

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, AND ELECTRONIC MESSAGE CENTERS; AND APPROVING 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; and

WHEREAS, when the Town Council approved Ordinance 727 (allowing Temporary Portable Signs), it directed the Design Review Board to establish Design Review Criteria for such Temporary Portable Signs; and

WHEREAS, the Town Council now desires that the Design Review Board reexamine the Design Review Criteria to determine if any modifications to such Criteria are warranted,

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

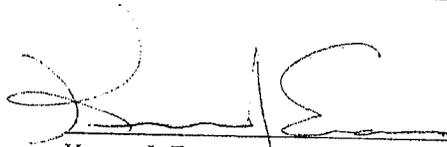
- Section 1. That the amendments to Section 15-05-005(C)(6) (related to Banners) of the Unified Development Code of the Town of Payson set forth in Exhibit A to Resolution 2706 were declared to be a public record, and that the amendments to Section 15-05-005(C)(6) are hereby referred to and adopted by 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.

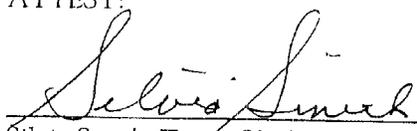
- Section 6. That Section 15-05-005(B)(5) (relating to Home Occupation Signage) of the Unified Development Code of the Town of Payson is hereby deleted.
- Section 7. That the Definition of "Automated Signs" in Section 15-11-002 (Definitions) of the Unified Development Code of the Town of Payson is hereby 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. The Design Review Board is directed to reexamine the Design Review Criteria for Temporary Portable Signs and Temporary Directional Signs and modify such Criteria as may be warranted.
- Section 10. 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 4<sup>th</sup> day of April, 2013, by the following vote:

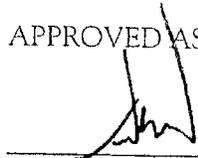
AYES 7 NOES 0 ABSTENTIONS 0 ABSENT 0

  
Kenny J. Evans, Mayor

ATTEST:

  
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

  
Timothy M. Wright, Town Attorney

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

APR 04 2013 2.3

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Exhibit F attached hereto.

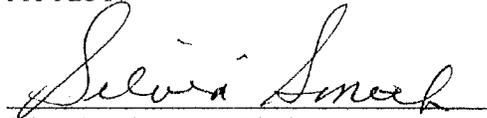
Section 7. Sections 15-05-003(D), (E), and (F) of the Unified Development Code of the Town of Payson are hereby added, each is declared to be a public record, and as amended shall read as set forth in Exhibit G attached hereto.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this 4<sup>th</sup> day of April, 2013, by the following vote:

AYES 7 NOES 0 ABSTENTIONS 0 ABSENT 0

  
Kenny J. Evans, Mayor

ATTEST:

  
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

  
Timothy M. Wright, Town Attorney

**EXHIBIT A**

**TO**

**RESOLUTION 2706**

6. Banners:

a. Permit Requirements

- i. Prior to the erection of any banner, a permit shall be obtained from the Community Development Department.
- ii. Reserved.
- 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 be placed only in commercially zoned areas, and
  - iii. 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.

**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.

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**

15-05-003(F)

#### **F. Design Specifications**

1. All signs shall comply with the provisions of the currently adopted Building Code relating to the design, structural members and connections.

2. 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.

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

15-05-003(H)

#### **H. 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. 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.



**Temporary Sign Permit Application**

"Arizona's Cool Mountain Town"

Submittal Date : \_\_\_\_\_

**APPLICANT INFORMATION**

Contact Person \_\_\_\_\_ Phone \_\_\_\_\_

Business Name \_\_\_\_\_ Fax \_\_\_\_\_

Site Address \_\_\_\_\_

Mailing Address \_\_\_\_\_

Property Owner \_\_\_\_\_ Phone \_\_\_\_\_

TYPE OF SIGN (Check One)	FEE	PLACEMENT LOCATION
<input type="checkbox"/> Portable	\$25.00	_____
<input type="checkbox"/> Directional	\$25.00	_____
<input type="checkbox"/> Banner	\$25.00	_____
<input type="checkbox"/> Other		_____

SIGN SIZE (example 2'x3') \_\_\_\_\_ SIGN TEXT \_\_\_\_\_

DISPLAY START DATE \_\_\_\_\_ DISPLAY END DATE \_\_\_\_\_

**TOWN USE ONLY**

Approval/Disapproval date: \_\_\_\_\_ Date applicant notified of status: \_\_\_\_\_

Special Conditions: \_\_\_\_\_

Other signs on display at proposed location

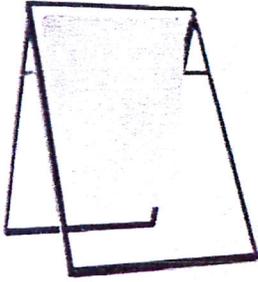
1. Permit# _____	Display Period _____	2. Permit# _____	Display Period _____
3. Permit# _____	Display Period _____	4. Permit# _____	Display Period _____
5. Permit# _____	Display Period _____	6. Permit# _____	Display Period _____

*Note: Town of Payson assumes no liability for damage or injury resulting from approval of temporary sign application. Signs not in compliance with Payson sign code may be removed and disposed of.*

## Design/Construction Requirements Temporary Portable and Temporary Directional Signs

All portable signs shall be professionally constructed consistent with the following design specifications:

- 1) Temporary portable and temporary directional signs shall be hanging style signs attached to black metal A-frame base as shown below left. (Except 6" X 24" directional signs, which may also be aluminum face mounted upon a straight stake angle iron.)



- 2) Signs shall not utilize any reflectorized material or fluorescent colors.

## Town of Payson Unified Development Code-Temporary Sign Display criteria

### 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 be placed only in commercially zoned areas, and
  - iii. Such signs shall not exceed six (6) square feet in size.
- b. All Temporary Portable Signs require a permit and shall comply with all applicable design review requirements prior to placement.

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 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 must be permitted and receive design review approval 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.