

JEROME TOWN COUNCIL MEETING
MAY 12, 2020

PACKET ADDENDUM #1

- For ITEM 7B: Gilbert, AZ Sign regulations (53 pages)
- For ITEM 7C: Sedona Wireless Communication Facilities ordinance (39 pages)
- For ITEM 8C:
 - Federal guidelines for phased reopening (20 pages)
 - Governor's Executive Order 2020-09 (March 19, 2020)
 - Governor's Executive Order 2020-18 (March 30, 2020)
 - Governor's Executive Order 2020-33 (April 29, 2020)
 - Governor's Executive Order 2020-34 (May 4, 2020)

Article 4.4 Sign Regulations

Sections

4.401	Purposes and Intent
4.402	Title and Authority
4.403	Exempt Signs
4.404	Prohibited Signs
4.405	Sign Plans and Sign Program
4.406	Review of Sign Applications for Permanent Signs
4.407	General Provisions for Signs
4.408	Temporary Signs
4.409	Permanent Signs
4.4010	Residential Zoning Districts
4.4011	Nonresidential Uses in Residential Zoning Districts
4.4012	Commercial Zoning Districts
4.4013	Heritage Village Center and Gateway Zoning Districts
4.4014	Office Zoning Districts
4.4015	Employment Zoning Districts
4.4016	Public Facility/Institutional
4.4017	Sign Maintenance
4.4018	Nonconforming Signs
4.4019	Sign Violations
4.4020	State Preemption
4.4021	Severability

4.401 Purposes and Intent

It is the purpose of this Article 4.4 to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards. The sign regulations in this Article are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of signs. The sign regulations are especially intended to address the secondary effects that may adversely impact aesthetics and traffic and pedestrian safety. The sign regulations are designed to serve substantial governmental interests and, in some cases, compelling governmental interests such as traffic safety and warning signs of threats to bodily injury or death. This Article is not intended to extend its regulatory regime to objects that are not traditionally considered signs for purpose of government regulation.

In order to preserve and promote the Town of Gilbert as a desirable community in which to live, visit, work, play and do business, a pleasing, visually attractive and safe environment is of foremost importance. The regulation of signs within the Town is a highly contributive means by which to achieve this desired end. Further it continues to be the purpose of this Article 4.4 to promote optimum conditions for serving sign owners' needs and respecting their rights to identification while balancing

the aesthetic and safety interests of the community. The regulation of signs within the Town of Gilbert is necessary and in the public interest, and these regulations have been prepared with the intent of enhancing the visual environment of the Town and promoting its continued well-being, and are intended more specifically to:

- A. ***Aesthetics.*** To maintain and enhance the beauty, unique character, aesthetic environment, and quality of the Town of Gilbert, that will attract commerce, businesses, economic development, residents and visitors; to preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zoning districts of the Town; to regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the Town and that complements the natural surroundings in recognition of the Town's reliance on its natural surroundings and beautification efforts in retaining economic advantage for its community; and to assure that the benefits derived from the expenditure of public funds for the improvement and beautification of streets, sidewalks, public parks, public rights-of-way, and other public places and spaces, are protected by exercising reasonable controls over the physical characteristics and structural design of signs.
- B. ***Traffic and Pedestrian Safety.*** To maintain and improve traffic and pedestrian safety through properly located signs; to regulate signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians; to allow for traffic control devices consistent with national standards and whose purpose is to promote roadway safety and efficiency by providing for the orderly movement of road users on streets and roadways, and that notify users of regulations and provide warning and guidance necessary for the safe, uniform and efficient operation of all elements of the traffic stream;
- C. ***Economic Development.*** To promote economic development and the value of non-residential properties, through sensitivity to surrounding land uses and maintaining an attractive community appearance.
- D. ***Effective Communication.*** To encourage signs which are clear and legible; to encourage the effective use of signs as a means of communication;
- E. ***Historical Character.*** To emphasize small town historical character by promoting pedestrian oriented and appropriately scaled signage in the Heritage Village Center Zoning District;
- F. ***Identification of Goods and Services.*** To aid the public and private sectors in identifying the location of goods and services.
- G. ***Compatibility with Surroundings.*** To allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs; to preclude signs from conflicting with the principal permitted use of the site and adjoining sites; and to minimize the possible adverse effect of signs on nearby public and private property;

- H. ***Reduction of Visual Clutter.*** To reduce visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;
- I. ***Zoning District Considerations.*** To encourage and allow signs that are appropriate to the zoning district in which they are located;
- J. ***Scale, Integration and Design.*** To establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains; to foster the integration of signage with architectural and landscape designs; to provide flexibility and encourage variety in signage, and to relate signage to the basic principles of good design; and to promote the use of signs that positively contribute to the aesthetics of the community, are appropriate in scale to the surrounding buildings and landscape, and advance the Town's goals of quality development;
- K. ***Maintenance and Safety.*** Except to the extent expressly preempted by state or federal law, to ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and to protect the public from unsafe signs;
- L. ***Property Values.*** To protect property values by precluding, to the maximum extent possible, sign types that create a nuisance to the occupancy or use of other properties as a result of their physical characteristics such as their size (area), height, number, illumination and movement; and to protect property values by ensuring that the number of signs are in harmony with buildings, neighborhoods, and conforming signs in the area;
- M. ***Enforcement.*** To enable the fair and consistent enforcement of these sign regulations; and to provide standards regarding the non-communicative aspects of signs, which are consistent with local, county, state and federal law.

4.402 Title and Authority

- A. This Article may be known as the Sign Code of the Town of Gilbert, Arizona.
- B. This Article is adopted pursuant to the police power of the Town and State law (A.R.S. § 9-462.01), and the Development Services Director, or his designee is authorized and directed to administer and enforce this chapter.

4.403 Exempt Signs

The following signs are exempt from regulation under this Article 4.4:

- A. Government Signs, including signs erected by the Town for government purposes.

- B. Signs located entirely inside the premises of a building or enclosed space, other than Window Signs.
- C. Signs on a vehicle, other than an Unlawful Vehicle Sign.
- D. Signs protected by state statute.
- E. Traffic Control Device Signs.

4.404 Prohibited Signs

The following signs are prohibited in the Town of Gilbert unless protected by state statute, or otherwise allowed in this Article 4.4 Sign Regulations or Article 4.5012 Temporary Uses.

- A. Abandoned Signs.
- B. Animated Signs.
- C. Balloon Signs.
- D. Billboards.
- E. Blinking Signs.
- F. Flashing Signs.
- G. Inflatable Signs.
- H. Intermittent Signs.
- I. Moving Signs.
- J. Offsite Commercial Signs.
- K. Pole Signs.
- L. Reflective Signs.
- M. Rotating Signs.
- N. Signs emitting any sound which is intended to attract attention.
- O. Signs attached or painted on trees, rocks or natural features.
- P. Signs in the right-of-way.

- Q. Signs installed, attached or painted on fences.
- R. Signs or sign support structures that obstruct means of egress, including any fire escape, any window, any door opening, any stairway, any opening, any exit, any walkway, any utility access or Fire Department connection.
- S. Signs that interfere with any opening required for ventilation.
- T. Signs resembling Traffic Control Device Signs.
- U. Signs with exposed raceways.
- V. Snipe or Bandit Signs.
- W. Unlawful Vehicle Signs.

4.405 Sign Plans and Sign Program

- A. ***Heritage Sign Plans.*** A Heritage Sign Plan shall be required for a sign proposed within the Heritage Village Center Zoning District for single or multiple-tenant commercial or office uses, or for a multiple-building complex for a single commercial use. The Redevelopment Commission may approve a Heritage Sign Plan as an alternative to the requirements set forth Section 4.409.B for the Heritage Village Center Zoning District. If requested by an applicant, a Heritage Sign Plan may be administratively approved when the proposed plan complies with all of the requirements set forth in Article 4.4 Sign Regulations. In no event shall consideration for approval be based upon the message content of a sign.
 - 1. ***Conditions.*** The Planning Manager may attach conditions, requirements, or standards necessary to assure that the sign structure covered by the Heritage Sign Plan will not be materially detrimental to persons or property.
 - 2. ***Evaluation Criteria.*** Heritage Sign Plans shall be evaluated based on the following criteria:
 - a. **Placement.** All sign structures shall be placed where they are visible and legible. Factors to be considered include the location relative to pedestrian movement, traffic movement and access points, site features, other structures, and orientation relative to viewing distances and viewing angles.
 - b. **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, and placement of display. In the event that the total business Sign Area otherwise allowed in this Article 4.4 does not provide sufficient area for visibility

and legibility for a sign, then the maximum size of sign area may be increased but only as necessary to allow for visibility and legibility; however in no event shall the foregoing allow a total business Sign Area to exceed by more than twenty-five (25) percent any maximum area standard otherwise allowed in this Article 4.4.

- c. Design Features and Materials. Design features and materials shall be compatible with the architecture, colors, and materials of the structures.
- d. Amendments. The Planning Manager 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. In approving a minor amendment, the Planning Manager shall not base any determination on the message content of a sign.

- B. ***Comprehensive Sign Programs.*** 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, as well as provides for vehicle and pedestrian safety through directions and way finding orientation.

If a sign subject to the Comprehensive Sign Program complies with all of the requirements of this Article 4.4, it may be approved administratively by the Planning Manager, as set forth in Section 5.602B.1 Administrative Design Review. In determining approval, the Planning Manager shall not base any approval on the message content of a sign.

- C. ***Master Sign Plans.*** A Master Sign Plan may be approved as an alternative to the requirements set forth in Section 4.409.B for the uses and developments listed below:

- 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. In making its determination, the Design Review Board shall not base any condition on the message content of a sign.
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. Factors to be considered include its location relative to traffic movement and access points, site features, other structures, and orientation relative to viewing distances and viewing angles. Wall Signs may be approved on building walls other than the wall of the space occupied by the tenant in commercial centers in which some tenants have little or no visibility from the street.
 - b. *Quantity.* The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and way finding for safety of the occupants of vehicles and pedestrians. Factors to be considered shall be those that impact safety considerations such as the size of the development and the number of development sub-areas
 - 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, and placement of display. In no event shall a Master Sign Plan contain a freestanding sign that exceeds by more than fifty (50) percent any maximum height standard permitted by this Article. Consistent with the exemptions set forth in this Article, there shall be no limit on the amount by which a Master Sign Plan may allow a freestanding sign to exceed the height restrictions permitted on the site when the freestanding sign is placed or oriented so as to be visible only internally to the development. In no event shall a Master Sign Plan contain a wall sign that exceeds by more than twenty-five (25) percent any maximum size (area) standard permitted by this Article. Consistent with the exemptions set forth in this

Article, there shall be no limit on the amount by which a Master Sign Plan may allow a wall sign to exceed the size (area) restrictions permitted on the site when the wall sign is placed or oriented so as to be visible only internally to the development itself.

- 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.** 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 one hundred (100) percent of the maximum standard. Notwithstanding the foregoing, the Design Review Board shall not base any decision on the message content of a sign.
- f. **Amendments.** The Planning Manager may administratively approve minor amendments to a Master Sign Plan involving non-communicative activity, where such changes are determined to have little or no visual impact and are consistent with the intent of the original approval.

D. **Gateway Sign Plans.** A Gateway Sign Plan shall be required for a sign proposed within the Gateway Village Center or Gateway Business Center Zoning District for single or multiple-tenant commercial or office uses, residential, or for a multiple-building complex for a single commercial use. The Design Review Board may approve a Gateway Sign Plan as an alternative to the requirements set forth Section 4.409.B for the Gateway Village Center and Gateway Business Center Zoning Districts. If requested by an applicant, a Gateway Sign Plan may be administratively approved when the proposed plan complies with all of the requirements set forth in Article 4.4 Sign Regulations. In no event shall consideration for approval be based upon the message content of a sign.

- 1. **Conditions.** The Planning Manager may attach conditions, requirements, or standards necessary to assure that the sign structure covered by the Gateway Sign Plan will not be materially detrimental to persons or property.
- 2. **Evaluation Criteria.** Gateway Sign Plans shall be evaluated based on the following criteria:
 - a. **Placement.** All sign structures shall be placed where they are visible and legible. Factors to be considered include the location relative to pedestrian movement, traffic movement and access points, site features, other structures, and orientation relative to viewing distances and viewing angles.
 - b. **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, and placement of display. In the event that the total business Sign Area

otherwise allowed in this Article 4.4 does not provide sufficient area for visibility and legibility for a sign, then the maximum size of Sign Area may be increased but only as necessary to allow for visibility and legibility; however in no event shall the foregoing allow a total business Sign Area to exceed by more than twenty-five (25) percent any maximum area standard otherwise allowed in this Article 4.4.

- c. Design Features and Materials. Design features and materials shall be compatible with the architecture, colors, and materials of the structures.
- d. Amendments. The Planning Manager may administratively approve minor amendments to a Gateway Sign Plan, where such changes are determined to have little or no visual impact and are consistent with the intent of the original approval. In approving a minor amendment, the Planning Manager shall not base any determination on the message content of a sign.

4.406 Review of Sign Applications for Permanent Signs

All applications for Permanent Signs, except for those applications subject to administrative approval by the Planning Manager as set forth in Section 5.602B.1, Administrative Design Review, shall be considered by the Design Review Board or, in the Heritage District Overlay Zoning District, by the Redevelopment Commission. Approval for a Permanent Sign may be by:

- A. A Comprehensive Sign Program; or
- B. A Master Sign Plan; or
- C. A Heritage Sign Plan; or
- D. A Gateway Sign Plan; or
- E. A separate Administrative Design Review application approved by the Planning Manager.

4.407 General Provisions for Signs

The following general provisions for signs shall apply to this Article and to all lawful conforming and nonconforming signs, unless otherwise indicated in this article.

- A. ***Viewpoint Neutrality.***
 - 1. Notwithstanding anything in this Article to the contrary, no sign or sign structure shall be subject to any limitation based upon the viewpoint of the message contained on such sign or displayed on such sign structure.

2. Notwithstanding anything in this Article to the contrary, it is the policy of the Town to regulate signs in a manner that does not favor commercial speech over noncommercial speech and does not regulate protected noncommercial speech by message content.
 3. Within this Article, any distinction between onsite signs and offsite signs applies only to commercial messages. It does not apply to noncommercial messages.
- B. ***Substitution of Noncommercial Speech for Commercial Speech.*** Notwithstanding anything contained in this Article to the contrary, any sign erected pursuant to the provisions of this Article may, at the option of the owner, contain a noncommercial message in lieu of a commercial message and the noncommercial copy may be substituted in whole or in part at any time in place of the commercial copy. The noncommercial message (copy) may occupy the entire Sign Face or any portion thereof. The Sign Face may be changed from a commercial message to a noncommercial message or from one noncommercial message to another non-commercial message; provided, however, that there is no change in the size, height, setback or spacing criteria contained in this Article.
- C. ***Administrative Interpretation and Discretionary Approval.***
1. Interpretations of this Article may be made by the zoning administrator pursuant to Section 1.109. All interpretations of this Article are to be exercised in light of the policies, purposes and intent set forth herein.
 2. Whenever a sign permit or other approval is subject to discretion, such discretion shall not be exercised as to message content, but instead shall be directed to structural and location factors, including, as applicable:
 - a. Whether the location and placement of the sign will endanger motorists;
 - b. Whether the sign will cover, blanket or interfere with any prominent view of a structure or façade of historical or architectural significance;
 - c. Whether the sign will obstruct views of users or adjacent buildings to side yards, front yards or open space;
 - d. Whether the sign will negatively impact the visual quality of a public open space, such as a public recreation facility, square, plaza, park, courtyard and the like.
 - e. Whether the sign is compatible with building heights of the existing neighborhood;
 - f. Whether the sign's lighting or illumination system will cause hazardous or unsafe driving conditions for motorists;

- D. ***Consent of Legal Owner of Property.*** Except as required by state law, no sign may be displayed without the consent of the legal owner of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and any party and person holding a present legal right to possession, control, or use of the property.
- E. ***Signs on Public Property.*** Except as required by state law or otherwise permitted by this Article, any sign installed or placed on public property shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Town shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of such sign.
- F. ***Placement of Signs.***
1. Permanent Signs shall not project into or over the public right-of-way without first obtaining a license or encroachment permit from the Town.
 2. The lowest portion of any sign which extends over an area intended for pedestrian use shall not be less than eight (8) feet above finished grade.
 3. The lowest portion of any sign which extends over an area intended for vehicular use shall not be less than fourteen (14) feet above the finished grade.
 4. Any sign placed on a sidewalk or other public right of way must comply with this Article and applicable provisions of the Americans with Disability Act.
 5. Except for appropriately-placed Traffic Control Device Signs, no sign shall be placed in the sight visibility triangle.
- G. ***Flagpoles.*** Unless otherwise required by state law, for each parcel and development site in residential use with at least one principal structure, one flagpole may be installed and there shall be no limit to the number of flags that may be displayed per flagpole. For each parcel and development site that is over one-half (1/2) acre in size and is in nonresidential use, up to three Flagpoles may be installed. For each additional acre, up to two (2) additional flagpoles may be installed. Up to two (2) flags may be displayed per flagpole. Flagpoles shall be depicted on Final Design Review plans or approved administratively as part of a sign plan. Flagpoles shall not exceed one and one-half (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 fifty (50) feet. A building permit shall be required for Flagpoles on nonresidential properties, and for Flagpoles exceeding a height of thirty (30) feet on residential properties.
- H. ***Flag Brackets and Stanchions.*** For each principal structure on a parcel, up to two flag brackets or stanchions may be attached or placed for the display of flags.

I. *Measurement of Sign Size and Height.*

1. *Sign Size (Sign Area).* The area of a sign (“Sign Area”) is measured or calculated as follows (See Appendix 1, Figures 28, for graphic illustrations):
 - a. Background panel signs. Sign copy that is mounted, affixed, or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangles, squares, triangles, parallelograms, circles or ellipses that will enclose both the sign copy and the background.
 - b. Background surface signs. The area of a sign consisting of copy mounted as individual letters or graphics against a wall, fascia, or parapet of a building surface or another surface, that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as the sum of the smallest rectangles, squares, triangles, parallelograms, circles or ellipses that will enclose each word, graphic or discrete visual element in the total sign.
 - c. Illuminated background signs. The area of a sign with copy mounted, affixed, or painted on an illuminated surface or illuminated element or a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy.
 - d. Double-faced signs. If a sign has two (2) display faces, and the interior angle between the two (2) faces is thirty (30) degrees or less, then the Sign Area is one (1) Sign Face only; however, if the two (2) faces are of different sizes or shapes, then the larger is used. If the sign has two (2) display faces, and the interior angle between the two faces is greater than thirty (30) degrees, then the Sign Area is the sum of the areas of the two (2) faces.
 - e. Multi-faced signs. If a sign has three (3) or more faces, then the Sign Area is equal to fifty (50) percent of the aggregate area of all Sign Faces. The area of each face shall be determined according to subsection (a) or (b) of this section, as applicable.
 - f. Sculptural and nonplanar signs. The area of a spherical, free form, sculptural or other nonplanar sign is fifty (50) percent of the sum of the areas, using only the four (4) vertical sides of the smallest four-sided polyhedron which will completely enclose the entire sign structure.

2. ***Measurement of Sign Height.*** The height of a freestanding sign shall be measured as the vertical distance from the average finished grade of the ground below the sign excluding any filling, berming, mounding or excavating solely for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sign. See Appendix 1, Figures 29, for graphic illustrations. The maximum height allowed for a freestanding sign, however, shall not include any architectural embellishment provided the embellishment does not exceed thirty-six (36) inches at the base of the sign and eighteen (18) inches at the top of the sign. For the purposes of this section, average finished grade shall be considered the lower of (a) the lowest elevation where the base of the sign meets ground level; or (b) the top of the curb of the nearest public street adjoining the property upon which the sign is erected; or (c) the grade of the land at the principal entrance to the lot on which the sign is located.
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- J. ***Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage.*** Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage.
 - K. ***Signs Declared a Nuisance and Repair; Signs Presenting Immediate Peril to Public Health or Safety.*** The building official may order the repair of signs declared a nuisance, and with or without notice may cause any structurally unsafe or structurally insecure sign to be immediately removed if the sign presents an immediate peril to the public health or safety.
 - L. ***Tenant Sign Panel and Wall Sign Band Replacement.*** Replacement of a tenant sign 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. Any tenant panel that is vacant or missing shall be replaced within thirty (30) days.
 - M. ***Wall Sign Fascia Repair.*** Where a tenant has vacated a tenant or user suite, the fascia of the accessory wall sign band shall be repaired to its surrounding texture and color within forty-five (45) days of the panel or sign being removed.
 - N. ***Signs Shall Not Be Attached to Certain Property and Shall Not Impair Roof Access.*** Signs shall not be attached to standpipes, gutters, drains or fire escapes. Signs shall not be installed so as to impair access to a roof.
 - O. ***Bus Shelter Signage.*** Notwithstanding the provisions of Section 4.404, 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.

4.408 Temporary Signs

Other than as provided below and in subsections 4.408.B through 4.408.H, Temporary Signs shall meet the criteria set forth in Section 4.408.A Temporary Signs: General Criteria and Limitations by Zoning District. A Temporary Sign may be displayed as a ground sign or a wall sign, inclusive of a Window Sign.

- A. **General Criteria for Temporary Signs.** A Temporary Sign is unlawful if it does not meet the criteria established for the zoning district in which the Temporary Sign is located, as set forth and described below in Table 4.408.A, Temporary Signs: General Criteria and Limitations by Zoning District. However, except as otherwise provided below, the general criteria and limitations in this Section 4.408.A do not apply to A-Frame and T-Frame Signs, Banner Signs, Flying Banner Signs, Flags and Umbrella Signs.

TABLE 4.408.A Temporary Signs: General Criteria and Limitations by Zoning District			
ZONING DISTRICTS	Residential Zoning Districts	Non-Residential (Other than Heritage Village Center) Zoning Districts	Heritage Village Center and Gateway Zoning Districts
Maximum Number of Signs Per Parcel	4 ¹	4	4
Maximum Sign Area ²	6 sq. ft.	32 sq. ft.	32 sq. ft.
Sign Height Maximum for a Freestanding Sign ³	4 ft.	6 ft.	6 ft.
Sign Height Maximum for a Wall Sign (inclusive of a Window Sign ⁴)	6 ft.	15 ft.	15 ft.
Minimum Setback/ Distance from Right of Way ⁵	10 ft.	10 ft.	10 ft.

¹ In single-family residential zoning districts, each single family residential use with at least one principal structure may place up to 6 offsite Temporary Signs on private property for the purpose of directing the public to a residential activity (e.g. real estate open house, garage/yard sale, estate sale). Said signs shall be displayed only during the hours that the single family residence is open for public inspection and shall not exceed 6 sq. ft. in area per sign.

² The aggregate maximum sign area was deleted from this table for clarity but there was no effect on how the total square footage is calculated. Multiply the maximum sign area by the maximum number of signs to calculate the aggregate maximum sign area. There is no limit to the number of separate messages that may appear on the allowable surface(s) of any Temporary Sign.

³ Not applicable to signs displayed on Flagpoles.

⁴ Window Signs shall not cover more than 25% of the first floor window area. See Appendix 1, Figures 18, for graphic illustrations.

⁵ Minimum Sign Setbacks are measured from the edge of the property line. Setbacks do not apply to wall signs or signs affixed to a temporary construction fence.

TABLE 4.408.A Temporary Signs: General Criteria and Limitations by Zoning District			
ZONING DISTRICTS	Residential Zoning Districts	Non-Residential (Other than Heritage Village Center) Zoning Districts	Heritage Village Center and Gateway Zoning Districts
Minimum Spacing from any Other Sign (Temporary Sign or a Permanent Sign) ²	15 ft.	15 ft.	15 ft.
Permit Required	No	No	No
Incorporation of Florescent Color or Exhibition of Florescence Allowed	No	No	No
Permission of Owner Required	Yes	Yes	Yes
Allowed within a Sight Visibility Triangle	No	No	No
Allowed on Public Sidewalk / Right of Way ⁶	No	No	No
Duration Allowed After Conclusion of an Event if Sign Pertained to an Event	3 days	3 days	3 days
Lighting or Illumination Allowed	No	No	No
Movement Allowed	No	No	No

⁶ Government Signs displaying government speech are exempt from regulation under this Article 4.4.

B. ***A-Frame Signs and T-Frame Signs.***⁷ A-Frame Signs and T-Frame Signs are unlawful if they do not meet the criteria and limitations set forth in the following Table 4.408.B A-Frame and T-Frame Signs: Criteria and Limitations.

1. A-Frame Signs and T-Frame Signs are permitted in all zoning districts but may be placed in single-family residential zoning districts only in conjunction with non-residential uses.
2. A-Frame Signs and T-Frame Signs must be located adjacent to the parcel or business advertised thereon, supported by a base of sufficient weight and durability to withstand wind gusts, and maintained in a professional manner free from fading, tearing, and tattering.
3. A-Frame Signs and T-Frame Signs shall not be placed in raised or painted medians, with stakes fastened to or driven into concrete, across the street from the business being advertised, on equestrian or multi-use trails, and must be placed at grade level. See Appendix 1, Figures 16, for graphic illustrations.

TABLE 4.408.B. A-Frame and T-Frame Signs: Criteria and Limitations	
Maximum Number of Signs	Four (4) per business ⁸
Maximum Width	Thirty-one (31) inches
Maximum Height	Forty-five (45) inches
Minimum Setback/Distance from Roadway	Five (5) feet (Except in Heritage Village Center and Gateway Zoning Districts, where minimum shall be one (1) foot)
Maximum Width of Public Sidewalk that the Sign May Obstruct	No more than one third (1/3) of the width of a public sidewalk and must provide at least four (4) feet of sidewalk clearance
Maximum Distance of Sign from Premises ⁹	Ten (10) feet with signs spaced at least twenty (20) feet apart
Duration	Only during hours when business is open
Allowed on Public Sidewalk / Right-of-Way	Yes
Allowed within a Sight Visibility Triangle	No
Lighting or Illumination Allowed	No
Permit Required	No
Movement Allowed	No

⁷ The provisions of 4.408.B allowing for A-Frame Signs and T-Frame Signs shall be reviewed by the Town Council as soon as reasonably practicable after June 1, 2020, for the purpose of evaluating the effectiveness of A-Frame Signs and T-Frame Signs and to determine whether changes to 4.408.B should be made.

⁸ The combined total number of A-Frame, T-Frame, and Flying Banner Signs shall not exceed four (4) per business.

⁹ Signs may be allowed at the perimeter of a multiple-tenant commercial/office complex or employment park, but only pursuant to an approved sign plan.

**TABLE 4.408.B. A-Frame and
T-Frame Signs: Criteria and Limitations**

Incorporation of Florescent Color or Exhibition of Florescence Allowed	No
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The purchase and placement of A-Frame Signs and T-Frame Signs is not a substantial capital investment in the business being advertised. Upon repeal or modification of the regulations pertaining to these types of Temporary Signs that results in further restricting or prohibiting the same, then such signs shall not be legal non-conforming signs and such signs shall comply with all new regulations.

- C. **Banner Signs.** Banner Signs are permitted in all zoning districts, but may be placed in single-family residential zoning districts only in conjunction with non-residential uses. Banner Signs are unlawful if they do not meet the criteria and limitations set forth below in Table 4.408.C, Banner Signs: Criteria and Limitations.

TABLE 4.408.C Banner Signs: Criteria and Limitations	
Maximum Number of Banner Signs Per Parcel/Business	1
Maximum Sign Area ¹⁰	40 sq. ft. for occupancies up to 5,000 sq. ft. 80 sq. ft. for occupancies greater than 5,000 sq. ft. up to 15,000 sq. ft. 120 sq. ft. for occupancies greater than 15,000 sq. ft. up to 50,000 sq. ft.; or 180 sq. ft. for occupancies greater than 50,000 sq. ft.
Sign Height Maximum if displayed as a Freestanding Sign	8 ft.
Minimum Sign Setback if displayed as a Ground Signs ¹¹	3 ft.
Minimum Spacing from any Other Sign (Temporary Sign or a Permanent Sign ¹²)	15 ft.
Permit Required	Yes
Incorporation of Florescent Color or Exhibition of Florescence Allowed	No
Allowed on Public Sidewalk / Right of Way ¹³	No
Allowed within a Sight Visibility Triangle	No
Duration	No more than 120 days per year in the aggregate
Duration Allowed After Conclusion of an Event if the Sign Pertains to an Event	1 day
Lighting or Illumination Allowed	No
Movement Allowed ¹⁴	Yes

¹⁰ The square footage limitation is per side for a double-sided Banner Sign or Flying Banner Sign. For example, a 40 square foot limitation means there is a limit of 40 square feet of surface area per side of the double-sided Banner Sign or Flying Banner.

¹¹ Minimum Sign Setbacks are measured from the edge of the property line. Setbacks do not apply to a Banner Sign displayed on walls.

¹² Not applicable to signs displayed on Flagpoles.

¹³ Government Signs displaying government speech are exempt from regulation under this Article 4.4.

¹⁴ Movement is allowed for a Flying Banner Sign, but is not allowed for a Banner Sign.

D. ***Flying Banner Signs.***¹⁵ Flying Banner Signs are unlawful if they do not meet the criteria and limitations set forth below in Table 4.408.D, Flying Banner Signs: Criteria and Limitations.

1. Flying Banner Signs are permitted in all zoning districts, but may be placed in single-family residential zoning districts only in conjunction with non-residential uses.
2. Flying Banner Signs must be located adjacent to the parcel or business advertised thereon, supported by a base of sufficient weight and durability to withstand wind gusts, and maintained in a professional manner free from fading, tearing, and tattering.
3. Flying Banner Signs shall not be placed in raised or painted medians, with stakes fastened to or driven into concrete, across the street from the business being advertised, on equestrian or multi-use trails, and must be placed at grade level.

TABLE 4.408.D Flying Banner Signs: Criteria and Limitations	
Maximum Number of Flying Banner Signs	Four (4) per parcel or business ¹⁶
Maximum Sign Area	12 sq. ft.
Sign Height	15 ft.
Minimum Setback	4 feet from edge of curb, or a distance equal to the height of the Flying Banner Sign, whichever is greater.
Minimum Distance From an Access Drive or Street Intersection	30 ft.
Minimum Distance from another Flying Banner Sign, A-Frame or T-Frame Sign	20 ft.
Permit Required	No
Allowed on Public Sidewalk / Right of Way ¹⁷	Yes on a public sidewalk, subject to the criteria and limitations herein
Allowed within a Sight Visibility Triangle	No
Duration	Only during hours when business is open
Maximum Width of Public Sidewalk that the Sign May Obstruct	No more than one third (1/3) of width of public sidewalk, and in all instances there must be at least four (4) feet of sidewalk clearance

¹⁵ The provisions of 4.408.D allowing for Flying Banner Signs shall be reviewed by the Town Council as soon as reasonably practicable after June 1, 2020, for the purpose of evaluating the effectiveness of Flying Banner Signs and to determine whether changes to 4.408.D should be made.

¹⁶ The combined total number of Flying Banner Signs, A-Frame Signs, and T-Frame Signs shall not exceed four (4) per business.

¹⁷ Government Signs displaying government speech are not subject to Article 4.4.

TABLE 4.408.D Flying Banner Signs: Criteria and Limitations	
Lighting or Illumination Allowed	No
Movement Allowed	Yes

E. ***Sign Walkers.*** Sign Walkers are permitted in all zoning districts. Sign Walkers must comply with State law (A.R.S. § 9-499.13) and meet the following criteria and limitations:

1. *Location.* Sign Walkers shall be only located:

- 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.* Sign shall be:
 - a. Displayed only when 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;
 - b. Animation on the sign itself;
 - c. Mirrors or other reflective materials;
 - d. Attachments, including, but not limited to, balloons, ribbons, speakers.
- F. ***Flags.*** Unless otherwise required by state law or specified in this Article, no more than two (2) flags may be displayed on a flagpole, from a flag bracket or on a flag stanchion. The Sign Area of a flag displaying a commercial message shall not exceed twenty-four (24) square feet. For the purpose of determining the Sign Area of a flag, only one side of the flag shall be counted. Flags on residential or nonresidential parcels may be externally illuminated. A sign permit is not required for a flag.
- G. ***Umbrella Signs.*** For each table in an outside seating area for a licensed business establishment, one (1) Umbrella Sign per umbrella is allowed. An Umbrella Sign shall not exceed eight (8) feet in height. An umbrella having an Umbrella Sign shall be mounted on or in the table or secured within an umbrella holder adjacent to the table. A sign permit is not required for an Umbrella Sign. Umbrella Signs shall not be counted as part of a Maximum Sign Area for any use.

- H. **Temporary Residential Subdivision Signs.** Temporary Residential Subdivision Signs are permitted in single-family residential zoning districts for each builder in a recorded subdivision plat only in conjunction with a valid building permit for a model home complex. Temporary Residential Subdivision Signs are unlawful if they do not meet the criteria and limitations set forth below in Table 4.408.H, Temporary Residential Subdivision Signs: Criteria and Limitations.

TABLE 4.408.H. Temporary Residential Subdivision Signs: Criteria and Limitations			
	Principal Entry(ies)	Model Home Complex	Perimeter Subdivision Open Space
Maximum Number of Signs	1 per entry	1 or more	1 per street frontage
Maximum Sign Area	32 sq. ft.	96 sq. ft.	32 sq. ft.
Maximum Height	8 ft.	12 ft.	8 ft.
Minimum Setback/ Distance from Right of Way ¹⁸	10 ft. (5 ft. if less than 32 sq. ft.)	10 ft. (5 ft. if less than 32 sq. ft.)	10 ft. (5 ft. if less than 32 sq. ft.)
Aggregate Maximum Sign Area	256 sq. ft.		
Duration	3 years or until the model home complex is permanently closed, whichever occurs first.		
Allowed on Public Sidewalk / Right-of-Way	No		
Allowed within a Sight Visibility Triangle	No		
Lighting or Illumination Allowed	No		
Permission of Owner Required	Yes		
Permit Required	Yes		
Movement Allowed	No		
Incorporation of Florescent Color or Exhibition of Florescence Allowed	No		

¹⁸ Minimum Sign Setbacks are measured from the edge of the property line. Setbacks do not apply to Wall Signs or signs affixed to a temporary construction fence.

- I. **Offsite Temporary Signs on Private Property.** Offsite Temporary Signs are permitted in all zoning districts on unimproved lots or parcels of 10 acres or more subject to criteria and limitations set forth below in Table 4.408.I, Offsite Temporary Signs on Private Property: Criteria and Limitations.

TABLE 4.408.I. Offsite Temporary Signs on Private Property: Criteria and Limitations	
Maximum Number of Signs Per Parcel	1
Minimum Size of Unimproved Parcel Required	10 acres
Maximum Sign Area	32 sq. ft.
Maximum Sign Height	8 ft.
Minimum Setback/ Distance from any Right of Way ¹⁹	10 ft.
Minimum Spacing from any Other Sign (including any Temporary Sign or Permanent Sign)	100 ft.
Duration	1 year
Allowed on Public Sidewalk / Public Right-of-Way	No
Allowed within a Sight Visibility Triangle	No
Lighting or Illumination Allowed	No
Permission of Owner Required	Yes
Permit Required	Yes
Movement Allowed	No
Incorporation of Florescent Color or Exhibition of Florescence Allowed	No

¹⁹ Minimum Sign Setbacks are measured from the edge of the property line.

4.409 Permanent Signs

A. ***General Criteria for Lighting and Changing Message Displays Utilized with Permanent Signs.*** The following general criteria and limitations for lighting and changing message displays shall apply to Permanent Signs, where indicated.

1. *Lighting.* The illumination of signs shall meet all regulations as set forth in the Gilbert Municipal Code, Chapter 42, Article II, Section 42-34 and A.R.S. § 49-1101 through 49-1106.
 - a. Except for Changing Message Displays and Marquee Signs, 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 any and all signs.
 - b. Exposed light sources such as neon, tube, incandescent, light-emitting diode (LED), fluorescent, metal halide, high- or low- sodium bulbs, or mercury vapor light sources may be used as a source of illumination for commercial uses in Commercial, Heritage Village Center, and Gateway Village Center Zoning Districts only. Exposed light tubes and bulbs must be a decorative feature that is consistent with the sign design and compatible with the architectural character of the building. Exposed light tubes and bulbs shall be proportionally sized. Exposed light tubes and bulbs may require administrative approval of a Comprehensive Sign Program, Master Sign Plan, Heritage Sign Plan, or Gateway Sign Plan according to the procedures set forth in Section 5.602B.1 Administrative Design Review, which shall be based upon content neutral and objective criteria. All light sources shall be shielded to prevent illumination trespass onto properties other than where the light source is located. Exposed neon, tube or bulb-type illumination is prohibited in all other zoning districts.
 - c. Sign Illumination.
 - (1) Permanent Sign on a parcel in residential use: With the exception of an identification sign at the entrance of a residential subdivision, a Permanent Sign located on a parcel in a residential district may not be separately or specially illuminated, unless otherwise specified in this Article.
 - (2) Permanent Sign on a parcel in nonresidential use: A Permanent Sign on a parcel in a nonresidential use may be illuminated by internal illumination, internal indirect (halo) illumination, or lit by external indirect illumination, unless otherwise specified in this Article; however, a Permanent Sign may not be illuminated in a manner that leaves the illumination device and/or components exposed to public view except with the use of neon, decorative bulbs or tubing as provided in this Article.

- (3) Internal illumination: Any outdoor internally illuminated sign permitted under Article 4.4 shall be constructed with an opaque background and translucent letters or other graphical elements, or with a solid colored background and contrasting letters or graphics.
 - (4) External indirect illumination: Externally lit signs are permitted to be illuminated only with steady, stationary, directed, and shielded light sources directed solely onto the sign. Light bulbs or tubes (excluding neon, decorative bulbs or tubing) used for illuminating a sign shall not be visible from the adjacent public rights-of-way and residential properties.
 - (5) Illumination of signs adjacent to single-family residential uses: No sign located within fifty (50) feet of a single-family zoning district shall be internally illuminated.
2. *Manual Changing Message Displays.* One-half (1/2) of the area of the face of a Freestanding Monument or Marquee Sign may be a manual Changing Message Display, subject to the criteria and limitations of this Article.
3. *Electronic Changing Message Displays.* As provided in this article, wall-mounted cabinet signs, marquee, freestanding monument, tower and freeway signs may be an electronic changing message display except in residential zoning districts and subject to the following operational limitations. For non-residential uses in residential zoning districts, one-half (1/2) of the Sign Face of a Freestanding Monument Sign may be an electronic Changing Message Display, subject to the following operation limitations:
- a. Display: An electronic Changing Message Display may be in full color.
 - b. Minimum Display Time: An electronic Changing Message Display shall not change more than once every eight (8) seconds except in Commercial, Heritage Village Center and Gateway Village Center Zoning Districts where unlimited motion is permitted.
 - c. Transition Method: An electronic Changing Message Display shall change by an instant change method.
 - d. Illumination Levels: An electronic Changing Message Display shall incorporate photocell/ light sensors, with automatic dimming technology that appropriately adjusts to ambient light conditions at all times of the day and night. Displays shall have a brightness level of no greater than 0.3 foot candles above ambient light conditions at the property line as measured by foot candle meter.

- e. Maintenance: Any allowed electronic Changing Message Display 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.

B. ***Type of Permanent Signs.*** The following types of permanent signs are allowed in one or more of the Town of Gilbert's zoning districts, as more specifically set forth in 4.409.B.1. through B.26. below.

1. *Street Address Signs.*

- a. Street Address Signs for single-family dwellings. Each single family dwelling unit shall be clearly identified by or associated with a street address for first responders to locate the residential unit as necessary to respond to any fire or public safety issue. The sign shall serve as a visible street address and identifier for delivery of mail and official governmental notification. The Street Address Sign shall not exceed three (3) square feet in Sign Area.
- b. Street Address Signs for multi-family dwellings. Each multi-family dwelling unit shall be clearly identified by or associated with a Street Address Sign for first responders to locate the multi-family dwelling unit as necessary to respond to any fire or public safety issue. The sign shall serve as a visible street address and identifier for delivery of mail and official governmental notification. The Street Address Sign may be externally illuminated. The Street Address Sign or Unit and Building Identification Signs shall not exceed six (6) square feet in Sign Area.
- c. Street Address Signs for establishments or other non-residential uses. Each location of a business or non-residential use shall be clearly identified by or associated with a street address for first responders to locate the same as necessary to respond to any fire or public safety issue. The sign shall serve as visible street address and identifier for delivery of mail and official governmental notification. The Street Address Sign may be externally or internally illuminated. The Street Address Sign shall not exceed six (6) square feet in Sign Area.

2. *Unit and Building Identification Signs.*

- a. Unit and building Identification Sign for multi-family dwellings. Each multi-family dwelling unit shall be clearly identified by a Unit and Building Identification Sign for first responders to locate the same as necessary to respond to any fire or public safety issue, unless the unit or building has a Street Address Sign that is specific to that unit or building as opposed to any other unit or building or grouping of same. The Unit and Building Identification Sign shall serve as a visible identifier for delivery of mail and official governmental notification. The Unit and Building Identification Sign may be externally

illuminated. The Sign Area of a Unit and Building Identification Sign shall not exceed six (6) square feet.

- b. Unit and Building Identification Sign for businesses and other non-residential uses. Each location of a business or non-residential use shall be identified by a Unit and Building Identification Sign for first responders to locate the same as necessary to respond to any fire or public safety issue, unless the unit or building has a Street Address Sign that is specific to that unit or building as opposed to any other unit or building or grouping of same. The Unit and Building Identification Sign shall serve as a visible identifier for delivery of mail and official governmental notification. The Unit and Building Identification Sign may be externally illuminated. The Sign Area of a Unit and Building Identification Sign shall not exceed six (6) square feet.

3. *Wall Signs.*

- a. Dwelling Unit Wall Signs.

- (1) Each single family dwelling unit shall be clearly identified by a Street Address Sign for first responders to locate the residential unit as necessary to respond to any fire or public safety issue.
- (2) Each single family dwelling unit may have one (1) permanent wall or ground sign not to exceed three (3) square feet in size and not to exceed two (2) feet in height if placed as a ground sign. This allowed sign is in addition to the required Street Address Sign for a single family dwelling unit.
- (3) Each multi-family dwelling unit shall be clearly identified by a Street Address Sign and Unit and Building Identification Sign as applicable for first responders to locate the multi-family dwelling unit or building number as necessary to respond to any fire or public safety issue.
- (4) Each individual dwelling unit in a multi-family dwelling unit may have one (1) permanent wall or ground sign not to exceed three (3) square feet in size and not to exceed two (2) feet in height if placed as a ground sign.

- b. Wall Signs in Commercial, Office, Employment, and Public Facility / Institutional Zoning Districts.

- (1) Design. Wall Signs shall fit proportionally with building massing and architectural features of the elevation.
- (2) Length. The length of a Wall Sign shall not exceed eighty (80) percent of the horizontal length of the exterior building elevation of a tenant suite.

- (3) Height. The height of a Wall Sign shall not exceed eighty (80) percent of the vertical dimension of the sign band or wall space on which the sign is placed.
- (4) Placement. 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. Top floor signage located on multi-story buildings may span floor plates.
- (5) Wall Signs on building elevations abutting property designated for residential use in the General Plan shall:
 - i. Not be illuminated;
 - ii Not exceed sixteen (16) square feet in Sign Area; and
 - iii Be installed no higher than fourteen (14) feet above grade.
- (6) Wall Sign Area. The Minimum and Maximum Sign Areas for a Wall Sign shall be determined as set forth below. See Appendix 1, Figures 17A and 17B, for graphic illustrations.
 - i. Wall Sign Area: Buildings One-Story in Height.
 - 1. Minimum Wall Sign Area. Each tenant or user suite shall be permitted a Wall Sign with a Minimum Sign Area of 32 square feet, and such Wall Sign shall be permitted on any exterior wall of the tenant or user suite on the first floor of the building.
 - 2. Maximum Wall Sign Area. Each tenant or user suite shall be limited to Wall Sign with a Sign Area no greater than the total Sign Allowance Area defined below for (a) the longest building elevation of the tenant or user suite facing the street, or (b) the length of the building elevation of the tenant or user suite where its principal entrance is located.
 - 3. Sign Allowance Area. Sign Allowance Area under this subsection shall mean “for buildings set back seventy-five (75) feet or less from the right-of-way, one (1) square foot of Sign Area for each one (1) lineal foot of the building elevation adjacent to the suite,” and “for buildings set back more than seventy-five (75) feet from the right-of-way, one and one-half (1.5) square feet of Sign Area for each one (1) lineal foot of building elevation adjacent to the suite.”

4. Double Sign Allowance Area for Certain Buildings. Buildings with at least two building elevations facing streets and/or main private circulation drives shall be permitted double (2X) the Sign Allowance Area. Signs may be located on more than two elevations so long as the maximum allowance is not exceeded. In no event shall the Double Sign Allowance Area be used on a single elevation.
 5. Approval. Approval is required through a Comprehensive Sign Program and/or a Master Sign Plan if the building is a multi-tenant building or otherwise meets the criteria for review and approval set forth in this Article 4.4. under such a program or plan.
- ii. Wall Sign Area: Buildings Two Stories in Height. Wall Signs on multiple floors of a building two (2) stories in height shall conform to the following criteria.
1. First Floor. Individual tenant signs located on the first floor of a building two (2) stories in height shall be subject to the same criteria as tenant signs for a building one story in height, as set forth above.
 2. Second Floor. Individual tenant signs and building signs located on the second floor of a building two (2) stories in height shall not exceed seventy-five (75) square feet in Sign Area. Individual tenant signs and any building signs may be placed on any approved sign band or wall space on the second floor. The maximum wall Sign Area, including all tenant signs and building signs, shall not exceed fifty (50) percent of the lineal building elevation on the second floor.
 3. Double Sign Allowance Area for Certain Buildings. Buildings with at least two building elevations facing streets and/or main private circulation drives shall be permitted double (2X) the Sign Allowance Area. Signs may be located on more than two elevations as long as the maximum allowance is not exceeded. In no event shall the Double Sign Allowance Area be used on a single elevation.
 4. Approval. Approval is required through either a Comprehensive Sign Program or a Master Sign Plan.

- iii. Wall Sign Area: Buildings Three or More Stories in Height. Wall Signs located on buildings three (3) or more stories in height shall be limited to the first floor and the top floor, and shall conform to the following criteria.
 - 1. First Floor. Individual tenant signs located on the first floor shall be subject to the same criteria as tenant signs for a building one story in height, as set forth above
 - 2. Top Floor. The Sign Area for a Wall Sign on the top floor shall not be counted against the Sign Allowance Area of a Wall Sign on the first floor. Wall Sign located on the top floor are limited to either (i) one (1) building sign and one (1) tenant sign, or (ii) two (2) tenant signs. A Wall Sign located on the top floor shall adhere to the criteria contained in Table 4.409.B.3: Top Floor Sign Area and Height Standards for On-Premise Wall Signs. The Maximum Sign Area for a Wall Sign on the top floor shall not be increased through a Comprehensive Sign Program or Master Sign Plan.
 - 3. Double Sign Allowance Area for Certain Buildings. Buildings with at least two building elevations facing streets and/or main private circulation drives shall be permitted double (2X) the Sign Allowance Area. Signs may be located on more than two elevations as long as the maximum allowance is not exceeded. In no event shall the Double Sign Allowance Area be used on a single elevation.
 - 4. Approval. Approval is required through either a Comprehensive Sign Program or a Master Sign Plan.
- c. Wall Signs in Heritage and Gateway Zoning Districts.
 - (1) Design. Wall Signs shall fit proportionally with building massing and architectural features of the elevation.
 - (2) Length. The length of a Wall Sign shall not exceed eighty (80) percent of the horizontal length of the exterior building elevation of a tenant suite.
 - (3) Height. The height of a Wall Sign shall not exceed eighty (80) percent of the vertical dimension of the sign band or wall space on which the sign is placed.

- (4) Placement. 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. Top floor signage located on multi-story buildings may span floor plates.
- (5) Wall Signs on building elevations abutting property designated for residential use in the General Plan shall:
 - i. Not be illuminated;
 - ii. Not exceed sixteen (6) square feet in area; and
 - iii. Be installed no higher than fourteen (14) feet above grade.
- (6) Wall Sign Area. The Minimum and Maximum Sign Areas for a Wall Sign shall be as set forth below.
 - i. Wall Sign Area: One-Story Buildings.
 - 1. Minimum Sign Area for a Wall Sign. Wall Signs are permitted on any exterior wall of the tenant or user suite on the first floor of the one-story building.
 - 2. Maximum Sign Area for a Wall Sign. Each tenant or user suite shall be limited to a Wall Sign with a Sign Area no greater than the total sign allowance area defined below for (i) the longest building elevation of the tenant/user suite facing the street, or (ii) the length of the building elevation of the tenant or user suite in which its principal entrance is located.
 - 3. Sign Allowance Area. Sign Allowance Area as used in this subsection, Wall Sign Area, shall mean “one and one-half (1.5) square feet in Sign Area for each lineal foot of building elevation adjacent to the suite.”
 - 4. Double Sign Allowance Area for Certain Buildings. Buildings with at least two building elevations facing streets and/or main private circulation drives shall be permitted twice the Sign Allowance Area. Signs may be located on more than two elevations so long as the Double Sign Allowance Area is not exceeded. In no event shall the Double Sign Allowance Area be used on a single elevation.

- ii. Wall Sign Area: Buildings Two Stories in Height. Wall Signs on the floors of a building two (2) stories in height shall conform to the following criteria.
 - 1. First Floor. Individual tenant signs located on the first floor of a building two (2) stories in height shall be subject to the same criteria as tenant signs for a building one story in height, as set forth above.
 - 2. Second Floor. Individual tenant signs may only be placed on the building walls of the space occupied by the tenant. The individual tenant Wall Sign shall not exceed six (6) square feet in area per tenant/user suit. The sign area shall be included in the maximum Wall Sign area set forth above. Wall Signs may be indirectly illuminated or internally illuminated. Lighting fixtures shall be decorative and architecturally compatible with the building. See Guidelines for fixtures in the Heritage District Redevelopment Plan.
 - 3. Double Sign Allowance Area for Certain Buildings. Buildings with at least two building elevations facing streets and/or main private circulation drives shall be permitted double (2X) sign area allowance. Signs may be located on more than two elevations as long as the maximum allowance is not exceeded. In no event shall the Double Sign Allowance Area be used on a single elevation.
 - 4. Approval. Approval is required through a Heritage Sign Plan or Gateway Sign Plan.
- d. Wall Signs for Non-Residential Uses in Residential Zoning Districts
 - (1) Design. Wall Signs shall fit proportionally with building massing and architectural features of the elevation.
 - (2) Length. The length of a Wall Sign shall not exceed eighty (80) percent of the horizontal length of the exterior building elevation of a tenant suite.
 - (3) Height. The height of a Wall Sign shall not exceed eighty (80) percent of the vertical dimension of the sign band or wall space on which the sign is placed.

- (4) Placement. 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. Top floor signage located on multi-story buildings may span floor plates.
- (5) Wall Signs on building elevations abutting property designated for residential use in the General Plan shall:
 - i. Not be illuminated;
 - ii. Not exceed sixteen (16) square feet in area; and
 - iii. Be installed no higher than fourteen (14) feet above grade.
- (6) Wall Sign Area. The minimum and maximum Wall Sign area shall be determined as set forth below. See Appendix 1, Figures 17A and 17B, for graphic illustrations.
 - i. Wall Sign Area: Buildings One or More Stories in Height. Wall Signs shall only be located on one (1) floor of a single-story or multi-story building, and shall meet the following criteria.
 - 1. Minimum Wall Sign area. Each tenant or user suite shall be permitted a Wall Sign with a Minimum Sign Area of thirty-two (32) square feet, and such Wall Sign shall be permitted on any exterior wall of the tenant or user suite on the first floor of the one-story building.
 - 2. Maximum Wall Sign area. Each tenant or user suite shall be limited to a total Wall Sign area no greater than the total Sign Allowance Area, defined below for (a) the longest building elevation of the tenant/user suite facing the street, or (b) the length of the building elevation of the tenant/user suite in which the principal entrance to the business is located.
 - 3. Sign Allowance Area. Sign Allowance Area as used in this subsection shall mean:
 - a. For buildings set back seventy-five (75) feet or less from the right-of-way, one (1) square foot of Sign Area for each lineal foot of the building elevation adjacent to the suite; and

- b. For buildings set back more than seventy-five (75) feet from the right-of-way, one and one-half (1.5) square feet of Sign Area for each lineal foot of building elevation adjacent to the suite.
4. Double Sign Allowance Area for Certain Buildings. A tenant or user suite with at least two building elevations facing streets and/or main private circulation drives shall be permitted twice the Sign Allowance Area (“Double Sign Allowance”). In no event shall the Double Sign Allowance be used on a single elevation.
5. Top Floor. If the top floor of a multi-story building is chosen for the allowable Wall Signs, the top floor Wall Signs are limited to either (i) one (1) building sign and one (1) tenant sign, or (ii) two (2) tenant signs. A Wall Sign on the top floor shall adhere to the criteria contained in Table 4.409.B: Top Floor Sign Area and Height Standards for On-Premise Wall Signs. This Sign Area shall not be increased through a Comprehensive Sign Program or Master Sign Plan.
6. Approval. Approval is required through a Comprehensive Sign Program or Master Sign Plan as set forth in this Article 4.4.

TABLE 4.409.B.3: Top Floor Sign Area and Height Standards for On-Premise Wall Signs

Facing Street Type	Sign Height (Feet) from Finish Floor Level to Top of Sign*	Maximum Allowable Size of Sign Face (Sq. Ft.)	Maximum Letter Height (Inches)
Local/Collector	40+	Per Code; or one percent of the area of the elevation to which it is attached, whichever is greater	12
Arterial	40+	Per Code; or one percent of the area of the elevation to which it is attached, whichever is greater	15
Freeway	40+	Per Code; or one percent of the area of the elevation to which it is attached, whichever is greater	21

*Unless approved signage spans floor plates

4. *Painted Wall Signs.* In Commercial, Heritage Village Center, and Gateway Zoning Districts, Painted Wall Signs are permitted on any exterior building wall of the tenant/user suite to which they are appurtenant and shall be limited to an onsite sign. The Sign Area of a Painted Sign shall be included in the Sign Allowance Area for signs in Section 4.409.B. Painted Wall Signs may be indirectly illuminated. Lighting fixtures shall be decorative and architecturally compatible with the building. Recommended Guidelines for appropriate design, materials, and color of fixtures within the Heritage Village Zoning District are set forth in the Heritage District Redevelopment Plan.
5. *Wall Signs at Entrances to Non-Residential Tenant Offices or Suites.* Each non-residential tenant or user suite may have one (1) permanent Wall Sign not to exceed three (3) square feet in area. This allowed sign is in addition to any required Street Address Sign and Unit and Building Identification Sign.
6. *Wall Signs at Entrances to Restaurants.* In addition to any other Wall Sign allowance, a restaurant shall be allowed one (1) Wall Sign installed within ten (10) feet of its main entrance. The Wall Sign shall not exceed six (6) square feet in area and shall not exceed six (6) feet in height. The Wall Sign may be internally or externally illuminated.
7. *Wall Signs at Service and Delivery Entrances.* In addition to any other Wall Sign allowance, a service or delivery entrance shall be allowed one (1) permanent Wall Sign installed within ten (10) feet of its entrance. The Wall Sign shall not exceed six (6) square feet in area and shall not exceed six (6) feet in height. The Wall Sign may be internally or externally illuminated.
8. *Window Signs.* Window Signs are permitted in all zoning districts but may be placed in single-family residential zoning districts only in conjunction with non-residential uses as a permanent Wall Sign, provided that the Window Sign does not cover more than twenty-five percent (25%) of the area of any window. Window Signs may be internally illuminated. A sign permit is not required for a Window Sign as allowed herein. See Appendix 1, Figures 18, for graphic illustrations.
9. *Door Signs.* Door Signs are permitted provided that the Door Sign does not cover more than twenty-five percent (25%) of the area of any door. Door Signs shall not be illuminated. A sign permit is not required for a Door Sign as allowed herein.
10. *Wall-Mounted Cabinet Signs.* Permanent Wall-Mounted Cabinet Signs are allowed in non-residential zoning districts and shall be stylized in shape, rather than rectangular, to reflect the shape of the image printed on the Sign Face or the molded Sign Face, with embossed copy or sign copy or sign copy in relief. Cabinet signs with an electronic message display must be architecturally integrated within the building design and mounted flush with the building wall plane or built into a canopy fascia. In the Heritage Village Center and Gateway Village Center Zoning Districts, wall mounted cabinet signs with electronic changing message displays must not exceed fifty (50) percent of the sign area allowance set forth in Section 4.409.B. This provision does not apply to

Canopy Signs for Service Islands regulated in Section 4.409.B.25, but this provision does apply to Projecting Signs and Projecting Roof Signs.

11. *Projecting Signs.* In Commercial, Heritage Village Center, and Gateway Zoning Districts, permanent Projecting Signs are allowed when affixed to the exterior building wall of the tenant/user suite to which they are appurtenant. Projecting Signs shall be located at the customer entry area of the tenant/user suite if blinking, flashing or illumination elements are incorporated. The allowable sign area for a Projecting Sign shall be included in the Maximum Sign Area allowed in Section 4.409.B.3, and when combined with any other Sign Area, shall not exceed the Maximum Sign Area. Projecting Signs may be internally or indirectly illuminated, and may incorporate flashing or blinking elements within the allowable Sign Area. Lighting fixtures shall be decorative and architecturally compatible with the building. Projecting Signs shall be stylized in shape, rather than rectangular, to reflect the shape of the image printed on the Sign Face. Fixtures used to affix the Projecting Sign to building walls shall be decorative and architecturally compatible with the building. Recommended Guidelines for appropriate design, materials, and color of fixtures within the Heritage Village Center Zoning District are set forth in the Heritage District Redevelopment Plan.
12. *Projecting Roof Signs.* In Commercial, Heritage Village Center and Gateway Zoning Districts, permanent Projecting Roof Signs are allowed subject to the same criteria set forth above for Projecting Signs. However, the height of a Projecting Roof Signs shall not exceed the height of a roofline or parapet by more than twenty-five (25) percent of the overall height of the sign. The Planning Commission or the Redevelopment Commission as applicable may approve heights greater than the foregoing twenty-five (25) percent through a Comprehensive Sign Program, Master Sign Plan, Heritage Sign Plan, Gateway Sign Plan, or a Design Review application, only when the proposed plan or application demonstrates that the Projecting Roof Sign is incorporated into the building's architecture. In no event shall a Projecting Roof Sign incorporated into the building's architecture exceed the height of the building's roofline or parapet by more than thirty (30) percent of the overall height of the sign.
13. *Suspended Signs.* In Commercial, Heritage Village Center, and Gateway Zoning Districts, one (1) permanent Suspended Sign is allowed for each permitted tenant/user building elevation. The sign 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 the sign is appurtenant. The Sign Area shall not exceed six (6) square feet. The size of the Suspended Signs shall not be included in the Maximum Sign Area set forth in Section 4.409.B. Suspended Signs may be indirectly illuminated. Lighting fixtures shall be decorative and architecturally compatible with the building. Recommended Guidelines for appropriate design, materials, and color of fixtures within the Heritage Village Center Zoning District are set forth in the Heritage District Redevelopment Plan.

14. *Drive-Through Lane Signs.* No more than two (2) Drive-Through Lane Signs are allowed for each drive-through lane serving a business establishment. The signs may be either a wall mounted sign or a ground sign. The signs shall be no greater than fifty (50) square feet in area and seven (7) feet in height. A drive-through ground sign shall be constructed with a solid base.
15. *Freestanding Sign: Monument Signs.*
 - a. For a nonresidential use in a Residential Zoning District, one (1) onsite Monument Sign is permitted for any lot or parcel with a minimum of one hundred (100) feet of street frontage. One (1) additional Monument Sign is permitted for any lot or parcel with street frontage greater than or equal to 250 feet but less than 400 feet. One (1) additional Monument Sign is permitted for each additional three hundred (300) feet of street frontage. The size of a Monument Sign shall not exceed thirty-two (32) square feet in area and eight (8) feet in height. Monument Signs shall be set back a minimum of three (3) feet from the right-of-way.
 - b. In Commercial and Public Facility/Institutional Zoning Districts, one (1) onsite Monument Sign is permitted for any lot or parcel with a minimum of 100 feet of street frontage. One (1) additional Monument Sign is permitted for any lot or parcel with street frontage greater than or equal to 250 feet but less than 400 feet. One (1) additional Monument Sign is permitted for each additional three hundred (300) feet of street frontage. The height of a Monument Sign shall be no greater than twelve (12) feet to the top of design embellishments, and the Sign Face shall be located between two (2) feet and ten (10) feet above grade with design embellishments added to the top, sides or bottom of the sign. The size of a Monument Sign shall not exceed sixty (60) square feet in area. Monument Signs shall be set back a minimum of three (3) feet from the right-of-way. Monument Signs shall maintain a minimum spacing of one hundred (100) feet from any other Monument Sign on the same street frontage.
 - c. In Office, Employment and Gateway Business Center Zoning Districts, one (1) onsite Monument Sign is permitted for any lot or parcel with a minimum of 100 feet of street frontage. One (1) additional Monument Sign is permitted for any lot or parcel with street frontage greater than or equal to 250 feet but less than 400 feet. One (1) additional Monument Sign is permitted for each additional three hundred (300) feet of street frontage. The height of a Monument Sign shall be no greater than twelve (12) feet to the top of design embellishments, and the Sign Face shall be located between two (2) feet and ten (10) feet above grade with design embellishments added to the top, sides or bottom of the sign. The size of Monument Sign shall not exceed sixty (60) square feet in area. Monument Signs shall be set back a minimum of three (3) feet from the right-of-way. Monument Signs shall maintain a minimum spacing of one hundred (100) feet from any other Monument Sign on the same street frontage.

- d. In the Heritage Village Center and Gateway Village Center Zoning Districts, one (1) onsite Monument Sign is permitted for any lot or parcel. A Monument Sign is permitted to assist in the safe movement of vehicular traffic on a property containing an existing building that exceeds the required build-to lines, as set forth in Section 2.403C: Build-To Lines. The height of a Monument Sign shall be no greater than six (6) feet, and the height measurement includes structural supports, monument base, architectural features of the structure, and nonstructural or decorative trim. The size of a Monument Sign shall not exceed thirty-two (32) square feet in area. Monument Signs shall be set back a minimum of three (3) feet from the right-of-way. Monument Signs shall maintain a minimum spacing of one hundred (100) feet from any other Monument Sign on the same street frontage.
16. *Freestanding Sign: Tower Signs.* In the Regional Commercial and General Commercial Zoning Districts for retail centers exceeding forty (40) net acres, and in the Office, Employment and Public Facility / Institutional Zoning Districts for sites that both abut a freeway and exceed forty (40) net acres, one (1) onsite Tower Sign is permitted for each five hundred (500) feet of street frontage, provided the total number of all Freestanding Signs, including Monument Signs, shall not exceed one (1) sign per three hundred (300) feet of street frontage. The maximum height of a Tower Sign shall not exceed fifteen (15) feet. The Sign Area of a Tower Sign shall not exceed eighty (80) square feet. The Maximum Sign Area of a Tower Sign may be increased by an additional twenty (20) square feet for the identification of tenants or occupants of suites five thousand (5,000) square feet or less in area. Tower Signs shall be set back a minimum of three (3) feet from the right-of-way. Tower Signs shall maintain a minimum spacing of three hundred (300) feet from any other Freestanding Sign on the same street frontage.
 17. *Freestanding Sign: Freeway Signs.* In the Commercial, Office, Employment and Public Facility / Institutional Zoning Districts for properties that both exceed fifteen (15) acres and abut a freeway identified in the circulation element of the General Plan, one (1) onsite Freeway Sign shall be permitted for each four hundred (400) feet of freeway frontage. The height of the Freeway Sign shall not exceed sixty (60) feet above grade or thirty (30) feet above the grade of the nearest lanes of the adjacent freeway main travel surface, whichever is greater. The maximum size (area) for a Freeway Sign shall not exceed five hundred (500) square feet. The maximum size (area) of a Freeway Sign may be increased by an additional twenty (20) square feet for the identification of the center. Freeway signs shall be set back a minimum of one hundred fifty (150) feet from (i) the 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 located within one hundred (100) feet of the freeway right-of-way and shall be oriented to the freeway. A Freeway Sign shall be considered oriented to a freeway where the Sign Face makes an interior angle of more than thirty (30) degrees to the freeway. Freeway Signs shall maintain a minimum spacing of four hundred (400) feet from any other Freeway Sign on the same property.

18. *Freestanding Sign: Onsite Traffic Directional Signs.* In the Commercial, Heritage Village Center, Office, Employment, and Public Facility / Institutional Zoning Districts, Onsite Traffic Directional Signs are permitted as necessary to assist in movement of vehicular traffic on a property for the purpose of the safety of both pedestrian and vehicular traffic. The Sign Area of an Onsite Traffic Directional Sign shall not exceed three (3) square feet and the height of Onsite Traffic Directional Sign shall not exceed three (3) feet. An Onsite Traffic Directional Sign shall be set back a minimum of twenty-five (25) feet from the right-of-way, and shall not be located within the required perimeter landscape area. Onsite Traffic Directional Signs shall not be counted as part of a maximum or total sign area for any use.
19. *Freestanding Sign: Residential Subdivision Entry Signs.* A Residential Subdivision Entry Sign at the principal entry or entries to residential subdivisions may have one (1) entry sign on each side of the street. The Maximum Sign Area of the Residential Subdivision Entry Sign shall not exceed twenty-five (25) square feet and the maximum height shall not exceed eight (8) feet. The Residential Subdivision Entry Sign shall be set back a minimum of three (3) feet behind the right-of-way. A Residential Subdivision Entry Sign may be internally or indirectly illuminated. The Residential Subdivision Entry Sign shall be incorporated into the design of an entry wall, which shall be architecturally compatible with other subdivision improvements. Residential Subdivision Entry Sign structures require approval by the Design Review Board as part of the subdivision open space plan. Residential Subdivision Entry Sign structures that are added following the initial development of the subdivision require Administrative Design Review approval.
20. *Freestanding Sign: Multi-Family Complex Entry Signs.* A Multi-Family Complex Entry Sign at the principal entry or entries to a multi-family complex may have one (1) entry sign on each side of the street. The Maximum Sign Area of a Multi-Family Complex Entry Sign shall not exceed thirty-two (32) square feet and the maximum height shall not exceed eight (8) feet. The Multi-Family Complex Entry Sign shall be set back a minimum of three (3) feet behind the right-of-way. A Multi-Family Complex Entry Sign may be internally or indirectly illuminated. A Multi-Family Complex Entry Sign structure shall be architecturally compatible with the complex and shall be approved administratively.
21. *Freestanding Sign: Directory Sign.* In the Commercial, Office, Employment, Public Facility / Institutional, and Gateway Zoning Districts, one (1) Directory Sign is permitted for each four (4) commercial tenants or uses. The Maximum Sign Area of the Directory Sign shall not exceed forty (40) square feet and the maximum height of the Directory Sign shall not exceed eight (8) feet. A Directory Sign shall be set back a minimum of seventy-five (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. A Directory Sign shall only be installed onsite within landscape islands or pedestrian areas.

In the Heritage Village Center Zoning District, one (1) Directory Sign is permitted for each four (4) commercial tenants or uses. The maximum size (area) of the Directory Sign shall not exceed six (6) square feet and the maximum height of the Directory Sign shall not exceed six (6) feet. A Directory Sign shall be integrated into the building architecture or located within a courtyard or similar feature of a building.

22. *Awning Signs.* In Commercial, Heritage Village Center and Gateway Zoning Districts, an Awning Sign may be located on the valance of an awning. The Sign Area of an Awning Sign, together with the Sign Area of any other allowed lawful and permitted signs for the same building, shall not exceed the limitation for the Sign Allowance Area set forth in Section 4.409.B. Graphics shall be permanently affixed to the awning, and may be silkscreen, painted, cutout lettering heat color transfer, pressure sensitive vinyl films, sewn applique signs, or similar to the foregoing. An Awning Sign may be indirectly illuminated or backlit. An Awning Sign shall not obstruct sidewalks, required accessible paths of travel, or the visibility of other signs. Lighting fixtures shall be decorative and architecturally compatible with the building. Recommended Guidelines for appropriate design, materials, and color of fixtures are set forth in the Heritage District Redevelopment Plan.
23. *Marquee Signs.* In Commercial Zoning District and the Heritage Village Center and Gateway Village Center Zoning Districts, a Marquee Sign may be located on a marquee that is approved by the Planning Commission or the Redevelopment Commission as applicable as part of a Design Review application, a Comprehensive Sign Program, Master Sign Plan or Heritage Sign Plan. A Marquee Sign shall only be affixed on a marquee located at the primary entrance of the tenant/user suite to which it is appurtenant. The Sign Area of the Marquee Sign, together with the Sign Area of any other allowed lawful and permitted signs for the same building, shall not exceed the limitation for the Sign Allowance Area set forth in Section 4.409.B. The colors, materials, and design of a Marquee Sign shall complement the design of the building(s) which it serves. A Marquee Sign may be internally or indirectly illuminated. A Marquee Sign may include a manual or electronic Changing Message Display that is proportional and architecturally integrated with the Marquee structure and building design. A Marquee Sign shall not obstruct sidewalks, required accessible paths of travel, or the visibility of other signs. Lighting fixtures shall be decorative and architecturally compatible with the building, and a marquee sign may incorporate flashing or blinking elements within the permitted Sign Area. Recommended Guidelines for appropriate design, materials, and color of fixtures and the appropriate flashing and blinking frequency within the Heritage Village Center District are set forth in the Heritage District Design Guidelines.
24. *Canopy Signs for Service Islands.* Each service island may have up to two (2) Canopy Signs per service island. The Sign Area of a Canopy Sign shall not exceed twelve (12) square feet. No part of the sign shall project from a canopy wall by more than six (6) inches. A Canopy Sign shall be vertically centered on the face of the canopy and the

height shall not exceed eighty (80) percent of the vertical dimension of the canopy wall on which the sign is placed. The Sign Area of a Canopy Sign shall not count against the Maximum Sign Area allowed for Wall Signs on the parcel.

25. *Historic Markers.* One (1) Historic Marker per parcel is allowed. The Sign Area of a Historic Marker shall not exceed six (6) square feet.
26. *Heritage District Roof Signs.* In the Heritage Village Center Zoning District, a roof sign shall only be permitted on a building that is three stories above ground and taller, and fronts Gilbert Road, subject to the following conditions and criteria:
 - a. Only one (1) roof sign shall be permitted within each segment identified as Segment 1, Segment 2 and Segment 3. Segment 1 is bounded by Juniper Avenue to the north and the Consolidated Canal to the south. Segment 2 is bounded by the Consolidated Canal to the north and the railroad tracks to the south. Segment 3 is bounded by the rail road tracks to the north and by Elliot Road to the south.
 - b. The roof sign must be located at minimum two (2) feet from the edge of the roof.
 - c. The roof sign must have a horizontal dimension equal to or greater than its vertical dimension. The maximum sign area must not exceed 200 square feet. The allowable sign area for a Heritage District Roof Sign shall be exempt from the Maximum Sign Area allowed in Section 4.409. B.3.
 - d. The maximum height must not extend more than fifteen (15) feet above the roof line, parapet, or fascia of the building. The height measurement includes structural supports, architectural features of the structure, and nonstructural or decorative trim.
 - e. If single-sided, the back of the roof sign must include a stylized backer and must have all wires and accessory equipment concealed. A double-sided roof sign may only be permitted if mounted perpendicular to Gilbert Road.
 - f. The sign copy must be mounted as stylized, individual letters and graphics. A background panel or billboard-style backer is prohibited.
 - g. Sign illumination shall be limited to exposed neon, decorative bulbs or tubing.
 - h. The sign must not inhibit the required screening of mechanical equipment and must not impair roof access.
 - i. The roof sign must be architecturally compatible with the building. The Heritage District Design Guidelines set forth the appropriate design, materials and color of the roof sign.

- j. The Redevelopment Commission may approve the roof sign through a Heritage Sign Plan or a Design Review application where the proposed plan or application demonstrates that the roof sign is compatible with the building's architectural design. Notwithstanding the foregoing, the Redevelopment Commission shall not base any decision on the message content of the sign.

4.4010 Residential Zoning Districts

In Residential Zoning Districts, the Permanent Sign types allowed and the applicable permitting plan or program and/or other review process are set forth below in Table 4.4010. Refer to each sign type for criteria and limitations as more specifically set forth in Section 4.409.B.

Table 4.4010: Permanent Signs Allowed in Residential Zoning Districts	
Sign Type	Allowed
1. Street Address Signs	Yes
2. Unit and Building Identification Signs	Yes
3. Wall Signs at Entrances to Dwelling Units	Yes
4. Painted Wall Signs	No
5. Wall Signs at Entrances to Non-Residential Tenant Offices and Suites	No
6. Wall Signs at Entrances to Restaurants	No
7. Wall Signs at Service and Delivery Entrances	No
8. Window Signs	No
9. Door Signs	Yes
10. Wall-Mounted Cabinet Signs	No
11. Projecting Signs	No
12. Projecting Roof Signs	No
13. Suspended Signs	No
14. Drive-Through Lane Signs	No
15. Freestanding Sign: Monument Signs	No
16. Freestanding Sign: Tower Signs	No
17. Freestanding Sign: Freeway Signs	No
18. Freestanding Sign: Onsite Traffic Signs	No
19. Freestanding Sign: Residential Subdivision Entry Signs	Yes
20. Freestanding Sign: Multi-Family Complex Entry Signs	Yes
21. Freestanding Sign: Directory Signs	No
22. Awning Signs	No
23. Marquee Signs	No
24. Canopy Signs for Service Islands	No
25. Historic Markers	Yes

4.4011 Nonresidential Uses in Residential Zoning Districts

For non-residential uses in Residential Zoning Districts, the Permanent Sign types allowed and the applicable permitting plan or program and/or other review process are set forth below in Table 4.4011. Refer to each sign type for criteria and limitations as more specifically set forth in Section 4.409.B.

Table 4.4011: Permanent Signs Allowed for Non-Residential Uses in Residential Zoning Districts	
Sign Type	Allowed
1. Street Address Signs	Yes
2. Unit and Building Identification Signs	Yes
3. Wall Signs at Entrances to Dwelling Units	Yes
4. Painted Wall Signs	No
5. Wall Signs at Entrances to Non-Residential Tenant Offices and Suites	No
6. Wall Signs at Entrances to Restaurants	No
7. Wall Signs at Service and Delivery Entrances	No
8. Window Signs	Yes
9. Door Signs	Yes
10. Wall-Mounted Cabinet Signs	No
11. Projecting Signs	No
12. Projecting Roof Signs	No
13. Suspended Signs	No
14. Drive-Through Lane Signs	No
15. Freestanding Sign: Monument Signs	Yes
16. Freestanding Sign: Tower Signs	No
17. Freestanding Sign: Freeway Signs	No
18. Freestanding Sign: Onsite Traffic Signs	No
19. Freestanding Sign: Residential Subdivision Entry Signs	No
20. Freestanding Sign: Multi-Family Complex Entry Signs	No
21. Freestanding Sign: Directory Signs	No
22. Awning Signs	No
23. Marquee Signs	No
24. Canopy Signs for Service Islands	No
25. Historic Markers	Yes

4.4012 Commercial Zoning Districts

In Commercial Zoning Districts, the Permanent Sign types allowed and the applicable permitting plan, program or other review process are set forth below in Table 4.4012. Refer to each sign type for criteria and limitations as more specifically set forth in Section 4.409.B.

Table 4.4012: Permanent Signs Allowed in Commercial Zoning Districts	
Sign Type	Allowed
1. Street Address Signs	Yes
2. Unit and Building Identification Signs	Yes
3. Wall Signs at Entrances to Dwelling Units	Yes
4. Painted Wall Signs	Yes
5. Wall Signs at Entrances to Non-Residential Tenant Offices and Suites	Yes
6. Wall Signs at Entrances to Restaurants	Yes
7. Wall Signs at Service and Delivery Entrances	Yes
8. Window Signs	Yes
9. Door Signs	Yes
10. Wall-Mounted Cabinet Signs	Yes
11. Projecting Signs	Yes
12. Projecting Roof Signs	Yes
13. Suspended Signs	Yes
14. Drive-Through Lane Signs	Yes
15. Freestanding Sign: Monument Signs	Yes
16. Freestanding Sign: Tower Signs	Yes
17. Freestanding Sign: Freeway Signs	Yes
18. Freestanding Sign: Onsite Traffic Signs	Yes
19. Freestanding Sign: Residential Subdivision Entry Signs	No
20. Freestanding Sign: Multi-Family Complex Entry Signs	Yes
21. Freestanding Sign: Directory Signs	Yes
22. Awning Signs	Yes
23. Marquee Signs	Yes
24. Canopy Signs for Service Islands	Yes
25. Historic Markers	Yes

4.4013 Heritage Village Center and Gateway Zoning Districts

In the Heritage Village Center and Gateway Zoning Districts, the Permanent Sign types allowed and the applicable permitting plan, program or review process are set forth below in Table 4.4013. Refer to each sign type for criteria and limitations as more specifically set forth in Section 4.409.B.

Table 4.4013: Permanent Signs Allowed in the Heritage Village Center and Gateway Zoning Districts	
Sign Type	Allowed
1. Street Address Signs	Yes
2. Unit and Building Identification Signs	Yes
3. Wall Signs at Entrances to Dwelling Units	Yes
4. Painted Wall Signs	Yes
5. Wall Signs at Entrances to Non-Residential Tenant Offices and Suites	Yes
6. Wall Signs at Entrances to Restaurants	Yes
7. Wall Signs at Service and Delivery Entrances	Yes
8. Window Signs	Yes
9. Door Signs	Yes
10. Wall-Mounted Cabinet Signs	Yes
11. Projecting Signs	Yes
12. Projecting Roof Signs	Yes
13. Suspended Signs	Yes
14. Drive-Through Lane Signs	Yes
15. Freestanding Sign: Monument Signs	Yes
16. Freestanding Sign: Tower Signs	No
17. Freestanding Sign: Freeway Signs	No
18. Freestanding Sign: Onsite Traffic Signs	Yes
19. Freestanding Sign: Residential Subdivision Entry Signs	No
20. Freestanding Sign: Multi-Family Complex Entry Signs	Yes
21. Freestanding Sign: Directory Signs	Yes
22. Awning Signs	Yes
23. Marquee Signs	Yes
24. Canopy Signs for Service Islands	No
25. Historic Markers	Yes
26. Heritage District Roof Signs	Yes

4.4014 Office Zoning Districts

In the Office Zoning Districts, the Permanent Sign types allowed and the applicable permitting plan, program or other review process are set forth below in Table 4.4014. Refer to each sign type for criteria and limitations as more specifically set forth in Section 4.409.B.

Table 4.4014: Permanent Signs Allowed in Office Zoning Districts	
Sign Type	Allowed
1. Street Address Signs	Yes
2. Unit and Building Identification Signs	Yes
3. Wall Signs at Entrances to Dwelling Units	Yes
4. Painted Wall Signs	No
5. Wall Signs at Entrances to Non-Residential Tenant Offices and Suites	Yes
6. Wall Signs at Entrances to Restaurants	Yes
7. Wall Signs at Service and Delivery Entrances	Yes
8. Window Signs	Yes
9. Door Signs	Yes
10. Wall-Mounted Cabinet Signs	Yes
11. Projecting Signs	No
12. Projecting Roof Signs	No
13. Suspended Signs	No
14. Drive-Through Lane Signs	Yes
15. Freestanding Sign: Monument Signs	Yes
16. Freestanding Sign: Tower Signs	Yes
17. Freestanding Sign: Freeway Signs	Yes
18. Freestanding Sign: Onsite Traffic Signs	Yes
19. Freestanding Sign: Residential Subdivision Entry Signs	No
20. Freestanding Sign: Multi-Family Complex Entry Signs	No
21. Freestanding Sign: Directory Signs	Yes
22. Awning Signs	No
23. Marquee Signs	No
24. Canopy Signs for Service Islands	Yes
25. Historic Markers	Yes

4.4015 Employment Zoning Districts

In Employment Zoning Districts, the Permanent Sign types allowed and the applicable permitting plan, program or other review process are set forth below in Table 4.4015. Refer to each sign type for criteria and limitations as more specifically set forth in Section 4.409.B.

TABLE 4.4015: Permanent Signs Allowed in Employment Zoning Districts	
Sign Type	Allowed
1. Street Address Signs	Yes
2. Unit and Building Identification Signs	Yes
3. Wall Signs at Entrances to Dwelling Units	Yes
4. Painted Wall Signs	No
5. Wall Signs at Entrances to Non-Residential Tenant Offices and Suites	Yes
6. Wall Signs at Entrances to Restaurants	Yes
7. Wall Signs at Service and Delivery Entrances	Yes
8. Window Signs	Yes
9. Door Signs	Yes
10. Wall-Mounted Cabinet Signs	Yes
11. Projecting Signs	No
12. Projecting Roof Signs	No
13. Suspended Signs	No
14. Drive-Through Lane Signs	Yes
15. Freestanding Sign: Monument Signs	Yes
16. Freestanding Sign: Tower Signs	Yes
17. Freestanding Sign: Freeway Signs	Yes
18. Freestanding Sign: Onsite Traffic Signs	Yes
19. Freestanding Sign: Residential Subdivision Entry Signs	No
20. Freestanding Sign: Multi-Family Complex Entry Signs	No
21. Freestanding Sign: Directory Signs	Yes
22. Awning Signs	No
23. Marquee Signs	No
24. Canopy Signs for Service Islands	Yes
25. Historic Markers	Yes

4.4016 Public Facility/Institutional

In Public Facility/Institutional Zoning Districts, the Permanent Sign types allowed and the applicable permitting plan, program or review processes are set forth below in Table 4.416. Refer to each sign type for criteria and limitations as more specifically set forth in Section 4.409.B.

TABLE 4.4016: Permanent Signs Allowed in Public Facility/Institutional Districts	
Sign Type	Allowed
1. Street Address Signs	Yes
2. Unit and Building Identification Signs	Yes
3. Wall Signs at Entrances to Dwelling Units	No
4. Painted Wall Signs	No
5. Wall Signs at Entrances to Non-Residential Tenant Offices and Suites	Yes
6. Wall Signs at Entrances to Restaurants	Yes
7. Wall Signs at Service and Delivery Entrances	Yes
8. Window Signs	Yes
9. Door Signs	Yes
10. Wall-Mounted Cabinet Signs	Yes
11. Projecting Signs	No
12. Projecting Roof Signs	No
13. Suspended Signs	No
14. Drive-Through Lane Signs	Yes
15. Freestanding Sign: Monument Signs	Yes
16. Freestanding Sign: Tower Signs	Yes
17. Freestanding Sign: Freeway Signs	Yes
18. Freestanding Sign: Onsite Traffic Signs	Yes
19. Freestanding Sign: Residential Subdivision Entry Signs	No
20. Freestanding Sign: Multi-Family Complex Entry Signs	No
21. Freestanding Sign: Directory Signs	Yes
22. Awning Signs	No
23. Marquee Signs	No
24. Canopy Signs for Service Islands	No
25. Historic Markers	Yes

4.4017 Sign Maintenance

Maintenance of legal signs is allowed and maintenance of the same 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. Any sign or component of a sign which is in a damaged or deteriorated condition and constitutes a danger or hazard to public safety 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.

4.4018 Nonconforming Signs

It is the intent of this section to recognize that the eventual elimination of nonconforming signs as expeditiously and fairly as possible is as much a subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this Article. The following provisions shall govern nonconforming signs.

- A. Non-conforming signs may receive reasonable repairs or alterations to the face, letters, and frame.
- B. 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 “acts of God,” then such sign shall be rebuilt, repaired, or replaced only in conformance with the provisions of this Article.
- C. If a non-conforming sign becomes an abandoned sign, it shall be removed after notice to the property owner, unless in the case of an abandoned sign the property owner establishes facts sufficient to rebut the presumption of abandonment.
- D. If a property or development is expanded or modified to add new signage, all nonconforming signs shall be removed or rebuilt to comply with the provisions of this Article.
- E. Sign Faces s may be replaced on non-conforming signs.
- F. 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 this Article. Nothing herein shall prevent the replacement of Sign Faces on a nonconforming 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.

4.4019 Sign Violations

- A. ***Requirement of Permit.*** Unless specifically exempted herein, 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 the provisions of this Article.
- B. ***Requirement of Compliance.*** Signs shall be installed, placed, or maintained in the Town only in compliance 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. The responsibility for compliance with this chapter rests jointly and severally upon the sign owner, the permit holder, any and all parties holding the present right of possession and control of the property whereon a sign is located, mounted or installed, and the legal owner of the lot or parcel, even if the sign was mounted, installed, erected or displayed without the consent or knowledge of the owner and/or other parties holding the legal right to immediate possession and control.
- C. ***Permanent Signs.***
 - 1. ***Notice of Violation.*** Notice of violation of this Article shall be provided by a Code Compliance Officer to one or more of the responsible persons listed in section B above. The time periods provided for correction of the violation shall be:
 - a. A ten (10) calendar day written notice shall be provided.
 - b. If determined to be in an unsafe condition, a two (2) calendar day written notice shall be provided. If the correction has not been made within forty-eight (48) hours, the building official may have the sign removed if it creates a danger to the public safety or have any necessary repairs or maintenance performed at the expense of the sign owner or owner or lessee of the property upon which the sign is located.
 - 2. ***Enforcement.***
 - a. The Code Compliance Manager is authorized to require removal of any sign installed in violation of this Article. 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.
 - b. 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.
 - 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.

D. *Temporary Signs-Generally.*

1. *Notice of Violation.*

- a. For Temporary Signs, other than A-Frame/T-Frame Signs and Flying Banners which are addressed in Section 4.4019.E below, a two (2) calendar day written notice shall be provided.
 - b. A notice of violation is not required for a Temporary Sign placed within the right-of-way, and such signs may be removed immediately by the Town at any time and without notice.
- 2. *Enforcement.*** The Code Compliance Manager may remove or cause to be removed any Temporary Sign which is not removed by the owner.

E. *Temporary Signs: A-Frame and T-Frame Signs; Flying Banner Signs.*

1. *Notice of Violation, Enforcement and Penalties.*

- a. First Offense.
 - (1) A two-day written notice of the violation shall be given by the Code Compliance Manager 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 4.408 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) If the Code Compliance Manager finds that there is a second violation by the same owner or lessee of a business to which a sign relates within any twenty-four (24) month period, then no notice shall be required. The offending A-Frame/T-Frame Sign or Flying Banner Sign shall be subject to immediate confiscation. For purposes of calculating the twenty-four (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 4.408, then 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 to which a sign relates that the sign has been confiscated and that if not claimed within five (5) calendar days from the date of the notice, the sign shall be disposed of by the Town.

c. Third Offense.

- (1) If the Code Compliance Manager finds that there is a third violation by the same owner or lessee of a business to which a sign relates within any twenty-four (24) month period, such sign shall be confiscated. For purposes of calculating the twenty-four (24) month period, the date of the commission of the first offense shall be used.
- (2) If the Code Compliance Manager finds that there is a third violation by the same owner or lessee of a business to which a sign relates within any twenty-four (24) month period, A-Frame Signs, T-Frame Signs, and Flying Banners relating to the business shall not be permitted.

d. Fourth Offense.

- (1) If the Code Compliance Manager finds that there is a fourth violation by the same owner or lessee of a business to which a sign relates within any 24 month period, the owner or lessee of the business shall be guilty of a Class I Misdemeanor but shall be exposed to civil fines only for the conviction. For purposes of calculating the 24 month period, the date of the commission of the first offense shall be used.
- (2) Upon conviction of a violation of this Article, the court shall order a person who has been convicted of a violation of this section to pay a fine of not less than \$500.00 for each count upon which a conviction has been obtained.

4.4020 State Preemption

This Article shall be interpreted and enforced consistent with state law.

4.4021 Severability

- A. **Generally.** If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article.
- B. **Severability where less speech results.** Without diminishing or limiting in any way the declaration of severability set forth in subsection (1), above, or elsewhere in this Article, the LDC, the Gilbert Code of Ordinances, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
- C. **Severability of provisions pertaining to prohibited signs.** Without diminishing or limiting in any way the declaration of severability set forth in subsection (1), above, or elsewhere in this Article, the LDC, the Gilbert Code of Ordinances, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under Section 4.404, Prohibited Signs, of this Article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Section 4.404 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Section 4.404 thereby ensuring that as many prohibited sign types as may be constitutionally prohibited continue to be prohibited.
- D. **Severability of prohibition on Billboards.** If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division and/or any other code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on Billboards as contained in this Article, the LDC, or the Gilbert Code of Ordinances, or any adopting ordinance.

4.1.

Title

This Article shall be known as the Sedona Wireless Communication Facilities Ordinance.

[Ord. 2018-12, 11-14-18 ([Res. 2018-34](#))].

The Sedona Land Development Code is current through Ordinance 2019-06, passed October 8, 2019.

Disclaimer: The City Clerk's Office has the official version of the Sedona Land Development Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.SedonaAZ.gov](http://www.SedonaAZ.gov)

[Code Publishing Company](#)

4.2.

Purpose

The purpose of this article is to:

- A. Provide protection of the unique natural beauty and small-town character of the City as specified in the Sedona Community Plan while meeting the needs of its citizens to enjoy the benefits of wireless communication services;
- B. Promote the health, safety and general welfare of the public by regulating the siting of wireless communication facilities, including satellite earth stations;
- C. Consider potential impact on historical and environmentally sensitive areas and adjacent properties;
- D. Minimize the impacts of wireless communication facilities on surrounding areas by establishing standards for location, structural integrity and compatibility;
- E. Encourage the location and collocation of wireless communication equipment on existing structures thereby minimizing new visual, aesthetic and public safety impacts, effects upon the natural environment and wildlife, and the need for additional towers;
- F. Encourage antenna configurations that minimize additional visual impact through careful and innovative siting;
- G. Accommodate the growing need and demand for wireless communication services;
- H. Encourage coordination between suppliers of wireless communication services in the City;
- I. Respond to the policies embodied in the Telecommunications Act of 1996 and the 2012 Spectrum Act in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless service or to prohibit or have the effect of prohibiting personal wireless service in the City;
- J. Establish predictable and balanced regulations governing the construction and location of wireless communication facilities, within the confines of permissible local regulation for locations outside of public rights-of-way. Wireless communication facilities within a ROW shall be

regulated in accordance with the provisions of Sedona City Code Title [12](#) and the provisions of A.R.S. § [9-591](#) et seq.; and

K. Establish review procedures to ensure that applications for wireless communication facilities are reviewed and acted upon within a reasonable period of time.

[Ord. 2018-12, 11-14-18 ([Res. 2018-34](#))].

The Sedona Land Development Code is current through Ordinance 2019-06, passed October 8, 2019.

Disclaimer: The City Clerk's Office has the official version of the Sedona Land Development Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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[Code Publishing Company](#)

4.3. Administration

A. Applicability

(1) Except as provided for in subsection [4.3.A\(2\)](#) below, this article shall apply to development activities including installation, construction, or modification to all the following wireless communication facilities:

- a. Existing towers, concealed and nonconcealed; publicly and privately owned;
- b. Proposed towers, concealed and nonconcealed; publicly and privately owned;
- c. Replacement of any existing tower;
- d. Collocation on any existing tower or base station;
- e. Existing concealed and nonconcealed base stations, publicly and privately owned;
- f. Proposed concealed and nonconcealed base stations, publicly and privately owned;
- g. AM/FM/TV/DTV broadcasting facilities; and
- h. Amateur radio tower(s).

(2) The following items are exempt from the provisions of this article, notwithstanding any other regulations established in this Code:

- a. Noncommercial, amateur radio towers or antennas that are less than 65 feet in height and attached to the rear or side of residential or commercial structures or freestanding in an area directly behind the rear structural wall of a residential or commercial structure. Noncommercial, amateur, ham radio or citizens' band towers, antennas or antenna arrays with heights greater than 65 feet or not located directly behind the rear structural wall of a residential or commercial structure, or attached to the rear or side of residential or commercial structures shall be regulated in accordance with Section [4.4](#), *General Development and Design Standards and Processes*;

- b. Regular maintenance of any existing wireless communication facility that does not include an increase in the size or number of antenna; the addition of radio heads or other similar structures; the addition of coaxial cable; or the addition of equipment shelters, cabinets or generators;
- c. The replacement of existing antennas, antenna panels, antenna elements or other equipment on an existing tower or base station by the same owner or wireless communication facility provider; provided, that the replaced antennas, antenna elements or equipment meet building code requirements (including wind loading) and provided such replacement does not increase the overall height or width of the structure;
- d. A government-owned wireless communication facility, upon the declaration of a state of emergency by federal, state, or local government and a written determination of public necessity by the Fire Chief or Chief of Police; except that such facility must comply with all federal and state requirements. No wireless communication facility shall be exempt from the provisions of this article beyond the duration of the state of emergency;
- e. Data, video or information transmission as part of the day-to-day operations of a commercial business, including, for example, processing of credit card sales, automatic inventory control, and the like, which are mounted on and do not extend more than two meters or six and one-half feet above the roof surface of any building. Where technologically feasible, such antennas shall not be mounted on an exterior parapet wall facing a ROW or private easement;
- f. A commercial or residential wireless internet send/receive antenna that is required to be located at the point of use. Where technologically feasible, such antennas shall not be mounted on an exterior parapet wall facing a ROW or private easement;
- g. OTARD including satellite earth stations, so long as the device does not require construction of a tower or other structure exceeding 12 feet above the home or building and the device is no more than one meter in diameter in a residential zone or two meters in any other zone district. Where technologically feasible, such antennas shall not be mounted on an exterior parapet wall facing a ROW or private easement;
- h. Any antenna-supporting structure that is damaged or destroyed by fire, flood, explosion, earthquake, war, riot, or act of God may be reconstructed and used as before if done within 12 months of such calamity; provided, that there is no increase in structure height, width or number of antennas. If a new, larger antenna-supporting structure is



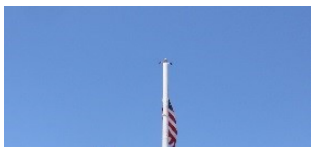

proposed as a replacement structure, then the requirements of Section [4.3.B, Approvals Required](#), shall be satisfied;



- i. A temporary PWSF, utilized for not more than 60 calendar days, which does not require FAA lighting or marking and does not require any kind of excavation; and
- j. A wireless communication facility located within a ROW, which shall be regulated in accordance with the provisions of Sedona City Code Title 12 and the provisions of A.R.S. § [9-591](#) et seq.

(3) *Siting Preferences for New Wireless Communication Facilities*

- a. Siting of new PWSF of any type shall be in accordance with the siting preferences below and with the use table below. Where a lower-ranked alternative is proposed, the applicant must demonstrate through relevant information including, but not limited to, an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established preferences within the geographic search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed facilities, by clear and convincing evidence. The applicant must provide such evidence in its application in order for the application to be considered complete. No new PWSF shall be permitted unless the applicant demonstrates that no existing PWSF can accommodate the applicant's proposed facility; or that use of such existing facilities would prohibit personal wireless services in the area of the City to be served by the proposed antenna-supporting structure.
- b. Evidence submitted to demonstrate that no existing PWSF could accommodate the applicant's proposed facility may consist of any of the following:
 - 1. No existing PWSF located within the geographic search ring or a one-half mile around the geographic search ring meet the applicant's engineering requirements.
 - 2. Existing PWSF are not of sufficient height to meet the applicant's engineering requirements.
 - 3. Existing PWSF do not have sufficient structural strength to support the applicant's proposed wireless communication facilities and related equipment.
 - 4. The applicant demonstrates that there are other limiting factors that render existing PWSF unsuitable.

- c. Siting for new PWSFs is as shown in Table 4.1. The preferred order of alternative ranking, from highest to lowest, shall be 1, 2, 3, 4, and 5 (and within each ranking a, b, c, etc.).

PWSF Type	Tower Example	Base Station Example	Other Example
1. Concealed Base Station			
a. City-owned property	Not applicable		
b. Other public property			
c. Privately-owned property zoned nonresidential			
d. Privately-owned property zoned:			
i. Non-residential use in residential single family (RS) or residential multi-family (RM) districts			
ii. Non-residential multi-family structures in high density multi-family (RM) districts.			
iii. Residential multi-family structures in high density multi-family (RM) districts.			
2. Collocation			
a. Concealed collocation on an existing concealed tower or concealed base station			Not applicable

PWSF Type	Tower Example	Base Station Example	Other Example
b. On a non-concealed tower or base station			
3. Replacement			
Replacement of existing non-concealed tower with a concealed tower	No picture available	No picture available	No picture available
4. Concealed Tower for Small Cell, DAS or Node (not macro)			
a. City-owned property		Not applicable	
b. Public property			
c. Privately-owned property zoned nonresidential			
d. Privately-owned property that is:			
i. Nonresidential use in residential single-family (RS) or residential multifamily (RM) districts			
ii. Nonresidential multifamily structures in high density multifamily (RM) districts			
iii. Residential multifamily structures in high density multifamily (RM) districts			

B.**Approvals Required**

All applications for PWSF shall be considered by the Planning and Zoning Commission (Commission) at a public hearing as set forth in Section [8.4.B](#), *Conditional Use Permit*, based on potential location,

aesthetic or visually related impacts as a result of the proposed antenna's height, color, size and the like, except as set forth below.

(1) All applications for: (a) concealed replacement tower collocations that do not constitute a "substantial change" on an existing tower or base station that has been designed and approved to accommodate multiple wireless collocations; or (b) replacements of existing nonconcealed towers with concealed towers; shall each be subject to review and approval by the Director, relative to the review criteria provided in Section [4.3.C](#), *Approval Criteria*.

(2) All applications for any wireless communication facilities within a ROW that meet the eligibility criteria for "small cell facilities" in A.R.S. [§9-591](#) et seq. shall be subject to review and approval by the City Engineer in accordance with the provisions of application processes and approval criteria that are set forth in Title [12](#), Sedona City Code and A.R.S. [§9-591](#).

C.

Approval Criteria

In considering any application for a conditional use permit for the establishment of a tower or base station, the Director or Commission's decision shall be guided by the application of the following criteria:

- (1) Use of suitable existing towers or base stations is preferred over placement of new towers;
- (2) New base stations that do not exceed height limitations for the zoning district are preferred over base stations that do exceed the height limitation for the zoning district;
- (3) Concealed wireless communication facilities that cannot be readily observable by pedestrians on adjacent streets to such facility are preferred over facilities that are readily observable by pedestrians on adjacent streets;
- (4) Collocation of multiple uses on a single wireless communication facility will have significant favorable weight in evaluating the application;
- (5) Network development plans that achieve the fewest number of wireless communication facilities of all users reasonably necessary for commercial coverage are preferred;
- (6) Location in nonresidential zoning districts is preferred over residential districts;

- (7) Suitability of the location for collocation of governmental public service wireless service facilities.

D.

Location by Zoning District

(1) *Generally*

- a. No wireless communication facilities shall be allowed in any Open Space Districts.
- b. Wireless communication facilities may be permitted in the following districts subject to approval by the Director or Commission as set forth in Section [4.3.B](#), *Approvals Required*.

	Residential									Non-Residential						Other		
	RS-70	RS-35	RS-18	RS-10	RS-6	RMH	RM-1	RM-2	RM-3	M1	M2	M3	CO	IN	L	CF	OS	OC
Wireless Communication Facilities																		
Concealed Base Station on Property with a Nonresidential Land Use																		
City-Owned Property	C	C	C	C	C	C	C	C	C		C		C	C	C	C		C
Other Public Property	C	C	C	C	C	C	C	C	C		C		C	C	C	C		C
Private Property	C	C	C	C	C	C	C	C	C		C		C	C	C	C		C
Replacement of Existing Non-Concealed Tower With a New Concealed Tower																		
Other Public Property	M	M	M	M	M	M	M	M	M		M		M	M	M	M		M
Private Property	M	M	M	M	M	M	M	M	M		M		M	M	M	M		M

	Residential									Non-Residential						Other		
	RS-70	RS-35	RS-18	RS-10	RS-6	RMH	RM-1	RM-2	RM-3	M1	M2	M3	CO	IN	L	CF	OS	OC
Concealed Small Cell Tower, DAS or Node (Not Macro) on Property with a Residential Land Use																		
City-Owned Property							C	C	C	C	C	C						
Other Public Property							C	C	C	C	C	C						
Private Property							C	C	C	C	C	C						
Concealed Small Cell Tower, DAS or Node (Not Macro) on Property with a Nonresidential Land Use																		
City-Owned Property	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C
Other Public Property	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C
Private Property	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C
Concealed Macro Tower on Property with a Nonresidential Land Use																		
City-Owned Property	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C		C
Other Public Property	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C		C
Private Property	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C		C
Collocation on Eligible Facility																		
Non-substantial Change	M	M	M	M	M	M	M	M	M		M	M	M	M	M	M		M
Collocation on Eligible Facility with Substantial Change or on a Non-Eligible Facility on Property with a Nonresidential Land Use																		
City-Owned Property	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C		C
Other Public Property	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C		C
Private Property	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C		C

2. City Parks

Concealed wireless communication facilities may be permitted within City park areas. Consideration will be given to locating wireless communication facilities on athletic

field lighting standards, provided the equipment does not interfere with the primary purpose of the lights and does not detract from the overall aesthetics of the facility.

E.

Application Submittal Requirements

Prior to submitting an application as described below, an applicant shall conduct a pre-application meeting with the City to discuss the application and the applicant's plans.

(1) *Application*

An application for any type of wireless communication facility shall include the following information:

- a. A completed application form and any appropriate fees.
- b. An accurate inventory of applicant's existing wireless communication facilities, which are existing or for which application for approval or permit has been submitted for zoning or construction, which are within the jurisdiction of this article or within one mile of the City limits. The inventory shall include the location, height, type, ownership and all tenants of each facility.
- c. A map of all locations owned, leased, or operated by the applicant and their coverage that are located within the jurisdiction of this article or within one mile of the City limits of the proposed site or which are capable of service with the proposed site by wireless means.
- d. An accurate site plan of the proposed wireless communication facility showing the means of access, all adjacent roadways, and a complete landscape plan.
- e. A scaled drawing of the exterior of the proposed wireless communication facility, clearly showing the method of fencing; coloration; materials; illumination; and camouflage.
- f. Photo-simulated pre- and post-construction renderings of the proposed wireless service facilities, equipment enclosures and ancillary structures as they would look after construction from locations to be determined at the time of application submittal (but shall, at a minimum, include renderings from the vantage point of any adjacent roadways and occupied commercial or residential structures), as well as photo-simulations of the

antenna-supporting structure after it has been fully developed with antenna structures (applicant may assume for the purpose of the simulation that other antenna structures on the facility will resemble their proposed structure in size and design).

g. Exterior paint or finish samples of the colors to be used in the construction of the tower, base station and ground equipment facilities.

h. Proof of ownership or a letter of authorization from the property owner stating that the applicant may install a wireless communication facility on their property.

i. A signed statement from the wireless communication facility owner or owner's agent stating that the radio frequency emissions comply with FCC standards for such emissions as set forth in [47 CFR 1.1307](#), [1.310](#), [2.091](#) or [2.093](#), as amended and as applicable (Report and Order, ET Docket 93-62 (Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation), 11 FCC Rcd 15123 (1996); Second Memorandum Opinion and Order and Notice of Proposed Rule Making, ET Docket 93-62 (WT Docket 97-192), 12 FCC Rcd 13494 (1997)). In particular, the statement shall demonstrate the proposed facility, individually and cumulatively, will not exceed the maximum permissible exposure level to the general public of approximately 580 microwatts per square centimeter. In addition, any collocation application shall contain an analytical report which confirms that following installation, the composite facility will remain in compliance with FCC standards as stated in OET-65.

j. Proof of an FCC license to transmit and/or receive radio signals in the City prior to commencement of operations.

k. Prior to issuance of a building permit, a stamped or sealed structural analysis of the proposed antenna-supporting structure prepared by a licensed Arizona engineer indicating the proposed and future loading capacity of the antenna-supporting structure.

l. Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace.

m. A signed statement from the wireless communication facility owner agreeing to allow the collocation of other wireless equipment on the proposed antenna-supporting structure.

n. When conditional use permit is required, an ownership map of property owners within 300 feet of the exterior boundaries of the subject property as shown on the last assessment

of the property. A list of these property owners shall also be provided on mailing labels and keyed to a map showing the location of the identified properties.

o. Cover letter describing the overall project and addressing in writing how the proposed wireless communication facility satisfies the requirements of this article.

p. All other documentation, evidence or materials necessary to demonstrate compliance with the applicable approval criteria set forth in this article, including where applicable:

1. Existing wireless communication facilities to which the proposed facility will be a handoff candidate, including latitude, longitude and power levels of each;
2. A radio frequency plot indicating the coverage of existing wireless service sites, and that of the proposed site sufficient to demonstrate radio frequency search area, coverage prediction with legend and signal levels, and design radius, together with a certification from the applicant's radio frequency engineer that the proposed facility's coverage or capacity potential cannot be achieved by any higher ranked alternative such as collocation, attached facility, replacement facility or concealed facility;
3. Prior to issuance of a building permit, a statement by a qualified professional engineer specifying the design structural failure modes of the proposed facility;
4. Antenna heights and power levels of the proposed facility and all other facilities on the subject property; and
5. A statement from the applicant that demonstrates that alternative locations, configurations and facility types have been examined; and addresses in narrative form the feasibility of any alternatives that may have fewer adverse effects on adjacent properties than the facility, configuration and location proposed including but not limited to:
 - i. Height;
 - ii. Mass and scale;
 - iii. Materials and color;
 - iv. Illumination; and
 - v. Information addressing the following items:

- a. The extent of any commercial development within the geographic search ring of the proposed facility;
 - b. The proximity of the structure to any residential dwellings;
 - c. The proximity of the structure to any public buildings or facilities;
 - d. The existence of tall and like structures within the geographic search ring of the proposed structure.
- q. Citizen Participation Plan and Report as set forth in Section [8.3.D](#), *Citizen Review Process*, when a conditional use permit is required.
- r. A statement that the proposed facility conforms with state of the art, as defined herein, or alternatively, that state of the art technology is unsuitable for the proposed facility and the basis for same. Costs of state of the art technology that exceed facility development costs shall not be presumed to render the technology unsuitable.
- s. Any other materials and data as may be required by the Director.

F.

Expert Review

- (1) Because of the complexity of the methodology or analysis required to review an application for a wireless communication facility requiring a conditional use permit, the Director may require a technical review by a third-party expert. The costs of this review shall be payable in advance by the applicant, in accordance with the Fee Schedule of the City of Sedona and shall be in addition to applicable conditional use permit and building permit fees.
- (2) The expert review may address any or all the following:
- a. The accuracy and completeness of submissions;
 - b. The applicability of analysis techniques and methodologies;
 - c. The validity of conclusions reached;

- d. Whether the proposed wireless communication facility complies with the applicable approval criteria set forth in these regulations;
 - e. Other matters deemed by the Director to be relevant to determining whether a proposed wireless communication facility complies with the provisions of these regulations.
- (3) Based on the results of the expert review, the Director may require changes to the applicant's application or submittals.

G.

Essential Public Services

- (1) Wireless communication facilities outside public right-of-way shall be regulated and permitted pursuant to this article and shall not be regulated or permitted as essential services, public utilities or private utilities.
- (2) By submitting any application under this article, applicant shall be deemed to agree that their service is subordinate to essential public service services, and agrees to suspend use of any site, which may conflict with such services, regardless of the reason for such conflict, until such conflict is resolved.

H.

Enforcement

Wireless communication facilities that are not in compliance with all portions of this article shall be removed at the owner's expense if not brought into compliance within 30 days after written demand by the City.

[Ord. 2018-12, 11-14-18 ([Res. 2018-34](#))].

The Sedona Land Development Code is current through Ordinance 2019-06, passed October 8, 2019.

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4.4.

General Development and Design Standards and Processes

A.

General Standards

All wireless communication facilities regulated under this article shall meet the following general development and design standards and processes at a minimum:

(1) *Impact Fee Calculation*

- a. For the purposes of impact fee calculation, the floor area for a wireless communication facility shall be considered a commercial use and shall include the total square footage of all equipment enclosures and the areas of the antenna-supporting structure foundation at or above grade.
- b. The following shall be considered as development area and shall be required to meet the setbacks and open space ratio requirements for the land use district where they are located:
 1. The area beneath all equipment enclosures;
 2. The area of the antenna-supporting structure foundation at or above grade;
 3. The area beneath ancillary structures;
 4. The area inside the antenna-supporting structure framework.

(2) *Signage*

a. *Identification Signage*

Identification signage for each wireless communication facility shall be required for the purpose of identifying the owner as well as the tenants, responsible party for the operation and maintenance of the facility, its current address and telephone number, ASR registration number, site name, security or safety signs and property manager information (if

applicable). Identification signage on wireless communication facilities shall not exceed four square feet.

b. *High Voltage Signage*

If more than 220 voltage is necessary for the operation of the facility and is present in a ground grid or in the structure, signs located every 20 feet and attached to an enclosing fence or wall shall display in large, bold, high contrast letters (minimum height of each letter: four inches) the following: "HIGH VOLTAGE – DANGER."

(3) *Sounds*

No unusual sound emissions such as alarms, bells, buzzers or the like are permitted and shall be consistent with City Code. Sounds shall not exceed 65 dba at any exterior line of a property in a commercial district and 55 dba at any exterior line of a property in a residential district.

(4) *Antenna Mounting*

Antennas and related service equipment mounted on a service tower shall be mounted as close to the tower as possible.

(5) *Equipment Cabinets*

a. Vaulting underground freestanding equipment cabinet or shelter and/or power meter not attached to an existing structure is preferred. However, if the applicant can demonstrate that underground water table or floodplain issues prevent vaulting the supporting ground equipment then it may be placed on the ground. In no instance shall supporting ground equipment be located farther than two feet from the base of the structure and it shall not interfere with pedestrian or vehicular traffic.

b. Equipment shelters or cabinets not vaulted shall be consistent with the general character of the neighborhood and historic character if applicable. Equipment shelters or cabinets shall be screened from the public view by using landscaping, or materials and colors consistent with the surrounding backdrop.

c. Screening enclosures shall be allowed when the design is architecturally compatible with the building.

d. Screening materials shall consist of materials and colors consistent with the surrounding backdrop and/or textured to match the existing structure.

- e. The use of foliage and vegetation around ground equipment may be required based on conditions of the specific area where the ground equipment is to be located.

(6) Maintenance

Wireless communication facilities shall be maintained in compliance with standards contained in applicable state or local building codes and the applicable health and safety standards established by the FCC or other bodies having jurisdiction, as amended from time to time.

(7) Structural Integrity

The entire tower or base station and all appurtenances shall be designed pursuant to the design requirements of the most current edition of the IBC adopted by the City of Sedona. In addition, the entire tower or base station and all appurtenances shall be designed pursuant to the design requirements of ASCE 7, including wind speed design requirements, and tower loading/wind design requirements of EIA/TIA 222-G, Series II, including any subsequent modification to those specifications.

(8) Lighting

New towers shall be illuminated only when required and in accordance with FAA requirements to provide aircraft obstruction lighting. All other on-site lighting required for security or emergency purposes shall be in accordance with Section [5.8](#), *Exterior Lighting*, and be activated by timers or motion detectors.

(9) Grading and Drainage

Applicants shall furnish evidence that the proposed facility does not violate requirements in Section [5.3](#), *Grading and Drainage*.

(10) Historical/Environmental Review Compliance

Applicants shall furnish evidence that the proposed facility has completed any applicable federal/state/tribal historical review or environmental review processes.

B.

Standards for Specific Types of Facilities

In addition to the foregoing general development and design standards, the following additional development and design standards apply to the specific type of wireless communication facility identified below:

(1) *New Concealed Base Station Facilities for Macro, Small Cell, DAS, or Nodes*

The following additional standards and processes apply to all new concealed base station facilities:

a. *Height*

1. The overall height of any new base station facility on a rooftop shall not exceed more than 10 feet above the rooftop or parapet whichever is greater. "Height" for all purposes in this subsection shall mean the linear distance from the rooftop where the antenna is attached to the highest physical point on the wireless communication facility.
2. The overall height of any new base station facility on an existing utility or light pole shall not exceed five feet above the existing pole.

b. *Color, Screening, and Placement*

1. *Buildings*

- i. Where feasible, antennas shall be placed directly above, below or incorporated with vertical design elements of a building or structure to maximize concealment.
- ii. Base station facilities shall be concealed in some fashion (e.g., screened by a parapet or other device to minimize its visual impact as measured from the boundary line of the subject property).
- iii. Base stations shall be designed in such a manner as to be compatible with the existing structure. The base station facility shall be constructed to integrate with the existing architecture. There shall be as little contrast as possible between the communications equipment and the structure.

2. *Poles*

i. All cables shall be installed internally; but where internal mounting is not possible, surface mounted wires shall be enclosed within conduit or a similar cable cover which shall be painted to match the structure or building on which that DAS is mounted.

ii. Attached equipment box and power meter is discouraged; however, if attachment is justified, equipment box and meter shall be located on the pole at a height that does not interfere with pedestrian or vehicular traffic or visibility and where applicable shall not interfere with street name signs or traffic lighting standards.

c. *Approval Process*

Approvals for any proposed facility under this section shall be pursuant to Section [4.3.B, Approvals Required](#).

d. *Timing for Review*

A new concealed base station facility shall be reviewed and a decision rendered within 150 days of receipt of the application, subject to any applicable tolling for application deficiencies and resubmissions, so long as the applicant demonstrates that the facilities will be used, immediately upon completion of construction, to provide personal wireless services, or within such other mutually agreed upon time. ("Spec" base stations are not entitled to review and decision within 150 days, or to any of the other protections of the Telecommunications Act.) Construction permits issued for new concealed base stations shall be valid for a term of 180 days and shall lapse and be void if construction of the contemplated concealed base station is not completed within that time.

(2) *Collocations on Existing Towers or Base Stations*

The following additional standards and processes apply to all collocation facilities:

a. *On Eligible Facility; Nonsubstantial Change*

1. Any collocation that is on an eligible tower or eligible base station, and that is not a substantial change as defined in Section [9.8, Wireless Communication Facility Definitions](#), shall be subject to the approval process set forth in Section [4.3.B](#).

2. *Approval Process*

- i. Applicants shall complete a wireless infrastructure application and building permit application and submit applicable filing fees.
- ii. The Director shall review application and decide if the application meets the nonsubstantial change definitions and notify applicant in writing within 30 days of submission if the application is incomplete or complete. If incomplete, the City shall specifically delineate the missing information. The applicant shall resubmit the missing information. The timeframe for review will begin running again when the applicant makes a supplemental submission. The City shall review and provide written notice to the applicant within 10 days if the application is approved or remains incomplete. If incomplete the City shall provide in writing specifically delineating the missing information.
- iii. City shall complete review process within 60 days, accounting for any tolling, including any review to determine whether an application is complete unless there is a mutual agreement to an extension of time. The request will be deemed granted is not approved within the 60-day period, accounting for any tolling or mutually agreed upon extension of time.

b. *Collocation on Noneligible Facility or a Substantial Change*

1. *Approval Process*

Any and all collocations that exceed the parameters set forth in the substantial change definition or are on a noneligible facility are subject to discretionary approval on a case-by-case and site-specific basis through the conditional use process as set forth in Section [4.3.B](#), *Approvals Required*. Applicants shall minimize substantial changes as much as possible.

2. *Antenna Mounting*

Antennas and related service equipment mounted on a service tower shall be mounted as close to the tower as possible.

3. *Timing for Review of Substantial Change Collocations*

A substantial change collocation shall be reviewed, and a decision rendered within 90 days of receipt of the application, subject to any applicable tolling for application deficiencies and resubmissions, so long as the applicant demonstrates that the facilities

will be used, immediately upon completion of construction, to provide personal wireless services, or within such other mutually agreed upon time. ("Spec" collocations are not entitled to review and decision within 90 days, or to any of the other protections of the Telecommunications Act.)

(3) Concealed DAS, Small Cell, or Nodes

a. New Freestanding Concealed DAS, Small Cell, and Node Facility Development Standards

The following additional standards and processes apply to all new concealed freestanding DAS, node and small cell tower facilities:

1. Height

The total height of a DAS / small cell facility including antenna shall not exceed 30 feet.

2. Setbacks

Setbacks for DAS / small cell facility shall meet the same setbacks of the underlying zoning district.

3. Ground Equipment

The use of foliage and vegetation around ground equipment may be required by the City based on conditions of the specific area where the ground equipment is to be located. In order to avoid the clustering of multiple items of ground equipment in a single area, a maximum of two ground equipment boxes may be grouped together in any single location. Individual ground equipment boxes shall not exceed the dimensions provided for in Section [9.8](#), *Wireless Communication Facility Definitions*.

4. Visibility of New DAS / Small Cell Facility

- i. New DAS / small cell facilities shall be configured and located in a manner that minimizes adverse effects on the landscape and adjacent properties, with specific design considerations as to height, scale, color, texture and architectural design of the buildings on the same and adjacent zoned lots. Concealment design is required to minimize the visual impact of wireless communication facilities.

- ii. All cables, conduits, electronics, and wires shall be enclosed within the structure.
- iii. Small cell facilities shall be no larger in size than what is specified in Section [9.8](#), *Wireless Communication Facility Definitions*.

5. *Timing for Review*

A new concealed DAS, node and concealed small cell tower shall be reviewed, and a decision rendered within 150 days of receipt of the application, subject to any applicable tolling for application deficiencies and resubmissions, so long as the applicant demonstrates that the facilities will be used, immediately upon completion of construction, to provide personal wireless services, or within such other mutually agreed upon time. ("Spec" towers are not entitled to review and decision within 150 days, or to any of the other protections of the Telecommunications Act.) Construction permits issued for new concealed PWSF towers shall be valid for a term of 180 days and shall lapse and be void if construction of the contemplated concealed PWSF tower is not completed within that time.

b. *DAS Hub Development Standards*

1. *Setbacks*

Setbacks for DAS hubs shall meet the setback standards of the underlying zoning district.

2. *Equipment Shelters or Cabinets*

DAS hub equipment shelters or cabinets shall be consistent with the general character of the neighborhood and historic character if applicable. Equipment shelters or cabinets shall be screened from the public view by using landscaping or materials and colors consistent with the surrounding backdrop.

- i. Screening enclosures shall be allowed when the design is architecturally compatible with the building;
- ii. Screening materials shall consist of materials and colors consistent with the surrounding backdrop and/or textured to match the existing structure;

- iii. The use of foliage and vegetation around ground equipment may be required based on conditions of the specific area where the ground equipment is to be located.

(4) *Concealed Macro or Replacement Tower*

The following additional standards and processes apply to new or replacement concealed macro wireless communication facilities:

a. *Setbacks*

Concealed facilities shall meet the greater of either:

1. The minimum setback requirements for the zoning district; or
2. Away from single-family residential use properties by a minimum distance of 100 percent of the tower height; notwithstanding the foregoing requirements, if the antenna-supporting structure has been constructed using “breakpoint” design technology, the minimum setback distance shall be equal to 110 percent of the distance from the top of the structure to the “breakpoint” level of the structure. For example, on a 70-foot-tall monopole with a “breakpoint” at 50 feet, the minimum setback distance would be 22 feet (110 percent of 20 feet, the distance from the top of the monopole to the “breakpoint”). Certification by an Arizona professional engineer of the “breakpoint” design and the design’s fall radius shall be provided together with the other information required in Section [4.3.E](#), *Application Submittal Requirements*.
3. The Planning and Zoning Commission shall have the authority to waive any applicable setback requirements where the City favors a more desirable location within the applicable parcel for the concealed facility.

b. *Construction*

The new tower shall be designed to accommodate the maximum amount of wireless communication equipment, including that of other wireless communication providers, with all transmission lines contained within the structure. In all cases, the minimum number of collocated facilities on a new tower 60 or more feet shall be three. No new or replacement concealed wireless communication facility shall be guyed or have a lattice type construction.

c. *Design Standards*

1. No concealed facility, whether fully enclosed within a building or otherwise, shall have antennas, antenna arrays, transmission lines, equipment enclosures or other ancillary equipment that is readily identifiable from the public domain as wireless communication equipment. Examples of concealed facilities include, but are not limited to, flagpoles, light standards, utility poles, church steeples, bell towers, clock towers, and artificial trees.
2. Concealed wireless communication facilities shall be placed and constructed in such a manner as to be compatible with the existing structure or surrounding natural terrain, preferably with both. There shall be as little contrast as possible between the communications equipment and the structure or natural terrain. A determination of appropriate concealment type shall be based on the proposed location and environment.
3. Concealed facilities constructed in the form of a “faux” tree shall mimic a tree native to Sedona with sufficient number of “faux” branches and foliage to conceal all external antenna, panels, trays, cables, support rods, crossbars, port holes, splitters, couplers and attenuators and any other equipment external to the tower mast, which shall be painted or have applied material to simulate tree bark, branches, and leaves indigenous to the area, with variations in color and shape to replicate natural fauna. “Faux” branches shall surround the tower in a multi-dimensional pyramid shape pattern to the top of the tower, with branches and foliage material in variable length, width and depth sufficient to obscure physical view of the tower, antenna elements and brackets.

4. *Placement of Equipment for Pole-Mounted Antennas*

Any ground-mounted equipment and equipment shelters shall be located outside of the ROW. Such ground-mounted equipment and equipment shelters shall be painted to comply with the color requirements of Section [5.7.F\(5\)](#), *Building Color*, and shall be screened from public view with appropriate landscaping. In the alternative, equipment may be mounted on the pole; provided, that access to the pole and to any other services or equipment above it is not impeded. Pole-mounted equipment shall also be designed and placed to be aesthetically compatible with existing and proposed uses and as visually inconspicuous as possible.

5. *Security*

An opaque fence or masonry wall no greater than eight feet in height from finished grade shall be provided around the perimeter of all development areas for ground-mounted wireless communication facilities. The decision to provide either a fence or a wall shall rest with the Director and/or Commission. If a fence is used to enclose the site, the fence shall be constructed of wire mesh, metal picket or an alternative material as approved by the Director and/or Commission. If a wall is used to enclose the site, the wall shall have a decorative finish of native stone, stucco, split-faced block, brick, or an alternative material as approved by the Director and/or Commission. The Director will give administrative approvals; and for conditional use permits the Director will make recommendations and the Commission will give approvals. Access to the development area shall be through a locked gate.

6. *Landscaping*

Landscaping and buffering shall be required around the perimeter of development areas, except that the Director or Commission, as applicable, may waive any applicable landscaping requirements as outlined in this Code on one or more sides of the development areas or allow the placement of required landscaping elsewhere on the development area when the required landscape area is located adjacent to undevelopable lands or lands not in public view. Landscaping shall be installed on the outside of the perimeter fence or wall. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or in supplement towards meeting the landscaping requirements, subject to approval by the Director (for administrative approvals) or Commission (for conditional use permits). Landscaping shall be placed in a manner so as to maximize the screening between residential areas and the wireless communication facility and minimize the view of the facility from any residential areas. The Director or Commission may approve an alternate method of compliance for the landscaping on a case-by-case basis.

7. *Control Buildings and Ground-Mounted Equipment*

- i. The control buildings shall be designed to be architecturally compatible with adjacent buildings and shall comply with the provisions of Article [5: Development Standards](#). The control buildings shall not be placed in minimum setback areas as required in Article [2: Zoning Districts](#), nor shall they encroach into required landscape areas.

- ii. Ground-mounted equipment shall not be visible from beyond the boundaries of the site and shall be screened by a solid wall or fence and dense landscaping materials as described in subsections [4.4.B\(4\)c.5](#) and [4.4.B\(4\)c.6](#) above.

8. Height

The overall height of any concealed tower including antennas shall not exceed the lesser of: (i) 70 feet or (ii) 20 feet above the tallest tree within a 500-foot radius of the proposed facility. "Height" for all purposes in this subsection shall mean the linear distance from the ground to the highest physical point on the antenna-supporting structure, including all antennas and antenna arrays.

9. Adverse Effects on Properties

- i. New concealed towers shall be configured and located in a manner that shall minimize adverse effects including visual impacts on adjacent properties. The applicant shall demonstrate that alternative locations, configurations, and facility types have been examined and shall address in narrative and graphic form the feasibility of any alternatives that may have fewer adverse effects on adjacent properties than the facility, configuration, and location proposed.
- ii. An applicant shall demonstrate through the photo-simulation requirements under Section [4.3.E](#), *Application Submittal Requirements*, that the project design employs each of these attributes in a manner that minimizes adverse effects to the greatest extent feasible.
- iii. The following attributes shall be considered from vantage points at adjacent properties, roadways and occupied structures:
 - a. Height and location;
 - b. Mass and scale;
 - c. Materials and color;
 - d. Illumination;
 - e. Existing and proposed vegetation and intervening structures.

10. Timing for Review of New Concealed Tower Applications

A new concealed PWSF tower shall be reviewed and a decision rendered within 150 days of receipt of the application, subject to any applicable tolling for application deficiencies and resubmissions, so long as the applicant demonstrates that the facilities will be used, immediately upon completion of construction, to provide personal wireless services or within such other mutually agreed upon time. ("Spec" towers are not entitled to review and decision within 150 days, or to any of the other protections of the Telecommunications Act.) Construction permits issued for new concealed PWSF towers shall be valid for a term of 180 days and shall lapse and be void if construction of the contemplated concealed PWSF tower is not completed within that time.

(5) *AM/FM/TV/DTV Broadcasting Facilities*

The following standards apply to new AM/FM/TV/DTV broadcasting facilities:

- a. An antenna, antenna array and/or antenna-supporting structure for AM/FM/TV/DTV facilities licensed by the Federal Communications Commission shall only be permitted in zoning districts CO or IN in the City.
- b. Any applicant for the construction or installation of any antenna, antenna array and/or antenna-supporting structure for use as an AM, FM, TV or DTV broadcasting facility must demonstrate, prior to submitting an application, a valid FCC construction permit for the proposed location (showing NAD 27 coordinates and appropriate conversion to NAD 83 coordinates) together with an FAA Determination of No Hazard to Air Navigation (Form 7460) for the same coordinates.
- c. An antenna, antenna array and/or antenna-supporting structure for use as an AM, FM, TV or DTV broadcasting facility shall, in no event, exceed 250 feet in height.
- d. Any antenna-supporting structure, equipment enclosures and ancillary structures shall meet the minimum setback requirements for the land use district where they are located, except that where the minimum setback distance for an antenna-supporting structure from any property line or ROW is less than the height of the proposed antenna-supporting structure, the minimum setback distance shall be increased to equal the height of the proposed antenna-supporting structure. However, in all instances, the minimum setback distance from the setback line of any residentially zoned property, with a constructed residence or potential residence, shall be at least 200 percent of the height of the entire proposed structure.

- e. The entire antenna-supporting structure and all appurtenances shall be designed pursuant to the wind speed design requirements of ASCE 7-95, including any subsequent modification to those specifications.
- f. Any facility shall be illuminated in accordance with FAA requirements to provide aircraft obstruction lighting, where required. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (such as the longest duration between flashes) allowable by the FAA. No strobes or other lighting shall be permitted unless required by the FAA.
- g. New towers shall maintain a galvanized gray finish or other accepted contextual or compatible color, except as required by federal rules or regulations.
- h. The radio frequency emissions shall comply with FCC standards for such emissions on an individual and cumulative basis with any adjacent facilities. The applicant shall certify that any and all new services shall cause no harmful interference to the existing City of Sedona Public Safety Communications equipment.
- i. Applicants shall provide for a fence or wall around the proposed facility that meets the requirements of Section [4.4.B\(4\)c.5](#).
- j. Landscaping and buffering shall be required around the perimeter of development areas, as required by Section [5.6](#), *Landscaping, Buffering, and Screening*, except that the Planning and Zoning Commission may waive the required landscaping otherwise required under Section [5.6](#) on one or more sides of the development areas or allow the placement of required landscaping elsewhere on the development area when the required landscape area is located adjacent to undevelopable lands or lands not in public view. Alternative landscaping may be approved by the Planning and Zoning Commission. Landscaping shall be installed on the outside of the perimeter fence or wall.
- k. The only signage that is permitted upon an antenna-supporting structure, equipment enclosure, or fence (if applicable) shall be informational, and for the purpose of identifying the tower (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, its current address and telephone number, security or safety signs, and property manager signs (if applicable). If more than 220 voltage is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every 20 feet and attached to the fence or wall shall display in large, bold,

high contrast letters (minimum height of each letter: four inches) the following: "HIGH VOLTAGE – DANGER."

I. *Grading and Drainage*

Applicant shall furnish evidence that the proposed facility does not violate requirements in Section [5.3](#), *Grading and Drainage*.

m. *Adverse Effects on Adjacent Properties*

1. New towers shall be configured and located in a manner that shall minimize adverse effects including visual impacts on adjacent properties. The applicant shall demonstrate that alternative locations, configurations, and facility types have been examined and shall address in narrative and graphic form the feasibility of any alternatives that may have fewer adverse effects on adjacent properties than the facility, configuration and location proposed.
2. The following attributes shall be considered from vantage points at adjacent properties, roadways and occupied structures:
 - i. Height and location;
 - ii. Mass and scale;
 - iii. Materials and color;
 - iv. Illumination;
 - v. Existing and proposed vegetation and intervening structures; and
 - vi. Overall aesthetics of the proposed structure.

[Ord. 2018-12, 11-14-18 ([Res. 2018-34](#))].

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[City Website: www.SedonaAZ.gov](http://www.SedonaAZ.gov)

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4.5.

Noncommercial Amateur Radio Tower or Oversized Satellite Earth Station

An applicant proposing either (A) a satellite earth station larger than the parameters set forth in Section [4.3.A\(2\)g](#) or (B) an amateur radio tower that is 65 feet or greater or is not located either directly behind the rear structural wall of a residential or commercial structure, or is attached to the rear or side of a residential or commercial structure, shall obtain a conditional use permit as set forth in Section [8.4.B](#), *Conditional Use Permit*, relative to the review criteria provided in Section [4.3.C](#), *Approval Criteria*, prior to submittal for building permit approval and the initiation of construction.

A.

Application Requirements

- (1) Site plan application in accordance with the site plan requirements of the codes of the City.
- (2) Applicant's copy of current, valid FCC license for amateur radio tower operation (not applicable for satellite earth station applicants).
- (3) Site plan sketch showing all proposed structures (such as support structures, anchorage) and setbacks from such structures to property boundaries.

B.

Approval Standards

Approval standards for amateur radio tower in excess of 65 feet:

- (1) The facility shall be accessory to a legal, principal use on site (such as a residence).
- (2) Structures, including towers, shall meet the setback requirements for primary structures for the zoning district in which the proposed facility shall be located.

- (3) Applicant shall commit in writing that the facility will be erected in accordance with manufacturer's recommendations.
- (4) If more than 220 voltage is present in the ground grid or in the tower, a sign shall be attached to the tower and shall display in large bold letters the following: "HIGH VOLTAGE – DANGER."
- (5) Applicant shall certify that the proposed facility meets or exceeds FCC guidelines for radio frequency radiation exposure.
- (6) Applicant shall furnish evidence that the proposed facility does not violate requirements in Section [5.3](#), *Grading and Drainage*.

C.

Collocation Prohibited

Collocation of any antenna, antenna arrays, microwave or similar type equipment not used for the purposes of either a satellite earth station or an amateur radio tower is prohibited.

[Ord. 2018-12, 11-14-18 ([Res. 2018-34](#))].

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4.6.

Interference with Public Safety Communications

In order to ensure that the City's public safety radio services will be free from objectionable technical interference, all applicants requesting a permit for a wireless communication facility or an AM/FM/TV/DTV facility shall agree, in addition to any other requirements:

- A. To demonstrate compliance with good engineering practices;
- B. To provide the City a copy of all inter-modulation studies submitted to the FCC;
- C. Not to induce objectionable technical interference to the City's public safety radio services;
- D. To comply with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI);
- E. In the case of collocation of wireless communications facilities either in the same location or on the same tower as the City's, to not cause or permit to be caused by its transmissions or other activities on the premises, objectionable technical interference of any kind whatsoever to the broadcasting transmissions, reception, or electromagnetic communications of the City;
- F. To pay for any studies requested by the City's Director to determine if the applicant's wireless communication facilities are causing objectionable technical interference; and
- G. Upon notification by the Director, if the operations of the applicant are causing objectionable technical interference, to immediately undertake all steps necessary to determine the cause of and eliminate such interference utilizing the procedures set forth in the joint wireless industry-public safety "Enhanced Best Practices Guide," released by the FCC in Appendix D of FCC 04-168 (released August 6, 2004), including the "Good Engineering Practices," as may be amended or revised by the FCC from time to time in any successor regulations, at the cost of the applicant. If said interference continues for a period in excess of 48 hours after notice from the Director, the City shall have the right to cause the applicant to cease operating the equipment that is causing the objectionable technical interference or to reduce the power

sufficiently to ameliorate the objectionable technical interference until the condition causing said interference has abated.

[Ord. 2018-12, 11-14-18 ([Res. 2018-34](#))].

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4.7.

Post-Construction Inspections

- A. Wireless communication facility owners (other than amateur radio towers) shall submit a report to the Community Development Department certifying structural and electrical integrity, as well as continued compliance with RF exposure standards specified in OET-65, upon activation of the facility and thereafter once every two years on the anniversary of the certificate of completion.
- B. Inspections shall be conducted by an engineer licensed to practice in the state of Arizona. Based upon the results of an inspection, the Director of the Community Development Department may require repair or removal of a wireless communication facility.
- C. The City may conduct periodic inspections with the cost of such inspection paid by the owner of the wireless communication facility as provided in the fee schedule of the City to ensure structural and electrical integrity. The owner of the wireless communication facility may be required by the City to have more frequent inspections if there is evidence that the wireless communication facility has a safety problem or is exposed to extraordinary conditions.

[Ord. 2018-12, 11-14-18 ([Res. 2018-34](#))].

The Sedona Land Development Code is current through Ordinance 2019-06, passed October 8, 2019.

Disclaimer: The City Clerk's Office has the official version of the Sedona Land Development Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.SedonaAZ.gov](http://www.SedonaAZ.gov)

[Code Publishing Company](#)

4.8.

Abandonment and Removal

A. Towers and base stations shall be removed and the site restored at the owner's expense, within 180 days of cessation of use.

B. An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The Director may extend the time for removal or reactivation up to 60 additional days upon a showing of good and unique cause. If the tower or base station is not removed within this time, the City may give notice that it will contract for removal within 30 days following written notice to the owner. Thereafter, the City may cause removal at the cost of the owner.

C. Upon removal of the tower or base station, the site shall be returned to its natural state and topography and vegetation consistent with the natural surroundings or consistent with the current uses of the surrounding or adjacent land at the time of removal, excluding the foundation, which does not have to be removed. The Director may extend the time for returning the site to its natural state, topography, and vegetation up to 60 additional days upon a showing of good and unique cause. If the site improvements are not made, the City may give notice that it will contract for the improvements within 30 days following written notice to the owner. Thereafter, the City may contract the improvements at the cost of the owner.

[Ord. 2018-12, 11-14-18 ([Res. 2018-34](#))].

The Sedona Land Development Code is current through Ordinance 2019-06, passed October 8, 2019.

Disclaimer: The City Clerk's Office has the official version of the Sedona Land Development Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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GUIDELINES

OPENING UP

AMERICA AGAIN





Overview

CRITERIA

The data-driven conditions each region or state should satisfy before proceeding to a phased opening.

PREPAREDNESS

What States should do to meet the challenges ahead.

PHASE GUIDELINES

Responsibilities of individuals and employers during all phases, and in each specific phase of the opening.



Proposed State or Regional Gating Criteria

(Satisfy Before Proceeding to Phased Opening)

SYMPTOMS

Downward trajectory of influenza-like illnesses (ILI) reported within a 14-day period

AND

Downward trajectory of COVID-like syndromic cases reported within a 14-day period

CASES

Downward trajectory of documented cases within a 14-day period

OR

Downward trajectory of positive tests as a percent of total tests within a 14-day period (flat or increasing volume of tests)

HOSPITALS

Treat all patients without crisis care

AND

Robust testing program in place for at-risk healthcare workers, including emerging antibody testing

*State and local officials may need to tailor the application of these criteria to local circumstances (e.g., metropolitan areas that have suffered severe COVID outbreaks, rural and suburban areas where outbreaks have not occurred or have been mild). Additionally, where appropriate, Governors should work on a regional basis to satisfy these criteria and to progress through the phases outlined below.



Core State Preparedness Responsibilities

TESTING & CONTACT TRACING

- ✓ Ability to quickly set up safe and efficient screening and testing sites for symptomatic individuals and trace contacts of COVID+ results
- ✓ Ability to test Syndromic/ILI-indicated persons for COVID and trace contacts of COVID+ results
- ✓ Ensure sentinel surveillance sites are screening for asymptomatic cases and contacts for COVID+ results are traced (sites operate at locations that serve older individuals, lower-income Americans, racial minorities, and Native Americans)

HEALTHCARE SYSTEM CAPACITY

- ✓ Ability to quickly and independently supply sufficient Personal Protective Equipment and critical medical equipment to handle dramatic surge in need
- ✓ Ability to surge ICU capacity

PLANS

- ✓ Protect the health and safety of workers in critical industries
- ✓ Protect the health and safety of those living and working in high-risk facilities (e.g., senior care facilities)
- ✓ Protect employees and users of mass transit
- ✓ Advise citizens regarding protocols for social distancing and face coverings
- ✓ Monitor conditions and immediately take steps to limit and mitigate any rebounds or outbreaks by restarting a phase or returning to an earlier phase, depending on severity



OPENING UP AMERICA AGAIN

Proposed Phased Approach

BASED ON **UP-TO-DATE DATA** AND READINESS

MITIGATES RISK OF RESURGENCE

PROTECTS THE MOST VULNERABLE

IMPLEMENTABLE ON **STATEWIDE OR COUNTY-BY-COUNTY** BASIS AT GOVERNORS' DISCRETION



Guidelines for All Phases: Individuals

CONTINUE TO PRACTICE GOOD HYGIENE

- ✓ Wash your hands with soap and water or use hand sanitizer, especially after touching frequently used items or surfaces.
- ✓ Avoid touching your face.
- ✓ Sneeze or cough into a tissue, or the inside of your elbow.
- ✓ Disinfect frequently used items and surfaces as much as possible.
- ✓ Strongly consider using face coverings while in public, and particularly when using mass transit.

PEOPLE WHO FEEL SICK SHOULD STAY HOME

- ✓ Do not go to work or school.
- ✓ Contact and follow the advice of your medical provider.

Continue to adhere to State and local guidance as well as complementary CDC guidance, particularly with respect to face coverings.



Guidelines for All Phases: Employers

Develop and implement appropriate policies, in accordance with Federal, State, and local regulations and guidance, and informed by industry best practices, regarding:

- ✓ Social distancing and protective equipment
- ✓ Temperature checks
- ✓ Testing, isolating, and contact tracing
- ✓ Sanitation
- ✓ Use and disinfection of common and high-traffic areas
- ✓ Business travel

Monitor workforce for indicative symptoms. Do not allow symptomatic people to physically return to work until cleared by a medical provider.

Develop and implement policies and procedures for workforce contact tracing following employee COVID+ test.



OPENING UP AMERICA AGAIN

Phase One

FOR STATES AND REGIONS

THAT SATISFY THE GATING CRITERIA



Phase One

INDIVIDUALS

ALL VULNERABLE INDIVIDUALS* should continue to shelter in place. Members of households with vulnerable residents should be aware that by returning to work or other environments where distancing is not practical, they could carry the virus back home. Precautions should be taken to isolate from vulnerable residents.

All individuals, **WHEN IN PUBLIC** (e.g., parks, outdoor recreation areas, shopping areas), should maximize physical distance from others. Social settings of more than 10 people, where appropriate distancing may not be practical, should be avoided unless precautionary measures are observed.

Avoid **SOCIALIZING** in groups of more than 10 people in circumstances that do not readily allow for appropriate physical distancing (e.g., receptions, trade shows)

MINIMIZE NON-ESSENTIAL TRAVEL and adhere to CDC guidelines regarding isolation following travel.

*See Appendix 1 for Definition of Vulnerable Individuals



Phase One

EMPLOYERS

Continue to **ENCOURAGE TELEWORK**, whenever possible and feasible with business operations.

If possible, **RETURN TO WORK IN PHASES.**

Close **COMMON AREAS** where personnel are likely to congregate and interact, or enforce strict social distancing protocols.

Minimize **NON-ESSENTIAL TRAVEL** and adhere to CDC guidelines regarding isolation following travel.

Strongly consider **SPECIAL ACCOMMODATIONS** for personnel who are members of a **VULNERABLE POPULATION.**



Phase One

SPECIFIC TYPES OF EMPLOYERS

SCHOOLS AND ORGANIZED YOUTH ACTIVITIES (e.g., daycare, camp) that are currently closed should remain closed.

VISITS TO SENIOR LIVING FACILITIES AND HOSPITALS should be prohibited. Those who do interact with residents and patients must adhere to strict protocols regarding hygiene.

LARGE VENUES (e.g., sit-down dining, movie theaters, sporting venues, places of worship) can operate under strict physical distancing protocols.

ELECTIVE SURGERIES can resume, as clinically appropriate, on an outpatient basis at facilities that adhere to CMS guidelines.

GYMS can open if they adhere to strict physical distancing and sanitation protocols.

BARS should remain closed.



OPENING UP AMERICA AGAIN

Phase Two

FOR STATES AND REGIONS WITH NO EVIDENCE OF
A REBOUND AND THAT SATISFY THE GATING
CRITERIA A SECOND TIME



Phase Two

INDIVIDUALS

ALL VULNERABLE INDIVIDUALS should continue to shelter in place. Members of households with vulnerable residents should be aware that by returning to work or other environments where distancing is not practical, they could carry the virus back home. Precautions should be taken to isolate from vulnerable residents.

All individuals, **WHEN IN PUBLIC** (e.g., parks, outdoor recreation areas, shopping areas), should maximize physical distance from others. Social settings of more than 50 people, where appropriate distancing may not be practical, should be avoided unless precautionary measures are observed.

NON-ESSENTIAL TRAVEL can resume.



Phase Two

EMPLOYERS

Continue to **ENCOURAGE TELEWORK**, whenever possible and feasible with business operations.

Close **COMMON AREAS** where personnel are likely to congregate and interact, or enforce moderate social distancing protocols.

NON-ESSENTIAL TRAVEL can resume.

Strongly consider **SPECIAL ACCOMMODATIONS** for personnel who are members of a **VULNERABLE POPULATION**.



Phase Two

SPECIFIC TYPES OF EMPLOYERS

SCHOOLS AND ORGANIZED YOUTH ACTIVITIES (e.g., daycare, camp) can reopen.

VISITS TO SENIOR CARE FACILITIES AND HOSPITALS should be prohibited. Those who do interact with residents and patients must adhere to strict protocols regarding hygiene.

LARGE VENUES (e.g., sit-down dining, movie theaters, sporting venues, places of worship) can operate under moderate physical distancing protocols.

ELECTIVE SURGERIES can resume, as clinically appropriate, on an outpatient and in-patient basis at facilities that adhere to CMS guidelines.

GYMS can remain open if they adhere to strict physical distancing and sanitation protocols.

BARs may operate with diminished standing-room occupancy, where applicable and appropriate.



OPENING UP AMERICA AGAIN

Phase Three

FOR STATES AND REGIONS WITH NO EVIDENCE OF
A REBOUND AND THAT SATISFY THE GATING
CRITERIA A THIRD TIME



Phase Three

INDIVIDUALS

VULNERABLE INDIVIDUALS can resume public interactions, but should practice physical distancing, minimizing exposure to social settings where distancing may not be practical, unless precautionary measures are observed.

LOW-RISK POPULATIONS should consider minimizing time spent in crowded environments.

Phase Three

EMPLOYERS

Resume **UNRESTRICTED STAFFING** of worksites.



Phase Three

SPECIFIC TYPES OF EMPLOYERS

VISITS TO SENIOR CARE FACILITIES AND HOSPITALS can resume. Those who interact with residents and patients must be diligent regarding hygiene.

LARGE VENUES (e.g., sit-down dining, movie theaters, sporting venues, places of worship) can operate under limited physical distancing protocols.

GYMS can remain open if they adhere to standard sanitation protocols.

BARS may operate with increased standing room occupancy, where applicable.



Appendix

Vulnerable Individuals

1. Elderly individuals.

2. Individuals with serious underlying health conditions, including high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune system is compromised such as by chemotherapy for cancer and other conditions requiring such therapy.



GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA

EXECUTIVE ORDER

Executive Order 2020-09

LIMITING THE OPERATIONS OF CERTAIN BUSINESSES TO SLOW THE SPREAD OF COVID-19

WHEREAS, both the state of Arizona and the federal government have declared a public health emergency to address the 2019 novel Coronavirus (COVID-19); AND

WHEREAS, the President of the United States has declared a national emergency due to both the health and economic implications of the COVID-19 virus; AND

WHEREAS, the disease caused by COVID-19 is contagious and can be fatal, resulting in the World Health Organization declaring it a global pandemic; AND

WHEREAS, the State of Arizona has experienced community spread of COVID-19 in multiple counties as it continues to spread across the country and the state, posing an increasing threat to public health and having a devastating impact on the economy; AND

WHEREAS, on March 16, 2020, the United States Centers for Disease Control and Prevention issued updated guidance recommending that individuals avoid social gatherings of more than 10 people and use drive-thru, pickup, or delivery options at restaurants and bars to slow the spread of the disease; AND

WHEREAS, the time has come for further measures to protect public health and safety, protect our most vulnerable citizens, and mitigate the strain on our health care providers by slowing the spread of COVID-19; AND

WHEREAS, in taking such critical measures to protect public health there will be direct economic consequences for businesses across the state of Arizona that provide employment for many Arizonans, including bars and restaurants; AND

WHEREAS, Arizona is committed to both mitigating the economic harm of COVID-19 and ensuring the safety of those in our state.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this state, hereby order as follows:

1. Beginning at close of business on Friday, March 20, 2020, all of the following establishments located in counties of the State with confirmed cases of COVID-19 shall close access to the public until further notice:
 - a. Bars
 - b. Movie theaters
 - c. Indoor gyms and fitness clubs
2. Beginning at close of business on Friday, March 20, 2020, all restaurants in counties of the State with confirmed cases of COVID-19 shall close access to on-site dining until further notice. Restaurants may continue serving the public through pick up, delivery, and drive-thru operations.
3. Beginning at 5:00 p.m. on Friday, March 20, 2020, in counties of the State with confirmed cases of COVID-19, the Arizona Department of Liquor Licenses and Control and any Arizona Peace Officer Standards and Training Board certified law enforcement officer shall not enforce provisions of the series 12 liquor license that prohibit the sale by restaurants of beer, wine and spirituous liquor off-premises subject to the following provisions:
 - a. Any sale of beer, wine and spirituous liquor shall be in sealed containers.
 - b. Title 4 licensees shall ensure that sales of beer, wine and spirituous liquor for consumption off premises is only for consumption for individuals over the age of 21 as for other sale of alcoholic beverages both on and off-premises and that all other title 4 laws are followed.
 - c. In the event that the Arizona Department of Liquor Licenses and Control determines that a title 4 licensee has otherwise violated title 4 by selling to a minor or not providing alcohol in a sealed container, the Department may take enforcement action against the title 4 licensee.
4. The Arizona Department of Liquor Licenses and Control shall post guidance to title 4 licensees on its website to assist in compliance with this order.
5. The Department of Liquor Licenses and Control shall not enforce any restriction on manufacturers, wholesalers or retailers to buy back unopened products from restaurants, bars and clubs.
6. Cafeterias at nursing homes, hospitals, and similar facilities as well as soup kitchens that provide meals to the needy are not subject to these restrictions and may continue normal operations while taking precautions to ensure social distancing and appropriate hygiene according to Centers for Disease Control and Prevention standards.

7. This order shall remain in place until further notice, and shall be reconsidered for repeal or revision every two weeks following issuance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas M. Ivey

GOVERNOR

DONE at the Capitol in Phoenix on this nineteenth day of March in the Year Two Thousand and Twenty and of the Independence of the United States of America the Two Hundred and Forty-Fourth.

ATTEST:

[Signature]

Secretary of State



GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA

EXECUTIVE ORDER

Executive Order 2020-18

Stay Home, Stay Healthy, Stay Connected
Physical Distancing to Mitigate COVID-19 Transmission

WHEREAS, Arizona is committed to combating COVID-19, which represents a serious threat to public health; and

WHEREAS, the State of Arizona has taken proactive actions to mitigate the risk of COVID-19 to public health and address the economic impact of the COVID-19 pandemic; and

WHEREAS, on March 11, 2020, pursuant to A.R.S. §§ 26-303 and 36-787, I, as Governor of the State of Arizona, issued a declaration of a Public Health State of Emergency due to the necessity to prepare for, prevent, respond to, and mitigate the spread of COVID-19; and

WHEREAS, on March 15, 2020, a statewide school closure was issued in coordination with Superintendent of Public Instruction Kathy Hoffman, later extended on March 30, 2020, through the end of the school year; and

WHEREAS, many businesses have greatly reduced their hours and operations as directed by health officials and in an effort to protect the public health and slow the spread of COVID-19; and

WHEREAS, on March 17, 2020, following updated guidance from the Centers for Disease Control and Prevention (CDC), the Arizona Department of Health Services (ADHS) issued updated guidance that included canceling or postponing gatherings of 10 or more people, recommending telework and other alternatives, restricting access to nursing homes, retirement homes and long-term care facilities to provide critical assistance, and providing recommendations to restaurants and eating establishments to mitigate the risk of COVID-19 transmission; and

WHEREAS, on March 19, 2020, Executive Order 2020-09 was issued requiring restaurants in Arizona counties with confirmed COVID-19 cases to provide dine-out options only and required all bars, gyms and movie theaters in those counties to close; and

WHEREAS, on March 19, 2020, Executive Order 2020-10 halted all elective surgeries in the State of Arizona to free up medical resources and maintain the capacity for hospitals and providers to continue offering vital services; and

WHEREAS, essential services were identified in Executive Order 2020-12 as those specifically necessary to promote the public health, safety and welfare of the state or assist others in fulfilling such functions; and

WHEREAS, to combat COVID-19, and at the recommendation of the state's health officials, the State of Arizona must continue its efforts by further limiting potential exposure through a policy of physical distancing while maintaining social connectedness; and

WHEREAS, pursuant to A.R.S. §§ 26-303(E), the Governor of Arizona, after a Declaration is issued, has "the right to exercise, within the area designated, all police power vested in the state by the constitution and laws of this state"; and

WHEREAS, pursuant to A.R.S. § 36-787(A), during a State of Emergency declared by the Governor, the Arizona Department of Health Services has primary jurisdiction, responsibility and authority for:

- (1) Planning and executing public health emergency assessment, mitigation, preparedness response and recovery of the State;
- (2) Coordinating public health emergency response among State, local and tribal authorities;
- (3) Collaborating with relevant federal government authorities, elected officials or other states, private organizations and private sector companies; and
- (4) Coordinating recovery operations and mitigation initiatives subsequent to public health emergencies; and

WHEREAS, on March 30, 2020, the Director of the Arizona Department of Health Services, based on an epidemiological assessment of Arizona specific data and in alignment with CDC guidance, recommended the state implement enhanced mitigation strategies.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of the State, including but not limited to A.R.S. § 26-303 and after consultation with the Director of the Arizona Department of Health Services, do hereby order, effective at 5:00 p.m. on March 31, 2020:

1. Arizona shall institute a "Stay home, Stay healthy, Stay connected" policy that promotes physical distancing, while also encouraging social connectedness. This builds on actions the state has already taken, and further memorializes some already in effect, to slow the spread of COVID-19 and protect our citizens.
2. Under this policy, all individuals in the State of Arizona shall limit their time away from their place of residence or property, except:
 - a. To conduct or participate in Essential Activities.
 - b. For employment, to volunteer or participate in Essential Functions.
 - c. To utilize any services or products provided by Essential Businesses.
 - d. Employment, if as a sole proprietor or family owned business, work is conducted in a separate office space from your home and the business is not open to serve the public.
 - e. No person shall be required to provide documentation or proof of their activities to justify their activities under this order.
3. Arizonans are encouraged to improve social connectedness, resiliency, and help-seeking behavior by:

- a. Maintaining ongoing connections and communication with current social supports and structures such as family, friends, neighbors and other social groups;
- b. Educating fellow Arizonans on the negative health impacts of social isolation;
- c. Developing habits and activities that increase resilience, such as physical activity, virtual social gatherings, assisting neighbors, implementing or participating in connection campaigns for at-risk populations, and participating in volunteer activities;
- d. Sharing information and awareness of newly available social services and resources to improve the stability of families and reduce financial stressors; and
- e. Sharing information and awareness of resources in the community by providing information on where and how high risk populations can access suicide prevention services throughout Arizona, including specific resources that are targeted to high risk populations.

4. Under this policy, Essential Activities include:

- a. Obtaining necessary supplies and services for family, household members and pets, such as groceries, food and supplies for household consumption and use, supplies and equipment needed to work from home, assignments for completion of distance learning and products necessary to maintain safety, sanitation and essential maintenance of the home and residence.
- b. Engaging in activities essential for the health and safety of family, household members and pets, including things such as seeking medical, behavioral health or emergency services and obtaining medical supplies or medication.
- c. Caring for a family member, friend, or pet in another household or residence, which includes but is not limited to transportation of a family member, friend or their pet for essential health and safety activities and to obtain necessary supplies and services for the other household.
- d. Engaging in outdoor exercise activities, such as walking, hiking, running, biking or golfing, but only if appropriate physical distancing practices are used.
- e. Attending or conducting work or volunteering in Essential Functions which includes but is not limited to transporting children to child care services for attending work in an essential service.
- f. Engaging in constitutionally protected activities such as speech and religion, and any legal or court process provided that such is conducted in a manner that provides appropriate physical distancing to the extent feasible.

- 5. To the extent individuals are using shared or outdoor spaces when outside their residence or property for Essential Activities, they shall to the extent possible maintain physical distancing of at least six feet from any other person, consistent with guidance from the CDC.
- 6. All persons may leave their place of residence only for Essential Activities, to participate in or receive Essential Governmental Functions, or to participate in or fulfill Essential Functions outlined in Executive Order 2020-12.
- 7. Individuals shall limit use of public transportation to when absolutely necessary to obtain or conduct Essential Activities or attend work in an Essential Function. While using public transportation, riders shall maintain to the extent possible recommended physical distancing of at least six feet from other riders and the operator.

8. Individuals experiencing homelessness are exempt from this directive, but are strongly urged to obtain shelter as soon as possible and to the maximum extent practicable.
9. Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location.
10. For purposes of this Executive Order, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities.
11. Businesses and entities that remain open shall implement rules and procedures that facilitate physical distancing and spacing of individuals of at least six feet.
 - a. All businesses that are classified as Essential Functions may remain open and maintain operations, but shall establish and implement social distancing and sanitation measures established by the United States Department of Labor or the Arizona Department of Health Services.
 - b. Essential Functions conducted by governmental entities shall remain open. Government leaders may adjust operations to promote physical distancing, including but not limited to offering on-line services as feasible, limiting the number of persons in a physical space or limiting access to specific facilities or areas to protect from the spread of COVID-19.
 - c. Employment in Essential Businesses and Operations means an essential employee performing work for an Essential Function as identified in the "Prohibiting the Closure of Essential Services" Executive Order list.
12. Non-essential businesses may continue to operate those activities that do not require in-person, on-site transactions and are encouraged to maintain at least minimum basic operations that maintain the value of the business' inventory, preserve the condition of the business' physical plant and equipment, ensure security, process payroll and employee benefits, facilitate employees of the business being able to continue to work remotely from their residences, and related functions to include mail pickup.
13. This Executive Order shall not be construed to prohibit working from home, operating a single owner business with no in-person, on-site public interaction, or restaurants and food services providing delivery or take-away services, so long as proper physical distancing and sanitation measures are established and implemented.
14. Arizonans are already acting responsibly during this public health emergency. The intent of this Executive Order is to ensure that people maintain physical distance to the maximum extent feasible, while enabling essential services to continue, protecting people's rights and slowing the spread of COVID-19 to the greatest extent possible. When people need to leave their places of residence, whether to perform Essential Activities, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times and as much as reasonably possible comply with physical distancing recommendations. All provisions of this Executive Order shall be interpreted to effectuate this intent. Prior to any enforcement action being taken to enforce this order in accordance with A.R.S. § 26-317, a person shall be notified and given an opportunity to comply.

15. Pursuant to A.R.S. § 26-307, no county, city or town may make or issue any order, rule or regulation that conflicts with the policy, directives or intent of this Executive Order, including any order, rule or regulation that limits an individual from conducting, participating in or receiving Essential Services, Essential Activities or Non-essential Services as outlined in this order and prior executive orders.

16. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

17. This Executive Order shall be in effect until April 30, 2020, unless extended.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.



Douglas R. Ducey

GOVERNOR

DONE at the Capitol in Phoenix on this Thirtieth Day of March in the Year Two Thousand and Twenty and of the Independence of the United States of America the Two Hundred and Forty-Fourth.

ATTEST:

[Signature]

Secretary of State

GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA

EXECUTIVE ORDER

Executive Order 2020-33

Returning Stronger

Amending the Stay Home, Stay Healthy, Stay Connected Order

WHEREAS, Arizona is committed to combating COVID-19, which represents a serious threat to public health; and

WHEREAS, the State of Arizona has taken proactive actions to mitigate the risk of COVID-19 to public health and address the economic impact of the COVID-19 pandemic; and

WHEREAS, on March 11, 2020, pursuant to A.R.S. §§ 26-303 and 36-787, I, as Governor of the State of Arizona, issued a declaration of a Public Health State of Emergency due to the necessity to prepare for, prevent, respond to, and mitigate the spread of COVID-19; and

WHEREAS, many businesses have greatly reduced their hours and operations as directed by health officials and in an effort to protect the public health and slow the spread of COVID-19; and

WHEREAS, on March 17, 2020, following updated guidance from the Centers for Disease Control and Prevention (CDC), the Arizona Department of Health Services (ADHS) issued updated guidance that included canceling or postponing gatherings of 10 or more people, recommending telework and other alternatives, restricting access to nursing homes, retirement homes and long-term care facilities to provide critical assistance, and providing recommendations to restaurants and eating establishments to mitigate the risk of COVID-19 transmission; and

WHEREAS, on March 19, 2020, Executive Order 2020-09 was issued requiring restaurants in Arizona counties with confirmed COVID-19 cases to provide dine-out options only and required all bars, gyms and movie theaters in those counties to close; and

WHEREAS, on March 19, 2020, Executive Order 2020-10 halted all elective surgeries in the State of Arizona to free up medical resources and maintain the capacity for hospitals and providers to continue offering vital services; and

WHEREAS, essential services were identified in Executive Order 2020-12 as those specifically necessary to promote the public health, safety and welfare of the State or assist others in fulfilling such functions; and

WHEREAS, to combat COVID-19, and at the recommendation of the state's health officials, the State of Arizona must continue its efforts by further limiting potential exposure through a policy of physical distancing while maintaining social connectedness; and

WHEREAS, pursuant to A.R.S. § 26-303(E), the Governor of Arizona, after a Declaration is issued, has “the right to exercise, within the area designated, all police power vested in the state by the constitution and laws of this state”; and

WHEREAS, pursuant to A.R.S. § 36-787(A), during a State of Emergency declared by the Governor, the Arizona Department of Health Services has primary jurisdiction, responsibility and authority for:

- (1) Planning and executing public health emergency assessment, mitigation, preparedness response and recovery of the State; and
- (2) Coordinating public health emergency response among State, local and tribal authorities; and
- (3) Collaborating with relevant federal government authorities, elected officials or other states, private organizations and private sector companies; and
- (4) Coordinating recovery operations and mitigation initiatives subsequent to public health emergencies; and

WHEREAS, on March 30, 2020, the Director of the Arizona Department of Health Services, based on an epidemiological assessment of Arizona specific data and in alignment with CDC guidance, recommended the State implement enhanced mitigation strategies; and

WHEREAS, since the issuance of Executive Order 2020-18, *Stay Home, Stay Healthy, Stay Connected*, the federal government issued guidance on the criteria that states should meet prior to allowing gatherings of people and opening businesses that have been closed due to the need to mitigate COVID-19; and

WHEREAS, due to the availability of Personal Protective Equipment (PPE) and efforts taken to increase capacity in our hospitals and intensive care units, Arizona is now more prepared to face the potential for an increase in patients needing treatment for COVID-19; and

WHEREAS, even with this increased capacity, the data is still showing significant numbers of people testing positive for COVID-19 and we are still learning the extent to which the disease has spread within our state; and

WHEREAS, increased diagnostic and serology testing is beginning in Arizona in partnership with private labs and the universities; and

WHEREAS, since April 1, 2020, essential businesses have innovated and proven they can implement protocols to ensure that employees and the public are safe as they fulfill Essential Activities and participate in Essential Functions; and

WHEREAS, although strides to assess, mitigate and prepare for the COVID-19 response and recovery have been made, the current efforts in the State to limit potential exposure through a policy of physical distancing while maintaining social connectedness is necessary; and

WHEREAS, in continuing efforts to mitigate, respond and recover from COVID-19, there is the ability to slowly and strategically loosen some restrictions while others remain in place as we turn toward reenergizing our economy..

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of the State, including but not limited to A.R.S. §§ 26-303 and 36-787, and after consultation with the Director of the Arizona Department of Health Services, do hereby order:

1. Arizona shall institute a “Stay home, Stay healthy, Stay connected” policy that promotes physical distancing, while also encouraging social connectedness. This builds on actions the State has already taken, and further memorializes some already in effect, to slow the spread of COVID-19 and protect our citizens.
2. Under this policy, all individuals in the State of Arizona shall limit their time away from their place of residence or property, except:
 - a. To conduct or participate in Essential Activities;
 - b. For employment, to volunteer or participate in Essential Functions;
 - c. To utilize any services or products provided by Essential Businesses;
 - d. Employment, if as a sole proprietor or family owned business, work is conducted in a separate office space from your home and the business is not open to serve the public; and
 - e. No person shall be required to provide documentation or proof of their activities to justify their activities under this order.
3. Arizonans are encouraged to improve social connectedness, resiliency, and help-seeking behavior by:
 - a. Maintaining ongoing connections and communication with current social supports and structures such as family, friends, neighbors and other social groups;
 - b. Educating fellow Arizonans on the negative health impacts of social isolation;
 - c. Developing habits and activities that increase resilience, such as physical activity, virtual social gatherings, assisting neighbors, implementing or participating in connection campaigns for at-risk populations, and participating in volunteer activities;
 - d. Sharing information and awareness of newly available social services and resources to improve the stability of families and reduce financial stressors; and
 - e. Sharing information and awareness of resources in the community by providing information on where and how high risk populations can access suicide prevention services throughout Arizona, including specific resources that are targeted to high risk populations.
4. Under this policy, Essential Activities include:
 - f. Obtaining necessary supplies and services for family, household members and pets, such as groceries, food and supplies for household consumption and use, supplies and equipment needed to work from home, assignments for completion of distance learning and products necessary to maintain safety, sanitation and essential maintenance of the home and residence;

- g. Engaging in activities essential for the health and safety of family, household members and pets, including things such as seeking medical, behavioral health or emergency services and obtaining medical supplies or medication;
 - h. Caring for a family member, friend, or pet in another household or residence, which includes but is not limited to transportation of a family member, friend or their pet for essential health and safety activities and to obtain necessary supplies and services for the other household;
 - i. Engaging in outdoor exercise activities, such as walking, hiking, running, biking or golfing, but only if appropriate physical distancing practices are used;
 - j. Attending or conducting work or volunteering in Essential Functions which includes but is not limited to transporting children to child care services for attending work in an essential service;
 - k. Engaging in constitutionally protected activities such as speech and religion, and any legal or court process provided that such is conducted in a manner that provides appropriate physical distancing to the extent feasible; and
 - l. Persons may visit retailers permitted to operate pursuant to this order.
5. To the extent individuals are using shared or outdoor spaces when outside their residence or property for Essential Activities, they shall to the extent possible maintain physical distancing of at least six feet from any other person, consistent with guidance from the CDC.
6. All persons may leave their place of residence only for Essential Activities, to participate in or receive Essential Governmental Functions, or to participate in or fulfill Essential Functions outlined in Executive Order 2020-12.
7. Individuals shall limit use of public transportation to when absolutely necessary to obtain or conduct Essential Activities or attend work in an Essential Function. While using public transportation, riders shall maintain to the extent possible recommended physical distancing of at least six feet from other riders and the operator.
8. Individuals experiencing homelessness are exempt from this directive, but are strongly urged to obtain shelter as soon as possible and to the maximum extent practicable.
9. Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location.
10. For purposes of this Executive Order, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities.
11. Businesses and entities that remain open shall implement rules and procedures that facilitate physical distancing and spacing of individuals of at least six feet.
 - a. All businesses that are classified as Essential Functions may remain open and maintain operations, but shall establish and implement social distancing and sanitation measures established by the United States Department of Labor or the Arizona Department of Health Services.
 - b. Essential Functions conducted by governmental entities shall remain open. Government leaders may adjust operations to promote physical distancing, including but not limited to offering on-line services as feasible, limiting the number of persons

in a physical space or limiting access to specific facilities or areas to protect from the spread of COVID-19.

- c. Employment in Essential Businesses and Operations means an essential employee performing work for an Essential Function as identified in the “Prohibiting the Closure of Essential Services” Executive Order list.
12. Except as provided herein, non-essential businesses may continue to operate those activities that do not require in-person, on-site transactions and are encouraged to maintain at least minimum basic operations that maintain the value of the business’ inventory, preserve the condition of the business’ physical plant and equipment, ensure security, process payroll and employee benefits, facilitate employees of the business being able to continue to work remotely from their residences, and related functions to include mail pickup.
 - a. Effective May 4, 2020, retailers which are not classified as essential under Executive Order 2020-12, *Prohibiting the Closure of Essential Services*, and whose business involves the sale of goods, may operate and offer goods through delivery service, window service, walk-up service, drive-through service, drive-up service, curbside delivery or appointment provided they establish and implement protocols and best practices for businesses to address COVID-19 as outlined in this order.
 - b. Effective May 8, 2020 retailers which are not classified as essential under Executive Order 2020-12, *Prohibiting the Closure of Essential Services*, and whose business involves the sale of goods may open, operate and offer goods for sale to customers in their stores provided they establish and implement protocols and best practices for businesses to address COVID-19 as outlined in this order.
 - c. To operate under this order, retailers for goods shall follow those provisions outlined in paragraph 11.
 - d. Areas where people may be inclined to congregate in an enclosed or confined area such as indoor shopping malls shall continue to limit operations. Retailers located within such buildings or areas whose only entrance is through the shopping mall or other enclosed area may operate through delivery or curbside service or appointment only.
 - e. Nothing in this order shall be construed as requiring a retailer to open for business.
13. This Executive Order shall not be construed to prohibit working from home, operating a single owner business with no in-person, on-site public interaction, or restaurants and food services providing delivery or take-away services, so long as proper physical distancing and sanitation measures are established and implemented.
14. Arizonans are already acting responsibly during this public health emergency. The intent of this Executive Order is to ensure that people maintain physical distance to the maximum extent feasible, while enabling essential services to continue, reinvigorating our economy, protecting people’s rights and slowing the spread of COVID-19 to the greatest extent possible. When people need to leave their places of residence, whether to perform Essential Activities, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times and as much as reasonably possible comply with physical distancing recommendations. All provisions of this Executive Order shall be interpreted to effectuate this intent. Prior to any enforcement action being taken to enforce

this order in accordance with A.R.S. § 26-317, a person shall be notified and given an opportunity to comply.

15. Pursuant to A.R.S. § 26-307, no county, city or town may make or issue any order, rule or regulation that conflicts with the policy, directives or intent of this Executive Order, including any order, rule or regulation that limits an individual from conducting, participating in or receiving Essential Services, Essential Activities or Non-essential Services as outlined in this order and prior executive orders.
16. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.
17. This Executive Order shall be in effect until May 15, 2020 at 11:59 p.m., unless modified, extended or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.



Douglas R. Ducey

GOVERNOR

DONE at the Capitol in Phoenix on this twenty-ninth day of April in the Year Two Thousand and Twenty and of the Independence of the United States of America the Two Hundred and Forty-Fourth.

ATTEST:

[Signature]

Secretary of State

GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA

EXECUTIVE ORDER

Executive Order 2020-34

Building on COVID-19 Successes

Resuming additional business operations for barbers, cosmetologists and dine-in restaurants

WHEREAS, on March 11, 2020, pursuant to A.R.S. §§ 26-303 and 36-787, I, as Governor of the State of Arizona, issued a declaration of a Public Health State of Emergency due to the necessity to prepare for, prevent, respond to, and mitigate the spread of COVID-19; and

WHEREAS, on March 30, 2020, the Director of the Arizona Department of Health Services, based on an epidemiological assessment of Arizona specific data and in alignment with CDC guidance, recommended the State implement enhanced mitigation strategies; and

WHEREAS, since the issuance of Executive Order 2020-18, *Stay Home, Stay Healthy, Stay Connected*, the federal government issued guidance on the criteria that states should meet prior to allowing gatherings of people and opening businesses that have been closed due to the need to mitigate COVID-19; and

WHEREAS, due to the availability of Personal Protective Equipment (PPE) and efforts taken to increase capacity in our hospitals and intensive care units, Arizona is now more prepared to face the potential for an increase in patients needing treatment for COVID-19; and

WHEREAS, increased diagnostic and serology testing has begun in Arizona in partnership with private labs and the universities; and

WHEREAS, since April 1, 2020, essential businesses have innovated and proven they can implement protocols to ensure that employees and the public are safe as they fulfill Essential Activities and participate in Essential Functions; and

WHEREAS, on April 29, 2020, Executive Order 2020-33, *Returning Stronger*, was issued to allow for retailers to resume operation in a limited capacity while still directing people to stay home to the extent possible; and

WHEREAS, on May 4, 2020, additional data was released by the Arizona Department of Health Services showing continued progress in mitigating and limiting the spread of COVID-19 and sustaining adequate hospital capacity; and

WHEREAS, in continuing efforts to mitigate, respond and recover from COVID-19, there is the ability to slowly and strategically loosen some restrictions while others remain in place as we turn toward reenergizing our economy; and

WHEREAS, even as some restrictions are lifted, the data must continue to be monitored to determine the impacts of opening businesses on the rates of COVID-19 Like Illnesses (CLI) in our community to ensure that such actions are not negatively impacting the strides made to our healthcare system; and

WHEREAS, pursuant to A.R.S. § 26-303(E), the Governor of Arizona, after a Declaration is issued, has “the right to exercise, within the area designated, all police power vested in the state by the constitution and laws of this state”; and

WHEREAS, pursuant to A.R.S. § 36-787(A), during a State of Emergency declared by the Governor, the Arizona Department of Health Services has primary jurisdiction, responsibility and authority for:

1. Planning and executing public health emergency assessment, mitigation, preparedness response and recovery of the State;
2. Coordinating public health emergency response among State, local and tribal authorities;
3. Collaborating with relevant federal government authorities, elected officials or other states, private organizations and private sector companies; and
4. Coordinating recovery operations and mitigation initiatives subsequent to public health emergencies.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of the State, including but not limited to A.R.S. §§ 26-303 and 36-787, and after consultation with the Director of the Arizona Department of Health Services, do hereby order:

1. Notwithstanding Executive Order 2020-33, effective Friday, May 8, 2020, barbers and cosmetologists defined and licensed by Title 32 of the Arizona Revised Statutes may resume operations provided they establish and implement protocols and best practices for businesses to address COVID-19, including using face coverings for employees and customers, operating by appointment only and following protocols as directed by the Centers for Disease Control and Prevention, the United States Department of Labor Division of Occupational Safety and the Arizona Department of Health Services. All other provisions of Executive Order 2020-33 shall remain in effect.
2. Notwithstanding Executive Order 2020-09, effective Monday, May 11, 2020, dine-in services may resume provided they establish and implement protocols and best practices for businesses to address COVID-19, including enacting physical distancing policies, limiting the number of diners and following protocols as directed by the Centers for Disease Control and Prevention, the United States Department of Labor Division of

Occupational Safety and Health Administration and the Arizona Department of Health Services. All other provisions of Executive Order 2020-09 shall remain in effect.

3. Persons visiting businesses providing services under this order shall not be deemed to be in violation of Executive Order 2020-33.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey

GOVERNOR



DONE at the Capitol in Phoenix on this fourth day of May in the Year Two Thousand and Twenty and of the Independence of the United States of America the Two Hundred and Forty-Fourth.

ATTEST:

[Signature]

Secretary of State

ARIZONA REVISED STATUTES

16-1019. Political signs; printed materials; tampering; violation; classification

A. It is a class 2 misdemeanor for any person to knowingly remove, alter, deface or cover any political sign of any candidate for public office or in support of or opposition to any ballot measure, question or issue or knowingly remove, alter or deface any political mailers, handouts, flyers or other printed materials of a candidate or in support of or opposition to any ballot measure, question or issue that are delivered by hand to a residence for the period commencing forty-five days before a primary election and ending seven days after 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 seven days after the primary election.

B. This section does not apply to the removal, alteration, defacing or covering of a political sign or other printed materials by the candidate or the authorized agent of the candidate in support of whose election the sign or materials were placed, by a person authorized by the committee in support of or opposition to a ballot measure, question or issue that provided the sign or printed materials, by the owner or authorized agent of the owner of private property on which such signs or printed materials are placed with or without permission of the owner or placed in violation of state law or county, city or town ordinance or regulation.

C. Notwithstanding any other statute, ordinance or regulation, a city, town or county of this state shall not remove, alter, deface or cover any political sign if the following conditions are met:

1. The sign is placed in a public right-of-way that is owned or controlled by that jurisdiction.
2. The sign supports or opposes a candidate for public office or it supports or opposes a ballot measure.
3. The sign is not placed in a location that is hazardous to public safety, obstructs clear vision in the area or interferes with the requirements of the Americans with disabilities act (42 United States Code sections 12101 through 12213 and 47 United States Code sections 225 and 611).
4. The sign has a maximum area of sixteen square feet, if the sign is located in an area zoned for residential use, or a maximum area of thirty-two square feet if the sign is located in any other area.

(over)

5. The sign contains the name and telephone number or website address of the candidate or campaign committee contact person.

D. If the city, town or county deems that the placement of a political sign constitutes an emergency, the jurisdiction may immediately relocate the sign. The jurisdiction shall notify the candidate or campaign committee that placed the sign within twenty-four hours after the relocation. If a sign is placed in violation of subsection C of this section and the placement is not deemed to constitute an emergency, the city, town or county may notify the candidate or campaign committee that placed the sign of the violation. If the sign remains in violation at least twenty-four hours after the jurisdiction notified the candidate or campaign committee, the jurisdiction may remove the sign. The jurisdiction shall contact the candidate or campaign committee contact and shall retain the sign for at least ten business days to allow the candidate or campaign committee to retrieve the sign without penalty.

E. A city, town or county employee acting within the scope of the employee's employment is not liable for an injury caused by the failure to remove a sign pursuant to subsection D of this section unless the employee intended to cause injury or was grossly negligent.

F. Subsection C of this section does not apply to commercial tourism, commercial resort and hotel sign free zones as those zones are designated by municipalities. The total area of those zones shall not be larger than three square miles, and each zone shall be identified as a specific contiguous area where, by resolution of the municipal governing body, the municipality has determined that based on a predominance of commercial tourism, resort and hotel uses within the zone the placement of political signs within the rights-of-way in the zone will detract from the scenic and aesthetic appeal of the area within the zone and deter its appeal to tourists. Not more than two zones may be identified within a municipality.

G. A city, town or county may prohibit the installation of a sign on any structure owned by the jurisdiction.

H. Subsection C of this section applies only during the period commencing sixty days before a primary election and ending fifteen days after 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.

I. This section does not apply to state highways or routes, or overpasses over those state highways or routes.