

ORDINANCE NO. 829

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PORTIONS OF THE TOWN'S SIGN REGULATIONS, INCLUDING BANNERS, TEMPORARY PORTABLE SIGNS, ELECTRONIC MESSAGE CENTERS, AND CONFORMING CHANGES.

WHEREAS, the Town of Payson regulates the type, size, and placement of signs to assure citizen safety and to protect the public's health and safety; and

WHEREAS, the Town additionally regulates the type, size, and placement of signs to maintain the aesthetic quality of the Town and to maintain and increase property values of the citizens of the Town; and

WHEREAS, the Town is permitted to place reasonable time, place, and manner restrictions on signage; and

WHEREAS, the Town has an interest in the type of signs placed upon its right of way and on any property owned by the Town; and

WHEREAS, on April 5, 2012, the Town Council, in response to citizen complaints, directed Town Staff to work with the Planning and Zoning Commission to explore options for amending the Town's sign code based upon discussions and concerns expressed by the Council; and

WHEREAS, Town Staff has been working with the Planning and Zoning Commission for the past 11 months and the Planning and Zoning Commission held Public Hearings on May 7, 2012, June 11, 2012, August 13, 2012, December 10, 2012, January 14, 2013, and March 11, 2013 concerning options for amending the Town's sign code; and

WHEREAS, the Planning and Zoning Commission also held a Public Hearing and joint meeting with the Design Review Board on July 9, 2012; and

WHEREAS, on March 11, 2013, the Planning and Zoning Commission recommended that the Town Council amend the Town's sign code in three specific areas (Banners, Temporary Portable Signs, and Electronic Message Centers) and to make conforming changes; and

WHEREAS, because of concerns associated with Proposition 207 (The Private Property Rights Protection Act), the Planning and Zoning Commission recommended that the amendments to Banners and Temporary Portable Signs be enacted for a period of 36 months with a review process to take place during the 6 months prior to their expiration; and

WHEREAS, the Town desires to amend Sections 15-05-005(C)(6) (Banners), 15-05-005(C)(7) (Temporary Portable Signs), and 15-05-005(A)-(E) (Electronic Message Centers, aka automated signs) in order to allow businesses greater access to signage while maintaining roadway safety, protecting the public's health and safety, ensuring an aesthetically pleasing Town, and maintaining and increasing property values; and

WHEREAS, the Town finds that the regulations adopted by this Ordinance are reasonable time, place, and manner regulations and do not regulate the content of any sign,

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

- Section 1. That the amendments to Section 15-05-005(C)(6) (related to Banners) of the Unified Development Code of the Town of Payson set forth in Exhibit A to Resolution 2706 were declared to be a public record, and that the amendments to Section 15-05-005(C)(6) are hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance.
- Section 2. That the amendments to Section 15-05-005(C)(7) (related to Temporary Portable Signs) of the Unified Development Code of the Town of Payson set forth in Exhibit B to Resolution 2706 were declared to be a public record, and that the amendments to Section 15-05-005(C)(7) are hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance.
- Section 3. That the amendments set forth in Sections 1-2 above shall expire 36 months after the approval of this Ordinance unless extended by the Council.
- Section 4. That Town Staff is directed to present a report to the Planning and Zoning Commission on the effects of the amendments set forth in Sections 1-2 above 30 months after the approval of this Ordinance; and following the receipt of such report, the Planning and Zoning Commission shall make recommendation to the Town Council on permanently extending, temporarily extending, or letting the amendments expire.
- Section 5. That the amendments to Sections 15-05-003, 15-05-005, and 15-11-002 (related to Electronic Message Centers, aka automated signs) of the Unified Development Code of the Town of Payson set forth in Exhibits C-F of Resolution 2706 were declared to be a public record, and that the amendments to Sections 15-05-003, 15-05-005, and 15-11-002 are hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance.
- Section 6. That Section 15-05-005(B)(5) (relating to Home Occupation Signage) of the Unified Development Code of the Town of Payson is hereby deleted.

Section 7. That the Definition of "Automated Signs" in Section 15-11-002 (Definitions) of the Unified Development Code of the Town of Payson is hereby deleted.

Section 8. That the amendments to Sections 15-05-003(D), (E), and (F) (conforming changes and clean ups) of the Unified Development Code of the Town of Payson set forth in Exhibit G to Resolution 2706 were declared to be a public record, and that the amendments to Sections 15-05-003 (D), (E), and (F) are hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance.

Section 9. If any section, subsection, or portion of this Ordinance 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 this Ordinance.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON** this \_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote:

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSTENTIONS \_\_\_\_\_ ABSENT \_\_\_\_\_

\_\_\_\_\_  
Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Silvia Smith, Town Clerk

  
\_\_\_\_\_  
Timothy M. Wright, Town Attorney

**RESOLUTION NO. 2706 IS  
PROVIDED FOR INFORMATION  
ONLY AT THE MARCH 21, 2013  
COUNCIL MEETING.**

**RESOLUTION NO. 2706 WILL  
BE AGENDIZED AS AN ACTION ITEM  
AT THE APRIL 4, 2013 COUNCIL  
MEETING.**

**RESOLUTION NO. 2706**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PORTIONS OF THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF PAYSON (RELATING TO BANNERS, TEMPORARY PORTABLE SIGNS, AND ELECTRONIC MESSAGING CENTERS) AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.**

**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 portions of the Unified Development Code of the Town of Payson relating to Banners, Temporary Portable Signs, Electronic Messaging Centers, and conforming changes; and

**WHEREAS**, such amendments 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 15-05-005(C)(6) (Banners) of the Unified Development 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. Section 15-05-005(C)(7) (Temporary Portable Signs) of the Unified Development 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 B attached hereto.
- Section 3. Section 15-05-003(A)(1)(f) of the Unified Development 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 C attached hereto.
- Section 4. Section 15-05-005(D) (Electronic Message Center) of the Unified Development Code of the Town of Payson is hereby added, is declared to be a public record, and as amended shall read as set forth in Exhibit D attached hereto.
- Section 5. Section 15-05-005(E) of the Unified Development Code of the Town of Payson is hereby added, is declared to be a public record, and as added shall read as set forth in Exhibit E attached hereto.
- Section 6. That the definition of "Electronic Message Center" under Sign Terms is hereby added to Section 15-11-002 (Definitions) of the Unified Development Code of the Town of Payson, is declared to be a public record, and shall read as set forth in

Exhibit F attached hereto.

Section 7. Sections 15-05-003(D), (E), and (F) of the Unified Development Code of the Town of Payson are hereby added, each is declared to be a public record, and as amended shall read as set forth in Exhibit G attached hereto.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON** this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote:

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSTENTIONS \_\_\_\_\_ ABSENT \_\_\_\_\_

\_\_\_\_\_  
Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Silvia Smith, Town Clerk

  
\_\_\_\_\_  
Timothy M. Wright, Town Attorney

**EXHIBIT A**

**TO**

**RESOLUTION 2706**

15-05-005(C)

~~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.~~

6. Banners:

a. Permit Requirements

- i. Prior to the erection of any banner, a permit shall be obtained from the Community Development Department.
- ii. The maximum display period for a banner is 15 days per calendar month.
- iii. Only one banner permit shall be issued per business per calendar month.
- iv. The banner may be manually changed during the display period, i.e., a permitted banner may read "good morning" during the morning hours and be replaced with a banner reading "good afternoon" during the afternoon hours.

b. Banner Requirements

- i. A banner shall be a maximum of 24 square feet, with a maximum length or overall height of 8 feet.
- ii. A banner shall be made of fabric, pliable plastic, paper, or other light material not enclosed in a rigid frame. A banner may be printed with a message on two sides if integrally displayed on the front and reverse.
- iii. A banner shall not include appurtenances (balloons, streamers, etc).
- iv. A banner not attached to a building or structure shall include wind cuts.

c. Banner Placement

- i. A banner may be affixed to a building wall or may be freestanding.
- ii. A banner may be placed in the unimproved portion of the Town's Right of Way in commercially zoned areas so long as the banner advertises a business or establishment immediately adjacent to the Right of Way where the banner is being placed.
- iii. Any banner erected upon the unimproved portion of the Town's Right of Way shall be located a minimum of 15 feet back of or behind adjacent public roadway improvements.
- iv. Any banner erected upon private property shall be located a minimum of 3 feet back of or behind adjacent public road improvements. During the permitting process, if required for pedestrian or vehicle traffic safety, the minimum setback may be increased up to a total of 15 feet.
- v. The set back requirements under subsections iii and iv above shall be measured from the closest point of the banner to the nearest edge of public road improvements, either curb, sidewalk or pavement edge whichever is the closest improvement adjoining the private property.
- vi. Anchors, supports or other means of erecting a freestanding banner shall be removed when the banner is not being displayed.

**EXHIBIT B**

**TO**

**RESOLUTION 2706**

15-05-005(C)

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 ONLY in commercially zoned areas, AND
  - 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.

**EXHIBIT C**

**TO**

**RESOLUTION 2706**

*Amend Section 15-05-003(A)(1)(f)*

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~~ EMCs.

**EXHIBIT D**

**TO**

**RESOLUTION 2706**

*Add new Section (D) to 15-05-005*

D. Electronic Message Center Signage/EMCs: EMCs may be utilized as a component of signs allowed by Section 15-05-005(A) or Section 15-05-005(B) subject to the following regulations;

1. Brightness Levels

- a. The brightness for EMCs shall be no greater than 0.3 foot candles above ambient light conditions.
- b. EMCs shall utilize an automatic dimming feature.

2. Transition Method

- a. The transition method between images or messages must be a static or instant change.
- b. All types of animation, including but not limited to, fade, scroll, travel, wipe left/right, dissolve, and full animation are prohibited.
- c. The transition method duration shall be one second or less.

3. Message Hold Time - Message hold times shall be a minimum of 8 seconds.

4. Area of Sign Allowable as Electronic Message Center - No EMC shall exceed 50% of the legal maximum allowable area of a sign. The legal maximum allowable area of a sign shall be determined as of the date of the EMC installation.

5. Text Specifications - Text height should not be less than 6 inches nor more than 24 inches.

6. Residential districts (This section applies to uses that are permitted or conditional in R-1, R-2, or R-3, exclusive of home occupations. For home occupation sign standards, see Home Occupation Signs subsection (E) below).

- a. EMCs may be utilized on properties in residentially zoned districts if the EMC has been approved as part of a Conditional Use Permit application for the property upon which it is located and the EMC is not within 300 feet of the boundary of a property zoned for or used for residential purposes.
- b. An EMC located on property adjacent to property zoned or used for residential purposes shall not face the residential use.

7. View Protection - EMCs may be prohibited or subject to additional requirements (i.e., reduced height, etc.) if any portion of the EMC structure or display impacts existing views of the Mogollon Rim, Mazatzal Mountains, Stewart (Gibson) Ridge or other significant natural features. Where uncertainty exists, Town Staff and/or the Design Review Board shall make the determination if a view is impacted and if a prohibition or additional requirements are necessary.

**EXHIBIT E**

**TO**

**RESOLUTION 2706**

15-05-005(E)

E. Home Occupation Signage – A Home Occupation that is licensed and in compliance with all of the requirements of the Unified Development Code shall be allowed on a name plate sign subject to the following:

1. The sign shall not exceed two square feet,
2. The sign shall not include an EMC, and
3. The Community Development Director shall review and approve the sign to ensure that such sign complements the home's architecture and color and does not detract from the residential character of the neighborhood.

**EXHIBIT F**

**TO**

**RESOLUTION 2706**

15-11-002

**Sign Terms**

**Electronic Message Center/EMC:** A variable-message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs, or similar technology.

**EXHIBIT G**

**TO**

**RESOLUTION 2706**

## **DF. Design Specifications**

1. All signs shall comply with the ~~appropriate detailed~~ provisions of the currently ~~adopted~~ 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.~~

25. ~~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.~~

Section 15-05-003(E) is hereby renumbered to 15-05-003(G)

15-05-003(F)

**HF. 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/HER 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 Community Development Department ~~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.