A – Ordinance #11508 adopting Section 7A Sign Standards
- B – July 9, 2019 Mayor and Council Materials Related to the Sign Code Sunset Date
- C – Proposed Amendments to the Unified Development Code

C: Russlyn Wells, Zoning Administrator, PDSD
Mallory Ress, Planner, PDSD
Angie Ruiz, Planning Technician, PDSD