

ORDINANCE NO. 829

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PORTIONS OF THE TOWN'S SIGN REGULATIONS, INCLUDING BANNERS, TEMPORARY PORTABLE SIGNS, AND ELECTRONIC MESSAGE CENTERS; AND APPROVING CONFORMING CHANGES.

WHEREAS, the Town of Payson regulates the type, size, and placement of signs to assure citizen safety and to protect the public's health and safety; and

WHEREAS, the Town additionally regulates the type, size, and placement of signs to maintain the aesthetic quality of the Town and to maintain and increase property values of the citizens of the Town; and

WHEREAS, the Town is permitted to place reasonable time, place, and manner restrictions on signage; and

WHEREAS, the Town has an interest in the type of signs placed upon its right of way and on any property owned by the Town; and

WHEREAS, on April 5, 2012, the Town Council, in response to citizen complaints, directed Town Staff to work with the Planning and Zoning Commission to explore options for amending the Town's sign code based upon discussions and concerns expressed by the Council; and

WHEREAS, Town Staff has been working with the Planning and Zoning Commission for the past 11 months and the Planning and Zoning Commission held Public Hearings on May 7, 2012, June 11, 2012, August 13, 2012, December 10, 2012, January 14, 2013, and March 11, 2013 concerning options for amending the Town's sign code; and

WHEREAS, the Planning and Zoning Commission also held a Public Hearing and joint meeting with the Design Review Board on July 9, 2012; and

WHEREAS, on March 11, 2013, the Planning and Zoning Commission recommended that the Town Council amend the Town's sign code in three specific areas (Banners, Temporary Portable Signs, and Electronic Message Centers) and to make conforming changes; and

WHEREAS, because of concerns associated with Proposition 207 (The Private Property Rights Protection Act), the Planning and Zoning Commission recommended that the amendments to Banners and Temporary Portable Signs be enacted for a period of 36 months with a review process to take place during the 6 months prior to their expiration; and

WHEREAS, the Town desires to amend Sections 15-05-005(C)(6) (Banners), 15-05-005(C)(7) (Temporary Portable Signs), and 15-05-005(A)-(E) (Electronic Message Centers, aka automated signs) in order to allow businesses greater access to signage while maintaining roadway safety, protecting the public's health and safety, ensuring an aesthetically pleasing Town, and maintaining and increasing property values; and

WHEREAS, the Town finds that the regulations adopted by this Ordinance are reasonable time, place, and manner regulations and do not regulate the content of any sign; and

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

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

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

- Section 1. That the amendments to Section 15-05-005(C)(6) (related to Banners) of the Unified Development Code of the Town of Payson set forth in Exhibit A to Resolution 2706 were declared to be a public record, and that the amendments to Section 15-05-005(C)(6) are hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance.
- Section 2. That the amendments to Section 15-05-005(C)(7) (related to Temporary Portable Signs) of the Unified Development Code of the Town of Payson set forth in Exhibit B to Resolution 2706 were declared to be a public record, and that the amendments to Section 15-05-005(C)(7) are hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance.
- Section 3. That the amendments set forth in Sections 1-2 above shall expire 36 months after the approval of this Ordinance unless extended by the Council.
- Section 4. That Town Staff is directed to present a report to the Planning and Zoning Commission on the effects of the amendments set forth in Sections 1-2 above 30 months after the approval of this Ordinance; and following the receipt of such report, the Planning and Zoning Commission shall make recommendation to the Town Council on permanently extending, temporarily extending, or letting the amendments expire.
- Section 5. That the amendments to Sections 15-05-003, 15-05-005, and 15-11-002 (related to Electronic Message Centers, aka automated signs) of the Unified Development Code of the Town of Payson set forth in Exhibits C-F of Resolution 2706 were declared to

be a public record, and that the amendments to Sections 15-05-003, 15-05-005, and 15-11-002 are hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance.

- Section 6. That Section 15-05-005(B) (5) (relating to Home Occupation Signage) of the Unified Development Code of the Town of Payson is hereby deleted.
- Section 7. That the Definition of "Automated Signs" in Section 15-11-002 (Definitions) of the Unified Development Code of the Town of Payson is hereby deleted.
- Section 8. That the amendments to Sections 15-05-003(D), (E), and (F) (conforming changes and clean ups) of the Unified Development Code of the Town of Payson set forth in Exhibit G to Resolution 2706 were declared to be a public record, and that the amendments to Sections 15-05-003 (D), (E), and (F) are hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance.
- Section 9. The Design Review Board is directed to reexamine the Design Review Criteria for Temporary Portable Signs and Temporary Directional Signs and modify such Criteria as may be warranted.
- Section 10. If any section, subsection, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this ____ day of _____, 2013, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk



Timothy M. Wright, Town Attorney