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MAY 22 2017



MEMORANDUM

Planning Division – CC Memo No. 17-063

DATE: MAY 22, 2017

TO: MAYOR AND COUNCIL

THRU: MARSHA REED, CITY MANAGER *MR*
NACHIE MARQUEZ, ASSISTANT CITY MANAGER *NM*
JEFF KURTZ, PLANNING ADMINISTRATOR *KA* *JK*
KEVIN MAYO, PLANNING MANAGER *KA*

FROM: DAVID DE LA TORRE, AICP, PRINCIPAL PLANNER *DDLT*

SUBJECT: ZCA16-0002 CITY OF CHANDLER / SIGN CODE AMENDMENT
Introduction and Tentative Adoption of Ordinance No. 4729

Request: City initiative to amend Chapter 39 (Sign Code) of the Chandler City Code by adopting a revised Chapter 39 in its entirety.

Applicant: City of Chandler

RECOMMENDATION

Upon finding the request to be consistent with the U.S. Supreme Court’s decision in Reed vs. Town of Gilbert and the General Plan, Planning Commission and Planning Staff recommend City Council adopt Ordinance No. 4729 amending Chapter 39 (Sign Code) of the Chandler City Code by adopting a revised Chapter 39 in its entirety.

BACKGROUND

In 2015, the U.S. Supreme Court decided in Reed vs. Town of Gilbert that regulating signs differently based on their content violates the First Amendment, which protects the right to free speech, and therefore is unconstitutional. Hence, the primary goal of the proposed comprehensive amendment to the Sign Code is to replace all content-based regulations with content-neutral standards. The update also presents an opportunity to align outdated terms and regulations with current administrative practices and to make regulations easier to understand and easier to determine when a permit is or is not required.

DISCUSSION

Most of the substantial modifications occur in Section 39-10 Temporary Signs due to fact that the entire section currently regulates signs based on their content. The balance of the revisions can be summarized as follows:

- Adding the option to enforce the Sign Code through a civil citation as opposed to a criminal misdemeanor, which is currently the only enforcement option.
- Adding new sections that are currently not addressed in the Sign Code (single family subdivision signs, flags, digital signs).
- Adding more administrative flexibility (increasing the maximum number of panels on monument signs from 4 to 5, and allowing reductions in spacing).
- Updating terms and regulations to align with current administrative practices.

Section 39-10 Temporary Signs, all of which are currently content-based, are being entirely replaced with new categories that are based on the physical characteristics of each sign. The first attachment, Comparison of Existing and Proposed Temporary Signs, provides a basic comparison between existing and proposed temporary sign types. The following table highlights some of the notable policy changes proposed for Temporary Signs.

Policy Change Highlights for Temporary Signs

Sign Type	Existing Code	Proposed Code
A-Frames	Max. of 4 allowed for Open House only, not allowed in the public right-of-way (r.o.w.)	<ul style="list-style-type: none"> • Each business may place 1 sign on private sidewalk in front of their business; maintain min. 5' clearance, during business hours only. • Businesses fronting and abutting public r.o.w. (downtown) may place 1 sign on public sidewalk; maintain min. 5' clearance, during business hours only. • When a single-family property is open to the public (garage sale, open house, birthday party, etc.), 1 sign may be placed on the subject property, and 1 additional sign at each turning movement up to a max. of 10 signs no more than 1 mile away. Signs may be placed in the public r.o.w. behind the sidewalk.
Midsized Temp. Freestanding	Max. 1 sign per parcel, 2 on corner lots – 1 per street frontage. Not allowed in the public r.o.w.	<ul style="list-style-type: none"> • 1 sign per 300-feet of street frontage. • May be in public r.o.w., but not closer than 10' measured from curb to sign post, no encroachment over sidewalk.
Yard signs	Not allowed.	When a single-family property is open to the public (garage sale, open house, birthday party, etc.), 1 sign may be placed on the subject property, and 1 additional sign at each turning movement up to a max. of 10 signs no more than 1 mile away. Signs may be placed in the public r.o.w. behind the sidewalk.

PUBLIC NOTIFICATION

- Notification containing a copy of the draft, request for comments, and public hearing dates was sent electronically to the following stakeholder groups: Chandler Chamber of Commerce, Downtown Chandler Community Partnership, Valley Partnership, and Southeast Valley Regional Association of Realtors, Home Builders Association of Central Arizona, International Sign Association.
- Public notification was distributed through a press release, City's website, and social media.
- As required by the Arizona Revised Statutes, hearing dates for the Planning Commission and City Council, as well as complete text of the proposed amendment, has been published in the newspaper at least fifteen days prior to the first public hearing for Planning Commission.
- The most recent draft and an online survey have been available at www.chandleraz.gov/planning since November 2016.
- Briefings/Meetings: Chandler Chamber of Commerce – November 18, 2016; Downtown Chandler Community Partnership -- November 23, 2016; Goldwater Institute December 6, 2016 and April 5, 2017
- Council briefings: October 19, 2016, January 23, 2017, February 9th, 2017
- Council Public Hearing: May 11, 2017
- Additionally, Planning Staff met individually with a variety of stakeholders to discuss comments.
- Comments received, including those made at Planning Commission, and Staff's response are documented in the attached comment matrix.

PLANNING COMMISSION VOTE REPORT

Motion to Approve:

In Favor: 6 Opposed: 0 Absent: 1(Rose)

On April 19th, 2017, Planning Commission voted to recommend approval of the draft with the direction that Planning Staff address some of the issues that were discussed. A draft of the April 19th Planning Commission meeting minutes is attached for reference. The issues and Planning Staff's response can be summarized as follows:

1. Enforcement: As a whole, Planning Commission was unanimous in their direction to Staff in only one issue, that is, to retain both civil and criminal enforcement options and to clarify enforcement procedures to reflect that criminal prosecution will only be pursued in extreme cases. In response, Planning Staff added language clarifying the progressive enforcement procedure and introduced a 3-tiered graduated fine for civil violations, which would have to be imposed by a municipal judge prior to consideration of any criminal charges. More details regarding these revisions are provided in the next section of this memorandum.
2. Setback for midsize temporary freestanding signs: Some of the Planning Commissioners requested that the 10 ft. setback be looked at again and that the setback should take into account parking screen walls. The 10 ft. setback is proposed, in part, to accommodate existing commercial real estate signs. Prior to proposing the setback, Planning Staff measured many existing signs along north Arizona Ave and north Alma School Rd and found that most are 10 ft. or more measured from the curb to the sign post. Those that weren't had

sufficient space in the landscaping to be 10 ft. from curb and still maintain high visibility along the street. In older areas where parking screen walls may be located closer than 10 ft. to the curb, the signs, which can be as tall as 8 ft. high without obtaining a permit, would be clearly visible over the screen wall and could be placed in areas where the wall is staggered, or there is a break in the wall, or in a landscaped area within the parking lot.

The primary intent of the 10 ft. setback from curb is to prevent damage to underground facilities within the right-of-way. Blue stake, which is required by state law, has also been added to the proposed code as an additional prevention and a reminder that the party installing the sign will be responsible for any damages to underground infrastructure. The 10 ft. setback from the curb also provides a visual balance between the increased number of signs allowed and the proximity of those signs to the street. Current code allows a maximum of 1 sign per parcel (2 for corner parcels) and the proposed code increases the number to 1 per 300 ft. of street frontage.

3. 30-day limit for banners: A couple of Planning Commissioners stated they do not like banners as sometimes they become permanent and are not aesthetically pleasing. Another Planning Commissioner was open to the idea of allowing extensions for real estate banners. Planning Staff does not recommend allowing an exception or extensions for banners to be displayed as long as a tenant space is vacant for a couple of reasons. First, the content of the banners can't be restricted to real estate messages such as 'for lease' or 'space available' in order to remain consistent with the U.S. Supreme Court's content neutrality ruling. Second, Planning Staff believes that the use of banners should be reserved for special events that have a definitive and limited time frame. Making an exception for unoccupied spaces would allow a multitude of banners throughout the city for indefinite periods of time. This would run against one of the Sign Code's goals, which is to protect the aesthetic quality of the city. Owners have other options to advertise space availability including large temporary freestanding signs, midsize temporary freestanding signs, monument signs, and window signs. The proposed code is increasing the allowed time frame from 21 days (current code) to 30 days within a 6 month calendar period.
4. Abandoned signs: A comment was made that the definition of abandoned sign should be looked at to clarify that permanent tenant signs can remain for a short period of time after the tenant vacates the space. Section 39-5(D) Nonconforming and Abandoned Signs of the proposed code increases this time frame from 30 days (current code) to 90 days after the sign no longer advertises a business or product or activity being conducted or product currently available. After the 90 day period, the sign would need to be removed or if it is a panel on a monument sign it could be replaced with a blank panel or a panel that says 'space available', 'for lease' or a similar message.

Permits for replacing individual panels on monument signs: One Planning Commissioner stated that permits should not be required for panel changes as long as they follow the approved sign regulations for the center. Planning Staff recommends that a permit should continue to be required in order to ensure that the panels comply with the aesthetic sign criteria established in the adopted zoning. The permit also benefits businesses by avoiding having to replace a newly installed panel that does not comply with sign criteria with one that does, thus doubling their sign cost. In contrast, a typical permit fee for reviewing 1 sign panel replacement is \$10.

PROPOSED REVISIONS FOLLOWING MAY 11TH PUBLIC HEARING

The following revisions are proposed in response to direction provided by Mayor and Council at the May 11, 2017 public hearing:

1. Enforcement.

- The first sentence under section 39-6(C), “The City may proceed either civilly or criminally against any person or entity responsible for causing, permitting, facilitating, or aiding or abetting any violation of any provision of this chapter or for failing to perform any act or duty required by this chapter” has been removed.
- The following sentence has been added under section 39-6.2(C) Criminal Complaints:
C) In no event shall the owner of premises where the violation has occurred be held criminally responsible for a temporary sign violation of this Chapter committed by a tenant in possession of the premises or other third party.
- Language has been clarified in sections 39-6.1(C) and 39-6.2(B) that the misdemeanor refers to a Class 1 misdemeanor.
- The following information is provided in response to a request from Councilmember Stewart:

Each criminal enforcement case will expend an average of \$400 to \$1,000. This cost includes the criminal prosecutor’s time and resources and depends on the amount of time spent reviewing the case, reviewing written responses from defendant, drafting pleadings, appearing in court and conducting a trial. This cost does not include the expense of a code inspector’s time to issue a notice to comply and subsequent civil citations, or the expenditure of a civil assistant city attorney’s time to review and process civil citations, all of which precede criminal charges.

2. 10-foot setback for midsize temporary freestanding signs. Staff researched the distances between the curb and the public right-of-way limits in North Chandler and found several situations where this distance was less than 10 feet. In all of these situations, there are areas on private property, located less than 10 feet from the curb, where midsize temporary freestanding signs can be erected. Because the primary intent of the setback is to protect underground utilities within the public right-of-way, there is no setback if the sign is posted on private property. Clarifying this will allow signs to be posted closer

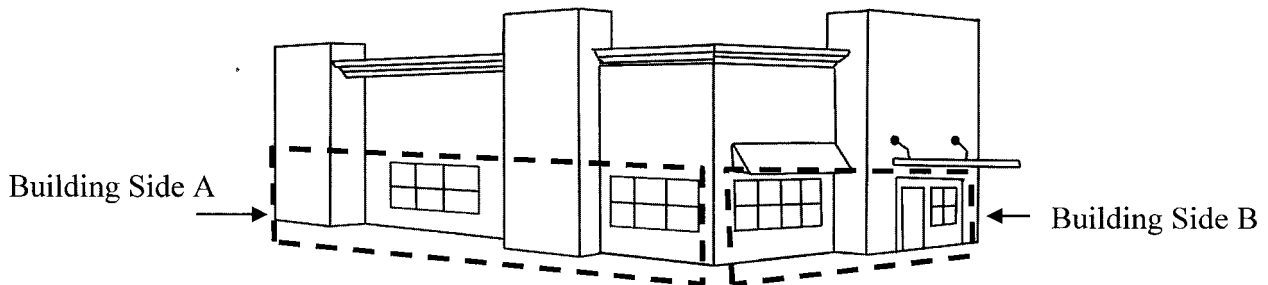
than 10 feet from the curb when they are posted on private property. To this end, section 39-10.3(F) has been revised as follows:

- d) ~~The sign post~~ Signs located in the public right-of-way shall not be closer than ten (10) feet measured from the sign post to the curb or edge of pavement where there is no curb. The sign face of said sign may encroach no more than two (2) feet into said ten (10) feet setback
- e) No setback shall be required for signs displayed on private property.
- f) In no event shall the sign face encroach or extend over a public sidewalk any portion of the sign be closer than one (1) foot to a public or private sidewalk

3. Window signs. Section 39-9.14 has been revised as follows:

39-9.14 *Window signs.* Windows signs may be painted on or otherwise displayed from the surface of any window, showcase or other similar facility. The area of such signs shall not exceed twenty-five (25) percent of ~~each contiguous window area~~ the total window area on any one side of a building as illustrated in Figure 9.14-A. The area of said sign shall not be included in the total allowed sign area.

Figure 9.14-A



The area of all window signs on Building Side A shall not exceed 25% of the total window area on Building Side A

The area of all window signs on Building Side B shall not exceed 25% of the total window area on Building Side B

- 4. Transitional Signs. Staff would like to note that the transitional sign concept proposed by Ralph Pew at the May 11th public hearing is currently allowed and will continue to be allowed by the proposed ordinance on hard zoned districts (C-1, C-2, C-3, I-1, and I-2). Properties zoned Planned Area Development (PAD) have tailored sign criteria adopted by Council in a Preliminary Development Plan (PDP). Thus, properties zoned PAD may need to request a PDP amendment to allow transitional signs in the center.

RECOMMENDED ACTION

Planning Commission and Planning Staff recommend City Council adopt Ordinance No. 4729 amending Chapter 39 (Sign Code) of the Chandler City Code by adopting a revised Chapter 39 in its entirety.

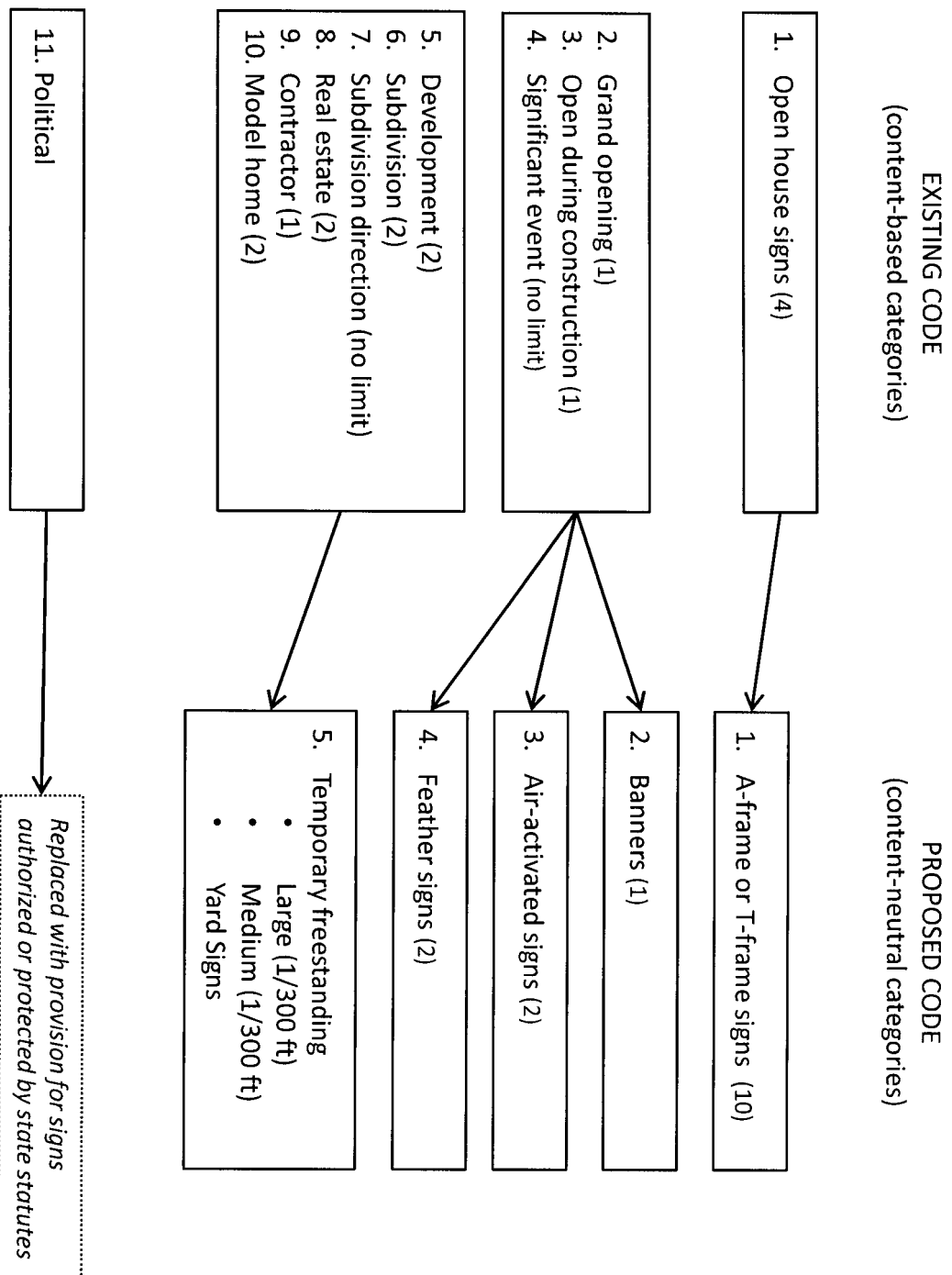
PROPOSED MOTIONS

Move City Council introduce and tentatively adopt Ordinance No. 4729, amending Chapter 39 (Sign Code) of the Chandler City Code by adopting a revised Chapter 39 in its entirety as recommended by Planning Commission and Planning Staff.

Attachments

1. Comparison of Existing and Proposed Temporary Signs
2. Municipal Regulations Comparison Table
3. Comments Matrix
4. Letter from Jackson Moll, Vice President of Municipal Affairs, Home Builders Association of Central Arizona
5. Letter from Marty De Rito, De Rito Land Development, LLC
6. Email from Matt Ortega, Director of Government Affairs, Southeast Valley Regional Association of Realtors
7. Letter from Donna Powell, Affiliated Property Management
8. Letter from James Carpentier, Arizona Sign Association and International Sign Association
9. Ordinance No. 4729
10. Proposed Sign Code Amendments (redlined version)
11. Draft April 19, 2017 Minutes of the Planning and Zoning Commission

Comparison of Existing and Proposed Temporary Sign Types ZCA16-0002 Sign Code Amendment



Municipal Regulations Comparison Table
ZCA16-0002 Sign Code Amendment

City/Town	Updating Sign Code?	ETA for Council Adoption	Temporary Signs in ROW ² (Current Code)	Temporary Signs in ROW ² (Proposed/Adopted Revisions)	Enforcement Options ³	
					Civil	Criminal
Flagstaff	Adopted	2016	No additional exceptions	No additional exceptions	✓	✓
Gilbert	Yes	May-17	<ul style="list-style-type: none"> ● 1 A-frame sign per apartment complex, business, or quasi public/institutional entity, min. 2 ft. back of curb, min. 4ft. Clearance ● Up to 4 temp. directional signs relating to a qualifying event ● 1 Flying banner per apartment complex, business, or quasi public/institutional entity, setback distance equal to height, min. 4ft. clearance 	<ul style="list-style-type: none"> ● A-frames & T-frames, 3 combined max., min. 5 ft. from roadway (except in downtown where min. 1 ft.) ● Flying banners, 3 combined max., min. 4 ft. from curb 	✓	✓
Glendale	No	N/A	No additional exceptions	N/A	✓	✓
Mesa	Yes	Fall 2017	<ul style="list-style-type: none"> ● Portable signs in downtown (min. 5 ft. Clearance) ● Model home directional signs min. 15 ft. from curb 	Not available	✓	✓
Peoria	Yes	Fall 2017	<ul style="list-style-type: none"> ● Temporary event signs (yard sales, garage sales, open house, christmas tree, pumpkin patch, and directional signs for quasi public/institutional uses) 	<ul style="list-style-type: none"> ● Residential signs (yard sales, open house) only 4 allowed, 4 days max., 4x per year 	✓	✓
Phoenix	Yes	Fall 2017	No additional exceptions	No additional exceptions	✓	✓
Scottsdale	Yes	May-17	No additional exceptions	No additional exceptions	✓	✓
Tempe	Adopted	Dec-16	No additional exceptions	No additional exceptions	✓	✓

Notes:

1. The information presented is current as of 5/4/2017, the date of this writing.
2. Temporary signs in the right-of-way (ROW) identified in the table are only those that are in addition to the typical signs that most cities allow in the ROW which include: government signs, traffic directional signs, bus shelter signs, signs protected by state law, special event signs and signs projecting over a public sidewalk in downtown.
3. According to the most recent drafts available as of the time of this writing, none of the cities listed in the table have changed or are proposing to change their current enforcement options which include both civil citation and criminal prosecution.

Comments Matrix: ZCA16-0002 Sign Code Amendment

Name	Affiliation	Date Received	Comments	Staff Response	Revisions Proposed by Staff to 11/14/16 Draft
1	Mark Baldwin	10/20/2016	We'd like to be able to display a vertical banners and A-frame or T-frame signs throughout the auto dealership car lot.	Agreed. Permitted outside display areas (auto dealerships, boat sales, nurseries, etc.) should not be limited to a certain number of signs as it would vary based on the size of each outside display area.	Revised section 39-10.3(C)3 & 4 by making an exception to the max. number of signs and the duration limit for vertical banners located within permitted outside display areas.
2	Anonymous	11/4/2016	I agree that there is way too many signs everywhere and they are an eyesore and are very distracting	Agreed. One of the primary goals of the sign code is to protect the aesthetic quality of the city and to prevent signs from becoming a safety hazard.	None proposed
3	Stephen Fanning	11/17/2016	Are "V" shaped temp. freestanding signs allowed, if so, how many?	Yes, the intent is that the sign area calculations in Section 39-7.9 apply to all signs including temporary signs. Therefore, a V-shaped temp. freestanding sign with an interior angle of 45 degrees or less is considered as 1 sign.	Added underlined text to draft in Section 39-10.3(E)2 as follows: "Number of signs: one (1) single-faced, or double-faced, or V-shaped temporary freestanding sign with an interior angle that is 45 degrees or less as provided for in subsection 39-7.9(A)3 is permitted per parcel..."
4	Stephen Fanning	11/17/2016	Is the 6-ft. maximum height for temp. freestanding signs on residential properties measured from grade or from the bottom of the sign face?	The height for all temp. signs is measured from finished grade.	Added the following underlined text to draft in Section 39-7.9(B) Sign Area and Height Calculations: 4. Temporary signs: The maximum height for all temporary signs is measured from finished grade to the highest point of any portion of the sign. Subsections are being renumbered to be consistent with other subsection numbering.
5	Stephen Fanning	11/17/2016	Can the code state that if the message of a temporary sign pertains to a time or event, it should not be posted more than X number of days before that time or event takes place?	Temp. signs can pertain to a variety of different uses (e.g., development coming soon, political, neighborhood yard sale, etc.). Each use may have different time frame needs and because the time frame needs to be applied equally to all temp. freestanding signs (can't be based on content), one time frame would need to be applied consistently to all temp. freestanding signs, which would be difficult to enforce consistently among all temp. signs as it may not always be clear when a message pertains to a specific time or event.	None proposed
6	Stephen Fanning	11/17/2016	Why did the maximum size of political signs increase from 10 sq. ft. to 16 sq. ft.?	Because the proposed sign code is content neutral, it combined several different types of temp. signs (political, real estate, subdivision, etc.) into the one category based on the physical characteristics of those signs. The max. size currently allowed for real estate signs is 16 sq. ft. Therefore, this became the new max. for temp. freestanding signs in residential areas.	None proposed
7	Stephen Fanning	11/17/2016	I think there should be a limit to how many 'small' temp. freestanding signs a resident is able to place on their front yard.	Agree. A limit is proposed - however, this limit would not apply during political season per state law.	Revised section 39-10.3(G) Yard Signs to limit the number to 1 on the subject property and 1 at each turning movement from the property up to 1 mile away not to exceed 10 signs.

Comments Matrix: ZCA16-0002 Sign Code Amendment

Name	Affiliation	Date Received	Comments	Staff Response	Revisions Proposed by Staff to 11/14/16 Draft
8 Anonymous	Resident	11/17/2016	Thank you for increasing the amount of temporary open house signs that realtors are allowed to use to 10. My request is to please allow Realtors to put their open house signs where it is safe in the city right of way. As long as signs are not placed where it is a safety hazard or left overnight, why would the city be concerned about the signs being in the right of way. It is nearly impossible to put open house signs where they are visible if there is not possibility of using the right of way. Again, I am only asking for where it is safe, and I do not mean on sidewalks or where the signs could cause a safety hazard.	Agree. See proposed revision.	Revised section 39-10.3(A)2.c. to allow A-frames to be placed in the public r.o.w. behind the sidewalk.
9 Anonymous	Resident	11/18/2016	James	The proposed sign code allows for midsize temporary freestanding signs to be located in the public r.o.w. see proposed revision.	Revised section 39-10.3(F)2.d to allow the sign posts to be 10-feet from the curb within the public r.o.w.
10 Michael Pollack	Business	11/17/2016	See attached comments	referred to Law office	Clarified throughout the code whether a sign is a permanent or temporary sign and when a permit is or is not required.
11 Anonymous	Resident	11/22/2016	39-4 - refer to nuisance ordinance or any other laws that refer to abatement. Section B - by "separate offense" are you implying additional misdemeanors? Unclear.	Section B is being eliminated because it contradicts new provisions to enable civil citations as an alternative to pursuing a criminal charge. 39-4(A) will be merged with 39-4.	Eliminate Section 39-4(B), retitle Section 39-4 to "Requirement of conformity", and merge 39-4(A) into the first paragraph of 39-4
12 Anonymous	Resident	11/22/2016	39-5 D - "any other sign" is vague - please clarify	Any other sign, literally means any other sign regulated by this chapter.	Added underlined text: "39-5(D) A nonconforming sign or any other sign regulated by this chapter that which has been abandoned..."
13 Anonymous	Resident	11/22/2016	39-6 define misdemeanor, penalty, violation, offense and criminal complaint in context with this code	The proposed language references Chapters 26 and Chapter 1-8 of the City Code, which provides define these terms.	None proposed

Comments Matrix: ZCA16-0002 Sign Code Amendment

Name	Affiliation	Date Received	Comments	Staff Response	Revisions Proposed by Staff to 11/14/16 Draft
14 Anonymous	Resident	11/22/2016	Define raceways, feather signs - is it implied one should know all sign types or will planning assist?	Feather signs are defined under "signs, feather". A raceway is a common term used by electrical contractors that refers to the enclosed conduit that forms a physical pathway for electrical wires behind a wall mounted sign. The raceway protects the wires, but can be unsightly if it is not designed to be integrated into the sign or the building wall.	None proposed
15 Anonymous	Resident	11/22/2016	39-9.13 - Refer to figure 7.9 B3	Added reference as suggested.	39-9.13(D) The minimum clearance of the sign shall be seven (7) feet above the sidewalk in accordance with subsection 39-7.9(B)3.
16 Anonymous	Resident	11/22/2016	39-9.15 (any energy standards?)	No energy standards are necessary to regulate the time, place or manner of digital signs.	None proposed
17 Anonymous	Resident & Realtor	11/28/2016	I would like to see the allowed signage for open house to increase a small bit more to allow for multiple access points into a subdivision.	The maximum number of signs is proposed to be increased from 4 to 10.	None proposed
18 Anonymous	Resident	11/28/2016	More signs may be needed at just the corner where you have to turn. The ones that have signs every 10 feet at obnoxious	The proposed draft would allow 1 A-frame or 1 yard sign at each turn from the subject property up to 1 mile away, not to exceed 10 signs.	None proposed
19 Anonymous	Resident	11/28/2016	THE SIGNS BEGIN TO BECOME ANNOYING AND OVER BEARING	Agreed. One of the primary goals of the sign code is to protect the aesthetic quality of the city and to prevent signs from becoming a safety hazard.	None proposed
20 Anonymous	Resident	11/28/2016	I am in agreement with the recommended changes	Thank you for reviewing the proposed amendments.	None proposed
21 Andy Morton	Resident	12/4/2016	Wow 38 pages about signs but still the problems I am concerned which are to do with safety. i.e.1/ Example 1: The inconsistent use of signage in the Target parking lot at Arizona and Ocotillo is very dangerous. There are many junctions in this parking lot - there are "no way" stops and "2 way stop" signs randomly used. People don't know whether to stop or go and I have seen many near misses. Also the parking outside the IHOP on a thoroughfare sees cars pulling back into other cars regularly. The answer that the Chandler city traffic engineer gave me by email probably a couple of years ago now that these are "privately owned" to me, was not and it not acceptable. This parking lot is more dangerous now than ever, as the new businesses go in.		None proposed
22 Andy Morton	Resident	12/4/2016	2/ Example 2: The use of political signs at junctions especially this year tended to block your vision at right hand turns (both sides). They need to be moved back away from the edge of the road/sidewalk a further 20 feet? Thanks for having this survey.	The proposed draft would allow yard signs to be located behind the side, or 5-feet from the curb when there is no sidewalk.	None proposed
23 Anonymous	Resident	12/5/2016	The signs are fines as they are.	Thank you for reviewing the proposed amendments.	None proposed

Comments Matrix: ZCA16-0002 Sign Code Amendment

Name	Affiliation	Date Received	Comments	Staff Response	Revisions Proposed by Staff to 11/14/16 Draft
24	Anonymous	12/21/2016	<p>If a home is in the heart of a subdivision with 4 major arteries coming in, 10 signs doesn't do the trick. During one of my last open houses, I had seven signs coming in from two arteries, and the seller wanted to know why I wasn't directing buyers in from Cottonwood as well. Also, if a road winds, it may require two or three signs prior to the turn.</p> <p>Overall, this proposal is much better without question. I just wish REALTORS could use discretion. The goal is to get people to the open house without them getting lost using a adequate number of signs. While in most cases, 10 will do the trick, I would be more comfortable with "not to exceed 12."</p> <p>I understand that number of signs that we are beginning limited to is a direct result of the Mega OPEN HOUSE vendors who have starting packages of 25 signs and other packages of 50-100 signs which is overkill without question -- in addition they are placing the signs in the areas near roadways that federal law prohibits.</p>	<p>You are correct that the intent of limiting the max. to 10 is to prevent inundation of signs in a neighborhood. For this reason, Staff is proposing an increase from 4 to 10.</p>	None proposed
25	Anonymous	12/21/2016	<p>Appears to be a fair adjustment to the current issues.</p> <p>1. Disappointed in the dimension requirements for sign area. Wish there was a more flexible way to not cause smaller signage needlessly. At least two county cities have adopted a 2 rectangle formula which helps the irregular shapes out considerably.</p>	<p>Thank you for reviewing the proposed amendments. Revising the manner in which sign area is calculated would give an unfair disadvantage to all existing businesses that have existing signs. The current method is used consistently for all sign types ensuring it will continue to be fair and dependable.</p>	None proposed
26	Anonymous	12/21/2016	<p>2. Don't understand why a small business would have to subtract 4 sq. ft. from their total signage just when they are REQUIRED to have an undercanopy sign. The general idea behind these suggestions is that a small business that leases a suite with a 15 foot front, would only have an 11 sq. ft. sign. Not readable from most streets. The most common criteria calls for an 80% width of the suite and a maximum of 24" in height. Within the city code, the tenant would have 11" letters x 12'-0" long OR 24" letters x 5'-6" long. They could feasibly have a 24" x 12'-0" sign. That would help small businesses and encourage less street clutter. Thanks for listening</p> <p>I am concerned about the "rouge" signs that advertise somewhat bogus business's. I cannot determine how the changes effect these signs (?). I would like to see strict enforcement of eliminating these signs from Chandler.</p>	<p>The smaller size limits are for hanging signs under the colonnade in downtown. This size preserves the pedestrian orientation of the signs and keeps the colonnade from being even more visually busy than it already is.</p>	None proposed
27	Anonymous	1/4/2017		<p>Sign code enforcement is currently on hold until the new revisions are adopted.</p>	None proposed

Comments Matrix: ZCA16-0002 Sign Code Amendment

Name	Affiliation	Date Received	Comments	Staff Response	Revisions Proposed by Staff to 11/14/16 Draft
28 James Carpentier	International Sign Assoc.	1/17/2017	See attached comments	Thank you for reviewing the draft and providing comments.	Revised section 39-9.15 Digital Signs based on recommended industry standards. Increased the time frame for replacing/removing abandoned signs from 30 to 90 days (sections 39-5[D] & 39-8[A]5.)
29 Jackson Moll	Home Builders Assoc.	1/17/2017	The following general comments were made verbally to Staff after meeting in person to discuss the proposed amendments. It is good that the City isn't taking away any sign provisions that the existing code allows for home builders. Home builders would like to be able to place small directional signs in the right-of-way to direct traffic to model homes. Home builders would also like to be able to place multiple freestanding signs around the model homes.	We agree that model homes should be provided the same temporary sign opportunities as an open house or a garage sale. Also agree that freestanding signs located around model homes are not an issue if they are not visible from an arterial or collector street.	Revised 39-10.3(A)2.c (A-frames) & 39-10.3(G)1.a. (yard signs), as well as 39-10.3(F)1.b.ii. (mid. freestanding signs)
30 Anonymous	Realtor	1/18/2017	I hope you will allow Realtors 1 directional sign per turn to direct people to an Open House. That sign should be allowed in public right of way locations (i.e., near a street corner) as long as it does not impede traffic on the sidewalk or street or pose a significant threat to public safety. It would also make sense to impose a time limit (say 8-hours) for that sign to remain in place.	Agreed. See proposed revision.	Revised section 39-10.3(A)2.c. to allow A-frames to be placed in the public r.o.w. behind the sidewalk.
31 Anonymous	Resident and business owner	1/20/2017	Requiring a permit for every special event, rather than allowing leeway with grand openings, etc... and disallowing vehicles to use temporary signage both seem to be over-regulation. Managing A-Frames and 'feather' signs, so they aren't obstructing traffic seems ok to me. (some of those places really over-do it!).	The significant event permits for grand openings, etc. are limited to 30 cumulative days within a 6 month calendar period, as a balance between allowing each business to display such signs, while concurrently protecting the aesthetic quality of the city overall.	None proposed
32 Anonymous	Resident	1/26/2017	Signs should not be allowed in private homes. They can be offensive and disruptive	Thank you for your comment.	None proposed
33 Anonymous	Real estate agent	1/29/2017	I am happy to see that Open House signs are no longer limited to 4 signs - I am all for the proposed amendment to 10 signs. I do think the regulations should be more specific regarding Open House signs. I see SO many Open House signs that are placed on corners where they obstruct traffic and in other right of way zones. I am aware of your maps that show the right of way zones because I attended a Code Enforcement meeting - but I know that most agents are not aware of what is unacceptable and they place their signs anywhere and everywhere - so perhaps the maps can be incorporated within the sign code and more specific instructions for Open House Signs. Thank you	Thank you for reviewing the draft and providing comments. We are in the process of revamping the City's web site and will try to make it easier to access maps and other related information.	None proposed

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			<p>I am a Realtor, living in Chandler, with over 50 years business experience and a proven track record. I thank you for your time but wanted to take a few minutes to weigh in on the sign policy matter while there is still time. I certainly understand the need for policy and enforcement. My point of issue is the wide variance of sign types but, more specifically, temporary signs and, even more specifically, "Open House" signs. Section 39-7.2 B exempts temporary signs with some restrictions. I feel that section 39-10.3 can define a further exemption for "Open House" signs. My reasons for this are somewhat basic; they are more temporary than almost all signs-- they are typically only in place for 5-8 hours.</p>		
34. Pat Aritz	Realtor	4/7/2017	<p>Further, they really serve a city, community and constituent good. Expediting the sale of a house enhances the value of a community and the city and Open Houses widely exposes those houses to more of the public. Of course, this exemption would still be subject to all safety concerns; nothing on a sidewalk, nothing in medians, nothing blocking the vision of drivers, etc. and could even be subject to the 5 ft. rule---5 ft from either a road curb or the road itself. The current position of the need for signs to be behind the City right of way is too restrictive in that most of those locations would be out of a driver's sight line and therefore, limiting the potential house exposure. I realize there are many complications but there is clearly a difference between the proliferation of "new home" signs (exhibit "A") and a temporary "Open House" sign (Exhibit "B"). I am hoping that I will be able to be involved in a discussion group or task force group to examine all the issues. I truly believe that there is a substantive difference with Real Estate Open House signs. I am available to talk or meet at any time and feel my experience allows me to understand the varied viewpoints. I plan to be at the April 19 Planning Commission meeting. I thank you for your time, Pat</p>	<p>The proposed sign code allows A-frames to be located behind the sidewalk or 5-feet from the curb where there is no sidewalk.</p>	<p>Revised section 39-10.3(A)2.c. to allow A-frames to be placed in the public r.o.w. behind the sidewalk.</p>

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Name	Affiliation	Date Received	Comments	Staff Response	Revisions Proposed by Staff to 11/14/16 Draft
35 Michael Pollack	Business owner	4/5/2017	Remove ability for criminal charges	<p>The option to pursue criminal charges is unlikely to be used. However, Staff believes that it is needed to discourage repeat offenders from perpetually violating the code despite any civil fines that may be imposed as a result. The criminal option may also be needed in extremely rare cases where an illegal sign poses a severe safety issue. New language has been added to clarify that no penalties (civil or criminal) can be pursued on the responsible business or owner without proper notification and multiple opportunities to resolve the violation. The new language specifies a progressive enforcement procedure as follows: first a Notice to Comply, then 3 civil citations with graduated fines (\$250, \$500 & \$1,000), and then, and only then, criminal prosecution may be considered.</p>	<p>Language has been revised as indicated in Staff's response in Sections 39-6(C), 39-6.1(B), and 39-6.1(C).</p>
36 Michael Pollack	Business owner	4/5/2017	<p>Allow banners to be displayed more than 30 days within a 6 month period. Should be allowed to be displayed as long as a tenant space is vacant</p>	<p>Planning Staff does not recommend allowing an exception or extensions for banners to be displayed as long as a tenant space is vacant for a couple of reasons. First, the content of the banners can't be restricted to real estate messages such as 'for lease' or 'space available' in order to remain consistent with the U.S. Supreme Court's content neutrality ruling. Second, Planning Staff believes that the use of banners should be reserved for special events that have a definitive and limited time frame. Making an exception for unoccupied spaces would allow a multitude of banners throughout the city for indefinite periods of time. This would run against one of the Sign Code's goals, which is to protect the aesthetic quality of the city. Owners have other options to advertise space availability including large temporary freestanding signs, midsize temporary freestanding signs, monument signs, and window signs. The proposed code is increasing the allowed time frame from 21 days (current code) to 30 days within a 6 month calendar period.</p>	<p>None proposed</p>

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37	Michael Pollack Business owner	4/5/2017	Calculations for determining the area of a sign should not include void space. The total area of a sign (permanent or temporary) should be calculated as the sum of each separate component of the sign, not a box over all components	Sign area has always been measured by calculating the area of a 'box' outlining all sign components. Such practice provides a convenient and consistent methodology for determining the size of all signs. Changing the calculation method now would give an unfair disadvantage to businesses that have already installed signs under the current method. In addition, Chandler's max. sign area (2 sq.ft. per 1 ft. of business frontage) is more generous than other cities (1 - 1.5 sq.ft. per 1 ft. of business frontage) which have a tighter sign area calculation method.	None proposed
38	Michael Pollack Business owner	4/5/2017	Allow the Zoning Administrator to make exceptions for buildings to be outlined in special areas such as downtown. (39-8-A-2)	Historically, the City's policy has always been to prohibit outlining of buildings as a matter of right anywhere in the city. Council has the discretion to approve outlining of buildings through PAD/PDP approval. Further, seasonal decorations are exempt.	None proposed
39	Michael Pollack Business owner	4/5/2017	Increase number of days that appeal must be made after the Zoning Administrator has made a decision from 30 to 60	The appeal period should be the same as the Zoning Code, which is also 30-days. As authorized by state law, the Sign Code is effectively an extension of the Zoning Code and should follow the same appeal and enforcement provisions	None proposed
40	Michael Pollack Business owner	4/5/2017	The max. area of window signs should be increased from 25% to 35%.	Staff believes that such an increase would reduce window transparency and run counter to the intent of the 25% limitation, which is to protect the aesthetic quality of Chandler's developments.	None proposed
41	Michael Pollack Business owner	4/5/2017	Panels on monument signs should be allowed to be divided in half, effectively doubling the number of businesses that can have their name on the monument sign	Monument signs are primarily for vehicles, not pedestrians. Splitting the panels in half would create too many signs on the monument and make it difficult for drivers to easily find the name of the business that they're looking for. It would also diminish the aesthetic quality of the monument sign by making it too busy.	None proposed
42	Michael Pollack Business owner	4/5/2017	Should not require individual panels on an existing monument sign to obtain a permit	Planning Staff recommends that a permit should continue to be required in order to ensure that the panels comply with the aesthetic sign criteria established in the adopted zoning. The permit also benefits businesses by avoiding having to replace a newly installed panel that does not comply with sign criteria with one that does, thus doubling their sign cost. In contrast, a typical permit fee for reviewing 1 sign panel replacement is \$10.	None proposed

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43	Michael Pollack	4/5/2017	(Paraphrased) There is a tenant space located on the interior corner of an "L" shaped commercial center. The business frontage is only about 25-30 feet long, and does not reflect the large 10,000 square foot space behind the frontage. This greatly limits the size of a wall sign for this space because the max. size is based on the length of the business frontage. The sign code should allow wall signs to be larger for businesses in this atypical situation.	Agreed. Staff is proposing to modify the definition of business frontage to be measured differently for tenant spaces that are in such a situation as described. Staff has been currently administratively using this same method, even though it is not currently in code.	Replace the definition of 'business frontage' as follows to allow larger signs in unusual circumstances as suggested: Business frontage: For single tenant buildings the business frontage is the lineal distance of the building measured along a straight line parallel to the street. Where said building is not parallel to the street, the business frontage shall be measured along the exterior front wall of the building. For an individual business located within a multi-tenant building, the business frontage shall be the length of the space occupied by said business measured in a straight line along the exterior front wall of the building, except for an individual business with minimal exterior frontage occupying the interior corner space of an "L" shaped multi-tenant building, in which case the business frontage may be determined by the length of the space occupied by the individual business measured in a straight line parallel to the nearest street.
44	Michael Pollack	4/5/2017	39-7.3(B) Doesn't make sense for the revocation of a sign permit to depend on the completion of the building.	Agreed. See proposed revision.	39-7.3(B) <i>Revocation of permits for nonuse.</i> If actual work is not commenced under any sign permit issued under the provisions of this section within one (1) year from the date of such permit, or upon completion of building, such permit shall become null and void
45	Michael Pollack	4/5/2017	The height of temporary signs should be measured from the sidewalk to be consistent with the method used for measuring the height of monument signs.	Agreed. See proposed revision.	39-7.9(B)4. Temporary signs: The maximum height for all temporary signs is measured from the sidewalk to the highest point of any portion of the sign. the sidewalk to the highest point of any portion of the sign.
46	Michael Pollack	4/5/2017	Each property owner should have the right to post a midsize temp. freestanding sign on their property even if it is less than 300-feet away from the adjacent property owner's sign.	Agreed. See proposed revision.	Revised language for 39-10.3(E)1. Large Temp. Freestanding Signs and 39-10.3(F)1. Midsize Temp. Freestanding Signs to clarify that each separate parcel can post 1 sign per street frontage and that the 300-foot separation does not apply between signs on different parcels.
47	Michael Pollack	4/5/2017	300-foot separation is too long, but 275-foot separation will work.	Staff agrees that reductions should be allowed for situations where the hard ship is not self imposed. Staff is proposing the same language that is proposed for monument signs.	Revised language for 39-10.3(E)1. Large Temp. Freestanding Signs and 39-10.3(F)1. Midsize Temp. Freestanding Signs giving the Zoning Administrator the ability to reduce the separation up to 30-foot less to be consistent with the flexibility proposed for monument sign separations.

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48 Michael Pollack	Business owner	4/5/2017	10-foot setback from curb will not work for most existing signs when measured from the curb to the face of the sign, which extends closer to the curb. Measured in the same manner, the setback should be 1-foot from the sidewalk.	<p>The 10 ft. setback is proposed, in part, to accommodate existing commercial real estate signs. Prior to proposing the setback, Planning Staff measured many existing signs along north Arizona Ave and north Alma School Rd and found that most are 10 ft. or more measured from the curb to the sign post. Those that weren't had sufficient space in the landscaping to be 10 ft. from curb and still maintain high visibility along the street.</p> <p>The primary intent of the 10 ft. setback from curb is to prevent damage to underground facilities within the right-of-way. Blue stake, which is required by state law, has also been added to the proposed code as an additional prevention and a reminder that the party installing the sign will be responsible for any damages to underground infrastructure. The 10 ft. setback from the curb also provides a visual balance between the increased number of signs allowed and the proximity of those signs to the street. Current code allows a maximum of 1 sign per parcel (2 for corner parcels) and the proposed code increases the number to 1 per 300 ft. of street frontage.</p>	Revised 39-10.3(F)2.d. & e. to read: d) The sign post shall not be closer than ten (10) feet to the curb or edge of pavement where there is no curb. The sign face may encroach no more than two (2) feet into said ten (10) feet setback. e) In no event shall the sign face encroach or extend over a public sidewalk.
49 Terri Kimble	Chandler Chamber of Commerce	4/10/2017	Clarify if "day" means business or calendar day.	Historically, the interpretation of "day" has been calendar day. A definition has been added to clarify. See proposed revision.	Added definition of "Day" to clarify it means calendar day unless otherwise specified.
50 Michael Pollack	Michael A. Pollack Real Estate Investments	4/19/2017	When a tenant goes rogue and puts up an illegal sign, it is not easy to deal with the tenant. The property owner should not be held criminally liable. The draft contains a provision where the City can remove an illegal sign and charge the owner for the cost of removal. Why then would the City need the option to enforce criminally?	Even though the City has the authority to remove signs and charge the property owner for the removal, the option for criminal prosecution would be necessary to effectively stop a repeat offender from willingly violating the sign regulations on a regular basis.	None proposed

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51	Ralph Pew	4/19/2017	<p>An exception should be made from criminal prosecution for 3rd party violators who are not connected to the owner of the property. Should not penalize property owners for conduct of a tenant that the owner can not control.</p>	<p>The proposed draft gives code inspectors the discretion to determine who to issue a Notice to Comply based on the type of violation. For example, for a temporary sign violation the notice may be given to the tenant, and for a permanent sign violation the notice may be given to the property owner. New language has been added to clarify that no penalties (civil or criminal) can be pursued on the responsible business or owner without proper notification and multiple opportunities to resolve the violation. The new language specifies a progressive enforcement procedure as follows: first a Notice to Comply, then 3 civil citations with graduated fines (\$250, \$500 & \$1,000), and then, and only then, criminal prosecution may be considered.</p>	<p>Language has been revised as indicated in Staff's response in Sections 39-6.1(C), 39-6.1(B), and 39-6.1(C).</p>
52	Ralph Pew	4/19/2017	<p>Change 10 ft. setback from curb to be 1 ft. behind the sidewalk. Shouldn't have to go so far behind the sidewalk if blue stake is required anyway. Parking screen walls are sometimes closer than 10 ft. from curb, leaving the temp. sign behind the wall.</p>	<p>The 10 ft. setback is proposed, in part, to accommodate existing commercial real estate signs. Prior to proposing the setback, Planning Staff measured many existing signs along north Arizona Ave and north Alma School Rd and found that most are 10 ft. or more measured from the curb to the sign post. Those that weren't had sufficient space in the landscaping to be 10 ft. from curb and still maintain high visibility along the street.</p> <p>The primary intent of the 10 ft. setback from curb is to prevent damage to underground facilities within the right-of-way. Blue stake, which is required by state law, has also been added to the proposed code as an additional prevention and a reminder that the party installing the sign will be responsible for any damages to underground infrastructure. The 10 ft. setback from the curb also provides a visual balance between the increased number of signs allowed and the proximity of those signs to the street. Current code allows a maximum of 1 sign per parcel (2 for corner parcels) and the proposed code increases the number to 1 per 300 ft. of street frontage.</p>	<p>Revised 39-10.3(F)2.d. & e. to read: d) The sign post shall not be closer than ten (10) feet to the curb or edge of pavement where there is no curb. The sign face may encroach no more than two (2) feet into said ten (10) feet setback. e) In no event shall the sign face encroach or extend over a public sidewalk.</p>

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53	Ralph Pew Representing Michael A. Pollack Real Estate Investments	4/19/2017	Banners should be allowed as long as a space is vacant. A distinction should be made between for lease/for sale signs vs. other temp. sign needs.	<p>Planning Staff does not recommend allowing an exception or extensions for banners to be displayed as long as a tenant space is vacant for a couple of reasons. First, the content of the banners can't be restricted to real estate messages such as 'for lease' or 'space available' in order to remain consistent with the U.S. Supreme Court's content neutrality ruling. Second, Planning Staff believes that the use of banners should be reserved for special events that have a definitive and limited time frame.</p> <p>Making an exception for unoccupied spaces would allow a multitude of banners throughout the city for indefinite periods of time. This would run against one of the Sign Code's goals, which is to protect the aesthetic quality of the city. Owners have other options to advertise space availability including large temporary freestanding signs, midsize temporary freestanding signs, monument signs, and window signs. The proposed code is increasing the allowed time frame from 21 days (current code) to 30 days within a 6 month calendar period.</p>	None proposed
54	Ralph Pew Representing Michael A. Pollack Real Estate Investments	4/19/2017	Abandoned signs should be allowed even after a business has moved out.	<p>Section 39-5(D) Nonconforming and Abandoned Signs of the proposed code increases this time frame from 30 days (current code) to 90 days after the sign no longer advertises a business or product or activity being conducted or product currently available. After the 90 day period, the sign would need to be removed or if it is a panel on a monument sign it could be replaced with a blank panel or a panel that says 'space available', 'for lease' or a similar message</p>	None proposed
55	Ralph Pew Representing Michael A. Pollack Real Estate Investments	4/19/2017	Should not require individual panels on an existing monument sign to obtain a permit	<p>Planning Staff recommends that a permit should continue to be required in order to ensure that the panels comply with the aesthetic sign criteria established in the adopted zoning. The permit also benefits businesses by avoiding having to replace a newly installed panel that does not comply with sign criteria with one that does, thus doubling their sign cost. In contrast, a typical permit fee for reviewing 1 sign panel replacement is \$10.</p>	None proposed
56	Ralph Pew Representing Michael A. Pollack Real Estate Investments	4/19/2017	The max. area of window signs should be increased from 25% to 35%.	<p>Staff believes that such an increase would reduce window transparency and run counter to the intent of the 25% limitation, which is to protect the aesthetical quality of Chandler's developments.</p>	None proposed

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57 Adi Dynar	Goldwater Institute	4/19/2017	<p>The criminality aspect should be removed as it has a chilling effect on speech. Any charges pressed should be properly noticed. The aesthetic qualities should not be enforced criminally.</p>	<p>The proposed draft gives code inspectors the discretion to determine who to issue a Notice to Comply based on the type of violation. For example, for a temporary sign violation the notice may be given to the tenant, and for a permanent sign violation the notice may be given to the property owner. New language has been added to clarify that no penalties (civil or criminal) can be pursued on the responsible business or owner without proper notification and multiple opportunities to resolve the violation. The new language specifies a progressive enforcement procedure as follows: first a Notice to Comply, then 3 civil citations with graduated fines (\$250, \$500 & \$1,000), and then, and only then, criminal prosecution may be considered.</p>	<p>Language has been revised as indicated in Staff's response in Sections 39-6(C), 39-6.1.(B), and 39-6.1.(C).</p>
58 Jack Stein	Patriot Commercial Properties	4/19/2017	<p>Criminal charges are not necessary. Penalties should be issued to sign installers not property owners when the property owner has nothing to do with the sign.</p>	<p>The proposed draft gives code inspectors the discretion to determine who to issue a Notice to Comply based on the type of violation. For example, for a temporary sign violation the notice may be given to the tenant, and for a permanent sign violation the notice may be given to the property owner. New language has been added to clarify that no penalties (civil or criminal) can be pursued on the responsible business or owner without proper notification and multiple opportunities to resolve the violation. The new language specifies a progressive enforcement procedure as follows: first a Notice to Comply, then 3 civil citations with graduated fines (\$250, \$500 & \$1,000), and then, and only then, criminal prosecution may be considered.</p>	<p>Language has been revised as indicated in Staff's response in Sections 39-6(C), 39-6.1.(B), and 39-6.1.(C).</p>

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59 Jack Stein	Patriot Commercial Properties	4/19/2017	Banners should be allowed more than 30-days - until the tenant space is leased.	<p>Planning Staff does not recommend allowing an exception or extensions for banners to be displayed as long as a tenant space is vacant for a couple of reasons. First, the content of the banners can't be restricted to real estate messages such as 'for lease' or 'space available' in order to remain consistent with the U.S. Supreme Court's content neutrality ruling. Second, Planning Staff believes that the use of banners should be reserved for special events that have a definitive and limited time frame. Making an exception for unoccupied spaces would allow a multitude of banners throughout the city for indefinite periods of time. This would run against one of the Sign Code's goals, which is to protect the aesthetic quality of the city. Owners have other options to advertise space availability including large temporary freestanding signs, midsize temporary freestanding signs, monument signs, and window signs. The proposed code is increasing the allowed time frame from 21 days (current code) to 30 days within a 6 month calendar period.</p>	None proposed
60 Jack Stein	Patriot Commercial Properties	4/19/2017	The 10 ft. setback from curb is not going to work. Blue stake should only be required if post is not deeper than 15 inches.	<p>The 10 ft. setback is proposed, in part, to accommodate existing commercial real estate signs. Prior to proposing the setback, Planning Staff measured many existing signs along north Arizona Ave and north Alma School Rd and found that most are 10 ft. or more measured from the curb to the sign post. Those that weren't had sufficient space in the landscaping to be 10 ft. from curb and still maintain high visibility along the street.</p> <p>The primary intent of the 10 ft. setback from curb is to prevent damage to underground facilities within the right-of-way. Blue stake, which is required by state law, has also been added to the proposed code as an additional prevention and a reminder that the party installing the sign will be responsible for any damages to underground infrastructure. The 10 ft. setback from the curb also provides a visual balance between the increased number of signs allowed and the proximity of those signs to the street. Current code allows a maximum of 1 sign per parcel (2 for corner parcels) and the proposed code increases the number to 1 per 300 ft. of street frontage.</p>	Revised 39-10.3(F)2.d. & e. to read: d) The sign post shall not be closer than ten (10) feet to the curb or edge of pavement where there is no curb. The sign face may encroach no more than two (2) feet into said ten (10) feet setback. e) In no event shall the sign face encroach or extend over a public sidewalk.

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61 Jack Stein	Patriot Commercial Properties	4/19/2017	The sign code should address the need for condominium properties (multiple property owners on one property) to display multiple real estate signs on 1 property.	Condominium properties are allowed the same provision as multi-tenant centers (1 sign/300 ft along a public street). Condo properties, which have multiple owners on 1 parcel, may use their association's property management to coordinate multiple brokers on a single freestanding sign - each broker can be a separate sign panel hanging underneath each other. This would be consistent with the proposed language, as long as the total sign area of all of the sign panels hanging on each sign does not exceed the allowed max. of 16 sq. ft. Additional signs that are interior to the property (not visible from a public street) are not limited by the code and can be displayed per the property owner association's rules.	None proposed
62 Brennan Ray	representing Basha's	4/19/2017	There needs to be more clarity on the whole civil vs. criminal matter. There's room for improvement in terms of who gets noticed and how that notice is provided.	The proposed draft gives code inspectors the discretion to determine who to issue a Notice to Comply based on the type of violation. For example, for a temporary sign violation the notice may be given to the tenant, and for a permanent sign violation the notice may be given to the property owner. New language has been added to clarify that no penalties (civil or criminal) can be pursued on the responsible business or owner without proper notification and multiple opportunities to resolve the violation. The new language specifies a progressive enforcement procedure as follows: first a Notice to Comply, then 3 civil citations with graduated fines (\$250, \$500 & \$1,000), and then, and only then, criminal prosecution may be considered.	Language has been revised as indicated in Staff's response in Sections 39-6(C), 39-6.1(B), and 39-6.1(C).
63 Joseph Herbert	commercial properties in general	4/19/2017	Sign code has not been vetted properly. Several large stakeholders have just started looking at this proposal and have concerns.	A draft of the sign code and an online survey have been posted on the City's website since November 2016. The City has used multiple methods for getting the word out and soliciting input including briefings to Chandler Chamber of Commerce, Downtown Chandler Community Partnership, direct communication with Valley Partnership, Southeast Valley Regional Association of Realtors, Home Builders Association and the International Sign Association, press releases, newspaper articles, social media and the City's web site.	None proposed

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64 Joseph Herbert	commercial properties in general	4/19/2017	The sign code does not say 2 signs per corner, and there is conflicting language that could be used to argue that you couldn't have 2 signs.	The language has been further clarified. See proposed.	39-10.3(F)1. "Each parcel may display one (1) midsize temporary freestanding sign, except when it is a corner lot, in which case two (2) such signs may be used, one (1) sign per street front. Parcels with an excess of three hundred (300) feet of street frontage may display one (1) additional sign along each street front for each additional three hundred (300) feet of said street front..."
65 Adam Baugh	representing DeRito Partners	4/19/2017	Signs should be allowed to be placed closer to the sidewalk	The 10 ft. setback is proposed, in part, to accommodate existing commercial real estate signs. Prior to proposing the setback, Planning Staff measured many existing signs along north Arizona Ave and north Alma School Rd and found that most are 10 ft. or more measured from the curb to the sign post. Those that weren't had sufficient space in the landscaping to be 10 ft. from curb and still maintain high visibility along the street. The primary intent of the 10 ft. setback from curb is to prevent damage to underground facilities within the right-of-way. Blue stake, which is required by state law, has also been added to the proposed code as an additional prevention and a reminder that the party installing the sign will be responsible for any damages to underground infrastructure. The 10 ft. setback from the curb also provides a visual balance between the increased number of signs allowed and the proximity of those signs to the street. Current code allows a maximum of 1 sign per parcel (2 for corner parcels) and the proposed code increases the number to 1 per 300 ft. of street frontage.	Revised 39-10.3(F)2.d. & e. to read: d) The sign post shall not be closer than ten (10) feet to the curb or edge of pavement where there is no curb. The sign face may encroach no more than two (2) feet into said ten (10) feet setback. e) In no event shall the sign face encroach or extend over a public sidewalk.

Comments Matrix: ZCA16-0002 Sign Code Amendment

Name	Affiliation	Date Received	Comments	Staff Response	Revisions Proposed by Staff to 11/14/16 Draft
66	Adam Baugh	4/19/2017	representing DeRito Partners Banners should be allowed more than 30-days - until the tenant space is leased, longer during holiday seasons (Halloween, Thanksgiving & Christmas)	<p>Planning Staff does not recommend allowing an exception or extensions for banners to be displayed as long as a tenant space is vacant for a couple of reasons. First, the content of the banners can't be restricted to real estate messages such as 'for lease' or 'space available' in order to remain consistent with the U.S. Supreme Court's content neutrality ruling. Second, Planning Staff believes that the use of banners should be reserved for special events that have a definitive and limited time frame. Making an exception for unoccupied spaces would allow a multitude of banners throughout the city for indefinite periods of time. This would run against one of the Sign Code's goals, which is to protect the aesthetic quality of the city. Owners have other options to advertise space availability including large temporary freestanding signs, midsize temporary freestanding signs, monument signs, and window signs. The proposed code is increasing the allowed time frame from 21 days (current code) to 30 days within a 6 month calendar period.</p>	None proposed
67	Adam Baugh	4/19/2017	representing DeRito Partners Should not require individual panels on an existing monument sign to obtain a permit	<p>Planning Staff recommends that a permit should continue to be required in order to ensure that the panels comply with the aesthetic sign criteria established in the adopted zoning. The permit also benefits businesses by avoiding having to replace a newly installed panel that does not comply with sign criteria with one that does, thus doubling their sign cost. In contrast, a typical permit fee for reviewing 1 sign panel replacement is \$10.</p>	None proposed
68	Terri Kimble	4/19/2017	Chandler Chamber of Commerce Need to clarify that the city will work with property owner civilly first and then clarify a trigger point to go from civil to criminal prosecution	<p>The proposed draft gives code inspectors the discretion to determine who to issue a Notice to Comply based on the type of violation. For example, for a temporary sign violation the notice may be given to the tenant, and for a permanent sign violation the notice may be given to the property owner. New language has been added to clarify that no penalties (civil or criminal) can be pursued on the responsible business or owner without proper notification and multiple opportunities to resolve the violation. The new language specifies a progressive enforcement procedure as follows: first a Notice to Comply, then 3 civil citations with graduated fines (\$250, \$500 & \$1,000), and then, and only then, criminal prosecution may be considered.</p>	Language has been revised as indicated in Staff's response in Sections 39-6(C), 39-6.1(B), and 39-6.1(C).

Comments Matrix: ZCA16-0002 Sign Code Amendment

Name	Affiliation	Date Received	Comments	Staff Response	Revisions Proposed by Staff to 11/14/16 Draft
69 Terri Kimble	Chandler Chamber of Commerce	4/19/2017	Banners should be allowed as long as a space is vacant	<p>Planning Staff does not recommend allowing an exception or extensions for banners to be displayed as long as a tenant space is vacant for a couple of reasons. First, the content of the banners can't be restricted to real estate messages such as 'for lease' or 'space available' in order to remain consistent with the U.S. Supreme Court's content neutrality ruling. Second, Planning Staff believes that the use of banners should be reserved for special events that have a definitive and limited time frame. Making an exception for unoccupied spaces would allow a multitude of banners throughout the city for indefinite periods of time. This would run against one of the Sign Code's goals, which is to protect the aesthetic quality of the city. Owners have other options to advertise space availability including large temporary freestanding signs, midsize temporary freestanding signs, monument signs, and window signs. The proposed code is increasing the allowed time frame from 21 days (current code) to 30 days within a 6 month calendar period.</p>	None proposed
70 Terri Kimble	Chandler Chamber of Commerce	4/19/2017	More pictures should be added to the Sign Code for clarifications	<p>Staff believes that pictures can portray confusion as they can be interpreted differently by different people if the point of the picture is not clear. For this reason, Staff is proposing to use pictures sparingly.</p> <p>This section [39-9.18(A)8] allows for alternative materials other than redwood. Emphasis added by underlining text. "8. As provided herein, sign boards shall either be: two (2) inch thick solid redwood sandblasted to a depth of three-eighths (3/8) inch to one-half (1/2) inch, <u>or a manufactured facsimile thereof, or other fabrication of metal or other materials that achieve a two (2) inch thickness and provides exterior durability.</u>"</p>	None proposed
71 Terri Kimble	Chandler Chamber of Commerce	4/19/2017	Should remove specification that sign boards should be made of redwood for colonnade hanging signs in CCD	<p>Having a licensed contractor provide estimated value provides a fair and neutral 3rd party to determine whether a work on a sign is considered maintenance or a new sign.</p>	None proposed
72 Terri Kimble	Chandler Chamber of Commerce	4/19/2017	The provision for evaluation of work by a licensed sign contractor will add cost for businesses	<p>Minor revision is proposed to clarify that banners displayed during construction of a site do not need to be setback from the property line when they are attached to construction fencing.</p>	<p>39-10.3(C)2 c) Detached banners shall be setback a minimum of five (5) feet from the public right-of-way and driveways. Said setback <u>shall not apply to banners affixed to a temporary construction fence.</u></p>
73 Planning Staff		4/20/2017			

Comments Matrix: ZCA16-0002 Sign Code Amendment

Name	Affiliation	Date Received	Comments	Staff Response	Revisions Proposed by Staff to 11/14/16 Draft
74 Planning Staff		4/20/2017		<p>New language is proposed under 39-7.7 Design and Integration, that formalizes the 80% standard for wall signs on buildings, which states that wall signs can not exceed 80% of the area on the building where wall signs can be mounted. This has ensured that signs don't appear to be too large and out of scale with the building regardless of the max. sign area allowed, which is based on the business frontage. Because Staff has been administratively applying the 80% rule, the new language will not effectively change current practice.</p>	<p>39-7.7(l) In no case shall any wall sign exceed eighty (80) percent of the height of the sign band or wall to which the sign is attached, and no such sign shall exceed eighty (80) percent of the length of the leased frontage or eighty (80) percent of the length of the sign band or wall to which the sign is attached. Sign band refers to the specific area on a building or tenant space where wall signs may be installed.</p>
75 Stephen Fanning Resident		4/20/2017	<p>It is not clear in the new code whether residents are allowed to have detached banners on their front yards. I don't think that residents should be allowed to do so.</p>	<p>The intent of allowing detached banners in residential areas is to allow them to be displayed for neighborhood wide events such as neighborhood yard sales, neighborhood clean ups. New language is proposed in 39-10.3(C) Banners to clarify that they are only allowed at neighborhood entrances and can only be displayed while a neighborhood event is open to the public.</p>	<p>39-10.3(C)2. Location: b) Detached banners shall not be displayed in single family residential areas except when located at neighborhood entrances. 39-10.3(C)3. Number of signs: b) Each single family neighborhood may display no more than one (1) detached banner per neighborhood entrance. 39-10.3(C)4. Duration: b) Detached banners located at neighborhood entrances shall be displayed only on days when a neighborhood event is open to the public (e.g. neighborhood yard sale, neighborhood cleanup).</p>

Chandler's proposed revisions to the sign code

There are several problems with the proposed revisions. Some major problems are outlined below.

- 1) The sign code continues to make content-, speaker-, and speaker's motive-based distinctions, all of which are unconstitutional in light of *Reed v. Town of Gilbert*, 135 S.Ct. 2218 (2015), *Sorrell v. IMS Health, Inc.*, 564 U.S. 552 (2011), and *Fiesta Mall Venture v. Mecham Recall Committee*, 159 Ariz. 371 (App. 1988). So long as the city freely allows unlimited number of political signs in right-of-ways, any restriction or regulation of all non-political signs violates the state and federal constitutions. In other words, if the City has to read the sign in order to determine which set of regulations apply, that regulation is a content-based restriction of speech that must meet strict scrutiny.¹
- 2) Any permit process that fails to meet three standards is unconstitutional. Chandler's content-based permit process fails all three standards.²
 - a. The City must demonstrate an important interest for licensing backed by actual evidence, not speculative evidence. Cases in which cities have asserted traffic safety and esthetics as interests justifying their permit process have concluded that those interests fail to meet the important interest standard.
 - b. The sign code must contain narrow, objective, and definite standards to guide the licensing authority. Chandler's proposed revisions give unfettered discretion to the Zoning Administrator or his/her designee to become the esthetics inspector and parking inspector for the City and override the sound business judgment of property owners and businesses, without narrow, objective standards to guide his/her decision whether to issue a permit.
 - c. The sign code must have procedural safeguards designed to avoid censorship. The most important procedural safeguard is that the sign code must provide the speaker with a full and fair hearing *before speech is prevented*. Chandler's process for obtaining permits requires the speaker to jump through procedural hurdles *before speech can occur*. Such censorship before speech can occur has been universally struck down as an unconstitutional prior restraint.
- 3) Chandler's new civil citation and three strike rule criminalizes more speech than is necessary to address the traffic safety concerns. It chills speech and causes people to self-censor, which is an injury to people's exercise of First Amendment rights and freedoms that has been called the "worst harm" of speech regulations. The City should rethink its entire approach to enforcement through criminal penalties.³

¹ The following definitions or provisions are problematic under this standard: 39-2, 39-3 (definitions for: abandoned sign, billboard, illegal sign, quasi-public, air-activated sign, freestanding monument sign, portable sign, T-frame sign, temporary freestanding sign, yard sign, temporary sign), 39-5, 39-7, 39-8, 39-9, and 39-10.

² The following provisions constitute a prior restraint on speech: 39-4, 39-6, 39-7, 39-8, 39-9, 39-10.

³ See section 39-6.

- 4) The proposed revision defining “public right-of-way” is vague and overbroad.⁴ It defines everything that is visible to a motorist or pedestrian as a right-of-way, and then regulates all speech occurring in the right-of-way. In addition to causing serious constitutional problems outlined above, this definition is a regulatory taking of property that could be subject to Arizona’s Private Property Rights Protection Act requiring the City to compensate property owners.
- 5) Chandler’s proposed revisions single out commercial shopping centers and impose a different set of restrictions on their signs.⁵ The proposed revisions are confusing, vague, and likely require a permit for more than one real estate sign *per parcel*. Additionally, one provision requires businesses to remove and re-install real estate signs every day.⁶ That provision is needlessly burdensome.
- 6) Another provision allows the general plan to override the sign code, so members of the public are advised to watch closely any changes to the Planned Area Development plans to ascertain whether those provisions override everything contained in the sign code.⁷

⁴ See section 39-3.

⁵ See sections 39-9.16, 39-10.

⁶ See section 39-10.3.

⁷ See section 39-9.11.

Comments from James Carpentier, International Sign Association. 1/17/2017

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B. Any nonconforming sign shall not be altered, repaired, or restored to such an extent that the cost of such alteration, repair or restoration exceeds fifty (50) percent of the sign's value, as determined by a licensed sign contractor, unless said sign is brought into conformance with the current provisions of this Code.

BC. If any such Any nonconforming sign that is damaged or vandalized, such sign must be restored in a like manner within ninety (90) days or it shall be removed or replaced with a new sign that is in conformance with the current provisions of this Code at the owner's expense.

D. A nonconforming sign or any other sign, which has been abandoned for more than thirty (30) days shall be removed or replaced with a new sign in conformance with the current provisions of this Code at the owner's expense.

Commented [JC1]: 30 days is not a reasonable time frame. We recommend that additional time be allowed around 90 to 120 days. This will accommodate non-conforming signs that are for sale and not truly abandoned.

39-6. - Enforcement.

A. Authority. The Zoning Administrator or designee is hereby authorized and directed to enforce all provisions of this chapter in conformance with the regulations and procedures specified herein.

B. Each day a violation of any provision of this chapter or the failure to perform any act or duty required by this chapter continues shall constitute a separate violation or offense, in conjunction with the provision of the Chandler Zoning Code.

C. The City may proceed either civilly or criminally against any person responsible for causing, permitting, facilitating, or aiding or abetting any violation of any provision of this chapter or for failing to perform any act or duty required by this chapter.

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

39-6.1 - Civil Citations.

A. Any continuing violation of this chapter constitutes a public nuisance and may result in the issuance of a civil citation by the City as set forth in Chapter 26 of this Code. Imposition of a fine or penalty assessment shall not relieve the owner of the responsibility for abatement of the violation(s) or excuse him/her from liability for any and all costs incurred by the City for abatement.

B. Any person who commits a violation of provision of this chapter after previously having been found responsible for committing two (2) or more civil infractions of this chapter within any thirty-six (36) month period, whether by admission, by payment of the fine, by default, or by judgment after hearing, shall be guilty of a criminal misdemeanor punishable as set forth in Subsection 1-8.3 of this Code. The Chandler City Prosecutor is authorized to file a criminal misdemeanor complaint in the Chandler Municipal Court against such habitual offenders who violate this Section. For purposes of calculating the thirty-six (36) month period under this paragraph, the dates of the commission of the offenses are the determining factor.

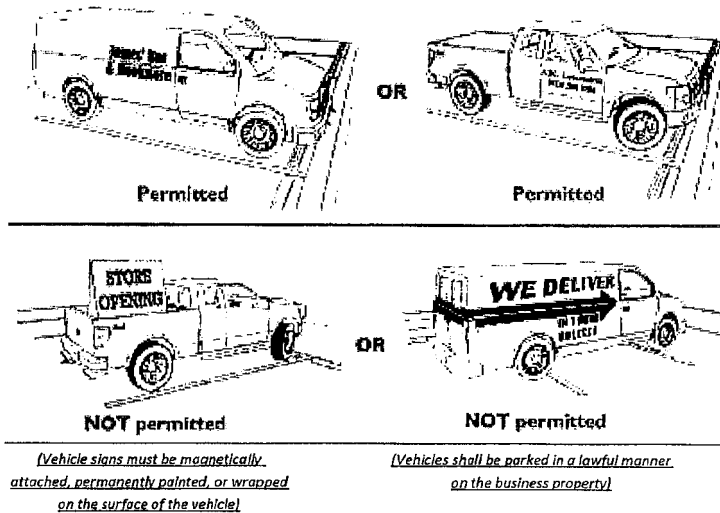
39-6.2 - Criminal Complaints.

A. The Zoning Administrator or any other City agent or employee duly authorized may seek the issuance of a complaint in the Chandler Municipal Court by a police officer or the Chandler City Prosecutor for criminal prosecution of any person who fails to perform any act or duty required by this chapter.

B. Criminal action and proceeding under this chapter shall be designated a misdemeanor and commenced and prosecuted punishable as set forth in Subsection 1-8.3 of this Code in accordance with the laws of the State of Arizona relating to misdemeanors and the Arizona Rules of Criminal Procedure.

39-7. - Requirements and procedures.

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E. Signs in public right-of-way. The City of Chandler finds that a proliferation of signs in the public right-of-way creates aesthetic blight and visual clutter, which obstructs view, distracts the traveling public and threatens the public health, safety and welfare. The intent herein is to allow a limited number of signs in the public right-of-way in order to maintain safe visibility and protect the aesthetic beauty of the City's built environment. As such, Neno sign shall be erected or maintained in the public right-of-way except for:

1. Official bus stop advertising signs which provides opportunities for limited signage within the public right-of-way;
2. Signs installed or displayed by a business or nonresidential use that occupies a building that fronts onto and abuts the public right-of-way as provided for in sections 39-9.13 Blade Signs, 39-9.18 City Center District, and 39-10 Temporary Signs, hereafter in this chapter;
3. Official signs posted by the State of Arizona, the City of Chandler, or other public authorities; and
4. The posting of notices required by law, and signs that cannot be prohibited by a municipality as set forth by Arizona Revised Statutes.

39-7.9 Sign Area and Height Calculations.

A. Sign area is calculated as follows:

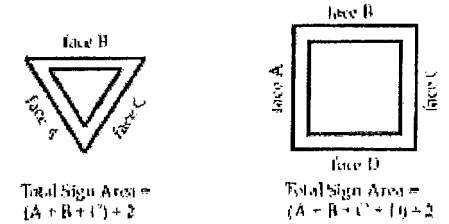
- a) Signs with backgrounds: Signs with copy mounted, affixed, or painted on a background panel or surface distinctively painted, textured or constructed as a background for sign copy, shall be calculated as that area contained within the smallest rectangle that encloses both the sign copy and the background, not including the supporting structure or architectural embellishments, as shown in Figure 7.9-A1.

Figure 7.9-A1

Commented [JC2]: We recommend that multiple geometric shapes be utilized to determine sign area. The smallest rectangle method penalizes creative or irregular shapes. See attached model code page 28 for additional explanation and model language.

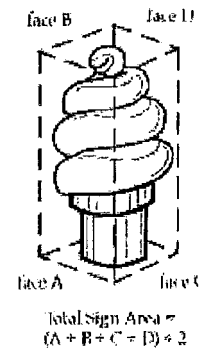
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Figure 7.9-A4



- e) Spherical, free-form, sculptural or other non-planar signs: The area for non-planar signs shall be calculated as 50% of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure, as shown in Figure 7.9-A5.

Figure 7.9-A5



B. Sign height shall be measured as follows:

- a) Freestanding Monument Signs: Sign height is measured as the vertical distance from ground level (finished grade of existing sidewalk, or where there is no sidewalk, the street centerline), to the top of the freestanding sign, not including architectural embellishments, as shown in Figure 7.9-B1.

Figure 7.9-B1

Commented [JC3]: The street centerline grade is not easy to determine. We suggest that the curb grade be utilized.

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~~manner of illumination which may be confused as a traffic control device or which hide from view any traffic sign or signal; obstruct the view of motor vehicle operators entering the public right-of-way; or create an unsafe distraction for motor vehicle operators;~~

2. ~~B. Outlining~~ Outline of a building by means of neon lighting, incandescent lighting or other exposed artificial lighting; .
3. ~~C. Contain or consist of A~~ fixed balloon used as a sign. (Means any lighter than air or gas-filled balloon attached by a tether to a fixed place.);
4. ~~D. Signs over fourteen (14) feet in height. Contain or consist of exposed incandescent bulbs exceeding forty (40) watts each, or neon or similar tube type of illumination exceeding thirty (30) millilamps, except as provided for in section 39-9.18 City Center District;~~
5. ~~Signs which are~~ abandoned for a period of thirty (30) days or greater;
6. Have flashing, blinking, fluttering or rotating lights, lasers, or other illuminating devices which exhibit movement, except digital signs as provided for in section 39-9.15, or when approved for City sponsored public events, or through a special event permit as provided for in Chapter 32 of the Chandler City Code;
7. Produce audible sound or odor;
8. Contain mechanical movement or movement controlled by any other means of the sign body or any segment thereof;
9. Are painted, attached or mounted on fuel tanks, storage containers and/or solid waste receptacles or their enclosures, except for manufacturer's or installer's identification, appropriate warning signs and placards, and information required by law;
10. Project less than seven (7) feet above grade if it is a projecting sign;
11. Are installed or displayed without the property owner's approval.
12. Meet the definition of billboard.

Commented [JC4]: 30 days is not a reasonable time frame. We recommend that additional time be allowed such as 120 days. This will accommodate non-conforming signs that are for sale and not truly abandoned.

39-9. - Signs permitted.

39-9.1 Single-family residential.

A. Individual single family lots.

1. A single-family residence is allowed one (1) nameplate sign only, not to exceed five (5) feet in height or two (2) square feet in area, if it is freestanding. ~~The said sign shall not be illuminated, except by indirect lighting. No permit shall be required.~~
2. A single family lot which has been granted a Use Permit by City Council as provided in section 35-305 of the Chandler City Code to operate a nonresidential land use may display signage in compliance with the Residential Conversion Policy as approved by the City Council. A sign permit shall be required to ensure conformance with Use Permit approval.

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

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

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~~e. Illumination- Internal only.~~

~~f. Setbacks- The sign must be setback from all property lines and/or street rights-of-way a minimum distance of fifteen (15) feet.~~

~~g. Landscaping- The base of each freestanding sign shall be landscaped with a minimum of six (6) shrubs which at maturity will reach a minimum diameter of four (4) feet. Said shrubs shall be irrigated.~~

39-9.65 PCO Planned Commercial Office District.

~~A. Buildings developed in the PCO District shall be permitted on one (1) attached sign or one (1) freestanding sign per lot or parcel. The sign may be wall-mounted or low-profile. Said sign shall require a sign permit and shall comply with the following standards:~~

~~A1. Wall-mounted signs shall not exceed ten (10) feet above first floor elevation and shall not exceed one (1) square foot in area for each one (1) linear foot of business frontage. Said signs shall be wall- or window-mounted, on or under an architectural projection, and shall not project more than two (2) feet from the building or structure to which it is attached.~~

~~2. Freestanding Monument Signs.~~

~~a) A single tenant panel sign shall not exceed sixteen (16) square feet. Multitenant panel signs shall be limited to four (4) square feet per tenant panel with a combined maximum of thirty-two (32) square feet and shall contain only the name, address, and use or uses conducted within the building.~~

~~b) Freestanding signs shall not exceed six (6) feet in height above ground level. Freestanding signs shall be of the low profile type.~~

~~C. Directional signs shall be permitted on the site.~~

~~B. Temporary signs are allowed as provided for in section 39-10.~~

39-9.7.6 C-1 Neighborhood Commercial District.

~~A. Attached On-site signs shall not exceed one (1) square foot in area for each one (1) linear foot of business frontage. Said signs shall be wall- or window-mounted, on or under an architectural projection, and shall not project more than two (2) feet from the building or structure to which it is attached.~~

~~AB. Freestanding Monument Signs.~~

~~1. One (1) freestanding sign not to exceed one hundred (100) square feet in total area is allowed per single-user site.~~

~~2. B. Freestanding signs for shopping centers and other multi-user sites shall conform to the standards set forth in subsection (39-9.16), of this section.~~

~~C. Attached and freestanding monument signs shall require a sign permit.~~

~~D. Window signs are allowed as provided for in subsection 39-9.14~~

~~E. Temporary signs are allowed as provided for in section 39-10.~~

~~39-9.7.7 C-2 Community Commercial District. On-site signs shall meet the following requirements in the C-2 district:~~

Commented [JC5]: We recommend that both an attached and freestanding sign be allowed to aid in wayfinding.

Comments from James Carpentier, International Sign Association. 1/17/2017

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~~39-9.13 Shingle-Blade signs.~~ ~~Shingle-Blade signs are used to identify businesses whose front entrance is under a roof overhang which extends over a public right-of-way. These signs are included as part of permitted the total allowed sign area.~~

- ~~A. Only one (1) sign shall be allowed for each business front, and a sign permit is required for such sign. For any sign proposed to overhang or project into any portion of the public right-of-way, a separate encroachment permit shall be required in accordance with chapter 46 of the Chandler City Code.~~
- ~~B. The sign may be a projecting blade sign attached to the front wall of the building or a hanging blade sign hanging from the roof overhang or colonnade, which is located next to the business entrance.~~
- ~~C. The sign must be perpendicular to the building front and shall contain not exceed more than four (4) square feet in area.~~
- ~~GD. The minimum clearance of the sign shall be a minimum of eight (8) seven (7) feet above the sidewalk.~~
- ~~DE. No part of the sign shall project beyond the overhang of the roof or any corner of the building.~~
- ~~E. The shingle sign shall contain the name of the business only.~~

~~39-9.14 Window signs.~~ Window signs may be painted on or otherwise displayed from the surface of any window, showcase or other similar facility. The area of such signs shall not exceed twenty-five (25) percent of the total area of each window pane of the window on which it is displayed. The area of said sign shall not be included in the total allowed sign area.

~~39-9.15 Digital signs.~~ Where allowed, digital signs shall

- ~~A. Display only static messages that remain constant in illumination intensity and do not have animation, flashing, blinking, or any other movement or the appearance or optical illusion of movement;~~
- ~~B. Be equipped with a fully operational light sensor that automatically adjusts the intensity of the sign according to the amount of ambient light;~~
- ~~C. Not exceed 300 nits in full white mode from sunset until sunrise;~~
- ~~D. Change from one message to another message no more frequently than once every eight (8) seconds and the actual change process is accomplished in two (2) seconds or less;~~
- ~~E. Be designed to either freeze the display in one static position, display a full black screen, or turn off in the event of a malfunction;~~
- ~~F. Obtain a sign permit; and~~
- ~~G. Not be authorized until the Building Code Official is provided evidence that best industry practices for eliminating or reducing uplight and light trespass were considered and built into the digital sign.~~

Commented [JC6]: Digital signs do not appear to be allowed in any districts. We recommend that digital signs be allowed in commercial and employment districts.

Commented [JC7]: We recommend that the footcandle method be utilized rather than nits. FC is easier to enforce and has been adopted by over 200 jurisdictions. See attached PDF for model language and additional information.

Commented [JC8]: This section is not needed with the proposed illumination levels and current design of EMC modules. Not sure what this section means and how an application would provide evidence of best practices.

~~Design.~~ All signs shall be fully integrated with the design of the building and the site development, reflecting the architecture, building materials, and landscape elements of the project.

~~A. The means of integrating freestanding signs with the architecture of the building shall be achieved through replication of architectural embellishments, colors, building materials, texture, and other elements found in the building design. As an example, a canister sign mounted atop a masonry base or other~~



ESTABLISHED 1951

March 20, 2017

SENT VIA EMAIL

Mr. David de la Torre, AICP
Principal Planner
Planning Division, City of Chandler
215 E Buffalo St
Chandler AZ 85225

Re: ZCA17-0002 City of Chandler/Sign Code Amendment

Dear Mr. de la Torre:

On behalf of the Home Builders Association of Central Arizona ("HBACA"), thank you very much for the opportunity to work with you on the draft sign code amendment. From the first time we met to review the proposed sign code, our goal was to maintain a rough equivalency of signage options for home builders between the existing code and the amended code. It appears that the draft dated March 13, 2017 accomplishes this goal. Therefore, the HBACA is pleased to support its adoption.

While all businesses are concerned about signage as a way to attract customers, home builders face unique challenges as compared to other businesses. Typically, customers to a model home sales office are either new to the area or are not from the area at all. Moreover, a new subdivision will be built where nothing existed before. Similarly, new subdivisions are not typically built in a heavily trafficked area which would be common for a retail business. By necessity, signage is needed to assist these customers as they navigate through unfamiliar towns and neighborhoods, often on roads not available on GPS. Thus, it is imperative to home builders to have many options to provide the needed direction.

The HBACA believes that this draft will allow home builders to continue to utilize many of the signs commonly used to drive our future home owners to new subdivisions. Importantly, it accomplishes this in a manner consistent with an express purpose of the sign code, which is to "[encourage] development of private property in harmony with the desired character of the City while providing due regard for the public and private interests involved."

Thank you again for all your work on this project and for your consideration of our issues. We understand the amount of work that went into this draft and appreciate your efforts. If there is anything else I can provide or if I can be of further assistance, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jackson Moll".

Jackson Moll
Vice President of Municipal Affairs
Home Builders Association of Central Arizona

DE RITO LAND DEVELOPMENT, LLC

Dear Mayor & Council:

I am a long-time commercial property owner in Chandler. I have owned and developed over 5 million SF. of retail and auto parks across the Valley including 5 commercial properties in Chandler alone. I developed Casa Paloma, the Chandler 202 Auto Park, and most recently the shopping center at Gilbert and Ocotillo Road. As one of the largest commercial shopping center and auto park owners in the city, I want to share my feedback regarding the proposed Sign Code ordinance.

Shopping trends have evolved over the years especially with brick and mortar businesses and shopping centers. The evolution of online shopping has hurt the traditional retail centers. We have stayed limber and responsive to these trends but the honest truth is that effective leasing and marketing signs are one of the primary ways we attract new tenants, and thereby keep commercial shopping centers significant.

I've fought tooth and nail to keep our centers clean, vibrant, and occupied. We are still clawing out of the Great Recession that has challenged our sites and tenants over the years. That's why the proposed sign code is so important. We understand the city's need to update the sign code in response to recent court decisions and we support them in this endeavor. I appreciate the time, energy, and effort that planning staff has undertaken to be responsive to the business community. However, we have strong concerns about our ability to advertise for lease our current centers, shops, and buildings.

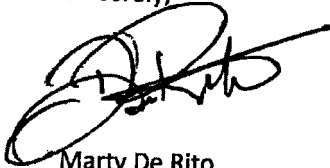
My primary feedback focuses on marketing/leasing signs which are identified as Temporary Signs under the new code.

1. **Midsized Temporary Signs – setback and spacing.** Under the new code leasing signs are required to be 10' setback from curb or edge of pavement. This is an impractical restraint and negatively impacts our ability to effectively advertise vacant space for lease. A more appropriate distance would be 1' from back of sidewalk. That way it maintains adequate visibility and provides sufficient clearance for pedestrian walkways.
2. **Wall Banner Signs –** Wall banner signs are necessary to display when a property is for sale or lease, particularly when it involves an anchor tenant building. The new draft code only allows banners to be used for 30 days in a 6-month period. However, tenant vacancies often exceed 30 days. Moreover, the code does not take into account seasonal banners that often are back to back (e.g. Halloween to Thanksgiving to Christmas). A better solution is to allow banners to be 90 days. Or better yet, to be treated like permanent signs, without any time limitation so long as they fit within the allowed allocation of sf sign area of the building. Otherwise, property owners are at a tremendous disadvantage when it comes to leasing and marketing their vacant building spaces as compared to other cities.
3. **Permitting of Replacement Sign Panels –** In section 39-7.1, the city requires a separate permit for each replacement tenant panel. This is an unnecessary burden and overregulation, particularly when the sign structure has already been approved. If the structure remain the same, and the only thing changing is the panel itself, why require a permit again?

DE RITO LAND DEVELOPMENT, LLC

I see the sign code as a tremendous tool to help retail centers succeed when done right. At the same time, just as the internet has been a challenge to brick and mortar stores, this sign ordinance could adversely affect retail shopping centers if these items are not addressed. I am very supportive of the many changes proposed by staff and I recognize the tremendous work they have put into this effort. I simply request greater consideration for the shopping centers who gravely need the ability to effectively market their properties.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marty De Rito', with a stylized flourish extending to the right.

Marty De Rito



SUPPORT, draft sign ordinance, 5/11 council meeting

Matt Ortega

to:

jay.tibshraeny@chandleraz.gov, kevin.hartke@chandleraz.gov, nora.ellen@chandleraz.gov, sam.huang@chandleraz.gov, Rene.Lopez@chandleraz.gov, terry.roe@chandleraz.gov, mark.stewart@chandleraz.gov

05/09/2017 01:18 PM

Cc:

"david.delatorre@chandleraz.gov"

Hide Details

From: Matt Ortega <mortega@SEVRAR.COM> Sort List...

To: "jay.tibshraeny@chandleraz.gov" <jay.tibshraeny@chandleraz.gov>,

"kevin.hartke@chandleraz.gov" <kevin.hartke@chandleraz.gov>,

"nora.ellen@chandleraz.gov" <nora.ellen@chandleraz.gov>, "sam.huang@chandleraz.gov"

<sam.huang@chandleraz.gov>, "Rene.Lopez@chandleraz.gov"

<Rene.Lopez@chandleraz.gov>, "terry.roe@chandleraz.gov" <terry.roe@chandleraz.gov>,

"mark.stewart@chandleraz.gov" <mark.stewart@chandleraz.gov>

Cc: "david.delatorre@chandleraz.gov" <david.delatorre@chandleraz.gov>

History: This message has been forwarded.

Mayor Tibshraeny and Council Members,

I am writing to convey our support of ZCA16-0002 Sign Code Amendment (draft Chandler Sign Ordinance) that will be taken up by the Council this Thursday, May 11. The SouthEast Valley Regional Association of REALTORS® (SEVRAR) Board of Directors voted to support the draft ordinance at their last meeting.

In particular the Association appreciates the public outreach process that the Planning Department used to engage stakeholders. This resulted in a number of realtor concerns being heard, and many of these comments ultimately becoming a part of the current draft. We understand the burden placed on municipalities by the Reed vs. the Town of Gilbert, Supreme Court decision regarding restrictions on message-based content on signage. We believe the current draft addresses realtor concerns related to temporary signage both at the property-for-sale, and signs placed within a mile of the property for marketing purposes.

We represent over 12,000 realtors throughout the East Valley, over 2,255 currently live in Chandler and many more practice real estate in the City. We appreciate the commitment that you all have to good government, and to the protection of free market principles our realtor-members need to be successful in their businesses. We believe the current draft sign ordinance is a reflection of that commitment and that it may serve as a model code for other municipalities currently involved in sign code revisions.

Please let me know if you have any questions.

Thank you,
Matt



Matt Ortega

Director of Government Affairs

T 480 833 7510 ext. 6405

M 480 622 4662

D 480 505 6405

F 480 223 5490

Association Hours

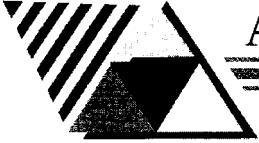
8:00am to 5:00pm

Monday - Friday

mortega@sevrar.com

South East Valley
REGIONAL ASSOCIATION OF REALTORS

1363 S. Vineyard | Mesa, Arizona 85210 | www.SEVRAR.com



AFFILIATED PROPERTY MANAGEMENT CORP.

1760 E. Pecos Road • Suite 447 • Gilbert, Arizona 85295 • (480) 892-7033 Fax (480) 892-9436

TO: Mayor&Council@chandleraz.gov
FROM: DONNA POWELL
DATE: MAY 10, 2017
SUBJ: CITY OF CHANDLER / SIGN CODE AMENDMENT

First, as a brief introduction, in 1990 I opened my management company in Chandler and prior to that worked for a developer on many project in Chandler. To say I have seen many changes in Chandler through the years would be an understatement. Currently I represent 239 owners of shopping centers, office condominiums and association lots in Chandler. The rest of my client base is in the east valley.

When I learned of the proposed sign code amendment I felt, as the representative for my owners, and as a long time business in the area, that I should understand the changes being proposed which will impact my owners and my business as a real estate company.

After review of the March 13, 2017 draft I had many concerns about the amendment content. I reached out to Jeff Kurtz to express my concerns. Most of these concerns were related to the notice process, fine implementation, permit requirements and the type of properties we manage which do not fall into the identified categories, specifically professional office condominium projects with multiple owners on a single site. This conversation was followed by a meeting with David de la Torre of Planning and Stephen Erno of Code Enforcement on May 3, 2017 to discuss these concerns in detail.

Upon review of the May 11, 2017 draft many of my concerns, and of others who responded, have been addressed. No code amendment, especially one as important as signage, will satisfy everyone but this appears to be a concise and detailed plan touching upon as many different areas of signage as practical. I further commend the staff on working to incorporate comments from various sources to finalize this amendment.

Although a small voice in the City of Chandler, I just wanted to show my support of this sign code amendment and look forward to this being a tool to consolidate the signage within the city.

CC: jeff.kurtz@chandleraz.gov
david.delatorre@chandleraz.gov
stephen.erno@chandleraz.gov



WORKING TOGETHER
TO BUILD A STRONGER INDUSTRY

May 10, 2017

To: Mayor Jay Tibshraeny and the Chandler City Council

From: James Carpentier AICP

Re: **ZCA16-0002 CITY OF CHANDLER / SIGN CODE AMENDMENT**

I am contacting you on behalf of the Arizona Sign Association and the International Sign Association. Both associations work with jurisdictions to assist in the creation of beneficial and enforceable sign regulations.

First of all, I want to thank the planning staff and Planning Commission for the inclusion of several of our recommendations into the draft of the sign code. One of the most important is the inclusion of our electronic message center (EMCs or digital signs) brightness recommendations. The recommended brightness footcandle standard has been adopted by over 250 jurisdictions and states throughout the country, with great success, since we have not aware of any issues. The recommended brightness levels for EMCs has proven to fit in well with many jurisdictions since the signs are not too bright they are just right and this method is very easy to enforce.

We do have one additional recommendation for your consideration. As drafted the sign code does not allow for EMCs in commercial or industrial districts but permits EMCs for quasi-public, institutional, churches, fraternal and civic organizations. We recommend that city allow EMCs in commercial and industrial districts as a number of jurisdictions do in the area including Gilbert and Phoenix. Allowing EMCs in commercial and Industrial Districts will support the local businesses in the community which is of heightened importance given the increase in on-line purchasing. Therefore, we request that you consider the following amendment to the sign code for the C-1, C-2 and C-3 Districts:

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

We truly appreciate your consideration of this request.

Do not hesitate to contact me at 480-773-3756 or james.carpentier@signs.org with any questions.

Best Regards,

A handwritten signature in cursive script that reads 'James Carpentier'.

James Carpentier AICP
Director of State & Local Government Affairs
International Sign Association

ORDINANCE NO. 4729

**AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING
CHAPTER 39, SIGN CODE, OF THE CODE OF THE CITY OF CHANDLER.**

WHEREAS, in accordance with A.R.S. 9-462, the legislative body may adopt by ordinance, any change or amendment to the regulations and provisions set forth in the Chandler Sign Code; and,

WHEREAS, this amendment, including the draft text, has been published in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) day notice of time, date and place of public hearing; and,

WHEREAS, a public hearing was held by the Planning and Zoning Commission on April 19, 2017;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION I. Chapter 39, Sign Code, of the Chandler City Code, is hereby amended to read as follows:

39-1. – Findings and Purpose.

Signs can obstruct view, distract motorists, obstruct pedestrian and/or vehicular traffic flow, create a safety hazard, create aesthetic blight and visual clutter, and pose other problems that legitimately call for regulation. The purpose of this chapter is to regulate the size, color, illumination, movement, materials, location, height and condition of signs displayed for exterior observation, in order to allow and promote sign communication in such a manner that:

- A. Preserves and protects the public health, safety and welfare within the City of Chandler.
- B. Encourages development of private property in harmony with the desired character of the City while providing due regard for the public and private interests involved.
- C. Protects and improves the aesthetic beauty of the City's built environment by eliminating aesthetic blight and reducing visual clutter.
- D. Promotes the effectiveness of signs by preventing their over-concentration, improper placement, and excessive size.
- E. Protects the general public from damage and injury which may be caused by the faulty and uncontrolled construction of signs within the City of Chandler.

- F. Protects pedestrians and motorists of the City of Chandler from damage or injury caused, or partially attributable to the distraction and obstructions which are hereby declared to be caused, by improperly situated signs.
- G. Enhances the flow of traffic and convenience, ease and enjoyment of travel within the City of Chandler.

39-2. - Interpretation of chapter.

- A. Where there is a conflict between the provisions of this chapter and provisions of other regulations of the City of Chandler, the provisions of this chapter shall apply.
- B. The provisions of this chapter shall apply to the erection, construction, alteration, location, and maintenance of all signs within the City of Chandler except as specified in Section 39-5.
- C. Any sign permitted by this chapter may contain a non-commercial message in lieu of any other message.
- D. Any provision of this Sign Code that imposes a limitation on freedom of speech shall be construed in a manner that is viewpoint neutral and treats expressive speech either the same as or less restrictive than commercial speech. Any provision of this Sign Code that is found to be an unconstitutional limitation on freedom of speech by any court shall be severed from this Sign Code in a manner that preserves the Sign Code and protects freedom of speech.

39-3. - Definitions.

Balloon, common party: A common party balloon is a bag made of thin rubber or other light material that when fully inflated does not exceed three (3) feet in diameter. Common party balloons are typically inflated with air or gas that is lighter than air and tethered with a string or thin rope.

Balloon, fixed: A fixed balloon is any lighter-than-air or gas-filled balloon that is greater than three (3) feet in diameter when fully inflated and is attached by a tether to a fixed place and elevated to a height that is greater than fourteen (14) feet in order to attract attention to the business or property.

Banner: A temporary sign of fabric, plastic, paper or other flexible substrate on which copy or graphics may be displayed. Detached banners are not attached to a building and are secured to a freestanding temporary support structure, uprights, stakes or poles. Vertical banners are those that are affixed to a permanent structure such as a light pole located within a permitted outside display area. For vertical banners that are mounted in-ground or on top of the ground see the definition for feather signs.

Billboard: A permanent sign portraying information not related to an event, business, commodity, product, service, or entertainment occurring on the premises upon which the sign is located.

Block: At least seven hundred (700) feet of street frontage, including rights-of-way.

Building Code: Chapter 29 Building Regulations of the City Code.

Building envelope: The exterior area located within twenty (20) feet of the front of a building. Said area is typically designed for pedestrian use and may include features such as a sidewalk or colonnade parallel to the building front, the primary business entrance, signs, sidewalk furniture and planters.

Business frontage: For single tenant buildings the business frontage is the lineal distance of the building measured along a straight line parallel to the street. Where said building is not parallel to the street, the business frontage shall be measured along the exterior front wall of the building. For an individual business located within a multi-tenant building, the business frontage shall be the length of the space occupied by said business measured in a straight line along the exterior front wall of the building, except for an individual business with minimal exterior frontage occupying the interior corner space of an "L" shaped multi-tenant building, in which case the business frontage may be determined by the length of the space occupied by the individual business measured in a straight line parallel to the nearest street.

Day: Unless otherwise specified, a day shall mean calendar day.

Fascia: A parapet-type wall used as part of the fascia of a flat-roofed building and projecting not more than six (6) feet from the building face. Such a wall shall enclose at least three (3) sides of the project flat roof and return to a parapet wall or the building.

Ground level: The finished grade of existing sidewalk; or where there is no sidewalk, the street centerline elevation shall be the established ground level.

Halo: See definition for internal indirect lighting.

Indirect lighting: A source of external illumination located a distance away from the sign, which lights the sign, but which is itself not visible to persons viewing the sign from any normal viewing position.

Internal indirect lighting: A source of illumination entirely within the sign visible at night by means of lighting the background upon which the freestanding character is mounted. The character itself shall be opaque, and thus will be silhouetted against the background. The source of the illumination shall not be visible.

Institutional: See definition for quasi-public.

Maintenance: The replacing or repairing a part or portion of a sign made unusable by ordinary wear or tear, not exceeding fifty (50) percent of the sign's value, as determined by a licensed sign contractor.

Model home cluster: A group of two (2) or more model homes (including the parking area) located next to each other, or on opposite sides of the same street that share a common sales office.

Non-commercial message: A message that does not propose a commercial transaction.

Parapet wall: An exterior wall of a building extending above the the roof line.

Panel: The portion of a freestanding monument sign that is reserved for use by a single business, organization or other entity that is located in a commercial or industrial center. Panels can be replaced without replacing or modifying the entire freestanding sign structure.

Public right-of-way: Any highway, street, road, lane, thoroughfare, avenue, boulevard, path, alley or other right-of-way that is maintained for public use and is publicly accessible. Public right-of-way does not include access easements on private property or any privately owned street, road, driveway, path or other similar passageway that may be connected to a public right-of-way. Public right-of-way typically includes sidewalks and landscaping on both sides of a street.

Quasi-public: Essentially public (as in services rendered) although under private or non-profit ownership or control. Quasi-public and institutional uses include educational institutions, medical institutions, religious institutions, fraternal organizations, civic organizations, and other similar uses.

Reverse pan channel: A three-dimensional letter or other sign component with opaque face and side walls and an open or translucent back that faces the wall on which it is mounted, concurrently blocking view of the light source within and allowing the wall behind to be illuminated, creating a halo effect around the letters or sign components.

Roof line: The height of the main roof structure but not to include cupolas, pylons, projections or other minor raised portions of the roof.

Seasonal decorations: Temporary decorations displayed around a holiday.

Sign: Any visual communication which is used to attract the attention of the public, when the display is visible beyond the boundaries of the property.

Sign, abandoned: A sign structure that is vacant, unoccupied, devoid of any message, or a sign that displays a message pertaining to a time, event, or purpose that no longer applies.

Sign, A-frame: A type of temporary sign that is portable, self-supporting, and consists of a structure that resembles an "A" shape.

Sign, air-activated: Air-activated signs are temporary signs which include common party balloons, inflatable figures, balloon sculpture/arches, air-dancers, wind-driven spinners, pennants, streamers, and other figures or graphics that are filled with air or a gas that is lighter

than air, or move with natural or artificially generated air flow, all of which are typically used in conjunction with a special event or activity.

Sign, awning: A permanent sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

Sign, blade: A blade sign is a type of projecting sign mounted on a building façade, storefront pole, hanging from a roof overhang or colonnade, or attached to a surface perpendicular to the normal flow of traffic. A blade sign may be referred to as a hanging blade sign or a projecting blade sign depending on the manner in which it is attached to the building or other structure.

Sign, cabinet: A permanent sign that is internally illuminated in which a removable sign face, usually with translucent sign graphics, is enclosed on all edges by a cabinet, and the source of illumination is not visible. A cabinet sign may be multi-faced.

Sign, change panel: A permanent sign designed to permit immediate change of copy.

Sign, digital: A permanent sign with an electrically activated changeable sign face whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Digital signs may also be known as Electronic Message Centers or EMC.

Sign face: The entire display surface area of a sign upon, against or through which copy, symbol or similar component is placed.

Sign, feather: A type of temporary sign made of flexible material that is plain or includes copy and/or graphics and is supported by a vertical pole that is anchored in or on the ground. Such signs may also be referred to by other names such as feather flag, feather banner, teardrop flag, shark fin flag, blade flag, or bow sign.

Sign, freestanding monument: A permanent sign that is supported by one (1) or more uprights, poles, a base or other similar structural foundation that is braced in or upon the ground, is detached from any other structure or building, and is typically between six (6) feet to fourteen (14) feet in height.

Sign, illegal: Illegal signs include any sign except the following:

- A. A sign allowed by this chapter and not requiring a permit.
- B. A sign allowed by this chapter with a permit and carrying a valid permit.
- C. A sign not allowed by this chapter but which has been legalized by PAD zoning or variance and proper permit.
- D. A sign allowed by this chapter subject to a use permit, provided the use permit has been granted and a proper permit is in force.

E. A nonconforming sign as defined by this chapter.

Sign, nonconforming: Any permanent sign which is not permitted by this chapter, but which, when first constructed, was legally permitted by the City or the political subdivision then having jurisdiction and regulation over construction of signs.

Sign, permanent: Any sign constructed and intended to be of an enduring and lasting condition, remaining unchanged in character, condition (beyond normal wear) and position.

Sign, projecting: Any permanent sign attached to a building or other structure in such a manner that its face is not parallel to the wall and is extending in whole or in part beyond the building line (e.g., hanging or projecting blade signs).

Sign, T-frame: A type of temporary sign that is portable, self-supporting, and consists of an upright component that is attached to a flat base, which resembles an upside-down "T".
Sign, temporary: Any sign, banner, pennant, or valance constructed of cloth, canvas, plastic, light fabric, cardboard, wallboard, plywood or other like materials, with or without frames, and that appears to be intended or is determined by the Zoning Administrator to be displayed for a limited period of time.

Sign, temporary: Any sign not permanently embedded in the ground or not permanently affixed to a building or structure, which is not intended to be a long term permanent sign. Temporary signs include signs affixed to the ground by a temporary anchoring system such as, but not limited to, stakes or ballast, or footing for large temporary freestanding signs.

Sign, temporary freestanding: A temporary sign that is made of a rigid and durable material that will withstand the elements, is supported by one (1) or more posts, uprights or poles and is braced in or upon the ground. Each temporary freestanding signs may be single-faced, double-faced, or V-shaped with an interior angle that is 45 degrees or less as provided for in subsection 39-7.9(A)3.

Sign, V-shaped: Signs erected upon common or separate structures which present a V-shape appearance and having an exterior angle between faces of not more than forty-five (45) degrees with a distance between faces of such signs at their closest point not exceeding two (2) feet.

Sign, vehicle: Any sign mounted or painted upon or otherwise erected on a trailer, truck, automobile or other vehicle.

Sign, wall: Any sign which is attached, fastened, connected or supported in whole or in part by a building or structure other than a freestanding sign structure which is supported wholly by the ground. Wall signs include wall-mounted signs, projecting signs, awning signs and window-mounted signs. A window-mounted sign is not a window sign as defined herein.

Sign, window: Any sign, painted on or adhered to the interior or exterior of a glass door or window or placed inside a glass door or window and is visible from the exterior of the window.

Sign, Yard: A type of temporary sign that is typically less than six (6) square feet in area and is supported by one or more stakes or metal wires inserted into the ground. The sign face is typically made of a semirigid material such as corrugated plastic, sheet metal, foam board, cardboard or placard. Yard signs may also be referred to by other names including lawn signs, road signs, bandit signs, or placard signs.

Zoning Administrator: The person appointed and responsible for the enforcement of the Sign Code, or said person's designee.

39-4. - Requirement of conformity.

Unless specifically exempted herein, no sign shall be erected, installed, enlarged or maintained without first obtaining a permit from the City as herein provided. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or structure in the City, or cause or permit the same to be done contrary to or in violation of any of the provisions of this chapter. All signs maintained contrary to the provisions of this chapter are declared to be nuisances, and such nuisances may be abated as provided by law.

39-5. - Nonconforming and abandoned signs.

A. Any nonconforming sign, as defined in this chapter, may be continued in use and reasonable repair and maintenance made to same.

B. Any nonconforming sign shall not be altered, repaired, or restored to such an extent that the cost of such alteration, repair or restoration exceeds fifty (50) percent of the sign's value, as determined by a licensed sign contractor, unless said sign is brought into conformance with the current provisions of this Code.

C. Any nonconforming sign that is damaged or vandalized must be restored in a like manner within ninety (90) days or it shall be removed or replaced with a new sign that is in conformance with the current provisions of this Code at the owner's expense.

D. Any sign (including nonconforming) that has been abandoned for more than ninety (90) days shall be removed or replaced with a new sign in conformance with the current provisions of this Code at the owner's expense.

E. A permit may be required for alterations or repairs to nonconforming signs that do not exceed fifty (50) percent of the sign's value depending on the scope of work (e.g. an electrical permit shall be required for signs that are illuminated electrically). Alterations or repairs to nonconforming signs that exceed fifty (50) percent of the sign's value shall require permit as provided for in section 39-7.

39-6. - Enforcement.

A. The Zoning Administrator or designee is hereby authorized and directed to enforce all provisions of this chapter in conformance with the regulations and procedures specified herein.

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

C. The City shall process violations of this ordinance against a responsible person or entity utilizing a progressive enforcement approach first through the issuance of a notice to comply pursuant to section 39-6.4(A), then civil citations, and then a criminal citation as needed in order to achieve compliance.

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

39-6.1 - Civil Citations.

A. Any continuing violation of this chapter constitutes a public nuisance and may result in the issuance of a civil citation by the City as set forth in Chapter 26 of this Code. Imposition of a fine or penalty assessment shall not relieve the owner of the responsibility for abatement of the violation(s) or excuse him/her from liability for any and all costs incurred by the City for abatement.

B. Any person that violates this chapter shall be subject to a civil penalty of two hundred fifty dollars (\$250) base fine for the first violation, five hundred dollars (\$500) base fine for a second violation and one thousand dollars (\$1,000) base fine for a third violation in any twenty four (24) month period. Any civil penalty imposed shall also be subject to all surcharges and fees imposed by state law. The dates of the offenses are the determining factor for calculating the twenty four (24) month period.

C. Any person who commits a violation of a provision of this chapter after previously having been found responsible for committing three (3) or more civil infractions of this chapter within any twenty-four (24) month period, whether by admission, by payment of the fine, by default, or by judgment after hearing, shall be guilty of a Class 1 criminal misdemeanor punishable as set forth in Subsection 1-8.3 of this Code. The Chandler City Prosecutor is authorized to file a Class 1 criminal misdemeanor complaint in the Chandler Municipal Court against such habitual offenders who violate this Section. For purposes of calculating the twenty-four (24) month period under this paragraph, the dates of the commission of the offenses are the determining factor.

39-6.2 - Criminal Complaints.

A. The Zoning Administrator or any other City agent or employee duly authorized may seek the issuance of a complaint in the Chandler Municipal Court by a police officer or the Chandler City

Prosecutor for criminal prosecution of any person who fails to perform any act or duty required by this chapter.

B. Criminal action and proceeding under this chapter shall be designated a Class 1 misdemeanor and shall be commenced and prosecuted and is punishable as set forth in Subsection 1-8.3 of this Code in accordance with the laws of the State of Arizona relating to misdemeanors and the Arizona Rules of Criminal Procedure.

C. In no event shall the owner of premises where the violation has occurred be held criminally responsible for a temporary sign violation of this Chapter committed by a tenant in possession of the premises or other third party.

39-6.3. - Revocation of permits.

The Zoning Administrator shall have the authority to revoke any permit which has been granted when it has been determined that the sign authorized by the permit has been constructed or is being maintained in violation of the permit.

A. Notice of the Zoning Administrator's decision to revoke a sign permit shall be served on the holder of the permit by:

1. Delivering a copy of the notice to the holder of the permit, mail return receipt requested, to the last-known post office address of the holder of the permit; and
2. Leaving a copy of the notice with any person in charge of the premises and a copy mailed to the property owner; or
3. In the event no such person can be found on the premises, by affixing a copy of the notice in a conspicuous position at or near the entrance to the premises.

B. The holder of the permit may appeal the decision of the Zoning Administrator to the Board of Adjustment. This appeal must be made within thirty (30) days from the date when the notice was served.

C. If no appeal has been filed by the end of the thirty-day appeal period, then the permit is revoked and the sign is illegal. The Zoning Administrator shall then initiate the procedure for the removal of the illegal sign.

39-6.4. - Removal of signs.

The Zoning Administrator is hereby authorized to require the removal of any illegal sign as defined by this chapter.

A. Before bringing action to require the removal of any illegal sign, except as noted hereafter, the Zoning Administrator shall give written notice to the owner of the sign or the owner of the premises on which the sign is located. The notice shall state the reasons for removal, listing the deficiencies or defects in the sign with reasonable definiteness, and the violations charged. The

notice shall include what repairs if any will make such an installation conform to the requirements of this chapter. The notice shall specify that the sign must be removed or made to conform with the provisions of this chapter within the time period listed below. Service of the notice shall be by any of the following methods:

1. Delivery in person to the owner, occupant, manager or agent of the premises where the violation has occurred, or to the person responsible for the violation;
2. Posting on or about the entrance of the premises where the violation occurred;
3. By first class mail, postage prepaid, addressed to the owner, occupant, agent, manager or responsible person at the last known address. Service by mail is deemed complete upon deposit in the U.S. mail;
4. By Certified mail;
5. By publication; or
6. By serving the owner, occupant, manager, agent, or responsible person in the same manner as provided by the Arizona Rules of Civil Procedure.

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

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

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

E. If the owner or lessee of the premises where the sign is located has not complied with this chapter by the end of the notice period, the Zoning Administrator may pursue enforcement as authorized by this chapter.

39-6.5. - Emergency removal or repair.

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

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

39-7. - Requirements and procedures.

39-7.1 Permits required. No sign shall hereafter be erected, re-erected, constructed or altered except as provided by this chapter. A separate permit shall be required for a sign or signs for each business entity, and/or separate permit shall be required for each group of sign panels on a single supporting structure. Said permits may include structural, electrical or other plan review as determined by Chapter 29 Building Regulations of the City Code.

39-7.2 Exceptions. A sign permit shall not be required for the following signs; however, such signs shall be subject to any and all applicable provisions of the City Code, including this chapter:

- A. Signs required under subsection 39-7.7.
- B. Any sign six (6) square feet or less in area not otherwise prohibited or required to obtain a permit by this chapter.
- C. Repainting.
- D. Temporary signs erected that are associated with a Special Event Permit in accordance with Chapter 32 of this Code.
- E. Signs not visible from the public right-of-way or which are not visible from one property to another, except when said signs require a permit as provided by this chapter.
- F. Vehicle signs as provided for in subsection 39-7.8(D).
- G. Window signs as provided for in section 39-9.14.
- H. Temporary signs identified in section 39-10 as not requiring a permit.
- I. Seasonal decorations.
- J. Normal repair and maintenance of conforming or nonconforming signs that does not exceed fifty (50) percent of the sign's value, as determined by a licensed sign contractor.
- K. Government signs: Nothing contained herein shall prevent the erection, construction, and maintenance of official signs of the State of Arizona and the City of Chandler, or other competent public authorities, or the posting of notices required by law.

- L. Signs protected by state statutes: Nothing contained herein shall prevent the erection, construction, and maintenance of signs authorized and/or protected by Arizona Revised Statutes.

39-7.3 Permit application and expiration.

A. *Application.* Applicants may apply for a sign permit or a temporary sign permit by completing and submitting a permit application provided by the Planning Division together with required plans and/or details identified by said application. All plans submitted with the application shall show complete details, to include size, materials, method of support or attachments, name and address of the persons or firm designing said sign and plot plan showing location of sign on the premises. Permit review time frames shall conform to time frames adopted by the City as required by Arizona Revised Statutes which are posted on the City's website. An applicant may appeal a permit denial to the Board of Adjustment within thirty (30) days from the date of denial in accordance with the appeal procedure set forth in Section 35-2503 of the City Code.

B. *Revocation of permits for nonuse.* If actual work is not commenced under any permit issued under the provisions of this section within one (1) year from the date of such permit, such permit shall become null and void.

39-7.4 Permit fees. Before issuing any sign permit required by this chapter, the City shall collect a fee in accordance with the schedule adopted by Council.

39-7.5 Construction requirements. All signs shall be designed and constructed in conformance with the Chandler Building Code. In the event there is a conflict between the provisions of this chapter and those in the Building Code, the more restrictive provision shall apply.

39-7.6 Design and Integration. All permanent signs shall be fully integrated with the design of the building and the site development, reflecting the architecture, building materials, and landscape elements of the project.

- A. The means of integrating freestanding monument signs with the architecture of the building shall be achieved through replication of architectural embellishments, colors, building materials, texture, and other elements found in the building design. As an example, a cabinet sign mounted atop a masonry base or other fixture shall not be considered as integrated with the architecture of the building. Instead, where a cabinet sign is proposed as a component of a freestanding sign, such cabinet shall be bordered or backgrounded by the architectural materials and embellishments found within the building design.
- B. Integration shall also include the use of sign graphics that are consistent in terms of lettering style, colors, and method of attachment as used for wall-mounted signage found on the building.

- C. Each unused panel on a freestanding monument sign shall have an integrated or decorative cover until said panel is utilized.
- D. When freestanding, the sign shall not exceed height standards set forth in section 39-9.16.
- E. When mounted on a building, the sign shall be located on or below the fascia or parapet wall within the limits of the tenant's occupied space.
- F. Raceways shall be mounted behind the letters only, architecturally integrated and painted to match the building.
- G. In no case shall any sign be secured with wires such as guy wires or strips of wood which are visible and not on an integral part of the sign.
- H. Signs shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
- I. In no case shall any wall sign exceed eighty (80) percent of the height of the sign band or wall to which the sign is attached, and no such sign shall exceed eighty (80) percent of the length of the leased frontage or eighty (80) percent of the length of the sign band or wall to which the sign is attached. Sign band refers to the specific area on a building or tenant space where signs may be installed.

39-7.7 Required signs. Every building, including single-family homes or group of buildings must be identified by a street number.

39-7.8 Location restrictions for all signs (permanent and temporary).

A. Clearance from fire escapes, exits or standpipes. No sign or structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any standpipe, or any ingress or egress from any door, window, fire escape or any other exit required by Building Code or Fire Department regulations.

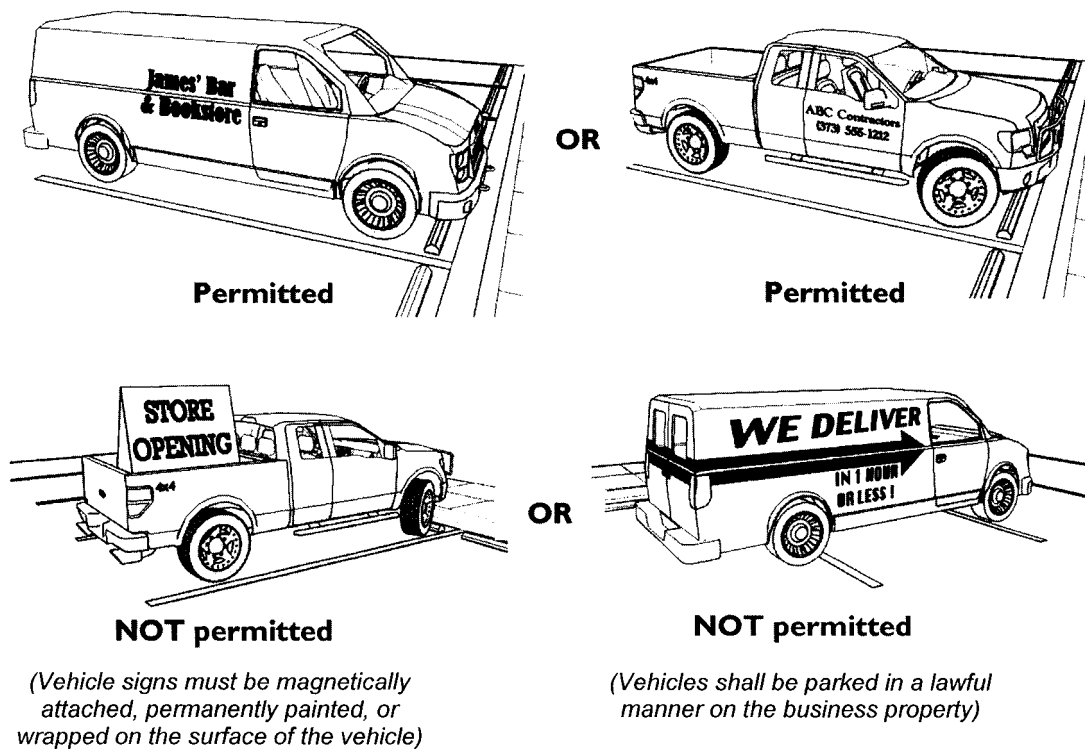
B. Vehicular and pedestrian traffic safety. No sign shall obstruct traffic by obstructing the vision of motorists as determined by the Traffic Engineer. No detached sign shall be located adjacent to driveways so as to result in a traffic hazard. No sign shall obstruct minimum pedestrian clearance required by Americans with Disabilities Act or as required by this chapter whichever is greater.

C. Signs on public property. No person, firm or corporation shall erect or cause to be erected any sign which projects over any public sidewalk, street, alley or public place except for signs approved through a special event permit as provided for in Chapter 32 of the Chandler City Code and signs allowed in the public right-of-way as provided for in section 39-7.8(E).

D. Signs on vehicles. The intent of these regulations is to prohibit the use of vehicle signs as permanent freestanding signs in order to protect the aesthetic qualities of the City's built

environment and promote the effectiveness of permitted signs as provided for in section 39-1. No sign shall be erected or attached to any vehicle except for signs that are magnetically attached to or permanently painted or wrapped on the surface of a vehicle. The primary use of such vehicles shall be in the operation of the business, e.g. transporting goods or providing services, and not in displaying a sign. Vehicles shall be operable and properly licensed. When not in use, the vehicle shall be parked in a lawful manner on the business property so as not to be visible from the public right-of-way, or if this is not possible, as far from the public right-of-way as possible.

Figure 7.8-D1



E. *Signs in public right-of-way.* The City of Chandler finds that a proliferation of signs in the public right-of-way creates aesthetic blight and visual clutter, which obstructs views, distracts the traveling public and threatens the public health, safety and welfare. The intent herein is to allow a limited number of signs in the public right-of-way in order to maintain safe visibility and protect the aesthetic beauty of the City's built environment. As such, no sign shall be erected or maintained in the public right-of-way except for:

1. Official bus stop advertising signs;

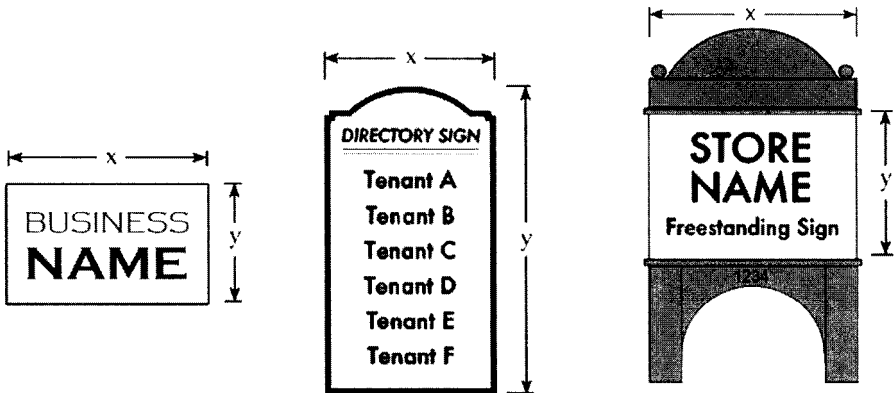
2. Permanent signs installed or displayed by a business or nonresidential use that occupies a building that fronts onto and abuts the public right-of-way as provided for in sections 39-9.13 Blade Signs and 39-9.18 City Center District;
3. Temporary signs expressly provided for in Section 39-10;
4. Official signs posted by the State of Arizona, the City of Chandler, or other public authorities;
5. The posting of notices required by law; and
6. Signs protected by Arizona Revised Statutes.

39-7.9 Sign Area and Height Calculations.

A. Sign area is calculated as follows:

1. Signs with backgrounds: Signs with copy mounted, affixed, or painted on a background panel or surface distinctively painted, textured or constructed as a background for sign copy, shall be calculated as that area contained within the smallest rectangle that encloses both the sign copy and the background, not including the supporting structure or architectural embellishments, as shown in

Figure 7.9-A1.



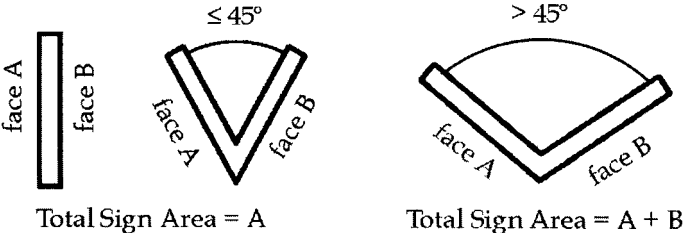
2. Signs with individual letters or graphics: The area for signs consisting only of individual letters, numerals, symbols, or other similar components shall be calculated as the area of a single rectangle that encompasses all sign components, as shown in Figure 7.9-A2.

Figure 7.9-A2



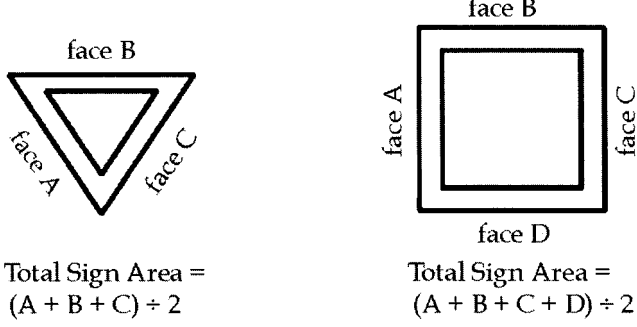
3. Two-face signs: Where a sign is double-faced, or V-shaped and the interior angle between the two sign faces is 45 degrees or less, only the larger single face shall be used to determine sign area. If the angle between the two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two sign faces, as shown in Figure 7.9-A3.

Figure 7.9-A3



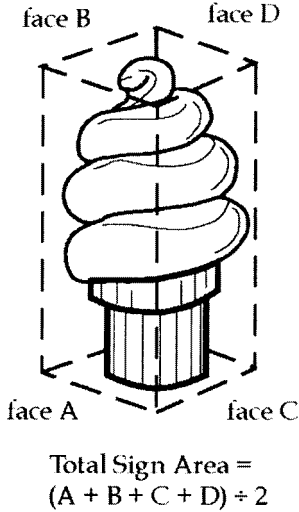
4. Three- or four-face signs: The sign area for three- or four-face signs shall be calculated as 50% of the sum of the areas of all sign faces, as shown in Figure 7.9-A4.

Figure 7.9-A4



5. Spherical, free-form, sculptural or other non-planar signs: The area for non-planar signs shall be calculated as 50% of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure, as shown in Figure 7.9-A5.

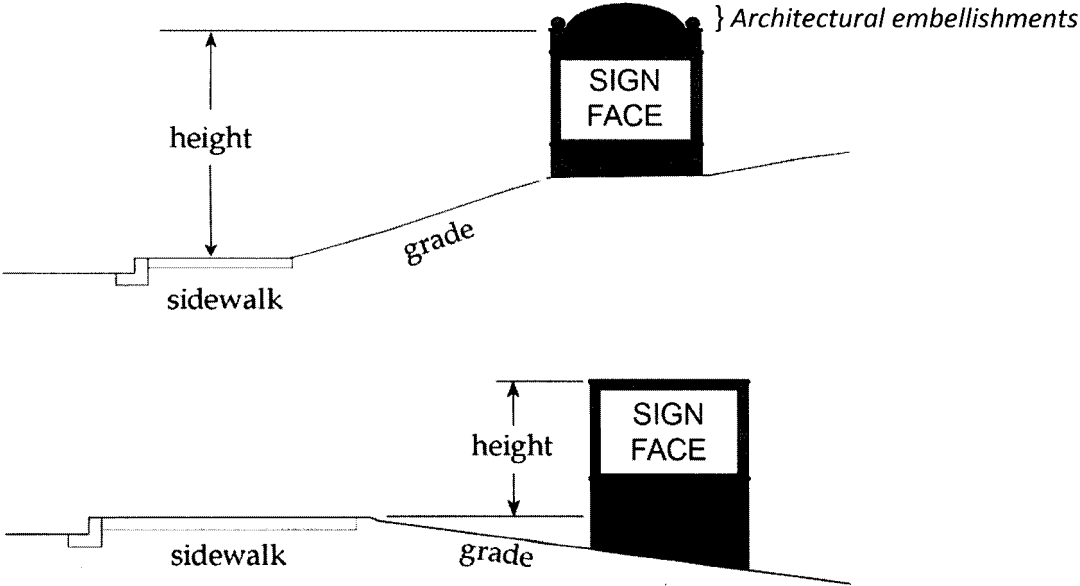
Figure 7.9-A5



B. Sign height shall be measured as follows:

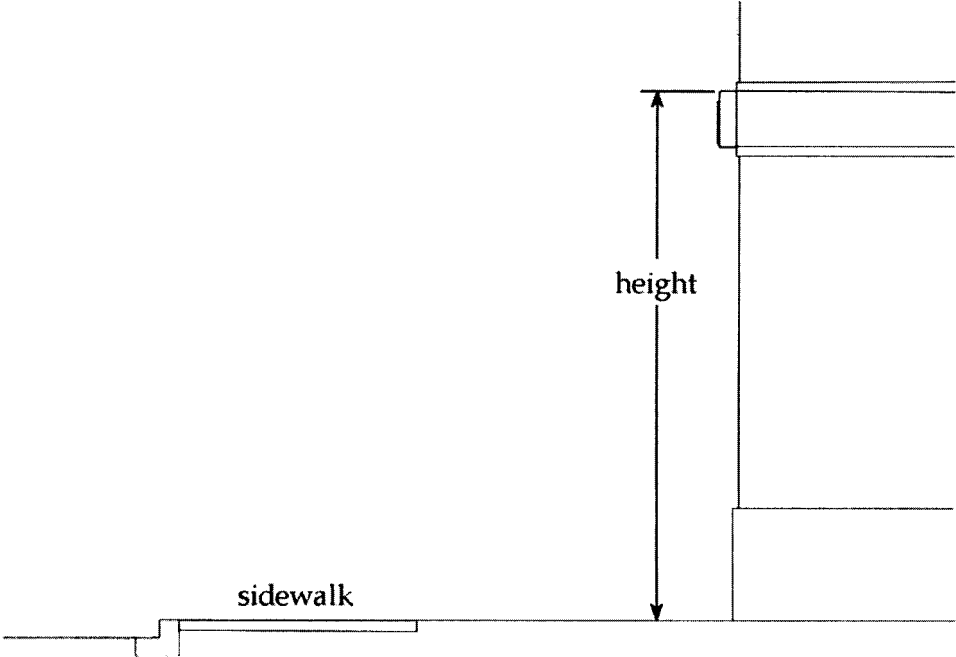
1. Freestanding Monument Signs: Sign height is measured as the vertical distance from ground level (finished grade of existing sidewalk, or where there is no sidewalk, the street centerline), to the top of the freestanding sign, not including architectural embellishments, as shown in Figure 7.9-B1.

Figure 7.9-B1



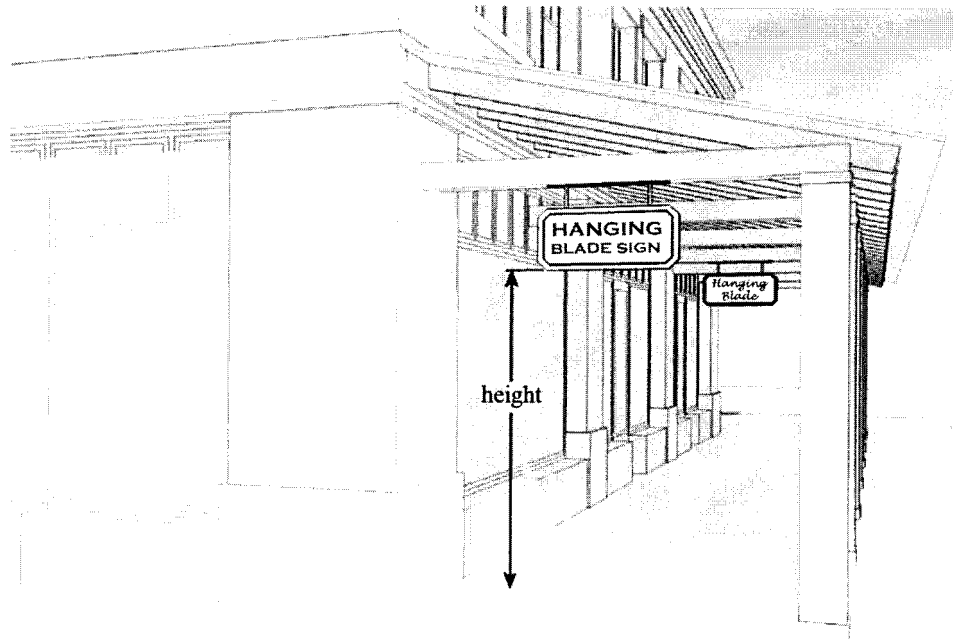
- 2. Wall Signs: The maximum height of wall, projecting, awning, fascia, mansard, parapet, window-mounted, or other building mounted signs is the vertical distance measured from the first floor elevation to the top of the sign or sign structure as shown in Figure 7.9-B2.

Figure 7.9- B2



- 3. Blade Signs: The minimum clearance height of hanging blade signs and projecting blade signs is measured from finished grade/sidewalk to the bottom of the blade sign as shown in Figure 7.9-B3.

Figure 7.9-B3



4. Temporary signs: The maximum height for all temporary signs is measured from the sidewalk to the highest point of any portion of the sign.

39-7.10 Inspections. All signs for which a permit is required shall be subject to the following inspections:

- A. Footing inspection on all freestanding signs exceeding fifty (50) square feet in area and/or exceeding thirty (30) inches in height.
- B. All signs containing electrical wiring shall be subject to the Electrical Code of the City and the electrical components shall bear the label of an approved testing agency.
- C. Inspection of all braces, anchors, supports and connections, including wall signs.
- D. Shop and/or site inspection to ensure that the sign has been constructed according to approved application and valid sign permit.

39-7.11 Identification.

- A. All permanent signs regulated by this chapter shall be marked with the maker's name and the person or firm erecting such sign, the date of installation, and the permit number. This identification shall be permanently attached to the exterior surface of the sign in a location where the information will be readily visible, legible, and accessible after installation of the sign.
- B. Temporary signs, except for those not requiring a permit under section 39-10, shall be marked to show permit number and expiration date.

39-7.12 Maintenance. All signs shall be maintained in good order and repair at all times so that they constitute no danger or hazard to public safety.

39-8. - Prohibited signs.

A. The following signs are prohibited:

1. Signs that pose a traffic hazard due to their position, size, shape, movement, coloring, or manner of illumination which may be confused as a traffic control device or which hide from view any traffic sign or signal; obstruct the view of motor vehicle operators entering the public right-of-way; or create an unsafe distraction or obstruction for motor vehicle operators;
2. Signs that outline a building by means of neon lighting, incandescent lighting or other exposed artificial lighting;
3. Fixed balloons;
4. Signs that contain or consist of exposed incandescent bulbs exceeding forty (40) watts each, or neon or similar tube type of illumination exceeding thirty (30) milliamps, except as provided for in section 39-9.18 City Center District;
5. Signs which are abandoned for a period of ninety (90) days or greater;
6. Signs that have flashing, blinking, fluttering or rotating lights, lasers, or other illuminating devices which exhibit movement, except digital signs as provided for in section 39-9.15, or when approved for City sponsored public events, or through a special event permit as provided for in Chapter 32 of the Chandler City Code;
7. Signs that produce odor or audible sound;
8. Signs that contain mechanical movement or movement controlled by any other means, except for air activated signs as provided for in section 39-10 Temporary Signs;
9. Signs that are painted, attached or mounted on fuel tanks, storage containers and/or solid waste receptacles or their enclosures, except for those required by law;
10. Signs that are installed or displayed without the property owner's approval; and
11. Billboards.

39-9. – Permanent signs permitted.

39-9.1 Single-family residential.

A. *Individual single family lots.*

1. A single-family residence is allowed one (1) sign only, not to exceed five (5) feet in height or two (2) square feet in area, if it is freestanding. Said sign shall not be illuminated, except by indirect lighting. No permit shall be required.
 2. A single family lot which has been granted a Use Permit by City Council as provided in section 35-305 of the Chandler City Code to operate a nonresidential land use may display signage in compliance with the Residential Conversion Policy as approved by the City Council. A sign permit shall be required to ensure conformance with Use Permit approval.
- B. *Single family subdivisions.* Subdivisions may display signs subject to the following standards:
1. Signs shall be attached to a perimeter wall or a decorative masonry wall in a landscaped setting not to exceed six (6) feet in height.
 2. The location of said signs shall be limited to the entrances of single family subdivisions.
 3. Signs shall not be illuminated, except by indirect lighting or halo lighting.
 4. Each sign shall not exceed fifty (50) square feet in area.
 5. A sign permit shall be required.
- C. Flags are permitted as provided for in section 39-9.12.

39-9.2 Multiple-family development.

- A. The total permanent sign area allowed, including wall signs and freestanding signs, is one (1) square foot for each dwelling unit. However, in no instance shall this total sign area exceed sixty (60) square feet, with no more than thirty-two (32) square feet fronting on any one (1) street.
- B. For other permitted buildings, the sign area permitted shall not exceed thirty-two (32) square feet.
- C. Signs shall not be illuminated, except by indirect lighting or halo lighting.
- D. A sign permit shall be required.
- E. Flags are permitted as provided for in section 39-9.12.

39-9.3 Mobile home parks. Signs in mobile home parks are the same as provided for multiple-family development.

39-9.4 Quasi-public uses, institutional uses, churches, fraternal organizations, and civic organizations.

- A. The total amount of permanent sign area allowed, including wall signs and freestanding signs, is thirty-six (36) square feet.
- B. One-half ($\frac{1}{2}$) of the freestanding sign area may be a change panel or digital sign.
- C. Permanent signs shall require a sign permit.
- D. Flags are permitted as provided for in section 39-9.12.

39-9.5 PCO Planned Commercial Office District.

A. Buildings developed in the PCO District shall be permitted one (1) wall sign or one (1) freestanding sign per lot or parcel. Said sign shall require a sign permit and shall comply with the following standards:

- 1. Wall signs shall not exceed ten (10) feet above first floor elevation and shall not exceed one (1) square foot in area for each one (1) linear foot of business frontage. Said signs shall be wall- or window-mounted, on or under an architectural projection, and shall not project more than two (2) feet from the building or structure to which it is attached.
- 2. Freestanding Monument Signs.
 - a) A single panel sign shall not exceed sixteen (16) square feet. Multipanel signs shall be limited to four (4) square feet per panel with a combined maximum of thirty-two (32) square feet.
 - b) Freestanding signs shall not exceed six (6) feet in height above ground level.

B. Flags are permitted as provided for in section 39-9.12.

C. Blade signs are permitted as provided for in section 39-9.13.

39-9.6 C-1 Neighborhood Commercial District.

A. Wall signs shall not exceed one (1) square foot in area for each one (1) linear foot of business frontage. Said signs shall be wall- or window-mounted, on or under an architectural projection, and shall not project more than two (2) feet from the building or structure to which it is attached.

B. Freestanding Monument Signs.

- 1. One (1) freestanding sign not to exceed one hundred (100) square feet in total area is allowed per single-user site.
- 2. Freestanding signs for shopping centers and other multi-user sites shall conform to the standards set forth in subsection 39-9.16. of this section.

- C. Wall signs and freestanding monument signs shall require a sign permit.
- D. Window signs are permitted as provided for in subsection 39-9.14.
- E. Flags are permitted as provided for in section 39-9.12.
- F. Blade signs are permitted as provided for in section 39-9.13.

39-9.7 C-2 Community Commercial District.

A. Wall signs shall not exceed two (2) square feet in area for each linear foot of business frontage. Said signs shall be wall- or window-mounted, on or under an architectural projection. The sign shall not project more than two (2) feet from the building or structure to which it is attached. No wall sign shall exceed two hundred (200) square feet in area.

B. Freestanding Monument Signs:

1. One (1) freestanding sign for each single-user site not to exceed one (1) square foot of sign area for each linear foot of business frontage. Where the developed parcel has an excess of three hundred (300) feet of street frontage, one (1) additional freestanding sign may be erected for each additional three hundred (300) feet of street frontage, not to exceed two (2) freestanding signs per block. The Zoning Administrator may allow a minor deviation from the three hundred (300) feet separation, upon finding that such a reduction is necessary to accommodate a special circumstance that is not self-imposed by the property owner or applicant. For example, said minimum separation would not be possible due to the location of an existing utility pedestal, street scupper, or driveway and the length of the property does not provide opportunity to exceed said separation. Said reduction shall not exceed thirty (30) feet. In no instance, shall a freestanding monument sign be located closer than fifty (50) feet from the property line of a residential development.
2. Freestanding signs for shopping centers and other multi-user sites shall conform to the standards set forth in subsection 39-9.16.
3. In no event shall the total combined area of all freestanding signs exceed four hundred (400) square feet for each developed parcel.

- C. Wall signs and freestanding monument signs shall require a sign permit.
- D. Window signs are permitted as provided for in subsection 39-9.14.
- E. Flags are permitted as provided for in section 39-9.12.
- F. Blade signs are permitted as provided for in section 39-9.13.

39-9.8 C-3 Regional Commercial District.

A. Wall signs shall not exceed two (2) square feet in any area for each linear foot of business frontage. Said signs shall be wall- or window-mounted, on or under an architectural projection. The sign shall not project more than two (2) feet from the building, or structure to which it is attached. No wall sign shall exceed two hundred fifty (250) square feet in area.

B. Freestanding Monument Signs:

4. One (1) freestanding sign for each developed area or parcel not to exceed one and one-half (1½) square feet of sign area for each linear foot of business frontage. Where the developed parcel under single ownership has an excess of three hundred (300) feet of street frontage, one (1) additional detached bonus sign may be erected for each additional three hundred (300) feet of street frontage, not to exceed two (2) detached signs per block. The Zoning Administrator may allow a minor deviation from the three hundred (300) feet separation upon finding that such a reduction is necessary to accommodate a special circumstance that is not self-imposed by the property owner or applicant. For example, said minimum separation would not be possible due to the location of an existing utility pedestal, street scupper, or driveway and the length of the property does not provide opportunity to exceed said separation. Said reduction shall not exceed thirty (30) feet. In no instance, shall a freestanding monument sign be located closer than fifty (50) feet from the property line of a residential development.
1. Freestanding signs for shopping centers and other multi-user sites shall conform to the standards set forth in subsection 39-9.16.
2. In no event shall the total combined area of all freestanding signs exceed four hundred fifty (450) square feet.

C. Wall signs and freestanding monument signs shall require a sign permit.

D. Window signs are permitted as provided for in subsection 39-9.14.

E. Flags are permitted as provided for in section 39-9.12.

F. Blade signs are permitted as provided for in section 39-9.13.

39-9.9 Industrial zones. In all industrial zones, permitted signs shall be in accordance with provisions in the C-3 District.

39-9.10 AG-1 Agricultural District.

A. One (1) freestanding monument sign is permitted. It shall not exceed twenty-four (24) square feet in area.

39-9.11 Planned Area Development. For such properties zoned with a planned area development (PAD) designation, all signing shall be subject to the standards specified for the C-3 zoning district unless otherwise governed by sign criteria specified either as part of a Preliminary

Development Plan approval by the Planning and Zoning Commission and City Council, or other previous sign package approval by the City.

39-9.12 Flags. Flag poles and flags shall comply with the following standards:

- A. No more than three (3) flag poles shall be installed on each single family residential lot, multifamily development, model home cluster, shopping center, or other multiuser site. Said flag poles may be wall-mounted or permanently installed in the ground.
- B. Permanently installed in-ground flag poles shall require permit approval to ensure they are structurally sound and comply with the standards provided herein. A permit shall not be required for wall-mounted flag poles. A separate permit shall not be required to display flags.
- C. The minimum setback for permanently installed in-ground flag poles shall equal one-half (1/2) the setback required for a principal building as set forth by the zoning district in which it is located.
- D. Flag pole height.
 - 1. Permanently installed in-ground flag poles and wall-mounted flag poles in single family residential districts shall not exceed twenty five (25) feet in height, or shall not be higher than the highest point of the principal building's roof, whichever is lower.
 - 2. Permanently installed in-ground flag poles and wall-mounted flag poles in multiple family districts and model home clusters shall not exceed fifty (50) feet in height or shall not be higher than the highest point of the nearest principal building's roof on the premises, whichever is lower.
 - 3. Permanently installed in-ground flag poles and wall-mounted flag poles in nonresidential districts shall not exceed one hundred (100) feet in height or shall not be higher than the highest point of the nearest principal building's roof on the premises, whichever is lower.
- E. In any district, the length of each flag, which is the longer side of a flag that is perpendicular to the flag pole, shall not exceed one third (1/3) of the maximum height allowed for in-ground flag poles.

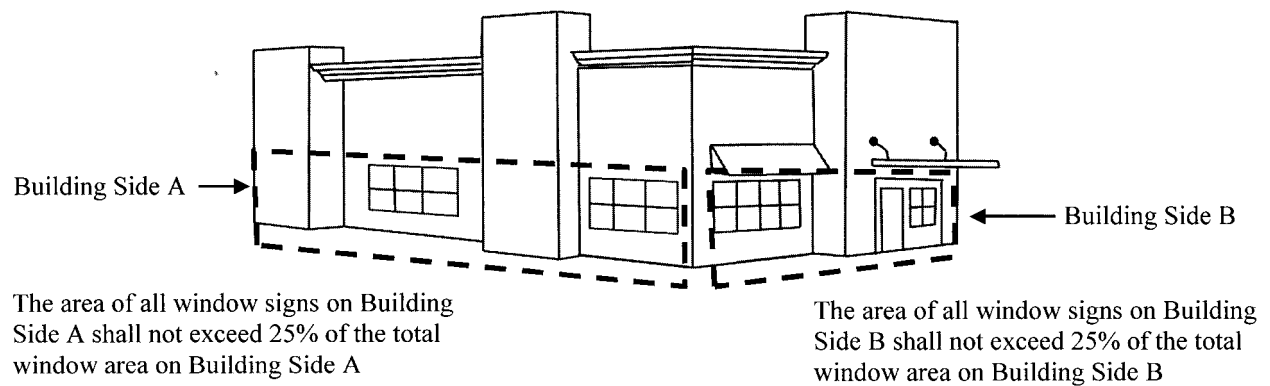
39-9.13 Blade signs. Blade signs may be used by businesses whose front entrance is under a roof overhang which extends over a public right-of-way. These signs are included as part of the total allowed sign area.

- A. Only one (1) sign shall be allowed for each business, and a sign permit is required for such sign.

- B. The sign may be a projecting blade sign attached to the front wall of the building or a hanging blade sign hanging from the roof overhang or colonnade, which is located next to the business entrance.
- C. The sign must be perpendicular to the building front and shall not exceed four (4) square feet in area.
- D. The minimum clearance of the sign shall be seven (7) feet above the sidewalk in accordance with subsection 30-7.9(B)3.
- E. No part of the sign shall project beyond the overhang of the roof or any corner of the building.

39-9.14 Window signs. Window signs may be painted on or otherwise displayed from the surface of any window, showcase or other similar facility. The area of such signs shall not exceed twenty-five (25) percent of the total window area on any one side of a building as illustrated in Figure 9.14-A. The area of said sign shall not be included in the total allowed sign area.

Figure 9.14-A



39-9.15 Digital signs. Digital signs shall comply with the following criteria:

- A. *Automatic dimming capability:* All digital signs shall be equipped with a fully operational light sensor or other device that automatically adjusts the intensity of the sign according to ambient light conditions.
- B. *Measurement criteria:* Ambient light conditions shall be measured with the digital sign off. The illuminance of a digital sign shall be measured while it is displaying a white image for a full color-capable digital sign, or a solid color for a single-color digital sign. All measurements shall be taken as close as practical to be perpendicular to the sign at a distance determined by the Zoning Administrator.

- C. *Illumination limit*: The difference between the foregoing off (ambient light) and the full digital sign display measurements shall not exceed 0.3 footcandles at night.
- D. *Manual control*. Digital signs shall be designed with the capability of freezing the display in one static position, displaying a full black screen, or turning the sign off in the event of a malfunction.
- E. *Required permits*: All digital signs shall require a sign permit.

39-9.16 Signs for shopping centers and other multiuser sites.

- A. Sign criteria shall be established as part of a Preliminary Development Plan (PDP) or building/sign plan review process. A sign permit shall be required for any of the signs provided for herein.
- B. Wall signs for shopping centers and other commercial and industrial sites shall be subject to the development standards as specified in this chapter for the particular district in which the property is zoned. Cabinet signs shall not exceed twenty five (25) percent of the installed sign area. Signs shall be integrated with building façades and shall be proportional to the scale of the façades so that they are not the dominant architectural features.
- C. Freestanding monument signs for shopping centers and other multitenant commercial centers (individually, collectively, "centers") and for industrial sites shall be subject to the following standards:
 - 1. One (1) freestanding sign per arterial street, not to exceed one (1) square foot of sign face area for each linear foot of business frontage. One (1) additional sign may be erected for each additional three hundred (300) feet of frontage along an arterial street. Said signs shall not be less than three hundred (300) feet apart, except that the Zoning Administrator may allow a minor deviation from said separation upon finding that such a reduction is necessary to accommodate a special circumstance that is not self-imposed by the property owner or applicant. For example, said minimum separation would not be possible due to the location of an existing utility pedestal, street scupper, or driveway and the length of the property does not provide opportunity to exceed said separation. Said reduction shall not exceed thirty (30) feet. In no instance, shall a freestanding monument sign be located closer than fifty (50) feet from the property line of a residential development.
 - 2. Maximum sign height shall not exceed six (6) feet, except as provided below:
 - a) A center, but not an industrial site, located at the corner of two (2) major arterials may have no more than one (1) sign with a maximum height of fourteen (14) feet.
 - b) A center, but not an industrial site, at all other locations except the corner of two (2) major arterials may have no more than one (1) sign with a maximum height of ten (10) feet.

c) All other signs at a center, but not an industrial site, may be increased to a maximum height of eight (8) feet provided that they are enhanced with a higher level of design as provided for in subsection 39-9.16(C)3 below.

d) Notwithstanding subsections (a), (b) and (c) above, in no instance shall any sign located at the street corner of a center, or located less than one hundred fifty (150) feet from the street corner along either frontage, exceed a maximum height of eight (8) feet.

e) Notwithstanding subsections (a), (b), (c) and (d) above, signs located within one hundred (100) feet from the property line of a residential development shall not exceed six (6) feet in height.

3. Each freestanding sign as permitted herein shall feature no more than three (3) panels. Notwithstanding the foregoing, signs enhanced with a higher level of design may be eligible for an additional two (2) panels for a total of no more than five (5) panels per freestanding sign. Higher levels of design may include but not be limited to:

- a) Increasing architectural integration with buildings in the center.
- b) Utilizing individual three-dimensional letters or other three-dimensional sign components.
- c) Enhancing landscaped setting around the sign.
- d) Upgrading quality materials.
- e) Eliminating cabinet panels.

4. Notwithstanding subsection 39-9.16(C)1, a center may erect one additional freestanding monument sign at the street corner, and/or main entrance(s) of the site subject to the following standards:

- a) One (1) freestanding sign shall be allowed for each property unless it is a corner lot, in which case one (1) sign shall be allowed per street front.
- b) Said sign(s) shall be excluded from the total number of freestanding signs allowed in subsection 39-9.16(C)1.
- c) Said freestanding sign(s) shall be in the form of a decorative wall placed in a landscaped setting.
- d) The height of said sign shall not exceed six (6) feet from ground level.
- e) Said sign(s) shall not contain any panels as provided for in subsection 39-9.16(C)3.
- f) The maximum sign area for each additional freestanding sign shall not exceed thirty two (32) square feet.

5. Notwithstanding subsection 39-9.16(C)3, a center may add one (1) additional sign to each freestanding monument sign permitted therein. Said sign shall not be a panel, shall be proportional to the size of the freestanding monument sign on which it is located, and shall be excluded from the total allowable sign area therein.

D. *Additional quality standards.* The intent of the following standards is to encourage creative and innovative design techniques, quality and merit. A minimum of three (3) of the following items shall be achieved for shopping centers, office and commercial complexes:

1. Incorporate site signage on low planter walls in lieu of freestanding monument signs to create a shared identity for the site.
2. Utilize letters and other sign components that are halo or indirectly illuminated throughout the entire site.
3. Utilize individual reverse pan channel letters throughout the entire site.
4. Letter size shall be limited to fifteen (15) percent of the building height for all wall-mounted signs.
5. Incorporate landscape planter feature at base of all freestanding monument signs.
6. Cabinet signs shall be limited to ten (10) percent of the total allowable sign area.
7. Any other design amenity, which is otherwise not required but which meets the general intent for design innovation, may be substituted for any of the above additional quality standards.

39-9.17 Reserved.

39-9.18 CCD—City Center District.

A. *General requirements.*

1. For those installations involving paint applied to a sign board, all copy and borders shall be applied with a high quality acrylic latex and primer, in accordance with manufacturer's recommendations.
2. Only signage which is surface-mounted may be permitted on the side or rear elevation of a building, provided however, that such elevation is improved in an architectural manner similar to the front elevation of the building. The design of such signage shall comply with the standards and requirements for surface-mounted signs above the colonnade as set forth herein.
3. All signage materials, including sign boards and letter styles, shall to the extent possible, replicate the historic look of signage consistent with the Early Twentieth Century commercial architecture of buildings within the City Center District (CCD),

as described in Chapter 35, section 3204(h) of this Code, or enhance said historic qualities in a manner that further improves the quality of the downtown environment.

4. All surface-mounted signage, whether above or below the colonnade, shall be manufactured as individual letters, or be manufactured as a sign board which may then be mounted onto the building wall surface. No signage shall be painted directly onto the exterior wall surface of any building above or below the colonnade, except for window graphics.
5. Surface-mounted signage above the colonnade shall be the only type of signage permitted for internal illumination by the business owner or building owner. Indirect lighting for surface-mounted signage above or below the colonnade, wherein such lighting is not provided by the City, shall be prohibited.
6. Raceways may be used for the purpose of electrifying individual letters constituting a surface-mounted sign above the colonnade. If used, such raceway shall be mounted behind the letters only, and painted to match the building.
7. Sign copy and borders may be any color; background colors shall either match, or otherwise complement, the building color. If used, sign borders shall be a maximum four (4) inch width.
8. As provided herein, sign boards shall either be: two (2) inch thick solid redwood sandblasted to a depth of three-eighths (3/8) inch to one-half (1/2) inch, or a manufactured facsimile thereof; or other fabrication of metal or other materials that achieve a two (2) inch thickness and provides exterior durability.
9. As provided herein, the use of neon as a means of illumination, whether internal or external to a sign face, shall be permitted at the rate not to exceed one (1) such sign above the colonnade per business occupant.
10. Any sign installation for which a City of Chandler building permit was issued prior to the effective date of these regulations, which subsequently becomes non-conforming to these regulations as defined in this chapter, may continue in existence in the manner provided for in section 39-5 of this Code.
11. For any sign proposed to overhang any portion of the public right-of-way, a separate building permit shall be required in accordance with the standards and requirements of the Building Code as adopted by the City of Chandler, and an encroachment permit shall be required in accordance with Chapter 46 of the Chandler City Code.
12. All signs shall be maintained in a "like new" condition.

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

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

- a) For signs comprising one (1) line of copy, no letter or logo shall exceed twenty-four (24) inches in height; for signs comprising the maximum allowable two (2) lines of copy, the combined height of both lines of copy together with the space between lines, shall not exceed thirty-six (36) inches of height. Length of said signs shall not exceed eighty (80) percent of the storefront width.
- b) Signs may be mounted flush, angled, bowed, or perpendicular to the wall surface, and where possible, be centered horizontally over the storefront. Irrespective of the method used for mounting, no sign shall extend above the top of the wall parapet, nor be mounted on any roof or roof fascia. No sign shall extend more than four (4) feet from the exterior face of the building wall, and no sign shall overlap any window, door, or architectural feature. Maximum sign face area for any sign mounted perpendicular to the exterior face of the building wall shall be twenty-four (24) square feet.
- c) Signs may be illuminated by internal sources, including reverse pan channel techniques. Any use of neon lighting, mounted to the exterior surface of letters or logo, shall be single tube only. In no event shall any flashing, blinking, rotating, or light motion implying movement be permitted.
- d) No more than one (1) sign per business occupant shall be permitted.
- e) A sign permit shall be required.

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

- a) Signs may be mounted flush, angled, bowed, or perpendicular to the wall surface, and where possible, be centered horizontally within the storefront. No sign shall extend more than four (4) feet from the exterior face of the building wall, with not less than seven (7) feet vertical clearance measured from the bottom of the sign face to the finished sidewalk grade.
- b) Maximum sign face area for a flush mounted sign shall be determined by the extent of continuous flat wall surface while maintaining a minimum two (2) inch distance from any door trim, window trim, wall pop-out, or other architectural feature that constitutes a change in exterior wall plane. Maximum sign face area for any sign mounted perpendicular from the exterior face of the building wall shall be seven (7) square feet.
- c) No sign shall overlap any door, window, or architectural feature, nor shall any signage be placed above any window(s).
- d) The maximum number of signs permitted shall not exceed the ratio of one (1) sign per twenty (20) feet of storefront or portion thereof.

e) A sign permit shall be required.

3. *Colonnade hanging blade signs.*

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

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

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

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

e) Except for temporary signs as otherwise permitted in accordance with chapter 39, section 39-10 of this Code, no sign other than a colonnade hanging blade sign installed in the manner specified in this subsection, shall be hung or attached to the colonnade.

f) A sign permit shall be required.

4. *Window and door signs.*

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

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

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

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

5. Banners placed above the colonnade, for any purpose, shall require a temporary sign permit and shall be allowed for a maximum period of thirty (30) cumulative days within each six (6) month period in a calendar.

39-10. - Temporary signs.

39-10.1 Purpose. The City of Chandler finds that the proliferation of temporary signs is a distraction to the traveling public and creates aesthetic blight and visual clutter that threatens the

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

39-10.2 General regulations for all temporary signs.

- A. Temporary signs shall be allowed only in compliance with the provisions of this section.
- B. Temporary signs shall not be attached to any public facility such as government signs and supporting poles, utility poles, street lights, light poles, and trees on public property.
- C. Temporary signs shall not obstruct view or paths in a manner that creates a hazard for pedestrian or vehicular traffic.
- D. Temporary signs shall be of sufficient weight, made of durable material and be properly secured to withstand wind gusts, storms and other natural elements.
- E. No temporary signs shall be mounted on a building roof.
- F. No temporary signs shall emit sound or odor except for seasonal decorations.
- G. No temporary signs shall have animated or moving parts, except for seasonal decorations and air-activated signs as provided for in section 39-10.3(B).
- H. No temporary signs shall imitate traffic control signs, or obscure actual municipal or other public traffic control signs or devices.
- I. No temporary signs shall be placed upon private property without the property owner's approval.
- J. No temporary signs located in single family residential zones shall be illuminated, except for seasonal decorations.
- K. Search lights, strobe lights, intermittent or flashing illumination, holographic projections, laser light displays, beacons and other similar temporary signs or effects shall be prohibited.
- L. The Zoning Administrator may remove or cause to be removed any temporary sign erected, displayed upon, or projecting into public property that is not expressly allowed by this section or protected by state statute, or which presents a critical safety hazard requiring immediate action.
- M. Exceptions to general regulations for all temporary signs provided herein and specific temporary sign types as provided for in section 39-10.3 may be permitted when approved as part of a City sponsored public event or special event permit as provided for in Chapter 32 of the Chandler City Code.

39-10.3 Regulations for specific temporary sign types.

A. A-Frame or T-Frame signs.

1. Area and Height: The area of any single sign shall not exceed twelve (12) square feet in area nor exceed four (4) feet in height.
2. Location, number of signs and duration:
 - a) Each business or nonresidential use located in a commercial or industrial district may place one (1) sign within the building envelope and shall maintain a minimum five (5) foot clearance to allow unobstructed pedestrian use of the privately owned pedestrian pathway located therein. Said sign shall be displayed only during business hours. Notwithstanding the foregoing, an unlimited number of signs may be displayed when said signs are located within a permitted outside display area.
 - b) Each business or nonresidential use which occupies a building that fronts onto and abuts the edge of the public right-of-way may place one (1) sign on the public sidewalk within the building envelope. The placement of said sign shall maintain a minimum five (5) foot clearance to allow unobstructed pedestrian use of the public sidewalk. Said sign shall be displayed only during business hours.
 - c) Each single family lot or model home may place one (1) sign anywhere on the property, and each single family lot or model home cluster may place one (1) additional sign at each turning movement beginning at the subject property and extending for a maximum of one (1) mile distance from said property up to a maximum of ten (10) signs. Said signs shall be placed away from the street and no closer than five (5) feet from the curb behind the public sidewalk or no closer than five (5) feet from the edge of pavement when there is no public sidewalk. Said signs shall be displayed only on days when the property is open to the public (e.g. garage/yard sale, open house, and model home business hours).
 - d) Each multiple family development, mobile home park, or mobile home subdivision may place one (1) sign within the building envelope of the building containing the office. Said sign shall maintain a minimum five (5) foot clearance to allow unobstructed pedestrian use of the privately owned pedestrian path located therein. Said sign shall be displayed only during office hours.
 - e) Each quasi-public or institutional use not located in a commercial or industrial district may place one (1) sign within the building envelope and shall maintain a minimum five (5) foot clearance to allow unobstructed pedestrian use of the privately owned pedestrian pathway located therein. One (1) additional sign may be placed at each turning movement beginning at the property and

extending for a maximum of one (1) mile distance from said property up to a maximum of ten (10) signs. Said signs shall be placed away from the street and no closer than five (5) feet from the curb behind the public sidewalk or no closer than five (5) feet from the edge of pavement when there is no public sidewalk. Said signs shall be displayed only when said property is open to the public.

3. Approval process: No sign permit shall be required.

B. Air-activated signs.

1. Area and Height: Signs shall not exceed fourteen (14) feet in height.

2. Location:

a) Signs shall be set back a minimum of five (5) feet from the public right-of-way or a distance that is equal to the height of the sign, whichever is greater.

b) Air-activated signs shall only be allowed on nonresidential properties, except for seasonal decorations on residential properties, which do not require a permit.

3. Number of signs: No more than two (2) air-activated signs may be displayed concurrently. For the purpose of calculating the number of signs, segments of multiple pennants hung on the same premises shall collectively be considered one (1) sign and segments of streamers hung on the same premises shall collectively be considered one (1) sign.

4. Duration: Each multiple family development, business or nonresidential use shall be allotted no more than thirty (30) cumulative days within each six (6) month period in a calendar year to display air-activated signs, banners, or feather signs. One (1) day shall be counted as being exhausted from the total allotment for each day that one or any combination of the aforementioned signs is displayed.

5. Approval process: A temporary sign permit shall be required to display any air-activated sign, except common party balloons shall not require a permit when they do not exceed a height of fourteen (14) feet from finished grade.

6. Other requirements:

a) Signs shall be fastened to the ground or a structure so that it cannot shift more than three (3) feet horizontally under any condition.

b) Signs shall require compliance with applicable building codes.

C. Banners.

1. Area and Height:

- a) Banners shall not exceed the square footage of installed and/or permitted wall signs as provided for in section 39-9.
- b) Notwithstanding the foregoing, each vertical banner shall not exceed twelve (12) square feet in area.
- c) Banners attached to buildings and vertical banners affixed to a structure located within a permitted outside display area shall not project above the roof line or exceed a height of twenty five (25) feet from finished grade to the top of the banner, whichever is lower. Said banners shall maintain a minimum clearance of seven (7) feet above finished grade when placed upon an area open for common or general use of the public.
- d) Detached banners in residential areas shall not exceed a height of eight (8) feet measured from finished grade to the top of the banner.

2. Location:

- a) Banners shall not be attached to single family homes.
- b) Detached banners shall not be displayed in single family residential areas except when located at neighborhood entrances.
- c) Detached banners shall be setback a minimum of five (5) feet from the public right-of-way and driveways. Said setback shall not apply to banners affixed to a temporary construction fence.
- d) Vertical banners shall only be displayed in permitted outside display areas.

3. Number of signs:

- a) Each multiple family development, business or nonresidential use may display no more than one (1) banner, which may be attached to a building or detached. Notwithstanding the foregoing, an unlimited number of vertical banners may be displayed when affixed to structures that are located within a permitted outside display area.
- b) Each single family neighborhood may display no more than one (1) detached banner per neighborhood entrance.

4. Duration:

- a) Each multiple family development, business or nonresidential use shall be allotted no more than thirty (30) cumulative days within each six (6) month period in a calendar year to display air-activated signs, banners, or feather signs. One (1) day shall be counted as being exhausted from the total allotment for each day that one or any combination of the aforementioned signs is displayed,

except that the display of vertical banners located in permitted outside display areas and banners that are displayed during construction of a site or during a City funded or designated construction project that is located adjacent to the business or nonresidential use erecting said sign shall not be counted toward said allotment.

- b) Detached banners located at neighborhood entrances shall be displayed only on days when a neighborhood event is open to the public (e.g. neighborhood yard sale, neighborhood cleanup).
5. Approval process: A temporary sign permit shall be required to display banners as provided herein, except no permit shall be required for:
- a) Vertical banners; and
 - b) Banners that are displayed during construction of a site or during a City funded or designated construction project that is located adjacent to the business or nonresidential use erecting said sign, and which is promptly removed after construction is completed.
6. Other requirements:
- a) Detached banners shall be secured to a freestanding temporary support structure, uprights, stakes or poles that are sufficiently anchored to withstand wind pressure.
 - b) Banners shall not be tethered to or otherwise affixed to trees or any other landscaping.
 - e) Any banner that is partially torn, loose or otherwise unsecured shall be deemed unsafe and shall be immediately replaced, refastened, removed or replaced.
 - f) Banners shall not be affixed to or displayed over a freestanding monument sign.

D. Feather signs.

1. Area and Height: Feather signs shall not exceed twelve (12) square feet in area and shall not exceed eight (8) feet in height from grade.
2. Location: Feather signs shall only be allowed in multiple family districts and nonresidential properties, and shall be setback a minimum of five (5) feet from the public right-of-way or a driveway. Said signs shall not be placed closer than twenty (20) feet to another feather sign or freestanding monument sign.
3. Number of signs: Each multiple family development, business or nonresidential use may display no more than two (2) feather signs.
4. Duration: Each multiple family development, business or nonresidential use shall be allotted no more than thirty (30) cumulative days within each six (6) month period in

a calendar year to display air-activated signs, banners, or feather signs. One (1) day shall be counted as being exhausted from the total allotment for each day that one or any combination of the aforementioned signs is displayed.

5. Approval process: A temporary sign permit shall be required to display feather signs as provided herein.
6. Other requirements:
 - a) Feather signs shall be securely attached to mounting poles which are secured to the ground.

E. Large temporary freestanding signs (17 – 160 square feet).

1. Number of signs:

- a) Each nonresidential development or center that is greater than two (2) acres and each property that is currently undeveloped, used for agriculture or under construction may display one (1) large temporary freestanding sign per street frontage. Parcels with an excess of three (300) hundred feet of street frontage may display one (1) additional large temporary freestanding sign per three hundred (300) feet of street frontage. Said signs shall not be less than three hundred (300) linear feet apart, except signs posted on different parcels may be less than three hundred (300) linear feet apart from each other. The Zoning Administrator may allow a minor reduction from said separation of signs displayed on the same parcel upon finding that such a reduction is necessary to accommodate a special circumstance that is not self-imposed by the property owner or applicant. For example, said minimum separation would not be possible due to the location of an existing utility pedestal, street scupper, or driveway and the length of the property does not provide opportunity to exceed said separation. Said reduction shall not exceed thirty (30) feet.
- b) Notwithstanding the foregoing, signs or notices required or posted by a government agency shall not be counted towards the number of signs permitted herein.

2. Area, height, location and materials:

- a) The sign face of signs displayed on properties that are currently undeveloped, used for agriculture or under construction shall not exceed thirty two (32) square feet in area for the first acre or portion thereof. When the subject property exceeds one (1) acre in size, the sign area may be increased four (4) square feet for each additional acre or portion thereof not to exceed one hundred sixty (160) square feet.

- b) The sign face of signs displayed on nonresidential developments or centers containing less than ten (10) acres but more than two (2) acres shall not to exceed thirty-two (32) square feet.
 - c) The sign face of signs displayed on nonresidential developments or centers containing ten (10) acres or more are shall not exceed fifty (50) square feet and may be illuminated. Such illumination shall be indirect lighting only.
 - d) Said signs shall not exceed fifteen (15) feet in height.
 - e) Said signs shall not be placed closer than fifteen (15) feet to a public right-of-way.
 - f) All signs shall be made of a rigid and durable material that will withstand the elements.
3. Approval process and duration: Signs exceeding thirty two (32) square feet in area or eight (8) feet in height shall require a sign permit in order to ensure the structural safety of said signs. Said permit shall be valid for two (2) years and shall be renewable on an annual basis thereafter.
- F. Midsize temporary freestanding signs (7 – 16 square feet).
- 1. Number of signs:
 - a) Each parcel may display one (1) midsize temporary freestanding sign, except when it is a corner lot, in which case two (2) such signs may be used, one (1) sign per street front. Parcels with an excess of three hundred (300) feet of street frontage may display one (1) additional sign along each street front for each additional three hundred (300) feet of said street front. Said signs shall not be less than three hundred (300) linear feet apart, except signs posted on different parcels may be less than three hundred (300) linear feet apart from each other. The Zoning Administrator may allow a minor reduction from said separation of signs displayed on the same parcel upon finding that such a reduction is necessary to accommodate a special circumstance that is not self-imposed by the property owner or applicant. For example, said minimum separation would not be possible due to the location of an existing utility pedestal, street scupper, or driveway and the length of the property does not provide opportunity to exceed said separation. Said reduction shall not exceed thirty (30) feet.
 - b) Notwithstanding the foregoing, an unlimited number of the following signs may be displayed, which shall not be counted towards the number of signs permitted herein:
 - i. Signs or notices required or posted by government.

- ii. Signs leading to or displayed within a model home cluster which are not visible from an arterial or collector street.

2. Area, height, location and materials:

- a) The sign face of said signs shall not exceed sixteen (16) square feet in area.
- b) Signs displayed on nonresidential developments shall not exceed a height of twelve (12) feet.
- c) Signs displayed on residential properties shall not exceed a height of six (6) feet.
- d) Signs located in the public right-of-way shall not be closer than ten (10) feet measured from the sign post to the curb or edge of pavement where there is no curb. The sign face of said sign may encroach no more than two (2) feet into said ten (10) feet setback.
- e) No setback shall be required for signs displayed on private property.
- f) In no event shall any portion of the sign be closer than one (1) foot to a public or private sidewalk.
- g) All signs shall be made of a rigid and durable material that will withstand the elements.
- h) No sign shall be installed in the public right-of-way without first determining that no underground facilities will be encountered as required by Arizona Revised Statutes sections 40-360.22 et seq., also known as the Arizona Blue Stake Law.

3. Approval process and duration: Signs exceeding eight (8) feet in height shall require a sign permit in order to ensure the structural safety of said signs. Said permit shall be valid for two (2) years and shall be renewable on an annual basis thereafter. No permit shall be required for all other midsize temporary freestanding signs.

G. Yard Signs (\leq 6 square feet).

1. Number of signs and location:

- a) Each single family lot, model home cluster, and quasi-public or institutional use not located in a commercial or industrial district may place one (1) sign anywhere on the subject property, one (1) additional sign at each turning movement beginning at the subject property and extending for a maximum of one (1) mile distance from said property up to a maximum of ten (10) signs. Said signs shall be placed away from the street and no closer than five (5) feet from the curb behind the public sidewalk or no closer than five (5) feet from the

edge of pavement when there is no public sidewalk. Said signs shall be displayed only on days when the property is open to the public (e.g. garage/yard sale, open house, and model home business hours).

- b) Notwithstanding the foregoing, signs or notices required or posted by a government agency shall not be counted towards the number of signs permitted herein.
 - c) No sign shall be installed in the public right-of-way without first determining that no underground facilities will be encountered as required by Arizona Revised Statutes sections 40-360.22 et seq., also known as the Arizona Blue Stake Law.
- 2. Area and height: Yard signs shall not exceed six (6) square feet in area nor exceed four (4) feet in height.
 - 3. Approval Process: No permit shall be required to display yard signs.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Maricopa County, Arizona, this _____ day of _____, 2017.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this _____ day of _____, 2017.

ATTEST:

CITY CLERK

MAYOR

C E R T I F I C A T I O N

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4729 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2017, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY 

PUBLISHED:

ZCA16-0002 CITY OF CHANDLER / SIGN CODE AMENDMENT (“redlined” version)

City initiative to amend Chapter 39 (Sign Code) of the Chandler City Code by adopting a revised Chapter 39, in its entirety.

Draft date: May 22, 2017

Revisions Key:

Regular text = Existing code

Underlined text = Proposed new text

~~Strike-through text~~ = Proposed deletions

Chapter 39 - SIGN CODE

39-1. Findings and Purpose.

Signs can obstruct view, distract motorists, obstruct pedestrian and/or vehicular traffic flow, create a safety hazard, create aesthetic blight and visual clutter, and pose other problems that legitimately call for regulation. The purpose of this chapter is to regulate the size, color, illumination, movement, materials, location, height and condition of signs as defined herein displayed for exterior observation, in order to allow and promote sign communication in such a manner that:-

- A. ~~To p~~Preserves and protects the public health, safety and welfare within the City of Chandler.
- B. ~~To e~~Encourages development of private property in harmony with the desired character of the City while providing due regard for the public and private interests involved.
- C. Protects and improves the aesthetic beauty of the City’s built environment by eliminating aesthetic blight and reducing visual clutter.
- ~~CD. To p~~Promotes the effectiveness of signs by preventing their over-concentration, improper placement, and excessive size.
- ~~DE. To p~~Protects the general public from damage and injury which may be caused by the faulty and uncontrolled construction of signs within the City of Chandler.
- ~~EE. To p~~Protects pedestrians and motorists of the City of Chandler from damage or injury caused, or partially attributable to the distraction and obstructions which are hereby declared to be caused, by improperly situated signs.
- ~~FG. To e~~Enhances the flow of traffic and convenience, ease and enjoyment of travel within the City of Chandler.

39-2. - Interpretation of chapter.

- A. Where there is a conflict between the provisions of this chapter and provisions of other regulations of the City of Chandler, the provisions of this chapter shall apply.
- B. The provisions of this chapter shall apply to the erection, construction, alteration, ~~use,~~ location, and maintenance of all signs within the City of Chandler except as specified in Section 39-5.
- C. Any sign permitted by this chapter may contain a non-commercial message in lieu of any other message.

ZCA16-0002 City of Chandler / Sign Code Amendment ("redlined" version)

Draft date: May 22, 2017

D. Any provision of this Sign Code that imposes a limitation on freedom of speech shall be construed in a manner that is viewpoint neutral and treats expressive speech either the same as or less restrictive than commercial speech. Any provision of this Sign Code that is found to be an unconstitutional limitation on freedom of speech by any court shall be severed from this Sign Code in a manner that preserves the Sign Code and protects freedom of speech.

39-3. - Definitions.

~~*Appraiser:* Any licensed person, firm or corporation whose primary occupation or service is the erection, installation, renovation or alleviation of signs in the State of Arizona.~~

Balloon, common party: A common party balloon is a bag made of thin rubber or other light material that when fully inflated does not exceed three (3) feet in diameter. Common party balloons are typically inflated with air or gas that is lighter than air and tethered with a string or thin rope.

Balloon, fixed: A fixed balloon is any lighter-than-air or gas-filled balloon that is greater than three (3) feet in diameter when fully inflated and is attached by a tether to a fixed place and elevated to a height that is greater than fourteen (14) feet in order to attract attention to the business or property.

Banner: A temporary sign of fabric, plastic, paper or other flexible substrate on which copy or graphics may be displayed. Detached banners are not attached to a building and are secured to a freestanding temporary support structure, uprights, stakes or poles. Vertical banners are those that are affixed to a permanent structure such as a light pole within permitted outside display areas. For vertical banners that are mounted in-ground or on top of the ground see the definition for feather signs, light pliable material not enclosed in a rigid frame, and mounted so as to allow movements of the sign by atmospheric conditions.

Billboard: A permanent sign structure portraying information not related to an event, business, commodity, product, service, or entertainment or product existing occurring on the premises upon which the sign is located.

Block: At least seven hundred (700) feet of street frontage, including rights-of-way.

Building Code: Chapter 29 Building Regulations of the City Code.

Building envelope: The exterior area located within twenty (20) feet of the front of a building. Said area is typically designed for pedestrian use and may include features such as a sidewalk or colonnade parallel to the building front, the primary business entrance, signs, sidewalk furniture and planters.

Building front foot: The distance measured along the property line on which the lot fronts. In the event that a building fronts on two (2) or more streets, one (1) of which is primarily residential, the property owner shall be given the option of selecting one (1) street frontage for the purpose of computing allowable sign area. For corner lots abutting arterial streets, the owner may use both streets for computing sign area.

Business frontage foot: For single tenant buildings the business frontage is the lineal distance of the building measured along a straight line parallel to the street. Where said building is not parallel to the street, the business frontage shall be measured along the exterior front wall of the building. For an individual business located within a multi-tenant building, the business frontage shall be the length of the space occupied by said business measured in a straight line along the exterior front wall of the building, except for an individual business with minimal exterior frontage occupying the interior corner space of an "L" shaped multi-tenant building, in which case the business frontage may be determined by the length of the space occupied by the individual business measured in a straight line parallel to the nearest street. The lineal distance of a building measured along a straight line parallel to the street. Where a building is not parallel to the street, the business frontage foot shall be measured along the exterior front wall of the building.

Business, outdoor type: A business in which all or most of the business is conducted or items displayed in an open area subject to the zoning codes of the City of Chandler.

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~~*Curbline:* The line at the face of the curb nearest the street or roadway. In the absence of a curb, the curbline shall be determined by the City Engineer.~~

Day: Unless otherwise specified, a day shall mean calendar day.

~~*Fascia:* A parapet-type wall used as part of the fascia of a flat-roofed building and projecting not more than six (6) feet from the building face. Such a wall shall enclose at least three (3) sides of the project flat roof and return to a parapet wall or the building.~~

~~*Grand opening:* The introduction, promotion or announcement of a new business, store, shopping center or office, or the announcement, introduction or promotion of the changing of ownership of an established business.~~

~~*Ground level:* The finished grade of existing sidewalk; or where there is no sidewalk, the street centerline elevation shall be the established ground level.~~

Halo: See definition for internal indirect lighting.

~~*Height of sign:* The distance measured from ground level to the top of the sign.~~

~~*Indirect lighting:* A source of external illumination located a distance away from the sign, which lights the sign, but which is itself not visible to persons viewing the sign from any normal viewing position.~~

~~*Internal lighting:* A source of illumination entirely within the sign which makes the contents of the sign visible at night by means of the light being transmitted through a translucent material but where in the source of the illumination is not visible.~~

~~*Internal indirect lighting:* A source of illumination entirely within the sign visible at night by means of lighting the background upon which the freestanding character is mounted. The character itself shall be opaque, and thus will be silhouetted against the background. The source of the illumination shall not be visible.~~

Institutional: See definition for quasi-public.

~~*Maintenance:* The replacing or repairing a part or portion of a sign made unusable by ordinary wear or tear, not exceeding fifty (50) percent of the sign's value, as determined by an appraiser licensed sign contractor.~~

~~*Marquee:* A permanent roofed structure attached to and supported by the building and projecting over public property.~~

~~*Multiple tenant commercial building:* A commercial building or development in which exists two (2) or more separate commercial activities, where appurtenant shared facilities exist (such as parking or pedestrian mall, and which is designed to provide a single area in which the public can obtain varied products and services). Distinguishing characteristics may but need not include common ownership of the real property, common wall construction or multi-occupant commercial use of a single structure.~~

Model home cluster: A group of two (2) or more model homes (including the parking area) located next to each other, or on opposite sides of the same street that share a common sales office.

~~*Non-commercial message:* A message that does not propose a commercial transaction.~~

~~*Parapet wall:* An exterior wall of a building extending above the plat the roof line of the building.~~

Panel: The portion of a freestanding monument sign that is reserved for use by a single business, organization or other entity that is located in a commercial or industrial center. Panels can be replaced without replacing or modifying the entire freestanding sign structure.

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Public right-of-way: Any highway, street, road, lane, thoroughfare, avenue, boulevard, path, alley or other right-of-way that is maintained for public use and is publicly accessible. Public right-of-way does not include access easements on private property or any privately owned street, road, driveway, path or other similar passageway that may be connected to a public right-of-way. Public right-of-way typically includes sidewalks and landscaping on both sides of a street.

Quasi-public: Essentially public (as in services rendered) although under private or non-profit ownership or control. Quasi-public and institutional uses include educational institutions, medical institutions, religious institutions, fraternal organizations, civic organizations, and other similar uses.

Reverse pan channel: A three-dimensional letter or other sign component with opaque face and side walls and an open or translucent back that faces the wall on which it is mounted, concurrently blocking view of the light source within and allowing the wall behind to be illuminated, creating a halo effect around the letters or sign components.

Roof line: The height of the main roof structure but not to include cupolas, pylons, projections or other minor raised portions of the roof.

Seasonal decorations: Temporary decorations displayed around a holiday.

Sign: Any visual communications which is used to attract the attention of the public, when the display is visible beyond the boundaries of the property.

Sign, abandoned: A sign structure that is vacant, unoccupied, devoid of any message, or a sign that displays a message pertaining to a time, event, or purpose that no longer applies. ~~A sign which no longer correctly directs or exhorts any person, nor advertises a bona fide business, lessor, owner, product, or activity currently being conducted or product currently available.~~

Sign, A-frame: A type of temporary sign that is portable, self-supporting, and consists of a structure that resembles an “A” shape.

Sign, air-activated: Air-activated signs are temporary signs which include common party balloons, inflatable figures, balloon sculpture/arches, air-dancers, wind-driven spinners, pennants, streamers, and other figures or graphics that are filled with air or a gas that is lighter than air, or move with natural or artificially generated air flow, all of which are typically used in conjunction with a special event or activity.

Sign area: ~~The entire area within a single continuous perimeter of the sign or any existing border of the sign; to exclude the necessary supports or uprights on which the sign is placed. In any event, composition of allowable sign area includes all existing signs on the premises, whether such signs be conforming or nonconforming under the terms of this chapter. Where a sign is double faced or V-shaped, only the larger single face shall be used to determine sign area.~~

Sign, awning: A permanent sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

Sign, blade: A blade sign is a type of projecting sign mounted on a building façade, storefront pole, hanging from a roof overhang or colonnade, or attached to a surface perpendicular to the normal flow of traffic. A blade sign may be referred to as a hanging blade sign or a projecting blade sign depending on the manner in which it is attached to the building or other structure.

Sign, cabinet: A permanent sign that is internally illuminated in which a removable sign face, usually with translucent sign graphics, is enclosed on all edges by a cabinet, and the source of illumination is not visible. A cabinet sign may be multi-faced.

Sign, change panel: A permanent sign designed to permit immediate change of copy, which may be other than the name of the business.

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Sign, digital: A permanent sign with an electrically activated changeable sign face whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Digital signs may also be known as Electronic Message Centers or EMC.

~~Sign, directory:~~ A sign designed to show the relative locations of tenants in the shopping center or other multi-tenant development and/or building.

Sign face: The entire display surface area of a sign upon, against or through which copy, symbol or similar component is placed.

Sign, feather: A type of temporary sign made of flexible material that is plain or includes copy and/or graphics and is supported by a vertical pole that is anchored in or on the ground. Such signs may also be referred to by other names such as feather flag, feather banner, teardrop flag, shark fin flag, blade flag, or bow sign.

Sign, freestanding monument: A permanent sign that is supported by one (1) or more uprights or poles, a base or other similar structural foundation that is and braced in or upon the ground, is detached from any other structure or building, and is typically between six (6) feet to fourteen (14) feet in height.

Sign, low-profile: A sign not exceeding a six-foot height above ground level.

Sign, illegal: Illegal signs include any sign except the following:

- A. A sign allowed by this chapter and not requiring a permit.
- B. A sign allowed by this chapter with a permit and carrying a valid permit.
- C. A sign not allowed by this chapter but which has been legalized by PAD zoning or variance and proper permit.
- D. A sign allowed by this chapter subject to a use permit, provided the use permit has been granted and a proper permit is in force.
- E. A nonconforming sign as defined by this chapter.

Sign, nonconforming: Any permanent sign which is not permitted by this chapter, but which, when first constructed, was legally permitted by the City or the political subdivision then having jurisdiction and regulation over construction of signs.

~~Sign, on-site:~~ A sign which correctly identifies a business, commodity, service or entertainment conducted, sold or offered on the same premises as those upon which the sign is located, whether an attached sign or freestanding sign, and which may include other nonchangeable information that further identifies the type of business, commodity, service, or entertainment offered therein, including addresses and phone numbers.

Sign, permanent: Any sign constructed and intended to be of an enduring and lasting condition, remaining unchanged in character, condition (beyond normal wear) and position.

~~Sign, portable:~~ Any sign not permanently attached to the ground or to a structure on the property it occupies.

Sign, projecting: Any permanent sign attached to a building or other structure in such a manner that its face is not parallel to the wall and is extending in whole or in part beyond the building line (e.g., hanging or projecting blade signs).

Sign, T-frame: A type of temporary sign that is portable, self-supporting, and consists of an upright component that is attached to a flat base, which resembles an upside-down “T”.

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Sign, temporary: Any sign ~~not permanently embedded in the ground or not permanently affixed to a building or structure, which is not intended to be a long lasting permanent sign. Temporary signs include signs affixed to the ground by a temporary anchoring system such as, but not limited to, stakes or ballast, or footing for large temporary freestanding signs.~~ ~~, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other like materials, with or without frames, intended to be displayed for a short period of time as defined in this chapter.~~

Sign, temporary freestanding: A temporary sign that is made of a rigid and durable material that will withstand the elements, is supported by one (1) or more posts, uprights or poles and is braced in or upon the ground. Each temporary freestanding signs may be single-faced, double-faced, or V-shaped with an interior angle that is 45 degrees or less as provided for in subsection 39-7.9(A)3.

Sign, V-shaped: Signs erected upon common or separate structures which present a V-shape appearance and having an exterior angle between faces of not more than forty-five (45) degrees with a distance between faces of such signs at their closest point not exceeding two (2) feet.

Sign, vehicle: Any sign mounted or painted upon or otherwise erected on a trailer, truck, automobile or other vehicle, ~~so parked or placed so that the signs thereon are visible from a public street or right-of-way.~~

Attached Sign, wall: Any sign which is attached, fastened, connected or supported in whole or in part by a building or structure other than a freestanding sign structure which is supported wholly by the ground. Wall signs include wall mounted signs, projecting signs, awning signs and window-mounted signs. A window-mounted sign is not a window sign as defined herein.

Sign, window: Any ~~permanent sign affixed to, painted on or adhered to the interior or exterior of a glass door or window or placed inside a glass door or window and is visible from the exterior of the window, so as to attract the attention of persons outside the building.~~

Sign, Yard: A type of temporary sign that is typically less than six (6) square feet in area and is supported by one or more stakes or metal wires inserted into the ground. The sign face is typically made of a semirigid material such as corrugated plastic, sheet metal, foam board, cardboard or placard. Yard signs may also be referred to by other names including lawn signs, road signs, bandit signs, or placard signs.

Uniform Building Code: ~~The edition of the Uniform Building Code adopted for use by the City.~~

V/C case type materials: ~~Those which have a flame spread rating of two hundred twenty five (225) or less when tested in accordance with Uniform Building Code Standard No. 42-1 in the way intended for use or a smoke density rating no greater than seventy five (75) when tested in the thickness intended for use by the Chamber Method of Test under Uniform Building Code Standard No. 52-2. The products of combustion shall be no more toxic than those of untreated wood when burned under similar conditions.~~

Zoning Administrator: The person appointed and responsible for the enforcement of the Sign Code, or said person's designee.

39-4. - Requirement of conformity; ~~violations and penalties.~~

Unless specifically exempted herein, no sign shall be erected, installed, enlarged or maintained without first obtaining a permit from the City as herein provided. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or structure in the City, or cause or permit the same to be done contrary to or in violation of any of the provisions of this chapter. ~~A.~~ All signs maintained contrary to the provisions of this chapter are declared to be nuisances, and such nuisances may be abated as provided by law.

~~B.~~ Any person, firm or corporation violating any provision of this chapter or failing to comply with any order or regulations made hereunder shall be guilty of a misdemeanor and shall be guilty of a separate offense for each and every day or portion thereof during which any violation or failure to

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~~comply with this chapter is committed, continued or permitted. Upon conviction of any such violation, such person shall be subject to the penalties as set forth in Chapter 1 of the City Code.~~

39-5. - Nonconforming and abandoned signs.

A. Any nonconforming sign, as defined in this chapter, may be continued in use and reasonable repair and maintenance made to same.

B. Any nonconforming sign shall not be altered, repaired, or restored to such an extent that the cost of such alteration, repair or restoration exceeds fifty (50) percent of the sign's value, as determined by a licensed sign contractor, unless said sign is brought into conformance with the current provisions of this Code.

~~BC.~~ If any suchAny nonconforming sign that is damaged or vandalized; ~~such sign~~ must be restored in a like manner within ninety (90) days or it shall be removed or replaced with a new sign that is in conformance with the current provisions of this Code at the owner's expense. A permit may be required depending on the scope of work

D. Any sign (including nonconforming) that has been abandoned for more than ninety (90) days shall be removed or replaced with a new sign in conformance with the current provisions of this Code at the owner's expense.

E. A permit may be required for alterations or repairs to nonconforming signs that do not exceed fifty (50) percent of the sign's value depending on the scope of work (e.g. an electrical permit shall be required for signs that are illuminated electrically). Alterations or repairs to nonconforming signs that exceed fifty (50) percent of the sign's value shall require permit as provided for in section 39-7.

39-6. - Enforcement.

~~A. Authority.~~ The Zoning Administrator or designee is hereby authorized and directed to enforce all provisions of this chapter in conformance with the regulations and procedures specified herein, ~~in conjunction with the provision of the Chandler Zoning Code.~~

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

C. The City shall process violations of this ordinance against a responsible person or entity utilizing a progressive enforcement approach first through the issuance of a notice to comply, then civil citations, then a criminal citation as needed in order to achieve compliance.

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

39-6.1 - Civil Citations.

A. Any continuing violation of this chapter constitutes a public nuisance and may result in the issuance of a civil citation by the City as set forth in Chapter 26 of this Code. Imposition of a fine or penalty assessment shall not relieve the owner of the responsibility for abatement of the violation(s) or excuse him/her from liability for any and all costs incurred by the City for abatement.

B. Any person that violates this chapter shall be subject to a civil penalty of two hundred fifty dollars (\$250) base fine for the first violation, five hundred dollars (\$500) base fine for a second violation and one thousand dollars (\$1,000) base fine for a third violation in any twenty four (24) month period. Any civil penalty imposed shall also be subject to all surcharges and fees imposed by state law. The dates of the offenses are the determining factor for calculating the twenty four (24) month period.

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C). Any person who commits a violation of a provision of this chapter after previously having been found responsible for committing three (3) or more civil infractions of this chapter within any twenty-four (24) month period, whether by admission, by payment of the fine, by default, or by judgment after hearing, shall be guilty of a Class 1 criminal misdemeanor punishable as set forth in Subsection 1-8.3 of this Code. The Chandler City Prosecutor is authorized to file a Class 1 criminal misdemeanor complaint in the Chandler Municipal Court against such habitual offenders who violate this Section. For purposes of calculating the twenty four (24) month period under this paragraph, the dates of the commission of the offenses are the determining factor.

39-6.2 - Criminal Complaints.

A. The Zoning Administrator or any other City agent or employee duly authorized may seek the issuance of a complaint in the Chandler Municipal Court by a police officer or the Chandler City Prosecutor for criminal prosecution of any person who fails to perform any act or duty required by this chapter.

B. Criminal action and proceeding under this chapter shall be designated a Class 1 misdemeanor and shall be commenced and prosecuted, and is punishable as set forth in Subsection 1-8.3 of this Code in accordance with the laws of the State of Arizona relating to misdemeanors and the Arizona Rules of Criminal Procedure.

C. In no event shall the owner of premises where the violation has occurred be held criminally responsible for a temporary sign violation of this Chapter committed by a tenant in possession of the premises or other third party.

39-6.3.11. - Revocation of permits.

The Zoning Administrator shall have the authority to revoke any permit which has been granted when it has been determined by the ~~Director of Planning and Development~~ or the Zoning Administrator that the sign authorized by the permit has been constructed or is being maintained in violation of the permit.

A. Notice of the ~~planning and development~~ Zoning Administrator's decision to revoke a sign permit shall be served on the holder of the permit by:

1. Delivering a copy of the notice to the holder of the permit, mail return receipt requested, to the last-known post office address of the holder of the permit; and
2. Leaving a copy of the notice with any person in charge of the premises and a copy mailed to the property owner; or
3. In the event no such person can be found on the premises, by affixing a copy of the notice in a conspicuous position at or near the entrance to the premises.

B. The holder of the permit may appeal the decision of the ~~Director of Planning and Development~~ Zoning Administrator to the Board of Adjustment. This appeal must be made within thirty (30) days from the date when the notice was served.

C. If no appeal has been filed by the end of the thirty-day appeal period, then the permit is revoked and the sign is illegal. The ~~Director of Planning and Development~~ Zoning Administrator shall then initiate the procedure for the removal of the illegal sign.

39-6.4. 12. - Removal of signs.

The ~~Director of Planning and Development~~ Zoning Administrator is hereby authorized to require the removal of any illegal sign as defined by this chapter.

A. Before bringing action to require the removal of any illegal sign, except as noted hereafter, the ~~Director of Planning and Development~~ Zoning Administrator shall give written notice to the owner of the

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sign or the owner of the premises on which the sign is located. The notice shall state the reasons for removal, listing the deficiencies or defects in the sign with reasonable definiteness, and the violations charged. The notice shall include what repairs if any will make such an installation conform to the requirements of this chapter. The notice shall specify that the sign must be removed or made to conform with the provisions of this chapter within the time period listed below. ~~Service of notice may be given personally to the owner or lessee, or by certified mail addressed to the owner or lessee at the address specified in the permit or last known address.~~ Service of the notice shall be by any of the following methods:

1. Delivery in person to the owner, occupant, manager or agent of the premises where the violation has occurred, or to the person responsible for the violation;
2. Posting on or about the entrance of the premises where the violation occurred;
3. By first class mail, postage prepaid, addressed to the owner, occupant, agent, manager or responsible person at the last known address. Service by mail is deemed complete upon deposit in the U.S. mail;
4. By Certified mail;
5. By publication; or
6. By serving the owner, occupant, manager, agent, or responsible person in the same manner as provided by the Arizona Rules of Civil Procedure.

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

~~B C.~~ C. The period of notice for permanent signs as defined by this chapter shall be thirty (30) days. The period of notice for temporary signs as defined by this chapter shall be three (3) working days.

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

~~D E.~~ E. If the owner or lessee of the premises where the sign is located has not complied with this chapter by the end of the notice period, the ~~Director of Planning and Development~~ Zoning Administrator ~~may pursue enforcement as authorized by this chapter.~~ shall certify the violations to the City Attorney for prosecution or any other remedy allowed by law.

~~39-6.5. 13.~~ - Emergency removal or repair.

A. The ~~Director of Planning and Development~~ Zoning Administrator is hereby authorized to cause the immediate removal or repair of any sign or signs found to be unsafe, defective, or a traffic hazard to the extent that it creates an immediate and emergency hazard to persons or property. Actual notice to the property owner or lessee shall not be required. The ~~Director~~ Zoning Administrator shall make a reasonable effort to notify the property owner or lessee that the defective and unsafe sign must be removed or repaired immediately.

B. All actual costs incurred by the ~~Director of Planning and Development~~ Zoning Administrator in the removal or repair of said sign shall be paid by the owner of the sign or the owner of the premises where the sign is located. Action for recovery may be brought by the City Attorney upon proper certification to him/her by the ~~Director of Planning and Development~~ Zoning Administrator.

39-7. - Requirements and procedures.

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39-7.1 Permits required. No sign shall hereafter be erected, reerected, constructed or altered except as provided by this chapter. A separate permit shall be required for a sign or signs for each business entity, and/or separate permit shall be required for each group of signs panels on a single supporting structure. Said permits may include structural, electrical or other plan review as determined by ~~Where signs are illuminated electrically, a separate electrical permit shall be obtained as required by the Electrical Code~~Chapter 29 Building Regulations of the City Code.

39-7.2 Exceptions. A sign permit shall not be required for the following signs; however, such signs shall be subject to any and all applicable provisions of the City Code, including this chapter:

A. Nameplate signs: Signs required under subsection 39-7.7.

B. Any sign six (6) square feet or less in area not otherwise prohibited or required to obtain a permit by this chapter.

C. Repainting.

D. Temporary signs erected that are associated with a Special Event Permit in accordance with Chapter 32 of this Code. Signs erected during the Christmas holidays as identification of temporary sales areas for Christmas trees and other holiday-oriented items; such signs shall not be erected before Thanksgiving and shall be removed within ten (10) working days after New Year's Day and shall only be erected in accordance with a special event permit in accordance with Chapter 32 of this Code.

E. ~~Signs erected and maintained during the month of October as identification of temporary sales areas for pumpkins. Such signs shall only be erected in accordance with a special event permit in accordance with Chapter 32 of this Code.~~ F. ~~Political signs, as permitted in Section 39-10.8.~~

GE. Interior signs not visible from the public right-of-way or which are not visible from one property to another, except when said signs require a permit as provided by this chapter.

HF. Grand opening signs as provided for in Section 39-10.5. Vehicle signs as provided for in subsection 39-7.8(D).

G. Window signs as provided for in section 39-9.14.

H. Temporary signs identified in section 39-10 as not requiring a permit.

I. Seasonal decorations.

J. Normal repair and maintenance of conforming or nonconforming signs that does not exceed fifty (50) percent of the sign's value, as determined by a licensed sign contractor.

K. Government signs: Nothing contained herein shall prevent the erection, construction, and maintenance of official traffic, fire and police signs, signals, devices, and markings signs of the State of Arizona and the City of Chandler, or other competent public authorities, or the posting of notices required by law.

L. Signs protected by state statutes: Nothing contained herein shall prevent the erection, construction, and maintenance of signs authorized and/or protected by Arizona Revised Statutes.

39-7.3 Permit application and expiration.

A. *Application.* Applicants may apply for a sign permit or a temporary sign permit by completing and submitting a permit application provided by the Planning Division together with required plans and/or details identified by said application, shall be made in writing upon forms provided by the building inspections division. This application shall contain the location by street and number of the proposed sign, as well as the name and address of the business owner and/or the sign contractor. Two (2) copies of plans and specifications shall be submitted with the application for each sign, one (1) copy being returned

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~~to the applicant at the time the permit is issued. All plans submitted with the application shall show complete details, to include size, materials, method of support or attachments, name and address of the persons or firm designing said sign and plot plan showing location of sign on the premises. Permit review time frames shall conform to time frames adopted by the City as required by Arizona Revised Statutes which are posted on the City’s website. An applicant may appeal a permit denial to the Board of Adjustment within thirty (30) days from the date of denial in accordance with the appeal procedure set forth in Section 35-2503 of the City Code.~~

~~B. Revocation of permits for nonuse. If actual work is not commenced under any permit issued under the provisions of this section within ninety (90) days one (1) year from the date of such permit, such permit shall become null and void.~~

~~39-7.4 Permit fees. Before issuing any sign permit required by this chapter, the City shall collect a fee in accordance with the schedule adopted by Council resolution:~~

~~39-7.5 Construction requirements. A. Code conformance. All signs shall be designed and constructed in conformance with chapter 4, sections 401 and 402, and chapter 13, section 1301, of the Chandler Uniform Sign Building Code 1997 Edition, published by the International Conference of Building Officials, three (3) copies of which are on file with the City Clerk and which is hereby adopted by reference and made a part hereof as if set forth at length herein. In the event there is a conflict between the provisions of this chapter and those in the Uniform Sign Building Code, the more restrictive provision shall apply.~~

~~B. Lighting. When allowed, lighting shall not be installed so as to create a traffic hazard as determined by the traffic engineer.~~

~~39-7.6 Guy wires. In no case shall any sign be secured with wires or strips of wood which are visible and not on an integral part of the sign.~~

~~39-7.7-6 Design and Integration. All permanent signs shall be fully integrated with the design of the building and the site development, reflecting the architecture, building materials, and landscape elements of the project.~~

~~A. The means of integrating freestanding monument signs with the architecture of the building shall be achieved through replication of architectural embellishments, colors, building materials, texture, and other elements found in the building design. As an example, a canister cabinet sign mounted atop a masonry base or other fixture shall not be considered as integrated with the architecture of the building. Instead, where a canister cabinet sign is proposed as a component of a freestanding sign, such canister cabinet shall be bordered or backgrounded by the architectural materials and embellishments found within the building design.~~

~~B. Integration shall also include the use of sign graphics that are consistent in terms of lettering style, colors, and method of attachment as used for wall-mounted signage found on the building.~~

~~C. Each unused panel on a freestanding monument sign shall have an integrated or decorative cover until said panel is utilized. When mounted on a building, the sign shall be located on or below the fascia or parapet wall of the primary building;~~

~~D. When freestanding, the sign shall not exceed height standards set forth in section 39-9.16.~~

~~E. When mounted on a building, the sign shall be located on or below the fascia or parapet wall within the limits of the tenant’s occupied space.~~

~~F. Raceways shall be mounted behind the letters only, architecturally integrated and painted to match the building. when freestanding, the sign shall not exceed six (6) feet in height except as provided in section 39-9.16. All freestanding signs shall be placed in conformance with Standard Detail No. 39, Sign Distance Standard, as adopted by the City of Chandler and administered by the City Engineer, so as not to impede traffic visibility at street corners and driveways.~~

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G. In no case shall any sign be secured with wires such as guy wires or strips of wood which are visible and not on an integral part of the sign.

H. Signs shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

I. In no case shall any wall sign exceed eighty (80) percent of the height of the sign band or wall to which the sign is attached, and no such sign shall exceed eighty (80) percent of the length of the leased frontage or eighty (80) percent of the length of the sign band or wall to which the sign is attached. Sign band refers to the specific area on a building or tenant space where signs may be installed.

39-7.8 Prohibited lighting and movement.

~~A. *Lighting sources.* No exposed incandescent bulbs exceeding forty (40) watts each, neon or similar tube type of illumination exceeding thirty (30) milliamps shall be permitted. No flashing, blinking or rotating lights shall be permitted, nor shall the sign contain audible sound or odor (excluding time-temperature signs).~~

~~B. *Action signs.* There shall be no movement of the sign body or any segment thereof such as rotating (in excess of five (5) revolutions per minute, moving up and down or any other type of action involving a change in position of the sign body or segment thereof, whether caused by mechanical or any other means.)~~

~~39-7.9-7 *Required signs.* Every building, including single-family homes or group of buildings must be identified by a street number.~~

39-7.10-8 Location restrictions for all signs (permanent and temporary).

~~A. *Clearance from fire escapes, exits or standpipes.* No sign or structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe, or any ingress or egress from any door, window, fire escape or any other exit required by Building Code or Fire Department regulations.~~

~~B. *Obstructions of openings Vehicular and pedestrian traffic safety.* No sign shall obstruct traffic by obstructing the vision of motorists as determined by the Traffic Engineer. No detached sign shall be located adjacent to driveways so as to result in a traffic hazard. No sign shall obstruct minimum pedestrian clearance required by Americans with Disabilities Act or as required by this chapter whichever is greater.~~

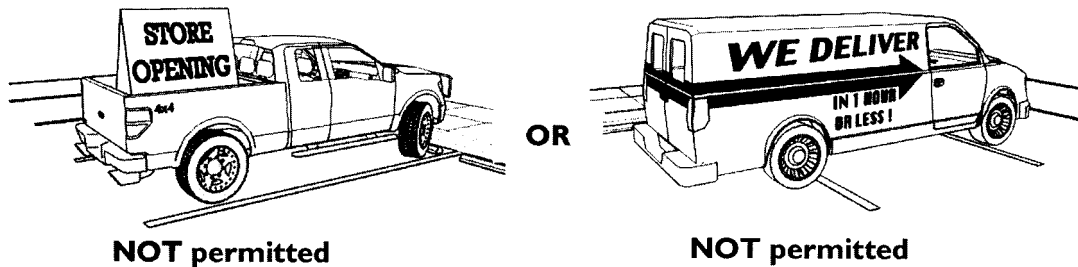
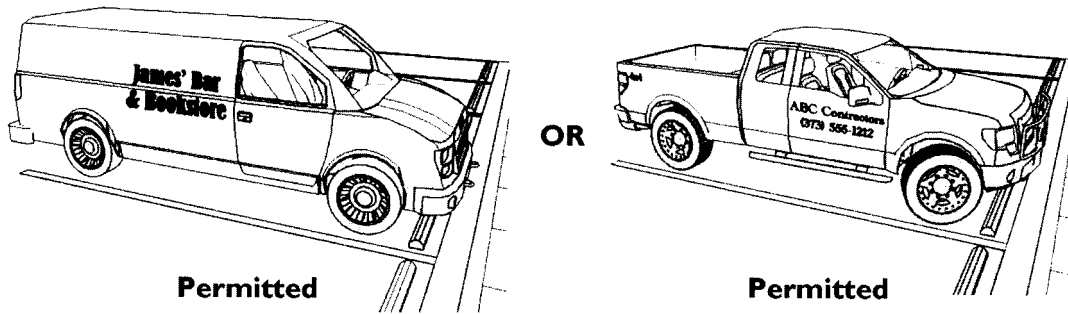
~~C. *Signs on public property.* No person, firm or corporation shall erect or cause to be erected any sign which projects over any public sidewalk, street, alley or public place except for signs approved through a special event permit as provided for in Chapter 32 of the Chandler City Code and signs allowed in the public right-of-way as provided for in sections 39-7.8(E).~~

~~D. *Signs on vehicles.* The intent of these regulations is to prohibit the use of vehicle signs as permanent freestanding signs in order to protect the aesthetic qualities of the City's built environment and promote the effectiveness of permitted signs as provided for in section 39-1. No sign shall be erected or attached to any vehicle except for standard advertising or identification markings which are painted on or permanently attached to a business or commercial vehicles signs that are magnetically attached to or permanently painted or wrapped on the surface of a vehicle. The primary use of such vehicles shall be in the operation of the business, e.g. transporting goods or providing services, and not in displaying a sign, advertising or identifying the business premises. Vehicles shall be operable and properly licensed. When not in use, the vehicle shall be parked in a lawful manner on the business property so as not to be visible from the public right-of-way, or if this is not possible, as far from the public right-of-way as possible.~~

Figure 7.8-D1

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(Vehicle signs must be magnetically attached, permanently painted, or wrapped on the surface of the vehicle)

(Vehicles shall be parked in a lawful manner on the business property)

E. Signs in public right-of-way. The City of Chandler finds that a proliferation of signs in the public right-of-way creates aesthetic blight and visual clutter, which obstructs views, distracts the traveling public and threatens the public health, safety and welfare. The intent herein is to allow a limited number of signs in the public right-of-way in order to maintain safe visibility and protect the aesthetic beauty of the City's built environment. As such, Nono sign shall be erected or maintained in the public right-of-way except for:

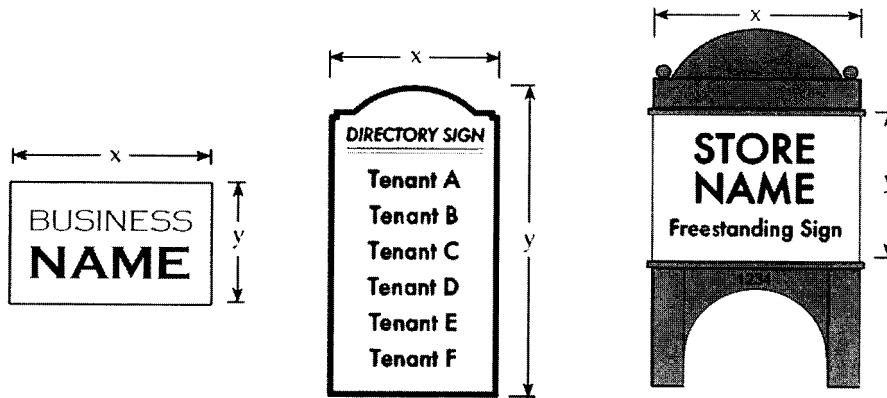
1. Official bus stop advertising signs;
2. Permanent signs installed or displayed by a business or nonresidential use that occupies a building that fronts onto and abuts the public right-of-way as provided for in sections 39-9.13 Blade Signs and 39-9.18 City Center District;
3. Temporary signs expressly provided for in Section 39-10; hereafter in this chapter.
4. Official signs posted by the State of Arizona, the City of Chandler, or other public authorities;
5. The posting of notices required by law; and
6. Signs protected by Arizona Revised Statutes.

39-7.9 Sign Area and Height Calculations.

A. Sign area is calculated as follows:

1. Signs with backgrounds: Signs with copy mounted, affixed, or painted on a background panel or surface distinctively painted, textured or constructed as a background for sign copy, shall be calculated as that area contained within the smallest rectangle that encloses both the sign copy and the background, not including the supporting structure or architectural embellishments, as shown in Figure 7.9-A1.

Figure 7.9-A1



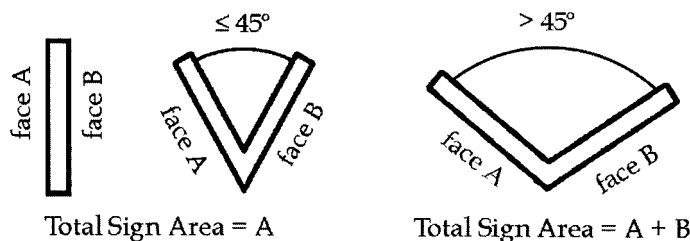
- 2. Signs with individual letters or graphics: The area for signs consisting only of individual letters, numerals, symbols, or other similar components shall be calculated as the area of a single rectangle that encompasses all sign components, as shown in Figure 7.9-A2.

Figure 7.9-A2



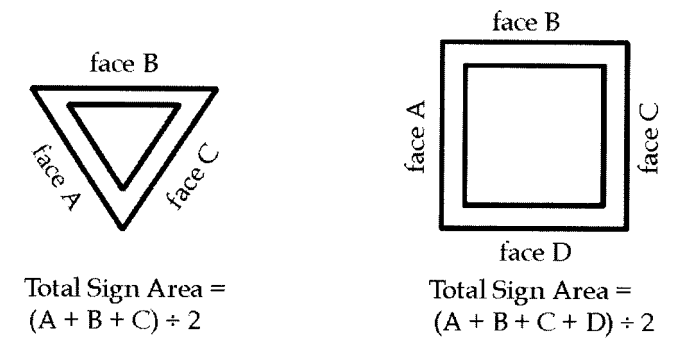
- 3. Two-face signs: Where a sign is double-faced, or V-shaped and the interior angle between the two sign faces is 45 degrees or less, only the larger single face shall be used to determine sign area. If the angle between the two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two sign faces, as shown in Figure 7.9-A3.

Figure 7.9-A3



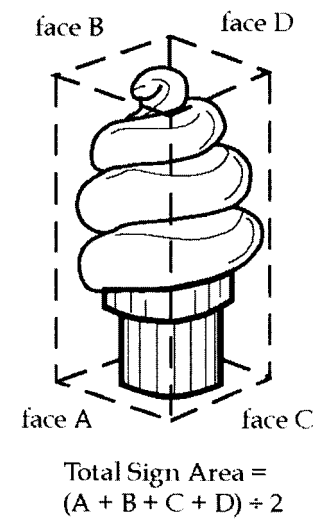
4. Three- or four-face signs: The sign area for three- or four-face signs shall be calculated as 50% of the sum of the areas of all sign faces, as shown in Figure 7.9-A4.

Figure 7.9-A4



5. Spherical, free-form, sculptural or other non-planar signs: The area for non-planar signs shall be calculated as 50% of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure, as shown in Figure 7.9-A5.

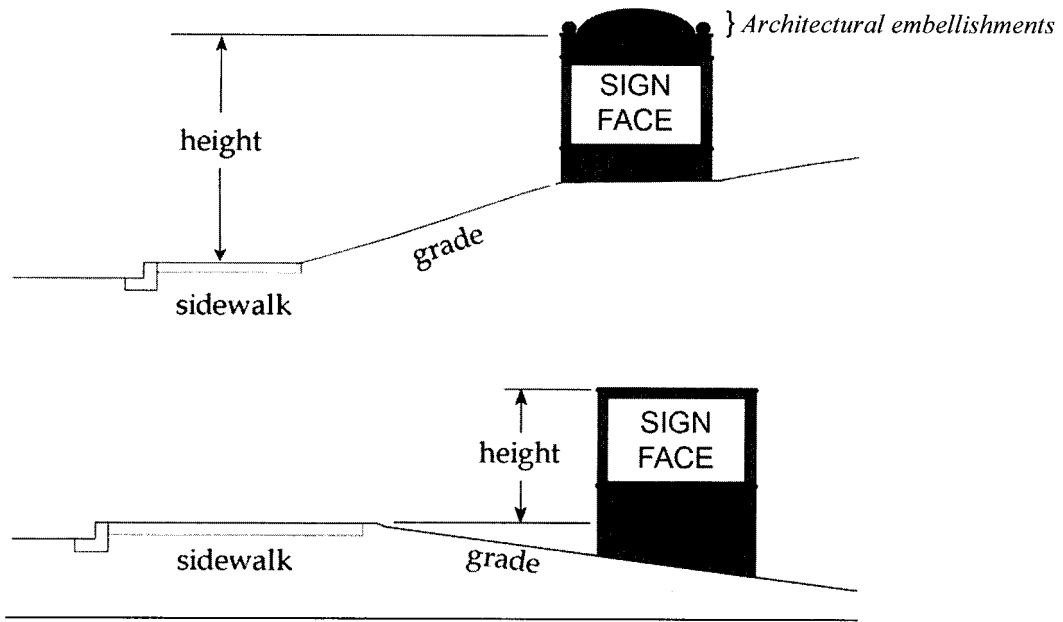
Figure 7.9-A5



A. Sign height shall be measured as follows:

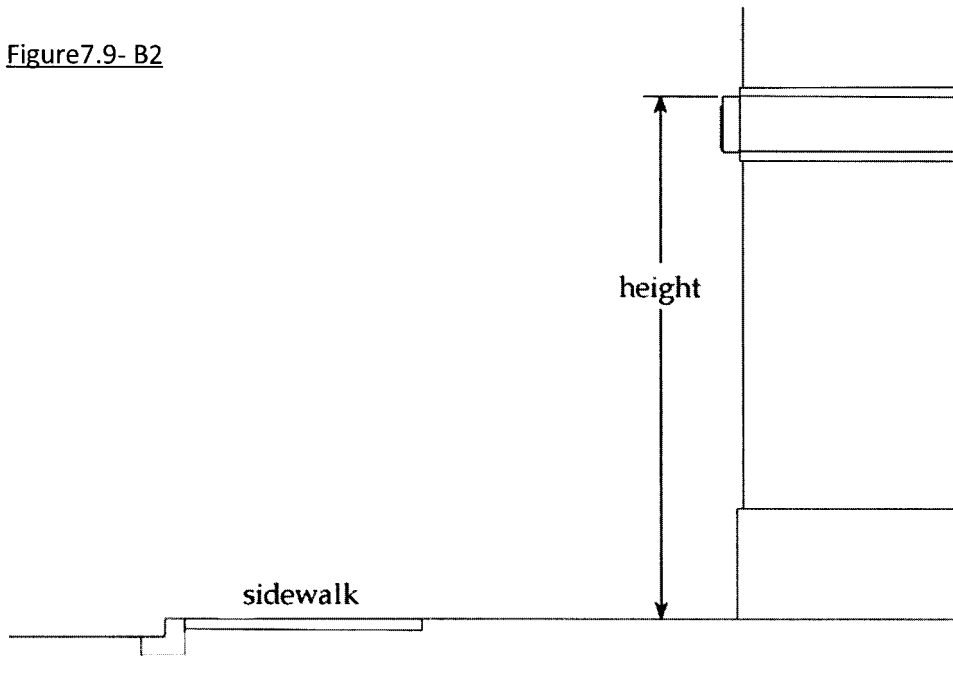
1. Freestanding Monument Signs: Sign height is measured as the vertical distance from ground level (finished grade of existing sidewalk, or where there is no sidewalk, the street centerline), to the top of the freestanding sign, not including architectural embellishments, as shown in Figure 7.9-B1.

Figure 7.9-B1



2. Wall Signs: The maximum height of wall, projecting, awning, fascia, mansard, parapet, window-mounted, or other building mounted signs is the vertical distance measured from the first floor elevation to the top of the sign or sign structure as shown in Figure 7.9-B2.

Figure 7.9- B2

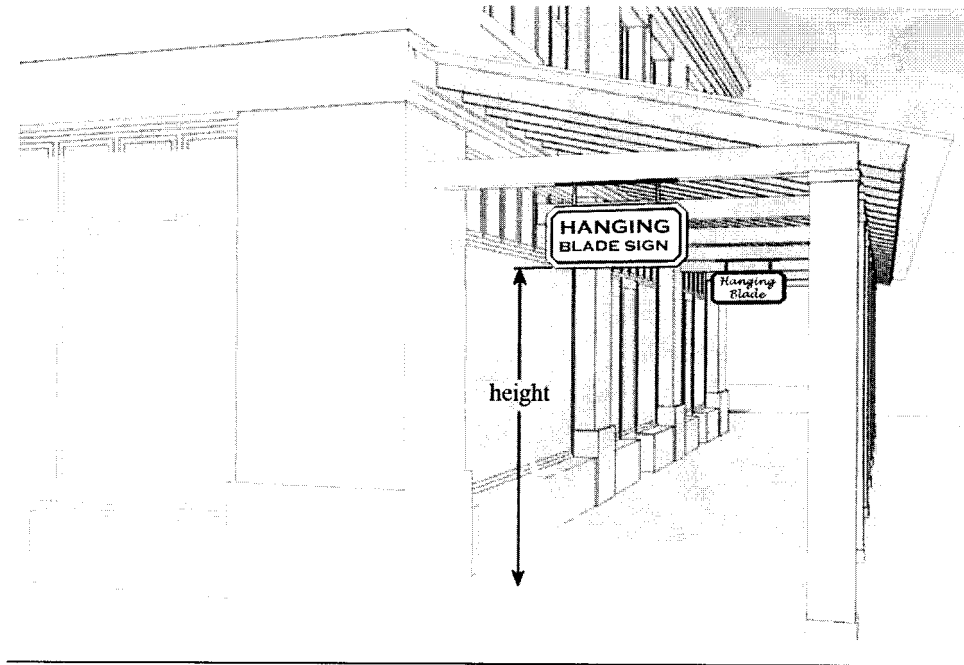


3. Blade Signs: The minimum clearance height of hanging blade signs and projecting blade signs is measured from finished grade/sidewalk to the bottom of the blade sign as shown in Figure 7.9-B3.

Figure 7.9-B3

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4. Temporary signs: The maximum height for all temporary signs is measured from the sidewalk to the highest point of any portion of the sign.

39-7.44-10 Inspections. All signs for which a permit is required shall be subject to the following inspections:

- A. Footing inspection on all freestanding signs exceeding fifty (50) square feet in area and/or exceeding thirty (30) inches in height.
- B. All signs containing electrical wiring shall be subject to the Electrical Code of the City and the electrical components shall bear the label of an approved testing agency.
- C. Inspection of all braces, anchors, supports and connections, including wall signs.
- D. Shop and/or site inspection to ensure that the sign has been constructed according to approved application and valid sign permit.

39-7.42-11 Identification.

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

B. Temporary signs, except for those not requiring a permit under section 39-10, shall be marked to show permit number and expiration date.

39-7.43-12 Maintenance. ~~Each~~ All signs shall be maintained in good order and repair at all times so that ~~it~~ they constitutes no danger or hazard to public safety.

39-8. - Prohibited signs.

A. Signs prohibited under this chapter include the following ~~The following signs are prohibited:~~

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1. ~~A. A-frame signs and portable signs of any nature, other than those provided in section 39-10. Signs that pose a traffic hazard due to their position, size, shape, movement, coloring, or manner of illumination which may be confused as a traffic control device or which hide from view any traffic sign or signal; obstruct the view of motor vehicle operators entering the public right-of-way; or create an unsafe distraction or obstruction for motor vehicle operators;~~
2. ~~B. Outlining Signs that outline of a building by means of neon lighting, incandescent lighting or other exposed artificial lighting;~~
3. ~~C. A Fixed balloons used as a sign. (Means any lighter than air or gas-filled balloon attached by a tether to a fixed place.);~~
4. ~~D. Signs over fourteen (14) feet in height. Signs that contain or consist of exposed incandescent bulbs exceeding forty (40) watts each, or neon or similar tube type of illumination exceeding thirty (30) milliamps, except as provided for in section 39-9.18 City Center District;~~
5. Signs which are abandoned for a period of ~~thirtyninety (3090)~~ thirty (30) days or greater;
6. Signs that have flashing, blinking, fluttering or rotating lights, lasers, or other illuminating devices which exhibit movement, except digital signs as provided for in section 39-9.15, or when approved for City sponsored public events, or through a special event permit as provided for in Chapter 32 of the Chandler City Code;
7. Signs that produce odor or audible sound;
8. Signs that contain mechanical movement or movement controlled by any other means, except for air activated signs as provided for in section 39-10 Temporary Signs;
9. Signs that are painted, attached or mounted on fuel tanks, storage containers and/or solid waste receptacles or their enclosures, except for those required by law;
10. Signs that are installed or displayed without the property owner’s approval; and
11. Billboards.

39-9. – Permanent signs permitted.

39-9.1 Single-family residential.

A. Individual single family lots.

1. A single-family residence is allowed one (1) ~~nameplate sign only, not to exceed five (5) feet in height or two (2) square feet in area, if it is freestanding. The Said sign shall not be illuminated, except by indirect lighting. No permit shall be required.~~
2. A single family lot which has been granted a Use Permit by City Council as provided in section 35-305 of the Chandler City Code to operate a nonresidential land use may display signage in compliance with the Residential Conversion Policy as approved by the City Council. A sign permit shall be required to ensure conformance with Use Permit approval.

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

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

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2. The location of said signs shall be limited to the entrances of single family subdivisions.
3. Signs shall not be illuminated, except by indirect lighting or halo lighting.
4. Each sign shall not exceed fifty (50) square feet in area.
5. A sign permit shall be required.

C. Flags are permitted as provided for in section 39-9.12.

39-9.2 Multiple-family residence development.

- A. The total permanent sign area allowed, including wall signs and freestanding signs, is one (1) square foot for each dwelling unit. However, in no instance shall this total sign area exceed sixty (60) square feet, with no more than thirty-two (32) square feet fronting on any one (1) street.
- B. For other permitted buildings, the sign area permitted shall not exceed thirty-two (32) square feet.
- C. ~~Traffic directional signs are allowed on the site.~~ Signs shall not be illuminated, except by indirect lighting or halo lighting.
- D. A sign permit shall be required.
- E. Flags are permitted as provided for in section 39-9.12.

39-9.3 Mobile home parks. Signs in mobile home parks are the same as provided for multiple-family residence development.

39-9.4 Quasi-Public uses, institutional uses, churches, fraternal organizations, and civic organizations.

- A. ~~For public uses, institutional uses, churches, fraternal organizations and civic organizations,~~ The total amount of permanent sign area allowed, including wall signs and freestanding signs, is thirty-six (36) square feet.
- B. ~~Temporary signs as provided in section 39-10 are permitted.~~
- C. One-half (½) of the freestanding sign area may be a change panel or digital sign.
- D. ~~Traffic directional signs are allowed on the site.~~ Permanent signs shall require a sign permit.
- D. Flags are permitted as provided for in section 39-9.12.

39-9.5 Schools (public and parochial elementary, junior high, and senior high schools).

- A. ~~The amount of signage allowed for schools shall be as follows:~~
 1. ~~Wall signs. The total amount of wall signage per school shall not exceed thirty-six (36) square feet.~~
 2. ~~Freestanding signs. One (1) freestanding sign, single or double sided, per school, constructed in accordance with the following guidelines:~~
 - a. ~~Maximum area thirty two (32) square feet (per side).~~
 - b. ~~Maximum height fourteen (14) feet.~~
 - c. ~~Changeable copy. Changeable copy announcing school activities and functions may occupy a portion or all of the sign surface area.~~

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~~d. Design. The sign shall be designed to be in harmony with the architectural character (materials and colors) of the principal building(s) on the same site.~~

~~e. Illumination. Internal only.~~

~~f. Setbacks. The sign must be setback from all property lines and/or street rights-of-way a minimum distance of fifteen (15) feet.~~

~~g. Landscaping. The base of each freestanding sign shall be landscaped with a minimum of six (6) shrubs which at maturity will reach a minimum diameter of four (4) feet. Said shrubs shall be irrigated.~~

39-9.65 PCO Planned Commercial Office District.

A. Buildings developed in the PCO District shall be permitted on one (1) wall sign or one (1) freestanding sign per lot or parcel. The sign may be wall-mounted or low-profile. Said sign shall require a sign permit and shall comply with the following standards:

A1. Wall-mounted signs shall not exceed ten (10) feet above first floor elevation and shall not exceed one (1) square foot in area for each one (1) linear foot of business frontage. Said signs shall be wall- or window-mounted, on or under an architectural projection, and shall not project more than two (2) feet from the building or structure to which it is attached.

2. Freestanding Monument Signs.

a) A single tenant panel sign shall not exceed sixteen (16) square feet. Multitenant panel signs shall be limited to four (4) square feet per tenant panel with a combined maximum of thirty-two (32) square feet and shall contain only the name, address, and use or uses conducted within the building.

b) Freestanding signs shall not exceed six (6) feet in height above ground level. Freestanding signs shall be of the low-profile type.

~~C. Directional signs shall be permitted on the site.~~

B. Flags are permitted as provided for in section 39-9.12.

C. Blade signs are permitted as provided for in section 39-9.13.

39-9.7.6 C-1 Neighborhood Commercial District.

A. Wall On-site signs shall not exceed one (1) square foot in area for each one (1) linear foot of business frontage. Said signs shall be wall- or window-mounted, on or under an architectural projection, and shall not project more than two (2) feet from the building or structure to which it is attached.

AB. Freestanding Monument Signs.

1. One (1) freestanding sign not to exceed one hundred (100) square feet in total area is allowed per single-user site.

2. ~~B. Freestanding signs for shopping centers and other multi-user sites shall conform to the standards set forth in subsection (39-9.16) of this section.~~

C. Wall signs and freestanding monument signs shall require a sign permit.

D. Window signs are permitted as provided for in subsection 39-9.14.

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E. Flags are permitted as provided for in section 39-9.12.

F. Blade signs are permitted as provided for in section 39-9.13.

~~39-9.8-7~~ C-2 Community Commercial District. ~~On-site signs shall meet the following requirements in the C-2 district:~~

A. Wall signs shall not exceed two (2) square feet in area for each linear foot of business frontage. Said signs shall be wall- or window-mounted, on or under an architectural projection. The sign shall not project more than two (2) feet from the building, or structure to which it is attached. No wall sign shall exceed two hundred (200) square feet in area.

B. Freestanding Monument Signs:

1. One (1) freestanding sign for each single-user site not to exceed one (1) square foot of sign area for each linear foot of business frontage. Where the developed parcel has an excess of three hundred (300) feet of street frontage, one (1) additional freestanding sign may be erected for each additional three hundred (300) feet of street frontage, not to exceed two (2) freestanding signs per City-block. In no event will said additional signs be located closer than three hundred (300) feet to each other. The Zoning Administrator may allow a minor deviation from the three hundred (300) feet separation upon finding that such a reduction is necessary to accommodate a special circumstance that is not self-imposed by the property owner or applicant. For example, said minimum separation would not be possible due to the location of an existing utility pedestal, street scupper, or driveway and the length of the property does not provide opportunity to exceed said separation. Said reduction shall not exceed thirty (30) feet. In no instance, shall a freestanding monument sign be located closer than fifty (50) feet from the property line of a residential development.
2. ~~C.~~ Freestanding signs for shopping centers and other multi-user sites shall conform to the standards set forth in subsection ~~(39-9.16)~~ of this section.
3. ~~D.~~ In no event shall the total combined area of all freestanding signs exceed four hundred (400) square feet for each developed parcel.

~~E.C.~~ Wall signs and freestanding monument signs shall require a sign permit. Traffic directional signs are permitted, provided they are no higher than three (3) feet. The sign may be internally illuminated or nonilluminated.

D. Window signs are permitted as provided for in subsection 39-9.14.

E. Flags are permitted as provided for in section 39-9.12.

F. Blade signs are permitted as provided for in section 39-9.13.

~~39-9.9-8~~ C-3 Highway Regional Commercial District. ~~Signs shall meet the following requirements in the C-3 District:~~

A. ~~On-site~~Wall signs shall not exceed two (2) square feet in any area for each linear foot of business frontage. Said signs shall be wall- or window-mounted, on or under an architectural projection. The sign shall not project more than two (2) feet from the building, or structure to which it is attached. No wall sign shall exceed two hundred fifty (250) square feet in area.

B. Freestanding Monument Signs:

1. One (1) ~~detached freestanding~~ sign for each developed area or parcel not to exceed one and one-half (1½) square feet of sign area for each linear foot of business frontage. Where the developed parcel under single ownership has an excess of three hundred (300) feet of street frontage, one (1) additional detached bonus sign may be erected for each additional

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~~three hundred (300) feet of street frontage, not to exceed two (2) detached signs per City block. In no event will bonus signs be located closer than three hundred (300) feet to each other. The Zoning Administrator may allow a minor deviation from the three hundred (300) feet separation upon finding that such a reduction is necessary to accommodate a special circumstance that is not self-imposed by the property owner or applicant. For example, said minimum separation would not be possible due to the location of an existing utility pedestal, street scupper, or driveway and the length of the property does not provide opportunity to exceed said separation. Said reduction shall not exceed thirty (30) feet. In no instance, shall a freestanding monument sign be located closer than fifty (50) feet from the property line of a residential development.~~

- ~~2. C. Detached Freestanding~~ signing for shopping centers and other multi-user sites shall conform to the standards set forth in subsection 39-9.16 ~~of this section 39-9.~~
- ~~3. D. In no event shall the total combined area of all detached freestanding signs exceed four hundred fifty (450) square feet.~~

C. Wall signs and freestanding monument signs shall require a sign permit.

D. Window signs are permitted as provided for in subsection 39-9.14.

E. Flags as are permitted provided for in section 39-9.12.

F. Blade signs are permitted as provided for in section 39-9.13.

~~E. Traffic directional signs are permitted, provided they are no higher than three (3) feet. The sign may be internally illuminated or nonilluminated. Traffic directional signs are subject to approval of the City Traffic Engineer and not included in area calculations.~~

~~F. Billboards are permitted along Chandler Boulevard and Arizona Avenue. Such signs are permitted only by a use permit and subject to the following:~~

- ~~1. Outdoor advertising signs may be internally illuminated, indirectly illuminated, or directly illuminated.~~
- ~~2. No such sign structure shall be erected in any block in which fifty (50) percent or more of the lots in that block are being used for a residential purpose. If a sign is erected on a corner lot, that sign shall be considered to be in the block along the street to which the sign is oriented.~~
- ~~3. No part of a sign structure shall be erected closer than six (6) feet to a future street right-of-way or the front setback of a building which is within one hundred (100) feet whichever is the greater; however, when a sign is erected between two (2) buildings which are within one hundred (100) feet of the sign, the sign shall not be erected closer to that street than a line drawn from the nearest front corner of each building. When a sign is erected within three (3) feet of a building, only that building setback need be maintained.~~
- ~~4. Such sign structure must maintain a side yard setback from any adjacent residential zoning district or residential use equal to that of the residential zoning district or half the sign's structure height, whichever is greater.~~
- ~~5. No such sign structure may be closer than one thousand (1,000) feet to any other such sign structure on the same side of the same street and oriented to that street unless said structures are back-to-back, or V-shaped. No such sign shall be closer than eight (8) feet to ground level or forty five (45) feet in height. For purposes of this section, a sign structure may be back-to-back, or V-shaped.~~
- ~~6. No such sign structure face area or combination of sign structure face areas shall exceed three hundred twenty (320) square feet unless double faced or V-shape.~~

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~~7. Embellishments shall not extend more than five and one half (5½) feet above or below the horizontal edges of the sign structure face area and not more than three (3) feet beyond any vertical edge of the sign structure face area. Neonized embellishments shall conform to the requirements of the Electrical Code of the City. The total area of all such embellishments shall not increase the total area of the outdoor advertising structure face area to which they are attached by more than twenty (20) percent.~~

~~8. On any lot contiguous to a residential zoning district or separated therefrom only by an alley, no such illuminated sign structure may be placed within one hundred (100) feet of said residential zoning district in such a manner that any portion of the face of the sign is visible to the adjacent residential district.~~

~~9. Outdoor advertising signs shall not be erected or painted upon the roof or wall of any building, nor shall any such sign be partially or totally supported by the roof or roof structure of any building.~~

~~10. No sign permit shall be issued for outdoor advertising signs (billboards) until two (2) copies of a site development plan and two (2) copies of a landscape plan have been submitted and approved. Said plans shall be in accordance with the provisions of the Zoning Code.~~

~~11. Any variance or exception to the foregoing shall be in accordance with the provisions of the Zoning Code.~~

~~39-9.10-9 Industrial zones.~~ In all industrial zones, permitted signs shall be in accordance with provisions in the C-3 District.

~~39-9.1110 AG-1 Agricultural District.~~ In AG-1 Districts:

A. One (1) ~~identification~~ freestanding monument sign is permitted. It shall not exceed twenty-four (24) square feet in area.

~~B. Billboards are permitted in accordance with the provisions set forth in the C-3 zone.~~

~~39-9.12-11 Planned Area Development designations.~~ For such properties zoned with a planned area development (PAD) designation, all signing shall be subject to the standards specified for the C-3 zoning district unless otherwise governed by sign criteria specified either as part of a Preliminary Development Plan approval by the Planning and Zoning Commission and City Council, or other previous sign package approval by the City.

39-9.12 Flags. Flag poles and flags shall comply with the following standards:

- A. No more than three (3) flag poles shall be installed on each single family residential lot, multifamily development, model home cluster, shopping center, or other multiuser site. Said flag poles may be wall-mounted or permanently installed in the ground.
- B. Permanently installed in-ground flag poles shall require permit approval to ensure they are structurally sound and comply with the standards provided herein. A permit shall not be required for wall-mounted flag poles. A separate permit shall not be required to display flags.
- C. The minimum setback for permanently installed in-ground flag poles shall equal one-half (1/2) the setback required for a principal building as set forth by the zoning district in which it is located.
- D. Flag pole height.
 - 1. Permanently installed in-ground flag poles and wall-mounted flag poles in single family residential districts shall not exceed twenty five (25) feet in height, or shall not be higher than the highest point of the principal building's roof, whichever is lower.

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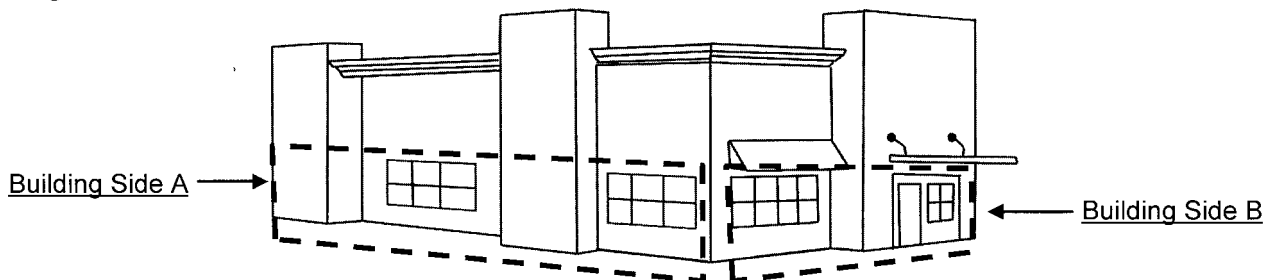
2. Permanently installed in-ground flag poles and wall-mounted flag poles in multiple family districts and model home clusters shall not exceed fifty (50) feet in height or shall not be higher than the highest point of the nearest principal building’s roof on the premises, whichever is lower.
 3. Permanently installed in-ground flag poles and wall-mounted flag poles in nonresidential districts shall not exceed one hundred (100) feet in height or shall not be higher than the highest point of the nearest principal building’s roof on the premises, whichever is lower.
- E. In any district, the length of each flag, which is the longer side of a flag that is perpendicular to the flag pole, shall not exceed one third (1/3) of the maximum height allowed for in-ground flag poles.

39-9.13 Shingle-Blade signs. ~~Shingle-Blade signs are may be used to identify by~~ businesses whose front entrance is under a roof overhang which extends over a public right-of-way. These signs are included as part of ~~permitted~~ the total allowed sign area.

- A. Only one (1) sign shall be allowed for each business front, and a sign permit is required for such sign.
- B. The sign may be a projecting blade sign attached to the front wall of the building or a hanging blade sign hanging from the roof overhang or colonnade, which is located next to the business entrance.
- C. The sign must be perpendicular to the building front and shall ~~contain not exceed~~ more than four (4) square feet in area.
- ~~CD.~~ The minimum clearance of the sign shall be a minimum of eight (8) ~~seven (7)~~ feet above the sidewalk in accordance with subsection 39-7.9(B)3.
- ~~DE.~~ No part of the sign shall project beyond the overhang of the roof or any corner of the building.
- ~~E.~~ The shingle sign shall contain the name of the business only.

39-9.14 Window signs. Window signs may be painted on or otherwise displayed from the surface of any window, showcase or other similar facility. The area of such signs shall not exceed twenty-five (25) percent of the total window area on any one side of a building as illustrated in Figure 9.14-A. ~~area of the window on which it is displayed.~~ The area of said sign shall not be included in the total allowed sign area.

Figure 9.14-A



The area of all window signs on Building Side A shall not exceed 25% of total window area on Building Side A

The area of all window signs on Building Side B shall not exceed 25% of total window area on Building Side B

39-9.15 Digital signs. Digital signs shall comply with the following criteria:

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- A. Automatic dimming capability: All digital signs shall be equipped with a fully operational light sensor or other device that automatically adjusts the intensity of the sign according to ambient light conditions.
- B. Measurement criteria: Ambient light conditions shall be measured with the digital sign off. The illuminance of a digital sign shall be measured while it is displaying a white image for a full color-capable digital sign, or a solid color for a single-color digital sign. All measurements shall be taken as close as practical to be perpendicular to the sign at a distance determined by the Zoning Administrator.
- C. Illumination limit: The difference between the foregoing off (ambient light) and the full digital sign display measurements shall not exceed 0.3 footcandles at night.
- D. Manual control. Digital signs shall be designed with the capability of freezing the display in one static position, displaying a full black screen, or turning the sign off in the event of a malfunction.
- E. Required permits: All digital signs shall require a sign permit.

~~Design.~~ All signs shall be fully integrated with the design of the building and the site development, reflecting the architecture, building materials, and landscape elements of the project.

~~A.~~ The means of integrating freestanding signs with the architecture of the building shall be achieved through replication of architectural embellishments, colors, building materials, texture, and other elements found in the building design. As an example, a canister sign mounted atop a masonry base or other fixture shall not be considered as integrated with the architecture of the building. Instead, where a canister sign is proposed as a component of a freestanding sign, such canister shall be bordered or backgrounded by the architectural materials and embellishments found within the building design.

~~B.~~ Integration shall also include the use of sign graphics that are consistent in terms of lettering style, color, and method of attachment as used for wall-mounted signing found on the building.

~~C.~~ When mounted on a building, the sign shall be located on or below the fascia or parapet wall of the primary building; when freestanding, the sign shall not exceed six (6) feet in height except as provided in subsection (16) of this section. All freestanding signs shall be placed in conformance with Standard Detail No. 39, Sight Distance Standard, as adopted by the City and administered by the City Engineer, so as not to impede traffic visibility at street corners and driveways.

39-9.16 Signs for shopping centers and other multiuser sites.

- A. Sign criteria shall be established as part of a Preliminary Development Plan (PDP) or building/sign plan review process. A sign permit shall be required for any of the signs provided for herein.
- B. ~~Wall-mounted identification~~Wall signs for shopping centers and other commercial and industrial sites shall be subject to the development standards as specified in this chapter for the particular district in which the property is zoned. Cabinet signs, ~~other than corporate logos,~~ shall not exceed twenty five (25) percent of the installed sign area. Signs shall be integrated with building façades and shall be proportional to the scale of the façades so that they are not the dominant architectural features.
- C. Freestanding ~~monument~~identification signs for shopping centers and other multitenant commercial centers (individually, collectively, "centers") and for industrial sites shall be subject to the following standards:
 - 1. One (1) freestanding detached identification sign per arterial street, not to exceed one (1) square foot of sign face area for each linear foot of business frontage. ~~Where the property has an excess of three hundred (300) feet of frontage along an arterial street,~~ One (1) additional sign may be erected for each additional three hundred (300) feet of frontage along an arterial street. along such frontage,

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~~not to exceed two (2) signs per frontage and located not~~ Said signs shall not be less than three hundred (300) feet apart, except that the Zoning Administrator may allow a minor deviation from said separation upon finding that such a reduction is necessary to accommodate a special circumstance that is not self-imposed by the property owner or applicant. For example, said minimum separation would not be possible due to the location of an existing utility pedestal, street scupper, or driveway and the length of the property does not provide opportunity to exceed said separation. Said reduction shall not exceed thirty (30) feet. In no instance, shall a freestanding monument sign be located closer than fifty (50) feet from the property line of a residential development.

2. Maximum sign height shall not exceed six (6) feet, except as provided below:

(a) A center, but not an industrial site, located at the corner of two (2) major arterials may have no more than one (1) sign with a maximum height of fourteen (14) feet.

(b) A center, but not an industrial site, at all other locations except the corner of two (2) major arterials may have no more than one (1) sign with a maximum height of ten (10) feet.

(c) All other signs at a center, but not an industrial site, may be increased to a maximum height of eight (8) feet provided that they are enhanced with a higher level of design as provided for in subsection 39-9.16(C)3 below.

(d) Notwithstanding subsections (a), (b) and (c) above, in no instance shall any sign located at the street corner of a center, or located less than one hundred fifty (150) feet from the street corner along either frontage, exceed a maximum height of eight (8) feet.

(e) Notwithstanding subsections (a), (b), (c) and (d) above, signs located within one hundred (100) feet from the property line of a residential development service station price signs shall not exceed six (6) feet in height.

3. Each ~~identification freestanding sign~~ as permitted herein shall feature no more than ~~two (2) occupant names~~ three (3) panels, irrespective of an occupancy being a major or minor tenant within the center, and whether located as part of the main building complex or as an independent building pad. Notwithstanding the foregoing, identification signs enhanced with a higher level of design may be eligible for an additional two (2) ~~occupant names~~ panels for a total of no more than ~~four (4) occupant names~~ five (5) panels per ~~freestanding~~ identification sign. Higher levels of design may include but not be limited to:

a) ~~Increasing architectural integration with buildings in the center.~~

b) ~~Adding tenant panel names with~~ Utilizing individual three-dimensional letters or other three-dimensional sign components.

c) ~~Enhancing landscaped setting around the sign.~~

d) ~~Upgrading quality materials.~~

e) ~~Eliminating cabinet panels.~~

~~One (1) or more of the permitted identification signs may also include, or feature exclusively, any generic name as may be chosen for the center; however, each sign need not identify the same occupant name(s). In addition, any identification sign located at the street corner of the site, featuring only the generic name of the center and not a tenant name, may be exempted from the maximum number of signs allowed along the street frontage.~~

4. ~~Signage on gas canopies shall be limited to users (oil company) logo sign only. Notwithstanding subsection 39-9.16(C)1, a center may erect one additional freestanding monument sign at the street corner, and/or main entrance(s) of the site subject to the following standards:~~

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- a) One (1) freestanding sign shall be allowed for each property unless it is a corner lot, in which case one (1) sign shall be allowed per street front.
- b) Said sign(s) shall be excluded from the total number of freestanding signs allowed in subsection 39-9.16(C)1.
- c) Said freestanding sign(s) shall be in the form of a decorative wall placed in a landscaped setting.
- d) The height of said sign shall not exceed six (6) feet from ground level.
- e) Said sign(s) shall not contain any panels as provided for in subsection 39-9.16(C)3.
- f) The maximum sign area for each additional freestanding sign shall not exceed thirty two (32) square feet.

5. Notwithstanding subsection 39-9.16(C)3, a center may add one (1) additional sign to each freestanding monument sign permitted therein. Said sign shall not be a panel, shall be proportional to the size of the freestanding monument sign on which it is located, and shall be excluded from the total allowable sign area therein.

D. *Additional quality standards.* The intent of the following standards is to encourage creative and innovative design techniques, quality and merit. A minimum of three (3) of the following items shall be achieved for shopping centers, office and commercial complexes:

1. Incorporate site signage on low planter walls in lieu of freestanding monument signs to create a shared identity for the site.
2. Utilize letters and other sign components that are "halo" or indirectly illuminated throughout the entire site.
3. Utilize individual reverse pan channel letters throughout the entire site.
4. Letter size shall be limited to fifteen (15) percent of the building height for all wall-mounted signs.
5. Incorporate landscape planter feature at base of all freestanding monument signs.
6. ~~Corporate logos~~Cabinet signs shall be limited to ten (10) percent of the total allowable sign ~~area~~size.
7. Any other design amenity, which is otherwise not required but which meets the general intent for design innovation, may be substituted for any of the above additional quality standards.

~~39-9.17 *Reserved. Bus shelter signing.* Notwithstanding the provisions of section 39-7.10 of this chapter regarding signs in the public right-of-way, signing in conjunction with bus shelter facilities as approved by the City of Chandler and other governmental agencies shall be permitted. Development standards, including but not limited to sign face area, height, location, etc., shall be determined in accordance with all bus shelter design requirements as specified by the City Engineer, in coordination with the governmental agencies as appropriate.~~

~~39-9.18 CCD—City Center District.~~

~~A. *General requirements.*~~

- ~~1. No sign shall be permitted which does not correctly identify the occupancy, services, or types of products offered, within the business premises.~~

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- ~~2. All signs shall be free of labels and manufacturer's advertising except as specified in chapter 39, section 39-7.12 of this Code.~~
1. 3.—For those installations involving paint applied to a sign board, all copy and borders shall be applied with a high quality acrylic latex and primer, in accordance with manufacturer's recommendations.
2. 4.—Only ~~business identification~~ signage which is surface-mounted may be permitted on the side or rear elevation of a building, provided however, that such elevation is improved in an architectural manner similar to the front elevation of the building. The design of such signage shall comply with the standards and requirements for surface-mounted signs above the colonnade as set forth herein in chapter 39, section 39-9.18. B.1 of this Code.
- ~~35. All signage materials, including sign boards and letter styles, shall to the extent possible, replicate the historic look of signage consistent with the Early Twentieth Century commercial architecture of buildings within the City Center District (CCD), as described in Chapter 35, section 3204(h) of this Code, or enhance said historic qualities in a manner that further improves the quality of the downtown environment.~~
4. 6.—All surface-mounted signage, whether above or below the colonnade, shall be manufactured as individual letters, or be manufactured as a sign board which may then be mounted onto the building wall surface. No signage shall be painted directly onto the exterior wall surface of any building above or below the colonnade, except for window graphics.
5. 7.—Surface-mounted signage above the colonnade shall be the only type of signage permissible for internal illumination by the business owner or building owner. Indirect lighting for surface-mounted signage above or below the colonnade, wherein such lighting is not provided by the City, shall be prohibited.
6. 8.—Raceways may be used for the purpose of electrifying individual letters constituting a surface-mounted sign above the colonnade. If used, such raceway shall be mounted behind the letters only, and painted to match the building.
7. 9.—Sign copy and borders may be any color; background colors shall either match, or otherwise complement, the building color. If used, sign borders shall be a maximum four (4) inch width.
- ~~10. A corporate logo for the business occupant only, may be permitted for any sign type, provided however, such logo does not occupy more than twenty five (25) percent of the maximum allowable sign face area.~~
8. 11.—As provided herein, sign boards shall either be: two (2) inch thick solid redwood sandblasted to a depth of three-eighths (3/8) inch to one-half (1/2) inch, or a manufactured facsimile thereof; or other fabrication of metal or other materials that achieve a two (2) inch thickness and provides exterior durability.
9. 12.—As provided herein, the use of neon as a means of illumination, whether internal or external to a sign face, shall be permitted at the rate not to exceed one (1) such sign above the colonnade per business occupant.
10. 13.—Any sign installation for which a City of Chandler building permit was issued prior to the effective date of these regulations, which subsequently becomes non-conforming to these regulations as defined in this Chapter 39, section 39-3 of this Code, may continue in existence in the manner provided for in ~~chapter 35, section 39-5 of this Code.~~
11. 14.—For any sign proposed to overhang any portion of the public right-of-way, a separate building permit shall be required in accordance with the standards and requirements of the

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~~Uniform~~ Building Code as adopted by the City of Chandler, and an encroachment permit shall be required in accordance with Chapter 46 of the Chandler City Code.

12. ~~45~~—All signs shall be maintained in a "like new" condition.

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

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

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

b) Signs may be mounted flush, angled, bowed, or perpendicular to the wall surface, and where possible, be centered horizontally over the storefront. Irrespective of the method used for mounting, no sign shall extend above the top of the wall parapet, nor be mounted on any roof or roof fascia. No sign shall extend more than four (4) feet from the exterior face of the building wall, and no sign shall overlap any window, door, or architectural feature. Maximum sign face area for any sign mounted perpendicular to the exterior face of the building wall shall be twenty-four (24) square feet.

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

~~d. Signs shall be limited to business identification name and logo only; services, products, and business slogans shall be prohibited.~~

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

e. A sign permit shall be required.

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

a) Signs may be mounted flush, angled, bowed, or perpendicular to the wall surface, and where possible, be centered horizontally within the storefront. No sign shall extend more than four (4) feet from the exterior face of the building wall, with not less than ~~nine~~ seven (97) feet vertical clearance measured from the bottom of the sign face to the finished sidewalk grade.

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

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

~~d. Signs shall be limited to business identification name and logo only; services, products and business slogans shall be prohibited.~~

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

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e) A sign permit shall be required.

3. Colonnade hanging blade signs.

a) If used, a colonnade hanging blade sign shall be a sign board centered between, and in the same plane as, the columns of the colonnade, with a minimum of two (2) feet six (6) inches horizontal clearance from any column, and a minimum ~~nine-seven~~ (97) feet vertical clearance from the finished sidewalk grade.

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

~~c) Signs shall be limited to business identification name and logo only; services, products, and business slogans shall be prohibited.~~

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

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

ef) Except for temporary signs as otherwise permitted in accordance with chapter 39, section 39-10 of this Code, no sign other than a colonnade hanging blade sign installed in the manner specified in this subsection, shall be hung or attached to the colonnade.

f) A sign permit shall be required.

4. Window and door signs.

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

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

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

~~d) A window or door sign shall not require a sign permit. Signs permitted may include business identification, including logo and hours of business, as well as the products and services offered therein. Neon may only be used for the business name, logo, and an "open/closed" sign; the use of neon for identifying products and services, hours of operation, business slogans, and other elements shall be prohibited.~~

5. Banners placed above the colonnade, for any purpose, shall be permitted require a temporary sign permit and shall be allowed for a maximum period of thirty (30) cumulative days within each six (6) month period in a calendar.

39-10. - Temporary signs.

39-10.1 Purpose. The City of Chandler finds that the proliferation of temporary signs is a distraction to the traveling public and creates aesthetic blight and visual clutter that threatens the public's health, safety and welfare. The City also recognizes a legitimate need for temporary signs for a wide variety of functions or special occasions. The purpose of these regulations is to allow temporary signs in such a manner that limits the distractions to the traveling public and eliminates or reduces aesthetic blight and visual clutter caused by temporary signs.

39-10.2 General regulations for all temporary signs.

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- A. Temporary signs shall be allowed only in compliance with the provisions of this section.
- B. Temporary signs shall not be attached to any public facility such as government signs and supporting poles, utility poles, street lights, light poles, and trees on public property.
- C. Temporary signs shall not obstruct view or paths in a manner that creates a hazard for pedestrian or vehicular traffic.
- D. Temporary signs shall be of sufficient weight, made of durable material and be properly secured to withstand wind gusts, storms and other natural elements.
- E. No temporary signs shall be mounted on a building roof.
- F. No temporary signs shall emit sound or odor, except for seasonal decorations.
- G. No temporary signs shall have animated or moving parts, except for seasonal decorations and air-activated signs as provided for in section 39-10.3(B).
- H. No temporary signs shall imitate traffic control signs, or obscure actual municipal or other public traffic control signs or devices.
- I. No temporary signs shall be placed upon private property without the property owner’s approval.
- J. No temporary signs located in single family residential zones shall be illuminated, except for seasonal decorations.
- K. Search lights, strobe lights, intermittent or flashing illumination, holographic projections, laser light displays, beacons and other similar temporary signs or effects shall be prohibited.
- L. The Zoning Administrator may remove or cause to be removed any temporary sign erected, displayed upon, or projecting into public property that is not expressly allowed by this section or protected by state statute, or which presents a critical safety hazard requiring immediate action.
- M. Exceptions to general regulations for all temporary signs provided herein and specific temporary sign types as provided for in section 39-10.3 may be permitted when approved as part of a City sponsored public event or special event permit as provided for in Chapter 32 of the Chandler City Code.

39-10.3 Regulations for specific temporary sign types.

- A. A-Frame or T-Frame signs.
 - 1. Area and Height: The area of any single sign shall not exceed twelve (12) square feet in area nor exceed four (4) feet in height.
 - 2. Location, number of signs and duration:
 - a) Each business or nonresidential use located in a commercial or industrial district may place one (1) sign within the building envelope and shall maintain a minimum five (5) foot clearance to allow unobstructed pedestrian use of the privately owned pedestrian pathway located therein. Said sign shall be displayed only during business hours. Notwithstanding the foregoing, an unlimited number of signs may be displayed when said signs are located within a permitted outside display area.
 - b) Each business or nonresidential use which occupies a building that fronts onto and abuts the edge of the public right-of-way may place one (1) sign on the public sidewalk within the building envelope. The placement of said sign shall maintain a minimum

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five (5) foot clearance to allow unobstructed pedestrian use of the public sidewalk. Said sign shall be displayed only during business hours.

- c) Each single family lot or model home may place one (1) sign anywhere on the property, and each single family lot or model home cluster may place one (1) additional sign at each turning movement beginning at the subject property and extending for a maximum of one (1) mile distance from said property up to a maximum of ten (10) signs. Said signs shall be placed away from the street and no closer than five (5) feet from the curb behind the public sidewalk or no closer than five (5) feet from the edge of pavement when there is no public sidewalk. Said signs shall be displayed only on days when the property is open to the public (e.g. garage/yard sale, open house, and model home business hours).
- d) Each multiple family development, mobile home park, or mobile home subdivision may place one (1) sign within the building envelope of the building containing the office. Said sign shall maintain a minimum five (5) foot clearance to allow unobstructed pedestrian use of the privately owned pedestrian path located therein. Said sign shall be displayed only during office hours.
- e) Each quasi-public or institutional use not located in a commercial or industrial district may place one (1) sign within the building envelope and shall maintain a minimum five (5) foot clearance to allow unobstructed pedestrian use of the privately owned pedestrian pathway located therein. One (1) additional sign may be placed at each turning movement beginning at the property and extending for a maximum of one (1) mile distance from said property up to a maximum of ten (10) signs. Said signs shall be placed away from the street and no closer than five (5) feet from the curb behind the public sidewalk or no closer than five (5) feet from the edge of pavement when there is no public sidewalk. Said signs shall be displayed only when said property is open to the public.

3. Approval process: No sign permit shall be required.

B. Air-activated signs.

1. Area and Height: Signs shall not exceed fourteen (14) feet in height.

2. Location:

- a) Signs shall be set back a minimum of five (5) feet from the public right-of-way or a distance that is equal to the height of the sign, whichever is greater.
- b) Air-activated signs shall only be allowed on nonresidential properties, except for seasonal decorations on residential properties, which do not require a permit.

3. Number of signs: No more than two (2) air-activated signs may be displayed concurrently. For the purpose of calculating the number of signs, segments of multiple pennants hung on the same premises shall collectively be considered one (1) sign and segments of streamers hung on the same premises shall collectively be considered one (1) sign.

4. Duration: Each multiple family development, business or nonresidential use shall be allotted no more than thirty (30) cumulative days within each six (6) month period in a calendar year to display air-activated signs, banners, or feather signs. One (1) day shall be counted as being exhausted from the total allotment for each day that one or any combination of the aforementioned signs is displayed.

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5. Approval process: A temporary sign permit shall be required to display any air-activated sign, except common party balloons shall not require a permit when they do not exceed a height of fourteen (14) feet from finished grade.
6. Other requirements:
 - a) Signs shall be fastened to the ground or a structure so that it cannot shift more than three (3) feet horizontally under any condition.
 - b) Signs shall require compliance with applicable building codes.

C. Banners.

1. Area and Height:

- a) Banners shall not exceed the square footage of installed and/or permitted wall signs as provided for in section 39-9.
- b) Notwithstanding the foregoing, each vertical banner shall not exceed twelve (12) square feet in area.
- c) Banners attached to buildings and vertical banners affixed to a structure located within a permitted outside display area shall not project above the roof line or exceed a height of twenty five (25) feet from finished grade to the top of the banner, whichever is lower. Said banners shall maintain a minimum clearance of seven (7) feet above finished grade when placed upon an area open for common or general use of the public.
- d) Detached banners in residential areas shall not exceed a height of eight (8) feet measured from finished grade to the top of the banner.

2. Location:

- a) Banners shall not be attached to single family homes.
- b) Detached banners shall not be displayed in single family residential areas except when located at neighborhood entrances.
- c) Detached banners shall be setback a minimum of five (5) feet from the public right-of-way and driveways. Said setback shall not apply to banners affixed to a temporary construction fence.
- d) Vertical banners shall only be displayed in permitted outside display areas.

3. Number of signs:

- a. Each multiple family development, business or nonresidential use may display no more than one (1) banner, which may be attached to a building or detached. Notwithstanding the foregoing, an unlimited number of vertical banners may be displayed when affixed to structures that are located within a permitted outside display area.
- b. Each single family neighborhood may display no more than one (1) detached banner per neighborhood entrance.

4. Duration:

- a. Each multiple family development, business or nonresidential use shall be allotted no more than thirty (30) cumulative days within each six (6) month period in a calendar

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year to display air-activated signs, banners, or feather signs. One (1) day shall be counted as being exhausted from the total allotment for each day that one or any combination of the aforementioned signs is displayed, except that the display of vertical banners located in permitted outside display areas and banners that are displayed during construction of a site or during a City funded or designated construction project that is located adjacent to the business or nonresidential use erecting said sign shall not be counted toward said allotment.

- b. Detached banners located at neighborhood entrances shall be displayed only on days when a neighborhood event is open to the public (e.g. neighborhood yard sale, neighborhood cleanup).
- 5. Approval process: A temporary sign permit shall be required to display banners as provided herein, except no permit shall be required for:
 - a) Vertical banners; and
 - b) Banners that are displayed during construction of a site or during a City funded or designated construction project that is located adjacent to the business or nonresidential use erecting said sign, and which is promptly removed after construction is completed.
- 6. Other requirements:
 - a) Detached banners shall be secured to a freestanding temporary support structure, uprights, stakes or poles that are sufficiently anchored to withstand wind pressure.
 - b) Banners shall not be tethered to or otherwise affixed to trees or any other landscaping.
 - e) Any banner that is partially torn, loose or otherwise unsecured shall be deemed unsafe and shall be immediately replaced, refastened, removed or replaced.
 - f) Banners shall not be affixed to or displayed over a freestanding monument sign.

D. Feather signs.

- 1. Area and Height: Feather signs shall not exceed twelve (12) square feet in area and shall not exceed eight (8) feet in height from grade.
- 2. Location: Feather signs shall only be allowed in multiple family districts and nonresidential properties, and shall be setback a minimum of five (5) feet from the public right-of-way or a driveway. Said signs shall not be placed closer than twenty (20) feet to another feather sign or freestanding monument sign.
- 3. Number of signs: Each multiple family development, business or other nonresidential use may display no more than two (2) feather signs.
- 4. Duration: Each multiple family development, business or other nonresidential use shall be allotted no more than thirty (30) cumulative days within each six (6) month period in a calendar year to display air-activated signs, banners, or feather signs. One (1) day shall be counted as being exhausted from the total allotment for each day that one or any combination of the aforementioned signs is displayed.
- 5. Approval process: A temporary sign permit shall be required to display feather signs as provided herein.
- 6. Other requirements:

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- a) Feather signs shall be securely attached to mounting poles which are secured to the ground.

E. Large temporary freestanding signs (17 – 160 square feet):

1. Number of signs:

- a) Each nonresidential development or center that is greater than two (2) acres and each property that is currently undeveloped, used for agriculture or under construction may display one (1) large temporary freestanding sign per street frontage. Parcels with an excess of three (300) hundred feet of street frontage may display one (1) additional large temporary freestanding sign per three hundred (300) feet of street frontage. Said signs shall not be less than three hundred (300) linear feet apart, except signs posted on different parcels may be less than three (300) linear feet apart from each other. The Zoning Administrator may allow a minor reduction from said separation of signs displayed on the same parcel upon finding that such a reduction is necessary to accommodate a special circumstance that is not self-imposed by the property owner or applicant. For example, said minimum separation would not be possible due to the location of an existing utility pedestal, street scupper, or driveway and the length of the property does not provide opportunity to exceed said separation. Said reduction shall not exceed thirty (30) feet.
- b) Notwithstanding the foregoing, signs or notices required or posted by a government agency shall not be counted towards the number of signs permitted herein.

2. Area, height, location and materials:

- a) The sign face of signs displayed on properties that are currently undeveloped, used for agriculture or under construction shall not exceed thirty two (32) square feet in area for the first acre or portion thereof. When the subject property exceeds one (1) acre in size, the sign area may be increased four (4) square feet for each additional acre or portion thereof not to exceed one hundred sixty (160) square feet.
- b) The sign face of signs displayed on nonresidential developments or centers containing less than ten (10) acres but more than two (2) acres shall not to exceed thirty-two (32) square feet.
- c) The sign face of signs displayed on nonresidential developments or centers containing ten (10) acres or more shall not exceed fifty (50) square feet and may be illuminated. Such illumination shall be indirect lighting only.
- d) Said signs shall not exceed fifteen (15) feet in height.
- e) Said signs shall not be placed closer than fifteen (15) feet to a public right-of-way.
- f) All signs shall be made of a rigid and durable material that will withstand the elements.

- 3. Approval process and duration: Signs exceeding thirty two (32) square feet in area or eight (8) feet in height shall require a sign permit in order to ensure the structural safety of said signs. Said permit shall be valid for two (2) years and shall be renewable on an annual basis thereafter.

F. Midsize temporary freestanding signs (7 – 16 square feet):

1. Number of signs:

- a) Each parcel may display one (1) midsize temporary freestanding sign, except when it is a corner lot, in which case two (2) such signs may be used, one (1) sign per street

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front. Parcels with an excess of three hundred (300) feet of street frontage may display one (1) additional sign along each street front for each additional three hundred (300) feet of said street front. Said signs shall not be less than three hundred (300) linear feet apart, except signs posted on different parcels may be less than three hundred (300) linear feet apart from each other. The Zoning Administrator may allow a minor reduction from said separation of signs displayed on the same parcel upon finding that such a reduction is necessary to accommodate a special circumstance that is not self-imposed by the property owner or applicant. For example, said minimum separation would not be possible due to the location of an existing utility pedestal, street scupper, or driveway and the length of the property does not provide opportunity to exceed said separation. Said reduction shall not exceed thirty (30) feet.

- b) Notwithstanding the foregoing, an unlimited number of the following signs may be displayed, which shall not be counted towards the number of signs permitted herein:
 - i. Signs or notices required or posted by government.
 - ii. Signs leading to or displayed within a model home cluster which are not visible from an arterial or collector street.

2. Area, height, location and materials:

- a) The sign face of said signs shall not exceed sixteen (16) square feet in area.
- b) Signs displayed on nonresidential developments shall not exceed a height of twelve (12) feet.
- c) Signs displayed on residential properties shall not exceed a height of six (6) feet.
- d) Signs located in the public right-of-way shall not be closer than ten (10) feet measured from the sign post to the curb or edge of pavement where there is no curb. The sign face of said sign may encroach no more than two (2) feet into said ten (10) feet setback.
- e) No setback shall be required for signs displayed on private property.
- f) In no event shall any portion of the sign be closer than one (1) foot to a public or private sidewalk.
- g) All signs shall be made of a rigid and durable material that will withstand the elements.
- h) No sign shall be installed in the public right-of-way without first determining that no underground facilities will be encountered as required by Arizona Revised Statutes sections 40-360.22 et seq., also known as the Arizona Blue Stake Law.

- 3. Approval process and duration: Signs exceeding eight (8) feet in height shall require a sign permit in order to ensure the structural safety of said signs. Said permit shall be valid for two (2) years and shall be renewable on an annual basis thereafter. No permit shall be required for all other midsize temporary freestanding signs.

G. Yard Signs (≤ 6 square feet)

1. Number of signs and location:

- a) Each single family lot, model home cluster, and quasi-public or institutional use not located in a commercial or industrial district may place one (1) sign anywhere on the subject property, one (1) additional sign at each turning movement beginning at the

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subject property and extending for a maximum of one (1) mile distance from said property up to a maximum of ten (10) signs. Said signs shall be placed away from the street and no closer than five (5) feet from the curb behind the public sidewalk or no closer than five (5) feet from the edge of pavement when there is no public sidewalk. Said signs shall be displayed only on days when the property is open to the public (e.g. garage/yard sale, open house, and model home business hours).

- b) Notwithstanding the foregoing, signs or notices required or posted by a government agency shall not be counted towards the number of signs permitted herein.
 - c) No sign shall be installed in the public right-of-way without first determining that no underground facilities will be encountered as required by Arizona Revised Statutes sections 40-360.22 et seq., also known as the Arizona Blue Stake Law.
2. Area and height: Yard signs shall not exceed six (6) square feet in area nor exceed four (4) feet in height.
3. Approval Process: No permit shall be required to display yard signs.

~~All temporary signs require a permit unless specifically exempted herein. The following temporary signs are prohibited unless expressly authorized within any of the subsections set out below and for the limited purposes stated within any such subsection:~~

- ~~• Non-public signs in public rights-of-way or on public property;~~
- ~~• Signs mounted on a building roof;~~
- ~~• Signs having intermittent or flashing illumination, animated or moving parts, or that emit sound;~~
- ~~• Banners, pennants, wind-driven spinners, streamers, balloons, flags, search lights, strobe lights, holographic projections, laser light displays, beacons, bandit, and inflatable signs;~~
- ~~• Signs imitating official traffic control signs, or any sign or device obscuring actual municipal or other public traffic control signs or devices;~~
- ~~• Signs mounted on, or applied to trees, utility poles, rocks, or City-owned property;~~
- ~~• Signs placed upon private property without the property owner's approval;~~
- ~~• Off-premises, portable signs or "A-frame" signs;~~
- ~~• Business identification/advertising signs in single-family zoning districts.~~

~~39-10.1. Contractor signs. Contractor signs designating the contractor or subcontractor engaged in the construction or repair of a building or buildings on each parcel of land shall be allowed one (1) nonilluminated sign without a permit if in compliance with the following requirements.~~

- ~~A. The area of any single sign shall not exceed thirty-two (32) square feet in area nor exceed eight (8) feet in height.~~
- ~~B. The sign shall be removed within ten (10) days of completion of the work by the contractor or subcontractor on the property.~~
- ~~C. All contractors or subcontractors signs may be consolidated on one (1) sign. The area of a consolidated sign is calculated at six (6) square feet per contractor or subcontractor listed with a maximum sign area of one hundred (100) square feet for six (6) or more contractors. Said sign shall not exceed eight (8) feet in height or be located closer than ten (10) feet to a public right-of-way.~~

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~~39-10.2. Development signs.~~

~~A. A sign permit shall be required for the erection of a development sign and is valid for a period of one (1) year.~~

~~B. One (1) single or double faced freestanding sign is allowed upon the parcel of property to be developed unless it is a corner lot, in which case one (1) such sign per street front.~~

~~C. The face area of said sign shall not exceed thirty-two (32) square feet for the first acre or portion thereof. When the proposed parcel for development exceeds one (1) acre in size, the sign area may be increased four (4) square feet for each additional acre or portion thereof, not to exceed ninety-six (96) square feet.~~

~~D. These signs shall not exceed fifteen (15) feet in height or be located closer than ten (10) feet to a public right-of-way.~~

~~E. Such sign or signs shall be removed within ten (10) days after completion of the announced development of one (1) year, whichever is first.~~

~~39-10.3. Subdivision signs.~~

~~A. Permit required. A sign permit shall be required for the erection of a subdivision sign and is valid for two (2) years. Said permits are renewable on an annual basis thereafter.~~

~~B. Type and number. Subdivision signs shall be either single or double faced. One (1) sign is permitted per parcel of property to be developed unless it is a corner parcel, in which case two (2) such signs are allowed, but only one (1) sign per street frontage. In the event the subdivision contains more than one (1) project, such as a detached single-family home project and a patio home project, and each has its own set of model homes, each such project shall be entitled to one (1) subdivision sign.~~

~~C. Size. Maximum height of said sign shall not exceed fifteen (15) feet, and said sign shall not exceed thirty two (32) square feet for the first acre or portion thereof. For each additional acre in size, the combined area of the sign may be increased four (4) square feet up to a maximum of one hundred sixty (160) square feet.~~

~~D. Signs in retention areas. Said sign shall be placed no closer than fifteen (15) feet to a public right-of-way, except that a subdivision sign may be permitted to be located in a water retention area provided that:~~

- ~~1. The retention area fronts an arterial street;~~
- ~~2. The retention area has been dedicated and improved by the subdivision requesting the sign location;~~
- ~~3. The sign applicant provides acceptable liability insurance and holds the City harmless from any consequences of the location;~~
- ~~4. No special or unusual maintenance problems are created by the location; and~~
- ~~5. The location and installation of the sign is effected in a manner consistent with the intent of this section.~~

~~39-10.4. Subdivision direction sign.~~

~~A. A subdivision direction sign is a temporary sign which is designed and erected for the purpose of directing the public to a recorded residential subdivision for the sale of homes or lots thereon. These signs may be placed on property other than the subdivision property.~~

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~~B. These signs require a sign permit and shall be removed within ten (10) days after the use they advertise is fulfilled, or upon eighty (80) percent completion of the subdivision.~~

~~C. Sign area shall not exceed thirty-two (32) square feet.~~

~~D. One (1) sign per project per mile is allowed or where there is a change in direction, provided such sign is located on property with the owner's permission.~~

~~E. No sign shall be more than ten (10) feet in height or closer than ten (10) feet to the public right-of-way.~~

~~39-10.5. Grand opening signs.~~

~~A. A grand opening sign is a temporary sign which calls attention to a new business or institutional use. These signs are allowed in any zone in which the commercial, industrial or institutional uses are permitted.~~

~~B. The sign or signs shall not be displayed for more than thirty (30) days.~~

~~C. Only one (1) grand opening sign shall be allowed per use.~~

~~39-10.6 Model home signs.~~

~~A. A model home sign is a form of temporary sign which identifies an unoccupied new home used as a demonstrator to advertise and promote sales of other homes within the recorded subdivision. Each model home may have one (1) identification sign not to exceed six (6) square feet in area, or two (2) such signs if located on a corner lot. These signs may be freestanding and do not require a permit.~~

~~B. These signs shall be made of solid, non-flexible material. Off-premises portable signs or "A-frame" signs are not allowed.~~

~~C. No such sign shall be located on a public right-of-way.~~

~~D. No sign permit is required.~~

~~39-10.7 Open house signs.~~

~~A. An open house sign is a portable, temporary sign to direct traffic to a home for sale, and shall not exceed a maximum height of three (3) feet and a maximum area of six (6) square feet and may be freestanding.~~

~~B. The sign may be double-faced but shall not be illuminated.~~

~~C. The sign shall not be placed in any public right-of-way.~~

~~D. The sign shall be used only when sales personnel are at the home being advertised for sale.~~

~~E. A maximum of four (4) such signs for each home or group of homes in the subdivision shall be allowed.~~

~~F. These signs shall be made of solid, non-flexible material. Off-premises portable signs or "A-frame" signs are allowed.~~

~~G. No sign permit is required.~~

~~39-10.8. Political signs.~~

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~~A. Political and campaign signs on behalf of candidates for public office or urging action on primary, general or special election ballots are permitted in all zoning districts and do not require a permit.~~

~~B. The display is limited to sixty (60) days immediately preceding any primary, general or special elections to which they refer, and shall be removed ten (10) days following said election.~~

~~C. The person, party or parties responsible for the erection or distribution of any such signs shall be jointly and individually liable for their removal.~~

~~D. The total sign area in residential districts shall not exceed ten (10) square feet, nor five (5) feet in height. Total sign area in commercial and industrial district shall not exceed fifty (50) feet in area, nor eight (8) feet in height.~~

~~E. The sign shall not be placed in or upon any public right-of-way and/or including utility poles in said right-of-way.~~

~~39-10.9 Real estate signs.~~

~~A. The property being advertised for lease, sale or rental shall be limited to one (1) such sign on each lot or parcel of land, except when it is a corner lot, in which case two (2) such signs may be used, one (1) sign for each street front. Said sign shall be removed within ten (10) days of sale, lease or rental.~~

~~B. These signs shall be made of solid, non-flexible material. Off-premises portable signs or "A-frame" signs are not allowed.~~

~~C. No such sign shall be placed in any public right-of-way.~~

~~D. Residential signs shall not exceed a maximum of height of six (6) feet above grade, and a maximum of sixteen (16) square feet in area. Said signs shall not be illuminated. No sign permit is required.~~

~~E. In property zoned for commercial or industrial use, a permit is required for a real estate sign and such sign shall be allowed as follows:~~

~~1. Parcels containing two (2) acres or less are allowed a sign not to exceed A maximum area of sixteen (16) square feet.~~

~~2. Parcels containing less than ten (10) acres but more than two (2) are allowed a sign not to exceed thirty two (32) square feet.~~

~~3. Parcels containing ten (10) acres or more are allowed a sign not to exceed fifty (50) square feet and may be illuminated, but any illuminated sign shall be indirect or internal only.~~

~~4. Maximum height of all such signs shall not exceed twelve (12) feet.~~

~~39-10.10 Significant Event Signs.~~

~~A. A "significant event sign" is a temporary sign displayed on property used or zoned for any use other than a single-family residence and which displays any type of event that is unique or significant to the business located upon the property. Such events include, but are not limited to, an anniversary, special sale, change in ownership or management, or similar event. A permit for a "significant event sign" is not the same as a special event permit under Chapter 32 of the Chandler City Code.~~

~~B. Significant event signs are subject to all of the following requirements:~~

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- ~~1. Such sign(s) may include a banner, pennant, wind driven spinner, tear drop banner, streamer, balloon, flag, or inflatable.~~
- ~~2. Use of such sign(s) shall be limited to no more than twenty-one (21) cumulative days within each six (6) month period in a calendar year.~~
- ~~3. A sign permit is required and must be displayed that is visible to the public during the allowed time of the permit.~~
- ~~4. No such sign(s) shall be placed in any public right-of-way.~~
- ~~5. An application fee established by Council resolution shall be charged for each sign permit issued under this subsection.~~
- ~~6. Off-premises, portable signs or "A-frame" signs are not allowed.~~

~~39-10.11 "Open During Construction" Signs.~~

- ~~A. An "open during construction sign" is a temporary sign displayed on property used or zoned for any use other than a single-family residence and which calls attention to an existing business or institutional use located on property adjacent to or otherwise affected by a City funded or designated construction project.~~
- ~~B. No sign permit is required.~~
- ~~C. The transportation and development director shall verify a property's eligibility.~~
- ~~D. Open during construction signs are subject to all of the following requirements:~~
 - ~~1. Only one (1) single or double faced open during construction sign shall be allowed per use.~~
 - ~~2. Such sign may include a banner, pennant, or tear drop banner.~~
 - ~~3. Off-premises, portable signs or "A-frame" signs are not allowed.~~
 - ~~4. The face area of said sign shall not exceed sixteen (16) square feet.~~
 - ~~5. The sign shall be removed promptly following the completion of the City funded or designated construction project.~~

~~39-11. Revocation of permits.~~

~~The Zoning Administrator shall have the authority to revoke any permit which has been granted when it has been determined by the Director of Planning and Development or the Zoning Administrator that the sign authorized by the permit has been constructed or is being maintained in violation of the permit.~~

- ~~A. Notice of the planning and development decision to revoke a sign permit shall be served on the holder of the permit by:~~
 - ~~1. Delivering a copy of the notice to the holder of the permit, mail return receipt requested, to the last known post office address of the holder of the permit; and~~
 - ~~2. Leaving a copy of the notice with any person in charge of the premises and a copy mailed to the property owner; or~~
 - ~~3. In the event no such person can be found on the premises, by affixing a copy of the notice in a conspicuous position at or near the entrance to the premises.~~

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~~B. The holder of the permit may appeal the decision of the Director of Planning and Development to the Board of Adjustment. This appeal must be made within thirty (30) days from the date when the notice was served.~~

~~C. If no appeal has been filed by the end of the thirty-day appeal period, then the permit is revoked and the sign is illegal. The Director of Planning and Development shall then initiate the procedure for the removal of the illegal sign.~~

~~39-12. Removal of signs.~~

~~The Director of Planning and Development is hereby authorized to require the removal of any illegal sign as defined by this chapter.~~

~~A. Before bringing action to require the removal of any illegal sign, the Director of Planning and Development shall give written notice to the owner of the sign or the owner of the premises on which the sign is located. The notice shall state the reasons for removal, listing the deficiencies or defects in the sign with reasonable definiteness, and the violations charged. The notice shall include what repairs if any will make such an installation conform to the requirements of this chapter. The notice shall specify that the sign must be removed or made to conform with the provisions of this chapter within the time period listed below. Service of notice may be given personally to the owner or lessee, or by certified mail addressed to the owner or lessee at the address specified in the permit or last-known address.~~

~~B. The period of notice for permanent sign as defined by this chapter shall be thirty (30) days. The period of notice for temporary signs as defined by this chapter shall be three (3) working days.~~

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

~~D. If the owner or lessee of the premises where the sign is located has not complied with this chapter by the end of the notice period, the Director of Planning and Development shall certify the violations to the City Attorney for prosecution, or any other remedy allowed by law.~~

~~39-13. Emergency removal or repair.~~

~~A. The Director of Planning and Development is hereby authorized to cause the immediate removal or repair of any sign or signs found to be unsafe, defective, or a traffic hazard to the extent that it creates an immediate and emergency hazard to persons or property. Actual notice to the property owner or lessee shall not be required. The Director shall make a reasonable effort to notify the property owner or lessee that the defective and unsafe sign must be removed or repaired immediately.~~

~~B. All actual costs incurred by the Director of Planning and Development in the removal or repair of said sign shall be paid by the owner of the sign or the owner of the premises where the sign is located. Action for recovery may be brought by the City Attorney upon proper certification to him/her by the Director of Planning and Development.~~

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, April 19, 2017 held in the City Council Chambers, 88 E. Chicago Street.

1. Chairman Pridemore called the meeting to order at 5:30 p.m.
2. Pledge of Allegiance led by Commissioners Wastchak.
3. The following Commissioners answered Roll Call:

Chairman Matthew Pridemore
Vice Chairman Andrew Baron
Commissioner Katy Cunningham
Commissioner Bill Donaldson
Commissioner Devan Wastchak
Commissioner Robert Klob

Absent and Excused:

Commissioner David Rose

Also present:

Mr. Kevin Mayo, Planning Manager
Mr. David de la Torre, Principle Planner
Ms. Jodie Novak, Senior City Planner
Ms. RoseMarie Horvath, Asst. City Attorney
Ms. Lucy Vazquez, Clerk

4. APPROVAL OF MINUTES
MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER DONALDSON** to approve the minutes of the April 5, 2017, Planning Commission Hearing. The motion passed 5-0. (Commissioner Wastchak abstained as he was absent April 5, 2017, Commissioner Rose absent)
5. ACTION AGENDA ITEMS
CHAIRMAN PRIDEMORE informed the audience prior to the meeting Commission and Staff met in an open Study Session to discuss each of the items on the consent agenda and will be approved by a single vote. After staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion or a full presentation.

A. DVR17-0003 SAINT MATTHEW'S EPISCOPAL CHURCH

Approved. REMOVED STIPULATION NO. 7 AND RENUMBERED

Request rezoning from Single-Family District (SF-8.5) to Planned Area Development (PAD) for a church along with Preliminary Development Plan (PDP) approval for site layout and building design for a new church building. The property is located at 901 W. Erie Street, east of Alma School Road and north of Chandler Boulevard.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Saint Matthew's Episcopal Church", kept on file in the City of Chandler Planning Division, in File No. DVR17-0003, except as modified by condition herein.

2. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.
3. Landscaping shall be in compliance with current Commercial Design Standards.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
5. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
6. The site shall be maintained in a clean and orderly manner.
7. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

B. PDP16-0012 EOS FITNESS

Approved.

Request Preliminary Development Plan (PDP) approval for site layout and building design for a fitness center located north of the northwest corner of Ray and Cooper roads.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "EOS Fitness", kept on file in the City of Chandler Planning Division, in File No. PDP16-0012, except as modified by condition herein.
2. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.
3. Landscaping shall be in compliance with current Commercial Design Standards.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
5. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
6. The site shall be maintained in a clean and orderly manner.
7. Traffic calming shall be provided along the rear service drive aisle.
8. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

D. CANCELLATION OF THE MAY 3, 2017 PLANNING COMMISSION HEARING

Approved.

MOVED BY VICE CHAIRMAN BARON, seconded by **COMMISSIONER WASTCHAK** to approve the Consent Agenda as read in by Staff. The Consent Agenda passed 6-0. (Commissioner Rose, Absent).

ACTION:

C. ZCA16-0002 CITY OF CHANDLER / SIGN CODE AMENDMENT

Approved.

City initiative to amend Chapter 39 (Sign Code) of the Chandler City Code by adopting a revised Chapter 39 in its entirety.

DAVID DE LA TORRE, PRINCIPAL PLANNER stated it is a city initiative to amend chapter 39 of the Chandler City Sign Code by adopting a revised chapter 39 in its entirety. It is in response to a decision by the U.S. Supreme Court, which first occurred in the Town of Gilbert in 2015. The Supreme Court stated that sign regulations that treat signs differently based on content of each sign violates the first amendment, which protect the right to freedom of speech. That is the primary goal of the amendments to remove all content base regulations from the City of Chandler sign code. Secondary he explained that it also gives an opportunity to clean up the code. Pieces of the code have been revised over the years but since the sign code was adopted in 1976, it has not gone through a comprehensive update.

The intent behind the update is not to completely rewrite the sign code rather to fix the areas that need to be updated to meet the two goals to remove content base regulation and align the code with current administrative practices and update terms. Much of the existing sign code has worked well with staff and city and does not need to be changed. The proposed changes also seem to reach a balance between getting businesses the opportunity to provide signage and also protect the aesthetic quality of the city as a whole. Throughout the presentation, commission will find that the proposed revisions are fairly liberal and responsive to the feedback that staff has been getting through the process. The sign code can be divided into three general parts, general regulations that apply to all signs, permanent and temporary signs. Most of the changes that are proposed are in the temporary sign section. All of the existing temporary sign sections are all content based so the entire section is being replaced with new language and most of the presentation will focus on the temporary sign section. He pointed out a few changes on the permanent section.

The proposed draft identifies three new sections, subdivision entrance signs, as when you drive into a neighborhood, the sign is usually on a wall or landscape wall. Most of the subdivisions that are built, the sign gets approved through the Preliminary Development Plan (PDP) that's approved by council. However, there are lot of older areas in the City of Chandler that have not had that opportunity and there are no current provisions in the code to allow them to put up signs like that so they can improve their neighborhood; so staff is proposing a section to give them an opportunity to identify and improve their neighborhoods. Flags are another section that sign code is currently silent on and staff is proposing to simply have a basic rule for flags because there are currently no rules. They looked at other cities and what they are proposing is very similar to other cities, in fact, more lenient than others. They are not proposing a limit on the number of flags displayed however, proposing no more than three flag poles on each property. If a new company would come into Chandler and want more than three flags, it could be consider through a PDP or PAD application. Digital sign section is a new sign section that addresses technical standards. The standards that are proposed in the code are industry accepted standards and from the international sign association. It does not change the city's policy of only allowing digital signs in public and institutional zoning districts. The restriction will continue only allowing digital signs in school properties, church properties and etc. The current code only allows

billboards to be considered through use permit applications that have to go through Planning Commission and Council for approval. They are only allowed on properties that are zoned C-3 and only C-3 properties that are located along Arizona Ave. and Chandler Blvd. That exemplifies how old the sign code is because back in the day those two cross streets were the major streets. Since the freeways have been built, there's been a demand for regional offsite signage. The policy from council has not been to allow more billboards along those freeways. Staff has proposed to remove the current billboard section completely and add billboards as prohibited type of sign in the sign code.

Lastly, staff is proposing to add more flexibility to monument signs. Currently, the existing code requires the spacing of 300 ft. between permanent monument signs. Staff is adding language that would allow the Zoning Administrator to reduce the 300 ft. separations if the need for that reduction is not self-imposed. An example might be if there's a driveway where the 300 ft. might be located or several utility boxes that are in the way. The Zoning Administrator will look at that case by case and reduce that 300 ft. spacing up to a maximum of 30 ft. which is 10 percent of the required spacing. Staff's also proposing to increase the number of panels in monument signs. The current codes caps the total number of panels to four for each sign and the draft code would allow up to a maximum of five panels.

He referred to the presentation and displayed the current temporary sign types that are listed and based on the title they are all content based. The proposed sign code has re-categorized the sign types and based them on the physical characteristics as opposed to the content. The Open House signage in the existing code is the only instance where A-frames are allowed. It also states no more than four A-frames for open houses and cannot be placed in the right-of-way and no permit required. The proposed draft would allow single-family lots; model homes and quasi-public institutional uses to place one A-frame sign each on the property and one at each turning beginning from the property up to a mile away and no more than ten signs. They will only be allowed to be displayed when the property is open to the public and would be allowed in the right-of-way, behind the sidewalk or five feet from the curb if there is no side walk. The current sign codes states no sign in the right-of-way. Staff has received major feedback from real estate agents and met with council and changed the direction to allow it. The existing code does not allow non-residential properties or multi-family properties to display A-frames. Staff proposes to allow each business and multi-family development to place one within the building envelope; 20 ft. from the front of the building. Only businesses and buildings that front and abut the public right-of-way are allowed to place in them on the public side walk and it would be mainly in the CCD district downtown, as long as they leave 5 ft. minimum clearance for pedestrians. Staff is proposing to allow an unlimited number of A-frames and T-frames signs within an outside display area which identifies specific land uses that are permitted to have outside display areas such as auto dealership, nurseries etc.

CHAIRMAN PRIDMORE asked David if the unlimited display signs have to go up and down during business hours.

MR. DE LA TORRE stated the signs will have to be displayed during business hours.

MR. DE LA TORRE explained the next group of temporary signs is; grand opening signs, open during construction signs and significant event signs. They have been re-categorized as banners, air activated and feather signs. He mentioned that in the existing code it allows an unlimited number of significant event signs, 21 cumulative days within a 6 month calendar period and a significant event sign permit is required to track the days of display and not allowed in the right-

of-way. In the proposed draft, one banner, two air activated signs and two feather signs would be allowed a maximum 30 cumulative days within a 6 months calendar period which is an increase of days. The increase of days is because currently the grand opening signs are allowed up to 30 days, so everything could be the same. Temporary sign permit will still be required to track the timing and still not be allowed in the right-of-way. The draft allows an unlimited number of vertical banners which are attached to the parking lighting in approved outside display areas and not along street frontage or right-of-way.

COMMISSIONER WASTCHAK asked if the limitation applies for the entire retail center or is it one sign per each tenant within a retail center.

MR. DE LA TORRE stated it would be for each tenant to have the opportunity to put those signs up.

MR. DE LA TORRE explained that the next groups of signs displayed on the PowerPoint all show the same physical characteristics such as the rigid sign face and one or more poles that support the rigid sign face. They all have been re-categorized into one category called the Temporary Free Standing signs. Within that category they are divided into three different sizes. He illustrated examples of existing sign types such as development signs, subdivision directional signs and real-estate signs. The existing code allows two development signs, one per street frontage. Two real-estate signs and unlimited number of subdivision directional signs, one contractor sign and one model home sign per parcel. Theatrically, each parcel can have all of these signs at the same time as the property goes from being vacant to under construction. None of the signs are allowed in the right-of-way. In the proposed code they have been broken out into three categories and the first two categories are the large up to 160 sq. ft. and midsize are up to 16 sq. ft. They have extracted the sizes from the existing code and have tried to maintain the same standards. The proposed code will allow one large sign per ever 300 ft. of street frontage and that would be for the agriculture properties, vacant properties, non-residential developments and properties under construction. The setback would be a minimum of 15 ft. from the right-of-way which is the same as what the existing code requires and the permit would only be required when the sign is greater than 32 sq. ft. or taller than 8 ft. in height. That would ensure structural safety. The midsize are typically the real-estate signs that are placed for both residential and non-residential properties. The proposed code will allow a minimum of one sign per parcel. If it is a corner parcel it would be one per street frontage so a minimum of two. In addition the proposed code will allow one sign for every 300 ft. of street frontage. The proposed setback is 10 ft. from the curb to the sign post and there could be a 2 ft. overhang form the sign face. The intent is to avoid underground damage that is in the right-of-way. It is a significant departure from the existing code and it was in response to feedback that they received from various stakeholders. No permit would be required to post the signs except when the signs are over 8 ft. in height and Blue Stake would be required before the signs are posted.

He mentioned the proposed code allows an exception for model homes and explained that a Home Builders Association stakeholder were involved in the process requested to place an unlimited number of the midsize temporary free standing signs along their model homes. He explained that typically in a model home cluster there are several signs in between the homes and parking lots. Staff is proposing to allow an unlimited number of the signs as long as they are not visible from an arterial street or collector and Blue Stake would be required. He mentioned that yard signs are the smallest of the temporary free standing signs and illustrated a couple of yard and garage sale signs in the PowerPoint and also model home signs that home builders like to use for weekend directional signs. Staff is proposing the same regulations that staff is proposing

for the A-frame signs. Each single-family lot, each model home and each quasi-public or institutional use for a church or a school can place one of these on a subject property and one additional sign at each turning movements beginning from the property up to a mile away not to exceed 10 signs total. The signs will only be displayed while the subject property is open to the public and would be allowed in the right-of-way behind the sidewalk or 5 ft. from the curb and no permit required. The last type of sign in the existing code is the political signs. Language is being replaced that provides for signs that are authorized or protected by state law. He mentioned regarding code enforcement, the existing code only allows for the sign code to be enforced through pressing criminal misdemeanor charges and is the only option in the books now. The proposed code would improve the situation by adding the option for a civil citation instead of a criminal misdemeanor. That aligns with city wide policies to work with the business owners and citizens and try to achieve voluntary compliance.

He mentioned that recently it has been a point of contention from certain businesses. Staff believes by removing the ability to press criminal charges would not be prudent for the City of Chandler or for any other municipality. The criminal aspect would rarely be used and it has been the only option since 1976 and staff cannot think of any time when that was used. However, even though it's the only option, they think it would still be prudent to keep it in the sign code. There are conceivable situations and maybe extreme but can occur and maybe necessary to press criminal charges. An example would be a habitual offender that would rather continue to pay fines for illegal signs rather than removing them. The fines would get rolled into the cost of doing business and without that criminal aspect the city would not have any remedy to completely resolve that situation. Another extreme hypothetical situation would be if someone decides to build their own billboard on their own property in order to sell space and make money. Say the billboard which that someone did not get a permit for or go through the plan review to make sure the structural integrity of the billboard was sound; it ends up being blown over by the monsoon unto a neighbor's property creating significant damages or harming people. The situation might be extreme but conceivable. The city would need an option to enforce and more than just a civil citation. Staff hopes that the city would never have to press criminal charges for sign related regulations and thinks it would be prudent to keep that criminal ability. Another note he mentioned it is not unusual for the city to have both options to press criminal charges and or move forward with a civil citation. Staff has surveyed eight cities before Planning Commission and found that every single city that got surveyed had both abilities. The sign code is part of the zoning code through state law and it makes sense that there is an enforcement option to go civil or criminal.

He mentioned staff has gone through extensive public outreach and has sent electronic messages directly to certain organizations to reach different stake holders such as Valley Partnership, South East Valley Regional Association of Realtors, Home Builders Association and International Sign Association. They received a lot of feedback from those organizations and staff has also held briefings and meetings with the Chamber of Commerce, Downtown Chandler Community Partnership and Goldwater Institute. Staff has also met three times with Council to receive direction. Since November 2016, Staff has posted the draft on the city's website and has had an online survey available on the same website so stakeholders can review the draft and send comments through the website. He mentioned his email has also been available on the website. The city also used social media to get the word out. All of the comments that were received have been tracked and recorded in the comment matrix which is attached to the staff reports. To summarize their comments, some residential real-estate agents like the increase number of A-frames signs from 4 to 10, they also like that placing signs on right-of-way is allowed. Matt Ortega, the Government Affairs Directors for the South East Valley Regional Association of

Realtors planned on being present at the meeting but called and mentioned something else came up with a different city. However, they have verbally expressed their support in Chandler's sign code draft and proposal.

He mentioned that the Home Builders Association also liked that the draft does not take away any current provisions and would like to continue to place small directional signs within the right-of-way, which the draft is proposing and to place multiple freestanding signs around model homes. What was mentioned from business owners was that the code is too restricted and unfair to businesses. Small businesses need more signage along roadways, vehicle sign rules are over regulations and some have said that they would like the same signage rights as political signs. To contrast those comments, residents have said that there are too many signs everywhere. Very distracting and would like to limit more temporary signage on residential front yards and limit the size and number of political signs. They would also like to see strict enforcement of removal of road signs. Staff has really worked hard to reach a balance between allowing businesses to display their signs but at the same time to protect the aesthetic qualities of the city. The initial version that was sent to commission was on March 13th. Some revisions that have been made to the March 13th draft since it was provided were; the clarification that the 10 ft. setback for the midsize temporary sign is measured from the curb to a sign post not to the sign face. The sign face can extend or encroach 2 ft. into that 10 ft. setback. Staff also added language to clarify that the Zoning Administrator has the authority to reduce the 300 ft. separation between temporary freestanding signs which is also the same language proposed for the permanent monument signs. Also, clarification was added that each parcel has the right to have a minimum one midsize temporary sign or 2 if it's a corner lot and in addition, more signs if they have 300 ft. of up street frontage. An important note on that is that if there's a shopping center with different properties, each parcel can have one temporary sign even if those temporary signs are less than 300 ft. apart from each other, if they are on different parcels each one can have a minimum of one.

He mentioned that they also clarified that the height of those temporary signs are measured from the sidewalk to the highest point of the sign which is consistent with how they measure other signs. Finally, they revised the definition for business frontage. One situation that was brought to their attention which they agreed to was if there's a shopping center and it's an L-shape building, sometimes that interior corner has very minimal business frontage and the sign calculations are based on that business frontage. If the space behind that minimal frontage is pretty big it didn't seem fair so staff agreed and proposed to revise that definition to allow the length of the space not just the business frontage but space that's parallel to the nearest street to be counted as a business frontage as opposed to just the exterior business frontage. He mentioned if Planning Commission plans to takes action this would go to City Council May 11th for the introduction of ordinance and then to Council again for final adoption on May 25th. Staff recommends approval and asked if anyone had any questions.

CHAIRMAN PRIDEMORE thanked David and gave him kudos for putting it all together. The document is a huge improvement over what the city had before and appreciates the time and effort. He mentioned he had a couple of speaker cards and in no particular order he would announce them. He then stated that he wants the audience to understand the main reason why they are there. The Grove Water Institute and Michael Pollack sued the City of Chandler and through that case it has led to the revision to the sign code presented. He mentioned it doesn't mean that the city wouldn't have revised the code without that; it just has forced it to occur quicker than it was already occurring. He mentioned that the city's attorney representative may jump in at certain times because there may be certain things that are not supposed to be discussed and that is understandable. He thinks it is important that everyone understands the reason why

they are discussing sign code. There are quite a few speaker cards and wants to make sure everyone is heard. He asked everyone to be concise and to the point. He mentioned this has been available for comments since November 2016; there can't be too many items that are pressing as there has been more than enough opportunity to give those comments. He also asked future speakers to try not to state the same item over and over.

RALPH PEW, 1744 S. VAL VISTA DR., STE 217 stated he is speaking on behalf of Michael Pollack but is not there to talk about the lawsuit or constitutional issues. He has 4 or 5 specific issues he'd like to address concerning the sign ordinance. He thanked the city attorneys for the time they spend on the phone with them. He also thanked David for his efforts. The first issue has to do with the criminal sanctions that accompany a sign ordinance. They agree completely with staff that it is extremely rare that criminal prosecution is used. However, it's available and it hasn't been used in 41 years. What he asks commission to consider at least to their recommendation to council is to carve out an exception from that prosecution for third party violators who are not connected to the owner of the property. He stated that the language has to be clear that if someone owns a shopping center like Mr. Pollack does, 11 million sq. ft. of land and over a 1000 tenants in his portfolio, you can't possibly be criminally responsible for the conduct of a tenant who abuses the sign ordinance and who habitually violates it. If there is a way to consider exempting an owner for the conduct of a tenant that the owner can't control because the criminal sanctions are serious, a class one misdemeanor, \$2,500 fine, and six months of jail time. Probation is what the code provides for in the general provisions. He asked for staff to be careful with that and think about exempting the owner.

The next item he'd like to discuss a few deals with is the right-of-way and midsize freestanding signs. The new codes states that you could place a freestanding typical realtor sign which is 16 sq. ft. or smaller 10 ft. behind the curb but what he'd like to suggest to commission and staff is that be changed so that one can put the sign a foot behind the sidewalk. He mentioned that there is the issue that Mr. De la Torre mentioned about the possibility of utilities being behind the sidewalk. So there's the curb then side walk and another 4 or 5 ft. that are still in the right-of-way. The ordinance would say "put the sign clear over 10 ft. away from a curb". He mentioned that there is no reason those signs cannot be within a foot of the sidewalk because the code requires the applicant and the user of the sign to go through Blue Stake anyway. If a utility line is hit which rarely happens; one are responsible for it. He doesn't see the reason to move that sign 10 ft. away from where the street frontage is and when people can see the sign. He thinks it's also possible under staff's and commission's design criteria that they are very particular about screen walls for parking. He asked them to imagine a screen wall that is within an 8 ft. of the curb. Now the sign has to be placed beyond the screen wall and try to hang it over where the screen wall is. It would be a simple thing to put it behind the sidewalk. Also, there are meandering sidewalks that also create a difficulty. The 10 ft. distance would be fine if there is no sidewalk and makes sense but if there's a measure and there's a sidewalk and public using it, a foot away would be a wonderful thing to do and would be more meaningful to the business community.

The third concern or question has to do with temporary signs that are for sale or for lease. For example, he sat in his office and looked out the parking lot and there was a freestanding building with the vitamin shop. If the vitamin shop goes out of business and Cathy's bakery comes in and they get a temporary banner advertising her business. They go through the sign process and get a sign built and replace old sign. It makes good sense to limit that to 30 days in a six month period. What makes no sense is to categorize a "for lease" or "for sale" banner that would cover the existing wall mounted authorized sign to 30 days in a six month time period. The business world

does not work that way as you cannot generally sell or lease a property in that 30 day time period. That would preclude property owners from effectively advertising their building for lease or for sale. He mentioned staff can carve that out because he thinks it is very important that there be a distinction between for lease and for sale versus a temporary sign advertising a business. He thinks it is very critical for the industry and critical to Michael Pollack and his business that there may be some flexibility for that. Otherwise, they will go through the permit process, pay for a permit, put a 30 day sign up, don't get a tenant or buyer then have to take the sign down and wait five months, go back and pay for another permit and put a sign back up and hope they get a buyer or tenant. He hopes there is some language added to the sign code to deal with that issue.

Another question and concern would be abandon signs. He has often wondered in reading zoning codes what it really means to have an abandon sign. What he thinks they should say is there's an abandoned use that an existing sign advertises. The sign is not abandoned it's the use that isn't there anymore. Especially in monument signs, he doesn't want that part of the code to be interpreted but because the tenants that are advertised on the monument are no longer in business that the monuments sign can't exist. He mentioned that he hasn't read every word of every paragraph so their maybe language that protects that but he'd like to just take it easy, clarify that and make sure that's not what's intended because it doesn't benefit anybody.

He thanked staff for clarifying the 300 ft. separation issued to parcels and thinks it makes sense. He stated another issue is if you have a monument sign and there are five panels on it and the third tenant on the panel goes out of business; the sign has to be taken down. New tenant comes in and under the ordinance the owner or the tenant has to go pay for a permit again to put a panel sign for a previous permit that had already been paid for. He thinks it's like a revolving permit process. He believes there is no reason for that. If they know the sign has to be a certain height and has to fit, why go to the city and pay for another permit to put it in there? He thinks it's going to be a constant permit for a sign structure that is already in place and the panel is already there.

He mentioned the last concern/question is the 25% coverage on a window sign. If there is a window in a store front and one wants to advertise something only using up to 25% of the window. That ends up being really small, especially if it's an inline tenant and the tenant leaves. The owner would want to make that space known that's its available but 25 % of that window is very small. He suggested 35% in the conversations with staff but was not agreeable to them and kept it at 25% in the ordinance. He mentioned many of the items that have been discussed with staff have been resolved but the ones mentioned at the meeting are the ones they believe need more attention and thought on how to incorporate it into the final ordinance. He thanked staff and commission and asked if anyone had any questions. There were none.

CHAIRMAN PRIDEMORE thanked the speaker and mentioned the next speaker card.

ADI DYNAR, GOLDWATER INSTITUTE, he stated he is not there to talk about the lawsuit rather than talk and address some of the outstanding concerns that are in the proposed revision. He expressed that the city has diligently worked to putting a proposed draft in an amount of time that they had so he commended them. He mentioned the biggest issue with the proposed draft is the criminality aspect. The reason why he believes it is problematic is because in one of the provisions it says; that both the owner of the signs as well as the owner of the premise is responsible for insuring that the signs are in compliance with the sign code. When you couple that with the criminality provisions in the sign code; it creates a huge liability on property owners who may or may not have anything to do with the signage. If the criminal provisions are being

applied to the property owners and if the sign owners abuse of the right-of-ways or what have you then they think it creates an unreasonable chilling effect on speech. He mentioned that it is all about balancing like Mr. De la Torre mentioned and the proper balance is to delete those criminal misdemeanor provisions from the proposed sign code. One of the examples that was mentioned was about third parties putting up signs in right-of-ways; that is a reason why criminal provisions do not make sense if applied to the property owners as well as the owners of the sign. Another reason why that provision doesn't make sense is because essentially it is saying that the city has unlimited authority to plea bargain with someone to force them and threaten them to bring their properties into compliance as to what the city thinks is the proper way to do it. He thinks it has a tremendous chilling effect on speech. Several courts have said that is not the direction that city's should be taking.

He stated that it was mentioned that others cities have criminality involved but he can say that other cities are slowly moving in the direction of civil citations only. Ultimately, if the purpose of the sign code is to deal with aesthetics of beautification then it makes total sense to have some kind of civil remedies available to the city for like removing signs or having some civil cost of removing the signs, then those kinds of things. For habitual or repeated offenders it makes sense to have some civil injunction that stops them from putting up signs because ultimately that's what the city wants. Cities do not want visual clutter so why would they need a criminal provision on top of that. There is sufficient deterrence that is inherent in any kind of civil remedies and civil injunctions that can be obtained against those that there is no need for the criminal sanction. The only thing that it does is that it gives the administrators authority to plea bargain and threaten residents of the city. He asked if anyone had any questions.

COMMISSIONER CUNNINGHAM stated she related both Mr. Dynar's and Mr. Pew's comments together. In the past, she's had an opportunity to read a couple of commercial leases and terms. Those documents required the tenant to follow all civil and community laws and the landlord has legal rights to evict or penalize the tenant for those violations. She asked if it's correct that those terms are listed in the lease. Therefore, the landlord does have recourse against the tenant if the tenant continues to violate something that the city is giving the landlord notice.

MR. DYNAR thanked Commissioner Cunningham for her question. He mentioned that there's a point of clarification that he would like to make. The short answer is yes, the CCNR do have some kind of contractual provisions in them that regulate the conduct between the landlord and tenant. However, what the criminal provision does is that it imposes this threat of criminal sanctions on the landlord and there is nothing in the CCNR's that deals with that because the criminal misdemeanor conviction stays on your record as a person. So there is nothing in the CCNR that is going to shift that liability or penalty onto the tenant. That is why the criminal aspect is problematic.

JACK STEIN, 2833 N. 48TH ST. stated he is a commercial real-estate broker and owns a commercial real-estate company and has done a lot of business in Chandler over the years. He stated he wanted to address some of the things that are listed in the code. His primary focus as far as the code amendment is related to temporary real estate signs. He doesn't think that anyone is going to argue that the sign code isn't important. He mentioned that he loves going to Las Vegas and the entire building is a sign. One of the things that make Arizona so beautiful is that there is a sign ordinance and when you drive through the suburban cities, they look good. How David said, the sign ordinance has not been changed since the 70's so it's time to do it. There are some things that require more focus, one, is the idea of criminal charges for signs. He can't imagine a scenario where society is going to criminally penalize people for signs. He thinks that fines,

citations and notices are fine but to even suggest that the criminal justice system would somehow be involved in a sign regulation is out of hand, in his opinion. One of the areas that people have spoken about that they definitely have to deal with is in addition to selling or leasing properties there is a significant amount of signs that end up on properties that have nothing to do with the property owner. Some people come along and tag their signs up onto their sign pole; however, the owner doesn't know that as they don't drive by the property that often. Often times, people will put signs on their property advertising other things. He thinks there should be some mechanism where any sort of fines, violation or notices related to sign should somehow go back to the person who put the sign up as oppose to the property owner. If the sign shouldn't be there, there should be a provision where you notice the property owner so the property owner can remove it. He believes there should be some mechanism to separate the person that owns the sign and the person who owns the property.

He believes it is going to be difficult to shape an ordinance that is going to be applicable to every property because there are definitely differences in properties and can't all be the same. He mentioned that the 30 day banner provision on a for lease commercial property is not going to work in his opinion. Those commercial spaces do not lease in 30 days. In the worse times, it would be years before they are leased or purchased. He believes it is too restrictive and the reason he mentions that is because not all properties have the ability to put them on a pole sign out by the street. There are properties where you can't get a sign up because they are paved and there's right-of-way or driveways. He thinks there should be some exceptions that does allows for that. The 10 ft. back from the street is not going to work in a lot of properties because a lot of shopping centers have the screening walls closer than 10 ft. of the side walk. So it ends up wasting a parking space by having to dig a hole in the parking lot. David mentioned Blue Stake. He thinks that Blue Stake doesn't have the time to run around and do all of them but what he would suggest is to modify that as if the sign pole is not going to go more than 15 inches below the surface than Blue Stake is not required since utilities is the concern for that. He doesn't think that there are utilities that are within 15 inches of surface and believes code requires them to be deeper than that. One of the things he didn't see but would like to see addressed is on condo projects. He was involved in a project at the northeast corner of Alma School Rd. and Chandler Blvd. in those series of commercial building all owned by different individuals. The signs out there were way out of control. What happened was that they were differently owned building and the different owners were hiring the same brokerage company but different agents within the company. The signs were lined one after another. He believes on condo projects there's got to be a solution and thinks there is. He also mentioned if staff can make accommodations for the commercial real-estate people because not all the properties can get a sign and sometimes they need banners and 30 days is not going to work. The Blue Stake situation, if something can be stated anything greater than a certain depth that will allow a comfort level to protect the utilities and his biggest concern would be the criminality aspect of it.

CHAIRMAN PRIDEMORE asked Mr. Stein if he had to put another number instead of 30 days when he has a vacant building what would it be.

MR. STEIN stated what he thinks would be an alternative would be perhaps the banner and the pole sign can somehow be tied together. Until the space is leased and as long as the banner remains in good condition and the banner is not advertising the business. The buildings have to get leased and sometimes you can get a sign on a pole and in front of the property.

BRENNAN RAY, 702 E. OSBORN RD stated he was speaking on behalf of Bashas Cooperation. He mentioned they are very appreciative of the work and built in effort of staff and

various stakeholder groups that have put into the sign code. He believes there are some additional polishing that needs to be done to make sure some of the provisions that staff has put into the update are clear. He had an opportunity to meet with Mr. Kurtz and Mr. Mayo to talk about some the issues but for purposes of representing Bashas he will express it in a public form. He believes there needs to be some clarity on the criminal and civil matter. It is important as far as the timing of the application and the sequence in which those sanctions are imposed or the potential for them to be impose. He believes there is room for improvement for the noticing requirement such as who gets noticed. How that notice is provided and what steps need to be taken. From Bashas perspective, he doesn't think it's making significant changes to what has been presented but thinks a little bit of clarity is needed and a better way to find a middle ground from what staff wants and Bashas wants. He asked if anyone had any questions. There were none.

JOSEPH HERBERT, 1148 W. BASELINE RD stated he was not representing any specific client as he represents a lot of clients and businesses in Arizona. He mentioned he was there to make some comment and no disrespect to Mr. De la Torre, he was on the north Arizona Ave Committee and he is not unknown to the City of Chandler. He has concerns about the vetting of the sign code. Fairly large stakeholders that some he represents brought up concerns and have indicated that are just looking at documents. He mentioned he is there on behalf of midsize owners that are saying that they didn't even know they were in the middle of this process. One of his particular concerns is that Mr. De la Torre mentioned several times that it was revised to say that it's ok to have two signs per corner but he has read every word of it and those words are not in the document. It does not say two signs per corner. The wording of it says that you get signs on frontage and you can imply from that if you were in a corner and had two frontages and perhaps the argument is that there be entitlement of two signs. There is also conflict in language elsewhere in the document that could be used to argue that you couldn't have two signs if you have a corner property and large enough and they were 300 ft. apart. There's a lot of mechanics to the whole thing. He stated it feels as though they walked into a middle of a two person fight. He knows there's a lawsuit and other things going on but he would like to point that the very first paragraph of the document went from "The purpose of this chapter is to regulate signs" to "signs can obstruct view, distract motorist, obstruct pedestrian and or vehicular travel flow, create a safety hazard, create aesthetic blight and visual clutter and pose other problems that legitimately call for regulation".

He mentioned he doesn't think anybody is arguing that there is a need for regulation. He asked when have signs become the bad guys. He mentioned that the whole document is written as if they have a monster that they have to attack. He asks for them to slow down and not let a two person thing squash all the little guys. Everyone has to understand the commercial real-estate business and the goal is to bring business into Chandler but if they are going to be told that they can't put up a for lease sign in their center or if they can for 30 days. He mentioned part of his job is litigation and he works with lease enforcement and sometimes he can't get tenants to pay rent. It is not realistic to assume that the landlord can have the ability to go out there and make them take down a sign. They try to do the best they can but can't stop them. Criminality is not his issue but he wanted to let Commission know that as a lease enforcement attorney and has been doing it for 30 years he tries to do what he can. He thanked Mr. De la Torre for his efforts and asked if anyone had any questions. There were none.

ADAM BAUGH, 2525 E. ARIZONA BILTMORE CIR., A-212 stated he is representing Mr. Dorito. Mr. Dorito has owned a number of shopping centers in Chandler such as Casas Palomas, Auto mall and Atresia. He mentioned that brick and mortar struggle every day and the hard part

is the evolution of online shopping that makes it even more difficult than to drive and attract new tenants. He remembers when he had some discussions with the city last year about food truck ordinance. The sign code is very important to everyone. However, his approach is a little different. He had a chance to work with the city attorney at the very beginning of the process and he understands the exact emphasis of it and that it's been in court. He understands that it's an old code that is being updated and cleaned up. He believes that staff has done a great job of being responsive to a number of things. In particular, the most recent that was just released on Friday has addressed some big items that on behalf of Mr. Dorito were considering so he applauds staff and city attorney for balancing those needs.

He mentioned he has three minor concerns with the code. One being visible signs in the street is a key to attracting leases and tenants. The idea of signage in that right-of-way is to be visible and as long as they can be behind the sidewalk and not impact the pedestrian movement along that way, he doesn't see why it wouldn't be appropriate to have it close to the street beyond the sidewalk rather than 10 ft. back. The second thing is banner signs. When the tenant leaves the center, it is really important especially with a big anchor and hard to fill to put a banner on there for longer than 30 days. Vacancies last much longer than that and around the holiday season it absorbs that time. The ability to take what would otherwise be considered permanent signage if it was an Office Max that's now gone dark and put in a for sale or for lease in that same square foot area equal to what the permit sign should be allowed already, seems of a more reasonable approach. The third final thing is more of a comment. He mentioned it does seem a little redundant to come in and pay a permit when it is just a one tenant panel that is being replaced on an existing monument structure. It's already been approved and part of an existing sign package so why have the tenant come in and pay a fee and get a permit when they are just replacing the same sign panel. He gave kudos to staff and asked if anyone had any questions. There were none.

TERRI KIMBLE, 25 S. ARIZONA PL stated she is the president and CEO of the Chandler Chamber of Commerce and also a resident of Chandler. She thanked staff for the long process and for addressing their public policy back in November. They've had links in their newsletters and magazines to the city's website at least on four different occasions. She mentioned that the Chandler Chamber of Commerce is the third largest chamber in the State of Arizona. They represent over 170,000 employees in Chandler. They have done their best not that she agrees with everything that was originally in the document and staff knows she's had very candid conversations on many of the items but won't rehash what people have already mentioned.

One of the things she would like to see and has addressed with staff is on the sign application. If one are leasing from somebody. You have to check on there and get their approval for that sign to be able to go forward. When it comes to the enforcement component; 9 times out of 10 they can hopefully work one-on-one with the business to be able to get those violations taken care before any criminal repercussion happens. However, she would like to see a trigger point and staff was very amendable to that. The landlord signs the original permit application. For abandon signs, they know after when a landlord or property owner takes over or have to lock a tenant out. Everything in that building becomes theirs and it is their responsibility. The clarifications of the days, she doesn't think that people realize when you say 30 days is really means 30 calendar days. Of course she wanted them to do business days but especially with holidays she thinks that is important and they talked about clarifying that in the actual definition. She mentioned she still wants pictures from Jeff Kurtz to give some samples to people. Another thing she would like to see taken out is on page 27 or 28; the sign boards made of six solid redwood. Redwood is probably very affordable but what is that going to say down the road? There is a provision in the last sentence that says other materials. She thinks as technology improves and materials improve

they need to be open to new ideas because the redwood could be an additional cost for businesses. Also the license sign contractor is referred to in several points through the document and she spoke to staff about it and can see the safety issues that they be consulted but hiring a license sign contractor to be able to submit a bid on what the replacement cost would be and may charge for the bid. She asked if that is creating an additional undue burden upon business? She thanked commission and staff and asked if anyone had any questions. There were none.

MICHAEL POLLACK, 1136 W. BASELINE RD congratulated the staff on a job that is very difficult and he understands it as well as anybody. He stated he might be a little repetitious but wants to explain as a property owner and in the real-estate business for more than 44 years; he has been in a position where he's seen tenants that unfortunately go rogue. When a tenant goes rogue and they put up a sign, they can send them all kinds of notices and tell them they can't do it and threaten to cancel the lease. Under the practical stand points of the lease it's not quite so easy to cancel a lease. When they deal with national tenants they don't let them put certain things in the lease as they'd like to. His big concern is and for the record so everyone can understand what really happened is the way the old ordinance was written, criminal aspect. It goes back to January of 2016 and it is not something that just came up. He received citation that he could have been held criminally liable for. He mentioned he has been in business for 44 years and doesn't even have a parking ticket or has had a criminal background in his life. The real problem is that they can be held according to the ordinance that is now drafted; responsible for the action of another party. For example, if someone comes in on a Friday night and puts an advertising sign up and the city came by and maybe not like that particular owner stating that it could happen and say that the sign is illegal, there's strike one. He mentions that one can have more than 30 tenants or more in a shopping center and can't be there all the time. In the draft, there is what they call in their business self-help. The draft contains a provision where the city can come in at the expense of the owner and remove the sign if it's illegally placed.

He mentioned so why would they be arguing about criminality on the issue when they have the right to charge the owner according to the ordinance so why the need to make it criminal. He is also concerned that it is going to discourage big businesses wanting to deal in Chandler. It could be any major company such as Google or Apple employees that can go rogue and decide to put up a sign that says big pot luck dinner on Friday. The city sees it and they tag it. The code has about 944 pages and when you actually look at what the section says that talks about the criminal portion. He was told that he can't really serve imprisonment but it specifically says that the city can charge and add 6 months of imprisonment. The way it's written stating and or three years of probations. Some of the property owners could be like him and have LLC's different type of corporations but there are property owners that can't speak for themselves. They don't understand what the process means. He mentioned he has better things to do than to have been involved in having to sue the City of Chandler because he received citations on January the 2nd of 2016. He stated he has all the respect in the world for Jeff Kurtz and called him and presented his concerns with the criminal portion. He mentioned that all of the other speakers did an incredible job stating sentiments that he too share with them. He stated that Arizona is open for business and especially in Chandler Arizona they don't want to send a message to the rest of the country that they are thinking about putting handcuffs and putting somebody in jail for what a third party did. He mentioned they had a meeting with David and they did make some changes to the document. He asked if anyone had any questions. There were none.

CHAIRMAN PRIDEMORE asked the audience if anyone had any questions. There were none.

CHAIRMAN PRIDEMORE thanked the speakers for all the information provided and also thanked them for being concise. He asked the dais if they had any additional questions or concerns for staff

VICE CHAIRMAN BARON stated that the criminal aspects are significant and thinks it is important that the city has it's tool kit and ability to enforce some sort level of code and thinks it occurs through zoning ordinarily. Regarding civil aspects, he thinks the city's concern being somebody who continually violates the codes and has perhaps has the pockets that can keep doing that. They need some other ability to make an action occur. The criminal language is heavy but it has been in the code and that's the part that he's baffled about because that code has existed and it hasn't been something that the city's enforced but has always been there. They are adding in the civil portion and it seems to him that's how they've dealt with it in the past. Without being said he would agree that it is not fair for the city to have the ability to levy some criminal action against the third party.

CHAIRMAN PRIDEMORE stated he thinks it's important that those opinions are stated in the record and maybe give staff some direction on what to focus. He is ok with the direction the code is now looking to take. While he thinks that staff does need to look at the criminality portion of it and add some more qualifiers to protect property owners from certain cases but wouldn't want to see it go away entirely. He also thinks the placement behind the sidewalk is reasonable because 10 ft. might be too much.

VICE CHAIRMAN BARON mentioned that they can possibly resolve the abandon sign comment by adding a definition.

MR. DE LA TORRE stated that there is a definition under sign comma abandoned.

VICE CHAIRMAN BARON thinks maybe the definition might need clarification. His practice deals with signage and there are times when they move and it's not that it's been vacated but going through a transition period of some sort. Maybe if there's clarification. He mentioned panel signs. He understands why they want permanents because they want to ensure that it still meets the intent of the PDP. It's a Chandler process. Other city's generally do it once and then the sign manufacture continues to swap panels out. He asked staff if there is another way to go about the permit process.

KEVIN MAYO, PLANNING MANAGER stated they reached out to Joe the city's sign inspector about when the applications come in what is the average cost? He was working on one today and they were replacing two panels it was about \$20. He mentioned it is for the benefit of the tenant. So many of the centers have been approved through PDP's and comprehensive sign packages; but each one has unique requirements for tenant panels. Some of them require 1 inch thick pushed through letter and some others ¾ inch. The permit is really to help the new tenant ensure that the money they are spending on the panel is accurate. It is a quick process of making sure it is compliant with the requirements of the center.

VICE CHAIRMAN BARON stated he understands that. He would be afraid of somebody going out and using Mr. Pollack's word going "rogue" and putting up just a white panel when it's a beautiful sign. He understands it's an inconvenience for folks but that process might just have to stay and it's not a big cost. He mentioned he is not a big fan of banners and hates to say that but those banners unfortunately become permanent signs at times and thinks they are aesthetically not a great thing to look at but he understands that a space cannot be leased in 30

days. However, the way he reads the code is that there are other sign options but doesn't recommend to change the 30 days. He also agrees that if they are going to allow signs to be in right-of-way which is rare in most municipalities, he thinks having a setback from the sidewalk does make sense. The Blue Stake he does not agree to the 15 inch depth. There has been lot of projects where sign guys go out and drill right through things. He mentioned that there are other materials that are equal to redwood because materials do change over time.

COMMISSIONER KLOB stated he also has some challenges with some of the criminal aspects of it based on some of the comments that were made and understands the city's position. He believes that the property owner does have some responsibility to monitor and regulate their tenants. However, he doesn't know who does that and thinks a tough situation but it has been in the books since the sign ordinance was originally written. As Mr. De la Torre stated there hasn't been a situation where it's come up. So if it' hasn't been in issue why would it become an issue all of the sudden. Also, as far as a criminal aspect it would have to get to an extreme situation before that would come into play. Maybe there needs to be some language that does set forth some of that so a building owner understand that they have to notified x number of times before they step in and do something. He would hope that the property owners would have better control of their tenants before it got to that point. One of the speakers brought up a good point for existing properties where they have side walls and have different architectural aspects that are in right-of-way or within 5 ft. of a right-of-way and so on; he thinks it would be difficult to come in and put up a sign where they have those existing conditions. He would like to see maybe a zoning official have some authority to allow special consideration for when that happens. He believes it would be very rare but maybe needs to give a little bit of flexibility to give those property owners without having to lose parking spaces. He mentioned he works with a lot of building owners and property management companies and understands the challenge of the for lease aspect. After the recession seeing vacant properties is a challenge and how can a business owner advertise that space to try to make their space or enticing than another. He would like to see maybe along the lines a provision where they allow a standard 30 days but in certain situations an extension to that for a space that they are trying to lease but just not able to but it will be almost a case by case basis. He sees the challenges both from the city and property owner side.

COMMISSIONER WASTCHAK stated all of the comments were valid. His question is directed to staff if there is a specific timing that is supposed to be done on the draft or can it continue with discussion before it gets to council.

CHAIRMAN PRIDEMORE stated that is a question that the city attorney could probably answer as the timing of the code could be tied to the law suit.

ROSEMARIE HORVATH, ASSISTANT CITY ATTORNEY stated yes as they are bound by litigation but have been told by the opposing parties they will extend the time if necessary.

CHAIRMAN PRIDEMORE stated this is still going to the scheduled for council but thinks staff preference would be to have it move forward from tonight. However, additional work can be done prior to council in May.

COMMISSIONER WASTCHAK stated he is also an owner of real estate specifically in retail in the City of Chandler and he shares some of the concerns that have been brought up. He would like to see if there is a criminal aspect that it is narrowed so that it is very specific. He too, is concerned that somebody does something and goes rogue he will be liable for it. He's not sure

specifically what it is but someone had suggested if something goes to the third party or maybe a limitation can be added. However, he understands where there's going to be specific cases where an owner blatantly is violating it and not the third party so the tools would have to be there to address it but would like to see that narrowed so that there is specific control on it. As far as changing out tenant panels, he understands what Kevin is saying but they handle it when they have a PDP and there's a sign code there they provide the sign code to the tenant and the tenant has to follow that. If they don't follow that and the city comes out then that's their responsibility. He mentioned for tenant panels there is something specifically in the document that says when a tenant is not there they need to put a blank panel up to cover which is what is done. However, he can see a case where a one or two tenants and both tenants are not there; that shouldn't be considered abandon so he asks for staff to clarify that.

COMMISSIONER DONALDSON stated that Vice Chair summarized a lot of the comments he had related to. He stated he is not a banner fan and thinks the reality of other types of temporary signs for longer term. He also believes that the landlords should have the ability to advertise their properties for a continuous time until they can get them rented. The biggest thing for him is the criminality aspect. He believes that the city needs the ability for criminal action as it's been in the books and adding civil gives the ability to do enforcement and specific actions associated with it rather than have it open. He would also say that if he re-read it word by word that it needs to make sure that it is the extreme case. Last things he wanted to talk about was the timing, notwithstanding the lawsuit. In his opinion what he's seen in the city since they've stopped enforcing sign is issues and they need to be able to get back in and enforce and also solve some of the issues such as signs in the middle of sidewalks and hold people accountable for the things that are important to keep the city as great as it is. For a timing stand point all the work and time that it's taken to do it and the public involvement; he thinks they need to get some sign code back into the system.

COMMISSIONER CUNNINGHAM thanked everyone for their comments. She also thanked David for helping her sleep at night when he couldn't sleep when she got up and read the document. She agrees that the city has to have some kind of enforcement and it has to be used with compassion and will common sense. The criminality has been in the sign code for 41 years and the fact is that it hasn't had to be used. Chandler does not arrest anybody for no reason so she trusts that staff is going to continue working on some of the issues that there's some perfecting to do.

CHAIRMAN PRIDEMORE stated they can end up continuing the item which he highly not recommends and that would also work against the city's ongoing lawsuit. It could be a recommendation for denial which still move it forward or recommendation for approval which also moves it forward to council. However, once a motion is a made and a second on the floor there is no turning back.

MOVED BY COMMISSIONER CUNNINGHAM, seconded by **VICE CHAIRMAN BARON** to approve Item C ZCA16-0002 CITY OF CHANDLER / SIGN CODE AMENDMENT as read in by Staff and knowing it is going to be continued to be revised with some of the concerns that were stated. The Item C passed 6-0. (Commissioner Rose, Absent).

MR. DE LA TORRE provided the website information www.chandleraz.gov/planning for the record.

6. DIRECTOR'S REPORT

Mr. Kevin Mayo, Planning Manager, stated that the meeting was a significant night not only because sign code was discussed but because it is the final meeting for two of the Planning Commissions members; Chairman Pridemore and Commissioner Donaldson. He thanked them both for their years of service. He knows that they will think back and think of different projects they have worked on and have left a thumbprint in Chandler. He thanked them for the professional friendship they've been able to build and hopes to maintain.

COMMISSIONER DONALDSON thanked everybody on dais and also thanked prior commission members he's served with over the last six years. He thanked staff and mentioned it is not the last time he will see them and has tremendous respect for the friendships he's made.

CHAIRMAN PRIDEMORE thanked current and prior Mayor and Council for their shows of support in the last few years. What really makes the commission run successfully is the staff and they would say it's the dais but he would put it back to staff. As he became Vice Chair and now Chairman, he realized that there's a lot of stuff that goes on prior to commission and the hard work that staff puts in is amazing and they don't get a lot of credit for it. He mentioned he would like to provide one comment to whoever becomes chairman. One of things he's always tried to do is make sure that the hearings are as welcoming as they can be. He mentioned he's been on both sides of the dais and has been through municipalities around the west where the environment was very antagonistic and did not feel welcomed. He would ask for patience and try to continue to be respectful an understanding of everyone.

7. CHAIRMAN'S ANNOUNCEMENTS

Chairman Pridemore stated the next regular meeting is May 17, 2017, at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 7:35 p.m.

Matthew Pridemore, Chairman

Jeffrey A. Kurtz, Secretary