

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

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

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

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

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

Suggestion	Draft_pg.	Section	Subcommittee Suggestions	Redline Edits	City Staff Comments	A/R/M
1.	1	7A.1.1	<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. <i>October 24, 2016, Subcommittee Meeting:</i> The Code purposely restricts certain types of signs and not everybody should be treated equitably.</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><u>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.</u></p> <p><u>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.</u></p>	M
2.	1	7A.1.1	<p><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.</p>	<p>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;</p>	<p>Staff has no objection if this is included or excluded.</p>	A

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3. 1	7A.1.1	<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
4. 1	7A.1.1	<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. <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.	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.</u> "	While currently covered in purpose statement under aesthetics, staff has no objection to adding in the following section from the original purpose statement. <u>Additional suggested language from Commissioner McLaughlin has been combined with the previous suggested edit #4.</u>	M

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5. 1	7A.1.1	<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>Balance <u>Observe</u> the rights of businesses and individuals to convey messages through signs, against and exercise reasonable control to mitigate 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. <u>Staff has added suggested edits from the October 24, 2016 Subcommittee meeting.</u></p> <p><u>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 Reed-based legal challenge to the Sign Code.</u></p>	M
6. 2	7A.1.2	<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>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, be in compliance with City Administrative Directives.</p>	<p>Staff has no objection to the edits suggested by the subcommittee.</p>	