# COUNCIL DECISION REQUEST

SUBJECT: Potential Amendments to the Town's Sign Regulations

MEETING DATE: April 5, 2012 SUBMITTED BY: Tim Wright

SUBMITTAL TO AGENDA AMOUNT BUDGETED: n/a

APPROVED BY TOWN MANAGER EXPENDITURE REQUIRED: n/a

DAK

EXHIBITS (If Applicable, To Be Attached):

A Unified Development Code Section 15-05 (Signs)
B Resolution 2333 (approved November 1, 2007)
C October 18, 2007 Summary of Agenda Item
D Admin Policy A102

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**POSSIBLE MOTION I move to direct Town Staff to work with the Planning and Zoning Commission to explore options for amending the Town's sign code based upon the Council's discussion and concerns.**

**SUMMARY OF THE BASIS FOR POSSIBLE MOTION:**

Signage within the Town of Payson is regulated by Section 15-05 of the Town's Unified Development Code (the Town's Zoning Code). See attached Exhibt A.

The last significant amendment to the Town's signage regulations was in November of 2007. See Resolution 2333 (Attached Exhibit B), in underline/strikeout format (adopted by Ordinance 727) and the October 18, 2007 Summary of Agenda Item (Attached Exhibit C). Resolution 2333 included the followings changes:

1) Provided for the immediate removal of illegal temporary signs;
2) Amended the political signs section to conform with several court cases;
3) A 15 day permit for banner remained, but a provision allowing only one such permit per month was added; and
4) Two new types of allowable temporary signs were added - "Temporary Portable Signs" and "Temporary Directional Signs." The new Temporary Portable Signs are limited by the 'Tuesday Rule,' i.e., they are allowed every day except Tuesdays.

Recently there has been a proliferation of Temporary Signs, some of which are permitted under the Code and some of which are prohibited. The proliferation has created enforcement issues and complaints

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to the Council. Before any amendments can be made, it is necessary to understand the Town's current sign regulations. There are four major categories of signs: (1) Permanent Free Standing Signs, commonly referred to as monument signs, 15-05-005(A); (2) Wall or Building Signs, i.e., signs attached to a wall, soffit, or facade of a building, 15-05-005(B); (3) Temporary Signs, see details below, 15-05-005(C); and (4) Vehicular Signs, 15-05-003(D). Historically, any of these permitted signs were required to be on private property. In 2010, the Town, in an effort to assist businesses that are located on lots with large adjacent right of ways, created Administrative Policy A102. See Attached Exhibit D. Under this policy, in limited circumstances and with a right of way permit, the Town's right of way may be utilized for commercial signage.

Specifically, within the Temporary Signs category, there are eight subcategories:

- Coming Soon Signs, 15-05-005(C)(2)
- Sale, Lease or Rent Signs, 15-05-005 (C)(3)
- Contractors and Subcontractors Signs, 15-05-005 (C)(4)
- Political Signs, 15-05-005 (C)(5)
- Banners, 15-05-005 (C)(6)
- Temporary Portable Signs, 15-05-005 (C)(7)
- Temporary Directional Signs, 15-05-005 (C)(8)
- Temporary Signs placed by the Town, 15-05-005 (C)(9)

Staff will be available and prepared to provide background and to answer Council's questions regarding the current code and also current enforcement procedures.

Any amendments to the provisions of 15-05 (Signs) would need to proceed through the Planning and Zoning Commission because Section 15-05 is part of the Unified Development Code. Staff is suggesting the following process for any potential amendment to Section 15-05:

1) At tonight's meeting Council Members discuss the specific concerns each may have with the Town's sign regulation;
2) Staff will take these concerns and work with the Planning and Zoning Commission to draft specific amendments that would address these concerns. The Planning and Zoning Commission's meetings are open to the public and would provide the public a forum for input in this process.
3) After the Planning and Zoning Commission is done, its recommendations would be forwarded to Council for possible action.
4) If the Council decides to take action, such action would be in the form of an ordinance amending the Unified Development Code. Ordinances have two public hearings, thus providing additional public input.

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**PROS:** **Both the Pro's and Con's of any Council concerns would be flushed out during the proposed Planning and Zoning Commission meetings.**

**CONS:**

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**FUNDING:**

| | | | | |
|---|---|---|---|---|
| Acct: | Budget: | Available: | Expense: | Remaining: |
| Acct: | Budget: | Available: | Expense: | Remaining: |
| Acct: | Budget: | Available: | Expense: | Remaining: |

FM: _____ Date: _____

# Exhibit A

# Town of Payson
# Unified Development Code
# Section 15-05


| SECTION | TITLE | PAGE |
|---|---|---|
| **15-05** | **SIGNS** | |
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**Adopted**
**By Ordinance #466**
**February 22, 1996**
**Updated June 1, 2011**

*This Unified Development Code and/or any other documents that appear in this version of the UDC may not reflect the most current legislation adopted by the Municipality. Any updates or revisions can be found on the Town's website as they become available.*

# 15-05 SIGNS

## 15-05-001 Intent and Purpose

**A.** The purpose of the section is to:

1. provide for adequate and appropriate signs to effectively identify businesses by location and type,
2. not allow unsafe, oversize or excessive signs which obscure the buildings, trees and the natural beauty of the Town, and
3. protect the public from injury and damage as a result of distraction or obstruction of vision attributable to faulty construction or improper location of signs.

**B.** The intent of this section is to assure that the public welfare and public amenities are protected by exercising reasonable controls over the character, location and design of signs.

## 15-05-002 Applicability

A. The provisions of this section (Signs) shall apply to the erection, placement, construction, alteration, size, location and maintenance of all signs within the Town, except as otherwise specified.

B. The provisions of this section (Signs) shall not apply to:

1. Flags, pennants, or insignias of any nation, state, city, or other political entity on private property.
2. Tablets, grave markers, headstone, statuary, or remembrances of persons or events noncommercial in nature on private property.
3. Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic, religious or local holiday or event on private property.
4. Temporary signs on any property for events of a general Town-wide civic or public benefit, community events, or Town sponsored events so long as:
   a. prior to placing the signs, notice is given to the Town's Community Development Department;
   b. the total signage area does not exceed 64 square feet unless a larger amount of signage is allowed by the Community Development Director;
   c. the sign(s) do not
      (i) block or impede roadways, bike paths, trails, sidewalks or any other right of way designated for travel by the public or
      (ii) create a traffic hazard; and
   d. the signs are removed within three days after the event.
5. Signs on private property not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way or thoroughfare, providing that such sign does not constitute a traffic hazard.
6. The erection, construction, and maintenance of official traffic, fire, and police signs, signals, devices and markings of the State of Arizona, the Town of Payson, or other authorized public agency, or the posting of notices as required by law, providing that such sign does not constitute a traffic hazard.
7. Banners over the Town's Right of Way, the Town's roadway easements, or the Arizona Department of Transportation's Right of Way if such banners are otherwise regulated or placed by a state or local government entity.

8. Window Signs on private property which are only for the purpose of temporary signage to advertise the sale of goods or services.

## 15-05-003 General Requirements

### A. Prohibited Signs

1. Signs that are not specifically authorized are prohibited, including, but not limited to:
   a. Vehicle signs not in compliance with Section 15-05-003(D).
   b. Fixed aerial advertising and displays.
   c. Off Premise Signs except as provided in Section 15-05-005(C).
   d. Roof Mounted Signs which project above the highest point of the roof line, parapet or facade of the building.
   e. Any sign or device emitting a sound or substance.
   f. Any sign or device with intermittent or flashing illumination, animations or moving copy, but not including automated signs.
2. Except as specifically allowed in 15-05-005(C), signs or notices of any kind placed or displayed on sidewalks, posts, utility poles, lamp posts, hydrants, trees, bridges, rocks, boulders, the ground, or other surfaces located in a Town's Right of Way, Town roadway easement, or on public property are prohibited.
3. Except as provided in 15-05-005(C), Temporary Signs are prohibited.

### B. Non-Conforming Sign/On Premise

1. A nonconforming sign shall be removed per this Code if it is determined to be a public nuisance or at least 50% destroyed or it is abandoned or it is structurally unsound, as determined by the Zoning Administrator.
2. Non-conforming signs with GRANDFATHERED Rights shall be limited to signs which lawfully existed as of the adoption date of this Code. Any sign which was erected without a proper permit from the Town shall remain a non-conforming and non-GRANDFATHERED sign and shall be subject to immediate removal or modification as determined by the Community Development Director in accordance with this Code.

C. In addition to any other remedy or enforcement action, the following signs may be immediately removed by any employee or person under the direction of the Town Engineering or Community Development Departments:

1. signs placed on public property or in Town right of way in violation of any subsection of 15-05, and
2. signs placed on any property in violation of Section 15-05-005(C).

All signs removed pursuant to this subsection shall be retained for a period of fifteen (15) days. All such signs not claimed within fifteen (15) days may be disposed of.

### D. Vehicle Signs

Signs on vehicles, shall be subject to the following conditions:

1. The primary purpose of the vehicle is not the display of signs.
2. Such signs are magnetic, decals or painted upon an integral part of the vehicle as originally designed by the manufacturer. Signs that break the silhouette of the vehicle shall not exceed 3 square feet.

3. The vehicle is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of the business to which signs relate.
4. The vehicle is not used primarily as a static display, nor utilized as storage or shelter.

**15-05-004 Reserved**

**15-05-005 Permitted Signs**

**A. Free Standing Signs** - Each business or complex is entitled to one of the following:

1. High Profile Sign - The following regulations apply to high profile signs for individual businesses and not to plazas, complexes or shopping centers.
   a. There shall be no more than one such sign per subdivided lot or contiguous lots or parcel under the same ownership where parking facilities and structures are shared.
   b. A free standing sign located on the main entrance frontage of a lot as determined by the street address, shall be no larger than one square foot for each lineal foot of a building frontage, and shall pertain only to the business(es) therein.
   c. No portion of any such sign may extend onto an existing right-of-way or easement.
   d. The maximum size of each sign shall not exceed 32 square feet, with a maximum length of eight feet.
2. Low Profile Sign
   a. The following regulations apply to individual businesses and not to businesses located in plazas, complexes and shopping centers.
   b. Notwithstanding the regulation found above, a permanent freestanding sign may be placed according to the following dimensions.
   c. Such signs shall have a total maximum height of no more than five feet, as measured from the nearest ground level.
   d. No portion of any such sign may extend onto an existing right-of-way or easement.
   e. The maximum size of each sign shall not exceed 32 square feet, with a maximum length of eight feet.
3. Multi-tenant Sign
   a. Shopping Center:

      A group of commercial establishments, planned, constructed, and managed as a total entity with customer and employee parking provided on-site. Any shopping center consisting of 10 or more units shall have no more than a 100 sq. ft. sign for each driveway on each arterial roadway, with a maximum length of 12 feet per sign, provided each sign is separated by 150 feet as measured along the frontage of the center.

   b. Plaza Mall/Office Complex:

      A group of individual commercial shops/or offices with a common parking lot consisting of 6 through 9 units shall have no more than a single sign on each thoroughfare not to exceed 50 square feet with a maximum length of 12 feet.

   c. Mini Plaza/Mall:

      A group of individual commercial shops with a common parking lot consisting of 2 thru 5 units shall have no more than a single directory sign not to exceed 32 square feet with a maximum length of 12 feet.

   d. Subdivided Shopping Centers/Plazas with Shared or Common Parking Areas. The

commercial shops which are a part of a subdivided center shall have no more than a single sign which shall not exceed 100 square feet for a center with ten or more units provided each sign is separated by 150 feet as measured along the frontage of the center. Centers with 6 to 9 units shall have no more than a single sign on each thoroughfare not to exceed 50 square feet with a maximum length of 12 feet. Centers with five or less business establishments shall have a maximum of 32 sq. ft. of freestanding signage.

4. Spherical, free-form, sculptural, other non-planar signs:

   Sign area will be the sum of the area of the sides of the smallest four-sided, polyhedron that will encompass the sign structure.

5. Subdivision Signs:

   a. Residential subdivisions are permitted low profile signs not to exceed 24 square feet..

   b. Commercial and industrial subdivisions are permitted free standing signs in conformance with the ratio of tenants to sign area, which is defined in Section 15-05-005, Item A.3.d.

   c. Approval of subdivision signs will be processed at the time of preliminary plat review through the submittal of a Master Sign Plan. The subdivider shall submit a Master Sign Plan showing the location, size and design for all subdivision identification signs to be included with the preliminary plat approval. If a subdivision does not have a Master Sign Plan or wishes to amend the existing Master Sign Plan; a sign application showing the location, size and design for all subdivision identification signs, shall be submitted to the Community Development Department for issuance of a sign permit.

B. **Wall or Building Signs** - None of the dimensions set forth in this subsection shall be construed to be cumulative.

1. Signs on or Attached to Buildings as Wall, Soffit and Facade Signs:

   a. Notwithstanding the regulations found within this Code, relating to free standing signs, signs may be placed upon, attached to, or painted upon buildings, subject to the following provisions.

   b. A sign located on the main entrance frontage of a building shall be no larger than one square foot for each lineal foot of building frontage. Such signs shall pertain only to the business(es) therein.

   c. Such signs may be placed on the main entrance frontage of the building and on one or more sides of the same building; provided that the signs do not exceed two square feet for each lineal foot of the shorter of the main entrance frontage or side frontage where the sign is placed, with a maximum of 16 square feet per side.

   d. The source of illumination for signs shall be so oriented or shielded as to not be visible from any residential zone or public thoroughfare.

   e. Number of sign faces:

      One -- Area of the single face only.

      Two -- If the interior angle between the two connected sign faces is 45 degrees or less, the area will be the area of one face only; if the angle between the two sign faces is greater than 45 degrees the sign area will be the sum of the areas of the two faces.

   f. Sign area is measured as that area contained within the outside dimensions of the background panel or surface.

   g. Sign copy mounted as individual letters and/or graphics against a wall or fascia of a building or other structure that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy.

   h. Sign area is measured as the total sum of the area enclosed by the smallest rectangles

that will enclose each word in the total sign copy; i.e., one rectangle per word.

i. Three or more- The sign area will be the sum of the areas of the three or more faces.

2. Canopy (Awning) Signs: Canopy signs shall not project above the canopy. Signs may be attached flat against canopies made of rigid materials; canopies made of nonrigid materials (e.g. canvas) shall only have signs composed of nonrigid materials (e.g. paint, stitching). Awning/canopy signs shall not exceed 12 square feet or 50% of awning.

3. Roof Signs: Any sign placed upon the roof that does not extend above the roof line shall be considered a wall sign for the purpose of this code and shall abide by the Section b.(1) above. Roof signs that extend above the roof line are forbidden.

4. Window Signs: Permanent Signs on or inside windows of commercial establishments are permitted if no more than 25% of the area of the window space is used. Window signs must be placed behind a glass surface, not in unglazed openings.

5. Home Based Business Signs: A Home Based Business that is licensed and in compliance with all of the requirements of this Unified Development Code shall be allowed one name plate sign subject to the following restrictions:

   a. The name plate sign shall not exceed two square feet, and

   b. The Community Development Director shall review and approval all name plate signs to ensure that they complement the home's architecture and color and do not detract from the neighborhood.

## C. Temporary Signs

1. Requirements for All Temporary Signs.

   a. Unless specifically authorized in this section, no Temporary Sign may be placed on public property or in the Town's Right of Way or roadway easements.

   b. Temporary signs shall not block, impede, or be placed in roadways, bike paths, trails, sidewalks or any other part of the Right of Way designed for travel by the public.

   c. Temporary signs shall not create a traffic hazard; and

   d. Temporary signs allowed under 15-05-005 (C)(2), (3), (4), (5), and (9) shall not require a permit.

2. Coming Soon Signs - Signs announcing the proposed development of property after the issuance of a building permit by the Building Inspections Division for the proposed development.

   a. Sign can be displayed only with a valid permit for construction and must be removed within ten days of final inspection.

   b. Maximum size of signage allowed shall be 32 square feet with a maximum length of eight feet.

   c. All Coming Soon Signs must be on the site of the proposed development.

3. Sale, Lease or Rent Signs, temporary signs to announce real property availability.

   a. There shall be no more than one such sign per subdivided lot.

   b. Such signs shall not exceed six square feet for parcels of one acre or less and 16 square feet for parcels which are more than one acre in size.

   c. In residentially zoned areas, Sale, Lease, or Rent Signs may be placed in the unimproved Town Right of Way adjacent to the property.

4. Contractors and Subcontractors Signs - Signs designating the contractor or subcontractor engaged in the construction or repair of the building(s) on each lot or parcel of property shall be allowed in all zoning areas.

a. One non-illuminated sign is allowed per contractor or subcontractor. Signs shall not exceed four square feet in area for subcontractors and 32 square feet for general contractors.

b. Sign shall be removed within ten days after final inspection is completed.

5. Political Signs: Signs that would otherwise be prohibited that support a candidate for public office, or urge action on any other matter, on the ballot of primary, general or special elections are allowed with the following restrictions:

   a. Political signs may be displayed on private property in all zoning districts or in the unimproved area of the Town's Right of Way adjacent to residentially zoned property. If a Political Sign is on private property, prior to placing such sign, the permission of the property owner, lessee, or other person lawfully in control of the property must be obtained. If a Political Sign is on the Town's Right of Way, prior to placing such sign, the permission of the property owner, lessee, or other person lawfully in control of the adjacent property must be obtained.

   b. The total sign area permitted on any lot or parcel in a non residentially zoned area shall not exceed 32 square feet. The total sign area permitted on or adjacent to any lot or parcel in a residentially zoned area shall not exceed 3 square feet.

   c. The person, party or parties responsible for placing or distributing any such signs shall be jointly and severally liable for removal of them within ten days after the primary, general or special election to which they refer.

6. Banners: Signs painted or displayed on cloth or flexible material.

   a. Banners are limited to placement on private property and a maximum size of 24 square feet and a maximum length of 8 feet.

   b. Banners not attached to building or structure must include wind cuts.

   c. Prior to the erection of any Banner, a permit shall be obtained from the Community Development Department. The length of the permit shall not exceed 15 days and only one permit shall be issued per calendar month.

7. Temporary Portable Signs.

   a. Temporary Portable Signs may be placed in the unimproved portion of the Town's Right of Way or on private property with the permission of the property owner, lessee, or other person lawfully in control of the property with the following restrictions:

      i. Only one such sign per person or establishment is allowed,

      ii. Such signs may only be placed in commercially zoned areas,

      iii. Such signs may only be displayed Wednesday through Monday of each week, and

      iv. Such signs shall not exceed six (6) square feet in size.

   b. All Temporary Portable Signs require a sign permit and shall comply with all applicable design review requirements prior to placement.

8. Temporary Directional Signs. Temporary signs that direct a person to a specific location or address are permitted with the following restriction:

   a. All such signs shall be placed within one mile of the address or location being directed to,

   b. Only one such sign is allowed per change in direction,

   c. Such signs may only be displayed for 60 days in a calendar year,

   d. Such signs shall not exceed three (3) square feet in size,

   e. Such signs require a sign permit and shall comply with all applicable design review requirements prior to placement

f. Temporary Directional Signs may be placed on private property with the permission of the property owner, lessee, or other person lawfully in control of the property or in the unimproved portion of the Town's Right of Way.

9. Temporary Signs placed by the Town are allowed with the approval of the Town Engineer.

## D. Design Specifications

1. All signs shall comply with the appropriate detailed provisions of the current Building Code relating to the design, structural members and connections. Signs shall also comply with the applicable provisions of the National Electrical Code and the additional construction standards set forth in this section.
2. Materials of construction for signs and sign structures shall be of the quality and grade as specified for buildings in the current edition of the current Building Code.
3. Anchorage for signs shall be according to the following:
   a. Members supporting unbraced signs shall be proportioned so that bearing loads imposed on soil in either direction, horizontal or vertical, shall not exceed the safe values. Braced ground signs shall be anchored to resist specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil, and for effective resistance to pullout a mounting to a force 25 percent greater than the required resistance depth below ground greater than that of the frost line.
   b. Portable ground signs supported by frames or posts rigidly attached to the base shall be so proportioned that the weight and size of the base will be adequate to resist the wind pressure specified in the previous paragraph.
   c. Signs attached to masonry, concrete, or steel shall be safely and securely fastened by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support safely the loads applied.
   d. No wooden blocks or plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing.
   e. No anchor or support of any sign shall be connected to, or supported by, a parapet wall, unless such wall is designed in accordance with the requirements for parapet walls specified in Section 2313 of the current Building Code.
   f. There shall be no visible angle iron supports, guy wires, braces or secondary supports. All sign supports shall be an integral part of the sign design.
4. Electric Signs
   a. All electric signs shall conform in design and construction to appurtenant sections of Article 600 of the current National Electrical Code and other requirements as may be deemed necessary by the Building Inspector.
   b. Electric discharge tubing (neon "type") not terminated in an exterior metal sign raceway shall be terminated in appropriate receptacles.
   c. All sources of light shall be set in hood-type reflectors, so that no direct light is visible to the side.
   d. All light beams shall be trained directly on the copy space.
5. Visibility Requirements:

   Any freestanding sign which creates a visibility problem along adjacent streets or driveways is prohibited. The visibility shall be measured for both the existing street width and the ultimate design width if the street is not fully constructed.

If the Inspector determines that a potential visibility problem exists, the item will be referred to the Zoning Administrator for determination of an acceptable location.

## E. Maintenance

1. Sign Maintenance

   Maintenance and Repair: All signs shall be maintained to a safe, presentable and good condition, including replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance. The Building Inspector shall require compliance or removal of any sign determined by the Zoning Administrator to be in violation of this Code.

2. Nonconforming Signs

   Existing, Nonconforming signs are not affected by this Code until one of the following changes occurs: (Section 15-01-004 also applies)

   a. Nothing in this Code shall affect non-conforming signs or the right to their continued use for the purpose used at the time the ordinance takes effect, nor for any reasonable repairs or alterations in the signs used for such existing purposes.

   b. Whenever the name of a business or the nature of the business conducted on the premises changes, and the sign is changed, whether it be location, size or shape, the signs on the premises shall be modified to conform with this Code. This section shall not prevent repairing or restoring an existing sign to a safe condition or maintenance performed.

   c. Signs damaged by fire or other cause to the extent of more than 50% of its reproduction value shall be repaired or rebuilt in conformity with this Code.

3. Abandoned Signs: Any sign located on property which becomes vacant and unoccupied for a period of three months or more, or which was erected for an occupant or business unrelated to the present occupant or his business or a sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of three months or more. Seasonal businesses are not effected by this section unless they remain closed for one business season.

## F. Permits

Permits Required:

1. It shall be unlawful for any person to install, alter, or replace any sign without first obtaining a permit to do such work, unless it is specifically stated in this Code that a sign permit is not required.
2. Permit Fees: Fees to be charged according to the current Fee Schedule.
3. Double Fees: If any person, firm or corporation begins any work for which a permit is required by this Section, without first taking out a permit, he shall pay an additional fee equal to 100 percent of the fees and shall be subject to the penalty provisions of this Section.
4. Applications for Permit: shall be made by the owner, tenant, or lessee of the property on which the sign is located, or his authorized agent or a contractor licensed by the State of Arizona, or by a registered architect or engineer. Applications shall be made in writing on forms furnished by the Division of Building Inspections and shall be signed by the applicant. The application shall state the address, owner of the sign, owner of the property, plot plan, sign copy and the estimated cost of the work.
5. A permit shall be required to display, erect, relocate, or alter any sign, except for copy changes on reader panels.
6. An approval insignia shall be placed on all signs at the time of final inspection.

# Exhibit B

RESOLUTION NO. 2333

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 15-05 OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD. (TEMPORARY SIGNS)**

**WHEREAS,** the Code of the Town of Payson was declared to be a public record by Resolution Number 1536 of the Town of Payson; and

**WHEREAS,** the Code of the Town of Payson was adopted as a public record by Ordinance Number 588 of the Town of Payson; and

**WHEREAS,** it is the intention of the Town of Payson to amend Section 15-05 of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson amending provisions related to Temporary Signs; and

**WHEREAS,** such amendment may be enacted by reference, pursuant to A.R.S. § 9-802,

**NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY RESOLVE AS FOLLOWS:**

Section 1. Section 15-05 of Chapter 154 of the Code of the Town of Payson is hereby amended, is declared to be a public record, and as amended shall read as set forth in Exhibit A attached hereto.

Section 2. If any section, subsection, sentence, clause, phrase or portion of Resolution Number 2333 is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of Resolution Number 2333 The Town Council of Payson declares that it would have adopted Resolution Number 2333 and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases, or portions may be declared invalid or unconstitutional.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON** this _____ day of _____, 2007, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
F. Robert Edwards, Mayor

NOV 0 1 2007 G.4

ATTEST:

Silvia Smith, Town Clerk

APPROVED AS TO FORM:

Samuel I. Streichman, Town Attorney

# EXHIBIT A TO RESOLUTION 2333

## Unified Development Code Section 15-05 Signs

15-05-001 Intent and Purpose

A. The purpose of the section is to:

1. provide for adequate and appropriate signs to effectively identify businesses by location and type, ~~while~~
2. not allowing unsafe, oversize or excessive signs which obscure the buildings, trees and the natural beauty of the Town, and ~~to~~
3. protect the public from injury and damage as a result of distraction or obstruction of vision attributable to faulty construction or improper location of signs.

B. The intent of this section is to assure that the public welfare and public amenities are protected by exercising reasonable controls over the character, location and design of signs.

15-05-002 Applicability

A. The provisions of this section (Signs) shall apply to the erection, placement, construction, alteration, size, location and maintenance of all signs within the Town, except as otherwise specified.

*[note the provisions of 15-05-004 have been renumbered as 15-05-002(B). Changes to the original 15-05-004 have been noted with strikeout/underline]*

B. The provisions of this section (Signs) ~~Code~~ shall not apply to:

1. Flags, pennants, or insignias of any nation, state, city, or other political entity on private property.
2. Tablets, grave markers, headstone, statuary, or remembrances of persons or events noncommercial in nature on private property.
3. Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic, religious or local holiday or event on private property.
4. ~~Temporary signs for events of a general Town-wide civic or public benefit. Such signs or banners shall be removed within ten days after event. Civic organizations are limited to 64 square feet total.~~
4. Temporary signs on any property for events of a general Town-wide civic or public benefit, community events, or Town sponsored events so long as:
   a. prior to placing the signs, notice is given to the Town's Community Development Department;
   b. the total signage area does not exceed 64 square feet unless a larger amount of signage is allowed by the Community Development Director;

c. the sign(s) do not (i) block or impede roadways, bike paths, trails, sidewalks or any other right of way designated for travel by the public or (ii) create a traffic hazard; and

d. the signs are removed within three days after the event.

5. Signs on private property not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way or thoroughfare, providing that such sign does not constitute a traffic hazard.

6. The erection, construction, and maintenance of official traffic, fire, and police signs, signals, devices and markings of the State of Arizona, the Town of Payson, or other authorized public agency, or the posting of notices as required by law, providing that such sign does not constitute a traffic hazard.

~~7. Temporary sign for construction sites, contractor and real estate. To be removed within ten days after final inspection or sale of property.~~

7. Banners over the Town's Right of Way, the Town's roadway easements, or the Arizona Department of Transportation's Right of Way if such banners are otherwise regulated or placed by a state or local government entity.

8. Window Signs on private property which are only for the purpose of temporary signage to advertise the sale of goods or services.

~~9. Temporary signs which are attached to permanent signs otherwise in conformity with the provisions of this Code.~~

15-05-003 General Requirements

A. Prohibited Signs

1. Signs that are not specifically authorized are prohibited, including, but not limited to:

a. Vehicle signs not in compliance with Section 15-05-003(D)~~, Item E.~~

b. Fixed aerial advertising and displays ~~are prohibited~~.

c. Off Premise Signs except as provided in Section 15-05-005(C) ~~are prohibited in all districts~~.

d. Roof Mounted Signs which project above the highest point of the roof line, parapet or facade of the building.

e. Any sign or device emitting a sound or substance.

f. Any sign or device with intermittent or flashing illumination, animated or moving sign, but not including time and temperature signs.

2. ~~g.~~ Except as specifically allowed in 15-05-005(C), signs or notices of any kind ~~shall not be~~ placed or displayed on sidewalks, posts, utility poles, lamp posts, hydrants, trees, bridges, rocks, boulders, the ground, or other surfaces located in a Town's Right of Way, Town roadway easement, or on public property are prohibited.

3. ~~h.~~ Except as provided in 15-05-005( C), Temporary Signs are prohibited. ~~shall not be erected, placed, maintained or caused to be erected, other than those signs described in 15-05-005 of this Code.~~

~~Any permitted temporary sign shall not require a permit to be obtained and shall be limited to a 15 day continuous display period in any one calendar year, unless otherwise stated in this Code.~~

~~B. On-Street Signs~~

~~It shall be unlawful to erect, place, maintain or cause to be erected, placed, or maintained any on-street sign unless legally authorized to serve public purposes.~~

B.~~C.~~ Non-Conforming Sign/On Premise

1. A nonconforming sign shall be removed per this Code if it is determined to be a public nuisance or at least 50% destroyed or it is abandoned or it is structurally unsound, as determined by the Zoning Administrator.
2. Non-conforming signs with GRANDFATHERED Rights shall be limited to signs which lawfully existed as of the adoption date of this Code. Any sign which was erected without a proper permit from the Town shall remain a non-conforming and non-GRANDFATHERED sign and shall be subject to immediate removal or modification as determined by the Community Development Director in accordance with this Code.

~~D. Conformance~~

~~Any sign erected without a permit, where a permit is or was required and any sign not constructed/erected in conformance to the permit issued for its erection.~~

C. In addition to any other remedy or enforcement action, the following signs may be immediately removed by any employee or person under the direction of the Town Engineering or Community Development Departments:

1. signs placed on public property or in Town right of way in violation of any subsection of 15-05, and
2. signs placed on any property in violation of Section 15-05-005(C).

All signs removed pursuant to this subsection shall be retained for a period of fifteen (15) days. All such signs not claimed within fifteen (15) days may be disposed of.

D.~~E.~~ Vehicle Signs

Signs on vehicles, shall be subject to ~~allowed provided all~~ the following conditions ~~are adhered to~~:

1. The primary purpose of the vehicle is not the display of signs.
2. Such signs are magnetic, decals or painted upon an integral part of the vehicle as originally designed by the manufacturer. Signs that break the silhouette of the vehicle shall not exceed 3 square feet.
3. The vehicle is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of the business to which signs relate.
4. The vehicle is not used primarily as a static display, nor utilized as storage or shelter.

15-05-004 Reserved

*[note the provisions of 15-05-004 have been renumbered as 15-05-002(B)]*

15-05-005 Permitted Signs

A. Free Standing Signs - Each business or complex is entitled to one of the following:

1. High Profile Sign - The following regulations apply to high profile signs for individual businesses and not to plazas, complexes or shopping centers.
   a. There shall be no more than one such sign per subdivided lot or contiguous lots or parcel under the same ownership where parking facilities and structures are shared.
   b. A free standing sign located on the main entrance frontage of a lot as determined by the street address, shall be no larger than one square foot for each lineal foot of a building frontage, and shall pertain only to the business(es) therein.
   c. No portion of any such sign may extend onto an existing right-of-way or easement.
   d. The maximum size of each sign shall not exceed 32 square feet, with a maximum length of eight feet.
2. Low Profile Sign
   a. The following regulations apply to individual businesses and not to businesses located in plazas, complexes and shopping centers.
   b. Notwithstanding the regulation found above, a permanent freestanding sign may be placed according to the following dimensions.
   c. Such signs shall have a total maximum height of no more than five feet, as measured from the nearest ground level.
   d. No portion of any such sign may extend onto an existing right-of-way or easement.
   e. The maximum size of each sign shall not exceed 32 square feet, with a maximum length of eight feet.
3. Multi-tenant Sign
   a. Shopping Center:
   A group of commercial establishments, planned, constructed, and managed as a total entity with customer and employee parking provided on-site. Any shopping center consisting of 10 or more units shall have no more than a 100 sq. ft. sign for each driveway on each arterial roadway, with a maximum length of 12 feet per sign, provided each sign is separated by 150 feet as measured along the frontage of the center.
   b. Plaza Mall/Office Complex:
   A group of individual commercial shops/or offices with a common parking lot consisting of 6 through 9 units shall have no more than a single sign on each thoroughfare not to exceed 50 square feet with a maximum length of 12 feet.

c. Mini Plaza/Mall:
A group of individual commercial shops with a common parking lot consisting of 2 thru 5 units shall have no more than a single directory sign not to exceed 32 square feet with a maximum length of 12 feet.

d. Subdivided Shopping Centers/Plazas with Shared or Common Parking Areas
The commercial shops which are a part of a subdivided center shall have no more than a single sign which shall not exceed 100 square feet for a center with ten or more units provided each sign is separated by 150 feet as measured along the frontage of the center. Centers with 6 to 9 units shall have no more than a single sign on each thoroughfare not to exceed 50 square feet with a maximum length of 12 feet. Centers with five or less business establishments shall have a maximum of 32 sq. ft. of freestanding signage.

4. Spherical, free-form, sculptural, other non-planar signs:
Sign area will be the sum of the area of the sides of the smallest four-sided, polyhedron that will encompass the sign structure.

5. Subdivision Signs:
   a. Residential subdivisions are permitted low profile signs not to exceed 24 square feet..
   b. Commercial and industrial subdivisions are permitted free standing signs in conformance with the ratio of tenants to sign area, which is defined in Section 15-05-005, Item A.3.d.
   c. Approval of subdivision signs will be processed at the time of preliminary plat review through the submittal of a Master Sign Plan. The subdivider shall submit a Master Sign Plan showing the location, size and design for all subdivision identification signs to be included with the preliminary plat approval. If a subdivision does not have a Master Sign Plan or wishes to amend the existing Master Sign Plan; a sign application showing the location, size and design for all subdivision identification signs, shall be submitted to the Community Development Department for issuance of a sign permit.

B. Wall or Building Signs
None of the dimensions set forth in this subsection shall be construed to be cumulative.

1. Signs on or Attached to Buildings as Wall, Soffit and Facade Signs:
   a. Notwithstanding the regulations found within this Code, relating to free standing signs, signs may be placed upon, attached to, or painted upon buildings, subject to the following provisions.
   b. A sign located on the main entrance frontage of a building shall be no larger than one square foot for each lineal foot of building frontage. Such signs shall pertain only to the business(es) therein.

c. Such signs may be placed on the main entrance frontage of the building and on one or more sides of the same building; provided that the signs do not exceed two square feet for each lineal foot of the shorter of the main entrance frontage or side frontage where the sign is placed, with a maximum of 16 square feet per side.

d. The source of illumination for signs shall be so oriented or shielded as to not be visible from any residential zone or public thoroughfare.

e. Number of sign faces:
One -- Area of the single face only.
Two -- If the interior angle between the two connected sign faces is 45 degrees or less, the area will be the area of one face only; if the angle between the two sign faces is greater than 45 degrees the sign area will be the sum of the areas of the two faces.

f. Sign area is measured as that area contained within the outside dimensions of the background panel or surface.

g. Sign copy mounted as individual letters and/or graphics against a wall or fascia of a building or other structure that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy.

h. Sign area is measured as the total sum of the area enclosed by the smallest rectangles that will enclose each word in the total sign copy; i.e., one rectangle per word.

i. Three or more- The sign area will be the sum of the areas of the three or more faces.

2. Canopy (Awning) Signs: Canopy signs shall not project above the canopy. Signs may be attached flat against canopies made of rigid materials; canopies made of nonrigid materials (e.g. canvas) shall only have signs composed of nonrigid materials (e.g. paint, stitching). Awning/canopy signs shall not exceed 12 square feet or 50% of awning.

3. Roof Signs: Any sign placed upon the roof that does not extend above the roof line shall be considered a wall sign for the purpose of this code and shall abide by the Section b.(1) above. Roof signs that extend above the roof line are forbidden.

4. Window Signs: Permanent Signs on or inside windows of commercial establishments are permitted if no more than 25% of the area of the window space is used. Window signs must be placed behind a glass surface, not in unglazed openings.

5. Home Based Business Signs: A Home Based Business that is licensed and in compliance with all of the requirements of this Unified Development Code shall be allowed one name plate sign subject to the following restrictions:

a. The name plate sign shall not exceed two square feet, and

b. The Community Development Director shall review and approval all name plate signs to ensure that they complement the home's architecture and color and do not detract from the neighborhood.

C. Temporary Signs

1. Requirements for All Temporary Signs.

a. Unless specifically authorized in this section, no Temporary Sign may be placed on public property or in the Town's Right of Way or roadway easements.

b. Temporary signs shall not block, impede, or be placed in roadways, bike paths, trails, sidewalks or any other part of the Right of Way designed for travel by the public.

c. Temporary signs shall not create a traffic hazard; and

d. Temporary signs allowed under 15-05-005 (C)(2), (3), (4), (5), and (9) shall not require a permit.

2~~1~~. Coming Soon Signs - ~~a.~~ Signs announcing the proposed development of property after the issuance of a building permit by the Building Inspections Division for the proposed development.

a~~b~~. Sign can be displayed only with a valid permit for construction and must be removed within ten days of final inspection.

b~~c~~. Maximum size of signage allowed shall be 32 square feet with a maximum length of eight feet.

~~d. Sign permit is not required.~~

c. All Coming Soon Signs must be on the site of the proposed development.

3~~2~~. Sale, Lease or Rent Signs, temporary signs to announce real property availability.

a. There shall be no more than one such sign per subdivided lot ~~or contiguous lots or parcels under the same ownership~~.

b. Such signs shall not exceed six square feet for parcels of one acre or less and 16 square feet for parcels which are more than one acre in size.

c. In residentially zoned areas, Sale, Lease, or Rent Signs may be placed in the unimproved Town Right of Way adjacent to the property.

~~c. Sign permit is not required.~~

4~~3~~. Contractors and Subcontractors Signs - ~~a.~~ Signs designating the contractor or subcontractor engaged in the construction or repair of the building(s) on each lot or parcel of property shall be allowed in all zoning areas.

a~~b~~. One non-illuminated sign is allowed per contractor or subcontractor. Signs shall not exceed four square feet in area for subcontractors and 32 square feet for general contractors.

b~~c~~. Sign shall be removed within ten days after final inspection is completed.

~~d. All subcontractor signs may be consolidated in one sign. This sign area is to be calculated at four square feet per contractor listed. Signs are not to exceed five feet in height or be located within ten feet of the public right-of-way.~~

~~e. Sign permit is not required.~~

5~~4~~. Political Signs: ~~A political sign, that is a temporary sign~~ Signs that would otherwise be prohibited that support~~ing~~ a candidate for public office, or urge~~ing~~ action on any other matter, on the ballot of primary, general or special elections are allowed with ~~. In these circumstances,~~ the following restrictions ~~apply~~:

~~a. The display of any such sign shall be limited to 60 days immediately preceding any primary, general or special election to which they refer.~~

a. Political signs may be displayed on private property in all zoning districts or in the unimproved area of the Town's Right of Way adjacent to residentially zoned property. If a Political Sign is on private property, prior to placing such sign, the permission of the property owner, lessee, or other person lawfully in control of the property must be obtained. If a Political Sign is on the Town's Right of Way, prior to placing such sign, the permission of the property owner, lessee, or other person lawfully in control of the adjacent property must be obtained.

b. The total sign area permitted ~~in~~ on any lot or parcel in a non residentially zoned area shall not exceed 32 square feet. The total sign area permitted on or adjacent to any lot or parcel in a residentially zoned area shall not exceed 3 square feet. ~~These signs may be freestanding and single or double-faced, and may be perpendicular or parallel to the street.~~

c. The person, party or parties responsible for placing ~~erecting~~ or distributing any such signs shall be jointly and severally liable for removal of them within ten days after the primary, general or special election to which they refer.

~~d. No sign shall create an obstruction for traffic.~~

6~~5~~. Banners: Signs painted or displayed on cloth or flexible material.

a. Banners are limited to placement on private property and a maximum size of 24 square feet and a maximum length of 8 feet.

b. Banners not attached to building or structure must include wind cuts.

c. Prior to the erection of any Banner, a permit shall be obtained from the Community Development Department. The length of the permit shall not exceed 15 days and only one permit shall be issued per calendar month.

~~c. Banners are limited to a 15 day display period per permit. Only one such permit may be issued at a time.~~

7. Temporary Portable Signs.
   a. Temporary Portable Signs may be placed in the unimproved portion of the Town's Right of Way or on private property with the permission of the property owner, lessee, or other person lawfully in control of the property with the following restrictions:
      i Only one such sign per person or establishment is allowed,
      ii Such signs may only be placed in commercially zoned areas,
      iii Such signs may only be displayed Wednesday through Monday of each week, and
      iv Such signs shall not exceed six (6) square feet in size.
   b. All Temporary Portable Signs require a sign permit and shall comply with all applicable design review requirements prior to placement.
8. Temporary Directional Signs. Temporary signs that direct a person to a specific location or address are permitted with the following restriction:
   a. All such signs shall be placed within one mile of the address or location being directed to,
   b. Only one such sign is allowed per change in direction,
   c. Such signs may only be displayed for 60 days in a calendar year,
   d. Such signs shall not exceed three (3) square feet in size,
   e. Such signs require a sign permit and shall comply with all applicable design review requirements prior to placement
   f. Temporary Directional Signs may be placed on private property with the permission of the property owner, lessee, or other person lawfully in control of the property or in the unimproved portion of the Town's Right of Way.
9. Temporary Signs placed by the Town are allowed with the approval of the Town Engineer.

D. Design Specifications
   1. All signs shall comply with the appropriate detailed provisions of the Uniform Building Code relating to the design, structural members and connections. Signs shall also comply with the applicable provisions of the National Electrical Code and the additional construction standards set forth in this section.
   2. Materials of construction for signs and sign structures shall be of the quality and grade as specified for buildings in the current edition of the Uniform Building Code.
   3. Anchorage for signs shall be according to the following:
      a. Members supporting unbraced signs shall be proportioned so that

bearing loads imposed on soil in either direction, horizontal or vertical, shall not exceed the safe values. Braced ground signs shall be anchored to resist specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil, and for effective resistance to pullout a mounting to a force 25 percent greater than the required resistance depth below ground greater than that of the frost line.

b. Portable ground signs supported by frames or posts rigidly attached to the base shall be so proportioned that the weight and size of the base will be adequate to resist the wind pressure specified in the previous paragraph.

c. Signs attached to masonry, concrete, or steel shall be safely and securely fastened by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support safely the loads applied.

d. No wooden blocks or plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing.

e. No anchor or support of any sign shall be connected to, or supported by, a parapet wall, unless such wall is designed in accordance with the requirements for parapet walls specified in Section 2313 of the Uniform Building Code.

f. There shall be no visible angle iron supports, guy wires, braces or secondary supports. All sign supports shall be an integral part of the sign design.

4. Electric Signs

a. All electric signs shall conform in design and construction to appurtenant sections of Article 600 of the current National Electrical Code and other requirements as may be deemed necessary by the Building Inspector.

b. Electric discharge tubing (neon "type") not terminated in an exterior metal sign raceway shall be terminated in appropriate receptacles.

c. All sources of light shall be set in hood-type reflectors, so that no direct light is visible to the side.

d. All light beams shall be trained directly on the copy space.

5. Visibility Requirements:

Any freestanding sign which creates a visibility problem along adjacent streets or driveways is prohibited. The visibility shall be measured for both the existing street width and the ultimate design width if the street is not fully constructed.

If the Inspector determines that a potential visibility problem exists, the item will be referred to the Zoning Administrator for determination of an acceptable location.

E. Maintenance

1. Sign Maintenance

Maintenance and Repair: All signs shall be maintained to a safe, presentable and good condition, including replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance. The Building Inspector shall require compliance or removal of any sign determined by the Zoning Administrator to be in violation of this Code.

2. Nonconforming Signs

Existing, Nonconforming signs are not affected by this Code until one of the following changes occurs: (Section 15-01-004 also applies)

a. Nothing in this Code shall affect non-conforming signs or the right to their continued use for the purpose used at the time the ordinance takes effect, nor for any reasonable repairs or alterations in the signs used for such existing purposes.

b. Whenever the name of a business or the nature of the business conducted on the premises changes, and the sign is changed, whether it be location, size or shape, the signs on the premises shall be modified to conform with this Code. This section shall not prevent repairing or restoring an existing sign to a safe condition or maintenance performed.

c. Signs damaged by fire or other cause to the extent of more than 50% of its reproduction value shall be repaired or rebuilt in conformity with this Code.

3. Abandoned Signs: Any sign located on property which becomes vacant and unoccupied for a period of three months or more, or which was erected for an occupant or business unrelated to the present occupant or his business or a sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of three months or more. Seasonal businesses are not effected by this section unless they remain closed for one business season.

F. Permits

Permits Required:

1. It shall be unlawful for any person to install, alter, or replace any sign without first obtaining a permit to do such work, unless it is specifically stated in this Code that a sign permit is not required.
2. Permit Fees: Fees to be charged according to the current Fee Schedule.
3. Double Fees: If any person, firm or corporation begins any work for which a permit is required by this Section, without first taking out a permit, he shall pay an additional fee equal to 100 percent of the fees and shall be subject to the penalty provisions of this Section.
4. Applications for Permit: shall be made by the owner, tenant, or lessee of

the property on which the sign is located, or his authorized agent or a contractor licensed by the State of Arizona, or by a registered architect or engineer. Applications shall be made in writing on forms furnished by the Division of Building Inspections and shall be signed by the applicant. The application shall state the address, owner of the sign, owner of the property, plot plan, sign copy and the estimated cost of the work.

5. A permit shall be required to display, erect, relocate, or alter any sign, except for copy changes on reader panels.
6. An approval insignia shall be placed on all signs at the time of final inspection.

# Exhibit C

## SUMMARY OF AGENDA ITEM

**DATE:** **October 18, 2007**

**TO:** **Mayor and Council**

**FROM:** **Legal Department and Community Development**

**SUBJECT:** **Amendments to Sign Code Addressing Temporary Signs**

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**PURPOSE:** Ordinance 727 (Resolution 2333) would amend the Sign Code, primarily as it relates to Temporary Signs. The changes are noted in a underline/strikeout format.

**SUMMARY OF CHANGES:**

1) Temporary Portable Signs (Section 15-05-005(C)(7)) are allowed with the following restrictions:
   a. only in commercially zoned areas.
   b. only one per establishment or person
   c. only Wednesday through Monday.
   d. not exceed 6 square feet.
   e. must have an approved sign permit and comply with design review requirements.

   Additionally, Section 15-02-013(F)(7)(f)(8)(d) (Temporary Signs within GVRA) is deleted. With the addition of Section 15-05-005(C)(7) (Temporary Portable Signs) there is now one Town wide standard.

2) Temporary Directional Signs - Signs that direct a person to a specific location or address are permitted with restrictions including that they must receive design review approval. See Section 15-05-005(C)(8).

3) The Design Review Board, in coordination with the Community Development Department, is charged with establishing Design Review Standards for Temporary Portable and Temporary Directional Signs by January 1, 2008.

4) Section 15-05-002(B)(4), addressing Temporary Signs for events of a Town-wide civic or public benefit, community events, or Town sponsored events, has been clarified and a provision allowing the Community Development Director to approve signs over 64 square feet has been added.

5) Additional Temporary Sign provision changes:
   a. Clarifying that unless specifically authorized, Temporary Signs may not be placed in the Town's Right of Way
   b. Allowing the Town to take immediate enforcement action (i.e. removal) against any illegal signs placed on public property or in the Town's Right of Way or any illegal Temporary Signs no matter where they are placed.
   c. Assuring no Temporary Sign may create a traffic hazard or block or impede roadways, sidewalks, bike paths, etc.

1st Reading & Public Hrg OCT 18 2007 G.6

6) Additional clarifications
   a. Banners over the Highway or the Town's right of way are exempted if they are regulated or placed by a state or local government. See Section 15-05-002(B)(7).
   b. It is clarified that Sale, Lease or Rent Signs may be placed in the Town's unimproved Right of Way in residential areas. See Section 15-05-005(C)(3).
   c. Political Signs signs may be placed on private property in all zoning districts and may be up to 3 square feet in residential areas and 32 square feet in non-residential areas. In residentially zoned areas, the signs may also be placed in the unimproved portion of the Town's Right of Way with the permission of the adjacent property owner, but Political Signs may not be placed in the Town's Right of Way in nonresidential areas. See Section 15-05-005(C)(5).

7) Home Based Business Signs - A name plate sign (not exceeding 2 square feet) is permitted upon review that the sign does not detract from the neighborhood. See Section 15-05-005(B)(5).

8) Section 15-05-004 'Exemptions' has been renumbered as Section 15-04-002(B).

# Exhibit D

| | | |
|---|---|---|
| Payson | **Administrative Policy**<br>**RIGHT OF WAY – COMM/IND ZONED**<br>**Public Works – A102** | Effective Date:<br>October 2010<br>Revised Date: |

# RIGHT OF WAYS ADJACENT TO COMMERICALLY OR INDUSTRIALLY ZONED PROPERTIES


## Summary

Public rights of way are intended to be used for roadways, public utility corridors, property access, and vehicular parking. This policy defines additional activities, public and private, that may be appropriate within Town of Payson adjacent to commercially (C-1, C-2, or C-3) or industrially (M-1 or M-2) with the possession of a valid right of way permit and a landscape maintenance agreement. Public rights of way within the Town of Payson shall not be used for private utilities or private improvements except as allowed in this policy.

Additional right of way activities that may be allowed with a permit include, but are not limited to, drainage improvements, commercial signage, landscaping and beautification, and commercial ventures.


## Process

A. General Requirements:

1. A right of way permit shall be obtained from the Public Works Department prior to any work being done on Town of Payson right of way.

2. Prior to receiving a right of way permit to begin construction, except for Temporary Signage addressed in Section F, the adjacent property owner must execute an agreement with the Town concerning the improvements and maintenance required in order to use public property for a private purpose.

3. All private improvements on Town of Payson right of way shall be temporary and are subject to removal with 30 days notice when such removal is needed for a public purpose.

4. Any improvements in the right of way shall not be allowed to conflict or obstruct the installation, maintenance or repair of public utilities.

5. Any private improvements in the right of way damaged during maintenance or repair of public utilities shall be repaired at the owners expense.

6. An Application to use the Town right of way, submittal checklist, and the signage general design parameters are included in Exhibit 'A' of this document.

B. Drainage Improvements – Additional Requirements:

1. All drainage improvements shall be constructed to MAG Standard Specifications and Details.

2. Drainage improvements can not adversely affect upstream or downstream properties.

C. Commercial Signage – Additional Requirements:

1. All signs shall be in conformance with the Town of Payson Unified Development Code and approved and permitted by the Town's Community Development Department. The general appearance of the sign shall conform to the guidelines approved by the Town Council.

2. The surface area of any signage allowed on the right of way shall be directly proportional to the width of usable Town of Payson right of way adjacent to the private property measured perpendicular to the back of curb. Commercial signage copy area shall not exceed twelve (12) square feet if placed within 12 feet of the back of curb. The copy area may be increased by one (1) square foot for each additional foot of perpendicular separation between the back of curb and the sign up to a maximum of 32 square feet, unless the copy area is further restricted by the UDC.

3. New signage shall not block any existing legal signage.

4. New signage shall not create an unsafe condition by blocking the site distance while exiting a driveway.

5. No part of the sign structure or base may be within 2 feet horizontally of any existing or proposed waterline, or within 3 of the back of the sidewalk. Additionally, no part of the sign copy may be within 3 feet of the back of the sidewalk.

6. The sign owner shall provide and maintain landscaping and irrigation in the right of way adjacent to the property that the signage serves. The landscaping plan must be approved by the Community Development Department and Public Works Department.

7. The landscape plan shall generally conform to the following requirements:
    a. There shall be no less than 1-36" box tree for each 30 linear feet, or portion thereof, of right of way adjacent to the property.
    b. There shall be 5 shrubs for each 200 square foot, or portion thereof, of right of way adjacent to the property.
    c. The plan shall include other landscape elements as desired by the adjacent property owner.
    d. No trees may be planted within 2 feet horizontally of any existing or proposed waterline.
    e. All landscaping materials shall comply with the Town's low water use requirements.
    f. The plan shall include a drip irrigation system design that shall be connected to a water source provided by the adjacent property owner.

8. The Town may revoke the Right of Way permit and require the removal of all private improvements if there is a conflict with an existing or future utility.

9. Prior to receiving a signage and landscaping right of way permit, the adjacent property owner must execute an agreement with the Town concerning the improvements and maintenance required in order to use public property for a private purpose.

10. The agreement shall be recorded with the Gila County Recorder as an encumbrance against the property, and shall run with the property until it is cancelled by either party.

11. The form of the agreement is attached to this policy.

D. Landscaping and Beautification - Additional Requirements:

1. The landscaping plan must be approved by the Community Development Department and Public Works Department.

2. All landscaping shall meet the requirements of Section C of this policy.

E. Temporary Commercial Ventures – Additional Requirements:

1. All temporary commercial ventures on public right of way shall obtain a right of way permit from the Public Works Department prior to set up.

2. Temporary Commercial ventures cannot be permanently located on public right of way.

3. The maximum time a commercial venture can be located in a set location within public right of way is 48 hours. A new location shall be considered the same location if it is within ¼ mile of the previous location.

4. The maximum time a commercial venture can be located on public right of way is 10 days in any 12 month period.

F. Temporary Banner or Signage – Additional Requirements:

1. The temporary banner or sign on Town right of way shall only be used for short term while the adjacent property owner/business is diligently pursuing the installation of a long term commercial sign in accordance with this policy.

2. The location of the sign shall be approved by the Community Development Department and Public Works Department.

3. The copy area of the sign or banner shall not exceed 8 feet in length and no more than 24 square feet.

4. A right of way permit for a temporary sign or banner is good for a maximum of 60 calendar days. This time frame can only be extended under extenuating circumstances and then only for a maximum of 15 calendar days.

G. Town of Payson Entry Signs – Additional Requirements:

1. The preferred locations and general design parameters for any Town of Payson Entry Signs are included in Exhibit 'B' of this document.