

Staff Summary Report



Development Review Commission Date: 03/23/10

Agenda Item Number: ___

SUBJECT: Hold a public hearing for changes to the SIGN ORDINANCE.

DOCUMENT NAME: DRCr_SignOrdinance_032310 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request for changes to the **SIGN ORDINANCE (PL100056)** (Development Services, applicant) consisting of Zoning and Development Code amendments for way-finding signs, an extension of temporary sign allowances and to allow temporary banners to lease vacant space. The request includes the following:

ZOA10001 (ORDINANCE NO. 2010.05) – Code Text Amendment for Sections 4-901; 4-902; 4-903(M), Lead-In Sign; 4-903(P), For Sale, Lease or Rent Sign; 4-903(R), Significant Event Sign; 4-905, Way-Finding Sign; and a new Section 4-906, Leasing Banner Sign.

PREPARED BY: Ryan Levesque, Senior Planner (480-858-2393)

REVIEWED BY: Lisa Collins, Development Services Planning Director (480-350-8989)

A handwritten signature in black ink, appearing to be 'L Collins', located to the right of the 'REVIEWED BY' line.

LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval

ADDITIONAL INFO: On March 4, 2010, at a City Council Issue Review Session (IRS), staff presented these modifications and was directed to proceed with the necessary hearing procedures for further consideration.

- PAGES:**
1. List of Attachments
 2. Comments
 3. History & Facts / Zoning & Development Code Reference

- ATTACHMENTS:**
- 1-8. Ordinance No. 2010.05

COMMENTS:

This is a request for permanent and temporary changes within Part 4, Chapter 9, Signs within the Zoning and Development Code. One purpose of this amendment, among others, is to offer temporary assistance to businesses during this difficult economic cycle and provide a permanent solution for businesses connecting with pedestrians. The changes include the following items:

Way - Finding Signs

On January 15, 2010, the Technology, Economic & Community Development Council Committee discussed Way-Finding Signs to accommodate pedestrian-oriented areas throughout the City of Tempe. The Council adopted provisions to allow Way-Finding Signs in the City Center (CC) Zoning District, which includes the Mill Avenue District, in 2007. The purpose of that amendment was to allow businesses in a pedestrian-oriented environment to provide identification of a business name and/or service on a removable sign. The proposal to expand Way-Finding Signs for businesses would allow this type of signage throughout the community. Criteria limiting locations of signs would be established to: 1) keep a clear zone for accessibility, 2) ensure signs are geared toward pedestrians, and 3) ensure conflicts with vehicles do not occur. Provisions to develop on-line information and a self-service capability to assist customers are also being proposed. This is proposed to be a permanent amendment to the Sign Ordinance.

Temporary Signage Allowance for lead-in signs, sale/rent signs and significant event signs

On July 2, 2009, sign regulations were modified by City Council for a limited time period, providing more square footage for lead-in signs, sale/rent/lease signs and more days per year to display significant event signs. These provisions were put in place to provide assistance to businesses during difficult economic times. The provisions were effective August 1, 2009 and until May 6, 2010. A twelve (12) month extension is recommended to continue our efforts to provide assistance to Tempe businesses. This is proposed to be a temporary amendment until June 30, 2011.

Banners to Lease Vacant Space

The Tempe sign ordinance currently does not allow banners advertising vacant business space. Property owners have recently expressed an interest in banners that advertise vacant space. Because of the significant increase in vacancies, a time-limited program is proposed to provide temporary relief to Tempe property owners. The proposed program standardizes location, size, content and color of the banners. This is proposed to be a temporary amendment until June 30, 2011.

HISTORY & FACTS:

- October 4, 2007 City Council approved Ordinance 2007.53, allowing way-finding signs within the downtown CC Zoning District.
- July 2, 2009 City Council approved Ordinance 2009.27, allowing a temporary relief in sign regulations for lead-in signs, sale/rent/lease signs, and significant event signs, effective until May 6, 2010.
- January 15, 2010 Technology, Economic & Community Development Council Committee discussed way-finding signs in order to accommodate pedestrian-oriented areas throughout the City of Tempe.
- March 4, 2010 City Council Issue Review Session, staff received direction from Mayor and Council on proposed sign ordinance changes included in this request.
- March 23, 2010 Scheduled Development Review Commission hearing for this request.
- March 25, 2010 Proposed City Council introduction and first public hearing for this request.
- April 8, 2010 Proposed City Council second public hearing for this request. (Action taken)
- May 8, 2010 If adopted, effective date of sign ordinance.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-304, Zoning Map Amendments and Code Text Amendments

ORDINANCE NO. 2010.05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE ZONING AND DEVELOPMENT CODE, CHAPTER 9 – SIGNS, SECTIONS 4-901(B), 4-902(C), 4-903(M), 4-903(P), 4-903(R), AND A NEW SECTION 4-906, LEASING BANNER SIGN.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

SECTION 1. That Section 4-901(B) of the Zoning and Development Code, pertaining to the sign chapter purpose and applicability, is hereby amended to read as follows:

B. Applicability. The regulations in Chapter 9 are applicable to all *signs* in the city, except as noted in Section 4-902(D) and in the RCC district and all MU districts, EXCEPT WHERE OTHERWISE NOTED HEREIN. Standards for business *signs* in the RCC district and all MU districts shall be established through *sign* criteria approved through a *Development Plan Review*, pursuant to Section 6-306.

SECTION 2. That Section 4-902(C) of the Zoning and Development Code, pertaining to unauthorized signs, is hereby amended to read as follows:

C. Unauthorized Signs. An *unauthorized sign* is one that is illegally displayed in the city right-of-way, on city property, or on private property without the property owner's consent, OR IS NOT IN COMPLIANCE WITH THE REGULATIONS OF CHAPTER 9, SIGNS WITHIN THIS CODE. City staff may remove such *signs*. ~~These signs may be disposed of, as per Sections 26-51 through 26-59 of the Tempe City Code, if unclaimed within thirty (30) days.~~ UNAUTHORIZED SIGNS REMOVED BY THE CITY SHALL BE DISPOSED OF AFTER THE DEPARTMENT PROVIDES NOTICE TO THE ESTABLISHMENT IDENTIFIED ON THE SIGN. A NOTICE SHALL BE SENT WITHIN THIRTY (30) DAYS OF REMOVAL NOTIFYING THE ESTABLISHMENT TO CLAIM THE UNAUTHORIZED SIGN AT A LOCATION SPECIFIED ON THE NOTICE NO LATER THAN THIRTY (30) DAYS AFTER THE DATE APPEARING ON THE NOTICE. IF UNCLAIMED AFTER THE TIME PERIOD, THE DEPARTMENT WILL DISPOSE OF THE UNAUTHORIZED SIGN IN AN APPROPRIATE MANNER. IF AN ESTABLISHMENT IS NOT IDENTIFIED, THE SIGN WILL BE DISPOSED OF NO SOONER THAN THIRTY (30) DAYS AFTER REMOVAL, SUBJECT TO PRIOR WRITTEN CLAIM AND PROOF OF OWNERSHIP DELIVERED TO THE COMMUNITY DEVELOPMENT DEPARTMENT.

Section 3. That Section 4-903(M) of the Zoning and Development Code, pertaining to Lead-in Signs, is hereby amended to read as follows:

[TEXT OF SUBSECTION (M) EFFECTIVE UNTIL JUNE 30, 2011]

M. Lead-In Sign. *Lead-in sign* requirements are as follows:

1. Maximum height shall be three (3) feet and maximum area shall be ~~three (3)~~ SIX (6) square feet; no illumination is allowed;
2. A maximum of four (4) *signs* shall be displayed for each home for sale or rent;
3. Apartment communities, complexes, *developments* or *subdivisions* shall not display more than four (4) such *signs*;
4. Shall only be displayed when a sales/lease person is on duty at the property. *signs* shall not be left out overnight;
5. *Signs* shall not be placed so as to create a traffic hazard as determined by the Development Services Manager, or designee. Such *signs* shall not be placed in a traffic median, public sidewalk, bicycle path, on city property, or in city right-of-way between the sidewalk and the curb; and
6. No *sign* permit is required.

[TEXT OF SUBSECTION (M) EFFECTIVE JULY 1, 2011]

M. Lead-In Sign. *Lead-in sign* requirements are as follows:

1. Maximum height shall be three (3) feet and maximum area shall be ~~six (6)~~ THREE (3) square feet; no illumination is allowed;
2. A maximum of four (4) *signs* shall be displayed for each home for sale or rent;
3. Apartment communities, complexes, *developments* or *subdivisions* shall not display more than four (4) such *signs*;
4. Shall only be displayed when a sales/lease person is on duty at the property. *signs* shall not be left out overnight;
5. *Signs* shall not be placed so as to create a traffic hazard as determined by the Development Services Manager, or designee. Such *signs* shall not be placed in a traffic median, public sidewalk, bicycle path, on city property, or in city right-of-way between the sidewalk and the curb; and
6. No *sign* permit is required.

Section 4. That Section 4-903(P) of the Zoning and Development Code, pertaining to Sale, Lease or Rent Signs, is hereby amended to read as follows:

[TEXT OF SUBSECTION (P) EFFECTIVE UNTIL JUNE 30, 2011]

P. Sale, Lease or Rent Sign. *Sale, lease or rent sign* requirements are as follows:

1. ~~May~~ SHALL be A MAXIMUM ~~six (6)~~ SIXTEEN (16) square feet in area and eight (8) feet in height;

2. Shall only be displayed on the property for which they pertain. Only one (1) *sign* shall be displayed per *street* frontage. *Sign* shall not be counted in the total aggregate *sign* area for the business in determining the allowable *sign* area for the business;
3. Shall not be illuminated; and
4. No *sign* permit is required.

[TEXT OF SUBSECTION (P) EFFECTIVE JULY 1, 2011]

P. Sale, Lease or Rent Sign. *Sale, lease or rent sign* requirements are as follows:

1. Shall be a maximum ~~sixteen (16)~~ SIX (6) square feet in area and eight (8) feet in height;
2. Shall only be displayed on the property for which they pertain. Only one (1) *sign* shall be displayed per *street* frontage. *Sign* shall not be counted in the total aggregate *sign* area for the business in determining the allowable *sign* area for the business;
3. Shall not be illuminated; and
4. No *sign* permit is required.

Section 5. That Section 4-903(R) of the Zoning and Development Code, pertaining to Significant Event Signs, is hereby amended to read as follows:

[TEXT OF SUBSECTION (R) EFFECTIVE UNTIL JUNE 30, 2011]

R. Special Event Sign. *Special event sign* requirements are as follows:

1. *Grand Opening Sign.*
 - a. All businesses shall be permitted to display *grand opening signs*, on a one-time basis, for a maximum of thirty (30) consecutive days. Grand openings may be extended by written approval of the Development Services Manager, or designee, in the event that a business is currently processing for a permanent *sign* approval, but in no event shall the permit exceed sixty (60) days in duration;
 - b. Grand opening permits may include banners, pennants, wind-driven spinners, streamers, balloons, flags and inflatable *signs*; and
 - c. A *sign* permit is required and must be displayed visible to the public during the allowed time of the permit.
2. *Significant Event Sign.*

- a. Limited to no more than ~~fourteen (14)~~ TWENTY-ONE (21) cumulative days WITHIN EACH SIX (6) MONTH PERIOD in a calendar year;
 - b. May include banners, pennants, wind-driven spinners, streamers, balloons, flags and inflatable *signs*; and
 - c. A *sign* permit is required and must be displayed visible to the public during the allowed time of the permit.
3. *Going Out of Business Sign.*
- a. All businesses shall be permitted to display *going out of business signs* on a one (1) time basis for a maximum of thirty (30) consecutive days;
 - b. The business shall cease and be discontinued at that specific location upon the disposal of the stock of goods on hand or after thirty (30) days, whichever comes first after the *going out of business signage* is first displayed;
 - c. May include banners, pennants, wind-driven spinners, streamers, balloons, flags, and inflatable *signs*; and
 - d. A *sign* permit is required and must be displayed visible to the public during the allowed time of the permit.
4. *Permitted Special Event Sign.*
- a. Limited to *banner signs*;
 - b. Business(es) that displays such banners must receive a Special Events Permit or be associated with the special event producer or permittee;
 - c. Banners may not be displayed until the day(s) of the special event;
 - d. Banners must be removed the evening that the special event concludes;
 - e. Banners must include copy or graphics specific to the special event; and
 - f. No sign permit is required.

[TEXT OF SUBSECTION (R) EFFECTIVE JULY 1, 2011]

R. Special Event Sign. *Special event sign* requirements are as follows:

- 1. *Grand Opening Sign.*

- a. All businesses shall be permitted to display *grand opening signs*, on a one-time basis, for a maximum of thirty (30) consecutive days. Grand openings may be extended by written approval of the Development Services Manager, or designee, in the event that a business is currently processing for a permanent *sign* approval, but in no event shall the permit exceed sixty (60) days in duration;
 - b. Grand opening permits may include banners, pennants, wind-driven spinners, streamers, balloons, flags and inflatable *signs*; and
 - c. A *sign* permit is required and must be displayed visible to the public during the allowed time of the permit.
2. *Significant Event Sign.*
- a. Limited to no more than ~~twenty-one (21)~~ FOURTEEN (14) cumulative days ~~within each six (6) month period~~ in a calendar year;
 - b. May include banners, pennants, wind-driven spinners, streamers, balloons, flags and inflatable *signs*; and
 - c. A *sign* permit is required and must be displayed visible to the public during the allowed time of the permit.
3. *Going Out of Business Sign.*
- a. All businesses shall be permitted to display *going out of business signs* on a one (1) time basis for a maximum of thirty (30) consecutive days;
 - b. The business shall cease and be discontinued at that specific location upon the disposal of the stock of goods on hand or after thirty (30) days, whichever comes first after the *going out of business signage* is first displayed;
 - c. May include banners, pennants, wind-driven spinners, streamers, balloons, flags, and inflatable *signs*; and
 - d. A *sign* permit is required and must be displayed visible to the public during the allowed time of the permit.
4. *Permitted Special Event Sign.*
- a. Limited to *banner signs*;
 - b. Business(es) that displays such banners must receive a Special Events Permit or be associated with the special event producer or permittee;
 - c. Banners may not be displayed until the day(s) of the special event;

- d. Banners must be removed the evening that the special event concludes;
- e. Banners must include copy or graphics specific to the special event; and
- f. No sign permit is required.

SECTION 6. That Section 4-905 of the Zoning and Development Code, pertaining to way-finding signs, is hereby amended to read as follows:

Section 4-905 Way-Finding Signs.

- A. Purpose.** The purpose of way-finding signs is to allow businesses in a pedestrian-oriented environment to identify their business name and/or service on a removable *sign* THAT IS EITHER UPRIGHT OR A-FRAME at a defined location.
- B. Applicability.** ~~Way-finding~~ UPRIGHT signs are permitted in the CC District, located within the Downtown Tempe Community boundaries only. UPRIGHT SIGNS OR A-FRAME SIGNS ARE PERMITTED IN ALL OTHER COMMERCIAL DISTRICTS INCLUDING THE RCC DISTRICT, MIXED-USE DISTRICTS AND INDUSTRIAL DISTRICTS.
- C. Location.** Way-finding signs shall not be affixed or otherwise attached to objects including but not limited to light poles, trees, traffic signals, benches, street signs, fencing or bike racks, and shall be subject to the following regulations:
 1. Signs must allow for a minimum ~~six (6)~~ THREE (3) foot wide clear pedestrian *pathway* to and from all building entrances and exits, EXCEPT IN THE CC DISTRICT A MINIMUM SIX (6) FOOT WIDE CLEAR PATHWAY IS REQUIRED.
 2. Signs for individual ground floor businesses shall be located within three (3) feet of the building frontage and within ten (10) feet of the business entry. Businesses above the ground floor shall locate signs within ten (10) feet of a stairway or elevator. Alternate locations may be accepted within designated areas; and
 3. Signs for courtyard entries shall be limited to one (1) sign for all businesses located within the courtyard, utilizing the same common entry. Signs shall be located within ten (10) feet of the courtyard entrance.
- D. Size.** ~~Way-finding~~ UPRIGHT signs shall be a maximum of eight (8) square feet in area, five (5) feet in height and shall not exceed two (2) feet in width. A-FRAME SIGNS SHALL BE A MAXIMUM OF SIX (6) SQUARE FEET IN AREA AND A MAXIMUM THREE (3) FEET IN HEIGHT.
- E. Design.** ~~Way-finding~~ UPRIGHT signs shall have a compatible design, constructed of durable materials with a substantial base, and colors that compliment the existing allowable signage for the business. ~~Signs shall not be constructed as an "A-frame" or "sandwich board" sign.~~ A-FRAME SIGNS SHALL BE CONSTRUCTED OF DURABLE MATERIALS.

F. Miscellaneous.

1. GENERAL.

- a. Way-finding signs shall not be counted in the total aggregate allowable sign area for the business;
- b. Signs shall not be illuminated;
- c. One (1) sign is allowed per business;
- D. Signs shall only be displayed during normal hours of operation; AND
- e. A WAY-FINDING SIGN PERMIT IS REQUIRED.

2. CC DISTRICT.

- ~~ea.~~ No sign can be displayed without authorization of both the property owner and permitted by the Downtown Tempe Community (or a future subsidiary);
- ~~f.~~ ~~Way-finding signs may be maintained for a maximum of one (1) year, at such time a new permit shall be required;~~
- ~~gb.~~ ~~No City sign permit is required.~~ If sign is located in the public right-of-way, an encroachment permit is required, subject to review by the Public Works Department; and
- ~~hc.~~ Decisions made by the Downtown Tempe Community (or a future subsidiary) may be appealed to the ~~Development Services Manager~~ COMMUNITY DEVELOPMENT DIRECTOR or designee.

Section 7. That Section 4-906 of the Zoning and Development Code, pertaining to leasing banners, is hereby added to read as follows:

SECTION 4-906 LEASING BANNER SIGN.

- A. PURPOSE.** THE PURPOSE OF A LEASING BANNER SIGN IS TO ALLOW A PROPERTY OWNER OR MANAGER A TEMPORARY SIGN DISPLAY IDENTIFYING THE AVAILABILITY OF LEASABLE TENANT SPACE AT A VACANT LOCATION.
- B. APPLICABILITY.** LEASING BANNER SIGNS ARE PERMITTED FOR ALL COMMERCIAL AND INDUSTRIAL USES. SUCH SIGN SHALL ONLY BE LOCATED ON THE BUILDING FACE OF THE SPACE FOR LEASE.
- C. SIZE & DESIGN.** UP TO ONE (1) BANNER SIGN IS PERMITTED PER TENANT SPACE. TENANT SPACES LESS THAN OR EQUAL TO 3,000 SQUARE FEET IN AREA ARE ALLOWED A LEASING BANNER SIGN A MAXIMUM OF THIRTY-TWO (32) SQUARE FEET. TENANT SPACES GREATER THAN 3,000 SQUARE FEET IN AREA ARE PERMITTED TO HAVE A LEASING BANNER SIGN A MAXIMUM OF SIXTY-FOUR (64) SQUARE FEET IN SIZE. INFORMATION IS LIMITED TO ADVERTISING THE AVAILABILITY OF THE SPACE AND A CONTACT NUMBER. A MAXIMUM OF TWO (2) COLORS, INCLUDING SIGN TEXT AND BACKGROUND IS ALLOWED.

D. PERMIT. A LEASING BANNER SIGN PERMIT IS REQUIRED.

Section 8. *Leasing Banner Sign; Termination Date, June 30, 2011:* That Section 7 of Ordinance No. 2010.05, pertaining to the new Section 4-906, Leasing Banner Sign, is only in effect until June 30, 2011, unless otherwise amended by City Council action.

Section 9. That Section 7-120 of the Zoning and Development Code, pertaining to the sign definition for upright signs, is hereby added to read as follows:

SIGN, UPRIGHT MEANS A WAY-FINDING SIGN DISPLAYED PERPENDICULAR TO THE GROUND THAT IS NOT PERMANENTLY AFFIXED TO ANY STRUCTURE OR THE GROUND.

Section 10. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this _____ day of _____, 2010.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney