Ordinance No. O2014-09-001

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NOGALES, ARIZONA, AMENDING THE CITY OF NOGALES DEVELOPMENT STANDARDS CODE, ORDINANCE NO. 20-X, BY REPEALING ARTICLE 1, SECTION 708 "COMMERCIAL DISTRICTS" AND ADOPTING NEW ARTICLE 1, SECTION 708 "COMMERCIAL DISTRICT SIGN REGULATIONS' (LEGAL)

Section 1. Article 1, Section 708 of the City of Nogales Development Standards Code, Ordinance 20-X, is hereby repealed and replaced by that public document known as "SECTION 708 COMMERCIAL DISTRICT SIGN REGULATIONS," dated September 3, 2014, three copies of which are on file with the City Clerk, which is hereby adopted in its entirety by reference as if fully set forth herein.

Section 2. With unanimous passage of this Ordinance, a second reading is hereby waived pursuant to Nogales City Charter Section 13.

Section 3. All Ordinances, Resolutions and Orders in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. The effective date of this ordinance shall be thirty days after adoption.

Section 5. Severability. If any chapter, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 6. The City Clerk is directed to publish this ordinance according to law.

PASSED, ADOPTED, AND APPROVED by the Council of the City of Nogales, Arizona, this 10th day of September, 2014.

Arturo R. Garino, Mayor

ATTEST:

Leticia Robinson, City Clerk

APPROVED AS TO FORM:

Jose L. Machado, City Attorney

STAFF SUMMARY

SUBJECT:

Amending the City of Nogales Development Standards Code, Ordinance 20-X, by adopting a new Section 708, "Commercial District Sign Regulations."

BACKGROUND

The current zoning code has very strict limits on the size of commercial signs, both freestanding (pole or monument signs) and wall signs. However, looking around the City shows that these limits have not been implemented.

For at least the last ten years, all new commercial development has typically applied to the Board of Adjustment to seek a variance from the sign code limits. The board would usually allow at least some relief. Recent examples include DD's and Ace Hardware (front wall signage) and Banamex (pole sign, now vacant).

This practice of issuing variances rests on questionable legal foundation and raises fairness concerns. The proposed sign regulations were developed by staff in an effort to adopt a sign code that incorporates reasonable averages of the commercial signs previously granted by the board while avoiding the extremes (IHOP, McDonald's). In general, the regulations allow for larger signs for larger developments or for multiple store names. (See staff Powerpoint overview).

The regulations were published in the newspaper in accordance with law, and a public hearing held before the Planning and Zoning Commission on August 28, 2014. No objections were received.

STAFF RECOMMENDATION:

It is the recommendation of staff that the 2014 revised Section 708, Commercial District Sign Regulations, be adopted.

SUGGESTED MOTION:

"I move to approve Ordinance No: O2014-09-001"

Joe Machado, City Attorney 8/26/2014

Joe Machado, City Attorney 9/4/2014

Shane Dille, City Manager

Section 708-Commercial Districts

a) Signs Permitted

No signs shall be erected or maintained in an NC (Neighborhood Convenience), LC (Limited Commercial), or GC (General Commercial) zoning district, except as permitted in this Section, other Sections of this Code, or pursuant to law. Any sign not specifically permitted under this Section, other Sections of this Code, or as permitted pursuant to law is prohibited. These provisions shall be applicable to all commercial districts.

b) Definitions

1. Freestanding Sign – A permanent sign structure which is supported by one or more columns, uprights, or braces in or upon the ground
2. Large Commercial Entity – A single commercial entity with at least 25,000 square feet or more of retail or commercial space
3. Near Grade – The grade of the roadway immediately adjacent to the freestanding sign
4. Pavilion Anchor Store – A single retail store of at least 100,000 square feet or more of retail space
5. Pavilion Center – Any Shopping Center containing at least one (1) Pavilion Anchor Store and at least one (1) Large Commercial Entity and adjacent to a federally designated interstate highway
6. Pole Sign – A freestanding sign with an exposed support structure with no architectural embellishment
7. Primary Frontage – either the longest side of the building or the side facing the adjacent roadway or street with the highest traffic volume, at the election of the property owner, but only one
8. Retail Space – All floor space for sales, restaurant seating, rooms let for daily use, and related activities
9. Shopping Center – Any cohesive, named commercial center containing three (3) or more commercial entities, at least one of which is a Large Commercial Entity, within its delineated boundaries, whether the tenants rent or own their pads or commercial spaces within the Shopping Center
10. Small Commercial Entity – A single commercial entity with less than 25,000 square feet of retail or commercial space

c) Freestanding Signs: Freestanding Signs are permitted as follows:

1. General Design Guidelines: All freestanding signs in commercial districts shall comply with the following design guidelines:
    A. No Pole Signs

B. All structural support elements shall be encased within or be comprised of attractive, contemporary, and coherent design elements and architectural embellishments
C. Decorative masonry pedestal proportionate to size of sign
D. Provide visual continuity
E. Provide sufficient but not excessive signage to identify the business(es) associated with the facilities represented thereon
F. Include information presented in a visual hierarchy for visitors to understand the businesses or activities
G. Limited to commercial entity names and major product lines or brands and graphics associated with the same; no temporary sales event or other advertising to be done on permanent sign structures, except on electronic displays where message is changeable
H. Number, size and location of signs limited to avoid "signage clutter" and otherwise avoiding an undesirable appearance that would tend to detract from the shopping experience in Nogales
I. Lettering must be simple and contemporary
J. Size of letters and graphics for all signs must be proportionate to the size of the sign area
K. Design shall reflect character of development and relevant to its location
L. Color palette shall consist of tones that harmonize with the distinct character of Nogales and enhance the image of the development
M. Base wall materials shall consist of masonry construction with textures and details that harmonize with the distinct character of Nogales and enhance the image of the development
N. No external sign illumination
O. Sign area shall be measured as the area enclosed by the smallest, singular rectangular shape that will enclose all lettering, graphics, and logos

2. General Structural Guidelines: All freestanding signs in commercial districts shall comply with the following structural guidelines:
   A. Have a life expectancy of at least ten (10) years
   B. Meet all applicable building, electrical, structural, sign and other pertinent codes
   C. Signs must conceal disconnect switches, access hatches or other service connections
   D. No painted-on signs
   E. Must be maintained in good condition
   F. Principal lettering shall not exceed ten (10) feet in height, shall be proportionate to the size of the sign area, and if lit, illuminated internally
   G. No sign or any portion of any sign shall be located on or be projected over any

portion of the street, sidewalk, or other public right-of-way; no such sign shall be erected at the intersection of any street or driveway so as not to obstruct the clear vision of the traveling public

H. No projections or encroachments beyond its own parcel
I. Signs erected by tenants shall be deemed constructed on-site, provided that the sign is located within the Pavilion or Shopping Center in which the tenant is located
J. Sign base wall shall not exceed 23 feet in height from grade
K. Sign shall not exceed 18 feet at widest measurement side-to-side
L. All sign heights shall be measured on a near grade basis as to ensure general height conformity
M. Signs shall be limited to no more than two (2) sign faces

3. Pavilion Center Main I.D. Freestanding Signs: Pavilion Center Main I.D. Signs for Pavilion Centers are permitted as follows in GC zones:
   A. Area: Maximum 370 square feet total area per sign face
   B. Height: Maximum 60 feet
   C. Location:
      i) Located adjacent to an interstate highway and within the Pavilion Center
      ii) Located at least 600 feet from another Pavilion Center Main I.D. Sign
      iii) Located at least 300 feet from any Shopping Center freestanding sign
   D. Number: Maximum one (1) Pavilion Center Main I.D. Sign per Pavilion Center

4. Shopping Center Freestanding Signs:
   A. Large Signs: Signs containing the name of the Shopping Center and/or three (3) or more commercial entity names and/or logos, all of which are located within the Shopping Center, are permitted as follows in GC zones:
      i) Area: Maximum 280 square feet total area per sign face
      ii) Height: Maximum 35 feet
   B. Intermediate Signs: Signs containing the name of the Shopping Center and/or less than three commercial entity names and/or logos, all of which are located within the Shopping Center, are permitted as follows in GC zones:
      i) Area: Maximum 200 square feet total area per sign face
      ii) Height: Maximum 25 feet
   C. Location:
      i) No closer than 75 feet from another freestanding sign
      ii) No closer than 300 feet from any Pavilion Center Main I.D. Sign
   D. Number: Each Shopping Center shall be entitled to one (1) freestanding sign per 250 feet of roadway frontage

5. Large Commercial Entity Freestanding Signs: Signs for a single Large Commercial Entity not located in a Shopping Center are permitted as follows in GC zones:
    A. Area: Maximum 160 square feet total sign area per sign face
    B. Height: Maximum 20 feet
    C. Location:
        i) Adjacent to its Primary Frontage roadway
        ii) No closer than 75 feet to another freestanding sign
    D. Number: Each Large Commercial Entity shall be entitled to one (1) freestanding sign meeting the above dimensions, provided that the parcel on which it is located fronts on a roadway for at least 200 feet

6. Small Commercial Entity and Other Commercial Use Freestanding Signs: Signs for single Small Commercial Entities and other commercial uses are permitted as follows in NC, LC, or GC zones:
    A. Area: Maximum 32 square feet per sign face
    B. Height: Maximum ten (10) feet
    C. Location: No closer than 75 feet to another freestanding sign
    D. Number: Maximum one (1) freestanding sign shall be permitted

7. Theater Marquee Signs: A movie theater complex shall be permitted one (1) Theater Marquee Sign identifying the theater name, brands, graphics, movies and show times as follows:
    A. Area: Maximum 120 square feet of signage per sign face
    B. Height: Maximum fifteen (15) feet
    C. Location: Both the movie theater complex and the Theater Marquee Sign must be located within a Pavilion Center or a Shopping Center
    D. Number: Maximum one (1) Theater Marquee Sign shall be permitted per movie theater complex

d) Wall Signs: All wall signs in commercial districts shall comply with the following guidelines:

1. General Design Guidelines
    A. Provide visual continuity
    B. Provide sufficient but not excessive signage to identify the business(es) associated with the facilities represented thereon
    C. Include information presented in a visual hierarchy for visitors to understand the businesses or activities
    D. Lettering for signs must be simple and contemporary
    E. Size of lettering shall be proportionate to building frontage façade
    F. Front façade of commercial entity should present a clean appearance without

clutter from junction boxes, exposed disconnect switches or other utility or service connections

G. Sign area shall be measured as the area enclosed by the smallest, singular rectangular shape that will enclose all lettering, graphics, and logos

2. General Structural Guidelines
   A. Have a life expectancy of at least ten (10) years
   B. Meet all applicable building, electrical, structural, sign and other pertinent codes
   C. Must be attached or surface mounted
   D. No painted-on signs
   E. Must be maintained in good condition
   F. No wall signs shall extend above the roof line or the wall or at the top of a parapet wall, whichever is higher
   G. Signs must conceal disconnect switches, access hatches or other service connections

3. Large Commercial Entity Wall Signs: Wall Signs for Large Commercial Entities are permitted as follows in GC zones:
   A. Area:
      i) The maximum permitted area of a wall sign(s) shall not exceed 2.5 square feet per linear foot of the building's primary frontage
      ii) Any commercial entity recessed more than 500 feet from its principal roadway shall be entitled to an increase in the total signage area by 0.5 square feet for each linear foot of the building's primary frontage
   B. Height: 72 inch maximum height; 18 inch minimum height
   C. Length: Total length of all signage may not exceed 75 percent of linear frontage
   D. Separate Commercial Entity Located within a Large Commercial Entity: An additional 0.5 square feet per linear foot of the building's frontage is permitted for any and all separate commercial entities located within a Large Commercial Entity, to be used solely for such additional commercial entity name(s) and/or trade decal(s)

4. Small Commercial Entity Wall Signs: Wall Signs for Small Commercial Entities are permitted as follows in GC zones:
   A. Area:
      i) The maximum permitted area of a wall sign(s) shall not exceed 2.0 square feet per linear foot of the building's primary frontage
      ii) Any commercial entity recessed more than 500 feet from its principal access roadway shall be entitled to an increase in the total signage area by 0.5 square feet for each linear foot of the building's primary frontage

B. Height: 36 inch maximum height; 12 inch minimum height

C. Length: Length may not exceed 75 percent of linear frontage

5. Other Commercial Use Wall Signs: Wall signs for all other commercial uses is permitted as follows in NC, LC, or GC Zones: The maximum permitted area of a wall sign(s) shall not exceed one (1) square foot per linear foot of frontage or one (1) square foot for each five (5) feet of primary lot frontage; with the aggregate area of any wall sign(s) plus any freestanding sign not to exceed 75 square feet

e) Commercial Sign Design Review Committee

1. An applicant may appeal a determination regarding the design guidelines of Subsections 708(c)(1) and/or 708(d)(1) to the Commercial Sign Design Review Committee. No other appeals or modifications to these regulations are permitted.
2. In reviewing any such appeal, the Committee shall be guided by the principles that the proposed sign must meet or exceed the basic design and structural quality standards set forth herein and improve the overall appearance of signs in the City.
3. The Commercial Sign Design Review Committee may grant, grant with conditions and/or amendments, or deny an appeal.
4. Appeal from a determination of the Commercial Sign Design Review Committee shall be to the City Manager, whose decision shall be final and subject only to an appeal to the superior court filed within thirty days of the date of the written decision, to be reviewed for an abuse of discretion.
5. The Commercial Sign Design Review Committee shall consist of Public Works Director, Economic Development Specialist and Chairman of the Board of Adjustments.

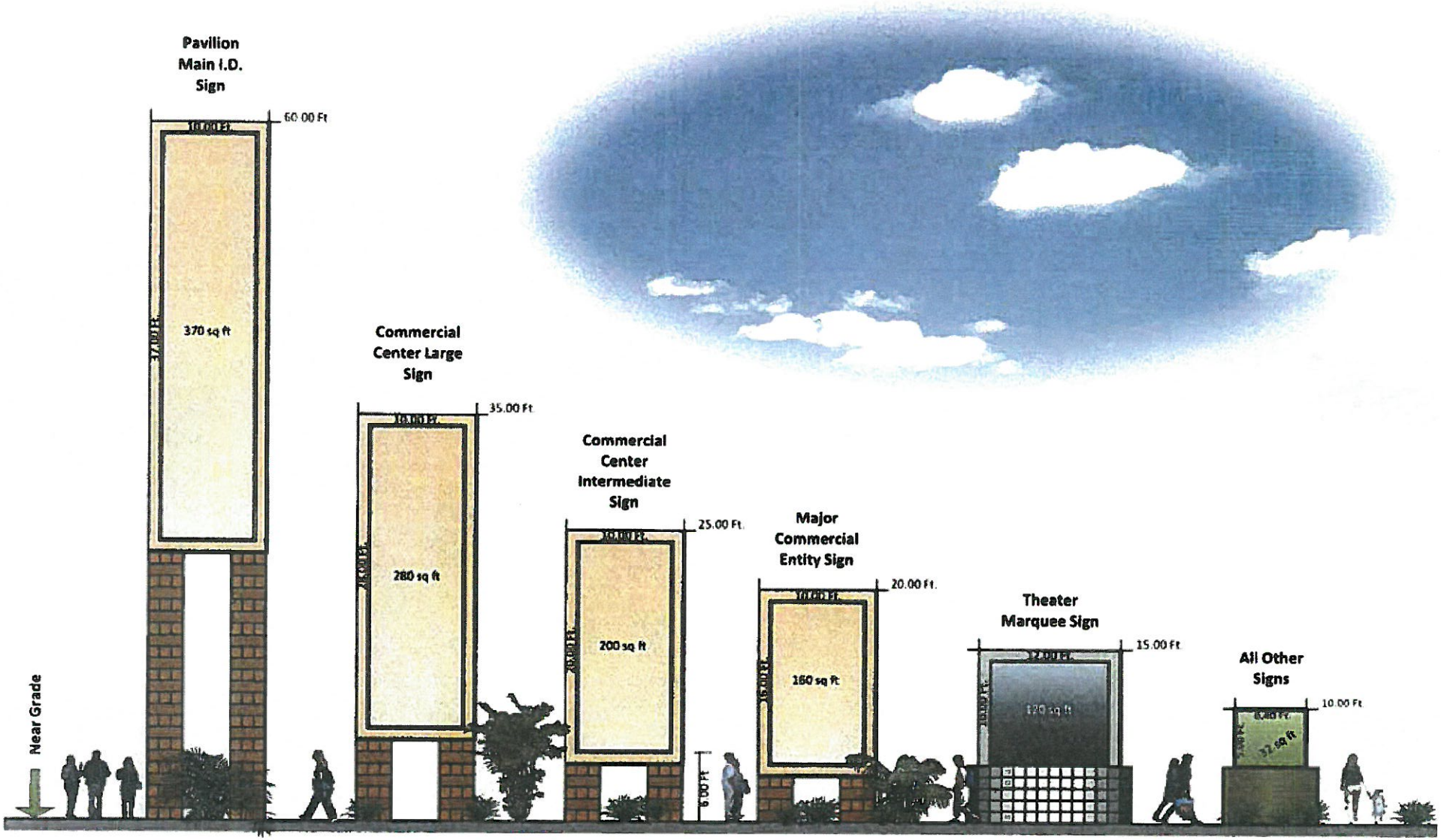
f) Nonconforming Signs

1. This Section shall not apply to any sign legally constructed with a valid permit, existing as of the effective date hereof, except as provided below:
   A. A nonconforming sign shall comply with this Section prior to issuance of a certificate of occupancy, if such certificate of occupancy is required due to a change of use
   B. A nonconforming sign damaged to the extent that a new building permit is required for repairs, shall be replaced with a conforming sign
   C. A nonconforming sign shall not be relocated without compliance with this Section

2. Any freestanding sign conforming to these regulations that replaces an older non-conforming sign may be granted up to a 20 percent increase in the applicable dimensional standards. Such sign shall thereafter be deemed a conforming sign and its replacement shall not qualify for the additional size incentive contained in this subsection.

3. Any nonconforming commercial sign that is abandoned or ceases to be used as a commercial sign for a period of one year shall not again be devoted to use as a commercial sign without conforming to this Section.

4. Any nonconforming sign that is not permitted pursuant to this subsection (f) shall be removed or reconfigured to conform to these regulations within thirty days of written notice from the planning director.


Pavilion
Main I.D.
Sign
60.00 Ft
10.00 Ft.
37.00 Ft.
370 sq ft
Commercial
Center Large
Sign
35.00 Ft
10.00 Ft.
28.00 Ft.
280 sq ft
Commercial
Center
Intermediate
Sign
25.00 Ft.
10.00 Ft.
20.00 Ft.
200 sq ft
6.00 Ft
Major
Commercial
Entity Sign
20.00 Ft.
10.00 Ft.
16.00 Ft.
160 sq ft
Theater
Marquee Sign
15.00 Ft
12.00 Ft.
10.00 Ft.
120 sq ft
All Other
Signs
10.00 Ft
8.00 Ft.
4.00 Ft.
32 sq ft
Near Grade

ORDINANCE No. O2014-09-001

First Reading 09-10-2014

Second Reading waived by unanimous vote on 09-10-2014

Passed and Adopted 09-10-2014