

**Peoria proposed sign ordinance
Updated comments 12/2/16**

34.2 paragraph 3 & 5: signs regulated as to appropriate use and the property they are on.

To determine this content would be a factor.

34.2 paragraph 4: Signs not expressly allowed in Article 34 are automatically not allowed.

What is the compelling government interest? Doesn't appear to be narrowly tailored.

34.2 paragraph 6: Sign compatible with land use

How will this be determined? Seems there will be some content based decision making.

34.4 paragraph A: Reasonable repairs. If damage exceeds 50% of reproduction cost according to an appraiser...

Shouldn't this be cost per expert or sign maker? I'm thinking of fluctuating appraisal vs. market costs. Additionally, appraisal adds unnecessary expense to an already expensive sign repair/replacement. What about long time businesses whose sign is their brand? Would they be forced to essentially change their brand?

34.4 paragraph B: This is an unclear paragraph.

34.6 paragraph K: Signs in the existing and future right-of-way are prohibited

Appears to violate ARS 16-1019 C-1

34.6 paragraph N: Signs on vehicles. Vehicle must be parked must not be visible on right of way.

I interpret this to mean vehicles with signs cannot be parked at curbs, on driveways or in parking lots near a public street/sidewalk. Seems a problem. Once again, what is the government compelling interest? Additionally, it seems to disallow moving vehicles displaying signs when read in conjunction with 34.2 paragraph 4.

34.7 paragraph G: Original art displays only if approved by Peoria Arts Commission

Very broad and seems to impede the ability of homeowners or businesses to display art without city permission. Not narrowly tailored, what is the compelling government interest? Unnecessarily infringes on speech/expression.

34 Table 1B: Non-Residential awning.

Verbiage says 80% awning face, but picture shows more coverage.

34 Table 3D: Residential window sign with non-commercial message only

DB's with home offices and no other are required by DRE to have a sign at the entrance. With the advent of virtual offices, this would prevent licensees who are brokers from living and doing business in Peoria. Virtual offices do not have client traffic. Businesses with client traffic are already addressed in your residential and commercial zoning codes.

34 Table 4B: Neighborhood signs. One per neighborhood entrance

Only one sign at entrance is unlikely to adequately direct traffic to the open house. Leading people into a subdivision and then not directing them to the property is not advantageous to anyone and simply serves to upset property owners, those attempting to find the property and the neighbors who are asked for directions. In developments like Vistancia or West Wing this unnecessary regulation would dramatically impair the efficacy of open houses, garage sales and other neighborhood events. What is the compelling government interest? This does not seem to be narrowly tailored.

I asked for clarification and the city stated signs in HOA common areas must have written permission from the HOA. Would CC&Rs with designation of areas for resident posted signs be considered written permission? Or would there be an additional form?

If the sign is located in a right-of-way and requested by the resident, the resident would need to get a permit. The property owner should have the ability to get the permit since it is his/her property being sold or leased. In addition, real estate agents have agency on behalf of their clients. Would this agency be recognized so that agents with agency agreements could garner the permit?

Requiring a permit in order to post a garage sale, open house or other residential sign seems an unnecessary infringement of free speech and is determined by content. What is the compelling government interest in limiting people to 4 times a year? There appears to be a problem since political signs don't get permitted. We are back to content driving the permit requirement.

34 Table 4C: Non Residential special promo signs

We do not see the compelling government interest in limiting number of times a year and requiring permits. The A-frame signs are frequently used since the retail centers have little or no visibility from the street. In addition, there are several brokerages who share space with lenders or title companies. Due to the limitation on building signage, these businesses often place A-frame signs in public view so that people know their location. Limiting to 1 A-frame in these areas is not effective for the business.

The limitation of 4 times a year seems arbitrary and unnecessary. Businesses conduct several promotions throughout the year for varying reasons. Limiting business to 4

promotional events seems to be an unnecessary intrusion into the business owners right to conduct business.

On busy streets, these A-frame signs help to efficiently and safely lead traffic to its destination. Frequently retail center monument signs are too small to have all tenants clearly visible to the roadway traffic.

34 Table 4D: properties listed for sale, lease or rent

Sign limited to while property is listed. What about For Sale by Owner properties? This goes to basic property rights. Property owners should not be required to list their property with a licensed real estate agent/broker if they do not wish.

Property owners have the right to advertise their property for sale or lease with no permits required, limits on time or unnecessary restrictions on sign placement. The limitation of one sign assumes the only place to effectively advertise a property is on the front footage. Frequently signs will be placed in other areas of the property in order to get maximum exposure. An example would be properties backing up to a community park, golf course or other amenity. Properties that front more than one community entrance also take advantage of this by placing signage visible to passersby.

If there is to be a time limitation, it should reflect the reality of a market driven business. Perhaps something like: “as long as property is actively marketed, within 5 business days of listing termination, or within 5 business days of successful completion of the lease or sale transaction” Agents who use sign companies require adequate time for the sign company to complete the ordered task. Still goes to compelling government interest as an issue.

34 Table 4E: Election Season, non-commercial messages

Still treating signs differently based on content.

Duration timeline does not address period prior to primary election, only general. Businesses need signs year around, not just at election time. Signs are still one of the most inexpensive and effective advertising tools business has, particularly small business.

34 Table 4E: Resident Right of Way Signs

Shows a directional and stipulates must have a permit and is limited to 4 times/year. Since these signs could be used to direct people to events like open houses, the property owner and/or their agent should be able to get the permit. We question the necessity of a sign permit at all. What is the compelling government interest? This appears to be content based and an infringement of free speech.