

ORDINANCE NO. O2016.64

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

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

Section 1. That Section 3-406, subsection E of the Zoning and Development Code, is hereby amended to read as follows:

- E. **Signs.** All ~~signs~~ SIGNS used by the boutique shall comply with ~~this Code~~, Section 4-903(C).

Section 2. That Section 3-412, subsection B.4. of the Zoning and Development Code is hereby amended to read as follows:

- 4. **Signs.** ~~Home occupations shall not display an identification sign for the purpose of the business~~ COMPLY WITH SECTION 4-903.

Section 3. That Section 3-414, subsection B of the Zoning and Development Code, is hereby amended to read as follows:

- B. **Signs.** ~~Signs are permitted that do not exceed two (2) square feet of combined area for all signs and comply with the standards for commercial use signs in 4-902.~~ LIVE-WORK SHALL COMPLY WITH SECTION 4-903.

Section 4. That Section 3-427, subsection D.6. of the Zoning and Development Code, pertaining to operation requirements for community gardens, is hereby amended to read as follows:

6. The *community garden* may display a maximum of one (1) *sign*, subject to review, as a part of the *use permit*. The *sign* shall be a maximum of eight (8) feet in height and a maximum of thirty-two (32) square feet in area, ~~with no more than sixteen (16) square feet of information used for sponsor advertising.~~ A *sign* permit is not required.

Section 5. That Section 3-503 of the Zoning and Development Code, is hereby amended to read as follows:

Section 3-503 Legal Non-Conforming Development.

All *developments* may be maintained but shall not be re-erected, relocated, or replaced unless brought into compliance with this Code. ~~Freestanding off-premise Signs~~ which are legally non-conforming shall MAY be maintained in place and ~~may only be relocated~~ in accordance with PART 4, CHAPTER 9, SIGNS, Section 4-903(J)(2) with a development agreement that may be entered into at the discretion of the City Council. ~~In the case of off-premise signs the owner of the physical sign, and not the property owner, is considered the owner of the non-conforming sign.~~

Section 6. That Section 4-403 of the Zoning and Development Code, is hereby amended to read as follows:

Section 4-403 Building Identification.

Buildings are required to have a site address, as assigned by the city. *Building identification signs* ~~and site addresses~~ shall conform to the standards in Section 4-903 (A).

Section 7. That Section 4-901 of the Zoning and Development Code, is hereby amended to read as follows:

Section 4-901 Purpose and Applicability.

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

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

1. To reflect and support the desired character and *development* patterns of the GENERAL PLAN AND OF THE various zoning districts;
 2. To allow for adequate and effective ~~signs~~ SIGNS in all zoning districts while preventing ~~signs~~ SIGNS from dominating the appearance of the area;
 3. To distinguish between ~~signs~~ SIGNS that require visibility from automobiles and those that are oriented to pedestrians;
 4. To require design, construction, installation, and proper *maintenance* so that the public safety and traffic safety are not compromised;
 5. To provide standards for location, size, construction, type, and number of ~~signs~~ SIGNS; and
 6. ~~To provide reasonable limits on the magnitude and extent of graphic communication presented to the public.~~ TO BALANCE THE FUNCTION AND THE AESTHETICS OF SIGNS; AND.
 7. TO ENSURE THAT THE CONSTITUTIONALLY GUARANTEED RIGHT OF FREE SPEECH IS PROTECTED.
- B. Applicability.** The regulations in Chapter 9 are applicable to all ~~signs~~ SIGNS in the city, except as noted in Section 4-902(D) and in the RCC district and all MU districts, except where otherwise noted herein. Standards for ~~business signs~~ SIGNS in the RCC district and all MU districts shall be established through ~~sign~~ SIGN criteria approved through a *Development Plan Review*, pursuant to Section 6-306.
- C. Non-Commercial Speech.** ~~Signs~~ SIGNS authorized in this chapter are allowed to contain non-commercial copy in lieu of any other copy.

Section 8. That Section 4-902 of the Zoning and Development Code, is hereby amended to read as follows:

Section 4-902 General Sign Standards.

A. Definitions. For definitions related to *signs* SIGNS, refer to Section 7-120, "S" Definitions.

B. Prohibited Signs. Prohibited *signs* SIGNS include:

1. ~~Non-public signs in public right of way or on public property;~~ SIGNS IN PUBLIC RIGHT OF WAY THAT ARE NOT GOVERNED BY STATE LAW;
2. *Signs* SIGNS mounted on a *building roof*;
3. *Signs* SIGNS that are mounted, attached, or painted on *trailers*, boats or vehicles ~~when used as additional signage on or near the business premises; and similar signs. Business vehicles displaying signage or advertising shall be parked in an assigned parking space which is not~~ THAT ARE PARKED immediately adjacent to a *street* frontage;
4. *Signs* SIGNS having intermittent or flashing illumination, animated or moving parts, or that emit sound except as allowed under Section 4-903(N) (~~Menu Board~~) and Section 4-903(U) (~~Marquee Sign~~); 4-903 (SIGN TYPE C AND F);
5. Freestanding changeable copy *signs* SIGNS, except as allowed under Section 4-903(N) (~~Menu Board~~), Section 4-903(Q) (~~Service Station Sign~~), and Section 4-903(U) (~~Marquee Sign~~); SECTION 4-903 (SIGN TYPE C, E, F, AND I);
6. Banners, pennants, wind-driven spinners, streamers, balloons, flags, search lights, strobe lights, holographic projections, laser light displays, beacons, inflatable *signs* SIGNS, except as otherwise provided in Section 4-903(R) (~~Special Events Sign~~), Section 4-903(C) (~~Boutique Directional Sign~~) SECTION 4-903 (SIGN TYPE K) and approved *banner signs* SIGNS installed pursuant to the city's banner program;
7. *Signs* SIGNS imitating official traffic control *signs* SIGNS, or any *sign* SIGN or device obscuring such *signs* SIGNS or devices;
8. ~~*Signs* SIGNS mounted on, or applied to trees, utility poles, OR rocks; or city owned property;~~
9. *Signs* SIGNS placed on private property without the property owner's written approval; AND
10. ~~*Off premise/off site signs and portable signs, except as permitted in Sections 4-903(C) (Boutique Directional Sign), Section 4-903(J) (Freeway Sign), Section 4-903(M) (Lead In Sign), Section 4-903(O) (Political Sign), or Section 4-903(S) (Subdivision/Apartment Community Advertising Sign); and* SIGNS PLACED ON CITY OWNED PROPERTY.~~
11. ~~*Business identification/advertising signs in single family zoning districts.*~~

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

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

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

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

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

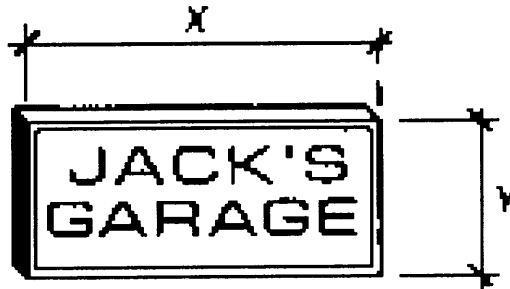
"Freestanding Sign": Height is the distance from the top of the *sign* SIGN *structure* to the top of the adjacent street curb. The height of any monument base or other *structure* erected to support or ornament the *sign* SIGN shall be measured as part of the *sign* SIGN height.

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

1. *Sign* SIGN area includes the areas of all the following *signs* SIGNS on site that pertain to any one business:
 - a. ~~Awning Sign;~~
 - b. ~~Building Mounted Sign;~~
 - c. ~~Freeway Sign;~~
 - d. ~~Service Station Sign, excluding freestanding sign; and~~
 - e. ~~Marquee Sign.~~

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

2. The maximum total area for the above *signs* SIGNS on the premises for any one (1) business may be equal to forty (40) square feet plus one (1) square foot of *sign* SIGN area for every lineal foot of *business frontage* beyond forty (40) lineal feet, as measured by the *business frontage*. Businesses with freeway frontage may have additional *sign* SIGN area, see ~~Section 4-903(J) (Freeway Sign)~~.
SECTION 4-903 (SIGN TYPE E)
3. Internal businesses and brands contained within a host business are allowed exterior signage. *Sign* SIGN area utilized by the internal business/brand shall be deducted from the *sign* SIGN area allowed for the host business sign area.
4. One sign face: Area of the single face only;
 - a. *Sign* SIGN copy mounted or painted on a background panel or area distinctively painted, textured, illuminated, or constructed as a background for the *sign* SIGN copy, shall be measured as the area contained within the *geometric shape* of the background panel or surface; and



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



5. Multiple *sign* SIGN faces:
 - a. Two (2) faces: If the interior angle between the two (2) faces is forty-five (45) degrees or less, the area will be the area of one (1) face only; if the angle between the two (2) *sign* SIGN faces is greater than forty-five (45) degrees, the *sign* SIGN area will be the sum of the areas of the two (2) faces;

- b. Three (3) or more sides: Sign SIGN area will be calculated as fifty percent (50%) of the sum of all faces; and
 - c. Sign SIGN area for a sign SIGN with more than one component (~~e.g., a service station identification/price sign combination on a monument base, mounted on the same surface~~) will be measured as the area of the smallest *geometric shape* that encompasses the components of the sign SIGN.
6. Free form, spherical, sculptural and other non-planar signs:
- a. Sign SIGN area is calculated as fifty percent (50%) of the sum of the area of the four (4) vertical sides of the smallest cube that will encompass the sign SIGN.



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

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

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

1. ~~Signs~~ SIGNS on a property shall be maintained by the owner or person in possession of the property on which the ~~sign~~ SIGN is located. *Maintenance* shall be such that the signage continues to conform to the conditions imposed by the ~~sign~~ SIGN permit;
2. A damaged ~~sign~~ SIGN, including ~~signs~~ SIGNS vandalized or subjected to graffiti, shall be repaired within sixty (60) days;
3. Metal pole covers and ~~sign~~ SIGN cabinets shall be kept free of rust and rust stains;
4. Internally *illuminated sign* cabinets or ~~sign~~ SIGN panels that have been damaged shall remain un-illuminated until repaired;
5. ~~Signs~~ SIGNS that have been damaged to such extent that it may pose a hazard to passersby, as determined by the Community Development Director, or designee, shall be repaired or removed immediately;
6. *Maintenance* of legal non-conforming ~~signs~~ SIGNS shall be consistent with applicable Arizona law. A legal nonconforming ~~sign~~ SIGN that has been damaged to the extent of more than fifty percent (50%) of its reproduction value shall be removed or altered so as to conform to the provisions of Part 3, Chapter 5, Non-Conforming Use or Development; and
7. Failure to comply with these ~~sign~~ SIGN *maintenance* requirements shall constitute a violation of this Code.

J. Comprehensive Sign Package.

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

K. LANDLOCKED PARCELS.

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

Section 9. That Sections 4-903 of the Zoning and Development Code, is hereby repealed in its entirety. All existing violations under this sections, and all amendments thereto,

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

Section 4-903 Permitted Signs.

For permitted signs, see individual requirements within the tables below. Table 4-903A identifies the permitted sign types for each zoning district classification. Table 4-903B establishes the sign types along with the location/use, size specifications, and other additional requirements.

Table 4-903A Permitted Signs Per District

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

N = Not permitted

P = Permitted

S = Permitted with special standards and limitations

Table 4-903B Permitted Sign Types

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

Table 4-903B Permitted Sign Types

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