

Sign Code Modernization Project - Errata Sheet of Written Comments

Section / Page No.	Comment(s)	Response
34.2 ¶ 3 & 5	signs regulated as to appropriate use and the property they are on, to determine this content would be a factor	Sign content will not be used to determine context appropriateness, rather the nature of the use (i.e. residential, non-residential, or special circumstances such as a property that is listed for sale.) on the site will determine factors such as size and placement of signs
34.2 ¶ 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.	Removed
32.2 ¶ 6	Sign compativle with land use. How will this be determined? Seems there will be some content based decision making.	Sign content will not be used to determine context appropriateness, rather the nature of the use (i.e. residential, non-residential, or special circumstances such as a property that is listed for sale.) on the site will determine factors such as size and placement of signs
34.4¶ 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?	This has been modified to allow cost to be determined by a licensed appraiser or by fair market cost. This section recognizes reasonable limits on non-conforming uses. Because many of the new allowances are more generous than existing signage provisions, the number of new non-conforming signs created by this code adoption will be extremely minimal.
34.4 paragraph B	This is an unclear paragraph	This paragraph has been modified to increase clarity.
34.6 paragraph K	Signs in the existing and future right-of-way are prohibited. Appears to violate ARS 16-1019 C-1	Signage during political seasons has been permitted per ARS 16-1019 C-1 and exceeds the minimum time frame provided per this section.
34.6 paragraph N:	Signs on vehicles. Vehicle parked must not be visible on the 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.	This section applies to vehicles parked at the business location. For instance, a vehicle operated by a flower shop when parked at the flower shop location whould need to be parked as far from the right of way as is feasible (regardless of the content of the signage on the vehicle -it could choose to advertise for a candy shop or wireless provider). Feasible may mean in the parking spaces assigned by the shopping center for the flower shops use or in a small center, those parking spaces farthest away from the right of way. The intent is to meet the purposes of this section as described in 34.2.
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.	Originally Art Displays specifically refer to media applied to building walls, most commonly encompassing murals. Because that majority of building facades require Design Review approval (Non-residential and new residential buildings in developments of 10+ lots), this is actually less restrictive than the current requirements and creates a mechanism for formally allowing the installation of wall murals outside of the architectural Design Review processes, which are not well adapted to address works of visual art such as these.
34 Table 1B	Non-residential awning. Verbiage says 80% awning face, but picture shows more coverage.	Limitation changed to 100% of awning face
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.	Home based businesses are not permitted to display business signage per the Home Occupation limitations in the Zoning Ordinance. Permanent Real Estate offices are not permitted as home occupations. Home offices are allowed, although no business signage may be displayed.

34 Table 4B	<p>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 simple 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.</p>	<p>This sign type has has been allowed to create opportunities to display messages within a residential neighborhood while the limited quantity balances the goals of maintaining the character of neighborhoods and creating a convenient, attractive, and harmonious community.</p>
34 Table 4C	<p>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.</p> <p>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.</p> <p>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.</p>	<p>This sign type has been allowed to create opportunities for uses in non-residential districts to display messages on sign materials that are potentially less durable and less expensive for limited durations to lower barriers to effective communication, which may be of particular concern to small businesses. However, this is balanced against the purposes and intent of the ordinance in creating a convenient, attractive, and harmonious community. Permits are required in order to allow review of proposed signs and ensure public safety. For example, signs have been properly fastened to walls and contain appropriate wind cuts (banners), A-frames are not blocking ADA required pedestrian walkways or blocking visibility triangles for safe vehicular movement, and flags are located outside of visibility triangles, required easements, and right of ways. If a brokerage is sharing space, they may negotiate the rights to building signage in their lease/sub-lease agreement. The City would not restrict them from using Building Signage. Building signage may be divided up by the occupants of a suite at their own discretion.</p>
34 Table 34D	<p>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.</p> <p>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.</p> <p>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.</p>	<p>This sign type does not specify the manner of listing or require listing on the MLS. Properties listed for sale by owner would be considered listed for sale and therefore would be allowed this sign type. The limitation on the number of signs speaks to the purposes and intent of the code. The timeframe for display has been extended to the later of 10 days after the end of listing or completion of lease/sale transaction.</p>
34 Table 4E	<p>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.</p>	<p>Non-commercial speech and commercial speech may be regulated differently. Timeframes have been corrected. These signs are limited to non-commercial messages.</p>
34 Table 4E	<p>Residential 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.</p>	<p>permit requirement has been removed. The image is an example of the type of message that may be conveyed, it is not exclusive. The sign could also display a non-directional message such as "happy birthday John".</p>

34.5	Electronic Message Board. It is not clear in the code if this sign type is allowed and if so under what conditions. We recommend that electronic message centers be allowed with reasonable standards in commercial and industrial or employment districts. This sign type provides economic benefits to the business community.	Electronic message boards are a form of changeable copy sign. In accordance with Arizona Administrative Code, changeable copy signs are permitted for gas station monuments.
34.5	Flashing. Two changes per hour is not considered a flashing sign. Typically flashing is dealt with rapid intermittent changes in illumination of around two seconds or less.	Noted. This is Peoria's definition based on community characteristics and values.
34.5	Grand Opening/New Business Sign. This type of sign description is content regulation since the City would need to read the content to determine compliance.	This is not content based regulation as the content of the sign is not relevant. The business/user of the location at which the sign is displayed must have received a valid business license within the past six months. If a valid business license has been issued for the address in question within the past six months the sign would be allowable.
34.6.A	Why is a cabinet sign over 6 square feet a prohibited use?	Regulation of aesthetics is a legitimate government purpose.
34.6.B	Changeable copy signs. As noted earlier the only section of this code that addresses this sign type is under flashing. Also this sign type appears to be allowed under a gas station price changer.	This appears to be a comment. A definition is provided for changeable copy. Changeable copy is prohibited unless specifically permitted. Changeable copy is specifically permitted for Gas Station Monuments (regardless of sign copy) in accordance with Arizona Administrative Statutes
34.6.C	Neon and similar tube type lighting. Why is neon not allowed? Many end users desire a retro look and neon is an excellent vehicle to accomplish this. Neon is also now very energy efficient and has a long life.	Regulation of aesthetics is a legitimate government purpose.
34.6.J.	What width pole cover is required?	This has been simplified to read as "pylon or pole signs over 3 feet in height". The intent is that signs over 3 feet must meet the definition of a monument sign, which has a base that is at least 50 % of the width of the sign.
34.9.B.2.	All illuminated signs shall be limited to a brightness of .3 foot candles above ambient lighting. This standard was developed for electronic message centers only and is not applicable to static signs.	All illuminated signs, including static signs may cast light in a manner that negatively impacts adjacent properties. With increased use of LED light sources, which are desirable for their energy-saving characteristics but may generate a much more brightly illuminated sign, regulations of sign lighting are needed. Measurement using foot candles instead of NITs allows for sign companies, sign users (such as businesses), and code enforcement officials to easily measure and monitor compliance with inexpensive hardware or free smartphone software.
34 Table 1F	We recommend that this sign type be at least 12 sq. ft.	Changed.
34 Table 2 A	Freeway signs maximum height. 45 ft. should be above the adjacent freeway grade. Otherwise this sign type will not be safely viewed given the distance and speeds.	This will be considered, however the additional height above the grade from the base of the sign is a concern, given adjacent land uses. This could place considerably taller signs in relatively close proximity to nearby residential uses and degrade vistas for a larger number of residents and commercial properties given the significantly lower maximum heights of buildings in most zoning districts.
34 Table 2 A	Freeway signs max sign area. Minimum area should be at least 400 sq. ft. as indicated by studies in the attached UDA model code. Also jurisdictions allow additional allowances for freeway signs such as Mesa 750 sq. ft and Mesa is 500 sq. ft.	This is the larger of the two sizes of freeway monuments currently allowed. In addition, the proposed code increases the allowances for freeway signs with smaller freeway frontage, decreasing the required frontage from 1,320LF to 660LF so that additional properties can utilize these signs.

34 Table 2 B	Primary monument sign. We recommend that the larger monument signs be allowed at least 75 sq. ft. which is supported in the attached UDA model code on page 27.	48 SF is the current allowable size. The total number of monument signs has been increased for signs creating a hierarchy of signage so that all desired messages do not need to be conveyed on any single sign.
34 Table 2 C	Minor Monument Sign. For these signs to function safely the sign area should not be reduced from 48 sq. ft. The speed limits and ROW warrant a larger sign area as noted in the UDA model code.	The sign size has not been reduced, it does not currently exist. These secondary monuments are intended to provide additional opportunities for messages.
34 Table 2 D	Internal Center Sign. Why limit the number when these signs are designed to assist with on-site wayfinding? Many sites will require more than 1 per 5 acres.	These may be used for wayfinding, however they may include any message, including advertising. In addition, the placement of an unlimited number of these signs on a site may lead to visual clutter and negatively impact other site features such as landscape areas, trash enclosures, and pedestrian walkways.
34 Table 3 A	Drive-thru Sign. We recommend the max height be at 7'. We recommend that this allowed area be at least 40 sq. ft.	The 6' max height is consistent with the placement and visibility adjacent to drive-through lanes. The 36SF sign area is an increase over the current 30 SF allowance.
Table 3 B	Gas Station Monument Sign. Does this allow for electronic message centers? Additional standards are needed for this sign type such as: automatic dimming, additional criteria for illumination standards. See the attached illumination standards for electronic message centers.	Changeable copy does include electronic message centers. All illuminated signs are limited to .3 foot candles above ambient lighting, thereby regulating perceived brightness.
Table 4 C	Special Promotion. Are these signs only allowed for a special promotion? This appears to be content regulation since the city would need to look at the sign copy to determine compliance. We suggest that these signs be regulated by type, i.e. banner and a-frame signs.	These signs may be used to convey any message. The naming convention is intended to convey a common circumstance in which they may be used and that is familiar to many users of our sign code. These signs are grouped together to provide a range of options to users without requiring them to navigate through each sign type separately or to obtain separate permits for signs that are frequently used in conjunction.
Table 4 E	Grand Opening/New Business Sign. This is content regulation and should be regulated by sign type.	see errata comment response #18