



City of Tucson Sign Design Option

April 24, 2018
APA NOLA



Reed v. Town of Gilbert Analysis

Gilbert's message-oriented sign standards reflected below are now unconstitutional. All signs must be content-neutral.

Petitioners' Qualifying
Event Sign



Homeowners Association Sign
80 sq. ft

Political Sign
32 sq. ft

Ideological Sign
20 sq. ft

The Town of Gilbert classified the sign below as a **temporary directional sign**.



National Legal Analyst's Reed Reminders

- “Every sign carries some form of First Amendment protection
- Government regulation of signs loses the normal presumption of constitutionality and is subject to heightened scrutiny
- Sign litigation is common, expensive, and risky
- Most sign ordinances contain at least a few provisions of questionable constitutionality, particularly following *Reed*. ”

Typical Sign Legal Issues

- Content neutrality – The *Reed* issue use time, place or manner sign types
- Arbitrary and Capricious challenges - For vagueness
- Prior restraint challenges - For reducing First Amendment rights by an overly long process to obtain a permit

Freedom of Speech and the Visual Environment

Freedom of speech is an existential right - election cycles exist – a community's visual environment defines its special character



THE SIGN APOCALYPSE

The Sign Apocalypse is a state where through intent or oversight the sign standards allow an overwhelming amount of signage potentially causing proliferation and disorder to the degree it cancels out the reason for having a sign code in the first place.



Old Sign Code's General Standards Results

Helter skelter look of signs – illegible on arterials, disorganized colored panels, oversized structures, Good design needed a Board of Adjustment variance



Mayor and Council Direction August 9, 2016

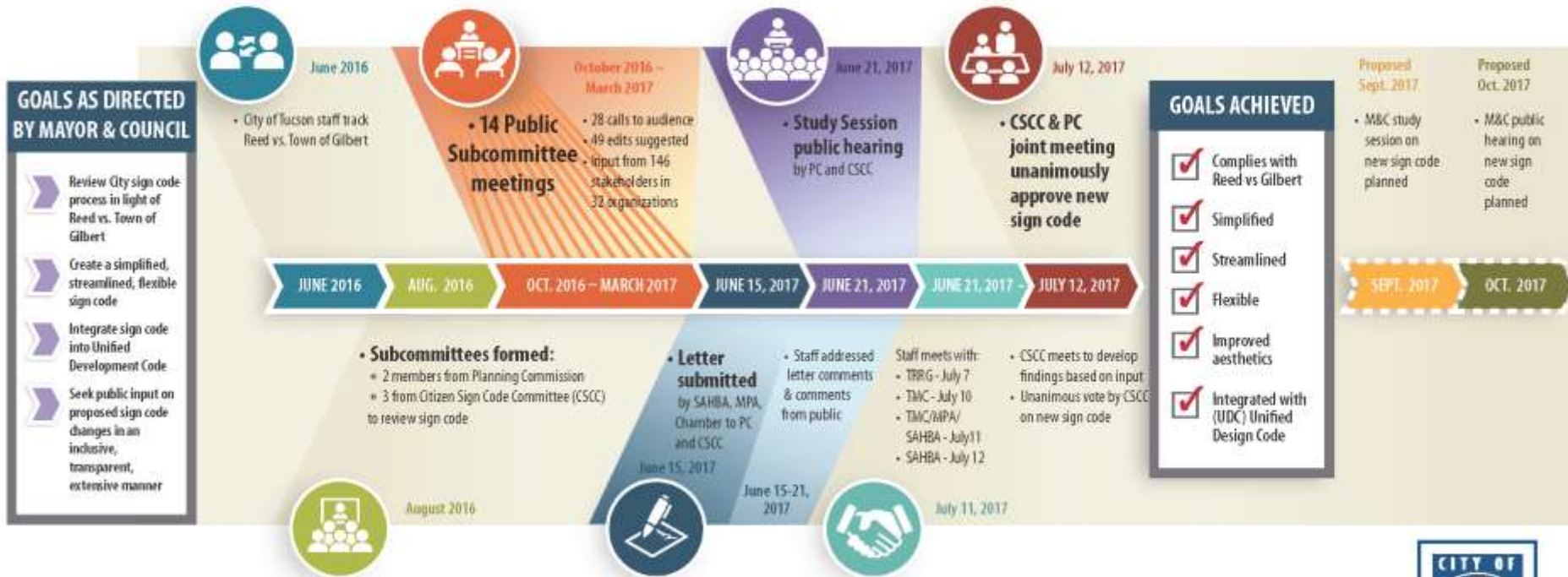
- Initiate a Sign Code revision process
- Comply with the 2015 U.S. Supreme Court decision on *Reed v. Town of Gilbert*,
- Simplify the Sign Code by integrating it **into the Unified Development Code**, and
- **Make practical changes** that modernize the Code, improve the quality of design and flexibility of the overall code, and ground it in technical standards.
- Have the Citizens Sign Code Committee and the Planning Commission hold **joint study sessions** and public hearings on the proposed changes to the Sign Code.
- Have staff return to the Mayor and Council with a recommendation in 2017 or **when Planning Commission/CSCC are ready**.



Creating a New Sign Code for Tucson

Planning & Development Services Department

June 2016 – August 2017



Stakeholder groups include: International Dark Sky Association, Metropolitan Pima Alliance, Multi-Family Association, Southern Arizona Home Builders Association, Tucson Association of Realtors, Tucson Metro Chamber, Tucson Residents for Responsible Government, and others.



Work in progress – 8.9.2017

A Strategy to Comply with *Reed*

- List technical standards in adopting ordinance
- Revise Purpose Statement – support freedom of speech, reflect traffic safety, visual environment, and property rights
- Ensure there is a severability and substitution clause
- Review sign types for content neutrality and identify signs by time, place or manner
- Create sign area allotment for portable signs and let owner allocate the messages
- Consider a future comprehensive sign policy in the General Plan (*Plan Tucson*)

Changes Due to Reed

- Purpose Statement
- Substitution Clause for Non-commercial Speech
- Design Option – Master Permanent/Portable Sign Programs
- Four-Portable Sign General Standards
- Renaming and Deleting Sign Types to be Content-Neutral
- Use Findings for Design Option with technical standard references



Purpose Statement (Abbreviated)

- Accommodate **freedom of speech**
- Ensure signs contribute to a pleasing **visual environment**
- Protect **property values** and minimize adverse effects
- Facilitate traffic flow and **public safety**
- Respect Tucson's amenities of scenic views and dark night skies
- Recognize legitimate signing needs of businesses
- Support retention of local business and further economic development



Sign Design Option

- Master Sign Program –Permanent Signs
- Master Sign Program-Portable Signs
- Singular Sign Design



Sign Design Review Committee

- **Composition** – Architect, sign business rep, local business rep, (architect/landscape architect/planner), general neighborhood association rep, ad hoc neighborhood association rep, Outdoor Lighting Committee rep, commercial real estate broker, (one) at-large member appointed by City Manager. Total 9
- **Authority** – Advises Planning Commission on text amendments and reviews Sign Design Options
- **Appointment and Term** – City Manager
- **Term** – Four-year term, two terms, may return after one-year hiatus
- **Vacancies** - Filled in same manner as initial appointments
- **Meetings** – Quorum –five members Director may request Design Professional to make recommendation if quorum not obtained. Pre-app meetings allowed, one continuance by committee,
- **Removal** - On request by City Manager
- **Administrative Procedures** – Executive Secretary is Zoning Administrator, and committee shall elect chairperson. Notification per PDSD policy.

Design Process

- Completeness review - Pre-application
- Includes Design Standards and Findings review
- Advisory design review - Sign Design Review Committee (SDRC) recommendation
- Decision by Director
- Appeal to Board of Adjustment and Mayor and Council



Master Sign Program Design Standards

- Sign's component parts
- Integration with architecture
- Dark sky compatible illumination
- Siting of sign
- Building height profile of surroundings
- Legibility
- Uniformity in sign copy presentation
- Scenic view impact
- Proportionality
- Way finding/Identification



Findings

- Meets Purpose [A-F]
- Uses best practice of dark sky illumination [C]
- Integrates architecture with associated buildings [B,D]
- Proportional size of signs with buildings [A,B]
- Improves legibility [A,B,F]
- Improves vehicle reaction time [F]
- Creates an organized way finding, identification, messages [A,B]
- Protects scenic vistas [B]
- Reduces clutter along the affected streets while enhancing street aesthetics [B,E]

Comparisons - The Home Depot

MAJOR ANCHOR - WALL SIGN COMPARISONS (Example Only)



Front Elevation

SCENIC CORRIDOR ZONE REGULATIONS
0.75 SF per LF
0.75 X 622 LF = 466.5 SF
(100 SF MAX) (SEC. 3-82)

R 100 SQUARE FOOT MAX.

100sf



Front Elevation

GENERAL BUSINESS DISTRICT REGULATIONS
3 SF per LF
3 X 622 LF = 1866 SF (SEC. 3-76)

1,866 sf



Front Elevation

REQUESTED
1.25 SF per LF
1.25 X 622 LF = 777.5 SF
TENANT SIGN = 622 SF

622 sf



Dark Skies Illumination

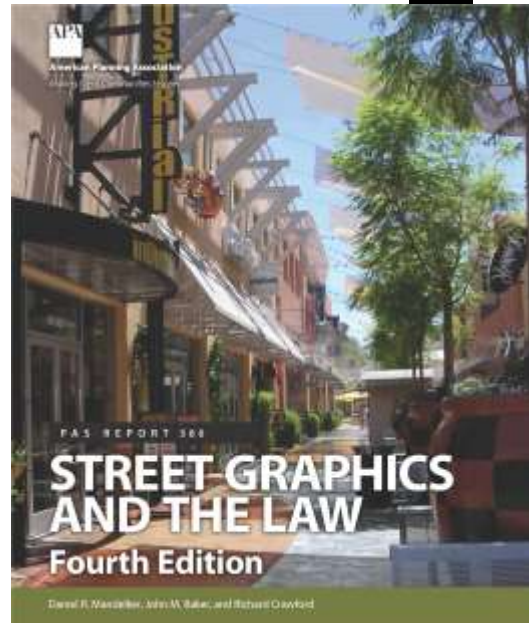
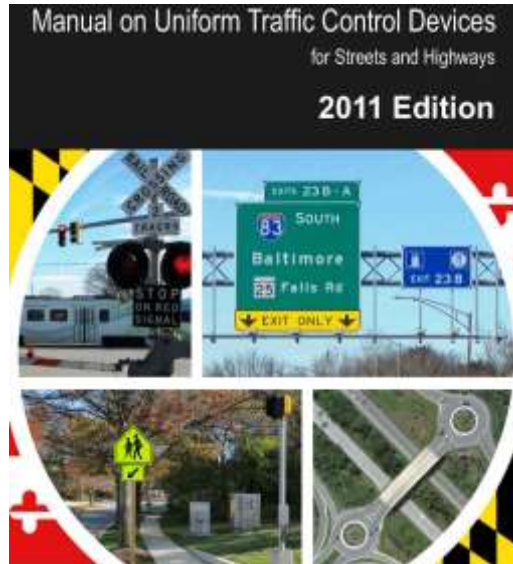
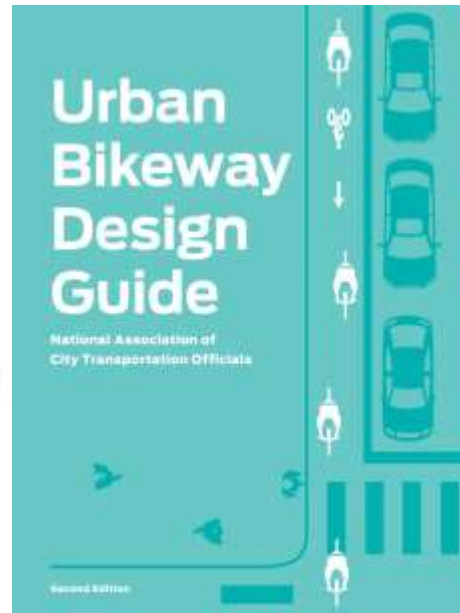


Dark Skies Illumination Guidelines addresses concerns by astronomical community.

Use the metric - NIT (cd/m^2) is the key metric for an amount of emanating light equal to one candela per square meter.

Kelvin and lumen are other metrics but less important for dark skies





Scenic America On-Premise Sign Handbook



Design Adapted from National Standards for Uniformity and Legibility on Arterial Streets



Manual on Uniform Traffic Control Devices
for Streets and Highways
2011 Edition



Park Mall - Tucson



Pima County



Portable Signs

- All zones may have portable signs
- Have a total sign area allotment per property
- Sign sizes are the same as State Statutes' sizes for political signs (16sf residential and 32sf commercial)
- No more than four signs per property (*Arlington County Republican Committee v. Arlington County VA*)
- Real estate industry may use Master Portable Sign Program to address special needs
- *Political signs – Defer to State Statutes standards*



7A.10.3 PORTABLE SIGNS

A. Portable Signs - Maximum Sign Area Allotment

1. The following zones may have portable signs. Additional standards may apply to individual sign types.

<u>Zones</u>	<u>Local Street</u>	<u>Collector Street</u>	<u>Arterial Street</u>
<u>IR, RH, SR, SH, RX-1, RX-2, R-1 MH-1 R-2, R-3 MH-2, O-1</u>	<u>16 sq. ft.</u>	<u>32 sq. ft.</u>	<u>64 sq. ft.</u>
<u>O-2, O-3, P, RV, NC RVC, C-1, -2, -3, OCR – 1, -2, MU, U, PI, I-1, I-2</u>	<u>32 sq. ft.</u>	<u>64 sq. ft.</u>	<u>128 sq. ft.</u>

Table 4 – Portable Maximum Sign Area Allotment



Portable Master Sign Program

- Has Design Standards and Findings
- Applicant demonstrates a special signing need
- Applicant can be an organization (e.g. Southern Arizona Home Builders Assn, Tucson Association of Realtors)
- Planning Department is working on conceptual templates with the organizations
- Reviewed by SDRC decision by Director



Lessons Learned

- Don't regulate if you don't have to
- Address all the legal issues not just content-neutrality
- Two choices on regulating temporary signs - sign apocalypse or a flexible option review.
- Real estate and political signs create a special sign need.
- Define temporary signs by materials (portable) versus temporariness; it reduces need to create and monitor multiple temporary sign types.
- Four portable signs became the sweet spot between First Amendment and community character.
- Real estate deals with tenants often override legibility concerns
- A design option with verifiable findings helps meet legal and community character concerns at the same time.



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