



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

Monday November 7, 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 3:04 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, PSDS, Zoning Administrator
Daniel Bursuck, PSDS, Lead Planner
Rebecca Ruopp, PSDS, Principal Planner
Clayton Trevillyan, PSDS, Building Official
Jim Mazzocco, City Manager's Office, Zoning Examiner
Piroschka Glinisky, 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. Approval of Minutes/Legal Action Report – October 17, 2016

It was moved by Commissioner McBride-Olson, duly seconded, and carried by a voice vote of 5-0, to approve the October 17, 2016 Minutes.

3. Approval of Minutes/Legal Action Report – October 24, 2016

It was moved by Commissioner Ench, duly seconded, and carried by a voice vote of 5-0, to approve the October 17, 2016 Minutes.

4. Review of Meeting Process

Jan Waukon, Consultant serving as Facilitator, explained the management of the meeting

5. Call to the audience

Ruth Beeker, a Tucson resident, spoke about the definition of “sign”. She stated this definition is fundamental to an effective sign code. She suggested using a definition that is broad and inclusive so it can anticipate future needs but is also appropriate now.

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 spoke to issues of the level scrutiny to commercial and non-commercial speech and he disagrees with the word “slightly.” Scenic Arizona supports the current definition of “sign.” He voiced support for the McLaughlin purpose statement, moving forward. He also stated they have concerns about taking out the language “the City will follow their own code.”

6. 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, PDSO, 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 Holguin stated he has a problem with taking away “business” from Purpose statement and that 97% of sign permits were for businesses. Commissioner Cook concurred with Commissioner Holguin.
- Commissioner McLaughlin stated that “business” is not in the original Purpose and doesn’t think it belongs in the Purpose statement.
- Commissioner Ench stated he believes “business” is ambiguous.
- Commissioner McLaughlin provided alternative language related to commercial and non-commercial speech, to be added.”
- No consensus was reached regarding the use of the word “business” in edit 1.
- Subcommittee agreed to changes proposed in edit 4.
- Commissioner McLaughlin suggested the use of “entities” in place of “business.”
- Commissioner Holguin believes it should be “business” and not “entities.”
- No consensus was reached regarding the use of the word “business in edit 5.”

- b. Interpretations and Substitution Clause (Section 7A.2. in Preliminary Draft; Sections 3.4-3.7 in current Sign Code)

The following comments were made by the subcommittee members:

- Commissioner McLaughlin expressed concern related to situations where the City would not follow its own code. She suggested if there is a way we can say City will follow own code, except in x, y, or z cases?
 - *Staff stated they believe that the Administrative Directives cover this, as it states that the City will follow its own Code.*
- Commissioner McLaughlin is concerned about latitude given to staff and would like examples as to why we should use the revised language.
- Commissioner Ench stated he supports the way it is written in the revised code.

No action taken.

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

a. Definitions (Section 7A.3 in Preliminary Draft; Section 3.11 in current Sign Code)

- Commissioner McLaughlin stated she has no problem with the edits to the “attached sign” definition.
- Commissioner Ench asked what does “off-site” mean, and should it be “off-premise” instead, in relation to the definition of Billboard.
- The Commission expressed concern with using Electronic Sign Copy in place of “Electronic Message Center”. Commissioner Ench asked if it could be changed to “Electronic Message Sign.” Commissioner Cook stated he thinks it should be called out as a type of sign and that “sign copy” doesn’t address type. Commissioner Mc-Bride Olson suggested maybe there should be a definition for “digital signs.”
- Commissioner McLaughlin asked if “Emergency site locator” is mainly for emergency folks.
 - *Staff explained they feel it is both overwritten and may be unnecessary.*
- Commissioner Ench stated there are signs that are required by fire, and the Sign Code, one way or another, should not affect them.
- Commissioner McLaughlin stated her concern about whether a sign can be seen from adjacent property.
- Commissioner Ench asked who decides whether something is a sign of art, or if a mural is related to a business considered commercial.
- Commissioner Cook stated he hadn’t had any problems with murals. If it is greater than 12 square feet and on a wall, it is a “wall sign” and must adhere to those standards.

- Commissioner McLaughlin stated she would like to see “non-permanent” added to clarify the type of other material for the “portable sign” definition.
 - *Staff clarified that in the current code there was no regulation on illumination of portable signs, in the proposed code, it will be prohibited.*
 - Commissioner McLaughlin suggests that “existing” be removed or replaced with the word “intended,” for the definition of repair.
 - *At this point Staff skipped to presentation of Section 7A.4 Permits, Inspections, Fees, with a plan to return to definitions after that section is completed.*
- b. Permits, Inspections, Fees (Section 7A.4 in Preliminary Draft; Sections 3.16-3.24 in current Sign Code)
- Presentation given by Russlyn Wells, PDSD, and Clayton Trevillyan, PDSD, related to Permits, Inspections, and Fees.
 - Commissioners agreed with the edits to this section.
- a. Definitions (Section 7A.3 in Preliminary Draft; Section 3.11 in current Sign Code)
- Staff suggested going back to the original definition of “sign” with the exception that they remove the last sentence that refers to malls.
 - Commission agreed to those changes to the definition of “sign.”
 - Commissioner McLaughlin suggested adding “at a site or portion of a site” to the definition of “tenant.”
 - Commissioner McLaughlin stated there is a problem with signs that are hung inside windows but are intended to be read from the outside.
 - Staff stated they believe these inside signs are ephemeral and are too hard for the City to enforce. Additionally police regulate window coverage for safety reasons.
 - The Commission stated a concern over specific types of window signs and their regulation.

No action taken.

8. Call to the Audience

Buell Jannuzi, of the University of Arizona, Department of Astronomy, spoke to the impact of the revisions on astronomy and the enforceability of the code. He stated the importance of tying the Outdoor Lighting Code and the Sign Code together.

Matt Somers, a Tucson resident, stated that a city is defined by its residents and not by its businesses. As such, this should be reflected in the Sign Code

revisions. He stated he would like to see the reference to Administrative Directives removed, as they do not allow public input. He also stated we should regulate inside attached window signs, as they look awful.

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 window signs, and that the Sign Code should address attached interior window signs. He stated general support for moving the application requirements, permits and fees into the administrative manual. He also spoke to the inclusion of a provision added to ensure the permission of the property owner for sign permits.

9. Adjournment

Meeting adjourned at 4:57 PM