CITY OF SURPRISE
Regular City Council Work Session Agenda
16000 N. Civic Center Plaza
Surprise, AZ 85374

Tuesday, January 16, 2018 @ 5:00 PM
COUNCIL CHAMBER

Back Print

A. Call To Order

B. Roll Call

C. Pledge of Allegiance

D. Call To The Public:

INSTRUCTIONS: In order to address the City Council, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the City Clerk before the meeting begins.
Download the Call to the Public form *(PDF download requires Adobe Acrobat Reader)*
Fill out the Call to the Public form online If submitting form electronically, please submit to City Clerk at least one hour before the meeting start time.
The Call to the Public form is also available at the front counter.

Note: A.R.S. 38-431.01(H)- During this time members of the public may address City Council only on issues within the jurisdiction of the City Council which are not an item on the agenda. At the conclusion of the open call, City Council may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take place on any item raised.

Approval of items on the Consent Agenda – all items with an asterisk (*) are considered to be routine matters and will be enacted by one motion and one roll call vote to the City Council. There will be no separate discussion on these items unless a Councilmember requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.

E. Regular City Council Work Session Agenda:

Regular Agenda Item - Non-Public Hearing:

1.	District Citywide	Presentation and discussion regarding a proposed Text Amendment to Chapter 113 of the Surprise Municipal Code regarding Signs.	No Action Robert Kuhfuss - Community Development

F. Executive Session:

For information Purposes; Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, but for only the following purposes:

- discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));
- discussion or consideration of records exempt by law from public inspection (A.R.S. §38-401.03 (A)(2));
- discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03 (A)(3));
- discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S.§38-431.03 (a)(4));
- discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03 (A)(5)); or
- discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town. A.R.S. §38-401.03 (A)(6)).
- discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03 (A)(7)).

Confidentiality Requirements Pursuant to A.R.S. §38-431.03(C)(D): Any person receiving executive session information pursuant to A.R.S. §38-431.02 shall not disclose that information except to the Attorney General or County Attorney by agreement of the City Council, or as otherwise ordered by a court of competent jurisdiction.

The council may vote to hold an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

G. Adjournment:

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED:

SPECIAL NOTE: PERSONS WITH SPECIAL ACCESSIBILITY NEEDS, INCLUDING LARGE PRINT MATERIALS OR INTERPRETER, SHOULD CONTACT THE CITY CLERK'S OFFICE @ 623.222.1200 OR TTY 623.222.1002, BY NO LATER THAN 24 HOURS IN ADVANCE OF THE REGULAR SCHEDULED MEETING TIME.

CITY OF SURPRISE
Regular City Council Work Session

January 16, 2018 @ 5:00:00 PM

Back Print

Council Meeting Date:	January 16, 2018	Contact Person:	Robert Kuhfuss - Community Development
Submitting Department:	CD	District:	Citywide
Staff Recommendations:	No Action		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Presentation and discussion regarding a proposed Text Amendment to Chapter 113 of the Surprise Municipal Code regarding Signs.

Motion:

None

Background:

The Surprise Community Development Department seeks an amendment to Chapter 113 of the Surprise Municipal Code regarding signs. This effort is associated with the larger zoning code update, which is in progress; however, with the recent U.S. Supreme Court decision regarding Reed v. Town of Gilbert, staff wishes to move forward with the sign code update in order to ensure the city's compliance with the 1st Amendment and applicable case law.
Staff last engaged the Council with respect to this effort on March 7, 2017. Since that time, staff has presented to the Planning and Zoning Commission on several occasions in an effort to refine the proposed draft, most recently on January 4, 2018 and directed staff to bring forth additional options regarding temporary A-Frame signs, monument signs, freeway monument signs and billboard signs. Staff anticipates bringing the matter to the Commission for public hearing on January 18, 2018 and to City Council for public hearing on February 6, 2018.
Included in the attachments are five (5) documents: the Version 2 Draft, two (2) alternatives regarding the manner in which Small A-Frames might be handled, and two (2) alternatives as to how Large A-Frames might be handled. The Commission debated these alternatives on January 4, 2018, but will not make a decision until the Public Hearing on January 18, 2018.

Objective Analysis:

While the Reed case dealt largely with temporary signs in the public right-of-way, the U.S. Supreme Court's ruling raised the issue of “content-neutrality”. Staff has endeavored to create a content-neutral sign code, while balancing business needs and aesthetics by regulating time, place, and manner aspects of signs.

Policy Compliant:

The City's goal is to balance business needs with aesthetics, while meeting the requirements of law. The draft Sign Code update meets these objectives. The city's goal is also to provide ample opportunities for public input. To that end, staff engaged the public and presented to the Planning Commission on several occasions, which resulted in the draft language as presented.

Financial Impact:

All activity related to ongoing development of the City of Surprise has an economic and fiscal impact on the city and the region.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

Click to download

- ☐ 00-FS15-311 Sign Code Update-Staff Report
- ☐ 01 - FS15-311 - Sign Code Update -version 2 - final draft
- ☐ 02 - FS15-311 - Sign Code Update - Version 2 Exhibit A Section 113-09.A.2 Alternative 1
- ☐ 03 - FS15-311 - Sign Code Update - Version 2 Exhibit B Section 113-09.A.2 Alternative 2
- ☐ 04 - FS15-311 - Sign Code Update - Version 2 Exhibit C Section 113-09.A.3 Alterantive 1
- ☐ 05 - FS15-311 - Sign Code Update - Version 2 Exhibit D Section113-09.A.3 Alternative 2
- ☐ 06 - FS15-311 Sign Code Update - Presentation

SURPRISE
ARIZONA

TEXT AMENDMENT

REPORT TO THE CITY COUNCIL

Case:	**FS15-311**
Project Name:	Sign Code Update
Council District:	All
Meeting Date:	**January 16, 2018**
Planner:	Robert H. Kuhfuss, AICP

Applicant:	City of Surprise
Request:	Text Amendment to Chapter 113 of the Surprise Municipal Code regarding Signs
Location:	City Wide
Support/Opposition:	Staff has received several items of input
Recommendation:	None – this is a discussion item only

PROJECT DESCRIPTION:

The Surprise Community Development Department seeks an amendment to Chapter 113 of the Surprise Municipal Code regarding signs. This effort is associated with the larger zoning code update, which is in progress; however, with the recent U.S. Supreme Court decision regarding Reed v. Town of Gilbert, staff wishes to move forward with the sign code update in order to ensure the city's compliance with the 1st Amendment and applicable case law.

BACKGROUND:

April 16, 2015: Staff introduced the sign code re-write in a general manner to the Planning and Zoning Commission as a discussion item.

April 21, 2015: Staff introduced the sign code re-write in a general manner to the City Council as a discussion item.

May 2015: U.S. Supreme Court ruling on Reed v. Gilbert.

September 1, 2015: Staff presented an update to the City Council regarding the Reed case.

February 2017: Draft sign code released to the public for review and comment.

March 7, 2017: Staff presented an update to the City Council as a general discussion item.

March 8, 2017 through March 29, 2017: Staff held a series of citizen outreach meetings to discuss the draft sign code.

April 20, 2017: Staff presented the 1st draft language to the Planning and Zoning Commission.

July 6, 2017: Focused discussion with Planning and Zoning Commission regarding Methods of Measurement, Wall Signs and Freestanding Signs.

July 20, 2017: Focused discussion with Planning and Zoning Commission regarding Billboards, Freeway Signs, and Electronic Messaging.

August 3, 2017: Focused discussion with Planning and Zoning Commission regarding Temporary Signs.

August 31, 2017: Staff attended a webinar summarizing relevant events that have occurred since the Supreme Court's ruling on Reed v. Gilbert.

September 5, 2017: The City Council approved a new city-wide Temporary Sign Policy under Resolution 2017-98.

September 7, 2017: This date was initially slated for a summary of revisions and open discussion with the Planning and Zoning Commission; however, emerging case law post-Reed requires staff to step back in order to ensure the draft code is in concert with that emerging case law. As a result, the discussion originally intended for this date has been postponed to a date to be determined.

October 5, 2017: Staff presented an interim report to the Commission. Topics covered included a newly adopted Temporary Sign Policy, a proposed Model Home Complex Sign Policy, Residential Subdivision Signs, Methods of Measurement, Building Wall Signs, Class I and Class II Monument Signs, Class V and Class VI Monument Signs, Billboards, and Freeway Monument Signs.

January 4, 2018: The Planning and Zoning Commission reviewed materials relating to this case as a discussion item only.

OUTREACH:

Staff compiled a list of potential interested parties, which includes 140 individual names as of the writing of this report. Staff also conducted four outreach meetings during the month of March, 2017. Individuals were notified of the outreach meetings and were provided a link to the 1st draft of the proposed sign code. Attendance at the outreach meetings was varied; however, considerable feedback was received both verbally and written.

In addition, representatives from the International Sign Association (ISA) and Daktronics provided a demonstration on Electronic Messaging Centers (EMCs) the evening of March 14, 2017. Staff also met with members of the ISA and the Arizona Sign Association (ASA) on March 31, 2017. These efforts resulted in additional feedback regarding the proposed code.

Staff also met separately with representatives of WeMAR as well as the Home Builder's Association of Central Arizona (HBACA). Since the August 3, 2017 Commission meeting, staff received copious emails from members of the real estate industry expressing concerns over temporary signage relating to open houses.

In addition, staff met the Surprise Regional Chamber of Commerce in an effort to better engage the business community, and presented to the Surprise Regional Chamber of Commerce on July 27, 2017 on the subject of the Surprise Sign Code Update.

Staff also met with representatives from two separate billboard companies who expressed an interest in seeing permissive language relating to billboards in the draft code.

Staff is in the process of assimilating this feedback, in addition to that received from the Commission, into the draft code.

DISCUSSION:

The project timeline is as follows (subject to change):

- **January 4, 2018** – Planning and Zoning Commission Work Session
- **January 16, 2018** – City Council Work Session
- **January 18, 2018** – Planning and Zoning Commission Public Hearing
- **February 6, 2018** – City Council Public Hearing
- **March 8, 2018** – Effective Date

Based on the comments received from stakeholders, the direction from the Commission, and further consideration on the part of staff, the language of the draft code has been revised from its original publication. All revisions are shown in leg-edit format in the attached drafts. Additional revisions will occur as a result of upcoming Commission meetings. The changes since the original publication are summarized below:

Table of Contents: Revised as necessary to accommodate other changes to the document including reorganization of Section 113-01 regarding "Title, Findings, Purpose and Intent", the addition of a Substitution Clause, the addition of Political Signs, Model Home Complex Signs, Residential Subdivision Signs, Billboard Signs, Freeway Monument Signs, and Appeals.

Section 113-01 – Title Findings Purpose and Intent: This section was revised primarily due to comments received which suggested the original language was somewhat overbearing. This was not the intent of the original draft; however, staff reorganized and reworded some of this language to more accurately express the nature of the code.

Section 113-06 – Definitions: Added or clarified a number of definitions.

Section 113-07 – Permitted and Prohibited Uses: Revised Table 113-07.A; removed "billboard signs" and "roof signs" from list of prohibited signs under 113-07.F.1 and added "median signs" to said list; added language under 113-07.F.10 to strengthen public safety and accessibility requirements; added language in 113-07.G.2 which points to other sections of the code relating to nighttime illumination.

Section 113-08 – General Provisions: Added language under 113-08.A.1 clarifying that a construction permit is the required permit type; added language under 113-08.B to strengthen the aesthetic quality of signs; added language in 113-08.D to clarify Methods of Measurement; revised 113-08.D.3 regarding fractional calculations.

Section 113-09 – Sign Classifications and Types: The Commission voiced two (2) opinions as to how Class I Temporary Signs should be addressed. Staff therefore prepared two (2) alternative versions of Section 113-09.A.2. Alternative #1 limits the placement of this type of sign to no further than the closest arterial street, whereas Alternative #2 will allow this type of sign on either side of the arterial street. Note that both alternatives are presented as separate documents for clarity. Staff envisions that during the public hearing on January 18, 2018, the Commission will decide which version is to be included in the Commission's recommendation to City Council.

Similarly, the Commission voiced two (2) separate opinions as to how Class II Temporary Signs should be addressed. Again, staff prepared two versions of Section 113-09.A.3. Both allow this sign type in conjunction with a Lawful Temporary Event occurring in residential zoning, and within fifteen (15) feet of the main building entrance the business served by the sign. Alternative #2 will allow this type of sign along the commercial street frontage at a specified rate.

Staff included new paragraphs 113-09.A.4.c and 113-09.A.5.b which clarifies that Class III and Class IV Temporary Signs may not be located within the right-of-way, median, vehicle travel lane, bicycle travel lane, sidewalk, or sight triangle. Staff also added language in 113-09.A.5.a clarifying that Class IV Temporary Signs used in conjunction with a public hearing notice are not included in the aggregate amount.

Staff also revised Section 113-09.A.6 to include provisions for banner signs and festoons in residential zoning; and to clarify the use of banners in conjunction with construction sites and construction yards.

Section 113-09.A.11 establishes the parameters for Model Home Complex Signs, while 113-09.A.12 establishes the parameters for Active Single-Family Residential Subdivision Signs.

Based on Commission concerns over the orientation of building wall signs relative to the parking lot or street, staff included language in Section 113-09.B, that limits the location of such signs to the building façade that faces the primary parking lot or street. Further, any such sign that is located within 100 feet of residential may not be illuminated between the hours of 10:00 PM and 6:00 AM.

Other changes to this Section includes revised language in Paragraph 113-09.B.1.a to clarify that said paragraph pertains to single-story, single-tenant buildings. Similarly, in 113-09.B.1.b, staff removed “multi-tenant”, but added “mixed use”.

In Section 113-09.B.1.c, the Commission had previously opined that five (5) stories was appropriate; however, after further consideration, staff believes that two (2) stories may be the appropriate number. The rationale is that as previously written, any building between two (2) and five (5) stories would not be allowed any wall signage. Staff therefore reduced the number of stories from five (5) to two (2).

Paragraph 113-09.C.1 limited Class I and Class II Monument Signs to six (6) feet in height and twenty-four (24) square feet in area. These parameters were revised to eight (8) feet and fifty (50) square feet, respectively.

Regarding Class V and Class VI Monument Signs, during the October 5, 2017 Commission meeting, staff expressed reticence over having two classifications of monument signs and suggested the two sign classifications be combined. Upon further consideration, however, staff is of the opinion that a single class of monument signs would not be workable in that it could create in and of itself a significant amount of sign clutter, especially where a series of small commercial properties with limited street frontage are in the same proximity. Conversely, if these classes of sign were limited based on driveway location, many commercial properties would be unable to adequately sign their properties.

To ensure that all commercial properties have the opportunity for adequate signage, while minimizing the potential for sign clutter, staff proposes keeping both Class V and Class VI Monument Signs types, but imposing certain limitations with respect to location and number. To that end, Section 113-09.C.4 was revised to allow one (1) Class V Monument Sign for every 300' of commercial collector or arterial street frontage, while 113-09.C.5 was revised to allow one (1) Class VI Monument Sign for every 600' of commercial frontage along an arterial, parkway or Grand Avenue. The height of a Class V Monument Sign is capped at eight (8) feet, while the height of Class VI Monument Signs is capped based on their proximity to residential zoning up to a maximum of seventeen (17) feet, with the upper two (2) feet being limited to architectural embellishments. In both cases, staff included language that would allow said signage to be located within a public utility easement upon the signing of a waiver.

In Paragraph 113-09.C.6, staff increased the overhead clearance of a Roadway Arch Sign from fifteen (15) feet to eighteen (18) feet per Surprise Traffic Engineering recommendations.

The revised language also provides for billboard signs on a limited basis via Conditional Use Permit under Section 113-09.C.8. Essentially, billboards not exceeding 300 square feet and thirty (30) feet in height would be allowed on commercial or industrial properties within a specific segment of U.S. 60 generally extending from Dysart Road to just south of the future White Tank Freeway corridor, as well as commercial or industrial properties within a specific segment of State Route 303, generally extending from the eastern city limits a distance of approximately one (1) mile. Regardless of which corridor, no billboards would be allowed within a specified distance of the Bell/Grand intersection or the intersection of Grand Avenue and Loop 303, and minimum spacing distances apply. Further, billboards located along the Loop 303 corridor are limited to the north side of the freeway due to the proximity of residential properties to the south. Other locational limitations include proximity to residential, specific distances from the roadway being served by the billboard, and proximity to existing Freeway Monument Signs. Billboards would be allowed architectural embellishments up to 10% of the sign area, and must meet certain aesthetic and branding requirements specific to the City of Surprise.

A new Section 113-09.C.9 pertains to Freeway Monument Signs and will allow said signs within specific locations along the Loop 303 corridor via Conditional Use Permit. These locations include the following:

- The southeast corner of Loop 303 and Cactus Road;
- The northeast corner of Loop 303 and Greenway Road;
- The northwest, southwest, and southeast corners of Loop 303 and Bell Road;
- The west corner of Loop 303 and Grand Avenue.

Staff notes the Prasada PAD currently allows Freeway Monument Signs along the Loop 303. Similarly, the Sycamore Farms PAD currently allows a Freeway Monument Sign at the southeast corner of Loop 303 and Peoria Avenue. Likewise, the current sign code allows for the Freeway Monument Sign currently located at the southwest corner of Loop 303 and Bell Road.

Like billboards, Freeway Monument Signs are limited to commercial or industrial properties, and no Freeway Monument Sign may be located within a certain distance from an existing billboard. The height of a Freeway Monument Sign cannot exceed 65' plus an extra three (3) feet for architectural embellishments. Sign area cannot exceed 650 square feet.

Section 113-10 – Sign Illumination: Staff added language to 113-10.B clarifying that lands located in the Scenic Lands Sub Area as identified in the General Plan may be subject to tighter restrictions, and to give deference to both state and federally registered trademarks. Additional revisions were made to 113-10.D relative to signage associated with multi-story buildings as discussed previously.

Section 113-11 – Electronic Messaging: Staff added language to 113-11.B.4 limiting the amount of sign area that may be encompassed by EMCs to 30% of the total sign area, except for billboards in which case 100% may be utilized, or in the case of Freeway Monument Signs, in which case 50% may be utilized. Staff also revised 113-11.B.5 to require the owner of the sign to submit an affidavit attesting that the owner has read and understands the sign code with respect to Electronic Messaging, will comply with said code, and will cooperate with City staff should the brightness of the sign become an issue.

Section 113-14 – Flags and Flagpoles: Staff added clarifications in Section 113-14.B relating to the location of a residential flagpole, and location within a Model Home Complex.

Section 113-16 – Nonconforming Signs: Staff restructured Paragraph 113-06-B and deleted much of said paragraph due to concerns over difficulty in administration and potential impacts to sign owners who may have made a significant investment on their signage. Staff also enhanced Paragraph 113-16.B.1 for enforcement purposes.

Section 113-17 – Enforcement: Considerable language was added to differentiate between civil and criminal violations, and to further clarify the enforcement process.

Section 113-18: Staff added an appeals process in a new Section 113-18. The purpose of this Section is to set forth the grounds by which an appeal to the application of the sign code may be claimed, to provide a process for that appeal, and to establish a written record should further litigation be necessary.

Miscellaneous: Staff also made miscellaneous changes with respect to formatting, spelling, code references, etc.

SUMMARY:

Staff has endeavored to bring forth a fair, well thought-out, highly effective, and legally defensible sign code. Various stakeholders, and the Commission, have expressed their collective opinions to date, which have been addressed in the revised language to the extent

that staff believes is workable. The current draft also includes two (2) versions of two (2) separate sections of the sign code, which the Commission will determine by vote at an upcoming public hearing. Staff will present the Commission's recommendation to the City Council at a future date.

FINDINGS:

- None at this time

ATTACHMENTS:

01 – Chapter 113, Public Review Version 2 (except Sections 113-09.A.2 and 113-09.A.3)
02 – Sign Code Update Public Review Version 2, Exhibit A, Section 113-09.A.2 Alternative #1
03 – Sign Code Update Public Review Version 2, Exhibit B, Section 113-09.A.2 Alternative #2
04 – Sign Code Update Public Review Version 2, Exhibit C, Section 113-09.A.3 Alternative #1
05 – Sign Code Update Public Review Version 2, Exhibit D, Section 113-09.A.3 Alternative #2

PROPOSED TEXT AMENDMENT TO CHAPTER 113 OF THE SURPRISE MUNICIPAL CODE REGARDING SIGNS

CITY OF SURPRISE PLANNING CASE FS15-311

VERSION 2, FINAL DRAFT

Changes from Version 1 Draft in red font. New language underlined. Deleted language in ~~strike-through~~.

Public Review Version 2, Leg-edit

[Page intentionally blank]

Public Review Version 2, Leg-edit

Table of Contents

Section 113-01 – Title; Findings; ~~and~~ Purpose; Intent; and Limitations
- A – Title
- B – Findings ~~and Purpose~~
- C – ~~Intent~~Purpose
- D – ~~Limitations~~Intent
- E – Limitations

Section 113-02 – Applicability
Section 113-03 – First Amendment Interpretation and Severability
Section 113-04 – Substitution
Section 113-0~~4~~5 – Rules of Interpretation
Section 113-0~~5~~6 – Definitions
Section 113-0~~6~~7 – Permitted and Prohibited Signs
- A – Permitted Signs by Zoning District
- B – Signs in the Public Street Right-of-Way
- C – Signs in the Private Street Right-of-Way
- D – Encroachments
- E – Signs as an Accessory Use
- F – Prohibited Signs
- G – Exempted Signs
- H - Violation

Section 113-0~~7~~8 – General Provisions
- A – Permitting Requirements
  - 1 – Permits Required
  - 2 – Property Owner Authorization Required
  - 3 – Exemptions from the Permitting Requirement
- B – Sign Quality, ~~and~~ Construction, and Aesthetics
- C – Sign Maintenance
- D – Methods of Measurements
  - 1 – Sign Area
  - 2 – Fractional Measurements

Section 113-0~~8~~9 – Sign Classifications and Types
- A – Temporary Signs
  - 1 – General Requirements
  - 2 – Class I Temporary Signs (Small A-Frame Signs)
  - 3 – Class II Temporary Signs (Large A-Frame and Pedestal Signs)
  - 4 – Class III Temporary Signs (Small Post-Signs)
  - 5 – Class IV Temporary Signs (Large Post-Signs)
  - 6 – Banner Signs
  - 7 – Light Pole Banner Signs
  - 8 – Teardrop Banner Signs
  - 9 – Sign Walkers
  - 10 – Model Home Complex Signs
  - 11 – Residential Subdivision Signs

Public Review Version 2, Leg-edit

B – Building-Mounted Signs
1 – Building Wall Signs
2 – Blade Signs
3 – Canopy Signs
4 – Marquee Signs
5 – Awning Signs
6 – Hanging Signs
7 – Window Signs and Sunscreens
C – Freestanding Ground Signs
1 – Class I Monument Signs and Class II Monument Signs (Menu Signs and Preview Signs)
2 – Class III Freestanding Ground Signs (Directional Signs)
3 – Class IV Freestanding Ground Signs (Directory Signs)
4 – Class V Monument Signs (Minor Monument Signs)
5 – Class VI Monument Signs (Major Monument Signs)
6 – Roadway Arch Signs
7 – Subdivision Perimeter Wall Signs
8 – Billboard Signs
9 – Freeway Monument Signs

Section 113-~~09~~10 – Sign Illumination
Section 113-~~10~~11 – Electronic Messaging
Section 113-~~11~~12 – Reader Panels
Section 113-~~12~~13 – Address Identification
Section 113-~~13~~14 – Flags and Flagpoles
Section 113-~~14~~15 – Comprehensive Sign Programs
Section 113-~~15~~16 – Nonconforming Signs
Section 113-~~16~~17 – Enforcement
Section 113-18 – Appeals

Public Review Version 2, Legedit

Section 113-01 – Title; Findings; ~~and~~ Purpose; Intent; and Limitations:

A. **Title:** Chapter 113 of the Surprise Municipal Code may hereafter be referred to as the "City of Surprise Sign Code" or "Sign Code".

B. **Findings ~~and Purpose~~:** The City of Surprise finds that while *signs* are essential to commerce and wayfinding, ~~S~~*signs* may also obstruct views, distract motorists, displace alternative uses for land, contribute to blight, and pose other problems that legitimately call for regulation. A *sign* placed on land or on a *building* for the purpose of identification, protection, or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of the land or *building*.~~The purpose of this Chapter is to regulate the size, illumination, movement, materials, location, height and condition of all *signs* placed on private property for exterior observation, thus ensuring the protection of property values, the character of neighborhoods, the creation of a convenient, attractive and harmonious community, and encouraging economic development. This Chapter allows adequate communication through signage while encouraging aesthetic quality in the design, location and size of all *signs*. This paragraph shall not be construed as to exempt from regulation privately owned *signs* within the public right-of-way or on publicly owned land.~~

C. ~~**Intent**~~**Purpose:** The purpose of this Chapter is ~~T~~to safeguard the public interest from the negative impacts of *signs* thus ensuring the protection of property values, the character of neighborhoods, the creation of a convenient, attractive and harmonious community, while encouraging economic prosperity.~~, this Chapter establishes standards for the regulation of *signs* to:~~

~~1. Allow adequate signage for business identification while meeting public and private objectives. A *sign* placed on land or in a *building* for the purpose of identification, protection, or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of the land or *building*. Therefore, the intent of this Chapter is to establish limitations on *signs* in order to ensure they are appropriate to the land, *building* or use to which they are appurtenant and are adequate for their intended purpose while balancing individual and community interests identified Subsection B herein.~~

~~2. Promote the free flow of traffic, while protecting pedestrians and motorists from injury and property damage that may be caused by cluttered, distracting and illegible signage. These regulations distinguish between portions of the City designed for primarily vehicular access and portions of the City designed for primarily pedestrian access.~~

~~3. Promote the use of *signs* that are well designed, of appropriate scale, structurally sound, and integrated with surrounding *buildings* and~~

Public Review Version 2, Legal

~~landscape in order to meet the community's desire for quality development.~~

~~4. Protect property values, the local economy, and the quality of life. These regulations are intended to preserve and enhance the appearance of the streetscape that affects the image of the city.~~

~~5. Maintain acceptable outdoor lighting levels. These regulations are intended to enhance the livability of the community while respecting the natural habitat for animals and the desire for dark skies in environmentally sensitive areas.~~

~~6. Provide for adequate wayfinding through and within the city. These regulations are intended to aid motorists and pedestrians in navigating to local businesses and other points of interest safely.~~

~~7. Promote the health, safety, morals, and general welfare of the citizens of the City of Surprise.~~

~~C~~D. ~~**Limitations**~~**Intent:** The City of Surprise intends to allow adequate communication through signage while encouraging aesthetic quality in the design, location and size of all *signs* by:

1. Allowing adequate signage for business identification while meeting public and private objectives by establishing limitations on *signs* in order to ensure they are appropriate to the land, *building* or use to which they are appurtenant and are adequate for their intended purpose while balancing individual and community interests identified Subsection C herein. ~~These regulations do not regulate every form and instance of visual communication that may be displayed within the jurisdictional limits of the City of Surprise. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the stated purposes set forth.~~

2. Promoting the free flow of traffic, while protecting pedestrians and motorists from injury and property damage that may be caused by cluttered, distracting and illegible signage. These regulations distinguish between portions of the City designed for primarily vehicular access and portions of the City designed for primarily pedestrian access. ~~These regulations do not entirely eliminate all of the harms that may be created by the installation and display of *signs*. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by *signs*.~~

Public Review Version 2, Legedit

3. Promoting the use of *signs* that are well designed, of appropriate scale, structurally sound, and integrated with surrounding *buildings* and landscape in order to meet the community's desire for quality development. ~~These regulations are not intended to and do not apply to *signs* erected, maintained or otherwise posted, owned or leased by this State, the federal government or the City of Surprise. The inclusion of "government" in describing some *signs* does not intend to subject the government to regulation, but instead helps illuminate the type of *sign* that falls within the immunities allowed for government speech.~~

4. Protecting property values, the local economy, and the quality of life through regulations that are intended to preserve and enhance the appearance of the streetscape that affects the image of the city.

5. Maintaining acceptable outdoor lighting levels through regulations that are intended to enhance the livability of the community while respecting the natural habitat for animals and the desire for dark skies in environmentally sensitive areas.

6. Providing for adequate wayfinding through and within the city through regulations that are intended to aid motorists and pedestrians in navigating to local businesses and other points of interest safely.

7. Promoting the health, safety, morals, and general welfare of the citizens of the City of Surprise.

~~D~~E. **Limitations:**

1. These regulations do not regulate every form and instance of visual communication that may be displayed within the jurisdictional limits of the City of Surprise. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the stated purposes set forth.

2. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of *signs*. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by *signs*.

3. These regulations are not intended to and do not apply to *signs* erected, maintained or otherwise posted, owned or leased by the federal government, the State of Arizona, the City of Surprise, or any other political subdivision of the state. The inclusion of "government" in describing some *signs* does not intend to subject the government to regulation, but instead helps illuminate the type of *sign* that falls within the

Public Review Version 2, Leg-Edit

immunities allowed for government speech. This paragraph shall not be construed as to exempt from regulation privately owned *signs* within the public right-of-way or on publicly owned land.

Section 113-02 – Applicability

The provisions of this Chapter apply to all incorporated areas within the City of Surprise and shall supersede all previous sign codes and references thereto adopted by the Surprise City Council as of the effective date of Ordinance [insert adopting Ordinance Number], except that where such land is located within an approved Planned Area Development (PAD), or is subject to an approved Comprehensive Sign Program (CSP) existing at the time of the adoption of this Ordinance, the time, place and manner provisions of said PAD or CSP shall apply. Whenever an approved PAD or CSP is silent on a matter relating to signage, the provisions of this Chapter shall apply ~~to the extent that such provisions are not in conflict with the provisions of the approved PAD or CSP~~. Whenever the language of this Chapter is in conflict with an approved PAD or CSP, the more permissive shall apply.

Section 113-03 – First Amendment Interpretation and Severability

This Chapter must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this Chapter is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this Chapter which can be given effect without the invalid provision.

Section 113-04 – Substitution

With the property owner's consent, a protected *non-commercial message* of any type may be substituted for any duly permitted or allowed *commercial message* or any duly permitted or allowed *non-commercial message*, provided that the *sign structure* or mounting device is permitted without consideration of message content. Such substitution of message may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of *commercial speech* over protected *non-commercial speech*, or favoring of any particular *non-commercial message* over any other *non-commercial message*.

Public Review Version 2, 12-6-21

Section 113-0~~4~~5 – Rules of Interpretation

A. Words or phrases within this Chapter which are expressed using *italics* shall assume the meaning as ascribed in Section 113-~~05~~06 of this Chapter. Words or phrases not expressed in italics shall assume the common meaning of the word or phrase unless such word or phrase is otherwise included in Section 122-178 of the Surprise Municipal Code. Whenever the definition of a word or phrase used in this Chapter is in conflict with any word or phrase used elsewhere in the Surprise Municipal Code, the definitions of this Section shall apply for purposes of interpreting this Chapter.

B. Graphical representations are often used throughout this Chapter to further clarify the intent of the text; however, whenever there is a conflict between the text and the illustration, the language of the text shall prevail.

C. Words in singular form shall include the plural form and words in plural form shall include the singular form.

D. The word “shall” is mandatory and the word “may” is permissive.

E. The City of Surprise shall not evaluate any *sign* based on the message content of the *sign* provided the *sign copy* contains no vulgar or profane language, hate speech, or language intended to incite violence, in which case the *sign copy* shall not be permitted.

Public Review Version 2, Legedit

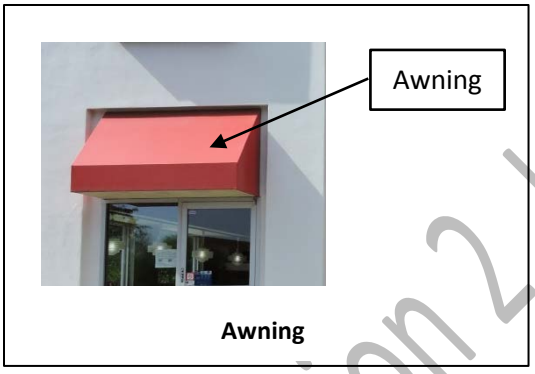
Page intentionally blank]

Public Review Version 2, Leg-edit

Section 113-0~~5~~6 – Definitions. For purposes of administering Chapter 113, the following definitions apply:

Active Single-Family Residential Subdivision: A subdivision consisting of single-family lots that are for sale to the public by a homebuilder.

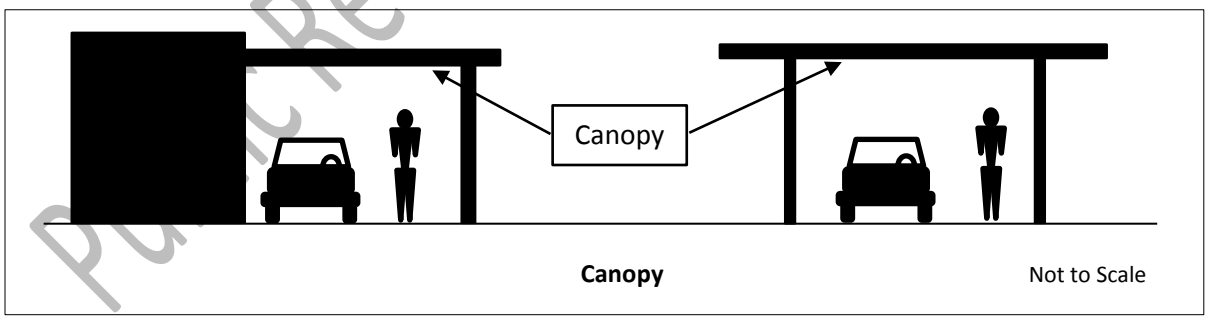
Awning: An architectural projection, typically made of cloth or metal, which projects from and is supported by the walls of a *building* and is intended to provide shade or shelter above a window or door.



Blight: Unsightly conditions including but not limited to damage, tattered, faded, cracking, peeling, rusting or any other condition of disrepair, deterioration, or lack of maintenance.

Building: Any *structure* having a *roof* supported by walls or columns used for the shelter of persons, animals, or personal property.

Canopy: A *building* or portion thereof, which is open on not less than two (2) sides and is entirely or partially supported by the ground.



Copy, changeable: *Sign copy* that is changed or capable of being changed at intervals of more than once per day.

Public Review Version 2, Leg-edit

Cottage ~~i~~Industry: Specific to the Surprise Heritage District as outlined in Section 122-69.1 of the Surprise Municipal code, a *cottage industry* is a small business, owned and operated by the residential occupant, in a residential area, conducted within the dwelling or in an accessory building. The business may have employees and customers but must be clearly incidental and secondary to the use of the property for single-family residential purposes as well as adhere to the Use Specific Standards in Section 122-69.1(G) of the Surprise Municipal Code.

Daylight hours: That portion of the day beginning when the sun breaks the morning horizon and ending when the sun falls below the evening horizon.

Drive-in business: A retail business establishment where on-site transactions may be conducted from the confines of a parked vehicle. See also *drive-through business*.

Drive-through business: A retail business establishment where on-site transactions may be conducted from the confines of a vehicle which is staged in a drive-through lane. See also *drive-in business*.

Electronic Messaging Center (EMC): A *sign* that utilizes computer-generated messages or some other electronic means of *changeable copy*. These *signs* include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

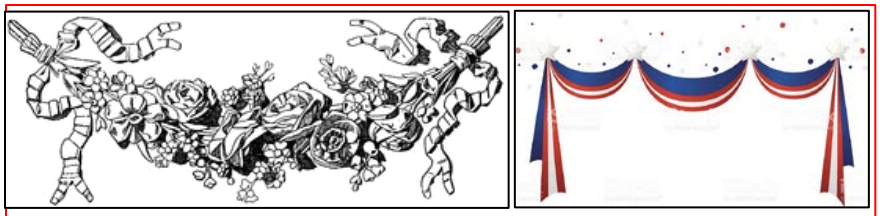
Electronic Messaging Centers, Level 1: An *EMC* that contains monochromatic static messages which may only be changed manually and which do not employ "scroll", "fade" or "dissolve" transitions, animation or video, or similar subtle transitions or frame effects which create the appearance of moving text or images.

Electronic Messaging Centers, Level 2: An *EMC* that contains monochromatic or full-color static messages which may be changed automatically at a rate not exceeding ~~–~~once every eight (8) seconds, and which do not employ "scroll", "fade" or "dissolve" transitions, animation, or similar subtle transitions or frame effects which create the appearance of moving text or images.

Flag: Any fabric or flexible material attached to or designed to be flown from a flagpole or similar device, but not including *banners*.

Festoon: A swath of fabric, ribbon, garland, or flowers which is suspended, draped, and bound at intervals to form graceful loops or scalloped folds. Festoons do not include *pennant* strings or string lighting.

Public Review Version 2, Leg-edit



Festoon

Home Occupation: A use of land that is in accordance with Section 122-86 of the Surprise Municipal Code.

Illuminance: The amount of light falling upon a real or imaginary surface, measured in either foot-candles or lux. See also "*luminance*".

Illumination, bare-bulb: A type of *external illumination* consisting of light bulbs or a string of light bulbs, or takes on the appearance of such including LEDs.

Illumination, bent-tube: A source of light for *externally illuminated* graphics supplied by a glass tube that is bent to form letters, symbols, or other shapes and filled with a gas that when electrically charged emits light, or any other method or technology, such as but not limited to LED rope lighting, utilized to achieve the same effect.

Illumination, external: A light source that is separate and apart from the *sign*.

Illumination, internal: A light source that is concealed or contained within the *sign* and becomes visible in darkness through a translucent surface.

Lawful Ttemporary Eevent: A use of land that is permitted by and in accordance with Section 122-105 of the Surprise Municipal Code. For purposes of this Chapter, the following uses are also considered Lawful Temporary Events: Real estate open houses occurring within lands zoned for residential uses; and, religious institutions where religious services or religious events are held on lands zoned for residential uses, but where the primary use established for said land is that of a public school, private school, or charter school, or other community facility, or public meeting hall.

Logo: A graphic symbol representing a business, activity or use.

Logo, Primary City of Surprise: The official *logo* of the City of Surprise.

Luminance: The light that is emitted by a light source or reflected from a surface, measured in foot-Lamberts or Nits. See also "*illuminance*".

Maintenance: The replacing or repairing of a part or portion of a *sign* necessitated by ordinary wear, tear or damage beyond the control of the owner, or the reprinting of existing *sign copy* without changing the wording, composition, design, original color or size of the *sign copy*.

Public Review Version 2, Leg-edit

Marquee: A type of *building* projection typically attached to and projecting from the front entrance of a hotel or theater, and intended to provide an opportunity for signage.

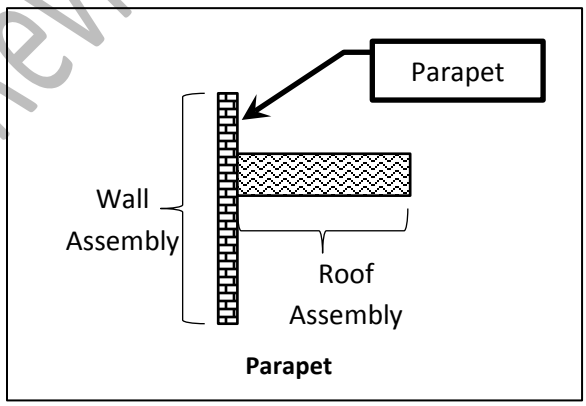
Marquee

Message, Commercial: Speech that identifies, advertises, or directs attention to a business or is intended to induce a purchase of a good, property, or service, including, without limitation, any speech naming a brand of good or service and any speech that is not a noncommercial message.

Message, Non-commercial: Speech that in no way identifies, advertises, or directs attention to a business or is intended to induce a purchase of a good, property, or service, including, but not limited to, religious, political, and ideological speech.

Model Home Complex: A use of land that is in accordance with Section 122-92 of the Surprise Municipal Code.

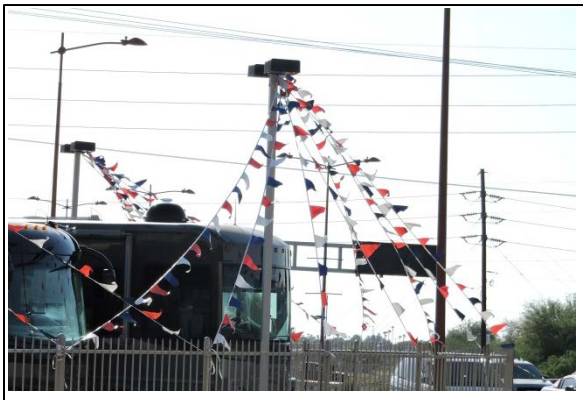
Parapet: That portion of a *building*'s exterior wall which projects above the *roof* of the *building*.



Parapet

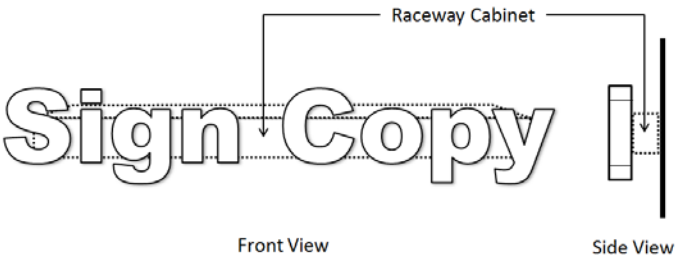
Pennant: A type of *flag,* generally in the shape of a triangle and typically flown from a string.

Public Review Version 2 Leg-edit



Pennant

Raceway cabinet: An aluminum channel box not more than eight (8) inches in depth used to mount signage to a wall or other structure.



Raceway Cabinet

Roof: That portion of a *building's* exterior intended to provide overhead protection from the elements.

Roof, exposed pitch: Any *roof* where the pitch of the *roof* is visible from the ground.

Roofline: The highest point of the main *roof* or the highest point on a *parapet*, but not including cupolas, pylons, projections or minor raised portions of the *roof*.

Sign: Any device depicting written letters, words, numerals, figures, emblems, logos, trademarks, pictures, or any part or combination thereof used for visual communication that attracts the attention of the public and is visible from public or private rights-of-way or other properties, but not including athletic scoreboards when associated with a sanctioned athletic field.

Sign, 3-Dimensional: A *sign* in which is meant to be viewed from all angles.

Public Review 2; Leg-edit

3-Dimensional Sign

Sign, abandoned: Any *sign* located on a vacant property or premises, which is vacant for a period of 90 calendar days, or a *sign* which is damaged, in disrepair, or vandalized and not repaired within 90 calendar days of the date of the damaging event.

Sign, Address: A *sign* intended for the display of a property's address.

Sign, A-frame: A *portable sign* designed in the shape of the letter "A" consisting of two rigid surfaces joined along an adjacent edge.

Sign, animated: A *sign* which incorporates movement or the optical illusion of movement of any part of the *sign* or *sign structure*, including the flashing or varying of light intensity; or the automatic changing of all or any part of the *sign*; or any movement or rotation of the *sign* or any part of the *sign structure*.

Sign, area: The smallest rectangular area or areas of a 2-dimensional *sign* which can enclose all of the *sign copy*, or in the case of a 3-dimensional *sign*, 50% of the volume of the smallest cuboid which can enclose the *sign*.

Sign, Awning: Any information or graphics painted on or integrated into an *awning*.

Awning Sign

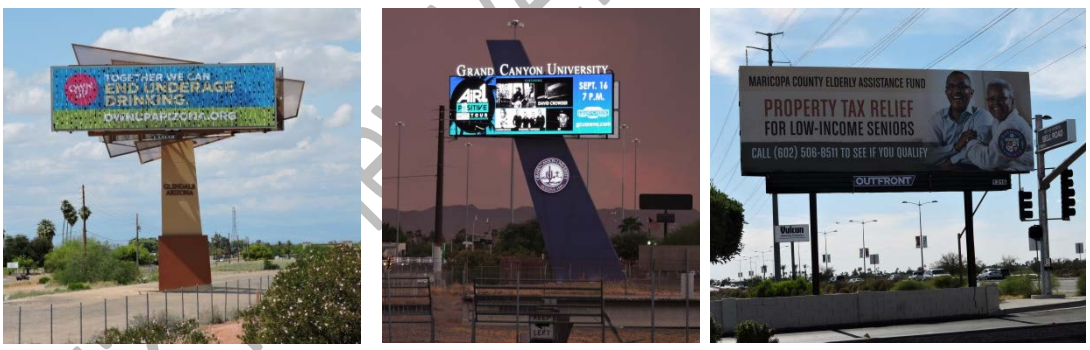
Public Review Version 2.1.e-edit

Sign, backlit: A *sign* typically utilizing opaque graphics, in which the light source is concealed or contained within the graphic thereby causing the graphic to become visible against the illuminated surface onto which the graphic is mounted.

Sign, Banner: A *sign* consisting of fabric, paper, or other lightweight pliable material, either enclosed or not enclosed in a rigid frame, and secured or mounted to minimize movement in the wind, but not including *inflatable signs*.

Banner Sign

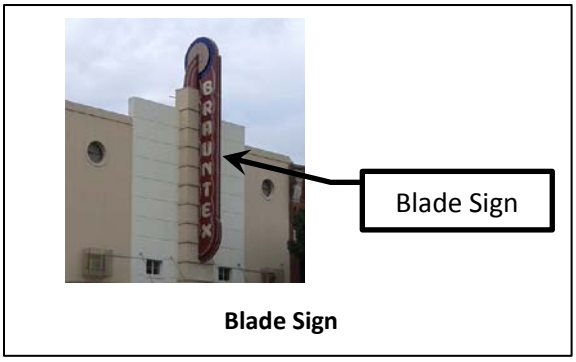
Sign, Billboard: A *sign* that advertises a business, commodity, service, entertainment, product or attraction which is sold, offered or existing elsewhere than on the property where the *sign* is located or which takes on the physical characteristics historically associated with such *signs*.



Billboard

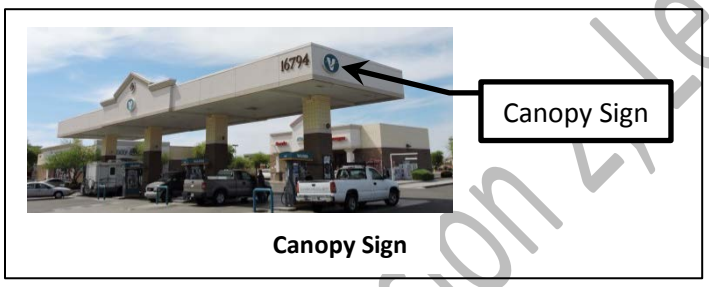
Sign, Blade: A *sign* which stands off from the façade of the *building* and is designed to be read in a vertical manner.

Public Review Version 2, Leg-edit



Blade Sign

Sign, Canopy: A type of *Building Wall Sign* that is mounted to the face of a *canopy*.



Canopy Sign

Sign copy: The letters, words or graphics used to convey information on a *sign*.

Sign, freestanding ground: A *sign* that is erected on its own self-supporting structure, detached from any supporting elements of a *building*.

Sign, Freeway Monument: A *pylon sign* which is located along a freeway right-of-way and intended to display a *commercial message* relating to the commercial center on which the *sign* is located. Freeway monument signs are not considerd *billboard signs*.

Sign, governmental: A *sign* erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, or direct or regulate pedestrian or vehicular traffic.

Sign, Hanging: See "S*hingle Sign*".

Sign, illuminated: A *sign* of which the surface is artificially lighted either internally or externally. (See also "*illumination*" et. seq.)

Public Review Version 2 Leg edit

Sign, ~~i~~Inflatable: Any flexible fabric device which is filled with a gas or pressurized air that is tethered or anchored to the ground or other stationary object, or any device taking on such an appearance.

Inflatable Sign

Sign, legal non-conforming: A *sign* lawfully erected and maintained prior to the adoption of the Ordinance from which this Chapter or amendments thereto is derived that does not conform to the requirements of this Chapter.

Sign, Light Pole Banner: A fabric *sign* suspended between two horizontal supports, which are attached to a light pole for the purpose of supporting the *sign*.

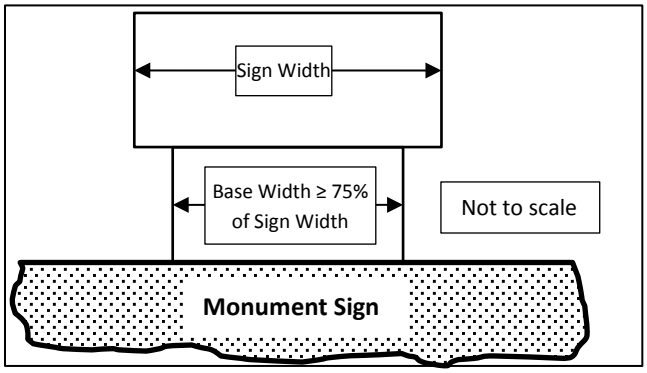
Light Pole Banner

Sign, Median: Any *sign* other than a *public sign* that is located within the median of any street, regardless of whether the median is painted or raised.

Sign, Model Home Complex: Any *sign* or *flag* that is approved for use in a *Model Home Complex*.

Public Review Version 2, Leg-edit

Sign, Monument: A *freestanding ground sign* with a base that is at least 75 percent of the width of the *sign*.



Sign, Monument, Class I: Commonly referred to as a "menu sign", a Class I Monument Sign is a *monument sign* associated with the drive-through lanes of a *drive-through business*, and which is equipped with a loudspeaker and microphone for the purpose of placing and confirming an order.

Class I Freestanding Sign

Sign, Monument, Class II: Commonly referred to as a "preview sign", a Class II Monument Sign is a *monument sign* associated with the drive-through lanes of a *drive-through business*, and which is not equipped with a loudspeaker or microphone.

Public Review Version 2 Leg-edit

Class II Freestanding Sign

Sign, Monument, Class III: Commonly referred to as a "directional sign", a Class III Monument Sign is a *monument sign* typically associated with a multi-family, commercial or industrial driveway or drive aisle.

Class III Freestanding Sign

Sign, Monument, Class IV: Commonly referred to as a "directory sign", a Class IV Monument Sign is a *monument sign* typically associated with a pedestrian promenade or parking lot drive aisle.

Class IV Freestanding Sign

Public Review Draft, Legedit

Sign, Monument, Class V: A *monument sign* associated with a High Volume Collector Street, Residential Collector Street, or Commercial Collector Street, as defined by the Surprise Engineering Design Standards, and provides the primary source of signage for the property served by the *sign*.

Sign, Monument, Class VI: A *monument sign* associated with a Parkway, Major Arterial, or Minor Arterial, as defined by the Surprise Engineering Design Standards, or Grand Avenue, and provides the primary source of signage for the property served by the *sign*.

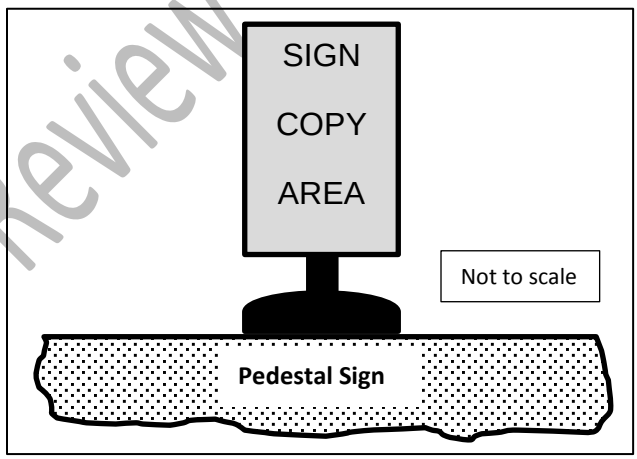
Sign, non-conforming: A *sign* that does not conform to the requirements of this Chapter.

Sign, Off-premises: Any *sign*, other than a *billboard sign*, that directs attention to an activity, business, commodity, service, entertainment, product, or attraction sold, offered, or existing elsewhere than upon the property where the *sign* is located.

Sign, On-premises: Any *sign*, other than a *billboard sign*, that directs attention to an activity, business, commodity, service, entertainment, product, or attraction sold, offered, or existing on the property where the *sign* is located.

Sign panel: The surface on which *sign copy* is depicted.

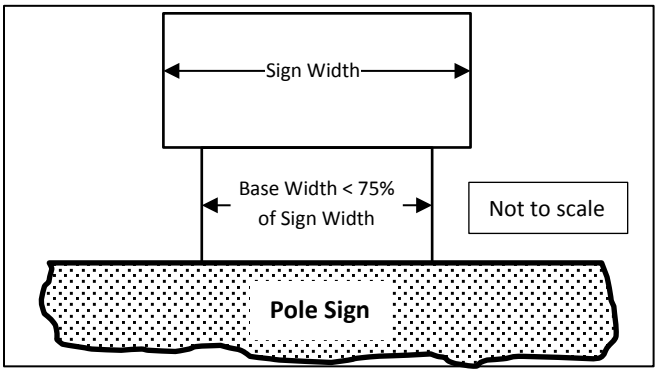
Sign, Pedestal: A *portable sign* in which the *sign panel* is affixed to and supported by a weighted base.



Sign, permanent: A *sign* that due to its physical characteristics and method of attachment is intended for permanent display.

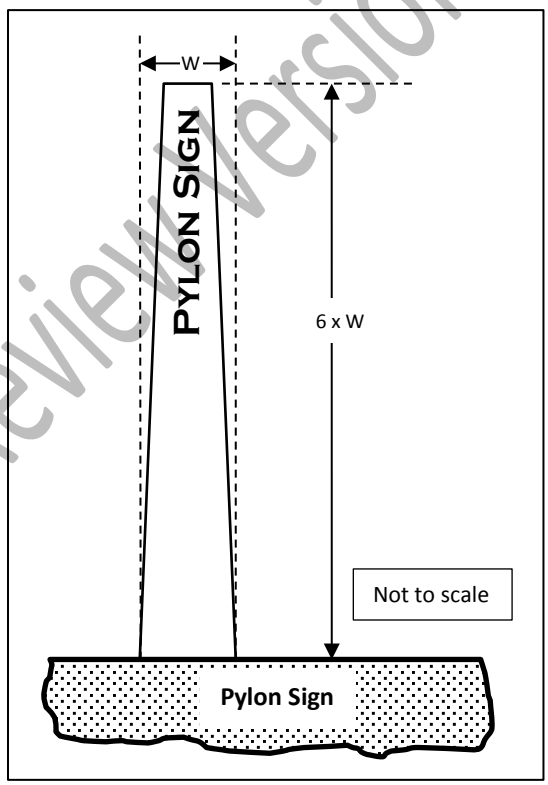
Sign, Pole: A *freestanding ground sign* where the width of the supporting poles, uprights or braces are collectively less than 75 percent of the width of the *sign*. For purposes of this Chapter, a *light pole banner* is not considered a pole sign. (See also "*Sign, Monument*" and "*Sign, Pylon*".)

Public Review Version 2, Re-edit



Sign, portable: A *temporary sign* that may be readily moved from location to location without the need of any specialized knowledge or equipment, and that is not affixed to the ground or any *structure*.

Sign, Pylon: A *Monument Sign* in which the height of the *sign structure* is at least six (6) times the width of the base of the *sign structure*.



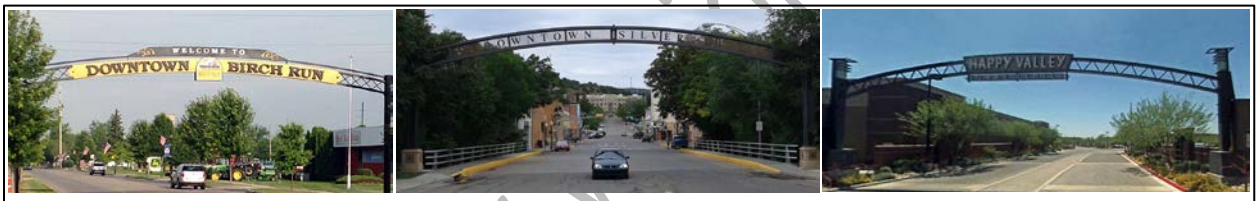
Sign, Reader Panel: A *sign* in which the individual characters of the *sign copy* may be changed manually and immediately, but not including Electronic Messaging.

Public Review Version 2, Lee-edit

Reader Panel

Sign, Residential Subdivision: Any *sign* that is approved for use in association with an *Active Single-Family Residential Subdivision*.

Sign, Roadway Arch: A *sign* mounted to a *structure* that spans a roadway or commercial driveway in which the *structure* is intended for that sole purpose.



Roadway Arch Sign

Sign, Roof: A *building*-mounted *sign* that is attached to or extends above the *roof* of a *building*.

Roof Sign

Sign, Sandwich: A type of *A-Frame sign* designed to be worn by a person.

Sign, Shingle: A *sign* suspended from, and located entirely under a covered porch, walkway, *canopy* or *awning.*

Public Review Version 2, Leg-edit

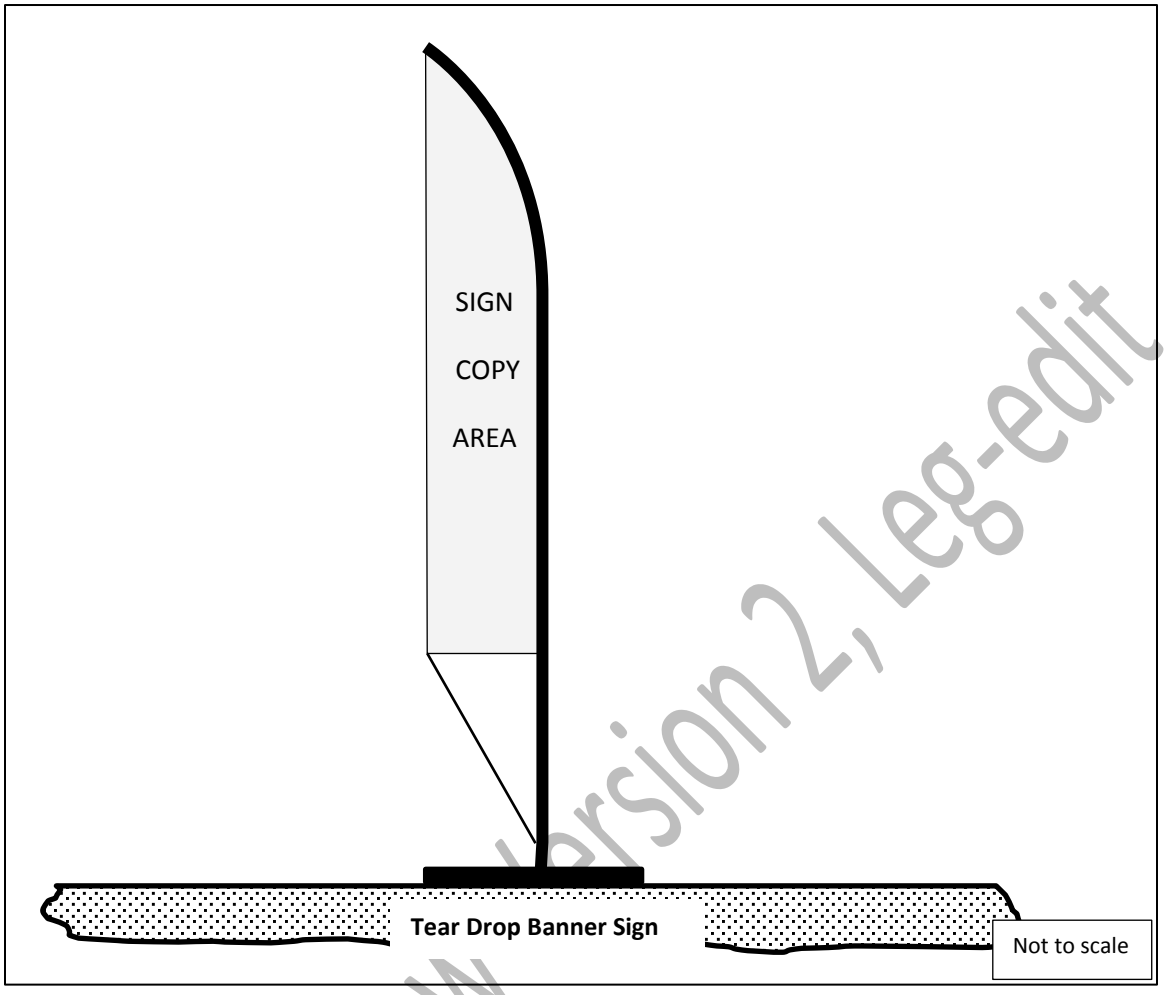
Shingle Sign

Sign, Snipe: Any *sign*, other than a *public sign*, that is posted on a tree, landscaping, utility pole or *structure*, streetlight, fence, fire hydrant, bridge, curb~~, sidewalk~~, or park bench~~, parkway, street, or right-of-way~~.

Sign structure: The supports and framework of a *sign*.

Sign, Teardrop Banner: A *sign* consisting of a narrow strip of fabric material which is attached to a flexible or partially flexible pole in a vertical manner.

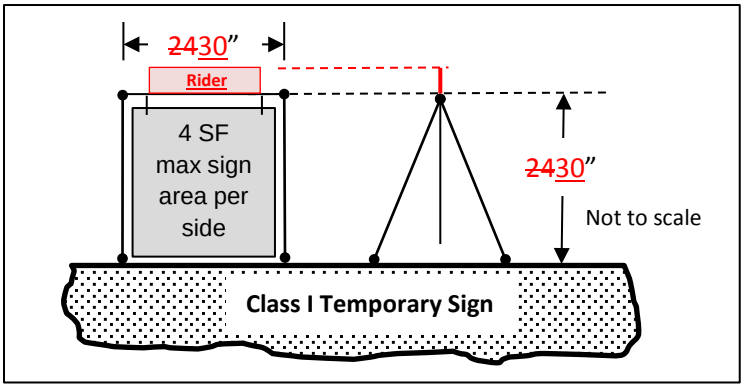
Public Review Version 2, Legedit



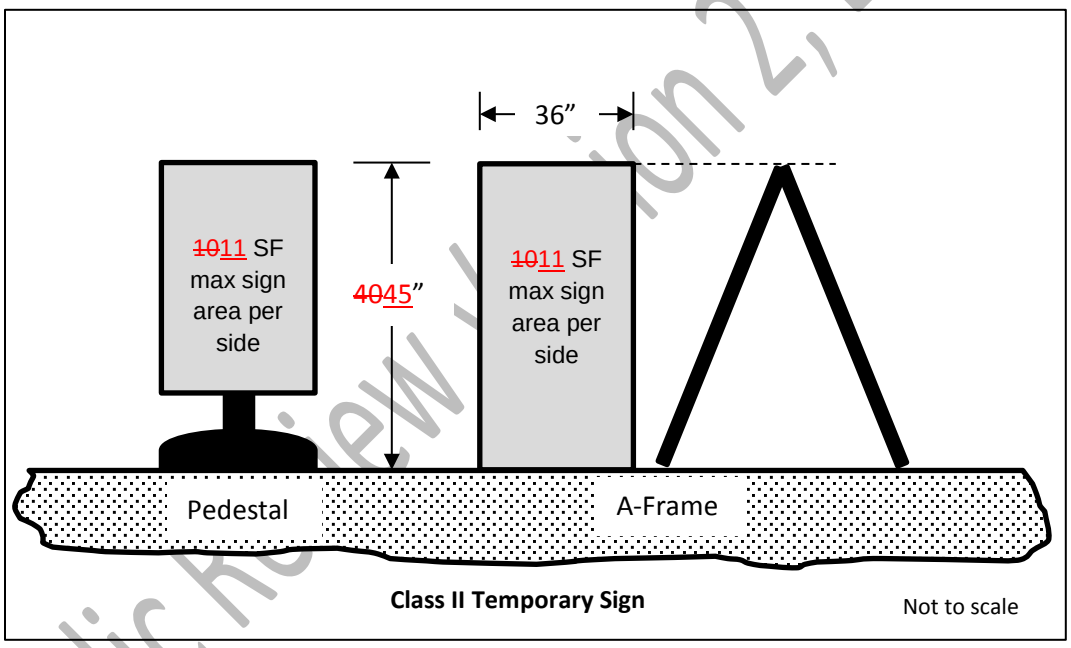
Sign, temporary: A *sign* that due to its physical characteristics and method of attachment is not intended for permanent display. See also "*sign, permanent*".

Sign, Temporary, Class I (Small A-Frame Sign): A *temporary, portable sign* generally in the shape of the letter "A" in which the overall height of the *sign structure* does not exceed ~~twenty-four (24)~~ thirty (30) inches, the overall width of the *sign structure* does not exceed ~~twenty-four (24)~~ thirty (30) inches and which does not exceed eight (8) square feet of aggregate *sign area*. Riders not exceeding six (6) inches in height and twenty-four (24) inches in length which are attached to the top of the A-Frame shall not be included in the overall height measurement or *sign area* measurement.

Public Review Version 2, Leg-edit

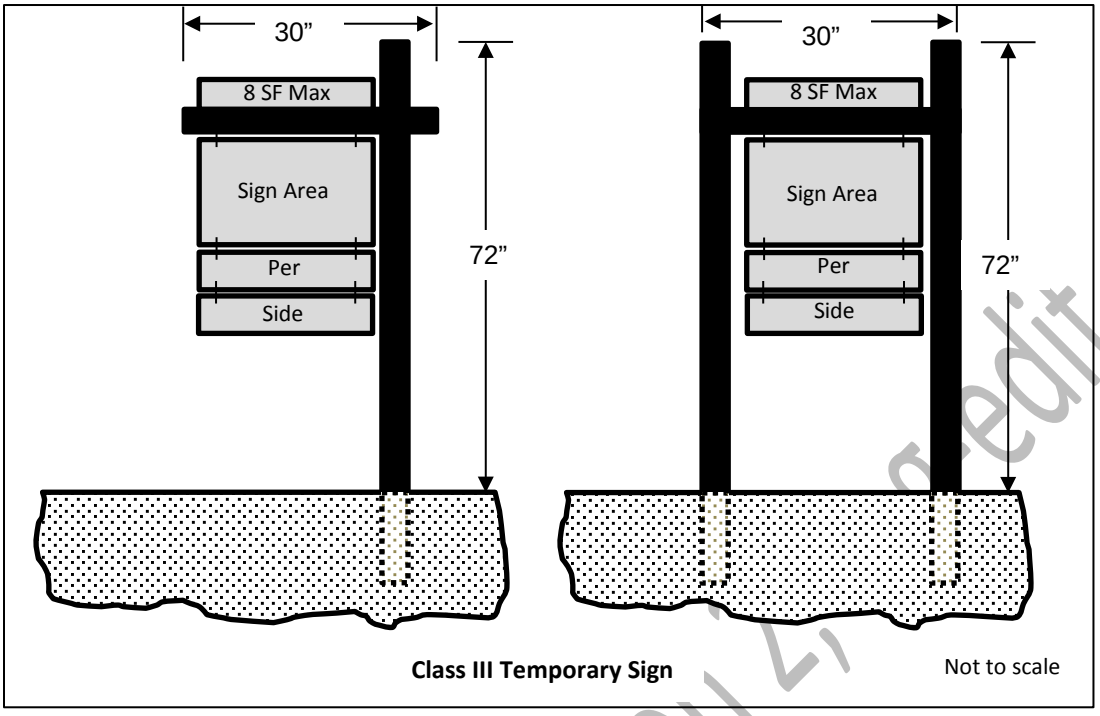


Sign, Temporary, Class II (A-Frame Sign and Pedestal Sign): A *temporary, portable sign* in which the overall height of the *sign structure* does not exceed forty (~~40~~45) inches, the overall width of the *sign structure* does not exceed thirty-six (36) inches and which does not exceed twenty (~~20~~22) square feet of aggregate *sign area*.

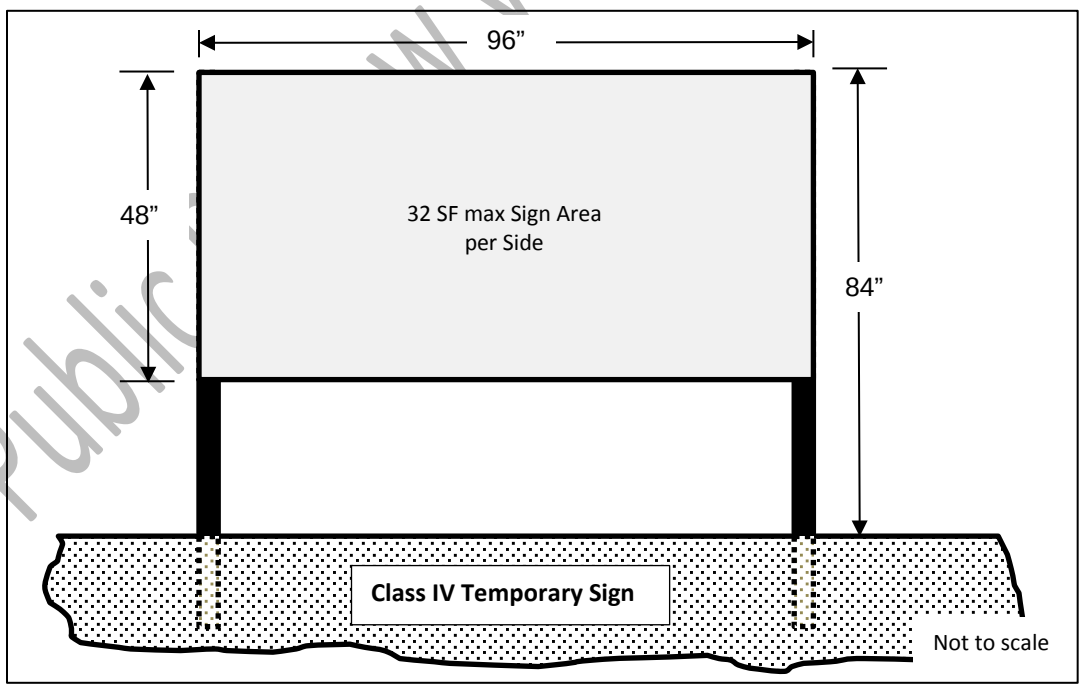


Sign, Temporary, Class III (Small Post Sign): A *temporary sign* supported by one or more rigid posts in which the overall height of the *sign structure* does not exceed 72 inches, the overall width of the *sign structure* does not exceed thirty (30) inches, and the aggregate *sign area* does not exceed sixteen (16) square feet.

Public Review Version 2, Re-edit



Sign, Temporary, Class IV: A *temporary sign* supported by two (2) rigid posts in which the overall height of the *sign structure* does not exceed 84 inches, the overall width of the *sign structure* does not exceed 96 inches, and the aggregate *sign area* does not exceed 64 square feet.



Sign, Vehicle: Any *sign* mounted, painted, or otherwise erected on a *vehicle*.

Public Review Version 2, Credit

Sign Walker: A live person carrying a *portable sign* intended to convey a message to motorists and passersby.

Sign Walker

Sign, Wall, Building: A *sign* mounted flat against a *building wall* with the exposed face of the *sign* in a plane generally parallel to the face of the wall, but not including *Window Signs*.

Building Wall Sign

Sign, Wall, Subdivision Perimeter: A s*ign* mounted or painted onto a *subdivision perimeter wall*.

Public Review Version 2, Leg-edit

Subdivision Perimeter Wall Sign

Sign, Window: Any combination of decals, posters, murals or other media which are affixed to a window pane or otherwise intended to be viewed through the window pane from the exterior of the *building*, but not including merchandise normally displayed within a show window of a retail merchant shop.

Window Sign

Structure: Anything constructed or erected that requires attachment to the ground, or is structurally connected to something having attachment to the ground.

Speech, Commercial: (see *Message, Commercial*).

Speech, Non-commercial: (see *Message, Non-commercial*).

Vehicle: Any car, truck, motorcycle, All-Terrain Vehicle, Recreational Vehicle, boat, trailer, tractor, crane, mobile machinery, or similar.

Wall, building: A wall that is integral to a *building*.

Wall, subdivision perimeter: A freestanding wall that is located around a subdivision.

Public Review - Leg-Edit

Section 113-0~~6~~7 – Permitted and Prohibited Signs

A. **Permitted Signs by Zoning District** – Only those *sign* types and classes that are specifically listed in Table 113-0~~6~~7.A for each zoning district may be allowed, subject to the provisions outlined elsewhere in this Chapter.

TABLE 113-0~~6~~7.A – PERMITTED SIGNS (P=Permitted, shaded cell = Not Permitted, C = Conditional Use Permit)

Code Reference	Sign Type	Location									
		Public Rights-of-Way	Private Rights-of-Way	Single-Family	Multi-Family	Mixed-Use	Commercial and Industrial	SHD-RO	SHD-CO	Open Space	PF
TEMPORARY SIGNS											
113-0~~8~~9.A.2	Class I Temporary Signs (Small A-Frame Signs)			P	P	P	P	P	P	P	P
113-0~~8~~9.A.3	Class II Temporary Signs (Large A-Frame Signs)			P	P	P	P	P	P	P	P
113-0~~8~~9.A.4	Class III Temporary Signs (Small Post Signs)			P	P	P	P	P	P		P
113-0~~8~~9.A.5	Class IV Temporary Signs (Large Post Signs)			P	P	P	P	P	P		P
113-0~~8~~9.A.6	Banner Signs and Festoons			P	P	P	P	P	P		P
113-0~~8~~9.A.7	Light Pole Banner Signs	P	P		P	P	P	P	P		P
113-0~~8~~9.A.8	Teardrop Banner Signs			P	P	P	P	P	P	P	P
113-0~~8~~9.A.9	Sign Walkers	P	P	P	P	P	P	P	P	P	P
113-09.A.10	Model Home Complex Signs			P				P			
113-09.A.11	Residential Subdivision Signs			P				P			
BUILDING MOUNTED SIGNS											
113-0~~8~~9.B.1	Building Wall Signs			P	P	P	P		P		P
113-0~~8~~9.B.2	Blade Signs			P	P	P	P		P		P
113-0~~8~~9.B.3	Canopy Signs				P	P	P		P		P
113-0~~8~~9.B.4	Marquee Signs						P				P
113-0~~8~~9.B.5	Awning Signs						P		P		P
113-0~~8~~9.B.6	Hanging Signs					P	P	P	P		P
113-0~~8~~9.B.7	Window Signs and Sunscreens			P	P	P	P	P	P		P
FREESTANDING GROUND SIGNS											
113-0~~8~~9.C.1	Class I Monument Signs (Menu Signs)						P		P		
113-0~~8~~9.C.1	Class II Monument Signs (Preview Signs)						P		P		
113-0~~8~~9.C.2	Class III Monument Signs (Directional Signs)	P	P	P	P	P	P	P	P	P	P
113-0~~8~~9.C.3	Class IV Monument Signs (Directory Signs)				P	P	P		P		
113-0~~8~~9.C.4	Class V Monument Signs (Minor Monument Signs)			P	P	P	P		P		P
113-0~~8~~9.C.5	Class VI Monument Signs (Major Monument Signs)				P	P	P		P		P
113-0~~8~~9.C.6	Roadway Arch Signs	P	P				P		P		
113-0~~8~~9.C.7	Subdivision Perimeter Wall Signs			P	P	P	P				P
113-09.C.8	Billboard Signs						C				
113-09.C.9	Freeway Monument Signs						C				
OTHER SIGNAGE											
113-~~10~~11	Level 1 Electronic Messaging			P	P	P	P	P	P		P
113-~~10~~11	Level 2 Electronic Messaging				P	P	P		P		P
113-~~11~~12	Reader Panels			P	P	P	P	P	P		P
113-~~12~~13	Address Identification			P	P	P	P	P	P	P	P
113-~~13~~14	Flags and Flagpoles			P	P	P	P	P	P		P

Public Review Version 2, Leg-edit

B. **Signs in the Public Street Right-of-Way:** *Signs* are permitted within the public street right-of-way regardless of the zoning of said right-of-way, only when erected by, or on behalf of, the City of Surprise, or as permitted under Section 113-0~~8~~09.A.2~~.b~~ and 113-0~~8~~09.A.3~~.b~~ below.

C. **Signs in the Private Street Right-of-way:** *Signs* are permitted within private street rights-of-way only when associated with an approved Planned Area Development (PAD) or Comprehensive Sign Program (CSP), or as required by the City of Surprise.

D. **Encroachments:** No portion of any *sign* erected on any property may encroach into the public right-of-way unless expressed written permission is granted by the City of Surprise to allow said encroachment.

E. **Signs as an Accessory Use:** All *signs* must be an accessory use to a primary use. In no case shall a *sign* be established as a primary use of the property; except that *temporary signs* as otherwise allowed within a given zoning district are exempt from this provision.

F. **Prohibited *Signs*** – the following *sign* types are specifically prohibited:

1. *Abandoned signs,* ~~*Billboard Signs,*~~ *Pole Signs* of a permanent nature*,* ~~*Roof Signs*~~*,* ~~*and*~~ *Snipe Signs*, *and Median Signs*;

2. *Animated Signs*, flashing, blinking, or rotating *signs,* festoons*, Inflatable Signs* including latex or Mylar balloons*,* permanent *Banner Signs, Pennants,* searchlights, streamers*, signs* other than *Class 1 Monument Signs* that emit audible sound, and any clearly similar features*;*

3. *Vehicle Signs* when the *vehicle* is placed in a location not approved for vehicular parking or storage*;*

4. *Signs* containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or direction signals;

5. Merchandise, equipment, products or other items which are not available for purchase, but are intended to attract attention, or for identification or advertising purposes;

6. *Signs* located on trees, utility poles, public benches, or any other form of public property, or within any public right-of-way, unless explicitly permitted by these regulations;

7. *Signs* containing vulgar or profane messages, hate speech, or language intended to incite violence.

8. *Signs* greater than thirty (30) inches in height and which are located within any sight visibility triangle of any street or driveway intersection as required by the Surprise Engineering Design Standards.

Public Review Version 2 Leg-edit

9. *Signs* not expressly permitted as being allowed by right under this Chapter, or by specific requirements in another portion of this Chapter, or otherwise expressly allowed by the City of Surprise Board of Adjustment~~, are expressly prohibited~~.

10. *Signs* placed in locations that are deemed by the City of Surprise to present a hazard to public safety, obstruct clear vision in the area, or interferes with the requirements of the Americans with Disabilities Act (42 United States Code sections 12101 through 12213 and 47 United States Code sections 225 and 611).

G. **Signs Exempt from these Regulations** – The following *signs* are exempt from regulation under this Chapter:

1. Any public-purpose or public-safety *sign*, or any other notice or warning required by a valid and applicable federal, state or local law, regulation, or resolution, and posted by or on behalf of a governmental agency;

2. Any *sign* that is not visible from another property to the naked eye, provided said *sign* otherwise meets applicable Building Code requirements~~.~~ and the requirements of Sections 113-10, 113-11 and 113-12 herein.

H. **Violation –** Any *sign* that is not in compliance with this Section is in violation of this ordinance.

Public Review Version 2, eg-edit

Page intentionally blank]

Public Review Version 2, Leg-edit

Section 113-~~07~~08 – General Provisions

A. **Permitting Requirements:**

1. **Permits Required:** With the exception of those *sign* types listed in 113-~~07~~08.A.3 below, a construction permit is required for all *signs* regulated by this Chapter and erected within the City of Surprise.

2. **Property Owner Authorization Required:** No *sign* regulated by this Chapter shall be erected on a property not owned by the person or entity erecting the *sign* without the expressed written permission from the property owner of the property onto which the *sign* is erected. Said written permission shall be made available to the City of Surprise upon request.

3. **Exceptions from the Permitting Requirement:** The following *sign* types are exempt from the permitting requirement:

   a) *Temporary Signs*

   b) *Sign Walkers*

   c) *Window Signs*, provided the *sign* is not electrically connected to the *building*

   d) Sun screens

   e) *Shingle Signs*, provided the *sign* is not electrically connected to the *building*

   f) *Address Signs* provided the *sign* is not electrically connected to the *building*

   g) *Flags* except that in the event the flagpole is greater than six (6) feet in length, then a permit is required for the flagpole

   h) *Signs* relating to citizen review or public hearings

B. **Sign Quality, ~~and~~ Construction, and Aesthetics:**

1. *Signs* shall be designed in compliance with the applicable construction codes adopted by the City and in effect at the time of construction.

2. *Raceway cabinets* may only be utilized when mounting a *building wall sign* to a *building* surface that is generally difficult to repair such as, but not limited to, stone or brick masonry. *Raceway cabinets* shall not be utilized in conjunction with surface materials that are generally easy to repair such

Public Review Version 2, Legal

as, but not limited to, stucco or Engineered Insulated Finishing Systems (EIFS). Where *raceway cabinets* are utilized, said *raceway cabinets* shall be painted to match the color of the surface onto which it is mounted.

2. Whenever a *permenant sign* is removed, the surface onto which the *sign* was mounted shall be repaired as closely as practicable to a new-like condition.

2. Supporting elements for all *signs* shall appear to be free of any angle iron, bracing, guy wires or similar features.

3. When electrical service is provided to any *sign*, all components of said service are to be entirely concealed or, when necessary, painted to match the surface of the structure upon which they are mounted.

4. All permanent signs permitted by this Chapter shall be constructed of durable material capable of withstanding continuous exposure to the elements and conditions of the urban environment.

C. **Sign Maintenance:**

1. All *signs* shall be maintained in a stated of good repair, operational, and free of *blight* and/or hazards. Weathered, sun damaged, tattered or faded *signs* or related components shall be repaired or replaced.

2. Whenever any *sign*, either legally conforming or legally nonconforming, is required to be removed for the purpose of repair, lettering or repainting, the same may be done provided;

a) There is no alteration or remodeling to the *structure* or to the mounting of the *sign* itself;

b) There is no enlargement or increase in any of the dimensions of the *sign*, *sign copy,* or *sign structure*;

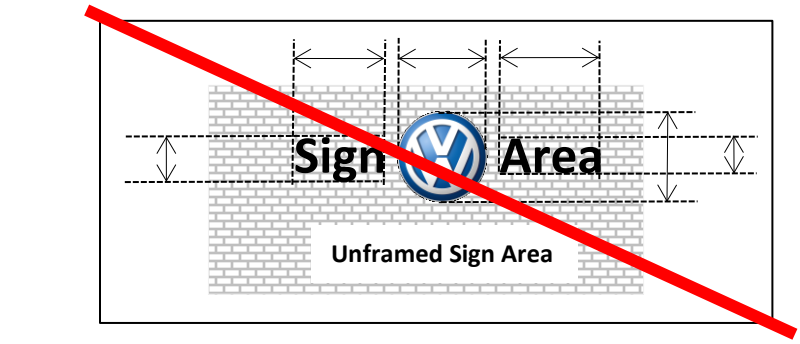
c) The *sign* is an accessory to a legally conforming use, conditional use, or legally nonconforming use.

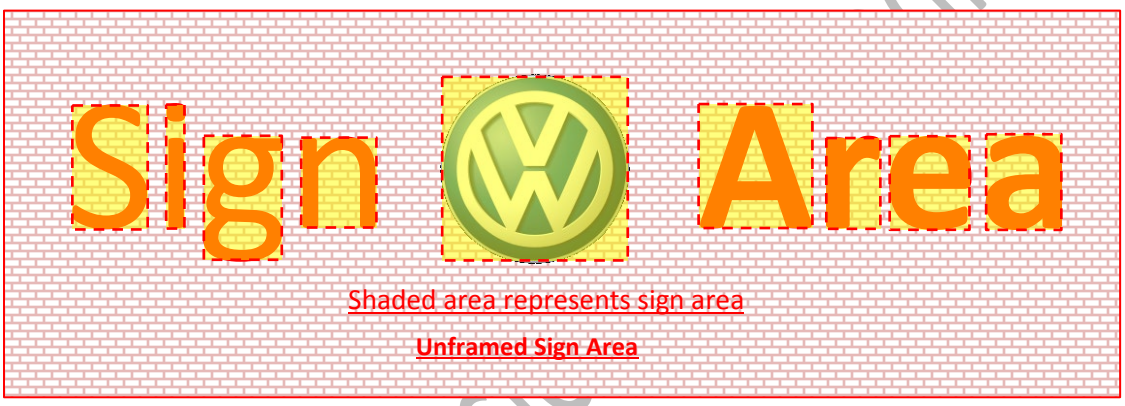
D. **Methods of Measurements:**

1. **Sign Area:**

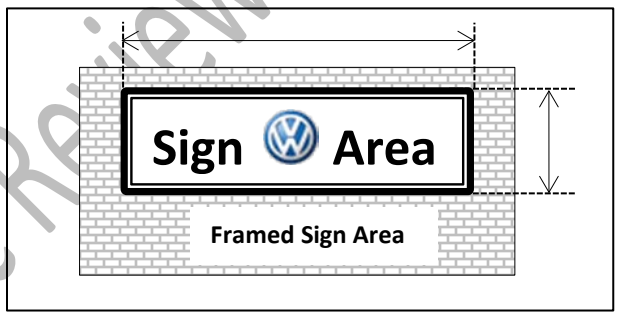
a) **Unframed Signs:** Where the individual letters, logos and graphics of a *sign* are mounted directly to a wall or *sign structure*, the *sign area* is determined by calculating the smallest rectangle or combination of rectangles containing *sign copy*.

Public Review Version 2, Legedit



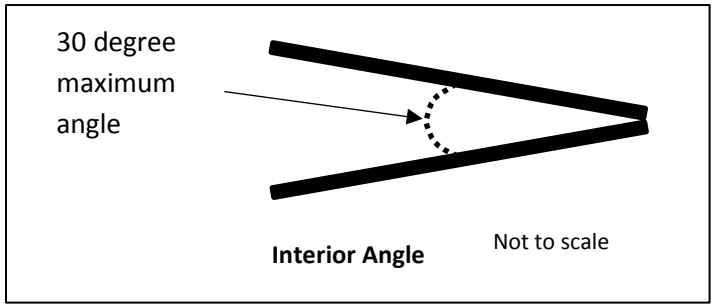


b) **Framed Signs:** Where the individual letters, logos and graphics are integral to a *sign panel*, or are framed in by an architectural element or contrasting color apart from the color of the wall or *sign structure*, the *sign area* shall be the area of the panel or frame.



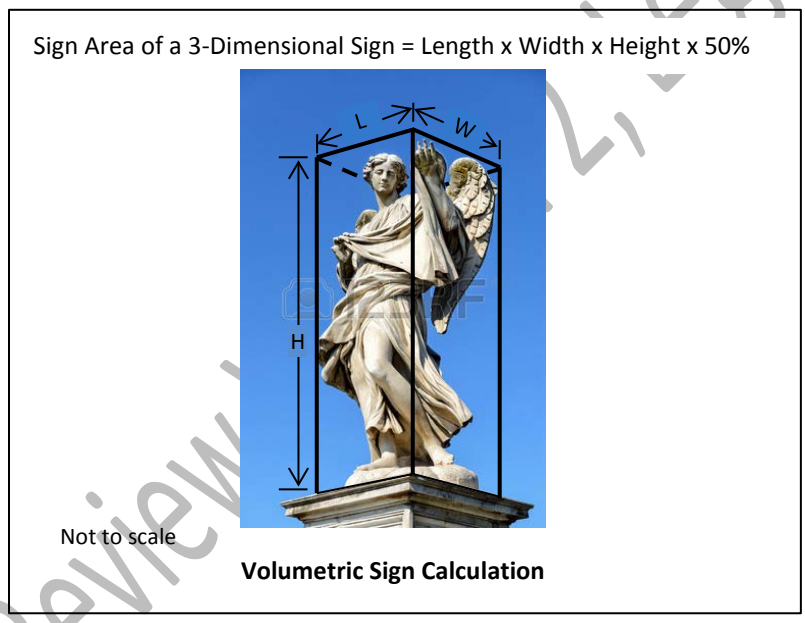
c. **Double-Sided Signs:** Only one side of a double-sided *freestanding ground sign* shall be used to calculate the *sign area*, provided the interior angle between *sign* faces is not greater than 30 degrees. This provision does not apply to *A-Frame Signs*.

Public Review Version - Draft



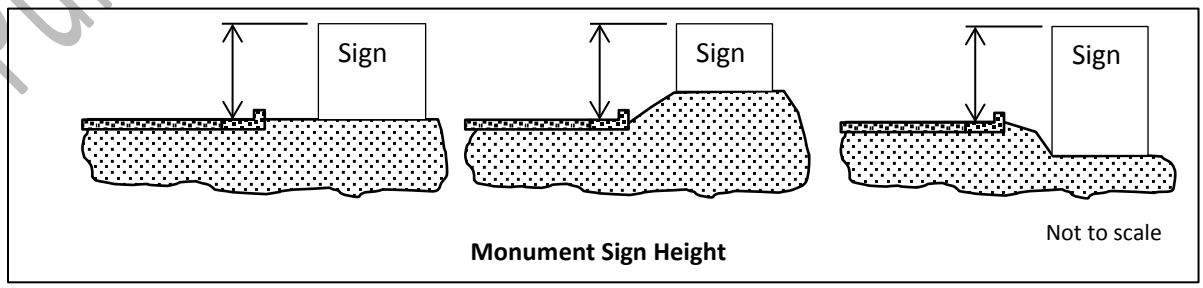
Interior Angle

d. **3-Dimensional Signs:** Where a *sign* consists of a 3-dimensional, free-form, sculptural or other non-planar design, the *sign area* shall be calculated as 50% of the total volume of space contained within the smallest cuboid, which will enclose the *sign* structure.



Volumetric Sign Calculation

2. **Monument Sign Height:** Unless otherwise noted, notwithstanding adjacent topography, the height of any class of *monument sign* shall be measured from the closest adjacent curb, or if no curb is present, the closest adjacent pavement.



Monument Sign Height

Public Review Draft 2, Legislative Edit

3. **Fractional Calculations:** All linear measurements and calculations shall be accurate to the closest inch. All area measurements and calcuations shall be accurate to the closest square inch. All volumetric measurements and calculations shall be accurate to the closest cubic inch. ~~When any requirement of Chapter 113 results in a fractional calculation, that fraction shall be rounded up to the nearest whole number.~~

Public Review Version 2, Leg-edit

Page intentionally blank]

Public Review Version 2, Leg-edit

Section 113-~~08~~09 – Sign Classifications and Types

The following *sign* classifications and types as defined in Section 113-~~05~~06 are permitted in the City of Surprise as outlined in Table 113-~~06~~07.A subject to the following "time, place and manner" restrictions.

A. ***Temporary Signs:*** When allowed, *Temporary Signs* shall conform to the following requirements:

1. **General Requirements:**

a) *Temporary signs* shall not be illuminated in any manner except by ambient lighting present on the property.

b) *Temporary signs* shall include the name and phone number of the contact person responsible for placing the *sign*.

c) No *temporary sign* may interfere with the free movement of pedestrian or vehicular traffic ~~through the site~~.

d) The supporting elements for *Class III Temporary Signs* and *Class IV Temporary Signs* may be directly buried or inserted into the soil; however, in no case shall concrete, or other permanent attachments to the ground, or attachment to other permanent *structure(s)* be utilized.

Editor's Note: Section 113-09.A.2 regarding Class I Temporary Signs (Small A-Frame Signs) is being presented as two possible alternatives. Please see attached Exhibit A for Alternative #1 language and attached Exhibit B for Alternative #2 language. The Commission will choose which alternative is to be incorporated into the final draft, or will request changes.

Editor's Note: Section 113-09.A.3 regarding Class II Temporary Signs (Large A-Frame Signs and Pedestal Signs) is being presented as two possible alternatives. Please see attached Exhibit C for Alternative #1 language and attached Exhibit D for Alternative #2 language. The Commission will choose which alternative is to be incorporated into the final draft, or will request changes.

4. ***Class III Temporary Signs*** **(Small Post-Signs):**

a) Not more than one (1) *Class III Temporary Sign* meeting the specific requirements outlined in this Section is permitted per lot of record except that if said lot abuts more than one (1) street, one (1) additional *Class III Temporary Sign* meeting said requirements may be erected along each additional street frontage.

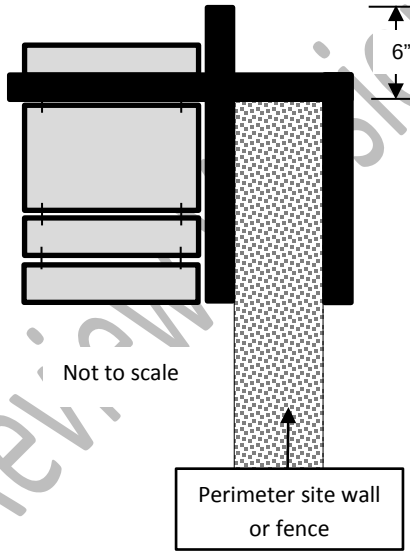
b) In the event a property is vacant, additional *Class III Temporary Signs* may be erected on said property provided the spacing between such *signs* is not less than 600 feet.

Public Review Version 2: Leg-edit

c) *Class II Temporary Signs* shall not be located within the street right-of-way, median, vehicle or bicycle travel lane, or sidewalk, nor within any sight visibility triangle as outlined in Standard Details 4-01 and 4-02 of the Surprise Engineering Development Standards.

~~c~~d) There is no limit to the number of *sign panels* per *sign structure* provided the defined height, width and *sign area* limitations are not exceeded.

~~d~~e) In the event that a lot's *perimeter site wall* or fence is adjacent to or within twenty (20) feet of a street, the *Class III Temporary Sign* may be modified to allow the *sign* to be hung from but not attached to the *perimeter site wall* or fence provided the *sign* does not exceed the height of the wall or fence by more than six (6) inches and does not interfere with pedestrian movement.



Class III Temporary Sign Modified Design

5. ***Class IV Temporary Signs* (Large Post-Signs):**

a) Not more than one (1) *Class IV Temporary Sign* meeting the specific requirements outlined in this Section is permitted per lot of record except that if said lot abuts more than one street, one (1) additional *Class IV Temporary Sign* meeting said requirements may be erected along each additional street frontage, except that *Class IV Temporary Signs* associated with a public hearing shall not be counted towards this total.

Public Review Version 2, Legedit

b) ~~In the event a *Class IV Temporary Sign* is associated with a public hearing, one (1) additional *Class IV Temporary Sign* is permitted for each 660 feet of right-of-way.~~*Class III Temporary Signs* shall not be located within the street right-of-way, median, vehicle or bicycle travel lane, or sidewalk, nor within any sight visibility triangle as outlined in Standard Details 4-01 and 4-02 of the Surprise Engineering Development Standards.

c) The maximum number of *sign panels* per *sign structure* shall not exceed two (2).

6. ***Banner Signs and Festoons*:**

a) **General:** The following provisions apply to all *banner signs* and *festoons*: ~~One (1) *Banner Sign* may be placed on any *building*, except those associated with a single-family use. If associated with an active construction project, the one (1) additional *Banner Sign* may be attached to the construction fence surrounding the construction site.~~

i. *Banner Signs* shall be equipped with ventilation flaps.

ii. *Banner Signs* and *Festoons* shall be securely attached to the *building* or fence, but in no case shall be attached to freestanding poles or vegetation.

b) **Residential:** Any number of *Banner Signs*, *Festoons* or combination thereof are permitted per dwelling unit, provided the aggregate length does not exceed twenty (20) lineal feet and the aggregate area does not exceed 100 square feet. ~~All four corners of a *Banner Sign* shall be securely attached to the *building* or fence.~~

c) **Non-Residential:** *Banner Signs* and *Festoons* are permitted on properties zoned for non-residential use subject to the following: ~~The maximum area of a *Banner Sign* affixed to a *building* shall not exceed 1 square foot per linear foot of *building* elevation; not to exceed 500 square feet. The maximum area of a *Banner Sign* affixed to a construction fence shall not exceed thirty (30) square feet.~~

i. One (1) *Banner Sign* may be placed on a *building*, provided the maximum area of the *Banner Sign* shall not exceed one (1) square foot per linear foot of *building* elevation, not to exceed 500 square feet.

Public Review Version 2 Leg-edit

ii. For a single-tenant *building*, the width of the *Banner Sign* shall not exceed 80% of the width of the *building* elevation onto which the *Banner Sign* is attached. For multi-tenant *building*, the width of the *Banner Sign* shall not exceed 80% of the leased tenant frontage.

iii. Any number of *Festoons* may be placed on a *building* provided the *Festoon* contains no advertising copy, the aggregate length does not exceed twenty (20) lineal feet, and the aggregate area does not exceed 100 square feet.

d) **Construction Sites and Temporary Construction Yards:** *Banner Signs* are allowed in conjunction with active construction sites and temporary construction yards regardless of zoning, subject to the following: ~~For a single-tenant *building*, the width of the *Banner Sign* shall not exceed 80% of the width of the *building* elevation onto which the *Banner Sign* is attached. For multi-tenant *building*, the width of the *Banner Sign* shall not exceed 80% of the leased tenant frontage.~~

i. One (1) or more *Banner Signs* may be affixed to the perimeter fence surrounding a construction site or temporary construction yard, provided said *Banner Signs* do not extend above the height of the perimeter fence.

ii. Individual *Banner Signs* shall not exceed ten (10) feet in length. Where multiple *Banner Signs* are utilized in lieu of screening material on a fence surrounding a construction site or termporary construction yard, said *signs* shall be spaced not less than one (1) foot apart unless the *Banner Sign* is fabricated of material with not less than 50% visual transparency, in which case this provision shall not apply.

~~e) *Banner Signs* shall be equipped with ventilation flaps.~~

7. **Light Pole Banner Signs:**

a) *Light Pole Banner Signs* may be attached to light poles when the pole is so equipped to receive such banner, except that in no case shall a *Light Pole Banner Sign* be affixed to a light pole in a public right-of-way without the expressed written permission from the City of Surprise.

b) The surface area of a single *Light Pole Banner Sign* shall not exceed eight (8) square feet as measured on a single side.

Public Review Version 2.1 Redline

c) When two (2) *Light Pole Banner Signs* are affixed to a single light pole, both *Light Pole Banner Signs* shall be consistent with each other with respect to size and shape so as to create uniformity.

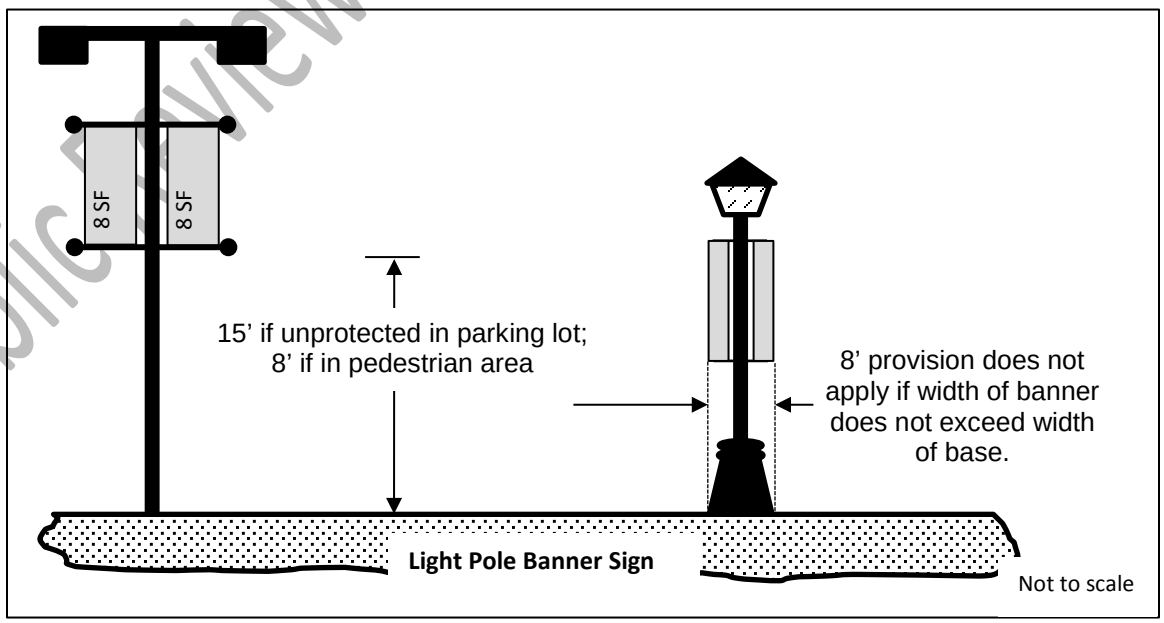
d) When the light pole onto which a *Light Pole Banner Sign* is placed is located within the paved portion of a parking lot, and the light pole base is unprotected from vehicular traffic, the bottom of the *Light Pole Banner Sign* shall be a minimum of fifteen (15) feet above the parking surface over which the banner is placed. If the base of the light pole is protected from vehicular traffic, this provision shall not apply.

e) When the light pole is located within a pedestrian area, the bottom of the *Light Pole Banner Sign* shall be a minimum of eight (8) feet above the surface over which the *Light Pole Banner Sign* is placed, unless the *Light Pole Banner Sign* is sufficiently narrow so as to not extend beyond the base of the light pole.

f) Any horizontal supporting members shall either be removed when not in use or shall be of a hinged design and folded into a vertical position when not in use.

g) *Light Pole Banner Signs* shall not be illuminated in any manner except as incidental to the lighting fixture supported by the light pole.

h) Light Pole Banner Signs shall be equipped with ventilation flaps.



Public Review Version 2, Legedit

8. ***Teardrop Banner Signs***

a) Not more than two (2) *Teardrop Banner Signs* are permitted in conjunction with a ~~l~~*L**awful*** ~~t~~*T**emporary*** ~~e~~*E**vent*** subject to the specific requirements as outlined herein except that in no case shall a *Teardrop Banner Sign* be allowed on a vacant property.

b) *Teardrop Banner Signs* may only be erected on the property on which the ~~l~~*L**awful*** ~~t~~*T**emporary*** ~~e~~*E**vent*** is occurring. In no case shall a *Teardrop Banner Sign* be located within a public or private right-of-way.

c) No *Teardrop Banner Sign* shall be located within fifteen (15) feet of a pedestrian path, sidewalk, or trail, whether public or private.

d) No *Teardrop Banner Sign* shall be located within fifteen (15) feet of any vehicular parking surface or driveway.

e) No *Teardrop Banner Sign* shall be located within fifty (50) feet of any public or private right-of-way.

f) The maximum height of the *sign structure* as measured from the nearest adjacent grade shall not exceed twelve (12) feet with the flag portion of the *sign* not exceeding sixteen (16) square feet.

g) The *Teardrop Banner Sign* shall be supported by a pedestal, which may be weighted or ballasted to prevent being overturned, but in no case shall the supporting *sign structure* be inserted into the ground.

9. ***Sign Walkers***: *Sign Walkers* are permitted to operate within the City of Surprise subject to the following restrictions:

a) *Sign Walkers* may only operate during *daylight hours*.

b) *Sign Walkers* may only operate on a sidewalk intended for pedestrian travel, but shall at no time block the free and unobstructed movement of pedestrians or vehicles.

c) *Sign Walkers* may carry a maximum of two (2) single-sided *signs* not exceeding three (3) square feet of *sign copy* each or one (1) double-sided *sign* not exceeding twelve (12) square feet of aggregate *sign copy*; however, in no case shall a *Sign Walker* carry any form of *electronic messaging*.

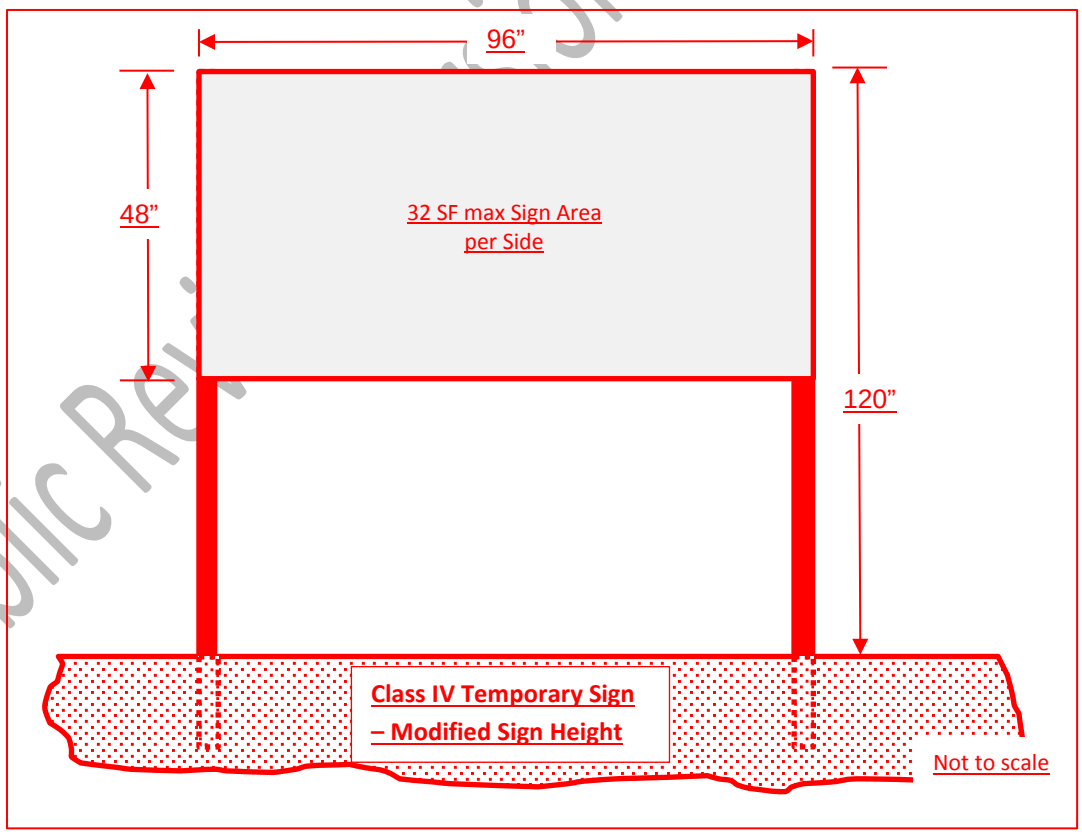
d) *Sign Walkers* shall not display a *sign* in any manner other than by personally holding or wearing said *sign*.

Public Review Version 2, Legal

10. ***Model Home Complex Signs:*** In addition to other *signs* that are permitted in association with a single-family residence, a *Model Home Complex* may employ the following:

a) One (1) *Class III Temporary Sign* meeting the requirements of Section 113-09.A.4 herein for each lot located within the boundaries of an approved *Model Home Complex*. Such signs shall not be illuminated except by ambient lighting.

b) One (1) *Class IV Temporary Sign* meeting the requirements of Section 113-09.A.5 herein may be located within the boundaries of the approved *Model Home Complex*; however, if the *Model Home Complex* is located adjacent to a Collector or Arterial Street, the overall height of the *Class IV Temporary Sign* allowed under this Paragraph may be increased to ten (10) feet, provided the *sign* is designed to withstand windloads as required by the building codes in effect at the time the sign is erected. A *Class IV Temporary Sign* permitted under this Paragraph may be *externally illuminated* as outlined in Section 113-10.



c) One (1) flagpole not exceeding a height of 45’ may be erected within the boundaries of the Model Home Complex provided said flagpole is located within the building envelope or within the

Public Review Version 4 Redlit

required front yard of the lot in which it is placed, but not located within any required side or required rear yard. A maximum of two (2) flags may be displayed from said flagpole. The flag and flagpole permitted under this Paragraph may be *externally illuminated* in accordance with Section 122-145 of the Surprise Municipal Code.

d) Two (2) flagpoles not exceeding a height of twenty (20) feet may be erected for each lot located within the boundaries of the approved Model Home Complex. A maximum of one (1) flag may be displayed from each flagpole. Flagpoles permitted under this Section may be erected along the perimeter of the Model Home Complex. Flagpoles permited under this Paragraph shall not be illuminated except by ambient lighting.

e) Four (4) additional *Teardrop Banner Signs* meeting the requirements of Section 113-09.A.8 herein for each lot located within the boundaries of an approved *Model Home Complex*. except that Paragraphs 113-08.A.8.c, 113-08.A.d and 113-08.A.e shall not apply. *Teardrop Banner Signs* permited under this Paragraph shall not be illuminated except by ambient lighting.

f) One (1) *Banner Sign* not exceeding three (3) feet in height and five (5) feet in length may be attached to the trap fence. Said *Banner Sign* shall be equipped with ventilation flaps. *Banner Signs* permited under this Paragraph shall not be illuminated except by ambient lighting.

g) One (1) *Awning Sign* or *Canopy Sign* provided the awning or canopy is limited to the customer entrance to the sales office associated with the approved *Model Home Complex. Awning Signs* or *canopy signs* permitted under this Paragraph shall not be illuminated except by ambient lighting.

h) One (1) *Building Wall Sign* not exceeding four (4) square feet may be affixed to the front elevation of the Model Home Sales Office facing the street from which the Model Home Complex takes access. Said sign may be *externally illuminated* or back-lit in accordance with Section 113-10.

h) Information regarding *Model Home Signs* shall be included with the Model Home Complex application packet to be reviewed and approved with the Model Home Complex. In circumstances where Model Home Complexes in existence as of the effective date of this Ordinance are to be retrofitted for purposes of implementing

Public Review Version 2 Legislative

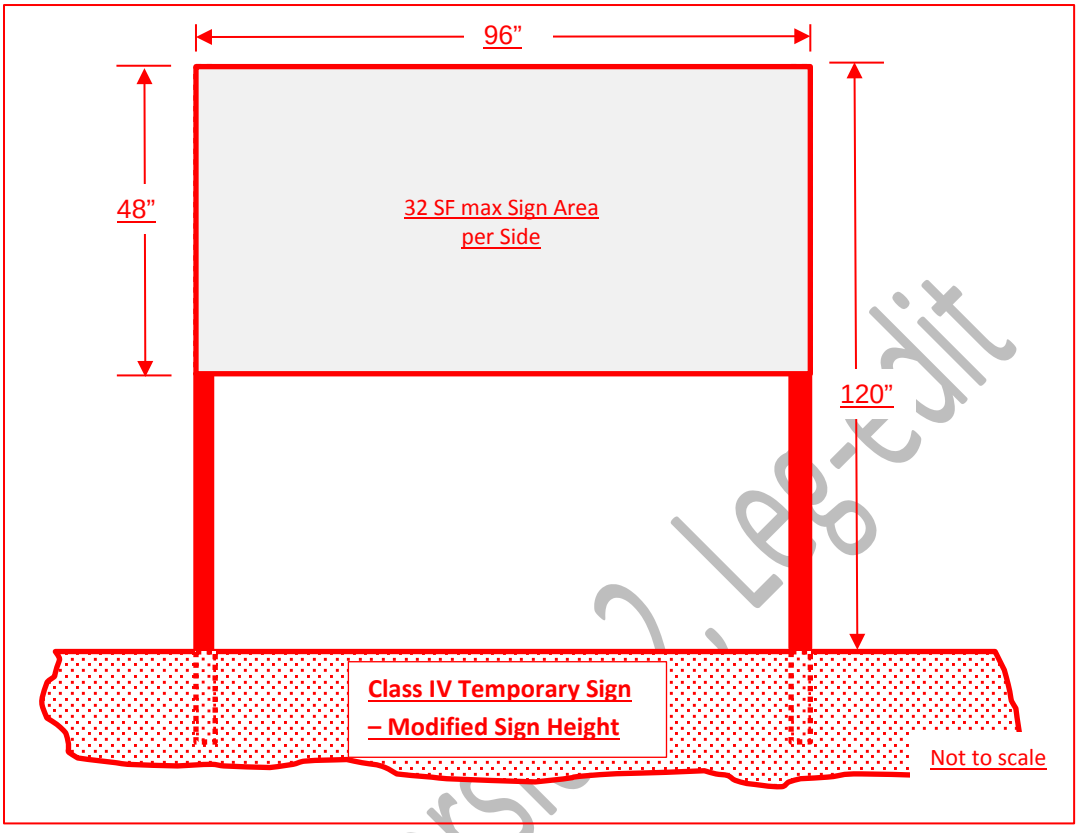
signage permitted under this Section, an amendment to the approved Model Home Complex is required.

i) All *Model Home Signs* permitted under this Section shall be removed upon the conversion of the Model Homes to a residential use in accordance with Section 122-92(h) of the Surprise Municipal Code.

11. ***Active Single-Family Residential Subdivision Signs:*** In addition to other *signs* that may be permitted in association with a *Model Home Complex*, the following *Signs* are permitted within the boundaries of an *Active Single-Family Residential Subdivision*:

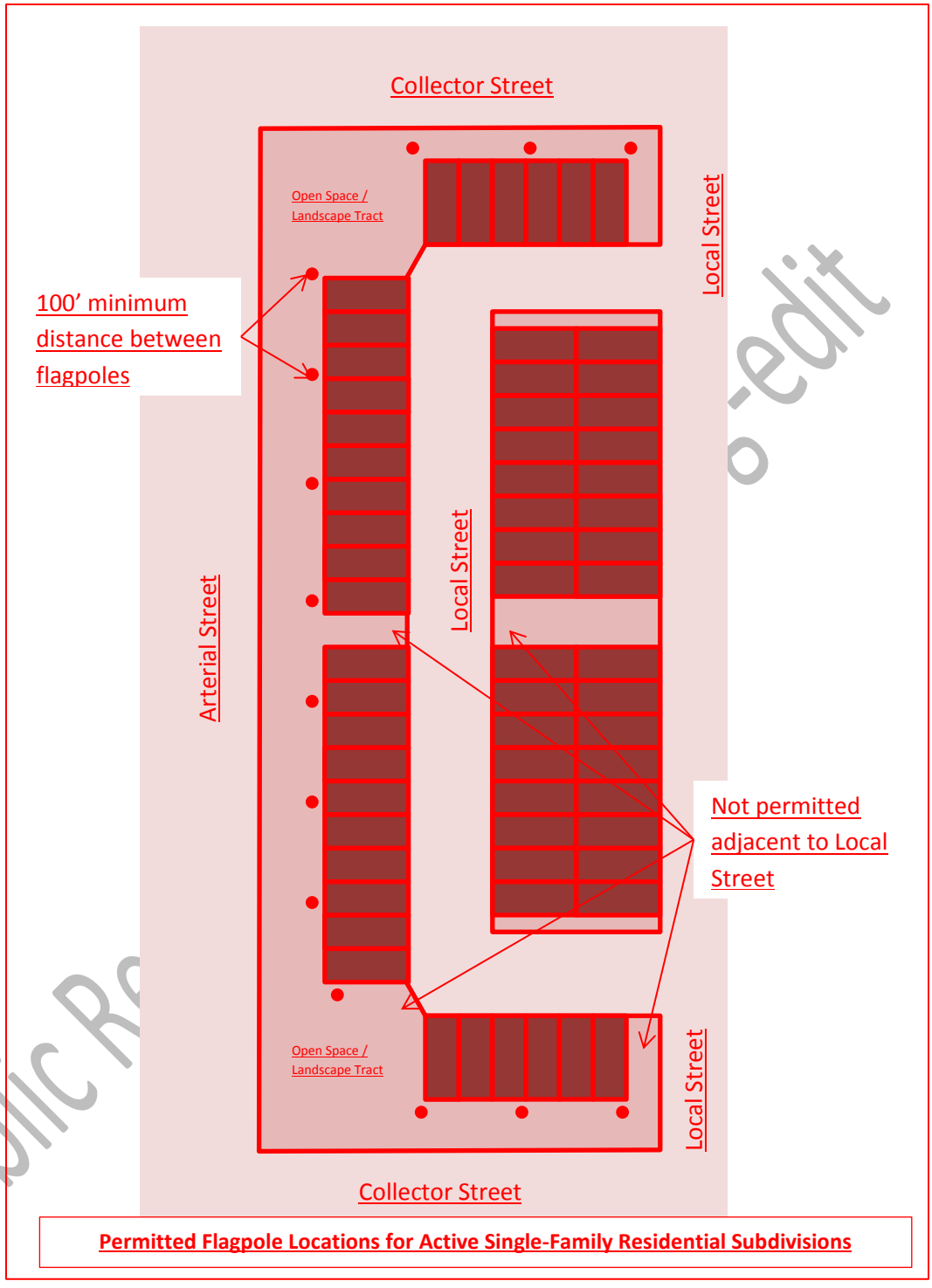
a) One (1) *Class IV Temporary Sign* meeting the requirements of Section 113-09.A.5 herein may be located within the boundaries of an *Active Single-Family Residential Subdivision*, provided such *sign* is located adjacent to a Collector Street or Arterial Street. The overall height of the *Class IV Temporary Sign* allowed under this Paragraph may be increased to ten (10) feet, provided the *sign* is designed to withstand windloads as required by the building codes in effect at the time the *sign* is erected. A *Class IV Temporary Sign* permitted under this Paragraph may be *externally illuminated* as outlined in Section 113-10.

Public Review Version 4 Leg-Edit



c. Where an *Active Single-Family Residential Subdivision* includes an open space tract or landscape tract located adjacent to a Collector Street or Arterial street, a series of flagpoles not exceeding 20 feet in height may be erected within said tract provided said flagpoles are spaced no closer than 100 feet apart; however, flagpoles permitted under this Paragraph may not be located adjacent to any Local Street regardless of the location of the tract relative to the Local Street. Further, flagpoles permitted under this Paragraph may not be illuminated except by ambient lighting.

Public Review Version 2, Leg-Edit



Permitted Flagpole Locations for Active Single-Family Residential Subdivisions

c) All *Active Single-Family Residential Subdivision Signs* shall be removed upon the close of escrow of the last lot in the subdivision or upon cessation of use, whichever comes first.

[Page intentionally blank]

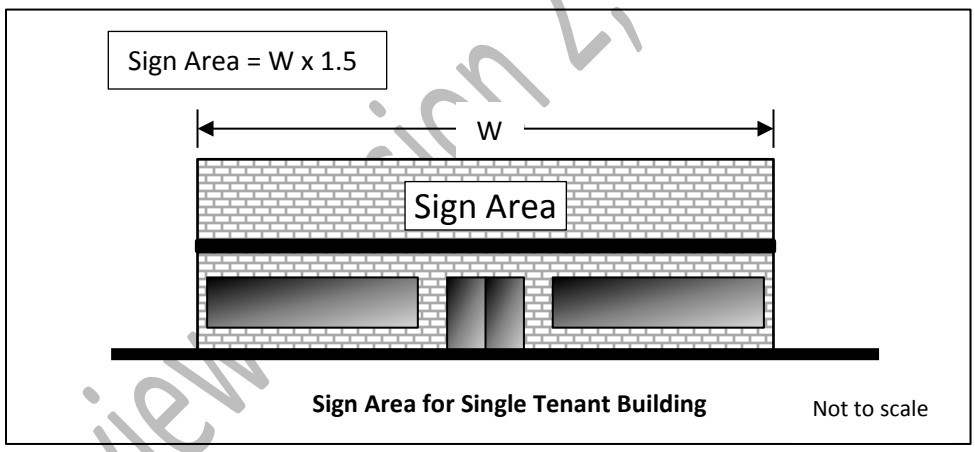
Public Review Version 2, Leg-edit

B. **Building-Mounted Signs*:*** Building-mounted *signs* may only be placed on *building* elevations which face a street or primary parking lot. For purposes of this Section, parking areas adjacent to service bays, access drives located behind a *building*, or alley ways are not considered primary parking areas.

1. ***Building Wall Signs*:**

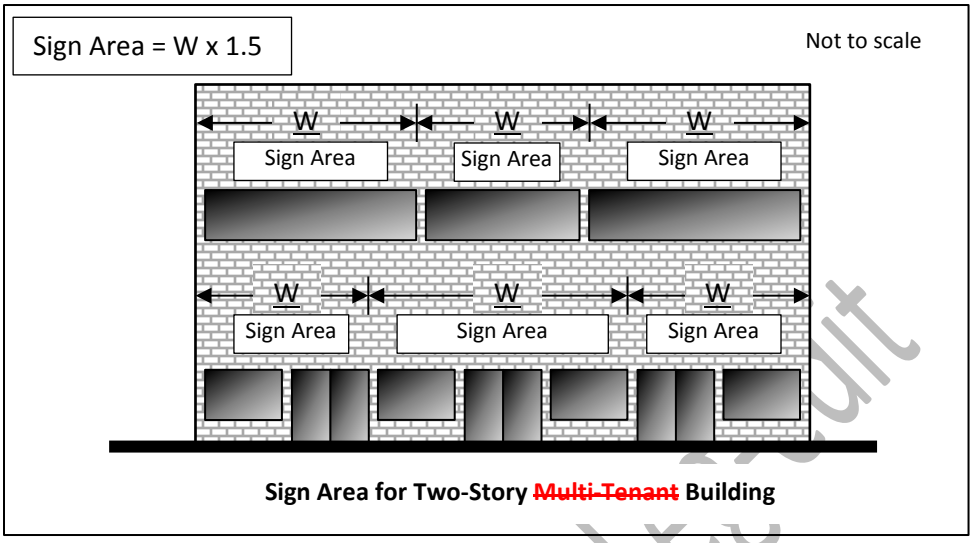
In other than residential zoning, *Building Wall Signs* are permitted on any *building* elevation of any primary use *building*, ~~regardless of orientation to the street or parking lot,~~ subject to the following:

a) For single story, single-tenant *buildings*, any number of *Building Wall Signs* may be affixed to any *building* elevation, provided the aggregate *sign area* does not exceed one and one-half (1.5) square foot per one (1) linear foot of *building* elevation on which the *sign* is mounted.



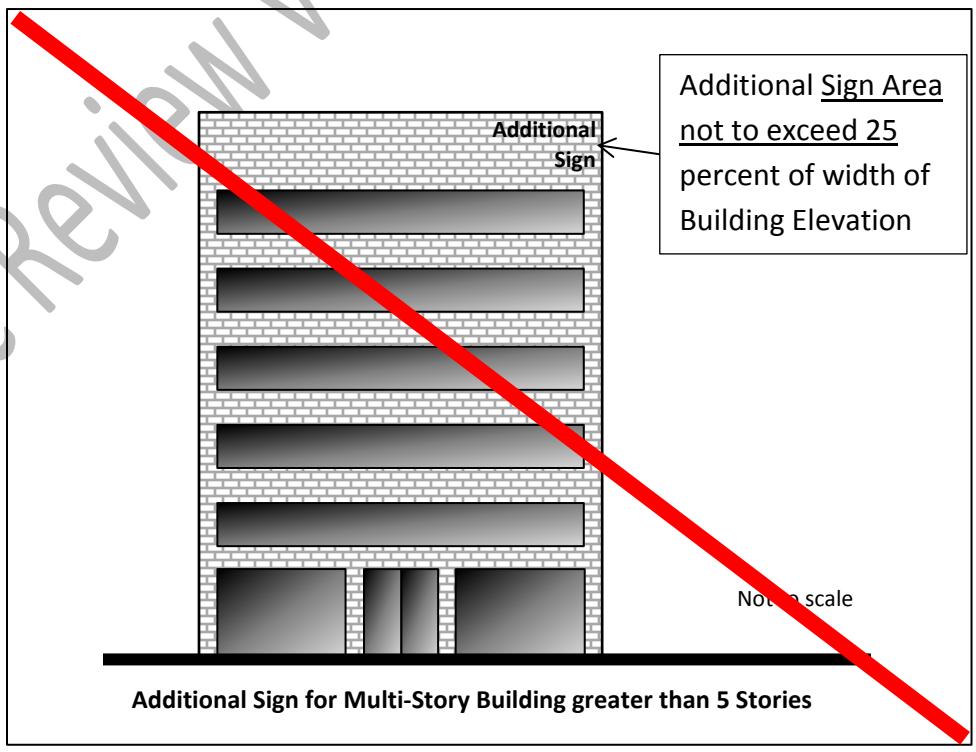
b) For two-story office *buildings* or two-story mixed-use *buildings*, each tenant who possesses leased tenant frontage on the exterior wall of the building may affix any combination of *Building Wall Signs* provided the aggregate *sign area* does not exceed one and one-half (1.5) square foot per one (1) linear foot of that tenant's leased frontage. In the event a tenant does not possess leased tenant frontage located along the exterior of the building, this provision does not apply.

Public Review Version 2, Redraft



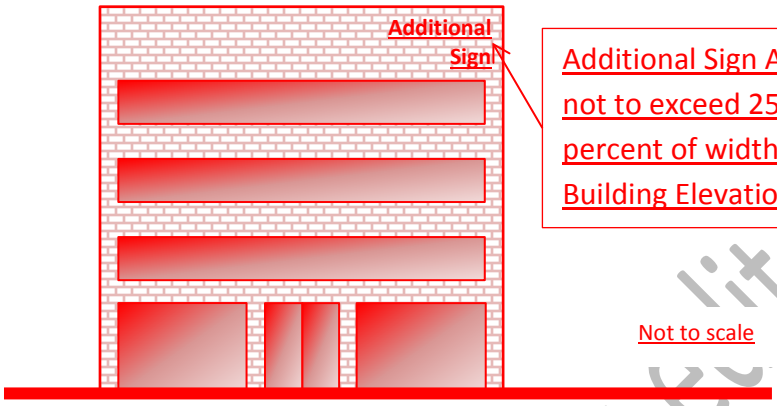
Sign Area for Two-Story ~~Multi-Tenant~~ Building

c) For multi-story *buildings* greater than ~~five (5)~~ two (2) stories one (1) ~~additional~~ *Building Wall Sign,* the area of which not exceeding 25 percent of the width of the elevation may be affixed to each *building* elevation at a location that is nearest the top of the *building* provided said *sign* does not extend above the *parapet*, or in the case of an *exposed pitch roof*, the drip line of the roof. In no case shall such signs be affixed to an elevator shaft or equipment screening.



Additional Sign for Multi-Story Building greater than 5 Stories

Public Review Version 2 Draft



Wall Sign for Multi-Story Building greater than 2 Stories

d) The *sign area* of any *Building Wall Sign* serving an arterial street may be increased by twenty-five (25) percent when the *building* is setback at least 600 feet from the public right-of-way and may be further increased an additional twenty-five (25) percent for each additional 200 feet of setback, up to a maximum of 100%, provided the increase in *sign area* does not cause the *sign* to be in violation with the other provisions of this Section.

e) The maximum width of a *Building Wall Sign* shall not exceed eighty (80) percent of the leased tenant frontage for a multi-tenant *building*, or *building* elevation for a single-tenant *building*.

f) *Building Wall Signs* shall be installed in a manner that does not obscure architectural features such as, but not limited to, pilasters, arches, windows, cornices, pop-outs, decorative trims, moldings, and frieze.

g) *Building Wall Signs* may be *internally illuminated*, externally illuminated, or *back-lit*, but may not include *electronic messaging* (EMCs). Further, illumination shall be in accordance with the requirements set forth in Section 113-~~09~~10.

2. ***Blade Signs*:**

a) One (1) *Blade Sign* is permitted per primary use multi-story *building* located in multi-family, commercial, mixed-use or industrial zoning subject to the *specific* requirements outlined below.

b) When a *Blade Sign* extends over a pedestrian area a distance of six (6) inches or more, the bottom of the *sign* shall not be any closer than eight (8) feet above the walking surface over which the

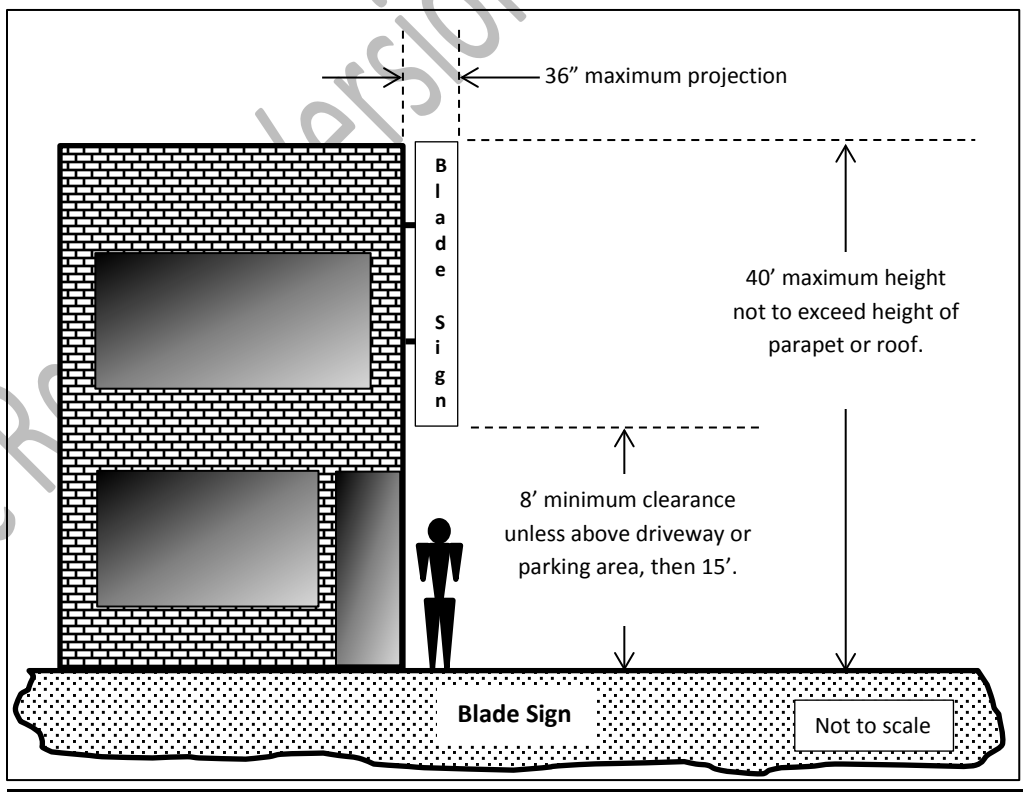
Public Review Version 2 Draft

sign is placed. When a *Blade Sign* extends any distance over a parking lot or vehicular area, the bottom of the *sign* shall not be any closer than fifteen (15) feet above the paving surface over which the *sign* is placed.

c) The *Blade Sign* shall be mounted such that the top of the *sign* is not higher than forty (40) feet above the ground, sidewalk, or pavement surface above which the *sign* is mounted, except that in no case shall the *Blade Sign* extend above the *roof* of the *building* onto which the *sign* is mounted, or if mounted adjacent to a *parapet*, the *sign* shall not extend above the *parapet*.

d) The *Blade Sign* shall not project more than thirty-six (36) inches from the wall onto which the *Blade Sign* is mounted.

e) The *Blade Sign* shall not be *externally illuminated* in any manner except by ambient lighting as may be present on the property; however, *Blade Signs* may be *internally illuminated* in accordance with the requirements set forth in Section 113-~~09~~10.

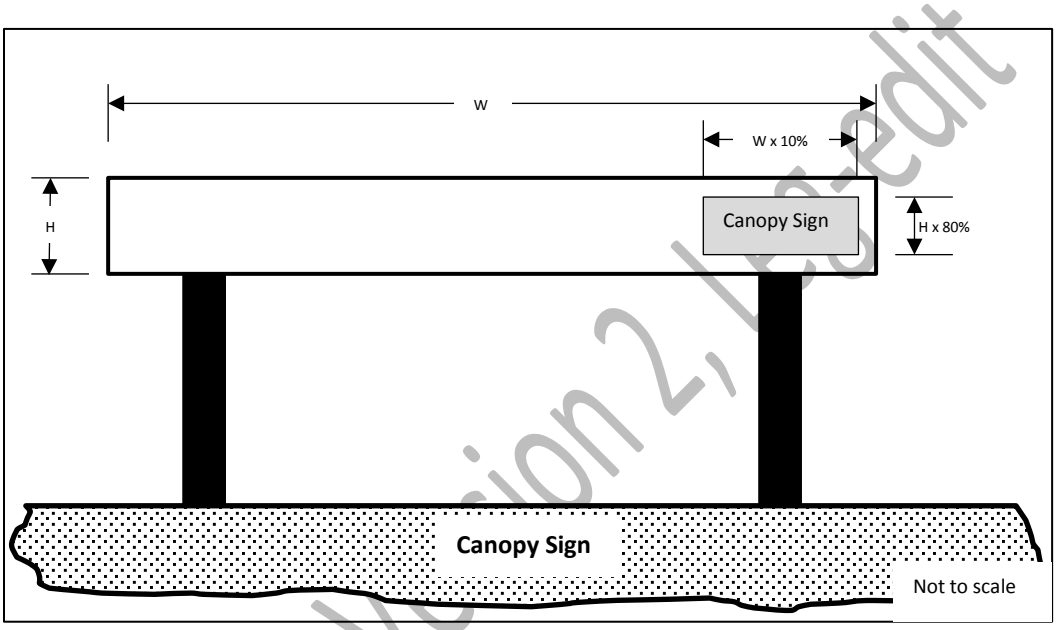


Public Review Version 2 Leg-edit

3. ***Canopy Signs:***

a) *Canopy Signs* shall not exceed 80% of the height of the face of the *canopy* onto which the *Canopy Sign* is mounted.

b) *Canopy Signs* shall not exceed ten (10) percent of the width of the face of the *canopy* onto which the *Canopy Sign* is mounted.



c) *Canopy Signs* may be *internally illuminated* or *back-lit* in accordance with the requirements set forth in Section 113.09. *Level 1 Electronic Messaging* is permitted on a *Canopy Sign*, subject to the provisions outlined in Section 113-~~10~~11.

4. ***Marquee Signs*:**

a) The *Marquee Sign* shall be affixed to the face plane of the marquee and shall not extend above the uppermost or lowermost limits of the marquee.

b) The *Marquee Sign* shall not exceed eighty percent (80%) of the width of the face of the marquee onto which the *sign* is mounted.

c) *Marquee Signs* may be *internally illuminated* or *back-lit* in accordance with the requirements set forth in Section 113.09. *Level 1 Electronic Messaging* is permitted subject to the provisions outlined in Section 113-~~10~~11.

Public Review Version 2, Re-edit

5. ***Awning Signs*:**

In mixed-use, commercial and industrial zoning districts, *awnings* may be integrated with *sign copy*, but shall not contribute towards the overall *Building Wall Sign area* of a particular *building*.

6. **Hanging Signs:**

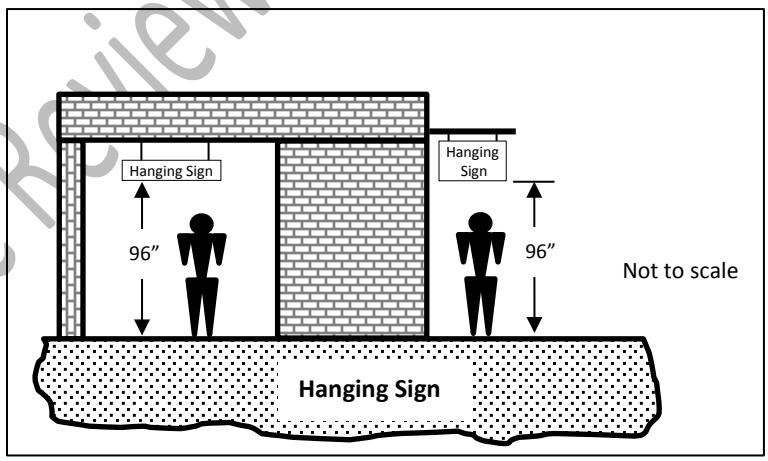
In mixed-use, commercial and industrial zoning districts, hanging signs are permitted subject to the following time, place, and manner restrictions:

a) Not more than one (1) *Hanging Sign* is permitted per customer entrance and shall be mounted above the customer entrance or as close as reasonably practicable.

b) The maximum *sign area* of the *Hanging Sign* shall not exceed six (6) square feet.

c) Where a *Hanging Sign* is erected above a pedestrian pathway, the bottom of the *sign* shall be not less than ninety-six (96) inches from the walkable surface above which the *Hanging Sign* is placed.

d) The *Hanging Sign* shall not be *externally illuminated* in any manner except by ambient lighting present on the property; however, such *signs* may be *internally illuminated* in accordance with the requirements set forth in Section 113-~~09~~10.



7. ***Window Signs* and Sunscreens**:

a) *Window Signs* are allowed provided the combined *sign area* for all *window signs* affixed to a particular window does not exceed forty (40) percent of the individual window pane. Etched or stained

Public Review Version 2, Leg-edit

glass, when integral to the window, shall not be included in the *sign area* calculation.

b) Sunscreen material may cover 100 percent of the window pane, provided not more than forty (40) percent of the window pane is covered by any mural or other graphics.

c) *Window Signs* shall not contribute towards the aggregate *Building Wall Sign Area* of a *building*.

Public Review Version 2, Leg-edit

[Page intentionally blank]

Public Review Version 2, Leg-edit

C. Freestanding Ground Signs

1. ***Class I Monument Signs* (Menu Signs) and *Class II Monument Signs (*Preview Signs) for *Drive-through Businesses*:**

Drive-through businesses may utilize one (1) *Class I Monument Sign* and one (1) *Class II ~~Freestanding~~ Monument Sign* per drive-through lane subject to the following:

a) The bottom of the *sign copy* of a *Class I Monument Sign* or *Class II Monument Sign* shall not be less than two (2) feet above the adjacent drive-through lane's paved surface.

b) The overall height of the *sign structure* of a *Class I Monument Sign* or *Class II Monument Sign* shall not be more than ~~six (6)~~ eight (8) feet above the adjacent drive-through lane's paved surface.

c) The *sign area* for an individual *Class I Monument Sign* or *Class II Monument Sign* shall not exceed ~~twenty-four (24)~~ fifty (50) square feet.

d) A *Class I Monument Sign* shall not be audible from any residential zoning district or residential use, hotel or motel room, or patient room of an overnight medical facility.

e) No *Class I Monument Sign* or *Class II ~~Freestanding~~ Monument Sign* may be located within 100 feet of a residential zoning district or use.

f) *Class I Monument Signs* and *Class II Monument Signs* may be *internally illuminated* in accordance with the requirements set forth in Section 113.~~09~~10.

g) *Level 2 Electronic Messaging* is permitted, subject to the provisions outlined in Section 113-~~10~~11.

2. ***Class III Monument Signs* (Directional Signs):**

Class III Monument Signs are permitted along the street frontage in conjunction with a driveway serving any multi-family residential, commercial or industrial development, subject to the following:

a) The *Class III Monument Sign* shall not exceed thirty (30) inches in height as measured from the adjacent pavement surface of the roadway served by the *sign*;

Public Review Version 2, Leg-edit

b) The *sign area* of a *Class III Monument Sign* shall not exceed six (6) square feet;

c) The *Class III Monument Sign* may be *internally illuminated*, *back-lit*, or *externally illuminated* as outlined in Section 113.10 provided the source of *external illumination* is not visible.

3. ***Class IV Monument Signs*** **(Directory Signs):**

Class IV Monument Signs are permitted within the interior of any multi-family residential, commercial or industrial development, subject to the following:

a) The *Class IV Monument Sign* shall not exceed six (6) feet in height as measured from the adjacent pavement surface of the roadway or sidewalk served by the *sign*;

b) The *sign area* of a *Class IV Monument Sign* shall not exceed twelve (12) square feet;

c) The *Class IV Monument Sign* may be *internally illuminated*, *back-lit*, or *externally illuminated* in accordance with the requirements set forth in Section 113-~~09~~10 provided the source of *external illumination* is not visible.

4. ***Class V Monument Signs*** ~~**Class V Monument Signs**~~ **(Minor Monument Signs)**

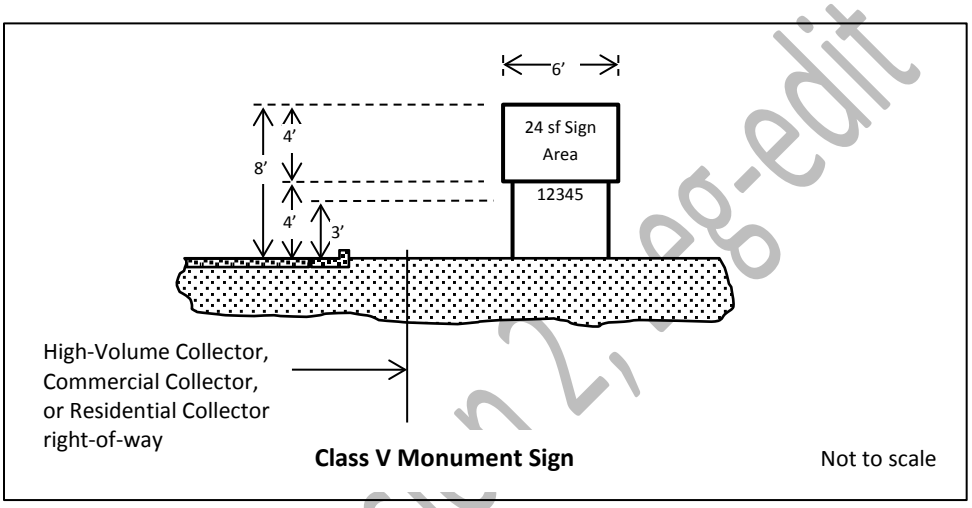
a) *Class V Monument Signs* are permitted in conjunction with non-residential uses in a residential zone, not including *cottage industries* or home occupations; or in multi-family uses in multi-family zoning; or in non-residential uses in a non-residential zone.

b) ~~When allowed, o~~One (1) *Class V Monument Sign* meeting the requirements outlined below is permitted for every 300 feet of collector or arterial street frontage or portion thereof, regardless of the presence or location of driveway, provided sight distance requirements are met ~~driveway entrance providing access from the street to the business or complex served by the *sign*~~. The minimum spacing between *Class V Monument Signs* located on the same property shall be not less than 300' measured radially.

c) When allowed, ~~*Class V Monument Signs* shall only be located adjacent to a High Volume Collector street, Residential Collector street, or Commercial Collector street. T~~the height of the *Class V*

Public Review Version 2, Leg-edit

Monument Sign shall not exceed eight (8) feet as measured from the edge of pavement of the street being served by the *sign*, nor shall the width of the *Class V Monument Sign* exceed six (6) feet, nor shall the maximum *sign area* exceed 24 square feet. The bottom edge of the *sign copy* shall be no lower than four (4) feet above the adjacent edge of pavement of the street being served by the *sign*.



d) The base of a *Class V Monument Sign* shall be fitted with the address of the property or properties in a manner that is consistent with Section 113-1~~2~~3.

e) A *Class V Monument Sign* shall be located within a landscape area not less than 80 square feet.

f) *Class V Monument Signs* shall be setback not less than two (2) feet from the right-of-way line except that in the event a Public Utility Easement is present, in which case the *sign* shall be setback not less than two (2) feet from the easement.

g) *Class V Monument Signs* may be *internally illuminated*, *back-lit* or *externally illuminated* in accordance with the requirements set forth in Section 113.~~09~~10.

h) *Level 1 Electronic Messaging* and *Level 2 Electronic Messaging* are permitted on a *Monument Sign*, subject to the provisions outlined in Section 113-~~10~~11.

Public Review Version 2, eg-edit

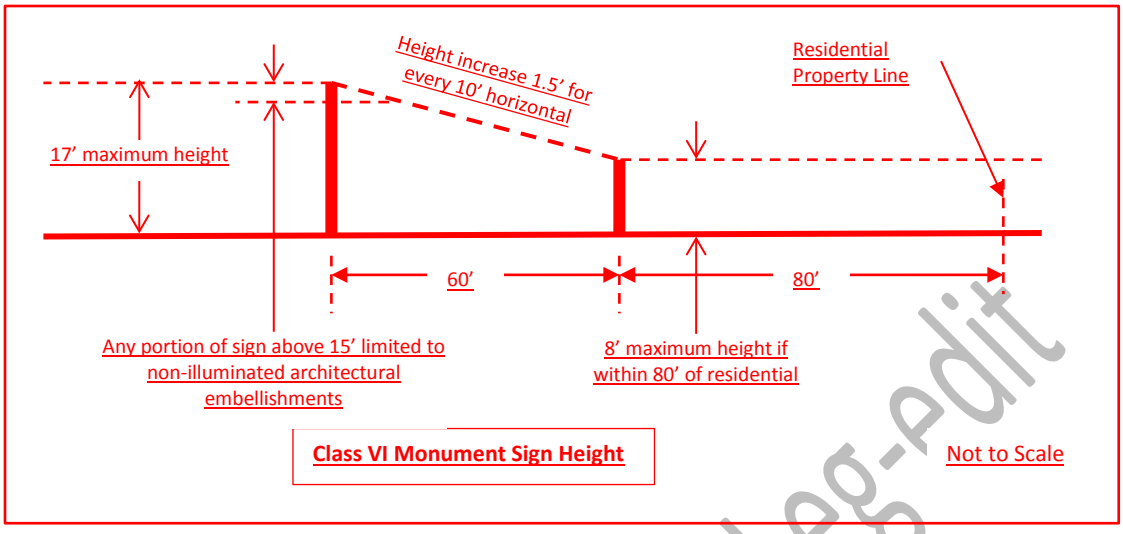
5. ***Class VI Monument Signs*** ~~**Class VI Monument Signs**~~ **(Major Monument Signs)**

a) *Class VI Monument Signs* are permitted in conjunction with non-residential uses in a non-residential zone or that portion of a Planned Area Development where the land use plan of the PAD specifically calls out non-residential uses~~, not including cottage industries or home occupations; or in multi-family uses in multi-family zoning; or in non-residential uses in a non-residential zone~~.

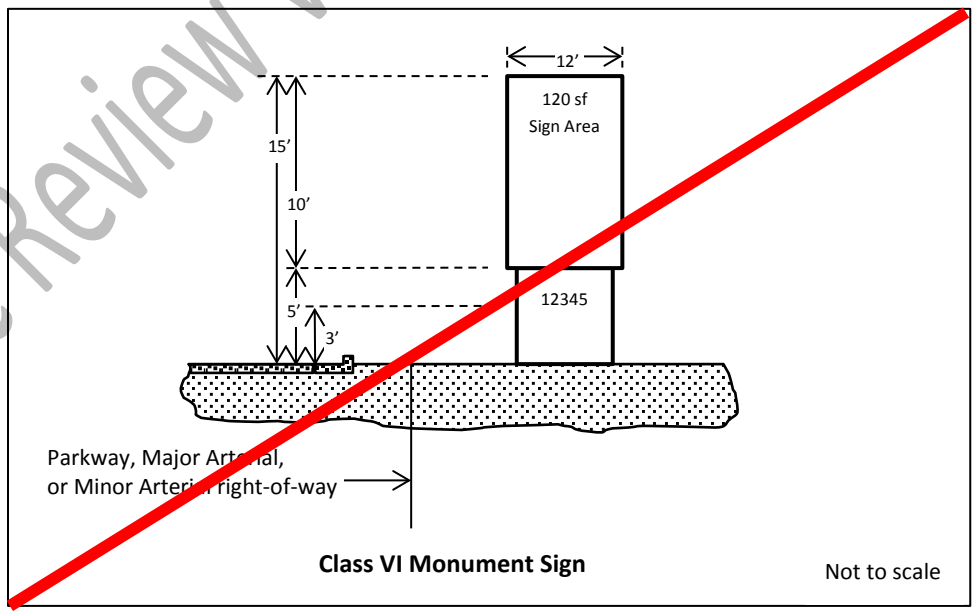
b) *Class VI Monument Signs* shall only be located adjacent to a Parkway, Major Arterial street, Minor Arterial street, or along Grand Avenue. When allowed, one (1) *Class VI Monument Sign* meeting the requirements outlined below is permitted for every 600 feet of said roadway or portion thereof, regardless of the presence or location of driveway, provided sight distance requirements are met ~~driveway entrance providing access from the street to the business or complex served by the *sign*~~. The minimum spacing between *Class VI Monument Signs* located on the same property shall be not less than 600' measured radially. Properties with less than 600' of Parkway, Major Arterial street, Minor Arterial street, or Grand Avenue frontage shall not be permmited any *Class VI Monument Sign*.

c) If a *Class VI Monument Sign* is located within 80 feet of a property having single-family residential zoning, the height of the *Class VI Monument Sign* shall not exceed eight (8) feet; however, the height of a *Class VI Monument Sign* may increase one and one-half (1.5) foot for every additional ten (10) feet of horizontal distance the *sign* is located away from a property having single-family residential zoning up to a maximum height of seventeen (17) feet, provided however that any height in excess of fifteen (15) feet shall be limited to architectural embellishments.

Public Review Version 2 - Legal Edit



~~*Class VI Monument Signs* shall only be located adjacent to a Parkway, Major Arterial street, Minor Arterial street, or along Grand Avenue. *Class VI Monument Signs* shall not exceed fifteen (15) feet in height as measured from the edge of pavement of the street served by the *sign*, nor shall the width of the *Major Monument Sign* exceed twelve (12) feet, nor shall the maximum *sign area* exceed 120 square feet. The bottom edge of the *sign copy* shall be no lower than five (5) feet above the adjacent edge of pavement of the street being served by the *sign*.~~



d) The base of a *Class VI Monument Sign* shall be fitted with the address of the property or properties in a manner that is consistent with Section 113-~~12~~13.

Public Review Version 2 Leg-edit

e) A *Class VI Monument Sign* shall be located within a landscape area not less than the maximum *sign area* allowed for that *sign* ~~120 square feet~~.

f) *Class VI Monument Signs* shall be setback not less than two (2) feet from the right-of-way line. Further, ~~except that~~ in the event a Public Utility Easement is present, ~~in which case~~ the *sign* shall be setback not less than two (2) feet from the easement, unless the property owner signs a waiver acknowledging the prior rights of the utilty companies to occupy said easement.

g) *Class VI Monument Signs* may be *internally illuminated*, *back-lit* or *externally illuminated* in accordance with the requirements set forth in Section 113.~~09~~10.

h) *Level 1 Electronic Messaging* and *Level 2 Electronic Messaging* are permitted on a *Class VI Monument Sign*, subject to the provisions outlined in Section 113-~~10~~11.

6. ***Roadway Arch Signs*:**

Roadway Arch Signs may be erected within any commercial or industrial development subject to the following:

a) *Roadway Arch Signs* shall maintain a vehicular clearance of not less than ~~fifteen (15)~~ eighteen (18) feet;

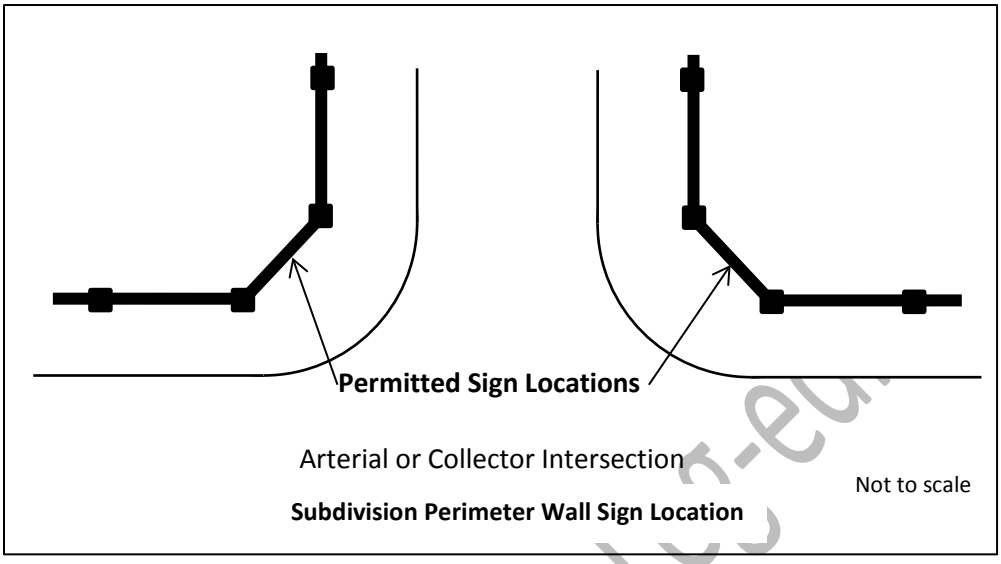
b) *Roadway Arch Signs* shall not interfere with pedestrian or vehicular movement.

c) *Roadway Arch Signs* may be *internally illuminated*, or *back-lit* in accordance with the requirements set forth in Section 113-~~09~~10 except that if the *Roadway Arch Sign* is located adjacent to any residential zoning district or use, the *Roadway Arch Sign* shall not be illuminated.

7. ***Subdivision Perimeter Wall Signs:***

a) Where a *subdivision perimeter wall* is located adjacent to a street corner that intersects a collector or arterial street, one (1) *Subdivision Perimeter Wall Sign* may be affixed to the wall panel of the *subdivision perimeter wall* most closely oriented to the intersection, subject to the specific requirements outlined below.

Public Review Version 2, Legedit



Subdivision Perimeter Wall Sign Location

b) The maximum sign area shall not exceed thirty-two (32) square feet.

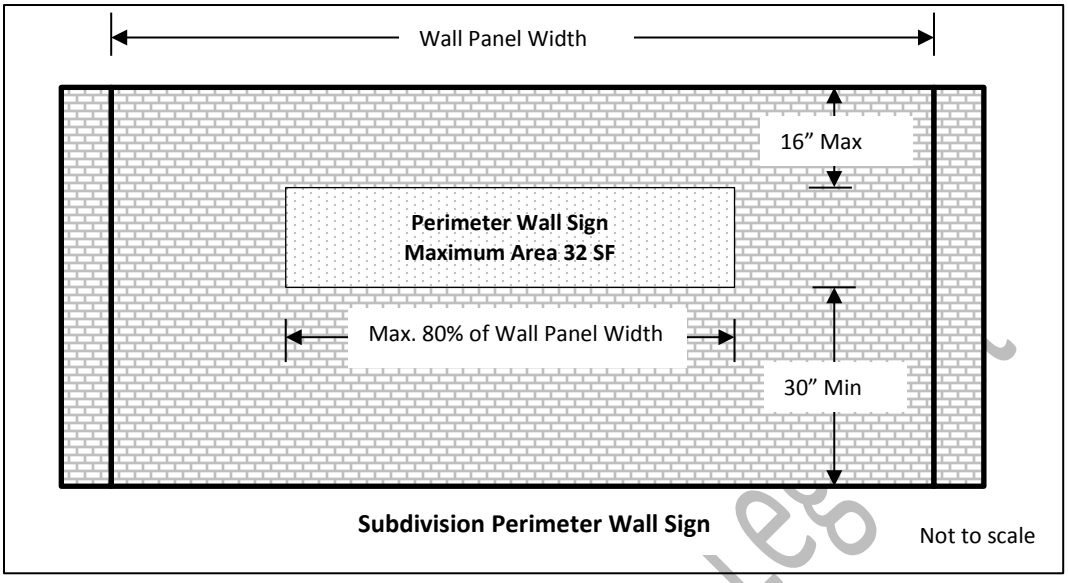
c) The width of the sign shall not exceed 80% of the width of the perimeter wall panel into which the sign is mounted.

d) The bottom of the sign shall be no lower than thirty (30) Inches from the adjacent grade.

e) The top of the sign shall be no higher than sixteen (16) inches from the top of the wall panel onto which the sign is mounted.

f) The sign may be back-lit or ~~externally illuminated~~ *externally illuminated* provided the source of illumination is not visible from the street or from the adjacent residential property and is otherwise in accordance with the requirements set forth in Section 113-~~09~~10.

Public Review Version 2, Le -ed



8. ***Billboard Signs:*** *Billboard Signs* may be permitted as outlined in this Section:

a) **U.S. 60 Corridor:** *Billboard Signs* may be located within that portion of the **U.S. 60 Corridor** between the eastern line of Section 03, Township 03 North, Range 01 West (Dysart Road) and the north/south mid-section line of Section 03, Township 04 North, Range 02 West, subject to prior approval of a Conditional Use Permit in accordance with Section 122-154 of the Surprise Unified Development Code. All *billboard signs* located within the aforementioned corridor are subject to the provisions in Paragraph 113-09.C.8.c through f and the following:

i. No *billboard sign* shall be located within 2,640 feet of the intersection of U.S. 60 and State Route 303, specifically defined as a point located at Longitude 112°24'13"W by Latitude 33°40'49"N.

ii. No *billboard sign* shall be located within 1,320 feet of the intersection of U.S. 60 and Bell Road, specifically defined as a point located at Longitude 112°21'02"W by Latitude 33°38'19"N.

b) **State Route 303 Corridor:** *Billboard Signs* may be located within that portion of the **State Route 303 Corridor** between a specific point located at Longitude 112°21'~~13~~35"W by Latitude 33°41'48"N and the West line of Section 16, Township 04 North, Range 01 West, subject to prior approval of a Conditional Use Permit in accordance with Section 122-154 of the Surprise Unified Development Code. All *billboard signs* located within the

Public Review Version 2, Leg

aforementioned corridor are subject to the provisions in Paragraph 113-09.C.8.c through f and the following:

i. No *billboard sign* shall be located within 2,640 feet of the intersection of U.S. 60 and State Route 303, specifically defined as a point located at Longitude 112°24'13"W by Latitude 33°40'49"N.

ii. *Billboard signs* located within the State Route 303 corridor as defined above may serve eastbound and/or westbound traffic, but shall only be located north of the freeway right-of-way.

c) **Additional Locational Requirements**: The following additional locational requirements apply for all *billboard signs* regardless of the corridor in which it is located:

i. *Billboard signs* may only be approved in the CN, CC, CR, BP, IP, PF or ILM zoning districts, or if located within a Planned Area Development (PAD), that portion of the PAD in which the approved land use plan specifically calls out commercial, industrial or employment uses.

ii. Notwithstanding the Union Pacific Railroad right-of-way, no *billboard sign* shall be located within 300 feet of a property zoned for Residential uses, or any open space tract that is associated with a residential development.

iii. *Billboard signs* shall not be located closer than twenty (20) feet from the U.S. 60 or State Route 303 right-of-way line and not further than 200 feet from said right-of-way line.

vi. No *billboard sign* shall be approved within 660 feet of any *Freeway Monument Sign* existing at the time of Conditional Use Permit application for the *billboard sign* in question.

v. No *billboard sign* shall be approved within 2,640 of any *billboard sign* approved or existing at the time of Conditional Use Permit application for the *billboard sign* in question.

d) **Dimensional Requirements:** The following dimensional requirements apply for all *billboard signs* regardless of the corridor in which it is located:

i. The overall height of a *billboard sign* shall not exceed thirty (30) feet as measured from the adjacent roadway to the top

Public Review Version 2, Log-Out

of the *sign structure*, exclusive of architectural embellishments as permitted in this Section.

ii. The overall dimensions of the *sign panel* associated with a *billboard sign* shall not exceed thirty (30) feet in width and ten (10) feet in height for a total *sign area* not to exceed 300 square feet, exclusive of architectural embellishments as permitted in this Section.

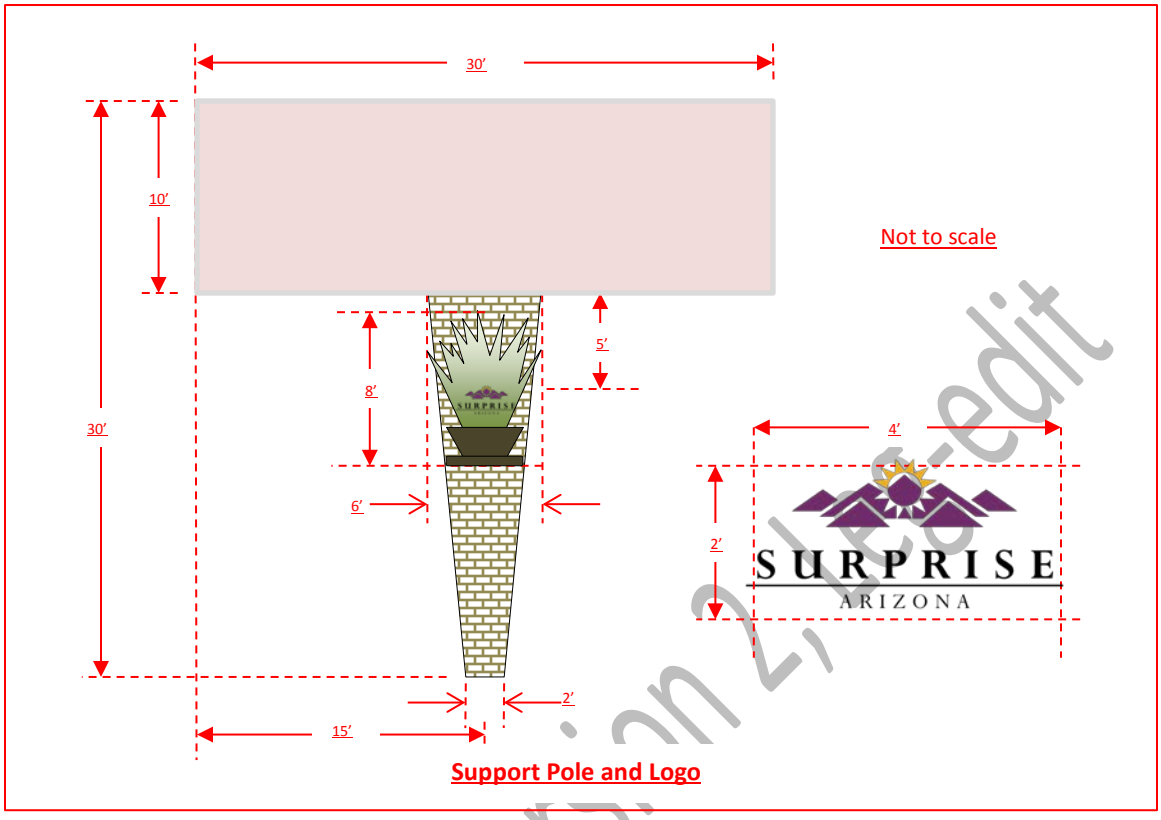
e) **Design Requirements:** The following design requirements apply for all *billboard signs* regardless of the corridor in which it is located:

i. *Billboard Signs* may incorporate *Level 2 Electronic Messaging Centers* as outlined Section 113-11 herein, except that *Electronic Messaging Centers* used in *billboard* applications may occupy up to 100% of the allowable *sign area* of the *billboard*, exclusive of architectural embellishments as may be permitted or required herein, and provided such *Electronic Messaging Centers* are turned off between 11:00 PM and dawn.

ii. *Billboard Signs* shall be supported by a single pole or column, which shall be dimensionally centered beneath the *sign panel* and shall incorporate a pole cover comprised of stone, brick or other architecturally compatible material that conceals the structural component of the pole or column. Unless an alternative design is approved by the Planning and Zoning Commission, the pole cover shall be of a trapezoidal shape, with a base width equal to one-third (1/3) the width of the top of the pole cover.

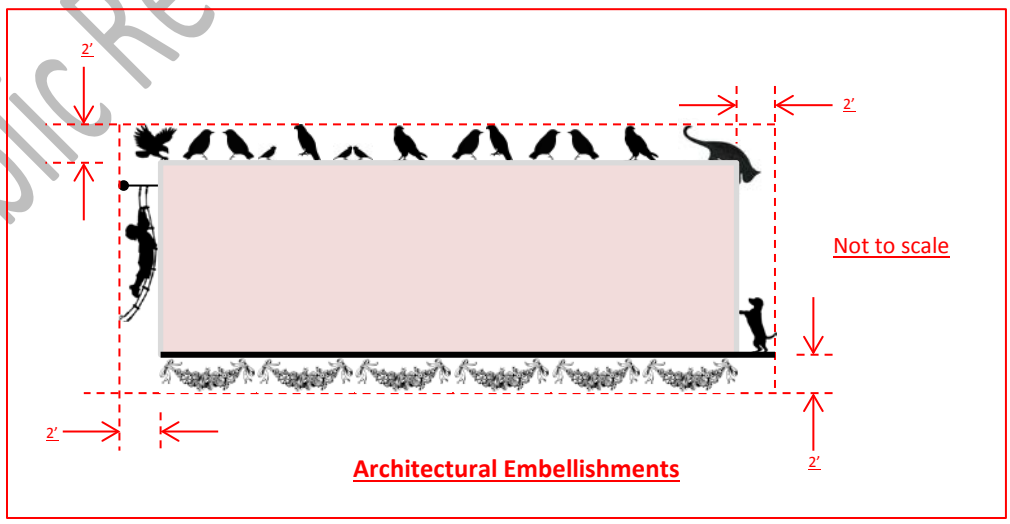
iii. Unless an alternative design is approved by the Planning and Zoning Commission, the supporting pole or column shall also include additional architectural embellishments that incorporate the official *Primary City of Surprise Logo* superimposed onto a stylized agave image. The logo shall be approximately two (2) feet tall by four (4) feet wide. The stylized agave image shall be eight (8) feet high by six (6) feet wide. The vertical center of the arrangement shall be five (5) feet below the lower edge of the *sign panel*.

Public Review Version 4 Red-Edit



Support Pole and Logo

iv. Artistic or architectural embellishments up to thirty (30) square feet may be attached to the perimeter of the *sign panel*, provided said embellishments do not extend more than two (2) feet in any direction beyond the face of the *sign* and do not otherwise obstruct the architectural embellishments as may be required under Paragraph 113-09.C.8.e)iii above.



Architectural Embellishments

Public Review Version 2, Re-edit

f. Any Conditional Use Permit approval is hereby conditioned upon the applicant obtaining a valid construction permit for the *billboard sign* approved under said Conditional Use Permit. The applicant shall obtain Certificate of Completion from the City of Surprise within six (6) months of approval of the Conditional Use Permit by the Planning and Zoning Commission. Failure to obtain a Certificate of Completion within the designated time allotment shall render the Conditional Use Permit null and void; however, the City Manager or designee may grant a one-time extension for a period not to exceed six (6) months when in the opinion of the City Manager or designee the circumstances warrant such.

9. ***Freeway Monument Signs:*** *Freeway Monument Signs* may be permitted as outlined in this Section:

a) **State Route 303 Corridor:** *Freeway monument signs* may be located within the following portions of the **State Route 303 Corridor**, subject to prior approval of a Conditional Use Permit in accordance with Section 122-154 of the Surprise Unified Development Code:

i. **State Route 303 and U.S. 60:** An area of land generally located at the intersection of State Route 303 and U.S. 60, being situated in the south half of Section 18 and the north half of Section 19, Township 4 North, Range 2 West and the south half of Section 36, Township 4 North Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

BEGINNING at a point located at Longitude 112°24'13" West by Latitude 33°40'49" North, thence southwesterly along a line bearing N43°00'58"E a distance of 1,320 feet to the beginning of a non-tangent curve the center of which is said Longitude and Latitude; thence clockwise along the arc of said curve a distance of approximately 2,070 feet, thence departing said arc southeasterly along a line bearing N46°13'20"W a distance of 1,320 feet to the to the POINT OF BEGINNING.

ii. **State Route 303 and Bell Road:** An area of land generally located at the intersection of State Route 303 and Bell Road, being situated in the north half of Section 1, Township 3 North, Range 2 West and the south half of Section 36, Township 4 North Range 2 West of the Gila and Salt River

Public Review Version 2, Leg-Edit

Base and Meridian, Maricopa County, Arizona described as follows:

BEGINNING at the North Quarter Corner of said Section 1, thence easterly along the north line of the northeast quarter of said Section 01 a distance of 850 feet to the beginning of a non-tangent curve the center of which is said North Quarter Corner; thence clockwise along the arc of said curve a distance of approximately 4,000 feet to a point on the east line of the southwest quarter of said Section 36, thence departing said curve, southerly along said east line a distance of 850 feet to the POINT OF BEGINNING.

iii. **State Route 303 and Greenway Road:** An area of land generally located at the intersection of State Route 303 and Greenway Road, being situated in the southeast quarter of Section 1Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

BEGINNING at the South Quarter Corner of said Section 01, thence northerly along the west line of said southeast quarter a distance of 450 feet to the beginning of a non-tangent curve the center of which is said South Quarter Corner; thence clockwise along the arc of said curve a distance of approximately 700 feet to a point on the south line of said southeast quarter; thence departing said curve, westerly along said south line a distance of 450 feet to the POINT OF BEGINNING.

iv. **State Route 303 and Cactus Road:** An area of land generally located at the intersection of State Route 303 and Cactus Road, being situated in the northeast quarter of Section 24Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

BEGINNING at the North Quarter Corner of said Section 24; thence easterly along the north line of said northeast quarter a distance of 850 feet to the beginning of a non-tangent curve the center of which is said North Quarter Corner; thence clockwise along the arc of said curve approximately 1340 feet to a point on the west line of said northeast

Public Review Version - Legal

quarter; thence departing said curve, northerly along said west line a distance of 850 feet to the POINT OF BEGINNING.

v. All *freeway monument signs* located within the aforementioned locations are subject to the provisions in Paragraph 113-09.C.9.b through e.

b) **Additional Locational Requirements**: The following additional locational requirements apply for all *freeway monument signs* regardless of where in the corridor it is located:

i. *Freeway monument signs* may only be approved on lands zoned for Commercial or Industrial uses.

ii. No *freeway monument sign* shall be located within 300 feet of a property zoned for Residential uses, or any open space tract that is associated with a residential development.

iii. *Freeway monument signs* shall not be located closer than twenty (20) feet from the adjacent right-of-way.

iv. No *freeway monument sign* shall be approved within 660 feet of any *billboard sign* approved or existing at the time of Conditional Use Permit application for the *freeway monument sign* in question.

v. Spacing between *freeway monument signs* shall be not less than 750 feet.

vi. *Freeway monument signs* shall not be allowed within a natural or manmade watercourse;

c) **Dimensional Requirements:** The following dimensional requirements apply for all *freeway monument signs* regardless of the corridor in which it is located:

i. The overall height of a *freeway monument sign* shall not exceed sixty-five (65) feet as measured from the finished grade of the site where the *freeway monument sign* is located to the highest point of the *sign structure*.

ii. *Freeway monument signs* shall be allowed an extra three (3) feet in height for architectural embellishments.

Public Review Version 2 - Leg-edit

iii. The *sign area* of a *freeway monument sign* shall not exceed 650 square feet.

d) **Design Requirements:** The following design requirements apply for all *freeway monument signs* regardless of the corridor in which it is located:

i. *Freeway monument signs* may incorporate *Level 2 Electronic Messaging Centers* as outlined Section 113-11 herein, except that *Electronic Messaging Centers* used in *freeway monument sign* applications may occupy up to 50% of the allowable *sign area* of the *sign*, exclusive of architectural embellishments as required herein, and provided such *Electronic Messaging Centers* are turned off between 11:00 PM and dawn.

ii. *Freeway monument signs* shall incorporate architectural features of the commercial development on which the sign is located; however, such embellishments shall not include any sign copy.

iii. *Freeway monument signs* shall require a landscaped area equal to four square feet of landscaping for each square foot of sign area and shall be located around the base of the sign; Freeway monument signs may be illuminated by externally-illuminated indirect or internal lighting;

e. Any Conditional Use Permit approval is hereby conditioned upon the applicant obtaining a valid construction permit for the *freeway monument sign* approved under said Conditional Use Permit. The applicant shall obtain Certificate of Completion from the City of Surprise within six (6) months of approval of the Conditional Use Permit by the Planning and Zoning Commission. Failure to obtain a Certificate of Completion within the designated time allotment shall render the Conditional Use Permit null and void; however, the City Manager or designee may grant a one-time extension for a period not to exceed six (6) months when in the opinion of the City Manager or designee the circumstances warrant such.

Public Review Version 2, Legal

[Page intentionally blank]

Public Review Version 2, Leg-edit

Section 113-~~09~~10 – Sign Illumination

A. Unless otherwise specified in this Chapter, *signs* may be *externally illuminated, internally illuminated* or *b~~l~~ack-lit* provided;

1. The brightness and intensity is no greater than necessary to meet reasonable needs of the business or use being served;

2. The light sources are shielded from all adjacent *building*s and streets;

3. Lighting does not create excessive glare to pedestrians and/or motorists;

4. Lighting does not obstruct traffic control or any other *public sign*; and,

5. No “flashing”, “blinking” or “chasing” lights are utilized.

B. In those areas of the city that are ~~considered environmentally sensitive~~ located within the Scenic Lands Development Sub Area as depicted in the Surprise General Plan 2035 , the city may require the use of muted colors unless specific colors are included in a ~~federally registered~~ trademark that has been registered with a federal or state agency. The city may also require reduced lighting intensities for those *signs* located within ~~environmentally sensitive areas~~ the Scenic Lands Development Sub Area.

C. Unless otherwise stated in this Chapter, any *sign* that is within 100 feet of and visible from any single-family residential zoning district shall not be illuminated between the hours of 10:00 PM and 6:00 AM other than by ambient lighting present on the property.

D. Any *Building Wall Sign* associated with a multi-story *building* greater than ~~five (5)~~ two (2) stories ~~or a multi-story mixed use building greater than five (5) stories~~ as outlined in Section 113-~~08~~09.B.1.c that is located within 1,320 feet of and visible from any residential zoning district may not be illuminated in any manner between the hours of 10:00 PM and 6:00 AM except for ambient lighting present on the property.

Section 113-~~10~~11 – Electronic Messaging Centers (EMCs)

A. **Levels of Electronic Messaging:** For purposes of this Chapter, *Electronic Messaging Centers* (EMCs) are divided into two (2) categories: *Level 1 Electronic Messaging* and *Level 2 Electronic Messaging*, as defined in Section 113-~~05~~06.

B. **EMC Illumination:** The nighttime illumination of an *Electronic Messaging Center* shall conform to the criteria set forth in this Section.

Public Review Version 2 Leg-edit

1. **Illumination Measurement Criteria:** The *illuminance* of an *Electronic Messaging Center* shall be measured with an illuminance meter set to measure foot-candles accurate to at least two (2) decimals. *Illuminance* shall be measured with the EMC turned off, and again with the EMC displaying a white image for a full color-capable *Electronic Messaging Center*, or a solid message for a single-color *Electronic Messaging Center*. All measurements shall be taken perpendicular to the face of the *Electronic Messaging Center* at the distance determined by the total square footage of the *Electronic Messaging Center* as set forth in Table 113-~~10~~11.B below.

TABLE 113-~~10~~11.B
MEASUREMENT DISTANCE AS A FUNCTION OF SIGN AREA

Area of Sign (sq. ft.)	Measurement Distance (ft.)	Area of Sign (sq. ft.)	Measurement Distance (ft.)
5	22	55	74
10	32	60	77
15	39	65	81
20	45	70	84
25	50	75	87
30	55	80	89
35	59	85	92
40	63	90	95
45	67	95	97
50	71	100	100

For EMCs with an area in square feet other than those specifically listed in this table, the measurement distance may be calculated using the following formula: Measurement Distance = √Area of sign sq. ft. x 100

~~**EMC Illumination Limits:** The difference between the "off" and "solid-message" measu~~

2. **EMC Illumination Limits:** The difference between the "off" and "solid-message" measurements using the Illumination Measurement Criteria outlined in Section 113-~~10~~11.B.1 above shall not exceed 0.3 foot-candles at night.

3. **Dimming Capabilities:** All permitted *Electronic Messaging Centers* shall be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurement criteria.

4. **EMCs as a Portion of Sign Area:** When allowed, *Electronic Messaging Centers* may comprise ~~all or part of the~~ not more than thirty (30) percent of the allowable *sign area* of a particular *sign*~~, but shall in no case exceed the maximum allowable *sign area* for a particular *sign*~~ except that:

Public Review Version 2, Lee-edit

a) When *Electronic Messaging Centers* are utilized in conjunction with a *Billboard Sign*, the *sign area* of the *Electronic Messaging Center* may encompass 100% of the allowable *sign area* as outlined in Paragraph 113-09.8.d)ii.

b) When *Electronic Messaging Centers* are utilized in conjunction with a *Freeway Monument Sign*, the *sign area* of the *Electronic Messaging Center* may encompass 50% of the allowable *sign area* as outlined in Paragraph 113-09.9.c)iii.

5. **Certification:** Prior to the issuance of a permit relating to an *Electronic Messaging Center*, the applicant shall provide a written certification from the owner of the sign attesting that said owner has read and understands the provisions of this Section, agrees to abide by said Section, and agrees to cooperate with City of Surprise staff with regards to any nighttime testing that may be necessary should the 0.3 foot-candle limitation be at questionmanufacturer that the light intensity has been factory pre-set not to exceed the levels specified within this ordinance, and the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the Department Director.

Section 113-1112 – Reader Panels

Wherever *Level 1 Electronic Messaging Centers* (EMCs) are allowed, *Reader Panels* may be substituted, provided:

A. The *Reader Panel* otherwise meets the provisions of Section 113-0910; and,

B. The *Reader Panel* does not exceed the allowed *sign area* of the *sign* being replaced; and,

C. The *Reader Panel* is fitted with a clear acrylic cover or other suitable material to prevent the individual characters from being dislodged**.**

Section 113-1213 – Address Identification

A. *Building* addresses shall be in accordance with Article 505.1 of the International Fire Code as amended by the Surprise City Council under Ordinance #2014-04, or as subsequently amended.

B. Where *Class V Monument Signs* or *Class VI Monument Signs* are located next to a street, said *signs* shall be affixed with the address number of the property or properties served by the *sign*. Said address number shall be nine (9) inches tall with a three (3) inch stroke. The bottom edge of the address numbers shall not be less than three (3) feet above the curb of the street from which the address is intended to be read.

Public Review Version 2 Legedit

C. Address numbers meeting the provisions of this Section shall not contribute to the aggregate *sign area*.

[Page intentionally blank]

Public Review Version 2, Leg-edit

Section 113-~~13~~14 – Flags and Flagpoles

A. **All Zoning Districts** – The following provisions relating to all zoning districts within the City of Surprise shall apply:

1. All flagpoles and the installation therein shall comply with all applicable building codes in effect at the time of permit application.

2. *Flags* and flagpoles may be illuminated in accordance with Section 122-145 of the Surprise Municipal Code.

3. All *flags* and flagpoles shall be maintained so as to avoid a *blighted* appearance or being in a state of disrepair.

B. **Single-Family Zoning Districts**

1. Not more than one (1) freestanding flagpole per single-family lot ~~or parcel~~ of record is allowed except that when associated with an HOA-maintained open space tract, then three (3) such flagpoles are allowed.

2. A freestanding flagpole associated with a single-family residence may ~~only~~ be located within any portion of the building envelope, or within the required front or required rear yard, but not within a required side yard.

3. No freestanding flagpole shall exceed a maximum height of thirty (30) feet as measured at its base, unless associated with a ~~Model Home Complex~~ *Model Home Complex* in which case the flagpole height may be increased to 45~~'~~ feet.

4. One (1) flagpole not exceeding six (6) feet in length may be affixed to the front of the primary residence provided the flagpole does not extend above the height of the residence onto which it is affixed or otherwise extend beyond the limits of the property.

5. Additional *Flags* are permitted within *Model Home Complexes* in accordance with Section 113-09.A.10 and *Active Single-Family Residential Subdivisions* as outlined in Section 113-09.11.

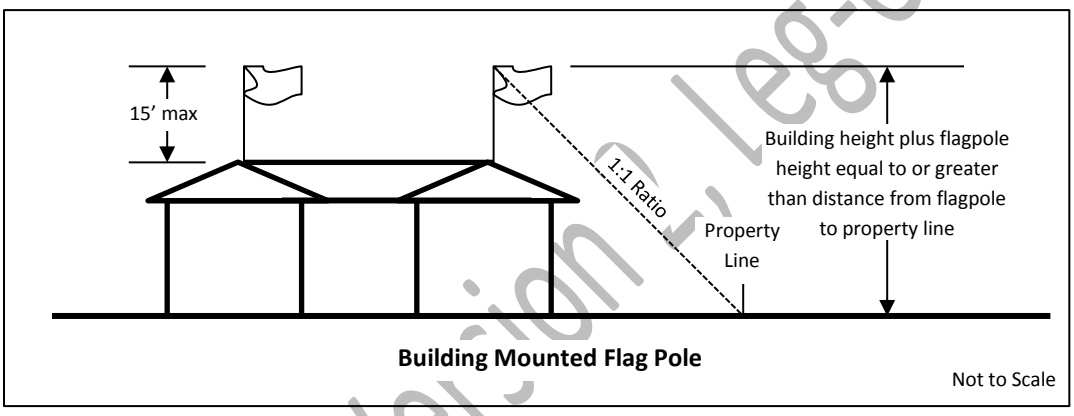
C. **Other Zoning Districts**

1. Not more than three (3) freestanding flagpoles per lot or parcel are allowed except that if any flagpoles are affixed to a *building*, the number of freestanding flagpoles shall be reduced by the number of *building*-mounted flagpoles.

Public Review Version 4: Leg-edit

2. No freestanding flagpole shall exceed a maximum height of 35 feet as measured at its base unless approved by the City Council through a Comprehensive Sign Program, Zone Change, or Major Amendment thereto.

3. A maximum of two (2) flagpoles may be affixed to the primary *building* provided the top of the flagpole does not extend beyond fifteen (15) feet above the height of the *building* onto which it is affixed and the horizontal distance between the top of the flagpole and the closest property line ~~is~~ does not exceed the combined height of the *building* and flagpole below.



Public Review Version 2, Leg-edit

Section 113-~~14~~15 – Comprehensive Sign Programs

A. Purpose: The purpose of Comprehensive Sign Programs is to provide a mechanism by which a specific set of *sign* criteria may be approved for a specific property or geographic area in a manner that is appropriate to the character of the community in which the Comprehensive Sign Program will apply.

B. A Comprehensive Sign Program may be obtained for the following purposes:

1. To allow a deviation from the requirements applicable to a particular *sign* class or type, and/or;

2. To introduce a unique or creative *sign* type that is not listed as a permitted *sign* type in Section 113-~~06~~07.A.

C. A Comprehensive Sign Program may not introduce a *sign* type that is specifically prohibited in Section 113-~~06~~07.F.

D. The Comprehensive Sign Program must demonstrate that:

1. The proposed signage represents a material improvement over what is otherwise permitted in Chapter 113 of the Surprise Municipal Code, and;

2. The proposed signage is appropriate to the character of the development covered by the Comprehensive Sign Program, and;

3. The proposed signage is appropriate to the neighborhood in which the property is located, and;

4. The Comprehensive Sign Program creates a cohesive aesthetic that will apply to all signage covered by the Comprehensive Sign Program within the specific geographic area covered by the Comprehensive Sign Program.

E. A Comprehensive Sign Program may be included as part of a zone change request, or as an independent stand-alone document, in either case processed as a Type IV Application as outlined in Article XII of the Surprise Unified Development Code. The approval or denial of a proposed Comprehensive Sign Program is discretionary with the final approval authority lying with the Surprise City Council. A decision by the City Council to deny a proposed Comprehensive Sign Program shall not in any way be construed as a diminution of property values or a restraint of development rights.

Public Review Version 2, Leg-edit

[Page intentionally blank]

Public Review Version 2, Leg-edit

Section 113-~~15~~16 – Nonconforming Signs

A. **General Provisions:**

1. *Nonconforming signs* shall be maintained in good condition pursuant to Section 113-~~07~~08.C.

2. A *nonconforming sign* shall not be altered, modified or reconstructed except:

   a) When such alteration, modification or reconstruction would bring such *sign* into conformity with these regulations;

   b) When the existing use has a new ownership which results in a change to the name or *logo* of the use or business on the property, and such language complies with Section 113-~~15~~16.A.2.d below;

   c) When the space is re-occupied by a similar use and the new occupant requires no external *building* or site renovation, and such change complies with Section 113-~~15~~16.A.2.d below;

   d) Any alteration, modification, or reconstruction permitted in this section shall be limited to the replacement of a *sign panel*, replacing individual letters and logos within the same area or repainting the *sign* face, and does not permit changes to the structure, framing, erection, or relocation of the *sign* unless such changes otherwise conform to this Chapter.

B. **Limitations for *Nonconforming Signs*:**

~~1.~~ A *nonconforming sign* shall be removed upon verification that any of the following conditions have been met:

~~1.~~ ~~a) The use of the property or building on which the *nonconforming sign* is located has been abandoned for more than 90 consecutive days~~ The City determines and notifies the property owner that the use of the property or *building* upon which the *nonconforming sign* is located has ceased or been abandoned for more than 90 consecutive days, and the owner fails to provide the City with acceptable documentation or other information demonstrating that the use has not ceased or been abandoned; or,

Public Review Version 2 Leg-edit

2. ~~b)~~ These regulations, or amendment to these regulations, which made the *sign* non-conforming has been in effect for ~~ten (10)~~ twenty (20) years ~~or more~~.

~~2. Extension of time to apply: The dates established in this Section for a *sign* to be brought into compliance with the requirements of these regulations may be expanded at the request of the sign owner or lessee. In evaluating the extension of time for a *non-conforming sign*, the City shall consider the following factors to determine whether the owner of the *sign* has had a reasonable amount of time to recuperate the initial investment:~~

~~a) The value of the *sign* at the time of construction and the length of time the *sign* has been in place;~~

~~b) The life expectancy of the original investment in the *sign* and its true salvage value, if any;~~

~~c) The amount of depreciation and/or amortization of the *sign* already claimed for tax accounting purposes;~~

~~d) The length of current tenant lease or expected occupancy compared to the date the *sign* is to be brought into compliance;~~

~~e) The extent to which the *sign* is not in compliance with these regulations;~~

~~f) The degree to which the City determines that the *sign* is consistent with the purposes of these regulations; and,~~

~~g) Whether the *sign* has "historical" or "landmark" significance, and should therefore be exempt from amortization.~~

Public Review Version 2, Leg-edit

Section 113-~~16~~17 – Enforcement

A. **General Provisions:**

1. The City Manager or designee is hereby authorized and directed to enforce all provisions of this Chapter in conformance with the regulations and procedures specified herein.

2. Any violation of this Chapter constitutes a public nuisance and may result in the issuance of either a civil citation or criminal citation by the City as set forth in Article VI of the Surprise Municipal Code.

2. Each day a violation of any provision of this Chapter or the failure to perform any act or duty required by this Chapter continues shall constitute a separate violation or offense.

3. When two (2) or more persons have liability to the City or are responsible for a violation of this Chapter, their responsibility shall be joint and several.

4. The re-erection of any *sign* or substantially similar *sign* on the same premises after a Notice of Violation has been issued shall be deemed a continuance of the original violation.

B. **Notice of Violation:** Whenever the City Manager or designee determines there has been a violation of this Chapter, or has grounds to believe that a violation has occurred, notice shall be given in the following form and manner:

1. The Notice of Violation shall be given in writing;

2. The Notice of Violation shall include a description of the real property sufficient for identification;

3. The Notice of Violation shall include a statement of the violation or violations and why the Notice of Violation is being issued;

4. The Notice of Violation shall include a correction order ~~allowing a reasonable time~~ stating a date-certain by which to remedy the violation.

5. The placement of any *sign* or substantially similar *sign* on the same premises after a Notice of Violation has been issued shall be deemed a continuation of the original violation.

Public Review Version 2 Lee-edit

6. A Notice of Violation is not required for any *Temporary Sign* that is in violation of this Chapter.

7. The period of notice for *permanent signs* shall be thirty (30) days.

C. **Delivery of Notice:** A Notice of Violation shall be deemed as being properly served if a copy thereof is delivered personally by an employee of the City of Surprise having the authority to do so, or is sent by First Class Mail or Certified Mail (Return Receipt Requested) addressed to the last known address. If a Notice of Violation is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous location on the property of the alleged violation.

~~A~~D. **Penalties for Violation:** ~~Any person, firm, or corporation who violates any provision of this Chapter or any provision of any code adopted by this Chapter may be charged with a civil violation.~~ Penalties for violations are as outlined in Article VI of the Surprise Municipal Code. Imposition of a fine or penalty assessment shall not relieve the owner of the responsibility for abatement of the violation(s) or excuse him/her from liability for any and all costs incurred by the City for abatement. In no event shall the owner of premises where the violation has occurred be held criminally responsible for a *temporary sign* violation of this Chapter committed by a tenant in possession of the premises or other third party.

~~D~~E. **Removal of Signs:**

1. A Notice of Violation shall not be required to remove any *sign* that is identified in this Chapter as being prohibited, or that creates or has the potential to create a hazard to the public.

2. Any *Temporary Sign* not specifically listed as an allowed use is specifically not permitted and the City of Surprise may remove the *sign* or cause the *sign* to be removed.

3. If a *Temporary Sign* which would otherwise be permitted by this Chapter does not include the contact information as required by 113-~~08~~09.A.1.b above, the City of Surprise may remove the *sign* or cause the *sign* to be removed.

4. The City of Surprise shall have the right to contact the individual whose name appears on a *Temporary Sign* and/or the property owner of the property onto which the *Temporary Sign* is erected for the purpose of verifying property owner consent. If property owner consent cannot be verified, the City of Surprise may remove the *sign*.

5. Any *Temporary Sign* that is removed by the City of Surprise for being in violation of this Chapter may be discarded five (5) business days

Public Review Version 4 Leg-Edit

following removal, provided a City of Surprise employee who is authorized to do so has made an attempt to contact the individual whose name appears on the *Temporary Sign* at the address or phone number printed on said *sign*.

6. All actual costs incurred by the City of Surprise in the removal or repair of said sign shall be paid by the owner of the sign or the owner of the premises where the sign is located. Action for recovery may be brought by the Surprise City Attorney upon proper certification to him/her by the City Manager or authorized agent.

[Page intentionally blank]

Public Review Version 2, Leg-edit

[Page intentionally blank]

Public Review Version 2, Leg-edit

Section 113-18 – Appeals

A. Decisions by the Zoning Administrator:

1. The denial of a *sign* permit or any written interpretation of a *sign* regulation made by the Zoning Administrator, pursuant to his/her legal authority, may be appealed to the Board of Adjustment pursuant to Section 2-302 of the Surprise Municipal Code, except as modified by the provisions of this Section 113-18. The appeal shall specify the grounds for appeal and shall be submitted in writing with the Community Development Department within fifteen (15) calendar days of the date the decision was issued. If a timely appeal is not filed, the Zoning Administrator's decision shall become final.

2. Challenges to the constitutionality of any provision of this Chapter regulating *signs* shall only be processed pursuant to Section 113-18.B below.

3. The Board of Adjustment may affirm, reverse, or modify the decision of the Zoning Administrator, which decision will be final, unless the Board's decision is timely appealed by any person aggrieved to the City Council within fifteen (15) calendar days of the decision. Appeals shall be filed in writing with the office of the City Clerk and shall specify the grounds for the appeal. The appeal shall be placed on the next available agenda for review and decision by the City Council. The appeal shall be decided based on the record of the Board of Adjustment proceedings and the issues limited to those presented to and decided by the Board of Adjustment.

4. Any person aggrieved by the decision of the City Council may appeal the decision of the City Council to Superior Court within 30 calendar days, as provided by state law.

B. Constitutional Issues Involving Application of Sign Regulations:

1. When an appeal raises an issue(s) involving the application of Federal or Arizona constitutional law in the issuance or denial of a *sign* permit, the revocation of a *sign* permit, or an order to alter or remove a *sign*, the constitutional issue(s) shall be referred to a hearing officer appointed by the City for hearing and decision.

2. The appeal shall be in writing and shall include the following information:

Public Review Version 2, Dec 2011

a. The name and address of the applicant.

b. The ordinance, code provision, or other City document or policy statement that is alleged to be unconstitutional.

c. Any relevant facts and supporting documents.

d. The names and addresses of any witnesses.

3. The Zoning Administrator shall forward the appeal and all supporting documents to the hearing officer within ten (10) working days of receipt with a copy to the applicant.

4. The Zoning Administrator may prepare and include with the transmittal to the hearing officer a written statement of the City's response to the appeal accompanied by any supporting documents, names of witnesses, and any other matters considered relevant.

5. Upon receipt of the appeal, the hearing officer shall contact the Zoning Administrator and the applicant acknowledging receipt and scheduling a time for the appeal to be heard not later than 30 days after receipt. The applicant shall be given at least ten (10) day notice of the time when the appeal will be heard unless he/she agrees to a shorter time period.

6. The applicant shall bear the burden to establish that the subject ordinance, code provision, or other City document or policy statement is unconstitutional.

7. The hearing officer shall decide the appeal and issue a written decision setting forth findings of fact and conclusions of law within five (5) working days after the appeal is heard.

8. The decision shall be transmitted to the Zoning Administrator and the applicant at the address provided by the applicant.

9. If the hearing officer finds that the subject ordinance, code provision, or other City document or policy is unconstitutional, in whole or in part, the City shall issue within 30 days of the hearing officer's decision a written notice to the applicant stating that it will either (1) repeal or otherwise amend the challenged ordinance, code provision, or other document or policy to cure the constitutional deficiency or (2) take no action.

10. Any person aggrieved by the City's response to the hearing officer's decision may file, at any time within 30 calendar days thereafter, a

Public Review Version 2, leg-edit

complaint in a court of competent jurisdiction to review the City's response based on the record of the appeal to the hearing officer.

~~Chapter 113 - SIGNS~~[1]

~~ARTICLE I. - IN GENERAL~~

~~Sec. 113-1. - Purpose.~~

~~The purpose of this chapter is to safeguard the public interest by establishing standards for the regulation of signs within the City of Surprise. These standards are designed to:~~

~~(1) Allow adequate signage for business identification while meeting public and private objectives;~~

~~(2) Promote the free flow of traffic and protecting pedestrians and motorists from injury and property damage that may be caused by cluttered, distracting and illegible signage;~~

~~(3) Prevent property damage and personal injury as a result of improperly placed or poorly maintained signs:~~

~~(4) Promote the use of signs that are well designed, of appropriate scale, and integrated with surrounding buildings and landscape in order to meet the community's desire for quality development;~~

~~(5) Protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape that affects the image of the city.~~

~~Sec. 113-2. - Definitions.~~

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word "lot" may also be used interchangeably with the words "plot" or "parcel"; the word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied":~~

~~*Abandoned sign:* Any sign located on a property or premises, which is vacant and unoccupied for a period of 30 calendar days, or a sign which is damaged, in disrepair, or vandalized and not repaired within 30 calendar days of the date of the damaging event.~~

~~*Above-roof sign:* A sign displayed above the peak or parapet of a building.~~

~~*Advertising copy:* Words, letters or graphics painted, carved, etched or mounted on the face of any sign used to advertise a business, product, service or place. Advertising copy shall not include the name of the business.~~

~~*Alteration:* Any change in architectural, structural or copy of an existing sign.~~

~~*Animated sign:* A sign which has movement or the optical illusion of movement of any part of the sign structure, design or pictorial segment, including the movement of any illumination or flashing or varying of light intensity; or the automatic changing of all or any part of the facing of a sign; or any movement or rotation of a sign or any part of the sign structure; or emits audible sound.~~

~~*Applicant:* Any person who applies for a sign permit in accordance with the provisions of this chapter.~~

~~*Arterial street:* Any principal, major, or minor arterial street as classified and designated in the city general plan and transportation plan.~~

Public Review Version 2, Leg-edit

~~*Awning sign:* Any sign with information painted or integrated into a structure covered with fabric, metal or other material and supported by a building at one or more points.~~

~~*Backlit sign:* A light source that is concealed or contained within the graphic and becomes visible in darkness through a translucent surface.~~

~~*Banner:* A sign composed of a logo or design, which may include advertising copy, on a lightweight material either enclosed or not enclosed in a rigid frame and secured or mounted to allow motion caused by the atmosphere.~~

~~*Bare-bulb illumination:* An exposed light source that consists of light bulbs or a string of light bulbs.~~

~~*Billboard sign:* Any sign that advertises a business, commodity, service, entertainment, product or attraction sold, offered or existing elsewhere than on the property where the sign is located.~~

~~*Breakaway design feature:* A structural feature built into the sign, according to the state department of highways that allows the sign to collapse on impact.~~

~~*Building:* Any structure having enclosed space and a roof for the housing and enclosure of persons and animals, or chattels.~~

~~*Building wall:* The individual sides of a building.~~

~~*Business:* An establishment that engages in the purchase, sale, barter or exchange of goods, wares, merchandise or services; or the maintenance or operation of offices or recreational or amusement enterprises.~~

~~*Business name:* The name by which a business is commonly recognized and used by the applicant but does not include slogans or product information.~~

~~*Canopy:* A structure other than an awning made of cloth, metal of other material with frames affixed to a building and carried by a frame that is supported by the ground.~~

~~*Changeable copy:* Text or graphics on signs that are changed at frequent intervals of more than once a day.~~

~~*Commercial farm or ranch sign:* A sign that identifies the name of any farm or ranch.~~

~~*Construction fence screen sign:* A temporary sign that identifies the future development and acts as a security barrier to the construction site.~~

~~*Development:* Any human-made change to improve or alter real estate, including, but not limited to, buildings or structures, mining, dredging, filling, grading, paving or excavation drilling operations.~~

~~*Development sign:* A sign used to identify an approved future development.~~

~~*Directional sign:* An on-premises sign, other than a kiosk sign, that includes only information assisting in the flow of pedestrian or vehicular traffic, such as enter, exit and one-way signs, and which do not display corporate colors, logos or other commercial messages.~~

~~*Directory sign:* Any sign, other than an identification sign, which is centrally located and lists only the names, uses or locations of the various businesses or activities conducted within a building or group of buildings.~~

~~*Emergency sign:* A sign erected by a governmental agency, a public utility company, or a contractor performing work within any right-of-way.~~

~~*External illumination:* Illumination of a sign that is affected by an artificial source of light not contained in the sign itself.~~

~~*Facade:* The side of a building below the eaves.~~

~~*Facade, blank:* The side of a building below the eaves that is blank and does not have windows or architectural detail.~~

Public Review Version 2, Leg-edit

Fascia sign: Any sign that is mounted against the horizontal piece covering the joint between the top of a wall and the projecting eaves of the roof.

Flashing illumination: Illumination in which the artificial source of light is not maintained stationary or constant in intensity and color at all times when a street graphic is illuminated, including illuminated lighting.

For sale, lease and rent signs: Any temporary sign that indicates a single premises, building or vacant lot that is currently for sale, lease or rent.

Freestanding sign: A sign that is erected on its own self-supporting permanent structure, detached from any supporting elements of a building.

Freeway sign: A freestanding single user or multi-tenant sign identifying an on-premise use, on property abutting or part of a complex/center abutting any freeway right-of-way, oriented to and intended to be read from the freeway. For the purposes of this section, a center/complex shall further be defined to include those projects under a common zoning case or development without regard to property ownership or individual parcel use.

Front lit sign: A sign that is illuminated from a source placed in front of the graphic meant to illuminate only the graphic.

Grand opening sign: A temporary banner displayed on a premise on which a grand opening is in progress.

Ground sign: A sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building. It includes a pole sign and a monument sign.

Height: The vertical distance from the top of the highest element of the sign or sign structure to the top of the curb or crown of the roadway where no curb exists.

Home occupation sign: A sign used to advertise a home-based business.

Identification sign: A sign that identifies only the business, place, organization, building, street address or person on the property on which it is located.

Illuminated sign: A sign on which the surface is artificially lighted internally or externally.

Illumination or *illuminated:* A source of any artificial or reflected light, either directly from a source of light incorporated within, or indirectly from an artificial source.

Indirect illumination: A source of external illumination located apart from the sign.

Install: The action of erecting, re-erecting, constructing, placing, and posting.

Internal illumination: A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface.

Kiosk sign: A freestanding and multiple-sided structure, city regulated, and located in public rights-of-way that displays directional information to residential and commercial subdivisions.

Lawn signs: Any signs on private property with commercial messages.

Logo: A graphic symbol representing a business, activity or use.

Maintenance: The replacing or repairing of a part or portion of a sign necessitated by ordinary wear, tear or damage beyond the control of the owner, or the reprinting of existing copy without changing the wording, composition, original color or size of the copy.

Mansard sign: A sign permanently affixed to a wall or surface designed to protect the edge of a roof, such surface being no more than 30 degrees from vertical.

Marquee: A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from the elements.

Menu board sign: A permanently mounted sign displaying the bill of fare for a drive-thru restaurant.

Public Review Version 2, Leg Edit

Message board: A portion of a sign displaying an electronic digital message that changes more than once a day.

Modifier: A word or graphic that explains the intended use without using brand names or advertising copy.

Monument: A freestanding sign with a base at least 50 percent of the width of the sign.

Multiple-tenant complex: A nonresidential development where two or more separate businesses exist, in which there are appurtenant shared facilities (such as parking or pedestrian mall), and designed to provide a single area where the public can obtain varied products and services.

Neon tube illumination: A source of light for externally lit street graphics supplied by a neon tube that is bent to form letters, symbols, or other shapes.

Noncommercial speech: Constitutionally protected speech such as ideological speech that contains neither advertising copy nor obscene material or language. Signs containing only noncommercial speech shall always be considered on-premises.

Nonconforming sign: A sign lawfully erected and maintained prior to the adoption of the ordinance from which this chapter is derived that does not conform with the requirements of this chapter.

Off-premises sign: Any sign that is located on a property other than where a business is located, a product is sold, or a service is offered.

On-premises sign: Any sign that is within the legal boundaries of a parcel of property.

Open house sign: A temporary sign informing the public that prospective buyers may view available property, and the property owner's agent is on the premises during the time of the viewing.

Parapet: That portion of a building exterior wall projecting above the plate line of the building.

Parcel: A legal lot, plot, tract, or area of land having fixed boundaries.

Peak: The highest point on a roof or the highest point on another architectural element.

Permanent sign: Any sign that is constructed as lasting and enduring, remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall or building.

Planned area development (PAD): A development pursuant to section 125-194 as it exists or as it may be amended.

Pole sign: A freestanding sign that is permanently supported in a fixed location by a structure of poles, uprights, or braces from the ground and not supported by a building or a base structure.

Portable sign: Any sign not affixed to a structure or ground-mounted on a site that does not meet the definition of sandwich sign.

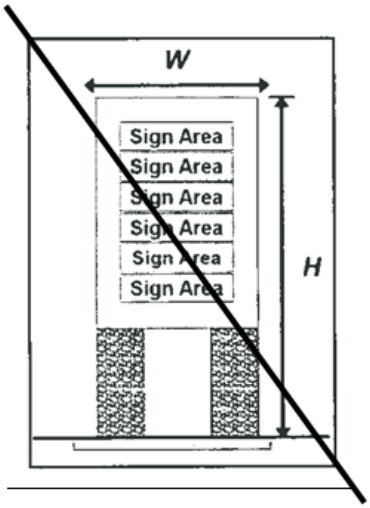
Project: Any parcel of land with designated legal boundaries on which development action has been approved by the city.

Projecting sign: A sign attached to a building or other structure and extending in whole or in part beyond the building.

Public sign: A sign erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, or direct or regulate pedestrian or vehicular traffic.

Pylon sign: A freestanding sign, larger than a monument sign, supported by a single pylon or supported by a maximum of two pylons.

Public Review Version 2, Leg-Edit



Pylon Sign

Raceway cabinet: An aluminum channel box not more than eight inches in depth used to mount signage to a wall or other structure.

Reader panel: That portion of any sign that permits a regular change of copy, including electronic copy, which does not change more than once a day.

Real estate sign: A temporary sign located on premises used to advertise the availability of real property.

Residential entry sign: A sign that is placed at the entrance to a multifamily or duplex development, manufactured home park, or single-family development only in order to identify the name of the development.

Roof sign: Any sign erected on a roof, or a sign that projects above the highest point of the roofline, parapet or fascia of the building.

Roofline: The highest point of the main roof structure or the highest point on a parapet, but shall not include cupolas, pylons, projections or minor raised portions of the roof.

Sandwich sign or *A-frame sign:* A double-faced, portable sign, which is not permanently ground-mounted or affixed to any structure on site, and is designed in the shape of an "A".

Shingle sign: any sign suspended from, and located entirely under a covered porch or walkway.

Shopping center or *plaza:* A commercial development under unified control consisting of four or more separate commercial establishments sharing a common building, or which are in separate buildings that share a common entranceway or parking area.

Sign: Any device (including, but not limited to, letters, words, numerals, figures, emblems, pictures, or any part or combination) used for visual communication that attracts the attention of the public and is visible from public or private rights-of-way or other properties; but shall not include any flag, badge or insignia of any governmental unit.

Sign copy: The letters, words or graphics used to convey information on the sign.

Sign structure: The supports and framework of the sign.

Sign walker: An individual carrying a portable sign intended to convey an advertising message to vehicular traffic.

Public Review Version 2, Leg-edit

Signable area for projecting signs and awnings: One area enclosed by a box or outline or within a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures.

Signable area for roof and wall graphics: One area free of architectural details on the facade of a building or part of a building, which shall include the entire area enclosed by a box or outline or within a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures.

Snipe sign: Any sign that is posted on trees, landscaping, utility poles or structures, streetlights, fences, fire hydrants, bridges, curbs, sidewalks, park benches parkways, streets, right-of-ways, or other locations on public property.

Street number sign: Any sign that gives the street address number of the building.

Subdivision: A subdivision pursuant to chapter 121.

Temporary sign: Any sign not permanently affixed and intended for a limited period of display.

Time and temperature sign: A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature.

Vehicle sign: Any sign mounted upon, painted, or otherwise erected on trucks, cars, boats, trailers, other motorized vehicles or equipment.

Wall sign: A sign mounted flat against and projecting less than 14 inches from, or painted on, the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of the wall, but not including window signs.

Window sign: Any sign, picture, symbol or combination thereof, that communicates information about an activity, business, commodity, event, sale or service, and is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. Signs placed or hung in any manner within three feet of the windowpane shall be considered a window sign.

Sec. 113-3. - Conflict.

If any portion of this chapter is found to be in conflict with any other provisions of any zoning, building, fire, safety or health provisions of this Municipal Code, the provision that establishes the higher standard shall prevail.

Sec. 113-4. - Signs prohibited.

(a) No person shall erect, place, establish, paint, create or maintain a sign in the city except as provided in this chapter. All signs that are contrary to the provisions of this chapter are declared to be in violation, and as such may be abated as provided by law.

(b) The following signs are prohibited. Any:

(1) Abandoned sign;

(2) Animated sign, except as specified in this chapter;

(3) Billboard sign;

(4) Off-premises sign, except as permitted within this chapter;

(5) Portable sign;

(6) Sandwich sign, except as permitted within this chapter;

(7) Snipe sign;

(8) Sign which inhibits free ingress to or egress from any door, window or any exit way required by the International Building Code as adopted and amended by the city, or by fire department regulations;

Public Review Version 2, Leg-edit

(9) Sign that may obstruct the line of sight of any authorized traffic sign, signal or other traffic control device; or any sign by reason of shape, color or position that interferes with or may be confused with any authorized traffic signal or device;

(10) Sign placed in a location that will obstruct vision of a vehicle operator while entering, exiting or traveling upon the public right-of-way;

(11) Sign located in a manner that interferes with pedestrian travel or poses a hazard to pedestrians;

(12) Vehicle sign when mounted or placed on any trailer, boat, or motor vehicle that is parked, stored or displayed in a manner to attract the attention of the public for advertising purposes;

(13) Sign with flashing, blinking, rotating lights, exposed neon or similar tube type illumination, bare incandescent, fluorescent, metal halide, or high or low pressure sodium light bulbs or mercury vapor light sources;

(14) Sign placed in rights-of-way, except as specified in this chapter;

(15) Message board;

(16) Roof-mounted sign;

(17) Any other sign that is not expressly permitted by this chapter;

(18) Home occupation sign;

(19) Pole-mounted banners, attention flags, wind-driven spinners, streamers, search lights, strobe lights, holographic projections, laser light displays, inflatable signs, or balloons;

(20) Any flag not associated with a governmental unit.

Sec. 113-5. - Signs in the right-of-way.

(a) It is unlawful for any person to install a sign in any public right-of-way, except for the following:

(1) Public signs;

(2) City-regulated kiosk signs;

(3) Emergency signs.

(b) The city manager or designee is authorized to immediately remove any illegal sign located in any public right-of-way.

Sec. 113-6. - Building identification.

(a) For all uses other than single-family residential:

(1) Numbers shall be provided on the front of the building unless an alternative location is approved by the city fire chief or designee.

(2) The numbers shall be visible and legible from the street fronting the property.

(3) All commercial and industrial uses shall be sized according to the following table:

Public Review Version 2, Leg-edit

Building setback from main road	Minimum size address number
0—50'	9"
51—100'	12"
101' and above	15"

(b) For single-family residential, residential dwellings shall have four-inch high address numbers that are contrasting in color to the background color of the house.

Sec. 113-7. - Permits and licenses required.

No person shall erect, place, establish, paint, create or maintain any sign in the city without first obtaining all required permits and licenses as regulated by this chapter or any other laws.

Sec. 113-8. - Signs not requiring a permit.

No person shall be required to have a permit for the following signs; provided, however, that such signs shall be subject to any and all applicable provisions of this chapter or any other law:

(1) Public signs;

(2) Directional signs, when wall-mounted or, if detached, where not exceeding a height of three feet;

(3) Emergency signs;

(4) Portable electronic signs used by the city for special events;

(5) Way finding signs for public buildings and facilities;

(6) Development sign as described under section 113-158(b);

(7) Temporary window graphics, consistent with restrictions herein.

Sec. 113-9. - Maintenance.

Any individual, business or corporation who owns, erects, establishes, paints, creates or maintains any sign, including a nonconforming sign, shall maintain the sign in good order and repair at all times so that it does not constitute any danger or hazard to public safety, or a visual blight, and is free of peeling paint, major cracks, or loose, dangling or torn materials. All lighting shall also be kept in good order, and burnt out bulbs shall be replaced.

Sec. 113-10. - Sign approval as part of site plan approval.

(a) For all developments requiring site plan approval, information on the proposed design and location of all permanent and temporary signs for the life of the project, subject to the guidelines presented herein, shall be submitted for review and approval by the planning and zoning commission.

(b) A site plan application shall be made to the community development department. Such application shall be made on forms, together with documents and drawings, and shall be submitted in both paper and electronic format. The specific contents of the application shall be described in the application packet.

Public Review Version 2, Leg-Ed.

(c) The site plan application shall not be accepted for processing until all required information as described in the application is provided to the community development department and appropriate fees are paid.

(d) Any amendment or modification to an approved site plan application shall be resubmitted for approval. All amendments shall be shown on a site plan amendment application.

Sec. 113-11. - Kiosk signs.

(a) *Purpose.* The purpose of a kiosk sign is to provide a uniform, coordinated method of offering developers a means of providing directional signs to their projects that are located within the city or the city's municipal planning area, while minimizing confusion among prospective buyers who wish to inspect development projects, while promoting traffic safety and reducing the visual blight of sign proliferation.

(b) *Authority to erect in rights-of-way.* The city is permitted to erect kiosk signs in the public right-of-way at sites approved by the city manager or designee.

(c) *Permit required.* The city shall review and approve all proposed locations prior to installation of kiosk signs.

Secs. 113-12—113-40. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 113-41. - Code administrator.

The city manager or designee shall be the authorized code administrator for the city. The city manager or designee shall implement, administer, and enforce this chapter, and may establish rules, regulations and procedures to implement, administer and enforce this chapter.

Sec. 113-42. - Sign permit applications.

(a) A sign permit application shall be made to the community development department. Such application shall be made on forms, together with documents and drawings. The specific contents of the application shall be described in the permit application packet.

(b) The city manager or designee shall not issue permits for the use, construction, reconstruction or alteration of any sign structure, until adequate information is submitted to determine the proposed action is in conformance with the provisions of these sign regulations.

(c) The city manager or designee may, in writing, suspend or revoke a permit issued under the provisions of this section whenever the permit is issued on the basis of a material omission or misstatement of fact, or in violation of this chapter or this Code.

(d) No permit for a sign issued by the city shall be deemed to constitute permission or authorization to maintain a public or private nuisance, nor shall any permit issued hereunder constitute a defense in any action to abate a nuisance.

(e) Whenever any sign for which a permit is required by this chapter has been placed, erected or displayed without first obtaining a permit, a special investigation shall be made before a permit may be issued. If a permit is obtained after a sign has been erected, the sign fee shall be doubled.

(f) Whenever any sign requires an electrical permit, both the sign permit and the electrical permit must be issued and obtained simultaneously or may be included under one sign permit.

Sec. 113-43. - Permit fees and refunds.

Public Review Version 2, Leg-edit

(a) Before the city issues any sign permit required by this chapter, the applicant shall pay all fees in accordance with the schedule as set by city council resolution.

(b) For refunds, the applicant must submit a refund request form along with a copy of the sign permit to the city manager or designee. Refunds shall be permitted in accordance with the provisions of the International Building Code as adopted and amended by the city.

Sec. 113-44. - Variances, comprehensive sign programs and administrative appeals.

(a) An application requesting a variance from the provisions of this chapter shall be submitted to the city manager or designee and acted upon by the board of adjustment in accordance with chapter 125, as it exists or as it may be amended.

(b) An application for a comprehensive sign program required by this chapter shall be submitted to the city manager or designee and acted upon by the planning and zoning commission in accordance with the site plan process in section 125-33, as it exists or as it may be amended.

(c) An application for administrative appeal shall be submitted to the city manager or designee and acted upon by the board of adjustment in accordance with chapter 125, as it exists or as it may be amended.

Sec. 113-45. - Violations and revocation of permits.

The city manager or designee may revoke any permit authorizing the erection of any sign that is in violation of the permit or this chapter. The following is the revocation process:

(1) Notice of the city manager or designee's decision to revoke a sign permit shall be served upon the applicant and/or business owner of such permit:

a. By delivering in person a copy of the notice to the applicant of the permit or to one of its officers;

b. By leaving a copy of the notice with any person in charge of the premises;

c. In the event no such person can be found on the premises, by affixing a copy of the notice in a conspicuous position at an entrance to the premises and by the certified mailing of another copy of the notice to the last known post office address of the applicant and/or business owner of such permit; or

d. By posting a copy of the notice on the sign in violation and by the certified mailing of another copy of the notice to the last known post office address of the applicant and/or business owner of such permit.

(2) The applicant of the permit may appeal the decision of the city manager or designee to revoke the permit to the board of adjustment, in writing, within 15 calendar days from the date when the notice was served.

(3) If no appeal has been taken at the end of 15 calendar days, the permit is revoked. The city manager or designee shall then initiate the process for the removal of the illegal sign in accordance with section 113-46.

Sec. 113-46. - Removal of signs.

(a) The city manager or designee is authorized to require removal of any illegal sign.

(b) Before bringing an action to require removal of any illegal sign, the city manager or designee shall give written notice to the owner of the sign or the owner of the premises on which such sign is located. The notice shall state the violation charged, and the reasons and grounds for removal, specify the deficiencies or defects and what repairs, if any, will make the sign conform to the requirements of this chapter, and specify that the sign must be removed or made to conform with the provisions of this chapter with the notice period provided in subsection (c) of this section.

Public Review Version 2, Leg-Edit

(c) Notice period.

(1) The notice period for permanent signs shall be five calendar days.

(2) The notice period for temporary signs shall be 48 hours.

(3) Re-erection of any sign or substantially similar sign on the same premises after a compliance notice has been issued shall be deemed a continuation of the original violation.

(d) Service of notice shall be made personally on the owner or lessee, or by certified mail addressed to the owner or lessee at the address specified in the permit or the last known address.

(e) If the owner or lessee of the premises upon which the sign is located has not demonstrated to the satisfaction of the city manager or designee that the sign has been removed or brought into compliance with the provisions of this chapter by the end of the notice period, then the city manager or designee shall certify the violations to the city attorney for prosecution.

(f) The city manager or designee may remove any illegal sign which exists or has been re-erected after the expiration date of the notice period, if the owner or lessee of the premises has been issued a compliance notice at least once before for the same violation involving the same or similar sign.

(g) Notwithstanding the above, the city manager or designee may cause the immediate removal or repair (without notice to the owner of the sign, or of the property on which it is located) of any unsafe or defective sign or signs that creates an immediate hazard to persons or property, or of any sign which is placed in any right-of-way in violation of section 113-5.

(h) If the city removes an illegal sign pursuant to this section, the city may petition the court to recover the costs, expenses and attorney fees that the city incurred in removing the illegal sign and in bringing the petition for recovery. If the court finds by a preponderance of the evidence that the city is entitled to recover, the court may order the defendant to pay to the city the amount of the costs, expenses and attorney fees reasonably incurred by the city, and may enter judgment in favor of the city and against the defendant in that amount.

Sec. 113-47. - Penalties for violations.

Any person who violates any provision of this article or any provision of any code adopted by this article shall be guilty of a civil or criminal violation.

Sec. 113-48. - Liability for damages.

The provisions of this chapter shall not be construed to relieve or to limit in any way the responsibility or liability of any person which erects or owns any sign for personal injury or property damage caused by the sign; nor shall the provisions of this chapter be construed to impose upon the city's officers, city manager or the employees any responsibility or liability by reasons of the approval of any sign under the provisions of this chapter.

Secs. 113-49—113-69. - Reserved.

DIVISION 2. - NONCONFORMITIES

Sec. 113-70. - Maintenance.

Any person owning or maintaining a legal nonconforming sign shall maintain such sign in good condition pursuant to section 113-9.

Sec. 113-71. - Alterations.

It is unlawful for any person owning or maintaining a legal nonconforming sign or sign structure to alter, reconstruct, replace or relocate such sign. Reasonable repair and maintenance of said sign is

Public Review Version 2 Leeds

limited to a maximum total of 50 percent of the sign's or structure's reproduction cost as determined from an appraisal by a competent appraiser.

Sec. 113-72. - Removal.

(a) Any person owning or maintaining a legal nonconforming sign shall remove or bring the sign into conformance with this chapter when:

(1) More than 50 percent of the reproduction cost of the sign or sign structure has been damaged or destroyed or by any means taken down;

(2) The condition of the sign has deteriorated to such an extent that the cost of repairs exceeds 50 percent of the reproduction cost of the sign or sign structure as determined from an appraisal by a competent appraiser;

(3) The use of the sign or the property on which it is located has ceased, become vacant or been unoccupied for a period of three months or more.

(b) In the event any of these should occur, the sign shall be presumed to be abandoned and shall be removed by the owner of the property, his agent, or person having the beneficial use of the building or structure upon which the sign or sign structure is erected within 30 calendar days after written notification from the community development director.

Secs. 113-73—113-102. - Reserved.

ARTICLE III. - LOCATION, DESIGN AND CONSTRUCTION SPECIFICATIONS

Sec. 113-103. - General regulations.

(a) All signs shall be structurally designed, constructed, erected and maintained in accordance with all applicable provisions and requirements of this Code.

(b) Signs are considered a component of the site's design and building architecture; and they shall be architecturally integrated with their surroundings in terms of size, shape, color, texture and lighting so that they are complimentary to the overall design of the building.

(c) The owner of any building shall identify every building or groups of buildings with a street number sign. The street number sign shall not be computed as part of the total of the sign area permitted and shall not require a permit. Refer to the Code section on Building identification for requirements.

(d) New development shall anticipate the need for signs and provide a comprehensive sign program that:

(1) Establishes a theme of conceptual master design for all signs within the comprehensive sign program;

(2) Allows for flexibility for new users as buildings are re-tenanted;

(3) Provides for convenient and attractive placement of signs;

(4) Specifies quality materials that complement the style, color, and materials of the building.

(e) New signs proposed for attachment to existing buildings must provide a compatible appearance with the building sign of other tenants and where multiple signs exist on a single building there shall be unifying elements such as size and/or color to reduce sign clutter and confusion.

(f) The use of metal is an acceptable material for signs; provided that it has been formed, etched, cast, engraved, and/or properly primed, treated, painted, or factory-coated to protect against corrosion.

(g) The use of wood is an acceptable material for signs; provided that it is compatible with architectural character of the development and it is properly scaled, primed, painted, or stained.

Public Review Version 2, Eg-edit

(h) Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support safely the loads applied.

(i) All sign supports shall be an integral part of the sign design. There shall be no visible angle iron supports, guy wires, braces, or other supports.

(j) Cabinet signs shall only be permitted when constructed with aluminum or other solid opaque face containing routed copy or letters mounted to the aluminum cabinet. Lexan, acrylic, or any other type of backlit material is not permitted except when used in individual routed lettering. The use of opaque vinyl on lexan, acrylic, or any similar material shall not be permitted as an acceptable face material except when used as individual lettering.

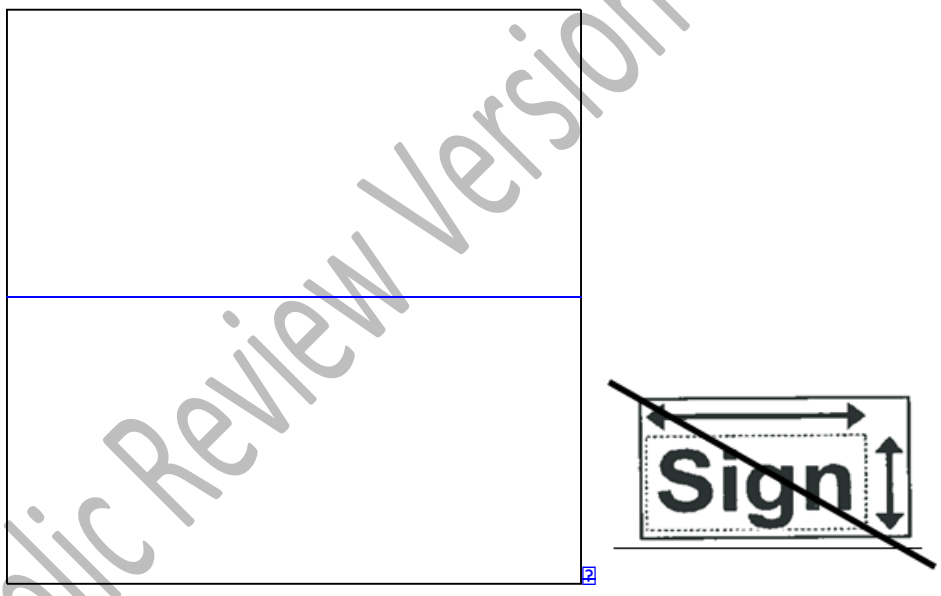
(k) Signs shall be placed so they are not obscured by landscaping when it has reached full maturity.

(l) Illuminated signs and flagpoles are permitted by this article unless otherwise specified. Illumination may be either by direct, internal or internal direct as allowed herein, and it is unlawful for any person to install illumination that creates any glare or reflection onto any adjacent property, or onto a street or alley, or into the night sky or so as to create a traffic hazard.

Sec. 113-104. Requirements and standards.

(a) *Sign measurement criteria.*

(1) *Area.* Sign area for all sign types is measured as follows:

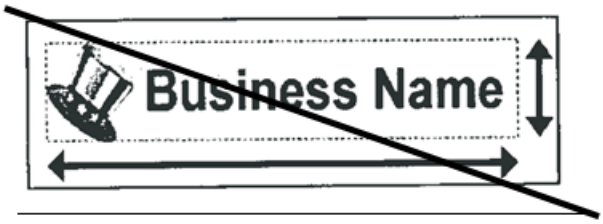


Sign Area Measurement

a. Sign copy mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle that will enclose both the sign copy and the background.

b. Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure, that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangle that will enclose each word and each graphic in the total sign.

Public Review Version 2, Legedit



Sign Area includes Logo

c. Sign copy mounted, affixed, or painted on an illuminated surface, or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy. Such elements may include, but are not limited to, lit canopy fascia signs, spanner board signs, and/or interior lit awnings.

d. Multi-face signs are measured as follows:

1. *Two face signs:* If the interior angle between the two sign faces is 45 degrees or less, the sign area is of one sign face only. If the angle between the two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two sign faces.

2. *Three or four face signs:* The sign area is 50 percent of the sum of the areas of all sign faces.

e. Spherical, free-form, sculptural, or other nonplanar sign area is 50 percent of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. Signs with greater than four faces are prohibited.

(b) *Sign illumination.* All permanent signs may be nonilluminated, illuminated by internal, internal indirect (halo), or lit by external indirect illumination, unless otherwise specified.

(1) *Internal illumination.* Signs with internal illumination shall conform with dark sky principles and not cause glare or reflection onto any adjacent property, street, or alley, or so to create a traffic hazard.

(2) *External indirect illumination.* Externally lit signs are permitted to be illuminated only with steady, stationary, down-directed and shielded light sources directed solely onto the sign. Light bulbs or light tubes, excluding neon, used for illuminating a sign shall not be visible from adjacent public rights-of-way or residential properties.

(3) *Neon and LED.*

a. Exposed neon tube illumination and LED is not permitted.

b. Visually exposed neon is permissible in the nonresidential districts as long as the neon has a clear plastic face to protect it from breakage and weather damage. Visually exposed neon and LED shall not be permitted on freestanding signs.

c. Neon illumination utilized as a sign copy projection, border, frame, or other embellishment of sign copy, or other features, consistent with the definition of "sign" in section 113-2, shall be included in the total square footage of the sign.

d. Neon, LED or other forms of illumination shall not be used as a border or outline for any architectural element of the building.

(c) *Structure and installation.*

(1) *Raceway cabinets.* Raceway cabinets, where used as an element of building-mounted wall signs, shall match the building color at the location of the building where the sign is located. Where a raceway provides a contrast background to sign copy, the colored area is counted in

Public Review Version 2.leg-draft

the aggregate sign area permitted for the site or occupancy. Raceways shall not be used on roof-mounted signs, freestanding signs, or landscape wall signs.

(2) *Support elements.* The support elements for all signs shall appear to be free of any angle iron, bracing, guy wires or similar features.

(3) *Electrical service.* When electrical service is provided to freestanding signs or landscape wall signs, all such electrical service is required to be underground and concealed. Electrical service to building-mounted signs, including conduit, housings, and wire, are to be entirely concealed or, when necessary, painted to match the surface of the structure upon which they are mounted.

(4) *Permanent signs.* All permanent signs permitted by this chapter shall be constructed of durable material capable of withstanding continuous exposure to the elements and conditions of the urban environment.

(d) *Sign maintenance.* It shall be unlawful for any owner of record, lessor, lessee, manager, agent, or other person having lawful possession or control over a building, structure, or parcel of land to fail to maintain the property and all signage thereon, in conformance with this Code. Failure to maintain signs and/or property constitutes a violation of this Code.

(1) *General maintenance.* Complete maintenance is required for all signs, whether or not in existence prior to the adoption of the ordinance from which this chapter is derived. Maintenance of a sign shall include periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to conform to the requirements and contents of the sign permit issued for its installation and provisions of this chapter.

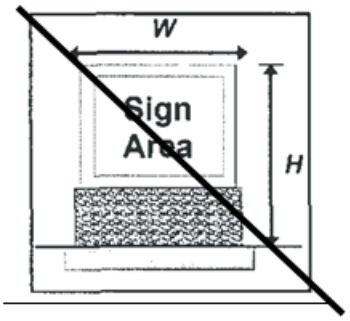
(2) *Landscape maintenance.* Replacement of plant materials that do not survive after installation in required landscaped areas is required within the next planting season or within six months of the plant's demise. Required landscaped areas contained by a fixed border, curbed area, or other perimeter structure shall receive regular repair and maintenance.

(3) *Removal of unused sign support structures.* Removal is required of any vacant and/or unused sign support structures, angle irons, sign poles or other remnants of old signs, which are not currently in use, or proposed for immediate reuse evidenced by a sign permit application for a permitted sign.

(4) *Removal of obsolete signs.* Signs which conform to the provisions of this chapter, but which reflect obsolete sign copy, may remain in place; provided that the sign copy is left unlit and/or blank for a time period up to 30 calendar days after the use or activity it identified has ceased and/or the property has become vacant. A one-time extension of 30 calendar days may be granted by the city manager or designee, provided the copy has been left unlit and/or blank, and when such extension is requested by the owner or person in control of the vacant property.

Sec. 113-105. – Sign height.

Sign heights shall be measured as follows:

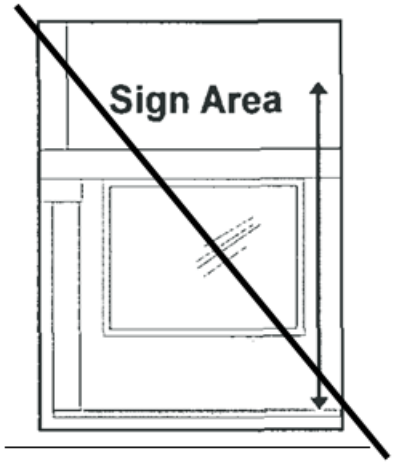


Public Review Version - Legal Draft

Sign Measurements

(1) *Freestanding sign.* The height of all signs shall be the vertical distance from the top of the highest element of the sign or sign structure to the top of the curb or crown of the roadway where no curb exists. The height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height.

(2) *Wall, fascia, mansard and parapet-mounted signs.* Height shall be the vertical distance to the top of the sign or sign structure from the base of the wall on which the sign is located.



Wall Sign

Sec. 113-106. - Inspections.

All signs for which a permit is required shall be subject to the following inspections, unless waived by the city manager or designee:

(1) Footing inspections on all freestanding signs except freestanding signs that are five feet or less in height with a maximum area of 32 feet;

(2) Electrical inspections on all signs prior to placement;

(3) Final inspection that shall cover the sign location, structural members and placement of the inspection marker in accordance with this article.

Sec. 113-107. - Inspection markings.

Any person installing or erecting a permanent sign as regulated by this chapter shall ensure that such signs be marked with the maker's name and the person erecting such sign, the date of installation, and the permit number as approved by the city manager or designee.

Secs. 113-108—113-127. - Reserved.

ARTICLE IV. - ZONING DISTRICT RESTRICTIONS

Sec. 113-128. - Residential zones.

(a) Residential uses in residential zones.

(1) *Generally.*

Public Review Version 4, Leg-edit

a. *Applicable zones.* This subsection (a) applies to all signs for residential uses, and in all residential areas which are vacant or are in a planned area development (PAD) zone.

b. *Permitted signs.* Only signs that are specifically permitted by this subsection (a) are allowed. Any sign that is not specifically permitted by this subsection (a) is prohibited.

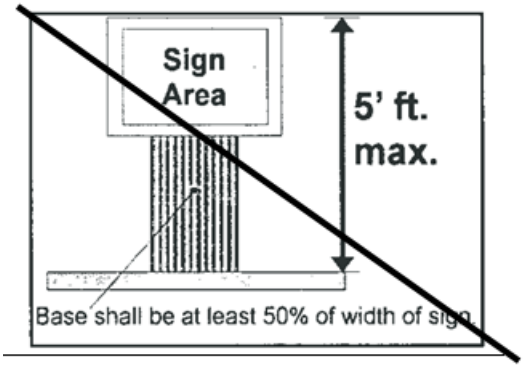
c. *Aggregate sign area allowed.*

1. *Parcels less than or equal to two acres.* Except as otherwise permitted, the aggregate sign area for any parcel located in a residential zone and which is less than two acres shall not exceed one and one-half square feet.

2. *Parcels larger than two acres.* Except as otherwise permitted, the aggregate sign area for any parcel located in a residential zone and which is larger than two acres shall not exceed eight square feet.

(2) *Wall signs.* Wall signs are permitted, but shall not exceed a height of 15 feet.

(3) *Freestanding signs.*



Freestanding Sign

a. One freestanding sign shall be permitted on each parcel with a maximum height of five feet and a maximum area of one and one-half square feet.

b. A freestanding sign may include only the name of the occupant and the street address. Such sign shall not include any advertising copy.

c. The base shall have an aggregate width of at least 50 percent of the width of the sign.

d. Reader panels are not permitted.

(4) *Residential entry sign.* A maximum of two residential entry signs, placed at the entrance to a multifamily or duplex development, manufactured home park, or single-family development only in order to identify the name of the development, and with a maximum aggregate area of 48 square feet shall be permitted at each main entrance. The residential entry signs may be freestanding signs. The residential entry signs may include only the name of the development and the street address, and shall not include advertising copy.

(5) *Temporary signs.* Temporary signs are only permitted in accordance with article V of this chapter.

(b) *Nonresidential uses in residential zones.*

(1) *Generally.*

a. *Applicable zones.* This subsection (b) applies to all signs for nonresidential uses in residential zones which includes, but are not limited to, churches, schools, institutions,

Public Review Draft, Leg-Edit

commercial farms or ranches, public facilities and similar activities which are located in R1-43, R1-18, R1-12, R1-8, R1-5, R-2 or R-3 zones and for all nonresidential uses in residential areas in a planned area development (PAD) zone.

b. *Permitted signs.* Only signs that are specifically permitted by this subsection (b) are allowed. Any sign that is not specifically permitted by this subsection (b) is prohibited.

c. *Maximum aggregate area.* The maximum aggregate area of all signs on a parcel shall not exceed 48 square feet.

(2) *Wall signs.* Wall signs are permitted.

(3) *Freestanding signs.*

a. One freestanding sign shall be permitted on each parcel with a maximum height of ten feet and a maximum area of 24 square feet.

b. A freestanding sign may include only the name of the facility, building or organization it is intended to identify. Such sign shall not include any advertising copy. The sign must include the number of the street address, but the area of these numerals shall not be included in calculating the allowed sign area.

c. The base shall have an aggregate width of at least 50 percent of the width of the sign.

(4) *Wall, fascia, mansard and parapet signs.* Wall, fascia, mansard and parapet signs are permitted, and may identify the facility, building or organization by name or by name and principal activity when the name alone does not identify the general nature of the use, and may include the street address.

(5) *Directional signs.* Directional signs are permitted when required to assist the flow of traffic. Directional signs shall not exceed six square feet in area or three feet in height. Off-site directional signs are prohibited.

(6) *Directory signs.* Directory signs are permitted for nonresidential uses in multi-residential developments and other multiple-tenant facilities. Directories shall be provided at all driveway entrances for all multi-residential developments, mobile home parks, or when required by the fire chief or designee.

a. Each directory shall be illuminated with a maximum area of 18 square feet and a maximum height of six feet.

b. The number and location of the signs must be approved by the city manager or designee and the fire chief.

(7) *Reader panels.*

a. Reader panels shall only be permitted for schools and public facilities located in residential zone districts to identify school and community activities.

b. All electronic message displays shall be turned off between the hours of 10:00 p.m. and 7:00 a.m. each day.

c. Fifty percent of the maximum sign area may be used for changeable copy whether it is LED, plastic zip track, or any method of replaceable lettering.

1. Any sign using plastic zip track or any other method of replaceable lettering shall have a secured, clear, plastic or lexan cover to mitigate the risk of potential vandalism.

2. Any sign using an electronic messaging system shall not be visible to any minor or major arterial street.

(8) *Temporary signs.* Temporary signs are only permitted in accordance with article V of this chapter.

Sec. 113-129. - Nonresidential zones.

Public Review Version 2 Legal Edit

(a) *Generally.*

(1) *Applicable zones.* This section applies to all signs in nonresidential zones and in all nonresidential areas in a planned area development (PAD) zone, unless otherwise restricted.

(2) *Permitted signs.* Only signs that are specifically permitted by this section are allowed. Any sign that is not specifically permitted by this subsection (a) is prohibited.

(3) *Aggregate sign area allowed.*

a. Unless otherwise modified by this section, the maximum aggregate sign area for any business is one square foot of signage for each linear foot of the business wall elevation along the street frontage on which the sign is displayed. Businesses on a separate parcel or lot, or on a PAD site within a project of three or more businesses, shall be permitted sign area as described in subsection (a)(3)a of this section for any one elevation, with sign area on all other elevations not to exceed one-half square foot for each linear foot of elevation where the sign is displayed.

b. The total aggregate area excluding all freestanding signage shall not exceed 300 square feet and the maximum total sign area of any one elevation shall not exceed 200 square feet. Businesses that share a building structure and do not have a designated leased/owned frontage shall be considered one business for the purpose of determining total aggregate area of street graphics.

(b) *Wall, fascia, mansard, and parapet.*

(1) *Generally.*

a. Wall, fascia, mansard and parapet signs are allowed only on the exterior elevation of the space occupied by the business.

b. Wall, fascia, mansard or parapet signs may identify the individual businesses, building complex, or center, by name, and may identify up to three principal services when the name alone does not identify the general nature of the business. Any wall, fascia, mansard or parapet sign may include the street address, but shall not include advertising copy.

c. Units of information. Modifiers may be used on building wall signs only and shall be identical for each elevation in which the sign is displayed. The maximum height of the modifiers shall be subordinate to the vertical letter height of the business name, but shall not be less than 12 inches. Such signs shall be included when computing the sum total sign area allowed for each use.

(2) *Wall, fascia, mansard and parapet signs for theaters.*

a. One wall, fascia, mansard or parapet sign for a theater may contain the name of the theatre on the elevation where the sign is displayed. Such signs shall be permitted as described in subsection (a)(3)a of this section.

b. The reader panel shall be used exclusively for the purpose of identifying entertainment, motion pictures, or special events that occur on the premises. The sign area shall not exceed 48 square feet.

c. Exterior poster cases shall be limited to six per theatre. The cases will not count toward the aggregate sign area.

(3) *Shingle signs.*

a. One shingle sign that is designed and oriented primarily for the aid of pedestrians is permitted per business.

b. The minimum clearance between the bottom of the sign and the nearest grade or sidewalk shall be seven feet, six inches. The size shall be approved by the city manager or designee. The shingle sign shall not be calculated within the overall aggregate sign area.

Public Review Version 2, 2-8-2017

c. A shingle sign must be located immediately adjacent to the business it identifies. The sign must be perpendicular to the store front.

(c) *Freestanding signs.*

(1) *Generally.*

a. Freestanding signs are permitted.

b. The base of any freestanding sign shall have an aggregate width at least 50 percent of the width of the sign.

c. Any freestanding sign which identifies a single-tenant building shall only bear the name of the business or building it is intended to identify, and shall not include any advertising copy.

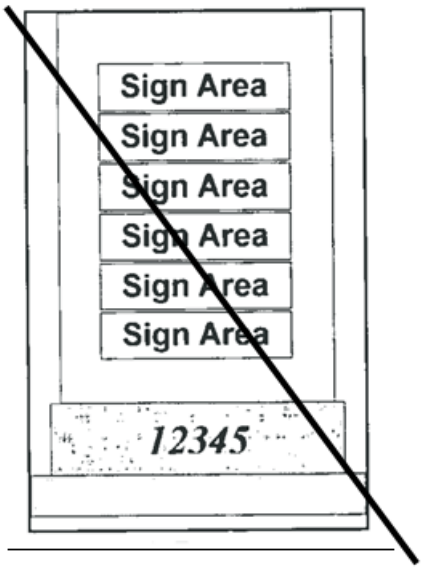
d. Any freestanding sign must include the number of the street address, but the area of these numerals shall not be included in calculating the allowed sign area.

(2) *Maximum number and height of signs allowed.* One freestanding sign shall be permitted per single-tenant building or multiple-tenant complex, except on parcels with multiple street frontages. On parcels with multiple street frontages, one sign is permitted on each street. The freestanding sign shall not exceed a height of ten feet.

(3) *Aggregate sign area allowed.*

a. Freestanding signs in industrial zones or for multiple-tenant complexes. The maximum aggregate sign area allowed for all freestanding signs in industrial zones or for multiple-tenant complexes is 48 square feet on parcels up to ten acres, 60 square feet for parcels up to 20 acres, and 80 square feet on parcels over 20 acres.

b. Freestanding signs for single-tenant buildings. The maximum aggregate sign area allowed for all freestanding signs for single-tenant buildings in the C-1 zone is 12 square feet. The maximum aggregate sign area allowed for all freestanding signs in the C-2 and C-3 zones is 36 square feet on parcels up to two acres, and 48 square feet on parcels over two acres.



Multiple Tenant Sign

(4) *Identification of tenants in a multiple-tenant complex.* Any freestanding sign within the multiple-tenant building or shopping center may identify the name of the building, complex, or center and

Public Review Version 2, Legeditor

the names of tenants within the complex. Such signs shall not include any advertising copy. Modifiers are permitted.

a. Panels shall only contain the name of the business or logo. No more than six panels per side are allowed on multiple-tenant freestanding sign. All individual panels will require a permit.

b. Panels shall not display business telephone numbers.

(d) *Directional signs.* Directional signs when required to assist the flow of traffic are permitted, but shall not exceed six square feet in area or three feet in height. Such sign may include business identification by word or symbol on up to 25 percent of the sign area.

(e) *Directory signs.* Directory signs when required to identify the location of the various buildings or businesses located within the center or complex are permitted as follows:

(1) Each directory sign shall be illuminated with a maximum area of 18 square feet and a maximum height of six feet. Such directories are required at all driveway entrances and approved by the fire chief or designee.

(2) The number and location of the signs must be approved by the city manager or designee.

(f) *Noncommercial signs.* In all commercial and industrial zones, noncommercial signs shall have a maximum area of 12 square feet and a maximum height of five feet.

(g) *Permanent window signs.* Window signs may be internally illuminated only with the use of exposed neon and LED lighting. There shall be a maximum of one sign per business and such sign shall be limited to no more than 15 percent of the area of the window panel. The sign area shall be calculated against the square footage allowed the business/use. Sign copy shall be limited to business identification and a graphic symbol or any combination thereof. In no case shall product signs be allowed.

(h) *Reserved.*

(i) *Gasoline service stations.*

(1) One monument sign per right-of-way frontage up to two total signs shall be permitted with a maximum sign area of 24 square feet each with a maximum height of five feet. Fifty percent of the allowable sign area may be used to identify the current price of gas being sold and may have changeable copy such as LED or zip track. Such signs shall be placed within a landscaped setting containing not less than 240 square feet.

(2) Canopy signs.

a. Such signs shall identify the business only.

b. The maximum number of signs per canopy shall be two.

c. The maximum sign area for any one canopy sign shall not exceed six square feet.

d. Any canopy sign will be calculated against total sign area allowed.

(j) *Banks.*

(1) *Building wall signs.*

a. Such sign shall identify the business.

b. The maximum sign area allowed for one linear foot of building wall shall be one square foot. The sign area on all other elevations is one-half square foot for each linear foot of elevation where the sign is displayed.

c. When the wall on which the sign is placed is 200 or more feet from any public right-of-way, the maximum sign area for each one linear foot of building wall shall be one and one-half square feet.

Public Review Version 2, Legedit

d. No part of a building wall sign shall extend above a roofline.

e. Such sign shall be installed with the exposed face of the sign in a plane parallel to the face of the building wall.

f. No part of a building wall sign shall project from a building wall a distance greater than 12 inches.

(2) *Freestanding business identification signs.* There shall be a maximum of one freestanding business identification sign per street.

a. *Ground signs.*

1. Such sign shall identify the business.

2. The maximum number of such signs per street shall be one sign.

3. Such signs shall be placed within a landscaped setting containing not less than 120 square feet.

4. The maximum area for such signs shall not exceed 12 square feet.

5. The maximum height of such signs shall be five feet.

6. Individual letters shall not cover a percentage of wall surface area greater than 50 percent.

b. *Monument signs.*

1. Such signs shall identify the business.

2. The maximum number of such signs per street front shall be one sign.

3. The maximum area of such signs shall be 24 square feet.

4. The maximum height of such signs shall be five feet.

5. The maximum vertical dimension of the cabinet or panel shall be four feet.

6. The maximum horizontal dimension of the cabinet or panel shall be ten feet.

7. Such signs shall be placed within a landscaped setting of not less than 240 square feet.

(3) *ATM (automated teller machine) signs.*

a. Such signs shall be located on the face of the machine.

b. Any such signs may identify the individual business name, logo, time, and principal services offered at the ATM.

c. The area of any such signs shall not exceed ten square feet.

d. The total sign area of all such signs at any one site shall not exceed 20 square feet.

e. The bezel and architectural border of an ATM sign shall not be included in the sign area unless they contain sign characters, logos, or other sign graphics.

f. The area of any ATM signage not visible beyond the boundaries of the property shall not be deducted from the sum total sign area permitted for the use.

g. Wording, symbols, and graphics which instruct persons on the use of the ATM shall not be considered part of the sign area unless they are visible beyond the boundaries of the property and attract the attention of the public.

(4) *ATM (automated teller machine) directional signs.*

a. Such signs shall be located only on a site offering automated teller services.

Public Review Version 2, Leg-edit

b. The maximum height of such signs shall be three feet.

c. The maximum area of such signs shall be four square feet.

d. A maximum area for business name or logo shall be one square foot.

e. Time-related information and other information commonly used by a business to reference its particular ATM is allowed.

f. The number and location of such signs shall be determined by the city manager or designee.

(k) *Regional commercial subdivisions (20 acres or more).*

(1) Entryway signs are allowed for commercial subdivisions.

(2) Such signs shall contain only the name of the subdivision.

(3) The maximum number of such signs for each entrance shall be two signs.

(4) The maximum number of such signs on each side of an entrance shall be one sign.

(5) The total area of such signs allowed at each entrance shall not exceed 24 square feet.

(6) The height of such sign shall not exceed five feet.

(l) *Temporary signs.* Temporary signs are permitted in accordance with section 113-157.

(m) *Menu boards.*

(1) Two menu boards are permitted per business. Such signs may be freestanding or wall-mounted.

(2) The maximum aggregate area for a menu board shall not exceed 24 square feet.

(3) The maximum height shall not exceed six feet.

(n) *Awning signs.*

(1) A maximum of 25 percent of the front face area of an awning may be used for signage.

(2) The sign area shall be measured according to section 113-104 unless a distinctive background is provided.

(3) If letters or graphics are placed on the valence, they shall not be placed elsewhere on the awning.

(4) Awning signs are allowed only on the exterior elevation of the space occupied by the business.

(5) Sign copy shall be limited to business name and/or logo.

Secs. 113-130—113-156. Reserved.

ARTICLE V. - TEMPORARY SIGNS

Sec. 113-157. - Standards and regulations.

Temporary signs shall be allowed in accordance with the requirements of this chapter and the following provisions:

(1) *Duration.* Each parcel or business may have displayed upon it a temporary banner sign with the following limitations:

a. A temporary banner sign may not be displayed longer than 30 calendar days at a time.

Public Review Version 2, Leg-edit

b. A business is limited to two temporary sign banners per year with the exception of for sale, lease or rent signs, which may be displayed for a period of one year during the time the parcel is being sold, let or rented.

c. A new business may have an additional 30 calendar days beyond the limitations stated above for a grand opening sign.

d. Temporary banner signs must be attached to a building.

(2) *Residentially zoned parcels smaller than five acre.*

a. *Number.* Each parcel shall be entitled to one temporary sign for every 50 linear feet of right-of-way frontage (minimum of one sign per parcel).

b. *Size and height.* The maximum height for all freestanding signs is five feet. For sale, lease or rent signs shall be a maximum of 12 square feet with a maximum height of eight feet.

(3) *Nonresidentially zoned parcels and residentially zoned parcels larger than five acres.*

a. *Number.* Each parcel shall be entitled to one temporary sign displaying a commercial message for each side of the parcel that has right-of-way frontage, up to two temporary signs displaying a commercial message per parcel. Additionally, each parcel shall be entitled to one temporary sign displaying a noncommercial message for every 50 linear feet of right-of-way frontage.

b. *Size and height.* The maximum height for all freestanding signs is eight feet. For sale, lease or rent signs shall be a maximum of 32 square feet with a maximum height of eight feet.

(4) *For multiple-tenant commercial or industrial parcels.*

a. Each tenant with less than 50 feet of store frontage shall be entitled to temporary banner signs, as stated above, applied to the storefront, not exceeding 12 square feet in size.

b. Each tenant with more than 50 feet of store frontage shall be entitled to temporary banner signs, as stated above, applied to the storefront, not exceeding 32 square feet in size.

(5) *Window signs.* Such signs shall be affixed only to the interior surface of the glass. No more than 25 percent of the window on the front elevation of any business may be used for window signage. Such signs shall be used for promotional purposes and will not require a permit.

(6) *Location.* Temporary signs shall not be placed in the following locations:

a. Off-premises.

b. Within five feet of the public right-of-way.

c. Within a site visibility triangle.

d. Within a public utility, water or sewer easement.

e. Within any parcel owned by the city, except for temporary signs placed by the city for city events.

f. Affixed to any light pole, street pole, electrical box, or other similar structure.

(7) *Permit.* A city-issued permit shall be required before installing any temporary sign displaying a commercial message.

(8) *Construction.* Temporary signs may be made of paper, plastic, cloth or any other pliable material. Window signs may be painted with water-soluble paint directly on the window.

(9) *Non-conforming temporary signs.* Temporary signs that become non-conforming after the adoption of the Code shall be removed within ten calendar days.

Sec. 113-158. - Development information temporary sign.

Public Review Version 2, Rev. Draft

The purpose of the development information sign is to inform the public of the development name and future tenants on developments under construction. The city manager or designee may remove any development sign or construction fence screen sign if said sign violates City Municipal Code, is deemed a public or private nuisance, or is a hazard to public health and safety.

(a) *Applicability.*

(1) Development signs or a construction fence screen sign shall be erected within 30 calendar days of application for a building permit or grading permit.

(2) The development sign or construction fence screen sign shall be maintained until all principle structures are completed in the designated construction area.

a. In cases where the initial building has been completed and subsequent permits for other principal buildings in the construction area have been applied for, the applicant for the latest building permit will maintain the sign.

b. Sign is to be removed after completion of all building permits posted on sign or as directed by the city manager or designee.

(3) Sign location to be submitted with new principle building permits.

(b) *Development information sign.*

(1) Duration.

a. Signs must be removed once all projects in the construction area are completed. This does not include tenant improvements.

b. Signs will be allowed for a period of one year.

(2) One sign per street frontage per construction area.

a. Construction area is to be determined by the city manager or designee.

(3) Freestanding sign size shall be 32 square feet.

(4) Maximum sign height shall not exceed eight feet.

(5) Signs must be updated for new projects in the construction area.

(6) Banner signs may be attached to a temporary construction fence.

(7) Sign text and graphics will follow City of Surprise development information sign format, unless modified by the city manager or designee.

(c) *Construction fence screen sign.*

(1) Duration.

a. Signs must be removed once all projects in the construction area are completed. This does not include tenant improvements.

b. Signs will be allowed for a period of one year.

(2) Maximum sign height shall not exceed eight feet.

(3) Sign must include:

a. Information provided in City of Surprise development information sign format (section 113-158(b)(7)) to exclude the elevation block.

b. Renderings or art relating to the site.

Secs. 113-159—113-182. - Reserved.

ARTICLE VI. - FLAGS AND FLAGPOLES

Public Review Version 2, Leg-edit

Sec. 113-183. - Regulations.

To regulate and control the use of permanent flagpoles on which a flag is located. It is unlawful for any person to place or install a flag in any zone except as follows: Any flag of the United States, or any state of the United States, foreign nations having diplomatic relations with the United States, the city, corporate flag, or any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, or any other flag whose display is authorized by the Constitution of the United States or the constitution of the state.

The provisions are subject to the following conditions:

(1) Only one of each flag with a maximum of three flags on any one lot or parcel shall be allowed.

(2) Parcels zoned R1-43, R1-18, R1-12, R1-8, and R1-5 shall not have more than one flagpole per parcel.

(3) No flagpole shall exceed the following heights per specified zone:

a. Parcels zoned R1-43, R1-18, R1-12, R1-8 and R1-5 shall not exceed 30 feet.

b. Parcels zoned R-2 and R-3 shall not exceed 35 feet.

c. Parcels zoned C-1, C-2, and C-3 shall not exceed 35 feet.

d. Parcels zoned industrial and business park shall not exceed 35 feet.

(4) Flagpoles shall not be placed except within a landscaped setting of not less than 200 square feet.

(5) Illumination of any flags or flagpoles shall be in accordance with section 113-103.

(6) Nothing in this section shall apply to any flag or flagpole located on any parcel owned or operated by any federal, state or local government for a governmental purpose.

Secs. 113-184, 113-185. - Reserved.

ARTICLE VII. - FREEWAY MONUMENT SIGNS

Sec. 113-186. - General requirements.

(a) Freeway monument signs shall be allowed only on properties zoned for commercial or industrial uses;

(b) Buildings in excess of three stories shall be identified only by a freeway monument sign or a building-mounted wall sign and shall not be eligible for the construction of or inclusion of both types of signs;

(c) For the purposes of this section, the height of all freeway monument signs shall be measured as the vertical distance from the finished grade of the site to the highest point of the sign structure;

(d) Freeway monument signs shall not be counted as a portion of the total sign area of the user(s);

(e) Freeway monument signs shall be required to provide an architecturally enhanced treatment for the sign base, pole cover and supports compatible with the individual business or the complex/center. Pole covers and sign base shall be a minimum of 35 percent of the full sign width;

(f) Freeway monument signs shall require a landscaped area equal to four square feet of landscaping for each square foot of sign area and shall be located around the base of the sign;

(g) For the purpose of this section, such signs shall only identify the name of the business, the center/complex, or the place for which the sign is intended. Such signs shall not include any advertising copy;

(h) Freeway monument signs may be illuminated by externally-illuminated indirect or internal lighting;

Public Review Version 2, Leg-edit

(i) Freeway monument signs shall not be allowed within a natural or manmade watercourse;

(j) Freeway monument signs shall be subject to all applicable Arizona Department of Transportation sign regulation standards;

(k) All freeway signage requests shall be processed administratively via site plan amendment process to determine conformity with the regulations within section [chapter] 113.

Sec. 113-187. - Location and size.

(a) Freeway monument signs shall be located a minimum of 50 feet from any non-freeway lot line and a minimum of 100 feet from any residentially zoned property;

(b) All freeway monument signs shall have a maximum height of 80 feet, and 750 square feet in total sign area, unless as modified below;

(c) All freeway monument signs shall be allowed an extra three feet in height for architectural embellishments where architectural embellishments are defined as elements of a sign incorporating architectural features of the associated building or development; Embellishments shall not include any feature, figure or emblem conveying a commercial message and may not constitute more than 20 percent of sign area;

(d) For every 880 linear feet of freeway frontage, one freeway monument sign shall be allowed per site, development, project, or center. Such signs shall not be located off-premise, except that a multi-tenant complex/center sign may identify users within the complex/center located on separate parcels;

(e) For the purpose of this section, multi-tenant freeway monument signs shall be allowed an extra 20 percent of sign area for identification of the center/complex;

(f) Freeway signs shall maintain a minimum of 880-foot spacing from any other freeway monument sign, or from the intersection of any arterial road with the freeway;

(g) Freeway monument signs shall be located a minimum of 50 feet from any non-freeway lot line and a minimum of 200 feet from any residentially zoned property.

Secs. 113-188—113-194. - Reserved.

ARTICLE VIII. - COMPREHENSIVE SIGN PROGRAM

Sec. 113-195. - Regulations.

The comprehensive sign program is designed to allow signage which is appropriate to the character of the development, provide adequate identification and information, provide a good visual environment, promote traffic safety and regulate to the extent necessary to be consistent with the purpose and intent of the sign requirements.

(1) *Criteria.* Comprehensive sign programs shall only apply to commercial properties within redevelopment project areas, or to projects within planned area development zoning designations, approved by the planning and zoning commission and city council, and shall be prepared and reviewed concurrently with the planned area development documentation, or as a separate site plan amendment application for existing commercial centers.

a. Any request for approval of the comprehensive sign program shall be submitted on forms provided by the city. Such application shall be submitted to the city manager or designee and acted upon by the planning and zoning commission in accordance with this section 113-195 of this chapter.

b. The comprehensive sign program shall not be applied to freeway monument signs.

Public Review Version 2, Legal Edit

c. Compatibility. The comprehensive sign program shall promote compatibility for all signs within a specific development. Architectural theme, materials and color should compliment the overall character.

(2) *Size and height.* Signs proposed under the comprehensive sign program shall be no larger than the maximum of 50 percent of the standards. The maximum height for freestanding signs is 15 feet with a maximum aggregate area of 160 square feet.

(3) *Offsite signs.* Projects, which have an approved commercial subdivision or final plat, may have offsite signage. The signs may be placed on parcels where an existing master site plan or residential development has been established.

(4) *Placement.* Signs proposed under the comprehensive sign program shall be placed appropriately in areas visible and readable. Review of location is considered by traffic movement of surrounding streets, traffic volumes and access points, AASHTO and engineering standards, visibility triangles, sign orientation and topographic features.

Secs. 113-196—113-215. - Reserved.

ARTICLE IX. - SIGN WALKER

Sec. 113-216. - Regulations.

Regulations regarding sign walkers, as defined in this chapter, are designed to reduce potential traffic hazards.

(1) *Locations.* Sign walkers are only permitted in C-3, BP, I-1, I-2 and I-3 zoning districts. The sign walkers must operate only within the public right-of-way, exclusive of any paved street area or any landscaped area.

(2) *Hours of operation.* Sign walkers are limited to the following hours of operation: 9:00 a.m. to 3:00 p.m., Sunday through Saturday.

(3) *Permit required.* Sign walkers are required to obtain a permit.

(4) *Size of signs.* Sign walker signs are limited to four square feet.

(5) *Additional restrictions.* Sign walkers may not twirl, spin, throw into the air or cause to flash their portable signage.

Public Review Version 2, Leg-Edit

PROPOSED TEXT AMENDMENT TO CHAPTER 113 OF THE SURPRISE MUNICIPAL CODE REGARDING SIGNS

CITY OF SURPRISE PLANNING CASE FS15-311

The text that follows is Alternative #1 of Section 113-09.A.2

---

2. ***Class I Temporary Signs*** **(Small A-Frame Signs):** *Class I Temporary Signs*, as defined herein, are allowed subject to the General Requirements as stated above plus the following:

   a) ~~Not more than three (3) *Class I Temporary Signs* are permitted in conjunction with a *lawful temporary event*, including those associated with *cottage industries*, but not home occupations, subject to the specific requirements as outlined in this Section except that in no case shall a *Class I Temporary Sign* be allowed on a vacant property.~~ *Class I Temporary Signs* are only allowed in conjunction with a *Lawful Temporary Event* being held on land zoned for single-family residential uses.

   b) *Class I Temporary Signs* may be placed in the following locations when in association with a *Lawful Temporary Event* occurring on land zoned for single-family residential uses:

      i) One (1) *Class I Temporary Sign* at the site of the *Lawful Temporary Event*,

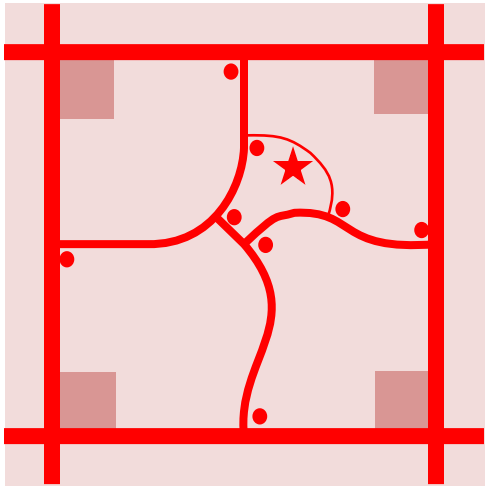
      ii) One (1) *Class I Temporary Sign* at each local street intersection or collector street intersection leading from the site of the *Lawful Temporary Event* to the adjacent arterial street grid,

      iii) One (1) *Class I Temporary Sign* at the point where the local street or collector street intersects with the arterial street.

      iv) In no circumstance shall a street other than a local or collector street be located between a *Class I Temporary Sign* and the *Lawful Temporary Event* served by the *sign*.

Public Review Version 2, 113-09.A.2 Alternative #1, Leg-draft

CLASS I TEMPORARY SIGN LOCATIONS



Legend

- Arterial
- Collector
- Local
- Sign Location
- Event Location
- Single-Family Zoning
- Other Zoning

~~b~~c) ~~In no case shall a *Class I Temporary Sign* be located within a public right-of-way except as outlined in Section 113-06.B above or when associated with a *lawful temporary event*.~~ When allowed, *Class I Temporary Signs* may be located within the street right-of-way, but not within any median, vehicle or bicycle travel lane, or sidewalk, nor within any sight visibility triangle as outlined in Standard Details 4-01 and 4-02 of the Surprise Engineering Development Standards.

~~c~~d) There is no limit to the number of *sign panels* per *sign structure* provided the defined height, width and *sign area* limitations are not exceeded.

~~d~~e) The *sign* may be weighted or ballasted; however, no such *sign* may be affixed to the ground or to any permanent *structure*.

~~e~~f) ~~The *sign* may be displayed only during the business hours of the business or temporary event served by the *sign*.~~ *Class I Temporary Signs* may be placed one (1) hour before the start of the *Lawful Temprary Event* and shall be removed not more than one (1) hour after the end of the *Lawful Temporary Event*.

g) If the *Lawful Temporary Event* being served by the *Class I Temporay Sign* requires a Temporary Use Permit, the locations of the *Class I Temporary Signs* shall be included with the application materials.

Public Review Version 2.11.26 09.A.2 Alternative #1, Leg-

PROPOSED TEXT AMENDMENT TO CHAPTER 113 OF THE SURPRISE MUNICIPAL CODE REGARDING SIGNS

CITY OF SURPRISE PLANNING CASE FS15-311

The text that follows is Alternative #2 of Section 113-09.A.2

---

2. ***Class I Temporary Signs*** **(Small A-Frame Signs):** *Class I Temporary Signs*, as defined herein, are allowed subject to the General Requirements as stated above plus the following:

   a) ~~Not more than three (3) *Class I Temporary Signs* are permitted in conjunction with a *lawful temporary event*, including those associated with *cottage industries*, but not home occupations, subject to the specific requirements as outlined in this Section except that in no case shall a *Class I Temporary Sign* be allowed on a vacant property.~~ *Class I Temporary Signs* are only allowed in conjunction with a *Lawful Temporary Event* being held on land zoned for single-family residential uses.

   b) *Class I Temporary Signs* may be placed in the following locations when in association with a *Lawful Temporary Event* occurring on land zoned for single-family residential uses:

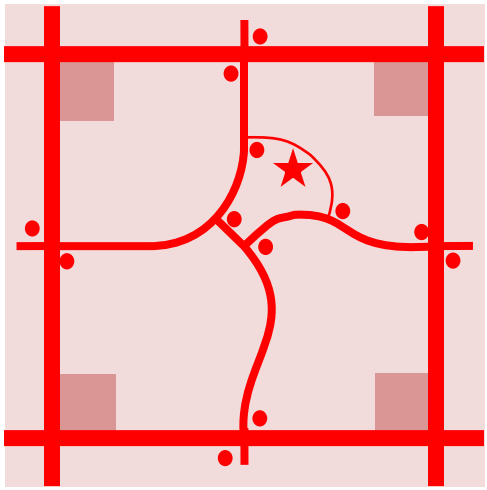
      i) One (1) *Class I Temporary Sign* at the site of the *Lawful Temporary Event*,

      ii) One (1) *Class I Temporary Sign* at each local or collector street intersection leading from the site of the *Lawful Temporary Event* to the adjacent arterial street grid,

      iii) Two (2) *Class I Temporary Sign* at the point where the local or collector street intersects with the arterial street. One (1) of these *signs* may be located on the opposite side of the street intersection from where the *Lawful Temporary Event* is occurring.

Public Review Version 2, 113-09.A.2 Alternative #2, Leg-draft

CLASS I TEMPORARY SIGN LOCATIONS



Legend

- Arterial
- Collector
- Local
- Sign Location
- Event Location
- Single-Family Zoning
- Other Zoning

Public Review Version 2.11.26 09.A.2 Alternative #2, Leg-Dir

~~b~~c) ~~In no case shall a *Class I Temporary Sign* be located within a public right-of-way except as outlined in Section 113-06.B above or when associated with a *lawful temporary event*.~~ When allowed, *Class I Temporary Signs* may be located within the street right-of-way, but not within any median, vehicle or bicycle travel lane, or sidewalk, nor within any sight visibility triangle as outlined in Standard Details 4-01 and 4-02 of the Surprise Engineering Development Standards.

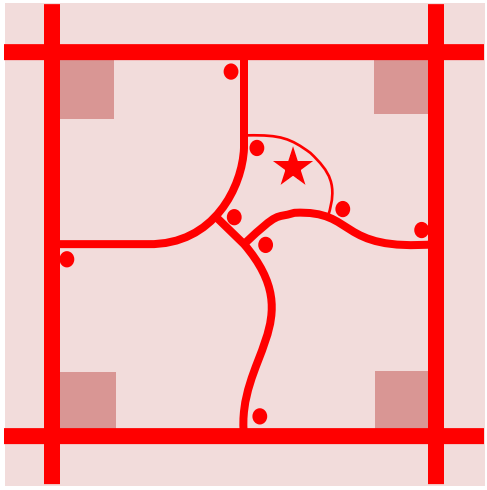
~~c~~d) There is no limit to the number of *sign panels* per *sign structure* provided the defined height, width and *sign area* limitations are not exceeded.

~~d~~e) The *sign* may be weighted or ballasted; however, no such *sign* may be affixed to the ground or to any permanent *structure*.

~~e~~f) ~~The *sign* may be displayed only during the business hours of the business or temporary event served by the *sign*.~~ *Class I Temporary Signs* may be placed one (1) hour before the start of the *Lawful Temprary Event* and shall be removed not more than one (1) hour after the end of the *Lawful Temporary Event*.

g) If the *Lawful Temporary Event* being served by the *Class I Temporay Sign* requires a Temporary Use Permit, the locations of the *Class I Temporary Signs* shall be included with the application materials.

CLASS I TEMPORARY SIGN LOCATIONS



Legend

- Arterial
- Collector
- Local
- Sign Location
- Event Location
- Single-Family Zoning
- Other Zoning

~~bc~~) ~~In no case shall a *Class I Temporary Sign* be located within a public right-of-way except as outlined in Section 113-06.B above or when associated with a *lawful temporary event*.~~ When allowed, *Class I Temporary Signs* may be located within the street right-of-way, but not within any median, vehicle or bicycle travel lane, or sidewalk, nor within any sight visibility triangle as outlined in Standard Details 4-01 and 4-02 of the Surprise Engineering Development Standards.

~~c~~d) There is no limit to the number of *sign panels* per *sign structure* provided the defined height, width and *sign area* limitations are not exceeded.

~~d~~e) The *sign* may be weighted or ballasted; however, no such *sign* may be affixed to the ground or to any permanent *structure*.

~~e~~f) ~~The *sign* may be displayed only during the business hours of the business or temporary event served by the *sign*.~~ *Class I Temporary Signs* may be placed one (1) hour before the start of the *Lawful Temprary Event* and shall be removed not more than one (1) hour after the end of the *Lawful Temporary Event*.

g) If the *Lawful Temporary Event* being served by the *Class I Temporay Sign* requires a Temporary Use Permit, the locations of the *Class I Temporary Signs* shall be included with the application materials.

Public Review Version 2.11.26 09.A.2 Alternative #2, Leg-

PROPOSED TEXT AMENDMENT TO CHAPTER 113 OF THE SURPRISE MUNICIPAL CODE REGARDING SIGNS

CITY OF SURPRISE PLANNING CASE FS15-311

The text that follows is Alternative #1 of Section 113-09.A.3

---

3. ***Class II Temporary Signs*** **(Large A-Frame Signs and Pedestal Signs):**

Class II Temporary Signs, as defined herein, are allowed subject to the General Requirements as stated above plus the following:

a) ~~Not more than one (1) *Class II Temporary Sign* meeting the specific requirements outlined in this Section are permitted in conjunction with a lawful commercial use or a *lawful temporary event*, including those associated with *cottage industries* but not home occupations, subject to the specific requirements as outlined in this Section except that in no case shall a *Class II Temporary Sign* be allowed on a vacant property.~~*Class II Temporary Signs* are only allowed in conjunction with a lawful commercial use including *Cottage Industries*, but not *Home Occupations*, or in conjunction with a *Lawful Temporary Event* being held on land zoned for single-family residential uses.

b) ~~In no case shall a *Class II Temporary Sign* be located within a public right-of-way except as outlined in Section 113-07.B above, or when associated with a *lawful temporary event*, or when the customer entrance to the *building* served by the *Class II Temporary Sign* opens directly onto a public right-of-way.~~When a *Class II Temporary Sign* is being utilized in conjunction with a lawful commercial use, one (1) such *sign* may be located within 15' of the doorway of the customer entrance to the *building* in which the lawful commercial use is occurring.

c) When a *Class II Temporary Sign* is being utilized in conjunction with a *Lawful Temporary Event* located on land zoned for single-family residential uses, the following locational requirements apply:

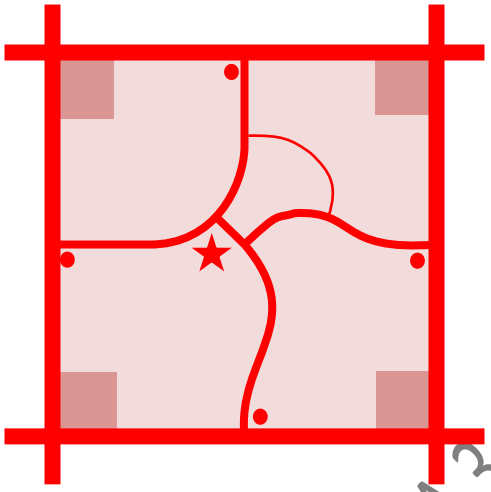
i) One (1) *Class I Temporary Sign* may be placed at the site of the *Lawful Temporary Event*,

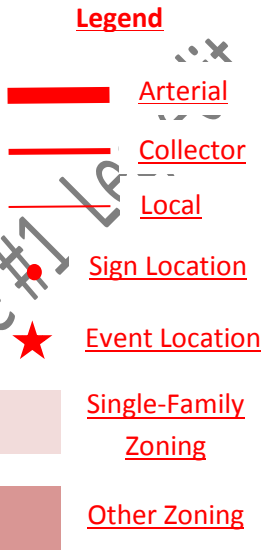
ii) One (1) *Class I Temporary Sign* may be placed at the point where the local street or collector street intersects with the arterial street grid.

Public Review Version 2 113-09.A.3 Alternative #1, Leg-edit

iii) In no circumstance shall a street other than a local street or collector street be located between a *Class I Temporary Sign* and the *Lawful Temporary Event* served by the *sign*.

CLASS II TEMPORARY SIGN LOCATIONS WHEN ASSOCIATED WITH A LAWFUL TEMPORARY EVENT OCURING IN SINGLE-FAMILY RESIDENTIAL ZONING





~~c~~d) ~~There is no limit to the number of *sign panels* per *sign structure* provided the defined height, width and *sign area* limitations are not exceeded.~~ When allowed, *Class II Temporary Signs* may be located within the street right-of-way, but not within any median, vehicle or bicycle travel lane, or sidewalk, nor within any sight visibility triangle as outlined in Standard Details 4-01 and 4-02 of the Surprise Engineering Development Standards.

~~d~~e) ~~The *sign* shall be placed within 15' of the customer entrance of the business served by the *sign*.~~ There is no limit to the number of *sign panels* per *sign structure* provided the defined height, width and *sign area* limitations are not exceeded.

~~e~~f) ~~The *sign* shall not be located within any landscape area.~~ The *sign* may be weighted or ballasted; however, no such *sign* may be affixed to the ground or to any permanent *structure*.

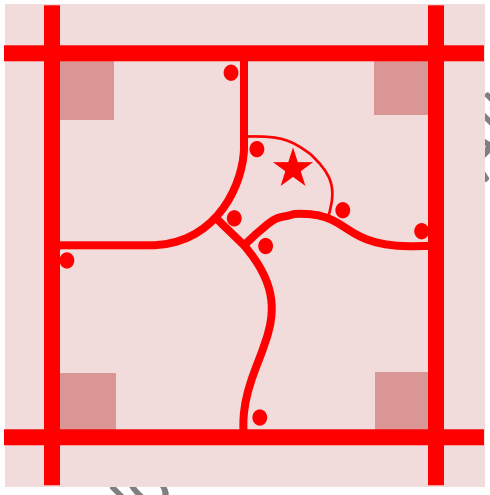
~~f~~g) ~~The *sign* may be weighted or ballasted; however, no such *sign* shall be affixed to the ground or to any *structure* or object.~~ *Class II Temporary Signs* associated with a *Lawful Temporary Event* located on land zoned for single-family residential uses may be placed between the hours of 4:00 PM Friday to 11:00 PM Sunday.

Public Review Version 2-13-09.A.3 Alternative #1

Otherwise, *Class II Temporary Signs* may be displayed during the business hours of the business served by the *Class II Temporary Sign*.

~~g~~h) ~~The *sign* may be displayed only during the business hours of the business or temporary event served by the *sign*.~~ If the *Lawful Temporary Event* being served by the *Class II Temporay Sign* requires a Temporary Use Permit, the locations of the *Class II Temporary Signs* shall be included with the application materials.

CLASS I TEMPORARY SIGN LOCATIONS



Legend

- Arterial
- Collector
- Local
- Sign Location
- Event Location
- Single-Family Zoning
- Other Zoning

~~b~~c) ~~In no case shall a *Class I Temporary Sign* be located within a public right-of-way except as outlined in Section 113-06.B above or when associated with a *lawful temporary event*.~~ When allowed, *Class I Temporary Signs* may be located within the street right-of-way, but not within any median, vehicle or bicycle travel lane, or sidewalk, nor within any sight visibility triangle as outlined in Standard Details 4-01 and 4-02 of the Surprise Engineering Development Standards.

~~c~~d) There is no limit to the number of *sign panels* per *sign structure* provided the defined height, width and *sign area* limitations are not exceeded.

~~d~~e) The *sign* may be weighted or ballasted; however, no such *sign* may be affixed to the ground or to any permanent *structure*.

Public Review Version – Alternative #1, Leg-eddit

~~e~~f) ~~The *sign* may be displayed only during the business hours of the business or temporary event served by the *sign*.~~ *Class I Temporary Signs* may be placed one (1) hour before the start of the *Lawful Temprary Event* and shall be removed not more than one (1) hour after the end of the *Lawful Temporary Event*.

g) If the *Lawful Temporary Event* being served by the *Class I Temporay Sign* requires a Temporary Use Permit, the locations of the *Class I Temporary Signs* shall be included with the application materials.

Public Review Version 2, 113-09.A.3 Alternative #1, Leg-edit

PROPOSED TEXT AMENDMENT TO CHAPTER 113 OF THE SURPRISE MUNICIPAL CODE REGARDING SIGNS

CITY OF SURPRISE PLANNING CASE FS15-311

The text that follows is Alternative #2 of Section 113-09.A.3

---

3. ***Class II Temporary Signs*** **(Large A-Frame Signs and Pedestal Signs):** *Class II Temporary Signs*, as defined herein, are allowed subject to the General Requirements as stated above plus the following:

a) ~~Not more than one (1) *Class II Temporary Sign* meeting the specific requirements outlined in this Section are permitted in conjunction with a lawful commercial use or a *lawful temporary event*, including those associated with *cottage industries* but not home occupations, subject to the specific requirements as outlined in this Section except that in no case shall a *Class II Temporary Sign* be allowed on a vacant property.~~*Class II Temporary Signs* are only allowed in conjunction with a lawful commercial use including *Cottage Industries*, but not *Home Occupations*, or in conjunction with a *Lawful Temporary Event* being held on land zoned for single-family residential uses.

b) ~~In no case shall a *Class II Temporary Sign* be located within a public right-of-way except as outlined in Section 113-07.B above, or when associated with a *lawful temporary event*, or when the customer entrance to the *building* served by the *Class II Temporary Sign* opens directly onto a public right-of-way.~~When a *Class II Temporary Sign* is being utilized in conjunction with a lawful commercial use, one (1) such *sign* may be located within 15' of the doorway of the customer entrance to the *building* in which the lawful commercial use is occurring.

c) In addition to the *Class II Temporary Sign* permitted under 113-09.A.3.b above, properties zoned for commercial uses may utilize one (1) *Class II Temporary Sign* per 200 linear feet of street frontage. Said *signs* may be placed adjacent to, but not within any right-of-way, median, vehicle or bicycle travel lane, or sidewalk, or within any sight visibility triangle as outlined in Standard Details 4-01 and 4-02 of the Surprise Engineering Development Standards.

d) When a *Class II Temporary Sign* is being utilized in conjunction with a *Lawful Temporary Event* located on land zoned for single-family residential uses, the following locational requirements apply:

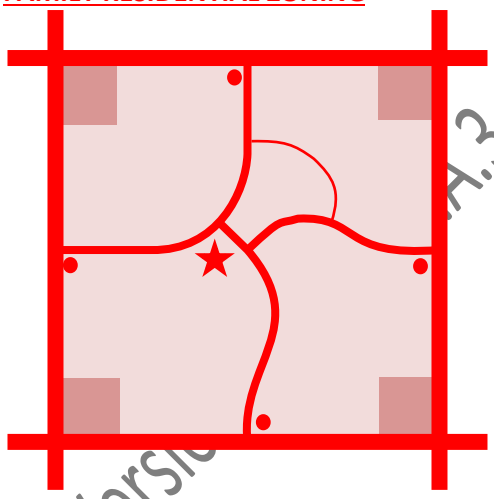
Public Review Version 2, 113-09.A.3 Alternative #2, Leg-edit

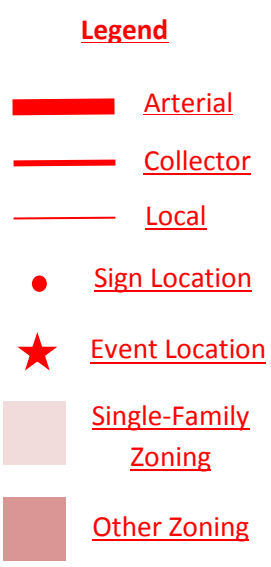
i) One (1) *Class I Temporary Sign* may be placed at the site of the *Lawful Temporary Event*.

ii) One (1) *Class I Temporary Sign* may be placed at the point where the local street or collector street intersects with the arterial street grid.

iii) In no circumstance shall a street other than a local street or collector street be located between a *Class I Temporary Sign* and the *Lawful Temporary Event* served by the *sign*.

CLASS II TEMPORARY SIGN LOCATIONS WHEN ASSOCIATED WITH A LAWFUL TEMPORARY EVENT OCURING IN SINGLE-FAMILY RESIDENTIAL ZONING





Public Review Version - A.3 Alter... #2, Leg Edit

~~e~~e) ~~There is no limit to the number of *sign panels* per *sign structure* provided the defined height, width and *sign area* limitations are not exceeded.~~ Unless associated with a *Lawfull Temporary Event*, no *Class II Temporary Sign* may be located within the public right-of-way. In no case shall any *Class II Temporary Sign* be located within any median, vehicle or bicycle travel lane, or sidewalk, or within any sight visibility triangle as outlined in Standard Details 4-01 and 4-02 of the Surprise Engineering Development Standards.

~~d~~f) ~~The *sign* shall be placed within 15' of the customer entrance of the business served by the *sign*.~~ There is no limit to the number of *sign panels* per *sign structure* provided the defined height, width and *sign area* limitations are not exceeded.

~~e~~g) ~~The *sign* shall not be located within any landscape area.~~ The *sign* may be weighted or ballasted; however, no such *sign* may be affixed to the ground or to any permanent *structure*.

~~f~~h) ~~The *sign* may be weighted or ballasted; however, no such *sign* shall be affixed to the ground or to any *structure* or object.~~ *Class II Temporary Signs* associated with a *Lawful Temporary Event* located on land zoned for single-family residential uses may be placed between the hours of 4:00 PM Friday to 11:00 PM Sunday. Otherwise, *Class II Temporary Signs* may be displayed during the business hours of the business served by the *Class II Temporary Sign*.

~~g~~i) ~~The *sign* may be displayed only during the business hours of the business or temporary event served by the *sign*.~~ If the *Lawful Temporary Event* being served by the *Class II Temporay Sign* requires a Temporary Use Permit, the locations of the *Class II Temporary Signs* shall be included with the application materials.

Public Review Version 2, 113-09.A.3 Alternative #2, Legend

SURPRISE
ARIZONA

FS15-311 Sign Code Update

City Council Work Session

January 16, 2018

Progress to-date

- P&Z Commission discussion item April 16, 2015
- City Council work session April 21, 2015
- Research, imagery collection
- U.S. Supreme Court decision on Reed v. Town of Gilbert
- Workshops regarding Reed v. Town of Gilbert
- City Council discussion September 1, 2015
- Preparation of draft language
- City Council Discussion – March 7, 2017
- Four outreach meetings March 8 through 29, 2017
- EMC Demonstration – March 14, 2017
- P&Z Discussion – April 20, 2017
- P&Z Discussion – July 6, 2017
- P&Z Discussion – July 20, 2017
- P&Z Discussion – August 03, 2017
- P&Z Discussion – October 05, 2017
- P&Z Discussion – January 4, 2018

Next Steps (tentative)

- **City Council Work Session January 16, 2018**
  - Summary and Open Discussion
- **P&Z Public Hearing January 18, 2018**
- **City Council Public Hearing February 6, 2018**
- **Effective Date March 8, 2018**

SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You