

CITY COUNCIL REPORT



Meeting Date: May 23, 2017
General Plan Element: *Character and Design*
General Plan Goal: *Use community goals, character and context to determine development appropriateness.*

ACTION

Sign Ordinance Update - Temporary Signs 2-TA-2016

Request to consider the following:

1. Adopt Ordinance No. 4300 amending the City's Zoning Ordinance (Ordinance No. 455), Article VII. (General Provisions), and Article VIII. (Sign Requirements), for the purposes of modifying the sign requirements for temporary and semi-permanent signs, and to remove special event sign regulations from the Zoning Ordinance.
2. Adopt Resolution No. 10727 declaring "2-TA-2016 – Sign Ordinance Update – Temporary Signs," as a public record.

Key Items for Consideration

- Consistency with the General Plan.
- Incorporates new temporary sign types and regulations.
- Establishes a more user-friendly and contemporary Zoning Ordinance.
- Planning Commission heard this case on February 22, 2017, and recommended approval with a 5-0 vote.

APPLICANT CONTACT

Andrew Chi, Planner
City of Scottsdale
480-312-7828
achi@scottsdaleaz.gov

LOCATION

City-wide

BACKGROUND

The sign requirements of the Zoning Ordinance were a pioneering effort when first adopted in the 1960s. In June 1969, the sign requirements were overhauled with the adoption of Zoning Ordinance No. 455, and substantially revised throughout the 1970s and 1980s. In June 2003, the City Council updated the sign requirements to include two classifications of temporary sign types (temporary signs and semi-permanent signs) that are based on materials (wood, plastic, paper, etc.) and the duration of display. In March 2007, the City Council adopted an amendment to the temporary sign requirements to address the proliferation of temporary signs on private property and in the public right-of-way. This amendment was intended to reduce sign clutter while maintaining aesthetically pleasing streetscapes.

General Plan

The Scottsdale General Plan, as amended, is the primary policy containing values, goals, and approaches for guiding the future development of the City. These values, goals, and approaches contained in the General Plan encourage a high quality physical environment and an aesthetically attractive community to live and do business. The community's desire for strong sign controls assist in accomplishing and implementing the goals and approaches of the General Plan. The Zoning Ordinance is considered one of the key implementation tools that are used to achieve the goals and approaches of the General Plan.

The General Plan's City values, goals, and approaches address signs in three of its elements, which are Character and Design, Neighborhoods, and Community Mobility. As it pertains to signage, and through enforcement of a strong sign ordinance and unified street signage, Character and Design, Neighborhoods, and Community Mobility Elements focus on the preservation and enhancement of the unique sense of neighborhood, streetscapes, and quality design standards throughout the community that reflects an image that is uniquely Scottsdale.

Other Related Policies and References:

- Scottsdale General Plan 2001, as amended
- Zoning Ordinance

APPLICANT'S PROPOSAL

Goal/Purpose of Request

The City is seeking a text amendment to the Zoning Ordinance to: 1) regulate temporary signs based on time, place, and manner; 2) consolidate and reduce the number of temporary sign types; 3) remove the special event sign regulations from the Zoning Ordinance, and 4) create a more contemporary and user-friendly Zoning Ordinance.

To achieve the objectives above, the amendment proposes to regulate temporary signs through zoning district regulations, with different size, height and placement regulations for temporary signs in residential zoning districts, and in commercial, industrial, and mixed-use zoning districts. 17 existing temporary sign types will be consolidated into five (5) under the proposed

Temporary Sign category, which are: Post and Panel Signs, Portable Signs, Yard Signs, Banner Signs, and Window Signs.

Refer to Attachment #2 for the draft ordinance, and Attachment #3 for a chart demonstrating existing and proposed sign types.

The five (5) consolidated temporary sign types consist of:

- Post and Panel Signs
Post and Panel Signs would be a new sign type that would be regulated based on the zoning district classification and the duration of activity. Examples of Post and Panel Sign uses include: realtor signs, development (coming soon) signs, contractor signs, and campaign signs. Refer to Attachment #4 for examples of this sign type.
- Portable Signs
A Portable Sign, commonly known as an 'A-frame' sign or 'upright' sign, would be a new sign type. Portable Signs include On-Premise and Off-Premise signs, and are regulated based on the zoning district and the size of the lot. Examples of On-Premise Portable Sign uses include on-lot commercial 'A-frame' signs for businesses, and examples of Off-Premise Portable Sign uses include open house, garage sale, and estate sale traffic directional signs. Refer to Attachment #4 for examples of this sign type.
- Yard Signs
The proposed Yard Sign would be a new sign type, and would be allowed in residential districts. Examples of Yard Sign uses include: open house, garage sale, and estate sale traffic directional signs; and the display of non-commercial speech. A Yard Sign is typically constructed of less durable material, and as such, the display of these signs would be limited to a maximum duration of 126 days.
- Banners
The proposed Banner Sign would be a modification of the existing Grand Opening Banner temporary sign type. The proposal would be to amend the existing requirements and regulate banners by zoning district, building wall frontage length, and duration of display. Banner Signs are only allowed in commercial, industrial, and mixed-use districts, with additional restrictions in the Service Residential (S-R) zoning district. These signs would also be allowed on temporary/security fencing for active construction sites.
- Window Signs
The proposed Window Sign would be a modification of the existing temporary window sign requirements. The proposed amendment modifies the Window Sign requirements by allowing window panes less than four (4) square feet with 100 percent maximum coverage, and allowing window panes more than four (4) square feet with 25 percent maximum coverage. In-addition, total area for all Window Sign displays cannot exceed the total sign area allowed for the use.

In addition, modifications are proposed to other sections of the ordinance to ensure clarity of expectations and requirements for temporary signs (see Attachment #2). Also, the proposed

modifications maintain the current sign regulations that do not allow signs, including the new temporary sign types referenced above, to be placed in the City street right-of-way.

The regulations for Special Event Signs and Theme Amusement Parks under Section 8.537 of the Zoning Ordinance would be repealed. On March 21, 2017, the City Council adopted Ordinance No. 4302, amending Scottsdale Revised Code, Chapter 22, by adding sign regulations for special events.

Sign requirements for Theme Amusement Parks would be sufficiently regulated by the current permanent sign and zoning district requirements.

IMPACT ANALYSIS

General Plan Consistency

The proposed text amendment reflects Scottsdale's desire for strong sign control to assist in accomplishing and implementing the goals, values, and approaches of the General Plan. The General Plan's Character and Design Element – Design Standards, focuses on character and design through the enforcement of a strong sign ordinance. Approach 1.2 indicates that development should enrich the lives of all Scottsdale residents by being safe, attractive, and context compatible. The proposed text amendment exemplifies this approach by proposing an ordinance that maintains strong control by regulating sign size, height and placement through zoning district regulations, thereby and limiting clutter along streetscapes.

Approach 4.8 of the Neighborhoods Element encourages the improvement and maintenance of the current landscape, signage, and quality design standards throughout the community. The proposed text amendment maintains consistency with this approach by proposing an ordinance that limits the proliferation of temporary signs in Scottsdale neighborhoods, such as limited size and height requirements in residential zoning districts, and limitations on sign placement and sign quantity along street frontages in all zoning districts.

Furthermore, Approach 1.3 of the Community Mobility Element encourages the protection of the function and forms of regional land corridors by maintaining Scottsdale's high development standards through unified streetscapes and unified street signage. The proposed ordinance demonstrates this approach by proposing sign regulations that are more uniform in its application by regulating sign size, height and placement based on zoning district and street frontages.

Community Involvement

Two open house meetings were held on December 6, 2016, at the Scottsdale One Civic Center, and December 7, 2016, at the Scottsdale Via Linda Senior Center. An eighth page advertisement was published in the local newspaper, and information was published on the City's website to advise the community of the open house meetings. Individuals on record with the Planning and Development Services Interested Parties List were notified, and email notifications to 130 recipients of local sign companies, local municipalities, and stakeholders were notified. In

addition, requests for comment and input were sent to the Arizona Sign Association (ASA), Coalition of Greater Scottsdale (COGS), and the Scottsdale Area Association of Realtors (SAAR).

At the open house meetings, the draft ordinance was provided to the public for comment. A summary of the open house meetings:

December 6, 2016 – Open House Meeting #1

- 9 attendees attended this meeting:
 - 4 Scottsdale residents
 - 3 representatives from local sign companies
 - 1 city representative from the City of Tempe
 - 1 City Council member
- Comments and suggestions received:
 - Additional Portable Signs adjacent to a business suite on non-residential zoned lots (commercial developments) when they located at a distance greater than 100 feet from the back of the curb, or screened by a structure and not visible from an abutting street.
 - Incorporate an increased duration that a Post-and-Panel Sign may be utilized on residential lots; and
 - Incorporate an increase in the amount of Post-and-Panel Signs on large lots to be greater than one (1) per street frontage to accommodate developments and lots that have long street frontages.

December 7, 2016 – Open House Meeting #2

- No persons attended and no public comments were provided at this meeting.

Staff has received ten (10) emails regarding the proposed amendment, which are included in Attachment #5. The email comments include: 1) increasing the window sign coverage requirements, 2) maintaining the current window sign coverage requirement of 25%, 3) allow businesses within commercial developments to display Portable Signs, 4) allow temporary off-premise open house signs in the medians and right-of-way, and 5) update the sign ordinance with more restrictive temporary sign requirements. Some of the comments stated concerns on the proposed text amendment and the impact it will have on the use of real estate signs and the real estate industry, while other comments were generally supportive of the draft ordinance.

Due to a range of competing comments regarding the maximum window sign coverage requirement of 25%, Staff is recommending the current ordinance requirement be maintained. In addition, Staff is also recommending the current prohibition of signs in the City right-of-way be maintained. Maintaining the current ordinance requirements will continue to limit the proliferation and clutter of signs along streets and corridors.

Based on comments and input received from the open house meetings, emails, and correspondence with the public and stakeholders, Staff has incorporated revisions to the proposed amendment, which include: 1) removal of the number of occurrences and activities allowed in a calendar year for Post and Panel Sign display, and regulate the display of Post and Panel Signs based on the duration of activity occurring on a residential and commercial lot; 2)

removal of the street curb setback requirement for Post and Panel, Portable, and Yard Signs, and maintaining the current code requirement which limits the placement of temporary signs on private property; 3) removal of the number of activities allowed in a calendar year for On-Premise Portable Signs and Off-Premise Traffic Directional Signs and instead, limit the display of On-Premise Portable Signs and Off-Premise Traffic Directional Signs from 7am to 8pm; 4) revision of the definition of 'Off-Premise Traffic Directional Sign' to include the use of a Portable Sign or a Yard Sign to direct traffic and pedestrians to an event occurring on a different lot than where the sign is located; and 5) incorporate an increase in the quantity of Post-and-Panel Signs allowed for lots with longer street frontages.

Staff has received a range of competing comments regarding what the appropriate size of a Post and Panel Sign would be for residential lots. To reduce clutter and the proliferation of signs along streets and corridors, Staff is recommending maintaining the current ordinance requirement, which limits the size of the Post and Panel Signs based on the size of the lot.

Staff has also received additional comments regarding the allowance for residential lots to display non-commercial speech. Therefore, the proposed amendment introduces a new temporary sign type called a Yard Sign. A Yard Sign would be allowed on residential lots to display non-commercial speech, when a residential lot is not being actively marketed for sale or lease, does not have an active building permit, or does not have an active Development Review Board application. For residential lots, an owner may display a Non-Commercial Yard Sign up to a maximum six (6) square feet, and display the sign for up to 126 days. For commercial lots, a non-commercial sign may be substituted for any temporary or permanent commercial sign allowed in the ordinance.

Community Impact

The Zoning Ordinance is the implementing tool for regulations associated with signs. The proposed modifications incorporated with this text amendment are intended to enhance and maintain the City's character and aesthetics. With the implementation of the proposed text amendment, all properties throughout the City would be subject to the new consolidated temporary sign types.

Many of the current temporary sign regulations are classified based on the sign's purpose, and therefore regulations may be applied inconsistently. The proposed amendment resolves this inconsistency by providing regulations that are based time, place, and manner, which is achieved by incorporating requirements based on zoning district. In-addition, the introduction of Portable Signs within commercial developments that are generally not visible from adjacent streets will allow businesses to advertise, facilitating a more business-friendly environment.

Many existing large lots and commercial developments throughout the City that are displaying the equivalent of Post and Panel Signs are in-compliance with the proposed amendment. Only a few large lots and commercial developments are non-compliant with the proposed regulations, and are also currently non-compliant under existing sign regulations.

Enforcement of the proposed ordinance will be proactive and complaint-based.

Policy Implications

The proposed text amendment provides a more uniform implementation of sign regulations that are achieved through zoning district regulations, which will allow greater clarity, reliability, consistency, and improved enforcement.

OTHER BOARDS & COMMISSIONS

Planning Commission

On May 25, 2015, the Planning Commission initiated a text amendment to the Zoning Ordinance pertaining to Temporary, Semi-Permanent, and Special Event Signs. A summary of the topics and suggestions that were discussed is as follows:

- Discussion regarding sign requirements and the recent U.S. Supreme Court decision *Reed v. Town of Gilbert*;
- Updating the sign requirements in the Zoning Ordinance pertaining to permanent signs; and
- Incorporate time, manner and place regulations for temporary signs.

On January 25, 2017, the Planning Commission held a non-action hearing to discuss the proposed text amendment, and to provide feedback and comments on the various aspects of the text amendment. A summary of the comments and suggestions that were discussed is as follows:

- Maintaining adequate placement and setbacks for Portable Signs and Post and Panel Signs for traffic site visibility;
- Provide flexibility for Post and Panel Signs when required by a governmental agency (i.e. Maricopa County dust control signs, City of Scottsdale public hearing project notification and zoning signs, federal safety signs, and similar);
- Consider possibly updating the sign ordinance pertaining to permanent signs to provide flexibility for subdivisions to display on-site subdivision directional signs.

Based on the Planning Commission's comments, staff has reviewed the proposed text amendment and has concluded that adequate provisions for site visibility have been incorporated for temporary signs. In-addition, staff has modified the sign requirements for governmental agency signs to accommodate the multiple variety of sign size, quantity, and height that are necessitated by any governmental agency. As it pertains to permanent signs, on February 22, 2017, the Planning Commission initiated a text amendment to update the permanent sign requirements of the Zoning Ordinance, Case No. 1-TA-2017.

Also, the Planning Commission had questions regarding the following:

- The effect of the proposed requirements for political/campaign signs; and
- The requirements for sign walkers.

The proposed text amendment consolidates the current political/campaign temporary noncommercial signs, into the proposed Post and Panel sign type. The City's sign regulations do

not allow these signs to be placed in the City street right-of-way. However, Arizona Revised Statute §16-1019 limits the ability of a municipality to remove these signs that are placed in the right-of-way during election periods. As it pertains to sign walkers, the proposed amendment does not address sign walkers. Arizona Revised Statute §9-499.13 does not allow municipalities to prohibit sign walkers from using a public sidewalk, walkway or pedestrian thoroughfare.

Staff's Recommendation to Planning Commission:

Staff recommended that the Planning Commission find that the proposed zoning text amendment is consistent and conforms to the adopted General Plan, and make a recommendation to City Council for approval.

On February 22, 2017, the Planning Commission heard this case, and recommended approval to the City Council with a 5-0 vote.

STAFF RECOMMENDATION

Recommended Approach:

1. Adopt Ordinance No. 4300 amending the City's Zoning Ordinance (Ordinance No. 455), Article VII. (General Provisions), and Article VIII. (Sign Requirements), for the purposes of modifying the sign requirements for temporary and semi-permanent signs, and to remove special event sign regulations from the Zoning Ordinance.
2. Adopt Resolution No. 10727 declaring "2-TA-2016 – Sign Ordinance Update – Temporary Signs," as a public record.

RESPONSIBLE DEPARTMENT

Planning and Development Services

Current Planning Services

STAFF CONTACT

Andrew Chi, Planner

Phone: 480-312-7828

Email: achi@ScottsdaleAZ.gov

APPROVED BY



Andrew Chi, Planner, Report Author
480-312-7828, achi@scottsdaleaz.gov

05/04/17

Date



Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

5/8/2017

Date

 FOR

Randy Grant, Director
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov

5/8/2017

Date

ATTACHMENTS

1. Ordinance No. 4300
2. Resolution No. 10727
Exhibit A: "2-TA-2016 – Sign Ordinance Update – Temporary Signs"
3. Comparison Chart Demonstrating Existing and Proposed Temporary Sign Types
4. Post and Panel and Portable Sign Examples
5. Citizen Review Plan and Report
6. February 22, 2017, Planning Commission Meeting Minutes

ORDINANCE NO. 4300

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, TO AMEND THE CITY'S ZONING ORDINANCE (ORDINANCE NO. 455), ARTICLE VII. (GENERAL PROVISIONS), AND ARTICLE VIII. (SIGN REQUIREMENTS), FOR THE PURPOSES OF MODIFYING THE SIGN REQUIREMENTS FOR TEMPORARY AND SEMI-PERMANENT SIGNS, AND TO REMOVE SPECIAL EVENT SIGN REGULATIONS FROM THE ZONING ORDINANCE AS PROVIDED IN CASE NO. 2-TA-2016.

WHEREAS, the City of Scottsdale wishes to amend the Zoning Ordinance provisions regarding Article VII. (General Provisions) and Article VIII. (Sign Requirements), for the purposes of modifying the sign requirements for temporary and semi-permanent signs, and to remove special event sign regulations and related City-wide requirements; and

WHEREAS, the Planning Commission held a public hearing on February 22, 2017; and

WHEREAS, the City Council held a public hearing on May 23, 2017 and considered a text amendment to the Zoning Ordinance of the City of Scottsdale, Case No. 2-TA-2016; and

WHEREAS, the City Council has determined that the subject Zoning Ordinance amendment is in conformance with the General Plan.

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. That the Zoning Ordinance of the City of Scottsdale, is hereby amended as specified in that certain document entitled "2-TA-2016 – Sign Ordinance Update – Temporary Signs," declared to be a public record by Resolution No. 10727 of the City of Scottsdale, and hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein 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 thereof.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this ____ day of _____, 2017.


ATTEST:

CITY OF SCOTTSDALE, an
Arizona municipal corporation

By: _____
Carolyn Jagger, City Clerk

By: _____
W. J. "Jim" Lane, Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY


Bruce Washburn, City Attorney
By: Patricia J. Boomsma, Assistant City Attorney

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RESOLUTION NO. 10727

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK OF THE CITY OF SCOTTSDALE AND ENTITLED "2-TA-2016 – SIGN ORDINANCE UPDATE – TEMPORARY SIGNS."

WHEREAS, State Law permits cities to declare documents a public record for the purpose of incorporation into city ordinances; and

WHEREAS, the City of Scottsdale wishes to incorporate by reference amendments to the Zoning Ordinance, Ordinance No. 455, by first declaring said amendments to be a public record.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That certain document entitled "2-TA-2016 – Sign Ordinance Update – Temporary Signs," attached as 'Exhibit A,' a paper and an electronic copy of which are on file in the office of the City Clerk, is hereby declared to be a public record. Said copies are ordered to remain on file with the City Clerk for public use and inspection.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this ____ day of _____, 2017.

ATTEST:

CITY OF SCOTTSDALE, an
Arizona municipal corporation

By: _____
Carolyn Jagger, City Clerk

By: _____
W. J. "Jim" Lane, Mayor

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY



Bruce Washburn, City Attorney

By: Patricia J. Boomsma, Assistant City Attorney

ZONING ORDINANCE TEXT AMENDMENT

2-TA-2016 – Sign Ordinance Update (Temporary, Semi-Permanent, & Special Event Signs not addressed in Chapter 22)

HOW TO READ THIS DOCUMENT

Unless otherwise stated, provisions that are being deleted are shown with a strike-through, like this: ~~Provisions that are being deleted are shown with a strike-through.~~

Provisions that are being added are shown as highlighted, like this: **Provisions that are being added are shown as highlighted.**

Section 1. Amend Section 7.706. – Signage and identification on temporary/security fencing., as follows:

Section 7.706. Signage and identification on temporary/security fencing.

- A. Individual single-family dwellings and/or associated improvements shall not contain signs attached to the temporary/security fencing.
- B. ~~Except as specified in Section 7.706.A, only on-premises development signs, on-premises contractor or subcontractor signs, on premises sale, lease, and rent signs, and no trespassing Temporary signs permitted under allowed in~~ Article VIII may be attached to the temporary/security fencing.
- C. Emergency access identification, traffic control identification, access identification, safety identification, and other identification as required by the Occupational Safety and Health Administration and/or the building code shall be provided on the temporary/security fencing in accordance with the temporary/security fencing design requirements.

Section 2. Amend Section 8.102. – Requirement of conformity., as follows:

Section 8.102. Requirement of conformity.

- ~~I.A.~~ No sign may be placed or maintained in the city except as provided herein. All signs maintained contrary to the provisions of this Article are declared to be nuisances, and as such may be abated as provided by law.
- ~~II.B.~~ Any noncommercial sign may be substituted for any **commercial** sign allowed by this ordinance. The substitution or addition of any noncommercial sign shall not increase or decrease the sign budget for the property on which the noncommercial sign is located.
- ~~III.~~ ~~Only the following signs erected or maintained by the city or other governmental entity shall be located in the right-of-way or on public property:~~
 - ~~A.~~ Signs for traffic management;
 - ~~B.~~ Signs identifying street names;
 - ~~C.~~ Qualifying directional event banners;
 - ~~D.~~ Signs in a community sign district created by City Council for all or part of the Downtown Area or redevelopment area; or
 - ~~E.~~ Signs erected by a governmental entity for a governmental purpose.
- C.** Only signs erected, maintained, or required by the City or other governmental entity shall be allowed in the public right-of-way or on public property, which include:
 - 1.** Signs for traffic management;

2. Signs identifying street names;
3. Qualifying event directional banners;
4. Signs in a community sign district created by City Council for all or part of the Downtown Area or redevelopment area;
5. Signs for a governmental purpose, including, but not limited to:
 - a. Signs required for public safety purposes as part of a Special Event Permit after the consultation required by Section 22-23 of the Scottsdale Revised Code;
 - b. Signs required as part of a City Valet License that the City Manager or designee, in consultation with the Police Chief, Fire Chief, or designees, are necessary for public safety;
6. In the event a Special Event Permit closes all or a portion of a right-of-way as part of the permitted area, signs within the special event area approved as part of a special event application in accordance with the Chapter 22 of the Scottsdale Revised Code; and
7. In the event a Valet License grants exclusive use of portions of a right-of-way to the Licensee, signs within the licensed area approved as part of a valet parking license application in accordance with the Chapter 16 of the Scottsdale Revised Code.

IV.D. No signs shall be placed:

- A. 1. To interfere with the sight distance requirements of the Design Standards and Policies Manual; or
- B. 2. To interfere with the requirements of the Americans with Disabilities Act (ADA), as amended.

V. E. Only the City may place a sign on a City structure.

F. The City may relocate a sign in the public right-of-way for a City construction project.

Section 3. Amend Section 8.200. – Definitions., to add the terms to the existing definitions in alphabetical order, to delete, and to amend existing definitions, as follows:

Sec. 8.200. Definitions.

~~*Banner.* A rectangular shape of fabric or other suitable material which is attached or suspended at two (2) ends or continuously across the long side. Attachment or suspension may be from buildings and/or poles.~~

~~*Banner, decorative.* A banner which contains no text.~~

~~*Banner, seasonal and special event.* A banner which displays graphics and limited text regarding a holiday, a season, or a special event.~~

~~*Banner, qualifying directional event.* A banner which displays graphics and limited text regarding a qualifying event, with the intent to direct pedestrians, motorists, and other passersby to a "qualifying event." A "qualifying event" is a City-sponsored activity that results in the gathering of multiple persons for entertainment, meeting, social, educational, or other similar activities.~~

Banner. A sign composed of flexible material, such as fabric, pliable plastic, paper, or other lightweight material, not enclosed in a rigid frame.

~~Contractor or subcontractor signs.~~ The temporary signs which identify the contractor or subcontractor engaged in the construction, reconstruction or repair of a building or buildings on a lot or parcel of property.

Commercial sign. A sign erected for a business transaction or advertising purpose. Any sign displaying the identification of or advertisement for a business, product, service or other commercial activity; but does not include any traffic management or street sign erected by any governmental entity, any flag or badge or insignia of the United States, State of Arizona, Maricopa County, City of Scottsdale, or official historic plaque of any governmental jurisdiction or agency, or any sign erected for a governmental use (including the posting of notices required by law).

~~Development sign.~~ A sign used to identify an approved future development. ~~Grand opening.~~ The introduction, promotion or announcement of a new business, store, shopping center or office, or the announcement, introduction or promotion of an established business changing ownership. A business qualifies for a grand opening sign when it has been closed to the public for a period of thirty (30) days (as indicated on a new Scottsdale Business License).

~~Grand opening sign.~~ A temporary banner sign which calls attention to the opening of a new business.

Logo. A graphic symbol representing an activity, use or business. Permitted logos shall be registered trademarks or symbols commonly used by the applicant, and may include graphic designs in addition to lettering. Applicant shall provide stationery or other supporting documents illustrating use of logo.

Lot. The definition of Chapter 48 – Land Divisions shall apply.

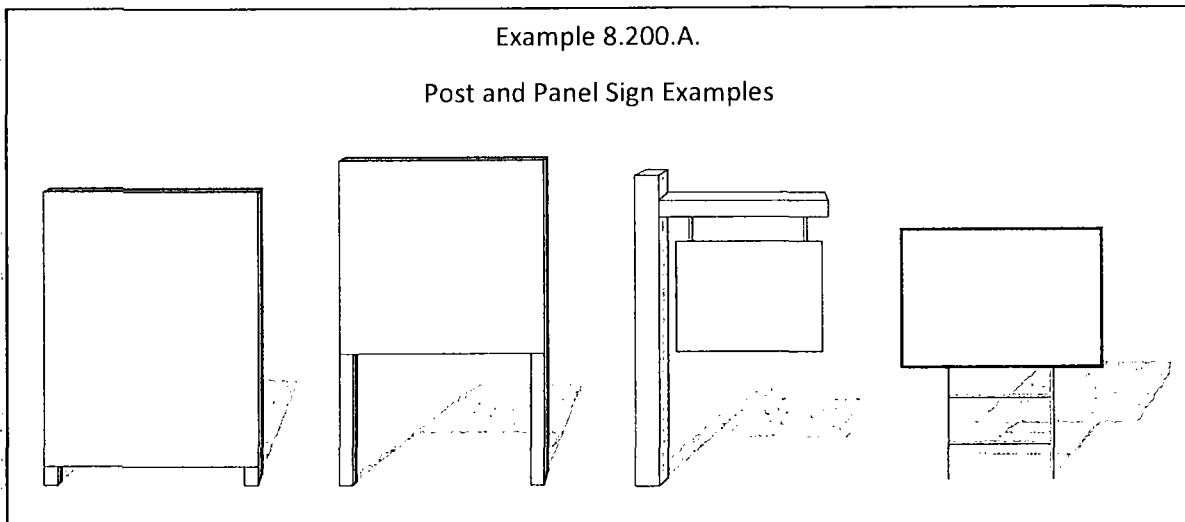
Noncommercial sign. Any sign that is not a commercial sign, including, but not limited to, any traffic management or street sign erected by any governmental entity; any flag or badge or insignia of the United States, State of Arizona, Maricopa County, City of Scottsdale, or official historic plaque of any governmental jurisdiction or agency; any sign erected for a governmental use (including the posting of notices required by law), or any sign pertaining to a candidate for public office, or it supports or opposes a ballot measure, a governmental issue, political party, or relating to views about social, economic, or governmental relationships.

Off-premise Traffic Directional Sign. A portable sign or yard sign that directs traffic to an event that occurs on a different lot than where the sign is located, excluding special events in accordance with Chapter 22 of the Scottsdale Revised Code.

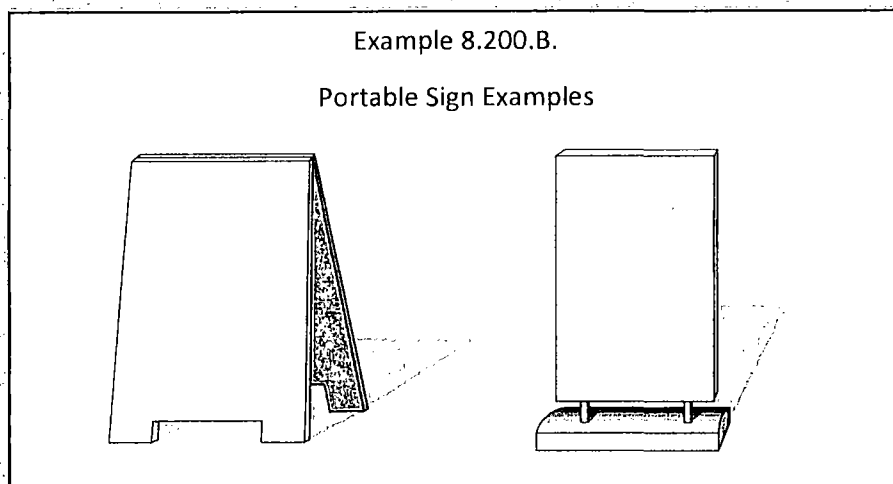
~~On-premises development sign.~~ A development sign located on the property/parcel under development.

~~Outdoor type business.~~ A business all or most of whose business is conducted, or items displayed, in an open area subject to the regulations of the Scottsdale zoning ordinance.

Post and Panel Sign. A sign that is freestanding and not portable, with a durable panel mounted on removable supporting posts that are embedded into the ground without the use of cement, concrete, or other permanent binding material.



Portable Sign. A sign that is freestanding, movable, and self-supported, and that is not permanently affixed to any building, structure, or embedded into ground.



Right-of-way, public. Land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for or dedicated to the general public for travelling purposes, including all roads, streets, alleys, sidewalks, trails, paths, utilities, drainage ways, shoulders, and the publicly-owned land immediately abutting and appurtenant to the travelled and drainage ways.

Roof line. The highest point of the main roof structure or the highest point on a parapet, but shall not include excluding cupolas, pylons, projections, non-habitable towers and spires or minor raised portions of the roof.

~~*Sales, lease and rent signs.* signs which indicate that a premises, building or vacant lot is currently for sale, lease or rent.~~

~~*Semi-permanent sign.* A sign constructed of material more permanent than cloth, canvas, cardboard, or other like materials, but which is not constructed of permanent materials such as masonry or metal. A semi-permanent sign is intended to be displayed for a period of time longer than that of a temporary sign and is displayed for a specified time.~~

~~*Special event.* A promotional event such as, but is not limited to; bazaars, street fairs, shows, exhibitions, sporting events, runs, bicycling events, and block parties. This does not include sidewalk sales occurring on private property where merchandise normally sold indoors, and is transferred from indoor to outdoor for sale.~~

~~*Temporary sign.* Any sign, banner, pennant, or valance constructed of cloth, canvas, light fabric, cardboard, wallboard or other like materials. Any sign not permanently attached to the ground, wall or building, intended to be displayed for a short period of time only. Any sign that is a banner, portable, post and panel sign, or yard sign.~~

~~*Window sign, temporary.* Any poster, cut-out letters, painted text or graphics, or other text or visual presentation affixed to or placed behind the inside or outside of a window pane which is placed to be read from the exterior of a building.~~

~~*Yard sign* is a freestanding sign constructed of canvas, cardboard, cloth, light fabric, paper, pliable plastic, wallboard, or other like material that is affixed to a disposable stake or frame that is embedded into ground.~~

Section 4. Amend Section 8.303. – Requirement of permit., as follows:

Section 8.303. Requirement of permit.

~~I.A.~~ Except as provided below, a sign permit shall be required before the erection, re-erection, construction, alteration, placing, or installation of all commercial signs regulated by this ordinance. ~~Where commercial or noncommercial signs are illuminated electrically, a separate electrical permit shall be obtained as required by the National Electrical Code of the City of Scottsdale.~~

~~II.B.~~ The following signs require approval, but may do not require a permit so long as they are otherwise authorized by this Code, unless a permit is required by Chapters 31 and 36 of the Scottsdale Revised Code:

~~A. Nameplate signs;~~

~~B. Any sign four (4) square feet or less in area not otherwise prohibited by this ordinance;~~

~~C. Signs erected during the Christmas holidays as identification of temporary sales areas for Christmas trees and other holiday oriented items shall not be erected before Thanksgiving Day and shall be removed prior to New Year's Day;~~

~~D. Temporary noncommercial signs~~

~~E. Signs not visible from off public or private property or business.~~

~~F. Window signs on the inside of the window;~~

~~G. Automated teller machine signs; and~~

~~H. Signs indicating address numbers, building numbers or building identifications that are required by Chapters 31 and 36 of the Scottsdale Revised Code, with a maximum height of twelve (12) inches.~~

~~1. Signs not visible from a separate lot or street;~~

~~2. Temporary window signs affixed to the window pane;~~

3. Any sign authorized by this Code that is equal to, or less than, six (6) square feet shall not require a sign permit unless a permit is otherwise required by Chapter 31 and 36 of the Scottsdale Revised Code;
4. Signs indicating address numbers, building numbers or building identifications that are required by Chapters 31 and 36 of the Scottsdale Revised Code, with a maximum height of twelve (12) inches;
5. Maintenance of a sign without changing wording, composition, or colors; and
6. The relocation of a sign when required by a City construction project.

III.C. Signs associated with an approved special event shall be permitted in accordance with Chapter 22 of the Scottsdale Revised Code.

III. ~~The following may not require a permit unless required by Chapters 31 and 36 of the Scottsdale Revised Code:~~

~~A. Maintenance without changing wording, composition, or colors; or~~

~~B. The relocation of a sign when required by City.~~

IV.D. Nothing contained herein shall prevent the erection, construction, and maintenance of official traffic, fire and police signs, signals, devices and marking of the State of Arizona and the City of Scottsdale, or other competent public authorities, or the posting of notices required by law.

Section 5. Repeal Section 8.537. – Special events and theme amusement parks.

Section 6. Repeal and replace Section 8.600. – Temporary Signs Allowed., as follows:

Sec. 8.600. Temporary Signs Allowed.

I. ~~Temporary Commercial Signs:~~

~~A. Auto Dealership Promotional Events:~~

~~1. Auto dealerships are allowed signs for promotional events as follows:~~

~~a. Miniature balloons (twelve (12) inches to twenty four (24) inches) may be placed outside of the public right of way commencing on Friday at 12:00 noon through Monday at 12:00 noon. The height of such balloons shall not exceed the height of the adjacent building.~~

~~b. Pennants may be individually placed outside of the public right of way commencing on Friday at 12:00 noon through Monday at 12:00 noon. The height of such pennants shall not exceed the height of the adjacent building.~~

~~c. Banners may be allowed on the site provided that they are not visible from off the property or installed in the public right of way. Such banners shall be limited to twenty four (24) square feet in size.~~

~~2. No permits will be required for these signs.~~

~~B. Grand Opening Signs:~~

~~1. Grand opening signs may be displayed for a period of calendar days not to exceed thirty (30) days.~~

~~2. The maximum number of grand opening signs for each business shall be one (1) sign.~~

~~3. Grand opening signs shall not be located in any public right of way or on public property.~~

~~4. A grand opening sign shall require a sign permit.~~

~~C. *Planned Regional Center (PRC) District.* In addition to temporary signs permitted in Section 8.600, seasonal and special event banners shall be allowed for multiple tenant commercial buildings as follows:~~

- ~~1. The design, location, and mounting method for such banners shall be as approved by the Development Review Board.~~
- ~~2. Such banners may contain both graphics and text.~~
- ~~3. The maximum area of such banners shall be thirty-two (32) square feet.~~
- ~~4. Such banners shall be mounted at a minimum height of eight (8) feet as measured from grade to the lowest portion of the banner.~~
- ~~5. Banners shall be of a new material and shall be displayed a maximum of ninety (90) days.~~
- ~~6. Such banners shall be mounted securely and shall not be allowed to flap in the wind.~~
- ~~7. No rope, wire, or similar material shall be used to secure such banners.~~
- ~~8. Such banners shall be oriented to the interior of the project so that it is not visible from any public street or highway, and shall be set back a minimum of fifty (50) feet from the perimeter property lines of the project.~~
- ~~9. Seasonal and special event banners shall require a sign permit.~~

~~D. *Qualifying Directional Event Banner.*~~

- ~~1. Events/activities which will occur on a designated date, or during a limited period of time, shall be allowed to display qualifying directional event banner signage to identify the event/activity. The signage shall contain date, location, and the name of a specific agency or business sponsoring the event/activity. All signs associated with the event/activity are temporary and must be removed by the date specified in an approved qualifying event application.~~
- ~~2. The organization sponsoring the event/activity shall prepare and submit an application, consisting of a complete list and description of all signs, locations, and other features associated with the event/activity. The application will be reviewed and approved following the city's application process.~~
 - ~~a. The qualifying directional event banner sign locations are limited to streets in the following locations:~~
 - ~~i. Horizontal banners. At Scottsdale Road and Rancho Vista Drive, and at Scottsdale Road and Earll Drive.~~
 - ~~ii. Vertical banners. Along Drinkwater Boulevard; Goldwater Boulevard; along Frank Lloyd Wright Boulevard from Scottsdale Road to the west side of West Frontage Road of Loop 101; along the east side of Scottsdale Road from the south side of Loop 101 to Butherus Drive; along Greenway-Hayden Loop from Scottsdale Road to Frank Lloyd Wright Boulevard; and along Bell Road from Thompson Peak Parkway to the east side of the East Frontage Road of Loop 101.~~
 - ~~b. Names and logos of sponsoring agency(ies) or business(es) shall be limited to twenty (20) percent of the total area of lettering that is utilized to identify the activity or event.~~
 - ~~c. The qualifying directional event banner shall be limited to the following size and grade clearance:~~

- i. ~~Horizontal orientation. No more than three hundred sixty (360) inches long and thirty-two (32) inches wide. The banner placement must be a maximum of eighteen (18) feet above grade and a minimum of fourteen (14) feet above grade clearance.~~
- ii. ~~Vertical orientation. Not more than thirty (30) inches wide and ninety-six (96) inches long. The minimum distance from ground level to the lowest edge of the banner must not be less than fourteen (14) feet.~~
- d. ~~Total number and location of such banners shall be approved by the City with the qualifying directional event banner application process.~~

A. On-Premise Commercial Activity Post-and-Panel Signs

1. Allowed on a lot with the zoning district shown on Table 4.100.B. Commercial Districts, 4.100.C. Industrial Districts, and 4.100.D. Mixed Use Districts, or any portion of a Planned Community P-C with an underlying zoning district comparable to the districts shown on Table 4.100.B., 4.100.C., and 4.100.D.:
 - a. Sign(s) may be placed on a lot at the beginning of the duration of activity, and removed no more than seven (7) days upon completion of the duration of activity.
 - i. The duration of activity is the timeframe between any of the following:
 - (1) The approval of a Development Review Board application for a development project on the lot, and the expiration of the application;
 - (2) The issuance of a building permit for a development project on the lot and upon the issuance of a Certificate-of-Shell Building or Certificate-of-Occupancy, approval of a final inspection, or the expiration of a building permit; and
 - (3) The active marketing of the lot for sale or lease, and the completion of the active marketing of the lot for sale or lease.
 - b. Maximum Number:
 - i. Lots with a lot width of less than 1,200 feet abutting a street: one (1) sign;
 - ii. Lots with a lot width of 1,200 feet and greater abutting a street: two (2) signs;
 - (1) One (1) additional sign for each additional 600 feet of lot width above 1,200 feet; however,
 - (2) No more than a maximum of six (6) signs per street frontage.
 - c. Height:
 - i. Five (5) feet; or
 - ii. 10 feet behind a dedicated scenic corridor easement or adjacent to a property line abutting the Loop 101 Pima Freeway frontage road.
 - d. Maximum Area:
 - i. 16 square feet; or
 - ii. 32 square feet behind a dedicated scenic corridor easement or adjacent to a property line abutting the Loop 101 Pima Freeway frontage road.
 - e. Placement:
 - i. On private property.

- ii. Shall be placed in a manner that does not create a traffic hazard, obstruct a public or private sidewalk, trail, or pedestrian pathway.
 - f. Prohibited elements: No illumination, searchlights, amplified sound, animation, reflective materials, or attachments including, but not limited to, balloons, flags, pinwheels, ribbons, or speakers.
2. Allowed on a lot with the zoning district shown on Table 4.100.A. Residential Districts, or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.:
- a. Sign(s) may be placed on a lot at the beginning of the duration of activity, and removed no more than seven (7) days upon completion of the duration of activity.
 - i. The duration of activity is the timeframe between any of the following:
 - (1) The approval of a Development Review Board application for a development project on the lot, and the expiration of the application;
 - (2) The issuance of a building permit for a development project on the lot and upon the issuance of a Certificate-of-Shell Building or Certificate-of-Occupancy, approval of a final inspection, or the expiration of a building permit; and
 - (3) The active marketing of the lot for sale or lease, and the completion of the active marketing of the lot for sale or lease.
 - b. Maximum Number:
 - i. Lots with a lot width of less than 1,200 feet abutting a street: one (1) sign;
 - ii. Lots with a lot width of 1,200 feet and greater abutting a street: two (2) signs;
 - (1) One (1) additional sign for each additional 600 feet of lot width above 1,200 feet; however,
 - (2) No more than a maximum of four (4) signs per street frontage.
 - c. Height: five (5) feet.
 - d. Maximum area:
 - i. Two (2) acres or less: six (6) square feet.
 - ii. Greater than two (2) acres, and less than (10) acres: nine (9) square feet.
 - iii. Greater than ten (10) acres: sixteen (16) square feet.
 - e. Placement:
 - i. On private property.
 - ii. Shall be placed in a manner that does not create a traffic hazard, obstruct a public or private sidewalk, trail, or pedestrian pathway.
 - f. Prohibited elements: No illumination, searchlights, amplified sound, animation, reflective materials, or attachments including, but not limited to balloons, flags, pinwheels, ribbons, or speakers.

B. Governmental Agency Post-and-Panel Signs

- 1. Allowed on any lot when required by a governmental agency.

2. Shall be placed in a manner that does not create a traffic hazard, obstruct a public or private sidewalk, trail, or pedestrian pathway.

C. On-Premise Portable Signs.

1. Standards:

- a. Maximum area: six (6) square feet.
- b. Maximum height: three (3) feet.
- c. Shall not be attached or placed on a light pole, traffic control device, or similar devices or structure.
- d. Shall be placed in a manner that does not create a traffic hazard, or obstruct a public sidewalk, trail, or pedestrian pathway.
- e. Shall be placed in a manner that maintains a minimum six (6) foot wide unobstructed private sidewalk, trail, or pedestrian pathway.
- f. Shall be placed in a manner that maintains a minimum feet (10) foot wide distance from any pedestrian stairs or ramp.
- g. Prohibited elements: No illumination, searchlights, amplified sound, animation, reflective materials, or attachments including, but not limited to, balloons, flags, pinwheels, ribbons, or speakers.

2. On-premise portable signs on a development project are allowed within the zoning districts shown on Table 4.100.B. Commercial Districts, 4.100.C. Industrial Districts, and 4.100.D. Mixed Use Districts, or any portion of a Planned Community P-C with an underlying zoning district comparable to the districts shown on Table 4.100.B., 4.100.C., and 4.100.D, subject to the following:

- a. Unless separated by a structure and not visible from an abutting street, on-premise portable signs shall not be placed within 100 feet from the back of a curb of an abutting street, or within a scenic corridor.
- b. One (1) sign per:
 - i. Abutting street frontage; and
 - ii. Tenant suite.

(1) Portable signs for a tenant suite shall be within ten (10) feet of the primary pedestrian entrance to the suite;

3. On-premise portable signs on a lot are allowed within the zoning districts shown on Table 4.100.A. Residential Districts, or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A, subject to the following:

- a. One (1) sign per abutting street frontage.
- b. On private property.
- c. Period of use of sign:
 - i. Between the hours of 7am to 8pm.

D. Off-Premise Traffic Directional Signs (excluding special event signs).

1. Placement allowances:

- a. Allowed on private lots, excluding vacant sites, with the zoning district shown on Table 4.100.A. Residential Districts, or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the districts shown on Table 4.100.A.
 - b. Shall be placed in a manner that does not create a traffic hazard, or obstruct a public or private sidewalk, trail, or pedestrian pathway.
 - c. Shall not be attached or placed on public structures.
 - d. Shall not be attached or placed on a light pole, directional sign or supports, traffic control device, utility cabinet, bridges, or other similar structures.
2. Period of use of sign:
- a. Between 7am and 8pm.
3. Maximum area per sign: six (6) square feet.
4. Maximum height: three (3) feet.
5. Maximum number of signs: six (6) signs.
6. Maximum distance from the lot on which the activity occurs: ½ mile radius measured from the property line of the lot on which the activity occurs.
7. Prohibited elements: No illumination, searchlights, amplified sound, animation, reflective materials, or attachments including, but not limited to, balloons, flags, pinwheels, ribbons, or speakers.
8. Design and construction:
- a. Signs shall have sufficient weight and durability to withstand wind gusts, storms, and other weather elements.
 - b. Text, graphics and colors shall not replicate or conflict with the United States Department of Transportation Federal Highway Administration's Manual on Uniform Traffic Control Devices.
 - c. Sign shall include a directional arrow that points toward the location of the lot on which the activity occurs.
 - i. Directional arrow shall be no less than 12 inches wide and six (6) inches tall.
 - ii. Directional arrow shall contrast with the background of the sign surface for readability.

E. Banners.

1. Allowed on a lot within the zoning districts shown on Table 4.100.B. Commercial Districts, 4.100.C. Industrial Districts, and 4.100.D. Mixed Use Districts, or any portion of a Planned Community P-C with an underlying zoning district comparable to the districts shown on Table 4.100.B., 4.100.C., and 4.100.D., not including the Service-Residential (S-R) district:
 - a. Maximum area: one (1) square foot per one (1) linear foot of building wall, not to exceed 250 square feet.
 - b. Maximum height: 36 feet, not to extend above the roof line.
 - c. Location: Building façade or wall.
 - d. Maximum number of signs: One per business or organization.

2. Allowed on a lot within the Service-Residential (S-R) district, or any portion of a Planned Community P-C with an underlying zoning district comparable to the Service-Residential (S-R) district:
 - a. Maximum area: 12 square feet.
 - b. Maximum height: not to extend above the roof line.
 - c. Location: Building façade or wall.
 - d. Maximum number of signs: One per business or organization.
3. Maximum duration: 35 consecutive days within a calendar year.
4. The banners shall be made of weather resistant material.
5. The perimeter of the banner sign shall be securely fastened to the building façade or wall.

F. On-premises temporary/security fencing banners.

1. Allowed on a lot within the zoning district shown on Table 4.100.B. Commercial Districts, 4.100.C. Industrial Districts, and 4.100.D. Mixed Use Districts, or any portion of a Planned Community P-C with an underlying zoning district comparable to the districts shown on Table 4.100.B., 4.100.C., and 4.100.D.
2. Maximum area: 32 square feet.
3. Maximum height: Not extend above the temporary/security fencing.
4. Location: On temporary/security fencing not in the right-of-way.
5. Maximum number of signs: One per street frontage.
6. Maximum duration: To be removed upon expiration of building permit or approval of final inspection.
7. The banners shall be made of weather resistant material.
8. The perimeter of the banner shall be securely fastened to the temporary/security fencing, or printed on to the temporary/security fencing screening.

G. Window Signs.

1. Allowed on a lot within the zoning district shown on Table 4.100.A. Residential Districts, Table 4.100.B. Commercial Districts, 4.100.C. Industrial Districts, and 4.100.D. Mixed Use Districts, or any portion of a Planned Community P-C with an underlying zoning district comparable to the districts shown on Table 4.100.A., 4.100.B., 4.100.C., and 4.100.D.
2. Placement: on the inside or outside surface of the window pane.
3. Maximum size per window pane:
 - a. 25 percent of any window pane that is greater than four (4) square feet.
 - b. 100 percent of any window pane that is equal to, or less than, four (4) square feet.
4. Maximum sign area of all window signs for any one (1) side of a building:
 - a. One (1) square foot for each one (1) linear foot of building wall.
 - b. Shall not exceed the sum total sign area allowed for permanent signs.

H. On-Premise Non-commercial Yard Sign.

1. Allowed on a lot with the zoning district shown on Table 4.100.A. Residential Districts, or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.:
 - a. Maximum Number:
 - i. Lots with a lot width of less than 1,200 feet abutting a street: one (1) sign;
 - ii. Lots with a lot width of 1,200 feet and greater abutting a street: two (2) signs;
 - (1) One (1) additional sign for each additional 600 feet of lot width above 1,200 feet; however,
 - (2) No more than a maximum of four (4) signs per street frontage.
 - b. Height: five (5) feet.
 - c. Maximum area:
 - i. Adjacent to a property line abutting an unclassified street: six (6) square feet.
 - d. Placement:
 - i. On private property;
 - ii. Shall be placed in a manner that does not create a traffic hazard, obstruct a public or private sidewalk, trail, or pedestrian pathway.
 - e. Maximum Duration: 126 days
 - f. Prohibited elements: No illumination, searchlights, amplified sound, animation, reflective materials, or attachments including, but not limited to balloons, ribbons, or speakers.

Section 7. Repeal Section 8.601. – Semi-permanent signs allowed.

Section 8. Renumber Section 8.602. – Sign free zone., to Section 8.601., as follows:

Sec. 8.602. 8.601. Sign free zone.

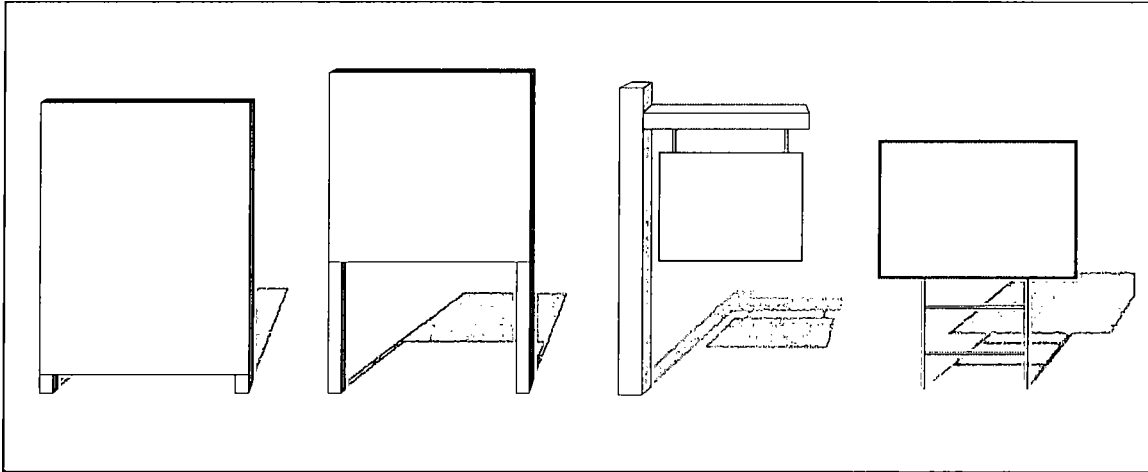
LA Pursuant to A.R.S. 16-1019 as amended, the City Council by resolution may designate commercial tourism, commercial resorts and hotel sign-free zones, not more than two (2) zones may be identified within the City limits. The total area of each of those zones shall not be larger than three (3) square miles, and each zone shall be identified as a specific contiguous area. The City Council must find that based on a predominance of commercial tourism, resort and hotel uses within the zone, the placement of political signs within the rights-of-way in the zone will detract from the scenic and aesthetic appeal of the area within the zone and deter its appeal to tourists.

Comparison Chart: Existing Sign Types to Proposed Sign Types

CURRENT CODE & CURRENT SIGN TYPES	TO →	PROPOSED CODE & PROPOSED SIGN TYPES
SECTION 8.600 – TEMPORARY SIGNS ALLOWED	→	SECTION 8.600 – TEMPORARY SIGNS ALLOWED
• Auto Dealership Promotional Events	→	➤ Moved to Scottsdale Revised Code Chapter 22 – Special Events – Special Vehicle Sale
• Grand Opening Signs	→	➤ On-Premise Banners
• Planned Regional Center (PRC) District	→	➤ On-Premise Banners
• Qualifying Directional Event Banner	→	➤ Moved to Scottsdale Revised Code Chapter 22 – Special Events – Special Event Signs
SECTION 8.601 – SEMI-PERMANENT SIGNS ALLOWED	→	SECTION 8.600 – TEMPORARY SIGNS ALLOWED
• On-Premises Development Signs	→	➤ On-Premise Post and Panel Signs
• On-Premises Contractor and Subcontractor Signs	→	➤ On-Premise Post and Panel Signs
• On-Premises Sale, Lease, and Rent Signs	→	➤ On-Premise Post and Panel Signs
• Off-Premises Open House Directional Signs	→	➤ Off-Premise Traffic Directional Signs
• No Trespassing Signs	→	➤ On-Premise Post and Panel Signs
• Menu Signs	→	➤ On-Premise Permanent Signs
• Master Planned Community Master Developer Identification Sign	→	➤ On-Premise Post and Panel Signs
• Master Planned Community Information Center Identification Signs	→	➤ On-Premise Permanent Signs
• Master Planned Community Information Center Directional Signs	→	➤ On-Premise Post and Panel Signs
• Major Master Planned Community Information Center Directional Signs	→	➤ On-Premise Post and Panel Signs
• Window Signs	→	➤ On-Premise Window Signs
• Temporary Noncommercial Signs	→	➤ On-Premise Non-Commercial Yard Signs
SECTION 7.706 – SIGNAGE & IDENTIFICATION ON TEMPORARY/SECURITY FENCING	→	SECTION 8.600 – TEMPORARY SIGNS ALLOWED
• On-Premises Development Sign; Contractor and Subcontractor Signs; For Sale, Lease and Rent Signs, and No Trespassing Signs.	→	➤ On-Premise Temporary Security Fencing Banners
PROHIBITED BY CURRENT CODE	→	SECTION 8.600 – TEMPORARY SIGNS ALLOWED
• On-Premises Garage Sales, Estate Sales, Open Houses, and R-1 Zoning Activities	→	➤ On-Premise Portable Signs
• On-Premises A-Frame Signs in Non-Residential Districts	→	➤ On-Premise Portable Signs (100' setback from street curb, or screened by a structure)

EXAMPLES

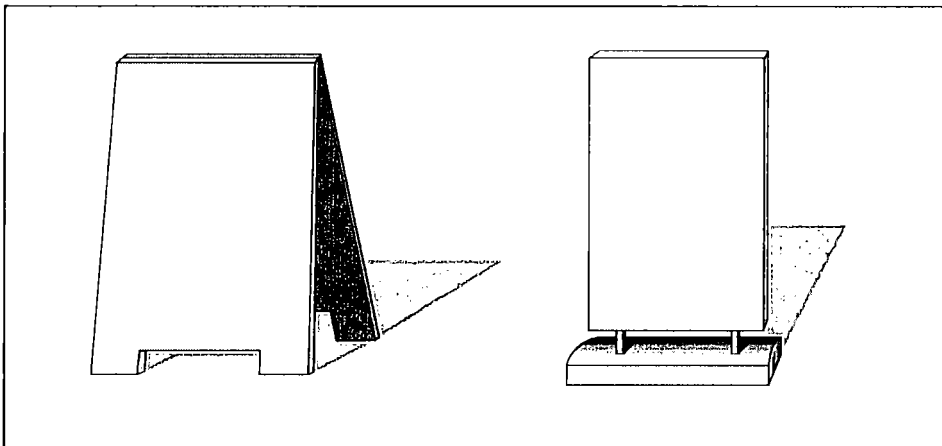
Post and Panel Sign Examples



Examples of Post and Panel Sign Uses Include:

- Realtor Signs
- Development Signs
- Contractor Signs
- Campaign Signs & Non-Commercial Signs

Portable Sign Examples



Examples of Portable Sign Uses Include:

- Open House Directional Signs
- On-Lot Commercial 'A-frame' Signs

**Sign Ordinance Update – Temporary Signs
Case 2-TA-2016
Citywide**

**Citizen Review Plan and Report
May 2017**

Citizen Review Plan

A minimum of two open house meetings will be held for input and discussion of the proposed modifications. The key proposals of this amendment are: 1) update the Zoning Ordinance to update the temporary and semi-permanent sign requirements, 2) remove special event sign requirements from the Zoning Ordinance, and update and incorporate special event sign regulations into Chapter 22 of the Scottsdale Revised Code. This effort will review and update sign regulations that are confusing and out-of-date, simplify and modernize the ordinance language, and establish a more user-friendly and contemporary ordinance.

The community will be made aware of Open House meetings through an eighth page newspaper advertisement, Scottsdale subscriber e-mail, internet posting, and postcard mailings. The internet will be updated periodically as new documents are prepared and provided to the community. For the Sign Ordinance Update – Temporary Signs, individuals on record with the Planning and Development Services Department Interested Parties List were notified, and email notifications to 130 recipients of local sign companies and stakeholders will be notified. At the open house meetings, the proposed draft ordinance will be provided for input and comment.

Citizen Review Report

Two open house meetings were held on December 6, 2016, at the Scottsdale One Civic Center, and December 7, 2016, at the Scottsdale Via Linda Senior Center. An eighth page advertisement was published in the local newspaper, and information was published on the City's website to advise the community of the open house meetings. Individuals on record with the Planning and Development Services Interested Parties List were notified, and email notifications to 130 recipients of local sign companies, local municipalities, and stakeholders were notified. In addition, requests for comment and input were sent to the Arizona Sign Association (ASA), Coalition of Greater Scottsdale (COGS), and the Scottsdale Area Association of Realtors (SAAR).

At the open house meetings, the draft ordinance was provided to the public for comment. A summary of the open house meetings:

December 6, 2016 – Open House Meeting #1

- 9 attendees attended this meeting:
 - 4 Scottsdale residents
 - 3 representatives from local sign companies
 - 1 city representative from the City of Tempe
 - 1 City Council member
- Comments and suggestions received:
 - Additional Portable Signs adjacent to a business suite on non-residential zoned lots (commercial developments) when they located at a distance greater than 100 feet from the back of the curb, or screened by a structure and not visible from an abutting street.
 - Incorporate an increased duration that a Post-and-Panel Sign may be utilized on residential lots; and
 - Incorporate an increase in the amount of Post-and-Panel Signs on large lots to be greater than one (1) per street frontage to accommodate developments and lots that have long street frontages.

December 7, 2016 – Open House Meeting #2

- No persons attended, and no public comments were provided at this meeting.

Staff has received eight (8) emails regarding the proposed amendment, which are included in Attachment A. The email comments include: 1) increasing the window sign coverage requirements, 2) maintaining the current window sign coverage requirement of 25%, 3) allowing businesses within commercial developments the ability to display Portable Signs, 4) allowing temporary off-premise open house signs in the medians and right-of-way, and 5) updating the sign ordinance with more restrictive temporary sign requirements. Some of the comments stated concerns on the proposed text amendment and the impact it will have on the use of real estate signs and the real estate industry.

Due to a range of competing comments regarding the maximum window sign coverage requirement of 25%, Staff is recommending the current ordinance requirement be maintained. In addition, Staff is also recommending the current prohibition of signs in the City right-of-way be maintained. Maintaining the current ordinance requirements will continue to limit the proliferation and clutter of signs along streets and corridors.

Based on comments and input received from the open house meetings, emails, and correspondence with the public and stakeholders, Staff has incorporated revisions to the proposed amendment, which include: 1) removal of the number of occurrences and activities allowed in a calendar year for Post and Panel Sign display, and regulate the display of Post and Panel Signs based on the duration of activity occurring on a residential and commercial lot; 2) removal of the street curb setback requirement for Post and Panel, Portable, and Yard Signs, and maintaining the current code requirement which limits the placement of temporary signs on private property; 3) removal of the number of activities allowed in a calendar year for On-Premise Portable Signs and Off-Premise Traffic Directional Signs and instead, limit the display of On-Premise Portable Signs and Off-Premise Traffic Directional Signs from 7am to 8pm; 4) revision of the definition of 'Off-Premise Traffic Directional Sign' to include the use of a Portable Sign or a Yard Sign to direct traffic and pedestrians to an event occurring on a different lot than where the sign is located; and 5) incorporate an increase in the quantity of Post-and-Panel Signs allowed for lots with longer street frontages.

Staff has received a range of competing comments regarding what the appropriate size of a Post and Panel Sign would be for residential lots. To reduce clutter and the proliferation of signs along streets and corridors, Staff is recommending maintaining the current ordinance requirement, which limits the size of the Post and Panel Signs based on the size of the lot.

Staff has also received additional comments regarding the allowance for residential lots to display non-commercial speech. Therefore, the proposed amendment introduces a new temporary sign type called a Yard Sign. A Yard Sign would be allowed on residential lots to display non-commercial speech, when a residential lot is not being actively marketed for sale or lease, does not have an active building permit, or does not have an active Development Review Board application. For residential lots, an owner may display a Non-Commercial Yard Sign up to a maximum six (6) square feet, and display the sign for up to 126 days. For commercial lots, a non-commercial sign may be substituted for any temporary or permanent commercial sign allowed in the ordinance.

ATTACHMENTS

- A. Correspondences
- B. Open House Invite List
- C. Open House Eighth Page Newspaper Advertisement
- D. Open House Email Distribution List
- E. Open House Invite Email
- F. Open House Postcard Mailing to Interested Parties
- G. Planning & Development Services Interested Parties List
- H. Open House Sign-In Sheets and Comment Card

**Attachments B – H are on file
and available at the Planning
and Development Services,
Records office.**

Chi, Andrew

From: howard.myers@cox.net
Sent: Friday, June 03, 2016 7:13 PM
To: Chi, Andrew
Subject: 2-TA-2016

Categories: Correspondence



When are the proposed changes to the sign ordinance going to be posted? -- sent by Howard Myers (case# 2-TA-2016)



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ATTACHMENT #A
OF ATTACHMENT 5

Chi, Andrew

From: James Carpentier <James.Carpentier@signs.org>
Sent: Monday, December 05, 2016 9:41 AM
To: Chi, Andrew
Subject: RE: Sign Code Update 2-TA-2016

Categories: Correspondence

Hello Andrew,

Gald to hear you are well and busy on this end too! I was thinking about the scenic corridor. That would be a lot to take on now given the controversy around the corridor. But I had to ask...

Also, the city has decided to not tackle content neutrality with the non-temporary sections of the code. We do suggest a content neutral code throughout as do many others.

I do have one suggestion for the temporary sign section, 50% for window area vs. 25%. We find that this is a very affordable method to advertise for the end user.

I cannot make the meeting tomorrow since I am traveling three days this week. I would like to be there.

Take care,

James

Chi, Andrew

From: Ian st John Wakefield <ianwake@480-994-4000.com>
Sent: Saturday, December 10, 2016 9:13 AM
To: Chi, Andrew
Cc: 'John'; 'Derek Herndon'
Subject: Temporary and Semi Permanent Sign Code 2-TA-2016

Categories: Correspondence

Andrew,

On Premises Portable signs Non Residential.

A Frames.

Need to address multi-tenant commercial locations like strip malls.

Allow one per tenant perhaps use Tempe restrictions as to location.

within 10ft of main entrance to tenant space.

Window Graphics.

The Restriction of 25% of any pane is being frequently ignored and with vision films 50/50 or 70/30 being applied to the total window.

Though I do not think this code is being enforced you may want to increase the limit or remove it entirely.

Post and Panel Residential.

Typical standard current real estate sign for sale or lease sign is taller than 5ft.

Time restriction is going to be problem but as discussed code enforcement may be the only way around this.

The increase to 6 sq ft from 4 sq ft for a sign that does not need a permit is welcomed.

Generally clarify if size restrictions on post and panel signs are per face so double sided is double the limit.

Regards

Ian st John Wakefield
Scottsdale Signarama
7625 E Redfield Rd Ste 163
Scottsdale AZ 85260
P 480-994-4000
F 480-994-7336



Chi, Andrew

From: Keagy, Raun
Sent: Friday, January 27, 2017 12:29 PM
To: cogsaz@gmail.com
Cc: 'copperphillips@cox.net'; Grant, Randy; Curtis, Tim; Chi, Andrew
Subject: RE: 21 JANUARY 2017 COGS' Board responders

Categories: Correspondence

Hello Sonnie and hope that all is well with you!

My responses (in red) immediately follow your inquiries.....Raun

From: Chi, Andrew
Sent: Tuesday, January 24, 2017 8:08 PM
To: cogsaz@gmail.com
Cc: 'copperphillips@cox.net'; Keagy, Raun
Subject: RE: 21 JANUARY 2017 COGS' Board responders

Hi Sonnie,

Thank you for the information. Regarding your comments:

(1) Realtors individually and SAAR board need to provide their input on post-panel length of days and interim downtime as it relates to a negative impact on their industry.

Response:

We have reached out to the SAAR, and are awaiting comments.

(2) Are For Sale by Owner signage of post and panel the same duration and intermittent downtime as all others?

Response:

Yes, since that are the same sign type.

(4) Violation if signs have lights, sound, reflective material, balloons, streamers, speakers, ribbons---will this include those car dealerships with the tall floppy arm "balloon" critters that are over 10 ft high?

Response:

Only sign types that are listed in the proposed amendment are allowed. Since "air activated inflatable signs", which you are describing, are not listed as an allowed sign, they are not permitted.

Regarding the following questions, we will forward these to Raun Keagy to provide a response:

(3) The limitations on Garage/Patio/"estate" private property sales are good. Will this be enforced on a complaint basis only? No, this will be enforced both proactively and on a complaint basis.

(5) Business window less than 25% coverage is good and frequently violated in some Downtown businesses. Agreed and this is and will be enforced both proactively and on a complaint basis.

(6) Enforcement of the amended ordinance is like all others---how stringently will it be enforced. Complaint generated or proactive from Code Enforcement. This will be enforced both proactively and on a complaint basis.

Thank you Sonnie.

Andrew Chi, Planner

City of Scottsdale | Planning & Development Department
7447 East Indian School Road, Suite 105 Scottsdale, Arizona 85251
[Direct] 480.312.7828
[Email] achi@scottsdaleaz.gov
[Web] www.scottsdaleaz.gov/codes

From: COGS Admin [<mailto:cogsaz@gmail.com>]
Sent: Saturday, January 21, 2017 3:59 PM
To: Chi, Andrew
Cc: Phillips Copper
Subject: Re: 21 JANUARY 2017 COGS' Board responders

Response summary from COGS Board discussion on the amendments: (1) Realtors individually and SAAR board need to provide their input on post-panel length of days and interim downtime as it relates to a negative impact on their industry. (2) Are For Sale by Owner signage of post and panel the same duration and intermittent downtime as all others? (3) The limitations on Garage/Patio/"estate" private property sales are good. Will this be enforced on a complaint basis only? (4) Violation if signs have lights, sound, reflective material, balloons, streamers, speakers, ribbons---will this include those car dealerships with the tall floppy arm "balloon" critters that are over 10 ft high? (5) Business window less than 25% coverage is good and frequently violated in some Downtown businesses. (6) Enforcement of the amended ordinance is like all others---how stringently will it be enforced. Complaint generated or proactive from Code Enforcement.

I'll forward any responses from our weekend COGS E-newsletter readers. Sonnie COGS cogsaz@gmail.com

Chi, Andrew

From: Danny Kahn <danny@eandgrealestate.com>
Sent: Sunday, March 19, 2017 2:23 PM
To: Chi, Andrew; Curtis, Tim; Grant, Randy
Subject: Sign Ordinance Feedback & Comments 2-TA-2016

Categories: Correspondence

Good Afternoon -

I strongly encourage updating the sign ordinance to be more restrictive and believe someday signs will be a thing of the past.

Due to the way the real estate industry has changed and electronic platforms available to the general public.

There is absolutely no reason for real estate agents to use signs which are constant eye sores in communities throughout Scottsdale and throughout Maricopa county.

I hope that stronger restrictions are put in place for both Residential and Commercial brokers.

Sincerely -

Daniel E. Kahn PLLC

Associate Broker | E & G Real Estate Services

www.eandgrealestate.com
2150 E Highland Avenue, Suite 103
Phoenix, Arizona 85016
480.550.8507 Office
480.282.0171 Cell
480.550.8501 Fax
www.dkahnrealestate.com

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Chi, Andrew

From: Sam Havens <gosam@azteam.com>
Sent: Thursday, April 13, 2017 1:33 PM
To: Chi, Andrew
Subject: real estate open house sign placement 2-TA-2016
Attachments: DSC_0101.JPG

Categories: Correspondence

Andrew Chi, Planner, City of Scottsdale

Hello Andrew,

I propose changes to the open house sign ordinance with regards to placement in medians and between city sidewalks and streets:

Allow between sidewalk and street.

Allow in medians where direction is left turn to reduce turning hazard and where it is not possible to place anywhere else - example Bell Rd west from 108th St to 104th St. I

In some cases as Thunderbird Rd off FLW into Madrid subdivision 1 sign in the median reduces 2 signs - 1 in each direction.

Another example is Thompson Peak Pkwy southbound at Paradise Lane - see attachment - if sign is on right side of Thompson Peak traffic will have to move WAY over to left turn lane - not as safe a placement.

Best Regards,

Sam Havens
HomeSmart



Chi, Andrew

From: Acevedo, Alex
Sent: Monday, May 08, 2017 3:24 PM
To: Chi, Andrew
Subject: Comments about Case 2-TA-2016 Temporary and Semi-Permanent Signs

Categories: Correspondence

From: rbazinet@gmail.com [<mailto:rbazinet@gmail.com>]
Sent: Friday, May 05, 2017 11:08 PM
To: Acevedo, Alex
Subject: Comments about Case 2-TA-2016 Temporary and Semi-Permanent Signs



I'm a realtor and a member of SAAR. In regards to this matter, I believe that a small number of realtors abuse and/or ignore the current city ordinances in many ways, some by ignorance but many knowingly as there is no current enforcement. That surely contributed to the issue and to residents off Scottsdale to complain. Therefore, my suggestion is to curtail the problem by stopping the abuse by the use of education of the ordinances and then by strict enforcement that carries a significant fine. -- sent by Richard Bazinet (case# 2-TA-2016)



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From: Suzanne Brown <suzanne@scottsdalerealtors.org>
Sent: Wednesday, February 22, 2017 4:57 PM
To: Chi, Andrew
Cc: Rebecca Grossman
Subject: Scottsdale's New Proposed Sign Ordinance Comments

Importance: High

Categories: Correspondence

Hi Andrew,

My government affairs committee has taken the time to review the proposed amendments to the city's sign ordinance and here is the summary of the comments from the group.

1. Real estate sign regulations need to be kept as a separate category.
 - The nature of the industry, variable market timeframes, and the coverage of differing residential and commercial needs are unique and do not correlate with any other industry or demographic.
 - Time Restrictions: Real estate market cycles fluctuate on an inconsistent basis; and even with going off of an average Days on Market(DOM) as a guide – these averages change from year to year, varying greatly from area to area and residential to commercial industry sectors. If a time restriction were adopted, it would negatively impact any seller(s) whose property does not sell within that given timeframe. Note: Arizona State Statutes already regulates when a real estate sign must be taken down; based upon when a property sells.
 - Exclude the following for real estate signs:
 - Maximum:
 - (1) No more than two (2) occurrences in a calendar year, with a minimum of 35 days between each occurrence; and
 - (2) 126 consecutive days within a calendar year.
2. Placement of signs – do not require a specific distance setback from the sidewalk or right-of-way. The proposed setbacks for both residential and commercial are too far back and do not work for easy compliance; not all right-of-way, easements or property lines are readily identifiable for easy compliance with an exact setback placement and not every location has a curb.
 - Keep the wording for placement must be on private property, does not create a traffic hazard, and only X number of signs per linear feet (or frontage road).
3. “No illumination” restrictions on Post and Panel real estate signs:
 - If the area is not certified as a “Dark Sky” area; the use of lights on real estate signs should be allowed as long as they are not a traffic hazard, are low-level light out-put, and are directed at the sign.
 - i. We have heard many of our members and one of our largest brokerage firms that state the use of lights on their real estate signs has led to increased exposure, showings and sales of these listings.
4. When defining Post and Panel Signs -- leave off the wording of cement, concrete and other permanent binding materials. Corrugated/wire framed signs do not utilize these materials and most metal H-frame real estate signs do not utilize any binding agents either, but would be considered a Post and Panel Sign.
5. Defining commercial signs – by removing real estate signs as a separate defined category, they are by default falling into the classification of commercial signage, but with their use within residential areas, creates conflicts for their regulated use within residential zoned areas.

6. On the post and panel square footage size allowance, you allow for them to be 5' tall but only 8 square feet.
 - This should be 10 square feet (2' x 5' max height); 2' wide is the minimum standard for most residential real estate signs and is the calculation used for "On-Premise Portable Signs."
7. The time allowance for Portable Signs is too restrictive: Between the hours of 7am to 7pm.
 - In the summertime, daylight hours run longer and work hours for agents are extended during these timeframes; change to "Between the hours of 7am to 8pm."
8. Under Portable Signs – remove "2. No more than four (4) activities per year, per lot."
 - This is a disservice to residential properties that may have been bought as a fix-and-flip investment property; or in the event of trying to market their property, they have switched sales agents...the property owner and agents should have the opportunity to maximize all sales opportunities. If the prior owner or agent had used up the maximum allowed 4 open houses within a year, then the new owner or agent would be hindered from being able to hold an open house for an extended period of time. This could then extend out the sales period of the property and potentially bring housing prices down in the area as the "Average Days On Market" is a key factor for determining current property values.
9. Under Portable Signs – verbiage correction.....it should say "no more" and not "no less"
 - c. Sign shall include a directional arrow that points toward the location of the lot on which the activity occurs.
 - i. Directional arrow shall be no less than 12 inches wide and six (6) inches tall.
10. Under Portable Signs – verbiage needs to include "pinwheels and flags"

Prohibited elements: No illumination, searchlights, amplified sound, animation, reflective materials, or attachments including, but not limited to, balloons, ribbons, or speakers.

We understand that the city is looking at ensuring their sign ordinance is in compliance with the "message neutral" requirement stipulated by the Supreme Court ruling which was handed down to the Town of Gilbert. Something to note though, is that Gilbert does have sign ordinance verbiage which treats real estate signs as a separate category. Our point being, there should be separate sign ordinance regulations for real estate signs.

Please let us know when we can provide further comment and insight regarding this ordinance as it moves forward.

Respectfully,

Suzanne Brown, RCE

Director of Community & Government Affairs



Scottsdale Area Association of REALTORS®

8600 E Anderson Dr, Suite 200 | Scottsdale, AZ 85255

Ph: 480 945 2651 | F: 480 422 7945 | www.ScottsdaleREALTORS.org



Proud Supporter of Protecting Homeownership, Private Property Rights and the Real Estate Industry!

Chi, Andrew

From: Suzanne Brown <suzanne@scottsdalerealtors.org>
Sent: Wednesday, April 12, 2017 3:22 PM
To: Thompson, Jim; Grant, Randy; Washburn, Bruce; Chi, Andrew
Cc: Rebecca Grossman
Subject: SAAR | Scottsdale Sign Ordinance Analysis
Attachments: City of Scottsdale AZ - SAAR Letter to City.pdf

Categories: Correspondence, Follow Up

Hello All,

Here is the analysis information we had promised to deliver regarding the Scottsdale Sign Ordinance.

Please take your time reviewing the attached information. After you have had a chance to read this over, we would like to schedule a time to meet next week, if possible, to go over this information with you.

Please advise.

Respectfully,

Suzanne Brown, RCE

Director of Community & Government Affairs



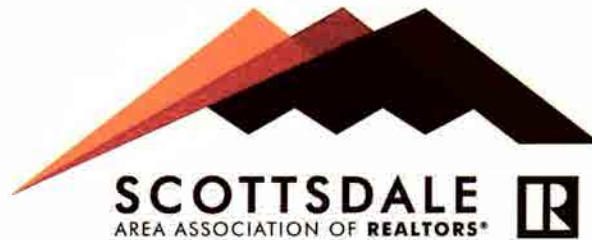
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Ph: 480 945 2651 | F: 480 422 7945 | www.ScottsdaleREALTORS.org



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APRIL 11, 2017

**To: City of Scottsdale | Jim Thompson – City Manager
Bruce Washburn – City Attorney
Randy Grant – Planning & Development Director
Andrew Chi - Planner**

RE: 2-TA-2016 – Sign Ordinance Update

At the request of the Scottsdale Area Association of REALTORS® (“SAAR” or “the Association”), the National Association of REALTORS® (“NAR”) assisted SAAR in preparing an analysis of “2-TA-2016 – Sign Ordinance Update,” which proposes to amend Article VIII of the Scottsdale Zoning Ordinance (the “Sign Code”) with respect to temporary and semi-permanent signs (the “Proposed Amendments”). We understand that the Proposed Amendments are part of the City’s effort to update its Sign Code in response to the U.S. Supreme Court’s June 2015 decision in *Reed v. Town of Gilbert*.¹

The analysis below focuses on three aspects of the Proposed Amendments that SAAR believes will have significant negative impact on the real estate industry: (1) the restrictions allowing Post and Panel Sign displays a maximum of two times in a calendar year with a minimum of 35 days between displays, and a maximum of 182 consecutive days in a calendar year; (2) the requirement that Post and Panel Signs be placed at least fifteen feet from the curb or edge of pavement/shoulder; and (3) the twelve “activities” per lot restriction on Portable Signs in residential districts.

We are providing this analysis not as a legal opinion or legal advice under state law, but as information for the City to consider in preparing its update of the Sign Code.

SUMMARY OF PROPOSED AMENDMENTS

Before providing an analysis of the Proposed Amendments, we include a brief summary of the Proposed Amendments as we understand them.

According to the City Council Report dated March 21, 2017 (the “Council Report”), the purpose of the Proposed Amendments is to:

- (1) regulate temporary signs based on time, place, and manner; (2) consolidate and reduce the number of temporary sign types; (3) remove the special event sign regulations from the

¹ *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015).

Zoning Ordinance (which will be a separate code amendment that incorporates new provisions for special event signage into Chapter 22 of the Scottsdale Revised Code); and (4) create a more contemporary and user friendly sign requirements of the Zoning Ordinance.

In order to achieve these goals, the Proposed Amendments would consolidate 17 existing temporary sign types into the following four sign types: Post and Panel Signs, Portable Signs, Banner Signs, and Window Signs. The size, height, placement, and other regulations for each type of temporary sign would be based on zoning district, with separate standards established for signs in residential, commercial, industrial, and mixed-use zoning districts.

Below is an overview of the key substantive provisions of the Proposed Amendments.

Temporary Sign Types: The Proposed Amendments would amend Section 8.200 (Definitions) of the Sign Code to define Banner, Post and Panel Sign, Portable Sign, and Temporary Window Sign as follows:

- **“Banner.** A sign composed of flexible material, such as fabric, pliable plastic, paper, or other lightweight material, not enclosed in a rigid frame.”
- **“Post and Panel Sign.** A sign that is freestanding and not portable, with a panel mounted on removable supporting posts that are embedded into the ground without the use of cement, concrete, or other permanent binding material.” **Note:** According to the Council Report, examples of Post and Panel Sign uses would include “realtor signs, development (coming soon) signs, contractor signs, and campaign signs.”
- **“Portable Sign.** A sign that is freestanding, movable, and self-supported, and that is not permanently affixed to any building, structure, or embedded into the ground.” **Note:** According to the Council Report, Portable Sign uses would include “on-lot commercial A-frame signs for businesses, garage sale, and estate sale traffic directional signs.”
- **“Window sign, temporary.** Any poster, cut-out letters, painted text or graphics, or other text or visual presentation affixed to the inside or outside of a window pane which is placed to be read from the exterior of a building.”

Temporary Sign Standards: Section 8.600 (Temporary Signs Allowed) would be amended to establish separate regulations for each type of temporary sign, with separate standards established for signs in residential, commercial, industrial, and mixed-use zoning districts.

- ***On-Premise Post and Panel Sign Standards²:*** For “On-Premise Post and Panel Signs,” the zoning district standards generally include limitations on the number of signs allowed on a lot, maximum sign height and area limits, placement restrictions (i.e., where the signs may be located on a lot), and the maximum length of time a sign may be displayed. For example, the proposed standards for “On-Premise Post and Panel Signs” on lots located in a residential zoning district are reproduced below.

² See Proposed Amendments § 8.600.A.

- a. Maximum Number:
 - i. Lots with a lot width of less than 1,200 feet abutting a street: one (1) sign;
 - ii. Lots with a lot width of 1,200 feet and greater abutting a street: two (2) signs;
 - (1) One (1) additional sign for each additional 600 feet of lot width above 1,200 feet; however,
 - (2) No more than a maximum of four (4) signs per street frontage.
 - b. Height: five (5) feet.
 - c. Maximum Area: ten (10) square feet.
 - d. Placement:
 - i. On private property.
 - ii. Minimum of 15 feet from back of street curb.
 - iii. Where there is no street curb, a minimum of 10 feet from the edge of the pavement or edge of a city-maintained dirt road or dirt shoulder.
 - e. Duration
 - i. Maximum:
 - (1) No more than two (2) occurrences in a calendar year, with a minimum 35 days between each occurrence; and
 - (2) 182 consecutive days within a calendar year.
 - f. Prohibited elements: No illumination, searchlights, amplified sound, animation, reflective materials, or attachments including, but not limited to balloons, ribbons, or speakers.³
- ***Portable Sign Standards***⁴: The proposed portable sign standards are organized into two subsections: “On-Premise Portable Signs” and “Off-Premise Portable Traffic Directional Signs (excluding special event signs).” As with the Post and Panel Signs, the standards for these Portable Signs include maximum sign height and area limits, placement restrictions, and quantitative restrictions on the number of Portable Signs per lot and the frequency and duration of display of portable signs. For example, On-Premise Portable Signs must be no more than six square feet in area and three feet in height, and may be used for no more than 12 “activities” per calendar year per lot and for no more than three consecutive days per activity.⁵
 - ***Banners***⁶: The proposed Banner standards are also organized into two subsections: “Banners” and “On-Premises Temporary/Security Fencing Banners.” Banners are generally limited to nonresidential districts and must not exceed 250 square feet in area and 36 feet in height. Banners must be made of “weather resistant material” and when placed in a residential district are limited to a maximum duration of 35 consecutive days in a calendar year.⁷

³ Proposed Amendments § 8.600.A.2.

⁴ See Proposed Amendments § 8.600.B-C.

⁵ See generally Proposed Amendments § 8.600.B.1-3.

⁶ See Proposed Amendments § 8.600.D-E.

⁷ See Proposed Amendments § 8.600.D. The maximum banner area is only 12 square feet and maximum height is not to exceed the roofline in the Service Residential or any portion of a Planned Community with a comparable underlying zoning district.

- **Window Signs⁸:** Temporary Window Signs would be allowed in all zoning districts and would be limited in size to 25% of any window pane greater than four square feet or 100% of any window pane that is equal to or less than four square feet. The maximum sign area for all window signs for any one side of a building would be one square foot for each linear foot of building wall, provided that the total does not exceed the total sign area allowed for permanent signs.⁹

ANALYSIS OF PROPOSED AMENDMENTS

TWO BASIC RULES FOR FIRST AMENDMENT REVIEW OF SIGN REGULATIONS

In general, the standard of review applied by a court in reviewing a sign regulation under the First Amendment to the U.S. Constitution depends on whether the regulatory provision under review is *content-based* or *content neutral*. These standards of review were confirmed by the U.S. Supreme Court's decision in *Reed v. Town of Gilbert*, which is discussed below.

(1) Standard of Review for Content Based Sign Regulations – Strict Scrutiny

Sign regulations that are *content-based*, meaning “those that target speech based on its communicative content,” will be upheld only if the content-based distinction is “narrowly tailored to serve a compelling [governmental] interest.”¹⁰ This standard of review is known as strict scrutiny.

(2) Standard of Review for Content Neutral Sign Regulations – Intermediate Scrutiny

By contrast, *content-neutral* sign regulations—commonly referred to as “time, place and manner restrictions”—are subject to a lesser level of scrutiny, referred to as intermediate scrutiny, which requires the government to demonstrate that the regulation (1) serves a substantial governmental purpose unrelated to the suppression of speech; (2) is narrowly tailored to achieve that purpose; and (3) leaves ample alternative avenues of communication.¹¹

REED V. TOWN OF GILBERT: KEY FIRST AMENDMENT PRINCIPLES FOR SIGN REGULATIONS

The U.S. Supreme Court decided the case *Reed v. Town of Gilbert* in June 2015. *Reed* involved the sign code of the Town of Gilbert, Arizona, which generally required a permit for outdoor signs, but provided exceptions for 23 specific types of sign. The plaintiff in *Reed* was the Good News Community Church (“Good News”), a “small, cash strapped” church that did not have a permanent location and therefore met for worship at different places in Gilbert on a week-to-week basis.¹² In order to inform the public about the time and location of its weekly services, Good News posted “temporary directional signs” at various locations in the town.

⁸ See Proposed Amendments § 8.600.F.

⁹ See Proposed Amendments § 8.600.F.

¹⁰ See *Reed v. Town of Gilbert*, 135 S. Ct. at 2226.

¹¹ See *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 101 S. Ct. 2882, 69 L.Ed. 2d 800 (1981); *Members of the City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 104 S. Ct. 2118, 80 L. Ed. 2d 772 (1984).

¹² *Reed*, 135 S. Ct. at 2224-25.

After receiving two citations for violations of the Gilbert sign code, Good News filed suit, claiming that the sign code made impermissible content-based distinctions between “Temporary Directional Signs, Ideological Signs, and Political Signs.”¹³ As the Court pointed out, Gilbert’s sign code treated *Ideological Signs* the most favorably of the three types at issue—they could be as large as 20 square feet and could be placed in all zoning districts without a time limitation. *Political Signs* were allowed to be up to 16 square feet on residential property and up to 32 square feet on nonresidential property, and could only be displayed during the period from 60 days before a primary election to 15 days following a general election. *Temporary Directional Signs* were treated the least favorably—they were limited to six square feet, up to four signs could be placed on a single private property or public right-of-way, and they could be displayed no more than 12 hours before a “qualifying event” and no more than one hour afterward.¹⁴

The majority opinion was authored by Justice Thomas and joined by Justices Roberts, Scalia, Kennedy, Alito, and Sotomayor. It found that Gilbert’s sign code was *content-based* on its face, because different sign restrictions “depend entirely on the communicative content of the sign.”¹⁵ Since more than half of the Court’s justices joined in the reasoning of the majority opinion, the legal reasoning in the majority opinion is binding on lower courts, and is referred to as the official “Opinion of the Court.”¹⁶

In addition, three justices in *Reed* authored concurring opinions. Concurring opinions are authored by Justices “who agree with the result of the main opinion, or the resolution of the dispute between the two parties, but base their concurrence on a different rationale.”¹⁷ When a majority of justices agree on the reasoning provided in the Opinion of the Court, concurring opinions are viewed as persuasive, but not “as strong a precedent as a majority opinion.”¹⁸

In applying *strict scrutiny* to what it determined were content-based regulations, the majority opinion concluded that Gilbert’s sign code did not satisfy the standard.¹⁹ The opinion assumed,

¹³ See BRIAN W. BLAESSER & ALAN C. WEINSTEIN, *FEDERAL LAND USE LAW & LITIGATION* § 5:7 (Thomson-Reuters: 2016) (hereinafter “FEDERAL LAND USE LAW & LITIGATION”).

¹⁴ *Reed*, 135 S. Ct. at 2224-25.

¹⁵ The Court provided the following example illustrating why the code was content-based:

If a sign informs its reader of the time and place a book club will discuss John Locke’s *Two Treatises of Government*, that sign will be treated differently from a sign expressing the view that one should vote for one of Locke’s followers in an upcoming election, and both signs will be treated differently from a sign expressing an ideological view rooted in Locke’s theory of government. More to the point, the Church’s signs inviting people to attend its worship services are treated differently from signs conveying other types of ideas.

Id. at 2227.

¹⁶ American Bar Association, *Opinion of the Court*, available at http://www.americanbar.org/groups/public_education/publications/insights/teaching_legal_docs/reading_a_supreme_courtbrief/opinion_of_the_court.html

¹⁷ American Bar Association, *How to Read a Supreme Court Opinion*, available at http://www.americanbar.org/publications/insights_on_law_and_society/13/fall_2012/how_to_read_a_supremecourt_opinion.html

¹⁸ Beau Steenken & Tina Brooks, *Judicial Opinions & Common Law*, available at <http://sourcesofamericanlaw.lawbooks.cali.org/chapter/judicial-opinions-common-law/>.

¹⁹ *Reed*, 135 S. Ct. at 2231-32.

without deciding, that Gilbert's purported interests in aesthetics and traffic safety were compelling, but concluded that the code was not narrowly tailored to meet those interests.²⁰

Justice Alito wrote a concurring opinion, joined by Justices Kennedy and Sotomayor, which added "a few words of further explanation."²¹ In an attempt to ensure municipalities that they "are not powerless to enact and enforce reasonable sign regulations," Justice Alito's concurrence provided a list of sign "rules" that, in his view, would be considered *content-neutral*. Of relevance to an analysis of the Proposed Amendments, Justice Alito's list includes rules regulating the location of signs and rules that distinguish between on-premises and off-premises signs.²²

In sum, the *Reed* decision severely limits government's ability "to exempt specific types or categories of signs from either a prohibition on signs or a requirement that signs be granted a permit to be displayed." If an exemption is *content-based*, it will be subject to strict scrutiny review, regardless of the justification or purpose for the exemption.²³

SIGN REGULATION ISSUES NOT RESOLVED BY *REED*

Two important issues that *Reed* did not address with respect to sign regulations are: (1) whether the *Reed* decision applies to the regulation of commercial signs; and (2) whether it is permissible for sign regulations to distinguish between on-premises signs and off-premises signs with respect to commercial speech. Each of these issues is discussed below.

Courts Have Not Applied *Reed* to the Regulation of Commercial Signs

A common characteristic of the sign code categories that were at issue in *Reed v. Town of Gilbert*—temporary directional signs, ideological signs, and political signs—is that all of them were noncommercial in nature. In fact, the *Reed* decision contains no discussion of commercial speech. The absence of any discussion of commercial speech in *Reed* has led many commentators to question whether *Reed* applies to the regulation of commercial speech. For example, a leading treatise on land use law observed: "Although a plain reading of the language of the majority opinion in *Reed* would suggest that it applies to all types of speech, early decisions from lower courts construing *Reed* have refused to apply *Reed* to commercial speech."²⁴ Other commentators have simply concluded that *Reed* does not apply to commercial speech.²⁵

Many courts—including the Ninth Circuit Court of Appeals, whose jurisdiction includes the State of Arizona—have ruled that *Reed* does not apply to commercial speech. In *Lone Star Security & Video, Inc. v. City of Los Angeles*, the Ninth Circuit Court of Appeals, without

²⁰ FEDERAL LAND USE LAW & LITIGATION § 5:7.

²¹ *Reed*, 135 S. Ct. at 2233.

²² *Id.*

²³ FEDERAL LAND USE LAW & LITIGATION § 5:9 (citing *Reed*, 135 S. Ct. at 2228).

²⁴ PATRICK J. ROHAN, ZONING AND LAND USE CONTROLS § 17.02[C]. See also FEDERAL LAND USE LAW & LITIGATION § 5:7 (noting that "*Reed* has left several questions answered," including the treatment of "commercial/noncommercial distinctions").

²⁵ See, e.g., Brian J. Connolly & Alan C. Weinstein, 47 URB. LAW 569, 595 (Fall 2015) (hereinafter "Connolly & Weinstein") ("Technically, *Reed* applies only to noncommercial speech.").

explanation, concluded that under *Reed*, content based restrictions on commercial speech “need only withstand intermediate scrutiny.”²⁶ In a 2015 decision, a federal district court in the Ninth Circuit explained the reason why *Reed* does apply to commercial speech as follows:

The Supreme Court has clearly made a distinction between commercial speech and noncommercial speech, and nothing in its recent opinions, including *Reed*, even comes close to suggesting that that well-established distinction is no longer valid.²⁷

Federal courts in other circuits, and some state courts have likewise concluded that *Reed* does not apply to the regulation of commercial speech. For example, in *Auspro Enterprises, L.P. v. Texas Department of Transportation*, the Texas Court of Appeals ruled as follows:

Because Auspro’s speech here is unquestionably *noncommercial*, this case, like *Reed*, does not implicate commercial-speech considerations. Although laws that restrict only commercial speech are content based, such restrictions need only withstand intermediate scrutiny.²⁸

We understand that a definitive answer to the question whether *Reed* applies to commercial speech ultimately will require a determination by the U.S. Supreme Court. However, as explained below, if the Ninth Circuit and certain other courts and commentators are correct in concluding that *Reed* does not apply to commercial speech, then the standard of review for a regulation of commercial speech is not strict scrutiny, but remains the four-part intermediate scrutiny test for determining the constitutionality of a regulation of commercial speech that was established by the U.S. Supreme Court in *Central Hudson*.²⁹

The Central Hudson Test for Review of Commercial Speech Regulations

The majority opinion in *Reed* never mentioned *Central Hudson* and therefore did not overrule the *Central Hudson* test for review of commercial speech regulations. As explained by the U.S. District Court for the Northern District of Illinois, the conclusion that *Reed* did not overrule *Central Hudson* is based on the doctrine that prior Supreme Court decisions should not be overruled by implication:

²⁶ *Lone Star Security & Video, Inc. v. City of Los Angeles*, 827 F.3d 1192, 1198 n.3 (2016) (citing *Reed*, 135 S. Ct. at 2232). See also *Airbnb, Inc. v. City & County of San Francisco*, 2016 U.S. Dist. LEXIS 155039, *27 (stating that the regulation of commercial speech, “even if content-based, need only withstand intermediate scrutiny”); *Citizens for Free Speech, LLC v. County of Alameda*, 114 F. Supp. 3d 952, 969 (N.D. Cal. 2015); *Contest Promotions LLC v. City and County of San Francisco*, 2015 WL 4571564 at *4 (N.D. Cal. July 28, 2015).

²⁷ *CTIA – The Wireless Association v. City of Berkeley*, 139 F. Supp. 3d 1048, 1061 (2015) (citing *Central Hudson Gas & Elec. Corp. v. Pub. Serv. Comm’n*, 447 U.S. 557, 562-63, 100 S. Ct. 2343 (1980) (stating that “[t]he Constitution ... accords a lesser protection to commercial speech than to other constitutionally guaranteed expression”) and *Nat’l Ass’n of Mfrs. v. SEC*, 800 F.3d 518, 2015 U.S. App. LEXIS 14455, at *75-76 (D.C. Cir. Aug. 18, 2015) (noting that, “as the Supreme Court has emphasized, the starting premise in all commercial speech cases is the same: the First Amendment values commercial speech for different reasons than non-commercial speech”)).

²⁸ *Auspro Enterprises, L.P. v. Texas Department of Transportation*, 506 S.W.3d 688, 692 n.10 (Tex. Ct. App. 2016) (citing *Central Hudson*).

²⁹ *Central Hudson*, 447 U.S. at 566.

[T]he majority never specifically addressed commercial speech in *Reed*, which is not surprising, because the Supreme Court did not need to address that issue: all of the restrictions at issue in *Reed* applied only to non-commercial speech. What is important for this case is that, absent an express overruling of *Central Hudson*, which most certainly did not happen in *Reed*, lower courts must consider *Central Hudson* and its progeny—which are directly applicable to the commercial-based distinctions at issue in this case—binding. [citation omitted] Accordingly, notwithstanding any broad statements in *Reed*, the restrictions [at issue here] still only need to survive *Central Hudson*’s intermediate scrutiny test.³⁰

In *Central Hudson*, the U.S. Supreme Court established the following four-part test for determining the constitutionality of a regulation of commercial speech:

- (1) In order to be protected, the speech (a) must concern lawful activity and (b) must not be false or misleading. If the speech satisfies this first part and therefore is protected, then the regulation must:
- (2) Serve a substantial governmental interest;
- (3) Directly advance the asserted governmental interest; and
- (4) Be no more extensive than necessary to serve that interest.³¹

Because temporary real estate signs (e.g., “For Sale” or “For Rent” or “Open House”) inherently concern commercial activity, if *Reed* does not apply to commercial speech then the proper test for a municipal sign regulation that distinguishes between real estate signs and other types of temporary signs is the four-part *Central Hudson* test, not strict scrutiny.

Regulations that Distinguish Between On-Premises and Off-Premises Signs are Permissible with Respect to Commercial Speech

Another issue that the *Reed* decision does not address is whether a sign regulation that distinguishes between *on-premises* and *off-premises* signs should be considered content-based and therefore subject to strict scrutiny review. On one hand, “[u]nder a literal reading of Justice Thomas’s majority opinion in *Reed*, the on-premises/off-premises distinction is probably content-based ‘on its face’ because it is the content of the message displayed that determines whether a sign should be classified as on-site or offsite.”³² On the other hand, the list of rules that, according to Justice Alito’s concurring opinion would be considered *content-neutral* included “[r]ules distinguishing between on-premises and off-premises signs.”³³ It follows that Justice Alito likely views the on-premises/off-premises distinction as simply regulating signs based on location, not content.³⁴

In the 1981 case *Metromedia, Inc. v. City of San Diego*,³⁵ the U.S. Supreme Court conclusively determined that, with respect to commercial speech, regulatory distinctions between on-premises

³⁰ *Peterson v. Village of Downers Grove*, 150 F.Supp.3d 910, 927-28 (N.D. Del. 2015).

³¹ See *Central Hudson*, 447 U.S. at 566.

³² Connolly & Weinstein, 47 URB. LAW at 593 (citing *Reed*, 135 S. Ct. at 2227).

³³ *Id.* (citing *Reed*, 135 S. Ct. at 2233, Alito, J., concurring).

³⁴ See *id.*

³⁵ *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, (1981).

and off-premises signs were permissible under *Central Hudson*, subject to certain limitations.³⁶ The majority decision in *Reed* did not expressly overrule *Metromedia*. Therefore, under the doctrine that prior Supreme Court decisions should not be overruled by implication, the *Metromedia* rule that, with respect to the regulation of commercial speech, allows distinctions between on-premises and off-premises signs, would appear to remain good precedent.³⁷

A temporary real estate sign that is placed on a property other than the one being advertised as “For Sale” or “For Rent”—e.g., a directional sign directing traffic to the location of an “Open House”—would be considered an off-premises sign. Because such signs inherently are both commercial in nature and off-premises, a regulation that distinguishes between off-premises real estate signs and on-premises real estate signs arguably would be permissible under *Metromedia*.

THE PROPOSED AMENDMENTS DISTINGUISH BETWEEN (1) COMMERCIAL AND NONCOMMERCIAL SIGNS AND (2) ON-PREMISES AND OFF-PREMISES SIGNS

The Proposed Amendments contain several provisions that distinguish between (1) commercial and noncommercial signs, and (2) on-premises and off-premises signs. These provisions are quoted below, with *italics* used to highlight the distinction drawn by the provision.

- **Section 8.200 (Definitions):**

Commercial sign. Any sign displaying the *identification or advertisement for a business, product, service or other commercial activity*, but does not include any traffic management or street sign erected by any governmental entity, any flag or badge or insignia of the United States, State of Arizona, Maricopa County, City of Scottsdale, or official historic plaque of any governmental jurisdiction or agency, or any sign erected for a governmental use (including the posting of notices required by law).

Noncommercial sign. Any sign that is *not a commercial sign*.

Comment: These provisions distinguish between commercial and noncommercial signs by defining the terms separately.

- **Section 8.102.B:** “Any *noncommercial sign* may be substituted for any *commercial sign* allowed by this ordinance. The substitution or addition of any *noncommercial sign* shall not increase or decrease the sign budget for the property on which the *noncommercial sign* is located.”

Comment: This provision expressly distinguishes between commercial signs and noncommercial signs—allowing any noncommercial sign (e.g., a political campaign sign) to be substituted for any commercial sign (e.g., a “Holiday Sale” sign), but not allowing any commercial sign to be substituted for a noncommercial sign.

- **Section 9.600.A (“On-Premise Post-and-Panel Signs”); Section 9.600.B On-Premise Portable Signs); and Section 9.600.C (“Off-Premise Portable Traffic Directional Signs”)**

³⁶ Connolly & Weinstein, 47 URB. LAW at 592 (citing *Metromedia, Inc. v. City of San Diego*, 453 U.S. at 511-12).

³⁷ See Connolly & Weinstein, 47 URB. LAW at 593-94.

Comment: These entire sections of the Proposed Amendments expressly distinguish between “on-premise” signs and “off-premise” signs. The Proposed Amendments would expressly permit *On-Premise* Post and Panel Signs, subject to the requirements of proposed Section 9.600.A, but would not permit *off-premise* Post and Panel Signs. Similarly, Section 9.600.B would expressly permit *On-Premise* Portable Signs, subject to the requirements of Section 9.600.B, but would not permit *off-premise* Portable Signs, except for Off-Premise Traffic Directional Signs, which are subject to the requirements of Section 9.600.C.

In communications between City Staff and the Association, the City has taken the position that “[s]eparating out real estate signs from all other temporary sign types may create significant issues of preference that are based on the content of the sign.”³⁸ The approach used by the Proposed Amendments for regulating temporary signs (i.e., categorizing temporary sign types on the basis of their physical design) presumably is intended to avoid making the type of content-based distinctions that would be subject to strict scrutiny under *Reed*. However, despite the City’s argument that this “one size fits all” approach is necessary to avoid “creating significant issues of preference that are based on the content of the sign,” the Proposed Amendments plainly distinguish between commercial and noncommercial signs, and between on-premises and off-premises signs.

The fact that commercial/noncommercial and on-premises/off-premises distinctions clearly are drawn by the Proposed Amendments suggests that the City understands that the “absolutist” approach³⁹ adopted by *Reed* for determining whether a regulation of noncommercial speech is content-based or content-neutral does not apply to *commercial speech*.⁴⁰ Because temporary real estate signs (e.g., “For Sale” or “For Rent” or “Open House”) inherently concern *commercial* activity, the Proposed Amendments can be revised in a manner that arguably would allow real estate signs without triggering strict scrutiny review under *Reed*.

Based on the foregoing discussion, the next part of the analysis first discusses the provisions that the Association identifies as having a significant negative impact on the real estate industry, and then identifies two possible approaches to revising the Proposed Amendments in a manner that arguably would satisfy the *Reed* requirements (or from a risk management standpoint, would reduce the risk of strict scrutiny review) while at the same time addressing the Association’s key concerns with the Proposed Amendments.

³⁸ See March 10, 2017 email from City Planner Andrew Chi to Suzanne Brown, SAAR Director of Community & Government Affairs.

³⁹ The “absolutist” approach has been described as follows:

Under this approach, if a code enforcement officer was required to read the message displayed on a sign to properly enforce the code, the sign code should be deemed content-based. Thus, for example, a sign code that distinguished between a political sign and an event sign on the basis that the former contains a campaign message and the latter advertises a particular event would be content based and thus subject to strict scrutiny, which would likely prove constitutionally fatal.

Connolly & Weinstein, 47 URB. LAW at 575 (citing *City of Ladue v. Gilleo*, 512 U.S. 43, 59 (1994)).

⁴⁰ As discussed above, the “absolutist” approach does not apply to regulatory distinctions drawn between commercial and noncommercial speech or between on-premises and off-premises signs because *Reed* did not overrule *Central Hudson* (regulation of commercial speech is subject to intermediate scrutiny) or *Metromedia* (commercial speech restrictions may distinguish between on-premises and off-premises signs).

**SEVERAL PROVISIONS OF THE PROPOSED AMENDMENTS ARE OVERLY RESTRICTIVE
AND WOULD HAVE A SIGNIFICANT NEGATIVE IMPACT ON THE REAL ESTATE INDUSTRY**

In prior communications with City officials, the Association has identified several provisions of the Proposed Amendments that would have a significant negative impact on the real estate industry. In particular, the Association has identified three key elements of the Proposed Amendments the Association believes will be of great detriment to Realtors® and their clients. Each of these provisions is set forth below, followed by a summary of relevant comments provided by SAAR to the City Planner on March 8, 2017:

Key Provision No. 1: The display restrictions proposed for On-Premises Post and Panel Signs under Section 8.600.A.2.e:

Duration

i. Maximum:

- (1) No more than 2 occurrences in a calendar year, with a minimum 35 days between each occurrence; and
- (2) 182 consecutive days within a calendar year.

SAAR Concern: The real estate market cycles fluctuate constantly, but inconsistently. Average Days on Market (DOM) statistics change from year to year and vary substantially from one area to the next, and between the residential to commercial real estate markets. Restrictions on the frequency and amount of time that a real estate sign could be displayed would negatively impact sellers whose property does not sell within the established timeframe. Also, the State of Arizona's Code of Conduct for Realtors® already regulates when a real estate sign must be taken down, based on the time of sale.

Key Provision No. 2: The placement restrictions proposed for On-Premises Post and Panel Signs under Section 8.600.A.2.d.

Placement:

- i. On private property.
- ii. Minimum of 15 feet from back of street curb.
- iii. Where there is no street curb, a minimum of 10 feet from the edge of the pavement or edge of the pavement or edge of a city-maintained dirt road or dirt shoulder.

SAAR Concern: These proposed setbacks are too far back. In addition, as a practical matter it will be difficult for affected property owners and their agents to comply with these setback requirements, because not all rights-of-way and property lines are readily identifiable.

Key Provision No. 3: The following display restriction for On-Premises Portable Signs under Section 8.600.B.3: "No more than twelve (12) activities per calendar year, per lot."

SAAR Concern: This display restriction (which initially was set at a maximum of four activities per calendar year) could have a negative impact on residential properties that may have been bought as fix-and-flip properties, or in cases where a seller changes sales agents. For example, if a prior owner or agent used up the maximum number of displays allowed within a year, then this display restriction would prevent the new owner or agent from being able to post an "Open

House” until the next calendar year, which could be several weeks or months away. This could then extend out the sales period of the property and potentially bring housing prices down in the area because the “Average Days on Market” is a key factor for determining current property values. In sum, property owners and agents should not be constrained in their ability to market a property for sale and should be given every opportunity to maximize sales opportunities.

POSSIBLE APPROACHES TO ADDRESS SAAR’S CONCERNS WITH THE PROPOSED AMENDMENTS IN A MANNER THAT COMPLIES WITH *REED*

Keeping the foregoing explanation in mind, the discussion below offers two possible approaches for amending the Proposed Amendments in a manner that arguably would comply with *Reed* while at the same time addressing SAAR’s key concerns with the Proposed Amendments. First, the Proposed Amendments could be revised to eliminate the maximum display restrictions (2 occurrences and 182 consecutive days calendar year) and setback requirements for On-Premises Post and Panel Signs, and the maximum display restrictions (12 occurrences per calendar year) for On-Premise Portable Signs. Second, the Proposed Amendments could be revised in a manner that expressly permits the display of a temporary sign on a property that is for sale or lease that is not subject to the display or placement restrictions proposed for On-Premise Post and Panel Signs. We discuss each possible approach below.

Possible Approach 1: Revise the Proposed Amendments by eliminating the maximum display restrictions (2 occurrences and 182 consecutive days calendar year) and setback requirements for On-Premises Post and Panel Signs and the maximum display restrictions (12 occurrences per calendar year) for On-Premise Portable Signs.

Rationale for Approach: The rationale for eliminating the proposed display and placement restrictions on On-Premise Post and Panel Signs (Section 8.600.A) and the display restrictions on On-Premise Portable Signs (Section 8.600.B) is two-fold. First, for the reasons discussed above—as SAAR has already explained to the City—the display and placement restrictions will have a significant negative impact on property owners who wish to sell their property and the real estate industry in general. Additionally, the proposed display and replacement restrictions will inconvenience members of the public who need directional information for short-term events, such as real estate open houses, yard sales, or similar activities that routinely occur in residential neighborhoods. Similarly, the display restrictions on On-Premise Portable signs will make it more difficult for candidates or advocacy groups to “get the word out” about campaigns during election season.

Second, there is no indication that the proposed display and placement restrictions are necessary to further the stated purpose of the City’s Sign Code.⁴¹ Section 8.101 of the Sign Code states:

1. It shall be the purpose of this chapter to promote and protect the general health, safety, welfare and community environment by establishing a comprehensive system for the regulation on all advertising devices, displays, signs and their housing, structure or form, while maintaining or improving economic stability through an attractive sign

⁴¹ SAAR also notes that the proposed numerical restrictions on temporary signs (e.g., the proposed requirement that On-Premise Post and Panel Signs be limited to a maximum size of ten square feet each and a maximum height of five feet) arguably are arbitrary and overly restrictive.

program. It is also the purpose of this chapter to protect the general public from damage and injury which may be caused by the faulty and uncontrolled construction of signs within the city; to protect pedestrians and motorists of the City of Scottsdale from damage or injury caused, or partially attributable to the distractions and obstructions caused by improperly situated signs; to promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within the City of Scottsdale.

- II. It is also the intent of this chapter to enhance or create a more attractive and meaningful business climate; to promote and aid the city's important tourist industry; to enhance, protect, and maintain the physical and natural beauty of the community including its scenic preserves; to preserve the beauty and unique character of the City of Scottsdale, and to ensure that signage is clear, compatible with the character of the adjacent architecture and neighborhoods and provides the essential identity of, and direction to, facilities in the community.

There is no indication that there is a high level of concern among Scottsdale residents about Post and Panel Signs being displayed for more than 182 consecutive days in a calendar year or being placed too close to the street. There also is no indication that the general public is concerned about On-Site Portable Signs being displayed more than twelve times per lot per year. There is no indication that the City has fielded any complaints, let alone a significant number of citizen complaints, about the types of problems that the proposed display and placement restrictions on On-Premise Post and Panel Signs (Section 8.600.A) and the display restrictions on On-Premise Portable Signs (Section 8.600.B) purport to address.

How This Approach Complies With Reed and Addresses SAAR's Concerns: This approach complies with *Reed* because it does not create any content-based regulatory distinctions. In addition, this approach addresses the Association's concerns by eliminating the display and placement restrictions on On-Premise Post and Panel Signs and On-Premise Portable Signs that would be harmful to property owners and the real estate industry. Therefore, the City should consider revising the Proposed Amendments by eliminating the maximum display restrictions (2 occurrences and 182 consecutive days calendar year) and setback requirements for On-Premises Post and Panel Signs and the maximum display restrictions (12 occurrences per calendar year) for On-Premise Portable Signs.

Possible Approach 2: Revise the Proposed Amendments in a manner that expressly permits the display of a temporary sign on a property that is for sale or lease.

Rationale For Approach: An article discussing the implications of *Reed* suggests that communities take a "risk management approach" to updating their sign codes in light of the *Reed* decision. It acknowledges that "developing a 100% content neutral sign code may be impossible for some, or even most, local governments," and that sign code drafting is an "imprecise exercise, subject to the influences of planning, law, and, perhaps most importantly, local politics."⁴² With this in mind, the authors recommend that planners and local government lawyers draft sign regulations with an eye toward risk management:

⁴² Connolly & Weinstein, 47 URB. LAW at 610.

In a risk management approach to sign regulation, the local government's adopted regulations should reflect a balance between the community's desire to achieve certain regulatory objectives and the community's tolerance for legal risk.... In some areas of sign regulation and for some local jurisdictions, preservation of aesthetic character may run counter to minimizing legal risk, and it will be up to planners, lawyers, political leaders, and community members to determine the appropriate balance between the community's desired planning outcomes and the community's risk tolerance.⁴³

Moreover, the authors urge communities to take special care to avoid regulating signs that have minimal impact on the community's established interests in sign regulation, noting that:

[C]ommunities should focus on addressing "problem areas" of sign regulation specific to the community instead of regulating for problems that do not exist. Employing this approach to sign regulation will likely result in the outcomes desired by the community while providing an appropriate level of protection against costly and time-consuming litigation.⁴⁴

With respect to "real estate signs," the authors argue that although "real estate sign" is a category that could be problematic because it relies upon the "the subject matter or message of the sign itself to define the category," real estate signs could be regulated without directly controlling or restricting the content of signs. They explain this approach as follows:

[A] potentially content neutral definition of "real estate sign" could be "a temporary sign posted on property that is actively marketed for sale." Such a definition does not address the content of the sign, but rather deals with the status of the property and location of the sign.... While this approach lowers legal risk, it does not eliminate it. If such a provision were challenged, a plaintiff might successfully claim that the purpose for the facially content-neutral definition was to allow for the display of real estate signs, which would then subject the provision to strict scrutiny.⁴⁵

How This Approach Complies With Reed and Addresses SAAR's Concerns: This approach arguably complies with *Reed* (and from a risk management standpoint, reduces the risk of triggering strict scrutiny review) because it "deals with the status of the property and location of the sign" but does not create any content-based regulatory distinctions. Moreover, it is important to note that the U.S. Supreme Court has specifically recognized the importance of real estate signs and ruled that communities cannot prohibit the posting of "For Sale" or "Sold" signs on private property. In the landmark case *Linmark Associates, Inc. v. Township of Willingboro*,⁴⁶ the U.S. Supreme Court struck down an ordinance that banned the posting of "For Sale" or "Sold" signs on residential property. In defense of the ordinance, the township argued that the ban was necessary in order to prevent the flight of white homeowners from a racially integrated community. While acknowledging the importance of that objective, the Court noted that real estate signs provide a "flow of truthful and legitimate commercial information" and held that the ban prevented residents from obtaining information of vital interest to them "since it may bear on

⁴³ Connolly & Weinstein, 47 URB. LAW at 610-11.

⁴⁴ Connolly & Weinstein, 47 URB. LAW at 610.

⁴⁵ Connolly & Weinstein, 47 URB. LAW at 615.

⁴⁶ *Linmark Associates, Inc. v. Township of Willingboro*, 431 U.S. 85 (1977).

one of the most important decisions they have a right to make: where to live and raise their families.”⁴⁷

Like a “For Sale” sign, a sign that advertises a residential property as being available “For Lease” or “For Rent” provides truthful and legitimate information of vital interest to consumers who are looking for a home. Therefore, it is reasonable to argue that same protection afforded by the U.S. Supreme Court in *Linmark* should be afforded to signs advertising a home for lease or rent.

This approach would address *SAAR*’s concerns about the display and placement restrictions of the Proposed Amendments for On-Premise Post and Panel Signs by effectively allowing a temporary sign advertising a property for sale or rent (or having any other content) to be placed on private property that is in fact for sale or rent. Moreover, this could be done without making the sign subject to the display and placement restrictions proposed for On-Premise Post and Panel Signs under the Proposed Amendments.

For these reasons, the City should consider revising the Proposed Amendments to include a provision that expressly permits the display of a temporary sign of a suitable size on a property that is being offered for sale or lease.

Conclusion

The Scottsdale Area Association of REALTORS® realizes the complexity of the situation with regards to amending a sign ordinance, particularly in light of the *Reed* decision, and hopes that the City and its staff find this analysis informative and helpful. We also ask that once you have had the chance to review this analysis, that we schedule another meeting within the next week to go over it.

Respectfully,



Rebecca Grossman
Chief Executive Officer



Suzanne Brown
Director of Community & Government Affairs

⁴⁷ *Id.* at 96.

From: Chi, Andrew
Sent: Friday, April 28, 2017 6:07 PM
To: Suzanne Brown <suzanne@scottsdalerealtors.org> (suzanne@scottsdalerealtors.org); Rebecca Grossman (rebecca@saaronline.com)
Cc: Thompson, Jim; Grant, Randy
Subject: City Response to SAAR Comments & Revised Temporary Sign Ordinance

Hello Suzanne and Rebecca,

Based on our meeting with the City Manager and City staff on April 10, 2017, and the Scottsdale Area Association of Realtors (SAAR) Analysis and Comments, staff has revised the proposed Temporary Sign Ordinance (Case 2-TA-2016) to address SAAR's comments and concerns. We addressed these concerns in the attached draft for your review (Sign Code Temporary Signs 04-27-2017).

A summary of revisions:

1. Display Restrictions:

Key Provision No. 1: The display restrictions proposed for On-Premises Post and Panel Signs under Section 8.600.A.2.e:

Duration

i. Maximum:

- (1) No more than 2 occurrences in a calendar year, with a minimum 35 days between each occurrence; and
- (2) 182 consecutive days within a calendar year.

Revision:

The number of occurrences and activities allowed in a calendar year for Post-and-Panel Signs has been removed. Instead, temporary sign allowances are based on the duration of on-premise activity occurring on a residential and commercial zoned lot. The modifications are under revised **Section 8.600.A.1.a** and **8.600.A.2.a**.

A. On-Premise Commercial Activity Post-and-Panel Signs.

1. Allowed on a lot with the zoning district shown on Table 4.100.B. Commercial Districts, 4.100.C. Industrial Districts, and 4.100.D. Mixed Use Districts, or any portion of a Planned Community P-C with an underlying zoning district comparable to the districts shown on Table 4.100.B., 4.100.C., and 4.100.D.:
 - a. Sign(s) may be placed on a lot at the beginning of the duration of activity, and removed no more than seven (7) days upon completion of the duration of activity.
 - i. The duration of activity is the timeframe between any of the following:
 - (1) The approval of a Development Review Board application for a development project on the lot, and the expiration of the application;
 - (2) The issuance of a building permit for a development project on the lot and upon the issuance of a Certificate-of-Shell Building or Certificate-of-Occupancy, approval of a final inspection, or the expiration of a building permit; and
 - (3) The active marketing of the lot for sale or lease, and the completion of the active marketing of the lot for sale or lease.

2. Allowed on a lot with the zoning district shown on Table 4.100.A. Residential Districts, or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.:
 - a. Sign(s) may be placed on a lot at the beginning of the duration of activity, and removed no more than seven (7) days upon completion of the duration of activity.
 - i. The duration of activity is the timeframe between any of the following:
 - (1) The approval of a Development Review Board application for a development project on the lot, and the expiration of the application;
 - (2) The issuance of a building permit for a development project on the lot and upon the issuance of a Certificate-of-Shell Building or Certificate-of-Occupancy, approval of a final inspection, or the expiration of a building permit; and
 - (3) The active marketing of the lot for sale or lease, and the completion of the active marketing of the lot for sale or lease.

2. Placement Restrictions:

Key Provision No. 2: The placement restrictions proposed for On-Premises Post and Panel Signs under Section 8.600.A.2.d.

Placement:

- i. On private property.
- ii. Minimum of 15 feet from back of street curb.
- iii. Where there is no street curb, a minimum of 10 feet from the edge of the pavement or edge of the pavement or edge of a city-maintained dirt road or dirt shoulder.

Revision:

The setback requirements have been removed from the proposed draft. Post-and-Panel, Portable, and Yard Signs are allowed on private property with no required setback, which is the current ordinance requirement, as long as the signs are not a hazard to traffic or pedestrians. The modifications are under revised [Section 8.600.A.1.e](#), [Section 8.600.A.2.e.i](#), [Section 8.600.C.3.b](#), [Section 8.600.D.1.a](#), and [Section 8.600.H.1.d.i](#).

e. Placement:

- i. On private property.
- ii. Shall be placed in a manner that does not create a traffic hazard, obstruct a public or private sidewalk, trail, or pedestrian pathway.

3. Display Restrictions:

Key Provision No. 3: The following display restriction for On-Premises Portable Signs under Section 8.600.B.3: "No more than twelve (12) activities per calendar year, per lot."

Revision:

The number of activities allowed in a calendar year for On-Premise Portable Signs and Off-Premise Traffic Directional Signs has been removed. Instead, On-Premise Portable Signs and Off-Premise Traffic Directional Signs are allowed to be displayed daily during the hours from 7am to 8pm. The modifications are under revised [Section 8.600.C.3.c.i](#) and [Section 8.600.D.2.a](#).

3. On-premise portable signs on a lot are allowed within the zoning districts shown on Table 4.100.A. Residential Districts, or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A, subject to the following:

- a. One (1) sign per abutting street frontage.
- b. On private property.
- c. Period of use of sign:
 - i. Between the hours of 7am to 8pm.

2. Period of use of sign:

- a. Between 7am and 8pm.

Other modifications that address other comments received:

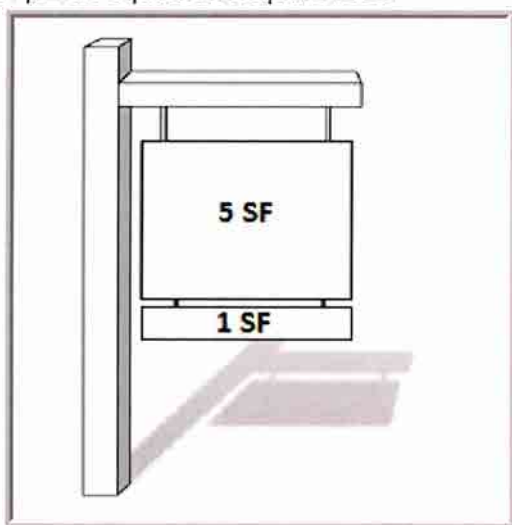
4. Area of Post-and-Panel Signs:

Staff has received a range of competing comments regarding the size of a Post-and-Panel Sign for Residential Districts. The maximum area of 10 square feet for a Post-and-Panel Sign on a residential zoned lot has been revised. Instead, staff is maintaining the current code requirements which the size of the sign is based on the size of the residential lot. However, we increased the size of a Post-and-Panel Sign for a lot with 0 to 2 acres from the current 4 square feet to 6 square feet. The modification is under revised [Section 8.600.A.2.d.](#)

d. Maximum area:

- i. Two (2) acres or less: six (6) square feet.
- ii. Greater than two (2) acres, and less than (10) acres: nine (9) square feet.
- iii. Greater than ten (10) acres: sixteen (16) square feet.

To clarify for you on how the current and proposed ordinance calculates the area of a sign: the area of the sign is the smallest regular geometric figure needed to completely encompass the total area of a cabinet or panel. To give you an example per the graphic below: On a lot in a Residential District with less than 2 acres, if a panel on a Post-and-Panel Sign is 5 square feet, a 1 square foot 'rider' panel can be added to the sign, so that the total number of panels equals to 6 square feet.



5. Non-Commercial Yard Signs

On a residential lot, when the lot is not for sale or lease, does not have an active building permit, or Development Review Board application, a lot owner may install a Non-Commercial Yard Sign at 6 square feet and for up to 126 days to display non-commercial speech. This modification is under [Section 8.600.H](#) along with a new [definition](#) for

'Yard Signs.' A non-commercial sign may be substituted for any temporary or permanent commercial sign allowed in the ordinance.

6. Off-Premise Traffic Directional Signs

We revised the definition of 'Off-Premise Traffic Directional Sign' to include the use of a 'Portable Sign' and 'Yard Sign.'

Off-premise Traffic Directional Sign. A portable sign or yard sign that directs traffic to an event that occurs on a different lot than where the sign is located, excluding special events in accordance with Chapter 22 of the Scottsdale Revised Code.

We hope that we were able to accommodate your concerns. I am also happy to meet or talk to you to go over the information. Please let me know if there are any questions.

Thank you,

Andrew Chi, Planner

City of Scottsdale | Planning & Development Department
7447 East Indian School Road, Suite 105 Scottsdale, Arizona 85251
[Direct] 480.312.7828
[Email] achi@scottsdaleaz.gov
[Web] www.scottsdaleaz.gov/codes

From: Suzanne Brown [<mailto:suzanne@scottsdalerealtors.org>]
Sent: Wednesday, April 12, 2017 3:22 PM
To: Thompson, Jim; Grant, Randy; Washburn, Bruce; Chi, Andrew
Cc: Rebecca Grossman
Subject: SAAR | Scottsdale Sign Ordinance Analysis

Hello All,

Here is the analysis information we had promised to deliver regarding the Scottsdale Sign Ordinance.

Please take your time reviewing the attached information. After you have had a chance to read this over, we would like to schedule a time to meet next week, if possible, to go over this information with you.

Please advise.

Respectfully,

Suzanne Brown, RCE

Director of Community & Government Affairs



Scottsdale Area Association of REALTORS®
8600 E Anderson Dr, Suite 200 | Scottsdale, AZ 85255
Ph: 480 945 2651 | F: 480 422 7945 | www.ScottsdaleREALTORS.org



Proud Supporter of Protecting Homeownership, Private Property Rights and the Real Estate Industry!

Chi, Andrew

From: Cindy Lee <cindy4scenicdrive@gmail.com>
Sent: Monday, May 08, 2017 10:14 AM
To: Chi, Andrew
Cc: Les Conklin; ginger480@msn.com; WildAtHeartInc; klpcs@cox.net; Maxine Rosenberg; f8u4doc@hotmail.com; gconstant@hotmail.com
Subject: Sign Ordinance Updates - Temporary Signs 2-TA-2016
Categories: Correspondence

Hi Andrew,

Having attended the City's Open House meeting on the Sign Ordinance Update - Temporary Signs, I applaud the work you and City staff have done to invite public input and participation in shaping the text amendment to the Zoning Ordinance, with the refined results being presented to the City Council this month for 2-TA-2016.

The meeting was so helpful to citizens in educating on terminology and on the intricacies and considerations of the sign regulations. The open house meeting was very productive in bringing together residents, city staff and business representatives to discuss the needs and desires of different elements of our community in Scottsdale, an education for all attending. I commend the Planning staff's responsiveness to incorporate the input gathered from the open house and follow-up correspondence, to solve problems. A perfect example is the real estate community's need for temporary Post-and-Panel Signs not to be subject to a fixed timeframe, and how staff resolved this issue and positively addressed SAAR's concerns. This "duration of activity" accommodation is reflected in the final Temporary Signs text amendment proposed.

From the standpoint of citizens, we, the undersigned, support the City's unwavering commitment to *Consistency with the General Plan* as "Key Items for Consideration." Taken from Page 2 of the Planning Commission Report authored for meeting date 02/22/17:

Planning Commission Report | Sign Ordinance Update - Temporary Signs (2-TA-2016)
http://eservices.scottsdaleaz.gov/planning/projectssummary/pc_reports/PC_2_TA_2016.pdf

General Plan (Page 2 of the Staff Report)

.... *"The community's desire for strong sign controls assist in accomplishing and implementing the goals and approaches of the General Plan.*

.... *"As it pertains to signage, and through enforcement of a strong sign ordinance and unified street signage, Character and Design, Neighborhoods, and Community Mobility Elements focus on the preservation and enhancement of the unique sense of neighborhood, streetscapes and quality design standards throughout the community that reflects an image that is uniquely Scottsdale."*

We Scottsdale citizens and members of GPPA's Board of Directors thank you for all the admirable work being done to simplify, clarify and organize Scottsdale's Sign Ordinance to make it more understandable and equitable for all.

After the required text amendments for temporary and permanent signs are addressed, we ask the City to review Section 8.411 of the sign ordinance relating to the Scenic Corridor. We look forward to participating again in the open process with community input to clarify and refine the existing text. Simplifying the existing text will help businesses and citizens better understand the Scenic Corridor sign requirements.

Yours sincerely,

Board of Directors, The Greater Pinnacle Peak Association - Friends of the Scenic Drive (GPPA)
Les Conklin, President
Cindy Lee, Vice President
Ginger Schoenau
Bob Fox
Ken Lew
Maxine Rosenberg
Don Doherty
George Constantinou

Excerpts from:

Planning Commission Report | Sign Ordinance Update - Temporary Signs (2-TA-2016)

http://eservices.scottsdaleaz.gov/planning/projectsummary/pc_reports/PC_2_TA_2016.pdf

General Plan (Page 2 of the Staff Report)

The Scottsdale General Plan, as amended, is the primary policy containing values, goals and approaches for guiding the future development of the City. These values, goals, and approaches contained in the General Plan encourage a high quality physical environment and an aesthetically attractive community to live and do business in. The community's desire for strong sign controls assist in accomplishing and implementing the goals and approaches of the General Plan. The Zoning Ordinance is considered one of the key implementation tools that are used to achieve the goals and approaches of the General Plan.

The General Plan's City values, goals, and approaches address signs in three of its elements, which are Character and Design, Neighborhoods, and Community Mobility Elements focus on the preservation and enhancement of the unique sense of neighborhood, streetscapes and quality design standards throughout the community that reflects an image that is uniquely Scottsdale.

IMPACT ANALYSIS (Page 4 of the Staff Report)

General Plan Consistency

The proposed text amendment reflects Scottsdale's desire for strong sign control to assist in accomplishing and implementing the goals, values, and approaches of the General Plan. The General Plan's Character and Design Element - Design Standards, focuses on character and design through the enforcement of a strong sign ordinance. Approach 1.2 indicates that development should enrich the lives of all Scottsdale residents by being safe, attractive, and context compatible. The proposed text amendment exemplifies this approach by proposing an ordinance that maintains strong control by regulating sign size, height and placement through zoning district regulations, thereby and limiting clutter along streetscapes.

Approach 4.8 of the Neighborhoods Element encourages the improvement and maintenance of the current landscape, signage, and quality design standards throughout the community. The proposed text amendment maintains consistency with this approach by proposing an ordinance that limits the proliferation of temporary signs in Scottsdale neighborhoods, such as limited size and height requirements in residential zoning districts, and limitations on sign placement and sign quantity along street frontages in all zoning districts.

Furthermore, Approach 1.3 of the Community Mobility Element encourages the protection of the function and forms of regional land corridors by maintaining Scottsdale's high development standards through unified streetscapes and unified street signage. The proposed ordinance demonstrates this approach by proposing sign regulations that are more uniform in its application by regulating sign size, height and placement based on zoning district and street frontages.



**SCOTTSDALE PLANNING COMMISSION
KIVA-CITY HALL
3939 DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA**

WEDNESDAY, FEBRUARY 22, 2017

SUMMARIZED MEETING MINUTES

PRESENT: Paul Alessio, Chair
Ali Fakih, Commissioner
Prescott Smith, Commissioner
Michael Minnaugh, Commissioner
Kelsey Young, Commissioner

ABSENT: David Brantner, Vice Chair
Larry S. Kush, Commissioner

STAFF: Tim Curtis
Joe Padilla
Andrew Chi

CALL TO ORDER

Chair Alessio called the regular session of the Scottsdale Planning Commission to order at 5:00 p.m.

ROLL CALL

A formal roll call was conducted confirming members present as stated above.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

MINUTES REVIEW AND APPROVAL

1. Approval of February 8, 2017 Regular Meeting Minutes including the Study Session.

COMMISSIONER SMITH MOVED TO APPROVE THE FEBRUARY 8, 2017 REGULAR MEETING MINUTES INCLUDING THE STUDY SESSION, SECONDED BY COMMISSIONER FAKIH, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).

EXPEDITED AGENDA

2. 38-PA-2017 (Sign Ordinance Text Amendment)
Initiate a Text Amendment to the City of Scottsdale Zoning Ordinance (No. 455) for the purpose of amending and updating the sign regulations, related provisions and requirements. Applicant/Staff contact person is Andrew Chi, 480-312-7828.
3. 2-TA-2016 (Sign Ordinance Update - Temporary Signs)
Request by the City of Scottsdale to amend the City's Zoning Ordinance (Ordinance No. 455), Article VII. (General Provisions), and Article VIII. (Sign Requirements), for the purposes of modifying the sign requirements for temporary and semi-permanent signs, and to remove special event sign regulations from the Zoning Ordinance. Applicant/Staff contact person is Andrew Chi, 480-312-7828.

Item No's 2 & 3: Move to initiate case 38-PA-2017; Recommended City Council approve case 2-TA-2016, by a vote of 5-0; Motion by Commissioner Smith, after determining that the proposed Text Amendment is consistent and conforms with the adopted General Plan, 2nd by Commissioner Minnaugh.

ADJOURNMENT

With no further business to discuss, the regular session of the Planning Commission adjourned at 5:05 p.m.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

Sign Ordinance Update – Temporary Signs

Case: 2-TA-2016

Coordinator: Andrew Chi, Planner

City Council

May 23, 2017

**Sign Ordinance Update
Temporary Signs**

Request

Update to the Zoning Ordinance pertaining to temporary sign requirements.

Sign Ordinance Update Temporary Signs

Goals

- **Establish a more contemporary and user-friendly Sign Ordinance.**
- **Update is consistent with what other U.S. municipalities are doing.**
- **Recent federal court decision affecting sign regulations across the U.S.**
- **Avoid content-based regulations, and regulate temporary signs based on time, place, and manner.**
- **Remove the Special Event Sign requirements in the Zoning Ordinance, which are now regulated in Chapter 22.**
- **Maintain integrity of the existing ordinance for aesthetics and reduced sign clutter.**

TEMPORARY SIGNS 2-TA-2016

**Sign Ordinance Update
Temporary Signs**

Planning Commission

The Planning Commission heard proposal on February 22, 2017, and recommended approval with a vote of 5-0.

Sign Ordinance Update
Temporary Signs

Existing Ordinance

- **17 different temporary sign types, which include:**
 - **On-Premises Sale, Lease & Rent Signs**
 - **On-Premises Development Signs**
 - **On-Premises Contractor Signs**
 - **Off-Premises Open House Portable Signs**
 - **Campaign Signs**
 - **Window Signs**
 - **Grand Opening Banners**
- **Ordinance does not currently allow:**
 - **On-Premises Portable Signs**

TEMPORARY SIGNS 2-TA-2016

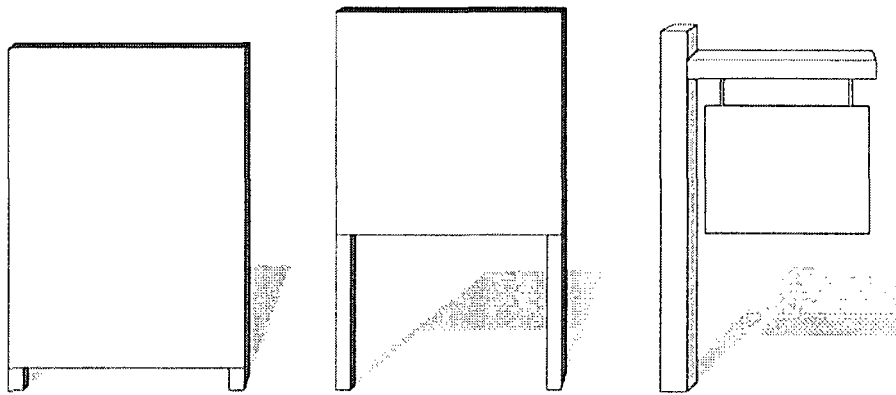
Proposed Amendment

A. Combine semi-permanent and temporary sign categories into a single temporary sign category.

- **Window Signs**
- **Banner Signs**
 - **Building Banners**
 - **Temporary Fencing Banners**
- **Post and Panel Signs (New)**
- **Portable Signs (New)**
 - **On–Premise**
 - **Off–Premise**
- **Yard Signs (New)**

Sign Ordinance Update
Temporary Signs

Examples



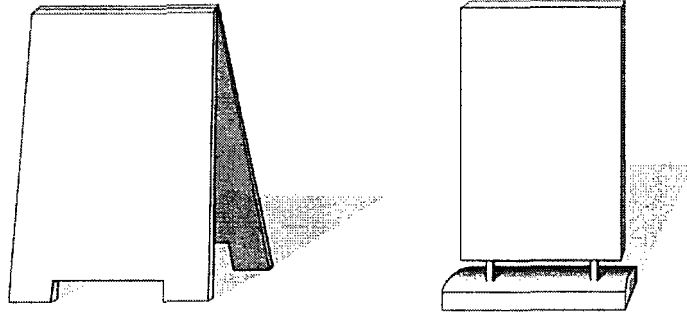
Post and Panel Signs Examples

**Example of Post and Panel
Sign Uses Include:**

- **Realtor Signs**
- **Development Signs**
- **Contractor Signs**
- **Campaign Signs**
- **Non-Commercial Signs**

Sign Ordinance Update
Temporary Signs

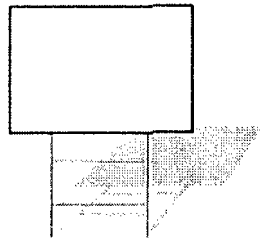
Examples



Portable Signs Examples

Example of Portable Sign Uses Include:

- **Open House Signs**
- **On-Lot Commercial A-Frame Signs**



Example of Yard Sign Uses Include:

- **Open House Signs**
- **Campaign Signs & Non-Commercial Signs**

**Yard Sign
Example**

Proposed Amendment

B. Regulate temporary signs by time, place, and manner.

- **Zoning district**
 - **Residential**
 - **Non-Residential**
- **Street frontage and length**
 - **Number of signs per frontage**
- **Location**
 - **Setbacks and placement**
- **Time**
 - **Duration of activity on lot**

**Sign Ordinance Update
Temporary Signs**

Community Involvement

- **2 Open House Meetings: December 6 and December 7, 2016.**

Comments Received:

- **Allow Portable Signs within commercial developments.**
- **Allow display times for Off-Premise (Open House) Portable Signs during daytime hours.**
- **Increase the number of Post-and-Panel Signs allowed for large lots with longer street frontages.**
- **Realtors expressed concerns on early draft of ordinance and the effects on real estate signs – modifications have been incorporated.**
- **Regulate display of temporary signs based on the duration of activity.**

TEMPORARY SIGNS 2-TA-2016

Item 16

Sign Ordinance Update – Temporary Signs

Case: 2-TA-2016
Coordinator: Andrew Chi, Planner

City Council
May 23, 2017

Sign Ordinance Update
Temporary Signs

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Update to the Zoning Ordinance pertaining to temporary sign requirements.

TEMPORARY SIGNS 2-TA-2016

Sign Ordinance Update
Temporary Signs

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TEMPORARY SIGNS 2-TA-2016

Sign Ordinance Update
Temporary Signs

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TEMPORARY SIGNS 2-TA-2016

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TEMPORARY SIGNS 2-TA-2016

Proposed Amendment

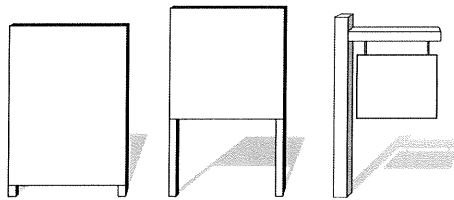
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- Post and Panel Signs (New)
- Portable Signs (New)
 - On-Premise
 - Off-Premise
- Yard Signs (New)

TEMPORARY SIGNS 2-TA-2016

Sign Ordinance Update
Temporary Signs

Examples



Post and Panel Signs Examples

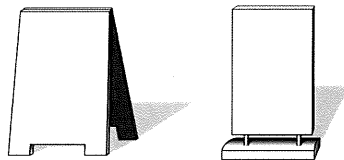
Example of Post and Panel
Sign Uses Include:

- Realtor Signs
- Development Signs
- Contractor Signs
- Campaign Signs
- Non-Commercial Signs

TEMPORARY SIGNS 2-TA-2016

Sign Ordinance Update
Temporary Signs

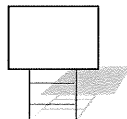
Examples



Portable Signs Examples

Example of Portable Sign Uses
Include:

- Open House Signs
- On-Lot Commercial A-Frame Signs



Example of Yard Sign Uses Include:

- Open House Signs
- Campaign Signs & Non-Commercial Signs

Yard Sign
Example

TEMPORARY SIGNS 2-TA-2016

Proposed Amendment

B. Regulate temporary signs by time, place, and manner.

- **Zoning district**
 - Residential
 - Non-Residential
- **Street frontage and length**
 - Number of signs per frontage
- **Location**
 - Setbacks and placement
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 - Duration of activity on lot

TEMPORARY SIGNS 2-TA-2016

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TEMPORARY SIGNS 2-TA-2016

Sign Ordinance Update – Temporary Signs

Case: 2-TA-2016
Coordinator: Andrew Chi, Planner

City Council
May 23, 2017

Sign Ordinance Update Temporary Signs

Comparison Chart: Existing Sign Types to Proposed Sign Types

CURRENT CODE & CURRENT SIGN TYPES	TO →	PROPOSED CODE & PROPOSED SIGN TYPES
SECTION 8.600 – TEMPORARY SIGNS ALLOWED	→	SECTION 8.600 – TEMPORARY SIGNS ALLOWED
• Auto Dealership Promotional Events	→	➤ Moved to Scottsdale Revised Code Chapter 22 – Special Events – Special Vehicle Sale
• Grand Opening Signs	→	➤ On-Premise Banners
• Planned Regional Center (PRC) District	→	➤ On-Premise Banners
• Qualifying Directional Event Banner	→	➤ Moved to Scottsdale Revised Code Chapter 22 – Special Events – Special Event Signs
SECTION 8.601 – SEMI-PERMANENT SIGNS ALLOWED	→	SECTION 8.600 – TEMPORARY SIGNS ALLOWED
• On-Premises Development Signs	→	➤ On-Premise Post and Panel Signs
• On-Premises Contractor and Subcontractor Signs	→	➤ On-Premise Post and Panel Signs
• On-Premises Sale, Lease, and Rent Signs	→	➤ On-Premise Post and Panel Signs
• Off-Premises Open House Directional Signs	→	➤ Off-Premise Traffic Directional Signs
• No Trespassing Signs	→	➤ On-Premise Post and Panel Signs
• Menu Signs	→	➤ On-Premise Permanent Signs
• Master Planned Community Master Developer Identification Sign	→	➤ On-Premise Post and Panel Signs
• Master Planned Community Information Center Identification Signs	→	➤ On-Premise Permanent Signs
• Master Planned Community Information Center Directional Signs	→	➤ On-Premise Post and Panel Signs
• Major Master Planned Community Information Center Directional Signs	→	➤ On-Premise Post and Panel Signs
• Window Signs	→	➤ On-Premise Window Signs
• Temporary Noncommercial Signs	→	➤ On-Premise Non-Commercial Yard Signs
SECTION 7.706 – SIGNAGE & IDENTIFICATION ON TEMPORARY/SECURITY FENCING	→	SECTION 8.600 – TEMPORARY SIGNS ALLOWED
• On-Premises Development Sign; Contractor and Subcontractor Signs; For Sale, Lease and Rent Signs, and No Trespassing Signs.	→	➤ On-Premise Temporary Security Fencing Banners
PROHIBITED BY CURRENT CODE	→	SECTION 8.600 – TEMPORARY SIGNS ALLOWED
• On-Premises Garage Sales, Estate Sales, Open Houses, and R-1 Zoning Activities	→	➤ On-Premise Portable Signs
• On-Premises A-Frame Signs in Non-Residential Districts	→	➤ On-Premise Portable Signs (100' setback from street curb, or screened by a structure)

TEMPORARY SIGNS 2-TA-2016