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MEMORANDUM **Planning & Development – PZ Memo No. 10-038**

DATE: APRIL 1, 2010

TO: PLANNING AND ZONING COMMISSION

THRU: PATRICK MCDERMOTT, ASSISTANT CITY MANAGER
JEFF KURTZ, ASSISTANT PLANNING & DEVELOPMENT DIRECTOR

FROM: KEVIN MAYO, PLANNING MANAGER

SUBJECT: ZCA10-0002 TEMPORARY SIGNAGE

Request: City initiative to amend Chapter 39 (Sign Code) of the Chandler City Code, by amending Section 39-10 (Temporary Signs), temporarily amending/adding language within this section pertaining to certain types of temporary signage

Applicant: City of Chandler

RECOMMENDATION

Upon finding consistency with the Chandler General Plan, Staff recommends approval of a Zoning Code amendment as set forth in the attached Draft Ordinance No. 4218 (Exhibit "A"), pertaining to certain types of temporary signage.

BACKGROUND

City Council formally adopted Ordinance No. 4182 on October 19, 2009 temporarily amending Chapter 39 Section 10 (Temporary Signs) of the Chandler City Code by adding and/or amending language within said section pertaining to certain types of temporary signage. This Code amendment was intended to provide temporary relief from the Sign Code in an effort to assist Chandler's residents and businesses during the difficult economic times. The Code amendment was not intended to be permanent, and in fact included a sunset date of June 20, 2010, at which point the City would evaluate the market conditions in consideration of an extension.

While the market conditions today are showing small indications of recovery, we still have a long way to go. Sections 2 (model home signs), 3 (open house signs) and 4 (real estate signs) of the adopted Ordinance, pertained to existing sub-sections within the Sign Code, simply increased the maximum size and/or maximum number of signs permitted within their respective sections.

Section 5 (significant event signs) however, created a new sub-section for the Code by regulating Significant Event Signs for uses other than residential. This new sub-section was intended to provide a temporary path to legality for businesses seeking to gain additional client exposure through various types of temporary signage such as banners or wind-driven spinners. As of the writing of this memo, only 55 Significant Event Sign permits have been issued. Planning Staff has worked closely with Code Enforcement to create a permit application that is clear and concise, as well as implement an online permit application and payment process, Planning & Development's first online payable permit. Finally, Code Enforcement created a flyer intended to inform Chandler businesses of the temporary amendment pertaining to significant event signs as well as providing contact information for obtaining a Significant Event Sign permit. These flyers have been distributed during Code Enforcement's routine inspections. Getting the word out has taken longer than expected, evident by the low number of permits issued to date.

The adoption of Ordinance 4182 was intended to provide temporary relief from the Sign Code with a sunset date of June 20, 2010. Evaluation of the current market conditions coupled with the time necessary to educate the Chandler businesses and bring them into compliance has prompted Staff to draft the proposed Ordinance No. 4218 intended to temporarily re-amend Chapter 39 Section 10 (Temporary Signs) of the Chandler City Code by adding and/or amending language within this section pertaining to certain types of temporary signage. As before, the proposed Code amendment is not intended to be permanent, and includes a proposed sunset date of 06/20/2011, at which point the City can evaluate the market conditions in consideration of a further extension.

A small yet important change to the language within the proposed Ordinance should be noted. The adopted language characterized a Significant Event Sign as singular, inferring that a significant event could only have one sign associated with it. It was Council's intention that multiple signs could be used for a significant event, therefore the proposed language within Ordinance No. 4218 includes the necessary revisions to permit multiple signs for a single *significant event.*

ORDINANCE DETAILS

The attached proposed Ordinance contains six sections for consideration. Bold text indicates a proposed amendment. Section 1 (39-10. Temporary signs) expands the language within introductory paragraph to more clearly identify the types of Temporary Signs that are prohibited by Code unless authorized by further sub-sections. Section 2, regarding sub-section 39-10.6 model home signs, increases the maximum permitted sign size from four (4) square-feet to six (6) square-feet, requires the sign be constructed of a solid non-flexible material, prohibits 'A'-frame signs, and clarifies that a sign permit is not required. Section 3, regarding sub-section 39-10.7 open house signs, increases the maximum permitted sign size from four (4) square-feet to six (6) square-feet, increases the maximum number of signs from three (3) to four (4), requires the sign be constructed of a solid non-flexible material, clarifies that 'A'-frame open house signs are permitted, as well as clarifies that a sign permit is not required.

Section 4, regarding sub-section 39-10.9 real estate signs, increases the maximum permitted sign height for residential real estate signs from five (5) feet to six (6) feet and increases the

maximum sign size from ten (10) square-feet to sixteen (16) square-feet. For property zoned for commercial or industrial uses, the maximum size for a real estate sign is increase from ten (10) square-feet to sixteen (16) square-feet for parcels containing two acres or less. The maximum real estate sign size permitted for parcels containing more than two acres will remain unchanged. Finally, Section 4 clarifies a sign permit is not required for residential real estate signs, however a permit is required for property zoned for commercial or industrial uses.

Section 5 regarding sub-section 39-10.10 significant event signs, identifies, defines, and regulates Significant Event Signs for uses other than residential. Chandler's Sign Code only permits Grand Opening signs, and does not permit signs for events such as a special sale, an anniversary, change in management or the like. This sub-section identifies example significant events, regulates the size, location and duration of use (maximum 21 cumulative days within a six (6) month period), as well as the required administrative fee for the signs. It is important to note that many of Chandler's neighboring cities have provisions for these types of signs within their respective sign codes.

Finally, section 6 addresses the sunset date for the proposed Ordinance of 06/20/2011.

NOTIFICATION

As required by the Arizona Revised Statutes, hearing dates for Planning Commission and City Council, as well as the complete text of the draft Code amendment, have been published in the newspaper at least fifteen days prior to the first public hearing for Planning Commission. Additionally, Staff provided copies of the draft Ordinance to the Economic Development Advisory Board members, as well as the President of the Chandler Chamber of Commerce for review and comment.

RECOMMENDATION

Upon finding consistency with the Chandler General Plan, Staff recommends approval of the Zoning Code Amendment as set forth in the attached Draft Ordinance No. 4218 (Exhibit "A"), pertaining to certain types of temporary signage.

PROPOSED MOTION

Motion to recommend approval of ZCA10-0002 TEMPORARY SIGNAGE, Zoning Code Amendment pertaining to certain types of temporary signage as set forth in Exhibit "A", as recommended by Staff.

Attachment

1. Draft Ordinance No. 4218 (Exhibit "A")

ORDINANCE NO. 4218

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, TEMPORARILY AMENDING THE SIGN CODE OF THE CITY OF CHANDLER.

BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. *The introductory paragraph to* Section **39-10** of Chapter 39 of the Chandler City Code (herein, the "Chandler Sign Code"), which currently consists of a single sentence, is amended to read as follows:

39-10. Temporary signs.

All temporary signs require a permit unless specifically exempted herein. **THE FOLLOWING TEMPORARY SIGNS ARE PROHIBITED UNLESS EXPRESSLY AUTHORIZED WITHIN ANY OF THE SUBSECTIONS SET OUT BELOW AND FOR THE LIMITED PURPOSES STATED WITHIN ANY SUCH SUBSECTION:**

- **NON-PUBLIC SIGNS IN PUBLIC RIGHTS-OF-WAY OR ON PUBLIC PROPERTY;**
- **SIGNS MOUNTED ON A BUILDING ROOF;**
- **SIGNS HAVING INTERMITTENT OR FLASHING ILLUMINATION, ANIMATED OR MOVING PARTS, OR THAT EMIT SOUND;**
- **BANNERS, PENNANTS, WIND-DRIVEN SPINNERS, STREAMERS, BALLOONS, FLAGS, SEARCH LIGHTS, STROBE LIGHTS, HOLOGRAPHIC PROJECTIONS, LASER LIGHT DISPLAYS, BEACONS, AND INFLATABLE SIGNS;**
- **SIGNS IMITATING OFFICIAL TRAFFIC CONTROL SIGNS, OR ANY SIGN OR DEVICE OBSCURING ACTUAL MUNICIPAL OR OTHER PUBLIC TRAFFIC CONTROL SIGNS OR DEVICES;**
- **SIGNS *MOUNTED ON, OR APPLIED TO* TREES, UTILITY POLES, ROCKS, OR CITY OWNED PROPERTY;**
- **SIGNS PLACED UPON PRIVATE PROPERTY WITHOUT THE PROPERTY OWNER'S WRITTEN APPROVAL;**
- **OFF-PREMISES, PORTABLE SIGNS OR "A-FRAME" SIGNS;**

- **BUSINESS IDENTIFICATION/ADVERTISING SIGNS IN SINGLE-FAMILY ZONING DISTRICTS.**

Section 2. Sub-section *39-10.6* of Chapter 39 of the Chandler Sign Code is amended to read as follows:

39-10.6 Model home signs.

A. **A MODEL HOME SIGN IS A FORM OF TEMPORARY SIGN WHICH** identifies **AN UNOCCUPIED** new home used as a demonstrator to advertise and promote sales of other homes within the recorded subdivision. Each model home may have one (1) identification sign not to exceed **SIX (6)** square feet in area, or two (2) **SUCH** signs if located on a corner lot. These signs may be freestanding and do not require a permit.

B. THESE SIGNS SHALL BE MADE OF SOLID, NON-FLEXIBLE MATERIAL. OFF-PREMISES PORTABLE SIGNS OR "A-FRAME" SIGNS ARE NOT ALLOWED.

C. No such sign shall be located on a public right-of-way.

D. NO SIGN PERMIT IS REQUIRED.

Section 3. Sub-section *39-10.7* of Chapter 39 of the Chandler Sign Code is amended to read as follows:

39-10.7 Open house signs.

A. An open house sign is a **PORTABLE,** temporary sign to direct traffic to a home for sale, and shall not exceed **A MAXIMUM HEIGHT OF THREE (3) FEET AND A MAXIMUM** area of **SIX (6)** square feet and may be freestanding.

B. The sign may be double-faced but shall not be illuminated.

C. The sign shall not be placed in any public right-of-way.

D. The sign shall be used only when sales personnel are at the home being advertised for sale.

E. A maximum of **FOUR (4)** such signs for each home or group of homes in the subdivision shall be allowed.

F. THESE SIGNS SHALL BE MADE OF SOLID, NON-FLEXIBLE MATERIAL. OFF-PREMISES PORTABLE SIGNS OR "A-FRAME" SIGNS ARE ALLOWED.

G. NO SIGN PERMIT IS REQUIRED.

Section 4. Sub-section *39-10.9* of Chapter 39 of the Chandler Sign Code is amended to read as follows:

39-10.9 Real estate signs.

A. The property being advertised for lease, sale or rental shall be limited to one (1) such sign on each lot or parcel of land, except when it is a corner lot, in which case two (2) such signs may be used, **ONE** (1) sign for each street front. Said sign shall be removed within ten (10) days of sale, lease or rental.

B. THESE SIGNS SHALL BE MADE OF SOLID, NON-FLEXIBLE MATERIAL. OFF-PREMISES PORTABLE SIGNS OR "A-FRAME" SIGNS ARE NOT ALLOWED.

C. NO SUCH SIGN SHALL BE PLACED IN ANY PUBLIC RIGHT-OF-WAY.

D. Residential signs shall not exceed **A MAXIMUM OF HEIGHT OF SIX (6) FEET** above grade, **AND A MAXIMUM OF SIXTEEN (16)** square feet in area. Said signs shall **NOT BE ILLUMINATED. NO SIGN PERMIT IS REQUIRED.**

E. In property zoned for commercial or industrial use, **A PERMIT IS REQUIRED FOR A REAL ESTATE SIGN AND SUCH** sign shall be allowed as follows:

1. Parcels containing two (2) acres or less are allowed a sign not to exceed **A MAXIMUM AREA OF SIXTEEN (16)** square feet.

2. Parcels containing less than ten (10) acres but more than two (2) are allowed a sign not to exceed thirty-two (32) square feet.

3. Parcels containing ten (10) acres or more are allowed a sign not to exceed fifty (50) square feet and may be illuminated, but any illuminated sign shall be indirect or internal only.

4. Maximum height **OF ALL SUCH SIGNS** shall not exceed twelve (12) feet.

Section 5. New Sub-section *39-10.10* of Chapter 39 of the Chandler Sign Code is enacted to read as follows:

39-10.10 Significant Event Signs.

A. A "SIGNIFICANT EVENT SIGN" IS A TEMPORARY SIGN DISPLAYED ON PROPERTY USED OR ZONED FOR ANY USE OTHER THAN A SINGLE-FAMILY RESIDENCE AND WHICH DISPLAYS ANY TYPE OF EVENT THAT IS UNIQUE OR SIGNIFCANT TO THE BUSINESS LOCATED UPON THE PROPERTY. SUCH EVENTS INCLUDE, BUT ARE NOT LIMITED TO, AN ANNIVERSARY, SPECIAL SALE, CHANGE IN OWNERSHIP OR MANAGEMENT, OR SIMILAR EVENT. A PERMIT FOR A "SIGNIFICANT EVENT SIGN" IS NOT THE SAME AS A SPECIAL EVENT *PERMIT UNDER CHAPTER 32 OF THE* CHANDLER CITY CODE.

B. SIGNIFICANT EVENT SIGNS ARE SUBJECT TO ALL OF THE FOLLOWING REQUIREMENTS:

1. SUCH SIGN(S) MAY INCLUDE A BANNER, PENNANT, WIND-DRIVEN SPINNER, STREAMER, BALLOON, FLAG, OR INFLATABLE.

2. *USE OF SUCH SIGN(S) SHALL BE LIMITED* TO NO MORE THAN TWENTY-ONE (21) CUMULATIVE DAYS WITHIN EACH SIX (6) MONTH PERIOD IN A CALENDAR YEAR.

3. A SIGN PERMIT IS REQUIRED AND MUST BE DISPLAYED THAT IS VISIBLE TO THE PUBLIC DURING THE ALLOWED TIME OF THE PERMIT.

4. NO SUCH SIGN(S) SHALL BE PLACED IN ANY PUBLIC RIGHT-OF-WAY.

5. AN ADMINISTRATIVE FEE OF TEN (10) DOLLARS SHALL BE CHARGED FOR EACH SIGN PERMIT ISSUED UNDER THIS SUBSECTION.

Section 6. This ordinance, which provides relief for the use of certain types of temporary signage, namely model home signs, open house signs, real estate signs, and provides for the use of an additional type of temporary sign, namely the significant event sign, shall be effective thirty (30) days after adoption and shall remain in effect only through June 20, 2011.

INTRODUCED AND TENTATIVELY APPROVED by the City of Chandler, Arizona, this _____ day of _____, 2010.

ATTEST:

_____ _____

CITY CLERK MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this _____ day of _____, 2010.

ATTEST:

_____ _____

CITY CLERK MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4218 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on _____ day of _____, 2010, and that a quorum was present thereat.

_____

CITY CLERK

PUBLISHED:

APPROVED AS TO FORM:

_____

CITY ATTORNEY