



**PLANNING COMMISSION/CITIZEN SIGN CODE COMMITTEE
SIGN CODE REVISIONS JOINT SUBCOMMITTEE**

Monday October 24, 2016, 3:00 P.M.

Pima County Public Works Building

Planning and Development Services - 3rd Floor Conference Room

201 North Stone Avenue

Tucson, Arizona 85701

Legal Action Report and Meeting Minutes

1. Roll Call

Meeting was called to order by Planning and Development Services Department (PDSD), at 3:01 p.m.

Present:

Jude Cook	CSCC, City Manager's Office
George Holguin	CSCC, City Manager's Office
Kathryn McLaughlin	CSCC, Ward 5
Shannon McBride-Olson	PC, Ward 2
Curt Ench	PC, Ward 3

Staff Members Present:

Russlyn Wells, PDSD, Zoning Administrator
Daniel Bursuck, PDSD, Lead Planner
Rebecca Ruopp, PDSD, Principal Planner
Jim Mazzocco, City Manager's Office, Zoning Examiner
Piroshka Glinsky, City Attorney's Office, Principal Assistant City Attorney
Stacy Stauffer, City Attorney's Office, Principal Assistant City Attorney
Jan Waukon, Consultant Serving as Facilitator

2. Introductions of Subcommittee and Staff

Russlyn Wells, PDSD, introduced staff and asked subcommittee members to introduce themselves.

3. Review of Meeting Process

Daniel Bursuck, PDSD, gave a presentation reviewing Open Meeting Law, the role of the subcommittee and outline of approach to documenting subcommittee discussion, public comments, and to modifications of preliminary draft sign code, as well as clarification of the timeline of the project. Jim Mazzocco, City Manager's Office, gave a presentation on the urgency of the Sign Code Revision Project. Jan Waukon, Consultant serving as Facilitator, explained the management of the meeting

4. Call to the audience

Beryl Baker, a Tucson resident, commented on her concern that the Sign Code Revision Project will water down the existing code. She stated it should be strengthened and help to beautify the city.

Meg Weesner, of the Sierra Club, spoke to the need to protect Tucson's scenic character, and stated that the organization has concerns that the proposed changes to the purpose statement would water down the code. She said it will be referred back to when the Sign Code is being used and should remain strong regarding scenic views, dark skies, and such matters.

Ruth Beeker, a Tucson resident, spoke about the purpose of the Sign Code in regards to set regulations that are clear, predictable, and enforceable for the community. If the applicant wanting a sign, does not comply with the Sign Code, he/she can go through the variance process. She also stated in reviewing the purpose, believes dark skies should be included and three of the sections appeared to contain three word that lack force or exact meaning. She suggested deleting "reasonable" from "exercise reasonable control" in statement two, revising "balance" from statement three, and deleting "possible" from statement five of the proposed purpose.

Richard Green, of the Astronomy, Planetary, and Space Sciences Coalition (APSS), commented on the Sign Code Revision Project as the need to be sensitive to dark sky protection. He said they are concerned about revisions that allow more and larger lighted signs. The existing Outdoor Lighting Code is currently silent on sign size and frequency of signs. APSS advocates for many changes such as how electronic messaging are dealt with and requiring a dark colored background with light lettering for signs.

Rob East, representing himself, commented on dark skies and how lighting is currently regulated by lumens per acre. He stated signs are important for businesses and that there are misunderstandings related to sign regulations. *Reed vs. Town of Gilbert* is a good segue to make some good changes.

Mark Mayer, of Scenic Arizona, commented on the Sign Code Revision Project as a whole, and the particular sections to be reviewed at the meeting. He said the *Reed* related issues should be done as soon as possible, but separated from the process improvements. He stated they have concerns about the change of definitions, including the proposed change to the definition of "sign." The proposed definition of "sign" should be more expansive similarly to the definition in the current Sign Code. He stated they also have concerns about moving the permits section into the administrative manual of the Unified Development Code.

5. Review of Previous Meeting Discussion and Suggested Modifications to Language on the Following Sections:

- a. Purpose (Section 7A.1.1 in Preliminary Draft; Sections 3.1-3.3 in current Sign Code)

Daniel Bursuck, PDS, gave a presentation on the proposed edits to Section 7A.1.1 Purpose to the subcommittee.

The following comments were made by the subcommittee members:

- Commissioner McLaughlin stated they didn't think the first suggested edit was the intent. She thinks the Code purposely restricts certain types of signs and has a problem with saying everybody should be treated equitably.
 - *Staff explained that effort had been to revise the Purpose to address (1) aesthetics, (2) traffic safety, (3) preserve right to freedom of speech (most protected is non-commercial, but commercial is also protected), (4) property value; these four elements are complemented with community aspirations.*
- Commissioner Cook stated that we should say equity among all sign users.
 - *Staff explained the strict scrutiny was for non-commercial speech, but commercial speech is also protected, but not to as great a degree as non-commercial.*
- Subcommittee agreed to deletion of "promote equity" from first suggested edit.
- Subcommittee agreed to deletion of "prominent" from second suggested edit.
- Commissioner McLaughlin stated she would like Subcommittee to consider her proposed language submitted to staff that starts with "Protect."
- Commissioner Cook stated he feels if "dark skies" is covered in the outdoor lighting code, that is enough.
- Commissioner McBride Olson stated much of what Commissioner McLaughlin has suggested is similar to the portion added in edit number 4.
- Subcommittee agreed to staff revising edit number 4 to include language from Commissioner McLaughlin's proposal. Staff will return with those edits at the next subcommittee meeting.
- Commissioner Ench suggested removing "Balance" in proposed edit 5, and substituting "Observe." He also suggested removing "against" and substituting "exercise reasonable control."
- Subcommittee agreed to Commissioner Ench's suggested edits.
- Subcommittee asked staff to add "environmental asset" to proposed edit 4.
- Commissioner Ench suggested staff revise "enhance desert" to "protect desert."
- *Staff will work further on "Purpose" and bring back suggested further revisions for the Subcommittee's consideration.*

No action taken.

6. Introduction of the following sections of preliminary draft sign code revisions for review and discussion by subcommittee.

- a. Applicability (Section 7A.1.2 in Preliminary Draft; Section 3.4 in current Sign Code) The following comments were made by the subcommittee members:
- Commissioner McLaughlin asked for clarification regarding something staff had said last meeting about challenges that had occurred with Sign Code in a particular case.
 - *Sign Code says City will follow its own code. Staff noted that Sign Code might instead say, "City shall be in compliance with City Administrative Directives."*
 - Commissioner Ench said he liked staff's suggestion.
 - *Staff stated they would return with proposed edits based on subcommittee feedback.*
- b. Interpretations and Substitution Clause (Section 7A.2 in Preliminary Draft; Sections 3.4-3.7 in current Sign Code)
- Commissioner Ench asked, are you restricting to only Zoning Administrator by suggesting deletion of "or designee"?
 - *Staff explained that PDS Director can appoint someone to undertake Zoning Administrator's role if Zoning Administrator is not available. Staff explained relying on actual zones in new code, so deleted references to alternative zones. However, staff has left in language that has to do with special districts.*
 - Commissioner McLaughlin asked whether 7A.2 would affect Billboard Committee's function.
 - *Staff explained that the role / rights of the Billboard Committee is/are contained in a separate document that would continue to be applicable.*
- c. Definitions (Section 7A.3 in Preliminary Draft; Section 3.11 in current Sign Code)
- *Staff noted that a handout with all definitions had been provided. Definitions in black type are current definitions found in existing Sign Code. Definitions in blue type are definitions currently in the Unified Development Code (UDC). In suggested revisions to Sign Code, some terms taken out that no longer apply and others changed to match or use language that is more contemporary in the UDC.*
 - *Staff explained that "time, place, manner" were called out in Supreme court decision and that "portable signs" are a prominent issue in the Reed case. This suggested approach is to focus on materials to distinguish portable signs from more permanent signs.*
 - *Staff suggested distinguishing signs that can be read from the right-of-way from interior signs.*
 - *Staff stated that it may be a good idea to look into the revised version of a sign, as mentioned by an earlier speaker at the Call to the Audience. The definition of sign may be added to or just consider the existing definition.*
 - *Staff suggests that signs 12-square feet or smaller and are not intended to be read from the street, should not be addressed in the Sign Code. However, staff suggests that 12-square foot signs on buildings that are close to the street should be subject to the Sign Code.*

- Commissioner McLaughlin stated she has no problem removing the duplicate sign definitions.
- Commissioner McBride Olson asked what the difference between the former sign definition and the new one in relation to being viewable from a right-of-way. Does this mean that someone can place a large sign that is not viewable from the right-of-way and impact a residential property?
- Commissioner Ench asked if it is not viewable from the right-of-way, is it a sign? An example is the sign at Diamond Children’s Hospital.
- Commissioner Cook clarified that the sign at Diamonds Children’s Hospital is regulated by the State because it is on the University of Arizona campus.
 - *Staff explained that problems arise when defining interior signs. There could be situations where a sign could impact nearby residential, but it is not different from the current situation.*

No action taken.

7. Call to the Audience

Mike Addis, of Addisigns, thanked the subcommittee for their hard work on the Sign Code Revision Project. He stated the importance of removing duplications in the code and its simplification for the business community. Practical changes and modernization of the code is extremely important. He also had the question as to why business was removed from the purpose statement. Design guidelines should also be included in the purpose statement.

Grace Gegenheimer, of Tucson Metro Chamber, spoke to the suggested changes from the previous meeting related to purpose statement. Tucson Metro Chamber is opposed to the elimination of “business” from the purpose statement in the revised Sign Code.

Mark Mayer, of Scenic Arizona, spoke about the suggested edits to the purpose statement and how the idea of legibility of signs, should be avoided. He also spoke to the definition of “sign” and the removal of parts of the definition. He stated it would lead to the lack of regulation for certain signs and standards should be applied to signs that are in places that attract the public.

8. Adjournment

Meeting adjourned at 4:57 PM