

ORDINANCE NO. (O)15-08

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING CHAPTER 28, SIGNS, SECTION 28.5.B.15, "WINDOW SIGNS" AND SECTION 28.6.B, "BALLOONS" AND MINOR CHANGES RELATED TO THE AMENDMENTS OF THE ORO VALLEY ZONING CODE REVISED; REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER

WHEREAS, on March 13, 1981, the Mayor and Council approved Ordinance (O)81-58, which adopted that certain document entitled "Oro Valley Zoning Code Revised (OVZCR); and

WHEREAS, it is necessary to revise Chapter 28, Signs, Section 28.5.B.15, Window Signs, to allow an illuminated sign on business store fronts; and

WHEREAS, it is further necessary to revised Section 28.6.B, Balloons, to allow the use of balloons for business grand openings or change of ownership; and

WHEREAS, the Planning and Zoning Commission held a meeting on April 7, 2015, and voted to recommend approval of amending Chapter 28 Signs, Sections 28.5.B.15, Window Signs and 28.6.B, Balloons; and


NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Town of Oro Valley, Arizona, that:

SECTION 1. That certain document entitled Chapter 28, Signs, Section 28.5.B.15, Window Signs, and Section 28.6.B, Balloons, of the Oro Valley Zoning Code Revised, attached hereto as Exhibit "A" to allow an illuminated window sign on business store fronts and to allow for the use of balloons for business grand openings or change of ownership.

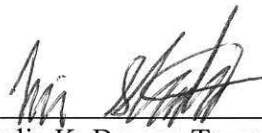
SECTION 2. All Oro Valley ordinances, resolutions or motions and parts of ordinances, resolutions or motions of the Council in conflict with the provision of this Ordinance are hereby repealed.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this 20th day of May, 2015.

TOWN OF ORO VALLEY


Dr. Satish I. Hiremath, Mayor

ATTEST:


FOR Julie K. Bower, Town Clerk Deputy Town Clerk

Date: 6/1/15

PUBLISH: DAILY TERRITORIAL
JUNE 2, 3, 4, 5, 2015

APPROVED AS TO FORM:


Tobin Sidles, Legal Services Director

Date: 6/1/15

POSTED: 6/2/15 - 7/2/15

EXHIBIT “A”

Changes to existing code use strike through with new code in ALL CAPS

Section 28.5.B.15

15. Window Signs

Definition: Any form of advertisement and/or identification associated with the business that is affixed to the interior or exterior of a window, or placed immediately behind a window so as to inform or attract attention to the public outside of the building and/or tenant space. Window signs are divided into four (4) (5) types of signs:

i. Business Name: Signs that identify the name of the business.

- a) Area of sign: Maximum two (2) square feet.
- b) Quantity: Maximum of one (1) sign for any one (1) business and/or tenant space. For businesses that are corner tenants or individual properties having two (2) street frontages, the same shall apply on both sides.
- c) Location: The business name sign shall be located on the entrance door to the establishment. If an entrance door cannot be utilized, then the sign may be located where it will not interfere with any other sign types, under this provision.
- d) ILLUMINATION: BUSINESS NAME SHALL BE NOT ILLUMINATED EXCEPT AS PROVIDED IN SECTION 28.5.B.15.IV.D.

ii. Business Hours of Operation: Signs that identify the business is open and/or closed for operation.

- a) Area of Sign: Hours of operation shall not exceed a maximum of one (1) square foot.
- b) Quantity: Maximum of one (1) sign for any one (1) business and/or tenant space. For businesses that are corner tenants or individual properties having two (2) street frontages, the same shall apply on both sides.
- c) Location: The hours of operation shall be located on the entrance door to the establishment. If an entrance door cannot be utilized, then the sign may be located within another area that will not interfere with any other sign types, under this provision.
- d) ILLUMINATION: BUSINESS HOURS SHALL NOT BE ILLUMINATED.

iii. Sign Band: A thin band which stretches the overall length of the windows of a building front and/or tenant space and displays either the name of the business or logo in multiple successions.

- a) Area of Sign: A sign band shall not exceed a maximum of one (1) foot in height by the overall length of the building frontage and/or tenant space.
- b) Quantity: A maximum of one (1) sign band per window.
- c) Height: The sign band shall be no higher than the midpoint of the overall height of the windows from grade.
- d) ILLUMINATION: SIGN BAND SHALL NOT BE ILLUMINATED.
- e) Additional Requirements:
 - i. The band may include additional text, logos, or graphics that relate to the business within.

- ii. Copy may not exceed fifty percent (50%) of the total band length.

iv. Display Area: An area for the purpose of displaying miscellaneous items such as posters, menus, promotional items or the like which pertain to the business itself, in a defined location AND MAY INCLUDE ILLUMINATION. Window displays such as mannequins, three (3) dimensional figures, clothing and the like, which do not contain advertisement, shall not be considered a window type sign as described above

- a) Area of sign: Maximum of six (6) square feet.
- b) Quantity: Maximum of one (1) DISPLAY AREA sign type each for any one (1) business and/or tenant space. For businesses that are corner tenants or individual properties with two (2) street frontages, may have one (1) display area per frontage. Businesses and/or tenants with building frontage in excess of forty (40) feet may have one (1) additional display area.
- c) Location: The display area shall be located on the first immediate window to the right or left of the entrance door. For tenants having a corner space, the display area shall be located so as to not interfere with visibility pertaining to safety issues or interfere with any other sign types under this provision.
- d) Illumination: ~~Window signs shall contain no illumination except for an open/closed sign.~~ A DISPLAY AREA CONTAINING ILLUMINATION SHALL MEET THE FOLLOWING STANDARDS:
 - i. QUANTITY: A MAXIMUM OF ONE (1) DISPLAY AREA CONTAINING ILLUMINATION IS ALLOWED PER BUSINESS REGARDLESS OF LENGTH OF STORE FRONT OR CORNER LOCATION. A MAXIMUM OF ONE (1) ILLUMINATED SIGN IS ALLOWED IN THE (1) ONE DISPLAY AREA.
 - ii. LOCATION: ON THE FIRST IMMEDIATE WINDOW TO THE RIGHT, LEFT OR TOP OF THE PRIMARY ENTRANCE DOOR ONLY. ILLUMINATED DISPLAY AREAS SHALL NOT BE LOCATED ON THE SIDES OR REAR OF BUILDINGS.
 - iii. TYPE: INTERNAL OR EXPOSED NEON. SIGN SHALL NOT BE EXTERNALLY ILLUMINATED OR INCORPORATE LED LIGHTING.
 - iv. HOURS: SIGN MAY ONLY BE TURNED ON AT 5:00 A.M. AND SHALL BE TURNED OFF AT 11:00 P.M.
 - v. MOVEMENT: THE SIGN SHALL NOT FLASH, BLINK, ROTATE, MOVE OR CONTAIN ANIMATION.
- e. Color: All window signs shall utilize colors that are compatible with the architectural design of the building. Fluorescent or iridescent colors shall not be allowed.

v: Open/Closed Sign: A SIGN THAT IDENTIFIES IF THE BUSINESS IS OPEN OR CLOSED.

- a) QUANTITY: MAXIMUM OF ONE (1) FOR ANY ONE (1) BUSINESS AND/OR TENANT SPACE PER STREET FRONTAGE.
- b) ILLUMINATION: OPEN/CLOSED SIGN MAY BE ILLUMINATED. OPEN/CLOSED SIGN CONTAINING ILLUMINATION SHALL MEET THE FOLLOWING STANDARDS:
 - i. COMBINATIONS: IF THE OPEN/CLOSED SIGN IS PART OF OR ATTACHED TO A LARGER GRAPHIC OR SIGN IT IS CONSIDERED A DISPLAY AREA AND SHALL MEET THE STANDARDS OF ILLUMINATED DISPLAY AREA.
 - ii. HOURS: SIGN MAY ONLY BE TURNED ON AT 5:00 A.M. AND SHALL BE TURNED OFF AT 11:00 P.M.

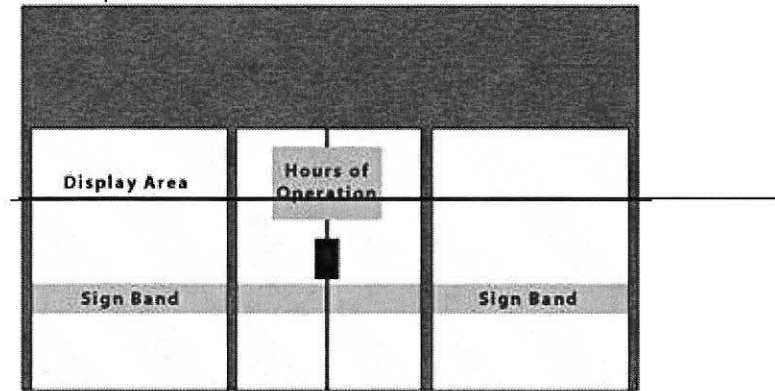
iii. MOVEMENT: THE SIGN SHALL NOT FLASH, BLINK, ROTATE, MOVE OR CONTAIN ANIMATION.

d vi: ~~Additional Requirements:~~ GENERAL REQUIREMENTS FOR ALL WINDOW SIGNS:

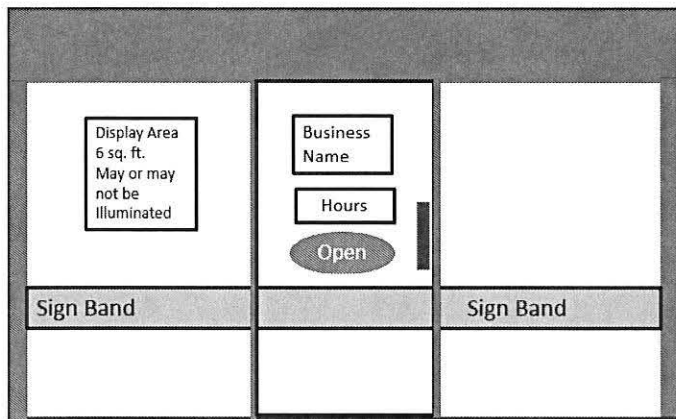
- a) Permits are required for all window signs EXCEPT FOR business name/hours of operation and open/closed signs ~~shall be exempt from obtaining a permit.~~
- b) No additional permits will be required to continually change the display area as long as the location of the original permitted area ~~did~~ HAS not changeD.
- c) Any off-site advertisement displayed in a window is strictly prohibited unless otherwise specified in this Chapter.

Figure 28-10: Sample illustration showing placement of window signs for business or tenant with more than 40 feet of building frontage.

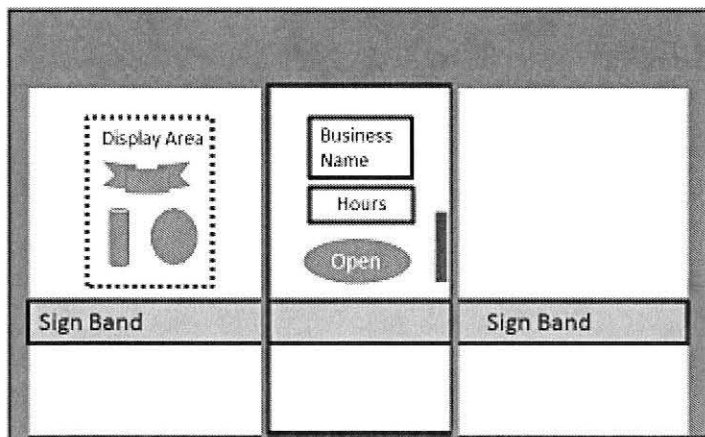
Old Graphic



New Graphic



New Graphic



Example of a display area containing multiple signs. Only 1 sign in a single display area can be illuminated.

Section 28.4 Definitions and Sign Types

Definition # 37. Illuminated Sign

A sign whose surface is lit internally or externally OR HAS THE POTENTIAL OR ABILITY TO BE ILLUMINATED EITHER BY BATTERY OR ELECTRICITY SHALL BE CONSIDERED AN ILLUMINATED SIGN WHETHER THE SIGN IS LIT OR UNLIT.

NEW DEFINITIONS:

NON-ILLUMINATED SIGN

A SIGN THAT DOES NOT HAVE THE ABILITY TO BE ELECTRIFIED OR POWERED IN ANY WAY. THE COMPONENTS THAT ENABLE THE SIGN TO BE LIT MUST BE PERMANENTLY DISABLED IN ORDER TO BE CONSIDERED A NON-ILLUMINATED SIGN.

INFLATABLE SIGN

AN OBJECT, DEVICE OR STRUCTURE CAPABLE OF OR DESIGNED TO BE INFLATED WITH AIR OR LIGHTER THAN AIR GAS THAT IS USED FOR THE PURPOSE OF ATTRACTING ATTENTIONS OR TO MAKE SOMETHING KNOWN TO THE PUBLIC.

Definition #.7: Balloon Sign

~~An airtight bag filled with helium, hot air or other gas, causing it to rise, that is anchored to a building or structure with ropes, wires and/or string to attract attention to the public.~~

REFER TO SECTION 28.6.B.7.

SECTION 28.6.B.

7. BALLOON(S)

- a) DEFINITION: An airtight bag filled MADE OF THIN RUBBER OR OTHER LIGHT WEIGHT MATERIAL INFLATED WITH AIR OR LIGHTER-THAN-AIR GAS ~~with helium, hot air or other gas, causing it to rise,~~ that is anchored to THE GROUND, a building or structure with ropes, A POST, wires and/or string to attract attention to the public.
- b) USE: ALLOWED FOR A NEW BUSINESS OPENING OR CHANGE OF OWNERSHIP TO PROMOTE A NEW BUSINESS.
- c) QUANTITY: UNLIMITED.
- d) AREA OF SIGN: MAXIMUM 18" TALL AND STANDARD ROUND BALLOON SHAPE.
- e) HEIGHT: NOT TO EXCEED 8' IN HEIGHT (8' INCLUDES BALLOON AND TETHERING DEVICE) OR SHALL NOT EXCEED A CUMULATIVE HEIGHT OF 15' FROM GRADE IF THE BALLOON IS ATTACHED TO A PERMANENT STRUCTURE SUCH AS A WALL OR MONUMENT SIGN. BALLOONS SHALL NOT BE ATTACHED TO THE ROOF OF A BUILDING.
- f) LOCATION: ON PRIVATE PROPERTY WHERE THE BUSINESS IS LOCATED.
- g) DURATION: MAXIMUM OF 5 CONSECUTIVE DAYS FROM THE DATE OF GRAND OPENING OR ISSUANCE OF SIGN PERMIT RELATED TO CHANGE OF OWNERSHIP.
- h) COLOR: BALLOON AND COPY MAY BE ANY COLOR.
- i) ILLUMINATION: NONE

j) ADDITIONAL REQUIREMENTS:

- i. BALLOONS SHALL NOT INTERFERE WITH SIGHT VISIBILITY OR VEHICULAR AND/OR PEDESTRIAN ACCESS AND SHALL BE SECURED AT ALL TIMES.
- ii. BALLOONS SHALL BE KEPT UNDER CONTROL AT ALL TIMES AND NOT ALLOWED TO BE RELEASED INTO THE SKY.
- iii. LITTERING LAWS AS DETAILED IN THE TOWN CODE ARTICLE 9-4 SHALL APPLY TO ANY BALLOON RELEASED INTO THE SKY AND/OR ALLOWED TO DEFLATE ONTO THE GROUND.

Section 28.9 Prohibited Signs

A. Prohibited Permanent and Temporary Signs

The following permanent and temporary signs shall not be allowed on any property or public right-of-way and are prohibited unless otherwise specified within this Chapter.

1. A-frame signs, other than as specified in Section 28.7.A.3 and Section 28.7.A.6;
2. ~~Balloon signs, balloons~~
2. Billboards;
3. Electronic message centers;
4. Exposed neon signs, EXCEPT AS PROVIDED BY SECTION 28.5.B.15
5. Flashing lights;
6. Garage sale signs, except as provided by Section 28.7.A.6;
7. INFLATABLE SIGNS, EXCEPT AS PROVIDED BY SECTION 28.6.B.7
8. Marquee signs;
9. Moving/animated signs; except barber-type animated signs are allowed for barbershops during business hours only;
10. Obscene signs;
11. Off-site advertising on public property;
12. Off-site signs;
13. Pennant signs;
14. Portable signs (sandwich board, etc.);
15. Projecting signs;
16. Roof signs;
17. Search lights;
18. Signs attached to any physical public property;
19. Signs in the median;
20. Vehicle signs.