
**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

Meeting Date: 06/23/2015
Agenda Item: 7

ACTION: Request for a Code Text Amendment for Request for a Code Text Amendment for POLITICAL SIGNS, consisting of changes within the Zoning and Development Code, Part 4, Chapter 9, Signs. The applicant is the City of Tempe.

FISCAL IMPACT: There is no fiscal impact on City funds.

RECOMMENDATION: Staff – Approval

BACKGROUND INFORMATION: POLITICAL SIGNS (PL150243), changes will provide updates to the political sign subsection. The changes will provide updates in conformance with State law; Identify acceptable time periods for signs to be posted; Identify maximum size allowances; and define exceptions to portable non-commercial speech signs. At the City Council's Work Study Session meeting of May 14, 2015, the Mayor and City Council discussed "Yard Signs/Non-Commercial Free Speech Signs" and provided direction to move the item forward. The request includes the following:

ZOA15001 Code Text Amendment within the Zoning and Development Code for Sections 4-902 and 4-903.

ATTACHMENTS: Ordinance

STAFF CONTACT(S): Ryan Levesque, Deputy Community Development Director (480) 858-2393

Department Director: Dave Nakagawara, Community Development Director

Legal review by: N/A

Prepared by: Ryan Levesque, Deputy Community Development Director

BACKGROUND:

In March 2014, the City Council gave direction at a City of the Whole meeting to institute a one-year pilot program to allow Neighborhood Associations and Homeowner's Associations (NA/HOA) registered with the city to use yard signs as a mechanism to communicate. This pilot program allowed NA/HOA to post signs in their neighborhoods relating to upcoming events or issues. These signs were provided by Neighborhood Services on a first-come, first-serve basis. As the one year pilot program has elapsed, Council direction is needed going forward. When this issue was brought forward by Councilmember Granville at the February 5, 2015 Committee of the Whole, there was also a suggestion by Councilmember Schapira to not only study the language regulating non-commercial signs, but to also look at the ordinance pertaining to political signs. The working group met several times to examine the Zoning and Development Code and the language governing both non-commercial and political signs. Recommendations are below.

Non-commercial signs:

- Amend Section 4-902(B)(10) to exempt non-commercial speech signs from the section governing prohibited signs so long as it is a portable sign located on private property with a maximum area of four square feet with solely noncommercial copy. Website addresses of a non-commercial entities used for purposes unrelated to economic interests are considered non-commercial copy.

Political signs:

- Amend Section 4-903(O) governing political signs to:
 - Conform with state law and clarify that political signs are not allowed on city property, with the exception that they are within the city right-of-way between the outer edge of the sidewalk and the property line.
 - Clarify section that political signs shall not be placed in a location that would make it hazardous to public safety, obstruct clear vision or interfere with the requirements of the Americans with Disabilities Act.
 - Insert language that political signs shall have a maximum area of 32 square feet.
 - Add language requiring all political signs to contain the name and telephone number or website address of the candidate.
 - Add language that political signs may be posted only during the period commencing 100 days prior (originally proposed to be 120 days), and 15 days after the pertinent election.
 - Clarify that any candidate who does not advance from the primary or whose name will not appear on a general ballot will have to take their signs down 15 days after the pertinent primary election.
 - Add language that if a sign is not in compliance with this section, that it shall be an unauthorized sign.
 - Add a notwithstanding section to clarify that political signs less than 4 square feet in size would be permitted on any private property at any time.

NA/HOA Neighborhood Sign Program:

- Continue to have Neighborhood Services provide yard signs to NA/HOAs on a first-come, first-serve basis.

Councilmembers working on this issue:

Councilmember Kolby Granville

Councilmember David Schapira

Staff members assigned to the working group:

Elizabeth Higgins, Chief of Staff to the Mayor and Council

David Nakagawara, Community Development

Jeff Tamulevich, Community Development

Shauna Warner, Community Development

Chuck Cahoy, City Attorney's Office

Judi Baumann, City Attorney's Office

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-304, Zoning Map Amendments and Code Text Amendments

ORDINANCE NO. O2015.xx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE CITY OF TEMPE ZONING AND DEVELOPMENT CODE, PART 4 – DEVELOPMENT STANDARDS, CHAPTER 9, SECTION 4-902, RELATING TO GENERAL SIGN STANDARDS, AND SECTION 4-903, RELATING TO PERMITTED SIGNS.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

SECTION 1. That Section 4-902 of the Zoning and Development Code, pertaining to subsection (B) Prohibited Signs, is hereby amended to read as follows:

10. *Off-premise/off-site signs* and *portable signs*, except as permitted in Sections 4-903(C) (Boutique Directional Sign), Section 4-903(J) (Freeway Sign), Section 4-903(M) (Lead-In Sign), Section 4-903(O) (Political Sign), or Section 4-903(S) (Subdivision/Apartment Community Advertising Sign); AND EXCEPT FOR PORTABLE SIGNS THAT HAVE A MAXIMUM AREA OF FOUR SQUARE FEET ON PRIVATE PROPERTY WITH SOLELY NON-COMMERICAL COPY WHICH ARE HEREBY PERMITTED. FOR THE PURPOSES OF THIS SUBSECTION, THE WEBSITE ADDRESS OF A NON-COMMERCIAL ENTITY USED FOR PURPOSES UNRELATED TO THE ECONOMIC INTERESTS OF THE WEBSITE PROVIDER SHALL BE CONSIDERED NON-COMMERCIAL COPY; and

SECTION 2. That Section 4-903 of the Zoning and Development Code, pertaining to subsection (O) Political Signs, is hereby amended to read as follows:

- O. **Political Sign.** *Political signs* are regulated by this chapter in terms of their location, and time allowance because of the secondary effects associated with such *signs* – namely litter, traffic safety hazards, and aesthetics in general – and not because of their content. Requirements are as follows:

1. THE SIGN shall only be located on property with the owner's permission.
2. THE SIGN shall not be located on city property, ~~in~~ WITH THE EXCEPTION OF WITHIN THE city right-of-way BETWEEN THE OUTER EDGE OF THE SIDEWALK AND THE PROPERTY LINE, or within a required clear vision triangle, per Section 4-702(G)

3. THE SIGN SHALL NOT BE LOCATED WITHIN A REQUIRED CLEAR VISION TRIANGLE, PER SECTION 4-702(G), AND SHALL NOT OTHERWISE BE PLACED IN A LOCATION THAT IS HAZARDOUS TO PUBLIC SAFETY, OBSTRUCTS CLEAR VISION IN THE AREA, OR INTERFERES WITH THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT.
4. THE SIGN SHALL HAVE A MAXIMUM AREA OF THIRTY-TWO (32) SQUARE FEET.
5. THE SIGN CONTAINS THE NAME AND TELEPHONE NUMBER OR WEBSITE ADDRESS OF THE CANDIDATE OR CAMPAIGN COMMITTEE CONTACT PERSON.
6. THE SIGN SHALL BE POSTED ONLY DURING THE PERIOD COMMENCING ONE HUNDRED (100) CALENDAR DAYS BEFORE THE PERTINENT ELECTION DATE AND NO MORE THAN FIFTEEN (15) CALENDAR DAYS AFTER THE PERTINENT GENERAL ELECTION DATE, EXCEPT THAT FOR A SIGN FOR A CANDIDATE IN A PRIMARY ELECTION WHOSE NAME WILL NOT APPEAR ON THE BALLOT OF THE GENERAL ELECTION, THE PERIOD ENDS (15) FIFTEEN CALENDAR DAYS AFTER THE PERTINENT PRIMARY ELECTION DATE.
- ~~7.3. Shall be removed within ten (10) days after the relevant election. At the end of the ten (10) day period, the sign becomes an unauthorized sign, as per Section 4-902(C); A SIGN NOT IN COMPLIANCE WITH SUBSECTIONS 1 THROUGH 6 SHALL BE AN UNAUTHORIZED SIGN, PURSUANT TO SECTION 4-902(C).~~
- ~~4.8. No sign permit is required.~~
9. NOTWITHSTANDING SUBSECTIONS 4, 6 AND 7, POLITICAL SIGNS THAT HAVE A MAXIMUM AREA OF FOUR SQUARE FEET AND THAT ARE LOCATED ON PRIVATE PROPERTY ARE PERMITTED SIGNS.

SECTION 3. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this ____ day of _____, 2015.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

Judith R. Baumann, City Attorney