

RESOLUTION NO. 2879

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, EXTENDING THE PROVISIONS OF ORDINANCE NO. 829 AND RESOLUTION NO. 2706 RELATING TO BANNERS AND TEMPORARY PORTABLE SIGNS FOR SIXTY-SIX MONTHS, 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 and was adopted as a public record by Ordinance Number 588; and

WHEREAS, on April 4, 2013, the Town of Payson adopted Ordinance 829 and Resolution 2706 relating to banners and temporary portable signs; and

WHEREAS, because of concerns with Proposition 207 (The Private Property Rights Act), the provisions enacted by Ordinance 829 and Resolution 2706 are scheduled to sunset thirty-six months from the effective date of the Ordinance; and

WHEREAS, on September 21, 2015, the Town of Payson Planning and Zoning Commission held a public hearing concerning extending the provisions of Ordinance 829 and Resolution 2706 for sixty-six months beyond the current sunset date with a review within six months prior to the new sunset date, and recommended to the Town Council approval of such extension; and

WHEREAS, it is the intention of the Town of Payson to extend the provisions of Ordinance 829 and Resolution 2706 for sixty-six months with a review within six months prior to the new sunset date; 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, adopted on April 4, 2013 by Ordinance 829 and Resolution 2706, is hereby amended to extend the sunset date to sixty-six months after the current sunset date of May 4, 2016, with a review within six months prior to the new sunset date of November 4, 2021.

Section 2. Section 15-05-005(C)(7) (Temporary Portable Signs) of the Unified Development Code of the Town of Payson, adopted on April 4, 2013 by Ordinance 829 and Resolution 2706, is hereby amended to extend the sunset date to sixty-six months

Prepared by Town of Payson Legal Department

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after the current sunset date of May 4, 2016, with a review within six months prior to the new sunset date of November 4, 2021.

Section 3. If any portion of this Resolution is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution.

Section 4. This Resolution is hereby declared to be a public record.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this ____ day of November, 2015, by the following vote:

AYES ____ NOES ____ ABSTENTIONS ____ ABSENT ____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:


Hector M. Figueroa, Town Attorney

Silvia Smith, Town Clerk

UDC SECTION 15-05-005(C)
WAS ADOPTED ON APRIL 4, 2013 BY
PASSAGE OF ORDINANCE NO. 829
AND RESOLUTION NO. 2706,
AND IS PROVIDED FOR
REFERENCE PURPOSES ONLY

(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 three 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.

15-05-005(c)

(6) *Banners.*

(a) Permit requirements.

1. Prior to the erection of any banner, a permit shall be obtained from the Community Development Department.

2. Reserved.

3. Only one banner permit shall be issued per business per calendar month.

4. 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.

1. A banner shall be a maximum of 24 square feet, with a maximum length or overall height of eight feet.

2. 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.

3. A banner shall not include appurtenances (balloons, streamers, etc).
4. A banner not attached to a building or structure shall include wind cuts.

(c) Banner placement.

1. A banner may be affixed to a building wall or may be freestanding.
2. 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.
3. 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.
4. Any banner erected upon private property shall be located a minimum of three 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.
5. The set back requirements under divisions 3. and 4. 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.
6. Anchors, supports or other means of erecting a freestanding banner shall be removed when the banner is not being displayed.

(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:

1. Only one such sign per person or establishment is allowed,
2. Such signs may be placed only in commercially zoned areas, and
3. Such signs shall not exceed six 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: