

## DRAFT SIGN CODE 2017 - P&Z Commission Special Meeting 9-12-17

### ARTICLE 1-11: SIGN REGULATIONS

#### Section

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#### § 1-11-1 PURPOSE AND INTENT.

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Signs can obstruct views, cause distractions to motorists, obstruct pedestrian and/or vehicular traffic flow, create a safety hazard, create aesthetic blight and visual clutter that legitimately require regulatory measures. The purpose of these regulations is to create a legal framework for a comprehensive and balanced system of on and off-premise signage. This regulatory framework will regulate the size, color, illumination, movement, materials, location, height and conditions of signs while preserving the right of free speech and expression, provide simple and pleasant communication between people and their environment, and avoid excessive levels of visual clutter or distraction that are potentially harmful to traffic and pedestrian safety, property values, business opportunities, community appearance, and implement the city's General Plan Goals, Objectives and Policies. These regulations allow for a variety of sign types and sizes and allow signs to have adequate visibility from thoroughfares and rights-of-way that abut a site, but not necessarily to thoroughfares and rights-of-way farther away.

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#### Goals:

- (A) allow businesses, institutions, and individuals to exercise their right to free speech by displaying an image on a sign and to allow audiences to receive such messages.
- (B) preserve and protect the public health, safety and welfare within the city by avoiding conflicts between signs and traffic control devices and other public infrastructure, avoiding traffic hazards, and reducing visual distractions and obstructions.
- (C) ensure that signs are located and designed to reduce distraction and confusion that may be contributing factors in traffic congestion and accidents for pedestrians, bicyclists and motorists.
- (D) promote and maintain creative and visually attractive signs in residential, retail, commercial, institutional, open space and industrial districts that preserve property values, expand business opportunities, and improve the community's appearance.

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~~(E)~~ provide for reasonable and appropriate communication and identification for on-premise signs in commercial and industrial districts.

~~(F)~~ assure that public benefits derived from expenditure of public funds for the improvement and beautification of streets and other public structures and spaces shall be protected by exercising reasonable controls over the character and design of private structures.

~~(G)~~ eliminate signs that are:

- a. safety hazards and visual clutter that compromise the aesthetics of the community and hamper the regulatory and government speech in the city's rights-of-way and roadways.
- b. causing blighting conditions and safety hazards due to abandonment, deterioration, inadequate maintenance, or faulty construction.

~~(H)~~ protect and enhance the physical appearance of the community manner that preserves the rights of property owners by:

- a. encouraging the appropriate design, scale, and placement of signs.
- b. encouraging the orderly placement of signs on a property or building while also allowing flexibility so that all signs along a corridor are not monotonously uniform.
- c. assuring that the information displayed on a sign is clearly visible, conspicuous, legible and readable so that the sign achieves the intended purpose.
- d. protecting prominent view sheds.

~~(I)~~ provide for an appeal process and timely administrative review procedures that:

- a. balance the community's objectives and regulatory requirements with the reasonable advertising and way-finding needs of businesses.
- b. allow for consistent enforcement of the sign regulations.
- c. minimize the time required to review a sign application.

~~(J)~~ provide for appropriate signs that relate to the land use and character of the area by regulating signs according to the zoning district.

~~-(B)—Encourage development of private property in harmony with the desired character of the city while providing due regard for the public and private interests involved.~~

~~-(C)—Minimize visual clutter and maintain high quality signage in the city.~~

~~-(D)—Promote the effectiveness of signs by preventing their over concentration, deterioration and improper placement.~~

~~-(E)—Protect the public from injury or damage as a result of sign distraction, obstruction or faulty construction.~~

~~-(F)—Implement the city's General Plan.~~

~~-(H)—Provide an improved visual environment for the city's citizens, business owners and visitors.~~

~~-(I)—Comply with state and federal law.~~

§ 1-11-2 INTERPRETATION:

~~-(A)—The Zoning Administrator shall be responsible for the interpretation of the sign street graphics regulations.~~

~~-(B)—The Zoning Administrator's interpretation may be appealed to the Board of Adjustment and Appeals in accordance with Vol. II, § 1-16.5.~~

§ 1-11-3 SCOPE AND APPLICABILITY.

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The provisions of the sign regulations shall apply to the erection, construction, alteration, use, location and maintenance of regulated signs within the city. Unless specifically exempted herein, no sign shall be erected, installed, enlarged or maintained without first obtaining a permit from the City as herein provided..

### § 1-11-4 SEVERABILITY.

(A) ~~Severability.~~ If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this code is declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity or enforceability of the remaining portions of this article.

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### § 1-11-5 SUBSTITUTION.

(A) ~~Substitution.~~ The owner of any sign which is authorized to be displayed by these regulations may place a non-commercial message without any approval, provided that the size of the sign is not altered. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

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### § 1-11-~~4~~6 CALCULATING SIGN AREA.

~~Sign area.~~ The area of a sign is calculated as the entire area within a single contiguous perimeter composed of parallelograms, circles, ellipses, trapezoids and/or triangles which enclose the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space of a similar nature, together with any frame of other material, color or condition which forms an integral part of the display and is used to differentiate the sign from the structure, wall or background against which it is placed. Only one ~~(1)~~ face of a double faced sign shall be included in determining the area of the sign.

### § 1-11-~~5~~7 CALCULATING SIGN HEIGHT.

~~Sign height.~~ The height of any sign including freestanding signs shall be measured as the vertical distance between the top of the curb, or crown of the roadway where no curb exists, to the top of the sign. The total sign height includes any monument base or other structure erected to support the sign.

### § 1-11-~~6~~8 EXEMPT SIGNS.

Signs that are exempt from these regulations and from the permit requirements are:

~~(A) One sign up to 4 square feet in size for residences.~~

~~(B) A sign that Signs cannot be viewed not visible beyond the boundaries of the property or from any public right-of-way.~~

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~~(C) Incidental signs, under 3 square feet in area for businesses.~~

~~(D) A sign that is posted by another governmental or political subdivision of the State of Arizona. Official government signs and postings.~~

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~~(E) A sign carried by a person.~~

~~(F) A sign that is integrated into or on a coin-operated machine, vending machine, or gasoline pump.~~

~~(G) A sign that is a permanent architectural detail of a building.~~

~~(H) Signs protected by State or federal law.~~

### § 1-11-7 PROHIBITED SIGNS

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~~Prohibited signs.~~ **The following signs are prohibited:** ~~Prohibited signs are as follows:~~

- ~~(A) Signs in violation of this Article.~~
- ~~(B) Signs not listed as permitted in Vol. II, § 1-11-16, Table 11-1.~~
- ~~(CA) Portable signs, except those permitted in Vol. II, § 1-11-16, Table 11-1.~~
- ~~(DB) Offsite directional signs and billboards/off-premise signs except those permitted in Vol. II, § 1-11-16, Table 11-1.~~
- ~~(EC) Signs that contain mechanical movement or movement by any other means including rRotating or moving signs, obscene signs, signs emitting smoke or steam, audible signs.~~
- ~~(F) Obscene signs.~~
- ~~(GD) Signs located in the public right-of-way or public easement except for permitted emergency hospital signs, sign walkers, political signs, garage sale signs, temporary real estate directional signs and approved permanent directional/wayfinding signs.~~
- ~~(HE) Signs, other than governmental regulatory or governmental wayfinding signs, attached to any public or private utility pole or structure, governmental regulatory sign or sign post, traffic signal or traffic signal support structure, streetlight, tree, fence, fire hydrant, fire escape, building access ladder, bridge, bridge railing, curb, sidewalk, park bench or other location on public property or in a public transportation corridor including a Federal Patented Easement ("FPE"), or in the right-of-way, except for official government signs and signs for city sponsored events.~~
- ~~(I) Unsafe signs as determined by the City Engineer, Building Official and/or Chief of Police.~~
- ~~(JF) Above-rRoof signs.~~
- ~~(K) Discontinued and/or abandoned non-conforming signs.~~
- ~~(L) Audible signs.~~
- ~~(K) Digital projection signs.~~
- ~~(K) (G) Signs which are discontinued or abandoned for a period of ninety (90) days or greater.~~
- ~~(L) (H) Fixed Balloons~~
- ~~(M) (I) Signs that have flashing, blinking, fluttering or rotating lights, lasers or other illuminating devices which exhibit movement except digital signs as provided for in this Article.~~
- ~~(N) (J) Signs that are installed or displayed without the property owner's approval.~~
- ~~(O) (K) Signs that are painted, attached or mounted on fuel tanks, storage containers and/or solid waste receptacles or other enclosures, except for those required by law.~~

**§ 1-11-8 PERMITTED SIGNS AND SIGN REGULATIONS:**

~~Permitted signs. Vol. II, § 1-11-16, Table 11-1 sets forth the regulations regarding sign type, size, height, quantity, location and design.~~

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**TABLE 11-1: PERMITTED SIGN STANDARDS**

SIGN TYPE <sup>1</sup>	MAXIMUM SIGN SIZE <sup>2</sup>	MAXIMUM SIGN HEIGHT <sup>3</sup>	MAXIMUM QUANTITY	PERMIT NEEDED	PERMITTED LOCATION <sup>4</sup>	DISPLAY PERIOD	DESIGN	ZONING DISTRICTS
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PERMIT NEEDED

PERMITTED LOCATION<sup>4</sup>

DISPLAY PERIOD

DESIGN

ZONING DISTRICTS

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Freestanding Signs (non-freeway frontage)	1 sf. per 1 lineal ft. of parcel frontage up to a 150 sq. ft. max.	12 ft.	1 sign per street frontage	AUP	Min. 5 ft. front, side and rear setback	Continuous	Monument or Post & Panel signs only. Addresses must be visible from ROW. See <u>Vol. II, Article 1-13</u>	Non-Residential Zones
Freestanding Signs (freeway frontage)	1 sf. per 1 lineal ft. of parcel frontage up to a 500 sq. ft. max. for single tenant and 150 sq. ft. for multi-tenant	25 ft. above grade of closest freeway lane.	1 sign per property	AUP	Min. 5 ft. front, side and rear setback	Continuous	Monument and pylon signs only. Addresses must be visible from ROW. See <u>Vol. II, Article 1-13</u>	Non-Residential Zones
Wall Signs and Wall Murals	2 sf. per 1 lineal ft. of tenant frontage up to a 150 sq. ft. max. <sup>5</sup>	No higher than building wall	3 signs/murals per tenant per street frontage	AUP	Building wall	Continuous	See <u>Vol. II, Article 1-13</u>	Non-Residential Zones
Hanging Signs	10 sf. <sup>5</sup>	Min. 8 ft. clearance to ground and no higher than 1st floor.	1 hanging or projection sign per street frontage	AUP	Hanging either perpendicular or parallel to road	Continuous	See <u>Vol. II, Article 1-13</u>	Non-Residential Zones
Projecting Signs	10 sf. <sup>5</sup>	Min. 8 ft. clearance	1 hanging or projection	AUP	Hanging either perpendicular	Continuous	See <u>Vol. II, Article 1-13</u>	Non-Residential Zones

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		Set back from ground and no higher than 1st floor.	One sign per street frontage	None	Parallel or perpendicular to road			
Window Signs	75% of window area	N/A	No limit	No	Inside of window	Continuous	N/A	Non-Residential Zones
Awning Signs	50% of awning area <sup>5</sup>	N/A	No limit	AUP	On awning	Continuous	Non-illuminated	Non-Residential Zones
Umbrella Signs	8 sf.	8 ft.	No limit	No	On umbrellas	Continuous	Non-illuminated	Non-Residential Zones
Banners and Fin Flags	30 sf.	12 ft. for fin flags and 10 ft. for banners	2 banners, or 2 fin flags, or 1 of each per business	No	Min. 5 ft. front, side and rear setback	Continuous	N/A	Non-Residential Zones and Multi-Family Zones
A-Frame Signs (visible from road)	6 sf.	3 ft.	1 sign per business	No	Min. 2 ft. from ROW	During business hours only	Professionally manufactured	B-3 Zone
A-Frame Signs (not visible from road)	6 sf.	3 ft.	1 sign per business	No	Along store front	During business hours only	Professionally manufactured	Non-Residential Zones
Temporary Use Signs	50 sf.	8 ft.	1 per approved temporary business	AUP	Min. 5 ft. front, side and rear setback	As per AUP	Non-illuminated Wall or Post & Panel Sign	Non-Residential Zones
Grand Opening Signs (temporary)	100 sf.	No higher than building wall	1 sign per business	AUP	Min. 5 ft. front, side and rear setback	30 days before and 90 days after opening	N/A	Non-Residential and Multi-Family Zones
Ballons and Inflatable Signs	N/A	20 ft.	1 inflatable sign per property	AUP	Min. 5 ft. front, side and rear setback	60 cumulative days/year	N/A	Non-Residential Zones

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(temporary)								
Pennants	2 sf. per pennant	No higher than top of roofline	200 ft. of string length	No	Min. 5 ft. front, side and rear setback	Continuous	N/A	Non-Residential Zones
Sign Walkers	12 sf.	N/A	1 sign walker per business	No	Min. 5 ft. from edge of pavement or curb, whichever is greater	During business hours only	N/A	Non-Residential Zones
Commercial Flags	15 sf.	20 sf.	2 flags per pole and 2 poles per property	AUP	Min. 5 ft. front, side and rear setback	Continuous	N/A	Non-Residential Zones
Menu Boards	30 sf./menu board	8 ft.	2 menu boards per business	AUP	To the side or rear of the building	Continuous	N/A	Non-Residential Zones
Emergency Hospital Sign	1 sf. per 1 lineal ft. of street frontage up to a 200 sf. maximum	20 ft.	1 sign per street frontage	AUP	Min. 5 ft. setback or within ROW with encroachment permit	Continuous	Monument Sign	Non-Residential Zones
Interim Business Signs	2 sf. per 1 lineal ft. of tenant frontage up to a 150 sq. ft. max. <sup>5</sup>	10 ft.	1 sign per street frontage	AUP	Min. 5 ft. front, side and rear setback	3 months	N/A	Non-Residential Zones

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Statues	N/A	10 ft.	1 statue per business	No	Min. 5 ft. front, side and rear setback	Continuous	N/A	Non-Residential Zones
Parking Lot Directional Signs (on-site)	2 sf. per sign	5 ft.	As per AUP	AUP	Min. 5 ft. front, side and rear setback	Continuous	N/A	Non-Residential Zones
Private Light Pole Banners	10 sf.	15 ft.	1 per light pole	No	Min. 5 ft. front, side and rear setback	Continuous	N/A	Non-Residential Zones
Gas Stations Canopy Signs	15 sf. per canopy side	Shall not extend above or beyond canopy	1 sign per canopy side	AUP	On canopy	Continuous	N/A	Non-Residential Zones
Contractor Project Signs	50 sf.	10 ft.	1 sign per construction site	AUP	Min. 5 ft. front, side and rear setback	During construction	Non-illuminated	All Zones
Garage Sale Signs	6 sf.	3 ft.	3 off-site signs and 1 on-site sign	No	Min. 2 ft. from pavement edge or curb, whichever is greater	During sale hours only	N/A	All Zones
Real Estate Open House Signs (off-site)	6 sf.	3 ft.	5 off-site signs per property being marketed	No	Min. 10 ft. from edge of pavement or curb, whichever is greater	6:00 p.m. Friday to 8:00 a.m. Monday or during holidays	N/A	All Zones
Real Estate Yard Signs	12 sf.	8 ft.	1 sign per street frontage	No	Min. 5 ft. front, side and rear setback	During listing period	Non-illuminated	All Zones
Religious Institution	1 sf. per 1 lineal	12 ft. for monume	1 monumen	AUP	Min. 5 ft. front, side	Continuous	N/A	All Zones

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Signs (on-site)	ft. of street frontage up to a 120-sf. max.	nt-signs and 8-ft. for wall signs	t and 1-wall sign per frontage		and rear setback			
Wayfinding Signs (off-site)	Per City Council approval	Per City Council approval	Per City Council approval	AUP	Per City Council approval	Continuous	N/A	All Zones
Developer and Builder Signs (temporary)	50-sf.	40-ft.	1 sign per street frontage	AUP	Min. 5 ft. front, side and rear setback	During marketing period	Monument or Post & Panel Sign	All Zones
Residential Subdivision or Multi-Family Sign	50-sf.	8-ft.	1 sign per entryway	AUP	Min. 5 ft. front, side and rear setback	Continuous	Monument or Post & Panel Sign	All Zones
Ranch Gate Sign	20-sf.	16 ft. if mounted on overhead gate, 8 ft. if ground mounted	1 sign per property	AUP	Min. 5 ft. front, side and rear setback	Continuous	Exterior illumination allowed	Residential Zones
Billboards	See Vol. II, § 111-9(E)							
Vehicle Signs	See Vol. II, § 111-9(D)							
Changeable Letter Signs (Digital)	See Vol. II, § 111-9(B)							
Changeable Letter Signs (manual)	See Vol. II, § 111-9(A)							

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Political Campaign Signs	See Vol. II, § 1-11-9(C)
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1. See Vol. II, Article 1-11 for additional regulations regarding signs.
2. The area of a sign is calculated as the entire area within a single contiguous perimeter composed of parallelograms, circles, ellipses, trapezoids and/or triangles which enclose the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space of a similar nature, together with any frame of other material, color or condition which forms an integral part of the display and is used to differentiate the sign from the structure, wall or background against which it is placed. Only one face of a double faced sign shall be included in determining the area of the sign.
3. The height of freestanding signs shall be measured as the vertical distance between the top of the curb, or crown of the roadway where no curb exists, to the top of the sign. The total sign height includes any monument base or other structure erected to support the sign.
4. The location of freestanding signs is subject to the city's intersection visibility requirements in Vol. II, § 1-6-13 of this Chapter. The setback for freestanding signs is measured from the edge or face of sign which is closest to the right of way or property line. Additionally, the location of certain temporary signs within the public road rights-of-way may be subject to Public Works Director approval and encroachment permit.
5. If the business has a combination of wall, awning, projecting and/or hanging signs, the combined square footage of all such signage cannot exceed 2 square feet per lineal foot of tenant frontage or 150 square feet, whichever is less.

#### § 1-11-8 PERMITTED SIGNS AND SIGN REGULATIONS.

Permanent Signs sets forth the regulations regarding sign type, size, height, quantity, location and design in particular zones as follows:

##### A. Single-family residential. RS-GR, RS-54, RS-54M, RS-10, RS-10M, RS-7, RS-7M, RS-5

###### 1. Individual single family lots.

a. A single-family residence is allowed one (1) sign only, not to exceed four (4) square feet in area, if it is freestanding. Said sign shall not be illuminated, except by indirect lighting. No permit shall be required.

###### 2. Single family subdivisions. Subdivisions may display signs subject to the following standards:

a. Signs shall be attached to a perimeter wall or a decorative masonry wall in a landscaped setting not to exceed six (6) feet in height.

b. The location of said signs shall be limited to the entrances of single family subdivisions.

c. Signs shall not be illuminated, except by indirect lighting or halo lighting.

d. Each sign shall not exceed fifty (50) square feet in area.

e. A sign permit shall be required.

f. Flags are permitted as provided for in Section 1-11-9.

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***B. Multiple-family development, Manufactured Home Parks/Subdivisions, Recreational Vehicle Parks/Subdivisions, RM-1, RM-2, RM-3, MHP, RVP.***

1. The total permanent sign area allowed, including wall signs and freestanding signs, is one (1) square foot for each dwelling unit. However, in no instance shall this total sign area exceed sixty four (64) square feet, with no more than thirty-two (32) square feet fronting on any one (1) street in a landscaped setting not to exceed twelve (12) feet in height.

a. The location of said signs shall be limited to the entrances of the development/park/subdivision.

b. For other permitted buildings, the sign area permitted shall not exceed sixteen (16) square feet.

c. Signs shall not be illuminated, except by indirect lighting or halo lighting.

d. A sign permit shall be required.

e. Flags are permitted as provided for in Section 1-11-9.

***C. Quasi-public uses, institutional uses, churches, fraternal organizations, and civic organizations.***

a. The total amount of permanent sign area allowed, including wall signs and freestanding signs, is thirty-six (36) square feet in a landscaped setting not to exceed eight (8) feet in height on each street frontage.

b. One-half (½) of the freestanding sign area may be a change panel or digital sign.

c. Permanent signs shall require a sign permit.

d. Flags are permitted as provided for in Section 1-11-9.

***D. Commercial and Industrial Uses B-1 General Commercial, B-2 Old West Commercial, B-4 Business Park B-5 Industrial. (For B-3, City Center see sub-section (E) below).***

SIGN TYPE	MAXIMUM SIGN SIZE	MAXIMUM SIGN HEIGHT	MAXIMUM QUANTITY	PERMITTED LOCATION	DESIGN
Freestanding Signs (non-freeway frontage)	1 sf. per 1 lineal ft. of parcel frontage up to a 150 sq. ft. max.	12 ft.	1 sign per street frontage	Min. 5 ft. front, side and rear setback	Monument or Post & Panel signs only. Addresses must be visible from ROW. See Vol. II, Article 1-13
Freestanding Signs (freeway frontage)	1 sf. per 1 lineal ft. of parcel frontage up to a 500 sf. max. for single tenant and 150 sf. for multi-tenant	25 ft. above grade of closest freeway lane.	1 sign per property	Min. 5 ft. front, side and rear setback	Monument and pylon signs only. Addresses must be visible from ROW. See Vol. II, Article 1-13

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Wall Signs and Wall Murals	2 sf. per 1 lineal ft. of tenant frontage up to a 150 sq. ft. max on frontage facing the principal street frontage and 1 sf per 1 lineal foot on two of the four walls up to a maximum of 100 sq ft per additional wall.	No higher than building wall	3 signs/murals per tenant per street frontage	Building wall	See Vol. II, Article 1-13
Hanging Signs	10 sf.	Min. 8 ft. clearance to ground and no higher than 1st floor.	1 hanging or projection sign per street frontage	Hanging either perpendicular or parallel to road	See Vol. II, Article 1-13
Projecting Signs	10 sf.	Min. 8 ft. clearance to ground and no higher than 1st floor.	1 hanging or projection sign per street frontage	Hanging either perpendicular or parallel to road	See Vol. II, Article 1-13
Window Signs	750% of window area	N/A	No limit	Inside of window	

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**E. B-3 City Center Commercial**

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**A. General requirements.**

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1. For those installations involving paint applied to a sign board, all copy and borders shall be applied with a high quality acrylic latex and primer, in accordance with manufacturer's recommendations.

2. Only signage which is surface-mounted may be permitted on the side or rear elevation of a building, provided however, that such elevation is improved in an architectural manner similar to the front elevation of the building. The design of such signage shall comply with the standards and requirements for surface-mounted signs above the colonnade as set forth herein.

3. All signage materials, including sign boards and letter styles, shall to the extent possible, be consistent with commercial architecture of buildings within the City Center District ("CCD"), as described in the City's Design Guidelines, or enhance said historic qualities in a manner that further improves the quality of the downtown environment.

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4. All surface-mounted signage, whether above or below the colonnade, shall be manufactured as individual letters, or be manufactured as a sign board which may then be mounted onto the building wall surface. No signage shall be painted directly onto the exterior wall surface of any building above or below the colonnade, except for window graphics.

5. Surface-mounted signage above the colonnade shall be the only type of signage permitted for internal illumination by the business owner or building owner. Indirect lighting for surface-mounted signage above or below the colonnade, wherein such lighting is not provided by the City, shall be prohibited.

6. Raceways may be used for the purpose of electrifying individual letters constituting a surface-mounted sign above the colonnade. If used, such raceway shall be mounted behind the letters only, and painted to match the building.

7. Sign copy and borders may be any color; background colors shall either match, or otherwise complement, the building color. If used, sign borders shall be a maximum four (4) inch width.

8. As provided herein, sign boards shall either be: two (2) inch thick solid redwood sandblasted to a depth of three-eighths ( $\frac{3}{8}$ ) inch to one-half ( $\frac{1}{2}$ ) inch, or a manufactured facsimile thereof; or other fabrication of metal or other materials that achieve a two (2) inch thickness and provides exterior durability.

9. As provided herein, the use of neon as a means of illumination, whether internal or external to a sign face, shall be permitted at the rate not to exceed one (1) such sign above the colonnade per business occupant.

10. Any sign installation for which a city building permit was issued prior to the effective date of these regulations, which subsequently becomes non-conforming to these regulations as defined in this chapter, may continue in existence in the manner provided for in Section 1-11-13 of this code.

11. For any sign proposed to overhang any portion of the public right-of-way, a separate building permit shall be required in accordance with the standards and requirements of the building code as adopted by the city, and an encroachment permit shall be required in accordance with the Apache Junction City code.

12. All signs shall be maintained in a "like new" condition.

**B. Design requirements.** All or any combination of the following sign types may be permitted for each business use, in conformance with the standards and requirements set forth herein.

**1. Surface-mounted signage above the colonnade.**

a) For signs comprising one (1) line of copy, no letter or logo shall exceed twenty-four (24) inches in height; for signs comprising the maximum allowable two (2) lines of copy, the combined height of both lines of copy together with the space between lines, shall not exceed thirty-six (36) inches of height. Length of said signs shall not exceed eighty (80) percent of the storefront width.

b) Signs may be mounted flush, angled, bowed, or perpendicular to the wall surface, and where possible, be centered horizontally over the storefront. Regardless of the method used for mounting, no sign shall extend above the top of the wall parapet, nor be mounted on any roof

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or roof fascia. No sign shall extend more than four (4) feet from the exterior face of the building wall, and no sign shall overlap any window, door, or architectural feature. Maximum sign face area for any sign mounted perpendicular to the exterior face of the building wall shall be twenty-four (24) square feet.

c) Signs may be illuminated by internal sources, including reverse pan channel techniques. Any use of neon lighting, mounted to the exterior surface of letters or logo, shall be single tube only. In no event shall any flashing, blinking, rotating, or light motion implying movement be permitted.

d) No more than one (1) sign per business occupant shall be permitted.

e) A sign permit shall be required.

**2. Surface-mounted signs below the colonnade.**

a) Signs may be mounted flush, angled, bowed, or perpendicular to the wall surface, and where possible, be centered horizontally within the storefront. No sign shall extend more than four (4) feet from the exterior face of the building wall, with not less than seven (7) feet vertical clearance measured from the bottom of the sign face to the finished sidewalk grade.

b) Maximum sign face area for a flush mounted sign shall be determined by the extent of continuous flat wall surface while maintaining a minimum two (2) inch distance from any door trim, window trim, wall pop-out, or other architectural feature that constitutes a change in exterior wall plane. Maximum sign face area for any sign mounted perpendicular from the exterior face of the building wall shall be seven (7) square feet.

c) No sign shall overlap any door, window, or architectural feature, nor shall any signage be placed above any window(s).

d) The maximum number of signs permitted shall not exceed the ratio of one (1) sign per twenty (20) feet of storefront or portion thereof.

e) A sign permit shall be required.

**3. Colonnade hanging blade signs.**

a) If used, a colonnade hanging blade sign shall be a sign board centered between, and in the same plane as, the columns of the colonnade, with a minimum of two (2) feet six (6) inches horizontal clearance from any column, and a minimum seven (7) feet vertical clearance from the finished sidewalk grade.

b) Maximum sign face area shall not exceed sixteen (16) square feet.

c) Not more than one (1) colonnade hanging blade sign per business occupant shall be permitted.

d) Colonnade hanging blade signs shall not be illuminated by any means beyond that which is provided by the city.

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e) Except for temporary signs as otherwise permitted in accordance with this code, no sign other than a colonnade hanging blade sign installed in the manner specified in this subsection, shall be hung or attached to the colonnade.

f) A sign permit shall be required.

4. Window and door signs.

a) Maximum sign face area, as measured by an enclosed rectangular perimeter around the sign, shall not exceed twenty-five (25) percent of the window or door surface, excluding transoms.

b) Signs may be painted on, adhered to, or suspended behind the glass door or window surface. No sign(s) shall be placed on, or mounted in front of, any transom window(s).

c) Signs may be illuminated by the tenant inside the glass door or window, including the use of neon; provided, however, that neon shall not be used to outline any window.

d) Window or door sign shall not require a sign permit.

5. Banners placed above the colonnade, for any purpose, shall require a temporary sign permit and shall be allowed for a maximum period of sixty (60) cumulative days within each six (6) month period in a calendar.

F. Temporary Signs (sets forth the regulations regarding sign type, size, height, quantity, location and design).

1) Purpose. The city finds that the proliferation of temporary signs is a distraction to the traveling public and creates aesthetic blight and visual clutter that threatens the public's health, safety and welfare. The city also recognizes a legitimate need for temporary signs for a wide variety of functions or special occasions. The purpose of these regulations is to allow temporary signs in such a manner that limits the distractions to the traveling public and eliminates or reduces aesthetic blight and visual clutter caused by temporary signs.

2) General regulations for all temporary signs.

A. Temporary signs shall be allowed only in compliance with the provisions of this section.

B. Temporary signs shall not be located in any public right-of-way or public easement, attached to any public facility such as government signs and supporting poles, utility poles, street lights, light poles, and trees on public property.

C. Temporary signs shall not obstruct view or paths in a manner that creates a hazard for pedestrian or vehicular traffic.

D. Temporary signs shall be of sufficient weight, made of durable material and be properly secured to withstand wind gusts, storms and other natural elements.

E. No temporary signs shall be mounted on a building roof.

F. No temporary signs shall emit sound or odor.

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**G. No temporary signs shall have animated or moving parts, except for seasonal decorations and air-activated signs.**

**H. No temporary signs shall imitate traffic control signs, or obscure actual municipal or other public traffic control signs or devices.**

**I. No temporary signs shall be placed upon private property without the property owner's approval.**

**J. No temporary signs located in single family residential zones shall be illuminated.**

**K. Search lights, strobe lights, intermittent or flashing illumination, holographic projections, laser light displays, beacons and other similar temporary signs or effects shall be prohibited.**

**L. The zoning administrator may remove or cause to be removed any temporary sign erected, displayed upon, or projecting into public property that is not expressly allowed by this section or protected by state statute, or which presents a critical safety hazard requiring immediate action.**

**M. Exceptions to general regulations for all temporary signs provided herein and specific temporary sign types may be permitted when approved as part of a city-sponsored public event or special event permit as provided for in the city code.**

**N. Regulations for Specific Temporary Sign Types – Commercial and Industrial Zoning Districts B-1 through B-5**

<b>Sign Type</b>	<b>Maximum Height</b>	<b>Maximum Area</b>	<b>Location</b>	<b>Number Allowed</b>	<b>Duration</b>	<b>Approval Process</b>	<b>Other Requirements</b>
<b>A-Frame or T-Frame</b>	<b>Twelve (12) feet.</b>	<b>Four (4) feet</b>	<b>Private/Public Sidewalk adjacent to business. Maintain five (5) foot pedestrian use of the sidewalk.</b>	<b>One (1)</b>	<b>During Business Hours</b>	<b>No Permit Required</b>	<b>Must be able to be secured from blowing over and obstructing sidewalks.</b>
<b>Air-Activated</b>	<b>Fourteen (14) feet</b>	<b>N/A</b>	<b>Five (5) from right-of-way</b>	<b>Two (2), segments of pennants or segments of streamers shall be considered one (1) sign</b>	<b>Sixty (60) cumulative days within a one (1) year period</b>	<b>Temporary sign permit</b>	<b>Must be fastened to the ground or a structure so that the banner or streamer cannot shift more than three (3) feet horizontally under any condition</b>
<b>Banners</b>	<b>Below roof line</b>	<b>Twelve (12) sq. ft. for</b>	<b>Five (5) from right-</b>	<b>One per installed</b>	<b>Vertical banners</b>	<b>Temporary sign permit</b>	<b>Must be secured to a freestanding</b>

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	or 25 feet, from finished grade, whichever is lower	each vertical banner. All other banners shall not exceed the square footage of installed and/or permitted wall signs.	of-way and driveways.	banner arm on a structure for vertical banners	installed on banner arms on a structure such as a light pole may be continuous. Banners at construction sites may remain during the duration of the construction.	Vertical banners and banners displayed at a construction site do not require a permit.	temporary support structure, uprights, stakes or poles that are sufficiently anchored to withstand wind pressure, shall not be tethered to or affixed to trees or any other landscaping, or affixed to or displayed over a freestanding sign, shall be maintained and not permitted to be torn, loose, or unsecured and deemed unsafe and shall be immediately removed, replaced, or refastened.
Fin/Feather	Eight (8) feet above grade.	Twelve (12) sq. ft.	Five (5) from right-of-way and driveways.	One per business, maximum of four per multi-tenant strip center	Sixty (60) cumulative days within a one (1) year period	Temporary sign permit	Must be secured to a mounting poles and secured to the ground and shall be maintained and not permitted to be torn, loose, or unsecured and deemed unsafe and shall be immediately removed, replaced, or refastened.
Large Freestanding	Fourteen (14) feet	16-160 sq. ft. Undeveloped, or property under construction, 32 square feet for first acre or portion thereof, may be increased by four (4) square feet for each additional acre up to	Five (5) from right-of-way and driveways.	One (1) per 300 linear feet of parcel frontage, greater than two (2) acres in size	Up to two (2) years, renewable annually thereafter	Temporary sign permit	Must be made of rigid and durable material to withstand wind and elements.

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		160 square feet. For developed property from two (2) to ten (10) acres, signs cannot exceed 32 square feet. For developed property greater than 10 acres, signs cannot exceed fifty (50) square feet and may be illuminated by indirect lighting only.					
Small to Midsize Freestanding	Twelve (12) feet.	Up to sixteen (16) square feet for each sign.	Five (5) from right-of-way and driveways.	One (1) per parcel, two (2) on a corner lot with one (1) sign per street frontage plus one (1) per 300 linear feet along each street frontage.			

**O. Temporary Yard Signs ( $\leq 6$  square feet).**

**A. Number of signs and location:**

1) Each single family lot, model home cluster, and quasi-public or institutional use not located in a commercial or industrial district may place one (1) sign anywhere on the subject property, one (1) additional sign at each turning movement beginning at the subject property and extending for a maximum of one (1) mile distance from said property up to a maximum of ten (10) signs.

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No sign shall be installed in the public right-of-way and shall be setback five (5) feet from the right-of-way. Said signs shall be displayed only on days when the property is open to the public.

**B. Area and height:** Yard signs shall not exceed six (6) square feet in area nor exceed four (4) feet in height.

**C. Approval process:** No permit shall be required to display temporary yard signs.

§ 1-11-9 SPECIAL SIGN REGULATIONS.

(A) *Manual changeable message signs.*

(1) *Maximum size.* Fifty percent (50%) of the maximum size allowed for a the freestanding/monument sign.

(2) *Maximum height.* In accordance with allowed freestanding/monument signs.

(3) *Maximum quantity.* One changeable message sign per property to be incorporated into a the permitted freestanding/monument sign.

(4) *Location.* Minimum 5 foot front, side and rear setback. ~~The~~ A freestanding sign setback shall also comply with the city's intersection visibility requirements in Vol. II, § 1-6-13.

(5) *Zoning districts where allowed.* All non-residential zoning districts.

(6) *Design.* ~~The~~ A changeable letter sign shall be incorporated into a decorative monument base.

~~(7) Commercial message content. The commercial message displayed on the sign shall directly relate to the business or businesses conducted on site.~~

(8) *Illumination.* Signs may be illuminated.

(9) *Permit required.* ~~AUP~~.

(B) *Electronic changeable message signs.*

(1) *Maximum size.* Fifty percent (50%) of the maximum size allowed for ~~the~~ a freestanding/monument sign.

(2) *Maximum height.* In accordance with allowed freestanding/monument signs.

(3) *Maximum quantity.* One changeable electronic message sign per property to be incorporated into ~~the~~ a permitted freestanding/monument sign.

(4) *Location.* Minimum 5 foot front, side and rear setback. The freestanding sign setback shall also comply with the city's intersection visibility requirements in Vol. II, § 1-6-13.

(5) *Zoning districts where allowed.* All non-residential zoning districts.

(6) *Display.* Displays may use full color and animation, however, no flashing, rotating or strobe effects shall be allowed.

(7) *Design.* The digital sign shall be incorporated into a decorative monument base.

(8) *Minimum display time.* Static images shall last for at least 5 seconds before transitioning to another static message.

(9) *Transition method and duration.* Such electronic message sign shall be limited to static displays, messages that appear or disappear from the display through dissolve, fade, travel, scroll or similar transitions and frame effects that have text, animated graphics or images that appear to move or change in size, or be revealed sequentially rather than all at once. The transition duration between messages shall not exceed 1 second.

~~(10) Commercial message content. The commercial message displayed on the electronic/digital sign shall directly relate to the business or businesses conducted on site.~~

(11) *Illumination levels.*

(a) All electronic message signs shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with ambient light conditions.

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(b) No electronic message sign shall exceed a brightness level of 0.3 foot candles above ambient light. Ambient light conditions shall be measured with the digital sign off. Ambient light shall be -as measured using a foot candle (Lux) meter at a preset distance depending on sign area. The measurement distance shall be calculated with the following formula: The square root of the product of the sign area and 100.

Example using a 12 square foot sign:

Light Meter Measurement Distance = Square Root of (12 sf x 100) = 34.6 feet. The illuminance of a digital sign shall be measured while it is displaying a white image for a full color-capable digital sign, or a solid color for a single-color digital sign. The difference between the foregoing off (ambient light) and the full digital sign display measurements shall not exceed 0.3 footcandles at night.

(12) ~~Permit required. AUP.~~

(13) Manual control. Digital signs shall be designed with the capability of freezing the display in one static position, displaying a full black screen, or turning the sign off in the event of a malfunction.

~~—(C) Yard Signs.~~

~~—(1) Maximum size. Sixteen square feet on residentially zoned property and 32 square feet on non-residentially zoned property.~~

~~—(2) Maximum height. Six feet.~~

~~—(3) Maximum quantity. No limit.~~

~~—(4) Location. Yard signs shall not be hazardous to public safety, obstruct clear vision in the area or interfere with the requirements of the Americans with Disabilities Act, as determined by the City Engineer.~~

~~—(a) If the City Engineer deems that the placement of a sign constitutes an emergency, city representatives may immediately relocate the sign. The city shall notify the owner of the sign that placed the sign within 24 hours after the relocation.~~

~~—(5) Zoning districts where allowed. All zoning districts.~~

~~—(6) Display period. Political signs may be posted any time before a primary election, but must be removed within 15 calendar days after a primary election for candidates who do not advance to the general election. All candidate signs must be removed within 15 days after the general election.~~

~~—(7) Information. The sign shall contain the name and telephone number of the candidate or campaign committee contact person.~~

~~—(8) Illumination. Signs shall not be illuminated.~~

~~—(9) Permit required. No.~~

(D) Vehicle signs. The intent of these regulations is to prohibit the use of vehicle signs as permanent freestanding signs in order to protect the aesthetic qualities of the City's built environment and promote the effectiveness of permitted signs as provided herein.

(1) Sign location on vehicle. Vehicle signs may be placed along the body surface of the vehicle including a trailer, truck, automobile or other vehicle (by means of painting, decal, magnetic attachment or adhesive vinyl film, ~~or may be attached and secured to the body or bed of the vehicle~~ in a manner deemed legal by the Arizona Department of Transportation for licensed street use. Signs may not be attached or secured to the body of the vehicle or the bed of the vehicle.

(2) Maximum size.

(a) Signs attached by painting, decal, adhesive and magnetic signs. No sign shall be erected or attached to any vehicle except for signs that are magnetically attached to or permanently painted or wrapped on the surface of the vehicle. The primary use of such vehicles shall be in the operation of the business such as transporting goods or providing services and not in displaying a sign. The maximum size of these signs, which are self-attached to the vehicle, is limited to the surface area of the vehicle's body (i.e., hood, doors, fenders, and truck box).

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~~(b) Signs attached with hardware. The maximum size of these signs shall not exceed 15 square feet in size or extend higher than 2 feet above the top of vehicle.~~

(3) *Vehicle parking.* The vehicle shall be licensed and operable for use on a public road, and shall be parked within an approved parking space on the property of the business it is advertising. Vehicles with attached signs shall not be located in a manner that interferes with visual or physical access to adjacent businesses. After business hours, the vehicle shall be parked in a lawful manner on the business property so as to not be visible from the public right-of-way, or if this is not possible, as far from the public right-of-way as possible.

(4) *Zoning districts where allowed.* All non-residential zoning districts.

(5) *Illumination.* Signs shall not be illuminated.

(6) *Permit required.* No.

(E) *Billboards.*

(1) *New billboards.* No billboards shall be erected within the city limits, including along ~~the any~~ freeway, arterial, collector, parkway or limited access highway.

(2) *Existing billboards.* Existing billboards may be required to be removed as a condition of rezoning, subdivision plat or CUP approval.

(3) *Illumination.* Billboards with existing external illumination deemed legal non-conforming by the ~~Z~~oning ~~A~~ administrator shall be allowed. No new internal or external lighting of billboards shall be allowed.

(4) *Compliance with state law.* All existing billboard signs shall comply with applicable provision of A.R.S. §§ 9-461, *et. seq.*

• (F) *Flags.* Flag poles and flags shall comply with the following standards:

(1) No more than three (3) flag poles shall be installed on each single family residential lot, multifamily development, model home cluster, shopping center, or other multiuser site. Said flag poles may be wall-mounted or permanently installed in the ground.

(2) Permanently installed in-ground flag poles shall require permit approval to ensure they are structurally sound and comply with the standards provided herein. A permit shall not be required for wall-mounted flag poles. A separate permit shall not be required to display flags.

(3) The minimum setback for permanently installed in-ground flag poles shall equal one-half (½) the setback required for a principal building as set forth by the zoning district in which it is located.

(4) Flag pole height.

a. Permanently installed in-ground flag poles and wall-mounted flag poles in single family residential districts shall not exceed the height limit of the zoning district, or shall not be higher than the highest point of the principal building's roof, whichever is lower.

b. Permanently installed in-ground flag poles and wall-mounted flag poles in multiple family, MHP and RVP districts and model home clusters shall not exceed the height limit of the zoning district or shall not be higher than the highest point of the nearest principal building's roof on the premises, whichever is lower.

c. Permanently installed in-ground flag poles and wall-mounted flag poles in nonresidential districts shall not exceed the height limit of the zoning district or shall not be higher than the highest point of the nearest principal building's roof on the premises, whichever is lower.

(5) In any district, the length of each flag, which is the longer side of a flag that is perpendicular to the flag pole, shall not exceed one-third (⅓) of the maximum height allowed for in-ground flag poles.

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**§ 1-11-10 SIGN DESIGN ~~AND CONSTRUCTION REQUIREMENTS CRITERIA.~~**

(A) *Design integration.* Permanent signs shall be fully integrated with the design of the building and the site development, reflecting the architecture, building materials, and landscape elements of the project. The means of integrating freestanding signs with the architecture of the building shall be achieved through the use of complimentary architectural embellishments, colors, building materials, texture, and other elements found in the building design.

(B) *Sign style.* Freestanding signs not located along the freeway shall be installed as either a monument style sign or a post and panel style sign. Freestanding signs located along the freeway shall be installed as either a monument style sign, or a pylon sign.

(C) *Lighting and illumination.* Unless specifically prohibited, signs may be either illuminated or non-illuminated. The direct source of the sign's illumination shall not be visible from any public street, sidewalk or adjacent residential area. Sign lighting shall comply with the **dark sky** outdoor lighting standards established in **Vol. II, Article 1-10** of this Chapter.

(D) *Action signs.* There shall be no physical movement or rotation of the sign body or any segment thereof by mechanical or any other means.

(E) *Design guidelines.* See city publications on file in the Development Services Department entitled "Commercial Design Guidelines for Apache Junction" and "Downtown Overlay District Design Guidelines" for visual examples of acceptable signs described in this Chapter.

(F) *Neon signs.* Permitted freestanding, wall and/or window signs may use neon display in their design.

**(G) Building Code.** All signs shall be designed and constructed in accordance with the latest adopted Building and Electrical Codes.

**(H) Inspections.** All signs for which a permit is required shall be subject to the following inspections:

**A. Footing inspection on all freestanding signs exceeding fifty (50) square feet in area and/or exceeding thirty (30) inches in height.**

**B. All signs containing electrical wiring shall be subject to the International Electrical Code of the city and the electrical components shall bear the label of an approved testing agency.**

**C. Inspection of all braces, anchors, supports and connections, including wall signs.**

**D. Shop and/or site inspection to ensure that the sign has been constructed according to approved application and valid sign permit.**

**(I) Identification.**

**A. All permanent signs regulated by this chapter shall be marked with the maker's name and the person or firm erecting such sign, the date of installation, and the permit number. This identification shall be permanently attached to the exterior surface of the sign in a location where the information will be readily visible, legible, and accessible after installation of the sign.**

**B. Temporary signs, except for those not requiring a permit shall, be marked to show permit number and expiration date.**

**§ 1-11-11 APPLICATION, ~~AND PERMIT~~ ~~AND APPEAL PROCEDURES~~ REQUIREMENTS.**

(A) *Application and permit ~~procedure~~ requirements.* Unless specifically exempted ~~in accordance with Vol. II, § 1-11-6 and Vol. II, § 1-11-16, Table 11-1,~~ no sign shall be erected, installed, enlarged or maintained without first obtaining an **AUP building permit** from the ~~D~~development ~~d~~Services ~~d~~Department and paying a permit ~~fee in accordance with a fee schedule established in Vol. I, Chapter 4 of the City Code.~~ Application for

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~~an AUP building permit~~ shall be made in writing upon forms furnished by the ~~dDevelopment sServices~~  
~~dDepartment~~ and contain at a minimum, the following: ~~The application shall contain the sign location, street~~  
~~name and address, as well as the name and address of the owner and the sign contractor or erector.~~

- (4) ~~The name, address, telephone number, Register of Contractor ("ROC") number, and license type of the~~  
~~sign contractor and the owner and occupant of the premise where the sign is to be erected or displayed;~~  
~~the proposed date on which it is to be erected or displayed; the zoning district in which it is located; and~~  
~~any variance that has been approved.~~ Two copies of fully dimensioned plans ~~drawn to scale~~ and  
specifications ~~for the construction or display of the sign and for its illumination~~ shall be submitted with  
the application for each sign ~~that shows: (1) all existing signs displayed on the premise; (2) the location,~~  
~~distance to the property line, height and size of any proposed signs; (3) the dimensions of the display~~  
~~area where the sign content is proposed to be displayed; and (4) the percentage of the signable area~~  
~~covered by the proposed signs.~~ All plans shall show complete details to include size, materials, method  
of support or attachments, name and address of the persons or firm designing the sign and plot plan  
showing the location of the sign on the premises. ~~The city may require additional information where that~~  
~~information is necessary to ensure compliance with this Code. This information is not required if a~~  
~~master sign program has been approved for the premise or occupancy on which the signs will be erected~~  
~~or displayed and if the approved master sign program is attached to the application.~~

~~-(B) Permit expiration.~~ If actual work to install or construct the approved sign is not commenced within  
~~100 and 180 calendar~~ days from the date of such ~~AUP building permit~~ issuance, such permit shall become  
null and void.

~~-(C) Permit fee.~~ Before issuing an AUP building permit required by this Chapter, the city shall collect a fee in  
accordance with a fee schedule established in Vol. I, Chapter 4 of the City Code.

~~(D) Permit revocation.~~ An ~~AUP building permit~~ may be automatically revoked by the ~~Zoning~~  
~~Administrator~~ or building official for lack of compliance with the standards in this Chapter and/or the  
approved ~~sign building~~ permit. The permit applicant shall first receive a 14 calendar day written notice from the  
~~Zoning A~~ administrator prior to revocation.

~~(D) Review and Time Limits.~~ The zoning administrator and building official shall promptly review the  
application for completeness within eight (8) city business days which shall include the appropriate fee. Once  
the application is deemed complete, the zoning administrator and building official shall grant or deny the permit  
application within twenty (20) days from the date of the completed application and permit fee were filed with  
the zoning administrator and building official.

~~(E) Approval or Denial.~~ The zoning administrator and building official shall approve a permit for a sign if it  
complies with the zoning, building, electrical or other adopted codes and with:

- ~~(1) The regulations contained in this section and any variance that has been granted from the regulations; and~~
- ~~(2) Any special regulations that have been adopted for specific areas of the city; and~~
- ~~(3) Any comprehensive sign package that has been approved under this section.~~

If after a review of the application and submitted information, the zoning administrator or building official does  
not approve a permit for the sign(s) he/she shall state the reasons for the denial in writing, and shall mail a copy  
of the reasons for denial to the address of the applicant stated on the application.

~~(G) Appeals.~~ The zoning administrator shall be responsible for the interpretation of the sign regulations. The  
zoning administrator's interpretation may be appealed to the board of adjustment and appeals in accordance with  
Vol. II, § 1-16-5. Any applicant who is denied a permit for the display of a sign may file a written appeal to the  
board of adjustment and appeals or the construction code board of appeals as applicable within twenty (20)  
calendar days after receipt of the written copy of the denial by mail. An applicant may also choose to resubmit

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an application within twenty (20) calendar days of the denial letter correcting any deficiencies that were identified in the reasons for denial. The decision of the board of adjustment and appeals or the construction code board of appeals shall be final and binding.

§ 1-11-12 CONSTRUCTION REQUIREMENTS.

~~Building Code. All signs shall be designed and constructed in accordance with the latest adopted Building Code.~~

§ 1-11-13 NONCONFORMING AND DISCONTINUED SIGNS.

(A) *Signs for a legal nonconforming use.* New or additional signs for a nonconforming use shall comply with the requirements of ~~this Article~~ outdoor sign regulations.

(B) *Signs rendered nonconforming.* Existing legal signs rendered nonconforming as a result of this Chapter Article shall be considered legal nonconforming and allowed to continue and shall be allowed reasonable repairs and maintenance. Such legal nonconforming signs shall not be expanded, enlarged or structurally altered unless brought into conformance with the outdoor sign regulations.

(C) *Signs rendered discontinued~~— or abandoned~~.* The use of any legal nonconforming sign which is located on property which becomes vacant and unoccupied for a period of ~~6 months~~ ninety (90) calendar days shall be deemed to have been discontinued, and therefore shall be removed by the owner of the property ~~or sign~~. *Any sign, including nonconforming signs, that has been abandoned for more than ninety (90) calendar days shall be removed or replaced with a new sign in conformance with the current provisions of this Article at the owner's expense.*

(D) *Repair and maintenance.* Any legal nonconforming sign may be continued in use and be allowed reasonable repair and maintenance. *Any nonconforming sign shall not be altered, repaired, or restored to such an extent that the cost of such alteration, repair or restoration exceeds fifty (50) percent of the sign's fair market value, as determined by a licensed sign contractor, unless said sign is brought into conformance with the current provisions of this Article after first obtaining any required permit.* All signs, sign finishes, supports and electrical work shall be kept in good repair and safe condition, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of the sign.

(E) *Change of tenancy.* Whenever the name of a business changes, the copy on the sign or sign face may be changed without bringing the legal nonconforming sign structure into compliance with the sign regulations.

(F) *Damage or deterioration.* Any legal nonconforming sign shall be removed or rebuilt in full conformity to the terms of the ~~outdoor~~-sign regulations if it is damaged or allowed to deteriorate to such an extent that the cost of repair or restoration exceeds 50% of the sign's fair market value, as determined by a competent ~~Arizona licensed appraiser~~ licensed sign contractor. *Any nonconforming sign that is damaged or vandalized must be restored in a like manner within ninety (90) days or it shall be removed or replaced with a new sign that is in conformance with the current provisions of this Article at the owners' expense.*

(G) *Removal and replacement.* Legal nonconforming signs that are removed, re-erected or replaced shall be brought into conformance with the ~~outdoor~~-sign regulations.

(H) *New sign permit applications.* If a property contains legal nonconforming signs, the following requirements apply to any new sign permits/applications:

(1) Permits for new wall signs shall not be approved until existing legal nonconforming wall signs are removed or replaced with conforming wall signs.

(2) Permits for new detached signs shall not be approved until existing legal nonconforming detached signs are removed or replaced with conforming detached signs.

(I) *Development, redevelopment and expansion.* New development, redevelopment or expansions of 50% or more of the total building floor area shall require that all nonconforming signs be brought into compliance with ~~this Article~~ outdoor sign regulations.



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(J) A permit may be required for alterations or repairs to nonconforming signs that do not exceed fifty (50) percent of the sign's value depending on the scope of work (e.g. an electrical permit shall be required for signs that are illuminated electrically). Alterations or repairs to nonconforming signs that exceed fifty (50) percent of the sign's fair market value shall require a permit as provided herein.

§ 1-11-14 MAINTENANCE AND REPAIR.

(A) Signs shall be maintained in a safe, presentable and good condition, including replacement of defective parts, repainting, cleaning and other acts required for the maintenance of the sign.

(B) No person or entity shall maintain or permit to be maintained on any premises they own, lease or control any sign which is in a dangerous or defective condition. Any such sign shall be promptly removed or repaired by the owner of the sign within ninety (90) calendar days of city notice of violation.

(C) The zoning administrator is hereby authorized to require the removal of any illegal, dangerous or defective sign as defined by this chapter.

(1) Before bringing action to require the removal of any illegal, dangerous or defective sign, except as noted hereinafter, the zoning administrator shall give written notice to the owner of the sign or the owner of the premises on which the sign is located. The notice shall state the reasons for removal, listing the deficiencies or defects in the sign with reasonable definiteness, and the violations charged. The notice shall include what repairs if any will make such an installation conform to the requirements of this chapter. The notice shall specify that the sign must be removed or made to conform with the provisions of this Article within the time period listed below. Service of the notice shall be by any of the following methods:

a. Delivery in person to the owner, occupant, manager or agent of the premises where the violation has occurred, or to the person responsible for the violation;

b. Posting on or about the entrance of the premises where the violation occurred;

c. By first class mail, postage prepaid, addressed to the owner, occupant, agent, manager or responsible person at the last known address. Service by mail is deemed complete upon deposit in the U.S. mail;

d. By Certified mail;

e. By publication; or

f. By serving the owner, occupant, manager, agent, or responsible person in the same manner as provided by the Arizona Rules of Civil Procedure.

(2) The zoning administrator shall not be required to give written notice before removing or bringing action to require the removal of any illegal yard sign or illegal temporary sign attached to any public facility such as government signs and supporting poles, utility poles, street lights, light poles, and trees on public property.

(3) The period of notice for a permanent sign as defined by this chapter shall be thirty (30) calendar days. The period of notice for temporary signs as defined by this chapter shall be three (3) city business days.

(4) The re-erection of any sign or substantially similar sign on the same premises after a removal notice has been issued shall be deemed a continuance of the original violation.

(5) If the owner or lessee of the premises where the sign is located has not complied with this chapter by the end of the notice period, the zoning administrator may pursue enforcement as authorized by this chapter.

(D) Emergency removal or repair.

(1). The zoning administrator is hereby authorized to cause the immediate removal or repair of any sign or signs found to be unsafe, defective, or a traffic hazard to the extent that it creates an immediate and emergency hazard to persons or property. Actual notice to the property owner or lessee shall not be required. The zoning administrator shall make a reasonable effort to notify the property owner or lessee or person in control of the property that the defective and unsafe sign must be removed or repaired immediately.

(2). All actual costs incurred by the zoning administrator in the removal or repair of said sign shall be paid by the owner of the sign or the owner of the premises or person in control of the property where the sign is located. Action for recovery may be brought by the city attorney upon proper certification to him/her by the zoning administrator

~~§ 1-11-15 MODIFICATIONS AND APPEALS.~~

~~—(A) CUP modifications. Modifications to the sign regulations regarding size (i.e., square footage), location, type and amount may be approved by CUP approval from the Planning and Zoning Commission ("Commission") in accordance with Vol. II, § 1-16-12(D)(4).~~

~~—(B) Board of Adjustment and Appeals. Variances and appeals to the sign standards shall be applied for and processed in accordance with Vol. II, § 1-16-5.~~

§ 1-11-16 ENFORCEMENT AND PENALTIES.

(A) Authority. The ~~z~~Zoning ~~a~~Administrator, along with code enforcement staff, is hereby authorized and directed to enforce all provisions of the ~~outdoor~~ sign regulations in conformance with the regulations and procedures specified herein.

(B) Violation. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or sign structure in the city, or cause the same to be done contrary to or in violation of any of the provisions of the ~~outdoor~~ sign regulations. All signs maintained contrary to the provisions of this chapter are declared to be nuisances, and such nuisances may be abated as provided by law. Each day a violation of any provision of this article or the failure to perform any act or duty required by this article continues shall constitute a separate violation of the offense. When two (2) or more persons have liability to the city or are responsible for a violation of this article, their responsibility shall be joint and several. In addition, all signs maintained in violation of this chapter are declared public nuisances and may be abated as per this chapter.

(C) Penalty. See Vol. II, § 1-16-16.