

AGENDA ITEM #: _____

DATE: October 26, 2020

CAR #: 2020-7064A



CITY COUNCIL ACTION REPORT

SUBJECT: Amendments to Article 7 and Article 9 of the Zoning Ordinance

STAFF PRESENTER(S): Steve Careccia, Principal Planner

OTHER PRESENTER(S): None

Summary: Request to amend Article 7 (Sign Regulations) and Article 9 (Special Districts) of the city of Goodyear Zoning Ordinance to allow the use of electronic message displays on monument signs within the commercial and industrial zoning districts.

Staff Recommendation:

1. Conduct a public hearing to consider a request to amend Article 7 (Sign Regulations) and Article 9 (Special Districts) of the city of Goodyear Zoning Ordinance.
2. ADOPT RESOLUTION NO. 2020-2098 DECLARING A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND TITLED "AMENDING ARTICLE 7 OF THE CITY OF GOODYEAR ZONING ORDINANCE."
3. ADOPT ORDINANCE NO. 2020-1479 AMENDING SECTIONS OF ARTICLE 7 (SIGN REGULATIONS) AND ARTICLE 9 (SPECIAL DISTRICTS) OF THE ZONING ORDINANCE, AS AMENDED; PROVIDING FOR CORRECTIONS; SEVERABILITY; AN EFFECTIVE DATE AND PROVIDING FOR PENALTIES.

Planning & Zoning Commission Recommendation:

1. Deny the request to amend Article 7 (Sign Regulations) and Article 9 (Special Districts) of the city of Goodyear Zoning Ordinance.

Fiscal Impact: There is no direct budget impact associated with the approval of this Zoning Ordinance text amendment.

Background and Previous Actions

The city of Goodyear Zoning Ordinance regulates the development of all land within the city. Regulations set forth in the Zoning Ordinance may be amended when deemed necessary to best serve the public interest, health, comfort, convenience, safety, and general welfare of the citizens of the city. The current Zoning Ordinance was originally adopted by the City Council in May 1999 and has been the subject of a number of amendments since that time.

Article 7 (Sign Regulations) of the Zoning Ordinance regulates all signage within the city of Goodyear. Article 9 (Special Districts) of the Zoning Ordinance provides for the establishment of special districts within the city of Goodyear to provide unique regulations and approval processes above and beyond the regulations and approval process of the underlying zoning district. As provided for by Article 9, the McDowell Road Business and Entertainment District was created in 2017, with the primary intent of allowing electronic message displays within the commercial areas along McDowell Road at PebbleCreek Parkway and Bullard Avenue.

Article 7 of the Zoning Ordinance defines an electronic message display as “a permanent on-site sign capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.” Electronic message displays and changeable reader panel signs are generally prohibited within the city. Two exceptions are the previously mentioned entertainment district and gasoline service stations, which are also allowed to use electronic message displays for the display of fuel prices.

At a worksession held on June 8, 2020, the City Council provided direction to staff to allow the use of electronic message displays as a permitted sign type within the city’s overall commercial areas.

The Planning and Zoning Commission considered this item at a public hearing held on October 14, 2020. The Commission unanimously voted (6-0) to forward a recommendation of denial to the City Council. Additional information on this public hearing is provided later within this report.

Staff Analysis

Current Policy:

Article 1, Section 1-3-1, of the Zoning Ordinance establishes the process for the review and approval of amendments to the Zoning Ordinance. Amendments must be reviewed by the Planning and Zoning Commission and approved by the City Council through the public hearing process.

Details of the Request:

In conformance with City Council direction, staff has prepared an amendment to the Zoning Ordinance to permit the use of electronic message displays within the city’s commercial zoning districts. Further anticipating a similar request from businesses in industrial zoning districts, staff has also included industrial zoning districts within the current amendment.

The proposed amendment would permit the placement of an electronic message display on a free-standing monument sign located within a commercial or industrial zoning district. The electronic message display would be permitted to occupy 50% of the allocated sign copy area or 24 square feet, whichever is less. Other proposed standards include:

1. Displays will be static images. Videos, animation and sound would be prohibited. The intent is to lessen distraction for drivers, and increase driver, bicyclist and pedestrian safety.
2. Images must be displayed for at least eight seconds, and when image changes do occur, they must be instantaneous. Fading or dissolving of images, for example, would be

prohibited. Again, the intent is to lessen distraction for drivers and increase driver, bicyclist and pedestrian safety.

3. The brightness of the display would vary depending on ambient light conditions (i.e. reduced lighting intensity during a cloudy day) and could not exceed 300 nits from dusk till dawn. The sign will be required to include technology to automatically control the brightness of the display. Such measures are intended to ensure the displays are not excessively bright, especially in low-light conditions and at night. The city's digital marquees are also restricted to a maximum brightness of 300 nits from sunset to 11 PM, afterward which time all illumination is extinguished.
4. If the monument sign is located within 150 feet of a single-family residential zoning district, then the electronic message display will need to be shut off between 10 PM and dawn. This provision is intended to help ensure the sign will not be a detriment to those living near the sign, given the possibility for light trespass.
5. If the electronic message display malfunctions, then the display must be shut off until such time as the malfunction is repaired. This provision is intended to ensure the malfunctioning sign does not pose a distraction, especially should the malfunction result in continuously changing display or full-white out condition.
6. Use of the electronic message display for off-site advertising is prohibited. This provision carries forth a general prohibition against off-site signage as established in the Zoning Ordinance.

The above standards attached to the amendment are modeled after regulations for electronic signs contained in State Statutes (ARS 28-7802 Outdoor Advertising Authorized), which were also incorporated into the signage standards established for the McDowell Road Business and Entertainment District.

Staff recommends deleting Article 9-2 (McDowell Road Business and Entertainment District), which created the entertainment district, as this district is no longer necessary given the intended adoption of the provisions, as discussed herein, allowing the use of electronic message displays within the city's commercial and industrial zoning districts.

Public Participation:

Notice for the public hearings before the Planning and Zoning Commission and City Council included a legal notice published in the Arizona Republic on September 25, 2020. Information on this amendment was provided to the development community through correspondence from the city's Economic Development Department, with over 1,300 notices sent. The notice and amendment information were also posted to the current development applications section of the city's website. To date, staff has not received any public inquiries as a result of this notice.

The Planning and Zoning Commission considered this item at a public hearing held on October 14, 2020. The Commission received a presentation from staff, and then deliberated on the proposed

amendment to the Zoning Ordinance. The Commission had several questions, comments and concerns, as summarized below:

1. Public Notice – The Commission believed that outreach efforts to the general public should have been stronger, and that more time was needed to fully engage the city’s residents. While the Commission understood that the required notice for the public hearing had been conducted, they would have liked to see more involvement and comment from the residents, especially given the Commission’s concerns for safety and aesthetics associated with electronic message displays. As such, they suggested that a working group of city residents should be created to study the amendment and provide a recommendation to the City Council.
2. Safety – The Commission was concerned with driver and pedestrian safety should a concentration of electronic message displays occur in one area. Drivers could potentially see several displays in a short distance, for example, if a large commercial center placed displays on all their monument signs, and they wondered if this could pose a distraction, and resultant safety hazard, for pedestrians and drivers. To address this issue, the Commission discussed that an adequate separation between electronic message displays should be considered.
3. Aesthetics – The Commission noted the city had worked hard to create an aesthetically pleasing built environment. However, they wondered if a proliferation of electronic message displays would adversely affect the look and feel of the city.
4. Light Trespass and Nuisance – The Commission noted that the amendment would require displays within 150 feet of a single-family residential zoning district to be shut off between 10 PM and dawn. However, the Commission believed the distance should be increased, to reduce the potential for light trespass and nuisance to nearby residents.

Staff responded to several of these concerns by assuring the Commission that both National and State standards were included in the proposed regulations for the electronic message displays, especially those concerning the requirement for static displays, immediate transition and limitations on brightness. The Commission also noted this effort seemed rushed and staff responded that the Council had directed staff to proceed with the amendment on an expedited basis. During public comment, one resident spoke in opposition to the amendment, as the electronic message displays would pose an unsafe distraction for drivers. Upon conclusion of the Commission discussion and close of the public hearing, the Commissioners unanimously voted (6-0) to forward a recommendation of denial to the City Council on the proposed amendment, for the reasons as noted herein.

Attachments

1. Resolution No. 2020-2098
2. Ordinance No. 2020-1479
3. Articles 7 and 9 (Amendments in Legislative Format)