

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

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

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

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

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

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2.	7A.1.1 (Page 1)	<i>October 17, 2016, Subcommittee Meeting</i> In the 3rd line suggest removing the word "prominent" from "protect prominent scenic views..." Strike hazard from - fear legibility.	Provide an improved visual environment for the citizens and visitors to the City and protect prominent natural scenic views by exercising reasonable control over the character and design of signs;	Staff has no objection if this is included or excluded.	X			A
3.	7A.1.1 (Page 1)	<i>October 17, 2016, Subcommittee Meeting</i> Add something about protecting dark skies and something more about tourism	This comment has been combined with edit #4. Please see below:	This is something neither covered in the purpose statement of the current sign code nor is it a <i>Reed</i> issue. Dark skies are currently addressed and covered in the Outdoor Lighting Code. All permitted signs must currently comply with this and must do so under the draft. If anything related to the Outdoor Lighting Code is included, it should only be a reference to that governing Code.				N/A

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4.	7A.1.1 (Page 1)	<p><i>October 17, 2016, Subcommittee Meeting:</i> Feel original wording about beauty and protecting our desert environment, etc. should be in the language. The language about makes Tucson special.</p> <p><i>October 24, 2016, Subcommittee Meeting:</i> It is suggested more needs to be stated about dark skies. It is suggested that Staff look at combining statement #3 of Commissioner McLaughlin's proposed purpose statement with suggested edit #4. It is also suggested to remove "enhance" and replace with "protect", in relation to the fragile desert.</p> <p>November 7, 2016, Subcommittee Meeting: Additional language from Commissioner McLaughlin added related to commercial and non-commercial speech.</p>	<p>Add "<u>Foster a good visual environment for Tucson, protect the fragile desert and its environmental assets, preserve the natural resource of dark night skies, and create an aesthetic and enjoyable appearance for visitors and residents, while allowing avenues of speech for both non-commercial and commercial messages.</u>"</p>	<p>While currently covered in purpose statement under aesthetics, staff has no objection to adding in the following section from the original purpose statement. Additional suggested language from Commissioner McLaughlin has been combined with the previous suggested edit #4.</p>	X			M

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5.	7A.1.1 (Page 1)	<p><i>October 17, 2016, Subcommittee Meeting:</i> Third item in the list -- delete "businesses" and just leave "individual". The safety concerns should be for the general community vs. individual.</p> <p><i>October 24, 2016, Subcommittee Meeting:</i> Commissioner Ench suggested removing "Balance" in proposed edit 5, and substituting "Observe." He also suggested removing "against" and substituting "exercise reasonable control."</p> <p><i>November 7, 2016, Subcommittee Meeting:</i> No consensus was reached regarding the use of the word "business." There are commissioners who believe it should remain and others who don't think it belongs. It was suggested possibly using "entities" in its place.</p>	<p>Balance-<u>Observe</u> the rights of businesses and individuals to convey messages through signs, against and exercise reasonable control to <u>mitigate</u> the aesthetic and safety hazards that come from the proliferation of confusing and objectionable sign clutter;</p>	<p>Staff has no objection to removing "businesses" from this text and adding a comma after signs. Staff has added suggested edits from the October 24, 2016 Subcommittee meeting.</p> <p>Staff recommends adding "business," or similar wording back into suggested edit #2. In order to provide a more complete and accurate portrayal of sign use and regulation, it should acknowledge the role businesses have. Staff suggests the Subcommittee explore ways to bring this language back that would be acceptable to the group. This would help to strengthen the Sign Code's purpose statement, and be beneficial should the City receive a <i>Reed</i>-based legal challenge to the Sign Code.</p>	X			M

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6.	7A.1.2 (Page 2)	<p><i>October 24, 2016, Subcommittee Meeting:</i> Committee was in agreement with Staff suggestion to say "City shall be in compliance with City Administrative Directives."</p> <p><i>November 7, 2016, Subcommittee Meeting:</i> Committee was concerned with the effect this may have on the ability for the city to not follow the Sign Code.</p> <p><i>November 14, 2016, Subcommittee Meeting:</i> Committee still has concerns and would like to have wording, "City shall follow its own sign standards" remain in the code.</p>	<p>The regulations in this article are applicable to all signs in the City, except as noted in Section XXX (Exemptions) unless otherwise stated. The City of Tucson shall follow its own sign standards, except where a deviation from the standards are is necessary to protect or promote public health, welfare or safety, and be in compliance with Section XXX of City Administrative Directives.</p>	<p>Staff has no objection to the edits suggested by the subcommittee.</p> <p>Staff does not believe this will have any effect on how the Sign Code is enforced. This is simply a more clear way of stating existing policies.</p> <p><u>Additionally, Staff has added back in the language related to the City of Tucson following its own sign standards.</u></p>	X		X	M
7.	7A3.2 (Page 4)	<p><i>November 7, 2016, Subcommittee Meeting:</i> It was suggested that the definition for Billboard be change off-site to off-premise.</p>	<p>No changes at this time.</p>	<p>Staff recommends this is not changed from "off-site" to "off-premise," as there are examples where a billboard may be off-site per its definition, but may not have an actual premise.</p>				N/A
8.	7A3.5 (Page 5)	<p><i>November 7, 2016, Subcommittee Meeting:</i> Committee had concern with the use of the term Electronic Sign Copy in place of Electronic Message Center. They also expressed the need to include digital signs (e.g. computer screens), in the definition.</p> <p><i>November 14, 2016, Subcommittee Meeting:</i> Committee preferred the word "Digital" to Variable, and suggested staff use that.</p>	<p>Electronic Sign Copy Digital Sign. A sign component whose informational content <u>such as symbols, logos, graphics, and words</u> can be changed or altered by electric, electro-mechanical or electronic means.</p>	<p>Staff proposes the name be changed to "Variable Message Sign," which is a common term used for this type of sign. Staff also recommends the clarifying words, "such as symbols, logos, graphics, and words" be used.</p> <p><u>Staff has no objection to committee's recommendation to use the word "Digital Sign" in place of either Electronic Sign Copy or Variable Message Sign.</u></p>	X	X	X	M

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9.	7A3.5 (Page 5)	<i>November 7, 2016, Subcommittee Meeting:</i> Committee suggested that this is currently regulated by other public service agencies, and may not be within the purview of the Sign Code.	Emergency site locator. Consists of signs and markers required for direction of emergency vehicles in multiple tenant and multiple building complexes.	Staff recommends the removal of Emergency Sign Locator definition as it is regulated by Tucson Fire and under the staff suggested revisions, would be considered an interior sign.			X	A
10.	7A3.7 (Page 6)	<i>November 7, 2016, Subcommittee Meeting:</i> Committee stated concern about whether an "interior sign" can be seen from adjacent property.	Interior sign. 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.	<u>Staff recommends there be no changes to the interior sign definition, but the additional clarifying language be added to wall signs section to ensure there are no unintended consequences of this regulation. Staff suggests the addition to the wall signs regulation would be to require a setback of 100 feet for illumination of interior wall signs facing single-family residential uses that are not viewable from a right of way.</u>	X	X		M
11.	7A3.10 (Page 7)	<i>November 7, 2016, Subcommittee Meeting:</i> Committee suggested the words non-permanent be added to the end of the definition of portable sign.	Portable sign. 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 similar <u>non-permanent</u> materials.	<u>Staff has no objection to the edits suggested by the subcommittee.</u>	X			A

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12.	7A3.11 (Page 8)	<p><i>November 7, 2016, Subcommittee Meeting:</i> Committee suggested the words "existing" be removed from the definition of repair.</p> <p>November 14, 2016, Subcommittee Meeting: Committee suggested adding the words "as it applies to historic sign definition."</p>	No changes at this time.	<p>The word "existing" refers to language used in the Historic Landmark Signs section of the Sign Code and is important for clarification of the definition.</p> <p><u>Staff has concerns about larger implications related to adding this language and will conduct further research and return to this issue.</u></p>		X		M
13.	7A3.12 (Page 8)	<p><i>November 7, 2016, Subcommittee Meeting:</i> Committee suggested the former definition of "sign" be used with the exception of the last sentence related to malls.</p>	<p>Sign. <u>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.</u>A ground or wall mounted structure or painted surface that has a visual display from a right of way or street and is designed to identify, announce, direct, or inform.</p>	<p><u>Staff has no objection to the edits suggested by the subcommittee.</u></p>	X			A
14.	7A3.13 (Page 9)	<p><i>November 7, 2016, Subcommittee Meeting:</i> Committee suggested the definition of tenant add the following language: "of a site or portion of a site."</p>	Tenant. The occupant of a <u>site or a</u> portion of a site or structure with exclusive control over that portion, regardless of whether it is by individual ownership or lease.	Staff has no objection to the edits suggested by the subcommittee.				A

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15.	7A3.13 (Page 10)	<p><i>November 7, 2016, Subcommittee Meeting:</i> Committee has concern over the removal of the word "interior" from the definition of wall and window sign.</p> <p><i>November 14, 2016, Subcommittee Meeting:</i> Committee has concern over the removal of the word "interior" from the definition of wall and window sign.</p>	<p>Wall. An exterior building surface thirty (30) degrees or less from vertical including, <u>affixed to</u> interior and the exterior <u>of</u> window and door surfaces.</p> <p>Window sign. Any sign affixed to interior or exterior <u>of</u> window surface.</p>	<p>This is simply a reflection and clarification of how this windows sign regulation is currently enforced. As a process improvement, PDS staff has noted it is very complicated to regulate the interior of a window or a sign that can be seen through a window, but is not attached to the window.</p> <p><u>Staff suggests changing the definition of window sign reference signs to "affixed to interior or exterior" of a window. Additionally, we recommend adding a regulation to section 7A.XX in relation to window signs that will limit window signs to 30% of the surface area of a window. Those windows would be regulated, but would not require a permit.</u></p>	X	X	X	