

ORDINANCE # 2021-15

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A TEXT AMENDMENT TO THE LAND DEVELOPMENT ORDINANCE RELATING TO BILLBOARD SIGNS.

WHEREAS, this Ordinance was properly noticed for public hearing and the necessary hearings and opportunity for public input were completed;

WHEREAS, on July 17, 2021, the Planning and Zoning Commission recommended approval of the proposed Text Amendment with provisions limiting the number of billboard signs to one (1) within the specified corridor and limiting the height to 45’;

WHEREAS, however, the City Council believes that three (3) such signs with each separated at least 1760 feet from the others may be appropriate for the specified corridor;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Surprise, Arizona, as follows:

Section 1. Section 109-1.7 Permitted and Prohibited Signs, of the Surprise Land Development Ordinance is hereby amended as described on attached **Exhibit A**, and incorporated by this reference.

Section 2. Section 109-1.9 Sign Classifications and Types, of the Surprise Land Development Ordinance is hereby amended as described on attached **Exhibit B**, and incorporated by this reference.

Section 3. Section 109-1.11 Electronic Messaging Centers, of the Surprise Land Development Ordinance is hereby amended as described on attached **Exhibit C**, and incorporated by this reference.

Section 4. All ordinances, resolutions or codes in conflict with the provisions of this Ordinance or Code adopted by this Ordinance are repealed upon the effective date of this Ordinance.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

Section 6. This Ordinance will become effective at the time and manner prescribed by law and shall then be incorporated into the Surprise Code of Ordinances at that time.

PASSED AND ADOPTED this 20 day of October, 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

Exhibit A

Section 109-1.7 Permitted and Prohibited Signs

109-1.7 Permitted and prohibited signs.

A Permitted signs by zoning district. Only those sign types and classes that are specifically listed in table 109-1a for each zoning district may be allowed, subject to the provisions outlined elsewhere in this chapter.

TABLE 109-1a PERMITTED SIGNS											
(P = permitted, shaded cell = not permitted, C = conditional use permit)											
Code Reference	Sign Type	Location									
		Public Rights-of-Way	Private Rights-of-Way	Single-Family	Multi-Family	Mixed-Use	Commercial and Industrial	SHD-RO	SHD-CO	Open Space	PF
TEMPORARY SIGNS											
109-1.9(a)(2)	Class I Temporary Signs (Small A-Frame Signs)	P	P	P					P		
109-1.9(a)(3)	Class II Temporary Signs (Large A-Frame Signs)					P	P	P	P		
109-1.9(a)(4)	Class III Temporary Signs (Small Post Signs)			P	P	P	P	P	P		P
109-1.9(a)(5)	Class IV Temporary Signs (Large Post Signs)			P	P	P	P	P	P		P
109-1.9(a)(6)	Banner Signs and Festoons			P	P	P	P	P	P		P
109-1.9(a)(7)	Light Pole Banner Signs	P	P		P	P	P	P	P		P
109-1.9(a)(8)	Teardrop Banner Signs			P	P	P	P	P	P	P	P

TABLE 109-1a PERMITTED SIGNS
(P = permitted, shaded cell = not permitted, C = conditional use permit)

Code Reference	Sign Type	Location									
		Public Rights-of-Way	Private Rights-of-Way	Single-Family	Multi-Family	Mixed-Use	Commercial and Industrial	SHD-RO	SHD-CO	Open Space	PF
109-1.9(a)(9)	Sign Walkers	P	P	P	P	P	P	P	P	P	P
109-1.9(a)(10)	Model Home Complex Signs			P				P			
109-1.9(a)(11)	Residential Subdivision Signs			P				P			
BUILDING MOUNTED SIGNS											
109-1.9(b)(1)	Building Wall Signs			P	P	P	P		P		P
109-1.9(b)(2)	Blade Signs			P	P	P	P		P		P
109-1.9(b)(3)	Canopy Signs				P	P	P		P		P
109-1.9(b)(4)	Marquee Signs						P				P
109-1.9(b)(5)	Awning Signs						P		P		P
109-1.9(b)(6)	Hanging Signs					P	P	P	P		P
109-1.9(b)(7)	Window Signs and Sunscreens			P	P	P	P	P	P		P
FREESTANDING GROUND SIGNS											
109-1.9(c)(1)	Class I Monument Signs (Menu Signs)						P		P		
109-1.9(c)(1)	Class II Monument Signs (Preview Signs)						P		P		
109-1.9(c)(2)	Class III Monument Signs	P	P	P	P	P	P	P	P	P	P

TABLE 109-1a PERMITTED SIGNS
(P = permitted, shaded cell = not permitted, C = conditional use permit)

Code Reference	Sign Type	Location									
		Public Rights-of-Way	Private Rights-of-Way	Single-Family	Multi-Family	Mixed-Use	Commercial and Industrial	SHD-RO	SHD-CO	Open Space	PF
	(Directional Signs)										
109-1.9(c)(3)	Class IV Monument Signs (Directory Signs)				P	P	P		P		
109-1.9(c)(4)	Class V Monument Signs (Minor Monument Signs)			P	P	P	P		P		P
109-1.9(c)(5)	Class VI Monument Signs (Major Monument Signs)				P	P	P		P		P
109-1.9(c)(6)	Roadway Arch Signs	P	P				P		P		
109-1.9(c)(7)	Subdivision Perimeter Wall Signs			P	P	P	P				P
109-1.9(c)(8)	Freeway Monument Signs						C				
<u>109-1.9(c)(9)</u>	<u>Billboard Signs</u>						<u>C</u>				
OTHER SIGNAGE											
109-1.11	Level 1 Electronic Messaging			P	P	P	P	P	P		P
109-1.11	Level 2 Electronic Messaging				P	P	P		P		P

TABLE 109-1a PERMITTED SIGNS
(P = permitted, shaded cell = not permitted, C = conditional use permit)

Code Reference	Sign Type	Location									
		Public Rights-of-Way	Private Rights-of-Way	Single-Family	Multi-Family	Mixed-Use	Commercial and Industrial	SHD-RO	SHD-CO	Open Space	PF
109-1.12	Reader Panels			P	P	P	P	P	P		P
109-1.13	Address Identification			P	P	P	P	P	P	P	P
109-1.14	Flags and Flagpoles			P	P	P	P	P	P		P

- B** Signs in the public street right-of-way. Signs are not permitted within the public street right-of-way, except for those signs erected by, or on behalf of the city, or as otherwise expressly permitted in this chapter.
- C** Signs in the private street right-of-way. Signs are not permitted within private street rights-of-way, except when associated with an approved planned area development (PAD) or comprehensive sign program (CSP), as required by the city, or as otherwise permitted in this chapter.
- D** Encroachments. No portion of any sign erected on any property may encroach into the public right-of-way, except as otherwise permitted in this chapter or where expressed written permission is granted by the city to allow said encroachment.
- E** Signs as an accessory use. All signs must be an accessory use to a primary use. In no case shall a sign be established as a primary use of the property; except that temporary signs as otherwise allowed within a given zoning district are exempt from this provision.
- F** Prohibited signs. The following sign types are specifically prohibited:
 1. *Abandoned signs*, pole signs of a permanent nature, snipe signs, and median signs;
 2. Animated signs, flashing, blinking, or rotating signs, festoons, inflatable signs including latex or mylar balloons, permanent banner signs, pennants, searchlights, streamers, signs other than class 1 monument signs that emit audible sound, and any clearly similar features;
 3. Vehicle signs when the vehicle is placed in a location not approved for vehicular parking or storage;

4. Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or direction signals;
5. Merchandise, equipment, products or other items which are not available for purchase, but are intended to attract attention, or for identification or advertising purposes;
6. Signs located on trees, utility poles, public benches, or any other form of public property, or within any public right-of-way, unless explicitly permitted by these regulations;
7. Signs containing vulgar or profane messages, hate speech, or language intended to incite violence;
8. Signs greater than 30 inches in height and which are located within any sight visibility triangle of any street or driveway intersection as required by the Surprise engineering design standards;
9. Signs not expressly permitted as being allowed by right under this chapter, or by specific requirements in another portion of this chapter, or otherwise expressly allowed by the city board of adjustment;
10. Signs placed in locations that are deemed by the city to present a hazard to public safety, obstruct 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);

~~11. Billboard signs.~~

G Signs exempt from these regulations. The following signs are exempt from regulation under this chapter:

1. Governmental signs.
2. Any sign that is not visible from another property to the naked eye, provided said sign otherwise meets applicable Building Code requirements and the requirements of sections 109-1.10, 109-1.11 and 109-1.12 herein.

H Violation. Any sign that is not in compliance with this section is in violation of this chapter.

Exhibit B

Section 109-1.9 Sign Classifications and Types (Limiting number of billboards to three and limiting height to 45')

109-1.9 Sign classifications and types. The following sign classifications and types as defined in **section 109-1.6** are permitted in the city as outlined in table 109-1a subject to the following "time, place and manner" restrictions.

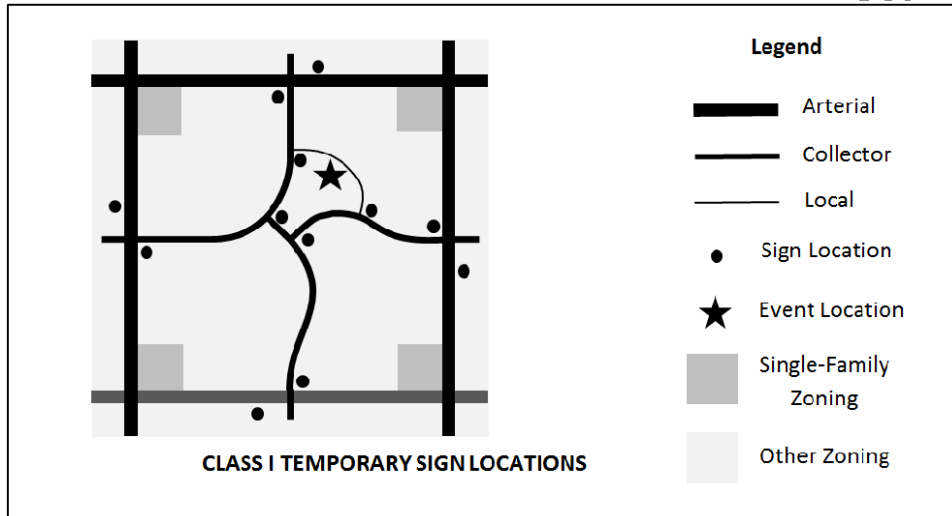
A. Temporary signs. When allowed, temporary signs shall conform to the following requirements:

1. *General requirements.*

- a. Temporary signs shall not be illuminated in any manner except by ambient lighting present on the property.
- b. Temporary signs shall include the name and phone number of the contact person responsible for placing the sign.
- c. No temporary sign may interfere with the free movement of pedestrian or vehicular traffic.
- d. The supporting elements for class III temporary signs and class IV temporary signs may be directly buried or inserted into the soil; however, in no case shall concrete, or other permanent attachments to the ground, or attachment to other permanent structure(s) be utilized.

2. *Class I temporary signs (small A-frame signs).* Class I temporary signs, as defined herein, are allowed subject to the general requirements as stated above plus the following:

- a. Class I temporary signs are only allowed in conjunction with a lawful temporary event being held on land zoned for single-family residential uses.
- b. Class I temporary signs may be placed in the following locations when in association with a lawful temporary event occurring on land zoned for single-family residential uses:
 - (1) One class I temporary sign at the site of the lawful temporary event,
 - (2) One class I temporary sign at each local or collector street intersection leading from the site of the lawful temporary event to the adjacent arterial street grid,
 - (3) Two class I temporary signs at the point where the local or collector street intersects with the arterial street. One sign may be located at the corner of the intersection on the side of the arterial street closest to the lawful temporary event. A second sign may be located on the opposite side of the arterial street, provided said sign is no further than 500 feet from the intersection.

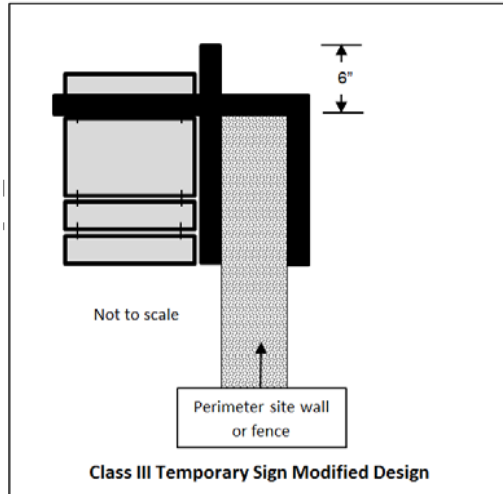


- c. When allowed, class I temporary signs may be located within the street right-of-way, but not within any median, vehicle or bicycle travel lane, or sidewalk, nor within any sight visibility triangle as outlined in standard details 4-01 and 4-02 of the Surprise engineering development standards.
- d. There is no limit to the number of sign panels per sign structure provided the defined height, width and sign area limitations are not exceeded.
- e. The sign may be weighted or ballasted; however, no such sign may be affixed to the ground or to any permanent structure.
- f. Class I temporary signs may be placed one hour before the start of a lawful temporary event and shall be removed not more than one hour after the end of a lawful temporary event that occurs between the hours of 9:00 a.m. and 6:00 p.m. on Mondays, Tuesdays, Wednesdays, and Thursdays. In addition, class I temporary signs may be placed for any length of time between the hours of 4:00 p.m. Friday and 11:00 p.m. Sunday.
- g. If the lawful temporary event being served by the class I temporary sign requires a temporary use permit, the locations of the class I temporary signs shall be included with the application materials.

3. *Class II temporary signs (large A-frame signs and pedestal signs).* Class II temporary signs, as defined herein, are allowed subject to the general requirements as stated above plus the following:

- a. Class II temporary signs are only allowed in conjunction with a lawful commercial use including cottage industries, but not home occupations.

- b. When a class II temporary sign is being utilized in conjunction with a lawful commercial use, one such sign may be located within 15 feet of the doorway of the customer entrance to the building in which the lawful commercial use is located.
 - c. When allowed, Class II temporary signs may be located within the street right-of-way, but not within any median, vehicle or bicycle travel lane, or sidewalk, nor within any sight visibility triangle as outlined in standard details 4-01 and 4-02 of the Surprise engineering development standards.
 - d. There is no limit to the number of sign panels per sign structure provided the defined height, width and sign area limitations are not exceeded.
 - e. The sign may be weighted or ballasted; however, no such sign may be affixed to the ground or to any permanent structure.
 - f. Class II temporary signs utilized in conjunction with a lawful commercial use may be displayed during the business hours of the business served by the Class II temporary signs.
4. *Class III temporary signs (small post-signs).*
- a. Not more than one class III temporary sign meeting the specific requirements outlined in this section is permitted per lot of record except that if said lot abuts more than one street, one additional class III temporary sign meeting said requirements may be erected along each additional street frontage.
 - b. In the event a property is vacant, additional class III temporary signs may be erected on said property provided the spacing between such signs is not less than 600 feet.
 - c. Class II temporary signs shall not be located within the street right-of-way, median, vehicle or bicycle travel lane, or sidewalk, nor within any sight visibility triangle as outlined in standard details 4-01 and 4-02 of the Surprise engineering development standards.
 - d. There is no limit to the number of sign panels per sign structure provided the defined height, width and sign area limitations are not exceeded.
 - e. In the event that a lot's perimeter site wall or fence is adjacent to or within 20 feet of a street, the class III temporary sign may be modified to allow the sign to be hung from but not attached to the perimeter site wall or fence provided the sign does not exceed the height of the wall or fence by more than six inches and does not interfere with pedestrian movement.



5. *Class IV temporary signs (large post-signs).*
 - a. Not more than one class IV temporary sign meeting the specific requirements outlined in this section is permitted per lot of record except that if said lot abuts more than one street, one additional class IV temporary sign meeting said requirements may be erected along each additional street frontage, except that class IV temporary signs associated with a public hearing shall not be counted towards this total.
 - b. Class IV temporary signs shall not be located within the street right-of-way, median, vehicle or bicycle travel lane, or sidewalk, nor within any sight visibility triangle as outlined in standard details 4-01 and 4-02 of the Surprise engineering development standards.
 - c. The maximum number of sign panels per sign structure shall not exceed two.

6. *Banner signs and festoons.*
 - a. *General.* The following provisions apply to all banner signs and festoons:
 - (1) Banner signs shall be equipped with ventilation flaps.
 - (2) Banner signs and festoons shall be securely attached to the building or fence, but in no case shall be attached to freestanding poles or vegetation.

 - b. *Residential.* Any number of banner signs, festoons or combination thereof are permitted per dwelling unit, provided the aggregate

length does not exceed 20 lineal feet and the aggregate area does not exceed 100 square feet.

- c. *Non-residential.* Banner signs and festoons are permitted on properties zoned for non-residential use subject to the following:
 - (1) One banner sign may be placed on a building, provided the maximum area of the banner sign shall not exceed one square foot per linear foot of building elevation, not to exceed 500 square feet.
 - (2) For a single-tenant building, the width of the banner sign shall not exceed 80 percent of the width of the building elevation onto which the banner sign is attached. For multi-tenant building, the width of the banner sign shall not exceed 80 percent of the leased tenant frontage.
 - (3) Any number of festoons may be placed on a building provided the festoon contains no advertising copy, the aggregate length does not exceed 20 lineal feet, and the aggregate area does not exceed 100 square feet.

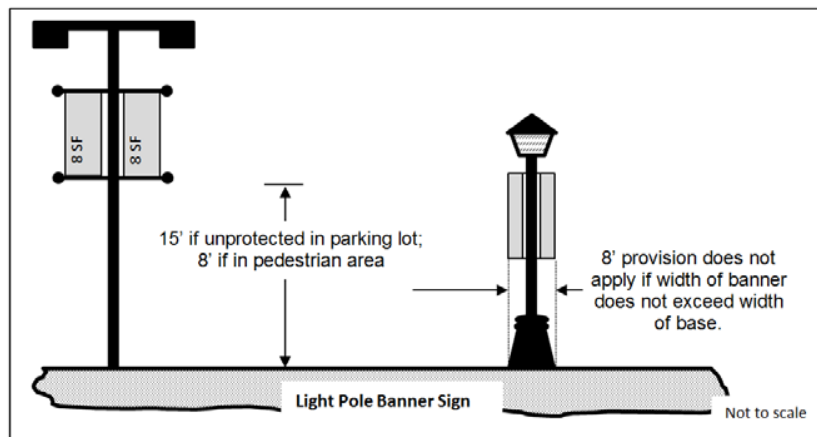
- d. *Construction sites and temporary construction yards.* Banner signs are allowed in conjunction with active construction sites and temporary construction yards regardless of zoning, subject to the following:
 - (1) One or more banner signs may be affixed to the perimeter fence surrounding a construction site or temporary construction yard, provided said banner signs do not extend above the height of the perimeter fence.
 - (2) Individual banner signs shall not exceed ten feet in length. Where multiple banner signs are utilized in lieu of screening material on a fence surrounding a construction site or temporary construction yard, said signs shall be spaced not less than one foot apart unless the banner sign is fabricated of material with not less than 50 percent visual transparency, in which case this provision shall not apply.

7. *Light pole banner signs.*

- a. Light pole banner signs may be attached to light poles when the pole is so equipped to receive such banner, except that in no case

shall a light pole banner sign be affixed to a light pole in a public right-of-way without the expressed written permission from the city.

- b. The surface area of a single light pole banner sign shall not exceed eight square feet as measured on a single side.
- c. When two light pole banner signs are affixed to a single light pole, both light pole banner signs shall be consistent with each other with respect to size and shape so as to create uniformity.
- d. When the light pole onto which a light pole banner sign is placed is located within the paved portion of a parking lot, and the light pole base is unprotected from vehicular traffic, the bottom of the light pole banner sign shall be a minimum of 15 feet above the parking surface over which the banner is placed. If the base of the light pole is protected from vehicular traffic, this provision shall not apply.
- e. When the light pole is located within a pedestrian area, the bottom of the light pole banner sign shall be a minimum of eight feet above the surface over which the light pole banner sign is placed, unless the light pole banner sign is sufficiently narrow so as to not extend beyond the base of the light pole.
- f. Any horizontal supporting members shall either be removed when not in use or shall be of a hinged design and folded into a vertical position when not in use.
- g. Light pole banner signs shall not be illuminated in any manner except as incidental to the lighting fixture supported by the light pole.
- h. Light pole banner signs shall be equipped with ventilation flaps.

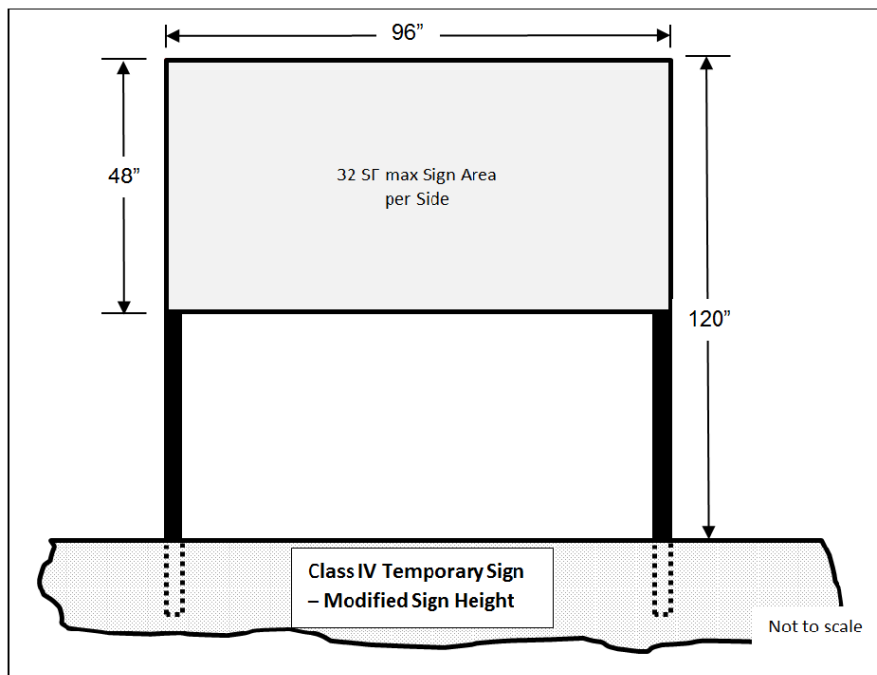


8. *Teardrop banner signs.*

- a. Not more than two teardrop banner signs are permitted in conjunction with a lawful temporary event subject to the specific requirements as outlined herein except that in no case shall a teardrop banner sign be allowed on a vacant property.
 - b. Teardrop banner signs may only be erected on the property on which the lawful temporary event is occurring. In no case shall a teardrop banner sign be located within a public or private right-of-way.
 - c. No teardrop banner sign shall be located within 15 feet of a pedestrian path, sidewalk, or trail, whether public or private.
 - d. No teardrop banner sign shall be located within 15 feet of any vehicular parking surface or driveway.
 - e. No teardrop banner sign shall be located within 50 feet of any public or private right-of-way.
 - f. The maximum height of the sign structure as measured from the nearest adjacent grade shall not exceed 12 feet with the flag portion of the sign not exceeding 16 square feet.
 - g. The teardrop banner sign shall be supported by a pedestal, which may be weighted or ballasted to prevent being overturned, but in no case shall the supporting sign structure be inserted into the ground.
9. *Sign walkers.* Sign walkers are permitted to operate within the city subject to the following restrictions:
- a. Sign walkers may only operate during daylight hours.
 - b. Sign walkers may only operate on a sidewalk intended for pedestrian travel, but shall at no time block the free and unobstructed movement of pedestrians or vehicles.
 - c. Sign walkers may carry a maximum of two single-sided signs not exceeding three square feet of sign copy each or one double-sided sign not exceeding 12 square feet of aggregate sign copy; however, in no case shall a sign walker carry any form of electronic messaging.
 - d. Sign walkers shall not display a sign in any manner other than by personally holding or wearing said sign.
10. *Model home complex signs.* In addition to other signs that are permitted in association with a single-family residence, a model home complex may employ the following:
- a. One class III temporary sign meeting the requirements of subsection 9(a)(4) herein for each lot located within the

boundaries of an approved model home complex. Such signs shall not be illuminated except by ambient lighting.

- b. One class IV temporary sign meeting the requirements of subsection 9(a)(5) herein may be located within the boundaries of the approved model home complex; however, if the model home complex is located adjacent to a collector or arterial street, the overall height of the class IV temporary sign allowed under this paragraph may be increased to 120 inches, provided the sign is designed to withstand windloads as required by the building codes in effect at the time the sign is erected. A class IV temporary sign permitted under this paragraph may be externally illuminated as outlined in section 10.



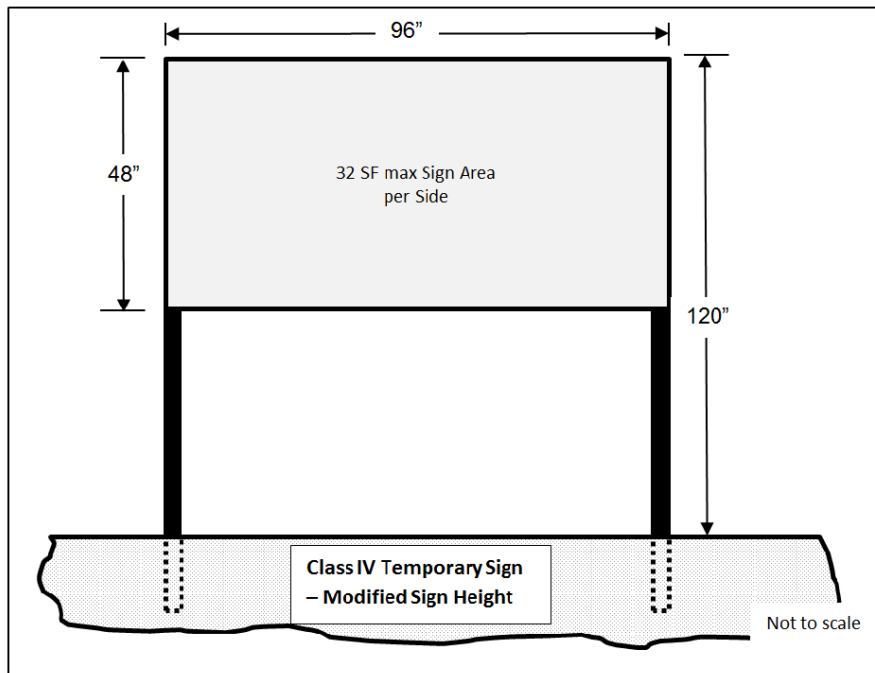
- c. One flagpole not exceeding a height of 45 feet may be erected within the boundaries of the model home complex provided said flagpole is located within the building envelope or within the required front yard of the lot in which it is placed, but not located within any required side or required rear yard. A maximum of two flags may be displayed from said flagpole. The flag and flagpole permitted under this paragraph may be externally illuminated in accordance with **Chapter 107-Article 3** of the Surprise Municipal Code.
- d. Two flagpoles not exceeding a height of 20 feet may be erected for each lot located within the boundaries of the approved model

home complex. A maximum of one flag may be displayed from each flagpole. Flagpoles permitted under this section may be erected along the perimeter of the model home complex. Flagpoles permitted under this paragraph shall not be illuminated except by ambient lighting.

- e. Four additional teardrop banner signs meeting the requirements of subsection 9(a)(8) herein for each lot located within the boundaries of an approved model home complex. Except that subsections 9(a)(8)c., 9(a)(8)d. and 9(a)(8)e. shall not apply. Teardrop banner signs permitted under this section shall not be illuminated except by ambient lighting.
- f. One banner sign not exceeding three feet in height and five feet in length may be attached to the trap fence. Said banner sign shall be equipped with ventilation flaps. Banner signs permitted under this paragraph shall not be illuminated except by ambient lighting.
- g. One awning sign or canopy sign provided the awning or canopy is limited to the customer entrance to the sales office associated with the approved model home complex. Awning signs or canopy signs permitted under this paragraph shall not be illuminated except by ambient lighting.
- h. One building wall sign not exceeding four square feet may be affixed to the front elevation of the model home sales office facing the street from which the model home complex takes access. Said sign may be externally illuminated or back-lit in accordance with section 10.
- i. Information regarding model home signs shall be included with the model home complex application packet to be reviewed and approved with the model home complex. In circumstances where model home complexes in existence as of the effective date of this chapter are to be retrofitted for purposes of implementing signage permitted under this section, an amendment to the approved model home complex is required.
- j. All model home signs permitted under this section shall be removed upon the conversion of the model homes to a residential use in accordance with subsection 106-10.29 of the Surprise Municipal Code.

11. *Active single-family residential subdivision signs.* In addition to other signs that may be permitted in association with a model home complex, the following signs are permitted within the boundaries of an active single-family residential subdivision:

- a. One class IV temporary sign meeting the requirements of subsection 9(a)(5) herein may be located within the boundaries of an active single-family residential subdivision, provided such sign is located adjacent to a collector street or arterial street. The overall height of the class IV temporary sign allowed under this paragraph may be increased to 120 inches, provided the sign is designed to withstand windloads as required by the building codes in effect at the time the sign is erected. A class IV temporary sign permitted under this paragraph may be externally illuminated as outlined in section 10.

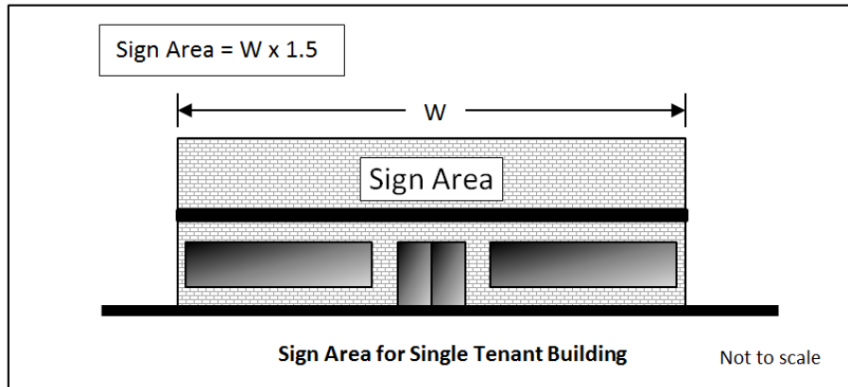


- b. Where an active single-family residential subdivision includes an open space tract or landscape tract located adjacent to a collector street or arterial street, a series of flagpoles not exceeding 20 feet in height may be erected within said tract provided said flagpoles are spaced no closer than 100 feet apart; however, flagpoles permitted under this paragraph may not be located adjacent to any local street regardless of the location of the tract relative to the local street. Further, flagpoles permitted under this paragraph may not be illuminated except by ambient lighting.

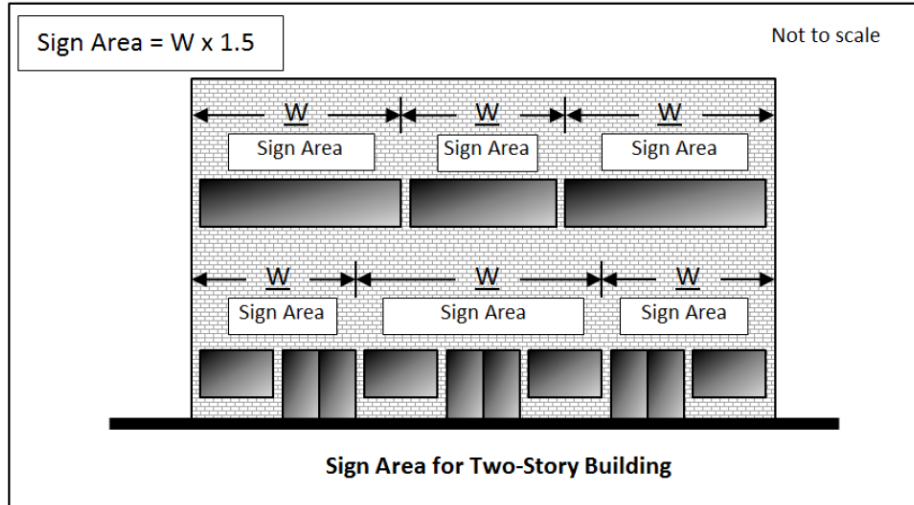
B. *Building-mounted signs.* Building-mounted signs may only be placed on building elevations which face a street or primary parking lot. For purposes of this section, parking areas adjacent to service bays, access drives located behind a building, or alley ways are not considered primary parking areas.

1. *Building wall signs.* In other than residential zoning, building wall signs are permitted on any building elevation of any primary use building, subject to the following:

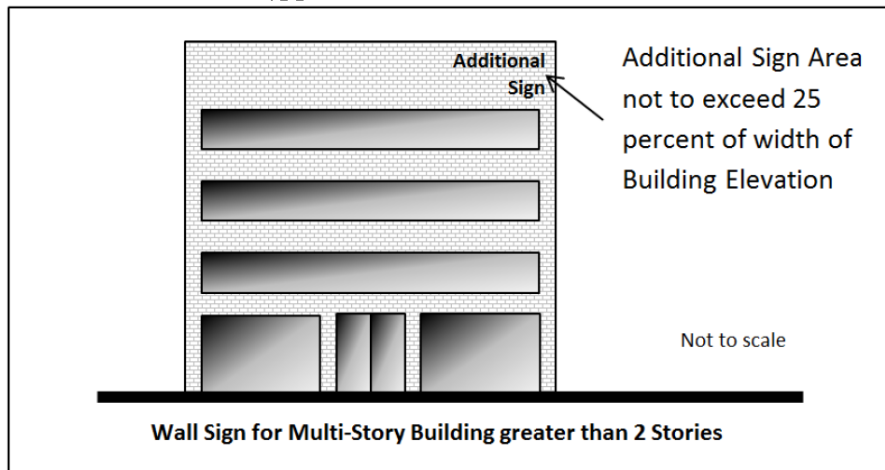
a. For single story, single-tenant buildings, any number of building wall signs may be affixed to any building elevation, provided the aggregate sign area does not exceed one and one-half square foot per one linear foot of building elevation on which the sign is mounted.



b. For two-story office buildings or two-story mixed-use buildings, each tenant who possesses leased tenant frontage on the exterior wall of the building may affix any combination of building wall signs provided the aggregate sign area does not exceed one and one-half square foot per one linear foot of that tenant's leased frontage. In the event a tenant does not possess leased tenant frontage located along the exterior of the building, this provision does not apply.



- c. For multi-story buildings greater than two stories one building wall sign, the area of which not exceeding 25 percent of the width of the elevation may be affixed to each building elevation at a location that is nearest the top of the building provided said sign does not extend above the parapet, or in the case of an exposed pitch roof, the drip line of the roof. In no case shall such signs be affixed to an elevator shaft or equipment screening.

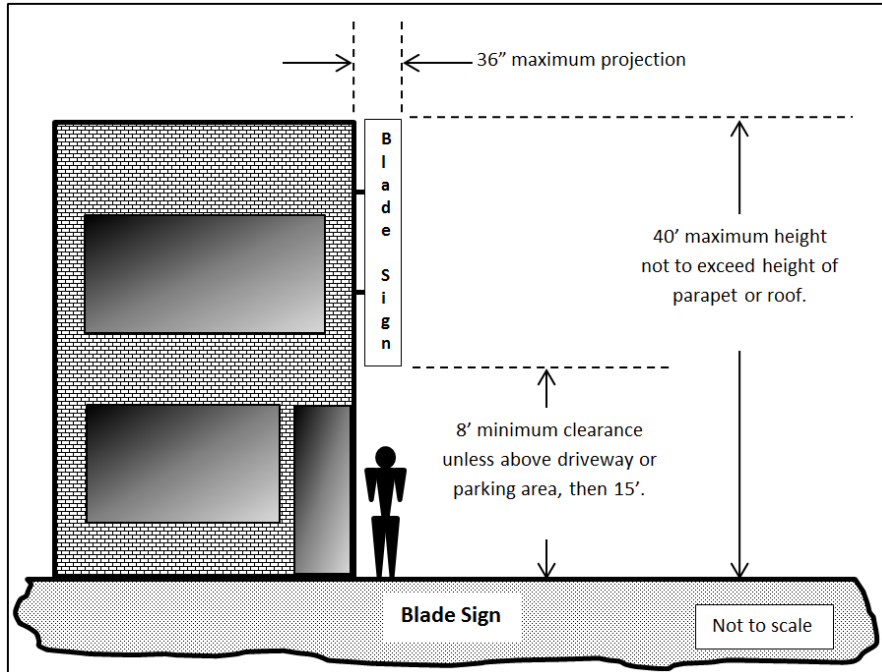


- d. The sign area of any building wall sign serving an arterial street may be increased by 25 percent when the building is setback at least 600 feet from the public right-of-way and may be further increased an additional 25 percent for each additional 200 feet of setback, up to a maximum of 100 percent, provided the increase in sign area does not cause the sign to be in violation with the other provisions of this section.

- e. The maximum width of a building wall sign shall not exceed 80 percent of the leased tenant frontage for a multi-tenant building, or building elevation for a single-tenant building.
- f. Building wall signs shall be installed in a manner that does not obscure architectural features such as, but not limited to, pilasters, arches, windows, cornices, pop-outs, decorative trims, moldings, and frieze.
- g. Building wall signs may be internally illuminated, externally illuminated, or back-lit, but may not include electronic messaging (EMCs). Further, illumination shall be in accordance with the requirements set forth in section 10.

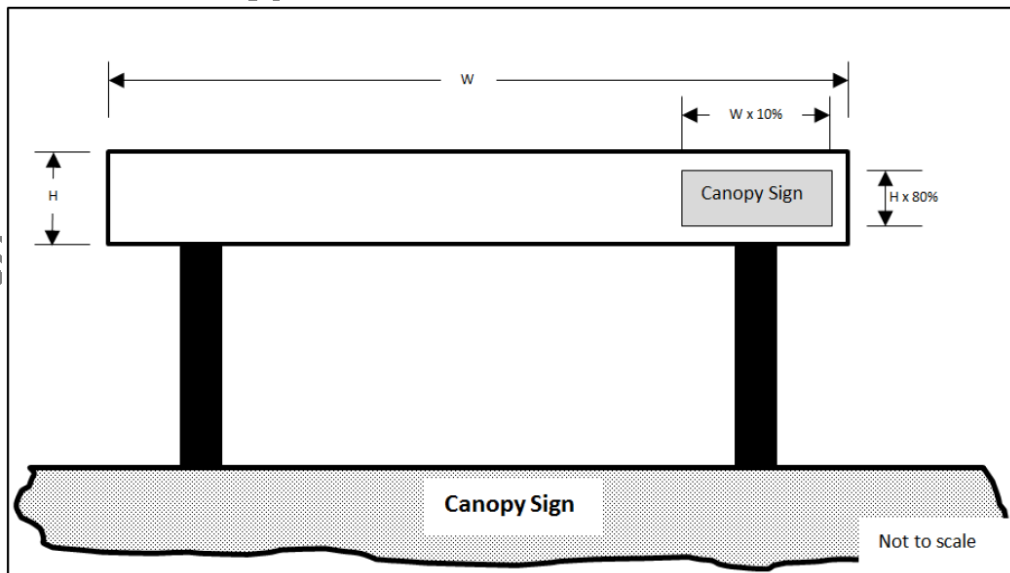
2. *Blade signs.*

- a. One blade sign is permitted per primary use multi-story building located in multi-family, commercial, mixed-use or industrial zoning subject to the specific requirements outlined below.
- b. When a blade sign extends over a pedestrian area a distance of six inches or more, the bottom of the sign shall not be any closer than eight feet above the walking surface over which the sign is placed. When a blade sign extends any distance over a parking lot or vehicular area, the bottom of the sign shall not be any closer than 15 feet above the paving surface over which the sign is placed.
- c. The blade sign shall be mounted such that the top of the sign is not higher than 40 feet above the ground, sidewalk, or pavement surface above which the sign is mounted, except that in no case shall the blade sign extend above the roof of the building onto which the sign is mounted, or if mounted adjacent to a parapet, the sign shall not extend above the parapet.
- d. The blade sign shall not project more than 36 inches from the wall onto which the blade sign is mounted.
- e. The blade sign shall not be externally illuminated in any manner except by ambient lighting as may be present on the property; however, blade signs may be internally illuminated in accordance with the requirements set forth in section 10.



3. *Canopy signs.*

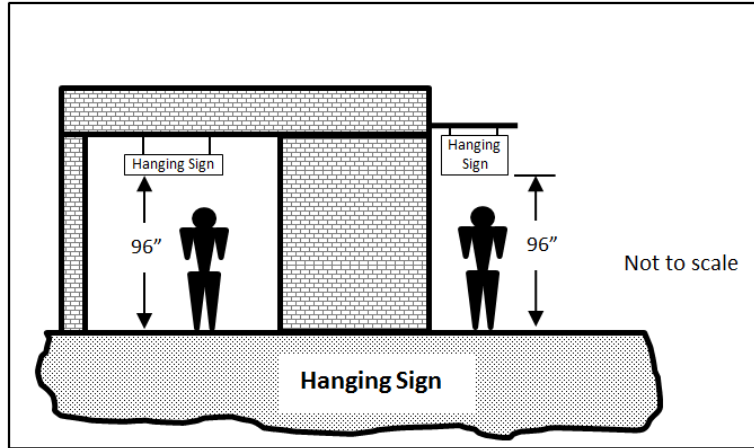
- a. Canopy signs shall not exceed 80 percent of the height of the face of the canopy onto which the canopy sign is mounted.
- b. Canopy signs shall not exceed ten percent of the width of the face of the canopy onto which the canopy sign is mounted.



- c. Canopy signs may be internally illuminated or back-lit in accordance with the requirements set forth in section 9. Level 1

electronic messaging is permitted on a canopy sign, subject to the provisions outlined in section 11.

4. *Marquee signs.*
 - a. The marquee sign shall be affixed to the face plane of the marquee and shall not extend above the uppermost or lowermost limits of the marquee.
 - b. The marquee sign shall not exceed 80 percent of the width of the face of the marquee onto which the sign is mounted.
 - c. Marquee signs may be internally illuminated or back-lit in accordance with the requirements set forth in section 9. Level 1 electronic messaging is permitted subject to the provisions outlined in section 11.
5. *Awning signs.* In mixed-use, commercial and industrial zoning districts, awnings may be integrated with sign copy, but shall not contribute towards the overall building wall sign area of a particular building.
6. *Hanging signs.* In mixed-use, commercial and industrial zoning districts, hanging signs are permitted subject to the following time, place, and manner restrictions:
 - a. Not more than one hanging sign is permitted per customer entrance and shall be mounted above the customer entrance or as close as reasonably practicable.
 - b. The maximum sign area of the hanging sign shall not exceed six square feet.
 - c. Where a hanging sign is erected above a pedestrian pathway, the bottom of the sign shall be not less than 96 inches from the walkable surface above which the hanging sign is placed.
 - d. The hanging sign shall not be externally illuminated in any manner except by ambient lighting present on the property; however, such signs may be internally illuminated in accordance with the requirements set forth in section 10.



7. *Window signs and sunscreens.*

- a. Window signs are allowed provided the combined sign area for all window signs affixed to a particular window does not exceed 40 percent of the individual window pane. Etched or stained glass, when integral to the window, shall not be included in the sign area calculation.
- b. Sunscreen material may cover 100 percent of the window pane, provided not more than 40 percent of the window pane is covered by any mural or other graphics.
- c. Window signs shall not contribute towards the aggregate building wall sign area of a building.

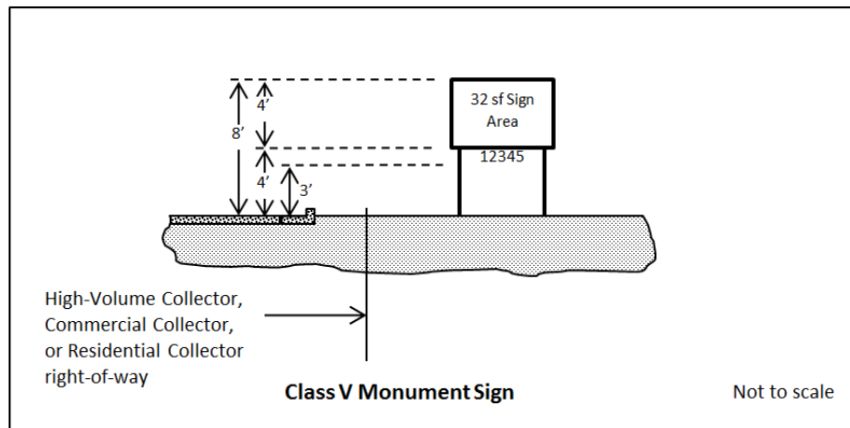
C *Freestanding ground signs.*

1. *Class I monument signs (menu signs) and class II monument signs (preview signs) for drive-through businesses.* Drive-through businesses may utilize one class I monument sign and one class II monument sign per drive-through lane subject to the following:
 - a. The bottom of the sign copy of a class I monument sign or class II monument sign shall not be less than two feet above the adjacent drive-through lane's paved surface.
 - b. The overall height of the sign structure of a class I monument sign or class II monument sign shall not be more than eight feet above the adjacent drive-through lane's paved surface.
 - c. The sign area for an individual class I monument sign or class II monument sign shall not exceed 50 square feet.
 - d. A class I monument sign shall not be audible from any residential zoning district or residential use, hotel or motel room, or patient room of an overnight medical facility.

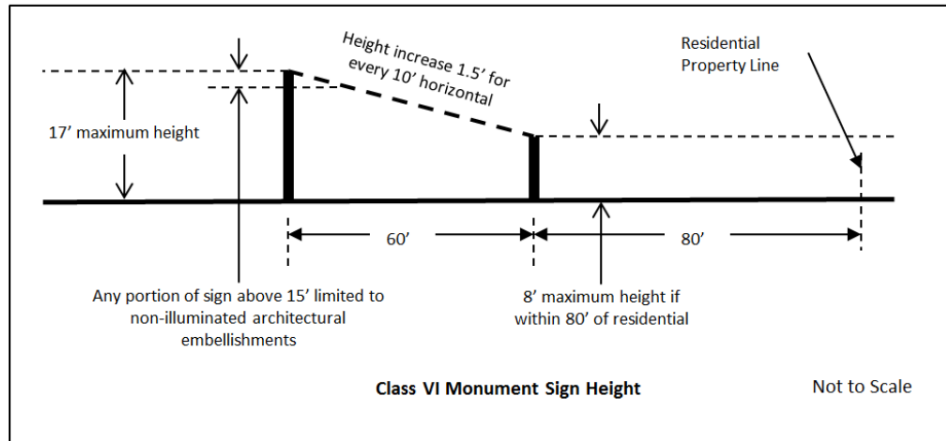
- e. No class I monument sign or class II monument sign may be located within 100 feet of a residential zoning district or use.
 - f. Class I monument signs and class II monument signs may be internally illuminated in accordance with the requirements set forth in section 10.
 - g. Level 2 electronic messaging is permitted, subject to the provisions outlined in section 11.
2. *Class III monument signs (directional signs).* Class III monument signs are permitted along the street frontage in conjunction with a driveway serving any multi-family residential, commercial or industrial development, subject to the following:
- a. The class III monument sign shall not exceed 30 inches in height as measured from the adjacent pavement surface of the roadway served by the sign;
 - b. The sign area of a class III monument sign shall not exceed six square feet;
 - c. The class III monument sign may be internally illuminated, backlit, or externally illuminated as outlined in section 10 provided the source of external illumination is not visible.
3. *Class IV monument signs (directory signs).* Class IV monument signs are permitted within the interior of any multi-family residential, commercial or industrial development, subject to the following:
- a. The class IV monument sign shall not exceed six feet in height as measured from the adjacent pavement surface of the roadway or sidewalk served by the sign;
 - b. The sign area of a class IV monument sign shall not exceed 12 square feet;
 - c. The class IV monument sign may be internally illuminated, backlit, or externally illuminated in accordance with the requirements set forth in section 10 provided the source of external illumination is not visible.
4. *Class V monument signs (minor monument signs).*
- a. Class V monument signs are permitted in conjunction with non-residential uses in a residential zone, not including cottage industries or home occupations; or in multi-family uses in multi-family zoning; or in non-residential uses in a non-residential zone.
 - b. One class V monument sign meeting the requirements outlined below is permitted for every 150 feet of collector or arterial street

frontage or portion thereof, regardless of the presence or location of driveway, provided sight distance requirements are met. The minimum spacing between individual class V monument signs, or between a class V monument sign and a class VI monument signs, located on the same property shall be not less than 150 feet measured radially.

- c. When allowed, the height of the class V monument sign shall not exceed eight feet as measured from the edge of pavement of the street being served by the sign, nor shall the maximum sign area exceed 32 square feet. The bottom edge of the sign copy shall be no lower than four feet above the adjacent edge of pavement of the street being served by the sign. The height of the sign structure may extend an additional two feet above the face if the sign provided said extension is limited to non-illuminated architectural embellishments and contains no sign copy.



- d. The base of a class V monument sign shall be fitted with the address of the property or properties in a manner that is consistent with section 13.
- e. A class V monument sign shall be located within a landscape area not less than 80 square feet.
- f. Class V monument signs shall be setback not less than two feet from the right-of-way line except that in the event a public utility easement is present, in which case the sign shall be setback not less than two feet from the easement.
- g. Class V monument signs may be internally illuminated, back-lit or externally illuminated in accordance with the requirements set forth in section 10.

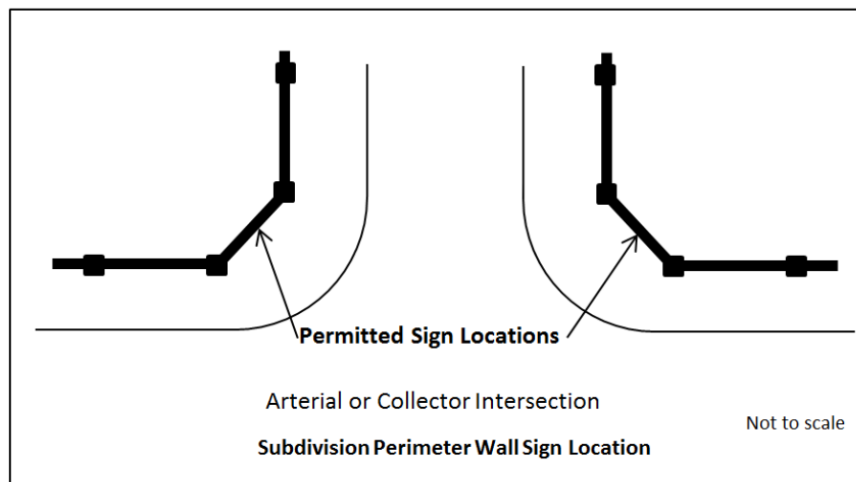


- d. The sign area of a class VI monument sign shall be limited to 36 square feet, but may increase 12 square feet for every one foot increase in the overall height of the sign up to a maximum sign area of 120 square feet.
 - e. The base of a class VI monument sign shall be fitted with the address of the property or properties in a manner that is consistent with section 13.
 - f. A class VI monument sign shall be located within a landscape area not less than the maximum sign area allowed for that sign.
 - g. Class VI monument signs shall be setback not less than two feet from the right-of-way line. Further, in the event a public utility easement is present, the sign shall be setback not less than two feet from the easement, unless the property owner signs a waiver acknowledging the prior rights of the utility companies to occupy said easement.
 - h. Class VI monument signs may be internally illuminated, back-lit or externally illuminated in accordance with the requirements set forth in section 10.
 - i. Level 1 electronic messaging and level 2 electronic messaging are permitted on a class VI monument sign, subject to the provisions outlined in section 11.
6. *Roadway arch signs.* Roadway arch signs may be erected within any commercial or industrial development subject to the following:
- a. Roadway arch signs shall maintain a vehicular clearance of not less than 18 feet;
 - b. Roadway arch signs shall not interfere with pedestrian or vehicular movement;

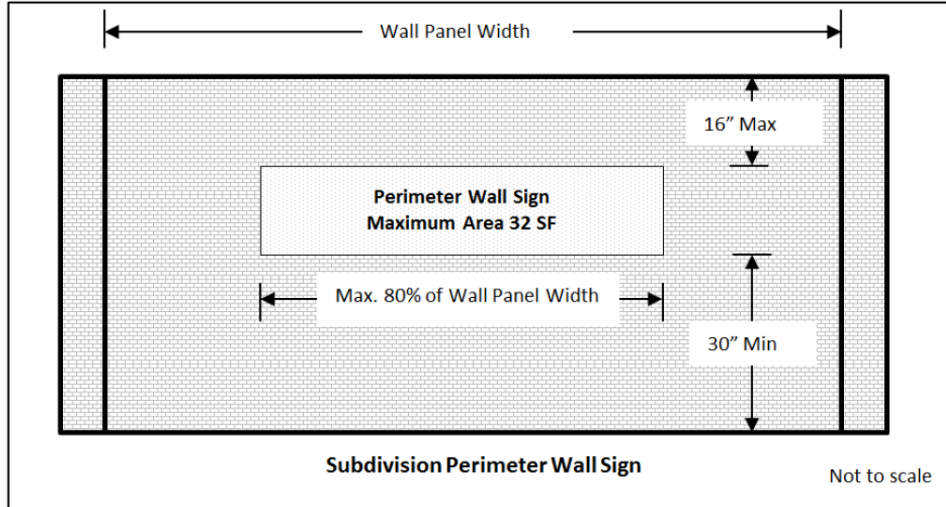
- c. Roadway arch signs may be internally illuminated, or back-lit in accordance with the requirements set forth in section 10 except that if the roadway arch sign is located within 100 feet of any residential zoning district or use, the roadway arch sign shall not be illuminated.

7. *Subdivision perimeter wall signs.*

- a. Where a subdivision perimeter wall is located adjacent to a street corner that intersects a collector or arterial street, one subdivision perimeter wall sign may be affixed to the wall panel of the subdivision perimeter wall most closely oriented to the intersection, subject to the specific requirements outlined below.



- b. The maximum sign area shall not exceed 32 square feet.
- c. The width of the sign shall not exceed 80 percent of the width of the perimeter wall panel into which the sign is mounted.
- d. The bottom of the sign shall be no lower than 30 inches from the adjacent grade.
- e. The top of the sign shall be no higher than 16 inches from the top of the wall panel onto which the sign is mounted.
- f. The sign may be back-lit or externally illuminated provided the source of illumination is not visible from the street or from the adjacent residential property and is otherwise in accordance with the requirements set forth in section 10.



8. *Freeway monument signs.* Freeway monument signs may be permitted as outlined in this section:

a. *State Route 303 Corridor.* Freeway monument signs may be located within the following portions of the State Route 303 Corridor, subject to prior approval of a conditional use permit to be processed as a Type 3 application in accordance with Chapter 102 of this Ordinance:

(1) *State Route 303 and U.S. 60.* An area of land generally located at the intersection of State Route 303 and U.S. 60, being situated in the south half of Section 18 and the north half of Section 19, Township 4 North, Range 2 West and the south half of Section 36, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at a point located at longitude 112°24'13" west by latitude 33°40'49" north, thence southwesterly along a line bearing N43°00'58"E a distance of 1,320 feet to the beginning of a non-tangent curve the center of which is said longitude and latitude; thence clockwise along the arc of said curve a distance of approximately 2,070 feet, thence departing said arc southeasterly along a line bearing N46°13'20"W a distance of 1,320 feet to the POINT OF BEGINNING.

- (2) *State Route 303 and Bell Road.* An area of land generally located at the intersection of State Route 303 and Bell Road, being situated in the north half of Section 1, Township 3 North, Range 2 West and the south half of Section 36, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at the north quarter corner of said Section 1, thence easterly along the north line of the northeast quarter of said Section 01 a distance of 850 feet to the beginning of a non-tangent curve the center of which is said north quarter corner; thence clockwise along the arc of said curve a distance of approximately 4,000 feet to a point on the east line of the southwest quarter of said Section 36, thence departing said curve, southerly along said east line a distance of 850 feet to the POINT OF BEGINNING

- (3) *State Route 303 and Greenway Road.* An area of land generally located at the intersection of State Route 303 and Greenway Road, being situated in the southeast quarter of Section 1, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at the south quarter corner of said Section 01, thence northerly along the west line of said southeast quarter a distance of 450 feet to the beginning of a non-tangent curve the center of which is said south quarter corner; thence clockwise along the arc of said curve a distance of approximately 700 feet to a point on the south line of said southeast quarter; thence departing said curve, westerly along said south line a distance of 450 feet to the POINT OF BEGINNING

- (4) *State Route 303 and Cactus Road.* An area of land generally located at the intersection of State Route 303 and Cactus Road, being situated in the northeast quarter of Section 24, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

BEGINNING at the north quarter corner of said Section 24; thence easterly along the north line of said northeast quarter a distance of 850 feet to the beginning of a non-tangent curve the center of which is said north quarter corner; thence clockwise along the arc of said curve approximately 1,340 feet to a point on the west line of said northeast quarter; thence departing said curve, northerly along said west line a distance of 850 feet to the POINT OF BEGINNING

- (5) All freeway monument signs located within the aforementioned locations are subject to the provisions in subsections 9(c)(9)b.—e.

b. *Additional locational requirements.* The following additional locational requirements apply for all freeway monument signs regardless of where in the corridor it is located:

- (1) Freeway monument signs may only be approved on lands zoned for commercial or industrial uses.
- (2) No freeway monument sign shall be located within 300 feet of a property zoned for residential uses, or any open space tract that is associated with a residential development.
- (3) Freeway monument signs shall not be located closer than 20 feet from the adjacent right-of-way.
- (4) Spacing between freeway monument signs shall be not less than 750 feet, unless separated by a freeway or arterial right-of-way.
- (5) Freeway monument signs shall not be allowed within a natural or manmade watercourse.

c. *Dimensional requirements.* The following dimensional requirements apply for all freeway monument signs regardless of the corridor in which it is located:

- (1) The overall height of a freeway monument sign shall not exceed 65 feet as measured from the finished grade of the site where the freeway monument sign is located to the highest point of the sign structure.
- (2) Freeway monument signs shall be allowed an extra three feet in height for architectural embellishments.

- (3) The sign area of a freeway monument sign shall not exceed 650 square feet.
- d. *Design requirements.* The following design requirements apply for all freeway monument signs regardless of the corridor in which it is located:
- (1) Freeway monument signs may incorporate level 2 electronic messaging centers as outlined section 11 herein, except that electronic messaging centers used in freeway monument sign applications may occupy up to 50 percent of the allowable sign area of the sign, exclusive of architectural embellishments as required herein, and provided such electronic messaging centers are turned off between 11:00 p.m. and dawn.
 - (2) Freeway monument signs shall incorporate architectural features of the commercial development on which the sign is located; however, such embellishments shall not include any sign copy.
 - (3) Freeway monument signs shall require a landscaped area equal to four square feet of landscaping for each square foot of sign area and shall be located around the base of the sign; freeway monument signs may be illuminated by externally-illuminated indirect or internal lighting.
- e. Any conditional use permit approval is hereby conditioned upon the applicant obtaining a valid construction permit for the freeway monument sign approved under said conditional use permit. The applicant shall obtain certificate of completion from the city within six months of approval of the conditional use permit by the City Council. Failure to obtain a certificate of completion within the designated time allotment shall render the conditional use permit null and void; however, the city manager or designee may grant a one-time extension for a period not to exceed six months when in the opinion of the city manager or designee the circumstances warrant such.

9. *Billboard Signs:* Billboard Signs may be permitted as outlined in this Section:

a. *State Route 303 Corridor:* Billboard Signs may be located within that portion of the State Route 303 Corridor between a specific point located at Latitude 33°41'49" N by Longitude 112°21'35" W and extending in a westerly direction along the northern right-of-way line of State Route 303 from the southeast corner of Section 9 of the Gila and Salt River Base and Meridian and extending in a westerly direction a distance of approximately 3,960' along the south line of Section 9 located at Latitude 33°41'49" N by Longitude 112°21'35" W and to the specific point of Latitude 33°41' 47" N by Longitude 112°22' 22" W, subject to prior approval of a Conditional Use Permit in accordance with Chapter 102-6.3 of the Surprise Land Development Ordinance. All billboard signs located within the aforementioned corridor are subject to the provisions in Paragraph 109-1.9.C.9:

- (1) Billboard signs located within the State Route 303 corridor as defined above shall serve eastbound and/or westbound traffic but shall only be located north of the freeway right-of-way. Further, where a billboard sign is located within the State Route 303 Corridor, at least one (1) sign face shall consist of an Electronic Messaging Center.
- (2) The overall height of a billboard sign within the State Route 303 Corridor shall not exceed forty-five (45) feet as measured from the adjacent roadway to the top of the sign structure, exclusive of architectural embellishments as permitted in this Section.
- (3) The overall dimensions of the sign panel associated with a billboard sign within the State Route 303 Corridor shall not exceed forty-eight (48) feet in width and fourteen (14) feet in height for a total sign area not to exceed 672 square feet, exclusive of architectural embellishments as permitted in this Section.

b. Additional Locational Requirements: The following additional locational requirements apply for all billboard signs:

- (1) Billboard signs may only be approved within a Planned Area Development (PAD), that portion of the PAD in which the approved land use plan specifically calls out commercial, industrial or employment uses and in Commercial or Industrial zoning districts, and only within the specified Corridor.
- (2) Billboard signs shall not be located closer than twenty (20) feet from the State Route 303 right-of-way line and not further than 200 feet from said right-of-way line.
- (3) No billboard sign shall be approved within 660 feet of any Freeway Monument Sign existing at the time of Conditional Use Permit application for the billboard sign in question.
- (4) No billboard sign shall be approved within 1760' of any billboard sign approved or existing at the time of Conditional Use Permit application for the billboard sign in question.

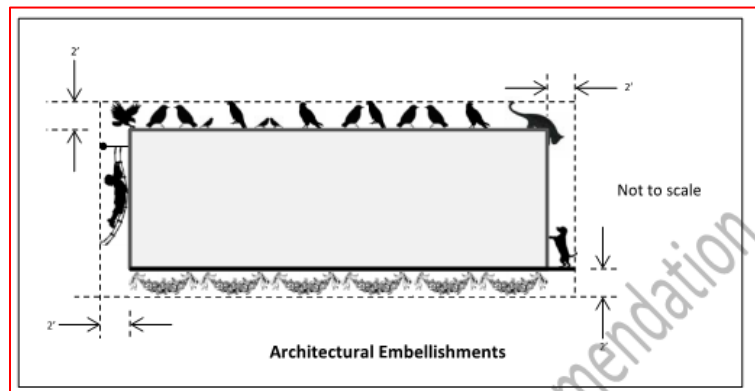
c. Design Requirements: The following design requirements apply for all billboard signs:

- (1) Billboard Signs may incorporate Level 2 Electronic Messaging Centers as outlined Chapter 109-1.11.6 herein, except that Electronic Messaging Centers used in billboard applications may occupy up to 100% of the allowable sign area of the billboard, exclusive of architectural embellishments as may be permitted or required herein and provided such Electronic Messaging Centers are turned off between 11:00 PM and dawn.
- (2) Billboard Signs shall be supported by a single pole or column, which shall be dimensionally centered beneath the sign panel and shall incorporate a pole cover comprised of stone, brick or other architecturally compatible material that conceals the structural component of the pole or column. Unless an alternative design is approved by the Planning and Zoning Commission, the pole cover shall be of

a trapezoidal shape, with a base width equal to one-third (1/3) the width of the top of the pole cover.

(3) Unless an alternative design is approved by the Planning and Zoning Commission, the supporting pole or column shall also include additional architectural embellishments that incorporate the official Primary City of Surprise Logo superimposed onto a stylized agave image. The logo shall be approximately two (2) feet tall by four (4) feet wide. The stylized agave image shall be eight (8) feet high by six (6) feet wide. The vertical center of the arrangement shall be five (5) feet below the lower edge of the sign panel.

(4) Artistic or architectural embellishments up to thirty (30) square feet may be attached to the perimeter of the sign panel, provided said embellishments do not extend more than two (2) feet in any direction beyond the face of the sign and do not otherwise obstruct the architectural embellishments as may be required under Paragraph 109-1.9.C.9.c above.



d. Any Conditional Use Permit approval is hereby conditioned upon the applicant obtaining a valid construction permit for the billboard sign approved under said Conditional Use Permit. The applicant shall obtain Certificate of Completion from the City of Surprise within six (6) months of approval of the Conditional Use Permit by the Planning and Zoning Commission. Failure to obtain a Certificate of Completion within the designated time allotment shall render

the Conditional Use Permit null and void; however, the City Manager or designee may grant a one-time extension for a period not to exceed six (6) months when in the opinion of the City Manager or designee the circumstances warrant such.

Exhibit C

Section 109-1.11 Electronic Messaging

109-1.11 Electronic messaging centers (EMCs).

- A** *Levels of electronic messaging.* For purposes of this chapter, electronic messaging centers (EMCs) are divided into two categories: level 1 electronic messaging and level 2 electronic messaging, as defined in section 6.
- B** *EMC illumination.* The nighttime illumination of an electronic messaging center shall conform to the criteria set forth in this section.
 - 1. *Illumination measurement criteria.* The illuminance of an electronic messaging center shall be measured with an illuminance meter set to measure foot-candles accurate to at least two decimals. Illuminance shall be measured with the EMC turned off, and again with the EMC displaying a white image for a full color-capable electronic messaging center, or a solid message for a single-color electronic messaging center. All measurements shall be taken perpendicular to the face of the electronic

messaging center at the distance determined by the total square footage of the electronic messaging center as set forth in table 109-1b below.

TABLE 109-1b MEASUREMENT DISTANCE AS A FUNCTION OF SIGN AREA			
Area of Sign (sq. ft.)	Measurement Distance (ft.)	Area of Sign (sq. ft.)	Measurement Distance (ft.)
5	22	55	74
10	32	60	77
15	39	65	81
20	45	70	84
25	50	75	87
30	55	80	89
35	59	85	92
40	63	90	95
45	67	95	97
50	71	100	100

For EMCs with an area in square feet other than those specifically listed in this table, the measurement distance may be calculated using the following formula:
 Measurement Distance = $\sqrt{\text{Area of sign sq. ft.} \times 100}$

2. *EMC illumination limits.* The difference between the "off" and "solid-message" measurements using the illumination measurement criteria outlined in subsection 11(b)(1) above shall not exceed 0.3 foot-candles at night.
3. *Dimming capabilities.* All permitted electronic messaging centers shall be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurement criteria.
4. *EMCs as a portion of sign area.* When allowed, electronic messaging centers may comprise not more than 50 percent of the allowable sign area of a particular sign.
5. *Certification.* Prior to the issuance of a permit relating to an electronic messaging center, the applicant shall provide a written certification from the owner of the sign attesting that said owner has read and understands

the provisions of this section, agrees to abide by said section, and agrees to cooperate with City of Surprise staff with regards to any nighttime testing that may be necessary should the 0.3 foot-candle limitation be at question.

6. When Electronic Messaging Centers are utilized in conjunction with a Billboard Sign, the sign area of the Electronic Messaging Center may encompass 100% of the allowable sign area as outlined in Paragraph 109-1.9.C.9.