

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 31R
Amend No. _____

Date prepared: March 6, 2009

Council Meeting Date: April 7, 2009

TO: Carl Swenson, City Manager

FROM: Susan J. Daluddung, AICP, Deputy City Manager *SJD*

THROUGH: Glen Van Nimwegen, AICP, Community Development Director *GVM*

THROUGH: Chris Jacques, AICP, Planning Manager *CJ*

PREPARED BY: Cody Gleason, Planning Technician *CG*

SUBJECT: Grand Opening / Special Event Signs and Sign Walkers (Case TA 08-07): Amend Section 14-34-8.A, Sign Types and Requirements/Permitted Signs, of the Peoria Zoning Ordinance as follows:

- Modify current requirements for Special Event Signage.
- Modify current requirements for Grand Opening Signage.
- Create standards for 'Sign Walkers'.

Recommendation:

The Mayor and City Council concur with the Planning and Zoning Commission's unanimous recommendation to adopt the attached Ordinance amending Article 14-34 (entitled "Signs") of the Peoria Zoning Ordinance.

Planning & Zoning Commission Recommendation:

On March 5, 2009 the Planning and Zoning Commission voted unanimously to recommend approval of the proposed amendment (TA08-07). There were no speakers present at the hearing to speak in support or opposition on this case.

Attachments:

- Planning & Zoning Commission Staff Report (March 5, 2009)
- Ordinance

CITY CLERK USE ONLY:

Consent Agenda
 Carry Over to Date: _____
 Approved
 Unfinished Business (Date heard previous: _____)
 New Business

ORD. # 09-07 RES. # _____
LCON# _____ LIC. # _____
Action Date: _____

REPORT TO THE PLANNING AND ZONING COMMISSION- ZONING CODE TEXT AMENDMENT

CASE NO.: TA 08-07

DATE: March 5, 2009

AGENDA ITEM NO.: 6R

Applicant: City of Peoria Planning Division

Request: Amend Section 14-34-8.A, Sign Types and Requirements/Permitted Signs, of the Peoria Zoning Ordinance as follows:

- Modify current requirements for Special Event Signage;
- Modify current requirements for Grand Opening Signage;
- Create standards for sign walkers.

Support /Opposition: None as of this writing

Recommendation: Approve proposal as requested

Introduction:

1. The Planning Division has initiated this text amendment to several specified sections within the Sign Code of the Zoning Ordinance. Principally, the purpose of the amendments is twofold: Provide temporary relief to businesses pertaining to temporary signage; and provide new time, manner, and placement controls to address recently mandated State legislative allowances for "sign walkers."
2. The proposed amendments to Article 14-34 (entitled "Signs") of the Zoning Ordinance are contained within Exhibit A. In developing the proposed amendments, Planning staff have partnered with its Neighborhood Services Division, Legal, and Economic Development Departments.

Analysis and Discussion:

Special Event / Grand Opening Signs

3. Special event signage is a temporary sign type that allows a business to advertise for special promotions or activities conducted by the business for a limited time. Grand opening signage is also a temporary form of signage that

allows for a business to provide additional signage in order to attract customers to the new establishment.

Special Event Signage Comparison			
<i>Current Standards</i>		<i>Proposed Standards</i>	
Number of Displays		Number of Displays	
4		2	
Display Period	Down Time	Display Period	Down Time
14 Days	30 Days	60 Days	60 Days

4. This amendment is largely in response to the current economic climate and the respective visibility and marketing needs of businesses within the City.
5. Staff has proposed a “sunset date” of April 1, 2011 that will effectively remove the allowances within approximately two (2) years of potential action on this amendment and at a time when some expect the economic climate to rebound. The sunset period also allows staff time to observe and assess the resulting conditions and determine if permanent changes to the Sign Code in this regard are warranted.

Sign Walkers

6. A “Sign Walker” is essentially a person who wears, holds, or balances a sign that conveys a commercial message. Occasionally, the Sign Walker will be outfitted in attire that is integral to the conveyance of the commercial message. Currently, the Sign Code outright prohibits signage of this type.
7. Recently, new legislation was enacted by the State of Arizona that recognizes Sign Walkers as a form of commercial free speech and mandates that all municipalities allow the posting, display and use of such signs. However, like other sign types, the regulating municipality may develop and implement “time, manner and placement” restrictions. A.R.S. 9-499.13 (A) and (B) read as follows:

A.R.S. 9-499.13. Sign Walkers; regulation; definition

- A. From and after December 31, 2008, notwithstanding the authority to regulate signs pursuant to section 9-462.01, and as a matter of statewide concern, all municipalities shall allow the posting, display and use of sign walkers. Municipalities may adopt reasonable time, place and manner regulations relating to sign walkers.

- B. For the purposes of this section, "sign walker" means a person who wears, holds or balances a sign.
8. To this end, staff has proposed limitations (Exhibit A) that provide for reasonable accommodations in a manner that is in alignment with public safety and aesthetic objectives. Although the proposed amendment makes a clear distinction between commercial centers and residential subdivision application, there are general objectives and location requirements that apply to all Sign Walkers. Accordingly, staff finds that the proposed amendments contained in Exhibit A accomplish the following:
- a. The proposed regulations regarding Sign Walkers are in place in order to preserve public safety for not only those holding the signs, but also traffic and pedestrians passing by.
 - b. By limiting the location, numbers of sign walkers, and size of signs the City of Peoria is able to ensure that such signs will not become an overwhelming distraction to motorists; and the safety/walk-ability of our public sidewalks will not be compromised.
 - c. Standards limiting the location and number of such signs will ensure that there will not be an overabundance of this sign type. An excess of this sign type would detract from the surrounding aesthetics that the City of Peoria strives for when reviewing developments.

Findings / Recommendation:

9. Based on the following findings:
- The proposed amendment constitutes an improvement to the Zoning Ordinance by enhancing allowances for promotion of businesses; and
 - The amendment aligns the Sign Code with recently enacted, State allowances for Sign Walkers in a manner that provides for reasonable accommodations without displacing public safety and aesthetic objectives of the City.
 - Upon review of the application, the Planning Manager has determined that a Proposition 207 waiver is not required for this application.

ORDINANCE NO. 09-07

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1977 EDITION), BY AMENDING ARTICLE 14-34 SIGNS, PROVIDING FOR SEPARABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Maricopa County, Arizona, held a public hearing on March 5, 2009, to consider a proposed amendment to the Peoria City Code, after notice in the manner provided by law; and

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance, and manner provided by law including publication of such in the Peoria Times on February 13, 2009; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of March 5, 2009, voted to recommend to the Mayor and Council of the City of Peoria, Arizona, that amendments be made to the Peoria City Code (1977 edition); and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, have considered the recommendation of the Planning and Zoning Commission of the City of Peoria, Arizona, and deem it to be in the best interest of the public health, safety and welfare of the residents of the City of Peoria, Arizona to amend Article 14-34, Signs, of the Peoria City Code (1977 edition):

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona as follows:

SECTION 1. Article 14-34, Signs, of Chapter 14 of the Peoria City Code (1977 edition) shall be amended to read as shown in Exhibit A.

SECTION 2. Effective Date. This Ordinance shall become effective on the date provided by law.

SECTION 3. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or

unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this 7th day of April, 2009.

Bob Barrett, Mayor

Date Signed

ATTEST

Mary Jo Kief, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in: Peoria Times Pub.

Dates: February 13, 2009; April 10 and April 17, 2009

Effective Date:

Exhibit A

14-34-8 SIGN TYPES AND REQUIREMENTS

A. Permitted Signs. The following signs are permitted, subject to the criteria listed under each sign:

(Page 34-11)

4. Banner Sign/Promotional Display Sign. A temporary sign which is painted or displayed upon cloth or other flexible material, used for the promotion of goods or services for a specified period of time. (Ord. No. 02-56)

a. Special Events. A sign used for a special sales event or product promotion.

- 1) For the purpose of this regulation, special event signs shall include sign banners, balloons, flags, streamers, and pennants. Vehicle mounted signs, flashing lights, search lights and portable signs are prohibited, except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)
- 2) Signs used to promote special sales or product promotions shall be limited to a maximum total square footage of twenty-four (24) square feet.
- 3) Signs shall be allowed four (4) times per year for a maximum period of fourteen (14) consecutive days. A minimum of thirty (30) days shall pass between each such sale.

a) For a period extending no later than April 1st 2011 the following time frames for special event signage shall apply.

- 1) Signs shall be allowed two (2) times per year for a maximum period of sixty (60) consecutive days. A minimum of sixty (60) consecutive days shall pass between each such sale.
- 4) All such signs shall include wind cuts to reduce sign billowing or sailing and shall be securely fastened to a the building or other permanent structure attached to the building containing the subject establishment. Such signs and/or banners shall not be mounted to trees or other landscaping elements.
- 5) Individual balloons and balloon arches/clusters shall be allowed provided they are securely fastened to permanent structures and setback from all streets and driveways a distance equal to the tether of the balloon.
- 6) Sign permit required for each display period.

(Page 34-21)

17. **Grand Opening Signs.** A sign used for the introduction or promotion of a new business, store, shopping center, office or the announcement of an established business changing ownership. (Ord. No. 98-07)

a. All businesses shall be permitted to display Grand Opening Signs, on a one time basis, for a maximum of thirty (30) consecutive days;

1) For a period extending no later than April 1st 2011, the following time frames for grand opening signage shall apply.

a) All businesses shall be permitted to display Grand Opening Signs on a one time basis, for a maximum of sixty (60) consecutive days within the first six (6) months upon receipt of a valid business license.

b. For the purposes of this regulation, Grand Opening Signs shall include sign banners, balloons, streamers, search lights, flags, pennants, inflatable structures, merchandise or other attention attracting media and devices. Vehicle mounted signs, flashing lights and portable signs are prohibited;

c. No sign permit required.

(Page 34-30)

31. Sign Walkers. A person who wears, holds, or balances a sign that conveys a commercial message, including a costume sign. A "costume sign" is defined as clothing that is integral to the conveyance of a commercial message. Commercial logos and other commercial identification on shirts, hats and other aspects of personal appearance are not costume signs.

a. General Provisions:

1) Signs shall be held, worn or balanced at all times.

2) The following elements shall be prohibited: Any form of animation or illumination, including flashing, blinking or rotating lights; mirrors or other reflective materials; and attachments, including but not limited to, balloons, ribbons or speakers.

3) Sign walkers may only operate during the hours the business, event or sales office is open.

4) No sign displayed by a sign walker shall exceed six (6) feet in any one direction and twelve (12) square feet in area per sign face.

5) Sign permit required. Said permit shall be renewed no later than one (1) year upon receipt. A copy of the approved sign permit must be held on person during use.

6) Signage displayed for charitable events shall meet the general and locational requirements contained herein (Sections 14-34-8.31.a/b. No permit is required for charitable events.

b. Location:

- 1) Sign Walkers shall not operate within thirty (30) feet from any street intersection, and at least thirty (30) feet from any vehicular ingress or egress point into a complex/center, establishment or residential development. No Sign Walker shall be permitted to display within a median or on a street. Sign Walkers may be located within the public right-of-way, but may not obstruct pedestrian/vehicular traffic.
- 2) Sign Walkers shall not locate or operate in drive aisles, parking stalls, driveways or on sidewalks in a manner that provides less than a minimum of four (4) feet free and clear for pedestrian passage and/or causes a hazard to pedestrian traffic.
- 3) Sign Walkers and any accompanying display shall not be located on walls, boulders, planters, other signs, vehicles, utility facilities or any structure.

c. Non-Residential Centers / Districts

- 1) Signage may be located on the frontage(s) upon which the business public entry is oriented to. In the event that a business is interior to a center/complex and does not front immediately on a street, that business may place a sign walker within the frontage for the complex/center.
- 2) A maximum of one (1) such sign shall be permitted per establishment. Such signage may be displayed for a period of one calendar year from the date of approval. A new permit may be obtained upon the expiration of the previous permit.

b. Residential Development

- 1) Sign Walkers shall be located on the nearest arterial roadway of the residential subdivision or multi-family development to which the sign pertains.
- 2) One (1) Sign Walker shall be permitted per subdivision or residential development. Such signage may be displayed for a period of one calendar year from the date of approval. A new permit may be obtained upon the expiration of the previous permit.

34 32. Temporary Event Sign. A sign not intended or designed for permanent display. Signs established for a fixed period of time with the intent to discontinue the use of such sign upon the expiration of the time period. Temporary Event Signs shall include but shall not be limited to Yard Sales, Garage Sales, Open House, Christmas Tree and Pumpkin Patch sales lots, and signs identifying the premises of, or announcing the activities conducted by a religious institution, school, civic organization, or similar institutional facilities. (Ord. No. 02-16)

- a. Such signs may be located in the public right-of-way but shall not be placed on a street, on a median dividing a street, or in a manner that obstructs pedestrian or vehicular traffic. Such signs, which may include "A-Frame" and other removable signs shall not be affixed to or otherwise obstruct the use and visual identity of any landscaping, natural features, telephone poles, utility poles, fire hydrant, traffic barrier, or traffic control devices. Such signs shall be secured or weighted so as to resist displacement by wind, inadvertent contact by passerby and similar disturbances;
 - b. Such signs shall not exceed three (3) feet in height and six (6) square feet in area, except as may otherwise be provided in this Ordinance. However, one (1) banner sign not exceeding twenty-four (24) square feet in area and eight (8) feet in height may be permitted on the premises to which the event pertains. All such signs shall include wind cuts to reduce sign billowing or sailing and shall be securely fastened to a building, wall or fence on the premises; (Ord. No. 03-01)
 - c. A maximum of four (4) signs shall be allowed per event;
 - d. Temporary Event Signs may be installed no sooner than forty-eight (48) hours prior to the event and must be removed within twelve (12) hours upon the completion of the event;
 - e. Such signs shall not be illuminated, animated, or emit any artificial light, except as may otherwise be provided in this Ordinance; (Ord. No. 03-01)
 - f. Such signs shall only be located within a two-mile radius of the premises to which the event pertains;
 - g. No sign permit required.
- ~~32.~~ 33. **Window Signs.** A sign or signage placed in windows so as to attract the attention of persons outside of the building where the sign or signage is placed.
- a. Window signage shall be limited to twenty-five percent (25%) of the total window area in which it is placed;
 - b. Window signage shall not be placed above the ground floor of the building;
 - c. No sign permit required.

(Page 34-31)

- B. Prohibited Signs.** Signs that are not specifically authorized are expressly prohibited. Prohibited signs include, but are not limited to the following:
1. Any non-public signs in existing and future public right-of-way, as defined in the Peoria General Plan Comprehensive Plan or the Peoria Street Classification Master Street/Right-of-way Map, whichever is more restrictive, or on public property, except as may otherwise be provided in this Ordinance. The City may install signs on its own property to identify public buildings and uses, and to provide necessary traffic control;

- ~~2. Sign permits required for signs as specified in Section 14-34-8;~~
3. 2. All roof-mounted signs;
4. 3. All off-premise signs not designated as temporary or otherwise allowed by this Ordinance. (Ord. No. 94-09)
5. 4. All portable signs, except as otherwise provided. Portable signs shall include, but are not limited to, signs which are mounted, attached, or painted on trailers, boats or vehicles when used as additional signage on or near the business premises. Business vehicles displaying signage or advertising shall be parked in an assigned parking space, a minimum of fifteen feet (15') from any street right of way line; (Ord. No. 00-30)
6. 5. Flag-mounted signs, except as otherwise provided;
7. 6. All signs having intermittent or flashing illuminations, signs having animated or moving parts ~~or which may be carried or worn by a person or animal,~~ or that emit sound, except as may otherwise be provided in this Ordinance; (Ord.No. 03-01)
8. 7. Freestanding wall changeable copy/marquee signs:
9. 8. All banners, pennants, streamers, balloons, flags, search lights, strobe lights, beacons, inflatable signs, except as otherwise provided;
10. 9. Any sign imitating an official traffic control sign, device, or obscuring such signs or devices, except as may otherwise be provided in this Ordinance; (Ord. No. 03-01)
11. 10. All signs mounted on, or applied to trees, utility poles, rocks or City owned property, except as otherwise provided;
12. 11. Any sign placed on private property without the property owner's written approval;
13. 12. Temporary or permanent "A-frame" sandwich signs, except as otherwise permitted herein; (Ord. No. 98-07)
14. 13. Signs that are illegally displayed on City right-of-way or on City property; and,
15. 14. Any sign which interferes with or confuses traffic, or presents a traffic hazard. (Ord. No. 98-07)