

## **Article 4.4      Sign Regulations**

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### **4.401 Purposes**

The purposes of the sign regulations are: to promote optimum conditions for serving sign owners' needs and respecting their rights to identification while balancing the aesthetic interests of the community. The regulation of signs within the Town of Gilbert is necessary and in the public interest for the following reasons:

- A.      To promote and aid the public and private sectors in the identification, location, and advertisement of goods and services.
- B.      To enhance the beauty, unique character, and quality of the Town of Gilbert, which will attract commerce, businesses, residents and visitors.
- C.      To promote economic development and the value of commercial properties, be sensitive to surrounding land uses and maintain an attractive community appearance.
- D.      To promote general safety by ensuring properly designed and located signs.
- E.      To encourage signs that are clear and legible to the user.
- F.      To emphasize small town historical character by promoting pedestrian oriented and appropriately scaled signage in the Heritage Village Center zoning district.

## 4.402 General Sign Regulations

- A. **Requirement of Permit.** Except as provided in Section 4.402D: Signs Not Requiring a Sign Permit, it shall be unlawful for any person to construct, install, attach, place, paint, alter, relocate, or otherwise maintain any sign in the Town without first obtaining a sign permit in accordance with this article.
- B. **Requirement of Conformity.** Signs shall not be installed, placed, or maintained in the Town except in conformance with this Article. If provisions of this Article are in conflict with any other Town code, the more restrictive requirement(s) shall apply. Signs maintained contrary to the provisions of this article are declared to be nuisances and may be abated as provided by law.
- C. **Sign Permit Application.** Application for a sign permit shall be made on forms provided by the Development Services Manager.
- D. **Signs Not Requiring a Sign Permit.**
1. Signs installed by governmental jurisdictions when acting in their governmental capacity.
  2. One Identification Sign per building entrance 6 square feet or less in area.
  3. Permanent regulatory and parking signs 6 square feet or less in area and a maximum of 6 feet in height.
  4. Permanent Wall Signs of an informational nature, not including business Identification Signs, such as signs identifying service or delivery entrances, 6 square feet or less in area.
  5. Real Estate Signs 6 square feet or less in area and a maximum of 6 feet in height, in compliance with Section 4.404: Real Estate Signs.
  6. Residential Open House Signs.
  7. Political Signs, in compliance with Section 4.402I: Political Signs.
  8. Ideological Signs, in compliance with Section 4.402J: Ideological Signs.
  9. Garage Sale Signs, in compliance with Section 4.402K: Garage Sale Signs.
  10. Business identification banners during street construction, in compliance with Table 4.402: Temporary Banner Regulations.

11. Interim business identification banners, in compliance with Table 4.402: Temporary Banner Regulations.
  12. Bazaar Signs, in compliance with Section 4.402O: Bazaar Signs.
  13. Window Signs.
  14. A-Frame Signs, in compliance with Section 4.402N: A-Frame Signs.
  15. Temporary Directional Signs Relating to a Qualifying Event, in compliance with Section 4.402P: Temporary Directional Signs Relating to a Qualifying Event.
  16. Temporary Uses and Special Events Signs, in compliance with section 4.402Y: Temporary Uses and Special Events Signs.
  17. Construction Signs, in compliance with Section 4.404H: Construction Signs.
  18. Suspended Signs 6 square feet or less in area in commercial projects and in the Heritage Village Center zoning district.
  19. Umbrella Signs in the Heritage Village Center zoning district.
  20. Historic Markers 6 square feet or less in area.
  21. Restaurant Menu Signs 6 square feet or less in area, not including Drive-Through Restaurant Menu Signs, displayed within 10 feet of the business entry.
  22. Required street addresses or address directory signs.
  23. Sign walkers, in compliance with Section 4.402W.
  24. Short-Term Display of Banners and Flags, provided that prior written notification of the sign type, size, placement and dates of proposed display is provided to the Code Compliance Administrator.
- E. ***Maintenance of Legal Signs.*** Maintenance of legal signs shall not require a permit. Sign maintenance is the replacement or repair of a part or portion of a sign required by ordinary wear, tear, or damage, with like material, color, and design. Maintenance of legal signs does not include changing the color, size, design, or style of signs.
- F. ***Tenant Sign Panel and Wall Sign Band Replacement.*** Replacement of a panel containing the same color, size, design, and style as the original on an approved sign structure with removable panels shall not require a permit.

1. **Monument Sign Tenant Sign Panel Replacement.** Individual tenant panels that are vacant or missing shall be replaced within 15 days.
2. **Wall Sign Fascia Repair.** Where a tenant has vacated a tenant or user suite, the fascia of the wall sign band shall be repaired to its surrounding texture and color within 45 days of the business sign being removed.

G. **Flagpoles.**

1. **Location.** Flagpoles shall be depicted on Final Design Review plans.
2. **Height.** Flagpoles shall not exceed 1.5 times the allowed building height for the district in which it is located, but in no event shall a flagpole exceed a height of 50 feet.
3. A building permit shall be required for flagpoles.
4. A sign permit is not required for flags or insignias of any nation, state, county, city or other political unit.

H. **Bus Shelter Signage.** Notwithstanding the provisions of Section 4.402R.7, signs in conjunction with bus shelter facilities approved by the Town or 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 bus shelter design requirements established by the Town Engineer.

I. **Political Signs.** Political Signs up to 16 square feet in area are permitted on property zoned for residential use. Political Signs up to 32 square feet in area are permitted on property zoned for nonresidential use, undeveloped Town property, and Town rights-of-way. Political signs placed within the right-of-way shall contain the name and telephone number of the candidate or campaign committee contact person. Political Signs may be placed in Town rights-of-way and on Town property no more than 60 days before a primary election and shall be removed no later than 15 days following the general election, except that for a sign for a candidate in a primary election who does not advance to the general election, the period ends fifteen days after the primary election unless otherwise set forth in this article. Political Signs shall not exceed 6 feet in height. Political Signs may be placed in Town rights-of-way and on Town property used as a polling place, only in compliance with the following requirements:

1. Political Signs placed in the right-of-way shall not:
  - a. Obstruct clear vision to any roadway or property. A Political Sign located within 15 feet of back of curb, or edge of pavement if there is no curb, shall be presumed to obstruct clear vision.

- b. Interfere with the requirements of the Americans with Disabilities Act, 42 USC §§ 12101 through 12213 and 47 USC §§ 225 and 611.
  2. Political Signs posted on property owned by the Town of Gilbert, which is used as a polling place, shall be:
    - a. Limited to a single sign not exceeding 4 square feet for each candidate or ballot question.
    - b. Posted only during the early voting period or on the date of an election.
    - c. Located outside the 75 foot limit.
    - d. Removed from the property by 11:59 pm on the date of completion of the early voting period or the date of the election.
  3. A Political Sign placed in the right-of-way that obstructs clear vision or interferes with the requirements of the Americans with Disabilities Act or otherwise presents a dangerous situation at the discretion of the Code Compliance Administrator shall be deemed to constitute an emergency and, pursuant to A.R.S. section 16-1019, may be immediately relocated or removed by a Town Peace Officer or Code Compliance Inspector. If a sign is relocated or removed under these circumstances, the candidate or campaign committee that placed the sign shall be notified within 24 hours after the removal or relocation.
  4. If a Political Sign is placed in violation of these requirements but does not constitute an emergency, the town may notify the candidate or campaign committee that placed the sign of the violation and require the sign to be relocated. If the sign is not relocated and remains in violation for more than 24 hours after the candidate or campaign committee was notified, the Town may remove the sign. The Town shall contact the candidate or campaign committee and shall retain the removed signs for at least 10 business days to allow the candidate or campaign committee to retrieve the sign without penalty.
- J. ***Ideological Signs.*** Ideological Signs are permitted in all zoning districts. Signs shall be no greater than 20 square feet in area and 6 feet in height.
- K. ***Garage Sale Signs.*** Garage Sale Signs are permitted only during the hours the sale is being conducted. The signs shall not be greater than 6 square feet in area and 6 feet in height. No more than 3 Garage Sale Signs may be displayed. Signs shall only be placed on private property and shall not be placed on any sign, tree, light pole, traffic signal or controller, utility box or other structure within the right-of-way. The person who installed the signs shall remove all signs at the end of the sale. If the person installing the signs is unknown, the property owner shall be responsible for removal.

- L. ***Business Identification Banners during Street Construction.*** Banners identifying an existing business are permitted during construction by a public entity or utility on a roadway immediately fronting the business premises, subject to the regulations contained in Table 4.402.
- M. ***Interim Business Identification Banners.*** Interim Banners are permitted in conformance with regulations contained in Table 4.402. Interim Banners shall not exceed the sign area permitted for temporary Wall Signs for the use.
- N. ***A-Frame Signs.*** A-Frame Signs shall be permitted for apartment complexes and businesses in the Commercial, Heritage Village Center, Office, Employment, and Public Facility/Institutional zoning districts, subject to the following regulations:
  - 1. ***Size.*** Signs shall be no greater than 31 inches in width and 45 inches in height.
  - 2. ***Number.*** Up to three A-Frame Signs shall be permitted per apartment complex or per business. Only one sign per apartment complex or business shall be permitted to be placed on any one adjacent street frontage. In no event shall the combined number of A-Frame signs and Flying Banners exceed three per apartment complex or business. For the purposes of this section, a business is defined as one entity per building or suite of 10,000 square feet or less if located in the Commercial, Heritage Village Center, and Office Zoning Districts and up to 30,000 square feet if located in the Employment and Public Facility/Institutional Zoning Districts.
  - 3. ***Display.*** Signs shall be displayed only:
    - a. During the hours the business is open to conduct business; or
    - b. During the hours an apartment complex rental office is open to conduct business.
  - 4. ***Location.*** A-Frame Signs shall be located only:
    - a. At grade level.
    - b. On-site or adjacent to apartment buildings.
    - c. Adjacent to the business being advertised, as follows:
      - (1) For stand-alone single businesses, the signs shall be placed on the business property being advertised or in the right-of-way adjacent to the business property.
      - (2) For businesses located in a commercial/office complex with multiple tenants and/or buildings, or in employment parks, the signs may be placed within or at the perimeter of the complex or employment park, or in the abutting right-of-way.

5. *Prohibited Locations.* A-Frame Signs shall not be located (SEE APPENDIX 1, FIGURE 16):
  - a. In raised or painted medians.
  - b. Across any street from the business being advertised.
  - c. In parking aisles or stalls.
  - d. In driving lanes.
  - e. On equestrian or multi-use trails.
  - f. So that less than a minimum of 4 feet is clear for pedestrian passage on all sidewalks and walkways, or so as to cause a hazard to pedestrian traffic.
  - g. On fences, boulders, planters, other signs, vehicles, utility facilities, or any structure.
  - h. Within a minimum distance of 20 feet from any other A- Frame Sign or Flying Banner.
  - i. Within a minimum distance of 30 feet from an access drive or street intersection.
6. *Right-of-Way Placement.* Signs may be placed in the right-of-way, a minimum of 2 feet from back of curb.
7. *Construction and Maintenance.* Signs shall be:
  - a. Constructed with a protective, water resistant coating which is impervious to weather conditions;
  - b. Constructed with a cut vinyl or other weather resistant graphics and may contain zip tacks or Velcro for changing of cut vinyl graphics.
  - c. Of sufficient weight and durability to withstand wind gusts, storms, etc.; and
  - d. Maintained in a professional manner free from chipping paint, cracks, gouges, loss of letters, etc.
8. *Elements Prohibited on A-Frame Signs Along Street Frontages.* The following shall be prohibited on A-Frame Signs along street frontages:
  - a. Any form of illumination, including flashing, blinking, or rotating lights;

- b. Animation;
  - c. Reflective materials;
  - d. Attachments, including, but not limited to, balloons, ribbons, speakers, etc.
- O. **Bazaar Signs.** Up to 3 off-site Temporary Signs advertising a bazaar may be displayed. Bazaar Signs shall not exceed 6 square feet in area and 6 feet in height. Bazaar Signs shall only be displayed during the hours that the boutique is open. Bazaar Signs are prohibited on public property, including rights-of-way, and shall not be placed on any other sign or fixed structure. The person who installed the Bazaar Signs shall remove all signs at the end of the sale. If the person installing the signs is unknown, the property owner shall be responsible for removal.
- P. **Temporary Directional Signs Relating to a Qualifying Event.** Temporary Directional Signs Relating to a Qualifying Event shall be permitted subject to the following regulations:
- 1. **Size.** Signs shall be no greater than 6 feet in height and 6 square feet in area.
  - 2. **Number.** No more than 4 signs shall be displayed on a single property at any time.
  - 3. **Display.** Signs shall only be displayed up to 12 hours before, during, and 1 hour after the qualifying event ends. The person who installed the signs shall be responsible for removal. If the person installing the signs is unknown, the property owner shall be responsible.
  - 4. **Location.** Temporary Directional Signs Relating to a Qualifying Event may be located off-site and shall be placed at grade level. Signs may be placed in the right-of-way or, with permission of the private property owner, on private property. Signs shall relate only to events occurring within the Town.
  - 5. **Prohibited Locations.** Temporary Directional Signs Relating to a Qualifying Event shall not be located:
    - a. On fences, boulders, planters, other signs, vehicles, utility facilities, or any structure.
  - 6. **Construction.** Signs shall be:
    - a. Constructed of durable and weather-resistant materials.
    - b. Anchored or weighted down to avoid being displaced in windy conditions, or otherwise be a safety hazard to the public.

- Q. **Address Signs.** Each dwelling unit shall be clearly identified by a street or unit number. Each nonresidential building or group of buildings shall be identified by a street number, visible from adjacent streets, not to exceed 6 square feet in area. Required address signage is not counted as a part of the total sign area permitted for a building or group of buildings. See section 4.405A for multi-family address directory signs.
- R. **Prohibited Signs.** All signs not expressly permitted by this Article shall be prohibited, including but not limited to:
1. Vehicle Signs and signs attached to any vehicle, except for magnetic signs and signs painted or wrapped on the surface of the vehicle. The primary use of such vehicles shall be in operation of the business and not advertising or identifying the business premises. Unless parked in a lawful parking space, the vehicle shall not be parked in the right-of-way.
  2. Flashing, blinking, reflective, or animated signs, including signs with an intermittent or varying color or intensity of artificial illumination, whether deliberate or as a consequence of a defect in the sign or the illumination source, except as permitted in Section 4.408: Heritage Village Center. Changeable Message Signs and time and temperature displays are not flashing or animated signs.
  3. Moving signs, including the sign body or any segment thereof.
  4. Signs that by shape, color, design, and placement are likely to be confused with a road sign, or any other traffic control sign or device.
  5. Signs which advertise activities illegal under Federal, State, or local laws, rules, or regulations.
  6. Signs installed attached, or painted on fences, rocks, trees, or natural features, except as permitted in Section 4.404C: Nonresidential Real Estate Signs and Development Signs, and Section 4.404D: Construction Signs.
  7. Signs installed, attached, or painted on any object within the right- of-way. Bus Shelter Signage may be permitted as provided for in Section 4.402H: Bus Shelter Signage and Section 4.408: Heritage Village Center.
  8. Balloons and inflatable objects.
  9. Portable Signs, except A-Frame Signs and Flying Banners.
  10. Signs projecting above a roofline or mounted on a roof, except as permitted in Section 4.408: Heritage Village Center.
  11. Billboards.

12. Wall-mounted Cabinet Signs and logos, unless:

- a. Such sign is approved by the Design Review Board as part of a Master Sign Plan; or by the Redevelopment Commission as part of a Heritage Sign Plan for properties located in the Heritage Village Center zoning district; or by the Director of Planning, as set forth in Section 5.602.B.1, Administrative Design Review; and
- b. Such sign does not exceed the permitted total business sign area in the Heritage Village Center zoning district and Wall Sign Area in the NC, CC, SC, GC, RC, NO, GO, BP, LI, GI, and PF/I zoning districts; and
- c. Such sign has a:
  - (1) Cabinet that is stylized in shape, rather than rectangular, to reflect the shape of the image printed on the sign face; or
  - (2) Molded sign face, with embossed copy or sign copy or sign copy in relief; or
  - (3) Nationally registered trademark or logo that is no more than 50 percent of the total permitted wall sign area. Larger logos may only be approved by the Design Review Board. This provision does not apply to Service Station Canopy Signs regulated in Section 4.407.C.4.

13. Signs with exposed raceways, except where it is determined by the Zoning Administrator that it is not structurally feasible to install a sign in an otherwise permitted location without using an exposed raceway.

14. Pole Signs.

15. Signs installed, attached, or painted on bicycle racks or seating benches in the Heritage Village Center zoning district.

S. ***Non-Conforming Signs.***

- 1. Non-conforming signs may receive reasonable repairs or alterations to the face, letters, and frame.
- 2. If a non-conforming sign is structurally changed or is damaged by fire, lack of maintenance, or other causes by more than 50 percent of its reproduction value, or is temporarily or permanently removed by any means, including "an act of God," then such sign shall be rebuilt, repaired, or replaced only in conformance with the provisions of this article.

3. If a non-conforming sign which no longer advertises a current use remains, with or without copy, for a period of 90 days, it shall be presumed abandoned, and shall be removed after notice to the property owner, unless the property owner establishes facts sufficient to rebut the presumption of abandonment.
  4. If a property or development is expanded or modified to add new signage, all non-conforming signs shall be removed or rebuilt to comply with the provisions of this article.
  5. Sign faces may be replaced on non-conforming signs.
  6. Any change to a property that adds to or changes existing signage shall be prohibited until all non-conforming signs are removed or rebuilt in conformance with of this article. Nothing herein shall prevent the replacement of sign faces on a non-conforming sign. Nothing herein shall require that existing signage which does not conform to the restrictions on cabinet signs or raceways be brought into conformance where it is demonstrated to the Zoning Administrator that the type of signage permitted by this article is not structurally feasible.
  7. The purchase and placement of A-Frame Signs is not a substantial capital investment in the business being advertised. Upon repeal or modification of the regulations pertaining to A-Frame Signs that results in further restricting or prohibiting A-Frame Signs, such signs shall not be legal non-conforming signs and A-Frame Signs shall comply with all current regulations.
- T. ***Abandoned Signs.*** Sign copy on abandoned signs shall be removed within 30 days of abandonment.
- U. ***Special Sign Districts.*** Special sign districts established by a specific plan or by ordinance may have unique regulations applicable to such districts, which differ from those set forth in this article. Such specific regulations shall apply to all signs in the district. If the special district does not have specific regulations, the regulations of this article shall apply.
- V. ***Message Substitutions.*** Substitution of non-commercial messages for commercial messages or any legal non-commercial message on any legally compliant sign structure or mounting device is allowed.
- W. ***Sign Walkers.*** Sign walkers shall be permitted, subject to the following regulations:
1. ***Location:*** sign walkers shall be located only:
    - a. 30 feet from a street or driveway intersection measured from the back of the curb or edge of pavement if no curb exists.
    - b. 5 feet from the street measured from the back of curb or edge of pavement if no curb exists.

- c. Sign walkers shall yield right-of-way to pedestrians, bicycles and all others traveling or located on the sidewalks.
  - d. At grade level.
2. *Prohibited locations:* sign walkers shall not be located:
- a. In raised or painted medians.
  - b. In parking aisles or stalls.
  - c. In driving lanes or driveways.
  - d. On equestrian or multi-use trails.
  - e. So that less than a minimum of 4 feet is clear for pedestrian passage on all sidewalks and walkways, or so as to cause a hazard to pedestrian traffic.
  - f. On fences, boulders, planters, other signs, vehicles, utility facilities, or any structure.
  - g. Within a minimum distance of 20 feet from any other sign walker.
  - h. In a manner that results in sign walkers physically interacting with motorists, pedestrians, or bicyclists.
3. *Display.* Signs shall be:
- a. Displayed only during the hours the business is open to conduct business.
  - b. Held, worn or balanced at all times.
4. *Elements prohibited.* The following shall be prohibited:
- a. Any form of illumination, including flashing, blinking, or rotating lights;
  - b. Animation on the sign itself;
  - c. Mirrors or other reflective materials;
  - d. Attachments, including, but not limited to, balloons, ribbons, speakers.
- X. ***Flying Banners.*** Flying Banners shall be permitted for apartment complexes and businesses in the Commercial, Heritage Village Center, Office, Employment and Public Facility/Institutional Zoning Districts, subject to the following regulations:

1. *Size.* Signs shall be no greater than 15 feet in height.
2. *Number.* Up to three Flying Banners shall be permitted per apartment complex or per business. One sign per individual business shall be permitted to be placed on any one adjacent street frontage. In no event shall the combined number of Flying Banners and A-Frame Signs exceed three per apartment complex or business. For the purposes of this section, a business is defined as one entity per building or suite of 10,000 square feet or less if located in the Commercial, Heritage Village Center, and Office Zoning Districts and up to 30,000 square feet if located in the Employment and Public Facility/Institutional Zoning Districts.
3. *Display.* Flying Banners shall be displayed only:
  - a. During the hours the business is open to conduct business; or
  - b. During the hours an apartment complex rental office is open to conduct business.
4. *Location.* Flying Banners shall be located only:
  - a. With a base at grade level.
  - b. On-site or adjacent to apartment buildings.
  - c. At a distance from a street frontage curb that is at least equal to the height of the Flying Banner.
  - d. Adjacent to the business being advertised, as follows:
    - (1) For stand-alone single businesses, the flying banners shall be placed on the business property being advertised or in the right-of-way adjacent to the business property.
    - (2) For businesses located in a commercial/office complex with multiple tenants and/or buildings, or in employment parks, the flying banner may be placed within or at the perimeter of the complex or employment park, or in the abutting right-of-way.
5. *Prohibited Locations.* Flying Banners shall not be located:
  - a. In raised or painted medians.
  - b. With stakes fastened to or driven into concrete.
  - c. Across any street from the business being advertised.

- d. In parking aisles or stalls.
  - e. On equestrian or multi-use trails.
  - f. So that less than a minimum of 4 feet is clear for pedestrian passage on all sidewalks and walkways, or so as to cause a hazard to pedestrian traffic.
  - g. On fences, boulders, planters, other signs, vehicles, utility facilities, or any structure.
  - h. Within a minimum distance of 20 feet from any other Flying Banner or A-Frame sign.
  - i. Within a minimum distance of 30 feet from an access drive or street intersection.
6. *Construction and Maintenance.* Flying Banner signs shall be:
- a. Supported by a base of a sufficient weight and durability to withstand wind gusts, storms, etc.; and
  - b. Maintained in a professional manner free from fading, tearing, etc.

Y. ***Temporary Uses and Special Event Signs.*** Temporary uses and special events listed in section 4.5012 Temporary Uses, located in the Commercial, Heritage Village Center, Office, Employment, Gateway and Public Facility/ Institutional Zoning Districts shall be permitted up to three (3) on-site banner signs and up to four (4) off-premise traffic directional signs, subject to the following regulations:

- 1. *On-Site Banner Signs.* Three banner signs, each no greater than 40 square feet in area may be placed on the site of the temporary use or special event.
- 2. *Off-Premise Traffic Directional Signs.* Up to four (4) off-premise traffic directional signs are permitted, subject to the following regulations:
  - a. *Type/Size.* A-Frame Signs no greater than 31 inches in width and 45 inches in height.
  - b. *Display.* Signs shall be displayed up to 24 hours in advance of the event and on the day(s) the event is permitted to take place.
  - c. *Location.* Signs may be placed in the right-of way subject to Traffic Engineer and Zoning Administrator approval to ensure signage does not interfere with traffic safety and pedestrian circulation or on private property with written permission of the property owner.

- Z. **Street Pole Banners.** Street Pole Banners of a decorative nature may be mounted to poles in commercial parking areas as described in subsection 1 below. Street Pole Banners in the Heritage District are permitted as described in subsection 2 below.
1. Decorative street pole banners may be used within private commercial parking lots subject to administrative approval. Such banners may be used to bring attention to or promote a celebration or holiday and shall be limited to non-commercial messages.
  2. Within the Heritage District, street pole banners in conformance with the criteria set forth in Policy Statement No. 2011-02 are permitted on designated street banner poles for the following users:
    - a. Town of Gilbert with scheduled annual blackout dates;
    - b. Heritage District merchants;
    - c. School events held within the Town of Gilbert by Gilbert Unified, Higley Unified, and Chandler Unified school districts, and charter schools;
    - d. Gilbert-based community and civic groups, other non-profit charitable groups, and civic organizations affiliated with the community.

**Table 4.402. Temporary Banner Regulations**

<b>Banner Type</b>	<b>Allowable Height/Area</b>	<b>Time Limits</b>	<b>Maximum No.</b>	<b>Mounting Location</b>	<b>Prohibited Locations</b>
<b>Identification Banner-Street Construction</b>	8 Ft/18 Sq. Ft.	Start of street construction to end of construction	1	Ground-Fixed poles or posts or parking screen walls	Public Right-of-Way or on Landscaping, Vehicles, Utility Facilities, or any other Structure
<b>Interim Business Identification Banner</b>	See Criteria A	From date of application for Certificate of Occupancy until permanent signage installation**  Not to exceed 120 days	1	Exterior building wall of business	--
<b>Initial Display Banner</b>	See Criteria A	Period not to exceed 120 calendar days. Not > 90 days prior to 1 <sup>st</sup> day use operates	--	Exterior building wall of business	--
<b>Periodic Display Banners</b>	See Criteria A	Period not to exceed 180 cumulative days per 12 month period	1	Exterior building wall of business	--

**Table 4.402. Temporary Banner Regulations**

<b>Banner Type</b>	<b>Allowable Height/Area</b>	<b>Time Limits</b>	<b>Maximum No.</b>	<b>Mounting Location</b>	<b>Prohibited Locations</b>
<b>Short-Term Display Banners</b>	See Criteria A	Up to 8 days per month for a maximum of 4 consecutive days	1	Ground-Fixed poles or posts or parking screen walls	Public Right-of-Way or on Landscaping, Vehicles, Utility Facilities, or any other Structure

Criteria A:

1. 40 square feet for occupancies up to 5,000 square feet;
2. 80 square feet for occupancies greater than 5,000 square feet up to 15,000 square feet;
3. 120 square feet for occupancies greater than 15,000 square feet up to 50,000 square feet; or
4. 180 square feet for occupancies greater than 50,000 square feet.

\*banners identifying an existing business are permitted during construction by a public entity or utility on a roadway immediately fronting the business premises.

\*\*applicant must furnish pending sign permit application for permanent signage and be diligently pursuing the manufacture and installation of such signage.

### 4.403 Sign Criteria

- A. **Design of Permanent Signs.** All permanent signs shall be compatible with the design of buildings and sites, reflecting the architectural style, building materials, textures, colors, and landscape elements of the project.
- B. **Permanent Sign Construction.** Permanent signs shall be constructed of durable materials. In no case shall any permanent sign be secured with wires or strips of wood which are visible and not an integral part of the sign. Nonstructural trim may be of wood, metal, approved plastic or any combination thereof.
- C. **Placement of Signs.**
  1. Permanent signs shall not project into or over the public right-of-way without first obtaining a license from the Town.
  2. Signs or support structures shall not be located in such a manner that obstructs any door, fire escape, stairway, or any opening, exit, walkway, utility access or Fire Department connection.
  3. The lowest portion of any sign which extends over an area intended for pedestrian use shall not be less than 8 feet above finished grade. The lowest portion of any sign which extends over an area intended for vehicular use shall not be less than 14 feet above the finished grade.
  4. Unless otherwise specifically authorized by the article, no sign shall be placed on any property without written consent of the owner or owner’s authorized agent.

5. Notwithstanding other provisions of this article, no sign shall create a hazard to the safe movement of traffic by obstructing the vision of motorists, as determined by the Traffic Engineer.
  6. Projecting Signs for commercial uses shall be approved by the Design Review Board through either a Comprehensive Sign Program or Master Sign Plan and may only be located on the ground floor and second floor of the building.
- D. **Maintenance of Signs.** Any sign or component of a sign which is in a damaged or deteriorated condition and constitutes a danger or hazard to public safety, or a visual blight shall be promptly repaired or replaced. Surface materials and components shall be kept free of chipping, peeling, fading, cracks, holes, buckles, warps, splinters, or rusting visible from an adjacent property or street. Illuminated signs shall be maintained in good operating condition including prompt removal and replacement of all defective bulbs, light emitting diodes, fluorescent tubes, neon or other inert gas light segments, damaged or deteriorated electrical wiring, and malfunctioning control devices and related circuitry.
- E. **Lighting.** Illumination of signs shall meet all regulations as set forth in the Gilbert Municipal Code, Chapter 42, Article II, Section 42-34.
1. Except for Changeable Message Signs and specified signs permitted in Section 4.408: Heritage Village Center, any flashing, blinking, reflective, animated, or rotating lights, or signs with an intermittent or varying intensity of artificial illumination, whether deliberate or as a consequence of a defect in the sign or the illumination source, shall be prohibited for either permanent or Temporary Signs.
  2. Exposed incandescent, fluorescent, metal halide, high- or low- sodium bulbs, or mercury vapor light sources shall not be used as a source of illumination. All light sources shall be shielded to prevent illumination trespass onto properties other than where the light source is located. In the Heritage Village Center zoning district, internally illuminated Cabinet Signs shall be prohibited, with the exception of Projecting Signs and Projecting Roof Signs for commercial uses, subject to approval by the Redevelopment Commission.
  3. Appropriately sized exposed neon tube type illumination may be used for commercial uses in the Heritage Village Center zoning district, subject to administrative approval of a Heritage Sign Plan, as set forth in Section 5.602B.1 Administrative Design Review.
- F. **Movement.** Except for flags and pennants permitted pursuant to Section 4.405B.1d.(2), Section 4.406C.1: Initial Display of Banners and Advertising Flags, 4.407 D: Temporary Signs, 4.408D: Temporary Signs, 4.409D: Temporary Signs, and 4.4010D: Temporary Signs, there shall be no movement of the sign or any component thereof.

**G. *Changeable Message Signs.***

1. *Manual Changeable Message Signs.* One-half (1/2) of a monument sign may be a changeable message sign, subject to administrative approval.
2. *Electronic Changeable Message Signs.* The entire freestanding monument sign area may be an electronic changeable message display, subject to administrative approval and the following operational limitations:
  - a. *Display:* Displays may be full color. When visible from public rights-of-way, displays shall be static messages. Flashing or animated signs are limited to interior project locations and shall not be visible from public rights-of-way.
  - b. *Minimum Display Time:* The digital message shall not change more than once every eight (8) seconds.
  - c. *Transition Method:* Shall be by instant change method.
  - d. *Illumination Levels:* Shall incorporate photocell/ light sensors, with automatic dimming technology that appropriately adjusts to ambient light conditions. Displays shall have a brightness level of no greater than 0.3 foot candles above ambient light conditions as measured by foot candle meter.
  - e. *Maintenance:* Any permitted electronic changeable message sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner shall be repaired or disconnected within forty-eight (48) hours by the owner or operator of such sign.

**H. *Comprehensive Sign Program.*** A Comprehensive Sign Program shall be required for all projects not located within the Heritage Village Center zoning district and consisting of multi-tenant buildings, nonresidential complexes with multiple buildings, or large-scale mixed-use developments. A Comprehensive Sign Program provides design compatibility for all signs and integrates sign design with the architecture of the buildings. The Comprehensive Sign Program shall set forth design standards including, but not limited to sign types, placement, size, design, colors, materials, textures, and method of illumination. If a Comprehensive Sign Program complies with all of the requirements of Article 4.4, it may be approved administratively by the Director of Planning, as set forth in Section 5.602B.1 Administrative Design Review.

**I. *Master Sign Plan.***

1. *Applicability:* The Design Review Board may approve a Master Sign Plan for properties not located within the Heritage Village Center zoning district for the following uses and developments:
  - a. Multiple-tenant commercial, office, or employment uses.

- b. A multiple-building complex for a single commercial or employment use, in a project exceeding 40 net acres.
  - c. Stand-alone office/employment buildings exceeding 100,000 square feet.
  - d. Indoor or Outdoor Entertainment and Recreation uses.
  - e. Auto malls.
  - f. Hospitals.
  - g. Hotels and Commercial Lodging having at least 150 guest rooms and a Full Service Restaurant or conference and meeting rooms.
  - h. Regional retail shopping malls.
2. *Conditions.* The Design Review Board may attach conditions, requirements, or standards necessary to assure that the signs covered by the Master Sign Plan will not be materially detrimental to persons or property in the vicinity, or to the public welfare in general.
3. *Evaluation Criteria.* Master Sign Plans shall be evaluated based on the following criteria:
- a. *Placement.* All signs shall be placed where they are visible and legible for their intended function. Factors to be considered include the purpose of the sign, its location relative to traffic movement and access points, site features, structures, and orientation relative to viewing distances and viewing angles. In commercial centers in which some tenants have little or no visibility from the street, Wall Signs may be approved on building walls other than the wall of the space occupied by the tenant.
  - b. *Quantity.* The number of signs that may be approved within any development shall be sufficient to provide project identification and to facilitate internal circulation and way finding. Factors to be considered shall include the size of the development, the number of development sub-areas, and the division or integration of sign functions.
  - c. *Size.* All signs shall be no larger than necessary for visibility and legibility. Factors to be considered in determining appropriate size include topography, volume and speed of traffic, viewing distances and angles, proximity to adjacent uses, amount of sign copy, placement of display, lettering style and the environment in which the signs are placed. In no event shall a Master Sign Plan contain a Freestanding or Wall Sign that exceeds by more than 50 percent any

maximum height standard or by 25 percent any maximum area standard permitted by this article. There shall be no limit on the amount by which a Master Sign Plan may allow a directional, freestanding or Wall Sign to exceed the height or area restrictions permitted on the site, when such signs are placed or oriented to be visible only internally to the development.

- d. Design Features and Materials. Sign design themes and materials shall be compatible with the architecture, colors, and materials of the project.
- e. Development Standards. Except as provided for in Section 4.403I: Master Sign Plan, the Design Review Board may not reduce any sign development standard to less than 50 percent of any minimum standard, nor increase any sign development standard by more than 100 percent of the maximum standard.
- f. Amendments. The Director of Planning may administratively approve minor amendments to a Master Sign Plan, where such changes are determined to have little or no visual impact and are consistent with the intent of the original approval.

J. ***Heritage Sign Plan.*** A Heritage Sign Plan for single or multiple-tenant commercial or office uses; or for a multiple-building complex for a single commercial use as an alternative to the requirements set forth in Section 4.408: Heritage Village Center may be administratively approved if requested by the applicant if the plan complies with all of the requirements set forth in Article 4.4 Sign Regulations.

- 1. ***Conditions.*** The Director of Planning may attach conditions, requirements, or standards necessary to assure that the signs covered by the Heritage Sign Plan will not be materially detrimental to persons or property in the vicinity, or to the public welfare in general.
- 2. ***Evaluation Criteria.*** Heritage Sign Plans shall be evaluated based on the following criteria:
  - a. ***Placement.*** All signs shall be placed where they are visible and legible for their intended function. Factors to be considered include the purpose of the sign, its location relative to pedestrian movement, traffic movement and access points, site features, structures, and orientation relative to viewing distances and viewing angles.
  - b. ***Quantity.*** The number of signs that may be approved within any structure shall be sufficient for business identification. Factors to be considered shall include the size of the structure, the number of suites, and the division or integration of sign functions.
  - c. ***Size.*** All signs shall be no larger than necessary for visibility and legibility. Factors to be considered in determining appropriate size include topography,

volume and speed of traffic, viewing distances and angles, proximity to adjacent uses, amount of sign copy, placement of display, lettering style and the environment in which the signs are placed. In no event shall a Heritage Sign Plan contain a total business sign area that exceeds by more than 25 percent any maximum area standard permitted by this article.

- d. Design Features and Materials. Sign design themes and materials shall be compatible with the architecture, colors, and materials of the structure(s).
- e. Amendments. The Director of Planning may administratively approve minor amendments to a Heritage Sign Plan, where such changes are determined to have little or no visual impact and are consistent with the intent of the original approval.

#### **4.404 Real Estate Signs and Development Signs**

Real Estate Signs and Development Signs are permitted in any zoning district, subject to the following regulations:

- A. ***Off-Site Real Estate Signs.*** Off-site Real Estate Signs are prohibited, except Residential Open House Signs and signs approved as a part of a Residential Builder Sign Package.
- B. ***Residential Real Estate Signs.***
  - 1. ***General Standards.*** Real Estate Signs are permitted only on the property which is offered for sale or lease. One Real Estate Sign is permitted per street frontage. Real Estate Signs shall not exceed 6 square feet in area and 6 feet in height. Real Estate Signs shall not be located on public property, including rights-of-way.
  - 2. ***Removal.*** Real Estate Signs shall be removed from the site no later than 5 days after sale or lease of the property.
  - 3. ***Residential Open House Signs.*** Up to 6 temporary Off-Site Residential Open House Signs, not exceeding 6 square feet in area per sign, are permitted for each open house. Residential Open House Signs shall be displayed only during the hours that a property is open for inspection.
- C. ***Nonresidential Real Estate Signs and Development Signs.***
  - 1. ***General Standards.*** Nonresidential Real Estate Signs and Development Signs are permitted on developed and undeveloped property zoned for nonresidential uses; and for nonresidential uses in the Heritage Village Center and Gateway zoning districts, in accordance with this section.

2. *Term.* A sign permit for a Real Estate Sign or Development Sign is valid for 1 year from the date of issuance. A Real Estate Sign and Development Sign permit may be renewed annually.
3. *Removal.* All signs installed pursuant to a Real Estate Sign or Development Sign permit shall be removed prior to the issuance of a Certificate of Occupancy for the business to which the sign pertains. In the case of a Real Estate Sign or Development Sign advertising more than one business in a development, the sign shall be removed upon issuance of Certificates of Occupancy for the entire development.
4. *Placement.* Nonresidential Real Estate Signs and Development Signs are permitted only on the property which is being developed, remodeled, or offered for sale or lease. Signs shall be affixed to temporary construction fences, exterior building walls of the suite to which they pertain, or shall be temporary Freestanding Signs.
5. *Number.*
  - a. Real Estate Signs on Developed Property. One on-site nonresidential Real Estate Sign is permitted per building frontage; and
  - b. Real Estate Signs on Undeveloped Property. One on-site nonresidential Real Estate Sign is permitted per street frontage.
  - c. Development Signs.
    - (1) One nonresidential Development Sign is permitted per building frontage, per tenant/user suite; and
    - (2) One nonresidential Development Sign is permitted per frontage of the development site.
6. *Size.*
  - a. Nonresidential Real Estate Signs shall not exceed a total sign area of:
    - (1) 32 square feet per building frontage for developed properties. Freestanding Signs shall not be more than 8 feet in height.
    - (2) 32 square feet per street frontage for undeveloped properties. Freestanding Signs shall not be more than 8 feet in height.
  - b. There shall be no maximum sign area for signs affixed to temporary construction fences, except that such signs shall not exceed the height and width of the temporary construction fence.

- c. Nonresidential Development Signs shall not exceed a total area of:
  - (1) For occupancies of up to 5,000 square feet: 32 square feet of sign area and no more than 8 feet in height for Freestanding Signs;
  - (2) For occupancies greater than 5,000 square feet and no more than 15,000 square feet: 80 square feet of sign area and no more than 8 feet in height for Freestanding Signs;
  - (3) For occupancies greater than 15,000 square feet and no more than 50,000 square feet: 120 square feet of sign area and no more than 10 feet in height for Freestanding Signs; and
  - (4) For occupancies greater than 50,000 square feet: 180 square feet of sign area and no more than 12 feet in height for Freestanding Signs.
- 7. *Setback.* Except for signs affixed to a temporary construction fence or building wall, all nonresidential Real Estate Signs and Development Signs shall be set back a minimum distance of 10 feet from property lines.
- 8. *Illumination.* Signs shall not be directly or indirectly illuminated.
- 9. *Materials.* Signs shall be constructed of heavy duty, weather-resistant materials such as wood, laminated paper, plastic, or similar material. Signs attached to temporary construction fences shall be constructed to allow for wind to pass through the sign without damaging the fence.
- D. **Construction Signs.** Construction Signs are permitted on properties in conjunction with a valid building permit. Construction Signs shall not exceed 32 square feet in area and 8 feet in height and shall be set back a minimum distance of 10 feet from the property lines. An additional 32 square feet in Construction Sign area is permitted for sites over 5 acres with more than 1 exterior street frontage.

#### 4.405 Residential

The following regulations shall apply to all single family and multi-family residential zoning districts.

- A. **Permanent Signs.**
  - 1. *Single Family Dwelling Units.* Other than the address sign required pursuant to Section 4.402Q: Address Signs, each single family dwelling unit may have only 1 residential name sign identifying the occupant, not to exceed 3 square feet in area.

2. *Multi-Family Dwelling Units.* Other than the unit number required pursuant to Section 4.402Q: Address Signs, each multi-family dwelling unit may have only 1 residential name sign identifying the occupant, not to exceed 3 square feet in area.
3. *Subdivision Entry Signs.* Major entries to residential subdivisions may have 1 entry sign on each side of the street, subject to the following:
  - a. Size. Signs shall be no greater than 6 feet in height and 25 square feet in area;
  - b. Setback. Signs shall be set back a minimum of 3 feet behind the right-of-way;
  - c. Design. Signs shall be incorporated into the design of an entry wall, which shall be architecturally compatible with other subdivision improvements; and
  - d. Approval. Subdivision entry signs require approval by the Design Review Board as part of the subdivision open space plan. Entry signs added following the initial development of the subdivision require Administrative Design Review approval.
4. *Multi-Family Complex Address and Entry Signs.*
  - a. Address Directory. An administratively approved address directory shall be provided at properties that have more than eight (8) buildings or when in the opinion of the fire marshal, emergency response may be delayed due to the physical layout of the complex, pursuant to Gilbert Fire Department regulation #2006-006.
  - b. Multi-Family Complex Entry Signs. Major entries to multi-family residential complexes may have 1 entry sign on each side of the street or entry driveway, subject to the following:
    - (1) Size. Signs shall be no greater than 8 feet in height and 32 square feet in area;
    - (2) Setback. Signs shall be set back a minimum of 3 feet behind the right-of-way;
    - (3) Design and Approval. Signs shall be architecturally compatible with the complex and approved administratively.

**B. *Temporary Signs.***

1. *Builder's Sign Package.* A Builder's Sign Package is required for each residential development prior to the installation of any Temporary Signs. The Builder's Sign Package shall comply with the following regulations:

- a. Applicability. A Builder's Sign Package may be approved only for developments within the Town.
- b. Term. A sign permit for a Builder's Sign Package is valid for 3 years from the date of issuance. Any plan change to a Builder's Sign Package shall require a new permit.
- c. Removal. All Temporary Signs installed pursuant to a Builder's Sign Package shall be removed when the model home complex is permanently closed.
- d. On-Site Signage. A maximum of 240 square feet of on-site signage is permitted for each builder in a recorded subdivision plat. This sign area includes all on-site signage including Builder/Real Estate Signs, model complex signs, welcome signs, Banners, awnings, Residential Builder Attention Flags, and Directional Signs other than Weekend Directional Signs. Signs 32 square feet or larger shall be set back a minimum of 10 feet behind the right-of-way. Signs less than 32 square feet shall be set back a minimum of 5 feet from the right-of-way.
  - (1) Builder/Real Estate Signs are permitted 32 square feet of sign area for the first acre, plus 4 square feet of sign area for every acre above 1, up to a maximum of 160 square feet. Builder/Real Estate Signs shall be limited to 12 feet in height. The total sign area may be displayed as 1 or more signs.
  - (2) Residential Builder Attention Flags are permitted, not to exceed 12 feet in height. Flags shall be spaced a minimum of 40 feet apart and shall be set back a minimum of 5 feet behind the right-of-way.
- e. Off-Site Signage. Four off-site Directional Signs are permitted. Signs shall not exceed 32 square feet in area and 8 feet in height, and are subject to the following regulations:
  - (1) Signs shall be located on unimproved lots or parcels;
  - (2) Signs shall be spaced a minimum of 50 feet apart, regardless of the sign ownership;
  - (3) Signs shall be set back a minimum of 10 feet behind the right-of-way; and
  - (4) Written permission of the property owner is required for the time period of the permit.

2. *Weekend Directional Signs.* Weekend Directional Signs shall comply with the following regulations:
- a. *Applicability.* Weekend Directional Signs shall only be approved for new construction in a residential subdivision within the Town.
  - b. *Term.* A sign permit for Weekend Directional Signs is valid for 1 year from the date of issuance or until the model home complex is permanently closed, whichever occurs first. The sign permit may be renewed annually.
  - c. *Quantity.* A total of 15 Weekend Directional Signs may be permitted for each recorded subdivision plat.
  - d. *Size.* Signs shall be no greater than 4 feet in height and 3 square feet in area.
  - e. *Location.* Weekend Directional Signs shall be located within a 2 mile radius of the subdivision perimeter.
  - f. *Installation and Removal.* Weekend Directional Signs shall be installed no earlier than 4:00 p.m. on Friday of each week and shall be removed no later than 8:00 a.m. on the following Monday. Signs shall be installed no earlier than 4:00 p.m. preceding any official U.S. holiday and shall be removed by 8:00 a.m. the day following the holiday, or Monday if the holiday occurs on Friday.
  - g. *Spacing.* Individual signs shall be located a minimum of 40 feet from any other Weekend Direction Sign, regardless of the builder. No more than 5 Weekend Directional Signs shall be located within any 500 foot length on the same side of a street, regardless of the builder.
  - h. *Material.* Signs shall be constructed of heavy duty, weather-resistant material, such as laminated paper, plastic foam core, or similar material. Placement stakes shall be wood or heavy gauge wire.
  - i. *Label.* The back of each individual sign shall contain in clear, legible form the current sign permit number, the builder's name, and the sign company's name and phone number in letters at least 1 inch in height.
  - j. *Prohibited Locations.* Weekend Directional Signs shall not be placed:
    - (1) In the center median of any street; or
    - (2) Within 10 feet of the pavement edge of any street where no curb exists; or
    - (3) Within 2 feet of the face of curb where a curb exists; or

- (4) On or closer than 3 feet from any vehicle, fire hydrant, light or traffic signal pole, traffic sign, bench, bus stop, tree, utility box, or any similar feature.
- (5) On any property without written permission of the owner or person in control of the property.

#### **4.406 Nonresidential Uses in Residential Zoning Districts**

A. **Applicability.** These regulations shall apply to nonresidential uses permitted in residential zoning districts by the Zoning Code. Nothing herein shall be construed or applied in such a manner as to regulate signs for religious uses more restrictively than signs for non-religious uses in the same zoning district.

B. **Permanent Signs.**

1. **Approval.** All permanent signs except those subject to administrative approval by the Planning Director as set forth in Section 5.602B.1 Administrative Design Review shall be approved by the Design Review Board or, in the Heritage District Overlay Zoning District, the Redevelopment Commission, prior to application for a sign permit. Sign approval may be by:

- a. A Comprehensive Sign Program; or
- b. Design Review Board or, in the Heritage District Overlay Zoning District, the Redevelopment Commission, for approval of a single use on a lot or parcel, including signs; or
- c. Design Review Board or, in the Heritage District Overlay Zoning District, the Redevelopment Commission approval of signs for a single use on a lot or parcel, where prior approval for the project without signs has occurred; or
- d. By the Director of Planning as a separate Administrative Design Review application.

2. **Wall Signs.**

- a. **Applicability.** Wall Signs are permitted on any exterior wall of the tenant or user suite.
- b. **Total Business Sign Area.** Each business shall be permitted a minimum Wall Sign area of 32 square feet. The maximum Wall Sign area permitted for a business shall be the greater of:

- (1) The sign area calculated pursuant to Section 4.406B.2c: Sign Area Allowances per Building Elevation for the longest building elevation of the tenant/user suite facing the street; or
  - (2) The sign area calculated pursuant to Section 4.406B.2c: Sign Area Allowances per Building Elevation for the length of the building elevation of the tenant/user suite in which the principal entrance to the business is located.
- c. Sign Area Allowances per Building Elevation. Wall Signs are permitted at a rate of 1 square foot of sign area for each 1 foot of the building elevation adjacent to the suite. For buildings set back more than 75 feet from the right-of-way, 1.5 square feet of sign area is permitted for each 1 foot of building elevation adjacent to the suite.
- d. Multi-Story Buildings. Wall Signs shall only be located on one floor of a multi-story building.
- e. Design. Wall Signs shall fit proportionally with building massing and architectural features of the elevation.
- f. Dimensions. The length of a Wall Sign shall not exceed 80 percent of the horizontal length of the exterior building elevation of a tenant suite. The height of a Wall Sign shall not exceed 80 percent of the vertical dimension of the sign band or wall space on which the sign is placed.
- g. Placement and Scale. Wall Signs shall be placed in an area that is free of architectural details. Wall Signs shall not be located closer to the top of a parapet wall than one-half the vertical dimension of the largest letter or character. The Design Review Board or, in the Heritage District Overlay Zoning District, the Redevelopment Commission may approve a sign that is closer to the top of the parapet wall if it finds that the sign placement does not visually crowd the top of the wall.
- h. Wall Signs Facing Residential Uses. Wall Signs on building elevations abutting property designated for residential use in the General Plan shall:
- (1) Not be illuminated;
  - (2) Not exceed 16 square feet in area; and
  - (3) Be installed no higher than 14 feet above grade.

3. *Freestanding Monument Signs.*

- a. Number. One on-site Freestanding Monument Sign is permitted for any lot or parcel with a minimum of 100 feet of street frontage. One additional Freestanding Monument Sign is permitted for each additional 300 feet of street frontage over 100 feet.
- b. Size. Signs shall be no greater than 32 square feet in area and 8 feet in height.
- c. Setback. Signs shall be set back a minimum of 3 feet from the right-of-way.
- d. Changeable Message Signs. One-half (1/2) of a Monument Sign area may be a Changeable Message Sign, subject to administrative approval.

4. *Directional Signs.*

- a. Size. Signs shall be no greater than 3 square feet in area and 3 feet in height.
- b. Setback. Signs shall be set back a minimum of 25 feet from the right-of-way.

C. **Temporary Signs.** Temporary Signs shall comply with the regulations contained in Table 4.402 and the following regulations:

- 1. *Homeowners Association Facilities Temporary Signs.* Temporary Signs for Homeowners Association Facilities shall comply with the following regulations:
  - a. Applicability. Banners and Directional Signs for Homeowners Association Facilities are permitted that display information concerning seasonal or temporary events occurring in the development.
  - b. Sign Area and Location. A maximum of 80 square feet of sign area is permitted within the limits of the residential community.
  - c. Installation and Removal. Signs shall be installed no earlier than 30 days prior to the date of an event and shall be removed within 48 hours of completion of the event.
  - d. Materials. Signs shall be constructed of lightweight, weather-resistant material.
  - e. Placement. The regulations of Section 4.402: General Sign Regulations and Section 4.403.C: Placement of Signs shall apply.

## 4.407 Commercial

- A. **Applicability.** The following regulations shall apply to the following zoning districts: NC, CC, SC, GC, and RC.
- B. **Approval.**
1. **Multi-Tenant Building or Complex.** Prior to the issuance of a sign permit, a commercial complex with multiple tenants and/or buildings shall receive Design Review Board approval of a Master Sign Plan or administrative approval of a Comprehensive Sign Program that complies with all of the requirements of Article 4.4 as set forth in Section 5.602B.1.
  2. **Single-Building Projects.** Prior to the issuance of a sign permit, signage for single commercial buildings shall be approved:
    - a. By the Design Review Board as part of a Design Review application; or
    - b. By the Director of Planning as a separate Comprehensive Sign Program or Administrative Design Review application.
- C. **Permanent Signs.** Signs shall comply with the approved Comprehensive Sign Program, Master Sign Plan, Final Design Review, or Administrative Design Review subject to the following regulations:
1. **Wall Signs.**
    - a. **Applicability.** Wall Signs are permitted on any exterior wall of the tenant or user suite.
    - b. **Total Business Sign Area.** Each business shall be permitted a minimum Wall Sign area of 32 square feet. For businesses with double frontage the maximum wall sign area as calculated below shall be permitted on two building elevations. Reduced area shall be permitted on additional elevations. The maximum Wall Sign area permitted for a business shall be the greater of:
      - (1) The sign area calculated pursuant to Section 4.407C.1c for the longest building elevation of the tenant/user suite facing the street; or
      - (2) The sign area calculated pursuant to Section 4.407C.1c for the length of the building elevation of the tenant/user suite in which the principal entrance to the business is located. (SEE APPENDIX 1, FIGURE 17)

- c. Sign Area Allowances. Wall Signs are permitted at a rate of 1 square foot of sign area for each 1 lineal foot of the building elevation adjacent to the suite. For buildings set back more than 75 feet from the right-of-way, 1.5 square feet of sign area is permitted for each 1 lineal foot of building elevation adjacent to the suite. (SEE APPENDIX 1, FIGURE 17B)
- d. Multi-Story Buildings. Wall Signs on multiple floors of a multi-story building shall be approved by the Design Review Board through either a Comprehensive Sign Program or a Master Sign Plan and shall conform to the multi-story signage design criteria set forth below.

Wall Signs shall be allowed as follows:

- (1) Individual tenant signs located on the second floor of a building two stories in height shall not exceed 75 square feet in area. Tenant signs may be placed on any approved sign band or wall space on the second floor and the total sign area combined, including Building Identification Signs, shall not exceed 50 percent of the lineal building elevation on the second floor, as permitted in Sections 4.407C.1b: Total Business Sign Area and 4.407C.1c: Sign Area Allowances per Building Elevation.
- (2) Individual Building Identification Signs located on buildings two stories in height shall not exceed 75 square feet in area. The total sign area combined, including tenant signs, shall not exceed 50 percent of the lineal building elevation on the second floor as permitted in Sections 4.407C.1b: Total Business Sign Area and 4.407C.1c: Sign Area Allowances per Building Elevation.
- (3) Signs located on buildings three stories or more in height shall be limited to signage on the first floor and top floor. Sign area allowance for first floor tenants is subject to the provisions of Sections 4.407C.1b: Total Business Sign Area and 4.407C.1c: Sign Area Allowances per Building Elevation. Sign area allowed on the top floor shall not be counted against wall signage on the first floor. Top floor signage is limited to either building identification and one building tenant or two building tenants and shall adhere to the sign area allowance contained in Table 4.407: Top Floor Sign Size and Height Standards for On-Premise Signs. This area shall not be increased through a Comprehensive Sign Program or Master Sign Plan.

**Table 4.407: Top Floor Sign Size and Height Standards for On-Premise Signs**

<b>Facing Street Type or Freeway</b>	<b>Sign Height (Feet) from Finish Floor Level to Top of Sign<sup>1</sup></b>	<b>Maximum Allowable Size of Sign Face (Sq. Ft.)</b>	<b>Minimum Letter Height (Inches)</b>
Local/Collector	40+	Per Section 4.407C.1b. and 4.407C.1c; or one percent of the area of the elevation to which it is attached, whichever is greater.	12
Arterial	40+	Per Section 4.407C.1b. and 4.407C.1c; or one percent of the area of the elevation to which it is attached, whichever is greater.	15
Freeway	40+	Per Section 4.407C.1b. and 4.407C.1c; or one percent of the area of the elevation to which it is attached, whichever is greater.	21

<sup>1</sup>Unless approved signage spans floor plates

- e. Design. Wall Signs shall fit proportionally with building massing and architectural features of the elevation.
- f. Dimensions. The length of a Wall Sign shall not exceed 80 percent of the horizontal length of the exterior building elevation of a tenant suite. The height of a Wall Sign shall not exceed 80 percent of the vertical dimension of the sign band or wall space on which the sign is placed.
- g. Placement and Scale. Wall Signs shall be placed on an area that is free of architectural details. Wall Signs shall not be located closer to the top of a parapet wall than one-half the vertical dimension of the largest letter or character. The Design Review Board may approve a sign that is closer to the top of the parapet wall if it finds that the sign placement does not visually crowd the top of the wall. Top floor signage located on multi-story buildings may span floor plates. Wall Signs placed on canopies will be counted against the wall sign area allowance.
- h. Wall Signs Facing Residential Uses. Wall Signs on building elevations abutting property designated for residential use in the General Plan shall:
  - (1) Not be illuminated;
  - (2) Not exceed 16 square feet in area; and
  - (3) Be installed no higher than 14 feet above grade.

2. *Freestanding Signs.*

a. Monument Signs

- (1) Number. One on-site Freestanding Monument Sign is permitted for any lot or parcel with a minimum of 100 feet of street frontage. Parcels with 600 feet of street frontage are permitted 2 Freestanding Monument Signs. One additional Freestanding Monument Sign is permitted for each additional 300 feet of street frontage.
- (2) Height Criteria. Signs shall be no greater than 12 feet in height to the top of design embellishments. The sign face shall be located between 2 feet and 10 feet above grade with design embellishments added to the top, sides or bottom of the sign.
- (3) Area. The Monument Sign area shall not exceed 60 square feet.
- (4) Setback. Signs shall be set back a minimum of 3 feet from the right-of-way.
- (5) Spacing. Signs shall maintain a minimum spacing of 100 feet from any other low-profile Freestanding Sign on the same street frontage.
- (6) Changeable Message Signs. Changeable Message Signs are permitted subject to the sign criteria contained in Section 4.403G.

b. Tower Signs. Tower Signs are permitted in the Regional Commercial and General Commercial zoning districts for retail centers exceeding 40 net acres, as follows:

- (1) Number. One on-site Tower Sign is permitted for each 500 feet of street frontage, provided the total number of all Freestanding Signs, including Monument Signs, shall not exceed 1 sign per 300 feet of street frontage.
- (2) Height. Tower Signs shall not exceed a maximum height of 15 feet.
- (3) Area. The maximum area permitted for a Tower Sign shall be 80 square feet. The area of a Tower Sign may be increased by an additional 20 square feet for the identification of tenants or occupants of suites 5,000 square feet or less in area.
- (4) Setback. Tower Signs shall be set back a minimum of 3 feet from the right-of-way.

- (5) Spacing. Tower Signs shall maintain a minimum spacing of 300 feet from any other Freestanding Sign on the same street frontage, except that the Design Review Board may approve a spacing less than 300 feet, but not less than 100 feet, in connection with approval of a Comprehensive Sign Program or Master Sign Plan, upon a finding that the spacing will not result in an appearance of sign clutter.
  - (6) Changeable Message Signs. Permitted subject to sign criteria contained in Section 4.403G.
- c. Freeway Signs. Properties exceeding 15 net acres and abutting a freeway identified in the circulation element of the General Plan may have Freeway Signs as follows:
- (1) Number. One on site Freeway Sign shall be permitted for each 400 feet of freeway frontage.
  - (2) Height. Freeway Signs shall not exceed a maximum height of 60 feet above grade or 30 feet above the grade of the nearest lanes of the adjacent freeway main travel surface, whichever is greater.
  - (3) Area. The maximum area for a Freeway Sign shall not exceed 500 square feet. An additional 20 percent of sign area is permitted to identify the name of the center.
  - (4) Setback. Freeway Signs shall be set back a minimum of 150 feet from:
    - i. Right-of-way other than a freeway; and
    - ii. A property line adjacent to property designated for retail or residential use in the General Plan. Freeway Signs shall be set back a distance equal to the height of the sign from a property line adjacent to property designated for uses other than retail or residential in the General Plan.
  - (5) Location, Orientation and Spacing. Freeway Signs shall be located within 100 feet of the freeway right-of-way and shall be oriented to the freeway. A sign shall be considered oriented to a freeway where the sign face makes an interior angle of more than 30 degrees to the freeway. Freeway Signs shall maintain a minimum spacing of 400 feet from any other Freeway Sign on the same property.
  - (6) Changeable Message Signs. Freeway Signs may include Changeable Message Signs subject to sign criteria contained in section 4.403G.

- d. Directory Signs.
  - (1) Number. One sign shall be permitted for each 5 commercial tenants or uses.
  - (2) Size. Signs shall be no greater than 40 square feet in area and 8 feet in height.
  - (3) Setback. Signs shall be set back a minimum of 75 feet from any perimeter property line, except where such property line abuts other commercial or employment development and there is a cross- access between the commercial or employment properties.
  - (4) Location. Directory Signs shall only be installed on-site in landscape islands or pedestrian areas.
  
- e. Directional Signs. Directional Signs are not counted as part of the total sign area for a use and shall comply with the following regulations:
  - (1) Applicability. Directional Signs are permitted to assist in traffic movement on a property. Directional Signs shall include an arrow, and may include copy to read "Enter", "Exit" or "Drive- Through" and a single business logo.
  - (2) Size. Signs shall be no greater than 3 square feet in area and 3 feet in height.
  - (3) Setback. Signs shall be set back a minimum of 25 feet from the right-of-way.
  - (4) Prohibited Locations. Directional Signs shall not be located in a required perimeter landscape area.
  
- 3. *Signs on Accessory Entry Monuments.* Signs for center or project identification are permitted on accessory entry monuments for multiple- tenant projects exceeding 40 net acres, subject to Design Review Board approval of a Master Sign Plan or administrative approval of a Comprehensive Sign Program that complies with all of the requirements of Article 4.4 as set forth in Section 5.602B.1.
  - a. Area. Signs shall not occupy more than 50 percent of the area of the structure.
  - b. Spacing. Signs shall maintain a minimum spacing of 100 feet from any other accessory entry Monument Sign.

4. *Service Station Canopy Signs.* Service Station Canopy Signs shall display only the company logo and/ or name.
  - a. Number. The maximum number of signs attached to a canopy shall be 2.
  - b. Area. Signs shall not exceed 12 square feet in area.
  - c. Projection. No part of the sign shall project from a canopy wall by more than 6 inches.
  - d. Placement and Scale. The sign shall be vertically centered on the face of the canopy and be a minimum of 3 inches from both the top and bottom.
  
5. *Pedestrian Advertising Signs.*
  - a. Applicability. Pedestrian Advertising Signs are permitted in SC and RC districts when approved as part of a Comprehensive Sign Program or Master Sign Plan.
  - b. Area. Signs shall be no greater than 24 square feet in area per sign face and 6 feet in height.
  - c. Setback. Signs shall be set back a minimum of 75 feet from the right-of-way.
  - d. Installation. Signs shall be permanently affixed to the ground.
  - e. Illumination. Signs may be internally illuminated.
  - f. Prohibited Locations. Pedestrian Advertising Signs shall not obstruct sidewalks, required accessible paths of travel, or the visibility of other signs.
  
6. *Pump-Topper or Spanner Signs.* Pump-Topper and Spanner Signs shall be administratively approved as set forth in Section 5.602B.1 or approved by the Design Review Board through a final Design Review. Colors, materials, placement, and dimensions shall complement the design and scale of the canopy structure and the main building.
  
7. *Drive-Through Restaurant Menu Signs.*
  - a. Number. Drive-Through Restaurant Menu Signs shall be limited to 2 per drive-through lane.
  - b. Area. Signs shall be no greater than 50 square feet in area and 7 feet in height.

- c. Location. Location shall be approved by the Design Review Board as part of a final Design Review, Master Sign Plan or administratively by the Director of Planning as set forth in Section 5.602B.1 as part of a Comprehensive Sign Program.
- d. Design. Drive-Through Restaurant Menu Signs shall be constructed with a solid base.

8. *Corporate Flag*

- a. One corporate flag shall be allowed per business.
- b. Corporate flags may not exceed 25 square feet in area and no dimension (height or length) of the flag shall exceed 6 feet.
- c. A corporate flag shall be mounted on a fixed or anchored pole, either freestanding or building-integrated.
- d. No portion of the mounted corporate flag shall exceed the height of the principal structure or 50 feet, whichever is less.
- e. A corporate flag may only contain the company logo of the business where the flag will be displayed except that corporate flags displaying the logos of off-site businesses or organizations may be displayed temporarily (up to 7 consecutive days).

D. **Temporary Signs.** Temporary Signs are permitted subject to the regulations in Table 4.402 and the following regulations:

1. *Window Signs.*

- a. Area. Signs shall not exceed 25 percent of the total window area. Window Signs are not part of permitted Wall Sign area.
- b. Location. Individual businesses may display signs in a first floor window area or within 6 feet behind a window (SEE APPENDIX 1, FIGURE 18).

#### **4.408 Heritage Village Center**

A. **Applicability.** The following regulations shall apply to the Heritage Village Center zoning district.

**B. Approval.**

1. *Multi-Tenant Building or Complex.* A commercial complex with multiple tenants and/or buildings shall receive administrative approval of a Heritage Sign Plan as set forth in Section 5.602B.1 prior to the issuance of a sign permit.
2. *Single-Building Projects.* Prior to the issuance of a sign permit, signage for single commercial buildings shall be approved:
  - a. By the Redevelopment Commission as part of a Design Review application; or
  - b. By the Director of Planning as a separate Heritage Sign Plan or an Administrative Design Review application.

**C. Permanent Signs.** Signs shall comply with the approved Heritage Sign Plan, Final Design Review, or Administrative Design Review subject to the following regulations:

1. *Total Business Sign Area.* Each business shall be permitted a minimum business sign area of 32 square feet. For businesses with double frontage, the maximum wall sign area as calculated below shall be permitted on two building elevations. Reduced area shall be permitted on additional elevations. The maximum business sign area permitted for a business shall be the greater of:
  - a. The sign area calculated pursuant to Section 4.408C.2 for the longest building elevation of the tenant/user suite facing the street; or
  - b. The sign area calculated pursuant to Section 4.408C.2 for the length of the building elevation of the tenant/user suite in which the principal entrance to the business is located.
2. *Sign Area Allowances.* Sign area is permitted at a rate of 1.5 square foot of sign area for each 1 lineal foot of the building elevation adjacent to the suite.
3. *Wall Signs.*
  - a. *Applicability.* Wall Signs are permitted on any exterior wall of the tenant or user suite.
  - b. *Design.* Wall Signs shall fit proportionally with building massing and architectural features of the elevation.
  - c. *Dimensions.* The length of a Wall Sign shall not exceed 80 percent of the horizontal length of the exterior building elevation of a tenant suite. The height of a Wall Sign shall not exceed 80 percent of the vertical dimension of the sign band or wall space on which the sign is placed.

- d. Placement and Scale. Wall Signs shall be placed on an area that is free of architectural features. Wall Signs shall not be located closer to the top of a parapet wall than one-half the vertical dimension of the largest letter or character. The Redevelopment Commission may approve a sign that is closer to the top of the parapet wall if it finds that the sign placement does not visually crowd the top of the wall.
- e. Wall Signs Facing Residential Uses. Wall Signs on building elevations abutting property designated for residential use in the General Plan shall:
  - (1) Not be illuminated;
  - (2) Not exceed 6 square feet in area; and
  - (3) Be installed no higher than 14 feet above grade.
- f. Two-Story Buildings. Wall Signs for the 2nd floor of a two-story building shall be approved by the Redevelopment Commission as part of a Heritage Sign Plan and shall be subject to the following criteria:
  - (1) Location. May only be used by 2nd floor tenants and located on building walls of the space occupied by the tenant.
  - (2) Area. Individual tenant signs located on the 2nd floor of a building shall not exceed 6 square feet in area per tenant/user suite. Sign area shall be included in the total allowable area set forth in Section 4.408C.1: Total Business Sign Area.
  - (3) Illumination. Signs may be indirectly or internally illuminated. Lighting fixtures shall be decorative and architecturally compatible with the building. Guidelines for appropriate design, materials, and color of fixtures are set forth in the Heritage District Redevelopment Plan.

4. *Freestanding Signs.*

- a. Monument Signs.
  - (1) Approval. Monument Signs shall be approved by the Redevelopment Commission as part of a Design Review application or administratively as part of a Heritage Sign Plan. Colors, materials, and design shall complement the design of the building(s) which it serves.
  - (2) Applicability. Monument Signs are permitted to assist in traffic movement on a property containing an existing building that exceeds the required build- to lines, as set forth in Section 2.403C: Build-To Lines.

- (3) Number. One on-site Freestanding Monument Sign may be permitted for any lot or parcel.
  - (4) Height. Signs shall be no greater than 6 feet in height, whereas the height measurement includes: structural supports; monument base; architectural features of a Monument Sign structure; nonstructural or decorative trim.
  - (5) Area. Signs shall not exceed 32 square feet in area.
  - (6) Setback. Signs shall be set back a minimum of 3 feet from the right-of-way.
  - (7) Spacing. Signs shall maintain a minimum spacing of 100 feet from any other low-profile Freestanding Sign on the same street frontage.
- b. Directory Signs.
- (1) Number. One sign shall be permitted for each 4 commercial tenants or uses.
  - (2) Size. Signs shall be no larger than necessary to convey tenant information. In no event shall a Directory Sign exceed 6 square feet in area and 6 feet in height.
  - (3) Location. Sign shall be integrated into the building architecture or located within a courtyard or similar feature of a building.
- c. Directional Signs. Directional Signs are not counted as part of the total sign area for a use and shall comply with the following regulations:
- (1) Applicability. Directional Signs are permitted to assist in traffic movement on a property. Directional Signs shall include an arrow, and may include copy to read "enter", "exit" or "drive-through" and a single business logo.
  - (2) Size. Signs shall be no greater than 3 square feet in area and 3 feet in height.
  - (3) Setback. Signs shall be set back a minimum of 25 feet from the right-of-way.
  - (4) Prohibited Locations. Directional Signs shall not be located in a required perimeter landscape area.

5. *Awning Signs.*

- a. Location. Signs shall only be located on the valance of the awning.
- b. Area. Sign area shall be included in the total allowable area set forth in Section 4.408C.1: Total Business Sign Area.
- c. Graphics. Graphics shall be permanently affixed to the awning. Lettering and logos may be silkscreen, painted, cutout lettering heat color transfer, pressure sensitive vinyl films, sewn appliqué signs, or similar.
- d. Illumination. Signs may be indirectly illuminated. Awning Signs shall not be backlit. Lighting fixtures shall be decorative and architecturally compatible with the building. Guidelines for appropriate design, materials, and color of fixtures are set forth in the Heritage District Redevelopment Plan.
- e. Prohibited Locations. Signs shall not obstruct sidewalks, required accessible paths of travel, or the visibility of other signs.

6. *Painted Wall Signs.*

- a. Location. Painted Wall Signs are permitted on any exterior building wall of the tenant/user suite to which they are appurtenant.
- b. Area. Sign area shall be included in the total allowable area set forth in Section 4.408C.1: Total Business Sign Area.
- c. Content. Sign may include advertising of any item of merchandise or service offered by the tenant/user to which the sign is appurtenant.
- d. Illumination. Signs may be indirectly illuminated. Lighting fixtures shall be decorative and architecturally compatible with the building. Guidelines for appropriate design, materials, and color of fixtures are set forth in the Heritage District Redevelopment Plan.

7. *Projecting Roof Signs / Projecting Signs.*

- a. Approval. Projecting Roof Signs/Projecting Signs shall be approved by the Redevelopment Commission as part of a Heritage Sign Plan or Design Review application. Colors, materials, and design shall complement the design of the building(s) which it serves.

- b. Location. Signs shall be permanently affixed to the exterior building wall of the tenant/user suite to which they are appurtenant. Signs shall be located at the customer entry area of the tenant/user suite when blinking/flashing illumination elements are incorporated.
  - c. Area. Sign area shall be included in the total allowable area set forth in Section 4.408C.1: Total Business Sign Area.
  - d. Height. Projecting Roof Sign height shall not exceed the height of a roofline or parapet by more than 25 percent of the overall height of the sign. The Redevelopment Commission may approve heights greater than 25 percent, through a Heritage Sign Plan or a Design Review application, when it is determined that the sign is incorporated into the building's architecture.
  - e. Illumination.
    - (1) Sign may be internally or indirectly illuminated.
    - (2) Sign may incorporate flashing/blinking elements within the area of the sign.
    - (3) Lighting fixtures shall be decorative and architecturally compatible with the building. Guidelines for appropriate design, materials, and color of fixtures are set forth in the Heritage District Redevelopment Plan.
  - f. Design. Signs shall be stylized in shape, rather than rectangular, to reflect the shape of the image printed on the sign face.
  - g. Installation. Fixtures used to affix sign to building wall shall be decorative and architecturally compatible with the building. Guidelines for appropriate design, materials, and color of fixtures shall be set forth in the Heritage District Redevelopment Plan.
  - h. Prohibited Locations. Signs shall not obstruct sidewalks, required accessible paths of travel, or the visibility of other signs.
8. *Marquee Signs.*
- a. Approval. Marquee Signs shall be approved by the Redevelopment Commission as part of a Design Review application or a Heritage Sign Plan. Colors, materials, and design shall complement the design of the building(s) which it serves.
  - b. Location. Signs shall only be affixed on a marquee located at the primary entrance of the tenant/user suite to which they are appurtenant.

- c. Area. Sign area shall be included in the total allowable area set forth in Section 4.408C.1: Total Business Sign Area. The aggregate area of all sign faces shall be calculated to determine the sign area.
  - d. Illumination.
    - (1) Sign may be internally or indirectly illuminated.
    - (2) Sign may incorporate flashing/blinking elements within the area of the sign. Guidelines for appropriate flashing/blinking frequency are set forth in the Heritage District Redevelopment Plan.
    - (3) Lighting fixtures shall be decorative and architecturally compatible with the building. Guidelines for appropriate design, materials, and color of fixtures are set forth in the Heritage District Redevelopment Plan.
  - e. Changeable Message Signs. Marquee Signs may include Changeable Message Signs. Sign copy shall only be changed manually. Electronic or mechanical sign copy change is prohibited.
  - f. Prohibited Locations. Signs shall not obstruct sidewalks, required accessible paths of travel, or the visibility of other signs.
9. *Suspended Signs.*
- a. Number. No more than 1 sign may be permitted tenant/user building elevation.
  - b. Location. Signs shall be suspended from a roof overhang of a covered porch or walkway, which is adjacent to the exterior building wall of the tenant/user suite to which they are appurtenant.
  - c. Area. Maximum area permitted is 6 square feet. Suspended Signs are not included in the total allowable business sign area.
  - d. Design. Guidelines for appropriate design, materials, and color of fixtures shall be set forth in the Heritage District Redevelopment Plan.
  - e. Illumination. Signs may be indirectly illuminated. Lighting fixtures shall be decorative and architecturally compatible with the building. Guidelines for appropriate design, materials, and color of fixtures are set forth in the Heritage District Redevelopment Plan.

D. **Temporary Signs.** Temporary Signs are permitted subject to the regulations in Table 4.402 and the following regulations:

1. *Window Signs.*

- a. Area. Signs shall not exceed 25 percent of the total window area. Window Signs are not included in the total allowable business sign area.
- b. Location. Individual businesses may display signs in a first floor window area or within 6 feet behind a window.
- c. Colors. Fluorescent colors are prohibited.

2. *Umbrella Signs.*

- a. Area. Umbrella Signs are not included in the total allowable business sign area.
- b. Prohibited Locations. Signs shall not obstruct sidewalks, required accessible paths of travel, or the visibility of other signs.
- c. Colors. Fluorescent colors are prohibited.

#### **4.409 Office/Employment**

A. **Applicability.** The following regulations shall apply to the following districts: NO, GO, BP, LI and GI.

B. **Approval.**

- 1. *Multi-Tenant Building or Complex.* An office/employment complex with multiple tenants and/or building pads shall receive Design Review Board approval of a Master Sign Plan or administrative approval of a Comprehensive Sign Program that complies with all of the requirements of Article 4.4 as set forth in Section 5.602B.1 prior to the issuance of a sign permit.
- 2. *Single-Building Projects.* Prior to the issuance of a sign permit, signage for single office or employment buildings shall be approved:
  - a. By the Design Review Board as part of a Design Review application; or
  - b. By the Director of Planning as a separate Administrative Design Review application.

C. **Permanent Signs.** Signs shall comply with the approved Comprehensive Sign Program or Master Sign Plan, Final Design Review, or Administrative Design Review subject to the following regulations:

1. *Wall Signs.*

- a. **Applicability.** Wall Signs are permitted on any exterior wall of the tenant or user suite.
- b. **Total Business Sign Area.** Each business shall be permitted a minimum Wall Sign area of 32 square feet. For businesses with double frontage the maximum wall sign area as calculated below shall be permitted on two building elevations. Reduced area shall be permitted on additional elevations. The maximum Wall Sign area permitted for a business shall be the greater of:
  - (1) The sign area calculated pursuant to Section 4.409C.1c for the longest building elevation of the tenant/user suite facing the street; or
  - (2) The sign area calculated pursuant to Section 4.409C.1c for the length of the building elevation of the tenant/user suite in which the principal entrance to the business is located.
- c. **Sign Area Allowances.** Wall Signs are permitted on any exterior wall of the tenant or user suite at a rate of 1 square foot of sign area for each 1 lineal foot of the building elevation adjacent to the suite.
- d. **Multi-Story Buildings.** Wall Signs on multiple floors of a multi-story building shall be approved by the Design Review Board through either a Comprehensive Sign, Program or a Master Sign Plan.

Wall Signs shall be allowed as follows:

- (1) Signs located on buildings three stories or more in height shall be limited to signage on the first floor and top floor. Sign area allowance for first floor tenants is subject to the provisions of Sections 4.409C.1b: Total Business Sign Area and 4.409C.1c: Sign Area Allowances per Building Elevation. Sign area allowed on the top floor shall not be counted against wall signage on the first floor. Top floor signage is limited to either building identification and one building tenant or two building tenants and shall adhere to the sign area allowance contained in Table 4.409: Top Floor Sign Size and Height Standards for On-Premise Signs. This area shall not be increased through a Comprehensive Sign Program or Master Sign Plan.

**Table 4.409: Top Floor Sign Size and Height Standards for On-Premise Signs**

<b>Facing Street Type or Freeway</b>	<b>Sign Height (Feet) from Finish Floor Level to Top of Sign<sup>2</sup></b>	<b>Maximum Allowable Size of Sign Face (Sq. Ft.)</b>	<b>Minimum Letter Height (Inches)</b>
Local/Collector	40+	Per Section 4.409C.1b. and 4.409C.1c; or one percent of the area of the elevation to which it is attached, whichever is greater	12
Arterial	40+	Per Section 4.409C.1b. and 4.409C.1c; or one percent of the area of the elevation to which it is attached, whichever is greater	15
Freeway	40+	Per Section 4.409C.1b. and 4.409C.1c; or one percent of the area of the elevation to which it is attached, whichever is greater	21

<sup>2</sup> Unless approved signage spans floor plates.

- e. Design. Wall Signs shall fit proportionally with building massing and architectural features of the elevation.
- f. Dimensions. The length of a Wall Sign shall not exceed 80 percent of the horizontal length of the exterior building elevation of a tenant suite. The height of a Wall Sign shall not exceed 80 percent of the vertical dimension of the sign band or wall space on which the sign is placed.
- g. Placement and Scale. Wall Signs shall be placed on an area that is free of architectural details. Wall Signs shall not be located closer to the top of a parapet wall than one-half the vertical dimension of the largest letter or character. The Design Review Board may approve a sign that is closer to the top of the parapet wall if it finds that the sign placement does not visually crowd the top of the wall. Top floor signage located on multi-story buildings may span floor plates. Wall signs placed on canopies will be counted against wall sign area allowance.
- h. Wall Signs Facing Residential Uses. Wall Signs on building elevations abutting property designated for residential use in the General Plan shall:
  - (1) Not be illuminated;
  - (2) Not exceed 16 square feet in area; and

- (3) Be installed no higher than 14 feet above grade.

2. *Freestanding Signs.*

a. Monument Signs.

- (1) Number. One on-site Freestanding Monument Sign is permitted for any lot or parcel with a minimum of 100 feet of street frontage. Parcels with 600 feet of street frontage are permitted 2 Freestanding Monument Signs. One additional Freestanding Monument Sign is permitted for each additional 300 feet of street frontage.
- (2) Height Criteria. Signs shall be no greater than 12 feet in height to the top of design embellishments. The sign face shall be located between 2 feet and 10 feet above grade with design embellishments added to the top, sides or bottom of the sign.
- (3) Area. Signs shall be no greater than 60 square feet in area.
- (4) Setback. Monument Signs shall be set back a minimum of 3 feet from the right-of-way.
- (5) Spacing. Monument Signs shall maintain a minimum spacing of 100 feet from any other low-profile Freestanding Sign on the same street frontage.

b. Directory Signs.

- (1) Number. One sign shall be permitted for each 5 tenants or uses.
- (2) Size. Signs shall be no greater than 40 square feet in area and 8 feet in height.
- (3) Setback. Signs shall be set back a minimum of 75 feet from any perimeter property line, except where such property line abuts other commercial or employment development and there is a cross-access between the commercial or employment properties.
- (4) Location. Directory Signs shall only be installed on-site in landscape islands or pedestrian areas.

c. Directional Signs. Directional Signs are not counted as part of the total sign area for a use and shall comply with the following regulations:

- (1) **Applicability.** Directional Signs are permitted to assist in traffic movement on a property. Directional Signs shall include an arrow and may include copy to read "Enter", "Exit" or "Drive-Through" and a single business logo.
  - (2) **Size.** Signs shall be no greater than 3 square feet in area and 3 feet in height.
  - (3) **Setback.** Signs shall be set back a minimum of 25 feet from the right-of-way.
  - (4) **Prohibited Locations.** Directional Signs shall not be located in a required perimeter landscape area.
- d. The following permanent signs are allowed in an office/employment district that abuts a freeway:
- (1) **Tower Signs.** Tower signs are permitted for sites exceeding 40 net acres, as follows:
    - i. **Number.** One on-site tower sign is permitted for each 500 feet of street frontage provided the total number of all freestanding signs, including monument signs, shall not exceed 1 sign per 300 feet of street frontage.
    - ii. **Height.** Tower signs shall not exceed a maximum height of 15 feet.
    - iii. **Area.** The maximum area permitted for a tower sign shall be 80 square feet. The area of a tower sign may be increased by an additional 20 square feet for the identification of tenants or occupants of suite 5,000 square feet or less in area.
    - iv. **Setback.** Tower signs shall be set back a minimum of 3 feet from the right-of-way.
    - v. **Spacing.** Tower signs shall maintain a minimum spacing of 300 feet from any other freestanding sign on the same street frontage, except that the Design Review Board may approve a spacing less than 300 feet, but not less than 100 feet, in connection with approval of a Comprehensive Sign Program or Master Sign Plan, upon a finding that the spacing will not result in an appearance of sign clutter.

- vi. Changeable Message Signs. Permitted subject to sign criteria contained in Section 4.403G.
- (2) Freeway Signs. Freeway signs are permitted for sites exceeding 15 net acres:
- i. Number. One on-site freeway sign shall be permitted for each 400 feet of freeway frontage.
  - ii. Height. Freeway signs shall not exceed a maximum height of 60 feet above grade or 30 feet above the grade of the nearest lanes of the adjacent freeway main travel surface, whichever is greater.
  - iii. Area. The maximum area for a freeway sign shall not exceed 500 square feet. An additional 20 percent of sign area is permitted to identify the name of the center.
  - iv. Setback. Freeway signs shall be set back a minimum of 150 feet from:
    - 1. Right-of-Way other than a freeway; and
    - 2. A property line adjacent to property designated for retail or residential use in the General Plan. Freeway signs shall be set back a distance equal to the height of the sign from a property line adjacent to property designated for uses other than retail or residential in the General Plan.
  - v. Location, Orientation and Spacing. Freeway signs shall be located within 100 feet of the freeway right-of-way and shall be oriented to the freeway. A sign shall be considered oriented to a freeway where the sign face makes an interior angle of more than 30 degrees to the freeway. Freeway signs shall maintain a minimum spacing of 400 feet from any other freeway sign on the same property.
  - vi. Changeable Message Signs. Freeway signs may include changeable message signs subject to sign criteria contained in Section 4.403G.
3. *Signs on Accessory Entry Monuments.* Signs for center or project identification are permitted on accessory entry monuments for multiple-tenant projects exceeding 40 net acres, subject to Design Review Board approval of a Master Sign Plan or administrative approval as part of a Comprehensive Sign Program that complies with all of the requirements of Article 4.4 as set forth in Section 5.602B.1.

- a. Area. Signs shall not occupy more than 50 percent of the area of the structure.
- b. Spacing. Signs shall maintain a minimum spacing of 100 feet from any other accessory entry Monument Sign.

4. *Corporate Flag*

- a. One corporate flag shall be allowed per business.
- b. Corporate flags may not exceed 25 square feet in area and no dimension (height or length) of the flag shall exceed 6 feet.
- c. A corporate flag shall be mounted on a fixed or anchored pole, either freestanding or building-integrated.
- d. No portion of the mounted corporate flag shall exceed the height of the principal structure or 50 feet, whichever is less.
- e. A corporate flag may contain the company logo of the business where the flag will be displayed except that corporate flags displaying the logos of off-site businesses or organizations may be displayed temporarily (up to 7 consecutive days).

D. **Temporary Signs.** Temporary Signs are permitted subject to the regulations in Table 4.402.

#### **4.4010 Public Facility/Institutional**

- A. **Applicability.** These regulations shall apply to uses located in the PF/I zoning district. Nothing herein shall be construed or applied in such a manner as to regulate signs for religious uses more restrictively than signs for non-religious uses in the same zoning district.
- B. **Approval.** All permanent signs except those subject to administrative approval by the Planning Director as set forth in Section 5.602B.1 shall be approved by the Design Review Board or, in the Heritage District Overlay Zoning District, the Redevelopment Commission prior to application for a sign permit. Sign approval may be by:
  - 1. A Comprehensive Sign Program, Master Sign Plan; or
  - 2. For a single use on an individual lot or parcel, by Design Review Board or, in the Heritage District Overlay Zoning District, the Redevelopment Commission as part of the review of the building or structure on the parcel; or

3. For a single use on a lot or parcel, where prior approval for the project without signs has been granted, Design Review Board or Redevelopment Commission in the Heritage District Overlay Zoning District; or
4. By the Director of Planning as a separate Administrative Design Review application.

**C. *Permanent Signs.***

1. *Wall Signs.*

- a. **Applicability.** Wall Signs are permitted on any exterior wall of the tenant or user suite.
- b. **Total Business Sign Area.** Each business shall be permitted a minimum Wall Sign area of 32 square feet. For businesses with double frontage the maximum wall sign area as calculated below shall be permitted on two building elevations. Reduced area shall be permitted on additional elevations. The maximum Wall Sign area permitted for a business shall be the greater of:
  - (1) The sign area calculated pursuant to Section 4.4010C.1c for the longest building elevation of the tenant/user suite facing the street; or
  - (2) The sign area calculated pursuant to Section 4.4010C.1c for the length of the building elevation of the tenant/user suite in which the principal entrance to the business is located.
- c. **Sign Area Allowances.** Wall Signs are permitted at a rate of 1 square foot of sign area for each 1 lineal foot of the building elevation adjacent to the suite. For buildings set back more than 75 feet from the right-of-way, 1.5 square feet of sign area is permitted for each 1 lineal foot of building elevation adjacent to the suite.
- d. **Multi-Story Buildings.** Wall Signs on multiple floors of a multi-story building shall be approved by the Design Review Board through either a Comprehensive Sign Program or a Master Sign Plan. Wall Signs shall be allowed as follows:
  - (1) Signs located on buildings three stories or more in height shall be limited to signage on the first floor and top floor. Sign area allowance for first floor tenants is subject to the provisions of Sections 4.4010C.1b: Total Business Sign Area and 4.4010C.1c: Sign Area Allowances per Building Elevation. Sign area allowed on the top floor shall not be counted against wall signage on the first floor. Top floor signage is limited to building identification or one building tenant and shall adhere to the sign area allowance contained in Table 4.4010: Top Floor Sign Size and Height

Standards for On-Premise Signs. This area shall not be increased through a Comprehensive Sign Program or Master Sign Plan.

**Table 4.4010: Top Floor Sign Size and Height Standards for On-Premise Signs**

<b>Facing Street Type or Freeway</b>	<b>Sign Height (Feet) from Finish Floor Level to Top of Sign<sup>3</sup></b>	<b>Maximum Allowable Size of Sign Face (Sq. Ft.)</b>	<b>Minimum Letter Height (Inches)</b>
Local/Collector	40+	Per Section 4.4010C.1b. and 4.4010C.1c.; or one percent of the area of the elevation to which it is attached, whichever is greater.	12
Arterial	40+	Per Section 4.4010C.1b. and 4.4010C.1c.; or one percent of the area of the elevation to which it is attached, whichever is greater.	15
Freeway	40+	Per Section 4.4010C.1b. and 4.4010C.1c.; or one percent of the area of the elevation to which it is attached, whichever is greater.	21

<sup>3</sup>Unless approved signage spans floor plates

- e. Design. Wall Signs shall fit proportionally with building massing and architectural features of the elevation.
- f. Dimensions. The length of a Wall Sign shall not exceed 80 percent of the horizontal length of the exterior building elevation of a tenant suite. The height of a Wall Sign shall not exceed 80 percent of the vertical dimension of the sign band or wall space on which the sign is placed.
- g. Placement and Scale. Wall Signs shall be placed on an area that is free of architectural details. Wall Signs shall not be located closer to the top of a parapet wall than one-half the vertical dimension of the largest letter or character. The Design Review Board may approve a sign that is closer to the top of the parapet wall if it finds that the sign placement does not visually crowd the top of the wall. Top floor signage located on multi-story buildings may span floor plates. Wall Signs placed on canopies will be counted against wall sign area allowance.
- h. Wall Signs Facing Residential Districts. Wall Signs on building elevations abutting property designated for residential use in the General Plan shall:

- (1) Not be illuminated;
- (2) Not exceed 16 square feet in area; and
- (3) Be installed no higher than 14 feet above grade.

2. *Freestanding Signs.*

a. Monument Signs.

- (1) Number. One on-site freestanding Monument Sign is permitted for any lot or parcel with a minimum of 100 feet of street frontage. Parcels with 600 feet of street frontage are permitted 2 freestanding Monument Signs. One additional freestanding Monument Sign is permitted for each additional 300 feet of street frontage.
- (2) Height Criteria. Signs shall be no greater than 12 feet in height to the top of design embellishments. The sign face shall be located between 2 feet and 10 feet above grade with design embellishments added to the top, sides or bottom of the sign.
- (3) Area. Signs shall be no greater than 60 square feet in area.
- (4) Setback. Signs shall be set back a minimum of 3 feet from the right-of-way.
- (5) Spacing. Monument Signs shall maintain a minimum spacing of 100 feet from any other low-profile Freestanding Sign on the same street frontage.
- (6) Changeable Message Panels. Permitted subject to sign criteria contained in section 4.403G.

b. Directory Signs.

- (1) Number. One sign shall be permitted for each 5 tenants or uses.
- (2) Size. Signs shall be no greater than 40 square feet in area and 8 feet in height.
- (3) Setback. Signs shall be set back a minimum of 75 feet from any perimeter property line, except where such property line abuts other public facility/institutional development and there is a cross-access between the commercial or employment properties.

- (4) Location. Directory Signs shall only be installed on-site in landscape islands or pedestrian areas.
- c. Directional Signs. Directional Signs are not counted as part of the total sign area for a use and shall comply with the following regulations:
- (1) Applicability. Directional Signs are permitted to assist in traffic movement on a property. Directional Signs shall include an arrow, and may include copy to read "Enter", "Exit" or "Drive- Through" and a single business logo.
  - (2) Size. Signs shall be no greater than 3 square feet in area and 3 feet in height.
  - (3) Setback. Signs shall be set back a minimum of 25 feet from the right-of-way.
  - (4) Prohibited Locations. Directional Signs shall not be located in a required perimeter landscape area.
- d. The following permanent signs are allowed in a Public Facility/Institutional District that abuts a freeway:
- (1) Tower Signs. Tower signs are permitted for sites exceeding 40 net acres as follows:
    - i. Number. One on-site tower sign is permitted for each 500 feet of street frontage, provided the total number of all freestanding signs, including monument signs, shall not exceed 1 sign per 300 feet of street frontage.
    - ii. Height. Tower signs shall not exceed a maximum height of 15 feet.
    - iii. Area. The maximum area permitted for a tower sign shall be 80 square feet. The area of a tower sign may be increased by an additional 20 square feet for the identification of tenants or occupants of suites 5,000 square feet or less in area.
    - iv. Setback. Tower signs shall be set back a minimum of 3 feet from the right-of-way.
    - v. Spacing. Tower signs shall maintain a minimum spacing of 300 feet from any other freestanding sign on the same street frontage, except that the Design Review Board may approve a spacing less

than 300 feet, but not less than 100 feet, in connection with approval of a Comprehensive Sign Program or Master Sign Plan, upon a finding that the spacing will not result in an appearance of sign clutter.

- vi. Changeable Message Signs. Permitted subject to sign criteria contained in Section 4.403G.
- (2) Freeway signs. Freeway signs are permitted for sites exceeding 15 net acres:
- i. Number. One on-site freeway sign shall be permitted for each 400 feet of freeway frontage.
  - ii. Height. Freeway signs shall not exceed a maximum height of 60 feet above grade or 30 feet above the grade of the nearest lanes of the adjacent freeway main travel surface, whichever is greater.
  - iii. Area. The maximum area for a freeway sign shall not exceed 500 square feet. An additional 20 percent of sign area is permitted to identify the name of the center.
  - iv. Setback. Freeway signs shall be set back a minimum of 150 feet from:
    - 1. Right-of-way other than a freeway; and
    - 2. A property line adjacent to property designated for retail or residential use in the General Plan. Freeway signs shall be set back a distance equal to the height of the sign from a property line adjacent to property designated for uses other than retail or residential in the General Plan.
  - v. Location. Orientation and spacing freeway signs shall be located within 100 feet of the freeway right-of-way and shall be oriented to the freeway. A sign shall be considered oriented to a freeway where the sign face makes an interior angle of more than 30 degrees to the freeway. Freeway signs shall maintain a minimum spacing of 400 feet from any other freeway sign on the same property.
  - vi. Changeable Message Signs. Freeway signs may include changeable message signs subject to sign criteria contained in Section 4.403G.

3. Corporate Flag

- a. One corporate flag shall be allowed per business.
- b. Corporate flags may not exceed 25 square feet in area and no dimension (height or length) of the flag shall exceed 6 feet.
- c. A corporate flag shall be mounted on a fixed or anchored pole, either freestanding or building-integrated.
- d. No portion of the mounted corporate flag shall exceed the height of the principal structure or 50 feet, whichever is less.
- e. A corporate flag may only contain the company logo of the business where the flag will be displayed except that corporate flags displaying the logos of off-site businesses or organizations may be displayed temporarily (up to 7 consecutive days).

D. **Temporary Signs.** Temporary Signs are permitted, subject to the regulations in Table 4.402.

**4.4011 Notice of Violation**

Notice of violation of this article shall be provided by a Code Compliance Officer to the property owner, person in control, or authorized agent of the property. The time periods provided for correction of the violation shall be:

- A. **Permanent Signs.** A 10 calendar day written notice shall be provided.
- B. **Temporary Signs.** A 2 calendar day written notice shall be provided.
- C. **Portable Signs, Other than A-Frame Signs and Flying Banners.**
  - 1. A 2 calendar day written notice shall be provided for Portable Signs other than those placed within the right-of-way.
  - 2. A written notice is not required for Portable Signs placed within the right- of-way.

**4.4012 Removal**

- A. **Authority.**
  - 1. The Code Compliance Manager is authorized to require removal of any sign installed in violation of this article. The Code Compliance Manager may remove or cause to be removed any Temporary Sign which is not removed by the owner.

2. The Building Official is authorized to remove or require the immediate removal or repair without written notice of any unsafe sign that creates an immediate hazard to persons or property.
- B. **Removal by Town.** In the case of a sign code violation where the offending sign has been removed by the Code Compliance Officer, the notice shall state the reason for its removal.
- C. **Recovery of Costs.** The costs of removal or repair of a sign by the Town shall be borne by the person who installed the sign, and, if unknown, the owner or lessee of the sign and of the property on which the sign is located. If the Town incurs costs in the removal or repair of a sign, the Town may bring an action in Municipal Court or Superior Court to recover its costs.

#### **4.4013 Violations, A-Frame Signs & Flying Banners**

- A. **First Offense.**
1. The Code Compliance Manager shall give a written notice of the violation to the owner or lessee of the business to which the sign relates, or, if such violation relates to the spacing requirements set forth in Section 4.402N.5h or Section 4.402X a written notice shall be given to all owners or lessees of businesses to which the signs relate.
  2. Upon receipt of the notice, the owner or lessee of the business or businesses to which the sign(s) relate shall bring the sign(s) into conformance with this Article.
- B. **Second Offense.**
1. The second time in any 24 month period that an A-Frame Sign or Flying Banner at a business is found by the Code Compliance Manager to be in violation of this article, such sign shall be subject to confiscation. For purposes of calculating the 24 month period, the date of the commission of the first offense shall be used.
  2. If the violation relates to the spacing requirements set forth in Section 4.402N.5h or Section 4.402X all signs in violation shall be subject to confiscation regardless of which sign was placed first.
  3. The Code Compliance Manager shall give notice to the owner or lessee of the business being advertised by the A-Frame Sign or Flying Banner that the sign has been confiscated and if not claimed within 5 calendar days from the date of the notice, the sign shall be disposed of.
  4. A confiscated sign shall be released to the owner or lessee of the business upon payment of a storage fee within 5 calendar days from the date of the notice.

C. ***Third Offense.***

1. The third time in any 24 month period that an A-Frame Sign or Flying Banner at a business is found by the Code compliance Manager to be in violation of this article, such sign shall be confiscated. For purposes of calculating the 24 month period, the date of the commission of the first offense shall be used.
2. After a third violation in any 24 month period, A-Frame Signs or Flying Banners relating to the business shall not be permitted.

D. ***Fourth Offense.***

1. The fourth time in any 24 month period that an A-Frame Sign or Flying Banner at a business is found by the Code Compliance Manager to be in violation of this article, the owner or lessee of the business shall be guilty of a Class 1 Misdemeanor. For purposes of calculating the 24 month period, the date of the commission of the first offense shall be used. The Gilbert Town Prosecutor shall file a criminal misdemeanor complaint in the Gilbert Municipal Court.
2. Upon conviction of a violation of this Article, the court may impose a sentence pursuant to A.R.S. § 13-707, 13-802, and 13-902. The court shall order a person who has been convicted of a violation of the section to pay a fine of not less than \$500.00 for each count upon which a conviction has been obtained. A judge shall not grant probation to or suspend any part or all of the imposition or execution of any sentence required by this paragraph except on the condition that the person pay the mandatory minimum fine as provided in this paragraph.

- E. Notwithstanding the provisions of Article 4.6: Non-Conforming Uses, Lots, Parcels, Structures and Signs, the Town Council finds that the purchase and placement of A-Frame Signs or Flying Banners is not a substantial capital investment in the business being advertised by the A- Frame Sign or Flying Banner. Upon repeal of Section 4.402N: A-Frame Signs or Section 4.402X: Flying Banners or upon modification of the regulations set forth in Section 4.402N: A-Frame Signs or Section 4.402X: Flying Banners that results in restricting or prohibiting A-Frame Signs or Flying Banners, A-Frame Signs or Flying Banners shall not become legal non-conforming uses or structures and such signs shall comply with any such repeal or modification.