E.

MAY 18 2011

Chandler

All-America City

2010

Chandler • Arizona

Where Values Make The Difference

MEMORANDUM **Transportation & Development – PZ Memo No. 11-047**

DATE: MAY 10, 2011

TO: PLANNING AND ZONING COMMISSION

THRU: R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR
JEFF KURTZ, PLANNING ADMINISTRATOR

FROM: KEVIN MAYO, PLANNING MANAGER KM

SUBJECT: ZCA11-0001 CITY OF CHANDLER / TEMPORARY SIGNAGE

Request: City initiative to amend Chapter 39 (Sign Code) of the Chandler City Code, by amending Section 39-10 (Temporary Signs), 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. 4288 (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. Council ultimately adopted Ordinance No. 4218 in April 2010, extending the amendments for an additional year.

Approved Ordinance 4182/4218 Summary; Sections 2 (model home signs), 3 (open house signs) and 4 (real estate signs) of each 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. Section 6 included the sunset date.

ORDINANCE DETAILS

The attached proposed Ordinance contains six sections for consideration. Bold text indicates a proposed amendment from the Sign Code. Bold red text indicates a proposed change to the previously approved temporary Ordinances. 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, now including Bandit signs as prohibited and striking the word 'written' from the owner's approval. 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 increased 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. Tear-Drop Banner has been added to the type considerable signs. The Administrative fee amount has been removed, to be placed in the City's City-Wide Fee Schedule. Finally, 39-10.10.B.6 was added that clarifies off-premises, portable signs or a-frame signs are prohibited. It is important to note that many of Chandler's neighboring cities have provisions for these types of signs within their respective sign codes.

Section 6, previously addressing the sunset date, has been stricken. The new section 6 regarding a proposed sub-section 39.10.11 titled 'Open During Construction Signs' is intended to provide

relief to properties, zoned for any use other than a single-family residence, that are affected by a City funded or designated construction project. The new sub-section will help existing businesses and/or institutional uses call attention to themselves while their property/business is impacted by the eligible construction project. The new sub-section clarifies that no sign permit is required, and establishes the type, size, and time-of-removal for said sign.

The proposed Ordinance does not include a sunset date. Staff evaluated other cities in the valley and found the proposed changes will bring Chandler's Sign Code on-par. Staff proposes the Significant Event Sign Permit to be permanently codified as every other city in the valley permits this type of signage in some form or another. Finally, Staff is forwarding the proposed 'Open During Construction Signs' section having received input from various property owners and business owners that have been affected by City designated construction projects. The new section is intentionally limited to certain types and sizes of signs so as to not 'litter' a street scene with additional signage while creating an opportunity for these types of business/property owners to capture disrupted attention during a City construction project.

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.

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. 4288 (Exhibit "A"), pertaining to certain types of temporary signage.

PROPOSED MOTION

Motion to recommend approval of ZCA11-0001 CITY OF CHANDLER / 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. 4288 (Exhibit "A")

ORDINANCE NO. 4288

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, BANDIT, 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, TEAR-DROP BANNER, 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 APPLICATION FEE ESTABLISHED BY COUNCIL RESOLUTION ~~OF TEN (10) DOLLARS~~ SHALL BE CHARGED FOR EACH SIGN PERMIT ISSUED UNDER THIS SUBSECTION.

6. OFF-PREMISES, PORTABLE SIGNS OR "A-FRAME" SIGNS ARE NOT ALLOWED.

~~**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.~~

Section 6. New Sub-section *39-10.11* of Chapter 39 of the Chandler Sign Code is enacted to read as follows:

39-10.11 'Open During Construction' Signs.

A. AN "OPEN DURING CONSTRUCTION SIGN" IS A TEMPORARY SIGN DISPLAYED ON PROPERTY USED OR ZONED FOR ANY USE OTHER THAN A SINGLE-FAMILY RESIDENCE AND WHICH CALLS ATTENTION TO AN EXISTING BUSINESS OR INSTITUTIONAL USE LOCATED ON PROPERTY ADJACENT TO OR OTHERWISE AFFECTED BY A CITY FUNDED OR DESIGNATED CONSTRUCTION PROJECT.

B. NO SIGN PERMIT IS REQUIRED.

C. THE TRANSPORTATION & DEVELOPMENT DIRECTOR SHALL VERIFY A PROPERTY'S ELIGIBLITY.

D. OPEN DURING CONSTRUCTION SIGNS ARE SUBJECT TO ALL OF THE FOLLOWING REQUIREMENTS:

1. ONLY ONE (1) SINGLE- OR DOUBLE-FACED OPEN DURING CONSTRUCTION SIGN SHALL BE ALLOWED PER USE.

2. SUCH SIGN MAY INCLUDE A BANNER, PENNANT, OR TEAR-DROP BANNER.

3. OFF-PREMISES, PORTABLE SIGNS OR "A-FRAME" SIGNS ARE NOT ALLOWED.

4. THE FACE AREA OF SAID SIGN SHALL NOT EXCEED SIXTEEN (16) SQUARE FEET.

5. THE SIGN SHALL BE REMOVED PROMPTLY FOLLOWING THE COMPLETION OF THE CITY FUNDED OR DESIGNATED CONSTRUCTION PROJECT.

INTRODUCED AND TENTATIVELY APPROVED by the City of Chandler, Arizona, this _____ day of _____, 2011.

ATTEST:

_____ _____

CITY CLERK MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this _____ day of _____, 2011.

ATTEST:

_____ _____

CITY CLERK MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4288 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on _____ day of _____, 2011, and that a quorum was present thereat.

_____

CITY CLERK

PUBLISHED:

APPROVED AS TO FORM:

_____

CITY ATTORNEY