Chapter 3.6 – Signs

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3.6.1 – Purpose

The City finds that signs are an important means of communication by and between individuals, organizations, and other bodies corporate. It further finds, however, that signs can create conditions that are unsafe for drivers and pedestrians, that signs can degrade the aesthetic quality of the roadsides and neighborhoods, and can be otherwise disruptive to efforts to improve quality of life throughout the community and for all City residents.

Therefore, the standards contained in this chapter are intended to balance the needs of businesses and individuals to convey messages through signs with the rights and interests of the community-at-large to maintain the orderly and pleasant appearance of the City's streets and neighborhoods and to eliminate conditions along City streets that are hazardous to drivers and pedestrians. The purpose of this Chapter is to

A. Improve the aesthetic quality of Phoenix's built environment, in particular its the streetscape along its commercial corridors through the equal application of standards regulating the number, size, illumination, and placement of signs;

B. Provide sufficient opportunities for the conveyance of information to the public;

C. Protect public safety by providing the legal authority to eliminate hazardous signs.

D. Ensure application of content neutral standards.

3.6.2 – Definitions

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A. Abandoned Sign. Any sign or sign structure that: 1) is no longer used by the property owner or sign permit holder. Discontinuence of use may be demonstrated through cessation of the use of the property upon which the sign is located; OR 2) has any sign or sign structure that is in a state of disrepair and repairs or restoration has not been initiated within forty-five (45) days of the date the sign was found to have been damaged or was discovered in a state of disrepair OR necessary repair has not been completed within 90 days of initiatation of repairs.

B. Accessory Sign. Signage which is an integral part of commercial and industrial equipment such as soft drink machines, gas pump, newspaper dispensers, and other similar structures.

C. Alteration. Any change in the size, shape, method of illumination, construction, or supporting structure of a sign. The change of a sign face or message shall not constitute an alteration.

D. Architectural Feature, Element or Detail. A part of a building, being integral to the structure and consistent with the overall design of a building, whether decorative in nature or not, that may possess or may be interpreted to convey visual information whether wholly or partly symbolic or textual.

E. Average Surrounding Elevation. The average elevation of an area with a radius of no less than fifteen (15) feet and no more than thirty (30) from a central point of measurement.

F. Awning. A secondary covering attached to the exterior wall of a building. The location of an awning on a building may be above a window, a door, or over a sidewalk. An awning is often painted with information as to the name of the business, thereby acting as a sign, in addition to providing protection from weather.

G. Banner. A sign made of fabric or any nonrigid material with no enclosing framework.

H. Business frontage. The linear dimension of the façade of a nonresidential building or portion thereof, as measured at grade, devoted to a specific business or enterprise.

I. Business License. A license issued to a person or corporation according to Chapter 5.04 of the Phoenix Municipal Code.

J. Business Premises. Real property at or upon which an individual or corporation engages in the trade, production, or provision of goods or services, whether for monetary compensation or not.

K. Electronic changeable message sign. A sign whose informational content, copy and/or message can be changed or altered by means of electronically-controlled electronic impulses. In contradistinction to videoboards defined below, electronic changeable message signs shall not, under any circumstances, display full motion images.

L. Festoons. A string of ribbons, tinsel, small flags, or pinwheels.

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M. Ground Signs. A sign erected on a freestanding frame, mast, or pole and not attached to any building, also known as a freestanding sign. Monument and pole signs are different types of ground signs.

N. Kiosk. A multi-sided structure designed for the display of messages and other content including images which are intended to be viewed by and to be comprehensible to pedestrian passersby within 10 feet of the kiosk.

O. Handheld Signs. A sign held by or affixed to a person, including costumes. Personal items of clothing that are customarily worn by an individual in course of routine activities shall not be considered as such. Handheld signs are considered to be temporary signs as defined and regulated herein.

P. Hazardous Sign. A sign which is detrimental to the public safety, including but not limited to: any sign that has a design, color, or lighting which may be mistaken for a traffic light, signal, or directional sign; any sign which is located in such a manner as to obstruct free and clear vision to motorists or pedestrians at intersections and driveways; any sign which, because of its location, would prevent free ingress to or egress from any door, window, or fire escape; any sign that is attached to a standpipe or fire escape; any sign which has lighting which temporarily blinds or impairs one's vision; or any sign which is in a leaning, sagging, fallen, decayed, deteriorated, or other unsafe condition.

Q. Illegal Sign. A sign which is installed or maintained in violation of this Chapter.

R. Incidental Sign. A small sign, emblem, or decal typically used to inform the public of goods, facilities, or services available on the premises (e.g., a credit card sign or a sign indicating hours of business).

S. Landmark Sign. A sign found to be of historical or local significance by the Planning Commission.

T. Master Sign Program. A single, comprehensive sign permit that establishes design standards and other regulations for multiple signs located upon and within a retail, office, or industrial development consisting of a group of two or more duly licensed businesses sharing common parking and circulation facilities , landscaping or open space facilities, whether under common or multiple individual ownership. Neighborhood commercial "strip" centers, shopping centers, office campuses, special commercial districts, and business parks are representative examples of sites that may be eligible to participate in a Master Sign Program.

U. Monument Sign. A freestanding sign that does not have exposed pole or pylon and is attached to a continuous structural base. The base is not less than half the width of the message portion of the sign and is permanently affixed to the ground. Monument sign bases include material consistent with the principle structure, including brick, block, and concrete, but excluding metal.

V. Nonconforming Sign. An existing sign, lawful at the time of the enactment of this ordinance, which does not conform to the requirements of this code.

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W. Permanent Sign. For the purposes of this Chapter, a sign shall be considered permanent when it is designed in such a way and then, according to its approved design, attached mechanically to a building, permanent structure, or the ground so as to remain in that state according to its approved design for a more or less indeterminable period of time, and relying only on routine maintenance and repair in order to remain in that state.

X. Projecting and Suspended Signs. Projected signs are attached to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building. Suspended signs are suspended from the underside of a horizontal plane surface.

Y. Public Art. A two or three-dimensional object or other visual presentation of information, whether textual, visual, or graphic in nature, that is viewable by the general public and has been so designated after review by the Phoenix Arts Council.

Z. Sculpture. A type of visual artwork that is fundamentally three dimensional in nature; may be freestanding or relief; and is achieved through the carving, modeling, casting, forging, or assembly of materials such as stone, metal, ceramics, wood, fibers, found objects and other materials. Other forms of sculpture include sound and landscapes, light and kinetic sculptures.

AA. Sign. Any message, identification, description, illustration, symbol, device, or sculptured matter, including forms shaped to resemble any human, animal, or product, which is affixed directly or indirectly upon a building, vehicle, structure, or land.

BB. Sign Face. The surface of a sign upon which or containing the message to be communicated.

CC. Sign Height. The vertical distance from average surrounding eleveation to the highest point of a sign or sign structure.

DD. Sign structure. The supports, uprights, braces, framework, and other structural components of the sign that are not used, or able to be used, to communicate information of a textual or graphic nature.

EE. Site. A lot, parcel, or tract of land under common ownership and/or developed together as a single development site, regardless of how many uses occupy the site.

FF. Street Frontage. The total linear dimension of a property along a public street, including curb cuts, access drives, and building facades.

GG. Videoboard. Electronic changeable message signs, video displays and other projection devices that are capable of displaying moving images similar to television images, by light-emitting diode or other technology, and that are intended for viewing by pedestrians from sidewalks and similar public and quasi-public spaces.

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HH. Temporary Sign. A sign that is not designed and/or constructed to be permanently affixed to a building, permanent structure, or the ground. Examples include banners, sandwich boards and similar unanchored freestanding signs.

II. Wall Signs. A sign painted or attached to any part of a building, or mounted/painted upon the inside of windows within all commercial or industrial zoning districts. Wall signs include parapet signs, awning/canopy signs, projecting/suspended signs, and marquee signs that are attached to the marquee.

JJ. Wayfinding Sign or Device. A sign, landmarks or other visual graphic communication that are part of a coordinated program that has been reviewed and approved by the City according to the standards set forth in Section 3.6.10 of this Chapter. Typical wayfinding signs include gateways, vehicular directional, destination, parking lot identification, parking trailblazer, pedestrian directional vehicular directional and pedestrian kiosk.

KK. Window Sign. An unlighted sign installed inside a window or painted on a window and intended to be viewed from the outside.

3.6.3 – Applicability and Exemptions

A. Sign Permit Required. All signs visible from the public right-of-way or private areas accessible to the public within the City of Phoenix shall be subject to the provisions of this Chapter. Except as otherwise provided in section 3.6.3.B, Sign Permit, Exemptions of this Chapter, it shall be unlawful for any person to construct, erect, alter or relocate a sign, or direct an employee or agent to do same within the City without first obtaining a permit for each separate sign from the Planning Department.

B. Sign Permit, Exemptions. The following signs may be installed, and related activities performed, without a Sign Permit:

1. General Sign Exemptions -- All Land Use Districts

   a. Maintenance and repair of signs for which a permit has been issued, that does not alter the sign face or sign structure. This exemption also applies to change of face, where an existing sign is modified by change of message or design on the sign face, without any change to size or shape of the sign framework or structure.

   b. One temporary, non-illuminated sign installed by or on the behalf of a contractor or service provider while a building permit is active and work is proceeding on the premises, from the date of issuance of the building permit and up until one (1) week after work the relevant building permit has been closed, has expired, or a stop work order has been issued. The sign may consist of two (2) faces, neither of which shall not exceed sixteen (16) square feet. The sign may have a maximum height of four (4) feet as measured from average surrounding elevation. Though not permanently affixed, the sign shall be anchored to the ground or a structure so as to resist the forces of gravity, wind, and other natural phenomena.

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c. Flags of national, state, or local government.

d. Holiday decorations and lights installed during national and local holidays for a period of beginning sixty (60) days before the holiday and ending fourteen (14) days after the holiday.

e. Public signs. Signs constructed or placed in a public right-of-way by or with the approval of a governmental agency having legal control or ownership over the right-of-way, signs owned or constructed under the direction of the city, and signs placed by a public utility.

f. Signs located within a sport stadium that are intended for viewing primarily by persons within said stadium.

g. Signs that are a part of an approved Wayfinding Sign Package, pursuant to 3.6.10– *Wayfinding Sign Program Procedures and Standards of Review*.

h. Public art installations as reviewed and approved according to the policies of the Phoenix Arts Commission Section 3.6.11 – *Public Art Program Procedures and Standards of Review*.

i. Landmark signs as reviewed and approved by the Planning Commission or its designee in accordance with 3.6.9 – *Landmark Sign Program, Procedures and Standards of Review*.

j. Handheld signs carried by an individual who has not received any form of remuneration in the performance of this activity.

k. Sculpture, provided that they substantially conform to the design standards enumerated within this Chapter, do not create or cause hazardous conditions, and are in compliance with Chapter 8.04.060, 8.04.080, and 8.04.110 of the Phoenix Municipal Code.

l. Architectural features, provided that they substantially conform to the design standards enumerated within this Chapter, do not create or cause hazardous conditions.

m. Vehicular signs. Any sign permanently or temporarily placed on or attached to a motor vehicle or trailer, where the vehicle or trailer is used in the regular course of business for purposes other than the display of signs, subject to compliance with the following conditions:

   i. Vehicles and equipment shall be in operating condition, currently registered and licensed to operate on public streets when applicable, and are actively used in the daily operation of a business/or land use.

   ii. Vehicles and equipment engaged in active construction projects.

   iii. Vehicles and equipment stored on the premises of a business that is duly licensed to offer said vehicles and equipment to the general public for sale or lease.

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iv. Vehicles parked at the owner's residence provided that they meet .3.6.3.B.g.i of this Chapter.

2. Sign Exemptions, Residential Land Use Districts

   a. Windows signs.

   b. Accessory and incidental signs two (2) square feet in size or less.

   c. Parking lot signs up to three (3) square feet in area and up to five (5) feet in height may be constructed or placed within a parking lot.

   d. One non-illuminated, temporary sign per street frontage, with a maximum height of four (4) feet and consisting of no more than two (2) faces, neither of which shall exceed sixteen (16) square feet, during periods of time when the premises or a portion thereof is actively marketed for sale or lease. The sign shall be removed within fourteen (14) days of the cessation of marketing activities. Though not permanently affixed, the sign shall be anchored to the ground or a structure so as to resist the forces of gravity, wind, and other natural phenomena.

   e. Temporary non-illuminated signs, with a maximum height of four (4) feet and consisting of no more than two (2) faces for each sign, neither of which shall exceed twelve (12) square feet in surface area, located on private property with the consent of the property owner, during the period from (sixty) 60 days before to five (5) days after any public election held in Oregon. Though not permanently affixed, the sign shall be anchored to the ground or a structure so as to resist the forces of gravity, wind, and other natural phenomena.

   f. One banner may be installed on the exterior wall of an approved conditional use (schools, churches, public buildings, etc.) within a residential land map district (R-1, R-2, or R-3) where an event is being held. The banner may be installed for up to fifteen (15) days for the event and shall be removed five (5) days after the event. It shall be a flat wall mounted plastic or canvas sign, and may be up to thirty-two (32) square feet in surface area. Though not permanently affixed, the sign shall be anchored to the ground or a structure so as to resist the forces of gravity, wind, and other natural phenomena.

   g. One temporary non-illuminated sign, with a maximum height of 4 feet and consisting of not more than two (2) faces, neither of which shall exceed twelve (12) square feet in surface area, installed by the owner or tenant of real property upon which the sign is installed. Though not permanently affixed, the sign shall be anchored to the ground or a structure so as to resist the forces of gravity, wind, and other natural phenomena.

3. Sign Exemptions, Commercial, Industrial, and Mixed Use Land Use Districts

   a. <u>Accessory and incidental sign</u>s.

   b. Windows signs that cover 50% or less the window.

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c. Parking lot signs up to three (3) square feet in area and up to five (5) feet in height may be constructed or placed within a parking lot.

d. One temporary sign per street frontage, consisting of no more than two (2) faces, neither of which exceeds thirty-two (32) square feet in area, not to exceed four (4) feet in height during periods of time when the premises or a portion thereof is actively marketed for sale or lease. The sign shall be removed within fourteen (14) days of cessation of marketing activities. Though not permanently affixed, the sign shall be anchored to the ground or a structure so as to resist the forces of gravity, wind, and other natural phenomena.

e. Temporary, non-illuminated signs, with a maximum height of 4 feet and consisting of not more than two (2) faces, neither of which shall exceed twelve (12) square feet of surface area, located on private property with the consent of the property owner, during the period from 60 days before to five days after any public election to be held in Oregon. Though not permanently affixed, the sign shall be anchored to the ground or a structure so as to resist the forces of gravity, wind, and other natural phenomena.

f. One temporary sign, consisting of no more than two (2) signs faces, neither of which shall exceed sixteen (16) square feet in surface area, not to exceed four (4) feet in height, installed by or on the behalf of the holder of a business license which has been issued within the fourteen (14) prior to sign installation upon business premises for which the business license was issued. The sign may be installed for sixty (60) days from the date of issuance of the business license, and must be removed promptly thereafter.

These exemptions shall not be interpreted so as to release the any individual or body corporate from the responsibility to obtain any permits or licenses as required by the building code and any and all other local, state, and federal statutes and regulations. Nor shall they be interpreted so as to release any individual or body corporate from the responsibility to abide by other requirements of this Land Development Code including applicable yard setbacks and clear vision areas.

3.6.4 Prohibited signs. The following signs are prohibited in all land use districts; are unlawful, and shall be considered nuisances per se:

1. Any sign constructed, maintained, or altered in a manner not in compliance with the sign standards contained within this Chapter.

2. A permanent ground, pole, or wall sign placed on undeveloped or vacant property (property without a permanent occupiable structure) unless otherwise exempt from this restriction according the provisions delineated in section 3.6.3.B *Sign Permit, exemptions* or Section 3.6.5 *Permitted Signs* of this Chapter.

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3. Any sign constructed or maintained that, because of its size, location, movement, coloring or manner of illumination, may be confused with or construed as a traffic control device, or which impairs the view any traffic control device.
4. Permanent and temporary balloons and anchored balloons.
5. Flashing signs. A sign incorporating intermittent electrical impulses to a source of illumination or revolving in a manner which creates the perception of flashing, or which changes colors or intensity of illumination.
6. Signs in the public right-of-way that are not authorized by the relevant public agency.
7. Signs placed on or affixed to trees and utility infrastructure including utility poles, switch gear housing, pump houses, etc.
8. Moving or rotating signs.
9. Signs made from materials that cannot withstand routine elements of the weather such as wind, rain, and solar radiation.
10. Festoons, pennants, and similar signs which are suspended from a rope, wire, or string, usually in series, and designed to move in the wind.
11. Inflatable signs, unless the sign is affixed to or part of inflatable recreational apparatus or equipment.
12. Roof Signs are not allowed to extend vertically above the highest portion of the roof. Roof signs must comply with Section 3.6.6 for measuring roof elevations.
13. Any ground sign that is to be installed as to extend through a portion of a building or roof, with the sign being mounted above the roof, and appearing similar to a roof sign.

Sign permits shall not be issued for any prohibited sign as a means of establishing it as a legal sign; sign permits issued in error or on the basis of erroneous or misleading information shall not establish a prohibited sign as a legally permitted sign.

3.6.5 – Permitted Signs

No sign permit shall be issued for any sign unless specifically identified as an allowable sign within the land use district map or otherwise allowed under Chapter 3.6.3.B – *Sign Permit, Exemptions*.

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A. Permitted Signs in the Residential Land Use Districts

1. Purpose. Except as otherwise allowed by Chapter 3.6.3.B – *Sign Permit, Exemptions*, signage is limited to preserve the residential character of these districts by allowing signs only for single and multi-family residential developments and neighborhoods and for those uses that are allowed under conditional use permits such as churches, schools, bed and breakfasts, and community centers.
2. Types of Permitted Signs Allowed.
   a. Permanent ground signs within a landscaped bed.
   b. Permanent wall signs.
   c. Temporary ground signs.
3. Maximum Number of Permitted Signs. The number of signs on a property in a residential land use map district shall be limited to no more than the following number:
   a. One(1) wall sign, consisting of no more than one (1) sign face, per building frontage or street frontage, with a total not to exceed two (2) signs per residential site.
   b. One (1) ground sign for each residential subdivision or PUD site, approved as such by the Planning Commission, for each location where a street providing access to an internal street or other type of site circulation network intersects with a public local, collector, or arterial street..
4. Maximum Sign Area and Maximum Height.
   a. Ground or monument signs shall be no more than sixteen (16) square feet per sign face with a limit of two (2) faces no more than 18" in depth, and shall be no more than five (5) feet in height, and setback a minimum of five (5) feet from any street right-of-way, and shall not be located within any clear vision areas.
   b. Wall signs shall be no more than twelve (12) square feet in area.

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c. Temporary undeveloped Subdivision/Planned Unit Development Signs: Two (2) non-illuminated ground signs, consisting of not more than two (2) sign faces, neither of which shall exceed thirty-two (32) square feet in area, and eight (8) feet in height as measured from the average surrounding elevation and setback a minimum of twenty (20) feet from any property line are permitted within upon undeveloped land within a residential land use map district where a subdivision/planned unit development has been approved by the Planning Commission.These signs must be removed no later than two years after installation, unless the Planning Commission, upon due application prior to expiration of the two-year period, determines that the continued maintenance of the sign is consistent with the purpose of this code, in which case a single one (1) year extension may be granted by the Planning Commission.

d. Institutional Land Use Signs: Each lot occupied by public uses, including schools and churches, are allowed a maximum of one half (0.50) square foot of sign area per linear foot of street frontage. The maximum area may include a combination of permanent wall and monument signs. If a monument sign is included, the sign shall be located at least fifteen (15) feet from any property line, and be no more than eighteen (18) inches in depth, with a maximum height of eight (8) feet. Signs within public parks, schools, or stadiums, which are generally placed and located so as not to be viewed from a street, are exempt from this provision.

e. A permanent ground sign, no more than six (6) square feet in total surface area, with no more than two (2) faces, and a maximum of three (3) feet in height may be issued to a Business, duly licensed and permitted by the City as a Bed and Breakfast Inn. No part of the sign may obstruct a clear vision area.

B. Permitted Signs in the Bear Creek Greenway District (BCG). The BCG ensures the protection of wildlife habitat and open space. Only the City or other public agency, or its authorized agents, with an established ownership or regulatory interest in the BCG or surrounding protected area may install signs in the BCG.

C. Permitted Signs in the C-H, Commercial Highway District

1. Temporary signs, subject to the following standards:

a. For single tenant commercial properties, one (1) temporary non-illuminated sign with a maximum height of four (4) feet, and consisting of no more than two (2) sign faces, neither of which shall exceed twelve (12) square feet in surface area.

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b. For multitenant commercial properties, for each tenant one (1) temporary non-illuminated sign, with a maximum height of four feet (4) feet and consisting of no more than two (2) sign faces, neither of which shall exceed twelve (12) square feet in surface area provided that only one (1) such sign may be placed along every twenty (20) feet of street frontage.

c. Signs shall be freestanding, and not attached to other ground or pole signs, or other permanent structures or buildings.

d. Though not permanently affixed, the sign shall be anchored to the ground or a frame so as to resist the forces of gravity, wind, and other natural phenomena, shall be constructed of durable materials that are weather resistant, and shall be maintained in good condition.

e. The sign shall not encroach upon any sidewalk and shall be placed so as to maintain a minimum five (5) foot wide pedestrian travel way at all times.

f. The sign shall be removed from its location and stored indoors between the hours of 9:00PM and 7:00AM.

2. Wall Signs, Awning/Canopy and Marquee Signs, subject to using the calculation standards set forth in Section 3.6.6 and the following standards:

a. The aggregate area of all wall signs shall not exceed one and a half (1.5) square feet for each (1) linear foot of business frontage, except if the building is set back more than twenty (20) feet from the right-of-way, in which case the aggregate area of all signs shall not exceed two (2) square feet for each (1) linear foot of business frontage.

b. No part of any sign shall be higher than the roof height as defined in Section 3.6.6 of this chapter.

c. The sign may be an electronic changeable message sign or videoboard pursuant to the standards established in Sections 3.6.6.F and G.

3. Projecting Signs: These signs are permitted, subject to standards set forth in Chapter 3.6.6 and the following standards:

a. A maximum of one (1) projecting sign for each business frontage.

b. No sign shall project more than four (4) feet into the public right-of-way.

c. The sign shall not exceed 16 square feet per sign face with a maximum of two (2) faces.

d. No part of any sign shall be higher than the approved roof height as defined in Section 3.6.6, no part of the sign shall be lower than 8 feet from from the elevation of top of any public pedestrian way. No part of the sign shall in any way obstruct a public right-of-way or pedestrian way whether on public or private land.

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e. No part of the sign may obstruct a clear vision area (see Section 3.6.6.H)

3. Ground and Pole Signs Standards for freestanding commercial buildings and commercial developments under 10,000 square feet GLA.. Each site is permitted one (1) ground or pole sign per street frontage, locating only one sign on each street frontage, with a maximum of two (2) signs per parcel, subject to the standards set forth in Section 3.6.6.E, and the following standards:

   a. No part of the sign shall exceed a maximum height of 18 feet above average surrounding grade, and the lowest point on the sign shall be at least 8 feet above average surrounding elevation if it hangs over the public right-of-way or a pedestrian way whether on public or private land.

   b. The maximum surface of each sign face shall be thirty-two (32) square feet per sign with a maximum of two faces, and not more than 18 inches in depth.

   c. No part of the sign shall in any way obstruct a public right-of-way or pedestrian way whether on public or private land.

   d. No part of the sign may obstruct a clear vision area (see Section 3.6.6.H).

   e. The sign may be an electronic changeable message sign or videoboard pursuant to the standards established in Sections 3.6.6.F and G.

4. Ground and Pole Sign Standards for shopping centers, office campuses, mixed-use commercial developments, and business/industrial parks. In instances, where multiple tenants, buildings, and/or commercial or industrial uses operate within a single development site and share parking, internal circulation, and access facilities, one monument sign is permitted at each location where a site access drive, whether public or private, intersects with a public collector or arterial road. One (1) or two (2) poles sign may also be permitted in addition to monument signs, all subject to the following standards:

   a. All such commercial or industrial multiple tenant developments consisting of 10,000 square feet or more of gross leasable area (GLA) are required to apply for sign permits through a master sign program.

   b. The master sign program for the site shall preserve for all tenants the ability to use monument and pole signs.

   c. The maximum size of monument and pole signs shall be determined as follows:

      i. For centers/complexes with a gross leasable area (GLA) of 10,000 square feet or more but less than 25,000 square feet of GLA, one pole sign with a maximum surface area of 40 square feet for each of 2 sign faces, and a maximum height of 20 feet, and a monument sign or signs no larger than thrity-two (32) square feet for each of two (2) sign faces and a maximum height of eight (8) feet and located in a landscaped bed.

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ii. For centers/complexes that have a GLA between 25,000 square feet and 50,000 square feet, one pole sign with a maximum surface area of seventy-five (75) square feet for each of 2 sign faces, and a maximum height of thirty-five (35) feet, and a monument sign or signs no larger than thrity-two (32) square feet for each of two (2) sign faces and a maximum height of eight (8) feet and located in a landscaped bed.

iii. For centers/complexes that have a GLA that exceeds 50,000 square feet, a maximum of two pole signs each with a maximum of 75 square feet in surface area for each sign for each of 2 sign faces and a maximum height of thirty-five (35) feet, and no less than fifty (50) feet apart, and a monument sign or signs no larger than thrity-two (32) square feet for each of two (2) sign faces and a maximum height of eight (8) feet and located in a landscaped bed.

d. No sign shall obstruct clear vision areas (see Section 3.6.6.H).

e. No part of the sign shall in any way obstruct a public right-of-way or pedestrian facility whether on public or private land.

f. The sign may be an electronic changeable message sign or videoboard pursuant to the standards established 3.6.6.F and G.

D. Permitted signs in the I-5 Overlay District. The I-5 (Interstate 5) overlay zone is established to permit signs visible to travelers on the I-5. It recognizes a special dependence of freeway-oriented businesses to this market. Freeway signs shall be regulated in order to avoid adverse scenic impacts on the vista east of Phoenix and the Bear Creek Greenway. The I-5 overlay zone shall be applied to lots within one quarter of a mile of the center of Interstate 5 interchange that are zoned Commercial Highway.

I-5 is not considered a street and cannot be counted as street frontage. A larger pole sign located upon the premises shall be permitted. This pole sign shall not be permitted in addition to pole signs that may be permitted in the underlying land use district, but rather as a substitute for any pole signs allowed within that district. A ground or pole sign in the freeway overlay zone is subject to the basic regulations in the underlying zone with the following exceptions:

1. One pole sign (the freeway sign), consisting of not more than two (2) sign faces, neither of which shall exceed 150 square feet in surface area and 50 feet in height is permitted on each parcel of land located within the I-5 Overlay District.

2. The pole sign may utilize an electronic changeable message sign, pursuant to the standards established 3.6.6.F. Videoboards are expressly prohibited.

E. Permitted Signs in the City Center District. The City Center Plan provides for mixed residential and commercial land uses and provides linkages to the Bear Creek Greenway and to older established residential neighborhoods located adjacent to the downtown core.

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1. Signage Objectives:
   a. To include a non-obtrusive variety of signs that are designed at both pedestrian and vehicular scales.
   b. Signs should be in the character of a small downtown, usually painted on buildings or painted on signboards hung off buildings with metal or wood brackets.
2. Wall Signs, Awning/Canopy, and Marquee signs. These signs may be permitted, subject to the standards set forth in 3.6.6.E Sign Design Standards, Methods of Calculating Area, and the following standards:
   a. Signs are to be painted or sculptural metal, wood, awning, or canopy signs.
   b. The aggregate area of all wall signs shall not exceed one (1) square foot for each (1) linear foot of business frontage, except if the building is set back more than twenty (20) feet from the right-of-way, in which case the aggregate area of all signs shall not exceed one and one-half (1.5) square foot for each (1) linear foot of business frontage. No part of any sign shall be higher than the roof height as defined in 3.6.6.E Sign Design Standards, Methods of Calculating Area.
3. Projecting Signs: A projecting sign may be permitted, subject to standards set forth in Section 3.6.6.E Sign Design Standards, Methods of Calculating Area of this Chapter, and the following standards:
   a. No sign shall project more than four (4) feet into the public right-of-way.
   b. The sign shall not exceed sixteen (16) square feet per sign face with a maximum of two (2) sign faces.
   c. No part of any sign shall be higher than the approved roof height as defined in Section 3.6.6, no part of the sign shall be lower than eight (8) feet from grade, and no part of the sign shall in any way obstruct a public right-of-way or pedestrian facility whether on public or private land.
   d. No part of the sign may obstruct a clear vision area.
4. Monument Signs: Each parcel of land is permitted one (1) ground/monument sign per street frontage to be located within a landscaped bed, subject to the standards set forth in 3.6.6.E Sign Design Standards, Methods of Calculating Area, and the following standards:
   a. Maximum Height: eight (8) feet
   b. Maximum Square Footage: twenty (20) square feet per sign face per sign with a maximum of two (2) faces not more than eighteen (18) inches in depth back-to-back
   c. Sign shall not project into public right-of-way.

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5. Temporary Signs: Each business with a storefront or principal entrance located on an arterial or collector street may permit one (1) temporary sign meeting the following standards:
   a. Signs shall not be illuminated with a maximum height of four (4) feet, and consisting of no more than two (2) sign faces, neither of which shall exceed twelve (12) square feet in surface area.
   b. Signs shall be freestanding, and not attached to other ground or pole signs, or other permanent structures or buildings.
   c. Though not permanently affixed, the sign shall be anchored to the ground or a frame so as to resist the forces of gravity, wind, and other natural phenomena, shall be constructed of durable materials that are weather resistant, and shall be maintained in good condition.
   d. The sign shall not encroach upon any sidewalk or pedestrian way, whether public or private, and shall be placed so as to maintain a minimum five (5) foot wide pedestrian travel way at all times.
   e. The sign shall be removed from its location and stored indoors between the hours of 9:00PM and 7:00AM.
6. Electronic message boards and videoboards are prohibited in the City Center land use district.

F. Permitted Signs in Industrial Land Use Districts

1. Ground or Pole Signs are subject to using the calculation standards set forth in 3.6.6.E Sign Design Standards, Methods of Calculating Area, and the following limitations:
   a. Maximum Height: twenty (24) feet
   b. Maximum Sign Face Square Footage: one-hundred (100) square feet per sign for each sign face
   c. Minimum Setback: Sign shall not project into the public right-of-way.
   d. Maximum Number of Sign Faces: two (2)
   e. Maximum Number of Signs: No more than one (1) ground or pole sign sign shall be permitted on any single lot, except if the lot has more than one (1) street frontage, two (2) signs may be permitted, locating only one (1) sign on each street.

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f. The sign may utilize an electronic changeable message sign, pursuant to the standards established 3.6.6.G, and consisting of a maximum of two (2) signs faces, neither of which shall be larger than thirty-two (32) square feet in surface area, except in instances where the ECMS can be viewed from property located within a residential land use district. In such cases, the ECMS shall have a maximum of two (2) sign faces, neither of which shall exceed sixteen (16) square feet in surface area.

2. Wall, Parapet, Awning/Canopy, or Marquee Signs. The aggregate area of all wall signs shall not exceed one and one-half (1.5) square feet for each (1) linear foot of business frontage, except if the building is set back more than 20 feet from the right-of-way, in which case the aggregate area of all signs shall not exceed two (2) square feet for each (1) linear foot of business frontage. No part of any sign shall be higher than the roof height as defined in 3.6.6.E Sign Design Standards, Methods of Calculating Area. The sign may utilize an electronic message or videoboard pursuant to the standards established in _____.

3. Projecting Signs:

   a. Maximum number of signs: 1/every 200LF of business frontage.

   b. Maximum number of sign faces: 2.

   c. Maximum surface area for each sign face: 24 square feet in area.

   d. No sign shall project more than 18 inches into the public right-of-way.

   e. No part of any sign shall be higher than the roof height as defined in Section 3.6.6.

G. Special Permitted Signs for Commercial and Industrial Land Use Districts

1. Service Station Signs: A business, duly licensed as a facility for refueling motor vehicles may permit one (1) additional ground sign not to exceed 50 square feet in surface area for each of no more than two (2) sign faces, and nine (9) feet maximum in height. Such signs may not project into or encroach upon the public right-of-way.

2. Drive-up Window Business Sign: Two additional ground signs, consisting of no more than 1 signs face for each sign, each sign face not to exceed thirty-two (32) square feet in area and six (6) feet in height for a business licensed and permitted to operate a drive-through or drive-up service window or similar service delivery apparatus (for example, remote-operated pneumatic tubes). The signs shall be along the route of drive lanes used to access the drive-through window or service apparatus. Such signs may not project into public right-of-way. Portable signs are prohibited and may not be substituted for this type of sign.

3. Kiosks.

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4. Temporary Sign During Construction: Up to two temporary non-illuminated signs may be installed after a building permit has been obtained for a construction project and must be removed not later than one (1) year after issuance of the building permit for the project or upon completion of the project, whichever is sooner. Each sign shall consist of no more than 2 sign faces, neither of which shall exceed 75 square feet, and the top of the sign shall not be more than 10 feet above average surrounding grade. Signs shall be subject to the same setback requirements as are imposed for structures in this zone. Though not permanently affixed, the sign shall be anchored to the ground or a structure so as to resist the forces of gravity, wind, and other natural phenomena.
5. Temporary Signs: One temporary sign may be installed if the business owner has a valid sign permit but is waiting for the completion of the permanent sign. Display period is limited to thirty (30) days, but may be extended with permission from the Planning Department. The sign shall consist of no more than two (2) sign faces, neither of which shall exceed thirty-two (32) square feet of surface.
6. Temporary Sign for Nonrecurring Events: One temporary sign may be installed upon the premises where an event is being held. The sign shall consist of no more than two (2) sign faces, neither of which shall exceed thirty-two (32) square feet in surface area. No part of any sign shall be higher than the roof height as defined in Section 3.6.6, Display period is limited to fifteen (15) days and the sign shall be removed immediately after the event. A particular property may permit four (4) such temporary signs in one calendar year. Though not permanently affixed, the sign shall be anchored to the ground or a structure so as to resist the forces of gravity, wind, and other natural phenomena.

3.6.6 – Permit Administration, Standards of Review, and Issuance.

No application shall be considered, nor permit issued, until the applicant has submitted a complete application. When required, the applicant shall submit proof that work will be done by a contractor licensed in compliance with local or state law to perform the specialized tasks required for construction of the proposed sign.

Application for a permit shall be made to the Planning Department upon a form provided by the City with signatures of the property owner of record, the business owner, and the sign company. A complete application shall include the following:

A.. Individual Sign Permit Application Requirements:

1. A set of plans for the proposed sign and structural calculations where required.
2. Location of the sign on the building or building site.
3. Dimensions of the sign.
4. Construction materials and a color rendering or photograph of each sign.
5. Method of attachment and character of structural members to which attachment is to be made.

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6. Electrical wiring and components or U.L. approved number.
7. Ingress and Egress and sight visibility triangles.
8. Sign permit review fee as established by resolution of the City Council.

B. Master Sign Programs Permit Application Requirements:

1. An accurate plot plan of the parcel at scale.
2. Elevations and square footage computations of the buildings.
3. Ingress and Egress and sight visibility triangles.
4. An accurate location of each present and future sign.
5. Computation of the total number of ground signs, total sign area, and the elevation and height of the ground signs.
6. To scale drawings, sign lettering, dimensions, color renderings, method of attachment, footings and electrical wiring and components or U.L. approved number requirements for each sign.
7. Sign permit review fee as established by resolution of the City Council.

The Building Safety Official may also require that a licensed engineer furnish information concerning structural design and proposed attachments. Signs more than 10 feet above grade, except wall signs painted on walls, shall be structurally designed by an architect or engineer licensed in the state of Oregon and bearing the architect's or engineer's seal. All signs, except for signs painted directly upon a building, are also subject to Building Department requirements.

C. Permit Application Review Procedures.

1. The Planning and Building Departments shall approve a sign permit upon finding that the applicant has met all requirements of the sign standards.
2. No sign construction shall begin unless the approved permit has been issued and the applicant has paid all fees.
3. Unless the permit holder requests an extension of the permit and demonstrates good cause for such an extension, a sign permit shall expire if the sign construction or other work authorized by a sign permit is not completed within one year of the date of issue.
4. No sign construction shall be considered complete until the permit holder has notified the city that work is finished and the City is satisfied that the sign construction has been completed in conformity with the approved plans and otherwise complies with the sign standards.

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5. If a permit is denied, the applicant shall receive a notice of denial in writing, setting forth the reasons for the denial. A decision granting or denying a sign permit may be appealed to the Planning Commission in accord with the variance and appeal process defined in Chapter 5 of the Development Code.
6. No additional permits shall be issued for signs on businesses or uses with signs not already in compliance with the sign code unless the applicant can prove existing signs are legal nonconforming.

D. Indemnification of City. As a condition to the issuance of a sign permit as required by this Chapter, all persons engaged in the hanging or painting of signs, which involves, in whole or in part, the erection, alteration, relocation, maintenance, or other sign work in, over, or immediately adjacent to a public right-of-way or public property if used or encroached upon by the sign hanger or painter in the said sign work, shall agree to hold harmless and indemnify the City, its officers, agents, and employees from liability for damages resulting from said erection, alteration, relocation, maintenance or other sign work.

E. Sign Design Standards, Methods of Calculating Area

1. Wall Signs
   a. No part of the sign shall extend vertically above the highest portion of the roof's calculated elevations (except for parapet signs).
   b. Marquee signs. A marquee is any permanent roof-like structure projecting beyond the perimeter wall of a building, and signs shall not be located above the top of the marquee.
   c. Parapet Signs. Parapets or false fronts are measured by the linear frontage of the parapet.
   d. Roof Elevations. Signs are not allowed above the roofline's elevation, which is determined by the highest point of the roof surface for flat roofs; and to the average height between eaves and ridges for gable, hip, gambrel roofs, and mansard roofs.
   e. The area of a wall sign without a border shall be computed by enclosing the entire sign within sets of parallel lines touching the outer limits of the sign message.
   f. Perimeter walls. The exterior wall of a building shall be measured at the floor level of each floor, including the ground floor. Alcoves, entryways and extruding portions shall be treated by measuring through such areas as though along the flat wall of a building.
2. Ground and Pole Signs.

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a. The area of a ground or pole sign shall be calculated by adding the area of all the sign faces presenting a message. Pole covers, and columns shall not be included in the area of the measurement if they do not bear any message. Double-faced signs will be considered as one sign only when placed back to back and separated by eighteen 18 inches or less.

b. Street frontage. Development sites fronting on two or more streets are allowed the number of signs permitted for each street frontage. However, the total number of signs that are oriented toward a particular street may not exceed street frontage allotment. Interstate 5 is not considered a street for sign purposes, and cannot be counted towards frontage allotments.

3. Flags. Any fabric, banner, or bunting flags containing distinctive colors, patterns, or symbols, other than U.S., state, and local government flags, shall be limited to the wall and ground/pole sign allotments, unless otherwise approved by the Planning Commission. Flags on poles may be counted towards the ground sign allotment. Flags on buildings (not on poles) may be calculated as part of the building's or business's linear footage allotment and may not be placed above the roofline.

4. Kiosks.

a. Maximum Size. Kiosks shall not exceed seven (7) feet in height and thirty-five (35) per side.

b. Minimum Spacing. Kiosks shall be placed no less than two hundred (200) feet apart unless closer proximity can be demonstrated to serve a public purpose.

c. Content displayed on the kiosk shall be sized appropriately for view by pedestrian passersby within 10 feet of the kiosk, and shall never display messages that could distract the attention of motorists.

d. Architectural Features. Kiosks shall be consistent with the architecture of surrounding built environment.

e. ECMS and Videoboards may be used in kiosks, provided that no more than 10 square of the any one side of a kiosk is used for an ECMS or videoboard.

f. Lighting. Kiosks shall not be illuminated by an external, detached lighting source;

g. Location. Kiosks shall be located within or along pedestrian walkways, plazas, and other areas designed for pedestrian travel and public assembly in accordance with the following requirements:

i. An unobstructed pedestrian area or sidewalk with a minimum width of 10 feet shall be maintained on any side of a kiosk with a message area;

ii. An unobstructed sidewalk width of seven feet shall be maintained on any side of a kiosk without a message area;

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iii. An unobstructed pedestrian area or sidewalk with a minimum width of 10 feet is maintained between any side with a message area and the back of curb of any adjacent road, drive, or parking facility;

iv. the distances referred to above shall be measured from the surface of the display at a 90 degree angle across the entire display.

E. Illumination Standards.

1. Maximum illumination. In residential land use districts, or in instances where a property in a nonresidential land use district abuts a residential land use district OR a property that is a legally nonconforming residential building located in a nonresidential land use district, no sign may exceed <u>a maximum illumination of 0.5 footcandle above ambient light level as measured fifty (50) feet from the sign's face. In all other districts, no sign may exceed a maximum illumination of 1.0 footcandle above ambient light level as measured fifty (100) feet from the sign's face.</u>

2. Glare reduction. No sign may be illuminated or use lighting where such lighting is directed at any portion of a traveled street or will otherwise cause glare or impair the vision of the driver of a motor vehicle or otherwise interfere with the operation thereof.

3. Illumination from signs on nonresidential property. Illumination resulting from all signs and lighting on any property in a non-residential zoning district shall not cause glare towards the residential zoning districts. External illumination shall be shielded so that the light source elements are not directly visible from property in a residential zoning district that is adjacent to or across a street from the property in the non-residential zoning district.

4. Illumination from signs on residentially zoned property. No internally illuminated sign shall be allowed on property in a residential zoning district. Lighting from all light sources operated for the purposes of sign illumination on property in a residential zoning district shall be shielded from other property in the residential zoning district.

F. Electronic Changeable Message Signs.

1. Electronic changeable message signs shall not have any moving patterns of light, other than the transition between messages. Moving patterns of light shall include, but shall not be limited to, pulsating, flashing, scrolling, animation and/or blinking at any time. All lights in a display shall activate simultaneously, remain activated for not less than 20 seconds and deactivate simultaneously.

2. Maximum size for electronic changeable message signs shall be determined by the maximum size of a sign allowed within the land use district in which it is located, but shall never exceed thirty-two (32) square feet in surface area for each sign face allowed.

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3. Use of 2 or more successive screens or "sequencing" to convey a message that will not fit on one (1) screen shall be prohibited.
4. The maximum amount of text-based information displayed shall be limited to the maximum number of words that a driver can reasonably be expected to read from a distance from the electronic changeable message sign of 800 feet at a rate of 1 word per second. The following table provides examples of the maximum number of words on a sign for commonly encountered traffic speed limits.

Posted Speed Limit (MPH)	Posted Speed (FT/S)	Time to Travel 800 Feet (in seconds)	Maximum # of Words in a Message
25	36.67	21.82	21
35	51.33	15.58	15
45	66.00	12.12	12
55	80.67	9.92	9

Table 3.3.6.F.4

5. Content displayed on an Electronic Changeable Message sign may not resemble or simulate any lights or traffic control device used to control traffic in accordance with the MUTCD unless such content is directly related to the dissemination of information during times of emergency.
6. The City may require emergency information to be displayed, within appropriate message rotation, on an electronic changeable message sign.

G. Videoboards. Videoboards may display moving patterns, images, text animation, and video content similar to television images only in accordance with the following standards, restrictions and requirements:

1. No more than one (1) videoboard with a display area of more than thirty-two (32) square feet shall be located within seven hundred (700) feet of another videoboard with a display area of more than thirty-two (32) square feet.
2. A videoboard shall not obscure or in any way detract from prominent architectural and design features of a building or structure on which the videoboard is located. Videoboards shall be designed so that they are integrated into the overall design of the building or structure and compliment architectural details such as the overall mass and dimensions of the building to which it is affixed; the size, position and dimensions of openings including doors and windows.
3. Maximum size for electronic changeable message signs shall be determined by the maximum size of a sign allowed within the land use district in which it is located, but shall never exceed thirty-two (32) square feet in surface area for each sign face allowed.

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4. Where a videoboard is located within three hundred (300) feet of any traffic signal, all applications for a Sign Permit for a videoboard must include a report from a traffic engineer stating that the placement of the sign will not interfere with the effectiveness of a traffic signal within 300 feet of the sign. At no time and in no way shall messages displayed on a videoboard be intended and designed for viewing by motorists traveling on an arterial or more heavily travelled road.
5. Content displayed on a videoboard sign may not resemble or simulate lights or traffic control devices used to control traffic in accordance with the MUTCD unless such content is directly related to the dissemination of information during times of emergency.
6. The City may require emergency information to be displayed, within appropriate message rotation, on a videoboard.
7. Operational Standards--Display. All videoboards:
   a. Must contain a default mechanism that freezes an image in one position in case of a malfunction or deactivates the display in its entirety.
   b. Must automatically adjust the sign brightness based on natural ambient light conditions in compliance with the following formula:
      i. the ambient light level measured in luxes, divided by 256 and then rounded down to the nearest whole number, equals the dimming level; then
      ii. the dimming level, multiplied by .0039 equals the brightness level; then
      iii. the brightness level, multiplied by the maximum brightness of the specific sign measured in nits, equals the allowed sign brightness, measured in nits.
   c. Must be turned off between 1:00 a.m. and 6:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday. Videoboards may be required to be turned off earlier in instances where a videoboard faces a residential land use including overnight accommodations like hotels.
   d. May not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance.
   e. Must have a full color display able to display a minimum of 281 trillion color shades.
   f. Must be able to display a high quality image with a minimum resolution equivalent to the following table:

Viewing Distance (FT)	Max. Pixel Size (mm)
36 to 45 feet	12 to 16

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> 45	14.25 to 19

Table 3.6.6.G.7.f

g. Light intensity. Before the issuance of a videoboard sign permit, the applicant shall provide written certification from the sign manufacturer that:

   i. The light intensity has been factory programmed to comply with the maximum brightness and dimming standards in table; and

   ii. The light intensity is protected from end-user manipulation by password-protected software, or other method satisfactory to the Planning Director; and

   iii. The sign's light intensity has been factory pre-set not to exceed 7,000 nits

h. Changes of text messages, not containing video, must comply with the following:

   i. Any messages that display text must be displayed for a minimum of five seconds.

   ii. Changes of text-based messages not containing video content must be accomplished within two (2) seconds.

   iii. Changes of text-based messages not containing video content must occur simultaneously on the entire sign face.

   iv. No flashing, dimming, or brightening of message is permitted except to accommodate changes of message.

   v. Ticker tape streaming is permitted at all times when the videoboard is operating. Ticker tape streaming must be located within the bottom 10 percent of the effective area.

i. Malfunction. The videoboard operator must respond to a malfunction or safety issue within one hour after notification.

H. Vision Clearance and Safety Standards

1. Signs must comply with the sight visibility standards within the Development Code (see Chapter 3.2.2.M).
2. The minimum clearance of all signs projecting over a pedestrian way shall be eight (8) feet.
3. Clearance over vehicle use area. The minimum clearance of all signs projecting over any portion of a vehicle use area shall be 17 feet.

I. Duration of Permits.

1. Permits for permament signs shall be valid, without renewal, until such a time as they are altered. Upon such an event, the original permit shall expire.

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2. Unless otherwise stated in this Chapter, permits for temporary signs shall be valid for a period of one (1) fiscal year or portion thereof. Where this standard differs with another stated elsewhere in this Chapter, the standard which defines a more limited duration for a temporary sign permit shall control. A temporary sign permit shall be renewed at least 30 days prior to its expiration on the 30th day of June of each fiscal year. Permitted temporary signs shall be removed prior to or upon that day if the permit has not been renewed.

3.6.7 – Nonconforming Sign and Abandoned Signs

A. Nonconforming Signs

1. Nonconforming signs may be maintained subject to the following conditions:
   a. No additions or enlargements may be made to a nonconforming sign except additions or enlargements required by law.
   b. If any nonconforming sign is moved voluntarily, that sign shall thereafter conform to the requirements of the sign standards as a newly constructed sign.
   c. Any sign that is constructed to replace a nonconforming sign shall be constructed in compliance with all applicable provisions of the sign standards.
2. Except where only a change in display copy is made, any nonconforming sign, which is structurally altered (excluding routine maintenance), shall be brought into compliance with all applicable provisions of the sign standards within 90 days of written notice sent by the City and shall thereafter be kept in compliance with the sign standards.
3. Any nonconforming abandoned sign and supporting structure shall be removed by the owner of the sign or owner of the premises within three months following the closure of the business which licensed the sign , vacation of change of occupancy at the premises for which the sign was licensed, condemnation or demolition of a structure or building for which a sign was licesnsed, or an event that has concluded no fewer than 30 days before.

B. Maintenance. All signs, together with all of their supports, braces, guys, anchors and electrical equipment, shall be kept fully operable, in good repair and maintained in safe condition, free from excessive rust, corrosion, peeling paint or other surface deterioration.

3.6.8 – Sign Variance Criteria

In order to obtain a Variance from the terms of the ordinance, the applicant must be able to show the following:

A. The Variance is necessary because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property to provide it with

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use rights and privileges permitted to other properties in the vicinity and zone in which the subject property is located.

B. The special circumstances of the subject property are not the result of the actions of the applicant, the owner of the property, or a self induced hardship.

C. The authorization of such Variances will not be materially detrimental to the public welfare, not injurious to nearby property, nor essentially different from the provisions of the zoning district in which it is located;

D. The type of the proposed sign is not a type prohibited by these regulations;

E. The Variance would not result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, chain store signs) shall not be listed or considered as a reason for a Variance.

F. Granting of the Variance would not obstruct views of other buildings or signs, cover unique architectural features of a building, or detract from landscape areas.

G. The granting of the Variance would not create a traffic or safety hazard.

The City may designate conditions to ensure conformance with the Development Code. Guarantees and evidence that such conditions will be complied with may be required.

3.6.9 – Landmark Sign Program, Procedures and Standards of Review

The owner of an existing sign may apply for a determination by the Planning Commission or its designee that the sign qualifies as a Landmark Sign, pursuant to the following provisions:

A. The sign is nonconforming;

B. The sign is unique in its design, method and materials of construction, and/or is associated with an historically significant event, commercial enterprise, organization, person;

C. The applicant shall provide the same information describing the sign as is required by Section 3.6.6.A -- Individual Sign Permit Application Requirements.

D. A Hazardous Sign may not, under any circumstances, qualify as a Landmark Sign unless the hazardous condition of the sign has been or will be abated prior to or conditionally upon designation Landmark Sign status.

E. The Planning Commissioner or its designee may require financial assurance from the applicant in the form of a performance bond, escrow, or other financial device in accordance with Section 4.3.9 – *Performance, Maintenance Guarantee and Development Agreement*, that the City may use in order to abate, remove, or demolish any Hazardous Sign that has been conditionally approved for Landmark Sign status.

F. The Building Official may require additional building and trades permits.

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G. The fee, set by resolution of the City Council, for application review and determination shall be paid by the application at the time of application.

3.6.10– Wayfinding Sign Program Procedures and Standards of Review

An single property owner, group of property owners, public agency, organization, homeowners association, or other parties with vested property interests may request that the City create a Wayfinding Sign Program pursuant to the following provisions:

A. The applicant shall submit a Wayfinding Sign Plan for review by the Planning Commission or its designee. The plan shall provide substantially the same information describing all proposed signs as is required by Section 3.6.6.B -- Master Sign Programs Permit Application Requirements.

B. The plan shall substantially comply with the other requirements of this ordinance (including but not limited to standards for illumination, clear vision areas, etc.), but may allow for divergence in the design of individual signs provided that none of the signs in the proposed plan would create conditions that are hazardous as defined within this Chapter;

C. Wayfinding Signs shall be designed in a way that is consistent with desirable aesthetic characteristics of the surrounding neighborhood and community;

D. Wayfinding Signs shall be designed to effectively communicate directional information to the general public through the use of color, scale, placement and other design elements;

E. Wayfinding Signs shall be designed so as to improve the visual quality of the built environment of the surrounding neighborhood and community. This shall be achieved through the use of architectural features and high quality materials including wood, natural stone, brick, wrought iron and other high quality metal millwork;

F. The Planning Commission or its designee shall review the plan and determine whether to approve, approve with conditions, or deny the application and proposed plan using the aforementioned criteria.

G. The Planning Commissioner or its designee may require financial assurance from the applicant in the form of a performance bond, escrow, or other financial device in accordance with Section 4.3.9 – *Performance, Maintenance Guarantee and Development Agreement*, that the City may use in order to abate, remove, or demolish any Hazardous Sign that has been approved as a part of a Wayfinding Sign Plan.

H. The Building Official may require additional building and trades permits.

I. The fee, set by resolution of the City Council, for application review and determination shall be paid by the applicant at the time of application.

3.6.11 – Public Art Program, Procedures and Standards of Review

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A. The applicant shall submit a Public Art Plan for review by the Phoenix Arts Council or its designee that shall, at minimum, address the following:

   1. The location, dimensions, and method of installation and construction of the artwork;

   2. A maintenance plan describing activities and procedures to ensure that the artwork remains in its intended condition over the course of its functional lifetime.

B. The plan shall substantially comply with the other requirements of this ordinance (including but not limited to standards for illumination, clear vision areas, etc.), but may diverge from these standards to allow for creative, artistic expression provided that none of artwork in the proposed plan would create conditions that are hazardous as defined within this Chapter;

3.6.12 – Enforcement.

A. When a sign is removed, altered, and/or stored under these enforcement provisions, removal and storage costs may be collected against the sign owner and the person responsible for the placement of the sign. The city council shall establish the fees for removal and storage of signs, and for other associated fees, by resolution, from time to time.

B. Any sign installed or placed in the public right-of-way or on City-owned real property, except in conformance with the requirements of this chapter or other applicable provisions of this code, may be removed by the Planning Director or his/her designee as follows:

   1. Immediate confiscation without prior notice to the owner of the sign.

   2. If the City can ascertain contact information for the owner of the sign or for any person or business responsible therefore, the City shall contact that person or business and advise that: a) the sign was found in a location that the City believes to be a public right-of-way or City-owned property; b) that no permit was issued for the placement of the sign in that location, and that the sign is not otherwise legally permitted to be in that location; and c) that the City has confiscated the sign and shall destroy it after thirty (30) days from the time notice was sent to the person or business responsible for the sign, unless either i) the sign is claimed and the removal and notice costs are reimbursed to the City in full or ii) a request for hearing is submitted by the person or business responsible for the sign to the Planning Department.

   3. If notification is not possible, the city shall store the sign for thirty (30) days from date of confiscation. The sign may then be destroyed.

   4. The city shall continue to store the sign for any additional period during which an appeal or review thereon is before the municipal court.

C. Signs found to be erected or maintained on private property in violation of the provisions of this section or other applicable provisions of the Phoenix Land

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Development Code are subject to the provisions of Chapter 1.4 – *Enforcement*, and any other means of enforcement afforded to the City and agents by the Municipal Code of the City of Phoenix.

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