
**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

Meeting Date: 10/11/2016
Agenda Item: 5

ACTION: Request for a Code Text Amendment for the SIGN CODE REFORM consisting of changes within the Zoning and Development Code that modifies the enforcement and permitting processes for sign requests, and improvements for greater constitutionality. The applicant is the City of Tempe.

FISCAL IMPACT: There is no fiscal impact on City funds.

RECOMMENDATION: Staff – Approval

BACKGROUND INFORMATION: SIGN CODE REFORM (PL160329) will provide a clear and consistent non-content based form of Code (not utilizing a sign's content in its identification) when applications are submitted for new or modified signs as well as the enforcement of those signs. This amendment satisfies objectives within General Plan 2040's community design element plan for use of signage as well as other elements for interaction and way finding purposes. This amendment also contains recommendations from the Commercial Signs Council Working Group and the Non-Commercial/Political Sign Working Group. The request includes the following:

1. Code Text Amendment for within the Zoning and Development Code for Sections 4-901, 4-902, 4-903, 4-904, 4-905, 4-906, Table 4-903A, 6-306 Subsection (B), and 7-120 pertaining to definitions for signs.

ATTACHMENTS: Zoning and Development Code Ordinance, Section 4, Chapter 9

STAFF CONTACT(S): Ryan Levesque, Deputy Community Development Director (480) 858-2393

Department Director: Jeff Tamulevich, Interim Community Development Director
Legal review by: N/A
Prepared by: Drew Yocom, Code Compliance Analyst

COMMENTS:

- On July 20, 2015 the Supreme Court of the United States issued their judgment for the Reed vs. Gilbert case. "A law that is content based on its face is subject to strict scrutiny regardless of the government's benign motive, content-neutral justification, or lack of animus toward the ideas contained in the regulated speech." (SCOTUS) This means a municipality's sign code cannot impose more stringent limitations on signs based on content.
- Because of this ruling, Part 4, Chapter 9 within the Tempe Zoning & Development Code had to be modified and much of it was replaced with a new system of sign enforcement that is not content based.
- Examples of non-content based regulations:
 - Size
 - Location
 - Lighting
 - Zoning
 - Total number of signs
 - Time restrictions
 - Permits/Plan Reviews
 - Property Use
 - Construction/Mounting
 - Building Materials
 - Public Safety

At the City Council's Committee of the Whole (COW) meeting on May 5, 2016, staff received direction from Council on the working group items for "Commercial Sign Updates", "Non-Commercial Speech" and a response to the Reed vs. Gilbert ruling. Code text amendment recommendations were made and staff was to proceed with the public hearing process.

The proposed changes are as follows:

- 1) Code Text Amendment for within the Zoning and Development Code for Sections 4-901, 4-902, 4-903, 4-904, 4-905, 4-906 and Table 4-903A, 6-306 Subsection (B), 7-120 pertaining to definitions for signs.
- 2) The complete removal of sections 4-903, 4-905 and 4-906.
- 3) Modify all non-public safety based signs to a lettering system of identification (incorporated in a table format).
- 4) Change all methods of identification to non-content based forms of regulation.
- 5) Comprehensive sign packages to be approved at staff level and modifications for sign permit with property owner authorization.
- 6) Increase size of multi-tenant centers with 5 or more tenants to have a permanent freestanding sign from 24 sf. to 40 sf. in area.
- 7) Allow non-commercial / political signs 100 days prior to an election and no more than 15 days after an election. Portable signs within a single-family district not to exceed a total of 16 square feet, and non-arterial street individual sign shall not exceed 4 square feet in area.

PUBLIC INPUT

The draft concepts of the Code Text Amendment within the Zoning and Development Code for Sections 4-901, 4-902, 4-903, 4-904, 4-905, 4-906 and Table 4-903A were shared with the Development Review Commission at the September 27, 2016 study session, Neighborhood Advisory Commission on October 5, 2016 and other interested stakeholders.

Conclusion

Staff recommends approval of the requested Zoning and Development Code text amendment changes. This request satisfies General Plan 2040's community design element plan for use of signage and other elements for interaction and way finding purposes. Moreover, these changes will provide a legal form of sign enforcement (following the Reed vs. Gilbert Ruling) when signs that do not conform to the Zoning and Development Code, Part 4, Chapter 9, Signs.

HISTORY & FACTS:

- March, 2014 The City Council gave direction at a COW to institute a pilot program to allow Neighborhood Associations and Homeowner's Associations (NA/HOA) registered with the city to use yard signs as a mechanism to communicate with neighbors about upcoming events or issues.
- February 5, 2015 The permanency of the NA/HOA yard sign pilot program was discussed at the Committee of the Whole (COW), and permission was given for the working group to look at changes to the sign code to allow for these non-commercial portable signs in residential areas. During this meeting Councilmember Schapira joined the working group and asked that the working group be able to examine the sign code relating to political signs.
- May 14, 2015 The NA/HOA non-commercial speech working group brought back recommendations to the COW and direction was given to move forward with most of the working group's recommendations, including amending the Zoning and Development Code the language governing both non-commercial and political signs (which included adding language allowing political signs in the right of way during the period commencing 100 days before an election and fifteen days after) and continuing the NA/HOAs yard sign program on a first-come, first-serve basis.
- July 20, 2015 The U.S. Supreme Court released its decision on the Reed v. Town of Gilbert and held that an ordinance providing for differing regulations on signs, based on the sign's content, is unconstitutional as it would not survive strict scrutiny analysis under the First Amendment. At that time, the City Attorney's Office notified the Council that it would be reexamining and conducting a large scale rewrite of the sign code. Thus, the recommendations from the May 14th COW were delayed until they could be examined under a new proposed code.
- August 6, 2015 At the Council Committee of the Whole meeting, City Council provided staff direction to conduct a comprehensive review of the sign regulations and process, and come back with potential improvements.
- September 14, 2015 The Commercial signs working group first met to discuss next steps and direction on the topic of Sign Reform. After initial discussion, the following was a list of action items to come back with for a second internal work group discussion: What are the potential concerns or comments out there? (fact or fiction); what are some examples of good signage, either within or outside of Tempe; what opportunities for change can we consider; what items can we improve on now / current successes; what proposed "stakeholders" could be invited for follow-up input?
- October 22, 2015 A follow-up meeting was concluded by the Commercial Signs Council working group

- March 2, 2016 A Business Stakeholders Meeting took place at the Tempe Public Library. Some of the meetings primary concerns that were discussed are as follows: color restrictions; window coverage; simplified application/process; need for an FAQ page.
- May 5, 2016 Councilmember Robin Arredondo-Savage and Vice Mayor Corey Woods presented the Commercial Signs working group's recommendations which included regulation changes, process
- September 27, 2016 Development Review Commission study session overview on Sign Code reform, including distribution of draft ordinance copies.
- October 5, 2016 Meeting scheduled with the Neighborhood Advisory Commission.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-304, Zoning Map Amendments (including Overlay Districts) and Code Text Amendments

Revised Sign Code

<u>New Category</u>	—	<u>Old Category</u>
◆ Address	—	Address Numerals
◆ Directory	—	Directory
◆ Sign Type A	—	(A) Awning
◆ Sign Type B	—	(B) Building Mounted
◆ Sign Type C	—	(C) Menu Board
◆ Sign Type D	—	(D) Free Standing
◆ Sign Type E	—	(E) Freeway
◆ Sign Type F	—	(F) Marquee
◆ Sign Type G	—	(G) Subdivision
◆ Sign Type H	—	(H) Flag
◆ Sign Type I	—	(I) Service Station
◆ Sign Type J	—	(J) Construction
◆ Sign Type K	—	(K) Special Event
◆ Sign Type L	—	(L) Future Development
◆ Sign Type M	—	(M) Window
◆ Sign Type N	—	(N) Political
◆ Sign Type O	—	(O) Residential Portable
◆ Sign Type P	—	(P) Multi-Family Portable
◆ Sign Type Q	—	(Q) Commercial/Mixed-Use Portable
◆ Sign Type R	—	(R) Realty



ORDINANCE NO. 2016.xx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE ZONING AND DEVELOPMENT CODE, PART 4, DEVELOPMENT STANDARDS, CHAPTER 9 – SIGNS, PART 6, APPLICATIONS AND PROCEDURES, CHAPTER 3, APPLICATIONS, SECTION 306, AND PART 7, DEFINITIONS, SECTION 7-120, PERTAINING TO SIGNS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That Section 4-901 of the Zoning and Development Code, is hereby amended to read as follows:

Section 4-901 Purpose and Applicability.

A. Purpose. The ~~sign~~ SIGN regulations are designed to encourage the creation of an attractive appearance throughout the city, while eliminating ~~signs~~ SIGNS that may contribute to visual clutter. THE REGULATIONS BALANCE THE NEED TO PROTECT THE PUBLIC SAFETY AND WELFARE, THE NEED FOR A WELL-MAINTAINED AND ATTRACTIVE COMMUNITY AND THE NEED FOR ADEQUATE IDENTIFICATION FOR LAND USES.

THE REGULATIONS SHALL NOT BE CONSTRUED AS RELIEVING OR LIMITING IN ANY WAY THE RESPONSIBILITY OR LIABILITY OF ANY PERSON ERECTING OR OWING ANY SIGN FOR PERSONAL INJURY OR PROPERTY DAMAGE RESULTING FROM THE PLACING OF A SIGN, OR RESULTING FROM THE NEGLIGENCE OR WILLFUL ACTS OF SUCH PERSON, HIS AGENTS OR EMPLOYEES IN THE CONSTRUCTION, MAINTENANCE, REPAIR OR REMOVAL OF ANY SIGN ERECTED IN ACCORDANCE WITH A PERMIT OR AGREEMENT ISSUED HEREAFTER. NOR SHALL IT BE CONSTRUED AS IMPOSING UPON THE CITY OR ITS OFFICERS OR EMPLOYEES ANY RESPONSIBILITY OR LIABILITY BY REASON OF THE APPROVAL OF ANY SIGNS, MATERIALS, OR DEVICES UNDER THE PROVISIONS OF THIS ORDINANCE. The regulations for ~~signs~~ SIGNS have the following specific objectives:

1. To reflect and support the desired character and *development* patterns of the GENERAL PLAN AND OF THE various zoning districts;
2. To allow for adequate and effective ~~signs~~ SIGNS in all zoning districts while preventing ~~signs~~ SIGNS from dominating the appearance of the area;

3. To distinguish between ~~signs~~ SIGNS that require visibility from automobiles and those that are oriented to pedestrians;
4. To require design, construction, installation, and proper *maintenance* so that the public safety and traffic safety are not compromised;
5. To provide standards for location, size, construction, type, and number of ~~signs~~ SIGNS; and
6. ~~To provide reasonable limits on the magnitude and extent of graphic communication presented to the public.~~ TO BALANCE THE FUNCTION AND THE AESTHETICS OF SIGNS; AND.
7. TO ENSURE THAT THE CONSTITUTIONALLY GUARANTEED RIGHT OF FREE SPEECH IS PROTECTED.

- B. Applicability.** The regulations in Chapter 9 are applicable to all ~~signs~~ SIGNS in the city, except as noted in Section 4-902(D) and in the RCC district and all MU districts, except where otherwise noted herein. Standards for ~~business signs~~ SIGNS in the RCC district and all MU districts shall be established through ~~sign~~ SIGN criteria approved through a *Development Plan Review*, pursuant to Section 6-306.
- C. Non-Commercial Speech.** ~~Signs~~ SIGNS authorized in this chapter are allowed to contain non-commercial copy in lieu of any other copy.

Section 2. That Section 4-902 of the Zoning and Development Code, is hereby amended to read as follows:

Section 4-902 General Sign Standards.

- A. Definitions.** For definitions related to ~~signs~~ SIGNS, refer to Section 7-120, "S" Definitions.
- B. Prohibited Signs.** Prohibited ~~signs~~ SIGNS include:
1. ~~Non-public signs in public right of way or on public property;~~ SIGNS IN PUBLIC RIGHT OF WAY THAT ARE NOT GOVERNED BY STATE LAW;
 2. ~~Signs~~ SIGNS mounted on a *building roof*;
 3. ~~Signs~~ SIGNS that are mounted, attached, or painted on *trailers*, boats or vehicles ~~when used as additional signage on or near the business premises; and similar signs. Business vehicles displaying signage or advertising shall be parked in an assigned parking space which is not~~ THAT ARE PARKED immediately adjacent to a *street* frontage;
 4. ~~Signs~~ SIGNS having intermittent or flashing illumination, animated or moving parts, or that emit sound except as allowed under Section 4-903(N) (~~Menu Board~~) and Section 4-903(U) (~~Marquee Sign~~); 4-903(C) AND SECTION 4-903(F);

5. ~~Freestanding changeable copy signs SIGNS, except as allowed under Section 4-903(N) (Menu Board), Section 4-903(Q) (Service Station Sign), and Section 4-903(U) (Marquee Sign); SECTION 4-903(C), SECTION 4-903(E) SECTION 4-903(F), AND SECTION 4-903 (I);~~
6. Banners, pennants, wind-driven spinners, streamers, balloons, flags, search lights, strobe lights, holographic projections, laser light displays, beacons, inflatable ~~signs SIGNS~~, except as otherwise provided in ~~Section 4-903(R) (Special Events Sign), Section 4-903(C) (Boutique Directional Sign) SECTION 4-903(K)~~ and approved ~~banner signs SIGNS~~ installed pursuant to the city's banner program;
7. ~~Signs SIGNS~~ imitating official traffic control ~~signs SIGNS~~, or any ~~sign SIGN~~ or device obscuring such ~~signs SIGNS~~ or devices;
8. ~~Signs SIGNS~~ mounted on, or applied to trees, utility poles, OR rocks, ~~or city owned property;~~
9. ~~Signs SIGNS~~ placed on private property without the property owner's written approval; AND
10. ~~Off-premise/off-site signs and portable signs, except as permitted in Sections 4-903(C) (Boutique Directional Sign), Section 4-903(J) (Freeway Sign), Section 4-903(M) (Lead-In Sign), Section 4-903(O) (Political Sign), or Section 4-903(S) (Subdivision/Apartment Community Advertising Sign); and SIGNS PLACED ON CITY OWNED PROPERTY, EXCEPT AS AUTHORIZED BY CITY CONTRACT OR DEVELOPMENT AGREEMENT.~~
11. ~~Business identification/advertising signs in single-family zoning districts.~~

C. Unauthorized Signs. An unauthorized ~~sign SIGN~~ is one that is illegally displayed in the city right-of-way, on city property, on private property without the property owner's consent, or is not in compliance with the regulations of Chapter 9, Signs within this Code. City staff may remove such ~~signs SIGNS~~. Unauthorized signs removed by the city shall be disposed of after the Department provides notice to the establishment identified on the sign. A notice shall be sent within thirty (30) days of removal notifying the establishment to claim the unauthorized sign at a location specified on the notice no later than thirty (30) days after the date appearing on the notice. If unclaimed after the time period, the Department will dispose of the unauthorized sign in an appropriate manner. If an establishment is not identified, the sign will be disposed of no sooner than thirty (30) days after removal, subject to prior written claim and proof of ownership delivered to the Community Development Department.

D. Exempt Signs. The following ~~signs~~ are exempt from this Code:

1. Traffic or other governmental street ~~signs SIGNS~~, such as railroad crossing ~~signs SIGNS~~ and notices, as may be authorized by the city and do not require permits; and
2. ~~Signs SIGNS~~ of public utility companies indicating danger or that serve as an aid to public safety, or that show the location of underground facilities or OTHER public telephones FACILITIES and do not require permits.

E. Ceased Non-Conforming Signs. The owner, agent, tenant or person having beneficial interest in the business, property or premises on which such ~~sign~~ SIGN is located shall remove ceased non-conforming ~~signs~~ SIGNS, including freestanding support *structures*, within one (1) year upon cessation of such business or sale of such product, as long as the one (1) year period of non-use is attributable at least in part to the previously designated persons or entities.

F. Sign Height Measurement. ~~Sign~~ SIGN height measurements are as follows:

“Freestanding Sign”: Height is the distance from the top of the ~~sign~~ SIGN *structure* to the top of the adjacent street curb. The height of any monument base or other *structure* erected to support or ornament the ~~sign~~ SIGN shall be measured as part of the ~~sign~~ SIGN height.

G. Sign Area Measurement. ~~Sign~~ SIGN area measurements are as follows:

1. ~~Sign~~ SIGN area includes the areas of all the following ~~signs~~ SIGNS on site that pertain to any one business:

- a. ~~Awning Sign;~~
- b. ~~Building Mounted Sign;~~
- c. ~~Freeway Sign;~~
- d. ~~Service Station Sign, excluding freestanding sign; and~~
- e. ~~Marquee Sign.~~

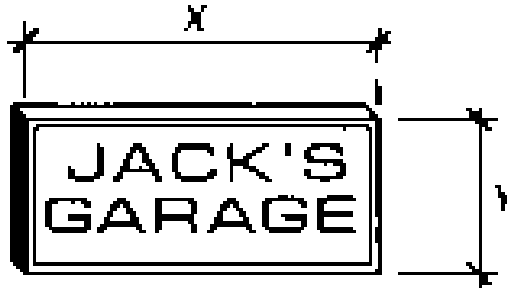
SECTION 4-903(A), SECTION 4-903(B), SECTION 4-903(E), SECTION 4-903(F), AND SECTION 4-903(I).

2. The maximum total area for the above ~~signs~~ SIGNS on the premises for any one (1) business may be equal to forty (40) square feet plus one (1) square foot of ~~sign~~ SIGN area for every lineal foot of *business frontage* beyond forty (40) lineal feet, as measured by the *business frontage*. Businesses with freeway frontage may have additional ~~sign~~ SIGN area, see ~~Section 4-903(J) (Freeway Sign)~~-SECTION 4-903(E)

3. Internal businesses and brands contained within a host business are allowed exterior signage. ~~Sign~~ SIGN area utilized by the internal business/brand shall be deducted from the ~~sign~~ SIGN area allowed for the host business sign area.

4. One sign face: Area of the single face only;

- a. ~~Sign~~ SIGN copy mounted or painted on a background panel or area distinctively painted, textured, illuminated, or constructed as a background for the ~~sign~~ SIGN copy, shall be measured as the area contained within the *geometric shape* of the background panel or surface; and



- b. Sign SIGN copy mounted as individual letters or graphics against a wall or fascia of a *building* or other *structure* that has not been painted, textured or otherwise altered to provide a distinctive background for the sign SIGN copy, shall be measured as the area enclosed by the smallest *geometric shape* that will enclose all sign SIGN copy.



5. Multiple sign SIGN faces:

- a. Two (2) faces: If the interior angle between the two (2) faces is forty-five (45) degrees or less, the area will be the area of one (1) face only; if the angle between the two (2) sign SIGN faces is greater than forty-five (45) degrees, the sign SIGN area will be the sum of the areas of the two (2) faces;
- b. Three (3) or more sides: Sign SIGN area will be calculated as fifty percent (50%) of the sum of all faces; and
- c. Sign SIGN area for a sign SIGN with more than one component (~~e.g., a service station identification/price sign combination on a monument base, mounted on the same surface~~) will be measured as the area of the smallest *geometric shape* that encompasses the components of the sign SIGN.

6. Free form, spherical, sculptural and other non-planar signs:

- a. Sign SIGN area is calculated as fifty percent (50%) of the sum of the area of the four (4) vertical sides of the smallest cube that will encompass the sign SIGN.



H. Sign Illumination. ~~Signs~~ SIGNS may be illuminated internally or externally as provided by this Code (See also, Section 4-803 and 4-804, Lighting) and/or as specified by the applicable ~~sign~~ SIGN criteria:

1. ~~Sign~~ SIGN face shall function as a filter for an internally *illuminated sign*;
2. *Sign* illumination from above shall be fully shielded;
3. *Sign* illumination from below shall comply with Section 4-803(C)(5);
4. *Illuminated signs*, except *address signs*, shall require a ~~sign~~ SIGN permit and comply with the provisions of applicable electrical codes; and
5. Exposed electrical conduit or exposed raceways are allowed only with *Development Plan Review* approval.

I. Sign Maintenance. *Sign maintenance* requirements are as follows:

1. ~~Signs~~ SIGNS on a property shall be maintained by the owner or person in possession of the property on which the ~~sign~~ SIGN is located. *Maintenance* shall be such that the signage continues to conform to the conditions imposed by the ~~sign~~ SIGN permit;
2. A damaged ~~sign~~ SIGN, including ~~signs~~ SIGNS vandalized or subjected to graffiti, shall be repaired within sixty (60) days;
3. Metal pole covers and ~~sign~~ SIGN cabinets shall be kept free of rust and rust stains;
4. Internally *illuminated sign* cabinets or ~~sign~~ SIGN panels that have been damaged shall remain un-illuminated until repaired;
5. ~~Signs~~ SIGNS that have been damaged to such extent that it may pose a hazard to passersby, as determined by the Community Development Director, or designee, shall be repaired or removed immediately;

6. *Maintenance* of legal non-conforming ~~signs~~ SIGNS shall be consistent with applicable Arizona law. A legal nonconforming ~~sign~~ SIGN that has been damaged to the extent of more than fifty percent (50%) of its reproduction value shall be removed or altered so as to conform to the provisions of Part 3, Chapter 5, Non-Conforming Use or Development; and
7. Failure to comply with these ~~sign~~ SIGN *maintenance* requirements shall constitute a violation of this Code.

J. Comprehensive Sign Package.

1. When a site is developed as a complex or center, a comprehensive *sign package* shall be provided for the property, and approved through *development plan* review.
2. For tenants of a *complex or center*, ~~sign~~ SIGN permits will only be issued for ~~signs~~ SIGNS that comply with the previously approved comprehensive *sign package*, or receive approval through *development plan* review.
3. A COMPREHENSIVE SIGN PACKAGE REQUIRING A MODIFICATION MAY BE APPROVED BY STAFF WITH THE WRITTEN AUTHORIZATION OF THE COMPLEX OR CENTER'S PROPERTY OWNER.

K. LANDLOCKED PARCELS.

1. LANDLOCKED PARCELS MAY UTILIZE A CENTER'S EXISTING RIGHTS FOR A FREESTANDING SIGN WHEN LOCATED WITHIN THE SAME COMMERCIAL CENTER WITH STREET FRONTAGE (SUBJECT TO AUTHORIZATION FROM THE PROPERTY OWNER).

Section 3. That Sections 4-903 of the Zoning and Development Code, is hereby repealed in its entirety. All existing violations under this sections, and all amendments thereto, which may otherwise become nonconforming under this ordinance, shall not become legal nonconforming development, but shall be considered as violations of this Code in the same manner that they were violations of the prior ordinance, and all amendments thereto. A new Section 4-903 is hereby added as follows:

Section 4-903 Permitted Signs.

Table 4-903A Permitted Signs Per District

Sign Types	Single-Family Districts	Multi-Family Districts	Commercial, Mixed-Use & Office/Industrial Districts
ADDRESS	P	P	P
DIRECTORY	N	P	P
A	N	P	P
B	P	P	P
C	N	N	P
D	N	P	P
E	N	N	S
F	N	N	P
G	P	P	P
H	P	P	P
I	N	N	P
J	P	P	P
K	N	P	P
L	P	P	P
M	N	N	P
N	P	P	P
O	P	N	N
P	N	P	N
Q	N	N	P
R	P	P	P

N = Not permitted

P = Permitted

S = Permitted with special standards and limitations

For Permitted signs, see individual requirements in this section.

Table 4-903B Permitted Sign Types

Type	P/T	Location/Use (1)	Size Specifications (2)	Additional Requirements (3)	Permit
Address	P	Any address; development, properties or sites with perimeter walls shall have the address number visible on the outside of the wall. Addresses shall be visible from public access.	Addresses shall be at least four (4) inches in height and have a color contrast with the background color of at least fifty percent (50%). Shall be self-illuminated or located eighteen (18) to thirty-six (36) inches below a light fixture. One (1) and two (2) family dwellings shall provide four (4) inch address numbers on the front elevation and on the rear elevations when abutting an alley. All numbers and letters shall be illuminated from dusk to dawn, except for one (1) or (2) family dwellings, rear addresses, alley gates, curbside mailboxes, or a commercial/industrial rear door suite.	The height, quantity, size, location, color and material of address letters and numbers on buildings, signs and directories shall be as required by the Community Development Director, designee, or through a Development Plan Review.	No
Directory	P	Any sign with a directory on properties occupied by three (3) or more buildings, which is not a sign type C.	Shall not exceed six (6) feet in height or twenty-four (24) square feet in area.	Shall have an internally illuminated directory showing street address, viewer location and unit designations within the complex. Directories shall be sufficient in number and located to ensure law enforcement/emergency personnel can easily locate an address or unit.	Yes
A	P	Any sign attached to or part of a secondary covering or overhang.	Size shall not exceed 50% of the secondary covering or overhang face. Total square footage shall be calculated against total allowed sign area.	Only allowed on the ground floor or second floor of a building, illumination requires a Development Plan Review.	Yes (a)
B	P	Any sign mounted on a building that is not a sign type A.	Shall not exceed 80% of their horizontal/vertical backgrounds; shall not exceed building height; in a multi-family district it shall not exceed six (6) square feet or a height of ten (10) feet; for one (1) & two (2) family dwellings it shall not exceed one (1) square foot and does not need a permit; any non multi-family or single family district type B signs shall not exceed a total area for any 1 (one) building equal to forty (40) square feet plus one (1) square foot of sign area for every lineal foot of business frontage beyond forty (40) lineal feet.	Within three-hundred (300) feet of a freeway, on a property with no residential use, square footage is based on a two to one (2:1) ratio, two (2) square feet per one (1) lineal foot of the building.	Yes (a)
C	P	Any freestanding sign within five (5) feet of a business's drive-through.	Sign face shall not exceed forty-five (45) square feet in area and shall not exceed eight (8) feet in height. Only one sign face per sign allowed. Height and area include accessory clip-ons.	May be illuminated, may transmit sound as part of a business transaction according to City Code 20-11; only two (2) sign type C's per site allowed; signs shall not be placed in a clear vision triangle and shall not conflict with ADA.	Yes
D	P	Any freestanding sign that is in a complex/center, lot, or on the property of a single use building that is not a sign type C or E.	Single use buildings, complexes or centers with up to four (4) tenants are permitted a twenty-four (24) square foot sign with four (4) panels. If there are more than four (4) tenants on the parcel, the complex or center is permitted a forty (40) square-foot sign with 6 panels. A sign type D on a parcel less than five (5) acres shall not exceed eight (8) feet in height. A sign type D on a parcel greater than five (5) acres shall not exceed any of the following: ten (10) feet in height; forty (40) square feet in area; six (6) panels.	Shall have a monument-type base of masonry or other architectural grade material approved through a Development Plan Review. Single use buildings and all complexes and centers on a single lot are allowed one (1) freestanding sign type D or F per street frontage, or one (1) freestanding sign type D or F for every three-hundred (300) feet of lineal street frontage, whichever is greater. There must be an address, at least six (6) inches in height, on the sign base.	Yes

Table 4-903B Permitted Sign Types

Type	P/T	Location/Use (1)	Size Specifications (2)	Additional Requirements (3)	Permit
E	P	Any permanent freestanding sign that is not a sign type C that is on a property with lineal frontage adjacent to the freeway and not within five-hundred (500) feet of a single family use property measured from the property's edge. Must be within three-hundred (300) feet of freeway right-of-way.	A sign type E requires authorization of a Development Agreement, that may be entered into at the discretion of City Council, in which the size and structural design specifications will be determined.	In addition to any other conditions imposed by the City Council, each development agreement shall describe criteria which includes but is not limited to the allowable sign height and size of the sign to be installed; and shall also provide for the removal of legal non-conforming Sign Type Ds within the City of Tempe; containing no less than six hundred (600) square feet of display area when combined for the purposes of installing one Sign Type E.	Yes (b)
F	P	Any sign on a property with a primary use of theatre, museum, service station or place of worship, with no residential use, and has a permit approved structural design that allows for changeable copy.	A sign type F in a single lot or center less than five (5) acres in net site area shall not exceed a height of eight (8) feet and shall not exceed twenty-four (24) square feet in area. A sign type F in a single lot or center greater than five (5) acres in net site area shall not exceed a height of ten (10) feet and shall not exceed forty (40) square feet in area.	Shall have a monument type base of masonry or other architectural grade material approved through Development Plan Review; one (1) type D or F sign for every three-hundred (300) feet of lineal street frontage allowed. Only sign type F per street frontage allowed.	Yes
G	P	Any freestanding sign within a single family district that is adjacent to a subdivision vehicular entrance defined by a permit.	Shall not exceed eight (8) feet in height and shall not exceed twenty-four (24) square feet in area.	Permit applications shall only be accepted in coordination with appropriate subdivision representatives; may be wall mounted or freestanding; signs may be displayed on either side of a street providing direct access to the subdivision and serving as a major entry; may be illuminated.	Yes
H	P	Any flag.	Flag Poles shall not exceed thirty-five (35) feet in height.	Any individual property shall not exceed three (3) flag poles.	No
I	P	Any sign attached to a canopy or operable fuel dispensing pump, located on a property with a service station use.	A sign type I shall not exceed six (6) square feet when attached to a canopy or three (3) square feet in area when attached to a fuel dispensing pump.	A property with a service station use shall not exceed two (2) canopy attached sign type I's. A sign attached to a fuel dispensing pump does not require a permit.	Yes
J	T	Any sign located on a site that has been issued a building permit for construction is immediately deemed a sign type J, and overrules any other sign type classification.	A sign type J must be attached to a temporary construction fence; shall not exceed eight (8) feet in height.	Allowed only during time of building permit issuance until final certificate of occupancy, shall require a permit to occupy or encroach on public property/easements, shall remain neat/orderly.	Yes
K	T	Any banner, pennant, wind-driven spinners, streamers, balloons, or inflatable signs are immediately deemed a sign type K and overrules any other applicable sign type, except for sign type J.	Require a permit, specific permits distinguish different size specifications per location/district.	All new businesses are allowed one (1) sign type K one time only for a thirty (30) day period, all other businesses are allowed twenty-one (21) cumulative days per six (6) month period in a calendar year.	Yes

Table 4-903B Permitted Sign Types

Type	P/T	Location/Use (1)	Size Specifications (2)	Additional Requirements (3)	Permit
L	T	Any sign located on an undeveloped property prior to the issuance of a building permit.	Shall not exceed eight (8) feet in height and shall not exceed thirty-two (32) square feet in area.	Only one (1) sign per street frontage allowed. May be maintained for twelve (12) months and must be removed upon receipt of certificate of occupancy.	Yes
M	T	Any sign in or on a window within commercial, industrial or mixed-use districts are classified as a sign type M.	Shall be limited to twenty-five percent (25%) of the window's total area.	Glass doors are considered windows, requirements may be modified by Community Development for security or crime prevention reasons, shall not be placed above the ground floor of the building without Development Plan approval.	No
N	T	Any sign in the right-of-way.	Must Comply with state law requirements.	No signs are allowed in Right-of-way, except as authorized by state law, including 100 days prior to an election and fifteen (15) days after.	No
O	T	Any portable sign that is located within a single-family residential district, except for a sign type N or R.	Signage on property shall not exceed a total of sixteen (16) square feet in area and any individual sign shall not exceed four (4) feet in height. Along a non-arterial street, any individual sign shall not exceed four (4) square feet in area.	Only allowed on property with owner's permission, shall conform to the street requirements 4-702.G.1, A-Frames are not permitted.	No
P	T	Any portable sign within a multi-family residential district, except for a sign type N or R.	Shall not exceed eight (8) feet in height and area shall not exceed six (6) square feet, A-frames shall not exceed four (4) feet in height.	A property with one(1) to five (5) units is allowed one (1) sign; six (6) or more units is allowed three (3) signs; shall not create a traffic hazard; shall not be placed in a traffic median, public sidewalk, bicycle path, City property, or City right-of-way between the sidewalk and curb; A-frames shall not be left out overnight.	No
Q	T	Any portable sign within three (3) feet of a building or outdoor approved patio on commercial/industrial or mixed-use property, except for a sign type N or R.	Shall not exceed five (5) feet in height or eight (8) square feet in area. A-frames shall not exceed four (4) feet in height.	Only one (1) sign type Q per tenant suite frontage; must allow for the minimum clearance width required by code for pedestrian pathway and as required by ADA. A-frames and upright signs are only allowed between 6AM and 9PM.	No
R	T	Any portable sign on a property with a vacancy at the following: home, business, parcel or undeveloped land, that is not a sign type L.	Shall not exceed eight (8) feet in height or six (6) square feet in area.	Only one (1) sign per street frontage, per lot.	No

General Notes:

- * The P/T column indicates whether a sign is a permanent sign or a temporary sign.
- * The Permit column indicates whether a sign requires a permit.
- * Signs are only allowed in their specified districts. Any type of sign in a district type that is not approved prohibits all signs of that type in the unapproved district.
- * Any sign that does not specifically fit into a sign type category A-R is not allowed within the City of Tempe.
- * Temporary signs and signs on residential use properties cannot be illuminated either internally or externally at any given time.

- (a) The allotted maximum sign square footage for a single business is forty (40) square feet plus a one-to-one (1:1) ratio (lineal footage : square footage) and is calculated only by the sum of all sign type A's and B's.
- (b) A structural permit is required.

Section 4. That Section 4-904 of the Zoning and Development Code, is hereby amended to read as follows:

Section 4-904 Sign Permits, Fees and Procedures.

A. Sign Permits and Fees.

1. A sign permit shall be required in order to erect, install, relocate, modify or change any sign within the city. "Modify", as it is used herein, shall mean any change in or to an existing sign, its face, ~~copy, colors~~ or supporting *structures*; except that *maintenance* of a sign shall not be considered a modification.
2. Failure to conform to the conditions of a sign permit, including any conditions or stipulation attached thereto by the City Council or other decision-making body, shall render such permit void.
3. Refer to Appendix H, for the fee schedule.
4. All electrical work must comply with the National Electrical Code, or as amended by the Community Development Department.
5. All gravity and wind load calculations shall comply with applicable Building Codes.
6. STRUCTURAL CALCULATIONS FOR ALL FREESTANDING SIGNS EXCEEDING EIGHT (8) FEET IN HEIGHT AND FOR ALL BUILDING MOUNTED SIGNS THAT EXTEND GREATER THAN SIXTEEN (16) INCHES FROM THE FACE OF THE BUILDING.

B. ~~Permit Procedures. Sign Permit Criteria.~~ ~~Sign permits are subject to review and approval by the Community Development Director, or designee, per Section 6-101. The following information shall be submitted to obtain a sign permit, unless prior arrangement is made through the Community Development Director, or designee:~~

1. ~~Two (2) drawings, prepared to scale, of the proposed signage shall be submitted to the Community Development Department and shall include all of the following information:~~
 - a. ~~The address of the site for the proposed signage;~~
 - b. ~~All sign dimensions, including the height of the signage and all sign area calculations;~~
 - c. ~~Sign materials and colors;~~
 - d. ~~A *development* plan showing the proposed locations of signage;~~
 - e. ~~*Building* elevations drawn to scale and dimension showing proposed locations of signage;~~

- ~~f. Details of the light fixture or other source of sign illumination;~~
- ~~g. Details of visual screening or shielding of the light fixture;~~
- ~~h. The applicant's name, name of business, business address, and work telephone number;~~
- ~~i. The fee as required; and~~
- ~~j. Structural calculations for all freestanding signs exceeding eight (8) feet in height and for all building mounted signs that extend greater than sixteen (16) inches from the face of the building.~~

Section 5. That Section 4-905 of the Zoning and Development Code, is hereby repealed in its entirety.

Section 6. That Section 4-906 of the Zoning and Development Code, is hereby repealed in its entirety.

Section 7. That Section 6-306 subsection (B) of the Zoning and Development Code, pertaining to definitions for signs, is hereby amended to read as follows:

B. Applicability. Development plan review shall include the following, except individual single-family dwellings:

1. Major Development Plan Review. Applies to all new development, expansions over five thousand (5,000) square feet net floor area; major changes in elevations ~~or new major sign package criteria~~; and residential development consisting of four (4) or more dwelling units.
2. Minor Development Plan Review. Applies to any modifications or expansions up to five thousand (5,000) square feet of net floor area or twenty percent (20%) of the existing building area, whichever is less; COMPREHENSIVE SIGN PACKAGES and residential development consisting of two (2) and three (3) dwelling units.

Section 8. That Section 7-120 of the Zoning and Development Code, pertaining to definitions for signs, is hereby amended to read as follows:

~~Sign means any device providing identification, advertising or directional information for a specific business, group of businesses, service, product, brand, person, organization, place or building. Including in this definition of signs are: graphic devices such as logos, trademarks, and attention attracting objects such as wind-driven spinners and portable sign devices, logo sculpture and, banners, balloons, streamers, strobe lights, flags, inflatable structures, projected picture signs, holographic projection signs, laser projected designs/images/copy and other attention attracting media and devices. Signs on buses, taxis, etc., are not exempt.~~

- ~~1. Cemetery headstone, marker means any tablet, grave markers, headstones, statuary or remembrances of persons or events that are noncommercial in nature;~~
2. *Complexes, centers* means any number of businesses greater than one that share the same site using common points of ingress and egress, or common parking facilities;
- ~~3. Flags means the state flag, United States flag, corporate flags for registered corporations, flags of foreign nations, flags displaying a business name, trademark, or logo, and decorative flags;~~
- ~~4. Holiday decorations means any decorative lighting, bunting, wreaths, laurels, trees, caricatures, and other objects that pertain to a specific traditionally accepted civic, patriotic or religious holiday. This definition does not include balloons;~~
- ~~5. Roadside memorial means the same as cemetery headstone/marker, except that such signs are located along street frontages and/or in city right-of-way;~~
6. *Sign, address* means a sign consisting of numerals and/or letters identifying a property address;
- ~~7. Sign, advertising means a sign that includes advertising copy or graphics relating to any service, product, person, business, place, activity or organization in addition to simple identification;~~
 - a. *Advertising copy* means copy includes, but is not limited to phone numbers, prices, announcements of sales, business hours, meeting times, individual or specific products or merchandise, and directional information. A business name, trademark, and street address, are not considered advertising copy;
8. *Sign, awning* means a sign, that is printed, painted, or affixed to an awning;

9. *Sign, banner* means a sign, that is painted or displayed upon cloth or other flexible material;
 - a. *Civic banner program* means a program administered by the community special event section under direction of the City Council that is intended to support the civic and cultural programs of the city through the implementation and use of banners displayed on city property. From time to time the City Council may choose to modify the program in order to meet these goals;
- ~~10. *Sign, billboard* means the same as off-premise sign;~~
- ~~11. *Sign, boutique directional* means a sign of a temporary nature used to direct traffic to an in-home boutique;~~
- ~~12. *Sign, brand identification* means a sign that advertises a specific product or service that is sold within a business;~~
13. *Sign, building mounted* means a sign that is directly attached to the face of a building;
- ~~14. *Sign, ceased non-conforming* means a sign which has not been utilized or has not identified a business on the site for a period of twelve (12) months or more, and does not conform to the standards of this code;~~
- ~~15. *Sign, marquee* is a sign, that utilizes changeable letters, intermittent or scrolling illumination for copy or numerals;~~
- ~~16. *Sign, construction* means a sign that identifies the parties included in a construction project that has been granted a building permit;~~
- ~~17. *Sign, directional* means a sign, that is limited to copy offering pertinent directional information for the purpose of assisting in the flow of vehicular or pedestrian traffic;~~
18. *Sign, directory* means a sign that lists the name, use or location within a building, complex, or multi-tenant development;
- ~~19. *Sign, flag-mounted* means a sign that projects from the wall of a building perpendicular to a wall surface;~~
20. *Sign, freestanding* means a sign that is erected or mounted on its own self-supporting permanent structure or base detached from any supporting elements of building;
- ~~21. *Sign, future development* means a sign, that announces the proposed development of property prior to the issuance of a building permit;~~

- ~~22. *Sign, going out of business* means a sign indicating that the business displaying the sign will cease and be discontinued at a specific location;~~
- ~~23. *Sign, grand opening* means a sign that is utilized to indicate that a new business is now open to the public;~~
- ~~24. *Sign, identification* means a sign that includes as copy only the name of business, place, organization, building or person it identifies;~~
25. *Sign, illuminated* means a sign whose surface is lit, internally or externally, and that identifies, advertises or attracts attention to a use or activity on the premise;
26. *Sign, intermittent or flashing* means a sign which by means of electrical devices gives the effect of intermittent movement, or changes to give two or more visual effects, or alternates with a lit and unlit effect;
- ~~27. *Sign, lead-in* means a temporary portable sign used to direct pedestrian or vehicular traffic to a home (or residential unit) that is for sale or rent;~~
- ~~28. *Sign, menu board* means a permanently mounted sign advertising the bill of fare for a restaurant, drive-in or drive-through restaurant;~~
- ~~29. *Sign, multi-tenant* means a sign that includes as copy, the names of two (2) or more businesses, places, organizations, buildings or persons it identifies;~~
- ~~30. *Sign, off-premise/off-site* means a sign that directs attention to a business, product, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed. The term off-premise/off-site sign shall include an outdoor advertising sign (billboard) on which space is leased, rented, or donated by the owner thereof to others for the purpose of conveying a commercial or non-commercial message;~~
- ~~31. *Sign, on-premise/on-site* means a sign that directs attention to a business, product, commodity, service, entertainment or attraction sold, offered or existing upon the same lot where such sign is displayed;~~
- ~~32. *Sign, permitted special event* means banners displayed as part of a permitted special event as administered by the special events committee.~~
- ~~33. *Sign, political* means a temporary sign used to advertise the candidacy of an individual, ballot proposition, or to encourage citizens to vote;~~
34. *Sign, portable* (a-frame or upright sign) means any sign that is not permanently affixed to any structure on a site or permanently ground mounted;

- ~~35. *Sign, projecting* means a sign mounted to the façade of a building and extending from the building façade;~~
- ~~36. *Sign, pump-topper* means a sign affixed to the top or sides of an operable fuel dispensing pump.~~
- ~~37. *Sign, roof-mounted* means a sign that projects above the highest point of the roof line, parapet or fascia of a building;~~
- ~~38. *Sign, sale, lease or rent* means a temporary sign used to advertise the availability of real property;~~
- ~~39. *Sign, service station* means a permanently mounted sign displaying business identification and the retail cost of a gallon of *motor vehicle* fuel, or cost of electrical recharging on the premises of a business that provides motor vehicle fuels or electrical power;~~
- ~~40. *Sign, significant event* means signs displayed for any type of event, including an anniversary, special sale, change in ownership or management, or similar event;~~
- ~~40. *Sign, soffit* means a sign that is suspended from the underside of a lintel, arch or other overhead spanning member and is hung perpendicular to a vertical wall surface;~~
- ~~41. *Sign, subdivision/apartment community advertising* means a temporary sign used to advertise the initial sale of lots/units in a recorded subdivision or the initial lease for units in an apartment community;~~
- ~~42. *Sign, subdivision identification* means a permanent sign used to identify the name of a particular recorded subdivision;~~
- ~~43. *Sign, unauthorized* means a sign that is illegally displayed in the City of Tempe;~~
44. *Sign, upright* means a way-finding sign displayed perpendicular to the ground that is not permanently affixed to any structure or the ground.
- ~~45. *Sign, wall mounted* means a sign that is permanently affixed to any vertical portion of a building for which the sign is intended to identify or advertise; and~~
- ~~46. *Sign, window* means a sign or signage placed in a window so as to attract the attention of persons outside of the building where the sign or signage is placed.~~

Section 9. Pursuant to City Charter, Section 2.12, ordinances are effective

thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this
_____ day of _____, 20____.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

Judith R. Baumann, City Attorney