



## City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

### Staff Report Zoning Ordinance Text Amendment TA-7-20 (Update criteria for digital conversions of nonconforming off-premise signs) September 30, 2020

**Application No Z-TA-7-20:** Amend Chapter 7, Section 705.2.G.4 to update criteria for digital conversions of nonconforming off-premise signs.

**Staff recommendation:** Staff recommends approval of Z-TA-7-20 as shown in the recommended text in Exhibit A.

#### **PURPOSE/BACKGROUND**

The purpose of this text amendment is to strengthen criteria for digital conversions of nonconforming off-premise signs. On December 7, 2011, Phoenix City Council approved TA-15-11 and adopted Ordinance No. G-5669, which amended outdoor advertising regulations to include criteria for digital/electronic billboards.

Section 705.2.G.4 allows for conversion of a legal nonconforming off premise sign to a digital electronic message display subject to meeting the use permit criteria of Section 307 and meeting two additional criteria under Section 705.2.G.4.(a-c). Subsequent interpretations of Section 705.2.G.4 allowed the same amount of sign square footage to be removed as the square footage converted to digital to satisfy the requirement outlined in Section 705.2.G.4.a. For example, if 500 square feet of sign area was converted to digital, a minimum of 500 square feet of sign area needed to be removed. In addition, these interpretations allowed two separate items outlined in 705.2.G.4.c to satisfy the additional use permit criteria. As a result, concerns have been raised regarding the long-term elimination of additional nonconforming off-premise signs in exchange for the ability to convert to digital.

#### **SUMMARY OF PROPOSED ZONING ORDINANCE CHANGES**

The text amendment's changes can be summarized as follows:

- Increases requirements for the permanent removal of existing legal nonconforming off-premise signage as a condition of requests for an existing sign to convert to digital.
- Clarifies that once a nonconforming sign is removed it cannot be rebuilt as a nonconforming off-premise sign.
- Emphasizes the need to address the height and configuration of a proposed digital board as criteria for approval.

The following provides a detailed breakdown of the proposed changes:

**705.2.G.4** – Existing language reorganized to set up the list of requirements in the subsections below. (moves use permit requirement to 705.2.G.4.a.)

**705.2.G.4.a (Existing 705.2.G.4)** – The current ordinance requires a use permit for conversion of a nonconforming off-premise sign to digital. No changes to the use permit requirement. (adds use permit requirement from previous section)

**705.2.G.4.b (Existing 705.2.G.4)** - The current ordinance permits a nonconforming off-premise sign to be rebuilt with use permit approval and two of the following: removal of the same amount of sign square footage to be removed as the square footage converted to digital, improvements in appearance to the board and a reduction in size, height, or change in configuration. New language requires a minimum of 1,200 square feet of existing legal nonconforming off-premise signage within the City limits per each digital sign face requested to be permanently removed.

Improvements in appearance to the board and a reduction in size, height, or change in configuration is discussed in proposed changes in 705.2.G.4.d(1) and (2) (Existing 705.2.G.4.b and c) below.

**705.2.G.4.c** - Adds language clarifying nonconforming off-premise signs that are removed to meet the “take down” provisions in 705.2.G.4.b cannot be rebuilt as a nonconforming off-premise sign. If a new off-premise sign were to be located on the site, the property would need to be A-1 or A-2 zoning and be located on an arterial street or located within 300 feet of the right-of-way and oriented to the following permitted freeways. Off-premise signs may also be located in a Planned Unit Development (PUD) when oriented and within 300 feet of a permitted freeway.

**705.2.G.4.d(1) and (2) (Existing 705.2.G.4.b and c)** – In addition to obtaining a use permit to rebuild to digital and removing a minimum of 1,200 square feet of existing legal nonconforming off-premise signage within the City limits per each digital sign face requested, one of the following must be met:

705.2.G.4.d(1) (Existing 705.2.G.4.b) - The current language requires landscaping along the street frontage or a pole cover. No changes to this requirement.

705.2.G.4.d(2) (Existing 705.2.G.4.c) - The current language requires a reduction in size, height, or change in configuration, or other changes approved by the Zoning Administrator. New language removes the reduction in size as a consideration as well as other changes approved by the Zoning Administrator. In order to promote a better visual environment, reductions in height or changes in configuration, angle or construction need to be demonstrated to bring the structure into greater compatibility with the size and scale of nearby buildings.

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**CONCLUSION**

Staff recommends approval of the change to the Zoning Ordinance as proposed in Exhibit A.

**Writer**

T. Gomes

9/30/20

**Exhibit**

A. Proposed Language

**EXHIBIT A**  
**Text Amendment Z-TA-7-20:**  
**Update criteria for digital conversions of nonconforming off-premise signs**

**Proposed Language:**

**Amend Section 705.2.G.4 (Nonconforming Off-Premise Signs) to read as follows:**

4. A reduction in the number of nonconforming boards will promote a better visual environment in the City. A nonconforming board located on a City street or on a permitted freeway can be rebuilt to a digital ~~subject to the use permit standards in Section 307, in addition to meeting two of the following~~ **SUBJECT TO MEETING THE FOLLOWING REQUIREMENTS:**
  - a. ~~Removal of 1,200 square feet of existing nonconforming off-premise signs within the City limits for each digital face requested;~~ **OBTAIN A USE PERMIT PURSUANT TO SECTION 307.**
  - b. ~~If the parcel has no landscaping along the street frontage, a minimum five-foot landscape strip consisting of one two-inch caliper tree for every 30 feet on center along with five shrubs and ground cover for every tree shall be provided along the street frontage, including a permanent water supply. If landscape is impractical then this requirement may be satisfied by installing a decorative pole cover;~~ **PERMANENTLY REMOVE A MINIMUM OF 1,200 SQUARE FEET OF EXISTING LEGAL NONCONFORMING OFF-PREMISE SIGNAGE WITHIN THE CITY LIMITS PER EACH DIGITAL SIGN FACE REQUESTED.**
  - c. ~~Reductions in size or height or changes in configuration, angle or construction which will bring the structure into greater compatibility with the size and scale of nearby buildings, or other changes approved by the Zoning Administrator which promote a better visual environment in the area.~~ **EXISTING LEGAL NONCONFORMING OFF-PREMISE SIGNAGE REMOVED TO MEET THE REQUIREMENTS OF 705.2.G.4.B MAY NOT BE REBUILT ON THE SAME PARCEL OR LOT IN EITHER STATIC OR DIGITAL FORM. THE NONCONFORMING USE SHALL NOT BE RENEWED OR REESTABLISHED AND ANY SUBSEQUENT USE OF THE PARCEL OF LAND OR STRUCTURE SHALL CONFORM TO THE REGULATIONS OF THE ZONING DISTRICT IN WHICH IT IS LOCATED.**
  - D. **IMPROVE THE SURROUNDING AREA BY MEETING ONE OF THE FOLLOWING:**

- (1) IF THE PARCEL HAS NO LANDSCAPING ALONG THE STREET FRONTAGE, A MINIMUM FIVE-FOOT LANDSCAPE STRIP CONSISTING OF ONE TWO-INCH CALIPER TREE FOR EVERY 30 FEET ON CENTER ALONG WITH FIVE SHRUBS AND GROUND COVER FOR EVERY TREE SHALL BE PROVIDED ALONG THE STREET FRONTAGE, INCLUDING A PERMANENT WATER SUPPLY. IF LANDSCAPE IS IMPRACTICAL THEN THIS REQUIREMENT MAY BE SATISFIED BY INSTALLING A DECORATIVE POLE COVER; OR
- (2) REDUCTIONS IN HEIGHT OR CHANGES IN CONFIGURATION, ANGLE OR CONSTRUCTION WHICH WILL BRING THE STRUCTURE INTO GREATER COMPATIBILITY WITH THE SIZE AND SCALE OF NEARBY BUILDINGS.

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