

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATIONS**

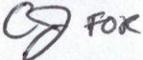
CC: \_\_\_\_\_  
Amend No. \_\_\_\_\_

Date prepared: December 6, 2010

Council Meeting Date: January 4, 2011

**TO:** Carl Swenson, City Manager

**THROUGH:** Susan J. Daluddung, AICP, Deputy City Manager 

**FROM:** Glen Van Nimwegen, AICP, Planning and Community Development Director  FOR

**SUBJECT:** TA 10-0133, Amendments to Zoning Ordinance: Amend Article 14-34, Signs with respect to *Special Event* and *Grand Opening* Signs and Flags.

**RECOMMENDATION:**

The Mayor and City Council concur with the Planning and Zoning Commission's recommendation to adopt the attached Ordinance amending Article 14-34 "Signs" of the Peoria Zoning Ordinance as it pertains to Special Event Signs, Grand Opening Signs, and Flags.

**PLANNING & ZONING COMMISSION ACTION (November 4, 2010):**

On November 4, 2010, the Planning and Zoning Commission voted unanimously (5-0) in favor of recommending approval of the request to amend Article 14-2, Article 14-33, Article 14-36, and Article 14-39 of the Zoning Ordinance. No one spoke in favor or against the request.

**CITY COUNCIL - REPORTS FROM CITY MANAGER (October 19, 2010):**

On October 19, 2010, the City Council was briefed on the proposed amendment as an informational item in the Report from the City Manager.

**BACKGROUND:**

As you may recall, in April 2009, the City adopted temporary changes to the City's Sign Code pertaining to *Special Event* and *Grand Opening* signage. That amendment was largely in response to the current economic climate and the respective visibility and marketing needs of businesses within the City. Twenty months later, it appears that the

**CITY CLERK USE ONLY:**

- Consent Agenda
- Carry Over to Date: \_\_\_\_\_
- Approved
- Unfinished Business (Date heard previous: \_\_\_\_\_)
- New Business
- Public Hearing: No Action Taken

ORD. # \_\_\_\_\_ RES. # \_\_\_\_\_  
LCON# \_\_\_\_\_ LIC. # \_\_\_\_\_  
Action Date: \_\_\_\_\_

difficult economic climate will persist beyond the 2011 sunset date.

In response, staff has drafted some updates to the Sign Code pertaining to these two sign types that effectively extend the sunset date and provide additional support and flexibility to local businesses. Some of the highlights include:

- Extend Sunset Date from April 1, 2011 to June 30, 2012 for expanded *Special Event* and *Grand Opening* sign allowances;
- The temporary sign types for these events now include A-Frame signs (e.g. Sandwich Board) and "Swooper" signs (flag-like signs);
- Recognizing seasonal events, the Special Event provisions allow for 4 events with no minimum period between events. The total allowance of 120 days remains unchanged.
- Extend current allowances for advertising flags for residential subdivisions to other residential applications such as apartment complexes and mobile-home developments.

The draft changes have been reviewed internally with partnering Departments (e.g. Police/Code Enforcement, Economic Development Services, City Attorney's Office). The supporting analysis and detail are fully described on the attached staff report to the Planning and Zoning Commission.

**ATTACHMENTS:**

- November 4, 2010 Planning & Zoning Commission Staff Report
- Draft Ordinance

**CONTACT:** Melissa Sigmund, Planner, 623-773-7603



# **ZONING ORDINANCE TEXT AMENDMENT**

## **REPORT TO THE PLANNING AND ZONING COMMISSION**

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**CASE NUMBER:** TA10-0133

**DATE:** November 4, 2010

**AGENDA ITEM:** 5R

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**Applicant:** City of Peoria

**Request:** City-initiated request to amend Article 14-34 (“Signs”) of the Zoning Ordinance in regards to Banner/Special Event Signage, Grand Opening Signage, and Flags.

**Support / Opposition:** As of the date of this printing, Staff has not received any written or verbal support or opposition to this request.

**Recommendation:** **Approve** as requested.

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### **BACKGROUND**

1. The current edition of the sign ordinance was formally established in 1989 through *Ordinance 89-07*. The code has been subsequently amended several times to address changes in technology and advertising practices.
2. Most recently, in April 2009, the City adopted temporary changes to the City’s Sign Code pertaining to *Special Event* and *Grand Opening* signage. That amendment was largely in response to the current economic climate and the respective visibility and marketing needs of businesses within the City. Eighteen months later, it appears that the difficult economic climate will persist beyond the 2011 sunset date.
3. In response, staff has drafted some updates to the Sign Code pertaining to these two sign types that effectively extend the sunset date and provide additional support and flexibility to local businesses. Some of the highlights include:
  - a. Extend Sunset Date from April 1, 2011 to June 30, 2012 for expanded *Special Event* and *Grand Opening* sign allowances;
  - b. The temporary sign types for these events now include A-Frame signs (e.g Sandwich Board) and “Swooper” signs (flag-like signs);
  - c. Recognizing seasonal events, the Special Event provisions allow for 4 events with no minimum period between events. The total allowance of 120 days remains unchanged.

## **DISCUSSION AND ANALYSIS**

4. This amendment seeks to continue and expand the benefits of the previous temporary changes through July 1<sup>st</sup>, 2012. In addition, several minor “housekeeping” changes are proposed to maintain the relevancy of the Sign Code.

*Summary of key changes to Banner/Special Event Signs (14-3-8.A.4)*

5. 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.

	<b>Sign Code</b>	<b>Temporary Changes (April 1, 2011)</b>	<b>New Temporary Changes (July 1<sup>st</sup> 2012)</b>
<b>Special Event Signs</b>			
<b>Timing</b>	14 days/ 4x per year (56 days total)	60 days/ 2x per year (120 days total)	30 days/ 4x per year (120 days total)
<b>Banners</b>	24 s.f.	24 s.f.	32 s.f. total, no limit on the number of signs
<b>Balloons</b>	Permitted	Permitted	Permitted, 24 inch max diameter
<b>Advertising flags</b>	Not permitted	Not permitted	2 per business 15 ft max height 3 ft max width 32 square feet in area
<b>A-frame Signs</b>	Not permitted	Not permitted	1 per business 36 inch max height 6 s.f. max sign area

6. **Timing:**  
 The permanent sign code allows businesses to receive up to four Special Event Sign Permits per year, each valid for a maximum of 14 days with a minimum of 30 days required between occurrences. Currently, until the April 1<sup>st</sup>, 2011 “sunset date”, Special Event Sign Permits are valid for up to 60 days, however a business may only receive two Special Event Sign permits per year and there still must be a minimum of 30 days between occurrences.

This amendment will allow businesses the same total number of days to display Special Event signage as is allowed until April 1<sup>st</sup> 2011 (120 total days), but it will provide additional flexibility for businesses in terms of display timing. Businesses will be able to divide their Special Event Signage displays into to 4 separate occurrences of up to 30 days each, accommodating seasonal or quarterly events. In addition, the 30 day minimum down time between events has been eliminated offering additional flexibility should a business wish to have an extended event exceeding 60 days.

7. Banners:

The maximum allowable size for banners has been increased from 24 square feet to 32 square feet. Peoria's existing maximum banner size of 24 square feet was smaller than the banner size permitted by many of the other municipalities within the Phoenix Metropolitan area. The new 32 square foot maximum size allowance will add more flexibility for businesses wishing to divide their banner sign area into more than one individual sign (e.g. two banners each 16 s.f. in area) and accommodates the common dimensions of many pre-fabricated banners.

8. Balloons:

Balloons are currently permitted under Special Event Signs. Balloons will be limited to a maximum diameter of 24 inches and will also be required to be tethered so that they are no higher than the top of the business's building. Inflatable devices larger than 24 inches in diameter are permitted separately with an Inflatable Structure permit. Previously, there was not a maximum size for balloons. This standard helps to distinguish the difference between relatively small balloons and other larger inflatable devices.

9. Advertising Flags (A.K.A. "Swooper Flags"):

Advertising Flags, sometimes referred to as Swooper Flags, are a sign type that was not specifically permitted by the Sign Code. These signs will be permitted temporarily as a type of Special Event Sign until the July 1<sup>st</sup> 2012 sunset date. Advertising Flags have gained popularity as a relatively inexpensive eye-catching form of advertising. A number of businesses have contacted the Planning and Economic Development Services staff members to express interest in using this type of signage.

### ***Examples of Advertising Flag Signs***



Each business would be permitted to have two advertising flag signs with a Special Event Sign Permit. Businesses in multi-tenant buildings or complexes may place signs at the perimeter of the complex with the property owners consent, however the signs must be located on private property (i.e. not located within the right-of-way). This can enhance the visibility of a business, particularly for those businesses that are located away from the street, as is frequently the case within larger commercial developments. These signs may only be displayed during businesses hours, deterring vandalism, theft, and the purposeful displacement of the signs. In addition, as a matter of safety the advertising flags must be secured so that they cannot be easily blown over in the wind.

10. A-frame Signs (“Sandwich Board Signs”):  
Along with the other types of signs that are currently allowed in the Special Event Sign category, A-frame signs will be permitted until the 2012 sunset date. These signs will be regulated in the same manner as Advertising Flags in terms of positioning requirements, display times, and weighting to avoid displacement.

#### ***Summary of Changes to Flags (Section 14-3-8.A.10)***

11. Recorded subdivisions are currently permitted to display up to six flags that do not contain copy or logos. These signs will now be allowed for all residential developments, which will include apartment and mobile home complexes. These flags will be limited to the same size as corporate entity flags (15 square foot maximum sign area/no dimension to exceed 6 feet).

*Summary of changes to Grand Opening Signs (Section 14-3-8.A.17)*

12. 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.
13. Timeframe:  
Grand Opening signs are generally permitted on a one-time basis for a maximum of 30 consecutive days. Currently, until April 1, 2011, Grand Opening Signs are permitted for a maximum of 60 consecutive days within the first 6 months of receipt of a valid business license. The 60 day timeframe will be extended until July 1, 2012.
14. A-frame Signs:  
In addition to being allowed as a type of Special Event Sign, A-frame signs will also be permitted under the Grand Opening Signs classification until July 1<sup>st</sup> 2012.

*Public Notice*

15. Public notice of this proposed amendment to the Zoning Ordinance was provided in the manner prescribed under Section 14-39-8.D, which requires notice of the time, date, and place of the hearing be published at least once in a newspaper of general circulation in the City at least fifteen (15) days prior to the hearing. The notice must include the text of the proposed amendment and a general description of any regulations proposed to be amended.

**FINDINGS AND RECOMMENDATION:**

16. Based on the following findings:
  - The proposed amendment is consistent with the goals, objectives and policies of the General Plan as identified in Section 14-32-2, *Intent* of Article 14-34, Signs, of the Zoning Ordinance; and
  - The proposed amendment constitutes an improvement to the Zoning Ordinance by enhancing opportunities for the promotion of businesses and organizations within Peoria in a difficult economic climate, while preserving public safety and welfare; and
  - Upon review of the application, the Planning Manager has determined that a Proposition 207 waiver is not required for this application.

Staff Report TA10-0133  
November 4, 2010  
Article 14-34 Special Event Signs

**It is recommended that the Planning and Zoning Commission take the following action:**

Recommend to the Mayor and City Council approval of Case TA 10-0133, a request to amend the Peoria Zoning Ordinance as contained in Exhibit A.

**ATTACHMENTS:**

Exhibit A                      Proposed changes to Article 14-34

Prepared by:                  Melissa Sigmund  
   Planner

ORDINANCE NO. 2011-01

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"; OF THE PEORIA ZONING ORDINANCE; 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 November 4, 2010 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 October 15, 2010; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of November 4, 2010, 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 Chapter 24 of the Peoria City Code; 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 Articles 14-34 "Signs" of Chapter 14 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. of Chapter 14 of the Peoria City Code (1977 edition) shall be amended to read as indicated on 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 4<sup>th</sup> day of January, 2011.

\_\_\_\_\_  
Bob Barrett, Mayor

\_\_\_\_\_  
Date Signed

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Stephen M. Kemp, City Attorney

Published in: Peoria Times Pub.

Dates: January 7, 2010 and January 14, 2011

Effective Date:

# EXHIBIT A

## ARTICLE 14-34

### SIGNS

#### 14-34-7 DEFINITIONS

LL. *Portable Sign.* Any sign which is not permanently affixed to any structure on a site or permanently ground mounted. Includes A-frame / sandwich board signs.  
~~Frequently referenced to as "Sandwich Signs."~~

#### 14-34-8 SIGN TYPES AND REQUIREMENTS

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

4. ~~Banner Sign/Promotional Display~~ Special Event Sign. A temporary sign which is ~~painted or displayed upon cloth or other flexible material,~~ used for the promotion of goods, ~~or services,~~ or events for a specified period of time. (Ord. No. 02-56, Ord. No. 2010-XX)

a. ~~Special Events. A sign used for to promote a sale or special event 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) Banner Signs ~~used to promote special sales or product promotions~~ shall be limited to a maximum total square footage of ~~twenty-four (24)~~ thirty two (32) 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.

4)a) For a period extending no later than June ~~April 1<sup>st</sup>-30<sup>th</sup>~~ 2011 2012 the following ~~timeframes~~ allowances for special event signage shall apply.

a)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. Signs shall be~~ allowed four (4) times per year for a maximum period of thirty (30) consecutive days for each occurrence.

b) Advertising Flags

In addition to allowable banner, streamer, and pennant signage, establishments may have two (2) pole-mounted advertising flag signs.

such as the types of signs commonly referred to as a “swooper flag”, “feather flag,” or “teardrop flag”. Each sign shall not exceed a total of fifteen (15) feet in height including mounting hardware, three (3) feet in width, nor thirty-two 32 square feet in sign area. All such signs shall be securely fastened to resist displacement by wind or similar disturbances and shall only be displayed during the hours the business/establishment is open. For establishments located in multi-tenant buildings or complexes, such signs may be placed at the perimeter of the complex with the property owner’s consent.

c) Portable A-frame signs

Establishments may also have one (1) portable “A-frame” (or similar) sign, provided that the sign shall not exceed thirty six (36) inches in height nor a total of six (6) square feet in area. Such signs shall be weighted to resist displacement by wind or similar disturbances and shall only be displayed during the hours the business/establishment is open. For establishments located in multi-tenant buildings or complexes, such signs may be placed at the perimeter of the complex with the property owner’s consent.

d) All such signs shall be placed on private property and shall not impede pedestrian or vehicular visibility or traffic.

5)4) All such signs shall include wind cuts as necessary to reduce sign billowing or sailing and shall be securely fastened to 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.

6)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. Individual balloons shall not exceed twenty four (24) inches in diameter. Balloons and balloon arches/clusters shall be tethered at a height that does not exceed the height of the building containing the subject establishment. Balloons exceeding twenty four (24) inches in diameter shall be considered inflatable structures and shall require a separate permit.

7) Torn, faded, or soiled signs shall be prohibited.

8)6) Sign permit required for each display period.

b. Exterior Sales. A sign for the sale of merchandise where most of the business is conducted, or items are displayed, in an open exterior area in compliance with all City Codes. (Ord. No. 03-09)

1) Exterior sales promotions are allowed however shall be restricted to Friday, Saturday, and Sunday or Federally recognized holidays.

- 2) For the purpose of this regulation, exterior sales signs shall include sign banners, balloons, flags, streamers, pennants or merchandise. Vehicle mounted signs, flashing lights, search lights, and portable signs are prohibited.
  - 3) Streamers, pennants and flags shall contain no advertising copy, but may include a symbol, logo or replica of a flag on a pennant. (Ord. No. 03-09)
  - 4) Inflatable structures are allowed by separate permit. Such structures shall be permitted only twice per year at three-day intervals. Inflatable structures shall not be roof-mounted and shall be securely fastened to permanent structures and/or proper ground staking. Inflatable structures shall be placed on private property and shall not impede pedestrian or vehicular visibility or traffic.
  - 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. Individual balloons shall not exceed twenty four (24) inches in diameter. Balloons and balloon arches/clusters shall be tethered at a height that does not exceed the height of the building containing the subject establishment. Balloons exceeding twenty four (24) inches in diameter shall be considered inflatable structures and shall require a separate permit.
  - 6) All banner signs shall include wind cuts as necessary to reduce sign billowing or sailing and shall be securely fastened to a building, private light standard or other permanent structure. Such banners shall not be mounted to trees or other landscaping elements. The total allowable square footage of all banner signs shall not exceed one hundred fifty (150) square feet.
  - 7) Uses eligible for exterior sales signs shall not be eligible for special event signs.
  - 8) Torn, faded or soiled exterior sales signs shall be prohibited.
  - 9) No permit required, except for inflatable structures.
- c. Civic Events. Signs used to advertise, promote public entertainment uses including carnivals, circuses, street fairs, concerts, cultural events, home and garden shows, parades, community events and similar uses.
- 1) For the purpose of this regulation, civic 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) No off premise signs, strobe lights or search lights are permitted, except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)

- 3) All banner signs shall include wind cuts as necessary to reduce sign billowing or sailing and shall be securely fastened to a building, private light standard or other permanent structure. Such banners shall not be mounted to trees or other landscaping elements.
- 4) Size and quantity of signs are not regulated, however signs shall not be displayed for more than seven (7) days prior to the event and shall be removed within forty-eight (48) hours after the event.
- 5) Inflatable structures are allowed by separate permit. Inflatable structures shall not be roof-mounted and shall be securely fastened to permanent structures and/or proper ground staking. Inflatable structures shall be placed on private property and shall not impede pedestrian or vehicular visibility or traffic.
- 6) Torn, faded, or soiled civic event ~~exterior-sales~~ signs shall be prohibited.
- 7) Light standard banner advertisement is allowed within one mile of the event as approved by the Public Works Director.
- 8) No permit required, except for inflatable structures.

10. Flags. (Ord. No. 03-09)

- a. Flag poles shall not exceed thirty-five (35) feet in height, except for those displaying the flags of the United States of America or the State of Arizona which may be erected to a height not to exceed one hundred (100) feet; (Ord. No. 03-09)
- b. Any flag flown in conjunction with the United States and/or State of Arizona Flag shall be flown beneath them and shall not exceed them in size;
- c. No more than three (3) flagpoles shall be placed on any one (1) site, unless a request is approved in the same manner as a comprehensive sign plan pursuant to this Article. No more than (2) flags shall be flown on any one flagpole. (Ord. No. 03-09)
  - 1) On officially recognized United States and Arizona Holidays, there shall be no maximum flag size or number or other limitations on display, however, flag displays on officially recognized United States and Arizona Holidays shall meet all other requirements of this Article. (Ord. No. 03-09)
- d. Flags of corporate entities shall only be permitted in the Commercial and Industrial Zoning Districts, unless a request is approved in the same manner as a comprehensive sign plan pursuant to this Article. The maximum size of any corporate entity flag shall not exceed fifteen (15) square feet, with no one dimension to exceed six (6) feet in any direction; (Ord. No. 03-09)
- e. Residential developments ~~Recorded subdivisions having a valid subdivision advertising sign permit~~ may display a maximum of six (6) ~~festive advertising~~

flags which do not include copy or logos along the street frontage containing the development's main entry. The maximum size of such flags shall not exceed fifteen (15) square feet, with no one dimension to exceed six (6) feet in any direction. For residential subdivisions, such signs may be maintained for a period of three (3) years, or until all the lots in the subdivision are sold, whichever occurs first. Extensions to the three (3) year time limit may be requested from the Planning Manager.; (Ord. No. 00-30, Ord. No. 10-XX)

- f. All such flag poles shall be located a minimum of one (1) foot from the edge of street right-of-way.(Ord. No. 03-09)
  - g. Except as otherwise provided by this Article or the United States Flag Code, all flags shall be displayed on flagpoles. Display of the American Flag shall be in accordance with the United States Flag Code. (Ord. No. 03-09)
  - h. Torn, faded, or soiled flags shall be prohibited.
  - i. No sign permits required unless otherwise noted. (Ord. No. 03-09)
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 1<sup>st</sup>~~ June 30th 2011 2012, the following ~~time frames~~ regulations 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) Portable A-frame (or similar design) signs shall be permitted, provided that each sign shall be placed on private property, shall not impede pedestrian or vehicular traffic, and shall not exceed thirty six (36) inches in height or a total of six (6) square feet in area.
  - 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 except as may otherwise be provided in this Ordinance.;
  - c. No sign permit required.